

MINUTES FOR
CITY OF CEDAR PARK
PLANNING & ZONING COMMISSION
TUESDAY, MAY 21, 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"/> AUDREY WERNECKE, Place 4,
Vice Chair |
| <input type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input type="checkbox"/> KELLY BRENT, Place 7 | |
| <input checked="" type="checkbox"/> MICHAEL DION, Place 3 | | <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. Four Commissioners were present and a quorum was declared. He read the standard introduction 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 April 16, 2013
MOTION: Commissioner Rogers moved to approve the Minutes of the Regular Meeting of April 16, 2013 Minutes as presented. Secretary Hogue seconded the motion. The motion passed unanimously, 4-0, with three 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. West Parke (PP-13-001)
17.64 acres, 57 residential lots
Located on West Park Street, just east of Lakeline Boulevard
Owners: Garret Lacour and Edward Campos
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
 2. Autumn Ridge (PP-13-002)
80.96 acres, 1 commercial lot and 1 office/condominium lot
Located east of County Road 180 and north of East New Hope Drive
Owner: Caballo Investments
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
 3. Lakeline at Old Mill (PP-13-003)
37.59 acres, 2 commercial lots and 2 condominium residential lots
Located on the north side of South Lakeline Boulevard, across from Old Mill Road
Owner: Brooke LTD
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove

4. Little Elm Preliminary Plan (PP-13-004)
59.38 acres, 2 commercial lots and 2 residential condominium lots
Located west of South Bell Boulevard near Little Elm Trail
Owner: TS-SD II LTD and New Amstel Land LTD
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
5. LISD Silverado East (FP-13-003)
23.21 acres, 2 commercial lots
Located at the southwest corner of Ranch Trails and South Frontier Lane
Owner: Leander Independent School District
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
6. Colonial Parkway at Vista Ridge (SFP-13-004)
1.26 acres, 1 commercial lot
Located at the northeast corner of Vista Ridge Boulevard and Colonial Parkway
Owner: Carolville, LTD
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS: NONE

C. EXCUSED ABSENCES FOR PLANNING AND ZONING COMMISSIONERS

1. Thomas Balestiere, April 16, 2013
2. Kelly Brent, March 19, 2013

MOTION: Commissioner Rogers moved to recommend approval of Consent Agenda Items 5.A.1 through 5.C.2 as presented. Secretary Hogue seconded the motion. The motion passed unanimously, 4-0, with three absent.

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

A. Creekside 32.38 Acres, Z-13-003 – Pulled, no action required

Planning Manager Amy Link advised that the applicant is revising their application and pulled this item from the agenda. No action was required.

B. La Jaita Business Park PD Amendment, Z-13-009 (related to item 8B).

MOTION: Commissioner Dion moved to accept the postponement of Item 7B (Z-13-009) to June 18, 2013. Commissioner Rogers seconded the motion. The motion passed unanimously, 4-0, with three absent.

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

A. 1431 & Starwood, Z-13-008 (related to item 8A)

B. La Jaita Business Park PD Amendment, Z-13-009 (related to item 8B)

MOTION: Commissioner Rogers moved to accept the Preliminary Reports for Items 7A (Z-13-008) and 7B (Z-13-009) as presented. Secretary Hogue seconded the motion. The motion passed unanimously, 4-0, with three absent.

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by AUSRAD Properties LP to rezone approximately 4.8 acres from General Office (GO) and Transitional Office (TO) to Local Retail (LR) for property located at the southwest corner of East Whitestone Boulevard and Starwood Drive. (Z-13-008)
 Owner: AUSRAD Properties LP
 Agent: Tom Terkel
 Staff Resource Person: Rian Amiton
 Staff proposal to P&Z: Local Retail (LR) and Transitional Office (TO)
 1) Public Hearing
 2) P&Z Recommendation to City Council
 3) P&Z Adoption of Final Report

Planning Manager Amy Link made the presentation. The applicant requested rezoning of a total of approximately 2.86 acres from General Office (GO) and Transitional Office (TO) to Local Retail (LR) for property located at 1500 East Whitestone Boulevard. The site is currently undeveloped. There was significant communication between City staff, the applicant and residents of the extra territorial jurisdiction (ETJ) neighborhood to the south of the subject area. The proposed zoning change would establish a local retail zone at an activity node where a collector street and an arterial roadway intersect, while leaving an approximately 225 foot wide transitional office buffer between the local retail zone and the residential neighborhood to the south. This request is consistent with the Future Land Use Plan (FLUP) and the purpose statements of both the LR and TO zoning districts. Staff believed that the traffic and overflow on-street parking concerns could be addressed through enhanced signage and enforcement of existing off-street parking restrictions. Staff has initiated discussions with the Engineering and Police Departments to implement these measures. City Attorney Charles Rowland advised that zoning does not override deed restrictions. The request for LR is in compliance with the goals of the Comprehensive Plan and with the Future Land Use Plan. Staff recommended approval of the Applicant's request for Local Retail zoning.

