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**STAFF REPORT**

<b>\Planning &amp; Zoning:</b>	2/4/2019	<b>Staff Contact:</b>	Ian Beck, Planner I
<b>City Council:</b>	2/26/2019	<b>E-mail:</b>	ianb@pflugervilletx.gov
<b>Case No.:</b>	REZ1812-01	<b>Phone:</b>	512-990-6303

**SUBJECT:** To receive public comment and consider an application to rezone Lot 2A, Windermere Center II, an approximate 0.6485 acre lot out of the J. Van Winkle Survey No. 14, locally addressed as 15913 Windermere Drive, from Agriculture/Conservation (A) to General Business 1 (GB1) district; to be known as 15913 Windermere Dr. Rezoning. (REZ1812-01)

**LOCATION:**

The proposed rezoning consists of land located along the east side of Windermere Dr, generally northeast of the Windermere Dr and W Pecan St intersection.

**REQUEST:**

The applicant has proposed to rezone Lot 2A, a 0.6485-acre lot from the Agriculture/Development Reserve (A) district to the General Business 1 (GB1) district. The proposed rezoning is intended to remove an existing legal non-conformity use status and allow for future improvements consistent with the General Business 1 (GB1) district.



**BACKGROUND:**

In 1984, a final plat was approved by Travis County to establish two lots along Windermere Dr to be known as the Windermere Centre II final plat. The two lots were intended to be developed for uses other than single family or duplex. A daycare was established on Lot 2 in 1985 while in Travis County. The area was annexed into the City of Pflugerville in 1997 through Ordinance No. 452-97-02-04 and was assigned the Agriculture (AO) district which is equivalent to the current Agriculture/Development Reserve (A) zoning district. In 2001, Lot 1 was rezoned to the General Business (GB) district and in 2002 a self-storage facility was constructed on Lot 1. A Replat was approved in September 2018 which adjusted property lines within the subdivision to slightly expand Lot 2 and establish a new lot for future development.

**EXISTING USE AND NON-CONFORMITY:**

The daycare use was established in 1985, prior to being annexed into the City of Pflugerville. Upon annexation, the Agricultural (AO) zoning was applied to the property and other than nomenclature adjustments, has remained the zoning of Lot 2 to date. A daycare use is not a permitted use in the Agriculture/Development Reserve (A) district. The use was in existence prior to annexation and the zoning applied to the property created the daycare's current nonconforming status. Similarly, improvements on the site may not meet current code requirements. Nonconforming uses, sites, and structures lawfully existing prior to annexation are considered

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legally nonconforming and allowed to continue in conformance with Subchapter 8 of the Unified Development Code. In order to make adjustments to the site, structure, or use, a rezoning to the General Business 1 (GB1) district where the use is permitted by right will help to eliminate the nonconformity.

**SURROUNDING LAND USES and ZONING:**

Adjacent	Base Zoning District	Existing Land Use
North	Two Family Residential (2-F) District	Windermere Single family attached neighborhood.
South	General Business 1 (GB1) District	Windermere Centre
East	Single Family Suburban (SF-S) District and General Business 1 (GB1) District	Single family residential neighborhood, Windy Meadows Storage
West	Multi-Family-20 District (MF20)	Windermere Townhomes

Per the current Unified Development Code:

*The General Business 1 (GB1) district is designed to accommodate a full range of retail and office uses with a city-wide and even regional trade area. These types of commercial uses are conducted wholly within an enclosed building. The uses in this district have operating characteristics and traffic service requirements compatible with typical office, retail, shopping, and high density residential environments.*

The General Business 1 District uses are provided below:

