



CITY OF CEDAR PARK
REGULAR CALLED MEETING OF THE
PLANNING & ZONING COMMISSION
TUESDAY, JANUARY 21, 2014 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
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
3. MINUTES:
 - A. Approve Minutes from the Regular Meeting of December 17, 2013 and Minutes from the Special Called Meeting of January 7, 2014.
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. Paragon Commercial (SFP-14-001)
5.395 acres, 1 commercial lot
Located east of 183A Toll Road and south of Scottsdale Drive
Owners: Pecan Grove-SPVEF, L.P.
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
 - B. SUBDIVISION APPROVALS:
 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: Approve

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Access and Off-Street Parking Ordinance Amendment, OA-14-001 – Postponement request by staff to February 18, 2014
- B. Emergency Medical Centers Ordinance Amendment, OA-14-003 – Postponement request by staff to February 18, 2014
- C. Star Subdivision, Resubdivision of Breakaway Park Section 7, Lot 1C (SFP-13-016) – Postponement request by applicant to February 18, 2014

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. Seaman Rezoning, Z-13-015 (related to item 8A)
- B. Misty Valley, Z-13-027 (related to item 8B)
- C. Nitro Swim Center, Z-13-030 (related to item 8C)

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by Ann Seaman to assign original zoning of General Retail (GR) to approximately 5 acres and Multi-Family Residential (MF) to approximately 17.94 acres for property located at the northwest corner of Parmer Lane and Brushy Creek Road. (Z-13-015)
Owner: Ann Seaman
Agent: Kristiana Alfsen
Staff resource Person: Amy Link
Staff proposal to P&Z: Local Retail (LR) and Development Reserve (DR)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report
- B. Consider a request by Minori LLC to assign original zoning of Single Family-Large Urban Lot (SF-2) to approximately 33.48 acres and to rezone approximately 13.35 acres from Rural Agriculture (RA) to Single Family-Large Urban Lot (SF-2) for property located on Trails End Road, south of West Whitestone Boulevard. (Z-13-027)
Owner: Minori LLC
Agent: David Singleton
Staff resource Person: Amy Link
Staff proposal to P&Z: Single Family-Large Lot (SF)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report
- C. Consider a request by Matthew and Melissa Crumley to assign original zoning of Commercial Services (CS) to approximately 3.25 acres for property located at 1301 Toro Grande Boulevard. (Z-13-030)
Owner: Matthew and Melissa Crumley
Agent: Derek Villemez
Staff resource Person: Rian Amiton
Staff proposal to P&Z: Commercial Services (CS)
 - 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 Parmer Lane and Brushy Creek Road (related to item 8A).

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 Chapter 11 Zoning, Article 11.02 Zoning Districts and Boundaries, Division 13 Duplex Residential District, Section 11.02.101 Permitted Uses; Division 14 Multifamily Residential District, Section 11.02.111 Permitted Uses; Division 15 Transitional Office District, Section 11.02.122 Permitted Uses; Division 17 General Office District, Section 11.02.138 Permitted Uses; Division 31 Mixed Use District, Section 11.02.252 Permitted Uses; Division 22 Hospital Districts, Section 11.02.182 Permitted Uses; Division 38, Section 11.02.341 Zoning District Chart Residential Districts; Section 11.02.342 Zoning District Chart Nonresidential Districts, and; Article 11.12 Definitions, Division 1 Definition of Terms, Section 11.12.002 Terms to amend the definitions and permitted zoning districts for residential type commercial uses. (OA-13-009)

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

- B. Consideration of a proposed revision to the Code of Ordinances: specifically, to amend Chapter 11 Zoning, Article 11.02 Zoning Districts and Boundaries, Division 19 General Retail District, Sections 11.02.156 Permitted Uses and 11.02.162 Regulations Specific To This District, and Division 38, Section 11.02.342 Zoning District Chart Nonresidential Districts to amend the regulations regarding new and used automotive sales. (OA-14-004)

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

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 December 19th and January 9th
- B. Director and Staff Comments
 - 1) Special Called Meeting on January 28, 2014
 - 2) P&Z Commissioner Training
- C. Commissioners Comments
- D. Request for Future Agenda Items
- E. Designate Delegate to Attend Next Council Meetings on January 23rd and February 13th

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:

JAN 17 '14 PM 3:32

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, DECEMBER 17, 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 type="checkbox"/> AUDREY WERNECKE, Place 4, Vice Chair | <input checked="" type="checkbox"/> HOLLY HOGUE, Place 6,
Secretary |
| <input checked="" type="checkbox"/> MICHAEL DION, Place 3 | | |

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
Chair Kauffman called the meeting to order at 6:30 P.M. Commissioner Balestiere arrived at 6:47 PM. Vice Chair Wernecke and Commissioner Harris were absent. Four Commissioners were present and a quorum was declared. 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 November 19, 2013
MOTION: Commissioner Brent moved to approve the Minutes of the Regular Meeting of November 19, 2013 as presented. Commissioner Rogers seconded the motion. The motion passed unanimously, 4-0, with three absent.

4. CITIZEN COMMUNICATIONS *(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)* **NONE.**

5. CONSENT AGENDA:
 - A. STATUTORY DISAPPROVAL:
 1. Star Subdivision (SFP-13-016)
3.075 acres, 1 lot into 2 commercial lots
Located north of Kenai Drive and west of West Parmer Lane
Owners: Mass Project Managers and Consultants
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove

 2. Ranch at Brushy Creek Section 8C and 8D (FP-13-008)
19.88 acres, 49 residential lots, 1 drainage and water quality lot
Located on the north side of Brushy Creek Road and east of West Parmer Lane
Owners: Silverado Austin Development, Ltd. and Standard Pacific of Texas, Inc.
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

 - B. SUBDIVISION APPROVALS:
 1. Cedar Park Villas (SFP-13-014) **Pulled from Agenda (See Item 6E)**
5.58 acres, 1 multifamily lot
Located on the west side of South Bell Boulevard, south of Little Elm Trail
Owners: Cedar Park Villas LP and Austin Premium Properties LC
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve

C. EXCUSED ABSENCES FOR PLANNING AND ZONING COMMISSIONERS: NONE
MOTION: Secretary Hogue moved to recommend approval of Consent Agenda Items 5.A.1 through 5.A.2 as presented. Commissioner Rogers seconded the motion. The motion passed unanimously, 4-0, with three absent.

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Cedar Park Town Center, Z-13-006 – Indefinite postponement request by applicant
- B. Ozone Lakeline, Z-13-011 – Postponement request by applicant to February 18, 2014
- C. Misty Valley, Z-13-027 – Postponement request by applicant to January 21, 2014
- D. Nitro Swim Center, Z-13-030 – Postponement request by applicant to January 21, 2014
- E. Buttercup Creek Phase V Sec. 7, Resubdivision of Lot 161 Block A – Pulled due to notification error

Planning Manager Amy Link made the presentation and was available for questions. She advised that the postponement of Item 6D, Z-13-030, was due to the annexation schedule.

MOTION: Commissioner Rogers moved to postpone Items 6A through 6D, to above dates as requested. Secretary Hogue seconded the motion. The motion passed unanimously, 4-0, with three absent.

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. Abrantes V, Z-13-021 (related to item 8A)
- B. Logan Tract, Z-13-028 (related to item 8B)
- C. 903 Royal Lane, Z-13-029 (related to item 8C)

MOTION: Commissioner Brent moved to accept the Preliminary Reports for Items 7A through 7C as presented. Secretary Hogue seconded the motion. The motion passed unanimously, 4-0, with three absent.

Commissioner Balestiere arrived.

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by Creekside Park LTD to rezone approximately 5.7 acres from General Office (GO) to Condominium Residential (CD) for property located on Arrow Point Drive, south of East Whitestone Boulevard. (Z-13-021)
Owner: Creekside Park LTD
Agent: Robert Tesch
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

Planning Manager Amy Link made the presentation and was available for questions. The applicant requested rezoning a total of approximately 5.7 acres from General Office (GO) to Condominium Residential (CD) for property located on Arrow Point Drive, south of East Whitestone Boulevard. The Applicant's Communication Summary was received. The CD request is not consistent with the Future Land Use Plan and is not supportive of the economic development goals of the Comprehensive Plan. The tract also lacks the minimum six acres required for a condominium residential development as stipulated in the Zoning Ordinance. Staff recommended retention of the General Office (GO) zoning designation for this tract. Applicant Bob Tesch made the presentation. Also speaking in support of the applicant's

request were: Eric Rome, Charles Heimsath (provided feasibility analysis for applicant), and Rod Madden (Abrantes developer).

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

There was general discussion among the Commissioners concerning the change from commercial to residential.

MOTION: Commissioner Balestiere moved to recommend approval to the City Council of rezoning Item 8A, Case Z-13-021, Condominium Residential (CD) with the condition that the condos be detached units. Secretary Hogue seconded the motion. The motion passed unanimously, 5-0, with two absent.

MOTION: Secretary Hogue moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8A, Case Z-13-021. Commissioner Balestiere seconded the motion. The motion passed unanimously, 5-0, with two absent.

- B. Consider a request by Hakim and Sammie Wakil, Mildred Logan, Linda Logan, Gary and Jane Henderson, and Patrick Henfrey to assign original zoning of Single Family-Large Urban Lot (SF-2) to approximately 42.62 acres located north of Arrow Wood Road. (Z-13-028)
Owner: Hakim and Sammie Wakil, Mildred Logan, Linda Logan, Gary and Jane Henderson, and Patrick Henfrey
Agent: Paul Linehan and Jim Vater
Staff resource Person: Rian Amiton
Staff proposal to P&Z: SF-2-CO with a condition to require a 65 foot minimum lot width
- 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 original zoning of Single Family-Large Urban Lot (SF-2) for a total of approximately 42.62 acres for property located north of Arrow Wood Road. The site is currently undeveloped. This zoning request is being processed concurrent with a voluntary annexation petition for the property. The Applicant's Communication Summary was received. The request complies with the goals of the Comprehensive Plan and the Future Land Use Plan. Staff recommended approval of the applicant's request for SF-2 zoning with the following condition: 65 foot minimum lot width. The applicant was present and available for questions.

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

MOTION: Commissioner Balestiere moved to recommend approval to the City Council of rezoning Item 8B, Case Z-13-028, to SF-2-CO with the condition that a 65 foot minimum lot width is required. Commissioner Rogers seconded the motion. The motion passed unanimously, 5-0 with two absent.

MOTION: Commissioner Rogers moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8B, Case Z-13-028. Commissioner Balestiere seconded the motion. The motion passed unanimously, 5-0 with two absent.

- C. Consider a request by Aldea Verde School, LLC to rezone approximately 0.47 acres from Multifamily Residential (MF) to Local Retail (LR) for property located at 903 Royal Lane. (Z-13-029)
Owner: Joseph and Elsie Schumaker
Agent: Jason Westigard
Staff resource Person: Rian Amiton
Staff proposal to P&Z: LR
- 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 0.47 acres from Multifamily Residential (MF) to Local Retail (LR) for property located at 903 Royal Lane. A single family house currently occupies the site. The Applicant's Communication Summary was received. The request is compliant the Comprehensive Plan Goals. It does not comply with the Future Land Use Plan. Staff recommended approval of the applicant's request for Local Retail (LR) zoning. The applicant was present and available for questions.

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

MOTION: Commissioner Balestiere moved to recommend approval to the City Council of rezoning Item 8C, Case Z-13-029, as recommended by staff. Commissioner Brent seconded the motion. The motion passed unanimously, 5-0 with two absent.

MOTION: Commissioner Brent moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8C, Case Z-13-029. Commissioner Balestiere seconded the motion. The motion passed unanimously, 5-0 with two absent.

9. FUTURE LAND USE PLAN AMENDMENTS: NONE.

- A. Future Land Use Amendment for property located Arrow Point Drive, south of East Whitestone Boulevard (related to item 8A).

