

<b>Planning &amp; Zoning:</b>	4/2/2012	<b>Staff Contact:</b>	Jeremy Frazzell, Senior Planner
<b>City Council:</b>	4/24/2012	<b>E-mail:</b>	jeremyf@pflugervilletx.gov
<b>Case No.:</b>	REZ1203-01	<b>Phone:</b>	512-990-6300

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**SUBJECT:** To receive public comment and consider an application by the property owner, Terrell Timmermann, to rezone all lots included in the Pfluger Crossing South, Phase 1 subdivision consisting of 22.78 acres of land at the southwest corner of FM 685 and E. Pflugerville Pkwy from Corridor Urban Level 4 (CL4) to General Business 1 (GB1) district; and to consider a city initiated rezoning of all lots included in the Pfennig Lane-FM 685 Commercial subdivision and subsequent resubdivision consisting of approximately 28.792 acres of land at the northwest corner of FM 685 and Pfennig Ln from Corridor Urban Level 4 (CL4) to General Business 1 (GB1) district; all to be known as the Pfluger Crossing Rezoning. (REZ1203-01)

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**BACKGROUND/DISCUSSION:**

**LOCATION:**

The property is located along the west side of FM 685, between Pfennig Ln and Pflugerville Pkwy. The initial request to rezone was from the property owner of the Pfluger Crossing South subdivision, which consists of existing pad site restaurants, retail and a medical office. The City has initiated the rezoning for the Pfennig Lane-FM 685 Commercial subdivision and subsequent resubdivision which includes the Wal-Mart and other retail as well as financial institutions and a gas station.

**SUBDIVISION HISTORY:**

The Pfluger Crossing South, Phase 1 subdivision, reflected on the notification map as area "A", was established in September 2007. The Pfennig Lane-FM 685 Commercial subdivision, reflected on the notification map as area "B", was established in March 2006 with a subsequent resubdivision approved in January 2008.

**ANNEXATION and ZONING HISTORY:**

The area was annexed in the City in 2005 with the Pfennig Lane-FM 685 Commercial subdivision through Ordinance No. 776-5-02-22 and the Pfluger Crossing subdivision through Ordinance No. 788-05-05-24.

Upon annexation, both properties were zoned to Agriculture/Conservation (A). In April 2005, the Pfennig Lane area was rezoned to General Business (GB) (Ordinance No. 781-05-04-12) in anticipation of the Wal-Mart and associated retail development. In October 2005, a rezoning for 355 acres was approved which included a rezoning of the Pfluger Crossing South, Phase 1 subdivision from Agriculture/Conservation (A) to General Business (GB) (Ordinance No. 801-05-10-11). That rezoning also included additional land owned by Mr. Timmermann and included land to the west and north of Pfluger Crossing South subdivision.

In October 2007, after the SH 130 and SH 45 Corridor Development Strategy had been adopted by City Council, both subdivisions and surrounding area to the north, west and east were rezoned to the Corridor Urban Level 4 (CL4) district (Ordinance No. 913-07-10-09).

**COMPREHENSIVE PLAN DESIGNATION:**

The Comprehensive Plan identifies the area with a blend of mixed use, medium to high density residential and a regional center. Goals 2 and 3 and Policy 2.3 of the Land Use & Development Character chapter encourage infill around existing centers and at major intersections to reduce infrastructure costs and opportunities for employment, services, and growing the municipal tax base. A rezoning to the General Business 1 (GB1) district will maintain an ability to continue developing the area into a regional center with retail, employment and services.

**SURROUNDING ZONING AND LAND USE:**

Adjacent	Existing Zoning District	Existing Use
North	CL4	Unimproved land
South	GB1, CL3	Auction house, real estate office, automotive repair
East	CL4	Retail and unimproved land
West	CL4	Unimproved land

**ANALYSIS:**

The rezoning request for the Pfluger Crossing South, Phase 1 subdivision, reflected on the notification map as area “A”, is at the request of the owner, Terrell Timmermann, and generally intended to address a limitation of land uses associated with the current zoning. When the boundary lines were created for the SH 130 and SH 45 zoning districts, large tracts under single ownership and within close proximity to the toll roads were included. As identified by the applicant’s request letter (attached), the owner was a part of the SH 130 and SH 45 Corridor Committee and was aware that a large portion of his land would be included in the corridor zoning districts, but Pfluger Crossing South and Wal-Mart were planned developments and were not to be included in the zoning.

