



City of Pflugerville

Minutes - Final Planning and Zoning Commission

Monday, June 4, 2012

7:00 PM

100 East Main Street, Suite 500

Regular Meeting

1 Call to Order

Chairman Anker called the meeting to order at 7:01 p.m.

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

Present 7 - Commissioner Sam Storms, Commissioner Lisa Ely, Commissioner Kirk Lowe, Chairman Thomas Anker, Vice Chairman Rodney Blackburn, Commissioner Drew Botkin and Commissioner Joseph Marse O'Bell

2 Citizens Communication

There was none.

3 Consent Agenda

Commissioner Lowe made a motion to approve the consent agenda as written. Chairman Anker seconded that motion. All in favor. Motion carried.

- A [2012-1210](#) Approve the Planning and Zoning Commission minutes for the May 7, 2012 meeting.

Approved on Consent Agenda.

4 Public Hearing

- A [ORD-0110](#) To receive public comment and consider an application by the City of Pflugerville to rezone Lot 1, Block 1 of the E.W. Pfluger Addition, consisting of 0.29 acres and locally addressed as 102 S. Third St., from Retail (R) to Office 1 (O1) district; to be known as 102 S. Third St. Rezoning. (REZ1205-01)

Jeremy Frazzell, Senior Planner introduced this item.

Mr. Frazzell discussed the Central Business District Overlay and the uses permitted within the district.

The subject property is currently zoned Retail (R). The Comprehensive Plan identifies the downtown area to have a mix uses, as well as low to medium density residential and two neighborhood centers. The property is a residential

structure, owned by the City of Pflugerville and has been used as an office. There is parking located to the north of the building in the alley way. The property was purchased by the City of Pflugerville in 1985 and has been used as a Library, the Police Department, and most recently the Engineering Department. In 1999, the City proactively rezoned the property to Transitional Business (TB). In 2004 the Central Business District (CBD) was created as Chapter 155, Subchapter B, which was applied to this property and other neighboring properties. In 2007, the Zoning Code was amended and the TB district was reestablished as the Retail zoning district.

Since the property is no longer in use by the City of Pflugerville it was declared a surplus on January 2012, authorizing the sale of the property. The property went out for bid and the sole bidder withdrew their offer following much discussion pertaining to the existing zoning. The CBD overlay is an additional layer of protection to the neighborhood and ensures any alterations must be in scale and context that is consistent with the area.

Mr. Frazzell discussed some of the uses that are allowed in the Retail/Office uses.

Staff supports the rezoning from Retail with the CBD Overlay to Office-1 with the CBD Overlay zoning district.

Chairman Anker asked if the property has always been zoned retail why is staff now recommending it goes to Office-1, how does that tie in to the selling of the property?

Mr. Fletcher answered that during the bidding process there were concerns about the current Retail zoning by the bidder, therefore City Council directed Staff to reduce the zoning.

Mary Poche, Business Recruiting and Marketing specialist for the Pflugerville Community Development Corporation (PCDC) located at 203 W. Main St., spoke. One of their main goal is to bring in new business and industry to Pflugerville, working with existing business and industry for expansion efforts with the main goal in mind of supporting and creating quality jobs so that individuals that live in Pflugerville can also work in Pflugerville. Since the downturn in the economy the availability for office space and industrial space in Pflugerville is minimal. PCDC is in support of changing the zoning from Retail to Office-1 because it gives more square footage that can be used to recruit business and industry into Pflugerville.

Commissioner Blackburn asked what the square footage of the building is. Mr. Fletcher answered about 2200 sq. ft.

Bill Fischer, of 300 W. Walter Ave., spoke. Mr. Fischer has lived at this address for twenty years. Mr. Fischer was aware of the usage of the property and happy with the use at that time. Mr. Fisher would like for the Commissioners to change the zoning from Retail to residential zoning. Mr. Fischer would like to have office and retail businesses in the neighborhood to have the opportunity to receive goods and services, for his mother in law who resides in downtown Pflugerville, without leaving his downtown neighborhood. Mr. Fisher believes that Old Town does not need any more rent houses.