Tom Terkel, agent, made a presentation. He advised that there is a demand for retail space on RM 1431. They want to build a 5,000-8,000 square foot building in front. They met with the neighborhood and amended their application to extend Local Retail a little to the south to allow for parking. Local Retail is consistent with the area zoning. The title company found no deed restrictions for this property.

A public hearing was held on the above item. The following people completed a Recognition Card requesting to speak in opposition of the rezoning request: 1) Edward Sones, 2) Jim MacKay, 3) Pat Hudspeth, 4) Bonnie Hudspeth, 5) Terri Morrison, 6) Kevin Morrison, 7) Rose Ann Loop, 8) Andriel Rotzler, 9) Joseph Nelson, 10) Barbara Howard, 11) Lauren Guerrero, and 12) Ryan Saathoff, 13) Alan Hill. The following people completed a Recognition Card in opposition of the rezoning request but did not wish to speak: 1) Chris Sheman, 2) Taylor Blomgren, 3) Michael McClain, 4) Rodney Brunet, 5) Alicia Brunet, 6) Damon Fleury, 7) Diane Davis, 8) Salem Joseph, Jr., 9) Laurie Carlson, 10) Debbie and Jim Williams, 11) Glenn and Joyce Walker, and 12) Richard Guerrero. They were concerned about traffic issues, access, parking issues, compliance with deed restrictions, building height, and safety due to poor visibility. There being no further public testimony, the public hearing was closed and the regular session reopened.

Tom Terkel responded to some of the concerns stated during the public hearing. They are working on plans to remedy the parking issues with the City and with Williamson County. General Office allows for greater height than Local Retail. The applicant wants to build a one-story

building. He advised that the traffic generated by Local Retail would be less than a multi-story General Office building.

Development Services Director Rawls Howard advised that the subdivision is unique. The City has talked with the City Engineering Director and Williamson County Commissioner Long in an effort to remedy the street parking issues. There was general discussion among the Commissioners regarding the parking, access issues, and the feasibility of making the subdivision a gated community. They were advised that the proposed Transitional Office lot was approximately two acres. Planning Manager Amy Link stated that the original zoning was done in 1997 and that it had not been rezoned since. City Attorney Charles Rowland advised that the title company did not identify any deed restrictions.

Chair Kauffman reopened the Public Hearing to allow Jim MacKay to speak. He advised that if the subdivision became gated, the neighborhood would be responsible for road maintenance and fire access. They did not want that responsibility. The Public Hearing was closed.

There was much discussion among the Commissioners concerning zoning and land use. Agent Tom Terkel requested a postponement for one month to allow time to work out the key concerns. Staff advised that a postponement was acceptable.

MOTION: Commissioner Dion moved to postpone Case Z-13-008 to the June 18, 2013 meeting. Commissioner Rogers seconded the motion. The motion passed unanimously, 4-0, with three absent.

- B. Consider a request by Commercial Property Investments, LLC to amend Tract 8 of the La Jaita Business Park Planned Development by reducing the width of the native buffer from 50 feet to 30 feet for property located at 1320 Arrow Point Drive. (Z-13-009)
Owner: Commercial Property Investments, LLC
Agent: Brent Hammond
Staff Resource Person: Amy Link
Staff proposal to P&Z: Approve request
1) Public Hearing
2) P&Z Action

Planning Manager Amy Link made the presentation and was available for questions. The applicant requested to amend the La Jaita Business Park Planned Development by reducing the required native buffer along the northern and eastern boundary of Tract 8 in the Planned Development (PD) from fifty feet to thirty feet. Tract 8 is partially developed with a light manufacturing business. The remainder of the tract is undeveloped. When considering buffer requirements for light industrial uses adjacent to single family uses or districts, current Code requires a minimum compatibility buffer of thirty feet. The applicant's request to reduce the native buffer from fifty feet to thirty feet is consistent with the prescribed compatibility buffer required by current Code. The one hundred foot building setback would remain in place. Under current Code, the required building setback would be forty feet. Amy Link advised that the request constitutes a minor revision of the PD and final approval authority of the requested amendment lies with the Planning and Zoning Commission. Staff recommended approval of the applicant's request to amend the PD to reduce the native buffer within Tract 8 to thirty feet. Brent Hammond, agent, was present to answer any questions.

