



CITY OF CEDAR PARK
REGULAR CALLED MEETING OF THE
PLANNING & ZONING COMMISSION
TUESDAY, FEBRUARY 18, 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 January 17, 2014 and Minutes from the Special Called Meeting of January 28, 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. Thousand Oaks (PP-14-001)
21.57 acres, 57 residential lots, 1 detention lot
Located west of US 183/Bell Boulevard and north of West Park Street
Owners: Mary Ellen Avery, Marilyn and Bill Avery, Bryant Aver, Whitney A. Walsh, and Thomas M. Lewis
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
 2. Hurst-Findeisen (SFP-14-002)
19.84 acres, 1 lot
Located east of 183A Toll Road, north of East New Hope Drive
Owners: Janice Hurst and Katherine D. Findeisen
Staff Resource: Shandrian Jarvis
Staff Proposal to P&Z: Statutorily Disapprove

3. Naumann's Subdivision, Resub of Lots 10 & 11 (SFP-14-003)
35.20 acres, 4 commercial lots
Located north of Anderson Mill Road, east of Windy Terrace
Owners: Austin International Ventures, Inc., Texas Industries, Inc., and Pedernales Electric Cooperative
Staff Resource: Shandrian Jarvis
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS: **NONE**

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Access and Off-Street Parking Ordinance Amendment, OA-14-001 – Pulled – No action required
- B. Ozone Lakeline, Z-13-011 – Indefinite postponement request
- C. Star Subdivision, SFP-13-016 – Postponement request by applicant to March 18, 2014
- D. Scottsdale Crossing, Z-14-001 – Postponement request by applicant to March 18, 2014
- E. Brushy Creek Road, Z-14-002 – Postponement request by applicant to March 18, 2014

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. Misty Valley, Z-13-027 (related to item 8A)

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. 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 Urban Lot-Conditional Overlay Subject To Certain Conditions As Presented By Staff (SF-2-CO)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report

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

10. SUBDIVISIONS (ACTION AND PUBLIC HEARING):

- A. West Parke Preliminary Plan (PP-13-001)
17.88 acres, 56 single family lots, 1 detention lot
Located on West Park Street, just east of Lakeline Boulevard
Owner: West Park Development LLC and Westparke Development LLC
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve variance and plat
 - 1) Public Hearing on block length variance request

- 2) P&Z Action on block length variance request
- 3) P&Z Action on subdivision

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 11 Zoning, Article 11.02 Zoning Districts and Boundaries and Article 11.12 Definitions, Division 1 Definition of 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 12 Subdivision, Article 12.12 Design Standards, Section 12.12.010 Lot Arrangements regarding lot dimensions and flag lots. (OA-14-005)
 - 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 January 23rd and February 13th
- B. Director and Staff Comments
 - 1) P&Z Commissioner Training
- C. Commissioners Comments
- D. Request for Future Agenda Items
- E. Designate Delegate to Attend Next Council Meetings on February 27th and March 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.

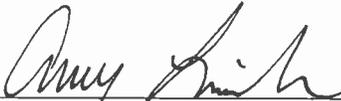
CERTIFICATE

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:

FEB 14 '14 PM 3:49

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, JANUARY 21, 2014 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 checked="" type="checkbox"/> HOLLY HOGUE, Place 6,
Secretary |
| <input type="checkbox"/> KEVIN HARRIS, Place 3 | | |

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
Chair Kauffman called the meeting to order at 6:30 P.M. Commissioner Harris was absent. Vice Chair Wernecke arrived at 6:45 PM during Item 8A. Commissioner Balestiere arrived at 6:58 PM during Item 8A. 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 December 17, 2013 and Minutes from the Special Called Meeting of January 7, 2014.
MOTION: Secretary Hogue moved to approve the Minutes from the Regular Scheduled Meeting of December 17, 2013 and from the Special Called Meeting of January 7, 2014 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) 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**MOTION: Secretary Hogue moved to recommend approval of Consent Agenda Items 5.A.1 through 5.B.1 as presented. Commissioner Brent seconded the motion. The motion passed unanimously, 4-0, with three absent.**

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

Planning Manager Amy Link made the presentation and was available for questions. She advised that the applicant had requested a postponement after the agenda was posted for Items 7B and 8B.

MOTION: Commissioner Rogers moved to postpone Items 6A through 6C and Items 7B and 8B, as presented by staff. Commissioner Brent seconded the motion. The motion passed unanimously, 4-0, with three absent.

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) **Item 7B postponed. See Item 6.**
- C. Nitro Swim Center, Z-13-030 (related to item 8C)

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

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by 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

Planning Manager Amy Link made the presentation and was available for questions. The applicant requested 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. The MF zoning request is not consistent with the Future Land Use Plan. This zoning request is being processed in conjunction with a voluntary annexation request. Planning Manager Amy Link advised that the two percent threshold recommended in the adopted multifamily guidelines would be exceeded if the zoning for multifamily was approved. The guidelines also promote minimum one-half mile spacing between multifamily developments. The GR request is more intense than what is identified on the Future Land Use Plan and the request is not recommended adjacent to single family residential development.

Staff recommended retention of the Development Reserve (DR) zoning designation for approximately 18 acres located on the northern two-thirds of the tract and Local Retail (LR) for the southern 5 acres.

Applicant Ann Seaman made the presentation. Jennie Braasch (agent), John Lohr (developer), Kristiana Alfsen (agent) and Bill Pohl (agent) also spoke during the applicant's presentation. The presentation reviewed the history of the property, the cost of removing the retaining walls along Parmer Lane, topography and access issues. Jennie Braasch advised that the developer had met all conditions that the neighbors wanted.

