



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR
MARCH 09, 2023 AT 6:00 PM**

Link For Meeting: <https://councilmtg.cedarparktexas.gov/>

Event Password: CedarPark2023

United States Toll Free: 1-844-992-4726

Access Code: 2552 721 7975

Phone Password: 23327727

Jim Penniman-Morin, Mayor
Stephen Thomas, Council Place One
Mel Kirkland, Council Place Two
Anne Duffy, Council Place Three

Kevin Harris, Mayor Pro Tem
Eric Boyce, Council Place Four
Heather Jefts, Council Place Six
Brenda Eivens, City Manager

The public may comment and attend the meeting remotely. For the virtual meeting link and phone number, see near the top of the agenda. For more information on how to participate remotely please refer to the City's website at www.cedarparktexas.gov/councilagenda.

*All electronic and printed materials to be presented at the Council Meeting must be submitted for cybersecurity and legal obscenity screening in accordance with City Policy. **Electronic material must be submitted by 12:00 p.m., day of meeting, and printed material must be submitted prior to the Call To Order.** Any electronic or printed material not submitted in accordance with the Policy, that poses a cybersecurity risk, or is legally obscene, will not be allowed. You may email the entire Council on any issue at Council@cedarparktexas.gov.*

AGENDA

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

I. EXECUTIVE SESSION **To Commence At 6:00 p.m.**

An unscheduled Closed Executive Session may be called to discuss any item on this posted agenda provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

In accordance with Chapter 551, Government Code, the City Council will now convene in a Closed Executive Session pursuant to the following provisions of the Texas Open Meetings Act, Chapter 551, of the Texas Government Code:

- B.1 Section § 551.072 Deliberation Concerning The Purchase, Exchange, Lease Or Value Of Real Property.
- a. The Bell Boulevard Redevelopment Project.

The Council Reconvenes into Open Meeting.

II. OPEN MEETING
To Commence At 7:00 p.m.

- C.1 Invocation. (Duffy)
- C.2 Pledges Of Allegiance (U.S. and Texas).
- C.3 Presentation: A Proclamation Recognizing The Cedar Park 10u Centex Spartans As The 2023 NFL Flag National Champions.
- C.4 Presentation: Cedar Park Police Department's Renewed Participation In The Texas Police Chief Association Foundation's Best Practices Recognition Program.
- C.5 Public Communications. (Regarding items not listed on this Agenda. Three Minutes each. No deliberations with the Council. The Council may respond only with factual statements, recitation of existing policy, and requests for an item to be placed on a future Agenda.)
- C.6 City Manager Report: Fiscal Year 2023 First Quarter Financial And Investment Report - Kevin Klosterboer, Finance Director.
- C.7 City Manager Report: Update On Residential Tree Limb Collection.

Consent Agenda

Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of Agenda Items D, E, and F.

- D.1 Approval Of Minutes From The Special Called Joint Meeting Of January 26, 2023 With City Council And The Planning And Zoning Commission.
- E.1 Second Reading And Approval Of Ordinances: No Items For Consideration On The Consent Agenda.
- F.1 A Resolution Authorizing Issuance Of A Parks Special Use Permit To The Central Texas SPCA For A Charity Fundraiser At Veterans Memorial Park On October 21, 2023.
- F.2 A Resolution Authorizing An Amendment To The Interlocal Agreement For The Establishment, Operation, And Maintenance Of The Williamson County Radio Communications System.

An unscheduled Closed Executive Session may be called to discuss any item on this posted agenda provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

- [F.3](#) A Resolution Authorizing Participation In All Texas Settlement Agreements Related To The Opioid Epidemic.
- [F.4](#) A Resolution Authorizing An Agreement With Environmental Systems Research Institute, Inc. For An Esri Enterprise Advantage Program (EEAP) Subscription In A Total Amount Not To Exceed \$79,900 Over One (1) Year.
- [F.5](#) A Resolution Authorizing A Professional Service Agreement With Matrix Consulting Group, Ltd. For A Police Department Staffing And Strategic Planning Study In An Amount Not To Exceed \$85,000.
- [F.6](#) A Resolution Authorizing A Special Exception Pursuant To Cedar Park Code Of Ordinances Article 8.08 Noise Regulations For The Hill Country Bible Church Easter Sunrise Service.
- [F.7](#) A Resolution Accepting The Certification Of Unopposed Candidates For Council Places One, Three, And Five In The May 6, 2023 General Election; Declaring Candidates Elected To Office Upon The Close Of The Official Canvassing Period As Set Forth By State Statue; Authorizing The Cancellation Of Election.
- [F.8](#) A Resolution Authorizing An Assignment Of The Purchase And Sale Agreement For 107 S. Bell Blvd. From The City Of Cedar Park To The Cedar Park Community Development (Type B) Corporation.
- [F.9](#) A Resolution Consenting To Continue A Declaration Of Local State Of Disaster In Response To Severe Winter Weather For A Period Of Thirty (30) Days.

Public Hearings

- [G.1](#) Public Hearing And Consideration To Approve A Resolution Amending The Fiscal Year 2023 Budget For The General Fund, The Utility Fund, The Parkland/Tree Fund, Community Development Corporation Type B Fund, And Updating The Capital Improvement Plan.
- [G.2](#) (2023-2-Z) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 6.16 Acres From Neighborhood Business (NB) and Local Business (LB) To General Business-Conditional Overlay (GB-CO) Located At 2500 and 2520 West Whitestone Boulevard. ***The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of General Business-Conditional Overlay (GB-CO) With Conditions Related To Permitted Uses.***
- [G.3](#) (2022-10-FLU) (Related To 2023-1-Z) First Reading And Public Hearing Of An Ordinance For A Future Land Use Plan Amendment For Approximately 4.29 Acres From Local Office/Retail/Commercial (LOC) To Regional Office/Retail/Commercial (REG) Generally Located Within The 1200 Block Of Little Elm Trail. ***The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of The Request.***
- [G.4](#) (2023-1-Z) (Related To 2022-10-FLU) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 4.29 Acres From Heavy Industrial (HI) To General Business-Conditional

An unscheduled Closed Executive Session may be called to discuss any item on this posted agenda provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

Overlay (GB-CO) Generally Located Within The 1200 Block Of Little Elm Trail. ***The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of The Request.***

Regular Agenda (Non-Consent)

- [H.1](#) Consideration For Appointment Of Brenda Reiss To Place Three On The Planning And Zoning Commission. (Duffy)
- [H.2](#) Consideration For Appointment Of Justin O'Brien To Place Seven On The Cedar Park Community Development (Type B) Board. (Penniman-Morin)
- [H.3](#) (2022-9-FLU) Consideration Of A Future Land Use Plan Amendment Petition Requesting An Amendment From Regional Office/Retail/Commercial (REG) To High Density Residential (HDR) For Approximately 8.461 Acres Generally Located At 2401 W. Whitestone Blvd.
- [H.4](#) Consideration Of A Resolution Approving A Change Order With Trimbuilt Construction, Inc. For The City Hall and Municipal Court Renovations Project In An Amount Not To Exceed \$347,123.
- [H.5](#) Consideration Of A Resolution Approving A Change Order With JKB Construction Company, LLC For The Lakeline Park Phase 1 Project In An Amount Not To Exceed \$278,812.19.
- [H.6](#) Consideration Of A Resolution Authorizing A Guaranteed Maximum Price Amendment To The Existing Construction Manager-At-Risk Agreement With J.E. Dunn Construction Group, Inc. For Construction Of The New Cedar Park Library Project In An Amount Not To Exceed \$12,819,102.
- [H.7](#) Consideration Of A Resolution Authorizing An Agreement With L.J. Power, Inc. For Construction Of The Water System Resiliency Project In An Amount Not To Exceed \$1,164,511.
- [H.8](#) Consideration Of A Resolution Ratifying An Amendment For Emergency Winter Storm-Related Brush Cleanup Services With T.F.R. Enterprises, Inc. In An Amount Not To Exceed \$500,000 And Authorizing A Second Amendment In An Amount Not To Exceed \$800,000.
- H.9 Consideration For The Creation Of A Community Development Strategic Planning Work Group For 201 Buttercup Creek Blvd.
- H.10 Consider Action, If Any, On Items Discussed In Executive Session.
- H.11 Mayor And Council Closing Comments.
- H.12 Adjournment.

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time. All agenda items are subject to final action by the City Council. Separate agenda items may be combined and discussed together at the discretion of the Chair.

Any final action, decision, or vote on a matter deliberated in Closed Executive Session shall be made in an open meeting pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

An unscheduled Closed Executive Session may be called to discuss any item on this posted agenda provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

Certain information may be presented to and by the City Council, under the headings of "Citizen Communications", and "Council Comments" however, by law, the Council shall not discuss, deliberate or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

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

CERTIFICATION

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

Date Posted: _____

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

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

LeAnn M. Quinn, TRMC
City Secretary

Notice Removed: _____

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

An unscheduled Closed Executive Session may be called to discuss any item on this posted agenda provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

CITY OF CEDAR PARK

2021-2023 Strategic Goals



Livability & Sense of Place

Preserve a community that encourages connectedness, has a unique sense of place and commits to a high quality of life for all.

- **Strong community connections:** Foster a sense of community and engage residents.
- **Bell District:** Advance the significant public-private partnership through the successful commencement of Phase 1 development.
- **Recreation Opportunities:** Strengthen our portfolio of recreation and learning programs, events and facilities.
- **Capital Projects:** Dedicate the resources to design and construct the capital projects necessary.
- **Redevelopment Initiatives:** Develop redevelopment strategies that align with the community's long-term vision and add value to the surrounding area.
- **Placemaking:** Focus on aesthetics and public art to create a positive aesthetic experience, instilling pride and creating a unique identity.
- **Comprehensive Plan:** Adhere to the City's Comprehensive Plan.



Economic Vitality

Cultivate a vibrant business community and increase business investments in the community with successful commercial centers, additional employers, active destinations and support of existing businesses.

- **Economic Development Strategic Initiatives:** Attract targeted businesses to diversify and grow the tax base and increase primary job opportunities.
- **Projects that Make Cedar Park a Destination:** Attract regional destination development and entertainment centers.
- **Business Community:** Actively support existing business community
- **Tourism:** Expand and support tourism program to increase visitors and local commerce.
- **Hotel/Conference Center:** Identify partners to advance Hotel/Conference Center project.



CEDAR PARK



Service & Fiscal Excellence

Deliver high-value public services in a fiscally prudent and sound manner to meet the needs and expectations of our community, enhance the quality of life and continue being one of the safest cities in Texas.

- **Government Operations:** Ensure operations, practices and procedures result in high quality and resident-focused services.
- **Public Safety:** Prioritize and enhance public safety services so that our community feels safe and secure.
- **Financial Strength:** Maintain and enhance strong financial management to capitalize on City's fiscal strength and provide value for tax dollars.
- **Workforce:** Invest in the recruitment and retention of a talented and professional workforce.
- **Technology:** Ensure technology systems and resources to support and enhance reliable 24/7 operations.



Mobility & Connectivity

Safely and efficiently move people throughout the City and improve connectivity by adding alternate routes of travel to businesses, neighborhoods, jobs, parks, entertainment and services.

- **Comprehensive Mobility Master Plan:** Develop a clear vision for a diverse transportation system and adopt a Master Plan for improving multimodal connectivity.
- **Roadways:** Construct additional roadways or expand existing roadways to increase capacity.
- **Bike, Pedestrian & Trail:** Expand the City's network of trails, sidewalks, and bicycle lanes to provide more opportunities for trips on foot or bike.
- **Traffic Operations:** Invest in the use of technology to increase the efficiency of the existing roadway system.



Infrastructure & Environment

Preserve and enhance the tools and resources necessary to support critical infrastructure and sustainability initiatives.

- **Infrastructure:** Prioritize investments that support the quality and reliability of critical infrastructure.
- **Sustaining Infrastructure and Assets:** Invest in the maintenance of infrastructure and assets.
- **Environmental Stewardship:** Demonstrate responsible stewardship of community and natural resources.

An unscheduled Closed Executive Session may be called to discuss any item on this posted agenda provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

File Attachments for Item:

D.1 Approval Of Minutes From The Special Called Joint Meeting Of January 26, 2023 With City Council And The Planning And Zoning Commission.

MINUTES

**THE CITY OF CEDAR PARK CITY COUNCIL AND
THE PLANNING AND ZONING COMMISSION
SPECIAL CALLED JOINT MEETING
JANUARY 26, 2023 AT 5:30 P.M.
450 Cypress Creek Road, Cedar Park TX 78613
Cedar Park City Hall – Building Three, Multi-Purpose Room**

CITY COUNCIL

Jim Penniman-Morin, Mayor
Stephen Thomas, Council Place One
Mel Kirkland, Council Place Two
Anne Duffy, Council Place Three

Kevin Harris, Mayor Pro Tem
Eric Boyce, Council Place Four
Heather Jefts, Council Place Six
Brenda Eivens, City Manager

PLANNING AND ZONING COMMISSION

Bobbi Hutchinson, Chair
Bob Ingraham, Place Two
Sara Groff, Place Three
Audrey Wernecke, Place Four

Cynthia Sneed, Place Five
Kimberly Bradford-Brown, Place Six
Randy Strader, Place Seven

AGENDA

- A. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

Mayor Penniman-Morin called the meeting to order at 5:35 p.m.

Council: All present with Councilmember Jefts arriving at 5:37 p.m.

Planning and Zoning Commission: Sara Groff absent. All other Commissioners present.

- B. Welcome/Introductions.

Roundtable introductions conducted.

- C. Discussion Only:

1. Review Of Council 2021-2023 Strategic Goals And Vision.
2. Comprehensive Plan Vision And Goals:
 - i. Updates On Comprehensive Plan And Future Land Use Plan.

Amy Link, Dir of Dvlp. Services, addressed the Comprehensive Plan and possible/proposed amendments. The City of Cedar Park is approaching full build-out with approximately 500 acres of vacant land inventory for low/medium residential and

2,500 acres for non-residential development. Future focus will be on amending low and medium density residential and amending high density residential to specifically note Mixed Use in Planning Areas.

Discussion followed regarding planning areas, Zoning Code updates, setbacks, Future Land Use Petitions and process, preserving the character of Cedar Park, and urban residential standards.

3. Review Of The Planning & Zoning Commission Roles And Expectations.
4. Update On Code Of Ordinances Chapters 11-14, Regarding Zoning, Subdivisions, Signs, And Site Development.

Discussion on Agenda Items C.2 and C.4. included the Future Land Use Plan process and petition requests, impact to infrastructure and public safety, mixed use and walkability, residential and non-residential standards.

D. Closing Comments.

E. Adjournment.

Mayor Penniman-Morin adjourned the meeting at 6:49 p.m.

PASSED AND APPROVED THIS 9th DAY OF MARCH, 2023.

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

File Attachments for Item:

F.1 A Resolution Authorizing Issuance Of A Parks Special Use Permit To The Central Texas SPCA For A Charity Fundraiser At Veterans Memorial Park On October 21, 2023.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: A Resolution Authorizing Issuance Of A Parks Special Use Permit To The Central Texas SPCA For A Charity Fundraiser At Veterans Memorial Park On October 21, 2023.

Commentary

Michael Beris, on behalf of the Central Texas SPCA, is requesting a special use permit to allow a charity fundraiser (Barktoberfest) at Veterans Memorial Park on Saturday, October 21, 2023. The event will utilize the park's perimeter trail, pavilion and open space, and will take place from 8:00 a.m. until 4:00 p.m. on that date. Michael has rented the pavilion for their use on that day and approximately 300 participants are expected for the event.

Article 8.03 of the Cedar Park Code of Ordinances pertaining to conduct in parks and playgrounds requires a special permit for this type of activity. Staff respectfully requests Council authorization for the issuance of a special use permit for this event.

The permit application is attached.

Initiating Dept: Parks

Legal Certification

Approved as to form and content:

☐ Yes

☐ No **City Attorney**

Associated Information:

RESOLUTION NO. R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING ISSUANCE OF A SPECIAL USE PERMIT TO THE CENTRAL TEXAS SPCA FOR A CHARITY FUNDRAISER AT VETERANS MEMORIAL PARK ON OCTOBER 21, 2023; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, pursuant to the Code of Ordinances Chapter 8, Article 8.03, Section 8.03.004 special permits for activities not permitted in City parks or recreation areas shall be obtained by making application to the Director of Parks and Recreation and approved by the City Council; and

WHEREAS, an application for a special use permit was submitted by Michael Beris, on behalf of the Central Texas SPCA, for a charity fundraiser at Veterans Memorial Park on October 21, 2023; and

WHEREAS, in accordance with the applicable standards for issuance, the proposed activity or use will not unreasonably interfere with or detract from the general public's enjoyment; and

WHEREAS, the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation; and

WHEREAS, the proposed activity or use is not anticipated to include violence, crime or disorderly conduct; and

WHEREAS, the proposed activity or use will not entail extraordinary or burdensome expense or police operation by the City; and

WHEREAS, the proposed activity or use is not in conflict with another scheduled activity; and

WHEREAS, the Director of Parks and Recreation has recommended issuance of the special permit.

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

SECTION 1. The special use permit requested by Michael Beris, on behalf of the Central Texas SPCA, for a charity fundraiser at Veterans Memorial Park on October 21, 2023, or an alternate date approved by the Director of Parks and Recreation, is hereby approved.

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

PASSED AND APPROVED this the 9th day of March, 2023.

CITY OF CEDAR PARK, TEXAS

ATTEST:

James Penniman-Morin, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney



Application for Special Use in Parks
City of Cedar Park – Parks & Recreation Department
1435 Main Street ♦ Cedar Park, TX 78613
(512) 401-5500 ♦ Fax (512) 260-1661

APPLICANT INFORMATION

Applicant's Name Michael Beris
 Address 605 Paso Fino Trail City & Zip Cedar Park 78613
 Home Phone 512-917-9731 Work Phone 512-917-9731 E-mail Address michael@centraltexaspc.org
 Organization's Name (if applicable) Central Texas SPCA Phone Number 512-260-7722
 Organization's Address 909 S. Bagdad Rd. City & Zip Leander 78641

EVENT INFORMATION

Type of Event Charity Fundraiser Date of Event 10-21-2023
 Name of Park Veterans Memorial Park Location in Park Pavilion, trails, grassy areas
 Time Event Begins 8:00 AM Time Event Ends 4:00 PM Number of Participants ~300
 Will participants be charged? ☒ Yes ☐ No If so, how much? \$25 for walk/run only

Describe in detail all activities planned (please attach another sheet of paper, if necessary).
5K Run, 1-mile dog walk, vendor booths, 1 or 2 demonstrations such as
agility dogs, dog costume contest, food truck, silent auction

Will any type of sound amplifying equipment be used at the event (other than personal radios, tape players, etc.)? ☒ Yes ☐ No
 If so, please explain what type of equipment will be used.

Small system with 2 speakers and microphone

Will the event include live musical entertainment? ☐ Yes ☒ No If yes, please explain what type of live music.

List any variances required from Park Rules & Regulations that have not been addressed on this application.
N/A

Will the event interfere with or detract from the general public's enjoyment? ☐ Yes ☒ No

Will the event interfere with or detract from the promotion of public health, welfare, safety and recreation? ☐ Yes ☒ No

Is violence, crime or disorderly conduct anticipated as part of the event? ☐ Yes ☒ No

Will the event entail extraordinary or burdensome expense or police operation by the City? ☐ Yes ☒ No

Is there a conflict with another scheduled activity? ☐ Yes ☒ No

* If you replied "Yes" to any of the above questions, please explain.

Applicant's Signature Michael Beris
Michael Beris (Jan 26, 2023 1:43:4 CST)

Date _____

File Attachments for Item:

F.2 A Resolution Authorizing An Amendment To The Interlocal Agreement For The Establishment, Operation, And Maintenance Of The Williamson County Radio Communications System.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: A Resolution Authorizing An Amendment To The Interlocal Agreement For The Establishment, Operation, And Maintenance Of The Williamson County Radio Communications System.

Commentary

The City entered into an Interlocal Agreement for the Establishment, Operation, and Maintenance of the Williamson county Radio Communications System with Williamson County, the cities of Georgetown, Round Rock, and Hutto, and Emergency Services District #3, effective October 1, 2007 (the “ILA”). The purpose of the ILA was to establish an organizational and management structure for the ongoing administration, operation, and maintenance of new digital regional radio communications system, create a budget and funding process, provide for strategic planning, allocation of costs for future upgrades. The ILA established an Advisory Board to provide recommendations to the Program Manager/Williamson County regarding the direction and operation of the system.

The Advisory Board has requested a minor amendment to the ILA to allow for more flexibility for Advisory Meetings, including allowing for virtual meetings.

Initiating Dept: Emergency Management

Fiscal Impact

Fund:

Budget

Amount:



Finance Director Review

Legal Certification

Approved as to form and content: ☐ Yes ☐ No **City Attorney**

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE ESTABLISHMENT, OPERATION, AND MAINTENANCE OF THE WILLIAMSON COUNTY RADIO COMMUNICATIONS SYSTEM; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park entered into an Interlocal Agreement for the Establishment, Operation, and Maintenance of the Williamson County Radio Communications System with Williamson County, the cities of Georgetown, Round Rock, and Hutto and Emergency Services District #3, effective October 1, 2007 (the “ILA”); and

WHEREAS, the ILA established an Advisory Board to provide recommendations to the Program Manager/Williamson County regarding the direction and operation of the upgraded digital regional radio system; and

WHEREAS, the parties to the ILA desire to provide for more flexibility for Advisory Board meetings, including the ability to meet virtually; and

WHEREAS, the Amendment will increase the efficiency of the Advisory Board to meet and provide recommendations in the best interest of the ILA parties and the public health and safety.

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

SECTION 1. That the City Manager is hereby authorized and directed to execute an Amendment to the Interlocal Agreement for the Establishment, Operation and Maintenance of the Williamson County Radio Communications System, subject to final review by the City Attorney.

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

PASSED AND APPROVED this the 9th day of March, 2023.

CITY OF CEDAR PARK, TEXAS

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

James Penniman-Morin, Mayor

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

File Attachments for Item:

F.3 A Resolution Authorizing Participation In All Texas Settlement Agreements Related To The Opioid Epidemic.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: A Resolution Authorizing Participation In All Texas Settlement Agreements Related To The Opioid Epidemic.

Commentary

Background

According to the National Institute on Drug Abuse, the misuse and addiction to opioids, including prescription pain reliever, heroin, and synthetic opioids such as fentanyl, is a serious national crisis that affects public health as well as social and economic welfare. From 1999 to 2019, nearly half a million people died from overdoses involving opioids. The total economic burden of prescription opioid misuse alone in the U.S. is estimated to be \$78.5 billion a year.

Settlement

On July 21, 2021, Texas joined a \$26 billion multistate opioid settlement with the country's three major drug distributors – McKesson, Cardinal Health and AmerisourceBergen, and the drug manufacturer Johnson & Johnson. In response to the settlement, the City authorized participation in the settlement on Agreement on November 18, 2022. Then, in late 2022, Texas joined a \$20 billion multistate opioid settlement with Allergan, CVS, Walmart and Walgreens. Thus, the City now has the opportunity to participate in that settlement.

Under the more recent settlement agreement, Allergan will pay \$135 million, CVS will pay \$304 million, Walgreens will pay \$340 million, and Walmart will pay \$170 million to the State of Texas and political subdivisions that participate in the settlement. The amount Texas would receive decreases if any city, county or hospital district does not participate.

To participate in the Texas Settlement Agreements, the City will have to surrender its ability to sue the companies independently. At least 47 political subdivisions have opted to participate in the Settlement Agreement. The estimated maximum settlement allocation to the City of Cedar Park is \$185,567.

In the event the State of Texas enters into or has entered into additional settlement agreements, past and present, related to the opioid epidemic, the City also desires to participate in those settlement agreements. All settlement agreements with the State of Texas related to the opioid epidemic for which the City may participate are known collectively as the “Texas Settlement Agreements.”

If the City opts not to join, it retains its right to proceed against the drug companies independently, in which case, the allocated settlement funding for Texas would be reduced proportionately.

City staff recommends authorizing the City’s participation in all Texas Settlement Agreements.

Initiating Dept:

Fiscal Impact
Fund:

Budget
Amount:

☐ **Finance Director Review**

Legal Certification

Approved as to form and content: ☐ Yes ☐ No **City Attorney**

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING THE CITY TO PARTICIPATE IN ALL TEXAS SETTLEMENT AGREEMENTS RELATED TO THE OPIOID EPIDEMIC; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, according to the National Institute on Drug Abuse, the misuse and addition to opioids, including prescription pain reliever, heroin, and synthetic opioids such as fentanyl, is a serious national crisis that affects public health as well as social and economic welfare; and

WHEREAS, from 1999 to 2019, nearly half a million people died from overdoses involving opioids, and the total economic burden of prescription opioid misuse alone in the U.S. is estimated to be \$78.5 billion a year; and

WHEREAS, in addition to a \$26 billion multistate opioid settlement on July 21, 2021, in late 2022, Texas joined another \$20 billion multistate opioid settlement with Allergan, CVS, Walmart and Walgreens bringing Texas' combined share to almost \$3 billion; and

WHEREAS, the estimated maximum settlement allocation to the City is \$185,567; and

WHEREAS, the City would like to participate in the settlement agreement and receive its settlement allocation; and

WHEREAS, in the event the State of Texas enters or has entered into additional settlement agreements related to the opioid epidemic, the City also desires to participate in those settlement agreements; and

WHEREAS, all settlement agreements with the state of Texas related to the opioid epidemic for which the City may participate are known collectively as the "Texas Settlement Agreements;" and

WHEREAS, the City Council finds that the Country's opioid epidemic has affected public health, and social and economic welfare of the City of Cedar Park and its residents, and wishes to hold these four companies accountable.

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

SECTION 1. The City Council hereby authorizes the City's participation in any and all Texas Settlement Agreements related to the opioid epidemic; adopts the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet; and authorizes

and directs the City Manager to execute any and all documents to effectuate the City's participation in the Texas Settlement agreements, including all Settlement Participation Forms, subject to final review by the City Attorney.

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

PASSED AND APPROVED this the ____ day of _____, 2023.

CITY OF CEDAR PARK, TEXAS

ATTEST:

James Penniman-Morin, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

File Attachments for Item:

F.4 A Resolution Authorizing An Agreement With Environmental Systems Research Institute, Inc. For An Esri Enterprise Advantage Program (EEAP) Subscription In A Total Amount Not To Exceed \$79,900 Over One (1) Year.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: A Resolution Authorizing An Agreement With Environmental Systems Research Institute, Inc. For An Esri Enterprise Advantage Program (EEAP) Subscription In A Total Amount Not To Exceed \$79,900 Over One (1) Year.

Commentary

One of the foundational services the Information Services Department provides to the City is its geospatial services (GIS), most commonly known to the City Staff as map-related data services. While this is one of the main functions the City's GIS resources provide, they more importantly maintain and grow the parcel fabric and its related data sets for the City. The City's parcel fabric is the underlying property/lot/parcel marking system which annotates items such as boundaries, zoning, ownership, etc. information. This overall data set is one of the City's core assets which enables it to not only communicate with Williamson and Travis Counties for tax appraisal and collection purposes, but also provides the GIS data and coordinates location services for some of our key public safety functions (ex. dispatch services).

Most cities opt to use parcel data provided by the counties in which they are located. The City of Cedar Park, years ago, made a strategic decision to develop its own parcel fabric as the City began to boom when it seemed as though we were adding a new subdivision every day. At that time, both Williamson and Travis counties were not able to keep up with our volume of data requests/changes which then caused delays in zoning and addressing services. While data has always continually been shared with both Counties, over time, the data has grown out of synch and takes many man-hours to make all the necessary adjustments. Our future goal is to be on similar parcel fabrics for both Williamson and Travis counties. Accomplishing this will allow us all to share similar data real time and decrease man-hours dedicated to its maintenance and synching.

City staff determined that executing an additional agreement with Environmental Systems Research Institute, Inc. (“Esri”) provides the best value and path to successful implementation for the City due to the existing and on-going production system relationship we have with Esri. Additionally, Esri will provide some essential system functionality and professional services knowledge that no other third-party services organization can provide. Esri has certified its services are sole-source and exempt from the requirement to seek competitive bids or proposals, pursuant to Texas Local Government Code Section 252.022.

Therefore, staff recommends execution of an agreement with Environmental Systems Research Institute, Inc. in a total amount not to exceed \$79,900 over one (1) year. Funds to pay for the professional services subscription are in the approved FY 2023 budget.

Initiating Dept: Information Services

Fiscal Impact

Fund: General

Budget

Amount: \$79,900.00

Legal Certification

Approved as to form and content:

☐ Yes

☐ No **City Attorney**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. FOR AN ESRI ENTERPRISE ADVANTAGE PROGRAM SUBSCRIPTION IN AN AMOUNT NOT TO EXCEED \$79,900 OVER ONE (1) YEAR; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park wishes to use expert-level professional services as part of its GIS parcel fabric upgrade implementation project; and

WHEREAS, Environmental Systems Research Institute, Inc. is the sole-source direct subscription seller and offers the best institutional knowledge value for the City; and

WHEREAS, Texas Local Government Code Chapter 252 requires that, unless exempted, before entering into a contract that requires an expenditure of more than \$50,000, a municipality must comply with the competitive bidding procedures; and

WHEREAS, Texas Local Government Code Section 252.022(7) provides an exception to the requirement to seek competitive sealed bids or proposals for purchases of items available from only one source, including because of patents, copyrights, secret processes or natural monopolies; and

WHEREAS, City staff recommends execution of an agreement with Environmental Systems Research Institute, Inc. for an Esri Enterprise Advantage Program (EEAP) professional services subscription in a total amount not to exceed \$79,900 over a term of one (1) year.

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

SECTION 1. The City Council hereby authorizes and directs the City Manager to negotiate and execute an agreement with Environmental Systems Research Institute, Inc. for an Esri Enterprise Advantage Program (EEAP) professional services subscription in an amount not to exceed \$79,900 over one (1) year, subject to final review by the City Attorney.

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

PASSED AND APPROVED this the 9th day of March, 2023.

CITY OF CEDAR PARK, TEXAS

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

File Attachments for Item:

F.5 A Resolution Authorizing A Professional Service Agreement With Matrix Consulting Group, Ltd. For A Police Department Staffing And Strategic Planning Study In An Amount Not To Exceed \$85,000.



CITY COUNCIL AGENDA

March 09, 2023

Item/Subject: A Resolution Authorizing A Professional Service Agreement With Matrix Consulting Group, Ltd. For A Police Department Staffing And Strategic Planning Study In An Amount Not To Exceed \$85,000.

Commentary

As part of the Cedar Park Police Department's planning process to ensure capabilities for build-out of the City of Cedar Park, the Police Department identified the need for a staffing study and completion of a new strategic plan. The current strategic plan ends in 2024.

City staff recommends execution of an agreement with Matrix Consulting Group through an Interlocal Purchasing Agreement with the City of Cedar Hill, in accordance with Texas Local Government Code Chapters 252 and 271. The City of Cedar Hill issued a Request for Proposal ("RFP") for a public safety strategic plan and operations assessment in 2021 and determined that Matrix Consulting Group offered the best value. Under many circumstances, it is preferable for the City to solicit offers through its own Request for Proposal ("RFP"). However, in this circumstance, City staff determined that the cooperative purchasing method provides the best value for the City due to the ability for the City to realize substantial savings through economies of scale, lower administrative procurement costs, and shared experiences in contracting with the vendor.

Therefore, staff recommends execution of a service agreement with Matrix Consulting Group in an amount not to exceed \$85,000.

Initiating Dept: Police Department

Fiscal Impact

Fund:

Budget

Amount: \$85,000

☐ **Finance Director Review**

Legal Certification

Approved as to form and content:

☐ Yes ☐ No **City Attorney**

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH MATRIX CONSULTING GROUP, LTD. FOR A POLICE DEPARTMENT STAFFING AND STRATEGIC PLANNING STUDY IN AN AMOUNT NOT TO EXCEED \$85,000; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park desires to perform a staffing and strategic plan study of the Police Department; and

WHEREAS, Texas Local Government Code Chapter 252 requires that, unless exempted, before entering into a contract that requires an expenditure of more than \$50,000, a municipality must comply with the competitive bidding procedures; and

WHEREAS, Texas Local Government Code Chapter 271 provides that purchases made through a cooperative purchasing program satisfies state law requiring the local government to seek competitive bids for the purchase; and

WHEREAS, the City of Cedar Hill published a request for proposal (RFP) for staffing and strategic planning services in 2021 and determined the Matrix Consulting Group, Ltd. offered the best value to the city; and

WHEREAS, the City entered into an Interlocal Purchasing Agreement with the City of Cedar Hill on November 30, 2022, pursuant to Texas Government Code Chapter 791 and Texas Local Government Code Chapter 271; and

WHEREAS, Matrix Consulting Group offers the best value for the City; and

WHEREAS, City staff recommends execution of an agreement with Matrix Consulting Group, Ltd. in an amount not to exceed \$85,000.

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

SECTION 1. That the City Manager is hereby authorized and directed to negotiate and execute an agreement with Matrix Consulting Group, Ltd. for a Police Department staffing and strategic planning study in an amount not to exceed \$85,000, subject to final review by the City Attorney.

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

PASSED AND APPROVED this the 9th day of February, 2023.

CITY OF CEDAR PARK, TEXAS

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

RESOLUTION NO. _____

File Attachments for Item:

F.6 A Resolution Authorizing A Special Exception Pursuant To Cedar Park Code Of Ordinances Article 8.08 Noise Regulations For The Hill Country Bible Church Easter Sunrise Service.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: A Resolution Authorizing A Special Exception Pursuant To Cedar Park Code Of Ordinances Article 8.08 Noise Regulations For The Hill Country Bible Church Easter Sunrise Service.

Commentary

The attached Resolution grants a Special Exception to Cedar Park Code of Ordinances, Section 8.08.003(b)(2), which prohibits the making of a noise which exceeds 65 dB(A) or 75 dB(C) during the hours between 10 P.M. and 7 A.M.

The exception will apply to the Hill Country Bible Church Easter Sunday Sunrise Service that is to be conducted outdoors on April 9th 2023 at 12124 Ranch Road 620 North, Cedar Park, Texas on the campus of the Hill Country Bible Church. The service will feature live music and will make use of a sound system. Allowing for sound check and pre-service music, the Church anticipates a 5:30 A.M. start time.

The Associated Information section of this report contains the application in which the Church details the reasons for requesting the 5:30 A.M. start time and outlining the steps that will be taken to ensure the early start does not become a nuisance to surrounding properties.

Cedar Park Code of Ordinances Section 8.08.004 provides that the City Council shall not approve a Special Exception unless the City Council is satisfied that:

- 1) Noise levels occurring during the period of the Special Exception will not constitute a danger to public health;
- 2) Compliance with the restrictions under Article 8.08 would impose an unreasonable hardship on the applicant or the public without greater benefits to the public; and
- 3) The applicant has fully complied with the application procedures.

Section 8.08.004 provides the following additional considerations for City Council to grant a Special Exception:

- 1) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property that is caused or threatened to be caused;
- 2) The value to the community of the activity for which the Special Exception is sought;
- 3) The ability of the applicant to apply the best practical noise control measures; and
- 4) Proximity to residences at which reasonable persons would be disturbed by the noise.

The Church has conducted other events for which noise exceptions have been required. These events have been managed in a responsible manner. Previous events have generated few, if any, complaints from surrounding properties.

Initiating Dept: Police Department

Fiscal Impact
Fund: N/A

Budget
Amount: N/A

☐ **Finance Director Review**

Legal Certification

Approved as to form and content:

☐ Yes

☐ No **City Attorney**

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING A SPECIAL EXCEPTION PURSUANT TO CEDAR PARK CODE OF ORDINANCES ARTICLE 8.08 NOISE REGULATIONS FOR HILL COUNTRY BIBLE CHURCH LOCATED AT 12124 RANCH ROAD 620 NORTH FOR THE PROPERTY LOCATED TO THE WEST OF THE WORSHIP CENTER AT HATCH ROAD, CEDAR PARK, TEXAS ON APRIL 9, 2023; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Cedar Park Code of Ordinances Section 8.08.003 imposes maximum decibel levels for noises in the City and Section 8.08.004 allows the City Council to grant special noise exceptions to those restrictions in accordance with that Section; and

WHEREAS, Hill Country Bible Church has applied for a Special Exception for the Hill Country Bible Church Easter Sunrise Service, which will be located in front of the Worship Center, at 12124 Ranch Road 620 North, Cedar Park, Texas; and

WHEREAS, the City of Cedar Park City Council ("City Council") finds that the noise levels occurring during the period of the Special Exception will not constitute a danger to the public health, strict compliance with Section 8.08.003 would impose an unreasonable hardship on the applicant or the public without greater benefits to the public, and the applicant has fully complied with the application procedures; and

WHEREAS, the City Council finds that the noise that would be allowed by the Special Exception, due to the short and temporary nature of the Special Exception, would not result in injury to, or interference with, the health and welfare or the reasonable use of property that is caused or threatened to be caused; and

WHEREAS, the City Council finds that Hill Country Bible Church Easter Sunrise Service provides significant value to the community; and

WHEREAS, the City Council finds that Hill Country Bible Church has shown the ability to apply the best practical noise control measures; and

WHEREAS, the City Council finds that Hill Country Bible Church has shown limited proximity to residences at which reasonable persons would be disturbed by the noise; and

WHEREAS, Hill Country Bible Church has demonstrated that the April 9, 2023 Easter Sunrise Service will be conducted in such an environment.

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

SECTION 1. The City Council hereby grants a Special Exception pursuant to City of Cedar Park Code of Ordinances Section 8.08.004, to Hill Country Bible Church such exception being limited to the following terms.

- (a) Said Special Exception is granted for Sunday, April 9, 2023 and shall not be transferred to any other date or time.
- (b) Said Special Exception is granted for the property located at 12124 Ranch Road 620 North, Cedar Park, Texas and shall not be transferred to any other location.
- (c) Said Special Exception authorizes use of loud speakers and an amplification system beginning at a time no earlier than 5:30 A.M. on the date and the location specified by paragraphs (a) and (b) above.
- (d) Said Special Exception authorizes noise levels to reach, but not exceed 75 dB(A) or 85 dB(C).
- (e) Said Special Exception shall terminate at the conclusion of the Hill Country Bible Church Easter Sunrise Service on April 9, 2023.

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

PASSED AND APPROVED this the 9th day of March, 2023.

CITY OF CEDAR PARK, TEXAS

ATTEST:

James Penniman-Morin, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

Special Noise Exception Application

Applicant Information

Applicant's Name	Shelli Loftin
Address	12124 Ranch Road 620 N
City	Austin
State	Texas
Zip Code	78750
Home Phone	5123315050
Cell Phone	5126500901
Email	Facilities@hcbc.com
Organization Name	Hill Country Bible Church
Organization Phone	5123315050
Organization Address	12124 Ranch Road 620 N
City	Austin
State	Texas
Zip Code	78750

Event Information

Please Select One	Single Event
Types of Event	Easter Sunrise Service
Date(s) of Event	04/09/2023
Location of Event	<i>Field not completed.</i>
Time Event Begins & Ends	6:30 AM - 8:00 AM
Number of Participants	3000

Type of Noise	Instrumental and vocal
Level of Noise	90
Time Noise Begins & Ends	5:30 AM - 8:30 AM
Describe in detail the purpose of request for exception and if hardship will result if not approved	Sunrise Easter Service, honoring He has risen
Please describe the sound amplifying equipment to be used at the event	PA system with musical instruments and vocal microphones.
Please describe noise control measures (to include times) taken to minimize noise and impacts occurring therefrom	Sound system will face out into parking lot.

