

**AGENDA REPORT**

<b>Planning and Zoning:</b>	9/16/2013 10/7/2013	<b>Staff Contact:</b>	Emily Barron, AICP
<b>City Council (PH):</b>	10/29/2013	<b>E-mail:</b>	<a href="mailto:emilyb@pflugervilletx.gov">emilyb@pflugervilletx.gov</a>
<b>City Council:</b>	11/12/2013	<b>Phone:</b>	512-990-6300

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**SUBJECT:** To hold a public hearing and consider recommending approval of: AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING ORDINANCE NO. 974-07-04-10 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIAL DISTRICT FOR AN OUTDOOR COMMERCIAL AMUSEMENT USE FOR APPROXIMATELY 25 ACRES OUT OF THE JOHN DAVIS SURVEY NO. 13, ABSTRACT NO. 23, PFLUGERVILLE, TEXAS, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF FM 685 AND TOWN CENTER DRIVE, TO BE KNOWN AS THE HAWAIIAN FALLS WATER PARK SPECIAL DISTRICT (SD1308-01), AND PROVIDING AN EFFECTIVE DATE.

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**Background**

The applicant has applied for a Special District permit to allow for an outdoor commercial amusement use on 25.00 acres located at the southeast corner of FM 685 and Town Center Drive. The property is currently zoned Corridor Urban Level 4 (CL-4) which requires a Special District permit to construct an outdoor commercial amusement use on this tract.

A Special District provides for a case by case review of the proposed land use to ensure compatibility with the surrounding uses as well as the Unified Development Code (UDC). A Special District is similar to a zoning request in that the application is considered at public hearing and allows for the public, Planning and Zoning Commission, and City Council to review and consider the proposed request based on the specific criteria outlined in the UDC.

**Project Description:**

The applicant is proposing to construct a water park which is considered an outdoor commercial amusement on 25.00 acres.

Land Usage: Per the Unified Development Code, a commercial amusement, outdoor, use is defined as "Any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gates of the activity. Commercial amusements include, but not limited to zoos, carnivals, expositions, miniature golf courses, arcades, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, skating rinks, ice rinks, traveling shows, bowling alleys, indoor shooting ranges and similar enterprises. Sexually-oriented businesses and bars/taverns are excluded from this definition." Specifically the proposed use for this site is a water and adventure park that will feature several activities such as water slides, wave pools, and zip lines.

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Architectural: Several buildings are proposed with the water park however the building materials have not yet been finalized. The site will offer a Hawaiian theme with the potential to incorporate masonry elements such as lava rock that would be outside of the traditional masonry list for the City. This development will be subject to the minimum architectural standards of the Corridor Zoning Districts. The applicant is requesting a height exception for the activity part of the park allowing for heights up to 85 feet for slides, zip line poles and other related features.

Parking: Parking requirements for this site, in the CL-4 zoning district, follow what is required per Subchapter 10 of the Unified Development Code.

Traffic Generation/Circulation: The proposed layout provides for a main entry from FM 685, essentially creating the 4<sup>th</sup> leg of the intersection of Town Center Drive and FM 685. An exit is proposed to be constructed on the south side of the property to a new collector roadway that will be constructed as development occurs. This collector roadway will connect SH130 and FM685. For this project, the collector will serve as the exit for guests as well as a service entrance for staff and deliveries. A traffic impact analysis has been provided which recommends improvements to mitigate any traffic impact that may be generated by the proposed development.

Site Lighting: A photometric plan will be provided in the formal site development application process and shall meet the minimum lighting requirements of Subchapter 13 of the Unified Development Code. Also all site lighting for the project shall be compliant with dark sky conditions governed by deed covenants not enforceable by the City of Pflugerville.

