



# City of Pflugerville

## Minutes - Final

### Planning and Zoning Commission

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Monday, November 5, 2018

7:00 PM

100 E. Main St., Suite 500

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#### Regular Meeting

#### 1 Call to Order

**Staff present: Emily Barron, Planning Director; Jeremy Frazzell, Assistant Planning Director; Erin Sellers, Senior Planner; Abbey Rose, Planner II; Ian Beck, Planner I; Kristin Gummelt, Administrative Technician.**

**Pat Epstein, Vice Chair, called the meeting to order at 7:02 pm.  
Commissioner Uddin joined the meeting at 7:04 pm.**

**Present** 6 - Chair Daniel Flores, Commissioner Geoff Guerrero, Commissioner Oscar R. Mitchell, Vice Chair Pat Epstein, Vice Chair Ceasar Ruiz and Commissioner Nasim Uddin

#### 2 Citizens Communication

There were none.

#### 3 Consent Agenda

**3A** [2018-7112](#) Consider and Approve the 2019 Planning and Zoning Commission meeting schedule.

**Approved on the Consent Agenda**

**3B** [2018-7089](#) Approving a Final Plat for the Park at Blackhawk IV Phase 5B; a 13.92-acre tract of land out of the V.W. Swearngen Survey No. 32, Abstract No. 724 in Travis County, TX. (FP1804-01)

**Approved on the Consent Agenda**

**3C** [2018-7157](#) Approving a Preliminary Plan for Pfluger Haus, an approximate 99.654-acre tract of land out of the Thomas G. Stuart Survey, Abstract No. 689 in Pflugerville, Texas. (PP1803-02)

**Approved on the Consent Agenda**

**3D** [2018-7163](#) Approving a Final Plat for Avalon Phase 17B; a 12.384-acre tract of land out of the Edward Flint Survey No. 11, Abstract No. 277, in Travis County, Texas. (FP1804-03)

**Approved on the Consent Agenda**

- 3E**    [2018-7161](#)    Approving a Final Plat for the Vine Creek Phase 1; a 28.897-acre tract of land out of the Juan Zambrano Section No. 38, Abstract No. 845 in Travis County, Texas. (FP1803-04)

**Approved on the Consent Agenda**

- 3F**    [2018-7162](#)    Approving a Final Plat for the Vine Creek Phase 3 & 4; a 24.392-acre tract of land out of the Juan Zambrano Section No. 38, Abstract No. 845 in Travis County, Texas. (FP1805-03)

**Approved on the Consent Agenda**

**Kristin Gummelt read Consent Agenda items 3A-3F. Commissioner Mitchell made a motion to approve Consent Agenda items 3A-3F as read. Commissioner Ruiz seconded the motion. All in favor. Motion carried.**

**Commissioner Guerrero recused himself for Consent Agenda items 3G and 3H.**

**Kristin Gummelt read Consent Agenda items 3G and 3H. Commissioner Mitchell motioned to approve Consent Agenda items 3G and 3H. Commissioner Ruiz seconded the motion. All in favor. Motion carried.**

**Commissioner Guerrero rejoined the meeting.**

- 3G**    [2018-7167](#)    Approving a Preliminary Plan for Branson Condos North, a 19.11-acre tract of land out of the Noel M. Bain Survey No. 1, Abstract No. 61 in Travis County, Texas.

**Approved on the Consent Agenda**

- 3H**    [2018-7168](#)    Approving a Final Plat for Branson Condos North; a 19.11-acre tract of land out of the Noel M. Bain Survey No. 1, Abstract No. 61 in Travis County, Texas.

**Approved on the Consent Agenda**

**4    Public Hearing**

- 4A**    [ORD-0436](#)    To receive public comment and consider an application to rezone Lot 1 and 2, 2.0-acres out of the 685 Business Centre Subdivision; land situated in the Henry Blessing Survey No. 3, Abstract No. 99 and the Sefrin Eiselin Survey No. 1, Abstract 265, Travis County, TX., located generally west of F.M. 685 and directly north of Justice Center Drive; to be known as Justice Center Rezoning. (REZ1809-01)

**Chair Flores joined the meeting at 7:10pm.**

**Abigail Rose, Planner II presented this item.**

**Ms. Rose gave an overview and history of the property and surrounding properties. She talked about the zoning history of the property and how it came to be zoned General Business 1 (GB1). She gave an overview of the**

applicant’s request to rezone to General Business 2 (GB2) from GB1. Ms. Rose talked about the difference between GB1 and GB2. The request does meet Goal 1 and 2 of the Comprehensive Plan. Staff recommends approval of the request. Chair Flores asked about whether the property has access through the Police Department property. Ms. Rose stated that the property would not have access through the Police Department. Steve Galloway, representative for the owner, spoke about the property and why the owner would like to rezone the property. The owner feels that rezoning the property will make the property easier to sell. The rezoning opens up some land uses that were previously precluded that the seller feels will help market the property. Commissioner Mitchell motioned to close the public hearing. Commissioner Ruiz seconded the motion. All in favor. Motion carried. Commissioner Mitchell motioned to approve item 4A. Commissioner Guerrero seconded the motion. All in favor. Motion carried.