Planning Manager Amy Link made the presentation and was available for questions. She advised that this Future Land Use Plan amendment was requested in conjunction with Case Z-13-021. Staff supported the applicant's request.

MOTION: Commissioner Balestiere moved to recommend approval to the City Council of amending the Future Land Use Plan for property located at Arrow Point Drive, south of East Whitestone Boulevard. Secretary Hogue seconded the motion. The motion passed unanimously, 5-0, with two absent.

- B. Future Land Use Amendment for 903 Royal Lane (related to item 8C).

Planner Rian Amiton made the presentation and was available for questions. He advised that this Future Land Use Plan amendment was requested in conjunction with Case Z-13-029.

MOTION: Commissioner Balestiere moved to recommend approval to the City Council of amending the Future Land Use Plan for property located at 903 Royal Lane. Commissioner Rogers seconded the motion. The motion passed unanimously, 5-0, with two absent.

10. SUBDIVISIONS (ACTION AND PUBLIC HEARING):
- A. Shops at Lakeline Section 3, Resubdivision of Lot 2 (SFP-13-009)
20 acres, 2 commercial lots
Located at 1910 South Lakeline Boulevard
Owner: Becky LTD
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve
1) Public Hearing
2) P&Z Action

Planner Rian Amiton 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-13-009, as presented by Staff. Secretary Hogue seconded the motion. The motion passed unanimously, 5-0, with two absent.

- B. Lakewood Country Estates Phase One, Resubdivision of Lot 3 Block D (SFP-13-011)
5.02 acres, 2 residential lots
Located at 132 Lakewood Trail
Owner: Cecil and Norma Holder
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve
1) Public Hearing
2) P&Z Action

Planner Rian Amiton 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: Secretary Hogue moved to recommend approval of Item 10B, Case SFP-13-011, as presented by Staff. Commissioner Brent seconded the motion. The motion passed unanimously, 5-0, with two absent.

11. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING): **NONE**
12. ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS: **NONE**
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 November 21st and December 12th.

November 21, 2013 – Commissioner Harris attended. Planning Manager Amy Link advised that the Z-13-020 was on the agenda for 1st reading and public hearing. The following cases were on the agenda for 2nd public hearing: ANX-13-002, ANX-13-003, and ANX-13-004. Z-13-010 was postponed to December 12, 2013.

December 12, 2013 – Commissioner Rogers attended. The following cases were on the agenda for public hearing: ANX-13-002, ANX-13-003, ANX-13-004 and ANX-13-005. The following Cases were on the agenda for 1st reading and public hearing: Z-13-022, Z-13-024, Z-13-026, and OA-13-007.

- B. Director and Staff Comments.

- 1) Possible Special Called Meeting on January 7, 2014

Planning Manager Amy Link advised that a Special Called meeting was needed because a potential economic development project needs to be rezoned.

Planning Manager Amy Link introduced the new Senior Planner Shandrian Jarvis to the Commissioners. She is a University of Texas graduate and comes to us from the City of Austin with more than twelve years of experience.

- C. Commissioners Comments.

Commissioner Brent requested that the meeting rules be more strictly adhered to and that people in the audience not be allowed to speak during the Commissioners deliberations.

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

- E. Designate Delegate to Attend Next Council Meetings on December 19th and January 9th.

Commissioner Balestiere advised that he would attend the December 19th Council meeting and Commissioner Rogers advised that he would attend the January 9th Council meeting.

15. ADJOURNMENT

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

PASSED AND APPROVED THE 21ST DAY OF JANUARY, 2014.

NICHOLAS KAUFFMAN, Chairman

ATTEST:

HOLLY HOGUE, Secretary

CITY OF CEDAR PARK
SPECIAL CALLED MEETING OF THE
PLANNING & ZONING COMMISSION
TUESDAY, JANUARY 7, 2014 AT 6:30 P.M.
CEDAR PARK CITY HALL COUNCIL CHAMBERS
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 type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input checked="" type="checkbox"/> AUDREY WERNECKE, Place 4, Vice Chair | <input checked="" type="checkbox"/> HOLLY HOGUE, Place 6,
Secretary |
| <input checked="" type="checkbox"/> MICHAEL DION, Place 3 | | |

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
Chair Kauffman called the meeting to order at 6:30 P.M. Six Commissioners were present and a quorum was declared. Commissioner Balestiere was absent. Chair Kauffman read the standard introduction.

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. CITIZEN COMMUNICATIONS *(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)* **None.**

4. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:
A. Paragon, Z-13-031 (related to item 5A)
MOTION: Commissioner Harris moved to accept the Preliminary Report for Item 4A as presented. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

5. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

A. Consider a request by Pecan Grove SPVFF, LP to rezone approximately 5.39 acres from General Retail (GR) to Light Industrial (LI) for property located east of 183A Toll Road and north of West New Hope Drive. (Z-13-031)
Owner: Creekside Park LTD
Agent: Daniel Hart, Pape-Dawson Engineers
Staff resource Person: Amy Link
Staff proposal to P&Z: Light Industrial-Conditional Overlay (LI-CO) with a condition to prohibit the following use: transit station.
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report**Planning Manager Amy Link made the presentation and was available for questions. The applicant requested rezoning a total of approximately 5.39 acres from General Retail (GR) to Light Industrial (LI) for property located east of 183A Toll Road and north of East New Hope Drive. The site is undeveloped. The request does not comply with the Future Land Use Plan. It does support the economic development Comprehensive Plan Goals. Staff recommended Light Industrial-Conditional Overlay (LI-CO) zoning with the condition that transit stations be prohibited. Daniel Hart, agent, was available to answer questions.**

There was general discussion among the Commissioners concerning the uses allowed in Light Industrial zoning districts.

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 Brent moved to recommend approval to the City Council of rezoning Item 5A, Case Z-13-031, as recommended by staff. Commissioner Rogers seconded the motion. The motion passed unanimously, 6-0, with one absent.

MOTION: Commissioner Brent moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 5A, Case Z-13-031. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

6. FUTURE LAND USE PLAN AMENDMENTS:

A. Future Land Use Amendment for property located east of 183A Toll Road and north of West New Hope Drive (related to item 5A).

Planning Manager Amy Link made the presentation and was available for questions. She advised that this Future Land Use Plan amendment was requested in conjunction with Case Z-13-031.

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 Brent moved to recommend approval to the City Council of amending the Future Land Use Plan for property located east of 183A Toll Road and north of West New Hope Drive (related to Item 5A). Commissioner Harris seconded the motion. The motion passed unanimously, 6-0, with one absent.

7. SUBDIVISIONS (ACTION AND PUBLIC HEARING):

**A. Buttercup Creek Phase V Section 7, Resubdivision of Lot 161 Blk A (SFP-13-008)
0.9 acres, two (2) residential lots and one (1) drainage and access lot**

Located at 2004 Burnie Bishop Place

Owner: Forestar Real Estate Group, Inc.

Agent: Geoff Guerrero, Carlson Brigrance and Doering, Inc.

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 Harris moved to recommend approval of Item 7A, Case SFP-13-008, as presented by Staff. Commissioner Rogers seconded the motion. The motion passed unanimously, 6-0, with one absent.

8. 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. Director and Staff Comments. **None.**

B. Commissioners Comments. **None.**

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

9. ADJOURNMENT

Chair Kauffman adjourned the meeting at 6:55 p.m.

PASSED AND APPROVED THE 21ST DAY OF JANUARY, 2014.

NICHOLAS KAUFFMAN, Chairman

ATTEST:

HOLLY HOGUE, Secretary

January 21,
2014

Subdivision

Planning and Zoning Commission

Paragon Commercial

Item:#
5A1

Case Number: SFP-14-001

OWNER: Pecan Grove-SPVEF, LP

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

LOCATION: East side of 183A Toll Road, south of Scottsdale Drive

COUNTY: Williamson

AREA: 5.395 acres

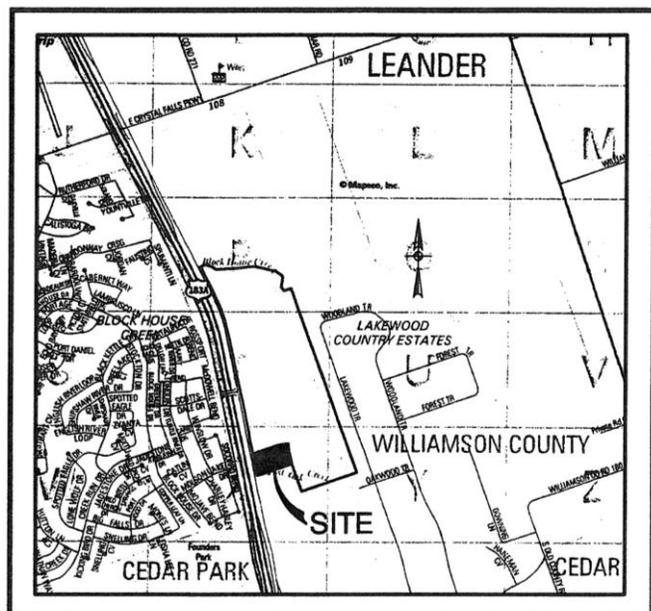
ZONING: GR

SUBDIVISION DESCRIPTION: 1 commercial 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.



LOCATION MAP

NOT-TO-SCALE MAPSCO MAP
GRID: 343P,T,U,X&Y

January 21,
2014
Subdivision

Planning and Zoning Commission
Starwood Oaks

**Item:#
5B1**

Case Number: SFP-13-013

OWNER: AUSRAD Properties, LP

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

LOCATION: East Whitestone Boulevard and Starwood Drive

COUNTY: Williamson

AREA: 4.81 acres

ZONING: LR and TO

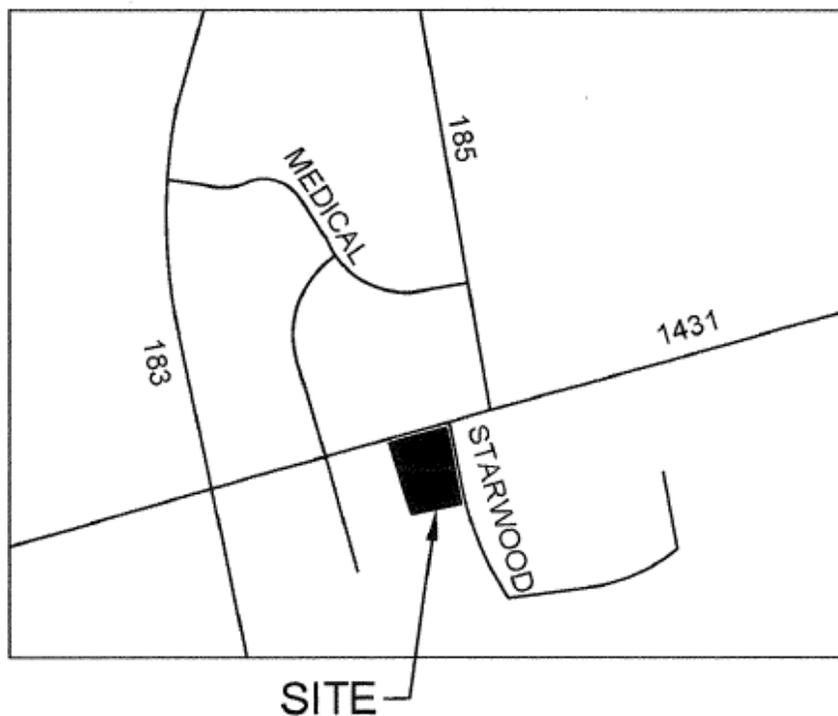
SUBDIVISION DESCRIPTION: 3 commercial lots

STAFF COMMENTS:

This plat meets all state and local requirements.