A public hearing was held on the above item. The following completed recognition cards and spoke against the applicant's zoning request: 1) John Podolak, Chairman of the Breakaway HOA, 2) Richard Munoz, Jr., 3) John Farrington, 4) Michelle Peacock, and 5) Thomas C. Tinstman. The following did not speak, but completed recognition cards stating opposition to the zoning request: 1) Monica Lemay, 2) Ron Walker, 3) Kelly Walker, 4) Craig Fryar, 5) Patsy Parker, 6) Scott Harper, 7) Ana Nichols, and 8) Michael Nichols. The speakers stated that the multifamily zoning request was not at all acceptable to them. They were concerned with traffic issues and school over-crowding. There being no further public testimony, the public hearing was closed and the regular session reopened.

There was general discussion among the Commissioners concerning the uses allowed in Local Retail (LR) versus General Retail (GR), access to the tracts, development guidelines, and topography. Darwin Marchell, Director of Engineering, advised that TXDOT was not opposed to removing the retaining wall along Parmer Lane. Commissioner Rogers stated that the City did not have any authority to restrict uses for tracts located in the extraterritorial jurisdiction (ETJ).

MOTION: Commissioner Brent moved to recommend denial to the City Council of original zoning for Item 8A, Case Z-13-015. Vice Chair Wernecke seconded the motion. The motion passed 5-1, as follows:

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

MOTION: Commissioner Brent moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8A, Case Z-13-015. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

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**

Item 8B postponed. See Item 6.

- 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

Planner Rian Amiton made the presentation and was available for questions. The applicant requested original zoning of approximately 3.25 acres of Commercial Services (CS) for property located at 1301 Toro Grande Boulevard. The request is compliant the Comprehensive Plan Goals and the Future Land Use Plan. Staff recommended approval of the applicant's request for Commercial Services (CS) 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: Secretary Hogue moved to recommend approval to the City Council of original zoning for Item 8C, Case Z-13-030, as recommended by staff. Commissioner Balestiere seconded the motion. The motion passed unanimously, 6-0 with one absent.

MOTION: Secretary Hogue moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8C, Case Z-13-030. Commissioner Balestiere seconded the motion. The motion passed unanimously, 6-0 with one absent.

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).

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-13-015. Staff recommended retention of the Neighborhood Office/Retail/Commercial designation for the entire tract.

MOTION: Vice Chair Wernecke moved to recommend denial to the City Council of amending the Future Land Use Plan for property located at the northwest corner of Parmer Lane and Brushy Creek Road. Secretary Hogue seconded the motion. The motion passed 5-1, as follows:

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

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

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

12. ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consideration of a proposed revision to 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

Planner Rian Amiton made the presentation and was available for questions. The proposed amendments are intended to accomplish the following: 1) Consolidate overlapping definitions for various residential-type commercial facilities; 2) Align City definitions with State definitions wherever possible; and 3) Assign appropriate permitted zoning districts for residential-type commercial facilities.

There was much discussion among the Commissioners concerning the notification process and removal of daycare from General Office (GO). Assistant City Manager Josh Selleck advised that the City followed state law for notification of the Ordinance Amendment.

MOTION: Commissioner Rogers moved to table Item 12A to January 28, 2014 Special Called Meeting. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

- 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

Assistant City Manager Josh Selleck made the presentation and was available for questions. The proposed amendment would remove new and used auto sales from the General Retail district. He advised that the moratorium procedure began today at a Special Called City Council Meeting held at 5:30 PM and a temporary moratorium would go into effect at midnight tonight.

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 City Council of the ordinance revision as presented by Staff. Commissioner Rogers seconded the motion. The motion passed unanimously, 6-0, with one absent.

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

14. ADMINISTRATIVE ITEMS:

- A. Report on City Council Actions Pertaining to Zoning Matters from December 19th and January 9th.

December 19, 2013 - Planning Manager Amy Link advised that the following cases were on the agenda for 2nd readings: OA-13-007 (Postponed), ANX-13-002 (Approved), Z-13-022 (Approved), and Z-13-024 (Approved). Resolutions to set public hearings were approved for ANX-13-006 and ANX-13-007. Case Z-13-020 was postponed.

January 9, 2014 - The following cases were on the agenda for 1st reading and public hearing: Z-13-018, Z-13-021, Z-13-028, Z-13-029, Z-13-031, and ANX-13-005. The P&Z Rules of Procedure amendment was approved. The following cases were approved: OA-13-007 and Z-13-026. The following cases were on the agenda for the first statutory public hearing: ANX-13-006 and ANX-13-007. Case Z-13-010 was denied 5-2. Case Z-13-020 was postponed till February 13, 2014.

- B. Director and Staff Comments.

- 1) Special Called Meeting on January 28, 2014
- 2) P&Z Commissioner Training

Planning Manager Amy Link advised that the moratorium amendment and tonight's ordinance amendment would be on the agenda for the Special Called Meeting on January 28th. The Commissioners were advised that there are webinar training opportunities and requested that they let staff know if they want to participate. Commissioner Harris advised that he wanted to participate.

- C. Commissioners Comments.

Commissioner Rogers expressed interest in how the Comprehensive Plan update will address future land use within the City.

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

- E. Designate Delegate to Attend Next Council Meetings on January 23rd and February 13th.

Commissioner Rogers advised that he would attend the January 23rd Council meeting and Vice Chair Wernecke advised that she would attend the February 13th Council meeting.

15. ADJOURNMENT

Chair Kauffman adjourned the meeting at 8:58 p.m.

PASSED AND APPROVED THE 18TH DAY OF FEBRUARY, 2014.

NICHOLAS KAUFFMAN, Chairman

ATTEST:

HOLLY HOGUE, Secretary

CITY OF CEDAR PARK
SPECIAL CALLED MEETING OF THE
PLANNING & ZONING COMMISSION
TUESDAY, JANUARY 28, 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 type="checkbox"/> AUDREY WERNECKE, Place 4, Vice Chair | <input checked="" type="checkbox"/> HOLLY HOGUE, Place 6,
Secretary |
| <input checked="" type="checkbox"/> KEVIN HARRIS, Place 3 | | |

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
Chair Kauffman called the meeting to order at 6:30 P.M. Four Commissioners were present and a quorum was declared. Vice Chair Wernecke and Commissioner Balestiere were absent. Secretary Hogue arrived at 6:32 PM during Item 1. 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. ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consideration Of An Ordinance Effecting A Moratorium On The Acceptance Of Applications For Permits For Development Of Commercial Property For New And/Or Used Automotive Sales Within The Corporate Limits Of The City Of Cedar Park. (OA-14-002)
1) Public Hearing

Assistant City Manager Josh Selleck made the presentation and was available for questions. He advised that the City had been re-evaluating zoning districts. This was the second public hearing for Case OA-14-002. City Council held the first public hearing on January 21, 2014. No action is necessary.

