



City of Pflugerville

Minutes - Final Planning and Zoning Commission

Monday, August 1, 2011

7:00 PM

100 E Main St., Suite 500

1 Call to Order

Staff present was: **Trey Fletcher, Managing Director of Operations; Jeremy Frazzell, Senior Planner; Hazel Sherrod, Planning Administrative Technician; and Vicky Loera, Secretary II.**

Present 7 - Chairman Naji Norder, Vice Chairman Thomas Anker, Member Sam Storms, Member Rodney Blackburn, Member Lisa Ely, Member Kathy Taylor, and Member Kirk Lowe

2 Citizens Communication

There were none.

3 Public Hearing

A ORD-0071 Conduct a Public Hearing and Consider an application to change the zoning of approx. 5.773 acres from General Business 1 (GB1) to Light Industrial (LI) for Lot 2, Block A Pfairway Office Park, Pflugerville, TX to be known as the 2911 A.W. Grimes Rezoning. The property is located generally north of the A.W. Grimes and W. Pflugerville Pkwy intersection. (REZ1106-01)

Jeremy Frazzell reviewed the location of the area, history of the lots and described the lots currently zoned General Business-1 (GB-1). Mr. Frazzell continued to say that the applicant, Shoreline Boat and RV Repair, is interested in putting a vehicular repair and services business on that site. Mr. Frazzell stated that the proposed business requires storage of vehicles which is not permitted in the GB-1 but is in Light Industrial (LI) zoned lots. Staff recommends approval for the proposed rezoning from GB-1 to LI.

Mr. Norder asked if there is a height difference between this property and Cambridge Heights Subdivision and Pflugerville Heights.

Mr. Frazzell clarified that this lot was not much higher than Cambridge Heights but higher than Pflugerville Heights.

Ms. Taylor asked Mr. Frazzell if a mobile home sales park can go in a Light Industrial zoning. Mr. Frazzell answered, yes.

Mr. Norder asked Mr. Frazzell to go over the storage options that are allowed in the LI zoning district. Mr. Frazzell answered: open storage is a permitted land use by right within the LI zoning district. Open storage is not allowed in a GB-1 or any other zoning district. Also a contractor shop with a storage yard is

permitted in the LI district also and not allowed in any other zoning districts.

Kari Blachly, representing the owner of Shoreline Boat and RV, described the particulars of the shop. Ms. Blachly explained that her client does not repair mechanical motors or engines, they specialize primarily in high dollar RV's and big boats, they are a body shop. They have a very specific clientele, people who have boat repairs. The storage component would act not only as a service to the client but to the residents in the community that owns RV's or boats. Especially if the residents have HOA's that does not allow the parking of RV's within the subdivision. The business has been active on for 12 years with locations in Kansas City and in Tulsa. Ms. Blachly explained how this will serve the community offering 15 to 25 jobs in the Pflugerville area. The company is community based and will benefit the city.

Mr. Storms asked what the address is in Tulsa.

Ms. Blachly answered 12526 E. 52nd Street South and in Kansas, the address is on Shamrock Way.

Ms. Katherine Taylor voiced many concerns such as the screening, security, open storage, fences and how would it be shielded from view.

Ms. Taylor stated that she would have to ask staff what type of fencing is permitted.

Mr. Frazzell commented that chain link fencing is not permitted by right within the City. The screening is typically is of opaque and the fencing would have to be constructed of cedar or a concrete type fencing.

Ms. Blachly stated that they would comply with City Ordinance and regulations.

The applicant made reference to their website; www.shorlineboatandrv.com

Ms. Taylor commented on the traffic concerns coming in and out of the neighborhood and asked if the applicant has communicated with staff on traffic mitigation.

Ms. Blachly stated that they would meet with staff when it comes to that point.

Ms. Taylor stated that this is a good business to have in Pflugerville, but this property is not an ideal piece of land for this type of business because of its location, there is a residential community across the street.

