



CITY OF CEDAR PARK
REGULAR CALLED MEETING OF THE
PLANNING & ZONING COMMISSION
TUESDAY, NOVEMBER 19, 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, Secretary
 KEVIN HARRIS, Place 3

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
 - A. Recognition of Michael Dion's Service on the Planning and Zoning Commission
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
3. MINUTES:
 - A. Approve Minutes from the Regular Meeting of October 15, 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. Starwood Oaks Subdivision (SFP-13-013)
4.8 acres, 3 commercial lots
Located south of RM 1431 and west of Starwood Drive
Owners: Ausrad Properties, LP
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
 2. Cedar Park Villas Subdivision (SFP-13-014)
5.58 acres, 1 multifamily lot
Located on the west side of South Bell Boulevard/US 183, south of Little Elm Trail
Owners: Milestone Community Builders, LLC
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
 3. Anderson Mill Commercial Subdivision Preliminary Plan (PP-13-005)
48.35 acres, 3 commercial lots

Located on the southwest corner of West Whitestone Boulevard (RM 1431) and North Lakeline Boulevard
Owners: Acme Brick Company
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

4. Anderson Mill Commercial Subdivision Final Plat (FP-13-009)
79.82 acres, 4 commercial lots
Located on the southwest corner of West Whitestone Boulevard (RM 1431) and North Lakeline Boulevard
Owners: Acme Brick Company
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
5. Cypress Creek Commercial No. 2, Resubdivision of Lots 2 & 7 Block A (SFP-13-015)
12.1 acres, 3 commercial lots
Located on the west side of South Lakeline Boulevard, south of Cypress Creek Road
Owners: Supermarket Sites Investment, Ltd. and Lakeline Center, Cedar Park, Ltd.
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. The Shops at Park Street Subdivision (SFP-13-010)
7.51 acres, 3 commercial lots
Located north of East Park Street and West of North Vista Ridge Boulevard
Owners: Carolville Ltd.
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve
2. Mackenzie Meadows Partial Plat Vacation (related to item 5B3)
32.84 acres, Lots 1-7
Located near the southwest corner of County Road 180 and Ronald Reagan Boulevard
Owner: Cab-Com 32 LP
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve partial plat vacation
3. Reserve at Caballo Ranch Subdivision (SFP-12-010)
31.8 acres, 2 commercial lots, 1 condominium lot
Located near the southwest corner of County Road 180 and Ronald Reagan Boulevard
Owner: Caballo Investments
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve plat

C. EXCUSED ABSENCES FOR PLANNING AND ZONING COMMISSIONERS:

1. Holly Hogue, October 15, 2013

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Cedar Park Town Center, Z-13-006 – Postponement request by applicant to December 17, 2013
- B. Ozone Lakeline, Z-13-011 – Postponement request by applicant to December 17, 2013
- C. Abrantes Phase V, Z-13-021 – Postponement request by applicant to December 17, 2013
- D. Misty Valley, Z-13-027 – Postponement request by applicant to December 17, 2013
- E. Old Mill Village, Z-13-007 – Application Withdrawn. No Action Required.
- F. Ann Seaman, Z-13-015 – Pulled. No Action Required.

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. West Star, Z-13-022 (related to item 8A)
- B. Arguindegui, Z-13-023 (related to item 8B)
- C. Anderson/Pfluger/Weiss, Z-13-024 (related to item 8C)
- D. Buttercup Creek Condominiums, Z-13-026 (related to item 8D)

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by Mass Project Managers & Consultant Ltd. to rezone approximately 0.115 acres of General Office (GO) to Local Retail (LR) for property located at 3109 Kenai Drive. (Z-13-022)
Owner: Mass Project Managers & Consultant Ltd.
Agent: Umesh Mehta
Staff resource Person: Rian Amiton
Staff proposal to P&Z: Local Retail (LR)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report
- B. Consider a request by Arguindegui Investments, Ltd. to rezone approximately 3.00 acres of Local Retail (LR) to General Retail (GR) for property located at the northwest corner of North Lakeline Boulevard and West Park Street. (Z-13-023)
Owner: Arguindegui Investments, Ltd.
Agent: Charles West
Staff resource Person: Rian Amiton
Staff proposal to P&Z: General Retail (GR)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report
- C. Consider a request by Thomas Anderson, Mary Weiss, and Alice Pfluger to assign original zoning of Single Family-Large Urban Lot (SF-2) to approximately 34.65 acres located north of Arrow Wood Road. (Z-13-024)
Owner: Thomas Anderson, Mary Weiss, and Alice Pfluger
Agent: Paul Lineman and Jim Vater
Staff resource Person: Rian Amiton
Staff proposal to P&Z: Single Family-Large Urban Lot with a Conditional Overlay to require minimum 65 foot lot widths (SF-2-CO)

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

D. Consider a request by Two One Holdings, LLC to rezone approximately 6.65 acres from Multifamily Residential (MF) to Townhome Residential (TH) for property located at 404 Buttercup Creek Boulevard. (Z-13-026)

Owner: Two One Holdings, LLC

Agent: Geoff Guerrero

Staff Resource Person: Rian Amiton

Staff proposal to P&Z: Alternate Recommendation of Condominium Residential (CD)

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

9. FUTURE LAND USE PLAN AMENDMENTS:

A. Future Land Use Amendment for property located at the northwest corner of North Lakeline Boulevard and West Park Street (related to item 8B).

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

11. CONDITIONAL/SPECIAL USE PERMITS (ACTION AND PUBLIC HEARING): **NONE**

12. ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

A. Consideration of a proposed revision to the Code of Ordinances: specifically, to amend, Chapter 12 Subdivision, Article 12.12 Design Standards, Section 12.12.003 Streets and Article 12.14 Private Streets and Gated Subdivisions to amend the regulations regarding private streets. (OA-13-007)

Staff Resource Person: Amy Link

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

13. DISCUSSION AND POSSIBLE ACTION:

A. Discussion and possible action regarding amendment to the Rules and Procedure of the Planning and Zoning Commission regarding excused absences.

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 October 24th and November 7th
- B. Director and Staff Comments
- C. Commissioners Comments
- D. Request for Future Agenda Items
- E. Designate Delegate to Attend Next Council Meetings on November 21st and December 12th

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 such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session Items on this agenda, if any.

CERTIFICATE

I certify that the above notice of the Regular Called Planning and Zoning Commission Meeting of the City of Cedar Park, Texas was posted on the bulletin board of the City of Cedar Park City Hall, 450 Cypress Creek Road, Building Four, Cedar Park, Texas. This notice was posted on:

NOV 15 '13 PM 4:53

Date Stamped (Month, Day, Year, AM/PM, Time)

The Cedar Park City Hall Complex Meeting Rooms are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (512) 401-5002 or Fax (512) 401-5003 for further information.



Development Services Department

Notice Removed: _____
Date Stamped (Month, Day, Year, AM/PM, Time)

MINUTES FOR
CITY OF CEDAR PARK
PLANNING & ZONING COMMISSION
TUESDAY, OCTOBER 15, 2013 AT 6:30 P.M.
450 CYPRESS CREEK ROAD, BUILDING FOUR, CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> SCOTT ROGERS, Place 1 | <input checked="" type="checkbox"/> NICHOLAS KAUFFMAN, Place 5, Chair | <input checked="" type="checkbox"/> KELLY BRENT, Place 7 |
| <input checked="" type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input checked="" type="checkbox"/> AUDREY WERNECKE, Place 4, Vice Chair | <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. Six Commissioners were present and a quorum was declared. Secretary Hogue was absent. Chair Kauffman 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 September 17, 2013 and Special Called Meeting of October 1, 2013
MOTION: Commissioner Brent moved to approve the Minutes of the Regular Meeting of September 17, 2013 and the Special Called Meeting of October 1, 2013 as presented. Vice Chair Wernecke 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. Cedar Park Town Center Live/Work Subdivision (SFP-13-012)
10.85 acres, 1 multifamily lot and 1 commercial lot
Located north of Main Street and west of Discovery Boulevard
Owners: V-S Cedar Park LTD
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

 2. Scottsdale Crossing, Replat of Lots 1, 2 & 3 Blk A (FPD-13-007)
7.62 acres, 3 commercial lots into 2
Located east of 183A Toll Road, north of E. New Hope Drive, and south of Scottsdale Drive
Owner: Pecan Grove-SPVEF, LP
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

 - B. SUBDIVISION APPROVALS:
 1. Ranch at Brushy Creek Section 10A (FP-13-007)
17.47 acres, 84 residential lots and 1 landscape/drainage lots
Located on Frontier Lane near Dry Gulch Bend
Owners: Silverado Austin Development LTD and Standard Pacific of Texas Inc.
Staff Resource: Amy Link

Staff Proposal to P&Z: Approve

C. EXCUSED ABSENCES FOR PLANNING AND ZONING COMMISSIONERS:

1. Holly Hogue, October 1, 2013

MOTION: Commissioner Brent moved to recommend approval of Consent Agenda Items 5.A.1 through 5.C.2 as presented. Commissioner Harris seconded the motion. The motion passed unanimously, 6-0, with one absent.

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Cedar Park Town Center, Z-13-006 – Postponement request by applicant to November 19, 2013
- B. Old Mill Village, Z-13-007 – Postponement request by applicant to November 19, 2013
- C. Abrantes Section V, Z-13-021 – Postponement request by applicant to November 19, 2013

Planning Manager Amy Link advised that the applicants had requested postponement to November 19, 2013 for cases Z-13-006, Z-13-007 and Z-13-021. She advised that the applicant for case Z-13-011 (Items 7A and 8A) had requested a postponement after the agenda had been posted.

MOTION: Commissioner Harris moved to postpone Items 6A through 6C, 7A and 8a to November 19, 2013 as requested. Commissioner Balestiere seconded the motion. The motion passed unanimously, 6-0, with one absent.

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. Ozone Lakeline, Z-13-011 (related to item 8A) *Postponed to 11/19/13 (See Item 6)*
- B. Thousand Oaks, Z-13-020 (related to item 8B)

MOTION: Vice Chair Wernecke moved to accept the Preliminary Report for Item 7B (Z-13-020), as presented. Commissioner Brent seconded the motion. The motion passed unanimously, 6-0, with one absent.

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by Ozone Technology, Inc. to rezone approximately 3.48 acres from Single Family (SF) to Local Retail (LR) with a Conditional Overlay to provide a 50 foot buffer along the northern property line and a 35 foot maximum height, for property located on the east side of West Riviera Drive, just north of South Lakeline Boulevard. (Z-13-011)
Owner: Ozone Technology, Inc.
Agent: Jennie Braasch
Staff Resource Person: Rian Amiton
Staff proposal to P&Z: **Postpone to November 19, 2013**
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report

Case postponed to November 19, 2013 (See Item 6).

- B. Consider a request by Whitney Walsh, Bryant Avery, Mary Ellen Avery, Marilyn Avery, and Mark & Luann Lewis to rezone approximately 21.70 acres from Single Family-Large Lot (SF) to Single Family-Urban Lot (SF-3) with a Conditional Overlay to require a 10,000 SF minimum lot size and 20 foot rear setback, for property located on the north side of West Park Street, east of San Mateo Terrace. (Z-13-020)
Owner: Whitney Walsh, Bryant Avery, Mary Ellen Avery, Marilyn Avery, and Mark & Luann Lewis

Agent: William Newton

Staff resource Person: Rian Amiton

Staff proposal to P&Z: Single Family-Urban Lot-Conditional Overlay with a Conditional Overlay to require a 10,000sf minimum lot size and 25 foot rear setback (SF-3-CO).