STAFF RECOMMENDATION:

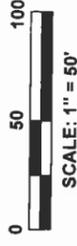
Approve plat.



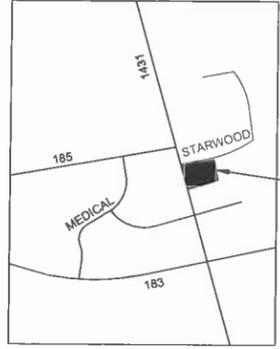
5B1

STARWOOD OAKS SUBDIVISION FINAL PLAT

STARWOOD OAKS SUBDIVISION
OCTOBER 2013
WG PROJECT NO. 0034-005

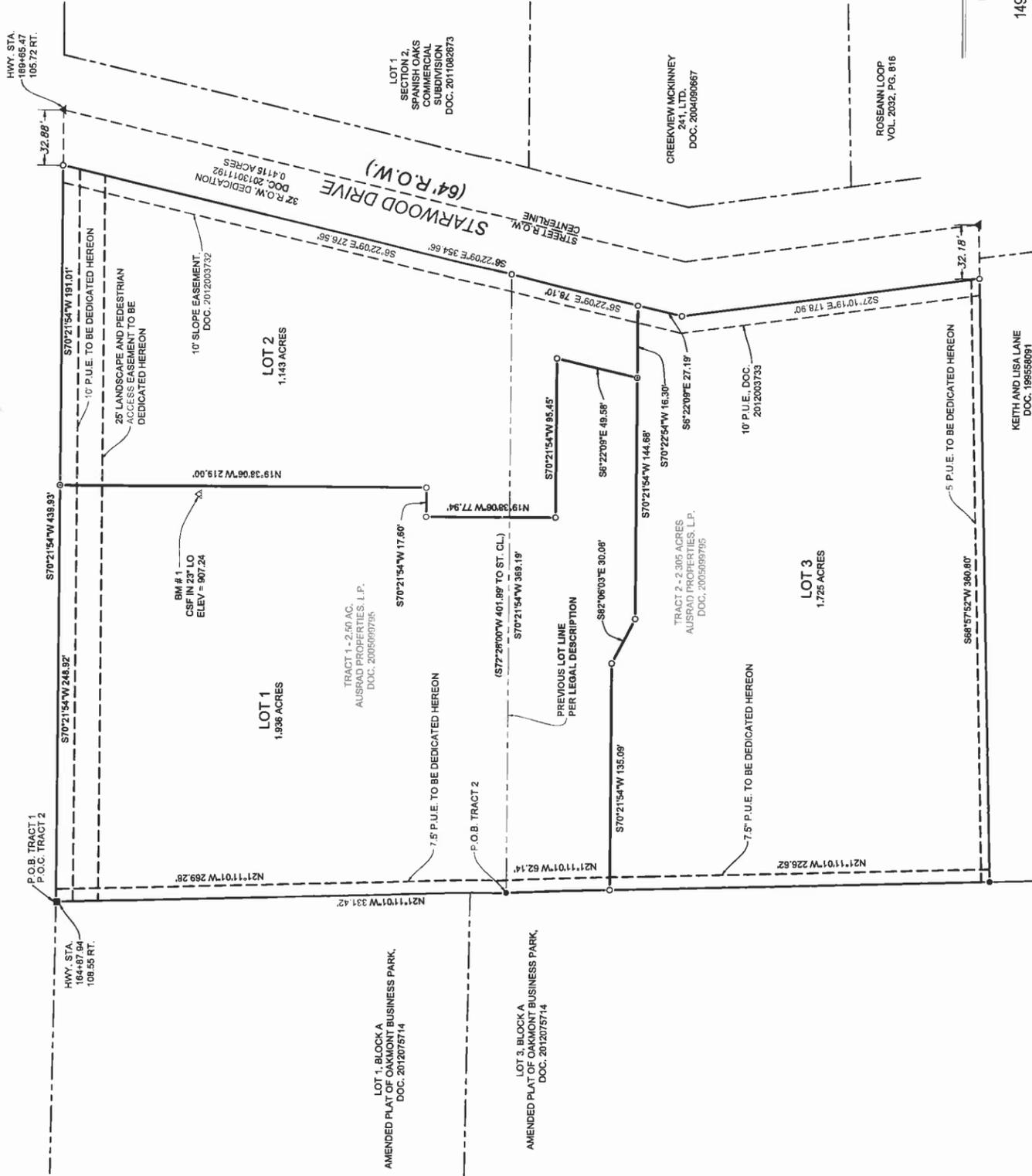


- LEGEND**
- TxDOT TYPE II MONUMENT
 - IRON ROD FOUND (1/2")
 - IRON PIPE FOUND (SIZE NOTED)
 - 1/2" IRON ROD SET WITH CAP
 - ▲ SURVEY CONTROL POINT /BM
 - ▲ MAG NAIL FOUND
 - () PUBLIC UTILITY EASEMENT
 - () RECORD INFORMATION
 - RIGHT OF WAY
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT



VICINITY MAP (N.T.S.)

EAST WHITESTONE BLVD
R.M. 1431
(R.O.W. VARIES)



NOTES:

1. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF CEDAR PARK.
2. SETBACKS NOT SHOWN ON LOTS SHALL CONFORM TO THE CITY OF CEDAR PARK ZONING ORDINANCE.
3. THIS SUBDIVISION SHALL COMPLY WITH THE CORRIDOR OVERLAY ORDINANCE OF THE CITY OF CEDAR PARK.
4. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF STARWOOD DRIVE AND EAST WHITESTONE BLVD (R.M. 1431). THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL OR LOT 30 SHALL BE INSTALLED WHEN THE ADDJONING STREET IS CONSTRUCTED. WHERE THERE ARE EASEMENTS TO ADJONING LOTS, SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREETS IN THE SUBDIVISION ARE CONSTRUCTED.

PROJECT BENCH MARK (BM #1)

COTTON SPINDLE FOUND IN BASE OF 23" LIVE OAK, IN CLUSTER OF THREE LARGE LIVE OAKS, APPROX. 248 FEET EAST OF TxDOT MONUMENT AT NORTHWEST CORNER OF TRACT, AND 134 FEET SOUTH OF CURB OF R.M. 1431.
ELEVATION: 907.24
POINT NO. 52, FB 3, PG 34, FLUGELAND SURVEYING.

BEARING BASIS NOTE:

THE BEARINGS DESCRIBED HEREIN ARE BASED ON NAD 83 STATE PLANE COORDINATES, TEXAS CENTRAL (4203) ZONE.

Owners: Ausrad Properties, LLC	Address: 10900 Stonelake Blvd., Suite 250, Austin, Texas 78759	Phone: (512) 269-6068	Fax: N/A
Acreage: 4.805			
Survey: Samuel Dutton Survey, Abstract 170 in Williamson County, Texas			
Number of lots and proposed use (if more than one use is planned for the lots, provide land use summary showing # of lots are planned for each use): See Attached			
Date: 21-Oct-2013			
Surveyor: Paul Flugel, Flugel Land Surveyors	Phone: (512) 633-3996	Fax: N/A	
Engineer: Scott Wuest, P.E., Wuest Group	Phone: (512) 394-1900	Fax: N/A	

FLUGEL LAND SURVEYING
14910 DORIA DRIVE
AUSTIN, TX 78728
FIRM NO. 10193837
(512) 633-3996



ENGINEERING & DESIGN

FIRM # F-15324
307 E 2ND ST
AUSTIN, TEXAS 78701
(512) 394-1900

SHEET
1 OF 2

STARWOOD OAKS SUBDIVISION
FINAL PLAT

LEGAL DESCRIPTION FOR TRACT 1 (2.50 ACRES)

LEGAL DESCRIPTION OF A 2.50 ACRE (108,900 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE SAMUEL DAMOND SURVEY ABSTRACT NO. 170, WILLIAMSON COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 2.70 ACRE TRACT (THE "OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, SAVE AND EXCEPT A PORTION OF A 0.4115-ACRE TRACT OF LAND CONVEYED TO THE CITY OF CEDAR PARK FOR THE STREET RIGHT-OF-WAY PURPOSES IN DOC. 2013011162, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND THE ACCOMPANYING SKETCH AS FOLLOWS:

BEGINNING AT A TxDOT TYPE II MONUMENT (3" METAL DISK IN CONCRETE) FOUND ON THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF R.M. 1431 (R.O.W. VARIES) AT THE NORTHEAST CORNER OF LOT 1, BLOCK A, OF THE "AMENDING PLAT OF OAKMONT BUSINESS PARK", AS RECORDED IN DOC. 2012075714, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.1), SAME BEING THE NORTHWEST CORNER OF SAID CALLED 2.70 ACRE TRACT AND THIS TRACT, FROM WHICH A 1/2" IRON ROD FOUND AT THE POINT OF BEGINNING AND CONTAINING 2.50 ACRES (OR 108,900 SQUARE FEET) OF LAND, MORE OR LESS.

THENCE, N70°21'54"E, WITH SAID R.M. 1431, SOUTH R.O.W. LINE FOR A DISTANCE OF 499.88 FEET TO A 1/2" IRON ROD SET WITH PLASTIC CAP ON THE WEST LINE OF SAID 0.4115-ACRE R.O.W. ACQUISITION TRACT, BEING THE WEST R.O.W. LINE OF SAID STARWOOD DRIVE (64-FOOT R.O.W.), S87°22'09"E A DISTANCE OF 276.59 FEET TO A 1/2" IRON ROD SET WITH PLASTIC CAP FOR THE SOUTHEAST CORNER OF THIS TRACT.

THENCE, WITH THE WEST LINE OF SAID 0.4115-ACRE R.O.W. ACQUISITION TRACT, BEING THE WEST R.O.W. LINE OF SAID STARWOOD DRIVE (64-FOOT R.O.W.), S87°22'09"E A DISTANCE OF 276.59 FEET TO A 1/2" IRON ROD SET WITH PLASTIC CAP FOR THE SOUTHEAST CORNER OF THIS TRACT.

THENCE, LEAVING SAID STARWOOD DRIVE R.O.W., AND WITH THE SOUTH LINE OF SAID 2.70 ACRE TRACT, SAME BEING THE NORTH LINE OF THAT CERTAIN CALLED 2.50 ACRE TRACT (REFERRED TO AS TRACT 2) CONVEYED TO SAID AUSRAD PROPERTIES, L.P., IN SAID DOC. 2005099795, O.P.R.W.C.1, S70°51'54"W, FOR A DISTANCE OF 100.00 FEET TO A 1/2" IRON ROD FOUND ON THE EAST LINE OF LOT 3, BLOCK A OF SAID "AMENDING PLAT OF OAKMONT BUSINESS PARK", THE SOUTHWEST CORNER OF SAID 2.70 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID 2.5129 ACRE TRACT, FOR THE SOUTHWEST CORNER OF THIS TRACT;

THENCE, N21°11'01"W, WITH SAID EAST LINE OF SAID "AMENDING PLAT OF OAKMONT BUSINESS PARK", SAME BEING THE WEST LINE OF SAID 2.70 ACRE TRACT AND THIS TRACT, PASSING AT A DISTANCE OF APPROXIMATELY 21.81 FEET THE COMMON LINE BETWEEN SAID LOT 1 AND LOT 3, BLOCK A, OF SAID SUBDIVISION, AND CONTINUING FOR A TOTAL DISTANCE OF 269.28 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.50 ACRES (OR 108,900 SQUARE FEET) OF LAND, MORE OR LESS.