Mr. Blackburn asked where the units would be stored, open storage and the visibility of the RV's.

Ms. Blachly stated that all units (boats and RV's) would be stored inside the building to be protected from weather and elements.

The Commissioners, Staff and Ms. Blachly discussed the differences between GB1, GB2 and LI zoning districts and what zoning district would be best fitted for Shoreline Boat and RV.

Mr. Norder opened the floor for public comments for the attending citizens.

Mr. Norder noted that a letter was received from First State Bank of Central Texas opposing the proposed zoning change.

Glen Cook of 2911 A W Grimes Blvd. spoke. Mr. Cook said that as a real estate broker he is all about growth, developing property and he has done so in Pflugerville himself. Mr. Cook says appreciates what the applicant is trying to do, but he does not think LI is correct for this. Not knowing exactly what is coming into that area. That particular property was all encompassed in the Tall Grass Professional Office and Medical Park. Times got hard the owner lost it and the bank took back most of it. He is a property owner in this complex along with other business owners on that site. Mr. Cook stated that he is not opposed to the business; only the LI zoning change and he would like to see some plans, to reconsider what may be developed on this site. Mr. Cook opposes the zone change to Light Industrial. Mr. Cook said that he represents the bank in the Tall Grass Professional Medical and Office Park and they are totally opposed the zoning change to LI as well. He does not want to look out his front door and see RV's across his yard.

Pat Brown owner of 2925 A W Grimes Blvd., agrees with Mr. Cook and Mr. Blackburn and if the property could be zoned GB2 that would be great. Mr. Brown states that he worries what LI would be like in the future. Mr. Brown opposes the zone change.

Phil Snead the owner of Tandem Logistics, located at 2911 A W Grimes Blvd., at the Tall Grass Professional Medical Plaza, and he opposes the zoning change. Owners of the condominiums and the bank have plans and efforts to rejuvenate and revitalize the area. Mr. Snead agrees that this is not a good location for this type of business 1) Concerned about his out of town clients and customers coming in and out of his business and not viewing an aesthetically pleasing environment. 2) Currently, A W Grimes traffic is very dangerous and with large trucks coming in and out of the complex is a huge concern and as a property owner, Tall Grass is a professional complex and adding a Boat and RV storage type business just seems that it would be a misalignment.

Elena Perales residing at 2919 A W Grimes Blvd. spoke. Ms. Perales lives next door to the property being discussed is concerned of the traffic, hours of operation, trees and shrubs that are growing along the property line, repair RV's and fiberglass issues. The smell and the noise is another main concern of hers. Ms. Perales asked if there will be fiberglass work being done at that location. Ms. Perales opposes the zone change.

Mr. Norder made a motion to close the public hearing. Mr. Blackburn seconded the motion. The public hearing closed.

Mr. Norder asked if the applicant would like to come up and address the questions that were asked earlier regarding odors from a shop of this type.

Ms. Blachly stated that this would be a body shop for boats and RV's and those do consist of fiberglass, there will be fiberglass repair at this site.

Mr. Blackburn asked if the applicant has a projection of revenues, sales tax revenues, etc. Also, there was conversation to recommend rezoning to GB-2

Ms. Blachly stated that she did not have that information and also mentioned that GB2 would not benefit this type of establishment. The business hours are from 7:30 am to 5:00 pm. There may be about 20-60 vehicles store on site at a time on location. Ms. Blachly stated that a GB-2 zoning district is not going to work with the way the business operates and the business needs to have the ability to use all of the land to its fullest extent.

Mr. Blackburn made a motion to deny the request to rezone from General Business-1 (GB-1) to Light Industrial (LI). Mr. Storms seconded. All in favor. Motion carried unanimously to deny the rezoning of this property to LI.

Mr. Norder made a motion to recommend to City Council to rezone this property to the GB-2 district. Mr. Blackburn seconded. All in favor. Motion carried unanimously to rezone this property 2911 A W Grimes Blvd., to a General Business-2 (GB-2) district.

