



# City of Pflugerville

## Minutes - Final Planning and Zoning Commission

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Monday, April 4, 2011

7:00 PM

100 E Main St., Suite 500

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### 1 Call to Order

Mr. Norder called the meeting to order at 7:00 p.m.

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

**Absent** 1 - Member Kirk Lowe

### 2 Citizens Communication

None.

### 3 Public Hearing

Mr. Norder read the criteria's for Approval of a Specific Use Permit.

The land use tool which allows for a case-by-case review of a requested land use that has been specifically identified in the UDC as a potentially acceptable use.

The Planning and Zoning Commission and the City Council reviews and consider these requests based on specific criteria's, which are:

- 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.

ORD-0052

To receive public comment and consider an application for a Specific Use Permit for a proposed Day Care Facility in the Central Business District for Lots 7-9, Block 2 Pflugerville Subdivision, locally known as 112 W. Pecan St. and located northeast of 2nd St. and W. Pecan St. intersection; to be known as the Pfluger Haus - Creative Kids Preschool Specific Use Permit (SUP1103-01).

Erin Sellers presented this item, along with a brief history of the site.

The site is zoned General Business 1 (GB-1) at present and the adjacent uses range from Office (O), Retail (R) and GB-1 zoning districts. The proposed land use of a daycare facility does conform to some of the existing uses in the area. Ms. Sellers noted that staff is generally supportive with conditions presented.

1. The main entry to facility is limited to the rear door facing the public alley and on-site parking area.

2. The playground fence: to maintain the downtown feel, limited to the side yard towards the rear about 2-3 feet off the eastern property boundary, limit to 4 feet in height; restricted to the furthest point of the front façade facing Pecan Street; 5' setback from the eastern property boundary; limited to wrought iron or picket fence with at least 50% transparency (No privacy fence).

3. Restrict the area of playground to 1,000 square feet, the applicant requested 800 square feet.

4. No alteration is done to exterior facade and no additional exit doors. There was discussion with the Fire Department and the Building Department. The Building Department's required that an additional bathroom be added to the inside of the facility. The Fire Department (TC ESD#2) requires that if the facility has children less than 2.5 years old enrolled they would have to do one of two things. The first recommendation or requirement would be a sprinkler system. If they choose not to do a sprinkler system it is required that an exit door be provided on each of the classrooms. There are five rooms within the structure; therefore five doors would be required around the perimeter. That would be one recommendation that staff would make that no exterior alteration be occurred to pursue this land use.

5. The traffic circulation or calming devices that staff came up with would be that beyond the Right-of-Way (ROW) parking approximately 30 ft. from the intersection of W Pecan St., and 2nd St., Staff would like to encourage traffic to go to the alley parking. A City approved parking signage facing 2nd street indicating "No stopping, standing or parking" is permitted between the southern-most point of the ROW parking along 2nd Street and Pecan Street. This is in order to keep traffic flowing.

6. Limit the number of children enrolled to a maximum of 42 given the square footage of the building that the kids will occupy, a maximum of 4 employees working at any given time to set a cap for the intensity of the use requesting.

7. Employees parking along 2nd Street to reduce traffic conflicts with the coffee shop's drive thru traffic.

Ms. Sellers also went over the criteria's for a Specific-use Permit, which Mr. Norder mentioned at the beginning of the public hearing.

Ms. Sellers believes the hour of operation is believed to be from 7am to 6pm. The applicant was not present to clarify on that question.

Kathy Taylor noted that the State only mandates the minimum number of employees and not the maximum numbers of employees. Parents coming and going will be what affects traffic not the employees.

Mr. Blackburn noted that he stopped by the site and the prior tenant showed

him inside the facility. The former tenant mentioned there were a number of accidents on site. Mr. Blackburn checked police records and found six major accidents at that facility in two years. The amount of noise that will come from the play area of the proposed day care will make the property next door difficult to rent. The amount of traffic that will be generated may affect businesses nearby. Mr. Blackburn believes that this is the wrong location for a daycare facility.

Don Boozer of 201 W Noton St. spoke. Mr. Boozer has office buildings on 2nd and 3rd St. Mr. Boozer noted that he is unable to make a left turn on 2nd St. from W Pecan St. to get to his office's parking space in the morning when going to work. Mr. Boozer believes this is not the site for a pre-school, the customers for the coffee shop tends to use the alley behind his buildings to get to the coffee shop.

