



# CEDAR PARK

CITY OF CEDAR PARK  
REGULAR CALLED MEETING OF THE  
PLANNING & ZONING COMMISSION  
**TUESDAY, JULY 16, 2013 AT 6:30 P.M.**  
CEDAR PARK CITY HALL COUNCIL CHAMBERS  
450 CYPRESS CREEK ROAD, BUILDING FOUR, CEDAR PARK, TEXAS 78613

## COMMISSION MEMBERS

- SCOTT ROGERS, Place 1       NICHOLAS KAUFFMAN, Place 5, Chair       KELLY BRENT, Place 7  
 THOMAS BALESTIERE, Place 2       AUDREY WERNECKE, Place 4, Vice Chair       HOLLY HOGUE, Place 6,  
 MICHAEL DION, Place 3      Secretary

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
3. MINUTES: Approve Minutes from the Regular Meeting of June 18, 2013
4. CITIZEN COMMUNICATIONS (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)
5. CONSENT AGENDA:

A. STATUTORY DISAPPROVAL:

*(Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in City Ordinance Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Disapproval in order to meet the statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.)*

1. Little Elm Final Plat (FP-13-006)  
59.38 acres, 2 commercial and 2 residential lots  
Located on Little Elm Trail, west of South Bell Boulevard  
Owners: Milestone Community Builders  
Staff Resource: Rian Amiton  
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Parkwest Estates Section 2 (FP-13-005)  
10.55 acres, 31 single family lots  
Located on Cedar Park Drive, west of North Bell Boulevard  
Owner: RH of Texas Limited Partnership  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve

2. Little Elm Preliminary Plan (PP-13-004)  
59.38 acres, 2 commercial and 2 residential lots  
Located on Little Elm Trail, west of South Bell Boulevard  
Owners: TS-SD II LTD and New Amstel Land LTD  
Staff Resource: Rian Amiton  
Staff Proposal to P&Z: Approve

C. EXCUSED ABSENCES FOR PLANNING AND ZONING COMMISSIONERS

1. Holly Hogue, June 18, 2013

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS: **NONE**

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. Hopper Caspita, Z-13-010 (related to item 8A)
- B. West Parke, Z-13-013 (related to item 8B)

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by Caspita Industries, LTD to rezone approximately 10.51 acres from General Office (GO) to Planned Development (PD) for property located on the south side of Old Mill Road, west of Lakeline Boulevard. (Z-13-010)  
Owner: Caspita Industries, LTD  
Agent: Jennie Braasch, Pohl Partners  
Staff Resource Person: Amy Link  
Staff proposal to P&Z: General Office (GO)
  - 1) Public Hearing
  - 2) P&Z Recommendation to City Council
  - 3) P&Z Adoption of Final Report
- B. Consider a request by GLL Investors, LLC, Edward Campos and Susan Merkert-Campos to rezone approximately 17.65 acres from Single Family-Large Lot (SF) to Single Family-Urban Lot (SF-3) for property located at 1507, 1509, 1607 and 1609 West Park Street. (Z-13-013)  
Owner: GLL Investors, Edward Campos and Susan Merkert-Campos  
Agent: William Newton  
Staff Resource Person: Rian Amiton  
Staff proposal to P&Z: Single Family-Urban Lot with a Conditional Overlay to require a 10,000sf minimum lot size and a minimum 25 foot rear setback. (SF-3-CO)
  - 1) Public Hearing
  - 2) P&Z Recommendation to City Council
  - 3) P&Z Adoption of Final Report

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

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

11. CONDITIONAL/SPECIAL USE PERMITS (ACTION AND PUBLIC HEARING):

- A. Consider a request by Fourth NHP Holdings, LP to allow a Conditional Use Permit for Warehouse and Distribution, Limited on approximately 3.19 acres located at 300 Brushy Creek Road. (Z-13-014)  
Owner: Fourth NHP Holdings, LP  
Agent: Terray Glasman  
Staff Resource Person: Rian Amiton  
Staff proposal to P&Z: Approve Conditional Use Permit  
1) Public Hearing  
2) P&Z Action

12. ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. 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

13. DISCUSSION AND POSSIBLE ACTION:

- A. Discussion of Engineering Standard Subdivision Notes

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 June 27<sup>th</sup> and July 11<sup>th</sup>  
B. Director and Staff Comments  
C. Commissioners Comments  
D. Request for Future Agenda Items  
E. Designate Delegate to Attend Next Council Meetings on July 25<sup>th</sup> and August 8<sup>th</sup>

15. ADJOURNMENT

*The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.*

*All agenda items are subject to final action by the Planning and Zoning Commission.*

*Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.*

*An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.*

*At the discretion of the Planning and Zoning Commission, non-agenda items may be presented by citizens to the Planning and Zoning Commission for informational purposes; however, by law, the Planning and Zoning Commission shall not discuss, deliberate or vote upon*



MINUTES FOR  
CITY OF CEDAR PARK  
PLANNING & ZONING COMMISSION  
**TUESDAY, JUNE 18, 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,<br>Vice Chair |
| <input checked="" type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input checked="" type="checkbox"/> KELLY BRENT, Place 7              | <input 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. Five Commissioners were present and a quorum was declared. Commissioner Balestiere arrived after Item 2. Commissioner Hogue was absent. 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 May 21, 2013  
**MOTION: Commissioner Rogers moved to approve the Minutes of the Regular Meeting of May 21, 2013 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. Lakeline at Old Mill (FP-13-004)  
37.59 acres, 2 commercial and 2 residential lots  
Located on the north side of South Lakeline Boulevard at Old Mill Road  
Owners: Milestone Community Builders, LLC  
Staff Resource: Rian Amiton  
Staff Proposal to P&Z: Statutorily Disapprove
  
    2. Parkwest Estates Section 2 (FP-13-005)  
10.55 acres, 31 single family lots  
Located on Cedar Park Drive, west of North Bell Boulevard  
Owner: RH of Texas Limited Partnership  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove
  
    3. Islamic Center of Brushy Creek (SFP-13-005)  
6.18 acres, 1 commercial lot  
Located on the south side of Brushy Creek Road, west of Gupton Way  
Owner: Islamic Center of Brushy Creek, Inc.  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Statutorily Disapprove

4. Shanti Nivas Subdivision (SFP-13-006)  
2.04 acres, 1 commercial lot  
Located on the west side of South Bell Boulevard  
Owner: Bastrop Investment Group, LP  
Staff Resource: Rian Amiton  
Staff Proposal to P&Z: Statutorily Disapprove
5. East Park Church Addition (SFP-13-007)  
10.60 acres, 1 commercial lot  
Located at the northwest corner of East Park Street and Creek Vista Boulevard  
Owner: Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints  
Staff Resource: Rian Amiton  
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Ranch at Brushy Creek Section 9B (FP-13-001)  
13.92 acres, 36 single family lots, 1 parkland lot  
Located on Stiles Lane, west of Williams Way  
Owner: Standard Pacific of Texas, Inc.  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve

C. EXCUSED ABSENCES FOR PLANNING AND ZONING COMMISSIONERS

1. Thomas Balestiere, May 21, 2013
2. Kelly Brent, May 21, 2013
3. Audrey Wernicke, May 21, 2013

**MOTION: Commissioner Rogers moved to recommend approval of Consent Agenda Items 5.A.1 through 5.C.3 as presented. Commissioner Brent seconded the motion. The motion passed unanimously, 6-0, with one absent.**

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Ozone Lakeline at Riviera, Z-13-011 – postponement request by Applicant to October 15, 2013  
**Planning Manager Amy Link advised that the applicant had requested postponement of Case Z-13-011 to the October 15, 2013 meeting.**

**MOTION: Commissioner Balestiere moved to postpone Item 6A, Case Z-13-011, until October 15, 2013. Commissioner Dion seconded the motion. The motion passed unanimously, 6-0, with one absent.**

**Planning Manager Amy Link advised that the postponement of Case Z-13-010 (relating to Items 7A and 8B) to the July 16, 2013 meeting had been requested by the applicant after the agenda had been posted.**

**MOTION: Commissioner Balestiere moved to postpone Items 7A and 8B, Case Z-13-011, until July 16, 2013. Commissioner Rogers seconded the motion. The motion passed unanimously, 6-0, with one absent.**

