

**City of Cedar Park**  
**Regular Called Meeting Agenda**  
**City Council Chambers, Cedar Park Public Library**  
**550 Discovery Boulevard**  
**Cedar Park, Texas**  
**Thursday, January 12, 2012**  
**6:30 P.M.**

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.](#)
- A.2 [Invocation. \(6\)](#)
- A.3 [Pledges of Allegiance. \(U.S. and Texas\)](#)
- A.4 [Citizens Communications. \(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information\)](#)
- A.5 [Mayor and Council Opening Comments.](#)
- A.6 [City Manager Report: Employee Recognition For Service With The City Of Cedar Park.](#)
  - a. Larry Nance, Community Service Restitution Supervisor - Field Operations, Twenty-Five Years Of Service.
- B.1 [Approval Of City Council Minutes From The Regular Scheduled Meeting Of December 8, 2011.](#)
- B.2 [Receipt Of Minutes From The Tourism Advisory Board Meeting Of November 7, 2011.](#)
- B.3 [Receipt Of Minutes From The Planning And Zoning Commission Meeting Of November 15, 2011.](#)
- C.1 [\(Z-11-040\) Second Reading And Denial Of An Ordinance To Rezone Approximately 0.268 Acres From Single Family Large Suburban Lot \(SF-1\) To Manufactured Home Residential \(MH\) For Property Located At 2500 Bois D'Arc Lane. The Planning And Zoning Commission Voted 6-0 To Deny The Request.](#)
- C.2 [\(Z-11-021\) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail \(GR\) To Approximately 2.0 Acres And Open Space Greenbelt \(OSG\) To Approximately 2.9 Acres For Property Located On The Southside Of East Whitestone Boulevard Just East Of Arrow Point Drive. The Planning And Zoning Commission Voted 6-0 To Approve This Request.](#)
- C.3 [\(Z-11-035A\) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail \(GR\) To Approximately 33.5 Acres For Property Located On The East Side Of 183A Just North Of The Intersection Of New Hope Drive And 183A. The Planning And Zoning Commission Voted 6-0 To Approve This Request.](#)

- C.4 [\(Z-11-035B\) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail \(GR\) To Approximately 7.2 Acres For Property Located Near The Northeast Corner Of CR 180 And New Hope Drive. The Planning And Zoning Commission Voted 6-0 To Approve This Request.](#)
- C.5 [\(Z-11-035C\) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Local Retail \(LR\) To Approximately 2.34 Acres For Property Located On The North Side Of New Hope Drive Northwest Of The Intersection Of Cottonwood Creek Trail And New Hope Drive. The Planning And Zoning Commission Voted 6-0 To Approve This Request.](#)
- C.6 [\(Z-11-035D\) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Local Retail With A Conditional Overlay \(LR-CO\) For Approximately 5.12 Acres For Property Located On The North Side Of New Hope Drive Northeast Of The Intersection Of Cottonwood Creek Trail And New Hope Drive. The Planning And Zoning Commission Voted 6-0 To Approve This Request.](#)
- C.7 [\(Z-11-036\) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail \(GR\) To Approximately 9.50 Acres For Property Located At 14100 And 14050 Ronald Reagan Boulevard. The Planning And Zoning Commission Voted 5-1 To Approve This Request.](#)
- C.8 [\(Z-11-037\) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail \(GR\) To Approximately 26.313 Acres For Property Located At The Northeast Corner Of Avenue Of The Stars And E. New Hope Drive. The Planning And Zoning Commission Voted 6-0 To Approve This Request.](#)
- C.9 [Second Reading And Approval Of Revisions To Chapter 12 Subdivision Ordinance And To Chapter 14 Site Development Regulations To Address New Public Or Private At-Grade Rail Crossings.](#)
- D.1 [Approval To Authorize And Direct The City Manager to Implement A Moratorium On The Requirement For A Dry Chemical Canopy Fire Suppression System For Gasoline Stations Until Corrective Modifications Are Made By Manufacturers' Of These Systems Or The City Adopts A New Fire Code.](#)
- D.2 [A Resolution Authorizing And Directing The Fire Chief To Execute The Williamson County Emergency Service Organizations Agreement For Providing Emergency Medical Services \("EMS"\) First Responder Services Within The City Limits Of Cedar Park And Participation In One Or More Special Operations Functions For FY 2011-12.](#)
- D.3 [A Resolution Awarding Construction Bid For The Sidewalk Gap Closure Project To Myers Concrete Construction, LP For \\$68,744.](#)
- D.4 [A Resolution Authorizing And Directing The City Manager To Execute Contracts Related To Internet, High Speed Data, And Cable Television Services With Time Warner Cable.](#)

- E.1 [First Reading And Public Hearing Of An Ordinance Amending Chapter 11 Zoning Ordinance, Section 11.12, Chapter 12 Subdivision Ordinance, Section 12.23.001 And Chapter 12 Sign Ordinance Section 13.01.004 Regarding The Definitions Or References To Building Official. \(OA-11-008\)](#)
- E.2 [First Reading And Public Hearing Of An Ordinance Amending Chapter 12, Subdivision Ordinance, Section 12.12.010 Lot Arrangements Regarding Flag Lot Regulations.](#)
- E.3 [\(Z-11-039\) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 42.861 Acres From Downtown District \(DD\) To Planned Development-Mixed Use \(PD-M\) For Property Located Near The Southwest Corner Of 183A Toll Road And East New Hope Drive. The Planning And Zoning Commission Voted 4-2 To Deny The Request.](#)
- F.0 [Discussion And Possible Action:](#)
- F.1 [Update And Possible Approval Of The City Of Cedar Park Web Redesign.](#)
- G.0 [Executive Session](#)
- G.1 [Section 551.087 Deliberation Regarding Economic Development Negotiations](#)
  - a. Legal Issues Regarding An Economic Development Infrastructure Reimbursement Agreement For A Major Retail Development.
  - b. Legal Issues Regarding An Economic Development Agreement Between The City Of Cedar Park And DR Horton.
- H.0 [Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session](#)
- H.1 [Mayor And Council Closing Comments.](#)
- H.2 [Adjournment.](#)



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. A.1  
**CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.**



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. A.2  
**Invocation. (6)**



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. A.3  
**Pledges of Allegiance. (U.S. and Texas)**



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject:           Agenda Item No. A.4  
**Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each.  
No Deliberations With Council. Council May Respond With Factual Information)**



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject:       Agenda Item No. A.5  
**Mayor and Council Opening Comments.**



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. A.6  
**City Manager Report: Employee Recognition For Service With The City Of Cedar Park.**

**a. Larry Nance, Community Service Restitution Supervisor - Field Operations, Twenty-Five Years Of Service.**

**Commentary:**



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. B.1  
**Approval Of City Council Minutes From The Regular Scheduled Meeting Of December 8, 2011.**

**Commentary:**



**CITY OF CEDAR PARK  
REGULAR SCHEDULED CITY COUNCIL MEETING  
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

**THURSDAY, DECEMBER 8, 2011 AT 6:30 P.M.**

Mayor Bob Lemon  
Matt Powell Councilmember Place One  
Mitch Fuller, Councilmember Place Two  
Scott Mitchell, Councilmember Place Three

Mayor Pro Tem Lowell Moore  
Tony Dale, Councilmember Place Five  
Don Tracy, Councilmember Place Six  
Brenda Eivens, City Manager

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***MINUTES***

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.  
**Mayor Lemon called the meeting to order at 6:34 p.m.**  
**Councilmember Tracy arrived at 6:37 p.m.**
- A.2 Invocation.  
**Invocation given by Mayor Pro Tem Moore.**
- A.3 Pledges of Allegiance. (U.S. and Texas)  
**Council led the audience in the Pledges of Allegiance.**
- A.4 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)  
**Diane Pascoe addressed Council regarding the clock tower in the Town Center. The time is not accurate and she would like to know who is in charge of it.**
- A.5 Mayor and Council Opening Comments.  
**Councilmember Fuller thanked the Parks staff for the golf tournament and tour of King Log Cabin. He also commented on the state of the school district speech given by Bret Champion.**

**Councilmember Powell commented on the great aspects of the King Log Cabin and also the Tree Lighting and Santa's workshop events. He also commented on his conversations with TCEQ and increasing communications so wrong information is not reported.**

**Councilmember Dale congratulated Rachael Cook for winning the Tree Lighting contest.**

- A.6 City Manager Report: Update On The Gateway Sign Project. (Powell)  
**Emily Truman, Project Manager, provided a brief update on the project status. The Steering Committee, which is comprised of staff, Council, 4B and Arts Board members, have been interviewed and surveyed in relation to locations and the design aspects. These comments will be developed into a concept plan. Four visions will be presented at first then narrowed down to two which will then be available for public comment. After this period, the plan will go to the 4B Board for recommendation and then Council for final approval. A December 20<sup>th</sup> meeting has been scheduled with the Steering Committee to show the four developed concepts.**
- A.7 City Manager Report: Monthly Financial Update For The Period Ending September 30, 2011.  
**Josh Selleck, Finance Director, provided Council with the financial report.**

#### ***CONSENT AGENDA***

*Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of all matters set forth on Agenda Items B, C, and D.*

**Agenda Items C.1 and D.3 removed from the Consent Agenda by Councilmember Fuller.**

**Agenda Items C.2 and C.4 removed from the Consent Agenda by Councilmember Mitchell.**

***Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D excluding C.1, C.2, C.4 and D.3.***

**Movant: Councilmember Fuller**

**Second: Mayor Pro Tem Moore**

**Vote: 7:0**

- B.1 Approval Of Council Minutes From The Regular Scheduled Meeting Of November 3, 2011.  
**Approved under the Consent Agenda.**
- B.2 Approval Of Council Minutes From The Special Called Meeting Of November 10, 2011.  
**Approved under the Consent Agenda.**
- C.1 (Z-11-033) Second Reading And Approval Of An Ordinance To Rezone Approximately 4.00 Acres From Single Family Large Lot (SF) To Local Retail-Conditional Overlay (LR-CO) For Property Located At The Southeast Corner Of North Lakeline Boulevard And West Park Street.  
**The Planning And Zoning Commission Voted 5-2 To Approve.**

**Agenda Item C.1 removed from the Consent Agenda by Councilmember Fuller.**

**Rawls Howard, Planning and Development Services Director, addressed the Council regarding the amendments made by the applicant. They include: prohibiting all access to Amelia Drive, limits for freestanding light poles and height, and the landscaping buffer to add more robust plantings. Mr. Rawls addressed the uses agreed to by the applicant and stated laundromats or hardware stores would not be allowed.**

**Samir Desai, Applicant, addressed the Council, and stated he did make additional restrictions to the application after hearing the citizens' concerns at the last meeting.**

**Mayor Lemon allowed Public Comment.**

**The following citizens spoke in opposition to the rezoning request:**

**Deborah Porter  
David Hoffman  
Ed Campos  
Keith Bright**

**The following citizens registered their opposition to the rezoning request, but did not address Council:**

<b>Tiffany Messner</b>	<b>Kim Shepard</b>
<b>Robert Johnston</b>	<b>Marilyn Kaindl</b>
<b>David Donovan</b>	<b>Sherrilyn Miele Davi</b>
<b>Lisa Maggio</b>	<b>Mark McHugh</b>
<b>Deborah Figueroa</b>	<b>Greg Merrell</b>
<b>Linda Dickey</b>	<b>Dallas Messner</b>

**The following citizen spoke in favor of the rezoning request:**

**Gary Jones**

**Samir Desai addressed the Council with closing comments regarding his rezoning request.**

**General discussion followed:**

**Mayor Lemon inquired what options Council could consider for action.**

**Councilmember Powell stated he would like to see a vote on the item and not a withdrawal of the request. He is opposed to the LR-CO and inquired if a lesser zoning should be considered.**

**Councilmember Mitchell clarified the SF was just a holding zoning and was not ever considered to be single family.**

**Councilmember Dale commented on the chart presented to Council. He is in agreement with voting for a less intense use.**

**Mayor stated TO and TC was designed to abut residential areas or developments.**

***Motion to deny the LR-CO request in Agenda Item C.1***

**Movant: Councilmember Fuller  
Second: Councilmember Mitchell**

**Councilmember Powell offered a friendly amendment to deny C1 and rezone TO.**

**Friendly amendment not accepted by movant or second. Friendly amendment withdrawn.**

**Discussion continued:**

**Councilmember Fuller stated the zoning cases will get harder going forward. This zoning request is not compatible with SF and the areas around it. He commented on Lakeline Blvd. and Park Street and the curve and speed limit on Lakeline.**

**Councilmember Mitchell also commented on the problems with Lakeline Blvd and the visibility issues.**

**Councilmember Tracy thanked the Applicant for his work with the surrounding community. He concurred with the issues with the property and problems with LR.**

**Mayor Pro Tem Moore encouraged the neighborhood to see what would really work in the area and determine what would be supported.**

**Mayor Lemon stated he does not support LR on the property and stated it should be left as it is currently zoned until a compatible zoning could be determined.**

**Councilmember Dale commented on delaying the inevitable and stated there appears to already be a decision in relation to future zoning of TO or TC.**

**Councilmember Powell commented on wanting to protect the neighborhood from future rezoning requests not compatible with the area.**

**Charles Rowland, City Attorney, reviewed the process for approving a different zoning other than what was being proposed.**

**Mayor called the question.**

***Motion to deny the LR-CO request in Agenda Item C.1***

**Movant: Councilmember Fuller**  
**Second: Councilmember Mitchell**  
**Vote: 7:0**

- C.2 (Z-11-014) Second Reading And Approval Of An Ordinance To Rezone Approximately 1.57 Acres From Transitional Office (TO) To Local Retail-Conditional Overlay (LR-CO) For Property Located At 210 North Lakeline Boulevard. **The Planning And Zoning Commission Voted 4-0 To Approve.**

**Agenda Item C.2 removed from the Consent Agenda by Councilmember Mitchell.**

**Rawls Howard, Planning and Development Services Director, addressed the Council regarding the requested zoning.**

**Samir Desai, Applicant, addressed Council and stated there is no additional information on the request.**

**Councilmember Powell inquired if the applicant had met with the local area and was able to find a common ground.**

**Mayor Lemon allowed Public Comment:**  
**Joe Koncska is opposed to the rezoning request.**

**Ed Campos stated he has the same concerns as with C1 and is opposed to the rezoning.**

**Samir Desai, Applicant, closed his request stating the rezoning request was done with the intention of what the neighbors wanted.**

**General discussion followed:**

**Mayor Lemon stated he has some of the same concerns with LR in this area.**

**Councilmember Powell stated there is only one home and doesn't have quite the same concerns as C.1.**

***Motion to deny the LR-CO request in Agenda Item C.2***

**Movant: Councilmember Fuller**  
**Second: Councilmember Mitchell**  
**Vote: 7:0**

- C.3 (Z-11-024) Second Reading And Approval Of An Ordinance To Rezone Approximately 2.83 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Northwest Corner Of East New Hope Road And 183A Toll Road, In Williamson County, Texas. **The Planning and Zoning Commission voted 7-0 to approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z12.11.12.08.C3**

- C.4 (Z-11-027) Second Reading And Approval Of An Ordinance To Rezone Approximately 49.114 Acres From Downtown District (DD) To Planned Development (PD) For Property Located At The Northwest Corner Of 183A Toll Road And East Whitestone Boulevard. **The Planning And Zoning Commission Voted 6-1 To Approve.**

**Agenda Item removed from the Consent Agenda by Councilmember Mitchell.**

**Rawls Howard, Planning and Development Services Director, addressed the Council regarding the requested zoning.**

**Councilmember Dale inquired about connectivity and how this is done.**

**Michael Ainbinder, Applicant, addressed Council regarding the requested zoning.**

**Mayor Lemon allowed Public Comment**

**Robert Pascoe stated he is opposed to zoning request. The Town Center is an identity that needs to be kept.**

**Michael Ainbinder, Applicant, addressed Council with closing comments and stated he seeks support from the Council. This rezoning is supported by staff and the P&Z and is a good project for the City.**

***Motion to approve Agenda Item C.4***

**Movant: Mayor Pro Tem Moore**

**Second: Councilmember Fuller**

**Vote: 7:0**

**General discussion followed prior to the vote.**

**Councilmember Fuller stated the vision did change and City needs to think big and adapt.**

**Councilmember Powell commented on the efforts of the Applicant to market the area. The market has not been supportive of the concept. He stated property tax rates for homeowners are always a concern and there are few areas left in Cedar Park to assist with this that can make a major impact.**

**Mayor Pro Tem Moore supports the zoning request. There was a desire to have a Town Center but financial the reality did not pan out.**

**Mayor Lemon made general comments about the original discussions and vision of the area.**

**Ordinance Number Z13.11.12.08.C4**

- C.5 (Z-11-028) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 2.760 Acres Located At 1310 Cottonwood Creek Trail. **The Planning And Zoning Commission Voted 7-0 To Approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z14.11.12.08.C5**

- C.6 (Z-11-029) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 49.987 Acres Located At 3975 E Whitestone Boulevard. **The Planning And Zoning Commission Voted 7-0 To Approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z15.11.12.08.C6**

- C.7 (Z-11-030) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 0.517 Acres Located At 1403 W Whitestone Boulevard. **The Planning And Zoning Commission Voted 7-0 To Approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z16.11.12.08.C7**

- C.8 (Z-11-031) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 14.286 Acres Located At 1505 Medical Parkway. **The Planning And Zoning Commission Voted 7-0 To Approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z17.11.12.08.C8**

- C.9 (Z-11-034) Second Reading And Approval Of An Ordinance To Rezone Approximately 22.84 Acres From Planned Development (PD) To Multi Family (MF) For Property Located At 2000 South Lakeline Boulevard (City-Initiated). **The Planning And Zoning Commission Voted 7-0 To Approve.**

**Approved under the Consent Agenda.**

**Ordinance Number Z18.11.12.08.C9**

- D.1 A Resolution Approving And Accepting Revised Rules And Procedures To Amend The Regular Meeting Date For The Tourism Advisory Board From The First Monday Of The Month To The Fourth Tuesday Of The Month Beginning In January 2012.

**Approved under the Consent Agenda.**

**Resolution Number R30.11.12.08.D1**

- D.2 A Resolution To Authorize And Direct The City Manager To Purchase Information Technology Items From The Texas Department Of Information Resources Contract And Authorize Installation With Calence LLC, DBA Insight Networking In Accordance With The Statement Of Work.

**Approved under the Consent Agenda.**

**Resolution Number R31.11.12.08.D2**

- D.3 A Resolution Ratifying The Filing With The Texas Comptroller Of Public Accounts A List Of All Authorities For The Use Of Eminent Domain By The City Of Cedar Park

**Agenda Item D.3 removed from the Consent Agenda by Councilmember Fuller.**

**Councilmember Fuller commented on all private and public entities having to declare legal authority to declare eminent domain. There are 45 State Statues that allow for this, but yet the State requirement is to list what we already know is inherent in the law.**

*Motion to improve Agenda Item D.3*

**Movant: Councilmember Fuller**

**Second: Councilmember Mitchell**

**Vote: 7:0**

**Resolution Number R32.11.12.08.D3**

- D.4 A Resolution Amending The Future Land Use Plan For Property Located Along East Whitestone Boulevard Between CR 272 And Raley Road From Industrial To 98.76 Acres Of Regional Office/Retail/Commercial And 52.12 Acres Of Employment Center. **The Planning And Zoning Commission Voted 7-0 To Approve.**

**Approved under the Consent Agenda.**

**Resolution Number R33.11.12.08.D4**

- D.5 A Resolution Amending The Future Land Use Plan For Property Located Along West Whitestone Boulevard Between Walton Way And Lakeline Boulevard From Neighborhood Office/Retail/Commercial, Low Density Residential, And Institutional/Public/Utility To

Regional Office/Retail/Commercial And Institutional/Public/Utility. **The Planning And Zoning Commission Voted 7-0 To Approve.**

**Approved under the Consent Agenda.**

**Resolution Number R34.11.12.08.D5**

- D.6 A Resolution Authorizing And Directing The City Manager To Execute Change Order #12 With FTwoods Construction Services Inc. Under The Park Street Reconstruction Project In The Amount Of \$81,880.

**Approved under the Consent Agenda.**

**Resolution Number R35.11.12.08.D6**

- D.7 A Resolution Authorizing The City Council Creation Of A Group Insurance Benefits Trust.

**Approved under the Consent Agenda.**

**Resolution Number R36.11.12.08.D7**

- D.8 A Resolution Authorizing And Directing The Mayor To Execute The Water Purchase Agreement Between The City Of Cedar Park And Aqua Utilities, Inc. d/b/a Aqua Texas, Inc. For The Indian Springs Subdivision.

**Approved under the Consent Agenda.**

**Resolution Number R37.11.12.08.D8**

### ***PUBLIC HEARINGS***

- E.1 First Reading And Public Hearing Of An Ordinance To Amend Chapter 2, Animal Control, Of The City Of Cedar Park Code Of Ordinances By Repealing Current Chapter 2 And Adopting Revised Chapter 2, Animal Control Of The City Of Cedar Park Code Of Ordinances, And Amend Appendix A Fee Schedule, Article 1.000 Animal Control Related Fees.

**Captain Jeff Hayes, Police Department, addressed Council regarding the proposed amendments to the Animal Control Ordinance. The proposed revision addresses a multitude of issues to promote statutory compliance, clarity, and compliance/enforcement.**

**Mayor Pro Tem Moore inquired about large lots or ranches in the City, and if dogs off leash could be controlled by voice command.**

**Councilmember Powell inquired about outdoor patios for restaurants and being allowed to have animal. He also commented on the Public Input meetings held for citizen input and the City's flexibility and ability to listen to citizens' concerns.**

**Mayor Lemon inquired if any dogs would be prohibited by breed.**

**Mayor Lemon opened the Public Hearing**

**Sharon Krienke addressed Council regarding dogs used for hunting and ranching on her property.**

**Mayor Lemon closed the Public Hearing**

**General discussion followed regarding registering animals thru local vets and having a public campaign to let citizens know they need to register animals.**

**REGULAR AGENDA (NON-CONSENT)**

F.0 Discussion And Possible Action:

F.1 ANX-11-002 Second Reading And Consideration To Approve An Ordinance Extending The Boundary Limits Of The City Of Cedar Park, Texas, Providing For The Voluntary Annexation Of Approximately 415 Acres Of Land Located Along Anderson Mill Road, North Of Cypress Creek Road, Known As Williamson-Travis Counties Water Control Improvement District 1-D, Otherwise Described By Metes And Bounds In Williamson And Travis Counties, Texas.

**Rawls Howard, Planning and Development Services Director, addressed the Council regarding the proposed annexation.**

**Public Comment:**

**Scott Foster thanked Council for annexing the area.**

**Grady Burris thanked Council for annexing the area.**

*Motion to approve an Ordinance Extending The Boundary Limits Of The City Of Cedar Park, Texas, Providing For The Voluntary Annexation Of Approximately 415 Acres Of Land Located Along Anderson Mill Road, North Of Cypress Creek Road, Known As Williamson-Travis Counties Water Control Improvement District 1-D, Otherwise Described By Metes And Bounds In Williamson And Travis Counties, Texas.*

**Movant: Councilmember Powel**

**Second: Mayor Pro Tem Moore**

**Vote: 7:0**

**General comments followed regarding the great process and analysis completed by staff to depict the financial feasible to annex the area.**

**Councilmember Powell encouraged staff to assist homeowners with documents that could be for insurance purposes.**

F.2 Consideration Of The Official Ballot Of Candidates For The Board Of Directors Of The Williamson Central Appraisal District And Casting Of Votes.

