

Planning & Zoning: 09/18/2017

Staff Contact: Abigail Rose, Planner II

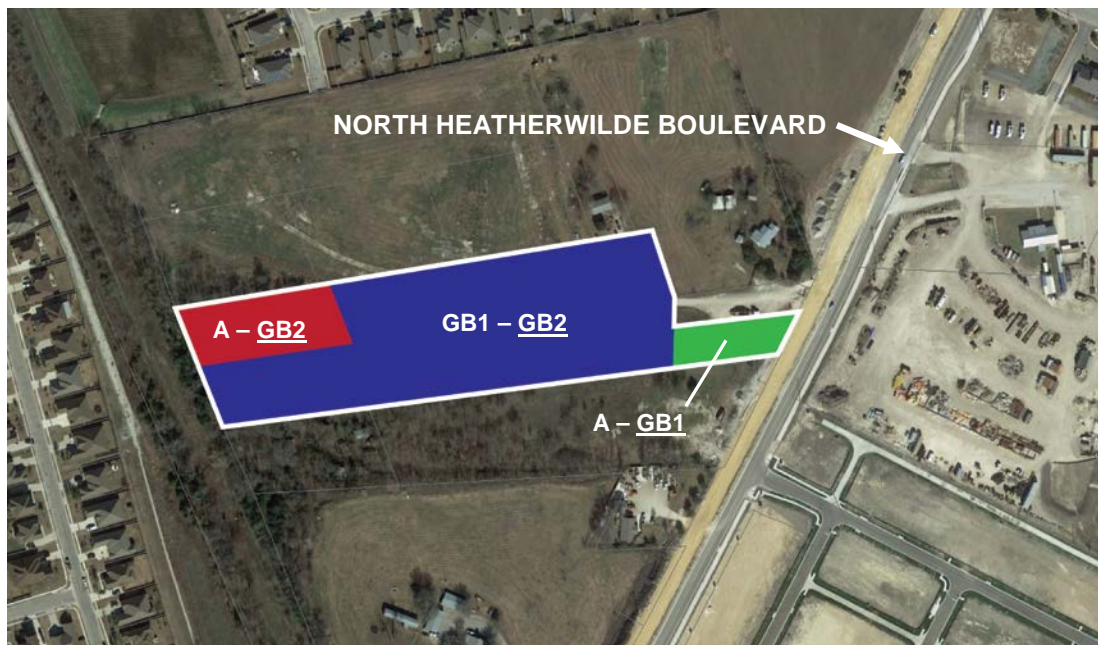
City Council: 10/10/2017

E-mail: abbeyr@pflugervilletx.gov

Case No.: REZ1708-01

Phone: 512-990-6306

SUBJECT: To receive public comment and consider an application to rezone three separate (3) parcels within a proposed 7.31-acre subdivision located generally southwest of the North Heatherwilde Boulevard and Kingston Lacy Boulevard intersection. Parcel one (1) consists of 5.46 acres proposed to be rezoned from General Business 1 (GB1) to General Business 2 (GB2) district, parcel two (2) consists of 1.0 acre proposed to be rezoned from Agriculture/Conservation (A) to General Business 2 (GB2) district, and parcel three (3) consists of 0.45 acres proposed to be rezoned from Agriculture/Conservation (A) to General Business 1 (GB1) district; all to be known as Kuempel Commercial Rezoning. (REZ1708-01)



Blue zone (Parcel 1): General Business 1 (GB1) to General Business 2 (GB1) district; ~ 5.46 acres

Red zone (Parcel 2): Agriculture/Conservation (A) to General Business 1 (GB1) district; ~ 1 acre

Yellow zone (Parcel 3): Agriculture/Conservation (A) to General Business 2 (GB1) district; ~ 0.45 acre

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LOCATION:

The property is located generally southwest of the North Heatherwilde Boulevard and Kingston Lacy Boulevard intersection, along the western border of North Heatherwilde Boulevard, about an estimated half mile south of the North Heatherwilde Boulevard and SH45 intersection.

