

MINUTES FOR  
CITY OF CEDAR PARK  
PLANNING & ZONING COMMISSION  
**TUESDAY, JANUARY 15, 2013 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"/> NICHOLAS KAUFFMAN, Place 5, Chair | <input type="checkbox"/> VACANT, Place 4                            |
| <input checked="" type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input checked="" type="checkbox"/> KELLY BRENT, Place 7              | <input checked="" type="checkbox"/> HOLLY HOGUE, Place 6, Secretary |
| <input checked="" type="checkbox"/> MICHAEL DION, Place 3      |   |   |

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. Commissioner Balestiere arrived at 6:48 P.M. during Item 9A. Place 4 was vacant. Five Commissioners were present and a quorum was declared.**

2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS  
**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 December 18, 2012  
**Chair Kauffman requested that "(or doors)" be removed from Item 12A2, second paragraph.**

**MOTION: Commissioner Rogers moved to approve the Minutes of the Regular Meeting of December 18, 2012 Minutes as amended. Commissioner Brent seconded the motion. The motion passed unanimously, 5-0, with one absent and Place 4 vacant.**

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. RECOGNITION OF FORMER PLANNING AND ZONING COMMISSIONER(S)

- A. Lorena Echeverria de Misi  
B. Jon Lux

**Chair Kauffman thanked Lorena Echeverria de Misi and Jon Lux for their service as a Planning and Zoning Commissioners. He advised that it had been a pleasure working with them. Rawls Howard, Development Services Director, presented them both with tokens of appreciation recognizing that Lorena Echeverria de Misi had been on the P&Z Commission from 2008-2012 and Jon Lux had been on the P&Z Commission from 2009-2012.**

6. CONSENT AGENDA:

- A. STATUTORY DISAPPROVAL:

1. Cedar Park Ranchettes Unit Two, Resubdivision of Lot 6 & 8 Block 4 (SFP-12-018)  
4.18 acres, 3 commercial lots  
Located on the south side of West Whitestone Boulevard at Bagdad Road  
Owner: Jimmy Nassour  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove
2. Parkwest Estates Lot 41, Block B (SFP-12-019)  
0.665 acres, 1 single family lot  
Located on Cedar Park Drive west of Bell Boulevard

Owner: Bob Gilfillan  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Caballo Ranch Section 3B (FP-12-018)  
1.16 acres, 4 single family lots, 1 drainage easement lot  
Located at the northwest corner of Caballo Ranch Boulevard and Manada Trail  
Owner: Caballo Ranch Investment LP & B Bonnet Investment LP  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve
2. Twin Creeks Section 18 Plat Vacation  
20.45 acres located at 3201 Abbotsbury Drive  
Owner: Scott Muller  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve
3. Twin Creeks Section 18 (SFP-12-017)  
20.45 acres, 2 single family lots, 1 townhome lot  
Located at 3201 Abbotsbury Drive  
Owner: Scott Muller  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve

**MOTION: Commissioner Brent moved to recommend approval of Consent Agenda Items 6A1 through 6B3 as presented. Commissioner Rogers seconded the motion. The motion passed unanimously, 5-0, with one absent and Place 4 vacant.**

7. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Caspita Industries Inc. Z-12-020 – Postponement request by applicant to February 19, 2013  
**Planning Manager Amy Link advised that the applicant needed more time to meet with the neighborhood and had requested a postponement to February 19, 2013.**

**MOTION: Commissioner Rogers moved to postpone Item 7A to February 19, 2013. Secretary Hogue seconded the motion. The motion passed unanimously, 5-0, with one absent and Place 4 vacant.**

8. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. Cedar Park Warehouse and Storage, Z-12-018 (related to item 9A)  
**MOTION: Commissioner Rogers moved to accept the Preliminary Report for Item 8A as presented by Staff. Commissioner Brent seconded the motion. The motion passed unanimously, 5-0, with one absent and Place 4 vacant.**

9. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by Cedar Park Warehouse and Storage LLC to assign original zoning of General Retail (GR) to approximately 0.5 acres and rezone approximately 0.924 acres from Commercial Services (CS) to General Retail (GR) for property located at the northeast corner of West Whitestone Boulevard and Power Lane. (Z-12-018)

Owner: Cedar Park Warehouse and Storage LLC  
Agent: David Singleton  
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

**Planning Manager Amy Link made the presentation and was available for questions. The applicant requested original zoning of General Retail (GR) for approximately 0.5 acres and rezoning of approximately 0.924 acres from Commercial Services (CS) to General Retail (GR) for property located at the northeast corner of West Whitestone Boulevard and Power Lane. The site is currently undeveloped. The tract is located within the Corridor Overlay.**