*Motion to cast 135 votes for Deborah Hunt*

**Movant: Councilmember Mitchell**  
**Withdrawn due to lack of a second.**

**Councilmember Powell commented on the candidates and stated Mr. Honeycutt has proven his service in Round Rock.**

*Motion to cast 68 votes for Deborah Hunt and 67 votes for Rufus Honeycutt.*

**Movant: Councilmember Powell**  
**Second: Councilmember Mitchell**  
**Vote: 7:0**

F.3 Consideration Of City Of Cedar Park Partnership With The Boy Scouts Of America. (Tracy)  
**Agenda Item F.3 called after the City Manager Report**

**Councilmember Tracy asked for this item to be placed on the Agenda.**

**David Barnes, District Executive for Boy Scouts of America, addressed the Council. He reviewed the format and activities in the local area, and statistics for local scouting in Cedar Park. The Boy Scouts would like to partner with the City to assist with scouting, and enhancing scouting awareness.**

**This item was recalled after Agenda Item F.2.**

**General discussion followed.**

**Councilmember Tracy addressed Council regarding the opportunities to help with scouting. This can be done with honoring Eagle Scout recipients at Council meetings, and assisting with identifying possible projects for future Eagle Scouts. These projects and accomplishments could be presented to Council. The City can also assist with community awareness thru news media and the website.**

**General discussion followed regarding concern for staff resources, possible volunteer opportunities, recognition for Eagle Scout recipients, and contacting the Police Department for assistance in relation to the Explorer Program.**

#### ***EXECUTIVE SESSION***

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

**Council convened into Executive Session at 9:29 p.m.**

G.0 Executive Session

- G.1 Section 551.071(2) Of The Texas Local Government Code Consultation With City Attorney Concerning Legal Matters For Which He Has A Duty to Discuss As Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- a. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.
  - b. Legal Issues Regarding Sale Of The Current City Hall Building.

The Council Reconvenes into General Session.

***OPEN MEETING***

*Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.*

- H.0 Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session

**Council reconvened from Executive Session into Open Meeting at 10:05 p.m.**

**Agenda Item G.1b**

***Motion to authorize the City Manager to execute a sales contract for the sale of the administration City Hall building located at 600 N. Bell Boulevard upon final approval of the sales contract by the City Attorney.***

**Movant: Councilmember Fuller**

**Second: Councilmember Tracy**

**Vote: 7:0**

- H.1 Mayor And Council Closing Comments.

**Councilmember Mitchell requested a future agenda item in relation to political signs and the current Ordinance.**

- H.2 Adjournment.

**Mayor Lemon adjourned the meeting at 10:09 p.m.**

**PASSED AND APPROVED THIS 12<sup>TH</sup> DAY OF JANUARY, 2012.**

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**Robert S. Lemon, Mayor**

**ATTEST:**

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**LeAnn M. Quinn, TRMC**  
**City Secretary**



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. B.2  
**Receipt Of Minutes From The Tourism Advisory Board Meeting Of November 7, 2011.**

**Commentary:**



**MINUTES  
REGULAR CALLED MEETING  
TOURISM ADVISORY BOARD  
BUDGET WORKSHOP**

**THURSDAY, NOVEMBER 7, 2011 AT 6:30 PM**

*Cedar Park Public Library, 550 Discovery Blvd., Cedar Park, Texas 78613*

**BOARD MEMBERS**

- Mel Kirkland, Place One, Vice Chair
- Patricia Yore, Place Three
- Rick McLaughlin, Place Five
- Matthew Olguin, Place Two, Secretary
- Elijah May, Place Six
- Wayne Brooks, Place Four
- Robert Schoen, Place Seven

**1) CALL TO ORDER, QUORM DETERMINED, MEETING DECLARED OPEN.**

*Vice Chair Kirkland called the meeting to order at 6:30 PM with six members present. Board Member May was absent.*

**2) Board Members Opening Comments.**

**a) Recognition of Alain O'Tool**

*Vice Chair Kirkland presented a plaque to former Chair, Alain O'Tool, as recognition of her contribution to the Board. Alain O'Tool advised that she had enjoyed working with the members of the Board.*

**3) Citizen Communications.** *(This is an opportunity for citizens to offer comments related to items not listed on the agenda. Speakers are limited to three minutes and the Board may not engage in dialog with the speakers but may offer factual corrections). None.*

**4) Approval of Minutes of the Tourism Board Meetings.**

**a) October 3, 2011 Regular Called Meeting.**

*MOTION: Board Member Yore made a motion to approve the minutes from the October 3, 2011 Tourism Advisory Board meeting as presented. Board Member Schoen seconded the motion. Motion passed unanimously, 6-0, with one absent.*

**b) October 13, 2011 Special Called Meeting**

*MOTION: Board Member Yore made a motion to approve the minutes from the October 13, 2011 Tourism Advisory Board meeting as presented. Board Member Brooks seconded the motion. Motion passed unanimously, 6-0, with one absent.*

**5) Election Of Officers**

*Duane Smith, Tourism and Community Development Manager, advised that officers were elected in October, but the Chair's seat is now vacant. The other officer positions were included in case they were left vacant when the Chair's position was filled.*

**a) Chair**

*NOMINATION: Rick McLaughlin moved to nominate Board Member Mel Kirkland for Chair. Board Member Yore seconded the motion. Board Member Kirkland accepted the nomination. There were no other nominations. The motion passed 6-0, with one absent. Board Member Kirkland was elected Chair.*

**b) Vice-Chair**

*NOMINATION: Board Member Brooks moved to nominate Board Member Matthew Olguin. Chair Kirkland seconded the motion. Board Member Olguin accepted the nomination. There were no other nominations. The motion passed 6-0, with one absent. Board Member Olguin was elected Vice Chair.*

**c) Secretary**

*NOMINATION: Board Member McLaughlin moved to nominate Board Member Patricia Yore for Secretary. Vice Chair Olguin seconded the motion. Board Member Yore accepted the nomination. There were no other nominations. The motion passed 6-0, with one absent. Board Member Yore was elected Secretary.*

**6) Presentations**

**a) Overview of Proposed Educational and Entrepreneurship Conference, James Weddle, GroupCharger**

*James Weddle, co-Founder of GroupCharger.com, provided a summary of "The Innovation in Education Conference" to the Board. The Board asked whether GroupCharger was a non-profit or for-profit company. He was advised that the Board can only assist non-profits. He responded that GroupCharger was not a non-profit. Chairman Kirkland noted that an application would be necessary for the Board to consider any funding assistance for the event.*

**7) Discussion and Possible Action.**

**a) Historical Review of Hotel Tax Receipts, Programs, Projects and Expenditures, Aaron Rector, Budget Manager**

*Aaron Rector made a presentation summarizing the Historical Spending of the Tourism Advisory Board. He provided an overview of revenues and expenditures since Fiscal Year 2005-2006.*

**b) Consider Adoption of A Resolution Amending the Rules and Procedures To Revise the Regular Meeting Date**

*MOTION: Vice Chair Olguin made a motion to adopt the Resolution amending the Rules and Procedures to revise the regular meeting date from the first Monday to the fourth Tuesday of each month as presented. Board Member Schoen seconded the motion. Motion passed unanimously, 6-0, with one absent.*

**c) Report On Meeting With Hotel Association From Marketing Subcommittee**

*Duane Smith advised the Board that on October 19<sup>th</sup>, the Marketing Subcommittee met with members of the Cedar Park Lodging Association to discuss options and opportunities for joint or coordinated efforts. Katie Krampitz and Amy Stevens also attended the meeting. There was a good exchange of information. He stated that it was a productive meeting that focused on advertising and marketing. Vice Chair Olguin advised that zip codes would be provided by the hotels for their Summer 2011 customers. Staff will provide a "Things to Do" guide, develop the Cedar Park Fun Club further, revisit opportunities to enhance the wedding market in the Cedar*

*Park area, develop a promo code to use with special offers, and develop enhanced communication methods with the hotels.*

**d) Consider Process For Revisions And Updates To Strategic Plan**

*Duane Smith advised that it was time to begin revisions and updates to the Tourism Board's Strategic Plan to reflect the City Council's recently amended Strategic Map. He offered two options: 1) appointment of a subcommittee to meet with staff and develop recommendations of additions and revisions to present to the Board; and 2) Schedule a workshop for the entire Board to attend. Chair Kirkland, Board Member McLaughlin, and Board Member Brooks volunteered for the subcommittee.*

*MOTION: Chair Kirkland made a motion to create a subcommittee consisting of Chair Kirkland, Board Member McLaughlin, and Board Member Brooks to review the process for revisions, and updates to the Strategic Plan. Board Member McLaughlin seconded the motion. Motion passed unanimously, 6-0, with one absent.*

**e) Consider Subcommittee Members**

**i) Marketing and Advertising (May and Olguin)**

**ii) Hotel and Lodging Association (Brooks and McLaughlin)**

**iii) Applications, Procedures and Projects (Schoen and Kirkland)**

*The Board Subcommittee Members remained the same with the following exception: Board Member Yore will replace Chair Kirkland on the Applications, Procedures and Projects Subcommittee.*

**f) Review Upcoming Events – Katie Krampitz, Tourism Services Manager.**

**i) Events and Activities**

*Katie Krampitz provided a copy of the November Cedar Park Events list that was distributed to all the hotels. She advised that the new brochure is almost done. The hoteliers have advised that they prefer the event list to an event calendar.*

**g) Excuse Absences from Tourism Board Meetings.**

*(Items may be voted on individually at the discretion of the Chair)*

**i) Board Members Brooks, May, and Schoen from the Regular Called Meeting of October 3, 2011.**

*This item was approved on October 13, 2011.*

**ii) Board Member McLaughlin from the Special Called Meeting of October 13, 2011**

*This item was postponed.*

**8) Staff Closing Comments.**

*Duane Smith advised that work on the Strategic Plan needs to begin as soon as possible.*

**9) Board Members Closing Comments None.**

**Next Regular Scheduled Tourism Advisory Board Meeting: Monday, December 5, 2011 at 6:30 P.M. at the Cedar Park Public Library.**

**10) Adjournment.**

*Chair Kirkland adjourned the meeting at 7:25 PM.*

PASSED AND APPROVED THIS 5<sup>th</sup> DAY OF December, 2011.

  
MEL KIRKLAND, Chair

**ATTESTED BY:**

  
PATRICIA YORE, Secretary



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. B.3  
**Receipt Of Minutes From The Planning And Zoning Commission Meeting Of November 15, 2011.**

**Commentary:**

MINUTES FOR  
CITY OF CEDAR PARK  
REGULAR MEETING OF THE PLANNING & ZONING COMMISSION  
TUESDAY, NOVEMBER 15, 2011 AT 6:30 P.M.  
CEDAR PARK PUBLIC LIBRARY  
550 DISCOVERY BOULEVARD CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

ALAIN O'TOOL  
 HOLLY HOGUE

STEPHEN THOMAS, Chair  
 NICHOLAS KAUFFMAN, Vice Chair  
 LORENA ECHEVERRIA, Secretary

THOMAS BALESTIERE  
 JON LUX

1. CALL TO ORDER  
**Chair Thomas called the meeting to order at 6:30 P.M. Chair Thomas read the "Chairman's Sheet" explaining the meeting procedures.**
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS  
**Chair Thomas led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.**
3. ROLL CALL  
**Commissioner O'Tool arrived at 6:34 P.M. during Item 4. Secretary Echeverria was absent. All other Commissioners were present and a quorum was declared.**
4. MINUTES: Approve Minutes from the Regular Meeting of October 18, 2011  
**MOTION: Commissioner Lux moved to approve the Regular Called Meeting of October 18, 2011 Minutes as presented. Commissioner Balestiere seconded the motion and the motion passed unanimously, 6-0, one absent.**
5. CITIZEN COMMUNICATIONS (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)  
**None.**
6. 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. Ranch at Brushy Creek 9D (PP-11-005)  
2.416 acres, 1 lot  
Located on North Frontier Lane just south of Remington Road  
Owner: Silverado Austin Development Ltd.  
Staff Resource: Emily Barron  
Staff Proposal to P&Z: Statutorily Disapprove
    2. Ranch at Brushy Creek 9D (FP-11-008)  
2.416 acres, 1 lot  
Located on North Frontier Lane just south of Remington Road  
Owner: Silverado Austin Development Ltd.  
Staff Resource: Emily Barron  
Staff Proposal to P&Z: Statutorily Disapprove

3. Ranch at Brushy Creek Revised Preliminary – Remaining Sections South (PP-11-006)  
92.61 acres, 307 lots  
Located on southeast corner of S. Frontier Lane and Ranch Trails  
Owner: Silverado Austin Development Ltd.  
Staff Resource: Emily Barron  
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Reserve at Brushy Creek Section One (FP-11-007)  
25.18 acres, 42 single family lots, 3 commercial lots  
Located at the northwest corner of Brushy Creek Road and Breakaway Road  
Owner: Wilson Land and Cattle Company  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve
2. Northwest Corner of 183 and New Hope Subdivision (SFP-11-007)  
2.83 acres, 1 commercial lot  
Located at the southwest corner of 183A and New Hope Drive  
Owner: Cedar Park Town Center LP  
Staff Resource: Amy Link  
Staff Proposal to P&Z: Approve

**MOTION: Commissioner Lux moved to recommend approval of Consent Agenda Items 6.A.1 through 6.B.2 as presented. Commissioner Hogue seconded the motion, and the motion passed unanimously, 6-0, one absent.**

7. POSTPONEMENTS/WITHDRAWN/PULLED REQUESTS: **None.**

8. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS: In accordance with the statutory requirements of the Texas Local Government Code reflected in Section 211.007, acceptance of preliminary reports for the following applications is recommended.

- A. City Initiated – Spanish Oak Creek (Eric and Michelle Adelman), Z-11-021 (Related to item 9A)
- B. City Initiated – 183A/New Hope Properties, Z-11-035 A (Related to item 9B)
- C. City Initiated – 183A/New Hope Properties, Z-11-035 B (Related to item 9C)
- D. City Initiated – 183A/New Hope Properties, Z-11-035 C (Related to item 9D)
- E. City Initiated – 183A/New Hope Properties, Z-11-035 D (Related to item 9E)
- F. City Initiated – 14100 and 14050 Ronald Reagan, Z-11-036 (Related to item 9F)
- G. City initiated – Outland Ltd. at New Hope Drive, Z-11-037 (related to item 9G)
- H. 2500 Bois D’Arc Lane, Z-11-040 (related to item 9H)

**MOTION: Commissioner Lux moved to accept the Preliminary Reports for Items 8A through 8H as presented by Staff. Vice Chair Kauffman seconded the motion, and the motion passed unanimously, 6-0, one absent.**

9. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a City initiated request to assign original zoning of General Retail (GR) to approximately 2.05 acres and Open Space Greenbelt (OSG) to approximately 2.9 acres for property located on the south side of East Whitestone Boulevard just east of Arrow Point Drive. (Z-11-021)

Owner: Eric and Michelle Adelman  
Staff Resource Person: Emily Barron  
Staff proposal to P&Z: Approve

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

Senior Planner Emily Barron made the presentation and was available for questions. This request is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item is being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan. This request is located at 2200 East Whitestone Boulevard and is currently undeveloped. Staff recommended that this site be assigned original zoning of General Retail (GR) for 2.0 acres and Open Space Greenbelt (OSG) for 2.9 acres. The designation of OSG is consistent with the Future Land Use Plan and Comprehensive Plan and is supported by the purpose statement of the district. This request preserves the floodplain area as well as the developable area with the GR request. The GR request is consistent with the Comprehensive Plan and the purpose statement of the district and meets the intent of the Future Land Use Plan.

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 Lux moved to recommend approval to the City Council of assigning original zoning of General Retail (GR) to approximately 2.05 acres and Open Space Greenbelt (OSG) to approximately 2.9 acres for property located on the south side of East Whitestone Boulevard just east of Arrow Point Drive. (Z-11-021) as presented by Staff. Vice Chair Kauffman seconded the motion and the motion and the motion passed unanimously, 6-0, one absent.

**MOTION:** Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9A, Case Z-11-021. Commissioner Balestiere seconded the motion and the motion passed unanimously, 6-0, one absent.

*Items 9B through 9E were called up together.*

B. Consider a City initiated request to assign original zoning of General Retail (GR) for approximately 33 acres for property located along the eastern boundary of 183A just north of the intersection of New Hope Drive and 183A. (Z-11-035A)

Owners: Jill Chadwick, Janice Hurst, Alfren John Findeisen Jr., and Lisa Pryor Johnson Trustee

Staff Resource Person: Emily Barron

Staff proposal to P&Z: Approve

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

Senior Planner Emily Barron made the presentation and was available for questions. She advised the Commissioners that even though the discussion concerns all four parcels, each parcel will need a separate motion. This request is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item is being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan. This request contains multiple parcels located near the

intersection of County Road 180 and New Hope Drive. These parcels were not contiguous so staff separated them for easier reference as sites A-D.



- **Site A:** Staff recommended General Retail (GR) for the thirty-three (33) acres on Site A (Z-11-035A). Site A is surrounded by undeveloped property to the north, south and the 183A Toll Road to the west.
- **Site B:** Staff recommended General Retail (GR) for the 7.2 acres on Site B (Z-11-035B). A portion of Site B is currently developed with a commercial business and the two tracts that abut New Hope Drive have residences on them. The tract is surrounded by undeveloped property to the north, County Road 180 and a future restaurant development to the south and west, New Hope Drive to the south and a Local Retail (LR) zoning to the east.
- **Site C:** Staff recommended Local Retail (LR) for the 2.34 acres on Site C (Z-11-035C). Site C currently has a residence on the property. It is surrounded by undeveloped property to the north; Local Retail (LR) zoned property to the west, a residence to the east and New Hope Drive to the south.
- **Site D:** Staff recommended Local Retail with a conditional overlay (LR-CO) for the 5.12 acres on Site D (Z-11-035D). The conditional overlay requires a fifty foot (50') buffer along the eastern boundary where the property abuts residential property. A conditional overlay is recommended for this property due to the shared property line with residences located in Lakewood Country Estates. The condition chosen is to preserve the residential character of the Lakewood Country Estates community by extending the buffer that exists in the form of Open Space Greenbelt (OSG) to the north of the site within Pecan Grove. Site D is surrounded by undeveloped property to the north, a residence to the west and east and New Hope Drive to the south. A residence currently exists on the property.

The requests for the tracts are consistent with the Comprehensive Plan and Future Land Use Plan as well as with the purpose statements of the zoning districts.

**Public hearings were held on the above items. There being no public testimony, the public hearings were closed and the regular session reopened.**

**MOTION: Vice Chair Kauffman moved to recommend approval to the City Council of assigning original zoning of General Retail (GR) to approximately 33 acres for property located along the eastern boundary of 183A just north of the intersection of New Hope Drive and 183A. (Z-11-035A) as presented by Staff. Commissioner Lux seconded the motion and the motion and the motion passed unanimously, 6-0, one absent.**

**MOTION: Commissioner O'Tool moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9B, Case Z-11-035A. Commissioner Balestiere seconded the motion and the motion passed unanimously, 6-0, one absent.**

C. Consider a City initiated request to assign original zoning of General Retail (GR) for approximately 7.2 acres located near the intersection of CR 180 and New Hope Drive. (Z-11-035B)

Owners: Mary F Thompson Family Trust, Wallace and Susan Price, and Kimberley and David Smyth

Staff Resource Person: Emily Barron

Staff proposal to P&Z: Approve

1) Public Hearing

2) P&Z Recommendation to City Council

3) P&Z Adoption of Final Report

**MOTION: Commissioner Lux moved to recommend approval of assigning original zoning of General Retail (GR) to approximately 7.2 acres located near the intersection of County Road 180 and New Hope Drive. (Z-11-035B) as presented by Staff to the City Council. Commissioner Hogue seconded the motion and the motion passed unanimously, 6-0, one absent.**

**MOTION: Vice Chair Kauffman moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9C, Case Z-11-035B. Commissioner O'Tool seconded the motion and the motion passed unanimously, 6-0, one absent.**

D. Consider a City initiated request to assign original zoning of Local Retail (LR) for approximately 2.34 acres located at the northwest corner of Cottonwood Creek Trail and New Hope Drive. (Z-11-035C)

Owners: Randall Wright

Staff Resource Person: Emily Barron

Staff proposal to P&Z: Approve

1) Public Hearing

2) P&Z Recommendation to City Council

3) P&Z Adoption of Final Report

**MOTION: Vice Chair Kauffman moved to recommend approval to the City Council of assigning original zoning of Local Retail (LR) to approximately 2.34 acres located at the northwest corner of Cottonwood Creek Trail and New Hope Drive. (Z-11-035C) as presented by Staff. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, one absent.**

**MOTION: Vice Chair Kauffman moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9D, Case Z-11-035C. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, one absent.**

- E. Consider a City initiated request to assign original zoning of Local Retail with a conditional overlay (LR-CO) for 5.12 acres with the condition that the buffer be increased from 20 feet to 50 feet along the eastern boundary where the lots abut residential, for property located near the northeast corner of Cottonwood Creek Trail and New Hope Drive. (Z-11-035D)  
Owners: James and Sandra Taylor  
Staff Resource Person: Emily Barron  
Staff proposal to P&Z: Approve  
1) Public Hearing  
2) P&Z Recommendation to City Council  
3) P&Z Adoption of Final Report

**MOTION:** Commissioner O'Tool moved to recommend approval to the City Council of assigning original zoning of Local Retail with a conditional overlay (LR-CO) for 5.12 acres with the condition that the buffer be increased from 20 feet to 50 feet along the eastern boundary where the lots abut residential, for property located near the northeast corner of Cottonwood Creek Trail and New Hope Drive (Z-11-035D) as presented by Staff. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, one absent.

**MOTION:** Commissioner Lux moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9E, Case Z-11-035D. Vice Chair Kauffman seconded the motion and the motion passed unanimously, 6-0, one absent.

- F. Consider a City initiated request to assign original zoning of General Retail (GR) to approximately 9.5 acres for property located at 14100 and 14050 Ronald Reagan Boulevard. (Z-11-036)  
Owner: Philip Bell and J&J Holdings  
Staff Resource Person: Emily Barron  
Staff proposal to P&Z: Approve  
1) Public Hearing  
2) P&Z Recommendation to City Council  
3) P&Z Adoption of Final Report

Senior Planner Emily Barron made the presentation and was available for questions. This request is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item is being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan. The properties at 14100 and 14050 Ronald Reagan Boulevard currently have residences on them. The site is surrounded to the east and south by residential primarily in our Extra Territorial Jurisdiction (ETJ), Ronald Reagan Boulevard to the west, and Local Retail (LR) and Little Valley Road to the north. Staff recommended that this site be assigned original zoning of General Retail (GR). The designation of GR is consistent with adjacent GR zoned tracts, is compatible with other surrounding land uses, and is supported by the purpose statement of the district.

Commissioner O'Tool asked about alternate zoning districts available. Senior Planner Emily Barron advised that General Office (GO) would be compatible.

