



# City of Pflugerville

## Minutes - Final Planning and Zoning Commission

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Monday, November 1, 2010

7:00 PM

100 E Main St., Suite 500

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### 1 Call to Order

The meeting was called to order by Mr. Anker, Vice Chair, at 7:00 p.m.

**Staff present:** Trey Fletcher, Managing Director of Operations; Erin Sellers, Planner II; Amy Atkins, Interim Parks and Recreation Director; and Hazel Sherrod, Planning Administrative Technician.

**Present** 6 - Member Sam Storms, Member Rodney Blackburn, Member Lisa Ely, Vice Chairman Thomas Anker, Member Kirk Lowe, and Member Kathy Taylor

**Absent** 1 - Chairman Najj Norder

### 2 Citizens Communication

None.

### 3 Public Hearing

**ORD-0025** Hold a public hearing and consider a text amendment to Chapter 157: Unified Development Code; Amending Subchapter 5 Establishment of Overlays and Special Districts; (A)(3) to allow for a Body Art Studio in the Central Business District and Subchapter 4; (B)(3) -12 to amend a land use condition of a Body Art Studio. (CA1010-01)

Erin Sellers presented this item and Staff's recommendation.

Ryan Dodson, applicant, stepped up to the podium to speak and answer questions. Mr. Anker asked him if he owned any other businesses outside of Pflugerville. Mr. Dodson answered no.

Mr. Blackburn stated that he does not particularly care for tattoo parlors or some of the clientele it brings in. However, he does not want to infringe upon Mr. Dodson's right to apply to open an establishment. He does not think he has the right to say no and prevent it. He believes that the way staff has written it he has to go through the P & Z Commission again and go before City Council also. Then there will be a lot of public input that goes into this decision. Mr. Blackburn said he will vote to approve it for the specific use permit and allow the citizens this will affect to allow the opportunity to have their say.

Mr. Anker motioned to close the public hearing. Mr. Blackburn seconded that motion. Public hearing was closed.

Mr. Storms noted that as a citizen of Pflugerville, he is against it now and in the future. He does not know that he wants to put this on City Council and the public. Mr. Storms motioned to leave the language in the zoning ordinance as it stands.

Ms. Ely noted that her concern is that we are once again trying to make a modification to the zoning ordinance and we are getting in the habit of making exceptions because we have made it once before, so why not again. Ms. Ely believes that we should be making constant modifications to the zoning ordinances, because we spend so much time working on the ordinance to begin with.

Mr. Anker asked as it currently stands, where is the area a business of this nature can be opened?

Erin Sellers said that there is a 1000 ft buffer from residential zoning which is the general land use condition of a body art studio. The Corridor District zoning is by a separate zoning districts and a body art studio is not permitted.

Mr. Anker noted that because of the way it is set up, to totally exclude the body art studio would not allow the applicant to get a public hearing in front of the residents that will be affected by this zoning is kind of harsh. He is leaning a bit towards creating a path for someone to follow within our city if they want to open such business and not totally disallow it. Without commenting on whether or not he personally thinks it is a good idea, he believes that is the perfect reason that public hearing for this type of business will be useful.

Ms. Taylor noted that one thing the City of Pflugerville is driving for is to have citizens shop local and in order to shop local you have to provide the types of

businesses that people will shop at. There is a huge market for this particular type of business. Ms. Taylor will not comment on her personal feelings about it but she has noticed alot of vacant retail space about town.

Mr. Dodson spoke again, noting that his clients are law enforcement, waiters and business personnel. He has a steady clientele and would appreciate the opportunity to open his business here, in Pflugerville. He is a resident and a tax payer and would like his business to be in the city.

Mr. Lowe noted that to not give an applicant the opportunity to come before the Planning and Zoning Commission and City Council to have a public hearing and not have a shot at opening this type of business seems to be unfair. He is hoping to at least let someone come before them and present their case.

Mr. Storms motioned to deny and leave the zoning ordinance language as it is. Ms. Taylor Nay, Mr. Lowe Nay, Ms. Ely Aye, Mr. Anker nay, Mr. Blackburn Nay, Mr. Storms Aye.

Mr. Blackburn motioned to accept staffs recommendation as stated. Ms. Taylor Aye, Mr. Lowe Aye, Ms. Ely Nay, Mr. Anker Aye, Mr. Blackburn Aye, Mr. Storms Nay. Motion passes with a vote of 4 to 2.

A motion was made by Member Sam Storms to approve this item. Member Kirk Lowe seconded that motion. The motion carried by the following vote:

**Aye:** 4 - Member Rodney Blackburn, Vice Chairman Thomas Anker, Member Kirk Lowe, and Member Kathy Taylor

**Nay:** 2 - Member Sam Storms, and Member Lisa Ely

#### **4 Discuss and Consider**

2010-0269

A motion was made to approve the minutes, of the October 4, 2010 Planning and Zoning Commission, as written by Member Rodney Blackburn, seconded by Member Lisa Ely. The motion was carried by the following vote:

**ORD-0021** Discuss and consider an Ordinance Amending Chapter 157: Unified Development Code; Amending Subchapter 4 Establishments of Districts and Boundaries; Residential Zoning Districts and Office, Retail and Commercial Zoning Districts to add requirements addressing athletic practice fields with and without lighting; and amending Subchapter 13 Lighting Standards.

Trey Fletcher presented this item. This was heard at the City Council meeting for a public hearing last week. Staff is working with the Parks Department to establish a framework to allow the lighting of athletic fields specifically for practice purposes. The lighting standards that are proposed are not intended to allow games or competitions, the lights are not that bright. Mr. Fletcher presented some pros and cons of allowing lighting in the practice fields. There is a change to staff's recommendation and that is to delete the row from the use table, "Athletic Fields (No Lighting Required)".

Mr. Storms believes there is a way to incorporate field lighting with bothering the neighboring residents. He believes noise will be more of a nuisance than the lighting itself.

Mr. Fletcher noted that the intent of this ordinance is to accommodate practice fields, for safety purposes. This will allow for neighbors to be notified when a public hearing is called to voice their opinions. This ordinance can be set in place to follow the Parks and Recreation's policy where the parks hours end at 10 p.m.

Mr. Fletcher noted that we do not allow lights that are over 30 ft in height and it has to be down casted.

Mr. Storms asked if there are some type of standards in place to allow for proper lighting in practice fields, such as the American Lighting Standards.

Mr. Fletcher noted that the city is following these standards.

Mr. Lowe noted that his issue is that the time the light goes off at 10 pm and the park users may loiter after 10 pm.

Ms. Taylor noted that she has a problem with the language of the ordinance.

Ms. Taylor made a motion to accept the ordinance with two changes: 1) strike the wordings on page 26, item 3 (a) "unless it is needed to complete a specific activity or event already in progress at 10:00p.m.". and (2) in the use table strike "Athletic Field with no light required", permitted by right.

Mr. Blackburn seconded the motion. All in favor. Motion carried.

A motion was made to approve this ordinance by . The motion by the following vote:

**Aye:** 6 - Member Sam Storms, Member Rodney Blackburn, Member Lisa Ely, Vice Chairman Thomas Anker, Member Kirk Lowe, and Member Kathy Taylor

**5 Council Action Update**

City Council approved the Text Amendment to Chapter 157: Unified Development Code; amending Subchapter 4; addressing setbacks for storage units.

**6 Future Agenda Items**

Blackhawk Far East - Preliminary Plat

Sorento - Preliminary Plat

**7 Adjourn**

This meeting was Adjourn.

Naji Norder, Chairman  
Planning and Zoning Commission

Respectfully, submitted by \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2010.