

MINUTES FOR
CITY OF CEDAR PARK
REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
TUESDAY, APRIL 17, 2012 AT 6:30 P.M.
CEDAR PARK PUBLIC LIBRARY
550 DISCOVERY BOULEVARD CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

VACANT
 HOLLY HOGUE

STEPHEN THOMAS, Chair
 NICHOLAS KAUFFMAN, Vice Chair
 LORENA ECHEVERRIA DE MISI, Secretary

THOMAS BALESTIERE
 JON LUX

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
Chair Thomas called the meeting to order at 6:30 P.M. Chair Thomas read the "Chairman's Sheet" explaining the meeting procedures. Commissioner Balestiere arrived at 6:49 P.M. during Item 8A/9A. All other Commissioners were present and a quorum was declared. One place was vacant.
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS
Chair Thomas led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.
3. MINUTES: Approve Minutes from the Regular Meeting of March 20, 2012
MOTION: Vice Chair Kauffman moved to approve the Minutes of the Regular Meeting of March 20, 2012 Minutes as amended. Commissioner Lux seconded the motion and the motion passed unanimously, 5-0, one place vacant and one absent.
4. CITIZEN COMMUNICATIONS *(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)* **None.**
5. 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. Reserve at Brushy Creek Section 2 (FP-12-004)
15.88 acres, 64 single family lots, 1 emergency access easement lot
Located on the west side of Breakaway Road, north of Brushy Creek Road
Owner: Reserve MSCB Two, Ltd.
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
 2. New Amstel Section 1 (SFP-12-004)
1.86 acres, 1 commercial lot
Located on the southwest corner of Cypress Creek Road and Liberty Oaks Boulevard
Owner: New Amstel Land, LTD
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
 3. New Amstel Section 2 Preliminary Plan (PP-12-004)
1.86 acres, 1 commercial lot

Located at the southeast corner of Cypress Creek Road and Cluck Creek Trail
Owner: New Amstel Land, LTD
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

4. New Amstel Section 2 Final Plat (FP-12-003)
1.86 acres, 1 commercial lot
Located at the southeast corner of Cypress Creek Road and Cluck Creek Trail
Owner: New Amstel Land, LTD
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
5. Cedar Park Town Center Section XI (FP-12-005)
2.4 acres, 24 single family lots, 1 open space lot
Located on Lost Pine Lane, 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. Ranch at Brushy Creek Section 9D (FP-11-008)
1.37 acres, 1 amenity center lot
Located just south of the intersection of Remington Road and North Frontier Lane
Owner: Standard Pacific of Texas
Staff Resource: Emily Barron
Staff Proposal to P&Z: Approve
2. Ranch at Brushy Creek Remaining Section South Revised Preliminary Plan (PP-11-006)
119.5 acres, 303 single family lots
Located at the intersection of Ranch Trails and North Frontier Lane
Owner: Standard Pacific of Texas
Staff Resource: Emily Barron
Staff Proposal to P&Z: Approve

MOTION: Secretary Echeverria de Misi moved to recommend approval of Consent Agenda Items 5.A.1 through 5.B.2 as presented. Commissioner Hogue seconded the motion, and the motion passed unanimously, 5-0, one place vacant and one absent.

6. POSTPONEMENTS/WITHDRAWN/PULLED REQUESTS: **None**

7. 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. Austin Dog Alliance, Z-12-005 (related to item 8A)

MOTION: Commissioner Lux moved to accept the Preliminary Reports for Item 7A as presented by Staff. Secretary Echeverria de Misi seconded the motion, and the motion passed unanimously, 5-0, one place vacant and one absent.

Chair Thomas called up Items 8A and 9A together.

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by Austin Dog Alliance to assign original zoning of Local Retail-Conditional Overlay (LR-CO) to approximately 7.47 acres located at 1321 West New Hope Drive. The Conditional Overlay would increase the landscape buffer along the northern property line from 20 feet to 40 feet. (Z-12-005)
Owner: Christopher and Lana Massey
Staff Resource Person: Emily Barron
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 Emily Barron made the presentation and was available for questions. The applicant requested original zoning of Local Retail-Conditional Overlay (LR-CO) to approximately 7.47 acres located at 1321 West New Hope Drive. The Conditional Overlay proposes to increase the northern buffer from twenty feet (20') to forty feet (40') for this property. In addition to the increased buffer, a masonry fence will be required along the northern property line. The applicant also requested that the Future Land Use plan (FLUP) be redesignated as Neighborhood Office/Retail/Commercial. The request complies with the Neighborhood/Retail/Commercial portion of the FLUP. The applicant's request is consistent with goals set forth in the Comprehensive Plan.

Staff supported the applicant's request for Local Retail-Conditional Overlay (LR-CO) with the condition that the northern buffer be increased from twenty feet to forty feet. Staff also supported the amendment to the FLUP for the section of New Hope Drive between 1109 and 1407 West New Hope Drive.

The applicant provided a Summary of Neighborhood Communications at the meeting. Debi Kraker/Austin Dog Alliance was present to answer questions. Austin Dog Alliance focus is training pet therapy dogs. The front building would be used to work with autistic children.

There was general discussion among the Commissioners concerning the noise factor, flood plain use, and access to the off-leash area. They were advised that the off-leash area would require an access key. Emily Barron advised that outdoor kenneling was not allowed.

A public hearing was held on the above item. David Harding stated that he wanted more time to meet with the applicant and staff. Sara Simmons, representing Heritage Park homeowners, had questions on uses and ultimately supported the request. There being no further public testimony, the public hearing was closed and the regular session reopened.

Debi Kraker stated that they plan to be good neighbors. Currently Austin Dog Alliance employs eleven people (eight contractors and three full-time).

MOTION: Vice Chair Kauffman moved to recommend approval to the City Council of assigning original zoning of Local Retail-Conditional Overlay (LR-CO) to approximately 7.47 acres with the condition that the northern buffer be increased from twenty feet to forty feet for property located at 1321 West New Hope Drive. (Z-12-005) as recommended by staff. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, one position vacant.

MOTION: Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8A, Case Z-12-005. Vice Chair Kauffman seconded the motion and the motion passed unanimously, 6-0, one position vacant.

