

Planning & Zoning:	10/01/2012	Staff Contact:	Jeremy Frazzell, Senior Planner
City Council:	10/23/2012	E-mail:	jeremyf@pflugervilletx.gov
Case No.:	REZ1208-02	Phone:	512-990-6300

SUBJECT: To receive public comment and consider an application to rezone approximately 229.86 acres of land out of the J. Davis Survey No. 13, Abstract No. 231 and S. Eislin Survey No. 4, Abstract No 265; located generally southeast of the FM 685 and E. Pflugerville Pkwy intersection; from Urban Level 4 (CL4) to General Business 1 (GB1) and Multi-Family Urban (MF-U) districts; to be known as the Town Center Rezoning. (REZ1208-02)

BACKGROUND/DISCUSSION:

LOCATION:

The property is located generally southeast of the FM 685 and E. Pflugerville Pkwy intersection.

REQUEST:

The applicant has requested 180.11 acres to be rezoned from the Urban Level 4 (CL4) district to the General Business 1 (GB1) district, and 49.75 acres to be rezoned from the Urban Level 4 (CL4) district to Multi-Family Urban (MF-U) district. In review of the request and the recent code diagnostic report, the rezoning request to rezone the property from Urban Level 4 to General Business 1 was proactively extended by the City to include the land previously owned by the applicant and recently subdivided and developed with commercial uses along FM 685. The park area along the south end of the property and the utility tract to the north will remain zoned CL4 and will be evaluated for appropriate zoning as a separate application. The proposed changes will generally reflect the zoning on the land prior to the corridor rezoning in 2007.

SITE ANALYSIS:

The proposed site is a large, irregularly shaped tract of land located southeast of the FM 685 and E. Pflugerville Pkwy intersection. Commercial pad sites, an access easement, and an extension of E. Pfennig Lane are along the west boundary of the tract and were included in the Town Center Phase 1, Town Center Lots 5 & 6, Block B and Town Center Lots 1-4, Block B subdivision plats. The south boundary of the tract is adjacent to parkland and the Bohls Place single-family residential neighborhood. The north boundary of the tract is adjacent to E. Pflugerville Pkwy, which is currently being widened, and an electric utility substation. A segment of Wilbarger Creek also enters the tract in the general northwest corner and extends through the north portion of the tract in an east and then southeastward direction. The east side of the tract is located adjacent to the Wilbarger Creek and unimproved land; a portion of which is in the ETJ and also subject to the Municipal Management District.

SUBDIVISION:

The area has been conceptually and preliminarily planned for a mix of non-residential and multi-family land uses. In 2008, a preliminary plan for a portion of the land was approved to better align the development with the corridor zoning. A minor revision with a subdivision variance to block length was later approved in 2009 and three subsequent final plats have been approved.

SURROUNDING ZONING AND LAND USE:

Adjacent	Base Zoning District	Existing Land Use
North	Urban Level 4 (CL4)	Undeveloped
South	Single Family Suburban (SFS)	Bohls Place neighborhood
East	ETJ and Urban Level 4 (CL4)	Undeveloped; SH 130
West	General Business 1 (GB1), Agriculture/Conservation (A)	Commercial development including office, retail, restaurants, financial, auction and automotive

ZONING HISTORY:

1999: Timmerman Industrial Park Rezoning: Agricultural – Open Space (A-O) to General Industrial (GI), General Business (GB) and Multiple-Family Residential (R-1). The rezoning request reflected the land uses desired in per an approved Conceptual Plan. (ORD No. 545-99-05-11)

2000: The Timmerman Tract Rezoning: Multi-Family Residential, Low Density (RM1) to Multi-Family Residential, Moderate Density (RM2). The rezoning request was to address a change in the zoning code which divided the multi-family district into low density and moderate density districts. With the code change, the RM1 district was applied to land previously zoned R-1. (ORD No. 584-00-05-23)

2006: Town Center Rezoning: General Industrial (GI), Multi-Family Residential-Moderate Density (RM2) and General Business (GB) to Multi-Family Residential – Moderate Density (RM2) and General Business (GB).

