



# City of Pflugerville

## Minutes - Final

### Planning and Zoning Commission

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Monday, September 19, 2016

7:00 PM

100 E. Main St., Suite 500

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#### Regular Meeting

#### 1 Call to Order

Staff present was: Trey Fletcher, Assistant City Manager; Emily Barron, Planning Director; Jeremy Frazzell, Senior Planner; Erin Sellers, Planner II; Chuck Foster, Planner I and Dana Lively, Administrative Technician.

Chairman Kevin Kluge called the meeting to order at 7:02 p.m.

**Present** 7 - Vice Chairman Daniel Flores, Chairman Kevin Kluge, Commissioner Geoff Guerrero, Commissioner Karen Arnold, Commissioner Tammie Williamson, Commissioner Ronda Gindin and Commissioner Oscar R. Mitchell

#### 2 Citizens Communication

The Planning and Zoning Commission welcomes comment on items relevant to the Planning and Zoning not already scheduled on tonight's agenda. In accordance with the Texas Attorney Generals' opinion, any public comment that is made on an item that is not on the published agenda will only be heard by the Commission. No formal action, discussion, deliberation, or comment will be made by the Commission. Each person providing public comment will be limited to five (5) minutes and will be asked to state his or her name and address for the public record.

There were none.

#### 3 Consent Agenda

All matters listed under the Consent Agenda, are considered routine by the Commission and will be enacted by one motion. These items include preliminary and final plats, where staff has found compliance with all minimum subdivision regulations. All items approved by consent are approved with any and all staff recommendations. There will not be separate discussion of these items. If any Commissioner desires to discuss an item on the Consent Agenda, it will be moved to the Regular Agenda for further consideration.

- 3A**    [2016-5207](#)    Approve the Planning & Zoning Commission minutes for the August 1, 2016 regular meeting  
Approved on the Consent Agenda

- 3B**    [2016-5019](#)       Approving a Final Plat for Verona Section 2; a 16.197-acre tract of land out of the James P. Kempe Survey No. 12, Abstract No. 464, in Pflugerville, Texas. (FP1604-03)  
**Approved on the Consent Agenda**
- 3C**    [2016-5151](#)       Approving a Final Plat for Avalon Phase 17A; an 18.81-acre tract of land out of the Edward Flint Survey No. 11, Abstract No. 277, in Travis County, Texas. (FP1602-03)  
**Approved on the Consent Agenda**
- 3D**    [2016-5202](#)       Approving a Revised Preliminary Plan for a Resubdivision of Lot 1B of the Pflugerville Community Development Corporation Renewable Energy Park; a 3.830-acre tract of land out of the William Caldwell Survey, Abstract No. 162, in Pflugerville, Texas. (PP1607-01)  
**Approved on the Consent Agenda**
- 3E**    [2016-5147](#)       Approving a Final Plat for Helios Way; a 3.712-acre tract of land out of the William Caldwell Survey No. 66, Abstract No. 162 and Taylor S. Barnes Survey No. 46, Abstract No. 67, in Travis County, Texas. (FP1607-01)  
**Approved on the Consent Agenda**  
  
**Ms. Lively read the Consent Agenda as written.**  
  
**Vice Chairman Daniel Flores made a motion to approve the Consent Agenda as read. Commissioner Oscar R. Mitchell seconded the motion. All in favor. Motion carried.**

#### **4     Public Hearing**

**The Commission welcomes comment on the following items. Each person providing public comment will be limited to five (5) minutes and will be asked to state his or her name and address for the public record.**

**4A**    [ORD-0319](#)

Consider an application to amend the Falcon Pointe ALUR-2 South (PUD), to allow for a convenience store with gas pumps land use with limitations and medical facility, hospital, medical office and/or traditional office uses without square footage limitations; a 148.55-acre tract of land out of the John Davis Survey No. 13, Abstract No. 231, in Pflugerville, Travis County, Texas. (REZ1606-03)

Erin Sellers, Planner, presented this item.

Ms. Sellers gave the history and background on this site.

The Falcon Pointe ALUR-2 South incorporates the portion of the Falcon Pointe development situated south of Central Park. The amendment affects property within Neighborhood Three-West and Lot 2 of the Falcon Pointe Section 19 Final Plat which is located within Neighborhood Three-East. The affected property is generally located southwest of Colorado Sand Drive and northeastern corner lot at the intersection of Colorado Sand Drive and E. Pflugerville Parkway.

