



CITY OF CEDAR PARK
PLANNING & ZONING COMMISSION
TUESDAY, SEPTEMBER 20, 2011 AT 6:30 P.M.
CEDAR PARK PUBLIC LIBRARY
550 DISCOVERY BOULEVARD CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

NICHOLAS KAUFFMAN
 ALAN YORE

STEPHEN THOMAS, Vice-Chair
 LORENA ECHEVERRIA, Secretary
 HOLLY HOGUE

THOMAS BALESTIERE
 JON LUX

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS
3. ROLL CALL
 - A. Roll Call
 - B. Election of Officers
 1. Chair
 2. Vice-Chair
 3. Secretary
4. MINUTES: Approve Minutes from the Regular Meeting of August 16, 2011
5. CITIZEN COMMUNICATIONS
6. CONSENT AGENDA:

A. STATUTORY DISAPPROVAL:

(Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in City Ordinance Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Disapproval in order to meet the statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.)

1. Vaughn Estate (SFP-11-006)
0.8621 acres, 1 single family lot
Located at 815 Cedar Park Drive
Owner: Hector Ruiz
Staff Resource: Emily Barron
Staff Proposal to P&Z: Statutorily Disapprove
2. NW Corner 183A New Hope Subdivision (SFP-11-007)
2.83 acres, 1 commercial lot
Located at northwest corner of 183A and New Hope
Owner: Cedar Park Town Center LP
Staff Resource: Amy Link

Staff Proposal to P&Z: Statutorily Disapprove

3. Brushy Creek Enclave Final Plat (FP-11-007)
25.18 acres, 42 residential lots, 3 commercial lots, 1 water quality/drainage lot
Located at the northwest corner of Brushy Creek Road and Breakaway Road
Owner: Wilson Land and Cattle
Agent: Garrett Martin, Milestone Community Builders
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Ranch at Brushy Creek Section 9C (FP-11-006)
11.56 acres, 48 single family lots, 3 landscape lots, 2 parkland lots
Located on North Frontier Lane
Owner: Standard Pacific of Texas, Inc.
Staff Resource: Emily Barron
Staff Proposal to P&Z: Approve
2. Cedar Park Town Center Section 10 (FP-11-005)
19.965 acres, 89 residential lots, 5 alley lots, 4 public space lots, 6 private open space lots
Located along Discovery Boulevard south of E. New Hope Drive
Owner: Cedar Park Town Center LP
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve
3. Bellamy Subdivision – Partial Plat Vacation
Located at the southwest corner of Colonial Parkway and Kobuk Drive
Owner: Silverado 601 LTD, Robin Nelson, Daniel and Lucy Davila, and Bellamy 29, LLC
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve

7. POSTPONEMENTS/WITHDRAWN/PULLED REQUESTS:

- A. City Initiated – 3003 and 3100 Woodall Dive, Z-11-009

8. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS: In accordance with the statutory requirements of the Texas Local Government Code reflected in Section 211.007, acceptance of preliminary reports for the following applications is recommended.

- A. City Initiated – Brushy Creek Road, Z-11-010 (Related to item 9A)
- B. City Initiated – 203 and 221 New Hope, Z-11-019 (Related to item 9B)
- C. City Initiated – 335 Cypress Creek Road, Z-11-020 (Related to item 9C)
- D. Cedar Park Town Center – SW Corner of 183A and New Hope, Z-11-023 (Related to item 9D)
- E. Cedar Park Town Center – NW Corner of 183A and New Hope, Z-11-024 (Related to item 9E)
- F. Cedar Park Town Center – NE Corner of 183A and New Hope, Z-11-025 (Related to item 9F)
- G. Cedar Park Town Center – SE Corner of 183A and New Hope, Z-11-026 (Related to item 9G)
- H. Cedar Park Town Center – NW Corner of 1431 and 183A, Z-11-027 (Related to item 9H)

9. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a City initiated request to assign original zoning of Local Retail (LR) to approximately 24.308 acres and Light Industrial (LI) to approximately 95.53 acres located on the south side of Brushy Creek Road just west of Brushy Creek Sports. (Z-11-010)
Owner: Margaret Everett, Kuen-An and Chang-Lan Liu, Carl Wells, Fausto and Catalina Castro, Terry Lamar Robinson, Russell and Vickie Garner, JE and Summerlin Spring
Staff Resource Person: Emily Barron
Previous Action by P&Z: Postponed from the August 16th meeting
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report
- B. Consider a City initiated request to assign original zoning of General Retail (GR) to approximately 6.92 acres located at 203 and 221 New Hope Drive. (Z-11-019)
Owner: Terry E. Ridgway Trustee of the Paterson/Ridgway Trust and Janie Luker
Staff Resource Person: Emily Barron
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report
- C. Consider a City initiated request to rezone approximately 24.08 acres from Planned Development (PD) to Multi-Family with a Conditional Overlay (MF-CO), for property located at 335 Cypress Creek Road. The conditional overlay includes the following conditions: 1) a 50 foot landscape buffer along the western property line, north of Cluck Creek, adjacent to single family; 2) 50 foot restriction zone adjacent to the landscape buffer which would only allow parking and non-water oriented recreation and would prohibit refuse collection; 3) 50 foot setback adjacent to the restriction zone which limits the building height to low stories; 4) Visual screen maintained adjacent to the western property line where Cluck Creek intersects the property line; 5) 8 foot masonry fence adjacent to single family residential; and 6) 8 foot privacy fence along the western property line, south of Cluck Creek, and along the eastern property line. (Z-11-020)
Owner: AB Middle Brook LP, Stacie D Sapio
Staff Resource Person: Amy Link
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report
- D. Consider a request by Cedar Park Town Center LP to rezone approximately 5.484 acres from Downtown District (DD) to General Retail (GR) for property located at the southwest corner of 183A and New Hope. (Z-11-023)
Owner: Cedar Park Town Center LP, Michael Ainbinder
Staff Resource Person: Amy Link
Staff proposal to P&Z: Approve
1) Public Hearing

- 2) P&Z Recommendation to City Council
- 3) P&Z Adoption of Final Report

- E. Consider a request by Cedar Park Town Center LP to rezone approximately 2.830 acres from Downtown District (DD) to General Retail (GR) for property located at the northwest corner of 183A and New Hope. (Z-11-024)
Owner: Cedar Park Town Center LP, Michael Ainbinder
Staff Resource Person: Amy Link
Staff proposal to P&Z: Approve
- 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report
- F. Consider a request by Cedar Park Town Center LP to rezone approximately 8.978 acres from Downtown District (DD) to General Retail (GR) for property located at the northeast corner of 183A and New Hope. (Z-11-025)
Owner: Cedar Park Town Center LP, Michael Ainbinder
Staff Resource Person: Amy Link
Staff proposal to P&Z: Approve
- 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report
- G. Consider a request by Cedar Park Town Center LP to rezone approximately 8.240 acres from Downtown District (DD) to General Retail (GR) for property located at the southeast corner of 183A and New Hope. (Z-11-026)
Owner: Cedar Park Town Center LP, Michael Ainbinder
Staff Resource Person: Amy Link
Staff proposal to P&Z: Approve
- 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report
- H. Consider a request by Cedar Park Town Center LP to rezone approximately 47.394 acres from Downtown District (DD) to Planned Development (PD) for property located at the northwest corner of Whitestone Boulevard and 183A. (Z-11-027)
Owner: Cedar Park Town Center LP, Michael Ainbinder
Staff Resource Person: Amy Link
Staff proposal to P&Z: Approve
- 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report

10. FUTURE LAND USE PLAN AMENDMENTS: **None**

11. SUBDIVISIONS (ACTION AND PUBLIC HEARING): **None**

12. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING): **None**

13. DISCUSSION AND POSSIBLE ACTION ITEMS:

- A. Approval of 2012 Planning and Zoning Commission Meeting Calendar
- B. Review of Training DVD - "Regulating Controversial Uses"

14. ADMINISTRATIVE ITEMS:

(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)

- A. Report on City Council Actions from August 15, 2011 and September 8, 2011
- B. Director and Staff Comments
- C. Commissioners Comments
- D. Request for Future Agenda Items
- E. Designate Delegate to Attend Next Council Meetings on September 22, 2011 and October 6, 2011

15. ADJOURNMENT

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the Planning and Zoning Commission.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the Planning and Zoning Commission, non-agenda items may be presented by citizens to the Planning and Zoning Commission for informational purposes; however, by law, the Planning and Zoning Commission shall not discuss, deliberate or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session Items on this agenda, if any.

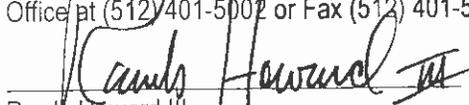
CERTIFICATE

I certify that the above notice of the Regular Called Planning and Zoning Commission Meeting of the City of Cedar Park, Texas was posted on the bulletin board of the City of Cedar Park City Hall, 600 N. Bell Boulevard, Cedar Park, Texas. This notice was posted on: \

SEP 9 '11 PM 1:31

Date Stamped (Month, Day, Year, AM/PM, Time)

The Cedar Park Library Meeting Rooms are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (512) 401-5002 or Fax (512) 401-5003 for further information.


Rawls Howard III
Director of Planning and Development Services

Notice Removed: _____
Date Stamped (Month, Day, Year, AM/PM, Time)

MINUTES FOR
CITY OF CEDAR PARK
REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
TUESDAY, AUGUST 16, 2011 AT 6:30 P.M.
CEDAR PARK PUBLIC LIBRARY
550 DISCOVERY BOULEVARD CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

NICHOLAS KAUFFMAN
 ALAN YORE

SANDY TRUJILLO, Chair
 STEPHEN THOMAS, Vice-Chair
 LORENA ECHEVERRIA, Secretary

THOMAS BALESTIERE
 JON LUX

1. CALL TO ORDER
Vice Chair Thomas called the meeting to order at 6:35 p.m. Vice Chair Thomas read meeting procedures from the "Chairman's Sheet".
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS
Vice Chair Thomas led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.
3. ROLL CALL
 - A. Roll Call
Chair Trujillo, Secretary Echeverria, and Commissioner Yore were absent. Four Commissioners were present and a quorum was declared.
 - B. Excuse the absence of Chair Trujillo at the July 19, 2011 Regular Called Meeting.
MOTION: Commissioner Lux moved to excuse the absence of Chair Trujillo at the July 19, 2011 Regular Called Meeting. Commissioner Kauffman seconded the motion and the motion passed unanimously, 4-0, with three absent.
 - C. Election of Officers
 - a. Chair
 - b. Vice-Chair
 - c. Secretary**Vice Chair Thomas requested that Item C be postponed to the September meeting.**
4. MINUTES: Approve minutes from the Regular Meeting of June 21, 2011 and July 19, 2011
MOTION: Commissioner Lux moved to approve the Regular Called Meeting of June 21, 2011 Minutes as presented. Commissioner Kauffman seconded the motion and the motion passed unanimously, 4-0, with three absent.
5. CITIZEN COMMUNICATIONS **None.**
6. CONSENT AGENDA:
 - A. STATUTORY DISAPPROVAL:
(Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in City Ordinance Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Disapproval in order to meet the statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.)

