

City of Cedar Park
Regular Called Meeting Agenda
City Council Chambers, Cedar Park Public Library
550 Discovery Boulevard
Cedar Park, Texas
Thursday, December 8, 2011
6:30 P.M.

- A.1 [CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.](#)
- A.2 [Invocation.](#)
- 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: Update On The Gateway Sign Project. \(Powell\)](#)
- A.7 [City Manager Report: Monthly Financial Update For The Period Ending September 30, 2011.](#)
- B.1 [Approval Of Council Minutes From The Regular Scheduled Meeting Of November 3, 2011.](#)
- B.2 [Approval Of Council Minutes From The Special Called Meeting Of November 10, 2011.](#)
- 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 Local Retail-Conditional Overlay \(LR-CO\) For This Tract.](#)
- 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 Recommend Approval Of Local Retail-Conditional Overlay \(LR-CO\) For This Tract.](#)
- 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.](#)
- 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.

- 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 Recommend Approval Of The Assignment Of Local Retail (LR) On The Subject Tract.
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- 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 Recommend Approval Of The Assignment Of General Retail (GR) On The Subject Tract.
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- 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 Recommend Approval Of The Assignment Of General Retail (GR) On The Subject Tract.
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- 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 Recommend Approval Of The Assignment Of General Retail (GR) On The Subject Tract.
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- 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 Multi Family (MF) For This Tract.
- 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
- 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.
- 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
- 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 The Amendment.

- 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 The Amendment.
- 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.
- D.7 A Resolution Authorizing The City Council Creation Of A Group Insurance Benefits Trust.
- 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.
- 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.
- 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.
- F.2 Consideration Of The Official Ballot Of Candidates For The Board Of Directors Of The Williamson Central Appraisal District And Casting Of Votes.
- F.3 Consideration Of City Of Cedar Park Partnership With The Boy Scouts Of America. (Tracy)
- 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.

- 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:12-8-2011

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



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. A.2
Invocation.



CITY COUNCIL AGENDA

Date:12-8-2011

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



CITY COUNCIL AGENDA

Date:12-8-2011

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:12-8-2011

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



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. A.6
City Manager Report: Update On The Gateway Sign Project. (Powell)

Commentary:



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. A.7
City Manager Report: Monthly Financial Update For The Period Ending September 30, 2011.

Commentary:

A monthly financial report will be presented to the City Council illustrating financial activity through month end.

GENERAL FUND

STATEMENT OF REVENUES AND EXPENDITURES AT SEPTEMBER

OBJECT CATEGORIES	FY 2009-2010 Budget	FY 2009-2010 Y-T-D	FY 2009-2010 Actual	FY 2010-2011 Budget	FY 2010-2011 Y-T-D	% of Budget	Budget Balance
REVENUE SUMMARY							
Ad Valorem Taxes							
Current	\$ 9,560,797	\$ 9,959,938	\$ 9,959,938	\$ 9,766,772	\$ 9,892,841	101.3%	\$ (126,069)
Total Ad Valorem Taxes	\$ 9,560,797	\$ 9,959,938	\$ 9,959,938	\$ 9,766,772	\$ 9,892,841	101.3%	\$ (126,069)
Sales Tax*	\$ 6,572,375	\$ 6,619,313	\$ 6,619,313	\$ 6,718,368	\$ 6,972,271	103.8%	\$ (253,903)
Development Related Fees							
Building Permits	\$ 778,750	\$ 1,010,611	\$ 1,010,611	\$ 925,000	\$ 1,027,592	111.1%	\$ (102,592)
Construction Inspection Fees	55,000	123,612	123,612	135,000	155,652	115.3%	(20,652)
Engineer Review Fees	20,204	44,582	44,582	18,000	27,637	153.5%	(9,637)
Planning and Zoning Fees	39,394	47,396	47,396	29,546	64,657	218.8%	(35,111)
Professional Fee Recovery	26,500	20,053	20,053	19,875	26,873	135.2%	(6,998)
Site Review/Dev. Permit Fees	30,000	26,633	26,633	22,500	43,356	192.7%	(20,856)
Fire Code Compliance Fees	28,240	23,895	23,895	20,000	28,125	140.6%	(8,125)
Other - Permits & Fees	2,700	-	-	2,025	200	9.9%	1,825
Total Development Related Fees	\$ 980,788	\$ 1,296,782	\$ 1,296,782	\$ 1,171,946	\$ 1,374,092	117.2%	\$ (202,146)
Franchise Fees	\$ 2,811,770	\$ 3,184,754	\$ 3,184,754	\$ 3,351,803	\$ 2,949,116	88.0%	\$ 402,687
Administrative and Contract Svcs							
LISD Resource Officer Reimb.	\$ 259,791	\$ 246,320	\$ 246,320	\$ 226,368	\$ 226,367	100.0%	\$ 1
Utility Fund	2,532,721	2,532,721	2,532,721	2,575,913	2,575,913	100.0%	-
WCID Admin. Services Fee	102,000	107,657	107,657	104,750	108,655	103.7%	(3,905)
CTRMA INTERLOCAL	220,033	220,068	220,068	239,358	179,514	75.0%	59,844
Bond Fund	225,000	225,000	225,000	225,000	-	0.0%	225,000
Hotel Occupancy Fund	25,000	25,000	25,000	25,000	25,000	100.0%	-
4A & 4B	543,589	507,245	507,245	512,990	424,512	82.8%	88,478
Transfer In - Unreserved Fund Balan	1,831,127	-	-	-	-	0.0%	-
Total Administrative and Contract S	\$ 5,739,261	\$ 3,864,011	\$ 3,864,011	\$ 3,909,379	\$ 3,539,961	90.6%	\$ 369,418
Fines and Forfeitures	\$ 800,000	\$ 777,407	\$ 777,407	\$ 925,000	\$ 971,808	105.1%	\$ (46,808)

GENERAL FUND

STATEMENT OF REVENUES AND EXPENDITURES AT SEPTEMBER

OBJECT CATEGORIES	FY 2009-2010 Budget	FY 2009-2010 Y-T-D	FY 2009-2010 Actual	FY 2010-2011 Budget	FY 2010-2011 Y-T-D	% of Budget	Budget Balance
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REVENUE SUMMARY

Fees for Service

Fire Protection Fees	\$ 950,000	\$ 1,379,833	\$ 1,379,833	\$ 1,409,756	\$ 1,318,869	93.6%	\$ 90,887
Fire Protection - Ins. Rec.	62,500	81,633	81,633	62,500	83,279	133.2%	(20,779)
Parks and Recreation Fees	510,703	896,654	896,654	850,000	993,558	116.9%	(143,558)
Library Fines and Fees	110,000	126,203	126,203	110,000	112,537	102.3%	(2,537)
Animal Control Fees	6,450	10,914	10,914	6,450	10,290	159.5%	(3,840)
Justice Administration Fees	1,700	2,152	2,152	2,000	3,225	161.3%	(1,225)
Teaching Fees - Fire	1,500	1,680	1,680	1,500	-	0.0%	1,500
Detention & Dispatch Services	4,132	4,578	4,578	4,132	4,717	114.2%	(585)
Total Fees for Service	\$ 1,646,985	\$ 2,503,647	\$ 2,503,647	\$ 2,446,338	\$ 2,526,475	103.3%	\$ (80,137)

Miscellaneous Fees

Interest	\$ 225,000	\$ 82,085	\$ 82,085	\$ 66,000	\$ 63,667	96.5%	\$ 2,333
Credit Card Fees	2,000	1,921	1,921	2,100	667	31.8%	1,433
Beverage Tax	48,750	64,030	64,030	55,000	64,514	117.3%	(9,514)
Delinquent/Penalty and Int.	80,000	161,976	161,976	90,000	169,151	187.9%	(79,151)
Other	52,357	74,495	74,495	185,009	154,039	83.3%	30,970
Total Miscellaneous Fees	\$ 408,107	\$ 384,507	\$ 384,507	\$ 398,109	\$ 452,038	113.5%	\$ (53,929)

Total Revenue	\$ 28,520,082	\$ 28,590,359	\$ 28,590,359	\$ 28,687,715	\$ 28,678,602	100.0%	\$ 9,113
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* - Includes sales tax thru September, which was collected in November

GENERAL FUND

STATEMENT OF REVENUES AND EXPENDITURES AT SEPTEMBER

OBJECT CATEGORIES	FY 2009-2010 Budget	FY 2009-2010 Y-T-D	FY 2009-2010 Actual	FY 2010-2011 Budget	FY 2010-2011 Y-T-D	% of Budget	Budget Balance
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EXPENDITURE SUMMARY

Expenditures by Category

Personnel Services	\$ 19,134,564	\$ 18,315,708	\$ 18,315,708	\$ 19,481,901	\$ 18,795,973	96.5%	\$ 685,928
Materials & Supplies	1,249,928	920,634	920,634	1,436,404	1,197,538	83.4%	238,866
Repairs & Maintenance	666,828	711,496	711,496	890,887	1,009,202	113.3%	(118,315)
Occupancy	1,539,496	1,318,758	1,318,758	1,406,347	1,198,339	85.2%	208,008
Contractual Services	3,308,503	2,908,885	2,908,885	3,798,968	3,473,198	91.4%	325,770
Other Charges	1,686,648	1,435,555	1,435,555	1,854,847	1,424,549	76.8%	430,298
Capital Outlay	790,647	630,910	630,910	922,434	889,212	96.4%	33,222
Transfers Out	47,057	47,056	47,056	5,600,307	6,488,664	115.9%	(888,357)
Contingency	94,366	55,521	55,521	80,000	-	0.0%	80,000
TOTAL	\$ 28,518,037	\$ 26,344,523	\$ 26,344,523	\$ 35,472,095	\$ 34,476,675	97.2%	\$ 995,420

Expenditures by Function

General Government

General Administration	905,014	785,154	785,154	6,460,529	7,210,904	111.6%	(750,375)
Council	35,900	41,105	41,105	36,200	59,626	164.7%	(23,426)
City Manager	478,187	472,026	472,026	479,672	485,830	101.3%	(6,158)
City Secretary	175,429	99,197	99,197	163,427	82,186	50.3%	81,241
Finance	769,915	726,662	726,662	838,512	806,380	96.2%	32,132
Information Technology	826,050	811,895	811,895	864,152	800,996	92.7%	63,156
Human Resources	346,540	339,078	339,078	428,813	422,338	98.5%	6,475
Public Information Office	213,387	195,429	195,429	199,438	165,976	83.2%	33,462
Economic Development	1,077,413	966,903	966,903	1,238,706	884,816	71.4%	353,890
Legal Services	416,645	349,161	349,161	469,196	465,893	99.3%	3,303
General Government	\$ 5,244,480	\$ 4,786,610	\$ 4,786,610	\$ 11,178,645	\$ 11,384,945	101.8%	\$ (206,300)

Public Safety

Municipal Court	473,705	425,781	425,781	484,657	461,265	95.2%	23,392
Police	8,005,011	7,433,500	7,433,500	7,971,223	7,566,087	94.9%	405,136
Animal Services	267,383	256,890	256,890	289,749	248,166	85.6%	41,583
Fire	5,879,021	5,821,781	5,821,781	6,097,415	6,149,549	100.9%	(52,134)
Emergency Management	-	-	-	100,427	72,330	72.0%	28,097
Public Safety	\$ 14,625,120	\$ 13,937,952	\$ 13,937,952	\$ 14,943,471	\$ 14,497,397	97.0%	\$ 446,074

Public Works and Development

Engineering	690,540	708,435	708,435	791,565	692,103	87.4%	99,462
Building Inspection	576,373	566,675	566,675	571,146	513,356	89.9%	57,790
Planning and Transportation	550,854	469,378	469,378	442,521	445,971	100.8%	(3,450)
Code Enforcement	-	-	-	164,756	125,535	76.2%	39,221
Streets	1,770,441	1,445,770	1,445,770	1,975,811	1,688,334	85.5%	287,477
Signal Maintenance	150,000	114,584	114,584	262,851	275,748	104.9%	(12,897)
Equipment Maintenance	316,242	316,002	316,002	355,877	324,942	91.3%	30,935
Public Works and Development	\$ 4,054,450	\$ 3,620,844	\$ 3,620,844	\$ 4,564,527	\$ 4,065,989	89.1%	\$ 498,538

Culture and Recreation

Parks and Recreation	2,768,864	2,442,583	2,442,583	2,819,300	2,667,404	94.6%	151,896
Library	1,034,477	925,624	925,624	1,043,718	971,728	93.1%	71,990
Culture and Recreation	\$ 3,803,341	\$ 3,368,207	\$ 3,368,207	\$ 3,863,018	\$ 3,639,132	94.2%	\$ 223,886

Capital Outlay

Capital Outlay	\$ 790,647	\$ 630,910	\$ 630,910	\$ 922,434	\$ 889,212	96.4%	\$ 33,222
TOTAL BY FUNCTION	\$ 28,518,037	\$ 26,344,523	\$ 26,344,523	\$ 35,472,095	\$ 34,476,675	97.2%	\$ 995,420

UTILITY FUND

STATEMENT OF REVENUES AND EXPENDITURES AT SEPTEMBER

OBJECT CATEGORIES	FY 2009-2010 Budget	FY 2009-2010 Y-T-D	FY 2009-2010 Actual	FY 2010-2011 Budget	FY 2010-2011 Y-T-D	% of Budget	Budget Balance
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REVENUE SUMMARY

Water Sales							
Water Sales	\$ 13,409,371	\$ 13,245,474	\$ 13,245,474	\$ 14,436,057	\$ 18,181,355	125.9%	\$ (3,745,298)
Water Sales - Blockhouse	692,134	667,696	667,696	744,044	811,828	109.1%	(67,784)
Water Sales - WTC Mud	691,971	581,427	581,427	743,869	799,545	107.5%	(55,676)
Twin Creeks	144,621	53,920	53,920	144,621	80,202	55.5%	64,419
Avery Ranch	73,168	48,785	48,785	73,168	84,255	115.2%	(11,087)
LCRA	371,000	710,626	710,626	371,000	425,711	114.7%	(54,711)
Total Water Sales	\$ 15,382,265	\$ 15,307,928	\$ 15,307,928	\$ 16,512,759	\$ 20,382,896	123.4%	\$ (3,870,137)

Sewer Billings							
Sewer Billings	\$ 8,249,033	\$ 8,853,546	\$ 8,853,546	\$ 8,687,687	\$ 9,374,621	107.9%	\$ (686,934)
Mayfield Ranch	51,191	46,774	46,774	51,191	65,043	127.1%	(13,852)
Blockhouse	336,828	360,586	360,586	336,828	355,516	105.5%	(18,688)
WTC Mud	292,060	250,451	250,451	292,060	253,513	86.8%	38,547
Total Sewer Billings	\$ 8,929,112	\$ 9,511,357	\$ 9,511,357	\$ 9,367,766	\$ 10,048,693	107.3%	\$ (680,927)

Transfer-Impact Fees	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 1,505,000	\$ 1,505,000	100.0%	\$ -
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Other Charges							
UB Account Transfer Fee	\$ 5,263	\$ 5,275	\$ 5,275	\$ 5,539	\$ 5,360	96.8%	\$ 179
Temp Water Service Fee	526	560	560	554	560	101.1%	(6)
Late Charges	373,268	364,759	364,759	393,761	405,977	103.1%	(12,216)
Reconnect Fee	75,574	84,318	84,318	80,349	86,800	108.0%	(6,451)
Water Tap Fee	39,995	4,125	4,125	7,500	12,250	163.3%	(4,750)
Sewer Tap Fee	14,735	4,400	4,400	2,500	4,450	178.0%	(1,950)
Water Connection Fee	111,140	57,331	57,331	55,299	61,550	111.3%	(6,251)
Meter Readings	-	-	-	-	-	N/A	-
Water Meter Insp Fee	-	280	280	-	266	N/A	(266)
Sewer Insp Fee	54,287	25,850	25,850	25,728	29,400	114.3%	(3,672)
Industrial PreTreat Rev	3,158	2,000	2,000	3,323	2,900	87.3%	423
Misc Revenues	7,368	1,200,119	1,200,119	39,307	4,625	11.8%	34,682
Interest Income	200,000	70,415	70,415	100,000	76,130	76.1%	23,870
Transfer - CIP Project	-	5,380,323	5,380,323	-	-	N/A	-
Transfer - Reserve Fund	-	-	-	-	-	N/A	-
Other Charges	3,000	1,728	1,728	3,000	4,906	163.5%	(1,906)
Credit Card Fees	20,000	14,883	14,883	20,000	15,572	77.9%	4,428
Total Other Charges	\$ 908,312	\$ 7,216,366	\$ 7,216,366	\$ 736,860	\$ 710,746	96.5%	\$ 26,114

Total Revenue	\$ 27,219,689	\$ 34,035,651	\$ 34,035,651	\$ 28,122,385	\$ 32,647,335	116.1%	\$ (4,524,950)
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EXPENDITURE SUMMARY

Expenditures by Category

Personnel Services	\$ 4,091,663	\$ 3,621,199	\$ 3,621,199	\$ 4,239,210	\$ 3,730,167	88.0%	\$ 509,043
Materials & Supplies	765,440	716,358	716,358	831,500	889,476	107.0%	(57,976)
Repairs & Maintenance	474,400	480,267	480,267	489,146	457,235	93.5%	31,911
Occupancy	1,896,120	1,569,613	1,569,613	1,943,920	1,770,020	91.1%	173,900
Contractual Services	11,747,936	7,914,915	7,914,915	10,720,946	9,710,373	90.6%	1,010,573
Other Charges	468,930	409,915	409,915	476,369	468,687	98.4%	7,682
Capital Outlay	217,900	205,808	205,808	254,585	262,679	103.2%	(8,094)
Transfers Out	17,628,914	14,870,443	14,870,443	13,125,477	13,675,697	104.2%	(550,220)
TOTAL	\$ 37,291,303	\$ 29,788,518	\$ 29,788,518	\$ 32,081,153	\$ 30,964,334	96.5%	\$ 1,116,819



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. B.1
Approval Of Council Minutes From The Regular Scheduled Meeting Of November 3, 2011.

Commentary:



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

THURSDAY, NOVEMBER 3, 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

MINUTES

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Lemon called the meeting to order at 6:35 p.m.
All Council present.
- A.2 Invocation.
Invocation given by Larry Sullivan with Shenandoah Baptist Church.
- A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.
- A.4 Presentation: Recognition Of Officer Rodney Wilk, Cedar Park Police Department. (Fuller)
Councilmember Fuller read and presented a Proclamation to Ofc. Rodney Wilk honoring his service to the military and his deployment overseas.
- A.5 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
Doris McDonald addressed the Council regarding a new business opening.
Mark Limmick, Hope Alliance, presented Council with a Certificate of Appreciation.
- A.6 Mayor and Council Opening Comments.

Councilmember Powell commented on a Concordia University speaker series event on how to build a community based pro sports team.

Councilmember Fuller commented on the Cypress Creek Medical Plaza grand opening event, and the joint meeting with the Parks Board.

Councilmember Dale commented on meeting with Ed Trevis, CEO of Corvalent, who was featured in the Wall Street Journal.

Councilmember Tracy commented on a recent conference he attended last week and a program that recycles methane gas into energy, and also a program the Boston Museum of Science has for elementary school children.

- A.7 City Manager Report: Update And Review Of The Veteran Day Program And Memorial Dedication Event. (Fuller)
Curt Randa, Parks Director, and Lisa Morris, Veteran Advisory Group, updated Council on the activities planned for the Veteran Day Program and Memorial Dedication.
- A.8 City Manager Report: Monthly Financial Update For The Period Ending August 31, 2011.
Josh Selleck, Finance Director, provided Council with the monthly Financial Report thru August 2011.
- A.9 City Manager Report: Update On Strategic Map Goal 7 Pertaining To Convening of Williamson County Transportation Forum. (Dale)
Brenda Eivens, City Manager, stated this had been discussed at the regional City Manager meeting and there is an interest with all local entities. Council will be updated in the future regarding developments with this.

Councilmember Dale volunteered to participate with any pre-meetings.

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.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D.

Movant: Councilmember Tracy

Second: Mayor Pro Tem Moore

Vote: 7:0

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of October 6, 2011.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Cedar Park Economic Development Corporation ("4A") Meeting Of September 19, 2011.

Received under the Consent Agenda.

B.3 Receipt Of Minutes From The Arts Advisory Board Meeting Of July 6, 2011.

Received under the Consent Agenda.

B.4 Receipt Of Minutes From The Arts Advisory Board Meeting Of August 3, 2011.

Received under the Consent Agenda.

B.5 Receipt Of Minutes From The Arts Advisory Board Meeting Of September 7, 2011.

Received under the Consent Agenda.

C.1 (Z-11-010) Second Reading Of An Ordinance To Assign Original Zoning Of Local Retail (LR) To Approximately 24.308 Acres And Light Industrial (LI) To Approximately 95.53 Acres For Property Located On Brushy Creek Road Just West Of The Brushy Creek Sports Park. **The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Assignment Of Local Retail (LR) And Light Industrial (LI) On The Subject Tracts.**

Approved under the Consent Agenda.

Ordinance Number Z04.11.11.03.C1

C.2 (Z-11-019) Second Reading Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 6.92 Acres Located At 203 And 221 E. New Hope Drive. **The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Assignment Of General Retail (GR) On The Subject Tracts.**

Approved under the Consent Agenda.

Ordinance Number Z05.1111.03.C2

C.3 (Z-11-020) Second Reading Of An Ordinance To Rezone Approximately 24.08 Acres From Planned Development (PD) To Multi Family-Conditional Overlay (MF-CO) For Property Located At 335 Cypress Creek Road (City-Initiated). **The Planning And Zoning Commission Voted 7-0 To Approve Multi Family-Conditional Overlay (MF-CO) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z06.11.11.03.C3

C.4 (Z-11-023) Second Reading Of An Ordinance To Rezone Approximately 5.484 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Southwest Corner Of 183A Toll Road And East New Hope Drive. **The Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z07.11.11.03.C4

- C.5 (Z-11-025) Second Reading Of An Ordinance To Rezone Approximately 8.978 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Northeast Corner Of 183A Toll Road And East New Hope Drive. **The Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z08.11.11.03.C5

- C.6 (Z-11-026) Second Reading Of An Ordinance To Rezone Approximately 8.24 Acres From Downtown District (DD) To General Retail (GR) For Property Located At The Southeast Corner Of 183A Toll Road And East New Hope Drive. **The Planning And Zoning Commission Voted 7-0 To Approve General Retail (GR) For This Tract.**

Approved under the Consent Agenda.

Ordinance Number Z09.11.11.03.C6

- D.1 A Resolution Authorizing A Special Permit To Hold A Charity Race At Brushy Creek Lake Park.

Approved under the Consent Agenda.

Resolution Number R12.11.11.03.D1

- D.2 A Resolution Authorizing A Special Permit To Hold A Movie Night At Milburn Park.

Approved under the Consent Agenda.

Resolution Number R13.11.11.03.D2

- D.3 A Resolution Authorizing The Cedar Park Police Department To Purchase One Replacement Special Response Team Vehicle From Chastang Ford.

Approved under the Consent Agenda.

Resolution Number R14.11.11.03.D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute The Emergency Notification System ("ENS") Agreement With The Capital Area Council Of Governments ("CAPCOG").

Approved under the Consent Agenda.

Resolution Number R15.11.11.03.D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute An Interlocal Purchasing Agreement Between The City Of Cedar Park And Capital Metropolitan Transit Authority.

Approved under the Consent Agenda.

Resolution Number R16.11.11.03.D5

- D.6 A Resolution Authorizing And Directing The City Manager To Execute An Interlocal Purchasing Agreement Between The City Of Cedar Park, The City Of Austin, And Travis County.

Approved under the Consent Agenda.

Resolution Number R17.11.11.03.D6

- D.7 A Resolution Adopting Ethical And Training Standards For Juvenile Case Managers Employed By The City Of Cedar Park, Providing For Implementation Of Said Standards, And Providing For Periodic Review To Ensure Implementation Of The Requisite Standards.

Approved under the Consent Agenda.

Resolution Number R18.11.1.03.D7

- D.8 A Resolution To Authorize And Direct The City Manager To Execute A Professional Services Agreement With Freese and Nichols, Inc.

Approved under the Consent Agenda.

Resolution Number R19.11.11.03.D8

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing: *No Items For Consideration.*

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Consideration Of Appointment To Place Seven On The Cedar Park Community Development Corporation ("4B") With A Term To Expire October 31, 2012. (Mayor)
Motion to reappoint Mo Johadi to Place Seven on the 4B Board.

Movant: Mayor Lemon

Second: Councilmember Fuller

Vote: 7:0

- F.2 Consideration Of Appointment To Place Seven On The Planning And Zoning Commission With A Term To Expire July 31, 2013. (Mayor)

Motion to reappoint Stephen Thomas to Place Seven on the Planning and Zoning Commission.

Movant: Mayor Lemon

Second: Councilmember Powell

Vote: 7:0

- F.3 Update On The Deep Water Intake Due Diligence Study For The Brushy Creek Regional Utility Authority - Drew Hardin. (Fuller)

Drew Hardin addressed the Council regarding the findings and conclusion for the Deep Water Intake Due Diligence Study. Mr. Hardin provided a brief review of the history of the project. The site selection for the project has been deemed Site 4. The next step is acquisition of the property. The constraints for the alternatives were discussed.

Sam Roberts, Assistant City Manager, stated with the current drought status the project has been pushed up and needs to go forward.

General discussion followed regarding the depth of the project, estimated construction timeline, and costs associated with the project.

No action taken.

- F.4 Presentation And Consideration Of Hope Alliance's Request For Partnership With The City Of Cedar Park. (Tracy)

Mark Lehnick, addressed the Council regarding the services offered by Hope Alliance. Mr. Lehnick reviewed the mission, goals and history for Hope Alliance. The programs offered are seeing an increase in usage and additional funding is needed to continue services.

General discussion followed regarding the emergency shelter, need for additional space, funding resources, grant opportunities, and possibility of local churches assisting with the program.

No action taken.

- F.5 Consideration Of An Appeal Of The Planning And Zoning Commission's Denial Of A Variance Request By Robert Tesch Of Strategic Texas Investments, LP To City Code Of Ordinances Chapter 12, Subdivision Ordinance, Section 12.12.010(A)(7) Lot Arrangements Regarding Flag Lots For Property Located On East Whitestone Boulevard, Otherwise Described As Lot 1 Block

A, Tower Centre Section 1 in Williamson County, Texas. The Planning Commission Voted 7-0 To Deny The Variance Request.

Rawls Howard, Planning and Development Services Director, addressed Council regarding the appeal submitted by Bob Tesch for a variance request denied by the P&Z. The applicant wishes to subdivide an existing lot that would create a lot not in conformance with the City's development code. Mr. Howard reviewed the flag lot definition and parameters, in addition to private versus public access easements, and the ordinance which requires 50' for the minimal allowable width at the street. The lot under question only offers 30' of frontage.

Mr. Howard summarized the criteria needing to be met in order to receive a variance to allow for a flag lot. Staff and P&Z (7-0) does not recommend the variance due to the following reasons: it does not meet the findings to grant the variance, the Applicant was informed of ramifications at time of initial subdivision, the Applicant created own constraint, makes access for surrounding sites dependent on neighbors, and the existing site is developable and other options exist.

Mr. Tesch, Applicant, addressed the Council regarding his variance request. Mr. Tesch stated the easements have been conveyed by deed and presented Council with the proposed configuration for the area. This area will be developed by Chris Whitworth who is a retail developer. The site development permit for this area has been submitted and loan commitments have been made. Construction for the development has been bid out and awarded. Mr. Tesch also addressed the building setback issues, public drainage, and driveway entrance and stated the development will meet the intent of the ordinance.

Mr. Whitworth, Developer, addressed the Council regarding his proposed development. Mr. Whitworth addressed the site constraints, Spanish Oak Estates Drive, drainage and retention ponds, and the inability to access the property from 183A in any other area. Mr. Whitworth seeks Council's support to grant the variance in order to allow him to complete the development.

General discussion followed regarding documentation for the easements, development of a unified development access agreement, specifics of flag lots, and land attributes of the surrounding area.