LEGAL DESCRIPTION FOR TRACT 2 (2.395 ACRES)

LEGAL DESCRIPTION OF A 2.3950 ACRE (100,403 SQUARE FEET) TRACT OR PARCEL OF LAND, OUT OF THE SAMUEL DAMOND SURVEY ABSTRACT NO. 170, WILLIAMSON COUNTY, TEXAS, BEING ALL OF THAT CERTAIN CALLED 2.5129 ACRE TRACT (REFERRED TO AS TRACT 2) AS CONVEYED TO AUSRAD PROPERTIES, L.P. BY WARRANTY DEED IN DOC. 2005099795 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, SAVE AND EXCEPT A PORTION OF A 0.4115-ACRE TRACT OF LAND CONVEYED TO THE CITY OF CEDAR PARK FOR STREET RIGHT-OF-WAY PURPOSES IN DOC. 2013011162, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AND THE ACCOMPANYING SKETCH AS FOLLOWS:

COMMENCING FOR POINT OF REFERENCE AT A TxDOT TYPE II MONUMENT (3" METAL DISK IN CONCRETE) FOUND ON THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF R.M. 1431 (R.O.W. VARIES) AT THE NORTHEAST CORNER OF LOT 1, BLOCK A, OF THE "AMENDING PLAT OF OAKMONT BUSINESS PARK", AS RECORDED IN DOC. 2012075714, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.1), SAME BEING THE NORTHWEST CORNER OF SAID CALLED 2.70 ACRE TRACT (REFERRED TO AS TRACT 2) IN SAID AUSRAD PROPERTIES, L.P. DEED, FROM WHICH A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF LOT 2, BLOCK A, OF SAID "AMENDING PLAT OF OAKMONT BUSINESS PARK", BEARS S71°02'11"W A DISTANCE OF 379.25 FEET;

THENCE, S21°11'01"E, WITH SAID EAST LINE OF SAID "AMENDING PLAT OF OAKMONT BUSINESS PARK", SAME BEING THE WEST LINE OF SAID 2.70 ACRE TRACT, PASSING AT A DISTANCE OF APPROXIMATELY 247.37 FEET THE COMMON LINE BETWEEN SAID LOT 1 AND LOT 3, BLOCK A, OF SAID SUBDIVISION, AND CONTINUING FOR A TOTAL DISTANCE OF 269.28 FEET TO A 1/2" IRON ROD SET AT THE SOUTHWEST CORNER OF SAID CALLED 2.70 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID CALLED 2.5129 ACRE TRACT, FOR THE POINT OF BEGINNING OF THIS TRACT;

THENCE, WITH THE SOUTH LINE OF SAID 2.70 ACRE REMAINDER TRACT, SAME BEING THE NORTH LINE OF SAID 2.5129 ACRE TRACT AND THIS TRACT, N70°21'54"E A DISTANCE OF 480.18 FEET TO A 1/2" IRON ROD SET IN THE WEST LINE OF SAID 0.4115 ACRE R.O.W. ACQUISITION TRACT, FOR THE NORTHEAST CORNER OF THIS TRACT;

THENCE, WITH THE WEST LINE OF SAID 0.4115-ACRE R.O.W. ACQUISITION TRACT, SAME BEING THE WEST R.O.W. LINE OF SAID STARWOOD DRIVE (64-FOOT R.O.W.), FOR THE FOLLOWING TWO COURSES:

1) S87°22'09"E A DISTANCE OF 105.29 FEET TO A 1/2" IRON ROD SET WITH PLASTIC CAP FOR AN ANGLE POINT IN THIS TRACT;

2) S271°01'19"E A DISTANCE OF 178.89 FEET TO A 1/2" IRON ROD SET WITH PLASTIC CAP ON THE NORTH LINE OF THAT CERTAIN 2.680 ACRE TRACT CONVEYED TO KEITH AND LISA KEITH BY WARRANTY DEED IN DOC. 2005099795 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, FROM WHICH A MAG NAIL FOUND IN THE CENTERLINE OF STARWOOD DRIVE (64-FOOT R.O.W.) AND 97.52 E A DISTANCE OF 32.18 FEET; SAID MAG NAIL BEING THE SOUTHEAST CORNER OF SAID 2.5129 ACRE TRACT AND THE NORTHEAST CORNER OF SAID LANE 2.680 ACRE TRACT.

THENCE, LEAVING SAID STARWOOD DRIVE R.O.W., AND WITH THE NORTH LINE OF SAID KEITH AND LISA LANE 2.680 ACRE TRACT, S68°57'52"W A DISTANCE OF 360.80 FEET TO A 1/2" IRON ROD FOUND IN THE EAST LINE OF SAID LOT 3, BLOCK A, AMENDING PLAT OF OAKMONT BUSINESS PARK, FOR THE NORTHWEST CORNER OF SAID LANE 2.680 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID 2.5129 ACRE TRACT AND THIS TRACT;

THENCE, WITH SAID EAST LINE OF SAID LOT 3, BLOCK A, SAME BEING THE WEST LINE OF SAID 2.5129 ACRE TRACT AND THIS TRACT, N21°11'01"W, A DISTANCE OF 288.76 FEET TO THE POINT OF BEGINNING, AND CONTAINING 2.395 ACRES (OR 100,403 SQUARE FEET) OF LAND, MORE OR LESS.

BEARING BASIS NOTE:

THE BEARINGS DESCRIBED HEREIN ARE BASED ON NAD 83 STATE PLANE COORDINATES, TEXAS CENTRAL (4203) ZONE.

PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR ANY DEVELOPMENT WITHIN THE STARWOOD OAKS SUBDIVISION, A RIGHT TURN DECELERATION LANE WILL BE INSTALLED IN A MANNER ACCEPTABLE TO THE CITY OF CEDAR PARK AND TxDOT ON EASTBOUND FM 1431 FOR THE DRIVEWAY WHICH TAKES ACCESS FROM FM 1431.

SPECIAL NOTE

STATE OF TEXAS
COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, AUSRAD PROPERTIES, L.P., LEGAL OWNER OF TWO TRACTS OF LAND OUT OF THE SAMUEL DAMON SURVEY, ABSTRACT NO. 170 TOTALING 4.805 ACRES AS CONVEYED BY DOCUMENT NO. 2005099795 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY DO HEREBY SUBDIVIDE SAID LAND IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, TO BE KNOWN AS:

STARWOOD OAKS SUBDIVISION

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON.
WITNESS MY HAND THIS ____ DAY OF _____, 2014, A.D.

AUSRAD PROPERTIES, L.P.
10600 STONELAKE BLVD., SUITE 260
AUSTIN, TEXAS, 78756

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2014, A.D.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

NOTARY SEAL

PRINTED NAME OF NOTARY / EXPRES

STATE OF TEXAS
COUNTY OF WILLIAMSON

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, THE LIENHOLDER OF THAT CERTAIN TRACT OF LAND SHOWN HEREON, DO HEREBY JOIN, APPROVE, AND CONSENT TO ALL DEDICATIONS AND PLAT NOTE REQUIREMENTS SHOWN HEREON. I DO HEREBY APPROVE THE RECORDATION OF THIS SUBDIVISION PLAT AND DEDICATE TO THE PUBLIC USE FOREVER ANY EASEMENTS AND ROADS THAT ARE SHOWN HEREON. THIS SUBDIVISION IS TO BE KNOWN AS:

STARWOOD OAKS SUBDIVISION

WITNESS MY HAND THIS ____ DAY OF _____, 2014, A.D.

BANK:
TITLE:
ADDRESS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2014, A.D.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

NOTARY SEAL

PRINTED NAME OF NOTARY / EXPRES

STARWOOD OAKS SUBDIVISION

PUBLIC WORKS DEPARTMENT
STANDARD PLAT NOTES
REVISED AUGUST 30, 2012

1. CONSTRUCTION PLANS AND SPECIFICATIONS FOR ALL SUBDIVISION 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, 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, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REGULATIONS OF THE CITY OF CEDAR PARK. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLANTING 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 AND HIS OR HER SUCCESSORS AND ASSIGNS, ARE RESPONSIBLE FOR THE CONSTRUCTION OF ALL STREETS, WATER SYSTEMS, WASTEWATER SYSTEMS, AND OTHER FACILITIES NECESSARY TO SERVE THE LOTS WITHIN THE SUBDIVISION.

7. SITE DEVELOPMENT CONSTRUCTION PLANS SHALL BE REVIEWED AND APPROVED BY THE CITY OF CEDAR PARK PRIOR TO ANY CONSTRUCTION.

8. 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 REPLANTING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO DEVELOP THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.

9. NO BUILDINGS, FENCES, LANDSCAPING OR OTHER STRUCTURES ARE PERMITTED WITHIN DRAINAGE EASEMENTS SHOWN, EXCEPT AS APPROVED BY THE CITY OF CEDAR PARK PUBLIC WORKS DEPARTMENT.

10. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY CITY OF CEDAR PARK.

11. ALL EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNS.

12. FISCAL SURETY FOR SUBDIVISION CONSTRUCTION, IN A FORM ACCEPTABLE TO THE CITY OF CEDAR PARK, SHALL BE PROVIDED PRIOR TO PLAT APPROVAL BY THE PLANNING AND ZONING COMMISSION.

13. ALL PUBLIC UTILITY EASEMENTS TO BE DEDICATED ARE SHOWN ON THE PLAT.

14. COMMUNITY IMPACT FEES FOR INDIVIDUAL LOTS TO BE PAID PRIOR TO ISSUANCE OF ANY BUILDING PERMITS.

15. DEVELOPER SHALL BE RESPONSIBLE FOR ALL RELOCATION AND MODIFICATIONS TO EXISTING UTILITIES.

16. NO PORTION OF THIS TRACT IS WITHIN A FLOOD HAZARDOUS AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP PANEL #48491C0470E FOR WILLIAMSON CO., EFFECTIVE SEPTEMBER 28, 2008.

17. TEMPORARY AND PERMANENT EASEMENTS TO BE PROVIDED AS REQUIRED FOR OFF-SITE WATER, WASTEWATER AND DRAINAGE IMPROVEMENTS.

18. ALL PROPOSED ACCESS POINTS AND/OR ACCESS EASEMENTS INTERSECTING WITH PUBLIC ROADWAY ROW SHALL BE IN COMPLIANCE WITH CITY ACCESS STANDARDS AS DESCRIBED IN CHAPTER 14 OF CITY CODE.

19. THIS SITE IS LOCATED WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE. DEVELOPMENT OF THIS SITE WILL COMPLY WITH ALL APPLICABLE TCEQ EDWARDS AQUIFER RULES.

20. THIS SUBDIVISION IS NOT SUBJECT TO THE LAKE TRAVIS NON-POINT SOURCE POLLUTION CONTROL ORDINANCE OF THE CEDAR PARK CITY CODE. A NON-POINT SOURCE POLLUTION DEVELOPMENT PERMIT IS REQUIRED PRIOR TO ANY CONSTRUCTION WITHIN THE SUBDIVISION.

21. PRIOR TO SUBDIVISION SITE PLAN APPROVAL, THE ENGINEER SHALL SUBMIT TO THE CITY OF CEDAR PARK (COCP) 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 (TABA).

22. ALL PROPOSED FENCES AND WALLS ADJACENT TO INTERSECTING PUBLIC ROADWAY RIGHT-OF-WAY OR ADJACENT TO PRIVATE ACCESS POINTS SHALL BE IN COMPLIANCE WITH CITY CODE SECTION 14.05.007 SIGHT DISTANCE REQUIREMENTS. INSTALLING A FENCE OR WALL WHICH DOES NOT MEET THE CITY'S SIGHT DISTANCE REQUIREMENTS OR FENCING REGULATIONS IS A VIOLATION OF THE CITY'S ORDINANCE AND MAY BE PUNISHABLE PURSUANT TO SECTION 1.01.009.

23. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF EAST WHITESTONE BOULEVARD AND STARWOOD DRIVE

24. SETBACKS NOT SHOWN ON LOTS SHALL CONFORM TO THE CITY OF CEDAR PARK ZONING ORDINANCE.

25. THE SUBDIVISION WILL BE IN FULL COMPLIANCE WITH THE LANDSCAPE AND TREE ORDINANCE OF THE CITY OF CEDAR PARK, TEXAS.

26. AN APPROVED PROTECTED TREE REMOVAL APPLICATION WILL BE OBTAINED FROM THE CITY OF CEDAR PARK URBAN FORESTER BEFORE ANY TREE IS REMOVED FROM THE DEVELOPMENT SITE WHICH MEETS THE PROTECTED TREE OR HERITAGE TREE DEFINITIONS AS PROVIDED IN THE TREE AND LANDSCAPE ORDINANCE OF THE CITY OF CEDAR PARK, TEXAS.

STATE OF TEXAS
COUNTY OF WILLIAMSON

I, PAUL J. FLUGEL, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT, WHICH COMPLIES WITH CHAPTER 12, SEC. 12 OF THE CITY CODE OF CEDAR PARK, FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN WERE PROPERLY PLACED, UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF WILLIAMSON COUNTY, TEXAS.

PAUL J. FLUGEL
REGISTERED PROFESSIONAL LAND SURVEYOR REG. NO. 5098, FIRM NO. 10193837

I, SCOTT M. WUEST, P.E., DO HEREBY CERTIFY THAT NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100-YEAR FLOOD PLAIN OF ANY WATERWAY THAT IS WITHIN THE LIMITS OF THE FEDERAL FLOOD INSURANCE ADMINISTRATION, FIRM PANEL NO. 48491C0470E, DATE SEPTEMBER 28, 2008 FOR WILLIAMSON COUNTY, TEXAS.

SCOTT M. WUEST, P.E.
ENGINEERING BY:
WUEST GROUP
307 E 2ND ST
AUSTIN, TEXAS 78701
(512) 394-1900

INTERIM REVIEW ONLY
This document is not intended for regulatory compliance or enforcement purposes.
SCOTT M. WUEST
98412
11/01/14

I, JOSEPH L. VINING, DIRECTOR OF PLANNING OF THE CITY OF CEDAR PARK, TEXAS, DO HEREBY ATTEST AND AUTHORIZE THIS PLAT TO BE FILED FOR RECORD BY THE COUNTY CLERK OF WILLIAMSON COUNTY, TEXAS IN THE PLAT RECORDS OF SAID COUNTY.

JOSEPH L. VINING
DIRECTOR OF PLANNING
CITY OF CEDAR PARK, TEXAS

STATE OF TEXAS
COUNTY OF WILLIAMSON

I, NANCY RISTER, CLERK OF THE COUNTY COURT IN AND FOR THE COUNTY AND STATE OF TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THIS THE ____ DAY OF _____, 2014, A.D., AT ____ O'CLOCK ____ M., AND RECORDED ON THE ____ DAY OF _____, 2014, A.D., AT ____ O'CLOCK ____ M. IN THE PLAT RECORDS OF SAID COUNTY IN DOCUMENT # _____.

FILED FOR RECORD ON THE ____ DAY OF _____, 2014, A.D.

NANCY RISTER
CLERK
WILLIAMSON COUNTY, TEXAS

FLUGEL LAND
SURVEYING
14910 DORIA DRIVE
AUSTIN, TX 78728
FIRM NO. 10193837
(512) 633-3996



ENGINEERING & DESIGN

FIRM # F-15324
307 E 2nd ST
AUSTIN, TEXAS 78701
(512)394-1900

SHEET
2 OF 2

January 21,
2013
Zoning

Planning and Zoning Commission
Ann Seaman

Item:
7A & 8A

Case Number: # Z-13-015

OWNER: Ann Seaman

AGENT: Kristiana Alfsen, Pohl Partners

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

LOCATION: Northwest corner of West Parmer Lane and Brushy Creek Road

COUNTY: Williamson

AREA: 23 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: Multifamily (MF) and General Retail (GR)

STAFF RECOMMENDATION: Local Retail (LR) and Development Reserve (DR)

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

PROPOSED FUTURE LAND USE DESIGNATION: High Density Residential, Regional Office/Retail/Commercial

RECOMMENDED FUTURE LAND USE DESIGNATION: Neighborhood Office/Retail/Commercial

SUMMARY OF REQUEST:

The applicant is requesting original zoning of approximately 18 acres of Multifamily Residential (MF) and approximately 5 acres of General Retail (GR) for property located at the northwest corner of West Parmer Lane and Brushy Creek Road. The applicant has offered the following conditions in conjunction with the zoning request:

- 1) A 200 foot setback shall be provided along the western boundary of the tract for swimming pools;
- 2) An 80 foot setback shall be provided along the western boundary of the tract for trash receptacles and for apartment dwelling units;
- 3) No public access shall be permitted from the tract to Kodiak Trail; and
- 4) No public access shall be permitted from the tract to Breakaway Road.

The GR request is proposed for the southernmost portion of the property, with the MF designation applying to the remainder of the tract, as depicted on the attached map.

EXISTING SITE and SURROUNDING USES:

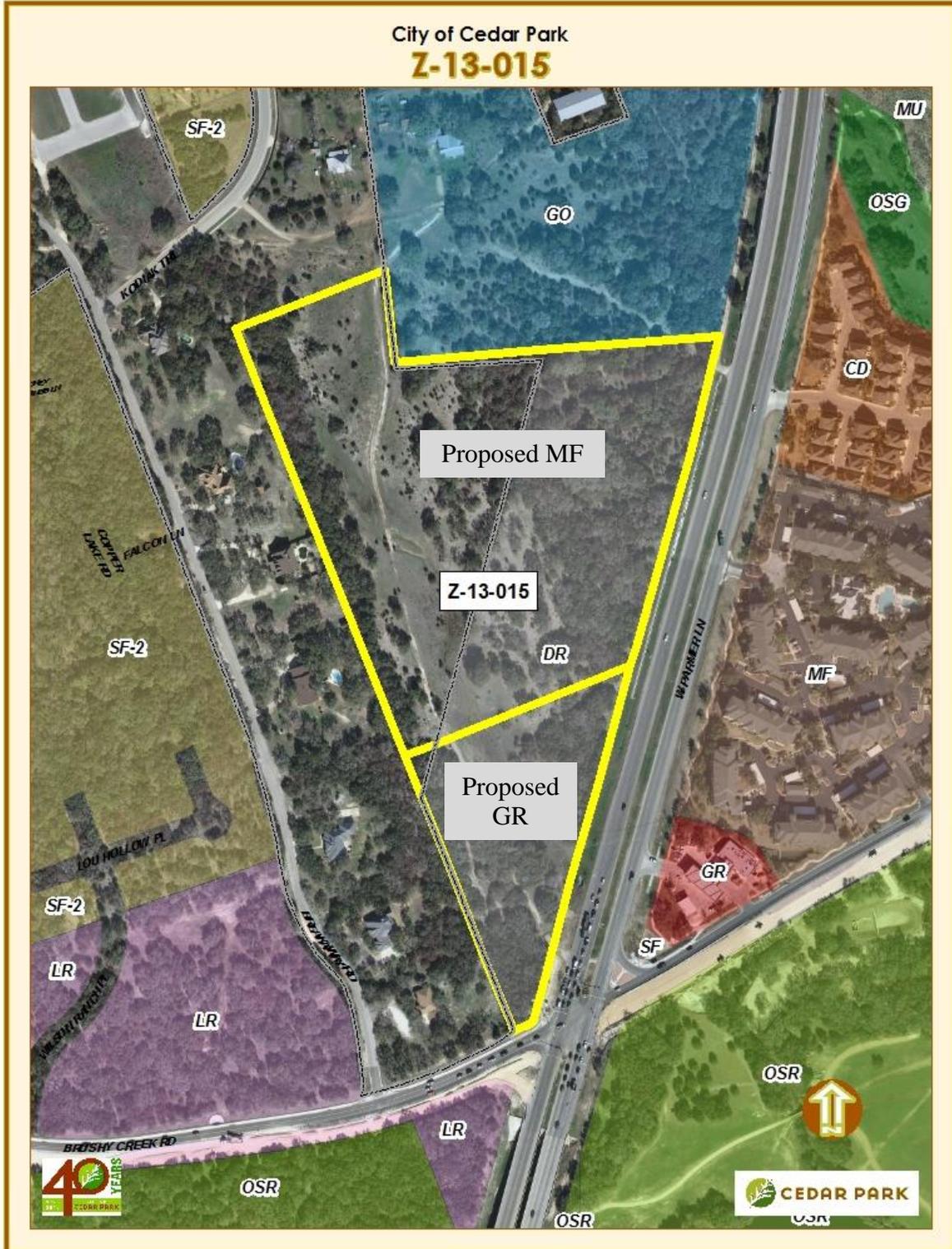
The site is currently undeveloped and surrounded by undeveloped land to the north, Parmer Lane to the east, Brushy Creek Road to the south and single family residences within the ETJ to the west.

January 21,
2013
Zoning

Planning and Zoning Commission
Ann Seaman

Item:
7A & 8A

Case Number: # Z-13-015



January 21,
2013
Zoning

Planning and Zoning Commission
Ann Seaman

Item:
7A & 8A

Case Number: # Z-13-015

PURPOSE OF REQUESTED ZONING DISTRICT:

The Multifamily Residential District, MF, is established to provide for a high density multifamily residential district, intended to provide the maximum residential density. The principal permitted land uses will include low-rise multiple family dwellings, garden apartments, fourplexes, and triplexes. Other residential living facilities and some nonresidential uses generally compatible with apartment living are also permitted in this District. This District should be located adjacent to an arterial or collector, as shown on the Roadway Plan, and may serve as a transitional land use between retail/commercial development and/or heavy traffic areas, and medium or low density residential development.

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 MF and GR DISTRICTS:

MF Permitted Uses:

Apartments
Assisted living facilities
Extended care, nursing home
Parks, playgrounds
Places of worship
Private schools

Public buildings, uses
Temporary buildings
Triplex, Fourplex
Utility services, general
Accessory structures
Customary home occupations

GR Permitted Uses:

Accessory structures
Administrative offices
Art galleries with retail sales
Art gallery
Automated Teller Machines
Automobile parts and accessories sales
Automobile repair shop
Automobile sales new
Automotive sales used
Automotive tire stores
Bakery retail
Banks (with or without drive-through facilities)

Bar Cocktail Lounge
Bed and Breakfast
Civic clubs and fraternal organizations
Commercial parking lots
Community center
Consumer repair shop (including bicycles)
Convenience store
Day care center adult
Day care center child
Day care center incidental
Drugstores
Dry cleaning and/or laundry on-site
Equipment rental sales service and/or repair

January 21,
2013
Zoning

Planning and Zoning Commission

Ann Seaman

**Item:
7A & 8A**

Case Number: # Z-13-015

Food sales general (grocery store)	Personal Improvement Services Limited
Food sales limited	Personal services general
Funeral home	Pet grooming
Furniture store	Places of worship
Gasoline service stations general	Private schools
Gasoline service stations limited	Professional offices
Golf amusement	Public buildings uses
Hardware stores	Reception hall
Home improvement center (with portable building sales as an accessory use only)	Rental libraries for sound and video recordings
Hotel extended stay	Research and development activities (as it pertains to software only)
Hotel	Restaurant general
Indoor sports and recreation	Retail gift store
Instant print copy services	Retail stores
Landscape nursery and supply store retail	Software development
Laundromat	Software sales computer hardware sales
Liquor store	Special events
Medical offices	Studios/art studio dance music drama gymnastics photography interior design
Motel	Temporary buildings
Movie and music rentals sales	Theatres indoor
Non-Emergency Medical Transport Service	Theatres outdoor
Non-Emergency Medical Transport Service (Conditional)	Transit station
Nonprofit seasonal fundraisers	Utility services general
Office/showrooms	Veterinary Services
Office/warehouse	Vocational or trade school
Personal Improvement Services	Wireless telecommunications facilities
Personal improvement services general	

FUTURE LAND USE PLAN:

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

The applicant's request for MF and GR zoning does not comply with the FLUP. The MF request is compatible with a high density residential designation and the GR request is compatible with a regional office/retail/commercial designation.