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

Planner Rian Amiton made the presentation and was available for questions. The applicant requested rezoning a total of approximately 21.70 acres from Single-Family Residential, Large Lot (SF) to Single-Family Residential, Urban Lot – Conditional Overlay (SF-3-CO) with the following conditions: 1) 10,000 square foot minimum lot size and 2) twenty (20) foot minimum rear yard setback located on the north side of West Park Street and east of San Mateo Terrace. The site is currently undeveloped. The Applicant's Communication Summary had not been received. The request is compliant with the Future Land Use map and the Comprehensive Plan Goals. Staff recommended approval of the applicant's request for SF-3 zoning with the following conditions: 1) 10,000 square foot minimum lot size and 2) twenty-five (25) foot minimum rear yard setback. Will Newton, agent, was present to answer questions. He indicated that the applicants were amenable to the proposed conditions.

A public hearing was held on the above item. The following completed recognition cards in opposition of the rezoning request: 1) Harold Van Wie, 2) Tommie Mullins, 3) Kay Tipsord, 4) Gerry Marker, 5) Lacy Browning, 6) Bill Mullins, 7) Ron LaFevers, and 8) Susan LaFevers. They voiced concern over environmental issues, drainage, and impact to Cardinal Lane property owners. The following completed recognition cards in favor of the rezoning request: 1) Mark Lewis, 2) Luann Lewis, and 3) Linda Ayotte. The following completed recognition cards stating they were neither for nor against the rezoning request: 1) Meredith Adamson and 2) Paul Adamson. There being no further public testimony, the public hearing was closed and the regular session reopened.

There was general discussion among the Commissioners regarding the drainage, caves, and traffic issues. Darwin Marchell, Engineering Director, was present to respond to the drainage questions.

MOTION: Commissioner Brent moved to recommend approval to the City Council of rezoning Item 8B, Case Z-13-020, as recommended by staff. Commissioner Rogers seconded the motion. The motion passed unanimously, 6-0, with one absent.

MOTION: Commissioner Rogers moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8B, Case Z-13-020. Commissioner Balestiere seconded the motion. The motion passed unanimously, 6-0, with one absent.

9. FUTURE LAND USE PLAN AMENDMENTS: NONE.

Chair Kauffman closed the regular session at 7:38 PM.

Chair Kauffman opened the Executive Session at 7:40 PM.

10. EXECUTIVE SESSION

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.

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T CA.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, VTC.A. in accordance with the authority contained in the following sections":

- A. Section§ 551.071 (2) Consultation With City Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:

- 1. Legal Issues Concerning Subdivision Plat Approval

Chair Kauffman closed the Executive Session at 7:52 PM.

The Planning and Zoning Commission reconvenes into General Session.

Chair Kauffman reopened the public meeting at 7:53 PM.

- 11. OPEN MEETING:
Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.
No action was taken on any items.
- 12. SUBDIVISIONS (ACTION AND PUBLIC HEARING):
 - A. Dies Ranch Subdivision (SFP-13-001)
10.15 acres, 2 commercial lots
Located at the northwest corner of Anderson Mill Road and Dies Ranch Road
Owner: Birdwell Investments LLC and Robert Theriot
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve plat
Josh Selleck, Assistant City Manager, addressed the Commissioners. He explained that when a subdivision meets all state and local requirements, state law compels approval. He also advised that because this tract of land is outside of the city limits, Texas statutes do not allow the City to regulate land use. Staff recommended approval of the plat.

MOTION: Commissioner Harris moved to approve Item 12A, Case SFP-13-001, as presented by staff. Commissioner Balestiere seconded the motion. The motion passed unanimously, 6-0, with one absent
- 13. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING): NONE.
- 14. ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS: NONE.
- 15. DISCUSSION AND POSSIBLE ACTION:
 - A. Consider a Recommendation to the City Council Regarding the Regulation of Poultry in Residential Districts
Joe Vining, Development Services Director, made the presentation and was available for questions. He advised that the Commissioners had the following two choices: 1) Do not make any change to the ordinance or 2) Make changes to the ordinance. The motion required four votes to either pass or fail.

MOTION: Commissioner Harris moved to recommend to City Council not to consider any changes regarding the regulation of poultry in residential districts. Commissioner Brent seconded the motion. The motion passed as follows:

Yes: Rogers, Balestiere, Harris, Kauffman, Brent
No: Wernecke
Absent: Hogue

B. Planning and Zoning Commission Excused Absence Policy

Planning Manager Amy Link made the presentation and was available for questions. There was general discussion among the Commissioners regarding the objective of excused or unexcused absences. Commissioners directed that Rule 1.11 of the Planning and Zoning Commission Rules and Procedures be changed as follows:

~~"Attendance. A position on the Planning and Zoning Commission shall become vacant if a Member fails to attend either: 1) three (3) consecutive; or b) more than fifty percent (50%) of all Planning and Zoning Commission meetings during any twelve (12) month period from appointment or reappointment without being excused by the Commission. Absence from any Commission meeting shall be excused only for reasons of personal illness or immediate family emergencies. Attendance shall be taken and noted by the Chairman at the beginning of all meetings with notations as to whether a Member's absence is excused or not. No absence shall be considered by the Board to be excused unless, prior to the meeting, the Member contacts either the Planning Department staff or the Chairman and indicates such request and the reason for such request."~~

Chair Kauffman directed staff to make changes to Rule 1.11 as discussed and bring back to the Commission at their November meeting to recommend approval to City Council.

16. 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 September 26th and October 3rd.

Planning Manager Amy Link advised that the following Cases were approved at the September 26th meeting: ANX-13-001, OA-13-008, Z-13-012 and Case Z-13-016. Case Z-13-010 was postponed to October 24th. Cases ANX-13-002 and ANX-13-003 were on the October 3rd agenda to set the public hearing schedule. The amended Future Land Use map for Case Z-13-012 was approved.

B. Director and Staff Comments. **None.**

C. Commissioners Comments.

Commissioner Brent thanked City staff for their diligence on difficult subjects and appreciated the City Attorney's legal advice.

D. Request for Future Agenda Items.

The amended Rules and Procedures will be brought to the November meeting.

E. Designate Delegate to Attend Next Council Meetings on October 24th and November 7th.

Commissioner Harris advised that he would attend the October 24th Council meeting and Commissioner Balestiere advised that he would attend the November 7th Council meeting.

17. ADJOURNMENT
Chair Kauffman adjourned the meeting at 8:33 p.m.

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

NICHOLAS KAUFFMAN, Chairman

ATTEST:

HOLLY HOGUE, Secretary

November 19,
2013
Subdivision

Planning and Zoning Commission
Starwood Oaks Subdivision

**Item:#
5A1**

Case Number: SFP-13-013

OWNER: Ausrad Properties, LP

STAFF: Rian Amiton, 512-401-5054, rian.amiton@cedarparktexas.gov

LOCATION: Southwest corner of East Whitestone Boulevard (RM 1431) and Starwood Drive

COUNTY: Williamson

AREA: 4.8 acres

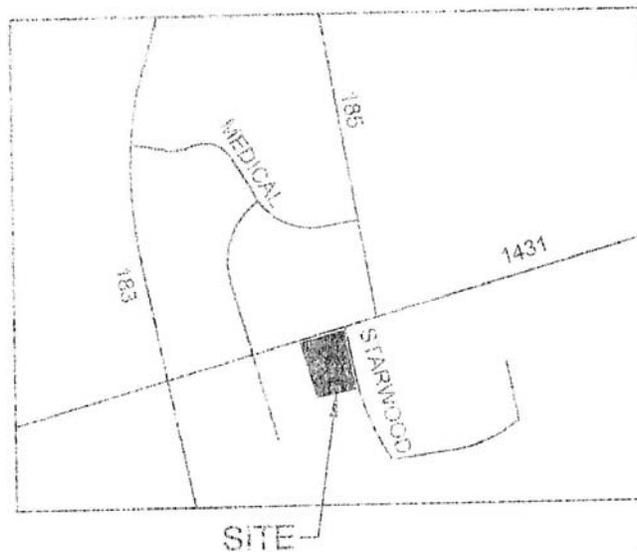
ZONING: LR (northern part) and TO (southern part)

SUBDIVISION DESCRIPTION: 3 commercial lots

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.



VICINITY MAP (N.T.S.)

November 19,
2013
Subdivision

Planning and Zoning Commission
Cedar Park Villas

**Item:#
5A2**

Case Number: SFP-13-014

OWNER: Milestone Community Builders, LLC

STAFF: Rian Amiton, 512-401-5054, rian.amiton@cedarparktexas.gov

LOCATION: South of Little Elm Trail at South Bell Boulevard (/US 183)

COUNTY: Williamson

AREA: 5.5826 acres

ZONING: MF

SUBDIVISION DESCRIPTION: 1 multifamily lot

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.

November 19,
2013

Subdivision

Planning and Zoning Commission
Anderson Mill Commercial Subdivision
Preliminary Plan

Item:#
5A3

Case Number: PP-13-005

OWNER: Acme Brick Company

STAFF: Amy Link, 512-401-5056, amy.link@cedarparktexas.gov

LOCATION: Southwest corner of West Whitestone Boulevard (RM 1435) and North Lakeline Boulevard

COUNTY: Williamson

AREA: 48.35 acres

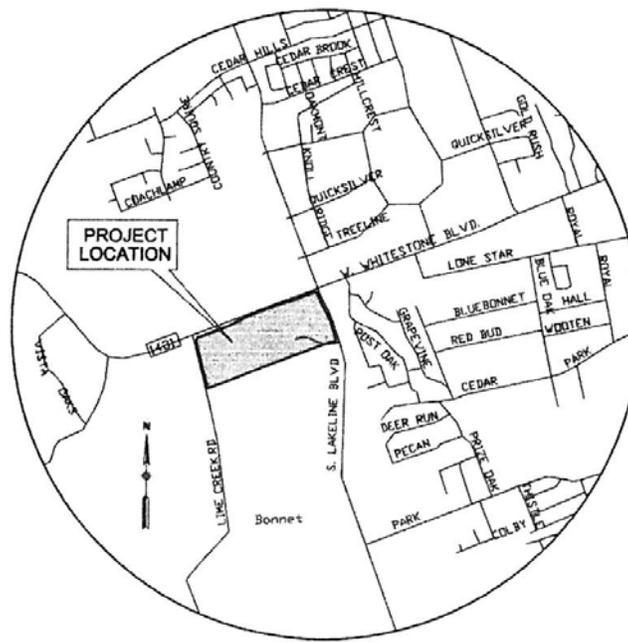
ZONING: LI

SUBDIVISION DESCRIPTION: 3 commercial lots

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.



LOCATION MAP
(N.T.S.)

November 19,
2013

Planning and Zoning Commission
**Cypress Creek Commercial No. 2, Resub
of Lots 2 and 7 Block A**

**Item:#
5A5**

Subdivision

Case Number: SFP-13-015

OWNERS: Supermarket Sites Investment, Ltd. and Lakeline Center, Cedar Park, Ltd.

STAFF: Rian Amiton, 512-401-5054, rian.amiton@cedarparktexas.gov

LOCATION: West side of South Lakeline Boulevard, south of Cypress Creek Road

COUNTY: Williamson

AREA: 11.10 acres

ZONING: LR

SUBDIVISION DESCRIPTION: 2 commercial lots into 3 commercial lots

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.



LOCATION MAP
NOT TO SCALE

November 19,
2013
Subdivision

Planning and Zoning Commission
Shops at Park Street

**Item:#
5B1**

Case Number: SFP-13-010

OWNER: Carolville, Ltd.