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

A. Hopper Caspita, Z-13-010 (related to item 8B)  
**Item was postponed to July 16, 2013. See Item 6.**

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) P&Z Recommendation to City Council

2) P&Z Adoption of Final Report

**Planning Manager Amy Link advised that at the May 21, 2013 meeting, Case Z-13-008 was postponed for one month to allow the applicant more time to meet with the residents of the nearby subdivision. She stated that there had been no significant changes from the presentation made last month. 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 and 925 Starwood Drive. Staff recommended approval of the Applicant's request for Local Retail zoning.**

**Tom Terkel, agent, advised the Commissioners that he had requested the postponement in an effort to try to reach an agreement with the neighborhood. He provided a proposal to the neighborhood which limited the hours of operation to: Monday through Thursday – open to 10:00 PM and Friday through Sunday – open to 11:00 PM. He advised that they would increase the parking standards and limit sale of alcohol to forty percent. He advised that he did not receive a response from the neighborhood. He asked the Commissioners to consider only the land use issue.**

**Chair Kauffman acknowledged that recognition cards had been completed by many in the audience stating that they were against the rezoning. The public hearing was held at the May 21<sup>st</sup> meeting.**

**There was much discussion among the Commissioners concerning land use. Commissioner Dion stated that the property had been zoned this way for the past thirteen years and that the owner acquired this property in 2005 with zoning in place.**

**MOTION: Commissioner Rogers moved to recommend approval to the City Council of rezoning approximately 2.86 acres from General Office (GO) and Transitional Office (TO) to Local Retail (LR) for property located at 1500 East Whitestone Boulevard and 925 Starwood Drive (Z-13-008) as recommended by staff. Commissioner Brent seconded the motion. The motion passed as follows:**

**Yes: Rogers, Brent, Kauffman, Balestiere, Wernecke**

**No: Dion**

**Absent: Hogue**

**MOTION: Commissioner Rogers moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8A, Case Z-13-008. Commissioner Balestiere seconded the motion. The motion passed unanimously, 6-0, with one absent.**

- B. Consider a request by Caspita Industries, LTD to rezone approximately 10.51 acres from General Office (GO) to Planned Development (PD) for property located on the south side of Old Mill Road, west of Lakeline Boulevard. (Z-13-010)  
Owner: Caspita Industries, LTD  
Agent: Jennie Braasch, Pohl Partners  
Staff Resource Person: Amy Link  
Staff proposal to P&Z: General Office (GO)
- 1) Public Hearing
  - 2) P&Z Recommendation to City Council
  - 3) P&Z Adoption of Final Report
- Item was postponed to July 16, 2013. See Item 6.**

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

10. SUBDIVISIONS (ACTION AND PUBLIC HEARING):

- A. BMC Lumber Subdivision Number 2 (SFP-13-003)  
23.85 acres, 3 commercial lots  
Located on BMC Drive, south of Brushy Creek Road  
Owner: Brushy Creek-CCP, LP  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve
- 1) Public Hearing
  - 2) P&Z Action

**Planning Manager Amy Link advised that this subdivision met all state and local requirements. 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 Rogers moved to recommend approval of Item 10A, Case SFP-13-003, as presented by Staff. Commissioner Brent seconded the motion. The motion passed unanimously, 6-0, with one absent.**

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 11.02 Zoning Districts and Regulations, Division 20 Commercial Services District, Section 11.02.164 Permitted Uses and Division 38 Land Use Chart Comparison, Section 11.02.342 Zoning District Chart Nonresidential Districts to add Outdoor Sports and Recreation as an allowable use by Conditional Use Permit in the Commercial Services (CS) zoning district. (OA-13-006)
- 1) Public Hearing
  - 2) P&Z Recommendation to City Council

**Director Rawls Howard made the presentation and was available to answer questions. Staff proposed amendments to the permitted use chart to allow an outdoor sports and recreation use by conditional use permit within the Commercial Services (CS) district. The proposed ordinance amendments were included in the packet. The Future Land Use Plan designation and existing Open Space Recreational (OSR) zoned properties serve public parks and open space, as opposed to commercial operations. Director Rawls Howard stated that the CS district is a compatible district for outdoor sports and recreation use. It is also included in the Industrial future land use**

designation and an outdoor sports and recreation facility may not always be compatible with industrial uses. Staff recommended allowing the outdoor sports and recreation use by conditional use permit in the Commercial Services district.

There was discussion among the Commissioners noting that the only change made was to the permitted use chart and that approval would be done on a case by case basis.

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 approve Ordinance Amendment OA-13-006 as presented. Vice Chair Wernecke seconded the motion. The motion passed unanimously, 6-0, with one 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 May 23<sup>rd</sup> and June 13<sup>th</sup>.

Commissioner Rogers advised that Planning and Zoning Commissioners (Places 1, 2, 3 5 and Alternates 2 and 4) were appointed to the Board of Adjustment. Planning Manager Amy Link advised that Cases Z-13-002, Z-13-004 and Z-13-005 were all approved at the May 23<sup>rd</sup> meeting. Ordinance Amendment OA-13-007 was on the June 13<sup>th</sup> agenda for a first reading and public hearing.

B. Director and Staff Comments

Director Rawls Howard advised the Cedar Park Advisory Committee would be meeting on Monday, June 24<sup>th</sup>.

C. Commissioners Comments. **None.**

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

E. Designate Delegate to Attend Next Council Meetings on June 27<sup>th</sup> and July 11<sup>th</sup>.

Commissioner Balestiere advised that he would attend the June 27<sup>th</sup> Council meeting. Commissioner Dion advised that he would attend the July 11<sup>th</sup> Council meeting.

15. ADJOURNMENT

Chair Kauffman adjourned the meeting at 7:15 p.m.

**PASSED AND APPROVED THE 16<sup>TH</sup> DAY OF JULY, 2013.**

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

ATTEST:

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

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July 16, 2013

*Planning and Zoning Commission*

Item:#

Subdivision

**Little Elm**

**5A1**

**Case Number: FP-13-006**

**OWNER:** Milestone Community Builders

**STAFF:** Rian Amiton, [rian.amiton@cedarparktexas.gov](mailto:rian.amiton@cedarparktexas.gov)

**LOCATION:** West side of South Bell Boulevard at Little Elm Trail

**COUNTY:** Williamson

**AREA:** 59.38 acres

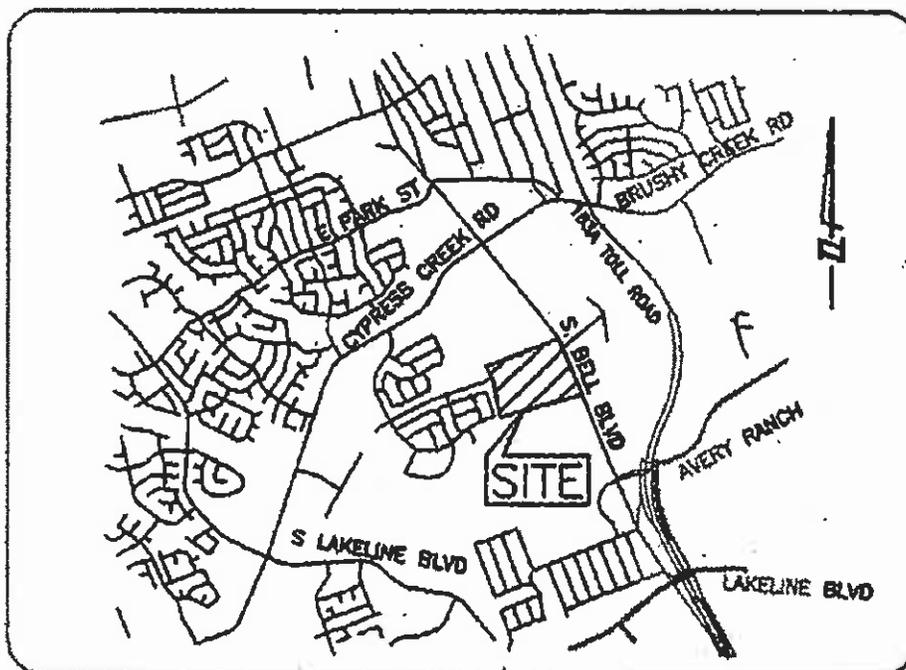
**ZONING:** PD, GR and CD-CO

**SUBDIVISION DESCRIPTION:** 2 commercial lots and 2 residential lots with a 110 foot right-of-way for an extension of Little Elm Trail and a 70 foot right-of-way for an extension of Alexis Drive.