A public hearing was held on the above item. Patrick Shelton completed a recognition card and spoke against the moratorium. There being no further public testimony, the public hearing was closed and the regular session reopened.

No action was taken.

- B. 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

Planning Manager Amy Link advised that staff had been working on the ordinance amendment and would need to re-notify for the public hearings due to the changes in the schedule for the City Council public hearing. Staff would try to have the amendment ready for discussion and possible action at the February 18, 2014 meeting. No action was taken.

5. 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.**

6. ADJOURNMENT

Chair Kauffman adjourned the meeting at 6:46 p.m.

PASSED AND APPROVED THE 18TH DAY OF FEBRUARY, 2014.

NICHOLAS KAUFFMAN, Chairman

ATTEST:

HOLLY HOGUE, Secretary

February 18,
2014
Subdivision

Planning and Zoning Commission
Thousand Oaks

Item:#
5A1

Case Number: PP-14-001

OWNER: Mary Avery, Bill & Marilyn Avery, Bryant Avery, Mark & Luann Lewis, and Whitney Walsh

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

LOCATION: Between West Park Street and Cedar Park Drive, east of Cardinal Lane

COUNTY: Williamson

AREA: 21.57 acres

ZONING: SF-2-CO

SUBDIVISION DESCRIPTION: 57 residential 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.



February 18,
2014
Subdivision

Planning and Zoning Commission
Hurst-Findeisen

**Item:#
5A2**

Case Number: SFP-14-002

OWNERS: Janice Hurst and Katherine D. Findeisen

STAFF: Shandrian Jarvis, 401-5058, shandrian.jarvis@cedarparktexas.gov

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

COUNTY: Williamson

AREA: 19.84 acres

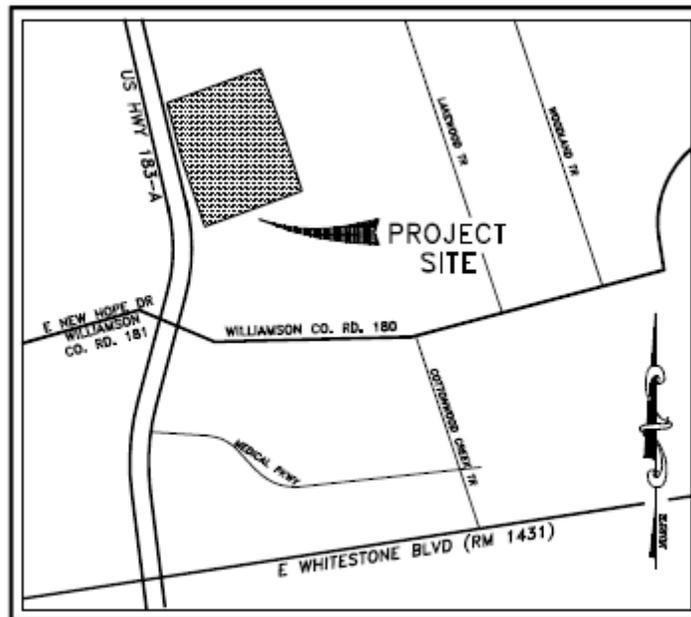
ZONING: GR

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

February 18,
2014

Subdivision

Planning and Zoning Commission

Naumann's Subdivision

Item:#
5A3

Case Number: SFP-14-003

OWNERS: Austin International Ventures, Inc., Texas Industries, Inc., and Pedernales Electric Cooperative Inc.

STAFF: Shandrian Jarvis, 401-5058, shandrian.jarvis@cedarparktexas.gov

LOCATION: Located north of Anderson Mill Road, east of Windy Terrace

COUNTY: Williamson/Travis

AREA: 35.20 acres

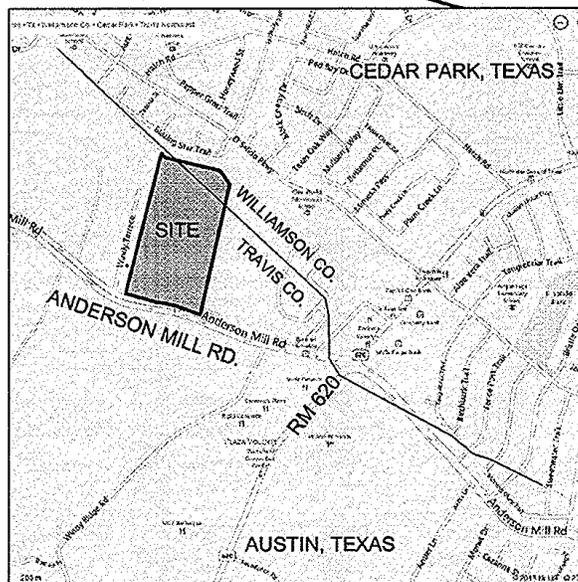
ZONING: LI

SUBDIVISION DESCRIPTION: 4 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
(NTS)

February 18,
2014
Zoning

Planning and Zoning Commission
Ozone Lakeline at Riviera

**Item:
6B**

Case Number: Z-13-011

OWNER/APPLICANT: Ozone Technology, Inc.

AGENT: Jennie Braasch, Pohl Partners

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

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

COUNTY: Williamson County

AREA: 3.48 acres

The applicant has requested an indefinite postponement. Staff supports the postponement request.