1. Buttercup Creek Phase V Section 15 (FP-11-004)
5.451 acres, 18 single family lots, 1 drainage lot, 3 landscape/open space lots
Located on North Lakeline Boulevard between Buttercup Creek Blvd and Anthony Court
Owner: Forestar Real Estate Group Inc.
Staff Resource: Emily Barron
Staff Proposal to P&Z: Statutorily Disapprove
2. St. Mary Romanian Church (FPD-11-004)
0.56 acres, 1 lot
Located at 200 Monaco Drive
Owner: St. Mary Romanian Orthodox Church
Staff Resource: Emily Barron
Staff Proposal to P&Z: Statutorily Disapprove
3. Ranch at Brushy Creek Section 9C (FP-11-006)
11.56 acres, 48 single family lots, 3 landscape lots, 2 parkland lots
Located on North Frontier Lane
Owner: Standard Pacific of Texas, Inc.
Staff Resource: Emily Barron
Staff Proposal to P&Z: Statutorily Disapprove
4. Brushy Creek Enclave (PP-11-003)
41.06 acres, 105 single family lots, 3 commercial lots
Located on the northwest corner of Brushy Creek Road and Breakaway Road
Owner: Wilson Land and Cattle Company
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
5. Cedar Park Town Center Section 10 (FP-11-005)
19.965 acres, 104 lots
Located along Discovery Boulevard, south of East New Hope Drive
Owner: Continental Homes of Texas LP
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Creekview Phase 4 (FP-10-005)
13.18 acres, 70 residential lots
Located west of Glacial Stream Lane and north of Conn Creek Road
Owner: Continental Homes of Texas, LP
Agent: Jenny Pollard, Randall Jones and Associates Engineering
Staff Resource: Emily Barron
Staff Proposal to P&Z: Approve
2. Cypress Bend Section 2 Phase A, Resub of Lot 9 Block I (SFP-10-009) Extension Request
0.261 acres, 1 residential lot
Located at 2220 Heather Drive
Owner: Richard and Veronica Caldwell
Staff Resource: Amy Link

Staff Proposal to P&Z: Approve

MOTION: Commissioner Lux moved to recommend approval of Consent Agenda Items 6.A.1 through 6.B.2 as presented. Commissioner Balestiere seconded the motion, and the motion passed unanimously, 4-0 with three absent.

7. **POSTPONEMENTS/WITHDRAWN/PULLED REQUESTS: ~~None.~~**
Senior Planner Emily Barron advised the Commissioners that the applicant requested postponement of Items 8D and 9D, Brushy Creek Road, Z-11-010, until September 20, 2011.

MOTION: Commissioner Balestiere moved to postpone Items 8D and 9D, Case Number Z-11-010, to the September 20, 2011 meeting. Commissioner Lux seconded the motion, and the motion passed unanimously, 4-0 with three absent.

8. **STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:** In accordance with the statutory requirements of the Texas Local Government Code reflected in Section 211.007, acceptance of preliminary reports for the following applications is recommended.

- A. 210 North Lakeline, Z-11-014 (Related to item 9A)
- B. City Initiated - Brushy Creek Lake, Z-11-006 (Related to item 9B)
- C. City Initiated – 3003 and 3100 Woodall Dive, Z-11-009 (Related to item 9C)
- D. City Initiated – Brushy Creek Road, Z-11-010 (Related to item 9D)
- E. City Initiated – 13406 Anderson Mill Road, Z-11-017 (Related to item 9E)

MOTION: Commissioner Kauffman moved to accept the Preliminary Reports for Items 8A, 8B, 8C, and 8E as presented by Staff. Commissioner Lux seconded the motion, and the motion passed unanimously, 4-0 with three absent.

9. **ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:**

- A. Consider a request by Adrian Barron to rezone approximately 1.57 acres from Transitional Office (TO) to Local Retail-Conditional Overlay (LR-CO) with the following conditions:
- Limit the building height to 35 feet
 - Pitched roofs shall be required for all buildings, with the slope at a minimum ratio of 4:12
 - Hours of operation shall be limited to the hours of 7am and 10pm
 - Window and door fenestration glazed openings shall account for at least twenty-five (25) percent of the overall wall surface on walls fronting a public street
 - Prohibit automated teller machines, automobile parts and accessory sales, convenience store, gas station limited, golf amusement, liquor store, restaurant general, rental libraries for sound and video recordings

This request applies to property located at 210 North Lakeline Boulevard. (Z-11-014)

Owner: Adrian Barron, Independent Executor of the Estate of Frank Barron

Agent: Samir Desai

Staff Resource Person: Amy Link

Staff proposal to P&Z: Local Retail-Conditional Overlay (LR-CO)

1) Public Hearing

2) P&Z Recommendation to City Council

3) P&Z Adoption of Final Report

Senior Planner Amy Link made the presentation and was available for questions. The applicant postponed this zoning request at last month's meeting. The applicant modified their rezoning request to include the conditions listed above. The site is currently undeveloped and is surrounded by undeveloped property. Staff recommended approval of Local Retail-Conditional

Overlay (LR-CO) as modified by the applicant. The zoning request is in compliance with the Future Land Use Plan and meets the goals of the Comprehensive Plan.

Samir Desai, the applicant's agent, presented a PowerPoint to the Commissioners. He advised that he went door-to-door to get input from the neighborhood. He also had a website set up for survey input. His presentation identified the neighborhoods that were included in the survey, the survey details, and survey results received. He provided a list of the comments from the neighbors.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

Commissioners advised Mr. Desai that they were appreciative of the effort he made with the neighborhood.

MOTION: Commissioner Lux moved to recommend approval of the rezoning of Item Z-11-014 from Transitional Office (TO) to Local Retail-Conditional Overlay (LR-CO) with the conditions included above for property located at 210 North Lakeline Boulevard as presented by Staff to the City Council. Commissioner Kauffman seconded the motion and the motion passed unanimously, 4-0, with three absent.

MOTION: Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9A, Case Z-11-014. Commissioner Balestiere seconded the motion and the motion passed unanimously, 4-0, with three absent.

B. Consider a City Initiated request to rezone approximately 1.20 acres from Single Family (SF) to Open Space Recreation (OSR) and assign original zoning of Open Space Recreation (OSR) to approximately 93.636 acres located at the Brushy Creek Lake Park on Brushy Creek Road. (Z-11-006)

Owner: City of Cedar Park and Will Wilson

Staff Resource Person: Emily Barron

Staff proposal to P&Z: Approve

1) Public Hearing

2) P&Z Recommendation to City Council

3) P&Z Adoption of Final Report

Senior Planner Emily Barron made the presentation and was available for questions. This zoning was being initiated by the City in order to provide assignment of original zoning of Open Space Recreation (OSR) to a currently designated Development Reserve (DR) tract. This particular site contains 1.2 acres of property that is also zoned Single Family (SF). This property is currently located within Brushy Creek Lake Park and is primarily Brushy Creek. Staff spoke to the owner of the residential acreage.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Lux moved to recommend approval of rezoning approximately 1.20 acres from Single Family (SF) to Open Space Recreation (OSR) and assign original zoning of Open Space Recreation (OSR) to approximately 93.636 acres located at the Brushy Creek Lake Park on Brushy Creek Road as presented by staff to the City Council. Commissioner Balestiere seconded the motion and the motion passed unanimously, 4-0, with three absent.

MOTION: Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9B, Case Z-11-006. Commissioner Balestiere seconded the motion and the motion passed unanimously, 4-0, with three absent.

- C. Consider a City Initiated request to assign original zoning of Light Industrial (LI) to approximately 11.6 acres located at 3003 and 3100 Woodall Drive. (Z-11-009)
Owner: James and Martha Isbell and Lake Bum Enterprises
Staff Resource Person: Emily Barron
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Senior Planner Emily Barron requested that this item be postponed to the September 20, 2011 meeting to allow staff to work with one of the property owners. Mr. Leonard Strickler had signed a Recognition Card stating he was against the rezoning request and that he did wish to speak. He was in favor of the postponement.

MOTION: Commissioner Lux moved to postpone Item 9C, Case Number Z-11-009, to the September 20, 2011 meeting. Commissioner Kauffman seconded the motion, and the motion passed unanimously, 4-0 with three absent.

- D. Consider a City initiated request to assign original zoning of Local Retail (LR) to approximately 24.308 acres and Light Industrial (LI) to approximately 95.53 acres located on the south side of Brushy Creek Road just west of Brushy Creek Sports. (Z-11-010)
Owner: Margaret Everett, Kuen-An and Chang-Lan Liu, Carl Wells, Fausto and Catalina Castro, Terry Lamar Robinson, Russell and Vickie Garner, JE and Summerlin Spring
Staff Resource Person: Emily Barron
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Item was postponed. See Item 7.

- E. Consider a City initiated request to rezone approximately 5.25 acres from Single Family-Large Urban Lot (SF-2) to Transitional Commercial-Conditional Overlay (TC-CO) with a condition to limit the hours of operation to between the hours of 7am and 8pm, for property located at 13406 Anderson Mill Road. (Z-11-017)
Owner: Elizabeth Ann Hasler Life Estate
Staff Resource Person: Amy Link
Staff proposal to P&Z: Approve
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Senior Planner Amy Link made the presentation and was available for questions. This zoning was being initiated by the City in order to provide assignment of zoning to indicate the highest and best use of property as designated on the Future Land Use Plan. Senior Planner Amy Link advised that the recommended zoning was based on previous zoning approved for this area. The requested TC-CO district is consistent with the commercially zoned property to the south and provides an appropriate compatibility buffer with the adjacent residences. She advised that the

appraisal district had been contacted and the rezoning would have a minimum impact on the homestead status. Staff recommended rezoning this property from Single Family–Large Urban Lot (SF-2) to Transitional Commercial–Conditional Overlay (TC-CO) with a condition to limit the hours of operation to between the hours of 7am and 8pm.

A public hearing was held on the above item. Robert Halper addressed the Commissioners stating that he was against the applicant's request. There being no further public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Kauffman moved to recommend approval of the rezoning of approximately 5.25 acres from Single Family-Large Urban Lot (SF-2) to Transitional Commercial-Conditional Overlay (TC-CO) with a condition to limit the hours of operation to between the hours of 7am and 8pm, for property located at 13406 Anderson Mill Road, Item Z-11-017, as presented by Staff to the City Council. Commissioner Lux seconded the motion and the motion passed unanimously, 4-0, with three absent.

MOTION: Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9E, Case Z-11-017. Commissioner Kauffman seconded the motion and the motion passed unanimously, 4-0, with three absent.

10. FUTURE LAND USE PLAN AMENDMENTS: **None**

11. SUBDIVISIONS (ACTION AND PUBLIC HEARING): **None**

12. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING): **None**

13. DISCUSSION AND POSSIBLE ACTION ITEMS:

A. Zoning Ordinance Amendments – Public Hearing and P&Z Action:

1. Discussion on ordinance amendment to Chapter 11 – Zoning regarding provision for allowing poultry in residential districts.

Rawls Howard, Planning and Development Services Director, advised that this item had been pulled and no action was required.

B. Review of Training DVD - "Regulating Controversial Uses"

Director Rawls Howard suggested that this item be postponed to September 20th.

14. ADMINISTRATIVE ITEMS:

(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)

A. Report on City Council actions from July 28, 2011 and August 11, 2011

It was noted that all Planning and Zoning Commission related items on the July 28th agenda were first readings. All Planning and Zoning Commission related items on the August 11th agenda were second readings and were approved by City Council.

B. Director and Staff Comments –TX APA Conference is in Austin October 5-7

Director Rawls Howard requested that the Commissioners let staff know if they would be able to attend. Early registration ends on September 2nd.

C. Commissioners Comments.

Commissioner Lux appreciated that staff is proactive on the City initiated zonings. Vice President Thomas stated that he was glad to see an applicant meet with the neighborhood and then modify the rezoning request to address the neighborhood's concerns.

D. Request for Future Agenda Items.

Additional Development Reserve zonings will be included in future agendas.