**Staff recommended approval of the applicant's request for General Retail (GR) zoning. The GR request is compatible with surrounding land uses/designations and meets the intent of the GR district purpose statement. The GR request also supports the economic development goals of the Comprehensive Plan. Approximately 0.5 acres of the subject site is currently undergoing annexation proceedings and action on the annexation petition is anticipated by the end of February. The zoning request will track with the annexation petition and should finish at the same time. Planning Manager Amy Link advised that the Neighborhood Communication Summary was not required because the area is not adjacent to single family. The applicant's request does not comply with the current Future Land Use Plan and would require a Regional Office/Retail/Commercial designation for the subject tract. A Future Land Use amendment was processed in conjunction with this request (Item 10A).**

**The agent, David Singleton, was present. He advised that the existing warehouse structures were built in the early 1970's. The parcel shape had changed due to the realignment of RM 1431.**

**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 regarding the realignment of RM 1431 and how it affected the parcel.**

**MOTION: Commissioner Balestiere moved to recommend approval to the City Council of original zoning of General Retail (GR) for approximately 0.5 acres and rezoning of approximately 0.924 acres from Commercial Services (CS) to General Retail (GR) for property located at the northeast corner of West Whitestone Boulevard and Power Lane (Z-12-018) as recommended by staff. Commissioner Rogers seconded the motion. The motion passed unanimously, 6-0, with Place 4 vacant.**

**MOTION: Commissioner Balestiere moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9A, Case Z-12-018. Commissioner Rogers seconded the motion. The motion passed unanimously, 6-0, with Place 4 vacant.**

10. **FUTURE LAND USE PLAN AMENDMENTS:**

A. **Future Land Use Amendment for property located at the northeast corner of West Whitestone Boulevard and Power Lane (related to Z-12-018)**

**Planning Manager Amy Link made the presentation and was available for questions. In conjunction with the rezoning request by Cedar Park Warehouse and Storage, staff recommended**

the following amendment to the Future Land Use Plan: Amend the Future Land Use Map for approximately 1.4 acres located at the northeast corner of West Whitestone Boulevard and Power Lane from Industrial to Regional Office/Retail/Commercial. The amendment is supported by Economic Development goals of the Comprehensive Plan.

**MOTION:** Commissioner Balestiere moved to recommend approval to the City Council of amending the Future Land Use Plan for Case Z-12-018 as presented by Staff. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with Place 4 vacant.

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

**Director Rawls Howard requested that Item 13A2 be taken out of order. See Item 13A2.**

13. DISCUSSION AND POSSIBLE ACTION:

A. Ordinance amendments

1. Discussion and possible action on a proposed revision to Chapter 11, Zoning Ordinance, Article 11.02 Zoning Districts and Regulations, Division 35 Conditional Use Regulations to revise the criteria for conditional uses and establish a special use permit; and to amend Division 37 Land Use Chart Comparison, to identify conditional and special uses. Postponed from December 18, 2012. (OA-12-005)

**Director Rawls Howard made the presentation and was available to answer questions. He explained the difference between a Conditional Overlay (Zoning) versus a Conditional Use Permit. The Conditional Overlay (Zoning) focuses on the district and is very wide. The Conditional Use Permit focuses on the use so it is very narrow. Staff recommended that the proposed Conditional Use Permit (CUP) replace the existing Conditional Use Permit provisions and establish a Special Use Permit (SUP). The Planning and Zoning Commission (P&Z) would have approval authority over CUPs. The CUPs would be appealable to City Council within fourteen days of P&Z's decision. City Council has approval authority over SUPs after P&Z makes their recommendation. Other proposed items discussed were: P&Z/Council can place conditions on the permit, review factors, permit "runs with the land" and expires after two years if no progress is made, permit is voided after twelve months of use abandonment, and permit is revocable by P&Z or City Council.**

**There was general discussion among the Commissioners regarding the differences between CUPs and SUPs.**

**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 Balestiere moved to approve Ordinance Amendment OA-12-005 as recommended by Staff. Commissioner Brent seconded the motion. The motion passed unanimously, 6-0, with Place 4 vacant.

2. Discussion and possible action on a proposed revision to Chapter 11 Zoning Ordinance, Article 11.03 Height, Setback and Lot Requirements for All Districts; and Article 11.12 Definitions to add definitions for existing and finished grade and establish height requirements based upon existing or finished grade. (OA-12-007)

**Director Rawls Howard made the presentation and was available to answer questions. Staff is proposing amendments to Chapter 11 - Zoning to add definitions for existing and finished grade and to establish height requirements based upon the existing or finished grade. The height is to**

be measured from "existing grade" when non-residential (including multifamily) buildings are within one hundred feet of a single family district.