David Taylor, of 403 S 3rd St., and President of the Old Town Neighborhood

Association (OTNA), spoke. Mr. Taylor mentioned that he met with former bidder to speak about how they can work things out regarding the property. Mr. Taylor said that he and the OTNA has always wanted to move the CBD boundary to the alley way and maintain the integrity of the houses on the north side of Hall St., as residential. Mr. Taylor mentioned that the P & Z Commission has been supportive of the residents on many zoning requests for something beyond residential in the past involving the downtown area. Mr. Taylor is worried if this property is rezoned to Office-1, there would be a domino effect of zoning request from the residential neighboring properties to change the zoning of their properties. Mr. Taylor mentioned they are trying to maintain the integrity of Old Town and the neighborhood. The traffic in the neighborhood is tolerable with the Retail Zoning in place now. Mr. Taylor wants the P & Z Commission to consider rezoning this property to residential.

Chuck Lesniak, of 203 W Walnut St., spoke. Mr. Lesniak wants to rezone this property as residential. Mr. Lesniak echoed Mr. Taylor's concerns. Mr. Lesniak noted that after the City announced the rezoning of this property to Office-1, another property owner approached OTNA about rezoning his property to Office-1 also. Mr. Lesniak believes the City has the obligation to the downtown residents to protect the integrity of the neighborhood because the property is owned by the City. Mr. Lesniak believes this property should be zoned residential.

Susan Neans, of 101 E. Hall St., spoke. Ms. Neans is asking for this property to be rezoned as residential as it was before 1985. Ms. Hall feels threatened by the idea of a commercial development on this lot and would like for this property in question to be rezoned as residential.

Mike Martin, of 100 E Hoopes Ave., spoke. He has lived there for about 20 years. Mr. Martin mentioned that he personally has been dealing with this issue for five to six years; he reiterates what Mr. Lesniak and Mr. Taylor stated about the CBD boundary and the rezoning of this property. Mr. Martin believes a stronger residential neighborhood and not a retail neighborhood would drive crime down. Mr. Martin stated that he and the OTNA residents would like the property rezoned residential.

Jeff Coleman, of 19608 Mallard Pond Dr., spoke. Mr. Coleman said he and his wife was the sole bidder for the property of about \$164,250. The reason they were willing to bid what is probably over \$80,000 in residential value is because it had a commercial zoning and he would have been allowed to have his office in that spot. Mr. Coleman's business is a State Farm Agency with three employees, plus he and his wife and about 10 cars travel to the business per day. Mr. Coleman said when some of the OTNA rejected to the property remaining Retail he met with the OTNA and suggested changing the zoning to Office-1. The reason was in the Unified Development Code (UDC) it specifically states that Office-1 is established to create flexible district for low intensity office and professional use, less than 10,000 square feet and limited to one story. So the building could not be torn down and a multi-story structure be constructed if the property is rezoned to Office-1, it could if the property remains zoned as Retail. The idea was to create zoning that would protect the neighborhood and at the same time create the transition that the UDC talks about. Mr. Coleman mentions that if the property is rezoned as residential, and purchased as a rental property, many times rental properties are not kept in the same condition as a home owned. Mr. Coleman believes that Office-1 zoning

is the exact zoning needed for this property due to the surrounding zoning and structures around it. Mr. Coleman mentioned that touched on encroachment of other businesses into the commercial businesses of Pflugerville and those businesses are not encroaching into the neighborhoods. Mr. Coleman stated that the Commissioners will not do anything but making a tighter restriction, they would be taking a commercial property and making it into a more restrictive commercial property, they will be leaving things status quo. Mr. Coleman noted that if this property becomes a rental property it is commercial structure that someone is living out of. Mr. Coleman said he has spoken with the members of the OTNA members except to two of them, nine emails received were for the retail and seven emails were against the retail zoning of this property. Mr. Coleman asks that the zoning be changed to remain and office structure in the City of Pflugerville.

Chairman Anker made a motion to close public hearing. Commissioner Blackburn seconded that motion. All in favor. Motion carried.

Chairman Anker and the Commissioners had further discussion about the property in question.