**STAFF COMMENTS:**

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



July 16, 2013

*Planning and Zoning Commission*

Item:#

Subdivision

**Parkwest Estates Section 2**

**5B1**

**Case Number: FP-13-005**

**OWNER:** RH of Texas Limited Partnership

**STAFF:** Amy Link, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** Cedar Park Drive, west of North Bell Boulevard

**COUNTY:** Williamson

**AREA:** 10.55 acres

**ZONING:** SF

**SUBDIVISION DESCRIPTION:** 31 single family lots

**STAFF COMMENTS:**

This plat meets all state and local requirements.

**STAFF RECOMMENDATION:**

Approve plat.



**LOCATION MAP**  
NOT TO SCALE

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July 16, 2013

*Planning and Zoning Commission*

Item:#

Subdivision

**Little Elm Preliminary Plan**

**5B2**

**Case Number: PP-13-004**

**OWNER:** TS-SD II LTD and New Amstel Land LTD

**STAFF:** Rian Amiton, [rian.amiton@cedarparktexas.gov](mailto:rian.amiton@cedarparktexas.gov)

**LOCATION:** West side of South Bell Boulevard at Little Elm Trail

**COUNTY:** Williamson

**AREA:** 59.38 acres

**ZONING:** PD, GR and CD-CO

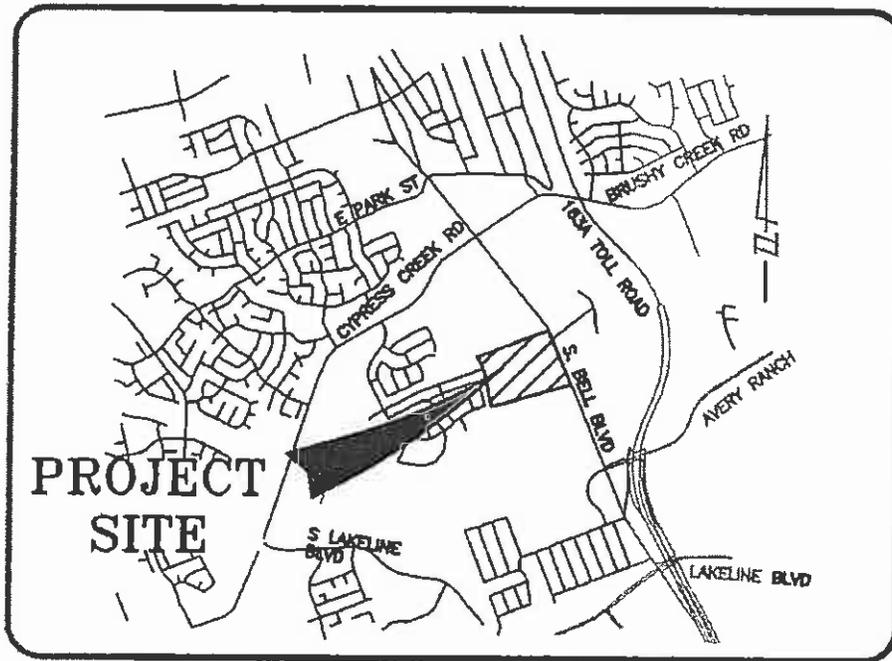
**SUBDIVISION DESCRIPTION:** 2 commercial lots and 2 residential lots with a 110 foot right-of-way for an extension of Little Elm Trail and a 70 foot right-of-way for an extension of Alexis Drive.

**STAFF COMMENTS:**

This subdivision meets all state and local requirements.

**STAFF RECOMMENDATION:**

Approve plat.



July 16, 2013

*Planning and Zoning Commission*

**Item:**

Zoning

**Caspita Industries Inc.**

**7A & 8A**

**Case Number: # Z-13-010**

**OWNER:** Caspita Industries, Inc.

**AGENT:** Jennie Braasch, Pohl Partners

**STAFF:** Amy Link, 401-5056, [amy.link@cedarparktexas.gov](mailto:amy.link@cedarparktexas.gov)

**LOCATION:** Old Mill Road, west of Lakeline Boulevard

**COUNTY:** Williamson

**AREA:** 10.51 acres

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**EXISTING ZONING:** General Office (GO)

**PROPOSED ZONING:** Planned Development (PD)

**STAFF RECOMMENDATION:** General Office (GO)

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**EXISTING FUTURE LAND USE DESIGNATION:** Neighborhood Office/Retail/Commercial

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**SUMMARY OF REQUEST:**

The applicant is requesting to rezone approximately 10.51 acres from General Office (GO) to Planned Development (PD). The applicant's proposed land use plan and PD regulations are attached.

**EXISTING SITE and SURROUNDING USES:**

The site is currently undeveloped and surrounded by Old Mill Road to the north, undeveloped GO zoned property to the east, single family residential property in the ETJ to the south and an existing indoor sports facility (zoned LR-CO) to the west.

July 16, 2013

Zoning

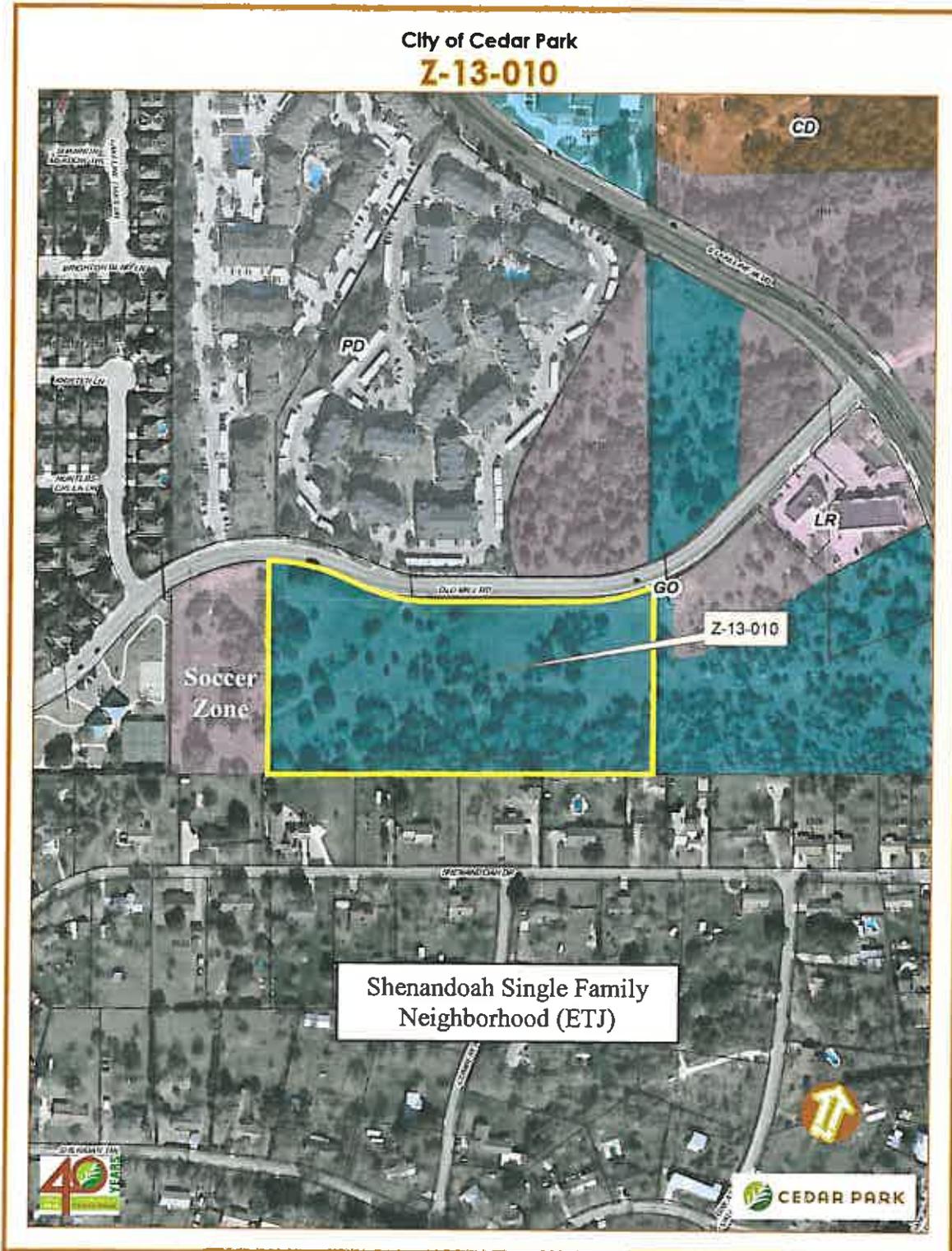
Planning and Zoning Commission

Caspita Industries Inc.

