

<b>Planning &amp; Zoning:</b>	12/4/2017	<b>Staff Contact:</b>	Jeremy Frazzell, Asst. Planning Dir.
<b>City Council:</b>	1/9/2018	<b>E-mail:</b>	jeremyf@pflugervilletx.gov
<b>Case No.:</b>	REZ1711-01	<b>Phone:</b>	512-990-6300

**SUBJECT:** To receive public comment and consider an application to rezone Lot 1 and Lot 2, Block A Hankins Subdivision, consisting of approximately 1.942 acres of land locally addressed as 405 and 407 FM 685, from General Industrial (GI) to General Business 2 (GB2) district; to be known as the Hankins Subdivision Rezoning. (REZ1711-01)

**LOCATION:** The proposed rezoning consists of two platted lots located along the east side of FM 685, generally southeast of the Cedar Ridge and FM 685 intersection, and north of Pecan Street.

**REQUEST:**

The proposed request is to rezone two platted lots currently zoned General Industrial (GI) to the General Business 2 (GB2) district. The existing GI zoning does not allow for the current land uses on the property and rezoning the property will enable the current land uses to become conforming and allow for flexibility with future land uses that are generally consistent with the area, should either existing use change in the future.



Lot 1 is a 0.9598 acre lot that contains an existing collision repair facility called Image Auto Body. Existing improvements include a metal office and repair building, asphalt patron parking area, and unimproved parking in front and behind the facility. According to the owner, an auto body repair land use has been in operation on the property since 1985 when the current building on the property was originally constructed.

Lot 2 is a 0.9822 acre lot that contains an existing used car lot called RGB Auto Sales. Existing improvements include two buildings used as a sales office and auto repair facility, an asphalt parking lot near FM 685, and unimproved parking throughout the site. According to information provided by the owner, the current auto sales lot has been in operation on the property since the early 1990's.

**BACKGROUND:**

Both properties were annexed into the city in 1994 through Ordinance No. 411-94-12-13. At that time, the properties were zoned to the Agriculture/Open Space (AO) zoning district. In 1995, the properties were rezoned from Agriculture (AO) district to General Industrial (GI) district and have remained zoned General Industrial (GI) district to date.

In review of past versions of the zoning regulations, “Automobile Body Shop” was listed as a permitted use in the GI zoning district in 1984. In 2000, the Zoning Code was amended and became a part of the Code of Ordinances as Chapter 157. The amendments included removing “Automobile Body Shop” from the land use table but retained “Automobile Repair Shop” as a permitted use in the GI district. In 2007, the Zoning Code of 2000 was repealed and replaced with a code that relabeled “Automobile Repair Shop” to “Vehicular Sales, Rental, Repair and Service” and removed the use from the GI district. The automotive repair and auto body repair land use has not been permitted in the GI district since the 2007 amendments.

**SURROUNDING LAND USES and ZONING:**

Adjacent	Base Zoning District	Existing Land Use
North	General Business 2 (GB2)	Mini-Warehouse/Public Storage
South	General Business 2 (GB2)	Retail Sales and Service
East	General Business 2 (GB2)	Mini-Warehouse/Public Storage
West	General Business 1 (GB1) & PUD	Automotive Repair and Service

Per the current Unified Development Code:

*The General Business 2 (GB2) district is intended to provide a convenient location for small scale service and commercial related establishments, such as wholesale products, contractor shops, mini storage, major automotive repair, and similar more intense commercial uses. The uses included in this district should be located on a collector or higher classification thoroughfare.*

*The General Industrial (GI) district is intended to include land which is used, or intended to be used, for the development and protection of, manufacturing, and related undertakings which generate a large volume of traffic, can involve multi-shift employment, involve heavy equipment, and/or generate noise, dust, or light which is not compatible with the other uses in this chapter, and might require large parcels of land. This district should be located away from residential uses and areas that are suitable for retail commercial use. They should be relatively large areas to encourage the clustering of similar uses and avoid the proliferation of GI districts in the City. The district should have adequate access to arterial streets, but not direct frontage on arterial streets or SH 130 or SH 45.*

**COMPREHENSIVE PLAN:**

The Comprehensive Land Use Plan currently identifies the area as Mixed Use with a Community Center provided near the intersection of E. Pecan and FM 685. 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. Community Centers are intended to provide a mix of uses in areas between multiple neighborhoods and can include large anchor retail as well as specialized retail. In this case, the large anchor is the HEB grocery store with specialty retail and service uses within close proximity, providing services to the surrounding neighborhoods and community.



**STAFF RECOMMENDATION:**

The proposed zoning is being requested to apply conforming zoning to the property, which is a condition that inadvertently occurred with adjustments to the land use codes. At the time the property was zoned to the GI district, the district allowed for a wide variety of commercial uses ranging from less intense neighborhood type land uses to more intense manufacturing land uses. The GI district has become the most intense industrial district in the city and is recommended in the Unified Development Code to be located away from residential uses and areas that are suitable for retail commercial use. While the current land uses can remain in operation on the property as legal non-conforming uses, the property is limited with the current zoning for any expansion or change to another land use.