E. Designate Delegate to Attend Next Council Meetings on August 25, 2011 and September 8, 2011

Vice Chair Thomas advised that he would attend the September 8th meeting.

15. ADJOURNMENT

Vice Chair Thomas adjourned the meeting at 7:33 p.m.

PASSED AND APPROVED THE ____ DAY OF _____, 2011.

, Chairman

ATTEST:

LORENA ECHEVERRIA DE MISI, Secretary

September 20,
2011

Planning and Zoning Commission

Item:#
6A1

Subdivision

Vaughn Estate

Case Number: SFP-11-006

OWNER: Hector Ruiz

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: 815 Cedar Park Drive

COUNTY: Williamson

AREA: 0.8621 acres

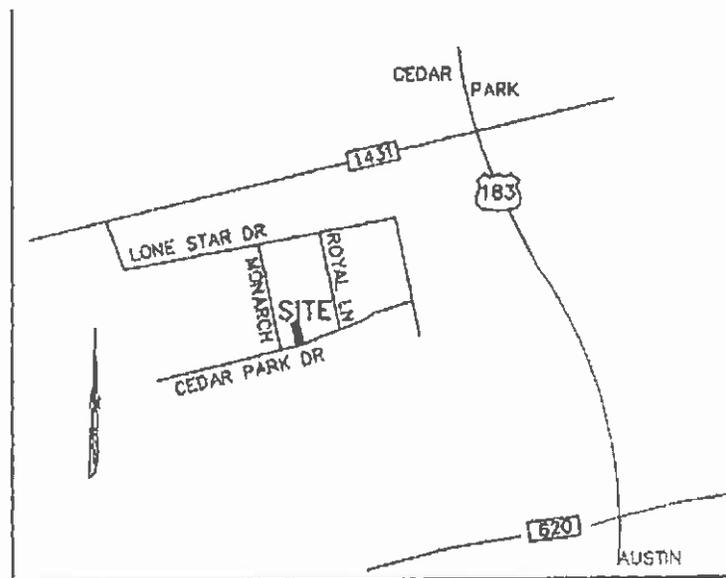
ZONING: SF

SUBDIVISION DESCRIPTION: 1 residential lot

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



LOCATION MAP
(N.T.S.)

September 20,
2011

Subdivision

Planning and Zoning Commission

NW Corner 183A New Hope Subdivision

**Item:#
6A2**

Case Number: SFP-11-007

OWNER: Cedar Park Town Center LP

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Northwest corner of 183A and New Hope

COUNTY: Williamson

AREA: 2.83 acres

ZONING: DD (GR request pending)

SUBDIVISION DESCRIPTION: 1 commercial lot

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



SITE MAP
(N.T.S.)

September 20,
2011

Planning and Zoning Commission

Item:#
6A3

Subdivision

Brushy Creek Enclave

Case Number: FP-11-007

OWNER: Wilson Land and Cattle Company

AGENT: Garrett Martin, Milestone Community Builders

STAFF: Amy Link, 401-5056, link@cedarparktx.us

LOCATION: Located at the northwest corner of Brushy Creek Road and Breakaway Road

COUNTY: Williamson

AREA: 25.18 acres

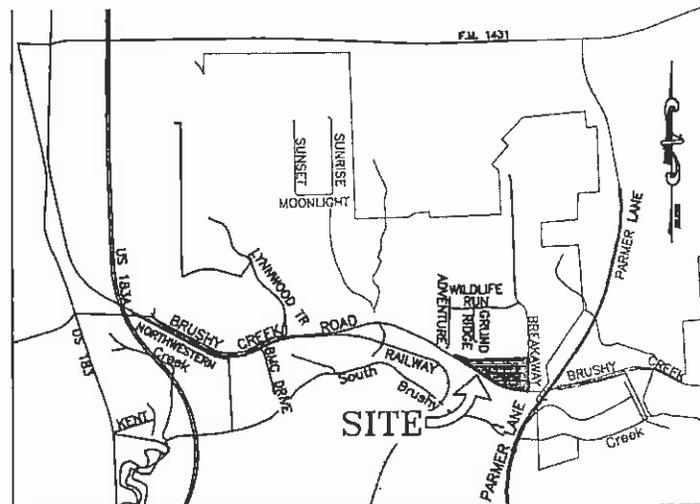
ZONING: SF-2-CO and LR-CO

SUBDIVISION DESCRIPTION: 42 single family lots, 3 commercial lots

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



September 20,
2011

Subdivision

Planning and Zoning Commission

Ranch at Brushy Creek Section 9C

**Item:#
6B1**

Case Number: FP-11-006

OWNER: Standard Pacific of Texas, Inc.

AGENT: Karen Wunsch

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: Located on North Frontier Lane

COUNTY: Williamson

AREA: 11.56 acres

ZONING: SF-3

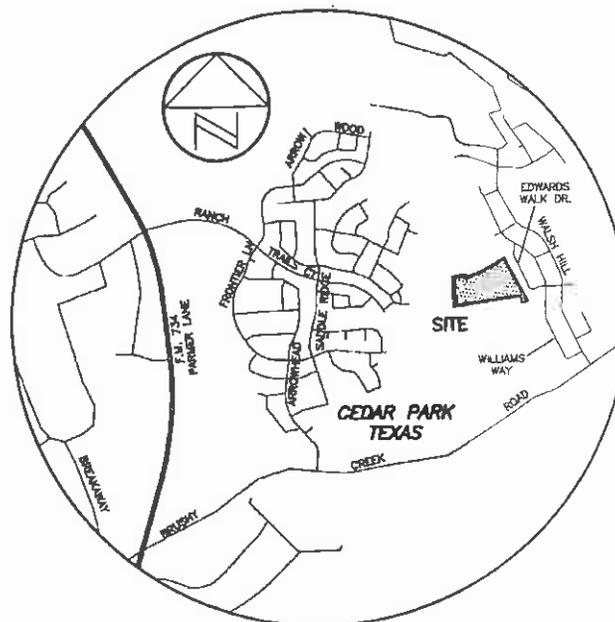
SUBDIVISION DESCRIPTION: 48 single family lots, 3 landscape lots, 2 parkland lots

STAFF COMMENTS:

This final plat meets all state and local requirements.

STAFF RECOMMENDATION:

Approval



LOCATION MAP
NOT TO SCALE

September 20,
2011

Planning and Zoning Commission

Item:#
6B2

Subdivision

Cedar Park Town Center Sec 10

Case Number: FP-11-005

OWNER: Continental Homes of Texas LP

AGENT: James Brewer, Gray Jansing and Associates

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Located along Discovery Boulevard, south of East New Hope Drive

COUNTY: Williamson

AREA: 19.965 acres

ZONING: DD

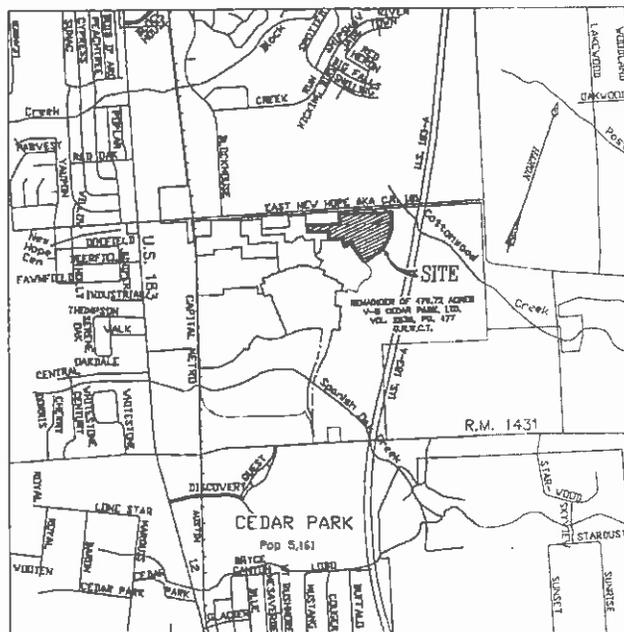
SUBDIVISION DESCRIPTION: 104 lots

STAFF COMMENTS:

This final plat meets all state and local requirements.

STAFF RECOMMENDATION:

Approval



LOCATION MAP
NOT TO SCALE

September 20, 2011 Subdivision	<i>Planning and Zoning Commission</i> Bellamy Subdivision Partial Vacation	Item:# 6B3
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OWNERS: Robin Nelson, Silverado 601 LTD, Daniel & Lacy Davila, Bellamy 29 LLC

AGENT: Adam Boenig, The Brohn Group

STAFF: Amy Link, 401-5056, link@cedarparktx.us

LOCATION: Southwest corner of Colonial Parkway and Kobuk Drive

ZONING: PD

STAFF COMMENTS:

A partial vacation of the Bellamy Subdivision is being requested to clarify intended land use of the subdivision.

The subdivision was originally platted in 2006 as a residential development; however the plat was inadvertently recorded with a plat note that stated: "Development of this subdivision is restricted to uses other than residential."

This vacation proposes to remove the note (Note #23 on the plat) from the Bellamy Subdivision, recorded in document number 2006043519. All property owners of lots within the subdivision have consented to the partial vacation.

Therefore, staff recommends approval of the partial vacation to remove Note #23 from the Bellamy Subdivision.

APPROVAL OF PARTIAL PLAT VACATION

THE STATE OF TEXAS §
COUNTY OF WILLIAMSON §

BE IT KNOWN, that on the ___ day of ___, 2011, pursuant to Section 212.013 of the Texas Local Government Code, the City of Cedar Park, Texas, Planning & Zoning Commission, at its regular meeting, did approve the partial vacation of the subdivision plat known as BELLAMY SUBDIVISION - SHORT FORM FINAL PLAT, as recorded in Cabinet BB, Slide 355, of the Plat Records of Williamson County, and Document No. 2006043519 of the Official Public Records of Williamson County, thereby removing and rendering without force or effect plat note #23, which states "[d]evelopment of this subdivision is restricted to uses other than residential," upon application therefore by all of the owners of all of the lots in said subdivision.

EXECUTED, this ___ day of ___, 2011.

Chair, Planning & Zoning Commission
City of Cedar Park
Williamson County, Texas

ATTEST:

Lorena Echeverria de Misi
Secretary, Planning & Zoning Commission

THE STATE OF TEXAS §
COUNTY OF WILLIAMSON §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared ___ known to be the person whose name is subscribed to the foregoing instrument as Chair of the Planning & Zoning Commission of the City of Cedar Park, Texas, a municipal corporation, and she acknowledged to me that she executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ___ DAY OF ___, 2011.

SEAL

Printed name:
Notary Public in and for the State of Texas
My commission expires:

This instrument is executed to be effective as of the day and year written below.

EXECUTED AND DELIVERED the 26TH day of July, 2011.

OWNER OF 2724-2726, 2804-2917, 2919-2922 BELLAMY
CIRCLE (LOTS 1-2, 4-22, 25-35, BLOCK A)

BELLAMY 29, LLC, a Texas limited partnership

By: Tom Goebel
Printed Name: Tom Goebel
Title: Member

THE STATE OF TEXAS §
 §
COUNTY OF Travis §

This instrument was acknowledged before me this 26 day of July, 2011, by Tom Goebel, Member of Bellamy 29, LLC, a Texas limited liability company, on behalf of said limited liability company.