SITE ANALYSIS:

The proposed site includes a collection of unplatted tracts totaling 7.31 acres. The tracts consist of both unimproved, agricultural land and an existing single family dwelling with direct access from North Heatherwilde Boulevard, a four-lane, arterial-level street. To the west, an estimated 130' wide strip of land allocated formally as the MoKan railway, now a right-of-way controlled by TxDOT, separates the proposed site from the Spring Trails single family neighborhood. To the east, North Heatherwilde Boulevard separates the proposed site from a Planned Unit Development (PUD) development, the Highland Park, and General Business 1 (GB1) developments, including Cash Construction and Capital Gymnastics. The greater area surrounding the proposed site includes a residential neighborhood called Royal Point to the north, with commercial opportunities concentrated farther north near SH45. Please refer to the attached zoning map for further clarification.



ZONING and LAND USE HISTORY:

In 2005, the current property owner zoned this site under the General Business (GB) zoning district. At that time, the GB district contained a wide variety of commercial uses ranging from light retail to more intense commercial. During the process of zoning code amendments in 2007, the General Business (GB) District was divided into the General Business 1 (GB1) and General Business 2 (GB2) districts. By default, all properties zoned GB became GB1 and over time, properties have been rezoned to the GB2 district as appropriate to address the more intense commercial land uses. As a result of the code amendment, contractors shops, machine shops, mini-warehouse, office/showroom, and small engine repair facilities are permitted within the General Business 2 (GB2) zoning district, but not the General Business 1 (GB1) district. The proposed

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request is intended to provide conforming zoning to the adjacent properties and for the property owner’s anticipated land uses for the subject site to be permitted once again. The subject site is adjacent to the Light Industrial (LI) zoning district to the northwest, the General Business 1 (GB1) zoning district to the northwest, and the Agriculture/Conservation (A) zoning district to the south.

Summary:

- 1999 – The City of Pflugerville annexed the property as part of approximately 75 acres of land which included additional right-of-ways in an area located west of Wilke Lane, generally south of Meister Lane and northeast of the former North Travis County Municipal District No. 5 in Travis County Texas. The ordinance, Ordinance No. 548-99-06-08, extended the boundaries of the City of Pflugerville to the north, while zoning the land as Agriculture/Conservation (A) until it would be rezoned at a later time.
- 2005 – In September, City Council adopted Ordinance No. 578-00-02-22 which rezoned 19.63 acres known as Robinson-Kuempel Rezoning from Agriculture/Conservation (A) to General Business (GB) for approximately 10.29 acres and Light Industrial (LI) for approximately 9.34 acres.
- 2007 – An administrative Code update divided General Business (GB) District into the General Business 1 (GB1) and General Business 2 (GB2) districts. All General Business (GB) property became General Business 1 (GB1) zoned property.

Adjacent Properties	Base Zoning District	Existing Land Use
North	Light Industrial (LI)	Unimproved agricultural land
	General Business 1 (GB1)	Vacant barn & residential dwelling
South	Agriculture/Conservation (A)	Unimproved agricultural land
East	General Business 1 (GB1)	Construction company + Gymnastics Center
West	Single Family Suburban (SF-S) Residential	Residential dwellings

PROPOSED REQUEST:

The applicant would like to develop the land and has requested to rezone the property. The owner intends to rezone the 0.45 tract of land adjacent to North Heatherwilde Boulevard to General Business 1 (GB1) and the remainder 6.46 acres to the west, General Business 2 (GB2).

In 2005, the property owner rezoned the subject site from Agriculture/Conservation (A) to General Business (GB), which was compatible to his adjacent Light Industrial (LI) zoned property to the north. As a result of the zoning code amendments of 2007, the General Business (GB) District was divided into the General Business 1 (GB1) and General Business 2 (GB2) districts. By default all General Business (GB) properties were zoned as General Business 1 (GB1), unless a rezoning case was proposed to rezone the land to General

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Business 2 (GB2); therefore, the subject property became zoned General Business 1 (GB1) from General Business (GB), which differs from the property owners intention's for the site. There are land uses permitted within the General Business 2 (GB2) district that are not allowed within the General Business 1 (GB1) that would complement the development of the adjacent Light Industrial (LI) zoned property to the north. Contractors shops, machine shops, mini-warehouse, office/showroom, and small engine repair facilities are permitted within the GB2 zoning district, but not the GB1 district. The owner is intended to develop the land to the west with more intense commercial land uses and the smaller portion of land to the east with office facilities. The property owner believes the 0.45 tract of land on the eastern portion of the subject site should be rezoned as General Business 1 (GB1) from Agriculture/Conservation (A), which would provide consistency along North Heatherwilde Boulevard with other General Business 1 (GB1) zoned properties. In order for the property owner to develop the subject site how as originally intended, the property owner is proposing the 6.46 acres to the west to be rezoned General Business 2 (GB2) and the 0.45 acres to the east be zoned General Business 1 (GB1).



