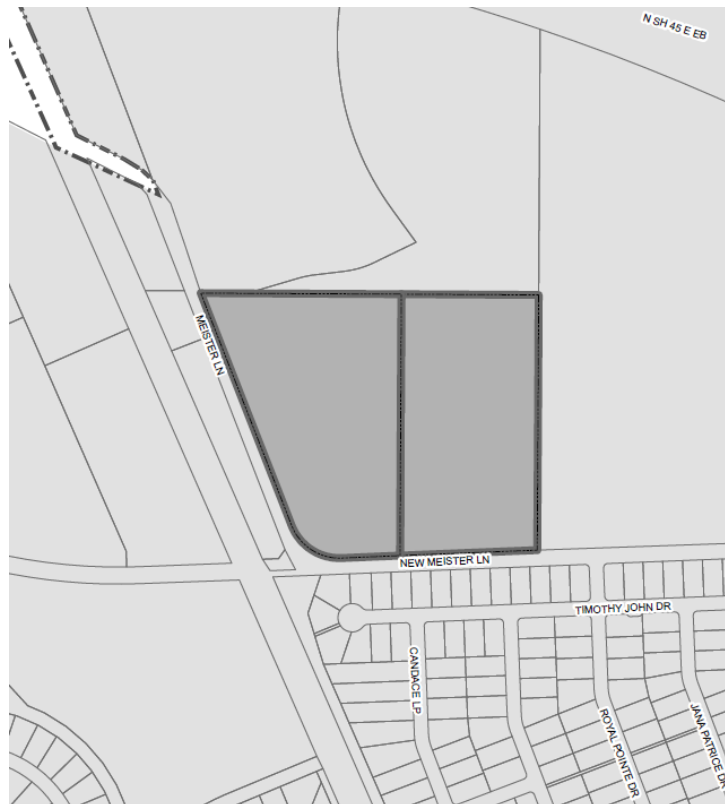


Planning and Zoning:	10/3/2022	Staff Contact:	Michael Patroski, Senior Planner
Agenda Item:	2022-0926	E-mail:	michaelp@pflugervilletx.gov
Case No.	2022-2-VAR	Phone:	512-990-6300

SUBJECT: Discuss and consider action regarding an application for a waiver from Section 11.9, Fence and Wall Standards, to allow for a boundary fence with a maximum height of eight-feet for an approximately 22.847 acre property generally located at the southeast corner of New Meister and Meister Lane, locally addressed as 600 New Meister Lane, to be known as the Skybox Fence Waiver (2022-2-VAR).

LOCATION: The subject property is located south of SH 45, north of New Meister Lane, east of Meister Lane (future Kenney Fort Blvd.) and west of Heatherwilde Blvd., locally addressed 600 New Meister Lane.



Location Map

SUMMARY

The applicant is requesting a waiver from Section 11.9, Fence and Wall Standards, to allow for an eight-foot boundary fence. The Unified Development Code has a maximum height of six (6) feet in height, and allows for an administrative approval by the Planning & Development Services Director for up to seven (7) feet “when topographic or other site constraints exist”. This site was granted an administrative approval to allow for up to 7’, which was approved with the properties’ site plan. Lot 1, Block A of the Longhorn Addition Subdivision (approximately 10.122 acres) has a recorded plat as well as approved site plan for an approximately 141,282 sq. ft. data center, and the developer intends to develop the adjacent parcel, Lot 2, Block A (approximately 12.725-acre parcel) as a data center as well. It is noteworthy that while Lot 2, Block A has an approved final plat that plat has not been recorded, and there is not an approved site plan. The applicant stated that for a fence to have an adequate crash rating, the height must be a minimum of eight (8) feet. They further indicated that 8 to 10 feet is the industry standard for providing the necessary security required by data centers in a competitive market.

