

Planning and Zoning: 5/6/2013
City Council: 5/28/2013
City Council: 6/11/2013

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SUBJECT: To receive public comment and consider a Special District application for a proposed Research and Development Center Use, more specifically an underground ballistics laboratory, on a 21.83 acre portion of Lot 3 of the Renewable Energy Park, to be further subdivided as Lot 3D, located in Pflugerville, TX, to be known as the Project Orion Special District (SD1304-01).

SPECIAL DISTRICT PROCESS:

A Special District Permit is a land use tool which allows for a case-by-case review of a requested land use that has been specifically identified in the Unified Development Code as a potentially acceptable use. A Special District Permit is similar to a zoning request in which the application is considered at public hearings and allows for the public, Planning and Zoning Commission and City Council to review and consider the proposed request based on specific criteria. (Provided below)

CRITERIA FOR APPROVAL OF A SPECIAL DISTRICT IN THE CORRIDOR:

The Commission and City Council shall consider the following criteria in determining the validity of the Special District Permit request:

- (a) Whether the use is harmonious and compatible with its surrounding existing uses or proposed uses;
- (b) Whether the activities requested by the applicant are normally associated with the requested use;
- (c) Whether the nature of the use is reasonable; and
- (d) Whether any impact on the surrounding area has been mitigated.

The SH 45 and SH 130 Corridor Study established land use preferences in the Corridor based on 4 guiding principles. Integrated as additional criteria for Special Districts, the four guiding principles of the Corridor Study are as follows: (1) create a series of unique places to shop, work, and live; (2) establish a diversified and leak-free tax base; (3) establish an enhanced, long-term market capture; and (4) utilize smart, healthy and sensible design concepts. In addition to the criteria above, City Council may choose to use the following criteria in determining the suitability of the proposed land use on subject site as it relates to the corridor in accordance with Subchapter 3, Section (E) of the Unified Development Code.

- (1) Retail activity is preferred to be clustered within proximity to the following major intersections:
 - a. SH 130 and SH 45
 - b. SH 130 and Pecan Street

- c. SH 45 and Heatherwilde Boulevard
- d. SH 130 and Pflugerville Parkway
- e. FM 685 and Pflugerville Parkway
- (2) Structures should orient to public streets and designated trails as noted on the future Trails Map referenced in the Comprehensive Plan.
- (3) The extent to which connectivity among proposed and existing right-of-ways is demonstrated.
- (4) The extent to which uses, such as free-standing pad sites are clustered at focal points or key features within a development and relate to other components of the overall development. Such focal points or key features may include, but are not limited to retention systems, greenways, dedicated hike/bike facilities, or plazas, parks or other features that create a gathering place.
- (5) The application illustrates compliance with the requirements and guidelines of this Chapter.
- (6) The application exhibits compatibility of the design with surrounding properties and development patterns.
- (7) The application exhibits compatibility and coordination between the character of the streetscape and the planned surrounding built environment.
- (8) The application exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area, or successfully mitigates such impacts.

BACKGROUND:

Tracking Pointe Inc. intends to relocate its corporate headquarters, manufacturing and research and development divisions to the Renewable Energy Park, branded as the One Thirty Commerce Center. Their offices are anticipated to be located in building #1 of the 130 Commerce Park (a.k.a. Project Jersey Special District) whereby they will be subleasing the facility from the Pflugerville Community Development Corporation (PCDC). The City Council approved a performance agreement and sublease agreement with Tracking Point Inc. at the April 23, 2013 City Council meeting. The project is anticipated to bring up to 200 new jobs to Pflugerville, 100 jobs of which will have an average salary of \$100,000 by the year 2018.

PROJECT DESCRIPTION:

The Applicant, Pflugerville Community Development Corporation (PCDC) has requested a Special District Permit in the Corridor Urban Center Level 5 (CL5) zoning district to allow for a research and development center land use, more specifically a ballistics testing laboratory and private sport shooting range, on 21.83 acres, a portion of Lot 3 within the Renewable Energy Park Subdivision.