MOTION: Vice Chair Kauffman moved to amend the Future Land Use Plan (FLUP) as recommended by Staff. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, one position vacant.

9. FUTURE LAND USE PLAN AMENDMENTS:

A. 1109-1407 West New Hope Drive

Chair Thomas called up Items 8A and 9A up together. See Item 8A.

10. SUBDIVISIONS (ACTION AND PUBLIC HEARING):

A. Whitestone Medical Pavilion, Replat of Lot 1-B Block A

4.084 acres, 2 commercial lots

Located at 1456 East Whitestone Boulevard

Owner: Lynnwood at 1431, LLC

Staff Resource: Amy Link

Staff Proposal to P&Z: Approve

1) Public Hearing

2) P&Z Action

Senior Planner Amy Link made the presentation and was available for questions. She advised that Staff had reviewed the plat and it met all state and local requirements. Staff recommended approval of the plat. Tres Howland, Noble Engineering, was present to answer questions.

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: Secretary Echeverria de Misi moved to recommend approval of Item 10A, Case SFP-12-001, as presented by Staff. Commissioner Hogue seconded the motion and the motion passed unanimously, 6-0, with one place vacant.

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

12. DISCUSSION AND POSSIBLE ACTION ITEMS:

A. Discussion of an Ordinance Amendment to Chapter 11 – Zoning, Article 11.12 Definitions; and Article 11.05 Architectural Design Standards, adding Division 3 Design Requirements for Large Scale Retail Developments; and Chapter 14, Site Development, Section 14.12.001 General Definitions; all such amendments and additions relating to large scale retail developments.

Senior Planner Amy Link made the presentation. She advised that the intent of the proposed ordinance is to establish design criteria for large-scale retail developments. Staff made modifications to the title of the Division as well as the applicability section of the proposed ordinance based upon discussions during the March 20th meeting. Reference to a single tenant was removed from the title and the square footage trigger was simplified to any new construction equal to or exceeding 75,000 square feet.

There was general discussion among the Commissioners concerning the following sections: applicability, design standards, public art, outdoor playground area, parking and circulations, outdoor displays, signs, canopies, and hours of operation. No action was taken on this item.

B. Overlay Zones and the history of the Corridor Overlay Ordinance
Senior Planner Amy Link provided a brief history of the Corridor Overlay. There was general discussion among the Commissioners concerning how zoning affects the Corridor Overlay. No action was taken on this item.

13. 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 Pertaining to Zoning Matters from March 22, 2012 and April 12, 2012

Commissioner Lux advised that on April 12th, the masonry requirement amendment was approved with one minor change and the fencing amendment was approved.

B. Director and Staff Comments

Senior Planner Amy Link reminded the Commissioners that the City Hall Complex Grand Opening was on Thursday. Senior Planner Emily Barron stated that the next Planning and Zoning Commission will be held there.

C. Commissioners Comments.

Chair Thomas advised that this would be his last meeting on the Planning and Zoning Commission because he has been appointed to the City Council to fill a vacant seat. He stated that it was refreshing to work with the quality of people on the P&Z Commission.

D. Request for Future Agenda Items.

Commissioner Lux requested that an election for Chair be on the next agenda.

E. Designate Delegate to Attend Next Council Meetings on April 26, 2012 and May 10, 2012

Secretary Echeverria de Misi stated she would attend the April 26, 2012 Council meeting. Commissioner Lux stated he would attend the May 10th meeting.

14. ADJOURNMENT

Chair Thomas adjourned the meeting at 7:53 p.m.

PASSED AND APPROVED THE 20TH DAY OF MAY, 2012.

STEPHEN THOMAS, Chairman

ATTEST:

LORENA ECHEVERRIA DE MISI, Secretary

May 15, 2012

Planning and Zoning Commission

Item:#
5A2

Subdivision

**Breakaway Park Section 2A,
Resubdivision of Lot 5**

Case Number: SFP-12-006

OWNER: Wilson Land and Cattle

AGENT: Bruce Fowler

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: 2818 Kenai Drive

COUNTY: Williamson

AREA: 3.862 acres

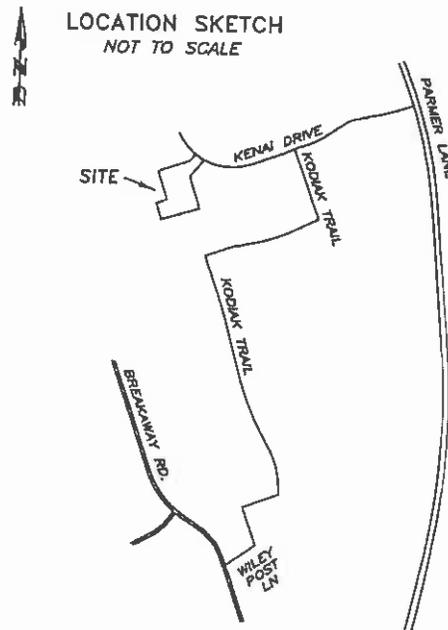
ZONING: SF-2 and ETJ

SUBDIVISION DESCRIPTION: 2 residential 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.



May 15, 2012

Planning and Zoning Commission

Item:#

Subdivision

BLT Salido

5A3

Case Number: SFP-12-005

OWNER: BLT Salido LLC

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

LOCATION: 3401 El Salido Parkway

COUNTY: Williamson and Travis

AREA: 7.891 acres

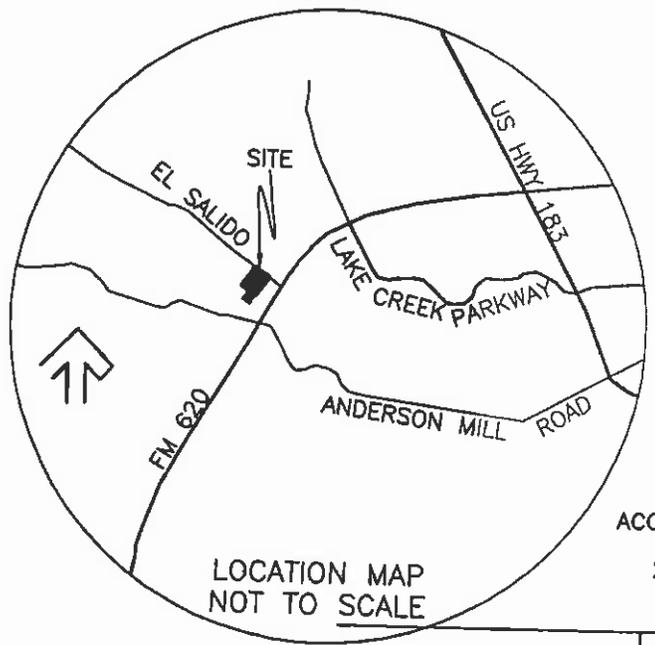
ZONING: LR and ETJ

SUBDIVISION DESCRIPTION: 2 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.