Pursuant to Section 2.2.4.G of the Unified Development Code, the Planning and Zoning Commission may consider proposed waivers greater than 20% from the minimum site development standards and requirement within Subchapters 9, 10, and 11 within all zoning districts. After making its determination, the waiver application may be appealed to the City Council by filing a request for an appeal within thirty (30) days after the date of consideration by the Planning and Zoning Commission.

Should the Commission approve the requested waiver, the applicant would be required to apply for a revision to their approved site plan to include the details for the fence, which will still be subject to all other standards of the UDC.

ZONING

The properties are zoned Campus Industrial (CI) which supports a data centers.

WAIVER CONSIDERATION

The following criteria shall be considered when determining the appropriateness of the applicants request for a waiver to section 11.9.A of the Unified Development Code:

- The land use is permitted within the zoning district;
- All health and safety regulations have been met;
- The granting of the administrative waiver prevents an unreasonable financial loss;
- The initial improvements installed prior to the temporary certificate of occupancy is a significant improvement to the non-conforming sites which are evident when viewed from off-site premises;



- The granting of the administrative waiver does not negatively impact adjacent properties in terms of visibility of outdoor storage or other commonly perceived negative impacts of development on adjacent property;
- The granting of the administrative waiver is in harmony with the purpose and intent of this Chapter and of the Comprehensive Plan for the physical development of the surrounding area; and
- The granting of the administrative waiver is not to be contrary to the spirit and intent of this Chapter.

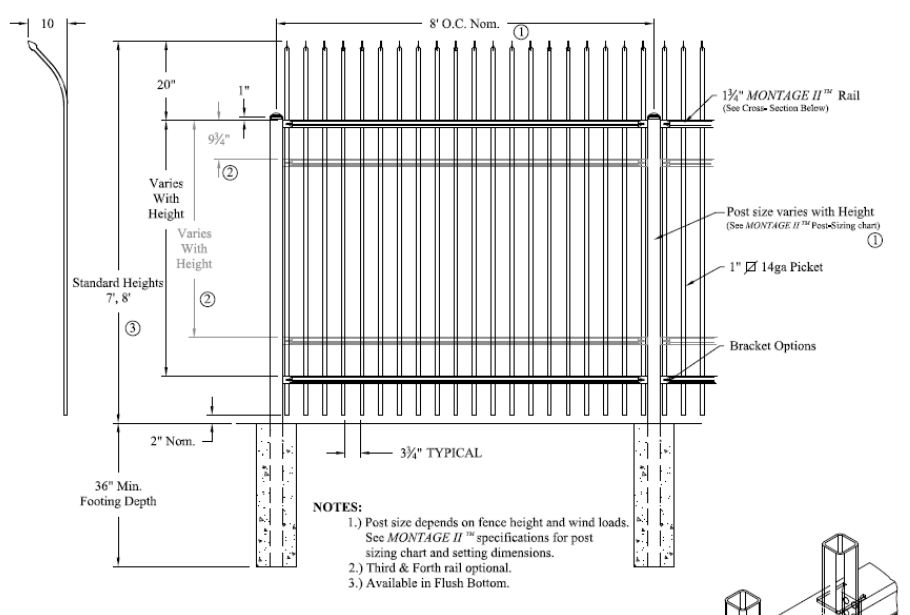
In granting a Waiver, the Planning and Zoning Commission or City Council may impose conditions upon the proposed use.

WAIVER REQUEST:

The applicant is requesting an eight-foot (8') security fence for the data center currently under construction at 600 New Meister Lane and for the adjacent property to west which is also intended to be a data center site. The applicant stated in their formal request:

To allow and ensure that the facility is properly secured and to comply with the tenant requirements, which are standard nationally for data center users, the additional 2-feet in fence height is needed to account for the following:

- *Crash rating – additional 2-feet of fence height provides necessary/required crash protection. The 6-foot fence height does not provide any crash rating component.*
- *Additional height of fence deters vehicles from potentially pulling up along side and being able to scale the fence. At 6-feet in height, this does not allow for, or provide the needed security that the 8-feet fence solution will.*



Example of Proposed Height and Material of Fence at Entrance:



Example of Proposed Height and Material of Fence at Property Line:



WAIVER CONSIDERATION

The following are the requirements found in Section 3.16 of the UDC that shall be considered when considering a waiver from Subchapter 11, Landscaping and Screening.