Motion to approve the variance subject to the verification of the documentation related to the site plan.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 6:0 with Mayor Pro Tem Moore off dais during the vote

F.6 Consideration Of Amendments To Chapter 12, Subdivision Ordinance, Related To Lot Arrangements And Variances.

Rawls Howard, Planning and Development Services Director, addressed Council regarding the flag lot requirements for Cedar Park and the benchmark cities. Mr. Howard reviewed the ordinance and the requirements for appeals.

General discussion followed regarding reviewing the current ordinance, levels of discretion, Planning and Zoning variances, Council's discretion to review and approve or deny, and simplicity in the ordinance.

No action taken.

- F.7 **Consideration For Approval Of The 2012 City Of Cedar Park Meeting Calendar. Brenda Eivens, City Manager, reviewed the proposed calendar for 2012. A joint meeting with the Leander ISD School Board has been added to the calendar.**

General discussion followed regarding dates and possible conflicts with joint meetings.

Motion to approve the presented calendar with the exceptions of moving the February 9th meeting to February 2nd and moving the joint meeting with Leander ISD to another date to be determined.

Movant: Councilmember Powell

Second: Councilmember Tracy

Vote: 6:0 with Mayor Pro Tem Moore off the dais during vote.

- F.8 **Consideration Of An Education And Entrepreneurship Conference At The Cedar Park Center. (Tracy)**
Councilmember Tracy introduced James Weddle from Group Charger, Inc. Mr. Weddle addressed the Council regarding the conference concept he presented to the Council previously. The event is proposed for March 23-24, 2012 and is focused to provide high school aged students and their parents an opportunity to visit with colleges and recruiters.

Councilmember Tracy commented on the project and its attributes.

General discussion followed regarding the use of the Cedar Park Center, the contract with the Hicks Sports Group, profit versus non-profit uses, and partnerships with other entities.

No action taken.

- F.9 **Discussion And Consideration Of A Science Based Destination, Including A Task Force And Possible Appointments. (Powell)**
Mayor Lemon provided a history of the original concept for a planetarium and the task force established to work on the project. Mayor Lemon recommended having two committees that would work on the original concept and the second committee to work with Councilmember Tracy's concept for a science based destination.

General discussion followed regarding interest in current task force members continuing to serve, expansion of current committee being split into two subcommittees, validation of need and possible funding sources, and review of work already completed.

Councilmember Fuller offered to serve on the task force.

Motion to appoint Councilmember Fuller to serve on the science center task force.

Movant: Councilmember Powell

Second: Councilmember Tracy

Vote: 6:0 with Mayor Pro Tem Moore off dais during vote.

- F.10 Consideration To Rename Bagdad Road In Cedar Park. (Fuller)
Councilmember Fuller requested this agenda item to consider renaming Bagdad Road in Cedar Park. He would like to follow the same process that was used with Parmer Lane and utilize a survey to those impacted by a possible name change.

General discussion followed regarding possible names that included Victory, Freedom or Veterans, additional information needed prior to sending out surveys, and the potential costs estimates.

No action taken.

- F.11 Consideration On Directional Kiosk Signage. (Powell)
Councilmember Powell stated he is very proud the City did away with bandit signs and utilized a kiosk signage system. However, the signs are not out of date or even empty and in some cases sandbags are being used to keep the signs in place. He inquired if the current system was meeting the purpose it was intended for.

Mark Lewis, Building Inspections Director, stated the City is in the fourth year of a five year contract. There has been under-utilization of the signs and due to recent road construction sandbags have been used.

Councilmember Powell suggested taking pictures of the current signs and arranging a meeting with the company to remedy any existing issues or problems.

No action taken.

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 10:39 p.m.

- G.0 Executive Session

- G.1 Section 551.071 (1)(A) And (2) Consultation With City Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
- A. Legal Issues Concerning Terms And Conditions Of Leases At City Hall Complex Located On Cypress Creek.
 - B. Legal Issues Concerning An Economic Development Agreement Between The City Of Cedar Park And DR Horton.
 - C. Legal Issues Concerning The Use Of City Owned Property Located At 451 Cypress Creek Road.
 - D. Legal Issues Concerning The Possible Sale Of City Owned Property Resulting From The Realignment Of New Hope Drive.
 - E. Legal Issues Concerning The Twin Creek Raw Water Supply Agreement.
 - F. Legal Issues Concerning The Deer Creek Homeowner Association License Agreement.

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 11:02 p.m.

Motion to authorize the City Manager to execute documents necessary to cause the sale of a .7 acre tract at the intersection of New Hope and the 183A Tollway upon the final approval of the City Attorney.

Movant: Councilmember Fuller

Second: Councilmember Tracy

Vote: 6:0 with Mayor Pro Tem Moore off dais during vote.

Motion to authorize the City Manager to execute a License Agreement with the Deer Creek Ranch Property Owners Association upon the final approval of the City Attorney.

Movant: Councilmember Mitchell

Second: Councilmember Powell

Vote: 6:0 with Mayor Pro Tem Moore off dais during vote.

- H.1 Mayor And Council Closing Comments.

Councilmember Powell requested a future agenda item for the next meeting regarding masonry requirements in the City.

- H.2 Adjournment.

Mayor Lemon adjourned the meeting at 11: 08 p.m.

PASSED AND APPROVED THIS 8TH DAY OF DECEMBER, 2011.

Robert S. Lemon, Mayor

ATTEST:

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



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. B.2
Approval Of Council Minutes From The Special Called Meeting Of November 10, 2011.

Commentary:



**CITY OF CEDAR PARK
SPECIAL CALLED CITY COUNCIL MEETING
CEDAR PARK PUBLIC LIBRARY, 550 DISCOVERY BOULEVARD**

THURSDAY, NOVEMBER 10, 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

MINUTES

- A. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.
Mayor Pro Tem Moore called the meeting to order at 6:30 p.m.**

Mayor Lemon absent from meeting, all others present

- B. Pledges of Allegiance.
Council led in the Pledges of Allegiance.**

- C. Mayor and Council Opening Comments.
Councilmember Tracy provided a brief update on the Website Redesign and stated Council input is needed on the survey. He also commented on the recent Cedar Park Citizen article written by Alain O'Tool.**

- D. First Reading And Public Hearing:**
- 1. On An Ordinance For 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. (ANX-11-002)
Rawls Howard, Planning and Development Services Director, addressed Council regarding the annexation. An effective date has been added to the proposed ordinance.**

**Mayor Pro Tem Moore opened the Public Hearing.
No Public Comment.**

Mayor Pro Tem Moore closed the Public Hearing.

E. Discussion And Possible Action:

1. Consideration To Approve A Resolution Authorizing And Directing The City Manager To Execute Documents As Necessary To Cause The Sale Of A 0.59 Acre Tract Near The Intersection Of New Hope Road And US 183A Toll Road Upon Final Approval Of The City Attorney.

Sam Roberts, Assistant City Manager, addressed Council regarding the resolution. This is a correction from the resolution authorized by Council at the November 3rd meeting. This resolution correctly identifies the appropriate tract of land.

Motion to approve the Resolution as presented by staff.

Movant: Councilmember Fuller

Second: Councilmember Tracy

Vote: 6:0 with Mayor Lemon absent from meeting.

F. Mayor And Council Closing Comments.

Councilmember Tracy reminded everyone of the Veteran Memorial dedication on Saturday.

Councilmember Fuller thanked the Texas Stars for their contributions to the Memorial and the Military Appreciation Night recognitions.

G. Adjournment.

Mayor Pro Tem Moore adjourned the meeting at 6:36 p.m.

PASSED AND APPROVED THIS 8th DAY OF DECEMBER, 2011.

Robert S. Lemon, Mayor

ATTEST:

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



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. 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 Local Retail-Conditional Overlay (LR-CO) For This Tract.

Commentary:

The purpose of this agenda item is to consider a request by FFSC Inc. 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.

Based upon comments received during the public hearing at City Council on November 17th, the applicant has modified the conditions of the Conditional Overlay and they are underlined below.

The Conditional Overlay would include the following conditions:

- 1) Limit the building height to 35 feet;
- 2) Require pitched roofs for all buildings, with a slope at a minimum ratio of 4:12;
- 3) Limit hours of operation to between the hours of 7am and 10pm;
- 4) Require window and door fenestration on a minimum of twenty-five (25) percent of the overall wall surface on walls fronting a public street;
- 5) Prohibit automated teller machines, automobile parts and accessory sales, convenience store, gas station limited, golf amusement, liquor store, restaurant general, rental libraries for sound and video recordings, hardware stores, and laundromats;
- 6) Prohibit all access to Amelia Drive;
- 7) Free standing light poles shall not exceed twelve (12) feet in height; and
- 8) Within the twenty (20) foot landscape buffer required along the eastern and southern property lines, one (1) 4" caliper canopy tree and two (2) 30-45 gallon ornamental trees are required for each 600 square feet.

Staff received a protest petition for the rezoning request. Staff has validated the petition, as it represents approximately 40% of the land area within 200 feet of the subject tract. Therefore, an affirmative vote of at least three-fourths (6 out of 7) of all Council members is required to approve the applicant's request.

Zoning case history is included in the attached staff report. Prior to 2002, no case history could be found. Annexation maps of this area show that the subject tract was part of the original city when Cedar Park was incorporated. Since this area was residential in nature at the time of incorporation, it is presumed that the tract was zoned Single Family.

Please be advised that based on the Future Land Use Plan, other compatible districts for this area include Transitional Office (TO) and Transitional Commercial (TC). The purpose statements of the TO and TC districts are provided below, along with the purpose statement of the requested Local Retail (LR) district. Also provided is a use chart comparison by district.

Transitional Office (TO)

The Transitional Office District, TO, is established to provide for low intensity office and professional uses to be located adjacent to residential areas with a positive impact. Permitted uses in this district are more compatible with adjacent residential areas by having limited hours of operation, small building scale, and architectural and landscape features that are consistent with residential style. This district is intended to allow for limited, nonresidential land uses that provide for a smooth transition to and from the area to preserve the integrity of adjacent residential neighborhoods. The TO District provides for support services near to the residents of the neighborhood, allowing access to services by pedestrians and bicycles.

Transitional Commercial (TC)

The Transitional Commercial District, TC, is established to provide for various types of small retail, business, and service uses to be located adjacent to residential areas with a positive impact. Permitted uses in this district are more compatible with adjacent residential areas by having limited hours of operation, small building scale, and architectural and landscape features that are consistent with residential style. This district is intended to allow for limited, nonresidential land uses that provide for a smooth transition to and from the area to preserve the integrity of the residential neighborhood. The TC District provides shopping and retail services that are generally compatible near or adjacent to residential neighborhoods, allowing access to services by pedestrians and bicycles.

Local Retail (LR)

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.

<u>TO USES</u>	<u>LR USES</u>
Accessory structures	Accessory structures
Administrative offices	Administrative offices
Art gallery	Art gallery
Day care center, incidental	Art galleries with retail sales
Medical offices	Automated Teller Machines
Places of worship	Automobile parts and accessories sales
Private schools (accredited only, with curriculum equivalent to public elem./secondary schools)	Bakery, retail
Professional offices	Banks (with or without drive-through facilities)
Public building, uses	Bed and Breakfast
Software development	Community center
Temporary buildings	Consumer repair shop (including bicycles)
Utility services, general	Convenience store
Wireless telecommunications facilities	Day care center, adult
	Day care center, child
	Day care center, incidental
<u>TC USES</u>	Drugstores
Accessory structures	Dry cleaning and/or laundry, on-site
Administrative offices	Food sales, limited
Art gallery	Food sales, general (grocery store)
Art galleries with retail sales	Gasoline service stations, limited
Bed and breakfast	Golf, amusement
Community center	Hardware stores
Day care center, adult	Instant print copy services
Day care center, child	Landscape nursery and supply store, retail
Day care center, incidental	Laundromat
Food sales, limited	Liquor store
Instant print copy services	Medical offices
Medical offices	Movie and music rentals, sales
Movie and music rentals, sales	Nonprofit seasonal fundraisers
Personal improvement services	Personal Improvement Services
Personal services	Personal services
Places of worship	
Private schools (accredited only, with curriculum equivalent to public elem./secondary schools)	Pet grooming
Professional offices	Places of worship
	Private schools (Accredited only, with curriculum equivalent to public elem/secondary schools)
Public building, uses	Professional offices
	Public buildings, uses
Research and development activities (as it pertains to software only)	Restaurant, general
Retail gift store	Restaurant, limited
Software development	Rental libraries for sound and video recordings
Software sales, computer hardware sales	Research and development activities (as it pertains to software only)
Studios/art studio, dance, music, drama, gymnastics, photography, interior design	Retail gift store
Temporary buildings	Retail stores
Utility services, general	Software development
Vocational or trade school	Software sales, computer hardware sales
Wireless telecommunications facilities	Studios/art studio, dance, music, drama, gymnastics, photography, interior design
	Temporary buildings
	Utility services, general
	Veterinary Services
	Vocational or trade school
	Wireless telecommunications facilities
	color = additional uses permitted in LR (22 additional uses, 12 additional uses with CO)

Planning & Zoning Commission Recommendation to the City Council:
The Planning and Zoning Commission voted 5-2 to approve the request.

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

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on October 18, 2011. Three people spoke in opposition to the request. Concerns cited included: traffic, noise, intensity of land use adjacent to residences. The citizens also provided the following suggestions: further restrict hours of operation; further restrict uses; and restrict any access to Amelia Drive.

City Council Public Hearing:

The City Council held a public hearing on November 17, 2011. Ten (10) people spoke in opposition to the request; two (2) people registered their opposition to the request but did not speak; and one (1) person spoke in favor of the request. Concerns cited included: proximity of development to residences, drainage, safety, hours of operation, access to Amelia Drive, and intensity of proposed zoning district.

Background:

Owner: FFSC Inc.

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

- October 6, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.
- October 7, 2011:* 52 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
- October 18, 2011:* Planning and Zoning Commission public hearing
- October 27, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen
- November 17, 2011:* City Council first reading and public hearing of ordinance
- December 8, 2011:* City Council second reading of ordinance

City Manager's Remarks

Fiscal Impact

Account No.:

Budget

Budget/Expended:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS 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, IN WILLIAMSON COUNTY, TEXAS. (Z-11-033); 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 4.00 acres to Local Retail-Conditional Overlay (LR-CO), as set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B". The Conditional Overlay includes the following conditions:

- 1) Limit the building height to 35 feet;
- 2) Require pitched roofs for all buildings, with a slope at a minimum ratio of 4:12;
- 3) Limit hours of operation to between the hours of 7am and 10pm;
- 4) Require window and door fenestration on a minimum of twenty-five (25) percent of the overall wall surface on walls fronting a public street;
- 5) Prohibit automated teller machines, automobile parts and accessory sales, convenience store, gas station limited, golf amusement, liquor store, restaurant general, rental libraries for sound and video recordings, hardware stores, and laundromats;
- 6) Prohibit all access to Amelia Drive;
- 7) Free standing light poles shall not exceed twelve (12) feet in height; and
- 8) Within the twenty (20) foot landscape buffer required along the eastern and southern property lines, one (1) 4" caliper canopy tree and two (2) 30-45 gallon ornamental trees are required for each 600 square feet.

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 17th day of November, 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 8th 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.

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

CRICHTON AND ASSOCIATES
107 NORTH LAMPASAS
ROUND ROCK, TEXAS
512-244-3395

FIELD NOTES

FIELD NOTES FOR A 4.0424 ACRE TRACT OF LAND OUT OF THE R.G. ANDERSON SURVEY, ABSTRACT NO 28, IN WILLIAMSON COUNTY, TEXAS, AND BEING TWO TRACTS. TRACT ONE: ALL OF LOT 5, PAT BRIGGS SUBDIVISION, AS RECORDED IN CAB. E, SL. 154, PLAT RECORDS, WILLIAMSON COUNTY, TEXAS, AND CONVEYED IN DOCUMENT NO. 9823886, OFFICIAL RECORDS, WILLIAMSON COUNTY, TEXAS, SAVE AND EXCEPT A 1.006 ACRE TRACT AND A 0.025 ACRE TRACT CONVEYED TO THE CITY OF CEDAR PARK IN DOCUMENT NO. 2002075996, ALSO SAVE AND EXCEPT A 0.190 ACRE TRACT CONVEYED TO BERTHA WILCOX IN DOCUMENT NO. 2002018921, BOTH OF THE WILLIAMSON COUNTY, TEXAS, OFFICIAL PUBLIC RECORDS. TRACT TWO: ALL OF A 0.261 ACRE TRACT BEING A PART OF LOT 9, CEDAR PARK RANCHETTES, AS RECORDED IN CAB. A, SL. 393-394, PLAT RECORDS, WILLIAMSON COUNTY, TEXAS, AND CONVEYED IN DOCUMENT NO. 2002018921, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS. SAID 4.0424 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a 1/2" iron rod found on the East R O W line of Lakeline Boulevard, being the Northwest corner of Lot 1A, Block H, Buttercup Creek, Phase 5, Section 5, as recorded in Cab. W, Sl. 140, Plat Records, Williamson County, Texas, also being the Southwest corner of the said 0.261 acre tract, the Southwest corner of this tract, and the POINT OF BEGINNING

THENCE with the East R O W line of Lakeline Boulevard and the East line of the said 0.261 acre tract and the 1.006 acre tract, the following four (4) courses and distances:

- 1) With a curve to the right, radius = 1100.00 feet, central angle = $16^{\circ} 31' 51''$, arc = 317.37, and a chord that bears $N 07^{\circ} 50' 32''$ W, 316.27 feet to a 1/2" iron rod set.
- 2) $N 60^{\circ} 25' 54''$ E, 2.87 feet to a 1/2" iron rod set being the most Northerly corner of the said 0.261 acre tract and the most Southerly corner of the said 1.006 acre tract.
- 3) $N 00^{\circ} 24' 59''$ E, 265.19 feet to a 1/2" iron rod found at the beginning of a curve to the left.
- 4) With said curve to the left, radius = 1550.00 feet, central angle = $11^{\circ} 21' 50''$, arc = 307.43 feet, and a chord that bears $N 05^{\circ} 13' 11''$ W, 306.93 feet to a 1/2" iron rod set at the point of intersection of the East R O W line of Lakeline Boulevard and the South R O W line of West Park Street, being the Southwest corner of the said 0.025 acre tract and the Northwest corner of this tract.

THENCE with the South R O W line of West Park Street and the South line of the said 0.025 acre tract, the following two (2) courses and distances:

- 1) With a curve to the right, radius = 25.00 feet, central angle = $82^{\circ} 48' 48''$, arc = 36.13 feet, and a chord that bears $N 30^{\circ} 25' 37''$ E, 33.07 feet to a 1/2" iron rod found.
- 2) $N 71^{\circ} 49' 52''$ E, 71.91 feet to a spindle found on the West line of a 1.668 acre tract conveyed to James Jack in Vol. 2115, Pg. 217, Real Property Records, Williamson County, Texas, also being the East line of the said Lot 5 of Pat Briggs Subdivision, being the Southeast corner of the said 0.025 acre tract and the Northeast corner of this tract.

THENCE $S 17^{\circ} 20' 43''$ E, with the East line of the said Pat Briggs Subdivision, also with the West line of the said Jack tract, passing the Southwest corner of same also being the Northwest corner of Oakmont Forest Section 3, as recorded in Cab. N, Sl. 299-301, Plat Records, Williamson County, Texas, in all a total distance of 885.67 feet to a 1/2" iron rod found on the North line of the said Lot 1A, Block H, of Buttercup Creek, Phase 5, Section 5, also being the South line of the said Lot 5, Pat Briggs Subdivision (or the Southwest corner of Lot 6, Block CC, of said Oakmont Forest Section 3, and the Southeast corner of this tract.

THENCE with the North line of the said Lot 1A, Block H, of Buttercup Creek, Phase 5, Section 5, the following two (2) courses and distances:

- 1) $S 71^{\circ} 45' 05''$ W, with the South line of the said Lot 5 of Pat Briggs Subdivision, 238.08 feet to a

1/2" iron rod found, being the Southwest corner of the said Lot 3, and the Southeast corner of the said 0.261 acre tract.

- 2) $S 71^{\circ} 30' 52''$ W, 56.82 feet to the POINT OF BEGINNING and containing 4.0424 acres more or less.

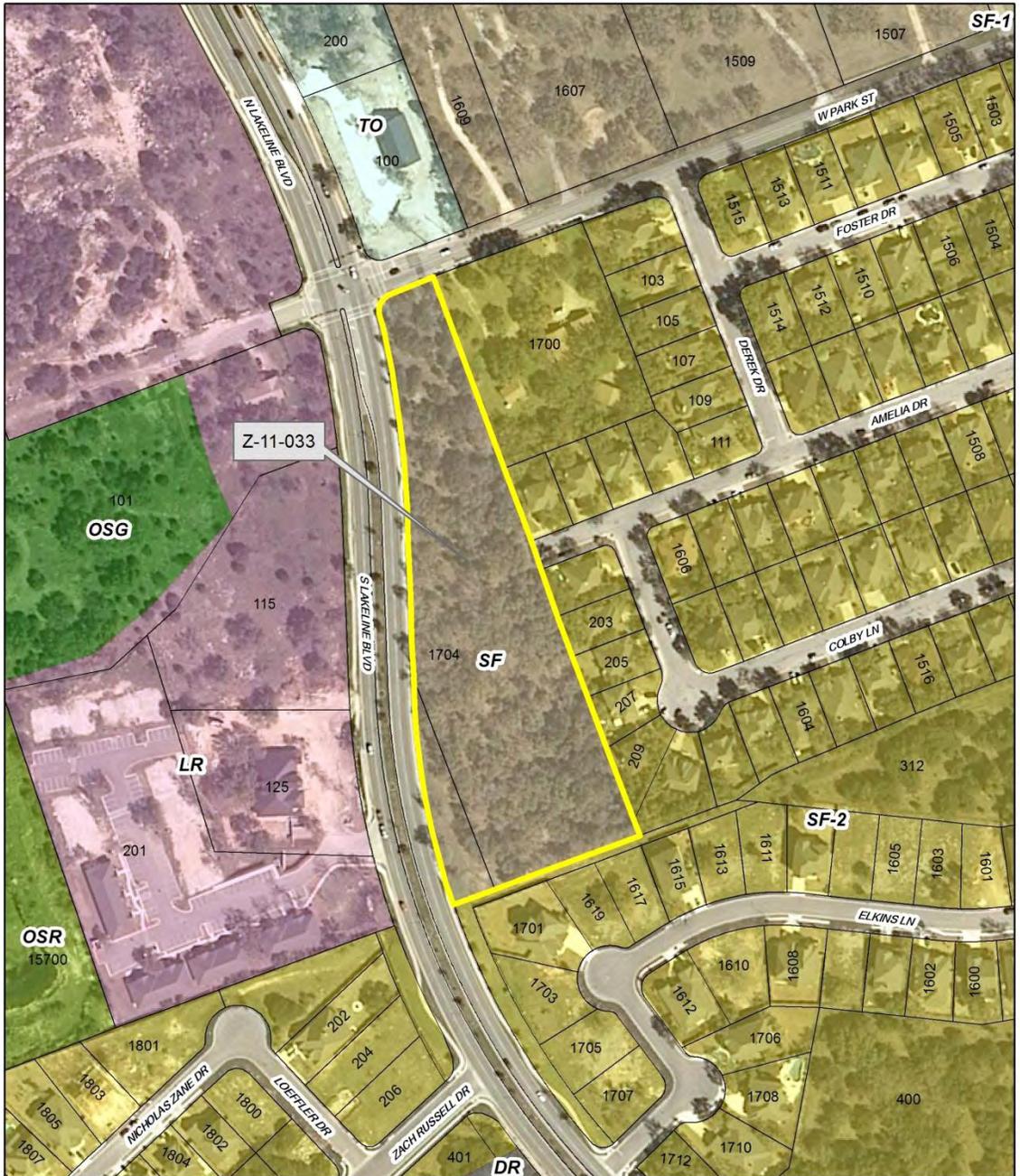
I hereby certify that the foregoing field notes were prepared from a survey on the ground under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal this 3rd day of August, 2003.
06_264

Edward W. Bradfield R.P.L.S. 5617



EXHIBIT A



Z-11-033



EXHIBIT B



NOTIFICATION AREA

October 18, 2011 Zoning	<i>Planning and Zoning Commission</i> Lakeline Park	Item: 8G & 9G
Case Number: # Z-11-033		

Owner: FFSC Inc.

Agent: Samir Desai

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Southeast corner of West Park Street and Lakeline Boulevard

COUNTY: Williamson

AREA: 4.0 acres

EXISTING ZONING: Single Family-Large Lot (SF)

PROPOSED ZONING: Local Retail-Conditional Overlay (LR-CO) with the following conditions:

- Limit the building height to 35 feet
- Pitched roofs shall be required for all buildings, with the slope at a minimum ratio of 4:12
- Hours of operation shall be limited to the hours of 7am and 10pm
- Window and door fenestration shall account for at least twenty-five (25) percent of the overall wall surface on walls fronting a public street
- Prohibit automated teller machines, automobile parts and accessory sales, convenience store, gas station limited, golf amusement, liquor store, restaurant general, rental libraries for sound and video recordings

STAFF RECOMMENDATION: Local Retail-Conditional Overlay (LR-CO) with the following conditions:

- Limit the building height to 35 feet
- Pitched roofs shall be required for all buildings, with the slope at a minimum ratio of 4:12
- Hours of operation shall be limited to the hours of 7am and 10pm
- Window and door fenestration shall account for at least twenty-five (25) percent of the overall wall surface on walls fronting a public street
- Prohibit automated teller machines, automobile parts and accessory sales, convenience store, gas station limited, golf amusement, liquor store, restaurant general, rental libraries for sound and video recordings
- Restrict access to Amelia Drive to pedestrian access only

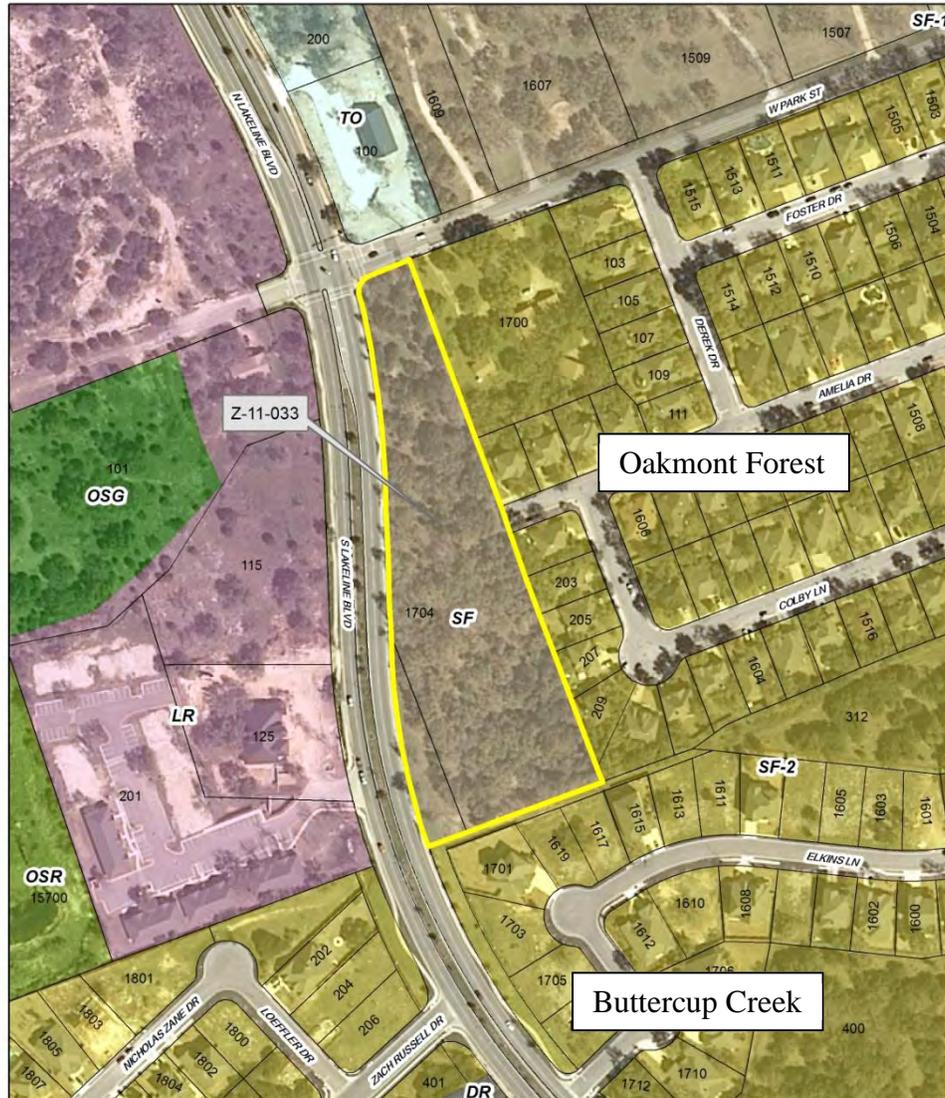
EXISTING FUTURE LAND USE DESIGNATION: Neighborhood Office/Retail/Commercial

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 4.0 acres from Single Family-Large Lot (SF) to Local Retail-Conditional Overlay (LR-CO) for property located at the southeast corner of West Park Street and Lakeline Boulevard.