Required Items for Application

- All applicable entries completed on Application for Special Noise Exemption
- Schedule of events to include any sound or noise checks
- Application fee of \$50.00. Check or money order made out to the City of Cedar Park

Site plan, photographs, and/or drawings to include location of sound amplified equipment, event set-up and adjacent property or streets to support request *

[Easter Map.pdf](#)

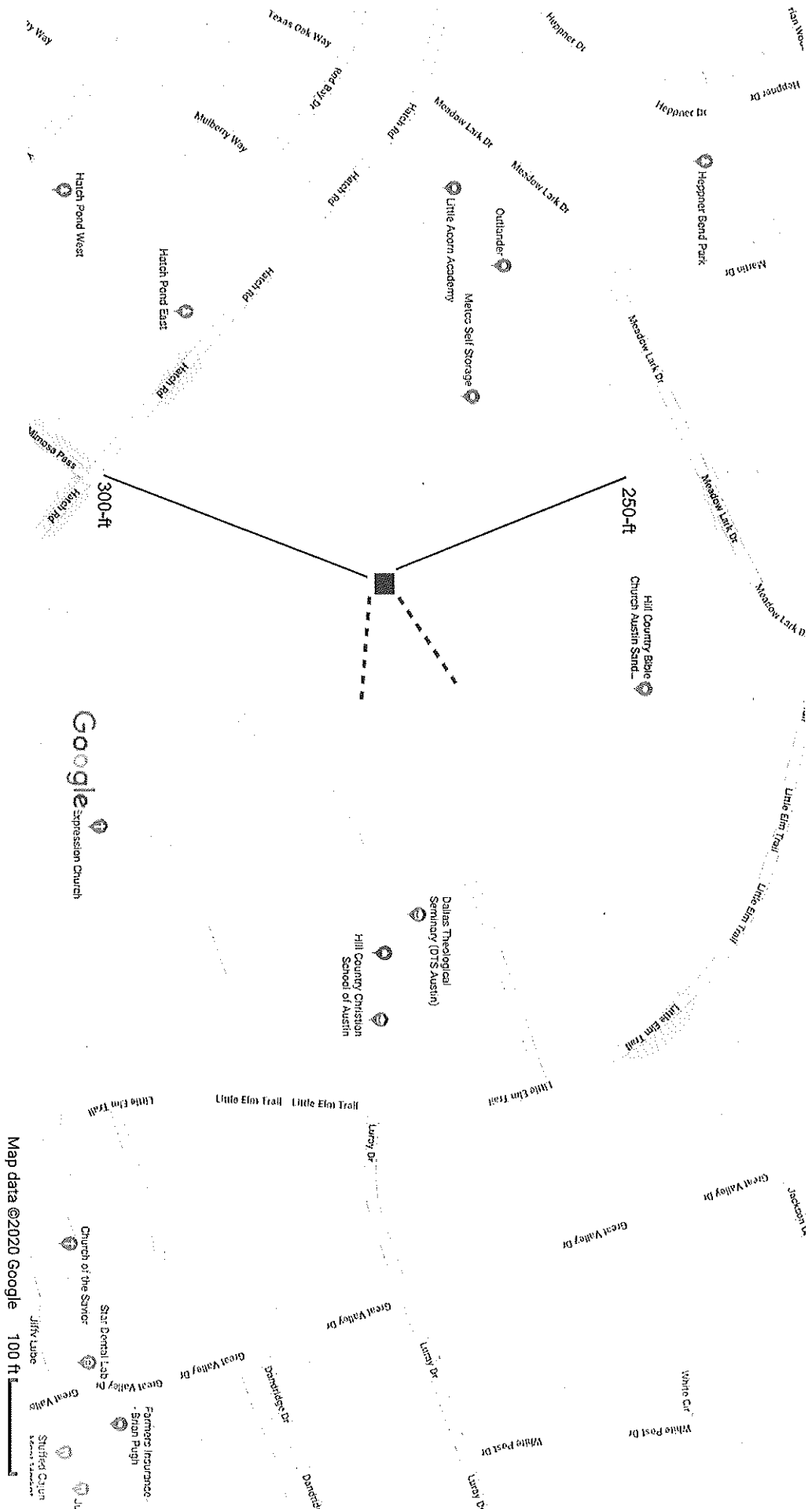
I acknowledge that I have reviewed the City of Cedar Park Ordinance Article 8.08 and agree to comply with this Article. *

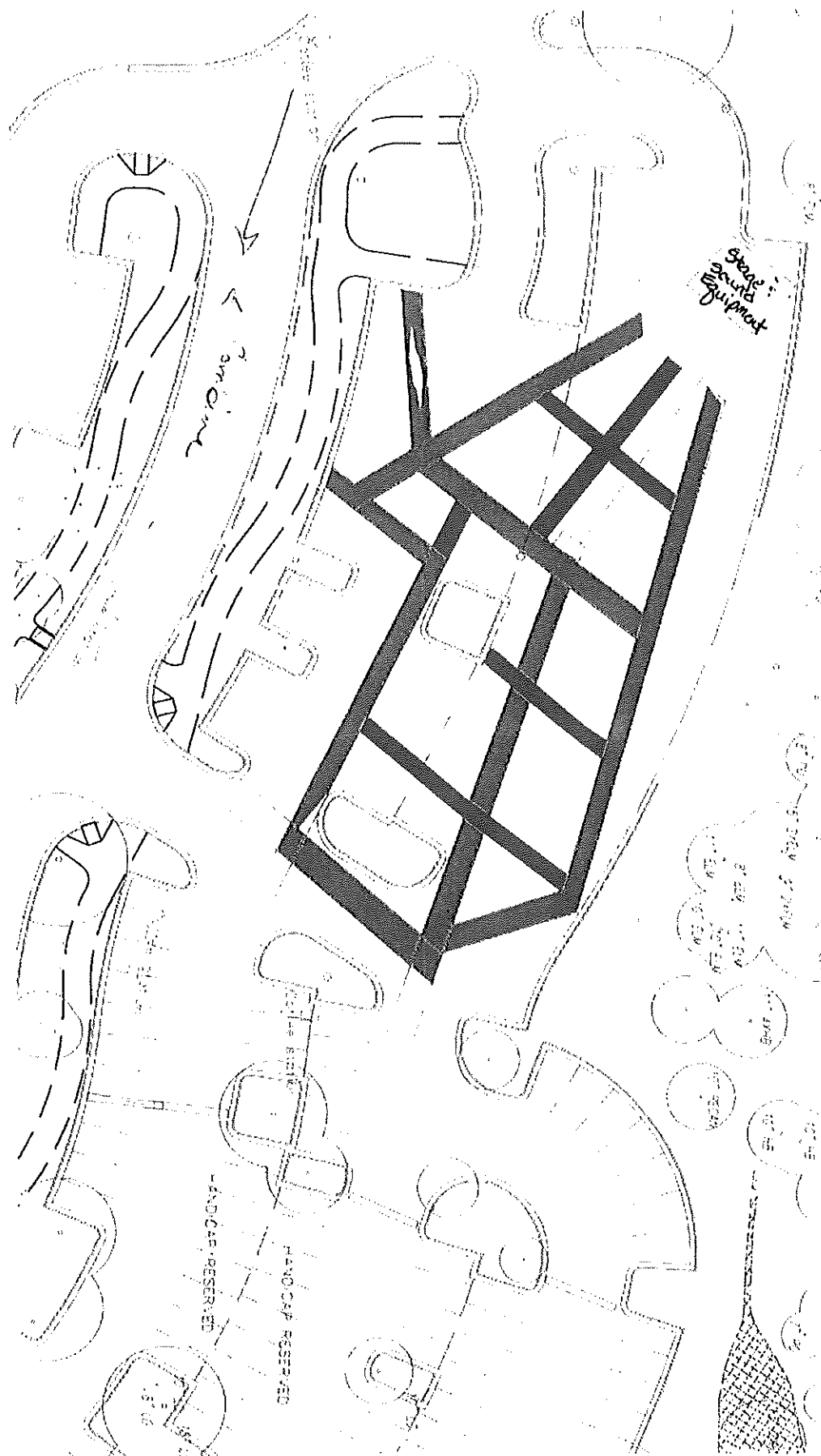
Applicant's Signature	Shelli Loftin
Date	2/15/2023

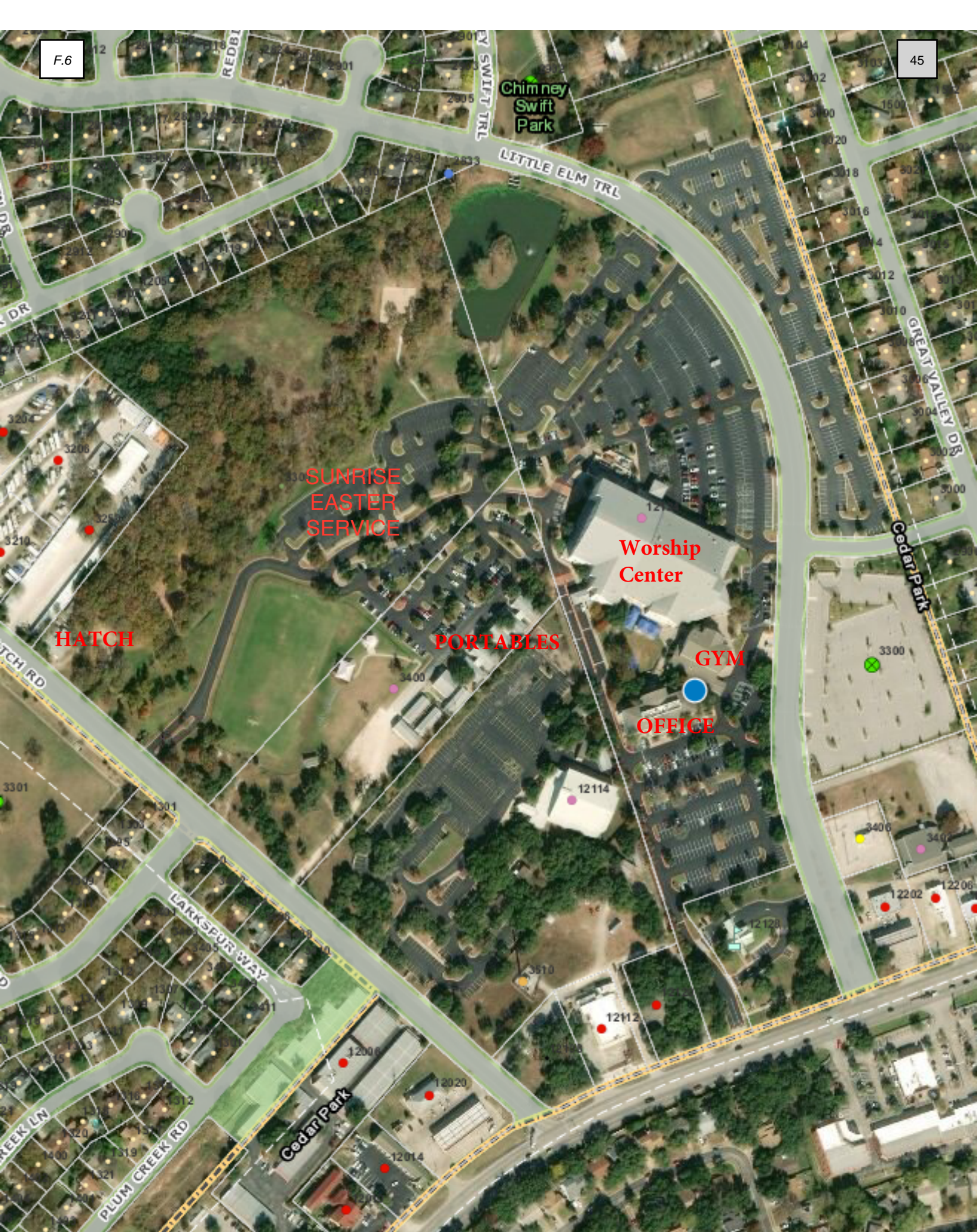
Email not displaying correctly? [View it in your browser.](#)

HILL COUNTRY BIBLE CHURCH - AUSTIN

SUNRISE EASTER SERVICE







File Attachments for Item:

F.7 A Resolution Accepting The Certification Of Unopposed Candidates For Council Places One, Three, And Five In The May 6, 2023 General Election; Declaring Candidates Elected To Office Upon The Close Of The Official Canvassing Period As Set Forth By State Statue; Authorizing The Cancellation Of Election.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: A Resolution Accepting The Certification Of Unopposed Candidates For Council Places One, Three, And Five In The May 6, 2023 General Election; Declaring Candidates Elected To Office Upon The Close Of The Official Canvassing Period As Set Forth By State Statue; Authorizing The Cancellation Of Election.

Commentary

Upon the end of the candidate filing period for the May 6, 2023 General Election, Council Places One, Three and Five each had only a single unopposed candidate.

In accordance with Section 2.052 of the Texas Election Code, the City Secretary has issued a Certification of Unopposed Candidates in which each candidate whose name is to appear on the ballot is unopposed; no candidate's name is to be placed on a list of write-in candidates for the above described offices under applicable law; and no proposition will appear on the ballot.

This item is for Council to accept the Certification of Unopposed Candidates, declare the three (3) candidates to be elected to office, and to cancel the May 6, 2023 General Election.

Candidates may not be sworn in until the official canvas period has ended. The canvassing period extends from May 9th to May 17th as set forth by Texas Election Code 67.003. The unopposed candidates will be sworn in at the Council Meeting on May 25, 2023.



Initiating Dept: City Secretary

Fiscal Impact

Account No.:

Budget

Budget/Expended:

☐ **Finance Director Review**

Legal Certification

Approved as to form and content:

☐ Yes ☐ No **City Attorney**

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, ACCEPTING THE CERTIFICATION OF UNOPPOSED CANDIDATES FOR COUNCIL PLACES ONE, THREE AND FIVE IN THE MAY 6, 2023 GENERAL ELECTION; DECLARING CANDIDATES ELECTED TO OFFICE UPON THE CLOSE OF THE OFFICIAL CANVASSING PERIOD AS SET FORTH BY STATE STATUTE; AUTHORIZING THE CANCELLATION OF ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Resolution Number R070.23.01.26.D8 approved on January 26, 2023 called a General Election, to be held on May 6, 2023, for the purpose of electing City Council Places One, Three, and Five, all of which are positions of the City of Cedar Park; and

WHEREAS, upon the end of the candidate filing period for the May 6, 2023 General Election, Council Places One, Three and Five each had only a single unopposed candidate; and

WHEREAS, as prescribed in Sec. 2.051, an election may be cancelled if a candidate is unopposed in an election for an at-large seat that is designated by place and there are no other places covering the same territory with opposed candidates; and

WHEREAS, as prescribed in Sec. 2.052 of the Texas Election Code, the City Secretary has issued a Certification of Unopposed Candidates in which each candidate whose name is to appear on the ballot is unopposed; no candidate's name is to be placed on a list of write-in candidates for the above described offices under applicable law; and no proposition will appear on the ballot; and

WHEREAS, in accordance with Sec. 2.053 of the Texas Election Code the City Council may declare each unopposed candidate elected to the office.

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

SECTION 1. The City Council of the City of Cedar Park hereby accepts the Certification Of Unopposed Candidates issued by the City Secretary for the May 6, 2023 General Election as set forth in Exhibit A.

SECTION 2. The following candidates, who are unopposed in the May 6, 2023 General Election, are hereby declared elected to office, and shall be issued a certificate of election upon the close of the official canvassing period as set forth by State Statute:

Council Place One	Bobbi Hutchinson
Council Place Three	Anne K. Duffy
Council Place Five	Kevin Harris

SECTION 3. In accordance with Section 2.053 of the Texas Election Code, the City Council of the City of Cedar Park hereby authorizes the cancellation of the May 6, 2023 General Election and approves the Order of Cancellation as set forth in Exhibit B.

SECTION 4. The City Secretary is hereby directed to cause a copy of the Order of Cancellation, attached hereto as Exhibit “B” and incorporated by reference, to be posted on Election Day at the polling places that would have been used in the election

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

PASSED AND APPROVED this the 9th day of March, 2023.

CITY OF CEDAR PARK, TEXAS

ATTEST:

James Penniman-Morin, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

EXHIBIT A



THE CITY OF CEDAR PARK
La Ciudad de Cedar Park

**CERTIFICATION OF UNOPPOSED CANDIDATES
 FOR OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)**

*Certificación de candidatos únicos
 Para otras subdivisiones políticas (no el condado)*

To: Presiding Officer of Governing Body

Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 6, 2023.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevara a cabo el 6th de mayo, 2023.

<u>Office(s)</u>	<u>Cargo(s)</u>	<u>Candidate(s)</u> <u>Candidato(s)</u>
Council Place One	(Concejal Puesto Uno)	Bobbi Hutchinson
Council Place Three	(Concejal Puesto Tres)	Anne K. Duffy
Council Place Five	(Concejal Puesto Cinco)	Kevin Harris

ISSUED THIS 22nd DAY OF FEBRUARY, 2023. *(Emitida este día 22 de febrero, 2023)*

LeAnn M. Quinn, TRMC
 City Secretary



EXHIBIT B

ORDER OF CANCELLATION FOR THE CITY OF CEDAR PARK
(Orden de Cancelación para al Ciudad de Cedar Park)

The City of Cedar Park hereby cancels the election scheduled to be held on May 6, 2023 in accordance with Section 2.053 (a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

<u>Candidate(s)</u>	<u>Office(s)</u>
Bobbi Hutchison	Council Place One
Anne K. Duffy	Council Place Three
Kevin Harris	Council Place Five

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

La ciudad de Cedar Park por la presente cancela la elección que, de lo contrario, se hubiera celebrado el 6 día de mayo, 2023, de conformidad, con la Sección 2.053 (a) de Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

<u>Candidate(s)</u>	<u>Cargo(s)</u>
Bobbi Hutchinson	Concejal Puesto Uno
Anne K. Duffy	Concejal Puesto Tres
Kevin Harris	Concejal Puesto Cinco

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

ISSUED THIS 9th DAY OF MARCH, 2023. *(Emitida este día 9 de marzo, 2023)*

James Penniman-Morin, Mayor

ATTEST: _____
LeAnn M. Quinn, TRMC
City Secretary

File Attachments for Item:

F.8 A Resolution Authorizing An Assignment Of The Purchase And Sale Agreement For 107 S. Bell Blvd. From The City Of Cedar Park To The Cedar Park Community Development (Type B) Corporation.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: A Resolution Authorizing An Assignment Of The Purchase And Sale Agreement For 107 S. Bell Blvd. From The City Of Cedar Park To The Cedar Park Community Development (Type B) Corporation.

Commentary

This Resolution is to authorize an assignment of the Purchase & Sale Agreement for 107 S. Bell Boulevard from the City of Cedar Park to the Community Development Sales Tax (Type B) Corporation for development and use as a recreational and/or community facility, promotion or development of new or expanded business enterprises, creation or retention of primary jobs, and/or for the promotion of development and expansion of affordable housing in accordance with the Texas Local Government Code Chapters 501-505, as amended.

Initiating Dept:

Fiscal Impact

Fund:

Budget

Amount:

☐

Finance Director Review

Legal Certification

Approved as to form and content:

☐

Yes

☐

No

City Attorney

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSIGNMENT OF THE PURCHASE & SALE AGREEMENT FOR 107 S. BELL BOULEVARD FROM THE CITY OF CEDAR PARK TO THE CEDAR PARK COMMUNITY DEVELOPMENT (TYPE B) CORPORATION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park has executed a Purchase & Sale Agreement with REIT Group Paragon Holdings, LLC, a Texas limited liability company, for the acquisition of 107 S. Bell Boulevard (“Purchase & Sale Agreement”); and

WHEREAS, if acquired, the property could complement and enhance the Bell Boulevard Redevelopment Project, a transformational community development project within the City of Cedar Park supported by the Community Development Type B (Sales Tax) Corporation (“CDC”); and

WHEREAS, pursuant to the Development Corporation Act, Texas Local Government Code Chapters 501-505, as amended (the “Act”), the CDC is authorized to undertake projects for recreational and/or community facilities, promotion or development of new or expanded business enterprises, creation or retention of primary jobs, and/or for the promotion of development and expansion of affordable housing; and

WHEREAS, as the value of land in central Texas continues to increase, the Corporation desires to acquire land to preserve it for transformational community development in the City through an authorized project(s) in accordance with the Act; and

WHEREAS, the proposed assignment contemplates the CDC’s reimbursement to the City of the earnest money tendered by the City pursuant to the Purchase & Sale Agreement; and

WHEREAS, the City Council finds that assignment of the Purchase & Sale Agreement to the CDC would facilitate development and use of the subject property as a recreational and/or community facility, promotion or development of new or expanded business enterprises, creation or retention of primary jobs, and/or for the promotion of development and expansion of affordable housing in accordance with the Act.

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

SECTION 1. The City Council hereby authorizes the City Manager or their designee to execute an assignment of the Purchase & Sale Agreement for 107 S. Bell Boulevard to the Cedar Park Community Development (Type B) Corporation, providing

for reimbursement of the City for the earnest money tendered in this transaction, subject to final review by the City Attorney.

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

PASSED AND APPROVED this the 9th day of March, 2023.

CITY OF CEDAR PARK, TEXAS

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

File Attachments for Item:

F.9 A Resolution Consenting To Continue A Declaration Of Local State Of Disaster In Response To Severe Winter Weather For A Period Of Thirty (30) Days.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: Consideration Of A Resolution Consenting To Continue A Declaration Of Local State Of Disaster In Response To Severe Winter Weather For A Period Of Thirty (30) Days.

Commentary

On February 1, 2023, the Mayor acting in accordance with the authority granted to him under Section 418.108(a) of the Texas Government Code and the City of Cedar Park Charter, declared a local state of disaster for the City due to the imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged severe winter weather conditions within the City. A declaration of local disaster activates the appropriate recovery and rehabilitation aspects of all applicable local or inter-jurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. By statute, this declaration cannot be continued or renewed for a period of more than seven (7) days except with the consent of the City Council. City Council consented to continuation of the declaration for an additional thirty (30) days on February 9, 2023.

On January 31, 2023, Williamson County Judge Bill Gravell issued a declaration of local disaster for Williamson County, which the Williamson County Commissioners Court later extended. On February 3, 2023, Travis County Judge Andy Brown issued a declaration of local disaster for Travis County, also extended by action of the Travis County Commissioners Court. On February 4, 2023, Texas Governor Greg Abbott issued a declaration of disaster for Denton, Hays, Henderson, Milam, Smith, Travis, and Williamson Counties. On February 20, 2023, Governor Abbott extended the state disaster declaration given the ongoing and imminent threat of disaster in those counties.

It is expected that the conditions necessitating the Mayor's Declaration of Local State of Disaster of February 1, 2023 will continue to extend beyond the thirty (30) day period

authorized by Council on February 9, 2023. Therefore, Staff recommend Council authorize an additional thirty (30) day extension of the Declaration of Local State of Disaster.

Initiating Dept:

Fiscal Impact
Fund:

Budget
Amount:

☐ **Finance Director Review**

Legal Certification

Approved as to form and content:

☐ Yes

☐ No **City Attorney**

Associated Information:

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, CONSENTING TO CONTINUE A DECLARATION OF LOCAL STATE OF DISASTER IN RESPONSE TO SEVERE WINTER WEATHER FOR A PERIOD OF THIRTY (30) DAYS; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, on February 1, 2023, the Mayor acting in accordance with the authority granted to him under Section 418.108(a) of the Texas Government Code and the City of Cedar Park Charter, declared a local state of disaster for the City due to the imminent threat of widespread and severe property damage, injury, and loss of life due to severe winter weather conditions within the City (the “Declaration”); and

WHEREAS, Section 418.108(b) of the Texas Government Code provides that such a declaration of local disaster may not be continued for a period of more than seven (7) days except with the consent of the governing body of the political subdivision; and

WHEREAS, the City Council consented to the extension of the Declaration for a period of thirty (30) days on February 9, 2023; and

WHEREAS, on January 31, 2023, Williamson County Judge Bill Gravell issued a declaration of local disaster for Williamson County, which was later extended by the Williamson County Commissioners Court; and

WHEREAS, on February 3, 2023, Travis County Judge Andy Brown issued a declaration of local disaster for Travis County, which was later extended by the Travis County Commissioners Court; and

WHEREAS, on February 4, 2023, Texas Governor Greg Abbott issued a declaration of disaster for Denton, Hays, Henderson, Milam, Smith, Travis, and Williamson Counties; and

WHEREAS, Governor Abbott extended the state disaster declaration on February 20, 2023 given the ongoing and imminent threat of disaster in the above-named counties; and

WHEREAS, it is anticipated that the conditions necessitating the Declaration will continue to exist for an additional thirty (30) days.

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

SECTION 1. That the City Council consents to the continuance of the Mayor’s Declaration of Local State of Disaster of February 1, 2023 for a period of thirty (30) days

from the date of this resolution, unless terminated earlier by order or proclamation of the Mayor under Section 418.108(c) of the Texas Government Code.

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

PASSED AND APPROVED this the 9th day of March, 2023.

CITY OF CEDAR PARK, TEXAS

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

RESOLUTION NO.

File Attachments for Item:

G.1 Public Hearing And Consideration To Approve A Resolution Amending The Fiscal Year 2023 Budget For The General Fund, The Utility Fund, The Parkland/Tree Fund, Community Development Corporation Type B Fund, And Updating The Capital Improvement Plan.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: Public Hearing And Consideration To Approve A Resolution Amending The FY 2023 Budget For The General Fund, The Utility Fund, The Parkland/Tree Fund, The Community Development Corporation Type B Fund And Updating The Capital Improvement Plan.

Commentary

Staff is proposing to amend the FY 2023 Budget and Capital Improvement Plan for Mid-Year adjustments for the following items:

- Mold Remediation in Riviera Clubhouse
- Property Acquisition for Bell Boulevard Redevelopment Plan Project
- Drainage Projects
- New Library Cost Escalation
- Lakeline Park landscape and irrigation improvements

Mold Remediation in Riviera Clubhouse

Staff is proposing a \$50,000 amendment in Parks for Mold Remediation. In September 2022, the Riviera Clubhouse experienced mold and water damage, which prompted emergency repair. The mold remediation protocol for the clubhouse calls for the removal and replacement of drywall on the west and south walls, the removal and replacement of a portion of the flooring, and the cleaning of all surfaces and the AC system of spores.

Property Acquisition for Bell Boulevard Redevelopment Plan Project

Staff is proposing a \$4,000,000 amendment in the Type B Fund. On November 8th, the Type B Board held a public hearing and amended their budget for the Bell Boulevard Redevelopment Project. This amendment was for property acquisition located at 201 Buttercup Creek Blvd.

Drainage Projects

Staff is proposing a drainage budget amendment to re-allocate funds within the Stormwater Program CIP to accommodate increases in construction costs for Ranchettes 2&3 Central Drainage Project and the Bell District Floodplain Mitigation Project. This amendment will also create a separate project budget for the Ranchettes 2&3 Central Phase 2 project, which is funded via a FEMA Grant funding and required a local matching contribution. Due to FEMA reporting requirements, staff recommends keeping the Phase 2 project separated from the Phase 1 project.

The fund reallocation will be provided by other Stormwater projects that are currently in design, but not yet ready for construction. These projects include Riviera Springs East Drainage Project and the Public Works Building 4 Expansion for Drainage Crews.

Staff is proposing to reallocate \$200,000 of Stormwater funds for drainage site improvements for the New Library.

The fund reallocation will be provided by other Stormwater projects that are currently in design, but not yet ready for construction. These projects include Riviera Springs East Drainage Project and the Public Works Building 4 Expansion.

Project #	Project Name	Amendment	Funding Source
D03	Riviera East	(933,000)	Stormwater Sales Tax
D13	Stormwater Building	(993,000)	Stormwater Sales Tax
D02	Ranchettes 2&3 Central	1,400,000	Stormwater Sales Tax
D15	Bell District Floodplain Reclamation	75,000	Stormwater Sales Tax
D16	Ranchettes 2&3 Central - Phase 2	251,000	Stormwater Sales Tax
D16	Ranchettes 2&3 Central - Phase 2	750,000	FEMA/TDEM Grant

New Library Cost Escalation

Staff is proposing a \$1,775,000 amendment to the New Library Project due to cost escalation throughout the design phase of the project. To help mitigate cost escalation, staff is proposing to utilize supplemental funding sources to cover eligible expenses within the Library's construction. Funds from the Water/Wastewater fund and Stormwater CIP are proposed to cover the site related improvements. The Parkland Improvements Fees will cover a portion of the park related improvements, as it is designed to integrate with Bell Park. The City's Safety and Security Project will cover security cameras and door access control. Finally, Tree Fund contributions will cover the cost of new trees, plants, and irrigation at the site.

Project #	Project Name	Amendment	Funding Source
F55	New Library	245,000	Utility Fund - Water
F55	New Library	60,000	Utility Fund - Wastewater
F55	New Library	200,000	Stormwater Sales Tax
F55	New Library	970,000	Tree Fund
F55	New Library	200,000	Parkland Improvement Fee Fund
F55	New Library	100,000	Security Fund (F61)

Lakeline Park landscape and irrigation improvements

Staff is proposing \$115,000 be transferred to the Lakeline Park project from the Tree Fund for eligible expenses like landscaping and irrigation.

Initiating Dept: Finance

Fiscal Impact
Fund:

Budget
Amount:

☐ **Finance Director Review**

Legal Certification

Approved as to form and content:

☐ Yes ☐ No **City Attorney**

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE FY 2023 BUDGET FOR THE GENERAL FUND, THE UTILITY FUND, THE PARKLAND/TREE FUND, THE COMMUNITY DEVELOPMENT CORPORATION TYPE B FUND, AND UPDATING THE CAPITAL IMPROVEMENT PLAN PROJECT LIST; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, The City of Cedar Park finds it is in the best interest to amend the Fiscal Year 2023 Budget to adjust to changes during the fiscal year; and

WHEREAS, pursuant to Texas Local Government Code, Chapter 102, the City is authorized to amend the budget for municipal purposes after it is adopted; and

WHEREAS, City staff proposes to amend Fiscal Year 2023 budgeted General Fund, Utility Fund, Parkland/Tree Fund, and Community Development Corporation Type B Fund, and update the Capital Improvement Plan expenditures; and

WHEREAS, the City Council finds that such expenditures are for municipal purposes; and

WHEREAS, pursuant to the City Charter, Section 8.05, the City Council has the power to transfer, by resolution, in accordance with the laws of the State of Texas, funds within the budget after a public hearing.

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

SECTION 1. The Fiscal Year 2023 budgeted General Fund expenditures are increased by \$50,000 for mold remediation at Riviera Clubhouse, Fiscal Year 2023 budgeted Type B Fund expenditures are increased by \$4,000,000 for the Bell Boulevard Development Project for land acquisition, Fiscal Year 2023 budgeted Utility Fund expenditures are increased by \$305,000 for site improvements at the New Library, and the Parkland/Tree Fund is increasing by a total of \$1,285,000, of which \$1,170,000 is for eligible expenses at the New Library, and \$115,000 is for eligible expenses at the Lakeline Park.

SECTION 2. The Capital Improvement Plan Project List has been updated for the Drainage Projects, the New Library Project, Mold Remediation and Lakeline Park.

PASSED AND APPROVED this the 9th day of March, 2022.

CITY OF CEDAR PARK, TEXAS

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

File Attachments for Item:

G.2 (2023-2-Z) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 6.16 Acres From Neighborhood Business (NB) and Local Business (LB) To General Business-Conditional Overlay (GB-CO) Located At 2500 and 2520 West Whitestone Boulevard. ***The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of General Business-Conditional Overlay (GB-CO) With Conditions Related To Permitted Uses.***



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: (2023-2-Z) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 6.161 Acres From Neighborhood Business (NB) and Local Business (LB) To General Business-Conditional Overlay (GB-CO) Located At 2500 and 2520 West Whitestone Boulevard. ***The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of General Business-Conditional Overlay (GB-CO) With Conditions Related To Permitted Uses.***

Final Report

Staff	Brynn Haby, 512-401-5052, Brynn.Haby@cedarparktexas.gov
Owner	VStone, LLC, and VSTONE2 Properties, LLC
Applicant	Ethan Harwell, Kimley-Horn
Existing Future Land Use Plan	Regional Office/Retail/Commercial (REG)
Current Zoning	Neighborhood Business (NB), Local Business (LB)
Proposed Zoning Plan	General Business-Conditional Overlay (GB-CO)
Major Corridor	West Whitestone Boulevard
Summary of Applicant's Request	Request to rezone approximately 6.161 acres to General Business-Conditional Overlay (GB-CO).
Staff's Recommendation	Approval of General Business-Conditional Overlay (GB-CO) as requested.

Staff Recommendation:

Staff recommends approval of the requested General Business-Conditional Overlay (GB-CO) zoning district.

Reason for Staff Recommendation:

The proposed zoning change will provide an appropriate zoning designation that is compliant with the Comprehensive Plan, to include the FLUP should the amendment be approved, and is compatible with surrounding land uses.

Planning & Zoning Commission Recommendation to the City Council:

On February 21, 2023, the Planning and Zoning Commission recommended approval (6-0) of the request, with the additional condition that the Car Wash and Gasoline Service Station uses be prohibited uses.

In favor: Bobbi Hutchinson, Bob Ingraham, Audrey Wernecke, Cynthia Sneed, Kimberly Bradford-Brown, and Randy Strader

Opposed: None

Stated Reasons for P&Z Recommendation:

The Commission supported staff's recommendation; however, they expressed concerns related to a high concentration of carwash and gasoline service uses in the area and thus recommended these uses be prohibited on the site. Following P&Z's recommendation, the Applicant amended their request to include a Conditional Overlay (CO) district to prohibit these uses.

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on February 21, 2023. There were no registered speakers.

Applicant's Neighborhood Communication Summary and Public Input:

There are two single-family residential property owners within 500 feet of the subject property.

To date, no written comments from adjacent property owners have been received on the proposed request.

COMMENTARY**Existing Site and Surrounding Land Uses:**

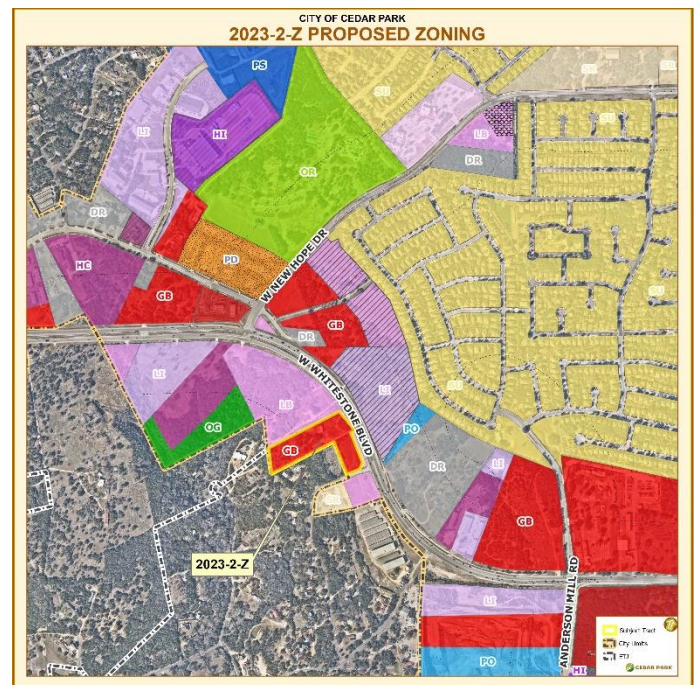
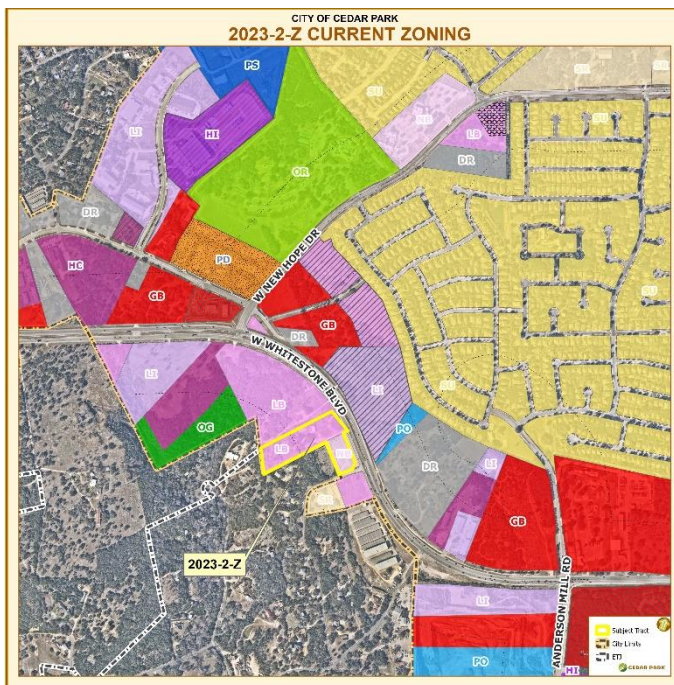
The 6.161-acre subject property is comprised of 2500 and 2520 West Whitestone Blvd, located along the south side of West Whitestone Boulevard, north of Vista Oaks Drive. Approximately 4.64 acres located at 2520 W Whitestone Boulevard are zoned Local Business (LB), with the remaining approximately 1.521 acres located at 2500 W Whitestone zoned Neighborhood Business (NB). The subject property is designated Regional Office/Retail/Commercial (REG) in the City's Future Land Use Plan and is envisioned for intense and heavy commercial uses that can

serve the greater region. The property is bordered on the South and East by the City of Austin extraterritorial jurisdiction (ETJ).

The abutting FLUP designations, zoning districts and existing land uses are summarized in the table below:

DIRECTION	FLUP	ZONING	EXISTING USES
North	Regional Office/Retail/Commercial (REG)	Local Business (LB)	Vacant
South	Regional Office/Retail/Commercial (REG), Austin ETJ	Local Business (LB), Austin ETJ	Single-Family Home, vacant
West	N/A (Austin ETJ)	N/A (Austin ETJ)	Single-Family Home
East	Regional Office/Retail/Commercial (REG)	Light Industrial-Conditional Overlay (LI-CO)	Vacant

The following maps depict the current and proposed zoning classifications.



Purpose of Requested Zoning District:

The General Business (GB) district is primarily intended for moderate and large retail centers, big-box stores, and malls that serve the retail and service needs of the community and broader region. This district includes site and building design and architectural standards to ensure quality, sustainable development.

The Conditional Overlay (CO) district provides supplemental standards to those of the underlying base districts to address the unique conditions or circumstances of a property. In this case, the

Applicant proposes to prohibit specific uses that would otherwise be permitted in the General Business (GB) zoning district.

Future Land Use Plan:

The Future Land Use Plan (FLUP) identifies the subject property as Regional Office/Retail/Commercial (REG). This designation supports the General Business (GB) zoning district.

Comprehensive Plan:

The request for a rezoning is in compliance with the following goals of the Comprehensive Plan:

Future Land Use

- Ensure an appropriate mix of land use types within the City.

Site Information:

Zoning Case History:

The subject property was annexed into the city limits in 1999, at which time it was designated the initial interim Single-Family Residential (R-1) district upon annexation. The table below includes a history of zoning changes on the property.

2520 W Whitestone:

YEAR	CASE NUMBER	REQUEST	P&Z RECOMMENDATION	COUNCIL ACTION
2001	Z-01-014 Ord Z-01-08-09-9.A.	Assign to 5 acres an original zoning of Commercial Services (C-3)	Approval for Light Industrial (I-1). Vote 4-0.	Approval of Community Commercial (C-2)

2500 W Whitestone:

YEAR	CASE NUMBER	REQUEST	P&Z RECOMMENDATION	COUNCIL ACTION
2001	Z-01-015 Ord Z-01-08-09-9.B.	Assign to 1.95 acres an original zoning designation of Community Commercial District (C-2)	Approval for General Office (GO-2). Vote 7-0.	Approval of Neighborhood Commercial (C-1)

Major Corridor:

The subject property is located along the West Whitestone Boulevard major corridor.

Transportation:

The subject property fronts and has access from West Whitestone Blvd, which is classified as a major arterial roadway per the City's Roadway Master Plan.

Subdivision:

The subject property is currently in subdivision review (2023-1-SFP) and proposes combining the two tracts into a single platted lot.

Land uses:

Permitted uses are all uses permitted in the General Business (GB) zoning district as identified in Table 11.02.064 of the Zoning Ordinance and summarized in the attached exhibit for reference, with the exception of the following uses that shall be prohibited:

- Carwash
- Gasoline Service Station

Building Setback and Height Requirements:

The setbacks, building height, and other zoning standards of the General Business (GB) zoning district are summarized in the attached exhibit, which has been included for reference.

Staff Commentary:

The subject property is located along West Whitestone Boulevard, a major arterial roadway, within an area envisioned by the Future Land Use Plan for a broad range of retail, service uses and professional office activities that can serve the region. This is typically due to its location along a major roadway that can support the amount of traffic generated by these uses, as well as the proximity to employment centers and other complimentary uses. The requested General Business-Conditional Overlay (GB-CO) zoning district is primarily intended to accommodate large retail centers and other commercial uses that can serve both the community and broader region, and thus is the most compatible zoning district for the Future Land Use designation of this area. In addition, this zoning district will help ensure an appropriate mix of land uses within the City.

Public Information Plan:

<i>February 8, 2023:</i>	Public notice of the Planning and Zoning Commission and City Council public hearings published in the Austin American Statesman
<i>February 10, 2023:</i>	Ten (10) 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
<i>February 21, 2023:</i>	Planning and Zoning Commission public hearing
<i>March 9, 2023:</i>	City Council 1st reading and public hearing
<i>March 23, 2023:</i>	City Council 2nd reading

Initiating Dept: Development Services

Fiscal Impact

Account No.: n/a

Budget

Budget/Expended: n/a

☐

Finance Director Review

Legal Certification

Approved as to form and content:

☐

Yes

☐

No **City Attorney**

Associated Information:

Ordinance with Exhibits

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 6.161 ACRES FROM NEIGHBORHOOD BUSINESS (NB) AND LOCAL BUSINESS (LB) TO GENERAL BUSINESS-CONDITIONAL OVERLAY (GB-CO) LOCATED AT 2500 AND 2520 WEST WHITESTONE BOULEVARD (2023-2-Z); AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES 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.

WHEREAS, on March 24, 1975, the Cedar Park City Council adopted Ordinance No. 75-2: Comprehensive Zoning Ordinance, which created a variety of zoning districts, and a zoning district map, as amended; and

WHEREAS, all zoning districts located within the City are regulated pursuant to Chapter 11 of the Cedar Park Code of Ordinances; and

WHEREAS, Texas Local Government Code Chapter 211 authorizes the City to regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, the Cedar Park City Charter Section 2.04 authorizes the Council to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority vested in the cities by State statutes; and

WHEREAS, the Cedar Park City Charter Section 7.02 authorizes the Council to zone the City after recommendation of the Planning and Zoning Commission, and requires the Council to enact necessary implementing legislation as authorized by law and after all public hearings required by law; and

WHEREAS, City staff, after communication with the affected property owners, determined the most appropriate zoning designations based on the City's Comprehensive Plan, existing use of land and structures within the affected area, and uses surrounding the affected area; and

WHEREAS, the City published notice and conducted the requisite public hearings in accordance with Texas Local Government Code Chapter 211; and

WHEREAS, on February 21, 2023 the Planning and Zoning Commission voted 6-0 to recommend approval of the proposed zoning of General Business-Conditional Overlay (GB-CO) with the additional condition that the Car Wash and Gasoline Service Station use be included as a prohibited use; and

WHEREAS, the City Council finds the proposed zoning to be in accordance with the City's Comprehensive Plan, existing use of land and structures within the affected area, and uses surrounding the affected area, and are for the purpose of promoting the public health, safety, morals, and general welfare of the City.

