



City of Pflugerville

Legislation Details (With Text)

File #: ORD-0502 **Version:** 5 **Name:** Timmerman 2020 Rezoning
Type: Ordinance **Status:** Approved
File created: 12/17/2019 **In control:** Planning and Zoning Commission
On agenda: 6/9/2020 **Final action:**

Title: Approving an ordinance on second reading with a caption reading: An ordinance of the City of Pflugerville, Texas, amending Ordinance No. 1203-15-02-24 of the City of Pflugerville, Texas, as amended, by changing the zoning designation of an approximate 24.86 acre tract from Agriculture/Development Reserve (A) District to Suburban (Level 3: CL3) District and an approximate 131.55 acre tract from Agriculture/Development Reserve (A) District to Urban (Level 4: CL4) District, all out of the Sefrin Eiselin Survey No. 4, Abstract No. 265 of the real property records of Travis County, Texas; to be known as the Timmerman 2020 Rezoning (REZ1911-04); providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. General Location Map, 2. Timmermann 2020 Rezoning Staff Report, 3. Ordinance, 4. Citizen Petition and Map, 5. Citizen Received Email, 6. Timmerman 2020 Rezoning Presentation

Date	Ver.	Action By	Action	Result
6/9/2020	5	City Council	Approved on Second Reading	Pass
5/26/2020	4	City Council	Postponed	
5/12/2020	3	City Council	Action taken to close the Public Hearing	Pass
5/12/2020	3	City Council	Approved as amended on First Reading.	Pass
3/2/2020	2	Planning and Zoning Commission	Recommended for Disapproval	Fail
1/6/2020	1	Planning and Zoning Commission	Recommended for Adoption	Fail

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The property is located along the north side of E. Pecan St, between Plumbago Dr. and SH 130 and generally surrounds the approximate 93 acre "Project Charm" development. The property consists of approximately 150 acres of land that is predominantly unimproved, and historically used for agricultural production. An existing single-family home with driveway access to Pecan St is located in the western portion of the subject property. The Bohls Place single family subdivision is located adjacent to the western property line and two street stubs from the Bohls Place neighborhood stub into the subject property. Wilbarger Creek is located north of the property and a small portion of floodplain touches the subject property in the northeast corner. The property was recently annexed

into the City of Pflugerville (ORD No. 1417-19-11-26) and subsequently zoned to the interim Agriculture/Development Reserve (A) district. The request is to rezone the property from Agriculture/Development Reserve (A) to the Urban (Level 4: CL4) district with an intent to establish consistent zoning in the area.

The Planning and Zoning Commission conducted a public hearing on January 6, 2020 to consider the rezoning request from the Agriculture/Development Reserve (A) district to the Urban (Level 4: CL4) district. Numerous residents from the Bohls Neighborhood were in attendance and spoke in opposition to the proposed rezoning citing concerns of increase in traffic to the area and into their neighborhood and a request for additional buffer/separation to be provided along the neighborhood. Following the public hearing, the Planning and Zoning Commission made a motion for approval which failed. The Planning and Zoning Commission did not provide a further affirmative vote for approval or denial, and as such, a recommendation was not provided to City Council. New notification was provided to consider the item at the published public hearing dates.

A petition against the zoning was presented at the January 6, 2020 meeting (separate attachment) and was reviewed based on Texas Local Government Code Section 211.006 (d). The petition against the zoning does not meet the requirements of Texas Local Government Code Section 211.006 (d) which requires a protest to be written and signed by the owners of at least 20% of the either:

- (1) The area of the lots or land covered by the proposed change; or
- (2) The area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

Source: <<https://statutes.capitol.texas.gov/SOTWDocs/LG/htm/LG.211.htm>>

According to the applicant, following the Planning and Zoning Commission meeting, the applicant met with representatives of the neighborhood. A letter documenting the meeting has been included as an attachment to this report.

The Land Use Plan identifies the area as a mix of uses including low to medium density residential, medium to high density residential, mixed use, employment, and parks and open space. A community center (mix of uses in areas between neighborhoods) and employment center are identified within the area, encouraging the area to be of higher intensity while providing employment opportunities to nearby residential areas.