Corey Wertenberger of Dazzle Coffee at 100 N 2nd St. spoke. Mr. Wertenberger noted that he too, has a double edge sword. A lot of his customers are parents and teachers going to school or work. A good portion of his business is between 7 am to 9 am on the weekdays. About 80% of his business is in the morning on the weekdays, ranging from 100 - 180 transactions during that time period. Dazzle believes they have a long term communication with their regular customer to try and stack up approaching the shops drive thru to use 2nd street coming from the north heading south. Occasionally a customer will come off W Pecan St. and block the flow of traffic on 2nd St. Mr. Wertenberger is not against the alley way being a one way from east to west, from 1st to 2nd St., but he would find that from his customer flow that it would be more difficult if the one way was to go the opposite direction, plus there is a grade change that is difficult for some cars to manage coming from the alley of his drive thru to get on 2nd St. Mr. Wertenberger is concerned about traffic safety, if there is a way to direct traffic that is more feasible that would be great.

Stan Briggs, of 1108 Augusta Bend Dr., Hutto, Texas spoke. Mr. Briggs is the client representing a perspective buyer for 102 W Pecan St., at the building next door. Mr. Briggs stated that the impact from a business stand point is the three offices at 102 W Pecan St.; windows are facing the rear east side, the proposed play area, of the proposed day care. Mr. Briggs would like to recommend the 800 sq. ft. of play area is moved toward the rear of the property and not to the east side of the property. Mr. Briggs is concerned that the parents dropping off their kids may linger their parking during drop off times and affect access to his customer at the property next door.

Dan Carlson, of 15907 Rural Cove, Round Rock, TX, spoke. Mr. Carlson works for Don Quick and Associates, and is speaking on behalf of the owner, Eric Drinkhouse. Mr. Carlson noted he had a letter from Mr. Drinkhouse, which the Commissioners already have in their possessions. Mr. Carlson is concerned about the traffic in the alley, also having to pick up toys and other materials from his property that spill over to his side; another concern is the general noise coming from the play yard. Mr. Carlson noted that there was an accident, a car drove onto the porch, at his property that took off the front corner of the house. Some of his possible client will not consider his property because of the proposed day care facility. The owner of the property is very much against the proposed use, because his clients will not consider the property for business.

Mr. Norder made a motion to close the public hearing. Mr. Storms seconded

that motion. All in favor. Motion carried.

Mr. Blackburn believes this is not a harmonious use for this area.

Mr. Norder is concerned about the traffic flow. Is the alley wide enough to handle the traffic flow?

Mr. Storms agrees with Mr. Blackburn and Mr. Norder.

Ms. Ely noted that the amount of accidents at that site in two years seems like a bit much. She does not have an issue with the land use. However with traffic and parking that is a concern for the children's safety.

Ms. Taylor believes that balls may end up in the street from the playground if there is no buffer, causing a safety hazard.

Mr. Norder noted that of the City's conditions, he has nothing against any of the conditions but the fence is a bit contrary to what a day care may want. The no alteration to the exterior façade, he does not really see that as fitting into any of the four special use permit requirements.

Mr. Anker made a motion to deny the application for a Specific Use Permit for the proposed daycare facility in the Central Business District; with the conditions recommended by staff in the staff report. Mr. Blackburn seconded that motion. Motion carried unanimously.

**ORD-0054**

To receive public comment and consider an application for a Specific Use Permit for Athletic Field Lighting on property with a legal description of 10.52 Acres of the John Van Winkle Survey No. 14, Abstract 786 and the E. Bebee Survey No. 5, Abstract 53, located between Black Locust Dr. and Pflugerville Pkwy locally known as the Hill Country Bible Church at 303 E. Pflugerville Pkwy; to be known as the HCBC-Athletic Field Lighting Specific Use Permit (SUP1102-01).

Jeremy Frazzell presented this item, giving a brief history of the property and church on site. There is temporary lighting, that is not shielded and less in height than is being requested by the applicant.

The applicant is proposing a 60 ft pole with four or three lamps on each pole. Each light will have a shield to cast the light directly down onto the field. The lights will run from 5:30 to 9:30 pm on Monday thru Thursday. The city has a requirement of 10:00 pm cut off with an auto shut off inside the church also, this is to keep in line with the hours of parks curfew in the City.

The Unified Development Code (UDC) conditions have been met by the applicant. Only six light poles to be installed on the site plan shown which is subject to any other conditions in the UDC, with the ability to upgrade the lights and stay within the levels that the applicant proposed.

Mr. Anker asked about the staff's recommendation indicating the fixtures, is there more than one set of fixtures on the pole?