EXISTING SITE and SURROUNDING USES:

The site is currently undeveloped and is surrounded by single family residential properties to the east and south. West Park Street forms the northern boundary of the tract and Lakeline Boulevard lies to the west of the tract.



Z-11-033



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:

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

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

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

The applicant's request complies with the Future Land Use Plan (FLUP).

The request is also consistent with the following goals set forth 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 tract is located within the Corridor Overlay.

Transportation:

North Lakeline Boulevard is classified as a 4 lane divided major arterial adjacent to the tract. In 2011, the traffic count north of Buttercup Creek Boulevard was 22,927 vehicles trips per day.

Amelia Drive, classified as a local street, currently terminates at the eastern boundary of the subject tract.

Water and Wastewater Utilities:

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

Subdivision:

The property is not subdivided.

Setback Requirements:

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

Architectural Requirements:

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

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-02-003	SF to LR	Application was withdrawn	No action taken

STAFF COMMENTARY:

Similar to the recently heard rezoning request at 210 North Lakeline, this request proposes to rezone property to LR-CO. A request for LR was previously heard by the Planning and Zoning Commission in 2002; however, the applicant ultimately withdrew the request and no action was taken.

The new request for LR-CO allows flexibility in the types of uses permitted while the conditional overlay ensures compatibility with the surrounding neighborhood. The small building scale (height limited to maximum 35 feet) and architectural features (articulation and roof design) are consistent with residential styles. The limited hours of operation (7am to 10pm) and prohibition of some intense land uses will preserve a compatible transition from the more intense commercial land use west of Lakeline to lesser intense commercial uses east of Lakeline, and finally to the single family residential uses east of the subject tract.

Amelia Drive currently terminates at the eastern boundary of the tract. Since Amelia Drive is a local street intended to serve the residences and not accommodate commercial traffic, staff recommends limiting the access to Amelia Drive to pedestrian access only. A pedestrian connection will provide access from the neighborhood without burdening Amelia Drive with commercial vehicle traffic.

The LR-CO request complies with the Future Land Use Plan and is supported by the purpose statement of the LR district.

STAFF RECOMMENDATION:

Staff’s recommendation is to approve LR-CO as requested by the applicant with an additional condition to restrict access to Amelia Drive to pedestrian access only.

PUBLIC INPUT: As of November 7, 2011, 11 letters of opposition were received. Three letters in support of the request were received. Please see attached.

PUBLIC NOTIFICATION: Cedar Park Citizen, October 6, 2011
52 letter notices were sent to property owners within the 300’ buffer

PROPOSED CITY COUNCIL HEARINGS: (November 17, 2011) 1ST Reading
(December 8, 2011) 2ND Reading

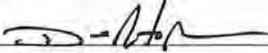
TO THE MAYOR AND CITY COUNCIL
OF THE CITY OF CEDAR PARK, TEXAS:

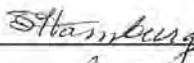
The undersigned property owners oppose the zoning change requested by FFSC Inc.
to rezone Z-11-033 from Single Family-Large Lot (SF) to Local Retail-Conditional Overlay (LR-CO)

The undersigned certify that they are owners of property located within 200 feet of the area covered by proposed change in zoning classification.

PLANNING DEPT.
NOV 08 2011
CITY OF CEDAR PARK

Property Owner's Name / Street Address of Property /Property Owner's Signature and Date

David Hoffman 1615 Elkins  10/12/11

Sue Hamburg 1612 Elkins  10/13/11

Janell Eriegelsen 1611 Elkins  10/18/11

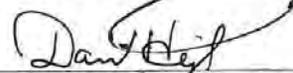
Daniela Collins 1704 Elkins Lane  10/18/11

Lisa Maggio 201 Colby Ln  11/1/11

Keith Bright 207 Colby Ln  11/01/2011

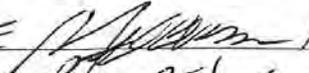
Kelleye Hutchinson 1610 Colby Lane  11-1-11

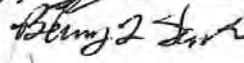
William R. Bollins 1608 Colby Lane  11/1/11

David Hejl 1611 Amelia Dr.  11-1-11

MICHAEL MURPHY 205 COLBY LN  11-1-11

Mary Brown 1609 Amelia Dr.  11-1-11

STEVE FEDERATION 1606 COLBY LANE  11-1-11

Certification: Barry Taylor 209 Colby Ln  11-1-11

I certify that the above are true and correct signatures:

Name of person who collected signatures

Date

TO THE MAYOR AND CITY COUNCIL
OF THE CITY OF CEDAR PARK, TEXAS:

The undersigned property owners oppose the zoning change requested by FFSC Inc.
to rezone Z-11-033 from Single Family-Large Lot (SF) to Local Retail-Conditional Overlay
(LR-CO)

The undersigned certify that they are owners of property located within 200 feet of the area covered by
proposed change in zoning classification.

Property Owner's Name / Street Address of Property /Property Owner's Signature and Date

Jeremy & Alisha Worsham / 200 Loeffler Drive / [Signature] 11-2-11

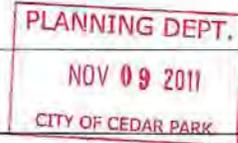
LES & SUE HORNE 202 LOEFFLER Drive [Signature] 11-2-11

James & Gloria Jack 1700 W. Park St, Moris Jack 11-2-11

Candice & Jared Stephens 1508 ELKINS LN Candice Stephens 11-3-11

IVANA + MARK KUNDIVICH 1509 ELKINS LN [Signature] 11/2/11

Chuck & Tamara Batts 1507 ELKINS LN [Signature] 11/3/11

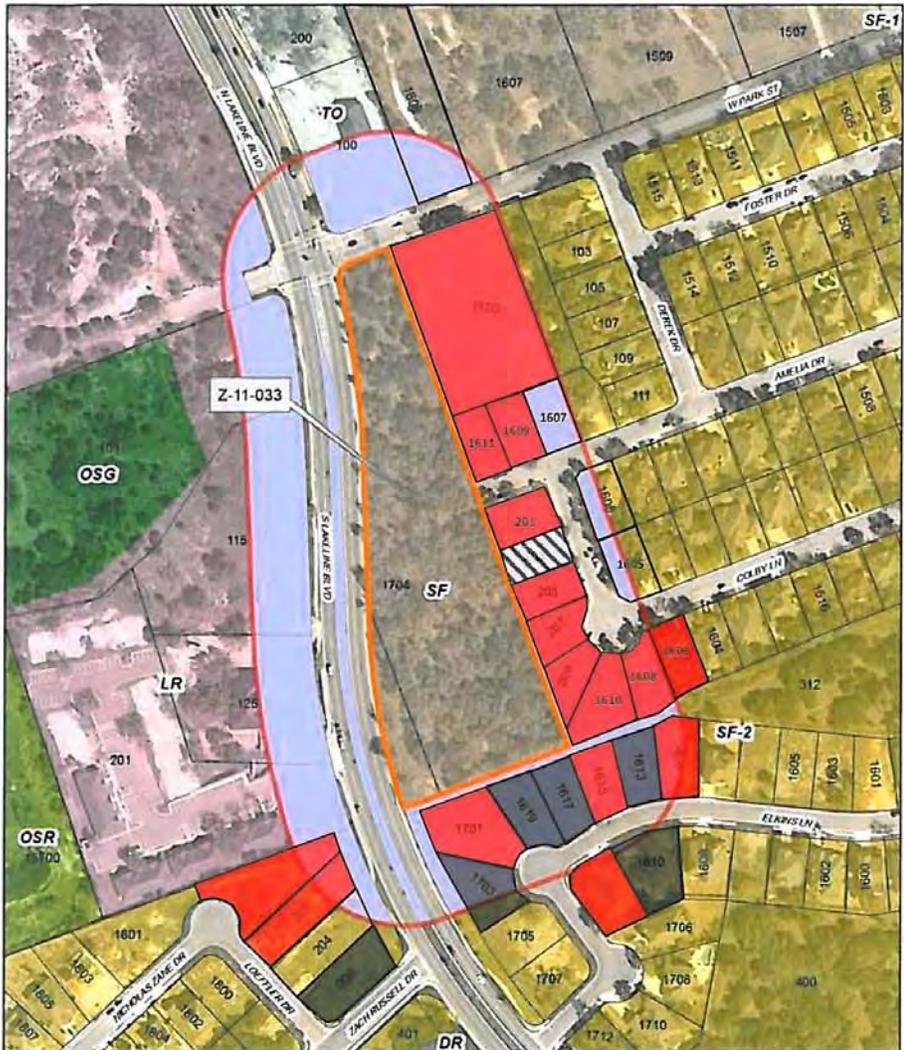


Certification:

I certify that the above are true and correct signatures:

[Signature]
Name of person who collected signatures

11-5-11
Date



Z-11-033



-  = Vacant lot
-  = Not occupied
-  = Oppose zoning change

Amy Link

From: Samir Desai [REDACTED]
Sent: Tuesday, November 01, 2011 5:12 PM
To: [REDACTED], Amy Link
Subject: meeting with neighbors planned on 11/5/11
Attachments: ron hamburg 1612 elkins 10-29-11.pdf; meeting at Starbucks Nov5-11 9am.pdf

Amy,

I visited more than 30 neighbors in Oakmont Forest and Elkins subdivisions on 10/30/11 and 10/29/11.

I have invited all the neighbors in these subdivisions for an open meeting on 11/5/11, 9 am at Starbucks so that I can listen to and hopefully address their concerns. Based on their input, I can restrict certain types of businesses or make other changes. Please, see the attached open meeting flyer.

I also visited each neighbor who has sent you email or voiced concerns as of 10/31/11. I met with David Hoffman and several others. Some homeowners were not home or they did not open door to meet with me. I have attached Ron Hamburg's written response. He is inside the 200 ft area of the parcel (1612 Elkins). As mentioned in Ron's written response, he does not want a gas station, car repair, liquor store or a convenience store. All these are already excluded in our LR-CO proposal. His primary concern is traffic. I again feel that many neighbors do want services such those offered by a bakery, coffee shop, bank etc. The people in the second survey live adjacent or very close to the 4 acre tract. While all of them have concerns about traffic, drainage, privacy, parking, light pollution etc.; these concerns are addressed during site planning. That is what the original survey showed.

The individual responses that I have submitted to you in my "second round of survey" from people such as Ron Hamburg, Jack Family, Kyle Bright and Yeagers also indicate that they either actually want these services or are open to them. The results of the second survey of nearest neighbors show that the first survey results are not flawed and that the original online survey was indeed useful in determining the type of services that the neighborhood wants.

All attendants to the open house meeting will be served with Starbucks coffee at my cost. I will let you know my findings after this November 5th Meeting.

Please, include this information along with other efforts carried out by me to solicit and address neighborhood concerns.

Thanks again for your time.

--
Samir Desai,

Amy Link

From: Samir Desai [REDACTED]
Sent: Tuesday, November 08, 2011 11:08 AM
To: Amy Link
Cc: [REDACTED]
Subject: Neighborhood Meeting on 11/5/11 @ Starbucks
Attachments: Eva Doran.pdf, Mary Brown.pdf, Cappy Conn.pdf

Amy,

I organized an open neighborhood meeting at my expense on 11/5/11, Saturday at Starbucks . Five or six people showed up to discuss concerns or provide their feedback. This is a much smaller response than what I received with online web based survey. I suppose, it is easier for people to provide their input on web rather than in person.

Three people provide written input. I have attached their comments. I specifically asked if they would like to restrict additional certain types of businesses, increase buffer zone etc. I did not get any response to that. I would like to put additional restrictions, if I know what the neighbors want. At the present time, I don't know that. I just hear general complains about privacy, traffic, noise, light pollution, "long hours", and drainage.

So far I have done two exhaustive surveys and one survey in "200 feet neighborhood." I have visited all neighbors door-to-door. I have specifically collected input from neighbors who are adjacent to this property. Many of them approve of services such as those provided by a bank, a bakery, a coffee shop and even limited hour retail. i have had an open neighborhood meeting. I believe that our recommendation for LR-CO zoning and related restrictions to P&Z Commission is accurate based on these surveys.

Please, let me know of correspondence that you receive from neighbors. I will address those concerns in the Meeting.
Thanks for your time and help.

Sincerely,

—
Samir Desai

**Thank you for attending the Open House Meeting
for Lakeline Park Rezoning Application.**

Name: Eva Doraa
Address: 1507 Amelia Dr.
Phone #: 512-331-9143

Your Feedback:

Opposed to changing the zoning to
Local Retail

11/4/2011

**Thank you for attending the Open House Meeting
for Lakeline Park Rezoning Application.**

Name: Mary Brown
Address: 1669 Amelia Dr.
Phone #: 336-0876

Your Feedback:

We'd prefer to see T.O. zoning for the
property. This would better fit the type
of property and the original zoning planned
by the City.
Specifically - shorter business hours are best
suited due to the proximity to homes.

Thank you for attending the Open House Meeting
for Lakeline Park Rezoning Application.

Name: Cathy Wilcox

Address:

Phone #: 512-736-7605

Your Feedback:

BAD - Convenience stores, liquor stores, any businesses
open late or requires lots of lighting.

Good - Townhomes or condos; bank coffee shop (closes @ 5pm)

GREAT - DR OFFICE, DENTAL, OPTOMETRY

EXCELLENT - PARK, MEMORIAL, OLYMPIC-SIZE LAP POOL

Saturday, October 29, 2011

Dear Neighbors at Oakmont and Elkins Subdivisions:

There will be an Open House Meeting on Saturday, 11/5/11 at 9 am at Starbucks (North West corner of Cypress Creek and Lakeline) to discuss the zoning change application for the development at the South East corner of W. Park and North Lakeline Blvd. Your feedback is valuable and appreciated.

Please, pass this message to the neighbors on Elkins and Oakmont Forest Subdivisions. This meeting is open to all in the neighborhood. Starbucks Coffee will be served to all attendants.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Desai".

Samir Desai

From: Samir Desai [REDACTED]
Sent: Friday, October 28, 2011 10:43 AM
To: Amy Link
Cc: [REDACTED]
Subject: update on neighbor responses
Attachments: Jack family 1700 West Park Street 200FT Neighbor Oct22-11.pdf; Jan Yeager 1607 Amelia Drive 200FT Neighbor Oct22-11.pdf; Kyle Bright 207 Colby Lane 200FT Neighbor Oct22-11.pdf

Amy,

10/27/11

I visited 10+ neighbors in the immediate 200 feet region on 10/22/11 and 10/23/11. Please, note that this is my second visit to the neighbors. I had substantial conversation with neighbors at 207 Colby Lane (Kyle Bright), 1700 W. Park (Jack family), and 1607 Amelia Drive (Jan Yeager). I listened to their concerns and explained to them that the City has very strict regulations for drainage, buffer zone, traffic flow, tree removal etc. These neighbors provided me with written, signed feedback. I have attached the same here. Many of the intended or suggested use will require LR zoning. Please, note that these neighbors are in the 200 feet area.

Ms. Maggio (201 Colby Lane) told me that she is opposed to all development for privacy reasons because she has a swimming pool in her backyard. I explained to her that we will have a buffer zone, and I can protect the trees behind her home. She told me that she has been advised not to speak with me or sign anything.

Ms. Feldman (1606 Amelia Drive) told me that she only wants low impact development. She also told me that she has not made up her opinions yet. I asked her if I could re-visit her. She said no to my request.

Mr. David Hejl (1611 Amelia Drive) first told me that he did not want gas station, convenience store, liquor store or any business that stayed open after 10 pm. I told him that I agreed with him. Then he changed his mind and told me that he prefers not have any retail business at all. He does not want Amelia Drive extend at all.

I also visited the neighbors at 1608 Colby, 1607 Colby, 205 Colby, and 203 Colby. They did not open the door. I plan to meet with additional neighbors in the 200 feet area in next several days. I will also try to reach those neighbors who have written to the City with their concerns. Many of them actually provided feedback on the website, so I already know their concerns and desires for the type of businesses they would like to see. Some of them desire bakery, bank, retail shops, coffee shops etc. in the immediate neighborhood but not necessarily in their backyard. While I understand their concerns, we must look at the needs of the overall neighborhood.

I sincerely hope that the City Council considers the statistical data on neighborhood wishes, not just the feedback from neighbors abutting the back of this parcel. Although, the responses I have attached herewith show that many of them also approve or desire shops that require limited retail zoning.

Please, let me know if you receive any more letters from concerned neighbors so that I can address them in a timely manner. I have put a tremendous amount of time, effort and money to address neighbors' concerns so that we can do the right thing.

Sincerely,

--
Samir Desai, Ph.D., CFA
SDesai@TimeOnWeb.com

Page One

1.) Dear Neighbors: We are requesting zoning change to develop an attractive retail center at the South East corner of West Park Street and N. Lakeline Blvd. We would greatly appreciate your input and your preference for businesses at this location. You may select or de-select any businesses that you do not prefer from the choices below. Thank you for your time.

- | | |
|--|---|
| <input checked="" type="checkbox"/> Coffee Shop | <input checked="" type="checkbox"/> Banking Services |
| <input checked="" type="checkbox"/> Small or Unique Retail Shops | <input checked="" type="checkbox"/> Gas Station |
| <input checked="" type="checkbox"/> Personal Services Shops (Hair Salon, Nail Salon etc.) | <input checked="" type="checkbox"/> 24 hour Convenience Store |
| <input checked="" type="checkbox"/> Medical and/or Dental Services | <input checked="" type="checkbox"/> Limited Hours Small Convenience Store |
| <input checked="" type="checkbox"/> Veterinarian | <input checked="" type="checkbox"/> 24 Hour Retail Store |
| <input checked="" type="checkbox"/> Other Pet Related | <input checked="" type="checkbox"/> Limited Hours Retail Store |
| <input checked="" type="checkbox"/> Dry Cleaners and/or Laundromat | <input checked="" type="checkbox"/> Limited Hour Repair Shop |
| <input checked="" type="checkbox"/> Bakery | <input checked="" type="checkbox"/> Limited Hour Auto Supply Store |
| <input checked="" type="checkbox"/> Local or Unique Restaurants | <input checked="" type="checkbox"/> Limited Hour Drug Store |
| <input checked="" type="checkbox"/> General Restaurants | <input checked="" type="checkbox"/> Liquor Store |
| <input checked="" type="checkbox"/> Professional Service Office (e.g. architect, lawyer, accountant) | |

2.) Please, provide additional comments or thoughts (if any) on this topic.

*more traffic - no restaurants maybe banks!
no liquor store, car repair, no gas stations*

3.) Your Contact Information:

We approve zoning change for above use.

Name: Reon Hamburg

Address: 1612 E. Kern

Date: 10-29-11

Page One

1.) Dear Neighbors: We are requesting zoning change to develop an attractive retail center at the South East corner of West Park Street and N. Lakeline Blvd. We would greatly appreciate your input and your preference for businesses at this location. You may select or de-select any businesses that you do not prefer from the choices below. Thank you for your time.

- Coffee Shop
- Small or Unique Retail Shops
- Personal Services Shops (Hair Salon, Nail Salon etc.)
- * Medical and/or Dental Services
- * Veterinarian
- Other Pet Related
- Dry Cleaners and/or Laundromat
- * Bakery
- Local or Unique Restaurants
- General Restaurants
- * Professional Service Office (e.g. architect, lawyer, accountant)
- * Garden Store
- Banking Services
- Gas Station
- 24 hour Convenience Store
- Limited Hours Small Convenience Store
- 24 Hour Retail Store
- Limited Hours Retail Store
- Limited Hour Repair Shop
- Limited Hour Auto Supply Store
- Limited Hour Drug Store
- Liquor Store

2.) Please, provide additional comments or thoughts (if any) on this topic.

Nicely Landscaped Areas

3.) Your Contact Information:

~~We approve zoning change for above use.~~ IF WE NEED MORE TAX MONEY, WE PREFER THE ABOVE CHOICES

Name: JIM & GIORA JACK

Address: 1700 W PARK ST

Date: 22 OCT 11

Page One

1.) Dear Neighbors: We are requesting zoning change to develop an attractive retail center at the South East corner of West Park Street and N. Lakeline Blvd. We would greatly appreciate your input and your preference for businesses at this location. You may select or de-select any businesses that you do not prefer from the choices below. Thank you for your time.

- Coffee Shop
- Small or Unique Retail Shops
- Personal Services Shops (Hair Salon, Nail Salon etc.)
- Medical and/or Dental Services
- Veterinarian
- Other Pet Related
- Dry Cleaners and/or Laundromat
- Bakery
- Local or Unique Restaurants
- General Restaurants
- Professional Service Office (e.g. architect, lawyer, accountant)
- Banking Services
- Gas Station
- ~~24 hour Convenience Store~~
- ~~Limited Hours Small Convenience Store~~
- ~~24 Hour Retail Store~~
- Limited Hours Retail Store
- Limited Hour Repair Shop
- Limited Hour Auto Supply Store
- Limited Hour Drug Store
- ~~Liquor Store~~

2.) Please, provide additional comments or thoughts (if any) on this topic.

No 24 hours store, don't extend Amelia Dr

3.) Your Contact Information:

We approve zoning change for above use.

401-9593

Name: San Yeagou

Address: 1607 Amelia Dr

Date: 10/22/2011

Page One

1.) Dear Neighbors: We are requesting zoning change to develop an attractive retail center at the South East corner of West Park Street and N. Lakeline Blvd. We would greatly appreciate your input and your preference for businesses at this location. You may select or de-select any businesses that you do not prefer from the choices below. Thank you for your time.

- [✓] Coffee Shop
- [] Small or Unique Retail Shops
- [✓] Personal Services Shops (Hair Salon, Nail Salon etc.)
- [✓] Medical and/or Dental Services
- [✓] Veterinarian
- [] Other Pet Related
- [✓] Dry Cleaners and/or Laundromat ✓✓
- [] Bakery
- [✓] Local or Unique Restaurants
- [✓] General Restaurants
- [] Professional Service Office (e.g. architect, lawyer, accountant)
- [✓] Banking Services
- [] Gas Station
- [] 24 hour Convenience Store
- [] Limited Hours Small Convenience Store
- [] 24 Hour Retail Store
- [✓] Limited Hours Retail Store
- [] Limited Hour Repair Shop
- [] Limited Hour Auto Supply Store
- [✓] Limited Hour Drug Store
- [] Liquor Store

2.) Please, provide additional comments or thoughts (if any) on this topic.

3.) Your Contact Information:

We approve zoning change for above use.

Name: Kyle Bright 512-705-2335

Address: 207 Colby Ln

Date: 10-22-01

Amy Link

From: Samir Desai [REDACTED]
Sent: Friday, October 14, 2011 3:55 PM
To: Amy Link
Subject: Meeting with Gloria Jack (1700 W. Park Street)

Amy,

Today (10/14/11), I visited Bryan Thompson (111 Derek) and Gloria Jack (1700 W. Park). I answered Ms. Jacks's questions and addressed her primary concerns about drainage, tree cutting and buffer zone between her property and this 4 acre tract.

I told her that the City of Cedar Park already has very significant requirements to protect the trees, land grading, and water detention to prevent water run-off. I also told her that the City has strict requirements for buffer zone setback on Lakeline Blvd. I told her that I will be very happy to meet with her and her neighbors for further conversation if needed. Our conversation was amicable and positive.

Noone was home at 111 Derek. So I left a letter (attached to their front door) to call me to discuss their concerns. I gave my phone # and webiste for feedback. I will let you know if I hhear from him.

Thanks for your support and help.

--
Samir Desai
SDesai@TimeOnWeb.com



Applicant's Summary of Neighborhood Communications

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

I personally called and/or visited immediate neighbors to seek their input. I went door to door and talked with the neighbors. I also hired helpers to distribute the flyer describing ways to provide their suggestions. They were notified between 7/7/11 and 9/25/11.

I visited more than 300 home owners and businesses to seek their input. I hired a company to build a website and develop a survey. I asked home owners and businesses to fill out the survey so that we can better understand the needs of the local community.

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

Property owners on West Park St., Foster Drive, Amelia Drive, Oakmont Forest, Brianna Court, Settlers Drive, Prize Oaks Drive, S. Prize Oaks Drive, Shelby Trails Pass, Sophora Place, Mahogany Lane, Sugarberry Drive, Colby Lane, Bluejack Place, Dear Trace Drive, Elkins Lane, Loeffler Drive, S. Lakeline Blvd, Amelia Drive and Derek Drive.

3. What concerns were raised during these communications?

Majority of them want coffee shop (86%), small or unique retail shops (89%), bank (61%), bakery (83%), local restaurant (75%), limited hour retail and drug store (64%) along with professional office and personal
They don't want:

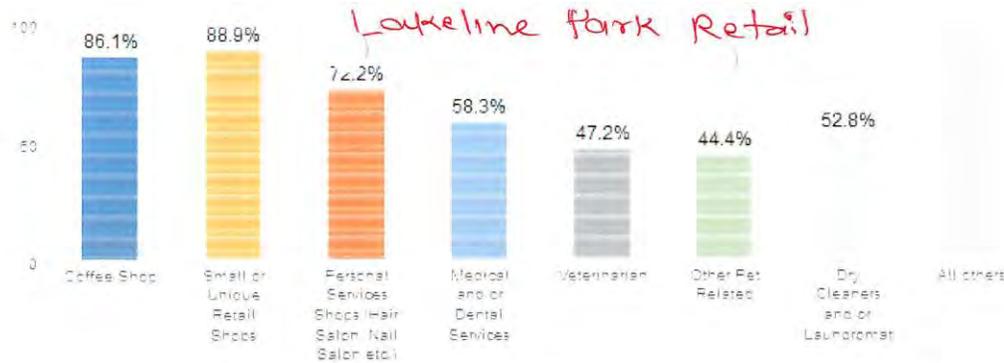
1) gas station, 2) 24 hour store, 3) liquor store, 4) auto supply store

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

I would like to modify LR zoning request to "LR with conditioninal overlay" that prohibits gas station, 24 hour convenience store, auto parts/supply store, and liquor shop.

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

Signed:  Date 9/28/11



Dear Neighbors, The owners of property at the South East corner of Lakeline Blvd. and West Park Street are planning to build a high quality commercial retail center on the site. We would greatly appreciate your input and your preference for businesses at this location. Industrial, manufacturing and Adult oriented businesses are NOT Permitted and are not considered in our plan. You may de-select any businesses that you do not prefer from the choices below. Thank you for your time.