General Business 1 (GB1) Zoning District

According to the Unified Development Code, the General Business 1 (GB1) District "... is designed to accommodate a full range of retail and office uses with a city-wide and even regional trade area. These types of commercial uses are conducted wholly within an enclosed building. The uses in this district have operating characteristics and traffic service requirements compatible with typical office, retail, shopping, and high density residential environments."

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GB1 Permitted non-residential uses within the district include:

(Underlined text = Land Uses which aren't permitted in GB-2)

Athletic Facilities; Auction Sales; Automotive Parts Sales (Inside); Automotive Repair and Services; Automobile Parking Lot/Garage; Automobile Rental and Sales; Bar/Tavern; Brewery/Distillery/Winery (Micro); Brewpub/Wine bar; Business Services; Catering Establishment; Cemetery/Mausoleum; Civic Center; Clinic; Commercial Recreation and Entertainment (Indoor); Commissary; Convention Center; Day Care Facility; Dry Cleaning (Minor); Equipment and Machinery Sales and Retail (Minor); Event Center; Financial Institution; Golf Course and/or Country Club; Golf Driving Range; Government Facilities; Health/Fitness Center; Hospital; Household Appliance Service and Repair; Laundromat; Liquor Store (Off-Premise Consumption); Lounge; Massage Therapy (Licensed); Mortuary/Funeral Home; Museum/Art Gallery; Office: Administrative, Medical, or Professional; Park or Playground; Pawn Shops; Personal Services; Place of Worship; Print Shop (Minor); Reception Hall; Restaurant; Retail Sales and Service; School (Public or Private); Theatre; Trade School; and Transit Facility (Park and Ride).

GB1 Permitted residential uses within the district include: Assisted Living; Live/Work Unit; and Nursing Home/Skilled Nursing.

GB1 Conditional uses include: Condominium; Multi-Family; Animal Establishments (Commercial); Bail Bond; Car Wash; Commercial Recreation and Entertainment (Outdoor); Drive-in/Thru; Financial Services Institution (Alternative); Gas Stations; Hotel/Hotel Residence; Mobile Food Park; Nursery Indoor/Outdoor Sales; Utilities; and Wireless Telecommunication Facilities.

General Business 2 (GB2) Zoning District

According to the Unified Development Code, the General Business 2 (GB1) District "... is intended to provide a convenient location for small scale service and commercial related establishments, such as wholesale products, contractor shops, mini storage, major automotive repair, and similar more intense commercial uses. The uses included in this district should be located on a collector or higher classification thoroughfare."

GB2 Permitted non-residential uses within the district include:

(Underlined text = Land Uses which aren't permitted in GB-1)

Athletic Facilities; Auction Sales; Automotive Body Repair Shop; Automotive Parts Sales (Inside); Automotive Repair and Services; Automobile Parking Lot/Garage; Automobile Rental and Sales; Bar/Tavern; Brewery/Distillery/Winery (Micro); Brewpub/Wine bar; Business Services; Call Center; Car Wash; Catering Establishment; Cemetery/Mausoleum; Civic Center; Clinic; College, University, or Private Boarding School; Commercial Recreation and Entertainment (Indoor); Commissary; Contractor's Shop; Dry Cleaning (Minor); Dry Cleaning (Major); Equipment and Machinery Sales and Retail (Minor); Financial Institution; Golf Course and/or Country Club; Golf Driving Range; Government Facilities; Health/Fitness Center; Hospital; Household Appliance Service and Repair; Laundromat; Liquor Store (Off-Premise Consumption); Lounge; Machine Shop; Massage Therapy (Licensed); Mini-warehouse/public storage; Mortuary/Funeral Home; Museum/Art Gallery; Office: Administrative, Medical, or Professional; Office/Showroom; Park or Playground; Pawn Shops;

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Place of Worship; Print Shop (Minor); Reception Hall; Restaurant; Retail Sales and Service; School (Public or Private); Small Engineer Repair Shop; and Trade School.

