



City of Pflugerville

Minutes - Final

Planning and Zoning Commission

Monday, May 1, 2017

7:00 PM

100 E. Main St., Suite 500

Regular Meeting

1 Call to Order

Staff present: Emily Barron, Planning Director; Jeremy Frazzell, Assistant Planning Director; Abbey Rose, Planner II.

Tammie Williamson, Chair, called the meeting to order at 7:07 pm.

Present 6 - Vice Chairman Daniel Flores, Commissioner Geoff Guerrero, Commissioner Karen Arnold, Chairman Tammie Williamson, Commissioner Oscar R. Mitchell and Commissioner Pat Epstein

2 Citizens Communication

There were none.

Consent Agenda

- 3A** [2017-5656](#) Approving a Final Plat for the Lakeside at Blackhawk II, Phase 2B; a 12.58-acre tract of land out of the V. W. Swearingen Survey No. 32, Abstract No. 724 in Travis County, TX (FP1611-02)
Item 3A pulled by staff and no action required.
- 3B** [2017-5714](#) Approve the Planning and Zoning Commission Minutes for March 6, 2017 Regular Meeting
Approved on the Consent Agenda
- 3C** [2017-5753](#) Approving a Final Plat for Avalon Phase 13B; a 1.08-acre tract of land out of the Edward Flint Survey No. 11, Abstract No. 277, in Travis County, Texas.
Approved on the Consent Agenda
- 3D** [2017-5805](#) Approving a Final Plat for Cornerstone at Kelly Lane, Phase 2, a 7.195-acre tract of land out of the John Davis Survey No. 13, Abstract No. 231 in Pflugerville, Texas.
Approved on the Consent Agenda

4 Public Hearing

4A [ORD-0353](#)

To receive public comment and consider an application to rezone Lot 40A of the Cambridge Heights Commercial Subdivision, a 1.79-acre lot located at the southwest corner of West Pflugerville Parkway and Grand Avenue Parkway, from Agricultural/Conservation (A) to General Business 1 (GB1) district; to be known as CVS at Grand Ave Rezoning. (REZ1703-01)

Abbey Rose, Planner II presented this item and answered questions.

Vice-Chair Flores asked Ms. Rose if on the other adjacent lots, aside from the car wash, if there had been improved or plans for improvements?

Ms. Rose commented that there has been an interest with people coming in for preconference application meetings for a smaller more local grocery store, restaurants, retail, car wash and a gas station. Plans to have retail and commercial stores has not come to fruition at this time.

Vice-Chair Flores further asked if these could be areas where the GB1 would also expand into, on these improved areas.

Ms. Rose stated that this would not be the case since they had already been rezoned since 2014. The only reason for GB1 was for the pharmacy to have a drive thru.

Commissioner Arnold asked if CVS owned this land and Ms. Rose replied, that it was owned by CVS since 2014. Vice-Chair Flores asked about access points.

Ms. Rose stated that one would be west Pflugerville Parkway and the other one further down on Grand Avenue.

Chair Williamson asked if the applicant would be interested in speaking.

Mr. Steve Kendall from Carlson Consulting Engineers stepped up to the podium and stated that they were the site designers for CVS. Nevertheless, he was not the actual site designer whom could not be here today. He stated that they are requesting a rezoning because they needed a drive thru. They have incorporated all the City requirements and have turned in all drawings, answered comments and are excited about it. He further stated that even though he was not the project manager he welcomed questions.

Vice-Chair Flores stated that it seemed like the access points were still under design.

Mr. Kendall replied that they did have a site plan and as previously stated by Ms. Rose there is one access point in the two areas that she mentioned.

Vice-Chair Flores asked if there were any floodplains. Mr. Kendall replied that there were none – all the water ran down into the main collection point.

Commissioner Mitchell asked about how many feet were from the intersection of Pflugerville Parkway and Grand Avenue Parkway and the driveway and if there was an additional turn lane where there was now a median?