In March of 2006, the Falcon Pointe ALUR-2 was divided into two separate governing districts: North and South. In 2009, the Falcon Pointe ALUR-2 South was amended and restated to incorporate elements of the City's Corridor districts which allow for a variety of residential and commercial uses. In 2015, the nomenclature for ALUR was changed citywide to Planned Unit Development (PUD).

Permitted Uses of the Article II of the PUD propose to include an allowance for convenience stores with gas pumps and medical facility, hospital, and medical office permitted by right with no square footage limitation. It would require new development to be governed by current code in effect at the time of the proposed amendment, not development regulations in place in 2009 as approved with the first amendment to the PUD.

The applicant presented a powerpoint presentation showing the proposal for the lot and their general history of the overall master planned community.

Resident Tommy Thompson, owner of Primrose Day Care on Colorado Sands, expressed his concern to the Commission about putting a gas station on the corner lot that is next to the daycare citing the amount of traffic that the convenience store/gas station would attract. He expressed that it would not be safe for the families and the children that cross the parking lot in the mornings and evenings at the store.

Resident Matthew Snyder, who lives on Dashwood Creek Drive, expressed his concern to the Commission about the traffic that the gas station would bring in. He requested that the Commission not approve a gas station to be placed next to a daycare.

Resident Tara De la Garza, who lives on Plover Run Trail, stated that she shares the same concerns as her neighbors regarding the traffic and safety concerns.

Resident Ricardo Lowe, who lives on E. Parmer Lane, expressed his concern to the Commissioners about placing a gas station next to the daycare as being

inconsiderate and dangerous. He also stated he had environmental concerns with fumes that can be emitted from gas stations.

Resident Kimberly Graham, who lives on Tree Sap Way, spoke to the Commission as an employee at the Primrose school. She requested that the request not be approved and to help Pflugerville be the kind of city people would love to live in.

Resident Stephanie Shirley, who lives on Open Plain Drive, spoke regarding the environmental concerns of placing a gas station near a daycare. She stated that a health impact assessment does not recommend placing a daycare at this location. She further stated that Benzene is an agent that is expressed from fueling stations and it is hazardous for children or anyone to breathe in.

Resident Brian Warne, who lives on Ben Rock Circle, stated that he is a land planner and was curious to see if a TIA had been performed at this location. He stated his concern was the proximity between the different uses of each lot.

Resident Meredith Dusek, who lives on Huckabee Bend, stated her concern was the sale of alcohol at the convenience store during the day and night.

Resident Jason Stewart, who lives on Lake Edge Way, stated he has environmental concerns with a gas station being placed next to a daycare. He was also concerned with accidents that can happen at the gas station.

Resident Tina Burgio, who lives on Calm Harbor, expressed concern similar to the other residents of the neighborhood. She stated that the children are an investment.

Resident Ryan Aycock, who lives in the Falcon Pointe subdivision, stated that his concerns included accidents within the parking lot, robberies at the gas station, alcohol sales and environmental concerns. He stated that even car washes have environmental concerns and he does not want a gas station near his children's daycare.

Resident Ailenid Landeta, who lives on Monarch Butterfly Way, stated that Primrose is a family friendly daycare and provides her children with an good education.

Resident Stephen Elliott, who lives on Dusty Chisolm Trail, asked the Commissioners why the plot of land could not be split apart instead of considering it as one piece of land. He also stated his concern with the amount of cars going thru the parking lot that would create a hazard for the children.

Staff received multiple letters and emails from residents of the Falcon Pointe Subdivision stating their concerns with placing a gas station near a daycare.

Commissioner Karen Arnold made a motion to close the public hearing. Commissioner Tammie Williamson seconded the motion. All in favor. Motion carried.

The commissioners asked questions of staff. The questions included asking about comparisons of other relative sites, restricting the PUD and orientation

of the site, was a Traffic Impact Analysis done, spacing between the sites because of the sale of alcohol (TABC) and traffic control measures (speed bumps).