**Aye:** 6 - Chair Daniel Flores, Commissioner Geoff Guerrero, Commissioner Oscar R. Mitchell, Vice Chair Pat Epstein, Vice Chair Ceasar Ruiz and Commissioner Nasim Uddin

**4B**     [ORD-0429](#)

Conduct a public hearing and consider a recommendation of an ordinance with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY INCORPORATING AN APPENDIX A. FEE SCHEDULE, RELATING TO THE PROCESSING OF PERMIT APPLICATIONS AND OTHER SERVICES; REPLACING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE. (CA1810-01)

Erin Sellers, AICP, Senior Planner presented this item. Ms. Sellers talked about the proposed changes to the Unified Development (UDC) by incorporating an Appendix A fee schedule. Appendix A outlines the fees associated with the processing of development applications and other services. Commissioner Guerrero asked how the fee schedule was first implemented. Ms. Sellers stated that the fee schedule was previously adopted by resolution and needed to be formally adopted ordinance. Commissioner Guerrero motioned to close the public hearing. Commissioner Ruiz seconded the motion. All in favor. Motion carried. Commissioner Ruiz motioned to approve item 4B. Commissioner Guerrero seconded the motion. All in favor.

**Aye:** 6 - Chair Daniel Flores, Commissioner Geoff Guerrero, Commissioner Oscar R. Mitchell, Vice Chair Pat Epstein, Vice Chair Ceasar Ruiz and Commissioner Nasim Uddin

**4C**     [ORD-0430](#)

Conduct a public hearing and consider a recommendation of an ordinance with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY INCORPORATING AN APPENDIX B. APPLICATION SUBMITTAL AND CONTENT REQUIREMENTS

RELATING TO THE PROCESSING OF PERMIT APPLICATIONS AND OTHER SERVICES; REPLACING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE. (CA1810-02)

Erin Sellers, AICP, Senior Planner presented this item.

Ms. Sellers talked about the proposed changes to the UDC by incorporating an Appendix B. Appendix B outlines the application submittal and content requirements related to development applications. Appendix B provides provisions for the content requirements for electronic review, and adds flexibility in the land title survey requirement, i.e. survey can be older than two months as long as there is a certification from the surveyor that no other easements were created after the survey was completed.

Commissioner Mitchell asked why the requirements specifically labeled a service to use when sending files for electronic review. Ms. Sellers stated that the service was given as an example and it does not have to be the specific service listed.

Commissioner Guerrero asked why the City is asking for vector based PDF and what software uses the vector based PDF. Ms. Sellers stated that the City uses Blubeam for electronic review. Mr. Frazzell stated that vector based PDF allows the reviewer to view the document and not lose scalability. If they zoom the dimensions are kept and the calculations that are required during review can be made accurately. Commissioner Guerrero stated that he has run in to difficulty when this type of PDF has been requested a municipality before. Commissioner Guerrero asked how final sets would be handled by the City. Mr. Frazzell stated that final paper copied would still be needed for signature by the City.

Commissioner Mitchell motioned to close the public hearing. Commissioner Uddin seconded the motion. All in favor. Motion Carried.

Commissioner Mitchell motioned to approve item 4C. Commissioner Ruiz seconded the motion. All in favor. Motion carried.

**Aye:** 6 - Chair Daniel Flores, Commissioner Geoff Guerrero, Commissioner Oscar R. Mitchell, Vice Chair Pat Epstein, Vice Chair Ceasar Ruiz and Commissioner Nasim Uddin

**4D**     [ORD-0431](#)

Conduct a public hearing and consider a recommendation of an ordinance with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 1, GENERAL PROVISIONS, BY REMOVING THE SEQUENCE OF PERMITS SECTION, REPLACING THE VIOLATIONS AND PENALTY SECTIONS, AND MAKING OTHER ADMINISTRATIVE REVISIONS; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 1 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-03)

Erin Sellers, AICP, Senior Planner presented this item.