Landscaping: A Landscape Plan will be provided in the formal site development application process. The applicant has requested consideration for additional tree types to be used within the park as well as an alternate method of calculation for the landscape area requirements. The applicant proposes to utilize a variety of palm tree species to enhance the Hawaiian look of the site. The CL-4 district requires a minimum of 25 percent (%) landscape area of the total lot area. The applicant proposes 15% which would be calculated only on the area outside of the actual foot print of the park. Essentially, 15% of the lot that includes the drives and parking would be considered the area to be landscaped.

**LAND USE COMPATIBILITY:**

The Preferred Land Use Vision Plan of the 2030 Comprehensive Plan identifies the subject tract as Mixed Use. The site will add to the mix of uses already existing in the area and encourage the play component of the mixed use environment of the SH130 and SH45 Corridors as prescribed by the Comprehensive Plan. The location along a major arterial and a toll road provides for an ideal location for compatibility as well as access. The properties immediately to the north and south are vacant and zoned Corridor Urban Level 4 (CL-4) which provides for compatibility between a mix of uses and the proposed commercial outdoor amusement.

**LAND USE GOALS PER THE COMPREHENSIVE PLAN:**

Pflugerville Community Development Corporation (PCDC) has stated that “the addition of this company will give Pflugerville a great opportunity to recruit those businesses looking for amenities like this one to our community increasing economic development, expand the tax base, and create new jobs in entertainment and hospitality.” This application is representative of PCDCs desire to bring businesses like this to our community and to implement goals of the Comprehensive Plan as outlined below:

Action 3.1.1 “Evaluate existing zoning to ensure sufficient land supply for office retail, and industrial use to meet projected 2030 population projections and regional market demands.”

Action 3.1.4 “Consider special incentives for desired land uses such as upscale retail and hotels and other venues that improve quality of life in Pflugerville.”

**CRITERIA FOR APPROVAL OF A SPECIAL DISTRICT IN THE CORRIDOR:**

The Planning and Zoning Commission and City Council shall consider the following criteria in determining the validity of the Special District Permit request:

- (a) Whether the use is harmonious and compatible with its surrounding existing uses or proposed uses;
- (b) Whether the activities requested by the applicant are normally associated with the requested use;
- (c) Whether the nature of the use is reasonable; and
- (d) Whether any impact on the surrounding area has been mitigated.

The SH 45 and SH 130 Corridor Study established land use preferences in the Corridor based on 4 guiding principles. Integrated as additional criteria for Special Districts, the four guiding principles of the Corridor Study are as follows: (1) create a series of unique places to shop, work, and live; (2) establish a diversified and leak-free tax base; (3) establish an enhanced, long-term market capture; and (4) utilize smart, healthy and sensible design concepts. In addition to the criteria above, City Council may choose to use the following criteria in determining the suitability of the proposed land use on subject site as it relates to the corridor.

- (1) Retail activity is preferred to be clustered within proximity to the following major intersections:
  - a. SH 130 and SH 45
  - b. SH 130 and Pecan Street
  - c. SH 45 and Heatherwilde Boulevard
  - d. SH 130 and Pflugerville Parkway
  - e. FM 685 and Pflugerville Parkway

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- (2) Structures should orient to public streets and designated trails as noted on the future Trails Map referenced in the Comprehensive Plan.
- (3) The extent to which connectivity among proposed and existing right-of-ways is demonstrated.
- (4) The extent to which uses, such as free-standing pad sites are clustered at focal points or key features within a development and relate to other components of the overall development. Such focal points or key features may include, but are not limited to retention systems, greenways, dedicated hike/bike facilities, or plazas, parks or other features that create a gathering place.
- (5) The application illustrates compliance with the requirements and guidelines of this Chapter.
- (6) The application exhibits compatibility of the design with surrounding properties and development patterns.
- (7) The application exhibits compatibility and coordination between the character of the streetscape and the planned surrounding built environment.
- (8) The application exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area, or successfully mitigates such impacts.

**STAFF RECOMMENDATION:**

Located along the frontages of FM 685 and SH130, the proposed water/adventure park will provide an entertainment and “play” component to the area that does not currently exist within the community. The request is in conformance with the Preferred Land Use Vision as well as the Comprehensive Plan.