STAFF: Rian Amiton, 512-401-5054, rian.amiton@cedarparktexas.gov

LOCATION: East Park Street and North Vista Ridge Boulevard

COUNTY: Williamson

AREA: 7.51 acres

ZONING: LR and GR

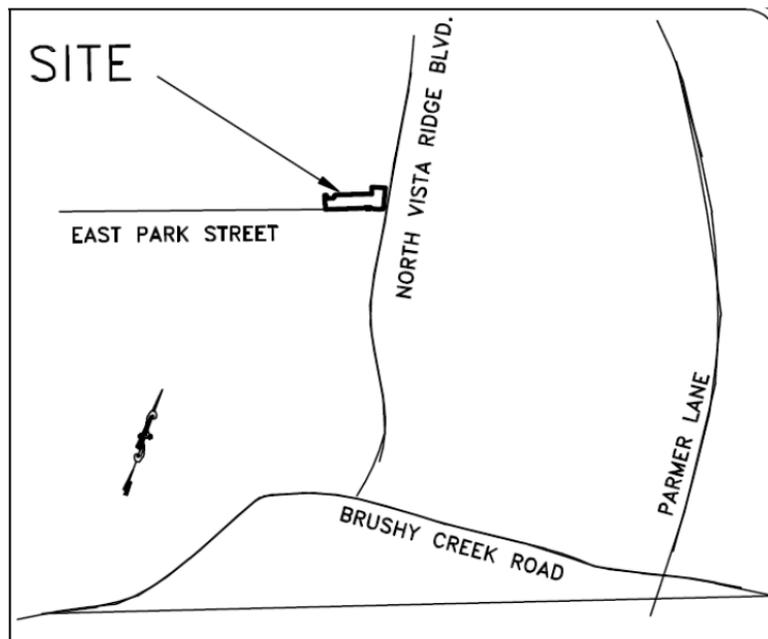
SUBDIVISION DESCRIPTION: 3 commercial lots

STAFF COMMENTS:

This plat meets all state and local requirements.

STAFF RECOMMENDATION:

Approve plat



November 19,
2013

Planning and Zoning Commission

**Item:#
5B2**

Subdivision

**Mackenzie Meadows Partial
Plat Vacation**

OWNER: Cab-Com 32 LP

AGENT: Geoff Guerrero

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

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

COUNTY: Williamson

AREA: 32.84 acres

ZONING: CD and GR

STAFF COMMENTS:

This vacation is proposed in conjunction with the Reserve at Caballo Ranch subdivision (agenda item 5B3). Mackenzie Meadows is an existing 8 lot subdivision and the applicant wishes to vacate Lots 1-7 of the subdivision in order to replat the property into the Reserve at Caballo Ranch. A copy of the existing Mackenzie Meadows subdivision is attached for reference. The area proposed for vacation is highlighted in yellow.

STAFF RECOMMENDATION:

Approve partial plat vacation.

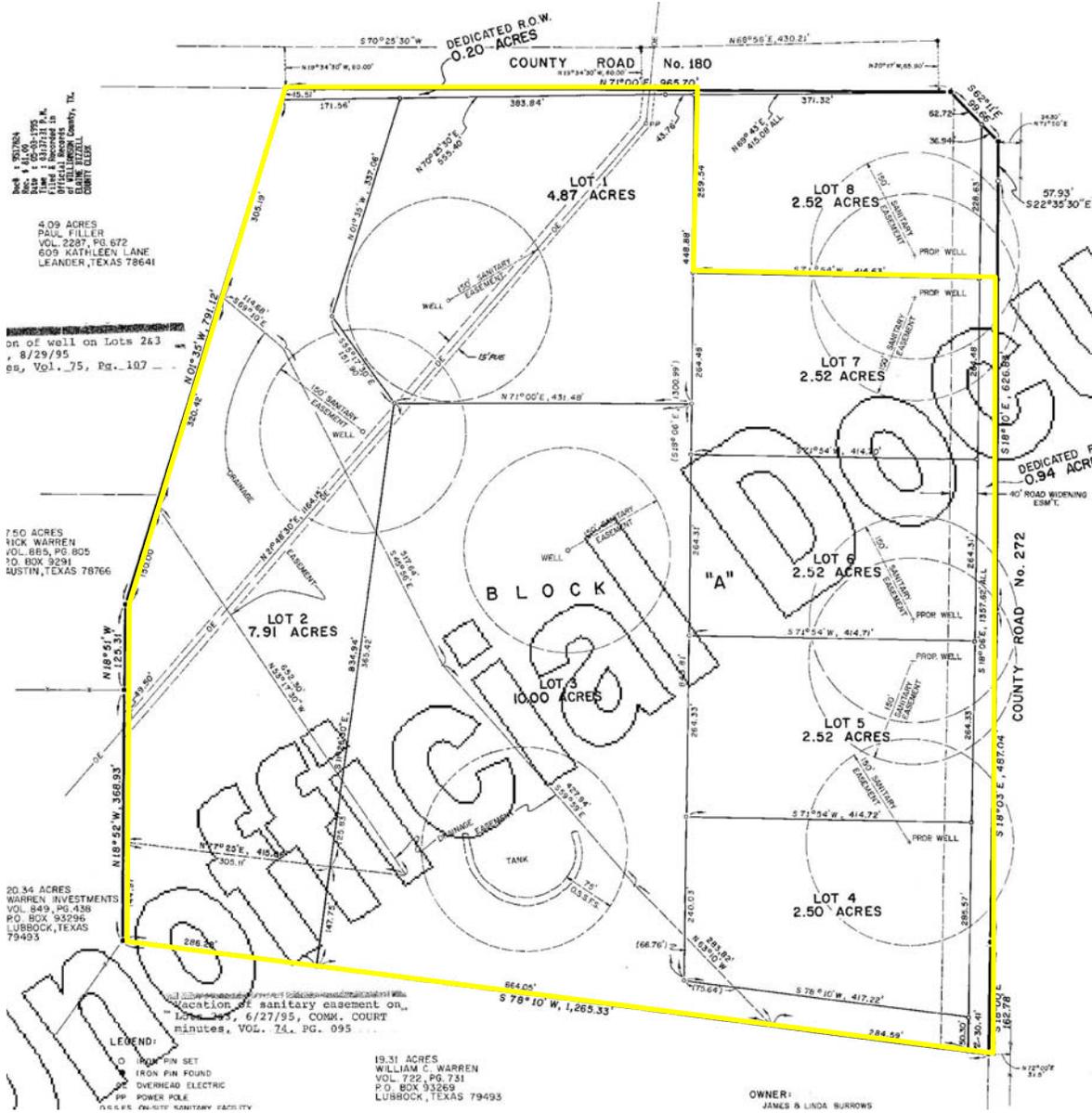
November 19,
2013

Subdivision

Planning and Zoning Commission

Mackenzie Meadows Partial Plat Vacation

Item:#
5B2



November 19,
2013
Subdivision

Planning and Zoning Commission
Reserve at Caballo Ranch

**Item:#
5B3**

Case Number: SFP-12-010

OWNER: Caballo Investments

AGENT: Geoff Guerrero

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

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

COUNTY: Williamson

AREA: 31.8 acres

ZONING: CD and GR

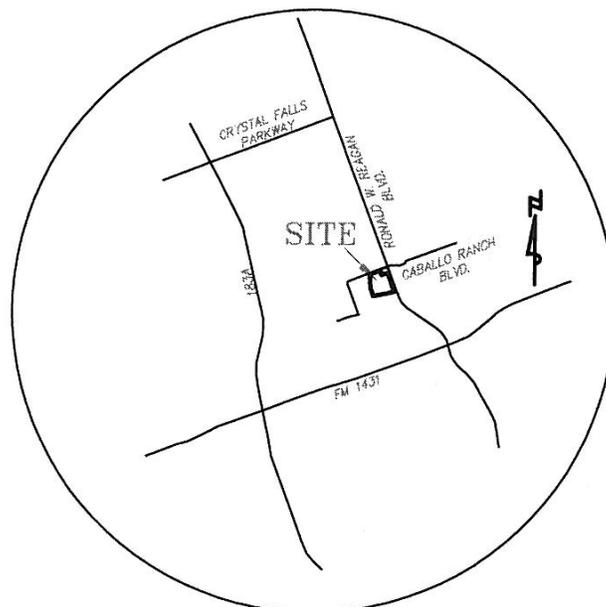
SUBDIVISION DESCRIPTION: 2 commercial lots, 1 condominium residential lot

STAFF COMMENTS:

This plat meets all state and local requirements.

STAFF RECOMMENDATION:

Approve plat.



**VICINITY MAP
NTS**

November 19,
2013
Zoning

Planning and Zoning Commission

Cedar Park Town Center

Item:
6A

Case Number: # Z-13-006

OWNER: Continental Homes of Texas, LP

AGENT: James Brewer, Gray Engineering Inc.

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

LOCATION: 183A Toll Road, south of East New Hope Drive

COUNTY: Williamson

AREA: 42.9 acres

The applicant is requesting a postponement of this case until the December 17, 2013 Planning and Zoning Commission meeting.

Staff is agreeable with the postponement.



November 19,
2013
Zoning

Planning and Zoning Commission
Ozone Lakeline at Riviera

**Item:
6B**

Case Number: Z-13-011

OWNER/APPLICANT: Ozone Technology, Inc.

AGENT: Jennie Braasch

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

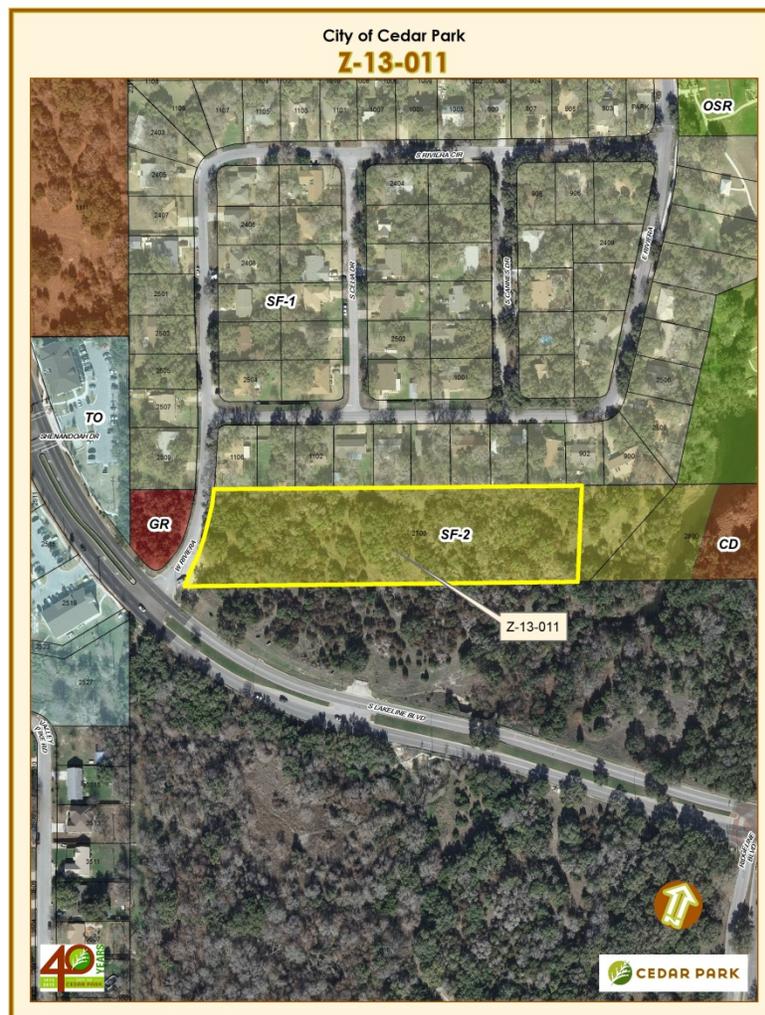
LOCATION: East side of West Riviera Drive, just north of South Lakeline Boulevard

COUNTY: Williamson County

AREA: 3.48 acres

The applicant has requested postponement to allow further time to meet with staff and the neighborhood regarding the proposed rezoning.