- **Permitted residential uses:** Assisted Living, Live Work Unit, Nursing Home/Skilled Nursing (Convalescent).
- **Permitted non-residential uses:** Athletic Facilities, Auction Sales, Automotive Parts Sales (Inside), Automotive Repair and Service, Automobile Parking Lot/Garage, Automobile Sales and Rental, Bar/Tavern, Brewery/Distillery/Winery (Micro), Brewpub/Wine Bar, Business Services, Catering Establishment, Cemetery/Mausoleum, Civic Center, Clinic, Commercial Recreation and Entertainment Indoors, Commissary, Convention Center, Day Care Facility, Dry Cleaning (Minor), Equipment and Machinery Sales and Rental (Minor), Event Center, Financial Institution, Golf Course/Country Club, Golf Driving Range, Government Facilities, Health/Fitness Center, Hospital, Household Appliance Service and Repair, Laundromat, Liquor Store, Lounge, Massage Therapy (Licensed), Mortuary/Funeral Home, Museum/Art Gallery, Office (Administrative, Medical or Professional), Park or Playground, Pawn Shop, Personal Services, Place of Worship, Print Shop (Major), Reception Hall, Restaurant, Retail Sales and Services (Single tenant over 50,000 SF), Retail Sales and Services, School: Private or Parochial, Theatre, Trade School, Transit Facility (Park & Ride).
- **Conditional uses:** Condominium, Multi-Family, Animal Establishments (Commercial), Bail Bond, Car Wash, Commercial Recreation and Entertainment (Outdoor), Drive-in Thru, Financial Services Institution (Alternative), Gas Station, Hotel (Hotel Residence), Mobile Food Park, Nursery Indoor/Outdoor Sales, Utilities, Wireless Telecommunication Facilities.

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### **COMPREHENSIVE PLAN:**

The Comprehensive Land Use Plan currently identifies the area as Mixed Use with a Neighborhood Center provided near the intersection of W. Pecan St and Parkway Dr. The mixed use component is identified in the Comprehensive Plan as an area intended to provide a built environment that facilitates the ability to live, work, and play in one area. Over time, these areas should increase in intensity, creating more cost-effective development patterns. Neighborhood centers are intended to provide a mix of two or more non-residential uses that are gathering spaces in the core of neighborhoods. The Comprehensive Plan identifies an action item in Goal 3 which states: "The amount of commercial and industrial land uses will accommodate opportunities for employment, services, and growing municipal tax base."

### **STAFF RECOMMENDATION:**

The daycare was built in 1985 and the land was annexed into Pflugerville in 1997 which created the current legal non-conforming status. The existing daycare and the Windermere Centre to the south of the site, help provide neighborhood services to the surrounding neighborhoods and community. Per the Comprehensive plan, mixed use areas should increase in intensity over time creating more cost-effective development patterns.

Lot 1 which surrounds the property was rezoned to what is now known as General Business 1 (GB1) district in 2001. Similarly, land further to the south and southwest is zoned General Business 1 (GB1) district. Approving the proposed rezoning to the General Business 1 (GB1) district will remove the current legal non-conforming use status of the property, as the daycare use is a permitted use in the district, and allow any future site improvements as permitted by the General Business 1 (GB1) district development regulations. Staff recommends approval of the proposed rezoning to the General Business 1 (GB1) district.

