



# City of Pflugerville

## Minutes - Final

### Planning and Zoning Commission

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Monday, April 3, 2017

7:00 PM

100 E. Main St., Suite 500

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#### Regular Meeting

#### 1 Call to Order

Staff present were Emily Barron, Planning Director; Jeremy Frazzell, Assistant Planning Director; Erin Sellers, Senior Planner; Chuck Foster, Planner I; Abbey Rose, Planner II, Amy Giannini, City Engineer; James Hemenes, Parks and Recreation Director; and Bony Torres, Administrative Technician

Tammie Williamson, Chair, called the meeting to order at 7:00 pm.

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

**Absent** 1 - Commissioner Geoff Guerrero

#### 2 Citizens Communication

There were none.

#### 3 Consent Agenda

**3A** [2017-5717](#) Approving the Sorento Phase 4 Final Plat; a 37.353-acre tract of land out of the John C. Bray Survey No. 10, Abstract No. 73; in Travis County Texas. (FP1608-03)

**Approved on the Consent Agenda**

**3B** [2017-5722](#) Approving the Sorento Phase 9 Final Plat; a 17.606-acre tract of land out of the John C. Bray Survey No. 10, Abstract No. 73; in Travis County Texas. (FP1608-02)

**Approved on the Consent Agenda**

**3C** [2017-5723](#) Approving a Final Plat for Maynard Subdivision; a 41.36 acre tract of land out of the R.W. Ford Survey No. 533, Abstract No. 2213, and the William B. Jones Survey No. 9 situated in Travis County, Texas. (FP1606-01)

**Approved on the Consent Agenda.**

**Ms. Torres read the Consent Agenda.**

Vice Chairman Flores made a motion to approve the Consent Agenda as read. Commissioner Mitchell second the motion. All in favor. Motion carried.

## **4 Public Hearing**

### **4A [ORD-0348](#)**

To receive public comment and consider an application to rezone approximately 5.964 acres out of the J. Van Winkle Survey No. 14, located generally southeast of the intersection of Black Locust Dr. and Grand Ave. Pkwy from Agriculture/Conservation (A) to Multi-Family 10 (MF-10) district; to be known as the Windermere Park Garden Villas Section Two Rezoning. (REZ1701-01)

Jeremy Frazzell, Senior Planner presented this item.

The property is 5.964 acres of unimproved land located between Grand Avenue Pkwy and the Windermere Park neighborhood. There is an overgrown drainage swale containing the 100 year floodplain that extends along the east of the property and provides a physical separation between the subject property and the existing neighborhood to the east.

The subject property was annexed into the city limits of Pflugerville in 2009 (ORD: 1029-09-11-24).

The Comprehensive Land Use Plan identifies this area as open space with low to medium density residential. The proposed zoning is in compliance with the Comprehensive Land Use Plan, which allows for Multi-Family 10, a maximum of 10 units per acre.

In 2015 when the north property was rezoned, the neighborhood residents were concerned about the traffic that will be generated by the new development, Staff did a traffic analysis for the intersection of Grand Avenue Pkwy & W Black Locust Dr. There is a Capital Improvement Project for installation of a traffic signal at this location that is funded and being designed.

Staff recommends approval for request of the proposed rezoning from A to MF-10.

Vice-Chairman Flores asked Mr. Frazzell for clarification on the buffer zone and drainage easement to the east of the property that backs up to the single-family residential.

Mr. Frazzell stated that the buffer zone & easement is calculated at the start at the property line, if there is a drainage easement between the property lines that easement is counted as part of the buffer zone.

Jen Henderson with Haygood Engineering, representing the applicant, was available to answer questions. Commissioner Gindin asked Ms. Henderson what are the plans to mitigate the flooding that occurs when it rains on the trail to the south of the property.

Ms. Henderson stated that there was a drainage area that was constructed for this development in 1986 prior to the property being annexed in which the drainage was planned for at that time and fits within an easement. They are going through the FEMA process so they can accept the exact elevations of

the flooding. The Hike & Bike Trail is in the floodplain and the flooding will go over the trail. Once they get into the Site Plan phase process they may potentially be able to alleviate the flooding on the trail.

Mike Norton, residing at 1131 Disraeli Cir., commented on his concerns of traffic, flooding the greenbelt, kids walking to and from school, and homeowners restriction and how that will impact his neighborhood.