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

MOTION: Commissioner Rogers moved to amend Tract 8 of the La Jaita Business Park Planned Development by reducing the width of the native buffer from fifty feet to thirty feet for property located at 1320 Arrow Point Drive (Z-13-009) as recommended by staff. Commissioner Dion seconded the motion. The motion passed unanimously, 4-0, with three absent.

9. FUTURE LAND USE PLAN AMENDMENTS: **NONE**
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 of 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)

- 1) Public Hearing
- 2) P&Z Recommendation to City Council

Director Rawls Howard made the presentation and was available to answer questions. The proposed ordinance amendments were included in the packet. Staff proposed amendments to add definitions for existing and finished grade and to establish height requirements based upon the existing or finished grade. Defining height requirements for developments based upon the existing or finished grade would ensure better compatibility when commercial developments are constructed adjacent to residential areas. Staff recommended approval of the ordinance amendment. Director Rawls Howard advised that Vice Chair Wernecke had worked with staff on the wording for the building height definition.

There was general discussion among the Commissioners regarding the need for the wording "whichever is shorter" in the Building Height definition. Staff advised that since the reference to flat roof was removed, the phrase "whichever is shorter" was no longer needed.

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

MOTION: Secretary Hogue moved to approve Ordinance Amendment OA-12-007 as revised. Commissioner Rogers seconded the motion. The motion passed unanimously, 4-0, with three absent.

B. Consideration of a proposed revision to Chapter 11, Article 11.01 Zoning Ordinance, Division 2 General Compliance, Section 11.01.010 Portable and Temporary Buildings During Construction to amend the regulations regarding portable and temporary buildings. (OA-13-005)

- 1) Public Hearing
- 2) P&Z Recommendation to City Council

Director Rawls Howard made the presentation and was available to answer questions. The proposed ordinance amendments were included in the packet. Staff proposed the amendments regarding temporary and portable buildings to provide flexibility for expanding businesses. The amendments would allow expanding businesses to use portable buildings to house business offices while expansion of permanent structures is underway. Final certificate of occupancy for the permanent structure would be contingent upon removal of the portable building.

There was general discussion among the Commissioners concerning whether living quarters were allowed in the portable buildings. Planning Manager Amy Link advised that living in portable buildings is currently restricted.

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 Dion moved to approve Ordinance Amendment OA-13-005 as recommended by Staff. Secretary Hogue seconded the motion. The motion passed unanimously, 4-0, with three absent.

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 from April 25th and May 9th.
Chair Kauffman stated that Ordinance Amendments OA-13-001, OA-13-002, OA-13-003 and OA-13-004 were on the April 25th agenda for a first reading and public hearing. The Resolution setting the annexation public hearing for the YMCA land annexation (ANX-13-001) was also on the agenda. The Council approved all four Ordinance Amendments on May 9th. Case Z-13-004 and Case Z-13-005 were on the May 9th agenda for a first reading and public hearing.

B. Director and Staff Comments

1. Summary of Comprehensive Plan Process and Town Hall Meeting held May 6, 2013.

Director Rawls Howard advised that a Town Hall/Open House was held on May 6th. He advised it was interactive and that fifty to seventy people attended. The www.imaginededarpark.com website was promoted at the meeting. He advised that the consultant would have a master report and summary of Town Hall comments prepared for the June 24th Comprehensive Plan Advisory Committee (CPAC) meeting. Commissioner Dion advised that he attended the Town Hall meeting.

C. Commissioners Comments. **None.**

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

E. Designate Delegate to Attend Next Council Meetings on May 23, 2013 and June 13, 2013.

Commissioner Rogers advised that he would attend the May 23rd Council meeting. Secretary Hogue advised that she would attend the June 13th Council meeting.

15. ADJOURNMENT

Chair Kauffman adjourned the meeting at 8:42 p.m.

PASSED AND APPROVED THE 18TH DAY OF JUNE, 2013.



NICHOLAS KAUFFMAN, Chairman

ATTEST:

Audrey Wernecke

HOLLY HOGUE, Secretary

Audrey Wernecke - Vice Chair