



**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR
NOVEMBER 21, 2024 AT 6:00 PM**

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

Event Password: CedarPark2024

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

Access Code: 2555 098 9039

Phone Password: 23327728

Jim Penniman-Morin, Mayor
Bobbi Hutchinson, Council Place One
Mel Kirkland, Council Place Two
Eric Boyce, Council Place Four

Anne Duffy, Mayor Pro Tem
Kevin Harris, Council Place Five
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 §551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter And Section §551.072 Deliberation Concerning The Purchase, Exchange, Lease, Or Value Of Real Property:
 - a. Legal Issues Concerning The Economic Development Performance Agreement With CP North Shore, LLC.
- B.2 Section § 551.074 Deliberate The Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, Or Dismissal Of A Public Officer Or Employee.
 - a. City Manager.
 - b. City Attorney.
- B.3 Section § 551.087 Deliberation Regarding Economic Development Negotiations.
 - a. Update Regarding Negotiations With Economic Development Prospects.

The Council Reconvenes into Open Meeting.

II. OPEN MEETING

To Commence At 7:00 p.m.

- C.1 Invocation. (Harris)
- C.2 Pledges Of Allegiance (U.S. and Texas).
- C.3 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.4 City Manager Report: Update On Parks And Recreation Winter Programs - Josh Rodrigue, Recreation Manager.

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: No Items For Consideration.
- [E.1](#) (2024-8-SUP) Second Reading And Approval Of An Ordinance For A Special Use Permit (SUP) To Allow A Private School On Approximately 10.62 Acres Located At 3502 Hatch Road. ***The***

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.

Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Request As Presented.

- [E.2](#) (2024-10-SUP) Second Reading And Approval Of An Ordinance For A Special Use Permit (SUP) To Allow A Day-Care Center Use On Approximately 0.68 Acres Located At 2015 Little Elm Trail. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***
- [E.3](#) (2024-11-SUP) Second Reading And Approval Of An Ordinance For A Special Use Permit (SUP) To Allow A Tattoo Parlor/Body Piercing Studio Use On Approximately 0.03 Acres Located At 401 East Whitestone Boulevard. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***
- [E.4](#) (2024-12-SUP) Second Reading And Approval Of An Ordinance For A Special Use Permit (SUP) To Allow An Outdoor Commercial Amusement, Minor Use On Approximately 1.61 Acres Generally Located Southwest Of The Intersection Of West New Hope Drive And Clover Lane. ***The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Request As Presented.***
- [E.5](#) (2024-3-FLU) (Related To 2024-12-Z) Second Reading And Approval Of An Ordinance For A Future Land Use Plan Amendment From Local Office/Retail/Commercial (LOC) To Regional Office/Retail/Commercial (REG) For Approximately 5.89 Acres Located At 703 And 705 Cypress Creek Road. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***
- [E.6](#) (2024-12-Z) (Related to 2024-3-FLU) Second Reading And Approval Of An Ordinance To Rezone Approximately 1.97 Acres From Light Industrial (LI) To General Business (GB) Located At 703 Cypress Creek Road. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***
- [E.7](#) Second Reading And Approval Of An Ordinance Amending Cedar Park Code Of Ordinances, Chapter 4 Business Regulations, Article 4.04 Wrecker Business Regulations, And Appendix A Fee Schedule, Article 3.000 Business Related Fees, Section 3.300 Towing Fees.
- [E.8](#) Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances, Chapter 9, Human Resources, Article 9.11 Municipal Civil Service, Section 9.11.002 Classification And Number Of Positions.
- [F.1](#) A Resolution Authorizing An Agreement With Kimley-Horn And Associates, Inc. For Professional Engineering Services For A Condition Assessment At Four (4) Wastewater Lift Stations In An Amount Not To Exceed \$78,000.
- [F.2](#) A Resolution Authorizing Amendment #2 To The Agreement With Prime Controls L.P. For The Water System Resiliency Project – SCADA Modifications To Construct The BCRUA Delivery Points Improvements Phase 2 Project In An Amount Not To Exceed \$156,000.

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.

- [E.3](#) A Resolution Authorizing An Agreement With AFMA, Inc. dba CORE Office Interiors For The Purchase Of Office Furniture For Public Works Buildings 1, 2 & 4 In An Amount Not To Exceed \$76,502.26.

Public Hearings

- G.1 First Reading And Public Hearing Of An Ordinance: No Items For Consideration.

Regular Agenda (Non-Consent)

- [H.1](#) (2024-6-FLU) Consideration Of A Future Land Use Plan Amendment Petition Requesting An Amendment From Local Office/Retail/Commercial (LOC) To Regional Office/Retail/Commercial (REG) For Approximately 2.2 Acres Located At 1200 West Whitestone Boulevard.
- [H.2](#) Consideration of A Resolution Authorizing The Commissioning Of A Mural In Brushy Creek Lake Park.
- H.3 Announcement Of Mayor Pro Tem In Accordance With Council Rules Of Procedure Rule 4.2.
- H.4 Consider Action, If Any, On Items Discussed In Executive Session.
- H.5 Mayor And Council Closing Comments.
- H.6 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.

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.

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.

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

2024-2026 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 sense of community and engage residents on matters that impact them most.
- **Bell District:** Advance the City's most significant redevelopment project through successful implementation of the development plan.
- **Recreation and Cultural Opportunities:** Strengthen portfolio of recreation and learning programs, events and facilities, ensuring services align with community expectations.
- **Capital Projects:** Dedicate resources to design and construct the capital projects necessary to advance Cedar Park and meet future needs.
- **Redevelopment Initiatives:** Create redevelopment strategies that align with community's long-term vision and add value to surrounding area.
- **Placemaking:** Focus on aesthetics and public art within public spaces to create a positive aesthetic experience, instilling pride and creating unique identity.
- **Comprehensive Plan:** Adhere to City's Comprehensive Plan, and ensure it is updated regularly to reflect community's attitudes and needs.



Safe Community

Prioritize, enhance and support efforts related to community safety so our residents, businesses and visitors feel safe in their neighborhood and City.

- **Public Safety:** Prioritize and support public safety programs so our community feels safe.
- **Neighborhoods:** Invest in programs that improve neighborhood safety.
- **City Utilities:** Safeguard resiliency and security of water and wastewater utility system for reliability.
- **Communications & Reporting:** Use effective methods of providing safety-related information to residents and businesses.



Economic Vitality

Utilizing Strategic Plan as a guide, 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.

- **Business Recruitment Strategic Initiatives:** Attract targeted industries to diversify and grow tax base and increase primary job opportunities.
- **Projects that Make Cedar Park a Destination:** Attract regional destination development and entertainment centers.
- **Business Retention & Expansion:** Actively support existing business community.
- **Small Business & Entrepreneurship:** Encourage business growth and development stemming from entrepreneurial endeavors.
- **Workforce Development:** Work with education partners to grow training options that align with identified target industries.
- **Tourism:** Expand and support tourism program to increase visitors and local commerce.



Service & Fiscal Excellence

Deliver high-value public services in a fiscally prudent and sound manner to meet the needs and expectations of our community and enhance the quality of life.

- **Government Operations:** Ensure government operations, practices and procedures result in high quality and resident-focused services throughout our city.
- **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 for the delivery of excellent services.
- **Technology:** Ensure sound 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 (MMP):** Commence implementation of the recently approved Master Plan aimed at improving multimodal connectivity within the community.
- **Roadways:** Construct additional roadways or expand existing roadways to increase capacity and reduce traffic congestion.
- **Bike, Pedestrian & Trail:** Expand the City's network of shared use paths and trails to provide more opportunities for trips on foot or bike.
- **Traffic Operations:** Invest in the use of technology and other innovative solutions to increase the safety and efficiency of the existing roadway system.



Infrastructure & Environment

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

- **Infrastructure:** Continue to prioritize investments that support the quality and reliability of critical infrastructure.
- **Sustaining Infrastructure & Assets:** Invest in the maintenance of infrastructure and assets to support growth and sustain the existing community.
- **Environmental Stewardship:** Demonstrate responsible stewardship of community and natural resources.



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File Attachments for Item:

E.1 (2024-8-SUP) Second Reading And Approval Of An Ordinance For A Special Use Permit (SUP) To Allow A Private School On Approximately 10.62 Acres Located At 3502 Hatch Road. ***The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Request As Presented.***



CITY COUNCIL AGENDA
November 21, 2024

Item/Subject: (2024-8-SUP) Second Reading And Approval Of An Ordinance For A Special Use Permit (SUP) To Allow A Private School Use On Approximately 10.62 Acres Located At 3502 Hatch Road. ***The Planning And Zoning Commission Voted 7-0 To Recommend The Request As Presented.***

Final Report

Staff	Cindy Schlanger, AICP 512-401-5082, cindy.schlanger@cedarparktexas.gov
Owner	Hill Country Christian School of Austin
Applicant	Hagood Engineering Associates
City Limits	Yes
Existing Future Land Use Plan	Local Office/Retail/Commercial (LOC) and Regional Office/Retail/Commercial (REG)
Current Zoning	Local Business (LB)
Major Corridor	RM 620
Summary of Applicant's Request	Request for a Special Use Permit (SUP) for a Private School use on approximately 10.62 acres.
Staff's Recommendation	Recommend approval of the SUP for a Private School Use.

Staff Recommendation:

Staff recommends approval of the requested Special Use Permit (SUP) for a Private School use.

Reason for Staff Recommendation:

The Private School use and concept plan comply with the criteria of the Cedar Park Code. The proposed use is compatible with existing development as well as the type of development envisioned by the Future Land Use Plan designations of REG and LOC. The existing infrastructure and City services are also adequate to support the proposed Private School use on the subject property.

Planning & Zoning Commission Recommendation to the City Council:

On October 15, 2024, the Planning and Zoning Commission recommended approval (7-0) of the request for a Special Use Permit (SUP) for a Private School Use.

In favor: T.J. Donnell, Bob Ingraham, Brenda Reiss, 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 October 15, 2024. There were no speakers.

City Council Public Hearing:

The City Council held a public hearing on November 14, 2024. There was no public testimony.

Applicant's Neighborhood Communication Summary and Public Input:

The Applicant stated that letters were mailed to all residential landowners within 500 feet of the subject property informing them of the proposed development, its location, and the reason of notification. No comments have been received to date.

To date, City Staff has received two (2) phone calls from neighbors asking for information about the Special Use Permit process and speaking generally in favor of the proposed use.

COMMENTARY

Existing Site and Surrounding Land Uses

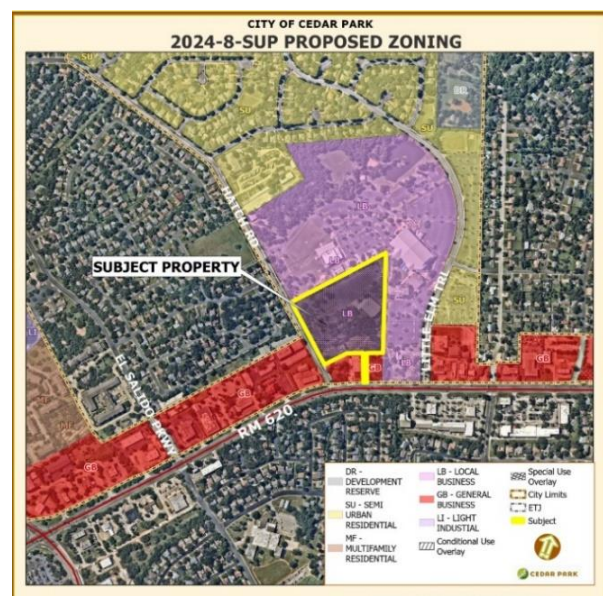
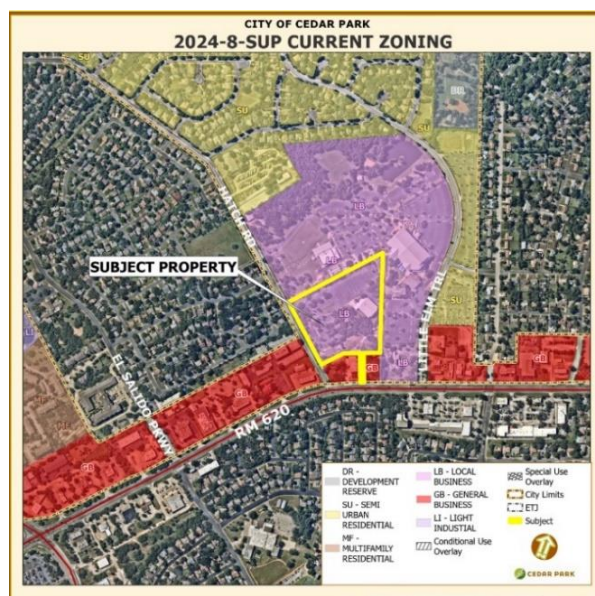
The 10.62-acre subject property is located northeast of the intersection of two major thoroughfares: Hatch Rd and RM 620. It is currently developed as a place of religious assembly with associated administrative buildings and parking.

The Comprehensive Plan establishes two Future Land Use (FLU) designations for the subject property: Local Office/Retail/Commercial (LOC) and Regional Office/Retail/Commercial (REG). Both FLU designations envision this area as suitable for retail, service uses and professional office activities that meet the needs of residents. The southern portion of the subject property, which has closer proximity to RM 620, encourages more intense uses that support the region, while the northern portion transitions into less intense uses that support the surrounding area.

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)	Local Business (LB)	Place of religious assembly and Private School
South	Regional Office/Retail/Commercial (REG)	General Business (GB)	Commercial
East	Local Office/Retail/Commercial (LOC)	Local Business (LB)	Place of Religious assembly
West	Regional Office/Retail/Commercial (REG), and Low Density Residential (LDR)	General Business (GB) Cedar Park ETJ (not zoned)	Residential, single family

The following maps depict the current and proposed zoning classifications.



Purpose of Special Use Permit:

A special use is a use that is allowed within a district, but which is subject to specific standards and a public hearing process to reduce the potential for incompatibility with other uses within or adjacent to the district. The designation of a special use means that it is only allowed in a proposed location if all the conditions applicable to the use are met. A special use may or may not be appropriate in a particular location depending on the value of the public need and benefit versus the impacts of the use.

Future Land Use Plan:

The Future Land Use Plan (FLUP) identifies the northern portion of the subject property as Local Office/Retail/Commercial (LOC) and the southern portion as Regional Office/Retail/Commercial (REG). Both designations support the Private School use with approval of a Special Use Permit (SUP).

Comprehensive Plan:

The request for a Special Use Permit follows these goals of the Comprehensive Plan:

Future Land Use

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

Livability

- Ensure that Cedar Park is a desirable place to live, work, worship, and raise a family.

Site Information:

Zoning Case History:

The subject property was annexed in September 1993 (Ord No 93-033), at which time the property was designated with the temporary zoning of Residential (R-1) zoning district. The table below includes a history of zoning changes on the property.

YEAR	ORDINANCE & (CASE NUMBER)	REQUEST	P&Z RECOMMENDATION	CITY COUNCIL ACTION
1993	93-037	Rezone from Interim R-1 to R-1B	Approval	Approve 11-09-93
2020	Z52-18-09-27-E2 (Z-18-012)	Rezone 10.62 acres from SU and GB to LB	Approval 8/21/2018	Approve 9/27/2018

Major Corridor:

The southern half of the subject property is located within a designated Major Corridor (RM 620).

Transportation:

The subject property is located on and takes access from Hatch Road, a residential collector as classified in the City's Mobility Master Plan. A small portion of the subject property extends to RM 620 although this drive does not currently provide access to the development.

Subdivision:

The subject property is platted as Lot 1, Block A, Replat of Lot 1, Block A, Church of the Hills & Lots 4&5, Hatch - 620 Subdivision (FP-09-006).

Land uses:

Permitted uses are all uses permitted in the Local Business (LB) zoning district as identified in Table 11.02.064 of the Zoning Ordinance and summarized in the attached exhibit for reference.

Building Setback and Height Requirements:

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

Staff Commentary:

The City Code defines the Private School use as a privately owned accredited institution that provides full-time instruction for students from kindergarten to twelfth grade.

The City Code states the following criteria shall be used when formulating a recommendation for a SUP.

1. The proposed Special Use Permit conforms to adopted plans and all other applicable provisions of this Ordinance;
2. Adequate public facilities and services are available without the reduction of services for any existing uses;
3. All proposed accessory uses demonstrate that they are necessary and desirable;
4. The proposed Special Use has incorporated features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement;
5. The proposed special use is compatible with adjacent existing uses and other allowed uses in the zoning districts, for which such compatibility is expressed in terms of appearance, architectural scale and features, site design, landscaping, as well as the control of adverse impacts; and
6. The maximum density is no greater than that permitted in the applicable zoning district.

Hill Country Christian School is currently using the facilities at the Hill Country Bible Church, which is adjacent to the subject property. The Applicant intends to modify the existing structures and infrastructure on the subject property to support the relocation of the middle and high schools from the Hill Country Bible Church (HCBC) property to this site. A driveway access with the adjacent HCBC parking lot is proposed to facility traffic flow. School traffic will access the subject property from Little Elm Trail through the HCBC parking lot and exit on Hatch Road. A Site Development Permit revision will be required for any new or modified improvements to demonstrate compliance with applicable site development standards.

Public Information Plan:

October 2, 2024: Public notice of the Planning and Zoning Commission and City Council public hearings published in the Austin American Statesman

October 4, 2024: Forty-one (41) letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract

October 15, 2024: Planning and Zoning Commission public hearing

November 14, 2024: City Council 1st reading and public hearing

November 21, 2024: 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

Attachments:

Local Business (LB) Uses and Setbacks
 Concept Plan
 SUP Request Letter
 Neighbor Communication Summary

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 APPROVE A SPECIAL USE PERMIT TO ALLOW A PRIVATE SCHOOL USE ON APPROXIMATELY 10.62 ACRES LOCATED AT 3502 HATCH ROAD (2024-8-SUP); 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 BYLAW.

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, pursuant to Cedar Park Code of Ordinances Division 11.02.04 Conditional and Special Uses, a Special Use Permit (SUP) may be granted to certain land uses that are not permitted by right in some or all zoning districts of the City, but are nevertheless recognized as being desirable to the full function and development of the City under appropriate circumstances and in conformity with the goals and objectives of the City's Comprehensive Plan; 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 October 15, 2024, the Planning and Zoning Commission voted 7-0 to recommend approval of the proposed Special Use Permit; 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. That the zoning district map of the City of Cedar Park adopted in ordinance no. 75-2 be and the same is hereby amended to grant a Special Use Permit for a Private School Use on approximately 10.62 acres located at 3502 Hatch Rd, otherwise set forth in the legal description labeled Exhibit "A", the property location map labeled Exhibit "B", and the Concept Plan labeled 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 and to update the official zoning map to remove such designation from the map if the special use has been discontinued for a year or longer or if the use is replaced by another use pursuant to Cedar Park Code of Ordinances § 11.06.085(1), as amended.

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 14th day of November, 2024, 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 21st day of November, 2024, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

James Penniman-Morin, Mayor

LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:

JP LeCompte, City Attorney

EXHIBIT A

Lot 1, Block A, of the Repat of Lot 1 Block A, Church of the Hills and Lots 4 and 5, Harch-620 Subdivision, a subdivision in Williamson County, Texas according to the map or plat thereof recorded in Document No. 2009078242 of the Official Public Record of Williamson County, Texas.

EXHIBIT B

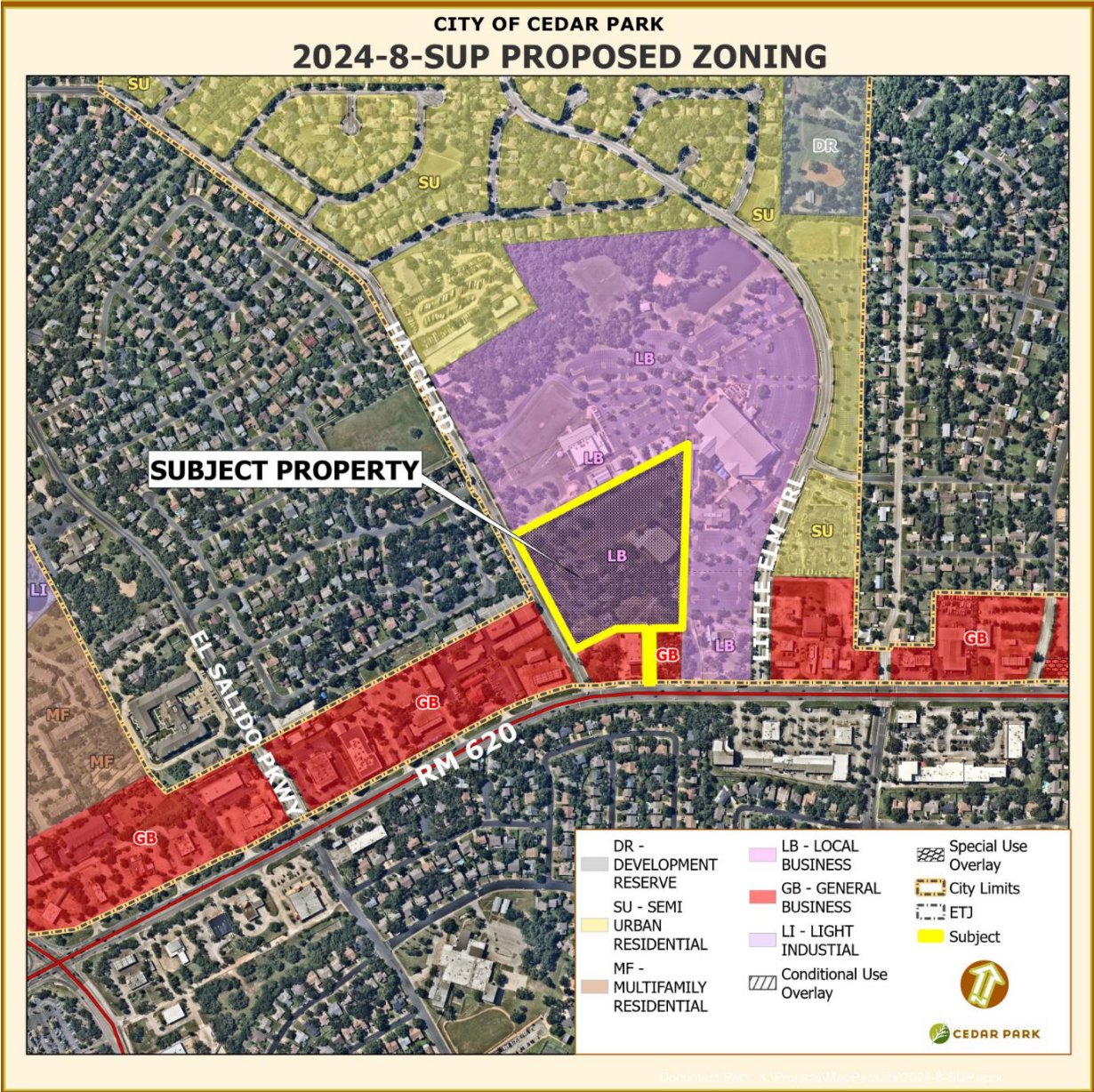
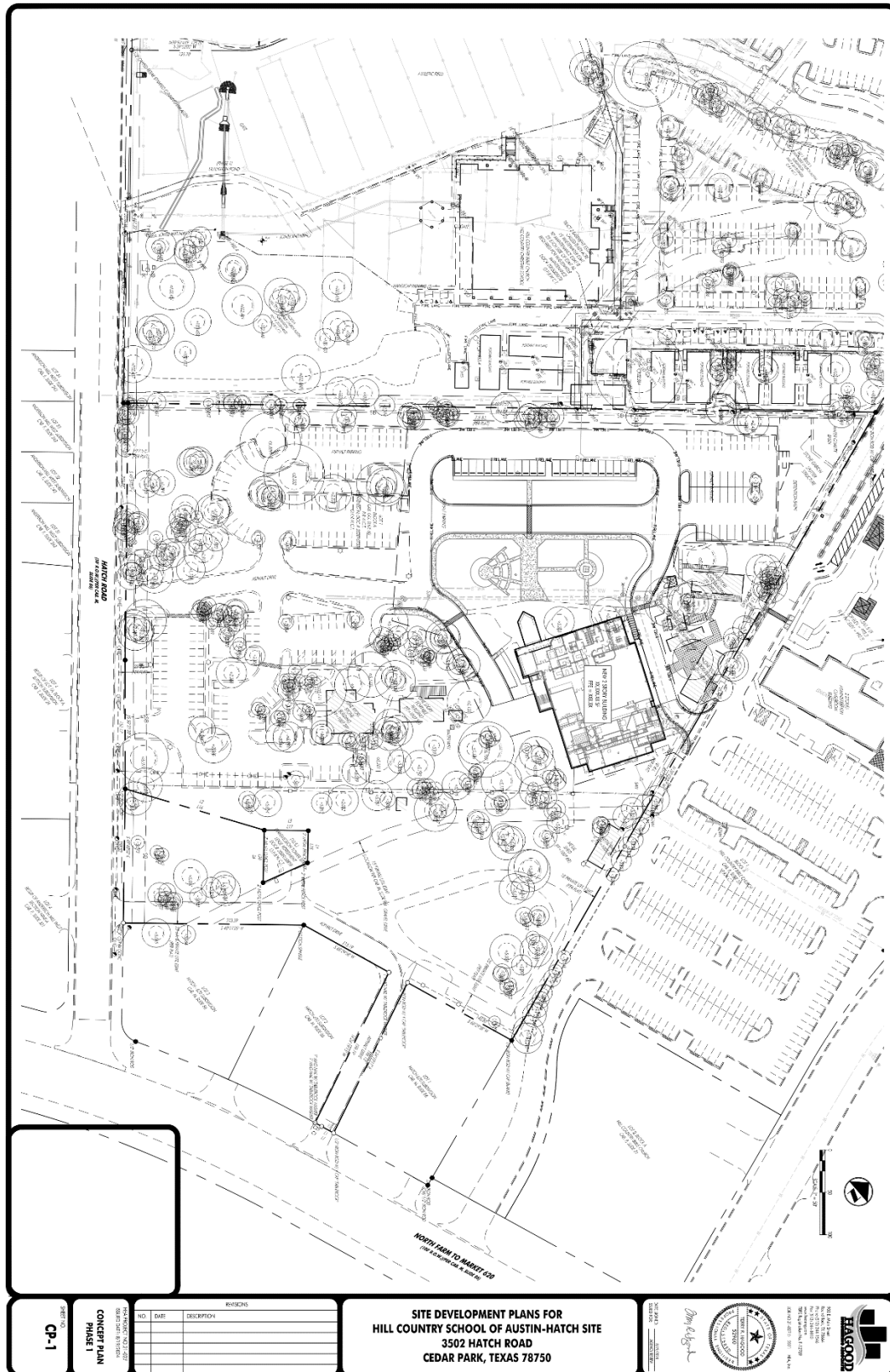
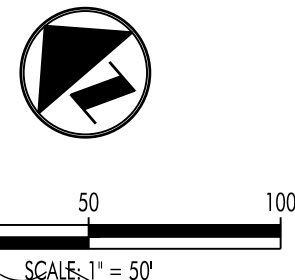
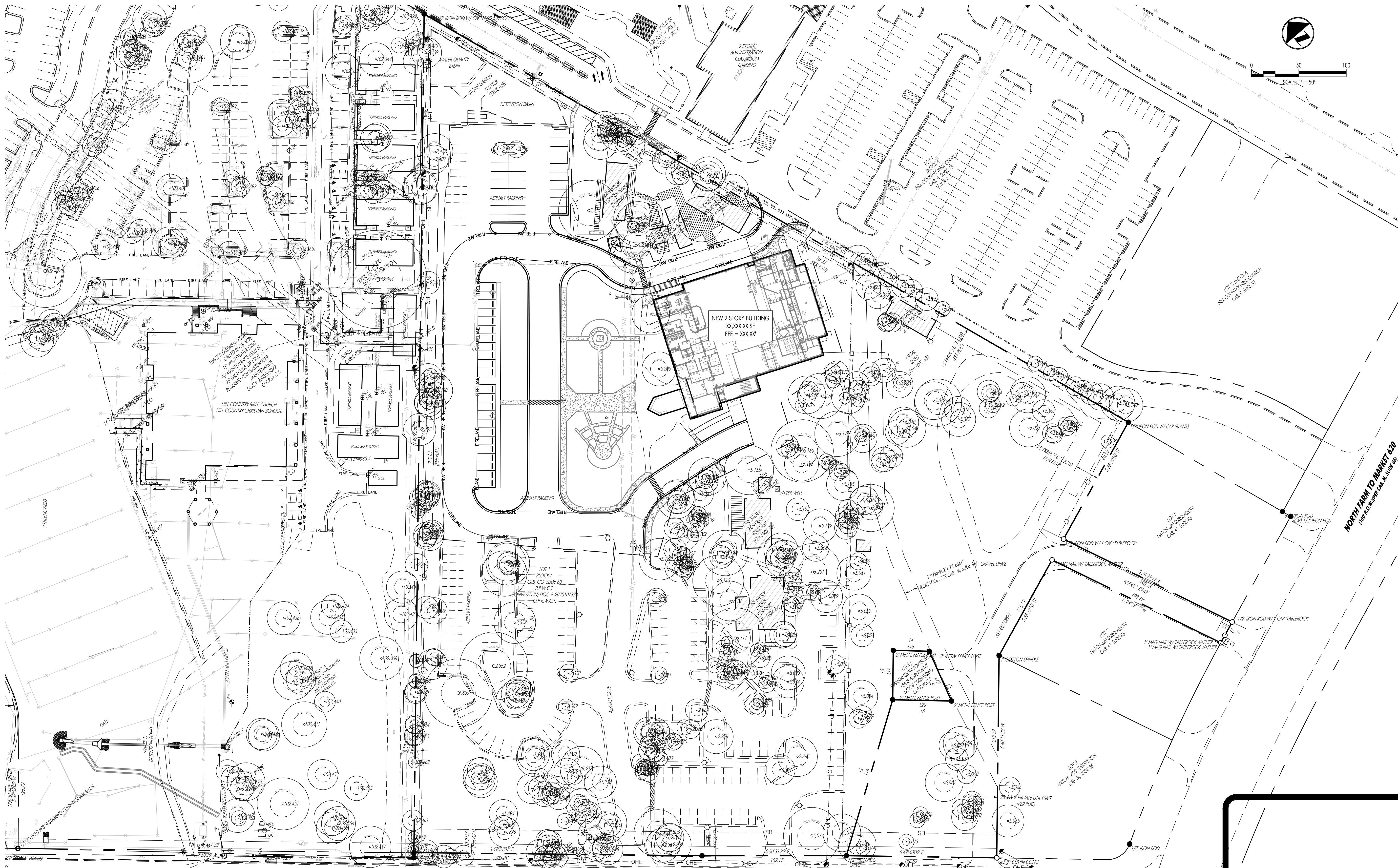


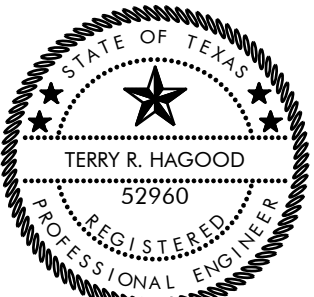
EXHIBIT C





900 E. Main Street
Round Rock, TX 78664
Phone (512) 244-1546
Fax (512) 244-1010
www.hagoodeng.com
TPE Registration No. F-12709

JOB NO.21-027 © 2021 HEA, Inc.



Terry R. Hagood

DATE SIGNED: 8/19/2024
ISSUED FOR: AGENCY REVIEW

**SITE DEVELOPMENT PLANS FOR
HILL COUNTRY SCHOOL OF AUSTIN-HATCH SITE
3502 HATCH ROAD
CEDAR PARK, TEXAS 78750**

REVISIONS	
NO.	DESCRIPTION

HEA PROJECT NO.21-027
ISSUED DATE: 8/19/2024

**CONCEPT PLAN
PHASE 1**

SHEET NO.
CP-1

August 19, 2024

Mr. Dustin Henry, Manager
Planning Department
City of Cedar Park Development Services
450 Cypress Creek Blvd
Building 1
Cedar Park, TX 78613



Re: Letter of Intent – Special Use Permit
Hill Country Christian School
12124 Ranch Road 620 N
Austin Texas 78750
HEA # 21-027-ZO

Dear Mr. Henry:

This letter of intent provides information for the Special Use Permit (SUP) of 10.62 acres situated at 3502 Hatch Lane (Property) owned by Hill Country Christian School of Austin (HCCSA) as described in document number 2023093562 of the Williamson County Public Records. The Property is zoned LB (Local Business) and a legal lot as described as Lot 1, Block A, Replat of lot 1 Block A, Church of the Hills and Lots 4&5 Hatch 620 Subdivision as recorded in Cabinet GG, Slide 60. Through an agreement with the previous owner, City Reach Church, the current use will continue as religious education through December 2024. At that time, HCCSA will begin repurposing the existing buildings to school use with building occupancy beginning in August of 2026. In accordance with Cedar Park Code of Ordinances Section 11.02.064 Private School use is a "Special Use" defined in Section 11.02.062.B.3 which may be approved only after a public hearing and consideration by the Planning and Zoning Commission and a subsequent public hearing and determination by the City Council, and are subject to:

- a. The applicable special use standards for the specified use, as stated in Article 11.02, division 4, Conditional and Special Uses; and
- b. The procedures stated in section 11.06.085, Special Use Permit.

Therefore, in accordance with Section 11.06.085, approval of a SUP must demonstrate conformance to the following criteria (general narratives are provided along with a supporting Concept Plan):

1. The proposed special use permit conforms to adopted plans and all other applicable provisions of this Chapter.
 - The proposed private school special use is allowed with the current zoning district and consistent with the Local Office, Retail, and Commercial (LOC) Future Land Use within the Comprehensive Plan.
2. Adequate public facilities and services are available without the reduction of services for any existing uses.
 - The property has direct access to existing public right-of-way for vehicle and pedestrian access, is connected to public water and wastewater, and participates in a private joint use stormwater management pond.
 - No additional public facilities are required for the proposed use under consideration through this application.

3. All proposed accessory uses demonstrate that they are necessary and desirable.
 - As shown on the Concept Plan, Buildings 8 & 9 will be used as offices for the school. These two existing buildings are residential style and have been on the property since before the first church was constructed in the early 1990's. Exteriors are native stone and cedar siding with low sloped shingle roofs. No changes are proposed to the exterior.
4. The proposed special use has incorporated features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement.
 - This site was previously developed as a church use: in addition to the existing buildings, driveways, sidewalks, and parking (regular and ADA) was provided. The proposed school use will utilize the existing improvements which include the existing public 2-way driveway onto Hatch Lane. There is a second existing public driveway on the southern portion of the site which connects to RR 620; however, there is no direct connection to the parking and buildings at this time. As the school will be associated with the adjacent existing main HCCSA campus on Little Elm, additional private vehicle and pedestrian connectivity is provided (please refer to Concept plan for locations). An accessible sidewalk route from Hatch Lane is provided into the site with accessible routes to each building. For security, parking lot lighting is provided. Adjacent properties are identified by zoning, use, and future land use as shown on the Concept Plan. No buffering or fencing is required based upon adjacent land uses.
5. The proposed special use is compatible with adjacent existing uses and other allowed uses in the zoning districts, for which such compatibility is expressed in terms of appearance, architectural scale and features, site design, landscaping, as well as the control of adverse impacts.
 - The Concept Plan shows the location of the buildings and building summary table of heights and areas. Building 1 (2-story), Building 2 (3 story), and Buildings 3-6 (1-story) are adjacent to the HCCSA/HCBC campus buildings of multiple 2 to 4 story buildings. Building 8 & 9 (1-story) are adjacent to the commercial uses to the south and residential uses to the west. Buildings 8 & 9 are residential in style. The distribution and style of the buildings are compatible with surrounding uses with native tree and distance buffering.
6. The maximum density is no greater than that permitted in the applicable zoning district.
 - Density is not exceeded by the proposed Concept Plan.

