

STAFF REPORT

Planning & Zoning:	3/2/2020	Staff Contact:	Jeremy Frazzell, Asst. Planning Director
City Council:	3/24/2020	E-mail:	jeremyf@pflugervilletx.gov
Case No.:	REZ1911-04	Phone:	512-990-6300

SUBJECT: To receive public comment and consider an application to rezone approximately 150 acres out of the Sefrin Eiselin Survey No. 4, Abstract No. 265, from Agriculture/Development Reserve (A) to Urban (Level 4: CL4) district; to be known as Timmerman 2020 Rezoning. (REZ1911-04)

LOCATION: The property is located along the north side of E. Pecan St, between Plumbago Dr. and SH 130 and generally surrounds the approximate 93 acre “Project Charm” development.



SITE ANALYSIS:

The property consists of approximately 150 acres of land that is predominantly unimproved, and historically used for agricultural production. An existing single-family home with driveway access to Pecan St is located in the western portion of the subject property. The Bohls Place single family subdivision is located adjacent to the western property line and two street stubs from the Bohls Place neighborhood stub into the subject property. Wilbarger Creek is located north of the property and a small portion of floodplain touches the

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subject property in the northeast corner. An existing tree line crosses the property in a general northwest to southeast direction. Overhead utility service lines extend the width of the property along Pecan St.

Adjacent	Base Zoning District	Existing Land Use
North	Urban (Level 4: CL4)	Agriculture/rangeland/floodplain
South	Agriculture/Development Reserve (A) and ETJ	Parkland/single family/agriculture/pasture
East	Agriculture/Development Reserve (A) and ETJ	Agriculture/rangeland
West	Single Family Suburban (SF-S), Multi-family 20 (MF-20)	Bohls Place single family neighborhood, future multi-family development

PREVIOUS CONSIDERATION:

The Planning and Zoning Commission conducted a public hearing on January 6, 2020 to consider the rezoning request from the Agriculture/Development Reserve (A) district to the Urban (Level 4: CL4) district. Numerous residents from the Bohls Neighborhood were in attendance and spoke in opposition to the proposed rezoning citing concerns of increase in traffic to the area and into their neighborhood and a request for additional buffer/separation to be provided along the neighborhood. Following the public hearing, the Planning and Zoning Commission made a motion for approval which failed. The Planning and Zoning Commission did not provide a further affirmative vote for approval or denial, and as such, a recommendation was not provided to City Council. New notification was provided to consider the item at the published public hearing dates.

A petition against the zoning was presented at the January 6, 2020 meeting (separate attachment) and was reviewed based on Texas Local Government Code Section 211.006 (d). The petition against the zoning does not meet the requirements of Texas Local Government Code Section 211.006 (d) which requires a protest to be written and signed by the owners of at least 20% of the either:

- (1) The area of the lots or land covered by the proposed change; or
- (2) The area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

Source: <https://statutes.capitol.texas.gov/SOTWDocs/LG/htm/LG.211.htm>

According to the applicant, following the Planning and Zoning Commission meeting, the applicant met with representatives of the neighborhood. A letter documenting the meeting has been included as an attachment to this report.

PROPOSED REQUEST:

The property was recently annexed into the City of Pflugerville (ORD No. 1417-19-11-26) and subsequently zoned to the interim Agriculture/Development Reserve (A) district. The request is to rezone the property from Agriculture/Development Reserve (A) district to the Urban (Level 4: CL4) district with an intent to establish consistent zoning in the area.

No changes are proposed to the rezoning request from the original application which was discussed by the Planning and Zoning Commission on January 6, 2020.

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PROPOSED DISTRICT:

According to the Unified Development Code, the Urban (Level 4: CL4) district is intended to create vibrant and walkable neighborhoods and employment centers along the SH 130 and SH 45 corridors. The scale of structures in the Urban district is greater than found in the Suburban district and density sufficient to support a range of housing types. Commercial retail services play an increased role relative to the Suburban district but remain supportive of surrounding neighborhoods and employment centers.