May 15, 2012

Subdivision

Planning and Zoning Commission
Cedar Park Town Center Section XI

Item:#

5B1

Case Number: FP-12-005

OWNER: Continental Homes of Texas, LP

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

LOCATION: Lost Pine Lane, south of East New Hope Drive

COUNTY: Williamson

AREA: 2.4 acres

ZONING: Downtown District (DD)

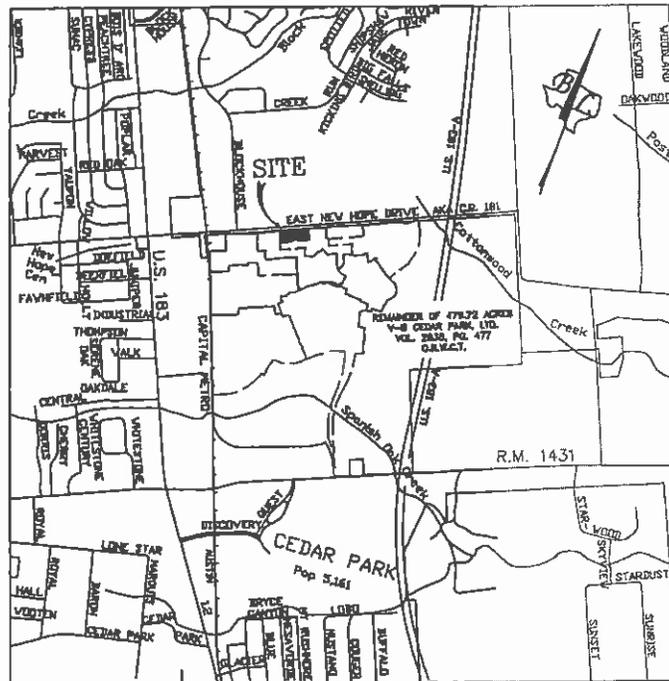
SUBDIVISION DESCRIPTION: 24 single family lots, 1 open space lot

STAFF COMMENTS:

This plat meets all state and local requirements.

STAFF RECOMMENDATION:

Approve



LOCATION MAP
NOT TO SCALE

May 7, 2012

Planning and Zoning Commission

Item:

Zoning

Parkwest Estates

6A

Case Number: # Z-12-002

Owner: S&J Management Company, Inc

Agent: Royce Rippey, Ryland Homes

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktexas.gov

LOCATION: 407 West Park Street

COUNTY: Williamson

AREA: 27.58 acres

Due to notification issues staff is requesting a postponement of this item to the June 19, 2012 Planning and Zoning Commission.

May 15, 2012

Planning and Zoning Commission

**Item:#
10A**

Subdivision

**Breakaway Park Section 2A,
Resubdivision of Lot 5**

Case Number: SFP-12-006

VARIANCE REQUEST FOR: Lot 5B of Breakaway Park Section 2A, Resubdivision of Lot 5

STAFF RESOURCE: Rawls Howard, 401-5066, rawls.howard@cedarparktexas.gov

Commentary:

Will Wilson, Jr. with Wilson Land and Cattle is requesting a variance from Chapter 12, Subdivision Ordinance, Section 12.12.010(A)(7) Lot Arrangements regarding flag lots, which generally prohibits flag lots, except where the proposed configuration comports with the policy considerations behind the City's Subdivision Ordinance. This variance request is for Lot 5B, Breakaway Park Section 2A, Resubdivision of Lot 5.

For reference, a flag lot is defined as a lot configuration "where the perimeter lot geometry reflects the shape of a 'flag' where the narrow or elongated part of the lot abuts a public or private street and widens at the building set back line to accommodate a buildable development site."

Section 12.12.010(A)(7) of the Subdivision Ordinance states:

Flag lots are only allowed where:

(A) The proposed lot configuration is needed to abate an acute topographical condition or other unusual property accessibility constraint not created by the applicant; or

(B) The proposed lot is located within the RA Rural Agricultural District or the ES Estate Lot Residential District or for lots under two (2) acres within the city's ETJ; or

(C) The unusual adjacent property boundary configuration constrains the arrangement of an otherwise standard lot configuration.

(D) Where any of the above items are present, the Planning and Zoning Commission may allow the proposed lot configuration, provided the following conditions are met:

(i) The proposed lot does not circumvent the normal platting of streets for public and emergency access;

(ii) The proposed lot does not prevent the extensions of streets to adjacent property;

(iii) The proposed lot width is not less than fifty (50) feet in width at its frontage connection with the adjacent public or approved private street; and

May 15, 2012

Planning and Zoning Commission

**Item:#
10A**

Subdivision

**Breakaway Park Section 2A,
Resubdivision of Lot 5**

Case Number: SFP-12-006

(iv) The narrow or elongated part of the lot 'pole' does not exceed one hundred (100) ft. in length, measured from the connecting street frontage to where the lot widens into a 'flag' shape to receive a suitable building area where a building setback line shall be established; nor shall more than two (2) adjacent neck lots be connected.

(E) Where the foregoing requirements are not met, but the proposed lot configuration does not circumvent the normal platting of streets for public and emergency access and the proposed lot does not prevent extensions of streets to adjacent property, the Planning and Zoning Commission may authorize a variance from these regulations pursuant to Section 12.12.019 of this Chapter.

Section 12.12.019 is the Subdivision Ordinance's general variance provision, which further states:

(a) The Planning and Zoning Commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the planning and zoning commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and expected type and volume of traffic.