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

SECTION 1. City of Cedar Park Ordinance No. 75-2: Comprehensive Zoning Ordinance is hereby amended to rezone approximately 6.161 acres from Neighborhood Business (NB) and Local Business (LB) to General Business (GB) generally located at 2500 and 2520 West Whitestone Boulevard, otherwise set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B", and the conditions of the Conditional Overlay district labeled as Exhibit "C".

SECTION 2. That the Director of Development Services 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 AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 9th day of February, 2023, 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 23rd day of March, 2023, 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

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

EXHIBIT A



6.160 ACRES
T.M. DAVIS SURVEY NO. 365., A-254
TRAVIS COUNTY, TX

PROJECT: 617.074001
DATE: 12/13/2022

DESCRIPTION

6.160 ACRES OUT OF THE T.M. DAVIS SURVEY NO. 635, ABSTRACT NO. 254 SITUATED IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN 1.521 ACRE TRACT CONVEYED TO VSTONE LLC, BY DEED OF RECORD IN DOCUMENT NO. 2021058862, AND ALL OF THAT CERTIN 4.640 ACRE TRACT CONVEYED TO VSTONE2 PROPERTIES LLC, BY DEED OF RECORD IN DOCUMENT 2021231337, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 6.160 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found in the northwest right-of-way line of Vista Oaks Drive (50' r.o.w.), being the east common corner of Lots 13 and 14, Vista Ridge Oaks, a Subdivision of record in Volume 77, Page 393, of the Plat Records of Travis County, Texas, for an angle point in the east line hereof;

THENCE, N42°04'02"W, leaving said northwest right-of-way line, along the line common to said Lots 13 and 14, being the southwest line of said 1.521 acre tract, a distance of 345.35 feet to a 1/2-inch iron rod found at the west common corner of said Lots 13 and 14, being in the southeast line of said 4.640 acre tract, for an angle point;

THENCE, S42°06'07"W, along the northwest line of said Vista Ridge Oaks Subdivision, being the southeast line of said 4.640 acre tract, a distance of 688.07 feet to a 1-inch iron pipe found in the north line of Lot 7 of Lime Creek Acres, a subdivision of record in Volume 79, Page 156, of said Plat Records, for the southeasterly corner hereof;

THENCE, N26°59'22"W, along the north line of said Lot 7 and Lot 8, of said Lime Creek Acres, being the south line of said 4.640 acre tract, a distance of 259.18 feet to a 1-inch iron pipe found at the southwest corner of said 4.640 acre tract, being the southeast corner of that certain 5.19 acre tract of land conveyed to Fida Shah and Rafiqa Sherian, by Deed of record in Document Number 2006223406, of said Official Public Records, for the southwesterly corner hereof,

THENCE, N42°03'30"E, along the southeast line of said 5.19 acre tract, being the northwest line of said 4.640 acre tract, a distance of 782.06 feet to a 1/2-inch iron rod with "Manhard Consulting" cap set at the northeast corner of said 5.19 acre tract, being in the curving south right-of-way line of F.M. 1431 (r.o.w. varies), for the northwesterly corner of said 4.460 acre tract and hereof;

THENCE, along said south r.o.w. line of F.M. 1431, in part along the north line of said 4.640 acre tract and in part along the north line of said 1.521 acre tract (over and across said Lot 13), the following three (3) courses and distances:

1. Along a curve to the right, having a radius of 1500.00 feet, a central angle of 11°27'04", an arc length of 299.79 feet, and a chord which bears S47°43'42"E, a distance of 299.29 feet to a 1/2-inch iron rod with "Manhard Consulting" cap set at the end of said curve;

EXHIBIT A



2. S42°00'10"E, a distance of 259.03 feet to a 1/2-inch iron rod with "Manhard Consulting" cap set, for the northeasterly corner hereof;
3. S03°14'00"W, a distance of 68.98 feet to a 1/2-inch iron rod with "Manhard Consulting" cap set at the intersection of said south right-of-way line and said northwest right-of-way line of Vista Oaks Drive, for the most easterly corner hereof;

THENCE, S47°46'55"W, along said northwest right-of-way line, being the east line of said 1.521 acre tract, a distance of 141.06 feet to the **POINT OF BEGINNING**, and containing 6.160 acres (268,339 square feet) of land.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83 (2011), CENTRAL ZONE, UTILIZING THE TRIMBLE VRS NOW NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF NOVEMBER, 2022, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

A handwritten signature in blue ink, appearing to read 'A. Dashner', is written over a horizontal line.

ABRAM C. DASHNER
TEXAS RPLS 5901
MANHARD CONSULTING
TBPLS FIRM NO. 10194754

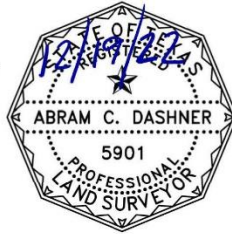


EXHIBIT B

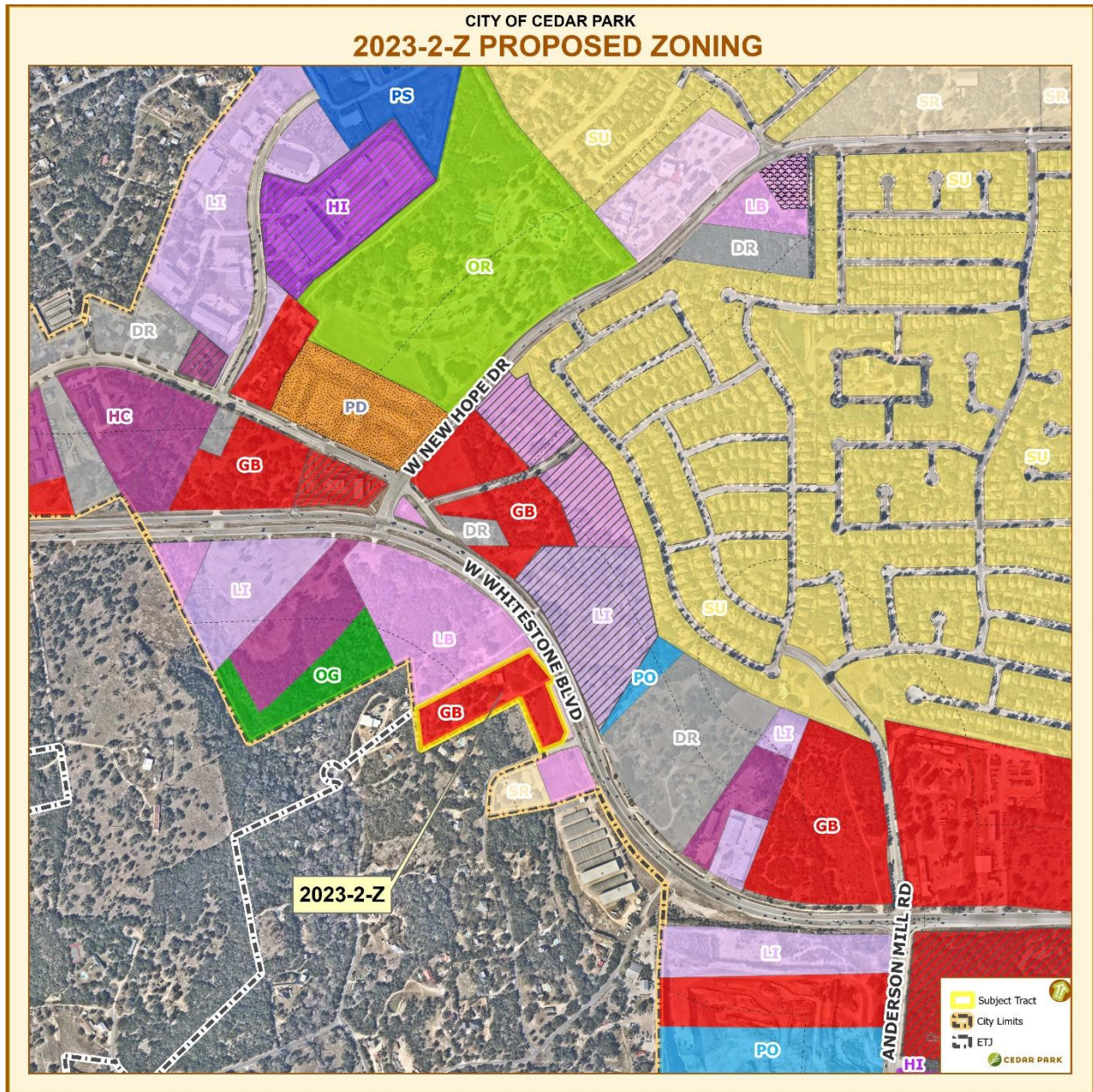


EXHIBIT C
Conditional Overlay Standards

1. The following uses shall be prohibited uses:

Prohibited Uses
Car wash
Gasoline service station

General Business (GB) Zoning Standards and Permitted Uses

Minimum lot area	20,000 sf	Building setbacks *	Front *	25'
Minimum lot width	100'		Interior side	12'
Minimum lot depth	200'		Street side	25'
Maximum building height *	100'		Rear to property line	5'
Outdoor uses	Maximum display area *		Rear to street right-of-way	25'
	Maximum storage area *		ES, SR or SU residential district boundary	30'

* Subject to additional requirements and standards outlined in Table 11.03.091

Permitted By Right	Permitted with Conditions (Sec 11.08.092)	Permitted with Special Use Permit (Sec 11.08.092)
Animal grooming	Adult day care	Commercial parking lot
Animal veterinary service, small animal	Alcoholic beverage establishment	Day-care center
Art studio, gallery	Alcoholic beverage sales, off-site consumption	Kennel
Bank, credit union, and financial institution	Automobile, minor service	Mobile food establishment court
Civic club	Automobile, rental	Outdoor arena, stadium or amphitheater
College, university or vocational school	Car wash	Outdoor commercial amusement, major
Commissary	Craft brewing/ distillery/ winery production with on-premise consumption	Outdoor commercial amusement, minor
Data center	Day-care center, incidental	
Drug store	Gasoline service station	
Funeral home or mortuary	Hotel	
Government office	Nursery/ greenhouse, retail	
Grocery	Research, testing lab, or product development	
Gym	Restaurant, dine-in only	
Indoor arena or theater	Restaurant, drive-in or drive-through	
Indoor commercial amusement	Retail sales	
Laundromat	Utility services, major	
Medical clinic	Vending kiosk	
Medical office	Wireless telecommunications facilities, building-mounted	
Museum		
Non-emergency transport service		
Office, general		
Office/ showroom/ warehouse		
Personal services		
Place of public assembly		
Print shop		
Private school (grades K-12)		
Public school (grades K-12)		
Reception/banquet hall		
Utility services, general		



January 19, 2023

Amy Link, AICP
Director of Development Services
City of Cedar Park
450 Cypress Creek Road
Cedar Park, TX 78613

Via Electronic Submittal

Re: Rezoning of approx. 6.16 acres generally located at 2500-2520 W Whitestone Blvd (TCAD IDs 951266 and 186448) (the "Property")

Dear Ms. Link:

As representatives of the owner of the above stated Property, we respectfully submit this application for a rezoning. The parcel located at 2500 W Whitestone Blvd has an existing zoning designation of Neighborhood Business (NB) and the parcel located at 2520 W Whitestone Blvd is zoned Local Business (LB). This request is to rezone both parcels to the General Business (GB) district, which is compatible with the area and with the Future Land Use Designation of Regional Office/ Retail/ Commercial.

Currently, the Property is undeveloped; a single-family home exists on the Property but is vacant. The property to the north is undeveloped with a zoning of Light Industrial (LI). Properties to the east and west are zoned Local Business (LB) and are undeveloped. The properties to the south are developed with single-family homes but are located in the City of Austin ETJ.

The rezoning is supported by the Future Land Use Map as the Property is located in a Regional Office/Retail/Commercial use which promotes a broad range of retail, service uses and professional office activities that aim to meet the needs of residents within a three to five mile radius or more. The proposed General Business (GB) zoning will permit a variety of office and retail space on the Property to support future growth of Cedar Park and to serve residents along the Whitestone Blvd/FM 1431 corridor.

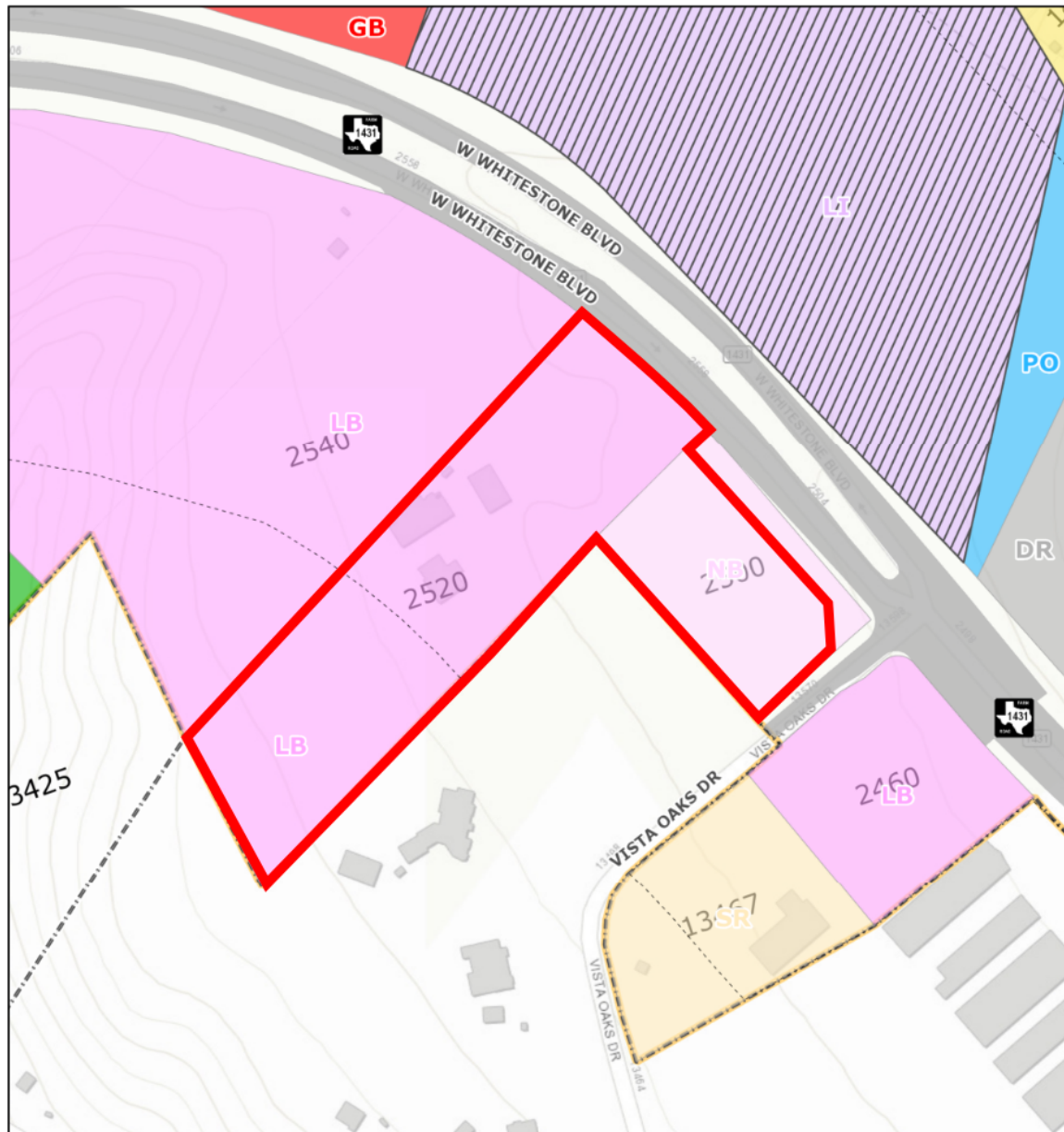
If you have any questions about this application for rezoning or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'E Harwell', written over a light blue circular stamp.

Ethan Harwell
Project Manager

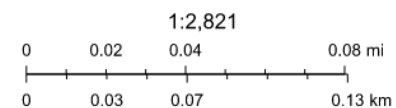
2500-2520 W Whitestone Blvd Zoning Map



1/19/2023, 9:16:52 AM

Zoning - Zoning Districts

DR - DEVELOPMENT RESERVE	NB - NEIGHBORHOOD BUSINESS
ES - ESTATE RESIDENTIAL	LB - LOCAL BUSINESS
SR - SUBURBAN RESIDENTIAL	GB - GENERAL BUSINESS
SU - SEMI URBAN RESIDENTIAL	PO - PROFESSIONAL OFFICE
UR - URBAN RESIDENTIAL	HC - HEAVY COMMERCIAL
MF - MULTIFAMILY RESIDENTIAL	LI - LIGHT INDUSTRIAL
	HI - HEAVY INDUSTRIAL



Austin Community College, City of Austin, County of Williamson, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/ NASA, EPA, USDA, City of Cedar Park Information Services, Cedar Park Information Services

Austin Community College, City of Austin, County of Williamson, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Cedar Park Information Services | CoCP | FEMA |

CEDAR PARK**Development Services Intake**

450 Cypress Creek Road, Building 2
Cedar Park, TX 78613
Office: 512-401-5100
Fax: 512-258-1471

APPLICANT'S SUMMARY OF NEIGHBORHOOD COMMUNICATIONS

1. Purpose. The purpose of the neighborhood meeting summary requirement is to educate the applicant about issues or concerns from surrounding neighborhoods and property owners that would be impacted by the proposed development. The process is intended to raise awareness of the proposed development, to identify issues regarding perceived impacts, and to resolve the issues in an inclusive manner.

2. Applicability and Exemptions. The neighborhood summary process is required for all re-zoning requests that are within 500 feet of a single family residential zoning district or residentially used property. If there is no residential zoned properties within 500 feet of the subject property, the applicant is exempt from this requirement.

3. The Neighborhood Summary Report. The applicant must submit the summary report to the Planning Director (or his/her designee) 14 days prior to the Planning and Zoning Commission meeting. The report must describe:

- How the neighborhood was notified about the proposal (how and when notification occurred, and who was notified);
- How the information regarding the proposal was shared with neighborhoods (i.e. mailings, workshops, meetings, open houses, fliers etc.);
- Who was involved in the discussions;
- Any concerns that were raised by the neighborhoods; and
- Any conditions that were added to or modified within the zoning request in response to concerns raised at the neighborhood meeting.

4. Summary Form. The attached form must be substantially completed in order to be accepted.

- This form will be distributed to the Zoning Commission at the meeting;
- Upon request, this form may be distributed to the general public one day prior to the public hearing.

5. Summary Presentation. The applicant, or their representative, must present the summary report at each public hearing on the request.

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?

On February 8, 2023 the Development Team mailed a letter to property owners within 300-feet via USPS. A copy of this letter is attached for reference.

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

The Development Team notified property owners within 300-feet of the subject property and in the city limits or ETJ of Cedar Park. No HOAs were identified in the immediate vicinity. A list of those notified is attached for reference.

3. What concerns were raised during these communications?

As on February 16, 2023 no responses have been received from those notified.

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

As on February 16, 2023 no changes have been made since no feedback has been received.

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

Signature: _____

Digitally signed by Eftan Hameel
Date: 2023.02.16, 12:23:05 -05'

Date February 16, 2023



February 8, 2023

RE: Rezoning of approximately 6.16 acres generally located at 2500-2520 W Whitestone Blvd (TCAD IDs 951266 and 186448) (the "Property")

Dear Neighbor:

You are receiving this letter because you are within 300 feet of the Property to be rezoned. The Property is located at 2500-2520 W Whitestone Blvd (see map on the back of this page). The property is currently zoned Local Business (LB) and Neighborhood Business (NB).

The proposed zoning is General Business (GB), and it will permit a variety of office and retail space on the Property to support future growth of Cedar Park and to serve residents along the Whitestone Blvd corridor.

If you have any questions about this application for rezoning or need additional information, please do not hesitate to contact me at your convenience.

Sincerely,

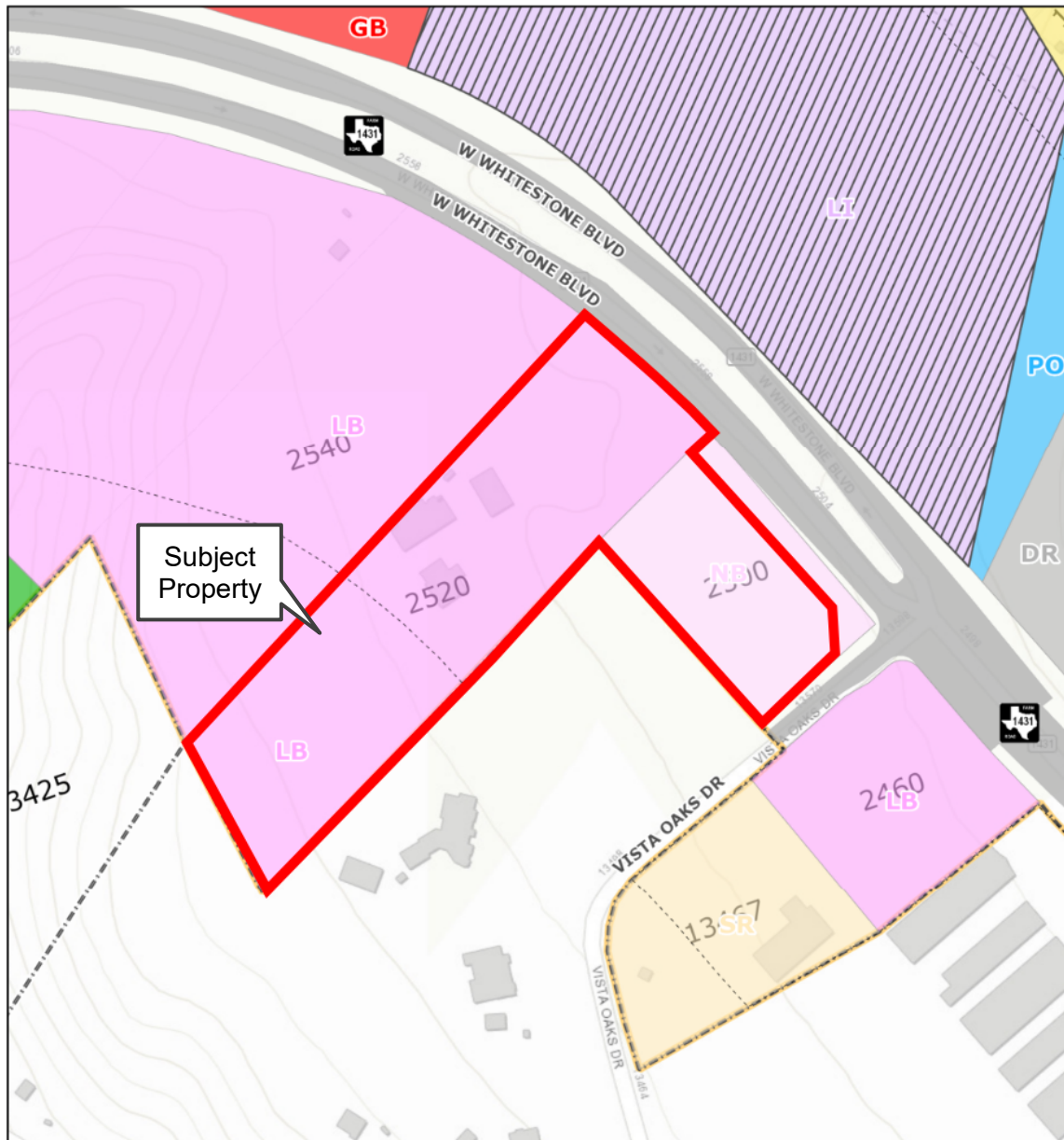
A handwritten signature in blue ink, appearing to read "E. Harwell", with a stylized flourish at the end.

Ethan Harwell

Ethan.Harwell@Kimley-Horn.com

512 580 5803

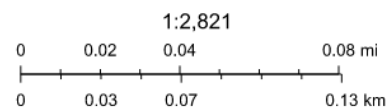
2500-2520 W Whitestone Blvd Zoning Map



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	HI - HEAVY INDUSTRIAL



Austin Community College, City of Austin, County of Williamson, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/ NASA, EPA, USDA, City of Cedar Park Information Services, Cedar Park Information Services

Austin Community College, City of Austin, County of Williamson, Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Cedar Park Information Services | CoCP | FEMA |

List of Property Owners for Outreach

Number	Property ID	Site Address	Name	Mailing Address	Mailing City	Mailing ST	Mailing Zip
1	186448	2520 W WHITESTONE BLVD	VSTONE2 PROPERTIES LLC	3109 KENAI DR STE 109	CEDAR PARK	TX	78613
2	951266	W WHITESTONE BLVD	VSTONE LLC	3208 PRENTISS LN	LEANDER	TX	78641
3	186256	W WHITESTONE BLVD	1431 INC	445 SILVER CREEK DR	LEANDER	TX	78641
4	186257	2441 W WHITESTONE BLVD	WEST WHITESTONE BLVD GROUP LLC	7000 PARKWOOD BLVD B400	FRISCO	TX	75034
5	186281	2460 W WHITESTONE BLVD	SAM PLAZA LIMITED LIABILITY COMPANY	3612 MILLBROOK CV	LEANDER	TX	78641
6	186429	2500 W WHITESTONE BLVD	PEGGYS FOLLY LP	5501 ST ANDREWS CT	PLANO	TX	75093
10	186470	2540 W WHITESTONE BLVD	SHAH FIDA & RAFIQA SHERIAN	3606 JOSH LN	AUSTIN	TX	78730
14	186478	13425 CEDAR LIME RD	MORENO JUAN I JR & CLAUDIA ERIKA RIVERA TORRES	13245 CEDAR LIME RD	LEANDER	TX	78641
15	524562	F M RD 1431	CITY OF CEDAR PARK	PO BOX 1090	CEDAR PARK	TX	78630
16	794186	2700 W WHITESTONE BLVD	CITY REACH CHURCH	3502 HATCH RD	CEDAR PARK	TX	78613
17	186561	13467 VISTA OAKS DR	PHALAN DAVID M & NATHAN ED HALL	1208 SUGARBERRY DR	CEDAR PARK	TX	78613

File Attachments for Item:

G.3 (2022-10-FLU) (Related To 2023-1-Z) First Reading And Public Hearing Of An Ordinance For A Future Land Use Plan Amendment For Approximately 4.29 Acres From Local Office/Retail/Commercial (LOC) To Regional Office/Retail/Commercial (REG) Generally Located Within The 1200 Block Of Little Elm Trail.
The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of The Request.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: (2022-10-FLU) (Related To 2023-1-Z) First Reading And Public Hearing Of An Ordinance For A Future Land Use Plan Amendment For Approximately 4.29 Acres From Local Office/Retail/Commercial (LOC) To Regional Office/Retail/Commercial (REG) Generally Located Within The 1200 Block Of Little Elm Trail. *The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of The Request.*

Final Report

Staff	Andreina Dávila-Quintero, 512-401-5057, andreina.davila@cedarparktexas.gov
Owner	Volente MCS Holdings, LLC
Agent	Michael E. Burleson
City Limits	Yes
Extraterritorial Jurisdiction	No
Current Zoning	Heavy Industrial (HI)
Proposed Zoning (2023-1-Z)	General Business – Conditional Overlay (GB-CO)
Existing Future Land Use Plan	Local Office/Retail/Commercial (LOC)
Proposed Future Land Use Plan	Regional Office/Retail/Commercial (REG)
Major Corridor	Little Elm Trail
Summary of Applicant's Request	Amend the Future Land Use Plan designation to Regional Office/Retail/Commercial (REG) for approximately 4.29 acres. The City Council accepted the Future Land Use Plan Amendment Petition on December 15, 2022.

Planning & Zoning Commission Recommendation to the City Council:

On February 21, 2023, the Planning and Zoning Commission recommended approval (6-0) of the request for the Future Land Use Plan (FLUP) designation of Regional Office/Retail/Commercial (REG).

In favor: Bobbi Hutchinson, Bob Ingraham, Audrey Wernecke, Cynthia Sneed, Kimberly Bradford-Brown, and Randy Strader

Opposed: None

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on February 21, 2023. No public testimony was presented.

COMMENTARY

This Future Land Use Plan (“FLUP”) Amendment comprises approximately 4.29 acres of undeveloped land generally located within the 1200 block of Little Elm Trail, just south of the NOV Inc. facility, formerly National Oilwell Varco. The subject property was previously part of the NOV Inc. property prior to the extension of Little Elm Trail. It is currently zoned Heavy Industrial (HI), which was a result of the zoning district established for the NOV Inc. facility.

The 2022 Comprehensive Plan includes a FLUP that designates the subject property as Local Office/Retail/Commercial (LOC) as shown on the attached map. This petition represents a request to amend the FLUP to Regional Office/Retail/Commercial (REG). Below is a summary of how the FLUP percentages will change if amended from Local Office/Retail/Commercial (LOC) to Regional Office/Retail/Commercial (REG):

FLUP LAND USE DESIGNATION	CURRENT FLUP ACRES	PERCENT OF TOTAL ACRES	PROPOSED FLUP ACRES	PROPOSED % OF TOTAL ACRES
Local Office/Retail/Commercial (LOC)	1,440.81	6.75%	1,436.52	6.73%
Regional Office/Retail/Commercial (REG)	1,950.46	9.14%	1,954.75	9.16%

The subject property is located along the major arterial of Little Elm Trail southwest of its intersection with Liberty Oaks Boulevard. This portion of Little Elm Trail has been developed with a mix of single-family, townhomes and multi-family uses, as well as neighborhood and regional-serving commercial uses closer to its intersection with Lakeline Blvd as envisioned by the Comprehensive Plan. The abutting FLUP designations, zoning districts and existing land uses are summarized in the table below:

DIRECTION	FLUP	ZONING	EXISTING USES
North	Local/Office/Retail Commercial (LOC)	Heavy Industrial (HI)	NOV Inc. Facility

DIRECTION	FLUP	ZONING	EXISTING USES
South	Medium Density Residential (MDR)	Development Reserve (DR) and Planned Development Open Space Recreational (PD-OR)	Open Space
East	Local/Office/Retail Commercial (LOC)	Planned Development Open Space Recreational (PD-OR)	Open Space
West	Medium Density Residential (MDR) and Public/Semi-Public (PUB)	Urban Residential (UR) and Development Reserve (DR)	Townhomes and Pedernales Electric Cooperative Inc. (PEC) Substation

Based on the submitted letter of intent, the Applicant wishes to develop the subject property with an office/warehouse for the future Volente Mosquito Control Systems facility. A concept plan of how the Applicant intends to develop the property is attached. The proposed use is permitted by right in the current Heavy Industrial (HI) zoning district; however, the additional building setback and bufferyard requirements from the adjacent residential designations significantly restrict the developable area of the subject property due to its size and shape. The proposed change in the Future Land Use designation would allow the property to be rezoned to a more suitable commercial zoning district given its proximity to residential uses.

In conjunction with this FLUP Amendment, the Applicant submitted a request to rezone the subject property from Heavy Industrial (HI) to General Business-Conditional Overlay (GB-CO) (2023-1-Z). If approved, this Future Land Use Plan Amendment will support the requested General Business-Conditional Overlay (GB-CO) as this district conforms to the intended vision of the REG FLUP designation.

History

The following chart outlines the FLUP history for this property.

YEAR	FUTURE LAND USE	DESCRIPTION
1998 Comprehensive Plan	High Intensity	Supports industrial parks, employment centers, and light manufacturing
2006 Comprehensive Plan	High Density Residential	Supports multi-family and mixed use development. This category is intended to provide for more than ten (10) dwelling units per acre.
2014 Comprehensive Plan	Local Office/Retail/ Commercial (LOC)	Supports light retail, service uses, and professional office for residents in the immediate vicinity.

Future Land Use Description

Descriptions of the existing and proposed Future Land Use Plan designations are provided below:

Local Office/Retail/Commercial (LOC)

This land use is suitable for light retail, service uses and professional office activities that aim to meet the needs of residents in the immediate vicinity. Building designs should be small in scale, typically one or two story and require visibility from roadways. Development should orient towards local traffic, but also allow for a comfortable pedestrian environment. Developments should be compatible with adjacent residential and be pedestrian-oriented. Additionally, landscaping is encouraged to keep the area attractive, functional and minimize negative impacts on nearby uses. Uses may include boutique retail shops, small sized restaurants and services such as financial, legal, and insurance services.

Regional Office/Retail/Commercial (REG)

This land use is compatible on larger land parcels and is suitable for a broad range of retail, service uses and professional office activities that aim to meet the needs of residents within a three to five mile radius or more. The developments in this category are typically larger in scale, more intense and are also high generators of traffic, generally more appropriate around employment centers, along 183A and RM 1431. This category is intended to incorporate a blend of nonresidential uses, such as retail shopping centers, mid-rise corporate office parks, medical campuses, and technology parks. They are characterized by large parking lots where buildings may be of multiple stories as they highly depend on visibility from major roadways. It is encouraged that building designs within this zone be coordinated when possible. Types of uses in this land use category include business parks, hotels, and “big box” retailers.

FLUP Approval Considerations:

The adopted Comprehensive Plan advises that a zoning map and zoning decisions should reflect the goals of the FLUP. The Comprehensive Plan acknowledges that, at times, the City will likely encounter development proposals for a rezoning that do not directly reflect the purpose and intent of the Future Land Use Map. A review of such development proposals should include the following considerations:

- Will the proposed change enhance the site and the surrounding area?
- Is the necessary infrastructure already in place?
- Does the proposed change reflect the vision identified by the Future Land Use Plan?
- Is the location compliant with the requested zoning district’s purpose statement?
- Will the proposed use impact adjacent areas in a negative manner? Or, will the proposed use be compatible with, and/or enhance, adjacent areas?
- Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?
- Does the proposed use present a significant benefit to the public health, safety and welfare of the community?
- Would it contribute to the City’s long-term economic well-being?

Development proposals that are inconsistent with the FLUP should be reviewed based upon the above questions and should be evaluated on their own merit. It is the responsibility of the applicant to provide evidence that the proposal meets the aforementioned considerations and supports community goals and objectives as set forth within this Plan.

The applicant provided evidence that the proposal meets these considerations and supports the goals and objectives of the Comprehensive Plan at the time the petition was submitted. The Commission may review these materials to help determine whether the proposal reflects the goals of the Plan, or otherwise offers an improvement over what is depicted in the Plan.

Initiating Dept: Development Services

Fiscal Impact

Account No.: n/a

Budget

Budget/Expended: n/a

☐

Finance Director Review

Legal Certification

Approved as to form and content:

☐ Yes

☐ No **City Attorney**

Associated Information:

Exhibit A: Current Future Land Use Plan

Exhibit B: Proposed Future Land Use Plan

Exhibit C: Applicant's Materials in Support of Petition

Ordinance with Exhibits

Exhibit A
Existing Future Land Use Plan

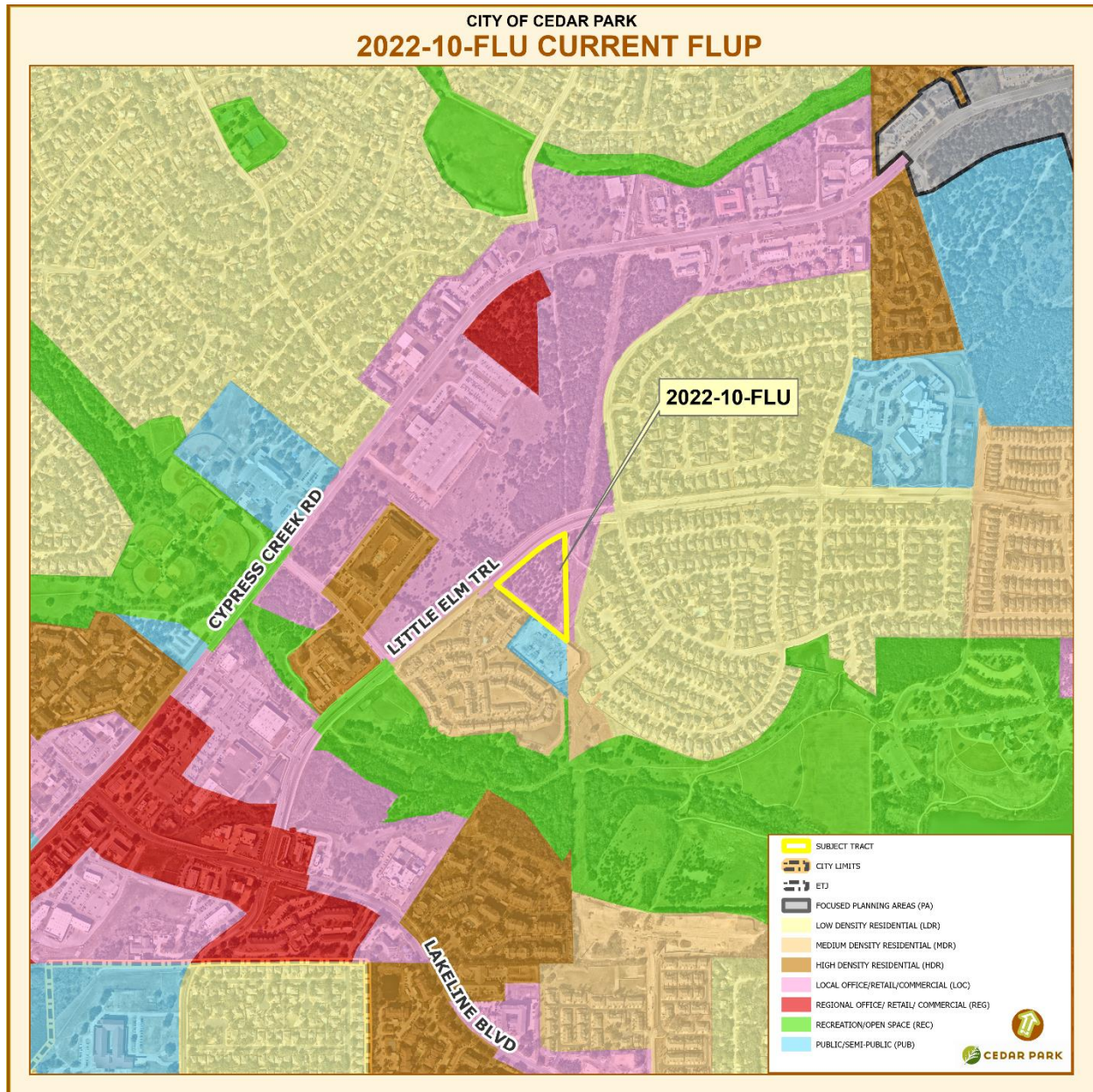


Exhibit B Proposed Future Land Use Plan

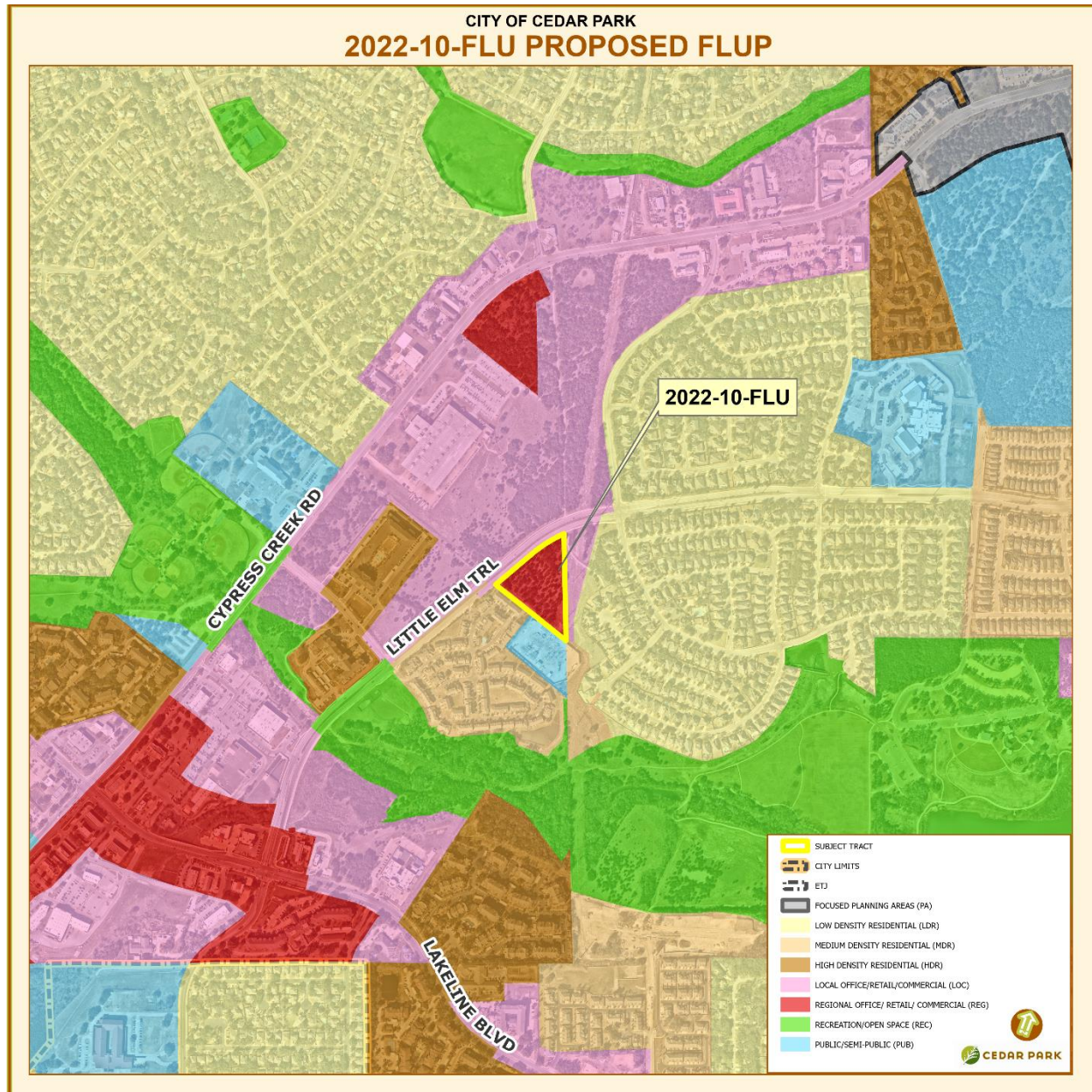


Exhibit C: Applicant's Materials

The following items are required as part of a complete Petition. Items in italics have been submitted but are not included in the attached.