Jennifer Lynn Stewart
Notary Public Signature

(SEAL)



CONSENT TO PLAT VACATION
(2802 Bellamy Circle; Lot 23, Block A)

THE STATE OF TEXAS §
 §
COUNTY OF WILLIAMSON §

WHEREAS, Edgewater Group, LLC, a Texas limited liability company, subdivided the +/- 6.512-acre property (the "Property") known as Lot 1, Block A, BELLAMY SUBDIVISION – SHORT FORM FINAL PLAT, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet BB, Slide 356, Plat Records, and Document No. 2006043519, Official Public Records, Williamson County, Texas (the "Underlying Plat"); and

WHEREAS, Silverado 601, Ltd., a Texas limited partnership, resubdivided the Property subject to the Underlying Plat into Lots 1-35, Block A, BELLAMY SUBDIVISION PUD – A RESUBDIVISION OF LOT 1, BLOCK A, BELLAMY SUBDIVISION, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Cabinet GG, Slides 242-244, Plat Records, and Document No. 2010040267, Official Public Records, Williamson County, Texas (the "Replat"); and

WHEREAS, it has been and continues to be the intent of the subdividers of the Underlying Plat and the Replat to use the Property for a residential development (initially a detached single-family condominium project and currently a detached single-family subdivision project), as evidenced by City of Cedar Park Zoning Ordinance Nos. Z36-05-07-28-3C and Z20-10-01-28-C3 (the "PUD Zoning Ordinances"); and

WHEREAS, by mutual mistake of the subdivider of the Underlying Plat and the City of Cedar Park, Texas, Note #23 of the Underlying Plat states, "Development of this subdivision is restricted to uses other than residential," said note being absent from the Replat; and

WHEREAS, Section 212.014 of the Texas Local Government Code precludes the Replat, absent a preceding vacation of the Underlying Plat, from removing Note #23 of the Underlying Plat; and

WHEREAS, Bellamy 29, LLC, a Texas limited liability company ("Bellamy 29"), is the current owner Lots 1-2, 4-22, and 25-35, Block A, of the Replat; and

WHEREAS, the undersigned (the "Owner," whether one or more) is the current owner of the lot within the Replat identified below; and

WHEREAS, all owners of lots within the Replat, including Bellamy 29 and Owner, desire to process and obtain approval and recording of a vacating plat pursuant to Section 212.013 of the Texas Local Government Code to vacate the entire Underlying Plat or only Note #23 of the Underlying Plat.

NOW THEREFORE, Owner, for and in consideration of the premises and pursuant to the provisions of Chapter 212.013 of the Local Government Code, does hereby consent to (i) vacate the Underlying Plat, in whole or in part, for the purpose of removing Note #23 of the Underlying

Plat (iii) appoint Bellamy 29, its employees, agents or associates as its attorney-in-fact for the purpose of vacating the Underlying Plat, in whole or in part, for the purpose of removing Note #23 of the Underlying Plat.

This instrument is executed to be effective as of the day and year written below.

EXECUTED AND DELIVERED the 18 day of July, 2011.

OWNER OF 2802 BELLAMY CIRCLE (LOT 23, BLOCK A)

By: Robin Nelson
Robin Nelson

THE STATE OF TEXAS

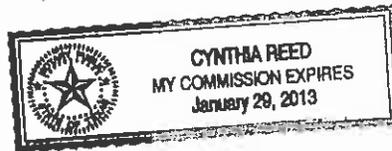
§
§
§

COUNTY OF Tarrant

This instrument was acknowledged before me this 18 day of July, 2011, by Robin Nelson,

(SEAL)

[Signature]
Notary Public Signature



Plat (iii) appoint Bellamy 29, its employees, agents or associates as its attorney-in-fact for the purpose of vacating the Underlying Plat, in whole or in part, for the purpose of removing Note #23 of the Underlying Plat.

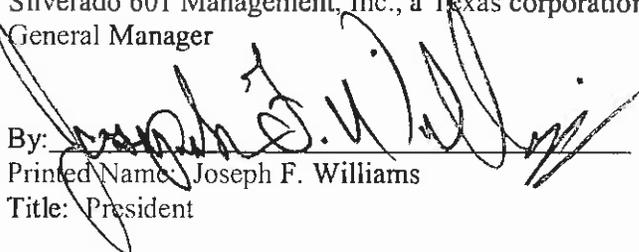
This instrument is executed to be effective as of the day and year written below.

EXECUTED AND DELIVERED the 18 day of July, 2011.

OWNER OF 2918 BELLAMY CIRCLE (LOT 3, BLOCK A)

SILVERADO 601, LTD., a Texas limited partnership

By: Silverado 601 Management, Inc., a Texas corporation, its
General Manager

By: 
Printed Name: Joseph F. Williams
Title: President

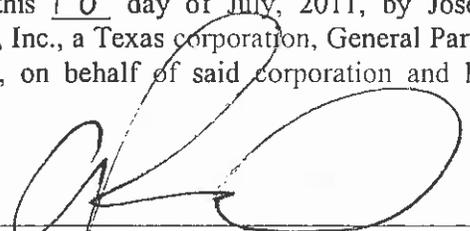
THE STATE OF TEXAS .

COUNTY OF Tarrant

§
§
§

This instrument was acknowledged before me this 18 day of July, 2011, by Joseph F. Williams, President of Silverado 601 Management, Inc., a Texas corporation, General Partner of Silverado 601, Ltd., a Texas limited partnership, on behalf of said corporation and limited partnership.

(SEAL)


Notary Public Signature



Plat (iii) appoint Bellamy 29, its employees, agents or associates as its attorney-in-fact for the purpose of vacating the Underlying Plat, in whole or in part, for the purpose of removing Note #23 of the Underlying Plat.

This instrument is executed to be effective as of the day and year written below.

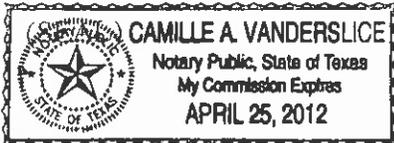
EXECUTED AND DELIVERED the 19th day of July, 2011.

OWNER OF 2800 BELLAMY CIRCLE (LOT 24, BLOCK A)

By: *Danny Davilla*
DANNY DAVILLA DAVILA III
DANIEL *DD*

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me this 18th day of July, 2011, by DANNY DAVILLA III ~~Danny Davilla~~.

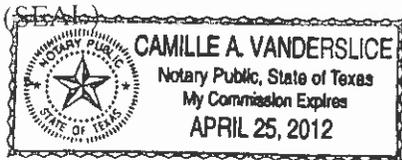


Camille A. Vanderslice
Notary Public Signature

By: *Lucy Davilla*
Lucy Davilla DAVILA *LD*

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me this 18th day of July, 2011, by Lucy DAVILLA ~~Davilla~~.



Camille A. Vanderslice
Notary Public Signature

September 20,
2011

Planning and Zoning Commission

**Item:
7A**

Zoning

**City Initiated Zoning
3003 and 3100 Woodall**

Case Number: # Z-11-009

OWNER: Lake Bum Enterprises and James and Martha Isbell

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: 3003 and 3100 Woodall

COUNTY: Travis

AREA: 11.6 acres

EXISTING ZONING: Development Reserve (DR) – 11.6 acres

PROPOSED ZONING: Light Industrial (LI) – 11.6 acres

STAFF RECOMMENDATION: Light Industrial (LI) – 11.6 acres

FUTURE LAND USE PLAN EXISTING: Industrial

FUTURE LAND USE PLAN PROPOSED: Industrial

Staff has been in contact with the property owners for this City initiated request however, we will not be meeting with them with adequate time to prepare this item for the Planning and Zoning Commission meeting agenda. Staff is requesting a postponement of this item until the October 18, 2011 agenda in order to have further discussions with the property owners.

September 20,
2011

Zoning

Planning and Zoning Commission

City Initiated Zoning 3003 and 3100 Woodall

Item:
7A

Case Number: # Z-11-009



Z-11-009



September 20,
2011

Planning and Zoning Commission

**Item:
8A/9A**

Zoning

**City Initiated Zoning
Brushy Creek**

Case Number: # Z-11-010

OWNER: Margaret Everett, Kuen-An and Chang-Lan Liu, Carl Wells, Fausto and Catalina Castro, Terry Lamar Robinson, Russell and Vickie Garner, and J.E. and Summerlin Spring

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: Brushy Creek Road just west of the Brushy Creek Sports Park

COUNTY: Williamson

AREA: 119.83 acres

EXISTING ZONING: Development Reserve (DR) – 119.83 acres

PROPOSED ZONING: Local Retail (LR) – 24.308 acres
Light Industrial (LI) – 95.53 acres

STAFF RECOMMENDATION: Local Retail (LR) – 24.308 acres
Light Industrial (LI) – 95.53 acres

FUTURE LAND USE PLAN EXISTING: Neighborhood Office/Retail/Commercial and
Employment Center

FUTURE LAND USE PLAN PROPOSED: Neighborhood Office/Retail/Commercial and
Employment Center

This zoning is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

At the August 16, 2011 Planning and Zoning Commission meeting staff requested a postponement in order to meet with some of the property owners affected by this request. Staff has met with several of the property owners and addressed their questions. At this time we have the support of the property owners and would like to proceed with this request to assign original zoning of the property.

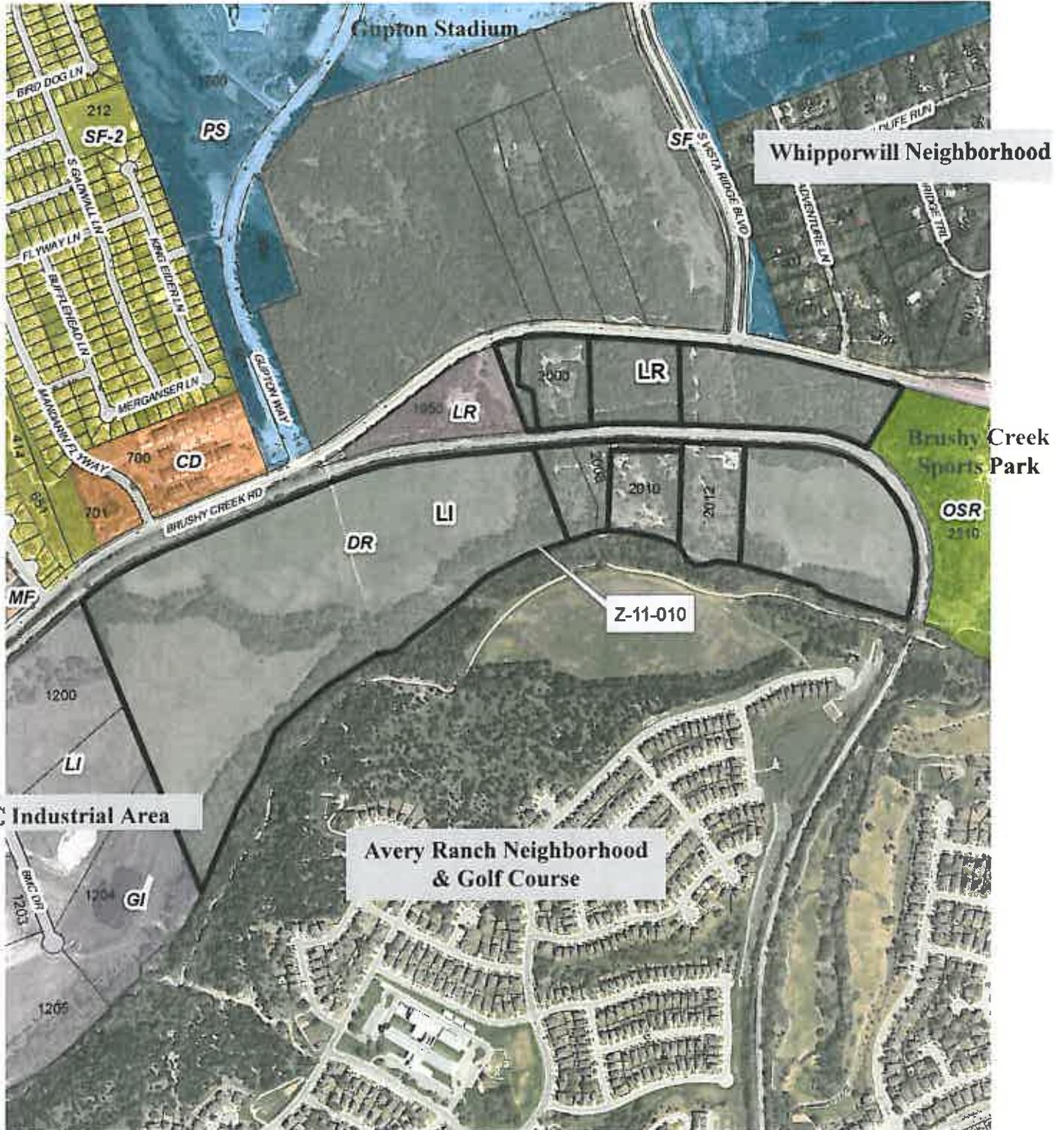
September 20,
2011

Zoning

Planning and Zoning Commission
**City Initiated Zoning
Brushy Creek**

**Item:
8A/9A**

Case Number: # Z-11-010



September 20,
2011

Planning and Zoning Commission

Item:
8A/9A

Zoning

**City Initiated Zoning
Brushy Creek**

Case Number: # Z-11-010

PURPOSE OF REQUESTED ZONING DISTRICTS:

Local Retail (LR):

The Local Retail District, LR, is established to provide for office and retail businesses that are intended to serve the overall community, with a larger market than the immediate neighborhoods in the area. In order to accommodate the traffic generated from these businesses without negatively impacting the residential neighborhoods, these uses should be located primarily at pulse points or activity nodes where collector streets and arterial roadways intersect or at arterial roadway intersections. These uses generally serve a larger market than businesses found in a TC District; yet generally serve a local market opposed to the regional market served by uses in a GR District.

Permitted uses

- Administrative offices
- Art gallery
- Day care center, incidental
- Medical offices
- Places of worship
- Professional offices
- Public buildings, uses
- Software development
- Temporary buildings
- Utility services, general
- Accessory structures
- Private schools (Accredited only, with curriculum equivalent to public elementary or secondary schools)
- Wireless telecommunications facilities, see art. 14.09.
- Art galleries with retail sales
- Bed and Breakfast
- Community center
- Day care center, adult
- Day care center, child
- Food sales, limited
- Instant print copy services
- Movie and music rentals, sales
- Personal services, general
- Research and development activities (as it pertains to software only)
- Retail gift store
- Studios/art studio, dance, music, drama, gymnastics, photography, interior design
- Software sales, computer hardware sales
- Vocational or trade school

September 20,
2011

Planning and Zoning Commission

Item:
8A/9A

Zoning

**City Initiated Zoning
Brushy Creek**

Case Number: # Z-11-010

- Personal Improvement Services
- Automated Teller Machines
- Automobile parts and accessories sales
- Bakery, retail
- Banks (with or without drive-through facilities)
- Consumer repair shop (including bicycles)
- Convenience store
- Dry cleaning and/or laundry, on-site
- Gasoline service stations, limited
- Golf, amusement, Sec. 11.12.002
- Food sales, general (grocery store)
- Hardware stores
- Landscape nursery and supply store, retail
- Laundromat
- Liquor store, Sec. 11.02.152D
- Nonprofit seasonal fundraisers
- Drugstores
- Personal Improvement Services, Limited
- Pet grooming
- Restaurant, general
- Rental libraries for sound and video recordings
- Retail stores, See. 11.02.152E
- Veterinary Services, Sec. 11.02.152F
- Non-Emergency Medical Transport Service (Conditional)

Light Industrial (LI):

The Light Industrial District, LI, is intended to accommodate a variety of commercial services and limited manufacturing operations contained principally within an enclosed structure, while implementing measures to ensure the sustainability of both the industries and the neighborhoods and to maintain the quality of life in the City.

Permitted uses

- Art studio, industrial
- Manufacturing, custom
- Manufacturing, processing and assembly facilities, light
- Office/warehouse
- Seasonal businesses, See Article 11.07 [11.06], Division 2 [Chapter 6, Article 6.02.]
- Telecommunication towers
- Transit station
- Utility services, general
- Warehousing and distribution, limited

September 20,
2011

Planning and Zoning Commission

Zoning

**City Initiated Zoning
Brushy Creek**

**Item:
8A/9A**

Case Number: # Z-11-010

- Wholesale sales, Sec. 11.02.217C
- Temporary buildings, Sec. 11.01.010
- Temporary uses specific to this district, Sec. 11.02.217A
- Secondary uses specific to this district, Sec. 11.02.217B
- Accessory structures see Secs. 11.04.001–11.04.004

FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for 1) Neighborhood Office/Retail/Commercial which includes Transitional Commercial (TC), Transitional Office (TO), General Office (GO), Local Retail (LR) and Mixed Use (MU) and 2) Employment Center which includes Business Center (BD), Light Industrial (LI), General Office (GO), Hospital (H) and Mixed Use (MU).

SITE INFORMATION:

Corridor Overlay:

This property is partially within the Corridor Overlay.

Transportation:

Brushy Creek Road is classified as an arterial roadway and abuts the site to the north.

Subdivision:

This site has a legal lot status.

Setback Requirements:

	LR	LI
Front Setback	25'	25'
Side Setback	12'	25'
Rear Setback	5'	25'

Architectural Requirements:

Each exterior wall area of a site built in this district shall be required to have 50-75% masonry construction dependent on which portions of each lot fall within the corridor overlay.

Staff Commentary:

The City sent a letter to the property owners of each lot. We requested comments or concerns from the property owners and to date we have not heard from any of them.

September 20,
2011

Zoning

Planning and Zoning Commission
**City Initiated Zoning
Brushy Creek**

**Item:
8A/9A**

Case Number: # Z-11-010

The requested districts meet the Future Land Use Plan and the goals and objectives of the City's Comprehensive Plan.

Staff Recommendation:

Staff recommends that 24.308 acres be zoned LR and 95.53 acres be zoned LI.

PUBLIC NOTICE: August 4, 2011 Cedar Park Citizen

PUBLIC INPUT: Since the last Planning and Zoning Commission meeting staff has had the opportunity to meet with several of the property owners that are affected by this City initiated request. After conversations with these property owners staff received no objection to the request.

PROPOSED CITY COUNCIL HEARINGS: September 22, 2011 ~ Public Hearing/1ST Reading
October 6, 2011 ~ 2ND Reading

September 20,
2011

Zoning

Planning and Zoning Commission
City Initiated Zoning
Brushy Creek

Item:
8A/9A

Case Number: # Z-11-010



Z-11-010



September 20,
2011

Zoning

Planning and Zoning Commission

**City Initiated Zoning
221 and 203 New Hope**

**Item:
8B/9B**

Case Number: # Z-11-019

OWNER: Terry E Ridgway Trustee of the Paterson/Ridgway Trust and Janie Luker

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: 203 and 221 E. New Hope Drive

COUNTY: Williamson

AREA: 6.92 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

FUTURE LAND USE PLAN EXISTING: Regional Office/Retail/Commercial

FUTURE LAND USE PLAN PROPOSED: Regional Office/Retail/ Commercial

This zoning is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

This request contains two parcels located at 203 and 221 E. New Hope.

Existing Site:



September 20,
2011

Zoning

Planning and Zoning Commission

City Initiated Zoning 221 and 203 New Hope

Item:
8B/9B

Case Number: # Z-11-019



September 20,
2011

Planning and Zoning Commission

**Item:
8B/9B**

Zoning

**City Initiated Zoning
221 and 203 New Hope**

Case Number: # Z-11-019

PURPOSE OF REQUESTED ZONING DISTRICT:

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial land uses, with compatible zoning districts such as General Retail (GR), General Office (GO), and Mixed Use (MU).

COMPREHENSIVE PLAN

The request is consistent with the following goals set forth in the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment, which supports existing businesses.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

SITE INFORMATION:

Corridor Overlay:

This property is within the Corridor Overlay.

Transportation:

East New Hope Drive is currently classified as a four lane undivided major arterial.

Subdivision:

Future development of this property may require a subdivision of either property.

September 20,
2011

Planning and Zoning Commission

**Item:
8B/9B**

Zoning

**City Initiated Zoning
221 and 203 New Hope**

Case Number: # Z-11-019

Setback Requirements:

Front Setback	25'
Side Setback	12'
Rear Setback	5'

Architectural Requirements:

Each exterior wall area of a site built in this district shall have a minimum of 75% masonry construction exclusive of doors and windows, as it is located fully within the Corridor Overlay.

Staff Recommendation:

Staff recommends that this site be assigned original zoning of General Retail (GR). The designation of GR is consistent with adjacent GR zoned tracts, is compatible with other surrounding land uses, and is supported by the purpose statement of the district.

PUBLIC NOTICE: September 8, 2011 Cedar Park Citizen
18letter notices were sent to property owners within 300 feet of the tract

PUBLIC INPUT: To date, no public input has been received regarding this request.

PROPOSED CITY COUNCIL HEARINGS: October 20, 2011 ~ Public Hearing/1ST Reading
November 3, 2011 ~ 2ND Reading

September 20,
2011

Zoning

Planning and Zoning Commission

**City Initiated Zoning
221 and 203 New Hope**

**Item:
8B/9B**

Case Number: # Z-11-019



Z-11-019



September 20, 2011	<i>Planning and Zoning Commission</i>	Item:
Zoning	City Initiated Zoning	8C &
	335 Cypress Creek Boulevard	9C
Case Number: # Z-11-020		

OWNER: AB Middle Brook LP

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: 335 Cypress Creek Boulevard

COUNTY: Williamson

AREA: 24.08 acres

EXISTING ZONING: Planned Development (PD)

PROPOSED ZONING: Multi Family Residential-Conditional Overlay (MF-CO) with the following conditions:

- 1) Provide a 50 foot landscape buffer along the western property line, north of Cluck Creek, adjacent to single family;
- 2) Provide a 50 foot restriction zone adjacent to the landscape buffer which would only allow parking and non-water oriented recreation and would prohibit refuse collection;
- 3) Provide a 50 foot setback adjacent to the restriction zone which limits the building height to two stories;
- 4) Provide a maintained visual screen adjacent to the western property line where Cluck Creek intersects the property line;
- 5) Provide an eight (8) foot masonry fence adjacent to single family residential; and
- 6) Provide an eight (8) foot privacy fence along the western property line, south of Cluck Creek, and along the eastern property line.

EXISTING FUTURE LAND USE PLAN: High Density Residential

This request is being initiated by the City in order to rezone the existing Middle Brook Planned Development to reflect the multi family development that exists on the property today. This item is being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

September 20,
2011

Zoning

Planning and Zoning Commission
City Initiated Zoning
335 Cypress Creek Boulevard

Item:
8C &
9C

Case Number: # Z-11-020

SURROUNDING LAND USES

The site is surrounded by commercial property to the north, east and south. The Buttercup Creek Subdivision exists west of the site.



September 20, 2011	<i>Planning and Zoning Commission</i>	Item: 8C & 9C
Zoning	City Initiated Zoning 335 Cypress Creek Boulevard	
Case Number: # Z-11-020		

PURPOSE OF REQUESTED ZONING DISTRICT:

The Multifamily Residential District, MF, is established to provide for a high density multifamily residential district, intended to provide the maximum residential density. The principal permitted land uses will include low-rise multiple family dwellings, garden apartments, fourplexes, and triplexes. Other residential living facilities and some nonresidential uses generally compatible with apartment living are also permitted in this District. This District should be located adjacent to an arterial or collector, as shown on the Roadway Plan, and may serve as a transitional land use between retail/commercial development and/or heavy traffic areas, and medium or low density residential development.

FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for High Density Residential development, with compatible zoning districts such as Multi Family Residential and Mixed Use (MU).

COMPREHENSIVE PLAN

The request is consistent with the following goals set forth in the Comprehensive Plan:

4.1.3 Housing Goals:

- Formulate a viable mix of housing types that will successfully diversify the housing market of Cedar Park.

4.2.1 Development Regulations

- Have an updated set of ordinances and regulations that address the current needs of the city including new types of development as well as better measures for existing businesses.

SITE INFORMATION:

Corridor Overlay:

This property is within the Corridor Overlay.

Transportation:

Cypress Creek Boulevard is currently classified as a four lane undivided major arterial. The 2008 traffic count along Cypress Creek Boulevard, west of Bell Boulevard was 17,708 vehicles per day.

September 20, 2011	<i>Planning and Zoning Commission</i>	Item: 8C & 9C
Zoning	City Initiated Zoning 335 Cypress Creek Boulevard	
Case Number: # Z-11-020		

Subdivision:

This property is currently subdivided.

Setback Requirements:

Front Setback	25'
Side Setback	10'
Rear Setback	25'

Architectural Requirements:

Each exterior wall area of a site built in the Multi Family district shall have a minimum of 50% masonry construction exclusive of doors and windows. Within the Corridor Overlay, 75% masonry construction is required.

Case History:

Case Number	Request	P&Z Recommendation	City Council Action
Z-95-006	From LR to PD	Recommended PD	Approved PD

Staff Commentary and Recommendation:

The Middle Brook Planned Development was originally zoned in 1995. At that time, the PD incorporated several buffers along the western boundary of the site to provide greater compatibility between the proposed apartments and the existing single family neighborhood. To preserve these compatibility buffers, staff is recommending the following conditions be added to the rezoning request:

- 1) Provide a 50 foot landscape buffer along the western property line, north of Cluck Creek, adjacent to single family;
- 2) Provide a 50 foot restriction zone adjacent to the landscape buffer which would only allow parking and non-water oriented recreation and would prohibit refuse collection;
- 3) Provide a 50 foot setback adjacent to the restriction zone which limits the building height to two stories;
- 4) Provide a maintained visual screen adjacent to the western property line where Cluck Creek intersects the property line;
- 5) Provide an eight (8) foot masonry fence adjacent to single family residential; and
- 6) Provide an eight (8) foot privacy fence along the western property line, south of Cluck Creek, and along the eastern property line.

Based upon review of the building plans for this site, the majority of the existing development conforms to the zoning regulations of the MF district. Any existing non-conformities (such as building setback encroachments) shall not be affected by the proposed rezoning. In addition, if

September 20, 2011	<i>Planning and Zoning Commission</i>	Item:
Zoning	City Initiated Zoning	8C &
	335 Cypress Creek Boulevard	9C
Case Number: # Z-11-020		

any portion of the property is damaged or destroyed, restoration or new construction would be permitted under the proposed MF-CO designation.

Therefore, staff recommends rezoning the Middle Brook PD to MF-CO, incorporating the conditions listed above. The rezoning request complies with the FLUP and exemplifies the purpose statement of the MF district.

PUBLIC NOTICE: September 8, 2011 Cedar Park Citizen
51 letter notices were sent to property owners within 300 feet of the tract

PUBLIC INPUT: To date, no public input has been received regarding this request.

PROPOSED CITY COUNCIL HEARINGS: October 20, 2011 ~ Public Hearing/1ST Reading
November 3, 2011 ~ 2ND Reading

September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Southwest Corner of 183A Toll Road and East New Hope Drive	Item: 8D & 9D
Case Number: # Z-11-023		

Owner: Michael Ainbinder, Cedar Park Town Center LP

Agent: Scott Foster, Kimley-Horn and Associates, Inc

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Southwest corner of 183 A Toll Road and East New Hope Drive

COUNTY: Williamson

AREA: 5.484 acres

EXISTING ZONING: Downtown District (DD)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

EXISTING FUTURE LAND USE DESIGNATION: Regional Office/Retail/Commercial

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 5.484 acres from Downtown District (DD) to General Retail (GR) for property located at the southwest corner of 183A Toll Road and East New Hope Drive.

EXISTING SITE:



September 20,
2011

Zoning

Planning and Zoning Commission
**Southwest Corner of 183A Toll Road and East
New Hope Drive**

**Item:
8D & 9D**

Case Number: # Z-11-023

SURROUNDING USES:

The site is currently undeveloped and is bounded by 183A Toll Road to the east and East New Hope Drive to the north. Undeveloped land zoned Downtown District (DD) exists to the south and west.



September 20, 2011	<i>Planning and Zoning Commission</i>	Item:
Zoning	Southwest Corner of 183A Toll Road and East New Hope Drive	8D & 9D
Case Number: # Z-11-023		

PURPOSE OF REQUESTED ZONING DISTRICT:

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial uses, with compatible zoning districts such as General Office (GO), General Retail (GR) and Mixed Use (MU).

The applicant's request complies with the Future Land Use Plan (FLUP).

The request is also consistent with the following goals set forth in the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment, which supports existing businesses.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

SITE INFORMATION:

Corridor Overlay:

This tract is located within the Corridor Overlay.

Transportation:

East New Hope Drive is classified as a 4 lane major arterial adjacent to the tract. In 2009, the traffic count west of 183A was 10,785 vehicles trips per day.

183A Tollway Frontage Roads south of New Hope Drive carried approximately 29,885 vehicles per day in 2010.

Water and Wastewater Utilities:

September 20, 2011 Zoning	Planning and Zoning Commission Southwest Corner of 183A Toll Road and East New Hope Drive	Item: 8D & 9D
Case Number: # Z-11-023		

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

Subdivision:

The property is not subdivided.

Setback Requirements:

	General Retail (GR)
Front Setback	25'
Side Setback	12'
Side Setback adjacent to street	25'
Rear Setback	5'

Architectural Requirements:

This tract is entirely located within the Corridor Overlay, which requires a minimum of 75% masonry construction on each exterior wall of all buildings.

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-99-022	Interim R-1 to DD	Recommend DD	Approved DD

STAFF COMMENTARY and RECOMMENDATION:

The subject tract is currently located within the Town Center Area of the Cedar Park Town Center, a master-planned development. Zoning within the Cedar Park Town Center is form based, emphasizing building appearance and orientation rather than permission of specific land uses. The applicant proposes to remove this tract from the Town Center development and straight-zone the property to General Retail (GR). The request for GR is consistent with the commercial land uses formerly proposed in the Town Center plan.

The applicant's request also supports the goals of the Comprehensive Plan, exemplifies the purpose statement of the GR district, and is consistent with the FLUP. Therefore, staff recommends the applicant's request to rezone approximately 5.484 acres located at the southwest corner of 183A Toll Road and East New Hope Drive from Downtown District (DD) to General Retail (GR).

PUBLIC INPUT: To date, no public comments have been received.

PUBLIC NOTIFICATION: Hill Country News, September 8, 2011
2 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (October 20, 2011) 1ST Reading
(November 3, 2011) 2ND Reading

September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Northwest Corner of 183A Toll Road and East New Hope Drive	Item: 8E & 9E
Case Number: # Z-11-024		

Owner: Michael Ainbinder, Cedar Park Town Center LP

Agent: Scott Foster, Kimley-Horn and Associates, Inc

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Southwest corner of 183 A Toll Road and East New Hope Drive

COUNTY: Williamson

AREA: 2.83 acres

EXISTING ZONING: Downtown District (DD)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

EXISTING FUTURE LAND USE DESIGNATION: Regional Office/Retail/Commercial

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 2.83 acres from Downtown District (DD) to General Retail (GR) for property located at the northwest corner of 183A Toll Road and East New Hope Drive.

EXISTING SITE:



September 20,
2011

Zoning

Planning and Zoning Commission
**Northwest Corner of 183A Toll Road and East
New Hope Drive**

**Item:
8E & 9E**

Case Number: # Z-11-024

SURROUNDING USES:

The site is currently undeveloped and is bounded by 183A Toll Road to the east and East New Hope Drive to the south. Undeveloped land zoned Development Reserve (DR) exists to the northwest.



September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Northwest Corner of 183A Toll Road and East New Hope Drive	Item: 8E & 9E
Case Number: # Z-11-024		

PURPOSE OF REQUESTED ZONING DISTRICT:

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial uses, with compatible zoning districts such as General Office (GO), General Retail (GR) and Mixed Use (MU).

The applicant's request complies with the Future Land Use Plan (FLUP).

The request is also consistent with the following goals set forth in the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment, which supports existing businesses.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

SITE INFORMATION:

Corridor Overlay:

This tract is located within the Corridor Overlay.

Transportation:

East New Hope Drive is classified as a 4 lane major arterial adjacent to the tract. In 2009, the traffic count west of 183A was 10,785 vehicles trips per day.

183A Tollway Frontage Roads south of New Hope Drive carried approximately 29,885 vehicles per day in 2010.

September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Northwest Corner of 183A Toll Road and East New Hope Drive	Item: 8E & 9E
Case Number: # Z-11-024		

Water and Wastewater Utilities:

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

Subdivision:

The property is not subdivided.

Setback Requirements:

	General Retail (GR)
Front Setback	25'
Side Setback	12'
Side Setback adjacent to street	25'
Rear Setback	5'

Architectural Requirements:

This tract is entirely located within the Corridor Overlay, which requires a minimum of 75% masonry construction on each exterior wall of all buildings.

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-99-022	Interim R-1 to DD	Recommend DD	Approved DD

STAFF COMMENTARY and RECOMMENDATION:

The subject tract is currently located within the Town Center Area of the Cedar Park Town Center, a master-planned development. Zoning within the Cedar Park Town Center is form based, emphasizing building appearance and orientation rather than permission of specific land uses. The applicant proposes to remove this tract from the Town Center development and straight-zone the property to General Retail (GR). The request for GR is consistent with the commercial land uses formerly proposed in the Town Center plan.

The applicant's request also supports the goals of the Comprehensive Plan, exemplifies the purpose statement of the GR district, and is consistent with the FLUP. Therefore, staff recommends the applicant's request to rezone approximately 2.83 acres located at the northwest corner of 183A Toll Road and East New Hope Drive from Downtown District (DD) to General Retail (GR).

PUBLIC INPUT: To date, no public comments have been received.

PUBLIC NOTIFICATION: Hill Country News, September 8, 2011
2 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (October 20, 2011) 1ST Reading
(November 3, 2011) 2ND Reading

September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Northeast Corner of 183A Toll Road and East New Hope Drive	Item: 8F & 9F
Case Number: # Z-11-025		

Owner: Michael Ainbinder, Cedar Park Town Center LP

Agent: Scott Foster, Kimley-Horn and Associates, Inc

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Northeast corner of 183 A Toll Road and East New Hope Drive

COUNTY: Williamson

AREA: 8.978 acres

EXISTING ZONING: Downtown District (DD)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

EXISTING FUTURE LAND USE DESIGNATION: Regional Office/Retail/Commercial

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 8.978 acres from Downtown District (DD) to General Retail (GR) for property located at the northeast corner of 183A Toll Road and East New Hope Drive.

