



City of Round Rock

Zoning Board of Adjustment

Meeting Agenda

Chairman Robert Eskridge
Vice Chair Adam Thompson
Board Member Keith Chandler
Board Member Christopher Koob
Board Member Alan Simms
Alternate Franklin Lilly
Alternate Richard Pumphrey

Tuesday, October 22, 2024

5:30 PM

City Council Chambers, 221 East Main St.

A. CALL MEETING TO ORDER

B. ROLL CALL

C. CITIZEN COMMUNICATION

[Pursuant to Texas Government Code, Section 551.007 which allows the public to speak for a total of three (3) minutes on any of the agenda items listed below - excluding any executive sessions.]

D. ELECTION OF OFFICERS:

D.1 [Consider the nomination and election of a Chairperson.](#)

D.2 [Consider the nomination and election of a Vice Chairperson.](#)

E. APPROVAL OF MINUTES:

E.1 [Consider approval of the minutes for the April 23, 2024, Zoning Board of Adjustment meeting.](#)

F. ADMINISTRATIVE APPEAL:

F.1 [Consider an administrative appeal to the Zoning Administrator's interpretation of Section 2-92 \(g\) of the Code regarding temporary use permits. The site is located at 3300 E Palm Valley Blvd; generally located on the northwest corner of E Palm Valley Blvd and Harrell Pkwy. Case No. ZB24-000004](#)

G. ADJOURNMENT

In addition to any executive session already listed above, the Zoning Board of Adjustment for the City of Round Rock reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below as authorized by Texas Government Code:

§551.071 Consultation with Attorney

§551.072 Deliberations regarding Real Property

§551.073 Deliberations regarding Gifts and Donations

§551.074 Personnel Matters

§551.076 Deliberations regarding Security Devices

§551.087 Deliberations regarding Economic Development Negotiations

POSTING CERTIFICATION

I certify that this notice of the Zoning Board of Adjustment was posted on the 18th day of October, 2024 at 1:00 p.m. as required by law in accordance with Section 551.043 of the Texas Government Code.

/ORIGINAL SIGNED/

Ann Franklin, City Clerk



City of Round Rock

Meeting Minutes - Draft

Zoning Board of Adjustment

Tuesday, April 23, 2024

A. CALL MEETING TO ORDER

The Zoning Board of Adjustment for the City of Round Rock met on Tuesday, April 23, 2024, in the City Council Chambers, located at 221 E. Main Street, Round Rock. Chairman Eskridge called the meeting to order at 5:30 PM.

B. ROLL CALL

Present 5 - Chairman Robert Eskridge
 Boardmember Keith Chandler
 Boardmember Matteo Cina
 Boardmember Scott Huckabay
 Boardmember Adam Thompson

Absent 2 - Alternate Danica Fraher
 Alternate Richard Pumphrey

C. CITIZEN COMMUNICATION

There were no citizens wishing to speak at this meeting.

D. ELECTION OF OFFICERS:

D.1 Consider the nomination and election of a Chairperson.

Chairman Eskridge was re-elected as the Zoning Board of Adjustment Chairperson.

A motion was made by Boardmember Huckabay, seconded by Chairman Eskridge, to re-elect Chairman Eskridge as Chairperson. The motion passed by the following vote:

Ayes: 5 - Chairman Eskridge
 Boardmember Chandler
 Boardmember Cina
 Boardmember Huckabay
 Boardmember Thompson

Nays: 0

Absent: 2 - Alternate Fraher
 Alternate Pumphrey

D.2 Consider the nomination and election of a Vice Chairperson.

Boardmember Thompson was elected as Vice Chairperson.

A motion was made by Chairman Eskridge, seconded by Boardmember Huckabay, to elect Boardmember Thompson as Vice Chairperson. The motion passed by the following vote:

Ayes: 5 - Chairman Eskridge
Boardmember Chandler
Boardmember Cina
Boardmember Huckabay
Boardmember Thompson

Nays: 0

Absent: 2 - Alternate Fraher
Alternate Pumphrey

E. APPROVAL OF MINUTES:

E.1 Consider approval of the minutes for the September 7, 2021, Zoning Board of Adjustment meeting.

A motion was made by Boardmember Chandler, seconded by Boardmember Cina, to approve the Minutes. The motion passed by the following vote:

Ayes: 5 - Chairman Eskridge
Vice Chairman Thompson
Boardmember Chandler
Boardmember Cina
Boardmember Huckabay

Nays: 0

Absent: 2 - Alternate Fraher
Alternate Pumphrey

F. SPECIAL EXCEPTIONS:

F.1 Consider public testimony and an action regarding an application, filed by the property Owner, LA Works, LLC, for a special exception in accordance with Part III - Zoning and Development Code, Section 10-53 of the City of Round Rock Code of Ordinances, for the purpose of allowing an auto body and painting shop in the C-1 (General Commercial) zoning district; generally located South of Louis Henna Blvd and east of S A.W. Grimes Blvd. Case No. ZB24-000000

Alice Guajardo, Senior Planner, made the staff presentation.

The applicant was available to answer questions.