Land Use: A research and development center use, more specifically a ballistics testing laboratory and a private sport shooting range, engaged in the developing, manufacturing and testing of firearm scopes. As a part of this application, PCDC has requested that this facility be classified also as a Private (not open to the general public) Sport Shooting Range as defined by State Law. (Texas Local Government Code 250.001 as amended)

Sport Shooting Range means a business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

Architectural: The proposed ballistics testing laboratory is 1500-foot underground firing range. The proposed facility is subgrade with the exception of the entry and sound suppression air intake/exhaust vents. A rendering illustrating the facility's layout and cross-sections are provided as Exhibit B (Refer to separate attachment entitled Site Layout – Tracking Point Proposed Ballistic Testing Laboratory. The architectural elements above ground shall meet the minimum building material requirements where practicable.

Parking: The off-street parking will be addressed at the site development phase.

Transportation: Access to the site is proposed via Sol Invictus Drive, the proposed north-south major collector to be platted within the Renewable Energy Park Subdivision.

Site Lighting: A photometric plan will be provided in the formal site development application process and shall meet the minimum and maximum lighting requirements of Subchapter 13 of the Unified Development Code.

Landscaping: A detailed landscape plan has not been provided at this time; however the site landscaping shall be in accordance with the requirements of the Unified Development Code.

Mitigation: Since the facility is proposed below grade, the most noxious effects associated with a gun range, including noise and public safety hazards, are significantly reduced or conceivably eliminated. While Exhibit B shows there will be a minimum of 2 feet (in depth) of ground cover over the firing range, the site has not been fully designed to account for the existing topography, where the facility may be 20 feet below grade at its greatest extent. The site shall be designed and constructed to prevent lead contamination, a derivative of using lead bullets, in accordance with all federal, state, and local ordinances.

LAND USE COMPATIBILITY:

The Preferred Land Use Vision Plan of the 2030 Comprehensive Plan identifies the subject tract as Mixed Use with a Community Center at the southwest corner of E. Pecan and SH 130. The master plan of the One Thirty Commerce Center will incorporate a mix of uses including a cluster of office/retail, with a possibility of a hotel near the intersection of E. Pecan and SH 130, light industrial alongside SH 130 and near the existing NE Travis County Metro Park. Per the Comprehensive Plan, Mixed Use areas are intended to provide a built environment that facilitates the ability to live, work, play and shop in one area. This project is anticipated to create employment with high paying jobs that will ultimately support the City's regional shopping centers and contribute to the employment goals of the area.

LAND USE GOALS PER THE COMPREHENSIVE PLAN:

Implementation Action Item 3.1.1 of the Comprehensive Plan states “Evaluate existing zoning to ensure sufficient land supply for office retail, and industrial use to meet projected 2030 population projections and regional market demands.” This application represents the City’s desire to accommodate opportunities for employment, services, and strengthening tax base for the City of Pflugerville.

Other related implementation action items are as follows:

- Action 3.1.2: Continue to work with PCDC to maintain an inventory of parcels suitable for office, retail, and industrial uses that are located in designated centers in the Preferred Land Use Vision Map.
- Action 3.1.3: Continue to work with PCDC to leverage incentives to attract additional office, retail, and industrial development.

STAFF RECOMMENDATION:

Generally in accordance with the Preferred Land Use Vision Plan and the goals of the Comprehensive Plan, staff recommends approval of the Special District application with the following conditions of approval.

Item	Condition	Purpose
1	Land use limited to a research and development center to include ballistics testing laboratory	Limitation on land use
2	Categorized as a private sport shooting range (as defined by State law) as long as it is affiliated with the research and development center and is not open to the general public	Limitation on land use and compatibility with surrounding area
3	Architectural design generally in conformance with the proposed building elevations identified in Exhibit B. The architectural elements above ground shall meet the minimum building material requirements where practicable.	Ensure quality architectural standards.
4	Landscaping will be provided in accordance with the industrial standards for Special Districts and will be based on limits of construction versus lot size.	Aesthetics; continuity with the adjacent properties.
5	The site shall be designed and constructed to prevent lead contamination in accordance with all federal, state, and local regulations.	Environmental Quality
6	Hours of operation limited to Monday through Friday	Land Use compatibility