The proposed request is generally in conformance with the Preferred Land Use Vision Plan, will allow for the existing land uses as permitted land uses in the GB2 district and is more compatible with the surrounding properties and existing uses than the current GI district. Staff recommends approval of the proposed request to the GB2 zoning district.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

On December 4, 2017 the Planning and Zoning Commission conducted a public hearing and recommended approval of the proposed ordinance with a vote of 4-0.

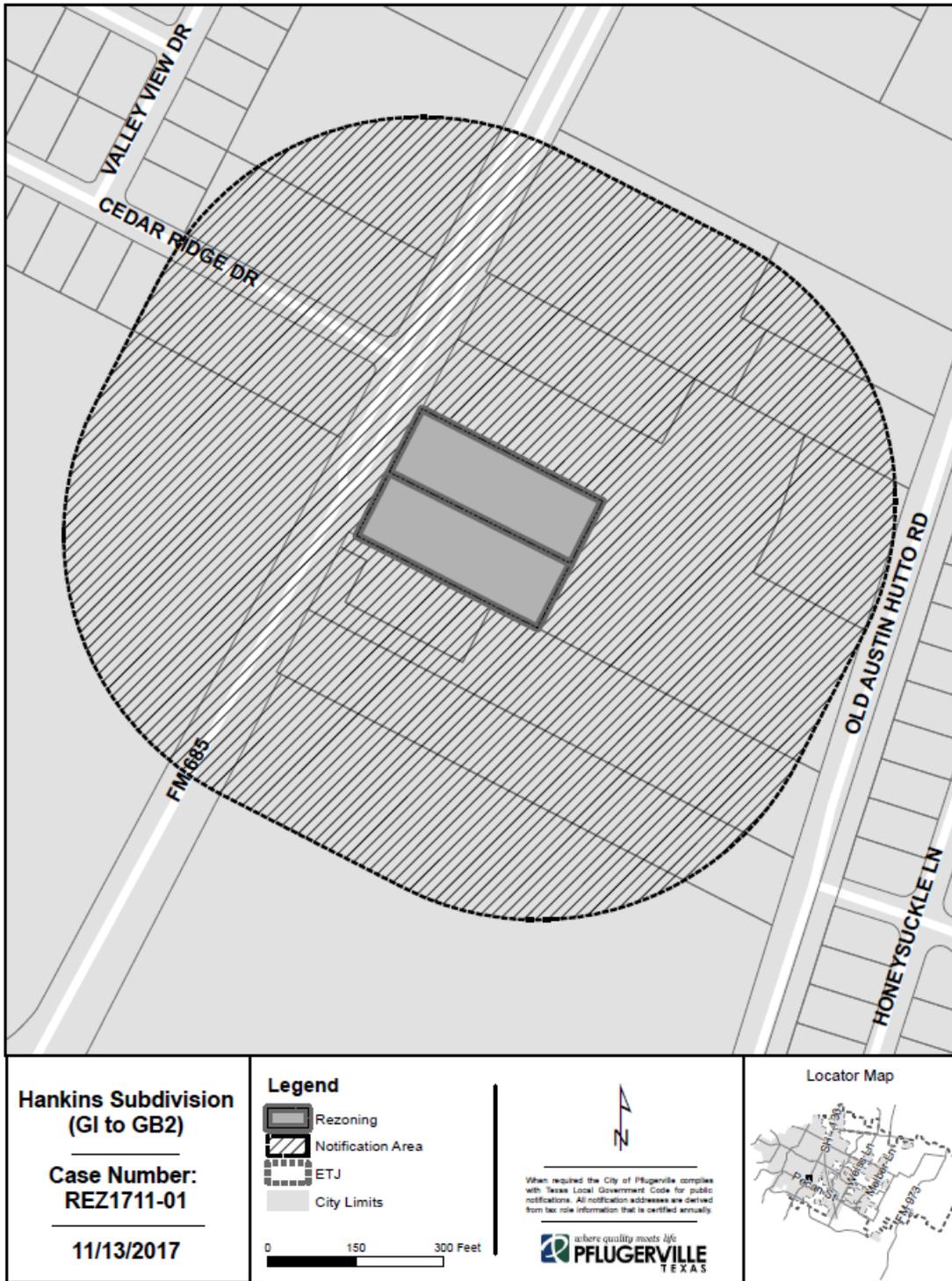
**NOTIFICATION:**

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.