Commissioner Gindin made a motion to allow for a convenience store with gas pumps land use with limitations and medical facility, hospital, medical office and/or traditional office uses without square foot limitations within the Falcon Pointe ALUR-2 South (PUD) with the exception of Lot 2 Section 19. Commissioner Williamson seconded the motion. All in favor. Motion carried.

**4B**    [ORD-0324](#)

To receive public comment and consider an application to rezone approximately 3.218 acres out of the John Van Winkle Survey No. 70, Abstract No. 877, located generally northwest of the W. Pflugerville Pkwy and Picadilly Dr. intersection, from Agriculture/Conservation (A) to Neighborhood Services (NS) district; to be known as the Islamic Center of Pflugerville Rezoning. (REZ1608-01)

Chairman Kluge opened item 4B for public hearing and consideration. He read the item that is under consideration. Jeremy Frazzell, Senior Planner, presented the information and answered questions from the Commissioners. There were many residents that requested to speak for this item.

The applicant, Faheem Altaf, spoke regarding their request for the rezoning of the property. He relayed to the commissioners their intentions in building a mosque on the property along with some retail stores. He stated that the funds for the mosque is community driven as they only receive support from the community.

22 residents who live in the surrounding area asked to speak to the Commissioners regarding their concerns with the rezoning. The concerns raised included construction of a place of worship, specifically a mosque; noise, traffic, safety, drainage and the land being too small in size for a mosque and a retail center.

Resident Terri Duncan, who lives on Madden Drive, expressed her support for the rezoning but needed some clarification. She stated her concern regarding noise levels at certain times, what is the difference between the community center and a place of worship, and what the hours of the retail shops. She also questioned the access to the site for walk up citizens. She expressed that she is not opposed to having neighbors, but we should do our due diligence. Staff provided answers to her questions.

Resident Andrew Wark, who lives on Springbrook Road, opposed the rezoning. He stated his concern was over the building of a mosque on this property.

Resident Marcia Schoellman, who lives on Moreto Loop, supported the rezoning. She stated she supported allowing a place of worship on the property and a neighborhood retail center that would bring the small town charm.

Resident Paul Kroschewsky, who lives on Derpin Lane, asked questions to staff about how many tracts of land were on the property and ownership history.

Resident Tim Bradberry, who lives on Worley Drive, spoke to the Commission about keeping the peace and tranquility of our neighborhood.

Resident Joe Grimm, who lives on Betterman Drive and is on the HOA board for Springbrook Community. He asked staff to provide clarification on few questions. Staff provided answers to his questions.

Resident Joe Forbes, who lives on Emmett Parkway, stated he is not a Pflugerville resident, but wanted to voice his support of the rezoning. He stated that having a strong Islamic Center here in Pflugerville will help with our

community diversity.

Resident Khurram Shahzad, who lives on Tortoise Street, voiced his support for the rezoning. He stated that the Muslim community can bring a lot of positives to the community. Some positives could include having free medical clinics, student tutoring, and many other things. He requests that the community please feel free to ask them any questions or bring any proposals to make it a great community.

Resident Frances Garcia, who lives on Dansworth Cove, opposed the rezoning. She stated that the traffic is already bad. She does not believe that the property should be used for a place of worship.

Resident Mary Garza, who lives on Kessler Drive, stated Staff has answered her questions thru the presentation. She thanked the applicant for being open to the public and also invited the applicant to her church.

Resident Joe Garza, who lives on Kessler Drive, had questions regarding the rezoning. He stated his concerns include the water drainage, traffic control, noise from the horse barn, parking and growth concerns. He advised the applicant to really think about all of the concerns that he has raised including choosing a different location.

Resident Troy Merritt, who lives on Regis Drive, opposes the rezoning. He does not want to hear all the noise and see all the traffic. He believes that the safety concern is the most important aspect. He supports their right for freedom of religion, but he states that his family will be at risk due to hate crimes if the mosque is allowed to be built on their property.

Resident Gina Gelner, who lives on Palatine Lane, is opposed to the rezoning. She states her concern regarding the traffic congestion will be worse. She is concerned with more accidents occurring and also the noise that the mosque/retail center will bring to the area.

Resident Victoria West, who lives on Kessler Drive, is opposed to the rezoning. She echoes what her previous neighbors have spoken about. Traffic is her main concern. She is concerned with the traffic and how close the entrance is to the proposed site.