1. *Proof of property ownership.*
2. An aerial map clearly depicting the subject property and surrounding properties; the same or additional map should identify the property's current FLUP designation and the designation of surrounding properties.
3. Letter of Request. A Letter of Request from the owner/applicant outlining the justification for the proposed FLUP amendment. The Letter shall include:
 - a) How the proposed change will enhance the site and the surrounding area;
 - b) Whether the necessary infrastructure is already in place or how this will be provided;
 - c) How the proposed change reflects the vision identified by the Future Land Use Plan;
 - d) Whether or how the subject property is compliant with surrounding land uses and zoning;
 - e) How the proposed land use impacts adjacent areas – whether the proposed land use impacts existing areas and uses in a negative manner a compatible manner, or enhances adjacent areas;
 - f) Whether uses adjacent to the proposed land use are similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility. If adjacent uses are dissimilar, how compatibility will be addressed;
 - g) How the proposed land use presents a better benefit to the public health, safety and welfare of the community than the current designation of future land use; and
 - h) How the proposed land use contributes to the City's long-term economic well-being.
4. Statement of Relevant Goals and Objectives. This Statement from the applicant identifies which goals and objectives of the Comprehensive Plan are supported by the proposed land use change, and how they are supported or strengthened by the proposal.
5. Proposed Land Use and Development Information. This includes information on proposed land uses, building intensity, building height, building area, density, number of non-residential or residential dwelling units, etc.
6. Identification of unique characteristics of the area that supports the proposed land use and any additional maps or other information from the applicant to support the proposed Amendment.
7. *Scan of completed Owner's Acknowledgement.*

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE FUTURE LAND USE PLAN FOR APPROXIMATELY 4.29 ACRES FROM LOCAL OFFICE/RETAIL/COMMERCIAL (LOC) TO REGIONAL OFFICE/RETAIL/COMMERCIAL (REG) GENERALLY LOCATED WITHIN THE 1200 BLOCK OF LITTLE ELM TRAIL (2022-10-FLU); 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.

WHEREAS, Texas Local Government Code Chapter 213 authorizes the City to adopt a comprehensive plan for the long-range development of the City, and the comprehensive plan may include provisions on land use; and

WHEREAS, the City Council adopted the 2014 Comprehensive Plan under Ordinance No. CO06.14.11.20.F1 on November 20, 2014, that included a Future Land Use Plan with a variety of land use designations and regulations, as amended; and

WHEREAS, City of Cedar Park Code of Ordinances Chapter 11 governs land use within the City of Cedar Park and pursuant to Section 11.01.004, the regulations pertaining to the division of land with different land use districts are designed in accordance with the Comprehensive Plan; and

WHEREAS, the City Council accepted the petition to amend the Future Land Use Plan on December 15, 2022; and

WHEREAS, on February 21, 2023, the City of Cedar Park Planning and Zoning Commission voted 6-0 to recommend approval of the proposed Future Land Use Plan amendment for Regional Office/Retail/Commercial (REG); and

WHEREAS, the City Council finds that the change in designation of the approximately 4.29 acres generally located within the 1200 Block of Little Elm Trail from Local Office/Retail/Commercial (LOC) to Regional Office/Retail/Commercial (REG) is compatible with the surrounding zoning districts, will promote sound development and will promote the public health, safety and welfare of the City.

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

SECTION 1. That the Future Land Use Plan is hereby revised and adopted to change the Future Land Use designation of approximately 4.29 acres to Regional Office/Retail/Commercial (REG) otherwise set forth in the legal description labeled Exhibit “A” and the property location map labeled Exhibit “B”.

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

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

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

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 9th day of March, 2023, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the ____ day of March, 2023, 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

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

EXHIBIT A



4.2928 Ac.
Richard Duty Survey, Abstract Number 183
Williamson County, Texas

Project No. 1022068348
FN49238(dz)
Page 1 of 1

FIELD NOTES DESCRIPTION

DESCRIPTION OF 4.2928 ACRES OF LAND OUT IN THE RICHARD DUTY SURVEY, ABSTRACT NUMBER 183, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF LOT 1, SWEICO INDUSTRIAL TRACT, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET E, SLIDES 61-62, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID LOT 1 DESCRIBED IN SPECIAL WARRANTY DEED TO MARTIN-DECKER TOTCO, INC. OF RECORD IN DOCUMENT NO. 9536050, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 4.2928 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a rebar found in the south line of Little Elm Trail (110 foot right-of-way), at the southeast corner of a 1.63 acre tract conveyed to the City of Cedar Park in General Warranty Deed recorded in Document No. 2015103689, Official Public Records of Williamson County, Texas and at the northwest corner of Lot 1, Red Oaks Section Three, according to the map or plat thereof recorded in Cabinet CC, Slides 18-21, Plat Records of Williamson County, Texas and in Document No. 2006051357, Official Public Records of Williamson County, Texas and **POINT OF BEGINNING** of the tract described herein;

THENCE S 21°33'58" E, with the west line of said Lot 1 and the east line of the tract described herein a distance of 750.62 feet to a rebar found at the southwest corner of said Lot 1, the northwest corner of 0.618 acres of land described in General Warranty Deed to Lower Colorado River Authority of record in Document No. 199949279, Official Public Records of Williamson County, Texas, and the northeast corner of a 2.92 acre tract of land described in General Warranty Deed to Pedernales Electric Cooperative, Inc. of record in Volume 2162, Page 940, Official Records of Williamson County, Texas;

THENCE N 71°54'51" W, with the north line of said 2.92 acre tract of land and continuing with the north line of Lot 1, Block A, Little Elm Trail Subdivision, according to the map or plat thereof recorded in Cabinet DD, Slides 78-80, Plat Records of Williamson County, Texas and in Document No. 2007032414, Official Public Records of Williamson County, Texas, and the south line of the tract described herein a distance of 624.44 feet to a rebar found in said south line of Little Elm Trail, at the northwest corner of said Lot 1;

THENCE with said south line of Little Elm Trail, the south line of said 1.63 acre tract and the north line of the tract described herein, the following two (2) courses and distances:

1. N 29°20'31" E, a distance of 357.22 feet to a rebar found at a point of curvature, and
2. with the arc of a curve to the right, having a radius of 945.00 feet, an arc distance of 240.49 feet, and a chord which bears N 36°29'27" E, a distance of 239.84 feet to the **POINT OF BEGINNING** and containing 4.2928 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, NAD 83, Central Zone, Grid.

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS §

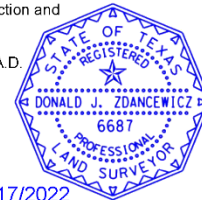
That I, Donald J. Zdancewicz, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during the month of February 2022, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 17th day of March, 2022 A.D.

Surveying And Mapping, LLC
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
Texas Firm Registration No. 10064300

Donald J. Zdancewicz

Donald J. Zdancewicz
Registered Professional Land Surveyor
No. 6687 - State of Texas

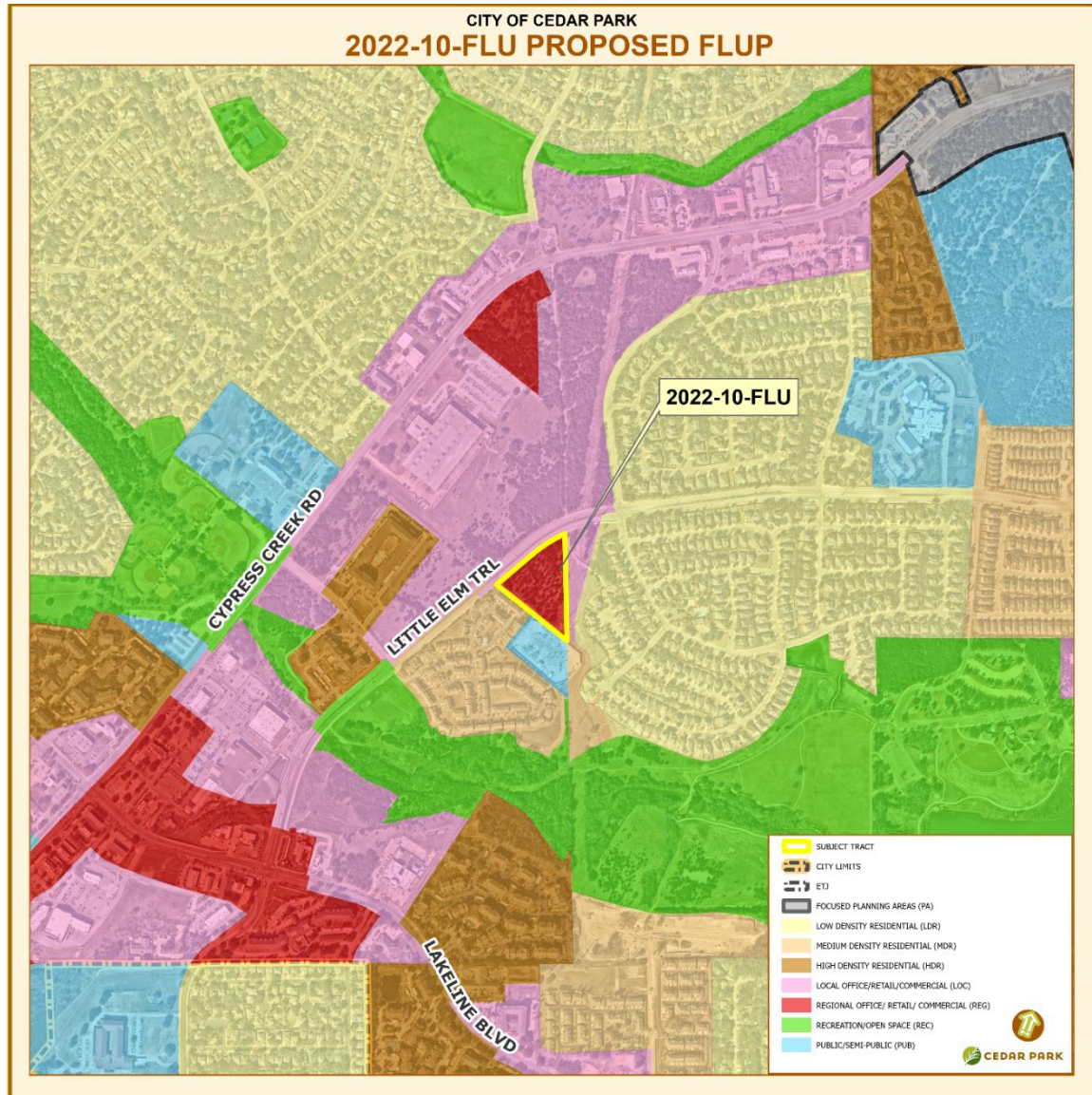


SAM COMPANIES

4801 Southwest Parkway / Bldg. 2 Suite 100 / Austin, Texas 78735
512.447.0575 Office / 512.326.3029 Fax / TBPELS #10064300

sam.biz

EXHIBIT B



CEDAR PARK**Development Services Intake**

450 Cypress Creek Road, Building 2

Cedar Park, TX 78613

Office: 512-401-5100

Fax: 512-258-1471

Project Name: _____

Submittal Date: _____

SFP Permit #: _____

(City will assign)

**FUTURE LAND USE PETITION**

APPLICATION & CHECKLIST

ABOUT FUTURE LAND USE PLAN AMENDMENT PETITIONS

- » The Comprehensive Plan, which includes the Future Land Use Plan (FLUP), was adopted by the City Council in November 2014. At times, the City may encounter a development proposal that does not directly reflect the purpose and intent of the land use pattern shown on the FLUP. In order for the City Council to consider a development proposal that is inconsistent with the FLUP, a property owner must submit a FLUP Amendment Petition, which may be considered based upon the Letter of Request, Statement of Relevant Goals and Objectives, and other supporting materials, as described on Page 2. Each FLUP Amendment Petition will be evaluated by the City Council on its own merits. It is the responsibility of the property owner or applicant to provide evidence that the proposed FLUP amendment supports community goals and objectives as set forth within the Comprehensive Plan.
- » The adopted Comprehensive Plan provides that amendments to the FLUP should not be made without thorough analysis of immediate needs, as well as consideration for long-term effects of proposed amendments. The City Council will consider each proposed FLUP Amendment Petition carefully to determine whether it is consistent with the Comprehensive Plan's goals and policies, and whether it will be beneficial for the long-term health and vitality of Cedar Park. Upon review of the Letter of Request, Statement of Relevant Goals and Objectives, and other supporting materials, a FLUP Amendment Petition may be accepted by a majority vote of the City Council. Acceptance of a FLUP Amendment Petition by the City Council indicates an applicant may proceed through the FLUP amendment process.
- » While city staff may review the petition for completeness and accuracy, city staff does not make a recommendation to the City Council as to whether a FLUP Amendment Petition should be accepted.
- » **ACCEPTANCE BY THE CITY COUNCIL OF A FLUP AMENDMENT PETITION SHALL NOT CONSTITUTE OR GUARANTEE APPROVAL OF THE PROPOSED FLUP AMENDMENT. ACCEPTANCE OF A FLUP AMENDMENT PETITION ONLY INDICATES AN APPLICANT MAY PROCEED THROUGH THE FLUP AMENDMENT PROCESS. IF THE CITY COUNCIL DOES NOT VOTE TO ACCEPT OR TABLE THE FLUP AMENDMENT PETITION, THE PETITION SHALL BE DEEMED DENIED. ACCEPTANCE OF A FLUP AMENDMENT PETITION SHALL BE VALID FOR A MAXIMUM OF 18 MONTHS FROM CITY COUNCIL CONSIDERATION UNLESS A PUBLIC HEARING FOR THE FLUP AMENDMENT HAS BEEN HELD BEFORE THE PLANNING AND ZONING COMMISSION. ANY SUBSTANTIVE CHANGES TO ORIGINAL FLUP AMENDMENT PETITION MUST BE SUBMITTED FOR RECONSIDERATION BY CITY COUNCIL.**

INSTRUCTIONSAll required materials completed and uploaded to www.mygovernmentonline.org

- ☒ Contact Planning Staff (450 Cypress Creek Road, Building 1 / Telephone: 512-401-5082) to discuss the proposed FLUP amendment prior to submission of a petition;
- ☒ Upload all required materials to www.mygovernmentonline.org

CEDAR PARK**Development Services Intake**

450 Cypress Creek Road, Building 2

Cedar Park, TX 78613

Office: 512-401-5100

Fax: 512-258-1471

PROJECT INFORMATIONProject Name: Volente MCS Holdings BuildingProposed Amendment: From: HI - LOC To: GB - REGProject Location/Address: 1200 Block of Little ElmProject Legal Description: S6153 - Sweco Industrial Tract, Lot 1 PT, ACRES 4.292**REQUIRED ITEMS FOR CITY COUNCIL CONSIDERATION OF FLUP PETITION**

- ☒ Proof of property ownership. Copy of deed or other documentation establishing ownership by and individual or entity. If owned by an entity, including a partnership, documentation that the person signing the Owner's Acknowledgment has the authority to do so.
- ☒ An aerial map clearly depicting the subject property and surrounding properties; the same or additional map should identify the property's current FLUP designation and the designation of surrounding properties.
- ☒ Letter of Request. A Letter of Request from the owner/applicant outlining the justification for the proposed FLUP amendment. The Letter shall include:
 - ☒ How the proposed change will enhance the site and the surrounding area;
 - ☒ Whether the necessary infrastructure is already in place or how this will be provided;
 - ☒ How the proposed change reflects the vision identified by the Future Land Use Plan;
 - ☒ Whether or how the subject property is compliant with surrounding land uses and zoning;
 - ☒ How the proposed land use impacts adjacent areas – whether the proposed land use impacts existing areas and uses in a negative manner, or enhances adjacent areas;
 - ☒ Whether uses adjacent to the proposed land use are similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility. If adjacent uses are dissimilar, how compatibility will be addressed;
 - ☒ How the proposed land use presents a better benefit to the public health, safety and welfare of the community than the current designation of future land use; and
 - ☒ How the proposed land use contributes to the City's long-term economic well-being.
- ☒ Statement of Relevant Goals and Objectives. This Statement from the applicant identifies which goals and objectives of the Comprehensive Plan are supported by the proposed land use change, and how they are supported or strengthened by the proposal.
- ☒ Proposed Land Use and Development Information. This includes information on proposed land uses, building intensity, building height, building area, density, number of non-residential or residential dwelling units, etc.
- ☒ Identification of unique characteristics of the area that supports the proposed land use and any additional maps or other information from the applicant to support the proposed Amendment.
- ☒ Scan of completed Owner's Acknowledgment (following page).

CEDAR PARK**Development Services Intake**

450 Cypress Creek Road, Building 2

Cedar Park, TX 78613

Office: 512-401-5100

Fax: 512-258-1471

OWNER'S ACKNOWLEDGMENT & DESIGNATION OF AGENT

The signature of the property owner or owners is required. If the property owner information does not match appraisal district records, documentation verifying the change in ownership must be provided.

By signing, the owner indicates consent to the submittal of this petition. If the owner designates an agent to facilitate the petition, both owner and agent must sign this acknowledgment. Signatures certify that the applicant and his agent, if so designated, has reviewed the requirements of this petition and acknowledges that the acceptance of the proposed amendment petition by the City Council does not grant the requested FLUP amendment or guarantee such approval by the Planning and Zoning Commission or City Council when the amendment is presented for consideration. **Acceptance** of a FLUP amendment petition shall be **valid 18 months** from City Council consideration unless a public hearing for the FLUP amendment has been held before the Planning and Zoning Commission and any substantive changes to original submission must be submitted for reconsideration by City Council.

Note: the agent is the official contact person for this petition and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

☐ I will represent my petition before the City Council.

☒ I hereby authorize the person named below to act as my agent/applicant in processing this petition before the City Council.

Owner's Name (Printed): Enrique Amaro, Partner in Volente MCS Holdings LLC

Owner's Address: 13200 Pond Springs Rd, Suite A 106, Austin, TX 78729

Owner's Phone: 512-844-0171 Cell: _____ Email: camaro@mcsaustin.com

Owner's Signature: Enrique Amaro Date: 11/09/2022

The signature of the owner authorizes City of Cedar Park staff to visit and inspect the property for which this application is being submitted and that all required documents are provided in this submittal. Note: The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Agent's Name (Printed): Michael E Burleson

Agent's Address: 2202 Portwood Bend Cove; Cedar Park, TX 78613

Agent's Phone: 512-426-1795 Cell: _____ Email: MikeB.BlueSky@gmail.com

Agent's Signature: Michael Burleson Date: 11/09/2022

The signature of the owner authorizes City of Cedar Park staff to visit and inspect the property for which this application is being submitted and that all required documents are provided in this submittal. Note: The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.



Completed Document Audit Report

Completed with SignWell.com

Title: Future-Land-Use-Plan-Amendment-Petition-PDF

Document ID: 0d62da62-52bf-4c09-a00b-639be73aaaed







Time Zone: (GMT+00:00) Coordinated Universal Time

Files

Future-Land-Use-Plan-Amendment-Petition-PDF.pdf

Nov 09, 2022 14:54:59 UTC

Activity

 Allison Vail IP: 132.147.144.85	created the document	Nov 09, 2022 14:57:04 UTC
 Allison Vail IP: 132.147.144.85	re-sent the document to mikeb.bluesky@gmail.com and camaro@mcsaustin.com	Nov 09, 2022 15:05:00 UTC
 Michael Burleson IP: 107.77.222.98	first viewed document	Nov 09, 2022 15:37:23 UTC
 Michael Burleson IP: 107.77.222.98	signed the document	Nov 09, 2022 15:37:45 UTC
 Enrique Amaro IP: 24.55.12.92	first viewed document	Nov 09, 2022 16:03:09 UTC
 Enrique Amaro IP: 24.55.12.92	signed the document	Nov 09, 2022 16:05:13 UTC

November 6, 2022

Andreina Davila-Quintero, AICP
Assistant Director of Development Services
Development Services
City of Cedar Park
450 Cypress Creek Road, Bldg. 1
Cedar Park, TX 78613

Re: Letter of Request for Future Land Use Amendment Petition for 4.29 acres with Williamson Central Appraisal District property ID R543523, which was previously owned by NOV before Little Elm St was constructed. Volente MCS Holdings LLC purchased the property in April 2022. A current street address has not yet been assigned for this piece of land.

Address: 1200 block of Little Elm St
Extent: 4.29 Acres
Current Zoning: HI
Proposed Future Land Use: GB

Dear Andreina,

I am the Project Manager representing Volente MCS Holdings LLC (the "Owner") of the above-referenced Property. Volente MCS Holdings LLC is seeking a Future Land Use Plan Amendment to change the FLUP designation from Office/Retail/Commercial (LOC) to Regional Office/Retail/Commercial (REG), allowing for GB zoning.

Comments from the Assistant Director of Development Services via email on October 13, 2022:

Based on our last discussion, it appears that the proposed use falls under the City's definition of Office/Showroom/Warehouse, which is defined as "An establishment with a maximum of 75 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sale areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas. This use does not include processing, manufacturing or fabrication conducted on-site, but may include the light assembly of merchandise." This use is permitted by right in the General Business (GB) zoning district; this zoning district is compatible with the Future Land Use designation of Regional Office/Retail/Commercial (REG).

The Local Office/Retail/Commercial (LOC) designations accommodates local businesses and similar uses that serve the residents in the immediate area and thus is more

suitable for light retail, service uses and professional office. Zoning districts that are compatible with this designation include districts like Neighborhood Business (NB), Local Business (LB) or Professional Office (PO). The Office/Showroom/Warehouse use is not permitted in any of these zoning districts. Because of this, rezoning to at a minimum General Business (GB) would be needed, which triggers the amendment to the Future Land Use Plan.

1) **Proof of Ownership** – Exhibit A – Copy of Tax Statement and Certificate of Status

2) **Aerial Map** – Exhibit B – Maps showing the Future Land User of Regional Office/Retail/Commercial (REG) with Property ID overlaid.

3) **Site Enhancement:**

The proposed change will enhance the site and surrounding area. Currently the proposed site is Zoned HI. The new building will a showplace for the community. The site would be enhanced by attractive landscaping and required buffering between single family residential uses and apartments, sidewalks along front of the building, a façade featuring a customer entrance, and general parking. Landscaping will be provided to keep the area appealing and minimize the negative impacts on nearby homes.

4) **Infrastructure:**

Necessary water and wastewater infrastructure is already in place along Little Elm St. The site currently has a 16" domestic water line with an 8" stub to the property. There is a manhole located on Little Elm for wastewater at the entry to the site. These sizes should be adequate to serve our needs. The owner will continue to follow the City of Cedar Park water and wastewater connection detail for regulations for sidewalks, connection to water/wastewater, and provide required detention and water quality to support this property.

A main electric line, provided by Pedernales Electric Co-Op (PEC), is available to the property. A request is being made with PEC to confirm electrical capacity for our site.

5) **Future Land Use Plan Vision:**

The proposed change reflects the vision identified by the Future Land Use Plan (FLUP). This will align with the City goals of both – commercial development that brings in more revenue to keep property taxes low for its citizens and build housing that the City needs. The City's comprehensive plan consists of future land uses that should "promote Cedar Park as a prime destination for families and businesses".

6) **Compliance with Surrounding Land Uses and Zoning**

The subject Property is compliant and compatible with the surrounding land uses and zoning. The Regional Office/Retail/Commercial (REG) category is intended for larger parcels and surrounding land uses with a broad range of retail/service uses, and professional office activities that meet needs within 3-5 miles. While developments in this category are typically larger in scale, more intense, and high traffic generators, it is also intended to blend non-residential uses such as retail shopping centers, mid-rise corporate office parks, medical campuses, and technology parks. The uses are characterized by large parking lots and may be multiple stories as they are highly dependent on visibility from major roadways. Types of uses in this land use category include business parks, hotels and “big-box” retailers.

While this property is currently within the Local office/retail/commercial category, the property is adjacent to apartments on the south, residential homes to the north, PEC sub-station to the southeast, and a green belt to the east. These adjacent areas near our property are permitted and occupied. The surrounding neighborhoods are zoned a mix of SU (Semi-Urban Residential), and PD (Planned Development).

The proposed change to the FLUP would allow the area to remain compatible with nearby residential uses and would provide a commercial use that would integrate into the existing zoning.

The REG commercial use we have requested is compatible with and complementary to the surrounding land uses and zoning. Further, compatibility with the neighboring uses will be addressed in multiple ways: We will respect all city buffers between commercial and residential zones. All site lighting will have shielding to minimize impact to neighbors.

7) Impact on Adjacent Areas

The proposed land use will have a positive impact on existing areas and enhance adjacent areas by adding commercial development to the entire parcel within a zoning area that allows commercial to occur. Commercial development will bring in addition jobs to the area, tax revenue, and property tax revenue to the City. To reduce any potential negative impact on surrounding uses, the Property will utilize on-site water quality/detention and landscaping to provide appropriate screening. Additionally, there will be no traffic impact to the area.

8) Similarity to Adjacent Uses

The development will maintain some existing trees to provide a look that is cohesive to the vision of Cedar Park and will propose architecture like the adjacent uses along Little Elm. Landscaping will be provided to keep the area attractive and minimize the negative impact on nearby uses.

9) Benefit to Public Health, Safety, and Welfare

The proposed land use presents a better benefit to the welfare of the community than the current Zoning designation because it provides for an economically viable development for this area. The current HI Zoning makes it an island with no access to neighborhood rooftops. The clear separation between residential and commercial lends itself to changing the zoning to GB to enable reaching out to the broader market on Little Elm.

Additionally, the development will provide an on-site water quality/detention pond to address drainage proposed by the development so as not to negatively impact anyone downstream. Moreover, the project will strive to keep existing large trees on site thus remaining harmonious with native landscaping and introduce additional landscaping for screening and beautification of the site.

10) Contribution to City's Long-Term Economic Well-Being

The proposed land use contributes to the City's long-term economic well-being. While it is a change to future land use, the requested change is due to the changes proposed to fit our business.

The proposed land use will align with the City's goals of both – commercial development that brings in more revenue to keep property taxes low for its citizens and build housing that the City needs.

Commercial development will bring additional jobs to the area, tax revenue and property tax revenue for the City.

Without this change, the HI zoning currently in place will not allow the applicant to economically develop the property and thereby generate the desired revenue for the City in terms of taxes.

Approval of the proposed GB zoning and Future Land Use designation of Regional Office/Retail/Commercial (REG) is a fair way to allow the development of this property and maintain the desired FLUP objectives adopted by the City of Cedar Park.

Sincerely,

Michael Burleson
PP Allison Vail

Blue Sky Company, LLC

Michael Burleson

Allison Vail

ARCHITECTS
Block 16/SKB
ARCHITECTURE AND DESIGN
3708 Spicewood Springs Rd #200
Austin, TX 78759
T 512.916.0041
www.skbarch.com

MOSQUITO CONTROL
SYSTEMS

Little Elm Trail
Cedar Park, TX 78613

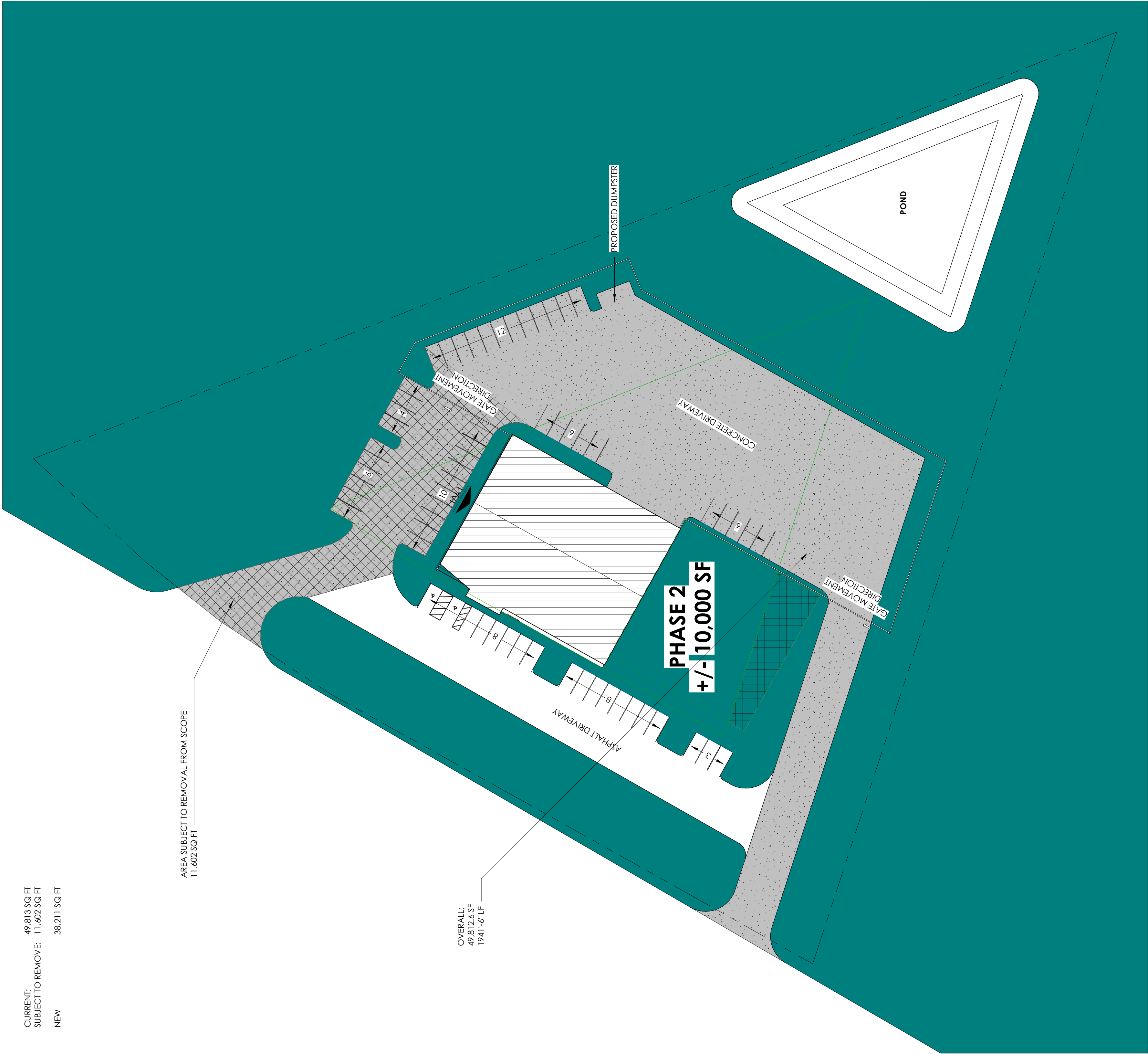
ISSUED

Drawing Title:

CONCRETE DRIVE
BREAKDOWNS

Drawn: Author
Date: 08/25/22
Scale: 1" = 40'-0"
Proj: 1637

SK-1



CURRENT: 49,813 SQ FT
SUBJECT TO REMOVE: 11,402 SQ FT
NEW 38,211 SQ FT

OVERALL:
49,812.6 SF
1941'-6" LF

AREA SUBJECT TO REMOVAL FROM SCOPE
11,602 SQ FT

File Attachments for Item:

G.4 (2023-1-Z) (Related To 2022-10-FLU) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 4.29 Acres From Heavy Industrial (HI) To General Business-Conditional Overlay (GB-CO) Generally Located Within The 1200 Block Of Little Elm Trail. ***The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of The Request.***



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: (2023-1-Z) (Related To 2022-10-FLU) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 4.29 Acres From Heavy Industrial (HI) To General Business-Conditional Overlay (GB-CO) Generally Located Within The 1200 Block Of Little Elm Trail. ***The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of The Request.***

Final Report

Staff	Andreina Dávila-Quintero, 512-401-5057, andreina.davila@cedarparktexas.gov
Owner	Volente MCS Holdings, LLC
Applicant	Michael E. Burleson
Existing Future Land Use Plan	Local Office/Retail/Commercial (LOC)
Proposed Future Land Use (2022-10-FLU)	Regional Office/Retail/Commercial (REG)
Current Zoning	Heavy Industrial (HI)
Proposed Zoning Plan	General Business-Conditional Overlay (GB-CO)
Major Corridor	Little Elm Trail
Summary of Applicant's Request	Request to rezone approximately 4.29 acres to General Business-Conditional Overlay (GB-CO).
Staff's Recommendation	Approval of General Business-Conditional Overlay (GB-CO) zoning, as requested.

Staff Recommendation:

Should the associated Future Land Use Plan (“FLUP”) Amendment to Regional Office/Retail/Commercial (REG) be approved (2022-10-FLU), staff recommends approval of the applicant’s request to rezone the property to General Business-Conditional Overlay (GB-CO).

Reason for Staff Recommendation:

The proposed zoning change will provide an appropriate zoning designation that would be compliant with the Comprehensive Plan should the proposed FLUP be approved, and is compatible with surrounding zoning districts and land uses.

Planning & Zoning Commission Recommendation to the City Council:

On February 21, 2023, the Planning and Zoning Commission recommended approval (6-0) of the request for the rezoning to General Business-Conditional Overlay (GB-CO).

In favor: Bobbi Hutchinson, Bob Ingraham, Audrey Wernecke, Cynthia Sneed, Kimberly Bradford-Brown, and Randy Strader

Opposed: None

Stated Reasons for P&Z Recommendation:

The Commission supported staff’s recommendation.

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on February 21, 2023. There was no public testimony.

Applicant’s Neighborhood Communication Summary and Public Input:

The Applicant reached out by mail to residential property owners within 500 feet of the subject property. The property owners have not expressed any concerns on the proposed rezoning request. A copy of the Applicant’s Neighborhood Communication Summary is attached.

To date, no written comments from adjacent property owners have been received on the proposed request.

COMMENTARY**Existing Site and Surrounding Land Uses:**

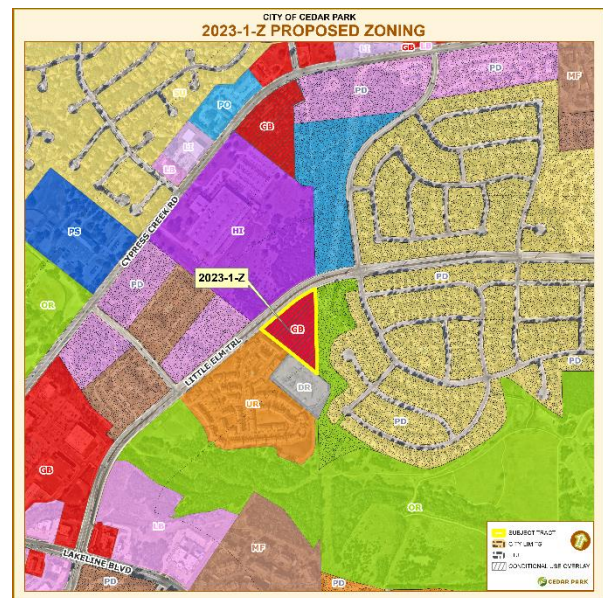
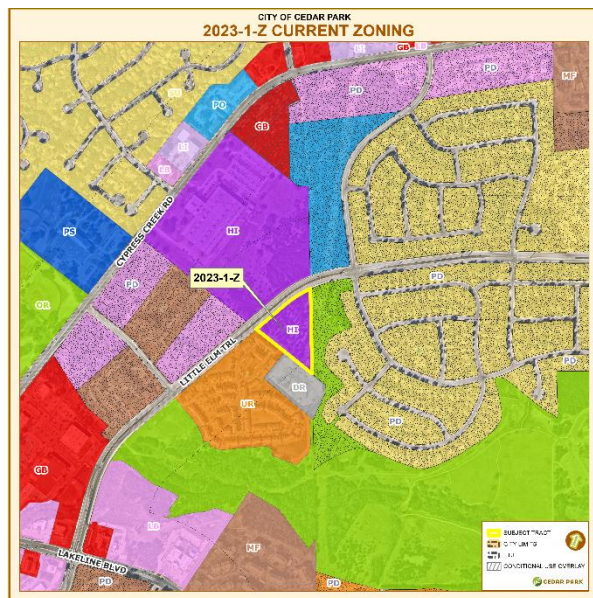
The 4.29-acre subject property is generally located within the 1200 block of Little Elm Trail, just south of the NOV Inc. facility, formerly National Oilwell Varco. The subject property was previously part of the NOV Inc. property prior to the extension of Little Elm Trail that bisected the property into two (2). It is currently zoned Heavy Industrial (HI), which was a result of the zoning district established for the NOV Inc. facility.

Little Elm Trail is one of the City’s major corridors that has been developed with a mix of single-family, townhome and multi-family uses, as well as neighborhood and regional-serving

commercial uses closer to its intersection with Lakeline Blvd as envisioned by the Comprehensive Plan. The abutting FLUP designations, zoning districts and existing land uses are summarized in the table below:

DIRECTION	FLUP	ZONING	EXISTING USES
North	Local/Office/Retail Commercial (LOC)	Heavy Industrial (HI)	NOV Inc. Facility
South	Medium Density Residential (MDR)	Development Reserve (DR) and Planned Development Open Space Recreational (PD-OR)	Open Space
East	Local/Office/Retail Commercial (LOC)	Planned Development Open Space Recreational (PD-OR)	Open Space
West	Medium Density Residential (MDR) and Public/Semi-Public (PUB)	Urban Residential (UR) and Development Reserve (DR)	Townhomes and Pedernales Electric Cooperative Inc. (PEC) Substation

The following maps depict the current and proposed zoning classifications.



Purpose of Requested Zoning District:

The General Business (GB) district is primarily intended for moderate and large retail centers, big-box stores, and malls that serve the retail and service needs of the community and broader region. This district includes site and building design and architectural standards to ensure quality, sustainable development.

The Conditional Overlay (CO) district provides supplemental standards to those of the underlying base districts to address the unique conditions or circumstances of a property. In this case, the

Applicant proposes to prohibit specific uses that would otherwise be permitted in the General Business (GB) zoning district.

Future Land Use Plan:

The Future Land Use Plan (FLUP) identifies the subject property as Local Office/Retail/Commercial (LOC). In conjunction with this rezoning request, the Applicant has submitted a request (2022-10-FLU) to change the FLUP designation to Regional Office/Retail/Commercial (REG). The requested General Business-Conditional Overlay (GB-CO) zoning district is compatible with the requested Regional Office/Retail/Commercial FLUP designation.

Comprehensive Plan:

The request is also in compliance with the following goals of the Comprehensive Plan:

Future Land Use:

- Ensure an appropriate mix of land use types within the City.
- Encourage redevelopment in appropriate locations throughout the City.

Site Information:

Zoning Case History:

The subject property was incorporated into the city limits in 1982 (Ord No. 82-14), at which time it was designated the initial interim Single-Family Residential (R-1) district upon annexation. The table below includes a history of zoning changes on the subject property:

YEAR	CASE NUMBER	REQUEST	P&Z RECOMMENDATION	COUNCIL ACTION
1983	Z-83-016 Ord 83-23	Rezone 40 acres from initial Single-Family Residential (R-1) district to Heavy Industrial (I-2) district.	Approval (5-0)	Approved (5-0)

Major Corridor:

The subject property is located along the Little Elm Trail major corridor.

Transportation:

The subject property fronts and has access from Little Elm Trail, a major arterial roadway per the City's Roadway Master Plan.

Subdivision:

The subject property consists of the southern portion of Lot 1, Sweco Industrial Tract Subdivision as recorded in Cabinet E, Slide 61, of the Williamson County Public Records, which was a result of the acquisition and extension of Little Elm Trail.