Staff supports the postponement request.



November 19,
2013
Zoning

Planning and Zoning Commission
Abrantes Section V

Item:
6C

Case Number: # Z-13-021

OWNER/AGENT: Robert Tesch, Creekside Park Ltd.

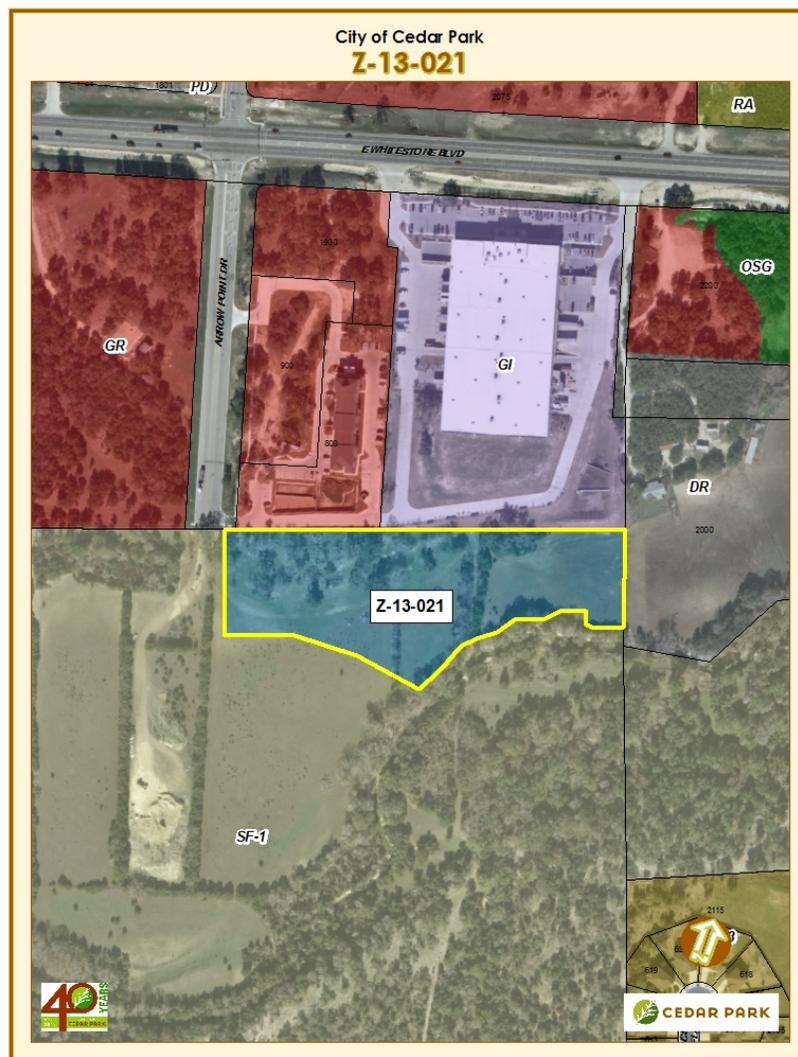
STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: Arrow Point Drive, south of East Whitestone Boulevard

COUNTY: Williamson

AREA: 5.7 acres

The applicant has requested a postponement to December 17, 2013. Staff is supportive of the postponement request.



November 19,
2013
Zoning

Planning and Zoning Commission
Misty Valley

Item:
6D

Case Number: # Z-13-027

OWNER/AGENT: Minori LLC

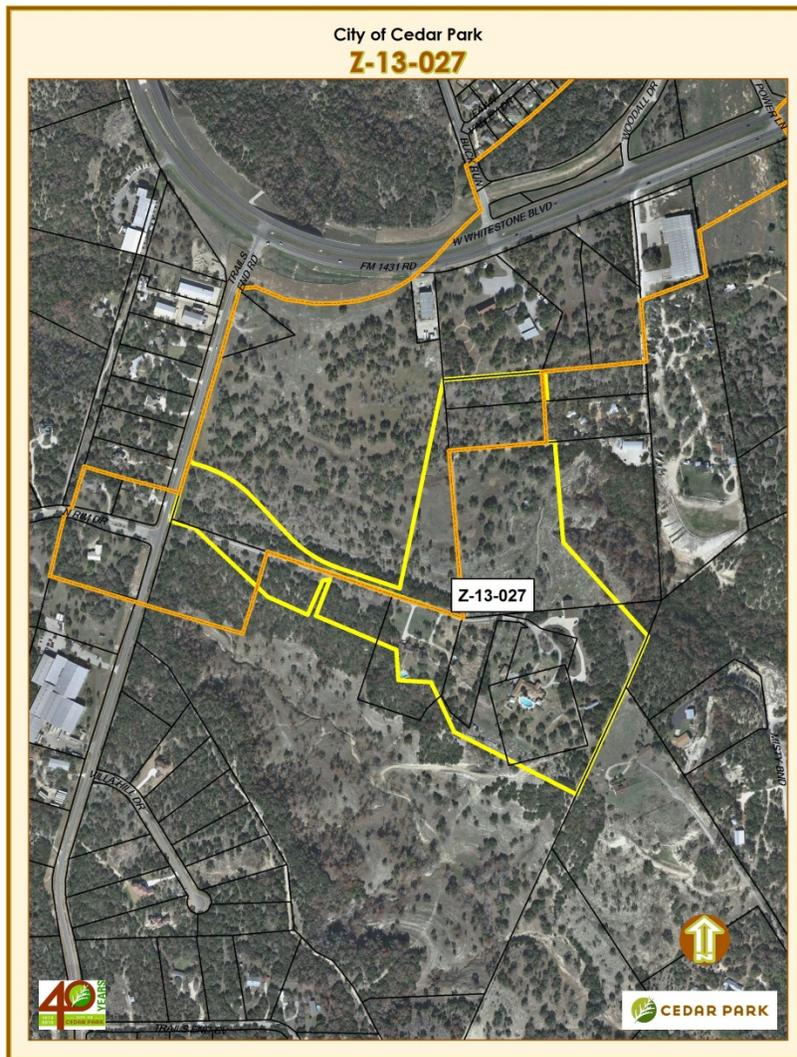
STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: South of West Whitestone Boulevard (RM 1431) and east of Trails End Road

COUNTY: Travis

AREA: 46.83 acres

The applicant has requested a postponement to December 17, 2013. Staff is supportive of the postponement request.



November 19,
2013
Zoning

Planning and Zoning Commission
West Star

**Item:
7A & 8A**

Case Number: Z-13-022

OWNER/APPLICANT: Mass Project Managers & Consultants LTD

AGENT: Umesh Mehta

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: North side of Kenai Drive, west of West Parmer Lane

COUNTY: Williamson County

AREA: 0.12 acres

EXISTING ZONING: General Office (GO)

PROPOSED ZONING: Local Retail (LR)

STAFF RECOMMENDATION: Local Retail (LR)

EXISTING FUTURE LAND USE PLAN DESIGNATION:

Neighborhood Retail/Office/Commercial

SUMMARY OF APPLICANT'S REQUEST:

The Applicant's request is to rezone a total of approximately 0.12 acres from General Office (GO) to Local Retail (LR).

EXISTING SITE and SURROUNDING LAND USES:

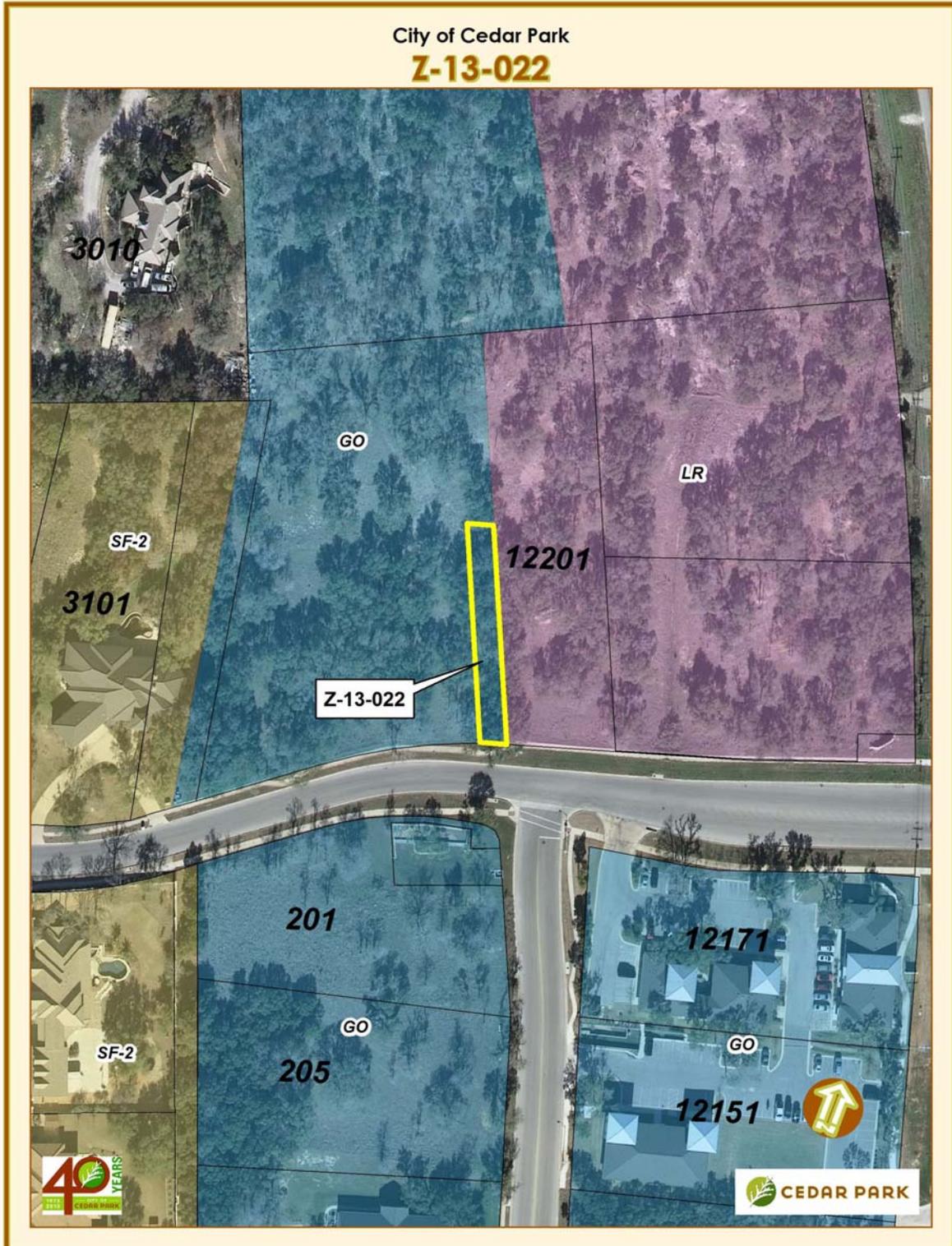
The site is in the middle of an undeveloped lot. Approximately one quarter of the lot is already zoned Local Retail (LR), with the remainder zoned General Office (GO). A new Wash N' Roll car wash facility is to the immediate east, at the corner of West Parmer Lane. To the west is the Breakaway Park residential subdivision. Running south from the site is Denali Pass, which is lined with properties zoned GO, about half of which are developed into various office uses.