GB2 Permitted residential uses within the district include: NA

GB2 Conditional uses include: Animal Establishments (Commercial); Bail Bond; Commercial Recreation and Entertainment (Outdoor); Data Center; Drive-in/Thru; Financial Services Institution (Alternative); Gas Stations; Hotel/Hotel Residence; Mobile Food Park; Nursery Indoor/Outdoor Sales; Truck/Trailer Rental; Utilities; and Wireless Telecommunication Facilities.

COMPREHENSIVE PLAN:

The Comprehensive Plan, Preferred Land Use Vision Plan (Future Land Use Map) designates the subject site for “Low to Medium-Density” residential, with an employment center directly north at the SH45 and North Heatherwilde Boulevard intersection. The Comprehensive Plan describes the importance of having employment centers located along SH130 and SH45. Access is critical for the centers as well as the proximity to other employment centers and destination retail. According to the Comprehensive plan, North Heatherwilde Boulevard is classified as arterial-level street, which accommodate large amounts of traffic over a long distance. Due to the nature of the roadway, this site is deemed appropriate for commercial land uses, which complement the employment center directly north of the subject site. The proposed GB1 and GB2 districts will continue to allow for commercial and employment opportunity, which is consistent with the land use plan.

STAFF RECOMMENDATION:

Throughout the rezoning process thus far, the property owner has been very responsive and willing to listen to the suggestions of the city. The property owner was willing to change the original proposal to better accommodate with the surrounding existing and future developments. Originally, the property owner proposed to rezone the entire 6.91 acres to General Business 2 (GB2). After meeting with the city, the property owner amended the application to rezone the 0.45 acres fronting North Heatherwilde Boulevard to General Business 1 (GB1) to create consistency with the existing properties along North Heatherwilde Boulevard. The General Business 1 (GB1) District permits a full range of retail and office uses with a city-wide and even regional trade area. The proposed commercial use of the General Business 1 (GB1) portion of the subject site is consistent with the existing adjacent commercial properties to the east and north.

The property owner intends to develop the remaining 6.46 acres to the west under the General Business 2 (GB2) zoning district. The General Business 2 (GB2) district allows for more intense commercial uses and should be located near a collector or higher classified thoroughfare. The proposed commercial use of the General Business 2 (GB2) portion of the subject site complements the existing zoning and permitted land uses to the north, the Light Industrial (LI) District. The aesthetic of any future structures will not be affected by the rezoning; the General Business 2 (GB2) district requires the same architectural standards as the General Business 1 (GB1) district. The existing Light Industrial (LI) district to the north requires different architectural standards than the General Business 1 and 2 districts. Both the Light Industrial (LI) and General Business 2 (GB2) districts require additional setback distances and screening measures when abutting single-

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family residential development, which the property owner is fully aware of. Also, the entire western border of the site is separated from the residential development to the west by the existing 130' wide strip of land allocated formally as the MoKan railway, now a right-of-way controlled by TxDOT.

The General Business 1 (GB1) and General Business 2 (GB2) districts proposed within the Kuempel Commercial site will allow for greater compatibility with both existing zoning districts and developments surrounding the subject site. North Heatherwilde Boulevard, an arterial street, is classified appropriate by the Comprehensive plan to provide access to more intense, commercial-driven development, which would help foster more employment opportunities to the north as called out in the Preferred Land Use Vision Plan. The Kuempel Commercial rezoning proposal to General Business 1 (GB1) and General Business 2 (GB2) is found compatible with the adjacent land uses and appropriate development complementing the employment center to the north; therefore, staff recommends approval of the proposed rezoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

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The Planning and Zoning Commission conducted a public hearing on September 18, 2017 and recommended approval of the General Business 1 (GB1) and General Business 2 (GB2) zoning district with a vote of 7-0.