Value	Count	Percent %	Statistics	
Coffee Shop	31	86.1%	Total	36
Small or Unique Retail Shops	32	88.9%	Responses	
Personal Services Shops (Hair Salon, Nail Salon etc.)	26	72.2%	Sum	288.0
Medical and/or Dental Services	21	58.3%	Average	24.0
Veterinarian	17	47.2%	Max	24.0
Other Pet Related	16	44.4%		
Dry Cleaners and/or Laundromat	19	52.8%		
Bakery	30	83.3%		
Local or Unique Restaurants	27	75%		
General Restaurants	18	50%		
Professional Service Office (e.g. architect, lawyer, accountant)	25	69.4%		
Banking Services	22	61.1%		
Gas Station	4	11.1%		
24 hour Convenience Store	5	13.9%		
Limited Hours Small Convenience Store	12	33.3%		
24 Hour Retail Store	7	19.4%		
Limited Hours Retail Store	23	63.9%		
Limited Hour Repair Shop	10	27.8%		
Limited Hour Auto Supply Store	7	19.4%		
Limited Hour Drug Store	16	44.4%		
Liquor Store	11	30.6%		

Amy Link

From: [REDACTED]
Sent: Thursday, November 03, 2011 9:52 PM
To: Amy Link
Subject: Rezoning Proposal: NO THANKS!

Hello Amy:

I live at 1610 Colby Lane in Cedar Park; my property backs up directly to property Z-11-033 that runs along Lakeline Blvd and West Park Street.

I understand a Mr. Samir Desai is aggressively working to rezone this property and I want to express my sincere desire that this NOT be allowed. I also understand Mr. Desai has provided the Cedar Park City Council with survey results stating homeowners adjacent to this property, and other homeowners near it, are in favor of his rezoning plans. I've never seen this survey nor provided any responses to it. If I had been given the option I would have gladly filled it out expressing my strong desire the current zoning remain AS IS.

Feel free to contact me with ANY questions.

Sincerely,

Jeff Hutchinson
Director/GM, Remarketing
Dell | Financial Services
Desk: 512.728.6775
Cell: 512.426.0528
www.DFSDirectSales.com
www.DellAuction.com

Amy Link

From: Steven and Terri Smith [REDACTED]
Sent: Friday, October 07, 2011 11:49 AM
To: Amy Link
Subject: attn: Z-11-033

To whom it may concern,

As the owner of the lot and business at 100 N lakeline blvd I am concerned and against the rezoning of the lot Z-11-033. I think it detracts from the neighborhood and will devalue the properties across and adjacent to this lot. This area was not designed nor intended to be commercial of any kind. This area is a major exit point for the people living in this neighborhood and the additional traffic will make this area more congested and back traffic up to interfere with my business's entrance.

Sincerely,

Steven Smith

Amy Link

From: Steven and Terri Smith [REDACTED]
Sent: Wednesday, October 12, 2011 4:40 PM
To: Amy Link
Subject: Z-11-033

To whom it may concern,

I am the owner of the business at 100 N Lakeline Blvd and I sent a letter regarding the rezoning of this area a few weeks ago. I mistakenly thought that the property was the residential property east of me not south of me on Lakeline. I am not against the rezoning of this land as long as the restriction # 5 about convenience store or gas station prohibition is maintained. Sorry aabout the confusion.

Sincerely,
Steven Smith

Amy Link

From: Gloria Jack, [REDACTED]
Sent: Wednesday, October 12, 2011 2:28 PM
To: Amy Link
Subject: Zoning File # Z-11-033

James & Gloria Jack
1700 West Park Street
Cedar Park, TX 78613

We are not in favor of the zoning changes to File # Z-11-033 for the following reasons:

1. Possible drainage problems. There are already drainage problems during heavy rains. If the trees are cut and the area paved, it could increase drainage problems.
2. Currently the trees provide a natural noise break for Lakeline Boulevard. Cutting down the trees would increase the noise level of the neighborhood behind it.
3. The trees provide a natural shade and wind break for our neighborhood.
4. Aesthetically we would rather see the trees than the backs of buildings.

Sincerely,
Gloria Jack
512-335-6808

CEDAR PARK

PLANNING DEPT.
OCT 12 2011
CITY OF CEDAR PARK

Notice of Public Hearings on a Proposed Zoning Change

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:
Z-11-033

The City of Cedar Park shall hold a public hearing on a request by FFSC Inc. to rezone approximately 4.0 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, otherwise described by metes and bounds in Williamson County, Texas. The Conditional Overlay includes the following conditions: 1) limit the building height to 35 feet; 2) pitched roofs shall be required for all buildings, with the slope at a minimum ratio of 4:12; 3) hours of operation shall be limited to between the hours of 7am and 10pm; 4) window and door fenestration shall account for at least twenty-five (25) percent of the overall wall surface on walls fronting a public street; and 5) prohibit automated teller machines, automobile parts and accessory sales, convenience store, gas station limited, golf amusement, liquor store, restaurant general, rental libraries for sound and video recordings.

The Planning and Zoning Commission may recommend and the City Council may consider assigning any zoning district which is equivalent or more restrictive than that which is requested and which is deemed consistent with the Comprehensive Plan and the Future Land Use Plan.

A public hearing will be held by the Planning and Zoning Commission on Tuesday, October 18 2011 at 6:30pm.

A public hearing will be held by the Cedar Park City Council on Thursday, November 17, 2011, at 6:30pm.

Council action and second reading may be considered at the meeting to follow the public hearing (December 8, 2011).

Cedar Park Library Meeting Room
550 Discovery Blvd., Cedar Park, Texas

Agent: Samir Desai, 658-4458

For more information regarding this application,
contact the Planning Department at
(512) 401-5056.



You may send your written comments to the Planning Department, 600 N. Bell Blvd., Cedar Park, Texas 78613 or e-mail: amy.link@cedarparktx.us (attention: Zoning File #: Z-11-033)

Name: Bryan Thompson Address: 111 Derek Drive

I am in favor, this is why _____ I am not in favor, and this is why _____

_____ • ↓ property values, removal of
_____ • green belt, unbeautifying of
_____ • neighborhood, ↑ neighborhood
_____ • automobile traffic = danger area
_____ • for everybody

Amy Link

From: Mary Brown [REDACTED]
Sent: Monday, October 17, 2011 8:15 PM
To: Amy Link
Subject: Zoning File Number Z-11-033

Amy,

I hope this email finds you well - we are emailing to state that we are NOT in favor of the proposed zoning change.

We have many questions and concerns surrounding this change - not the least of which is the fact the road (Lakeline) is higher than the lot in question, which suggests there may be detrimental draining issues for tenants of business and surrounding housing. In addition, we are concerned with access to the property (will they access from Lakeline? that is blind/tight turn), parking, business types, etc. We don't understand how any business with building, electrical, water, sewer (and other utilities), easement, parking, access for emergency vehicles will all adequately fit in that area without adverse effect (traffic, congestion, and safety issues are of concern).

Thanks for your time and consideration

Mary and Cameron Brown
1609 Amelia Drive
Cedar Park

Amy Link

From: Karla Johns [REDACTED]
Sent: Thursday, October 20, 2011 9:05 AM
To: Amy Link
Subject: Attention Zoning File #: Z-11-033

This is in response to the zoning of property adjacent to Oakmont Forest. It is my understanding that the owner wishes to develop this property as retail. I am highly opposed to such development. This is a quiet community with many children and we all want to see it remain safe. Retail property would impact the entire neighborhood and increase undesirable traffic to the area.

When my family moved to this neighborhood in 2003, we did so because we desired a safe and quiet place to raise our daughter. We have so enjoyed the absence of neighboring retail areas. If you drive through this neighborhood you will see that the residents are proud of their homes and properties. We take great care to maintain our homes and yards and our property values.

I was one of the persons that filled out the initial survey sent out by the owner who wishes to develop the area on Lakeline. I filled it out online. It was interesting to me that it would not send unless one of the property uses was checked. As far as I am concerned this was an effort to manipulate the results. I read from my neighbors that Mr. Desai said that he personally contacted all person who responded with concerns. I was not contacted, so if he did contact people, he was untruthful in saying that he contacted all who had concerns.

I understand that he has the right to build on his land. I am beseeching you to please limit the development to office space only. This would minimize the effect to our neighborhood by reducing traffic in and out and the type of visitors there. It would also keep our area quiet and dark during the early morning and late evening times.

I am disabled and unable to attend the meetings. Please submit this letter with all correspondence regarding this issue so that our city council members will have my input as a resident of Oakmont Forest.

Thank you,
Karla Johns
102 S Prize Oaks Dr
Cedar Park
250-1931

Gratefully in His Grace,
Karla Johns

If you do not know Jesus as your savior, please seek Him today.

Amy Link

From: Edwards, Laura L [REDACTED]
Sent: Thursday, October 20, 2011 2:24 PM
To: Amy Link
Cc: lledwards@austin.rr.com
Subject: Attention:Zoning File #: Z-11-033

I live at 106 Oakmont Forest Drive and have one 9 year old child who attends Westside Elementary school. I am highly against a General Office zone and/or Local Retail Zone for this area. Reason being, there are several young and teenage kids in this area and these type of businesses would NOT be in the best interest for our kids and neighborhood. Since the opening of Colby Lane I have seen an increase of thefts and destruction of our property in the Oakmont Forest neighborhood. The inappropriate General Office and/or Local Retail Zone leads to an increase of surveillance of the Cedar Park Police Department and Fire Department. It will also lead to a destructive area that will promote a negative effect on this neighborhood and lower value of property. Once again I'm highly against this type of zoning. Your support against this vote would be greatly appreciated!

I also did not receive any type of survey for this zone change at my door and could not attend the zoning meeting last night due to I'm a single working Mom with no child care during the evenings.

Sincerely,

*Laura L. Edwards
106 Oakmont Forest Drive,
Cedar Park, TX 78613
Sr. Systems Administrator - ITS
The University of Texas @ Austin
512-471-4807 Office
512-658-2584 Cell*

Amy Link

From: [REDACTED]
Sent: Friday, October 21, 2011 1:18 PM
To: Amy Link
Cc: Jane Koble; bltaylor_209@yahoo.com
Subject: Zoning File #: Z-11-033

Ms. Link,

My wife (Jane) and I would like to voice our concern over the above-captioned Zoning issue. We live at 1503 Foster Dr and our back fence is on West Park Street.

We want to let you know our displeasure regarding the proposed LR (Local Retail) classification on West Park. We would like to see a more restrictive classification of TO or TZ.

We plan to attend the November 17th meeting at the CP Library and make it clear we are **opposed to LR (Local Retail)** classification of this property as it would certainly hurt our property value.

Please help us save the integrity and family friendly atmosphere of our subdivision at Oakmont Forest.

Sincerely,
Chuck Koble
Jane Koble
1503 Foster Drive
Cedar Park, Texas 78613

Amy Link

Page 1

From: David Hoffman [REDACTED]
Sent: Friday, October 21, 2011 3:19 PM
To: Amy Link
Subject: Re: Zoning petition sample

Hi Amy,

I'm glad I was able to participate in this week's P&Z meeting. I think a lot of the disparity between Samir's statistics and the actual opinions of residents was due to some unfortunate wording on his handouts. He told me after the meeting that the city required him to use that wording. I think if surveys like this are going to be part of the city's process in the future, there might need to be some adjustments made to the wording to increase transparency. In contrast, the form your office sent out notifying us of the change was very thorough and clear and an online survey associated with that information would be unbiased and far more informative than what he presented.

Unfortunately we were not able to respond to Samir's second group of statements since the public hearing was closed. We were somewhat disappointed to hear that the P&Z commission put so much weight behind his survey as the voice of the affected residents. He even mentioned responses from people on Elkins Ln in support of the zoning change.

I was one of the people on Elkins who replied to his online survey after receiving his flyer. Since he said they were developing high quality retail (implying the zoning change had already been made) and wanted to know what we did and did not want, I chose the least offensive options (coffee shop, etc). This does not indicate any support of changing the zoning to LR. If he wanted to use a survey during his petition to change the zoning he should have surveyed if residents supported the change from SF to LR. Based on the signatures on my petition, he would have shown you very different statistics.

Secondly, he said he passed out hundreds and hundreds of fliers to get those survey responses. If he's using responses of people who live miles away then that doesn't reflect the opinions of the immediate neighborhoods in the area. Zoning changes are local in nature and responses from people who aren't directly affected should at least be identified. Again, the petition shows he has zero support from the immediate neighbors.

I recognize that this property can't remain SF forever because of the City Master Plan. However, based on Cedar Park Zoning Ordinances, this is a textbook example of a Transitional Office District. It meets the letter and intent of this classification.

Sec. 11.02.121 Purpose

The Transitional Office District, TO, is established to provide for low intensity office and professional uses to be located adjacent to residential areas with a positive impact. Permitted uses in this district are more compatible with adjacent residential areas by having limited hours of operation, small building scale, and architectural and landscape features that are consistent with residential style. This district is intended to allow for limited, nonresidential land uses that provide for a smooth transition to and from the area to preserve the integrity of adjacent residential neighborhoods. The TO District provides for support services near to the residents of the neighborhood, allowing access to services by pedestrians and bicycles.

In contrast, this property meets almost no criteria laid out in the City Ordinance for Local Retail. This area of Lakeline, across from the quarry and right in the middle of multiple neighborhoods and schools, abutting only single family residences, is far from a pulse point or arterial intersection. The traffic generated by retail vs offices will, without question, negatively impact local residential neighborhoods.

Sec. 11.02.145 Purpose

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. (Ordinance CO33-07-06-28-5D adopted 6/28/07; Ordinance CO04-08-10-09-C4 adopted 10/9/08)

I know this is a long email and I would love the chance to speak with you in person. Please let me know if this is an option.

Thanks,

David

Amy Link

From: Eva Doran [REDACTED]
Sent: Friday, October 21, 2011 3:36 PM
To: Amy Link
Subject: attention Zoning File #: Z-11-033

My name is Eva Doran and I live at 1507 Amelia Dr. I am very opposed to any type of Local Retail adjacent to Oakmont Forest and I am very disturbed at the sneakiness that seems to be happening from the owner of the property.

I chose to move to this neighborhood because of the lack of traffic, noise, and the safe quality of living we have here. Some things have changed since I have moved to Oakmont Forest but I still feel that it is a nice neighborhood with little traffic, noise, and people who don't live here aren't hanging around. **I am opposed to any type of LR zoning that would change the quality of this neighborhood.**

Thank you very much for your attention to this matter.

Eva Doran

Amy Link

From: Eric Hellinger [REDACTED]
Sent: Friday, October 21, 2011 4:05 PM
To: Amy Link
Subject: Zoning File #: Z-11-033

Amy,

I am writing in reference to Zoning File #: Z-11-033. I do not feel residents have been adequately informed regarding this rezoning request. I strongly oppose the request that the referenced property be rezoned from Single Family Residential to Local Retail, Conditional Overlay. Information I have received about this request did not thoroughly explain the potential businesses that could occupy the land in question. I would happily support either TO or TC zoning classifications, but not LR-CO. I feel that notices relating to this request did a poor job of explaining the consequences of the request. I object strongly to the property value, noise, light and traffic impacts that businesses allowed under LR-CO would mean to our neighborhood.

Additionally, I have heard from neighbors that attended the hearing on October 18th that the property owner asserts that he surveyed property owners in the area. The only survey he distributed to me referenced development of 210 N. Lakeline Blvd, not the property referenced in Z-11-033. That survey implied that the property was already zoned for retail, which I have since learned misrepresented the zoning of 210 N. Lakeline Blvd. I feel the property owner has been intentionally less than transparent with the city about his efforts to obtain neighborhood input. Which further enforces my objections.

I plan to attend the November 17th City Council meeting to express my opposition.

Thank you for your time and attention,

Eric Hellinger
1507 Foster Dr.
Cedar Park, TX 78613

Amy Link

From: [REDACTED]
Sent: Friday, October 28, 2011 11:56 AM
To: Amy Link
Subject: Lakeline Property - Zoning File #:Z-11-033

Zoning File #: Z-11-033

Please make sure that we are on record that we **DO NOT WANT A ZONING CHANGE**. We are very much **opposed** to what the current owner of this property is trying to do. I would be happy to support either the TO or TC zoning classifications.

We have lived in this neighborhood at the address below for over twelve (12) years. We have enjoyed the security and restrictions of this neighborhood.

Usually when a property with commercial potential is located directly next to an established residential area, it is zoned either TO (Transitional Office) or TC (Transitional Commercial).

I know that the TO or TC zones are the best choice for this property.

Sincerely,

Edward E. and Sharon I. Mosser
1601 Colby Lane
Cedar Park, TX 78613
512.996.8049

[REDACTED]

Amy Link

From: Barry Taylor [REDACTED]
Sent: Monday, November 14, 2011 8:12 PM
To: Amy Link
Subject: Attention Zoning File #: Z-11-033

Monday, November 14, 2011

To the City Staff and City Council,

This is in regard to the zoning application for file Z-11-033.

My home is one of the properties that directly borders the property in question.

Please do not approve the owner's application for zoning of Local Retail – Conditional Overlay. Even with the restrictions proposed, the Local Retail zoning allows the potential for too many kinds of businesses that would seriously disrupt the standard of living we all desire for our residential neighborhood.

I live at 209 Colby Lane, and my back yard fence borders the property in question. In fact, the way my home is built on the pie-shaped lot, my bedroom window is only 11 feet away from the property line. It would not take much in terms of noise, traffic, odors, bright lighting, and extended operating hours to really disrupt the peace at my home.

When I purchased the home 14 years ago, Lakeline Blvd was only a plan, and it called for a route very near the quarry and farther from our subdivision. The property in question was much larger and zoned as residential at that time. When environmental concerns changed the roadway routing plan, and brought it closer to us, we were disappointed, as we knew that the smaller, thoroughfare-fronting property would have to become commercial. We have since hoped for low-impact office development, as was proposed several years ago, when a rezoning effort was pursued by the property owner. Due to strong objections from the neighborhood, he withdrew his application at that time.

I would be happy to support either the TO or TC zoning classifications. These zones allow many types of commercial enterprises to be considered for the property, while also protecting the interests of neighboring homeowners. I am deeply concerned that the current proposal could lead to the development of businesses that would disrupt the standard of life our neighborhood enjoys, and diminish the property values we work hard to uphold.

This property is the exact example of the types of applications that the TO or TC zoning classifications were designed for. Please vote to zone the property for either TO or TC.

Thank you for your consideration in this important matter.

Regards,
Barry Taylor
209 Colby Lane

Amy Link

From: [REDACTED]
Sent: Thursday, November 17, 2011 5:26 PM
To: Amy Link
Subject: Rezoning of Lakeline

Re: rezoning of Lakeline Dr. and Park St.

Sorry I can't make the meeting, but I respectfully request that the council NOT approve rezoning this stretch of land. If necessary, it should be zoned for office space only. Under no circumstances should Amelia Dr. be connected to Lakeline, EVER.

Why does this matter continue to come up. We have had MANY rezoning requests for this stretch over the years. It doesn't seem to make any difference how much the community responds, developers find a way to appeal for new approaches to upgrade their properties at the cost of neighborhoods. We're tired of fighting these endless battles and that's the reason the developers succeed. They wear us down. Real estate speculation should not be a proper reason to downgrade the quality of life of an entire neighborhood.

Please do not allow this to happen.

Gary L. Greene
1511 Amelia Dr.
Cedar Park 78613

Amy Link

From: [REDACTED]
Sent: Thursday, November 17, 2011 10:53 AM
To: Amy Link
Subject: Re Zoning Meeting

Dear Amy,

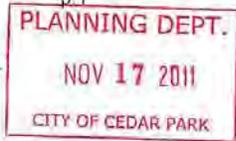
We have been residents of both Oakmont Forest and Cedar Park Ranchettes for the last 15 years. We have witnessed zoning issue changes many times. The one item that we have not seen brought up is the traffic patterns(accidents, speeding, red light running, and crime statistics) at the intersection of W. Park St. and Lakeline Blvd. On at least seven occasions, the street light has been knocked over that stands in the center island due to vehicle accidents. This is an extremely dangerous intersection due to its design. Additionally, the speed limit has moved from 35 mph when Lakeline Blvd. first opened, to 40 mph, and as of August 2011 the speed limit increased again to 45 mph! Our neighborhood is full of beginning teenage drivers. The city council needs to consider the dangerous layout of this intersection and how increased traffic brought by businesses will impact the safety of its residents both young and old.

Cedar Park Police Department is gathering data for us to present to the City Council tonight.

Sincerely,

Mr. and Mrs. Edward Campos

November 16, 2011



Dear Cedar Park City Council -

I am writing to address the zoning request of the property on Lakeline Blvd south of West Park Street (#Z-11-033).

After all these years and numerous zoning requests, my neighbors and I would like to see this finally resolved and the property developed in a manner suitable to our area.

I understand that the zoning committee felt that our response at their meeting was apathetic, but I think burned out might be a better characterization. I know I was expecting that this request, like almost all of the others before it, would have a last minute delay just before the zoning meeting. And it may be that the current members of the committee don't have the historical memory of the many, many requests over the years and the number of times they've been either withdrawn or delayed after many of our neighbors responded to the requests. Given this, I don't think our response to the meeting was inappropriate.

That said, I would like to make the following comments.

1 - While the developer did survey many of the residents, the survey was specifically for the 210Lakeline property and did not reference this property or this zoning request at all. The survey was months before the signs for this request were posted. Even the name of the website used (<http://210lakelineretail.com/>) is specific to only that property.

2 - Any access to commercial businesses via Amelia would be inappropriate given the nature of the homes and neighborhood. Please don't allow the increase of traffic on not just one but two of our neighborhood streets, especially considering that at least one child on those streets has a disability. Adding non-neighborhood traffic would be a danger to that child and others.

3 - Due to the proximity of family homes, hours should be limited to 7am - 7pm and, due to the morning bus stop at the Amelia Drive and Colby Lane intersection, after 7am would be better (the bus pickup is just after 7am and it is dark at that time for much of the school year).

4 - Again due to the proximity of family homes, zoning for TO (Transitional Office) or TC (Transitional Commercial) would be more appropriate. If it must be Local Retail - Conditional Overlay (LR-CO) zoned then there should be more of a transition to many of the types of allowed businesses such as:

- Any type of restaurants or food sales
- Any type of auto repair or supply Shop
- Dry cleaners and/or laundromat
- 24 hour convenience or retail store
- Liquor store

5 - For safety reasons, with the blasting at the quarry continuing, gas stations should be disallowed as well as any other type of business with dangerous or toxic materials.

Sincerely,
Debbie
Debbie Tropiano
1305 Brianna Court

Amy Link

From: [REDACTED]
Sent: Wednesday, November 16, 2011 7:07 PM
To: Amy Link
Subject: Zoning request - Lakeline Blvd #Z-11-033

Dear Cedar Park City Council,

We am writing to express our concern regarding the zoning request of the property on Lakeline Blvd, #Z-11-033.

My wife and I are relatively new to the area and not aware of what I understand to be many attempts in the past by a developer to change the designation of this property to a high commercial rating. I do know we picked this area to purchase a home because of the quiet residential aspects.

Now I understand the developer is proposing connections with Amelia and suggesting we allow for zoning that encourages a significant increase in traffic.

May we voice our disapproval of his proposals? I believe there are other zoning possibilities that would be far more appropriate in consideration of the families close to this area. I fear Lakeline is on its way to an unending stream of commercial establishments, both a danger and an eyesore in our opinion.

Thank you for your consideration,
Hank and Mary Niewola
1408 Colby Lane
Cedar Park

Amy Link

From: Ted Simpson [REDACTED]
Sent: Wednesday, November 16, 2011 7:15 PM
To: Amy Link
Subject: re: zoning hearing Nov. 17th

November 16, 2011

Dear Amy and our City of Cedar Park City Council members,

I am writing to address the zoning request regarding the SE quadrant of Lakeline Blvd. and West Park Street (#Z-11-033) scheduled for hearing on Thursday night, the 17th.

As you may or may not recall, re-zoning of this area -- and that of the NE quadrant -- have come before the council and P&Z several times over the years and each time they have made decisions that are win-win for developers and our neighborhood. Well, truth be told, we'd prefer to have that "green" area remain as it was and is, but know that is not reasonable for a growing and dynamic city such as ours.

It would be best for Oakmont Forest to keep Amelia dead-ended as it is -- that is, into the green area bordering Lakeline Blvd. Zoning for "Transitional Office" is the most appropriate designation in my professional opinion. That way, the City gets a new commercial addition to the tax base, while preserving the existing base in Oakmont Forest. To zone more liberally might elevate the commercial tax gained but lower the residential by more than the gain, thereby creating a net negative for the City and us, its citizenry.

Thank you for your thoughtful consideration,

**Ted Simpson
1503 Colby Lane
Oakmont Forest**

Amy Link

From: Michael Murphy [REDACTED]
Sent: Wednesday, November 16, 2011 11:49 PM
To: Amy Link
Subject: Zoning File #: Z-11-033

My Name is Michael Murphy and I live at 205 Colby Lane which is one of the properties which backs up to the property list in the above referenced zoning file.

I am writing this email to inform the Zoning Council that I am opposed to the Zoning change requested in the zoning file. I understand the reason for zoning is to

protect the quality of life and property based on the surrounding developments and in our case the required zoning is for "Transitional Office" which is more appropriate

than the zoning requested by the owner.

Thanks

Michael Murphy

205 Colby Lane

Amy Link

From: [REDACTED]
Sent: Wednesday, November 16, 2011 4:04 PM
To: Amy Link
Subject: Zoning Case #Z-11-33

Dear Ms. Link,

We own the property at 201 Colby Lane and I am voicing my objections to the zoning change to LR-CO. While I understand the City's need for development and to expand the tax base, this is a quiet neighborhood that is not at a major intersection and shouldn't have the types of retail that would be allowed under the CO.

The landowner certainly has the right to utilize his property but he has also seriously misled the Commission with his 'survey'. I, like many of my neighbors, only received the survey associated with 210 North Lakeline. It appears that he didn't bother getting the survey to those people in the Oakmont Forest neighborhood who would be directly affected.

When we brought the property, we were advised that based on the Cedar Park Master Plan the property could eventually be converted to a Transitional Office District with a minimum 20 ft buffer zone between the properties. That was acceptable. This property is not on a pulse point or activity node. Based on Section 11.02.145, we thought that we were safe from this type of development or we would have never bought a property that could back up to that type of development. A TO would likely not be operating during the weekend which would give us the ability to have quiet enjoyment of our property. It would also not be open at 10:00 pm disturbing a very quiet neighborhood that is filled with children who need to be sleeping in order to be successful in school!

I have one further point that hasn't be voiced by others. I am concerned with a pedestrian path from Amelia. My property is on the corner of Colby and Amelia. There is a teenage girl in our house who's bedroom faces out onto Amelia, on the part of the house that is in front of the fence line. I am very strongly opposed to making access to that area easy for anyone to do at any hour of the day or night.

Thank you. I will be in attendance tomorrow night.

Sincerely,

Karen Maggio
201 Colby Lane
Cedar Park, TX 78613

Amy Link

From: Scott and Debbie Bailey [REDACTED]
Sent: Thursday, November 17, 2011 6:15 AM
To: Amy Link
Subject: Proposed Zoning Change #Z-11-033

To whom it may concern,

My wife and I have lived here in Oakmont Forest for 15 years and it is one of Cedar Park's best neighbors to live in. Over the years, this area has changed and adapted to new roads and people, but with those changes, has come good and bad. As a homeowner, I need to be vigilant and speak out when things might have a negative affect. Ever since Lakeline Blvd. was built, we have had to fight to make sure that our area can remain a great place to raise a family and live. There is no reason to change the zoning to what the developer wants, because the TO should be enough for him/her to sell the property or develop it. It never seems to work out for the neighborhoods when the city starts granting special zoning to developers. Please keep Amelia closed with no out from the commercial property. I understand that there has to be development, But it needs to be a win-win for both sides.

Thank you
Scott & Debbie Bailey
1304 Brianna Ct.
Oakmont Forest

Amy Link

From: Dori Garner [REDACTED]
Sent: Thursday, November 17, 2011 8:49 AM
To: Amy Link
Subject: Rezoning meeting

Amy,

I am just informing you that Oakmont Forest, West Park Oaks, Prize Oaks and Shay Trails exist together as a very tight knitted community and you should expect that there will be a very big turn out from all of us here tonight. The neighbors are taking a stand and will want to be heard as they want to put this rezoning issue to rest once and for all with out worry that the city will again allow an open rezoning/lacking specific regulations that could negatively impact the whole community here. They are reasonable people and are not against growth and knew some day something would be considered on this land, but it is very important to them that there be restrictions and specific guidelines that preserve there rights and the integrity of the neighborhood. There is a flavor and zest about this community and their goal is to preserve it and protect it. I am Dori Garner a neighborhood specialist that values this community and the people who live here. I will be standing with them.