2007: SH 130 and SH 45 Corridor Rezoning: Agriculture/Conservation (A), General Industrial (GI), General Business-1 (GB1), Retail (R), Multi Family Moderate Density (RM-2) to Corridor Suburban (CL-3), Corridor Urban (CL-4) and Corridor Urban Center (CL-5). (ORD No. 913-07-10-09)

ZONING DISTRICT:

As the SH 130 and SH 45 toll roads were completed, the SH 130 and SH 45 corridor study was initiated in 2007 to establish an appropriate form for development along the toll ways. The consultant for the corridor study introduced the transect model to the community, providing an opportunity for transitions from a rural and suburban form typical of Pflugerville to an opportunity to create a more urban form. With input from stakeholders, the Suburban Level 3, Urban Level 4 and Urban Center Level 5 zoning districts were established to encourage walkable, quality, mixed use developments. The Urban Center Level 5 was applied at the intersections of SH 130 and E. Pecan St., E. Pflugerville Pkwy, and SH 45. Urban Level 4 was used as a transition between the Urban Centers along SH 130 and was also heavily focused on property with single ownership along FM 685, just north of Old Austin Hutto Road. Additional Urban Level 4 was added at the SH 45 and Heatherwilde Blvd interchange. The Suburban Level 3 district was only applied along the south side of Pfennig Lane, generally between Railroad and FM 685.

The **Urban Level 4 (CL4) district** was applied to the subject tract and according to the description in the Unified Development Code, “the purpose of the Urban District is to create vibrant and walkable neighborhoods and employment centers along the SH 130 and SH 45 Corridor. The scale of structures in the Urban District is greater than found in the Suburban District with heights reaching 6 stories and density sufficient to support a range of housing types. Commercial retail services play an increased role above the

Suburban District but remain supportive of surrounding neighborhoods and employment centers.” Two different development types can be pursued in the district, with “Base Development” designed to address new, “green field” development, while “Traditional Neighborhood Development” can be used either in “green field” situations or as redevelopment occurs. As the districts were designed, the community identified land uses that are permitted by right and that can be conditionally approved. Automotive land uses and multi-family developments are examples of land uses that are conditional in the Urban Level 4 district and require a Special District. Under the Base Development design, the minimum residential density is 10 units per acre and maximum density is 20 units per acre; or 30 units per acre if incentives are met. The Traditional Neighborhood Development allows the maximum density to be increased to 25 units per acre or 38 units per acre if incentives are met.

The **General Business 1 (GB1) district** is the predominant commercial district found throughout the City and is currently along FM 685 (south of Pflugerville Pkwy) and along Pecan Street/ FM 1825. According to the description in the Unified Development Code, “the district is intended predominately for heavy retail, and light intensity wholesale and commercial uses of a service but excluding any type of warehousing or the open storage of building, construction or other materials. The nature of uses in this district have operating characteristics and traffic service requirements generally compatible with typical office, retail, shopping and some residential environments. Operating characteristics which may be typical of uses permitted in the GB1 District include car wash, pawn shops, funeral home, minor automobile repair, and automobile sales type uses.” While the district has traditionally been utilized for non-residential development, single-family attached (townhomes) is permitted by right and multi-family urban is conditionally permitted as stated below:

- (a) Must not occupy more than 75 percent of the total floor area of a building up to 10 dwelling units per acre in R districts and up to 20 dwelling units per acre in GB1 districts.
- (b) Must not occupy any portion of the ground floor of a building.

Prior to the Urban Level 4 district, the 180.11 acres of land proposed to be rezoned to the General Business 1 district was previously zoned as General Business 1 district.

The **Multi-Family Urban (MF-U) district** allows for up to 20 units per acre and was previously known as the Multi-family Residential – Moderate Density District (RM2). According to the Unified Development Code, “this district is intended to include land which is used, or intended to be used, for a variety of housing types including single family attached dwellings or multi-family dwellings. It allows high density housing and mixed use development. This district should be located adjacent to arterial streets and used as a buffer between commercial uses and single family residential uses. This District can also be located among commercial districts.” In addition to multi-family developments, if designed as a mixed use development, the district conditionally permits specific non-residential land uses which provide direct services to the residential development.

The proposed rezoning to the Multi-Family Urban (MF-U) district is consistent with the previously approved zoning in 2007. At that time the district nomenclature was Multi-family Residential – Moderate Density District (RM2).

In order to clarify the difference between the CL4 district and the GB1 district, a comparison of the non-residential land uses permitted in one district and not the other has been provided below. In addition, the residential land uses permitted in each of the districts has also been provided. Uses identified with a “P” reflect uses that are permitted by right, an “S” identifies a Specific Use Permit is required, “SD” identifies a Special District is required and numbers indicate a use may be permitted with specific conditions outlined below the table.