Item:

7A & 8A

Case Number: # Z-13-010



July 16, 2013

*Planning and Zoning Commission*

**Item:**

Zoning

**Caspita Industries Inc.**

**7A & 8A**

**Case Number: # Z-13-010**

**PURPOSE OF REQUESTED ZONING DISTRICT:**

The Planned Development District accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure appropriate application for a PD and still offer increased flexibility.

**PERMITTED USES IN TH:**

The PD proposes to permit uses allowed in the Single Family-Estate Lot (ES), Single Family-Large Suburban Lot (SF-1), Single Family-Large Urban Lot (SF-2), Single Family-Urban Lot (SF-3), Condominium Residential (CD) and Townhome Residential (TH) districts. These districts permit predominantly low to medium density residences, as well as low intensity non-residential uses such as playgrounds, private schools, places of worship and public buildings.

**FUTURE LAND USE PLAN:**

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

The land uses proposed in the applicant's PD do not comply with the FLUP. The land uses proposed in the PD are compatible with Low and Medium Density Residential designations.

**COMPREHENSIVE PLAN:**

The request does not support the economic development goals consistent with the Neighborhood Office/Retail/Commercial designation contemplated by the FLUP. Specifically, it does not support the following goals:

**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.

July 16, 2013

*Planning and Zoning Commission*

**Item:**

Zoning

**Caspita Industries Inc.**

**7A & 8A**

**Case Number: # Z-13-010**

**SITE INFORMATION:**

***Corridor Overlay:***

This tract is not located within the Corridor Overlay.

***Transportation:***

Old Mill Road is classified as a residential collector.

***Water and Wastewater Utilities:***

Water and wastewater facilities are available in the vicinity of the site.

***Subdivision:***

The property is not currently platted.

***Setback and Height Requirements:***

The PD permits uses in the ES, SF-1, SF-2, SF-3, TH and CD zoning districts. Depending upon the use proposed, development within the PD will comply with the following zoning district standards:

	<b>ES</b>	<b>SF-1</b>	<b>SF-2</b>	<b>SF-3</b>	<b>TH</b>	<b>CD</b>
Front setback	50'	30'	25'	25'	Varies	25'
Side setback	20'	10'	7.5'	5'	Varies	10'
Side setback adjacent to public street	25'	20'	15'	15'	Varies	15'
Rear setback	25'	25'	10'	10'	Varies	20'
Maximum Height	35'	35'	35'	35'	35'	35'

***Architectural Requirements:***

Building exteriors within the PD district will comply with the architectural regulations of the most restrictive district in which the proposed use is permitted.

	<b>ES</b>	<b>SF-1</b>	<b>SF-2</b>	<b>SF-3</b>	<b>TH</b>	<b>CD</b>
Masonry Requirement	50%	50%	50%	50%	75%	75%

***Case History:***

<b>Case #</b>	<b>Request</b>	<b>P&amp;Z Recommendation</b>	<b>CC Action</b>
Z-95-007	From DR to PUD	Recommended	Approved
Z-03-013	From PUD to GO	Recommended	Approved
Z-07-046	From GO to MF	Recommended Denial	Withdrawn prior to Council action
Z-12-020	From GO to TH	Application withdrawn – no action taken	

July 16, 2013

*Planning and Zoning Commission*

**Item:**

Zoning

**Caspita Industries Inc.**

**7A & 8A**

**Case Number: # Z-13-010**

**STAFF COMMENTARY:**

The applicant's request for PD zoning is not consistent with the FLUP and is not supportive of the economic development goals of the Comprehensive Plan. In addition, the low and medium density residential uses proposed within the PD would provide a poor land use transition, as the tract is bounded by commercial zoned property to the east and west. A residential development is better suited at the edge of a residential neighborhood, where the land use density increases from single family, to medium density residential uses, then to commercial/office uses.

Currently, there are 28 acres of entitled CD zoned property on the north side of Lakeline Boulevard, directly across from Old Mill Road and 1,400 multifamily residential units under development within close proximity to the subject site. In addition to the above-mentioned units under construction, the land to the west of Ridgeline Boulevard, between Lakeline Boulevard and Highway 620 in the City of Austin, is entitled for multifamily; which could provide for more residences to support the commercial at this location.

Staff believes maintaining the GO designation allows for the best use of the property as it is immediately adjacent to and can take advantage of higher intensity commercial (both existing and planned) development on the corner of Lakeline Boulevard and 183 as well of thousands of units of high density residential coming online in the City of Austin.

With regard to the proposed PD regulations, staff provides the following comments:

- Section I(C) Permitted Uses and Section II(A) Default Development Regulations – staff is not supportive of the residential uses proposed by the PD. The land uses are not consistent with the land use designations on the Future Land Use Plan, nor do they support the economic development goals of the Comprehensive Plan.
- Section II(D)(1) Ingress/Egress from the project – staff does not support a single point of public access because it restricts adequate flow of access within the development and for emergency services.

A copy of the PD regulations and land plan are attached for reference.

**STAFF RECOMMENDATION:**

Staff recommends retention of the GO zoning designation for this tract.

**PUBLIC INPUT:** To date, no public input has been received regarding this request.

**PUBLIC NOTIFICATION:**

Cedar Park-Leander Statesman June 5, 2013

27 letter notices were sent to property owners within the 300' buffer

The P&Z postponed this case at its June 18<sup>th</sup> meeting until July 16, 2013 at the applicant's request.

**PROPOSED CITY COUNCIL HEARINGS:** (August 8, 2013) 1<sup>ST</sup> Reading  
(August 22, 2013) 2<sup>ND</sup> Reading

July 16, 2013

*Planning and Zoning Commission*

Item:

Zoning

**Caspita Industries Inc.**

**7A & 8A**

**Case Number: # Z-13-010**

**APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:**

Communication with Lakeline Oaks and Shenandoah Neighborhoods  
Concerning Townhouses with Condominium Zoning

Contact resources:

Flyers were placed on doors in Shenandoah neighborhood next to Caspita. There is no HOA to contact.

Large sign placed on Old Mill to announce meetings.

HOA Pres. of Lakeline Oaks contact by email to send out to neighborhood

Flyers were placed on doors in Lakeline Oaks

October 2011: Townhouse discussion with neighbors.

The neighbors' primary concerns was ownership and not too many more children

January 4, 2013: a new buyer contracted for the approximate 10 acres.

January 9, 2013: the HOA President of Lakeline Oaks was contacted to discuss TH zoning.

Notified neighbors of the meeting.

January 23, 2013. Meeting with neighbors. The neighbors wanted:

1. Only one access to the project for residents and one more limited to emergency only.
2. Limit the number of school age children who might live there.

The buyer indicated that in their experience there a low number of children residents in this type of a project. There is no planned amenity center with a pool or any playgrounds on the site plan that might attract anyone with children. Their typical buyers are singles or retired couples.

3. Ownership not rental project

Follow up emails with the President.

Neighbors needed more time to think.

Deferred P and Z to March 19th

March 14<sup>th</sup>, received new drawings from the buyer.

HOA President did not have time to get the drawings out for comments and asked to defer to April.

Deferred to March 19th

April 15, 2013: held additional meeting

July 16, 2013

*Planning and Zoning Commission*

**Item:**

Zoning

**Caspita Industries Inc.**

**7A & 8A**

**Case Number: # Z-13-010**

**APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY continued:**

Neighbors happy with one entrance and buyer discussion on other questions. Those who attended indicated the use as shown on the exhibit was an appropriate use.

Owner of Caspita withdrew application prior to council reading in favor of resubmitting in the form of a PUD.

PUD document addressed neighborhood concerns with the following:

1. Limiting access to one public entrance
2. Dwellings are for sale by developer
3. Buffer of 25 foot "no build" setback and 50 foot building line from single family adjacent.
4. Building orientation requires rear yards not to be adjacent to single family
5. Building height limited to 2 stories

PUD document was sent to the HOA President of Lakeline Oaks to be shared at their annual HOA meeting on May 29, 2013. It was noted to the President that the city attorney had not reviewed the document at this point so there could be changes to it. A finished draft will be sent to the president after the review and changes are complete.