Ms. Rose replied to the question, for the record, that they had someone come

in interested in opening a gas station and a grocery store in that area but they could not open a gas station due to both of these having their property starting longer than 200 feet. One of the conditions in the City's code for gas stations requires them to be concentrated. Both of these were further than 200 feet but she did not have the exact distances unless she looked at the plan. She further stated that city engineers talked about how to make sure that it is safe and the regulations states: 175 feet for 35 mph and below or if it is in the range of 325 feet it is 40-49 mph from driveway to driveway. Engineering has talked with them about how to make it safe like joint access and CVS has talked about this too. After reviewing the plan, Mr. Kendall came back in and stated that although no dimensions were showing in the plans, the property line was well over 300 feet, and the entry way was right on the property line.

Commissioner Mitchell asked how much was it from driveway to street light.

Ms. Emily Barron, Planning Director stated it was 125 feet. She also mentioned that right now the focus was on land use and not on elements of the site development application.

Ms. Rose added that all have been abided by and discussed with them. Ms. Rose completed her presentation.

Chair Williamson then asked if anyone in the audience was interested in speaking about this item.

Vice-Chair Flores made a motion to close the Public Hearing. Commissioner Arnold seconded the motion. All in favor. Motion carried. 6-0

Commissioner Epstein made a motion to approve item ORD-0353 as read. Vice-Chair Flores seconded the motion. All in favor. Motion carried.

4B ORD-0352

To receive public comment and consider an application to rezone approximately 1-acre of land in the John Van Winkle Survey, Abstract No. 787, and the Thomas G. Stuart Survey, Abstract No. 689 located at Wilke Ridge Lane from Agriculture/Conservation (A) to General Business 1 (GB1) district, or any other more restrictive district; to be known as the Wilke Ridge Rezoning. (REZ1703-02)

Jeremy Frazzell, Senior Planner presented this item and answered questions.

Vice-chair Flores asked if the only access was off of Wilke Ridge and if there would be a driveway? Mr. Frazzell stated that this was correct.

Commissioner Epstein asked if his recommendation was based on the proximity, in keeping with what had been done in the past. Mr. Frazzell stated that this was correct; being next to the neighborhoods reduces potential compatibility issues or concerns that may occur later.

Commissioner Epstein asked if he had heard from any of the surrounding neighbors. Mr. Frazzell stated that he had heard from one person that stated that they were okay with an auto parts on the inside but were concerned with additional traffic and also with outside storage stuff.

Ms. Jen Henderson, representing the applicant, David Boggs, commercial realtor, addressed the Commission. After a brief introduction, she stated that

there are three neighbors to this development 1) the City of Pflugerville Parks, 2) Highland Park HOA, and 3) Springbrook HOA. She contacted City of Pflugerville Parks & Recreation Director, Mr. James Hemenes who did not have any objection to the zoning. She then contacted Springbrook's HOA President Mr. Joe Grimm. This is a detention pond and a playfield for the Springbrook HOA. Mr. Joe Grimm expressed his concerns therefore he and Mr. Boggs met on site. Some of the concessions that Mr. Boggs made was that he was going to add some fencing and landscaping between the two properties which would be above the minimum requirements that Pflugerville has. Also, there was going to be some parking restriction within the tenant lease. Mr. Boggs plans to own this property and lease it and has someone to buy it. The other neighbor, Highland Park President Mr. Tom Anchor did not reply to their emails sent by both Mr. Boggs and Ms. Henderson. They have not heard from any of the neighbors. Mr. Boggs has a tenant that is auto repair shop and his current shop is located really close to this tract. Right now he has one space per bay. The City of Pflugerville ordinances requires him to have six parking spaces per bay if that is what he is planning to be built here. One other issue that Mr. Grimm has was the hours of business. Right now, the tenant who is going to lease this, works 9am – 6pm, Monday through Friday and Sat 9am -3pm. He does not plan to work outside these hours. She stated that it was important to point out that, the City of Pflugerville, when you do not have a zoning, you automatically have the AG Zoning. When you want to build, you have to attend P&Z Meetings and rezone just as they were tonight. The applicant, Mr. Boggs is willing to add some deed restrictions because of how broad the GB1 is. Therefore, you will not see nursing homes, skilled nursing, auto sales, brew pubs, wine bars, brewery, distillery, restaurants, liquor stores, lounges, pond shops, auto sales, auto rentals, massage therapy, events center, cemetery, mortuary, mausoleum, mortuary or a funeral home. Ms. Henderson further stated that the applicant has run preliminary numbers to see if a retail district would work. Based on his review, the retail numbers are not viable at this location because of visibility, lack of adjacent retail and not enough traffic at Wilke Ridge which is the only access point, to have a good retail site. The tenant further contacted a bank which the letter is on City's file. The bank is willing to lend for an auto repair shop and not a retail shop. The size of this lot is 1 acre and limited because of the size and what you can do in the GB1 District. The zoning map is a bit deceptive because of the pond and the play area.

