

City of Cedar Park
Regular Called Meeting Agenda
City Council Chambers
450 Cypress Creek Road, Building Four
Cedar Park, Texas
Thursday, November 8, 2012
6:30 P.M.

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.](#)
- A.2 [Invocation. \(Mayor Powell\)](#)
- A.3 [Pledges of Allegiance \(U.S. and Texas\)](#)
- A.4 [Presentation: Cedar Park Fire Department Fund Raising Efforts For The Muscular Dystrophy Association.](#)
- A.5 [Citizens Communications. \(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information\)](#)
- A.6 [Mayor and Council Opening Comments.](#)
- A.7 [City Manager Report: Employee Recognition For Service With The City Of Cedar Park.](#)
 - a. Amy Link, Planning Department - Five Years Of Service.
- A.8 [City Manager Report: Overview And Update Of MyPermitNow Implementation - Mark Lewis, Building Inspections Director.](#)
- A.9 [City Manager Report: Quarterly Building Permit Activity And Revenue Report - Mark Lewis, Building Inspections Director.](#)
- A.10 [City Manager Report: Dedication Of Janet Bartles Parks.](#)
- B.1 [Receipt Of Minutes From The Cedar Park Community Development Board \("4B"\) Meeting Of September 11, 2012.](#)
- B.2 [Receipt Of Minutes From The Planning And Zoning Commission Meeting Of September 28, 2012.](#)
- B.3 [Receipt Of Minutes From The Tourism Advisory Board Meeting Of September 25, 2012.](#)
- C.1 [\(Z-12-008\) Second Reading And Approval Of An Ordinance To Assign And Rezone From Rural Agriculture \(RA\) Approximately 57.67 Acres To 6.59 Acres Of General Retail \(GR\), 41.17 Acres Of Townhome \(TH\) And 9.91 Acres Of Open Space Recreation \(OSR\) For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard. The Planning And Zoning Commission Voted 6-0 To Approve The Request.](#)

- C.2 [\(Z-12-011\) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail \(GR\) To Approximately 31.13 Acres For Property Located On CR 180 Just East Of 183A And North Of New Hope Drive. The Planning And Zoning Commission Voted 6-0 To Approve The Request.](#)
- C.3 [\(Z-12-012\) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Office \(GO\) To Approximately 12.67 Acres And Condominium \(CD\) To Approximately 34.49 Acres For Property Located On New Hope Drive Just East Of CR180. The Planning And Zoning Commission Voted 6-0 To Approve The Request.](#)
- C.4 [\(Z-12-013\) Second Reading And Approval Of An Ordinance To Rezone Approximately 22.30 Acres From General Retail \(GR\) And Local Retail \(LR\) To Condominium Residential-Conditional Overlay \(CD-CO\) For Property Located Near The Southwest Corner Of Ronald Reagan Boulevard And County Road 180. The Planning And Zoning Commission Voted 6-0 To Approve The Request.](#)
- C.5 [\(Z-12-014\) Second Reading And Approval Of An Ordinance To Rezone Approximately 2 Acres From General Retail \(GR\) To Commercial Services \(CS\) For Property Located At 702 South Bell Boulevard. The Planning And Zoning Commission Voted 6-0 To Deny The Request.](#)
- C.6 [\(Z-12-015\) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Commercial Services \(CS\) To Approximately 7.17 Acres Located At 3100 Woodall. The Planning And Zoning Commission Voted 6-0 To Approve The Request.](#)
- C.7 [Second Reading And Approval Of An Ordinance To Amend The Cedar Park Code Of Ordinances, Chapter 5 Fire And Emergency Management, Article 5.07 Emergency And Disaster Management, Division 1 Generally.](#)
- D.1 [A Resolution Authorizing And Directing The City Manager To Execute A License Agreement With The Reserve At Brushy Creek Master Community, Inc. For The Purpose Of Allowing Construction And Maintenance Of A Subdivision Entry Feature In The Landscape Median Located In The 1100 Block Of The Wilson Ranch Place Right-of-Way.](#)
- D.2 [A Resolution Amending The Future Land Use Plan For Property Located At 702 South Bell Boulevard From Neighborhood Office/Retail/Commercial To Industrial. The Planning And Zoning Commission Voted 6-0 To Deny This Amendment.](#)
- D.3 [A Resolution Amending The Future Land Use Plan For Property Located Near The Southwest Corner Of Ronald Reagan Boulevard And County Road 180 From Regional Office/Retail/Commercial And Neighborhood Office/Retail/Commercial To Medium Density Residential. The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.](#)
- D.4 [A Resolution Amending The Future Land Use Plan For Property Located On New Hope Drive At Cottonwood Creek From Neighborhood Office/Retail/Commercial To Medium Density Residential. The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.](#)

- D.5 [A Resolution Amending The Future Land Use Plan For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard From Regional Office/Retail/Commercial And Parks And Open Space To Medium Density Residential. The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.](#)
- E.1 [\(Z-12-016\) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Retail \(GR\) To Approximately 1.8 Acres Located At 3400 West Whitestone Boulevard. The Planning And Zoning Commission Voted 6-0 To Approve The Request.](#)
- E.2 [\(Z-12-009\) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 4.09 Acres From General Retail \(GR\) To Commercial Services \(CS\) For Property Located North Of 12342 Ranch Road 620 North. The Planning And Zoning Commission Voted 6-0 To Deny The Request.](#)
- F.0 [Discussion And Possible Action:](#)
- F.1 [Consideration To Approve A Resolution Authorizing The Purchase Of Vehicles And Equipment Approved In The FY13 Vehicle And Equipment Replacement Fund \("VES"\) Budget, The Purchase Of New Vehicles And Equipment In The Approved Fiscal Year 2012-2013 Budget, The Sale Of Existing Equipment, Through Dealer Trade In Or Gov Deals Online Auction To Assist In The Sale Of Existing Equipment.](#)
- F.2 [Consideration Of A Proposed Letter To The Lower Colorado River Authority Board Of Directors Requesting An Extension Of The Emergency Departure Order From The Water Management Plan.](#)
- F.3 [Consideration To Adopt A Conditional Use Permit And Special Use Permit Procedure.](#)
- F.4 [Consideration Of Appointment To Place Seven On The Planning And Zoning Commission. \(Mayor Powell\)](#)
- F.5 [Consideration Of Appointments To The Cedar Park Comprehensive Plan Advisory Committee. \(Mayor Powell\)](#)
- G.0 [Executive Session](#)
- G.1 [Section 551.071 \(1\) \(A\) Consultation With City Attorney Concerning Litigation.](#)
 - a. Cause No. 12-1118-C368; City of Cedar Park, Texas vs. Siddons Fire Apparatus, Inc., Siddons-Martin Emergency Group, Pierce Manufacturing, Inc., and Cummins, Inc.; In the 368th Judicial District Court of Williamson County, Texas.
- G.2 [Section 551.071 \(2\) Consultation With City Attorney Concerning Duties To Client As Required By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas](#)
 - a. Legal Issues Concerning Potential Lease Terms And Conditions For Building Six On The City Hall Campus.

- b. Legal Issues Concerning Appeals To The City Council.
- c. Legal Issues Concerning Applicability Of Nuisance Ordinance Provisions As Affected By Chapter 245 Of The Local Government Code.

G.3 [Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property](#)

- a. Legal Issues Concerning Spanish Oak Wastewater Interceptor Easement Acquisition.

H.0 [Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session](#)

H.1 [Mayor And Council Closing Comments.](#)

H.2 [Adjournment.](#)



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. A.1
CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. A.2
Invocation. (Mayor Powell)



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. A.3
Pledges of Allegiance (U.S. and Texas)



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. A.4

Presentation: Cedar Park Fire Department Fund Raising Efforts For The Muscular Dystrophy Association.

Commentary:



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. A.5
**Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each.
No Deliberations With Council. Council May Respond With Factual Information)**



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. A.6
Mayor and Council Opening Comments.



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. A.7

City Manager Report: Employee Recognition For Service With The City Of Cedar Park.

a. Amy Link, Planning Department - Five Years Of Service.

Commentary:



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. A.8
City Manager Report: Overview And Update Of MyPermitNow Implementation - Mark Lewis, Building Inspections Director.

Commentary:

The City is currently implementing the MyPermitNow project management system. MyPermitNow is the replacement for Impact Resources, the project system the City has utilized since 1996. Transition to MyPermitNow was approved as part of the City's FY 2012 budget.

MyPermitNow is a highly flexible, web-based system that provides the same core functions offered by Impact Resources. It also offers functionalities not available in Impact.

Although the name implies that MyPermitNow is primarily a permit tracking system, it actually provides functions that will be utilized by all City departments and divisions involved in Development Services related activities. These operations include:

- Building Inspections
- Code Enforcement
- Engineering
- Fire Marshal's Office
- Industrial Pretreatment
- Parks
- Planning
- Utility Billing

Existing functions that will migrate to MyPermitNow include:

- Address assignment
- Community Impact Fee (CIF) tracking
- Inspection scheduling
- Permit processing and issuance
- Plat tracking
- Site Development Plan processing and issuance

The system will also provide customer service related functions not previously available. These include:

- Electronic (paperless) plan reviews
- Instant notification of inspection results via e-mail, text or automated phone call

- On-line access to permit and inspection histories
- On-line credit card payments
- On-line vs. telephone inspection scheduling

On October 23, 2012, the City issued a press release that outlines some of the customer service related capabilities offered by MyPermitNow. The release also provides instructions on how to access and use the public portions of the system. A copy of this release (which is also available on the City's website) is attached to the Associated Information section of this report.

In summary, MyPermitNow is a cost effective productivity tool that will enable the City to offer some significant Customer Service enhancements. On November 8, staff will provide a PowerPoint presentation that focuses on the system's customer service capabilities.

Fiscal Impact

Fund:

Department:

Amount:

Associated Information:

NEWS

City launches new permit software Residents may now manage permits online

Posted Date: 10/23/2012 8:00 AM

City of Cedar Park residents may now log onto www.mypermitnow.org to manage their permits online. The City's Development Services Department launched Phase 1 of the MyPermitNow software on Monday, October 22, 2012. Residents may also receive inspection results via automated telephone calls and e-mail with the new software. In addition, residents are able to:

- Follow the plan review progress online and view plan review comments after review.
- Upload responses, documents and revised plans in PDF format.
- View the full inspection sequence of their project and request inspections online.
- Track all of their projects online in one convenient portal.
- Have the option to receive an automated telephone call or e-mail upon completion of the inspection report.

City Inspectors will complete inspections via field tablet devices in an effort to deliver inspection results in near real-time. You may also view the result of an inspection via the MyPermitNow customer portal.

Please note that only NEW permits starting Oct. 22nd that are issued through the MyPermitNow software are subject to these new features and accessible through the MyPermitNow customer portal. All existing permits will continue to follow the same IVR inspection scheduling practices until the project is complete.

To download the MyPermitNow Customer Portal Handout and create a free customer portal account, [click here](#). For additional assistance with using the customer portal, please call the MyPermitNow technical support line at 1-866-957-3764, option 1.

The City plans to launch Phase 2 of the MyPermitNow software in January. It will provide Cedar Park residents with the ability to apply online and pay online for permits.

[More News »](#)



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. A.9
City Manager Report: Quarterly Building Permit Activity And Revenue Report - Mark Lewis, Building Inspections Director.

Commentary:

Building permit and revenue activity typically declines during the fourth quarter of the fiscal year. Although the final quarter of FY '12 followed this seasonal pattern, it was nonetheless very solid in terms of both permits and permit related revenue. Items of note include the following:

- 188 single-family permits were issued. While this is a drop relative to the third quarter, it still ranks as the year's second strongest quarter of single-family activity.
- 37-commercial permits were issued, making the fourth quarter – by one permit – the strongest quarter of commercial activity in the past three years.
- \$305,220 in permit related revenue brought the year-end BI revenue total to \$1,354,943.

A more detailed overview of fourth quarter building activity will be presented during City Council's November 8, 2012 meeting. Maps detailing the locations of active commercial projects will also be provided.

Fiscal Impact

Fund:

Department:

Amount:

Associated Information:



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. A.10
City Manager Report: Dedication Of Janet Bartles Parks.

Commentary:



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. B.1
**Receipt Of Minutes From The Cedar Park Community Development Board ("4B")
Meeting Of September 11, 2012.**

Commentary:

MINUTES

REGULAR CALLED MEETING OF THE
CEDAR PARK COMMUNITY DEVELOPMENT CORPORATION (4B)

Tuesday, September 11, 2012 at 6:30 PM

Cedar Park Council Chambers, 450 Cypress Creek Road, Building 4, Cedar Park, TX 78613

BOARD MEMBERS

- | | |
|---|--|
| <input checked="" type="checkbox"/> Audrey Wernecke, Place 1 | <input checked="" type="checkbox"/> President Brian Rice, Place 5 |
| <input checked="" type="checkbox"/> David Scott Burger, Place 2 | <input checked="" type="checkbox"/> Vice President John Allen, Place 4 |
| <input checked="" type="checkbox"/> Kevin Harris, Place 3 | <input checked="" type="checkbox"/> Secretary Ryan Wood, Place 6 |
| | <input checked="" type="checkbox"/> Mo Jahadi, Place 7 |

- A.1 Call to Order, Quorum Determined, Meeting Declared Open
Meeting was called to order at 6:30 PM by President Rice noting that a quorum was present. Director Jahadi arrived at 6:35 PM at the end of Item A4. President Rice requested a moment of silence in remembrance of 9/11.
- A.2 Consider Approval of the Minutes
a. August 14, 2012 Regular Called 4B Board Meeting
MOTION: Vice President Allen moved to approve the August 14, 2012 Regular Called 4B Corporation meeting minutes as provided. Secretary Wood seconded the motion. The motion passed unanimously, 7-0.
- A.3 Citizen Communications. *(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With 4B. 4B May Respond With Factual Information.)* **None.**
- A.4 Board Members' Opening Comments.
Director Wernecke advised that Vice President Allen gave a very good presentation to the Rotary Club this morning.
- A.5 Presentation - **None**
- B.0 STAFF REPORTS (DISCUSSION ONLY)
- B.1 Finance Report, Aaron Rector, Budget Manager
a. Review Of FY 2011-2012 4B Revenues, Expenditures, And Fund Balance
Duane Smith, Tourism and Community Development Manager, advised that the finance report was in the agenda packet.
- B.2 Parks Project Report, - Curt Randa – **None.**
- B.3 Transportation Report – **None.**
- C.0 PUBLIC HEARING
- C.1 Conduct Public Hearing On Proposed Economic Development Incentives For Service Tech AV, Inc. In An Amount Not To Exceed \$202,325.
Duane Smith, Tourism and Community Development Manager, advised that it is a statutory requirement that the 4B Corporation conduct public hearings on projects prior to final Council approval and the expenditure of funds. Larry Holt, Economic Development Specialist, provided a quick review of the project.

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

D.0 DISCUSSION AND POSSIBLE ACTION

President Rice called Items D1a1 through D1a2 up together.

D.1 Economic Development Incentive Project

a. Economic Development Incentives Proposal For Service Tech AV, Inc. In An Amount Not To Exceed \$202,325.

1) Consider Authorization For The 4B Board President To Execute The Project Agreement For Economic Development Incentives For Service Tech AV, Inc. In An Amount Not To Exceed \$202,325.

2) Consider Authorization For The 4B Board President To Execute The Resolution Recommending Funding To City Council For Economic Development Incentives For Service Tech AV, Inc. In An Amount Not To Exceed \$202,325.

MOTION: Vice President Allen moved to authorize the 4B Board President to execute the Project Agreement for Service Tech AV, Inc. incentive project in an amount not to exceed \$202,325 and to authorize the 4B Board President to execute the Resolution recommending funding to City Council. Secretary Wood seconded the motion. The motion passed unanimously, 7-0.

President Rice called Items D2a1 through D2a6 up together.

D.2 Consider 2011-2012 Project Reports

a. Economic Development Projects (Phil Brewer/Larry Holt)

Larry Holt made a presentation on approved Economic Development projects.

1) County Road 180

The County Road 180/New Hope Drive Infrastructure Reimbursement Project was approved in January 2011 and completed in July 2012 with a final cost of \$112,068.

2) Fallbrook Technology

The Fallbrook Technology Project was approved in February 2011 and has met all performance requirements. The City has paid \$765,000 in Economic Development incentives as of this date. The next performance milestone is one hundred employees on October 1, 2012.

3) Dental Health

The Dental Health Management Solutions Project was approved in July 2011. They opted to cancel the contract and return previously allotted funds.

4) BMC Roadway

The BMC Roadway Extension Project was approved in May 2012. They are currently developing inter-local agreements. 4B and City Council are each funding one-fourth of the project. Williamson County is funding one-half of the project.

5) Market Study

The Phase III Market Study was approved in May 2012. Staff is in regular contact with Phase III regarding developments of study. Staff hosted the Phase III team in July. To date, \$20,000 has been expended.

6) Service Tech

The Service Tech Audio Visual (AV) Incentive Project's public hearing was held at tonight's 4B meeting. This is a home-grown company. Staff is in regular contact with them.

President Rice called Items D2b1 through D2b5 up together.

b. Transportation And Engineering Projects (Darwin Marchell/Tom Gdala)

Tom Gdala, Transportation Planner, made a presentation on approved transportation projects.

1) Sidewalk Gap Closure

The 4B Board approved funding in the amount of \$170,000 for the citywide Sidewalk Gap Closures Project in December 2010. The project consisted of six locations to close sidewalk gaps along arterial roadways with the City. Tom Gdala provided before and after pictures of the completed projects. The project was completed under budget in August 2012. The total cost of

the project was \$116,620. The Board members asked if there are any other projects of this type. Tom Gdala advised that three more projects will be presented to the Board for consideration in the next fiscal year.

2) Gateway Sign Design

The 4B Board approved funding in the amount of \$25,000 for the Gateway Sign Design Project. City Council has approved the final design. The Gateway Sign Committee has selected the following locations to move forward with the final design and installation: northbound 183A at Brushy Creek Road, westbound Whitestone Boulevard at Sam Bass Road, and northbound US 183 at Avery Ranch Boulevard. \$25,000 was expended on the concept design contract with the consultant. Additional design costs will need to be incorporated with the new budget for the project construction phase.

3) US 183/Park Street Intersection

The 4B Board approved funding in the amount of \$1,000,000 for the US 183/Park Street Intersection Improvement Project. This project consisted of turn lane improvements at the US 183/Park Street intersection. A dedicated left turn lane was added on both legs of Park Street at this intersection to increase mobility and safety. Construction of this project was combined with the construction of the Park Street project and was the last phase of the overall project. Construction of the overall project began in May 2010 and ended with the completion of the US 183/Park Street intersection in March 2012. The project has been completed.

4) Brushy Creek Road

The 4B Board approved funding in the amount of \$1,000,000 for the Brushy Creek Road Improvement Project. This project consisted of reconstruction and widening of Brushy Creek Road from 183A Toll Road to Parmer Lane. Brushy Creek Road was widened from a rural two-lane cross section to a four-lane divided roadway with a raised median, wide outside lanes, sidewalks, and illumination. Construction of this project began in September 2010 and was substantially complete in July 2012.

5) ILSN Signs

The 4B Board approved funding in the amount of \$350,000 for the Internally Lighted Street Name (ILSN) Signs Project in December 2010. The project design contract was executed and began in February 2011. This project would install ILSN signs at the remaining sixteen traffic signals which do not have ILSN signs. In early 2011, the contract was put on hold when the City was informed by TxDOT that these ILSN signs would require an independent power source. The signals which the ILSN signs are to be installed are still owned and controlled by TxDOT. Cedar Park is finalizing a signal ownership and maintenance agreement with TxDOT. The project remains on hold and will move forward upon the execution of the agreement, which is anticipated to be executed with the Fiscal Year 2013. \$8,480 has been expended to date.

President Rice called Items D2c1 through D2c6 up together.

c. Parks Projects (Curt Randa)

Curt Randa, Parks Director, made a presentation on approved parks projects. He advised that shade structures may need to be considered for some of the parks because the drought has killed some of the trees.

1) Wild Rose Park

The Wild Rose Park Playground Improvement project was completed at a cost of \$41,919. The project began in 2011.

2) Creekside Park

The Creekside Park Playground Improvement project was completed at a cost of \$60,123. The project began in 2011.

3) Quest Village Park

The 4B Board approved funding in the amount of \$75,000 for the Quest Park Playground and Shade Structure project. The shade structure is large enough to cover the playground. Expenditures total \$64,968. Installation of outdoor exercise equipment will complete this project.

4) Buttercup Creek Park Playscape

The Buttercup Creek Playscape Improvement Project was approved for \$100,000 in funding. The project included three components: playground, tot playground and exercise stations. Curt Randa advised that the total spent was \$92,132. The only part of the project remaining is the addition of the crushed granite surface under the five exercise stations.

5) Milburn Basketball Court Shade

The 4B Board approved funding in the amount of \$75,000 for the Milburn Basketball Court Shade Structure project. The project has been completed and was used during the July 4th event.

6) Brushy Creek Irrigation

The 4B Board approved funding in the amount of \$150,000 for the Brushy Creek Sports Park Irrigation project. Only \$42,775 was spent due to a grant received from the Lower Colorado River Authority (LCRA). There was great teamwork on this project.

d. Corridor Enhancement Projects (Duane Smith)

1) Buttercup Veterinary Hospital

Duane Smith advised that the Buttercup Veterinary Hospital project has been completed and the total amount paid was \$31,577.05. He provided before and after photographs of the project.

President Rice called Items D3a through D3c up together.

D.3 Consider Revisions To Corridor Enhancement Program Application

- a. Current Enhancement Application
- b. Eligibility Criteria
- c. Funding Criteria

Duane Smith advised that staff reviewed the standard Corridor Enhancement Application that has been used since 2002. He advised that minimum revisions appear to be necessary. The revisions would incorporate recent changes approved by the Board such as sign replacement only, the addition of eligible roadways, and most recent high incident locations. A draft of the proposed revisions was sent to the subcommittee members on August 30th and no comments were received. Duane Smith advised that "Old 183" needed to be added and Item 15 needed to be removed from Attachment A. Charles Rowland, City Attorney, stated that the Board had conveyed their intent and suggested that they let Duane Smith research the revisions discussed and bring them back next month for their consideration.

President Rice called Items D4a through D4b up together.

D.4 Consider Revisions To Corridor Enhancement Program Matrix

- a. Review Current Program Matrix
- b. Review Proposed Revisions

Duane Smith advised that a pole sign matrix is not needed because an applicant is either replacing a pole sign with a monument sign, or they are not. If not, the application would not pass staff review, and would not be referred to the Board.

Vice President Allen stated that he would like to see a completed matrix from staff. Director Jahadi did not want to see a matrix completed by staff. Director Burger stated that just because staff provided a proposed matrix, the Board would not lose the chance for discussion. President Rice said the Board would continue to discuss the project as they do now. Duane Smith advised that he would provide a draft matrix for discussion at the next meeting.

D.5 Excuse Absences From 4B Board Meetings (None)

E.1 LIAISON UPDATES/ REPORTS

- a. Update On Science Center Committee Meetings (Wernecke)

Director Wernecke advised that she had not been able to attend the committee meeting so there was no update.

- b. Update On Gateway Sign Location Process (Wernecke, Jahadi, Harris)

Director Harris advised that the meeting went well. They were discussing the first locations to place the signs, whether large or small signs would be used, and whether to combine signs. The locations were discussed in Item D2b2. Director Wernecke advised that the Mayor and one City Council member are on the committee.

F.1 ADMINISTRATIVE ITEMS

(4B Board members and staff may discuss items related to the board member's general duties and responsibilities. The 4B Board may not take a vote or other action on any item other than to obtain a consensus regarding how items are to be placed on future agendas for formal action.)

a. Delegate Report on City Council Actions Directly Related to 4B Items Of August 9, 2012 and August 23, 2012. **(No Items)**

b. Director And Staff Comments

Duane Smith advised that the 4B terms expire on October 1st. He suggested that he include the amendments to the Bylaws and Rules and Procedures to the next 4B meeting for consideration. The amendments would be on the change of meeting locations. The Bylaws state that officers are to be elected in November. He also advised that the Texas Economic Development Council (TEDC) Conference was scheduled for September 25-27, 2012. He asked that if any Board member wished to attend, they contact staff tomorrow.

c. 4B Board Member Closing Comments. **None.**

d. Board Member Request For Future Agenda Items.

Director Burger suggested that as the new fiscal year begins, he would like to ask the different Boards (Parks, 4A) to provide updates on their goals and strategies and master plans for the upcoming year. He suggested that the Board also needs to consider upcoming training opportunities. Director Jahadi requested that the sign committee advise what actions they can legally take. Charles Rowland advised that Director Jahadi to notify the legal department with the address of the location that is not complying with the sign ordinance and they will process the complaint.

e. Designate Representative To Attend Next Council Meeting On September 13, 2012 and September 27, 2012.

There are no 4B items scheduled for the September 13th agenda. The Service Tech AV project may be scheduled for either September 27th or October 11th.

Next Regular Scheduled 4B Meeting: Tuesday, October 9, 2012 At 6:30 P.M. In The Cedar Park Council Chambers At 450 Cypress Creek Road, Building Four.

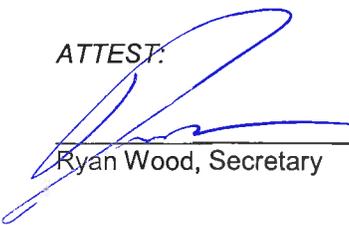
G.1 ADJOURNMENT

Meeting was adjourned at 8:08 PM.

PASSED AND APPROVED THIS 9TH DAY OF OCTOBER, 2012.



Brian Rice, President

ATTEST:


Ryan Wood, Secretary



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. B.2
Receipt Of Minutes From The Planning And Zoning Commission Meeting Of September 28, 2012.

Commentary:

MINUTES FOR
CITY OF CEDAR PARK
PLANNING & ZONING COMMISSION
TUESDAY, SEPTEMBER 18, 2012 AT 6:30 P.M.
450 CYPRESS CREEK ROAD, BUILDING FOUR, CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> SCOTT ROGERS, Place 1
<input checked="" type="checkbox"/> THOMAS BALESTIERE, Place 2
<input checked="" type="checkbox"/> MICHAEL DION, Place 3 | <input checked="" type="checkbox"/> NICHOLAS KAUFFMAN, Place 5, Chair
<input type="checkbox"/> LORENA ECHEVERRIA de Misi,
Place 7, Vice Chair | <input checked="" type="checkbox"/> JON LUX, Place 4
<input checked="" type="checkbox"/> HOLLY HOGUE, Place 6,
Secretary |
|--|---|--|

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
Chair Kauffman called the meeting to order at 6:30 P.M. He read the "Chairman's Sheet" explaining the meeting procedures. Vice Chair Echeverria de Misi was absent. Six Commissioners were present and a quorum was declared.

2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
Vice Chair Kauffman led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.

3. MINUTES: Approve Minutes from the Regular Meeting of August 21, 2012
MOTION: Commissioner Lux moved to approve the Minutes of the Regular Meeting of August 21, 2012 Minutes as presented. Commissioner Dion seconded the motion. The motion passed unanimously, 6-0, with 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:
 1. Abrantes (PP-12-005)
61.62 acres, 1 commercial lot, 91 single family lots
Located at the southern terminus of Arrow Point Drive
Owner: Bob Tesch, Tesch & Associates
Staff Resource: Emily Barron
Staff Proposal to P&Z: Statutorily Disapprove

 2. Parkwest Estates Section 1 (FP-12-010)
16.38 acres, 44 single family lots
Located on the north side of Park Street just west of Parkway Subdivision
Owner: RH of Texas Limited Partnership
Staff Resource: Emily Barron
Staff Proposal to P&Z: Statutorily Disapprove

 3. Breakaway Park Section 7, Replat of Lot 1 (SFP-12-012)
5.74 acres, 3 commercial lots
Located at the northwest corner of Parmer Lane and Kenai Drive
Owner: Mass Project Managers and Consultants
Staff Resource: Amy Link

Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Reserve at Brushy Creek Section 2 (FP-12-004)
 15.88 acres, 64 single family lots, 1 emergency access, public utility & drainage easement
 Located near the northwest corner of Brushy Creek Road and Breakaway Road
 Owner: Reserve MSCB Two, LTD.
 Staff Resource: Amy Link
 Staff Proposal to P&Z: Approve

2. Ranch at Brushy Creek 8A (FP-12-008)
 19.43 acres, 57 single family lots, 2 landscape lots, 1 drainage lot, 1 parkland lot
 Located on North Frontier Lane and Stiles Lane
 Owner: Standard Pacific of Texas
 Staff Resource: Emily Barron
 Staff Proposal: Approve

3. Arbor Park (PP-12-002)
 17.48 acres, 6 commercial lots
 Located on East Whitestone Boulevard just east of Ronald Reagan Boulevard
 Owner: F&F Capital
 Staff Resource: Emily Barron
 Staff Proposal: Approve

4. Arbor Park (FP-12-001)
 1.4 acres, 1 commercial lot
 Located on East Whitestone Boulevard just east of Ronald Reagan Boulevard
 Owner: F&F Capital
 Staff Resource: Emily Barron
 Staff Proposal: Approve

MOTION: Commissioner Lux moved to recommend approval of Consent Agenda Items 5A1 through 5B4 as presented. Commissioner Dion seconded the motion. The motion passed unanimously, 6-0, with one absent.

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

Senior Planner Amy Link advised that the Applicant had requested a postponement of Z-12-009 (relating to Items 7B, 8B and 9B) to October 16, 2012. The postponement was requested after the agenda had been posted.

MOTION: Commissioner Dion moved to postpone Items 7B, 8B and 9B as requested by the applicant. Commissioner Lux seconded the motion. The motion passed unanimously, 6-0, with one absent.

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. CP57, Z-12-008 (related to item 8A)

- B. 620 Self Storage, Z-12-009 (related to item 8B) **POSTPONED to 10/16/12 per Item 6.**
- C. Autumn Ridge, Z-12-011 (related to item 8C)
- D. Autumn Ridge, Z-12-012 (related to item 8D)
- E. Caballo Commercial, Z-12-013 (related to item 8E)
- F. Sharon Ltd, Z-12-014 (related to item 8F)
- G. Shady Oaks Project, Z-12-015 (related to item 8G)
- H. Dodds Trust, Z-12-016 (related to item 8H)

MOTION: Commissioner Lux moved to accept the Preliminary Reports for Items 7A and 7C through 7H as presented by Staff. Commissioner Hogue seconded the motion, and the motion passed unanimously, 6-0, with one absent.

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by CP57 to assign original zoning and rezone approximately 57.67 acres from Development Reserve (DR) and Rural Agriculture (RA) to 41.17 acres of Townhome (TH), 6.59 acres of General Retail (GR), and 9.91 acres of Open Space Recreation (OSR) for property located on the west side of Ronald Reagan Boulevard just north of East Whitestone Boulevard. (Z-12-008)

Owner: Bula Lewis Farms, LP

Agent: Paul Linehan, Land Strategies

Staff Resource Person: Emily Barron

Staff proposal to P&Z: General Retail (GR), Townhome (TH) and Open Space Recreation (OSR)

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 assigning original zoning and rezoning approximately 57.67 acres from Development Reserve (DR) and Rural Agriculture (RA) to 41.17 acres of Townhome (TH), 6.59 acres of General Retail (GR), and 9.91 acres of Open Space Recreation (OSR).

The request for Townhome (TH) is for Tracts 1 and 4. The request meets the Comprehensive Plan goal, 4.1.3, to formulate a viable mix of housing types that will successfully diversify the housing market of Cedar Park as well as to provide new housing opportunities for current and future residents of Cedar Park. The applicant's request for TH is not consistent with the Future Land Use Plan, however, considering the location, the request is appropriate for this site. The request provides for appropriate transitions around the Ronald Reagan and Whitestone Boulevard node. Transitioning the land uses in this area provides the rooftops that will help support the retail at the intersection and vicinity as well as provide homes for future employment areas. Tract 4 is located behind the spillway, but outside of the 100-year floodplain. It will pose some development challenges due to the requirements of a bridge over the spillway to access this tract. If the applicant can engineer the site to meet these challenges, the TH district in this location is feasible.

The request for General Retail (GR) is for Tract 2. The applicant's request to rezone the property to GR supports the goals outlined in the Comprehensive Plan, and is consistent with the Future Land Use Plan as well as the purpose statement of the GR district.

The request for Open Space Recreation (OSR) is for Tract 3. The applicant's request to rezone the property to OSR supports the goals outlined in the Comprehensive Plan, and is consistent with the Future Land Use Plan as well as the purpose statement of the OSR district.

Staff recommended the following zoning and Future Land Use Plan amendment: Tracts 1 and 4 – Townhome (TH) / Medium Density Residential; Tract 2 – General Retail (GR); and Tract 3 – Open space Recreation (OSR).

Paul Linehan, applicant's agent, addressed the Commissioners. He advised that he was working with staff to determine a good land use. There is a large floodplain in the area. Spanish Oak Creek divides the property. Open Space Recreation was requested for this area. He stated that the Townhome zoning request added housing variety in the City.

There was general discussion among the Commissioners concerning the balance provided between homes and retail, diversifying the type of homes provided in the City, and provided more mixed uses.

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 to the City Council of assigning original zoning and rezoning approximately 57.67 acres from Development Reserve (DR) and Rural Agriculture (RA) to 41.17 acres of Townhome (TH), 6.59 acres of General Retail (GR), and 9.91 acres of Open space Recreation (OSR) for property located on the west side of Ronald Reagan Boulevard just north of East Whitestone Boulevard (Z-12-008) as recommended by staff. Commissioner Balestiere seconded the motion and the motion passed unanimously, 6-0, with one absent.

MOTION: Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8A, Case Z-12-008. Commissioner Balestiere seconded the motion and the motion passed unanimously, 6-0, with one absent.

B. Consider a request by CWT&C LT to rezone approximately 4.09 acres from General Retail (GR) to Commercial Services (CS) for property located north of 12342 Ranch Road 620 North. (Z-12-009)

Owner: CWT&C LT

Agent: Daniel Hart, Baker-Aicklen

Staff Resource Person: Amy Link

Staff proposal to P&Z: General Retail (GR)

1) Public Hearing

2) P&Z Recommendation to City Council

3) P&Z Adoption of Final Report

Note: Item 8B was postponed to October 16, 2012. See Item 7B.

Chair Kauffman called up Items 8C and 8D together.

C. Consider a request by Autumn 2007 Commercial LP to assign original zoning of General Retail (GR) to approximately 31.13 acres for property located on CR180 just north of New Hope Drive and just east of 183A. (Z-12-011)

Owner: Autumn 2007 Commercial LP

Agent: Geoff Guerrero, Carlson Brigance and Doering

Staff Resource Person: Emily Barron

Staff proposal to P&Z: General Retail (GR)

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 assigning original zoning of General Retail (GR) for approximately 31.13 acres located on CR 180 just east of 183A and north of New Hope Drive. The request by the applicant is consistent with the Comprehensive Plan. This request is supported by the purpose statement of the requested zoning district and the future Land Use Plan. The future extension of Scottsdale/Cottonwood Creek Trail will provide easier access to this property and help create a greater economic base for this area. Staff recommended that 31.13 acres be zoned General Retail (GR). Geoff Guerrero, Carlson Brigance and Doering, represented the applicant for Items 8C and 8D.

A public hearing was held for the Items 8C and 8D. The following signed Recognition Cards requesting to speak on this agenda item: 1) Jim Taylor and 2) Al Rolfsen. They were concerned about the road alignment and run-off issues. There being no further public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Lux moved to recommend approval to the City Council of assigning original zoning of General Retail (GR) to approximately 31.13 acres for property located on CR180 just north of New Hope Drive and just east of 183A (Z-12-011) as recommended by staff. Commissioner Balestiere seconded the motion and the motion passed unanimously, 6-0, with one absent. *See Item 8D for acceptance of Preliminary Report as Final Report.*

- D. Consider a request by Autumn 2007 Commercial LP to assign original zoning of General Office (GO) to approximately 14 acres and Condominium (CD) to approximately 34 acres for property located on New Hope Drive just north of its intersection with Cottonwood Creek Trail. (Z-12-012)
Owner: Autumn 2007 Commercial LP
Agent: Geoff Guerrero, Carlson Brigance and Doering
Staff Resource Person: Emily Barron
Staff proposal to P&Z: Condominium (CD) and General Office (GO)
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 assigning original zoning of General Office (GO) for approximately 14 acres and Condominium (CD) for approximately 34 acres located on New Hope Drive just east of CR 180. The request by the applicant is consistent with the Comprehensive Plan. This request is supported by the purpose statement of the requested zoning districts. The GO request is consistent with the Future Land Use Plan, however, the request for CD is not. An amendment to the Future Land Use Plan to reflect this area as medium density residential has been requested. The GO and CD requests provide a good mix of uses in this otherwise dominant retail area and will provide support for the growth of these types of uses in the future. In addition, the CD provides for appropriate transition from the retail to the west and the single family to the east. Staff recommended that the applicant's request to assign original zoning of General Office (GO) to approximately 14 acres and Condominium (CD) to approximately 34 acres. Geoff Guerrero, Carlson Brigance and Doering, represented the applicant for Items 8C and 8D.

See Item 8C concerning Public Hearing.

MOTION: Commissioner Lux moved to recommend approval to the City Council of assigning original zoning of General Office (GO) to approximately 14 acres and Condominium (CD) to

approximately 34 acres for property located on New Hope Drive just north of its intersection with Cottonwood Creek Trail (Z-12-012) as recommended by staff. Commissioner Balestiere seconded the motion and the motion passed unanimously, 6-0, with one absent.

MOTION: Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8C (Case Z-12-011) and Item 8D (Case Z-12-012). Commissioner Balestiere seconded the motion and the motion passed unanimously, 6-0, with one absent.

- E. Consider a request by CAB-COM 32 LP to rezone approximately 22.30 acres from General Retail (GR) and Local Retail (LR) to Condominium Residential (CD) for property located near the southwest corner of Ronald Reagan Boulevard and County Road 180. (Z-12-013)
Owner: CAB-COM 32 LP
Agent: Geoff Guerrero, Carlson Brigance and Doering
Staff Resource Person: Amy Link
Staff proposal to P&Z: Condominium Residential-Conditional Overlay (CD-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 requested rezoning approximately 22.302 acres from General Retail (GR) and Local Retail (LR) to Condominium Residential (CD) for property located near the southwest corner of Ronald Reagan Boulevard and CR 180. The applicant's request for CD zoning would be compatible with a Medium Density Residential designation, which allows such zoning districts as Duplex Residential (DP), Townhome Residential (TH) and Condominium Residential (CD). A Future Land Use Plan amendment was processed concurrently with the zoning application (see Item 9D). The request by the applicant is consistent with the Comprehensive Plan. The proposed CD zoning would provide a compatible transition from the low density residential area to the more intense retail zoning along Ronald Reagan Boulevard. The purpose statement of the CD district states that the "district may be appropriate for transitional residential development at an edge of a low density single-family neighborhood, where higher densities and trips generated do not impact lower density areas." Staff supported the applicant's request for Condominium (CD) zoning. Staff also recommended including a conditional overlay requiring that any required detention for the residential development be located on the CD zoned property to ensure the retention of commercial frontage along Ronald Reagan Boulevard.

Geoff Guerrero, Carlson Brigance and Doering, represented the applicant.

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

There was general discussion among the Commissioners concerning the transitional use, retaining General Retail (GR) use at the node, and protecting Ronald Reagan Boulevard frontage for retail use.

MOTION: Commissioner Lux moved to recommend approval to the City Council of rezoning approximately 22.30 acres from General Retail (GR) and Local Retail (LR) to Condominium Residential-Conditional Overlay (CD-CO) zoning with a conditional overlay requiring that detention for the residential development be located on the CD zoned tract for property located near the southwest corner of Ronald Reagan Boulevard and County Road 180 (Z-12-013) as

recommended by staff. Secretary Hogue seconded the motion and the motion passed unanimously, 6-0, with one absent.

MOTION: Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8E, Case Z-12-013 Secretary Hogue seconded the motion and the motion passed unanimously, 6-0, with one absent.

F. Consider a request by Sharon LTD to rezone approximately 2.00 acres from General Retail (GR) to Commercial Services (CS) for property located at 702 South Bell Boulevard. (Z-12-014)

Owner: Sharon Ltd.

Agent: Kristiana Alfsen, Pohl Partners

Staff Resource Person: Amy Link

Staff proposal to P&Z: General Retail (GR)

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 requested rezoning approximately 2.00 acres from General Retail (GR) to Commercial Services (CS) for property located on 702 South Bell Boulevard, with the intent of expanding the self-storage use north of the existing facility. The applicant's request for CS does not comply with the Future Land Use Plan (FLUP). The CS district requires an Industrial FLUP designation. A FLUP amendment was processed concurrently with this zoning request (see Item 9D). Staff did not support the applicant's request for CS and recommended retention of the General Retail (GR) designation.