Consistency with Land Use Policy and Action statements in the Comprehensive Plan:

Action 1.1.6: Encourage medium and high development intensity zoning in target areas near community and regional center and along the SH 130 and SH 45 corridors.

Land Use and Development Character Goal 2: Development (infill and new development) will be focused around a hierarchy of centers that will create a stronger sense of community, provide employment opportunities and shopping districts while reducing infrastructure costs.

- Action 2.1.1: Provide new and infill development to accommodate basic retail services within walking distance of residential areas.
- Action 2.2.1: Provide a mixture of residential and non-residential uses in new and infill development to accommodate larger scale retail services that will serve multiple neighborhoods.

Land Use and Development Character Goal 3: The amount of commercial and industrial land uses

will accommodate opportunities for employment, services, and growing the municipal tax base.

Land Use and Development Character Goal 8 identifies that gateways into the community will be enhanced and provide a clear sense of arrival and departure into the community. The proposed streetscape, building massing, and anticipated building architecture will assist in creating a unique sense of place and enhanced gateway.

Transportation Goal 2: Balance land use and transportation infrastructure to make living, working, shopping and playing in Pflugerville safer and more convenient for residents and visitors.

- Action 2.1.1: As a rule, locate high trip generating uses such as employment and regional centers adjacent to arterial roadways, major collector streets, or freeway frontage roads.

Staff Recommendation

The property is located within the major growth corridor of the community and the proposed CL4 district offers opportunities for a mix of land uses. Residential land use is permitted through a condominium, assisted living, and live work scenario. Multi-family requires additional consideration by the City Council through the Specific Use Permit process. Permitted non-residential land uses include office, retail, restaurants, and personal services while additional land uses may be considered when conditions are met or if approved through the Specific Use Permit process. The proposed CL4 zoning district is generally consistent with several goals and actions included in the Comprehensive Plan. Staff recommends approval.

Planning and Zoning Commission Action

On January 6, 2020 the Planning and Zoning Commission conducted a public hearing, heard concerns from numerous Bohls neighborhood residents related to an increase of land use intensity and traffic in the area, and recommended approval with a vote that failed (2-5). No further recommendation was made by the Planning and Zoning Commission on January 6, 2020 and therefore the item could not move forward to City Council and required new notification for the zoning request. On March 2, 2020, the Planning and Zoning Commission conducted a public hearing, heard similar concerns from the Bohls neighborhood residents and recommended denial of the rezoning request with a vote of 5-2.

Prior City Council Action

On April 28, 2020 City Council approved a resolution extending the time frame for consideration of the Timmerman 2020 rezoning case.

On May 12, 2020, the City Council held a public hearing, considered an alternative to the original zoning request to address concerns relayed by the public, and ultimately approved an ordinance on first reading for a rezoning of approximately 24.86 acres adjacent and extending the length of the Bohls Neighborhood from Agriculture/Development Reserve (A) District to the Suburban (Level 3: CL3) District (a more restrictive district), with the remaining land consisting of approximately 131.55 acres from the Agriculture/Development Reserve (A) District to the Urban (Level 4: CL4) District; with a unanimous vote of 7-0. The unanimous approval of first reading of the ordinance overrules the recommended denial by the Planning and Zoning Commission.

At the May 26, 2020 Council meeting, the ordinance on second reading was postponed to June 9, 2020 to allow for posting of the ordinance caption as amended on May 12, 2020.

Funding Expected: Revenue Expenditure N/A

Budgeted Item: Yes No N/A

Amount: _____

1295 Form Required? Yes No

Legal Review Required: Required Date Completed: 3/9/2020, updated 5/18/2020

Supporting documents attached:

1. General Location Map
2. Staff Report
3. Ordinance
4. Citizen Petition and Map
5. Citizen Email

Recommended Actions

1. Approve the ordinance on second reading rezoning the property from Agriculture/Development Reserve (A) District to Suburban (Level 3: CL3) District and Urban (Level 4: CL4) District.