



City of Pflugerville

Minutes - Final Planning and Zoning Commission

Monday, December 3, 2012

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1 Call to Order

Staff present was: Trey Fletcher, Assistant City Manager; Emily Barron, Planning Director; Jeremy Frazzell, Senior Planner; Erin Sellers, Planner II; Lindsay Key, Planner I and Hazel Sherrod, Planning Administrative Technician.

Chairman Anker called the meeting to order at 7:00 p.m.

Present 6 - Commissioner Sam Storms, Commissioner Lisa Ely, Chairman Thomas Anker, Vice Chairman Rodney Blackburn, Commissioner Drew Botkin and Commissioner Joseph Marse O'Bell

Absent 1 - Commissioner Kirk Lowe

2 Citizens Communication

There were none.

3 Public Hearing

- A [ORD-0127](#) Conduct a public hearing and consider a Specific Use Permit application for a Body Art Studio on Lot 18, Block 1 Pflugerville Subdivision, locally known as 117 E. Main St.; to be known as the Freedom Machine Tattoo Specific Use Permit (SUP1210-01).

Jeremy Frazzell presented this item.

Ryan Dodson, applicant and owner of Freedom Machine Tattoo, spoke. Mr. Dodson stated that two years ago he was before this Commission in hopes of opening his own business in Old Town Pflugerville and was able to accomplish that with favorable votes from the Planning and Zoning Commission. In the two years that his business has opened Mr. Dodson has not had any complaints or disturbance regarding his business to the local police department. Mr. Dodson has improved the curb appeal of the current location of his business by replacing rotted wood, painting the building, and landscaping outside, restoring the historical feel of the building. Mr. Dodson said on average he works on about six clients a day and most of his clients travel to his business from neighboring cities creating exposure for the Old Town businesses and local businesses on FM 1825.

Mr. Dodson did not expect business to take off as fast as it did when he opened his business two years ago and is now in need of more space. His current location is approximately 430 sq. ft. and that is not enough space for

three (3) artists to draw, prep and operate at the same time, this equals to a loss of revenue. The proposed location at 117 E. Main St., has approximately 935 sq. ft. Each artist will have their own drawing area which will maximize creativity and production. Mr. Dodson said he hopes that over the past two years he has proven that his business is an asset and not a blemish to the Central Business District (CBD) and with the approval of the Commission he hopes to move forward.

Phyllis Welch of 10902 Plumwood Dr., Austin, spoke. Ms. Welch owns 115 E. Main St., and has the location currently leased out to Terri Hatcher, who does not have any objection to the rezoning. Ms. Welch is concerned because she will now be surrounded by bars and now a tattoo parlor. Ms. Welch is also concerned about the future value of her property and future tenants that she may have. There are four historic buildings downtown and she believes the uses of these buildings are peculiar. Ms. Welch mentions that she (her building) has been designated on the National Historic Register by an unknown person. Ms. Welch would like, at some time, to see her business used in a more historical manner. At the time she leased it, the business community was not so great. Ms. Welch feels that the historical buildings should be used in a more appropriate manner to the historical register standard.

Chairman Anker asked Mr. Dodson, what his plans are for the exterior of the building.

Mr. Dodson answered that he will not make any changes to the building; the historical factor is what drew him to that location. The light box sign is being replaced with a hand painted wood sign to preserve the historical look and the new lighting will be a porcelain style light.

Jeff Coleman of 19608 Mallard Pond Trail, and owns the building at 111 E. Main St., spoke. Mr. Coleman is in full support of Mr. Dodson getting the Special District permit. Mr. Coleman noted that he is anti-tattoo but more pro-business and feels this is a good business in Pflugerville and in downtown Pflugerville. Mr. Coleman stated he is an investor in downtown and would like as many people to come to downtown as possible. Mr. Coleman stated that he does have a bar permit for PBK Stein & Stem, but his business is seen more as a restaurant than a bar. Mr. Coleman said that he believes the direction that Pflugerville is going in is a good direction. Mr. Coleman said he is in support of Mr. Dodson getting a Special Use Permit.

Vice-Chairman Blackburn made a motion to close the public hearing. Commissioner Ely seconded that motion. All in favor. Public hearing closed.

