

MINUTES FOR
CITY OF CEDAR PARK
PLANNING & ZONING COMMISSION
TUESDAY, FEBRUARY 19, 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 checked="" type="checkbox"/> AUDREY WERNECKE, 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. Seven Commissioners were present and a quorum was declared. He introduced the newest Commissioner, Audrey Wernecke. She advised that she had been a member of the Community Development Corporation and is the president of the Rotary Club. Chair Kauffman read the "Chairman's Sheet" explaining the meeting procedures.

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 January 15, 2013
Commissioner Dion requested that the last line in Item 13.A.3 be changed from "Tier 3 items be moved to Tier 2" to "Tier 3 items be combined with Tier 2. Tier 3 would be eliminated."

MOTION: Commissioner Dion moved to approve the Minutes of the Regular Meeting of January 15, 2013 Minutes as amended. Commissioner Brent seconded the motion. The motion passed unanimously, 7-0.

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. Ranch at Brushy Creek Section 9B (FP-13-001)
13.915 acres, 37 residential lots, 1 parkland lot
Located on Stiles Lane near Williams Way
Owner: Standard Pacific of Texas
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

 2. Dies Ranch Road Subdivision (SFP-13-001)
10.147 acres, 2 commercial lots
Located at the northwest corner of Anderson Mill Road and Dies Ranch Road
Owner: Birdwell Investments, LLC
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

3. Avalon Cedar Park (SFP-13-002)
4.83 acres, 3 commercial lots
Located at the intersection of Lakeline Boulevard and Old Mill Road
Owner: 183 BLW LP and Evelyn LP & ET AL
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Cedar Park Highlands Subdivision (SFP-12-008)
29.67 acres, 3 commercial lots
Located near the northwest corner of East Whitestone Blvd. and Ronald Reagan Blvd.
Owner: Wal-Mart Real Estate Business Trust
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve

MOTION: Secretary Hogue moved to recommend approval of Consent Agenda Items 5A1 through 5B1 as presented. Commissioner Dion seconded the motion. The motion passed unanimously, 7-0.

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Caspita Industries Inc. Z-12-020 – Postponement request by applicant to March 19, 2013
- B. Cedar Park Self Storage Conditional Use Site Development, SD-12-00027 – Postponement request by staff to March 19, 2013

Planning Manager Amy Link advised that there were two postponements to the March 19th meeting. The applicant requested the postponement for Item 6A to allow more time to meet with the surrounding neighborhood. Staff supported the postponement. Staff requested the postponement for Item 6B to allow time to review and address comments. The applicant was amenable to the postponement.

MOTION: Commissioner Dion moved to postpone Items 6A (Z-12-020) and 6B (SD-12-00027) to March 19, 2013. Commissioner Rogers seconded the motion. The motion passed unanimously, 7-0.

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. Lakeline and Old Mill, Z-13-001 (related to item 8A)
- B. Ambition Park, Z-12-019 (related to item 8B)

MOTION: Commissioner Dion moved to accept the Preliminary Reports for Item 7A and 7B as presented by Staff. Secretary Hogue seconded the motion. The motion passed unanimously, 7-0.

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by 183 BLW LP & Evelyn LP & Et Al to rezone approximately 0.689 acres from General Office (GO) to General Retail (GR), and to rezone approximately 1.139 acres from Local Retail (LR) to General Office (GO), and to rezone approximately 0.688 acres from Local Retail (LR) to General Retail (GR) for property located at the northwest corner of Lakeline Boulevard and Old Mill Road. (Z-13-001)
Owner: 183 BLW LP & Evelyn LP & Et Al
Agent: David Krukiel
Staff Resource Person: Amy Link
Staff proposal to P&Z: General Office (GO) and Local Retail (LR)

- 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 rezoning of approximately 2.51 acres for property located at Lakeline Boulevard and Old Mill Road as follows: Tract 1 – rezone approximately 0.689 acres from General Office (GO) to General Retail (GR); Tract 2 – rezone approximately 1.14 acres from Local Retail (LR) to General Office (GO); and Tract 3 – rezone approximately 0.69 acres from Local Retail (LR) to General Retail. The site is currently undeveloped. The tract is located within the Corridor Overlay. A Future Land Use Plan (FLUP) was being processed concurrently with this zoning application (Item 9A).