All the Best,

	<p>Dori Garner REALTOR® ABOR, ABR</p>	<p>realty/auslin www.realtyauslin.com</p>
<p>(c) 512.917.7310 (w) 512.356.9637 (f) 512.600.3257</p>		

Amy Link

From: Debbie Tropiano
Sent: Wednesday, November 16, 2011 1:43 PM
To: Amy Link
Cc: Debbie Tropiano
Subject: Cedar Park City Council meeting zoning issue (ref #Z-11-033)

Dear Cedar Park City Council -

I am writing to address the zoning request of the property on Lakeline Blvd south of West Park Street (#Z-11-033).

After all these years and numerous zoning requests, my neighbors and I would like to see this finally resolved and the property developed in a manner suitable to our area.

I understand that the zoning committee felt that our response at their meeting was apathetic, but I think burned out might be a better characterization. I know I was expecting that this request, like almost all of the others before it, would have a last minute delay just before the zoning meeting. And it may be that the current members of the committee don't have the historical memory of the many, many requests over the years and the number of times they've been either withdrawn or delayed after many of our neighbors responded to the requests. Given this, I don't think our response to the meeting was inappropriate.

That said, I would like to make the following comments.

1 - While the developer did survey many of the residents, the survey was specifically for the 210Lakeline property and did not reference this property or this zoning request at all. The survey was months before the signs for this request were posted. Even the name of the website used (<http://210lakelineretail.com/>) is specific to only that property.

2 - Any access to commercial businesses via Amelia would be inappropriate given the nature of the homes and neighborhood. Please don't allow the increase of traffic on not just one but two of our neighborhood streets, especially considering that at least one child on those streets has a disability. Adding non-neighborhood traffic would be a danger to that child and others.

3 - Due to the proximity of family homes, hours should be limited to 7am - 7pm and, due to the morning bus stop at the Amelia Drive and Colby Lane intersection, after 7am would be better (the bus pickup is just after 7am and it is dark at that time for much of the school year).

4 - Again due to the proximity of family homes, zoning for TO (Transitional Office) or TC (Transitional Commercial) would be more appropriate. If it must be Local Retail - Conditional Overlay (LR-CO) zoned then there should be more of a transition to many of the types of allowed businesses such as:

Any type of restaurants or food sales
Any type of auto repair or supply Shop
Dry cleaners and/or laundromat
24 hour convenience or retail store
Liquor store

5 - For safety reasons, with the blasting at the quarry continuing, gas stations should be disallowed as well as any other type of business with dangerous or toxic materials.

Sincerely,
Debbie Tropiano
1305 Brianna Court

Amy Link

From: Gregory Merrell [REDACTED]
Sent: Wednesday, November 16, 2011 9:30 AM
To: Amy Link
Subject: Attention Zoning File #: Z-11-033

Amy:

As a citizen of Cedar Park, thank you for this opportunity to be heard.

We live at 1410 Colby Lane in the Oakmont Forest subdivision. We moved to this neighborhood because it offered safety, a quiet lifestyle by living on a greenbelt, and a sense of community since our home is surrounded by a park and other homes (and not businesses). On behalf of our family, we write this email as a protest to the proposed zoning change referenced above.

We oppose the zoning change for many reasons which include:

- 1) the potential impact it will have on the safety of our children due to increased traffic,
- 2) the negative impact it will have on the use and enjoyment of our property, and
- 3) noise, pollution, and negative environmental impacts that the change would bring to the area since that property is sandwiched between two established subdivisions.

Please forward this email to the Zoning Commissioners and City Council members as appropriate. We respectfully pray that they VOTE NO to this proposal.

Sincerely,

Greg and Lori Merrell
1410 Colby Lane
Cedar Park, TX 78613
512-249-5449

Amy Link

From: Kathy Laurence [REDACTED]
Sent: Wednesday, November 16, 2011 5:21 AM
To: Amy Link
Subject: Zoning File #: Z-11-033

I am writing this email to express my concern over the proposed zoning change to a property that borders my neighborhood.

I have lived in Oakmont Forest for 1 1/2 years, and one of the primary reasons this neighborhood is so attractive is it's relative isolation from the surrounding roads and businesses.

My neighbors at the end of the street stand to lose this feature of their property, but it will not only affect their property; it will affect the whole neighborhood. After moving back to the Austin area after 18 years, I was so pleased to still find a neighborhood that backed to a greenbelt or preserve area. Bringing this business zoning adjacent to our properties will negate that wonderful neighborhood isolation and the ambiance of living in Cedar Park.

I would prefer the property not be rezoned, but if it must occur I am in favor of having the tract zoned as TO or TC.

Sincerely,

Kathy Laurence
1516 Colby Lane
Cedar Park, TX 78613

Amy Link

From: Mr Ed Yeager [REDACTED]
Sent: Tuesday, November 15, 2011 10:43 PM
To: Amy Link
Subject: attn: Zoning File #: Z-11-033

Re: Zoning File # : Z-11-033

Dear Sir or Madam:

I am writing today to express my concern for the proposed zoning change to Lakeline Blvd near my home in Oakmont Forest. I am vehemently against the proposal by the property owner to change the zoning to LR (Local Retail). The property owner has completely ignored the usual zoning choice of TO or TC.

We have a small, quiet neighborhood that will be irreparably harmed if the less compatible LR zoning is approved. Changing the zoning to TO or TC still offers the property owner many different business types while being much less intrusive to the neighborhood.

To be clear, I support changing the zoning to TO or TC and I OPPOSE changing the zoning to LR.

Thank you for considering my opinion.

Regards,

Ed Yeager
1607 Amelia Dr
Cedar Park, TX 78613



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. 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 Recommend Approval Of Local Retail-Conditional Overlay (LR-CO) For This Tract.

Commentary:

The purpose of this agenda item is to consider rezoning approximately 1.57 acres from Transitional Office (TO) to Local Retail-Conditional Overlay (LR-CO) for property located at 210 North Lakeline Boulevard. The conditional overlay includes the following conditions:

- Limit the building height to 35 feet;
- Pitched roofs, with a minimum slope of 4:12, shall be required for all buildings;
- Hours of operation shall be limited to between the hours of 7am and 10pm;
- Window and door fenestration shall account for at least twenty-five (25) percent of the overall wall surface on walls fronting a public street; and
- Prohibit automated teller machines, automobile parts and accessory sales, convenience store, gas station limited, golf amusement, liquor store, restaurant general, rental libraries for sound and video recordings.

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 4-0 to approve the request.

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

Opposed: None

Absent: Lorena Echeverria, Alan Yore, Sandy Trujillo

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on August 16, 2011. No public testimony was received.

City Council Public Hearing:

The City Council held a public hearing on September 22, 2011. One person spoke in opposition to the request. Concerns cited were shared access between adjacent commercial tracts and spill over parking from proposed development to adjacent commercial tracts and safety.

Following the City Council public hearing, staff met with Mr. Konopka to address the concerns he raised at the public hearing. Staff was able to clarify some ordinance requirements and allay his concerns. An email response from Mr. Konopka is attached for your information.

Background:

Owner: Adrian Barron, Independent Executor of the Estate of Frank Barron

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

- July 7, 2011:* Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.
- July 8, 2011:* Eight (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
- July 19, 2011:* Planning and Zoning Commission public hearing (case postponed to August 16, 2011)
- August 16, 2011:* Planning and Zoning Commission public hearing
- September 8, 2011:* Public notice of the City Council public hearing published in the Cedar Park Citizen
- September 9, 2011:* Eight (8) letter notices for the City Council public hearings were sent to property owners within 300 feet of the subject tract
- September 22, 2011:* City Council 1st reading and public hearing
- October 6, 2011:* City Council 2nd reading of ordinance – at the request of the applicant, the case was postponed until December 8, 2011
- December 8, 2011:* City Council 2nd 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 1.57 ACRES FROM TRANSITIONAL OFFICE (TO) TO LOCAL RETAIL-CONDITIONAL OVERLAY (LR-CO) FOR PROPERTY LOCATED AT 210 NORTH LAKELINE BOULEVARD, IN WILLIAMSON COUNTY, TEXAS. (Z-11-014); 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 1.57 acres to Local Retail-Conditional Overlay (LR-CO) with the following conditions: 1) Limit the building height to 35 feet; 2) Pitched roofs, with a minimum slope of 4:12, shall be required for all buildings; 3) Hours of operation shall be limited to between the hours of 7am and 10pm; 4) Window and door fenestration shall account for at least twenty-five (25) percent of the overall wall surface on walls fronting a public street; and 5) Prohibit automated teller machines, automobile parts and accessory sales, convenience store, gas station limited, golf amusement, liquor store, restaurant general, rental libraries for sound and video recordings; 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 22nd day of September, 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 8th 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.

CITY OF CEDAR PARK, TEXAS

ATTEST:

Robert S. Lemon, Mayor

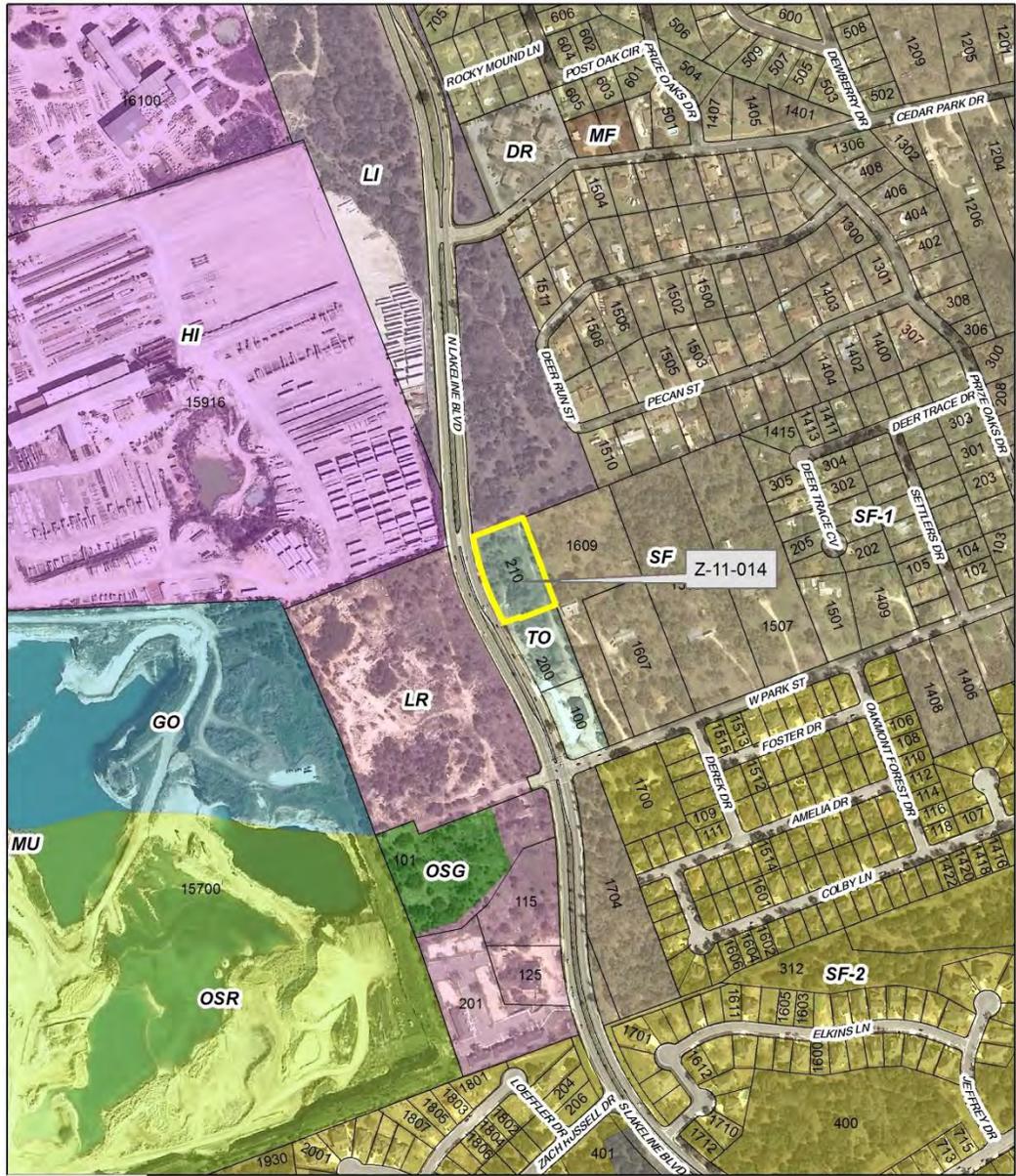
LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

BEING LOT 3, BLOCK A, OUT OF THE CEDAR PARK RANCHETTES, RESUBDIVISION OF A PORTION OF TRACT 9, RECORDED IN DOUCMENT NUMBER 2008011487 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS.

EXHIBIT A



Z-11-014



EXHIBIT B

August 16, 2011

Planning and Zoning Commission

**Item:
8A & 9A**

Zoning

210 North Lakeline Boulevard

Case Number: # Z-11-014

Owner: Adrian Barron, Independent Executor of the Estate of Frank Barron

Agent: Samir Desai

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: 210 North Lakeline Boulevard

COUNTY: Williamson

AREA: 1.57 acres

EXISTING ZONING: Transitional Office (TO)

PROPOSED ZONING: Local Retail-Conditional Overlay (LR-CO) with the following conditions:

- Limit the building height to 35 feet
- Pitched roofs shall be required for all buildings, with the slope at a minimum ratio of 4:12
- Hours of operation shall be limited to the hours of 7am and 10pm
- Window and door fenestration glazed openings shall account for at least twenty-five (25) percent of the overall wall surface on walls fronting a public street
- Prohibit automated teller machines, automobile parts and accessory sales, convenience store, gas station limited, golf amusement, liquor store, restaurant general, rental libraries for sound and video recordings

STAFF RECOMMENDATION: Local Retail-Conditional Overlay (LR-CO) with the following conditions:

- Limit the building height to 35 feet
- Pitched roofs shall be required for all buildings, with the slope at a minimum ratio of 4:12
- Hours of operation shall be limited to the hours of 7am and 10pm
- Window and door fenestration glazed openings shall account for at least twenty-five (25) percent of the overall wall surface on walls fronting a public street
- Prohibit automated teller machines, automobile parts and accessory sales, convenience store, gas station limited, golf amusement, liquor store, restaurant general, rental libraries for sound and video recordings

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

SUMMARY OF REQUEST:

The applicant is requesting 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.

EXISTING SITE and SURROUNDING USES:

The site is currently undeveloped and is surrounded by undeveloped property to the north (zoned LI), south (zoned TO) and west (zoned LR). The tract to the east is currently zoned Single Family-Large Lot (SF).



DISTRICT:

...sh to provide for office and retail businesses that are intended for 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).

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

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

The applicant's request does comply with the Future Land Use Plan (FLUP).

The request is also consistent with the following goals set forth 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 tract is located within the Corridor Overlay.

Transportation:

North Lakeline Boulevard is classified as a 4 lane divided major arterial adjacent to the tract. In 2008, the traffic count south of RM 1431 was 20,320 vehicles trips per day.

Water and Wastewater Utilities:

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

Subdivision:

The property is currently subdivided.

Setback Requirements:

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

Architectural Requirements:

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

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-02-004	SF to LR	Recommended TO	Approved TO
Z-05-004	TO to MF	case withdrawn by applicant	
Z-05-032	TO to LR	Recommended denial of LR	Denied LR request

STAFF COMMENTARY:

When preparing a recommendation for this request, staff reviewed two previous rezoning requests that included the subject tract. Cases Z-02-004 and Z-05-032 were both requests for the LR district. Both requests encompassed just under 4 acres, extending from the northeast corner of the intersection of W. Park St. and N. Lakeline Blvd, north to the northern boundary of the subject tract. Neither LR request was recommended by the Planning and Zoning Commission (P&Z) or recommended by the City Council. The original LR request resulted in approval of the current TO district. In 2005, the request for LR was recommended for denial and City Council ultimately denied the applicant's request. Concerns raised by citizens in the area at the time of these two requests included increased traffic along Park Street and compatibility with existing neighborhoods along Park Street. A valid petition opposing the 2005 request was also submitted by the surrounding property owners.

Based upon case history, staff had initially proposed an alternate recommendation of Transitional Commercial (TC). The case was postponed at the July 19th Planning and Zoning Commission meeting to allow the applicant to continue discussions with the neighborhood in an attempt to find some consensus regarding proposed development of the tract. Based upon subsequent discussions with the applicant and supporting documentation from neighborhood communication, staff is recommending the applicant's request for LR-CO.

The proposed LR district allows flexibility in the types of uses permitted while the conditions ensure compatibility with the surrounding neighborhood. The small building scale (height limited to maximum 35 feet) and architectural features (articulation and roof design) will provide for features consistent with residential styles. The limited hours of operation (7am to 10pm) and prohibition of some intense land uses will preserve a compatible transition from the more intense commercial land use west of Lakeline to lesser intense commercial uses east of Lakeline, and finally to the single family residential uses east of the subject tract.

STAFF RECOMMENDATION:

Staff's recommendation is to approve LR-CO as requested by the applicant.

PUBLIC INPUT: To date, staff has received some telephone inquiries and written responses. Written responses as well as documentation from the applicant's neighborhood communications are attached for reference.

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

PROPOSED CITY COUNCIL HEARINGS: (September 22, 2011) 1ST Reading
(October 6, 2011) 2ND Reading

confidential fax

To: Amy Link
Fax Number: 512-258-6083

PLANNING DEPT.
JUL 21 2011
CITY OF CEDAR PARK

From: Joe Konopka
Fax Number:
Business Phone: 512-345-9298
Home Phone: 512-345-9298

Pages: 2
Date/Time: 7/19/2011 6:06:17 PM
Subject: Zoning File#: Z11-11-014 (Barron's Request to Rezone Rejected)

Amy,

A copy of my rejection of the Barron's request to rezone 210 N. Lakeline (Lot3 Block A Cedar Park Ranchette Resubdivision of Tract 90) follows.

I bought Lot 2 from the Barrons with the understanding that the three lots were zoned Transton Office (TO) limited to medical and clinical use. I have approval from the City to build. Rezoning would have a significant impact on my investment because of the increased traffic, spill over parking, security and lack of a professional use general area.

I would have trouble trying to rent the approved office space as professional offices and many complaints from the potential renters

Joe Konopka
512-345-9298

Cedar Park Library Meeting Room
550 Discovery Blvd., Cedar Park, Texas

Agent: Sumir Desai, 678-4458

For more information regarding this application, contact the Planning Department at (512) 401-5056.



PLANNING DEPT.
JUL 21 2011
CITY OF CEDAR PARK

You may send your written comments to the Planning Department, 600 N. Bell Blvd., Cedar Park, Texas 78613 or e-mail: amy.link@cedarparktx.us (attention: Zoning File #: Z-11-014)

Name: Joseph J. Konopka Address: 5608 Standing Rock Dr, Austin TX 78750

I am in favor, this is why _____

I am not in favor, and this is why _____

Rezoned property with understanding that it was zoned office or medical or clinical use

rezoning would reduce property value and ability to rent because of increase traffic, security and parking over flow

200 N. Bell Boulevard | Cedar Park, Texas 78613 Office: (512) 401-5000 Fax: (512) 258-6083 | www.cedarparktx.us
200 20 200 2586 6083 6083-258-219 101 FAX: 2586 6083 04 90:19 1102/61/L

Page One

1.) Dear Neighbors, The owners of 210 N Lakeline Blvd are planning to build a high quality commercial retail center on the site. We would greatly appreciate your input and your preference for businesses at this location. You may de-select any businesses that you do not prefer from the choices below. Thank you for your time.

- Coffee Shop
- Small or Unique Retail Shops
- Personal Services Shops (Hair Salon, Nail Salon etc.)
- Medical and/or Dental Services
- Veterinarian
- Other Pet Related
- Dry Cleaners and/or Laundromat
- Bakery
- Local or Unique Restaurants
- General Restaurants *No fast food*
- Professional Service Office (e.g. architect, lawyer, accountant)
- Banking Services
- Gas Station
- 24 hour Convenience Store
- Limited Hours Small Convenience Store
- 24 Hour Retail Store
- Limited Hours Retail Store
- Limited Hour Repair Shop
- Limited Hour Auto Supply Store
- Limited Hour Drug Store
- Liquor Store

2.) Please, provide additional comments or thoughts (if any) on this topic.

No late night or loud business.

3.) Your Contact Information:

*Ed Campos
589-4284*

Page One

1.) Dear Neighbors, The owners of 210 N Lakeline Blvd are planning to build a high quality commercial retail center on the site. We would greatly appreciate your input and your preference for businesses at this location. You may de-select any businesses that you do not prefer from the choices below. Thank you for your time.

- Coffee Shop
- Small or Unique Retail Shops
- Personal Services Shops (Hair Salon, Nail Salon etc.)
- Medical and/or Dental Services
- Veterinarian
- Other Pet Related
- ~~Dry Cleaners and/or Laundromat~~
- Bakery
- Local or Unique Restaurants
- General Restaurants
- Professional Service Office (e.g. architect, lawyer, accountant)
- Banking Services
- ~~Gas Station~~
- ~~24 hour Convenience Store~~
- ~~Limited Hours Small Convenience Store~~
- ~~24 Hour Retail Store~~
- Limited Hours Retail Store
- Limited Hour Repair Shop
- ~~Limited Hour Auto Supply Store~~
- Limited Hour Drug Store
- ~~Liquor Store~~

2.) Please, provide additional comments or thoughts (if any) on this topic.

Steven Smith
100 N Lakeline Blvd

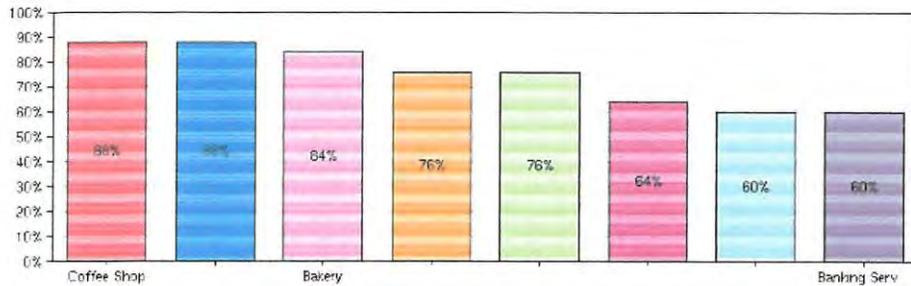
3.) Your Contact Information:

512-219-1389



Summary Report - Jul 7, 2011

210 N. Lakeline Blvd. Retail



Dear Neighbors, The owners of 210 N Lakeline Blvd are planning to build a high quality commercial retail center on the site. We would greatly appreciate your input and your preference for businesses at this location. Industrial, manufacturing and Adult oriented businesses are NOT Permitted and are not considered in our plan. You may de-select any businesses that you do not prefer from the choices below. Thank you for your time.

Value	Count	Percent %	Statistics
Coffee Shop	22	88%	Total Responses
Small or Unique Retail Shops	22	88%	Sum
Personal Services Shops (Hair Salon, Nail Salon etc.)	19	76%	Average
Medical and/or Dental Services	12	48%	Max
Veterinarian	10	40%	
Other Pet Related	9	36%	
Dry Cleaners and/or Laundromat	11	44%	
Bakery	21	84%	
Local or Unique Restaurants	19	76%	
General Restaurants	13	52%	
Professional Service Office (e.g. architect, lawyer, accountant)	16	64%	
Banking Services	15	60%	
<u>Gas Station</u>	3	12%	
<u>24 hour Convenience Store</u>	4	16%	
Limited Hours Small Convenience Store	7	28%	
<u>24 Hour Retail Store</u>	4	16%	
Limited Hours Retail Store	15	60%	
<u>Limited Hour Repair Shop</u>	8	32%	
<u>Limited Hour Auto Supply Store</u>	5	20%	
Limited Hour Drug Store	11	44%	
Liquor Store	9	36%	

Tuesday, July 12, 2011

Neighborhoods Covered:

- West Park Street between Bluejack Place and Lakeline Blvd.
- Dear Trace Drive
- Bluejack Place
- Colby Lane
- Sugarberry drive
- Mahogany Lane
- Sophora Place
- Shelby Trails Pass
- S. Prize Oaks drive
- Prize Oaks drive
- Settlers Drive
- Brianna Court
- Oakmont Forest
- Amelia Drive
- Foster Drive

I personally distributed survey to more than 300 homes on the streets listed above.



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. 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.

Commentary:

The purpose of this agenda item is to consider a request by Cedar Park Town Center LP 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 Drive and 183 A Toll Road.

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 7-0 to approve the request.

In favor: Nicholas Kauffman, Thomas Balestiere, Stephen Thomas, Jon Lux, Lorena Echeverria, Holly Hogue, and Alan Yore

Opposed: None

Absent: None

Planning & Zoning Commission Public Hearing:

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

City Council Public Hearing:

The City Council held a public hearing on November 17, 2011. No public testimony was received.

Background:

Owner: Cedar Park Town Center LP

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

September 8, 2011: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

September 9, 2011: 2 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

September 20, 2011: Planning and Zoning Commission public hearing
September 29, 2011: Public notice of the City Council public hearing published in the Cedar Park Citizen
October 20, 2011: Postponed City Council 1st reading and public hearing until November 17, 2011
November 17, 2011: City Council first reading and public hearing
December 8, 2011: 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 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. (Z-11-024); 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 2.83 acres to General Retail (GR), 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 17th day of November, 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 8th 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.

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

FIELD NOTES

JOB NO. 11134-00
DATE: June 20, 2011
PAGE 1 OF 3

2.83 ACRES

Being 2.83 acres of land situated in Williamson County, Texas, out of the Sherwood J. Dover Survey, Abstract No. 168, and being a portion of County Road 181 (a.k.a. East New Hope Road), and being all of that tract described as 2.239 acres in a Special Warranty Deed to Cedar Park Town Center, LP, dated April 20, 2007 and recorded as Document No. 2007038429 of the Official Public Records of Williamson County, Texas, and further described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron pin with yellow plastic cap inscribed "CS, LTD" set in the center of County Road 181, (a.k.a. East New Hope Road), and in the west right-of-way line of U.S. Highway 183-A for the northeast corner of this tract, for reference, a 1/2 inch iron pin with yellow plastic cap inscribed "SAM, Inc" found for the southwest corner of that certain tract described as Parcel 128 (0.924 acres) in a Quitclaim Deed to Williamson County dated January 19, 2005 and recorded as Document No. 2005005034 of said official records bears 41.88 feet along a curve to the left ($\Delta=00^{\circ}54'16"$, $R=2652.79$ feet, LC bears $N\ 03^{\circ}05'24"$ E 41.88 feet);

THENCE: with the west right-of-way of U.S. Highway 183-A, 42.17 feet along a curve to the right ($\Delta=00^{\circ}54'39"$, $R=2652.79$ feet, LC bears $S\ 03^{\circ}59'52"$ W 42.17 feet) to a 1/2 inch iron pin with yellow plastic cap inscribed "CS, LTD" set for the northeast corner of said Cedar Park Town Center, LP tract, and for the northwest corner of that certain tract for U.S. Highway 183-A, described as "Parcel 1: 27.00 acres" in a Special Warranty Deed to Williamson County, Texas, dated June 18, 2004 and recorded as Document No. 2004049507 of said official public records;

THENCE: with the west line of said U.S. Highway 183, and the east line of said Cedar Park Town Center, LP tract the following two (2) courses:

1. 224.73 feet along a curve to the right ($\Delta=4^{\circ}51'14"$, $R=2652.79$ feet, LC bears $S\ 06^{\circ}52'48"$ W 224.66 feet) to a 3" brass disk in concrete, inscribed "Central Texas Regional Mobility ROW 206" found,
2. $S\ 07^{\circ}04'59"$ W 124.12 feet to a 1/2 inch iron pin with yellow plastic cap inscribed "CS, LTD" set for the southeast corner of said Cedar Park Town Center, LP tract and this tract, and for northeast corner of that certain tract described as 3.217 acres in a General Warranty Deed to the City of Cedar Park, dated January 18, 2008 and recorded as Document No. 2006013281 of said official records, for reference, a 3 inch brass disk in concrete inscribed "Central Texas Regional Mobility ROW 204" found bears $S\ 07^{\circ}04'59"$ W 186.45 feet;

THENCE: with the south line of said Cedar Park Town Center, LP tract the following three (3) courses:

1. $S\ 59^{\circ}51'33"$ W 50.29 feet to a 1/2 inch iron pin with yellow plastic cap inscribed "CS, LTD" set,
2. $N\ 67^{\circ}21'03"$ W 184.23 feet to a 1/2 inch iron pin with yellow plastic cap inscribed "CS, LTD" set,
3. 332.69 feet along a curve to the left ($\Delta=17^{\circ}58'59"$, $R=1060.00$ feet, LC bears $N\ 76^{\circ}18'24"$ W 331.33 feet) to a 1/2 inch iron pin with yellow plastic cap inscribed "CS, LTD" set in the south line of said County Road 181;

FIELD NOTES

JOB NO. 11134-00
DATE: June 20, 2011
PAGE 2 OF 3

THENCE: across said County Road 181 the following three (3) courses:

1. 99.54 feet along a curve to the left ($\Delta=05^{\circ}22'50''$, $R=1060.00$ feet, LC bears $N 87^{\circ}59'18'' W$ 99.50 feet) to a 1/2 inch iron pin with yellow plastic cap inscribed "CS, LTD" set,
2. $N 69^{\circ}02'10'' E$ 656.60 feet to a 1/2 inch iron pin with yellow plastic cap inscribed "CS, LTD" set,
3. $N 68^{\circ}56'43'' E$ 71.67 feet to the Point of Beginning.