February 18,
2014
Subdivision

Planning and Zoning Commission
Star Subdivision

Item:#
6C

Case Number: SFP-13-016

OWNER: Mass Project Managers & Consultants, Ltd.

AGENT: Jennie Braasch, Pohl Partners

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

LOCATION: North of Kenai Drive and west of West Parmer Lane

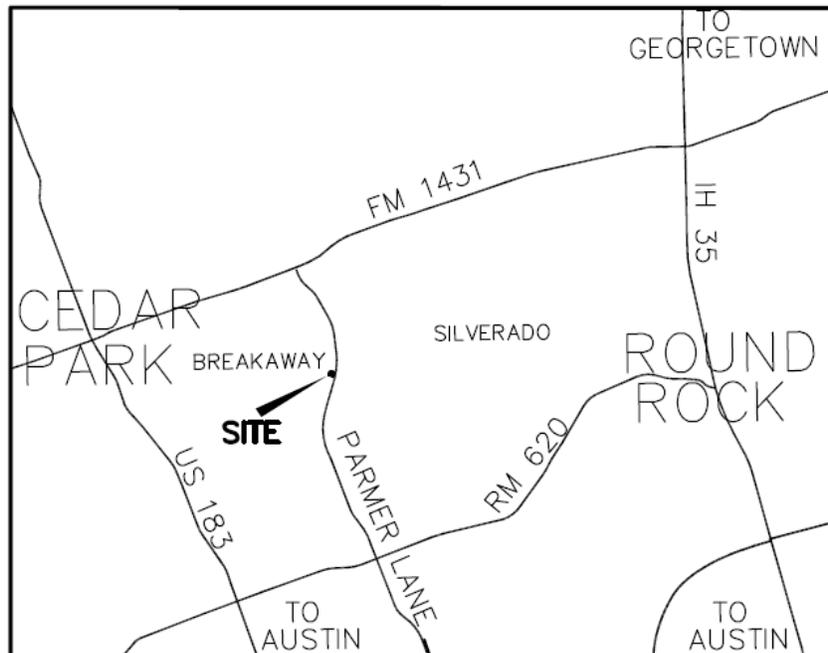
COUNTY: Williamson

AREA: 3.08 acres

ZONING: GO and LR

SUBDIVISION DESCRIPTION: 1 commercial lots into 2 commercial lots

The Applicant has requested postponement to the Planning & Zoning Commission's March 18, 2014 meeting. Staff supports the postponement request.



February 18,
2014
Zoning

Planning and Zoning Commission
Scottsdale Crossing

**Item:
6D**

Case Number: Z-14-001

OWNER/APPLICANT: Pecan Grove-SPVEF, LP

AGENT: A. Ron Thrower, Thrower Design

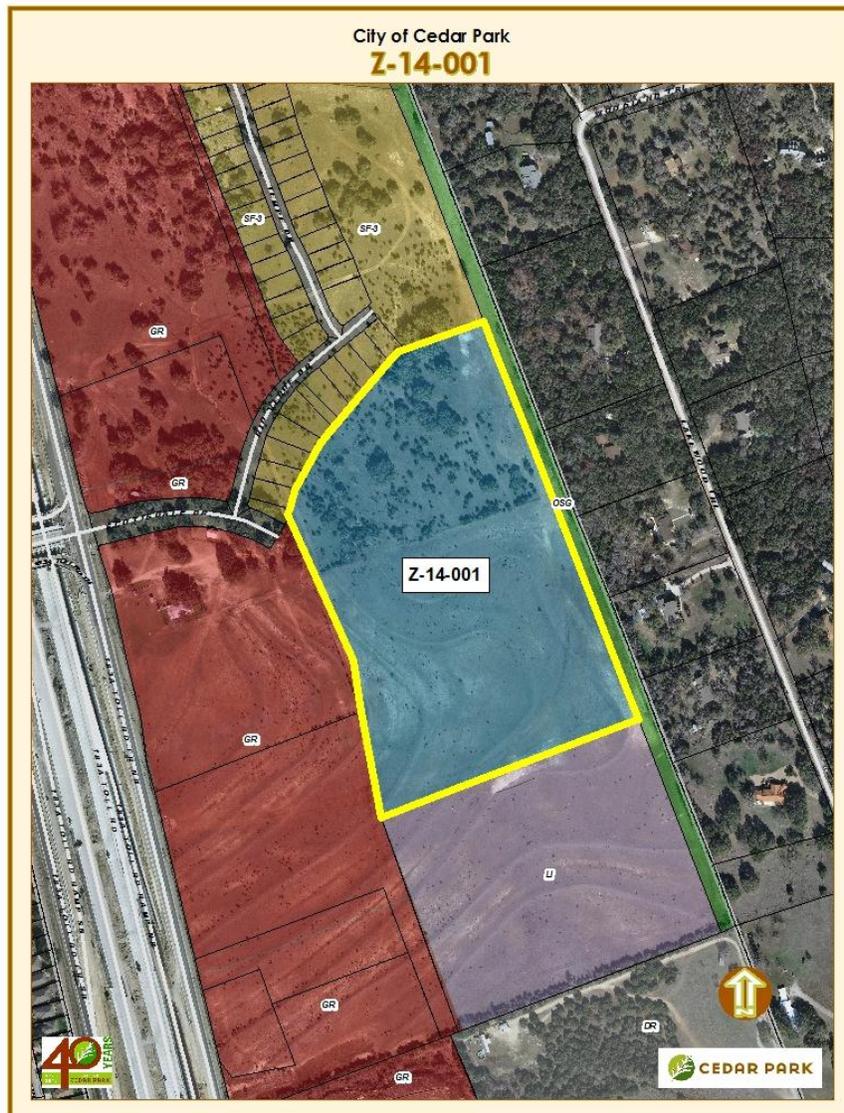
STAFF: Shandrian Jarvis, 401-5058, shandrian.jarvis@cedarparktexas.gov

LOCATION: End of existing Scottsdale Drive (east side of 183A Toll Road)

COUNTY: Williamson County

AREA: 21.59 acres

The applicant has requested a postponement to March 18, 2014. Staff supports the postponement request.