A public hearing was held. The following completed recognition cards and spoke against the rezoning: 1) Sharon Gardner and 2) Rhonda Spates. They were concerned about the intensity of the uses allowed in General Retail (GR). 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 required buffer and masonry wall and the expectation of Intense development along Ronald Reagan Boulevard.**

**MOTION: Commissioner Lux moved to recommend approval to the City Council of assigning original zoning of General Retail (GR) to approximately 9.5 acres for property located at 14100 and 14050 Ronald Reagan Boulevard (Z-11-036) as presented by Staff. Commissioner Hogue seconded the motion. The motion passed as follows:**

**Yes: Thomas, Kauffman, Balestiere, Lux, Hogue**

**No: O'Tool**

**Absent: Echeverria**

**MOTION: Commissioner Balestiere moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9F, Case Z-11-036. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, one absent.**

**G. Consider a City initiated request to assign original zoning of General Retail (GR) to approximately 26.313 acres located at the northeast corner of Avenue of the Stars and New Hope Drive. (Z-11-037)**

**Owner: Outland Ltd and City of Cedar Park**

**Staff Resource Person: Emily Barron**

**Staff proposal to P&Z: Approve**

**1) Public Hearing**

**2) P&Z Recommendation to City Council**

**3) P&Z Adoption of Final Report**

**Senior Planner Emily Barron made the presentation and was available for questions. This request is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item is being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan. This property currently has a residence on the site. The site is surrounded by the Event Center to the north, New Hope Drive to the south, Avenue of the Stars to the west, and the 183A Toll Road and detention facility for the Event Center to the east. Staff recommended that this site be assigned original zoning of General Retail (GR). The designation of GR is consistent with adjacent GR zoned tracts, is compatible with other surrounding land uses, and is supported by the purpose statement of the district.**

**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 Lux moved to recommend approval to the City Council of assigning original zoning of General Retail (GR) to approximately 26.313 acres located at the northeast corner of Avenue of the Stars and New Hope Drive (Z-11-037) as presented by staff. Commissioner O'Tool seconded the motion and the motion passed unanimously, 6-0, one absent.**

**MOTION: Vice Chair Kauffman moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9G, Case Z-11-037. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, one absent.**

- H. Consider a request by Oscar Amaya to rezone approximately 0.268 acres from Single Family Large Suburban Lot (SF-1) to Manufactured Home Residential (MH) for property located at 2500 Bois D'Arc Lane. (Z-11-040)  
Owner: Oscar Amaya  
Agent: Joe Sanches  
Staff Resource Person: Amy Link  
Staff proposal to P&Z: Denial  
1) Public Hearing  
2) P&Z Recommendation to City Council  
3) P&Z Adoption of Final Report

Senior Planner Amy Link made the presentation and was available for questions. The applicant requested to rezone approximately 0.268 acres from Single Family – Large Suburban Lot (SF-1) to Manufactured Home Residential (MH) for property located at 2500 Bols D'Arc Lane. The site is currently undeveloped and is bounded by Pear Lane to the south and Bois D'Arc Lane to the west. An existing single family residence exists to the north and undeveloped commercial property exists to the east. The applicant's request is consistent with the Future Land Use Plan and housing goals of the Comprehensive Plan, but does not meet the purpose statement of the district. The parcels in the vicinity of this tract are predominantly zoned for single family residential use. Staff recommends denial of the applicant's request to rezone approximately 0.2628 acres from SF-1 to MH for property at 2500 Bois D'Arc Lane.

The applicant's agent, Loren Trux, was present. The owner is rehabbing manufactured homes.

A public hearing was held. The following completed recognition cards and spoke against the rezoning: 1) Sarah Jenkins, Andrew Lippert, Terry Craig, and LynAnne Ruth. Mrs. Melanie Lippert completed a recognition card stating she was against the rezoning, but did not speak. They were concerned that it would lower property values. They stated that the applicant owns five rental properties in the neighborhood and some look very bad. There being no further public testimony, the public hearing was closed and the regular session reopened. There was general discussion among the Commissioners concerning aesthetics and guidelines.

**MOTION:** Commissioner Lux moved to recommend denial to the City Council of the request by Oscar Amaya to rezone approximately 0.268 acres from Single Family Large Suburban Lot (SF-1) to Manufactured Home Residential (MH) for property located at 2500 Bois D'Arc Lane (Z-11-040) as presented by Staff. Commissioner O'Tool seconded the motion and the motion passed unanimously, 6-0, one absent.

**MOTION:** Commissioner Hogue moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 9H, Case Z-11-040. Commissioner Lux seconded the motion and the motion passed unanimously, 6-0, one absent.

10. FUTURE LAND USE PLAN AMENDMENTS: None.
11. SUBDIVISIONS (ACTION AND PUBLIC HEARING): None.
12. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING): None.
13. DISCUSSION AND POSSIBLE ACTION ITEMS:

A. Zoning Ordinance Amendments –

1. Discussion on Ordinance Amendments to Chapter 11 – Zoning Section 11.12, Subdivision Ordinance, Section 12.23.001 and Sign Ordinance Section 13.01.004 to amend the definitions or references to Building Official.

**Rawls Howard, Director of Planning and Development Services, advised that references are made to the “Building Official” and he would like to change it to the “Director of Planning and Development Services or his/her designee”. The term Building Official is a holdover from an earlier time.**

**Chair Thomas advised that he wants to know what the definition from the National Building Code states so that there would not be any conflict in terms.**

**MOTION: Commissioner Lux moved to postpone the above item to December Regular Scheduled meeting. Commissioner Hogue seconded the motion and the motion passed unanimously, 6-0, one absent.**

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 from October 20, 2011 and November 3, 2011

**Rawls Howard advised that the Planning and Zoning Commission related items were first readings on the October 20, 2011 Council agenda. Z-11-024 was postponed. The other zonings were approved at the November 3, 2011 Council meeting.**

B. Director and Staff Comments – Special called meeting December 6, 2011

**Director Rawls Howard advised that a Special Called meeting was scheduled for December 6, 2011 at 6:30 PM. The workshop will allow discussion concerning several revisions and amendments to the Zoning, Subdivision and Sign Ordinances.**

C. Commissioners Comments.

**Commissioner Lux thanked staff for the city initiated zonings that have been brought to the Commission. Rawls Howard advised that approximately one-third of the zonings will be completed by December, 2011. Chair Thomas wished everyone a happy Thanksgiving holiday.**

D. Request for Future Agenda Items.

**Chair Thomas asked when the training DVDs would be done. It was suggested that it be included on the workshop agenda in case there was time to review it. The training could be postponed to another meeting if it was a long meeting. Vice Chair Kauffman asked that a discussion concerning manufactured homes be included in the workshop.**

E. Designate Delegate to Attend Next Council Meetings on November 17, 2011 and December 8, 2011

**Commissioner Lux advised that he would attend both meetings.**

15. ADJOURNMENT

**Chair Thomas adjourned the meeting at 7:57 p.m.**

PASSED AND APPROVED THE 20<sup>th</sup> DAY OF December, 2011.



STEPHEN THOMAS, Chairman

ATTEST:



LORENA ECHEVERRIA DE MISI, Secretary



## CITY COUNCIL AGENDA

Date:1-12-2012

Subject: Agenda Item No. C.1  
**(Z-11-040) Second Reading And Denial Of An Ordinance To Rezone Approximately 0.268 Acres From Single Family Large Suburban Lot (SF-1) To Manufactured Home Residential (MH) For Property Located At 2500 Bois D'Arc Lane. The Planning And Zoning Commission Voted 6-0 To Deny The Request.**

### Commentary:

The purpose of this agenda item is to consider a request by Oscar Amaya to rezone approximately 0.268 acres from Single Family Large Urban Lot (SF-1) to Manufactured Home Residential (MH) for property located at 2500 Bois D'Arc Lane.

### Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 6-0 to **deny** the request. **Therefore, an affirmative vote of at least three-fourths (6 out of 7) of all Council members is required in order to overturn the Commission's recommendation of denial.**

In favor: None

Opposed: Nicholas Kauffman, Jon Lux, Thomas Balestiere, Stephen Thomas, Holly Hogue and Alain O'Tool

Absent: Lorena Echeverria

### Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on November 15, 2011. Four people spoke in opposition to the request. One person registered their opposition but did not speak. Concerns cited included: potential to lower property values, potential fire hazard, and incompatibility of mobile home among site built single family residences.

### City Council Public Hearing:

The City Council held a public hearing on December 22, 2011. No public testimony was received.

### Background:

Owner: Oscar Amaya

Please see attached Planning & Zoning Commission Report for details.

### Public Information Plan:

*November 3, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen

*November 4, 2011:* 19 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract

*November 15, 2011:* Planning and Zoning Commission public hearing

*December 8, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen

*December 22, 2011:* City Council 1<sup>st</sup> reading and public hearing

*January 12, 2012:* City Council 2<sup>nd</sup> reading of ordinance

**City Manager's Remarks**

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Legal Certifications**

**Associated Information:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 0.268 ACRES FROM SINGLE FAMILY LARGE SUBURBAN LOT (SF-1) TO MANUFACTURED HOME RESIDENTIAL (MH) FOR PROPERTY LOCATED AT 2500 BOIS D'ARC LANE, IN WILLIAMSON COUNTY, TEXAS. (Z-11-040); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the zoning district map of the City of Cedar Park adopted in Ordinance No. 75-2 be and the same is hereby amended to rezone approximately 0.268 acres to Manufactured Home Residential (MH) as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 22<sup>nd</sup> day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of January, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Associated Information:**

BEING LOT 328, CEDAR PARK RANCHETTES #6A, RECORDED IN CABINET B, SLIDE 115,  
OF THE OFFICIAL PUBLIC RECORDS IN WILLIAMSON COUNTY, TEXAS.

EXHIBIT A



**Z-11-040**



EXHIBIT B



## CITY COUNCIL AGENDA

Date:1-12-2012

Subject: Agenda Item No. C.2  
**(Z-11-021) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 2.0 Acres And Open Space Greenbelt (OSG) To Approximately 2.9 Acres For Property Located On The Southside Of East Whitestone Boulevard Just East Of Arrow Point Drive. The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

### Commentary:

The purpose of this agenda item is to consider a City initiated request to assign original zoning of General Retail (GR) to approximately 2.0 acres and Open Space Greenbelt (OSG) to approximately 2.9 acres for property located on East Whitestone Boulevard just east of Arrow Point Drive.

### Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Thomas Balestiere, Stephen Thomas, Alain O'Tool, Jon Lux, and Holly Hogue

Opposed: None

Absent: Lorena Echeverria

### Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on November 15, 2011. No public testimony was received.

### City Council Public Hearing:

The City Council held a public hearing on December 22, 2011. No public testimony was received.

### Background:

Owner: Eric and Michelle Adelman

Please see attached Planning & Zoning Commission Report for details.

### Public Information Plan:

*November 3, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

*November 4, 2011:* 8 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract  
*November 15, 2011:* Planning and Zoning Commission public hearing  
*December 8, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen  
*December 22, 2011:* City Council first reading and public hearing of ordinance  
*January 12, 2012:* City Council second reading of ordinance

**City Manager's Remarks**

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Legal Certifications**

**Associated Information:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF GENERAL RETAIL (GR) TO APPROXIMATELY 2.0 ACRES AND OPEN SPACE GREENBELT (OSG) TO APPROXIMATELY 2.9 ACRES FOR PROPERTY LOCATED ON THE SOUTHSIDE OF EAST WHITESTONE BOULEVARD JUST EAST OF ARROW POINT DRIVE, IN WILLIAMSON COUNTY, TEXAS. (Z-11-021); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the zoning district map of the City of Cedar Park adopted in Ordinance No. 75-2 be and the same is hereby amended to assign original zoning of General Retail (GR) to 2.0 acres and Open Space Greenbelt (OSG) to 2.9 acres, as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 22<sup>nd</sup> day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of January, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

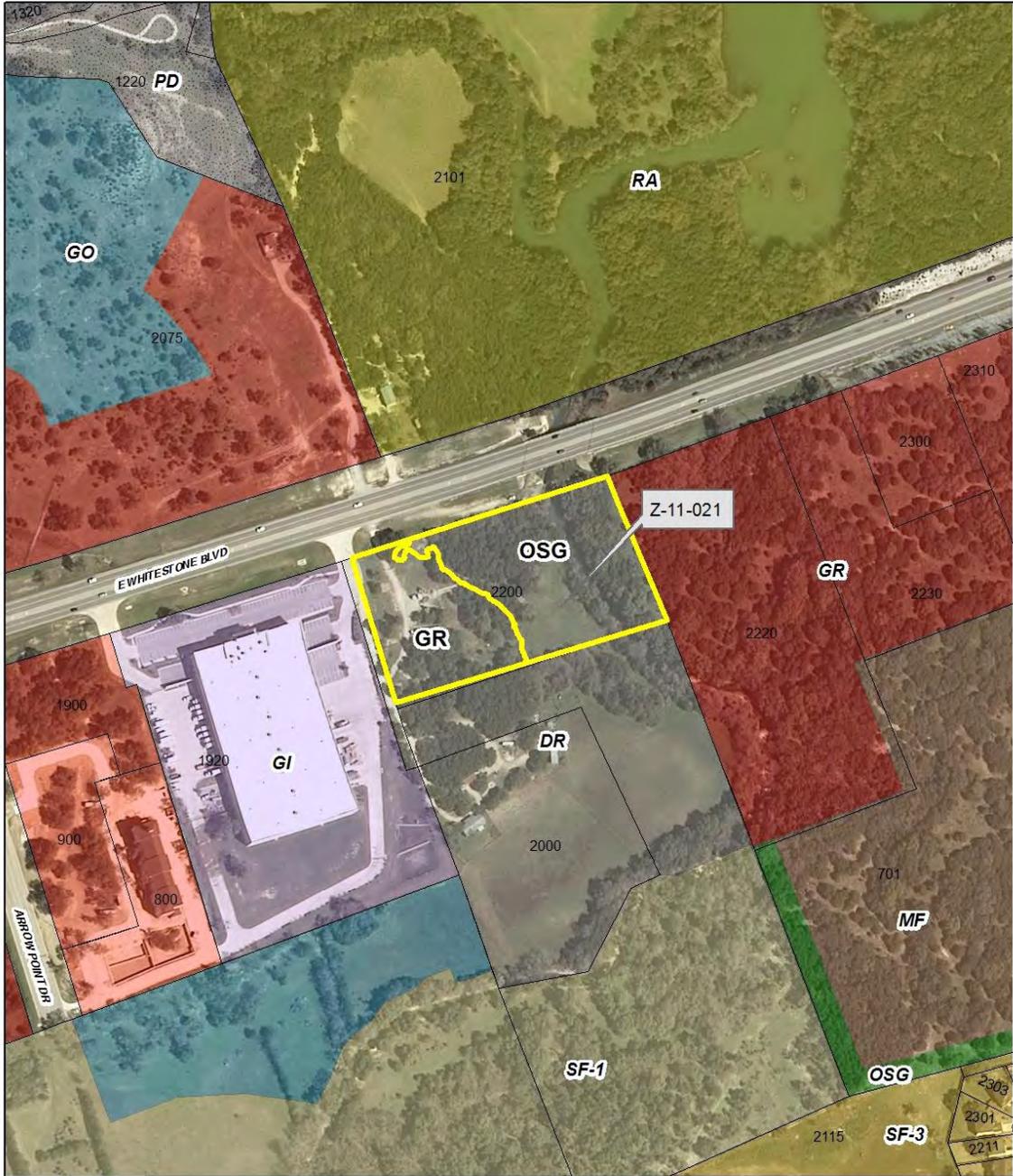
\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney





**Z-11-021**



**EXHIBIT B**



## CITY COUNCIL AGENDA

Date: 1-12-2012

Subject: Agenda Item No. C.3  
**(Z-11-035A) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 33.5 Acres For Property Located On The East Side Of 183A Just North Of The Intersection Of New Hope Drive And 183A. The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

### Commentary:

The purpose of this agenda item is to consider a City initiated request to assign original zoning of General Retail (GR) to approximately 33.5 acres for property located on the east side of 183A just north of the intersection of New Hope Drive and 183A.

This site is shown as A, below, and is being brought forward with three other City initiated zoning cases (Z-11-035B-D) depicted as B-D below.



Z-11-035



Planning & Zoning Commission Recommendation to the City Council:  
The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Thomas Balestiere, Stephen Thomas, Alain O'Tool, Jon Lux, and Holly Hogue  
Opposed: None  
Absent: Lorena Echeverria

Planning & Zoning Commission Public Hearing:  
The Planning and Zoning Commission held a public hearing on November 15, 2011. No public testimony was received.

City Council Public Hearing:  
The City Council held a public hearing on December 22, 2011. No public testimony was received.

Background:  
Owner: Jill Chadwick, Janice Hurst, Alfren John Findeisen Jr., and Lisa Pryor Johnson Trustee

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

- November 3, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.
- November 4, 2011:* 3 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract
- November 15, 2011:* Planning and Zoning Commission public hearing
- December 8, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen
- December 22, 2011:* City Council first reading and public hearing of ordinance
- January 12, 2012:* City Council second reading of ordinance

**City Manager's Remarks**

**Fiscal Impact**  
Account No.:

**Budget**  
Budget/Expended:

**Legal Certifications**

**Associated Information:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF GENERAL RETAIL (GR) TO APPROXIMATELY 33.5 ACRES FOR PROPERTY LOCATED ON THE EAST SIDE OF 183A JUST NORTH OF THE INTERSECTION OF 183A AND NEW HOPE DRIVE, IN WILLIAMSON COUNTY, TEXAS. (Z-11-035A); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the zoning district map of the City of Cedar Park adopted in Ordinance No. 75-2 be and the same is hereby amended to assign original zoning of General Retail (GR) to 33.5 acres, as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 22<sup>nd</sup> day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of January, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

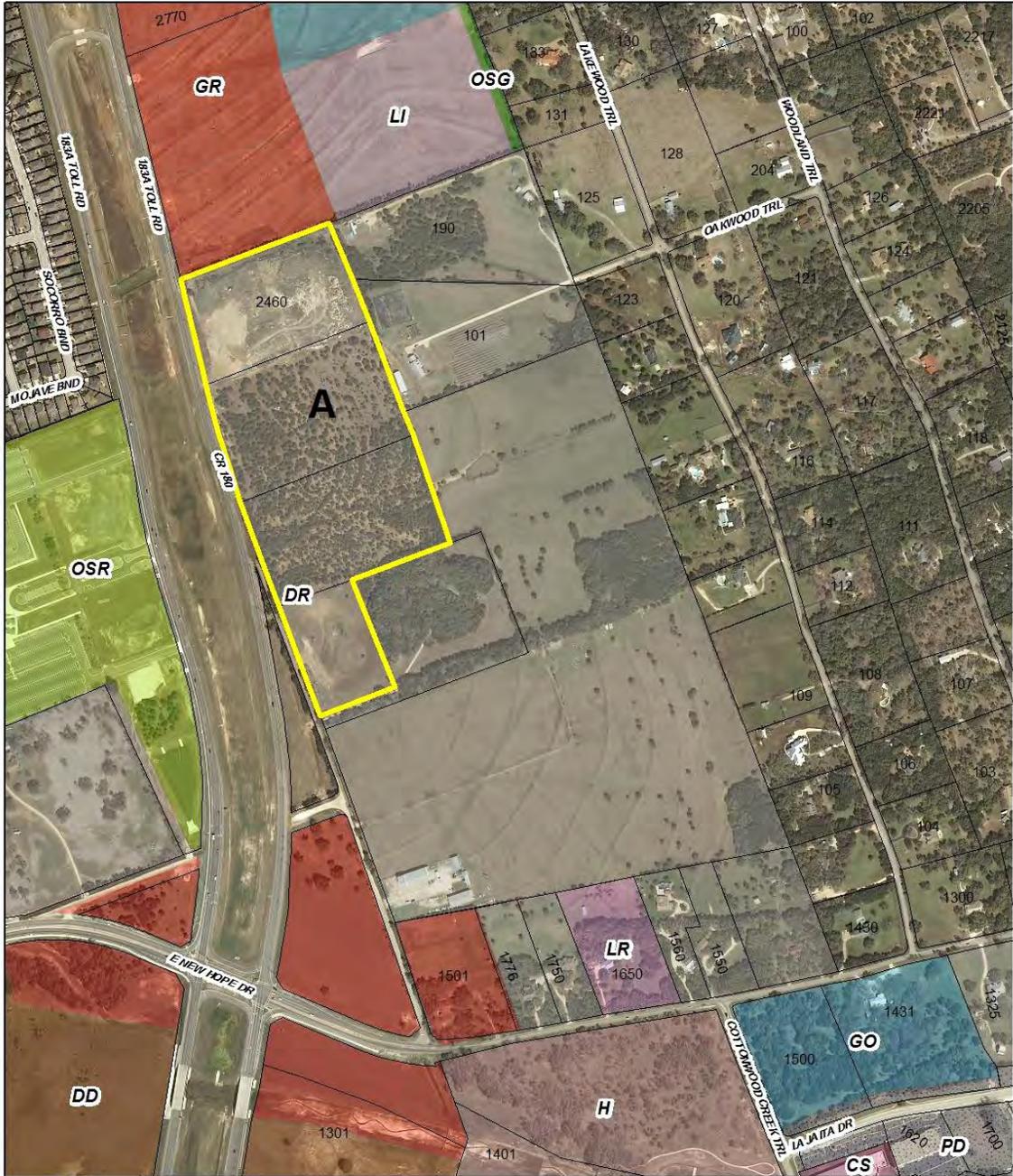
\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney

AW00009 Parker WS Survey, 33.5 acres, as recorded in Williamson County, Texas.