There was general discussion among the Commissioners regarding when fill is used. They were advised that the City does not require fill permits. The Commissioners requested a few changes to the proposed amendments.

A public hearing was held on the above item. The following completed a Speaker Registration Card: Aaron Pesek (was concerned with topographical issues). There being no further public testimony, the public hearing was closed and the regular session reopened.

**MOTION:** Commissioner Balestiere moved to table the proposed Ordinance Amendment OA-12-007 to the February 19, 2013 meeting to allow revisions to be made. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with Place 4 vacant.

3. Discussion on a proposed revision to Chapter 11 Zoning Ordinance, Article 11.02 Zoning Districts and Regulations, Division 14 Multifamily Residential District, to add design requirements for multifamily developments. (OA-12-008) Postponed from December 18, 2012.

Director Rawls Howard made the presentation and was available to answer questions. This item was included on the agenda for discussion only. Staff proposed amendments to provide additional design standards for multifamily developments. These standards require greater architectural detailing on the exterior building elevations and ensure development of amenities within the multifamily site. The standards also increase compatibility requirement when multifamily sites are adjacent to single family residential developments.

There was discussion among the Commissioners regarding the 50% stone or brick requirement, angling of the buildings, amenities, and garages/parking requirements. Staff recommended 50% stone or brick which is a common requirement for other development projects. At the January meeting, P&Z had suggested increasing landscaping along the street. Staff recommended the following landscaping requirement be added along the street: two shade trees, four ornamentals, eight shrubs / 1000 square feet. The garage/parking requirements were discussed. Chair Kauffman stated that they needed more time to consider the options for this item. It was discussed that "tiers" be used instead of "groups" as previously proposed. The number of dwelling units would determine the minimum required amenities from each tier. Commissioners suggested that Tier 3 items be <sup>combined with</sup> moved to Tier 2. Tier 3 would be eliminated. j

No action was taken on this item.

14. ADMINISTRATIVE ITEMS:

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

- A. Report on City Council Actions Pertaining to Zoning Matters from December 20<sup>th</sup> and January 10<sup>th</sup>

Planning Manager Amy Link advised that the following items were on the December agenda: 1<sup>st</sup> reading of ordinance amendments for Board of Adjustment variance criteria, flag lot regulations, subdivision variance criteria, sidewalk waiver and heritage trees. Chair Kauffman attended the meeting. She advised that the same items were on the January 10<sup>th</sup> agenda and were approved.

**The first statutory public hearing on Cedar Park Warehouse and Storage annexation petition was also on the agenda.**

B. Director and Staff Comments

1. Special Called Planning and Zoning Commission meeting

**Chair Kauffman advised that the Special Called meeting would not be necessary.**

2. Board of Adjustment (BOA) meeting on January 31<sup>st</sup>

**Director Rawls Howard advised that Chair Kauffman would not be able to attend. Planning Manager Amy Link advised that she had not heard from all of the members yet.**

3. Joint meeting with City Council

**Director Rawls Howard advised that the meeting would be focused on the US 183 Redevelopment Plan.**

C. Commissioners Comments. **NONE.**

D. Request for Future Agenda Items.

**Chair Kauffman asked for a status on the Development Reserve (DR) projects. Director Rawls Howard advised that about 20% had been completed.**

- E. Designate Delegate to Attend Next Council Meetings on January 24, 2013 and February 14, 2013.

**Secretary Hogue advised that she would attend the January 24<sup>th</sup> Council meeting. Chair Kauffman advised that he would attend the February 14<sup>th</sup> Council meeting.**

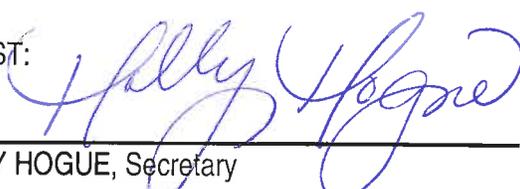
15. ADJOURNMENT

**Chair Kauffman adjourned the meeting at 9:02 p.m.**

**PASSED AND APPROVED THE 19<sup>TH</sup> DAY OF FEBRUARY, 2013.**

  
\_\_\_\_\_  
NICHOLAS KAUFFMAN, Chairman

ATTEST:

  
\_\_\_\_\_  
HOLLY HOGUE, Secretary