



# City of Pflugerville

## Minutes - Final Planning and Zoning Commission

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Monday, August 6, 2012

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1 Call to Order

Chairman Anker called the meeting to order at 7:02 pm.

Staff members present were: Trey Fletcher, Assistant City Manager; Jeremy Frazzell, Senior Planner; Lindsay Key, Planner I and Hazel Sherrod, Administrative Planning Tech.

**Present** 7 - Commissioner Sam Storms, Commissioner Lisa Ely, Commissioner Kirk Lowe, Chairman Thomas Anker, Vice Chairman Rodney Blackburn, Commissioner Drew Botkin and Commissioner Joseph Marse O'Bell

#### 2 Citizens Communication

There were none.

#### 3 Presentation

- A [2012-1344](#) Development Activity update regarding active site plan, subdivision and capital improvement projects.

Lindsay Key presented an overview of the Development Activity site plans that have recently been approved and that are being reviewed currently, including a slide show presentation of the elevation of those buildings.

Jeremy Frazzell presented an overview of the Subdivision Plans/Plats that are currently under review, approximate size in units, acreage, location of the subdivisions and the review status.

#### 4 Public Hearing

- A [ORD-0112](#) Conduct a public hearing and consider an application for a Specific Use Permit for a proposed Bar/Tavern in the Central Business District on Lots 14 & 15, Block 1 of the Pflugerville Subdivision; locally addressed as 111 E. Main St.; to be known as the Stein & Stem Specific Use Permit. (SUP1207-01)

Jeremy Frazzell presented this item.

The proposed request is for 111 East Main St., the current owner is the European Bistro. The new applicant wants to purchase the building and open a wine bar/tavern establishment that not only serves food, but wine and beer

also. The CBD requires bars/taverns to go through the public hearing process for such businesses to ensure that the use is compatible with the Unified Development Code.

The Central Business District (CBD) Overlay calls for a public hearing process for a Specific Use Permit (SUP), to be reviewed and considered by the Planning and Zoning Commission and the City Council.

The front half of the facility will be utilized as a professional office taking access from the front entrance of the building. The rear of the building, upstairs and the adjoining lot (to be improved) to the west of the building will be utilized by the bar/tavern use. The CBD allows for outdoor dining, providing the area is screened by fencing, and or compatible material and architectural style of the building. The bar/tavern will be entered from Main St., through the improvement to the patio, to the new doors that will be located on the side of the establishment.

The only parking spaces at this site are along main street, there are no alley parking spaces provided. The CBD requires a minimum of 50 percent of the required parking to be provided off site with preference given to parking in front of the business itself.

The hours of operation proposed by the applicant will begin at 4pm, which will offset the professional office hours and much of the retail in the area.

Staff recommends approval.

Commissioner O'Bell asked if the current owner of the European Bistro is the applicant for the bar/tavern permit.

Mr. Frazzell answered no, the current owner is in the process of selling the property.

Commissioner Botkin asked if the property is sold in the future does the special use permit carry with the property or with the applicant.

Mr. Fletcher explained that the permit carries with the property as long as the use is in compliance and the business continues in operation. If the use ceases operation for 6 months or more the use goes away.

Commissioner Ely asked what kind of music will be played, will the music be contained indoors or outdoors. Will the music be live, what is the maximum occupancy and what the closing time for the business is?

Mr. Frazzell answered that the Texas Alcohol and Beverage Commission (TABC) requires businesses with a wine and beer permit to close at 2 am.

Commissioner Ely asked about how the trash will be contained in the plaza area with another business so close by, and asked about the City properties being used for public parking for local businesses.

Mr. Fletcher answered that the City does not regulate the parking on this property (100 E. Main St.) and it is considered a public lot.

Commissioner Ely asked how the applicant will take measures to control the noise with screening/retaining wall.

Mr. Frazzell answered showing a drawing of the screening proposed by the applicant. The applicant will address the other questions Commissioner Ely had that staff could not answer.

Commissioner O'Bell asked about the noise level from the music coming from this potential business.

Jeff Coleman residing at 19608 Mallard Pond Trail, co-owner of the business in question spoke. His State Farm Agency will be located in the front portion of the building. The space his office will be occupying is about 1200 sq. ft., and his office hours are about 9 am to 5 pm or until his last appointment for the day leaves the office. Mr. Coleman explained that this bar/tavern will be a different concept from what Hanover's is, which is across the street from the establishment he is purchasing. This will be a wine bar environment, offering exceptional food with a full menu of appetizers, entrees, desserts, 50 different wines and 20 different types of micro brews from around Texas and the US, for adults. The general partner of the restaurant and wine bar is his wife, Shannon Coleman. No hard liquor will be served, only wine, beer and restaurant menu items. Live music anticipated on Thursdays, Fridays and Saturday nights inside (upstairs) and outside the venue on the patio, facing away from Main Street. Mr. Coleman mentioned his general contractor Brad Marshall is present tonight to answer questions also. Mr. Coleman anticipates opening for business in October 2012.

Commissioner Blackburn asked about his future business getting drowned out by the (noise) bands at Hanover's.