Staff recommended approval of the applicant's request for General Office (GO) zoning for Tract 2. The GO request is consistent with both the FLUP and the goals of the Comprehensive Plan. The request meets the intent of the GO purpose statement and is compatible with the surrounding zoning designations and land uses.

Staff did not recommend the applicant's request for General Retail (GR) zoning on Tracts 1 and 3. Staff would support Local Retail (LR) zoning for Tract 1 and retention of the existing Local Retail (LR) zoning for Tract 3. The LR designation is consistent with the FLUP and provides a variety of land uses that are more compatible with surrounding commercial and residential areas. The applicant's request for General Retail (GR) zoning does not comply with the FLUP and is not consistent with the surrounding zoning designations and land uses. Tracts 1 and 3 are not suited for large scale business and retail activities.

John Lewis, representing the applicant, was present. He stated that he would support Local Retail (LR) zoning for Tracts 1 and 3 as long as a car wash would be allowed. Rawls Howard, Director of Development Services, advised that a car wash is allowed in LR as an accessory use.

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 intersections on collector roads that are currently zoned General Retail (GR).

MOTION: Commissioner Rogers moved to recommend approval to the City Council of rezoning of Tract 1 of approximately 0.689 acres from General Office (GO) to Local Retail (LR), rezoning of Tract 2 of approximately 1.14 acres from Local Retail (LR) to General Office (GO), and retention of Local Retail (LR) for Tract 3 of approximately 0.688 acres for property located at the northwest corner of Lakeline Boulevard and Old Mill Road (Z-13-001) as recommended by staff. Commissioner Wernecke seconded the motion. The motion passed unanimously, 7-0.

MOTION: Commissioner Rogers moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8A, Case Z-13-001. Secretary Hogue seconded the motion. The motion passed unanimously, 7-0.

- B. Consider a request by Ray McFarland and Phoenix Joint Venture to rezone approximately 45.885 acres from Light Industrial (LI) to Planned Development (PD) for property located at 12450, 12518 and 12700 Anderson Mill Road. (Z-12-019)
Owner: Ray McFarland and Phoenix Joint Venture

- Agent: Aaron Pesek
Staff Resource Person: Amy Link
Staff proposal to P&Z: Planned Development (PD)
- 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 rezoning of approximately 45.89 acres from Light Industrial (LI) to Planned Development (PD) for property located near the intersection of Volente Road and Anderson Mill Road. The site is currently undeveloped. The land uses associated with the applicant's PD request comply with the current Future Land Use Plan (FLUP) designation. The PD request proposed retaining predominantly light industrial uses while adding an option to include a live/work unit. The residential units would be secondary to the main development and restricted to the second floor. The intent of this PD was to allow a business owner the option to reside at the same location as his business. The proposal supports the economic goals of the Comprehensive Plan and meets the intent of the PD zoning district. Staff recommended approval of the applicant's request for Planned Development (PD) zoning as submitted.

Aaron Pesek, agent for the applicant, was present. He advised that the buildings would have industrial uses. Buyers have expressed a need for live/work uses.

A public hearing was held on the above item. The following completed Recognition Cards requesting to speak in opposition of the rezoning request: 1) Lisa Carter, 2) Steve Carter, and 3) Tom Jeannett. They were concerned with various issues such as how the rezoning would affect their business, the height of the buildings, and limitations on hours of business. Lana Bailey completed a Recognition Card requesting to speak in favor of the rezoning request. There being no further public testimony, the public hearing was closed and the regular session reopened.

There was general discussion among the Commissioners regarding issues brought up by the speakers. Aaron Pesek advised that thirty-seven (37) units were proposed in Phase I. Phase I would require over fifty percent (50%) of the land proposed for rezoning. Amy Link advised that a six foot (6') masonry fence was required between residential and industrial uses. She advised that the Light Industrial zoning was approved in 1994. The Commissioners noted that the industrial buildings could be built now without the residential component. This rezoning request limits the building height to two stories. Current zoning allows a building height limit of sixty feet (60'). Chair Kauffman requested that "or above" be deleted from the fourth sentence under 'Definitions-Live/Work Use' in the PD document.