November 19,
2013
Zoning

Planning and Zoning Commission
West Star

**Item:
7A & 8A**

Case Number: Z-13-022



November 19,
2013
Zoning

Planning and Zoning Commission
West Star

**Item:
7A & 8A**

Case Number: Z-13-022

PURPOSE OF REQUESTED ZONING DISTRICT:

The Local Retail District, LR, is established to provide for office and retail businesses that are intended to serve the overall community, with a larger market than the immediate neighborhoods in the area. In order to accommodate the traffic generated from these businesses without negatively impacting the residential neighborhoods, these uses should be located primarily at pulse points or activity nodes where collector streets and arterial roadways intersect or at arterial roadway intersections. These uses generally serve a larger market than businesses found in a TC District; yet generally serve a local market opposed to the regional market served by uses in a GR District.

PERMITTED USES IN LR:

- Art galleries with retail sales
- Automated Teller Machines
- Automobile parts and accessories sales
- Bakery, retail
- Banks (with or without drive-through facilities)
- Bed and Breakfast
- Community center
- Consumer repair shop (including bicycles)
- Convenience store
- Day care center, adult
- Day care center, child
- Dry cleaning and/or laundry, on-site
- Drugstores
- Food sales, general (grocery store)
- Food sales, limited
- Golf, amusement
- Hardware stores
- Instant print copy services
- Landscape nursery and supply store, retail
- Laundromat
- Liquor store
- Movie and music rentals, sales
- Non-Emergency Medical Transport Service (Conditional)
- Nonprofit seasonal fundraisers
- Personal Improvement Services
- Personal Improvement Services, Limited
- Personal services, general
- Pet grooming
- Rental libraries for sound and video recordings
- Research and development activities (as it pertains to software only)
- Restaurant, general
- Retail gift store
- Retail stores
- Studios/art studio, dance, music, drama, gymnastics, photography, interior design
- Software sales, computer hardware sales
- Vocational or trade school
- Veterinary Services

FUTURE LAND USE PLAN:

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

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

November 19,
2013
Zoning

Planning and Zoning Commission
West Star

**Item:
7A & 8A**

Case Number: Z-13-022

COMPREHENSIVE PLAN:

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

4.1.6 Economic Development Goals

- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment, which supports existing businesses.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property

SITE INFORMATION:

Corridor Overlay:

West Parmer Lane is a corridor roadway. The site is completely within the Corridor Overlay (CO).

Transportation:

Kenai Drive is classified as a neighborhood collector.

Subdivision:

Breakaway Park, Section 7

Setback Requirements:

	LR
Front Setback	25'
Side Setback	12'
Side Setback Adjacent to Public Street	20'
Rear Setback	5'

Architectural Requirements:

The LR district requires 100% masonry construction on building exteriors, exclusive of doors and windows.

Case History:

Case Number	Request	P&Z Recommendation	Council Action
Z-01-025	Assign original zoning of GO	Recommended GO	Approved
Z-07-032*	GO to LR	Recommended LR	Approved

*This rezoning applied only to the adjacent tract to the east

November 19,
2013
Zoning

Planning and Zoning Commission
West Star

**Item:
7A & 8A**

Case Number: Z-13-022

STAFF COMMENTARY:

Currently, Local Retail (LR) zoning comprises approximately 100 feet of the eastern edge of the property, which is rather narrow for an LR development. The applicant intends to expand most of this area by approximately 25 feet. The General Office (GO) portion of the lot would still measure nearly 300 feet in width, which is more than sufficient for distinct developments to occur in both zoning districts.

STAFF RECOMMENDATION:

Staff recommends approval of the Applicant's request for LR zoning.

November 19,
2013
Zoning

Planning and Zoning Commission West Star

Item:
7A & 8A

Case Number: Z-13-022

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:

1. How and when were the surrounding neighborhood and property owners notified, how was information shared, and who was directly involved in the communication process?

The pilots association president, Dennis Haverloh, has been called by phone and email to discuss the particulars of the application. Dennis indicated that he would share the information with the neighborhood to see if there were any questions and concerns. I asked if he would recommend a meeting and he said let him talk to others to see if they want to meet in person.

2. Who was notified (i.e. property owners, HOA, etc)?

The pilots association president "Dennis Haverloh" was notified. Henry Mayer, owner of the commercial to the north of the tract has been called and emailed the drawing with the particulars.

3. What concerns were raised during these communications?

Dennis indicated that at first glance he personally wasn't opposed to the addition of additional LR zoning as there was still a good area of GO to buffer.

4. What specific conditions were added to or modified within the zoning request in response to the concerns raised at the meeting?

The above information is deemed to be true to the best of my knowledge.

Signed:  Date _____

PUBLIC INPUT: To date, staff has received one written comment regarding this application. This is found below.

November 19,
2013
Zoning

Planning and Zoning Commission
West Star

**Item:
7A & 8A**

Case Number: Z-13-022

Name: Henry Mayes / Parmer Mac Trust Address: PO Box 200339 Austin, TX 78720
Trustee

I am in favor, this is why Parmer Ln is and • I am not in favor, and this is why _____

should be one of the strong vibrant • _____

Commercial Corridors of Cedar Park, The • _____

zoning request is compatible with uses in the area.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman November 6, 2013
7 letter notices were sent to property owners within the 300' buffer
of the initial rezoning request

PROPOSED CITY COUNCIL HEARINGS: (December 12, 2013) 1ST Reading
(December 19, 2013) 2ND Reading

November 19,
2013
Zoning

Planning and Zoning Commission
Arguindegui

**Item:
7B & 8B**

Case Number: Z-13-023

OWNER/APPLICANT: Arguindegui Investments, Ltd.

AGENT: Charles West – Kennedy Wilson

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: Northwest corner of West Park Street and North Lakeline Boulevard

COUNTY: Williamson County

AREA: 3.00 acres

EXISTING ZONING: Local Retail (LR)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

EXISTING FUTURE LAND USE PLAN DESIGNATION:

Neighborhood Retail/Office/Commercial

SUMMARY OF APPLICANT'S REQUEST:

The Applicant's request is to rezone a total of approximately 3.00 acres from Local Retail (LR) to General Retail (GR).

EXISTING SITE and SURROUNDING LAND USES:

The site is currently undeveloped. There is undeveloped land zoned LR to the west and north. An orthodontist clinic is directly across North Lakeline Boulevard. To the south is single family residence in an LR-zoned tract. City's future roadway plan shows an extension of West Park Street along the southern edge of the property to Anderson Mill Road.

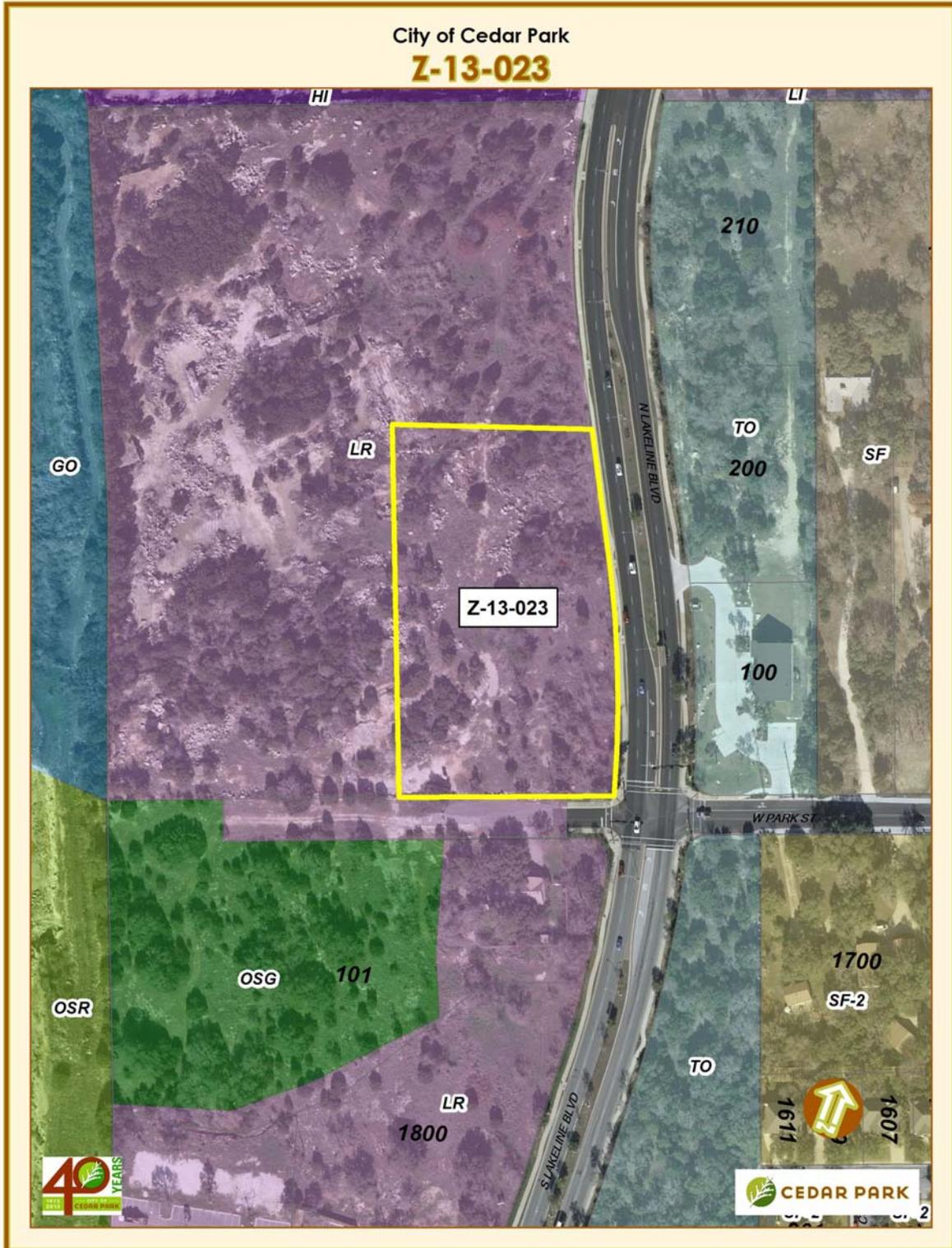
November 19,
2013
Zoning

Planning and Zoning Commission

Arguindegui

Item:
7B & 8B

Case Number: Z-13-023



November 19,
2013
Zoning

Planning and Zoning Commission
Arguindegui

**Item:
7B & 8B**

Case Number: Z-13-023

PURPOSE OF REQUESTED ZONING DISTRICT:

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

PERMITTED USES IN GR:

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

November 19,
2013
Zoning

Planning and Zoning Commission
Arguindegui

**Item:
7B & 8B**

Case Number: Z-13-023

FUTURE LAND USE PLAN:

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

The applicant's request for GR zoning does not comply with the FLUP. The GR request is compatible with a regional office/retail/commercial designation, which allows such zoning districts as General Office (GO), General Retail (GR) and Mixed Use (MU).

A FLUP amendment is being processed concurrently with this zoning application. See agenda item 9A.

COMPREHENSIVE PLAN:

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

4.1.6 Economic Development Goals

- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment, which supports existing businesses.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property

SITE INFORMATION:

Corridor Overlay:

North Lakeline Boulevard is a corridor roadway. The site is completely within the Corridor Overlay (CO).

Transportation:

North Lakeline Boulevard is classified as a major arterial roadway. Daily traffic count on Lakeline Boulevard, north of Buttercup Creek Boulevard was 22,927 vehicle trips per day in 2012.

Subdivision:

The property is not yet platted.