Resident Bala Singham, who lives on Emperor Street, supports the rezoning of the property. He states he appreciates the proactiveness of the applicant.

Resident Jennifer Turner, who lives on Grafton Glen Cove, supports the rezoning of the property. She states that the muslim community can bring a lot of positivity to the community. She supports giving them a chance to show the community what positivity they can bring.

Resident Dawn Brooks, who lives on Kessler Drive, is opposed to the rezoning of the property. She is concerned with the ag barn and the drainage issues it brings to the area. Traffic is a concern and she states that the property is way too small to have a place of worship and a retail center. She states that she is okay with the place of worship, but not the retail center. She requests that the rezoning does not pass.

Resident Charlotte Justice, who lives on Clare Morris Lane, states she is okay with the rezoning, but is concerned with the traffic. She asked staff to check and see if it is possible to change the places where the medians are or change the traffic lights. She stated to the applicant that she wants them to feel welcome in the Pflugerville community.

Resident Kelifa Abdo, who lives on Moreto Loop, supports the rezoning of the property. He asks for the community to please accept the place of worship.

Resident Faisal Naeem supports the rezoning of the property. He clarified a few of the community concerns including noise and being open 24/7. He stated that the services only last 10 minutes and that the call to prayer occurs inside the building and is not projected outside of the mosque. He addressed the community's concern regarding lowering of property values. He stated that the values did not decrease with a mosque in the community according to his previous experience.

Resident Rudy Medor, vice president of the Travis County ESD #2, spoke to the audience and encouraged everyone to work together. He stated he was asked by members of the community to come and speak. He stated that it's not just the rezoning that is a concern, but it's also a safety concern. He states these issues are real and they are serious points of view and should be respected by everyone. He asks that the community try and reach out to get answers to the questions they may have and find solutions to help solve the problems.

Planning Director, Emily Barron, stated to the commissioners and audience that places of worship are permitted in all zoning districts.

Commissioner Karen Arnold made a motion to close the public hearing. Vice Chairman Flores seconded the motion. All in favor. Motion carried.

The commissioners asked questions of staff regarding median modification and drainage.

Commissioner Arnold made a motion to approve the rezoning of the Islamic Center of Pflugerville from Agriculture/Conservation (A) to Neighborhood Services (NS). Commissioner Oscar R. Mitchell seconded the motion. The vote was 6-1 with Commissioner Gindin voting against the rezoning. Motion carried.

**4C**     [2016-5203](#)

To receive public comment and consider an application for a Replat of Lot 1B of the Replat of Lot 2D of the Replat of Lot 2C - Renewable Energy Park and Lot 1B of the Replat of Lot 1 - Renewable Energy Park. (FP1608-01)

Chairman Kluge opened item 4C for public hearing and consideration. He read the item that is under consideration. Jeremy Frazzell, Senior Planner, presented the information and answered questions from the Commissioners. There were no residents that requested to speak for this item.

Commissioner Arnold made a motion to close the public hearing. Vice Chairman Flores seconded the motion. All in favor. Motion carried.

Chairman Kluge made a motion to approve item 4C (2016-5203) as written. Commissioner Williamson seconded the motion. All in favor. Motion carried.



**4D**    [2016-5204](#)

To receive public comment and consider an application to Replat Lot 2E Renewable Energy Park. (FP1607-02)

Chairman Kluge opened item 4D for public hearing and consideration. He read the item that is under consideration. Jeremy Frazzell, Senior Planner, presented the information and answered questions from the Commissioners. There were no residents that requested to speak for this item.

Commissioner Gindin made a motion to close the public hearing. Vice Chairman Flores seconded the motion. All in favor. Motion carried.

Chairman Kluge made a motion to approve item 4D (2016-5204) as written. Vice Chairman Flores seconded the motion. All in favor. Motion carried.

**5**    **Future Agenda Items**

**The next Planning and Zoning Commission meeting is Monday, October 3, 2016 at 7:00pm.**

**6**    **Adjourn**

Vice Chairman Flores made a motion to adjourn the meeting at 10:18 p.m. Commissioner Geoff Guerrero seconded the motion. All in favor. Meeting adjourned.

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Kevin Kluge, Chairman  
Planning and Zoning Commission

Respectfully, submitted on this 3rd day of October, 2016.