Kristiana Alfsen, Pohl Partners, was present as the applicant's agent. She advised that a request to change the Future Land Use Plan had been submitted. She disagreed that a Commercial Service designation was not compatible. She stated that the request was for an expansion of a non-conforming use, but it was approved fifteen years ago. She stated that this is the best location for the self-storage expansion.

A public hearing was held on the above item. Bill Pohl spoke in favor of the rezoning. There being no further public testimony, the public hearing was closed and the regular session reopened.

There was general discussion among the Commissioners concerning the compatibility issue, the uniqueness of issues for this property, and the problem with carving out a small piece of acreage to rezone.

MOTION: Commissioner Lux moved to recommend disapproval to the City Council of rezoning approximately 2.00 acres from General Retail (GR) to Commercial Services (CS) for property located at 702 South Bell Boulevard (Z-12-014) as recommended by staff. Commissioner Rogers seconded the motion and the motion passed unanimously, 6-0, with one absent.

MOTION: Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8F, Case Z-12-014. Commissioner Rogers seconded the motion and the motion passed unanimously, 6-0, with one absent.

- G. Consider a request by Martha and James Isbell to assign original zoning of Commercial Services (CS) for property located at 3100 Woodall Drive. (Z-12-015)
Owner: Martha and James Isbell
Agent: Vince McElhaney
Staff Resource Person: Emily Barron
Staff proposal to P&Z: Commercial Services (CS)
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 assigning original zoning of Commercial Services (CS) to approximately 7.17 acres for property located at 3100 Woodall Drive. The request supports the purpose statement of the Commercial Services (CS) district as well as the economic development goals of the Comprehensive Plan and is consistent with the Future Land Use Plan. Staff recommended zoning this property to Commercial Services (CS).

The applicant's agent, Vincent McElhaney, was present.

A public hearing was held on the above item. Leonard Strickler spoke against rezoning the property as CS and stated that he supported General Retail (GR). There being no further public testimony, the public hearing was closed and the regular session reopened.

There was general discussion among the Commissioners concerning the lack of frontage along RM 1431.

MOTION: Commissioner Lux moved to recommend approval to the City Council of assigning original zoning of Commercial Services (CS) for property located at 3100 Woodall Drive (Z-12-015) as recommended by staff. Commissioner Balestiere seconded the motion and the motion passed unanimously, 6-0, with one absent.

MOTION: Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8G, Case Z-12-015. Commissioner Dion seconded the motion and the motion passed unanimously, 6-0, with one absent.

- H. Consider a request by Dodds Trust to assign original zoning of General Retail (GR) to approximately 1.79 acres located at 3400 West Whitestone Boulevard. (Z-12-016)
Owner: James Richard Dodds Trust
Agent: Susan London
Staff Resource Person: Amy Link
Staff proposal to P&Z: General Retail (GR)
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 requested assigning original zoning of General Retail (GR) to approximately 1.79 acres located at 3400 West Whitestone Boulevard. The applicant's request does not comply with the FLUP. The GR request is compatible with a Regional Office/Retail/Commercial designation, which would allow zoning districts such as General Retail (GR), General Office (GO) and Mixed Use (MU). A FLUP amendment was processed concurrently with this zoning application (see Item 9F). The GR request is compatible with surrounding land uses/designations and meets the purpose statement

of the GR district. The GR request also supports the economic goals of the Comprehensive Plan. Staff recommended approval of the applicant's request for General Retail (GR) zoning. Susan London, applicant's agent, was not present.

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

There was general discussion among the Commissioners concerning approving the rezoning before discussing the Future Land Use amendment and the need for feedback from adjacent property owners.

MOTION: Commissioner Lux moved to table Item 8H, Case Z-12-016, to the October 16, 2012 Planning and Zoning Commission meeting. Commissioner Dion seconded the motion and the motion passed unanimously, 6-0, with one absent.

9. FUTURE LAND USE PLAN AMENDMENTS:

- A. West side of Ronald Reagan Boulevard just north of East Whitestone Boulevard (Related to Item 8A)

Senior Planner Emily Barron made the presentation and was available for questions. In conjunction with the CP57 zoning request (Z-12-008), staff recommended the following amendment to the Future Land Use Plan: Amend the Future Land Use Map for 41.17 acres located on Ronald Reagan Boulevard from Regional Retail/Office/Commercial and Parks and Open Space to Medium Density Residential.

Staff recommended approval of this request because a housing mix near a major intersection (Ronald Reagan Boulevard and East Whitestone Boulevard), provides a mix of land uses around the node as well as housing support for the retail and office uses in the area.

MOTION: Commissioner Balestiere moved to recommend approval to the City Council of amending the Future Land Use Plan as presented by Staff. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, one position vacant. *absent. J*

- B. Property north of 12342 RR 620 North (Related to Item 8B)

Note: Item 9B was postponed to October 16, 2012. See Item 7B.

- C. Area north of New Hope Drive at Cottonwood Creek Boulevard on the west side of Lakewood Country Estates (Related to Item 8D)

Senior Planner Emily Barron made the presentation and was available for questions. In conjunction with Autumn Ridge zoning request (Z-12-012), the applicant requested the following amendment to the Future Land Use Plan: Amend the Future Land Use Map for 34 acres located north of New Hope Drive at Cottonwood Creek Trail from Neighborhood Retail/Office/Commercial to Medium Density Residential. The applicant's request is partially in compliance with the Future Land Use Plan. The requested CD area is the exception and required a medium density residential category. Staff recommended approval of this request because the medium density residential provides a transition from the proposed General Retail (GR) associated with Case Z-12-012, Scottsdale future roadway, the proposed General Office (GO) associated with Case Z-12-011, and the residents of Lakewood Country Estates.

MOTION: Commissioner Balestiere moved to recommend approval to the City Council of amending the Future Land Use Plan as presented by Staff. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, one position vacant. *absent. jc*

D. Southside of CR 180 just west of Ronald Reagan Boulevard (Related to Item 8E)
 Senior Planner Amy Link made the presentation and was available for questions. In conjunction with the rezoning request by CAB-COM 32 LP (Z-12-013), staff recommended the following amendments to the Future Land Use Plan:

- Amend the Future Land Use Map for approximately 14 acres located near the southwest corner of Ronald Reagan Boulevard and CR 180 from Regional Office/Retail/Commercial to Medium Density Residential.
- Amend the Future Land Use Map for approximately 8.3 acres located near the southwest corner of Ronald Reagan Boulevard and CR 180 from Neighborhood Office/Retail/Commercial to Medium Density Residential.

MOTION: Commissioner Balestiere moved to recommend approval to the City Council of amending the Future Land Use Plan as presented by Staff. Secretary Hogue seconded the motion and the motion passed unanimously, 6-0, one position vacant. *absent. j*

E. 702 S. Bell Boulevard (Related to Item 8F)
 Senior Planner Amy Link made the presentation and was available for questions. In conjunction with the rezoning request by Sharon Ltd. (Z-12-014), the applicant requested the following amendment to the Future Land Use Plan: Amend the Future Land Use Map for approximately 2.00 acres located at 702 South Bell Boulevard from Neighborhood Office/Retail/Commercial to Industrial. Staff did not recommend approval of this request as it would create an isolated industrial area among retail designated property, inhibiting future growth as a retail node in the region. The request does not support the economic development goals of the Comprehensive Plan, as the proposed use would not provide increased sales tax revenue, spur retail growth or employment generation.

MOTION: Commissioner Balestiere moved to recommend denial of the request to the City Council of amending the Future Land Use Plan at 702 South Bell Boulevard as presented by Staff. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, one position vacant. *absent. j*

F. Southeast corner of West Whitestone Boulevard and Trails End and the northwest corner of West Whitestone and Power Lane (Related to Item 8H)
 Senior Planner Amy Link made the presentation and was available for questions. In conjunction with the rezoning request by Dodds Trust (Z-12-016), staff recommended the following amendments to the Future Land Use Plan:

- Amend the Future Land Use Map for approximately 33.1 acres located at the southeast corner of West Whitestone Boulevard and Trails End Road from Employment Center to Regional Office/Retail/Commercial.
- Amend the Future Land Use Map for approximately 5.25 acres located at the northwest corner of West Whitestone Boulevard and Power Lane from Neighborhood Office/Retail/Commercial to Employment Center.

There was much discussion among the Commissioners concerning the need to look at the whole area instead of smaller tracts triggering changes to the FLUP.

MOTION: Commissioner Lux moved to recommend approval to the City Council of amending the Future Land Use Plan as presented by Staff. Commissioner Balestiere seconded the motion and the motion passed unanimously, 6-0, one position absent.

10. SUBDIVISIONS (ACTION AND PUBLIC HEARING):

- A. Breakaway Park Section 2A, Resubdivision of Lot 5 (SFP-12-006)
3.86 acres, 1 residential lot, 1 commercial lot
Located at 2818 Kenai Drive
Owner: Bruce Fowler
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. She advised that on May 20, 2012, the Board of Adjustment granted a flag lot variance for this subdivision conditional upon extension of water and wastewater facilities to Lot 5B. The owner has acquired a private water and wastewater easement along the western lot line of Lot 6, Breakaway Park Section 4 that will accommodate both lots in the proposed subdivision. Staff recommended approval of the plat.

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 Item 10A, Case SFP-12-006, as presented by Staff. Commissioner Dion seconded the motion and the motion passed unanimously, 6-0, with one absent.

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

12. DISCUSSION AND POSSIBLE ACTION: NONE

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. Director and Staff Comments –

1. Attendance at 2012 APA Conference on October 3-6, 2012 in Fort Worth, Texas

Senior Planner Emily Barron advised the Commissioners that they would be receiving information from staff concerning their registration, hotel and per diem.

B. Commissioners Comments.

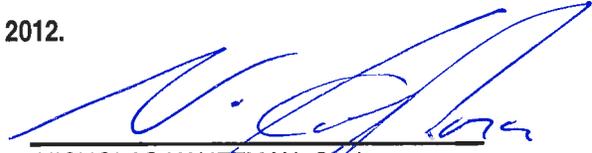
Commissioner Balestiere asked if consulting with Leander Independent School District was a new process. Senior Planner Amy Link advised that they are consulted specifically when residential is proposed to go into a commercial designation.

C. Request for Future Agenda Items. **None.**

14. ADJOURNMENT

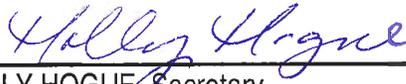
Chair Kauffman adjourned the meeting at 9:20 p.m.

PASSED AND APPROVED THE 16TH DAY OF OCTOBER, 2012.



NICHOLAS KAUFFMAN, Chairman

ATTEST:



HOLLY HOGUE, Secretary



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. B.3
Receipt Of Minutes From The Tourism Advisory Board Meeting Of September 25, 2012.

Commentary:



**MINUTES
REGULAR CALLED MEETING
TOURISM ADVISORY BOARD**

TUESDAY, SEPTEMBER 25, 2012 AT 6:30 PM

City Council Chambers, Building Four, 450 Cypress Creek Road, Cedar Park, Texas 78613

BOARD MEMBERS

- Mel Kirkland, Place Seven, Chair
- | | |
|---|---|
| <input checked="" type="checkbox"/> Matthew Olguin, Place Two, Vice Chair | <input checked="" type="checkbox"/> Rick McLaughlin, Place Five |
| <input checked="" type="checkbox"/> Dustin Weibel, Place Three | <input type="checkbox"/> Vacant, Place Six |
| <input type="checkbox"/> Wayne Brooks, Place Four | <input checked="" type="checkbox"/> Robert Schoen, Place One |

- 1) **CALL TO ORDER, QUORM DETERMINED, MEETING DECLARED OPEN.**
Vice Chair Olguin called the meeting to order at 6:30 PM with four members present. Chair Kirkland arrived at 6:34 PM during Item 5. Board Member Brooks was absent. Place Six was vacant.
- 2) **Board Members Opening Comments.** *None.*
- 3) **Citizen Communications.** (This is an opportunity for citizens to offer comments related to items not listed on the agenda. Speakers are limited to three minutes and the Board may not engage in dialog with the speakers but may offer factual corrections). *None.*
- 4) **Approval of Minutes of the Tourism Board Meetings.**
 - a) **August 28, 2012 Regular Called Meeting.**
MOTION: Board Member Weibel made a motion to approve the minutes from the August 28, 2012 Tourism Advisory Board meeting as presented. Board Member McLaughlin seconded the motion. Motion passed unanimously, 5-0, with one absent and Place Six vacant.

Chair Kirkland arrived during Item 5 and presided over the meeting.

- 5) **Presentation**
 - a) **Presentation On Results Of Marketing Study, Darren Drewitz, MindEcology**
Katie Krampitz, Tourism Services Manager, introduced Darren Drewitz from MindEcology. He summarized the 'Best Prospective Visitors Targeting Analysis Report' by MindEcology. He reviewed the objective of the research, the top personal to target, the best cities to target, the key findings on distance, and the marketing and messaging recommendations. There was discussion among the Board Members concerning the next steps required. Duane Smith, Tourism and Community Development Manager, advised that the marketing study was complete.
- 6) **Consider Financial Report – None**

Chair Kirkland called up together Items 7a1 through 7a3.

7) **Discussion And Possible Action**

a) **Election Of Officers For 2012-2013**

- 1) **Chair**
- 2) **Vice Chair**

NOMINATION: Board Member McLaughlin made a motion to nominate Board Member Kirkland for Chair and Board Member Olguin as Vice Chair. Board Member Schoen seconded the motion. Board Member Kirkland accepted the nomination for Chair. Board Member Olguin accepted the nomination for Vice Chair. There were no other nominations. The motion passed 5-0, with one absent and Place Six vacant.

- 3) **Secretary**

NOMINATION: Vice Chair Olguin made a motion to nominate Board Member Robert Schoen for Secretary. Board Member McLaughlin seconded the motion. Board Member Schoen accepted the nomination. There were no other nominations. The motion passed 5-0, with one absent and Place Six vacant. Board Member Schoen was elected Secretary.

b) **Tourism Advisory Board (TAB) Rules And Procedures**

- 1) **Consider Approval Of Technical Amendment Regarding Location Of Meetings And Work Sessions**

MOTION: Vice Chair Olguin made a motion to approve the technical Amendment regarding the location of the Meetings and Work Sessions as submitted. Board Member Weibel seconded the motion. Motion passed unanimously, 5-0, with one absent and Place Six vacant.

- 2) **Consider Adoption Of A Resolution Amending The Rules And Procedures To Revise The Location Of Meetings And Work Sessions**

MOTION: Vice Chair Olguin made a motion to adopt the Resolution Amending the Rules and Procedures to revise the location of meetings and work sessions as presented. Board Member McLaughlin seconded the motion. Motion passed unanimously, 5-0, with one absent and Place Six vacant.

Chair Kirkland called up together Items 7c1 through 7c3.

c) **Designation Of Subcommittee Members**

- 1) **Marketing And Promotions Subcommittee**
- 2) **Hotel Association Subcommittee**
- 3) **Projects And Proposals Review Subcommittee**

Duane Smith advised that the Marketing and Promotions Subcommittee met the most. He advised that there was only one board member on the following two subcommittees: 'Marketing and Promotions' and 'Project and Proposal Review'. Board Member Weibel advised he would like to serve on the Marketing and Promotions Subcommittee. Chair Kirkland advised that he would serve on the Project and Proposal Review Subcommittee.

Summary:

*Marketing and Promotions Subcommittee: Vice Chair Olguin and Board Member Weibel
Hotel Association Subcommittee: Board Member McLaughlin and Board Member Brooks
Projects and Proposals Review Subcommittee: Board Member Schoen and Chair Kirkland*

MOTION: Board Member Schoen made a motion to approve the appointment of subcommittee members as discussed. Board Member Weibel seconded the motion. Motion passed unanimously, 5-0, with one absent and Place Six vacant.

Chair Kirkland called up together Items 8a through 8c.

8) **Update On Marketing And Advertising – Katie Krampitz, Tourism Services Manager**

a) **October Events And Activities**

Katie Krampitz, Tourism Services Manager, advised that she will insert the Reunion Grill events onto the calendar. She advised that the Cirque du Soleil's only Texas performance of Saltimbanco will be at the Cedar Park Center. She provided a copy of the October Cedar Park Event Calendar and asked for Board Member comments.

b) **Update On Cedar Park Fun Brochure Revisions And Re-print**

Katie Krampitz presented the new, updated design for the Cedar Park Fun logo. It has a complimentary color scheme. It will be incorporated into all ads and marketing graphics over the next month. The redesign of the brochure includes a Google Map highlighting attractions, hotels and the tourism information center.

c) **Update On Past And Future Marketing Efforts**

Katie Krampitz reviewed the leads and lead trends, and bulk distributions. She provided copies of the banners used on the Tour Texas website, current ad in the AAA TX Journeys, and the Tour Texas eblast. She provided an update on website results and statistics.

9) **Report on 2nd Annual Leander Independent School District (LISD) - Rouse High School Volleyball Tournament**

Duane Smith advised that this year's event was larger than the previous year. Over 400 participants were from another city our county. Approximately 180 room nights were booked within the Cedar Park/Round Rock/Lakeline-620 area. All five gyms were used.

10) **Excuse Absences from Tourism Board Meeting - None**

11) **Staff Closing Comments. None**

12) **Board Members Closing Comments**

Board Members asked about hotel bookings for F1 weekend. Katie Krampitz advised that all the hotels are full for that weekend.

13) **Request For Future Agenda Items. None**

Next Regular Scheduled Tourism Advisory Board Meeting: Tuesday, October 23, 2012 at 6:30 P.M. at the Cedar Park City Hall Council Chambers, 450 Cypress Creek Road, Building Four.

14) **Adjournment.**

Chair Kirkland adjourned the meeting at 7:34 PM.

PASSED AND APPROVED THIS 23RD DAY OF OCTOBER, 2012.



MEL KIRKLAND, Chair

ATTESTED BY:



ROBERT SCHOEN, Secretary



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. C.1
(Z-12-008) Second Reading And Approval Of An Ordinance To Assign And Rezone From Rural Agriculture (RA) Approximately 57.67 Acres To 6.59 Acres Of General Retail (GR), 41.17 Acres Of Townhome (TH) And 9.91 Acres Of Open Space Recreation (OSR) For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard. The Planning And Zoning Commission Voted 6-0 To Approve The Request.

Commentary:

Applicant/Owner: Paul Linehan, Land Strategies/Bula Lewis Farms LP

Request: Assign original zoning and rezone 57.67 acres to 6.59 acres of General Retail (GR), 41.17 acres of Townhome (TH), and 9.91 acres of Open Space Recreation (OSR)

Current Zoning: Development Reserve (DR) and Rural Agriculture (RA)

Requested Zoning: General Retail (GR), Townhome (TH), and Open Space Recreation (OSR)

Existing Future Land Use Plan: Regional Office/Retail/Commercial and Parks and Open Space

Proposed Future Land Use Plan: Regional Office/Retail/Commercial, Parks and Open Space and Medium Density Residential

Overlay Applicability: Corridor Overlay

Staff Recommendation:

- Approval of applicant's request

Reason for Staff Recommendation:

- Supports economic development and housing goals of the Comprehensive Plan
- Partially with the Future Land Use Plan
- Meets the purpose statements of the proposed districts
- Provides appropriate transitions to support retail and office development around the Ronald Reagan and East Whitestone Boulevard node

P&Z Recommendation:

- Approval

Stated Reasons for P&Z Recommendation:

- Agree with staff's reasoning

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Michael Dion, Holly Hogue, Thomas Balestiere, Jon Lux and Scott Rogers

Opposed: None

Absent: Lorena Echeverria de Misi

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on September 18, 2012. No public testimony was received.

City Council Public Hearing:

The City Council held a public hearing on October 25, 2012. Two citizens spoke regarding this request. Both supported the request but acknowledged flooding issues within the property.

Background:

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

September 5, 2012: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen

September 6, 2012: 9 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract

September 18, 2012: Planning and Zoning Commission public hearing

October 10, 2012: Public notice of the City Council public hearing published in the Cedar Park Leander Statesman

October 25, 2012: City Council 1st reading and public hearing

November 8, 2012: City Council 2nd reading

City Manager's Remarks

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Legal Certifications

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF AND REZONE FROM RURAL AGRICULTURE (RA) APPROXIMATELY 57.67 ACRES TO 6.59 ACRES OF GENERAL RETAIL (GR), 41.17 ACRES OF TOWNHOME (TH) AND 9.91 ACRES OF OPEN SPACE RECREATION (OSR) FOR PROPERTY LOCATED ON THE WEST SIDE OF RONALD REAGAN BOULEVARD JUST NORTH OF EAST WHITESTONE BOULEVARD, IN WILLIAMSON COUNTY, TEXAS. (Z-12-008); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

Section 1. That the zoning district map of the City of Cedar Park adopted in ordinance no. 75-2 be and the same is hereby amended to assign original zoning and rezone from Rural Agriculture (RA) approximately 57.67 acres to 6.59 acres of General Retail (GR), 41.17 acres of Townhome (TH) and 9.91 acres of Open Space Recreation (OSR) for property located on the west side of Ronald Reagan boulevard just north of East Whitestone boulevard otherwise set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 25th day of October, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 8th day of November, 2012, at which a

quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

CP 57 – Tract 1 (28.31 ac.)

Beginning at a point in the western right-of-way of Ronald W. Reagan Boulevard, being also the northeastern corner of the 57.67 acre property as well as the northeastern corner of Tract 1, and proceeding to the south with the right-of-way of Ronald W. Reagan Boulevard, the following ten bearings and distances:

Along a curve to the left, the long chord of which bears S 37°19'30" E, having a chord distance of 75.19' and a radius of 2,183.00'

S 18°46'47" E 11.88'

Along a curve to the left, the long chord of which bears S 46°27'40" E, having a chord distance of 597.92' and a radius of 2,187.00'

S 35°25'36" W 10.00'

Along a curve to the left, the long chord of which bears S 54°53'49" E, having a chord distance of 44.30' and a radius of 2,197.00'

S 55°27'41" E 513.02'

S 34°15'00" W 9.97'

S 55°28'47" E 570.35'

N 65°34'27" E 4.38'

S 55°28'47" E 12.74' to an angle point, being also the southeastern corner of Tract 1.

Thence, proceeding generally westward across the said 57.67 acre property, the following five bearings and distances:

S 62°27'19" W 72.17'

S 63°43'50" W 70.02'

S 61°35'09" W 120.40'

S 62°16'45" W 91.39'

S 53°14'01" W 15.23' to an interior angle point

Thence, proceeding generally southward across the said 57.67 acre property, S 39°49'27" E 376.63' to an angle point, being a point in the southern boundary of the said 57.67 acre property and being also the southeastern corner of Tract 1.

Thence, proceeding with the southern boundary of the said 57.67 acre property, the following six bearings and distances:

N 89°21'11" W 35.14'

S 63°07'30" W 45.05'

S 48°50'11" W 234.92'

S 41°47'21" W 237.83'

S 52°20'44" W 136.06'

S 68°29'22" W 67.09' to an angle point, being also the southwestern corner of Tract 1.

Thence, continuing along the southern boundary of the said 57.67 acre property, the following three bearings and distances:

N 18°42'43" W 1,198.68'

S 65°55'56" W 55.60'

S 19°06'38" E 800.98' to an angle point.

Thence, proceeding across the said 57.67 acre property, the following twelve bearings and distances:

N 27°32'07" W 192.46'

N 40°30'40" W 257.03'

N 42°01'45" W 190.83'

N 42°33'36" W 149.38'

N 44°10'48" W 148.47'

N 32°47'45" W 72.11'

N 25°21'44" W 18.65'

N 51°32'01" W 80.38'

N 63°07'12" W 80.24'

N 68°04'10" W 55.02'

N 86°26'53" W 68.21'

S 87°29'13" W 20.75' to an angle point, being also a point in the western boundary of the said 57.67 acre property.

Thence, proceeding with the western boundary of the said 57.67 acre property, N 18°16'05" W, a distance of 82.13' to an angle point, being the northwestern corner of the said 57.67 acre property as well as the northwestern corner of Tract 1.

Thence, continuing with the northern boundary of the said 57.67 acre property, the following two bearings and distances:

N 83°01'43" E 591.51'

N 19°51'01" W 232.62' to the POINT OF BEGINNING, and containing 28.31 acres, more or less.

CP 57 – Tract 2 (6.59 ac.)

Beginning at a point in the western right of way of Ronald W. Reagan Boulevard, being the southeastern corner of the 57.67 acre property and being also the southeastern corner of Tract 2, and proceeding with the southern boundary of the said 57.67 acre property, the following four bearings and distances:

S 80°13'45" W 55.30'

S 67°20'54" W 92.97'

S 89°48'44" W 367.93'

N 70°12'16" W 247.09' to an angle point, being also the southwestern corner of Tract 2.

Thence, proceeding across the said 57.67 acre tract, N 39°49'27" W, 376.63' to an angle point, being also the northwestern corner of Tract 2.

Thence, continuing generally eastward across the said 57.67 acre tract, the following five bearings and distances:

N 53°14'01" E 15.23'

N 62°16'45" E 91.39'

N 61°35'09" E 120.40'

N 63°43'50" E 70.02'

N 62°27'19" E 72.17' to an angle point, being also a point in the western right of way of Ronald W. Reagan Boulevard as well as the northeastern corner of Tract 2

Thence, proceeding south with the western right of way of Ronald W. Reagan Boulevard, the following two bearings and distances:

S 55°28'47" E 429.20'

Along a curve to the right, the long chord of which bears S 49°41'41" E, having a chord length of 396.69' and a radius of 1,963.00' to the POINT OF BEGINNING, and containing 6.59 acres, more or less.

CP 57 – Tract 2 (6.59 ac.)

Beginning at a point in the western right of way of Ronald W. Reagan Boulevard, being the southeastern corner of the 57.67 acre property and being also the southeastern corner of Tract 2, and proceeding with the southern boundary of the said 57.67 acre property, the following four bearings and distances:

S 80°13'45" W 55.30'

S 67°20'54" W 92.97'

S 89°48'44" W 367.93'

N 70°12'16" W 247.09' to an angle point, being also the southwestern corner of Tract 2.

Thence, proceeding across the said 57.67 acre tract, N 39°49'27" W, 376.63' to an angle point, being also the northwestern corner of Tract 2.

Thence, continuing generally eastward across the said 57.67 acre tract, the following five bearings and distances:

N 53°14'01" E 15.23'

N 62°16'45" E 91.39'

N 61°35'09" E 120.40'

N 63°43'50" E 70.02'

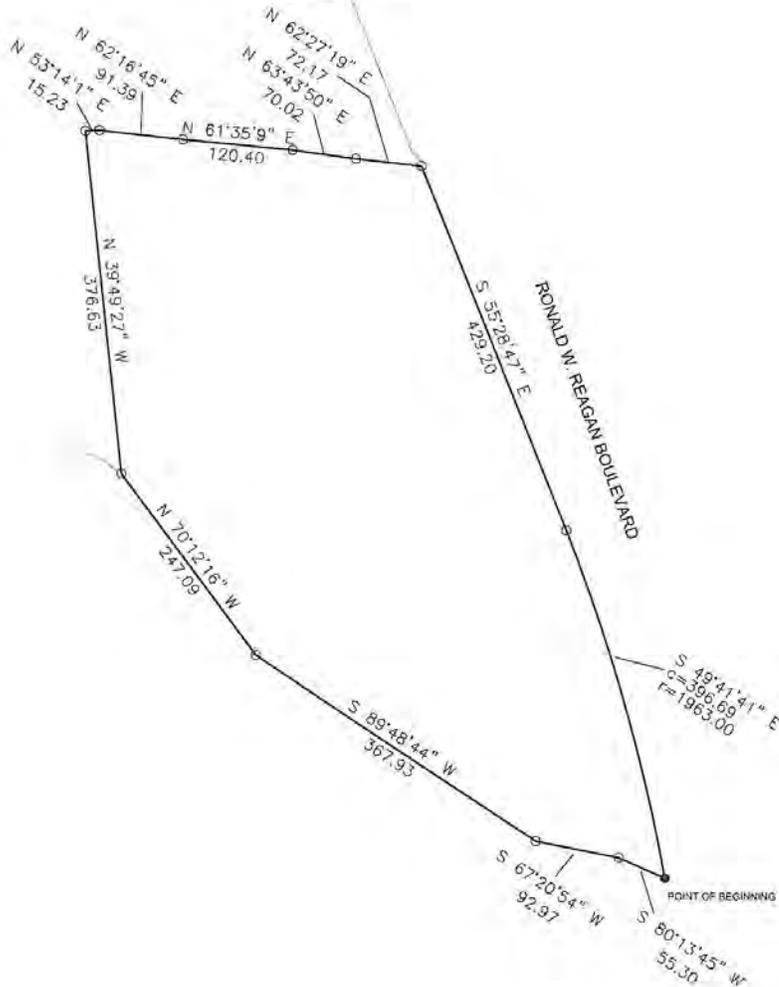
N 62°27'19" E 72.17' to an angle point, being also a point in the western right of way of Ronald W. Reagan Boulevard as well as the northeastern corner of Tract 2

Thence, proceeding south with the western right of way of Ronald W. Reagan Boulevard, the following two bearings and distances:

S 55°28'47" E 429.20'

Along a curve to the right, the long chord of which bears S 49°41'41" E, having a chord length of 396.69' and a radius of 1,963.00' to the POINT OF BEGINNING, and containing 6.59 acres, more or less.

CP 57
Tract 2 6.59 ac.
GR District



SCALE: 1" = 100'

CP 57 – Tract 3 (9.91 ac.)

Beginning for reference at a point in the western right-of-way of Ronald W. Reagan Boulevard, being also the northeastern corner of the 57.67 acre property, and proceeding westward with the northern boundary of the said 57.67 acre property, the following two bearings and distances:

S 19°51'01" E 232.62'
S 83°01'43" W 591.51' to an angle point, being also the northwestern corner of the said 57.67 acre property.

Thence, continuing southward with the western boundary of the said 57.67 acre property, S 18°16'05" E 82.13' to the northernmost point of Tract 3, being the POINT OF BEGINNING.

Thence, proceeding generally southeastward across the said 57.67 acre property, the following twelve bearings and distances:

N 87°29'13" E 20.75'
S 86°26'53" E 68.21'
S 68°04'10" E 55.02'
S 63°07'12" E 80.24'
S 51°32'01" E 80.38'
S 25°21'44" E 18.65'
S 32°47'45" E 72.11'
S 44°10'48" E 148.47'
S 42°33'36" E 149.38'
S 42°01'45" E 190.83'
S 40°30'40" E 257.03'
S 27°32'07" E 192.46' to a point in the southern boundary of the said 57.67 acre property.

Thence, continuing with the southern boundary of the said 57.67 acre property, the following two bearings and distances:

S 19°06'38" E 455.19'
S 18°55'32" E 54.01' to an angle point, being the southeastern corner of Tract 3.

Thence, continuing with the southern boundary of the said 57.67 acre property, the following four bearings and distances:

S 29°05'49" W 88.13'
S 25°59'32" W 213.08'
S 32°20'28" W 218.94'
S 15°00'25" W 32.10' to an angle point, being the southwestern corner of Tract 3.

Thence, proceeding generally northwestward across the said 57.67 acre property, the following ten bearings and distances:

N 02°16'31" W 73.54'
N 29°16'50" E 159.98'
N 17°09'11" W 277.70'
N 17°36'41" W 281.59'
N 17°54'02" W 166.86'
N 27°58'47" W 48.48'
N 37°03'16" W 68.25'
N 39°00'56" W 369.08'
N 40°57'38" W 279.48'
N 43°45'38" W 161.58" to a point in the western boundary of the said 57.67 acre property.

Thence, continuing northward with the western boundary of the said 57.67 acre property, N 18°16'05" W 277.43' to the POINT OF BEGINNING, and enclosing 9.91 acres, more or less.

CP 57 – Tract 4 (12.86 ac.)

Beginning for reference at a point in the western right-of-way of Ronald W. Reagan Boulevard, being also the northeastern corner of the 57.67 acre property, and proceeding westward with the northern boundary of the said 57.67 acre property, the following two bearings and distances:

S 19°51'01" E 232.62'
S 83°01'43" W 591.51' to an angle point, being also the northwestern corner of the said 57.67 acre property

Thence, continuing southward with the western boundary of the said 57.67 acre property, S 18°16'05" E 359.56' to the northernmost point of Tract 4, being the POINT OF BEGINNING.

Thence, proceeding generally southeastward across the said 57.67 acre property, the following ten bearings and distances:

S 43°45'38" E 161.58'
S 40°57'38" E 279.48'
S 39°00'56" E 369.08'
S 37°03'16" E 68.25'
S 27°58'47" E 48.48'
S 17°54'02" E 166.86'
S 17°36'41" E 281.59'
S 17°09'11" E 277.70' to an angle point, being the southeastern corner of Tract 4.

Thence, continuing generally southwestward across the said 57.67 acre property, the following two bearings and distances:

S 29°16'50" W 159.98'
S 02°16'31" E 73.54' to a point in the southern boundary of the said 57.67 acre property.

Thence, continuing with the southern boundary of the said 57.67 acre property, the following four bearings and distances:

S 15°00'25" W 90.12'
S 53°38'02" W 51.39'
S 70°56'45" W 87.02'
S 79°02'55" W 156.75' to an angle point, being the southwestern corner of the said 57.67 acre property as well as the southwestern corner of Tract 4.

Thence, continuing north with the western boundary of the said 57.67 acre property, the following seven bearings and distances:

N 13°14'21" W 57.56'

N 12°31'05" W 148.59'

N 73°19'35" E 48.46'

N 18°09'22" W 560.89'

N 10°14'31" W 428.60'

N 15°32'41" W 446.21'

N 18°16'05" W 203.71' to the POINT OF BEGINNING, and enclosing 12.86 acres, more or less.

CP 57 – Tract 4 (12.86 ac.)

Beginning for reference at a point in the western right-of-way of Ronald W. Reagan Boulevard, being also the northeastern corner of the 57.67 acre property, and proceeding westward with the northern boundary of the said 57.67 acre property, the following two bearings and distances:

S 19°51'01" E 232.62'
S 83°01'43" W 591.51' to an angle point, being also the northwestern corner of the said 57.67 acre property

Thence, continuing southward with the western boundary of the said 57.67 acre property, S 18°16'05" E 359.56' to the northernmost point of Tract 4, being the POINT OF BEGINNING.

Thence, proceeding generally southeastward across the said 57.67 acre property, the following ten bearings and distances:

S 43°45'38" E 161.58'
S 40°57'38" E 279.48'
S 39°00'56" E 369.08'
S 37°03'16" E 68.25'
S 27°58'47" E 48.48'
S 17°54'02" E 166.86'
S 17°36'41" E 281.59'
S 17°09'11" E 277.70' to an angle point, being the southeastern corner of Tract 4.

Thence, continuing generally southwestward across the said 57.67 acre property, the following two bearings and distances:

S 29°16'50" W 159.98'
S 02°16'31" E 73.54' to a point in the southern boundary of the said 57.67 acre property.

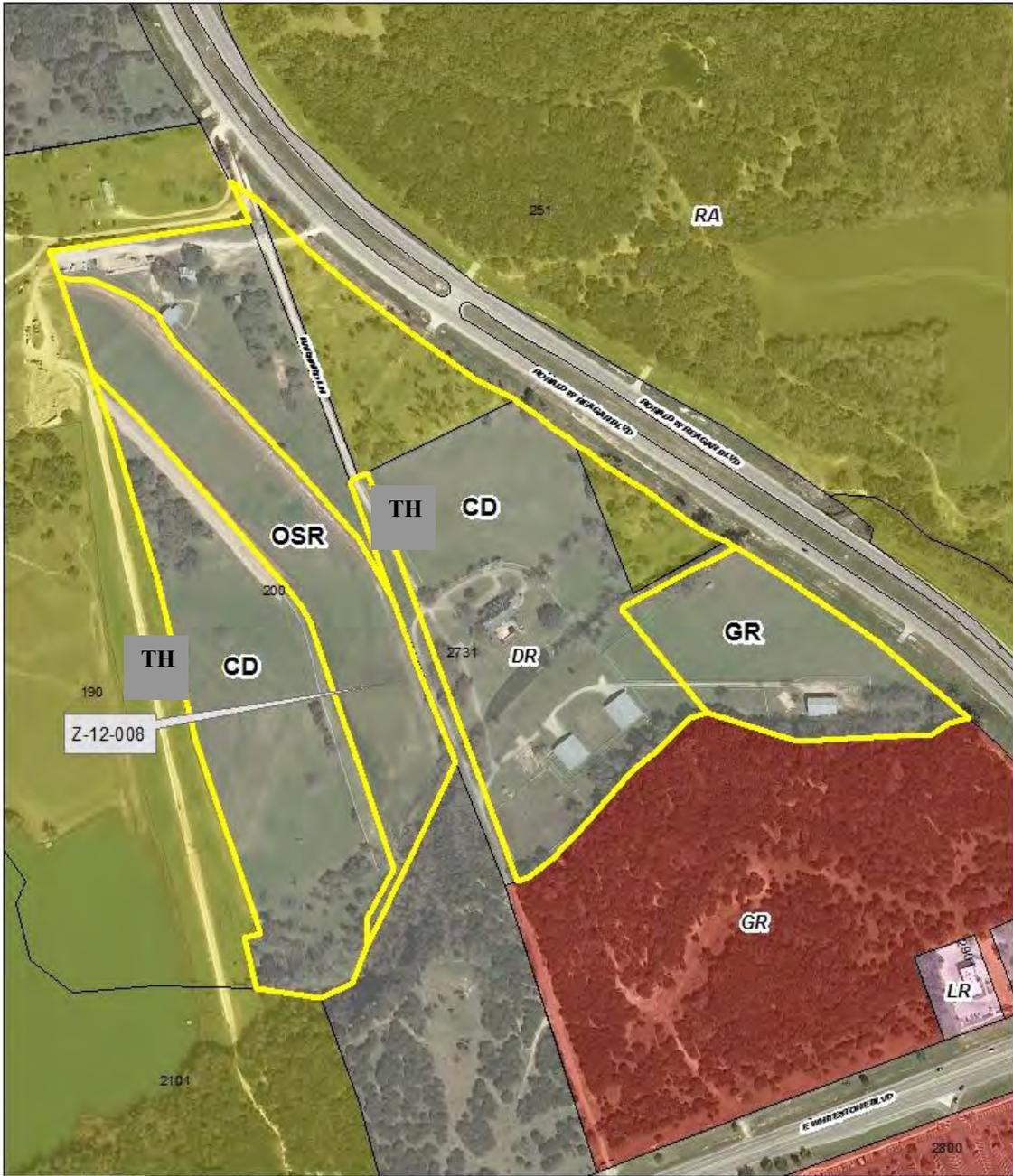
Thence, continuing with the southern boundary of the said 57.67 acre property, the following four bearings and distances:

S 15°00'25" W 90.12'
S 53°38'02" W 51.39'
S 70°56'45" W 87.02'
S 79°02'55" W 156.75' to an angle point, being the southwestern corner of the said 57.67 acre property as well as the southwestern corner of Tract 4.