February 18,
2014
Zoning

Planning and Zoning Commission
Brushy Creek Road

**Item:
6E**

Case Number: Z-14-002

OWNER/APPLICANT: Brushy Creek Partners LP

AGENT: A. Ron Thrower, Thrower Design

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

LOCATION: North side of Brushy Creek Road, east of Arrowhead Trail

COUNTY: Williamson County

AREA: 9.40 acres

The applicant has requested a postponement to March 18, 2014. Staff supports the postponement request.



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2014
Zoning

Planning and Zoning Commission
Misty Valley

Item:
7A & 8A

Case Number: # Z-13-027

OWNER: Minori LLC

AGENT: David Singleton

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

LOCATION: Trails End Road, south of West Whitestone Boulevard

COUNTY: Travis

AREA: 46.83 acres

EXISTING ZONING: Development Reserve (DR) and Rural Agriculture (RA)

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

STAFF RECOMMENDATION: Single Family-Large Urban Lot-Conditional Overlay (SF-2-CO) with the following conditions:

- 1) Site Layout shall substantially conform to the conceptual land plan dated February 14, 2014
- 2) A minimum of 100 lots shall meet the following minimum criteria: 30' front building setback, 75' lot width at the building setback line, 125' lot depth, 10' side setback and 9,375sf lot size
- 3) A minimum of 8 lots shall meet the following minimum criteria: 30' front building setback, 65' lot width at the building setback line, 125' lot depth, and 8,125sf lot size;
- 4) A maximum of 27 lots shall meet the following minimum criteria: 25' front building setback, 65' lot width at the building setback line, 125' lot depth, and 8,125sf lot size.

EXISTING FUTURE LAND USE DESIGNATION: Low Density Residential

SUMMARY OF REQUEST:

The applicant is requesting original zoning of approximately 33.5 acres and rezoning of approximately 13.35 acres from Rural Agriculture (RA) to Single Family-Suburban Lot (SF-2). The applicant is amenable to the recommended conditions.

EXISTING SITE and SURROUNDING USES:

The site is currently undeveloped, with the exception of two existing homesteads. The tract is surrounded by undeveloped land to the north, east and south. Trails End Road creates the western boundary of the tract.

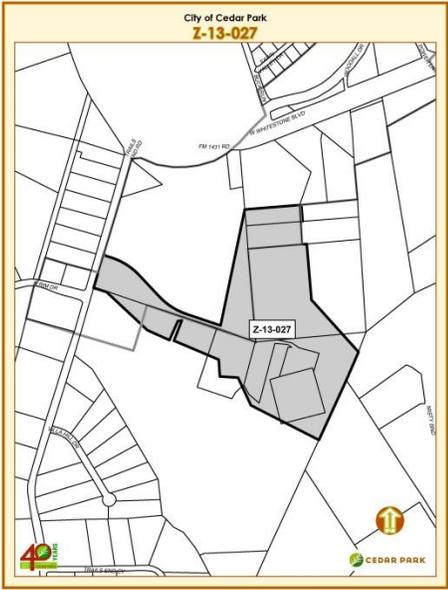
February 18,
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Zoning

Planning and Zoning Commission

Misty Valley

Item:
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Case Number: # Z-13-027



February 18,
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Zoning

Planning and Zoning Commission
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7A & 8A

Case Number: # Z-13-027

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 DISTRICT:

Single-family dwelling, detached
Parks, playgrounds (owned and/or operated by the municipality or other governmental agency)
Place of worship
Public buildings, uses
Real estate sales offices
Utility services, general
Accessory structures
Customary home occupations
Group home
Private schools

FUTURE LAND USE PLAN:

The Future Land Use Plan (FLUP) identifies the subject area as suitable for low density residential uses, compatible with Single Family residential districts. The applicant's request is consistent with the FLUP.

COMPREHENSIVE PLAN:

The applicant's request for SF-2 supports the housing goal of the Comprehensive Plan to provide additional housing opportunities for existing and future residents of Cedar Park. In addition, the conditional overlay associated with the request ensures a more diverse housing product.

SITE INFORMATION:

Corridor Overlay:

This tract is not located within the Corridor Overlay.

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Transportation:

Trails End Road functions as a neighborhood collector in the vicinity of the subject tract. It is developed as a rural, county road.

Water and Wastewater Utilities:

Water and wastewater facilities will need to be extended to serve this development, including a new public lift station.

Subdivision:

The property is not currently platted.

Setback and Height Requirements:

	Single Family – Large Urban Lot (SF-2)
Front setback	25'
Side setback	7.5'
Side setback at street	15'
Rear setback	10'
Maximum Height	35'

Architectural Requirements:

Single family structures are required to provide 50% masonry facades, based on the entire wall surface of the structure, exclusive of doors and windows.

Case History:

Case #	Request	P&Z Recommendation	CC Action
Z-05-016	Original zoning of RA	Recommended RA	Approved RA

STAFF COMMENTARY:

This zoning request is being processed in conjunction with a voluntary annexation request. Currently, approximately 13 acres are located within the City, with the remaining 33.5 acres located within the City's ETJ.

Although the applicant's request for SF-2 zoning is compatible with the FLUP, the zoning district does not provide the variety of housing and lot sizes desired within the City. The City's existing single family subdivisions are predominantly developed under SF-2 and SF-3 zoning regulations that permit smaller lot sizes. The City desires to provide a diverse housing stock that includes more large lot housing options, which support the housing goals envisioned in the

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Misty Valley

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Comprehensive Plan. Additionally, a larger lot subdivision would likely place less demand on the water utility. Finally, a large lot subdivision would be more compatible with surrounding neighborhoods in the area, such as North Rim, that have developed as large acreage residential lots.