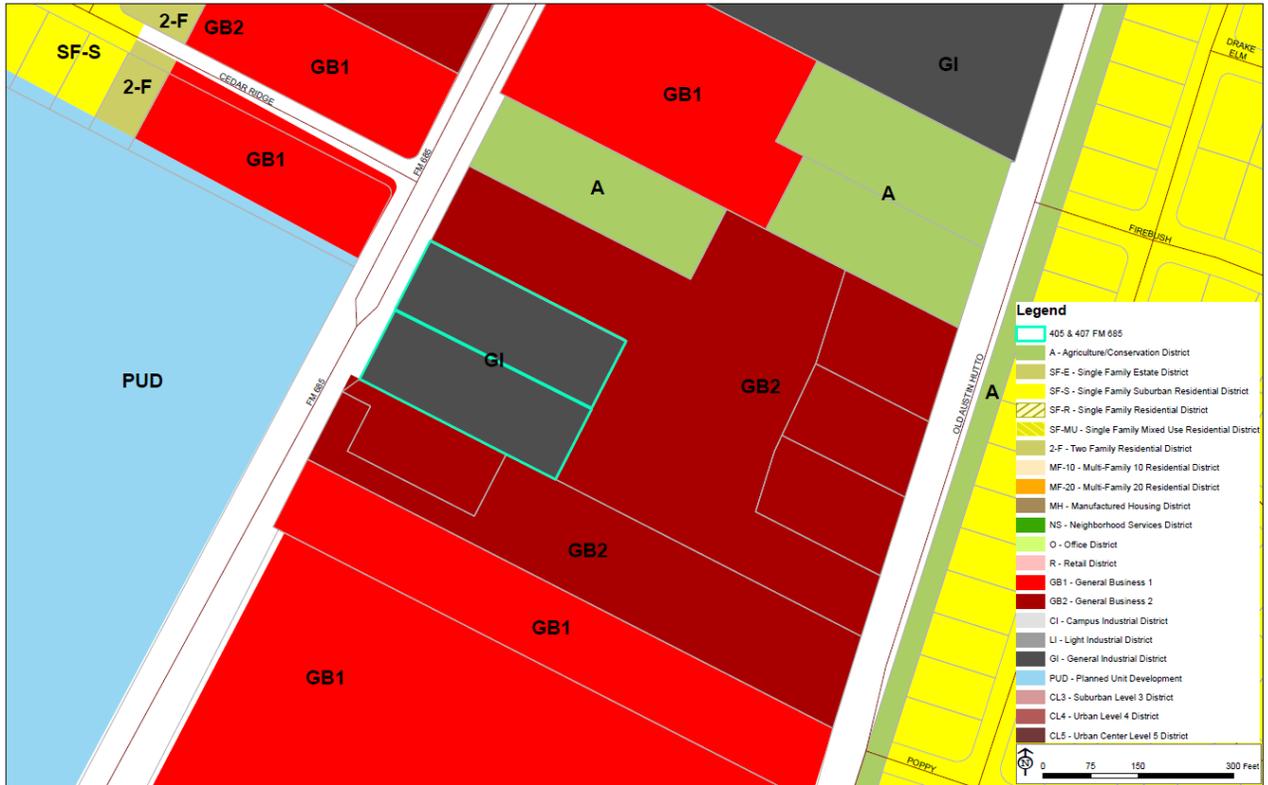
**ATTACHMENTS:**

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

**NOTIFICATION MAP**



**ZONING MAP**



**SITE PHOTOS:**  
**405 FM 685**



**407 FM 685**



**APPLICANT REQUEST:**

John Hankins

November 11, 2017

Planning and Zoning Commission and City Council  
Rezoning

Dear Planning and Zoning Commission and City Council:

At this time I am requesting a zoning change to 405 FM 685 and 407 FM 685 Pflugerville, Texas from GI to GB2. This rezoning being requested because GI does not allow the business function that is being conducted at these locations.

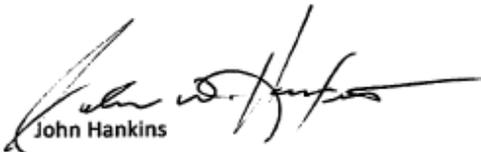
After selling my property on North Lamar in Austin where I was doing auto body repair I built a building on 685 outside of Pflugerville in 1985. Digging deep in my records I was able to furnish Jeremy Frazzell of the Planning Department with over 17 years of Leases that demonstrate Auto Body Repair being done at this location.

At the 405 location I was able to furnish the Assistant Planning Director with my DBA dated 1992 doing business as RGB Auto Sales at 405 FM 685 Pflugerville, Texas. I could furnish the utility bill to support that date if necessary.

In 1994 my property was annexed into the city and was rezoned from Agriculture (AO) to General Industrial (GI) which it is today. Unfortunately although I was in compliance at that time but due to a Zoning Coding amendment I am Non-conforming.

To correct this zoning problem I am told I need to be zoned to GB2 which I am requesting at this time.

Thank you,

  
John Hankins  
Property Owner  
(512) 914-5413