MOTION: Commissioner Dion moved to recommend approval to the City Council of rezoning approximately 45.89 acres from Light Industrial (LI) to Planned Development (PD) for property located at 12450, 12518 and 12700 Anderson Mill Road. (Z-12-019) as amended. Commissioner Rogers seconded the motion. The motion passed as follows:

Yes: Kauffman, Hogue, Rogers, Balestiere, Dion, Wernecke
No: Brent

MOTION: Commissioner Rogers moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9B, Case Z-12-019. Commissioner Dion seconded the motion. The motion passed unanimously, 7-0.

9. FUTURE LAND USE PLAN AMENDMENTS:
 A. Future Land Use Amendment for property located at the intersection of Lakeline Boulevard and Old Mill Road (related to Z-13-001)

Planning Manager Amy Link advised that staff recommended retention of the Neighborhood Office/Retail/Commercial designation for this area.

MOTION: Commissioner Rogers moved to recommend denial to the City Council of amending the Future Land Use Plan for Case Z-13-001 as presented by Staff. Secretary Hogue seconded the motion. The motion passed unanimously, 7-0.

10. SUBDIVISIONS (ACTION AND PUBLIC HEARING) **NONE**

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

12. ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consideration 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.

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

Director Rawls Howard made the presentation and was available to answer questions. He advised that the amended ordinance included the Commissioners' suggested changes from last month's meeting. Commissioner Wernecke was concerned that some of the language was vague. After discussing, staff requested that she help with the language regarding height definitions.

MOTION: Commissioner Wernecke moved to postpone Item 12A to March 19, 2013. Secretary Hogue seconded the motion. The motion passed unanimously, 7-0.

13. DISCUSSION AND POSSIBLE ACTION: **NONE**

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 January 24th and February 14th
Planning Manager Amy Link advised that the following items were on the January 24th agenda: 1st reading of Z-12-017 and 2nd public hearing for annexation located at Power Lane and RM 1431. She advised that the items on the February 14th included denial of Z-12-017, 1st reading/Public Hearing of ordinance amendments - CUP/SUP and Entertainment Center Overlay, ANX-13-001, and Z-12-018. The FLUP amendment to Z-12-017 was withdrawn.

- B. Director and Staff Comments

1. Joint meeting with City Council set for March 7, 2013

Rawls Howard reminded the Commissioners about the Joint Meeting with City Council concerning the US 183 Redevelopment Plan. He advised that Freese and Nichols would facilitate the work session. Commissioner Wernecke requested that a 4B Board representative be invited.

Rawls Howard stated that Commissioner Brent planned to attend the UTCLE training in March. He asked that any other Commissioner wishing to attend to contact staff.

C. Commissioners Comments.

Chair Kauffman stated that he would like an item to vote for a Vice Chair on the next agenda.

D. Request for Future Agenda Items.

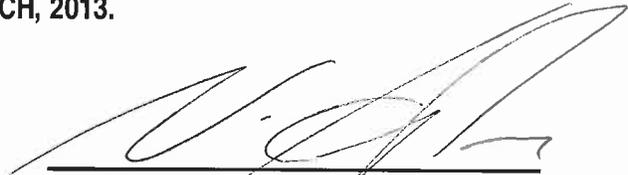
Rawls Howard advised that the plat notes will be included in a future agenda.

E. Designate Delegate to Attend Next Council Meetings on February 24, 2013 and March 14, 2013.
Commissioner Dion advised that he would attend the February 24th Council meeting. Commissioner Rogers advised that he would attend the March 14th Council meeting.

15. ADJOURNMENT

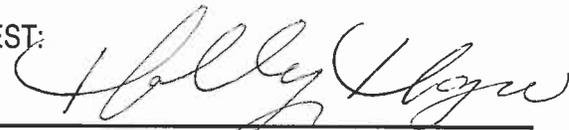
Chair Kauffman adjourned the meeting at 8:31 p.m.

PASSED AND APPROVED THE 19TH DAY OF MARCH, 2013.



NICHOLAS KAUFFMAN, Chairman

ATTEST:



HOLLY HOGUE, Secretary