Staff recommends approval of the Special District application with the following conditions:

1. The site plan is in general conformance with Exhibit “A”
2. Height limitations for the buildings will meet the standards of the CL-4 zoning district and the water/adventure park features such as the slides, poles for the zip lines and other support structures may have a height limitation of 85 feet.
3. Palm tree species are permitted to count towards the tree requirements the species is found within Zones 8 - 9 of the USDA Plant Hardiness Zones with preference given to species located in Zone 8b.
4. The area outside of the building footprint will be the only areas included in the landscape area requirements. The area that includes the water/adventure park structures (buildings, slides, zip lines, pools) will not count toward the required landscape area.
5. The landscape area may be reduced from 25% to 15% for the area outlined in condition 3 with the provision that the number of trees and bushes required in that area be increased by 25%. The additional trees and bushes will be placed in landscape areas adjacent to FM 685 and SH 130.

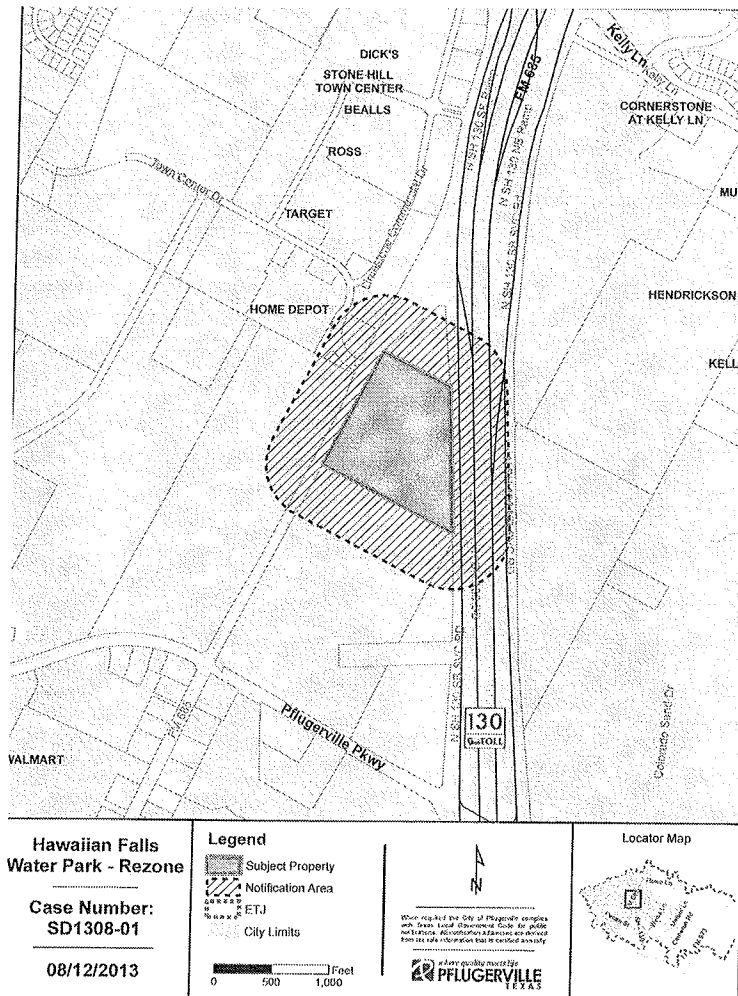
**NOTIFICATION:**

Notification letters were sent to property owners within 200-ft. of the proposed site. A sign was placed on the property prior to August 30, 2013 and a public notice appeared in the Pflugerville Pflag newspaper on September 4, 2013 and October 9, 2013.