B ORD-0072

Conduct a Public Hearing and Consider an application to change the zoning of approx. 2.317 acres from General Business 2 (GB2) to Light Industrial (LI) for Lot 17, Block I North Park Section 5, Pflugerville, TX to be known as the Eagle 2000 Rezoning. The property is located at 1409 Royston Lane. (REZ1106-02)

Naji Norder stated that the applicant representing Eagle 2000 wants to table the Public Hearing but was later decided to proceed with the public hearing. Mr. Norder explained to the applicant the process behind tabling the public hearing and expressed his opinion to table this item before the public hearing. The applicant insists on continuing with the public hearing tonight.

Jody Hageman of 300 Bowie, Suite 100B, Austin, TX. , stated that she spoke with Mr. Fletcher before the meeting and she decided to proceed with the Public Hearing to review and if there are neighbors in the audience requesting to speak and voicing their concerns, they will have a chance to hear them. They can meet with the residents and try to address their concerns before the City Council meeting.

Mr. Blackburn made it clear to Ms. Hageman that if her request is denied and it goes before City Council, she will need the vote of a super majority for it to pass.

Mr. Norder read the item and opened to be discussed.

Jeremy Frazzell discussed the location on Grand Avenue Pkwy., and its history. The property is currently zoned GB-2. Mr. Frazzell mentioned that he received a letter of petition today from a resident that was not included in the packets.

Mr. Frazzell stated that the applicant is requesting to rezone from GB-2 to Light Industrial (LI) zoning district, to address limitations and design requirements for future tenants. Mr. Frazzell reviewed the surrounding businesses/residential and the GB-2 vs. the LI comparisons to try to address the adjacency issues.

Mr. Norder asked if the Codes site specific reasons why LI is not intended to be adjacent to residential.

Mr. Frazzell will review the Code to try and locate that answer.

Mr. Frazzell and Staff recommends denying this request for the following reasons: Mixed use and neighborhood center identified in the Comprehensive Plan, GB-2 allows for similar land uses, contractor shop warehouse distribution and concerns with proximity of residential land use to potential open storage permitted only in LI.

Jody Hageman stated that they, the applicant, didn't know that they had any complaints from the neighbors and felt optimistic about the zone change. Ms. Hageman stated that they will communicate with the neighbors and will address their concerns. Ms. Hageman said there will be a burden on the applicant to construct another building for storage, instead of having outdoors storage with screening. Ms. Hageman understands the code does require screening on outdoor storage.

Mr. Blackburn asked what if there was a tenant there presently.

Ms. Hageman answered that there is a tenant paying rent and the lease is still in place but the tenant has vacated the premises. The site was a concrete and stone company but is no longer there.

Mr. Fletcher clarified that the tenant has vacated and the site is no longer vested with that use therefore, it is not considered grandfathered because the business was vacated, unless they did everything inside and they have to conform to that use.

Eddie Oliver, 510 W 15th St., Austin, TX 78701, spoke on behalf of the owner.

Mr. Blackburn asked what type business is the client in?

Mr. Oliver answered a contractor type company where there will be a warehouse and or outdoor type use such as construction, sprinkler etc. The company there before was a material/stone based company. A lumber company is interested in the lot and their question is can they build an outdoor cover for the wood products.

Mr. Norder asked if there were any other questions or discussion and will hear comments from audience. Mr. Norder noted that Ms. Loretta Ford presented a letter of petition earlier today opposing the zoning request from GB-2 to LI.