If this zoning is not approved, then this development would not be viable and this tract would remain undeveloped. The current owners, The Aguilers' do support this zoning. A letter is in your packet.

Vice-Chair asked if this property would have its own detention and Ms. Henderson replied that it would. And the ordinance requires this.

Commissioner Arnold stated that she counted 24 cars. Ms. Henderson replied that the previous lot was owned by that same owner until about one year ago when it was purchased by City of Pflugerville and he was aware of those cars being parked in those parking spaces.

Commissioner Arnold asked regarding evidence where the neighbors agreed to this zoning or was something signed. Ms. Henderson asked Springbrook HOA President to answer questions and to confirm this. Before this, Commissioner Guerrero asked Mr. Frazzell if there was any discussion about any increase landscaping conditionally placed on this or fencing materials or

something to help partition this use from the backside of Heatherwilde, the north and south property lines?

Mr. Frazzell responded that outside storage is not permitted within the GB1 Zoning District or must be completely screened from view with a masonry wall as part of the screening requirements. If this property was to be rezoned to the GB1 Zoning District, Subchapter 4 of the Unified Development Code identified those different building setbacks. Because of the adjacent residential zoning district both at the pond and as well as the HOA park there will be a buffer yard setback which will be a distance of approximately 30 feet requirement - because of the district. The landscaping component of the buffer yard, however does not kick in because there isn't the use there and is a residential district. With regards to having additional dialogue establishing further site constraints on their property, we cannot enter into any private restrictions other than the GB1 allows. The zoning that is being proposed is a straight zoning and not like a PUD where you can add additional conditions. The deed restrictions can be acknowledged but not enforced unless they are taken to court and dealt with in a private manner.

Vice Chair Flores asked if there was a possibility into making this a PUD? Mr. Frazzell responded that since PUD is a different type of zoning, they would have to go through a different process involving a waiver and a 20 acre minimum.

Mr. Joe Grimm, residing at Springbrook I Subdivision, 211 Betterman Drive, Pflugerville, Texas commented on his concerns. He stated that he had done a lot of work in cleaning up and rebuilding this park and considered it his "baby". When Mr. Boggs met with him, Mr. Grimm was very specific about his concerns regarding the parking for the park, there is no buffer between that lot and the parking lot and unless the residents walk to the park, they park in this parking lot. An auto repair shop in this area would use this lot for left over parking. Also, concerned about safety for the kids when playing baseball if the ball would land in this lot. His contingency with Mr. Boggs was if there would be a partition wall built. Mr. Boggs agreed to this. But based on what Mr. Frazzell stated that there is no way to enforce this, he is afraid this will not be done. This would be a minimal condition that the neighborhood would require to separate any business and the park. Other concerns are noise, and the bays facing Willkie Ridge and there would be no bay where they would walk through. In speaking about any kind of support, Mr. Grimm stated that they would have these minimal conditions – the buffer wall which he consented to but only in conversation and if there is no way to enforce this. Furthermore, I see a dilemma in this being too small for retail and also as an HOA we would require the buffer wall.

Mr. Zach Dawes, residing at 17909 Worley Dr. in Pflugerville, Texas also commented on his concerns and concurred with Mr. Grimm. He requested clarifications on deed restrictions. Ms Henderson responded that deed restrictions are recorded with the county therefore if the land changes owner the deed restrictions remain. Mr. Dawes also had a question on 30 foot setbacks and if there was space for up to eight (8) bays with up to 48 vehicles. Ms. Henderson responded that the maximum was 8 bays based on the space available. Mr. Dawes one last question addressing it to Mr. Frazzell regarding the GB1 or R zoning and if someone wanted to petition to remove this if it could be possible.