Land uses:

Permitted uses within the General Business-Conditional Overlay (GB-CO) district are all uses permitted in the General Business (GB) zoning district as identified in Table 11.02.064 of the Zoning Ordinance and attached for reference, with the exception of the following uses, which are proposed to be prohibited:

Prohibited Uses
Automobile, minor service
Automobile, rental
Car wash
Commercial Parking Lot
Funeral home or mortuary
Laundromat
Gasoline service station
Kennel
Outdoor arena, stadium or amphitheater
Outdoor commercial amusement, major
Outdoor commercial amusement, minor

Building Setback, Height Requirements and other Zoning Standards:

The setbacks, building height, and other zoning standards of the General Business-Conditional Overlay (GB-CO) zoning district are those of the General Business (GB) district as identified in Table 11.03.091 of the Zoning Ordinance and summarized in the attached exhibit, with the exception of the following proposed standards:

Standard	GB-CO
Maximum Building Height	50'* <i>*No portion of a building within 100 feet of the property line of a single-family residential district shall exceed 35 feet measured from existing grade.</i>
Hazardous Materials	Hazardous materials, as classified by the Fire Marshal, shall not be used or stored on site.

Staff Commentary:

The Applicant wishes to develop the subject property with an office/warehouse for the future Volente Mosquito Control Systems facility. This use is permitted by right in the current Heavy Industrial (HI) zoning district; however, the additional building setback and bufferyard requirements from the adjacent residential designations significantly restrict the developable area of the subject property due to its size and shape.

The requested zoning district would allow the development of the subject property at a scale suitable for its size, and would permit uses that are less intense than permitted in the current zoning district given its proximity to residential uses. Moreover, it would remove the entitlement for

industrial uses that are not conducive or appropriate next to residential. The additional restrictions proposed as part of the Conditional Overlay (CO) district would further mitigate the impact that commercial development may have on the neighboring properties.

Public Information Plan:

February 8, 2023: Public notice of the Planning and Zoning Commission and City Council public hearings published in the Austin American Statesman
February 10, 2023: 201 letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners and neighborhood associations within 300 feet of the subject property.
February 21, 2023: Planning and Zoning Commission public hearing
March 9, 2023: City Council 1st reading and public hearing
March 23, 2023: City Council 2nd reading

Initiating Dept.: Development Services

Fiscal Impact

Account No.: N/A

Budget

Budget/Expended: N/A

Legal Certification

Approved as to form and content:

☐

Finance Director Review

☐ Yes

☐ No

City Attorney

Associated Information:

Ordinance with Exhibits

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING ORDINANCE NO. 75-2 (ZONING) OF THE CITY OF CEDAR PARK, TEXAS TO REZONE APPROXIMATELY 4.29 ACRES FROM HEAVY INDUSTRIAL (HI) TO GENERAL BUSINESS-CONDITIONAL OVERLAY (GB-CO) GENERALLY LOCATED WITHIN THE 1200 BLOCK OF LITTLE ELM TRAIL (2023-1-Z); AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES 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.

WHEREAS, on March 24, 1975, the Cedar Park City Council adopted Ordinance No. 75-2: Comprehensive Zoning Ordinance, which created a variety of zoning districts, and a zoning district map, as amended; and

WHEREAS, all zoning districts located within the City are regulated pursuant to Chapter 11 of the Cedar Park Code of Ordinances; and

WHEREAS, Texas Local Government Code Chapter 211 authorizes the City to regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

WHEREAS, the Cedar Park City Charter Section 2.04 authorizes the Council to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority vested in the cities by State statutes; and

WHEREAS, the Cedar Park City Charter Section 7.02 authorizes the Council to zone the City after recommendation of the Planning and Zoning Commission, and requires the Council to enact necessary implementing legislation as authorized by law and after all public hearings required by law; and

WHEREAS, City staff, after communication with the affected property owners, determined the most appropriate zoning designations based on the City's Comprehensive Plan, existing use of land and structures within the affected area, and uses surrounding the affected area; and

WHEREAS, the City published notice and conducted the requisite public hearings in accordance with Texas Local Government Code Chapter 211; and

WHEREAS, on February 21, 2023 the Planning and Zoning Commission voted 6-0 to recommend approval of the proposed zoning of General Business-Conditional Overlay (GB-CO); and

WHEREAS, the City Council finds the proposed zoning to be in accordance with the City's Comprehensive Plan, existing use of land and structures within the affected area, and uses surrounding the affected area, and are for the purpose of promoting the public health, safety, morals, and general welfare of the City.

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

SECTION 1. City of Cedar Park Ordinance No. 75-2: Comprehensive Zoning Ordinance is hereby amended to rezone approximately 4.29 acres from Heavy Industrial (HI) to General Business-Conditional Overlay (GB-CO) generally located within the 1200 block of Little Elm Trail, otherwise set forth in the legal description labeled Exhibit "A", and the property location map labeled Exhibit "B", and the conditions of the Conditional Overlay district labeled as Exhibit "C".

SECTION 2. That the Director of Development Services 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 indicating 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 AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 9th day of March, 2023, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the _____ day of March, 2023, 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

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

EXHIBIT A



4.2928 Ac.
Richard Duty Survey, Abstract Number 183
Williamson County, Texas

Project No. 1022068348
FN49238(dz)
Page 1 of 1

FIELD NOTES DESCRIPTION

DESCRIPTION OF 4.2928 ACRES OF LAND OUT IN THE RICHARD DUTY SURVEY, ABSTRACT NUMBER 183, WILLIAMSON COUNTY, TEXAS; BEING A PORTION OF LOT 1, SWECO INDUSTRIAL TRACT, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET E, SLIDES 61-62, PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID LOT 1 DESCRIBED IN SPECIAL WARRANTY DEED TO MARTIN-DECKER TOTCO, INC. OF RECORD IN DOCUMENT NO. 9536050, OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 4.2928 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a rebar found in the south line of Little Elm Trail (110 foot right-of-way), at the southeast corner of a 1.63 acre tract conveyed to the City of Cedar Park in General Warranty Deed recorded in Document No. 2015103689, Official Public Records of Williamson County, Texas and at the northwest corner of Lot 1, Red Oaks Section Three, according to the map or plat thereof recorded in Cabinet CC, Slides 18-21, Plat Records of Williamson County, Texas and in Document No. 2006051357, Official Public Records of Williamson County, Texas and **POINT OF BEGINNING** of the tract described herein;

THENCE S 21°33'58" E, with the west line of said Lot 1 and the east line of the tract described herein a distance of 750.62 feet to a rebar found at the southwest corner of said Lot 1, the northwest corner of 0.618 acres of land described in General Warranty Deed to Lower Colorado River Authority of record in Document No. 199949279, Official Public Records of Williamson County, Texas, and the northeast corner of a 2.92 acre tract of land described in General Warranty Deed to Pedernales Electric Cooperative, Inc. of record in Volume 2162, Page 940, Official Records of Williamson County, Texas;

THENCE N 71°54'51" W, with the north line of said 2.92 acre tract of land and continuing with the north line of Lot 1, Block A, Little Elm Trail Subdivision, according to the map or plat thereof recorded in Cabinet DD, Slides 78-80, Plat Records of Williamson County, Texas and in Document No. 2007032414, Official Public Records of Williamson County, Texas, and the south line of the tract described herein a distance of 624.44 feet to a rebar found in said south line of Little Elm Trail, at the northwest corner of said Lot 1;

THENCE with said south line of Little Elm Trail, the south line of said 1.63 acre tract and the north line of the tract described herein, the following two (2) courses and distances:

1. N 29°20'31" E, a distance of 357.22 feet to a rebar found at a point of curvature, and
2. with the arc of a curve to the right, having a radius of 945.00 feet, an arc distance of 240.49 feet, and a chord which bears N 36°29'27" E, a distance of 239.84 feet to the **POINT OF BEGINNING** and containing 4.2928 acres of land, more or less.

BEARING BASIS: Texas Coordinate System, NAD 83, Central Zone, Grid.

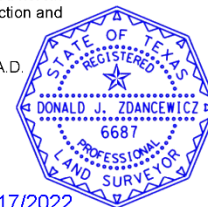
THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TRAVIS §

That I, Donald J. Zdancewicz, a Registered Professional Land Surveyor, do hereby certify 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 the month of February 2022, under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, on this 17th day of March, 2022 A.D.

Surveying And Mapping, LLC
4801 Southwest Parkway
Building Two, Suite 100
Austin, Texas 78735
Texas Firm Registration No. 10064300

Donald J. Zdancewicz
Donald J. Zdancewicz
Registered Professional Land Surveyor
No. 6687 - State of Texas



3/17/2022

SAM COMPANIES

4801 Southwest Parkway / Bldg. 2 Suite 100 / Austin, Texas 78735
512.447.0575 Office / 512.326.3029 Fax / TBPCLS #10064300

sam.biz

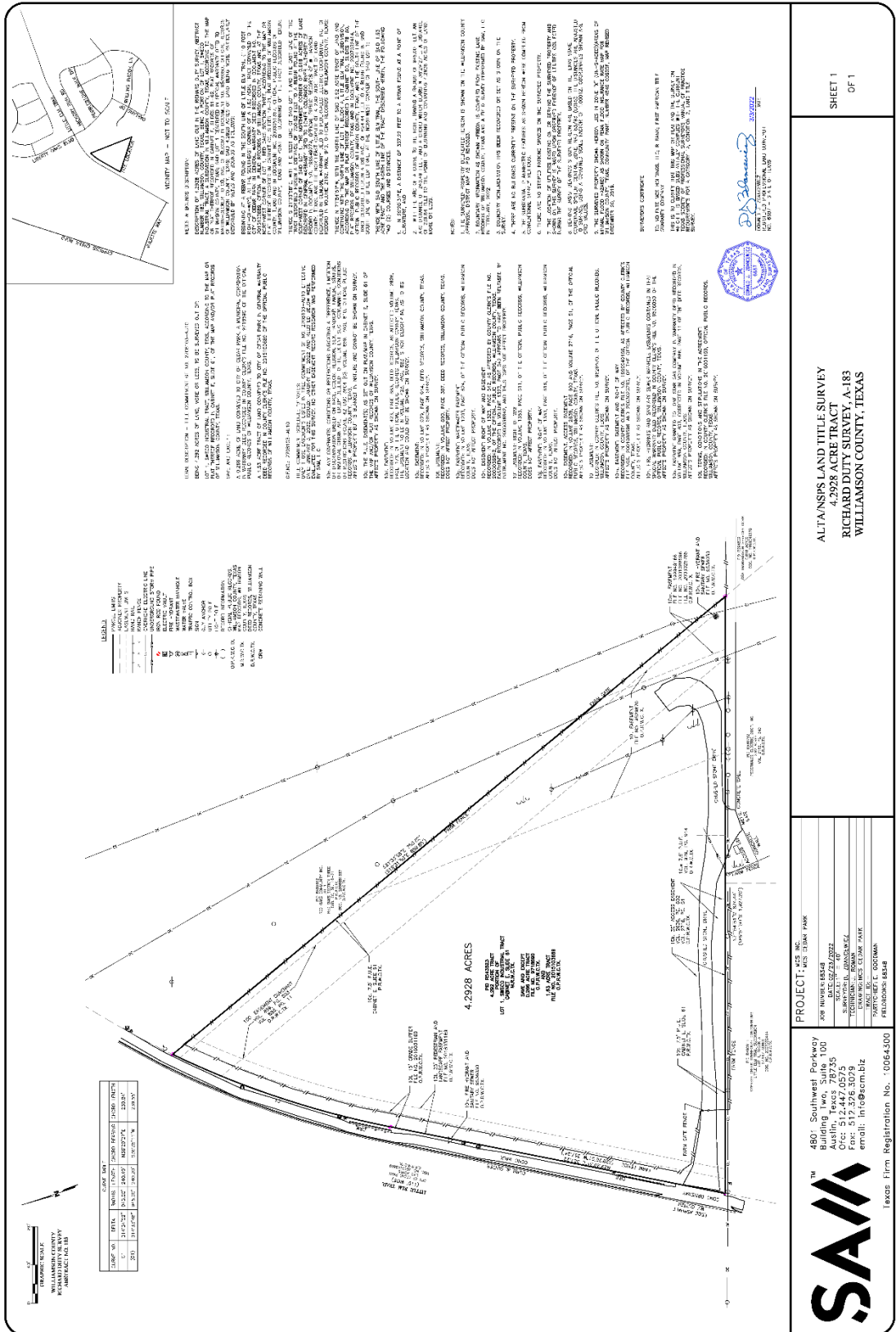


EXHIBIT B

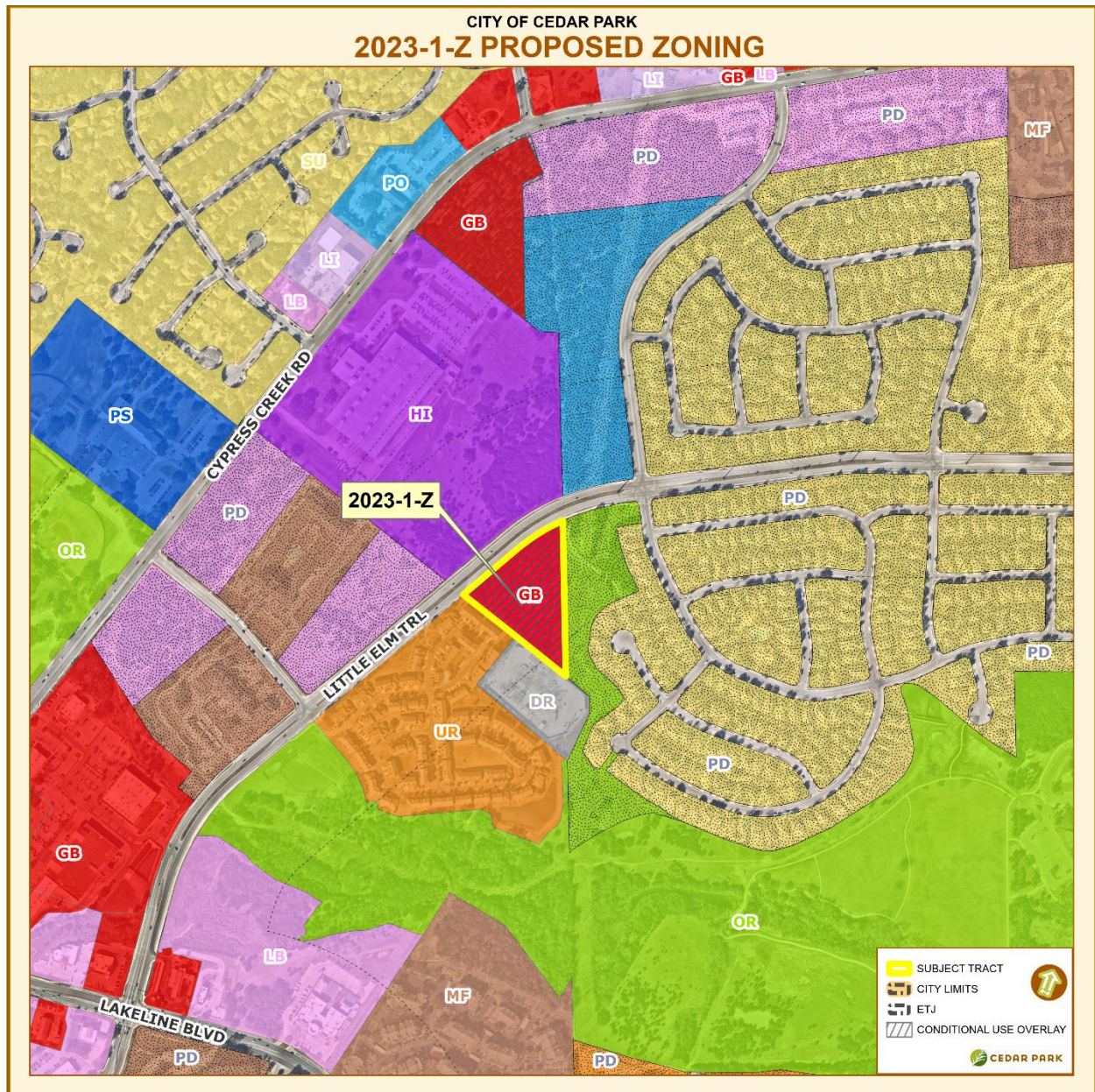


EXHIBIT C
Conditional Overlay Standards

1. The following uses shall be prohibited uses:

Prohibited Uses
Automobile, minor service
Automobile, rental
Car wash
Commercial Parking Lot
Funeral home or mortuary
Laundromat
Gasoline service station
Kennel
Outdoor arena, stadium or amphitheater
Outdoor commercial amusement, major
Outdoor commercial amusement, minor

2. The maximum building height shall be 50 feet, except that no portion of a building within 100 feet of the property line of a single-family residential district shall exceed 35 feet measured from existing grade.
3. Hazardous materials, as classified by the Fire Marshal, shall not be used or stored on site.

General Business (GB) Zoning Standards and Permitted Uses

Minimum lot area	20,000 sf	Building setbacks *	Front *	25'
Minimum lot width	100'		Interior side	12'
Minimum lot depth	200'		Street side	25'
Maximum building height *	100'		Rear to property line	5'
Outdoor uses	Maximum display area *		Rear to street right-of-way	25'
	Maximum storage area *		ES, SR or SU residential district boundary	30'

* Subject to additional requirements and standards outlined in Table 11.03.091

Permitted By Right	Permitted with Conditions (Sec 11.08.092)	Permitted with Special Use Permit (Sec 11.08.092)
Animal grooming	Adult day care	Commercial parking lot
Animal veterinary service, small animal	Alcoholic beverage establishment	Day-care center
Art studio, gallery	Alcoholic beverage sales, off-site consumption	Kennel
Bank, credit union, and financial institution	Automobile, minor service	Mobile food establishment court
Civic club	Automobile, rental	Outdoor arena, stadium or amphitheater
College, university or vocational school	Car wash	Outdoor commercial amusement, major
Commissary	Craft brewing/ distillery/ winery production with on-premise consumption	Outdoor commercial amusement, minor
Data center	Day-care center, incidental	
Drug store	Gasoline service station	
Funeral home or mortuary	Hotel	
Government office	Nursery/ greenhouse, retail	
Grocery	Research, testing lab, or product development	
Gym	Restaurant, dine-in only	
Indoor arena or theater	Restaurant, drive-in or drive-through	
Indoor commercial amusement	Retail sales	
Laundromat	Utility services, major	
Medical clinic	Vending kiosk	
Medical office	Wireless telecommunications facilities, building-mounted	
Museum		
Non-emergency transport service		
Office, general		
Office/ showroom/ warehouse		
Personal services		
Place of public assembly		
Print shop		
Private school (grades K-12)		
Public school (grades K-12)		
Reception/banquet hall		
Utility services, general		



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?

Letters were mailed to all property owners located within 500 ft of the subject property on January 12, 2023.

Letter sent to Red Oaks Homeowners Association via email on February 2, 2023.

Letter mailed to Cypress Creek Townhomes Condominium HOA on February 14, 2023.

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

All property owners located within 500 feet of subject property, Red Oaks Homeowners Association, and Cypress Creek Townhomes Condominium HOA.

3. What concerns were raised during these communications?

none

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

none

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

Signature: _____

Date: 2/15/23

REV. 12-21-2020

File Attachments for Item:

H.1 Consideration For Appointment Of Brenda Reiss To Place Three On The Planning And Zoning Commission. (Duffy)



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: Consideration For Appointment Of Brenda Reiss To Place Three On The Planning And Zoning Commission. (Duffy)

Commentary

		Term Length: 2 yr	
		Term: 8/1-7/31	
		Residency Requirement	
	Apptd by:	Current Members/Term Expires	Applicant
Place One	Thomas	Bobbi Hutchinson	
		7.31.21	
Place Two	Kirkland	Bob Ingraham	
		7.31.20	
Place Three	Duffy	Sara Groff	Brenda Reiss 7.31.23 unexp term
		7.31.21	
Place Four	Boyce	Audrey Wernecke	
		7.31.22	
Place Five	Harris	Cindy Sneed	
		7.31.23	
Place Six	Jefts	Kimberly Bradford-Brown	
		7.31.22	
Place Seven	Penniman-Morin	Randy Strader	
		7.31.22	



City of Cedar Park

Application for Appointment

In order to be considered for an appointment to a Cedar Park Board, Commission, Task Force, Committee, or other position, please complete the following application and attach a current resume and letter of interest.

1. PERSONAL INFORMATION

Full Legal Name <i>Brenda Jill Reiss</i>		Preferred Name	
Spouse's Name			
Physical Home Address		Subdivision	
City <i>Cedar Park</i>	State <i>TX</i>	Zip <i>78613</i>	
County <i>Williamson</i>		Home Phone	
Mobile Phone <i>512 788-0142</i>		Work Phone <i>(512) 788-0142</i>	
Email Address			
Date of Birth	Texas Driver License or DPS ID #		
Are you a registered voter? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you. A list of all entities to which the City of Cedar Park makes appointments may be found at www.cedarparktexas.gov.

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Economic Development Sales Tax Corporation (4A)
<input type="checkbox"/> Community Development Corporation (4B)
<input type="checkbox"/> Board of Adjustments
<input type="checkbox"/> Building Standards Commission
<input type="checkbox"/> Civil Service Commission | <input type="checkbox"/> Parks, Arts, & Community Enrichment Board (PACE)
<input checked="" type="checkbox"/> Planning & Zoning Commission (P&Z)
<input checked="" type="checkbox"/> Tourism Advisory Board
<input type="checkbox"/> Other: _____ |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

In the space below, please explain your interest in the position(s) selected above.

Also, please explain any experience you have related to your selection(s). Attach additional sheets as needed.

June 30th will be my 20th year in the Real Estate arena. I work with Surveys all the time and would love to increase my knowledge in City affairs and donate my time as needed. (I just might have a fresh outlook & input). ☺

3. Employment History

Please provide your employment history for at least the past ten (10) years. Attach additional sheets as needed.

Employer <i>Coldwell Banker</i>	Employer's Address <i>9442 N. Capital TX Hwy Austin, TX 78759</i>	Present Job Title <i>Broker Associate</i>
		Profession <i>Realtor</i>
Job Description <i>Realtor</i>		

4. Miscellaneous Information

Note: "Material Interest" is defined as a ten (10) percent or greater ownership or serving on the governing board of directors. This does not apply to mutual funds in which you do not exercise authority in investment decisions.

Are you, your spouse, or any company in which you have a material interest currently delinquent in any local, state or federal taxes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please provide details
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------

Do you, your spouse or any company in which you have a material interest or are employed by conduct any business with or receive funds from the City of Cedar Park or its boards, commissions or development corporations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please provide details
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------

Are you or your spouse related to a City of Cedar Park public official or employee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, please provide name, title, and relationship.		
Name of Public Official or Employee	Title	Relationship

Do you currently serve or have you ever served on any board, commission, committee, or in any elected/appointed office for the City of Cedar Park or any non-City entity? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, please list the entity, position held, dates, and indicate if you were compensated.			
Entity	Position	Years	Compensated (Y/N)
<i>Mobility Comm</i>	<i>Committee</i>	<i>Since Sept. 2022</i>	<i>N</i>

MISCELLANEOUS INFORMATION CONT.

Have you ever been convicted in a criminal proceeding (excluding traffic violations), placed on probation, required to perform community service, or had a criminal proceeding disposed of by pre-trial diversion, deferred prosecution, deferred adjudication or some similar proceeding? ☐ Yes ☒ No

If yes, list the charge, the date of the offense, the city and/or county and state in which it allegedly occurred, and the disposition thereof.

In the spaces below, please provide two references.

Name	Contact Number	Relationship to Applicant
Logan P. Liay		Neighbor/Friend
Kim Bilby		Friend

CERTIFICATION OF APPLICANT

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I agree that any misstatement, misrepresentation, or omission of fact may result in my disqualification for appointment. I assign and hereby give the City of Cedar Park full authority to conduct background investigations pertinent to this application. I specifically authorize the Texas Department of Public Safety to conduct a background investigation and to disclose the results of that investigation to the Mayor of the City of Cedar Park or his/her authorized representative. I also understand that this application is subject to disclosure under the Texas Public Information Act.


Applicant's Signature

1/17/2023
Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City Secretary

City of Cedar Park

450 Cypress Creek Rd, Bldg. 1

Cedar Park, TX 78613

Phone: 512-401-5002

FAX # 512-401-5003

leann.quinn@cedarparktexas.gov

Applications are valid until December 31st of the year of submission.

Thank you for your interest in serving the Cedar Park Community.

Last year I decided to donate a portion of my time to give back. I thought planning and zoning would be an area that was a good fit as I care about the future of this city and how it will be used to the best of its abilities. I might have a different perspective than most as I have lived in different cities in a few states.

Bio of Brenda Reiss

December 2006 - Present
Real Estate Broker in Austin Texas

June 2003 - December 2006
Realtor in Henderson Nevada

February 2002 - June 2003
Film Consultant

2000 - 2002
President Sales and Acquisitions
Amberlon Pictures International

1998 - 2000
Senior Vice President
Cineville Films
Executive Producer on two Motion Pictures
Co-Producer on one.

1996 -1998
Senior VP Production and Acquisitions
Odyssey Pictures Worldwide

1987 - 1996
Various positions in the motion picture business

File Attachments for Item:

H.2 Consideration For Appointment Of Justin O'Brien To Place Seven On The Cedar Park Community Development (Type B) Board. (Penniman-Morin)



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: Consideration Of Appointment Of Justin O'Brien To Place Seven On The Cedar Park Community Development (Type B) Board.

Commentary

		Term Length: 2 yr	
		Term: 8/1-7/31	
		Residency Requirement	
	Apptd by:	Current Members/Term Expires	Applicant
Place One	Thomas	Michael Marone	
		7.31.23	
Place Two	Kirkland	Barbara Shaffer	
		7.31.24	
Place Three	Duffy	Ginger Goodin	
		7.31.23	
Place Four	Boyce	Larry Norris	
		7.31.22	
Place Five	Harris	Mark Ayotte	
		7.31.21	
Place Six	Jefts	Ryan Wood	
		7.31.22	
Place Seven	Penniman-Morin	VACANT	Justin O'Brien 7.31.24 unexp term.
		7.31.24	



City of Cedar Park

Application for Appointment

In order to be considered for an appointment to a Cedar Park Board, Commission, Task Force, Committee, or other position, please complete the following application and attach a current resume and letter of interest.

1. PERSONAL INFORMATION

Full Legal Name <i>Justin Theodore O'Brien</i>		Preferred Name <i>Justin O'Brien</i>	
Spouse's Name [REDACTED]			
Physical Home Address [REDACTED]		Subdivision <i>Bella Vista</i>	
City <i>Cedar Park</i>	State <i>TX</i>	Zip <i>78613</i>	
County <i>Travis</i>		Home Phone <i>972-822-5270</i>	
Mobile Phone [REDACTED]		Work Phone [REDACTED]	
Email Address [REDACTED]			
Date of Birth [REDACTED]	Texas Driver License or DPS ID # [REDACTED]		
Are you a registered voter? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			

2. AREAS OF INTEREST

Please indicate the position(s) of interest to you. A list of all entities to which the City of Cedar Park makes appointments may be found at www.cedarparktexas.gov.

- | | |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> Economic Development Sales Tax Corporation (4A) | <input type="checkbox"/> Parks, Arts, & Community Enrichment Board (PACE) |
| <input checked="" type="checkbox"/> Community Development Corporation (4B) | <input type="checkbox"/> Planning & Zoning Commission (P&Z) |
| <input type="checkbox"/> Board of Adjustments | <input type="checkbox"/> Tourism Advisory Board |
| <input type="checkbox"/> Building Standards Commission | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Civil Service Commission | |

In the space below, please explain your interest in the position(s) selected above.

Also, please explain any experience you have related to your selection(s).

I Am interested in becoming more involved in our city. I believe our city is at a critical point in it's development. I want to volunteer to help steer our community's development in the right direction.

3. Employment History

Please provide your employment history for at least the past ten (10) years. Attach additional sheets as needed.

Employer VINE Financial	Employer's Address 701 Tillery ST #12 #31 Austin TX 78702	Present Job Title Senior Sales Executive
		Profession Sales
Job Description I LEAD ALL SALES + MARKETING EFFORTS, WE ARE A THREE YEAR OLD START-UP.		

4. Miscellaneous Information

Note: "Material Interest" is defined as a ten (10) percent or greater ownership or serving on the governing board of directors. This does not apply to mutual funds in which you do not exercise authority in investment decisions.

Are you, your spouse, or any company in which you have a material interest currently delinquent in any local, state or federal taxes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please provide details
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------

Do you, your spouse or any company in which you have a material interest or are employed by conduct any business with or receive funds from the City of Cedar Park or its boards, commissions or development corporations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please provide details
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------

Are you or your spouse related to a City of Cedar Park public official? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, please provide name, title, and relationship.		
Name of Public Official	Title	Relationship

Do you currently serve, or have you ever served on any City of Cedar Park board, commission or committee or in any elected or appointed office? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, please list the entity, position held, dates and indicate if you were reimbursed.			
Entity	Position	Years	Reimbursed (Y/N)

MISCELLANEOUS INFORMATION CONT.

Have you ever been convicted in a criminal proceeding (excluding traffic violations), placed on probation, required to perform community service, or had a criminal proceeding disposed of by pre-trial diversion, deferred prosecution, deferred adjudication or some similar proceeding? ☐ Yes ☒ No

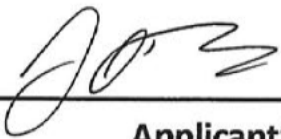
If yes, list the charge, the date of the offense, the city and/or county and state in which it allegedly occurred, and the disposition thereof.

In the spaces below, please provide two references.

Name	Contact Number	Relationship to Applicant
Susan Eppen Dorfer		Neighbor
Tom Richards		Neighbor

CERTIFICATION OF APPLICANT

I hereby certify that the foregoing and any attached statements are true, accurate and complete. I agree that any misstatement, misrepresentation, or omission of fact may result in my disqualification for appointment. I assign and hereby give the City of Cedar Park full authority to conduct background investigations pertinent to this application. I specifically authorize the Texas Department of Public Safety to conduct a background investigation and to disclose the results of that investigation to the Mayor of the City of Cedar Park or his/her authorized representative. I also understand that this application is subject to disclosure under the Texas Public Information Act.



Applicant's Signature

2-21-23

Date

Completed application, resume and letter of interest may be submitted in person, email, mail, or by fax to:

City Secretary

City of Cedar Park

450 Cypress Creek Rd, Bldg. 1

Cedar Park, TX 78613

Phone: 512-401-5002

FAX # 512-401-5003

leann.quinn@cedarparktexas.gov

Applications are valid until December 31st of the year of submission.

Thank you for your interest in serving the Cedar Park Community.

Justin O'Brien

OBJECTIVE

To obtain a position with a company that will enable me to enhance my current skills as well as provide me the opportunity for professional and personal growth.

EMPLOYMENT

Vine Financial Inc Solution Consultant & Strategic Partnerships, Austin, TX August 2022 - Present

- Lead Sales and Marketing
- Identifying right market segment and contacts

Ninth Wave, Solution Consultant & Strategic Partnerships, Austin, TX June 2021 – August 2022

- Assist Sales Team with sales discussions and platform demonstrations
- Qualify and build new application and partner relationships
- Provide vendor due diligence and maintain vendor relationships
- Relationship manager for digital banking and other third parties

Q2, Solution Consultant, Austin, TX January 2019 – June 2021

- Enable Sales Team in performing demo's of Online Account Opening Solution
- Subject matter expert of Online Account Opening
- Train other Solution Consultants on the Account Opening platform.
- Support and configure all demo platforms

Gemalto, Solution Sales Manager, Austin, TX October 2015 – January 2019

- Continue to promote two instant issue product offerings
- Train sales staff on demonstration and marketing of product
- Increase partnership with indirect channel
- Increase other solution product sales through current direct & indirect channels

Shoreline Business Solutions, A Gemalto Company, Instant Issue Product Manager, Austin, TX February 2014 – October 2014

- Implement Datacard CardWizard software in a hosted environment
- Train sales staff on demonstration and marketing of product.
- Develop Marketing materials and initiatives
- Coordinate with multiple departments on successful launch
- Increase partnership with indirect channel

Shoreline Business/Source One Direct, National Account Executive, Dallas, TX May 2013-February 2014

- Sell and Market Card Production and Fulfillment Services for Shorelines Business Solutions and Source One Direct.
- Target Markets Include Financial Institutions, Fleet, Healthcare I.D., Loyalty, Travel, Prepaid, & Membership.

Custom Card Systems, Financial Sales Manager, Dallas, TX 2003-2013

- Sold, Implemented and Supported software and hardware for a fully Integrated Financial Card Instant Issuance System to Financial Institutions.
- Introduced EMV & NFC Technology to current & prospective customers.
- Increased Sales from 1 to 4 Million.
- Developed and Implemented new marketing strategies.
- Coordinated and Exhibited at trade shows.
- Sold Other Plastic Card Systems to an array of different businesses and institutions.
- Managed and trained sales team.

DemoTeller Systems Inc, Tech Support, Euless, TX 2000-2003

- Supported customers over the phone with hardware and software issues
- Helped introduce a new system to the financial market.
- Assembled hardware and fulfilled orders.

QUALIFICATIONS

Sales & Marketing

- Sold and marketed integrated solutions to financial institutions across the globe.
- Developed partnerships to help market solution without increasing sales staff.
- Developed tradeshow marketing campaigns to increase sales.
- Managed and Trained nationwide sales team.
- Marketing products in Canada, Europe, Caribbean, and Africa.

Leadership

- Management experience from 4 to 20 employees,

Applications

- Microsoft Office, Salesforce, Venminder, ZoomInfo

EDUCATION

University of Texas at Arlington, Arlington, TX, 2003

- Bachelors of Communication Technology, Dual Minor in Business & French

File Attachments for Item:

H.3 (2022-9-FLU) Consideration Of A Future Land Use Plan Amendment Petition Requesting An Amendment From Regional Office/Retail/Commercial (REG) To High Density Residential (HDR) For Approximately 8.461 Acres Generally Located At 2401 W. Whitestone Blvd.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: (2022-9-FLU) Consideration Of A Future Land Use Plan Amendment Petition Requesting An Amendment From Regional Office/Retail/Commercial (REG) To High Density Residential (HDR) For Approximately 8.461 Acres Generally Located At 2401 W Whitestone Blvd.

Staff	Andreina Dávila-Quintero, 512-401-5057, andreina.davila@cedarparktexas.gov
Owner	Brenda Trump-Luton and Gary Luton
Agent	Christian Luton
City Limits	Yes
Extraterritorial Jurisdiction	No
Current Zoning	Development Reserve (DR)
Existing Future Land Use Plan	Regional Office/Retail/Commercial (REG)
Proposed Future Land Use Plan	High Density Residential (HDR)
Major Corridor	W Whitestone Blvd
Summary of Applicant's Request	Accept a FLUP Amendment Petition to change the Future Land Use designation to High Density Residential (HDR) for approximately 8.461 acres.

COMMENTARY

This Future Land Use Plan (“FLUP”) Amendment Petition comprises approximately 8.461 acres located at 2401 W Whitestone Blvd, west of Anderson Mill Rd and east of New Hope Dr. The subject property is currently developed with a single-family homestead with access off W Whitestone Blvd. It is zoned Development Reserve (DR).

The 2022 Comprehensive Plan includes a Future Land Use Plan (FLUP) that designates the subject property as Regional Office/Retail/Commercial (REG) as shown on the attached map. Regional Office/Retail/Commercial (REG) designated property exists to the east and west, with Low Density Residential (LDR) to the north. To the south is property within the City of Austin’s extraterritorial jurisdiction (ETJ).

The petition represents a request to amend the FLUP from the existing Regional Office/Retail/Commercial (REG) to High Density Residential (HDR) for the subject property. Below is a summary of how the land use percentages will change if this petition is accepted and subsequent amendment approved.

FLUP LAND USE DESIGNATION	CURRENT FLUP ACRES	PERCENT OF TOTAL ACRES	PROPOSED FLUP ACRES	PROPOSED % OF TOTAL ACRES
Regional Office/Retail/Commercial (REG)	1,944.51	9.11%	1,936.06	9.07%
High Density Residential (HDR)	449.79	2.11%	458.24	2.15%

The request to High Density Residential (HDR) would also add an estimated 400-700 residents to Cedar Park’s estimated build-out population based on the number of units proposed, and summarized below:

FLUP DESIGNATION	NUMBER OF PROPOSED UNITS	PEOPLE PER UNIT	ESTIMATED INCREASE IN BUILDOUT POPULATION
High Density Residential (HDR)	200-350	2	400-700

The subject property is located along the major arterial of Whitestone Blvd, between Anderson Mill Rd and New Hope Dr. This portion of Whitestone Blvd has been developed and entitled for a range of light industrial, and local and regional serving commercial uses. The abutting FLUP designations, zoning districts and existing land uses are summarized in the table below:

DIRECTION	FLUP	ZONING	EXISTING USES
North	Low Density Residential (LDR)	Semi-Urban Residential (SU)	Single-Family Residential Neighborhood
South (City of Austin ETJ)	N/A	N/A	Self-Storage Facility

DIRECTION	FLUP	ZONING	EXISTING USES
East	Regional Office/Retail/ Commercial (REG)	Light Industrial (LI) and Heavy Commercial (HC)	Waste and Recycling Facility; Glazing and glass company
West		Development Reserve (DR)	Undeveloped

Based on the attached letter of intent, the Applicant wishes to entitle the subject property to accommodate urban multi-family to be developed at a minimum density of 40 dwelling units per acre. No specific project is proposed at this time. According to the Applicant's letter of intent, the location of the property, its topography, limited number of high density residential in the vicinity, and the high demand for multi-family development make this property better suited for high density residential.

If the Future Land Use Plan is amended to High Density Residential (HDR) as proposed, the Applicant intends to rezone the subject property from Development Reserve (DR) to Mixed-Use (MU) district. The proposed density of the multi-family portion would conform to the intended vision of the High Density Residential (HDR) Future Land Use Plan designation. However, it is important to note that the Mixed-Use (MU) district is intended to be within areas designated as Planning Areas (PA) on the Future Land Use Plan. These areas were specifically identified due to their location, large land area and other site attributes that can accommodate one or more of the missing places such as large, walkable mixed-use developments.

History

The following chart outlines the FLUP History for this property.

YEAR	FLUP DESIGNATION	FLUP DESCRIPTION
1998 Comprehensive Plan	Medium Intensity	Supports commercial, downtown district, and high density residential.
2006 Comprehensive Plan	Employment Center	Supports a broad range of employment generating uses such as businesses, light industrial general office, hospital and mixed-use.
2014 Comprehensive Plan	Heavy Commercial	Supports manufacturing processing, and assembly, with a wide range of commercial uses that serve the local and regional markets.
2016 (FLU-16-007)	City Initiated request to change 40.10 acres from Heavy Commercial (HC) to Regional Office/Retail/ Commercial (REG).	Supports a broad range of retail, service uses and professional office activities that aim to meet the needs of residents within a three to five-mile radius or more.

Future Land Use Description

Descriptions of the existing and proposed FLUP designations are provided below:

Regional Office, Retail, and Commercial (REG)

This land use is compatible on larger land parcels and is suitable for a broad range of retail, service uses and professional office activities that aim to meet the needs of residents within a three to five mile radius or more. The developments in this category are typically larger in scale, more intense and are also high generators of traffic, generally more appropriate around employment centers, along 183A and RM 1431. This category is intended to incorporate a blend of nonresidential uses, such as retail shopping centers, mid-rise corporate office parks, medical campuses, and technology parks. They are characterized by large parking lots where buildings may be of multiple stories as they highly depend on visibility from major roadways. It is encouraged that building designs within this zone be coordinated when possible. Types of uses in this land use category include business parks, hotels, and “big box” retailers.

High Density Residential (HDR)

High density residential generally refers to multi-story apartment complexes. These complexes should include community amenities, such as fitness facilities, common active recreation areas, and dedicated open space areas. The City currently has several “garden-style” apartment developments (2-3 story, 15-20 dwelling units per acre), however this type of high density residential is not envisioned in the future. Future high density residential units should be integrated into pedestrian-oriented, mixed-use developments with structured parking. Typically, the residential density in a mixed-use development is 40+ dwelling units per residential acre.

Petition Process:

The FLUP Amendment Petition process allows an applicant to present a proposal to the City Council that is inconsistent with the FLUP as adopted in the Comprehensive Plan, and solicit City Council feedback on that proposal. Each FLUP Amendment Petition will be evaluated by the City Council on its own merits. It is the responsibility of the property owner or applicant to provide evidence that the proposed FLUP amendment supports community goals and objectives as set forth within the Comprehensive Plan.

The adopted Comprehensive Plan provides that amendments to the FLUP should not be made without thorough analysis of immediate needs, as well as consideration for long-term effects of proposed amendments. The City Council will consider each proposed FLUP amendment petition carefully to determine whether it is consistent with the Comprehensive Plan's goals and policies, and whether it will be beneficial for the long-term health and vitality of Cedar Park. Upon review of the Petition materials, a FLUP amendment petition may be accepted by a majority vote of the City Council.

Acceptance by the City Council of a FLUP amendment Petition shall not constitute or guarantee approval of the proposed FLUP amendment. Acceptance of a FLUP amendment Petition only indicates an applicant may proceed through the FLUP amendment process. If the City Council does not vote to accept or table the FLUP amendment Petition, the Petition shall be deemed denied.

The Applicant's materials, which include a Summary Memorandum, Statement of Comprehensive Plan Goals furthered by the Petition, and other supportive materials are attached (see Exhibit C).