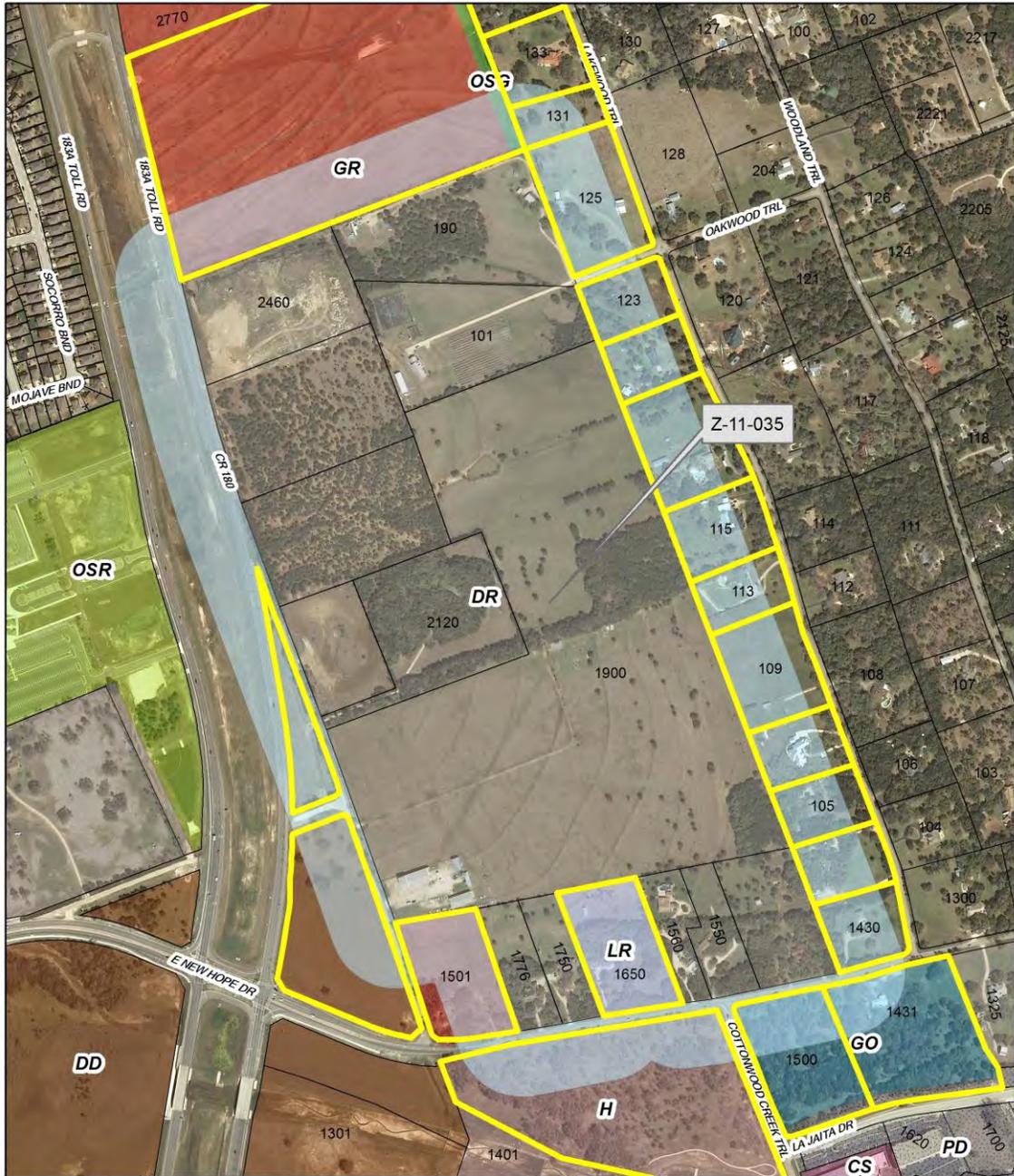
**EXHIBIT A**



**Z-11-035 A**



**EXHIBIT B**



**Z-11-035**



**NOTIFICATION AREA**

November 15, 2011 Zoning	<i>Planning and Zoning Commission</i> <b>City Initiated – 183A/New Hope Properties</b>	<b>Item: 8B &amp; 9B</b>
<b>Case Number: # Z-11-035A</b>		

**Owner:** Jill Chadwick, Janice Hurst, Alfren John Findeisen Jr., and Lisa Pryor Johnson  
Trustee

**STAFF:** Emily Barron, 401-5054, [emily.barron@cedarparktx.us](mailto:emily.barron@cedarparktx.us)

**LOCATION:** Located on the east side of 183A just north of the intersection of New Hope Drive and 183A

**COUNTY:** Williamson

**AREA:** 33 acres

**EXISTING ZONING:** Development Reserve (DR)

**PROPOSED AND RECOMMENDED ZONING:** General Retail (GR) 33acres

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

**PROPOSED FUTURE LAND USE DESIGNATION:** Regional Office/Retail/Commercial

**SUMMARY OF REQUEST:**

This zoning is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

This request contains multiple parcels located near the intersection of CR180 and New Hope Drive. Because these parcels are not contiguous staff has broken them up for easier reference as sites A-D.

**EXISTING SITE and SURROUNDING USES:**

This tract is surrounded by undeveloped property to the north, south and the 183A Toll road to the west. There are four existing parcels located on the 183A Toll Road. All of these parcels are undeveloped.



**PURPOSE OF REQUESTED ZONING DISTRICT:**

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating

these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

**PERMITTED USES IN GR:**

Accessory structures	Convenience store	Landscape nursery and supply store, retail	Retail gift store
Administrative offices	Day care center, adult	Laundromat	Retail stores
Art gallery	Day care center, child	Liquor store	Software development
Art galleries with retail sales	Day care center, incidental	Medical offices	Software sales, computer hardware sales
Automated Teller Machines	Dry cleaning and/or laundry, on-site	Motel	Special events
Automobile parts and accessories sales	Equipment rental, sales, service and/or repair	Movie and music rentals, sales	Studios/art studio, dance, music, drama, gymnastics, photography, interior design
Automobile sales, new	Food sales, limited	Nonprofit seasonal fundraisers	Temporary buildings
Automobile sales, used	Food sales, general (grocery store)	Office/showroom	Theaters, indoor
Automobile repair shop	Funeral home	Office/warehouse	Theaters, outdoor
Automotive tire stores	Furniture store	Personal Improvement Services	Transit station
Bakery, retail	Gasoline service stations, limited and general	Personal services	Utility services, general
Banks (with or without drive-through facilities)	Golf, amusement	Personal improvement services	Veterinary Services
Bar, Cocktail lounge	Hardware stores	Pet grooming	Vocational or trade school
Bed and Breakfast	Home improvement center	Places of worship	Private schools
Car washes	Hotel (incl extended stay)	Professional offices	
Civic clubs and fraternal organizations	Indoor sports and recreation	Public buildings, uses	
Community center	Instant print copy services	Reception hall	
Commercial parking lots		Restaurant, general	
Consumer repair shop (including bicycles)		Rental libraries for sound and video recordings	
		Research and development activities (as it pertains to software only)	

**COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:**

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial with compatible zoning districts include General Office (GO), General Retail (GR) and Mixed Use (MU).

This request is consistent, for all tracts, with the following goals outlined in 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.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.

- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

**SITE INFORMATION:**

***Corridor Overlay:***

183A is a corridor overlay roadway.

***Transportation:***

183A is classified as a toll road.

***Water and Wastewater Utilities:***

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

***Subdivision:***

Future subdivisions of property may be required for development.

***Setback Requirements:***

	<b>General Retail (GR)</b>
<b>Front Setback</b>	25'
<b>Side Setback</b>	12'
<b>Rear Setback adjacent to single family</b>	20'

***Architectural Requirements:***

Property within the corridor overlay requires a 75% masonry construction.

**STAFF COMMENTARY:**

The designations selected by staff are the highest and best uses for the property based on the Future Land Use Plan and Comprehensive Plan.

The request for this tract is consistent with the Comprehensive Plan and Future Land Use Plan as well as consistent with the purpose statements of the zoning district.

**STAFF RECOMMENDATION:**

Staff recommends GR for the subject tracts.

**PUBLIC INPUT:** Staff has received no public input at the time of publication of this report.

**PUBLIC NOTIFICATION:** Cedar Park Citizen, November 3, 2011  
3 letter notices were sent to property owners within the 300' buffer

**PROPOSED CITY COUNCIL HEARINGS:** (December 22, 2011) 1<sup>ST</sup> Reading  
(January 12, 2011) 2<sup>ND</sup> Reading



## CITY COUNCIL AGENDA

Date: 1-12-2012

Subject: Agenda Item No. C.4  
**(Z-11-035B) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 7.2 Acres For Property Located Near The Northeast Corner Of CR 180 And New Hope Drive. The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

### Commentary:

The purpose of this agenda item is to consider a City initiated request to assign original zoning of General Retail (GR) to approximately 7.2 acres for property located near the northeast corner of CR 180 and New Hope Drive.

This site is shown as B, below, and is being brought forward with three other City initiated zoning cases (Z-11-035A, C, and D) depicted as A, C and D below.



Z-11-035



Planning & Zoning Commission Recommendation to the City Council:  
The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Thomas Balestiere, Stephen Thomas, Alain O'Tool, Jon Lux, and Holly Hogue  
Opposed: None  
Absent: Lorena Echeverria

Planning & Zoning Commission Public Hearing:  
The Planning and Zoning Commission held a public hearing on November 15, 2011. No public testimony was received.

City Council Public Hearing:  
The City Council held a public hearing on December 22, 2011. No public testimony was received.

Background:  
Owner: Mary F. Thompson Family Trust and Wallace and Susan Price

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

- November 3, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.
- November 4, 2011:* 4 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract
- November 15, 2011:* Planning and Zoning Commission public hearing
- December 8, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen
- December 22, 2011:* City Council first reading and public hearing of ordinance
- January 12, 2012:* City Council second reading of ordinance

**City Manager's Remarks**

**Fiscal Impact**  
Account No.:

**Budget**  
Budget/Expended:

**Legal Certifications**

**Associated Information:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF GENERAL RETAIL (GR) TO APPROXIMATELY 7.2 ACRES FOR PROPERTY LOCATED ON NEAR THE NORTHEAST CORNER OF CR 180 AND NEW HOPE DRIVE, IN WILLIAMSON COUNTY, TEXAS. (Z-11-035B); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the zoning district map of the City of Cedar Park adopted in Ordinance No. 75-2 be and the same is hereby amended to assign original zoning of General Retail (GR) to 7.2 acres, as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 22<sup>nd</sup> day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of January 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney

AW00009 Parker WS Survey, 2.645 acres, and Lakewood Country Estates Lot 2 Block A Lot 2A, 2.34 acres as recorded in Williamson County, Texas.

**EXHIBIT A**

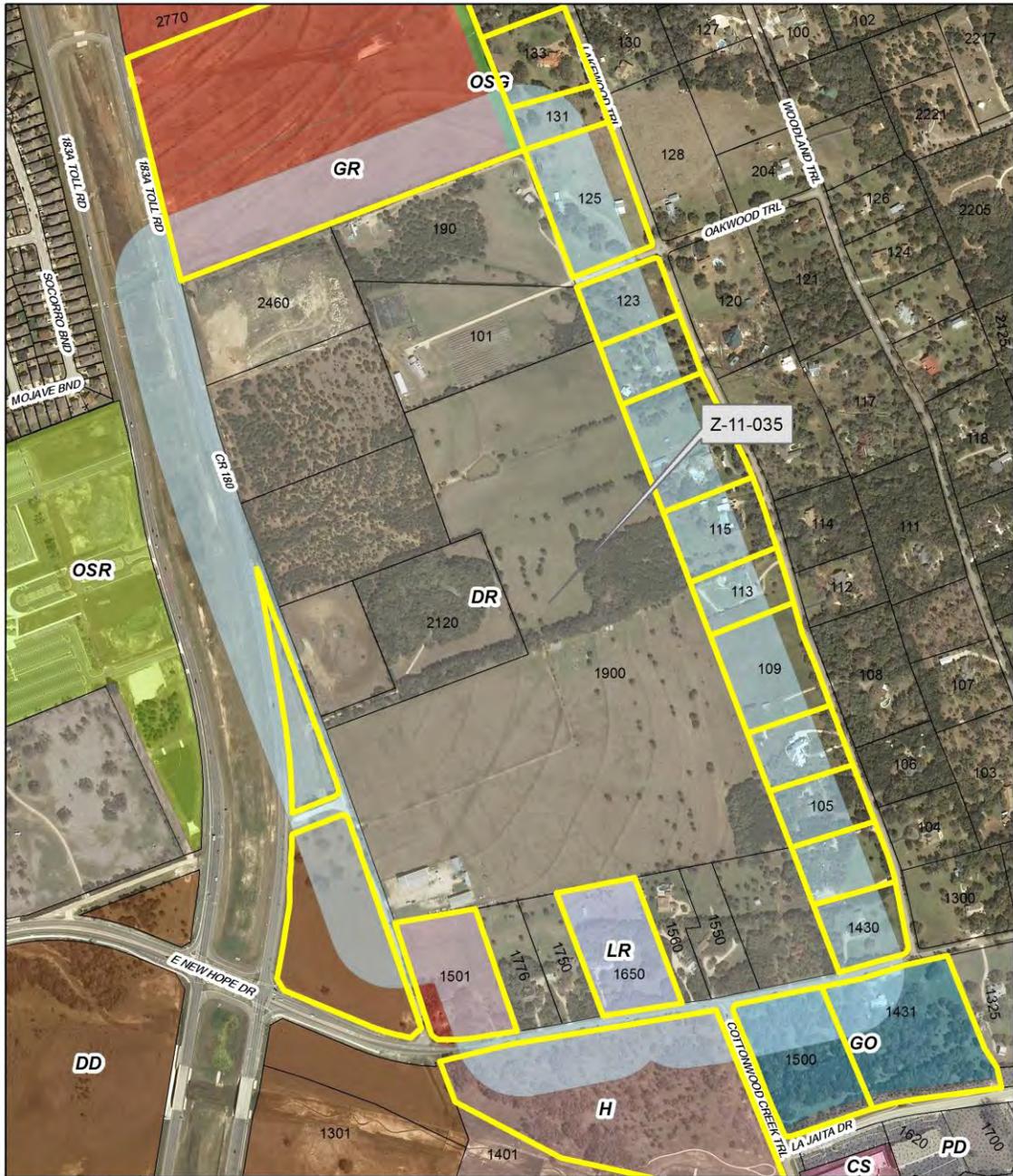


**Z-11-035 B**



**EXHIBIT B**

Additional Back Up – Item Z-11-035B



**Z-11-035**



**NOTIFICATION AREA**

November 15, 2011 Zoning	<i>Planning and Zoning Commission</i> <b>City Initiated – 183A/New Hope Properties</b>	<b>Item: 8C &amp; 9C</b>
<b>Case Number: # Z-11-035B</b>		

**Owner:** Mary F. Thompson Family Trust and Wallace and Susan Price

**STAFF:** Emily Barron, 401-5054, [emily.barron@cedarparktx.us](mailto:emily.barron@cedarparktx.us)

**LOCATION:** Near the northwest corner of CR180 and New Hope Drive

**COUNTY:** Williamson

**AREA:** 7.2 acres

**EXISTING ZONING:** Development Reserve (DR)

**PROPOSED AND RECOMMENDED ZONING:** General Retail (GR)

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

**PROPOSED FUTURE LAND USE DESIGNATION:** Regional Office/Retail/Commercial

**SUMMARY OF REQUEST:**

This zoning is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

This request contains multiple parcels located near the intersection of CR180 and New Hope Drive. Because these parcels are not contiguous staff has broken them up for easier reference as sites A-D.

**EXISTING SITE and SURROUNDING USES:**

A portion of this tract is currently developed with a commercial business and the two tracts that abut New Hope Drive currently have residences on them. This tract is surrounded by undeveloped property to the north, CR 180 and a future restaurant development to the south and west, New Hope Drive to the south and a LR zoning to the east.



**PURPOSE OF REQUESTED ZONING DISTRICT:**

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

**PERMITTED USES GR :**

Accessory structures	Convenience store	Landscape nursery and supply store, retail	Retail gift store
Administrative offices	Day care center, adult	Laundromat	Retail stores
Art gallery	Day care center, child	Liquor store	Software development
Art galleries with retail sales	Day care center, incidental	Medical offices	Software sales, computer hardware sales
Automated Teller Machines	Dry cleaning and/or laundry, on-site	Motel	Special events
Automobile parts and accessories sales	Equipment rental, sales, service and/or repair	Movie and music rentals, sales	Studios/art studio, dance, music, drama, gymnastics, photography, interior design
Automobile sales, new	Food sales, limited	Nonprofit seasonal fundraisers	Temporary buildings
Automobile sales, used	Food sales, general (grocery store)	Office/showroom	Theaters, indoor
Automobile repair shop	Funeral home	Office/warehouse	Theaters, outdoor
Automotive tire stores	Furniture store	Personal Improvement Services	Transit station
Bakery, retail	Gasoline service stations, limited and general	Personal services	Utility services, general
Banks (with or without drive-through facilities)	Golf, amusement	Personal improvement services	Veterinary Services
Bar, Cocktail lounge	Hardware stores	Pet grooming	Vocational or trade school
Bed and Breakfast	Home improvement center	Places of worship	Private schools
Car washes	Hotel (incl extended stay)	Professional offices	
Civic clubs and fraternal organizations	Indoor sports and recreation	Public buildings, uses	
Community center	Instant print copy services	Reception hall	
Commercial parking lots		Restaurant, general	
Consumer repair shop (including bicycles)		Rental libraries for sound and video recordings	
		Research and development activities (as it pertains to software only)	

**COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:**

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial. Compatible zoning districts include General Office (GO), General Retail (GR) and Mixed Use (MU).

This request is consistent, for all tracts, with the following goals outlined in 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.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

**SITE INFORMATION:**

***Corridor Overlay:***

New Hope Drive is a corridor overlay roadway.

***Transportation:***

New Hope Drive is classified as a major arterial that will be upgraded to a four lane divided roadway. CR 180 serves as access to the commercial business on the property. This roadway is being upgraded south of this site and with future development the roadway will continue to be improved.

***Water and Wastewater Utilities:***

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

***Subdivision:***

These properties have been subdivided. Future subdivisions of property may be required for development.

***Setback Requirements:***

	<b>General Retail (GR)</b>
<b>Front Setback</b>	25'
<b>Side Setback</b>	12'
<b>Rear Setback adjacent to single family</b>	20'

***Architectural Requirements:***

The portion of sites located that abut 183A and New Hope Drive are within the Corridor Overlay, which requires 75% masonry construction. For areas outside the Corridor Overlay a 50% masonry construction will be required.

**STAFF COMMENTARY:**

The designations selected by staff are the highest and best uses for the property based on the Future Land Use Plan and Comprehensive Plan. This request is consistent with the Comprehensive Plan and Future Land Use Plan as well as the purpose statement of the zoning districts.

**STAFF RECOMMENDATION:**

Staff recommends GR for the subject tracts.

**PUBLIC INPUT:** No public input was received by the time of publication of this report.

**PUBLIC NOTIFICATION:** Cedar Park Citizen, November 3, 2011  
6 letter notices were sent to property owners within the 300' buffer

**PROPOSED CITY COUNCIL HEARINGS:** (December 22, 2011) 1<sup>ST</sup> Reading  
(January 12, 2011) 2<sup>ND</sup> Reading



## CITY COUNCIL AGENDA

Date: 1-12-2012

Subject: Agenda Item No. C.5  
**(Z-11-035C) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 2.34 Acres For Property Located On The North Side Of New Hope Drive Northwest Of The Intersection Of Cottonwood Creek Trail And New Hope Drive. The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

### Commentary:

The purpose of this agenda item is to consider a City initiated request to assign original zoning of Local Retail (LR) to approximately 2.34 acres for property located on the north side of New Hope Drive, northwest of the intersection of Cottonwood Creek Trail and New Hope Drive.

This site is shown as C, below, and is being brought forward with three other City initiated zoning cases (Z-11-035A, B, and D) depicted as A, B and D below.



Z-11-035



Planning & Zoning Commission Recommendation to the City Council:  
The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Thomas Balestiere, Stephen Thomas, Alain O'Tool, Jon Lux, and Holly Hogue  
Opposed: None  
Absent: Lorena Echeverria

Planning & Zoning Commission Public Hearing:  
The Planning and Zoning Commission held a public hearing on November 15, 2011. No public testimony was received.

City Council Public Hearing:  
The City Council held a public hearing on December 22, 2011. No public testimony was received.

Background:  
Owner: Randall Wright

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

- November 3, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.
- November 4, 2011:* 7 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract
- November 15, 2011:* Planning and Zoning Commission public hearing
- December 8, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen
- December 22, 2011:* City Council first reading and public hearing of ordinance
- January 12, 2012:* City Council second reading of ordinance

**City Manager's Remarks**

**Fiscal Impact**  
Account No.:

**Budget**  
Budget/Expended:

**Legal Certifications**

**Associated Information:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF LOCAL RETAIL (LR) TO APPROXIMATELY 2.34 ACRES FOR PROPERTY LOCATED ON THE NORTH SIDE OF NEW HOPE DRIVE NORTHWEST OF THE INTERSECTION OF COTTONWOOD CREEK TRIAL AND NEW HOPE DRIVE, IN WILLIAMSON COUNTY, TEXAS. (Z-11-035C); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the zoning district map of the City of Cedar Park adopted in Ordinance No. 75-2 be and the same is hereby amended to assign original zoning of Local Retail (LR) to 2.34 acres, as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 22<sup>nd</sup> day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of January, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney

Lakewood Country Estates Phase 1 Resub Lot 4 Block A, Lot 4A part, 2.44 acres as recorded in Williamson County, Texas.

**EXHIBIT A**

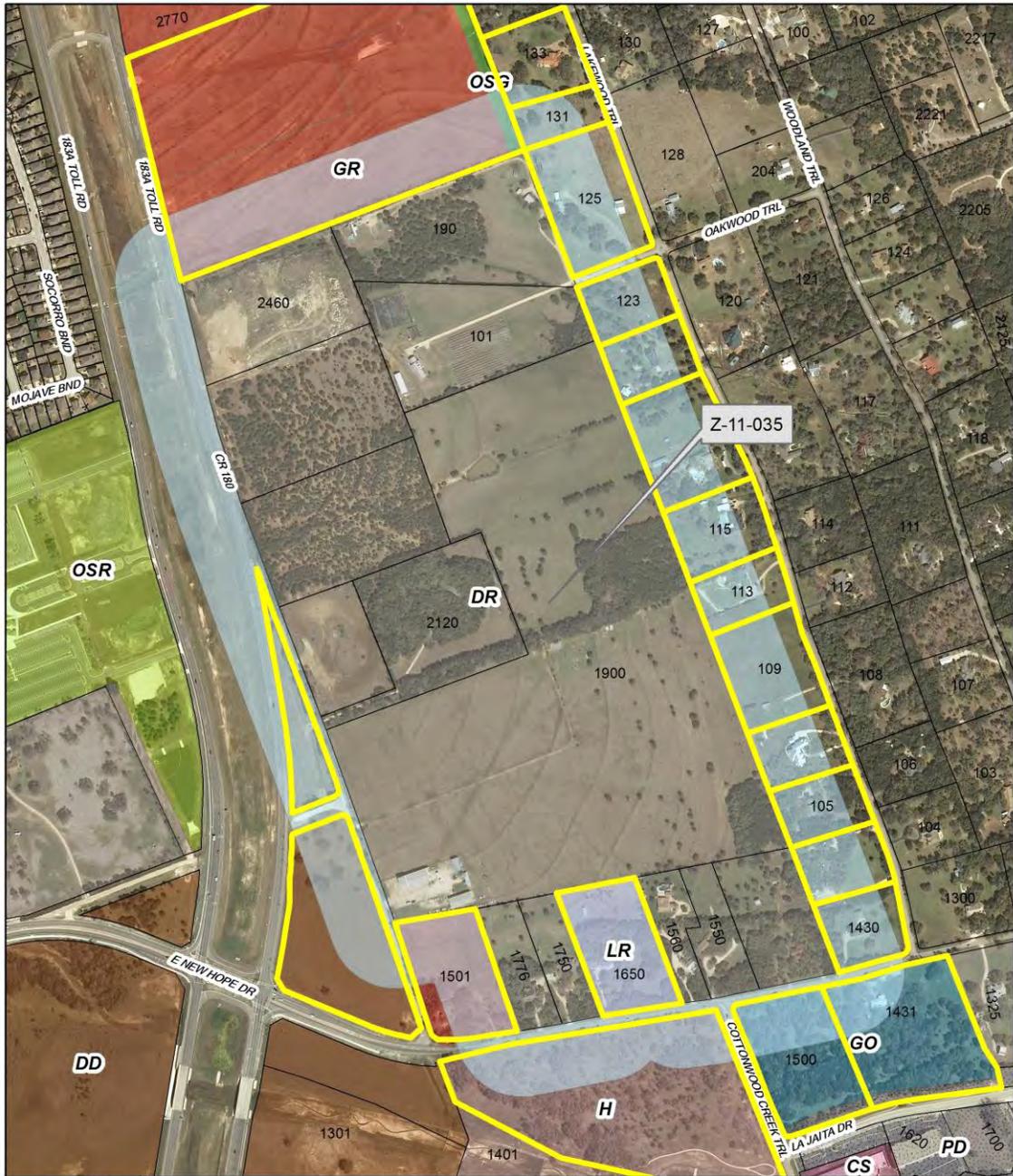


**Z-11-035 C**



**EXHIBIT B**

Additional Back Up – Item Z-11-035C



**Z-11-035**



**NOTIFICATION AREA**

November 15, 2011 Zoning	<i>Planning and Zoning Commission</i> <b>City Initiated – 183A/New Hope Properties</b>	<b>Item:</b> 8D & 9D
<b>Case Number: # Z-11-035C</b>		

**Owner:** Randall Wright

**STAFF:** Emily Barron, 401-5054, [emily.barron@cedarparktx.us](mailto:emily.barron@cedarparktx.us)

**LOCATION:** On New Hope Drive near the intersection of Cottonwood Creek Trail and New Hope Drive

**COUNTY:** Williamson

**AREA:** 2.34 acres

**EXISTING ZONING:** Development Reserve (DR)

**PROPOSED AND RECOMMENDED ZONING:** Local Retail (LR)

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

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

**SUMMARY OF REQUEST:**

This zoning is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

This request contains multiple parcels located near the intersection of CR180 and New Hope Drive. Because these parcels are not contiguous staff has broken them up for easier reference as sites A-D.