NON-RESIDENTIAL USES ALLOWED IN GB1, NOT IN CL4	
Museum/Art Gallery	P
Overhead/Rollup Doors	17
Bus Depot	P
Free-standing monopole cell towers	14
Body Art Studio	12
Business Services	P
Equipment and Machinery Sales and Rental, Minor	5
Golf Driving Range	P
Household Appliance Service and Repair	P
Laundromat	P
Pawn Shop	P
Auto Parts Sales, Inside	P
Vehicular Sales, Rental, Repair and Service	P

Conditions:

5. Equipment and Machinery Sales and Rental, Minor:
 - (a) Use must be completely maintained within the Main Building.

12. Body Art Studio.
 - (a) Must be set back 1,000 feet from any other Body or Art Studio, Residential Zoning District, Place of Worship, Public, Private, or Parochial School, and Day Care Center; except as otherwise approved by a Specific Use Permit.

14. Free-standing monopole cell phone towers.
 - (a) Shall be no higher than 50 feet except in the “A” zoning District.
 - (b) Free-standing monopole cell towers in the “A” zoning District may extend to a height of not more than 150 feet, provided the tower is set back from any property line a minimum distance equal to the height of the tower plus an additional 50 feet.

17. Overhead / Rollup Doors.
 - (a) Must be located a minimum of 100 feet from a residential use.

NON-RESIDENTIAL USES ALLOWED IN CL4, NOT IN GB1	BASE	TND
Research and Development Center	SD	SD
Dry Cleaning, Major	P	P
Automotive Repair and Services	SD	
Light Industrial Uses	SD	SD
Mini-Warehouse/Public Storage	P	SD
Office/Warehouse/Distribution Center	SD	SD

CL4 Conditions:

11. Shall follow the design standards established in Subchapter 9 of the Unified Development Code for Suburban structures.

12. Shall follow the design standards established in Subchapter 9 of the Unified Development Code for Urban structures.

RESIDENTIAL USES	MF-U	GB1	CL4 BASE	CL4 TND
Accessory Unit			P	P
Live Work Unit	P	P	P	P
Single Family Detached Urban	P		12	
Duplex			P	P
Single-Family Attached (3 or more)	P	P	P	P
Four Plex			P	P
Multi-Family Suburban			SD11	SD11
Multi-Family Urban	P	1	SD12	SD12
Nursing Home (Convalescent Home)	P	P	P	P
Assisted Living	P		P	P

GB1 Conditions:

1. Residential uses in the R or GB1 districts.
 - (a) Must not occupy more than 75 percent of the total floor area of a building up to 10 dwelling units per acre in R districts and up to 20 dwelling units per acre in GB1 districts.
 - (b) Must not occupy any portion of the ground floor of a building.

CL4 Conditions:

11. Shall follow the design standards established in Subchapter 9 of the Unified Development Code for Suburban structures.

12. Shall follow the design standards established in Subchapter 9 of the Unified Development Code for Urban structures.

TRANSPORTATION:

No transportation modifications have been proposed from the originally approved preliminary plan. The site will continue to have predominant public access from FM 685, E. Pflugerville Pkwy and a future eastward expansion of E. Pfennig Lane. A north to south minor collector along the eastern boundary of the subdivision was identified in the Preliminary Plan and will provide a connection between the E. Pfennig Lane extension and E. Pflugerville Pkwy. Hike and bike trails are reflected in the Comprehensive Plan to be located on the tract generally along the Wilbarger Creek and a portion of the tract to the south. Public sidewalks are required along both sides of all streets. Additional vehicle and pedestrian connectivity throughout the site will be reviewed as development is pursued.

TRAFFIC IMPACT:

A Traffic Impact Analysis (TIA) was provided with the originally approved preliminary plan. As further development is pursued on the tract, an update to the TIA and additional review may be necessary. Land uses permitted in the CL4 district are comparable to the uses permitted in the GB1 and MF-U districts. The traffic impact between the existing and proposed districts is not anticipated to be significant.

DRAINAGE:

Drainage has been analyzed with the preliminary plan and will continue to be reviewed as development is proposed. Portions of the subject property are within a Special Flood Hazard Area.

PARKS:

Parkland dedication is required with residential development and will be reviewed as residential development is proposed. Should the rezoning be approved, parks, open space, sidewalks and trail considerations will be evaluated and required with the platting and site development phases.