EXISTING SITE:



September 20,
2011

Zoning

Planning and Zoning Commission
**Northeast Corner of 183A Toll Road and East
New Hope Drive**

**Item:
8F & 9F**

Case Number: # Z-11-025

SURROUNDING USES:

The site is currently undeveloped and is bounded by 183A Toll Road to the west, East New Hope Drive to the south and County Road 180 to the east.



September 20, 2011	<i>Planning and Zoning Commission</i>	Item: 8F & 9F
Zoning	Northeast Corner of 183A Toll Road and East New Hope Drive	
Case Number: # Z-11-025		

PURPOSE OF REQUESTED ZONING DISTRICT:

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial uses, with compatible zoning districts such as General Office (GO), General Retail (GR) and Mixed Use (MU).

The applicant's request complies with the Future Land Use Plan (FLUP).

The request is also consistent with the following goals set forth in the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment, which supports existing businesses.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

SITE INFORMATION:

Corridor Overlay:

This tract is located within the Corridor Overlay.

Transportation:

East New Hope Drive is classified as a 4 lane major arterial adjacent to the tract. In 2009, the traffic count east of 183A was 6,415 vehicles trips per day.

183A Toll Frontage Roads north of New Hope Drive carried approximately 28,121 vehicles per day in 2010.

September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Northeast Corner of 183A Toll Road and East New Hope Drive	Item: 8F & 9F
Case Number: # Z-11-025		

County Road 180 is identified as a primary collector on the City's Collector Plan.

Water and Wastewater Utilities:

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

Subdivision:

The property is not subdivided.

Setback Requirements:

	General Retail (GR)
Front Setback	25'
Side Setback	12'
Side Setback adjacent to street	25'
Rear Setback	5'

Architectural Requirements:

This tract is entirely located within the Corridor Overlay, which requires a minimum of 75% masonry construction on each exterior wall of all buildings.

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-95-002	Interim R-1 to MF	Recommend MF	Approved MF
Z-05-012	From MF to DD	Recommend DD	Approved DD

STAFF COMMENTARY and RECOMMENDATION:

The subject tract is currently located within the Town Center Area-2 of the Cedar Park Town Center, a master-planned development. Town Center Area-2 was incorporated into the original Town Center Development in 2005 and this area was slated for commercial and medical uses. The applicant proposes to remove this tract from the Town Center development and straight-zone the property to General Retail (GR). The request for GR is consistent with the commercial land uses formerly proposed in the Town Center plan.

The applicant's request supports the goals of the Comprehensive Plan, exemplifies the purpose statement of the GR district, and is consistent with the FLUP. Therefore, staff recommends the applicant's request to rezone approximately 8.978 acres located at the northeast corner of 183A Toll Road and East New Hope Drive from Downtown District (DD) to General Retail (GR).

September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Northeast Corner of 183A Toll Road and East New Hope Drive	Item: 8F & 9F
Case Number: # Z-11-025		

PUBLIC INPUT: To date, no public comments have been received.

PUBLIC NOTIFICATION: Hill Country News, September 8, 2011
4 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (October 20, 2011) 1ST Reading
(November 3, 2011) 2ND Reading

September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Southeast Corner of 183A Toll Road and East New Hope Drive	Item: 8G & 9G
Case Number: # Z-11-026		

Owner: Michael Ainbinder, Cedar Park Town Center LP

Agent: Scott Foster, Kimley-Horn and Associates, Inc

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Southeast corner of 183 A Toll Road and East New Hope Drive

COUNTY: Williamson

AREA: 8.24 acres

EXISTING ZONING: Downtown District (DD)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

EXISTING FUTURE LAND USE DESIGNATION: Regional Office/Retail/Commercial

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 8.24 acres from Downtown District (DD) to General Retail (GR) for property located at the southeast corner of 183A Toll Road and East New Hope Drive.

EXISTING SITE:



September 20,
2011

Zoning

Planning and Zoning Commission
**Southeast Corner of 183A Toll Road and East
New Hope Drive**

**Item:
8G &
9G**

Case Number: # Z-11-026

SURROUNDING USES:

The site is currently undeveloped and is bounded by 183A Toll Road to the west and East New Hope Drive to the north. Undeveloped Downtown District (DD) zoned property exists to the south and the Cedar Park Regional Medical Center borders the property to the east.



September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Southeast Corner of 183A Toll Road and East New Hope Drive	Item: 8G & 9G
Case Number: # Z-11-026		

PURPOSE OF REQUESTED ZONING DISTRICT:

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial uses, with compatible zoning districts such as General Office (GO), General Retail (GR) and Mixed Use (MU).

The applicant's request complies with the Future Land Use Plan (FLUP).

The request is also consistent with the following goals set forth in the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment, which supports existing businesses.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

SITE INFORMATION:

Corridor Overlay:

This tract is located within the Corridor Overlay.

Transportation:

East New Hope Drive is classified as a 4 lane major arterial adjacent to the tract. In 2009, the traffic count east of 183A was 6,415 vehicles trips per day.

183A Toll Frontage Roads south of New Hope Drive carried approximately 29,885 vehicles per day in 2010.

September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Southeast Corner of 183A Toll Road and East New Hope Drive	Item: 8G & 9G
Case Number: # Z-11-026		

Water and Wastewater Utilities:

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

Subdivision:

The property is not subdivided.

Setback Requirements:

	General Retail (GR)
Front Setback	25'
Side Setback	12'
Side Setback adjacent to street	25'
Rear Setback	5'

Architectural Requirements:

This tract is entirely located within the Corridor Overlay, which requires a minimum of 75% masonry construction on each exterior wall of all buildings.

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-95-002	Interim R-1 to MF	Recommend MF	Approved MF
Z-05-012	From MF to DD	Recommend DD	Approved DD

STAFF COMMENTARY and RECOMMENDATION:

The subject tract is currently located within the Town Center Area-2 of the Cedar Park Town Center, a master-planned development. Town Center Area-2 was incorporated into the original Town Center Development in 2005 and this area was slated for commercial and medical uses. The applicant proposes to remove this tract from the Town Center development and straight-zone the property to General Retail (GR). The request for GR is consistent with the commercial land uses formerly proposed in the Town Center plan.

The applicant's request supports the goals of the Comprehensive Plan, exemplifies the purpose statement of the GR district, and is consistent with the FLUP. Therefore, staff recommends the applicant's request to rezone approximately 8.24 acres located at the southeast corner of 183A Toll Road and East New Hope Drive from Downtown District (DD) to General Retail (GR).

September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Southeast Corner of 183A Toll Road and East New Hope Drive	Item: 8G & 9G
Case Number: # Z-11-026		

PUBLIC INPUT: To date, no public comments have been received.

PUBLIC NOTIFICATION: Hill Country News, September 8, 2011
3 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (October 20, 2011) 1ST Reading
(November 3, 2011) 2ND Reading

September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Northwest Corner of 183A Toll Road and East Whitestone Boulevard	Item: 8H & 9H
Case Number: # Z-11-027		

Owner: Michael Ainbinder, Cedar Park Town Center LP

Agent: Scott Foster, Kimley-Horn and Associates, Inc

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Northwest corner of 183 A Toll Road and East Whitestone Boulevard

COUNTY: Williamson

AREA: 49.114 acres

EXISTING ZONING: Downtown District (DD)

PROPOSED ZONING: Planned Development (PD)

STAFF RECOMMENDATION: Planned Development (PD)

EXISTING FUTURE LAND USE DESIGNATION: Regional Office/Retail/Commercial

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 49.114 acres from Downtown District (DD) to Planned Development (PD) for property located at the northwest corner of 183A Toll Road and East Whitestone Boulevard.

EXISTING SITE:



September 20,
2011

Zoning

Planning and Zoning Commission
**Northwest Corner of 183A Toll Road and East
Whitestone Boulevard**

**Item:
8H & 9H**

Case Number: # Z-11-027

SURROUNDING USES:

The site is currently undeveloped and is bounded by 183A Toll Road to the east and East Whitestone Boulevard to the south. Discovery Boulevard creates the western border of the tract and the Town Center single family subdivision is located northwest of the site.



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September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Northwest Corner of 183A Toll Road and East Whitestone Boulevard	Item: 8H & 9H
Case Number: # Z-11-027		

PURPOSE OF REQUESTED ZONING DISTRICT:

The Planned Development District accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure appropriate application for a PD and still offer increased flexibility.

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial uses, with compatible zoning districts such as General Office (GO), General Retail (GR) and Mixed Use (MU).

The applicant's request complies with the Future Land Use Plan (FLUP).

The request is also consistent with the following goals set forth in the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment, which supports existing businesses.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

4.1.3 Housing Goals:

- Formulate a viable mix of housing types that will successfully diversify the housing market of Cedar Park, allowing it to grow into a sustainable community.
- Provide new housing opportunities for current and future residents of Cedar Park.

SITE INFORMATION:

Corridor Overlay:

This tract is partially located within the Corridor Overlay, extending 400 feet back from the right-of-way of East Whitestone Boulevard and 183A Toll Road.

September 20, 2011	Planning and Zoning Commission	Item:
Zoning	Northwest Corner of 183A Toll Road and East Whitestone Boulevard	8H & 9H
Case Number: # Z-11-027		

Transportation:

East Whitestone Boulevard is classified as a 6 lane divided major arterial adjacent to the tract. In 2010, the traffic count east of Bell Boulevard was 33,755 vehicles trips per day.

The 183A Tollway Frontage Road carried 29,885 vehicles per day in 2010, between E. Whitestone and New Hope Drive.

Discovery Boulevard is classified as a Primary Collector in the vicinity of the subject tract.

Water and Wastewater Utilities:

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

Subdivision:

The property is not subdivided.

Setback Requirements:

	Parcels 1-4 (GR or GO land uses)	Tract 4 (TH or CD land uses)
Front Setback	25'	25'
Side Setback	12'	10'
Side Setback adjacent to street	25'	25'
Rear Setback	5'	20'

Additional setback requirements have been established as part of the PD and are further described under Staff Commentary.

Architectural Requirements:

All parcels within the PD shall provide a minimum of 75% masonry construction. Additional architectural requirements shall be provided along Discovery Boulevard and the northern most portion of Parcel 4 as noted in the PD regulations outlined below.

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-99-022	Interim R-1 to DD	Recommend DD	Approved DD

September 20,
2011

Zoning

Planning and Zoning Commission
**Northwest Corner of 183A Toll Road and East
Whitestone Boulevard**

**Item:
8H & 9H**

Case Number: # Z-11-027

STAFF COMMENTARY:

The subject tract is currently located within the Town Center Area of the Cedar Park Town Center, a master-planned development. Zoning within the Cedar Park Town Center is form based, emphasizing building appearance and orientation rather than permission of specific land uses. The Town Center Area promoted a mix of commercial and residential uses within a dense, pedestrian friendly environment. Since the creation of the Town Center master plan, market conditions have changed and it is believed that a development of this type cannot be supported by the local area. Therefore, the applicant is requesting to rezone the property to more traditional land uses through a PD.

Parcels 1, 2 and 3, located along the major commercial corridors of 183A Toll Road and East Whitestone, are proposed for uses typically found in the General Retail (GR) and General Office (GO) districts. Parcel 4, located in the northwestern quadrant of the tract, allows a greater mix of uses, permitting not only GR and GO uses, but also Townhome (TH) and Condominium Residential (CD) uses.