Thence, continuing north with the western boundary of the said 57.67 acre property, the following seven bearings and distances:

N 13°14'21" W 57.56'

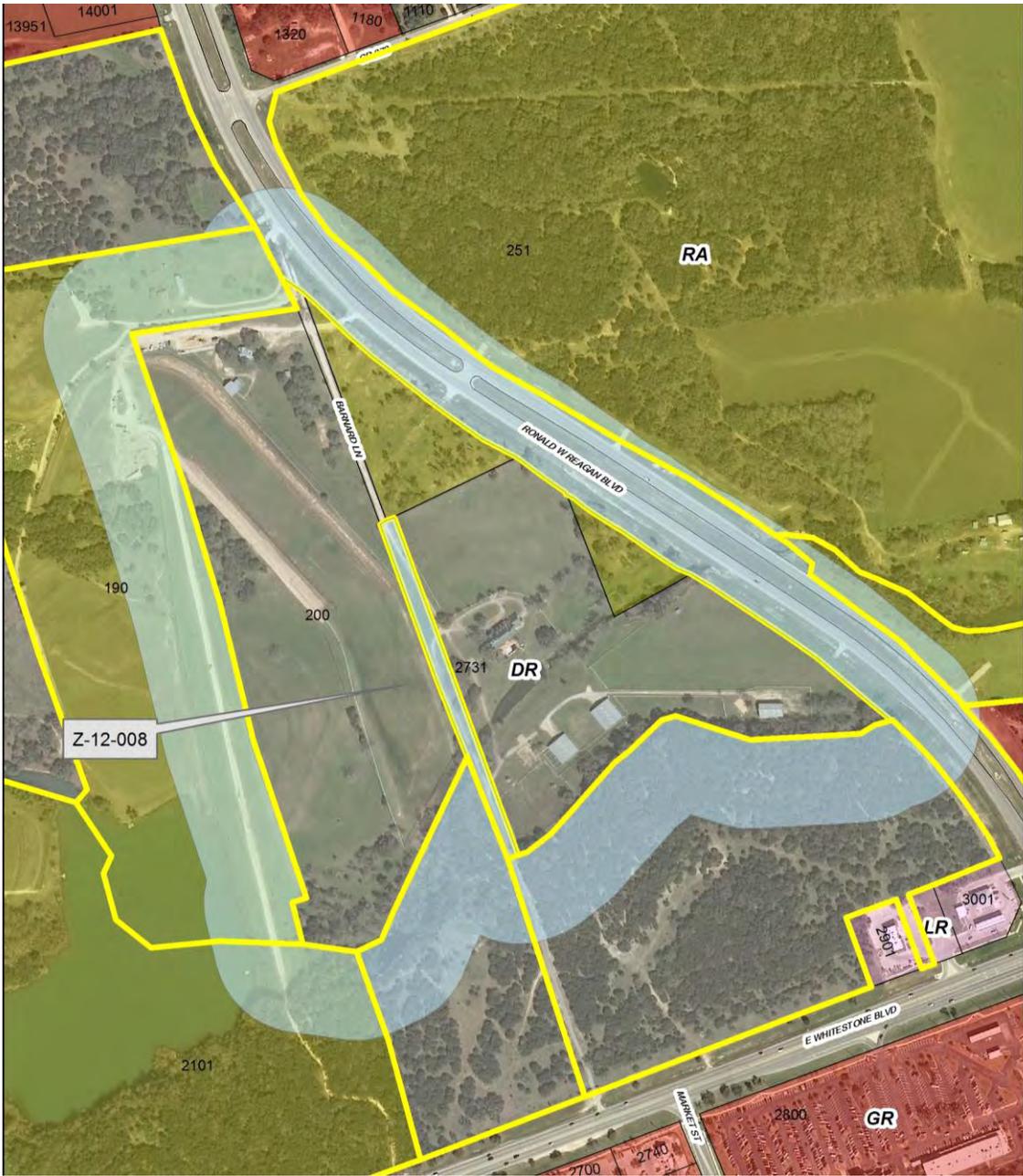
N 12°31'05" W 148.59'
N 73°19'35" E 48.46'
N 18°09'22" W 560.89'
N 10°14'31" W 428.60'
N 15°32'41" W 446.21'
N 18°16'05" W 203.71' to the POINT OF BEGINNING, and enclosing 12.86 acres, more
or less.



Z-12-008



EXHIBIT B



NOTIFICATION AREA

September 18, 2012 Zoning	<i>Planning and Zoning Commission</i> CP57	Item: 7A & 8A
Case Number: Z-12-008		

OWNER/APPLICANT: Bula Lewis Farms, LP

AGENT: Paul Linehan, Land Strategies

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

LOCATION: On the west side of Ronald Reagan Boulevard just north of E. Whitestone Boulevard

COUNTY: Williamson County

AREA: 57.67 acres

EXISTING ZONING: Development Reserve (DR) and Rural Agriculture (RA)

PROPOSED ZONING: Tracts 1 and 4 – Townhome (TH) 41.17 acres
 Tract 2 – General Retail (GR) 6.59 acres
 Tract 3 – Open Space Recreation (OSR) 9.91 acres

STAFF RECOMMENDATION: Tracts 1 and 4 – Townhome (TH) 41.17 acres
 Tract 2 – General Retail (GR) 6.59 acres
 Tract 3 – Open Space Recreation (OSR) 9.91 acres

FUTURE LAND USE PLAN EXISTING: Regional Office/Retail/Commercial and Parks and Open Space

FUTURE LAND USE PLAN PROPOSED: Regional Office/Retail/Commercial, Parks and Open Space, and Medium Density Residential

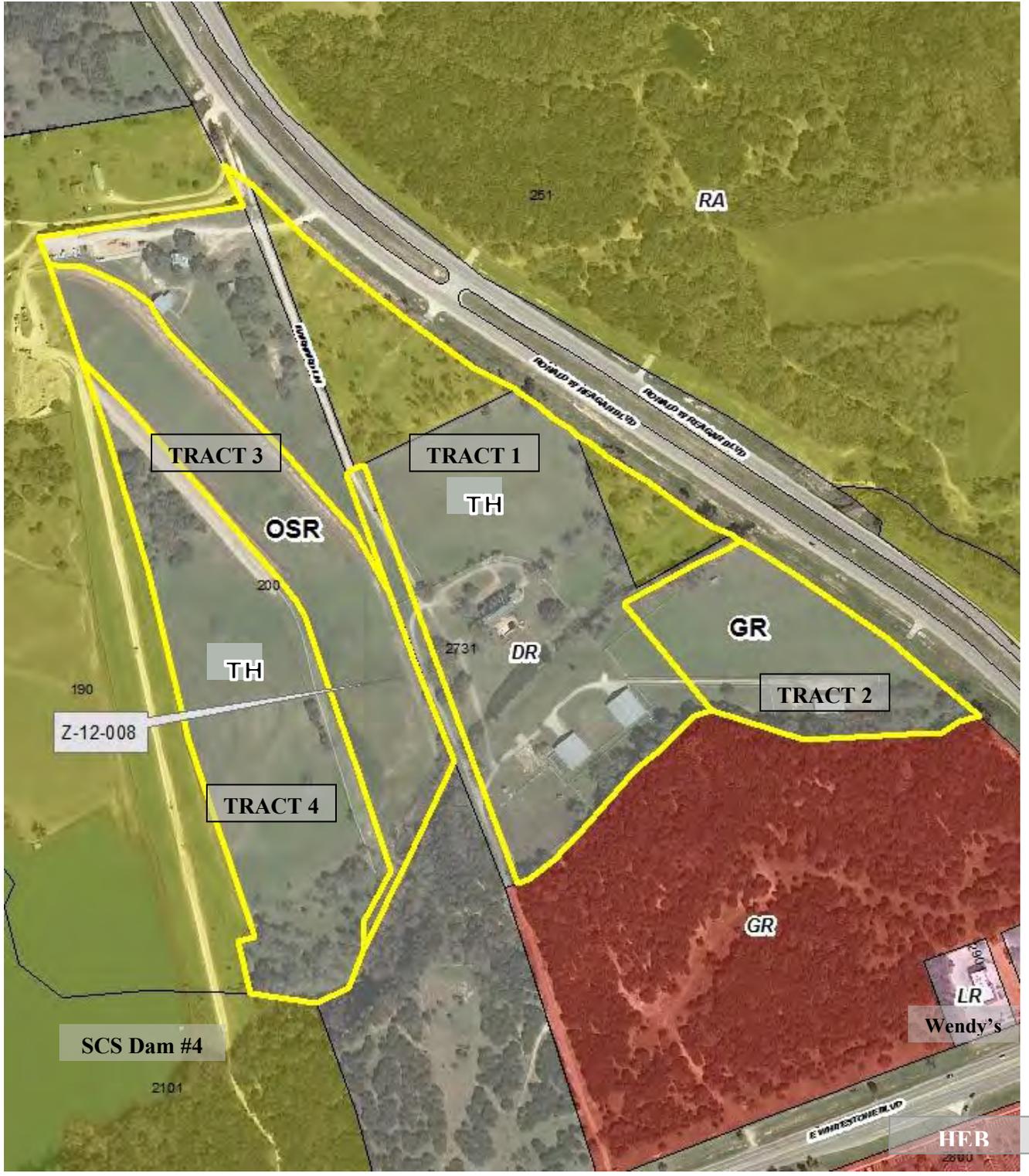
FUTURE LAND USE PLAN RECOMMENDED: Regional Office/Retail/Commercial, Parks and Open Space, and Medium Density Residential

SUMMARY OF APPLICANT’S REQUEST:

The applicant's request is to assign original zoning and rezone approximately 57.67 acres from Development Reserve (DR) and Rural Agriculture (RA) to 41.17 acres of Townhome (TH), 6.59 acres of General Retail (GR), and 9.91 acres of Open Space Recreation (OSR).

SITE AND SURROUNDING LAND USES:

This site previously has a home and stables constructed on the property with the majority of the site being undeveloped. To the west is the SCS Dam #4, to the north is Rural Agriculture (RA) to the east is Ronald Reagan Boulevard and to the south is General Retail (GR).



Site:



PURPOSE OF REQUESTED ZONING DISTRICTS:

TRACTS 1 AND 4: The **Town Home Residential District, TH**, is established to provide for small residential lots for medium density single-family residential developments at a more compact urban scale. This district allows for a variation from traditional housing placement, permitting the construction of town homes and/or zero-lot line or garden homes. Nonresidential uses permitted in this district are considered to be compatible with single-family residences that act to preserve the value, and integrity of the residential neighborhood.

Permitted uses in TH:

Garden homes (zero-lot line homes)	Real estate sales office (during the development of residential subdivisions, to be terminated upon ninety (90) percent build out of the subdivision.)
Town homes, residential use	Temporary buildings
Parks, playgrounds (owned and/or operated by the City or other governmental agency)	Utility services, general
Places of worship	Accessory structures
Public buildings, uses	Customary home occupations

TRACT 2: 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.

Permitted uses in GR:

Accessory structures	Civic clubs and fraternal organizations	Gasoline service stations general
Administrative offices	Commercial parking lots	Gasoline service stations limited
Art galleries with retail sales	Community center	Golf amusement
Art gallery	Consumer repair shop (including bicycles)	Hardware stores
Automated Teller Machines	Convenience store	Home improvement center (with portable building sales as an accessory use only)
Automobile parts and accessories sales	Day care center adult	Hotel extended stay
Automobile repair shop	Day care center child	Hotel
Automobile sales new	Day care center incidental	Indoor sports and recreation
Automotive sales used	Drugstores	Instant print copy services
Automotive tire stores	Dry cleaning and/or laundry on-site	Landscape nursery and supply store retail
Bakery retail	Equipment rental sales service and/or repair	Laundromat
Banks (with or without drive-through facilities)	Food sales general (grocery store)	Liquor store
Bar Cocktail Lounge	Food sales limited	Medical offices
Bed and Breakfast	Funeral home	
Car washes; all types	Furniture store	

Motel	Personal services general	Special events
Movie and music rentals	Pet grooming	Studios/art studio dance
sales	Places of worship	music drama gymnastics
Non-Emergency Medical	Private schools	photography interior
Transport Service	Professional offices	design
Non-Emergency Medical	Public buildings uses	Temporary buildings
Transport Service	Reception hall	Theatres indoor
(Conditional)	Rental libraries for sound	Theatres outdoor
Nonprofit seasonal	and video recordings	Transit station
fundraisers	Research and	Utility services general
Office/showrooms	development activities (as	Veterinary Services
Office/warehouse	it pertains to software only)	Vocational or trade school
Personal Improvement	Restaurant general	Wireless
Services	Retail gift store	telecommunications
Personal improvement	Retail stores	facilities
services general	Software development	
Personal Improvement	Software sales computer	
Services Limited	hardware sales	

TRACT 3: The **Open Space Recreation District, OSR**, is established to implement the goals of the Comprehensive Plan to develop and implement a system of parks and recreational opportunities throughout the community that responds to the broad variety of recreational needs of the different age groups and interests of people residing in all areas of the City.

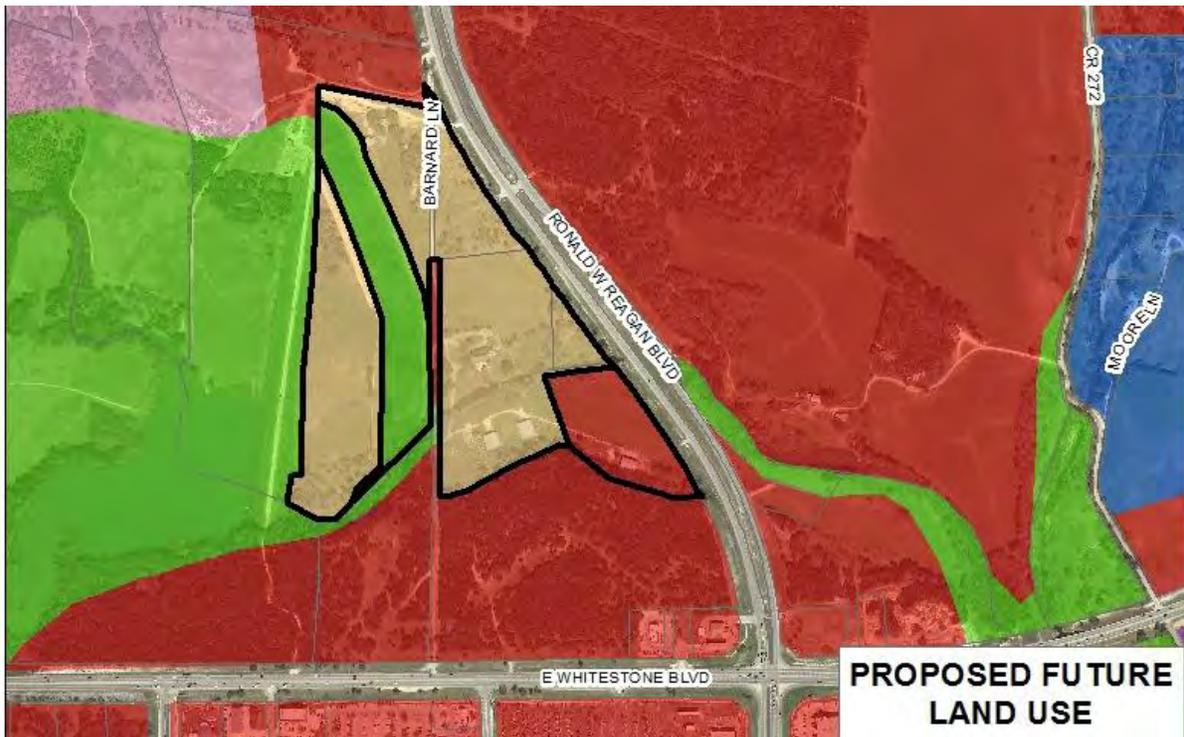
Permitted uses in OSR:

Outdoor sports and recreation
 Public restrooms, storage facilities, (as part of the principal building and/or in separate buildings as accessory uses to the principal permitted use only)
 Retention, detention and water quality ponds
 Temporary buildings
 Accessory structures
 Parks, playgrounds, community buildings, recreation centers and other public recreational facilities and activities

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial, with compatible zoning districts of General Office (GO), General Retail (GR) and Mixed Use (MU) and Parks and Open Space with compatible zoning districts of Open Space Recreation (OSR) and Open Space Greenbelt (OSG).

The applicant's request is in compliance with the Future Land Use Plan with the exceptions of the areas requested for medium density residential (Tracts 1 and 4) where Medium Density Residential is being requested (See item 9A).



The request for **TH** is in compliance with these goals of the Comprehensive Plan:

- 4.1.3 Housing Goals – 1) 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 over the next 20-30 years 2) Provide new housing opportunities for current and future residents of Cedar Park.

The request for **GR** is compliant with the following goals of the Comprehensive Plan:

- 4.1.6 Economic Development Goals – 1) Diversify and broaden Cedar Park's economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services; 2) Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment which supports existing businesses. 3) Attract commercial development to Cedar Park in order to reduce tax burden on residential property.

The request for **OSR** is in compliance with these goals of the Comprehensive Plan:

- 4.1.4 Parks and Open Space Goals – 1) Establish a viable park, recreation and open space system for the City where residents and visitors can enjoy the natural beauty of the Hill Country 2) Develop a system of parks and open spaces that address the needs of the residents of Cedar Park as well as draw visitors and businesses to Cedar Park

SITE INFORMATION:

Corridor Overlay:

Ronald Reagan Boulevard is a corridor roadway.

Transportation:

Ronald Reagan Boulevard is classified as an arterial roadway.

Subdivision:

A subdivision of this property will be required.

Setback Requirements:

	OSR	TH	GR
Front Setback	25'	Varies	25'
Side Setback	12'	Varies	12'
Rear Setback	10'	Varies	5'

Architectural Requirements:

This site is subject to recently adopted masonry ordinance standards.

Leander Independent School District (LISD):

LISD has reviewed the residential requested and stated that a residential component of this size and at this location was accounted for in their future growth.

STAFF ANALYSIS:

Tracts 1 and 4: Townhome (TH)

The applicant's request for TH is not consistent with the Future Land Use Plan however, considering the location, the request is appropriate for this site. The tract is located on the west side of Ronald Reagan Boulevard approximately ¼ mile north of the intersection of Ronald Reagan and East Whitestone Boulevard. The request provides for appropriate transitions around the Ronald Reagan

and Whitestone Boulevard node. In addition, the provision of residential could work to support the future of the Ronald Reagan/New Hope Road commercial node in the future as well. Transitioning the land uses in this area provides the rooftops that will help support the retail at the intersection and vicinity as well as provides homes for future employment areas.

Tract 4 is located behind the spillway yet still outside of the 100year floodplain. This tract will pose some development challenges due to the requirements of a bridge over the spillway to access this tract. However, if the applicant can engineer the site to meet these challenges, the TH district in this location is feasible.

In addition, the request meets the Comprehensive Plan goal, 4.1.3, to formulate a viable mix of housing types that will successfully diversify the housing market of Cedar Park and well as to provide new housing opportunities for current and future residents of Cedar Park. Only 1.03% of the land area within Cedar Park consists of townhomes/condominiums.

Tract 2: Request for General Retail (GR)

The applicant's request to rezone the property to GR supports the goals outlined in the Comprehensive Plan, and is consistent with the Future Land Use Plan as well as the purpose statement of the GR district.

Tract 3: Request for Open Space Recreation (OSR)

The applicant's request to rezone the property to OSR supports the goals outlined in the Comprehensive Plan, and is consistent with the Future Land Use Plan as well as the purpose statement of the OSR district.

STAFF RECOMMENDATION:

Staff recommends the following zoning and future land use plan amendment:

Tracts 1 and 4: Townhome (TH); Medium Density Residential

Tract 2: General Retail (GR)

Tract 3: Open Space Recreation (OSR)

PUBLIC NOTICE: September 5, 2012 Cedar Park Statesman; Notices were mailed to the 7 property owners within 300' of the subject tract

PUBLIC INPUT: Staff received no inquiries at the time of publication of this report

PROPOSED CITY COUNCIL HEARINGS: October 25, 2012 ~ 1ST Reading
November 6, 2012 ~ 2ND Reading



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. C.2
(Z-12-011) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 31.13 For Property Located On CR 180 Just East Of 183A And North Of New Hope Drive. The Planning And Zoning Commission Voted 6-0 To Approve The Request.

Commentary:

Applicant/Owner: Autumn 2007 Commercial LP

Request: Assign original zoning of General Retail (GR) to approximately 31.13 acres

Current Zoning: Development Reserve (DR)

Requested Zoning: General Retail (GR)

Existing Future Land Use Plan: Regional Office/Retail/Commercial

Overlay Applicability: Corridor Overlay

Staff Recommendation:

- Approval of General Retail (GR)

Reason for Staff Recommendation:

- Supports economic development goals of the Comprehensive Plan
- Compatible with the Future Land Use Plan
- Meets the purpose statement of the General Retail (GR) district

P&Z Recommendation:

- Approval

Stated Reasons for P&Z Recommendation:

- Agree with staff's reasoning

Planning & Zoning Commission Recommendation to the City Council:
The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Michael Dion, Holly Hogue, Thomas Balestiere, Jon Lux and Scott Rogers
Opposed: None
Absent: Lorena Echeverria de Misi

Planning & Zoning Commission Public Hearing:
The Planning and Zoning Commission held a public hearing on September 18, 2012. No public testimony was received.

City Council Public Hearing:
The City Council held a public hearing on October 25, 2012. No public testimony was received.

Background:

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

- September 5, 2012:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen
- September 6, 2012:* 23 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract
- September 18, 2012:* Planning and Zoning Commission public hearing
- October 10, 2012:* Public notice of the City Council public hearing published in the Cedar Park Leander Statesman
- October 25, 2012:* City Council 1st reading and public hearing
- November 8, 2012:* City Council 2nd reading

City Manager's Remarks

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Legal Certifications

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF GENERAL RETAIL (GR) TO APPROXIMATELY 31.13 ACRES LOCATED ON CR180 JUST EAST OF 183A AND NORTH OF NEW HOPE DRIVE, IN WILLIAMSON COUNTY, TEXAS. (Z-12-011); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

Section 1. That the zoning district map of the City of Cedar Park adopted in ordinance no. 75-2 be and the same is hereby amended to assign original zoning of General Retail (GR) for property located on CR180 just east of 183A and north of New Hope Drive otherwise set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 25th day of October, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 8th day of November, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE WILLIAM S. PARKER SURVEY, ABSTRACT NUMBER 9, SITUATED IN WILLIAMSON COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING PART OF THAT CERTAIN 76.415 ACRE TRACT CONVEYED TO AUTUMN 2007 COMMERCIAL, LP, RECORDED IN DOCUMENT NUMBER 2008000337 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, (O.P.R.W.C.TX.), ALSO BEING ALL OF THAT CERTAIN 2.51 ACRE TRACT CONVEYED TO AUTUMN 2007 COMMERCIAL, LP, RECORDED IN DOCUMENT NO. 2008000337 OF THE O.P.R.W.C.TX., SAID TRACT BEING 30.570 ACRES OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at the northwest corner of a 2.645 acre tract conveyed to the Mary Frances Thompson Family Trust, recorded in Document No. 9531296 of the O.P.R.W.C.TX., common to the westernmost southwest corner of said 76.415 acre tract, also being in the northeast right-of-way line of County Road 180 (right-of-way varies), for the **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary of said 76.415 acre tract and the northeast right-of-way line of said County Road 180, the following three (3) courses and distances, numbered 1 through 3:

1. N16°42'44"W, a distance of 440.09 feet to a point,
2. N17°29'44"W, a distance of 323.44 feet to a point and
3. N17°11'25"W, a distance of 24.68 feet to the westernmost northwest corner of said 76.415 acre tract, common to the southwest corner of a 4.5 acre tract conveyed to the Lisa Pryor Johnson, Trustee of the Lisa Pryor Johnson Trust, recorded in Document No. 2008007543 of the O.P.R.W.C.TX., also being in the northeast right-of-way line of said County Road 180, for the westernmost northwest corner of the herein described tract,

THENCE, with the common boundary line of said 76.415 acre tract and said 4.5 acre tract, the following two (2) courses and distances, numbered 1 and 2:

1. N70°39'24"E, a distance of 373.24 feet to a point at the southeast corner of said 4.5 acre tract, common to an interior ell corner of said 76.415 acre tract, for an interior ell corner of the herein described tract and
2. N18°48'14"W, a distance of 528.23 feet to a point at a northwest corner of said 76.415 acre tract, common to the northeast corner of said 4.5 acre tract, also being on the southeast boundary line of a 10.00 acre tract conveyed to Alfred John Findeisen, Jr. recorded in Document No. 2009089902 of the O.P.R.W.C.TX., for the northernmost northwest corner of the herein described tract,

THENCE, with the common boundary line of said 76.415 acre tract and said 10.00 acre tract, N70°58'38"E, a distance of 436.87 feet to a point on the common boundary line of said 76.415 acre tract and said 10.00 acre tract for the northeast corner of the herein described tract,

THENCE, crossing said 76.415 acre tract and said 2.51 acre tract, the following five (5) courses and distances, numbered 1 through 5:

1. S18°15'14"E, a distance of 562.70 feet to a point of curvature to the left,

2. with said curve to the left having a radius of 490.00 feet, an arc length of 234.67 feet and whose chord bears S31°58'26"E, a distance of 232.43 feet to a point,
3. S45°41'37"E, a distance of 975.92 feet to a point of curvature to the right,
4. with said curve to the right having a radius of 510.00 feet, an arc length of 242.35 feet and whose chord bears S32°04'49"E, a distance of 240.08 feet to a point and
5. S18°23'51"E, a distance of 495.04 feet to a point on the common boundary line of said 2.51 acre tract and the north right-of-way line of said County Road 180, for the southeast corner of the herein described tract,

THENCE, with the common boundary line of said 2.51 acre tract and the north right-of-way line of said County Road 180, following two (2) courses and distances, numbered 1 and 2:

1. S79°05'09"W, a distance of 122.96 feet to a point and
2. S82°43'09"W, a distance of 8.66 feet to a point at the southwest corner of said 2.51 acre tract, common to the southeast corner of a 2.51 acre tract conveyed to Randall L. Wright, recorded in Document No. 2004080119 of the O.P.R.W.C.TX., also being in the north right-of-way line of said County Road 180,

THENCE, with the common boundary line of said 2.51 acre tract and said 2.51 acre Wright tract, N18°23'51"W, a distance of 333.43 feet to a point at an interior ell corner of said 2.51 acre tract, common to an interior ell corner of said 2.51 acre Wright tract,

THENCE, with the common boundary line of said 2.51 acre tract and said 2.51 acre Wright tract, N81°30'09"E, a distance of 49.83 feet to a point at an interior ell corner of said 2.51 acre tract, common to an interior ell corner of said 2.51 acre Wright tract,

THENCE, with the common boundary line of said 2.51 acre tract and said 2.51 acre Wright tract, N18°23'51"W, a distance of 285.77 feet to a point at the northwest corner of said 2.51 acre tract, common to the northeast corner of said 2.51 acre Wright tract, also being in the southeast boundary line of said 76.415 acre tract,

THENCE, with the common boundary line of said 76.415 acre tract, said 2.51 acre Wright tract, a 5.00 acre tract conveyed to Truett Diegel and Larry Niemann, Trustee, recorded in Document No. 2007045838 of the O.P.R.W.C.TX., a 2.34 acre tract conveyed to David G. and Kimberly A. Smyth, recorded in Document No. 2004025722 of the O.P.R.W.C.TX., and a 2.34 acre tract conveyed to Wallace W. and Susan R. Price, recorded in Document No. 1999022551 of the O.P.R.W.C.TX., S81°30'09"W, a distance of 840.04 feet to the southernmost southwest corner of said 76.415 acre tract, common to the southeast corner of said 2.645 acre tract, also being in the north boundary line of said 2.34 acre Price tract, for the southernmost southwest corner of the herein described tract,

THENCE, with the common boundary line of said 76.415 acre tract and said 2.645 acre tract, the following two (2) courses and distances, numbered 1 and 2:

1. N16°25'19"W, a distance of 267.84 feet to the northeast corner of said 2.645 acre tract and an interior ell corner of the herein described tract and
2. S73°34'41"W, a distance of 483.00 feet to the **POINT OF BEGINNING** and containing 30.570 acres of land.

30.570 ACRES
WILLIAM S. PARKER SURVEY, ABSTRACT NO. 9
WILLIAMSON COUNTY, TEXAS
ZONING - GR

These field notes were prepared from recorded information contained in Document No. 2008000337 of the O.P.R.W.C.TX., Document No. 2006067662 of the O.P.R.W.C.TX., and Cabinet G, Slide 13 of the O.P.R.W.C.TX. No actual on-the-ground survey was performed.

Prepared by:  19 JUL 2012

AARON V. THOMASON, R.P.L.S. NO. 6214
Carlson, Brigance, and Doering, Inc.
5501 West William Cannon
Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
aaron@cbdeng.com



SKETCH TO ACCOMPANY FIELD NOTES

LINE TABLE		
LINE	BEARING	LENGTH
L1	N7°12'25" W	24.68'
L2	S82°43'09" W	8.56'
L3	N81°30'09" E	49.83'



John Smith
19 Jul
19 2016

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	TANGENT
CI	490.00'	234.67'	232.43'	19.63'
CE	510.00'	242.35'	240.08'	12.31'

BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203)

Carlsen, Bridgance & Doering, Inc.
 Civil Engineering Surveying
 5501 West William Cavada Drive Austin, Texas 78746
 Phone No. (512) 282-5184 Fax No. (512) 282-5185

PATH - I:\4547\SURVEY\SRVY BASE.dwg

EXHIBIT A

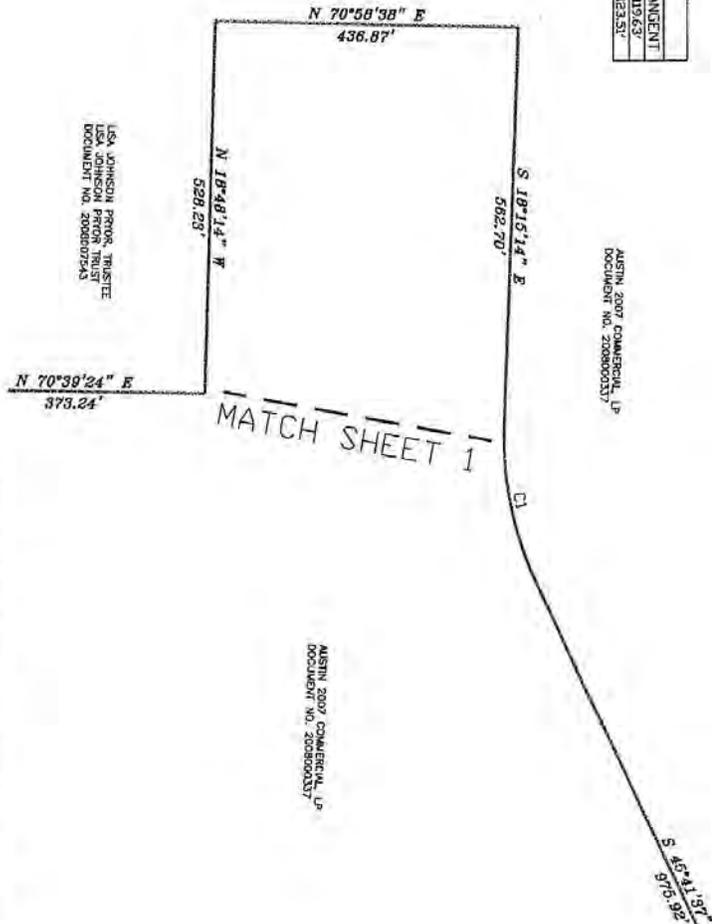
SKETCH TO ACCOMPANY FIELD NOTES

2 OF 3

SCALE: 1" = 200'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N17°12'25" W	24.68'
L2	S82°43'09" W	9.66'
L3	N81°30'09" E	49.83'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	490.00'	234.67'	232.43'	S31°58'26"E	119.63'
C2	510.00'	242.35'	240.08'	S27°04'49"E	123.35'



ALFRED JOHN FRIDRSEN, JR.
DOCUMENT NO. 2009089922

AUSTIN 2007 COMMERCIAL, LP
DOCUMENT NO. 2008000337

AUSTIN 2007 COMMERCIAL, LP
DOCUMENT NO. 2008000337

LISA JOHNSON PRORIO, TRUSTEE
LISA JOHNSON PRORIO, TRUST
DOCUMENT NO. 2008072543

Handwritten signature and date: 09/19/2012

BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203)



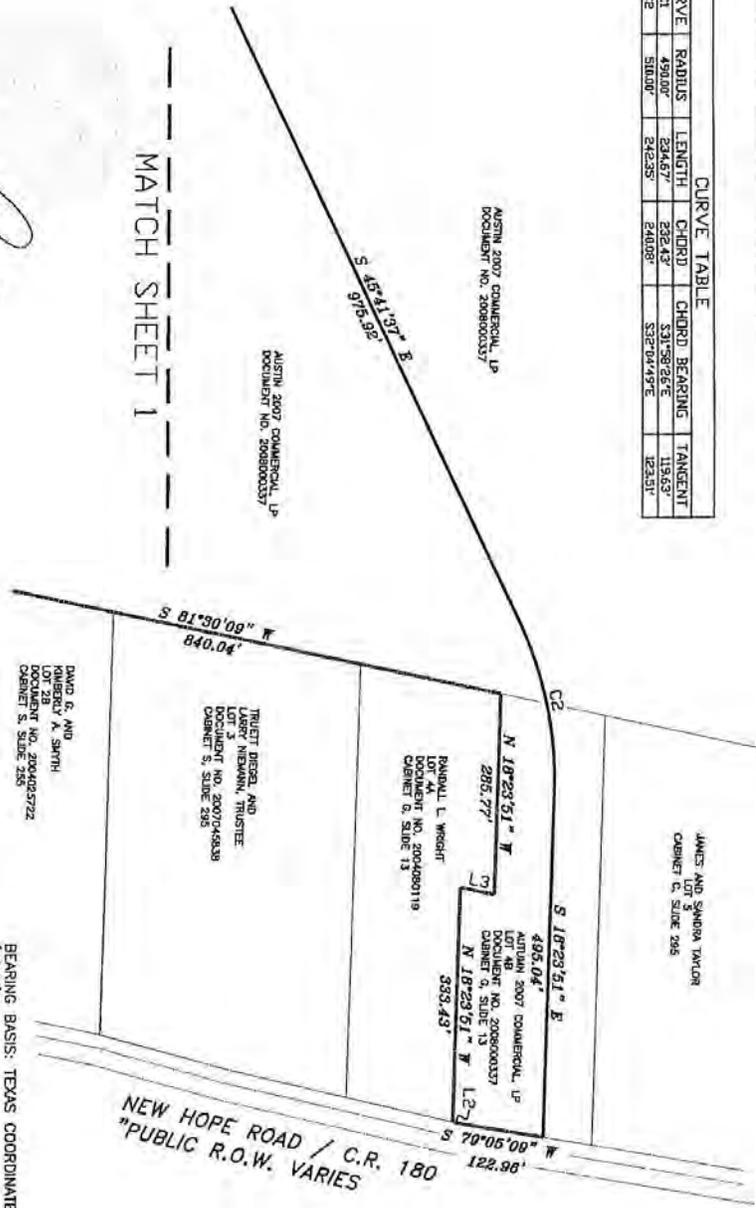
Carlson, Briggance & Doerning, Inc.
 Civil Engineering • Surveying
 5801 West Young Street, Suite 3710
 Houston, TX 77056 • Phone: (281) 283-5165 • Fax: (281) 283-5165

PATH: J:\4571\SURVEN\SRV BASE.dwg

SKETCH TO ACCOMPANY FIELD NOTES

LINE	BEARING	LENGTH
L1	N17°11'25" W	24.66'
L2	S82°43'09" W	9.66'
L3	N81°30'09" E	49.93'

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	490.00'	234.67'	232.43'	S31°38'28" E	115.63'
C2	510.00'	242.23'	240.05'	S37°04'49" E	123.51'

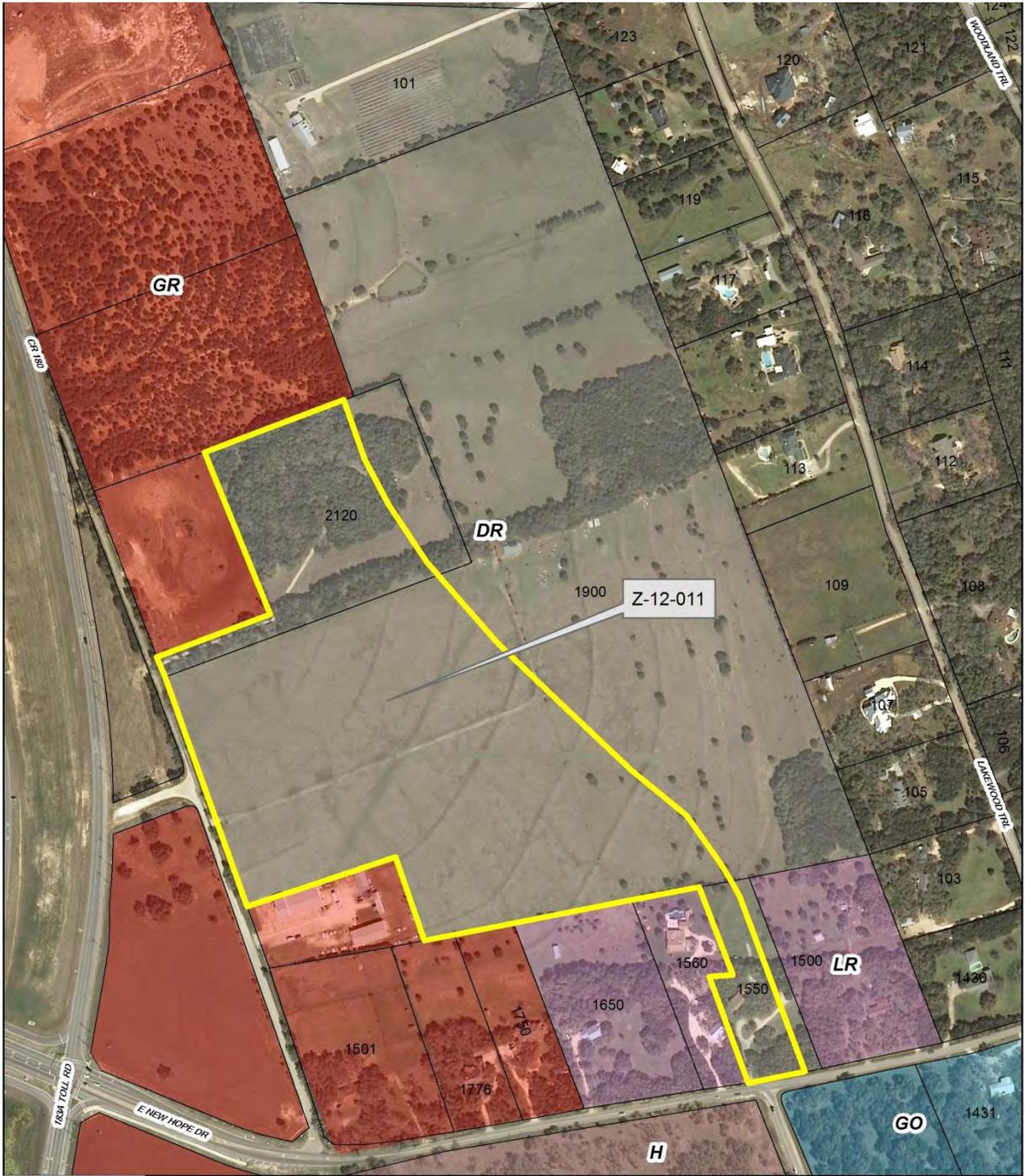


David G. and Kimberly A. Smith
 1/19/12
 2012

3 OF 3
 SCALE: 1" = 200'

CB&D
 Carlson, Briggance & Doering, Inc.
 Civil Engineering • Surveying
 5501 West Wilson Canyon Drive • Austin, Texas 78749
 Phone: (512) 282-5100 • Fax: (512) 282-5185
 PATH: J:\4547\SRNRY\SRNRY BASE.dwg

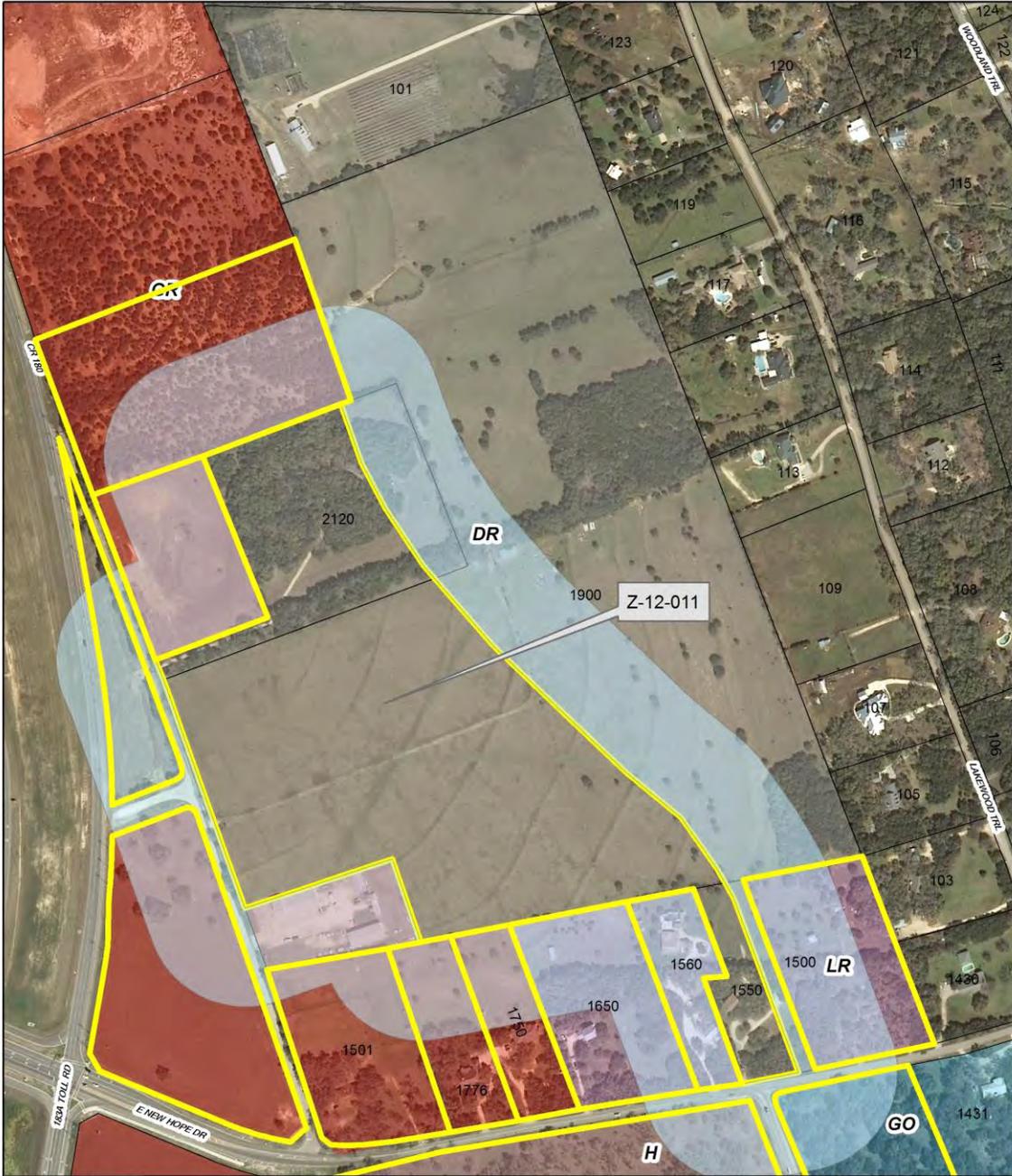
BEARING BASIS: TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203)



Z-12-011



EXHIBIT B



Z-12-011



NOTIFICATION AREA

September 18, 2012 Zoning	<i>Planning and Zoning Commission</i> Autumn Ridge – General Retail	Item: 7C&8C
Case Number: # Z-12-011		

OWNER: Autumn 2007 Commercial LP

AGENT: Geoff Guerrero, Carlson Brigance and Doering

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

LOCATION: CR180 just east of 183A and north of New Hope Drive

COUNTY: Williamson

AREA: 31.13 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

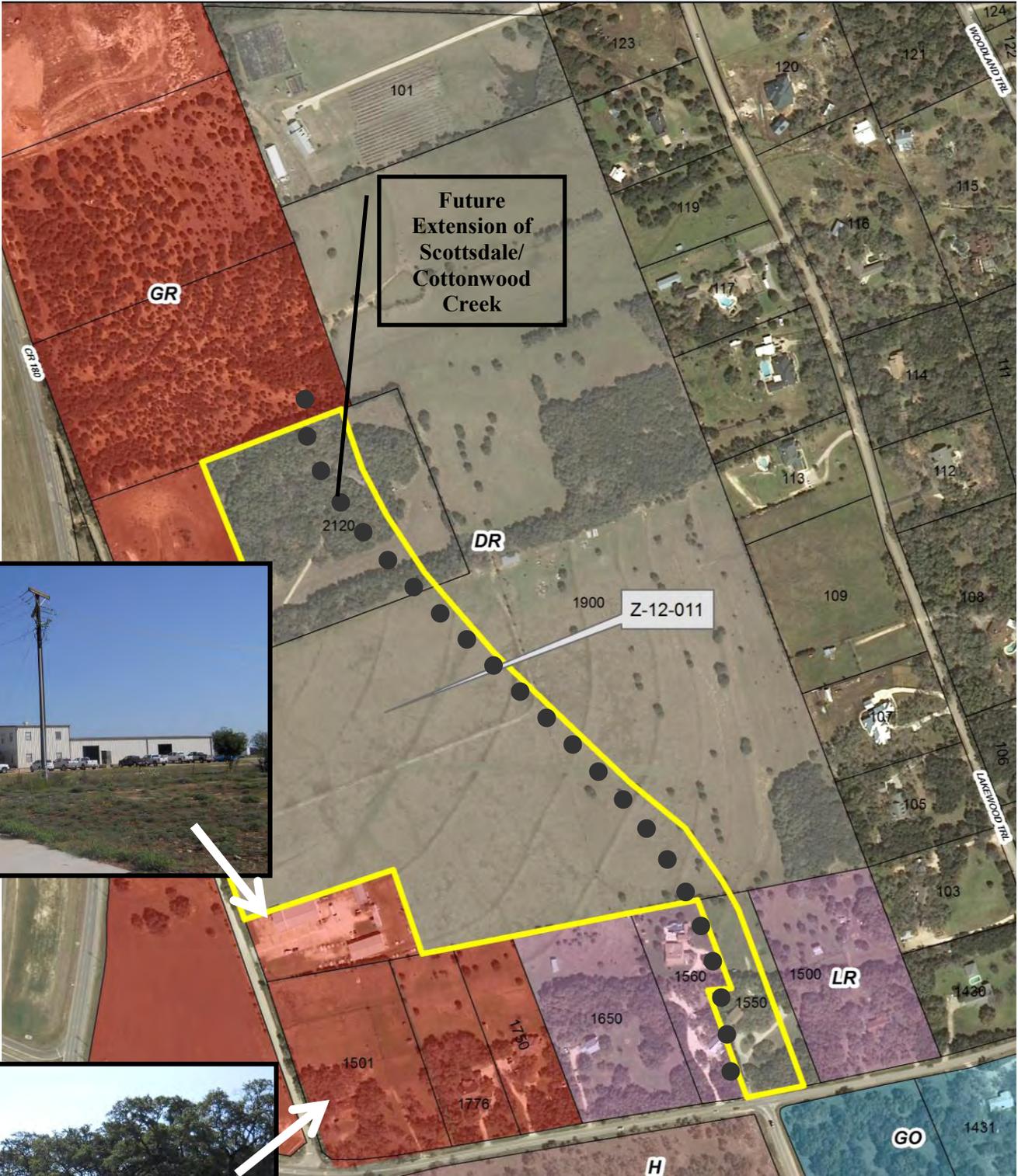
FUTURE LAND USE PLAN EXISTING: Regional Office/Retail/Commercial

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

The applicant is requesting to assign original zoning of General Retail (GR) for approximately 31.13 acres located on CR180 just east of 183A and north of New Hope Drive.