COMPREHENSIVE PLAN:

The Comprehensive Plan identifies the area with a blend of mixed use, medium to high density residential and a regional center. Goals 2 and 3 and Policy 2.3 of the Land Use & Development Character chapter encourage infill around existing centers and at major intersections to reduce infrastructure costs and opportunities for employment, services, and growing the municipal tax base. A rezoning to the General Business 1 (GB1) and Multi-Family Urban (MF-U) district will maintain an ability to continue developing the area into a regional center with a mix of residential, retail, employment and services.

STAFF RECOMMENDATION:

The corridor districts are intended to be reviewed periodically to determine their effectiveness and whether adjustments are needed to support the intentions of the community and landowners alike. The development pattern that has been established at the intersection of FM 685 and E. Pflugerville Pkwy reflects base development type which is the subdivision standards applicable throughout the community. Requests continue to be pursued for uses in this area which require Special Districts and cause obstacles and delays for commercial development that is in demand. The subdivision layout and the land use pressures for the area are typical of suburban developments expected at the intersection of two arterial roadways, within close proximity to a highway.

Through recent discussions with land owners in the area and as reflected in the recently completed UDC code diagnostic, the development regulations associated with the corridor districts cause confusion and a

lack of certainty to how the area will develop. While automotive uses are permitted by right in the GB1 district and require a Special District in the CL4 district, heavier commercial and light industrial land uses may be considered in the CL4 district through a Special District and are not able to be considered in the GB1 district.

Understanding the concern and negative perception of additional automotive uses along FM 685, the Special District requests for Discount Tire, Bubble Clean car wash and Firestone have been approved with minor adjustments to their site design and building form. Rezoning to GB1 will remove the Special Districts for the Discount Tire and Bubble Clean car wash. The recent UDC code diagnostic identified opportunities and warrants for improvement and commercial design standards that will be proposed with future code changes to address negative perceptions associated with automotive uses in the GB1 district in particular.

The Multi-Family Urban (MF-U) district permits multi-family development to have up to 20 units per acre by right, whereas multi-family in the CL4 district is required to obtain approval through a Special District, but allowed to have a maximum of 25 units per acre under the base development type. Traditional multi-family developments are not the only residential land use permitted in the MF-U district as reflected in the table above. Specific design requirements are outlined in Subchapter 9 of the Unified Development Code and remain a requirement for all multi-family development regardless if the zoning is changed.

The change in zoning is not anticipated to dramatically change the character or form of the existing or future development in the area. The change is also not anticipated to undermine the intentions of the community by reverting to the former zoning districts. The current uses in the area are allowed in both the GB1 and CL4 districts. A continuation of the GB1 zoning district along the east side of FM 685 up to Pflugerville Pkwy will retain the Comprehensive Plan's vision for a regional center in this area. Rezoning to the MF-U district will provide certainty to the community on where a multi-family development can be located on the tract vs. the flexibility associated with the CL4 district. The combination of MF-U and GB1 districts will maintain the Comprehensive Plan's vision for mixed use in this area. Staff recommends approval of the rezoning of 180.11 acres from Urban Level 4 (CL4) to General Business 1 (GB1) and 49.75 acres from Urban Level 4 (CL4) to Multi-Family Urban (MF-U) districts as requested and reflected in Exhibit "A" of the staff report.

NOTIFICATION:

Newspaper Notification was published on September 12, 2012. Notification letters were mailed to property owners within 500 feet of the property and signs were posted as required. Two inquiries were received regarding the proposed request at the time of this report.