(b) No variance shall be granted unless the Planning and Zoning commission finds that all of the following are met:

(1) That there are special circumstances or conditions affecting the land involved such that the strict application at the provisions of this chapter would deprive the applicant of the reasonable use of his land; and

(2) That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants; and

(3) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area (an area encompassing approximately a 200-foot radius); and

(4) That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this chapter.

(5) Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

May 15, 2012	<i>Planning and Zoning Commission</i>	Item:#
Subdivision	Breakaway Park Section 2A, Resubdivision of Lot 5	10A
Case Number: SFP-12-006		

Staff Commentary:

- I. Request must satisfy AT LEAST ONE (1) OF THREE (3) criteria set forth in Section 12.12.010(A)(7)(A)-(C).

Staff finds that the applicant's request meets items (B) and (C) stated in Section 12.12.010(A)(7), above. Currently, Lot 5 is legally platted as a single contiguous 3.862 acre lot; however, in 1994, a portion of the lot was sold by metes and bounds, creating an unplatted 1.002 acre tract on the southern portion of Lot 5 with no frontage on a public street. The entire Lot 5 is platted as part of Breakaway Park Section 2A, but the unplatted 1.002 acre portion of Lot 5 was annexed into the City with Breakaway Park Section 4 in May of 2001 and currently lies within the City's corporate boundary. The proposed Lot 5B is 1.8569 acres (less than two (2) acres), and partly within the City's ETJ.

- II. Request must EITHER satisfy ALL FOUR (4) OF FOUR (4) criteria set forth in Section 12.12.010(A)(7)(D)(i)-(iv), OR satisfy policy objectives stated in Section 12.12.010(A)(7)(E).

Because the applicant's request satisfies at least one (1) of three criteria set forth in Section 12.12.010(A)(7)(A)-(C), the Planning & Zoning Commission may allow the proposed lot configuration, provided all four (4) conditions of item (D) above are met, or, if all four (4) are not met, if the Commission finds that the proposed lot configuration does not (a) circumvent the normal platting of streets for public and emergency access, or (b) prevent the extensions of streets to adjacent property. Although Lot 5B does not have the requisite minimum of 50 feet of frontage on Kenai Drive (30.40 feet, as proposed) and the elongated portion of the lot exceeds 100 feet in length (>400 feet, as proposed), Staff does not believe the proposed lot configuration circumvents the normal platting of streets for public and emergency access or prevents the extensions of streets to adjacent property,

- III. Request must also satisfy ALL FOUR (4) OF FOUR (4) general variance criteria set forth in Section 12.12.019, must find that strict compliance would result in UNDUE HARDSHIP, must find that request is within SPIRIT AND INTENT of Zoning Ordinance and promotes SUBSTANTIAL JUSTICE.

This property lies within Breakaway Park, a unique residential development lying partially within the City' limits (and the majority remainder within its ETJ). The lots within Breakaway Park are substantially larger than typical single-family lots, and many are situated on or about a private runway. The applicant seeks to subdivide the 3.862 acre Lot 5 – which currently has a “flag-like” orientation, albeit with 100' of frontage – into two (2) lots measuring 2.0051 acres and 1.8569 acres, respectively. It should be noted that the proposed subdivided lots would remain within Breakaway Park's average lot size parameters. Given the unique and special circumstances of Breakaway Park, the layout and orientation of Lot 5, and the applicant's request to subdivide the property into two (2) large lots, Staff finds that strict application of the Subdivision Ordinance's flag lot prohibition “would deprive the applicant of the reasonable use of his land”. Further, Staff finds that the requested variance is necessary for the preservation and enjoyment of applicant's

May 15, 2012	<i>Planning and Zoning Commission</i>	Item:#
Subdivision	Breakaway Park Section 2A, Resubdivision of Lot 5	10A
Case Number: SFP-12-006		

substantial property rights – the right to subdivide and develop this residential tract – and that the granting of the requested variance would "not be detrimental to the public health, safety, or welfare or injurious to other property or public facilities in the area".

However, the proposed flag lot (5B) is less than the TCEQ-promulgated minimum of two (2) acres for providing septic to the property, as enforced by the Williamson County Health District. Staff understands that the County would not approve septic service for a lot of less than two (2) acres, so the proposed configuration would "prevent the orderly development of the applicant's land". Although the applicant may request a variance or special exception to the County's 2-acre septic spacing restriction, such an accommodation cannot be guaranteed. At the risk of creating an unserviceable and undevelopable lot, Staff cannot recommend approval of applicant's request at this time.

Additionally, the Commission must determine that strict application of the flag lot prohibition creates an unnecessary hardship or practical difficulty in the development of applicant's property. This hardship cannot be self-induced or created by the applicant, and it cannot be strictly financial. In this case, hardship may be evidenced by the unique flag-like" configuration of Lot 5, the applicant's inability to subdivide and develop the property as requested, or other factors. Assuming the Commission's finding of undue hardship, Staff finds that the applicant's variance request would fall within the spirit and intent of the Subdivision Ordinance, and that there would be "substantial justice" in granting the applicant's request.

Staff Recommendation:

Staff is generally supportive of the applicant's request; however, Staff cannot recommend approval at this time because the proposed configuration would create a lot (5B) that would not comply with the County's 2-acre minimum standard and prevent orderly development of that lot. Thus, Staff's recommendation would be to EITHER:

- (a) table consideration of the applicant's request until the applicant can present sufficient evidence of utility serviceability for the proposed Lot 5B; OR
- (b) if the Commission desires to approve the applicant's request, condition its approval upon the applicant's extension of water and wastewater utilities to the proposed Lot 5B.

Wilson Land and Cattle
Will Wilson, Jr.
1627 Westlake Drive
Austin, Texas 78746
April 24, 2012

City of Cedar Park
Rawls Howard and Amy Link
Planning Department
450 Cypress Creek Road
Cedar Park, Texas 78613

Re: Flag Lot Variance Request
Breakaway Park Section II-A, Block A, Lot 5

Dear Mr. Howard and Mrs. Link:

I'd like to start out by saying Thank You for answering the numerous questions we've had concerning the re-subdivision of Lot 5 in Breakaway Park. You have been very responsive and have gone above and beyond in providing detailed explanations and requirements throughout the process.