Initiating Dept.: Development Services

Fiscal Impact

Account No.: N/A

Budget

Budget/Expended: N/A

☐

Finance Director Review

Legal Certification

Approved as to form and content:

☐ Yes

☐ No **City Attorney**

Associated Information:

Exhibit A: Current Future Land Use Plan

Exhibit B: Proposed Future Land Use Plan

Exhibit C: Applicant's Materials in Support of Petition

Exhibit A
Existing Future Land Use Plan

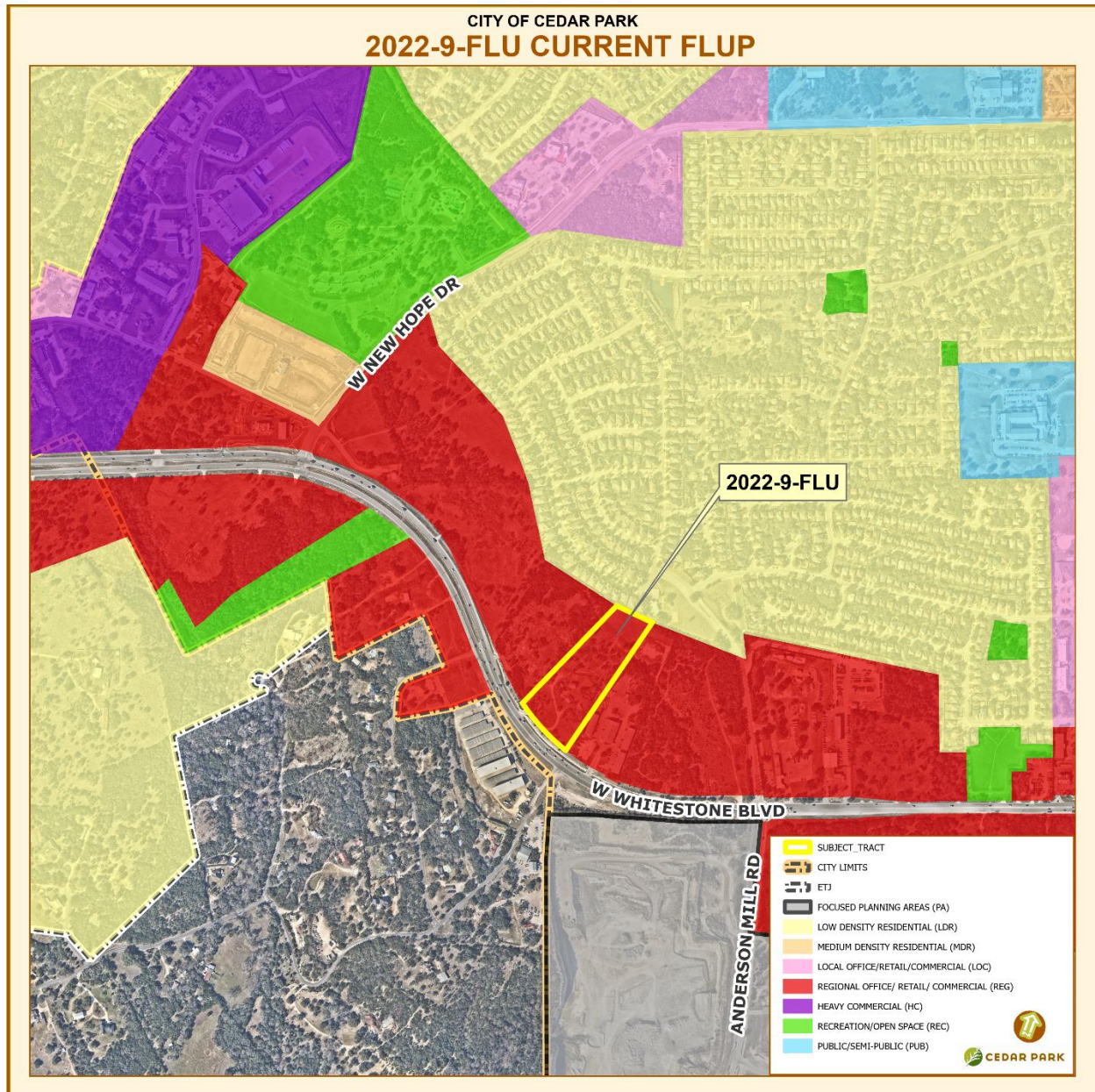


Exhibit B
Proposed Future Land Use Plan

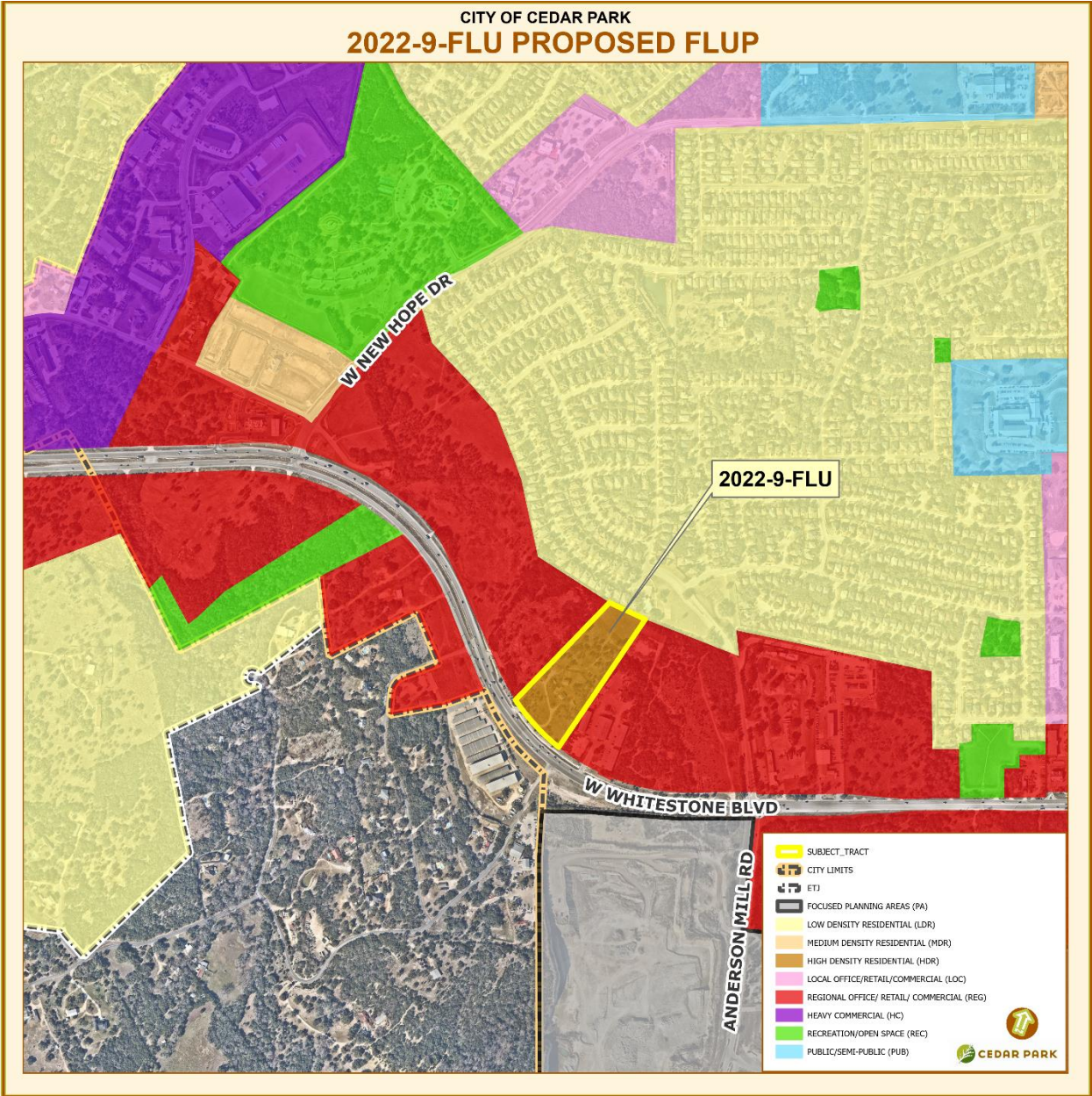


Exhibit C: Applicant's Materials

The following items are required as part of a complete Petition. Items in italics have been submitted but are not included in the attached.

1. *Proof of property ownership.*
2. An aerial map clearly depicting the subject property and surrounding properties; the same or additional map should identify the property's current FLUP designation and the designation of surrounding properties.
3. Letter of Request. A Letter of Request from the owner/applicant outlining the justification for the proposed FLUP amendment. The Letter shall include:
 - a) How the proposed change will enhance the site and the surrounding area;
 - b) Whether the necessary infrastructure is already in place or how this will be provided;
 - c) How the proposed change reflects the vision identified by the Future Land Use Plan;
 - d) Whether or how the subject property is compliant with surrounding land uses and zoning;
 - e) How the proposed land use impacts adjacent areas – whether the proposed land use impacts existing areas and uses in a negative manner a compatible manner, or enhances adjacent areas;
 - f) Whether uses adjacent to the proposed land use are similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility. If adjacent uses are dissimilar, how compatibility will be addressed;
 - g) How the proposed land use presents a better benefit to the public health, safety and welfare of the community than the current designation of future land use; and
 - h) How the proposed land use contributes to the City's long-term economic well-being.
4. Statement of Relevant Goals and Objectives. This Statement from the applicant identifies which goals and objectives of the Comprehensive Plan are supported by the proposed land use change, and how they are supported or strengthened by the proposal.
5. Proposed Land Use and Development Information. This includes information on proposed land uses, building intensity, building height, building area, density, number of non-residential or residential dwelling units, etc.
6. Identification of unique characteristics of the area that supports the proposed land use and any additional maps or other information from the applicant to support the proposed Amendment.
7. Scan of completed Owner's Acknowledgement.

Future Land Use Petition

2401 West Whitestone Boulevard, Cedar Park, Texas 78613



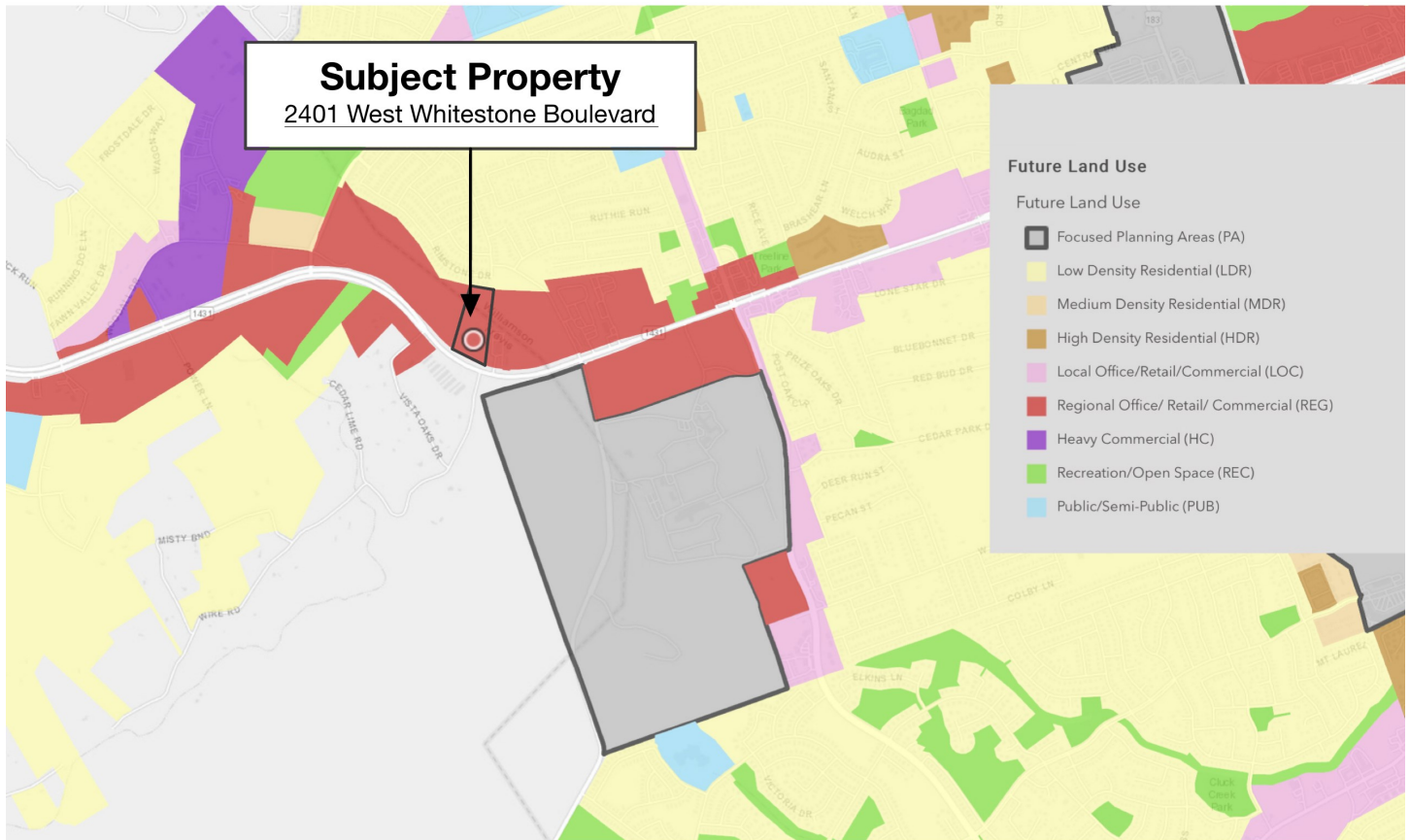
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Aerial Map of 2401 West Whitestone Boulevard



Future Land Use Map



Current Future Land Use

Regional Office, Retail, & Commercial (REG) Land Use

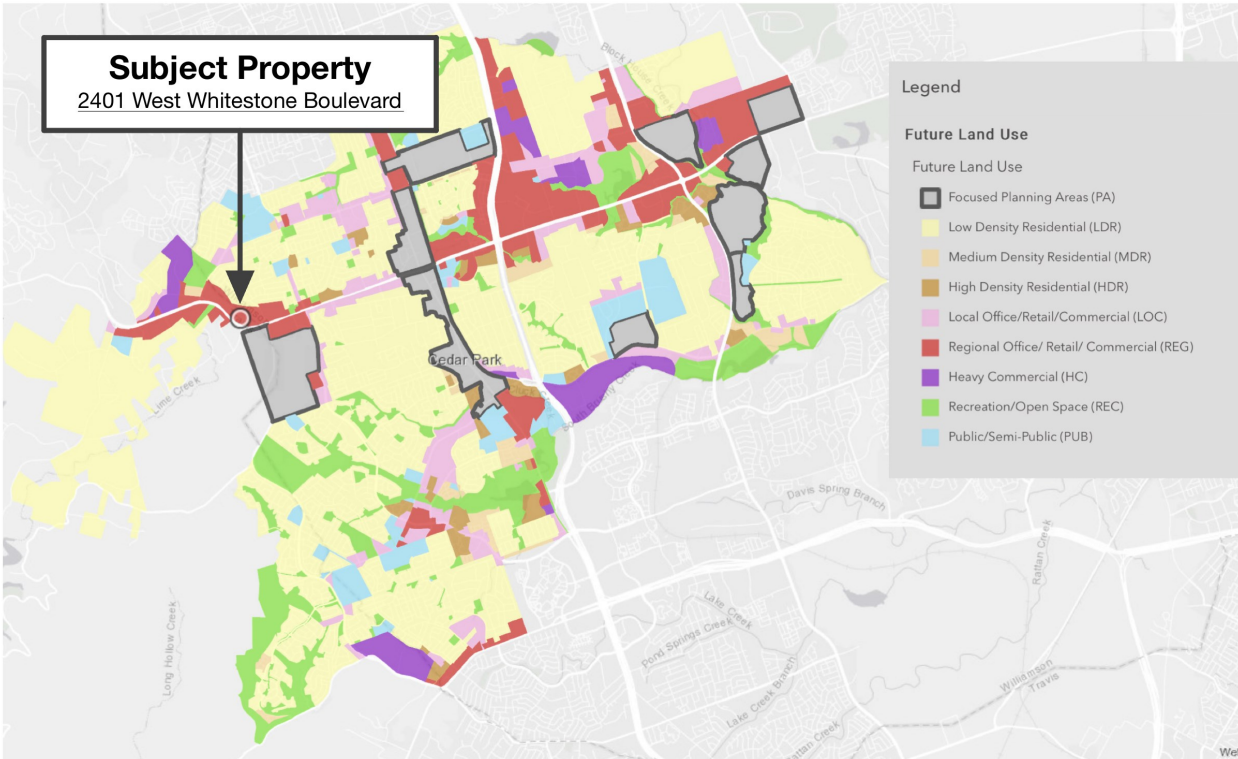
Proposed Change

We are requesting that the future land use of 2401 W. Whitestone Boulevard, Cedar Park, Texas 78613, be changed from Regional Office, Retail, & Commercial (REG) to High-Density Residential (HDR) Land Use.

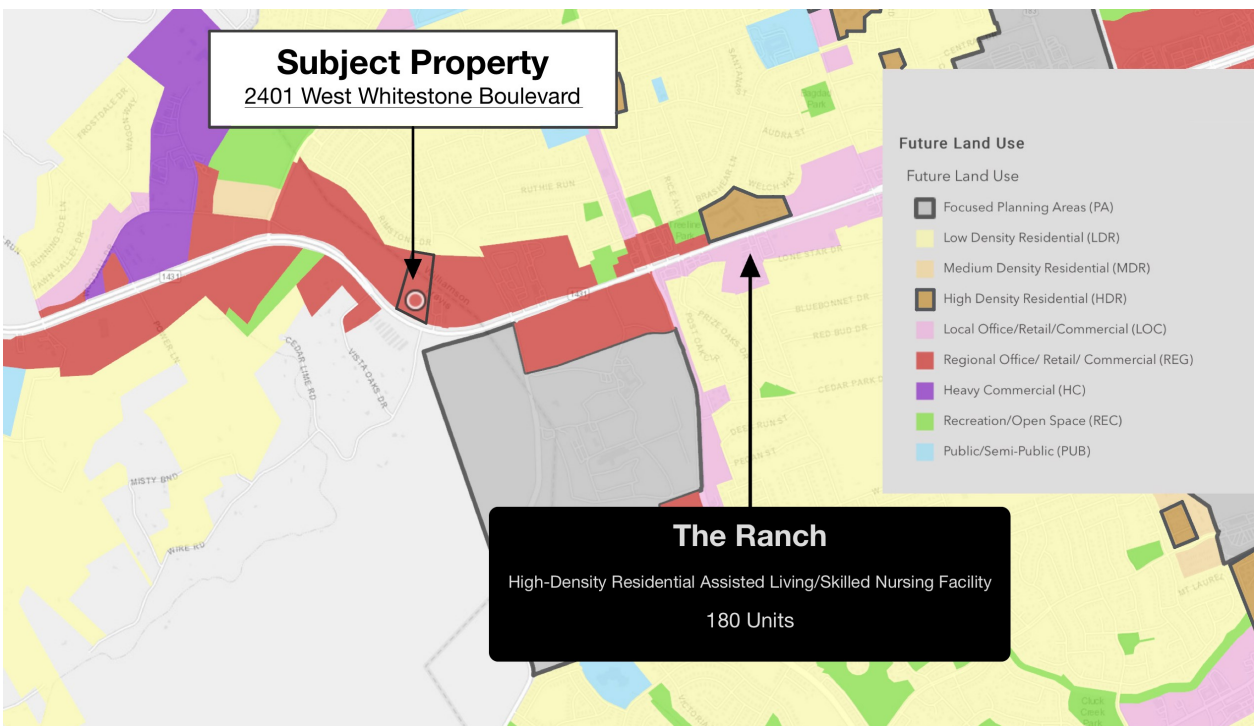
- ⇒ From: Regional Office/Retail/Commercial (REG)
- ⇒ To: High-Density Residential (HDR) Land Use

High-Density Residential Future Land Use Map of RM 1431

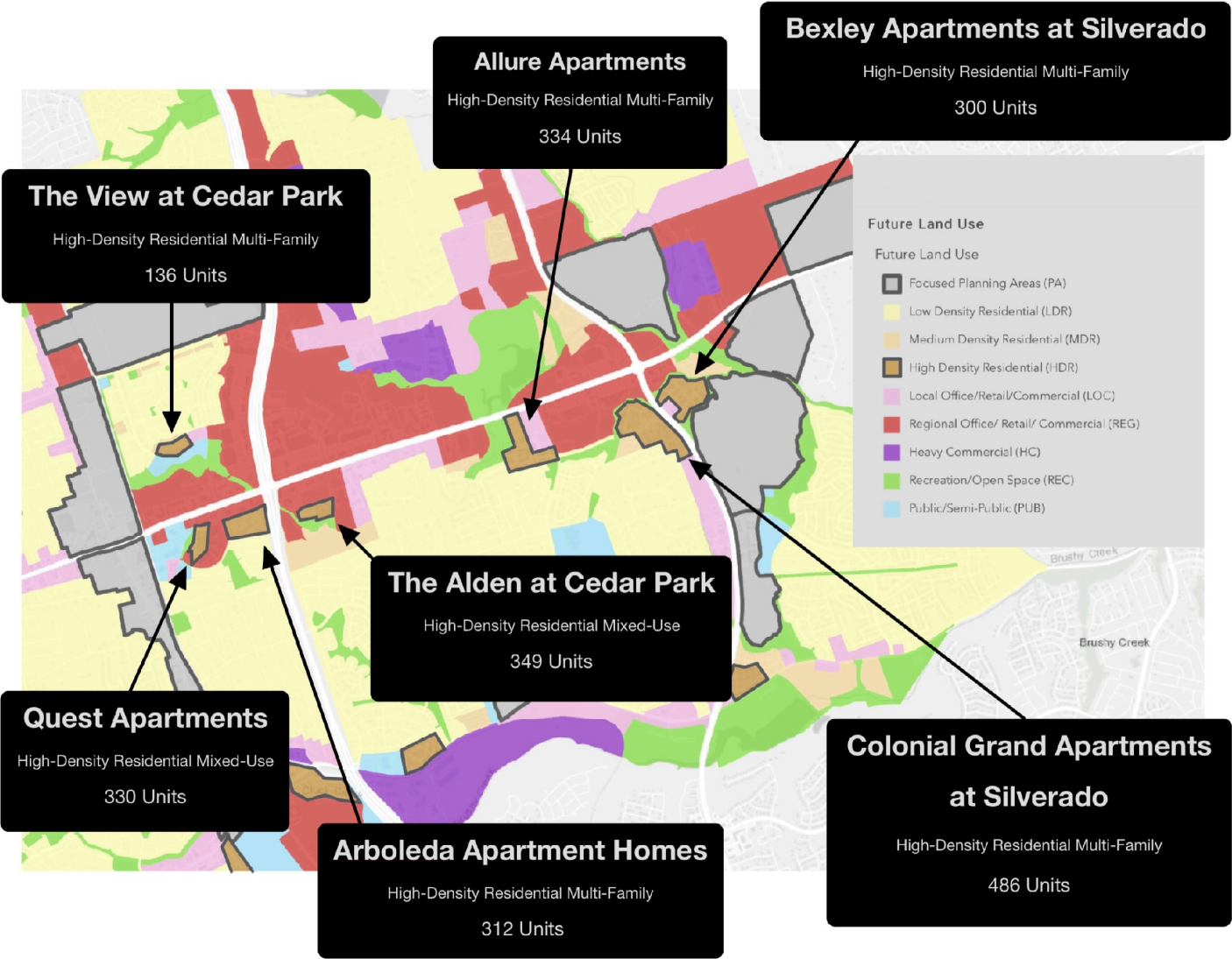
Future Land Use Map



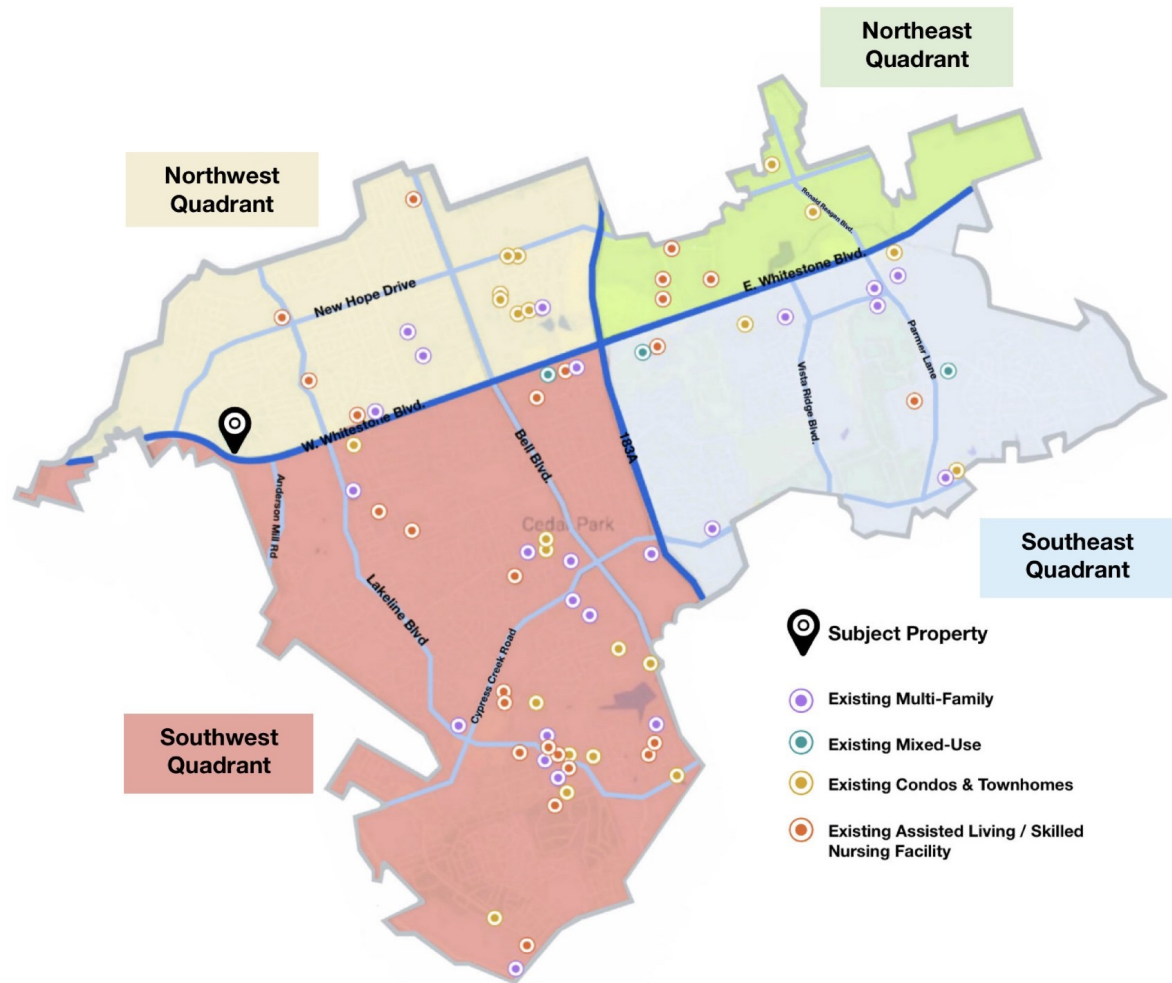
High-Density Residential Land Uses on West Whitestone Boulevard



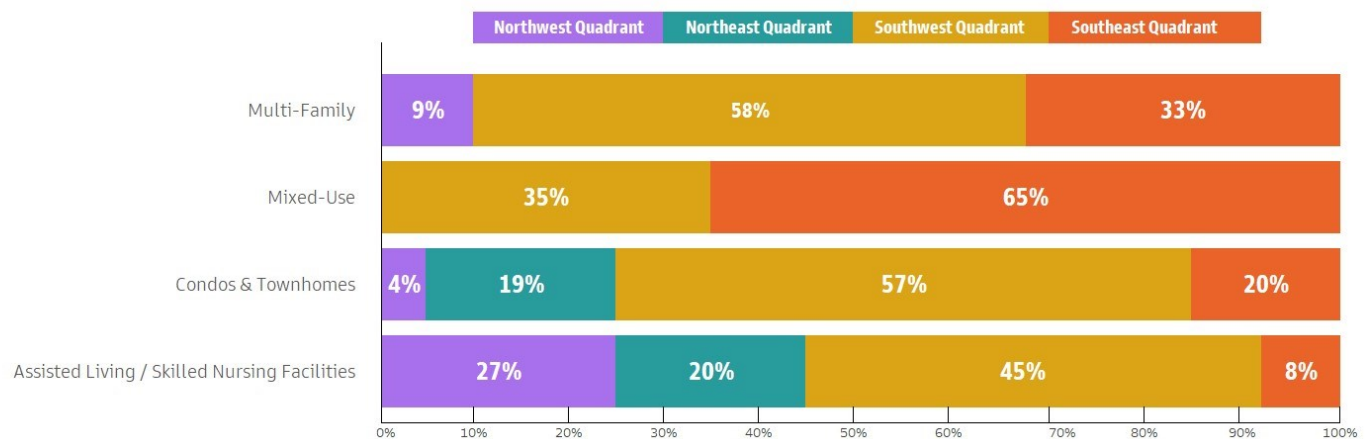
High-Density Residential Land Uses on East Whitestone Boulevard



Existing Medium & High - Density Residential Property Map of Cedar Park, Texas



Cedar Park, Texas Medium & High-Density Residential Unit Allocation by Type & Quadrant



Executive Summary

Our real estate consultants have advised us to request that the Future Land Use, Regional Office, Retail, and Commercial (REG), is changed to High-Density Residential (HDR) Land Use. The current Future Land Use designation, Regional Office, Retail, and Commercial (REG) Land Use, for the Subject Property, 2401 West Whitestone Boulevard, should be reconsidered due to the categorical criteria of the Future Land Uses established by the Cedar Park Comprehensive Plan, the unique topography and geography of the site, and the demand/requirements of developers and stakeholders.

The Subject Property is located on West Whitestone Boulevard, a major arterial roadway, and is an 8.461-acre plot. The Subject Property meets generic Regional Office, Retail, & Commercial (REG) criteria.

The Subject Property is a large parcel of land on the main Road.

Yet, the Subject Property needs to meet the more explicit categorical criteria. The Comprehensive Plan's definition of Regional Office, Retail, and Commercial (REG) Land Use clearly shows that the assigned Land Use is unfit for the Subject Property.

The Subject Property Does Not Meet the Comprehensive Plan's Criteria for Regional Office, Retail, and Commercial (REG) Land Use.

The Comprehensive Plan's Criteria for Regional Office, Retail, and Commercial (REG) Land Use indicates that REG Land Use is unfit for the Subject Property.

The Regional Office, Retail, and Commercial (REG) Land Use Category is meant to meet residents' daily demands within 3-5 miles of the development by allowing the construction of large-scale retail, office, and commercial products. The Comprehensive Plan's description of Regional Office, Retail, & Commercial Land Use suggests that medium to high-residential density areas are the most appropriate locations.

Nearby High-Density Residential Land Uses are required to ensure the proper residential density and sustainable foot traffic to retailers, professional firms, and service providers. Parcels of land in this category are typically large, can adapt to heavy traffic, and are most appropriate around employment centers along 183A and RM 1431.

Regional Office, Retail, & Commercial (REG) Land Use incorporates a blend of non-residential uses, such as retail shopping centers, mid-rise corporate office parks, medical campuses, and technology parks. The Future Land Use designation requires the construction of large parking lots and may include developing multiple-story buildings.

Types of Regional Office, Retail, & Commercial Land use include "big box" vendors, such as the development of a Home Depot, Costco, Target, H-E-B, or Walmart. Additionally, Regional Office, Retail, & Commercial Land Use is highly dependent on visibility from major roadways.

2401 West Whitestone Boulevard is located on RM 1431. The Property is elevated approximately 30 feet above the Highway. Despite the high traffic volume of RM 1431, the elevation and cliff reduce the Property's Visibility from the Highway. Most drivers traveling on RM 1431 will not be able to see the large office or retail space located at the top of the hill.

Street View of 2401 West Whitestone Boulevard from RM 1431



The Proposed Land Use, High-Density Residential Land Use, is less dependent on visibility. The Property's impaired visibility extinguishes demand for the development of office, retail, & commercial space at 2401 West Whitestone Boulevard. The proposed change to High-Density Residential Land Use increases demand for the subject property. High-Density Residential Land Use enhances nearby parcels by allowing the construction of Multi-story, High-Quality, High-Density Residential apartment buildings on the hill leading to an increase in the region's residential density. Permitting High-Density Residential apartment development on West Whitestone Boulevard is critical to promoting economic development on West Whitestone Boulevard.

High-Quality, High-Density Residential Products are less reliant on visibility from main roads; since the product consists of residential components and has a resident population. Also, retailers, service providers, and professional firms who require regular foot traffic during business hours are more likely to choose retail, office, or commercial space near High-Density Residential Properties. A mix of High-Density Residential and Non-residential Land Uses along RM 1431 is needed to ensure the area's development and sustainable economic growth. Nearby Regional Office, Retail, and Commercial (REG) developments will directly benefit from the increased residential density of the area.

Accessibility & High-Density Residential Land Use

High-Density Residential Land Use does not require an oversized high-volume parking lot with multiple access points to and from the Highway. The Proposed Land Use is the most appropriate land use for the site for the following reasons.

Unlike Regional Office, Retail, and Commercial (REG) Land Use, which permits large commercial projects that attract ample traffic volume from the Highway and therefore require oversized ground parking lots, High-Density Residential Land Use generates less traffic volume, usually includes structured parking, and requires less land area for parking.

High-Density Residential Products provide sufficient parking space to house residents' and guests' vehicles by building structured parking garages and street parking. Parking Structures with multiple floors allow planners, architects, and engineers to maximize the buildable land area of the site. In addition, the layout, routes, and parking structures of High-Density Residential Products reduce the speed of traffic entering and exiting the development and allow for more separation between pedestrian foot traffic and daily commuting—pedestrian-focused design features, such as ample sidewalks throughout the community, facilitate pedestrian traffic.

Tenants who are crossing on foot will experience a genuine sense of safety. The construction of a single driveway can safely provide access to and from the garage and street parking areas near the apartment building's leasing office. The residents will enjoy convenient parking on the same floor as their apartment and pedestrian-oriented components that encourage fitness and produce safer routes for motorcars and occupants.

Unlike the current Future Land Use, the proposed High-Density Residential Land Use will not generate high traffic volume during working hours. Thus, additional infrastructure on West Whitestone Boulevard, such as a traffic light, is unnecessary. The Proposed Change to High-Density Residential Land Use addresses critical site issues, such as the low visibility and the problem of providing access, that make the current designation of Future Land Use unfit. High-Density Residential Land Use is significantly less reliant on visibility from the main Road, and developers can safely provide access.

Employment Centers

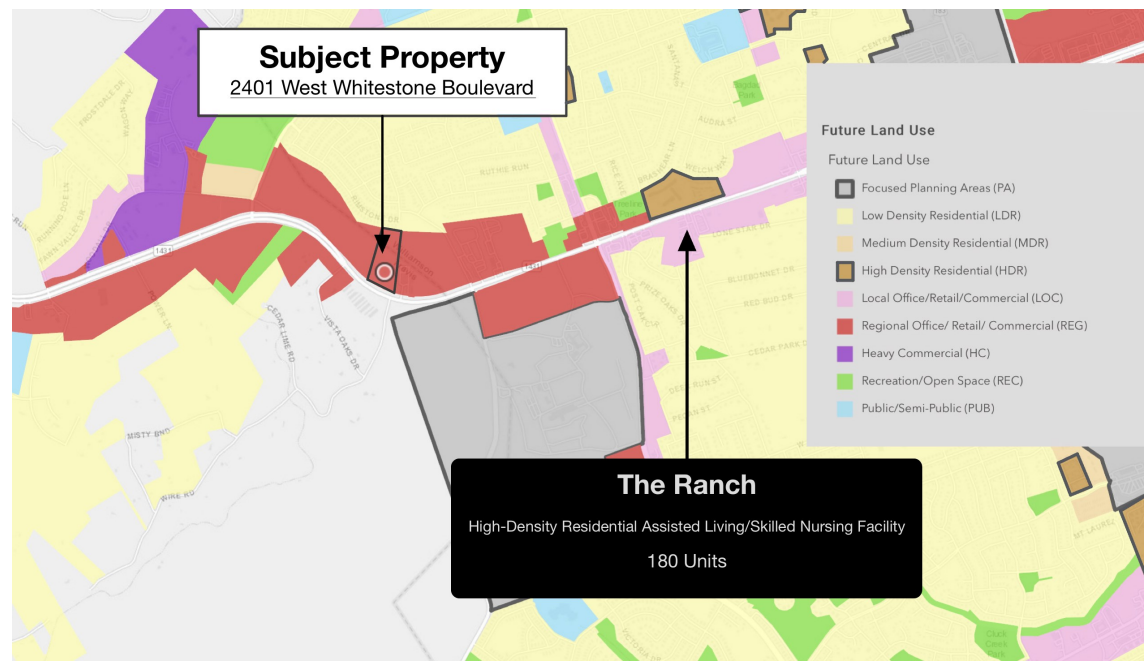
Most major employment centers are on East Whitestone Boulevard. The residential density of East Whitestone Boulevard is higher than that of West Whitestone Boulevard. The construction of High-Density Residential Properties along East Whitestone Boulevard led to increased demand from professional firms, service providers, and retailers for more nearby office, retail & commercial spaces.

Existing and Future Land Use Map of Land on East Whitestone Boulevard.



Notice that several Multi-Family and Mixed-Use Apartment Buildings encompass large-scale Regional Office, Retail, and Commercial (REG) developments on East Whitestone Boulevard.

Existing and Future Land Use Map of Land on West Whitestone Boulevard.



The Future Land Use Map shows only one High-Density Residential Property on West Whitestone Boulevard. The Ranch Apartment Homes is an Existing High-Density Residential Assisted Living/Skilled Nursing Facility. City planners and developers must consider the type of nearby High-Density Residential Land Uses to estimate the working-to-non-working/retired resident population ratio.

Most residents of Assisted Living/Skilled Nursing Facilities are non-working or retired; therefore, the resident populations of skilled nursing or assisted living facilities cannot provide for the needs of major employment centers that require retail or office space near their employees. Main Employment Centers and prominent employers choose office, retail, or commercial spaces near High-Density Mixed-Use and Multi-Family Developments. The resident populations of Mixed-Use and Multi-Family apartments are likely non-retired, seeking employment opportunities, or working.

Multi-Family and Residential Mixed-Use Communities can provide for employers' market needs. The construction of High-Quality, High-Density Residential Land Use is essential to attract experienced employees/skilled labor, Professionals, and new talent ready to meet employers' and clients' demands.

The low-residential density of land on West Whitestone Boulevard discourages further construction of non-residential land uses along the Highway. High-Density Residential development at 2401 West Whitestone Boulevard will elicit the needed demographic and economic incentives to construct employment centers along the Highway. The development of non-residential land uses, Regional Office, Retail, and Commercial (REG) and Local Office/Retail/Commercial (LOC) Land Use on West Whitestone Boulevard, are experiencing delays due to the region's low-residential density.

We have received multiple requests from prominent development firms interested in developing a High-Density Residential Product at 2401 West Whitestone Boulevard. These developers are equipped to supply the region with the needed High-Quality, High-Density Residential Housing to fuel demand for nearby non-residential Land Uses and the construction of Regional Office, Retail, and Commercial (REG) and Local Office, Retail, and Commercial (LOC) Developments along West Whitestone Boulevard.

The residential density of the land along West Whitestone Boulevard must meet investment benchmarks for developing non-residential land Uses. Sites near medium or high-residential density areas are superior for constructing Large-scale Regional Office, Retail, and Commercial (REG) Products or Major Employment Centers. Allowing more High-Density Residential Land Use on West Whitestone Boulevard will increase the residential density and the demand for nearby Regional Office, Retail, and Commercial (REG) or Local Office, Retail, Commercial (LOC) Development on West Whitestone Boulevard. There is a pressing need for more High-Density Residential Land Uses on West Whitestone Boulevard. New High-Density Residential Land Uses on West Whitestone Boulevard will increase the region's residential density, provide more foot traffic to retailers and service providers on the Highway, and generate higher returns for developers, investors, and stakeholders.

Letter of Request

Future Land Use Petition

2401 West Whitestone Boulevard, Cedar Park, TX

Subject Property

⇒ 2401 West Whitestone Boulevard, Cedar Park, Texas 78613

Proposed Change

The purpose of this letter is to request that the future land use of 2401 W. Whitestone Boulevard, Cedar Park, Texas 78613, be changed from Regional Office, Retail, & Commercial (REG) to High-Density Residential (HDR) Land Use.

⇒ From: Regional Office/Retail/Commercial (REG)

⇒ High-Density Residential (HDR)

How will the Proposed Change Enhance the Site and the Surrounding Area?

After meeting with Developers and Consultants and having been advised multiple times to petition the Future Land Use and request that the Future Land Use is changed to High-Density Residential (HDR) Land Use, we have decided to begin this process and share with you what many professionals have shared.

High-Density Residential (HDR) Land Use is ideal for Land on or adjacent to an arterial road that is steep, sloping, elevated, or has limited access to the Highway. Steep or sloping plots of Land usually have low visibility from the Highway due to the Land's elevation. Geographic obstacles that reduce visibility can diminish demand for the Development of Non-Residential Land Uses, such as Regional Office, Retail, and Commercial (REG) or Local Office, Retail, and Commercial (LOC) Land Use. Sites on the main Road with limited visibility are more suitable for High-Density Residential Land Uses. Parcels of Land located on the Highway are usually assigned predominantly Commercial Land Uses since Office, Retail and Commercial products are heavily dependent on traffic from the Highway and, Therefore, must be noticed by traffic to attract sufficiently high-traffic volumes.