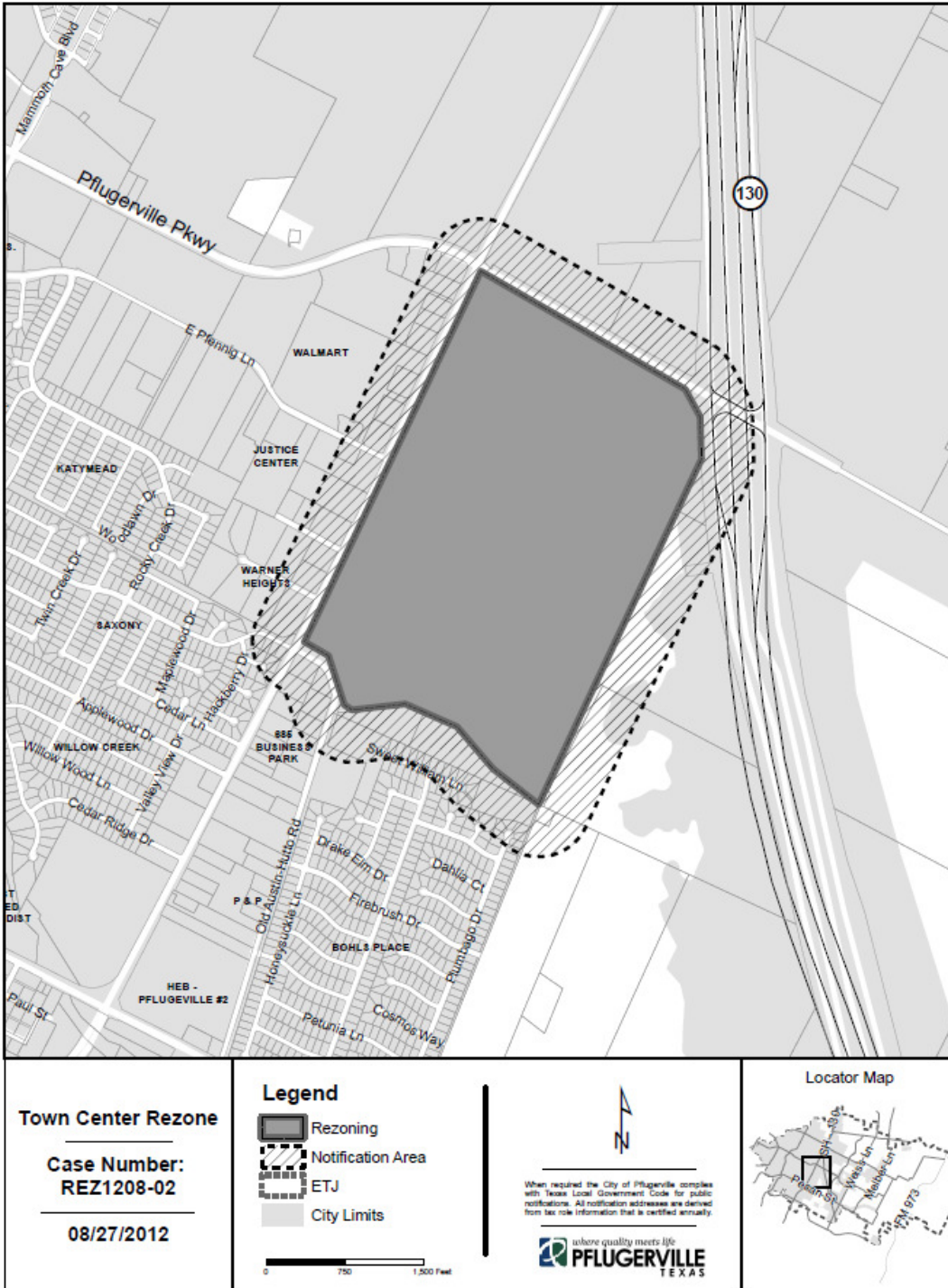
ATTACHMENTS:

- Exhibit "A"
- Notification Map
- Zoning Map
- Comprehensive Plan
- Applicant Request