Chair Eskridge opened the hearing for public testimony. There being none, the public hearing was closed.

A motion was made by Boardmember Cina, seconded by Boardmember Chandler, to approve the Special Exception. The motion passed by the following vote:

Ayes: 5 - Chairman Eskridge
Vice Chairman Thompson
Boardmember Chandler
Boardmember Cina
Boardmember Huckabay

Nays: 0

Absent: 2 - Alternate Fraher
Alternate Pumphrey

G. ADJOURNMENT

There being no further business, Chairman Eskridge adjourned the meeting at 5:41 PM.

Respectfully Submitted,

Cecilia Chapa, Planning & Zoning Commission Liaison



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

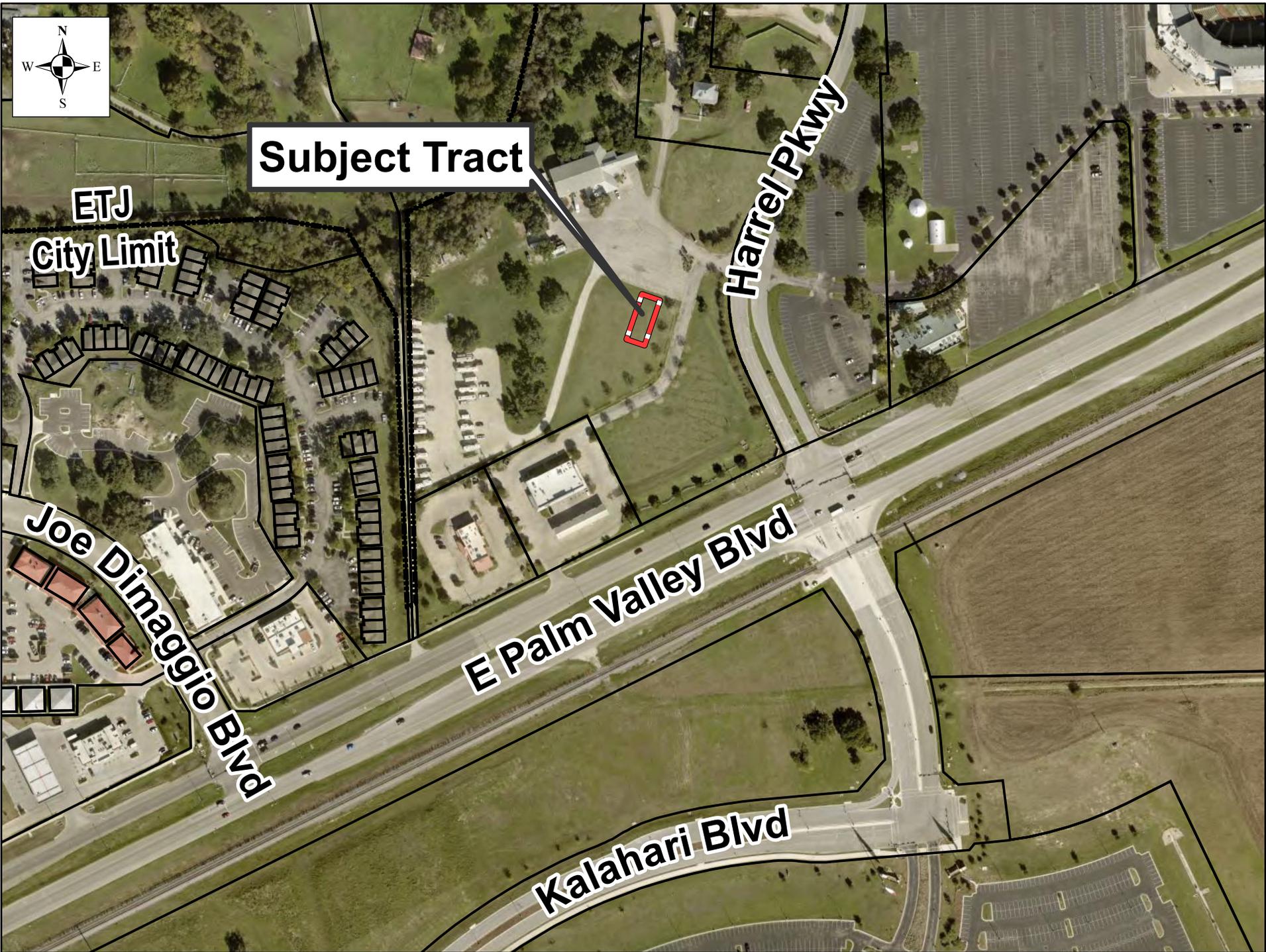
**ETJ
City Limit**

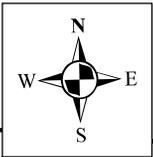
Harrel Pkwy

Kalahari Blvd

E Palm Valley Blvd

Joe Dimaggio Blvd





Subject Tract

OS

Harrel Pkwy

PUD

ETJ

City Limit

PUD

C1

Joe Dimaggio Blvd

E Palm Valley Blvd

C1-a

PUD

Kalahari Blvd