EXISTING SITE AND SURROUNDING USES:

This site is currently undeveloped and is bound by CR180 to the west, undeveloped property to the north, zoned General Retail (GR), and east, zoned Development Reserve (DR), and partially developed property, zoned GR and Local Retail (LR) and New Hope Drive to the south.



PURPOSE OF REQUESTED ZONING DISTRICTS:

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.

Permitted uses in GR:

- | | |
|---|---|
| Accessory structures | Indoor sports and recreation |
| Administrative offices | Instant print copy services |
| Art galleries with retail sales | Landscape nursery and supply store retail |
| Art gallery | Laundromat |
| Automated Teller Machines | Liquor store |
| Automobile parts and accessories sales | Medical offices |
| Automobile repair shop | Motel |
| Automobile sales new | Movie and music rentals sales |
| Automotive sales used | Non-Emergency Medical Transport Service |
| Automotive tire stores | Non-Emergency Medical Transport Service (Conditional) |
| Bakery retail | Nonprofit seasonal fundraisers |
| Banks (with or without drive-through facilities) | Office/showrooms |
| Bar Cocktail Lounge | Office/warehouse |
| Bed and Breakfast | Personal Improvement Services |
| Car washes; all types | Personal improvement services general |
| Civic clubs and fraternal organizations | Personal Improvement Services Limited |
| Commercial parking lots | Personal services general |
| Community center | Pet grooming |
| Consumer repair shop (including bicycles) | Places of worship |
| Convenience store | Private schools |
| Day care center adult | Professional offices |
| Day care center child | Public buildings uses |
| Day care center incidental | Reception hall |
| Drugstores | Rental libraries for sound and video recordings |
| Dry cleaning and/or laundry on-site | Research and development activities (as it pertains to software only) |
| Equipment rental sales service and/or repair | Restaurant general |
| Food sales general (grocery store) | Retail gift store |
| Food sales limited | Retail stores |
| Funeral home | Software development |
| Furniture store | Software sales computer hardware sales |
| Gasoline service stations general | Special events |
| Gasoline service stations limited | Studios/art studio dance music drama gymnastics photography interior design |
| Golf amusement | Temporary buildings |
| Hardware stores | Theatres indoor |
| Home improvement center (with portable building sales as an accessory use only) | Theatres outdoor |
| Hotel extended stay | |
| Hotel | |

Transit station
Utility services general
Veterinary Services
Vocational or trade school
Wireless telecommunications facilities

FUTURE LAND USE PLAN:

The Future Land Use Map identifies this area as appropriate for Regional Office/Retail/Commercial with compatible zoning districts such as General Retail (GR), General Office, (GO), and Mixed Use (MU).

COMPREHENSIVE PLAN:

The request for GR is in compliance with these goals of the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Diversify and broaden Cedar Park’s economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services.
- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.

SITE INFORMATION:

Corridor Overlay:

This site is within a corridor overlay.

Transportation:

A traffic impact analysis will be required if the site exceeds 2,000 trips per day. CR180 is a dated County Road and would be required to be upgraded with any development.

The future extension of Scottsdale/Cottonwood Creek Drive will abut the property to the east. This roadway is planned to be a commercial collector roadway with 70’ of right of way.

Water and Wastewater Utilities:

Water and wastewater stubs have been provided to this property for future connection to these utilities.

Subdivision:

A subdivision or legal lot determination will need to be completed prior to development.

Setback Requirements:

	GR
Front Setback	25’

Side Setback	12'
Rear Setback	25'

Architectural Requirements:

Each exterior wall area of a site will be subject to the recently adopted masonry standards of 100% masonry.

Staff Commentary:

The request by the applicant is consistent with the comprehensive plan. In addition, this request is supported by the purpose statement of the requested zoning district and the Future Land Use Plan. The future extension of Scottsdale/Cottonwood Creek will provide easier access to this property and help create a greater economic base for this area.

Staff Recommendation:

Staff recommends that 31.13 acres be zoned General Retail (GR).

PUBLIC NOTICE: September 5, 2012 Cedar Park Citizen

PUBLIC INPUT: Staff has received no public input at the time of publication of this report

PROPOSED CITY COUNCIL HEARINGS: October 25, 2012 ~ Public Hearing/1ST Reading
November 8, 2012 ~ 2ND Reading



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. C.3
(Z-12-012) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Office (GO) To Approximately 12.67 Acres And Condominium (CD) To Approximately 34.49 Acres For Property Located On New Hope Drive Just East Of CR180. The Planning And Zoning Commission Voted 6-0 To Approve The Request.

Commentary:

Applicant/Owner: Autumn 2007 Commercial LP

Request: Assign original zoning of General Office (GO) to approximately 12.67 acres and Condominium (CD) to approximately 34.49 acres

Current Zoning: Development Reserve (DR)

Requested Zoning: General Office (GO) and Condominium (CD)

Existing Future Land Use Plan: Neighborhood Office/Retail/Commercial

Proposed Future Land Use Plan: Neighborhood Office/Retail/Commercial and Medium Density Residential

Overlay Applicability: Corridor Overlay

Staff Recommendation:

- Approval of General Office (GO) and Condominium (CD)

Reason for Staff Recommendation:

- Supports economic development goals and housing goals of the Comprehensive Plan
- Compatible with the Future Land Use Plan
- Meets the purpose statement of the General Office (GO) district and Condominium (CD)
- Provides an appropriate transition from 183A east to Lakewood Country Estates

P&Z Recommendation:

- Approval

Stated Reasons for P&Z Recommendation:

- Agree with staff's reasoning

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Michael Dion, Holly Hogue, Thomas Balestiere, Jon Lux and Scott Rogers

Opposed: None

Absent: Lorena Echeverria de Misi

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on September 18, 2012. No public testimony was received.

City Council Public Hearing:

City Council held a public hearing on October 25, 2012. No public testimony was received.

Background:

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

September 5, 2012: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen

September 6, 2012: 23 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract

September 18, 2012: Planning and Zoning Commission public hearing

October 10, 2012: Public notice of the City Council public hearing published in the Cedar Park Leander Statesman

October 25, 2012: City Council 1st reading and public hearing

November 8, 2012: City Council 2nd reading

City Manager's Remarks

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Legal Certifications

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF GENERAL OFFICE (GO) TO APPROXIMATELY 12.68 ACRES AND CONDOIMIUM (CD) TO APPROXIMATELY 34.49 ACRES LOCATED ON NEW HOPE DRIVE JUST EAST OF CR 180, IN WILLIAMSON COUNTY, TEXAS. (Z-12-012); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

Section 1. That the zoning district map of the City of Cedar Park adopted in ordinance no. 75-2 be and the same is hereby amended to assign original zoning of General Office (GO) to approximately 12.68 acres and Condominium (CD) to approximately 34.49 acres located on New Hope Drive just east of CR180 otherwise set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 25th day of October, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 8th day of November, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE WILLIAM S. PARKER SURVEY, ABSTRACT NUMBER 9, SITUATED IN WILLIAMSON COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN 76.415 ACRE TRACT CONVEYED TO AUTUMN 2007 COMMERCIAL, LP, RECORDED IN DOCUMENT NUMBER 2008000337 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, (O.P.R.W.C.TX.), SAID TRACT BEING 12.665 ACRES OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the southwestern corner of 2.51 acre tract, called Tract Two, conveyed to said Autumn 2007 Commercial, LP, in Document No. 2008000337, O.P.R.W.C.TX., common to Lot 5, Block A, Lakewood Country Estates, a subdivision recorded in Cabinet C, Slides 295-299, Plat Records of Williamson County, Texas, also being a point in the northern right-of-way line of New Hope Road (R.O.W. varies), for the **POINT OF BEGINNING** for the herein described tract,

THENCE, with the common boundary line of said 2.51 acre tract and said New Hope Road, S79°20'08"W, a distance of 203.77 feet to an iron rod found in the western line of an Easement Estate for Ingress & Egress, also called Tract Three, conveyed to Autumn 2007 Commercial LP, in Document No. 2008000337, O.P.R.W.C.TX.,

THENCE, with the common boundary line of said 2.51 acre tract, and said Easement Estate for Ingress and Egress tract, the following three courses and distances, numbered 1 through 3,

1. N21°03'23"W, a distance of 313.53 feet to an iron rod found,
2. N78°55'30"E, a distance of 49.78 feet to an iron rod found, and
3. N20°56'50"W, a distance of 284.81 feet to an iron rod found in the southern line of said 76.415 acre tract,

THENCE, with the common boundary line of said 76.415 acre tract and said 2.51 acre tract, N78°59'57"E, a distance of 115.69 feet to a calculated point and point of curvature to the left,

THENCE, leaving the common boundary line of said 2.51 acre tract and said 76.415 acre tract and crossing said 76.415 acre tract the following four (4) courses and distances, numbered 1 through 4,

1. With said curve to the left having a radius of 470.00 feet, an arc length of 194.57 feet, and whose chord bears N36°20'21"W, a distance of 193.18 feet to a calculated point,
2. N48°11'55"W, a distance of 948.04 feet to a calculated point and point of curvature to the right,
3. With said curve to the right having a radius of 500.00 feet, an arc length of 238.16 feet and whose chord bears N34°33'10"W, a distance of 235.92 feet to a calculated point, and
4. N20°54'25"W, a distance of 1034.19 to an iron rod found at the northernmost corner of a 10.000 acre tract of land conveyed to Alfred John Findeisen, Jr. in Document No. 2009089902, O.P.R.W.C.TX., also being the southeast corner of a 9.382 acre tract of land conveyed to Janice C. Hurst in Document No. 2007020720, O.P.R.W.C.TX., continuing on for an overall distance of 1149.59 feet to a calculated corner in a 10.000 acre tract of land conveyed to Rhonda D. Dickerson in Document No. 2003047158, O.P.R.W.C.TX., common to a point in the eastern line of said Hurst tract, and corner in the northeastern most corner of said 76.415 acre tract,

THENCE, with the common boundary line of said 76.415 acre tract and said 10.000 acre Dickerson tract, N69°06'21"E, a distance of 175.00 feet to a calculated point,

THENCE, leaving the common boundary line of said 76.415 acre tract and said 10.000 acre Dickerson tract and crossing said 76.415 acre tract the following four (4) courses and distances, numbered 1 through 4,

1. S20°54'25"E, a distance of 1149.55 feet to a calculated point and point of curvature to the left,
2. With said curve to the left having a radius of 325.00 feet, an arc length of 154.81 feet, and whose chord bears S34°33'10"E, a distance of 153.35 feet to a calculated point,
3. S48°11'55"E, a distance of 948.04 feet to a calculated point and point of curvature to the right, and
4. With said curve to the right having a radius of 645.00 feet, an arc length of 308.67 feet, and whose chord bears S34°29'21"E, a distance of 305.73 feet to a calculated point in the northern boundary line of said Lot 5, Block A, said Lakewood Country Estates,

THENCE, with the common boundary line of said 76.415 acre tract and said Lot 5, Lakewood Country Estates, S78°59'57"W, a distance of 140.50 feet to an iron rod found at the common corner of said Lot 5, Lakewood Country Estates and said 2.51 acre tract,

THENCE, leaving said 76.415 acre tract and with the common boundary line of said Lot 5, Lakewood Country Estates and said 2.51 acre tract, S21°00'15"E, a distance of 599.63 feet to the **POINT OF BEGINNING** and containing 12.665 acres of land.

Surveyed by:



13 SEP 2012

AARON V. THOMASON, R.P.L.S. NO. 6214

Carlson, Brigrance, and Doering, Inc.

5501 West William Cannon

Austin, TX 78749

Ph: 512-280-5160

Fax: 512-280-5165

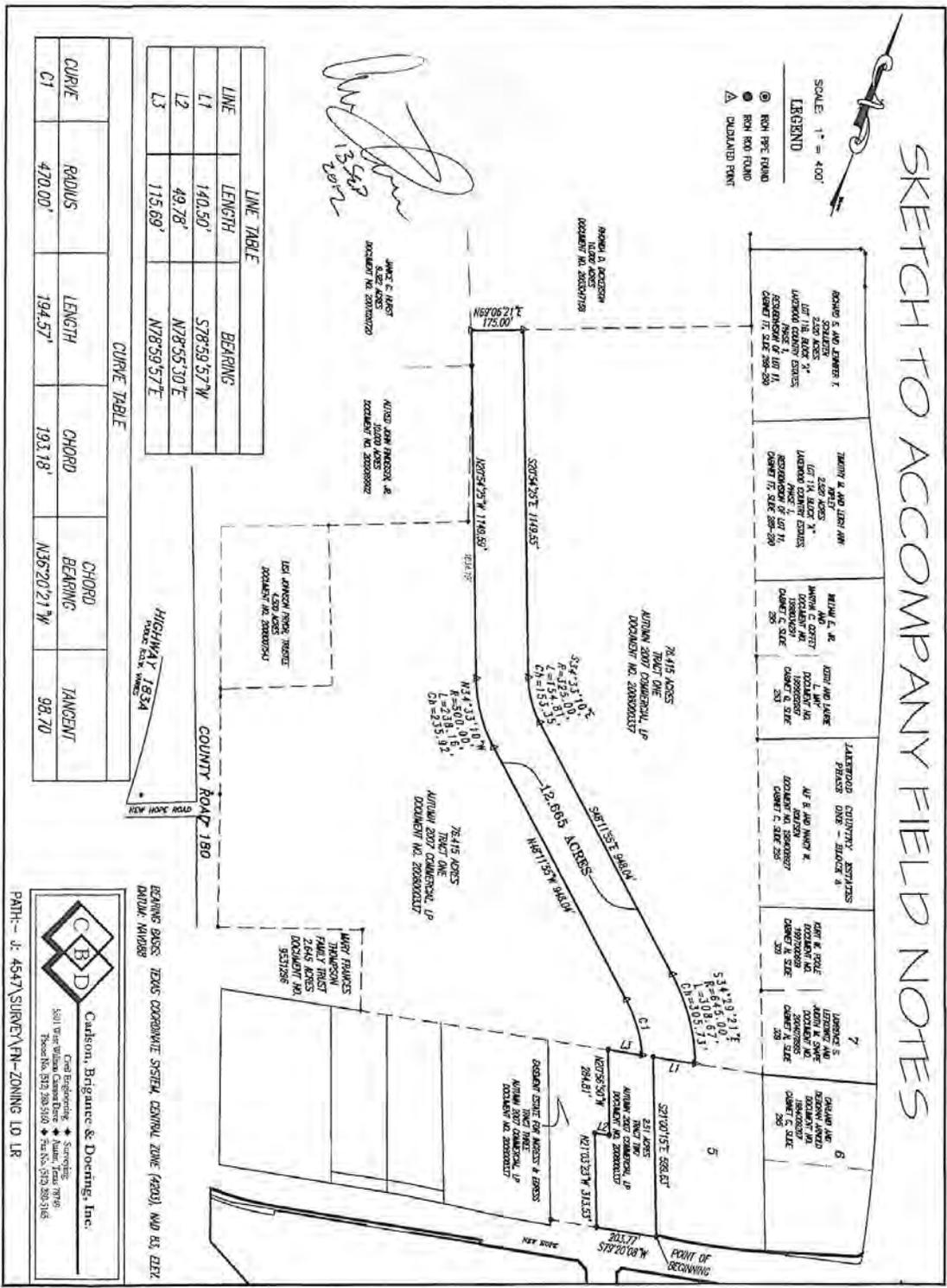
aaron@cbdeng.com

SKETCH TO ACCOMPANY FIELD NOTES

SCALE: 1" = 400'
 LEGEND:
 ○ ROUN PPE ROUND
 ● ROUN ROD ROUND
 ▲ DILATED POINT

LINE	LENGTH	BEARING
L1	140.50'	S78°58'57"W
L2	49.78'	N78°55'30"E
L3	115.69'	N78°59'57"E

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	470.00'	194.57'	193.18'	N36°20'21"W	98.70'



BEARING BASE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4202), NAD 83, ELEV DATUM: NAVD83

Carlson, Brumage & Doering, Inc.
 Civil Engineering • Surveying
 5011 West Wilshire Capital Drive • Austin, Texas 78796
 Phone No. (512) 399-5100 • Fax No. (512) 399-5165

PATH: J: 4547\SURVEY\FN-ZONING LD LR

EXHIBIT A

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE WILLIAM S. PARKER SURVEY, ABSTRACT NUMBER 9, SITUATED IN WILLIAMSON COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN 76.415 ACRE TRACT CONVEYED TO AUTUMN 2007 COMMERCIAL, LP, RECORDED IN DOCUMENT NUMBER 2008000337 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, (O.P.R.W.C.TX.), SAID TRACT BEING 34.492 ACRES OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at the northernmost corner of said 76.415 acre tract, common the easternmost corner of a 10.000 acre tract conveyed to Rhonda D. Dickerson in Document No. 2003047158 of the O.P.R.W.C.TX., also being a point in the western line of Lot 11B, Block A, Lakewood Country Estates, Phase One, Resubdivision Lot 11, Block A, a subdivision recorded in Cabinet FF, Slides 289-290, of the Plat Records of Williamson County, Texas, for the **POINT OF BEGINNING** for the herein described tract,

THENCE, with the common boundary line of said 76.415 acre tract, said Lot 11B, Lot 11A, recorded in said Resubdivision of Lot 11, Block A, a tract of land conveyed to William E. and Martha C. Coffey in Document No. 1998034291, O.P.R.W.C.TX., and a tract of land conveyed to Keith and Laurie L. May in Document No. 1999082687, O.P.R.W.C.TX., S20°54'23"E, a distance of 1091.72 feet to an iron rod found in the common corner of said Coffey tract and said May tract, continuing on 274.66 feet to an iron rod found for corner at the southwestern corner of said May tract, common the northwestern corner of a Lot 8, Block A, Lakewood Country Estates, Phase One, a subdivision recorded in Cabinet C, Slides 295-299, Plat Records of Williamson County, Texas, continuing on with the common boundary line of said 76.415 acre tract and said Lakewood Country Estates for an overall distance of 2477.09 feet to an iron rod found at the southeast corner of said 76.415 acre tract, common to the southwest corner of Lot 7, Block A, said Lakewood Country Estates, also being the northwest corner of Lot 6, Block A, said Lakewood Country Estates, and the northeastern corner of Lot 5, Block A, said Lakewood Country Estates,

THENCE, with the common boundary line of said 76.415 acre tract and said Lot 5, Block A, Lakewood Country Estates, S 78°59'57"W, a distance of 226.78 feet to a calculated point and point of curvature to the left,

THENCE, leaving said Lot 5, Block A, Lakewood Country Estates and crossing said 76.415 acre tract the following four (4) courses and distances, numbered 1 through 4,

1. With said curve to the left having a radius of 645.00 feet, an arc length of 308.67, and whose chord bears N34°29'21"W, a distance of 305.73 feet to a calculated point,
2. N48°11'55"W, a distance of 948.04 feet to a calculated point and point of curvature to the right,
3. With said curve to the right having a radius of 325.00 feet, an arc length of 154.81 feet, and whose chord bears N34°33'10"W, a distance of 153.35 feet to a calculated point, and
4. N20°54'25"W, a distance of 1149.55 feet to a calculated point in the southern line of said 10.000 acre Dickerson tract,

34.492 ACRES
WILLIAM S. PARKER SURVEY, ABSTRACT NO. 9
WILLIAMSON COUNTY, TEXAS
ZONING - CONDO

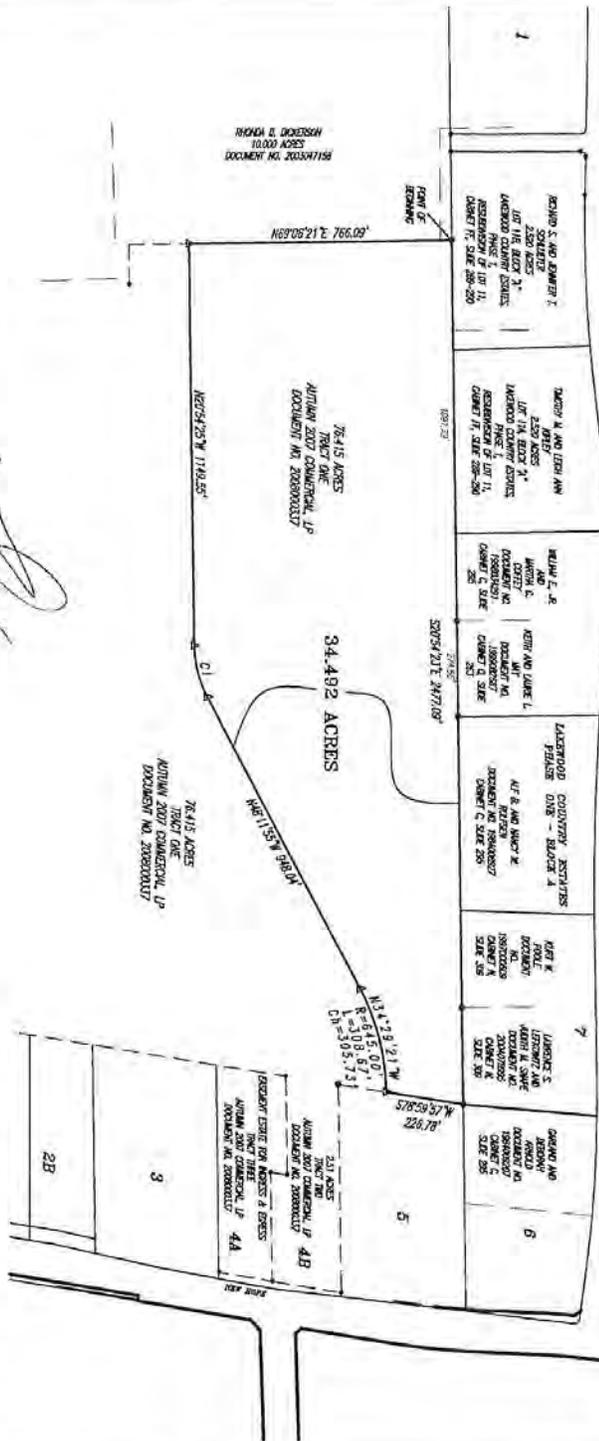
THENCE, with the common boundary line of said 76.415 acre tract and said 10.000 tract N69°06'21"E, a distance of 766.09 feet to the **POINT OF BEGINNING** and containing 34.492 acres of land.

Surveyed by:  13 SEP 2012

AARON V. THOMASON, R.P.L.S. NO. 6214
Carlson, Brigrance, and Doering, Inc.
5501 West William Cannon
AUSTIN, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
aaron@cbdeng.com

SKETCH TO ACCOMPANY FIELD NOTES

SCALE: 1" = 400'
LEGEND
 ● IRON PEG FOUND
 ▲ CALCULATED POINT



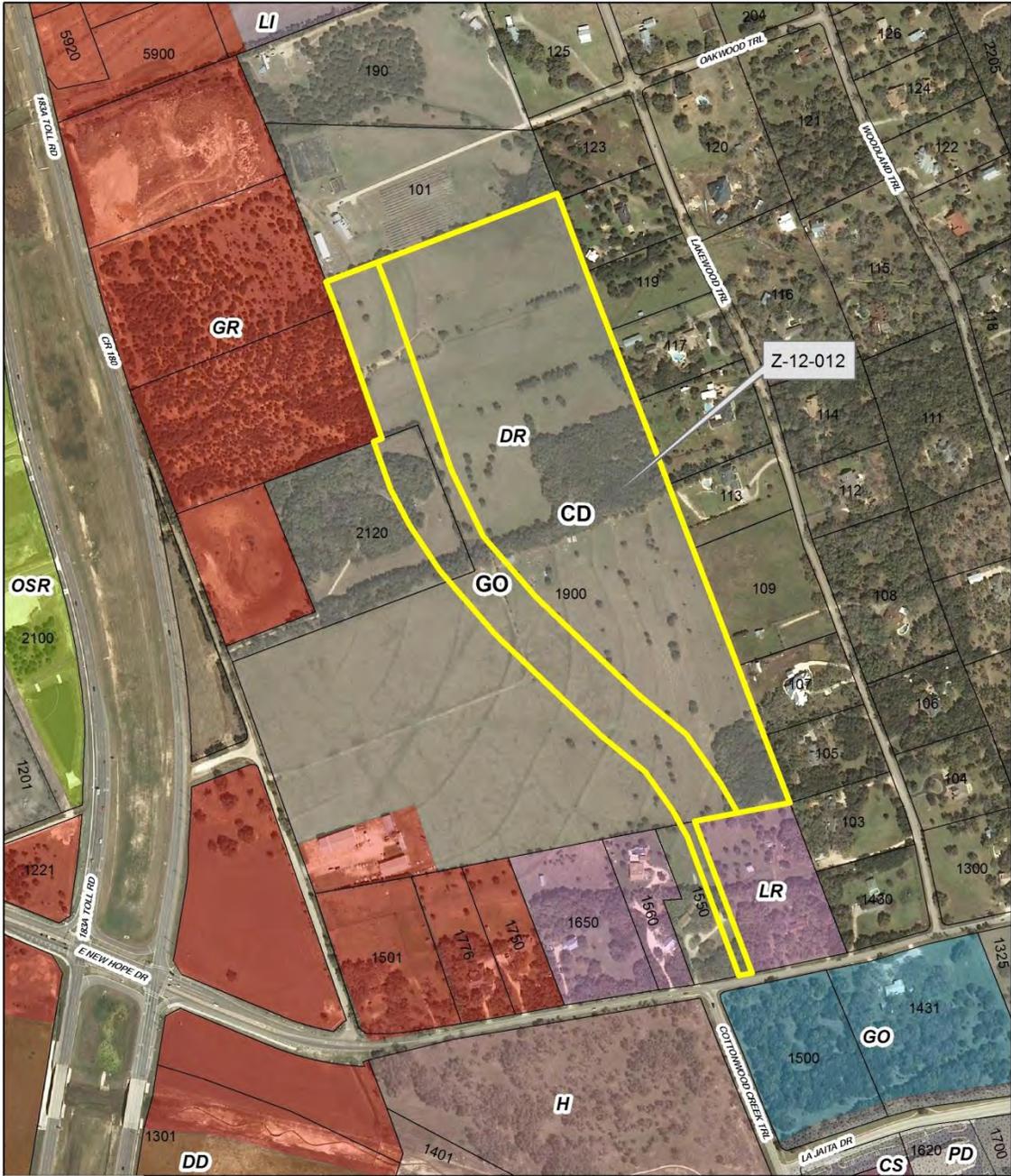
John S. Deering
 13567
 2012

CURVE TABLE				
CURVE	BEARINGS	LENGTH	CHORD	CHORD BEARING
C1	325.00'	154.61'	153.35'	N54°33'10.7\"/>
				78.50'

BEARING BOSS: TEMS COORDINATE SYSTEM, CENTRAL ZONE (4503), NAD 83, ELK
 DATUM: NAD83

Carlson, Brangane & Deering, Inc.
 Civil Engineering • Surveying
 380 West Wilson Street, Suite 1000 • Aspen, Texas 78705
 Phone: (512) 251-5300 • Fax: (512) 251-5115

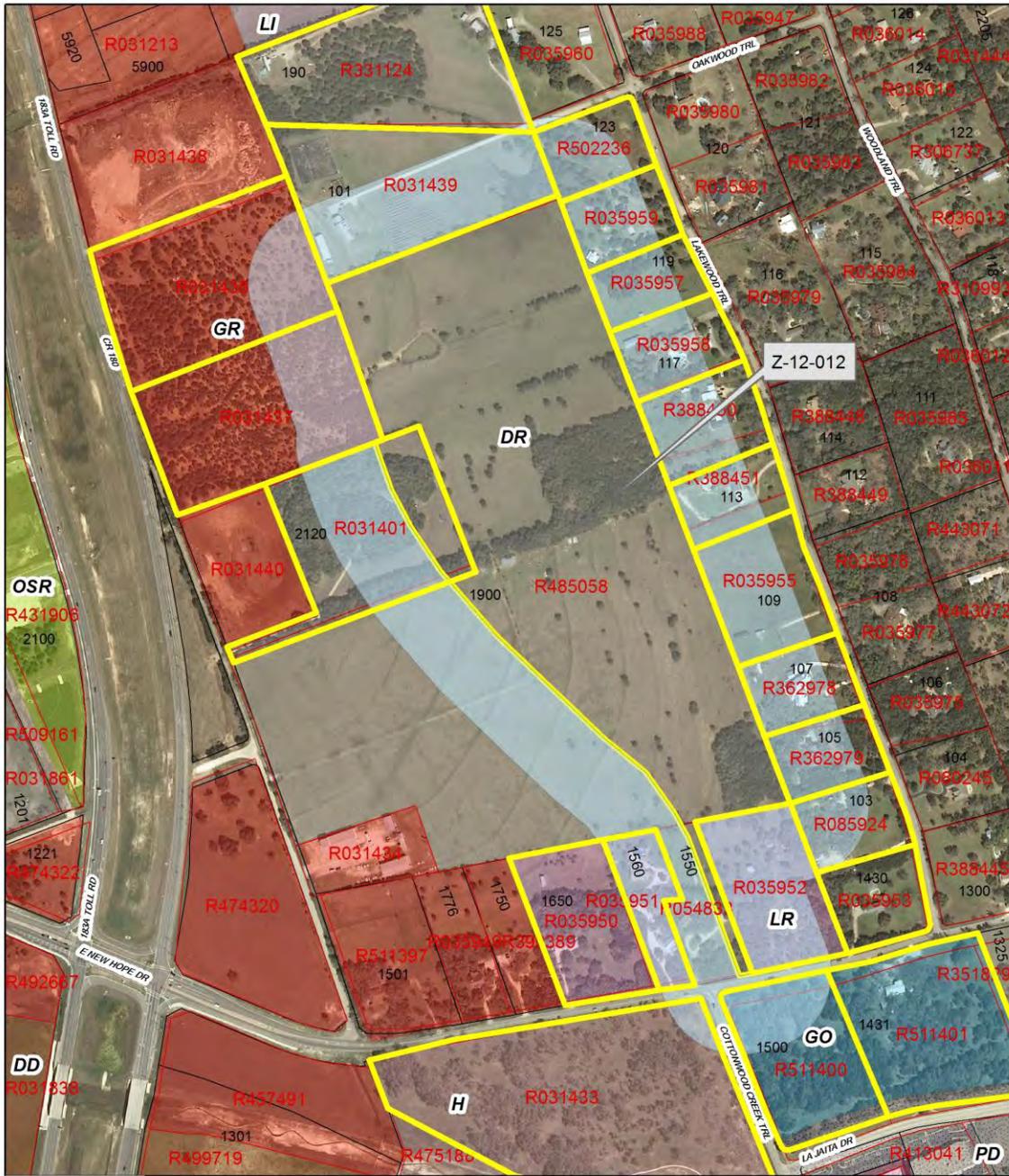
PATH: - J: 4547\SURVEY\PN-ZONING CONDO



Z-12-012



EXHIBIT B



Z-12-012



NOTIFICATION AREA

September 18, 2012 Zoning	<i>Planning and Zoning Commission</i> Autumn Ridge – Condominiums	Item: 7D&8D
Case Number: # Z-12-012		

OWNER: Autumn 2007 Commercial LP

AGENT: Geoff Guerrero, Carlson Brigance and Doering

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

LOCATION: New Hope Drive just east of CR180

COUNTY: Williamson

AREA: 48 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: General Office (GO) – approximately 14 acres and
Condominium (CD) – approximately 34 acres

STAFF RECOMMENDATION: General Office (GO) – approximately 14 acres and Condominium (CD)
– approximately 34 acres

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

FUTURE LAND USE PLAN PROPOSED: Neighborhood Office/Retail/Commercial and Medium
Density Residential

FUTURE LAND USE PLAN RECOMMENDED: Neighborhood Office/Retail/Commercial, and Medium
Density Residential (See item 9C)

The applicant is requesting to assign original zoning of General Office (GO) for approximately 14 acres and Condominium (CD) for approximately 34 acres located on New Hope Drive just east of CR180.

EXISTING SITE AND SURROUNDING USES:

This site is currently undeveloped and is bound by Lakewood Country Estates single family subdivision (ETJ) to the east, Development Reserve (DR) property and New Hope Drive to the south and north and west.



PURPOSE OF REQUESTED ZONING DISTRICTS:

The Condominium District, CD, is a medium intensity single-family residential district intended to provide the highest single-family residential density and a diversity of housing options. This district is generally inappropriate for infill zoning between single-family lots within a neighborhood development. This district may be appropriate for transitional residential development at an edge of a low density single-family neighborhood, where higher densities and trips generated do not impact lower density areas. Open space and recreation, religious, and educational facilities are provided to maintain an orderly, convenient, and attractive residential neighborhood. The nonresidential uses permitted in this district are considered compatible with the housing options of this district so as to preserve its value, sustainability, and integrity

Permitted uses in CD:

Condominiums, residential
Parks, playgrounds, recreational facilities owned by the municipality, other governmental agency, or in common under a mandatory homeowner's association.
Places of worship
Public buildings, uses

Real estate sales offices (during the development of a residential subdivision, to be terminated upon ninety (90) percent build out of the subdivision.)
Temporary building
Utility services, general
Accessory structures
Customary home occupations

The General Office District, GO, is established to provide for office buildings and businesses that support large office complexes. This district permits uses that serve the community as a whole and provides regional employment opportunities. This district should be located between activity nodes along arterial roadways; it can also provide for transitional land uses between neighborhoods and more intensive commercial and regional activities

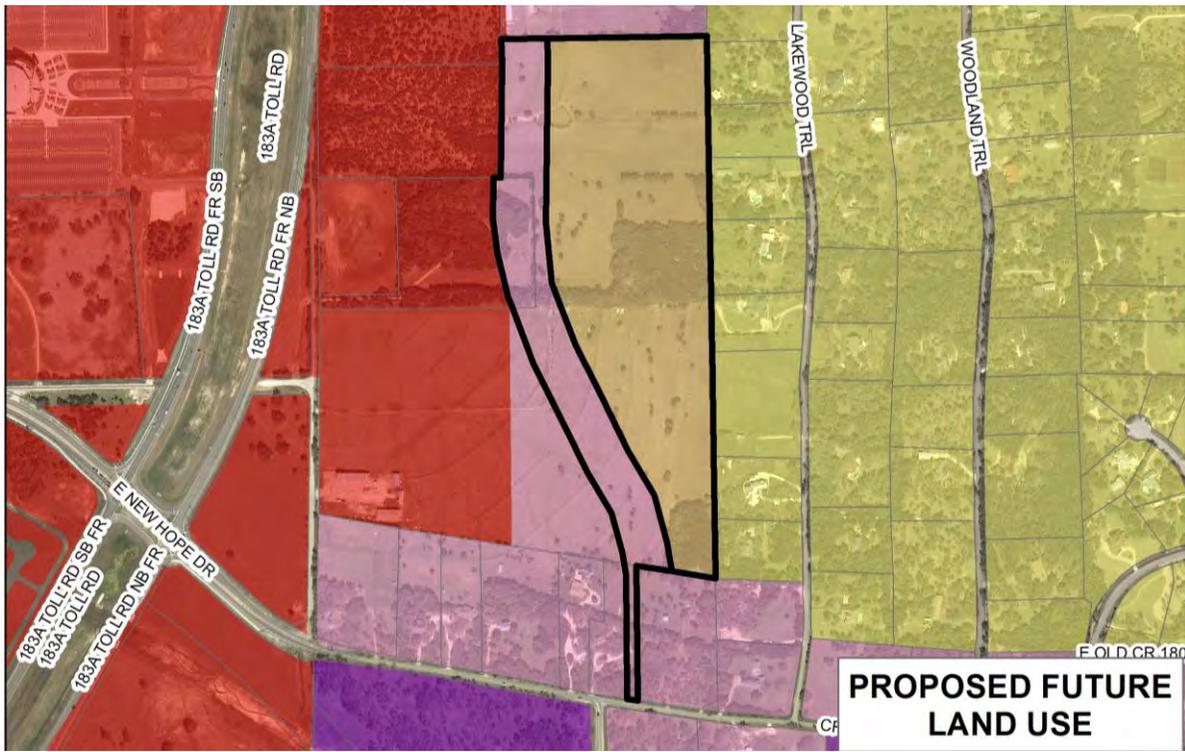
Permitted uses in GO:

Ambulatory Surgery Center
Automated teller machines
Banks (with drive-through facilities as a secondary use only)
Communication services
Convalescent Nursing Home
Day Care Center, Adult
Day Care Center, Child
Day nurseries, day care facilities
Drug Store
Dry cleaning and/or laundry, on-site plant
Extended care facilities, nursing home
Medical or dental clinics
Medical, surgical, and dental supply houses

Parking lots, driveways, on-site or off-site
Personal services, general
Personal improvement services, limited
Retail gift store
Restaurant, limited
Vocational or trade school
College and University
Secondary uses permitted with convalescent nursing homes or extended care facilities

FUTURE LAND USE PLAN:

The Future Land Use Map identifies this area as appropriate for Neighborhood Office/Retail/Commercial with compatible zoning districts such as Local Retail (LR), General Office, (GO), Transitional Office (TO), Transitional Commercial (TC) and Mixed Use (MU). The applicant’s request is partially in compliance with the Future Land Use Plan. The requested CD area is the exception and requires a medium density residential category. See item 9C



COMPREHENSIVE PLAN:

The request for GO is in compliance with the following goals of the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Diversify and broaden Cedar Park’s economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services.
- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment.