As part of the re-subdivision process we are requesting a variance from Chapter 12 of the Subdivision Ordinance of the Cedar Park Code of Ordinance. Specifically, we are requesting a variance from Section 12.12.010 Lot Arrangements Regarding Flag Lot Regulations for Breakaway Park Section II-A, Block A, Lot 5B (1.86 acre tract).

Section 12.12.010 was amended by the City Council on January 26th, 2012 with the approval of Ordinance No CO31.12.01.26.C2. Item E of this ordinance authorizes the Planning and Zoning Commission to issue a variance from these regulations (Section 12.12.010).

Furthermore, we believe we meet the requirements under Chapter 12.12.019 – Variances for Design Standards to receive a "flag lot" variance on the subject property.

Thank you for your consideration in approving the above variance request. We look forward to addressing any questions and/or concerns you may have.

Sincerely,



Will Wilson, Jr.

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions

Item:
12A

OA-12-002

STAFF: Rawls Howard, 401-5066, rawls.howard@cedarparktx.us

The intent of this proposed ordinance is to establish design criteria for large-scale retail developments.

Based upon discussions during the April 17th Planning and Zoning Commission regular meeting, staff has made some modifications to the proposed ordinance language. Changes are highlighted below.

Division 3: **DESIGN REQUIREMENTS FOR LARGE SCALE RETAIL DEVELOPMENTS**

Section 11.05.024 Intent

The intent of this Division is to encourage visual design interest and a pedestrian site design for large-scale retail buildings. These structures shall be designed to reduce the massive scale and uniform, monolithic appearances. Building design shall also promote a safe and comfortable pedestrian oriented site with a mixture of uses and sizes of structures. Careful attention to local community design issues will also ensure a greater likelihood of reuse of the structure for subsequent tenants.

Applicants for large-scale retail development proposals shall maximize design and functionality in the overall design of the site and structure(s) consistent with this Division. The Director of Planning, or designee, may allow minor changes in the design standards listed in this Division if the overall development design adheres to the spirit and intent of this Division.

Section 11.05.025 Applicability

(A) The following retail development is subject to the requirements of this Division in addition to all other applicable Code requirements:

- (1) New construction equal to or exceeding seventy-five thousand (75,000) gross square feet within a single structure;
- (2) Additions of 25,000 sq. ft. or more to an existing seventy-five thousand (75,000) + gross square foot retail development. Additionally, the requirements of this Division shall apply to the structure that includes the addition and to the

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

**Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions**

**Item:
12A**

OA-12-002

portion of the site that is developed as a direct result of the increased parking requirements;

(3) Pad sites and out parcels with structures that are associated with the primary development and which are included in the original subdivision and/or master plan of the overall development. Due to the typically smaller scale of pad sites, the Director of Planning, or their designee, may allow deviations from the standards of this Division if the overall design of the structure(s) remains compatible and comparable to the principal structure;

(B) Vacated or abandoned structures shall be subject to the following standards in addition to the requirements of this Division and other applicable codes and ordinances in order to minimize public health, safety, and welfare concerns, as well as the negative aesthetic and financial effects of blighted and nuisance site within the community:

(1) Exterior Surfaces - All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in good repair. Exterior wood surfaces, other than decay resistant materials, shall be protected from the elements and decay by painting or other protective coverage or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repaired. All siding and masonry joints shall be maintained weather resistant and watertight;

(2) Exterior Walls - Exterior walls of buildings shall be maintained free from holes, breaks, loose or rotting materials, and graffiti; and shall be maintained weatherproof and properly surface coated as needed to prevent deterioration.

(3) Roofs - Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and weather tight, and have no defects, which might admit rain or cause dampness in the interior portions of a building. All portions, additions or sections of a roof including, but not limited to, the fascia, eave, soffit sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices.

(4) Windows - All glass areas, including those in windows and doors shall be fully supplied and maintained as per the approved plan(s), or covered with smooth surface boards that are painted to coordinate with the building.

(a) Grounds -

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

**Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions**

**Item:
12A**

OA-12-002

(i) All landscaped areas as defined in the approved plan(s) shall be maintained and kept free of trash, old building materials, junk, unlicensed or inoperative vehicles, and other such material and equipment which, by its appearance, location or use, makes it incompatible with the principal use or other uses in the vicinity. The height of grass and other general ground cover shall be kept trimmed to a height of no more than eight (8) inches. Trees and shrubs shall be kept maintained and trimmed;

(ii) All driveway, parking, loading and outside storage areas shall be maintained as per the approved plan(s); and

(iii) All fences, walls, lighting, signs, storage structures, and other visual physical improvements or appurtenances as per the approved plan(s) shall be maintained in a safe, working order and in good appearance and free of graffiti.

(C) Zones or districts that have a separate and specific regulatory design review process are exempt from these standards;

Section 11.05.026 Design Standards

Design standards shall include the following:

(1) Exterior building facades must conform to the standards in Sections 11.03.002 and Article 11.05, Division 1.

(2) Landscaping. Landscaping as defined in this Section is in addition to the requirements of Article 14.07. To complement the large scale of the structure(s) and parking areas, the following shall also be required:

(a) Trees planted under this Section or Article 14.07 shall be a minimum of two (2) inch caliper and specimen quality as certified by the American Standard of Nursery Stock (ASNS).

(b) The required street yard planting area as defined in Article 14.07 shall be a minimum of twenty-five (25) feet in width from the ROW line, with an overall landscaped area that shall be a minimum of 30% of the total street yard area. This street yard landscape shall be planted in

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

**Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions**

**Item:
12A**

OA-12-002

accordance with the Corridor Overlay planting requirements as defined in Article 14.07.

(c) At least five (5) percent of the street yard landscape area shall be located between the building façade and any parking bays or drive aisles.

(d) A minimum of thirty percent (30%) of the required parking lot landscape islands as described in Article 14.07 shall be a minimum of fifteen (15) feet wide and eighteen (18) feet long. It is encouraged that these be placed in proximity to the front of the building(s).