The project was intended to be a single lot at the last zoning submission. The withdrawn application for TH was not the correct zoning for a single lot project. CD was the correct zoning. This was clarified to the neighborhood.

July 16, 2013

*Planning and Zoning Commission*

**Item:**

Zoning

**Caspita Industries Inc.**

**7A & 8A**

**Case Number: # Z-13-010**

**PD GENERAL PROVISIONS**  
**AND DEVELOPMENT REGULATIONS**  
**Old Mill Village**

**I. GENERAL PROVISIONS**

The development of the Property (as defined below) shall be referred to herein as the Project.

**A. CITY CODE**

All references to "City Code" as referenced herein, shall mean the City of Cedar Park (the "City") Code of Ordinances as enacted through Ordinance CO26-13-03-25-C2 adopted 3/28/13, and as amended from time to time. Except as may be expressly provided herein, the Project shall be required to comply with all applicable requirements of City Code.

**B. STATEMENT OF PURPOSE AND INTENT**

The purpose of this Planned Development Ordinance (the "PD") is to ensure a PD that permits new or innovative concepts in land utilization not permitted by a single zoning district within the City of Cedar Park Zoning Code. The PD designation allows the flexibility needed for development of the Project and additional enhancements that will ensure the Project is in general harmony with the surrounding properties and the general plan of the City.

**C. PERMITTED USES**

The uses that are permitted on the Property shall be any uses allowed under the following Districts: ES, SF-1, SF-2, SF-3, TH, and CD, including but not limited to townhome style condominium units and detached, cluster condominium units. Any use not permitted by the above-described Districts shall be prohibited.

**D. PROPERTY**

This PD covers approximately 10.51 acres of land, located within the city limits of the City, and more particularly described in EXHIBIT A (the "Property").

**E. LAND USE PLAN**

A PD Land Use Plan ("Land Use Plan") for the proposed planned development is attached as EXHIBIT B. The Land Use Plan provides a visual depiction of the Property, the permitted uses, the basic location and layout of the Project and the applicable site development regulations for the planned development. The Land Use Plan does not constitute a preliminary or final plat or a site plan and all other applicable subdivision and site plan requirements of the City shall be required for the Project. The layout of the Project as shown on EXHIBIT B is conceptual only and the detailed layout and configuration of the Project shall be as shown on the site plan for the Project.

July 16, 2013

*Planning and Zoning Commission*

Item:

Zoning

**Caspita Industries Inc.**

**7A & 8A**

**Case Number: # Z-13-010**

**F. DECLARATION AND OWNERS' ASSOCIATION**

The Project shall be covered by a Declaration of Covenants (the "Declaration") which shall establish certain terms and conditions related to ownership and use of property or dwelling units within the Project. The Declaration shall further establish mandatory membership in a property owners' association (the "Association"), which shall be responsible for providing, operating and maintaining the facilities, grounds, parking and drive areas, open spaces, detention, and amenity areas. The Declaration and any related governance documents for the Project shall be reviewed by the City to assure compliance with the provisions of Section 11.02.273(K) of the City Code, as amended.

**II. SITE DEVELOPMENT REGULATIONS**

**A. DEFAULT DEVELOPMENT REGULATIONS**

Except as specifically modified herein, the zoning development regulations that apply to the PD are those development regulations in the City Code, as amended, as required under each respective zoning district associated with the chosen permitted use(s) for the Project in Section I.C., above. For example, any portion of the Project that employs uses that are appropriate under SF-1 zoning would be required to comply with the development standards applicable to the SF-1 District.

**B. SPECIFIC DEVELOPMENT CRITERIA FOR THE PD**

The following provisions shall apply to the Project in addition to the applicable requirements of the City Code.

1. Ingress\Egress from the Project. The Project shall be limited to a single point of public access to the Project and one emergency point of access as generally shown on the Land Use Plan.
2. Buffer Areas\Rear Setback. In addition to the applicable City Code requirements, the Project shall be required to have a twenty five foot (25') buffer yard area between any improvements within the Project and the adjacent residential properties to the south of the Project. The buffer yard is depicted on the Land Use Plan and shall have the meaning as set forth in Section 14.07.006(b)(9) of the City Code, as amended. Additionally, the Project shall be required to have a fifty foot (50') building setback from between any buildings within the Project and the adjacent residential properties to the south of the Project. The fifty foot (50') wide building setback is shown on the Land Use Plan and shall be inclusive of the twenty five foot (25') buffer yard area.
3. Building Orientation. The Project is adjacent to single-family residential homes on the southern boundary of the Project as shown on the Land Use Plan. Each dwelling unit that is built adjacent to the southern boundary of the Project shall be oriented such that the side of such dwelling unit faces the southern boundary, the intent being that no rear yards of dwelling units are facing the adjoining single-family uses.
4. Building Height\Number of Stories. No building constructed within the Project shall exceed two (2) stories in height.



July 16, 2013

*Planning and Zoning Commission*

**Item:**

Zoning

**West Parke**

**7B & 8B**

**Case Number: Z-13-013**

**OWNER/APPLICANT:** GLL Investors, LLC, Edward Campos, and Susan Merkert-Campos

**AGENT:** William Newton

**STAFF:** Rian Amiton, 401-5054, [rian.amiton@cedarparktexas.gov](mailto:rian.amiton@cedarparktexas.gov)

**LOCATION:** 1507, 1509, 1607 and 1609 West Park Street

**COUNTY:** Williamson County

**AREA:** 17.65 acres

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**EXISTING ZONING:** Single-Family Residential, Large Lot (SF)

**PROPOSED ZONING:** Single-Family Residential, Urban Lot (SF-3)

**STAFF RECOMMENDATION:** Single-Family Residential, Urban Lot – Conditional Overlay (SF-3-CO)

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**EXISTING FUTURE LAND USE PLAN DESIGNATION:** Low Density Residential

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**SUMMARY OF APPLICANTS' REQUEST:**

The Applicants' request is to rezone a total of approximately 17.65 acres from Single-Family Residential, Large Lot (SF) to Single-Family Residential, Urban Lot (SF-3).

**EXISTING SITE and SURROUNDING LAND USES:**

This site is currently comprised of four large single family residential lots. It is bordered on the south, east, and northeast by single family residential subdivisions. To the west are three lots zoned Transitional Office (TO); one lot on the corner of West Park Street and North Lakeline Boulevard is an orthodontist office, and the other two remain undeveloped. Abutting the site to the northwest is a large undeveloped lot zoned Light Industrial (LI).