Sincerely,
HAGOOD ENGINEERING ASSOCIATES



Terry R. Hagood, P.E.
Project Manager
TRH/rs

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?

The attached letter was mailed out to neighbors on September 18, 2024 by Hagood Engineering Associates

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

See the attached list of neighbors that received letters regarding the SUP application

3. What concerns were raised during these communications?

As of September 30th, Hagood Engineering has not received any calls or emails pertaining to the SUP application

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: Raquel Saenz

Date 09/30/2024

September 18, 2024



Re: Letter of Intent – Special Use Permit
Hill Country Christian School
12124 Ranch Road 620 N
Austin Texas 78750
HEA # 21-027-ZO

Dear Neighbor:

This letter is to inform neighbors of Hill Country Christian School, that an application for a Special Use Permit (SUP) has been submitted to the City of Cedar Park. This SUP is requested for 10.62 acres situated at 3502 Hatch Lane (Property) owned by Hill Country Christian School of Austin (HCCSA). Through an agreement with the previous owner, City Reach Church, the current use will continue as religious assembly through October 2025. HCCSA will begin repurposing the existing buildings to school use with building occupancy beginning in August of 2026. In accordance with Cedar Park Code of Ordinances Section 11.02.064, the Private School use is a "Special Use" defined in Section 11.02.062.3.b which may be approved only after a public hearing and consideration by the Planning and Zoning Commission and a subsequent public hearing and determination by the City Council.

This SUP application is scheduled to go before the Planning and Zoning Commission meeting on October 15, 2024. Should you have any questions, comments, or would like to discuss prior to the meeting, please contact our office at 512.244.1546 or via email at raquelr@heaeng.com on or before September 27, 2024.

Sincerely,
HAGOOD ENGINEERING ASSOCIATES

A handwritten signature in blue ink, appearing to read "Raquel Saenz", is written over the printed name and title.

Raquel Saenz
Project Assistant

xx/rs

Local Business (LB) Zoning Standards and Permitted Uses

Minimum lot area	15,000 sf	Building setbacks *	Front *	25'
Minimum lot width	100'		Interior side	12'
Minimum lot depth	150'		Street side	25'
Maximum building height *	45'		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**	Permitted with Special Use Permit**
Art studio, gallery	Adult day care	Day-care center
Bank, credit union, and financial institution	Alcoholic beverage establishment	Mobile food establishment court
Civic club	Alcoholic beverage sales, off-site	Private school (grades K-12)
College, university or vocational school	Animal grooming	
Government office	Animal veterinary service, small animal	
Gym	Day-care center, incidental	
Indoor commercial amusement	Drug store	
Laundromat	Grocery	
Medical clinic	Restaurant, dine-in only	
Medical office	Restaurant, drive-in or drive-through	
Museum	Retail sales	
Non-emergency transport service	Utility services, major	
Office, general	Vending kiosk	
Personal services		
Place of religious assembly		
Print shop		
Public school (grades K-12)		
Utility services, general		

** Subject to additional conditions outlined in Sec 11.02.092

File Attachments for Item:

E.2 (2024-10-SUP) Second Reading And Approval Of An Ordinance For A Special Use Permit (SUP) To Allow A Day-Care Center Use On Approximately 0.68 Acres Located At 2015 Little Elm Trail. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***



CITY COUNCIL AGENDA
November 21, 2024

Item/Subject: (2024-10-SUP) Second Reading And Approval Of An Ordinance For A Special Use Permit (SUP) To Allow A Day-Care Center Use On Approximately 0.68 Acres Located At 2015 Little Elm Trail. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***

Final Report

Staff	Brynn Haby, 512-401-5052, brynn.haby@cedarparktexas.gov
Owner	Lakeline Center Cedar Park Phase VIII, Ltd.
Applicant	Ryan Irion, TDI Engineering
Existing Future Land Use Plan	Local Office/Retail/Commercial (LOC)
Current Zoning	Local Business (LB)
Major Corridor	Little Elm Trail
Summary of Applicant's Request	Request for a Special Use Permit (SUP) to allow a Day-Care Center use on approximately 0.68 acres.
Staff's Recommendation	Approval for an SUP for a Day-Care center use as requested.

Staff Recommendation:

Staff recommends approval of the requested Special use Permit (SUP) for a Day-Care Center use.

Reason for Staff Recommendation:

The requested Day-Care Center use complies with the criteria listed in the City Code for a Special Use Permit (SUP) and will comply with all City Codes and Ordinances. The Day-Care Center use is consistent with this subject property Future Land Use Plan (FLUP) designation of Local Office/Retail/Commercial (LOC) and aligns with the goals of the Comprehensive Plan.

Planning & Zoning Commission Recommendation to the City Council:

On October 15, 2024, the Planning and Zoning Commission recommended approval (6-1) of the request for a Special Use Permit (SUP).

In favor: T.J. Donnell, Bob Ingraham, Brenda Reiss, Audrey Wernecke, Cindy Sneed,
Kimberly Bradford -Brown.
Opposed: Randy Strader

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 October 15, 2024. There were no registered speakers.

City Council Public Hearing:

The City Council held a public hearing on November 14, 2024. No public testimony was provided.

Applicant's Neighborhood Communication Summary and Public Input:

The applicant reached out by mail all the property owners (approximately 19 residents) located within 500 feet of the subject property inviting them to a neighborhood meeting that was held on September 18, 2024. No concerns were brought forward. See attached Neighborhood Communication Summary and letter.

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

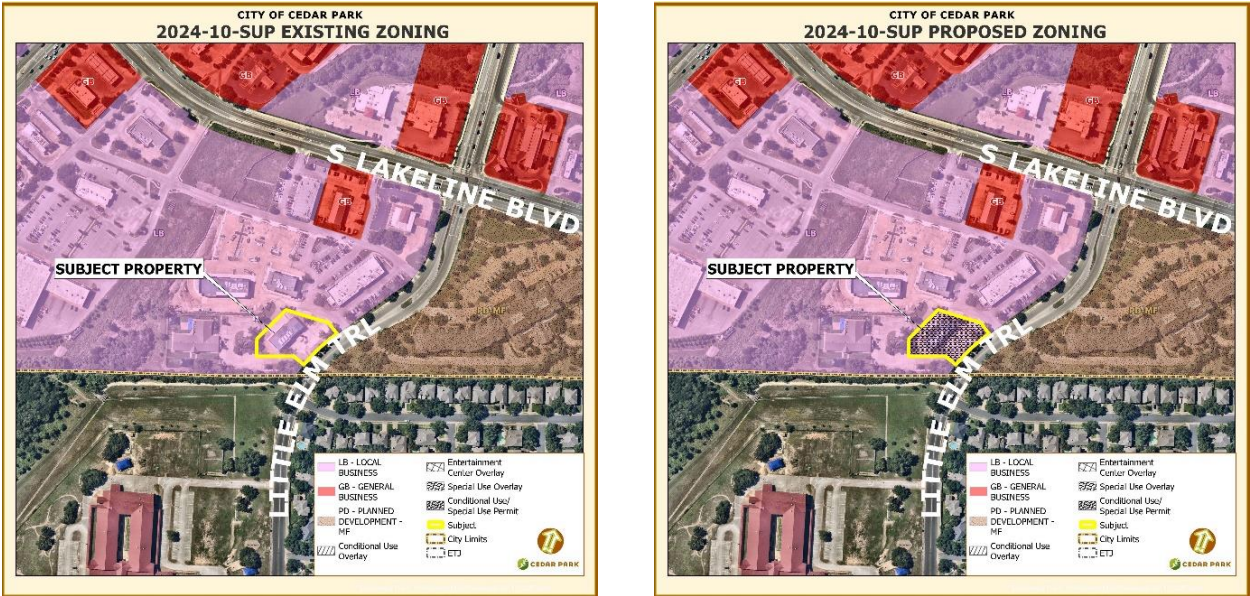
The 0.68-acre subject property is located at 2015 Little Elm Trail, along the west side of Little Elm Trail and south of the South Lakeline Boulevard intersection. The subject property is designated Local Office/Retail/Commercial (LOC) in the City's Future Land Use Plan and is envisioned for

light retail and service uses to meet the needs of residents in the immediate vicinity. The property is just north of Naumann Elementary, which is located in the City’s Extra Territorial Jurisdiction (ETJ).

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)	Local Business (LB)	Mixed tenant building (restaurant/retail uses)
South	Local Office/ Retail/Commercial (LOC)	Local Business (LB)	Daycare/Preschool
East	Regional Office/ Retail/Commercial (REG)	Planned Development- Multi Family (PD-MF)	Retirement Community
West	Local Office/ Retail/Commercial (REG)	Local Business (LB)	Daycare/Preschool

The following maps depict the current and proposed zoning classifications.



Purpose of TheSpecial Use Permit:

A special use is a use that is allowed within a district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within or adjacent to the district. The designation of a special use means that it is only allowed in a proposed location if all of the conditions applicable to the use are met. A special use may or may not be appropriate in a particular location depending on the value of the public need and benefit versus the impacts of the use.

Future Land Use Plan:

The Future Land Use Plan (FLUP) identifies the subject property as Local Office/Retail/Commercial (LOC). This designation supports the Day-Care Center use with approval of a Special Use Permit (SUP).

Comprehensive Plan:

The request for a Special Use Permit (SUP) is in compliance with these goals of the Comprehensive Plan:

Future Land Use

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

Livability

- Ensure that Cedar Park is a desirable place to live, work, worship, and raise a family.

Site Information:

Zoning Case History:

The subject property was annexed into the city limits in 1996, at which time it was designated Local Business (B-2) zoning district upon annexation. The table below includes a history of zoning changes on the property.

YEAR	CASE & ORD. NUMBER	REQUEST	P&Z RECOMMENDATION	CITY COUNCIL ACTION
1996	Z-96-016 Ord. No. 97-001	Rezone approximately 714.14 acres from Single-Family Residential (R-1), Multi-Family Residential (R-2), Local Business (B-2) to Planned Unit Development (PUD).	Approval for Planned Unit Development (PUD). Vote 7-0.	Approval for Planned Unit Development (PUD). Vote 7-0.
2001	Z-01-012 Ord. No. Z-01-06-14-N.2.	Rezone from PUD to General Business (GB-3).	Approval for General Business (GB-3). Vote 7-0.	Approval for Community Commercial (C-2). Vote 7-0.

Major Corridor:

The subject property is located along a designated Major Corridor (Little Elm Trail).

Transportation:

The subject property fronts Little Elm Trail and will have two access points. One point of access from a shared driveway to the North, and a second point of access from a shared driveway to the South of the property.

Subdivision:

The subject property consists of Lot 8D, Resubdivision of Lot 8A, Cypress Creek Commercial Sec. 2, Amended Plat of Lots 8-11, Block A.

Land uses:

Permitted uses are all uses permitted in the Local Business (LB) zoning district as identified in Table 11.02.064 of the Zoning Ordinance and summarized in the attached exhibit for reference.

Building Setback and Height Requirements:

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

Staff Commentary:

The subject property is located south of the intersection of Little Elm Trail and South Lakeline Boulevard, two (2) major roadways that can support the amount of traffic generated by the proposed use. The attached concept plan depicts the proposed development of the Day-Care center, which will occupy approximately 3,020 square feet of a 5,558-square foot building, and supporting components including a 1,525-square foot fenced playground, pick-up and drop-off zone and parking.

The Day-Care Center use is defined in the Zoning Ordinance as: “A child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven (7) or more children under 14 years of age for less than 24 hours a day, but at least two (2) hours a day, three (3) or more days a week.”.

The Day-Care Center use is also subject to the following conditional use requirements:

- a. The use does not involve overnight lodging, medical treatment, counseling, or rehabilitative services; and
- b. The use is in compliance with all certification, licensing, and/or monitoring requirements as per Texas Human Resources Code, chapter 42, Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services.

The Zoning Code states the following criteria shall be used when formulating a recommendation for a SUP.

1. The proposed Special Use Permit conforms to adopted plans and all other applicable provisions of this Ordinance;
2. Adequate public facilities and services are available without the reduction of services for any existing uses;
3. All proposed accessory uses demonstrate that they are necessary and desirable;
4. The proposed Special Use has incorporated features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement;
5. The proposed special use is compatible with adjacent existing uses and other allowed uses in the zoning districts, for which such compatibility is expressed in terms of appearance,

architectural scale and features, site design, landscaping, as well as the control of adverse impacts; and

6. The maximum density is no greater than that permitted in the applicable zoning district.

The proposed day-care center use and concept plan adheres to the Zoning Code criteria for a Special Use Permit (SUP) as the subject property is located near the intersection of two major thoroughfares intended to support light retail and service uses making the proposed Day-Care Center use compatible with surrounding uses. This use promotes livability and provides a service that supports the surrounding neighborhood and community. The proposed development is supported by existing city services and facilities, and additional improvements that meet site development requirements. In addition, based on the concept plan provided, the use complies with the additional use conditions and standards for a Day-Care center use.

Public Information Plan:

October 2, 2024: Public notice of the Planning and Zoning Commission and City Council public hearings published in the Austin American Statesman
October 4, 2024: Seventeen (17) letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract
October 15, 2024: Planning and Zoning Commission public hearing
November 14, 2024: City Council 1st reading and public hearing
November 21, 2024: 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

Attachments:

Local Business (LB) Uses and Setbacks
 Concept Plans
 Traffic Flow Plan
 Statement of Intent
 Neighborhood Communication Summary

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 APPROVE A SPECIAL USE PERMIT TO ALLOW A DAY-CARE CENTER USE ON APPROXIMATELY 0.68 ACRES LOCATED AT 2015 LITTLE ELM TRAIL (2024-10-SUP); 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, pursuant to Cedar Park Code of Ordinances Division 11.02.04 Conditional and Special Uses, a Special Use Permit (SUP) may be granted to certain land uses that are not permitted by right in some or all zoning districts of the City, but are nevertheless recognized as being desirable to the full function and development of the City under appropriate circumstances and in conformity with the goals and objectives of the City's Comprehensive Plan; 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 October 15, 2024, the Planning and Zoning Commission voted 6-1 to recommend approval of the proposed Special Use Permit; 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 grant a Special Use Permit for a Day-Care Center Use on approximately 0.68 acres located at 2015 Little Elm Trail, otherwise set forth in the legal description labeled Exhibit "A", the property location map labeled Exhibit "B", and the Conceptual Plan labeled 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 and to update the official zoning map to remove such designation from the map if the special use has been discontinued for a year or longer or if the use is replaced by another use pursuant to Cedar Park Code of Ordinances § 11.06.085(I), as amended.

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 14th day of November, 2024, 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 21st day of November 2024, 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

Lot 8D, Resubdivision of Lot 8A Cypress Creek Commercial Sec. 2, Amended Plat of Lots 8-11, Block A, a subdivision in Williamson County, Texas according to the map or plat thereof recorded in Document Number 2007078543 of the Official Public Record of Williamson County, Texas.

EXHIBIT B

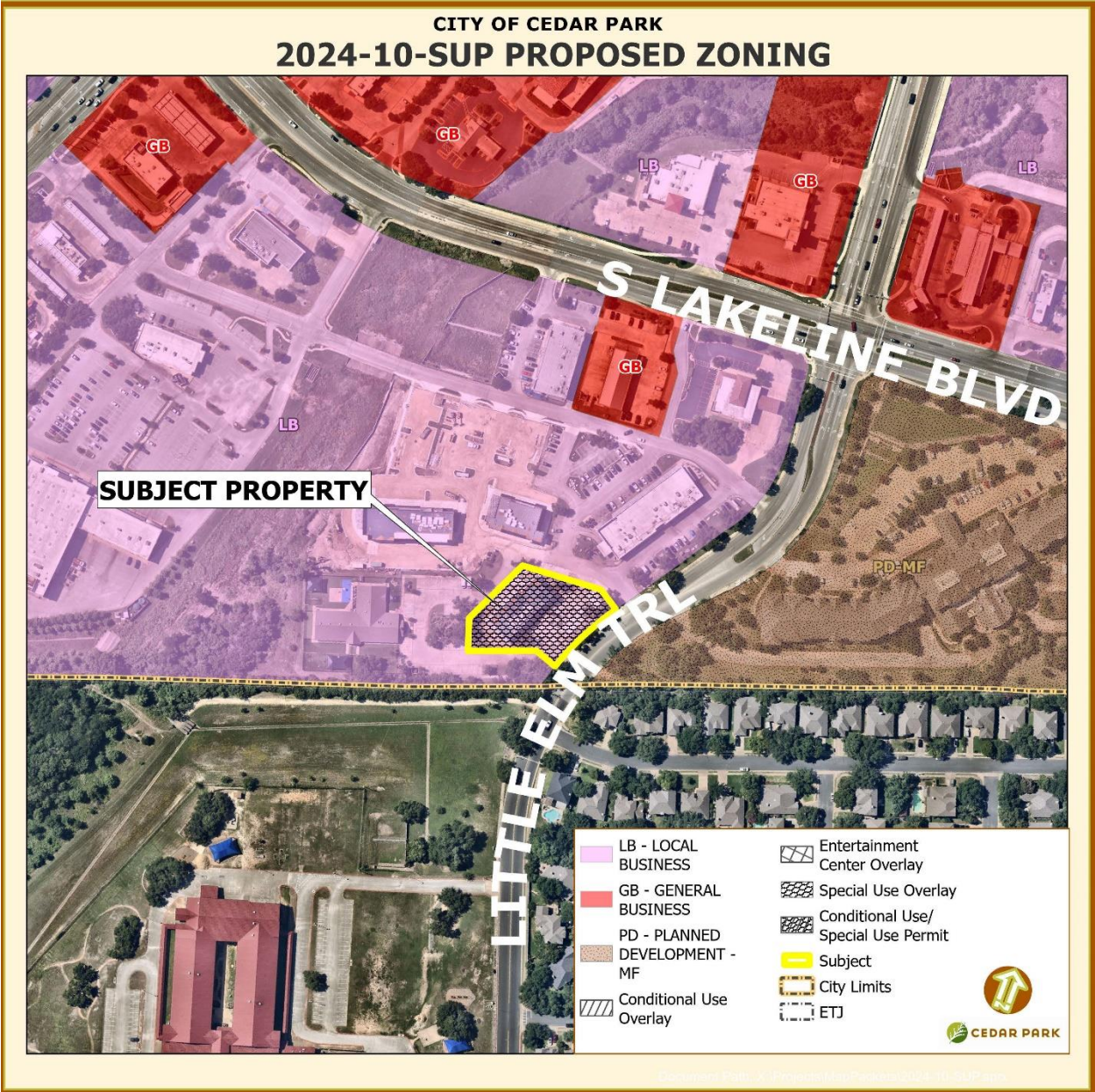
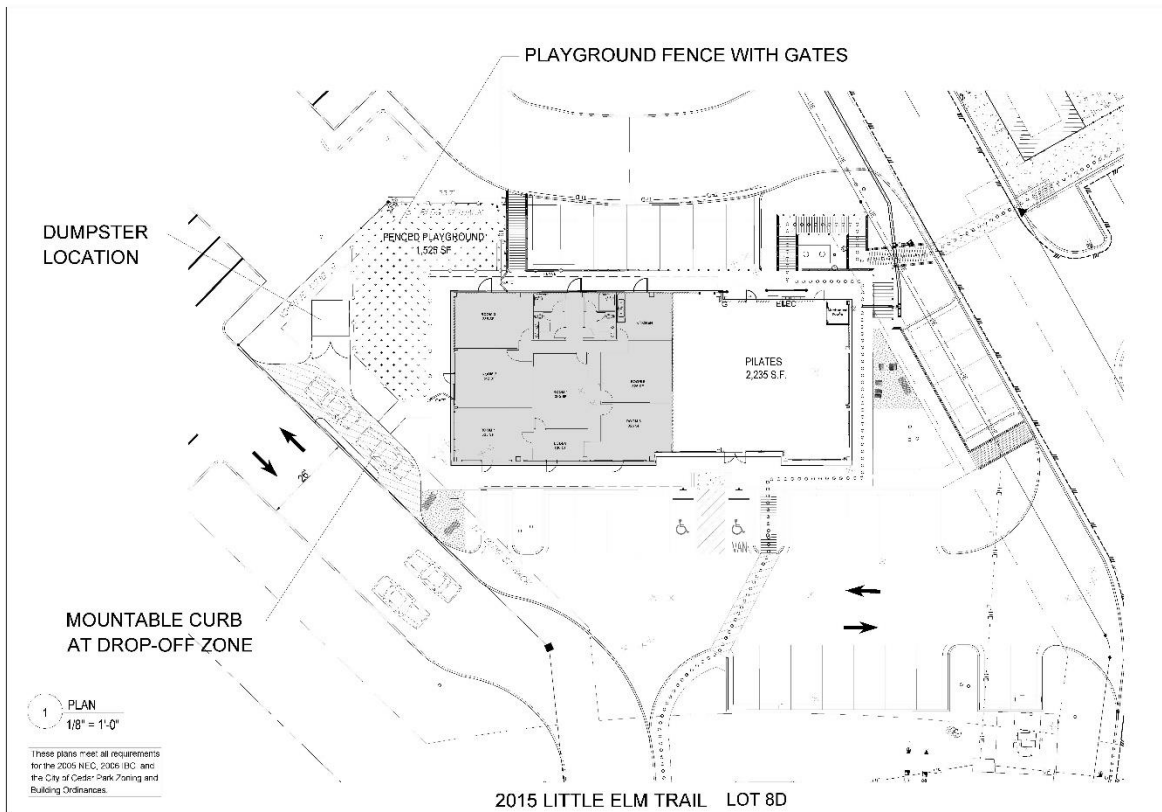


EXHIBIT C





S LAKELINE BLVD

LITTLE ELM TRI

LAKELINE OAKS
RETIREMENT COMMUNITY

LITTLE HUGS
DAYCARE

PRIMROSE
SCHOOLS
PRESCHOOL

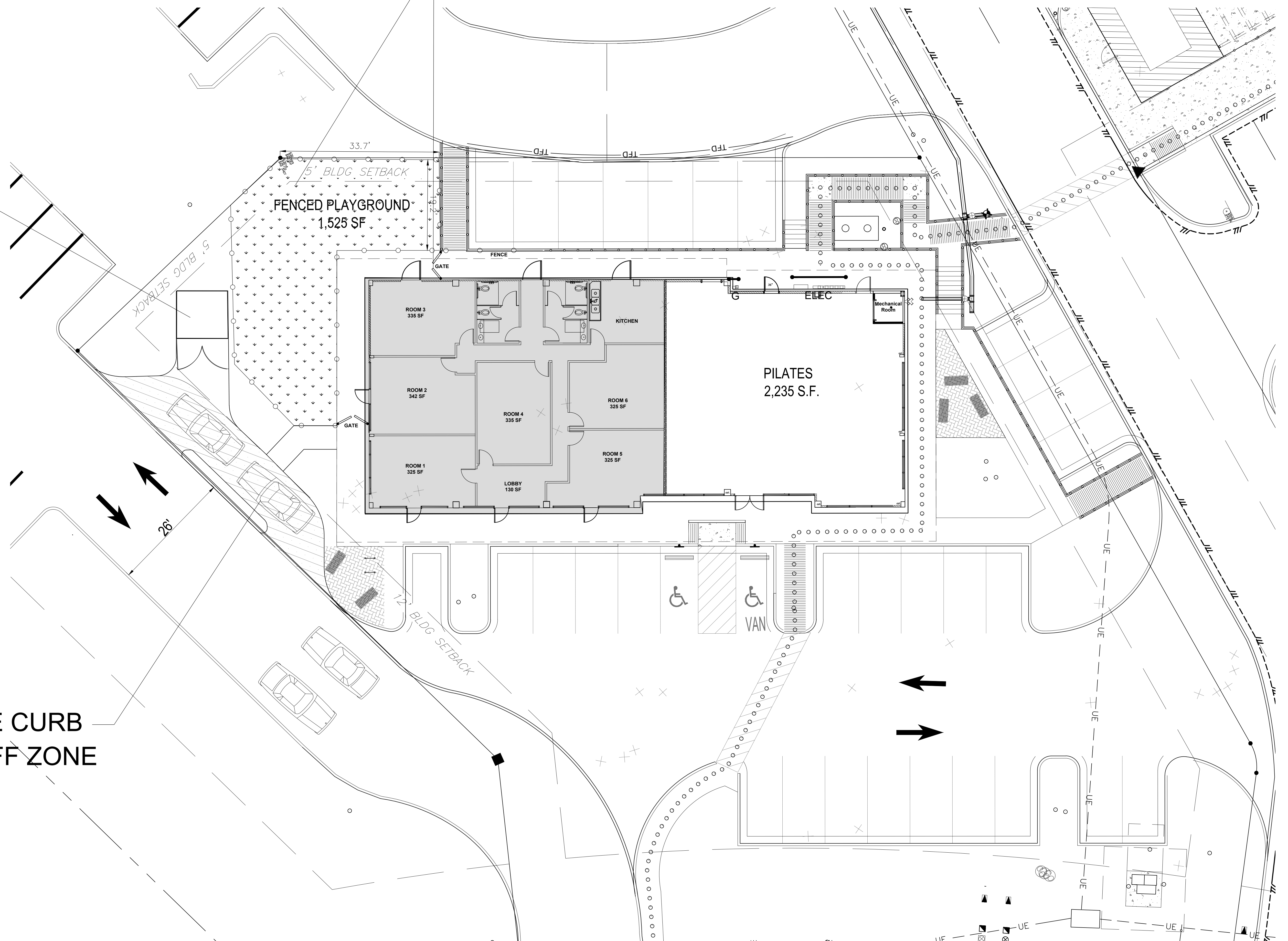
NAUMANN
ELEMENTARY
SCHOOL

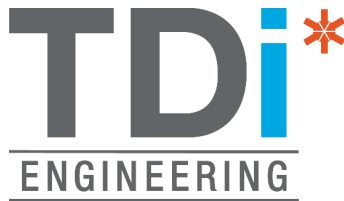
PLAYGROUND FENCE WITH GATES

DUMPSTER
LOCATIONMOUNTABLE CURB
AT DROP-OFF ZONE1 PLAN
1/8" = 1'-0"

These plans meet all requirements
for the 2005 NEC, 2006 IBC, and
the City of Cedar Park Zoning and
Building Ordinances.

2015 LITTLE ELM TRAIL LOT 8D





5906 Old Fredericksburg Road
Suite 300
Austin, Texas 78749
TBPE Firm #8601
(512) 301-3389
www.tdi-llc.net

September 23, 2024

City of Cedar Park
Development Services Department
450 Cypress Creek Rd.
Cedar Park, TX 78613

Permit Number 2024-10-SUP

Job Address: 2015 Little Elm Trail, CEDAR PARK, TX, 78613

Dear Staff,

The project is compatible with the neighboring uses of the Primrose School, neighboring shopping center, residential retirement center and residences. The Lighting is unchanged from the site plan approval dated June 29th, 2023 and meets the "Night Sky" ordinance. The project will utilize one panel on a multi-tenant tenant project sign that has been previously approved by the City. Operational hours of the day care are 6:30AM to 6:30PM Monday through Friday and are compatible with the Primrose School.

We believe the above Statement of Intent satisfies all the City's inquiry. We look forward to being added to the P&Z Calendar and the subsequent approval of this SUP project.

Sincerely,

A handwritten signature in blue ink that reads "Ryan Irion, P.E.".

Ryan Irion, P.E.
Senior Project Engineer
TBPE Firm #F-8601



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?

THE ATTACHED LETTER NOTIFYING ALL NEIGHBORS IN A 500 FOOT RADIUS WAS CERTIFIED MAILED ON SEPT 10, 2024. DETAILS OF THE PLANNED OCCUPANCY WERE STATED IN THE LETTER. ANY ONE WITH QUESTIONS OR COMMENTS WAS INVITED TO CALL ROBERT CURREY, NO CALLS WERE RECEIVED. SECONDLY, ALL NEIGHBORS WERE INVITED TO A MEETING TO BE HELD SEPT 18 AT 10:00 AM IN THE NEAR BY SHOPPING CENTER. NO RESIDENTS SHOW UP. THE DEVELOPER WAS IN ATTENDANCE.

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

ALL NEIGHBORS IN A 500 FOOT RADIUS. SEE LIST ATTACHED.

3. What concerns were raised during these communications?

NO CONCERNS WERE DETECTED.

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

N/A

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

Signature: _____

Date: _____

9/18/24

CENTRES SOUTHWEST I, L.L.C.



*904 Bluebonnet
Austin, Texas 78704
Telephone: 512/472-5856
cell: 512-587-2989
robert.currey@centressouthwest.com*

September 10, 2024

Hello Neighbor,

You may have noticed that the commercial building located at 2015 Little Elm, near Summer Moon Coffee House is nearing completion.

Plans are for there to be two tenants occupying the building, Fifty /50 Palate Studio and Little Hugs Day care.

The occupancy of a day care requires a Special Use Permit issued by the City of Cedar Park, which has been applied for. In that regard, the City has asked that we notify the neighbors.

The occupancy capacity for Little Hugs day Care will be approximately 70 children, ages infant to 5 years of age. Operational hours will be from 6:30 AM until 6:30 PM , Monday through Friday,

The request for a Special Use Permit will be reviewed at a regularly scheduled Cedar Park Planning commission Meeting to be held soon. You are invited to attend.

Preliminarily, provided that you have any questions, comments, or concerns the owner/ developers of the project will be available Sept 18 at 10:00 Am in Suite 105, 1841 Lakeline Blvd (Sprouts side of the shopping center) to answer questions or concerns. Or you may address any comments to Robert E. Currey, 904 Bluebonnet Lane, Austin Texas 78704.

Respecify,

Robert E. Currey
Centres Southwest, llc
904 Bluebonnet lane
Austin, Texas 78704

Local Business (LB) Zoning Standards and Permitted Uses

Minimum lot area	15,000 sf	Building setbacks *	Front *	25'
Minimum lot width	100'		Interior side	12'
Minimum lot depth	150'		Street side	25'
Maximum building height *	45'		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**	Permitted with Special Use Permit**
Art studio, gallery	Adult day care	Day-care center
Bank, credit union, and financial institution	Alcoholic beverage establishment	Mobile food establishment court
Civic club	Alcoholic beverage sales, off-site	Private school (grades K-12)
College, university or vocational school	Animal grooming	
Government office	Animal veterinary service, small animal	
Gym	Day-care center, incidental	
Indoor commercial amusement	Drug store	
Laundromat	Grocery	
Medical clinic	Restaurant, dine-in only	
Medical office	Restaurant, drive-in or drive-through	
Museum	Retail sales	
Non-emergency transport service	Utility services, major	
Office, general	Vending kiosk	
Personal services		
Place of religious assembly		
Print shop		
Public school (grades K-12)		
Utility services, general		

** Subject to additional conditions outlined in Sec 11.02.092

File Attachments for Item:

E.3 (2024-11-SUP) Second Reading And Approval Of An Ordinance For A Special Use Permit (SUP) To Allow A Tattoo Parlor/Body Piercing Studio Use On Approximately 0.03 Acres Located At 401 East Whitestone Boulevard. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***



CITY COUNCIL AGENDA
November 21, 2024

Item/Subject: (2024-11-SUP) Second Reading And Approval Of An Ordinance For A Special Use Permit (SUP) To Allow A Tattoo Parlor/Body Piercing Studio Use On Approximately 0.03 Acres Located At 401 East Whitestone Boulevard. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***

Final Report

Staff	Dustin Henry, AICP, 512-401-5063, dustin.henry@cedarparktexas.gov
Owner	ECM-Depot, LLC
Applicant	Kimley-Horn and Associates, c/o Ethan Harwell, AICP
City Limits	Yes
Existing Future Land Use Plan	Regional Office/Retail/Commercial (REG)
Current Zoning	General Business (GB)
Major Corridor	Whitestone Boulevard
Summary of Applicant's Request	Request a Special Use Permit (SUP) to allow a Tattoo Parlor/Body Piercing Studio use on 0.03 acres.
Staff's Recommendation	Approval for a SUP for a Tattoo Parlor/Body Piercing Studio use as requested.

Staff Recommendation:

Staff recommends approval of the requested Special Use Permit (SUP) for a Tattoo Parlor/Body Piercing Studio use.

Reason for Staff Recommendation:

The proposed SUP conforms to all applicable provisions of the Zoning Ordinance and is compatible with surrounding zoning districts and existing uses.

Planning & Zoning Commission Recommendation to the City Council:

On October 15, 2024, the Planning and Zoning Commission recommended approval of the request for a Special Use Permit.

In favor: T.J. Donnell, Bob Ingraham, Brenda Reiss, Audrey Wernecke, Cynthia Sneed, and
Kimberly Bradford-Brown
Opposed: Randy Strader

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 October 15, 2024. There were no registered speakers.

City Council Public Hearing:

The City Council held a public hearing on November 14, 2024. There was one (1) comment registered in favor of the request.

Applicant's Neighborhood Communication Summary and Public Input:

There are no properties within 500 feet of the subject property that are zoned or used for single-family residential purposes, therefore a neighborhood communication summary was not required. The Applicant has provided several letters of support from other business owners and an employee of the business in one of its other locations.

City Staff has received no inquiries or communication from the public regarding this request.

COMMENTARY

Existing Site and Surrounding Land Uses:

The 0.03-acre subject property is located at 401 East Whitestone Boulevard, east of the intersection of North Bell Boulevard and East Whitestone Boulevard. The proposed use will be located exclusively in Suite 102A of Building A of The Depot @ Cedar Park, a commercial development composed of three buildings containing various retail, medical and professional office, restaurant, and personal services tenants. 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 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)	General Business (GB), Town Center (TC)	Austin Steam Train Association Museum's rail yard; Vacant
South	Regional Office/Retail/Commercial (REG)	General Business (GB)	Hotel, Automobile Service
East	Regional Office/Retail/Commercial (REG)	General Business (GB)	Rail Yard Shopping Center (Retail)
West	Planning Area – Bell Corridor (PA-BELL)	General Business (GB)	Grocery Store

The following maps depict the current and proposed zoning classifications.



Purpose of Special Use Permit:

A special use is a use that is allowed within a district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within or adjacent to the district. The designation of a special use means that it is only allowed in a proposed location if all of the conditions applicable to the use are met. A special use may or may not be appropriate in a particular location depending on the value of the public need and benefit versus the impacts of the use.