**EXISTING SITE and SURROUNDING USES:**

This site currently has a residence on the property. It is surrounded by undeveloped property to the north, Local Retail (LR) zoned property to the west, a residence to the east and New Hope Drive to the south.



businesses without negatively impacting the residential neighborhoods, these uses should be located primarily at pulse points or activity nodes where collector streets and arterial roadways intersect or at arterial roadway intersections. These uses generally serve a larger market than businesses found in a TC District; yet generally serve a local market opposed to the regional market served by uses in a GR District.

**PERMITTED USES IN LR:**

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

**COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:**

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

This request is consistent, for all tracts, with the following goals outlined in 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.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

**SITE INFORMATION:**

***Corridor Overlay:***

New Hope Drive is a corridor overlay roadway.

**Transportation:**

New Hope Drive is classified as a major arterial that will be upgraded to a four lane divided roadway.

The collector plan calls for Scottsdale to be extended into the property to the north of the subject tracts, known as Pecan Grove, and to the south to eventually connect to Cottonwood Creek Trail. The general alignment is shown below with the dark orange line.



**Water and Wastewater Utilities:**

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

**Subdivision:**

This property has been subdivided.

**Setback Requirements:**

	<b>Local Retail (LR)</b>	<b>General Retail (GR)</b>
<b>Front Setback</b>	25'	25'
<b>Side Setback</b>	12'	12'
<b>Rear Setback adjacent to single family</b>	20'	20'

**Architectural Requirements:**

This site is located within the Corridor Overlay, which requires 75% masonry construction.

**STAFF COMMENTARY:**

The designations selected by staff are the highest and best uses for the property based on the Future Land Use Plan and Comprehensive Plan.

The commercial collector that will extend from Scottsdale to Cottonwood Creek Trail will provide for adequate connections between the commercial development and hospital to the south,

through the commercial development on the subject tract to the office, industrial and residential tracts to the north of the site.

This request for Local Retail (LR) is consistent with the Comprehensive Plan and Future Land Use Plan and are consistent with the purpose statements of the zoning districts.

**STAFF RECOMMENDATION:**

Staff recommends LR for this property.

**PUBLIC INPUT:** No public input has been received..

**PUBLIC NOTIFICATION:** Cedar Park Citizen, November 3, 2011  
7 letter notices were sent to property owners within the 300' buffer

**PROPOSED CITY COUNCIL HEARINGS:** (December 22, 2011) 1<sup>ST</sup> Reading  
(January 12, 2011) 2<sup>ND</sup> Reading



## CITY COUNCIL AGENDA

Date: 1-12-2012

Subject: Agenda Item No. C.6  
**(Z-11-035D) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of Local Retail With A Conditional Overlay (LR-CO) For Approximately 5.12 Acres For Property Located On The North Side Of New Hope Drive Northeast Of The Intersection Of Cottonwood Creek Trail And New Hope Drive. The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

### Commentary:

The purpose of this agenda item is to consider a City initiated request to assign original zoning of Local Retail with a conditional overlay (LR-CO) with a condition to increase the buffer from 20' to 50' along the eastern boundary where the site abuts residential for approximately 5.12 acres for property located on the north side of New Hope Drive, northeast of the intersection of Cottonwood Creek Trail and New Hope Drive.

This site is shown as D, below, and is being brought forward with three other City initiated zoning cases (Z-11-035A-C) depicted as A, B and C below.



Z-11-035



Planning & Zoning Commission Recommendation to the City Council:  
The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Thomas Balestiere, Stephen Thomas, Alain O'Tool, Jon Lux, and Holly Hogue  
Opposed: None  
Absent: Lorena Echeverria

Planning & Zoning Commission Public Hearing:  
The Planning and Zoning Commission held a public hearing on November 15, 2011. No public testimony was received.

City Council Public Hearing:  
The City Council held a public hearing on December 22, 2011. No public testimony was received.

Background:  
Owner: James and Sandra Taylor

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

- November 3, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.
- November 4, 2011:* 11 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract
- November 15, 2011:* Planning and Zoning Commission public hearing
- December 8, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen
- December 22, 2011:* City Council first reading and public hearing of ordinance
- January 12, 2012:* City Council second reading of ordinance

**City Manager's Remarks**

**Fiscal Impact**  
Account No.:

**Budget**  
Budget/Expended:

**Legal Certifications**

**Associated Information:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF LOCAL RETAIL WITH A CONDITIONAL OVERLAY (LR-CO) TO APPROXIMATELY 5.1 ACRES FOR PROPERTY LOCATED ON THE NORTH SIDE OF NEW HOPE DRIVE NORTHEAST OF THE INTERSECTION OF COTTONWOOD CREEK TRIAL AND NEW HOPE DRIVE, IN WILLIAMSON COUNTY, TEXAS. (Z-11-035D); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the zoning district map of the City of Cedar Park adopted in Ordinance No. 75-2 be and the same is hereby amended to assign original zoning to 5.1 acres of Local Retail with a Conditional Overlay (LR-CO) with the condition to provide a 50' buffer along the eastern boundary where the property abuts residential, as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 22<sup>nd</sup> day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of January , 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

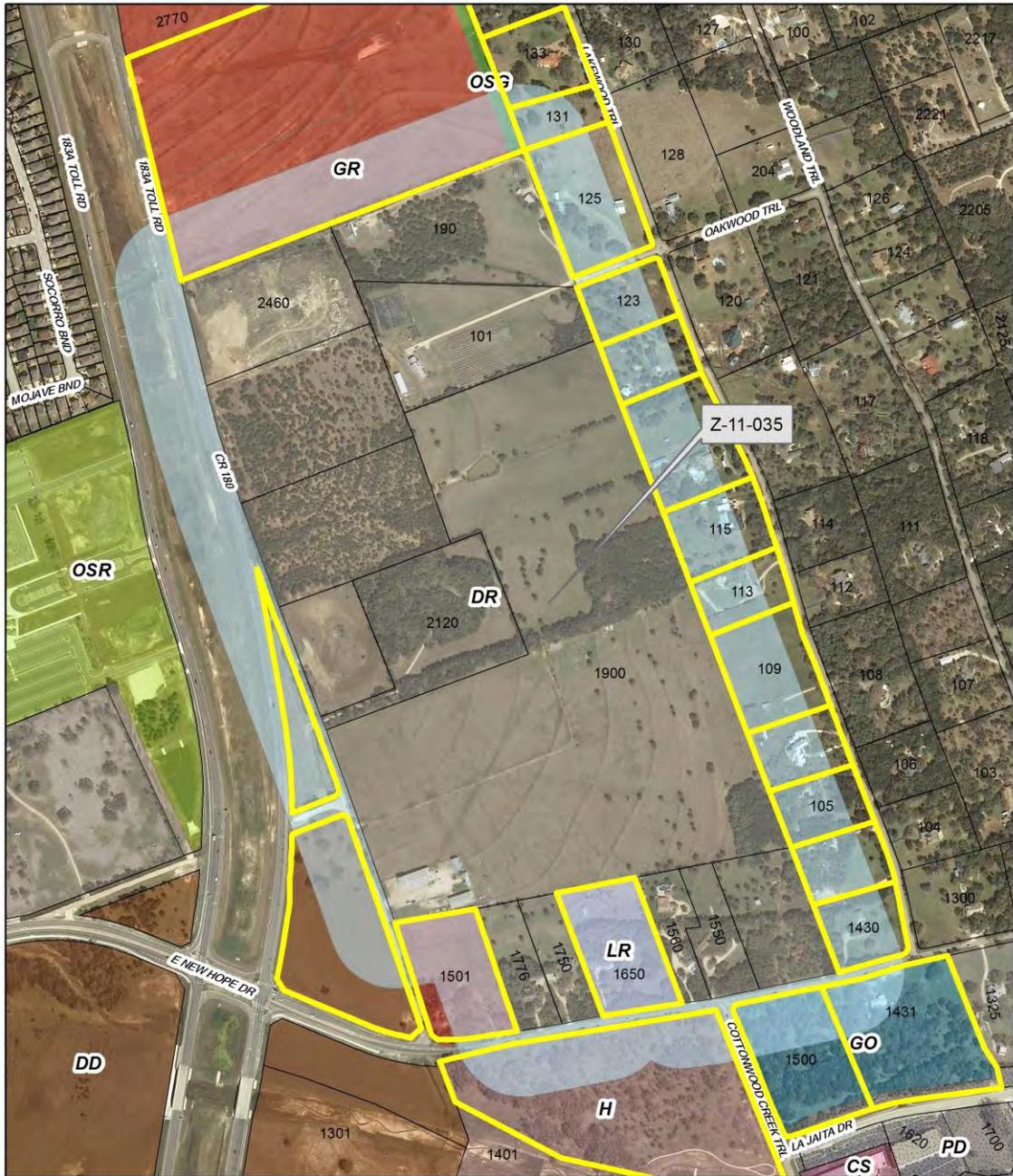
\_\_\_\_\_  
Charles W. Rowland, City Attorney

Lakewood Country Estates Block A, Lot 5 as recorded in Williamson County, Texas.

**EXHIBIT A**



Additional Back Up – Item Z-11-035D



**Z-11-035**



**NOTIFICATION AREA**

November 15, 2011 Zoning	<i>Planning and Zoning Commission</i> <b>City Initiated – 183A/New Hope Properties</b>	<b>Item: 8E &amp; 9E</b>
<b>Case Number: # Z-11-035D</b>		

**Owner:** Z-11-035 James and Sandra Taylor

**STAFF:** Emily Barron, 401-5054, [emily.barron@cedarparktx.us](mailto:emily.barron@cedarparktx.us)

**LOCATION:** On New Hope Drive near the intersection of New Hope Drive and Cottonwood Creek Trail

**COUNTY:** Williamson

**AREA:** 5.12 acres

**EXISTING ZONING:** Development Reserve (DR)

**PROPOSED AND RECOMMENDED ZONING:** Local Retail with a conditional overlay (LR-CO)  
– The conditional overlay requires a 50' buffer along the eastern boundary where the property abuts residential property

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

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

**SUMMARY OF REQUEST:**

This zoning is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

This request contains multiple parcels located near the intersection of CR180 and New Hope Drive. Because these parcels are not contiguous staff has broken them up for easier reference as sites A-D.

**EXISTING SITE and SURROUNDING USES:**

This tract is surrounded by undeveloped property to the north, a residence to the west and east and New Hope Drive to the south. A residence currently exists on the property.



**PURPOSE OF REQUESTED ZONING DISTRICT:**

The Local Retail District, LR, is established to provide for office and retail businesses that are intended to serve the overall community, with a larger market than the immediate neighborhoods in the area. In order to accommodate the traffic generated from these businesses without negatively impacting the residential neighborhoods, these uses should be

located primarily at pulse points or activity nodes where collector streets and arterial roadways intersect or at arterial roadway intersections. These uses generally serve a larger market than businesses found in a TC District; yet generally serve a local market opposed to the regional market served by uses in a GR District.

The purpose of a Conditional Overlay Combining District (CO) is to modify use and site development regulations to address the specific circumstances presented by a site. The Conditional Overlay Combining District may be used to promote compatibility between competing and potentially incompatible land uses (ex. prohibit a permitted use in the base district); ease the transition from one base district to another (ex. requiring additional buffers); address land uses or sites with special requirements (ex. prohibit access to a specific roadway from a site); and guide development in unique circumstances (ex. increase the minimum lot size).

**PERMITTED USES IN LR and GR (the highlighted uses are only permitted in GR):**

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

**COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:**

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

This request is consistent, for all tracts, with the following goals outlined in 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.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.

- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

**SITE INFORMATION:**

***Corridor Overlay:***

New Hope Drive is a corridor overlay roadway.

***Transportation:***

New Hope Drive is classified as a major arterial that will be upgraded to a four lane divided roadway.

***Water and Wastewater Utilities:***

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

***Subdivision:***

This property has been subdivided. Future subdivisions of property may be required for development.

***Setback Requirements:***

	<b>Local Retail (LR)</b>
<b>Front Setback</b>	25'
<b>Side Setback</b>	12'
<b>Rear Setback adjacent to single family</b>	20'

***Architectural Requirements:***

This site is subject to the corridor overlay masonry requirements of 75%.

**STAFF COMMENTARY:**

The designations selected by staff are the highest and best uses for the property based on the Future Land Use Plan and Comprehensive Plan. A conditional overlay is recommended for this property due to the shared property line with residences located in Lakewood Country Estates. The condition chosen is to preserve the residential character of the Lakewood Country Estates community by extending the buffer that exists in the form of Open Space Greenbelt (OSG) to the north of the site (within Pecan Grove).

This request is consistent with the Comprehensive Plan and Future Land Use Plan and is consistent with the purpose statement of the zoning district.

**STAFF RECOMMENDATION:**

Staff recommends LR-CO for the subject tract.

**PUBLIC INPUT:** No public input has been received for this request at the time of publication of this report.

**PUBLIC NOTIFICATION:** Cedar Park Citizen, November 3, 2011

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

**PROPOSED CITY COUNCIL HEARINGS:** (December 22, 2011) 1<sup>ST</sup> Reading  
(January 12, 2011) 2<sup>ND</sup> Reading



## CITY COUNCIL AGENDA

Date:1-12-2012

Subject: Agenda Item No. C.7  
**(Z-11-036) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 9.50 Acres For Property Located At 14100 And 14050 Ronald Reagan Boulevard. The Planning And Zoning Commission Voted 5-1 To Approve This Request.**

### Commentary:

The purpose of this agenda item is to consider a City initiated request to assign original zoning of General Retail (GR) to approximately 9.50 acres for property located at 14100 and 14050 Ronald Reagan Boulevard.

### Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 5-1 to approve the request.

In favor: Nicholas Kauffman, Thomas Balestiere, Stephen Thomas, Jon Lux, and Holly Hogue

Opposed: Alain O'Tool

Absent: Lorena Echeverria

### Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on November 15, 2011. Public testimony was received by two adjacent property owners in opposition to this request.

### City Council Public Hearing:

The City Council held a public hearing on December 22, 2011. No public testimony was received.

### Background:

Owner: J&J Holdings and Philip Bell

Please see attached Planning & Zoning Commission Report for details.

### Public Information Plan:

*November 3, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

*November 4, 2011:* 15 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract

*November 15, 2011:* Planning and Zoning Commission public hearing  
*December 8, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen  
*December 22, 2011:* City Council first reading and public hearing of ordinance  
*January 12, 2012:* City Council second reading of ordinance

**City Manager's Remarks**

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Legal Certifications**

**Associated Information:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF GENERAL RETAIL (GR) TO APPROXIMATELY 9.5 ACRES FOR PROPERTY LOCATED AT 14100 AND 14050 RONALD REAGAN BOULEVARD, IN WILLIAMSON COUNTY, TEXAS. (Z-11-036); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the zoning district map of the City of Cedar Park adopted in Ordinance No. 75-2 be and the same is hereby amended to assign original of General Retail (GR) to approximately 9.5 acres, as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 22<sup>nd</sup> day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of January, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney

9.5 acres out of the AW0016 Anderson, J.D. Survey (R050830, R031477, R031503) in Williamson County, Texas.

**EXHIBIT A**

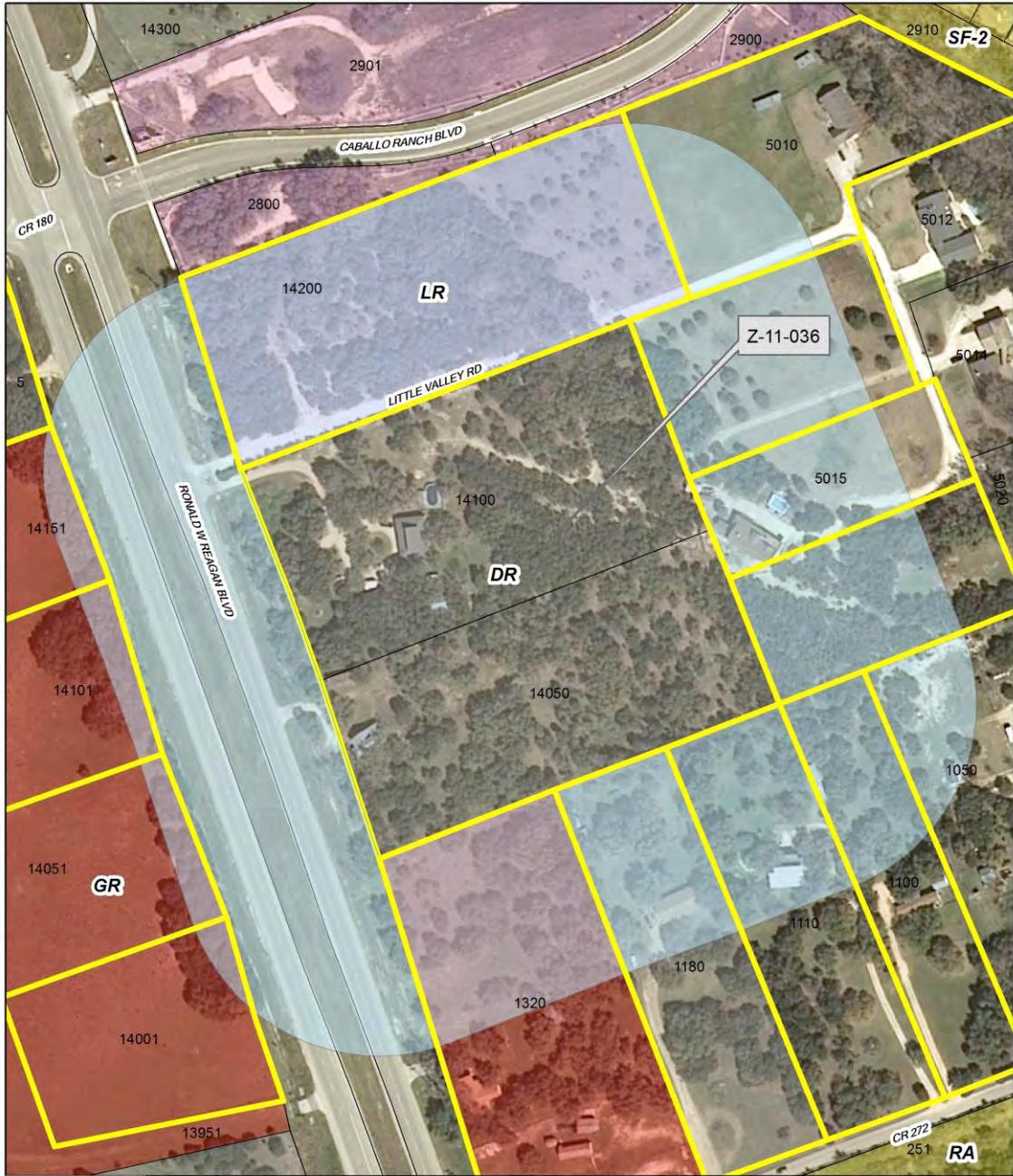


**Z-11-036**



**EXHIBIT B**

**Additional Back Up – Z-11-036**



**Z-11-036**



**NOTIFICATION AREA**

November 15, 2011  Zoning	<i>Planning and Zoning Commission</i> <b>City Initiated – 14100 and 14050 Ronald Reagan</b>	<b>Item: 8F &amp; 9F</b>
<b>Case Number: # Z-11-036</b>		

**Owner:** J&J Holdings and Phillip Bell

**STAFF:** Emily Barron, 401-5054, [emily.barron@cedarparktx.us](mailto:emily.barron@cedarparktx.us)

**LOCATION:** 14100 and 14050 Ronald Reagan Boulevard

**COUNTY:** Williamson

**AREA:** 9.50 acres

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**EXISTING ZONING:** Development Reserve (DR)

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

**STAFF RECOMMENDATION:** General Retail (GR)

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

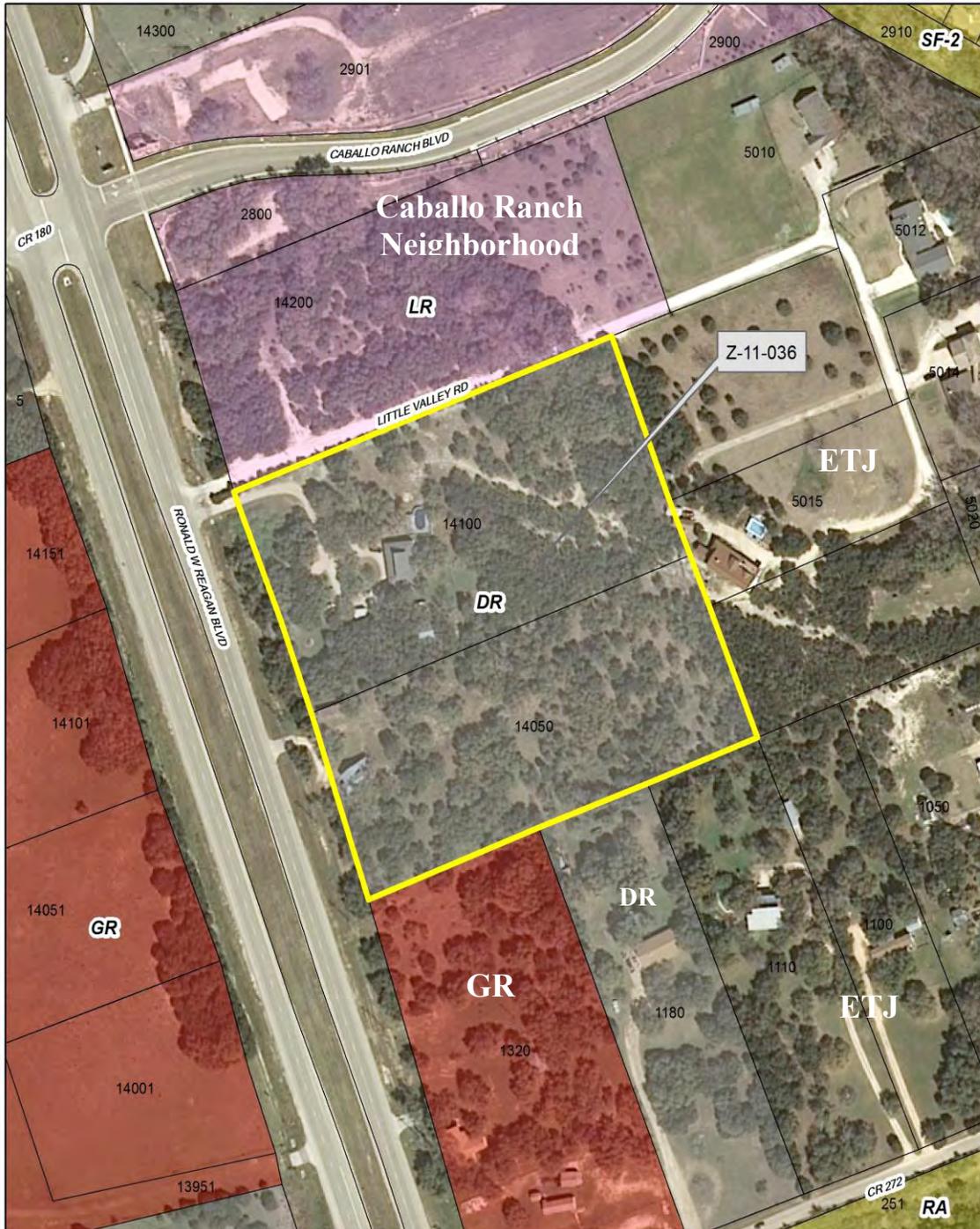
**PROPOSED FUTURE LAND USE DESIGNATION:** Regional Office/Retail/Commercial

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**SUMMARY OF REQUEST:**

This zoning is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

These properties currently have residences on them. The site is surrounded to the east and south by residential primarily in our ETJ, Ronald Reagan to the west and Local Retail (LR) and Little Valley Road to the north.