STAFF RECOMMENDATION:

Given the factors noted above, staff had extensive discussions with the prospective developer for this tract. The attached conceptual plan, provided by the applicant, embodies the spirit of the Comprehensive Plan and the City's desire to provide a more diversified housing stock. Almost 75% of the lots depicted on the concept plan meet the lot standards of the Single Family-Large Suburban Lot (SF-1) zoning district. The remaining lots meet a majority of the SF-1 lot standards; however, the minimum lot size is 65 feet. The proposed plan is well suited for development of large residential tracts that access existing rural style, alternate-standard streets or have older infrastructures that may impose constraints against a more densely developed neighborhood.

For the reasons noted above, staff recommends Single Family-Large Urban Lot-Conditional Overlay (SF-2-CO) with the following conditions:

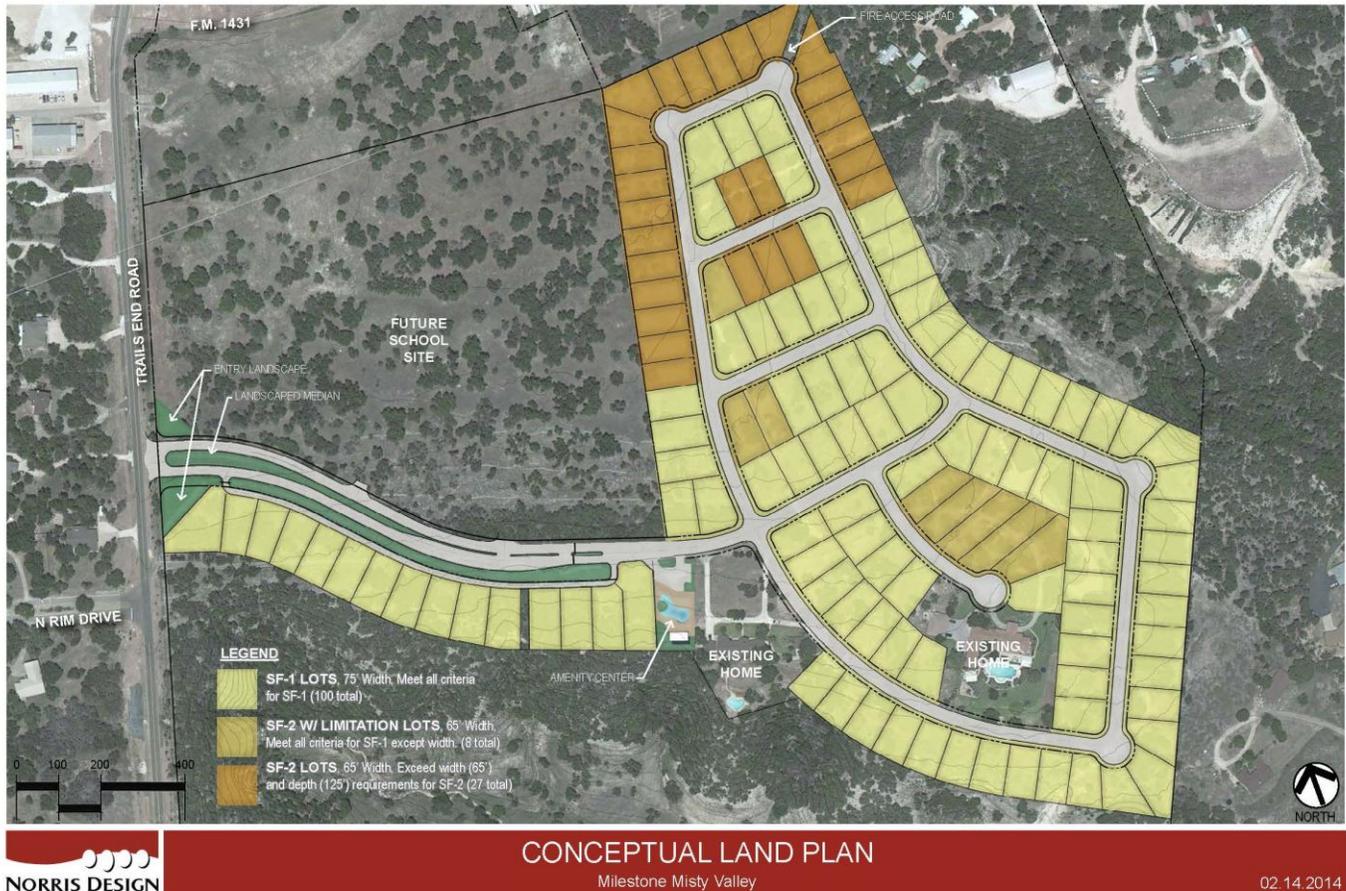
- 1) Site Layout shall substantially conform to the conceptual land plan dated February 14, 2014
- 2) A minimum of 100 lots shall meet the following minimum criteria:
 - 30' front building setback
 - 75' lot width at the building setback line
 - 125' lot depth
 - 10' side setback
 - 9,375sf lot size
- 3) A minimum of 8 lots shall meet the following minimum criteria:
 - 30' front building setback
 - 65' lot width at the building setback line
 - 125' lot depth
 - 8,125sf lot size
- 4) A maximum of 27 lots shall meet the following minimum criteria:
 - 25' front building setback
 - 65' lot width at the building setback line
 - 125' lot depth
 - 8,125sf lot size.

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APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY: Not required; there are no single family zoned properties within 300 feet.

PUBLIC INPUT: To date, one (1) written response in opposition to the request has been received. Please see below.

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Planning and Zoning Commission
Misty Valley

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7A & 8A

Case Number: # Z-13-027

.....
You may send your written comments to the Planning Department, 450 Cypress Creek Road, Cedar Park, Texas 78613 or e-mail: amy.link@cedarparktexas.gov (attention: Zoning File #: Z-13-027)

Name: Jason & Melissa Hardy Address: 13213 N. Ridge Cr. Leander, TX 78641

I am in favor, this is why _____

I am not in favor, and this is why the increased
traffic & density that would result from
rezone area that is not consistent
with current land use in our area. SF-1 zoning is preferred as it is

450 Cypress Creek Road | Cedar Park, Texas 78613 Office (512) 401.5000 | Fax (512) 258-6083 | www.cedarparktexas.gov

most consistent and compatible with current use & would not
as greatly increase traffic/density.