Vice-Chairman Blackburn made a motion to approve the Special Use Permit for Items ORD-0127 and ORD-0130 as read. Commissioner O'Bell seconded that motion. All in favor. Motion carried unanimously.

- B** [ORD-0130](#) Conduct a public hearing and consider a request to rescind an existing Specific Use Permit approved through Ordinance No. 1068-11-02-08 for a Body Art Studio on Lots 10-12, Block A Pflugerville Subdivision, locally addressed as 101 E. Pecan St; as related to a condition of approval for the Freedom Machine Tattoo Specific Use Permit application for 117 E. Main St. (SUP1210-01)

Recommended for Adoption with Item 3A.

- C** [ORD-0131](#) To receive public comment and consider an amendment of an approved Special District for a Light Industrial Use in Corridor Urban Level 5 (CL5) for Lot 4 of the Renewable Energy Park Subdivision, approx. 15 acres out of the W. Caldwell Survey No. 66, Abs. 162., Pflugerville, TX known as the Project Jersey Special District. The property is generally located near the southwest corner of SH 130 and E. Pecan Street. (SD1211-01)

Erin Sellers presented this item. Project Jersey was originally approved by City Council in October 2011 to allow for Light Industrial Use (LI) in Corridor Urban Center 5 (CL5) in the Renewable Energy Resource Park subdivision. There were some conditions placed within the Special District Ordinance and one of the conditions was that the applicant was to meet the minimum architectural standards for LI structures per Subchapter 9, Section G. After reviewing the Site Plan the vertical articulation calls for 9ft in height for LI structures, the amendment to the articulation in elevation calls for 2ft in height.

Staff proposes the amendment to the ordinance to include, as follows: "Architectural standards to be generally in conformance with Exhibit - Building Elevations". Staff recommends approval of the amendment to the Project Jersey Special District ordinance. Once the amendment is approved the applicant may go through the formal site plan revision process which is administrative.

Chairman Anker asked Ms. Sellers to explain articulation.

Ms. Sellers explained that vertical articulation is the variation of the roofline. The horizontal articulation, which the applicant is meeting, it is the recession or projection of walls.

Stuart Alderman with Block 16 Architects spoke. Mr. Alderman stated that the property is currently under construction but no vertical construction has taken place.

Floyd Akers with Pflugerville Community Development Corporation (PCDC) spoke. Mr. Akers said that the 15 acre tract was sold to the 130 Commerce LLC. The name of the plat for this property is the Pflugerville Renewable Energy Park, which is where they intended to recruit renewable energy companies. The property as a whole is being marketed as the 130 Commerce Center because the developers plan on doing six large buildings in this development. Mr. Akers mentioned that there probably are not enough renewable energy resource companies in central Texas to fill 780,000 sq. ft., which is why the marketing for these sites have changed a bit, to fill the buildings up. Mr. Akers asked the Commissioners to approve this project; he believes this will be a major employment center for Pflugerville.

Vice-Chairman Blackburn made a motion to close public hearing. Chairman Anker seconded that motion. Public hearing closed.

Chairman Anker made a motion to approve ORD-0131, amendment to the Special District as written. Vice-Chairman Blackburn seconded that motion. All in favor. Motion carried.

Chairman Anker stepped down from the dais due to a conflict of interest on Item ORD-0132. Vice-Chairman Blackburn chaired the meeting.

D [ORD-0132](#)

To receive public comment and consider a Special District application for a proposed Light Industrial Use on a 40.36 acre tract of land out of the T.G. Stewart Survey No. 6 and the H. Blessing Survey No. 3, in Travis County, TX, generally located near the intersection of W. Pflugerville Parkway and F.M. 685; to be known as the Data Center Park Special District (SD1210-02).

Chairman Anker stepped down from the dais due to a conflict of interest on Item ORD-0132. Vice-Chairman Blackburn chaired the meeting.

Erin Sellers presented this item. In addition to the Special District permit request the applicant is requesting waivers for the 8 ft. masonry bufferyard wall along the north property boundary, a waiver from the vertical articulation standards; architectural design to be generally in conformance with the proposed building elevations identified in Exhibit B, and a waiver from the 6 ft. sidewalks along proposed interior boulevard drive/street (ADA requirements will be met).