- Permitted residential uses: Assisted Living, Condominium; Live Work Unit; Skilled Nursing/Nursing Home (Convalescent).
- Permitted non-residential uses: Automobile Parking Lot/Garage; Bar/Tavern; Brewpub/Wine Bar; Brewery/Distillery/Winery, Micro; Catering Establishment; Civic Center; Clinic; College, University, Trade School, or Private Boarding School; Commercial Recreation and Entertainment, Indoor; Convention Center; Day Care Facility; Dry Cleaning, Major; Dry Cleaning, Minor; Event Center; Financial Institution; Government Facilities; Health/Fitness Center; Liquor Store (off-premise consumption); Massage Therapy, Licensed; Museum/Art Gallery; Office: Administrative, Medical, or Professional; Park or Playground; Personal Services; Place of Worship; Print Shop (major and minor); Restaurant; Retail Sales and Services; Retail Sales – Single tenant over 50,000 sf; School: Private or Parochial; Theatre, Neighborhood; Theatre, Regional; Transit Terminal (Park & Ride).
- Conditional uses: Single Family Attached (3 or more) Townhome; Animal Establishments, Commercial; Drive in/Thru; Gas Station; Hotel/Hotel Residence; Wireless Telecommunication Facilities (WTF).
- Specific uses: Multi-Family; Automotive Body Repair Shop (Collision Repair); Automotive Repair and Service; Commercial Recreation and Entertainment, Outdoor; Distribution/Logistics Center; Hospital; Industrial Uses (Light); Mini-warehouse/public storage; Mobile Food Park; Office/Showroom; Office/Warehouse; Research and Development Center; Wireless Telecommunication Facilities (WTF).

COMPREHENSIVE PLAN:

The Land Use Plan identifies the area as a mix of uses including low to medium density residential, medium to high density residential, mixed use, employment, and parks and open space. A community center (mix of uses in areas between neighborhoods) and employment center are identified within the area, encouraging the respective development to be of higher intensity while providing employment opportunities to nearby residential areas.

According to the Comprehensive Plan, Employment is described as consisting of retail, office, corporate campus, light industrial, and warehouse uses. The Water and Wastewater Master Plan is a supplement to the Comprehensive Plan and included higher intensity mixed use for the subject area.

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Mixed use is described as a built environment that facilitates the ability to live, work and play in one area. These areas should contain convenient pedestrian circulation networks and the mix of uses should accommodate active public uses, such as commercial, retail and restaurants, on the street level and residential or office uses on upper floors. Employment is described as consisting of retail, office, corporate campus, light industrial, and warehouse uses. The proposed development standards facilitate a mixed use, employment environment that is consistent with the descriptions in the Comprehensive Plan.

Consistency with Land Use Policy and Action statements in the Comprehensive Plan:

Action 1.1.6: Encourage medium and high development intensity zoning in target areas near community and regional center and along the SH 130 and SH 45 corridors.

Land Use and Development Character Goal 2: Development (infill and new development) will be focused around a hierarchy of centers that will create a stronger sense of community, provide employment opportunities and shopping districts while reducing infrastructure costs.

- Action 2.1.1: Provide new and infill development to accommodate basic retail services within walking distance of residential areas.
- Action 2.2.1: Provide a mixture of residential and non-residential uses in new and infill development to accommodate larger scale retail services that will serve multiple neighborhoods.

Land Use and Development Character Goal 3: The amount of commercial and industrial land uses will accommodate opportunities for employment, services, and growing the municipal tax base.

Land Use and Development Character Goal 8 identifies that gateways into the community will be enhanced and provide a clear sense of arrival and departure into the community. The proposed streetscape, building massing, and anticipated building architecture will assist in creating a unique sense of place and enhanced gateway.

Transportation Goal 2: Balance land use and transportation infrastructure to make living, working, shopping and playing in Pflugerville safer and more convenient for residents and visitors.