### **NOTIFICATION:**

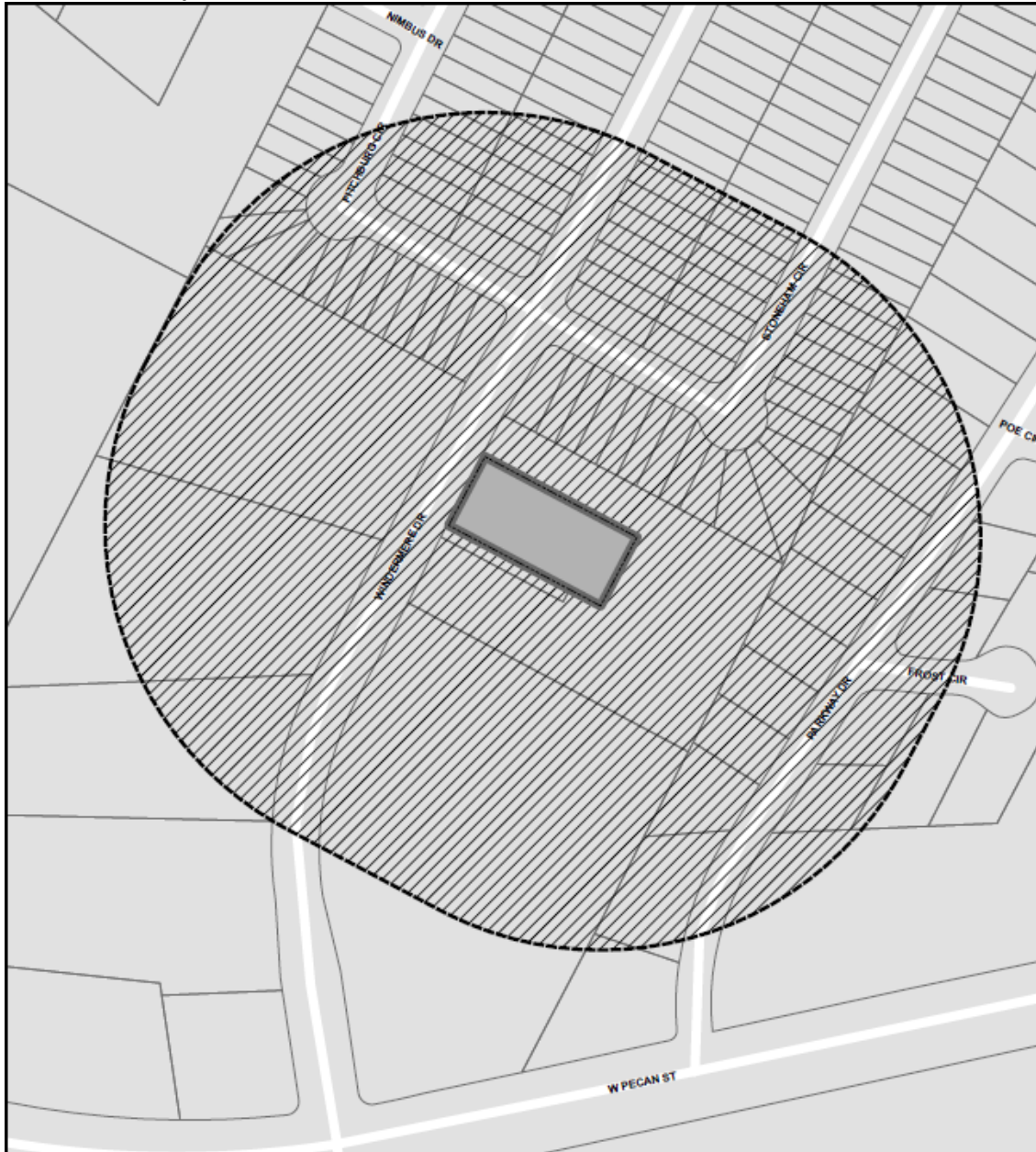
Newspaper notification was published, notification letters were mailed to property owners within 500 feet of the property, and signs were posted in accordance with the minimum notification requirements. No inquiries were received regarding the proposed request at the time of this report.