Bearings cited hereon based on Grid North Texas State Plane Coordinate System (Central Zone) NAD83.

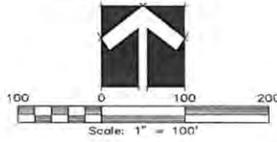
Brett A. Butts 8 JUL 11

Brett A. Butts, R.P.L.S. No. 6254
Castleberry Surveying, Ltd.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628



EXHIBIT TO ACCOMPANY FIELD NOTES FOR
 2.83 ACRES OUT OF THE SHERWOOD J. DOVER SURVEY,
 ABSTRACT NO. 188
 WILLIAMSON COUNTY, TEXAS

BEARINGS CITED HEREON BASED ON
 TEXAS STATE PLANE COORDINATE SYSTEM
 CENTRAL ZONE (NAD83)



LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 59°51'33" W	50.29'
L2	N 88°56'43" E	71.67'

RECORD LINE TABLE		
NUMBER	DIRECTION	DISTANCE
(L1)	S 59°50'49" W	50.29'

CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	0°54'39"	2652.79'	42.17'	42.17'	S 03°59'52" W
C2	4°51'14"	2652.79'	224.73'	224.66'	S 06°52'48" W
C3	17°58'59"	1060.00'	332.69'	331.33'	N 76°18'24" W
C4	5°22'50"	1060.00'	99.54'	99.50'	N 87°59'18" W
DB	0°54'16"	2652.79'	41.88'	41.88'	N 03°05'24" E

RECORD CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
(C2)	4°51'14"	2652.79'	224.73'	224.66'	S 06°52'04" W
(C3)	17°58'59"	1060.00'	332.69'	331.33'	N 76°19'08" W

LEGEND	
○	1/2" IRON PIN SET w/YELLOW PLASTIC CAP "CS, LTD"
⊗	3" BRASS DISK IN CONCRETE "CENTRAL TEXAS REGIONAL MOBILITY"
O.P.R.W.C.	OFFICIAL RECORDS WILLIAMSON CO.
D.P.R.W.C.	OFFICIAL PUBLIC RECORDS WILLIAMSON CO.

NOTE:
 RECORD CALLS:
 (X XXXX.XX" X XXX.XX' CALL - REC)
 BEARING/DISTANCE/DEED REFERENCE.
 DEED REFERENCE:
 REC - DOC. No. 2007038429 O.P.R.T.C.



D. J. Berry
 8 JUL 11

Castleberry Surveying, Ltd.
 3615 Williams Drive, Suite 903 - Georgetown, Texas 78628
 (512) 930-1600 / (512) 930-9389 fax
 www.castleberrysurveying.com

SHEET
 3
 OF
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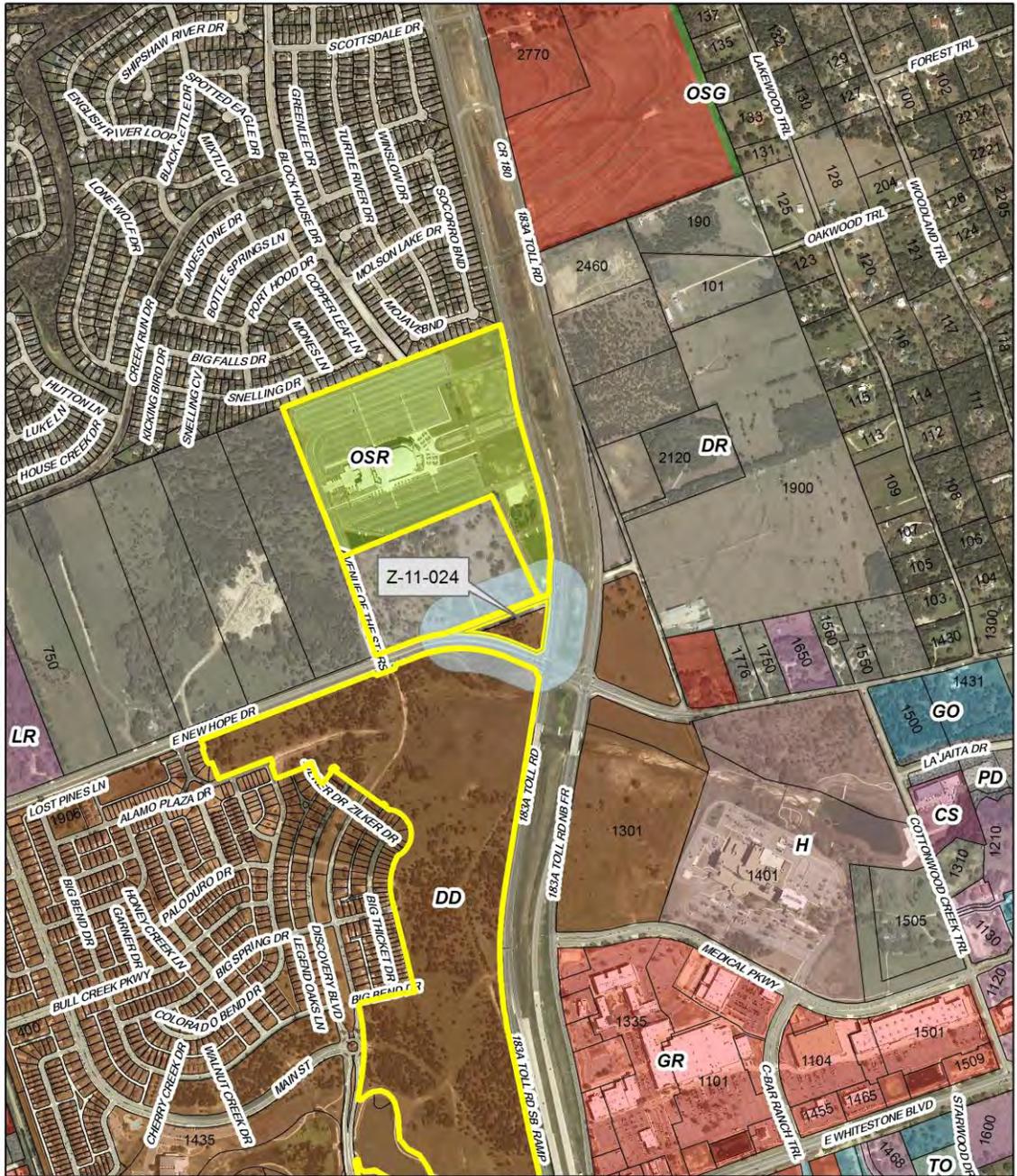
EXHIBIT A



Z-11-024



EXHIBIT A



Z-11-024



EXHIBIT B
NOTIFICATION AREA

September 20, 2011 Zoning	<i>Planning and Zoning Commission</i> Northwest Corner of 183A Toll Road and East New Hope Drive	Item: 8E & 9E
Case Number: # Z-11-024		

Owner: Michael Ainbinder, Cedar Park Town Center LP

Agent: Scott Foster, Kimley-Horn and Associates, Inc

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Northwest corner of 183 A Toll Road and East New Hope Drive

COUNTY: Williamson

AREA: 2.83 acres

EXISTING ZONING: Downtown District (DD)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

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

SUMMARY OF REQUEST:

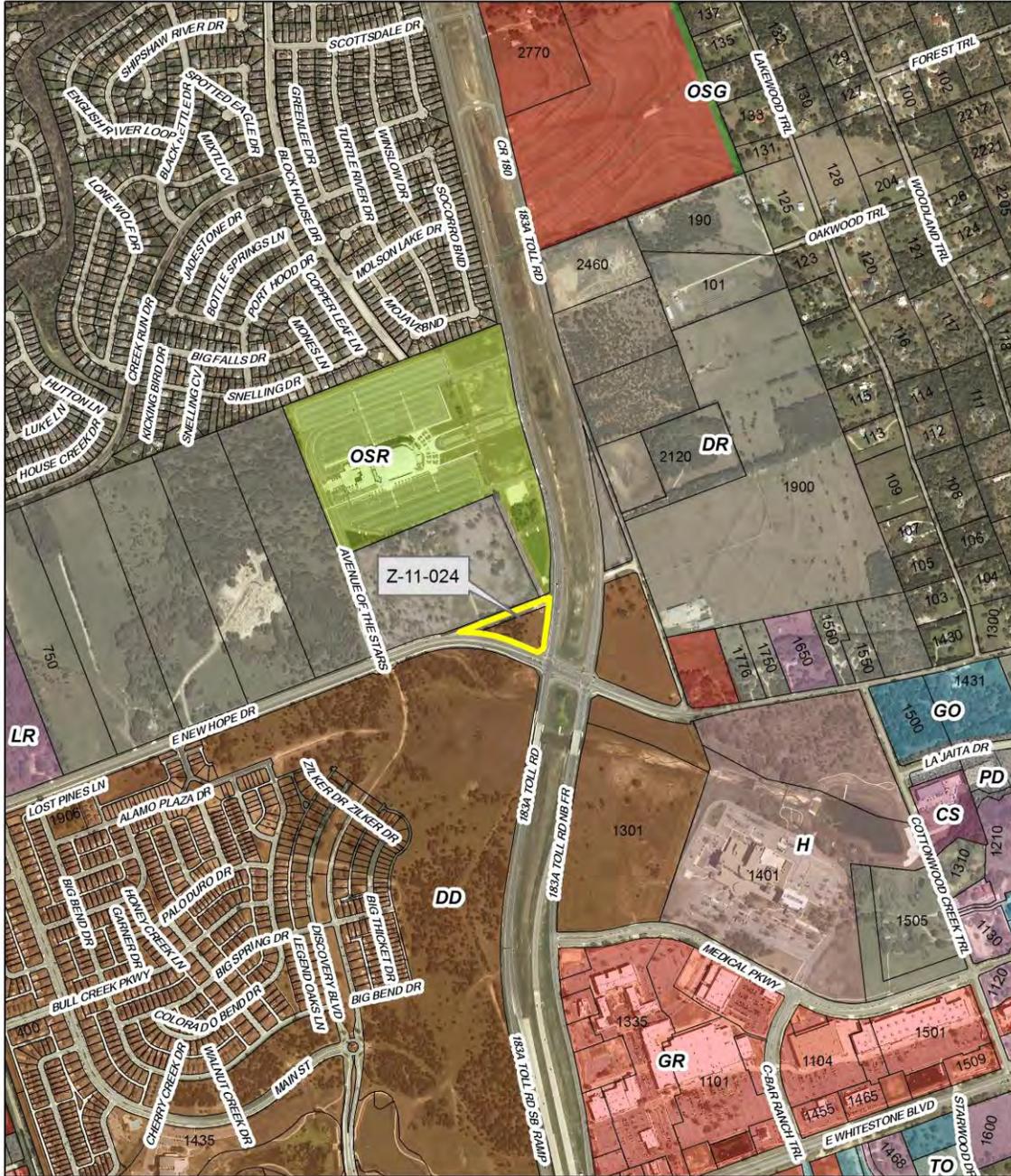
The applicant is requesting to rezone approximately 2.83 acres from Downtown District (DD) to General Retail (GR) for property located at the northwest corner of 183A Toll Road and East New Hope Drive.

EXISTING SITE:



SURROUNDING USES:

The site is currently undeveloped and is bounded by 183A Toll Road to the east and East New Hope Drive to the south. Undeveloped land zoned Development Reserve (DR) exists to the northwest.



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.

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

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

The applicant's request complies with the Future Land Use Plan (FLUP).

The request is also consistent with the following goals set forth 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 tract is located within the Corridor Overlay.

Transportation:

East New Hope Drive is classified as a 4 lane major arterial adjacent to the tract. In 2009, the traffic count west of 183A was 10,785 vehicles trips per day.

183A Tollway Frontage Roads south of New Hope Drive carried approximately 29,885 vehicles per day in 2010.

Water and Wastewater Utilities:

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

Subdivision:

The property is not subdivided.

Setback Requirements:

	General Retail (GR)
Front Setback	25'
Side Setback	12'
Side Setback adjacent to street	25'
Rear Setback	5'

Architectural Requirements:

This tract is entirely located within the Corridor Overlay, which requires a minimum of 75% masonry construction on each exterior wall of all buildings.

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-99-022	Interim R-1 to DD	Recommend DD	Approved DD

STAFF COMMENTARY and RECOMMENDATION:

The subject tract is currently located within the Town Center Area of the Cedar Park Town Center, a master-planned development. Zoning within the Cedar Park Town Center is form based, emphasizing building appearance and orientation rather than permission of specific land uses. The applicant proposes to remove this tract from the Town Center development and straight-zone the property to General Retail (GR). The request for GR is consistent with the commercial land uses formerly proposed in the Town Center plan.

The applicant's request also supports the goals of the Comprehensive Plan, exemplifies the purpose statement of the GR district, and is consistent with the FLUP. Therefore, staff recommends the applicant's request to rezone approximately 2.83 acres located at the northwest corner of 183A Toll Road and East New Hope Drive from Downtown District (DD) to General Retail (GR).

PUBLIC INPUT: To date, no public comments have been received.

PUBLIC NOTIFICATION: Cedar Park Citizen, September 8, 2011
2 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (October 20, 2011) 1ST Reading
(November 3, 2011) 2ND Reading



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. 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.

Commentary:

The purpose of this agenda item is to consider a request by Cedar Park Town Center LP 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.

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 6-1 to approve the request.

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

Opposed: Thomas Balestiere

Absent: None

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on October 18, 2011. One person registered support of the request but did not speak. One person spoke and was neutral regarding the request. One person spoke in opposition to the request, citing concerns with the amount of commercial versus residential land use proposed in the plan.

City Council Public Hearing:

The City Council held a public hearing on November 17, 2011. Five (5) people spoke in opposition to the request. The general concern amongst speakers was the overall disappointment in dismantling of the Town Center concept.

Background:

Owner: Cedar Park Town Center LP

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

October 6, 2011: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

October 7, 2011: 27 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

October 18, 2011: Planning and Zoning Commission public hearing

October 27, 2011: Public notice of the City Council public hearing published in the Cedar Park Citizen

November 17, 2011: City Council first reading and public hearing of ordinance

December 8, 2011: City Council sending reading of the 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 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, IN WILLIAMSON COUNTY, TEXAS. (Z-11-027); 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 49.114 acres to Planned Development (PD), as set forth in the legal description labeled Exhibit "A", the property location map labeled Exhibit "B", the PD Land Plan labeled Exhibit "C. and the PD 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 17th day of November, 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 8th 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.

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:

STATE OF TEXAS
COUNTY OF WILLIAMSON

EXHIBIT "A"

47.596 ACRES SITUATED IN THE
SHERWOOD J. DOVER SURVEY
A-168, IN WILLIAMSON
COUNTY, TEXAS

LEGAL DESCRIPTION

DESCRIPTION OF A 47.596 ACRE TRACT OF LAND SITUATED IN SHERWOOD J. DOVER SURVEY ABSTRACT NO. 168, IN WILLIAMSON COUNTY, TEXAS, AND BEING A PART OF THAT CERTAIN 479.20 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO V-S CEDAR PARK, LTD., OF RECORD IN VOLUME 2638, PAGE 477 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY TEXAS, AND BEING ALL OF THAT CERTAIN 0.202 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO V-S CEDAR PARK OF RECORD IN DOCUMENT NO. 2006033494 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 47.596 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found for the southwest corner of that certain 1.72 acre tract of land as described in a deed to Bing Yu of record in Document No. 199744129 of the Official Public Records of Williamson County, Texas, being also in the south line of said 479.20 acre tract and being in the north line of FM 1431, a 200 foot wide right-of-way;

THENCE S 69°44'00" W, with the south line of said 479.20 acre tract and the north line of said FM 1431, for a distance of 274.97 feet to a ½ inch iron rod with cap stamped "ZWA" set at the beginning of a curve to the right, being also in the east line of Discovery Boulevard, a varying width right-of-way as dedicated with Cedar Park Towncenter, Section 1, a subdivision of record in Cabinet X, Slides 325-332 of the Plat Records of Williamson County, Texas and being the southwest corner of the herein described tract;

THENCE with the west line of the herein described tract and the east line of said Discovery Boulevard, the following seven (7) courses and distances;

1. along said curve to the right, an arc distance of 37.79 feet, said curve having a radius of 25.00 feet, a central angle of 86°36'30" and a chord bearing of N 63°34'04" W for a chord distance of 34.29 feet to an "X" chiseled in concrete set at the end of said curve,
2. N 20°15'39" W for a distance of 383.60 feet to a ½ inch iron rod with cap stamped "ZWA" set at the beginning of a curve to the right,
3. along said curve to the right, an arc distance of 17.93 feet, said curve having a radius of 50.00 feet, a central angle of 20°32'29" and a chord bearing of N 09°59'34" W for a chord distance of 17.83 feet to a ½ inch iron rod with cap stamped "ZWA" set at a point of reverse curve to the left,

4. along said curve to the left, an arc distance of 261.90 feet, said curve having a radius of 365.34 feet, a central angle of 41°04'24" and a chord bearing of N 20°15'39" W for a chord distance of 256.33 feet to a ½ inch iron rod with cap stamped "ZWA" set a point of reverse curve to the right,
5. along said curve to the right, an arc distance of 17.93 feet, said curve having a radius of 50.00 feet, a central angle of 20°32'29" and a chord bearing of N 30°31'45" W for a chord distance of 17.83 feet to a ½ inch iron rod with cap stamped "ZWA" set at the end of said curve,
6. N 20°15'39" W for a distance of 70.48 feet to a ½ inch iron rod with cap stamped "ZWA" set at the beginning of a curve to the right, and
7. along said curve to the right, an arc distance of 221.55 feet, said curve having a radius of 1154.02 feet, a central angle of 10°59'59" and a chord bearing of N 14°45'40" W for a chord distance of 221.21 feet to a ½ inch iron rod with cap stamped "ZWA" set for the southwest corner of that certain 5.846 acre tract of land as described in a deed to Continental Homes of Texas, L.P. of record in Document No. 2003064497 of the Official Public Records of Williamson County, Texas;

THENCE departing the east line of said Discovery Boulevard and with the south line of said 5.846 acre tract, the following seventeen (17) courses and distances:

1. N 80°44'20" E for a distance of 22.07 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
2. S 15°09'02" E for a distance of 78.61 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
3. S 65°34'21" E for a distance of 37.16 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
4. N 82°02'04" E for a distance of 75.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
5. S 58°41'18" E for a distance of 165.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
6. S 62°53'25" E for a distance of 206.31 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
7. N 77°51'16" E for a distance of 50.12 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
8. S 43°35'41" E for a distance of 26.69 feet to a ½ inch iron rod with cap stamped "ZWA" set in a curve to the left,

9. along said curve to the left, an arc distance of 115.89 feet, said curve having a radius of 648.39 feet, a central angle of 10°14'27" and a chord bearing of N 41°17'06" E for a chord distance of 115.74 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
10. N 39°58'09" W for a distance of 43.98 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
11. N 25°05'47" W for a distance of 100.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
12. N 32°36'01" W for a distance of 100.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
13. N 61°40'41" W for a distance of 100.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
14. N 39°07'12" W for a distance of 100.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
15. N 02°31'03" W for a distance of 175.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
16. N 12°56'46" W for a distance of 100.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point, and
17. N 26°18'55" W for a distance of 20.82 feet to a ½ inch iron rod with cap stamped "ZWA" set for the northeast corner of that certain 0.329 acre tract of land as described in a deed to Continental Homes of Texas L.P. of record in Document No. 2003064497 of the Official Public Records of Williamson County, Texas;

THENCE with the north line of said 0.329 acre tract, the following four (4) courses and distances;

1. N 26°18'55" W for a distance of 29.18 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
2. N 46°54'21" W for a distance of 50.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
3. N 68°31'38" W for a distance of 50.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point, and
4. S 84°50'19" W for a distance of 50.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for the northwest corner of said 0.329 acre tract and being an ell corner in the north line of said 5.846 acre tract;

THENCE with the north line of said 5.846 acre tract the following three (3) courses and distances;

1. S 66°30'26" W for a distance of 50.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
2. S 54°30'11" W for a distance of 75.00 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point, and
3. N 79°44'45" W for a distance of 35.40 feet to a ½ inch iron rod with cap stamped "ZWA" set for the northwest corner of said 5.846 acre tract and being in the east line of said Discovery Boulevard;

THENCE with the east line of said Discovery Boulevard, the following two (2) courses and distances;

1. N 10°15'15" E for a distance of 158.67 feet to a ½ inch iron rod with cap stamped "ZWA" set at the beginning of a curve to the left,
2. along said curve to the left, an arc distance of 565.37 feet, said curve having a radius of 1375.03 feet, a central angle of 23°33'29" and a chord bearing of N 01°31'30" W for a chord distance of 561.39 feet to a ½ inch iron rod found at a point of reverse curve, being also the northwest corner of the herein described tract, and being the point of curve return for Big Bend Drive a 58 foot wide right-of-way as dedicated with Cedar Park Towncenter, Section 1;

THENCE with the south line of said Big Bend Drive, the following two (2) courses and distances;

1. along said curve to the right, an arc distance of 38.79 feet, said curve having a radius of 25.00 feet, a central angle of 88°53'38" and a chord bearing of N 30°57'53" E for a chord distance of 35.01 feet to a ½ inch iron rod found at the end of said curve, and
2. N 75°54'04" E for a distance of 131.88 feet to a ½ inch iron rod found for the southeast corner of said Big Bend Drive, and being the southeast corner of said Cedar Park Towncenter, Section 1;

THENCE departing the east line of said Cedar Park Towncenter, Section 1 and over and across said 479.20 acre tract, with the north line of the herein described tract, the following four (4) courses and distances;

1. N 75°56'01" E for a distance of 34.11 feet to a ½ inch iron rod with cap stamped "ZWA" set at the beginning of a curve to the right;

2. along said curve to the right, an arc distance of 197.87 feet, said curve having a radius of 1775.39 feet, a central angle of 06°23'08" and a chord bearing of N 79°07'35" E for a chord distance of 197.77 feet to a ½ inch iron rod with cap stamped "ZWA" set on said curve;
3. continuing along said curve, an arc distance of 204.03 feet, said curve having a radius of 1775.39 feet, a central angle of 06°35'04" and a chord bearing of N 85°36'42" E for a chord distance of 203.92 feet to a ½ inch iron rod with cap stamped "ZWA" set at the end of said curve, and
4. N 88°54'14" E for a distance of 456.71 feet to a ½ inch iron rod with cap stamped "ZWA" set, being also in the east line of said 479.20 acre tract, being also in the west line of said 0.202 acre tract to V-S Cedar Park, LTD;

THENCE N 20°05'04" W, with the south line of said 479.20 acre tract, the west line of said 0.202 acre tract, and the north line of the herein described tract for a distance of 61.34 feet to a ½ inch iron found;

THENCE N 69°45'49" E, with the south line of said 479.20 acre tract, the north line of said 0.202 acre tract and the north line of the herein described tract, for a distance of 67.46 feet to a ½ inch iron rod found for the northeast corner of said 0.202 acre tract, being also the northeast line of the herein described tract and being in the west line of U.S. Highway 183-A, an 11.75 acre varying width right-of-way, as described in a deed to Williamson County, Texas of record in Document No. 2004085323 of the Official Public Records of Williamson County, Texas, said point being in a curve to the left;

THENCE with the west line of said US Highway 183-A and the east line of the herein described tract, the following five (5) courses and distances;

1. along said curve to the left, an arc distance of 437.03 feet, said curve having a radius of 3057.18 feet, a central angle of 08°11'26" and a chord bearing of S 07°53'00" E for a chord distance of 436.65 feet to a ½ inch iron rod with cap stamped "ZWA" set at the end of said curve,
2. S 11°58'43" E for a distance of 685.94 feet to a concrete monument found at the beginning of a curve to the left,
3. along said curve to the left, an arc distance of 55.73 feet, said curve having a radius of 2887.29 feet, a central angle of 01°06'21" and a chord bearing of S 12°31'26" E for a chord distance of 55.73 feet to a concrete monument found at the end of said curve,
4. S 13°04'39" E for a distance of 715.31 feet to a concrete monument found for an angle point, and
5. S 24°58'32" W for a distance of 63.02 feet to a concrete monument found for the southeast corner of said 4.40 acre Parcel 2, being also in the south line of said 479.20 acre tract and being in the north line of FM 1431, a 200 foot wide right-of-way;

THENCE S 69°44'00" W, with the south line of said 479.20 acre tract, the north line of said FM 1431 and the south line of the herein described tract, for a distance of 94.84 feet to a ½ inch iron rod with cap stamped "ZWA" set for the southeast corner of that certain 2.403 acre tract of land as described in a deed to Continental Homes of Texas, L.P.;

THENCE departing the north line of said FM 1431 and with the east, north and west lines of said 2.403 acre tract, the following fifteen (15) courses and distances;

1. N 20°16'00" W for a distance of 28.89 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
2. S 62°54'12" W for a distance of 49.33 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
3. N 46°48'39" W for a distance of 158.28 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
4. N 66°03'07" W for a distance of 65.74 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
5. N 61°51'56" W for a distance of 85.90 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
6. N 52°41'24" W for a distance of 61.40 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
7. N 58°26'54" W for a distance of 68.44 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
8. N 67°45'18" W for a distance of 133.06 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
9. N 76°31'27" W for a distance of 157.74 feet to a ½ inch iron rod with cap stamped "ZWA" set in a curve to the right,
10. along said curve to the right, an arc distance of 137.28 feet, said curve having a radius of 714.39 feet, a central angle of 11°00'36" and a chord bearing of S 41°03'04" W for a chord distance of 137.07 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
11. S 73°11'40" E for a distance of 276.34 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
12. S 57°18'43" E for a distance of 251.12 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,

13. S 15°05'12" E for a distance of 95.24 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point,
14. S 68°06'37" W for a distance of 28.37 feet to a ½ inch iron rod with cap stamped "ZWA" set for an angle point, and
15. S 20°16'00" E for a distance of 29.38 feet to a ½ inch iron rod with cap stamped "ZWA" set for the southwest corner of said 2.403 acre tract, being also in the south line of said 479.20 acre tract and being in the north line of said FM 1431;

THENCE S 69°44'00" W, with the south line of said 479.20 acre tract and the north line of said FM 1431, for a distance of 249.01 feet to a ½ inch iron rod found for the southeast corner of said 1.72 acre Bing Yu tract;

THENCE N 20°17'13" W, with the east line of said 1.72 acre Bing Yu tract, for a distance of 299.97 feet to a ½ inch iron rod found for the northeast corner of said 1.72 acre tract;

THENCE S 69°43'47" W, with the north line of said 1.72 acre Bing Yu tract, for a distance of 249.93 feet to a ½ inch iron rod found for the northwest corner of said 1.72 acre tract;

THENCE S 20°16'36" E, with the west line of said 1.72 acre Bing Yu tract, for a distance of 299.95 feet to the **POINT OF BEGINNING** and containing 47.595 acres of land.