Michael Goin, residing at 1111 Disraeli Cir., commented on traffic concerns and occasional car accidents and the length of time to get through the long traffic line that extends from Grand Avenue to Black Locust to the opposite end of Disraeli Circle. Little children on bikes are impacted by this traffic. He further stated that this proposed development in this same parcel of land will not support the influx of more traffic.

Juan P. Yrueg, residing at 1115 Disraeli Cir., reiterated the same traffic concerns as Mr. Goin.

Mentioned his concerns on the type of people that would be renting these units when children were walking or biking to school and would not be in the best interest for them

Brian C. Clifton, residing at 1239 Blackthorn Dr. reiterated his concerns on traffic as the other speakers. He is also concerned about flooding especially with the runoff.

Chair Williamson and Commissioner Gindin both asked how he was impacted by the weekend's rain and if the water threatened to go inside the house.

Mr. Clifton responded that he was out of town the weekend but had previously dealt with this type of rain and had built-up a slope against the house to prevent the rain water from entering his home. At this point the water had only reached a step up from a sliding glass door. But was concerned because he was dealing with drainage issues now.

Urcha Dunbar-Crespo, residing at 1230 Disraeli Cir., (corner of Disraeli and Black Locust- where the 4-way Stop sign is, on the side where they will be putting the 54 Units). She commented on the same concerns as other neighborhood speakers, such as that there was no public transportation, possible flooding, traffic and safety. She added that during the rain, drainage was at capacity now and a raging river on the other side.

Commissioner Arnold asked about any requirements being made from the developer to do flooding mitigation and on the size of the garden homes which seemed relatively small since they were 10 units per acre and if this could change? Mr. Frazzell, Senior Planner responded that yes, per the applicant this was the intent, to build single family detached houses within the tract. In this format, within the multi-family 10 zoning, we definitely would review all development types to see what the ultimate piece would be. There are some private restrictions that are on that property that are controlled between the HOA and the private property owner so that provides some additional limitations. They City is not privy to that piece and we don't enforce that component. What we do enforce is what the zoning district is. The Multi-Family 10 zoning is the zoning district that would allow you to do the same type of development that they are talking about in a single family detach.

Erin Crespo, residing at the corner of 1230 Disraeli Cir., had several questions/concerns: 1) traffic light, stop signs, speed bumps 2) if they are planning to make entrances on to Black Locust? 3) if it would still make sense or even plausible to have that many people in cars coming out into that small stretch and if they would be able to get out? 4) Are they going to be extending the drainage ditch and if the water is going to be funneling through that same tight little area? 5) Would like to see diagrams because she is having a hard time visualizing three story high houses and how that many units would fit into that tight spot and how it would look from her window. She added that they have videos showing that an area is under water.

Carly Osburn residing at 1130 Disraeli Cir., concerned because she made a big invest in her home having moved in two months ago because of the green space and the children playing and does not want that to change. Concerned that the value is going down. Her 8 months old will one day be attending the elementary school and concerned about the traffic. She questioned what the light would do as far as letting people out since it is a really short stretch of road between the stop sign and where the light would be. Eliminating the stop sign might not allow her to be able to get out of her driveway. Is interested to see what you guys do with their concerns.

Rick Bastan and Jessica Wolff residing at 16815 Crower St. Mr. Bastan stated that he is in the multifamily industry and wanted to ask how long, once we break ground, would construction last? You mentioned that once it is built, it could be a town home facility, but if not, what class of property is it going to be: A, B, C D class of property? Mr. Bastan also expressed concerned with the feedback from everyone else in addition to the extra noise of construction and length of time to complete. In regards to property value and taxes, Ms. Williamson, Chair responded that we do not have any control over that.

Chair Williamson asked for a motion to close the public hearing.

Commissioner Flores made a motion to close the Public Hearing.  
Commissioner Epstein second the motion. All in favor. Motion carried.

Chair Williamson opened up the floor for questions:

Commissioner Gindin asked that should this development get built and this homes flooded, would this be corrected? And get assistance from the City or development?

Jeremy Frazzell, Senior Planner answered that he could not speak to that other than based on the engineers they would be going through flood study and evaluating the FEMA Floodplain and the intend on doing that is to confine the floodplain and to make sure it floods to the areas that it need to go to.

Commissioner Gindin asked about how many year floodplain it was? Mr. Frazzell answered that it was the 100 year flood plan. Commissioner Gindin added that then they did not have any guarantee and if this got build and they had significant flooding there was nothing they can do other than build walls, individually, to protect themselves from any extra water?