- Action 2.1.1: As a rule, locate high trip generating uses such as employment and regional centers adjacent to arterial roadways, major collector streets, or freeway frontage roads.

STAFF RECOMMENDATION:

The property is located within the major growth corridor of the community and the proposed CL4 district offers opportunities for a mix of land uses. Residential land use is permitted through a condominium, assisted living, and live work scenario. Multi-family requires additional consideration by the City Council through the Specific Use Permit process. Permitted non-residential land uses include office, retail, restaurants, and personal services while additional land uses may be considered when conditions are met or if approved through the Specific Use Permit process. The proposed CL4 zoning district is generally consistent with several goals and actions included in the Comprehensive Plan. Staff recommends approval.

NOTIFICATION:

Newspaper notification was published, notification letters were mailed to property owners within 500 feet of the property, and signs were posted on the property.

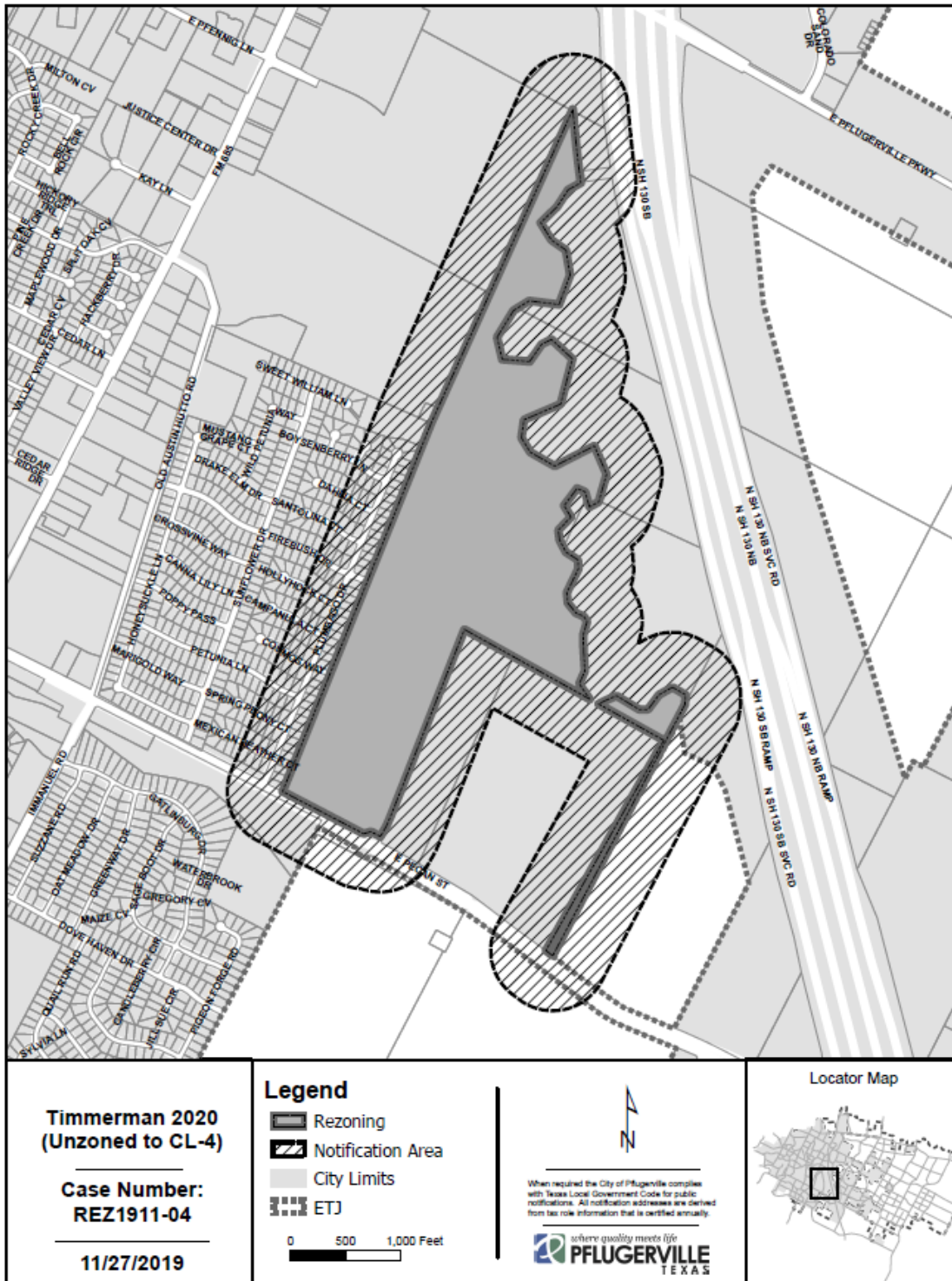
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ATTACHMENTS:

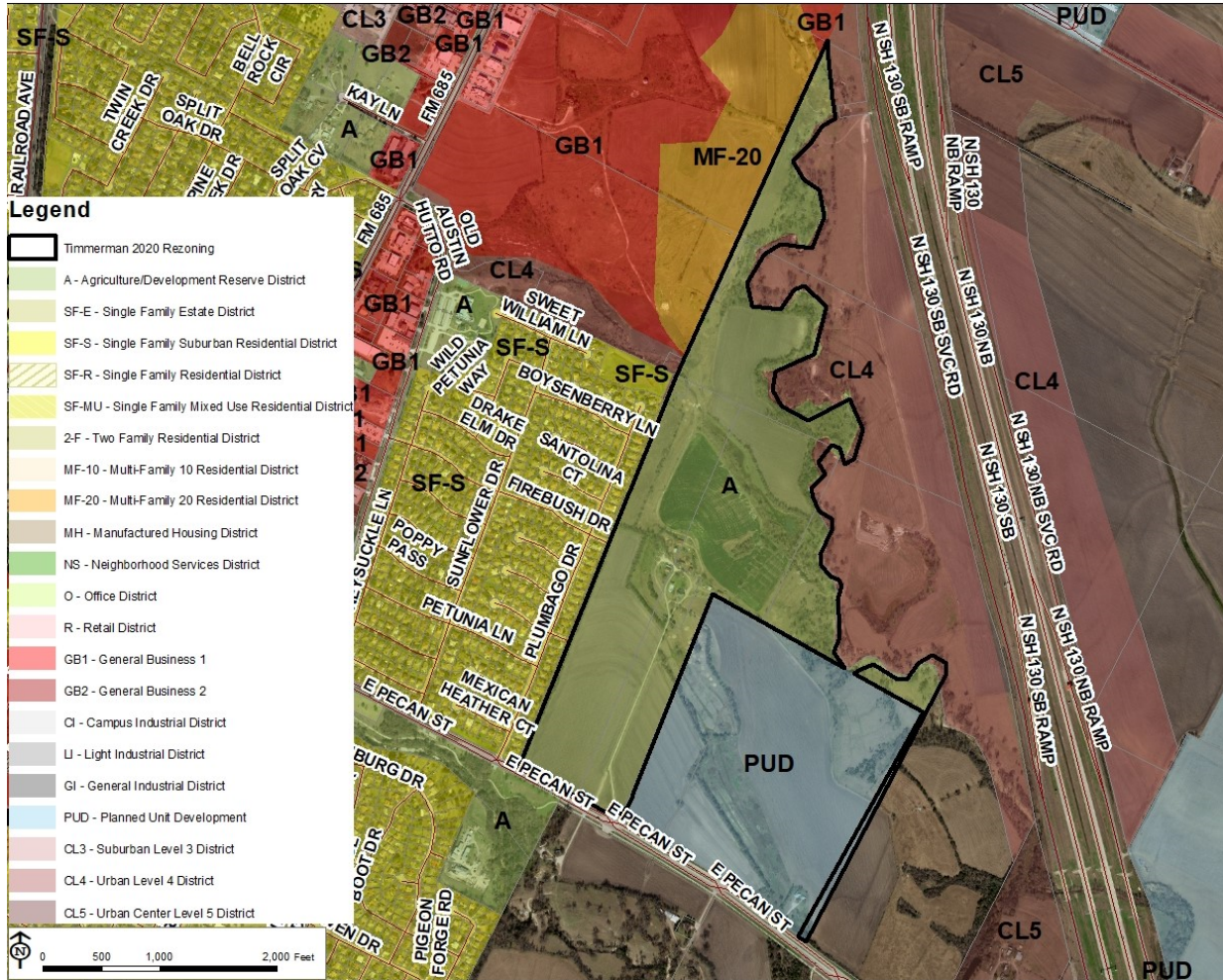
- Notification Map
- Zoning Map
- Subject Site Photo
- Applicant Documents and Survey
- Received Petition (separate attachment)
- Received Email Correspondence (separate attachment)