Mr. Frazzell reiterated that deed restrictions are private and if they wanted to remove the restrictions then both parties had to be in agreement and go through that process if this was something that was allowable within that land use and as long as it met that particular stipulation.

Commissioner Arnold made a Motion to close Public Hearing. Second by Vice-Chair Flores.

All in favor. Motion passed.

Chair Williamson stated that there was a request from the applicant to go to GB1 and a recommendation from staff to go to Retail.

Commissioner Epstein made a motion to accept recommendation to go to retail. Second by Commissioner Mitchell.

Commissioner Arnold stated that she had concerns both ways and would like to discuss them.

She stated that retail was going to be tough on this site, however she did not know what would happen if this property owner did not keep the land. Furthermore, she stated that she knew Slapco, owner, from the DH Auto and knew him to be an honest business man who provides value to the citizens of Pflugerville. She stated that she was in a quandary because she believed that his business would thrive and it would be good for the City. However, if we change the land and zoning it would be forever and not just for him. If he were to leave that would open up for something else.

Chair Williamson concurred with Commissioner Arnold stating that she did not see retail on an acre but did not know what else you could do with it. Not to say that you could not have a drive thru restaurant but then again drive thru is not permitted on GB1.

Vice-Chair commented that he liked the fact that there were already GB1 zoning on Wilke Ridge so this would not be setting precedent.

Commissioner Guerrero asked if there was a site restriction as to the number of bays allowed.

Mr. Frazzell stated that there was a provision in the code now that limits the number of bays to four (4) that can face toward the public right-of-way in each different direction. As you look into 685 there is a sight that was fairly recently constructed .

Commissioner Guerrero further stated that his greatest concern was the number of parking spaces available and if the developer would be interested in submitting a variance for less parking spaces, for example forty (40) as opposed to forty-eight (48).

Mr. Frazzell stated that the parking requirement is standard in the Unified Development Code. The required spaces that he has identified are the ones that we have listed in our code now. He explained that a Variance Process would involve going through the Board of Adjustment and a separate application, a separate public hearing and physical hardship. Also, testing is involved associated with the variance for reduction in parking spaces.

Ms. Barron added that there were other options of parking studies in addition to the variance.

The commission further discussed and reviewed other sites with similar bays and parking spaces.

Commissioner Guerrero stated that maybe at this point it was better not to zone if zoning to Retail was not going to get anything solved. He further asked if it was possible to not take any action but leave it as "A". Further discussion ensued.

Commissioner Epstein made a motion to rezone the property to Retail. Commissioner Arnold seconded. Vice-Chair Flores, Chair Williamson, Commissioner Guerrero, Commissioner Mitchell voted nay. Motion failed with a vote of Two (2) in favor, four (4) opposed.

Commissioner Arnold made a motion to zone GB1. Commissioner Mitchell seconded. Two (2) opposed Four (4) in favor. Motion carried.

5 Discuss and Consider

5A [2017-5817](#) Architectural Review Board Waiver N Heatherwilde Blvd at SH-45 (ARB1704-01)

Ms. Rose, Planner II, presented this item.

Vice-Chair Flores made a motion to accept this waiver and Commissioner Guerrero second the motion. All in favor. Motion carried.

5B [RES-0427](#) Discuss and consider recommendation to City Council regarding the 3-Year Annexation Plan pursuant to Section 8.08 of the Pflugerville City Charter and Subchapter 2, Section 2.2 of the Unified Development Code.

Ms. Sellers, Senior Planner, presented this item and answered questions. Vice Chair asked a question.

Steve Kendall, applicant from Carlson Consulting Engineers from Bartlett, TN spoke.

Commissioner Arnold made a motion to approve. Commissioner Mitchell second the motion. All in favor. Motion carried.

6 Future Agenda Items

7 Adjourn

Chair Williamson motioned to Adjourn. Vice-Chair Flores seconded the motion. All in Favor. Meeting adjourned at 8:32 pm.

Tammie H. Williamson, Chair
Planning and Zoning Commission

Respectfully, submitted on this 7th day of August, 2017.