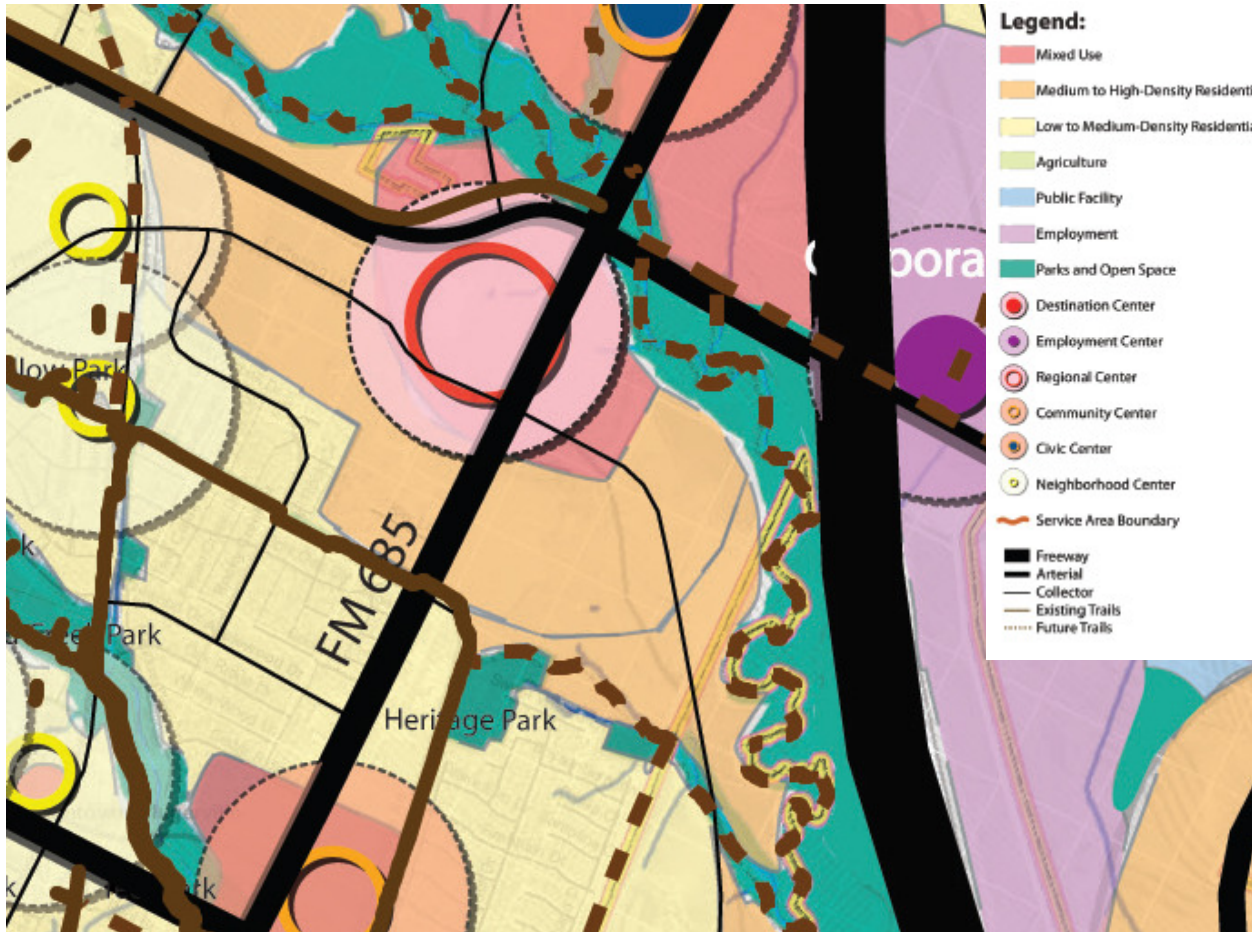
EXHIBIT "A"



NOTIFICATION MAP



COMPREHENSIVE PLAN



APPLICANT REQUEST:

LAND STRATEGIES INC.



PAUL LINEHAN & ASSOCIATES

RECEIVED
AUG 27 2012

August 27, 2012

Attn: City of Pflugerville
c/o Trey Fletcher
City of Pflugerville
PO Box 589
Pflugerville, Texas 78691

Re: Town Center
Rezoning Request

Dear Trey:

As per my previous discussions with Trey Fletcher (Assistant City Manager) regarding the Corridor Overlay on the Town Center property, Land Strategies, Inc., and the property owner have decided to rezone the property back to its original zoning classification, approved in March 2006 and shown on the attached City of Pflugerville zoning exhibit from October 2007, to GB-1 and MF-U (formerly RM-2), as reflected in the submittal packet. The GB-1 tract encompasses 180.11 acres, while the MF-U tract encompasses 49.75 acres. The metes and bounds of the proposed zoning areas are the same as the original 2007 zoning case. The reason for this zoning change request is that the CL4 zoning and specifically the Corridor Overlay are too restrictive to economic development of this area and particular property. We look forward to working with you on the positive attributes that can be incorporated with this zoning change as the City works through amending the Corridor Overlay as those changes pertain to the Town Center property.

After your review of the application packet and exhibits, please feel free to contact me should you have any questions or need additional information.

Best regards,



Paul W. Linehan, ASLA
President

PWL:enw

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DEVELOPMENT / PLANNING CONSULTANTS & LANDSCAPE ARCHITECTURE

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