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

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

Neighbors in the surrounding residential developments are generating a petition against the annexation and zoning request. Below is a copy of the draft petition that was submitted to staff. Executed copies of the petition will likely be provided at the meeting next Tuesday.

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Zoning

Planning and Zoning Commission
Misty Valley

**Item:
7A & 8A**

Case Number: # Z-13-027

Petition

Date: 01/08/2014

Protest of the Proposed Zoning Change for Z-13-027 -Misty Valley

TO: Mayor of Cedar Park and Cedar Park City Council

There has been a request by Minori LLC to assign original zoning of Single Family-Large Urban Lots (SF-2) to approximately 33.48 acres and to re-zone 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 Blvd. in Travis County, Texas.

We, the undersigned owners of property affected by the requested zoning change described in the above paragraph do hereby protest against any change of the Land Development Code and Zoning which would zone the property to any classification other than Estate Lot Single Family Residential District (ES).

I, _____, do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.

Signature of Person Collecting Names _____

Address _____ Phone _____ Email _____

Signature of Notary _____

Notary Date and Stamp:

We, the undersigned owners of property that will be affected by this zoning change oppose the requested zoning change because:

SF-2 would not add quality housing that would enhance value and maintain our current quality of life, safety and privacy. We are very concerned about the negative effect on our wildlife population and other environmental factors. We are greatly concerned about the effect of the increase in traffic, especially at the intersection of Trails End Road and Hwy 1431, as well as light and noise pollution. The increased visibility to our secluded neighborhood would bring an increase in activity which could result in an increase in crime and/or vandalism. We believe that larger lots and homes would be better suited to the area to be consistent with other subdivisions and for current residents which we believe would be most beneficial to the growth and tax base for Cedar Park. In addition we would like to see Misty Valley developed as a gated community for their safety and ours. We ask that the Mayor of Cedar Park and the City Council to please consider our petition.

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2014
Subdivision

Planning and Zoning Commission
West Parke

**Item:#
10A**

Case Number: PP-13-001

OWNER: Westparke Development LLC and West Parke Development LLC

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

LOCATION: North side of West Park Street just east of South Lakeline Boulevard

COUNTY: Williamson

AREA: 17.91 acres

ZONING: SF-2-CO

SUBDIVISION DESCRIPTION: 57 residential lots

STAFF COMMENTS:

The initial configuration of the required a variance to Chapter 12, Section 12.12.008(b) regarding the maximum block length within residential subdivisions. However, after the public hearing was posted in accordance with state and local notice requirements, the applicant modified the configuration to sufficiently “break” the block. The plat now meets all state and local subdivision requirements without a variance.

STAFF RECOMMENDATION:

Approve.



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Planning and Zoning Commission

**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.

Staff presented a preliminary draft of this ordinance to P&Z at its January 21, 2014 meeting. Please note that three modifications to the ordinance have been made subsequent to the January 21 meeting:

- Child and adult day care centers will continue to be permitted in the General Office zoning district
- Special Care Facility has been added to the Multifamily Residential zoning district.
- A new use has been added called "Community Home". This use is protected by the Texas Community Homes for Disabled Persons Act (Chapter 123 of the Texas Human Resources Code) and is therefore required by state statute to be permitted in all residential zoning districts (including the Mixed Use district if located above the first floor). Staff proposes adding this use to comply with the statute.

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Planning and Zoning Commission

**Item:
12A**

Ordinance
Amendment

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

OA-13-009

DIVISION 4: RURAL AGRICULTURAL DISTRICT, RA (R/A)

Sec. 11.02.009 Permitted uses

15. Community home

DIVISION 5: MANUFACTURED HOME RESIDENTIAL DISTRICT, MH (M-1)

Sec. 11.02.018 Permitted uses

12. Community home

DIVISION 6: ESTATE LOT SINGLE-FAMILY RESIDENTIAL DISTRICT, ES

Sec. 11.02.028 Permitted and Conditional uses

13. Community home

DIVISION 7: LARGE LOT SINGLE-FAMILY RESIDENTIAL DISTRICT, SF

Sec. 11.02.038 Permitted and Conditional uses

15. Community home

DIVISION 8: LARGE SUBURBAN LOT SINGLE-FAMILY RESIDENTIAL DISTRICT, SF-1

Sec. 11.02.048 Permitted and Conditional uses

14. Community home

DIVISION 9: LARGE URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT, SF-2

Sec. 11.02.058 Permitted uses

12. Community home

DIVISION 10: URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT, SF-3

Sec. 11.02.068 Permitted uses

12. Community home

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Planning and Zoning Commission

Item:
12A

Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11 Residential-Type Commercial Facilities

OA-13-009

DIVISION 11: TOWN HOME RESIDENTIAL DISTRICT, TH

Sec. 11.02.078 Permitted uses

- 11. Community home

DIVISION 12: CONDOMINIUM RESIDENTIAL DISTRICT, CD

Sec. 11.02.089 Permitted uses

- 10. Community home

DIVISION 13: DUPLEX RESIDENTIAL DISTRICT, DP

Sec. 11.02.101 Permitted uses

- 12. Community home

DIVISION 14: MULTIFAMILY RESIDENTIAL DISTRICT, MF

Sec. 11.02.111 Permitted uses

- 2. ~~Assisted Living Facility~~Community home
- 3. ~~Extended care, nursing home~~Convalescent home, nursing home, or related institution
- 13. Special Care Facility