The owner has actively pursued users for the Pfluger Crossing South development and has contractual obligations with a convenience store/gas station for the lot at the southwest corner of Pflugerville Pkwy and FM 685. The existing zoning requires gas stations to meet the following conditions:

- Maximum of two corners of an intersection.
- Permitted only within 1,000 feet of SH 130 and SH 45.
- Maximum of twelve hoses.
- Canopy support columns must be encased in complimentary brick or stone.

When notified that the Pfluger Crossing South subdivision is greater than 1,000 feet from SH 130 and SH 45 and therefore a convenience store/gas station would not be permitted, the owner arranged a meeting with staff to discuss options. The Planning Department suggested pursuing a rezoning of the property to GB1 since the existing development plans were approved under that district and because the existing land uses would remain conforming. To retain

consistency, it was further discussed that the City would initiate the rezoning of the adjacent subdivision, reflected on the notification map as area “B”, which includes Wal-Mart and the other users due to similar circumstances. The gas station located off of Pfennig Lane near Wal-Mart was established while the property was zoned GB1 and is now currently legally non-conforming based on location and design requirements in the existing zoning district.

**INFRASTRUCTURE IMPACTS:**

**Transportation:** Both subdivisions have internal driveways which connect to Pflugerville Pkwy, FM 685 and Pfennig Lane. No additional public roadway networks were required during platting since both were established through development plans approved prior to the Corridor zoning. No new curb cuts have been discussed for the gas station in Pfluger Crossing South, Phase 1 subdivision and access to FM 685 is regulated by TxDOT.

**Traffic Impact:** A rezoning of the subdivisions will continue to allow retail sales and service, professional office, financial institutions, restaurants and similar existing commercial land uses. A rezoning would allow for a gas station which will add vehicle traffic within the subdivision and will be further analyzed at site development should the rezoning be approved.

**Water and Sewer:** Both subdivisions receive water and wastewater utility service from the City of Pflugerville. The proposed rezoning will not have an impact on how utility service is provided to the subdivisions.

**NOTIFICATION:**

Newspaper Notification was published on March 22, 2012 and notification letters were mailed to property owners within 500 feet of the property. Signs were posted on the property on March 23, 2012.

**STAFF RECOMMENDATION:**

With the majority of the development in both subdivisions approved while being zoned GB1, the change in zoning is not anticipated to dramatically change the character or form of either development nor is it anticipated to undermine the intentions of the community by reverting to the former zoning district. The current uses in both subdivisions are allowed in both the GB1 and CL4 districts, with the exception of the gas station located along Pfennig Lane.

Land east of FM 685 and north of Pflugerville Pkwy are within closer proximity to the toll ways than the subject subdivisions and were unimproved until after the corridor districts were implemented. Land directly south between Pfennig Lane and generally FM 685 is predominantly zoned GB1 and a continuation of the GB1 zoning district along the west side of FM 685 up to Pflugerville Pkwy would retain the Comprehensive Plan’s vision for mixed use and a regional center in this area.

Staff is currently working with a consultant to evaluate the Unified Development Code including the SH 130 and SH 45 Corridor district. The goal of the evaluation is to determine if the uses and form required in the UDC meet the expectations of a growing suburban community to

create quality development and place without unintentional impediments. Depending on the outcome of the UDC review, changes to the code may be needed, including re-evaluating current limitations for gas stations in the corridor.

Although a text amendment could be an option to resolve the immediate concern, a text amendment would apply to all land within the corridor, which may not be desirable. Rezoning both subdivisions to GB1 will retain the intent and form of the existing developments as approved and meet the owner's development intentions for the remainder of the property.