Setback Requirements:

	GR
Front Setback	25'
Side Setback	12'
Side Setback Adjacent to Public Street	20'
Rear Setback	5'

November 19,
2013
Zoning

Planning and Zoning Commission
Arguindegui

**Item:
7B & 8B**

Case Number: Z-13-023

Architectural Requirements:

The GR district requires 100% masonry construction on building exteriors, exclusive of doors and windows.

Case History:

Case Number	Request	P&Z Recommendation	Council Action
Z-02-005	SF to LR	SF to LR	Approved

STAFF COMMENTARY:

The subject property sits at the intersection of a two arterial roadways and it does not border any residential zoning districts. These factors are consistent with the purpose statement for the General Retail zoning district. In addition, the City's future roadway plan shows an extension of West Park Street along the southern edge of the property to Anderson Mill Road, indicating that this corner will eventually accommodate even more regional traffic than it currently does.

STAFF RECOMMENDATION:

Staff recommends approval of the Applicant's request for GR zoning.

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:

Not received.

PUBLIC INPUT

To date, staff has received one phone call in opposition to the request. Staff has also received two written comments regarding this application, one in opposition and one in support; these are found below.

11-12-2013

To whom it may concern,

I am against the rezoning of the lot Z-13-023 to general retail. The developers are planning to place a gas station directly across from our office. Our side of the street is developed for professional and health care. It will definitely take from the professional and esthetic design of my office and the professional offices being built next to me to have this zoning change occur. I might not have built my office here if I had known that the zoning was going to change right across from me. The esthetics of Lakeline blvd from 1431 to cypress should be preserved and this zoning change and the placement of a gas station on that corner would definitely adversely affect the area. I am also concerned about possible underground tank damage with the amount of ground shaking that occurs from the use of explosives at the quarry next door.

Sincerely,

Steven W Smith, DDS, MS
100 N. Lakeline Blvd.

November 19,
2013
Zoning

Planning and Zoning Commission
Arguindegui

**Item:
7B & 8B**

Case Number: Z-13-023

Name: Sandra Wilcox Address: 5505 Mapleleaf Dr. Austin 78723

I am in favor, this is why I own Lot 1 • I am not in favor, and this is why _____

Wilcox Subdivision, General • _____

Retail will help Cedar Park area • _____

to grow & provide services
to area residents

PUBLIC NOTIFICATION:

Cedar Park-Leander Statesman November 6, 2013
8 letter notices were sent to property owners within the 300' buffer
of the initial rezoning request

PROPOSED CITY COUNCIL HEARINGS:

(December 12, 2013) 1ST Reading
(December 19, 2013) 2ND Reading

November 19,
2013
Zoning

Planning and Zoning Commission
Anderson/Pfluger/Weiss

**Item:
7C & 8C**

Case Number: Z-13-024

OWNER/APPLICANT: Thomas Anderson, Mary Weiss, and Alice Pfluger

AGENT: Paul Lineman and Jim Vater – Land Strategies, Inc.

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: North of Arrow Wood Road

COUNTY: Williamson County

AREA: 34.65 acres

EXISTING ZONING: N/A

PROPOSED ZONING: Single Family-Large Urban Lot (SF-2)

STAFF RECOMMENDATION: Single Family-Large Urban Lot – Conditional Overlay (SF-2-CO)

EXISTING FUTURE LAND USE PLAN DESIGNATION:

Low Density Residential

SUMMARY OF APPLICANT'S REQUEST:

The Applicants' request is to assign original zoning of Single Family-Large Urban Lot (SF-2) to approximately 34.65 acres.

EXISTING SITE and SURROUNDING LAND USES:

The site is currently undeveloped. It is surrounded by Ranch at Brushy Creek subdivision to the south, single family residences within Cedar Park's extra-territorial jurisdiction to the east, single family residences in the City of Round Rock to the north, and undeveloped City-owned parkland to the west.

November 19,
2013
Zoning

Planning and Zoning Commission
Anderson/Pfluger/Weiss

**Item:
7C & 8C**

Case Number: Z-13-024

PURPOSE OF REQUESTED ZONING DISTRICT:

The Large Urban Single-Family Residential District, SF-2, is established to provide for low density single-family residential development at an urban scale. Nonresidential uses, such as religious and educational facilities, and open spaces are provided to maintain an orderly, convenient, and attractive residential area. The nonresidential permitted uses of this district are considered to be compatible with the neighborhood in order to preserve its value, sustainability, and integrity.

PERMITTED USES IN SF-2:

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

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-Large Lot (SF), Single Family-Suburban Lot (SF-1), Single Family-Large Urban Lot (SF-2), Single Family-Urban Lot (SF-3), and Manufactured Home (MH).

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

November 19,
2013
Zoning

Planning and Zoning Commission
Anderson/Pfluger/Weiss

**Item:
7C & 8C**

Case Number: Z-13-024

COMPREHENSIVE PLAN:

The request for SF-2 is in compliance with these goals of the Comprehensive Plan:

4.1.3 Housing Goals

- Provide new housing opportunities for current and future residents of Cedar Park.

SITE INFORMATION:

Corridor Overlay:

None.

Transportation:

Avery Woods Road will provide access to the tract and is currently designated as a local street.

Subdivision:

The property is not yet platted.

Setback Requirements:

	SF-2
Front Setback	25'
Side Setback	7.5'
Side Setback Adjacent to Public Street	15'
Rear Setback	10'

Architectural Requirements:

The SF-2 district requires 50% masonry construction on building exteriors, exclusive of doors and windows.

Case History:

None.

November 19,
2013
Zoning

Planning and Zoning Commission
Anderson/Pfluger/Weiss

**Item:
7C & 8C**

Case Number: Z-13-024

STAFF COMMENTARY:

This zoning request is being processed concurrent with a voluntary annexation petition for the property. The City has also received a voluntary annexation petition and rezoning request for 42.62 acres to the immediate east of the site; that property is also proposed to be SF-2 and will appear on the Planning & Zoning Commission's December 17 meeting agenda. The applicant ultimately intends to develop a gated residential neighborhood encompassing the entire approximately 78 acre site, with the primary access off Avery Woods Lane.

The Applicant has indicated that the property will be platted into lots that are at least 65 feet in width, and is comfortable with a Conditional Overlay setting the minimum lot width at 65 feet rather than the 60 feet that is typically required in SF-2.

STAFF RECOMMENDATION:

Staff recommends approval of the applicants' request for SF-2 zoning with the following condition:

- 65 foot minimum lot width

November 19,
2013
Zoning

Planning and Zoning Commission
Anderson/Pfluger/Weiss

**Item:
7C & 8C**

Case Number: Z-13-024

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:

On November 4th, Paul Linehan (Land Strategies, Inc., the applicants' representative), John Avery, and Blake Contine conducted a meeting with residents of Ranch at Brushy Creek Section 5 to discuss the proposed single-family development on the approximately 35-acre Anderson/Pfluger/Weiss tract. In that meeting, Mr. Linehan and Mr. Avery addressed questions from the attendees, including specific questions about the timing of construction, construction traffic routing, and development phasing. Based on the presentation made at the meeting, there was no opposition or dissatisfaction with the proposed single-family development expressed by the meeting attendees. Ultimately, what was agreed upon by the applicants' representatives and the attendees included the following:

- Minimum lot width of 65 feet.
- Propose the development as a gated single-family subdivision.
- The approximately 43-acre tract adjacent the east side of the subject 35-acre property will most likely be developed prior to the subject 35-acre property.
- No access to RM 1431 is proposed with this development.

Earlier this week, Jim Vater with Land Strategies, Inc. fielded a phone call from Mr. John Storms (4107 Arrow Wood), who was not included in the November 4th meeting, and Mr. Vater provided Mr. Storms with information on the proposed single-family development. Mr. Storms will be included in the meeting with the surrounding property owners of the approximately 43-acre Logan Tract.

I hope this information is helpful to you. Please feel free to contact me with any questions or should you require additional information regarding the referenced meeting.

Thank you,

Erin Welch

Project Manager

Land Strategies Inc.

Celebrating 30 Years of Service!

1010 Land Creek Cv., Ste.100

Austin, TX 78746

512-328-6050

512-328-6172 Fax

www.landstrat.com

PUBLIC INPUT: To date, staff has not received any public input application.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman November 6, 2013
41 letter notices were sent to property owners within the 300'
buffer of the initial rezoning request

PROPOSED CITY COUNCIL HEARINGS: (December 12, 2013) 1ST Reading
(December 19, 2013) 2ND Reading

November 19,
2013
Zoning

Planning and Zoning Commission
Buttercup Creek Condominiums

**Item:
7D & 8D**

Case Number: Z-13-026

OWNER/APPLICANT: Two One Holdings, LLC

AGENT: Geoff Guerrero – Carlson, Brigrance & Doering

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: 404 Buttercup Creek Boulevard

COUNTY: Williamson County

AREA: 6.65 acres

EXISTING ZONING: Multifamily Residential (MF)

PROPOSED ZONING: Town Home Residential (TH)

STAFF RECOMMENDATION: Condominium Residential (CD)

EXISTING FUTURE LAND USE PLAN DESIGNATION:

Medium Density Residential

SUMMARY OF APPLICANT'S REQUEST:

The Applicant's request is to rezone a total of approximately 6.65 acres from Multifamily Residential (MF) Town Home Residential (TH).

EXISTING SITE and SURROUNDING LAND USES:

The site is currently undeveloped. It is bordered on the west and south by the Buttercup Creek single family neighborhood, and to the east by The Commons at Buttercup Creek retail center. Across Buttercup Creek Boulevard to the north are apartment and townhome developments.