July 16, 2013

Planning and Zoning Commission

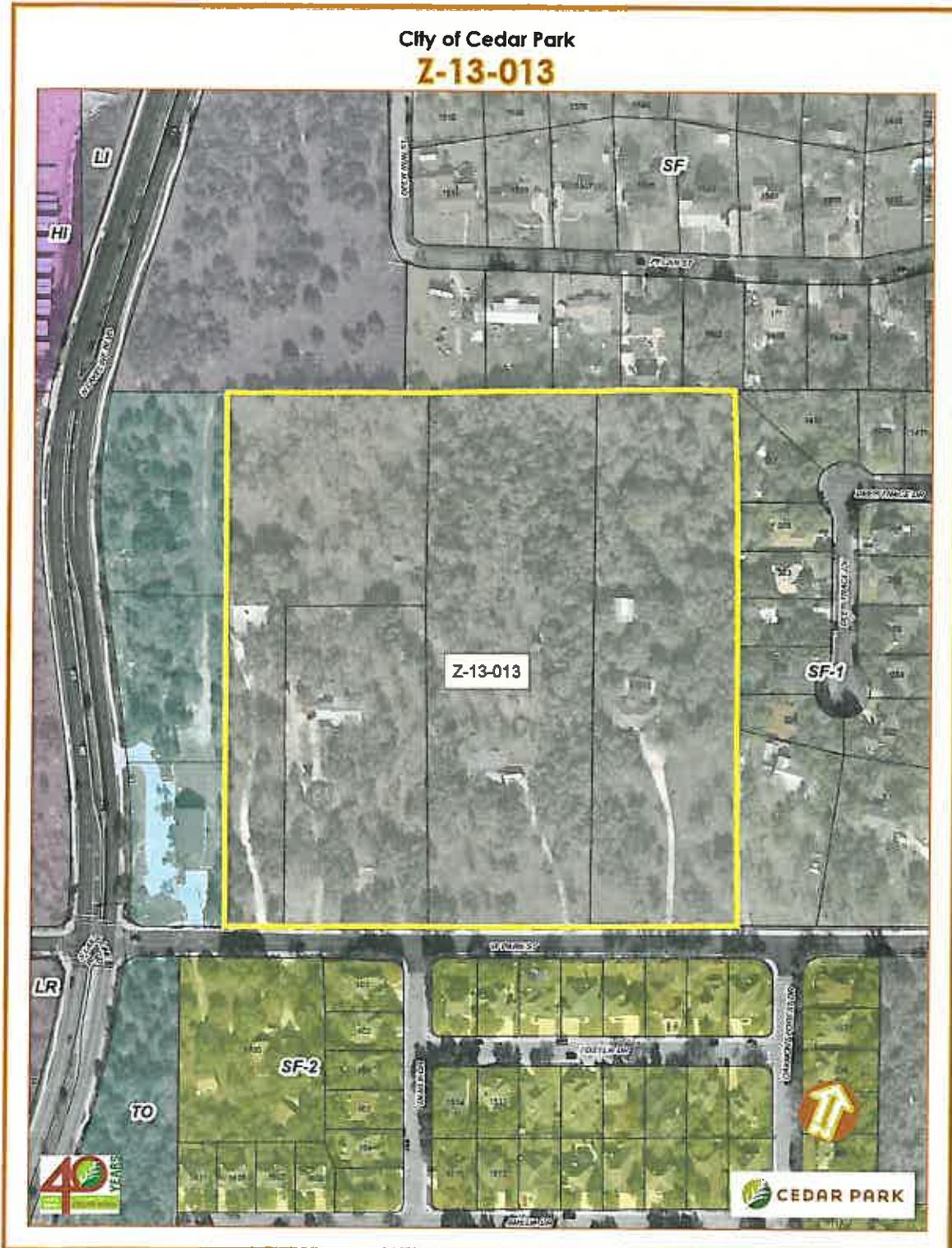
Item:

Zoning

West Parke

7B & 8B

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*Planning and Zoning Commission*

Item:

Zoning

**West Parke**

**7B & 8B**

**Case Number: Z-13-013**

**PURPOSE OF REQUESTED ZONING DISTRICT:**

The Single-Family Residential, Urban Lot, SF-3, is established to provide for standard urban sized lots that allow for low density single-family residential developments at a more compact urban scale. 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 SF-3:**

- Single-family dwellings, detached
- Parks, playgrounds, (owned and/or operated by the city or other governmental agency)
- 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 buildings
- Utility services, general
- Accessory structures
- Customary home occupations
- Private schools (accredited only, with curriculum equivalent to that of a public elementary or secondary school)
- Group Home

**FUTURE LAND USE PLAN:**

The Future Land Use Plan (FLUP) identifies the subject area for Low Density Residential, with compatible zoning districts of Rural Agricultural (RA); Single-Family Residential, Large Lot (SF); Single-Family Residential, Large Suburban Lot (SF-1); Single-Family Residential, Large Urban Lot (SF-2); Single-Family Residential, Urban Lot (SF-3); and Manufactured Home Residential (MH).

The Applicants' request complies with the FLUP. No change in the FLUP would be necessary.

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*Planning and Zoning Commission*

**Item:**

Zoning

**West Parke**

**7B & 8B**

**Case Number: Z-13-013**

**COMPREHENSIVE PLAN:**

The request for SF-3 is in compliance with these 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:***

North Lakeline Boulevard is a corridor roadway. About one-third of the subject area (approximately 6 acres) is within the Corridor Overlay (CO).

***Transportation:***

West Park Street is classified as a minor arterial roadway. In 2008, the traffic count on Park Street, east of Lakeline was 2,414 vehicles per day.

***Subdivision:***

The property is not yet platted.

***Setback Requirements:***

	SF-3
Front Setback	25'
Side Setback	5'
Side Setback Adjacent to Public Street	15'
Rear Setback	10'

***Architectural Requirements:***

The SF-3 district requires 50% masonry construction on building exteriors, exclusive of doors and windows.

***Case History:***

None.

July 16, 2013

*Planning and Zoning Commission*

**Item:**

Zoning

**West Parke**

**7B & 8B**

**Case Number: Z-13-013**

**STAFF COMMENTARY:**

The 17.65 acre subject area to be rezoned to Single-Family Residential, Urban Lot (SF-3) is currently comprised of four large single-family lots.

The City's Zoning Ordinance offers four standard single family zoning districts. The permitted uses for SF and SF-3 are the same, with the exception of Accessory Dwelling Units, which are only allowed in SF. The only substantive differences between these zoning designations, therefore, are the minimum dimensional requirements. These are outlined below:

Zoning District	SF	SF-3
Front Setback	25'	25'
Side Setback	20'	5'
Side Setback adjacent to public street	25'	15'
Rear Setback	25'	10'
Minimum Site Area	10,000 sf	5,000 sf
Minimum Lot Width	80'	50'
Minimum Lot Depth	125'	100'
Minimum Lot Size	10,000 sf	5,000 sf
Maximum Height	35'	35'

Concurrent with this rezoning application is a preliminary plan application that proposes 56 single-family lots on the site. The preliminary plan shows rear setbacks consistent with the SF district. However, the side setbacks (including those adjacent to public streets), lot widths, and lot depths do not comply with SF requirements. 52 of the 56 lots meet the 10,000 square-foot minimum lot size allowed in SF; the remaining four come close but fall just short (between 9,450 and 9,972 square feet). Existing residential subdivisions along West Park are all zoned SF, SF-1, or SF-2.

**STAFF RECOMMENDATION:**

Staff recommends approval of the Applicants' request for SF-3 zoning with the following conditions:

- 10,000 square foot minimum lot size
- 25 foot minimum rear yard setback

The Applicants' Agent, William Newton, has indicated that the Applicants are amenable to these proposed conditions.

**APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:**

Not received.

**PUBLIC INPUT:** To date, staff has received two resident inquiries via phone about the nature of the proposed rezoning. Neither resident expressed support or opposition.

July 16, 2013

*Planning and Zoning Commission*

**Item:**

Zoning

**West Parke**

**7B & 8B**

**Case Number: Z-13-013**

**PUBLIC NOTIFICATION:**

Cedar Park-Leander Statesman July 3, 2013

63 letter notices were sent to property owners within the 300' buffer of the initial rezoning request

**PROPOSED CITY COUNCIL HEARINGS:**

(August 8, 2013) 1<sup>ST</sup> Reading

(August 22, 2013) 2<sup>ND</sup> Reading

July 16, 2013

*Planning and Zoning Commission*

**Item:**

Zoning

**De Amor Tequila**

**11A**

**Case Number: Z-13-014**

**OWNER/APPLICANT:** Fourth NHP Holdings, LP

**AGENT:** Terray Glasman, De Amor Tequila LLC

**STAFF:** Rian Amiton, 401-5054, [rian.amiton@cedarparktexas.gov](mailto:rian.amiton@cedarparktexas.gov)

**LOCATION:** 300 Brushy Creek Road

**COUNTY:** Williamson County

**AREA:** 3.19 acres

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**EXISTING ZONING:** General Retail (GR)

**PROPOSED ZONING:** General Retail (GR) with a Conditional Use Permit (CUP) to allow for "Warehouse and Distribution, Limited"

**STAFF RECOMMENDATION:** General Retail (GR) with a Conditional Use Permit (CUP) to allow for "Warehouse and Distribution, Limited"

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**EXISTING FUTURE LAND USE PLAN DESIGNATION:** Industrial

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**SUMMARY OF APPLICANT'S REQUEST:**

The Applicant's request is for a Conditional Use Permit to allow for "Warehouse and Distribution, Limited" on 3.19 acres in a General Retail (GR) district.