NOTIFICATION:

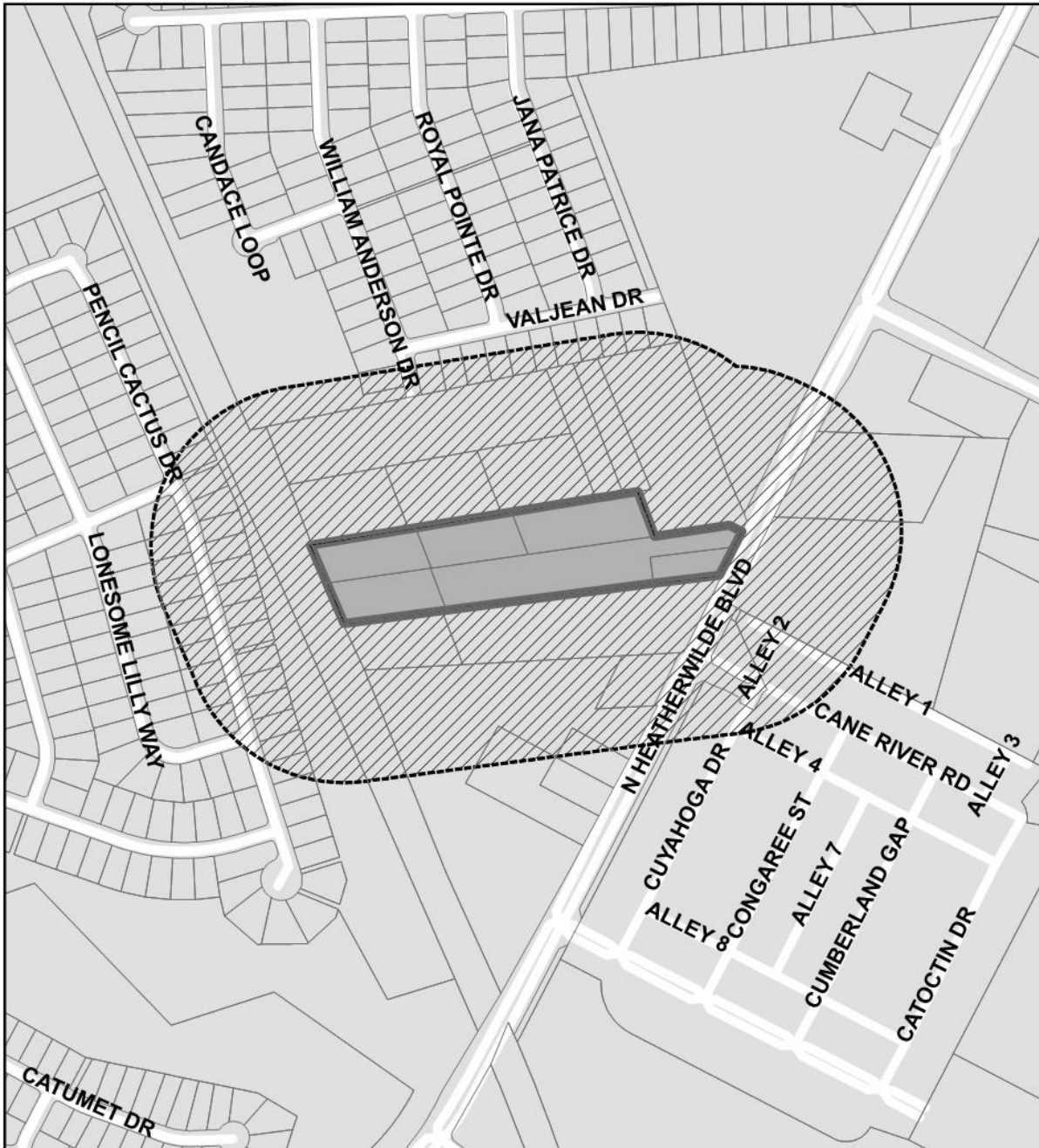
Newspaper Notification was published and notification letters were mailed to property owners within 500 feet of the property, and a sign was posted on the property, all in accordance with the minimum notification requirements. No inquiries were received regarding the proposed request at the time of this report.

