



City of Pflugerville

Minutes - Final

Planning and Zoning Commission

Monday, May 1, 2023

7:00 PM

1611 Pfennig Lane

Regular Meeting

1 Call to Order

Chair Mitchell called the meeting to order at 7PM

Staff Present: Emily Barron, Assistant City Manger; Jeremy Frazzell, Planning and Development Services Director; Nathan Jones, Planning Manger; Kristin Gummelt, Planner I; Samantha Fleischman, Planner I; Zainab Haider, Planner I; Michael Patroski, Senior Planner; Tracy McMullen, Administrative Technician

Present 5 - Commissioner Nicholas Hudson, Commissioner Oscar R. Mitchell, Commissioner Amanda Maedgen, Commissioner Allison Thompson and Commissioner Jonathan Coffman

Absent 2 - Commissioner Andrew Crain and Commissioner Brad Hickman

2 Citizens Communication

The Planning and Zoning Commission welcomes comment on items relevant to the Planning and Zoning not already scheduled on tonight's agenda. In accordance with the Texas Attorney Generals' opinion, any public comment that is made on an item that is not on the published agenda will only be heard by the Commission. No formal action, discussion, deliberation, or comment will be made by the Commission. Each person providing public comment will be limited to five (5) minutes and will be asked to state his or her name and address for the public record.

None

3 Presentation

3A [2023-0407](#) Presentation regarding the subdivision process and the role of the Planning and Zoning Commission.

Kristin Gummelt, Planner I, gave a presentation regarding the subdivision process and the role of the Planning and Zoning Commission.

4 Consent Agenda

All matters listed under the Consent Agenda, are considered routine by the Commission and will be enacted by one motion. These items include preliminary and final plats, where staff has found compliance with all minimum subdivision regulations. All items approved by consent are approved with any and all staff recommendations. There will not be separate discussion of these items. If any Commissioner desires to discuss an item on the Consent Agenda, it will be moved to the Regular Agenda for further consideration.

4A [2023-0399](#) Approving a Preliminary Plan for the 6966 Commercial Park Addition, being an approximately .501-acre tract of land out of the J.C. Lee Survey No. 35, Abstract No. 488; in Pflugerville, Texas, more specifically located at 1719 Rowe Ln. (2022-10-PP).

Approved

4B [2023-0401](#) Approving a Preliminary Plan for Lifestyle Communities, Phases 2-5, a revised Preliminary Plan for Lifestyle Communities Phases 2 through 5; consisting of an approximately 36.875-acre tract of land situated in the Thomas G Stuart Survey Abstract No. 689, Travis County, Texas; (2022-15-PP).

Approved

Commissioner Hudson motioned to approve the Consent Agenda. Commissioner Thompson seconded the motion. All in favor. Motion passes.

5 Public Hearing

The Commission welcomes comment on the following items. Each person providing public comment will be limited to five (5) minutes and will be asked to state his or her name and address for the public record.

5A [2023-0411](#) To receive public comment and consider an application to Replat Lot 3F Renewable Energy Park out of the William Caldwell Survey, Abstract No. 162 in Pflugerville, TX in order to create three lots consisting of 24.393 total acres, to be known as the Replat of Lot 3F Renewable Energy Park (2022-32-FP).

Kristin Gummelt, Planner I, gave a presentation.

Chair Mitchell asked if there was anyone present wanting to speak on this item. There was none.

Commissioner Maedgen moved to close public comment. Commissioner Coffman seconded the motion. All in favor. Motion passes.

Commissioner Maedgen moved approve staff recommendation. Commissioner Coffman seconded the motion. All in favor. Motion passes.

5B [ORD-0710](#)

To receive public comment and consider an application to rezone an approximately 2.770 acres of platted land situated in the William Barker Survey No. 74, Abstract No. 109 in Travis County, Texas, from Retail (R) to General Business 1 (GB1); to be known as the Pflugerville Retail Center (2022-7-REZ).

This item was withdrawn by the applicant.

5E [ORD-0717](#)

To receive public comment and consider an application to rezone an approximately 1.265-acre tract of land known as Lot 1, Block A, of the Crossley Subdivision, City of Pflugerville, Travis County, Texas, generally located on the northwest corner of W. Pflugerville Parkway and Heatherwilde Boulevard, from the Retail (R) zoning district to General Business 1 (GB1) zoning district, to be known as the Springbrook Liquor Store Rezoning (2023-2-REZ).

Zainab Haider, Planner I, presented information.

Jennifer Smith with Permit Solutions also spoke on this subject, reiterating the reason for the rezoning request was to allow for the off site consumption of liquor.