Future Land Use Plan:

The Future Land Use Plan (FLUP) identifies the subject property as Regional Office/Retail/Commercial (REG). This designation supports the Tattoo Parlor/Body Piercing Studio use with approval of a Special Use Permit (SUP).

Comprehensive Plan:

The request for a Special Use Permit 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 in 1988, at which time the property was designated with the Interim Single-Family Residential (R-1) zoning district. The table below includes a history of zoning changes on the property.

YEAR	CASE & ORD. NUMBER	REQUEST	P&Z RECOMMENDATION	CITY COUNCIL ACTION
1996	Z-96-017 Ord. 96-28.	To rezone approximately 16.707 acres from Interim Single-Family Residential (R-1) to Planned Unit Development (PUD)	Approval of Planned Unit Development (PUD) Vote 7-0.	Approval of Planned Unit Development (PUD) Vote 7-0.
2004	Z-04-014 Ord. Z41-04-06-10-9F	To rezone approximately 16.3 acres from Planned Unit Development (PUD) to General Business District (GB-3)	Approval for General Business (GB-3) Vote 7-0.	Approval for General Business (GB-3) Vote 7-0.

Major Corridor:

The subject property is located within 200 feet of a designated Major Corridor (East Whitestone Boulevard).

Transportation:

The subject property is a suite located in a building that fronts and has access from Whitestone Boulevard, a major arterial.

Subdivision:

The subject property is considered part of Lot 1 of the Cedar Park R.R. Subdivision.

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.

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 City Code defines the Tattoo Parlor/Body Piercing Studio use as “The workshop of a tattoo artist and/or a facility where the piercing of body parts, other than ears, is performed for the purposes of allowing the insertion of jewelry.”

The Tattoo Parlor/Body Piercing Studio use is also subject to the following conditional use requirements:

- a. The use is not operated as an accessory use; and
- b. The use is not conducted in any manner that permits the observation of any such services by display, show window, or other opening from a public area.

The Zoning Code states the following criteria shall be used when formulating a recommendation for a SUP.

1. The proposed Special Use Permit conforms to adopted plans and all other applicable provisions of this Ordinance;
2. Adequate public facilities and services are available without the reduction of services for any existing uses;
3. All proposed accessory uses demonstrate that they are necessary and desirable;
4. The proposed Special Use has incorporated features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement;
5. The proposed special use is compatible with adjacent existing uses and other allowed uses in the zoning districts, for which such compatibility is expressed in terms of appearance,

architectural scale and features, site design, landscaping, as well as the control of adverse impacts; and

6. The maximum density is no greater than that permitted in the applicable zoning district.

The proposed use will be entirely located within one suite of a commercial building containing other professional services, restaurants, and retail uses. The building is privately owned subject to a ground lease on land owned by the City of Cedar Park. The Applicant is requesting the Special Use Permit to only apply to the suite area within the building where the suite is located.

The proposed use and concept plan adheres to the Zoning Code criteria for a Special Use Permit (SUP) as the use will be conducted entirely within the office suite of a commercial building containing other compatible uses. The concept plan shows only the business lobby will be located in the front part of the suite, the office areas where artist workshops are located and will not be visible to the public, which complies with the additional use conditions and standards for a Tattoo Parlor/Body Piercing Studio. The proposed development is supported by existing city services and facilities, and no other site improvements are required to support the use.

Public Information Plan:

October 2, 2024: Public notice of the Planning and Zoning Commission and City Council public hearings published in the Austin American Statesman
October 4, 2024: One (1) letter notice for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract
October 15, 2024: Planning and Zoning Commission public hearing
November 14, 2024: City Council 1st reading and public hearing
November 21, 2024: 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

Attachments:

General Business (GB) Uses and Setbacks
Concept Plans-A
Letter of Intent
Letters of Support

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 APPROVE A SPECIAL USE PERMIT TO ALLOW A TATTOO PARLOR/BODY PIERCING STUDIO USE ON APPROXIMATELY 0.03 ACRES LOCATED AT 301 EAST WHITESTONE BOULEVARD (2024-11-SUP); 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, pursuant to Cedar Park Code of Ordinances Division 11.02.04 Conditional and Special Uses, a Special Use Permit (SUP) may be granted to certain land uses that are not permitted by right in some or all zoning districts of the City, but are nevertheless recognized as being desirable to the full function and development of the City under appropriate circumstances and in conformity with the goals and objectives of the City's Comprehensive Plan; 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 October 15, 2024, the Planning and Zoning Commission voted 6-1 to recommend approval of the proposed Special Use Permit; 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 grant a Special Use Permit for a Tattoo Parlor/Body Piercing Studio Use on approximately 0.03 acres located at 401 East Whitestone Boulevard, otherwise set forth in the legal description labeled Exhibit "A", the property location map labeled Exhibit "B", and the Conceptual Plan labeled 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 and to update the official zoning map to remove such designation from the map if the special use has been discontinued for a year or longer or if the use is replaced by another use pursuant to Cedar Park Code of Ordinances § 11.06.085(I), as amended.

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 14th day of November, 2024, 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 21st day of November 2024, 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



1,319 SQUARE FEET
S.J. DOVER SURVEY, ABS. 168
WILLIAMSON COUNTY, TX

FILE NO. 2024.134
PROJECT: 617.220001 (EX1)
DATE: 09/10/2024

DESCRIPTION

1,319 SQUARE FEET OUT OF THE S.J. DOVER SURVEY, ABSTRACT NO. 168, IN WILLIAMSON COUNTY, TEXAS, AND BEING A PORTION OF LOT 1, CEDAR PARK R.R. SUBDIVISION, A SUBDIVISION OF RECORD IN DOCUMENT NO. 9728108, OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 1,319 SQUARE FEET TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, for reference, at a TxDOT Type II concrete monument found at a point of curvature in the north right-of-way line of FM 1431 (200' R.O.W.) being an angle point in the south line of said Lot 1;

THENCE, N58°16'58"W, leaving said north right-of-way line of FM 1431, over and across said Lot 1, a distance of 210.73 feet to a calculated point, for the most easterly corner and **POINT OF BEGINNING** hereof;

THENCE, continuing over and across said Lot 1, the following six (6) courses and distances:

1. S61°11'27"W, a distance of 61.13 feet to a calculated point, for an angle point;
2. S28°48'33"E, a distance of 19.35 feet to a calculated point, for an angle point;
3. S61°11'27"W, a distance of 14.12 feet to a calculated point, for the southwesterly corner hereof, from which a 1/2-inch iron rod found at the southwest corner of said Lot 1 bears S24°45'08"W, a distance of 275.16 feet;
4. N28°48'33"W, a distance of 33.25 feet to a calculated point, for the northwesterly corner hereof;
5. N61°11'27"E, a distance of 75.25 feet to a calculated point, for the northeasterly corner hereof;
6. S28°48'33"E, a distance of 13.90 feet to the **POINT OF BEGINNING**, and containing 1,319 square feet (0.030 acre) of land, more or less.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83(2011), CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF SEPTEMBER, 2024 AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.

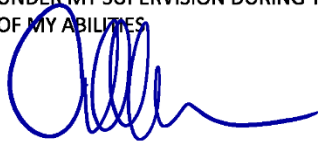

ABRAM C. DASHNER
TEXAS RPLS 5901
TBPLS FIRM NO. 10194754



EXHIBIT B

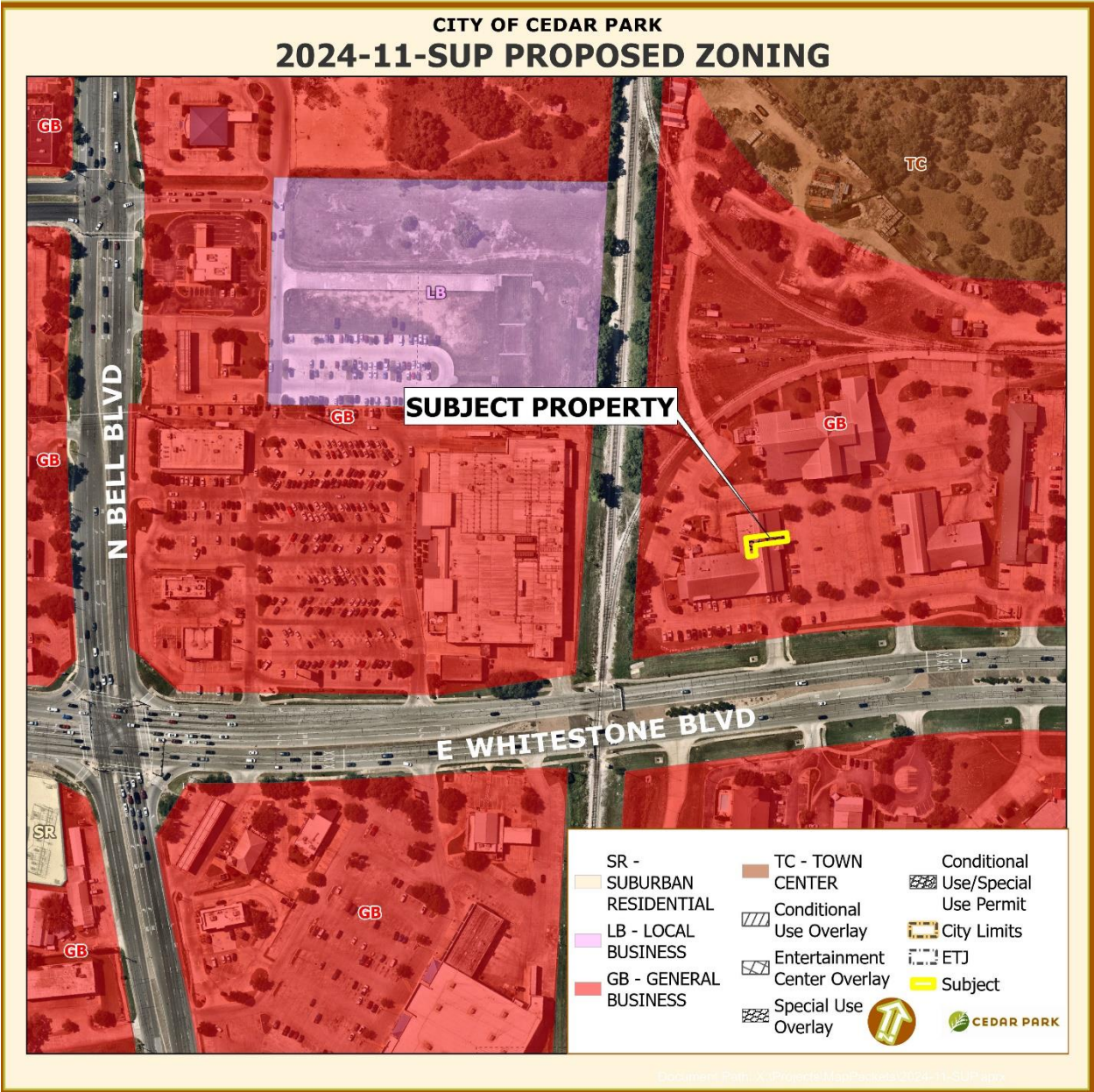
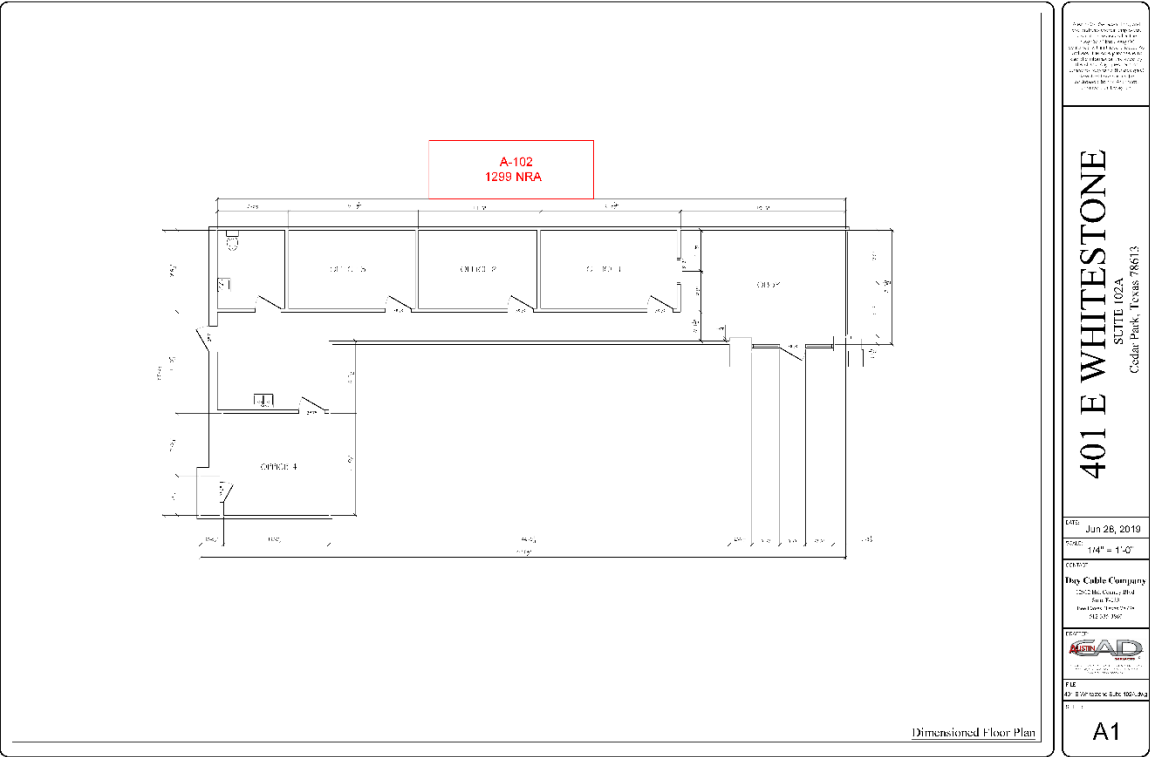
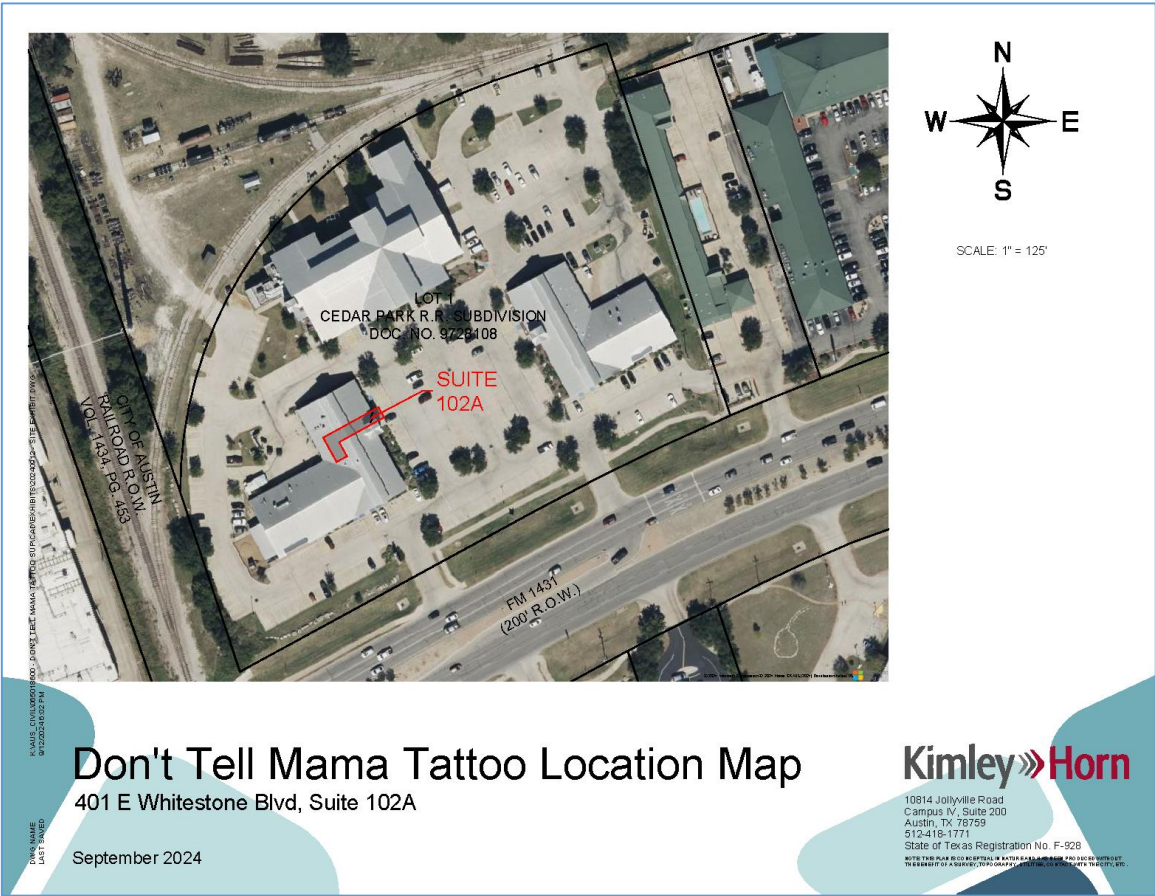


EXHIBIT C





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9/12/2024 6:02 PM

DWG NAME
LAST SAVED

Don't Tell Mama Tattoo Location Map

401 E Whitestone Blvd, Suite 102A

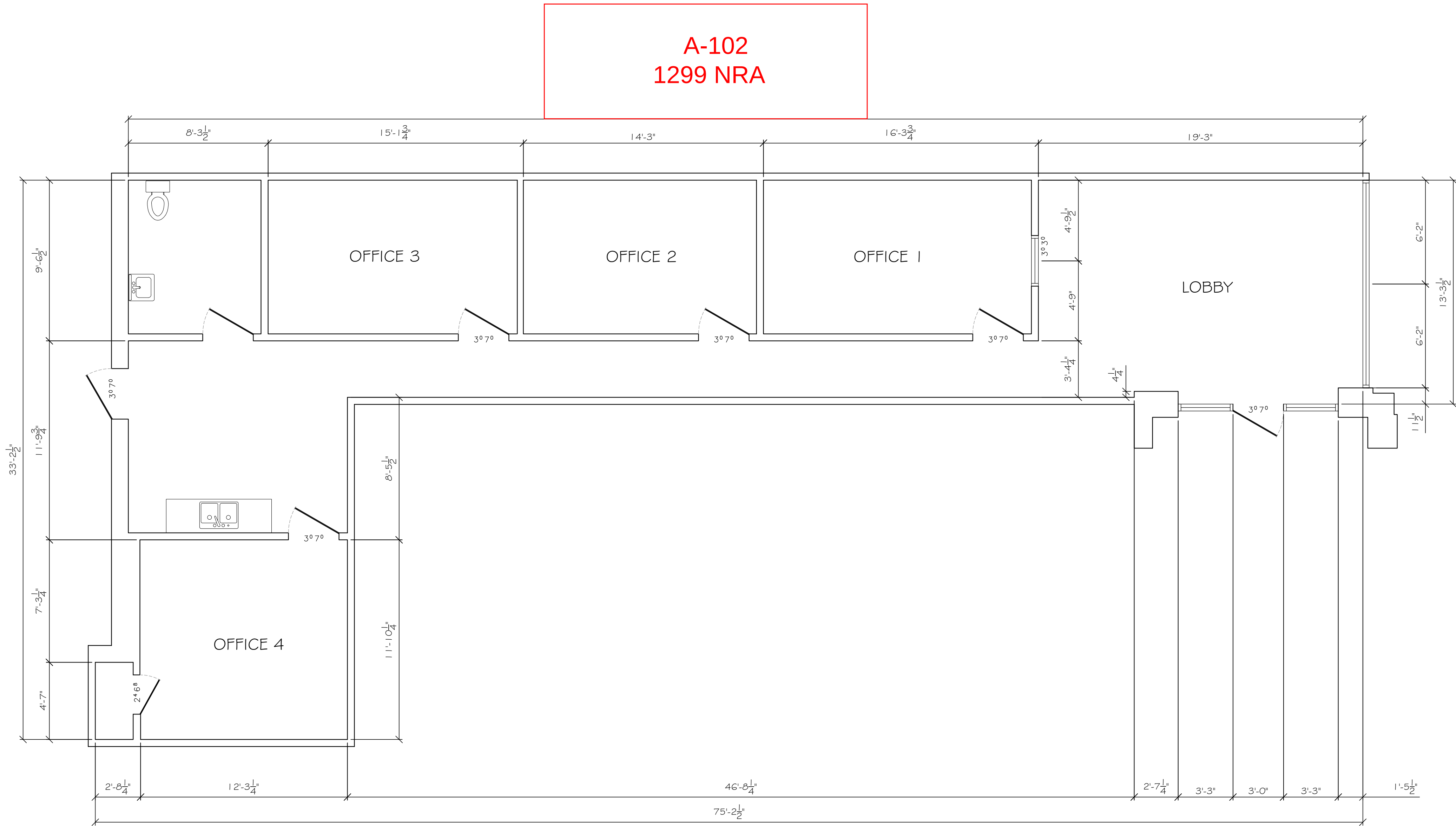
September 2024

Kimley»Horn

10814 Jollyville Road
Campus IV, Suite 200
Austin, TX 78759
512-418-1771

State of Texas Registration No. F-928

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, TOPOGRAPHY, UTILITIES, CONTACT WITH THE CITY, ETC.



Dimensioned Floor Plan

Austin Cad Services, Inc., and the drafters therein employed, are not responsible for the integrity of the design(s) contained within these sheets. As drafters, the sole purpose is to cad the information provided by the client. Any questions or concerns regarding the design(s) depicted here should be addressed to the Architect, Engineer, or Designer.

401 E WHITESTONE
SUITE 102A
Cedar Park, Texas 78613

DATE: Jun 28, 2019

SCALE: 1/4" = 1'-0"

CONTACT:
Day Cable Company
12912 Hill Country Blvd.
Suite F-233
Bee Caves, Texas 78738
512-335-3800

DRAFTER:
AUSTIN CAD SERVICES
5524 BEE CAVES ROAD SUITE C-11 AUSTIN, TEXAS
78746 (PH) 1-328-3870 (FX) 1-328-3009
www.austincadservices.com

FILE:
401 E Whitestone Suite 102A.dwg

SHEET:



September 13, 2024

Amy Link, AICP
Director of Development Services
City of Cedar Park
450 Cypress Creek Road, Building 1
Cedar Park, TX 78613

Via Electronic Submittal

RE: Request for a Special Use Permit for a Tattoo Parlor/Body Piercing Studio on approximately 1,319 SF of Lot 1, Cedar Park R. R. Subdivision generally located at 401 E Whitestone Blvd, Suite 102A, Cedar Park, TX 78613 (the "Property")

Dear Ms. Link:

As representatives of the owner of the above stated Property, Kimley-Horn respectfully submits this request for a Special Use Permit (SUP) to permit a Tattoo Parlor/Body Piercing Studio. The Don't Tell Mama Tattoo Shop will occupy an approximately 1,300 SF suite within The Depot at Cedar Park Shopping Center.

The Future Land Use Designation for the Property is Regional Office/Retail/Commercial (REG). The proposed use is compliant with the FLUM; therefore, a Future Land Use Plan Amendment is not required. The Regional Office/Retail/Commercial encourages a broad range of retail, service, and professional uses that meet the needs of residents within three to five miles or more. Don't Tell Mama Tattoo will be the only business of its kind along the 183A Corridor and will certainly be a destination within Cedar Park that draws additional traffic to the shopping center.

Properties in the immediate vicinity include restaurants, breweries, bars, professional offices, and medical office. As shown on the attached concept plan the proposed shop will occupy an existing tenant suite in an existing building. Parking for all suites in the shopping center is shared between all tenants and the site is parked above minimum code requirements.

Thank you for your time and attention to this project. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ethan Harwell".

Ethan Harwell, AICP

512 580 5803
ethan.harwell@kimley-horn.com

September 16, 2024

City Council & Planning & Zoning Commission
City of Cedar Park
450 Cypress Creek Road
Cedar Park, TX 78613

RE: Special User Permit for Don't Tell Mama Tattoo at 401 E Whitestone Blvd, Suite 102A

Dear City Council Members and Members of the Planning and Zoning Commission,

We are writing to formally request a Special Use Permit to open Don't Tell Mama Tattoo, the first tattoo shop in Cedar Park. Our goal is to introduce a business that complements the community's existing establishments while enhancing the city's cultural and economic landscape. We are confident that our tattoo shop will fit harmoniously with nearby properties, and we are committed to ensuring that our presence will be a positive and well-managed addition to the area. In the following pages, we provide a detailed overview of how our business will be compatible with the surrounding environment.

We are a husband and wife team and would love to share a little bit about ourselves. James has been in the tattoo industry for about 13 years. Before he began tattooing, he was infantry in the Army – stationed in Germany with a deployment to Afghanistan and then to Ft. Hood - which is what brought us here to Central Texas! Brooke is a former educator – teacher, instructional coach and assistant principal at Four Points Middle School in Leander ISD. She also worked for Ft. Hood and Killeen ISD prior to serving the Leander ISD community. Since it is impossible to actually let go of being an educator, Brooke is a part of the PTA and volunteers often at our local schools. We have 3 kids and have established ourselves here in Texas for about 14 years now. Our boys are 10 and 6 years old and our daughter is 3 – all active in local community sports and activities.

Now, back to business! We opened up our first Killeen location, Iron Rite Tattoo, in 2015 and our second location, Iron Rite Tattoo South, in Georgetown in 2022 and we continue to grow each year!

Iron Rite Tattoo has built a strong reputation for excellence in tattoo artistry and customer service. We specialize in all styles of tattooing and pride ourselves on our craftsmanship and community-focused approach. We offer both walk-ins and appointments every day, ensuring accessibility and convenience for our clients. Although we are expert artists and excel in customer service, we believe our commitment to our community is truly what sets us apart.

Cedar Park is growing rapidly, and with this growth comes a diverse population with a wide range of interests and needs. By opening Cedar Park's first tattoo shop, we will fill a gap in the local market, offering high-quality, artistic tattoos to residents who would otherwise need to

travel to surrounding cities for this service. We offer tattoos in a variety of styles, ensuring that our shop caters to a broad range of customers, from those seeking small and personal tattoos to larger, more elaborate custom pieces. Our team of highly skilled artists is dedicated to delivering exceptional work while maintaining the highest standards of safety and hygiene. We are fully licensed and compliant with state and local health regulations, ensuring a safe and welcoming environment for our clients and the broader community. Beyond providing tattoos, our mission is to build a strong sense of community. We plan to host local art events, collaborate with nearby businesses, and engage in charitable activities that benefit Cedar Park residents. We believe that our shop can become a cultural hub where creativity, art, and community come together.



We do already host several charity events throughout the year, sponsor sports teams and work with local schools to provide internships for aspiring artists. Our favorite charity event of the year is our partnership with Georgetown PD for the Blue Santa Toy Drive. Last year, we collected and donated hundreds of toys from our clients and staff. We also participate yearly in Liberty Hill's Angel Tree program. Last year, as a shop, we sponsored a family to provide the holiday joy for their 5 children. We are also in the process of partnering with The Georgetown Youth Project to participate in their internship program for GISD high school students. We donate gift certificates

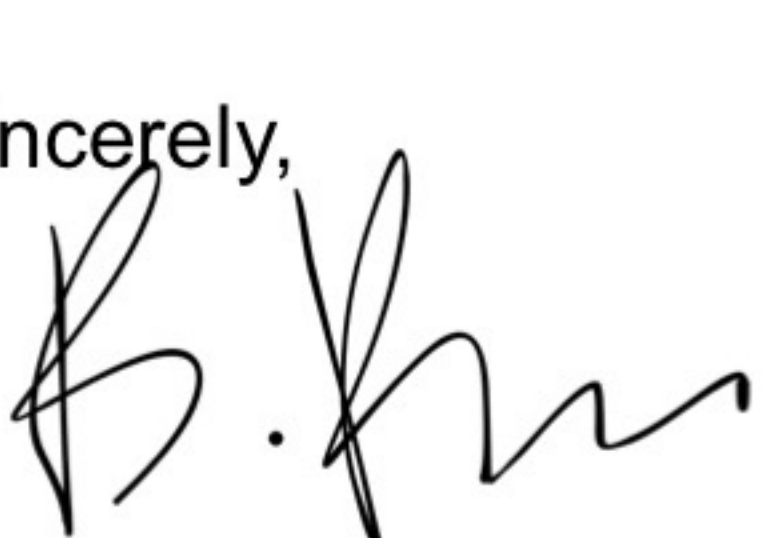
to local schools for teacher inservice, we donate to other local small businesses often, and we get involved in any and all mentoring opportunities available.

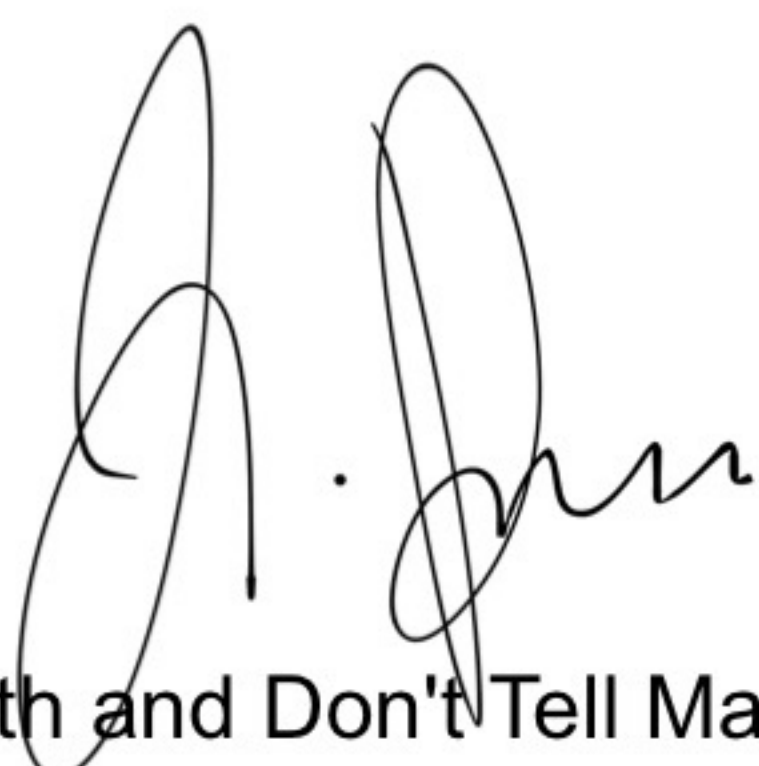
Our tattoo shops are our main focus, but we do explore other business opportunities as well. We are partners in Perfect Pair Sips and Boards wine bar and restaurant in Georgetown, we are beginning the creation and manufacturing of our own brand of tattoo and aesthetic aftercare products and we own local commercial and residential rental properties.



We believe we share the same community focused values as the City of Cedar Park and we know we can contribute positively, not only to the economy, but to the local community as well. James and Brooke have both served our country and community for as long as we can remember and we look forward to the opportunity to serve yours.

Sincerely,


James and Brooke Dupper
Owners, Iron Rite Tattoo South and Don't Tell Mama Tattoo





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

** Subject to additional conditions outlined in Sec 11.02.092



Dear Members of the City Council,

I am writing to express my support in allowing Iron Rite Tattoo to operate within Cedar Park. As a small business owner in this community, I believe that permitting tattoo businesses would bring numerous benefits, contribute to the local economy, and acknowledge that the city has embraced the modern cultural shift of tattoos not being so unconventional.

For years, Red Horn and Iron Rite have collaborated on projects within our respective creative industries. We'd love to see them expand into the city that has treated our small business so well.

Additionally, tattoo shops contribute positively to the local economy. They provide job opportunities for artists and support staff, generate revenue through their services, generate tax dollars through their merchandise sales, and attract customers who may frequent other local businesses in the area. In addition to economic benefits, tattoo shops also have a role in supporting local culture and creativity.

It is also worth noting that well-regulated tattoo shops adhere to strict health and safety standards. Licensing and inspection processes ensure that these businesses operate in a sanitary and professional manner, safeguarding public health while providing high-quality services.

On behalf of Red Horn, I hope the City Council will consider these points and support Iron Rite operating within our city. By doing so, we will not only foster economic growth, and support the arts, but also demonstrate our commitment to modernity.

I am confident that allowing tattoo shops will be a positive and progressive step for our community.

Best,

Chad Misner

Co-Founder & Owner-Operator, Red Horn

August 31, 2024

To Whom This May Concern,

I've been an employee of Iron Rite Tattoo South for one year. During this time, I've happily worked as counter help and shop manager. Working for Brooke and James Dupper continues to be a gratifying experience. They take pride in their work and the presentation of their shop making it a truly welcoming environment. My employers are passionate about building community, this is evident in our family of team members and the clientele they keep. Brooke and James have taught me so much, making them a huge inspiration in my life. They've offered unlimited guidance and support in the short time I've known them. I am so thankful to be a part of Iron Rite Tattoo South and for the opportunity to know such motivated, commendable people. I know they will continue to share their knowledge, motivation, and care for the years to come.

Sincerely,

Sydney McGruder
(951) 818-2122



Restaurant Equipment Dealer
40113 Industrial Park Circle
Georgetown, TX 78626
512-287-1227
thomas@atxrestaurantequipment.com
www.atxrestaurantequipment.com

August 29, 2024

To whom it may concern,

We are writing this letter regarding Iron Rite Tattoo interested in opening a tattoo shop in the Cedar Park area. We have had the pleasure of working with and near them at their location in Georgetown. We own ATX Restaurant Equipment across the street from them and have nothing but positive things to say. We have worked closely with them for events, purchasing equipment from us and getting tattoo work done by them. They are very family oriented and I can tell that that's the driving force behind what they do. They also use small businesses in the area for a lot of their needs such as shirts being made, food they cater for events, team meetings/outings and they have set up booths at other small businesses for their events. Another great thing is they typically work evenings and weekends, which gave us some peace of mind knowing that they were around during the time our business was closed. We truly think having them as a business in Cedar Park would be greatly beneficial to the area and many of the surrounding businesses.

Please feel free to call me at 512-287-1227 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. O'Rourke', written in a cursive style.

Thomas O'Rourke
Owner

9/25/24

City Council
City of Cedar Park
450 Cypress Creek Road
Cedar Park, TX 78613

RE: Support for a Special Use Permit for Don't Tell Mama
Tattoo at 401 E Whitestone Blvd, Suite 102A

Dear Mayor and Council:

As the representative of a neighboring business, I am
writing to express my support to bring Don't Tell Mama
Tattoo to The Depot at Cedar Park.