ATTACHMENTS:

- Notification Map
- Zoning Map
- Aerial
- Rezoning Survey
- Site Pictures
- Ordinance No. 578-00-02-22
- Applicant Request (See attachment)

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NOTIFICATION MAP



**Kuempel Commercial
 (GB1 to GB2)**

**Case Number:
 REZ1708-01**

08/14/2017

Legend

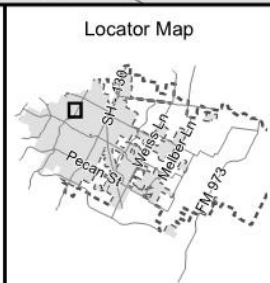
- Rezoning
- Notification Area
- ETJ
- City Limits

0 300 600 Feet

N

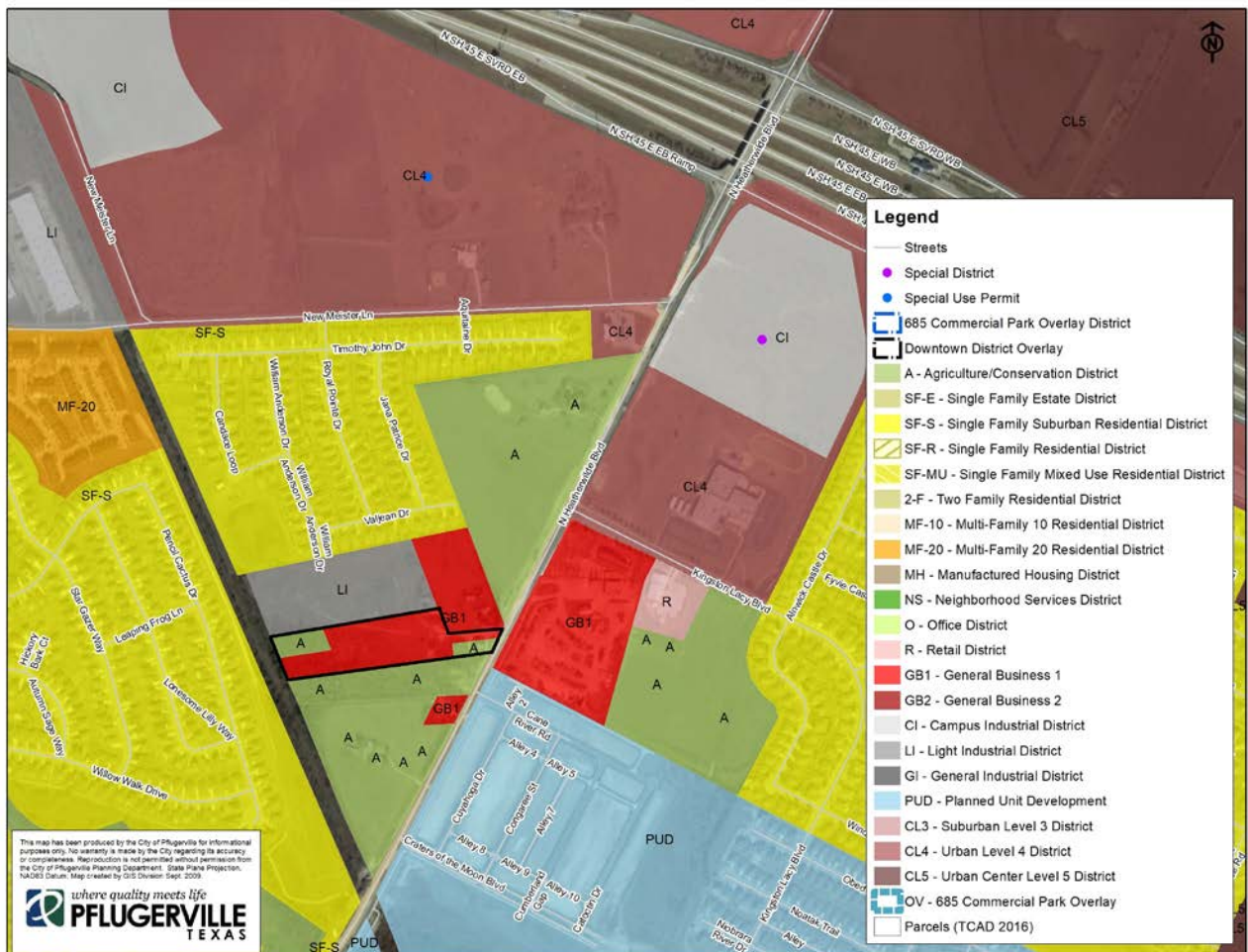
When required the City of Pflugerville complies with Texas Local Government Code for public notifications. All notification addresses are derived from tax rate information that is certified annually.