The request for CD is in compliance with the following Comprehensive Plan goals:

- 4.1.3 Housing Goals – 1) 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 over the next 20-30 years 2) Provide new housing opportunities for current and future residents of Cedar Park.

SITE INFORMATION:

Corridor Overlay:

The portion of this site that abuts New Hope Drive is within a corridor overlay.

Transportation:

A traffic impact analysis will be required if the site exceeds 2,000 trips per day.

The future extension of Scottsdale/Cottonwood Creek Drive will abut the property to the west. This roadway is planned to be a commercial collector roadway with 70' of right of way.

Water and Wastewater Utilities:

Water and wastewater stubs have been provided to this property for future connection to these utilities.

Subdivision:

A subdivision or legal lot determination will need to be completed prior to development.

Setback Requirements:

	GO	CD
Front Setback	25'	25'
Side Setback	12'	10'
Rear Setback	5'	20'

Architectural Requirements:

Each exterior wall area of a site will be subject to the recently adopted masonry standards of 100% masonry within the GO district and 75% masonry within the TH district.

Leander Independent School District (LISD):

LISD has reviewed the residential requested and stated that a residential component of this size and at this location was accounted for in their future growth.

STAFF COMMENTARY:

The request by the applicant is consistent with the comprehensive plan. In addition, this request is supported by the purpose statement of the requested zoning districts. The GO request is consistent with the Future Land Use Plan (FLUP) however the request for CD is not. Considering the disconnect between the CD district and the FLUP an amendment to reflect this area as medium density residential has been requested.

The CD zoning request would provide a compatible use adjacent to the single family located in Lakewood Country Estates. In addition, staff believes the GO request provides a good transition between the requested GR to the west, GO along the future Scottsdale Crossing, and to the CD request on the east. Staff also believes the rooftops provided by the CD will help to support the office

and retail in the area. The GO and the CD requests provide a good mix of uses in this otherwise dominant retail area and will provide support for the growth of these types of uses in the future.

STAFF RECOMMENDATION:

Staff recommends the applicants request to assign original zoning of GO to approximately 14 acres and CD to approximately 24 acres.

PUBLIC NOTICE: September 5, 2012 Cedar Park Citizen

PUBLIC INPUT: Staff has received no public input at the time of publication of this report

PROPOSED CITY COUNCIL HEARINGS: October 25, 2012 ~ Public Hearing/1ST Reading
November 8, 2012 ~ 2ND Reading



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. C.4
(Z-12-013) Second Reading And Approval Of An Ordinance To Rezone Approximately 22.30 Acres From General Retail (GR) And Local Retail (LR) To Condominium Residential-Conditional Overlay (CD-CO) For Property Located Near The Southwest Corner Of Ronald Reagan Boulevard And County Road 180. The Planning And Zoning Commission Voted 6-0 To Approve The Request.

Commentary:

Applicant/Owner: CAB-COM 32 LP

Request: Rezone approximately 22.302 acres to Condominium Residential-Conditional Overlay (CD-CO) with a condition requiring that detention for the residential development be located on the CD zoned tract.

Current Zoning: General Retail (GR) and Local Retail (LR)

Requested Zoning: Condominium Residential-Conditional Overlay (CD-CO)

Existing Future Land Use Plan: Neighborhood Office/Retail/Commercial

Proposed Future Land Use Plan: Medium Density Residential

Overlay Applicability: Corridor Overlay

Staff Recommendation:

- Approval of Condominium Residential-Conditional Overlay (CD-CO) with a conditional that detention for the residential development be located on the CD zoned tract.

Reason for Staff Recommendation:

- Supports economic development and housing goals of the Comprehensive Plan
- Meets the purpose statement of the CD district
- Provides a compatible transition between low density residential to the west and the retail property fronting Ronald Reagan Boulevard

P&Z Recommendation:

- Approval

Stated Reasons for P&Z Recommendation:

- Agree with staff's reasoning

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Michael Dion, Holly Hogue, Thomas Balestiere, Jon Lux and Scott Rogers

Opposed: None

Absent: Lorena Echeverria de Misi

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on September 18, 2012. No public testimony was received.

City Council Public Hearing:

The City Council held a public hearing on October 25, 2012. No public testimony was received.

Background:

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

September 5, 2012: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park-Leander Statesman

September 6, 2012: 11 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract

September 18, 2012: Planning and Zoning Commission public hearing

October 10, 2012: Public notice of the City Council public hearing published in the Cedar Park-Leander Statesman

October 25, 2012: City Council 1st reading and public hearing

November 8, 2012: City Council 2nd reading of ordinance

City Manager's Remarks

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Legal Certifications

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 22.302 ACRES FROM GENERAL RETAIL (GR) AND LOCAL RETAIL (LR) TO CONDOIMIUM RESIDENTIAL-CONDITIONAL OVERLAY (CD-CO) WITH A CONDITIONAL OVERLAY REQUIRING THAT DETENTION FOR THE RESIDENTIAL DEVELOPMENT BE LOCATED ON THE CD ZONED TRACT, FOR PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF RONALD REAGAN BOULEVARD AND COUNTY ROAD 180, IN WILLIAMSON COUNTY, TEXAS. (Z-12-013); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

Section 1. That the zoning district map of the City of Cedar Park adopted in ordinance no. 75-2 be and the same is hereby amended to rezone approximately 22.302 acres to Condominium Residential-Conditional Overlay (CD-CO) with a conditional overlay requiring that detention for the residential use be located on the CD zoned tract, for property located near the southwest corner of Ronald Reagan Boulevard and County Road 180, otherwise set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 25th day of October, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 8th day of November, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE WILLIAM S. PARKER SURVEY, ABSTRACT NUMBER 9, SITUATED IN WILLIAMSON COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN LOT 2 OF MACKENZIE MEADOWS, A SUBDIVISION RECORDED IN CABINET L, SLIDE 383, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS AND CONVEYED TO CAB COM 32, LP IN DOCUMENT NUMBER 2006015931, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 7.910 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2" iron rod found for the northwestern corner of said Lot 2, also being in the eastern boundary line of a 4.086 acre tract conveyed to James and Joyce Strain in Document No. 2006103175, Official Public Records of Williamson County, Texas, also being in the southern right-of-way line of County Road 180 (R.O.W. Varies), for the northwest corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said Lot 2 and southern right-of-way line of said County Road 180, N70°24'22"E, a distance of 171.44 feet to a 1/2" iron rod found for a northeastern corner of said Lot 2, common to the northwestern corner of Lot 1 of said Mackenzie Meadows,

THENCE, with the common boundary line of said Lot 1, Lot 2 and Lot 3 of said Mackenzie Meadows, the following three (3) courses and distances, numbered 1 through 3,

1. S01°33'44"E, a distance of 337.11 feet to a 1/2" iron rod found,
2. S55°22'02"E, a distance of 151.95 feet to a 1/2" iron rod found, and
3. S11°26'19"E, a distance of 834.95 feet to a 1/2" iron rod found, for the southeastern corner of said Lot 2, common to the southwestern corner of said Lot 3, also being in a northern line of a 22.31 acre tract conveyed to Glenn R. Warren, Trustee, in Document No. 2000000802, Official Public Records of Williamson County, Texas,

THENCE, with the common boundary line of said Lot 2 and said 22.31 acre tract, S78°08'03"W, a distance of 286.38 feet to a 1/2" iron rod found for the southwestern corner of said Lot 2, common to a northwestern corner of said 22.31 acre tract, and also common to a southeastern corner of a 20.34 acre tract conveyed to Warren Investments in Vol. 849, Pg. 438, Official Public Records of Williamson County, Texas,

THENCE, with the common boundary line of said Lot 2 and said 20.34 acre tract, N18°52'21"W, a distance of 368.95 feet to a 1/2" iron rod found for a western corner of said Lot 2, common to a northeastern corner of said 20.34 acre tract, And also common to a southeastern corner of a 7.5 acre tract conveyed to Rick Warren in Vol. 885, Pg. 805, Official Public Records of Williamson County, Texas,

THENCE, with the common boundary line of said Lot 2 and said 7.5 acre tract, N18°47'11"W, a distance of 125.29 feet to a calculated point a western corner of said Lot 2, common to an eastern corner of said 7.5 acre tract,

7.910 ACRES
 WILLIAM S. PARKER SURVEY, ABSTRACT NUMBER 9
 WILLIAMSON COUNTY, TEXAS
 ZONING

THENCE, with the common boundary line of said Lot 2, said 7.5 acre tract and said 4.086 acre tract, N01°34'41"W, a distance of 775.67 feet to the POINT OF BEGINNING of the herein described tract, and containing 7.910 acres of land.

Surveyed by: *Aaron V. Thomason* 16 JUL 2012
 AARON V. THOMASON, R.P.L.S. NO. 6214
 Carlson, Brigrance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 aaron@cbdeng.com



BEARING BASIS: MACKENZIE MEADOWS, CAB. L, SL. 383, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS

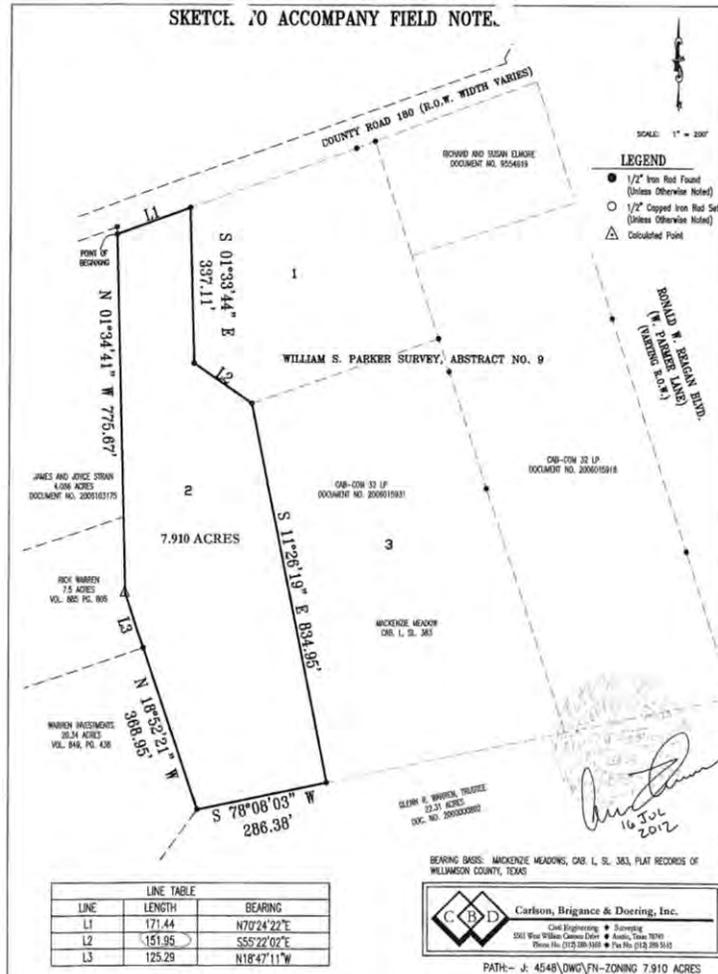


EXHIBIT A

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE WILLIAM S. PARKER SURVEY, ABSTRACT NUMBER 9, SITUATED IN WILLIAMSON COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN LOT 1 AND LOT 3 OF MACKENZIE MEADOWS, A SUBDIVISION RECORDED IN CABINET L, SLIDE 383, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS AND CONVEYED TO CAB COM 32, LP IN DOCUMENT NUMBER 2006015931, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 14.392 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2" iron rod found for the northwestern corner of said Lot 1, common to the northeastern corner of Lot 2 of said Mackenzie Meadows, also being in the southern right-of-way line of County Road 180 (R.O.W. Varies), for the northwest corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said Lot 1 and southern right-of-way line of said County Road 180, the following two (2) courses and distances, numbered 1 and 2,

1. N70°26'17"E, a distance of 383.81 feet to a 1/2" iron rod found, and
2. N69°45'56"E, a distance of 43.70 feet to a 1/2" iron rod found, at the northeastern corner of said Lot 1, common to the northwestern corner of Lot 8, of said Mackenzie Meadows, conveyed to Richard and Susan Elmore in Document No. 9554619, Official Public Records of Williamson County, Texas,

THENCE, with the common boundary line of said Lot 1 and said lot 8, S18°07'01"E, a distance of 259.57 feet to a calculated point for the southwestern corner of said Lot 8, common to an eastern corner of said Lot 1, common to the northwestern corner of Lot 7 of said Mackenzie Meadows, conveyed to Cab Com 32, LP in Document No. 2006015918, Official Public Records of Williamson County, Texas,

THENCE, with the common boundary line of said Lot 1, and Lot 3 and Lots 4-7, the following four(4) courses and distances numbered 1 through 4,

1. S18°05'47"E, a distance of 189.20 feet to a 1/2" iron rod found,
2. S18°03'45"E, a distance of 75.16 feet to a 1/2" iron rod found,
3. S18°05'54"E, a distance of 264.33 feet to a 1/2" iron rod found, and
4. S18°06'21"E, a distance of 554.66 feet to a calculated point, for the southeastern corner of said Lot 3, common to the southwestern corner of said Lot 4, also being in a northern line of a 22.31 acre tract conveyed to Glenn R. Warren, Trustee, in Document No. 2000000802, Official Public Records of Williamson County, Texas,

THENCE, with the common boundary line of said Lot 3 and said 22.31 acre tract, S78°10'32"W, a distance of 531.40 feet to a 1/2" iron rod found for the southeastern corner of said Lot 2, common to the southwestern corner of said Lot 3,

THENCE, crossing said Cab Com 32, LP tract, with the common boundary line of said Lot 1, Lot 2 and Lot 3 of said Mackenzie Meadows, the following three (3) courses and distances, numbered 1 through 3,

1. N11°26'19"W, a distance of 834.95 feet to a 1/2" iron rod found,

14.392 ACRES
 WILLIAM S. PARKER SURVEY, ABSTRACT NUMBER 9
 WILLIAMSON COUNTY, TEXAS
 ZONING

2. N55°22'02"W, a distance of 151.95 feet to a 1/2" iron rod found, and
3. N01°33'44"W, a distance of 337.11 feet to the POINT OF BEGINNING of the herein described tract, and containing 14.392 acres of land.

Surveyed by: *Aaron V. Thomason* 16 Jul 2012

AARON V. THOMASON, R.P.L.S. NO. 6214
 Carlson, Brigrance and Doering, Inc.
 5501 West William Cannon
 Austin, TX 78749
 Ph: 512-280-5160 Fax: 512-280-5165
 aaron@cbdeng.com



BEARING BASIS: MACKENZIE MEADOWS, CAB. L, SL. 383, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS

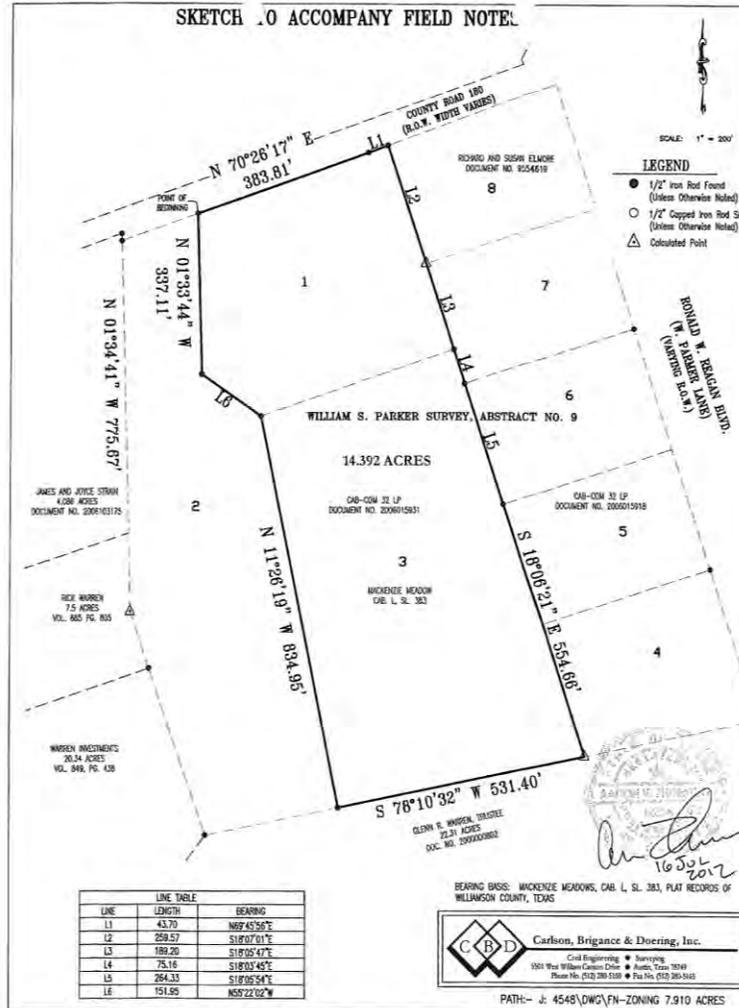
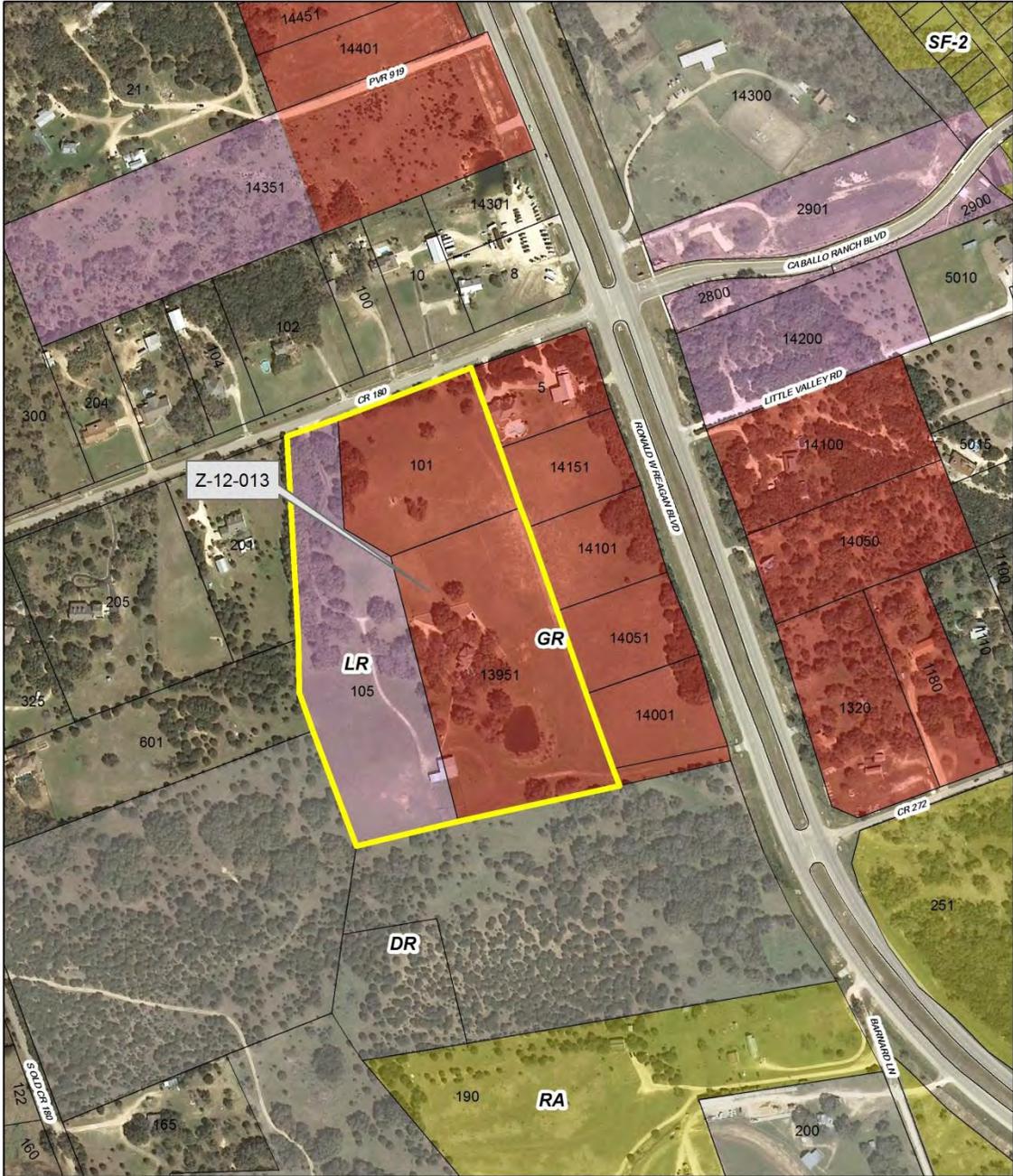


EXHIBIT A



Z-12-013



EXHIBIT B

OWNER: CAB-COM 32 LP

AGENT: Geoff Guerrero, Carlson Brigance and Doering

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

LOCATION: Near the southwest corner of Ronald Reagan Boulevard and CR 180

COUNTY: Williamson

AREA: 22.302 acres

EXISTING ZONING: General Retail (GR) and Local Retail (LR)

PROPOSED ZONING: Condominium Residential (CD)

STAFF RECOMMENDATION: Condominium Residential-Conditional Overlay (CD-CO)

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

PROPOSED FUTURE LAND USE DESIGNATION: Medium Density Residential

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 22.302 acres located near the southwest corner of Ronald Reagan Boulevard and County Road 180 from GR and LR to CD.

EXISTING SITE:

The site is currently developed as a single family residence.



SURROUNDING USES:

The property is surrounded by County Road 180 to the north, GR zoned property to the east, undeveloped Development Reserve (DR) zoned property to the south and single family residentially developed property to the west. The property west of the tract and directly north of CR 180 is located in the city's extra-territorial jurisdiction (ETJ).



PURPOSE OF REQUESTED ZONING DISTRICT:

The Condominium District, CD, is a medium intensity single-family residential district intended to provide the highest single-family residential density and a diversity of housing options. This district is generally inappropriate for infill zoning between single-family lots within a neighborhood development. This district may be appropriate for transitional residential development at an edge of a low density single-family neighborhood, where higher densities and trips generated do not impact lower density areas. Open space and recreation, religious, and educational facilities are provided to maintain an orderly, convenient, and attractive residential neighborhood. The nonresidential uses permitted in this district are considered compatible with the housing options of this district so as to preserve its value, sustainability, and integrity.

The purpose of a Conditional Overlay Combining District (CO) is to modify use and site development regulations to address the specific circumstances presented by a site. The Conditional Overlay Combining District may be used to promote compatibility between competing and potentially incompatible land uses (ex. prohibit a permitted use in the base district); ease the transition from one base district to another (ex. requiring additional buffers); address land uses or sites with special requirements (ex. prohibit access to a specific roadway from a site); and guide development in unique circumstances (ex. increase the minimum lot size).

PERMITTED USES IN CD:

Accessory structures,
Condominiums, residential
Customary home occupations
Parks, playgrounds, recreational facilities owned by the municipality, other governmental agency, or in common under a mandatory homeowner's association.
Places of worship
Public buildings, uses
Real estate sales offices
Temporary building
Utility services, general

FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Neighborhood Office/Retail/Commercial and Regional Office/Retail/Commercial uses. A list of compatible zoning districts for each designation is provided below.

Neighborhood Office/Retail/Commercial	Transitional Office (TO), Transitional Commercial (TC), General Office (GO), Local Retail (LR) and Mixed Use (MU)
Regional Office/Retail/Commercial	General Retail (GR), General Office (GO), and Mixed Use (MU)

The applicant's request for CD zoning would be compatible with a Medium Density Residential designation, which allows such zoning districts as Duplex Residential (DP), Townhome Residential (TH) and CD.

A Future Land Use amendment is being processed concurrently with the zoning application (See agenda item 9D).

COMPREHENSIVE PLAN:

Although not consistent with the FLUP, the applicant's request does support the following housing goals of 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, allowing it to grow into a sustainable community over the next 20-30 years.
- 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.

Transportation:

Ronald Reagan Boulevard is classified as a 4 lane divided major arterial east of the tract. In 2010, the traffic count north of Whitestone Boulevard was 13,086 vehicles per day.

Water and Wastewater Utilities:

Extension of water and wastewater utilities will be required in order to develop this tract.

Subdivision:

The property is not subdivided.

Setback Requirements:

	Condominium Residential (CD)
Front Setback	25'
Side Setback	10'
Rear Setback	20'

Architectural Requirements:

All building exteriors within the CD district are required to be constructed of 75% masonry material, excluding doors and windows.

Leander Independent School District:

The Leander Independent School District has reviewed this rezoning request and has stated the District is able to accommodate the additional students anticipated by this development with existing facilities.

STAFF COMMENTARY:

The subject tract was originally zoned GR and LR in 2006. Since that time, the property has remained undeveloped. The applicant is now requesting to rezone the property to CD.

The purpose statement of the CD district states that the “district may be appropriate for transitional residential development at an edge of a low density single-family neighborhood, where higher densities and trips generated do not impact lower density areas.” The subject tract is situated between GR zoned property along Ronald Reagan Boulevard and large lot single family developed property to the north and west. The proposed CD zoning would provide a compatible transition from the low density residential area to the more intense retail zoning along Ronald Reagan. In addition, primary site access would be provided to Ronald Reagan via a joint access easement, with secondary access along County Road 180; thereby limiting traffic impacts to the smaller county road.

The regional commercial node for this area currently lies at the intersection of East Whitestone Boulevard and Ronald Reagan Boulevard. The extension of New Hope Drive, south of the subject tract will create another commercial node at its intersection with Ronald Reagan Boulevard. Additionally, approximately 350 feet of commercial frontage would be retained along Ronald Reagan Boulevard, directly east of the tract. The proposed dwelling units will support these commercial nodes and potentially spur commercial development in the area.

STAFF RECOMMENDATION:

Based upon the above information, staff supports the applicant’s request for CD zoning. In order to ensure the retention of commercial frontage along Ronald Reagan Boulevard, staff recommends including a conditional overlay requiring that any required detention for the residential development be located on the CD zoned property.

In summary, staff recommends Condominium Residential-Conditional Overlay (CD-CO) zoning with a conditional overlay requiring that detention for the residential development be located on the CD zoned tract.

PUBLIC INPUT: To date, no public testimony has been received.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman September 5, 2012
11 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (October 25, 2012) 1ST Reading
(November 8, 2012) 2ND Reading



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. C.5
(Z-12-014) Second Reading And Approval Of An Ordinance To Rezone Approximately 2 Acres From General Retail (GR) To Commercial Services (CS) For Property Located At 702 South Bell Boulevard. The Planning And Zoning Commission Voted 6-0 To Deny The Request.

Commentary:

Applicant/Owner: Sharon Ltd.

Agent: Kristiana Alfsen, Pohl Partners

Request: Rezone approximately 2 acres to Commercial Services (CS)

Current Zoning: General Retail (GR)

Existing Future Land Use Plan: Neighborhood Office/Retail/Commercial

Proposed Future Land Use Plan: Industrial

Overlay Applicability: None

Staff Recommendation:

- Retain GR zoning designation

Reason for Staff Recommendation:

- Request is not compliant with the Future Land Use Plan
- Request does not support economic development goals of the Comprehensive Plan
- Request does not meet the intent of the CS district
- Potential remains for the entire northeast corner of Cypress Creek Road and Bell Boulevard to be development as a retail center

P&Z Recommendation:

- Denial of applicant's request for CS zoning
- An affirmative vote of 6 out of 7 Council members is required in order to grant the applicant's request

Stated Reasons for P&Z Recommendation:

- Agree with staff's reasoning

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 6-0 to deny the request.

In favor: Nicholas Kauffman, Michael Dion, Holly Hogue, Thomas Balestiere, Jon Lux and Scott Rogers

Opposed: None

Absent: Lorena Echeverria de Misi

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on September 18, 2012. No public testimony was received.

City Council Public Hearing:

The City Council held a public hearing on October 25, 2012. No public testimony was received.

Background:

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

September 5, 2012: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park-Leander Statesman

September 6, 2012: 6 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract

September 18, 2012: Planning and Zoning Commission public hearing

October 10, 2012: Public notice of the City Council public hearing published in the Cedar Park-Leander Statesman

October 25, 2012: City Council 1st reading and public hearing

November 8, 2012: City Council 2nd reading of ordinance

City Manager's Remarks

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Legal Certifications

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 2.00 ACRES FROM GENERAL RETAIL (GR) TO COMMERCIAL SERVICES (CS) FOR PROPERTY LOCATED AT 702 SOUTH BELL BOULEVARD, IN WILLIAMSON COUNTY, TEXAS. (Z-12-014); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

Section 1. That the zoning district map of the City of Cedar Park adopted in ordinance no. 75-2 be and the same is hereby amended to rezone approximately 2.00 acres to Commercial Services (CS), for property located at 702 South Bell Boulevard, otherwise set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 25th day of October, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 8th day of November, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

CRICHTON AND ASSOCIATES
LAND SURVEYORS
6448 HIGHWAY 290 EAST
SUITE B-105 AUSTIN, TEXAS 78727
PH. (512) 244-3395

FIELD NOTES

FIELD NOTES FOR 2.0045 ACRES OUT OF THE SAMUEL DAYMON SURVEY, ABSTRACT NO. 170 IN WILLIAMSON COUNTY, TEXAS BEING A PROTION OF A 14.419 ACRE TRACT CONVEYED TO SHARON LIMITED IN VOL. 866 PG. 803 OF THE WILLIAMSON COUNTY, TEXAS DEED RECORDS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a point on the East R.O.W of South Bell Boulevard (U.S. Highway 183) at the South corner of Lot 1, PMSI Cedar Park Subdivision, a subdivision recorded in Cab. Q Slide 39 of the Williamson County, Texas Plat Records being on the West line of said 14.419 acre tract for the West corner of this tract and the POINT OF COMMENCING.

THENCE N54°25'13"E. with the Southeast line of said Lot 1 through the interior of said 14.419 acre tract, a distance of 523.50 feet to the POINT OF BEGINNING.

THENCE CONTINUING WITH THE Southeast line of said Lot 1, through the interior of said 14.419 acre tract, 290.59 feet to a point on a 100' railroad Right of Way conveyed to City of Austin in Vol. 1417 Pg. 202 of the Williamson County, Texas Official Records for the North corner of this tract.

THENCE S.79°22'00"E with said railroad Right of Way, a distance of 234.33 feet to a point for being the Northwest corner of Amended Plat of Cedar Park Villas a subdivision recorded in Cab. X Slide 218 of the Williamson County, Texas Plat Records for the East corner of this tract.

THENCE S.19°30'00"E. with the West line of Amended Plat of Cedar Park Villas, a distance of 59.24 feet to a point for the East corner of this tract.

THENCE through the interior of said 14.419 acre tract the following two (2) courses:

- 1) S.54°25'13"W., a distance of 428.75 feet to a point to the South corner of this tract.
- 2) N.37°30'00"W., a distance of 226.21 feet to the POINT OF BEGINNING containing 2.0045 acres, more or less.

I hereby certify that the foregoing field notes were prepared from a survey on the ground, under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal August 23, 2012

Herman Crichton, R.P.L.S. 4046
12_210

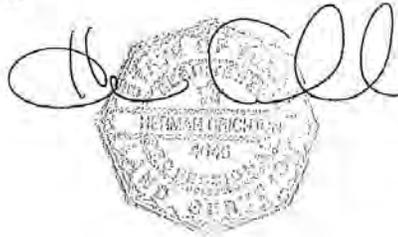


EXHIBIT A



Z-12-014



EXHIBIT B

OWNER: Sharon Ltd.

AGENT: Kristiana Alfsen, Pohl Partners

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

LOCATION: 702 South Bell Boulevard

COUNTY: Williamson County

AREA: 2.0045 acres

EXISTING ZONING: General Retail (GR)

PROPOSED ZONING: Commercial Services (CS)

STAFF RECOMMENDATION: General Retail (GR)

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

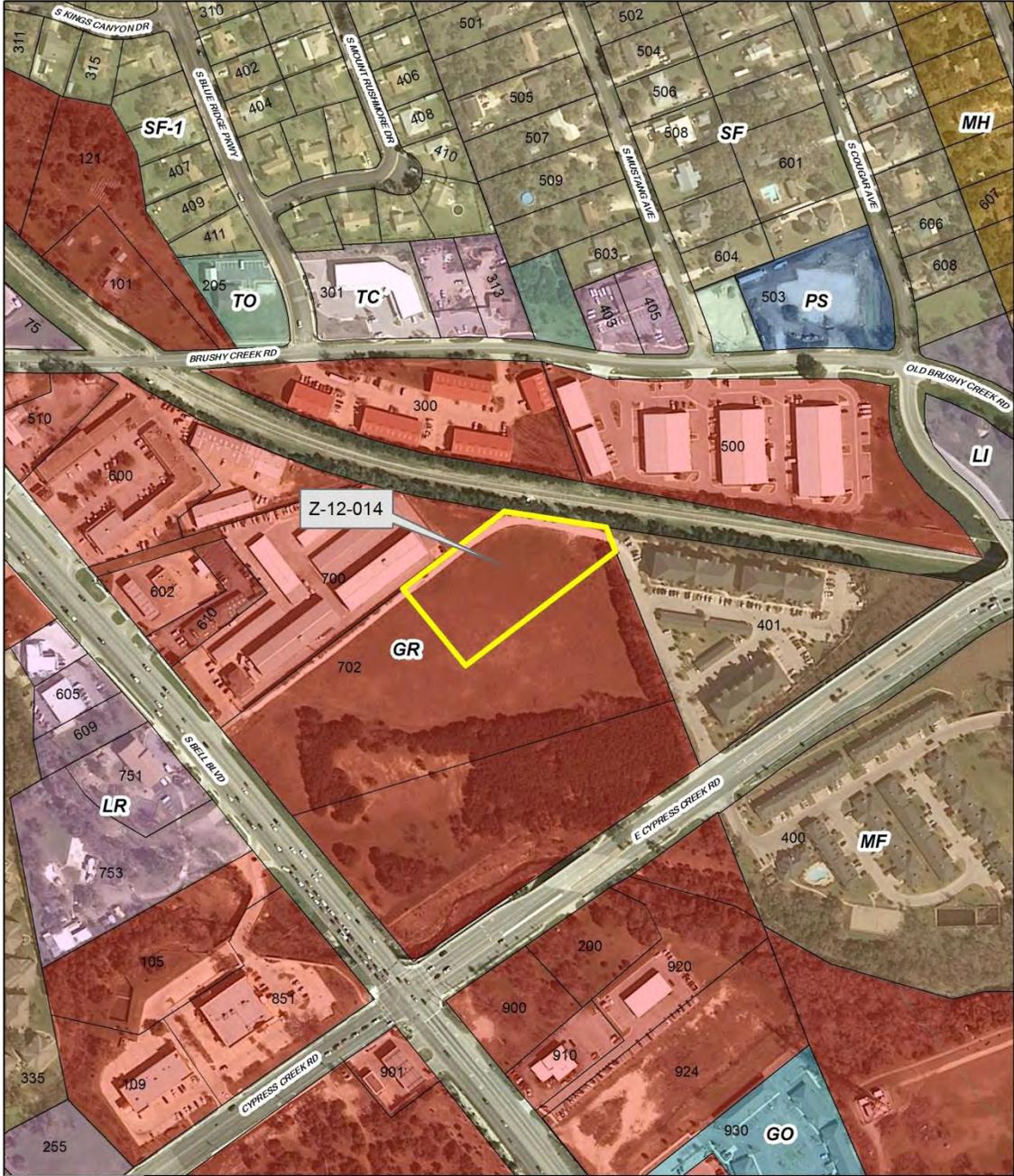
PROPOSED FUTURE LAND USE DESIGNATION: Industrial

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 2.0045 acres located at 702 South Bell Boulevard from GR to CS, with the intent of expanding the self-storage use south of the existing facility.

EXISTING SITE and SURROUNDING LAND USES:

The site is currently undeveloped and is surrounded by an existing storage facility to the north, undeveloped GR zoned property to the west and south, and railroad right-of-way to the east.



Z-12-014



PURPOSE OF REQUESTED ZONING DISTRICT:

The Commercial Services District, CS, is established to provide for business and commercial activities that are typically more intensive than consumer retail enterprises, often larger in scale, and often are designed to serve the region. Since generally they are not fully compatible with office or consumer retail uses, the permitted uses found in this district are combined in order to promote economic development and regional enterprise in a positive and sustainable manner for the City.

PERMITTED USES in CS:

Accessory structures
Automobile repair shop
Automotive paint and body shop
Automotive parts and accessories sales
Automotive tire stores
Automotive upholstery shop
Boarding kennels
Communication services
Construction sales and services
Crematorium
Dry cleaning and/or laundry facility, on-site
Equipment rental
Food preparation
Gasoline service stations, general
Greenhouses, commercial
Indoor shooting range
Indoor sports and recreation
Office/showroom
Office/warehouse
Pawn shop
Permanent makeup, tattooing, body piercing
Pest control, exterminating services
Pool and spa sales and service
Print shop
Recreational vehicle park
Seasonal businesses
Self storage
Temporary buildings
Trade shop
Truck stop
Upholstery shops, not involving
manufacture
Utility services, general
Veterinary services
Wireless telecommunications facilities
Wrecker, impoundment

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Neighborhood Office/Retail/Commercial uses, with compatible zoning districts being Transitional Office (TO), Transitional Commercial (TC), General Office (GO), Local Retail (LR) and Mixed Use (MU).

The applicant’s request for CS does not comply with the Future Land Use Plan (FLUP). The CS district requires an Industrial FLUP designation. An Industrial designation would allow zoning districts such as Commercial Services (CS), Heavy Commercial (HC), Light Industrial (LI), General Industrial (GI), and Heavy Industrial (HI).

A FLUP amendment is being processed concurrently with this rezoning request. See agenda item 9D.

SITE INFORMATION:

Corridor Overlay:

This tract is not located within the Corridor Overlay.

Transportation:

South Bell Boulevard is classified as a major arterial in the vicinity of this site.

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:

	Commercial Services (CS)
Front setback	25'
Side setback	12'
Rear setback	5'

Architectural Requirements:

Structures built within the CS district require 100% masonry construction.

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-85-066	4 acres from SF to GR	Recommended GR	Approved GR

STAFF COMMENTARY:

The subject site was zoned GR in 1985. The applicant is requesting CS with the intent of expanding the existing self-storage site located north of the subject tract.

Staff does not support the applicant's request for the following reasons:

1. The applicant's request is not compliant with the FLUP;
2. The request would not support the economic development goals of the Comprehensive Plan, specifically those geared toward providing increased sales tax revenues, retail growth and employment generation;
3. The request does not meet the intent statement of the CS district, as it is "not compatible with office or consumer retail sales", which is the zoning designation surrounding this tract;
4. The intersection of South Bell Boulevard and Cypress Creek Road is a major node within the City and staff feels this site and the surrounding undeveloped GR zoned property could be developed as a large retail center;
5. The existing self-storage north of the subject tract is a nonconforming use due to its GR zoning designation and the City's Corridor Overlay requirements. Staff believes that allowing expansion of an existing non-conforming use can be viewed as contradictory from a policy standpoint.