Major arterial roads have the highest traffic volume; therefore, flat Land on an arterial Roadway is suitable for Regional Office, Retail, & Commercial Land Uses due to the increased visibility, the high-traffic volume from the Highway, and the site's ability to accommodate heavy traffic entering and exiting. However, Land on an arterial road with restricted visibility due to the site's elevation only partially benefits from being located on the Highway.

We consulted several Development firms, and our consultant advised that a Regional Office, Retail, or Commercial Product at 2401 West Whitestone Boulevard is vulnerable to heightened risk due to low site visibility. They recommended that we petition the future land use and request that the future land use is changed to High-Density Residential Land Use for the following reasons.

The Subject Property's high elevation limits the site's visibility from the Highway. Regional Office, Retail, & Commercial Developments depend highly on visibility to attract sufficiently high-traffic volume. The limited site visibility increases the risk that the site will have poor traffic generation and need additional support to provide retailers, professional firms, and service providers with sufficient traffic during hours of operation.

Our Consultants believe that High-Density Residential Land Use is the most suitable for this site and will enhance adjacent areas. The Future Land Use of Land on West Whitestone Boulevard is comprised of several Non-Residential Land Uses, primarily Regional Office, Retail, and Commercial (REG) and Local Office, Retail, and Commercial (LOC) Land Use.

The ideal High-Density Residential (HDR) Property balances the demand for retail, office, or commercial space with the need for housing. In Austin, High-Density Residential (HDR) Developments are located near downtown, where locals can enjoy various products, experiences, and services within a short drive or walking distance. High-Density Residential (HDR) Land Uses form residential components in predominantly commercially zoned regions, especially downtowns and along main streets, such as West Whitestone Boulevard.

Shops at Vista Ridge & 2401 West Whitestone Boulevard

The Subject Property is like Shops at Vista Ridge, a recently approved Mixed-Use Development located at the southwest corner of East Whitestone Blvd and Vista Ridge Boulevard. The Subject Property and Shops at Vista Ridge are elevated approximately 30 feet above Whitestone Boulevard.

Consider the Topographic Map of the Subject Property & Shops at Vista Ridge & Whitestone Blvd.



Regional Office, Retail, & Commercial (REG) Developments depend highly on visibility from major roadways. This land Use does not enhance the site or surrounding sites. Retail developers look for flat parcels with high visibility, sidewalks, and High-Density Residential Properties within a short drive or walking distance. The elevated topography and high-speed traffic hurt the visibility and accessibility of the Property.

Consider the Street View of Shops at Vista Ridge and 2401 W. Whitestone Blvd from RM 1431



Visibility & Accessibility

The City of Cedar Park's 2014 Comprehensive Plan States that Regional Office, Retail, & Commercial (REG) Land Use is suitable for parcels of Land that can generate high traffic and can accommodate large parking lots. To ensure high traffic generation, the Comprehensive Plan recognizes that Regional, Office, & Commercial (REG) Land Use heavily depends on visibility from major arterial roadways.

As illustrated previously, 2401 West Whitestone Boulevard is elevated 30 feet above the Highway. Despite the high traffic volume of West Whitestone Boulevard, the elevation reduces visibility, and high-speed traffic along the Road does not accommodate developments that generate high traffic and require large parking lots with multiple access points from West Whitestone Boulevard.

Consider the Street View of 2401 West Whitestone Boulevard from RM 1431



Regional Office, Retail & Commercial (REG) Vs. High-Density Residential (HDR) Land Use

2401 West Whitestone Boulevard is located on a major arterial roadway, RM 1431, and is an 8.461-acre plot. Therefore, The Subject Property does meet the general requirements of a Regional Office, Retail, & Commercial (REG) Development, such as the plot size requirement.

However, the low visibility of the Property from RM 1431 decreases demand for the Development of Regional Office/Retail/Commercial (REG), and the cliff, paired with the high-speed traffic, limits access to the Property.

Additionally, traffic lights along West Whitestone Boulevard are needed to house a large, high-volume parking lot safely. New traffic lights would likely lead to more congestion along the Highway.

High-Density Residential (HDR) Land Use

High-Density Residential Apartments are less dependent on visibility and do not require large parking lots. The construction of High-Density Residential components within the High-Density Residential (HDR) Land Use is vital to ensure that West Whitestone Boulevard undergoes the same economic growth as East Whitestone Boulevard.

Consider the Regional Office, Retail, & Commercial Property Map of Cedar Park & Leander, Texas.



Properties along East Whitestone Boulevard have balanced and mixed Land uses. Several High-Density Residential Developments along East Whitestone Boulevard make office/retail space more attractive to businesses that require regular foot traffic. The foot traffic during business hours highly depends on the residential density of the area. High-Residential density leads to steady foot traffic. To ensure equal economic growth, there must be a proportionate volume of High-Density Residential Land Uses on West Whitestone Boulevard.

The Development of high-density residential apartment units within the High-Density Residential (HDR) Land Use will enhance the site and surrounding sites by increasing the residential density of the region.

How does the proposed change reflect the vision identified by the Future Land Use Plan?

The vision statement and process recognize core values and challenges, such as limited land supply, growing population, and total build-out threat. The Cedar Park Community is influenced by the trends of Austin's demographic and economic changes. Considering the connection between Cedar Park and Austin is vital in supplying jobs, opportunities, housing, amenities, and services that will continue to aid growth populations as they develop technologies, acquire diverse skills, and become integral members of the Cedar Park economy. Like Austin, Cedar Park is experiencing rapid population growth; Rapid population growth has increased the diversification of citizens, employees, and employers and has significantly increased the demand for housing.

Community

As Cedar Park's population grows, community and fostering a sense of community should be a primary focus. The Cedar Park community's integrity, diversity, and faith remain attractive to quality businesses, families, and talent. However, significant population growth increases demand and competition for housing. Family-oriented housing communities in Cedar Park have priced out many Americans. To preserve the Vision of Cedar Park as a powerfully diverse population of talented, faith-driven citizens, city representatives must allow for the construction of family-oriented, High-Quality, High-Density Residential Housing Communities near premium retail or Class-A Office space.

More High-Quality, High-Density High-Density Residential (HDR) Land Use Properties are needed to link neighbors, diverse groups of people, and businesses, form a sense of community and attract professionals equipped to address and provide for employers' needs and critical market needs.

Economic Activity

Consider your favorite restaurants, entertainment centers, or local gyms; one, if not all, of your favored retail or service provider, is nearest to your home. Daytime and evening clientele exist only in places where people work and live.

Developers can't—or won't—build premium retail, entertainment centers, or class A office buildings in markets with low-residential densities due to their lack of sustainable foot traffic.

Recent graduates, young entrepreneurs, and childless professionals earning entry-level income are most likely to prefer to live and work in apartment communities.

Nearby High-Density Residential apartment buildings create economically healthy and consistent foot traffic for retail and service businesses.

How is the subject property compliant with surrounding land uses and zoning?

The proposed change to High-Density Residential (HDR) Land Use is compatible with Regional Office, Retail, & Commercial (REG) and Low-Density Residential (The Future land Uses of neighboring land), and Heavy-Commercial and Development Reserve Zoning (the Current Zoning of neighboring land).

The neighboring properties include:

Industrial warehouses along the East side

- Currently zoned: Heavy Commercial
- Future Land Use: Regional Office /Retail/commercial (REG)

Undeveloped Land Along the West side of the property










- Currently Zoned: Development Reserve
- Future Land Use: Regional Office /Retail/commercial (REG)

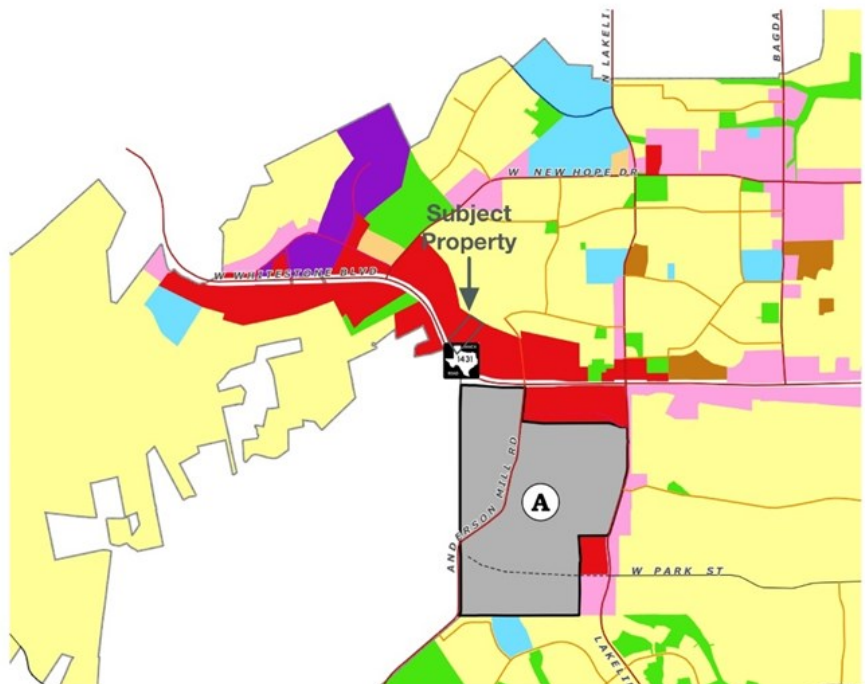
Low-Density Residential Housing behind the property

- Currently Zoned: Low-Density Residential
- Future Land Use: Low-Density Residential

Consider the Future Land Use Map

FUTURE LAND USE CATEGORY

-  FOCUSED PLANNING AREAS (PA)
-  LOW DENSITY RESIDENTIAL (LDR)
-  MEDIUM DENSITY RESIDENTIAL (MDR)
-  HIGH DENSITY RESIDENTIAL (HDR)
-  LOCAL OFFICE/RETAIL/COMMERCIAL (LOC)
-  REGIONAL OFFICE/RETAIL/COMMERCIAL (REG)
-  HEAVY COMMERCIAL (HC)
-  RECREATION/OPEN SPACE (REC)
-  PUBLIC/SEMI-PUBLIC (PUB)

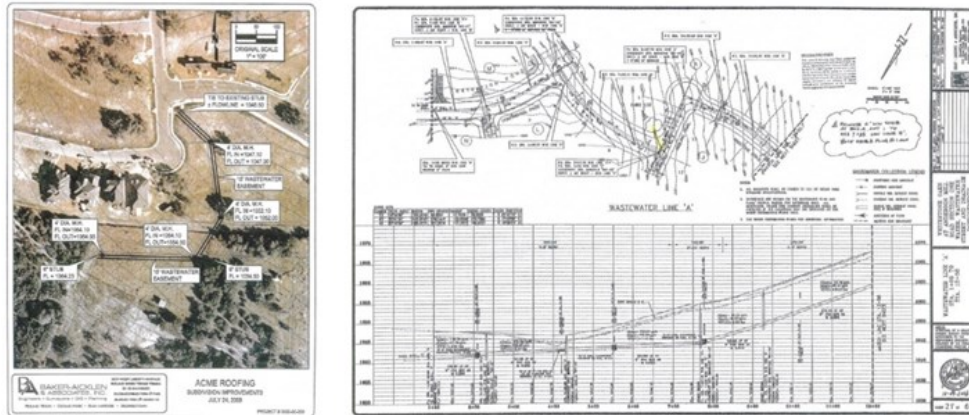


Is the necessary infrastructure already in place, or how will this be provided?

The Subject Property has all required utilities and wastewater.

Currently, the only required infrastructure is accessed from W. Whitestone Boulevard.

Existing Commercial Wastewater Diagram



How the proposed land use impacts adjacent areas – whether the proposed land use impacts existing areas and uses negatively or enhances adjacent regions.

Clearly, large commercial zones are contrary to balanced and Mixed-Use zones. The most practical way to balance Land uses is to include High-Density Residential (HDR) Land Uses or form-based codes allowing more varied Land uses near more citizens. High-Density Residential (HDR) Land Use requirements also replace obsolete street standards with designs encouraging walking and biking. The proposed land use, High-Density Residential (HDR) Land Use, will enhance the adjacent areas.

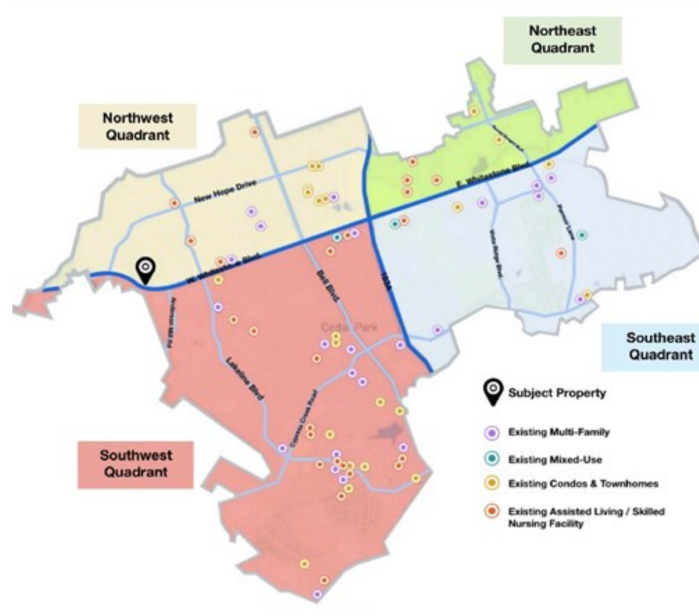
The Future Land Use of neighboring Land along the East and West sides of the Property is Regional Office, Retail, & Commercial (REG) Land Use.

Office/Retail/Commercial (REG) developments will directly benefit from the High-Quality, High-Density Residential Components of the High-Density Residential (HDR) Land Use. The High-Density Residential (HDR) Land Use design may include sidewalks and blocks that allow residents to walk to neighboring retail or office spaces. The Walkable Design will also reduce traffic along major arterial roadways since residents can travel on foot instead of driving. Additionally, locals that choose to drive will spend less time commuting.

How the proposed land use contributes to the City's long-term economic well-being?

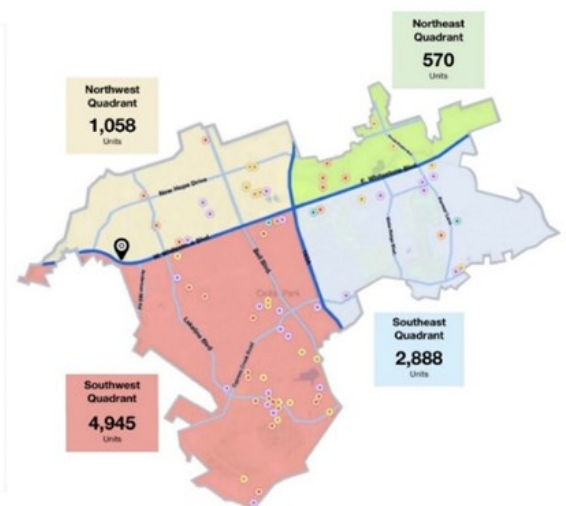
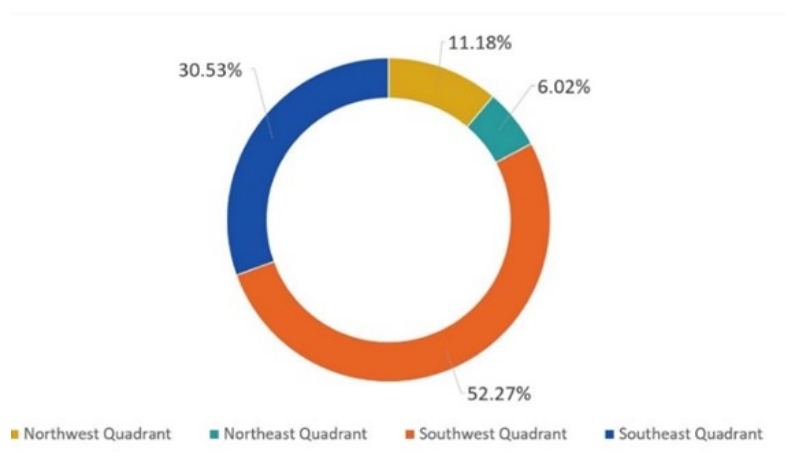
When considering the long-term economic well-being of specific regions, it is essential to consider land use. The Bell Boulevard redevelopment master plan explains how predominantly commercial Land usually leads to poor financial performance.

Consider the map below.



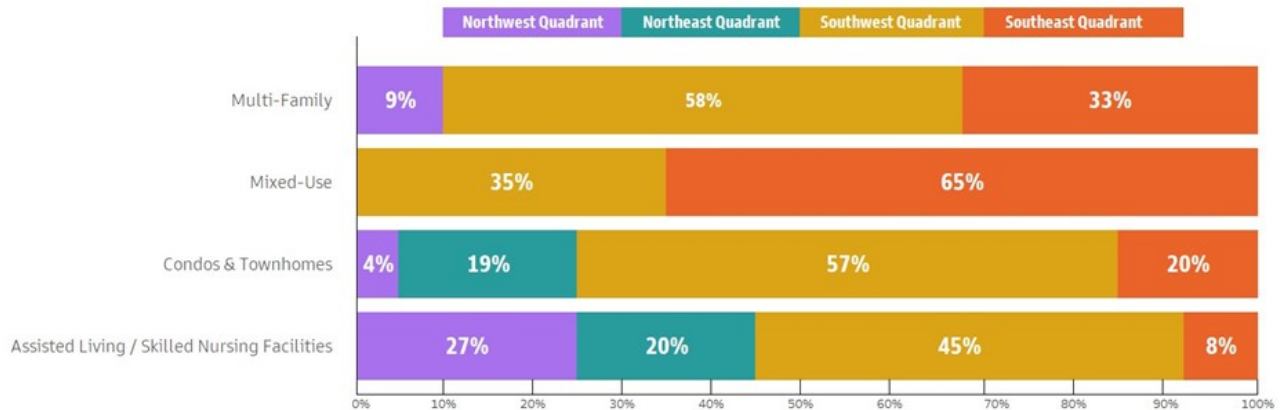
The map identifies all medium and high-density residential properties in cedar park. Note that you can find the most significant number of units in the City's Southwest and southeast quadrants. The southern quadrants comprise approximately 82.8% of Medium & High-Density Residential Units.

Existing Allocation of Units by Quadrant



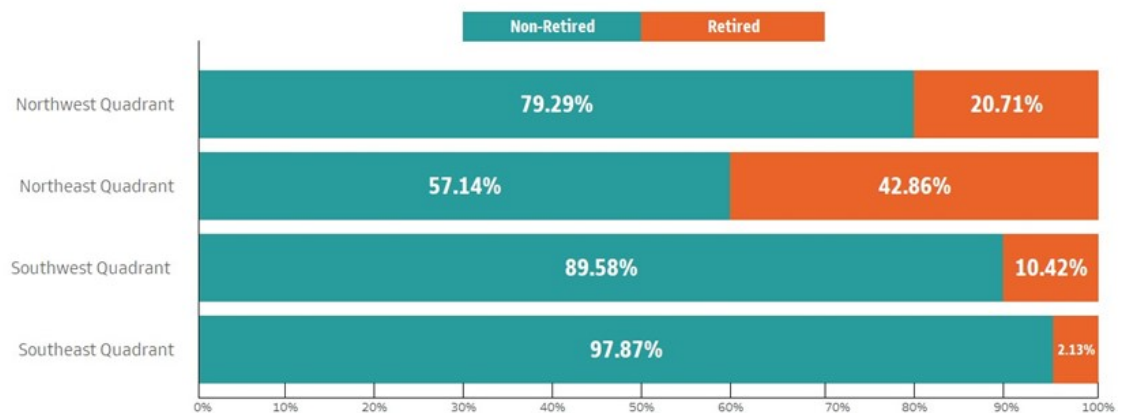
Additionally, if we take a closer look at the unit allocation, we find that 39.51% of existing units in the Northwest Quadrant belong to Assisted Living/Skilled Nursing facilities.

Cedar Park, Texas Medium & High-Density Residential Unit Allocation by Type & Quadrant



The specific medium and high-density residential housing types must be considered when estimating the ratio of retired to non-retired resident populations. Approximately 20.71% of Medium & High-Density Residential residents in the Northwest Quadrant live in retirement or assisted living facilities and are there for likely non-working.

Cedar Park, Texas Medium & High-Density Residential Retired Vs. Non-Retired Population by Quadrant



The current demographics indicate a critical need for more walkable high-quality, high-density Residential Housing in the Northwest Quadrant of the City.

Whether uses adjacent to the proposed land use are similar in appearance, hours of operation, and other general compatibility aspects. If adjacent uses are dissimilar, how will compatibility be addressed?

Currently, adjacent parcels of land consist of an industrial warehouse and undeveloped land. However, the Future Land Use of the Neighboring properties is Regional Office/Retail/Commercial (REG). Regional Office, Retail, & Commercial (REG) Developments will be similar in appearance, hours of operation, and other aspects of daily operations.

How does the proposed land use benefit the community's public health, safety, and welfare better than the current designation of future land use?

Mixed land use leads to shorter commutes and fewer car crashes, and the more connected our city becomes, the fewer our cities will have.

Predominantly commercially zoned areas incentivize driving.

High-Density Residential (HDR) Land Use and Mixed Land Use allows individuals to spend less time in their cars and there are near retailers and service providers equipped to meet the demands of daily life.

A High-Density Residential (HDR) Land Use with High-Density Residential Components at 2401 West Whitestone Boulevard would allow for more diverse land use along RM 1431 and a shorter commute to service or retail providers on the highway.

Local Businesses ready to meet the daily demands of their community will disincentivize driving. Citizens enjoy the convenience of products and services within a short drive or walking distance.

Fewer citizens commuting or spending significantly less time commuting will lead to reduced traffic volume and less car accident.

In addition, Regional Office, Retail, & Commercial (REG) Land Use is suitable for plots of land that are easily accessible with multiple access points from the highway. Equip to ensure safety and high-traffic generation.

West Whitestone Boulevard's high-volume, high-speed traffic and restricted visibility make an Office, Retail, or Commercial (REG) development at 2401 West Whitestone Boulevard unsafe.

High-Density Residential (HDR) Land Use demands significantly less traffic entering and exiting the Development, making a High-Density Residential (HDR) Land Use safer when compared to the high traffic volume of Regional Office/Retail/Commercial Developments.

Statement of Relevant Goals & Objectives

Future Land Use Petition

2401 West Whitestone Boulevard, Cedar Park, Texas 78613

Subject Property

⇒ 2401 West Whitestone Boulevard, Cedar Park, Texas 78613

Proposed Change

⇒ From: Regional Office/Retail/Commercial (REG)

⇒ To: High-Density Residential (HDR) Land Use

Introduction to Relevant Goals & Objectives

The Statement of Relevant Goals and Objectives recognizes how changing the future land use of 2401 West Whitestone Boulevard, Cedar Park, Texas 78613, from Regional Office, Retail, & Commercial (REG) to High-Density Residential (HDR) Land Use is aligned with the goals and objectives identified in the City of Cedar Park's Comprehensive Plan.

Future Land Use Goals & Objectives.

Focus on Business Attraction & Retention to be a Destination for Major Employers & Innovative Entrepreneurs.

Major employers must compete for the most talented workers to maintain or develop a competitive advantage. For this reason, entrepreneurs must consider the preferences and lifestyles of young professionals; this is especially true for innovative, high-growth fields such as engineering, computer science, research and development, medicine, technology, finance, and consulting, where there is a limited talent supply. The limited number of capable professionals permits qualified employees to choose where they live and incentivizes major employers to set up shops nearby.

Innovative fields, such as engineering, require employees to acquire undergraduate, master, and doctorate degrees before entering the workforce. For this reason, the most talented and attractive employees begin working in their late 20s or early 30s, depending on the education required for their unique field.

Millennials, ages 26-41, comprise most new talent entering innovative, high-growth areas. Municipalities who want to attract and retain prominent employers must consider the needs of these companies and, most importantly, the requirements and preferences of talented employees.

According to research conducted by McKinsey & Company, Millennials prioritize health and wellness more than other generations, and millennials plan to prioritize their fitness even more in the future as they age.

Millennials are more likely to live in communities and cities that promote healthy living and incorporate a walkable design that allows citizens to walk, run, skateboard, or bike to retailers, the office, or nearby performances and events.

Most cities in Texas have been designed for cars and do not accommodate pedestrians' needs. The average walk score of Texan cities is 31 out of 100. Due to the lack of walkable infrastructure and balance of land use, most Texas cities are uncompetitive compared to cities in states such as New York, where the city's average walk score is 88 out of 100.

However, cities like Austin are paying particular attention to this problem and have enacted code-based land uses promoting walkable design. New talent, significant employers, and innovative entrepreneurs rewarded cities such as Austin, Texas, with significant population growth and thriving economies.

To accommodate pedestrian needs, cities must mix up the land uses. Doing so allows for more diverse land uses and provides pedestrians with more professional service providers, retailers, and entertainment within a short drive or walking distance of their homes.

By changing the Future Land Use of 2401 West Whitestone Boulevard from Regional Office/Retail/Commercial to High-Density Residential (HDR) Land Use, the city allows for more balanced Land Uses along West Whitestone Boulevard.

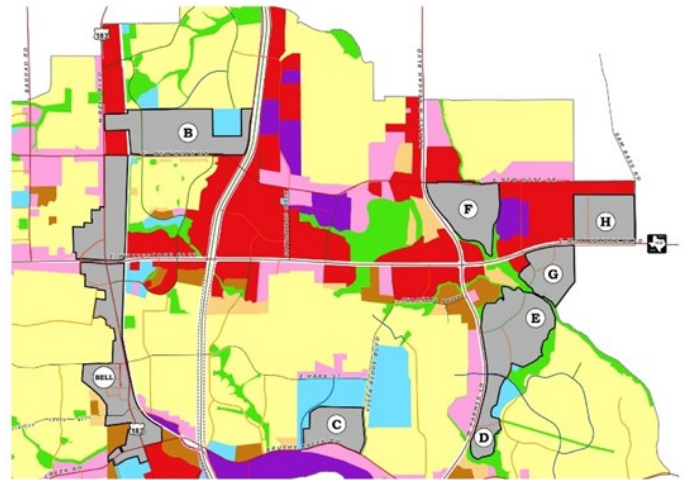
Ensure an Appropriate Mix of Land Use Types within the City.

The City of Cedar Park's Comprehensive plan identified city regions that require special attention or Redevelopment to enhance the walkability and connectedness of the city.

These areas lack a healthy balance of land uses, such as the predominantly Commercial development along Bell Boulevard. The Bell Boulevard Redevelopment Master Plan states that commercial properties along Bell Boulevard generate significantly less economic activity and demand due to the region's predominantly commercial land uses, compared to more healthy areas of Cedar Park that include more diverse land uses, such as the development of the 1890s Ranch located on East Whitestone Boulevard.

1890s Ranch is strategically located near high-density residential Apartment buildings, retail space, class A office space, grocery stores, medical centers/hospitals, and entertainment centers such as the H-E-B Center and a movie theater within the 1890s Ranch Development.

Consider, The Future Land Use Map of East Whitestone Boulevard.



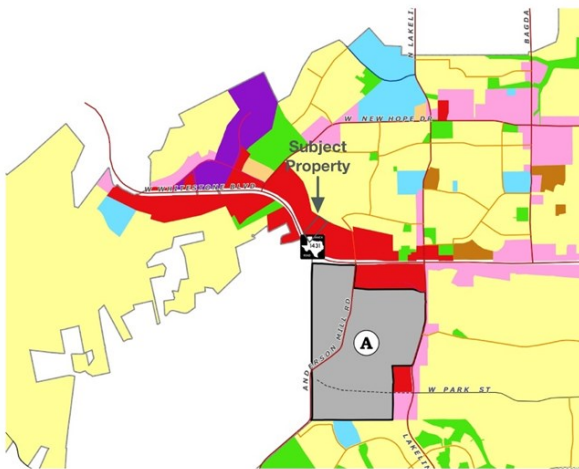
Regions of balanced land uses can accommodate the unique needs of and provide infrastructure and pedestrian-centered design that encourages residents, talented employees, professionals, Firms, and businesses to provide for local demands and infrastructure of pedestrians' foot traffic.

How a High-Density Residential (HDR) Land Use with High-Density Residential Components at 2401 West Whitestone Boulevard Ensures an Appropriate Mix of Land Uses.

The residential density must be considered to ensure balanced land uses that create opportunities for private investment in developments designed to satisfy the unique needs of businesses and generate local demand.

Regions of high-residential density are attractive to retailers, service providers, and businesses that appeal to pedestrians and therefore require steady pedestrian foot traffic during business hours. The residential density is predictive of pedestrian foot traffic. Regions with high-residential density are pedestrian-oriented and designed to accommodate crowds of customers traveling on foot safely. Pedestrian-focused businesses thrive in areas with high-residential densities. Pedestrians and residents value the convenience of local retailers and service providers prepared to meet everyday demands.

Consider, The Future Land Use Map of West Whitestone Boulevard.



Regional Office, Retail, & Commercial (REG) Land Use does not allow for High-Density Residential Components and is less attractive to pedestrian-focused businesses. Additionally, high-density residential apartments at 2401 West Whitestone Boulevard create incentives for developers of neighboring parcels to incorporate pedestrian-focused design elements to accommodate the nearby apartment residences.

High-Density Residential (HDR) Land Uses can create robust local economies along West Whitestone that meet the daily demands of retailers, Professional service providers and firms, employees, entrepreneurs, and residents.

We must consider the broad compatibilities and conflicts of land uses with a High-Density Residential (HDR) Land Use project and the general categories of corporations and residences.

Consider a High-Density Residential (HDR) Land Use that includes premium high-density residential apartment units, nearby Class A Office Space, and retail space. The residential apartment units may provide housing to customers of retail companies located near the High-Density Residential (HDR) Land Use. The employees or owners of retail/service companies can lease an apartment near their business or vis versa. Since the High-Density Residential (HDR) Land Use and Zoning allow for more land uses, the development can accommodate more markets and demand.

Additionally, High-Density Residential (HDR) Land Use and code-based developments that permit multiple land uses can create demand for housing, products, and service companies nearest to the customers. Well-designed High-Density Residential (HDR) Land Uses can establish small economies within the local community where innovative entrepreneurs are motivated to provide for the local market demands of residents; near by commercial elements such as Class A office space attracts innovative companies interested in employing well-educated young professionals who prefer nearby retailers or service providers who are conveniently located on the near the development.

Transportation & Livability Goals & Objectives.

Improve the Walkability & Connectedness of Cedar Park for Pedestrians and Bicyclists.

The walk score is the most prominent and trusted metric to determine walkability and connectedness when comparing the walkability of states, Cities, and City regions. The Walk Score examines hundreds of walking routes to nearby properties.

The Walk Score can be awarded points based on the distance to amenities in each category. Amenities within a 5-minute walk (.25 miles) are awarded the highest points. To calculate the score of the lowest-scoring cities or regions that lack existing walking routes, the Walk Score uses a decay function that takes points from distant amenities, with no points given after a 30-minute walk. The Walk Score also estimates pedestrian friendliness by examining population density and road metrics such as block length and intersection density. The Walk Score is a standardized measure that can compare the walkability and connectedness of cities worldwide. The Walk Score can evaluate the walkability and connectedness of large regions such as states. However, analysis of much smaller areas, such as subdivisions of cities, can be the most useful for designing more walkable cities. Such divisions of cities below the average walk score require special attention from municipalities, City Planners, and Developers.

Additionally, the Walk Score is a reliable measure for tracking progress and return on investment of capital allocated to promote walkability and connectedness within the City's sub-divisions or specified regions.

WALK SCORE RANGES	DESCRIPTION
<u>90 - 100</u>	<u>Walker's Paradise</u> Daily errands do not require a car.
<u>70 - 89</u>	<u>Very Walkable</u> Most errands can be accomplished on foot.
<u>50 - 69</u>	<u>Somewhat Walkable</u> Some errands can be accomplished on foot.
<u>25 - 49</u>	<u>Car-Dependent</u> Most errands require a car.
<u>0 - 24</u>	<u>Car-Dependent</u> Almost all errands require a car.

Such data analysis can provide valuable information that City planners and private investors can use to allocate resources and capital most effectively; by identifying and addressing the City's sub-divisions with the lowest Walk Scores and, therefore, the regions with the greatest needs. Municipalities can allocate existing capital or create incentives for private investment in sub-divisions with the lowest Walk Scores, which usually lead to the highest return on invested capital. Low-scoring Subdivisions typically lack the most basic, inexpensive, and quickly established infrastructure, such as the installation of sidewalks along roadways, which results in the highest return per capita on capital allocated to the area and has the most significant impact per dollar on the community.

Municipalities need to allocate capital effectively and provide less developed areas of the City with essential infrastructure to accommodate the needs of pedestrians' connectedness to nearby regions within the community and allow citizens living in these less developed communities an equal opportunity to become integral members of the community.

Currently, the City of Cedar Park's average walk score is 26 out of 100. The average walk score of Texas cities is 31 out of 100, which means the City of Cedar Park scores 5 points below the Walk Score of the average Texas City.

The City of Cedar Park is heavily committed to the action needed to provide the required infrastructure to address issues of walkability and connectedness within the City.

Consider the Walk Score Map of West Whitestone Boulevard



Improve Pedestrian Connectivity & Safety

The planning, design, and development of City regions that consist of more land uses must include road designs and other features designed to slow traffic, provide ample sidewalks to accommodate more foot traffic, and ensure the safety of pedestrians. Planners and Developers must pay careful attention to ensure a safe environment that prioritizes pedestrians' needs over drivers' needs. Walkable regions attract more foot traffic because pedestrians can travel on foot to various establishments without using their cars.

The highlighted area is the city region with the infrastructure required for pedestrians. The area highlighted in orange is car-dependent, the yellow area is somewhat walkable, and the green area is walkable according to the walk score.

According to the walk score, West Whitestone Boulevard lacks the basic infrastructure pedestrians need. The lack of walkable infrastructure is likely due to the elevated topography of land along the highway. Walkable infrastructure, such as sidewalks, is usually parallel to roadways and connected to infrastructure that leads to retailers, entertainment centers, or service providers.

Walkable infrastructure along West Whitestone Boulevard would be unsafe, and high peaks would discourage pedestrians from walking since the walk is uphill. For this reason, to improve the walkability and connectedness of the highway, developers must create walkable infrastructure along the hill.

Walkable regions usually include High-Density Residential (HDR) Land Uses, land uses, and zoning, allowing developers more flexibility and accommodating multiple lands uses in a single development. High-Density Residential (HDR) Land Use land at 2401 West Whitestone Boulevard would enhance West Whitestone Boulevard by creating incentives for the private development of a walkable design across the hill.

Proposed Land Use & Development Information

Future Land Use Petition

2401 West Whitestone Boulevard, Cedar Park, Texas 78613

Proposed Land Use Information

Subject Property:

⇒ 2401 West Whitestone Boulevard, Cedar Park, Texas 78613

Proposed Change:

⇒ From: Regional Office/Retail/Commercial (REG)

⇒ To: High-Density Residential (HDR) Land Use

Proposed Future Land Use:

⇒ High-Density Residential (HDR) Land Use

Development Information

Residential Dwelling Units:

⇒ The High-Density Residential (HDR) Land Use may include 200-350 Premium Apartment Units

Residential Dwelling Unit Sizes:

⇒ Residential dwelling units may be larger than 450 square feet. Residential dwelling units may range from 600 sq. ft. to 1450 sq. ft.

Non-Residential Units:

⇒ The number of non-residential units & unit size may depend on the ratio of the residential building area to the non residential building area. The maximum gross building area allowed for residential uses may be 85%, and the Minimum gross building permitted area for non-residential may be 15% (amenities associated directly with the residential components may not be included in the non-residential building area).

Non-Residential Unit Sizes:

⇒ The gross floor area of a single commercial establishment may be at most 25,000 square feet.

Building Intensity:

⇒ Design features like a structured parking garage may ensure urban form, scale, density, and intensity.

Building Height:

⇒ Residential Buildings may be a minimum of Four (4) stories.

Building Area:

- ⇒ The architectural engineer may calculate the exact building area. However, the maximum percentage of gross building area for residential uses may be 85%, and the minimum percentage of gross building area for non-residential uses may be 15%. Amenities associated directly with the development's residential component, including amenity centers, laundry, business, and exercise facilities, may not be included in the non-residential building area.

Density:

- ⇒ The residential density may equal or exceed 40 Residential Dwelling Units per acre.

The High-Density Residential (HDR) Land Use May Satisfy Design Standards Identified in Code Section § 11.03.155. Mixed-Use Development

Mixed-Use & High-Density Residential (HDR) Land Use.

Purpose.

The purpose of the Mixed Use (MU) district is to create a vibrant pedestrian-oriented environment by providing for vertically and horizontally mixed-use buildings. This district expected to establish an urban form along internal streets through specific design and building form standards and to integrate enhanced connections to the adjacent streets, neighborhoods, and districts. These standards intend to:

1. Implement the Bell Boulevard Master Plan.
2. Facilitate compact, Mixed-Use & High-Density Residential (HDR) Land Use elsewhere within the City on vacant tracts or for infill and redevelopment purposes; and
3. Create a development form that combines modern urban design with the essence of a traditional, walkable downtown.

B. Applicability.

These standards apply to all properties zoned Mixed Use (MU), and parcels zoned Planning Area (PA) designated for Mixed-Use & High-Density Residential (HDR) Land Use within a master development plan. If the standards of this section conflict with the standards

established in section 11.03.154, Nonresidential Development, the standards of this section may apply.

C. Mixed-use requirements.

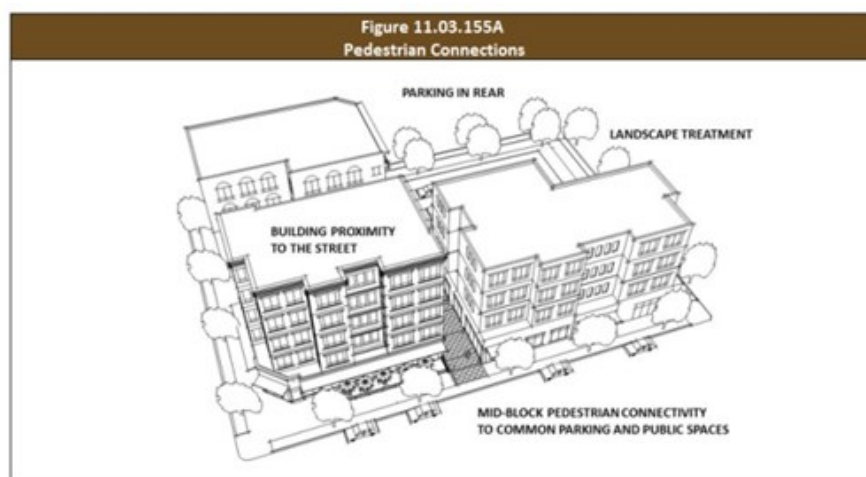
1. Building area and density. Depending on whether a development includes horizontal or vertical mixed-use, the residential and nonresidential building areas and residential densities vary.

a. In horizontal Mixed-Use & High-Density Residential (HDR) Land Uses, the maximum percentage of gross building area allowed for residential uses is 60 percent, and the minimum percentage of gross building area allowed for nonresidential uses is 40 percent. Amenities associated directly with the development's residential component, including amenity centers, laundry, business, and exercise facilities, may not be included in the nonresidential building area. The minimum residential density may be 60 dwelling units per acre, based on the net acreage of the residential development.

b. In vertical mixed-use buildings, the maximum percentage of gross building area allowed for residential uses is 85 percent, and the minimum rate of gross building area allowed for nonresidential uses is 15 percent. Amenities associated directly with the development's residential component, including amenity centers, laundry, business, and exercise facilities, may not be included in the nonresidential building area. The minimum residential density may be 40 dwelling units per acre, based on the net acreage of the site.

2. Building types.

- a.** Vertically mixed-use buildings require the ground floor to be devoted to One retail, services, office, or institutional use, with residential uses on the upper floors.
- b.** Single-use multifamily buildings are allowed, provided they are urban, using on-street or structured parking instead of surface parking.
- c.** Single-use retail, office, services, and institutional buildings are allowed, provided they are a minimum of two (2) stories.



D. Design standards.

1. Layout.

a. Nonresidential and/or mixed-use buildings. Nonresidential and/or mixed-use buildings are to be:

- 1.** Located near the center of the development, adjacent to transportation corridors, or close to the central open space.
- 2.** Grouped along streets to create short walking distances between buildings.
- 3.** Located and oriented to minimize walking distances to residential areas and public open spaces.

b. Streets. All streets and drive aisles may be interconnected with one another and connected to adjacent neighborhoods in a grid or modified grid pattern. Cul-de-sacs are restricted and only used as approved by the Administrator to alleviate specific design issues.

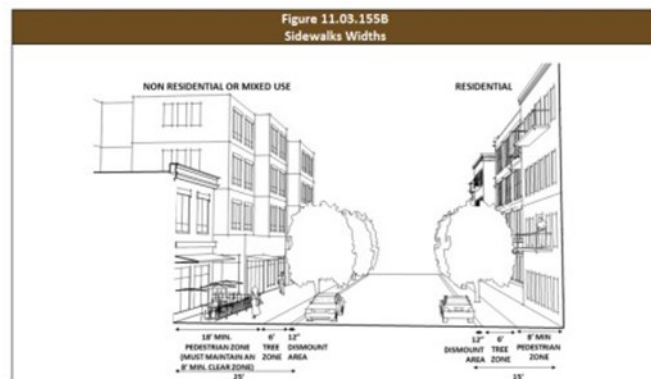
c. Blocks. Blocks may be not less than 300 feet and no more than 600 feet in length, with public access easements to provide mid-block pedestrian connections to common parking and public spaces, as displayed by figure 11.03.155A, Pedestrian Connections.