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

January 21,
2013
Zoning

Planning and Zoning Commission
Ann Seaman

**Item:
7A & 8A**

Case Number: # Z-13-015

COMPREHENSIVE PLAN:

The applicant's request for GR supports the following goals of the Comprehensive Plan:

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.
- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.

Although the applicant's request for MF provides new housing opportunities, apartments will not add to the viable mix of housing types in the city. Directly across from the site are two existing medium to high density residential developments known as Paradiso Villas and Silverado Apartments. Existing apartment developments are also located north along Parmer Lane at Colonial Parkway.

SITE INFORMATION:

Corridor Overlay:

This tract is located within the Corridor Overlay.

Transportation:

West Parmer Lane is classified as a major arterial adjacent to this tract. In 2008, the traffic volume on West Parmer Lane, north of Brushy Creek Road was 29,316 vehicle trips per day.

Brushy Creek Road is also classified as a major arterial. Traffic volumes on Brushy Creek Road, west of Parmer Lane, were 10,869 vehicle trips per day in 2008.

Currently, a retaining wall exists for approximately 780 feet along West Parmer Lane. This retaining wall creates access constraints from the site to West Parmer Lane. However, based upon discussions between the City's Engineering Department and the Georgetown Area Office of the Texas Department of Transportation (TxDOT), there appear to be opportunities for improved access to the site.

Attached is a drawing which shows 2 possible median openings on Parmer Lane that would provide excellent access to the Seaman tract and the office zoned tract to the north. The northern opening is a full median opening which would line up with an existing driveway to the Paradiso Villas tract and the southern access would be a partial median opening which would allow left turns into the site from Parmer Lane but no left turns out (hooded left). The northern opening would be located at the north end of the existing concrete retaining wall at a point where the wall is only a few feet high and would easily allow construction of a driveway. The southern opening is located between the south end of the retaining wall and an existing creek

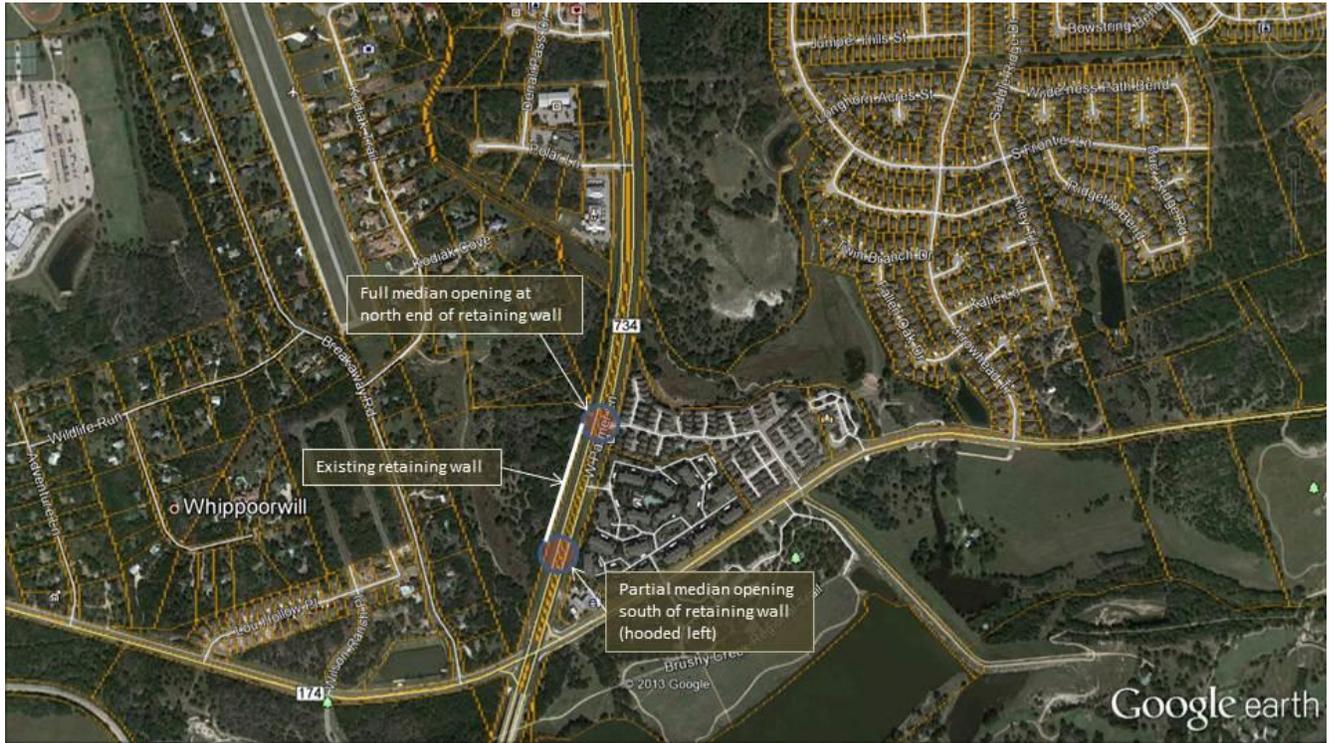
January 21,
2013
Zoning

Planning and Zoning Commission
Ann Seaman

**Item:
7A & 8A**

Case Number: # Z-13-015

that crosses under the road. TxDOT would consider these median openings, but formal approval would need to be obtained with a driveway permit from TxDOT.



Water and Wastewater Utilities:

Water and wastewater facilities are available to serve the proposed development.

Subdivision:

The property is not currently platted.

Setback and Height Requirements:

	Multifamily Residential (MF)	General Retail (GR)
Front setback	25'	25'
Side setback	10'	12'
Side setback at street	25'	25'
Side setback adj. to SF	n/a	20'
Rear setback	25'	5'
Rear setback at street	n/a	25'
Maximum Height	48'	100'

January 21,
2013
Zoning

Planning and Zoning Commission
Ann Seaman

Item:
7A & 8A

Case Number: # Z-13-015

Architectural Requirements:

All building exteriors within the MF and GR districts require 100% masonry construction on each exterior wall, exclusive of doors and windows.

Case History:

Case #	Request	P&Z Recommendation	CC Action
Z-08-038	Original zoning of GR and MF	Application withdrawn prior to action	

STAFF COMMENTARY:

This zoning request is being processed in conjunction with a voluntary annexation request. Currently, approximately 13.5 acres directly adjacent to West Parmer Lane are within the City and the remaining acreage is within the City's ETJ.

MF Request:

In considering the applicant's request for approximately 18 acres of MF, staff considered several factors and took into account the multifamily guidelines adopted by Council in 2008. The guidelines recognized that the City's FLUP allots approximately two percent (2%) of the City's overall land use for high density residential uses. At this time, the high density residential designation on the FLUP is already at 2%. Any additional high density designations will exceed the 2% threshold recommended in the adopted guidelines and FLUP.

The guidelines also promote minimum ½ mile spacing between multifamily developments. This request is in conflict with the recommended guideline, as there are two higher density residential developments, Paradiso Villas and Silverado Apartments, directly across from the subject tract on West Parmer Lane. Additionally, this multifamily request does not improve the viable mix of housing types within the City as recommended in the Comprehensive Plan, as this site proposes to construct traditional garden style multifamily, similar to several other apartment developments in the area.

The Leander Independent School District has confirmed that residential development has been assumed for a portion of the tract. However, their assumptions were for condominium or townhome development, which yields a lower residential unit count than multifamily.

Finally, although access to this site appears to be limited due to the existing retaining wall along West Parmer Lane, discussions between the City and TxDOT have confirmed that full function and limited function access to the site are both possible. This would increase the viability of a commercial development on the tract.

Therefore, based upon the above factors, staff is unable to recommend MF zoning for this tract and proposes to retain a DR designation until a viable commercial/office development is brought forward.

January 21,
2013
Zoning

Planning and Zoning Commission
Ann Seaman

Item:
7A & 8A

Case Number: # Z-13-015

GR Request:

The applicant is requesting approximately 5 acres of GR on the southern portion of the tract. This request is more intense than what is identified on the FLUP. The existing neighborhood/office/retail/commercial designation assumes lower intensity commercial/retail/office uses, with the most intense permitted zoning district being Local Retail (LR).

Although supportive of the economic goals of the Comprehensive Plan, the GR request is not recommended adjacent to single family residential development. The Breakaway Park subdivision is located directly west of the subject tract. An LR zoning designation would limit building height to a maximum of 45 feet and would permit less intense land uses than those allowed in GR. In addition, an LR designation would be compliant with the FLUP.

For these reasons, staff recommends LR for the southern 5 acres.

STAFF RECOMMENDATION:

Based on the above information, staff recommends retention of the DR designation for approximately 18 acres located on the northern two-thirds of the tract and LR for the southern 5 acres.

January 21,
2013
Zoning

Planning and Zoning Commission
Ann Seaman

Item:
7A & 8A

Case Number: # Z-13-015

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY: Received. Please see below.

Neighborhood communication for the zoning case on Seaman Tract:

1. Last fall, flyers were distributed to Breakaway Park neighbors near the Seaman tract to meet the developer to find out what the neighbors thoughts were on a MF development going in on most of the Seaman tract.
2. Neighbors at this meeting voiced the following concerns:
 - a. Would the height of the development restrict the use of the airstrip?
Response:
This questioned was researched and the height of the MF development would not impact the use of the airstrip.
 - b. Could the swimming pool be located away from the neighborhood so as to limit the noise?
Response: Add condition on zoning of setback of 200 feet for the swimming pool from single family on Breakaway Road.
 - c. Could the trash receptacles be located away from the houses?
Response: Add condition on zoning of setback of 80 feet for trash receptacles to single family on Breakaway Road.
 - d. Could the buildings be setback away from the houses?
Response: Add condition on zoning of setback of 80 for the apartment dwelling units. This does not include garages.
 - e. No traffic into the neighborhood by the apartments.
Response: Add condition on zoning no public access shall be allowed from tract to Kodiak Trail. Add condition on zoning no public access shall be allowed from tract to Breakaway Road.
 - f. Could a masonry wall be built between the single family and the development.
Response: The city requires by ordinance a wall be built.
3. A second meeting was scheduled to go over how the concerns were addressed and to ask for any more concerns. Flyers were distributed and the president of the pilots association called to notify neighbors by email.
4. No neighbors showed up for this meeting.
5. A third meeting was scheduled for Sunday, January 19th to update the neighbors and ask for any other conditions that they would like to see. Flyers were distributed. Signs will be also utilized to announce this meeting.

January 21,
2013
Zoning

Planning and Zoning Commission
Ann Seaman

Item:
7A & 8A

Case Number: # Z-13-015

PUBLIC INPUT: To date, two (2) written responses in opposition to the request have been received. Please see attached.

From: Foster Larson [REDACTED]
Subject: File # Z-13-015
Date: January 11, 2014 1:04:13 PM CST
To: amy.link@cedarparktexas.gov

Good morning! I am responding to the application for rezoning the properties in Breakaway park, between the confluence of Breakaway Road and Parmer Lane.

My wife and I moved here in retirement (2007) at 1100 Breakaway Road, with the express purpose in mind to find peace and quiet, surrounded by similar homes on small acreages.

We are vehemently opposed to a capricious rezoning that would permit the construction of "multi-family" housing right in our back yard.

My wife suffers from a long and arduous battle with Multiple Sclerosis, and can no longer stand up; we are supported in her care by Hospice Austin.

My wife's main pleasure left to her, besides our two Collies and occasional family visits, are the delightful views from our sun room, where she can bird-watch, enjoy the deer and many other wildlife than inhabit this quiet place.