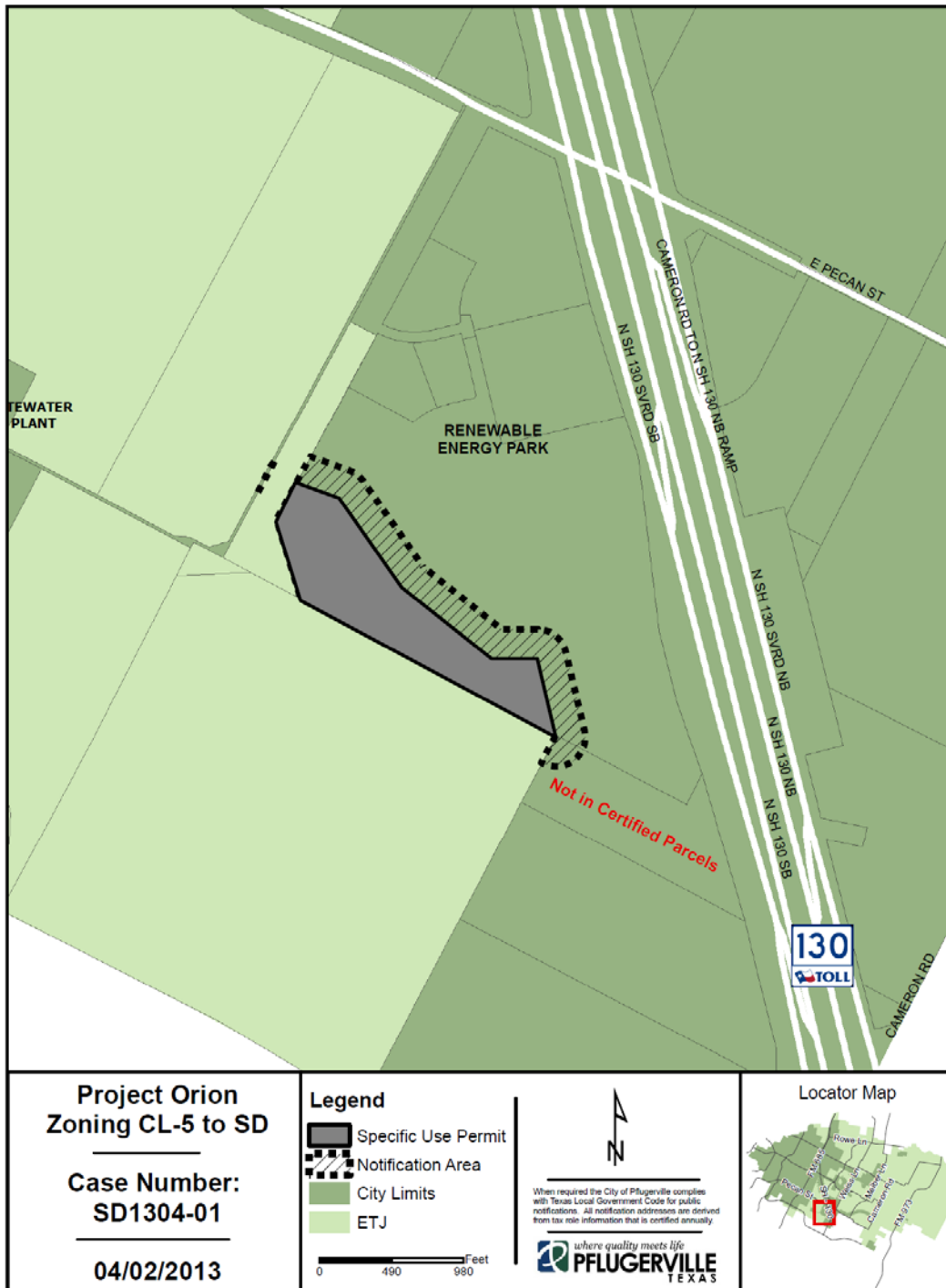
NOTIFICATION:

Notification letters were sent to property owners within 200-ft. of the proposed site. A sign was placed on the property prior to April 24, 2013 and a public notice appeared in the Pflugerville Pflag newspaper on April 24, 2013.