**ATTACHMENTS:**

- Notification Map
- Preferred Land Use Plan
- Application
- Exhibit "A"- Conceptual site plan

**NOTIFICATION MAP:**



PREFERRED LAND USE VISION PLAN:



**APPLICATION:**



Case# SD1308 -01

Specific Use Permit/ Special District - Application			
Applying for: (check one)	<input type="checkbox"/> Specific Use Permit (SUP)	<input checked="" type="checkbox"/> Special District (SD) - Corridor	
Name:	<u>Applicant/Owner</u> John Pfluger Executor	<u>Engineer</u> Floyd Aker	<u>Applicant</u> PDC
Organization:	Bohls-Fuchs Partnership L.P. and Kenneth Bohls Trust		
Mailing Address:	1001 West Pecan	203 W. Pecan	
City, State, Zip:	Pflugerville, Tx. 78660	Pf. Tx. 78660	
Phone Number:	[Redacted]	[Redacted]	
Fax Number:	[Redacted]	[Redacted]	
Email Address:			
<b>Property Description:</b>			
Name of Project/ Business:	Hawaiian Falls Water/Adventure Park		
Street Address:	2411 F M RD 685 TX 78660		
Legal Description:	ABS 231 SUR 13 DAVIS J ACR 25.00 #2515		
	(Separate attachment accepted)		
Dimensions of Lot:	See	Attached	Exhibit A
	Frontage	Depth	Square Feet Acreage
Watershed:	Gilliand Creek		
Parcel ID: (6 digits)	2 7 8 0 1 6	Zoning District:	Corridor 4
Present Land Use:	Res/Ag	Proposed Land Use:	Outdoor Entertainment
Existing Building On Property?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	S.F of Building:	2252
Is a portion of property located in?	<input type="checkbox"/> Floodplain	<input type="checkbox"/> CBD	<input checked="" type="checkbox"/> Corridor
To Be Completed By Staff:	Parcel ID 815386		
Case Name:	Hawaiian Falls Water Park	Case Manager:	Emily B
Date Received:	8/8/13	Deadline:	8/21/13
PH Notice sent to Pflag:	8/28 - Wed.	PH Notice appears in Pflag:	9/4/13 - Wed.
P&Z Meeting Date:	9/16/13	City Council Meeting Date:	9/24 & 10/8/13

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**Specific Use Permit/ Special District - Application**

Filing Fee: \_\_\_\_\_ + \$15.00 Tech Fee = \$ \_\_\_\_\_

**Submittal Requirements:**

- 1. **Completed Specific Use Permit Application** with all required contact information.
- 2. **Initial submittal - 2 full size copies & One 11x17 copy** of the Site Plan showing:
  - a) Off-street parking facilities
  - b) Size, height, construction materials, and locations of buildings
  - c) Uses to be permitted
  - d) Location and instruction of signs
  - e) Means of ingress and egress to public streets
  - f) Type of visual screening such as walls, plantings and fences
  - g) Relationship of the intended use to all existing properties and land uses 200 feet from subject site.
  - h) Building floor plans/ Building Elevations
  - i) Tree survey mapping and identifying all trees.
- 3. **In a typed response, please answer the following questions, as evidence that the request complies with the conditions required for approval of a Specific Use Permit.**
  - a. Explain how the proposed use is harmonious and compatible with its surrounding existing uses or proposed use.
  - b. Please explain how the proposed activities are normally associated with the requested land use.
  - c. Explain how the nature of the proposed land use is reasonable.
  - d. Please state what measures will be taken in order to mitigate the impact on the surrounding area.

**Zoning Fee Schedule**

<b>"Special District" (Corridor Zoning)/ Specific Use Permit</b>	
5 acres or less	\$750.00
> 5 acres – 10 acres	\$1,250.00
> 10 acres	\$2,500.00

\* Additional Technology Fee is \$15 per application  
*Fee Schedule effective as of January 1, 2013 (Resolution No. 1340-12-11-13-0109)*



Case# \_\_\_\_\_

**Specific Use Permit Criteria**

Answer the questions on the following pages, as evidence that the Specific Use Permit request complies with the conditions required for approval (extra pages and supplemental illustrations or photographs may be requested by staff)