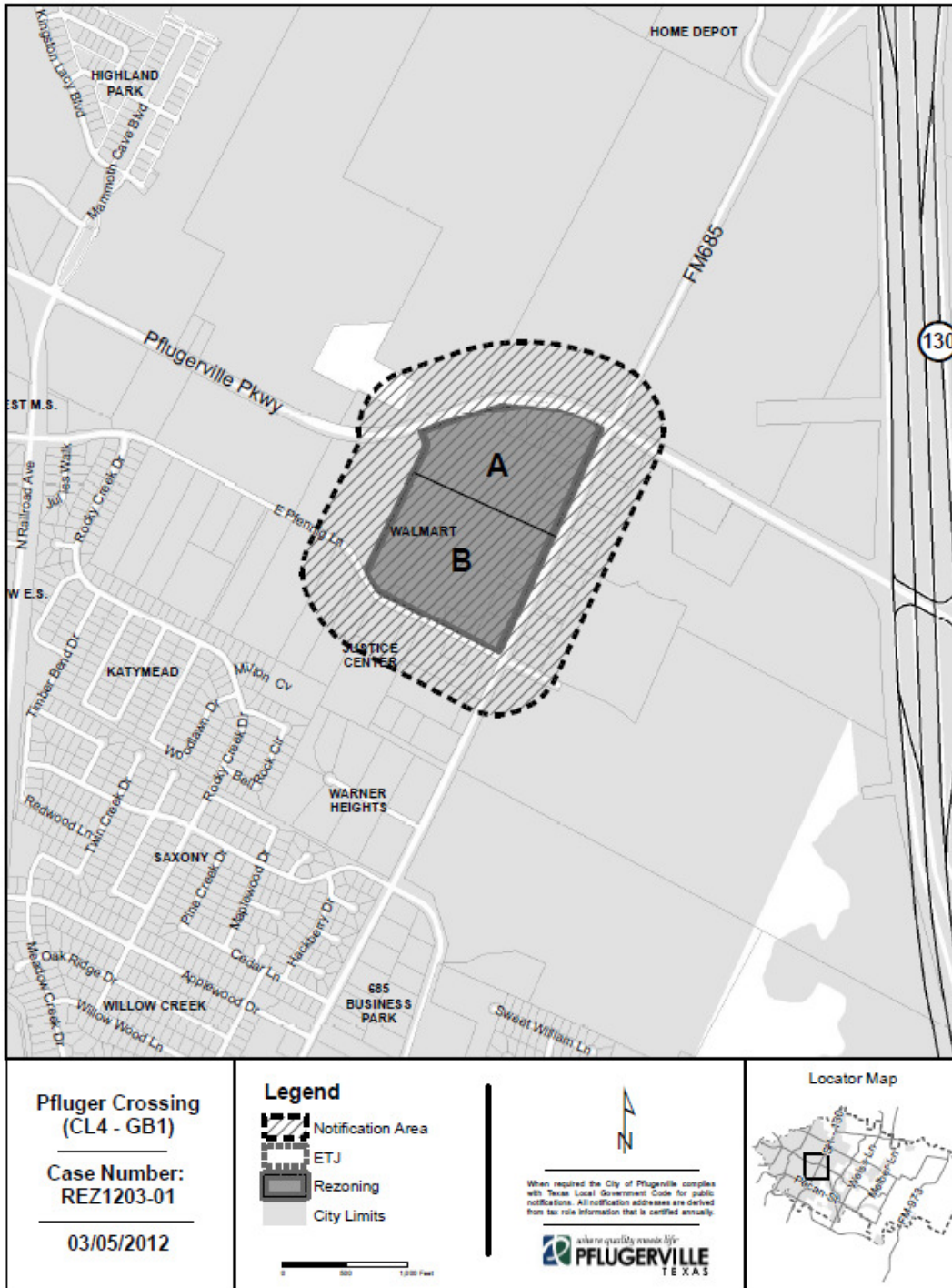
**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

On April 2, 2012, the Planning and Zoning Commission conducted a public hearing and with a vote of 5-1, recommended approval of the proposed rezoning.

**ATTACHMENTS:**

- Notification Map
- Subject Site Photos
- Applicant Letter
- Plats
- Zoning Map

**NOTIFICATION MAP WITH REFERENCED AREAS:**





**SITE PHOTOS:**



**SUBJECT SITE (REFERENCED AS "A")**



**SUBJECT SITE (REFERENCED AS "A")**



**SUBJECT SITE (REFERENCED AS "B")**



**SUBJECT SITE (REFERENCED AS "B")**



**SOUTH OF SITE**



**SOUTH OF SITE**



**NORTH OF SITE**



**EAST OF SITE**



**APPLICANT LETTER:**

**Greenview Development**  
606 West 12<sup>th</sup> Street  
Austin, Texas 78701  
Phone (512) 366-6680  
Fax (512) 366-6682

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City of Pflugerville  
Trey Fletcher  
Assistant City Manager  
100 East Main, Suite 300  
Pflugerville, TX 78691-0589

March 5, 2012

**Re: Zoning Request**

Dear Mr. Fletcher:

I am writing this letter on behalf of Terrell Timmermann to request a zoning change from Urban Level 4 to GB 1 at the Pfluger Crossing South subdivision. The reason we are seeking the change is because a proposed land use at the development is prohibited by the current zoning. When we brought Wal-Mart to Pflugerville, the project was annexed into the City and zoned GB 1 at that time. Moreover, when the concept, preliminary and final plat for Pfluger Crossing South was filed, the property was zoned GB 1. Furthermore, most of the current businesses operating at Pfluger Crossing came in with the property being zoned GB 1. Subsequent to a significant portion of the development going forward, the SH 130 – SH 45 Corridor Committee was formed and made recommendations as to a zoning district and such recommendations were put into affect. I participated on such committee and it was my understanding that while a large part of the property that Terrell Timmermann owned would be affected by the new district, that none of the existing development (i.e. Wal-Mart and Pfluger Crossing) was to be affected. It was a few years later that I found out that an error had been made and the overlay applied to the existing development as well as the other land.

At this time, 7-Eleven is proposing a convenience store with gas pumps on Lot 5 of Pfluger Crossing South, at the corner of Pflugerville Parkway and FM 685. It was staff's recommendation to seek a zoning change on all of Pfluger Crossing rather than to seek a zoning change on the particular lot given the circumstances mentioned above. 7-Eleven is committed to producing a high quality product that will comply with the development design guidelines for pad site users at Pfluger Crossing as well as all applicable Pflugerville ordinances. Thank you for your consideration.