Sincerely,

Alvaro Garcia



J-Mobile

9/25/24

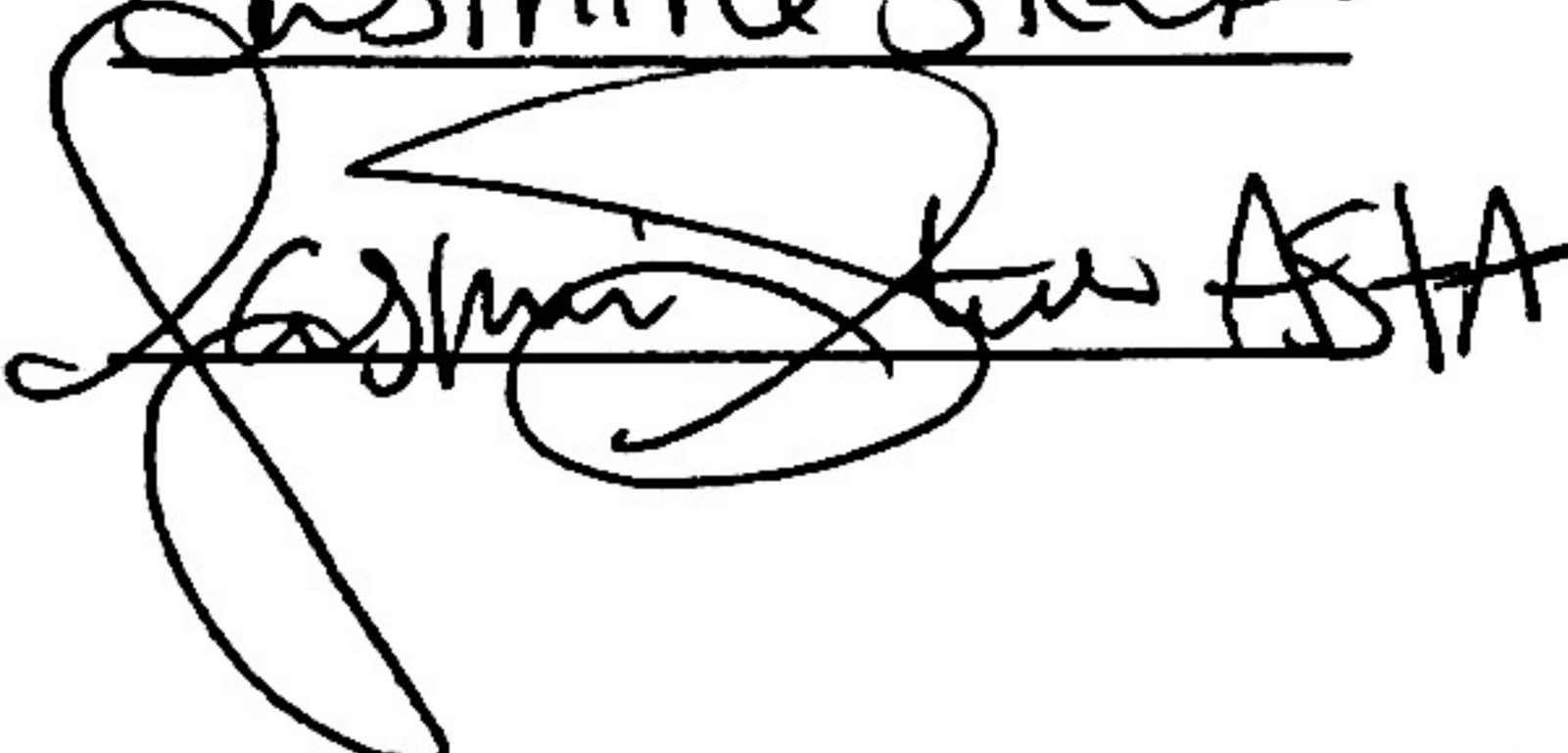
City Council
City of Cedar Park
450 Cypress Creek Road
Cedar Park, TX 78613

RE: Support for a Special Use Permit for Don't Tell Mama
Tattoo at 401 E Whitestone Blvd, Suite 102A

Dear Mayor and Council:

As the representative of a neighboring business, I am
writing to express my support to bring Don't Tell Mama
Tattoo to The Depot at Cedar Park.

Sincerely,

Asmine Steele
Asmine Steele AS/A

9/25/24

City Council
City of Cedar Park
450 Cypress Creek Road
Cedar Park, TX 78613

RE: Support for a Special Use Permit for Don't Tell Mama
Tattoo at 401 E Whitestone Blvd, Suite 102A

Dear Mayor and Council:

As the representative of a neighboring business, I am
writing to express my support to bring Don't Tell Mama
Tattoo to The Depot at Cedar Park.

Sincerely,

Sarah Fikes (Drip-N-Rip Vapes)


9/25/24

City Council
City of Cedar Park
450 Cypress Creek Road
Cedar Park, TX 78613

RE: Support for a Special Use Permit for Don't Tell Mama
Tattoo at 401 E Whitestone Blvd, Suite 102A

Dear Mayor and Council:

As the representative of a neighboring business, I am
writing to express my support to bring Don't Tell Mama
Tattoo to The Depot at Cedar Park.

Sincerely,

Quinn Huckfeldt

Quinn H.

600 Degrees Pizzeria (Cedar Park)

9/25/24

City Council
City of Cedar Park
450 Cypress Creek Road
Cedar Park, TX 78613

RE: Support for a Special Use Permit for Don't Tell Mama
Tattoo at 401 E Whitestone Blvd, Suite 102A

Dear Mayor and Council:

As the representative of a neighboring business, I am
writing to express my support to bring Don't Tell Mama
Tattoo to The Depot at Cedar Park.

Sincerely,

JOHN BRICKNESE

John Bricknese

AUSTIN'S FLOOR STORE

File Attachments for Item:

E.4 (2024-12-SUP) Second Reading And Approval Of An Ordinance For A Special Use Permit (SUP) To Allow An Outdoor Commercial Amusement, Minor Use On Approximately 1.61 Acres Generally Located Southwest Of The Intersection Of West New Hope Drive And Clover Lane. ***The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Request As Presented.***



CITY COUNCIL AGENDA

November 21, 2024

Item/Subject: (2024-12-SUP) Second Reading and Approval Of An Ordinance For A Special Use Permit (SUP) To Allow An Outdoor Commercial Amusement, Minor Use On Approximately 1.61 Acres Generally Located Southwest Of The Intersection Of West New Hope Drive And Clover Lane. ***The Planning And Zoning Commission Voted 7-0 To Recommend Approval Of The Request As Presented.***

Final Report

Staff	Brynn Haby, 512-401-5052, brynn.haby@cedarparktexas.gov
Owner	Purple Squirrel Investment Corp.
Applicant	Gary Eli Jones
Existing Future Land Use Plan	Local Office/Retail/Commercial (LOC)
Current Zoning	General Business (GB)
Major Corridor	West New Hope Drive
Summary of Applicant's Request	Request A Special Use Permit (SUP) to allow an Outdoor Commercial Amusement, Minor use on approximately 1.61 acres.
Staff's Recommendation	Approval for an SUP for an Outdoor Commercial Amusement, Minor use as requested.

Staff Recommendation:

Staff recommends approval of the requested Special use Permit (SUP) for an Outdoor Commercial Amusement, Minor use.

Reason for Staff Recommendation:

The requested Outdoor Commercial Amusement, Minor use complies with the criteria listed in the City Code for a Special Use Permit (SUP) and will comply with all City Codes and Ordinances.

Planning & Zoning Commission Recommendation to the City Council:

On October 15, 2024, the Planning and Zoning Commission recommended approval (7-0) of the request for a Special Use Permit (SUP).

In favor: T.J. Donnell, Bob Ingraham, Brenda Reiss, Audrey Wernecke, Cindy Sneed,
Kimberly Bradford -Brown, 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 October 15, 2024. There were no registered speakers.

City Council Public Hearing:

The City Council held a public hearing on November 14, 2024. No public testimony was provided.

Applicant's Neighborhood Communication Summary and Public Input:

The applicant reached out by mail all the property owners (approximately 34 residents) located within 500 feet of the subject property. See attached Neighborhood Communication Summary and letter.

To date, staff has not received any communication on the proposed SUP request.

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

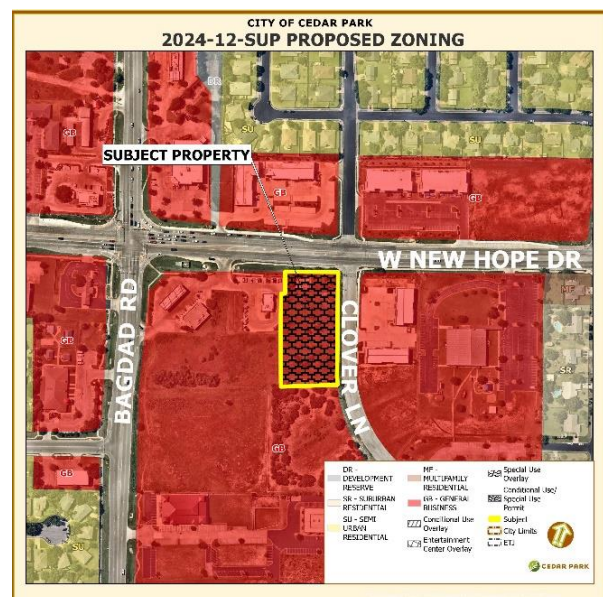
The 1.61-acre subject property is located at southwest corner of West New Hope Drive and Clover Lane, just east of Bagdad Road. The subject property is designated Local

Office/Retail/Commercial (LOC) in the City's Future Land Use Plan and is envisioned for light retail and service uses to meet the needs of residents in the immediate vicinity.

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)	General Business (GB)	Mixed tenant building (restaurant/retail uses)
South	Local Office/ Retail/Commercial (LOC)	General Business (GB)	Vacant
East	Local Office/ Retail/Commercial (LOC)	General Business (GB)	Mixed tenant building
West	Local Office/ Retail/Commercial (LOC)	General Business (GB)	Drive-thru restaurant (HTeaO)

The following maps depict the current and proposed zoning classifications.



Purpose of Special Use Permit:

A special use is a use that is allowed within a district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within or adjacent to the district. The designation of a special use means that it is only allowed in a proposed location if all of the conditions applicable to the use are met. A special use may or may not be appropriate in a particular location depending on the value of the public need and benefit versus the impacts of the use.

Future Land Use Plan:

The Future Land Use Plan (FLUP) identifies the subject property as Local Office/Retail/Commercial (LOC). This designation supports an Outdoor Commercial Amusement, Minor use with approval of a Special Use Permit (SUP).

Comprehensive Plan:

The request for a Special Use Permit (SUP) is in compliance with these goals of the Comprehensive Plan:

Future Land Use

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

Livability

- Ensure that Cedar Park is a desirable place to live, work, worship, and raise a family.

Site Information:

Zoning Case History:

The subject property was annexed into the city in 1986, at which time the property was designated with the Interim Single-Family Residential (R-1) zoning district. The table below includes a history of zoning changes on the property.

YEAR	CASE NUMBER	REQUEST	P&Z RECOMMENDATION	CITY COUNCIL ACTION
1987	Z-86-027 Ord. No. 87-052	Rezone approximately 24.93 acres from Single-Family Residential (R-1) to Local Business (B-2), which later converted to the current General Business (GB) zoning district.	Approval for Local Business (B-2). Vote 7-0.	Approval for Local Business (B-2). Vote 7-0.

Major Corridor:

The subject property is located along a designated Major Corridor (West New Hope Drive).

Transportation:

The subject property has frontage on West New Hope Drive and Clover Lane. The property will be served by two access points, both located on Clover Lane.

Subdivision:

The subject property consists of a portion of Lot 2B, Resubdivision of Lot 2, Bagdad Commercial Park, Phase 2 Subdivision. A replat has been submitted and is currently in review with city staff to re-subdivide this lot into two (2) lots, including the subject property.

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.

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 near the intersection of two major arterial roadways (W New Hope Drive and Bagdad Road), within an area envisioned by the Future Land Use Plan for a broad range of light retail, service uses and professional office activities that aim to meet the needs of residents in the immediate vicinity. The requested Special Use Permit (SUP) is to develop the subject property with a mix of commercial and recreational uses. The attached concept plan depicts the proposed development including a 4,620-square foot indoor restaurant space, 3 outdoor pickleball courts, and associated parking.

Outdoor commercial amusement, minor uses are defined in the Zoning Ordinance as “Uses that provide commercial amusement outdoors, on a local, neighborhood scale, as defined herein, including, but not limited to:

- A. Miniature golf establishments;
- B. Sports fields;
- C. Golf driving ranges; and
- D. Batting cages”.

The Zoning Code states the following criteria shall be used when formulating a recommendation for a SUP.

1. The proposed Special Use Permit conforms to adopted plans and all other applicable provisions of this Ordinance;
2. Adequate public facilities and services are available without the reduction of services for any existing uses;
3. All proposed accessory uses demonstrate that they are necessary and desirable;
4. The proposed Special Use has incorporated features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement;
5. The proposed special use is compatible with adjacent existing uses and other allowed uses in the zoning districts, for which such compatibility is expressed in terms of appearance, architectural scale and features, site design, landscaping, as well as the control of adverse impacts; and
6. The maximum density is no greater than that permitted in the applicable zoning district.

The proposed use and concept plan adheres to the Zoning Code criteria for a Special Use Permit (SUP) as the subject property is located along a commercial corridor with no adjacent residential uses and compatible with surrounding zoning districts and existing uses. This use promotes livability by providing recreational opportunities for residents and provides a service that supports

the surrounding neighborhood and community. The proposed development is supported by existing city services and facilities, and includes additional improvements, such as 5-foot sidewalk along Clover Lane and sufficient parking to support both restaurant and outdoor commercial amusement uses.

Public Information Plan:

October 2, 2024: Public notice of the Planning and Zoning Commission and City Council public hearings published in the Austin American Statesman
October 4, 2024: Nineteen (19) letter notices for the Planning and Zoning Commission and City Council public hearings were sent to property owners within 300 feet of the subject tract
October 15, 2024: Planning and Zoning Commission public hearing
November 14, 2024: City Council 1st reading and public hearing
November 21, 2024: 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

Attachments:

General Business (GB) Uses and Setbacks
 Concept Plans-A
 Letter of Intent
 Neighborhood Communication Summary

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 APPROVE A SPECIAL USE PERMIT TO ALLOW AN OUTDOOR COMMERCIAL AMUSEMENT, MINOR USE ON APPROXIMATELY 1.61 ACRES GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST NEW HOPE DRIVE AND CLOVER LANE (2024-12-SUP); 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, pursuant to Cedar Park Code of Ordinances Division 11.02.04 Conditional and Special Uses, a Special Use Permit (SUP) may be granted to certain land uses that are not permitted by right in some or all zoning districts of the City, but are nevertheless recognized as being desirable to the full function and development of the City under appropriate circumstances and in conformity with the goals and objectives of the City's Comprehensive Plan; 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 October 15, 2024, the Planning and Zoning Commission voted 7-0 to recommend approval of the proposed Special Use Permit; 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 grant a Special Use Permit for an Outdoor Commercial Amusement, Minor Use on approximately 1.61 acres generally located southwest of the intersection of West New Hope Drive and Clover Lane, otherwise set forth in the legal description labeled Exhibit "A", the property location map labeled Exhibit "B", and the Conceptual Plan labeled 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 and to update the official zoning map to remove such designation from the map if the special use has been discontinued for a year or longer or if the use is replaced by another use pursuant to Cedar Park Code of Ordinances § 11.06.085(I), as amended.

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 14th day of November, 2024, 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 21st day of November 2024, 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

1.613 ACRES
S.J. DOVER SURV., A-168
CEDAR PARK, WILLIAMSON COUNTY, TX

FILE NO:2023.087
PROJECT: 617.120001
DATE: 05/18/2023

DESCRIPTION

1.613 ACRES OUT OF THE S.J. DOVER SURVEY, ABSTRACT NO. 168 IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 2B, RESUBDIVISION OF LOT 2, BAGDAD COMMERCIAL PARK, PHASE 2, RECORDED IN DOCUMENT NO. 2019120620, OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 1.613 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with "Crichton RPLS 4046" cap found in the south right-of-way line of W. New Hope Drive (r.o.w. varies), being the northeast corner of Lot 2A, of said Resubdivision of Lot 2, Bagdad Commercial Park, Phase 2, for the northwesterly corner of said Lot 2B and hereof;

THENCE, N69°10'40"E, along said south right-of-way line of W. New Hope Drive, being the north line of said Lot 2B, a distance of 151.75 feet to a 1/2-inch iron rod with "Wallace Group" cap found at the northwest terminus of a right-of-way return line between said south right-of-way line of W. New Hope Drive and the west right-of-way line of Clover Lane (70' r.o.w.);

THENCE, along said right-of-way return line, being a northeast line of said Lot 2B, along a non-tangent curve to the right, having a radius of 25.00 feet, a central angle of 90°01'29", an arc length of 39.28 feet, and a chord which bears S66°08'14"E, a distance of 35.36 feet to a 1/2-inch iron rod with "Wallace Group" cap found at the end of said curve, being the southeast terminus of said right-of-way return line, also being in said west right-of-way line of Clover Lane, for the northeasterly corner hereof;

THENCE, S20°59'05"E, along said west right-of-way line, being the east line of said Lot 2B, at 277.90 feet passing a 1/2-inch iron rod found, and continuing for a total distance of 347.50 feet to a 1/2-inch iron rod with "Wallace Group" cap found at the southeast corner of said Lot 2B, being in the north line of Lot 6, Block B, New Hope Business Park Section 3, a subdivision of record in Cabinet EE, Slide 301, of the Plat Records of Williamson County, Texas, for the southeasterly corner hereof;

THENCE, S67°14'53"W, along the north line of said Lot 6, being the south line of said Lot 2B, a distance of 190.35 feet to a 1/2-inch iron rod with "Manhard Consulting" cap set for the southwesterly corner hereof;

THENCE, N20°53'13"W, leaving the north line of said Lot 6, in part over and across said Lot 2B and in part along the line common to said Lots 2A and 2B, at 173.01 feet passing a 1/2-inch iron rod found at the southeast corner of said Lot 2A, and continuing for a total distance of 303.78 feet to a 1/2-inch iron rod with "Crichton RPLS 4046" cap found, for an angle point;

THENCE, continuing along the line common to said Lots 2A and 2B, the following two (2) courses and distances:

1. N69°06'26"E, a distance of 12.65 feet to a 1/2-inch iron rod with "Crichton RPLS 4046" cap found, for an angle point;
2. N20°46'43"W, a distance of 74.98 feet to the **POINT OF BEGINNING**, containing 1.613 acres (70,246 square feet) of land.

EXHIBIT B

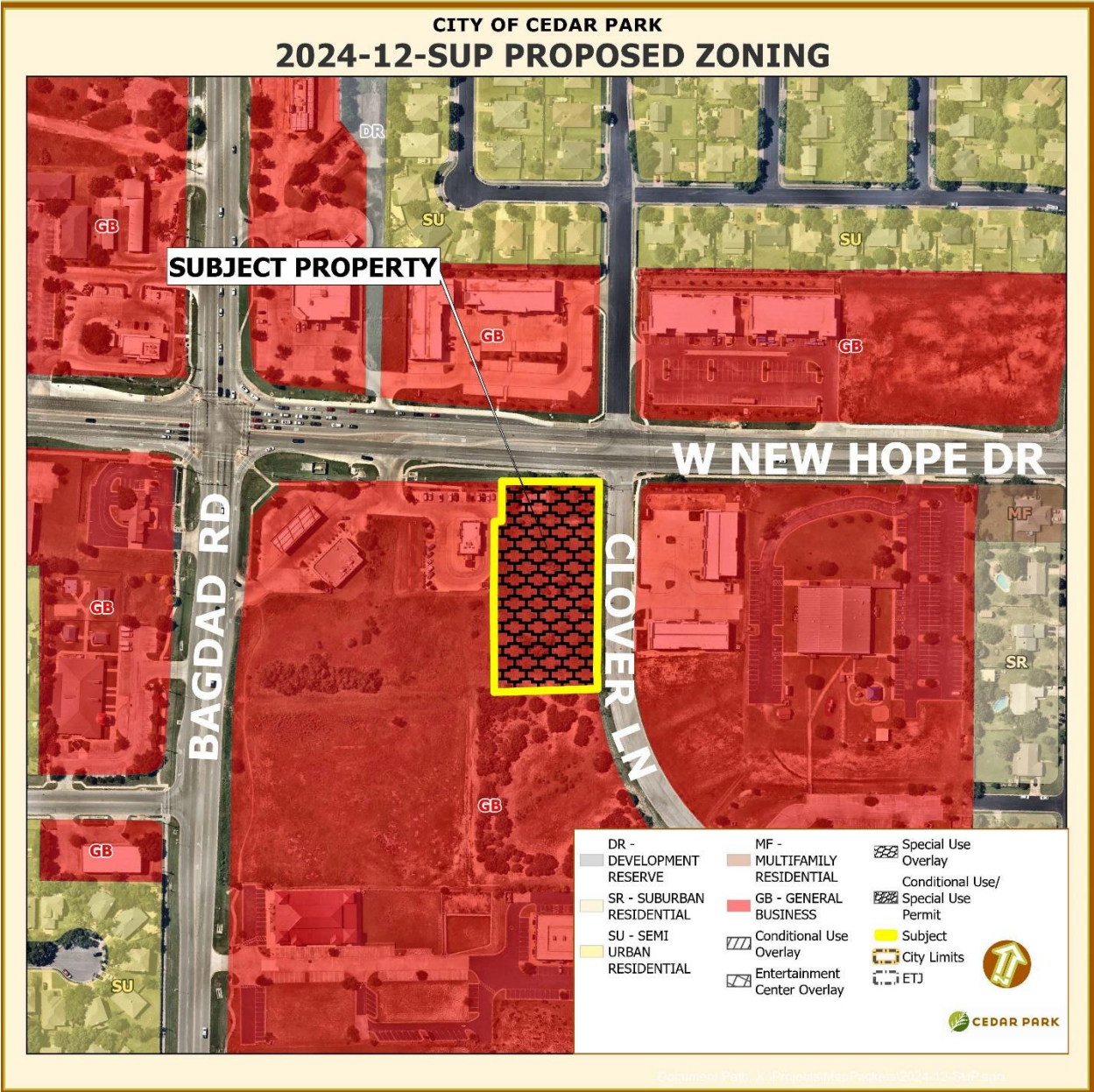
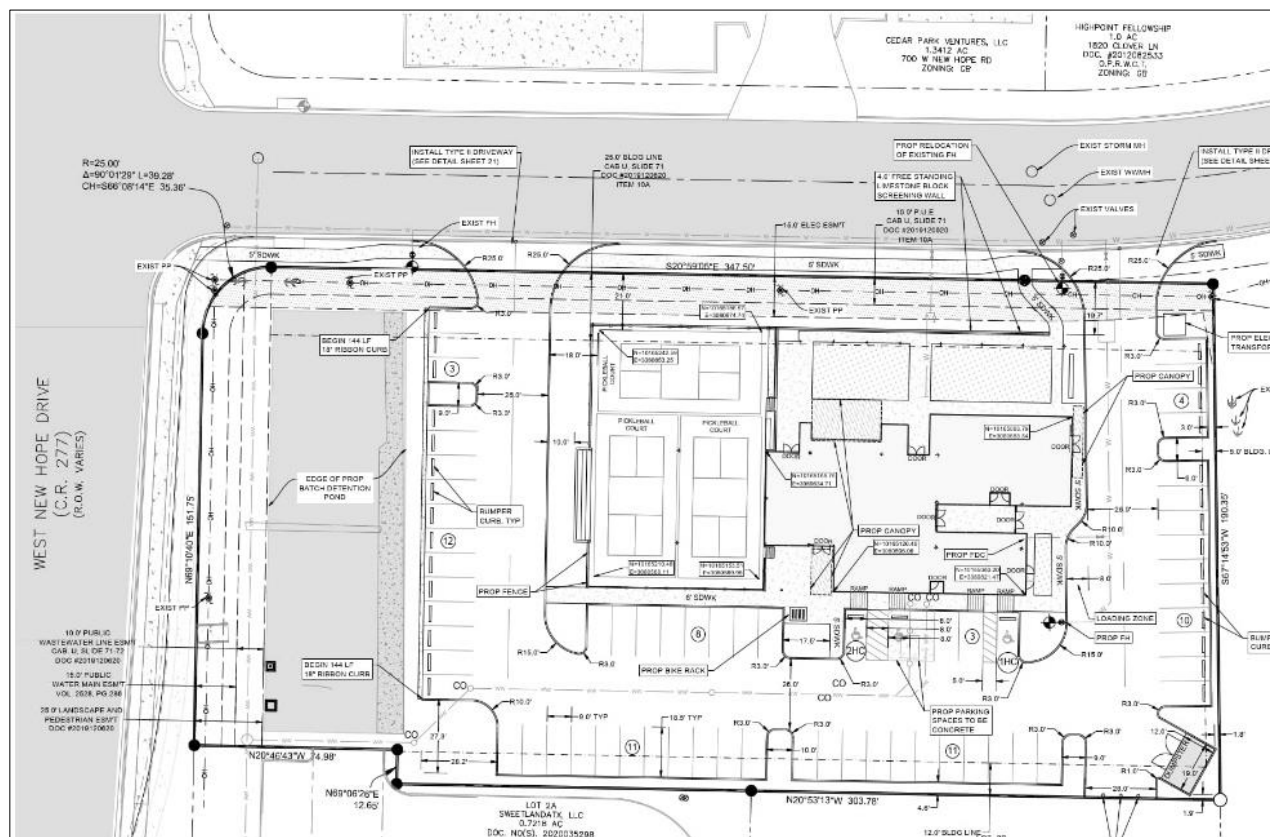
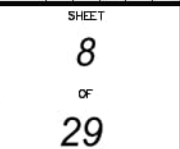
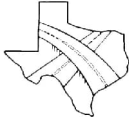


EXHIBIT C







Firm # 17877

September 16, 2024

City of Cedar Park
Development Services Department
450 Cypress Creek Rd, Building 1
Cedar Park, TX 78613

**Re: Dill N Chill Site
Daycare Special Use Permit**

To Whom It May Concern:

On behalf of Purple Squirrels Investing Corp, owner of the 1.613 acre Lot 2B-1, known as Dill N Chill located on the SW corner of West New Hope Dr and Clover Lane, Eli Engineering is requesting approval for the Special Use Permit to allow three (3) pickleball courts on the property. The site will provide two points of ingress/egress from Clover Lane, however, when the remainder of the property to the west develops, there will be joint access to New Hope and Bagdad Road.

The pickleball courts are a supplementary use for the planned entertainment and restaurant venue featuring multiple vendors for food with indoor and outdoor seating.

The property is currently zoned for General Business and no change in the base zoning is proposed.

In accordance with Section 11.06.085, the following approval criteria will be utilized for review.

1. The proposed special use permit conforms to adopted plans and all other applicable provisions of this Chapter;
⇒ **The entire intersection and all surrounding property is commercial development. The proposed use will be a refreshing change and supplement to the speculative retail concepts on the other 3 corners of the intersection.**
2. Adequate public facilities and services are available without the reduction of services for any existing uses;
⇒ **The existing public facilities anticipate all commercial uses.**
3. All proposed accessory uses demonstrate that they are necessary and desirable;
⇒ **The venue provides another option for Cedar Park residents to enjoy the popularity of pickleball courts as well as the food options available.**
4. The proposed special use has incorporated features sufficient to protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing and site building placement;
⇒ **The facilities will provide pedestrian and vehicular circulation for access to the property. There are no buffering requirements for the project, however, there will be landscape and some grading around the streetside to enhance the project. There are currently no trees on the property.**

5. The proposed special use is compatible with adjacent existing uses and other allowed uses in the zoning districts, for which such compatibility is expressed in terms of appearance, architectural scale and features, site design, landscaping, as well as the control of adverse impacts; and
⇒ **The proposed use is compatible and complementary to the other businesses adjacent. There is limited restaurant venues available near this intersection.**
6. The maximum density is no greater than that permitted in the applicable zoning district.
⇒ **There are no density restrictions in the General Business zoning that apply to this application.**

The adjacent property list includes 23 unique commercial and no residential properties within 300-ft of the 2.13 Ac tract and there are 10 residential homes within 500 feet of the property.

The proposed Dill N Chill is consistent and compatible with the commercial uses around the development. We request Staff and Planning Commission recommendation for approval and City Council approval for the SUP.

If you have any questions or need further assistance, please contact me at 512-658-8095.

A handwritten signature in dark ink, appearing to read "Gary Eli Jones", with a stylized flourish at the end.

Gary Eli Jones, P.E.
Member

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?

Direct mail to each homeowner with contact information and exhibit showing what is proposed.

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

10 property owners north of the commercial development on the north side of New Hope. Those commercial projects will shield the residential from this project.

3. What concerns were raised during these communications?

None so far.

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

None so far.

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

Signature: _____

Date 9/16/2024 _____

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

** Subject to additional conditions outlined in Sec 11.02.092

File Attachments for Item:

E.5 (2024-3-FLU) (Related To 2024-12-Z) Second Reading And Approval Of An Ordinance For A Future Land Use Plan Amendment From Local Office/Retail/Commercial (LOC) To Regional Office/Retail/Commercial (REG) For Approximately 5.89 Acres Located At 703 And 705 Cypress Creek Road. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***



CITY COUNCIL AGENDA

November 21, 2024

Item/Subject: (2024-3-FLU) (Related To 2024-12-Z) Second Reading And Approval Of An Ordinance For A Future Land Use Plan Amendment From Local Office/Retail/Commercial (LOC) To Regional Office/Retail/Commercial (REG) For Approximately 5.89 Acres Located At 703 And 705 Cypress Creek Road. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***

Final Report

Staff	Cindy Schlanger, AICP, 512-401-5082, cindy.schlanger@cedarparktexas.gov
Owner	Cypress Creek Fortune, LLC c/o Praveen Katapally
Agent	Kimley-Horn and Associates, c/o Ethan Harwell, AICP
City Limits	Yes
Current Zoning	General Business (GB) and Light Industrial (LI)
Proposed Zoning (2024-12-Z)	General Business (GB)
Existing Future Land Use Plan	Local Office/Retail/Commercial (LOC)
Proposed Future Land Use Plan	Regional Office/Retail/Commercial (REG)
Major Corridor	Cypress Creek Road
Summary of Applicant's Request	Amend the Future Land Use Plan designation to Regional Office/Retail/Commercial (REG) for approximately 5.89 acres.
Case History	On August 22, 2024, Council approved a petition to amend the FLUP from Local Office/Retail/Commercial (LOC) to Regional Office/Retail/Commercial (REG)

Planning & Zoning Commission Recommendation to the City Council:

On October 15, 2024, the Planning and Zoning Commission recommended approval (6-1) of the request for the Future Land Use Plan (FLUP) designation of Regional Office/Retail/Commercial (REG).

In favor: T.J. Donnell, Bob Ingraham, Brenda Reiss, Audrey Wernecke, Cindy Sneed, and Kimberly Bradford-Brown.
Opposed: Randy Strader.

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on October 15, 2024. No public testimony was presented.

City Council Public Hearing:

The City Council held a public hearing on November 14, 2024. No public testimony was presented.

COMMENTARY

This petition represents a request to amend the Future Land Use Plan (FLUP) for the 5.89-acre subject property located at 703 and 705 Cypress Creek Road from Local Office/Retail/Commercial (LOC) to Regional Office/Retail/Commercial (REG). The subject property is comprised of two lots: Lot 102 of the Resubdivision of Emerson Commercial No. 2 subdivision, and Lot 1 of the Resubdivision of Buttercup Creek Industrial Park, Lot 2 subdivision. Zoned General Business (GB), Lot 102, addressed 705 Cypress Creek Road, is situated on the corner of Cypress Creek Road and Cluck Creek Road, excluding the hard corner, which contains an existing Gasoline Service Station and Restaurant. Lot 1 addressed 703 Cypress Creek Road is zoned Light Industrial (LI) and has frontage on Cypress Creek Road, a major arterial.

The 2024 Comprehensive Plan envisions the subject property as Local Office/Retail/Commercial (LOC) as shown on the attached map. A summary of how the FLUP percentages will change if amended from Local Office/Retail/Commercial (LOC) to Regional Office/Retail/Commercial (REG) is provided below.

FLUP DESIGNATION	CURRENT FLUP ACRES	PERCENT OF TOTAL ACRES	PROPOSED FLUP ACRES	PROPOSED PERCENT OF TOTAL ACRES
Local Office/Retail/Commercial (LOC)	1,432.82	6.71%	1,426.93	6.68%
Regional Office/Retail/Commercial (REG)	1,959.45	9.18%	1,965.34	9.20%

The Comprehensive Plan envisions this area along Cypress Creek Road to be developed with a mix of commercial uses including service-oriented businesses and professional office and light retail development that aims to meet the needs of residents in the immediate vicinity. The abutting FLUP designations, zoning districts and existing land uses are summarized in the table below:

DIRECTION	FLUP	ZONING	EXISTING USES
North	Recreation/Open Space (REC)	Semi Urban Residential (SU)	Floodway
South	Local Office/Retail/Commercial (LOC)	Planned Development-Local Business (PD-LB)	Undeveloped
East	Local Office/Retail/Commercial (LOC)	Light Industrial (LI)	Utility services, general/ Manufacturing and fabrication, light
West	Local Office/Retail/Commercial (LOC), Low Density Residential (LDR), Recreation/Open Space (REC)	General Business (GB), Semi Urban Residential (SU)	Gasoline Service Station with Restaurant; Cluck Creek Park

Based on the attached letter of intent and concept plan, the Applicant wishes to develop the 5.89-acre subject property with five commercial buildings totaling 44,466 square feet. The proposed development is expected to support retail uses for either multiple tenants or an individual end user. As the subject property is zoned with two different districts, the Applicant would seek to rezone 703 Cypress Creek Rd (Lot 1) from Light Industrial (LI) to General Business (GB) so that both Lot 1 and Lot 102 are zoned with the same General Business (GB) zoning district.

If accepted, this Future Land Use Plan Amendment (2024-3-FLU) will allow the Applicant to proceed with the process to request both an amendment to the Future Land Use Plan designations and rezone 703 Cypress Creek Road (Lot 1) to General Business (GB).

History

The following chart outlines the FLUP History for this property.

YEAR	FLUP DESIGNATION	FLUP DESCRIPTION
1998 Comprehensive Plan	High Intensity	Supports industrial parks, employment centers, and light manufacturing.
2006 Comprehensive Plan	Neighborhood Office/Retail/Commercial	Supports office, retail and commercial development and mixed use intended to serve the local community.
2014 Comprehensive Plan	Local Office/Retail/Commercial	Supports light retail, service uses, and professional office for residents in the immediate vicinity.

Future Land Use Description

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

Local Office, Retail, and 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, 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.