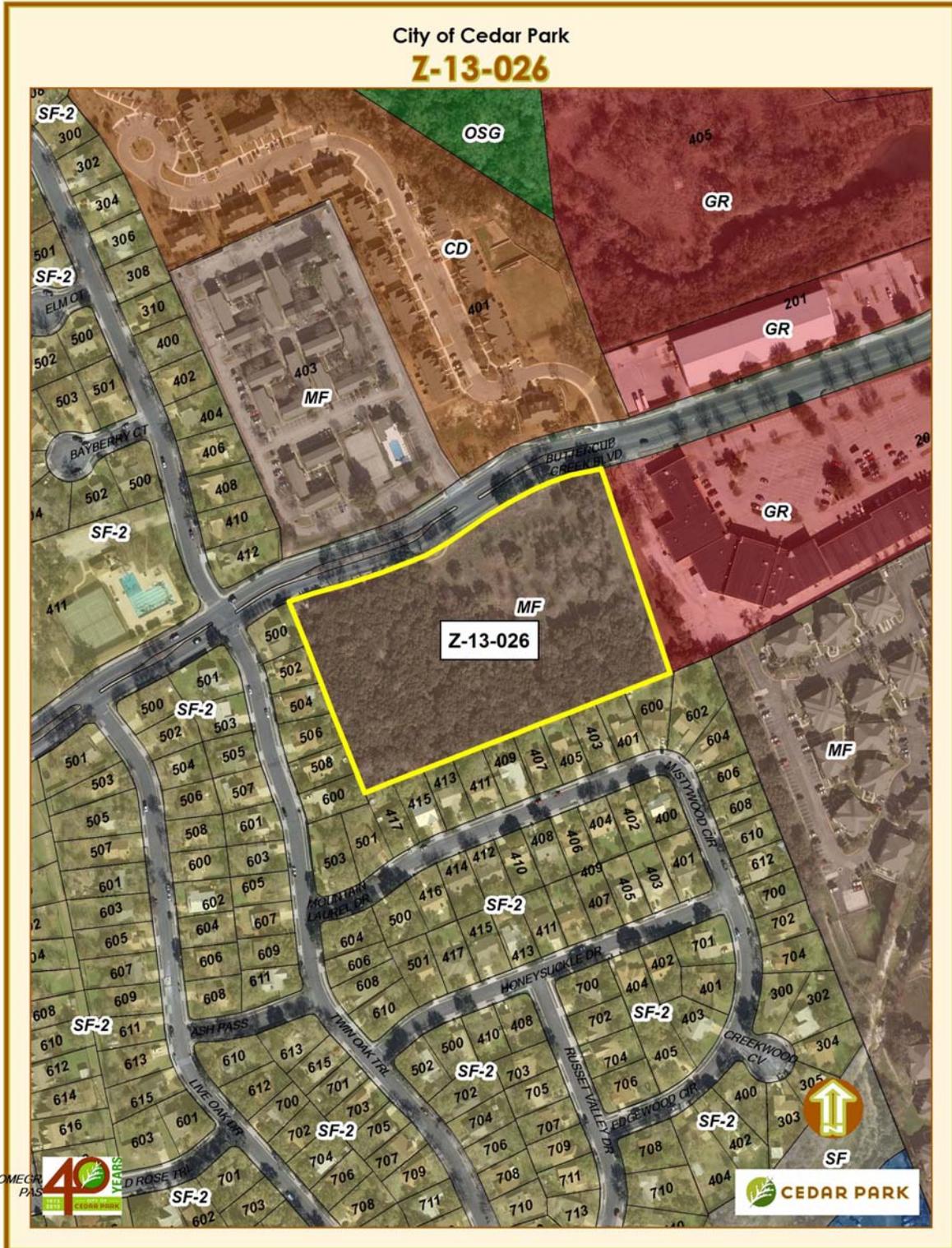
November 19,
2013
Zoning

Planning and Zoning Commission

Buttercup Creek Condominiums

Item:
7D & 8D

Case Number: Z-13-026



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Buttercup Creek Condominiums

**Item:
7D & 8D**

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PURPOSE OF REQUESTED ZONING DISTRICT:

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

PERMITTED USES IN TH:

- Garden homes (zero-lot line homes)
- Town homes, residential use
- Parks, playgrounds (owned and/or operated by the City or other governmental agency)
- Places of worship
- Public buildings, uses
- Utility services, general
- Accessory structures

FUTURE LAND USE PLAN:

The Future Land Use Plan (FLUP) identifies the subject area for Medium Density Residential, with compatible zoning districts of Condominium Residential (CD), Duplex Residential (DP), and Town Home Residential (TH).

The site is currently not in conformance with the FLUP. The Applicant's request would bring it into conformance. No change in the FLUP would be necessary.

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COMPREHENSIVE PLAN:

The request for TH 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:

None.

Transportation:

Buttercup Creek Boulevard is classified as a minor arterial roadway. In 2010 the traffic count on Buttercup Creek Boulevard, west of 183 was 5,741 vehicles per day.

Subdivision:

Buttercup Creek Apartments, Section 1

Setback Requirements:

	LR
Front Setback	25'
Side Setback	10'
Side Setback Adjacent to Public Street	15'
Rear Setback	20'

Architectural Requirements:

The CD district requires 75% masonry construction on building exteriors, exclusive of doors and windows.

Case History:

Case Number	Request	P&Z Recommendation	Council Action
Z-83-005	"R-2" Multifamily Residential	"R-2A" Multifamily Residential	Approved

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STAFF COMMENTARY:

The Applicant team intends to develop a single-family residential product in a condominium-style regime (i.e. all structures built on a single legal lot and served by private drives). City Staff has met with the Applicant team since the rezoning request was submitted, and both Staff and the Applicant team determined that Condominium Residential (CD), rather than Town Home Residential (TH), is a more appropriate zoning designation to achieve the product that the Applicant desires. Therefore, although the application was for TH, the Applicant team has confirmed to Staff that they seek CD.

CD zoning would bring the site into conformance with the Future Land Use Plan, which identifies the subject area for Medium Density Residential, with compatible zoning districts of Condominium Residential (CD) and Duplex Residential (DP). The maximum allowed density would be reduced from 20 units per acre in MF to 12 units per acre in CD (TH also has a maximum of 12 units per acre).

STAFF RECOMMENDATION:

Staff recommends approval of CD zoning.

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APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:

Not received.

PUBLIC INPUT:

To date, staff has not received any public input on the application.

PUBLIC NOTIFICATION:

Cedar Park-Leander Statesman November 6, 2013
7 letter notices were sent to property owners within the 300' buffer
of the initial rezoning request

PROPOSED CITY COUNCIL HEARINGS:

(December 12, 2013) 1ST Reading
(December 19, 2013) 2ND Reading

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Future Land
Use Plan
Amendment

Planning and Zoning Commission

Arguindegui

Item:
9A

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

In conjunction with the rezoning request known as Arguindegui (Z-13-023), the applicant has requested the following amendment to the Future Land Use Plan (FLUP):

Amend the Future Land Use map for approximately 3.00 acres located at the northwest corner of West Park Street and North Lakeline Boulevard from Neighborhood Office/Retail/Commercial to Regional Office/Retail/Commercial.

The Neighborhood Office/Retail/Commercial designation is compatible with the following zoning districts: General Office (GO), Transitional Commercial (TC), Local Retail (LR), Transitional Office (TO), and Mixed Use (MU).

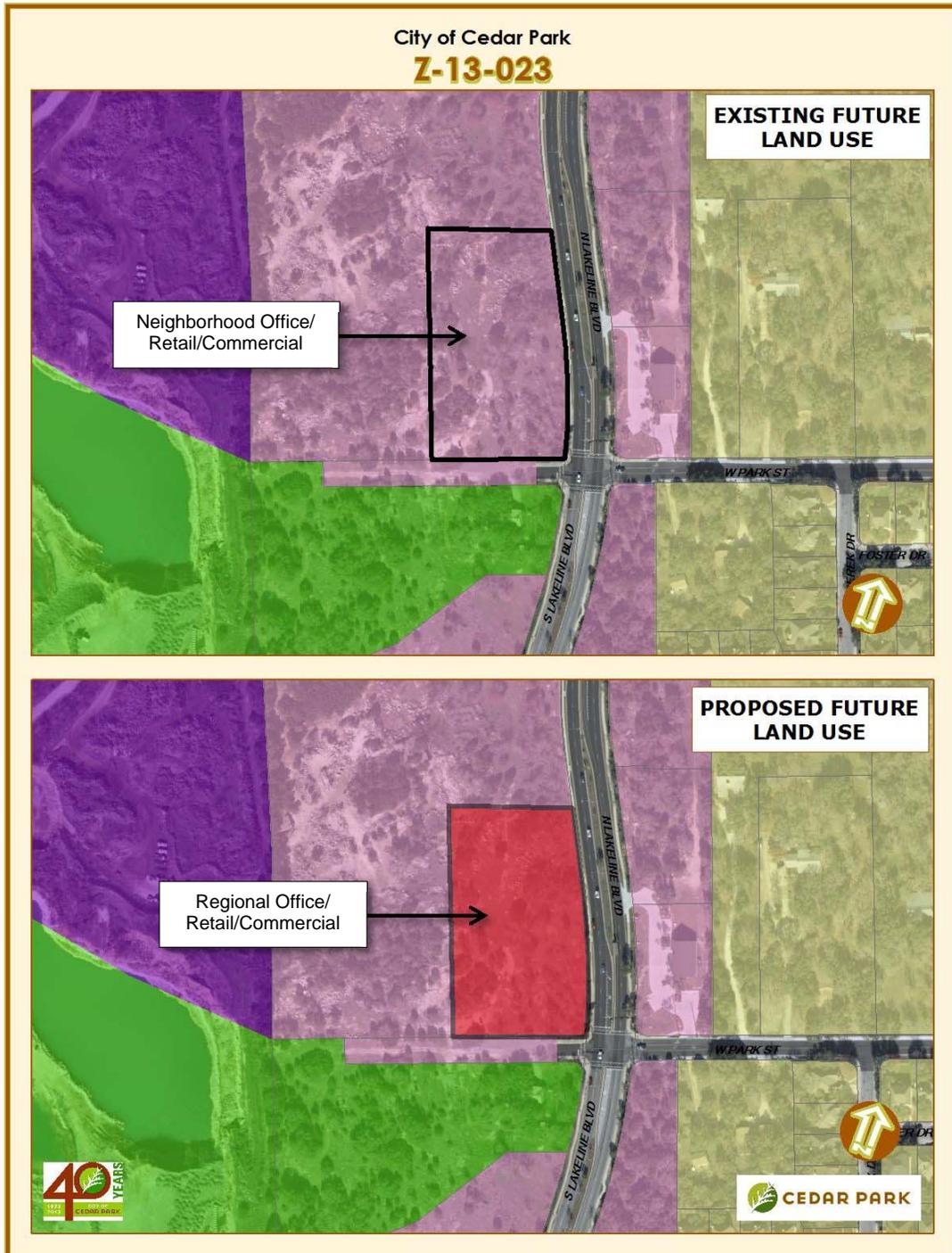
The applicant's request for GR zoning requires a designation, which allows such zoning districts as General Office (GO), General Retail (GR) and Mixed Use (MU).

Staff is supportive of the applicant's request. The regional FLUP designation is supported by the goals of the comprehensive plan and is consistent with the purpose statement of the GR district. The site is located at the intersection of two arterial roadways and is not adjacent to residential neighborhoods.

Below is a summary of how the proposed amendment will affect the land use percentages currently established on the FLUP.

Land Use	Current Area/Percentage		Proposed Amendment/ Percentage		% Change
Employment Center	1387.17 acres	7.18%	1387.17 acres	7.18%	0%
High Density Residential	368.94 acres	1.91%	368.94 acres	1.91%	0%
Industrial	328.39 acres	1.7%	328.39 acres	1.7%	0%
Institutional/Public/Utility	982.73 acres	5.09%	982.73 acres	5.09%	0%
Low Density Residential	9360.08 acres	48.45%	9360.08 acres	48.45%	0%
Medium Density Residential	331.86 acres	1.72%	331.86 acres	1.72%	0%
Neighborhood Office/Retail/Commercial	2142.61 acres	11.09%	2139.61 acres	11.07%	-0.02%
Parks and Open Space	2303.22 acres	11.92%	2303.22 acres	11.92%	0%
Regional Office/Retail/Commercial	2116.01 acres	10.95%	2119.01 acres	10.97%	+0.02%

Arguindegui



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Planning and Zoning Commission

Ordinance Amendment Proposal – Private Streets and Gated Subdivisions

Case Number: OA-13-007

**Item:
12A**

STAFF: Amy Link, 512-401-5056, amy.link@cedarparktexas.gov

In recent months, staff has received interest from developers to build executive level single family subdivisions that are gated and incorporate private streets. Currently, our Subdivision Ordinance permits private streets upon approval of a Planned Development for cluster housing developments or detached condominium projects, or as a component of a master planned community; however, the private streets are not currently allowed within traditional single family subdivisions.

Attached are proposed amendments to the Subdivision Ordinance (Chapter 12), specifically Section 12.12.003 Streets and Article 12.14 Private Streets and Gated Subdivisions. Proposed amendments are summarized as follows:

- 1) Allow gated communities with private streets in traditional single family subdivisions;
- 2) Add provision for routine street sweeping of private streets by the City for; and
- 3) Minor amendments to the private street and gated communities criteria included in Sections 12.14.004 – 12.14.014 to address inconsistencies in the ordinance

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**Ordinance Amendment Proposal – Private
Streets and Gated Subdivisions**

**Item:
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Sec. 12.12.003 Streets

(4) ~~Access to lots.~~ Each lot in a subdivision shall abut on an existing or proposed public ~~or private~~ street.