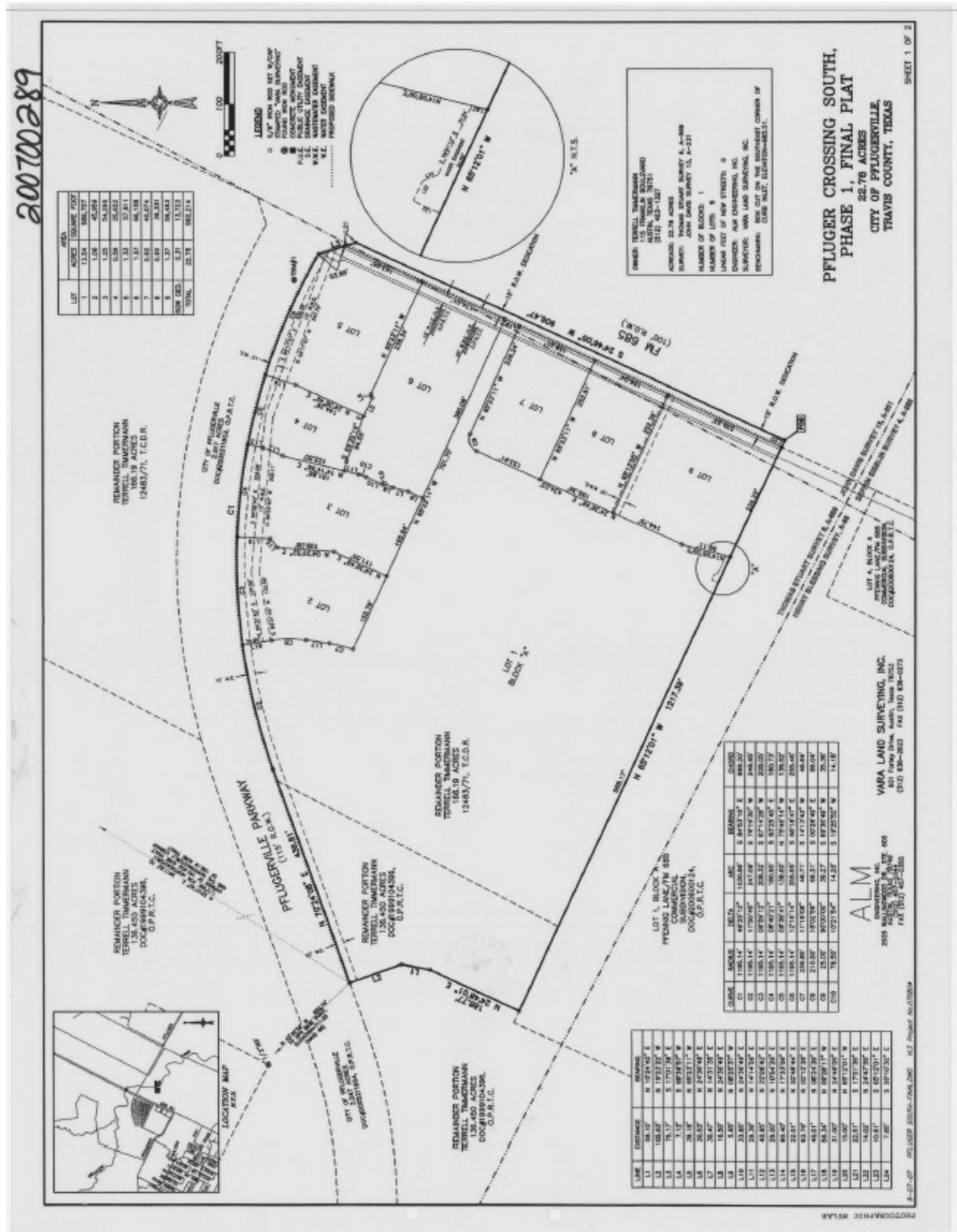
Very truly yours,

  
Barth Timmermann.

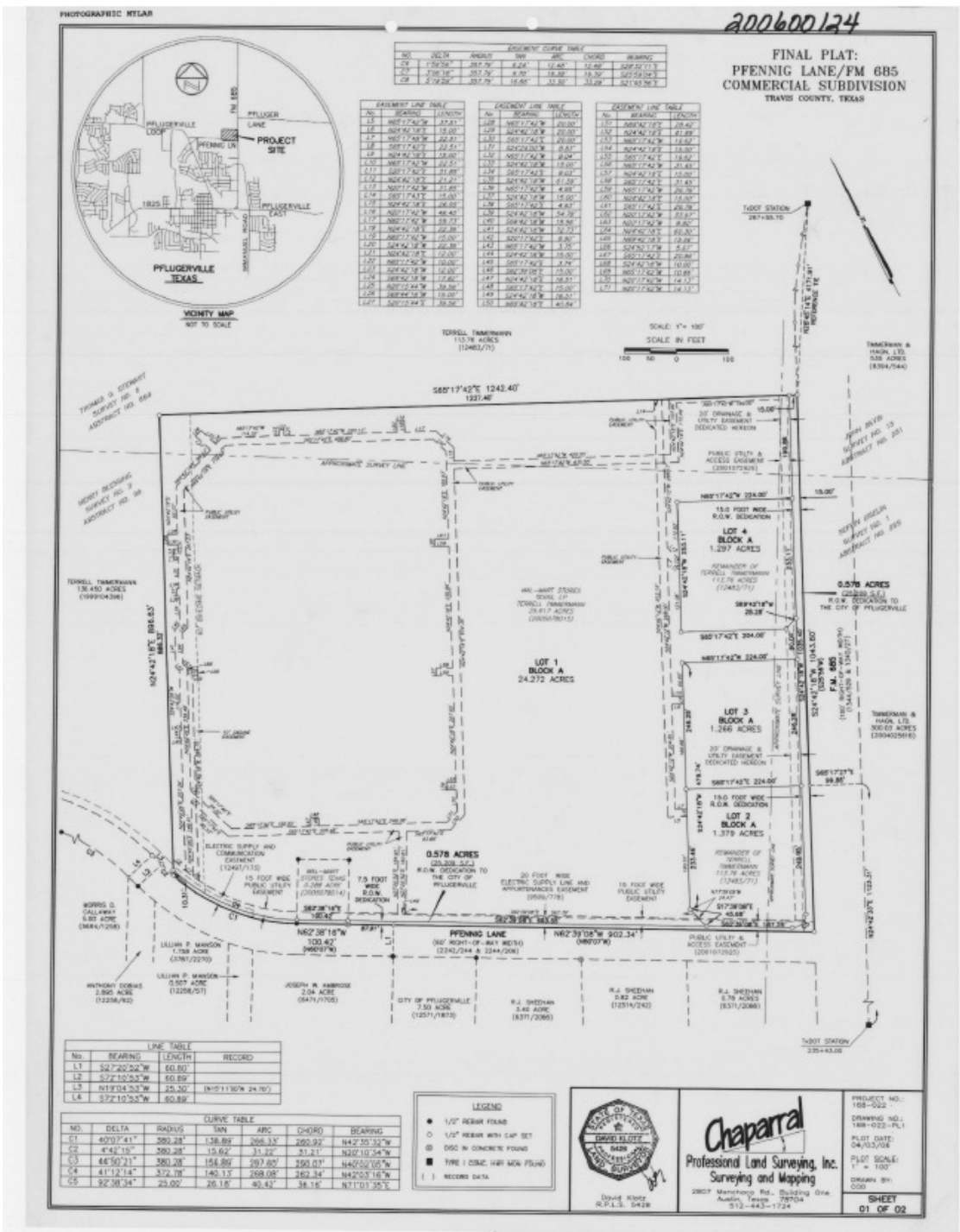
Pflugerville  
 Planning and Zoning  
 Commission  
**AGENDA REPORT**