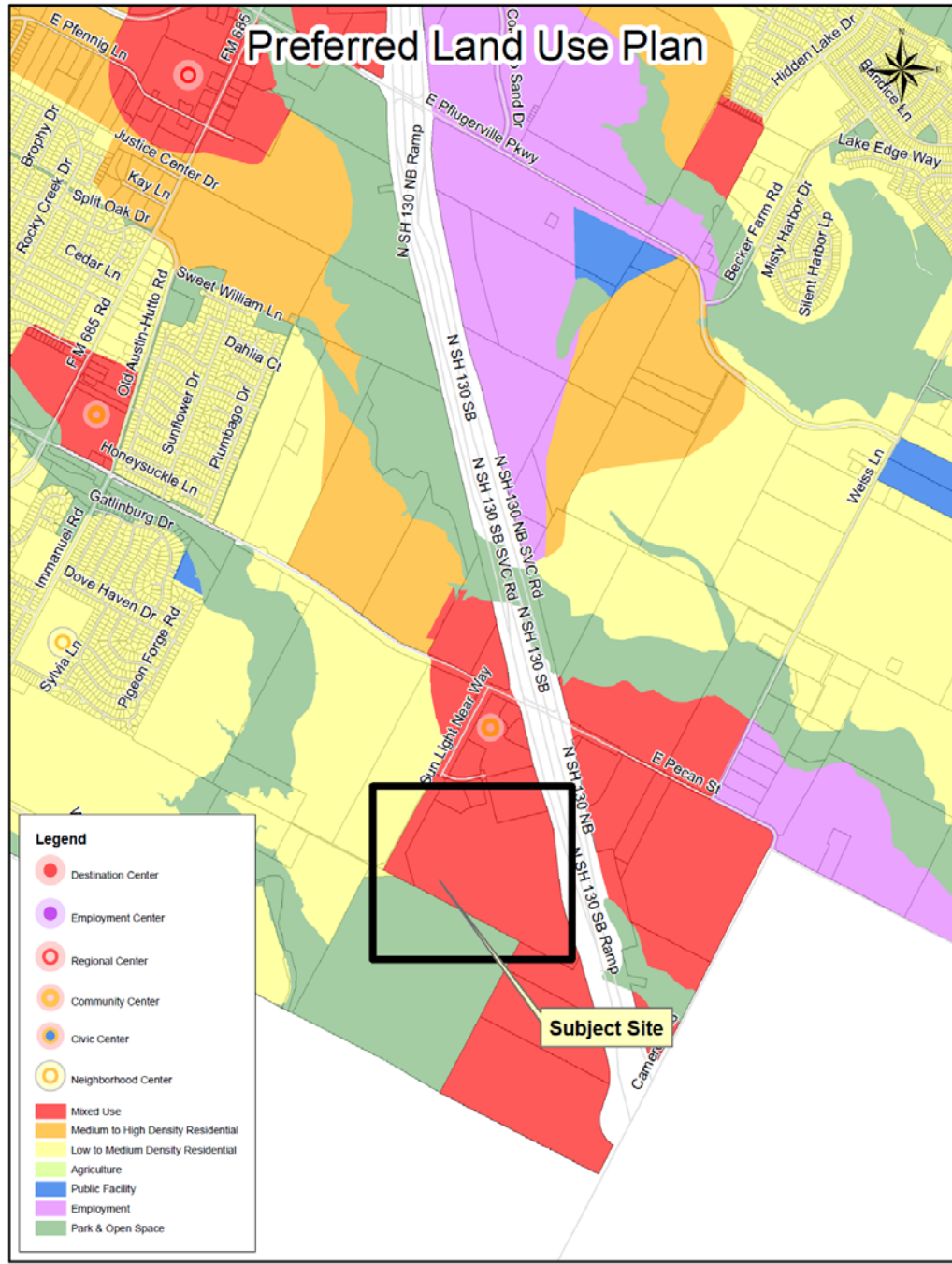
ATTACHMENTS:

- Notification Map
- Preferred Land Use Plan
- Application {Refer to the attachment}
- DCS Letter {Refer to the attachment}
- Project Description {Refer to the attachment}
- Exhibit A – Aerial and Locator Map {Refer to the attachment}
- Exhibit B – Tracking Point Proposed Ballistic Testing Laboratory {Refer to the attachment}

NOTIFICATION MAP:



PREFERRED FUTURE LAND USE PLAN:



APPLICATION: {Refer to the attachment}

DCS LETTER: {Refer to the attachment}

PROJECT DESCRIPTION: {Refer to the attachment}

EXHIBIT A – AERIAL AND LOCATOR MAP: {Refer to the attachment}

EXHIBIT B – TRACKING POINT PROPOSED BALLISTIC TESTING LABORATORY: {Refer to the attachment}