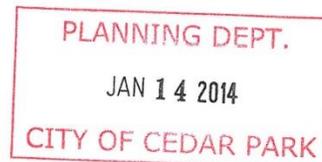
Sticking up apartment complexes right next to our property would be a fundamental disaster to the daily life we manage to enjoy, despite Jani's health problems.

Had we ever known that this area could be radically changed by a City Council whim, why, we would never have considered purchasing our home here.

So, in short, we can not be any more opposed to the request to rezone, and implore the Council to consider the effect that "multi-family" construction in this area will have on the current residents of Breakaway Park.

Thank you for your attention. Most sincerely, G. Foster Larson, M.D. (1100 Breakaway Road; 512-528-8911)

G. Foster Larson M.D.



January 21,
2013
Zoning

Planning and Zoning Commission
Ann Seaman

**Item:
7A & 8A**

Case Number: # Z-13-015

From: Michelle Peacock [REDACTED]
Sent: Wednesday, January 15, 2014 5:40 PM
To: Mayor Matt Powell; place1 Stephen Thomas; place2 Mitch Fuller; place3 Lyle Grimes; place4 Lowell Moore; place5 Jon Lux; place6 Don Tracy; Amy Link
Subject: ANX-13-006
Attachments: Seaman Home Address Records.pdf

Dear City of Cedar Park City Council,

My name is Michelle Peacock and I spoke at the January 9 meeting regarding my opposition to the Annexation petition by Ann Seaman (ANX-13-006) - thank you for the opportunity to address the council. As Ms. Seaman confirmed during the meeting, the annexation of the property is directly tied to the rezoning of the property (Z-13-015) and thus the opposition to the annexation is because of this rezoning petition.

With only 24 hours notice regarding the annexation hearing, I may not have had the best prepared speech - however, I would like to formally state some information that has come to my attention since that meeting:

- 1) There is a petition that was signed in August when the rezoning petition was first submitted. It has been signed by 144 residents who OPPOSE Z-13-015. It was sent to you via email by John Podolak, and will be presented at the rezoning meeting on 1/21.
- 2) Ann Seaman is NOT A RESIDENT OF CEDAR PARK. She owns the land, but her residence and homestead exemption is in Georgetown. She has no reason to care about the implications of this rezoning to the community because she does not reside here. See attached screen shots of Williamson CAD.
- 3) The annexation / rezoning is not in the best interest of the city. During the meeting on January 9, I made a note to myself of something Mayor Matt Powell said during one of the (many) other annexation hearings. "*Roof tops cost money; Businesses make money.*" The city does not need to add another multi-family community to this area.
 - **Multi-Family will cost the city money.**
 - **The residents do not support Multi-Family.**
 - **Multi-Family will add more traffic to the intersection at Parmer & Brushy Creek that is already dangerously congested.** <http://www.kxan.com/news/local/austin/two-dead-in-car-crash-in-cedar-park>
 - **The schools cannot accommodate it.** We just went through a rezoning of Leander ISD because of overcrowding at Reagan Elementary.

With 144 residents who have already signed a petition OPPOSING this, and only one person in favor of it - an absentee land owner who lives and votes in another city, I respectfully ask for your support in OPPOSING ANX-13-006 and Z-13-015.

Thank you again for your time and consideration. I look forward to seeing you again on January 23rd at the second annexation hearing.

-Michelle Peacock

PUBLIC NOTIFICATION: Austin American Statesman January 8, 2014
14 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (February 13, 2014) 1ST Reading
(February 27, 2014) 2ND Reading

January 21,
2014
Zoning

Planning and Zoning Commission
Nitro Swim Center

**Item:
7C & 8C**

Case Number: Z-13-030

OWNER/APPLICANT: Matthew and Melissa Crumley

AGENT: Derek Villemez – Bury, Inc.

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

LOCATION: 1301 Toro Grande Boulevard

COUNTY: Williamson County

AREA: 3.25 acres

EXISTING ZONING: N/A

PROPOSED ZONING: Commercial Services (CS)

STAFF RECOMMENDATION: Commercial Services (CS)

EXISTING FUTURE LAND USE PLAN DESIGNATION:

Industrial

SUMMARY OF APPLICANT'S REQUEST:

The Applicants' request is to assign original zoning of Commercial Services (CS) to approximately 3.25 acres.

EXISTING SITE and SURROUNDING LAND USES:

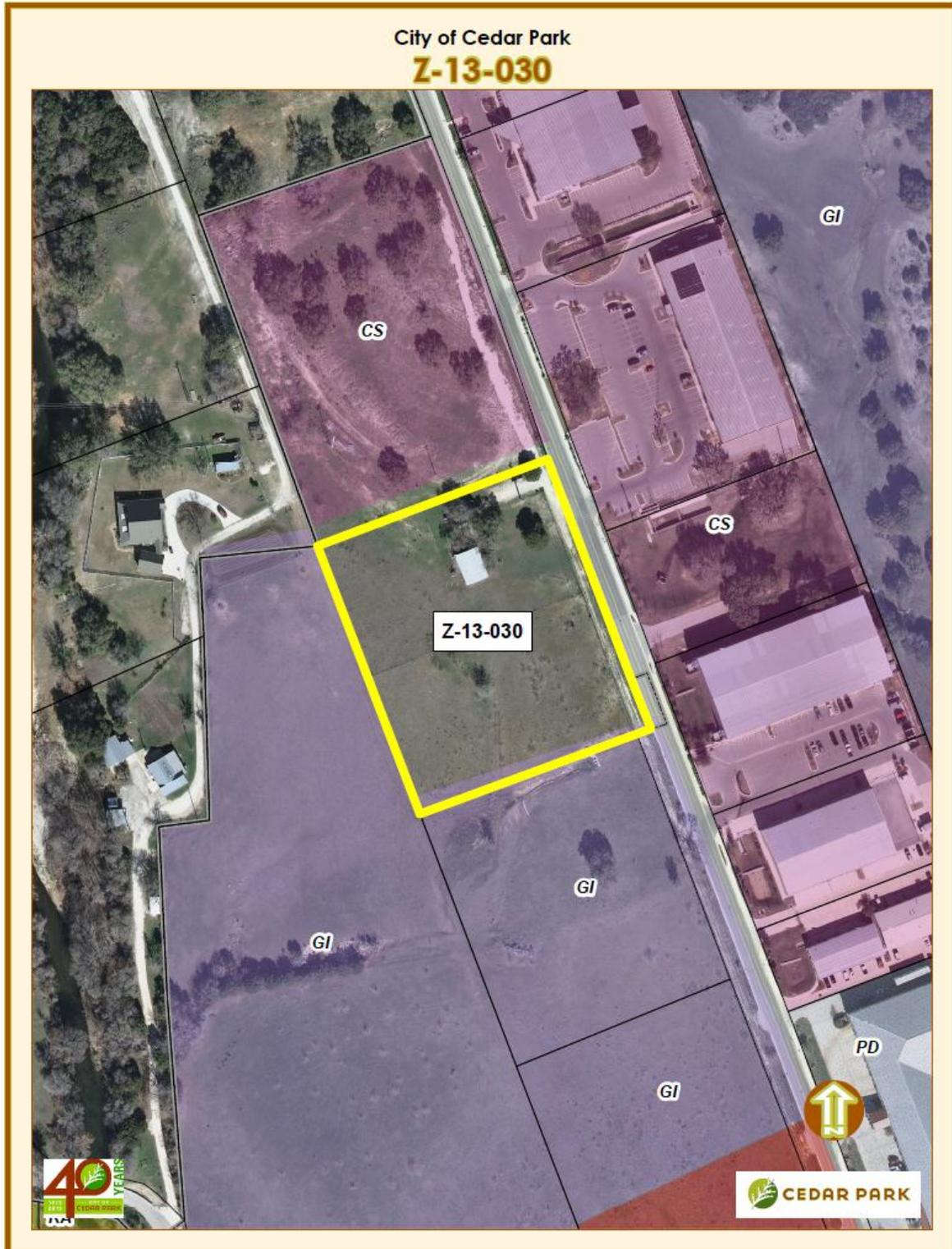
The site is in the middle of what has become known as "Sports Row". There is currently a single family home on the site. To the immediate west and south are undeveloped General Industrial (GI) zoned properties. The CS property to the north of the site (1401 Toro Grande Boulevard) is the future location of an outdoor volleyball court facility. Directly across Toro Grande to the east is Soccer Zone and the existing Nitro Swim Center.

January 21,
2014
Zoning

Planning and Zoning Commission
Nitro Swim Center

**Item:
7C & 8C**

Case Number: Z-13-030



January 21,
2014
Zoning

Planning and Zoning Commission
Nitro Swim Center

**Item:
7C & 8C**

Case Number: Z-13-030

PURPOSE OF REQUESTED ZONING DISTRICT:

The Commercial Services District, CS, is established to provide for business and commercial activities that are typically more intensive than consumer retail enterprises, often larger in scale, and often are designed to serve the region. Since generally they are not fully compatible with office or consumer retail uses, the permitted uses found in this district are combined in order to promote economic development and regional enterprise in a positive and sustainable manner for the City.

PERMITTED USES IN CS:

- Automobile repair shop
- Automotive tire stores
- Automotive parts and accessories sales
- Automotive paint and body shop
- Automotive upholstery shop
- Boarding kennels
- Construction sales and services
- Crematorium
- Dry cleaning and/or laundry facility, on site
- Equipment rental
- Gasoline service stations, general
- Greenhouses, commercial
- Indoor shooting range
- Indoor sports and recreation
- Office/showroom
- Office/warehouse
- Pawn shop
- Permanent makeup, tattooing, body piercing
- Pest control, exterminating services
- Pool and Spa Sales and Service
- Print shop
- Communication Services
- Recreational Vehicle (RV) Park
- Seasonal businesses
- Self-storage
- Temporary buildings
- Trade shop
- Truck Stop
- Upholstery shops, not involving manufacture
- Utility services, general
- Veterinary Services
- Wrecker, impoundment
- Accessory structures
- Food Preparation
- Wireless telecommunications facilities
- Outdoor Sports and Recreation (by conditional use permit)

FUTURE LAND USE PLAN:

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

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

January 21,
2014
Zoning

Planning and Zoning Commission
Nitro Swim Center

**Item:
7C & 8C**

Case Number: Z-13-030

COMPREHENSIVE PLAN:

The request for CS 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:

None.

Transportation:

Toro Grande Boulevard is classified as a collector roadway.

Subdivision:

The property is not yet platted.

Setback Requirements:

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

Architectural Requirements:

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

Case History:

None.

January 21,
2014
Zoning

Planning and Zoning Commission
Nitro Swim Center

**Item:
7C & 8C**

Case Number: Z-13-030

STAFF COMMENTARY:

This zoning request is being processed concurrent with a voluntary annexation petition for the property. The site is entirely surrounded by properties within the full jurisdiction of the City of Cedar Park that are zoned either General Industrial (GI) or Commercial Services (CS). The Applicant has represented to staff that the intended use of the site is for a new indoor swimming facility to be owned and operated by Nitro Swim Center. This is very similar to existing and future uses adjacent to the site including Austin Sports Center, Nitro Swim Center, Soccer Zone, and an outdoor volleyball court complex that was recently permitted to the immediate north.

STAFF RECOMMENDATION:

Staff recommends approval of the applicants' request for CS zoning.

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:

None submitted.

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

Rian,

My name is Tucker Koch at 1420 and 1401 Toro Grande.

Our company is in favor of the zoning change because it creates opportunity for a future business similar to ours to utilize the property. The zoning change also helps with our development of 1401 Toro Grande.