### **ATTACHMENTS:**

- Notification Map
- Zoning Map
- Site Photos
- Applicant Request
- Survey

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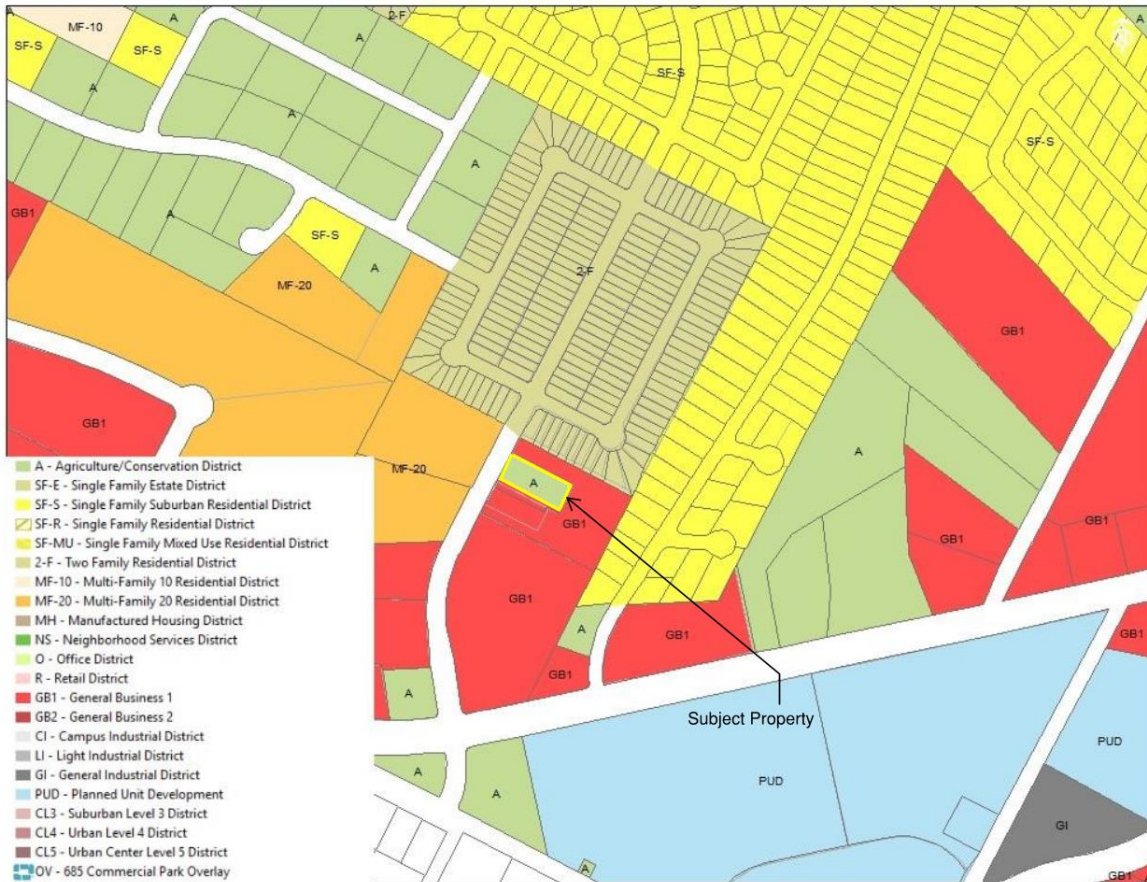
Notification Map



<p><b>15913 Windermere Dr (A to GB1)</b></p> <p><b>Case Number: REZ1812-01</b></p> <p><b>12/3/2018</b></p>	<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Rezoning</li> <li> Notification Area</li> <li> City Limits</li> </ul> <p>0      150      300 Feet</p>	<p style="text-align: center;"></p> <p><small>When required the City of Pflugerville complies with Texas Local Government Code for public notifications. All notification addresses are derived from tax role information that is certified annually.</small></p> <p style="text-align: center;"></p>	<p style="text-align: center;">Locator Map</p>
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**Zoning Map**



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**Site Photos**



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**Applicant Request**

**Ridge Hill Investments, Inc.**

P.O. Box 789 • Round Rock, TX 78680-0789  
Phone: 512-310-8830 • Fax: 512-310-8828

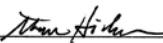
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**TO:** Planning and Zoning Commission  
**CC:** City Council  
**FROM:** Steve Hickerson  
**RE:** Daycare Rezoning - 15913 Windermere Drive, Pflugerville TX 78660

When this property was originally built on this land under the City of Austin, it was zoned as General Business 1. When the City of Pflugerville acquired the land, it was changed without our knowledge to the Agricultural classification, despite there being a running Daycare on that land from the time it was built in 1985 to present day. This change was brought to my attention when the current tenant requested to change the sign in front of the building and we were prevented from doing so.

I am requesting the zoning on this lot be restored to the General Business 1 level and that the associated fees totaling \$515.00 be waived, as I consider this Agricultural classification to be a change made in error without my knowledge.

Please be advised that the only change myself or my tenant intend to make on the property is to the sign at the street. We do not intend to change anything about the building or the use of the land.

  
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Steve Hickerson  
President  
Ridge Hill Investments, Inc.

Survey

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