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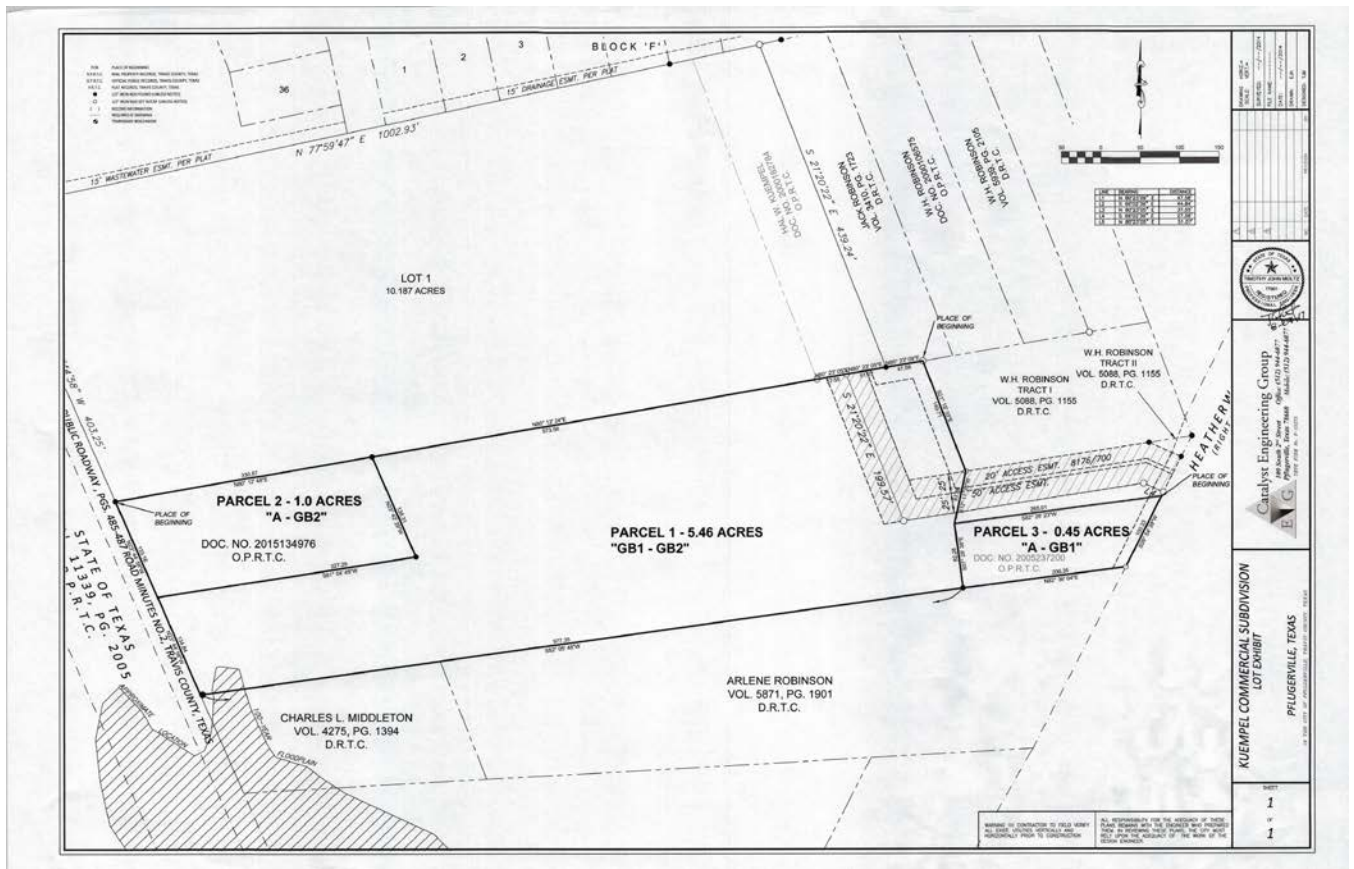
ZONING MAP



AERIAL



REZONING SURVEY



SITE IMAGES



The site from North Heatherwilde Boulevard (Facing West)



Across from the site on North Heatherwilde Boulevard (Facing East)

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Ordinance No. 578-00-02-22