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NOTIFICATION MAP



ZONING MAP:



PHOTOS: Courtesy of Google



North: Property view from E. Pecan St. at future Pfennig Ln intersection.



West: Property view from dead end at Cosmos Way.



West: Property view from dead end at Firebrush Dr.

APPLICANT DOCUMENTS AND SURVEY:



February 17, 2020

Planning & Zoning Commission
City Council
City of Pflugerville

Re: Timmerman 2020 – Meeting with Bohls Place Subdivision Representatives

Dear Commissioners and Council Members:

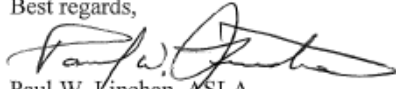
Blake Reed (Timmerman & Hagn, Ltd.) and I met Friday, January 24 with three (3) representatives from the Bohls Place subdivision to further discuss the rezoning case called Timmerman 2020. These representatives were George Vande Werken, John Oelrich, and Sandi Mota (President). The meeting was cordial, and while we were unable to offer any specific land uses or "end users" for the property, we did have a good discourse about the concerns of the neighborhood, including traffic and noise primarily. The representatives provided information on the types of users they would like to see in the Timmerman 2020 development in the future, including destination restaurants and office users. Ultimately, no new information was provided, but I believe the Bohls Place representatives understand that we want to be good neighbors and provide a development that will serve their subdivision and the surrounding area. Note that the meeting with the Bohls Place representatives was held after our original Planning & Zoning Commission hearing, which was held on January 6, 2020. Due to an instance of incorrect parliamentary procedure, we are now going back to Planning & Zoning Commission on March 3, with City Council hearings to be held on March 10 and March 24.

The Proposed Project

As you are aware, the Timmerman 2020 project is located on the north side of Pecan Street, abutting the eastern boundary of the Bohls Place subdivision, surrounding the Project Charm property, and terminating west of SH-130. We are requesting CL4 zoning, which is in keeping with the surrounding existing zoning classifications in and around the intersection of Pecan Street and SH-130, and offers flexibility in land uses. The proposed Timmerman 2020 project may include residential uses, commercial, and office uses, and will act as a visual buffer between the Bohls Place subdivision and the Project Charm development, which had its zoning approved on January 28, 2020. The Timmerman 2020 project will also provide land uses that will serve the existing subdivisions in the area, including, but not limited to, Bohls Place, Cambridge Estates, and Gatlinburg.

Please feel free to contact me should you have any questions or need additional information.

Best regards,



Paul W. Linehan, ASLA
President

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November 27, 2019

Zoning & Planning Commission and City Council
City of Pflugerville
100 E Main Street, Suite 500
Pflugerville, TX 78691

Re: Timmerman 2020
Property Description and Supplemental Zoning Application Information

Dear Commissioners and Councilmembers:

The following information is provided, in part, as a supplement to the zoning application for the Timmerman 2020 property, located on the north side of Pecan Street at SH 130, abutting the eastern boundary of the Bohls Place subdivision. Information included below is required by the application checklist, and includes additional information that could not fit on the zoning application.