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

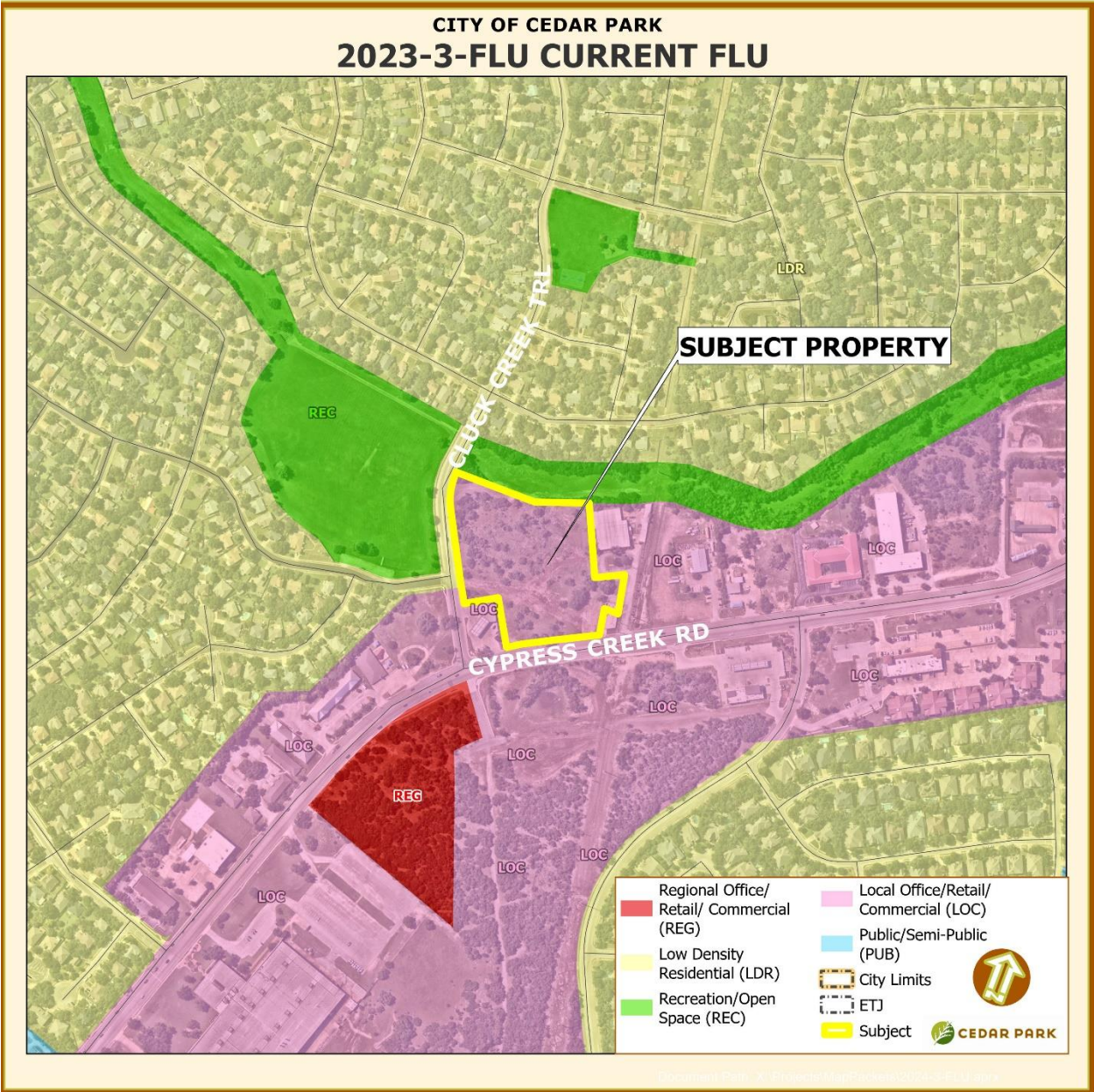


Exhibit B
Proposed Future Land Use Plan

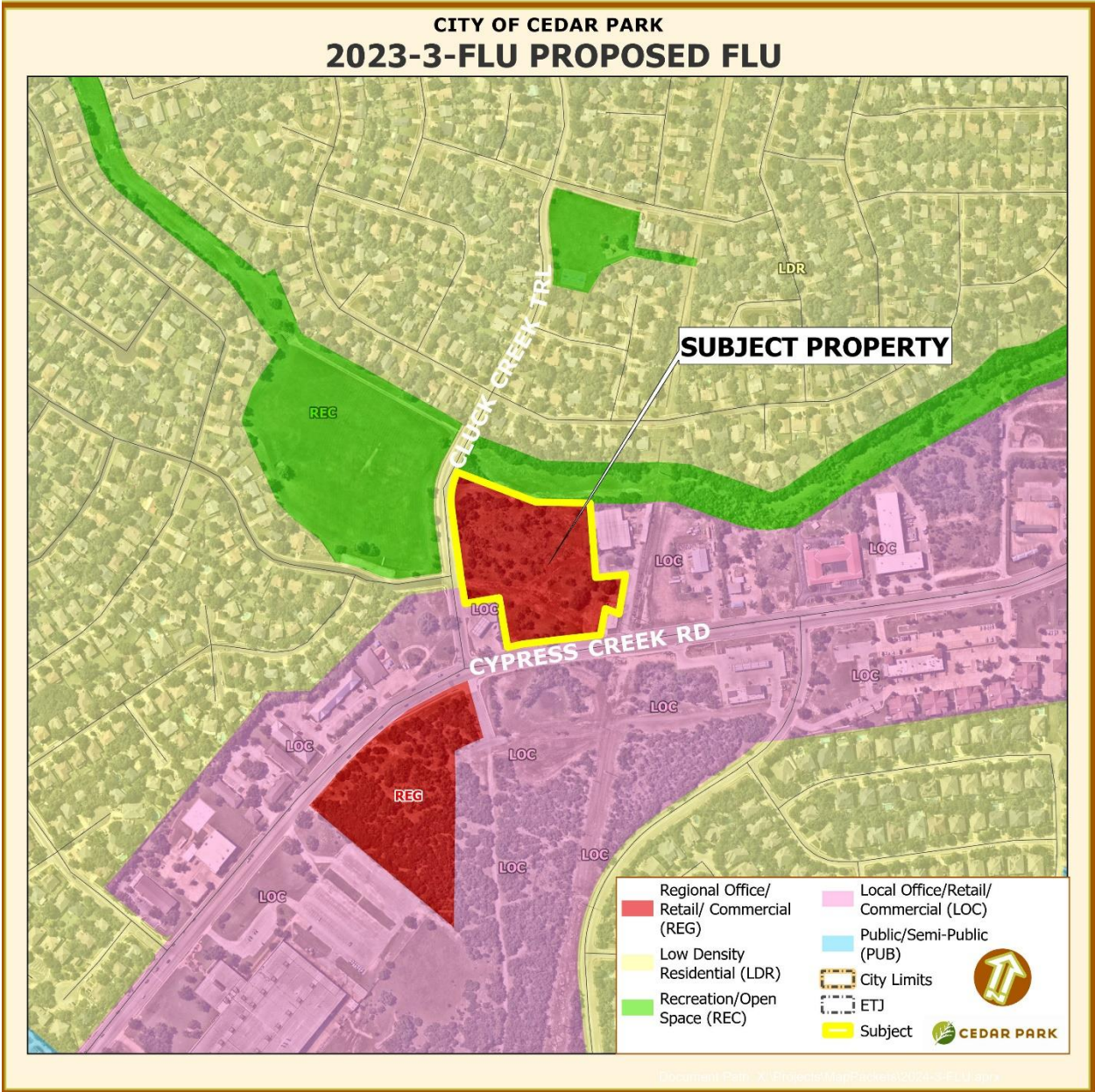


Exhibit C: Applicant's Materials

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 FROM LOCAL OFFICE/RETAIL/COMMERCIAL (LOC) TO REGIONAL OFFICE/RETAIL/COMMERCIAL (REG) FOR APPROXIMATELY 5.89 ACRES LOCATED AT 703 AND 705 CYPRESS CREEK ROAD (2024-3-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 August 22, 2024; and

WHEREAS, on October 15, 2024, the City of Cedar Park Planning and Zoning Commission voted 6-1 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 approximately 5.89 acres from Low Density Residential (LDR) to Regional Office/Retail/Commercial (REG) located at 703 and 705 Cypress Creek Road 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 5.89 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 14th day of November, 2024, 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 21st day of November, 2024, 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:

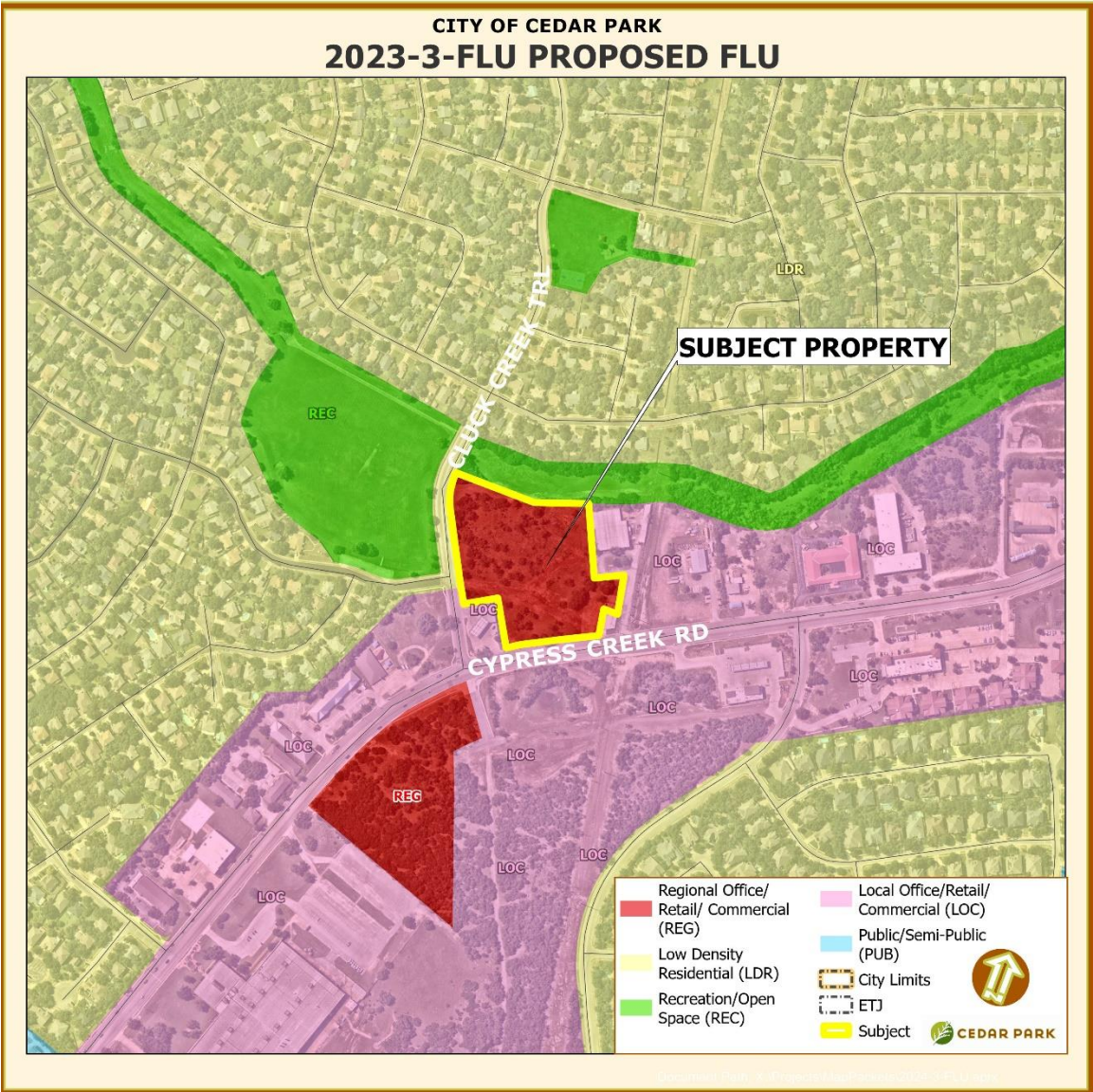
J.P. LeCompte, City Attorney

EXHIBIT A

Lot 1, Reubdivision Of Buttercup Creek Industrial Park, Lot 2, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Document Number 8700339 of the Official Public Record of Williamson County, Texas; and

Lot 102, Resubdivision Of Emerson Commercial No. 2 Subdivision, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Document Number 8716641 of the Official Public Record of Willimson County, Texas.

EXHIBIT B



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 #: _____

106

(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

**Development Services Intake**

450 Cypress Creek Road, Building 2

Cedar Park, TX 78613

Office: 512-401-5100

Fax: 512-258-1471

PROJECT INFORMATIONProject Name: Cypress Creek RetailProposed Amendment: From: Local Office/Retail/Commercial To: Regional Office/Retail/CommercialProject Location/Address: 703 & 705 Cypress Creek RoadProject Legal Description: Lot 1, Resubdivision of Buttercup Creek Industrial Park Lot 2; Lot 102, Resubdivision of Emerson Commercial #2**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).

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): Cypress Creek Fortune, LLC c/o Praveen Katapally
 Owner's Address: 2209 Blended Tree Ranch Dr, Leander, TX 78641
 Owner's Phone: Cell: 972-983-1500 Email: Praveen.KVL147@Cmail.com
 Owner's Signature: P. V. L. Praveen Date: 6/25/2024

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): Ethan Harwell
 Agent's Address: 10814 Jollyville Road, Campus IV, Suite 200
 Agent's Phone: 512-580-5803 Cell: Email: ethan.harwell@kimley-horn.com
 Agent's Signature: [Signature] Date:

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.



June 28, 2024

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

Via Electronic Submittal

RE: Future Land Use Plan Amendment Petition (the “Petition”) for approximately 5.89 acres being Lot 102 of the Resubdivision of Emerson Commercial #2 and Lot 1 of the Resubdivision of Buttercup Creek Industrial Park Lot 2 (the “Property”) generally located at 703 and 705 Cypress Creek Road

Dear Ms. Link:

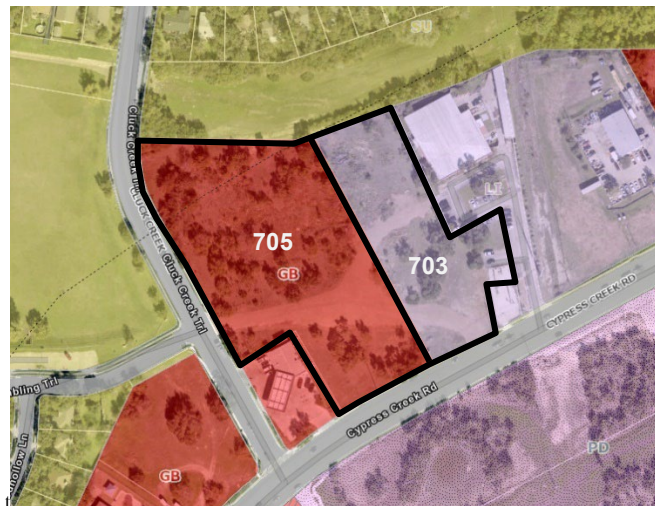
As representatives of the owner of the above stated Property we respectfully submit the revised Petition to amend the Future Land Use Plan (FLUP) for the approximately 5.89 acre tract of land shown on the attached location map. The FLUP Amendment would change the FLU designation on Property from Local Office/Retail/Commercial (LOC) to Regional Office/Retail/Commercial (REG) in support of the redevelopment of the Property as a retail center. The goal of the proposed to development is to develop both lots into a quality retail center that provides services to the adjacent neighborhoods and for the greater Cedar Park area.

Proposed Development

The property is situated on the corner of Cypress Creek Road and Cluck Creek Road but an existing restaurant occupies the exact hard corner. Driveway access is possible from both roadways. The site borders an existing manufacturing facility to the east and a drainage easement to the north which separates it from an existing single-family neighborhood.

The 5.89 acre property consists of two lots as outlined below.

Address	Legal Description	Acreage	Current FLU	Zoning
703 Cypress Creek Rd	Lot 1, Resubdivision of Buttercup Creek Industrial Park Lot 2	1.974	LO/R/C	LI
705 Cypress Creek Rd	Lot 102, Resubdivision of Emerson Commercial #2	3.848	LO/R/C	GB



Zoning Map

The FLUP amendment would support a rezoning of the lot at 703 Cypress Creek from LI to GB. This would allow both lots to be developed under General Business (GB) instead of a split zoning. This district permits a variety of retail and service oriented uses which mimic the existing development pattern along Cypress Creek Road.

The proposed development, as shown in the attached concept plan, proposes five buildings on the site that would accommodate single or multiple users. The 44,466 square feet of retail space would be oriented around landscape areas and outdoor spaces located at key locations that complement the associated indoor spaces and enhance the atmosphere.

Approval Criteria

The City of Cedar Park Future Land Use Amendment Petition document establishes criteria for approving a FLUP Amendment petition. See below for the criteria and how the proposed Land Use achieves these goals.

1. How the proposed change will enhance the site and the surrounding area:

The FLUP amendment will allow for a future rezoning of 703 Cypress Creek to General Business (GB) so that it can be combined and developed in a retail center that supports the surrounding neighborhoods and residents from all over Cedar Park. The proposed development would maintain the City's intent (established under current zoning) to provide a commercial frontage along Cypress Creek Road and provide commercial amenities in the heart of Cedar Park.

2. Is the necessary infrastructure in place to accommodate development in compliance with the land use change:

Per records provided through Cedar Park Atlas, there appear to be sufficient in ground utilities to service the development as part of the proposed Regional Office/Retail/Commercial future land use designation and the subsequent development under the GB development standards. Water and wastewater mains of adequate size are located along Cypress Creek Road.

3. How the proposed change reflects the vision identified by the Future Land Use Plan:

Regional Office/Retail/Commercial future land use designation is intended for properties that are large enough to provide a variety of uses within one development and meets the needs of residents within a 3-5 mile radius or more. As shown on the attached concept plan the Property is large enough to accommodate over 44,466 square feet of commercial space making it the ideal size to accommodate a variety of uses in it, and it is located on major east to west arterial roadway servicing residents for several miles from Anderson Mill Road to US 183A Toll.

4. Whether or how the subject property is compliant with surrounding land uses and zoning:

The zoning of surrounding properties along the Cypress Creek corridor is a mixture of GB, LI, and LB zoning. These properties are a mixture of developed and undeveloped properties. Developed properties include a mixture of restaurant, office, manufacturing, and auto repair uses. The Property is separated from an existing single-family neighborhood to the north by an approximately 150 foot wide drainage and open space lot.

5. How the proposed land use enhances adjacent areas:

This FLUP amendment would enhance the area by removing the entitlement for light industrial development along a major corridor so close to existing single-family development. It would provide additional opportunities for the development of retail services in the city limits near existing neighborhoods.

6. How compatibility will be addressed between the proposed development and adjacent uses:

Properties to the east, west, and south are developed with commercial uses where compatibility is already present or would not be required with future development. To the north, the Property is separated from the single-family properties by the drainage lot (a tributary of Cluck Creek), which provides a natural buffer at ±150 feet wide. The Property will also have to comply with all screening and buffering requirements per Chapter 14 of the Code of Ordinances.

7. How the proposed land use provides an enhanced benefit to public health, safety and welfare of the community over the current future land use designations:

The requested FLU designation would support the removal of the industrial and warehousing uses that are permitted through the existing zoning and would instead encourage more compatible uses within the area that do not negatively impact the adjacent single-family neighborhood or limit the development of other properties along the Cypress Creek corridor.

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

The project will provide commercial development which will contribute to the City's tax base and provide jobs in the area. This development provides commercial space for the development of new business.

Statement of Relevant Goals and Objectives:

Objective 1 (Land Use): Focus on business attraction and retention to be a destination for major employers and innovative entrepreneurs.

- Amending the FLUP will be the first step in creating new spaces for business to develop in Cedar Park and residents to shop and recreate.

Objective 3 (Land Use): Plan for central gathering areas in the community that are interesting, vibrant, and encourage social interaction.

- The proposed development would serve as a hub for community gathering here along Cypress Creek Way. As a space where retail goods and services are offered it will be gathering place for residents of all types.

Objective 5 (Land Use): Encourage redevelopment in appropriate locations throughout the City.

- The Property is located in the heart of Cedar Park on a relatively undeveloped corridor, but is directly in front of a neighborhood. This site is entitled for a mix of commercial and light industrial uses that would not be appropriate so close to residential properties. This Petition would allow for development at this site more suited to its location on a major corridor and at the entrance to a neighborhood.

Objective 20 (Livability) Improve the walkability and connectedness of Cedar Park for pedestrians and bicyclists.

- The Property is located at the front of the Buttercup Creek neighborhood where access to commercial amenities is limited to those site accessible by automobile. The Property is very accessible to residents being within a 15 minute walk or half-mile pedestrian shed of hundreds of homes. The new retail center will be readily accessible to residents via foot.

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

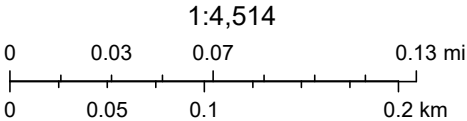
Sincerely,



Ethan Harwell, AICP

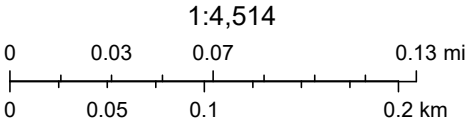
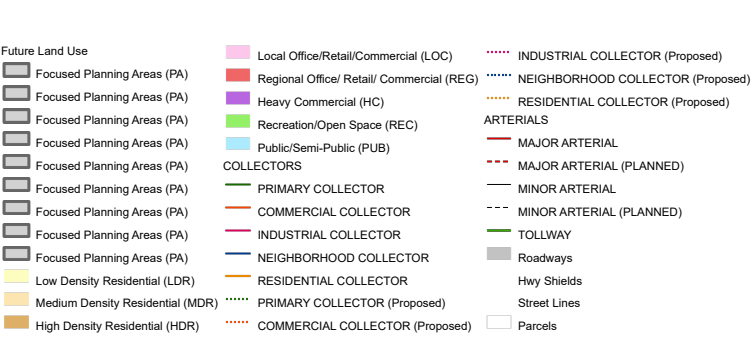
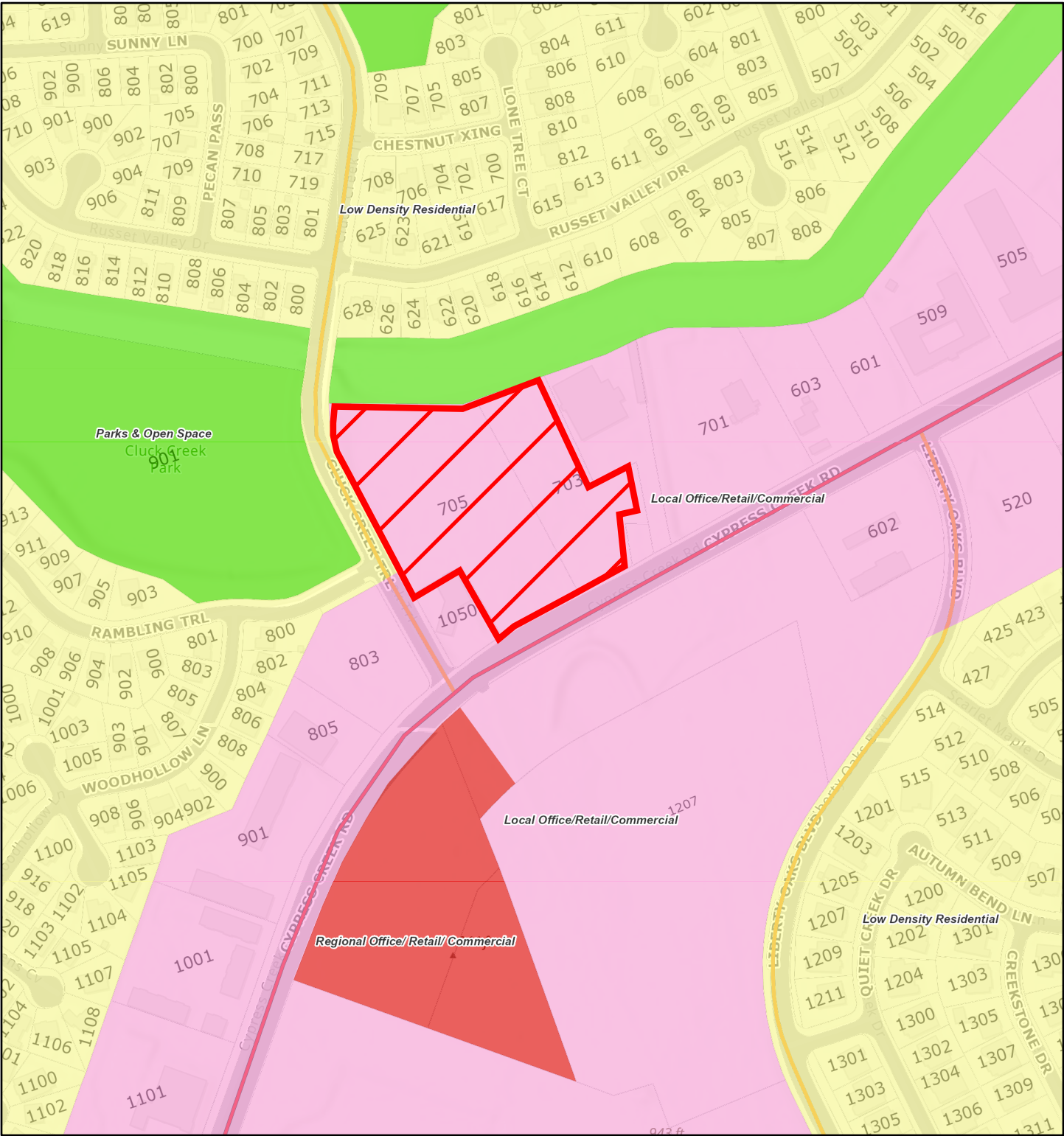


- | | |
|-----------------------------------|--------------------------|
| COLLECTORS | ARTERIALS |
| PRIMARY COLLECTOR | MAJOR ARTERIAL |
| COMMERCIAL COLLECTOR | MAJOR ARTERIAL (PLANNED) |
| INDUSTRIAL COLLECTOR | MINOR ARTERIAL |
| NEIGHBORHOOD COLLECTOR | MINOR ARTERIAL (PLANNED) |
| RESIDENTIAL COLLECTOR | TOLLWAY |
| PRIMARY COLLECTOR (Proposed) | Roadways |
| COMMERCIAL COLLECTOR (Proposed) | Hwy Shields |
| INDUSTRIAL COLLECTOR (Proposed) | Street Lines |
| NEIGHBORHOOD COLLECTOR (Proposed) | Parcels |
| RESIDENTIAL COLLECTOR (Proposed) | |

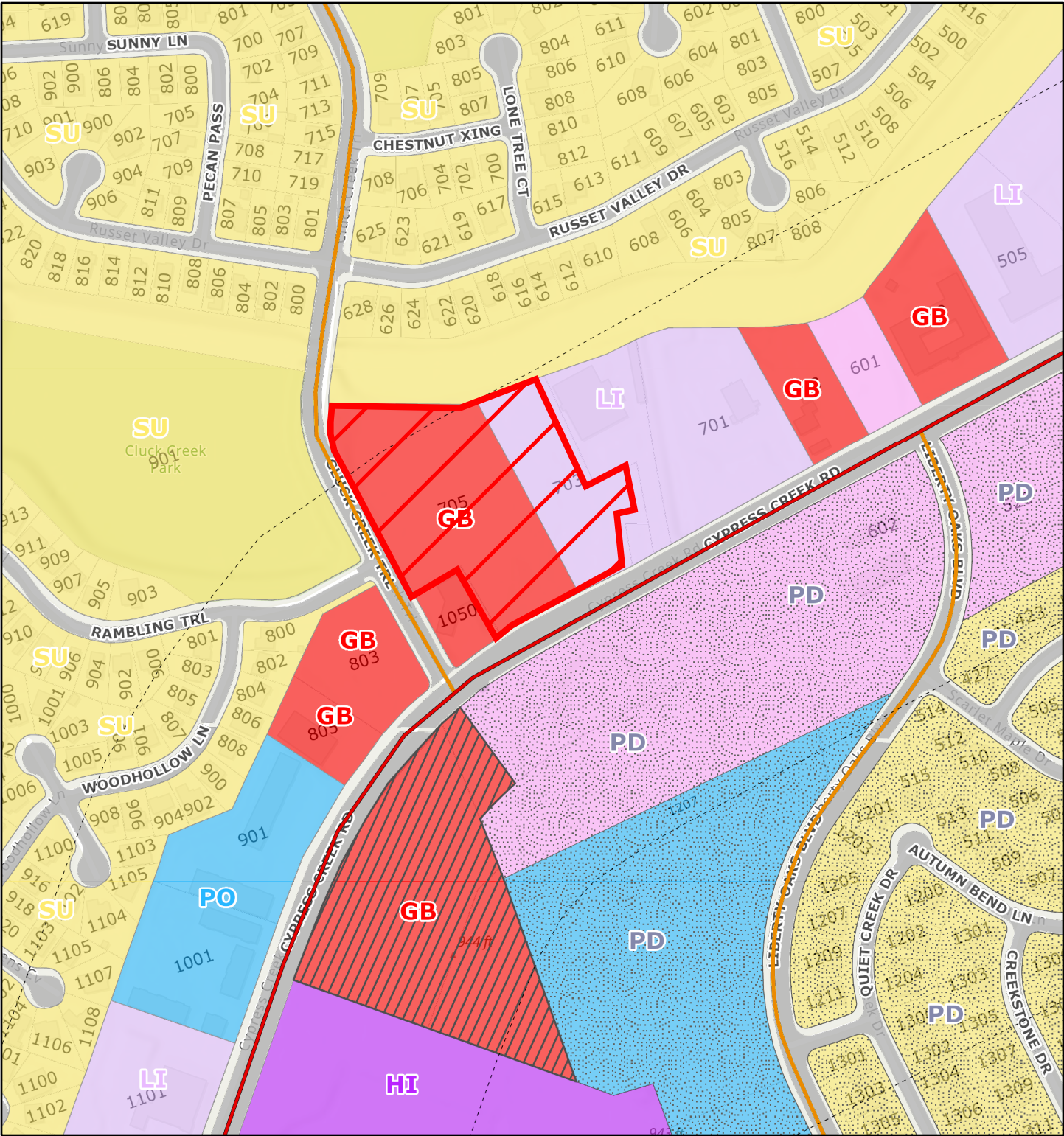


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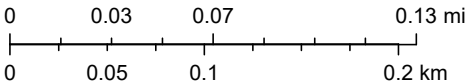
Future Land Use Map



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Zoning - Zoning Districts		
DR - DEVELOPMENT RESERVE	ES - ESTATE RESIDENTIAL	SR - SUBURBAN RESIDENTIAL
SU - SEMI URBAN RESIDENTIAL	UR - URBAN RESIDENTIAL	MF - MULTIFAMILY RESIDENTIAL
NB - NEIGHBORHOOD BUSINESS	LB - LOCAL BUSINESS	PO - PROFESSIONAL OFFICE
GB - GENERAL BUSINESS	HC - HEAVY COMMERCIAL	LI - LIGHT INDUSTRIAL
HI - HEAVY INDUSTRIAL	H - HOSPITAL	PS - PUBLIC SERVICES
OG - OPEN SPACE GREENBELT	OR - OPEN SPACE RECREATIONAL	MU - MIXED USE
TC - TOWN CENTER	PA - PLANNING AREA	PD - PLANNED DEVELOPMENT - SU
PD - PLANNED DEVELOPMENT - UR	PD - PLANNED DEVELOPMENT - MF	PD - PLANNED DEVELOPMENT - NB
PD - PLANNED DEVELOPMENT - LB	PD - PLANNED DEVELOPMENT - GB	
Zoning - Conditional Use Districts		
Conditional Use Overlay	Entertainment Center Overlay	Special Use Overlay
Conditional Use/Special Use Permit	Zoning - Corridor Overlay	COLLECTORS
PRIMARY COLLECTOR		

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File Attachments for Item:

E.6 (2024-12-Z) (Related to 2024-3-FLU) Second Reading And Approval Of An Ordinance To Rezone Approximately 1.97 Acres From Light Industrial (LI) To General Business (GB) Located At 703 Cypress Creek Road. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***



CITY COUNCIL AGENDA
November 21, 2024

Item/Subject: (2024-12-Z) (Related to 2024-3-FLU) Second Reading And Approval Of An Ordinance To Rezone Approximately 1.97 Acres From Light Industrial (LI) To General Business (GB) Located At 703 Cypress Creek Road. ***The Planning And Zoning Commission Voted 6-1 To Recommend Approval Of The Request As Presented.***

Final Report

Staff	Cindy Schlanger, AICP, 512-401-5082, cindy.schlanger@cedarparktexas.gov
Owner	By Cypress Creek Fortune, LLC, c/o Praveen Katapally
Applicant	Kimley-Horn and Associates, c/o Ethan Harwell, AICP
Existing Future Land Use Plan	Local Office/Retail/Commercial (LOC)
Proposed Future Land Use (2024-3-FLU)	Regional Office/Retail/Commercial (REG)
Current Zoning	Light Industrial (LI)
Proposed Zoning	General Business (GB)
Major Corridor	Cypress Creek Road
Summary of Applicant's Request	Request to rezone approximately 1.97 acres to General Business (GB).
Staff's Recommendation	Approve the zoning request for General Business (GB) should the associated Future Land Use Plan Amendment to Regional Office/Retail/Commercial (REG) be approved.

Staff Recommendation:

Should the associated Future Land Use Plan Amendment to Regional Office/Retail/Commercial (REG) be approved, Staff recommends approval of the applicant's request to rezone the property to General Business (GB).

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 October 15, 2024, the Planning and Zoning Commission recommended approval (6-1) of the request for General Business (GB).

In favor: T.J. Donnell, Bob Ingraham, Brenda Reiss, Audrey Wernecke, Cynthia Sneed, and
Kimberly Bradford-Brown
Opposed: Randy Strader

Stated Reasons for Planning and Zoning Recommendation:

The Commission supported staff's recommendation.

Planning and Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on October 15, 2024. There were no registered speakers.

City Council Public Hearing:

The City Council held a public hearing on November 14, 2024. No public testimony was provided.

Applicant's Neighborhood Communication Summary and Public Input:

The Applicant stated that eleven (11) residential property owners were notified via USPS certified mail on August 29, 2024. No comments have been received by the Applicant to date.

In addition, staff has not received any communication on the proposed rezoning request.