STAFF RECOMMENDATION:

Staff does not support the applicant's request for CS and recommends retention of the GR designation.

PUBLIC INPUT: To date, no public testimony has been received.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman September 5, 2012
6 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (October 25, 2012) 1ST Reading
(November 8, 2012) 2ND Reading



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. C.6
(Z-12-015) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Commercial Services (CS) To Approximately 7.17 Acres Located At 3100 Woodall. The Planning And Zoning Commission Voted 6-0 To Approve The Request.

Commentary:

Applicant/Owner: Vincent McElhaney/James and Martha Isbell

Request: Assign original zoning of Commercial Services (CS) to approximately 7.17 acres

Current Zoning: Development Reserve (DR)

Requested Zoning: Commercial Services (CS)

Existing Future Land Use Plan: Industrial

Proposed Future Land Use Plan: Industrial

Overlay Applicability: Corridor Overlay

Staff Recommendation:

- Approval of Commercial Services (CS)

Reason for Staff Recommendation:

- Supports economic development goals of the Comprehensive Plan
- Compatible with the Future Land Use Plan
- Meets the purpose statement of the Commercial Services (CS) district

P&Z Recommendation:

- Approval

•

Stated Reasons for P&Z Recommendation:

- Agree with staff's reasoning

Planning & Zoning Commission Recommendation to the City Council:
The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Michael Dion, Holly Hogue, Thomas Balestiere, Jon Lux and Scott Rogers

Opposed: None

Absent: Lorena Echeverria de Misi

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on September 18, 2012. Public testimony was received in opposition to the request by an adjacent property owner who requested that the area stay commercial as original intended on the 2008 Future Land Use Plan.

City Council Public Hearing:

The City Council held a public hearing on October 25, 2012. No public testimony was received.

Background:

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

September 5, 2012: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen

September 6, 2012: 21 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract

September 18, 2012: Planning and Zoning Commission public hearing

October 10, 2012: Public notice of the City Council public hearing published in the Cedar Park Leander Statesman

October 25, 2012: City Council 1st reading and public hearing

November 8, 2012: City Council 2nd reading

City Manager's Remarks

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Legal Certifications

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF COMMERCIAL SERVICES (CS) TO APPROXIMATELY 7.17 ACRES LOCATED AT 3100 WOODALL, IN TRAVIS COUNTY, TEXAS. (Z-12-015); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

Section 1. That the zoning district map of the City of Cedar Park adopted in ordinance no. 75-2 be and the same is hereby amended to assign original zoning of Commercial Services (CS) to approximately 7.17 acres located at 3100 Woodall otherwise set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 25th day of October, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 8th day of November, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

EXHIBIT "A"

BEING 7.202 ACRES OF LAND, MORE OR LESS OUT OF THE JOSE SANCHEZ SURVEY NO. 51 IN TRAVIS COUNTY, TEXAS AND BEING THAT CALLED 7.175 ACRES CONVEYED TO JAMES A. ISBELL JR. AND MARTHA A. ISBELL IN VOLUME 4539, PAGE 1050 DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID 7.202 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped rebar found in the currently monumented south right of way of Woodall Drive, same being the northwest corner of a 0.526 acre waterline easement in Document No. 2000008475, in the east line of a remainder portion of 953.16 acres conveyed to Henry Wire in Volume 2869, Page 543 of the Deed Records of said County same being the most westerly corner, as monumented, and PLACE OF BEGINNING hereof;

THENCE with the said monumented right of way of Woodall Drive and the north line hereof, same being the north line of said 0.526 acre waterline easement recorded in 2000008475 of the Official Records of said County the following five calls:

1. 85.88 feet along a curve to the right having a radius of 666.20 feet and a chord which bears N 51° 05' 34" E, a distance of 85.82 feet to a ½" iron rebar found
2. N 54° 42' 22" E, a distance of 6.02 feet to a ½" iron rebar found
3. 433.13 feet along a curve to the right having a radius of 666.20 feet and a chord which bears N 73° 59' 53" E, a distance of 425.54 feet to a concrete monument found
4. S 87° 30' 42" E, a distance of 237.00 feet to a concrete monument found
5. 16.48 feet along a curve to the right having a radius of 5879.58 feet and a chord which bears S 87° 34' 12" E, a distance of 16.48 feet to a capped rebar set at the northwest corner of the Bobby Woods 1.000 acre tract recorded in Document No. 20005058302 of the said Official Public Records for the northeast corner hereof

THENCE S 05° 40' 26" W, with the common line of said Woods tract and the tract hereof a distance of 221.83 feet to a ½" iron rebar found at the most westerly corner of said Woods tract same being the northwest corner of the Willard Woods 5.02 acre tract recorded in Volume 3551, Page 939 of the Deed Records of said County for a point online hereof;

THENCE with the common line of said Woods 5.02 acre tract and the tract hereof S 05° 40' 26" W, a distance of 538.14 feet to a ½" iron pipe found at an angle point of said Woods 5.02 acre tract same being the north corner of the Strickler Ventures, LLC 0.135 acre tract recorded in Document No. 2010112151 of the said Official Public Records same being the east corner of the Strickler Ventures, LLC 4.404 acre tract recorded in Document No. 2010112231 of the said Official Public Records for the south corner hereof and from which a capped rebar found on the north right of way of Whitestone Blvd./ FM 1431 at the east corner of said 0.135 acre tract and an angle point of the said 5.02 acre tract bears S 48° 07' 00" E, a distance of 69.78 feet;

EXHIBIT A

THENCE with the common line of said 4.404 acre tract and the tract hereof N 48° 02' 00" W, (Bearing Basis) a distance of 881.34 feet to a capped rebar found at the northeast corner of said 4.404 acre tract, same being the southeast corner of said Henry Wire remainder tract for a point online hereof,

THENCE with the common line of said remainder tract and the tract hereof N 48° 02' 00" W, a distance of 4.78 feet to the **Place of Beginning** hereof containing 7.202 acres of land, more or less.

THIS DESCRIPTION TO BE USED WITH THE ATTACHED SURVEY SKETCH ONLY.

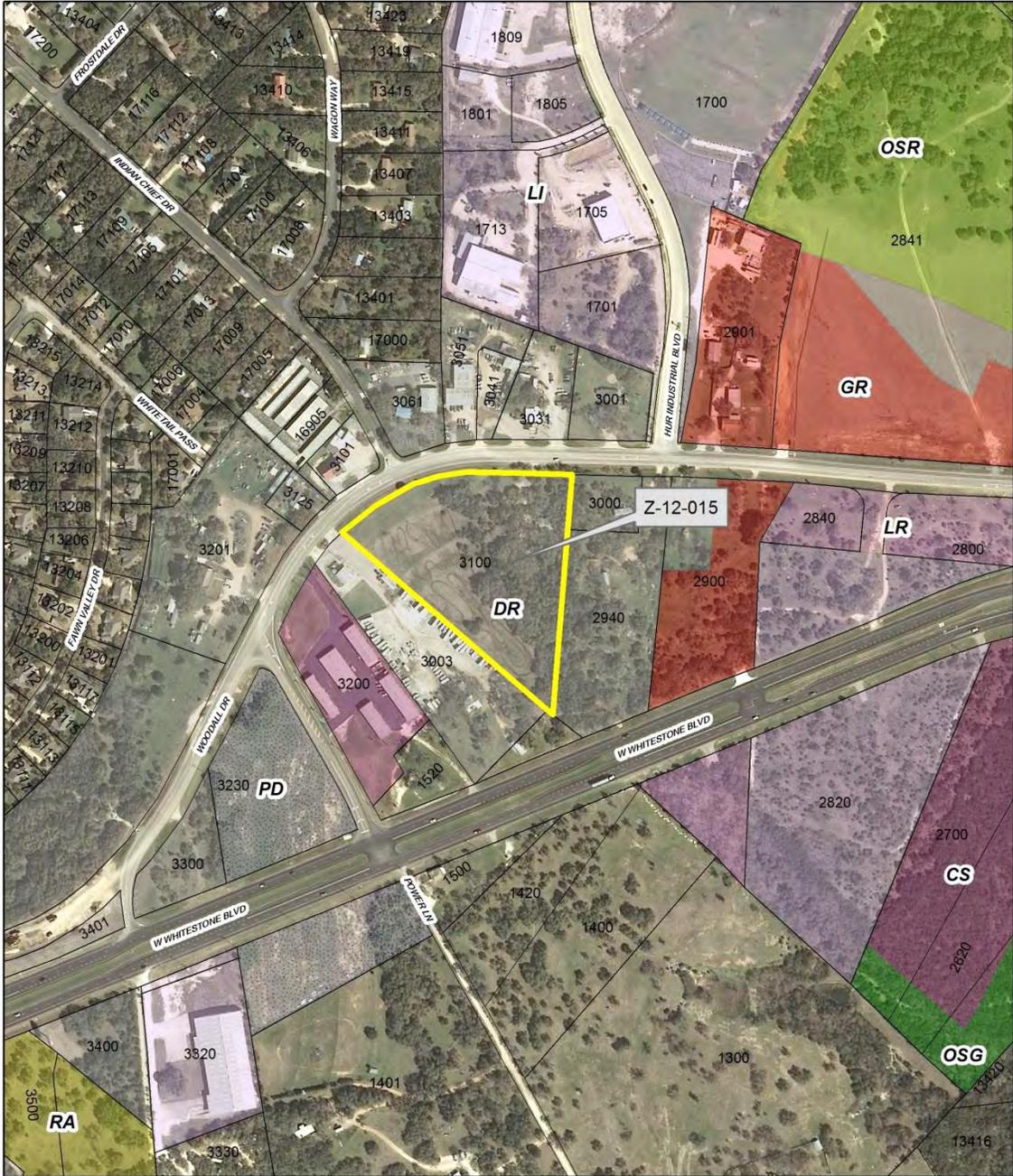

Michael J. Lancaster R.P.L.S. 5529

08/15/2012
Date

B & G Surveying, Inc.
1404 W. North Loop Blvd.
Austin, Texas 78756
Phone (512) 458-6969
Fax (512) 458-1129
www.bandgsurvey.com
R0802812



EXHIBIT A



Z-12-015



EXHIBIT B

September 18, 2012 Zoning	<i>Planning and Zoning Commission</i> 3100 Woodall – Shady Oaks Project	Item: 7G & 8G
Case Number: # Z-12-015		

OWNER: James and Martha Isbell

AGENT: Vincent McElhaneey

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

LOCATION: 3100 Woodall

COUNTY: Travis

AREA: 7.17 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: Commercial Services (CS)

STAFF RECOMMENDATION: Commercial Services (CS)

FUTURE LAND USE PLAN EXISTING: Industrial

FUTURE LAND USE PLAN PROPOSED: Industrial

The applicant is requesting to assign original zoning of Commercial Services (CS) to approximately 7.17 acres located at 3100 Woodall.

Site:



PURPOSE OF REQUESTED ZONING DISTRICTS:

The Commercial Services District, CS, is established to provide for business and commercial activities that are typically more intensive than consumer retail enterprises, often larger in scale, and often are designed to serve the region. Since generally they are not fully compatible with office or consumer retail uses, the permitted uses found in this district are combined in order to promote economic development and regional enterprise in a positive and sustainable manner for the City.

Permitted uses

- Automobile repair shop
- Automotive tire stores
- Automotive parts and accessories sales
- Automotive paint and body shop
- Automotive upholstery shop
- Boarding kennels
- Construction sales and services
- Crematorium
- Dry cleaning and/or laundry facility, on-site
- Equipment rental
- Gasoline service stations, general
- Greenhouses, commercial
- Indoor shooting range
- Indoor sports and recreation
- Office/showroom
- Office/warehouse
- Pawn shop
- Permanent makeup, tattooing, body piercing
- Pest control, exterminating services
- Pool and Spa Sales and Service
- Print shop
- Communication Services
- Recreational Vehicle (RV) Park
- Seasonal businesses
- Self-storage
- Temporary buildings
- Trade shop
- Truck Stop
- Upholstery shops, not involving manufacture
- Utility services, general
- Veterinary Services
- Wrecker, impoundment
- Accessory structures
- Food Preparation
- Wireless telecommunications facilities

FUTURE LAND USE PLAN:

The Future Land Use Plan identifies the subject area as suitable for Industrial uses which includes the Commercial Services (CS), Heavy Commercial (HC), Light Industrial (LI), General Industrial (GI) and Heavy Industrial (HI) zoning districts.

The request for CS is in compliance with these goals of 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.

4.2.4 A Commercial Redevelopment:

- Prepare for future commercial redevelopment and encourage redevelopment where possible

SITE INFORMATION:

Corridor Overlay:

The rear portion of this property is located within the Corridor Overlay.

Transportation:

Woodall Drive is the former alignment of W. Whitestone which was realigned in 2009.

Subdivision:

A subdivision or legal lot determination will need to be completed prior to development.

Setback Requirements:

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

Architectural Requirements:

Each exterior wall area of a site will be subject to the recently adopted masonry standards of 100% masonry.

STAFF COMMENTARY:

The request supports the purpose statement of the CS district as well as the economic development goals of the Comprehensive Plan. In addition, the site meets the Future Land Use Plan.

STAFF RECOMMENDATION:

Staff recommends rezoning to Commercial Services (CS).

PUBLIC NOTICE: September 5, 2012 Cedar Park Citizen

PUBLIC INPUT: Staff has received no public input at the time of publication of this report

PROPOSED CITY COUNCIL HEARINGS: October 25, 2012 ~ Public Hearing/1ST Reading
November 8, 2012 ~ 2ND Reading



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. C.7
Second Reading And Approval Of An Ordinance To Amend The Cedar Park Code Of Ordinances, Chapter 5 Fire And Emergency Management, Article 5.07 Emergency And Disaster Management, Division 1 Generally.

Commentary:

The proposed ordinance amendment addresses changes to Article 5.07, Division 1 of the Cedar Park Code of Ordinances regarding Emergency and Disaster Management. The proposed amendments are to align Article 5.07 with previous changes made to the governing state statute.

The amendments also streamline the ordinance by removing language covered by the Texas Government Code, Chapter 418.

Fiscal Impact

Fund:

Department:

Associated Information:

ORDINANCE NO _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING CHAPTER 5, FIRE AND EMERGENCY MANAGEMENT, ARTICLE 5.07 EMERGENCY AND DISASTER MANAGEMENT, DIVISION 1 GENERALLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Chapter 5 Fire and Emergency Management, Article 5.07 Emergency and Disaster Management, Division 1 - Generally is hereby amended as provided hereto in Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after the date of approval.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 25TH day of October, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 8TH day of November, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

Matthew Powell, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

ARTICLE 5.07 EMERGENCY AND DISASTER MANAGEMENT*

Division 1. Generally

Sec. 5.07.001 Purpose

The purpose of this Article is to provide for public health, safety, and welfare through emergency preparedness, response, recovery, and mitigation pursuant to Texas Disaster Act of 1975, Chapter 418 of the Texas Government Code, as amended.

Sec. 5.07.002 Definitions

Words and phrases in this Article have the same meanings as defined in Chapter 418 of the Texas Government Code, as amended.

Sec. 5.07.003 Emergency management director; Emergency management plan

(a) The Mayor is designated as the City's Emergency Management Director and serves as the Governor's designated agent for emergency management purposes pursuant to Chapter 418 of the Texas Government Code, as amended.

The City Manager may appoint one or more persons as Emergency Management Coordinator(s) to prepare, maintain, and administer the City's Emergency Management Plan pursuant to Chapter 418 of the Texas Government Code, as amended, by:

- (1) Developing, implementing, and coordinating emergency preparedness, response, recovery and mitigation activities within the City;
- (2) Identifying, coordinating, organizing, and mobilizing resources necessary to implement the Emergency Management Plan;
- (3) Coordinating with federal, state, county and other emergency planning and control agencies on emergency preparedness, response, recovery and mitigation;
- (4) Preparing and distributing information on emergency preparedness to City residents; and
- (5) Performing other duties as assigned by the City Manager.

Sec. 5.07.004 Declaration of local disaster

(a) The Emergency Management Director may declare a local disaster as provided for in Chapter 418 of the Texas Government Code, as amended. A declaration of local disaster may not be continued or renewed for a period of more than seven (7) days except with the consent of the City Council.

(b) The Emergency Management Plan shall be considered supplementary to this Article and have the full force and effect of law during the period of a local disaster declaration. At all times when the orders, rules, and regulations promulgated pursuant to this Article shall be in effect, they shall supersede and control over all existing ordinances, rules, and regulations to the extent of any conflict.

Sec. 5.07.005 Offenses; Penalties

(a) It shall be unlawful for any person to:

- (1) Knowingly obstruct, hinder, or delay the enforcement of any rule or regulation issued pursuant to this Article;

- (2) Do any act forbidden by any rule or regulation issued pursuant to the authority contained in this Article;
- (3) Wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the City, unless authority to do so has been granted to such person by the City Manager; or
- (4) Operate a siren or other device so as to simulate a warning signal, or the termination of a warning, unless authority to do so has been granted to such person by the City Manager.

(b) Any violation of this Article shall be subject to the penalties provided for in the general penalty provision found in Section 1.01.009 of this Code of Ordinances.

Secs. 5.07.006–5.07.030 Reserved

Sec. 5.07.001 Organization

~~The office of emergency management director is hereby created in accordance with state law. (1998 Code, sec. 1.1001; Ordinance CO12-05-04-28-4A, sec. 2, adopted 4/28/05)~~

~~(1) An emergency management coordinator may be appointed by and serve at the pleasure of the director.~~

~~(2) The director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this article. He/she may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.~~

~~(3) The operational emergency management organization of the city shall consist of the officers and employees of the city so designated by the director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.~~

~~(1998 Code, sec. 1.1001)~~

Sec. 5.07.002 Emergency management director; powers and duties

~~(a) The director shall be designated by the city manager, acting through the fire chief, from a position in the fire department. The city council authorizes continuance of assignment pay, section 5.07.009, to a person who is designated by the city manager, acting through the fire chief, to perform the duties of emergency management director. (Ordinance CO12-05-04-28-4A, secs. 2 & 3, adopted 4/28/05)~~

~~(b) The duties and responsibilities of the emergency management director shall include the following:~~

~~(1) Conduct an ongoing survey of actual or potential major hazards which threaten life and property within the city, and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.~~

~~(2) Supervision of the development of an emergency management plan for the city, and shall recommend that plan for adoption by the city council all mutual aid arrangements deemed necessary for the implementation of such plan.~~

~~(3) Authority to declare a state of disaster. The declaration may not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the city council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary.~~

~~(4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this article. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the city secretary.~~

~~(5) Direction and control of the operations of the city emergency management organization as well as the training of emergency management personnel.~~

~~(6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.~~

~~(7) Maintenance of liaison with other municipal, county, district, state, regional, federal or other emergency management organizations.~~

~~(8) Marshaling of all necessary personnel, equipment or supplies from any department of the city to aid in carrying out of the provisions of the emergency management plan.~~

~~(9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an~~

~~agreement with the county in which said city is located and with other municipalities within the county, for the countywide coordination of emergency management efforts.~~

~~(10) Supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city.~~

~~(11) Authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.~~

~~(12) Survey of the availability of existing personnel, equipment, supplies, and services which could be used during a disaster, as provided for herein.~~

~~(13) Other requirements as specified in Texas Disaster Act 1975 (V.T.C.S. Article 6889-7).~~

~~(1998 Code, sec. 1.1002)~~

~~Sec. 5.07.003 Emergency management plan~~

~~A comprehensive emergency management plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this article. As provided by state law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the State Division of Emergency Management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this article and have the effect of law during the time a disaster emergency proclamation is in effect. (1998 Code, sec. 1.1003)~~

~~Sec. 5.07.004 Interjurisdictional program~~

~~The mayor is hereby authorized to join with the county judge of the County of Williamson and the mayors of other cities in said county in the formation of an emergency management council for the County of Williamson and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint emergency management coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the city. (1998 Code, sec. 1.1004)~~

~~Sec. 5.07.005 Override~~

~~At all times when the orders, rules, and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith. (1998 Code, sec. 1.1005)~~

~~Sec. 5.07.006 Liability~~

~~This article is an exercise by the city of its governmental functions for the protection of the public peace, health, and safety and neither the city, the agents and representatives of said city, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license of privilege, or otherwise permits the city to inspect, designate, and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person. (1998 Code, sec. 1.1006)~~

~~Sec. 5.07.007 Commitment of funds~~

~~No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this article without prior approval by the city council, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior and specific approval of the city council unless during a declared disaster. During a declared disaster, the mayor may expend and/or commit public funds of the city when deemed necessary for the protection of health, life, and property. (1998 Code, sec. 1.1007)~~

~~Sec. 5.07.008 Offenses; penalties~~

~~(a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.~~

~~(b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the city, unless authority to do so has been granted to such person by the proper officials.~~

~~(c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this article and shall be subject to the penalties provided for in the general penalty provision found in section 1.01.009 of this code of ordinances.~~

~~(1998 Code, sec. 1.1008)~~

~~Sec. 5.07.009 Emergency management director; assignment pay~~

~~(a) Effective October 1, 2004, the city council authorizes the payment of assignment pay to one (1) member of the Cedar Park Fire Department in the amount of \$250.00 on a monthly basis. (Ordinance G04-05-01-13-10D, sec. 1, adopted 1/13/05)~~

~~(b) The following conditions apply to the payment of assignment pay:~~

~~(1) Only an employee covered by civil service is eligible to receive assignment pay.~~

~~(2) Only one (1) employee is designated by the city manager, acting through the fire chief, to perform the duties of emergency management director.~~

~~(3) The emergency management director has the following duties and responsibilities: prepare and maintain the city's emergency management plan (the "plan"), including coordinating with other cities and businesses; researching possible hazards to the city; conducting exercises and ongoing evaluations of the plan; and other duties listed in section 5.07.002.~~

~~(4) Assignment pay shall be paid monthly to the designated employee. An employee must be assigned to perform the full range of responsibilities and duties under sections 5.07.001 and 5.07.003 to earn this assignment pay.~~

~~(5) This assignment pay shall be evaluated upon the adoption of a new pay scale for fire fighters, and/or the designation of a new emergency management director, and/or during the annual budget process.~~

~~(Ordinance G04-05-01-13-10D, sec. 1, adopted 1/13/05)~~

~~Secs. 5.07.010 – 5.07.030 Reserved~~



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. D.1
A Resolution Authorizing And Directing The City Manager To Execute A License Agreement With The Reserve At Brushy Creek Master Community, Inc. For The Purpose Of Allowing Construction And Maintenance Of A Subdivision Entry Feature In The Landscape Median Located In The 1100 Block Of The Wilson Ranch Place Right-of-Way.

Commentary:

The Reserve at Brushy Creek Master Community, Inc. is proposing to install a subdivision entry sign in the landscape median of the Wilson Ranch Place right-of-way. A location exhibit and a sign rendering are attached to the Associated Information portion of this report.

The City's Engineering Department has determined that the location proposed is appropriate from both traffic safety and utility conflict perspectives.

The agreement, which has been reviewed by the City Attorney's office, requires the licensee to maintain appropriate general liability insurance. It also provides a City indemnification clause and other provisions needed to protect the City's interests. The full agreement is attached to the resolution that follows this report.

Construction of the entry feature was begun prematurely, but following contact by the City, all work was suspended. The developer understands that the proposed feature cannot be allowed unless a license agreement is approved and executed by the City. The developer has been and continues to be very cooperative in this matter.

Staff recommends approval of the resolution authorizing execution of the proposed license agreement.

Fiscal Impact

Fund:

Department:

Amount:

Associated Information:



PROJECT ADDRESS: 2500
 BRUSHY CREEK, HOUSTON, TEXAS
 PROJECT NO.: 10283
 DATE: 08/31/2018

THE RESERVE AT
 BRUSHY CREEK

AUSTIN, TX
 PROJECT NO.:
 AN201

PROJECT: 10283

DRAWN: SMT

DATE: 08/31

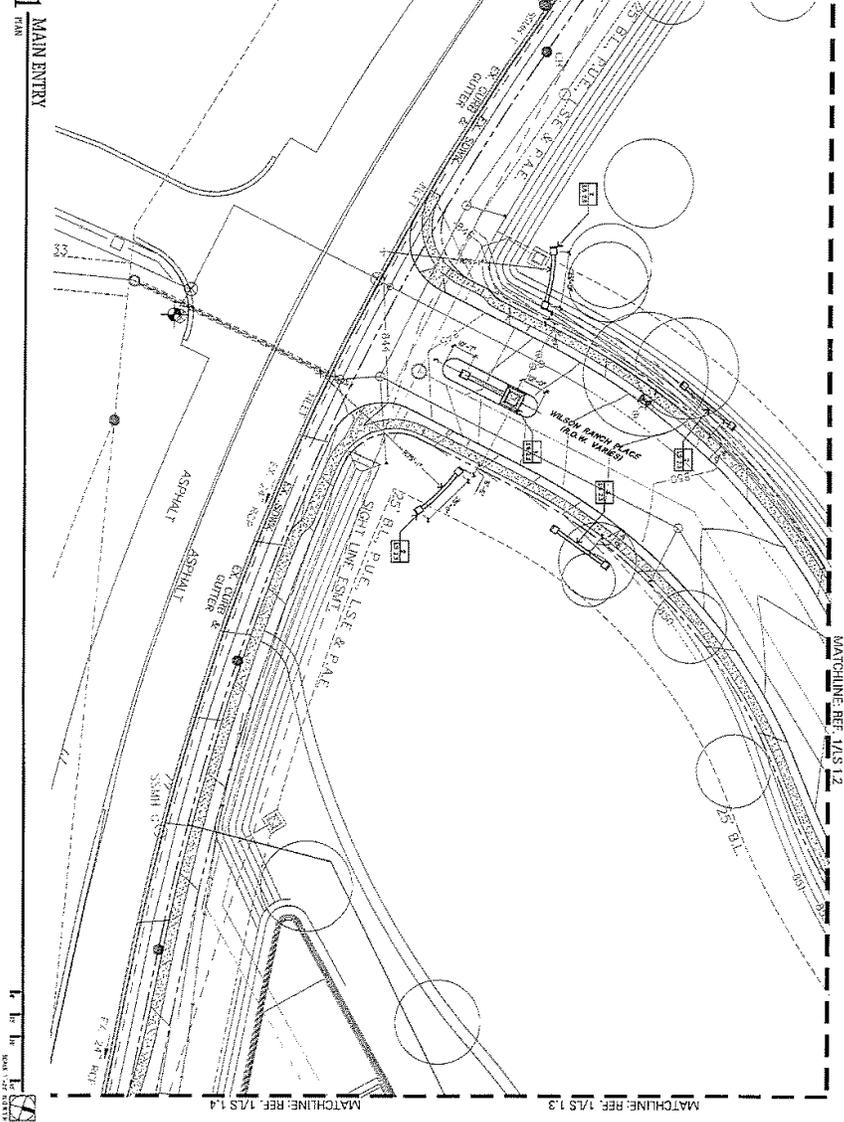
DESIGNER: SMT

CHECKER: SMT

PROJECT:

SMT
 LANDSCAPE
 SITEWORK PLAN

SHEET NO.:
 1S 1.1



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH THE RESERVE AT BRUSHY CREEK MASTER COMMUNITY, INC. FOR THE PURPOSE OF ALLOWING CONSTRUCTION AND MAINTENANCE OF A SUBDIVISION ENTRY FEATURE IN THE LANDSCAPE MEDIAN LOCATED IN THE 1100 BLOCK OF THE WILSON RANCH PLACE RIGHT-OF-WAY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, The City Council desires to ensure that public rights-of-way within the City are utilized and maintained in a manner that is both safe and reflective of the standards of the community; and

WHEREAS, The Reserve at Brushy Creek Master Community, Inc. wishes to erect and maintain a subdivision entry sign in the landscape median of Wilson Ranch Place, a public right-of-way located within the City; and

WHEREAS, a careful and thorough review of said entry sign has determined that that it's design and proposed location are appropriate from a public safety perspective; and

WHEREAS, a careful and thorough review of said entry sign design finds it to be reflective of the standards of the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. That the City Manager is hereby authorized and directed to execute a license agreement with The Reserve at Brushy Creek Master Community, Inc. for the purpose of authorizing construction and maintenance of the subdivision entry sign as specified by said license agreement, a copy of which is attached hereto and incorporated by reference herein.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 8th day of November, 2012.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

or improving of such street areas so that the Licensee's operations and improvements on the Licensed Property will not be affected thereby.

The City retains the right to enter upon the Licensed Property, at any time and without notice, assuming no obligation to Licensee, to remove any of the licensed improvements or alterations thereof whenever such removal is deemed necessary by the City with respect to the Licensed Property.

IV. INSURANCE

Licensee, shall, at its sole expense, provide a commercial general liability insurance policy, written by a company acceptable to the City and licensed to do business in Texas, with a combined single limit of not less than Five Hundred Thousand and No/100 Dollars (\$500,000.00), which coverage may be provided in the form of a rider and/or endorsement to a previously existing insurance policy. Such insurance coverage shall specifically name the City as additional insured. The insurance coverage shall cover all perils arising from the activities of Licensee, its officers, directors, employees, agents or contractors, relative to this Agreement. Licensee shall be solely responsible for the payment of any deductibles stated in the policy. A true copy of each instrument affecting such coverage shall be delivered to the City on or before the date Licensee begins construction of Licensee's improvements contemplated in this Agreement. So long as Licensee is using the Licensed Property, Licensee shall not cause such insurance to be cancelled nor permit such insurance to lapse. All insurance certificates, reduced, restricted, otherwise limited until thirty (30) days after the City has received written notice as evidenced by a return receipt of registered or certified mail.

V. INDEMNIFICATION

Licensee shall indemnify and hold harmless the City and its officers, agents, and employees against any and all claims, suits, demands, judgments, and expenses, including attorney's fees, including, but not limited to, liability for personal injury, death or damage to any person or property which is proximately caused by Licensee's construction, location of the signage, fencing, lighting, landscape improvements, decorative rocks, and the irrigation system, and/or Licensee's action or inactions in maintaining the signage, fencing, lighting, landscape improvements, decorative rocks, and the irrigation system, located on Licensed Property. This indemnification provision, however, shall not apply to any claims, suits, damages, costs, losses or expenses (i) for which the City shall have been, or is entitled to be compensated by insurance provided under Article IV above, or (ii) which are proximately caused by the negligent or willful acts of the City, its agent, employees, or contractors; provided, however, that for the purposes of the foregoing, the City's act of entering into this Agreement shall not be deemed to be a "negligent or willful act."

VI. CONDITIONS

- A. Licensee's Responsibilities. Licensee will be responsible for any damage to or relocation of existing facilities, improvements, utility lines or any other City property in the Licensed Property. Further, licensee shall reimburse the City within thirty (30) days of written demand for all costs of replacing, repairing, or relocating any property of the City or of others which was damaged or destroyed as a result of activities authorized under this Agreement by, or on behalf of, Licensee.
- B. Maintenance. Licensee expressly agrees to maintain the Licensed Property at Licensee's sole cost and expense for the duration of the license. Maintenance includes, but is not limited to, keeping the area free of debris and litter and regularly watering and pruning existing plants, trees or shrubs. Licensee shall remove all dead or dying plants and replace any dead trees and/or shrubs with comparable nursery stock or perform any other maintenance at its sole expense within thirty (30) days following the receipt of a written request by the City to do so.

C. Removal or Modification. Licensee agrees that the removal or modification of any improvements on the Licensed Property must be approved in writing by the City prior to any such removal or modification.

D. Default. In the event that Licensee fails to maintain the Licensed Property or otherwise comply with the terms or conditions set forth herein, then the City shall give Licensee written notice thereof, by registered or certified mail, return receipt requested to the address set forth below. Licensee shall have thirty (30) days from the date of receipt of such notice to remedy the failure complained of and, if Licensee does not satisfactorily remedy the same within the thirty-day period, the City may perform the work or contract for the completion of the work. Licensee agrees to pay within thirty (30) days of written demand by the City, all costs and expenses incurred by the City in completing the work.

VII. COMMENCEMENT: TERMINATION BY ABANDONMENT

This Agreement shall be effective of the date set forth in the introductory paragraph of this Agreement, and, the Licensed Property shall continue thereafter for so long as the Licensed Property shall be used for the purposes set forth herein.

If Licensee abandons the use of all or any part of the Licensed Property for such purposes set forth in this Agreement as to such portion or portions abandoned, shall expire and terminate following thirty (30) days' written notice to the Licensee. The City shall thereafter have the right to enter on the Licensed Property and any rights of the Licensee shall be terminated as of the date of the abandonment. All installations of Licensee not removed shall be deemed property of the City as of the time abandoned.

VIII. TERMINATION

A. Termination by Licensee. This Agreement may be terminated by Licensee by delivering written notice of termination to the City no later than thirty (30) days before the effective date of the termination. If Licensee so terminates, then it may remove installations that it made from the Licensed Property within the thirty-day period. Any installations not removed within said period are agreed to the property of the City.

B. Termination by City. Notwithstanding any other provisions of this Agreement, this Agreement may be revoked at anytime by resolution of the City Council of the City of Cedar Park, Texas, after providing thirty (30) days' written notice to the Licensee.

IX. APPLICATION OF LAW

This Agreement shall be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts shall be enforced, to the extent possible, consistent with the intent of the parties as evidenced by this Agreement.

X. VENUE

Venue for all lawsuits concerning this Agreement will be in Williamson County, Texas.

XI. COVENANT RUNNING WITH THE LAND: WAIVER OF DEFAULT

This License Agreement and all of the covenants herein shall run with the land; therefore, the conditions set forth herein shall inure to and bind each party's successors and assigns. Either party may waive any default of the other party at any time, without affecting or impairing any right arising from any subsequent or other default.

XII. ASSIGNMENT

Licensee shall not assign, sublet or transfer its interest in this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld, and will not be withheld if the assignee is a property owners association for the Reserve at Brushy Creek. Any assignees shall assume all rights and duties under this Agreement in its entirety without exception, including, but not limited to, compliance with the insurance requirements set forth herein. Licensee shall furnish to the City a copy of such assignment or transfer of any of Licensee's rights in this Agreement, including the name, date, address and contact person. Upon assignment of its rights and obligations under this Agreement to a property owners association described above and compliance with the requirements of the prior sentence, Licensee shall be relieved of and released from any obligation under this Agreement which accrues after such an assignment.

XIII. NOTICES

All notices, demands and requests for delivery of documents or information hereunder shall be in writing and shall be deemed to have been properly delivered and received as of the time of delivery if personally delivered, as of the date and time deposited in the mail system if sent by United States certified mail, return receipt requested, and postage paid, or as of the time of delivery by Federal Express (or comparable express delivery system) if sent by such methods with all costs prepaid. All notices, demands, and requests shall be addressed:

To Licensee at: MileStone Community Builders LLC
9111 Jollyville Road, Suite 111
Austin, Texas 78759
Attn: Ellen Harrison, Land Development Coordinator

To City at: City of Cedar Park
450 Cypress Creek Road, Building 1
Cedar Park, Texas 78613
Attn: Darwin Marchell, Director of Engineering

or to other address which either party may so designate by sending notice as aforesaid.

XIV. EXECUTION IN COUNTERPARTS

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which together shall be construed as one of the same instrument.

TERMS AND CONDITIONS ACCEPTED this the ____ day of _____, 2012.

CITY:

APPROVED AS TO FORM:

City of Cedar Park

City Attorney

By: _____
Name: _____
Title: _____

LICENSEE:

The Reserve at Brushy Creek Master Community, Inc., a
Texas non-profit corporation

By: _____
Name: Garrett Martin
Title: President

STATE OF TEXAS S
 S
COUNTY OF WILLIAMSON S

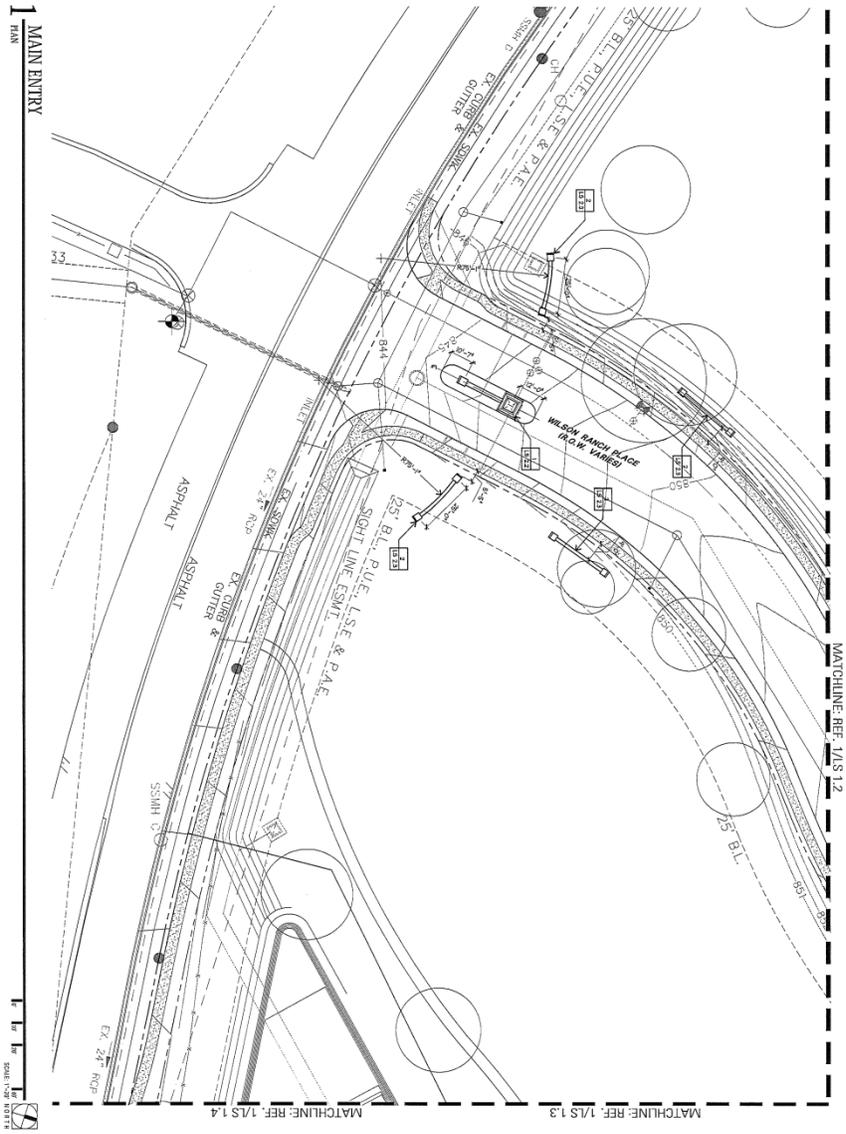
This instrument was acknowledged before me on the ____ day of _____ 2012, by
_____, the _____ of the City of Cedar Park, Texas, home-rule city,
municipal corporation, and political subdivision of the State of Texas, on behalf of said city.

Notary Public in and for the State of Texas

STATE OF TEXAS S
 S
COUNTY OF TRAVIS S

This instrument was acknowledged before me on the ____ day of _____ 2012, by
_____, the _____ of The Reserve at Brushy Creek Master
Community, Inc., a Texas non-profit corporation.

