



City of Pflugerville

Legislation Details (With Text)

File #: 2023-0895 **Version:** 1 **Name:** HEB updated Credit Agreement for Roadway Impact Fees
Type: Agenda Item **Status:** Approved
File created: 9/15/2023 **In control:** Planning and Zoning Commission
On agenda: 9/26/2023 **Final action:** 9/26/2023

Title: Approving an updated credit agreement for roadway impact fees with HEB in the amount of \$2,502,781.62 for the construction of an extension of Colorado Sand Drive south of E. Pflugerville Pkwy, construction of a traffic signal at E. Pflugerville Pkwy and Colorado Sand Drive, and construction of an extension of Utah Sands Drive, all located generally southeast of E. Pflugerville Pkwy and SH 130; and authorizing the City Manager to execute the same.

Sponsors:

Indexes:

Code sections:

Attachments: 1. RIF Agreement Cover Letter, 2. Updated HEB Credit Agreement

Date	Ver.	Action By	Action	Result
9/26/2023	1	City Council	Approved	Pass

Approving an updated credit agreement for roadway impact fees with HEB in the amount of \$2,502,781.62 for the construction of an extension of Colorado Sand Drive south of E. Pflugerville Pkwy, construction of a traffic signal at E. Pflugerville Pkwy and Colorado Sand Drive, and construction of an extension of Utah Sands Drive, all located generally southeast of E. Pflugerville Pkwy and SH 130; and authorizing the City Manager to execute the same.

City Council approved an agreement on 1/24/2023 with HEB in the amount of \$1,933,438.00 based on HEB's engineer's estimated probable cost for the construction of an extension of Colorado Sand Drive south of E. Pflugerville Pkwy, construction of a traffic signal at E. Pflugerville Pkwy and Colorado Sand Drive, and construction of an extension of Utah Sands Drive. The contractor's final pricing was greater than the original estimate and therefore HEB has requested the credit agreement to be updated to reflect the final actual construction costs provided by the contractor. The request is to increase the credit to \$2,502,781.62. The proposed credit remains less than the maximum credit amount of \$3,250,564.95 and the remaining amount of roadway impact fee will be paid at time of building permit.

Background:

The proposed credit agreement is for property located generally southeast of SH 130 and E. Pflugerville Pkwy. The property is proposed to be developed by HEB with a grocery store (supermarket and free-standing discount store), gasoline service station, and a fast-food restaurant with a drive thru. The proposed credit agreement requests a portion of the roadway impact fees normally paid at time of building permit to be applied toward constructed roadway infrastructure improvements which will increase capacity and connectivity in the area. As part of the subdivision, Colorado Sand Drive (major collector with an 80-ft right of way width) is proposed to extend south of E. Pflugerville Pkwy for approximately 1,062 feet. As part of the City Transportation Master Plan (TMP), the extension of Colorado Sand Drive is planned to be extended from E. Pflugerville Pkwy to

Weiss Lane. Utah Sands Drive is a new minor collector within the development with a 60-ft right of way width. Utah Sands Drive is proposed to be extended approximately 836 feet to provide a road connection between the SH 130 frontage road and Colorado Sand Drive. Both roads will be public, provide connectivity to future developments, and increase capacity in the roadway network in the area. A traffic signal is also proposed to be constructed by the developer at the intersection of Colorado Sand Drive and E. Pflugerville Pkwy. The signal will aid with safety and provide additional traffic-handling capacity of the intersection.

The City adopted the roadway impact fees program via Ordinance 1470-20-11-24 on November 24, 2020. Per the ordinance, upon the issuance of a building permit, payment of roadway impact fees is required. The ordinance also authorizes the City to enter into a credit agreement with an owner/developer of a tract of land which is required to construct a roadway identified in the Roadway Impact Fee Capital Improvements Plan as reflected in the Roadway Impact Fee ordinance, or for a facility that qualifies for inclusion on the Transportation Master Plan, as amended, and the city agrees that such improvement supplies capacity to new developments other than the development paying the roadway impact fee. Credits shall only be applied against the total sum of the collectible roadway impact fees and cannot be applied in excess of the total sum of collectible roadway impact fees.

Based on the calculated roadway impact fee for the uses and size of units proposed, the total potential roadway impact fee collection amount which is also the maximum credit amount is \$3,250,564.95. Utility extensions that are required with the construction of the road and subdivision are not permitted in the calculated credits and are excluded. HEB has proposed for roadway impact fee credit in the amount of \$2,502,781.62 for the construction of an extension of Colorado Sand Drive, construction of a traffic signal at E. Pflugerville Pkwy and Colorado Sand Drive, and construction of an extension of Utah Sands Drive. The remaining amount of roadway impact fee will be paid at time of building permit.

The City Attorney reviewed and approved the original Credit Agreement on December 24, 2022.

Prior City Council Action

The City adopted the roadway impact fees program via Ordinance 1470-20-11-24 on November 24, 2020.

Deadline for City Council Action

No deadlines are required, but City Council action will be required to approve the credit agreement.

Funding Expected: Revenue Expenditure ___

Budgeted Item: Yes ___ No ___ N/A ___

Amount: _____

1295 Form Required? Yes ___ No

Legal Review Required: N/A ___ Required Date Completed: December 24, 2022

Supporting documents attached:

1. General Location Map
2. Staff Memo
3. Credit Agreement

Recommended Action

Approve the credit agreement for roadway impact fees with HEB in the amount of \$1,933,438.00 for

the construction of an extension of Colorado Sand Drive, construction of a traffic signal at E. Pflugerville Pkwy and Colorado Sand Drive, and construction of an extension of Utah Sands Drive, and authorize the City Manager to execute the same.