BEARING BASIS

THE COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD83 (93) HARN. THE BEARINGS SHOWN ARE GRID BEARINGS. ALL DISTANCE SHOWN ARE SURFACE DISTANCES.

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL BY THESE PRESENTS:

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during July, 2006 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 30th day of July, A.D.

Zamora-Warrick and Associates, L.L.C.
4412 Spicewood Springs Road, Suite 111
Austin, Texas 78759


G. Rene Zamora
Registered Professional Land Surveyor
No. 5682 – State of Texas

REVISED: June 18, 2009



REFERENCES

ZWA FIELD NOTE NO. FN-06-006-01-Parcel 6-Rev

STATE OF TEXAS
COUNTY OF WILLIAMSON

EXHIBIT "A"

1.72 ACRES SITUATED IN THE
SHERWOOD J. DOVER SURVEY
A-168, IN WILLIAMSON
COUNTY, TEXAS

LEGAL DESCRIPTION

DESCRIPTION OF A 1.72 ACRE TRACT OF LAND SITUATED IN SHERWOOD J. DOVER SURVEY ABSTRACT NO. 168, IN WILLIAMSON COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN 1.72 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO BING YU AND PHOENIX. F. PAI OF RECORD IN DOCUMENT NO. 199744129 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY TEXAS, SAID 1.72 ACRE TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found for the southwest corner of that said 1.72 acre tract, being also in the south line of that certain 479.20 acre tract of land as described in a deed to V-S Cedar Park, Ltd., of record in Volume 2638, Page 477 of the Official Public Records of Williamson County, Texas and being in the north line of FM 1431, a 200 foot wide right-of-way;

THENCE with the west, north and east lines of the herein described tract, and said 1.72 acre tract, the following three (3) courses and distances;

1. N 20°16'36" W, for a distance of 299.95 feet to a ½ inch iron rod found for the northwest corner of said 1.72 acre tract;
2. N 69°43'47" E, for a distance of 249.93 feet to a ½ inch iron rod found for the northeast corner of said 1.72 acre tract;
3. S 20°17'13" E, for a distance of 299.97 feet to a ½ inch iron rod found for the southeast corner of said 1.72 acre tract, and being in the north line of said FM 1431;
4. S 69°44'00" W, with for a distance of 299.97 feet to the **POINT OF BEGINNING** and containing 1.72 acres of land.

BEARING BASIS

THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD83 (93) HARN. THE BEARINGS SHOWN ARE GRID BEARINGS. ALL DISTANCE SHOWN ARE SURFACE DISTANCES.

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

KNOW ALL BY THESE PRESENTS:

That I, William D. Warrick, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during July, 2006 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 31ST day of July, 2006, A.D.

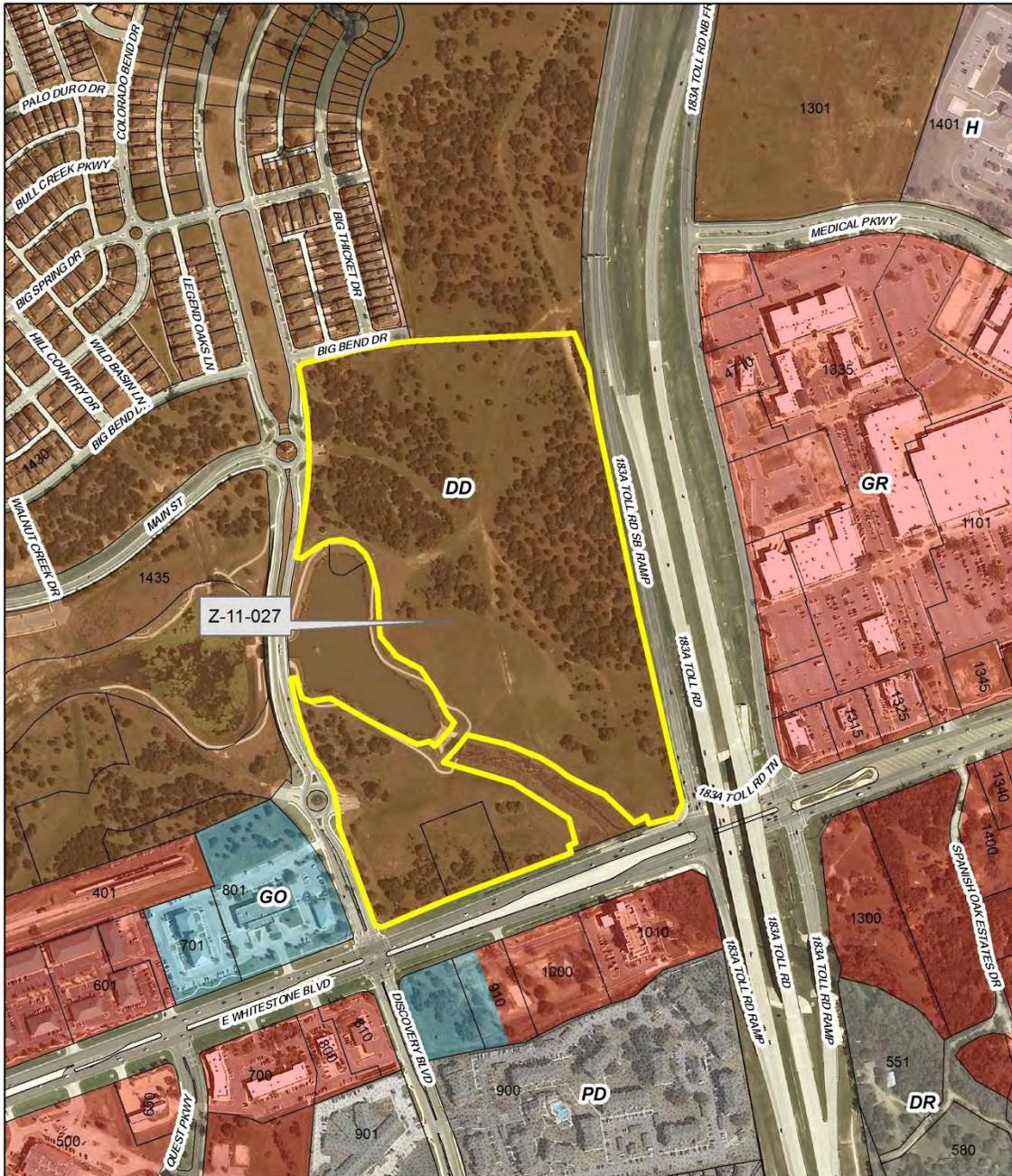
Zamora-Warrick and Associates, L.L.C.
4412 Spicewood Springs Road, Suite 111
Austin, Texas 78759

William D Warrick
William D. Warrick
Registered Professional Land Surveyor
No. 4426 -- State of Texas

REFERENCES

ZWA FIELD NOTE NO. FN-06-002-08





Z-11-027



EXHIBIT B

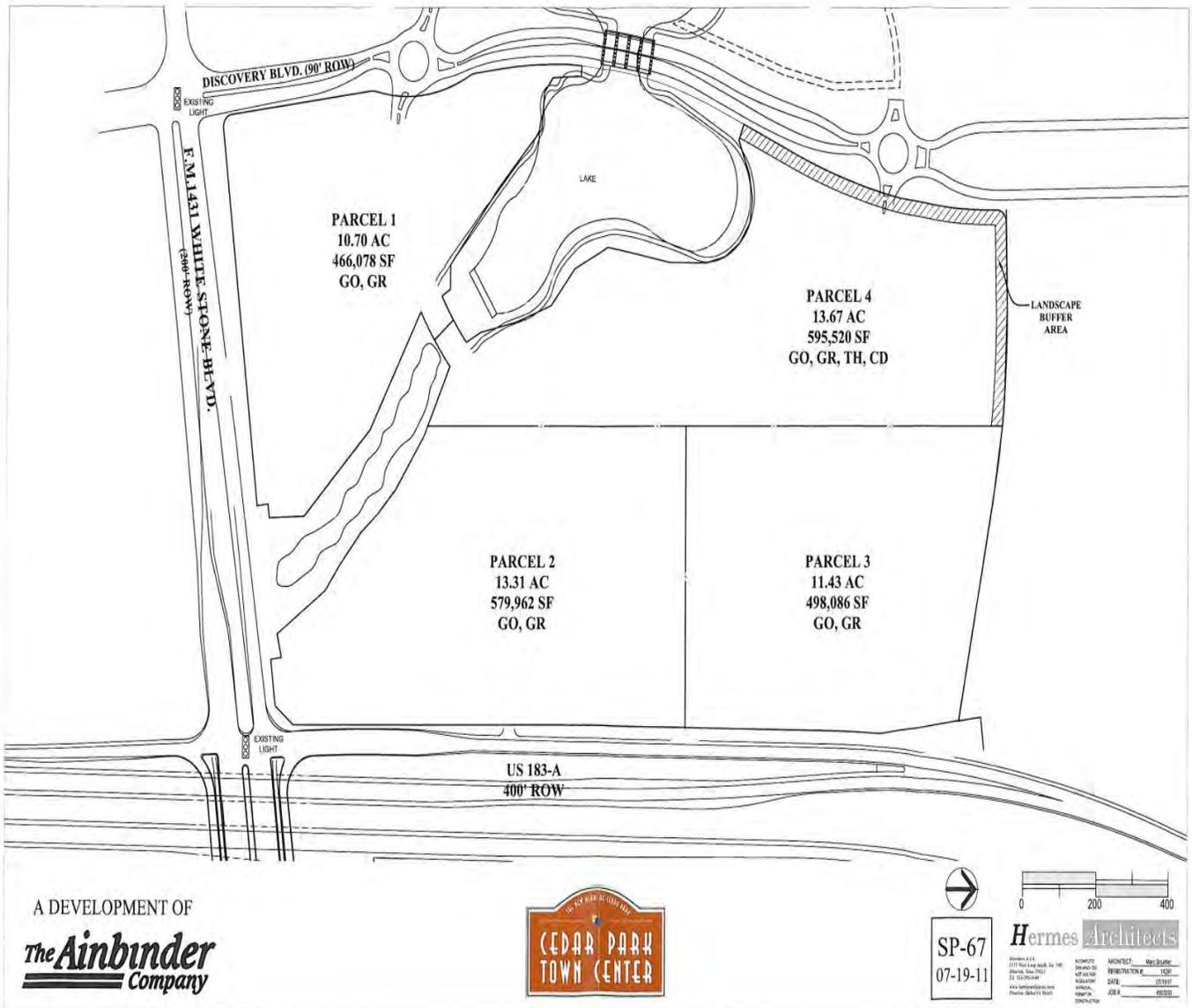


EXHIBIT C

October 18, 2011 Zoning	Planning and Zoning Commission Northwest Corner of 183A Toll Road and East Whitestone Boulevard	Item: 8A & 9A
Case Number: # Z-11-027		

Owner: Michael Ainbinder, Cedar Park Town Center LP

Agent: Scott Foster, Kimley-Horn and Associates, Inc

STAFF: Amy Link, 401-5056, amy.link@cedarparktx.us

LOCATION: Northwest corner of 183 A Toll Road and East Whitestone Boulevard

COUNTY: Williamson

AREA: 49.114 acres

EXISTING ZONING: Downtown District (DD)

PROPOSED ZONING: Planned Development (PD)

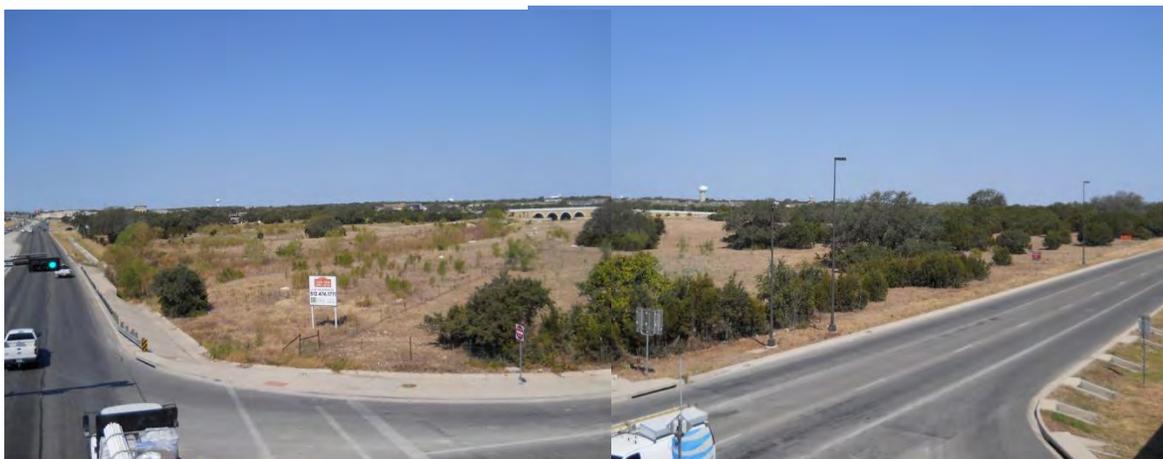
STAFF RECOMMENDATION: Planned Development (PD)

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

SUMMARY OF REQUEST:

The applicant is requesting 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.

EXISTING SITE:



SURROUNDING USES:

The site is currently undeveloped and is bounded by 183A Toll Road to the east and East Whitestone Boulevard to the south. Discovery Boulevard creates the western border of the tract and the Town Center single family subdivision is located northwest of the site.



PURPOSE OF REQUESTED ZONING DISTRICT:

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

COMPREHENSIVE PLAN AND FUTURE LAND USE PLAN:

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

The applicant's request complies with the Future Land Use Plan (FLUP).

The request is also consistent with the following goals set forth 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.

4.1.3 Housing Goals:

- Formulate a viable mix of housing types that will successfully diversify the housing market of Cedar Park, allowing it to grow into a sustainable community.
- Provide new housing opportunities for current and future residents of Cedar Park.

SITE INFORMATION:

Corridor Overlay:

This tract is partially located within the Corridor Overlay, extending 400 feet back from the right-of-way of East Whitestone Boulevard and 183A Toll Road.

Transportation:

East Whitestone Boulevard is classified as a 6 lane divided major arterial adjacent to the tract. In 2010, the traffic count east of Bell Boulevard was 33,755 vehicles trips per day.

The 183A Tollway Frontage Road carried 29,885 vehicles per day in 2010, between E. Whitestone and New Hope Drive.

Discovery Boulevard is classified as a Primary Collector in the vicinity of the subject tract.

Water and Wastewater Utilities:

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

Subdivision:

The property is not subdivided.

Setback Requirements:

	Parcels 1-4 (GR or GO land uses)	Tract 4 (TH or CD land uses)
Front Setback	25'	25'
Side Setback	12'	10'
Side Setback adjacent to street	25'	25'
Rear Setback	5'	20'

Additional setback requirements have been established as part of the PD and are further described under Staff Commentary.

Architectural Requirements:

All parcels within the PD shall provide a minimum of 75% masonry construction. Additional architectural requirements shall be provided along Discovery Boulevard and the northern most portion of Parcel 4 as noted in the PD regulations outlined below.

CASE HISTORY:

Case Number	Request	P&Z Recommendation	CC Action
Z-99-022	Interim R-1 to DD	Recommend DD	Approved DD

STAFF COMMENTARY:

The subject tract is currently located within the Town Center Area of the Cedar Park Town Center, a master-planned development. Zoning within the Cedar Park Town Center is form based, emphasizing building appearance and orientation rather than permission of specific land uses. The Town Center Area promoted a mix of commercial and residential uses within a dense, pedestrian friendly environment. Since the creation of the Town Center master plan, market conditions have changed and it is believed that a development of this type cannot be supported by the local area. Therefore, the applicant is requesting to rezone the property to more traditional land uses through a PD.

Parcels 1, 2 and 3, located along the major commercial corridors of 183A Toll Road and East Whitestone, are proposed for uses typically found in the General Retail (GR) and General Office (GO)

districts. Parcel 4, located in the northwestern quadrant of the tract, allows a greater mix of uses, permitting not only GR and GO uses, but also Townhome (TH) and Condominium Residential (CD) uses.

To ensure development of the commercial parcels within the development, to maintain the pedestrian friendly development originally envisioned in the Town Center Master Plan, and to establish compatibility with the adjacent existing single family residential neighborhood, the following regulations are proposed as part of the PD:

- 1) If residential development occurs on Parcel 4, it shall be limited to a maximum of 160 units.
- 2) No residential development shall be constructed until a minimum of 25,000 square feet of commercial development has been completed on Parcel 1 and 50,000 square feet of commercial development has been completed on either Parcel 2 or Parcel 3.
- 3) Any building located within 100 feet of a parcel occupied by an existing, single-family residential use shall be limited to 2 stories in height or 35 feet, whichever is less.
- 4) Any non-residential building located within 200 feet of Discovery Boulevard and the northern most portion of Parcel 4 must comply with the following:
 - a. All sides of a building shall be compatible with or equivalent to the architectural features, materials and the articulation of the front façade of the building. In addition, at least seventy-five (75) percent of the length of the exterior wall shall be covered by one or a combination of the following elements. The standards shall be applied separately for each building face of each floor or building level:
 - i. Awnings
 - ii. Windows
 - iii. Columns
 - iv. Trellises
 - v. Arbors, mounted to the exterior wall of the building with a minimum height of 12 feet and a maximum height of 20 feet
 - vi. Canopies
 - vii. Integrated planters or wing walls that incorporate a sitting area
- 5) For all non-residential uses, a minimum 30 foot wide landscaping buffer shall be provided along the northern boundary of Parcel 4 and along the northwestern boundary of Parcel 4 that is directly adjacent to Discovery Boulevard. The buffer shall be as depicted on the attached PD Land Plan dated July 19, 2011, and shall be equal to the sum of 30 feet plus 1 foot of additional landscape buffer for every 1 foot of height of any non-residential building exceeding 30 feet on Parcel 4. The total landscape buffer shall not exceed 50 feet. The buffer shall serve as a visual vegetative screen from Discovery Boulevard for this parcel and may consist of a combination of berms, plantings, and existing trees and will conform to the Level 1 Compatibility Buffer standards established in the City of Cedar Park Site Development Ordinance.
- 6) The existing greenway trail connecting Discovery Boulevard and Whitestone Boulevard/183A shall be completed by the developer. The alignment/location of the trail must be approved by the Director of Parks and Recreation and shall be shown on the final plat for the development. The trail may be completed in phases concurrently with the development of each portion of the overall tract.
- 7) 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.
- 8) The property shall be subject to the Corridor Overlay building regulations set forth in Section 11.02.280 of the Cedar Park Zoning Ordinance, except to the extent that a higher standard may be required as part of the PD regulations.

- 9) Internal drives shall be incorporated into the development to the extent practical. In accordance with Section 14.05.004 (8) Access Standards, an internal drive connection shall be provided between Parcel 3 and the tract to the north, at a location to be determined at the time of site development, provided the resulting traffic circulation is functional.
- 10) Unless otherwise stated within the PD, all land uses proposed within the PD shall comply with the most applicable district as identified on the attached land plan and as determined by staff.
- 11) Unless otherwise stated within the PD, all applicable regulations of the City of Cedar Park Code of Ordinances shall apply, as amended from time to time.

The residential unit cap established for Parcel 4 is consistent with the existing Town Center Area plan. The PD proposal of TH or CD units provides for a better land use transition to the existing single family neighborhood to the north and west, while still allowing for a mix of commercial and residential uses.

As stated in the PD regulations, the proposed landscape buffer adjacent to Discovery Boulevard within Tract 4 shall provide a visual vegetative screen between proposed development and Discovery Boulevard, which serves as the main entrance to the residential Town Center development. Additional buffering is proposed through the height restrictions established near single family residences and the articulation of buildings along Discovery Boulevard and within close proximity to single family residences.

Finally, the regulations for pedestrian connectivity within the development preserve the spirit of the original Town Center Plan, which attempted to promote a livable, walkable development, appealing to both residents of the development and surrounding neighborhoods.

STAFF RECOMMENDATION:

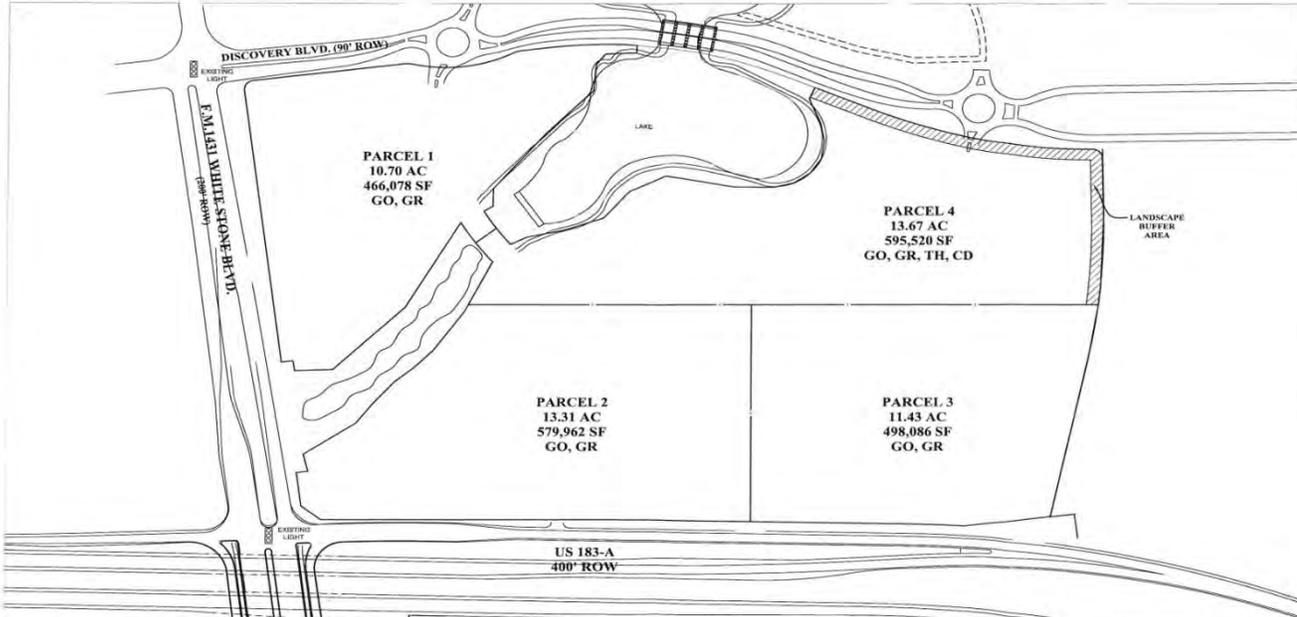
Staff recommends the applicant's request to rezone approximately 49.114 acres from Downtown District (DD) to Planned Development (PD), including the regulations listed above, and as depicted on the attached Land Plan.

PUBLIC INPUT: To date, no public comments have been received.

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

PROPOSED CITY COUNCIL HEARINGS: (November 17, 2011) 1ST Reading
(December 8, 2011) 2ND Reading

Proposed Land Plan



A DEVELOPMENT OF
The Airbinder Company



SP-67
07-19-11

Hermes Architects

PROJECT:	ARCHITECT:
DATE:	DATE:
SCALE:	SCALE:
BY:	BY:
CHECKED:	CHECKED:
DATE:	DATE:

Amy Link

From: Florence Parnham [REDACTED]
Sent: Wednesday, October 19, 2011 9:22 AM
To: Amy Link
Subject: Cedar Park Town Center File # Z-11-027

Good morning.

While I attended the meeting last night at the Cedar Park library, I had not prepared to speak.

But I want to put forth my concerns.

I live two houses down from Big Bend Drive at 1503 Big Thicket Drive, therefore am very close to the proposed changes to our neighborhood.

I am not politically astute and rather cryptic in my view of what happens in governing bodies and believe, by and large, that money talks. I know the prime directive of governing bodies of various areas (county, city, state, country) is to stay in business, ergo, taxes. I know this is a necessity that NEEDS to be balanced against the good and desires of the public. Therefore, I will not beat the drum as to why and how I love the open land I have been so blessed to look at for the past 2 yrs. I have resided on Big Thicket. (By the way, I love the cows, deer and rabbits!!!)

But, accepting the fact that development will occur, in real time, these are my worries...

1. Road accesses. Whatever is built, will "they" be pouring onto Big Bend or Discovery?
2. Road extension. Will Big Bend be taken through to 183A, thus making us an attractive byway and bypass to 1431?
3. Noise barrier. Thirty feet is not a great indentation of green land. What will separate our homes from this large developed area? Tall cement walls, short wood wall, tall (to be) trees, stone walkway?? What will absorb possible noise?
4. Lighting. How long will lights burn and how brightly?
5. Trash. No matter commercial or residential (condos or townhouses), will large dumpsters be found at Big Bend wall?
6. Height. I heard mention of levels but want to state having "neighbors" above one level staring down onto a backyard is not conducive to peace.
7. Safety. If commercial, and therefore possible bright lighting at night and if not, how safe will our neighborhood be from "late night shoppers" of the felon type?

I was unable to find the email address for Scott Foster, Kimley-Horn and Associates. Would you please forward these comments to them so that they might be aware of the interest and concern of neighbors?

Thank you for your attention.

Florence Parnham
1503 Big Thicket Drive
Cedar Park, TX 78613
713-562-2801

EXHIBIT D
Planned Development Regulations

- 1) If residential development occurs on Parcel 4, it shall be limited to a maximum of 160 units.
- 2) No residential development shall be constructed until a minimum of 25,000 square feet of commercial development has been completed on Parcel 1 and 50,000 square feet of commercial development has been completed on either Parcel 2 or Parcel 3.
- 3) Any building located within 100 feet of a parcel occupied by an existing, single-family residential use shall be limited to 2 stories in height or 35 feet, whichever is less.
- 4) Any non-residential building located within 200 feet of Discovery Boulevard and the northern most portion of Parcel 4 must comply with the following:
 - a. All sides of a building shall be compatible with or equivalent to the architectural features, materials and the articulation of the front façade of the building. In addition, at least seventy-five (75) percent of the length of the exterior wall shall be covered by one or a combination of the following elements. The standards shall be applied separately for each building face of each floor or building level:
 - i. Awnings
 - ii. Windows
 - iii. Columns
 - iv. Trellises
 - v. Arbors, mounted to the exterior wall of the building with a minimum height of 12 feet and a maximum height of 20 feet
 - vi. Canopies
 - vii. Integrated planters or wing walls that incorporate a sitting area
- 5) For all non-residential uses, a minimum 30 foot wide landscaping buffer shall be provided along the northern boundary of Parcel 4 and along the northwestern boundary of Parcel 4 that is directly adjacent to Discovery Boulevard. The buffer shall be as depicted on the attached PD Land Plan dated July 19, 2011, and shall be equal to the sum of 30 feet plus 1 foot of additional landscape buffer for every 1 foot of height of any non-residential building exceeding 30 feet on Parcel 4. The total landscape buffer shall not exceed 50 feet. The buffer shall serve as a visual vegetative screen from Discovery Boulevard for this parcel and may consist of a combination of berms, plantings, and existing trees and will conform to the Level 1 Compatibility Buffer standards established in the City of Cedar Park Site Development Ordinance.
- 6) The existing greenway trail connecting Discovery Boulevard and Whitestone Boulevard/183A shall be completed by the developer. The alignment/location of the trail must be approved by the Director of Parks and Recreation and shall be shown on the final plat for the development. The trail may be completed in phases concurrently with the development of each portion of the overall tract.
- 7) 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.
- 8) The property shall be subject to the Corridor Overlay building regulations set forth in Section 11.02.280 of the Cedar Park Zoning Ordinance, except to the extent that a higher standard may be required as part of the PD regulations.
- 9) Internal drives shall be incorporated into the development to the extent practical. In accordance with Section 14.05.004 (8) Access Standards, an internal drive connection shall be provided

between Parcel 3 and the tract to the north, at a location to be determined at the time of site development, provided the resulting traffic circulation is functional.

