



# City of Pflugerville

## Minutes - Final Planning and Zoning Commission

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Monday, October 1, 2012

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1 Call to Order

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

Staff present was: **Trey Fletcher, Assistant City Manager; Jeremy Frazzell, Senior Planner; Lindsay Key, Planner I; and Hazel Sherrod, Planning Administrative Tech.**

**Present** 5 - Commissioner Sam Storms, Commissioner Lisa Ely, Chairman Thomas Anker, Vice Chairman Rodney Blackburn and Commissioner Joseph Marse O'Bell

**Absent** 2 - Commissioner Kirk Lowe and Commissioner Drew Botkin

#### 2 Citizens Communication

There were none.

#### 3 Public Hearing

##### A [ORD-0121](#)

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)

Jeremy Frazzell presented this item.

The property is generally located southeast corner of FM 685 and E. Pflugerville Pkwy. The properties to the west are zoned General Business 1 (GB-1), to the north and northwest are properties zoned Urban Level 4 (CL-4), properties further to the southwest are generally zoned as GB-1, to the south is the Bohls Place and Bohls Crossing Subdivision zoned Single-Family Suburban Residential (SF-S), to the east, along SH 130 are properties zoned CL-4. The applicant request proposes 180.11 acres to be rezoned from CL-4 zoning district to the GB-1 and 49.75 acres to be rezoned from CL-4 zoning district to Multi-Family Urban (MF-U) zoning district. There will be a portion of land along the south side of Pflugerville Pkwy with utility on it and property to the south that is proposed for parkland that will remain zoned CL-4. The MF-U property is located along the east side of the property backing up to the Wilbarger Creek and the remaining acreage will be GB-1.

Staff recommends approval of the zoning request.

The applicant, Paul Linehan, spoke. Mr. Linehan mentioned that the 14.7 acres located adjacent to the Bohls subdivision to the south will remain as parkland. Mr. Linehan mentioned that in 2000 when the property was zoned to multi-family and commercial, SH 130 was proposed for the location it is in today, they were trying to deal with new urbanism in the Town Center design. The idea was to make the area walkable within Town Center. With the current zoning in place it has become difficult to market the property. The rezoning request will make it easier for businesses to develop on this property without having to come before the Planning and Zoning Commission to ask for a Special District permit based on the current zoning. Mr. Linehan is requesting that the Commission approves his rezoning request from CL-4 to GB-1 and MF-U.

Chairman Anker asked Mr. Linehan if the 2007 rezoning change was something that his client did not want to do.

Mr. Linehan answered that they weren't excited about, there was a big study going on with Stone Hill coming in as CL-5, they saw the idea of CL4 and what was coming and they were trying to get on board with it.

Chairman Anker asked if from a market stand point, they have seen some demands that have fallen outside of the CL-4 zoning, which has prompt them to change the zoning to GB-1.

Mr. Linehan answered yes.

Chairman Anker said that overall he did not have a problem with the layout and the rezoning to get Mr. Linehan some flexibility to handle market indicators. Chairman Anker said that this is a wide tract and he sees it as having two corridors, FM 685 and SH 130 Corridor and when he drives up and down FM 685 what would he like to see. Chairman Anker suggested if Mr. Linehan's client would consider bringing back the GB-1 zoning to the back of the property to the east and the front of the property along FM 685 to remain CL-4 zoning.

Mr. Linehan answered that they have spoken about it and that it is difficult to market the property with a CL-4 zoning, this rezoning is an effort to help get the properties moving again.

Seyed Mohammadi, residing at 221 Brandon Way in Austin, spoke. Mr. Mohammadi asked if there will be a median cut to allow for a left turn from FM 685, heading north, to Kay Lane. Mr. Mohammadi said he owns property and Kay Lane and was curious if this project would cause further traffic congestion on FM 685.

Mr. Fletcher answered that there will not be a median break at FM 685; there are already traffic lights at Pfennig Lane and at Pflugerville Pkwy and FM 685, and TxDOT will handle the traffic access management. Staff had spoken with them about possible median breaks on various people's behalf and TxDOT has no intentions of putting a median break beyond what is already on FM 685.