Chairman Anker commented that a lot of the issue between the residential use and the office/retail use has been going on for some time. Chairman Anker believed that the Office-1 zoning was a good compromise, that reduces the land use between residential, creating a buffer into retail as you get closer to Pecan St.

Commissioner Blackburn commented that the house is in need of repair, down the street on Hall St., there are several residential houses and yards that are in need of repair and cleaning also. Commissioner Blackburn believes the neighborhood would be better protected if the property is rezoned as Office-1, rather than residential.

Commissioner Ely commented in agreement with Commissioner Blackburn that if it was zoned residential the property would sit vacant because an individual would not afford the cost the City is asking and put money into fixing it up.

Commissioner Lowe commented that someone can buy the property zoned as retail and have a single family attached home to it.

Commissioner Storms commented that he has been a part of discussions on two other properties mentioned tonight, but he believes that the boundary for the CBD should be the alley way and not the street because what you face is more important than what is behind you.

Commissioner Botkin asked if someone was to purchase the property with the retail zoning and build on it, treat it as an office use without having to change the zoning to Office-1.

Mr. Fletcher commented that if the proposed developer wants to redevelop or raze the building and create a new building, being in the CBD offers the neighborhood some protection in the design pervue and some architectural requirements that are not otherwise required to be as consistent with the old town area. The notion that the CBD Overlay denotes a land use is not

necessarily accurate. It offers compatibility and some additional review that was once handled by the Architectural Review Board and is now handled by the Planning and Zoning Commission.

Commissioner Lowe commented that, to rezone from retail to residential he is not comfortable doing so.

Chairman Anker asked if the alley way is public.
Mr. Fletcher answered yes it public.

Commissioner Blackburn made a motion to approve the rezoning of 102 S. Third St., from Retail to Office-1 zoning district. Chairman Anker seconded that motion.

Commissioner Anker took roll call:
Commissioner Storms voted nay. Commissioner Blackburn voted aye.
Chairman Anker voted aye. Commissioner Lowe voted aye. Commissioner Ely voted aye. Commissioner Botkin voted aye. Commissioner O'Bell voted aye.
Motion passes with a vote of 6 to 1 in favor of approving the zoning to Office-1.

This item will go before City Council for Public Hearing and Consideration on June 26, 2012.

Aye: 6 - Commissioner Lisa Ely, Commissioner Kirk Lowe, Chairman Thomas Anker, Vice Chairman Rodney Blackburn, Commissioner Drew Botkin and Commissioner Joseph Marse O'Bell

Nay: 1 - Commissioner Sam Storms

5 Discuss Only

A [2012-1248](#) Discussion of the Old Town - A History and General Overview

Jeremy Frazzell presented the Commissioners with the vision and history associated with and in response to recent discussions about the Central Business District (CBD) and Old Town area.

Chairman Anker asked about the CBD boundary evaluation and what the direction was and what is being evaluated.

Mr. Fletcher answered that the direction came from the City Council in May. Mr. Fletcher was directed to bring forward an item regarding the entire CBD Boundary for the Planning and Zoning Commission to consider and for public hearing.

This will be brought back later this year to the Planning and Zoning Commission.

Chuck Lesniak, at 203 W Walnut St., spoke. Mr. Lesniak found out after he bought his house that it is in the CBD. Mr. Lesniak pointed out that the original effort that created the CBD was primarily driven by the downtown business community, which was very active and well organized. The opposite was true for the residential community and he believes that is why the CBD was so large to begin with, they were trying to make the old town area the business center for Pflugerville like it had been historically. Mr. Lesniak commented that as

more of the residential community got involved with the business community there seems to be more of a shared vision. There was a lot of consensus of not invading the residential properties.

6 Future Agenda Items

In a future meeting the CBD Boundary and diagnostic report will come back before the Planning and Zoning Commission.

7 Adjourn

Chairman Anker made a motion to adjourn. Commissioner Blackburn seconded that motion. Meeting adjourned.

Rodney A. Blackburn, Vice - Chairman
Planning and Zoning Commission

Respectfully, submitted on this 16th day of July 2012.