**Requested Specific Use Permit:**

1. The proposed use is harmonious and compatible with its surrounding existing uses or proposed uses, because...

The surrounding uses are retail and this Water/Adventure Park will provided recreational and retail opportunities to the citizens of Pflugerville while encouraging exercise and a healthier happier community

2. Please demonstrate how the proposed activities are normally associated with the requested use.

This is an outdoor water/adventure park. It will consist of water slides, wave pools, amphitheater, ropes courses and zip lines. It will provide as much or more outdoor activities than Pflugerville's current park system can offer. The use is in a high visibility area away from residential housing in an effort to mitigate any associated noise.

3. The nature of the proposed use is reasonable, because...

It gives the Citizens of Pflugerville a great place to recreate during our hottest summer months. It encourages exercise and physical fitness. It will provide over 300 seasonal job opportunities to Pflugerville ISD students that may not have other job opportunities.

4. Please state what measures will be taken in order to mitigate the impact on the surrounding area

A traffic impact study will be conducted to determine if additional roadways will be necessary and a new traffic light will be installed at Limestone Commercial and FM 685.

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**Additional Requirements if site is located in a Corridor (CL3, CL4, CL5) Zoning District:**


In a typed response, please demonstrate how this project meets the criteria for approval.

1. Conformance with the 4 \*Guiding Principles of the "SH 45 & SH 130 Corridor Study" and zoning regulations.
  - a. \*Create a series of unique places to shop, work, and live.
  - b. \*Establish a diversified and leak-free tax base.
  - c. \*Establish an enhanced, long-term market capture.
  - d. \*Utilize smart, healthy and sensible design concepts.
  - e. Lessen congestion in the streets.
  - f. Secure safety from fire, panic and other dangers.
  - g. Insure adequate light and air.
  - h. Prevent the overcrowding of land to avoid undue concentration of population.
  - i. Facilitate the adequate provision of transportation, water, sewerage, parks, open spaces, and other public requirements.
  - j. Maintain property values and encouraging the most appropriate use of land throughout the Corridor consistent with the Comprehensive Plan and the Corridor Plan.
2. Retail activity located at the following major intersections:
  - a. SH 130 and SH 45; SH 130 and Pecan Street; SH 45 and Heatherwilde Blvd; SH 130 and Pflugerville PKWY; and FM 685 and Pflugerville PKWY
3. Structures should orient to public streets and designated trails as noted on the Future Trails Map referenced in the Comprehensive Plan.
4. The extent of connectivity among proposed and existing ROW is demonstrated.
5. Clustering of free standing pad sites at focal points or key features within the development. (i.e. retention ponds, greenways, dedicated hike/bike facilities, or plazas, parks or other features)
6. Exhibits compatibility of the design with surrounding properties and development patterns.
7. Exhibits compatibility and coordination between the character of the streetscape and the planned surrounding built environment.
8. Exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area, or successfully mitigates such impacts.

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Consent of Owner

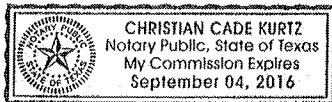
Project Name: Hawaiian Falls Water/Adventure Park  
 Property Owner Name: Bohls-Fuchs Partnership L.P. and Kenneth Bohls Trust  
 Address: 2411 F M RD 685 TX 78660  
 City: Pflugerville State: Texas Zip Code: 78660  
 Phone: (512) 251-4439 Fax: (512) 251-3636  
 Email: \_\_\_\_\_  
 Signature: 

By signing this form, the owner of the property authorizes the City of Pflugerville to begin proceedings in accordance with the process for the type of application indicated above. Owner further acknowledges that submission of an application does not in any way obligate the City to approve the application and that although City staff may make certain recommendations regarding this application; the City Council may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation.

THE STATE OF Texas :  
 COUNTY OF Travis : KNOW ALL MEN BY THESE PRESENTS

Before me, ~~CHRISTINA) KURTZ~~ on this day personally appeared John Pfluger, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 7th day of August, 2013.