(3) Facades greater than one hundred (100) feet in linear length shall be articulated with recesses or projections, which total at least twenty-five percent (25%) of that facade. Recesses or projections shall be a minimum of two percent (2%) of the length of that facade. No uninterrupted length of any facade shall exceed seventy-five (75) horizontal feet. See Figure 1.

(4) Any public, ground floor entrance façade(s) shall have arcades, display windows, entry areas, awnings and other such design features along no less than sixty percent (60%) of that facade. See Figure 1.

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions

Item:
12A

OA-12-002

Figure 1
Building Facades

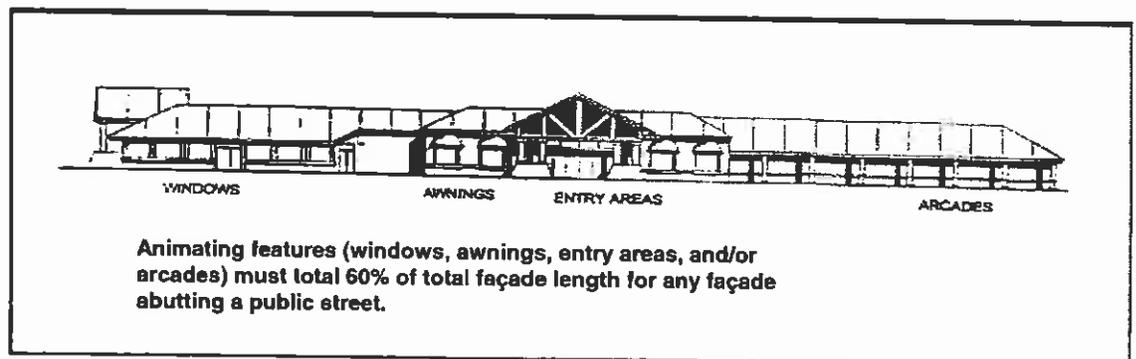
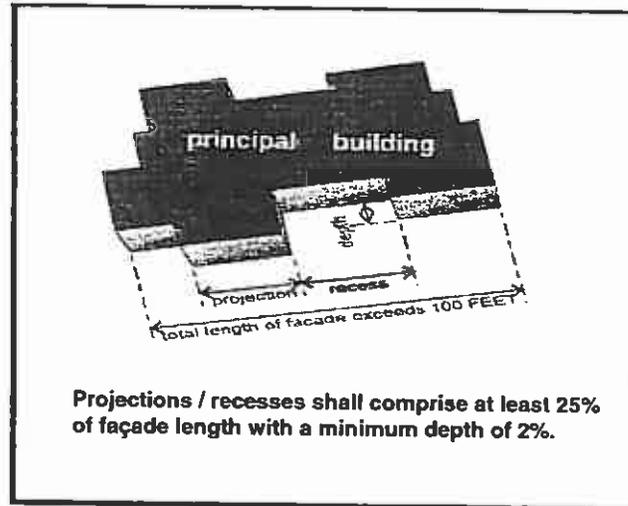


Figure 1

Section 11.05.027 Facade Treatments

All facades must use at least five (5) of the following design features. The Director of Planning, or designee may allow for minor deviations to the full requirement of each chosen item if the petitioner can adequately demonstrate that the overall intent and spirit of this Section continues to be adhered to in an overall development design:

- (1) Colors, Materials or Textures. Have more than two (2) exterior contrasting colors and have more than three (3) exterior material or texture changes.

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

**Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions**

**Item:
12A**

OA-12-002

(2) Have building face offsets, such as pilasters, columns and/or reveals, or other decorative elements (minimum twelve (12) inch offset) that are parallel to the front lot line.

(3) Covered pedestrian walkway (minimum of eight (8) foot depth) across the entire front facade of the structure.

(4) Clear glass window display area that covers at least twenty percent (20%) of one facade, or thirty percent (30%) of two (2) facades.

(5) Public Art — Building. To further create an individual identity to the community, artistic detailing such as tile work, murals, sculptures, and similar features, which are integrated into the design of the structure, are encouraged. If tile work or murals, or similar detailing on the building is used, it must cover at least twenty percent (20%) of that facade, which is not devoted to the entrance area(s). The developer shall have the City's Public Arts Board review and approve the selection, placement and installation of the public art as required in this subsection:

(a) One percent (1%) of the construction cost, as determined by the value of the building permit, for the subject property shall be allocated and used to purchase and install public art for the building(s).

(b) Calculation of the construction cost shall be subject to verification by the Director of Planning, or his/her designee, in their sole discretion.

(c) The following expenses may be included in the public art allocation:

(i) The artwork itself, including the artist's fee for design, structural engineering and fabrication;

(ii) Transportation and installation of the work at the site;

(iii) Identification plaques; and

(iv) Mountings, anchorages, containment, pedestals, bases or other materials necessary for the installation of the artwork;

(d) The following expenses shall be excluded from the public art allocation:

(i) The cost of locating the artist;

(ii) Architect and landscape architect fees;

(iii) Land costs;

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions

Item:
12A

OA-12-002

(iv) Landscaping, utility connections and fees associated with activating the artwork; and

(v) Publicity, public relations, photographs or dedication ceremonies.

(6) Public Art — Site. To further create an individual identity to the community, artistic detailing shall be integrated into the design of the site. In addition to sculpture, innovative locations for public art, such as at the architectural entrance to the site are encouraged. The developer shall have the City's Public Arts Board review and approve the selection, placement and installation of the public art as required in this subsection:

(a) One percent (1%) of the construction cost, as determined by the value of the building permit for the subject property shall be allocated and used to purchase and install public art for the site.

(b) Calculation of the construction cost shall be subject to verification by the Director of Planning, or his/her designee, in their sole discretion.

(c) Expenses set forth in subparagraph Section 11.05.028(5)(c) may be included in the public art allocation.

(7) Integral planters or walls constructed parallel to the face of the building and incorporating living landscaped areas and/or places for sitting. Such areas shall be a minimum of two (2) feet wide and nineteen (19) inches high for sitting, and five (5) feet wide for a planter and cover at least fifty percent (50%) of that facade.