2. Frontage.

- A.** Walls longer than 30 feet without fenestration, building wall articulation, or material changes are not permitted on any street or private drive frontage except alleys.
- B.** One (1) fully functional and visibly identifiable public entrance may be provided along the frontage of each building adjacent to an arterial or collector street.
- c.** Buildings may be front on the street or private drive and be designed to encourage pedestrian activity within and along the site. As applicable, portions of site frontages devoted to off-street parking or site access may include design features such as landscaping, seat walls, and other pedestrian amenities to fully maintain the visual continuity of the street or private drive and sidewalk practicable.

3. Pedestrian improvements.

- a. Sidewalks may be installed to connect public walkways to all building entrances, parking structures or areas, open spaces, and any other destinations warranting pedestrian access.
- b. Sidewalks may connect to existing sidewalks on abutting and adjacent lots or tracts.
- c. Sidewalk widths adjacent to streets and private drives (see figure 11.03.155B, Sidewalk Widths).
 1. Sidewalks abutting residential buildings may include a minimum 12-inch dismount area from the back of the curb, a minimum eight (8) foot pedestrian zone, and a minimum six (6) foot tree zone.
 2. Sidewalks abutting nonresidential or mixed-use buildings may include a minimum 12-inch dismount area from the back of the curb, a minimum 18-foot pedestrian zone with a minimum eight (8) foot clear zone, and a minimum six (6) foot tree zone.
 3. The tree zone may include a minimum four (4) inch caliper shade tree every 30 linear feet of frontage.



4. Residential buildings.

- a. Dwellings may have a primary entrance on the front facade.
- b. Buildings may be a minimum of four (4) stories.
- c. Dwelling units may be a minimum of 450 square feet.
- d. The front maximum build-to-line for all buildings adjacent to streets or private drives may be no more than 20 feet. Building step-backs are permitted above the second floor of any building.
- e. Uncovered stairs may extend to the front property line.
- f. The front yard may contain ornamental metal fencing and retaining walls not more than four (4) feet in height above the sidewalk.

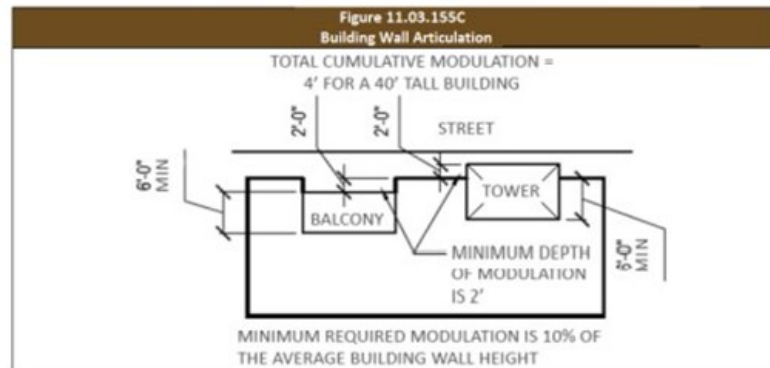
5. Nonresidential and/or mixed-use buildings.

- a. Residential dwelling units within mixed-use buildings may be a minimum of 450 square feet.
- b. The gross floor area of a single commercial establishment may be at most 25,000 square feet per floor.
- c. Nonresidential buildings may be a minimum of two (2) stories or thirty (30) feet in height. Mixed-use buildings may be a minimum of four (4) stories in height.
- d. Front facades of buildings may be oriented toward commercial streets within the mixed-use tract and may include a public entrance on this facade.
- e. Walls without fenestration or building wall articulation may not be permitted along any exterior wall facing a public or private street, parking area, or pedestrian area. Comparable materials and design elements may be used on all exposed sides of a building.
- f. Transparency:
 - 1. A minimum of 75 percent of the street-facing building facade between two (2) feet and eight (8) feet in height may be comprised of clear windows that allow views of indoor space or product display areas.
 - 2. Opaque, dark-tinted, or reflective glass may be prohibited.
- g. Building facades along streets, private drives, pedestrian areas, or standard open spaces may be articulated with projections or recesses cumulatively equal to 10 percent of the average building wall height, with a minimum depth of two (2) feet. Such variations may contribute to the building architecture, which may be expressed in any manner provided the cumulative relief is achieved, as shown in figure 11.03.155C, Building Wall Articulation. Such relief may be met through the use of oriel or bay windows, porches, porticos, vestibules, building articulation, towers, and other architectural treatments.
- h. The front maximum build-to line for all buildings adjacent to streets or private drives is 30 feet. Building step-backs are permitted above the second floor of any building.
- i. Building materials, windows, doors, and architectural detailing may be compatible with adjoining residential buildings.

6. Massing and scale of unified street frontages.

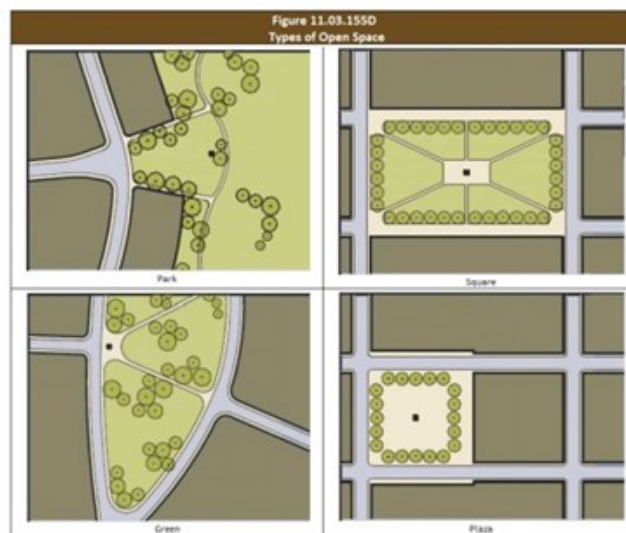
- a. Facades. Building facades may be architecturally differentiated in an obvious manner and may include at least two (2) of the following:
 - 1. Different colors;
 - 2. Cladding materials;
 - 3. Varying height provided that the change is at least 10 percent of the building height of the tallest module;
 - 4. Varying roof forms;
 - 5. Window arrangement; and/or
 - 6. Other facade articulation details (e.g., arcade, balcony, gallery, oriel or bay windows, pavilion, pergola, porches, porticos, terrace, tower, or vestibules, etc.).

7. Floor-to-floor heights. All commercial floor space provided on the ground floor of a mixed-use building may have a minimum floor-to-ceiling height of 12 feet.



E. Open space. Open space is an essential organizing element within a Mixed-Use & High-Density Residential (HDR) Land Use and may be integrated into the project's overall design. Public and private open space may be distributed throughout the development and should provide aesthetic quality and serve recreational and civic functions. A variety of open spaces may be conveniently accessible to all residents and provide physical linkages

1. Amount required. The minimum required on-site or approved by the Administrator off-site open space is seven (7) percent of the Mixed-Use & High-Density Residential (HDR) Land Use's gross land area, including the central open space and drainage areas.



2. Types of open space. Various types of available space may be provided but may include a central open area such as a park, square, piazza, green, or plaza, or if alternatively approved, may be within a one-quarter mile (1,320 feet) of an off-site open space that serves the same or an equivalent function (see figure 11.03.155D, Types of Open Space).
3. Active and passive. Additional open spaces may include active recreation facilities and passive open spaces such as greenways, creeks, detention or retention ponds, drainage areas, or other similar types of open space.
4. Central open space requirements.
 - a. On- or off-site detention basins and other stormwater impounding areas, except for permanent wet ponds, may not be counted toward satisfying the central open space area requirement.
 - b. The central open space may be located near the middle of the development or, if alternatively approved, may be easily and conveniently accessible by sidewalk or paved trail from all dwelling units and nonresidential buildings. Ninety percent of the buildings within the development may be located within a one-quarter mile (1,320 feet) of the central open space.
 - c. To facilitate public interaction, the central open space may be improved with a focal point such as a gazebo, public art or sculpture, pavilion, or paved patio area with a fountain or other iconic feature to help identify the park as a primary gathering place for the development. The area of this focal point may be a minimum of 300 square feet in size.
 - d. The central open space in the development may be accessible by pedestrians, bicycles, and vehicles. Sidewalks may be provided adjacent to all roadways, a minimum of six (6) feet wide, and not be adjacent to a street curb.
 - e. The central open space is a critical component of Mixed-Use & High-Density Residential (HDR) Land Use. It may be owned and maintained by a mandatory property owners' association (POA), management district, or another City-approved legal instrument.

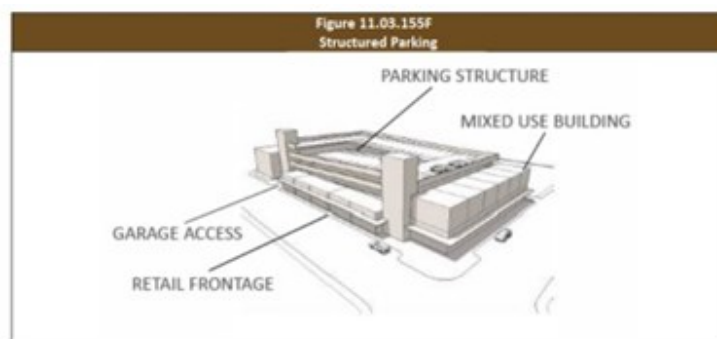
F. Parking.

1. On-street. Street cross-sections may be designed to include parallel or angled parking on both sides of all streets that are internal to the Mixed-Use & High-Density Residential (HDR) Land Use, which may be used to create a desirable, pedestrian-oriented streetscape environment.



2. Off-street. Off-street surface parking may only be permitted for nonresidential uses and may not front on any arterials or collector streets. Off-street surface parking may be prohibited in front of any structure within a designated front yard, except for nonresidential buildings only. The Administrator may approve two (2) rows of parking between nonresidential buildings and the arterial or collector roadway. Refer to figure 11.03.155E, Off-Street Surface Parking. Off-street surface parking may generally be located to the side or rear of main buildings. All off-street surface parking lots may be landscaped with hedges or other low-planting materials and screening walls along 100 percent of all street frontages and other public places. Off-street surface parking may only be accessed from minor streets or alleys and may be angled or parallel. Each off-street surface parking lot may be at most 50 parking spaces unless approved by the Administrator to allow for adequate circulation.

3. Structured parking. Parking structures may be provided to achieve the intended urban form, scale and intensity, density, and the mixture of uses of Mixed-Use & High-Density Residential (HDR) Land Use. Upon initial construction, structured parking is required for the residential use component of Mixed-Use & High-Density Residential (HDR) Land Use to fulfill these requirements. In addition, structured parking may account for no less than 75 percent of the total required parking for a vertical mixed-use building or 90 percent of a horizontal Mixed-Use & High-Density Residential (HDR) Land Use. Parking may be encapsulated within or below buildings in a manner that conceals it from predominant public view and does not interrupt the continuity of the pedestrian environment, as shown by figure 11.03.155F, Structured Parking. All above-grade parking structures may be consistent with and complementary to the architectural style of the main building (s). Freestanding parking structures are permitted, provided they are either not situated along arterial or collector streets or incorporate active ground-level, street-facing uses within the system. Parking structures may be positioned within the development to accommodate maximum shared use.



4. (Reserved)

5. Shared parking.

Uses within a Mixed-Use & High-Density Residential (HDR) Land Use may have different hours of operation and peak parking demand hours. Shared parking can reduce the amount of impervious area and enhance the efficiency of site design. Where a mixture of land uses creates synergy concerning parking spaces due to differences in when the spaces are most likely to be used, the City may allow a reduction in the required number of spaces. To do so, an applicant may submit a shared parking study to demonstrate that the parking needed for mixed uses is less than the cumulative total of the parking requirements for each individual user. The shared parking study is required to be undertaken by a qualified, certified traffic engineer.

G. Phasing.

For horizontal Mixed-Use & High-Density Residential (HDR) Land Uses, a certificate of completion for a minimum of one (1) nonresidential building may be issued before any certificates of occupancy for residential buildings.

Future Land Use Petition Application & Checklist



CEDAR PARK

Development Services Intake

450 Cypress Creek Road, Building 2

Cedar Park, TX 78613

Office: 512-401-5100

Fax: 512-258-1471

Project Name: _____

Submittal Date: _____

SFP Permit #: _____

(City will assign)



FUTURE LAND USE PETITION

APPLICATION & CHECKLIST

ABOUT FUTURE LAND USE PLAN AMENDMENT PETITIONS

- » The Comprehensive Plan, which includes the Future Land Use Plan (FLUP), was adopted by the City Council in November 2014. At times, the City may encounter a development proposal that does not directly reflect the purpose and intent of the land use pattern shown on the FLUP. In order for the City Council to consider a development proposal that is inconsistent with the FLUP, a property owner must submit a FLUP Amendment Petition, which may be considered based upon the Letter of Request, Statement of Relevant Goals and Objectives, and other supporting materials, as described on Page 2. Each FLUP Amendment Petition will be evaluated by the City Council on its own merits. It is the responsibility of the property owner or applicant to provide evidence that the proposed FLUP amendment supports community goals and objectives as set forth within the Comprehensive Plan.
- » The adopted Comprehensive Plan provides that amendments to the FLUP should not be made without thorough analysis of immediate needs, as well as consideration for long-term effects of proposed amendments. The City Council will consider each proposed FLUP Amendment Petition carefully to determine whether it is consistent with the Comprehensive Plan's goals and policies, and whether it will be beneficial for the long-term health and vitality of Cedar Park. Upon review of the Letter of Request, Statement of Relevant Goals and Objectives, and other supporting materials, a FLUP Amendment Petition may be accepted by a majority vote of the City Council. Acceptance of a FLUP Amendment Petition by the City Council indicates an applicant may proceed through the FLUP amendment process.
- » While city staff may review the petition for completeness and accuracy, city staff does not make a recommendation to the City Council as to whether a FLUP Amendment Petition should be accepted.
- » **ACCEPTANCE BY THE CITY COUNCIL OF A FLUP AMENDMENT PETITION SHALL NOT CONSTITUTE OR GUARANTEE APPROVAL OF THE PROPOSED FLUP AMENDMENT. ACCEPTANCE OF A FLUP AMENDMENT PETITION ONLY INDICATES AN APPLICANT MAY PROCEED THROUGH THE FLUP AMENDMENT PROCESS. IF THE CITY COUNCIL DOES NOT VOTE TO ACCEPT OR TABLE THE FLUP AMENDMENT PETITION, THE PETITION SHALL BE DEEMED DENIED. ACCEPTANCE OF A FLUP AMENDMENT PETITION SHALL BE VALID FOR A MAXIMUM OF 18 MONTHS FROM CITY COUNCIL CONSIDERATION UNLESS A PUBLIC HEARING FOR THE FLUP AMENDMENT HAS BEEN HELD BEFORE THE PLANNING AND ZONING COMMISSION. ANY SUBSTANTIVE CHANGES TO ORIGINAL FLUP AMENDMENT PETITION MUST BE SUBMITTED FOR RECONSIDERATION BY CITY COUNCIL.**

INSTRUCTIONS

All required materials completed and uploaded to www.mygovernmentonline.org

- ☒ Contact Planning Staff (450 Cypress Creek Road, Building 1 / Telephone: 512-401-5082) to discuss the proposed FLUP amendment prior to submission of a petition;
- ☒ Upload all required materials to www.mygovernmentonline.org

Project Information



Development Services Intake

450 Cypress Creek Road, Building 2
Cedar Park, TX 78613

Office: 512-401-5100

Fax: 512-258-1471

PROJECT INFORMATION

Project Name: _____

Proposed Amendment: From: Regional Office/Retail/Commercial (REG) To: High-Density Residential (HDR)

Project Location/Address: 2401 W. Whitestone Blvd., Cedar Park, Texas 78613

Project Legal Description: _____

REQUIRED ITEMS FOR CITY COUNCIL CONSIDERATION OF FLUP PETITION

- ☒ Proof of property ownership. Copy of deed or other documentation establishing ownership by and individual or entity. If owned by an entity, including a partnership, documentation that the person signing the Owner's Acknowledgment has the authority to do so.
- ☒ An aerial map clearly depicting the subject property and surrounding properties; the same or additional map should identify the property's current FLUP designation and the designation of surrounding properties.
- ☒ Letter of Request. A Letter of Request from the owner/applicant outlining the justification for the proposed FLUP amendment. The Letter shall include:
 - ☒ How the proposed change will enhance the site and the surrounding area;
 - ☒ Whether the necessary infrastructure is already in place or how this will be provided;
 - ☒ How the proposed change reflects the vision identified by the Future Land Use Plan;
 - ☒ Whether or how the subject property is compliant with surrounding land uses and zoning;
 - ☒ How the proposed land use impacts adjacent areas – whether the proposed land use impacts existing areas and uses in a negative manner, or enhances adjacent areas;
 - ☒ Whether uses adjacent to the proposed land use are similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility. If adjacent uses are dissimilar, how compatibility will be addressed;
 - ☒ How the proposed land use presents a better benefit to the public health, safety and welfare of the community than the current designation of future land use; and
 - ☒ How the proposed land use contributes to the City's long-term economic well-being.
- ☒ Statement of Relevant Goals and Objectives. This Statement from the applicant identifies which goals and objectives of the Comprehensive Plan are supported by the proposed land use change, and how they are supported or strengthened by the proposal.
- ☒ Proposed Land Use and Development Information. This includes information on proposed land uses, building intensity, building height, building area, density, number of non-residential or residential dwelling units, etc.
- ☒ Identification of unique characteristics of the area that supports the proposed land use and any additional maps or other information from the applicant to support the proposed Amendment.
- ☒ Scan of completed Owner's Acknowledgment (following page).

Owner's Acknowledgement & Designation of Agent



OWNER'S ACKNOWLEDGMENT & DESIGNATION OF AGENT

The signature of the property owner or owners is required. If the property owner information does not match appraisal district records, documentation verifying the change in ownership must be provided.

By signing, the owner indicates consent to the submittal of this petition. If the owner designates an agent to facilitate the petition, both owner and agent must sign this acknowledgment. Signatures certify that the applicant and his agent, if so designated, has reviewed the requirements of this petition and acknowledges that the acceptance of the proposed amendment petition by the City Council does not grant the requested FLUP amendment or guarantee such approval by the Planning and Zoning Commission or City Council when the amendment is presented for consideration. Acceptance of a FLUP amendment petition shall be valid 18 months from City Council consideration unless a public hearing for the FLUP amendment has been held before the Planning and Zoning Commission and any substantive changes to original submission must be submitted for reconsideration by City Council.

Note: the agent is the official contact person for this petition and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

☐ I will represent my petition before the City Council.

☒ I hereby authorize the person named below to act as my agent/applicant in processing this petition before the City Council.

Owner's Name (Printed): Brenda Trump - Luton, Gary Luton
 Owner's Address: 2401 W. Whitestone Blvd Cedar Park TX 78613
 Owner's Phone: 512 466-6160 Cell: 512 466-6149 Email: _____
 Owner's Signature: [Signature] Date: 10/28/22
 The signature of the owner authorizes City of Cedar Park staff to visit and inspect the property for which this application is being submitted and that all required documents are provided in this submittal. Note: The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Agent's Name (Printed): Christian Luton
 Agent's Address: 2401 W. Whitestone Blvd., Cedar Park, Texas 78613
 Agent's Phone: (512) 565-8219 Cell: _____ Email: Christian.Luton@outlook.com
 Agent's Signature: [Signature] Date: 10/28/22
 The signature of the owner authorizes City of Cedar Park staff to visit and inspect the property for which this application is being submitted and that all required documents are provided in this submittal. Note: The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

File Attachments for Item:

H.4 Consideration Of A Resolution Approving A Change Order With Trimbuilt Construction, Inc. For The City Hall and Municipal Court Renovations Project In An Amount Not To Exceed \$347,123.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: Consideration of A Resolution Approving A Change Order With Trimbuilt Construction, Inc. For The City Hall And Municipal Court Renovations Project In An Amount Not To Exceed \$347,123.

Commentary

The purpose of this resolution is to authorize the City Manager to execute a change order for the construction of City Hall and Municipal Court Renovations (“Project”). The scope of the Project includes the relocation of some City departments to provide adequate workspace and improve operational efficiency, improve physical security of the facility, paint and carpet. The Project also includes paint and carpeting at the Municipal Court facility.

Construction activities for the Project are nearing completion. As the construction progressed, Staff identified additional scope of work due to existing conditions of the building and the needs of City Hall personnel. The contractor – Trimbuilt Construction, Inc. – has submitted change order requests to complete the Project.

The scope of the change order includes security upgrades, additional or relocated data and power throughout, additional office space not included in original plans, reconfiguring wall locations as required, relocating HVAC ductwork, installing additional cabinets and countertops, and additional painting.

Staff has thoroughly evaluated and negotiated the proposed additional work and associated costs and finds them to be fair and reasonable.

Funding for this change order is available in the project budget and does not require additional funding. City staff recommends authorizing the City Manager to execute a Change Order with Trimbuilt Construction, Inc. in an amount not to exceed \$347,123.

Initiating Dept: Engineering and Capital Projects

Fiscal Impact

Fund: T64

Budget

Amount: \$347,123

☐

Finance Director Review

Legal Certification

Approved as to form and content:

☐

Yes

☐

No **City Attorney**

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH TRIMBUILT CONSTRUCTION, INC. FOR THE CITY HALL AND MUNICIPAL COURT RENOVATIONS PROJECT IN AN AMOUNT NOT TO EXCEED \$347,123; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Hall and Municipal Court Renovations Project (“Project”) will renovate City Hall Buildings 1 and 2 and Municipal Court Building including the relocation of some City departments to provide adequate workspace and improve operational efficiency, improve physical security of the facility and update building finishes; and

WHEREAS, the City of Cedar Park and Trimbuilt Construction, Inc. executed an agreement for construction of the Project on February 2, 2022; and

WHEREAS, additional scope of work is required to complete the Project; and

WHEREAS, the contractor has submitted multiple change order requests to the City totaling the amount of \$347,123; and

WHEREAS, funding for this change order is available in the Project budget; and

WHEREAS, City staff recommends execution of a change order for the Project with Trimbuilt Construction, Inc. for the Project in an amount not to exceed \$347,123.

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

SECTION 1. The City Manager is hereby authorized and directed to execute a change order with Trimbuilt Construction, Inc. for the City of Cedar Park City Hall Building 1 and 2 Renovations and Municipal Court Finish Upgrades Project in an amount not to exceed \$347,123, subject to final review by the City Attorney.

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

PASSED AND APPROVED this the 9th day of March, 2023.

CITY OF CEDAR PARK, TEXAS

ATTEST:

James Penniman-Morin, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

File Attachments for Item:

H.5 Consideration Of A Resolution Approving A Change Order With JKB Construction Company, LLC For The Lakeline Park Phase 1 Project In An Amount Not To Exceed \$278,812.19.

**CITY COUNCIL AGENDA**

March 9, 2023

Item/Subject: Consideration Of A Resolution Approving A Change Order With JKB Construction Company, LLC For The Lakeline Park Phase 1 Project In An Amount Not To Exceed \$278,812.19.

Commentary

The purpose of this resolution is to authorize the City Manager to execute a change order for the construction of the Lakeline Park Phase 1 Project (“Project”). This change order includes additional landscaping along the entry road for the park - Alexis Drive, safety and ADA improvements for the sidewalk connection to the Riviera neighborhood, repair of landscape and trail damages caused by flooding in August 2022 that was out of the contractor’s control, additional light pole bases, electrical improvements for food truck connections, coating & marine paint for the fishing pier railing, and additional grading requirements. The Contractor has submitted change order requests to complete these items and staff has thoroughly negotiated the proposed charges to an acceptable amount.

Funding for this change order is available in the project budget and does not require additional funding. City staff recommends execution of a change order with JKB Construction Company, LLC in an amount not to exceed \$278,812.19.

Initiating Dept: Engineering and Capital Projects

Fiscal Impact
Fund: P26

Budget
Amount: \$278,812.19

**Finance Director Review**

Legal Certification

Approved as to form and content: ☐ Yes ☐ No **City Attorney**

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH JKB CONSTRUCTION COMPANY, LLC FOR THE LAKELINE PARK PHASE 1 PROJECT IN AN AMOUNT NOT TO EXCEED \$278,812.19; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Lakeline Park Phase 1 Project (“Project”) is funded by a combination of General Obligation Bond funds, Type B Community Development funds, parkland dedication funds, utility funds, and a grant from Texas Parks and Wildlife; and

WHEREAS, the City of Cedar Park and JKB Construction Company, LLC executed an agreement for construction services on August 12, 2021; and

WHEREAS, additional scope of work is required to complete the Project; and

WHEREAS, the contractor has submitted a change order request to the City in the amount of \$278,812.19; and

WHEREAS, funding for this change order is available in the project budget; and

WHEREAS, City staff recommends execution of a change order for the Project with JKB Construction Company, LLC in an amount not to exceed \$278,812.19.

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

SECTION 1. The City Manager is hereby authorized and directed to execute a change order with JKB Construction Company, LLC for the Lakeline Park Phase 1 Project in an amount not to exceed \$278,812.19, subject to final review by the City Attorney.

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

PASSED AND APPROVED this the 9th day of March, 2023.

CITY OF CEDAR PARK, TEXAS

ATTEST:

James Penniman-Morin, Mayor

LeAnn M. Quinn, TRMC

City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

File Attachments for Item:

H.6 Consideration Of A Resolution Authorizing A Guaranteed Maximum Price Amendment To The Existing Construction Manager-At-Risk Agreement With J.E. Dunn Construction Group, Inc. For Construction Of The New Cedar Park Library Project In An Amount Not To Exceed \$12,819,102.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: Consideration Of A Resolution Authorizing A Guaranteed Maximum Price Amendment To The Existing Construction Manager-At-Risk Agreement With J.E. Dunn Construction Group, Inc. For Construction Of The New Cedar Park Library Project In An Amount Not To Exceed \$12,819,102.

Commentary

The purpose of this resolution is authorize the execution of the second of two Guaranteed Maximum Price (“GMP”) Amendments to the existing Construction Manager-At-Risk (“CMAR”) Agreement (“Agreement”) with J.E. Dunn Construction Company (JE Dunn) for construction of the New Cedar Park Library Project (“Project”). The New Cedar Park Library will be a two-story, 47,000 square foot building located in the Bell District. City Council authorized the execution of the CMAR Agreement on April 22, 2021, and the Agreement was executed on May 5, 2021. The authorization of GMP amendments to the Agreement is the final step in the CMAR construction procurement method which sets the contract amount for construction of the Project.

The project team, consisting of the Architect, Lake | Flato Architects; Construction Manager, JE Dunn; and City staff, determined that in order to limit both construction cost escalation and schedule delays due to long material lead times, a two-phased GMP approach was required.

The first GMP was authorized by City Council on November 17, 2022, and the amendment was executed on November 28, 2022. This initial GMP included earthwork, site utilities, building structural concrete and drilled piers, structural steel, stairs and railings, glulam structural wood and decking, elevators, fire suppression system, plumbing, mechanical, and electrical for an amount not to exceed \$18,196,150.

The remainder of the building and site scopes are included in the second GMP amendment for an amount not to exceed \$12,819,102. The scopes of work included in the second GMP include site work, building skin, roof, interior finishes, building specialties, and the integrated low voltage package. City staff and JE Dunn reviewed and evaluated the sub-contractor bids to determine best value and then compiled the second GMP that includes the selected sub-contractor bids along with a portion of JE Dunn's direct costs, fees, bonds and insurance.

If the second GMP amendment is approved, total GMP authorization for construction of the project would be \$31,015,252.

Funding for the Project is provided by 2018 and 2020 voter-approved General Obligation Bonds and 2020 and 2021 Certificate of Obligation Bonds, the Community Development Corporation Type B, the General Fund, the water/wastewater fund, stormwater CIP, the Tree Fund, Parkland Improvement Fees, and City's Safety and Security Project.

After execution of the first GMP, construction began on December 5, 2022 and the Library is expected to open in the Fall of 2024.

Staff has reviewed the second GMP proposal and determined the proposed costs for the components of second GMP are fair, reasonable and within the established construction budget. Staff now recommends execution of the second Guaranteed Maximum Price Amendment to the Construction Manager-At-Risk Agreement with J.E. Dunn Construction Group, Inc. for construction of the New Cedar Park Library Project in an amount not to exceed \$12,819,102.

Initiating Dept: Engineering & Capital Projects

Fiscal Impact

Fund: F55

Budget

Budget:

\$31,015,252

☐

Finance Director Review

Legal Certification

Approved as to form and content:

☐ Yes

☐ No **City Attorney**

Associated Information:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A GUARANTEED MAXIMUM PRICE AMENDMENT TO THE EXISTING CONSTRUCTION MANAGER-AT-RISK AGREEMENT WITH J.E. DUNN CONSTRUCTION COMPANY FOR CONSTRUCTION OF THE NEW CEDAR PARK LIBRARY PROJECT IN AN AMOUNT NOT TO EXCEED \$12,819,102; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the new Cedar Park Library Project will be a two-story, 47,000 square foot building capital improvement project located within the Bell District ("Project"); and

WHEREAS, in accordance with Texas Government Code Chapter 2269, City Council authorized the execution of the Construction Manager-At-Risk ("CMAR") agreement with J.E. Dunn Construction Company on April 22, 2021 and the agreement was executed on May 5, 2021; and

WHEREAS, the project team determined that in order to limit exposure to construction cost escalation and limit schedule delays due to long material lead times it was necessary to provide two Guaranteed Maximum Price ("GMP") amendments; and

WHEREAS, City Council authorized the first GMP amendment for an amount not to exceed \$18,196,150 on November 17, 2022, and the amendment was executed on November 28, 2022; and

WHEREAS, JE Dunn publically bid the scope of the second GMP for the remainder of the building and site scopes including site work, building skin, roof, interior finishes, building specialties, and the integrated low voltage package; and

WHEREAS, in accordance with Texas Government Code Chapter 2269, City staff and JE Dunn reviewed and evaluated the sub-contractor bids in order to determine the best value and then compile the second GMP that includes the selected sub-contractor bids along with a portion of JE Dunn's direct costs, fee, bonds and insurance for an amount not to exceed \$12,819,102; and

WHEREAS, combining the two GMPs results in a total GMP authorization of \$31,015,252 for construction of the Project; and

WHEREAS, City staff has determined the proposed costs for the components of the second GMP are fair, reasonable and within the established construction budget; and

WHEREAS, City staff recommends execution of a second Guaranteed Maximum Price Amendment to the Construction Manager-At-Risk Agreement with J.E. Dunn Construction Company for construction of the New Cedar Park Library Project in an amount not to exceed \$12,819,102.

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

SECTION 1. The City Council hereby authorizes and directs the City Manager to execute a second Guaranteed Maximum Price Amendment to the Construction Manager-At-Risk Agreement with J.E. Dunn Construction Company for construction of the New Cedar Park Library Project in an amount not to exceed \$12,819,102, subject to final review by the City Attorney.

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

PASSED AND APPROVED this the 9th day of March, 2023.

CITY OF CEDAR PARK, TEXAS

ATTEST:

James Penniman-Morin, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

File Attachments for Item:

H.7 Consideration Of A Resolution Authorizing An Agreement With L.J. Power, Inc. For Construction Of The Water System Resiliency Project In An Amount Not To Exceed \$1,164,511.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: A Resolution Authorizing An Agreement With L.J. Power, Inc. For Construction Of The Water System Resiliency Project In An Amount Not To Exceed \$1,164,511.

Commentary

This agenda item is for construction to supply emergency power generation to the City's Water Treatment Plant (the "Plant") and the City's main pump station, the Dies Pump Station ("Dies"). In response to the winter storm of 2021, the Texas Legislature passed Senate Bill 3 ("SB3"), requiring water systems to enact plans for extended power outages when the power is off for more than twenty-four (24) hours during an emergency. The construction to support emergency power systems at the Plant and Dies is the next step to providing greater resiliency and protection for the City's drinking water system through implementation of the Water System Resiliency Project (the "Project").

The City has redundant power feeds to the Plant and Dies that allowed the water system to operate throughout the winter storm of 2021. As an added layer of protection against water system power outages, the Project will include emergency power generation capabilities, advanced power system monitoring and control upgrades, and power system safety upgrades.

The City is phasing the Project to shorten the overall schedule for implementation and to provide for expedited installation of the generators at the Plant. Phase one consisted of procuring the large generators for the Plant while design was still being performed. Council approved purchase of those generators for the Plant on January 27, 2022, and they were delivered in December 2022. Phase two, previously approved by Council and under construction now, includes procurement of the electrical equipment for the Plant and Dies, construction of the concrete pads for the generators at the Plant, and installation of the generators at the Plant. The final phase and subject of this agenda item consists of installation of equipment purchased in phase two and construction of the remaining components of the Project at the Plant and Dies.

The City originally bid the final portion of the Project with proposals opened on January 5, 2023. Unfortunately, only one proposal was received and the proposal amount, at \$3,168,942 was over budget. Negotiations with the bidder and removal of the SCADA portion of the Project (for bidding at a later date) still did not result in pricing that was within budgeted amounts. The City then sought pricing for the final construction portion of the Project through cooperative purchasing. Purchasing cooperatives, such as BuyBoard, are marketplaces that offer pre-negotiated rates on goods and services to its members. Utilizing this purchasing method ensures a single point-of-contact turnkey package, and since the products have already been bid, provides the best value to the City.

To construct the Project, staff recommends execution of an agreement with L.J. Power Inc. using the Local Government Purchasing Cooperative BuyBoard Contract no. 657-21, in accordance with Texas Local Government Code Chapters 252 and 271. Staff and the consulting engineers for the Project reviewed the pricing and have found it to be reasonable, customary, and within budget. Therefore, staff recommends execution of an agreement with L.J. Power, Inc. in an amount not to exceed \$1,164,511. On December 16, 2021, City Council approved \$6.1M of funding for the Project utilizing funds provided by the American Rescue Plan Act of 2021 ("ARPA"). Staff anticipates that the ARPA funds will fully fund the Project.

Initiating Dept: Engineering

Fiscal Impact
Fund: Utility

Budget
Budget: \$1,164,511

☐ **Finance Director Review**

Legal Certification

Approved as to form and content:

☐ Yes

☐ No **City Attorney**

Associated Information:

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN AGREEMENT WITH L.J. POWER, INC. FOR CONSTRUCTION OF THE WATER SYSTEM RESILIENCY PROJECT IN AN AMOUNT NOT TO EXCEED \$1,164,511; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, in response to the winter storm of 2021, the Texas Legislature passed Senate Bill 3, requiring water systems to enact plans for extended power outages when the power is off for more than twenty-four (24) hours during an emergency; and

WHEREAS, as an added layer of resiliency for the City's drinking water system, the City of Cedar Park wishes to implement a project to add emergency power generation, power system safety systems, and enhanced SCADA systems at critical sites that provide drinking water to the City; and

WHEREAS, this project is termed the City of Cedar Park Water System Resiliency Project (the "Project");

WHEREAS, on January 5, 2023, the City opened proposals for final construction of the Project, and one proposal in the amount of \$3,168,942 was received; and

WHEREAS, negotiations with the one proposer for construction of the Project did not yield a negotiated proposal price within budget constraints; and

WHEREAS, the City sought alternate procurement of the Project to stay within the budget for the Project and meet the deadlines set by Senate Bill 3; and

WHEREAS, Texas Local Government Code Chapter 252 requires that unless exempted, before entering into a contract that requires an expenditure of more than \$50,000, a municipality must comply with the competitive bidding procedures; and

WHEREAS, Texas Local Government Code Chapter 271 provides that purchases made through a purchasing cooperative satisfy state law requiring the local government to seek competitive bids for purchases; and

WHEREAS, L.J. Power, Inc., through the Local Government Purchasing Cooperative BuyBoard contract no. 657-21, offers the best value for the City; and

WHEREAS, City staff recommends execution of an agreement with L.J. Power, Inc. in an amount not to exceed \$1,164,511 for construction of the Water System Resiliency Project.

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

SECTION 1. The City Council hereby authorizes and directs the City Manager to negotiate and execute an agreement with L.J. Power, Inc. for the construction of the Water System Resiliency Project for an amount not to exceed \$1,164,511, subject to final review by the City Attorney.

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

PASSED AND APPROVED this the 9th of March 2023.

CITY OF CEDAR PARK, TEXAS

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

RESOLUTION NO. _____

File Attachments for Item:

H.8 Consideration Of A Resolution Ratifying An Amendment For Emergency Winter Storm-Related Brush Cleanup Services With T.F.R. Enterprises, Inc. In An Amount Not To Exceed \$500,000 And Authorizing A Second Amendment In An Amount Not To Exceed \$800,000.



CITY COUNCIL AGENDA

March 9, 2023

Item/Subject: Consideration Of A Resolution Ratifying An Amendment For Emergency Winter Storm-Related Brush Cleanup Services With T.F.R. Enterprises, Inc. In An Amount Not To Exceed \$500,000 And Authorizing A Second Amendment In An Amount Not To Exceed \$800,000.

Commentary

The purpose of this item is to ratify an amendment to the original agreement for emergency brush cleanup throughout the City following the severe winter weather events in late January and early February, and to authorize execution of a second amendment. The original agreement provides for T.F.R. Enterprises, Inc. (“TFR”) to perform storm cleanup, including brush chipping, hauling, and normal tree trimming and maintenance throughout City neighborhoods in an amount not to exceed \$500,000. The first amendment considered for ratification by City Council increased the not-to-exceed amount of the agreement by \$500,000.

Given the unprecedented nature of the storm, additional time and resources will be required to complete brush cleanup and protect the public health and safety. The proposed resolution will authorize the City Manager to execute a second amendment for an additional \$800,000 in brush cleanup services, including off-site disposal services, bringing the new total not-to-exceed amount to \$1,800,000.

Because this procurement was one that was necessary to preserve or protect the public health or safety of the municipality’s residents and necessary because of unforeseen damage to public property, it is exempt from the requirement to competitively bid out procurements as otherwise required by Texas Local Government Code Chapter 252.

Initiating Dept: Public Works

Fiscal Impact**Fund:****Budget****Amount: \$1,800,000.**☐**Finance Director Review****Legal Certification**

Approved as to form and content:

☐

Yes

☐No **City Attorney****Associated Information:**

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, RATIFYING THE EXECUTION BY THE CITY MANAGER OF AN AMENDMENT TO THE AGREEMENT WITH T.F.R. ENTERPRISES, INC. FOR EMERGENCY WINTER STORM-RELATED BRUSH CLEANUP SERVICES WITH TFR ENTERPRISES, INC. IN AN AMOUNT NOT TO EXCEED \$500,000, AND AUTHORIZING A SECOND AMENDMENT IN AN AMOUNT NOT TO EXCEED \$800,000; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Cedar Park experienced widespread tree limb damage and debris on public and private property during the severe winter weather of January and February 2023; and

WHEREAS, the public health and safety of the City's residents requires swift removal of the damaged and fallen tree limbs and debris from the City's roadways, sidewalks, and rights-of-way; and

WHEREAS, T.F.R. Enterprises, Inc. ("TFR") had the ability to quickly deploy work crews and equipment throughout the City to perform brush cleanup, chipping, and hauling and tree maintenance in a timely and safe manner; and

WHEREAS, Texas Local Government Code Chapter 252 generally requires that a city competitively bid out procurements before the city enters into an agreement for more than \$50,000; and

WHEREAS, pursuant to Texas Local Government Code Section 252.022, procurements necessary to preserve or protect the public health or safety of the municipality's residents and procurements necessary because of unforeseen damage to public machinery, equipment, or other property are both exempt from the requirement to competitively bid out procurements; and

WHEREAS, the City Council has determined that such a procurement was necessary to preserve or protect the public health or safety of the municipality's residents and necessary because of unforeseen damage to public machinery, equipment, or other property; and

WHEREAS, the City Manager executed an agreement with TFR for emergency winter storm-related brush cleanup services in an amount not to exceed \$500,000; and

WHEREAS, the City Manager executed an amendment to the City's agreement with TFR in an amount not to exceed \$500,000 on February 23, 2023; and

WHEREAS, additional service days are required in order for TFR to complete removal of damaged and fallen tree limbs and safely dispose of the brush, in the interest of the public health and safety of the City's residents; and

WHEREAS, City staff recommend a second amendment to the agreement with TFR in an amount not to exceed \$800,000.

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

SECTION 1. The City Council hereby ratifies the execution by the City Manager of an amendment to the Agreement with T.F.R. Enterprises, Inc. for emergency winter storm-related brush cleanup services executed on February 23, 2023 in an amount not to exceed \$500,000.

SECTION 2. The City Council hereby authorizes and directs the City Manager to execute a second amendment to the Agreement with T.F.R. Enterprises, Inc. for emergency winter storm-related brush cleanup services in an amount not to exceed \$800,000, subject to final review by the City Attorney.

SECTION 3. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 9th day of March, 2023.

CITY OF CEDAR PARK, TEXAS

James Penniman-Morin, Mayor

ATTEST:

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

J.P. LeCompte, City Attorney

RESOLUTION NO.