Mr. Frazzell stated that he was not an engineer or a floodplain manager to

answer these questions. His best information is that the 100 year flood plan is an area that been inundated and identified as flowing through a particular area. There are probably chances where you would have bigger floods that go beyond that of the 100 year storm. With regards to the development and looking at this particular property if it was to be developed, they would have to look at the floodplain that is on that property right now. That floodplain is delineated on a FEMA map. They are going through a study to right now to find out what that area is and they will be limited in that regard.

Commissioner Gindin asked if there was a place where these residents can look and get their questions answers in cases if they get flooded. She added that something will get built there but just hoping it won't be something that would hurt the community.

Emily Barron, Planning Director stated that Amy Giannini, the City Engineer, was in the audience and would help answer these questions.

City Engineer Amy Giannini replied that there were a couple drainage items she would like to address.

1) Right now the applicant is going through the FEMA process so currently, on these tracts of land FEMA has delineated a 100 year floodplain which is a one percent (1 %) chance annually that a flood would occur on this piece property. As Jeremy stated earlier a flood could occur that was greater than that. But it is one of those things which you have to draw a line somewhere and FEMA has drawn the line a 100 year Plan. What the applicant has been required to do, based on city ordinance, is go through and actually study that floodplain to show based on actual data on that property in an actual study where the delineation of that floodplain actual is. They are going through this process now. Also required by our engineering design guidelines is to mitigate their flow prior to the flows entering the water course or exiting the property. So both of those are items that could protect the development of this piece of property. Before the flow can enter the channel it would have to be mitigated, which could be a detention pond or some sort of system that would reduce those flows back down to existing condition. Those are the basic requirements of the City of Pflugerville which we look at every property that develops in the city. If something were to happen to someone's home, after the engineer designed this property based on City and FEMA requirements then this would be a civil matter – because we are reviewing the data based on what is presented to us. That is our duty, to review the calculation and data and to see that these property owners are protected and they should not see that increased flow off the property.

Chair Williamson asked that if it was safe to assume that if the property is in the floodplain now, it would still remain in the floodplain even after mitigation occurs?

Ms. Giannini responded that this was correct because they are not trying to reclaim floodplain, but by City ordinance they are required to actually go take that FEMA Floodplain, called "Zone A" – which is essentially FEMA's best estimate of what the floodplain looks like until they actually go and do an engineering study and turn that into "Zone AE" which is based on elevation. So they will also provide elevations at what the 100 year water service elevations should be down that channel. So they are not trying to reclaim anything, they are just defining that area through an engineering study.

Vice Chairman Flores asked if there were any plans from the developer, HOA or City to improve the capacity of the channel by deepening, widening or perhaps lining the channel. Ms. Giannini responded that there were no plans by the City. Jen Henderson with Hagood Engineering responded that there were no plans for that right now because they were currently just looking at zoning and that would come down further inside development. Ms. Giannini added that anytime you were modifying a FEMA floodplain you also have to go through that process and that would take 6 to 8 months.

Commissioner Gindin asked if they could contact FEMA and lodge concerns for this property. Ms. Giannini responded that the city had a floodplain administrator who is ultimately responsible for floodplain reviews, signing off on applications that go to FEMA, and questions like that can also be posed to the City Floodplain Administrator Ms. Cindy Pierce. We are the in-between FEMA and the property owner to assist with questions. Signing and sealing the study that goes to FEMA. The developer added that they are currently going through that study per city ordinance and provide the delineation to FEMA.

An audience member asked what percentages in capacity were involved and the developer stated that there were no percentages of capacity but actually free board capacity and usually it was a foot above 100 year storm and the top of the bank. Ms. Giannini reiterated that the 100 year storm is just that and they are designing based on that. But there is a chance that a larger storm could occur.

Ms. Henderson added that based on the study, the floodplain is not moving towards their house. The likelihood that someone else on the other side of the creek would see any impact is none. A question from the audience about which homes it would potentially affect was clarified by Ms. Giannini, that the study would not negatively impact anyone in the neighborhood (nearby or miles away). The responsibility of the engineer, once the plans signed and sealed are that no homes would not be negatively impacted.

Chair Williamson asked about signal timing. Ms. Giannini responded that yes, it is completely funded and expected to begin construction this summer and potentially be completed by end of year or first of 2018.

Commissioner Gindin asked if the four way stop sign would be taken down. Ms. Giannini responded that there were no plans to take down that stop sign.