Property Description of Timmerman 2020:

Legal description

The subject property is approximately 150 acres of land in the Sefrin Eiselin Survey No. 4, Abstract 265 in Travis County, Texas.

Lot dimensions

The subject property includes a total of approximately 1,050 feet of frontage along Pecan Street. Lot depth varies and ranges from approximately 2,400 feet to approximately 6,750 feet measuring from Pecan Street. The total area is approximately 150 acres.

Zoning Request

The subject property was annexed into the full-purpose jurisdiction of Pflugerville on November 26, 2019, with an initial zoning classification of A (Agriculture). The requested zoning of the subject property is CL-4.

Parcel IDs

The subject property is comprised of land out of parcels 397016, 845330, and 845334.

Present Land Use

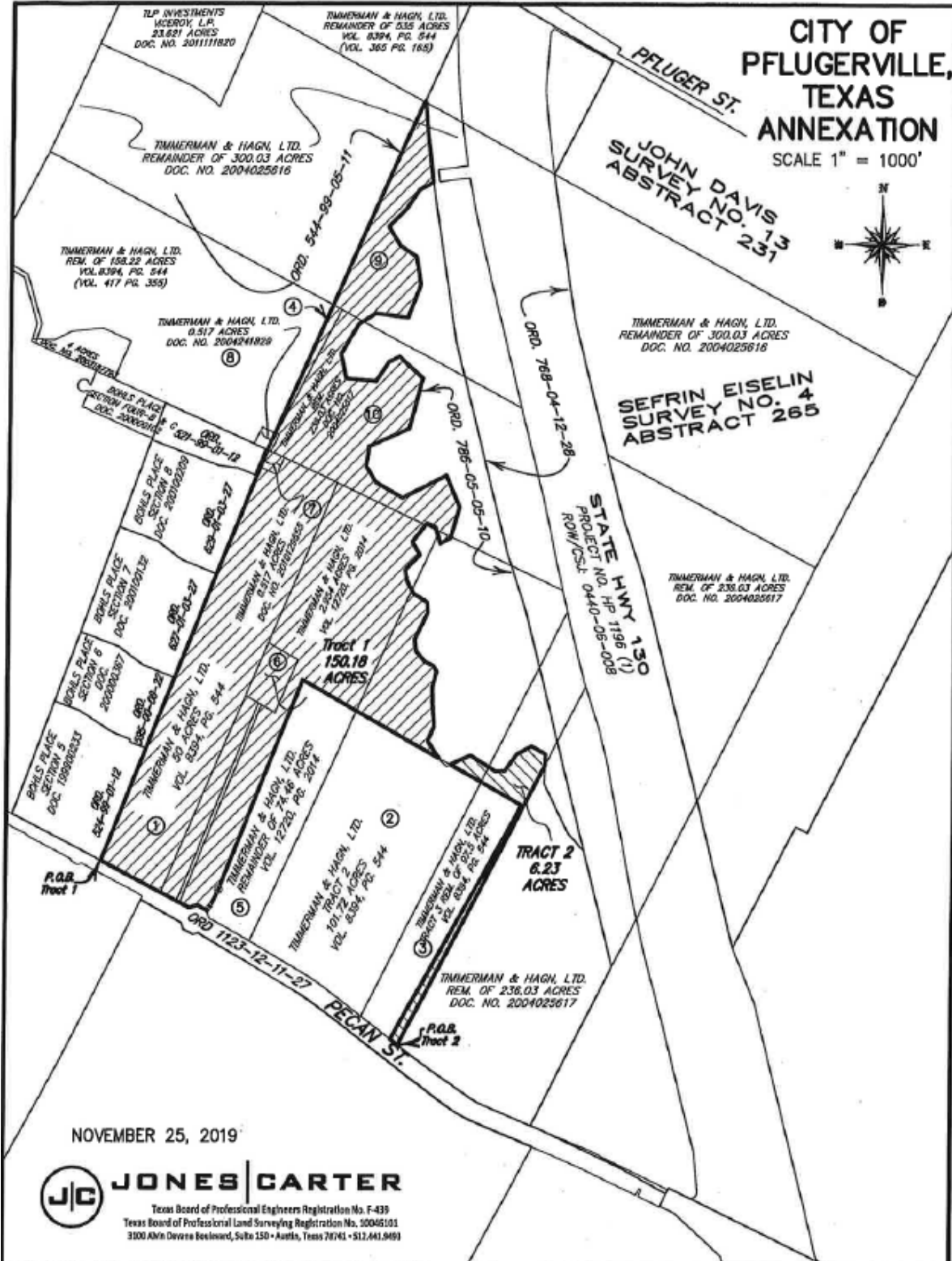
Vacant

Proposed Land Use

Mixed Use

Existing building on property

N/A. Site is vacant.



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**CITY OF PFLUGERVILLE
TRAVIS COUNTY, TEXAS
ANNEXATION PARCEL
156.41 ACRES TOTAL ACRES
METES AND BOUNDS DESCRIPTION**

The herein description for Tracts 1 and 2 with accompanying sketch are based on record information of various tract of land located in the Sefrin Eiselin Survey No. 4, Abstract No. 265 in Travis County, Texas and being all or parts of the following tracts:

(1) Timmerman & Hagan, Ltd.	50 acres	Volume 8394, Page 544
(2) Timmerman & Hagan, Ltd.	Tr. 2, 101.72 Acres	Volume 8394, Page 544
(3) Timmerman & Hagan, Ltd.	Tr. 3, 97.5 Acres	Volume 8394, Page 544
(4) Timmerman & Hagan, Ltd.	158.22 Acres	Volume 8394, Page 544
(5) Timmerman & Hagan, Ltd.	74.46 acres	Volume 12720, Page 2014