To ensure development of the commercial parcels within the development, to maintain the pedestrian friendly development originally envisioned in the Town Center Master Plan, and to establish compatibility with the adjacent existing single family residential neighborhood, the following regulations are proposed as part of the PD:

- 1) If residential development occurs on Parcel 4, it shall be limited to a maximum of 160 units.
- 2) No residential development shall be constructed until a minimum of 25,000 square feet of commercial development has been completed on Parcel 1 and 50,000 square feet of commercial development has been completed on either Parcel 2 or Parcel 3.
- 3) Any building located within 100 feet of a parcel occupied by an existing, single-family residential use shall be limited to 2 stories in height or 35 feet, whichever is less.
- 4) Any non-residential building located within 200 feet of Discovery Boulevard and the northern most portion of Parcel 4 must comply with the following:
 - a. All sides of a building shall be compatible with or equivalent to the architectural features, materials and the articulation of the front façade of the building. In addition, at least seventy-five (75) percent of the length of the exterior wall shall be covered by one or a combination of the following elements. The standards shall be applied separately for each building face of each floor or building level:
 - i. Awnings
 - ii. Windows
 - iii. Columns
 - iv. Trellises
 - v. Arbors, mounted to the exterior wall of the building with a minimum height of 12 feet and a maximum height of 20 feet
 - vi. Canopies
 - vii. Integrated planters or wing walls that incorporate a sitting area

September 20,
2011

Zoning

Planning and Zoning Commission
**Northwest Corner of 183A Toll Road and East
Whitestone Boulevard**

**Item:
8H & 9H**

Case Number: # Z-11-027

- 5) For all non-residential uses, a minimum 30 foot wide landscaping buffer shall be provided along the northern boundary of Parcel 4 and along the northwestern boundary of Parcel 4 that is directly adjacent to Discovery Boulevard. The buffer shall be as depicted on the attached PD Land Plan dated July 19, 2011, and shall be equal to the sum of 30 feet plus 1 foot of additional landscape buffer for every 1 foot of height of any non-residential building exceeding 30 feet on Parcel 4. The total landscape buffer shall not exceed 50 feet. The buffer shall serve as a visual vegetative screen from Discovery Boulevard for this parcel and may consist of a combination of berms, plantings, and existing trees and will conform to the Level 1 Compatibility Buffer standards established in the City of Cedar Park Site Development Ordinance.
- 6) The existing greenway trail connecting Discovery Boulevard and Whitestone Boulevard/183A shall be completed by the developer. The alignment/location of the trail must be approved by the Director of Parks and Recreation and shall be shown on the final plat for the development. The trail may be completed in phases concurrently with the development of each portion of the overall tract.
- 7) The development shall provide multiple pedestrian connections to and between proposed buildings and to adjacent sidewalk systems. The pedestrian network shall minimize walking distances when practical, provide safe and convenient crossings at street intersections, and provide an environment that is conducive to pedestrian activity.
- 8) The property shall be subject to the Corridor Overlay building regulations set forth in Section 11.02.280 of the Cedar Park Zoning Ordinance, except to the extent that a higher standard may be required as part of the PD regulations.
- 9) The signage provisions of Section 13.01.011 of the Cedar Park Sign Ordinance shall apply to the property, notwithstanding that there may be less than 500,000 square feet of building area.

The residential unit cap established for Parcel 4 is consistent with the existing Town Center Area plan. 160 multi family units were proposed for this portion of the original Town Center Area. The PD proposal of TH or CD units provides for a better land use transition to the existing single family neighborhood to the north and west, while still allowing for a mix of commercial and residential uses.

As stated in the PD regulations, the proposed landscape buffer adjacent to Discovery Boulevard within Tract 4 shall provide a visual vegetative screen between proposed development and Discovery Boulevard, which serves as the main entrance to the residential Town Center development. Additional buffering is proposed through the height restrictions established near single family residences and the articulation of buildings along Discovery Boulevard and within close proximity to single family residences.

Finally, the regulations for pedestrian connectivity within the development preserve the spirit of the original Town Center Plan, which attempted to promote a livable, walkable development, appealing to both residents of the development and surrounding neighborhoods.

September 20, 2011	<i>Planning and Zoning Commission</i>	Item:
Zoning	Northwest Corner of 183A Toll Road and East Whitestone Boulevard	8H & 9H
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STAFF RECOMMENDATION:

Staff supports the applicant's request for PD zoning and all proposed regulations with the exception of regulation #9 noted above.

Section 13.01.011 of the Sign Ordinance addresses signage requirements for properties along the 183A Toll Road. Properties fronting the Toll Road are allowed to have larger, pylon signs; however, the regulations also stipulate that these sites must contain a minimum of 500,000sf of building area, excluding storage and/or warehouse square footage to permit the more permissive signage. As proposed by the applicant, the site would comply with the regulations of Section 13.01.011 with the exception of not requiring the minimum 500,000sf building area. This request is atypical of other properties fronting the Toll Road and would not be compatible with the aesthetic standards applied to other developments within the City. Therefore, staff recommends Code compliance with all regulations of the Sign Ordinance and removal of the regulation #9 from the PD:

~~9) The signage provisions of Section 13.01.011 of the Cedar Park Sign Ordinance shall apply to the property, notwithstanding that there may be less than 500,000 square feet of building area.~~

Staff also recommends that the following regulations be added to the PD to ensure compliance with all applicable Codes unless otherwise stated in the PD.

- Unless otherwise stated within the PD, all land uses proposed within the PD shall comply with the most applicable district as identified on the attached land plan and as determined by staff.
- Unless otherwise stated within the PD, all applicable regulations of the City of Cedar Park Code of Ordinances shall apply, as amended from time to time.

In summary, staff recommends the applicant's request to rezone approximately 49.114 acres from Downtown District (DD) to Planned Development (PD) with the exception and additions noted above, for property located at the northwest corner of 183A Toll Road and East Whitestone Boulevard.

PUBLIC INPUT: To date, no public comments have been received.

PUBLIC NOTIFICATION: Hill Country News, September 8, 2011
27 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (October 20, 2011) 1ST Reading
(November 3, 2011) 2ND Reading

September 20,
2011

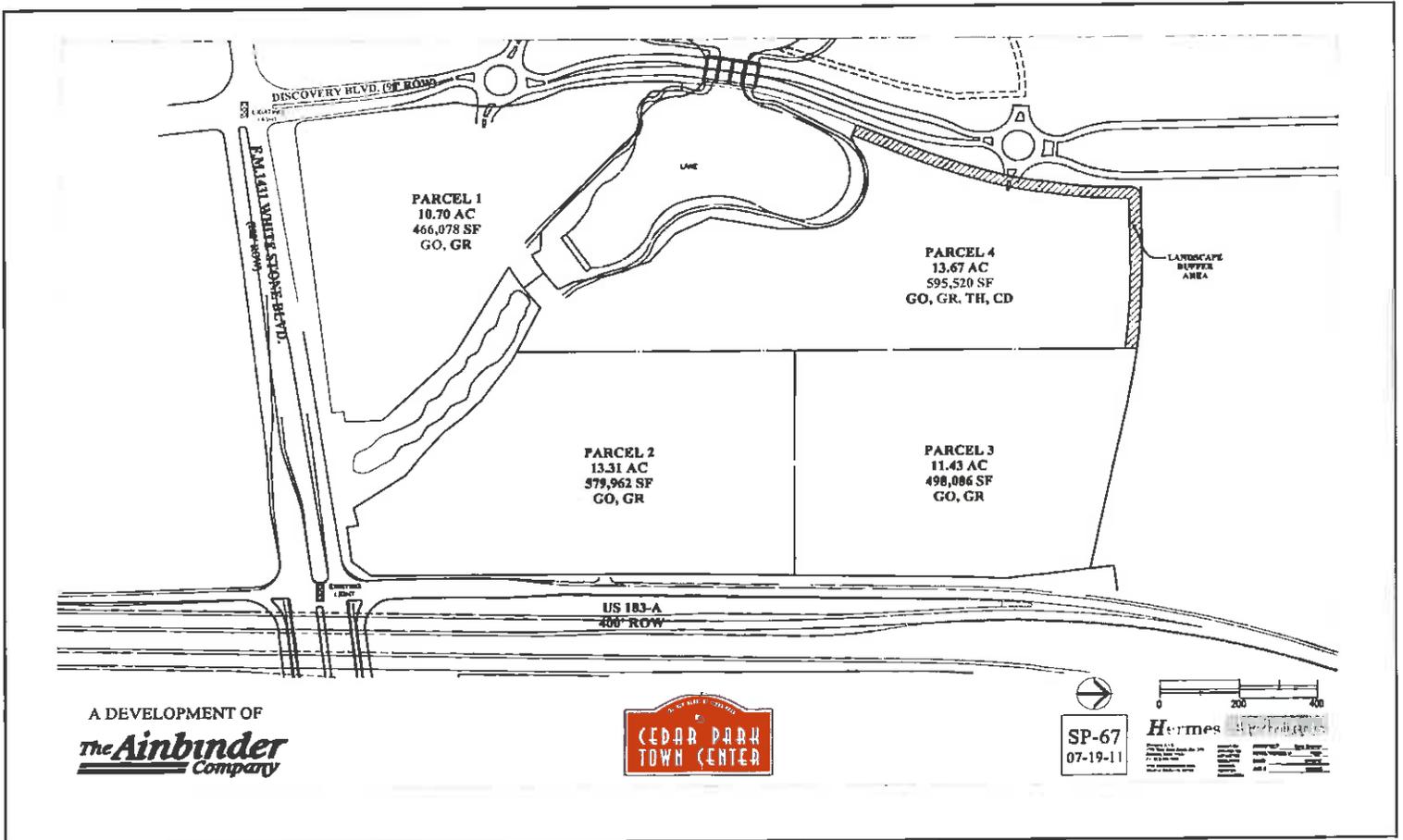
Zoning

Planning and Zoning Commission
Northwest Corner of 183A Toll Road and East
Whitestone Boulevard

Item:
8H & 9H

Case Number: # Z-11-027

Proposed Land Plan





CEDAR PARK

2012 City of Cedar Park Meetings

This calendar is subject to change. To verify the meeting please check the posted online agendas no earlier than 72 hours prior to the start of the meeting.

January 2012

S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28 CC Retreat
29	30	31				

June 2012

S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9 TCAA/TCMA Conference
10	11	12	13	14	15	16
17	18	19	20	21	22	23 CC Retreat
24	25	26	27	28	29	30

August 2012

S	M	T	W	TH	F	S
			1	2	3	4
5	6	7 NNC	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February 2012

S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

July 2012

S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28 Budget Workshop
29	30	31				

September 2012

S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22 ICMA (?)
23	24	25	26	27	28	29
30						

March 2012

S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17 *
18	19	20	21	22	23	24
25	26	27	28	29	30	31

*LISD Spring Break: 3/12-16/11

	Arts Advisory Board
	City Council Meeting
	(Various colors) Council/Board Joint Mtg
	Historic Preservation Meeting
	Parks Advisory Board Meeting
	Planning & Zoning Meeting
	Tourism Board
	4A & 4B Jt Meeting w/ City Council
	4A Board
	4B Board
	Holiday

October 2012

S	M	T	W	TH	F	S
			1	2	3	4 APA (?)
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2012

S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Holidays / Important Dates

Jan. 2	New Year's Day Observed
Jan. 16	Martin Luther King Day
Feb. 20	Presidents Day
May 28	Memorial Day
June 6-8	TCAA Conference
June 7-10	TCMA Conference
July 4	Independence Day
Sept. 3	Labor Day
Sept. ____	ICMA Conference
Oct. ____	APA Conference
Nov. 13-16	TML Conference
Nov. 12	Veteran's Day Observed
Nov. 22-23	Thanksgiving
Dec. 24-25	Christmas Holidays

November 2012

S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17 TML
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2012

S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

December 2012

S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1/1/13				