Chair Williamson reminded the audience that even through this situation was emotional, to understand that the actual plans have not been designed yet and that was why we did not have all the details. They have to go through the final platting process as well as the site planning process and some of those details would have to be worked out. She added that what we did have was owners that were committed to sharing details and working some of these things out.

Dev/Engineer reiterated what Chair Williamson said and added that some of these things have to be planned first and this was just the first step and not the last chance they had to bring up their concerns and they would be showing more as the plans developed.

Commissioner Epstein asked about the traffic flow verses the nearby school

and quality of life and if the city had considered the traffic impact on this area in general? Ms. Giannini responded that the city is looking into this as Mr. Frazzell had mentioned. That the last time they came in for zoning for this property there were a lot of concerns about traffic. The city went and did a signal warrant analysis for this intersection and they were aware that there were accidents. They are planning on putting a sign with pedestrian crossings. Commissioner Arnold added that that this was only one signal for a whole lot of cars and someone did the math of 59 units times two cars per unit, in all honesty you are adding a whole lot of cars to a very small geographic area.

Vice Chair Flores asked if this project triggered a TIA (Traffic Impact Analysis). Mr. Frazzell responded that the process we were in was the very first part of the process. The very first part is to figure out if we would be accepting of this particular uses looking at the long list of particular uses. If the request is approved then one of these uses comes to this property and that is point where we start to look at what impact it would have on the development and to that particular property. If the request is denied then all of that is off the table it remains zoned Agricultural/Conservation (A). Under the "A" Zoning District there are certain land uses that they can come forward and do. It is different than what they are looking for but the zoning piece, is the first step in that whole process. We do not do TIA prior to - knowing for a fact that a land use could go there because that is a lot of work of "ifs" before even knowing if it could be considered to go there. In this particular land uses for nonresidential are: place of worship, parochial schools, park, playgrounds, government facilities and amenities center. If the request is approved, it is then that they begin to figure how to meet all the design requirements.

Commissioner Gindin asked about the cost for infrastructure regarding taxes.

Both Mr. Frazzell and Chair Williamson replied that this was between the private property owner and the appraisal district.

Chair Williamson made a motion to close the public hearing Vice Chair Flores seconded the motion. All in favor. Motion passed.

Vice Chair Flores made a motioned to approve item 4A, Commissioner Arnold seconded the motion. Commissioner Gindin & Chairman Williamson voted Aye. Commissioner Epstein and Commissioner Mitchell voted Nay. Motion carried with a vote of 4 to 2.

## **5 Discuss and Consider**

### **5A [2017-5718](#)**

To discuss and consider a recommendation to the City Council on the Parks & Recreation Five-Year Capital Improvement Program (CIP) Budget and Five-Year Tree Capital Improvement Program (CIP) Budget.

James Hemenes, Parks and Recreation Director, presented the item and answered questions.

Commissioner Gindin moved that the Pflugerville Park not be removed and the money allocated for something else. No one second the motion – motion not carried.

Vice Chair Flores made a motion to approve item 5A and Commissioner Mitchell second the motion. Commissioner Gindin vote nay. Motion carried with a vote of 5 to 1.

**5B**     [2017-5716](#)

To discuss and consider a recommendation to the City Council on the 5-year Capital Improvement Plan for FY 2018-2022 related to water, wastewater, and transportation.

Amy Giannini, City Engineer, presented the item and answered questions.

Kevin Kluge, a resident, requested Kelly Lane be a higher priority.

Commissioner Gindin motioned to Combine Kelly Lane Phases 2 and 3 and make that the number one unfunded priority list. Vice Chair Flores seconded that motion.

Motion passes with a vote of 5-1.

Commissioner Arnold motioned to approve the balance of the CIP proposal and Vice Chair Flores second the motion. All approved. Motion carried.

**5C**     [RES-0405](#)

Discussion and possible action regarding Community Development Block Grant (CDBG) program proposed amendment to the 2016 Action Plan.

Emily Barron, Planning Director presented the item and answered questions.

Vice Chair Flores motioned to approve Item 5C and Commissioner Arnold second the motion. All in favor. Motion carried.

**6**     **Future Agenda Items**

The next Planning & Zoning Commission meeting will be on May 1, 2017 at 7pm.

Commissioner Gindin notified the Commissioners that this was her last meeting.

**7**     **Adjourn**

Commissioner Gindin made a motion to adjourn the meeting. Vice Chair Flores second the motion. All in favor. Meeting adjourned at 9:47 pm.

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Tammie Williamson, Chair  
Planning & Zoning Commission

Respectfully, submitted on this 5th day of June 2017.