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

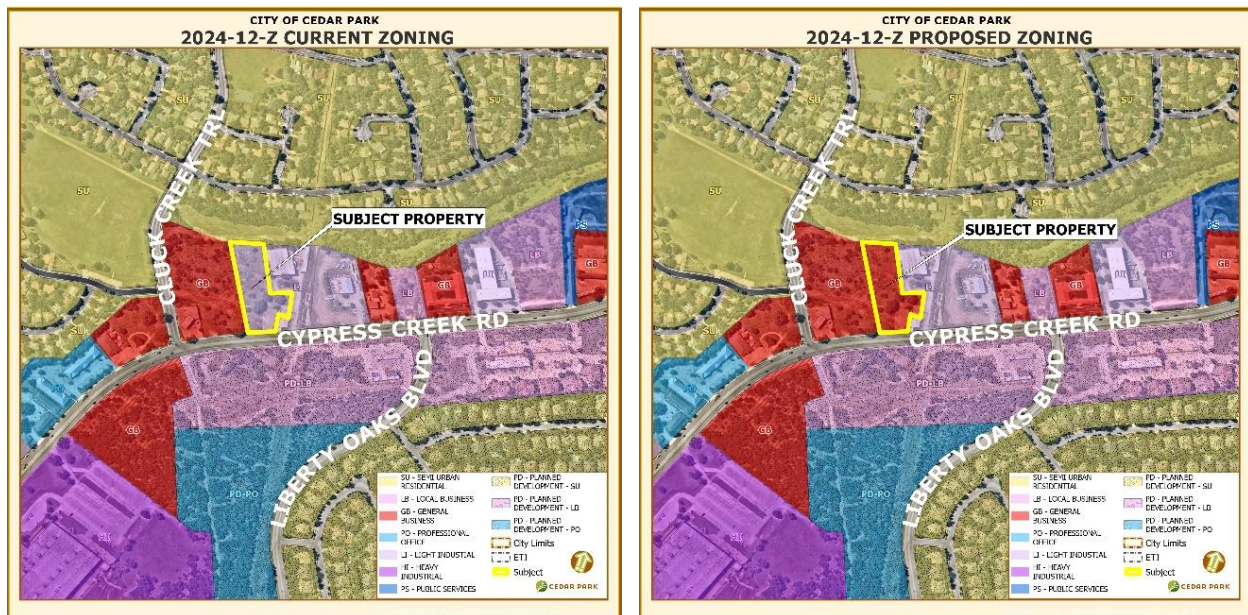
Located at 703 Cypress Creek Road, the 1.97-acre subject property fronts the north side of the street just east of Cluck Creek Road. The subject property is currently undeveloped and zoned Light Industrial (LI).

The Comprehensive Plan envisions this area along Cypress Creek Road to be developed with a mix of commercial uses including service-oriented businesses and professional office and light retail development aimed to meet the needs of residents in the immediate vicinity. However, Cypress Creek Road has been developed and entitled for a mix of neighborhood and regional development serving commercial, utility and light industrial uses.

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

DIRECTION	FLUP	ZONING	EXISTING USES
North	Recreation/Open Space (REC)	Semi Urban Residential (SU)	Floodway
South	Local Office/Retail/Commercial (LOC)	Planned Development-Local Business (PD-LB)	Vacant
East	Local Office/Retail/Commercial (LOC)	Light Industrial	Utility Services, general/Manufacturing and Fabrication, light
West	Local Office/Retail/Commercial (LOC)	General Business (GB)	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.

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 to change the FLUP designation for approximately 5.89 acres, inclusive of the subject property, to Regional Office/Retail/Commercial (REG) (2024-3-FLU). The requested General Business (GB) zoning district is compatible with the requested REG FLUP designation.

Comprehensive Plan:

The request for a General Business (GB) district follows these goals of the Comprehensive Plan:

Future Land Use

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

Site Information:

Zoning Case History:

A portion of the subject property was annexed in March 1980 (Ord 80-18) and the remainder northern portion was annexed in December 1994 (94-033). At the time of annexations, the interim zoning “R-1,” Single-Family Residential was assigned. The table below include a history of zoning changes on the property.

YEAR	CASE & ORD. NUMBER	REQUEST	P&Z RECOMMENDATION	CITY COUNCIL ACTION
1981	Z-81-004 Ord 81-30	9.3 acres rezoned from R-1 (Single-Family Residential) to I-1 (Light Industrial)	Approved (5-0)	Approved Nov 10, 1981

Major Corridor:

The subject property fronts a designated Major Corridor (Cypress Creek Road).

Transportation:

The subject property fronts Cypress Creek Road, which is classified as a major arterial roadway per the City Mobility Master Plan.

Subdivision:

The subject property consists of Lot 1, Buttercup Creek Ind Park Resub Lot 2 (FP-87-021).

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.

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 proposed to be developed with the adjacent 3.85-acre property to the west that is currently zoned General Business (GB). Should the rezoning be approved, this would provide conformity across both lots and a better transition from the major thoroughfare to the residential neighborhood to the north. In addition, the size and configuration of the subject property limits some of the uses permitted in the Light Industrial (LI) zoning district, making the existing zoning district less compatible with the area. The requested zoning change to GB is compatible with both the surrounding zoning districts and the surrounding area. The existing character and infrastructure in the area are suitable for commercial development.

The Applicant has also requested a FLUP amendment to Regional Office/Retail/Commercial (REG) for both lots, which envisions land uses that are appropriate on larger land parcels and suitable for a broad range of commercial uses that serve residents in a three-to-five-mile vicinity. The requested General Business (GB) zoning district is compatible with the requested Regional Office/Retail/Commercial (REG) FLUP designation.

Public Information Plan:

<i>October 2, 2024:</i>	Public notice of the Planning and Zoning Commission and City Council public hearings published in the Austin American Statesman
<i>October 4, 2024:</i>	Twenty (20) 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>October 15, 2024:</i>	Planning and Zoning Commission public hearing
<i>November 14, 2024:</i>	City Council 1st reading and public hearing
<i>November 21, 2024:</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

Attachments:

General Business (GB) Uses and Setbacks

Letter of Intent

Neighborhood Communication Summary

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 1.97 ACRES FROM LIGHT INDUSTRIAL (LI) TO GENERAL BUSINESS (GB) LOCATED AT 703 CYPRESS CREEK ROAD (2024-12-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 October 15, 2024, the Planning and Zoning Commission voted 6-1 to recommend approval of the proposed zoning of General Business (GB); 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 1.97 acres from Light Industrial (LI) to General Business (GB) located at 703 Cypress Creek Road, otherwise set forth in the legal description labeled Exhibit “A”, and the property location map labeled Exhibit “B.”

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 14th day of November, 2024, 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 21st day of November, 2024, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

ATTEST:

James Penniman-Morin, Mayor

LeAnn M. Quinn, TRMC
City Secretary

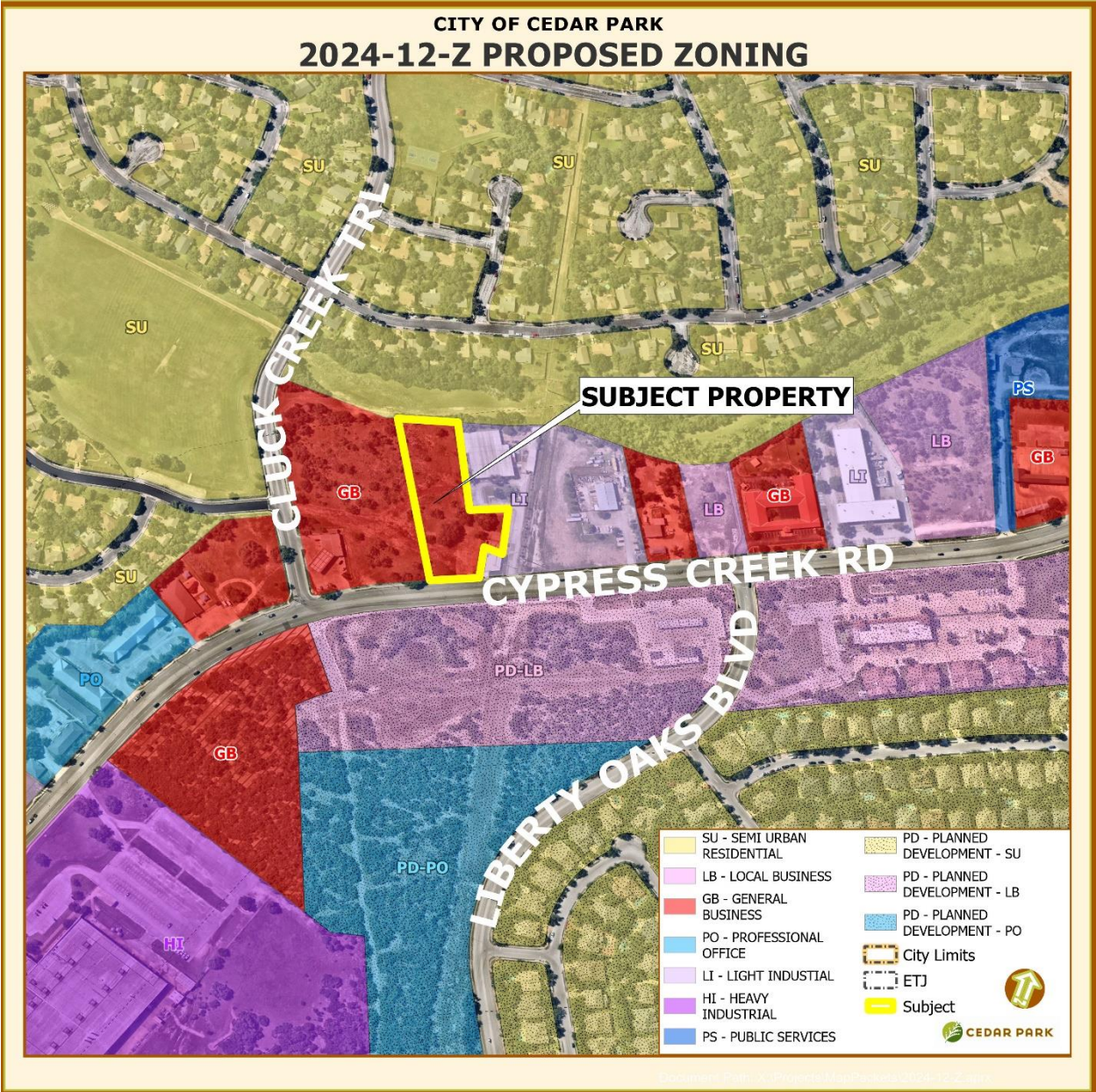
APPROVED AS TO FORM
AND CONTENT:

JP LeCompte, City Attorney

EXHIBIT A

Lot 1, Reubdivision of Buttercup Creek Industrial Park, Lot 2, a subdivision in Williamson County, Texas, according to the map or plat thereof recorded in Document Number 8700339 of the Official Public Record of Williamson County, Texas.

EXHIBIT B





August 30, 2024

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

Via Electronic Submittal

RE: Request for a Rezoning of approximately 1.97 acres being Lot 1 of Resubdivision of Buttercup Creek Industrial Park, Lot 2 located at 703 Cypress Creek Road (the "Property") from LI to GB.

Dear Ms. Link:

As representatives of the owner of the above stated Property we respectfully submit this request for a rezoning of the Property (see attached location map). The proposed zone change for the Property is from Light Industrial (LI) to General Business (GB). The City Council voted to accept a Future Land Use Petition for the Property on August 22, 2024.

The Property will be combined with the adjacent 3.85 acre lot currently zoned GB to create one larger 5.8 acre lot for a retail center. The proposed change from LI to GB will allow for new larger lot to be developed under one zoning designation that is consistent with the vision of the Regional Office/Retail/Commercial (REG) (requested concurrently with this application).

Today, the 1.97 acre LI lot and the 3.85 acre GB lot do not have the ideal size or configuration for development in their respective zoning districts. They would produce awkward building arrangements, waste space with individual detention facilities and access points, and parking. But, when the lots are combined together they create a larger tract with a better configuration that can accommodate more square footage and yield a better product.

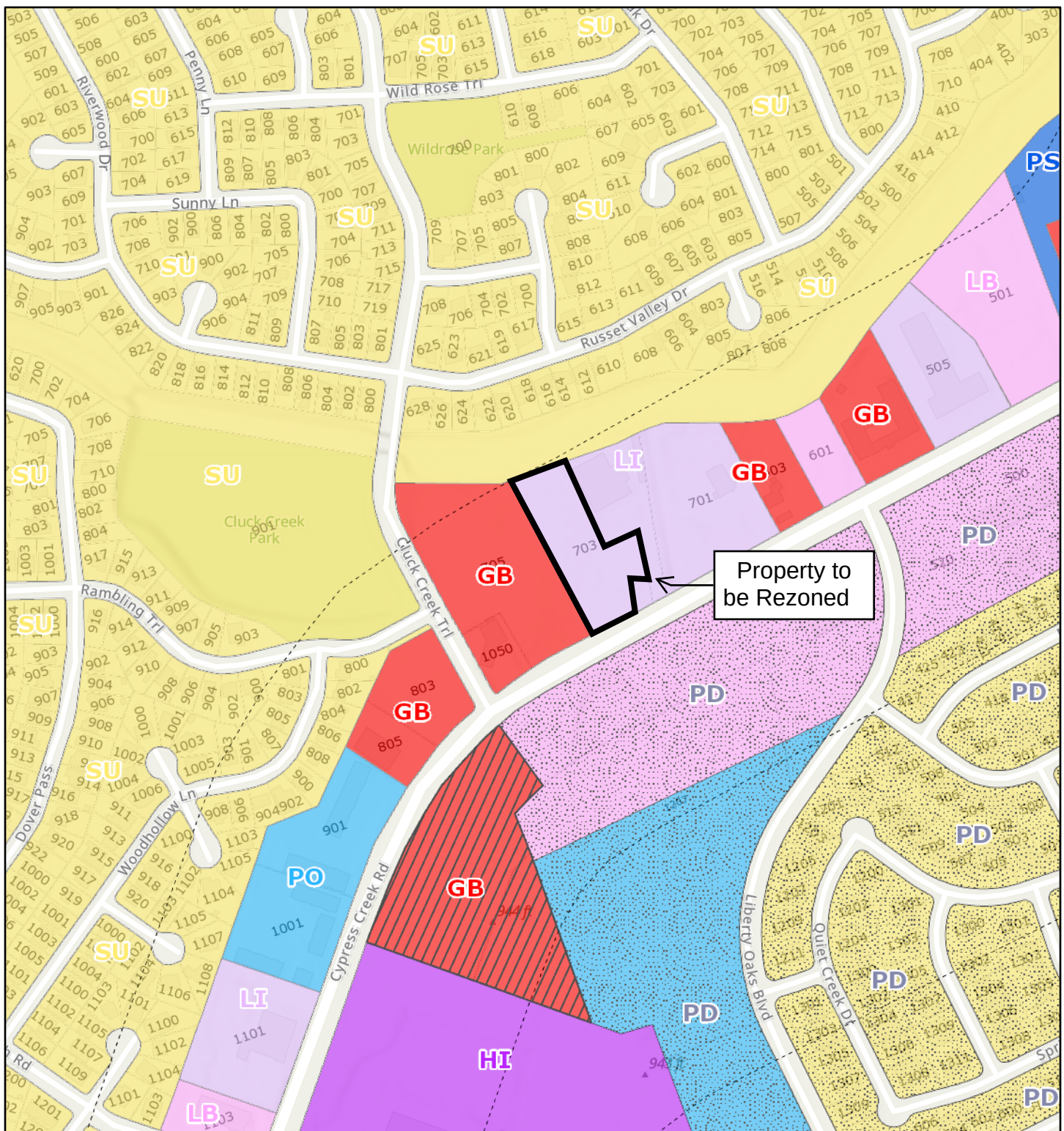
Thank you for your time and attention to this project. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ethan Harwell'.

Ethan Harwell, AICP

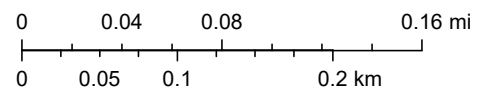
512 580 5803
ethan.hawrell@kimley-horn.com



Zoning - Zoning Districts		
DR - DEVELOPMENT RESERVE	H - HOSPITAL	PD - PLANNED DEVELOPMENT - PO
ES - ESTATE RESIDENTIAL	PS - PUBLIC SERVICES	PD - PLANNED DEVELOPMENT - HC
SR - SUBURBAN RESIDENTIAL	OG - OPEN SPACE GREENBELT	PD - PLANNED DEVELOPMENT - LI
SU - SEMI URBAN RESIDENTIAL	OR - OPEN SPACE RECREATIONAL	PD - PLANNED DEVELOPMENT - OG - OPEN SPACE GREENBELT
UR - URBAN RESIDENTIAL	MU - MIXED USE	PD - PLANNED DEVELOPMENT - OR
MF - MULTIFAMILY RESIDENTIAL	TC - TOWN CENTER	PD - PLANNED DEVELOPMENT - MU
NB - NEIGHBORHOOD BUSINESS	PA - PLANNING AREA	
LB - LOCAL BUSINESS	PD - PLANNED DEVELOPMENT - SU	
GB - GENERAL BUSINESS	PD - PLANNED DEVELOPMENT - UR	
PO - PROFESSIONAL OFFICE	PD - PLANNED DEVELOPMENT - MF	
HC - HEAVY COMMERCIAL	PD - PLANNED DEVELOPMENT - NB	
LI - LIGHT INDUSTRIAL	PD - PLANNED DEVELOPMENT - LB	
HI - HEAVY INDUSTRIAL	PD - PLANNED DEVELOPMENT - GB	

Zoning - Conditional Use Districts	
Conditional Use Overlay	Entertainment Center Overlay
Special Use Overlay	Conditional Use/Special Use Permit
Zoning - Corridor Overlay	Hwy Shields
Parcels	

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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?

45 neighbors were notified via USPS Certified mail on August 29, 2024.

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

See attached list.

3. What concerns were raised during these communications?

No concerns have been raised at this time. Questions were asked by one neighbor regarding the types of businesses that were proposed.

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

No conditions as there were no concerns to be raised at this time.

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

Signature: _____



Date 10/08/2024

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

** Subject to additional conditions outlined in Sec 11.02.092

File Attachments for Item:

E.7 Second Reading And Approval Of An Ordinance Amending Cedar Park Code Of Ordinances, Chapter 4 Business Regulations, Article 4.04 Wrecker Business Regulations, And Appendix A Fee Schedule, Article 3.000 Business Related Fees, Section 3.300 Towing Fees.



CITY COUNCIL AGENDA

November 21, 2024

Item/Subject: Second Reading And Approval Of An Ordinance Amending The Cedar Park Code Of Ordinances, Chapter 4 Business Regulations, Article 4.04 Wrecker Business Regulations, And Appendix A Fee Schedule, Article 3.000 Business Related Fees, Section 3.300 Towing Fees.

Commentary

Texas Occupations Code Chapter 2308 regulates vehicle towing and booting in the state and allows for limited local regulation of towing companies and tow truck operators. Cities are permitted to establish tow rotation lists for nonconsent or incident management tows, set the maximum allowable fees charged by towing companies, and require inspection and registration of all tow trucks performing nonconsent or incident management tows.

The City regulates towing businesses in Article 4.04 of the Code of Ordinances. The last substantive updates to the towing ordinance and the maximum allowable tow-related fees were adopted in December 2015. After a request from local towing companies in accordance with the City's ordinance, Staff conducted a tow fee study of the surrounding jurisdictions, as well as a review of current state towing laws and regulations. Staff recommend several amendments to the City's towing business ordinance and fee schedule to ensure tow companies are incentivized to continue operating within the City, resulting in more efficient clearing of accidents from City roadways.

The recommended changes include:

- Establishing separate tow rotation lists for light, medium, and heavy duty tows, as defined by state law;
- Permitting towing companies to be placed on all rotation lists for which they qualify;
- Requiring all incident management tows to be initiated from the Police Department's established tow rotation list;

- Extending the allowable service area from which heavy duty tow trucks may operate within the City from ten (1) to fifteen (15) air miles from the City limits (to increase the number of eligible towing companies);
- Clarifying the enforcement and penalty provisions for noncompliant towing permit holders;
- Updating references to the Texas Occupations Code and Texas Administrative Code;
- Updating ordinance language to be consistent with the Texas Occupations Code and Texas Department of Licensing and Regulation (“TDLR”) regulations, including changing all references of “wreckers” to “tow trucks;”
- Permitting towing companies to charge fees to recover the cost of special equipment operations and on-scene waiting times during incident management tows; and
- Updating the maximum allowable incident management tow fees after review of surrounding jurisdictions:

Jurisdiction	Light Tow	Medium Tow	Heavy Tow
Travis County	\$275	\$450	\$1,000
Williamson County	\$272	\$350	\$1000
Georgetown	\$272	\$350	\$1000
Leander	\$250	\$550	\$1100
Round Rock- Current	\$130		\$450
Round Rock - Proposed	\$320	\$425	\$840
Cedar Park - Current	\$175	\$400	\$800
Cedar Park - Proposed	\$275	\$550	\$1,100

Initiating Dept: Police Department

Fiscal Impact
Fund:

Budget
Amount:

☐ **Finance Director Review**

Legal Certification

Approved as to form and content:

☐ Yes

☐ No **City Attorney**

Associated Information:

Redline of proposed Article 4.04 and Appendix A amendments

2024-2026 Strategic Plan

This agenda item generally supports and furthers the following goals and/objectives from the City Council 2024-2026 Strategic Plan:

- Safe Communities
 - Public Safety
 - Communications & Reporting
 - Use data and analysis to efficiently and effectively deploy resources to enhance public safety
 - Present public safety data and trends to increase transparency, accountability, and strengthen public trust

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING CEDAR PARK CODE OF ORDINANCES CHAPTER 4 BUSINESS REGULATIONS, ARTICLE 4.04 WRECKER BUSINESS REGULATIONS, AND APPENDIX A FEE SCHEDULE, CHAPTER 3.000 BUSINESS RELATED FEES, SECTION 3.300 TOWING FEES; RETITLING ARTICLE 4.04 TOWING BUSINESS REGULATIONS; 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 Occupations Code Chapter 2308 governs the towing and booting of vehicles within the state; and

WHEREAS, the Texas Department of Licensing and Regulation (“TDLR”) has further regulated the towing industry in Title 16, Chapter 85 of the Texas Administrative Code; and

WHEREAS, as a home-rule municipal corporation, the City is authorized by Texas Local Government Code Chapter 51 and Subchapter E of Texas Occupations Code Chapter 2308 to further regulate vehicle towing within the City limits, including by setting the maximum fees charged by towing companies; and

WHEREAS, the Cedar Park Code of Ordinances Chapter 4, Article 4.04 and Appendix A, Chapter 3.000, Section 3.300 (collectively, the “Towing Business Ordinances”) currently regulate vehicle towing within the City; and

WHEREAS, the City desires that towing fees within the City reflect the market within the surrounding area and encourage responsible towing companies to operate within the City, leading to faster response times and safer clearing of City roadways following traffic incidents; and

WHEREAS, the City desires that the Code of Ordinances be consistent with state law; and

WHEREAS, adoption of the proposed amendments to the Towing Business Ordinances will contribute to the good government, peace, and order of the trade and commerce of the City.

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

SECTION 1. That Cedar Park Code of Ordinances Chapter 4 Business Regulations, Article 4.04 is hereby retitled “Towing Business Regulations.”

SECTION 2. That Cedar Park Code of Ordinances, Chapter 4 Business Regulations, Article 4.04 Towing Business Regulations and Appendix A Fee Schedule, Chapter 3.000 Business Related Fees, Section 3.300 Towing Fees are hereby amended as provided in the attached **Exhibit A**.

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 14th day of November, 2024, 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 21st day of November, 2024, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

PASSED AND APPROVED this the 21st day of November, 2024.

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

 ARTICLE 4.04 TOWING BUSINESS REGULATIONS **Sec. 4.04.001 Definitions**

For the purpose of this article, the following terms shall have the meanings respectively ascribed to them in this section. Any term defined by Texas Occupations Code Chapter 2308 or Title 16 Texas Administrative Code Chapter 86, as amended, but not otherwise listed within this section shall have the meaning ascribed by state law when used in this article.

Abandoned vehicle. Shall have the meaning ascribed by section [683.002 of the Texas Transportation Code](#), as amended.

Consent tow. Any tow of a motor vehicle in which the tow truck is summoned by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle, as defined by [16 Tex. Admin. Code Chapter 86](#), as amended. The term does not include an incident management tow or a private property tow.

Heavy duty tow. Any tow of a motor vehicle with a gross weight rating that exceeds 25,000 pounds.

Illegally parked vehicle. Any motor vehicle alleged to be in violation of [chapter 17, article 17.04](#), of this Code, or in violation of applicable parking regulations of the Texas Transportation Code, as amended.

Incident. Any unplanned randomly occurring traffic event that adversely affects normal traffic operations, including but not limited to all reasons for an incident management tow, as defined herein.

Incident management tow. Any tow of a vehicle in which the tow truck is summoned by the Police Department to the scene of a traffic accident or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene, as defined by [Texas Occupations Code Section 2308.002](#), as amended. The term shall also include tows incident to arrest, traffic hazards and illegally parked vehicles, and tows of abandoned vehicles initiated by the Police Department.

Light duty tow. Any standard tow of a motor vehicle with a gross weight rating of 10,000 pounds or less, as defined by [section 2308.0575 of the Texas Occupations Code](#), as amended.

Medium duty tow. Any tow of a motor vehicle with a gross weight rating of more than 10,000 pounds, but less than 25,000 pounds, as defined by [section 2308.0575 of the Texas Administrative Code](#), as amended.

Nonconsent tow. Any tow of a motor vehicle that is not a consent tow, including an incident management tow and a private property tow, as defined by Texas Occupations Code Section 2308.002, as amended.

Permit. Authorization granted by the Chief of Police under the provisions of this article to engage in towing from the towing rotation lists in the City.

Permit holder. Any towing company possessing a current, valid permit to engage in towing from the towing rotation lists in the City. A permit holder's primary business office shall be located and maintained within the corporate limits of the City, its extraterritorial jurisdiction, or within ten (10) air miles of those areas for towing companies permitted for only light duty and medium duty tows, and within fifteen (15) air miles for towing companies permitted for heavy duty tows.

Private property tow. Any tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle, as defined by [Texas Occupations Code Section 2308.002](#), as amended.

Vehicle storage facility. A vehicle storage facility, as defined by [Texas Occupations Code, section 2303.002](#), as amended, that is operated by a person who holds a license issued under [Texas Occupations Code, chapter 2303](#) to operate the facility.

Towing company. An individual, association, corporation, or other legal entity operating one or more tow trucks over a public roadway. The term includes the owner, operator, employee, or agent of a towing company, but does not include a political subdivision of the State.

Towing rotation list. A list of permit holders prepared in accordance with the provisions of this article, as amended.



Sec. 4.04.002 Scope

- (a) This article applies to all tow truck movements within the City, except for those performed by, at the request of, or directed by other law enforcement agencies.
- (b) Unless exempted by State law, it shall be unlawful for any person to operate a towing company, or to perform tow truck movements for incident management tows or private property tows in the City without a permit issued in accordance with this article.

(c) A wrecker company that has a proper certificate of registration or permit from the State is not required to obtain a permit from the City under this article in order to perform only consent or private property tows within, from, or through the limits of the City.

(c) All towing companies performing consent and nonconsent tows within the City shall comply with all applicable State laws. A failure to comply with State laws will be a violation of this article.



Sec. 4.04.003 Towing rotation list operation

(a) The Chief of Police shall establish and cause to be maintained towing rotation lists for light, medium, and heavy duty tows of all validly permitted towing companies, which shall be used for all incident management tows.

(b) For all incident management tows, a Police Officer shall request the permit holder next to be called from the appropriate towing rotation list.

(c) The towing rotation lists shall be made available for inspection during regular business hours. The lists shall contain a designation of each permit holder qualified to be on the list in order of rotation list number. Each towing rotation list shall be limited to not more than five (5) towing companies. Such number shall be reviewed every two (2) years or at the discretion of the Chief of Police, which such number may be adjusted by resolution of the City Council. As each new permit holder becomes qualified, it shall be placed at the end of the rotation list.

(c) Any towing company capable of performing more than one type of tow shall be eligible for placement on each list for which the company qualifies; however, inclusion on any list shall be at the discretion of the Chief of Police.

(d) Any towing company desiring to be removed from a towing rotation list shall notify the Chief of Police or their designee, in writing, not later than 48 hours prior to the requested effective date of removal. Approval of a request for voluntary removal from a towing rotation list is at the discretion of the Chief of Police or their designee, in accordance with the operational needs of the Police Department.



Sec. 4.04.004 General regulations

(a) Tow truck driven to scene of incident. No person shall drive, or cause to be driven, a tow truck to or near the scene of a incident on a public roadway in the City or any roadway subject to the City's jurisdiction unless such person has been called to the scene by the Police Department. In situations where a tow truck driver is a certified emergency

medical technician, such driver may stop and render aid as required by law, but such tow truck driver will not be able to tow at such incident except pursuant to the rotation list.

(b) Tow truck driver's relationship with Police Officers. All tow truck drivers arriving at the scene of an incident shall obey all lawful orders given them by any Police Officer investigating such incident and shall not in any manner interfere with such officer in the performance of his duty.

(c) Parking of tow truck at scene of incident. Whenever a tow truck arrives at the scene of an incident, the driver shall park their tow truck as close to the roadway curb as possible and in a manner that does not interfere with traffic. They shall not park their vehicle within a distance of twenty-five (25) feet from a wrecked or disabled vehicle unless otherwise directed by a Police Officer.

(d) Duty of tow truck driver to clear debris. It shall be the duty of the driver of each tow truck that removes a wrecked, damaged or disabled vehicle from the place where an accident or collision has occurred to clear and remove any and all debris, parts, glass or vehicle fluids as the result of an accident or collision from the roadway to the satisfaction of the officer investigating the accident. In the event two (2) or more tow trucks pick up vehicles for towing, it shall be the duty of each driver to clear and remove debris, parts or glass from the roadway.

(e) Issuance and expiration of permits; renewal; fee.

(1) The Chief of Police shall issue a permit to engage in towing from the towing rotation lists. A permit shall be evidenced by a windshield sticker.

(2) No permit shall be granted to any person who had a financial interest in a towing company whose permit has been suspended within the preceding twelve (12) months. This shall include any stockholders, officers, directors, managers or partners.

(3) Each permit holder must present the tow trucks for inspection annually by January 1st at the Police Department.

(4) Each company desiring to be on the towing rotation lists shall pay the City an inspection fee as provided for in the [fee schedule](#) presented in the appendix of this Code, as amended.

- (5) A towing company or tow truck failing to pass inspection shall pay a reinspection fee as provided for in the [fee schedule](#) presented in the appendix of this Code, as amended, for each additional inspection.
- (6) No permit shall be granted to any person or company whose name appears on the current delinquent tax rolls of the City.
- (7) Permits issued to a vehicle are not transferable to another vehicle or towing company.
- (f) Maintenance of records. Each permit holder shall make their records available for inspection by the Chief of Police or their designee during regular business hours at the primary business office of the permit holder, which shall be located and maintained within the corporate limits of the City, its extraterritorial jurisdiction, or within fifteen (15) air miles of those areas. Original permit holder is responsible for maintaining the records for any contract tow truck at permit holder's place of business.
- (g) Parking in residential areas. Except in the following situations, no person shall park or stand a tow truck in the public right-of-way in a residential area within the corporate limits of the City:
- (1) Where a tow has been requested;
 - (2) Where a tow truck has become inoperable and is waiting for transportation to a repair facility; or
 - (3) Where the Police Department has directed such activity.



Sec. 4.04.005 Duties of permit holders

- (a) Compliance. All permit holders shall comply with all applicable requirements of [title 16, chapter 86 of the Texas Administrative Code](#), as amended. No operator shall perform an incident management tow under this article without a valid incident management towing operator license pursuant to [16 Tex. Admin. Code section 86.209](#), as amended.
- (b) Call response.
- (1) All permit holders shall respond to a call anywhere in the corporate limits of the City or roadway subject to the City's jurisdiction by arriving at the scene of the incident within thirty (30) minutes of the requesting officer's call for service for light or medium duty tows, or within sixty (60) minutes of

the requesting officer's call for heavy duty tows. If the responding tow truck fails to meet this time requirement, whether in route or not, the call shall immediately be canceled and the next rotation tow truck called.

(2) Any permit holder unable or failing to respond, for whatever reason, for five (5) times during any one (1) year or three (3) consecutive times, shall be subject to suspension and/or revocation pursuant to [section 4.04.010](#), as amended.

(3) All permit holders shall store all vehicles towed under the provisions of this article at their respective vehicle storage facility unless the owner of the vehicle and permit holder agree to take the vehicle to another location.

(c) Service hours. A permit holder must maintain a twenty-four (24) hour towing service, seven (7) days a week, and have two (2) telephone numbers, one of which is answered twenty-four (24) hours a day, seven (7) days a week. The permit holder must be able to immediately advise the Chief of Police or their designee of the availability of a tow truck. The permit holder must have two-way voice communication between the tow trucks and the permit holder's office.

(d) Solicitations by permit holders prohibited. No permit holder, or their employee, shall solicit, in any manner directly or indirectly, on the public roadways of this City, business involving any vehicle that has been involved in an incident on a public roadway. This prohibition applies regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, selling, or purchasing such vehicle. Proof of the operation of a tow truck by any person engaged in a towing business by or near the scene or site of a wreck or collision on a public roadway in the City without having first complied with the provisions of [section 4.04.004\(a\)](#) of this article, as amended, shall be prima facie evidence of a solicitation in violation of this section.



Sec. 4.04.006 Tow truck requirements

(a) General.

(1) All permit holders shall maintain tow trucks meeting the requirements of this article and [title 16, chapter 86 of the Texas Administrative Code](#), as amended.

(2) All tow trucks shall maintain a valid incident management towing permit pursuant to Title [16, Chapter 86 Tex. Admin. Code](#), as amended, and

be in such condition that they can safely and readily be used as a tow truck for incident management tows.

(b) Tow truck lifting capacity. Each tow truck shall be equipped with a power operated winch with a lifting capacity of not less than eight thousand (8,000) pounds single line capacity, as reflected by a manufacturer's certificate.

(c) Standard equipment.

(1) Each tow truck shall carry as standard equipment: two (2) safety chains appropriate for load securement, (1) 2.5 pound A.B.C. fire extinguisher, wrecker bar, a container for debris, absorbent, broom and shovel.

(2) Each tow truck with a rated capacity of three (3) tons or greater shall be equipped with booster brakes.

(3) Each tow truck must be equipped with dual rear tires.

(4) Upon request of a Police Officer or vehicle owner, the permit holder must make available a tow truck with a specially designed wheel lift attachment. This need not be a requirement for every tow truck unit, but each permit holder must own at least one (1) tow truck so equipped.

(d) Carrying capacity. Each tow truck's carrying capacity shall not be less than one (1) ton as reflected on the manufacturer's certificate for the vehicle.

(e) Tow Truck Signage. Each tow truck shall display signage complying with all requirements of [16 Tex. Admin. Code section 86.701](#), as amended.



Sec. 4.04.007 Vehicle storage facilities

All vehicle storage facilities used to store vehicles towed from incident management tows or private property tows pursuant to this article shall be located within the corporate limits of the City, its extraterritorial jurisdiction, or within ten (10) air miles of those areas for towing companies permitted for only light or medium duty tows or within fifteen (15) air miles for towing companies permitted for heavy duty tows. All vehicles towed by any tow company contractor in accordance with Sec. 4.04.009 must be towed to original permit holder's vehicle storage facility, unless otherwise authorized by an Officer. All vehicle storage facilities must be licensed by the State and must comply with all applicable requirements of [title 16, chapter 85 of the Texas Administrative Code](#), as amended. Vehicle storage facility rates shall be in accordance

with state law and not exceed Texas Department of Licensing and Regulation maximums. .