- 10) Unless otherwise stated within the PD, all land uses proposed within the PD shall comply with the most applicable district as identified on the attached land plan and as determined by staff.
- 11) Unless otherwise stated within the PD, all applicable regulations of the City of Cedar Park Code of Ordinances shall apply, as amended from time to time.



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. 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 Recommend Approval Of The Assignment Of Local Retail (LR) On The Subject Tract.

Commentary:

This is a City initiated request. The purpose of this agenda item is to assign original zoning of Local Retail (LR) to approximately 2.760 acres for property located at 1310 Cottonwood Creek Trail.

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 7-0 to recommend approval of Local Retail (LR).

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

Opposed: None

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on October 18, 2011. No public testimony was received.

City Council Public Hearing:

The City Council held a public hearing on November 17, 2011. No public testimony was received.

Background:

Owners: Sandi Biszalik

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

October 6, 2011: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

October 7, 2011: 8 letter notices for the Planning and Zoning Commission and City Council public hearing were sent to property owners within 300 feet of the subject tract

October 18, 2011: Planning Commission Public Hearing

October 27, 2011: Public notice of the City Council public hearing published in the Cedar Park Citizen

November 17, 2011: City Council 1st Reading of ordinance and public hearing

December 8, 2011: City Council 2nd Reading of ordinance

Director

Fiscal Impact
Account No.:

Budget
Budget/Expended:

Finance Director Review

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 2.760 ACRES OF LAND LOCATED AT 1310 COTTONWOOD CREEK TRAIL, IN WILLIAMSON COUNTY (Z-11-029); 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) on approximately 2.760 acres otherwise 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 indicate 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 17th day of November, 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 8th 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.

CITY OF CEDAR PARK, TEXAS

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Legal Description:

AW0009 Parker WS Survey, 2.760acres; otherwise described by metes and bounds in deed Volume 2303 Page 234 in the Official Records of Williamson County.

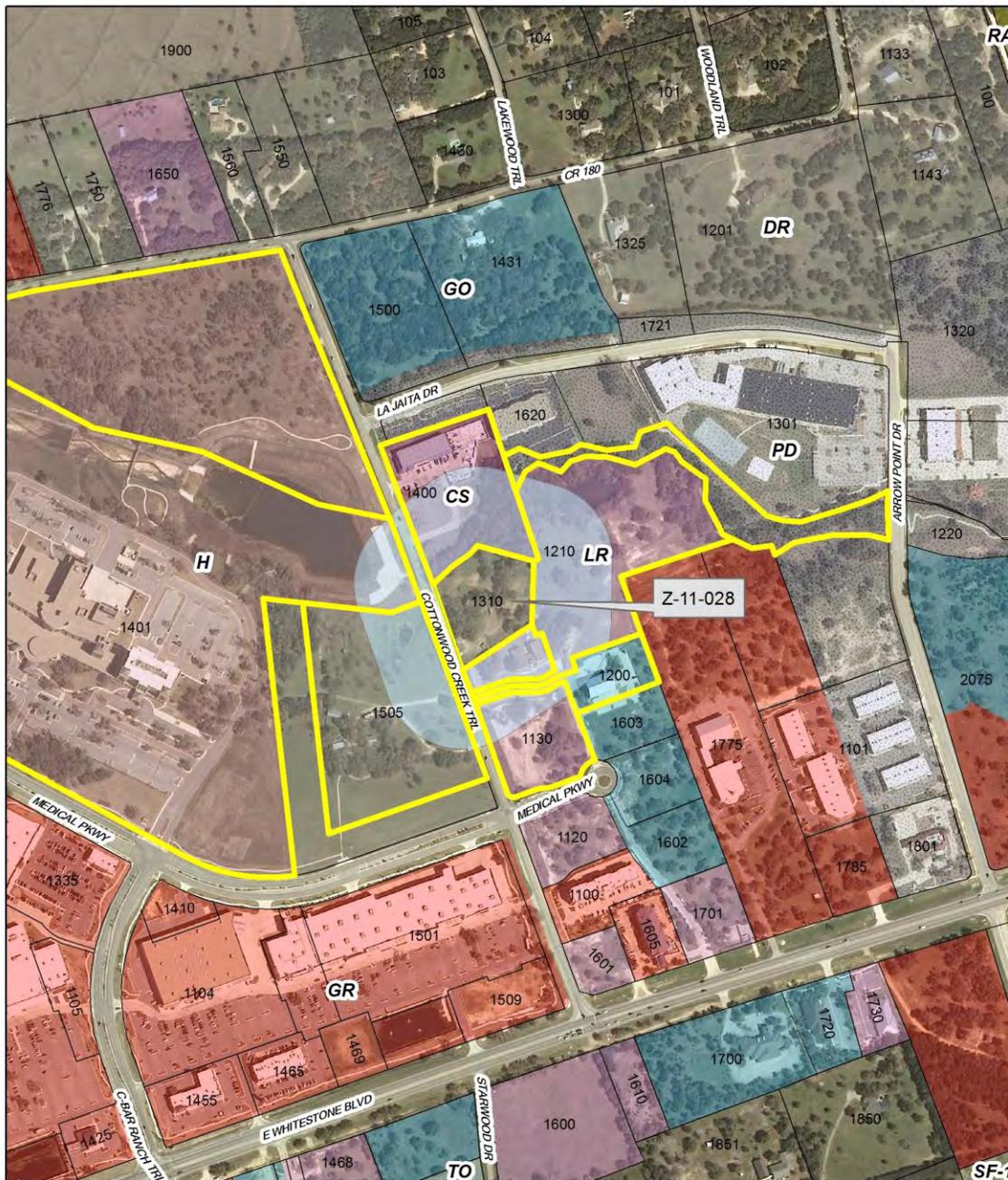
EXHIBIT A



Z-11-028



EXHIBIT B



Z-11-028



NOTIFICATION AREA

October 18, 2011

Zoning

Planning and Zoning Commission
City Initiated Zoning
Biszalik at Cottonwood Creek

Item:
8C/9C

Case Number: # Z-11-028

OWNER: Sandi Biszalik

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: 1310 Cottonwood Creek Trail

COUNTY: Williamson

AREA: 2.760 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: Local Retail (LR)

STAFF RECOMMENDATION: Local Retail (LR)

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

FUTURE LAND USE PLAN PROPOSED: Neighborhood Office/Retail/ Commercial

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 is located at 1310 Cottonwood Creek Trail and is currently undeveloped.

Existing Site:



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.

FUTURE LAND USE PLAN:

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

COMPREHENSIVE PLAN

The request is consistent with the following goals set forth 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 property is within the Corridor Overlay.

Transportation:

Cottonwood Creek Trail is classified as a minor arterial.

Subdivision:

Future development of this property may require a subdivision of the property.

Setback Requirements:

Front Setback	25'
Side Setback	12'
Rear Setback	5'

Architectural Requirements:

Each exterior wall area of a site built in this district shall have a minimum of 75% masonry construction exclusive of doors and windows.

Permitted Uses:

- Administrative offices
- Art gallery
- Day care center, incidental
- Medical offices

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

Staff Recommendation:

Staff recommends that this site be assigned original zoning of Local Retail (LR). The designation of LR is consistent with adjacent LR zoned tracts, is compatible with Future Land Use Plan and Comprehensive Plan, and is supported by the purpose statement of the district.

PUBLIC NOTICE: October 6, 2011 Cedar Park Citizen
8 letter notices were sent to property owners within 300 feet of the tract

PUBLIC INPUT: No public input has been received regarding this request.

PROPOSED CITY COUNCIL HEARINGS: November 17, 2011 ~ Public Hearing/1ST Reading
December 8, 2011 ~ 2ND Reading



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. 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 Recommend Approval Of The Assignment Of General Retail (GR) On The Subject Tract.

Commentary:

This is a City initiated request. The purpose of this agenda item is to assign original zoning of General Retail (GR) to approximately 69.987 acres for property located at 3975 E. Whitestone Boulevard.

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 7-0 to recommend approval of General Retail (GR).

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

Opposed: None

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on October 18, 2011. No public testimony was received.

City Council Public Hearing:

The City Council held a public hearing on November 17, 2011. No public testimony was received.

Background:

Owners: 3975 Whitestone

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

October 6, 2011: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

October 7, 2011: 10 letter notices for the Planning and Zoning Commission and City Council public hearing were sent to property owners within 300 feet of the subject tract

October 18, 2011: Planning Commission Public Hearing

October 27, 2011: Public notice of the City Council public hearing published in the Cedar Park Citizen

November 17, 2011: City Council 1st Reading of ordinance and public hearing

December 6, 2011: City Council 2nd Reading of ordinance

Director

Fiscal Impact
Account No.:

Budget
Budget/Expended:

Finance Director Review

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 49.987 ACRES OF LAND LOCATED AT 3975 E. W. WHITESTONE BOULEVARD, IN WILLIAMSON COUNTY (Z-11-029); 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) on approximately 49.987 acres otherwise 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 indicate 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 17th day of November, 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 8th 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.

CITY OF CEDAR PARK, TEXAS

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

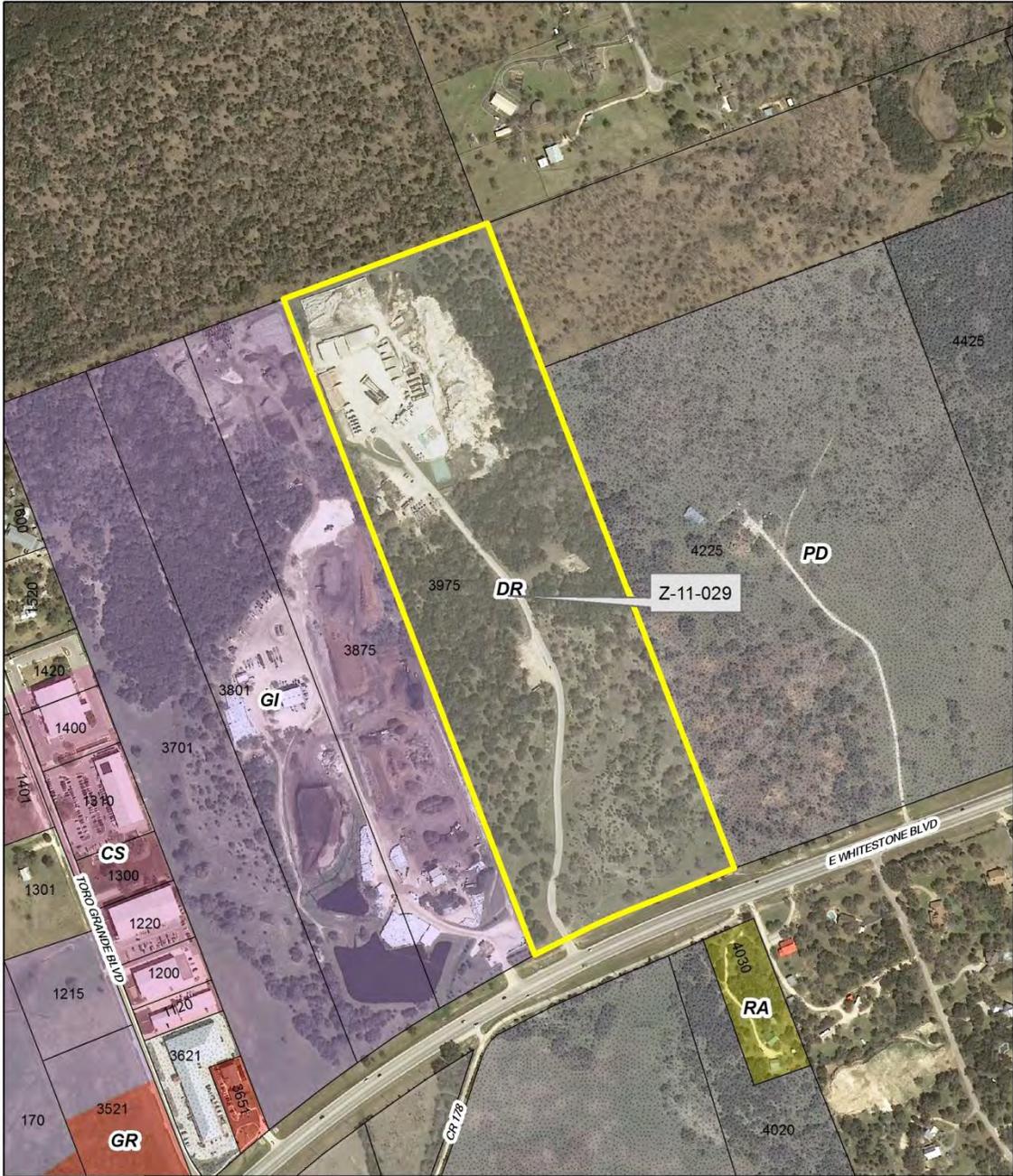
APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Legal Description:

Lots 1 and 2, Block A Rainbow Heights Subdivision, in the Official Records of Williamson County.

EXHIBIT A

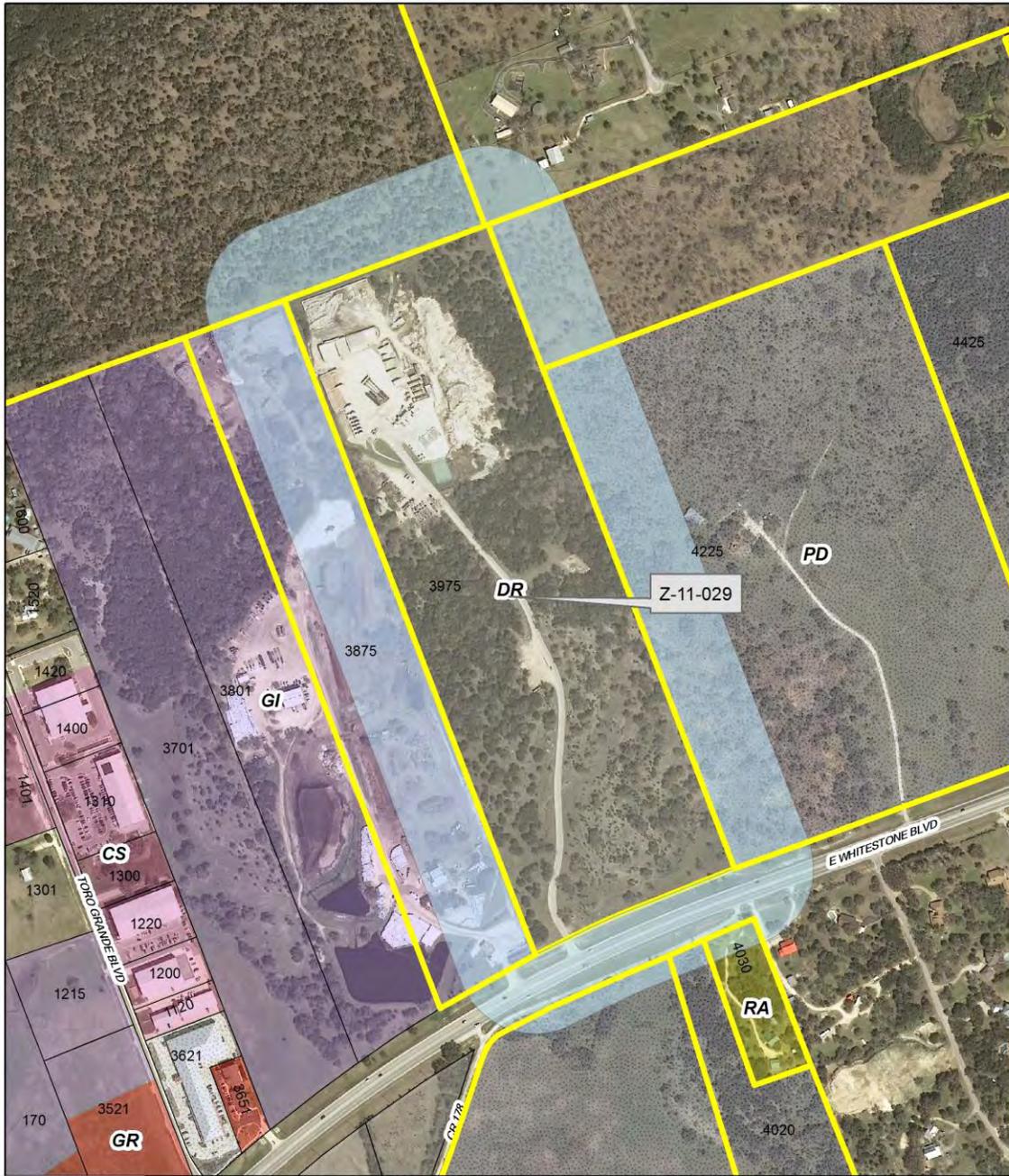


Z-11-029



EXHIBIT B

12-8-11 Additional Info for Council Z-11-029



Z-11-029



NOTIFICATION AREA

<p>October 18, 2011</p> <p>Zoning</p>	<p><i>Planning and Zoning Commission</i></p> <p>City Initiated Zoning</p> <p>Whitestone Investments</p>	<p>Item: 8D/9D</p>
<p>Case Number: # Z-11-029</p>		

OWNER: 3975 Whitestone Investments LP

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: 3975 E. Whitestone

COUNTY: Williamson

AREA: 49.987 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

FUTURE LAND USE PLAN EXISTING: Regional Office/Retail/Commercial

FUTURE LAND USE PLAN PROPOSED: Regional Office/Retail/ Commercial

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 one parcel located at 3975 E. Whitestone. This site is currently developed with a concrete batch plant.

Existing Site:





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.

FUTURE LAND USE PLAN:

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

COMPREHENSIVE PLAN

The request is consistent with the following goals set forth 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 property is within the Corridor Overlay for E. Whitestone Boulevard and New Hope Drive.

Transportation:

E. Whitestone Boulevard is classified as a major arterial. The future extension of New Hope Drive will run along the northern boundary of the site as a four lane divided major arterial.

Subdivision:

Future development of this property may require a subdivision of the property.

Setback Requirements:

Front Setback	25'
Side Setback	12'
Rear Setback	5'

Architectural Requirements:

Each exterior wall area of a site built in this district shall have a minimum of 75% masonry construction exclusive of doors and windows, for the areas located within the corridor overlay and 50% masonry for the remainder.

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 Future Land Use Plan and Comprehensive Plan, and is supported by the purpose statement of the district.

PUBLIC NOTICE: October 6, 2011 Cedar Park Citizen
8 letter notices were sent to property owners within 300 feet of the tract

PUBLIC INPUT: Staff has spoken with the property owners representative and they have no objections to this City initiated request. No other public input has been received to date.

PROPOSED CITY COUNCIL HEARINGS: November 17, 2011 ~ Public Hearing/1ST Reading
December 8, 2011 ~ 2ND Reading



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. 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 Recommend Approval Of The Assignment Of General Retail (GR) On The Subject Tract.

Commentary:

This is a City initiated request. The purpose of this agenda item is to assign original zoning of General Retail (GR) to approximately 0.517 acres for property located at 1403 W Whitestone Boulevard.

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 7-0 to recommend approval of General Retail (GR).

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

Opposed: None

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on October 18, 2011. No public testimony was received.

City Council Public Hearing:

The City Council held a public hearing on November 17, 2011. No public testimony was received.

Background:

Owners: Pampered and Associates

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

October 6, 2011: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

October 7, 2011: 8 letter notices for the Planning and Zoning Commission and City Council public hearing were sent to property owners within 300 feet of the subject tract

October 18, 2011: Planning Commission Public Hearing

October 27, 2011: Public notice of the City Council public hearing published in the Cedar Park Citizen

November 17, 2011: City Council 1st Reading of ordinance and public hearing

December 6, 2011: City Council 2nd Reading of ordinance

Director

Fiscal Impact
Account No.:

Budget
Budget/Expended:

Finance Director Review

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 0.517 ACRES OF LAND LOCATED AT 1403 W. WHITESTONE BOULEVARD, IN WILLIAMSON COUNTY (Z-11-030); 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) on approximately 0.517 acres otherwise 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 indicate 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 17th day of November, 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 6th 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.

CITY OF CEDAR PARK, TEXAS

Robert S. Lemon, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Legal Description:

AW0168 Dover S Survey, 0.517acres; otherwise described by metes and bounds in deed 2007033692 in the Official Records of Williamson County.

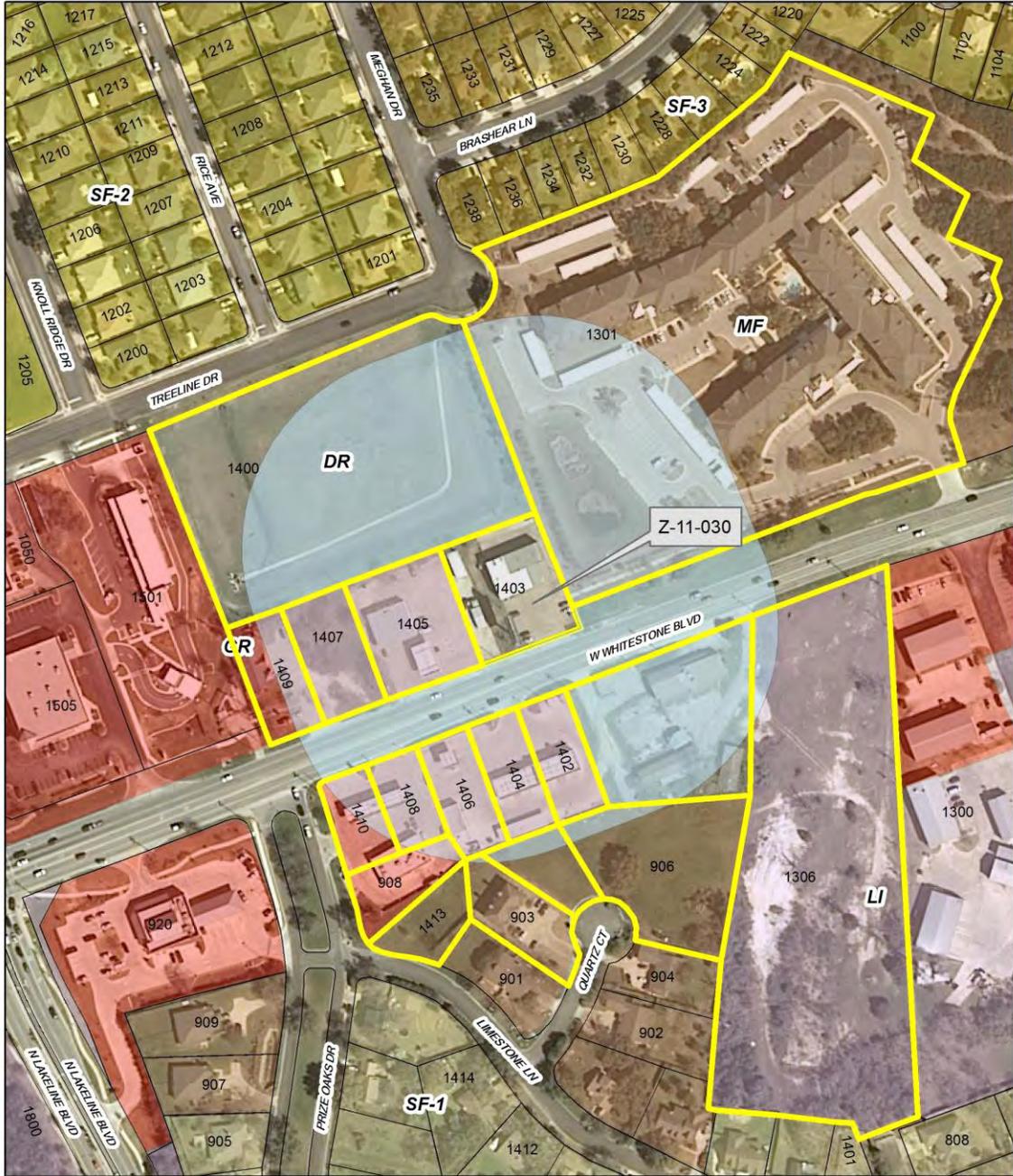
EXHIBIT A



Z-11-030



EXHIBIT B



Z-11-030



NOTIFICATION AREA

<p>October 18, 2011</p> <p>Zoning</p>	<p><i>Planning and Zoning Commission</i></p> <p>City Initiated Zoning</p> <p>Pampered & Associates</p>	<p>Item: 8E/9E</p>
<p>Case Number: # Z-11-030</p>		

OWNER: Pampered and Associates LLC

STAFF: Emily Barron, 401-5054, emily.barron@cedarparktx.us

LOCATION: 1403 W. Whitestone

COUNTY: Williamson

AREA: 0.517 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail (GR)

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

FUTURE LAND USE PLAN PROPOSED: Regional Office/Retail/ Commercial

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 amendment to the Future Land Use Plan.

This request contains one parcel located at 1403 W. Whitestone. This site is currently commercially developed.

Existing Site:





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.

FUTURE LAND USE PLAN:

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

COMPREHENSIVE PLAN

The request is consistent with the following goals set forth 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 property is within the Corridor Overlay.

Transportation:

Ronald Reagan is classified as a major arterial.

Subdivision:

Future development of this property may require a subdivision of the property.

Setback Requirements:

Front Setback	25'
Side Setback	12'
Rear Setback	5'

Architectural Requirements:

Each exterior wall area of a site built in this district shall have a minimum of 75% masonry construction exclusive of doors and windows, as it is located fully within the Corridor Overlay.

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 surrounding land uses, and Comprehensive Plan, and is supported by the purpose statement of the district.

PUBLIC NOTICE: October 6, 2011 Cedar Park Citizen
8 letter notices were sent to property owners within 300 feet of the tract

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

PROPOSED CITY COUNCIL HEARINGS: November 17, 2011 ~ Public Hearing/1ST Reading
December 8, 2011 ~ 2ND Reading



CITY COUNCIL AGENDA

Date:12-8-2011

Subject: Agenda Item No. 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 Recommend Approval Of The Assignment Of General Retail (GR) On The Subject Tract.

Commentary:

This is a City initiated request. The purpose of this agenda item is to assign original zoning of General Retail (GR) to approximately 14.286 acres for property located at 1505 Medical Parkway.

Planning & Zoning Commission Recommendation to the City Council:

The Planning and Zoning Commission voted 7-0 to recommend approval of General Retail (GR).

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

Opposed: None

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on October 18, 2011. No public testimony was received.

City Council Public Hearing:

The City Council held a public hearing on November 17, 2011. No public testimony was received.

Background:

Owners: Carssow Family Partnership

Please see attached Planning & Zoning Commission Report for details.

Public Information Plan:

October 6, 2011: Public notice of the Planning and Zoning Commission public hearing published in the Cedar Park Citizen.

October 7, 2011: 10 letter notices for the Planning and Zoning Commission and City Council public hearing were sent to property owners within 300 feet of the subject tract

October 18, 2011: Planning Commission Public Hearing

October 27, 2011: Public notice of the City Council public hearing published in the Cedar Park Citizen

November 17, 2011: City Council 1st Reading of ordinance and public hearing

December 8, 2011: City Council 2nd Reading of ordinance

Director

Fiscal Impact
Account No.:

Budget
Budget/Expended:

Finance Director Review

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 14.286 ACRES OF LAND LOCATED AT 1505 MEDICAL PARKWAY, IN WILLIAMSON COUNTY (Z-11-031); 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) on approximately 14.286 acres otherwise 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 indicate 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 17th day of November, 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 8th day of December, 11th, 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, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

Charles W. Rowland, City Attorney

Legal Description:

AW0009 Parker WS Survey, 14.286acres; otherwise described by metes and bounds in deed 2010000005 and 2010000002 in the Official Records of Williamson County.

EXHIBIT A



Z-11-031



EXHIBIT B