

Changes in TOD zoning to allow more flexibility in land use

[Share](#) |

By Joseph M. de Leon Friday, 20 November 2009

Special district, change in zoning could help jump start transformation from rural landscape into urban area

LEANDER — When the Leander transit-oriented development was designed in 2005, the city created an award-winning TOD Smart Code to help guide development in the area. But nearly five years later, nothing has been built in the TOD, and some wonder if the code is as smart for landowners as city officials thought it would be.

The 2,300-acre development is planned to include a mix of dense commercial and residential land uses close to Capital Metro's commuter rail to create a pedestrian-friendly environment.

But for the next 10 years, some landowners in the TOD will not have to follow the same rules as their neighbors. In September, the city council approved a zoning change for a 60-acre portion of the city's TOD to allow more flexibility in land use.

Some worry the changes to zoning will undo years of work and set a precedent to allow other areas in the TOD to get around land use rules. Proponents believe it will spur development in the long run and demonstrate how flexible those rules can be.

Leander council members David Siebold, Place 6, and Kirsten Lynch, Place 2, expressed their concern for rezoning because it seems to go against the original intentions of the TOD.

"We are talking about reverting back to the old way and old zoning," Lynch said. "My understanding was to make the TOD have a wow factor, but this is taking away the wow."

Siebold agrees.

"If we [change zoning] up there, people are going to wonder why we don't do it in other places," he said. "How do we not set the tone for this to be open to undo the TOD?"

Pix Howell, urban design officer for



Leander, said completely building out the TOD will take several decades. Major

urban development in the rezoned area is at least 30 years away because construction on commercial projects in the core of the TOD is not expected to break ground until sometime in 2011.

“That [60-acre] location follows the edge of the TOD,” he said. “I don’t think we ever intended for that to be high density five- or six-story buildings. Down the road, the Smart Code will be advantageous to do mixed development, but that won’t happen in the next 10 years.”

Zoning rolled back

Known as a special district, the new zoning affects a handful of owners on about 60 acres near the US 183 and Toll 183A intersection. Zoning for any projects built in the district over the next 10 years will be grandfathered into the TOD once the change expires in 2019.

Special districts are used only in cases where a special condition exists, such as the need for single-use developments, Howell said.

“The more tools you can give people to develop their property, the better the TOD will be.”

— Pix Howell
Leander urban design officer

For example, if a sports stadium were built in the TOD, officials might create a special district to accommodate the specific needs of the development, Howell said. The same would be true for a hospital or college campus.

“To maintain the fabric of the area, we need to make sure it will transition out to surrounding areas,” he said. “Not everything will have the same level of intense development as the core. As you get to the fringe, you want to transition to more suburban developments.”

In this case, the land is near the edge of Leander city limits and on the fringe of the TOD, where urban development is not very likely.

Howell initiated the new zoning based on standard suburban codes rather than TOD requirements to give the landowners greater flexibility to develop or sell their property.

“The more tools you can give people to develop their property, the better the TOD will be,” he said. “We are exercising the part of the code that allows us to make a special district, which will demonstrate the capability the code has to create a unique condition in the TOD.”

Changing zones

The TOD Smart Code, a governing document that lists the TOD’s zoning codes and addresses development construction, allows changes in land use over time without having to go through a formal rezoning process, so long as the

urban nature stays intact.

During a standard rezoning procedure, landowners submit a change request form and a fee to the city’s planning and zoning office. Officials hold public hearings, then present a recommendation to city council members who decide on the request.

The process often takes about 60 days and must be repeated each time the property changes uses—for example, if a developer wants to turn an old restaurant into a doctor’s office.

In the TOD, a similar zoning process will still be required for initial construction or to tear down and rebuild a development; however, once the zoning procedure occurs and building code

requirements are met, changing land use will be an administrative process that could be done in as little as a week.

Banking on land development

Howell said a common development trend called land banking is not possible in the TOD without making a special district. The new zoning will make such projects easier, thus speeding up development in that part of the TOD.

The land bank allows a company to

establish a storefront that requires little construction or investment, such as a used car lot or garden center. The project is built in an area predicted to grow in the coming 10 to 15 years.

Once neighboring developments catch up, the property can be redeveloped or sold for a premium. The advantage, Howell said, is that such early developments expand infrastructure, such as electricity, in a rural area. Early development also creates a base value for surrounding properties, which in turn, helps municipalities and tax districts raise money earlier.

A further advantage comes from the tax increment-financing district in the TOD. When owners make improvements to land in the TOD, 50 percent of any taxes collected on the enhancements will be reinvested in the area for such public projects as roads, utilities and parks.

Land banking projects would not ordinarily be allowed in the TOD because of prohibitions on outside sales and restrictions on drive-thrus, which are only permitted behind a building.

“Creation of this special district shows how flexible the Smart Code can be in a changing market that will develop over the next 30 years,” Howell said. “We may need to create other special districts with different zoning elsewhere, but the goal is to keep the overall organism productive and successful.”

Owner hopes change will help sale

When the TOD was created in 2005, annexed land was designated single-family use and strict codes regulating development were implemented to support the dense urban development associated with the TOD.

That has created difficulties for landowners in the area, such as Louese Meyer, who owns about 3 acres just south of the US 183/Toll 183A intersection.

She has been trying to sell her land for the past seven years.

“We had a number of inquiries on our land, but when they decided to put it in the TOD, everything just stopped,” Meyer said. “I’m hoping we will be able to sell it easier now without all the real bad restrictions they had on it.”



Photo by Joseph M. de Leon

Louese Meyer stands in a vacant lot that used to be the site of her homestead and business until construction on Toll 183A led to the acquisition of most of her property and the demolition of her house. All that remains are a concrete slab and a few trees.

Meyer and her husband, who died in 2001, bought 7 acres of land near US 183 in 1978. The couple built a house and a depot for trucks they used to distribute Borden milk, a business they operated since 1953.

In the early 1980s, Meyer began to hear rumors of a new highway that would cut her land in half. In 2004, she agreed to sell most of her property, which included a portion of her home, to make way for Toll 183A.

What remains today is 3 acres of bare grassland, except for a concrete slab where her house used to sit. Despite the smaller size, the tax valuation has nearly tripled in recent years.

Meyer would like to see her land developed into a business that would benefit Leander, such as a combination service station and diner.

“It hasn’t been long enough for the word to get around that the zoning changed,” she said. “Once word gets out, I really do think it will help with the sale.”

Find more news about [Leander/Cedar Park Business City Government News Transportation](#)