Sec. 4.04.008 Fees

(a) The fee charged by a permit holder for tows, tow-related services and equipment, and storage of vehicles towed pursuant to this article shall not exceed the lower of the maximum allowable fee set forth in the [fee schedule](#) presented in the appendix of this Code, as amended, or the maximum allowable fee provided by State law, as amended.

(b) Towing fee study. Pursuant to [Tex. Occ. Code section 2308.203](#), as amended, a towing company subject to this article may request a towing fee study be performed by submitting a written request to the Chief of Police and paying the applicable fee set forth in the [fee schedule](#) presented in the appendix of this Code, as amended. No towing company shall be authorized to request a towing fee study within twenty-four (24) months of the completion of a prior towing fee study performed pursuant to this section.



Sec. 4.04.009 Contractual agreement between permit holders

A permit holder may contract with another permit holder for the use of permitted tow trucks to provide services pursuant to this article; however, no permit holder shall contract with more than one (1) other permit holder for such use of tow trucks, and all contracted tow trucks shall be permitted pursuant to this article. The permit holder is responsible for any violations of this article by their contractor.



Sec. 4.04.010 Violation procedures; enforcement; penalties

(a) The Chief of Police, or their designee(s), shall enforce the terms and provisions of this article. All references to “Chief of Police” or “Police Chief” herein this article shall include the Chief of Police and their designee(s), if any.

(b) The Chief of Police may promulgate procedures to carry out and enforce the provisions of this article.

(c) Any person aggrieved by a permit holder, towing company, or operator subject to this article may file a written complaint with the Chief of Police. The Chief of Police shall provide written notice of the complaint to the permit holder, towing company, or operator, and within a reasonable time thereafter the Chief of Police shall conduct a hearing regarding the complaint.

(d) If after such hearing the Chief of Police determines that there has been a violation of any of the terms of this article or, this Code, the Chief of Police may suspend or

revoke the permit of such permit holder as set forth below. If the Chief of Police determines that the permit holder or operator has failed to comply with any applicable requirement of [title 16, chapter 86 of the Texas Administrative Code](#), as amended, then the Chief of Police may immediately revoke the permit. Within fifteen (15) days of the hearing, the Police Chief shall forward written notice of their findings and determination to the permit holder or operator.

(e) The permit holder, in cases of revocation, shall have the right to appeal to the City Council. The request for appeal must be made, in writing, to the City Secretary within ten (10) days of the date of the Police Chief's written determination. Upon receiving such request for appeal, the City Council, as soon as practicable thereafter, shall notify the appellant as to whether or not such an appeal will be heard and if the Council approves such an appeal, it then may hear such and shall either sustain or reverse the revocation of the Chief of Police.

(f) If no appeal is taken from the Police Chief's action within ten (10) days of notification, as set out herein, then the Police Chief's decision shall be final.

(g) The period of administrative action shall be as follows:

- (1) For the first violation, suspension of not more than thirty (30) days;
- (2) For the second violation within a twelve (12) month period from the date of the first violation, a suspension of not more than ninety (90) days; and
- (3) For the third or subsequent violation within a twelve (12) month period from the date of the first violation, such period of suspension as the Chief of Police may determine, up to and including permanent revocation.

Each violation discovered during the course of inspection of tow trucks or permit holder records in accordance with Section 4.04.004, herein, shall be treated as a separate violation.

(h) The administrative penalty set forth in this section shall be independent of and may be in addition to any other penalties assessed pursuant to any violation of this Code or State law. The determination of whether the violation is significant shall be within the sole discretion of the Police Chief.

(Ordinance CO21-15-12-17-C3 adopted 12/17/15)



APPENDIX A

FEE SCHEDULE

ARTICLE 3.000 BUSINESS RELATED FEES

Sec. 3.300 Towing fees

(a) The following maximum allowable fees may be charged for tow truck operations originating within the City's corporate limits or any roadway subject to the City's jurisdiction and subject to [article 4.04](#) of this Code:

(1) Incident management tows:

- (A) Light duty tows: \$275.00
- (B) Medium duty tows: \$550.00.
- (C) Heavy duty tows: \$1,100.00.
- (D) Medium duty winch: \$75.00.
- (E) Heavy duty winch: \$100.00
- (F) Haul truck with trailer: \$1,000.00; Haul Truck only: \$500.
- (G) Rental equipment: Cost plus 35%.
- (H) Rotator truck (not used as tow truck): \$600.00, then \$300 per hour after first hour on scene. Winch fee: \$100.00.
- (I) On-Scene Wait Time Fees:
 - (i) Light Duty wait time: \$75.00 per hour or portion thereof after thirty (30) minutes;
 - (ii) Medium duty wait time: \$100.00 per hour or portion thereof after thirty (30) minutes;

(iii) Heavy duty wait time: \$25.00 per fifteen (15) minutes or portion thereof upon arrival on scene.

(J) Equipment Operation Fees:

(i) Heavy Duty: \$500 per hour after first hour on scene;

(ii) Medium Duty: \$250 per hour after first hour on scene.

(K) Extra labor:

(i) Light duty: \$50.00 per thirty (30) minutes or portion thereof;

(ii) Medium duty: \$75.00 per thirty (30) minutes or portion thereof;

(iii) Heavy duty: \$100.00 per thirty (30) minutes or portion thereof.

(2) Private property tows:

(A) Light duty tows: \$125.00.

(B) Medium duty tows: \$300.00.

(C) Heavy duty tows: \$400.00.

(3) Drop fees:

(A) Light duty drops: \$75.00.

(B) Medium duty drops: \$125.00.

(C) Heavy duty drops: \$175.00.

(b) An inspection fee of \$50.00 per truck per year shall be paid annually. Should any truck fail its annual inspection, a reinspection fee of \$25.00 shall be charged for each reinspection.

(Ordinance CO21-15-12-17-C3 adopted 12/17/15)



ARTICLE 4.04 WRECKERTOWING BUSINESS REGULATIONS



Sec. 4.04.001 Definitions

For the purpose of this article, the following terms shall have the meanings respectively ascribed to them in this section. Any term defined by Texas Occupations Code Chapter 2308 or Title 16 Texas Administrative Code Chapter 86, as amended, but not otherwise listed within this section shall have the meaning ascribed by state law when used in this article.:

Abandoned vehicle. ~~A motor vehicle that has been left on private property without the consent of the property owner for a period in excess of five (5) calendar days or as defined~~ Shall have the meaning ascribed by section 683.002 of the Texas Transportation Code, as amended.

Consent tow. Any tow of a motor vehicle in which the tow truck is summoned by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle, as defined by 16 Tex. Admin. Code Chapter 86~~section 86.10(5)~~, as amended. The term does not include an incident management tow or a private property tow.

Heavy duty tow. Any tow of a motor vehicle with a gross weight rating that exceeds 25,000 pounds.

Illegally parked vehicle. Any motor vehicle alleged to be in violation of chapter 17, article 17.04, of this Code, or in violation of applicable parking regulations of the Texas Transportation Code, as amended.

Incident. Any unplanned randomly occurring traffic event that adversely affects normal traffic operations, including but not limited to all reasons for an incident management tow, as defined herein.

Incident management tow. Any tow of a vehicle in which the tow truck is summoned by the Police Department to the scene of a traffic accident or to an incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene, as defined by 16 Tex. Admin. Code section 86.10(11)~~Texas Occupations Code Section 2308.002~~, as amended. The term shall also include tows incident to arrest, traffic hazards and illegally parked vehicles, and tows of abandoned vehicles initiated by the Police Department.

Light duty tow. Any standard tow of a motor vehicle with a gross weight rating of 10,000 pounds or less, as defined by [section 2308.0575 of the Texas Occupations Code](#), as amended.

Medium duty tow. Any tow~~s~~ of a motor vehicle with a gross weight rating of more than 10,000 pounds, but less than 25,000 pounds, as defined by [section 2308.0575 of the Texas Administrative Code](#), as amended.

Nonconsent tow. Any tow of a motor vehicle that is not a consent tow, including an incident management tow and a private property tow, as defined by [Texas Occupations Code Section 2308.00216 Tex. Admin. Code section 86.10\(13\)](#), as amended.

Permit. Authorization granted by the Chief of Police under the provisions of this article to engage in towing from the ~~wrecker-towing~~ rotation lists in the City.

Permit holder. Any ~~wrecker-towing~~ company possessing a current, valid permit to engage in towing from the ~~wrecker-towing~~ rotation lists in the City. A permit holder's primary business office shall be located and maintained within the corporate limits of the City, its extraterritorial jurisdiction, or within ten (10) air miles of those areas for towing companies permitted for only light duty and medium duty tows, and within fifteen (15) air miles for towing companies permitted for heavy duty tows.

Private property tow. Any tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle, as defined by ~~16 Tex. Admin. Code section 86.10(18)~~ [Texas Occupations Code Section 2308.002](#), as amended.

Vehicle storage facility. A vehicle storage facility, as defined by [Texas Occupations Code, section 2303.002](#), as amended, that is operated by a person who holds a license issued under [Texas Occupations Code, chapter 2303](#) to operate the facility.

~~*Wrecker-Towing company.* An individual, association, corporation, or other person or legal entity operating one or more tow trucks over a public roadway registered under Tex. Transportation Code Ann. Chapter 643 (Vernon 1999), as amended.~~ The term includes the owner, operator, employee, or agent of a towing company, but does not include a political subdivision of the State.

~~*Wrecker-Towing rotation list.* A list of permit holders prepared in accordance with the provisions of this article, as amended.~~



(a) This article applies to all ~~wrecker-tow truck~~ movements within the City, except for those performed by, ~~-at the request of, governmental entities~~ or directed by other law enforcement agencies.

(b) Unless exempted by State law, it shall be unlawful for any person to operate a ~~wrecker-towing~~ company, or to perform ~~wreckertow truck~~ movements for incident management tows or private property tows in the City without a permit issued in accordance with this article.

(c) A wrecker company that has a proper certificate of registration or permit from the State is not required to obtain a permit from the City under this article in order to perform only consent ~~or or nonconsent-private property~~ tows within, from, or through the limits of the City; ~~provided, however, that all incident management tows nonconsent tows originating within the corporate limits of the City or roadways subject to its jurisdiction shall be subject to section 4.04.008(b).~~

~~(dc)~~ All ~~permit holders under this article~~ towing companies performing consent and nonconsent tows within the City shall comply with all applicable State laws. A failure to comply with State laws will be a violation of this article.



Sec. 4.04.003 ~~Wrecker-Towing~~ rotation list operation

(a) (a)—The Chief of Police shall establish and cause to be maintained ~~a wrecker towing~~ rotation lists for light, medium, and heavy duty tows of all validly permitted ~~wreckertowing~~ -companies, which shall be used for all incident management tows.

(a)(b) For all incident management tows, a Police Officer shall request the permit holder next to be called from the appropriate towing rotation list.

(bc) The ~~wrecker-towing~~ rotation lists shall be made available for inspection during regular business hours. The lists shall contain a designation of each permit holder qualified to be on the list in order of rotation list number. ~~The Each wrecker-towing~~ rotation list shall be limited to not more than four-five (54) ~~wrecker-towing~~ companies. Such number shall be reviewed every two (2) years or at the discretion of the Chief of Police, which such number may be adjusted by resolution of the City Council. As each new permit holder becomes qualified, it shall be placed at the end of the rotation list.

(c) Any towing company capable of performing more than one type of tow shall be eligible for placement on each list for which the company qualifies; however, inclusion on any list shall be at the discretion of the Chief of Police.

(d) Any towing company desiring to be removed from a towing rotation list shall notify the Chief of Police or their designee, in writing, not later than 48 hours prior to the requested effective date of removal. Approval of a request for voluntary removal from a towing rotation list is at the discretion of the Chief of Police or their designee, in accordance with the operational needs of the Police Department.



Sec. 4.04.004 General regulations

(a) Wrecker-Tow truck driven to scene of collisionincident. No person shall drive, or cause to be driven, a wrecker-tow truck to or near the scene of a collision-incident on a public roadway in the City or any roadway subject to the City's jurisdiction unless such person has been called to the scene by the Police Department. In situations where a wrecker-tow truck driver is a certified emergency medical technician, such driver may stop and render aid as required by law, but such wrecker-tow truck driver will not be able to tow at such collision-incident except pursuant to the rotation list.

(b) Wrecker-Tow truck driver's relationship with Police Officers. All wrecker-tow truck drivers arriving at the place where any accident has occurredscene of an incident shall obey all lawful orders given them by any Police Officer investigating such accident-incident and shall not in any manner interfere with such officer in the performance of his duty.

(c) Parking of wrecker-tow truck at scene of incidentaccident. Whenever a wrecker tow truck arrives at the place where a vehicle has been disabledscene of an incident, the wrecker-driver shall park his-their tow truckwrecker as close to the roadway curb as possible and otherwise dispose of it in a manner that does not interfere with traffic. He They shall not park his-their vehicle within a distance of twenty-five (25) feet from a wrecked or disabled vehicle unless otherwise directed by a Police Officer.

(d) Duty of wrecker-tow truck driver to clear debris. It shall be the duty of the driver of each wrecker-tow truck that removes a wrecked, damaged or disabled vehicle from the place where an accident or collision has occurred to clear and remove any and all debris, parts, glass or vehicle fluids as the result of an accident or collision from the roadway to the satisfaction of the officer investigating the accident. In the event two (2) or more wreckers-tow trucks pick up vehicles for towing, it shall be the duty of each driver to clear and remove debris, parts or glass from the roadway.

(e) Issuance and expiration of permits; renewal; fee.

(1) The Chief of Police shall issue a permit to engage in towing from the wrecker-towing rotation lists to all applicants complying with the provisions of this article. A permit may shall be evidenced by a windshield sticker.

- (2) No permit shall be granted to any person who had a financial interest in a ~~wrecker-towing company~~business whose permit has been suspended within the preceding twelve (12) months. This shall include any stockholders, officers, directors, managers or partners.
- (3) Each permit holder must present the ~~wreckers-tow trucks~~ for inspection annually by January 1st at the Police Department.
- (4) Each company desiring to be on the ~~wrecker-towing rotation~~ lists shall pay the City an inspection fee as provided for in the fee schedule presented in the appendix of this Code, as amended.
- (5) A ~~wrecker-towing~~ company or ~~wrecker-tow truck~~ failing to pass inspection shall pay a reinspection fee as provided for in the fee schedule presented in the appendix of this Code, as amended, for each additional inspection.
- (6) No permit shall be granted to any person or company whose name appears on the current delinquent tax rolls of the City.
- (7) Permits issued to a vehicle are not transferable to another vehicle or towing company.
- ~~(f) Vehicle operator to designate wrecker towing company. When a Police Officer investigating an incident collision determines that any vehicle involved in a collision the incident is unable to safely proceed under its own power, or when the Police Officer determines that the driver of any vehicle involved in an incident collision is physically unable to safely move the vehicle to a location where it will not create a traffic hazard, such officer shall request the driver to designate the permit holder he they desires to remove the vehicle, and the Police Officer shall contact the driver's designee.~~
- ~~(g) Wrecker Towing rotation list operation. In the event a Police Officer requires the removal of a vehicle and the vehicle operator does not designate the permit holder of his choice, due to the operator's arrest or incapacitation, the officer shall request the permit holder next to be called from the wrecker appropriate towing rotation list.~~
- ~~(hf)~~ Maintenance of records. Each permit holder shall make ~~his~~their records available for inspection by the Chief of Police or their designee during regular business hours at the primary business office of the permit holder, which shall be located and maintained within the corporate limits of the City, its extraterritorial jurisdiction, or within fifteen~~ten~~ (15) air miles of those areas. Original permit holder is responsible for maintaining the records for any contract tow truck at permit holder's place of business.

(ig) Parking in residential areas. Except in the following situations, no person shall park or stand a ~~wrecker-tow truck~~ in the public right-of-way in a residential area within the corporate limits of the City:

- (1) Where a tow has been requested;
- (2) ~~—Where a wrecker-tow truck~~ has become inoperable and is waiting for transportation to a repair facility; or
- (3) Where the Police Department has directed such activity.



Sec. 4.04.005 Duties of permit holders

(a) Compliance. All permit holders shall comply with all applicable requirements of [title 16, chapter 86 of the Texas Administrative Code](#), as amended. No operator shall perform an incident management tow under this article without a valid incident management towing operator license pursuant to [16 Tex. Admin. Code section 86.209](#), as amended.

(b) Call response.

(1) All permit holders shall respond to a call anywhere in the corporate limits of the City or roadway subject to the City's jurisdiction by arriving at the scene of the ~~collision or~~ incident within thirty (30) minutes of the requesting officer's call for service for light or medium duty tows, or within sixty (60) minutes of the requesting officer's call for heavy duty tows. If the responding ~~wrecker-tow truck~~ fails to meet this time requirement, whether in route or not, the call shall immediately be canceled and the next rotation ~~wrecker-tow truck~~ called.

(2) Any permit holder unable or failing to respond, for whatever reason, for five (5) times during any one (1) year or three (3) consecutive ~~times-times during any one (1) year~~, shall be subject to suspension and/or revocation pursuant to [section 4.04.010](#), as amended.

(3) All permit holders shall store all vehicles towed under the provisions of this article at their respective vehicle storage facility unless the owner of the vehicle and permit holder agree to take the vehicle to another location.

(c) Service hours. A permit holder ~~operating a wrecker,~~ must maintain a twenty-four (24) hour ~~wrecker-towing~~ service, seven (7) days a week, and have two (2) telephone numbers, one of which is answered twenty-four (24) hours a day, seven (7) days a week.

The permit holder must be able to immediately advise the Chief of Police or their designee of the availability of a tow truck. The ~~wrecker company~~ permit holder must have two-way voice communication between the ~~wreckers tow trucks~~ and the ~~wrecker company~~ permit holder's office.

(d) Solicitations by permit holders prohibited. No permit holder, or ~~his~~ their employee, shall solicit, in any manner directly or indirectly, on the public roadways of this City, ~~a wrecker's~~ business involving any vehicle that has been ~~wrecked or otherwise disabled~~ involved in an incident on a public roadway. This prohibition applies regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading, selling, or purchasing such vehicle. Proof of the operation of a ~~wrecker tow truck~~ by any person engaged in a ~~wrecker towing~~ business by or near the scene or site of a wreck or collision on a public roadway in the City without having first complied with the provisions of section 4.04.004 ~~(ag)~~ ~~or (h)~~ of this article, as amended, shall be prima facie evidence of a solicitation in violation of this section.



Sec. 4.04.006 ~~Wrecker~~ Tow truck requirements

(a) General.

- (1) All permit holders shall maintain ~~wreckers tow trucks~~ meeting the requirements of this article and title 16, chapter 86 of the Texas Administrative Code, as amended.
 - (2) All ~~wreckers tow trucks~~ shall maintain a valid incident management towing permit pursuant to Title 16, Chapter 86 Tex. Admin. Code, as amended, and be in such condition that they can safely and readily be used as a ~~wrecker tow truck~~ for incident management tows.
- (b) Wrecker-Tow truck lifting capacity. Each ~~wrecker tow truck~~ shall be equipped with a power operated winch with a lifting capacity of not less than eight thousand (8,000) pounds single line capacity, as reflected by a manufacturer's certificate.
- (c) Standard equipment.

- (1) Each ~~wrecker tow truck~~ shall carry as standard equipment: two (2) safety chains appropriate for load securement, (1) 2.5 pound A.B.C. fire extinguisher, wrecker bar, a container for debris, absorbent, broom and shovel ~~dust pan~~.

- (2) Each ~~wrecker tow truck~~ with a rated capacity of three (3) tons or greater shall be equipped with booster brakes.
- (3) Each ~~wrecker tow truck~~ must be equipped with dual rear tires.
- (4) Upon request of a Police Officer or vehicle owner, the permit holder must make available a ~~wrecker tow truck~~ with a specially designed wheel lift attachment. This need not be a requirement for every ~~wrecker tow truck~~ unit, but each permit holder must own at least one (1) ~~tow truck~~ so equipped.
- (d) Carrying capacity. Each ~~wrecker's tow truck's~~ carrying capacity shall not be less than one (1) ton as reflected on the manufacturer's certificate for the vehicle.
- (e) Name Tow Truck Signage. ~~In addition to the requirements~~ Each tow truck shall display signage complying with all requirements of [16 Tex. Admin. Code section 86.701](#), as amended, ~~each wrecker must have the permit holder's name, phone number, address, and permit number permanently displayed on each side of the wrecker at least three (3) inches in size and in a color that contrasts with the color of the background surface.~~



Sec. 4.04.007 Vehicle storage facilities

All vehicle storage facilities used to store vehicles towed from incident management tows or private property tows pursuant to this article shall be located within the corporate limits of the City, its extraterritorial jurisdiction, or within ten (10) air miles of those areas for towing companies permitted for only light or medium duty tows or within fifteen (15) air miles for towing companies permitted for heavy duty tows. All vehicles towed by any tow company contractor in accordance with Sec. 4.04.009 must be towed to original permit holder's vehicle storage facility, unless otherwise authorized by an Officer. All vehicle storage facilities must be licensed by the State and must comply with all applicable requirements of [title 16, chapter 85 of the Texas Administrative Code](#), as amended. Vehicle storage facility rates shall be in accordance with state law and not exceed Texas Department of Licensing and Regulation maximums. All vehicles towed by tow company contractor must go to original permit holders VSF, unless otherwise authorized by an Officer.



Sec. 4.04.008 Fees

- (a) The fee charged by a permit holder for tows, tow-related services and equipment, and storage of vehicles towed pursuant to this article shall not exceed the lower of the maximum allowable fee set forth in the [fee schedule](#) presented in the appendix of this Code, as amended, or the maximum allowable fee provided by State law, as amended.

(b) Towing fee study. Pursuant to [Tex. Occ. Code section 2308.203](#), as amended, a towing company subject to this article may request a towing fee study be performed by submitting a written request to the Chief of Police and paying the applicable fee set forth in the [fee schedule](#) presented in the appendix of this Code, as amended. No towing company shall be authorized to request a towing fee study within twenty-four (24) months of the completion of a prior towing fee study performed pursuant to this section.



Sec. 4.04.009 Contractual agreement between ~~wrecker owner and~~ permit holders

A permit holder may contract with another permit holder for the use of permitted ~~wreckers tow trucks~~ to provide services pursuant to this article; however, no permit holder shall contract with more than one (1) other permit holder for such use of ~~wreckerstow trucks~~, and all contracted ~~wreckers tow trucks~~ shall be permitted pursuant to this article. The permit holder is responsible for any violations of this article by their contractor.



Sec. 4.04.010 Violation procedures; enforcement; penalties

(a) The Chief of Police, or their designee(s), shall enforce the terms and provisions of this article. All references to “Chief of Police” or “Police Chief” herein this article shall include the Chief of Police and their designee(s), if any.

(b) The Chief of Police may promulgate procedures to carry out and enforce the provisions of this article.

(c) Any person aggrieved by a permit holder, towing company, or operator subject to this article may file a written complaint with the Chief of Police. The Chief of Police shall provide written notice of the complaint to the permit holder, towing company, or operator, and within a reasonable time thereafter the Chief of Police shall conduct a hearing regarding the complaint.

(d) If after such hearing the Chief of Police determines that there has been a violation of any of the terms of this article or, this Code, the Chief of Police may suspend, ~~cancel,~~ or revoke the permit of such permit holder as set forth below. If the Chief of Police determines that the permit holder or operator has failed to comply with any applicable requirement of [title 16, chapter 86 of the Texas Administrative Code](#), as amended, then the Chief of Police may immediately revoke the permit ~~and/or suspend/remove the permit holder or operator from the rotation and/or service lists~~. Within fifteen (15) days of the hearing, the Police Chief shall forward written notice of their findings and determination to the permit holder or operator.

(e) The permit holder, in cases of revocation, shall have the right to appeal to the City Council. The request for appeal must be made, in writing, to the City Secretary within ten (10) days of the date of the Police Chief's written determination. Upon receiving such request for appeal, the City Council, as soon as practicable thereafter, shall notify the appellant as to whether or not such an appeal will be heard and if the Council approves such an appeal, it then may hear such and shall either sustain or reverse the revocation of the Chief of Police.

(f) If no appeal is taken from the Police Chief's action within ten (10) days of notification, as set out herein, then the Police Chief's decision shall be final.

(g) The period of administrative action ~~per calendar year~~ shall be as follows:

- (1) For the first violation, suspension of not more than thirty (30) days;
- (2) For the second violation within a twelve (12) month period from the date of the first violation, a suspension of not more than ninety (90) days; and
- (3) For the third or subsequent violation within a twelve (12) month period from the date of the first violation, such period of suspension, ~~cancellation or revocation~~ as the Chief of Police may determine, up to and including permanent revocation.

Each violation discovered during the course of inspection of tow trucks or permit holder records in accordance with Section 4.04.004, herein, shall be treated as a separate violation.

(h) The administrative penalty set forth in this section shall be independent of and may be in addition to any other penalties assessed pursuant to any violation of this Code or State law. The determination of whether the violation is significant shall be within the sole discretion of the Police Chief.

(Ordinance CO21-15-12-17-C3 adopted 12/17/15)



APPENDIX A

FEE SCHEDULE

ARTICLE 3.000 BUSINESS RELATED FEES

Sec. 3.300 Towing fees

(a) The following maximum allowable fees may be charged for ~~wrecker tow truck~~ operations originating within the City's corporate limits or any roadway subject to the City's jurisdiction and subject to [article 4.04](#) of this Code:

(1) Incident management tows:

(A) Light duty tows: ~~\$175~~275.00-

(B) Medium duty tows: ~~\$40~~550.00.

(C) Heavy duty tows: ~~\$81~~100.00.

(D) Medium duty winch: \$75.00.

(E) Heavy duty winch: \$100.00

(F) Haul truck with trailer: \$1,000.00; Haul Truck only: \$500.

(G) Rental equipment: Cost plus 35%.

(H) Rotator truck (not used as tow truck): \$600.00, then \$300 per hour after first hour on scene. Winch fee: \$100.00.

(I) On-Scene Wait Time Fees:

(i) Light Duty wait time: \$75.00 per hour or portion thereof after thirty (30) minutes;

(ii) Medium duty wait time: \$100.00 per hour or portion thereof after thirty (30) minutes;

(iii) Heavy duty wait time: \$25.00 per fifteen (15) minutes or portion thereof upon arrival on scene.

(J) Equipment Operation Fees:

(i) Heavy Duty: \$500 per hour after first hour on scene;

(ii) Medium Duty: \$250 per hour after first hour on scene.

(K) Extra labor:

(i) Light duty: \$50.00 per thirty (30) minutes or portion thereof;

(ii) Medium duty: \$75.00 per thirty (30) minutes or portion thereof;

(iii) Heavy duty: \$100.00 per thirty (30) minutes or portion thereof.

~~(2) Storage: \$20.00 per day.~~

~~(3) Dollies: \$35.00 supplementary wheel system for disabled vehicles.~~

~~(4) Winching: \$35.00 mechanical extraction of off-road vehicles.~~

~~(5) Waiting time at scene: \$35.00 per hour, after the first hour on scene.~~

~~(6)~~ Private property tows:

(A) Light duty tows: \$125.00.

(B) Medium duty tows: \$300.00.

(C) Heavy duty tows: \$400.00.

~~(7)~~ Drop fees:

(A) Light duty drops: \$75.00.

(B) Medium duty drops: \$125.00.

(C) Heavy duty drops: \$175.00.

(b) An inspection fee of \$50.00 per truck per year shall be paid annually. Should any truck fail its annual inspection, a reinspection fee of \$25.00 shall be charged for each reinspection.

(Ordinance CO21-15-12-17-C3 adopted 12/17/15)

File Attachments for Item:

E.8 Second Reading And Approval Of An Ordinance Amending The City Of Cedar Park Code Of Ordinances, Chapter 9, Human Resources, Article 9.11 Municipal Civil Service, Section 9.11.002 Classification And Number Of Positions.



CITY COUNCIL AGENDA
November 21, 2024

Item/Subject: Second Reading And Approval Of An Ordinance Amending The Cedar Park Code Of Ordinances, Chapter 9, Human Resources, Article 9.11 Municipal Civil Service, Section 9.11.002 Classification And Number Of Positions.

Commentary

The existing number of positions in each classification in the Police Department and Fire Department, is set forth in the Cedar Park Code of Ordinances, Section 9.11.002 Classifications and Number of Positions, Subsection (a) Police Department and Subsection (b) Fire Department.

Vacancies created by the departure of sworn employees from the Police Department and/or Fire Department must be filled pursuant to Civil Service, as prescribed in Tex. Local Gov't. Code, Chapter 143, and the governing Meet & Confer Agreements with the Cedar Park Police Association and Cedar Park Professional Firefighters Association. Vacancies in ranked positions are filled by the promotion of qualified sworn personnel, and then one or more new cadets must be hired and trained, potentially leaving the Department temporarily understaffed.

This proposed ordinance amendment would allow limited flexibility with respect to the number of entry level positions so that when the Chief of Police or Fire Chief has confirmation of a departure(s) of sworn personnel, they can temporarily "over-hire" the necessary number of cadets into the next class for training in order to substantially reduce the duration of understaffing and burden of overtime.

Initiating Dept: Human Resources

Fiscal Impact
Fund:

Budget
Budget:

☐ **Finance Director Review**

Legal Certification

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

Associated Information:

2024-2026 Strategic Plan

This agenda item generally supports and furthers the following goals and/objectives from the City Council 2024-2026 Strategic Plan:

- Goal: 2. Safe Community
 - Objective: A – Public Safety
- Goal 4: Service & Fiscal Excellence
 - Objective: C - Workforce

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING THE CITY OF CEDAR PARK CODE OF ORDINANCES, CHAPTER 9, HUMAN RESOURCES, ARTICLE 9.11 MUNICIPAL CIVIL SERVICE, SECTION 9.11.002 CLASSIFICATION AND NUMBER OF POSITIONS; 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, the City of Cedar Park has adopted Civil Service for the Police Department and Fire Department sworn employees; and

WHEREAS, the City Council shall establish the Classifications pursuant to Chapter 143.021 of the Texas Local Government Code; and

WHEREAS, the existing number of positions in each classification in the Police Department and Fire Department, respectively, is set forth in the Cedar Park Code of Ordinances, Section 9.11.002 Classifications and Number of Positions, Subsection (a) Police Department and Subsection (b) Fire Department; and

WHEREAS, vacancies created by the departure of sworn employees from the Police Department and/or Fire Department must be filled pursuant to Civil Service, as prescribed in Tex. Local Gov't. Code, Chapter 143, and the governing Meet & Confer Agreements with the Cedar Park Police Association and Cedar Park Professional Firefighters Association, respectively; and

WHEREAS, vacancies in ranked positions are filled by the promotion of qualified sworn personnel, and then one or more new cadets must be hired and trained, potentially leaving the Department temporarily understaffed; and

WHEREAS, this proposed ordinance amendment would allow limited flexibility with respect to the number of entry level positions so that when the Chief of Police or Fire Chief has confirmation of a departure(s) of sworn personnel, they can temporarily "over-hire" the necessary number of cadets into the next class for training in order to substantially reduce the duration of understaffing and burden of overtime.

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

SECTION 1. The Cedar Park Code of Ordinances, Section 9.11.002 Classifications and Number of Positions, is hereby amended to add Subsection (c) Temporary Over-hire, as provided in the attached Exhibit A.

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

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

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

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 14th day of November 2024, 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 21st day of November, 2024, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

PASSED AND APPROVED this the 21st day of November, 2024.

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

Cedar Park Code of Ordinances, Article 9.11 Municipal Civil Service, Section 9.11.002

New Subsection (c):

- (c) If the Department Head has received written notice of a sworn employee's departure from their Department, they may request, in writing, the City Manager's approval to temporarily over-hire a sworn employee into the lowest/entry level classification in excess of the number of positions authorized in Subsections (a) and (b) above, provided the Department must complete all required promotions and return to the authorized maximum staffing level within forty-five (45) days of the over-hire.

File Attachments for Item:

F.1 A Resolution Authorizing An Agreement With Kimley-Horn And Associates, Inc. For Professional Engineering Services For A Condition Assessment At Four (4) Wastewater Lift Stations In An Amount Not To Exceed \$78,000.



CITY COUNCIL AGENDA
November 21, 2024

Item/Subject: A Resolution Authorizing An Agreement With Kimley-Horn And Associates, Inc. For Professional Engineering Services For A Condition Assessment At Four (4) Wastewater Lift Stations In An Amount Not To Exceed \$78,000.

Commentary

The purpose of this resolution is to authorize the City Manager to execute a professional services agreement to conduct a condition assessment at four (4) wastewater lift stations listed below:

- Block House Lift Station (Constructed in 2003) – 1301 Block House Drive
- Garner Lift Station (Constructed in 2001) - 2312 Poplar Lane
- Riviera Lift Station (Constructed in 2002) – 801 Riviera Drive
- RM 1431 Lift Station (Constructed in 2001) – 1501 Whitestone Boulevard

A wastewater lift station pumps sewage from lower to higher elevations, allowing it to continue flowing toward treatment facilities when gravity alone isn't sufficient. Some of the lift station infrastructure and electrical equipment are nearing the end of their service life. Regular operation, maintenance, and continuous SCADA monitoring, along with daily inspections, ensure consistent functionality. However, some electrical equipment is outdated and needs replacement. Additionally, certain infrastructure elements, such as coatings, ductile iron piping, isolation valves, and check valves, would benefit from rehabilitation due to the corrosive wastewater environment. This condition assessment will identify which components should be rehabilitated or replaced and will develop a scope of work and timeline for future projects.

In October 2023, the City developed a list of engineering firms qualified to perform utility engineering services pursuant to Texas Government Code 2254, which requires qualification-based selection for engineering services. Staff determined that, of those firms, Kimley-Horn and Associates, Inc. is the most qualified based on their knowledge of the

Texas Commission on Environmental Quality regulations, expertise in both civil and electrical engineering, availability, and proposed staff. Staff has reviewed the proposed scope of services and associated fee and determined that the fee is reasonable and customary. Staff, therefore, recommends authorizing the City Manager to execute an agreement with Kimley-Horn and Associates, Inc. for conducting a condition assessment of four (4) lift stations in an amount not to exceed \$78,000.