Chair Mitchell asked if there was anyone present wanting to speak on this item:

Joe Grimm 28 year resident of Springbrook addressed the Commission. This is the same problem as before, the uses and the noise. Retail Zoning code can have 4 gas pumps. We don't really need a liquor store. There is a lot of traffic here anyways. I agree with the staff recommendation that the application should be denied.

Mark Sager 17802 Durham Cove addressed the Commission.

I agree with everything Joe said. Not quite sure that the City logo, "Where quality meets life", and GB1 up against someones backyard mesh. A lot of Code Enforcement calls. That is my concern.

Diane Kurtz 111 W Pflugerville Pkwy (Way of Life Church) addressed the Commission.

Traffic plan shows it is 1 of the 5 top intersections for collisions. To put something that will clog traffic right there is a disaster. Increased density in the change of zoning with a possible 5 story building does not make sense, Looking at the Aspire 2040, this does not fit with the Master Plan. This zoning does not makes sense in that area and I agree with denial.

Jason Oelleter 1701 Village Glen Church Way of Life Church Pastor addressed the Commission.

Strong disapproval of the rezoning this lot. Recognizing the large traffic pattern and Increased traffic pattern. This is not harmonious with area. Rezoning this area would provide significant grounds for rezoning the remaining 4 acres. It would have an adverse impact for the surrounding area. Not compatible with neighborhood use. Ultimately strongly oppose the application.

Chester Grant 307 Betterman Dr for 26 years addressed the Commission. Concur with Joe. All I want is a good night sleep and a safe place to walk. We do not need that much liquor. Would like to enjoy my time with peace and not smelling gas.

Jennifer Smith made a clarification that the gas station is already going in and this hearing was for the liquor store.

Cheryl Lawrence 17706 Worley Dr 28 years addressed the Commission. The back of our property directly faces the lot Heatherwilde and Pflugerville Parkway. With the zoning change I will see the back of the gas station and liquor store. I will see the glare of lights and the sounds of delivery trucks. I don't believe a residential area is the place for a liquor store or a tattoo parlor. I say no to the zoning change.

Seth Berry 213 Betterman Dr addressed the Commission. The intersection can be a mess. Traffic is already bad in the area. Quite a bit of pedestrian traffic, especially kids, middle schoolers and high schoolers. Adding a liquor store is not conducive to raising kids. Recommend this be rejected.

Christian berry 213 Betterman Dr addressed the Commission. I would like to reiterate what everyone else said.

Commissioner Maedgen motioned to close public comment.
Commissioner Hudson seconded the motion. All in favor. Motion carries.

Commissioner Maedgen moved to deny the request for rezoning to GB1.
Commissioner Thompson seconded. All in favor. Motion carries.

5C [ORD-0712](#)

To receive public comment and consider an application to rezone an approximately 2-acre tract of land recorded as Lot 1 and 2 of the Skyview Manor Subdivision, generally located south of Nimbus Drive, and east of W. Pflugerville Loop, in the City of Pflugerville, Travis County, Texas, from Agricultural/ Development Reserve (A) to Single Family- Mixed Use (SF-MU); to be known as the Nimbus Rezoning (2023-3-REZ).

Kristin Gummelt, Planner I, gave a presentation.

Chair Mitchell asked if there was anyone present wanting to speak on this item.

Christopher Carmon addressed the Commission.
Read letter sent to Planning Commissioners asking for denial. Declaration of Covenant restrictions 4.01 allows for single family use only and 4.02 has 4 lots that allow for multi family use and 4.03. What the applicants are proposing to do is against 4.03. As a resident we ask that you deny this request. Another thing is the area is Manville water and septic. This has been denied by City Council two times before and we ask that you enforce 4.01, 4.02 and 4.03. We ask that you deny this request.

Linda Strahmer addressed the Commission.
I am representing the Skyview Manor subdivision. We are opposed to the rezoning. The additional traffic of strangers coming and going is not something

we want. We are asking you to keep our neighborhood. We do not want this rezoning. Say no to the rezoning.

Mia Garcia addressed the Commission.

Have a petition (23 signatures). The city annexed Skyview and will not help enforce the deed restrictions. We want you to enforce our deed restrictions.

Jeremy Frazzell, Planning Director, advised that the department will have to go through the petition and verify the signature and locations and confirm the validity of the document.

Luis (last name inaudible) Civil Engineer for the Applicant addressed the Commission.

Advised if the 2 lots were combined then a multifamily building would be allowed per 4.01 and 4.02 of the deed restriction. Commissioner Maedgen advised she would like to hear of this from an attorney.

Kristin Gummelt advised that the hearings tonight was for the rezoning and not for the private deed restrictions. The main goal is to achieve a development that is friendly with what is around and what the Comprehensive Plan outlines.

