



CITY OF ROUND ROCK
STAFF REPORT

TO: Zoning Board of Adjustment (ZBA) Members

FROM: Alice Guajardo, Senior Planner

DATE: October 22, 2024

SUBJECT: Administrative Appeal – Temporary Use Permit in the OS (Open Space) district

LOCATION: The site is located at 3300 E Palm Valley Blvd; generally located on the northwest corner of E. Palm Valley and Harrell Pkwy.

A request has been made for a temporary use permit to allow for outdoor Christmas tree sales in the OS zoning district. The proposal is for a period of 1-1/2 months from November 10th to December 24th. The current zoning district, OS (Open Space), does not permit outdoor retail sales. The zoning administrator has denied the request for a temporary use permit because the proposal is not associated with a fundraising activity for a not-for-profit organization.

Section 2-92 - Temporary uses, structures, and permits. states:

(g) Temporary use permits

(2) Temporary use types. Temporary uses shall be deemed to include short-term or seasonal uses that are not otherwise allowed by the zoning district regulations of this Code. The following uses and activities shall be considered temporary uses:

- a. Fundraising activities by not-for-profits. Fundraising or noncommercial events for nonprofit religious, educational or community service organizations where the public is invited to participate in the activities and which last longer than 72 hours, but no longer than 45 days. This description shall not preclude the use of existing religious institutions or other not-for-profit facilities for events conducted entirely within a building.
- b. Other temporary uses. Other temporary uses found by the zoning administrator to comply with the provisions of this section.

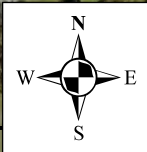
In the case that this tract was already zoned Commercial, outdoor retail sales would still not be permitted unless they were associated with a principal use and met certain

restrictions. Therefore, even with a rezoning to a Commercial district, the proposed use would not be permitted.

Temporary uses for the sale of goods and services are not permitted in Round Rock unless associated with not-for-profit organizations. See provision (2)a above. Permitting Christmas tree sales would create a precedent for other temporary retail sales not associated with a not-for-profit organization throughout Round Rock. Approving this request would open the door for others to set up temporary outdoor sales on vacant lots or in parking lots to sell goods like firewood, rugs, antiques, or anything else. City council has not expressed an interest in amending this section of the Code to allow seasonal outdoor sales. Further, the City doesn't allow large-scale seasonal sales in the parking lots of established businesses unless associated with a special event permit (grand openings, festivals, etc.).

The City has denied similar requests from other for-profit organizations in the past, including Lowe's and Home Depot when they can't follow our restrictions. Other locations in the city that have Christmas tree sales are done so lawfully, either because it's a not-for-profit or because it's explicitly allowed by zoning (such as the Outlets PUD).

Lastly, the applicant has inquired about pursuing a temporary rezoning of the property from Open Space to Commercial to allow for Christmas tree sales. However, the City's development code does not contain a provision for temporary rezonings.



Subject Tract

**ETJ
City Limit**

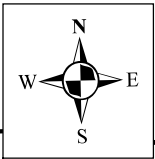
Harrel Pkwy

Joe Dimaggio Blvd

E Palm Valley Blvd

Kalahari Blvd





Subject Tract

OS

Harrel Pkwy

PUD

ETJ
City Limit

PUD

C1

E Palm Valley Blvd

PUD

Kalahari Blvd

Joe Dimaggio Blvd

C1-a