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

1. Land use limited to a data center or any other land use permitted by right in the base zoning district.
2. The service yards containing mechanical equipment are wholly shielded from view with the use of masonry walls measured at finished grade
3. Site Plan generally in conformance with Exhibit A.
4. Architectural design generally in conformance with the proposed buildings elevations identified in Exhibit B.
5. Combination of evergreen trees to be planted as the required bufferyard trees.
6. Screening of the electric substation generally consistent with Exhibit C.
7. Testing of the generators may only occur Monday - Friday between 8 a.m. and 5 p.m.

Optional Conditions:

1. Provide a minimum of 15% accent materials on the primary facades (facing internal drives or public R.O.W's) other than tilt wall.

Commissioner Ely asked how many employees will be onsite per building because the parking space shown does not seem adequate for the size of the building, the property line and how close it is to the single-family homes and how many stories the building will be.

Ms. Sellers answered that she does not know how many employees will be onsite but the parking count is estimated to be that of a warehouse, which approximately 2500 spaces. The property line is that of the single-family development and that of the data center, which is 100 feet. The building will be approximately 40 feet tall.

Commissioner Ely asked the purpose for the 6ft sidewalk waiver on the interior street.

Ms. Sellers answered that the city does not anticipate that the internal driveway onsite to be dedicated to the city, because there will not be much foot traffic on the site itself but, the ADA requirements will still be met. Ms. Sellers mentioned that Pfluger Farm Lane will have a sidewalk on one side and a trail on the opposite side.

Commissioner Botkin asked about the utility substation, is there a reason why they are located next to a major road or thoroughfare and not located to the north west of the site?

Ms. Sellers answered that she believes that the location for the substation may be because this provides easier access to the electrical lines from FM 685.

Commissioner Botkin noted that he has an issue with the type of fencing material used for the fence at the north of the property. He would like to see an Ameristar type product or equal material used to keep up with standards. Commissioner Botkin also mentioned that he would like to see something other than your standard gray tilt wall and the minimum 15% accent material. Commissioner Botkin would like for a 6ft sidewalk to remain in the interior street, if development does not work and the property is sold, it will be difficult to get existing tenants to put sidewalks across the property.

Ms. Barron mentioned that the internal street is a cul-de-sac and asked for consideration of a sidewalk one side of the interior street.

Commissioner Botkin said he was fine with that.

Commissioner Storms asked what the treatment of the flood plain/drainage to the rear of the property would be like.

Ms. Sellers noted that a Conditional Letter of Map Revision (CLOMR) would need to be done in the floodplain for that area during the platting or site development process. Engineers are involved during those processes to make sure that flooding not will be an issue. At this time the land is relatively flat land even though it is in the floodplain, but onsite detention will be required for the site.

Rick Neff, the applicant, with Dimension Critical Facility in Dallas spoke. Mr. Neff explained the purpose of data centers and their purpose. Mr. Neff addressed the question about the substation location. The reason for the location is the location of the transmission lines on FM 685 to the east, otherwise more overhead power poles would have to bring transmission lines to the data center. Mr. Neff noted that he does not have any problems with some articulation and elevations of the buildings, he does not want ugly buildings either. Mr. Neff likes the idea of one side of the internal road having a sidewalk. Mr. Neff also mentioned that the access to the building will be controlled for security purposes and the fencing will be security type fencing.

Mr. Fletcher noted that there will be overhead power lines to the site, such as those on FM685 which is cost prohibited to put underground, but will be located behind the Home Depot and the 24 HR Fitness.

Kevin Kluge of 17905 Ice Age Trl, spoke. Mr. Kluge has spoken with his neighbors and that have generally been positive. He brought with him tonight

some questions from a concerned neighbor. What is the height of the wall and the building as compared to the single-family houses behind this site? How will the lighting be directed in the back of the building? What type of cooling system will be used and how loud will it be? Mr. Kluge noted that Ms. Sellers already addressed the type of cooling system in her early report. There are also concerns about the future hike and bike trails along the creek.

Mr. Fletcher answered that the hike and bike trail has been discussed with the Parks and Recreation Department and will be conforming to the alignment of Pfluger Farm Lane.