Vice-Chairman Blackburn made a motion to close the public hearing.

Chairman Anker seconded that motion. All in favor. Public hearing closed.

Vice-Chairman Blackburn made a motion to approve the rezoning to MF-U and GB-1 as requested. Commissioner O’Bell seconded that motion. Chairman Anker took a Roll-Call vote. Commissioner Storm vote Aye. Vice-Chairman Blackburn voted Aye. Commissioner Ely voted Aye. Commissioner O’Bell voted Aye. Chairman Anker voted Aye. Motion passes.

**4 Consent Agenda**

**A**     [2012-1438](#)     Approve the Planning and Zoning Commission minutes for the September 17, 2012 meeting.

**Approved on Consent Agenda**

**B**     [2012-1441](#)     Approving a Final Plat for Lakeside at Blackhawk Section 3; a 27.60-acre tract of land out of the A. Bailey Survey No. 34 and V. W. Swearngen Survey No. 32, located southeast of the Speidel Drive and Farm Pond Lane intersection in Travis County, Texas. (FP1209-01)

**Approved on the Consent Agenda**

**C**     [RES-0109](#)     Approving the 2013 development review schedules, fees, and structure of the Supplemental Schedule to herein after be known as the Development Services Center Development Handbook.

**Item 4C was pulled to the regular agenda for further discussion.**

**Mr. Fletcher presented this item. In the past the Subdivision code has referred to the Supplemental Schedule which is revisited annually for meeting dates for submittals. Since the UDC had been developed and physically merged our departments (Building, Engineering and Planning Departments) to be under one roof known as the Development Services Center, we have decided to take the process a step further and created the Development Services Handbook. This document will be in an electronic domain on our website; you can print an application, locate fees, and locate standard notes for plat or site development and so forth. The Development Services Handbook is required to be approved annually about this time of year by the Planning and Zoning Commission.**

**There was a slight modification to our fees, also with the FY 13 Budget which was adopted and began today, October 1, 2012, we will be migrating to new permitting software that was approved in the budget. The software is called MyPemitNow which was developed by a Council of Governments (CoG), which is being marketed to the Capital Area Council of Governments to other municipalities and county governments in the area. It is funded through a different cost structure, instead of buying the software it is paid for on a per permit basis; the ranges of fees are based on a certain tiers of how many permits you issue in a calendar year. The way these cities are funding this software application is through a technology fee, which is a surcharge in addition to the base fee of each permit application process.**

**Chairman Anker asked if any fees were increased over and above the technology fee.**

Mr. Fletcher mentioned a few fees that are changing or are new; besides the technology fees include:

Construction (Public Infrastructure) Plans will be 3.5% of cost estimate, this fee used to be 4%. The fees charge to developers to build public infrastructure (water, wastewater, street, etc.) intended to be for public dedication upon completion. The reason the fee went down is because the developer is being asked to handle all the construction testing cost directly. Historically the 4% charge paid for those testing fees and we, City of Pflugerville, were the client on the testing.

There is a new fee for Site Development Permit including major revision which now has a minimum fee of \$250 and the Maximum fee has gone up to \$10,000; the maximum fee for Site Development Permit was \$5,000.

There is now an application fee for an Architectural Waiver of \$250.

There is now a Shaved Ice Permit Application of \$100.

After implementation and accrual of some fees, staff proposes in FY 14 to go to electronic submittals for all applications and plans, with receiving and responding to comments done digitally. Staff would like to provide comments with red line drawings electronically.

Chairman Anker made a motion to approve RES-0109, the 2013 Development Services Center Development Handbook. Vice-Chairman Blackburn seconded that motion. All in favor. Motion carried.

**5 Council Action Update**

**A**     [2012-1439](#)     City Council Action Update

Mr. Fletcher had nothing further to add.

**6 Future Agenda Items**

None.

**7 Adjourn**

Chairman Anker made a motion to adjourn the meeting at 8:22 p.m. Vice-Chairman Blackburn seconded that motion. All in favor. Meeting adjourned.

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Thomas Anker, Chairman  
Planning and Zoning Commission

Respectfully, submitted on this \_\_\_ day of \_\_\_\_\_, 2012.