Commissioner Coffman asked what is keeping it from being rezoned Single Family Suburban? Kristin Gummelt advised that was not requested by the applicant.

Commissioner Thompson moved to close public comment. Commissioner Maedgen seconded. All in favor motion carries.

Commissioner Maedgen advised this is straight zoning with no recommendations allowed. Direct zoning does not allow for conditions. Ms. Gummelt advised If they came forward as a PUD there could have been recommendations from staff and conditions placed. Director Frazzell advised if the Commission wanted to make an alternative recommendation there are other zoning districts that are more strict. As long as it is a less intense land use than what is proposed.

Luis advised they did propose Multi-Family 10 but decided on Single Family Mutli Unit, but cannot go less than that, or else it will not be worth it. We have tried to comply with the Goals of Comp Plan.

Commissioner Hudson motioned to recommend denial.
There was no second. Motion dies for lack of second.

Commissioner Maedgen motioned to approve.
Commissioner Thompson seconded the motion.

All in favor: Commissioner Maedgen, Commissioner Thompson, Commissioner Coffman, Chair Mitchell.

All opposed: Commissioner Hudson.

Motion passes

Aye: 4 - Commissioner Oscar R. Mitchell, Commissioner Amanda Maedgen, Commissioner Allison Thompson and Commissioner Jonathan Coffman

Nay: 1 - Commissioner Nicholas Hudson

5D [ORD-0713](#)

To receive public comment and consider an application for a Specific Use Permit for proposed use of Lounge within the Downtown District Overlay for an approximately 4,200 square-foot structure, located at 105 E Pecan Street, to be known as the East Pecan Cigar Specific Use Permit (2023-3-SUP).

**Nathan Jones Planning Manager gave a presentation.
Staff recommends approval with conditions.**

Commissioner Maedgen asked what would be the remediation if the conditions are not met? Mr. Jones advised anytime a use in violation it would be a Code Enforcement issue. Could be red tagged, prohibited from operating and they would have to go through the permitting process again. The Commission is voting on a recommendation and have the ability to place conditions on the permit.

Commissioner Hudson asked these same conditions are applicable to the like businesses in the area? Mr. Jones advised that what was triggering this request is the construction and transformation. A lot of the uses downtown are legal non-conforming, meaning they don't change, they are able to operate as they did before the code requirements kicked in (2004). As uses change or new structures are built, that is when everything has to be brought up to date. As additional businesses move in, the process(es) is now being brought up to code. The square footage is what was used in the notification, which includes the covered area on the side of the building. The rear area is not within Exhibit A. To allow that area, it needs to be a part of the condition.

Commissioner Thompson asked if sound control and sound equipment needs to be indoors. Mr. Jones advised yes. Any sound equipment be located indoors and not on the patio. Commissioner Maedgen asked if there were additional sound level conditions that could be placed on the SUP? Mr. Jones advised yes. The decibel level is 85. Clarification was made that the level would be at the property line.

Commissioner Coffman asked what the use is now. Mr. Jones advised it was for retail sales of tobacco products and does allow the applicant to operate retail.

Andre (Owner-Applicant) spoke to the Commission: We do try to stay at 65 decibels. We do have our customers park in our assigned parking lot. The parking lot is shared with 2 other businesses. The parking is somewhat limited. The occupancy will be complied with. As far as the parking, first come first served. If there were additional option to have parking elsewhere, we would comply. Even though you do not have direct control over the parking, but you can encourage. If there are other options, we will be more than happy to accommodate. We brought in the speakers in the back to reduce the noise.

Commissioner Coffman asked the applicant what the plan for the business was, going forward? The Applicant advised long term strategy, occupy the larger portion of the property. Short term is to be compliant and offer a safe environment. Commissioner Maedgen advised the business does make sense in that area for the progression along Main Street. Delton, building owner addressed the Commission: We own the majority of the parking and there are

others that are out of code. I don't think we should have to fight for our property.

Is there anyone present wishing to address the Commission on this item?

Tina Schnell 100 W Hall St. Sound is a huge issue for us. Currently this home is a short-term rental. We have gotten complaints of the house shaking from the music at the Lounge. This property is within 50 feet of the establishment. Our location is sometimes used as an Uber pickup location, having more strangers waiting for rides in the middle of the night which makes it unsafe for the people at my property. I am constantly picking up trash on the side of the property.

Tim Schnell 100 W Hall St. Consistently get calls from our guests about the noise. Put the decibel level as a requirement. The documentation that is here is different that the behavior that we have seen. Recommend that more stuff gets added to the recommendation. This has always been a problem in the transitional zone.