Mary Poche, 203 W Main St., the Business Recruiting Specialist for the Pflugerville Community Development Corporation spoke. PCDC tries to recruit new businesses and industry to the Pflugerville area to provide jobs, and help provide monies for our tax base. Most of the request for proposals that she works on from the Governor's Office of Economic Development and from the Greater Austin Chamber of Commerce, which PCDC is part of the regional group, typically for the primary sector businesses they are trying to attract, they generally ask that the piece of property that the building is on be zoned Light Industrial. If the property is not zoned Light Industrial you are generally asked not to respond. To work on trying to attract businesses in Pflugerville, there are very few places to put a Light Industrial business. PCDC is in support of the Light Industrial zoning and wants to encourage businesses in

the Pflugerville area.

Francia Baez, 1418 Suzie Ln., spoke. Ms. Baez has been there since 1995 and she opposes the LI zoning district, the business in question was built after her home and the subdivision. Ms. Baez stated that lumber makes a lot of noise; snakes, (which she has to kill) and rodents will be attracted. Ms. Baez urges the Commissioners to take the recommendation of the Staff to heart and not approve the zoning change. Ms. Baez is opposed to the zoning change from GB-2 to LI. Ms. Baez noted that Pflugerville has done a lot of positive things. Pflugerville is designed for the future and has one of the best infrastructures when it comes to transportation. Pflugerville is doing the right thing in the right way when it comes to zoning, so let's keep doing the right thing.

Daniel Smothers, 1515 Freestone Dr., is the North Park HOA president. Mr. Smothers stated that they were never contacted about the businesses request to rezone and this zoning request makes him feel uncomfortable. His son plays in the park next to the property and he is concerned about the pollution this will cause. Mr. Smothers opposes the rezoning.

Angela Baez, 1418 Suzie Ln., spoke in opposition to this lumber company. Ms. Baez wants to keep the zoning as GB-2. Her house was been in 1995 and they have been there before the business in question.

Mr. Norder makes a motion to close the public hearing. Mr. Aker seconded that motion. The public hearing closed.

Mr. Norder asked Mr. Frazzell if he found citing in the Code about the adjacency of LI districts and residential districts.

Mr. Frazzell answered that according to the Code; LI should be located along major arterial streets or separated from Arterial Street by GB-1 and GB-2 Districts. LI can be located along the same area which is suitable for General Industrial (GI) district.

Mr. Norder makes a motion to deny the rezoning of this property from GB-2 to LI. Ms. Taylor seconded that motion.

Mr. Anker added & agrees with Mr. Norder comments on residents concerns and issues on having LI type business vs. GB2.

Mr. Blackburn asked what type of buffering/screening would you put up?

Mr. Oliver answered whatever the code allows.

Mr. Frazzell answered that on outside storage an 8ft screening fence is allowed for buffering.

Mr. Norder motioned to deny the property request from GB-2 to LI zoning. Ms. Taylor seconded that motion. All in favor. Motion carried unanimously to deny the rezoning request for Eagle 2000 from GB-2 to LI.

4 Consent Agenda

Approved on the Consent Agenda

A **2011-0747** Approving a Subdivision Variance to Subchapter 15(Q)(4)(a) of the Unified Development Code and a Final Plat for Stone Hill Town Center Section Two, Phase One; a 33.7956-acre tract of land out of the T.G. Stewart Survey No. 6, Abstract No. 689 in Pflugerville, Texas. (FP1107-01)

Approved on the Consent Agenda

B **2011-0752** Approve the minutes for July 18, 2011 Planning and Zoning Commission Meeting.

Mr. Blackburn made a motion to approve the Consent Agenda as written. Ms. Ely seconded that motion. All in favor. Motion carried.

5 **Council Action Update**

A **2011-0744** Council Action Update

Mr. Fletcher presented the Council Action Update.

6 **Future Agenda Items**

Falcon Point Section 12 and Falcon Pointe Blvd Extension Final Plats.

7 **Adjourn**

Mr. Blackburn made a motion to adjourn. Mr. Norder seconded that motion. Meeting adjourned at 8:35p.m.

**Naji Norder, Chairman
Planning and Zoning Commission**

Respectfully, submitted by _____ on the 19th day of September, 2011.