Ms. Sellers addressed the lighting noting that the lighting should be located in the parking areas or maybe just architectural lighting. The lighting is addressed during the site development process. Generally for single-family adjacency projects anything within a certain distance can only go up to go up to 30 feet in height and has to be down cast with full cut off, as in you will not get a lot of light dispersion across the property line. The foot candle measurement at the property line should be zero (0) for single-family. Ms. Sellers addressed the noise level noting that the measurement is based off a specific distance from the noise generator, the chiller measures at 78 decibels at 30 feet from the chiller, comparing that to the noise of a washing machine and or a vacuum. The service yard area and the chillers will be fully enclosed.

Floyd Akers with PCDC spoke. Mr. Akers noted that this is probably the most significant project to come to Pflugerville as far as an economic development project. The minimum investment in this site is about \$210 million over 10 years, depending on the tenants and the servers placed in the building at full build out the project can balloon to \$100 billion worth in capital investment in Pflugerville. The minimum employees required by contracts executed are 175 employees and the average salaries \$70K plus benefits. The property will have an ad valorem value, with personal and real property, of \$110 million dollars with the first tenant and first building. Mr. Akers noted that at full build out this property would equal 1/3 of the city's entire tax base. Mr. Akers noted that this project will build Pfluger Farm Lane with a 10 ft. sidewalk at no cost to the citizens of Pflugerville because Mr. Akers estimated that this site is currently approximately 600 feet from any existing homes. Mr. Akers mentioned that the City Council has approved this project.

Commissioner Storms made a motion to close the public hearing. Commissioner Ely seconded that motion. All in favor. Motion carried.

Vice-Chairman Blackburn made a motion to approve the Special District permit with the conditions recommended by staff including the 15% accent and the private driveway with a six-foot sidewalk on one side. Commissioner Botkin seconded that motion. All in favor. Motion carried.

Chairman Anker returned to the dais.

4 Consent Agenda

- A [2012-1385](#) Approving a Final Plat for The Commons at Rowe Lane Ph. II C; a 9.735-acre tract of land out of the Jacob Casner Survey, Abstract No. 2753, in Travis County, Texas (FP1210-01).

B [2012-1543](#) Statutorily disapproving a Replat for the Renewable Energy Park Subdivision of Lot 3; a 116.343-acre tract of land out of the William Caldwell Survey, Abstract No. 162, located at the southeast corner of Helios Way and Sun Light Near Way in Travis County, Texas. (FP1211-02)

C [2012-1546](#) Approve the Planning and Zoning Commission minutes for the November 5, 2012 meeting.

D [2012-1550](#) Approving a revised Preliminary Plan for Falcon Pointe #6; a 174.09-acre tract of land out of the J. Davis Survey No. 13, Abstract No. 231 in Pflugerville, Texas.

Vice-Chairman Blackburn made a motion to approve the consent agenda as read. Chairman Anker seconded that motion. All in favor. Motion carried.

5 Discuss Only

A [2012-1542](#) Worksession schedule for Unified Development Code Amendments

Emily Barron stated it is time to start going through the code and make amendments so that the code complies with the Comprehensive Plan and changes that outlined in the code diagnostic. There is a proposed schedule for the code amendments in the agenda packet given to the Commissioners. This will be done in work sessions an hour before the regular meetings and is broken up by into sections; the goal will be to get this done by the end of the fiscal year so there may be some special meetings called in order to get through the entire code. The work sessions will begin on January 7, 2013 at 6:00 p.m. Staff will not ask for action at the end of each work session but will do so at the very end as a holistic approach to approve all of the amendments at one time.

6 Recognition of Service

[2012-1551](#) Recognition of Service for serving on the Planning and Zoning Commission.

Mr. Fletcher acknowledged Commissioner Lowe and Commissioner Storms for their contribution of service on the Planning and Zoning Commission. Mr. Fletcher noted that commissioner Ely has been appointed for another term and the two new member of the P&Z Commission, for 2013, are in the audience, Daniel Flores and Kevin Kluge.

7 Council Action Update

A [2012-1547](#) City Council Action Update

Nothing to add.

8 Future Agenda Items

Starting January 7, 2013, at 6p.m.; worksessions will be scheduled to discuss the Unified Development Code Amendments prior to the Planning and Zoning Commission meetings.

9 Adjourn

Vice-Chairman Blackburn made a motion to adjourn at 8:42 p.m.
Commissioner Ely seconded that motion. All in favor. Meeting adjourned.

Signature: _____

Print: _____
Chairman, Planning and Zoning Commission

Respectfully submitted this 7th day of January, 2013.