Notary Public in and for the State of Texas



T B G

THE RESERVE AT
BRUSHY CREEK
LANDSCAPE ARCHITECTURE
REVIEW
SEP
2011

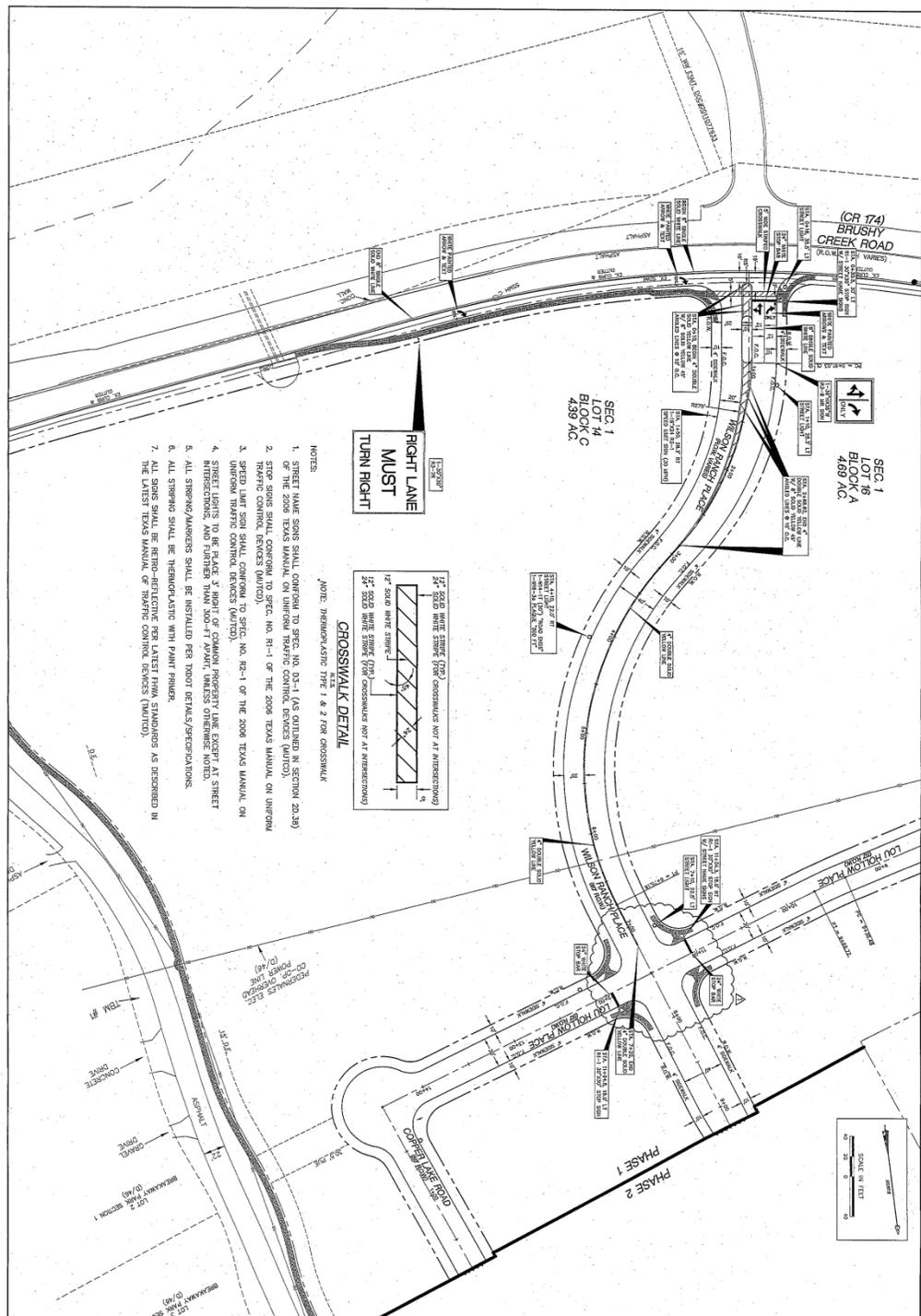
Landscaping Address: • Home
201 Southlake, Building, Suite 202
0123456789 • Fax 913 272 0000
Austin • Dallas • Phoenix • San Antonio

Project:
**THE RESERVE AT
BRUSHY CREEK**

AINSTON, TX
Project Number:
A11234

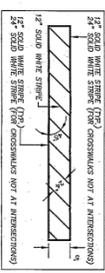
Design/Lead: ASK/S
Owner: ASR
Architect: TX

Site Number:
Address:
Sheet Title:
**LANDSCAPE
SITEWORK PLAN**
Sheet Number:
IS 1.1



- NOTES
1. STREET NAME SIGNS SHALL CONFORM TO SPEC. NO. D3-1 (AS OUTLINED IN SECTION 20.39) OF THE 2008 TEXAS MANUAL ON URBAN TRAFFIC CONTROL DEVICES (AUTOD);
 2. SIGNAGE SHALL CONFORM TO SPEC. NO. R1-1 OF THE 2008 TEXAS MANUAL ON URBAN TRAFFIC CONTROL DEVICES (AUTOD);
 3. SPEED LIMIT SIGNS SHALL CONFORM TO SPEC. NO. R2-1 OF THE 2008 TEXAS MANUAL ON URBAN TRAFFIC CONTROL DEVICES (AUTOD);
 4. STREET LIGHTS TO BE PLACED 3' RIGHT OF COMMON PROPERTY LINE EXCEPT AT STREET INTERSECTIONS, AND FURTHER THAN 300'-FT APART, UNLESS OTHERWISE NOTED;
 5. ALL STRIPING/MARKERS SHALL BE INSTALLED PER TxDOT DETAILS/RECOMMENDATIONS;
 6. ALL STRIPING SHALL BE THERMOPLASTIC WITH PAINT PRIMER;
 7. ALL SIGNS SHALL BE RETRO-REFLECTIVE PER LATEST TxDOT STANDARDS AS DESCRIBED IN THE LATEST TEXAS MANUAL OF TRAFFIC CONTROL DEVICES (AUTOD).

CROSSWALK DETAIL



File Project#	BRUSHYENCLAVE/SIGNAGE
Job No.	21742
Scale (PLOT)	T=40'
Date	10/20/11
Revision 1	ISSUED PER TxDOT MANUAL
Revision 2	
Revision 3	
Revision 4	



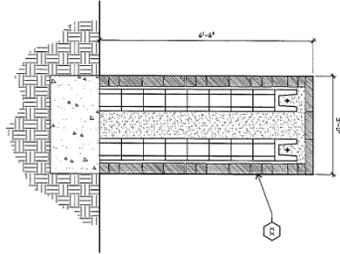
THE RESERVE AT BRUSHY CREEK SECTION 1
 SUBDIVISION IMPROVEMENTS
 STRIPING, SIGNAGE & LIGHTING PLAN
 CEDAR PARK, TEXAS 78613

HANRAHAN PRITCHARD ENGINEERING, INC.
 CONSULTING ENGINEERS
 3833 Conroe Park Drive
 AUSTIN, TEXAS 78754
 OFFICE 512-469-4734 FAX 512-469-4732
 hpe@hpe-engine.com

HPE

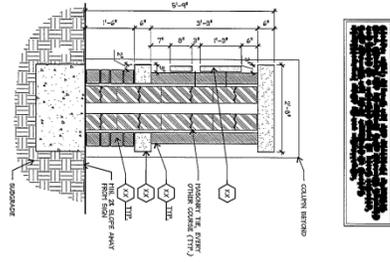
44 OF 46 SHEET

EXHIBIT B



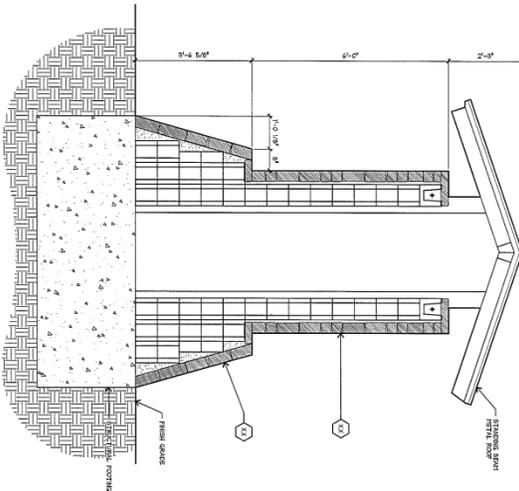
5 COLUMN
ELEVATION

SCALE: 3/4"=1'-0"



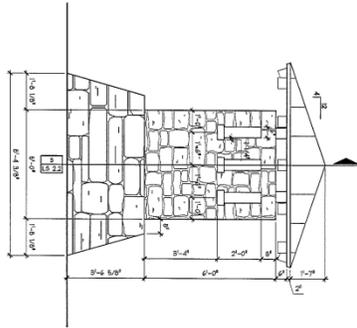
4 SIGN WALL
ELEVATION

SCALE: 3/4"=1'-0"



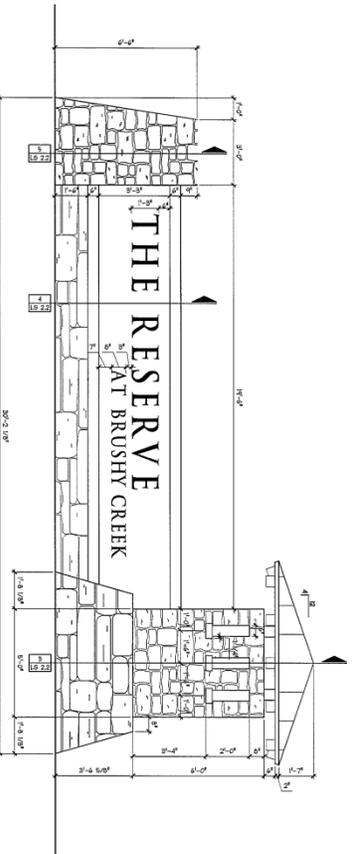
3 ENTRY MONUMENT
SECTION

SCALE: 3/4"=1'-0"



2 SECONDARY ENTRY MONUMENT
ELEVATION

SCALE: 1/2"=1'-0"



1 MAIN ENTRY
ELEVATION

SCALE: 1/2"=1'-0"



THE RESERVE AT BRUSHY CREEK
REVIEW
SET

Architect: T&B
10000 Lakeshore, Suite 100
Dallas, Texas 75243
Tel: 972.271.1111 Fax: 972.271.1108
www.tbgroup.com

Project: THE RESERVE AT BRUSHY CREEK

Architect: T&B
Project Number: 11124

Designed: ASB
Checked: ASB
Reviewed: TB
Sheet Name: SITEWORK DETAILS

Sheet Number: IS 22



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. D.2

A Resolution Amending The Future Land Use Plan For Property Located At 702 South Bell Boulevard From Neighborhood Office/Retail/Commercial To Industrial. The Planning And Zoning Commission Voted 6-0 To Deny This Amendment.

Commentary:

Applicant/Owner: Sharon Ltd.

Agent: Kristiana Alfsen, Pohl Partners

Request: Amend the Future Land Use Plan for 2 acres located at 702 South Bell Boulevard from Neighborhood Office/Retail/Commercial to Industrial

Current Zoning: General Retail (GR)

Requested Zoning: (Z-12-014)

- **Approximately 2 acres of Commercial Services (CS)**

Existing Future Land Use Plan: Neighborhood Office/Retail/Commercial

Proposed Future Land Use Plan: Industrial

Staff Recommendation: Not Recommended

Reasons for Staff Recommendation:

The Industrial designation is compatible with the following zoning districts: Commercial Services (CS), Heavy Commercial (HC), Light Industrial (LI), General Industrial (GI) and Heavy Industrial (HI).

Staff does not recommend approval of this request, as it would create an isolated industrial area among retail designated property, inhibiting future growth as a retail node in the region. Whereas there is another industrial designation located to the north of the site, the northern site is self-contained on all sides by railroad tracks and local streets. The tract in this proposal is part of a larger tract whose orientation is set more towards Cypress Creek and Bell Blvd.

Additionally, the request does not support the economic development goals of the Comprehensive plan, as the proposed use would not provide increased sales tax revenue, spur retail growth or employment generation.

Below is a summary of how the proposed amendment will affect the land use percentages currently established on the FLUP.

Land Use	Current Area/Percentage		Proposed Amendment/ Percentage		% Change
Employment Center	1419.50 ac	7.33%	1419.50 ac	7.33%	0%
High Density Residential	391.52 ac	2.02%	391.52 ac	2.02%	0%
Industrial	329.78 ac	1.70%	331.78 ac	1.71%	+0.01%
Institutional/Public/Utility	982.73 ac	5.07%	982.73 ac	5.07%	0%
Low Density Residential	9423.08 ac	48.65%	9423.08 ac	48.65%	0%
Medium Density Residential	200.48 ac	1.03%	200.48 ac	1.03%	0%
Neighborhood Office/Retail/Commercial	2187.52 ac	11.29%	2185.52 ac	11.28%	-0.01%
Parks and Open Space	2318.71 ac	11.97%	2318.71 ac	11.97%	0%
Regional Office/Retail/Commercial	2117.27 ac	10.93%	2117.27 ac	10.93%	0%

Planning and Zoning Commission Recommendation: Deny Amendment

Stated Reasons for P&Z Recommendation:

To support the Commission’s recommendation of denial on the rezoning request for case Z-12-014.

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CITY OF CEDAR PARK FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 2 ACRES OF PROPERTY LOCATED AT 720 SOUTH BELL BOULEVARD FROM NEIGHBORHOOD OFFICE/RETAIL/COMMERCIAL TO INDUSTRIAL; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park, Texas, may from time to time amend, update or revise the officially adopted Cedar Park Future Land Use Map; and

WHEREAS, the revisions to the Future Land Use Map as adopted are determined to be necessary and appropriate to more accurately address certain land uses;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. That the Future Land Use Map is hereby revised and adopted as shown in Exhibit A attached hereto and dated November 8, 2012; and

SECTION 2. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED this the 8th day of November, 2012.

CITY OF CEDAR PARK, TEXAS

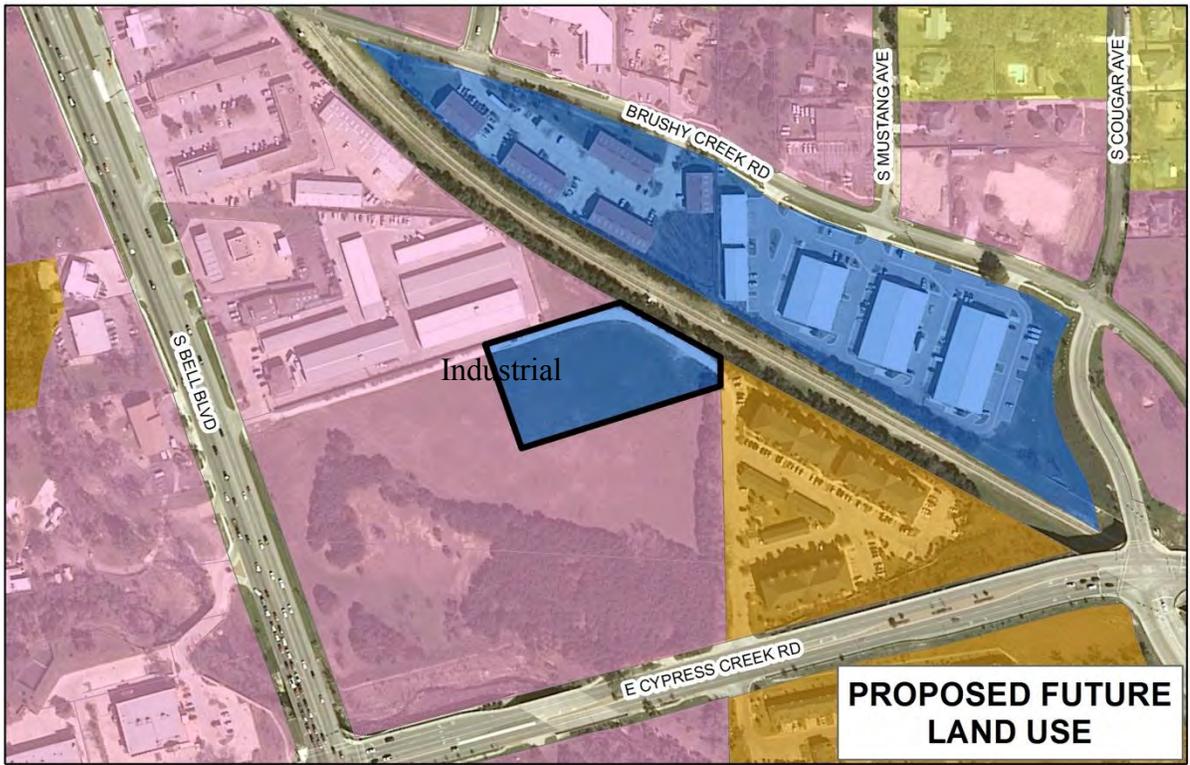
Matthew Powell, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney





CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. D.3
A Resolution Amending The Future Land Use Plan For Property Located Near The Southwest Corner Of Ronald Reagan Boulevard And County Road 180 From Regional Office/Retail/Commercial And Neighborhood Office/Retail/Commercial To Medium Density Residential. The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.

Commentary:

Applicant/Owner: CAB-COM 32 LP

Request: Amend the Future Land Use Plan as follows:

- For approximately 14 acres located near the southwest corner of Ronald Reagan Boulevard and County Road 180 from Regional Office/Retail/Commercial to Medium Density Residential
- For approximately 8.3 acres located near the southwest corner of Ronald Reagan Boulevard and County Road 180 from Neighborhood Office/Retail/Commercial to Medium Density Residential

Current Zoning: Local Retail (LR) and General Retail (GR)

Requested Zoning: (Z-12-013)

- **Approximately 22.3 acres of Condominium Residential (CD)**

Existing Future Land Use Plan: Neighborhood Office/Retail/Commercial and Regional Office/Retail/Commercial

Proposed Future Land Use Plan: Medium Density Residential

Staff Recommendation: Recommended

Reasons for Staff Recommendation:

A medium density residential designation will provide a mix of housing opportunities in the area while preserving the commercial frontage along Ronald Reagan Boulevard. Additional

residential development in the area will allow a mix of uses that has the potential to spur retail development at the neighboring commercial nodes.

Applicable Goals from 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, allowing it to grow into a sustainable community over the next 20-30 years.
- Provide new housing opportunities for current and future residents of Cedar Park.

Below is a summary of how the proposed amendment will affect the land use percentages currently established on the FLUP.

Land Use	Current Area/Percentage		Proposed Amendment/ Percentage		% Change
Employment Center	1419.50 ac	7.33%	1419.50 ac	7.33%	0%
High Density Residential	391.52 ac	2.02%	391.52 ac	2.02%	0%
Industrial	329.78 ac	1.70%	329.78 ac	1.70%	0%
Institutional/Public/Utility	982.73 ac	5.07%	982.73 ac	5.07%	0%
Low Density Residential	9423.08 ac	48.65%	9423.08 ac	48.65%	0%
Medium Density Residential	200.48 ac	1.03%	222.75 ac	1.15%	+0.12%
Neighborhood Office/Retail/Commercial	2187.52 ac	11.29%	2179.18 ac	11.25%	-0.04%
Parks and Open Space	2318.71 ac	11.97%	2318.71 ac	11.97%	0%
Regional Office/Retail/Commercial	2117.27 ac	10.93%	2103.26 ac	10.85%	-0.08%

Planning and Zoning Commission Recommendation: Approve as requested

Stated Reasons for P&Z Recommendation:

To support the Commission’s recommendation on the rezoning request for case Z-12-013.

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS AMENDING THE CITY OF CEDAR PARK FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 22.3 ACRES OF PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF RONALD REAGAN BOULEVARD AND COUNTY ROAD 180 FROM REGIONAL OFFICE/RETAIL/COMMERCIAL AND NEIGHBORHOOD OFFICE RETAIL/COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park, Texas, may from time to time amend, update or revise the officially adopted Cedar Park Future Land Use Map; and

WHEREAS, the revisions to the Future Land Use Map as adopted are determined to be necessary and appropriate to more accurately address certain land uses;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. That the Future Land Use Map is hereby revised and adopted as shown in Exhibit A attached hereto and dated November 8, 2012; and

SECTION 2. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED this the 8th day of November, 2012.

CITY OF CEDAR PARK, TEXAS

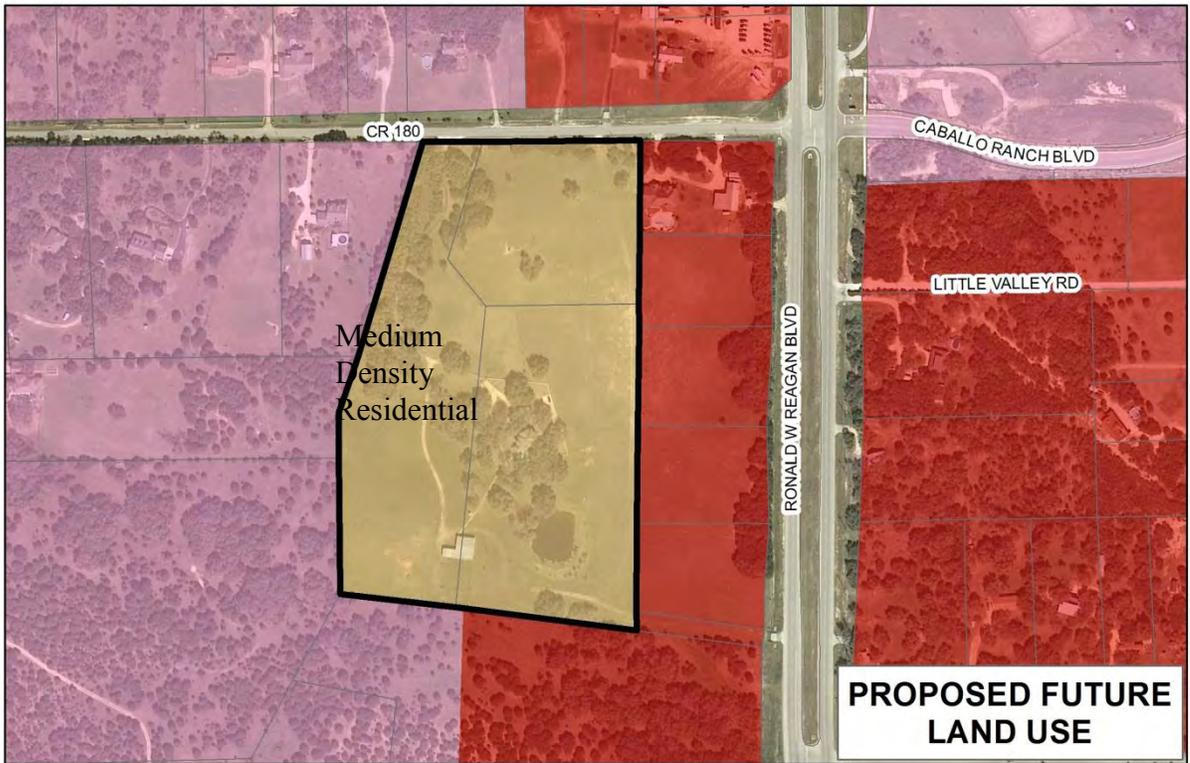
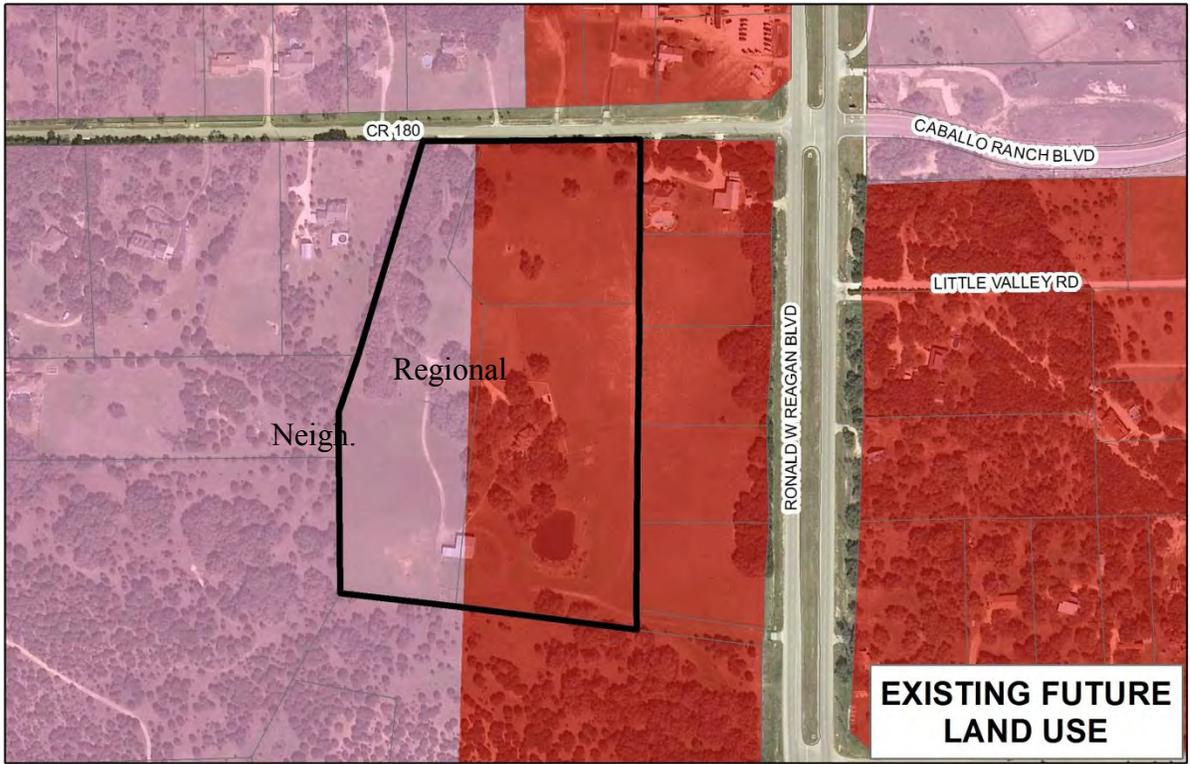
Matthew Powell, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney





CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. D.4

A Resolution Amending The Future Land Use Plan For Property Located On New Hope Drive At Cottonwood Creek From Neighborhood Office/Retail/Commercial To Medium Density Residential. The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.

Commentary:

Applicant/Owner: Autumn 2007 Commercial LP

Request: Amend the Future Land Use Plan for 34 acres located north of East New Hope Drive at Cottonwood Creek Boulevard from Neighborhood Office/Retail/Commercial to Medium Density Residential

Current Zoning: Development Reserve (DR)

Requested Zoning: (Z-12-012)

- **Approximately 34.49 acres of Condominium Residential (CD)**

Existing Future Land Use Plan: Neighborhood Office/Retail/Commercial

Proposed Future Land Use Plan: Medium Density Residential

Staff Recommendation: Recommended

Reasons for Staff Recommendation:

Staff recommends approval of this request because the medium density residential provides a transition from the proposed General Retail (GR) associated with case (Z-12-012), Scottsdale future roadway and the proposed General Office (GO) associated with case Z-12-011, and the residents of Lakewood Country Estates.

Changes to the land percentages are reflected below:

Land Use	Current		Proposed Amendment/		% Change
	Area/Percentage		Percentage		
Employment Center	1419.49	7.33%	1419.49	7.33%	0
High Density Residential	391.52	2.02%	391.52	2.02%	0
Industrial	329.77	1.70%	329.77	1.70%	0
Institutional/Public/Utility	982.73	5.07%	982.73	5.07%	0
Low Density Residential	9423.08	48.65%	9423.08	48.65%	0
Medium Density Residential	200.47	1.03%	234.97	1.21%	0.18%
Neighborhood Office/Retail/Commercial	2187.52	11.29%	2156.09	11.11%	- 0.18%
Parks and Open Space	2318.71	11.97%	2318.71	11.97%	0
Regional Office/Retail/Commercial	2117.27	10.94%	2117.27	10.94%	0

Planning and Zoning Commission Recommendation: Approve as requested

Stated Reasons for P&Z Recommendation:

To support the Commission's recommendation on the rezoning request for case Z-12-012.

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CITY OF CEDAR PARK FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 34 ACRES OF PROPERTY LOCATED NORTH OF EAST NEW HOPE DRIVE AT COTTONWOOD CREEK BOULEVARD FROM NEIGHBORHOOD OFFICE/RETAIL/COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park, Texas, may from time to time amend, update or revise the officially adopted Cedar Park Future Land Use Map; and

WHEREAS, the revisions to the Future Land Use Map as adopted are determined to be necessary and appropriate to more accurately address certain land uses;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. That the Future Land Use Map is hereby revised and adopted as shown in Exhibit A attached hereto and dated November 8, 2012; and

SECTION 2. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED this the 8th day of November, 2012.

CITY OF CEDAR PARK, TEXAS

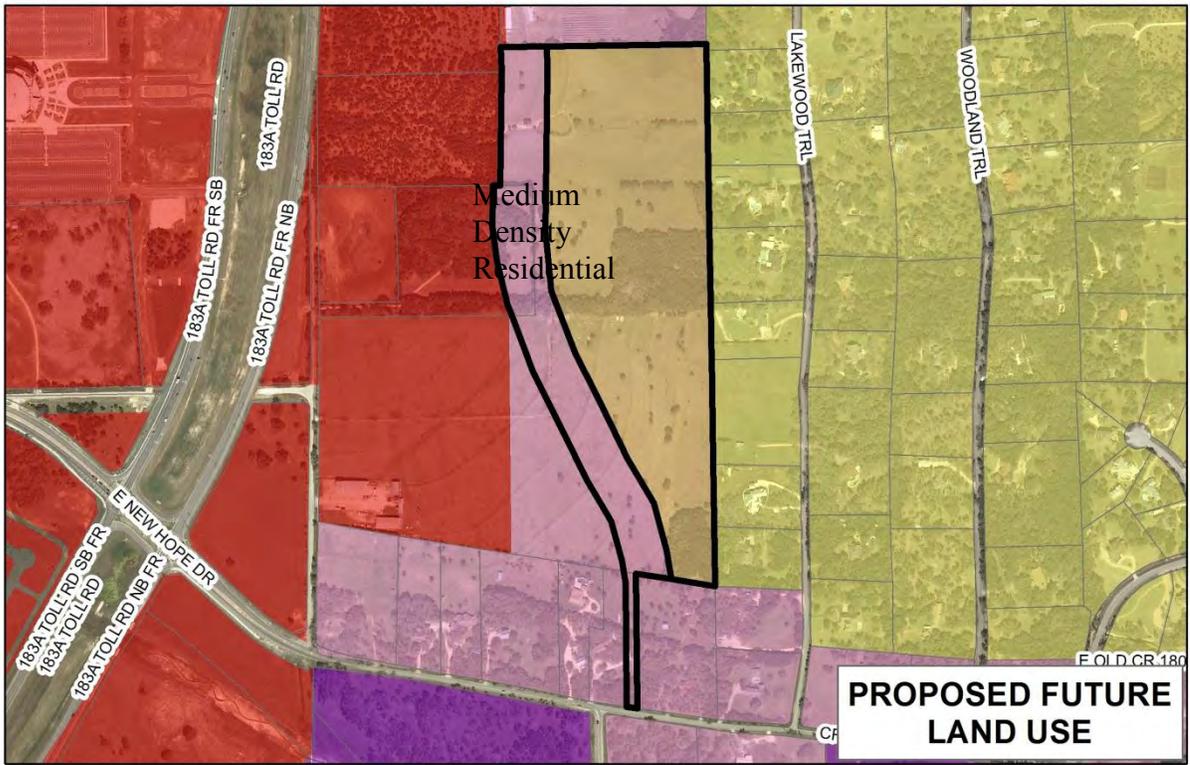
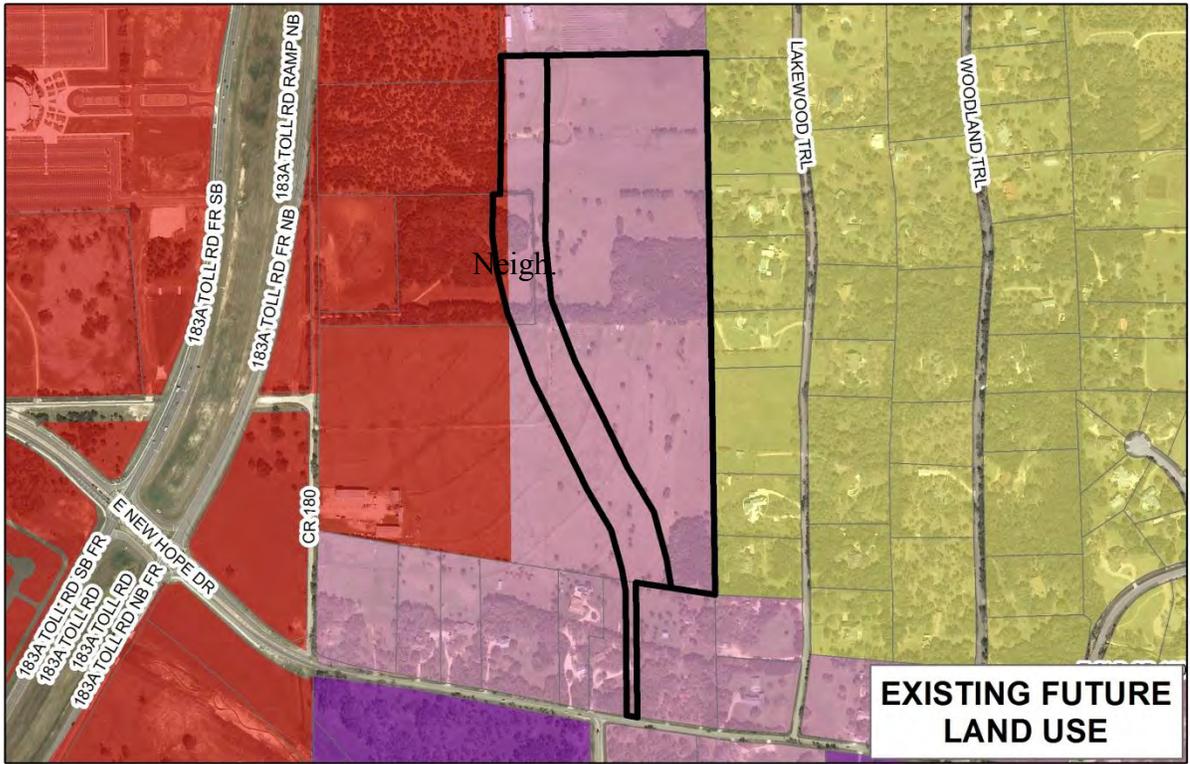
Matthew Powell, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney





CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. D.5

A Resolution Amending The Future Land Use Plan For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard From Regional Office/Retail/Commercial And Parks And Open Space To Medium Density Residential. The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.

Commentary:

Applicant/Owner: Paul Linehan, Land Strategies/Bula Lewis Farms LP

Request: Amend the Future Land Use Plan for 41.17 acres located on the west side of Ronald Reagan Boulevard, just north of East Whitestone Boulevard from Regional Office/Retail/Commercial to Medium Density Residential

Current Zoning: Development Reserve (DR) and Rural Agriculture (RA)

Requested Zoning: (Z-12-008)

- **Approximately 6.59 acres of General Retail (GR);**
- **Approximately 41.17 acres of Townhome Residential (TH); and**
- **Approximately 9.91 acres of Open Space Recreation (OSR)**

Existing Future Land Use Plan: Regional Office/Retail/Commercial and Parks and Open Space

Proposed Future Land Use Plan: Regional Office/Retail/Commercial, Parks and Open Space, and Medium Density Residential

Staff Recommendation: Recommended

Reasons for Staff Recommendation:

The Medium Density designation finds suitable the following zoning districts: Townhome (TH), Condominium (CD) and Duplex (DP). Staff recommends approval of this request because a housing mix near a major intersection (Ronald Reagan Boulevard and East Whitestone Boulevard) provides a mix of land uses around the node as well as housing support for the retail and office uses in the area.

Changes to the land percentages are reflected below:

Land Use	Current		Proposed Amendment/		% Change
	Area/Percentage		Percentage		
Employment Center	1419.49	7.33%	1419.49	7.33%	0
High Density Residential	391.52	2.02%	391.52	2.02%	0
Industrial	329.77	1.70%	329.77	1.70%	0
Institutional/Public/Utility	982.73	5.07%	982.73	5.07%	0
Low Density Residential	9423.08	48.65%	9423.08	48.65%	0
Medium Density Residential	200.47	1.03%	240.07	1.25%	0.22%
Neighborhood Office/Retail/Commercial	2187.52	11.29%	2187.52	11.29%	0
Parks and Open Space	2318.71	11.97%	2306.33	11.90%	-0.07%
Regional Office/Retail/Commercial	2117.27	10.94%	2090.09	10.79%	-0.15%

Planning and Zoning Commission Recommendation: Approve as requested

Stated Reasons for P&Z Recommendation:

To support the Commission's recommendation on the rezoning request for case Z-12-008.

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CITY OF CEDAR PARK FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 41.17 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF RONALD REAGAN BOULEVARD JUST NORTH OF EAST WHITESTONE BOULEVARD FROM REGIONAL OFFICE/RETAIL/COMMERCIAL AND PARKS AND OPEN SPACE TO MEDIUM DENSITY RESIDENTIAL; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Cedar Park, Texas, may from time to time amend, update or revise the officially adopted Cedar Park Future Land Use Map; and

WHEREAS, the revisions to the Future Land Use Map as adopted are determined to be necessary and appropriate to more accurately address certain land uses;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. That the Future Land Use Map is hereby revised and adopted as shown in Exhibit A attached hereto and dated November 8, 2012; and

SECTION 2. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law.

PASSED AND APPROVED this the 8th day of November, 2012.

CITY OF CEDAR PARK, TEXAS

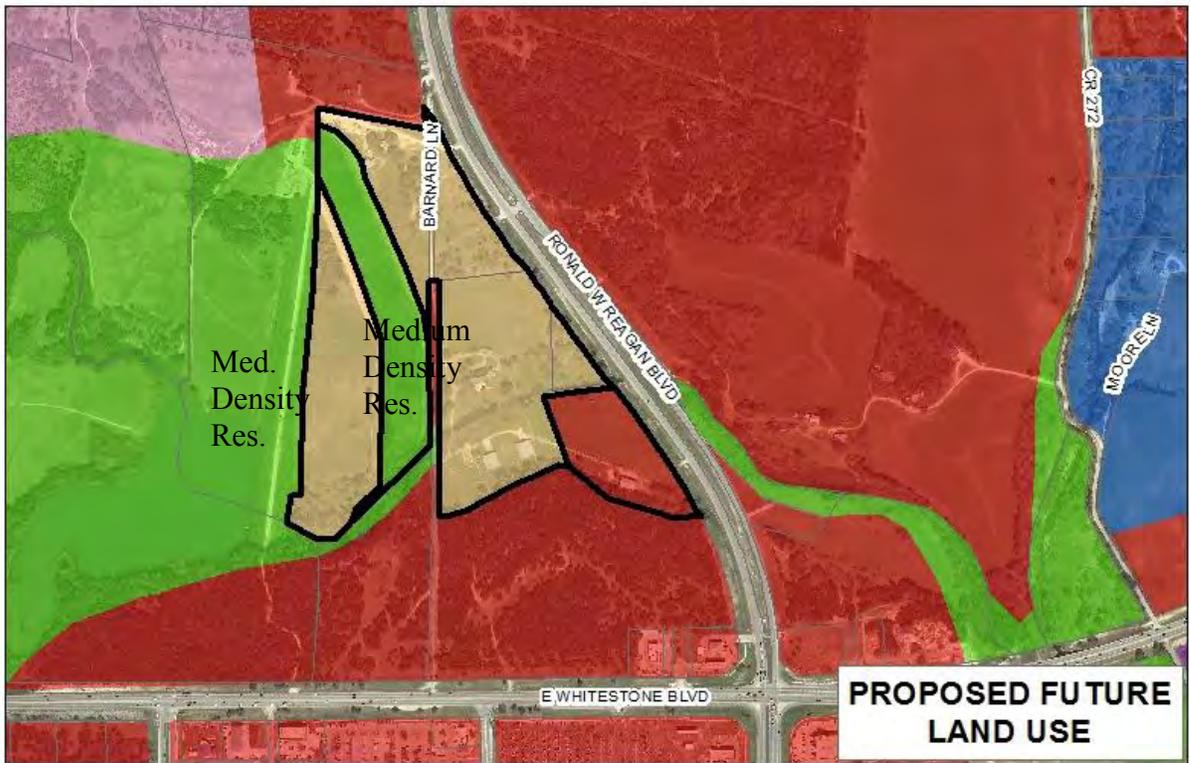
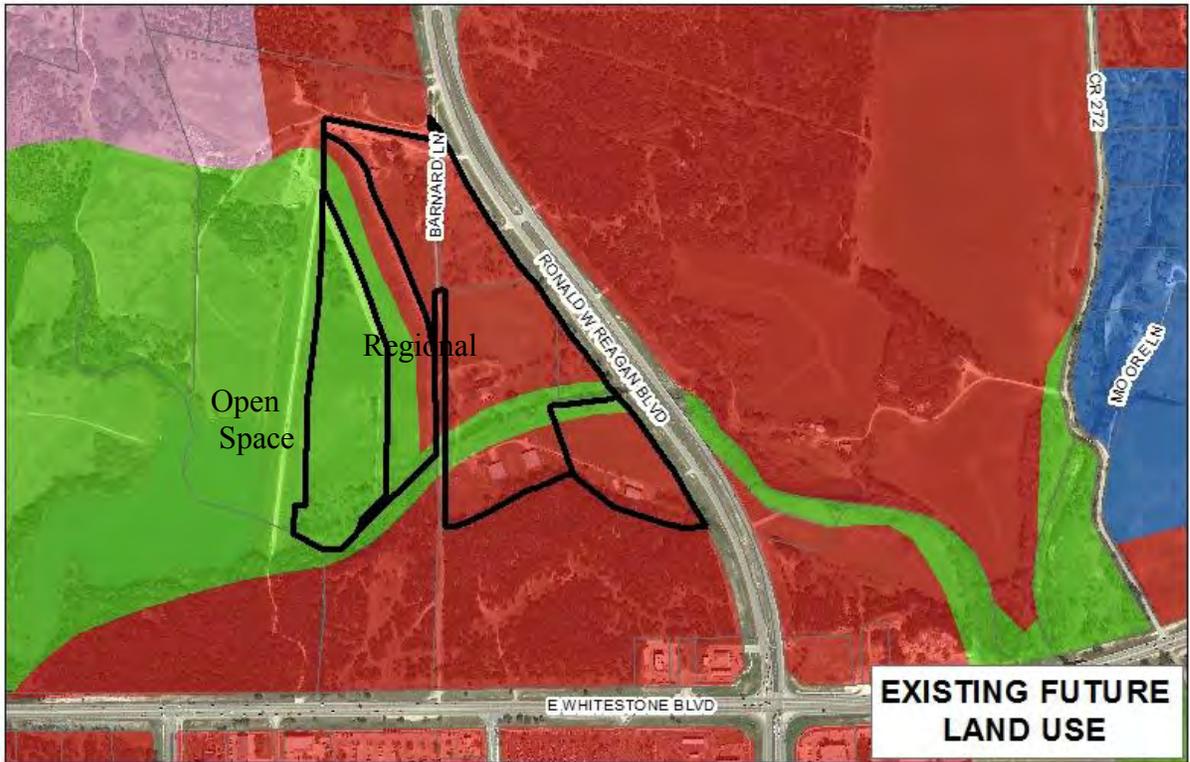
Matthew Powell, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney





CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. E.1
(Z-12-016) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 1.8 Acres Located At 3400 West Whitestone Boulevard. The Planning And Zoning Commission Voted 6-0 To Approve The Request.