(8) Open space pedestrian plaza, which incorporates gathering and sitting opportunities adjacent to the main entrance or on the front facade equivalent to two percent (2%) of the gross square footage of that building. Such an area shall include a seating area with benches or tables and chairs at a minimum rate of one seat per fifteen thousand (15,000) gross square feet, and may include any of the following features:

(a) Kiosk(s);

(b) Outdoor playground area;

(c) Water feature;

(d) Gazebo;

(e) Clock tower; or

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions

Item:
12A

OA-12-002

(f) Other such focal feature and amenity that enhances the public space.

(9) Atrium skylight(s), with a minimum depth of twenty (20) feet that visually enhances the exterior architectural style and design of the front entrance, facade and roof area.

Section 11.05.028 Roofs

In addition to all other applicable regulations, all roof designs must use at least one of the following design features:

- (1) Three (3) or more roof slope planes; and/or
- (2) Overhanging eaves or canopy projections, which extend no fewer than two (2) feet past the supporting walls.

Section 11.05.029 Entrances

Each retail establishment shall have a clearly defined and highly visible customer entrance or portal, which incorporates all of the following design features:

- (1) A pedestrian plaza as per the following:
 - (a) Single tenants occupying more than fifty thousand (50,000) square feet shall provide for a plaza area of at least twenty (20) feet in depth with a minimum size of 400 square feet, immediately in front of their entrance(s). It is encouraged that shade trees be planted in this area;
 - (b) Single tenants occupying twenty thousand (20,000) square feet or more shall provide for a plaza area of at least ten (10) feet in depth with a minimum size of 100 square feet, immediately in front of their entrance(s); and/or
 - (c) Single tenants of less than twenty (20,000) square feet shall provide a plaza area of at least eight (8) feet in depth with a minimum size of 64 square feet, immediately in front of their entrance(s).
- (2) With the exception of interior malls, multiple and separate stores located in the same structure shall have at least one exterior customer entrance. For the purposes of this subsection, accessory uses within the primary store are not required to comply.

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

**Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions**

**Item:
12A**

OA-12-002

(3) Each portal shall use at least three (3) of the following design features. These design features shall be in addition to those required in Section 11.05.029(1) and (2):

- (a) Canopies, porticos, arcades and/or outdoor patios;
- (b) Raised or peaked cornice parapets over the entrance;
- (c) Architectural or artistic details such as tile work and moldings that are integrated into the design of the entrance; and/or
- (d) Integral planters or walls that incorporate living landscaped areas and places for sitting that are built perpendicular to the facade and frame the entrance.

Section 11.05.030 Parking and Circulation

The parking lot design and pedestrian circulation routes shall provide a safe, convenient and efficient access for vehicles, pedestrians and bicyclists. Pedestrian circulation via internal public sidewalks shall be encouraged. The placement of structures shall enhance and promote pedestrian circulation on the site.

- (1) Artistic detailing and paving patterns are encouraged in pedestrian walkways, plazas, and gathering areas.
- (2) No more than seventy percent (70%) of the overall proposed parking for a single structure development shall be located between the front facade and the abutting street.
- (3) At minimum, one internal continuous sidewalk of at least five (5) feet wide (clear) shall be provided from the public street to the entrance(s). Additionally, at least four (4) foot wide walkways shall connect focal points of pedestrian activity, such as transit stops, street crossings or store entry points, and shall feature adjoining landscaped areas (four (4) feet minimum landscape depth) to provide a separated and pedestrian friendly access route for no less than fifty percent (50%) of their overall length.
- (4) All internal pedestrian walkways shall be physically separated from the drive lanes. Additionally, all sidewalks and crosswalks shall be visually distinct from the driving surface by use of pavers, bricks or scored concrete.
- (5) Sidewalks, at least eight (8) feet in width, shall be provided along any facade featuring a customer entrance, and along any facade abutting public parking areas. At all times, such sidewalks shall maintain a clear pedestrian passage

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

**Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions**

**Item:
12A**

OA-12-002

equal to the width of the sidewalk. Additionally, such sidewalks shall connect all customer entrances and to other internal sidewalks, and shall be located an average of at least three (3) feet from the facade of the building to provide planting beds for living foundation landscaping, except where features such as covered walkways, arcades or entryways are part of the facade. Such live foundation landscaped areas shall be a minimum average of six (6) feet wide, and shall be a minimum of fifteen (15) feet in overall length.

(6) In addition to the regulations of Section 14.05.004(A)(8), pedestrian, recreational paths, and vehicular linkages shall be made with adjoining properties.

(7) In addition to the regulations of Section 14.05.008, bike racks shall be provided adjacent to entrances.

Section 11.05.031 Outdoor Storage, Trash Collection and Loading Areas

In addition to the requirements of Section 14.07.009, these areas, due to their visual and noise impacts onto adjacent properties and visitors to the site, shall be screened, recessed or enclosed:

(1) No area for outdoor storage, trash collection or compaction, loading or other such uses shall be located within twenty (20) feet of any public street, public sidewalk, or internal pedestrian walkway.

(2) Outdoor shopping-cart storage areas shall be provided in the parking lot, and adjacent to the buildings if they are not available at the entrance.

(3) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other such service functions shall be incorporated into the overall design of the structure and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of the view from general passersby.

Section 11.05.032 Outdoor Displays

If proposed, permanent and seasonal outdoor sales areas shall be incorporated into the design of the building and site. Additionally, only designated and approved permanent or seasonal outdoor sales areas shall be permitted. Non-enclosed areas for the sale and

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

**Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions**

**Item:
12A**

OA-12-002

storage of seasonal inventories shall be permanently defined and separated with walls and/or fences, keeping in common design with the principal structure.

Section 11.05.033 Signs

Signs shall be incorporated into the design of the structure. Signs shall be designed for both the pedestrian and the motorist.

- (1) Freestanding signs shall be constructed with a base of materials similar or complementary to the structure(s).
- (2) All projecting signs shall be placed a minimum of nine (9) feet above the sidewalk. For the purposes of this subsection a projecting sign is a sign that projects more than twelve (12) inches.

Section 11.05.034 Canopies

Gasoline canopies, car washes and other accessory uses shall be complementary to the overall design of the site and of the primary structure.