A. The land use is permitted within the zoning district.

Both of the subject properties have the designated zoning district of Campus Industrial (CI) which permits fencing in accordance with UDC Sec. 11 and the data center use.

B. All health and safety regulations have been met.

The site development plan for Skybox Data Center located at 600 New Meister Lane was approved by planning, engineering and fire department. All health and safety requirements defined in the Unified Development Code (UDC) have been addressed with the approved site development plan. Furthermore, the current vacant tract will also be subject to all health and safety standards defined in the UDC. It is not anticipated that the 8' fence will pose any threat to public health and safety.

C. The granting of the administrative waiver prevents an unreasonable financial loss.

The granting or denial of the additional fence height will not place an unreasonable financial loss to the applicant or property owner.

D. The initial improvements installed prior to the temporary certificate of occupancy is a significant improvement to the non-conforming sites which are evident when viewed from off-site premises.

This site is a conforming site. The site development plan for 600 New Meister Lane met all requirements or the current Unified Development Code. Additionally, any future development on either site will be held to all code and development standards of the City of Pflugerville.

E. The granting of the waiver does not negatively impact adjacent properties in terms of visibility of outdoor storage or other commonly perceived negative impacts of development on adjacent property.

The granting of the 8' perimeter fence will not have a negative impact on adjacent properties. The additional fence height will produce no noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition disturbance to neighboring lots and roadways. Furthermore, the perimeter fence will not impede on the sight visibility triangle or prevent any sight ability for commuters within the area.

F. The granting of the waiver is in harmony with the purpose and intent of this Chapter and of the Comprehensive Plan for the physical development of the surrounding area.

The granting of the 8' perimeter fence will not have any negative impacts on the purpose or intent of city code for the physical development of the area. Currently under the UDC Data Center is defined as:

A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems that supply information to a single or multiple end users off-site. Facilities typically require large amounts of electricity, strict temperature control and security, and will generally have few employees present on-site.

In addition to the use specifying for extended security measures, it should also be mentioned that there is a notable drop in elevation from the neighboring tract of land to the east. The grading plan for 600 New Meister Lane displays that there is a nine-foot slope (9'), slopping from 780' to 771' moving east to west. The slope can be seen in the image below taken from the neighboring driveway.



Considering the intended use of the structure requiring additional security measures and its topography in relation to its neighboring tract, the extended fence height to eight feet would assist in providing extra security to the subject property without creating any negative impacts to the immediate area.

G. The granting of the waiver is not to be contrary to the spirit and intent of this Chapter.

The granting of the waiver will not be contrary to the spirit and intent of of the UDC. In addition to the proposed fence being able to provide additional security measures, the fence will be a transparent wrought iron fence that will not wall off the proposed structures or deter from the natural view along public right-of-ways.

STAFF RECOMMENDATION:

Staff recommends finds that the proposed waiver complies with the approval criteria outlined in the Unified Development Code (as outlined above), thus staff recommends approval with the following conditions:

Conditions: The subject property may be permitted an 8' wrought iron fence when the subject property is utilized as a Data Center.

ATTACHMENTS:

- Location Map
- Zoning Map
- Applicant Request Letter
- Exhibit
- Site Plan

CURRENT SITE PICTURES:

New Meister Lane Facing West



New Meister Lane Facing East



**Side Property Line (West, Meister Lane)
Facing East**



**Side Property Line (West, Meister Lane)
Facing North**



Side Property Line (East, From Neighbors Driveway)

Facing South



Facing North