(6) Timmerman & Hagan, Ltd.	2.954 Acres	Volume 12720, Page 2014
(7) Timmerman & Hagan, Ltd.	0.517 Acres	Doc. No. 2010129655
(8) Timmerman & Hagan, Ltd.	0.517 Acres	Doc. No. 2004241829
(9) Timmerman & Hagan, Ltd.	300.03 Acres	Doc. No. 2004025616
(10) Timmerman & Hagan, Ltd.	236.03 Acres	Doc. No. 2004025617

(TRACT 1 – 150.18 acres) - BEGINNING: at a point on the north right-of-way line of Pecan Street, the north line of Annexing Ordinance No. 1123-12-11-27, the Southeastern corner of Bohls Place Section 5 Subdivision in Document No. 199900233, plat records, Travis County, Texas, the Southeastern corner of Annexing Ordinance No. 524-99-01-12, for the Southwestern corner of this herein described tract;

THENCE: North 21°53'13" East a distance of 3603.78 feet along the Eastern line of Annexing Ordinance No's 524-99-01-12, 595-00-08-22, 627-01-03-27, 629-01-03-27, and 521-99-01-12, also being the Eastern line of Bohls Place Section 5, Document No. 199900233, Bohls Place Section 6, Document No. 200000367, Bohls Place Section 7, Document No. 200100132, Bohls Place, Section 8, Document No. 200100209 and Bohls, Place Section Four-B & C, Document No. 200000102, the Western line of the said 50 acres and 0.517 Acres in Document No. 2010129655 to a point for the calculated southeastern corner of Annexing Ordinance No. 544-99-05-11;

THENCE: North 24°14'11" East a distance of 3124.93 feet along the eastern line of Annexing Ordinance No. 544-99-05-11 across a portion of the said 0.517 acres in Document No. 2004241829, a portion of the said 158.22 acres and a portion of the said 300.03 acres to a point for a corner of Annexing Ordinance No. 768-04-12-28, for the Northernmost corner of this herein described tract;