**PLATS:**

Referenced as Area "A"

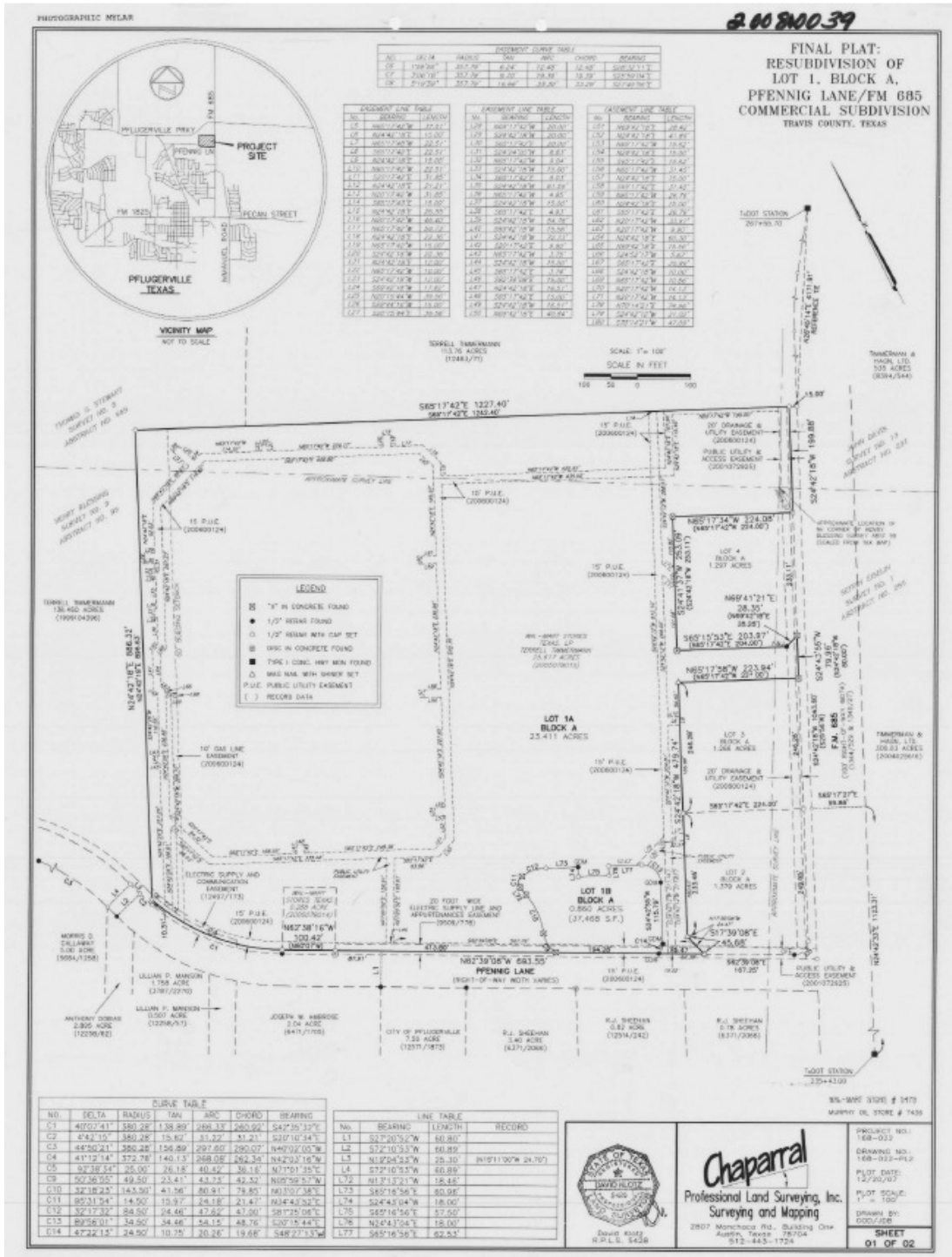


Referenced as Area "B"





Included in reference as Area "B"





**ZONING MAP:**