**PURPOSE OF REQUESTED ZONING DISTRICT:**

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at

pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

**PERMITTED USES IN LR and GR (the highlighted uses are only permitted in GR):**

Accessory structures	Convenience store	Landscape nursery and	Retail gift store
Administrative offices	Day care center, adult	supply store, retail	Retail stores
Art gallery	Day care center, child	Laundromat	Software development
Art galleries with retail sales	Day care center, incidental	Liquor store	Software sales, computer hardware sales
Automated Teller Machines	Dry cleaning and/or laundry, on-site	Medical offices	Special events
Automobile parts and accessories sales	Equipment rental, sales, service and/or repair	Motel	Studios/art studio, dance, music, drama, gymnastics, photography, interior design
Automobile sales, new	Food sales, limited	Movie and music rentals, sales	Temporary buildings
Automobile sales, used	Food sales, general (grocery store)	Nonprofit seasonal fundraisers	Theaters, indoor
Automobile repair shop	Funeral home	Office/showroom	Theaters, outdoor
Automotive tire stores	Furniture store	Office/warehouse	Transit station
Bakery, retail	Gasoline service stations, limited and general	Personal Improvement Services	Utility services, general
Banks (with or without drive-through facilities)	Golf, amusement	Personal services	Veterinary Services
Bar, Cocktail lounge	Hardware stores	Personal improvement services	Vocational or trade school
Bed and Breakfast	Home improvement center	Pet grooming	Private schools
Car washes	Hotel (incl extended stay)	Places of worship	
Civic clubs and fraternal organizations	Indoor sports and recreation	Professional offices	
Community center	Instant print copy services	Public buildings, uses	
Commercial parking lots		Reception hall	
Consumer repair shop (including bicycles)		Restaurant, general	
		Rental libraries for sound and video recordings	
		Research and development activities (as it pertains to software only)	

**COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:**

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial. Compatible zoning districts include General Office (GO), General Retail (GR) and Mixed Use (MU).

This request is consistent with the following goals outlined in 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.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

**SITE INFORMATION:**

***Corridor Overlay:***

This site abuts Ronald Reagan Boulevard and is subject to the corridor overlay requirements.

***Transportation:***

Ronald Reagan is classified as a major arterial roadway.

***Water and Wastewater Utilities:***

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

***Subdivision:***

Neither property is currently subdivided.

***Setback Requirements:***

	<b>General Retail (GR)</b>
<b>Front Setback</b>	25'
<b>Side Setback</b>	12'
<b>Rear Setback adjacent to single family</b>	20'

***Architectural Requirements:***

This site is subject to the Corridor Overlay which requires 75% masonry construction.

**STAFF RECOMMENDATION:**

Staff recommends that this site be assigned original zoning of General Retail (GR). The designation of GR is consistent with adjacent GR zoned tracts, is compatible with other surrounding land uses, and is supported by the purpose statement of the district.

**PUBLIC INPUT:** Staff met with one of the property’s representatives regarding this request. After discussion their agent expressed no concerns regarding the assignment of zoning. Staff has not heard from the other property owner nor any surrounding property owners at the time of publication of this report.

**PUBLIC NOTIFICATION:** Cedar Park Citizen, November 3, 2011  
15 letter notices were sent to property owners within the 300’ buffer

**PROPOSED CITY COUNCIL HEARINGS:** (December 22, 2011) 1<sup>ST</sup> Reading  
(January 12, 2011) 2<sup>ND</sup> Reading



## CITY COUNCIL AGENDA

Date:1-12-2012

Subject: Agenda Item No. C.8  
**(Z-11-037) Second Reading And Approval Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 26.313 Acres For Property Located At The Northeast Corner Of Avenue Of The Stars And E. New Hope Drive. The Planning And Zoning Commission Voted 6-0 To Approve This Request.**

### Commentary:

The purpose of this agenda item is to consider a City initiated request to assign original zoning of General Retail (GR) to approximately 26.313 acres for property located the northeast corner of Avenue of the Stars and New Hope Drive.

### Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 6-0 to approve the request.

In favor: Nicholas Kauffman, Thomas Balestiere, Stephen Thomas, I, Jon Lux, Alain O'Tool and Holly Hogue

Opposed: None

Absent: Lorena Echeverria

### Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on November 15, 2011. No public testimony was received.

### City Council Public Hearing:

The City Council held a public hearing on December 22, 2011. No public testimony was received.

### Background:

Owner: Outland Ltd. and City of Cedar Park

Please see attached Planning & Zoning Commission Report for details.

### Public Information Plan:

*November 3, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

*November 4, 2011:* 5 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract  
*November 15, 2011:* Planning and Zoning Commission public hearing  
*December 8, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen  
*December 22, 2011:* City Council first reading and public hearing of ordinance  
*January 12, 2012:* City Council second reading of ordinance

**City Manager's Remarks**

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Legal Certifications**

**Associated Information:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO ASSIGN ORIGINAL ZONING OF GENERAL RETAIL (GR) TO APPROXIMATELY 26.3 ACRES FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF AVENUE OF THE STARS AND NEW HOPE DRIVE, IN WILLIAMSON COUNTY, TEXAS. (Z-11-037); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the zoning district map of the City of Cedar Park adopted in Ordinance No. 75-2 be and the same is hereby amended to assign original of General Retail (GR) to approximately 26.313 acres, as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B".

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 22<sup>nd</sup> day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of January, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

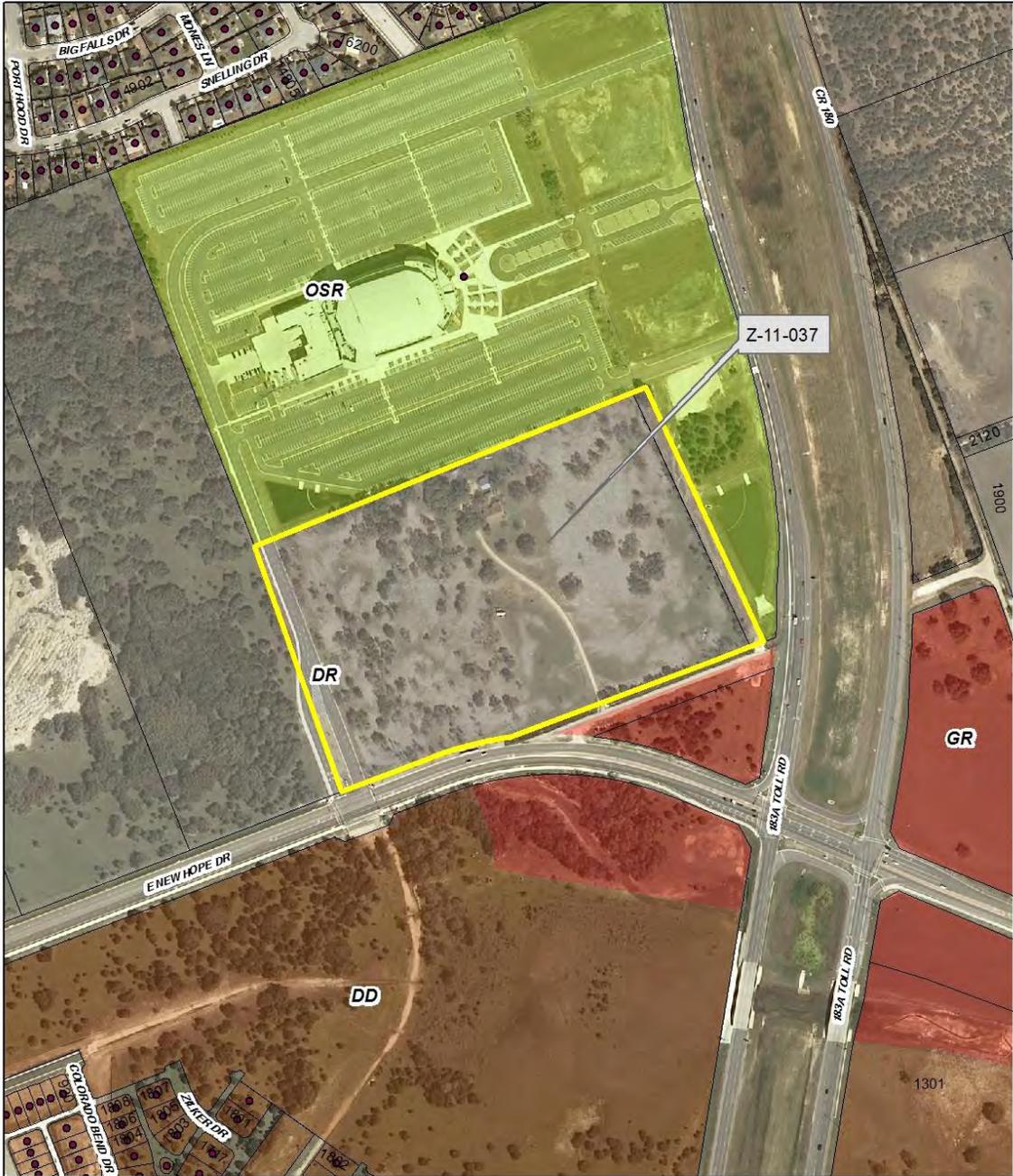
\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney

26.313 acres out of the AW0168 Dover, J.J. Survey (R031859, R031861, R509161) in Williamson County, Texas.

**EXHIBIT A**



**Z-11-037**



**EXHIBIT B**



November 15, 2011 Zoning	<i>Planning and Zoning Commission</i> <b>City Initiated – Outland Ltd. @ New Hope</b>	<b>Item:</b> 8G & 9G
<b>Case Number: # Z-11-037</b>		

**Owner:** Outland Ltd. and City of Cedar Park

**STAFF:** Emily Barron, 401-5054, [emily.barron@cedarparktx.us](mailto:emily.barron@cedarparktx.us)

**LOCATION:** Northeast corner of E. New Hope Drive and Avenue of the Stars

**COUNTY:** Williamson

**AREA:** 26.313 acres

**EXISTING ZONING:** Development Reserve (DR)

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

**STAFF RECOMMENDATION:** General Retail (GR)

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

**PROPOSED FUTURE LAND USE DESIGNATION:** Regional Office/Retail/Commercial

**SUMMARY OF REQUEST:**

This zoning is being initiated by the City in order to provide assignment of original zoning to a currently designated Development Reserve (DR) tract. This item, along with many others, are being brought forward as a request by the City Council to reflect actual land uses on properties, promote economic development of areas, and to indicate the highest and best use of property as designated on the Future Land Use Plan.

This property currently has a residence on the site. The site is surrounded by the Event Center to the north, New Hope Drive to the south, Avenue of the Stars to the west and the detention facility for the Event Center and 183A to the east.



**PURPOSE OF REQUESTED ZONING DISTRICT:**

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating

these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

**PERMITTED USES IN LR and GR (the highlighted uses are only permitted in GR):**

Accessory structures	Convenience store	Landscape nursery and supply store, retail	Retail gift store
Administrative offices	Day care center, adult	Laundromat	Retail stores
Art gallery	Day care center, child	Liquor store	Software development
Art galleries with retail sales	Day care center, incidental	Medical offices	Software sales, computer hardware sales
Automated Teller Machines	Dry cleaning and/or laundry, on-site	Motel	Special events
Automobile parts and accessories sales	Equipment rental, sales, service and/or repair	Movie and music rentals, sales	Studios/art studio, dance, music, drama, gymnastics, photography, interior design
Automobile sales, new	Food sales, limited	Nonprofit seasonal fundraisers	Temporary buildings
Automobile sales, used	Food sales, general (grocery store)	Office/showroom	Theaters, indoor
Automobile repair shop	Funeral home	Office/warehouse	Theaters, outdoor
Automotive tire stores	Furniture store	Personal Improvement Services	Transit station
Bakery, retail	Gasoline service stations, limited and general	Personal services	Utility services, general
Banks (with or without drive-through facilities)	Golf, amusement	Personal improvement services	Veterinary Services
Bar, Cocktail lounge	Hardware stores	Pet grooming	Vocational or trade school
Bed and Breakfast	Home improvement center	Places of worship	Private schools
Car washes	Hotel (incl extended stay)	Professional offices	
Civic clubs and fraternal organizations	Indoor sports and recreation	Public buildings, uses	
Community center	Instant print copy services	Reception hall	
Commercial parking lots		Restaurant, general	
Consumer repair shop (including bicycles)		Rental libraries for sound and video recordings	
		Research and development activities (as it pertains to software only)	

**COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:**

The Future Land Use Plan identifies the subject area as suitable for Regional Office/Retail/Commercial. Compatible zoning districts include General Office (GO), General Retail (GR) and Mixed Use (MU).

This request is consistent with the following goals outlined in 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.
- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.

- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.
- Remain focused on long-term goals of building an economically, socially, and ecologically sustainable city within a regional context.

**SITE INFORMATION:**

***Corridor Overlay:***

This site abuts 183A and New Hope Drive and is subject to the corridor overlay requirements.

***Transportation:***

183A is classified as a toll road. New Hope Drive is classified as a major arterial. Avenue of the Stars is a commercial collector that serves the Event Center.

***Water and Wastewater Utilities:***

Water and wastewater lines are sized adequately for the existing and requested zoning on the site.

***Subdivision:***

The properties along New Hope Drive have been subdivided. Future subdivisions of property may be required for development.

***Setback Requirements:***

	<b>General Retail (GR)</b>
<b>Front Setback</b>	25'
<b>Side Setback</b>	12'
<b>Rear Setback adjacent to single family</b>	20'

***Architectural Requirements:***

This site is subject to the Corridor Overlay which requires 75% masonry construction.

**STAFF RECOMMENDATION:**

Staff recommends that this site be assigned original zoning of General Retail (GR). The designation of GR is consistent with adjacent GR zoned tracts, is compatible with other surrounding land uses, and is supported by the purpose statement of the district.

**PUBLIC INPUT:** Staff did not hear from the property owner or any surrounding property owners at the time of publication of this report.

**PUBLIC NOTIFICATION:** Cedar Park Citizen, November 3, 2011  
4 letter notices were sent to property owners within the 300' buffer

**PROPOSED CITY COUNCIL HEARINGS:** (December 22, 2011) 1<sup>ST</sup> Reading  
(January 12, 2011) 2<sup>ND</sup> Reading



## CITY COUNCIL AGENDA

Date:1-12-2012

Subject: Agenda Item No. C.9

### **Second Reading And Approval Of Revisions To Chapter 12 Subdivision Ordinance And To Chapter 14 Site Development Regulations To Address New Public Or Private At-Grade Rail Crossings.**

#### **Commentary:**

In 2009 Cedar Park, with oversight and approval of Capital Metro, established a Train Horn Quiet Zone for all public at-grade rail crossings within the City limits and ETJ. Safety measures have been put in place at these rail crossings which have eliminated the requirement for trains to sound their horn.

The purpose of these ordinance amendments is to maintain the City's Quiet Zone without interruption. This new ordinance language requires developers proposing a rail crossing to obtain and provide and provide the City with written approval from Capital Metro stating that the new public or private at-grade rail crossing provides the necessary Supplemental Safety Measures required by the Federal Railroad Administration to establish a Quiet Zone. Written approval from Capital Metro shall be provided to City prior to City's acceptance of subdivisions improvements or issuance of a building permit.

The following provision is proposed to be added to Article 12.12 of the Subdivision Ordinance in the Design Standards section under Streets:

#### **Section 12.12.003 Streets**

##### **(15) At-Grade Rail Crossings.**

**Prior to the City's acceptance of the subdivision improvements or prior to the issuance of a building permit, the developer of a proposed subdivision that includes a public at-grade rail crossing shall provide the City with written approval from Capital Metro stating that the rail crossing improvements have been installed with adequate Supplemental Safety Measures as required by the Federal Railroad Administration to establish a Quiet Zone.**

The following provision is proposed to be added to Article 14.05 of the Site Development Regulations in the Access & Off-Street Parking section under General Principles:

**Section 14.05.004 Access Standards**

**(a) General Principles**

- (10) Prior to the issuance of a building permit, any developer who proposes a street, driveway or pedestrian pathway that includes an at-grade rail crossing shall provide the City with written approval from Capital Metro stating that the at-grade rail crossing improvements were designed and installed with adequate Supplemental Safety Measures as required by the Federal Railroad Administration to establish a Quiet Zone.**

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Associated Information:**

First Reading and Public Hearing: December 22, 2011

There were no public comments, however; Councilmember Dale asked how much time it would take Capital Metro to provide such approval.

Staff replied that obtaining this written approval from Capital Metro could take as short as one day. This assumes that the improvements have been constructed by the developer in accordance with Cap Metro approved plans and comply with the Quiet Zone requirements.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, ADDING LANGUAGE TO SECTIONS 12.12.003 AND 14.05.004 OF THE CODE OF ORDINANCES TO ADDRESS NEW PUBLIC OR PRIVATE AT-GRADE RAIL CROSSINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Section 12.12.003 Streets of the Subdivision Chapter of the Code of Ordinances of the City of Cedar Park, Texas is hereby amended adding 12.12.003(15) as follows:

**(15) At-Grade Rail Crossings.**

**Prior to the City's acceptance of the subdivision improvements or prior to the issuance of a building permit, the developer of a proposed subdivision that includes a public at-grade rail crossing shall provide the City with written approval from Capital Metro stating that the rail crossing improvements have been designed and installed with adequate Supplemental Safety Measures as required by the Federal Railroad Administration to establish a Quite Zone.**

SECTION 2. That Section 14.05.004 Access Standards under (a) General Principles within the Site Development Chapter of the Code of Ordinances of the City of Cedar Park, Texas is hereby amended adding 14.05.004(a)(10) as follows:

**(10) Prior to the issuance of a building permit, any developer who proposes a street, driveway or pedestrian pathway that includes an at-grade rail crossing shall provide the City with written approval from Capital Metro stating that the at-grade rail crossing improvements were designed and installed with adequate Supplemental Safety Measures as required by the Federal Railroad Administration to establish a Quite Zone.**

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of these ordinances are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that the public notice of the time, place and purpose of said meetings were given as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 22<sup>nd</sup> day of December, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 12th day of January, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. D.1  
**Approval To Authorize And Direct The City Manager to Implement A Moratorium On The Requirement For A Dry Chemical Canopy Fire Suppression System For Gasoline Stations Until Corrective Modifications Are Made By Manufacturers' Of These Systems Or The City Adopts A New Fire Code.**

**Commentary:**

Existing systems can have unintentional discharges with the potential for personal injury or property damage. See the attached memo.

# Memorandum

TO: City Council  
Brenda Eivens  
Chief Chris Connealy

FROM: Charles Rowland, City Attorney

DATE: December 20, 2011

RE: Dry Chemical Moratorium

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One of the major tasks of our Fire Department is to prevent or limit the risks of fire. In this regard, the City has always taken a very proactive approach for which the citizens and the City Council have taken great pride.

We all have seen pictures of individuals horribly scarred and disfigured as a result of severe burning. I cannot imagine the absolute terror a person would feel when caught in a gasoline fire at a gas station fuel pump. Any preventative measures the City Council could have taken but did not would, most assuredly, be condemned in the Court of public opinion after such a disaster.

Initially, it appeared that one of the better methods to deal with gasoline fires is a dry chemical disbursement system for gasoline stations from an overhead canopy. Dry chemical disbursement systems are successfully used in the petrochemical industry and to a much lesser extent in gasoline stations in some states. The City's choice to require a dry chemical disbursement system for gasoline stations appeared to be logical and well founded.

However, as time progressed it has become known that sometimes the system, without cause, disbursts the dry chemicals. It seems that the simple and effective dry chemical disbursement system for the petrochemical industry does not readily translate into a simple and effective system for gas stations. Therefore, I would like to suggest that the City impose a moratorium on the requirement for a canopy dry chemical disbursement system for gasoline stations until the manufacturer of such systems correct existing problems or upon adoption of the new International Fire Code, whichever occurs first. This temporary moratorium can be accomplished by a Council motion to that effect.



## CITY COUNCIL AGENDA

Date:1-12-2012

Subject: Agenda Item No. D.2

**A Resolution Authorizing And Directing The Fire Chief To Execute The Williamson County Emergency Service Organizations Agreement For Providing Emergency Medical Services ("EMS") First Responder Services Within The City Limits Of Cedar Park And Participation In One Or More Special Operations Functions For FY 2011-12.**

### **Commentary:**

The Fire Department recommends approving the attached Williamson County Emergency Service Organizations agreement for EMS first responder services to be rendered in FY 2011-12 within the city limits of the City of Cedar Park and also through the Department's longstanding participation with special operation functions such as the hazardous materials team, swift water team, technical rescue team, county resource coordination on large scale events in the area, and the incident management team in the County.

This agreement is not related to fire suppression services or EMS first responder services in the City's ETJ or elsewhere in the County. These services will be provided in the current fiscal year and the County offers some reimbursement and is outlined in the attached agreement to the Cedar Park Fire Department for providing these services in Section III of the document. This reimbursement is based solely on the population and square miles within the city limits of the City of Cedar Park and provides an approximate payment to the City of \$38,879.00.

### **Fiscal Impact**

Account No.:

### **Budget**

Budget/Expended:

### **Associated Information:**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE FIRE CHIEF TO EXECUTE THE WILLIAMSON COUNTY EMERGENCY SERVICE ORGANIZATIONS AGREEMENT FOR PROVIDING EMS FIRST RESPONDER SERVICES WITHIN THE CITY LIMITS OF CEDAR PARK AND PARTICIPATION IN ONE OR MORE SPECIAL OPERATIONS FUNCTIONS FOR FY 2011-12; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

- SECTION 1. The Fire Chief is authorized and directed to execute the Williamson County Emergency Service Organizations agreement for EMS First Responder Services provided within the city limits of Cedar Park and participation on one or more special operation functions described in the document in FY 2011-12 and receive payment of services from the County for approximately \$38,879.00.
- SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 12<sup>th</sup> day of January, 2012.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney

# AGREEMENT BETWEEN WILLIAMSON COUNTY TEXAS AND WILLIAMSON COUNTY EMERGENCY SERVICE ORGANIZATIONS

THIS EMERGENCY SERVICE ORGANIZATION AGREEMENT ("Agreement") is made and entered into by and between WILLIAMSON COUNTY, TEXAS ("Williamson County") and the following named Williamson County Emergency Service Organizations, acting through their governing bodies: WILLIAMSON COUNTY EMERGENCY SERVICES DISTRICTS NOS. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 each being a separate emergency service district created and described under Chapter 775 of the Texas Health and Safety Code; the CITY OF CEDAR PARK, TEXAS; the CITY OF GEORGETOWN, TEXAS; the CITY OF LEANDER, TEXAS; the CITY OF ROUND ROCK, TEXAS; the CITY OF TAYLOR, TEXAS; the BARTLETT VOLUNTEER FIRE DEPARTMENT; the COUPLAND VOLUNTEER FIRE DEPARTMENT; the FLORENCE VOLUNTEER FIRE DEPARTMENT; the GRANGER VOLUNTEER FIRE DEPARTMENT; the; JARRELL VOLUNTEER FIRE DEPARTMENT; the JOLLYVILLE VOLUNTEER FIRE DEPARTMENT; the SAM BASS VOLUNTEER FIRE DEPARTMENT; the TAYLOR VOLUNTEER FIRE DEPARTMENT; the THRALL VOLUNTEER FIRE DEPARTMENT; and the WEIR VOLUNTEER FIRE DEPARTMENT (being collectively referred to herein as the "Emergency Service Organization(s)" or "ESO").