**EXISTING SITE and SURROUNDING LAND USES:**

Brushy Creek Business Park (300 Brushy Creek Road) is comprised of five buildings divided into 21 individual office/warehouse units dating to the 1990s. Units in Brushy Creek Business Park currently house a wide range of primarily commercial tenants including Welltronics, Sense & Color School of Music, Crossfit Valor, Travertine Artisans, Tech Excess, Mustang Project Auto LED Lighting, In Your Space Art Design Studio, Austin Pacesetter Concrete, Life Church, and Kosel A/C and Heating. Adjacent to the east is the Cedar Business Park, featuring similar office/warehouse units. Across the street to the north are AFS Environmental and the Blue Creek commercial plaza. The railroad right-of-way abuts the property to the south.

July 16, 2013

Planning and Zoning Commission

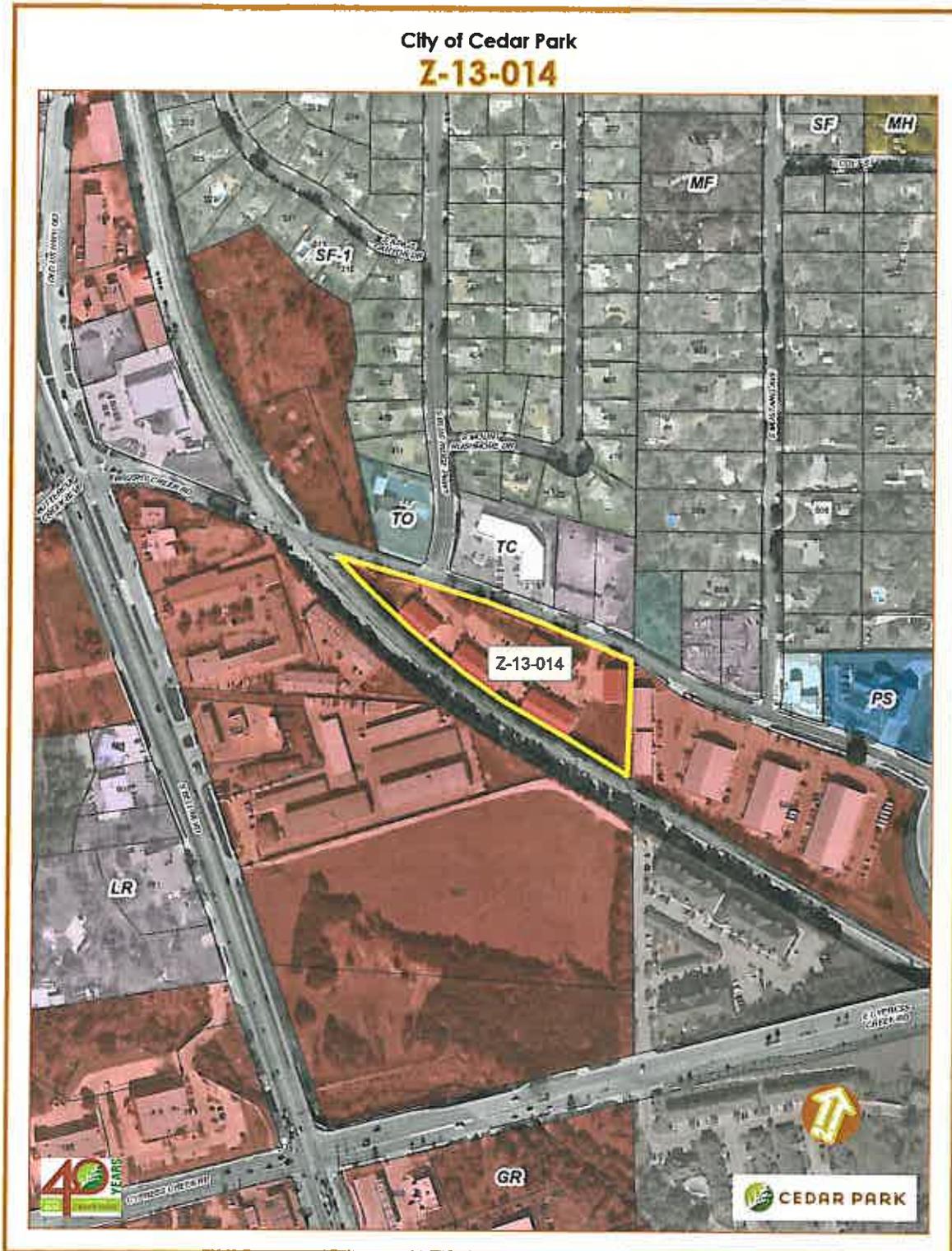
Item:

Zoning

De Amor Tequila

11A

Case Number: Z-13-014



July 16, 2013	<i>Planning and Zoning Commission</i>	<b>Item:</b>
Zoning	<b>De Amor Tequila</b>	<b>11A</b>
<b>Case Number: Z-13-014</b>		

**PURPOSE OF THE CONDITIONAL USE PERMIT:**

A Conditional Use Permit ("CUP") may be granted to certain land uses that are not permitted by right in some or all zoning districts of the City, but are nevertheless recognized as being desirable to the full function and development of the City under appropriate circumstances and in conformity with the goals and objectives of the City's Comprehensive Plan. Conditional use permits shall provide a means whereby proposals for such land uses may be examined on a case-by-case basis to determine whether, and under what conditions, these uses may be permitted.

**FUTURE LAND USE PLAN:**

The Future Land Use Plan (FLUP) identifies the subject area for Industrial, with compatible zoning districts of Commercial Services, (CS), Heavy Commercial (HC), Light Industrial (LI), General Industrial (GI), and Heavy Industrial (HI).

The Applicant's request complies with the FLUP. No change in the FLUP would be necessary.

**COMPREHENSIVE PLAN:**

The request for a Conditional Use Permit is in compliance with these goals of the Comprehensive Plan:

4.1.6 Economic Development Goals

- 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, which supports existing businesses.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.

**SITE INFORMATION:**

***Corridor Overlay:***

The site is not within the Corridor Overlay (CO).

***Transportation:***

Brushy Creek Road is classified as a collector roadway. In 2010, the traffic count on Brushy Creek Road, east of 183, west of Cougar was 7,251 vehicles per day.

***Subdivision:***

The property is not yet platted.

***Case History:***

Case #	Request	P&Z Recommendation	CC Action
Z-97-014	Interim R-1 to GR	Recommended	Approved

July 16, 2013

*Planning and Zoning Commission*

Item:

Zoning

**De Amor Tequila**

**11A**

**Case Number: Z-13-014**

**STAFF COMMENTARY:**

De Amor Tequila manufactures and imports tequila. The company hopes to locate the local warehousing and distribution of its product within the GR zoning district at 300 Brushy Creek Road, Unit #401. No on-site sale or consumption of the product is anticipated. This use fits the definition in the City's Zoning Ordinance for "Warehouse and distribution, limited":

*The use of a site for provision of wholesaling, storage, or warehousing services within an enclosed structure. This use includes wholesale distributors, storage warehouses, and moving or storage firms.*

"Warehouse and distribution, limited" requires a Conditional Use Permit within the GR district. Per Sec. 11.02.311 of the City's Zoning Ordinance, in considering Conditional Use Permits the Planning and Zoning Commission is instructed to evaluate whether the application sufficiently addresses three factors:

- Access, circulation, and loading – Brushy Creek Business Park features two points of ingress/egress, as well as sufficient aisle widths and garage doors to easily load and unload at each unit.
- Compatibility with adjacent properties – Brushy Creek Business Park was designed to accommodate warehousing and distribution activities. Several similar businesses already operate out of the site, as well as out of the adjacent Cedar Business Park. The site is entirely surrounded by commercial properties.
- Compliance and with the goals and objectives of the Comprehensive Plan, as amended – The FLUM identifies the site for Industrial. "Warehousing and distribution, limited" is a permitted use within the Heavy Commercial (HC) and Light Industrial (LI) districts, both of which are compatible with the Industrial FLUM designation. The request also meets the goals of the Comprehensive Plan listed above.



Brushy Creek Office Park, 300 Brushy Creek Road

July 16, 2013

*Planning and Zoning Commission*

Item:

Zoning

**De Amor Tequila**

**11A**

**Case Number: Z-13-014**

**STAFF RECOMMENDATION:**

Based on the review factors, the Brushy Creek Business Park is an appropriate location for this use. Staff recommends approval of the Applicant's request for a Conditional Use Permit to allow for "Warehouse and Distribution, Limited".

**APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:**

Not received.

**PUBLIC INPUT:**

To date, staff has received one written comment in support of the application (below).