ARTICLE 12.14 PRIVATE STREETS AND GATED SUBDIVISIONS

Sec. 12.14.001 Use of private streets

Private streets and alleys in lieu of public streets and alleys ~~shall not may~~ be used ~~for conventional residential subdivisions. Private streets and alleys may be considered upon approval of a planned development district for cluster housing developments having at least forty percent (40%) of the developable land area reserved as open space preserve or greenbelt, for detached condominium developments where the land is held in common, and~~ providing that the development complies with the requirements of this ~~a~~Article. The term private street shall include alleys, ~~if provided.~~

Sec. 12.14.002 Design and construction standards

(a) Private streets shall be designed in accordance with the design standards of this chapter, and all other applicable standards as prescribed by the City ~~of Cedar Park.~~

(b) All ~~streets,~~ alleys, sidewalks, drainage ~~ways~~facilities, ~~storm sewer lines,~~ water and ~~wastewater~~sewer lines, ~~street lighting, signage, markings~~ and ~~related~~ improvements shall be designed, placed and constructed in accordance with the ~~City's~~ general design standards ~~of the City of Cedar Park,~~ as amended.

Sec. 12.14.003 Streets excluded

(a) Streets designated on the transportation master plan as a major arterial or minor arterial shall not be used, maintained or constructed as private streets.

(b) The planning and zoning commission ~~and or the city council~~ may deny the creation of a private street if it makes a finding of fact, based upon the evidence provided, that it would:

- (1) Negatively affect traffic circulation on public streets; or
- (2) Impair access to property either on site or off site of the subdivision; or
- (3) Impair access to or from public facilities including schools, parks and libraries, ~~or~~
- ~~(4) Delay the response time of emergency vehicles; or~~
- ~~(5) At their sole discretion.~~

Sec. 12.14.004 ~~Property Home~~Owners ~~a~~Association

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**Ordinance Amendment Proposal – Private
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(a) ~~Residential~~ Subdivisions developed with private streets shall establish a mandatory ~~homeowners~~ property owners association and shall record applicable deed restrictions and association documents concurrent with the recordation of the final plat. The association shall own and be responsible for the maintenance of the private streets and related improvements including but not limited to alleys, sidewalks, drainage facilities, storm sewer lines, water and wastewater lines, street lighting, signage and markings. Lot deeds shall convey membership in the association and provide for the payment of dues and assessments required by the association in order to provide for the continuous maintenance of the facilities.

(b) The property manager shall be required to maintain and file a fidelity bond. The name of the association's president shall be submitted to the public works department and updated as needed.

(c) The following notice shall appear in bold print on each deed to property in the subdivision, on the plat of the subdivision and on each contract on the sale of land within the subdivision:

Notice: The lots within this subdivision are governed by a homeowners property owners association requiring the payments of fees. Failure to pay fees is subject to attachment of a lien on your property by the association or by the ~~City of Cedar Park~~.

(d) The association documents shall establish a reserve fund for the maintenance of private streets and other improvements, and contain provisions for reliable access to provide City services and to other utility service providers with appropriate identification. The association may not be dissolved, and no portion of the association documents pertaining to this Section may be amended without the written consent of the City.

(e) A reserve fund balance report shall be submitted to the public works department annually to ensure that adequate fund reserves are being maintained for future repairs and/or replacement costs of the private streets and related improvements.

(f) In the event the association fails to maintain the streets in accordance with City standards, the City may repair and maintain the streets and charge the cost to the association. If the association fails to pay for the maintenance cost, after notice to the property owners, the costs shall be filed as a lien on all property within the subdivision.

(g) The association documents shall be reviewed and approved by the ~~city attorney and the~~ director of planning to ensure that they conform to this and other applicable city ordinances, and shall be filed of record prior to the approval of the final plat.

Sec. 12.14.005 Private streets and easements

(a) Private streets shall be constructed within a designated separate lot or lots owned by the homeowners property owners association. Every lot shall have frontage on, and access to, said lot or lots in lieu of a public street.

(b) An easement encompassing the lot shall be granted to the City providing unrestricted use of the property for utilities and their maintenance. The right shall extend to all utility providers,

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including telecommunication companies operating within the eCity. The easement shall also provide the eCity with the right of access for any purpose related to the exercise of a governmental service ~~of~~ function, including but not limited to fire and police protection, inspection, animal control and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the lot that impairs emergency access.

Sec. 12.14.006 Construction and maintenance cost

The eCity shall not ~~be responsible~~ pay for any portion of the cost of constructing or maintaining a private street, including but not limited to street lighting, traffic signs, sidewalks and sidewalk ramps, and pavement markings.

Sec. 12.14.007 Utilities

Water, ~~sewer~~ wastewater, drainage facilities, and water meters shall be placed within the “street lot” and shall be dedicated to the City upon final acceptance of the subdivision by the City.

Sec. 12.14.008 Improvements and inspections

(a) Developments proposed with private streets shall comply with Article 12.13, construction standards, of the comprehensive subdivision ordinance. In lieu of the two-year maintenance bond provided to the City ~~of Cedar Park~~ from the contractor in the amount of one hundred ten percent (110%) of the contract price for the street, such period measured from the date of the issuance of a letter of acceptance by the engineering department, the bond shall be issued to the ~~homeowners~~ property owners association.

(b) The City may periodically inspect private streets and require repairs necessary to insure emergency access.

Sec. 12.14.009 Signs

All private traffic signs and markings shall conform to the Texas Manual on Uniform Traffic-Control Devices. The entrances to all private streets shall be marked with a sign stating that it is a private street.

Sec. 12.14.010 Access provisions

(a) Guard houses, access control gates and crossarms ~~may shall~~ be constructed within the “street lot.” All restricted access entrances must be ~~manned 24 hours every day, or provided with an alternative a~~ means of ensuring access to the subdivision by the City and other utility service providers, with appropriate identification.

(b) If the association fails to maintain reliable access as required to provide City services, the City may enter the subdivision and remove any gate or device, which is a barrier to access at the sole expense of the association, as provided for in the association documents.

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Sec. 12.14.011 Entrance design standards

(a) Any private street with an access-control gate shall have a minimum uninterrupted pavement width of twenty-four (24) feet at the location of the access control device. All restricted access gates shall be approved by the fire department and meet access requirements for emergency vehicles and shall not obstruct pedestrian pathways.

(b) Overhead barriers shall not be allowed.

(c) Internal storage for three (3) vehicles shall be provided between the public right-of-way line and the point of the access control device.

(d) An additional setback A turn around area with a radius of forty (40) feet between the point of the access control device and the access gate shall be required-provided to allow a-vehicle which is denied access to safely turn around and exit onto a public street.

(e) On lots adjacent to access gates, screening walls may exceed thirty (30) inches in height, up to a maximum of six (6) feet within the front yard setback of the adjacent lot. Such wall shall be constructed of wrought iron with brick columns. Solid fencing panels shall not be allowed.

Sec. 12.14.012 Waiver of services

The subdivision final plat, property deeds and property owner association documents shall note that certain eCity services shall not be provided on private streets. Among the services, which will not be provided, are: regular street maintenance, with the exception of street sweeping at a frequency consistent with other subdivisions, routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports. Depending on the characteristics of the proposed development other services may not be provided.

Sec. 12.14.013 Petition to convert to public streets

(a) The property homeownersowners association documents shall allow the association to request the City to accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of fifty-one percent (51%) of the membership.

(b) Nothing herein shall be construed to require the City's acceptance of private streets as public, and in no event shall the City accept private streets as public unless said streets have been constructed and maintained to City standards. Should the eCity elect to accept private streets as public, the eCity may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the eCity's acceptance of the streets and alleys.

(c) The eCity shall be the sole judge of whether repairs are needed. The City may also require, at the association's expense, the removal of guard houses, access-control devices, landscaping or other aesthetic amenities located within the street lot, and/or replacement of any non-compliant improvements. The association documents shall provide for the eCity's right to such assessment.

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Those portions of the association documents pertaining to the subject matter contained in this ~~S~~section shall not be amended without the written consent of the ~~C~~eity.

Sec. 12.14.014 Hold harmless

(a) Language shall be placed on the subdivision final plat whereby the ~~homeownersproperty owners~~ association, as owner of the private streets and appurtenance, agrees to release, indemnify, defend and hold harmless the ~~e~~City, any governmental entity and public utility for damages to the private street occasioned by the reasonable use of the private street by the ~~e~~City, governmental entity or public utility; for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of the use by the ~~C~~eity, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the ~~e~~City, government entity or public utility.

Further, such language shall provide that all lot owners shall release the ~~C~~eity, governmental entities and public utilities for such damages and injuries. The indemnification contained in this paragraph apply regardless of whether or not such damages and injury (including death) are caused solely by the negligent act or omission of the ~~e~~City, governmental entity or public utility, or their representative officers, employees or agents.

(b) The ~~homeownersproperty owners~~ association shall provide general liability insurance in the amount of not less than \$~~5~~300,000 per occurrence and \$~~1,0~~500,000 aggregate. Such insurance shall protect the ~~homeownersproperty owners~~ association and City ~~of Cedar Park~~ from any claim, suit or demand resulting from any activity by the city within the subdivision, including the operation, maintenance or repair of water, sewer and drainage facilities. The insurance shall be occurrence based and name the City ~~of Cedar Park~~ an additional insured. The insurance shall not include any exclusions that would deny coverage from the operation of sewer lines.

(c) A signed certificate of insurance, satisfactory to the ~~e~~City, showing compliance with the requirements of this ~~S~~section shall be furnished to the City ~~of Cedar Park~~ at the time all improvements are accepted by the ~~e~~City. Such certificate shall provide thirty-day written notice to the City ~~of Cedar Park~~ prior to the cancellation or modification of any insurance referred to therein. Language shall be placed on the subdivision final plat indicating that a signed certificate of insurance shall be furnished to the ~~C~~eity which complies with ~~this -a~~Article.

~~Sec. 12.14.015 Gated communities~~

~~(a) Residential subdivisions may have gated access provided they comply with all of the following criteria:~~

~~(1) The gated community is comprised of not more than ten percent (10%) of the total lot count of a residential subdivision having five hundred (500) or more lots, as shown on its concept plan or preliminary plan.~~

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~~(2) All common areas, common improvements, and all utilities within the gated areas shall be privately owned and maintained. The engineering/services department will approve the installation of a master water and wastewater meter(s) to serve all residents in the gated areas and the HOA will be billed as an individual customer for all properties in the gated section.~~

~~(3) No off-site stormwater may be conveyed through the gated areas.~~

~~(4) No off-site utilities may be included in the development within the gated areas. No lift stations may be located within the gated areas.~~

~~(5) The requirements of subsections [sections] 12.14.004, and 12.04.010-014 [12.14.010-12.14.014] shall apply.~~

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Rules and Procedure Proposed Amendment

At the October P&Z meeting, the Commission expressed interest in modifying Rule 1.11 of the adopted Rules and Procedures regarding attendance. Staff has proposed the following amendments to the Rules and Procedures for consideration and possible action.

Rule 1.11 Attendance. A position on the Planning and Zoning Commission shall become vacant if a Member fails to attend either: a) three (3) consecutive; or b) more than fifty percent (50%) of all Planning and Zoning Commission meetings during any twelve (12) month period from appointment or reappointment. ~~without being excused by the Commission. Absence from any Commission meeting shall be excused only for reasons of personal illness or immediate family emergencies.~~ Attendance shall be taken and noted by the Chairman at the beginning of all meetings. ~~with notations as to whether a Member's absence is excused or not. No absence shall be considered by the Board to be excused unless, prior to the meeting, the Member contacts either the Planning Department staff or the Chairman and indicates such request and the reason for such request.~~