## I.

### Obligations of Emergency Service Organizations

To ensure that all of the parties hereto are treated equally while providing the emergency services that are needed by individuals in the county, Williamson County and the Emergency Service Organizations agree to establish minimum services that must be provided by each agency.

#### **A. Services provided by Emergency Service Organizations**

Each of the Emergency Service Organizations shall provide and/or participate in the following:

1. Medical First Response
2. Participation in one or more of the following:
  - Hazardous Material Team
  - Swift Water Team
  - Technical Rescue Team
  - County Resource Coordination
  - Incident Management Team

#### **B. Emergency Service Organizations Performance Standards**

To measure the quality of service provided and ensure that those receiving funds are meeting national requirements set for emergency service organizations, the following standards must be met and maintained in order to be eligible for funding from Williamson County.

Each of the Emergency Service Organizations must:

1. Meet National Incident Management System ("NIMS") requirements by having department personnel complete the necessary training courses as established by the Federal Emergency Management Agency. Annually, each of the Emergency Service Organizations shall provide a letter confirming all organization personnel are current with necessary NIMS requirements. In the event an ESO is unable to provide a letter due to having personnel that is not current with necessary NIMS requirements, such ESO must provide a letter explaining why the personnel is not current and provide a reasonable date in which the personnel will become compliant.
2. Through active participation in the Williamson County Fire Chiefs Association and its committees, assist in developing guidelines for safety procedures that each ESO could apply in order to be able to adhere to National Standards during emergency events.
3. Each ESO must respond or have, in writing, an agreement with other agencies to respond when the primary agency is not available. Each ESO's response shall be made in accordance with the approved dispatch policy, which requires a minimum of 80% call response of the calls for service initiated in the agency's response district.

**C. Emergency Medical Service Involvement**

Each ESO hereby agrees and acknowledges that Williamson County E.M.S. shall be the 911 Emergency Medical Services provider within each of the Emergency Service Organizations' jurisdictions.

Emergency Service Organizations shall operate a first responder program under the Williamson County Medical Director; participate in jointly developed quality assurance and quality improvement programs, credentialing programs and training programs. These programs will be provided and developed in conjunction with the Williamson County Medical Director, Williamson County EMS and members of the Williamson County Fire Chiefs Association.

As part of this Agreement, emergency medical services supplies shall be exchanged between Williamson County and the Emergency Service Organizations on a one for one basis used on a medical call.

**II.**

**Prevention and Investigation**

Williamson County will support and assist fire departments of the Emergency Services Organizations with establishing a working relationship with the Williamson County Sheriff's Office and the Williamson County Constable Offices in relation to arson investigations. To the extent that such agencies are able to provide arson investigators and resources related to arson

investigations, such agencies will endeavor to assist Fire Investigators from the fire departments of the Emergency Services Organizations with fire investigations.

### III.

#### Reimbursement Formula and Consideration

In consideration of the agreements made herein and the services performed by the Emergency Service Organizations, Wilco agrees to reimburse each ESO an amount of money based on the following reimbursement formula (the "Formula"):

1. Two Hundred Dollars (\$200) for each square mile of an ESO district; plus
2. Seventy Cents (\$.70) for each person that resides in the district covered by the ESO.

The amount of reimbursement shall be adjusted annually in order to take into account population changes within each ESO's district. The amount of the funding shall be set on or before August 1<sup>st</sup> of each year prior to the year of disbursement with the amount being divided into two separate installments, with the first installment being paid in the spring (prior to April 1<sup>st</sup>) and the second installment being paid in the fall (prior to September 30<sup>th</sup>) of each year during the term of this Agreement.

The population in an ESO's district shall be determined by using a three (3) people per one (1) living unit ratio; provided, however, in no event shall any ESO's district population exceed the officially adopted total population set forth by the Texas State Data Center.

Each year during the term of this Agreement, Williamson County shall also provide Twenty Thousand Dollars (\$20,000) to the Williamson County Fire Chiefs Association. Such funds shall be solely expended on support training programs and coordination efforts of the Williamson County Fire Chiefs Association in relation to the provision of emergency services in Williamson County, Texas. These funds are payable at the beginning of each fiscal budget year of Williamson County.

The parties to this Agreement hereby agree that the initial term of this Agreement shall be executed to have begun as of October 1<sup>st</sup>, 2010, with the end of the initial term being September 30, 2011. Any reimbursement and/or consideration due as of the time this Agreement is fully executed by all parties hereto shall be paid by Williamson County to each ESO within thirty (30) day from the date of the last party's execution hereof provided that such ESO has been in compliance with the terms and conditions of this Agreement since October 1, 2010.

### IV.

#### Failure to Meet Conditions; Suspension of Funding and Termination

If any of the Emergency Service Organizations commits an Event of Breach (a breach of any of the covenants, terms and/or conditions of this Agreement), Williamson County shall deliver written notice of such breach to the breaching Emergency Service Organization. Such notice must specify the nature of the breach and inform the breaching Emergency Service Organization

that unless the breach is cured within thirty (30) days of receipt of the notice, additional steps may be taken to terminate the breaching Emergency Service Organization. If the breaching Emergency Service Organization begins a good faith attempt to cure the breach within thirty (30) days, then and in that instance the thirty (30) day period may be extended by Williamson County, so long as the breaching Emergency Service Organization continues to prosecute a cure diligently to completion and continues to make a good faith attempt to cure the breach. Williamson County may suspend all funding that may be due to the breaching Emergency Service Organization until which time that the breaching Emergency Service Organization cures the Event of Breach.

If, in the opinion of Williamson County, the breaching Emergency Service Organization does not cure the breach within thirty (30) days or otherwise fails to make any diligent attempt to correct the breach, such Emergency Service Organization shall be deemed to be in breach and Williamson County may deliver written notice to the breaching Emergency Service Organization and Governing Body which specifies the following:

1. Nature and description of the breach;
2. Date on which the original thirty (30) day notice of the breach was tendered to the breaching Emergency Service Organization;
3. Description of the failure of the breaching Emergency Service Organization to cure timely; and
4. The effective date of the termination of the Emergency Service Organization.

Following the effective date of termination of an Emergency Service Organization, such terminated Emergency Service Organization shall no longer receive any funding or any other rights, privileges or benefits under this Agreement. Furthermore, a terminated Emergency Service Organization shall, within thirty (30) day of the effective date of termination, be obligated to reimburse Williamson County for all amounts of funding that Williamson County provided to the terminated Emergency Service Organization during the fiscal year in which the termination occurs.

In the event that a governing body of any of the Emergency Service Organizations fails to ratify and execute this Agreement or any subsequent amendments, Williamson County may suspend any funding to such Emergency Service Organizations until such time as approval and/or ratification is obtained.

In the event that an ESO, other than an ESO that is a municipal fire department or emergency service district, is terminated as set forth above, the Williamson County Commissioners Court, upon a review and receipt of an advisory recommendation by the Williamson County Fire Chiefs Association, may request another ESO to cover and respond to all or parts of the response district of the terminated ESO. The agency accepting such terminated ESO's response district or portions thereof would be entitled to an appropriate share of funds from Williamson County based on the reimbursement Formula set forth in this Agreement. Such share of funds shall start on the next scheduled payment.

**V.**  
**Right to Withdraw**

Any party to this Agreement has the right to withdraw from this Agreement by providing express written notice of its decision to withdraw to Williamson County and to all other Emergency Service Organizations at least ninety (90) days prior to its projected withdrawal date. Following the effective date of a party's withdrawal, such withdrawing party shall no longer receive any future funding or any other rights, privileges or benefits under this Agreement. If an ESO should withdraw prior to receipt of an upcoming installment payment, such ESO shall only be allowed to receive a pro rata portion of the next installment payment based on the period of time that such ESO actually provided services.

**VI.**  
**Term of Agreement; And Effective Date**

As set forth herein, the initial term of this Agreement shall be deemed to be effective as of October 1, 2010 and shall continue until September 30, 2011. Each term of this Agreement shall be for one (1) year and shall automatically renew each year thereafter for one (1) year terms unless notification of an ESO's intent to not renew is sent to all other parties at least ninety (90) days prior to the last day of the then current term.

Each ESO acknowledges that Williamson County shall also have the right not to renew this Agreement provided that Williamson County sends notice of its intent not to renew to all Emergency Service Organizations at least ninety (90) days prior to the last day of the then current term.

The parties are subject to the rights of termination and suspension as contained herein.

**VII.**  
**Related Agreements**

The parties to this Agreement acknowledge that there may be existing mutual aid agreements and/or other related agreement between the parties relating to the provision of emergency services. The parties to this Agreement do not intend for the terms or conditions of this agreement to supplant, terminate or otherwise affect the terms and conditions of any other agreements between any of the parties hereto.

**VIII.**  
**Relationship of the Parties**

The parties to this Agreement shall act in individual capacities and not as agents, employees, partners, joint ventures or associates of one another. The employees or agents of one party shall not be deemed or construed to be the employees or agents of any other party for any purposes whatsoever.

The parties to this Agreement shall act in accordance with the policies, ordinances, and procedures established by the parties' own governing body. All claims for Workers' Compensation benefits arising out of this Agreement shall be the sole responsibility of the party who is the general employer of the employee or volunteer filing such claim. At no time shall the employees or volunteers of another party be considered to be borrowed servants or on loan to any other party to this Agreement. Each party hereto shall hold all other parties harmless from all liability for injuries or damages to persons or property that might occur as a result of the act or omission of an act of the employees or volunteers of such party. Furthermore, any civil liability that results from the acts of a party hereto or from the acts of any of its employees, volunteers, agents, officers or representatives shall remain the sole responsibility of the party that causes such civil liability.

## IX.

### Miscellaneous Provisions

- A. **Funds Owed County.** If an Emergency Service Organization becomes obligated to pay or reimburse funds to Williamson County under this Agreement or under any other agreement with Williamson County, the governing body of such Emergency Service Organization hereby agrees and does assign to Williamson County any property tax payments, which come into the possession of Williamson County and that would otherwise be due such Emergency Service Organization and/or its governing body, so that all amounts of funding that is owed to Williamson County is paid to Williamson County.
- B. **Breach of Other Agreements.** If an Emergency Service Organization and/or its governing body is in breach of any other agreement to which Williamson County is a party, Williamson County may suspend all funding under this Agreement to such Emergency Service Organization until such time that the breach is cured.
- C. **Severability.** If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, but rather this entire Agreement will be construed as if not containing the particular invalid or unenforceable provision or provisions, and the rights and obligations of all parties shall be construed and enforced in accordance therewith. All parties acknowledge that if any provision of this Agreement is determined to be invalid or unenforceable, it is the desire and intention of each that such provision be reformed and construed in such a manner that it will, to the maximum extent practicable, give effect to the intent of this Agreement and be deemed to be valid and enforceable.
- D. **Construction.** Each party hereto acknowledges that it and its counsel have reviewed this Agreement, and that there will be no presumption that any ambiguities will be resolved against the drafting party in the interpretation of this Agreement.
- E. **No Waiver of Immunities.** Nothing in this Agreement shall be deemed to waive, modify or amend any legal defense available at law or in equity to any party hereto, or their past or present officers, employees, or agents, nor to create any legal rights or claim on behalf of any third party. Each party hereto does not waive, modify, or alter to any extent whatsoever the

availability of the defense of governmental immunity under the laws of the State of Texas and of the United States.

- F. **Assignment.** The rights and duties of the party parties hereto may not be assigned or delegated without the prior written consent of all parties. This Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of the parties hereto.
- G. **Compliance with Applicable Laws.** All parties agree to comply with all applicable federal, state and local ordinances, laws, rules, regulations, and lawful orders of any public authority.
- H. **Non-Appropriation and Fiscal Funding.** The obligations of the parties under this Agreement do not constitute a general obligation or indebtedness of any party for which such party is obligated to levy, pledge, or collect any form of taxation. It is understood and agreed that Williamson County shall have the right to terminate this Agreement at the end of any Williamson County fiscal year if the governing body of Williamson County does not appropriate sufficient funds as determined by Williamson County's budget for the fiscal year in question. Williamson County may effect such termination by giving written notice of termination at the end of its then-current fiscal year.
- I. **Execution in Multiple Counterparts.** This Agreement may be simultaneously executed in several counterparts, each of which shall be considered an original, and all of which shall be considered as one original fully executed as of the date when all parties have executed an identical counterpart, notwithstanding the fact that all signatures may not appear on the same counterpart.
- J. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties. The parties understand, agree, and declare that no promise, warranty, statement, or representation of any kind whatsoever which is not expressly stated in this Agreement has been made by any party, or its respective officers, employees, or other agents to induce execution of this Agreement.

**WILLIAMSON COUNTY EMERGENCY SERVICES DISTRICT NO. 8**

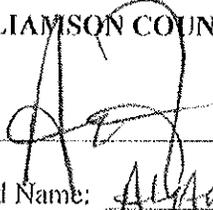
By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Representative Capacity: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

**WILLIAMSON COUNTY EMERGENCY SERVICES DISTRICT NO. 9**

By:  \_\_\_\_\_

Printed Name: ALLAN FORSTER

Representative Capacity: PRESIDENT

Date: AUGUST 19, 2011

**WILLIAMSON COUNTY EMERGENCY SERVICES DISTRICT NO. 10**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Representative Capacity: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

**CITY OF CEDAR PARK, TEXAS**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Representative Capacity: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_



## CITY COUNCIL AGENDA

Date: 1-12-2012

Subject: Agenda Item No. D.3  
**A Resolution Awarding Construction Bid For The Sidewalk Gap Closure Project To Myers Concrete Construction, LP For \$68,744.**

### **Commentary:**

The sidewalk gap closure project was authorized by City Council to be funded through the 4B Community Development Corporation in December of 2010. The project consists of closing sidewalk gaps along City arterials that are City dependent. The sidewalks and pedestrian facilities within this project will not have the opportunity to be constructed when future development occurs, nor are they a part of any upcoming funded or planned roadway projects.

The project plans were completed in November of 2011 and advertised for construction with a Bid opening date of December 19, 2011. Five (5) secure bids were received and the lowest qualified bidder was Myers Concrete Construction, LP. for \$68,744. This amount is within the remaining budget for the project. Staff and the City's consultant are recommending the bid be awarded to Myers Concrete Construction, LP. The engineer's letter of recommendation, along with the bid tabulations, is attached for your reference.

The project consists of constructing sidewalks and/or pedestrian facilities at the following six locations (a map of these six locations is included as Exhibit A):

1. RM1431: South side between the railroad tracks and the Comfort Inn.
2. RM1431: South side in front of the Cedar Park Montessori School.
3. RM1431: South side crossing at Quest Parkway
4. RM1431: North side crossing Lakeline Boulevard
5. Buttercup Creek Blvd: North side from Lakeline Boulevard east to existing sidewalk
6. El Salido Parkway: Northwest corner to extend to intersection's pedestrian facilities under construction by City of Austin in conjunction with their new traffic signal.

### **Fiscal Impact**

Account No.: 430-01-32-5585-T01

### **Budget**

Budget/Expended: \$170,000/\$39,888

### **Associated Information:**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AWARDING THE CONSTRUCTION BID FOR THE SIDEWALK GAP CLOSURE PROJECT TO MYERS CONCRETE CONSTRUCTION, LP. IN THE AMOUNT OF \$68,744.; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council has authorized the 4B Community Development Corporation to fund the construction of selected sidewalks and pedestrian facilities as shown in Exhibit A; and

WHEREAS, the City received five (5) bids during the bid opening December 19, 2011; and

WHEREAS, Meyers Concrete Construction, LP submitted the lowest bid in the amount of \$68,744; and

WHEREAS, LJA Engineering, Inc., the City's design consultant, reviewed the bids and recommended Myers Concrete Construction, LP.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS THAT:

SECTION 1. The City Manager is hereby authorized and directed to execute a construction contract with Myers Concrete Construction, LP for the Sidewalk Gap Closure project in an amount of \$68,744.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 12<sup>th</sup> day of January, 2012.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

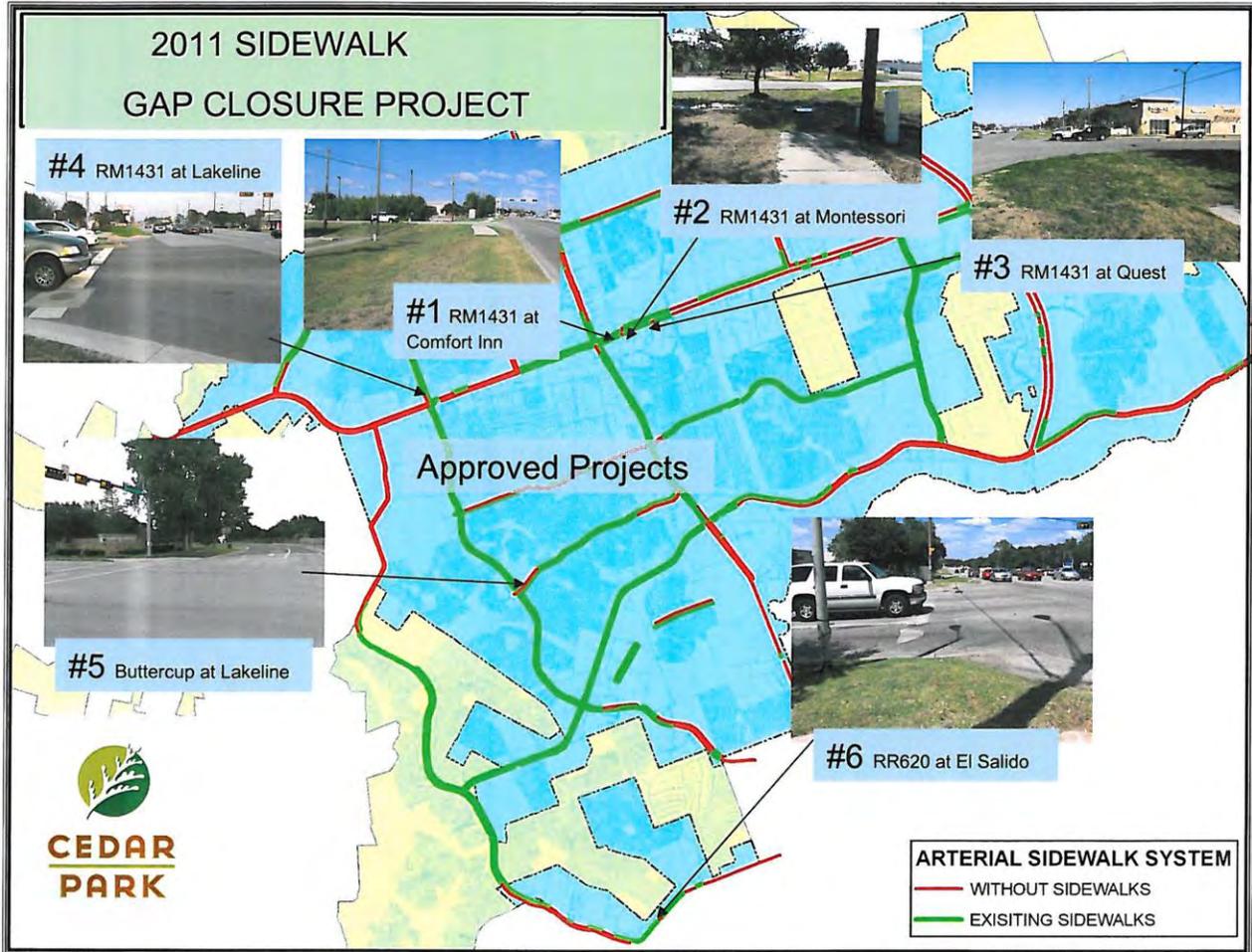
\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

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Charles W. Rowland, City Attorney

# EXHIBIT A:



**BID OPENING FORM**  
**Sidewalk Gap Closure Project**  
December 19, 2011

Contractor	Bid Bond (5% of Bid Amount)	Addenda Received	Bid Amount
Austin Contractors	X	X	\$102,810.37
Myers Concrete Construction	X	X	\$68,744.00
Greater Austin Development	X	X	\$148,357.90
Aaron Concrete Contractors	X	X	\$123,199.00
Austin Engineering Co	X	X	\$138,524.50

**LJA Engineering, Inc.**



5316 Highway 290 West  
Suite 150  
Austin, Texas 78735

Phone 512.439.4700  
Fax 512.439.4716  
www.ljaengineering.com

December 21, 2011

Mr. Tom Gdala  
Transportation Planner  
600 North Bell Boulevard  
Cedar Park, TX 78613

Re: City of Cedar Park Sidewalk Gap Project Phase 1

Dear Mr. Gdala:

We have confirmed that Myers Concrete Construction, LP was the apparent low bidder on the referenced project. All bidding paperwork appears to be completed and fully executed. LJA has not previously worked with Myers Concrete Construction LP but they have provided several references and have listed several similar projects that have been recently completed.

After reviewing their references and similar projects, LJA recommends awarding the construction to Myers Concrete Construction, LP.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ricardo Zamarripa'.

Ricardo Zamarripa  
Senior Project Manager

RZ/pw



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. D.4

**A Resolution Authorizing And Directing The City Manager To Execute Contracts Related To Internet, High Speed Data, And Cable Television Services With Time Warner Cable.**

**Commentary:**

This resolution will authorize the City Manager to execute contracts related to internet, data and cable television services that are necessary in order to serve the new City Hall campus and other city facilities. The contracts will be finalized and approved by the City Attorney prior to execution. Many of these services are already being provided by Time Warner, but these contracts will allow for the continued and improved provision of these services at the new campus.

**Assistant City Manager**

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**Fiscal Impact**

**Account No.:**

**Budget**

**Budget/Expended:**

**Finance Director Review**

**Legal Certification**

Approved as to form and content:

Yes

No **City Attorney**

**Associated Information:**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE CONTRACTS WITH TIME WARNER CABLE RELATED TO THE INTERNET, HIGH SPEED DATA AND CABLE TELEVISION SERVICES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Time Warner Cable currently provides internet, high speed data and cable television services at various city facilities; and

WHEREAS, Time Warner Cable requires new contracts in order to provide the services necessary to serve the new City Hall campus and other facilities.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the City Manager be and is hereby authorized and directed, subject to all contract documents being properly completed and approved as to form and content by the City Attorney, to execute contracts with Time Warner Cable related to internet, high speed data and cable television services.

SECTION 2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 12<sup>th</sup> day of January, 2012.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. E.1  
**First Reading And Public Hearing Of An Ordinance Amending Chapter 11 Zoning Ordinance, Section 11.12, Chapter 12 Subdivision Ordinance, Section 12.23.001 And Chapter 12 Sign Ordinance Section 13.01.004 Regarding The Definitions Or References To Building Official. (OA-11-008)**

**Commentary:**

Staff is proposing changes to the zoning ordinance to provide consistency in the designation for the Planning Director. The proposed changes are minor in nature and provide for more consistency throughout the Zoning and Subdivision Chapters.