Name: Nelson H. Puett Address: 1718 W. Anderson Lane, Austin

I am in favor, this is why (below) •  I am not in favor, and this is why \_\_\_\_\_

\_\_\_\_\_  
• *Nelson H. Puett*  
• \_\_\_\_\_

I see no potential disturbance of the neighboring community, and I believe it is good for business in Cedar Park.

**PUBLIC NOTIFICATION:**

Cedar Park-Leander Statesman July 3, 2013  
24 letter notices were sent to property owners within the 300' buffer of the initial rezoning request

July 16, 2013

*Planning and Zoning Commission*

Item:  
12A

Ordinance  
Amendment

**Ordinance Amendment - Zoning Chapter 11  
Portable and Temporary Buildings**

**OA-13-005**

**STAFF:** Rawls Howard, 401-5066, [rawls.howard@cedarparktx.gov](mailto:rawls.howard@cedarparktx.gov)

In an effort to provide flexibility for expanding businesses, staff is proposing the following amendment to Chapter 11, Zoning regarding temporary and portable buildings. The amendments will 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 will be contingent upon removal of the portable building.

This amendment was originally heard by the Planning and Zoning Commission on May 21, 2013. Since that time, modifications to the language have been made to require that portable buildings only be allowed after issuance of a building permit for permanent structures on the site. The modified language is highlighted in yellow below.

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**ARTICLE 11.01 ZONING ORDINANCE  
DIVISION 2: GENERAL COMPLIANCE**

**Sec. 11.01.010 Portable ~~and temporary~~ buildings during construction**

A. Portable ~~or temporary~~ buildings shall be permitted for the purpose of preleasing spaces, initial job recruitment or uses incidental to constructing permanent structures on the premises; provided ~~Such portable or temporary buildings shall conform to and comply with all applicable ordinances, and shall be removed no later than thirty (30) days after the~~ earlier of the completion or abandonment cessation of construction, preleasing, or recruitment on the premises. ~~work. No temporary living quarters shall be permitted in such portable or temporary buildings.~~

B. Portable ~~and temporary~~ buildings shall be permitted ~~subject to compliance with all applicable ordinances related thereto, provided that a portable or temporary building of less than seven hundred fifty (750) square feet shall be allowed only when incidental to the construction of a permanent structure. Temporary buildings are excluded from masonry requirements in a district.~~ exclusively for the purpose of temporary office space during the construction of new permanent office structures or the expansion or renovation of existing permanent structures on the premises; provided, however:

1. A building permit has been issued for such construction, expansion, or renovation prior to issuance of the temporary portable building permit and continues to progress throughout the term of the temporary portable building permit;

2. Such portable buildings shall be permitted for a period no longer than twelve (12) consecutive months, plus, if the Building Official determined that the construction,

July 16, 2013

*Planning and Zoning Commission*

Item:

12A

Ordinance  
Amendment

**Ordinance Amendment - Zoning Chapter 11  
Portable and Temporary Buildings**

**OA-13-005**

expansion, or renovation continues to progress, not more than two (2) extensions of six (6) months each, and;

3. No final Certificate of Occupancy shall be issued for a permanent structure on the premises until the portable building is permanently removed.

C. Portable buildings permitted under this section are subject to the following criteria:

1. Portable buildings shall conform to and comply with all applicable ordinances;

2. Residential uses shall not be permitted in portable buildings; and

3. Portable buildings are excluded from masonry requirements in a district.

D. The Building Official may revoke any temporary portable building permit for any portable building places, used, or maintained in violation of this Section. Placing, using, or maintaining a portable building without a permit and/or in violation of this Section shall be a misdemeanor offense enforceable pursuant to Section 1.01.009 of this Code, as amended.

**Engineering Standard Subdivision Notes**  
**Revised July 2, 2013**

1. Subdivision construction and site development construction plans and specifications for all subdivision or site improvements shall be reviewed and approved by the City of Cedar Park prior to any construction within the subdivision.
2. All subdivision construction shall conform to the City of Cedar Park Code of Ordinances (CPCO), construction standards, and generally accepted engineering practices.
3. On-site storm water detention facilities will be provided to reduce post-development peak rates of discharge of the 2, 10, 25 and 100-yr. storm events.
4. The owner of this subdivision assumes responsibility for plans for construction of subdivision improvements which comply with CPCO and all other applicable codes and requirements of the City of Cedar Park. The owner understands and acknowledges that plat vacation or replatting may be required, at the owner's sole expense, if plans to construct this subdivision do not comply with such codes and requirements.
5. No lot in this subdivision shall be occupied until connected to the City of Cedar Park water distribution and wastewater collection facilities.
6. This subdivision plat was approved and recorded before the construction and acceptance of streets and/or other subdivision improvements. The owner of this subdivision is responsible for the construction of all streets, water systems, wastewater systems, and other facilities necessary to serve the lots within the subdivision.
7. Wastewater and water systems shall conform to TCEQ (Texas Commission on Environmental Quality) and State Board of Insurance requirements. The owner understands and acknowledges the plat vacation or re-platting may be required, at the owner's sole expense, if plans to develop this subdivision do not comply with such codes and requirements.
8. No buildings, fences, landscaping or other structures are permitted within drainage easements shown, except as approved by the City of Cedar Park Engineering Department.
9. Property owner shall provide for access to drainage easements as may be necessary and shall not prohibit access by City of Cedar Park.
10. All easements on private property shall be maintained by the owner. All owners or occupants of property shall maintain their property in a clean and litter-free manner, including sidewalks, grass strips, one-half (1/2) of alleys, curbs and rights-of-ways up to the edge of the pavement of any public street in accordance with CPCO Section 8.06.006 Maintenance of Property, as amended.
11. If subdivision construction improvements are required but are not to be constructed, as assurance of completion of said improvements, fiscal surety, in a form acceptable to the City of Cedar Park, shall be provided prior to plat recordation pursuant to the CPCO- Chapter 12 Subdivision Regulation, as amended.

12. In addition to the easement(s) shown hereon, a ten (10) foot wide public utility easement (P.U.E.) is hereby dedicated adjacent to street ROW on all lots. A five (5) foot wide P.U.E. is hereby dedicated along each side lot line. A seven and one half (7 ½) foot wide P.U.E. is hereby dedicated adjacent to all rear lot lines.
13. Community impact fees for individual lots to be paid prior to issuance of any building permits.
14. Developer shall be responsible for all relocation and modifications to existing utilities as required by development plans. Temporary and permanent easements to be provided as required for off-site water, wastewater and drainage improvements.
15. No portion of this tract is within a flood hazard area as shown on the FEMA Flood Insurance Rate Map Panel # \_\_\_\_\_ for Williamson Co./Travis Co., effective \_\_\_\_ (Date)\_\_\_\_\_.
16. All proposed access points and/or access easements intersecting with public roadway ROW shall be in compliance with City Access Standards as described in CPCO Chapter 14, as amended.
17. This site (is/is not) located within the Edwards Aquifer Contributing Zone. Development of this site will comply with all applicable TCEQ Edwards Aquifer rules.
18. This subdivision (is/is not) subject to the Lake Travis Non-point Source Pollution Control Ordinance of the CPCO, as amended. A non-point source pollution development permit is required prior to any construction within the subdivision.
19. Prior to subdivision/site plan approval, the project engineer shall submit to the City of Cedar Park Engineering Department documentation of subdivision/site registration with the Texas Department of Licensing and Regulations (TDLR) and provide documentation of review and compliance of the subdivision construction plans with Texas Architectural Barriers Act (TABAA).
20. All proposed fences and walls adjacent to intersecting public roadway right-of-way or adjacent to private access points shall be in compliance with CPCO Section 14.05.007 Sight Distance Requirements, as amended. Installing a fence or wall which does not comply with the City's Sight Distance Requirements or Fencing Regulations is a violation of the City's Ordinance and may be punishable pursuant to CPCO Section 1.01.009, as amended.
21. Sidewalks shall be installed on the subdivision side of (roadway name) in accordance with CPCO Section 12.12.004 Sidewalks, as amended. Those sidewalks not abutting a residential, commercial, or industrial lot shall be installed when the adjoining street is constructed. Where there are double frontage lots, sidewalks on the street to which access is prohibited are also required to be installed when the streets in the subdivision are constructed.
22. References to "owner" herein shall mean the property owner and all successors and assigns.