Mr. Frazzell answered yes, but each light fixture will be directed in a different direction on the field.

Mr. Anker asked if the field location is specific to the plan shown or will it expand at another time.

Mr. Fletcher answered that the field area can be expanded but the lighting cannot be move or expanded upon without coming before the board again.

Mr. Legband, of 1209 Fenway Park, the applicant spoke. Mr. Legband said this project is meant to be a community oriented field to improve the property.

Ms. Ely asked about the events on the weekend, will the lights be on by default or will the church approve and turn the lights on?

Mr. Legband noted that if there is no practice the lights will not be on. Yes, the church will have control of the lights and the Texan Youth Sports will have control on the nights of soccer practice. There will be web access to shut the lights off when needed in the event he gets called about the lights being on.

Matthew King, of 1229 Canyon Maple Rd, in the Swenson Farms Subdivision spoke. He is concerned with the level of light that will affect him and his family. Mr. King is beyond the 200 ft notification area and did not get a notification letter. Mr. King asked about permanent or temporary goals, he did not see any on the field and is curious. Mr. King would like for the lights to be cut off at 9:30 p.m. if that is an option. Mr. King has small kid and is concerned about the lights being a nuisance when on. Mr. King is also concerned about

whether there will be parking on Black Locust Dr. and will there be bleachers on the site, are these uses planned?

Mr. Legband answered the question that there are portable goals and they will be carted off after the games. No goals cemented in the ground and not permanent. The site is not intended to host games and there will not be bleachers or concession stands. They have been practicing on site for about a month and so far they have not had anyone complain about the noise. The coaches do not use whistles. The six pole design was set up to minimize the distance the light has to shine. The lighting system will control the light spill and glare. The light intensity will be extremely low. Practice ends at 9:15 and it takes 15 minutes to get the kids off the field. Mr. Legband said he is happy with the 10:00 o'clock light cut off, and they he will program the light for 9:30 cut off; during the summer time it may go later when school is out.

Carol Hall, of 1312 Haley Gray Dr., at Park Place at Heatherwilde subdivision spoke. There has been practice on the field for about a month and the practice with temporary lighting does not bother them. They hear the kids at night; it is nice to hear the sound of kids and the noise, the lights does not bother her or her neighbors. Ms. Hall would like to support the application request.

Mr. Norder made a motion to close the public hearing. Mr. Blackburn seconded that motion. All in favor. Motion carried.

Ms. Ely asked about the light being adjustable. Mr. Legband said that the lights are amiable, which is part of the ordinance. If a resident is having a problem when the lights are installed, the light will be redirected to rectify the issue.

Mr. Blackburn motioned to approve the Specific Use Permit for the athletic field for the HCBC, with the conditions recommended by Staff.

Staff recommends approval of a Specific Use Permit to allow for Athletic Field Lighting at the Hill Country Bible Church with the following conditions:

1. Only six (6) poles shall be installed as shown on the proposed site plan, equipment layout and illumination summary included with the application.
2. The proposed lighting shall be as provided in the application and subject to the conditions defined in the Unified Development Code.
3. The luminaries shall be allowed to be upgraded to more efficient luminaries, provided the light levels do not exceed what is proposed in the illumination summary for horizontal foot-candles at the property line and remain compliant with the conditions defined in the Unified Development Code.

Ms. Taylor seconded. All in favor. Motion is carried.

**4 Consent Agenda**

[2010-0504](#)

Approved on the Consent Agenda.

[2010-0519](#)

Approving a Final Plat for The Commons at Rowe Lane Ph. II-B; a 20.4-acre tract of land out of the Jacob Casner Survey A-2753, in Travis County, Texas.

Approved on the Consent Agenda.

Mr. Anker made a motion to approve the Consent Agenda as written. Mr. Blackburn seconded that motion. All infavor. Motion carried.

**6 Council Action Update**

[2010-0520](#)

City Council Action Update

Trey Fletcher presented the City Council items to update the Commissioners.

**7 Future Agenda Items**

CIP recommendation with Public Hearing

The annual Volunteer Banquet on April 5th at 6:30 p.m.

The annual Planning and Zoning Commission meeting with City Council is on April 12th at 6:00 p.m.

**8 Adjourn**

Mr. Blackburn made a motion to adjourn. Mr. Norder seconded that motion. Meeting adjourned.

Naji Norder, Chairman  
Planning and Zoning Commission

Respectfully submitted by \_\_\_\_\_ this 2nd day of May, 2011.