- (1) Materials, colors and designs, shall conform with and compliment the predominant materials and colors of the main structure.
- (2) Shall be illuminated with flush mounted, flat lens light fixtures for all under canopy fueling areas.
- (3) Signage shall not be located on the fueling canopy other than a sign identifying the name of the business.

Section 11.05.035 Hours of Operation.

Any development that is reviewed under this ordinance and is located within 1000 feet of a single family zoned lot (establishment separation) with an existing single family home occupying such lot, shall limit hours of operation from 6am to 12pm.

Section 11.05.036 Submission Requirements.

In addition to the requirements of Section 14.04, the Planning and Development Services Department may require other documents or submissions in order to ensure compliance with this Division.

May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions

Item:
12A

OA-12-002

Section 11.05.037 Reserved

Section 11.05.038 Reserved

Section 11.05.039 Reserved

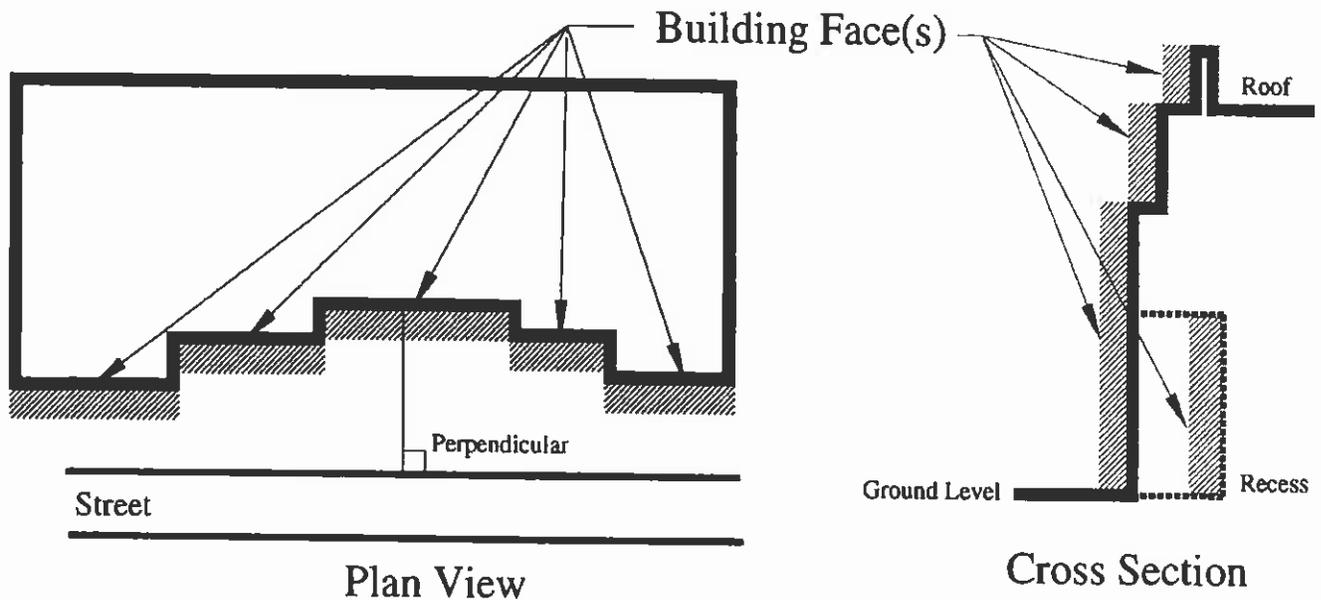
Section 11.05.040 Reserved

Section 11.12.002 Definitions

Arcade means an area contiguous to a street or plaza that is open and unobstructed and accessible to the public at all times. Arcades may include building columns, landscaping, statuary and fountains. Arcades do not include off-street loading/unloading areas, driveways or parking areas.

Articulate means to give emphasis to or distinctly identify a particular element.

Building Face, Front means any building face or portions thereof that can be touched by a line drawn perpendicular to the street or as extended toward the building.



May 15, 2012

Planning and Zoning Commission

Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions

Item:
12A

OA-12-002

Building Faces

Canopy means a porch or walkway with a roof supported by columns, often leading to the entrance of the building.

Entrance means the front door to an establishment intended as the primary customer access point. The area of an entrance shall include the area on either side of the door for a distance of at least ten (10) feet.

Facade means the portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

Glare means the direct light emitting from a luminaire that causes reduced vision or momentary blindness.

Outdoor Patio means an open outdoor eating and gathering area of at least five hundred (500) square feet, which may be covered, but must remain open on at least three (3) sides.

Parapet means the portion of a wall that extends above the roofline.

Plaza or Courtyard means an open area available to the pedestrian public at all times. Fire lanes, or other paved areas that allow vehicular travel shall not be included.

Portal means a large and impressive entrance door or gateway.

Portico – See canopy.

Public Art means any work of art or design created by an artist and sited in a public place.

Vacated Buildings or Development means a building and/or site vacated for at 90 days without an active renovation/rehabilitation building permit for either the site or structures.

Section 14.12.001 General Definitions

Lighting fixture, full cutoff. A lighting fixture from which no light output is emitted at or above a horizontal plane drawn through the bottom of the lighting fixture.

May 15, 2012

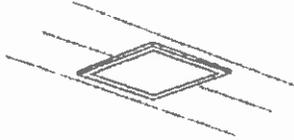
Planning and Zoning Commission

Ordinance
Amendment

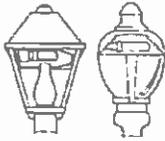
Ordinance Amendment - Zoning Chapter 11, Article 11.12
Definitions; Article 11.05 Architectural Design Standards,
Division 3 Design Requirements for Large Scale Retail
Developments; and Chapter 14 Site Development
Ordinance, Section 14.12.001 General Definitions

Item:
12A

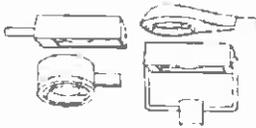
OA-12-002



Flush-mount Canopy Fixtures



Full Cut-off/Shielded Decorative type Fixtures



Full Cut-off Fixtures



Fully Shielded Wall-mount Fixtures

Cut-off Fixture