Thanks,

--

Tucker Koch
Austin Sports Center
Director of Facilities
1420 Toro Grande Blvd
Cedar Park, TX 78613
512-220-6926
214-334-8815 cell
tucker@austinsportscenter.com



January 21,
2014
Zoning

Planning and Zoning Commission
Nitro Swim Center

**Item:
7C & 8C**

Case Number: Z-13-030

PUBLIC NOTIFICATION: Austin American Statesman January 8, 2014
8 letter notices were sent to property owners within the 300' buffer
of the initial rezoning request

PROPOSED CITY COUNCIL HEARINGS: (February 13, 2014) 1ST Reading
(February 27, 2014) 2ND Reading

January 21,
2014
Future Land
Use Plan
Amendment

Planning and Zoning Commission

Ann Seaman

**Item:
9A**

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

In conjunction with the rezoning request by Ann Seaman (Z-13-015), the applicant has requested the following amendment to the Future Land Use Plan (FLUP):

Amend the Future Land Use map from approximately 23 acres of Neighborhood Office/Retail/Commercial to:

- Approximately 5 acres of Regional Office/Retail/Commercial;
- Approximately 18 acres of High Density Residential

The Regional Office/Retail/Commercial designation allows such zoning districts as General Office (GO), General Retail (GR) and Mixed Use (MU).

The High Density Residential Designation is compatible with the Multifamily Residential (MF) zoning district.

Staff is not supportive of the applicant's request. The regional office/retail/commercial request would allow intense land uses directly adjacent to existing single family development to the west. The existing neighborhood office/retail designation provides a better land use transition between single family and Parmer Lane.

The high density residential designation is not recommended, as it will result in an increase in this land use percentage in relation to all land use designations in the City. Multifamily guidelines adopted by City Council in 2008 recommended no more than 2% of the City's overall land use should be designated for high density residential. In addition, this designation would conflict with the guideline provision that multifamily developments should not be located within 1/2 mile of other multifamily developments. Existing medium and high density residential developments exist directly across from the subject tract. Finally, based upon discussions with the Texas Department of Transportation, two median openings are possible along West Parmer Lane that would provide excellent access for a potential office or retail development, consistent with the existing land use designation.

Staff recommends retention of the Neighborhood Office/Retail/Commercial designation for the entire tract.

January 21,
2014
Future Land
Use Plan
Amendment

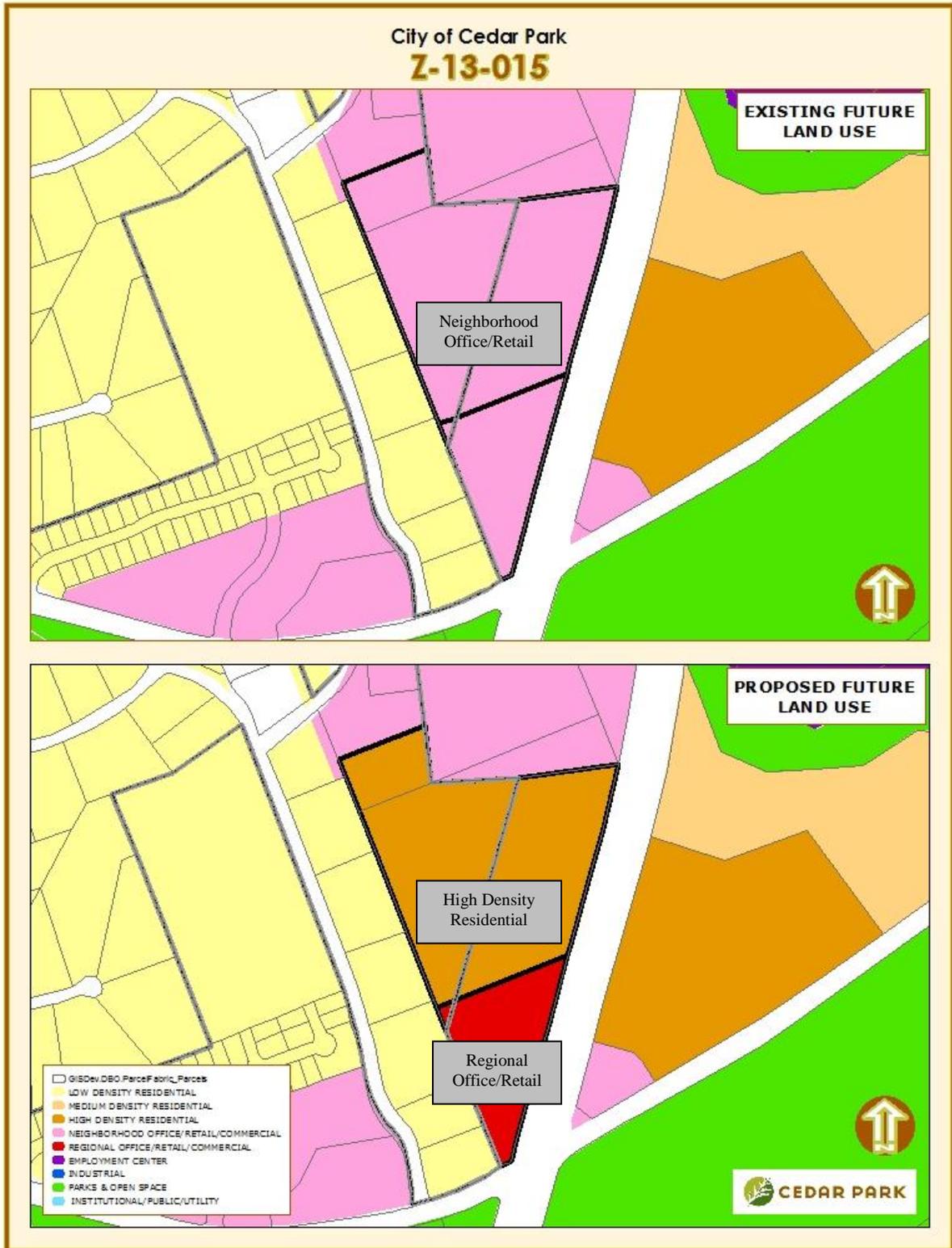
Planning and Zoning Commission

Ann Seaman

**Item:
9A**

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	386.1 acres	2.0%	404.1 acres	2.1%	+0.1%
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	9403.45 acres	48.67%	9403.45 acres	48.67%	0%
Medium Density Residential	331.86 acres	1.72%	331.86 acres	1.72%	0%
Neighborhood Office/Retail/Commercial	2082.08 acres	10.78%	2059.08 acres	10.65%	-0.13%
Parks and Open Space	2303.22 acres	11.92%	2303.22 acres	11.92%	0%
Regional Office/Retail/Commercial	2116.01 acres	10.95%	2121.01 acres	10.98%	+0.03



January 21, 2014	<i>Planning and Zoning Commission</i>	Item: 12A
Ordinance Amendment	Ordinance Amendment - Zoning Chapter 11 Residential-Type Commercial Facilities	
OA-13-009		

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

The City's Zoning Ordinance currently identifies a number of types of commercial facilities that are somewhat residential in nature, including long term care facilities, assisted living facilities, convalescent homes, and day cares. The definitions for these facilities often overlap and do not align with definitions at the state level, making it difficult to determine in which zoning districts new facilities should be permitted. In addition, these facilities do not always meet the spirit of the purpose statements for the zoning districts in which they are permitted.

Attached are proposed amendments to the Zoning Ordinance, specifically Article 11.02 (Zoning Districts and Regulations) and Article 11.12 (Definitions). Proposed amendments are intended to accomplish the following:

- Consolidate overlapping definitions for various residential-type commercial facilities;
- Align City definitions with State definitions wherever possible; and,
- Assign appropriate permitted zoning districts for residential-type commercial facilities.

January 21, 2014

Planning and Zoning Commission

**Item:
12A**

Ordinance
Amendment

**Ordinance Amendment - Zoning Chapter 11
Residential-Type Commercial Facilities**

OA-13-009

DIVISION 13: DUPLEX RESIDENTIAL DISTRICT, DP

Sec. 11.02.101 Permitted uses

2. Reserved

DIVISION 14: MULTIFAMILY RESIDENTIAL DISTRICT, MF

Sec. 11.02.111 Permitted uses

3. Convalescent home, nursing home, or related institution

DIVISION 15: TRANSITIONAL OFFICE DISTRICT, TO

Sec. 11.02.122 Permitted uses

3. Reserved

DIVISION 17: GENERAL OFFICE DISTRICT, GO

Sec. 11.02.138 Permitted uses

5. Reserved
6. Reserved
7. Reserved
8. Reserved
11. Reserved

DIVISION 22: HOSPITAL DISTRICT, H

Sec. 11.02.182 Permitted Use

22. Convalescent home, nursing home, or related institution
23. **Special Care Facility**

January 21, 2014	<i>Planning and Zoning Commission</i>	Item: 12A
Ordinance Amendment	Ordinance Amendment - Zoning Chapter 11 Residential-Type Commercial Facilities	
OA-13-009		

DIVISION 31: MIXED USE DISTRICT, MU

Sec. 11.02.252 Permitted uses

Commercial

33. Convalescent home, nursing home, or related institution

January 21, 2014 Ordinance Amendment	Planning and Zoning Commission Ordinance Amendment - Zoning Chapter 11 Residential-Type Commercial Facilities	Item: 12A
OA-13-009		

ARTICLE 11.12 DEFINITIONS

DIVISION 1: DEFINITION OF TERMS

Sec. 11.12.002 Terms

Assisted living facility: An institution which provides food and shelter to four or more persons who are unrelated to the proprietor of the establishment, as well as personal care services or administration of medication. These may also provide assistance with or supervision of the administration of medication or skilled nursing services. They are licensed by the Texas Department of Aging and Disability Services and further defined in Chapter 247 of the Texas Health and Safety Code. *Convalescent home, nursing home, or related institution:* An institution which provides food and shelter to four or more persons who are unrelated to the proprietor of the establishment; as well as minor treatment under the direction and supervision of a physician licensed by the Texas Medical Board, or other services that meet some need beyond the basic provision of food, shelter, and laundry. These are licensed by the Texas Board of Human Services under and further defined in Chapter 242 of the Texas Health and Safety Code.

Nursing home

Special care facility: An institution or establishment licensed by the Texas Department of Health under Chapter 248 of the Texas Health and Safety Code, and defined as one that provides a continuum of nursing or medical care or services primarily to persons with acquired immune deficiency syndrome or other terminal illnesses. The term includes a special residential care facility.

January 21, 2013

Planning and Zoning Commission

Item:
12B

Ordinance Amendment Proposal – Automobile and Automotive Uses

Case Number: OA-14-004

STAFF: Josh Selleck, josh.selleck@cedarparktexas.gov, 512-401-5158

To promote quality economic development and regional enterprise in a positive and sustainable manner for the City, staff is proposing the following amendments to Chapter 11, Zoning, which remove automobile and automotive sales as permitted uses in the General Retail (GR) zoning district.

Division 19: General Retail District, GR

With the exception of the modification indicated below, Sec. 11.02.156 remains unchanged.

Sec. 11.02.156 Permitted uses

Any use permitted in the Local Retail district, LR

- ~~1. Automobile sales, new~~
- ~~2. Automotive sales, used, Sec. 11.02.162E.~~

With the exception of the modification indicated below, Sec. 11.02.162 remains changed.

Sec. 11.02.162 Regulations specific to this district

D. Displays and merchandise shall be principally contained and displayed within the building except for the following:

1. Outdoor display limited to no more than ten (10) percent of the area of the ground floor of the building; except for a florist, garden shop, or landscape nursery where live vegetation and landscape materials may be kept outdoors.
2. Outdoor storage is permitted, however is limited to ten (10) percent of the total area of the site. Outdoor storage is not allowed in areas not permitted for such purpose, and shall not be allowed in required parking spaces or in landscaped areas.
- ~~3. Automotive sales, new or used, which are excluded from this requirement.~~