Mr. Coleman answered that he is not. He believes that his business and Hanover's will complement each other. He would like to see the residents of Pflugerville stay in Pflugerville and residents from Round Rock and Austin coming to Pflugerville and spend their dollars here. Mr. Coleman gave a history of the building and why he chose the name of the business called PBK Stein and Stem. They are trying to be very respectful to the building, this is the oldest commercial building in Pflugerville found from his research. It was built in 1906; the part of the building that is now the Old Prague Market and Das Cafe was built in 1905. that part of the building was burnt down in 1917 and was rebuilt into the structure that it is today. The structure now was originally the Pflugerville Mercantile until the 1970's. There was an ice cream and confectionary store on the empty lot next to this structure in 1917 and in 1933 when the prohibition was lifted in the US, that business turned into a tavern called PBK Tavern. That tavern was then called Knebel's, Knebel's moved to the north side of Pecan St., and in 1956 the patrons picked up the Knebel's bar and moved it to the south side of Pecan St., which was later called Tuff's and is now the Red Rooster.

Chairman Anker asked Mr. Coleman what time will the business open.

Mr. Coleman said about 4pm, if there is a demand for lunch at a later time they may consider this sometime next year, if needed. Mr. Coleman said October 11th there will be a wedding rehearsal that is booked for the patio area. At this time, there is no such venue for events as such. Right now the inside of the

restaurant can sit no more than 100 and outside 75 - 100 people anticipated to sit outside.

Commissioner Ely asked about the business' closing time.

Mr. Coleman answered that the closing time would be when the last person wanting to quit drinking wine, hopefully before 2am. Mr. Coleman noted that his expected hours for closing are Tuesdays Thursdays, no later than 9:30 or 10:30 pm., Fridays and Saturdays later, brunch hours on Sundays but no evening hours at this time.

Chairman Anker opened the public hearing.

W. C. Kolinek of 18920 Carlisle Castle, spoke noting that his biggest concern is the parking issue. Mr. Kolinek asked staff about the parking spaces required for the size of the building in question and if it meets the parking requirements for the 4400 sq. ft. of building. Staff answered about 1 parking space per 50 sq. ft., that equals to roughly 100 parking spaces are required with a minimum of 50 percent of the parking offsite. Mr. Kolinek noted that he is concerned about the safety of the kids in the nursery next door, because about the time the proposed business will be opening, the parents will be coming to pick up their kids from the daycare next door and also delivery trucks from both Hanover's and this new business is another concern.

Adeline Bui, 108 E. Main St., owner of Hanover's spoke. Ms. Bui agrees with Mr. Kolinek about the parking spaces not being adequate. Ms. Bui mentions she was required to have 1 parking space for every 50 sq. ft. of building use. Ms. Bui already has had complaints about her customers taking up parking spaces in the downtown area and that there is not enough parking space for another business similar to hers but she is unable to expand because of parking limitations. Ms. Bui mentions that parking for her should not be a factor because she wants to expand her business also, but she was told no by the City because of the code and its parking regulations.

Chairman Anker asked Mr. Frazzell if this is considered retail and about the parking ratio for different uses.

Mr. Frazzell answered with the amount of parking required per square footage of: commercial use (retail) is 1 per 300, on sites less than one acre; restaurant is 1 per 100; and nightclubs 1 per 50. Mr. Frazzell broke down the existing parking # of spaces for alley way is roughly 35, onsite is roughly 350 spaces and ROW parking is roughly 166 spaces, for the entire downtown area.

Commissioner Ely asked what are the laws regarding taking alcohol offsite and will there be someone from the proposed business enforcing this.

Mr. Coleman answered that it is legal to take a corked bottle of unfinished wine from a restaurant, but it has to be sealed, per TABC. This cannot be done with beer or liquor.

Chairman Anker asked for a motion to close the public hearing. Commissioner Blackburn made a motion. Commissioner Botkin seconded. Public hearing was closed.

Chairman Anker and the Commissioners had further discussion on this item and what they heard tonight.

Commissioner Blackburn commented that he sees this business as a plus for downtown area.

Commissioner Ely likes the idea of a restaurant for downtown but is concerned about the noise and the lack of parking spaces.

Commissioner Blackburn made a motion to approve the Specific Use Permit for Bar/Tavern in the Central Business District. Commissioner O'Bell second. All in favor. Motion carried unanimously.

**5 Consent Agenda**

**A**     [2012-1325](#)     Approve the Planning and Zoning Commission minutes for the July 16, 2012 meeting.

**Approved on the Consent Agenda**

**B**     [2012-1336](#)     Approving Subdivision Variances to allow posting partial fiscal security for Highland Park Phase D, Section 3 and Phase B, Section 4 final plats.

**Approved on the Consent Agenda.**

Chairman Anker stepped down from the dais due to a conflict of interest on Item 5B and Commissioner Blackburn took over.

Commissioner Storms made a motion to approve the Consent Agenda as read. Commissioner Lowe seconded that motion. All in favor. Motion carried.

**6 Council Action Update**

**A**     [2012-1339](#)     City Council Action Update

Mr. Fletcher noted that there is a memo in packet.

**7 Future Agenda Items**

Code diagnosis for discussion in September.

**8 Adjourn**

Commissioner Ely made a motion to adjourn. Commissioner Storms second that motion. Meeting adjourn at 8:20 pm.

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 Thomas Anker, Chairman  
 Planning and Zoning Commission

Respectfully, submitted this \_\_\_\_ day of \_\_\_\_\_, 2012.