Initiating Dept: Public Works

Fiscal Impact

Fund: Utility - S35

Budget

Amount: \$78,000.00

☐ **Finance Director Review**

Legal Certification

Approved as to form and content:

☐ Yes

☐ No **City Attorney**

Associated Information:

2024-2026 Strategic Plan

This agenda item generally supports and furthers the following goals and objectives from the City Council 2024-2026 Strategic Plan:

- Goal: Infrastructure and Environment
 - Objective: Infrastructure

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN ENGINEERING SERVICES AGREEMENT TO CONDUCT A CONDITION ASSESSMENT AT FOUR (4) WASTEWATER LIFT STATIONS WITH KIMLEY-HORN AND ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$78,000; 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, some of the infrastructure and electrical equipment are nearing the end of their expected service life at the following four (4) wastewater lift stations, all constructed in the early 2000s: Block House Lift Station, Garner Lift Station, RM 1431 Lift Station, and the Riviera Lift Station; and

WHEREAS, this infrastructure and electrical equipment is nearing then end of its useful life and needs rehabilitation or replacement; and

WHEREAS, a condition assessment is needed to identify which components should be rehabilitated or replaced and to develop a scope of work and schedule for future projects; and

WHEREAS, the selected engineering firm will conduct a condition assessment at four (4) wastewater lift stations; and

WHEREAS, in October 2023, the City Council approved an engineering services qualification process pursuant to Texas Government Code 2254; and

WHEREAS, staff reviewed the qualifications of the firms that were prequalified to provide utility engineering services and determined Kimley-Horn and Associates, Inc. to be the most qualified based on their qualifications, including their expertise and experience in civil and electrical engineering, availability, and proposed staff.

WHEREAS, City staff recommends authorizing a professional services agreement with Kimley-Horn and Associates, Inc. to conduct a condition assessment at four (4) wastewater lift stations in an amount not to exceed \$78,000.

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

SECTION 1. The City Council of Cedar Park hereby authorizes and directs the City Manager or their designee to execute a professional services agreement with Kimley-Horn and Associates, Inc. to conduct a condition assessment at four (4) lift stations in an amount not to exceed \$78,000, 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 21st day of November, 2024.

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.2 A Resolution Authorizing Amendment #2 To The Agreement With Prime Controls L.P. For The Water System Resiliency Project – SCADA Modifications To Construct The BCRUA Delivery Points Improvements Phase 2 Project In An Amount Not To Exceed \$156,000.



CITY COUNCIL AGENDA
November 21, 2024

Item/Subject: A Resolution Authorizing Amendment #2 To The Agreement With Prime Controls L.P. For The Water System Resiliency Project – SCADA Modifications To Construct The BCRUA Delivery Points Improvements Phase 2 Project In An Amount Not To Exceed \$156,000.

Commentary

The purpose of this resolution is to authorize the City Manager to execute an amendment to the agreement (“Agreement”) with Prime Controls L.P. for the Water System Resiliency Project – SCADA Modifications to construct the BCRUA Delivery Points Improvements Phase 2 Project (“Project”). The BCRUA is a regional water system jointly owned by Cedar Park, Round Rock, and Leander (“Cities”) to provide treated water to the Cities. The Project is the second and final phase of a series of projects to provide flow control at all BCRUA water delivery points that are currently under the control of the Cities. At the conclusion of the Project, the BCRUA will have full control of all BCRUA water delivery points for each of the Cities and be able to ensure that each of the Cities receives only their contractually obligated amount and rate of flow of water.

Phase 2 of the Delivery Points Improvement Project includes SCADA, electrical, and communication improvements at all the BCRUA delivery points to provide for full integration into BCRUA’s control systems. The Project was originally bid in March 2024, but the only proposal received was substantially over budget, and the pricing of many bid items in the proposal was not competitive with recent bid data for similar work.

After the first unsuccessful bid, the City sought pricing to perform the needed modifications to its BCRUA delivery point by utilizing an amendment to the City’s current contract with Prime Controls, L.P. for SCADA improvements, thereby utilizing that contract’s advantageous pricing structure. This Amendment #2 would provide the City with a better price than rebidding this portion of the Project and allow for faster construction.

Staff is recommending authorizing an amendment to the agreement with Prime Controls L.P. for the Water System Resiliency Project – SCADA Modifications to construct the BCRUA Delivery Points Improvements Phase 2 Project. The original agreement amount was \$1,659,500, with amendment #1 bringing the agreement amount to \$1,675,544. Amendment #2 is in the amount of \$156,000, which is a 9.3% increase over the current contract amount. Funding for this Amendment #2 would come from funds designated in the FY25 budget for rehabilitation, repair, and maintenance projects.

Initiating Dept: Public Works

Fiscal Impact

Fund: Utility W29

Budget

Amount: \$156,000.00

☐

Finance Director Review

Legal Certification

Approved as to form and content:

☐

Yes

☐

No **City Attorney**

Associated Information:

2024-2026 Strategic Plan

This agenda item generally supports and furthers the following goals and objective from the City Council 2024-2026 Strategic Plan:

- Goal: Infrastructure and Environment
 - Objective: Infrastructure

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING AMENDMENT #2 TO THE AGREEMENT WITH PRIME CONTROLS L.P. FOR THE WATER SYSTEM RESILIENCY PROJECT – SCADA MODIFICATIONS TO CONSTRUCT THE BCRUA DELIVERY POINTS IMPROVEMENTS PHASE 2 PROJECT IN AN AMOUNT NOT TO EXCEED \$156,000; 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, on September 2, 2008, the cities of Cedar Park, Leander, and Round Rock (“Cities”) and the Brushy Creek Regional Utility Authority (“BCRUA”) entered into that one certain Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project (“Master Contract”); and

WHEREAS, in the Sixth Amendment to that one certain Master Contract, dated December 16, 2021, the Cities agreed to provide the BCRUA with the ability to regulate and control the rate of flow at each delivery point; and

WHEREAS, the BCRUA had designed and bid a project to install control systems at each of the delivery points, including the Cedar Park delivery point; and

WHEREAS, the only proposal received to construct the control systems project was substantially over budget, and the pricing of many bid items in the proposal was not competitive with recent bid data for similar work; and

WHEREAS, the City of Cedar Park has an existing agreement (“Agreement”) dated July 27, 2023, with Prime Controls LP for construction of the Water System Resiliency Project – SCADA Modifications; and

WHEREAS, the City desires to utilize the Agreement to construct the control systems modifications at the City’s BCRUA delivery point, thereby receiving fair and customary pricing for the work; and

WHEREAS, Amendment #2 to the Agreement provides for construction of the control system modifications in an amount not to exceed \$156,000.

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

SECTION 1. The City Council of Cedar Park hereby authorizes and directs the City Manager or their designee to execute Amendment #2 to the City of Cedar Park Water

System Resiliency Project – SCADA Modifications agreement with Prime Controls L.P. in an amount not to exceed \$156,000.00, 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 _____, 20__.

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.3 A Resolution Authorizing An Agreement With AFMA, Inc. dba CORE Office Interiors For The Purchase Of Office Furniture For Public Works Buildings 1, 2 & 4 In An Amount Not To Exceed \$76,502.26.



CITY COUNCIL AGENDA
November 21, 2024

Item/Subject: A Resolution Authorizing An Agreement With AFMA, Inc. dba CORE Office Interiors For The Purchase Of Office Furniture For Public Works Buildings 1, 2 & 4 In An Amount Not To Exceed \$76,502.26.

Commentary

As is typical for a building project, the purchase and installation of office furniture is not included in the general contractor's scope of work for Public Works Buildings 1, 2 & 4. Furniture including standard office furniture, is provided by the owner through Furniture, Fixtures, and Equipment (FF&E) funding included in the project budget. This item intends to authorize the purchase of the required office furniture for multiple offices, and conference room.

City staff recommends execution of an agreement with AFMA, Inc. dba CORE Office Interiors using the BuyBoad purchasing cooperative, in accordance with Texas Local Government Code Chapters 252 and 271. Under many circumstances it is preferable for the City to solicit offers through the Request for Proposal ("RFP") method. However, City staff have determined that the cooperative provides the best value for the City due to pre-negotiated rates on goods and services as it relates to office furniture.

The Public Works Buildings 1, 2 & 4 budget for FF&E is adequate to cover the purchase. Therefore, staff recommends execution of an agreement with AFMA, Inc. dba CORE Office Interiors in an amount not to exceed \$76,502.26.

Initiating Dept: Public Works

Fiscal Impact
Fund: F69

Budget
Budget:

Review

☐ **Public Works Director**

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 AGREEMENT FOR THE PURCHASE OF OFFICE FURNITURE FOR PUBLIC WORKS BUILDINGS 1, 2 & 4 WITH AFMA, INC. DBA CORE OFFICE INTERIORS. IN AN AMOUNT NOT TO EXCEED \$76,502.26; 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 purchase office furniture for Public Works Buildings 1, 2 & 4; and

WHEREAS, With AFMA, Inc. dba CORE Office Interiors through the purchasing cooperative BuyBoad offers the best 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 Chapter 271 provides that purchases made through a purchasing cooperative satisfies state law requiring the local government to seek competitive bids for the purchase; and

WHEREAS, City staff recommends execution of an agreement with AFMA, Inc. dba CORE Office Interiors in an amount not to exceed \$76,502.26.

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 AFMA, Inc. dba CORE Office Interiors for the purchase of office furniture for Public Works Buildings 1, 2 & 4 in an amount not to exceed \$76,502.26, 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 21st day of November, 2024.

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.1 (2024-6-FLU) Consideration Of A Future Land Use Plan Amendment Petition Requesting An Amendment From Local Office/Retail/Commercial (LOC) To Regional Office/Retail/Commercial (REG) For Approximately 2.2 Acres Located At 1200 West Whitestone Boulevard.



CITY COUNCIL AGENDA
November 21, 2024

Item/Subject: (2024-6-FLU) Consideration Of A Future Land Use Plan Amendment Petition Requesting An Amendment From Local Office/Retail/Commercial (LOC) To Regional Office/Retail/Commercial (REG) For Approximately 2.2 Acres Located At 1200 West Whitestone Boulevard.

Staff	Dustin Henry, AICP, 512-401-5063, dustin.henry@cedarparktexas.gov
Owner	Whitestone Austin Land, LLC
Agent	Rao’s Consulting Engineers, C/O Rao Vasamsetti, P.E.
City Limits	Yes
Extraterritorial Jurisdiction	No
Current Zoning	Suburban Residential (SR)
Existing Future Land Use Plan	Local Office/Retail/Commercial (LOC)
Proposed Future Land Use Plan	Regional Office/Retail/Commercial (REG)
Major Corridor	West Whitestone Boulevard
Summary of Applicant’s Request	Accept a FLUP Amendment Petition to change the Future Land Use designation to Regional Office/Retail/Commercial (REG) for approximately 2.2 Acres.

This Future Land Use Plan (FLUP) Amendment Petition represents a request to amend the FLUP for the 2.2-acre subject property located at 1200 West Whitestone Boulevard from Local Office/Retail/Commercial (LOC) to Regional Office/Retail/Commercial (REG). The subject property is Lot 15, Block 4, of the Cedar Park Ranchettes #2 Subdivision and is currently zoned Suburban Residential (SR). According to the Applicant's Concept Plan (Exhibit C), they are proposing to develop the subject property concurrently with a portion of the tract to the east that is currently zoned General Business (GB).

The 2024 Comprehensive Plan envisions the subject property as Local Office/Retail/Commercial (LOC) as shown on the attached map. A summary of how the FLUP percentages will change if amended from Local Office/Retail/Commercial (LOC) to Regional Office/Retail/Commercial (REG) is provided below:

FLUP DESIGNATION	CURRENT FLUP ACRES	PERCENT OF TOTAL ACRES	PROPOSED FLUP ACRES	PROPOSED PERCENT OF TOTAL ACRES
Local Office/Retail/Commercial (LOC)	1,432.82	6.71%	1,430.62	6.70%
Regional Office/Retail/Commercial (REG)	1,959.45	9.18%	1,961.65	9.19%

The Comprehensive Plan envisions this area along West Whitestone Boulevard to be developed with a mix of commercial uses including service-oriented businesses and professional office and light retail development that aims to meet the needs of residents in the immediate vicinity. The abutting FLUP designations, zoning districts and existing land uses are summarized in the table below:

DIRECTION	FLUP	ZONING	EXISTING USES
North	High Density Residential (HDR)	Multifamily Residential (MF)	Apartment
South	Low Density Residential (LDR)	Suburban Residential (SR)	Dwelling, Single-Family
East	Local Office/Retail/Commercial (LOC)	General Business (GB)	Vacant
West	Local Office/Retail/Commercial (LOC)	Suburban Residential (SR)	Place of Religious Assembly

Based on the attached letter of intent and concept plan, the Applicant wishes to develop the 2.2-acre subject property with the adjoining 2.2-acres to the east as a non-residential development including approximately 33,600 square feet in five buildings. The proposed development is expected to support retail, restaurant, and office uses for multiple tenants.

If accepted, this Future Land Use Plan Amendment (2024-6-FLU) will allow the Applicant to proceed with requesting an amendment to the Future Land Use designation and concurrent request to rezone the subject property to General Business (GB) so that the proposed development will be located within a single zoning district.

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, High density residential.
2006 Comprehensive Plan	Neighborhood Office/Retail/Commercial	Supports office, retail and commercial development and mixed use intended to serve the local community.
2014 Comprehensive Plan	Local Office/Retail/Commercial (REG)	Supports light retail, service uses, and professional office for residents in the immediate vicinity.

Future Land Use Description

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

Local Office, Retail, and 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, 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.

Petition Process:

The Future Land Use Plan (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

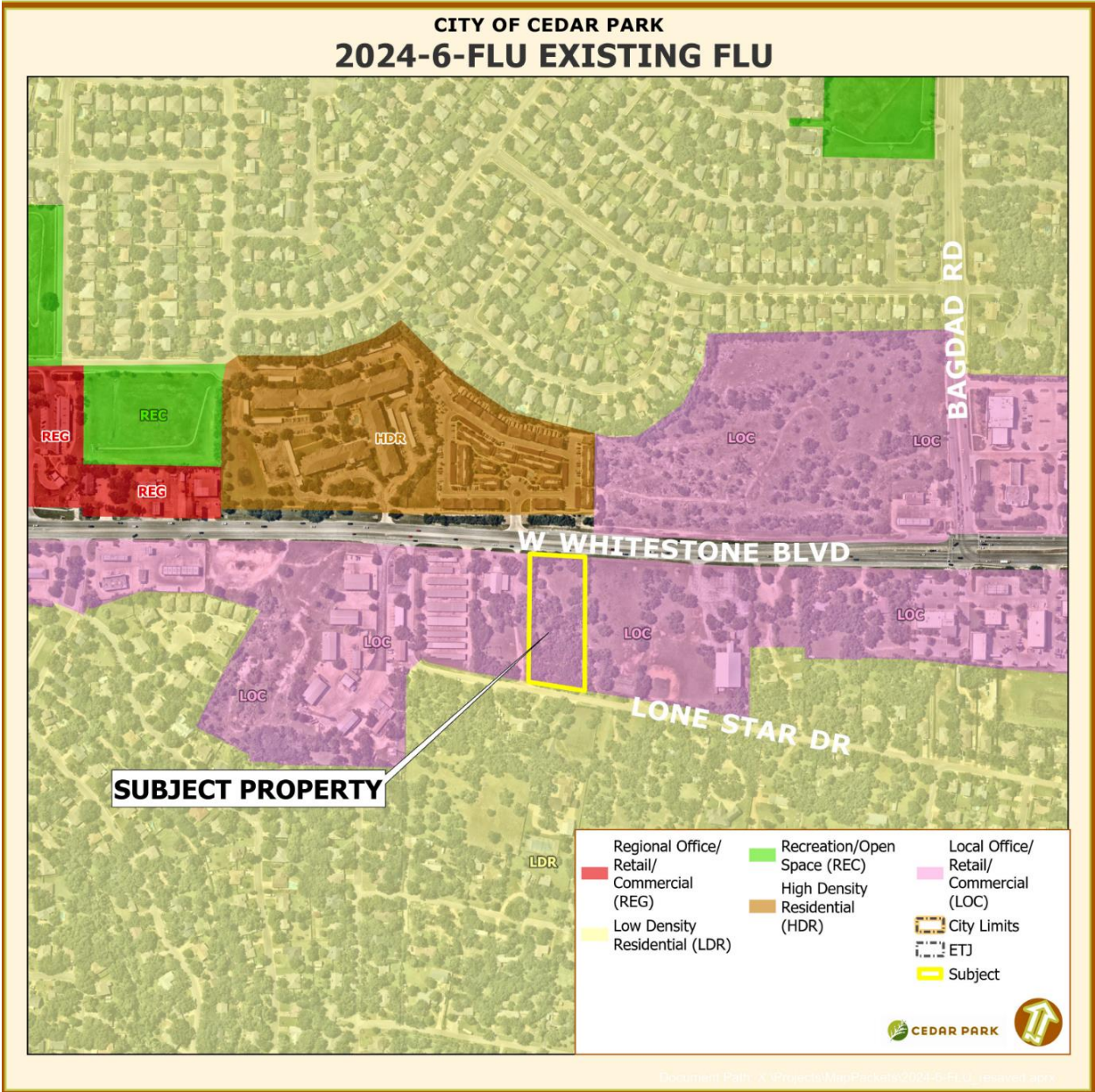


Exhibit B
Proposed Future Land Use Plan

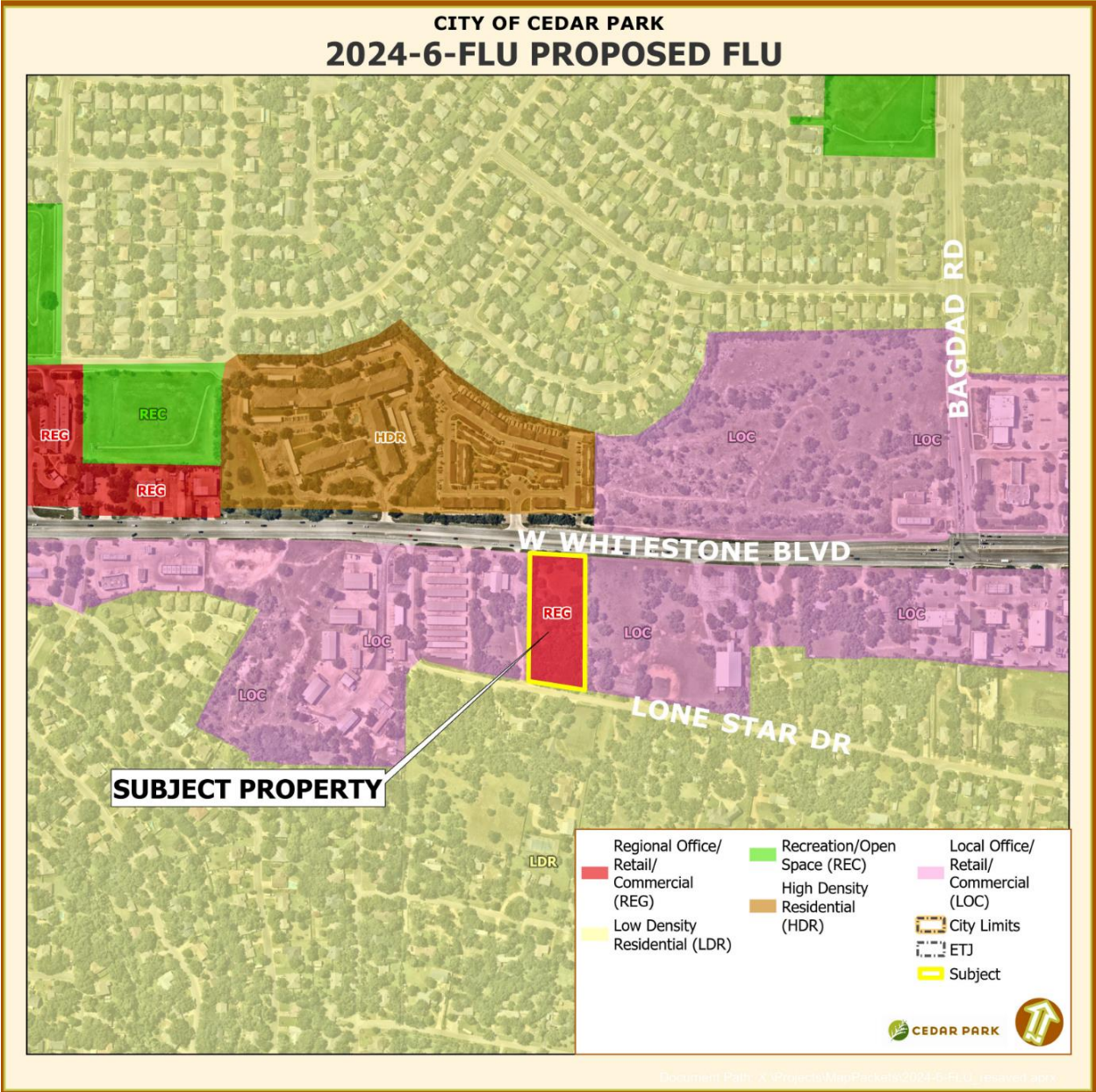


Exhibit C: Applicant's Materials

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.*



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): Sairam Kota - W Whitestone Austin Land LC

Owner's Address: 1517 Snowberry Dr Allen TX, 75013

Owner's Phone: _____ Cell: 2144509850

Email: kota@kotainvestment.com

Owner's Signature: Sairam Kota Date: 06/19/24

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): Rao's Consulting Engineers

Agent's Address: 1908 Yaupon Trail Unit 206 Cedar park TX 78613

Agent's Phone: 5128564595 Cell: 8326200719

Email: rao@raosengineering.com

Agent's Signature: [Signature] Date: 9/9/24

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.



RAO'S CONSULTING ENGINEERS

TBPE Registered Engineering Firm No. F-17655

210.549.7557 512.856.4595 www.raosengineering.com

P.O.BOX NO: 592991,

SAN ANTONIO, TX 78258

Land Development | Water Resources | Environmental | Transportation

Date: 8^h October, 2024

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

Re: 1200 W Whitestone Blvd
FLUP Amendment Request

Ms. Link:

The purpose of this letter is to request a Future Land Use Plan (FLUP) amendment for the 2.2 -acre tract located at 1200 W Whitestone Blvd. The property is bordered on the east by a Commercial (GB) Zone, on the west by a Residential Zone.

The 2.2 -acres tract on the current FLUP as Local/Office/Retail/Commercial (LB) and abutting a Suburban Residential. The proposed amendment requesting to General Business (GB).

- (a) The Proposed change will enhance the surrounding area by bringing more businesses and driving economic viability of the city towards growth.
- (b) The infrastructure necessary for the proposed development is stubbed to the tract with no utility extensions necessary. The proposed development will extend the land use of General Business across two plots.
- (c) The proposed change reflects the vision of the FLUP by providing General Business and providing a more appropriate social and transitional buffer to the existing neighborhood from the residential and commercial development. Whitestone Blvd is a major corridor for the city of Cedar Park and providing a verity of commercial and retail spaces enriches the street.
- (d) The proposed use for the tract is the same, or compatible with the development on the east, surrounding land uses and zoning designations work together to create a cohesive extension of the General Business Zoning.
- (e) The proposed use provides new entertainment ventures and jobs, the proximity of the residential development increases the value and engagement of the proposed development.



If you have any questions or need any additional information, please call me at 210-549-7550

Respectfully,
Rao's Consulting Engineers, LLC.
Texas Board of Professional Engineers Firm Registration #17655

Rao Vasamsetti, P.E.
Principal



RAO'S CONSULTING ENGINEERS

TBPE Registered Engineering Firm No. F-17655

210.549.7557 512.856.4595 www.raosengineering.com

P.O.BOX NO: 592991,

SAN ANTONIO, TX 78258

Land Development | Water Resources | Environmental | Transportation

Date: 17th June 2024.

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

Re: 1200 W Whitestone Blvd
FLUP Amendment - Statement of Relevant Goals and Objectives

Ms. Link:

The purpose of this letter is to request a Future Land Use Plan (FLUP) amendment for the 2.2-acre tract located at 1200 W Whitestone Blvd. The property is bordered on the north by the street, on the west by a Residential development, on the east by another General Business Zone, the amendment to General Business would allow for extension of General Business across two plots.

Objective#1: Ensure an appropriate mix of land use types within the city.
The proposed land use has the potential to improve the property values of the neighborhood, add quality of life to the nearby residents and create a social and entertainment environment, compared to strictly residential in this development.

Objective#2: Promote strategic redevelopment in key commercial areas across the city.
The proposed General Business land use designation will enhance foot traffic and economic activity by attracting more consumers and businesses to the area. Integrating residential zones will create a balanced and seamless transition between residential, commercial, and entertainment spaces, fostering a vibrant, mixed-use environment that supports both local businesses and the community.

If you have any questions or need any additional information, please call me at 210-549-7550

Respectfully,
Rao's Consulting Engineers, LLC.
Texas Board of Professional Engineers Firm Registration #17655

Rao Vasamsetti, P.E.
Principal



RAO'S CONSULTING ENGINEERS

TBPE Registered Engineering Firm No. F-17655

210.549.7557 512.856.4595 www.raosengineering.com

P.O.BOX NO: 592991,

SAN ANTONIO, TX 78258

Land Development | Water Resources | Environmental | Transportation

Date: 8th October, 2024

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

Re: 1200 W Whitestone Blvd
FLUP Amendment – Proposed Land Use and Development Information

Ms. Link:

The purpose of this letter is to state Land Use and Development Information for FLUP amendment of the 2.2 -acre tract located at 1200 Whitestone Blvd. The property is bordered on the east by a Commercial (GB) Zone, on the west by a Residential Zone.

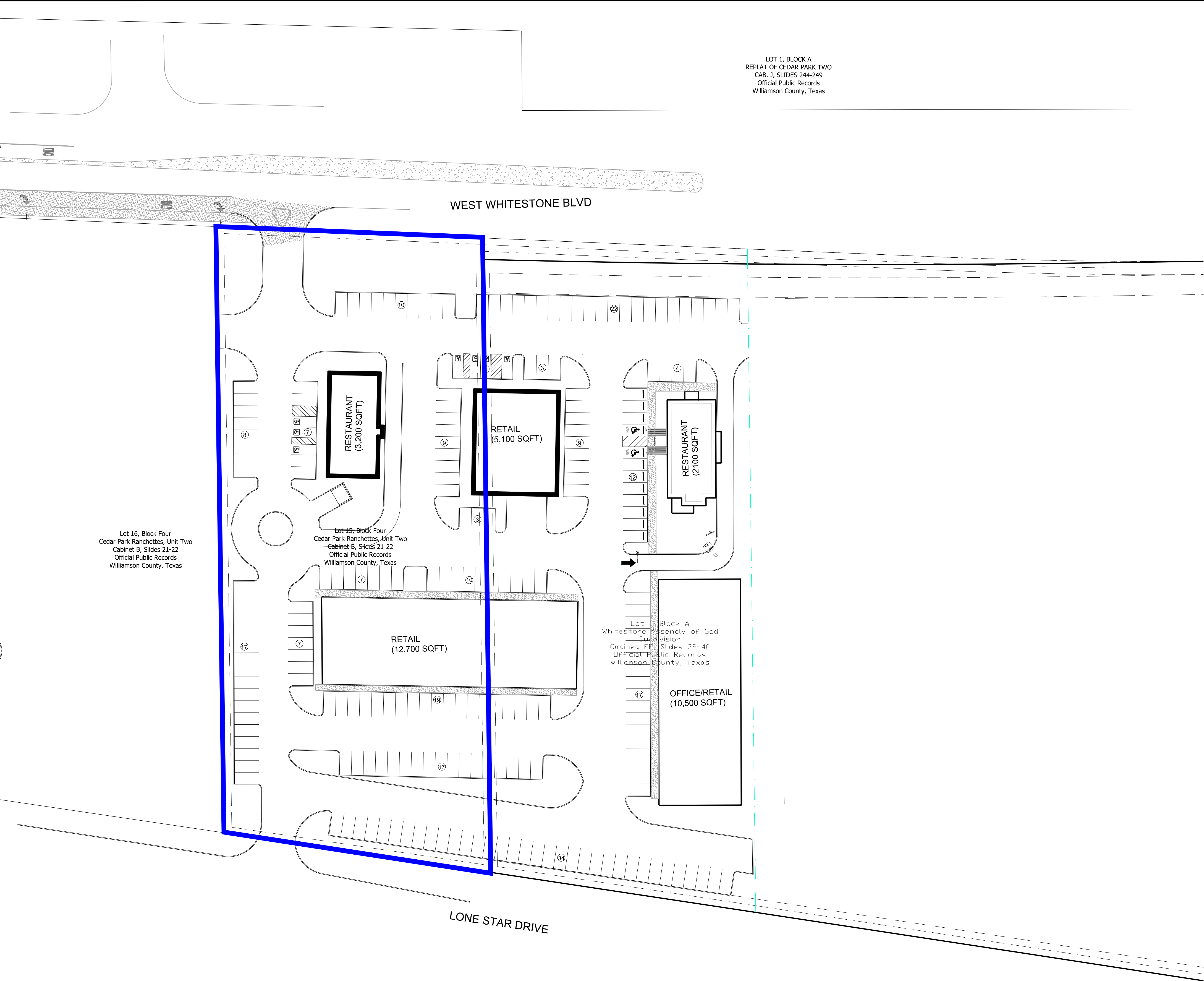
The property is shown on the current FLUP as 2.2-acres of Local/Office/Retail/Commercial (LB) and abutting a Suburban Residential. The proposed amendment requesting to General Business (GB).

Whitestone boulevard is a commercial corridor which will enhance the engagement of this General Business Zone. Furthermore, the cohesive interaction between the adjacent zones will increase the quality of life in the proposed General Business Zone.

If you have any questions or need any additional information, please call me at 210-549-7550

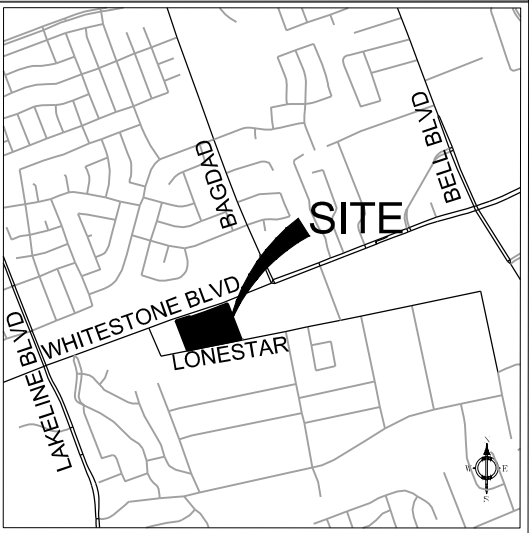
Respectfully,
Rao's Consulting Engineers, LLC.
Texas Board of Professional Engineers Firm Registration #17655

Rao Vasamsetti, P.E.
Principal

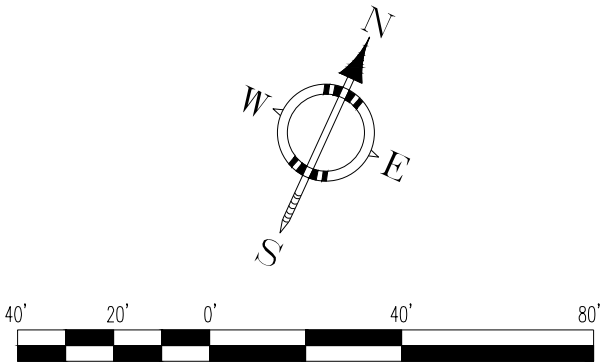


REV. NO.	DESCRIPTION	DATE

Notes:



LEGEND



SIGNATURE/SEAL

RCE

RAO'S CONSULTING
ENGINEERS

TYPE: PROFESSIONAL
P.O. BOX 592991 SAN ANTONIO TX 78258
PHONE: 210.549.7587 FAX: 512.856.4995
www.rcengineering.com

PROJECT DESCRIPTION:
WHITESTONE OAKS COMMERCIAL

TITLE:
CONCEPTUAL SITE PLAN

DATE :	03/24/24	JOB NO.	2023-1067
DESIGNED BY :	RV	SHEET	CP1
DRAWN BY :	MO		
CHECKED BY :	RV		



WHITESTONE
DEVELOPMENT
SITE LAYOUT
CEDAR PARK, TX

RCE RAO'S CONSULTING
ENGINEERS

TXPE FIRM#17655
P.O. BOX. 592991 SAN ANTONIO TX 78258
PHONE: 210.549.7557. FAX: 512.856.4595
www.raosengineering.com

File Attachments for Item:

H.2 Consideration of A Resolution Authorizing The Commissioning Of A Mural In Brushy Creek Lake Park.



CITY COUNCIL AGENDA
November 21, 2024

Item/Subject: Consideration of A Resolution Authorizing The Commissioning Of A Mural In Brushy Creek Lake Park.

Commentary

This item considers authorizing the commissioning of a mural at Brushy Creek Lake Park.

One of the City Council's strategies for their 2024 -2026 Strategic Goal, Livability and Sense of Place, is to engage in placemaking, by integrating public art into new City facilities and seeking opportunities to add public art as parks and facilities are renovated. In the spring of 2024, Brushy Creek Lake Park received several upgrades, including the installation of two new playgrounds at the park. The installation of the new playgrounds provides an excellent opportunity to integrate public art into a recently renovated park, and staff launched a request for art proposals for a mural that can be incorporated into the curbing surrounding one of the new playgrounds at the park.

Seventeen proposals were received and were evaluated based on their aesthetics, price, suitability for outdoor display, artist's experience, and compliance with requirements contained in the request for proposals. Based on evaluations of the proposals submitted, staff are recommending the mural proposed by Anna Ganina (see Exhibit A). The proposed mural is an original work and per the artist, is designed to incorporate the natural beauty of central Texas and reflect the spirit of Brushy Creek Lake Park – one that brings together the community through nature and recreation.

Total costs associated with the mural is equal to \$3,000. Funding for this mural is available in the public art fund.

Initiating Dept: CMO

Fiscal Impact
Fund:

Budget
Amount:\$3,000

☐ **Finance Director Review**

Legal Certification

Approved as to form and content:

☐ Yes

☐ No **City Attorney**

Associated Information:

2024 – 2026 Strategic Plan

This agenda item generally supports and furthers the following goals and objectives from the City Council 2024-2026 Strategic Plan:

- Goal: Livability and Sense of Place
 - Objective: F. Placemaking: Focus on aesthetics and public art within public spaces to create a positive aesthetic experience, instilling pride and creating unique identity.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AUTHORIZING THE USE OF PUBLIC ART FUNDS TO COMMISSION A MURAL IN BRUSHY CREEK LAKE PARK; 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, in the spring of 2024, Brushy Creek Lake Park received several upgrades, including the installation of two new playgrounds at the park; and

WHEREAS, one of the City Council's strategies for their 2024 -2026 Strategic Goal, Livability and Sense of Place, is to engage in placemaking, by integrating public art into new City facilities and seeking opportunities to add public art as parks and facilities are renovated; and

WHEREAS, the installation of the new playgrounds at Brushy Creek Lake Park provides an excellent opportunity to integrate public art into a recently renovated park, and staff put forth a call for art proposals for the installation of a mural in the park; and

WHEREAS, seventeen proposals were received; and

WHEREAS, staff recommends that the mural proposal submitted by the artist Anna Gaina, as depicted in the attached Exhibit A, be selected and installed in Brushy Creek Lake Park.

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

SECTION 1. That the Cedar Park City Council approves the commissioning of a mural by the artist Anna Gaina in Brushy Creek Lake Park, as depicted in the attached Exhibit A, and hereby authorizes the City Manager or their designee to execute all reasonably necessary documents to ensure its successful installation, 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 21st day of November, 2024.

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