Bradford French 200 S Second Street just inside 500 ft radius. 3-4 nights a week I can hear music inside my house with the window closed and the tv on. Express disappointment that the SUP is being considered. If all the noise is being contained inside, that is fine I can hear the back patio sometimes with djs on the patio. Commissioner Maedgen asked when was the last time the noise was an issue? Mr. French advised about 3 days ago. Commissioner Maedgen asked when was the last time it was late at night? Mr. French advised he couldn't recall.

Robert Van De Gein 101 E Pfluger St. Traffic is a problem in the area. Parking on either side of the street. Noise Complaints large uptick. I believe this permit needs to be rejected as is.

Lisa Halcomb 200 S Second St. Noise and windows rattling in the house at 1-2 in the morning. We didn't hear anything from the 2 bars that have been there. The parking situation.

Steve Wurtz 202 S First St. This is loud on a consistent basis. Concerned about noise. I can see the Cigar bar and hear them all the time. I cannot hear my speakers in my house.

Kristi Miller 101 E Hall St. Closest neighbor directly behind the bar. I provided the packet that was handed out. We are 190 ft from the business. Have had history with the business and the noise level. The neighbors that are here do not support this.

Chas Moore, Austin Justice Coalition. No complaints about the bar. I enjoy coming to Pflugerville to smoke cigars.

Catherine Steele 100 W Wilbarger. The only noise complain I have made is against the Lions Club. Concerned about parking and safety. Streets are not big enough for parking on both side. Have to fix the parking. If the downtown is going to keep growing, we need more parking downtown Please plan.

Sonya Southern. We have an open lounge. Parking is an issue. Remedy is to

share with the other businesses.

Terry Washington If you have an Air Bnb advertise that it is in the Entertainment District, there will be noise. The DJ has been taken away. Don't shut it down, build it up.

Aisha Young. I work for the City of Austin Transportation. I am in support of Delton and Andre. The Streets are free to park. The city should invest in parking signs. Residential parking permits is something the city should look at. In reference to the issue, parking in front of the residences or down the road. Citations and Towing are real in the City of Austin. Pflugerville should look at this.

Bill Wallace E Pecan does build communities. The Lounge allows relaxation. There is no speaker outside anymore.

Donald Dallas student at Huston-Tillotson I go to the lounge, and I support the business.

Commissioner Maedgen motioned to close Public Hearing.
Commissioner Hudson seconded the motion. All in favor. Motion carried.

Commissioner Thompson moved to approve the Ordinance with staff recommendations as listed.
Commissioner Maedgen seconded the motion. All in favor. Motion passes.

6 Discuss and Consider

Items on the Consent Agenda may be pulled and moved to the regular agenda if the Commission requires discussion on an item(s).

- 6A** [2023-0303](#) Discuss and Consider the 5-year Capital Improvement Plan for Fiscal Year 2024-2029.

Andrea Brinkley, Capitol Improvement Projects Director, gave a presentation on the 5-year CApital Improvement Plan for 2024-2029.

Commissioner Maedgen moved to recommend the plan. Commissioner Thompson seconded the motion.
All in favor. Motion carried.
- 6B** [RES-1101](#) Discuss and consider the Community Development Block Grant (CDBG) 4th Amendment to the Annual Action Plan for Program Year 2020.

Kristin Gummelt, Planner I, gave a presentation on the Community Development Block Grant.

Commissioner Coffman moved to approve. Commissioner Maedgen seconded the motion. All in favor. Motion passes.
- 6C** [2023-0393](#) Discuss and consider action regarding an application for a subdivision waiver from Section 15.16, Subdivision Design Standards, to allow for a right of way frontage to be reduced to 50 feet, allow for the elongated

area of a proposed flag lot to exceed 100 feet, and to allow for driveway spacing to be reduced for this subdivision, generally located north of Rowe Lane along County Road 139, to be known as the Gindin Subdivision Waiver (2023-1-VAR).

Nathan Jones, Planning Manager, gave a presentation.

Commissioner Coffman moved to approve the waiver. Commissioner Maedgen seconded the motion. All in favor. Motion passes,

6D [2023-0410](#)

Discuss and consider action regarding an application for a waiver to increase driveway widths greater than 20% of the maximum allowed under Table 10.2.1C Type II Driveway Criteria, associated with a site development plan application generally located along the SH-130 frontage road, north of E Pflugerville Parkway, at 2113 Elan Street, Pflugerville, Texas, to be known as Hayden Grove of Pflugerville (2023-2-VAR).

Nathan Jones, Planning Manager, gave a presentation.

Commissioner Maedgen moved to approve the waiver. Commissioner Thompson seconded the motion. All in favor. Motion passed.

7 Adjourn

Chair Mitchell adjourned the meeting at 10:32 PM

Respectfully submitted,

**Oscar Mitchell, Chair
 Planning and Zoning Commission
 Approved as submitted on this 1st day of May, 2023.**