  
 Notary Public's Signature  
 My Commission Expires: 9/4/2016

Case# \_\_\_\_\_



Applicant's Affidavit

Project Name: Hawaiian Falls Water/Adventure Park

I, Floyd Akers, certify that I have read this form thoroughly and the information included in this supplemental application form is a true representation of the permit applications submitted to date that are associated with the current application or this application is not one in a series of permits as defined by Chapter 245 of the Texas Local Government Code.

Address: 203 W. Main Suite E

City: Pflugerville State: Texas Zip Code: 78660

Phone: [REDACTED] Fax: [REDACTED]

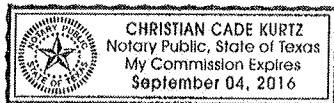
Signature: [Signature]

THE STATE OF Texas :  
COUNTY OF Travis :

KNOW ALL MEN BY THESE PRESENTS

Before me, Christian Kurtz, on this day personally appeared Floyd Akers, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 7th day of August, 2013.



[Signature]  
Notary Public's Signature

My Commission Expires: 9/4/2016

### **Hawaiian Falls Special District**

The City of Pflugerville and the Pflugerville Community Development Corporation are excited about the possible construction of a \$21 million dollar Water/Adventure Park in Pflugerville. The City has established policies to adopt reasonable measures, as are permitted by law, to promote the development of new and expanded business enterprises within the City and thereby enhance the economic stability and growth of the City.

The Pflugerville Community Development Corporation (PCDC) currently has 25 acres under contract located at the intersection of FM 685 and the SH 130 Toll Way that is being suggested for the water/adventure park site.

The PCDC and City has approved economic development agreements with Hawaiian Falls, to construct and operate the park. The addition of this company will give Pflugerville a great opportunity to recruit those businesses looking for amenities like this one to our community increasing economic development, expand the tax base, and create new jobs in entertainment and hospitality. We strongly believe that the proposed construction and development will allow us to meet and exceed all our goals.

The Water/Adventure Park will front FM 685 and SH 130. Future connectivity could include a road on the southern property line as well as a connection to Pflugerville Parkway.

The site location across from the largest retail center will help establish an oasis like sense of place when entering the development. The overall project will include greenways, and an amphitheater to create a gathering place.

The Pflugerville Community Development Corporation believes this project will significantly contribute the overall attractiveness of Pflugerville for companies looking to relocate to our City. These small, medium and large commercial operations will allow Pflugerville to expand its local workforce and create a strong ad valorem and personal property tax base to enable the City Council to continue to lower taxes on all citizens. Due to the location of this project the workers will have little choice but to spend discretionary dollars in Pflugerville further expanding the overall tax base.

The Pflugerville Community Development Corporation believes the verdant design of this project is smart and sensible and its location acts as a natural billboard advertising the amenity to over 50,000 drivers daily. The location of the project directs traffic away from the City center to the undeveloped parts of the SH 130 toll way pulling traffic away from more congested areas of town. The project is located close to two existing fire stations on Pecan and Kelly Lane. All lighting on the project shall be shielded and compliant with dark sky conditions.

This project will provide up to 300 new jobs for high school age students in Pflugerville. The project is expected to use than 10,000,000 potable water and will

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purify and recycle water on site. The total project expected to have values in excess of \$21,000,000. This project should generate significant new retail and hospitality development in the immediate vicinity to serve the visitors and workforce at the location.

The Pflugerville Community Development Corporation believes this project and application illustrates compliance with the requirements and guidelines of site development code. The application exhibits compatibility of the design with surrounding properties and development patterns. The design of the Water/Adventure Park and the entire project by PCDC ensures the property will be compatible with the surrounding land uses and have significant aesthetic value. The application exhibits compatibility and coordination between the character of the streetscape and the planned surrounding built environment. The application exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area. The historic house located on the site will be moved to a more appropriate location and preserved for posterity.

**EXHIBIT "A"**