**Planning & Zoning Commission Public Hearing:**

The Planning and Zoning Commission held a public hearing on December 20, 2011. No public testimony was received.

**Planning and Zoning Commission Recommendation:**

The Planning and Zoning Commission voted 6-0 to recommend approval of the proposed amendments.

In Favor: Lorena Echeverria de Misi, Nicholas Kauffman, Stephen Thomas, and Thomas Balestiere, Holly Hogue and Alain O'Tool

Opposed: None

Absent: Jon Lux

**Public Information Plan:**

*November 3, 2011:* Notice appears in the Cedar Park Citizen

*November 15, 2011:* Planning and Zoning Commission Meeting and Public Hearing

*December 20, 2011:* Planning and Zoning Commission Meeting and Public Hearing

*December 22, 2011:* Notice appears in the Cedar Park Citizen

*January 12, 2012:* Public Hearing and 1<sup>st</sup> Reading at City Council

**Director**

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City Manager's Remarks

**City Manager**

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Legal Certification

Approved as to form and content:

Yes

No **City Attorney**

**Associated Information:** Ordinance

ORDINANCE NO \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING A PORTION OF CHAPTER 11, ZONING, SECTION 11.12.002 TERMS FOR BUILDING OFFICIAL; SECTION 12.23.001 DEFINITIONS, CHAPTER 12, SUBDIVISIONS SECTION 12.23.001 DEFINITIONS PURPOSE FOR BUILDING OFFICIAL AND CHAPTER 13, SIGNS, SECTION 13.01.004 COMPLIANCE REQUIRED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

SECTION 1. That Chapter 11 Zoning Ordinance, Chapter 12 Subdivision Ordinance and Chapter 13 Sign Ordinance of the Cedar Park Code of Ordinances be amended as provided hereto in Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after the date of approval.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of January, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

\_\_\_\_\_  
Robert S. Lemon, Mayor

ATTEST:

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LeAnn M. Quinn, City Secretary

APPROVED AS TO FORM  
AND CONTENT:

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Charles W. Rowland, City Attorney

## **EXHIBIT A**

### Sec. 11.12.002 Terms

Building official – The Director of Planning or his/her designee

### Sec. 12.23.001 Definitions Purpose

Building official - The Director of Planning or his/her designee

### Sec. 13.01.004 Compliance required

(a) It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the city or its extraterritorial jurisdiction (ETJ) without first obtaining a sign permit from and paying a permit fee to the Director of Planning or his/her designee ~~building official~~ unless specifically noted otherwise in this article. A change of business requires a new sign permit.



## CITY COUNCIL AGENDA

Date:1-12-2012

Subject: Agenda Item No. E.2  
**First Reading And Public Hearing Of An Ordinance Amending Chapter 12, Subdivision Ordinance, Section 12.12.010 Lot Arrangements Regarding Flag Lot Regulations.**

### Commentary:

At the request of the City Council and per discussion at the December 8<sup>th</sup> Planning and Zoning Commission Workshop and December 20<sup>th</sup> Planning and Zoning Commission regular meeting, the following amendment is proposed to Chapter 12, Subdivision Ordinance, Section 12.12.010, Lot Arrangements regarding flag lots. This amendment makes available the general variance procedure outlined in Section 12.12.019 of the Subdivision Ordinance where the stated flag lot requirements are not met, but it further preserves the fundamental policy objectives of (a) providing for public and emergency access, and (b) preserving future development opportunities.

Sec. 12.12.010 Lot Arrangements

(A)(7) Flag lots are ~~expressly prohibited, unless~~ only allowed where:

~~(i)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  
~~(ii)The property has acute topographical conditions and constraints; or~~

~~(iii)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

~~(iv)C.~~ The unusual adjacent property boundary configuration constrains the arrangement of an otherwise standard lot configuration. ~~Where any of the above items are present, the Planning and Zoning Commission may grant a variance to allow such configuration, provided the following conditions are met:~~

D. Where any of the above items are present, the Planning and Zoning Commission may allow the proposed lot configuration, provided the following conditions are met:

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

(ii) The ~~variance 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 the foregoing requirements are not met, but the proposed lot configuration does not circumvent the normal platting of streets for public and emergency access and the proposed lot does not prevent the extensions of streets to adjacent property, the Planning and Zoning Commission may authorize a variance from these regulations pursuant to Sec. 12.12.019 of this chapter.

For reference, Section 12.12.019 of the Subdivision Ordinance is provided below.

#### **Sec. 12.12.019 Variances for design standards**

(a) The planning and zoning commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the planning and zoning commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the planning and zoning commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, and expected type and volume of traffic.

(b) No variance shall be granted unless the planning and zoning commission finds that all of the following are met:

(1) That there are special circumstances or conditions affecting the land involved such that the strict application at the provisions of this chapter would deprive the applicant of the reasonable use of his land; and

(2) That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants; and

(3) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area (an area encompassing approximately a 200-foot radius); and

(4) That the granting of the variance will not have the effect of preventing the orderly development of the applicant’s land and/or land in the vicinity in accordance with the provisions of this chapter.

(5) Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

(c) Such findings of the planning and zoning commission, together with the specific facts upon which findings are based, shall be incorporated into the official minutes of the planning and zoning commission meeting at which

such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done.

(d) All requested variances from this chapter shall be made in writing at least thirty (30) working days prior to the date on which consideration is to be given by the planning and zoning commission. Submittal shall be made to the planning department.

(e) Planning and zoning commission shall hold at least one public hearing on each application:

(1) Written notice of all public hearings on proposed variances shall be sent to all owners of property, or to the person rendering the same for city taxes, located within the area of application and within two hundred feet (200') of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail.

(2) Notice of all public hearings on proposed variances shall also appear in the local newspaper of general circulation within not less than ten (10) days before such hearing is held.

(f) Positive action by the planning and zoning commission or city council shall be recorded in the county clerk's office.

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on December 20, 2011. No public testimony was received.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission voted 6-0 to recommend approval of the proposed amendment.

In Favor: Lorena Echeverria de Misi, Nicholas Kauffman, Stephen Thomas, and Thomas Balestiere, Holly Hogue and Alain O'Tool

Opposed: None

Absent: Jon Lux

Public Information Plan:

*December 8, 2011:* Notice of the Planning and Zoning Commission public hearing appears in the Cedar Park Citizen

*December 20, 2011:* Planning and Zoning Commission Meeting and Public Hearing

*December 22, 2011:* Notice of the City Council public hearing appears in the Cedar Park Citizen

*January 12, 2012:* Public Hearing and 1<sup>st</sup> Reading at City Council

**Director**

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City Manager's Remarks

**City Manager**

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Legal Certification

Approved as to form and content:

Yes

No **City Attorney**

**Associated Information:** Ordinance

ORDINANCE NO \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING CHAPTER 12, SUBDIVISION ORDINANCE, SECTION 12.12.010 LOT ARRANGEMENTS REGARDING FLAG LOT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

SECTION 1. That Chapter 12 Subdivision Ordinance of the Cedar Park Code of Ordinances be amended as provided hereto in Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 5. This Ordinance shall be and remain in full force and effect from and after the date of approval.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of January, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

\_\_\_\_\_  
Robert S. Lemon, Mayor

ATTEST:

---

LeAnn M. Quinn, City Secretary

APPROVED AS TO FORM  
AND CONTENT:

---

Charles W. Rowland, City Attorney

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Associated Information:**

## EXHIBIT A

### Sec. 12.12.010 Lot Arrangements

(A)(7) Flag lots are ~~expressly prohibited, unless~~ only allowed where:

~~(i)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  
~~(ii)The property has acute topographical conditions and constraints; or~~

~~(iii)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

~~(iv)C.~~ The unusual adjacent property boundary configuration constrains the arrangement of an otherwise standard lot configuration. ~~Where any of the above items are present, the Planning and Zoning Commission may grant a variance to allow such configuration, provided the following conditions are met:~~

D. ~~Where any of the above items are present, the Planning and Zoning Commission may allow the proposed lot configuration, provided the following conditions are met:~~

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

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

~~(vi)~~ 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 the foregoing requirements are not met, but the proposed lot configuration does not circumvent the normal platting of streets for public and emergency access and the proposed lot does not prevent the extensions of streets to adjacent property, the Planning and Zoning Commission may authorize a variance from these regulations pursuant to Sec. 12.12.019 of this chapter.~~



## CITY COUNCIL AGENDA

Date:1-12-2012

Subject: Agenda Item No. E.3  
**(Z-11-039) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 42.861 Acres From Downtown District (DD) To Planned Development-Mixed Use (PD-M) For Property Located Near The Southwest Corner Of 183A Toll Road And East New Hope Drive. The Planning And Zoning Commission Voted 4-2 To Deny The Request.**

### Commentary:

The purpose of this agenda item is to consider a request by Continental Homes of Texas, LP to rezone approximately 42.86 acres from Downtown District (DD) to Planned Development-Mixed Use (PD-M) for property located near the southwest corner of 183A Toll Road and East New Hope Drive.

### Planning and Zoning Commission Recommendation to City Council:

The Planning and Zoning Commission voted 4-2 to recommended denial of the applicant's request at its December 20, 2011 meeting. Therefore, an affirmative vote of at least three-fourths (6 out of 7) of all Council members is required to overrule the Planning and Zoning Commission recommendation of denial.

In favor of motion: Thomas Balestiere, Stephen Thomas, Holly Hogue, and Alain O'Tool

Opposed motion: Nicholas Kauffman, Lorena Echeverria

Absent: Jon Lux

### Planning and Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on December 20, 2011. Eleven (11) people registered their opposition to the request, of which eight (8) citizens spoke during the public hearing. Concerns cited included loss of the Town Center vision, increased traffic and lack of connectivity between the tract and the existing neighborhood.

### Background:

Owner: Continental Homes of Texas LP

Please see attached Planning and Zoning Commission Report for details.

### Public Information Plan:

December 8, 2011: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen  
December 9, 2011: 38 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract  
December 20, 2011: Planning and Zoning Commission public hearing  
December 22, 2011: Public notice of the City Council public hearing published in the Cedar Park Citizen  
January 12, 2012: City Council first reading and public hearing of ordinance

**Fiscal Impact**

Account No.:

**Budget**

Budget/Expended:

**Associated Information:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 42.861 ACRES FROM DOWNTOWN DISTRICT (DD) TO PLANNED DEVELOPMENT-MIXED USE (PD-M) FOR PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF 183A TOLL ROAD AND EAST NEW HOPE DRIVE, IN WILLIAMSON COUNTY, TEXAS. (Z-11-039); AUTHORIZING THE CITY SECRETARY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CEDAR PARK SO AS TO REFLECT THIS CHANGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That the zoning district map of the City of Cedar Park adopted in Ordinance No. 75-2 be and the same is hereby amended to rezone approximately 42.861 acres to Planned Development-Mixed Use (PD-M), as set forth in the legal description labeled Exhibit "A", the property location map labeled Exhibit "B", the land plan labeled Exhibit "C" and the Planned Development Regulations labeled Exhibit "D."

SECTION 2. That the City Secretary is hereby authorized and directed to officially designate the tract of land zoned herein as such on the official zoning district map of the City of Cedar Park and by proper endorsement indicated the authority for said notation.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 12<sup>th</sup> day of January, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

\_\_\_\_\_  
Robert S. Lemon, Mayor

\_\_\_\_\_  
LeAnn M. Quinn, TRMC  
City Secretary

APPROVED AS TO FORM  
AND CONTENT:

\_\_\_\_\_  
Charles W. Rowland, City Attorney



*Land Surveyors, Inc.*

8333 Cross Park Drive  
Austin, Texas 78754  
Office: 512.374.9722  
Fax: 512.873.9743

Page 1 of 3

#### METES AND BOUNDS DESCRIPTION

BEING 42.861 ACRES OF LAND, OUT OF THE SHERWOOD J. DOVER SURVEY, ABSTRACT NO. 168 IN WILLIAMSON COUNTY, TEXAS, AND BEING A PORTION OF A REMAINDER OF A 479.72 ACRE TRACT OF LAND CONVEYED TO V-S CEDAR PARK, LTD. BY DEED OF RECORD IN VOLUME 2638, PAGE 477 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found for an angle point in the easterly line of said remainder of a 479.72 acre tract, same being the northwest corner of a portion of a remainder of a 201.79 acre tract of land conveyed to Carssow Family Partnership, L.P. by deed of record in Doc. No. 9738896 of the Official Public Records of Williamson County, Texas;

THENCE South 20°05'10" East (record - South 20°04'38" East), along the easterly line of the remainder of a 479.72 acre tract and the west line of said portion of a remainder of a 201.79 acre tract, a distance of 61.34 feet to a calculated point;

THENCE crossing through the remainder of a 479.72 acre tract the following sixteen (16) courses:

1. South 88°54'04" West a distance of 457.36 feet to a calculated point for a point of curvature;
2. Along a tangential curve to the left, having a radius of 1771.00 feet, a delta angle of 04°57'18", an arc length of 153.16 feet, and a chord which bears South 86°25'30" West a distance of 153.11 feet to a calculated point;
3. North 14°04'08" West a distance of 715.13 feet to a calculated point for a point of curvature;
4. Along a tangential curve to the right, having a radius of 462.00 feet, a delta angle of 42°10'41", an arc length of 340.10 feet, and a chord which bears North 07°01'12" East a distance of 332.47 feet to a calculated point for a point of compound curvature;
5. Along a tangential curve to the right, having a radius of 25.00 feet, a delta angle of 33°29'08", an arc length of 14.61 feet, and a chord which bears North 44°51'07" East a distance of 14.40 feet to a calculated point for a point of reverse curvature;
6. Along a tangential curve to the left, having a radius of 184.00 feet, a delta angle of 144°30'35", an arc length of 464.08 feet, and a chord which bears North 10°39'36" West a distance of 350.49 feet to a calculated point for a point of reverse curvature;
7. Along a tangential curve to the right, having a radius of 25.00 feet, a delta angle of 28°18'41", an arc length of 12.35 feet, and a chord which bears North 68°45'33" West a distance of 12.23 feet to a calculated point for a point of tangency;

EXHIBIT A

8. North  $54^{\circ}36'13''$  West a distance of 20.88 feet to a calculated point for a point of curvature;
9. Along a tangential curve to the right, having a radius of 15.00 feet, a delta angle of  $90^{\circ}00'00''$ , an arc length of 23.56 feet, and a chord which bears North  $09^{\circ}36'13''$  West a distance of 21.21 feet to a calculated point for a point of tangency;
10. North  $35^{\circ}23'47''$  East a distance of 304.63 feet to a calculated point for a point of curvature;
11. Along a tangential curve to the right, having a radius of 15.00 feet, a delta angle of  $88^{\circ}13'58''$ , an arc length of 23.10 feet, and a chord which bears North  $79^{\circ}30'46''$  East a distance of 20.88 feet to a calculated point;
12. North  $33^{\circ}37'45''$  East a distance of 58.00 feet to a calculated point;
13. North  $56^{\circ}22'15''$  West a distance of 0.37 feet to a calculated point for a point of curvature;
14. Along a tangential curve to the right, having a radius of 15.00 feet, a delta angle of  $86^{\circ}24'04''$ , an arc length of 22.62 feet, and a chord which bears North  $13^{\circ}10'13''$  West a distance of 20.54 feet to a calculated point for a point of reverse curvature;
15. Along a tangential curve to the left, having a radius of 676.92 feet, a delta angle of  $51^{\circ}01'42''$ , an arc length of 602.87 feet, and a chord which bears North  $04^{\circ}28'09''$  East a distance of 583.14 feet to a calculated point for a point of tangency;
16. North  $21^{\circ}02'42''$  West a distance of 223.05 feet to a calculated point in the north line of the remainder of a 479.72 acre tract and the south line of a 3.217 acre tract of land conveyed to the City of Cedar Park as additional right-of-way, by instrument of record in Doc. No. 2003013281 of the Official Public Records of Williamson County, Texas;

THENCE along the north line of the remainder of a 479.72 acre tract and the south line of said 3.217 acre tract, the following two (2) courses:

1. North  $68^{\circ}57'18''$  East (record - North  $68^{\circ}57'51''$  East) a distance of 47.23 feet to a calculated point for a point of curvature;
2. Along a tangential curve to the right, having a radius of 940.00 feet (record - 940.00 feet), a delta angle of  $05^{\circ}25'06''$ , an arc length of 88.89 feet, and a chord which bears North  $71^{\circ}40'01''$  East a distance of 88.86 feet to a calculated point;

THENCE crossing through the remainder of a 479.72 acre tract the following five (5) courses:

1. South  $21^{\circ}02'42''$  East a distance of 170.78 feet to a calculated point for a point of curvature;
2. Along a tangential curve to the right, having a radius of 80.66 feet, a delta angle of  $30^{\circ}15'34''$ , an arc length of 42.60 feet, and a chord which bears South  $05^{\circ}54'55''$  East a distance of 42.10 feet to a calculated point for a point of tangency;
3. South  $09^{\circ}12'52''$  West a distance of 36.02 feet to a calculated point for a point of curvature;

4. Along a tangential curve to the left, having a radius of 15.00 feet, a delta angle of  $90^{\circ}00'00''$ , an arc length of 23.56 feet, and a chord which bears South  $35^{\circ}47'08''$  East a distance of 21.21 feet to a calculated point for a point of tangency;
5. South  $80^{\circ}47'08''$  East a distance of 753.81 feet to a calculated pointing the easterly line of the remainder of a 479.72 acre tract and the west right-of-way line of U.S. Highway 183-A (400' R.O.W.) as conveyed to the Central Texas Regional Mobility Authority by instrument of record in Doc. No. 2005007107 of the Official Public Records of Williamson County, Texas;

THENCE along the easterly line of the remainder of a 479.72 acre tract and said west right-of-way line of U.S. Highway 183-A, the following two (2) courses:

1. South  $09^{\circ}17'13''$  West (record - South  $09^{\circ}17'13''$  West), a distance of 1417.36 feet to a calculated point for a point of curvature;
2. Along a tangential curve to the left, having a radius of 3064.79 feet (record - 3064.79 feet), a delta angle of  $13^{\circ}05'35''$ , an arc length of 700.36 feet, and a chord which bears South  $02^{\circ}44'25''$  West a distance of 698.84 feet to a calculated point for the northeast corner of said portion of a remainder of a 201.79 acre tract;

THENCE South  $69^{\circ}45'48''$  West (record - South  $69^{\circ}46'40''$  West), along the easterly line of the remainder of a 479.72 acre tract and the north line of the portion of a remainder of a 201.79 acre tract, a distance of 67.44 feet to the POINT OF BEGINNING.

This parcel contains 42.861 acres of land, more or less, out of the Sherwood J. Dover Survey, Abstract No. 168, in Williamson County, Texas.

Description prepared from an on-the-ground survey made during November, 2006.

Bearing Basis: North R.O.W. line of R.M. 1431 (200' R.O.W.), per TxDOT R.O.W. map dated 12/31/1984 and the south line of a remainder of 479.72 acre tract of land conveyed to V-S Cedar Park, Ltd. by deed of record in Volume 2638, Page 477 of the Official Records of Williamson County, Texas, being: North  $69^{\circ}44'00''$  East.

  
J. Scott Laswell  
Registered Professional Land Surveyor  
State of Texas No. 5583

11/19/07  
Date



Attachments: Drawing - BaseLine\Projects\Cedar Park\Phase III\Dwg\42.861 Ac.dwg  
File: Baseline\Projects\Cedar Park\Phase III\F\_Notes\42.861 Ac.doc



**Z-11-039**



EXHIBIT B



## PLANNED DEVELOPMENT REGULATIONS

Cedar Park Town Center Commercial, Z-11-039

### Permitted Land Uses:

- 1) Parcel Identification (see attached map): Parcel 1 (P1)- General Office and General Retail (GO, GR); Parcel 2 (P2) –General Retail, (GR); Parcel 3 (P3) – General Office, General Retail, Multifamily (GO, GR, MF); Parcel 4 (P4) - General Office, General Retail, Multifamily (GO, GR, MF).
- 2) A maximum of 400 multifamily dwelling units are permitted within the PD
- 3) Minimum site area shall be 3 acres for GO uses, 8 acres for MF uses, and 1 acre for GR uses.

### Buffer and Setback Requirements:

1. General:
  - a. A buffer shall be provided along the western boundary of the PD as follows:
    - i. Provide a 6 foot masonry fence at the western property line;
    - ii. Adjacent to the fence on the east, provide a twenty (20) foot landscape buffer;
2. Non-residential:
  - a. Adjacent to the landscape buffer, an 80' building setback shall be provided
3. Residential:
  - a. Adjacent to the landscape buffer, provide a twenty (20) foot building setback. Parking and unit parking garage clusters are allowed within the 20 foot building setback and shall be limited to fifteen (15) feet in height.
  - b. Any structure within 60' of the building setback shall be limited to a maximum height of 2 stories or 35', whichever is less.

### Height Restrictions:

All non-residential structures shall have a maximum of three (3) floors or fifty-five feet, except hotels which may have a maximum height four (4) floors or fifty-five feet.

### Exterior Elevation requirements:

- 1) Each exterior wall area of a site built in this planned development shall have a minimum of 75% masonry, exclusive of doors and windows
- 2) Pitched roofs may have asphalt or fiberglass shingles as well as metal or tile.

### Phasing Requirement:

No multifamily residential site development permit shall be issued on Parcels 3 or 4 until a certificate of occupancy has been issued for a minimum of 65,000 square feet of office development on Parcel 1.

## PLANNED DEVELOPMENT REGULATIONS

Cedar Park Town Center Commercial, Z-11-039

### Internal Drive Connections:

The development shall provide (a) a direct internal drive connection between Parcel 1 and the adjacent tract to the south at a location to be determined at the time of site development in accordance with Section 14.05.004(8) Access Standards, and (b) unrestricted cross access across Parcel 1.

### Pedestrian Connectivity:

The development shall provide multiple pedestrian connections to and between proposed buildings and to adjacent sidewalk systems. The pedestrian network shall minimize walking distances when practical, provide safe and convenient crossings at street intersections, and provide an environment that is conducive to pedestrian activity.

### Access:

There shall be no public or private vehicular access to/from Big Bend Drive or Big Spring Drive to/from the PD except for emergency access as required by the City.

### General Compliance Statement:

Unless otherwise specified in these Planned Development Regulations, the minimum regulations for each development shall be those stated in the regulations of the most restrictive established zoning district in which designated uses are permitted.



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. F.0  
**Discussion And Possible Action:**

**Commentary:**



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject:       Agenda Item No. F.1  
**Update And Possible Approval Of The City Of Cedar Park Web Redesign.**

**Commentary:**



**CITY COUNCIL AGENDA**  
Date:1-12-2012

Subject: Agenda Item No. G.0  
**Executive Session**



**CITY COUNCIL AGENDA**

Date:1-12-2012

- Subject: Agenda Item No. G.1
- Section 551.087 Deliberation Regarding Economic Development Negotiations**
- a. Legal Issues Regarding An Economic Development Infrastructure Reimbursement Agreement For A Major Retail Development.**
  - b. Legal Issues Regarding An Economic Development Agreement Between The City Of Cedar Park And DR Horton.**



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. H.0  
**Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session**



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject: Agenda Item No. H.1  
**Mayor And Council Closing Comments.**



**CITY COUNCIL AGENDA**

Date:1-12-2012

Subject:           Agenda Item No. H.2  
**Adjournment.**