Ms. Sellers talked about the proposed changes to UDC Subchapter 1. The

**Commissioners provided feedback.**

**Commissioner Mitchell motioned to close the public hearing. Commissioner Uddin seconded the motion. All in favor. Motion carried.**

**Commissioner Ruiz motioned to approve item 4D. Commissioner Mitchell seconded the motion. All in favor. Motion carried.**

**Aye:** 6 - Chair Daniel Flores, Commissioner Geoff Guerrero, Commissioner Oscar R. Mitchell, Vice Chair Pat Epstein, Vice Chair Ceasar Ruiz and Commissioner Nasim Uddin

**4E**     [ORD-0432](#)

Conduct a public hearing and consider a recommendation of an ordinance with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 2, ADMINISTRATION, BY UPDATING ROLES AND RESPONSIBILITIES; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE. (CA1810-04)

**A motion was made by Vice Chair Epstein, seconded by Commissioner Mitchell, that this Ordinance be Recommended for Adoption . The motion carried by the following vote.**

**Aye:** 6 - Chair Daniel Flores, Commissioner Geoff Guerrero, Commissioner Oscar R. Mitchell, Vice Chair Pat Epstein, Vice Chair Ceasar Ruiz and Commissioner Nasim Uddin

**4F**     [ORD-0433](#)

Conduct a public hearing and consider a recommendation of an ordinance with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 3, PROCEDURES, BY PROVIDING FOR CONSISTENT PROVISIONS RELATING TO THE EXPIRATION OF APPLICATIONS AND MODIFIED PROVISIONS FOR THE APPEAL PROCESS; AND AMENDING SUBCHAPTER 20, DEFINITIONS, BY ADDING CORRESPONDING DEFINITIONS; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 3 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-05)

**A motion was made by Vice Chair Epstein, seconded by Commissioner Mitchell, that this Ordinance be Recommended for Adoption . The motion carried by the following vote.**

**Aye:** 6 - Chair Daniel Flores, Commissioner Geoff Guerrero, Commissioner Oscar R. Mitchell, Vice Chair Pat Epstein, Vice Chair Ceasar Ruiz and Commissioner Nasim Uddin

**4G**     [ORD-0434](#)     Conduct a public hearing and consider a recommendation of an ordinance with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 8, NONCONFORMITIES, BY UPDATING PROVISIONS RELATING TO NEWLY ANNEXED TERRITORY, VESTING RIGHTS, AND THE CONTINUATION OF LEGAL NONCONFORMING SITES; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 8 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE. (CA1810-06)

**A motion was made by Vice Chair Epstein, seconded by Commissioner Mitchell, that this Ordinance be Recommended for Adoption . The motion carried by the following vote.**

**Aye:** 6 - Chair Daniel Flores, Commissioner Geoff Guerrero, Commissioner Oscar R. Mitchell, Vice Chair Pat Epstein, Vice Chair Ceasar Ruiz and Commissioner Nasim Uddin

**4H**     [ORD-0435](#)     Conduct a public hearing and consider a recommendation of an ordinance with the caption: AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE BY AMENDING SUBCHAPTER 14, PARKLAND STANDARDS, BY CLARIFYING PROVISIONS RELATING TO CREDIT FOR PRIVATE PARK AREA AND AMENITIES AND MAKING OTHER ADMINISTRATIVE REVISIONS; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157, SUBCHAPTER 14 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000; AND DECLARING AN EFFECTIVE DATE. (CA1810-07)

**Erin Sellers, AICP, Senior Planner presented this item.  
Ms. Sellers talked about the proposed changes to the UDC subchapters 2, 3, 8 and 14. The Commission provided feedback on the changes.  
Vice Chair Epstein motioned to close the public hearing. Commissioner Mitchell seconded the motion. All in favor. Motion carried.  
Vice Chair Epstein motioned to approve items 4E, 4F, 4G and 4H.  
Commissioner Mitchell seconded the motion. All in favor. Motion carried.**

**Aye:** 6 - Chair Daniel Flores, Commissioner Geoff Guerrero, Commissioner Oscar R. Mitchell, Vice Chair Pat Epstein, Vice Chair Ceasar Ruiz and Commissioner Nasim Uddin

**5     Discuss and Consider**

**5A**     [RES-0564](#)     Discuss and consider recommending approval of the Community

Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2017.

**Emily Barron, AICP, Planning Director Presented this item.**

**Ms. Barron talked about the accomplishments for the Community Development Block Grant Plan Year 2017 (CDBG PY 17). She discussed the current roadway project that is underway and showed pictures of the progress. This year a 100 youth scholarships were awarded and \$11,132 were utilized for eligible Park programs. Ms. Barron also discussed what the Commission can expect to see being brought forth in the coming year.**

**Vice Chair Epstein motioned to recommend adoption of item 5A. Commissioner Guerrero seconded the motion. All in favor. Motion carried.**

## **6 Adjourn**

**Commissioner Ruiz made a motion to adjourn the meeting. Vice Chair Epstein seconded the motion. All in favor. The meeting was adjourned at 8:20 p.m.**

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**Daniel Flores, Chair**

**Planning and Zoning Commission**

**1. Respectfully, submitted on this 7th day of January, 2019.**