DIVISION 15: TRANSITIONAL OFFICE DISTRICT, TO

Sec. 11.02.122 Permitted uses

- 3. ~~Day care center, incidental, Sec. 11.02.128D~~Reserved

DIVISION 17: GENERAL OFFICE DISTRICT, GO

Sec. 11.02.138 Permitted uses

- 5. ~~Convalescent Nursing Home~~Reserved
- 11. ~~Extended care facilities, nursing home~~Reserved

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Planning and Zoning Commission

**Item:
12A**

Ordinance
Amendment

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

OA-13-009

DIVISION 22: HOSPITAL DISTRICT, H

Sec. 11.02.182 Permitted Use

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

DIVISION 31: MIXED USE DISTRICT, MU

Sec. 11.02.252 Permitted uses

Residential

- 6. Community home located above the ground floor only

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Planning and Zoning Commission

Item:
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Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11 Residential-Type Commercial Facilities

OA-13-009

ARTICLE 11.12 DEFINITIONS

DIVISION 1: DEFINITION OF TERMS

Sec. 11.12.002 Terms

~~Assisted living facility: The use of a site for three (3) or more dwelling units designed and marketed specifically for persons sixty (60) years of age or older, the physically handicapped, or both, with common dining facilities and amenities. 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, nursing home: The use of a facility for the provision of bed care and in-patient services for persons requiring regular medical attention. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.~~

~~Community home: An entity protected by the Texas Community Homes for Disabled Persons Act (Chapter 123 of the Texas Human Resources Code) including:~~

- ~~(1) a community-based residential home operated by:
 - ~~(A) the Texas Department of Mental Health and Mental Retardation;~~
 - ~~(B) a community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities;~~
 - ~~(C) an entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes); or~~
 - ~~(D) an entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or~~~~
- ~~(2) an assisted living facility licensed under Chapter 247, Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.~~

~~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 and further defined in Chapter 242 of the Texas Health and Safety Code.~~

~~Extended care facility: A long-term facility or a distinct part of a facility licensed or approved as a convalescent or nursing home, infirmary unit of a home for the aged, or governmental medical institution. (Ordinance CO33-07-06-28-5D adopted 6/28/07; Ordinance CO04-08-10-09-C4 adopted 10/9/08)~~

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Planning and Zoning Commission

**Item:
12B**

**Ordinance Amendment Proposal – Lot
Arrangements**

Case Number: OA-14-005

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

In reviewing our current ordinances, staff has determined that the existing lot arrangement standards within Section 12.12.010 of the Subdivision Ordinance limit the ability of certain unmanned utility lots to be created that generally only need access for maintenance purposes. This ordinance amendment adds exception language to Section 12.12.010 Lot Arrangements for the creation of lots that are primarily intended to serve a public necessity. In addition, the amendment eliminates the prohibition of lot depths exceeding three (3) times the lot width. Currently, this requirement is intended to preserve the orderly development of lots and streets and promote connectivity; however, other existing Subdivision ordinance provisions ensure this intended purpose and therefore, staff feels that the inclusion of this requirement is no longer needed.

A redlined version of the proposed amendment is provided below.

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Planning and Zoning Commission

Item:
12B

Ordinance Amendment Proposal – Lot Arrangements

Case Number: OA-14-005

Sec. 12.12.010 Lot arrangements

(a) ~~Lot size, width, etc.~~ Standard Lot Requirements

(1) On the basis of the land district (single-family, residential, duplex, multifamily, commercial, retail, office, mobile home, industrial, etc.) in which they lie and the use to which they are to be put, all lots or tract sizes must conform to the regulations of the zoning ordinance, including minimum area, width and depth.

(2) Lots should be rectangular insofar as practicable. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed two-and one-half (2-1/2) times. Irregular shaped lots shall have sufficient width at the building line to meet frontage requirements for the appropriate zoning district.

(3) In general, the sidelines of lots in subdivisions shall be approximately at right angles to straight street lines or radial to curved street lines.

(4) Residential lot arrangements that face adjacent lots at right angles with one another shall be avoided.

~~(5) Lot depths that exceed three (3) times the width of the lot shall be prohibited.~~

~~(56)~~ Lot lines shall be arranged to avoid unusable areas such as long, narrow areas, sharp acute angles or flag lots.

(Ordinance CO42-07-07-12-31 adopted 7/12/07)

(b) Flag Lots

~~(17)~~ Flag lots are only allowed where:

(A) The proposed lot configuration is needed to abate an acute topographical condition or other unusual property accessibility constraint not created by the applicant; or

(B) The proposed lot is located within the RA rural agricultural district or the ES estate lot residential district or for lots under two (2) acres within the city's ETJ; or

(C) The unusual adjacent property boundary configuration constrains the arrangement of an otherwise standard lot configuration.:-

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Planning and Zoning Commission

**Item:
12B**

Ordinance Amendment Proposal – Lot Arrangements

Case Number: OA-14-005

(D) Where any of the above items are present, the development services director or their designee, may allow the proposed flag lot configuration, provided the following conditions are met:

(i) The proposed lot does not circumvent the normal platting of streets for public and emergency access;

(ii) The proposed lot does not prevent the extensions of streets to adjacent property;

(iii) The proposed lot width is not less than fifty (50) feet in width at its frontage connection with the adjacent public or approved private street; and

(iv) The narrow or elongated part of the proposed lot ‘pole’ does not exceed one hundred (100) ft. in length, measured from the connecting street frontage to where the lot widens into a ‘flag’ shape to receive a suitable building area where a building setback line shall be established; nor shall more than two (2) adjacent neck lots be connected.

(E) Where any of the foregoing requirements are not met, or a variance request is denied by the development services director or their designee, the planning and zoning commission may authorize a variance from these regulations pursuant to [section 12.12.019](#) of this chapter.

(Ordinance CO12-13-01-10-C2 adopted 1/10/13)

(c) Exception for Public Utility Facilities

(1) Where a proposed lot shall be used exclusively as an unmanned utility facility primarily serving a public necessity as approved by the City and as reflected by a note on the recorded subdivision plat, these lots shall be exempt from the requirements of Section 12.12.010 (a) and (b).