Commentary:

Applicant/Owner: James Richard Dodds Trust

Agent: Susan London

Request: Assign original zoning of General Retail (GR) to approximately 1.8 acres

Current Zoning: Development Reserve (DR)

Requested Zoning: General Retail (GR)

Existing Future Land Use Plan: Employment Center

Proposed Future Land Use Plan: Regional Office/Retail/Commercial

Overlay Applicability: Corridor Overlay

Staff Recommendation:

- Approval of General Retail (GR)

Reason for Staff Recommendation:

- Supports economic development goals of the Comprehensive Plan
- Compatible with surrounding land uses
- Meets the purpose statement of the General Retail (GR) district

P&Z Recommendation:

- Approval

Stated Reasons for P&Z Recommendation:

- Agree with staff's reasoning

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Michael Dion, Holly Hogue, Thomas Balestiere, Jon Lux and Scott Rogers

Opposed: None

Absent: Lorena Echeverria de Misi

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on October 16, 2012. No public testimony was received.

Background:

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

September 5, 2012: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen

September 6, 2012: 5 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract

September 18, 2012: Planning and Zoning Commission – case was postponed to October 16, 2012

October 16, 2012: Planning and Zoning Commission public hearing

October 24, 2012: Public notice of the City Council public hearing published in the Cedar Park Leander Statesman

November 8, 2012: City Council 1st reading and public hearing

City Manager's Remarks

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Legal Certifications

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF GENERAL RETAIL (GR) TO APPROXIMATELY 1.8 ACRES LOCATED AT 3400 WEST WHITESTONE BOULEVARD, IN TRAVIS COUNTY, TEXAS. (Z-12-016); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

Section 1. That the zoning district map of the City of Cedar Park adopted in ordinance no. 75-2 be and the same is hereby amended to assign original zoning of General Retail (GR) to approximately 1.8 acres located at 3400 West Whitestone Boulevard, otherwise set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 8th day of November, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the ___ day of _____, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

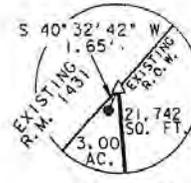
Charles W. Rowland, City Attorney

PLAT TO ACCOMPANY PARCEL DESCRIPTION

04/12/06

LEGEND

- TYPE I CONCRETE MONUMENT FOUND
- TYPE II MONUMENT SET
- 1/2" IRON ROD FOUND
- ⊙ 1/2" IRON ROD FOUND W/PLASTIC CAP
- ⊗ 1/2" IRON PIPE FOUND
- 1/2" IRON ROD SET W/ TXDOT ALUMINUM CAP
- ⊕ PK NAIL FOUND
- ⊗ RAILROAD SPIKE FOUND
- ⊗ COTTON GIN SPINDLE SET
- ⊗ COTTON GIN SPINDLE FOUND
- △ CALCULATED POINT
- * FENCE POST FOUND
- CENTER LINE
- PROPERTY LINE
- () RECORD INFORMATION
- LINE BREAK
- LAND HOOK
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- N.T.S. NOT TO SCALE
- D.R.T.C.T. DEED RECORDS TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS TRAVIS COUNTY, TEXAS



NUMBER	DIRECTION	DISTANCE
L1	N 56° 33' 47" W	50.00'
L2	N 78° 03' 18" E	26.47'
L3	N 42° 08' 18" E	44.44'
(L3)	(N 48° 54' E)	(44.4')
L4	N 78° 03' 18" E	85.76'
L5	N 78° 03' 18" E	26.47'

NUMBER	DELTA ANGLE	RADIUS	TANGENT	ARC LENGTH	CHORD LENGTH	CHORD DIRECTION
C1	35° 55' 00"	766.20'	248.34'	480.30'	472.48'	N 60° 05' 47" E
(C1)	(35° 55')	(766.4')	(248.4')	(480.4')	(472.6')	(N 66° 52' E)

NOTES:

- 1) ALL BEARINGS SHOWN HEREON ARE BASED ON GRID BEARINGS. ALL DISTANCES ARE SURFACE DISTANCES. COORDINATES ARE SURFACE VALUES BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE, USING A COMBINED SURFACE ADJUSTMENT FACTOR OF 1.00013.
- 2) THE EASEMENTS SHOWN OR NOTED AND ADDRESSED ON THIS SURVEY ARE THOSE LISTED ON ABSTRACTOR'S REPORT NO. 140963 PROVIDED BY STEWART TITLE AUSTIN, INC., DATED SEPTEMBER 22, 2005.

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE PROPERTY SHOWN HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

M. Stephen Truesdale 2/11/06

M. STEPHEN TRUESDALE DATE: REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4933-STATE OF TEXAS LICENSED STATE LAND SURVEYOR-STATE OF TEXAS



PAGE 4 OF 4

	PARCEL PLAT SHOWING PROPERTY OF DONNA REGINA DODDS, TRUSTEE		Texas Department of Transportation © 2003	PARCEL 10
	SCALE 1" = 100'	CSJ # 1378-01-027		

EXHIBIT A
METES AND BOUNDS DESCRIPTION
1.789 ACRES

BEING PART OF THE C.G. SETTLE SURVEY NO. 632, ABSTRACT NO. 2201 AND THE CHARLES POWER SURVEY NO. 649, ABSTRACT NO. 613 IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN 4.43 ACRES (DESCRIBED AS A 3.00 ACRE TRACT AND A 1.43 ACRE TRACT) AS CONVEYED TO DONNA REGINA DODDS, TRUSTEE, BY DEED RECORDED IN VOLUME 11886, PAGE 108 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, **SAVE AND EXCEPT** THAT CERTAIN 2.657 ACRE PORTION THEREOF CONVEYED TO THE STATE OF TEXAS AS A POSSESSION AND USE AGREEMENT RECORDED IN DOCUMENT NO. 2007214840 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point on the south line of R.M. 1431, at the southeast corner of said 2.657 acre tract, for the northeast corner and PLACE OF BEGINNING hereof;

THENCE with the east line of said 4.43 acres, S 04°13'50" E 438.14 feet to the most southerly corner of said 4.43 acres, also the most southerly corner of said 1.43 acre portion thereof, for the south corner hereof;

THENCE with the west line of said 4.43 acres, also the west line of said 1.43 acre portion thereof, N 52°00'38" W 480.46 feet to a point on the south line of R.M. 1431, at the southwest corner of said 2.657 acres, for the west corner hereof;

THENCE with the south line of R.M. 1431, also the south line of said 2.657 acres, N 67°49'03" E 374.02 feet to the PLACE OF BEGINNING and containing a calculated map area of 1.789 acres of land, more or less.

Prepared from records on July 31, 2012

jjg\carlson\2012\43812

EXHIBIT A



OWNER: James Richard Dodds Trust

AGENT: Susan London

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

LOCATION: 3400 West Whitestone Boulevard

COUNTY: Travis

AREA: 1.789 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

EXISTING FUTURE LAND USE DESIGNATION: Employment Center

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

SUMMARY OF REQUEST:

The applicant is requesting to assign original zoning of General Retail (GR) to approximately 1.789 acres located at 3400 West Whitestone Boulevard.

EXISTING SITE and SURROUNDING USES:

The site is currently undeveloped and surrounded by West Whitestone Boulevard to the north, Light Industrial zoned property to the east, and undeveloped Rural Agriculture zoned property to the south and west.



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.

PERMITTED USES IN GR:

Accessory structures	Gasoline service stations limited	Retail gift store
Administrative offices	Golf amusement	Retail stores
Art galleries with retail sales	Hardware stores	Software development
Art gallery	Home improvement center	Software sales computer hardware sales
Automated Teller Machines	Hotel extended stay	Special events
Automobile parts and accessories sales	Hotel	Studios/art studio dance music drama gymnastics photography interior design
Automobile repair shop	Indoor sports and recreation	Temporary buildings
Automobile sales new	Instant print copy services	Theatres indoor
Automotive sales used	Landscape nursery and supply store retail	Theatres outdoor
Automotive tire stores	Laundromat	Transit station
Bakery retail	Liquor store	Utility services general
Banks	Medical offices	Veterinary Services
Bar/Cocktail Lounge	Motel	Vocational or trade school
Bed and Breakfast	Movie and music rentals sales	Wireless telecommunications facilities
Car washes	Non-Emergency Medical Transport Service	
Civic clubs and fraternal organizations	Nonprofit seasonal fundraisers	
Commercial parking lots	Office/showrooms	
Community center	Office/warehouse	
Consumer repair shop (including bicycles)	Personal Improvement Services	
Convenience store	Personal services	
Day care center adult	Pet grooming	
Day care center child	Places of worship	
Day care center incidental	Private schools	
Drugstores	Professional offices	
Dry cleaning and/or laundry on-site	Public buildings uses	
Equipment rental	Reception hall	
Food sales general (grocery store)	Rental libraries for sound and video recordings	
Food sales limited	Research and development activities	
Funeral home	Restaurant limited	
Furniture store	Restaurant general	
Gasoline service stations general		

FUTURE LAND USE PLAN:

The Future Land Use Plan (FLUP) currently identifies the subject area as suitable for Employment Center uses, with compatible zoning districts such as Business District (BD), Light Industrial (LI), General Office (GO), Hospital (H) and Mixed Use (MU).

The applicant's request does not comply with the current FLUP; however, at its September 18th meeting, the Planning and Zoning Commission did recommend amending the FLUP to Regional Office/Retail/Commercial for the subject tract. The GR request is compatible with a Regional Office/Retail/Commercial designation, which would allow zoning districts such as GR, GO and MU.

COMPREHENSIVE PLAN:

Although not consistent with the FLUP, the applicant's request does support the following economic development goals of the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Diversify and broaden Cedar Park's economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services.
- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.

SITE INFORMATION:

Corridor Overlay:

This tract is located within the Corridor Overlay.

Transportation:

West Whitestone Boulevard is classified as a 4 lane divided major arterial adjacent to the tract. In 2008, the traffic count west of Lakeline Boulevard was 24,048 vehicles trips per day.

Water and Wastewater Utilities:

Extension of water and wastewater lines will be required in order to develop this tract.

Subdivision:

The property is not subdivided.

Setback Requirements:

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

Architectural Requirements:

All building exteriors within the GR district are required to be constructed of 100% masonry material, excluding doors and windows.

STAFF COMMENTARY:

This site was annexed into the City in 1999. The area surrounding this site is largely undeveloped, with the exception of an abandoned warehouse to the east. Considering that West Whitestone Boulevard is a major arterial and entry way into the City, accommodating not only Cedar Park, but the entire region, the applicant's request for GR zoning is appropriate. The GR request is compatible with surrounding land uses/designations and meets the purpose statement of the GR district. The GR request also supports the economic goals of the Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request for GR zoning.

PUBLIC INPUT: To date, one phone call inquiry has been received regarding this request.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman September 5, 2012
5 letter notices were sent to property owners within the 300' buffer
At the September 18, 2012 Planning and Zoning Commission meeting,
the Commission postponed this case to October 16, 2012.

PROPOSED CITY COUNCIL HEARINGS: (November 8, 2012) 1ST Reading
(November 29, 2012) 2ND Reading



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. E.2
(Z-12-009) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 4.09 Acres From General Retail (GR) To Commercial Services (CS) For Property Located North Of 12342 Ranch Road 620 North. The Planning And Zoning Commission Voted 6-0 To Deny The Request.

Commentary:

Applicant/Owner: CWT & C, LT

Agent: Daniel Hart, Baker-Aicklen and Associates

Request: Rezone approximately 4.09 acres to Commercial Services (CS)

Current Zoning: General Retail (GR)

Existing Future Land Use Plan: Regional Office/Retail/Commercial

Proposed Future Land Use Plan: Industrial

Overlay Applicability: None

Staff Recommendation:

- Retain GR zoning designation

Reason for Staff Recommendation:

- Request is not compliant with the Future Land Use Plan
- Request does not support economic development goals of the Comprehensive Plan
- Request does not meet the intent of the CS district
- Potential remains for development of a large retail center for this tract and the surrounding undeveloped acreage

P&Z Recommendation:

- Denial of applicant's request for CS zoning
- An affirmative vote of 6 out of 7 Council members is required in order to grant the applicant's request

Stated Reasons for P&Z Recommendation:

- Agree with staff's reasoning

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 6-0 to deny the request.

In favor: Nicholas Kauffman, Michael Dion, Holly Hogue, Thomas Balestiere, Jon Lux and Scott Rogers

Opposed: None

Absent: Lorena Echeverria de Misi

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on September 18, 2012. No public testimony was received.

Background:

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

- June 6, 2012:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park-Leander Statesman
- June 8, 2012:* 5 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract
- June 19, 2012:* Planning and Zoning Commission – case was postponed to July 17, 2012
- July 17, 2012:* Planning and Zoning Commission – case was postponed to September 18, 2012
- September 18, 2012:* Planning and Zoning Commission – case was postponed to October 16, 2012
- October 16, 2012:* Planning and Zoning Commission public hearing
- October 24, 2012:* Public notice of the City Council public hearing published in the Cedar Park-Leander Statesman
- November 8, 2012:* City Council 1st reading and public hearing

City Manager's Remarks

Fiscal Impact

Account No.:

Budget

Budget/Expended:

Legal Certifications

Associated Information:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 4.09 ACRES FROM GENERAL RETAIL (GR) TO COMMERCIAL SERVICES (CS) FOR PROPERTY LOCATED NORTH OF 12342 RANCH ROAD 620 NORTH, IN WILLIAMSON COUNTY, TEXAS. (Z-12-009); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

Section 1. That the zoning district map of the City of Cedar Park adopted in ordinance no. 75-2 be and the same is hereby amended to rezone approximately 4.09 acres to Commercial Services (CS), for property located north of 12342 Ranch Road 620 North, otherwise set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 8th day of November, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the ___ day of _____, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Matthew Powell, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

DESCRIPTION

FOR A 4.088 ACRE TRACT OF LAND SITUATED IN THE RACHEL SAUL SURVEY, ABSTRACT NO. 551, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A CALLED 12.476 ACRE TRACT OF LAND IN DEED TO CWT & C, LTD. RECORDED IN DOCUMENT NO. 2005099524 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 4.088 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found on a point being the southwest corner of Lot 2, "Lakeline Commons II", a subdivision according to the plat recorded in Cabinet FF, Slide 229 of the Plat Records of said County, same being the northwest corner of Lot 1, of said "Lakeline Commons II", same being the southeast corner of a called 7.051 acre tract in deed to Shenandoah Baptist Church, Inc. recorded in Volume 888, Page 796 of the Deed Records of said County, also being the northeast corner of said 12.476 acre tract, said point being the northern terminus of a Boundary Line Agreement recorded in Document No. 9631358 of said Official Public Records, for the northeast corner and **POINT OF BEGINNING** hereof;

THENCE with the west line of said Lot 1, same being the east line of said 12.476 acre tract also being with said "Boundary Line Agreement", the following three (3) courses and distances:

1. **S 20°25'49" E** for a distance of **99.20 feet** to a ½" iron rod found, for an angle point hereof,
2. **S 20°30'57" E** for a distance of **281.30 feet** to a ½" iron rod found, for an angle point hereof, and
3. **S 20°36'37" E** for a distance of **152.65 feet** to a ½" iron pipe found on a point being the northeast corner of a called 3.219 acre tract of land in deed to CWT USA, Ltd., recorded in Document No. 2004096300 of said Official Public Records, same being the easternmost southeast corner of said 12.476 acre tract, for the southeast corner hereof;

THENCE with the northerly boundary line of said 3.219 acre tract, same being the easterly boundary line of said 12.476 acre tract, **S 68°28'55" W** for a distance of **334.24 feet** to a 60d nail in concrete found on a point being the northwest corner of said 3.219 acre tract, same being an angle point in the easterly boundary line of said 12.476 acre tract, for the southwest corner hereof, from which a ½" iron rod with cap stamped "Baker-Aicklen" found on a point being the southwest corner of said 3.219 acre tract,

same being the southernmost southeast corner of said 12.476 acre tract bears, S 20°31'50" E a distance of 418.98 feet;

THENCE through the interior of said 12.476 acre tract, N 20°31'50" W for a distance of **533.01 feet** to a point in the south boundary line of said 7.051 acre tract, same being the north boundary line of said 12.476 acre tract, for the northwest corner hereof, from which a 1/2" iron rod found on a point being the southwest corner of said 7.051 acre tract bears, S 68°27'21" W a distance of 307.97 feet;

THENCE with the south boundary line of said 7.051 acre tract, same being the north boundary line of said 12.476 acre tract, N 68°27'21" E for a distance of **334.27 feet** to the **POINT OF BEGINNING** hereof and containing 4.088 acres of land.

Bearing basis is referenced to grid north, Texas State Plane Coordinate System NAD 83, Central Zone (4203).

Surveyed under the direct supervision of the undersigned during June, 2011;



Parker J. Graham
Registered Professional Land Surveyor No. 5556
Baker-Aicklen & Assoc., Inc.
507 W. Liberty Avenue
Round Rock, Texas 78664



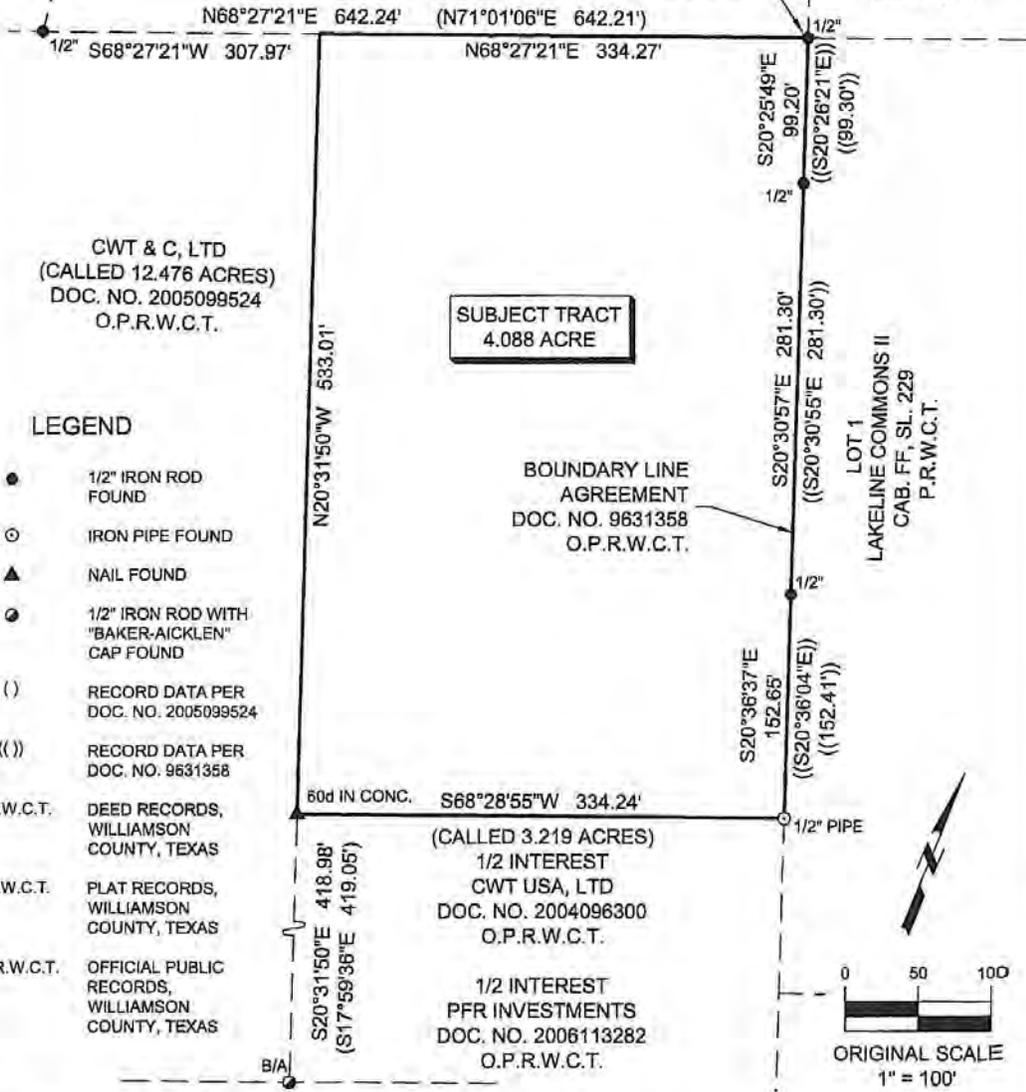
Job No: 1243-3-004-

Filename: W:\PROJECTS\CWT & C TRACT\DESCRIPTIONS\CWT&C-4.088 ACRES.doc

RACHEL SAUL SURVEY, ABSTRACT NO. 551

SHENANDOAH BAPTIST
CHURCH, INC.
(CALLED 7.051 ACRES)
VOL. 888, PG. 796
D.R.W.C.T.

LOT 2
LAKELINE
COMMONS II
CAB. FF, SL. 229
P.R.W.C.T.



CWT & C, LTD
(CALLED 12.476 ACRES)
DOC. NO. 2005099524
O.P.R.W.C.T.

SUBJECT TRACT
4.088 ACRE

LEGEND

- 1/2" IRON ROD FOUND
- IRON PIPE FOUND
- ▲ NAIL FOUND
- ⊙ 1/2" IRON ROD WITH "BAKER-AICKLEN" CAP FOUND
- () RECORD DATA PER DOC. NO. 2005099524
- (()) RECORD DATA PER DOC. NO. 9631358
- D.R.W.C.T. DEED RECORDS, WILLIAMSON COUNTY, TEXAS
- P.R.W.C.T. PLAT RECORDS, WILLIAMSON COUNTY, TEXAS
- O.P.R.W.C.T. OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS

(CALLED 3.219 ACRES)
1/2 INTEREST
CWT USA, LTD
DOC. NO. 2004096300
O.P.R.W.C.T.

1/2 INTEREST
PFR INVESTMENTS
DOC. NO. 2006113282
O.P.R.W.C.T.

BAKER-AICKLEN & ASSOCIATES, INC.
507 WEST LIBERTY AVE.
ROUND ROCK, TEXAS 78664
(512) 244-9620
ENGINEERING FIRM # F-45
SURVEY FIRM # 1100231-D
ROUND ROCK, TX TBAE #1787

4.088 ACRE TRACT
CWT&C, LTD.
MAY 16, 2012

W:\PROJECTS\CWT & C TRACT\DWG\CWT&C 4.088ac Tract.dwg [Layout1] May 16, 2012 - 12:32pm

EXHIBIT A



Z-12-009



EXHIBIT B

OWNER: CWT & C, LT

AGENT: Daniel Hart, Baker-Aicklen and Associates

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

LOCATION: North of 12342 Ranch Road 620 North

COUNTY: Williamson County

AREA: 4.09 acres

EXISTING ZONING: General Retail (GR)

PROPOSED ZONING: Commercial Services (CS)

STAFF RECOMMENDATION: General Retail (GR)

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

PROPOSED FUTURE LAND USE DESIGNATION: Industrial

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 4.09 acres located north of 12342 Ranch Road 620 North from GR to CS, with the intent of expanding the self-storage use north of the existing facility.

EXISTING SITE and SURROUNDING LAND USES:

The site is currently undeveloped and is surrounded by Shenandoah Baptist Church (ETJ) to the north, undeveloped land in the City of Austin to the east, an existing storage facility to the south, and undeveloped GR zoned property to the west.



Z-12-009



PURPOSE OF REQUESTED ZONING DISTRICT:

The Commercial Services District, CS, is established to provide for business and commercial activities that are typically more intensive than consumer retail enterprises, often larger in scale, and often are designed to serve the region. Since generally they are not fully compatible with office or consumer retail uses, the permitted uses found in this district are combined in order to promote economic development and regional enterprise in a positive and sustainable manner for the City.

PERMITTED USES in CS:

Accessory structures
Automobile repair shop
Automotive paint and body shop
Automotive parts and accessories sales
Automotive tire stores
Automotive upholstery shop
Boarding kennels
Communication services
Construction sales and services
Crematorium
Dry cleaning and/or laundry facility, on-site
Equipment rental
Food preparation
Gasoline service stations, general
Greenhouses, commercial
Indoor shooting range
Indoor sports and recreation
Office/showroom
Office/warehouse
Pawn shop
Permanent makeup, tattooing, body piercing
Pest control, exterminating services
Pool and spa sales and service
Print shop
Recreational vehicle park
Seasonal businesses
Self storage
Temporary buildings
Trade shop
Truck stop
Upholstery shops, not involving
manufacture
Utility services, general
Veterinary services
Wireless telecommunications facilities
Wrecker, impoundment

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 being General Retail (GR), General Office (GO), and Mixed Use (MU).

The applicant’s request for CS does not comply with the Future Land Use Plan (FLUP). The CS district requires an Industrial FLUP designation. An Industrial designation would allow zoning districts such as Commercial Services (CS), Heavy Commercial (HC), Light Industrial (LI), General Industrial (GI), and Heavy Industrial (HI).

A Future Land Use amendment is being processed concurrently with the zoning application (See agenda item 9B).

SITE INFORMATION:

Corridor Overlay:

This tract is not located within the Corridor Overlay.

Transportation:

Ranch Road 620 North is classified as a major arterial in the vicinity of this site.

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:

	Commercial Services (CS)
Front setback	25'
Side setback	12'
Rear setback	5'

Architectural Requirements:

Structures built within the CS district require 100% masonry construction.

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-96-019	26.90 acres from DR to GR	Recommended GR	Approved GR

STAFF COMMENTARY:

The subject site was originally zoned GR in 1996. The applicant is requesting CS with the intent of expanding the existing self storage site located south of the subject tract.

Staff does not support the applicant's request due to the following:

6. The applicant's request is not compliant with the FLUP;
7. The request does not meet the intent statement of the CS district as the district, in this context, is "not compatible with office or consumer retail sales", which is the zoning designation surrounding this tract;
8. The request would not support the economic development goals of the Comprehensive Plan, specifically those geared toward providing increased sales tax revenues, retail growth and employment generation;
9. The existing self-storage fronting RR 620 is a nonconforming use due to the City's Corridor Overlay requirements. Staff believes that by allowing expansion to the rear of the property for a use that is non-conforming on the front can be viewed as contradictory from a policy standpoint;
10. Despite the depth of the tract from RR 620, staff feels this site could be combined with the existing self-storage site to the south if demolished and redeveloped or incorporated with the land to the east that fronts along Ridgeline Boulevard to create a larger retail development;

STAFF RECOMMENDATION:

Staff does not support the applicant's request for CS and recommends retention of the GR designation.

PUBLIC INPUT: To date, no public testimony has been received.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman June 6, 2012
5 letter notices were sent to property owners within the 300' buffer
On June 19, 2012, P&Z postponed the case at the applicant's request to July 17, 2012
On July 17, 2012, P&Z postponed the case at the applicant's request to September 18, 2012
On September 18, 2012, P&Z postponed the case at the applicant's request to October 16, 2012

PROPOSED CITY COUNCIL HEARINGS: (November 8, 2012) 1ST Reading
(November 29, 2012) 2ND Reading



CITY COUNCIL AGENDA
Date:11-8-2012

Subject: Agenda Item No. F.0
Discussion And Possible Action:

Commentary:



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. F.1

Consideration To Approve A Resolution Authorizing The Purchase Of Vehicles And Equipment Approved In The FY13 Vehicle And Equipment Replacement Fund ("VES") Budget, The Purchase Of New Vehicles And Equipment In The Approved Fiscal Year 2012-2013 Budget, The Sale Of Existing Equipment, Through Dealer Trade In Or Gov Deals Online Auction To Assist In The Sale Of Existing Equipment.

Commentary:

The Vehicle and Equipment Replacement Fund (VES) fund provides for replacement of the City’s vehicle and equipment fleet. As new vehicles and equipment are brought into service, older and high-maintenance vehicles are retired and sold from the fleet. Vehicles new to the fleet (those that are not replacement vehicles) are funded by the approved FY13 budget. The new and replacement vehicles and equipment shown in this resolution will be purchased by a competitive bidding process or cooperative purchasing organization like Buy Board, H.G.A.C., Bid Net, or similar.

This resolution authorizes the following:

- The purchase of **new and replacement** vehicles and equipment listed in the approved FY13 VES fund includes:
 - The VES fund purchase for vehicles and equipment will not exceed \$1,767,800.00
 - The actual amount will be adjusted when the bid prices are received but will not exceed the amount approved for each item.
 - Replacement vehicle purchases include:

• Water Distribution	(1) Backhoe	\$78,100
• Water Distribution	(3) F350 Dual/Wheel P.U./Utility	\$29,000
• Water Distribution	(2) F150 Crew P.U.	\$26,900
• Water Distribution	(1) Forklift (propane)	\$25,000
• Pump & Motor	(1) Portable Generator 250KW	\$80,000
• Water Reclamation	(1) Portable Generator 250KW	\$80,000
• Water Reclamation	(1) Zero-Turn Mower	\$8,500
• Wastewater Collection	(1) Backhoe	\$78,100
• Wastewater Collection	(1) Sewer Jet Machine	\$130,000
• Parks	(1) F250 crew P.U.	\$22,800
• Parks	(3) Zero-Turn Mowers	\$15,000

• Parks	(1) Ford Escape	\$19,500
• Emergency Management	(1) Ford Explorer	\$35,000
• Animal Control	(1) F150 P.U. W/Equip.	\$33,000
• Police Department	(15) Police Vehicles W/Equip.	\$44,000

- New Vehicle purchases include:

• Police Department	(8) Police Vehicles	\$44,000
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- The sale of existing vehicles and equipment:
 - The sale of existing vehicles and equipment will be completed by either trade-in or by Gov Deals online auction.
 - The method chosen for each vehicle will be determined by the Fleet Manager, based on what is believed to produce the greatest value.

This resolution will allow the implementation of patrol officer take-home fleet for officers that reside within the City limits in accordance with Police Department Policy.

Initiating Dept: Field Operations / Fleet Maintenance

Fiscal Impact

Budget

The funds needed for the purchase of all new and replacement vehicles and equipment are within budget and listed in the approved in the FY13 budget.

The revenues generated from the sale of vehicles and equipment will be deposited to the VES fund account.

Gov Deals Online Auction fees include 7.5% of an items sale up to \$100,000. With a 5.5% fee taken for all proceeds over \$100,000..

Account Fund.: VES Budget/Expended: \$1,762,800

Finance Director Review

Legal Certifications

Approved as to form Yes No **City Attorney**

Associated Information:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF CEDAR PARK, TEXAS AUTHORIZING THE PURCHASE OF VEHICLES AND EQUIPMENT APPROVED IN THE FY13 VEHICLE AND EQUIPMENT REPLACEMENT FUND ("VES") BUDGET, THE PURCHASE OF NEW VEHICLES AND EQUIPMENT IN THE APPROVED FISCAL YEAR 2012-2013 BUDGET, THE SALE OF EXISTING EQUIPMENT, THROUGH DEALER TRADE IN OR GOV DEALS ONLINE AUCTION TO ASSIST IN THE SALE OF EXISTING EQUIPMENT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the FY13 VES fund is approved in the City budget; and

WHEREAS, the VES fund replaces older & higher maintenance vehicles and equipment from the City fleet; and

WHEREAS, the VES funds the purchase of additional vehicles to be added to the fleet: and

WHEREAS, the City Manager is authorized to sell retired vehicles and equipment replaced by the VES fund; and

WHEREAS, Gov Deals may conduct auctions on the City's behalf, with the direction of the Fleet Manager.

WHEREAS, new vehicles and equipment are listed in the current fiscal year budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, THAT:

SECTION 1. The City Manager may cause the purchase of new and replacement vehicles and equipment as listed in the approved FY13 budget in a total amount not to exceed \$1,787,800.00.

SECTION 2. The City Manager may sell City vehicles and equipment when they are replaced by those vehicles listed in the VES fund.

SECTION 3. The City Manager may enter into an agreement to auction the City's retired fleet with Gov Deals.

SECTION 4: The City Manager may authorize the fleet manager to obtain & take delivery, and sell of all vehicle titles, trailer titles and equipment titles, and determine the appropriate method of the City's vehicle registration, assign registration, and act on the City's behalf regarding these matters to the Texas Department of Transportation, Travis County and Williamson County as necessary.

SECTION 5. It is hereby officially found and determined that the meeting at which this

resolution was passed was open to the public as required by law.

PASSED AND APPROVED this the 8th day of November, 2012.

Matthew Powell, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles Rowland, City Attorney



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. F.2
Consideration Of A Proposed Letter To The Lower Colorado River Authority Board Of Directors Requesting An Extension Of The Emergency Departure Order From The Water Management Plan.

Commentary:

This item requests the Council to review and approve a letter asking the Lower Colorado River Authority (LCRA) Board of Directors to request an extension to the existing Emergency Order from TCEQ which allows LCRA to deviate from the approved Water Management Plan. The existing Emergency Order provides for adjustments to the water supply curve that reduce the amount of water available to interruptible customers, which primarily consists of agricultural entities. The historic low inflows to the lakes in 2011 and 2012 resulted in the first denial of water releases to interruptible customers in LCRA's history.

The current Emergency Order expires December 31, 2012. If the Emergency Order expires, then LCRA will operate under the existing Water Management Plan, which allows a significant amount of water sent downstream to interruptible customers. Long-term weather predictions do not forecast significant rainfall in 2013, which means that the lakes may continue to experience low levels. This letter requests the LCRA Board of Directors ask TCEQ to extend the Emergency Order, which protects firm water supply. Numerous other firm customers in the basin including City of Leander, Lakeway MUD, WCID #17, City of Burnet and City of Austin are considering similar letters.

November 8, 2012

Lower Colorado River Authority (LCRA)
3700 Lake Austin Blvd.
Austin, Texas 78703
Attn: LCRA Board of Directors,
Becky Motal, General Manager

Re: Combined Storage in the Highland Lakes

Dear Board of Directors,

Last year the LCRA Board made a difficult and unprecedented decision to deviate from the adopted Water Management Plan and submitted an Emergency Order to the Texas Commission of Environmental Quality (TCEQ). This Emergency Order provided for adjustments to the water supply curve that reduced the amount of water available to interruptible customers and raised the cut-off level to a combined storage of 850,000 acre feet. While rains continued to fall throughout the winter, historic low inflows resulted in a combined storage of just less than 850,000 acre feet, resulting in the first cut-off of stored water to interruptible customers in LCRA's history. This decision was not made without a great deal of thought and concern by all involved on the impact to all customers throughout the basin.

With the expiration of the Emergency Order looming, the outlook for rain continues to diminish along with the chances for El Nino. Without significant rainfall the combined storage will continue to drop along with lake levels to new historic lows. While conditions have improved over this time last year, lake levels remain a mere three percent (3%) above the 850,000 acre feet combined storage limit that everyone agreed would lead to too great of a risk of reaching a Drought Worse Than Drought Of Record (DWDOR), if interruptible water was released. Lake levels continue to decrease gradually and inflows continue to remain well below average. If inflows next year mimic those of the past year, lake levels are likely to be lower this time next year than they are currently. Prudent management and current conditions dictate that the lakes be managed by looking at a several year period of time, not just on a yearly basis. If lake levels do not increase dramatically, the chances of entering a DWDOR increase with every passing year.

Given these conditions we are asking the LCRA Board to request TCEQ for an emergency departure from the Water Management Plan. We also ask that LCRA delay entering into contracts with the downstream interruptible customers until after the March 1st deadline that was agreed to in last year's Emergency Order so the LCRA Board can accurately assess the lakes and combined storage. Additionally, we request that any contract issued contain a provision that will allow for a complete cut-off of interruptible supplies anytime during the term of the contract to prevent managing our way into a DWDOR in accordance with the 1988 Adjudication Order, which states "LCRA shall interrupt or curtail the supply of water under Permits Nos. 126 and 1259 pursuant to commitments that are specifically subject to interruption or curtailment, to the extent necessary to allow LCRA to satisfy all demands for water under such permits pursuant to all firm uninterruptible commitments. Commitments to supply water on a non-firm, interruptible basis may be interrupted or curtailed as necessary either on a pro-rata basis or in accordance with a system of priorities, as may be set forth in the various contracts and resolutions that define such commitments." Very similar language is also included in LCRA's water

rights permit issued by TCEQ. Committing non-firm, interruptible supply without proper protection to firm customers would contradict the clear intent of the Adjudication.

This request is not made without great consideration for the impact a second consecutive year of reduced supply, or cut-off, would have on interruptible users throughout the basin. However, as one of LCRA's largest firm customers, we respectfully request the LCRA Board to take the appropriate action to avoid pro-rata curtailment and to ensure all firm customers receive the protection they are entitled to under the Adjudication.

Respectfully,

Matthew Powell
Mayor

Tony Dale
Mayor Pro Tem

Stephen Thomas
Councilmember, Place One

Mitch Fuller
Councilmember, Place Two

Scott Mitchell
Councilmember, Place Three

Lowell Moore
Councilmember, Place Four

Donald Tracy
Councilmember, Place Six



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. F.3
Consideration To Adopt A Conditional Use Permit And Special Use Permit Procedure.

Commentary:

The purpose of this item is to review our current system of conditional use permitting and to discuss replacing this system with a more efficient permitting process for designated uses. This would allow an expansion of uses in certain districts while preserving the City's authority for reviewing and approving such uses. The discussion is intended to more thoroughly explain the existing system of conditional use permitting and to discuss the new, proposed system in more detail.

Fiscal Impact

Fund:

Department: Development Services

Amount:

Associated Information:



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. F.4
Consideration Of Appointment To Place Seven On The Planning And Zoning Commission.
(Mayor Powell)

Commentary:

	Term Expires	Date Appointed	Reappointment Dates
Place 1 Scott Rogers	7.31.13	7.26.12 <i>unexpired term</i>	
Place 2 Thomas Balestiere	7.31.14	5.13.10	12.9.10 8.23.12
Place 3 Michael Dion	7.31.13	4.26.12 <i>unexpired term</i>	
Place 4 Jon Lux	7.31.14	11.12.09 10.18.12	3.10.11
Place 5 Nicholas Kauffman	7.31.13	7.23.09	10.6.11
Place 6 Holly Hogue	7.31.14	9.8.11	7.28.12
Place 7 VACANT	7.31.13	<i>unexpired term</i>	



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. F.5
Consideration Of Appointments To The Cedar Park Comprehensive Plan Advisory Committee. (Mayor Powell)

Commentary:

James Maness and Mo Jahadi were appointed to the committee at the October 25, 2012 Council Meeting.



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. G.0
Executive Session



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. G.1

Section 551.071 (1) (A) Consultation With City Attorney Concerning Litigation.

a. Cause No. 12-1118-C368; City of Cedar Park, Texas vs. Siddons Fire Apparatus, Inc., Siddons-Martin Emergency Group, Pierce Manufacturing, Inc., and Cummins, Inc.; In the 368th Judicial District Court of Williamson County, Texas.

Commentary:



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. G.2

Section 551.071 (2) Consultation With City Attorney Concerning Duties To Client As Required By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas

- a. Legal Issues Concerning Potential Lease Terms And Conditions For Building Six On The City Hall Campus.**
- b. Legal Issues Concerning Appeals To The City Council.**
- c. Legal Issues Concerning Applicability Of Nuisance Ordinance Provisions As Affected By Chapter 245 Of The Local Government Code.**

Commentary:



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. G.3

Section 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property

a. Legal Issues Concerning Spanish Oak Wastewater Interceptor Easement Acquisition.



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. H.0
Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. H.1
Mayor And Council Closing Comments.



CITY COUNCIL AGENDA

Date:11-8-2012

Subject: Agenda Item No. H.2
Adjournment.