



# City of Pflugerville

## Minutes - Final Planning and Zoning Commission

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Monday, January 9, 2012

7:00 PM

100 East Main Street, Suite 500

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### 1 Call to Order

Mr. Anker called the meeting was called to order at 7:00 p.m.

**Staff present was: Lindsay Key, Planner I; Trey Fletcher, Assistant City Manager; Erin Sellers, Planner II; Jeremy Frazzell, Senior Planner; and Hazel Sherrod, Planning Administrative Tech.**

**Present** 6 - Commissioner Lisa Ely, Commissioner Kirk Lowe, Chairman Thomas Anker, Vice Chairman Rodney Blackburn, Commissioner Drew Botkin and Commissioner Joseph Marse O'Bell

**Absent** 1 - Commissioner Sam Storms

### 2 Citizens Communication

There were none.

### 3 Discuss and Consider

**A 2012-0976** Elect a Chairman, Vice-Chairman and Secretary to the Planning and Zoning Commission for 2012.

**Mr. Blackburn made a motion to nominate Mr. Anker as Chairman of the Planning and Zoning Commission. Mr. Lowe seconded that motion. All in favor. Motion carried.**

**Ms. Ely made a motion to nominate Mr. Blackburn as Vice-Chair of the Planning and Zoning Commission. Mr. Anker seconded that motion. All in favor. Motion carried.**

**A secretary was not appointed by the Commissioners.**

**Mr. Anker welcomed Mr. Botkin and Mr. O'Bell to the Planning and Zoning Commission.**

### 4 Consent Agenda

**A 2012-0973** Approve the Planning and Zoning Commission minutes for the December 5, 2011 meeting.

**B 2012-0974** Approving a Revised Preliminary Plan for Lakeside at Blackhawk Sections 3 and 5; a 44.08-acre tract of land out of the A. Bailey Survey

No. 34 and V.W. Swearngen Survey No. 32, in Travis County, Texas (PP1111-01).

- C      2011-0786      Approving a Final Plat for Falcon Pointe Boulevard Extension; a 7.997-acre tract of land out of the John Davis Survey No. 13, Abstract No. 231, located generally south of Kelly Lane and east of SH 130 in Pflugerville, Texas (FP1107-03).  
  
Mr. Blackburn made a motion to approve the consent agenda as written. Mr. Lowe seconded that motion. All in favor. Motion carried.

**5      Discuss Only**

- A      2012-0991      Discuss adding provisions to the UDC to address Donation Bins.

Lindsay Key presented the staff report on the donation bin containers.

These are large donation containers have become a concern because there have been more of them located in the City. The concern for illegal dumping is growing, as well as the location and the appearance of them. Staff would like the feedback from the Commissioners on how to regulate these donation bins, what should be permitted, in order to bring forth a text amendment for the February meeting.

Staff did some research and the use in other cities has been classified as either accessory or temporary use. Based on the City’s definition of accessory use, it does not serve the primary use of the property and does not fit in the code. Staff would like to classify this use as a “Temporary Use”.

In order to permit this use, staff needs to discuss a fee or time limit and what to be included on the permit. The City of San Antonio has donation containers regulated and on their permit they ask for container property owner signature, contact information for both parties, site map of the location of the bin and specific size of the donation bin, so it does not become too big.

Staff also discussed what to regulate. Staff prefers that these donation bins are not located in a residential zoning district, setbacks, buffer yards, easements, landscaping, parking, no more than one donation bin per property and they must be a certain distance away from each other.

Staff would like the city to regulate collection time as well, whether it is once a month or once a week.

Items stored outside of the container to avoid dumping, and signage should be regulated. The permit decal with relevant contact information and the donation bin needs to be in compliance with the sign ordinance.

Mr. Blackburn asked how many donation containers are in Pflugerville.

Staff was not able to answer this question, a count was not taken.

Mr. Blackburn asked about a business owner allowing a donation bin in the parking lot and the length of time the bins are left in a parking space. Mr.

Blackburn suggested there should also be a fee.

Ms. Key answered that the donation bin should not take up any parking space.

Ms. Key noted that some cities require the applicants of the storage bins be a non profit organization. Mr. Blackburn suggested that those organizations that are for-profit have a larger permit fee than a non profit organization.

Mr. Botkin asked if the size of the bins and where in a parking lot the bins will be stored regulated.

Mr. Anker asked who will enforce the regulations of the donation bins.

Mr. Fletcher answered that Code Enforcement will.

Mr. Lowe asked about the bins that already exist in the city. Ms. Key answered that the donation bins that are already located in the City before the approval of a text amendment will be given a time frame to remove the bins or apply for a permit.

Mr. Blackburn asked if the City Council approves this ordinance will the existing bin owners be given 90 days to determine if they want to remove their donation bins or apply for a permit and upon doing so allow 48 hours to either remove the bins or apply for a permit.

Mr. Anker commented that the permit fees with non profit, we need to be careful is that how that piece of property is maintained when a permit is applied for and the duration of that permit. Mr. Anker mentioned adding some type of housekeeping regulation in that application process.

**B 2012-0992**

Discuss the integration of Chapter 158 Storm Water Pollution Control Ordinance into Chapter 157 Unified Development Code.

Mr. Frazzell presented his memo.

An ordinance was approved in December of 2011 that established Chapter 158, Storm Water Pollution Control Ordinance. Amendments need to be made to the Unified Development Code as well as the Engineering Design Guidelines. Staff is proposing to come forward with the framework for this ordinance in hope to bring this before the Planning and Zoning Commission in February 2011 with a public hearing. Several subchapters within the Unified Development Code will be referenced in the text amendment.

Subchapter 3: discusses the procedures of the Site Development Permit as defined in Subchapter 158. Storm Water Pollution Prevention Plan (SWP3) and Erosion Control Plan are proposed as a submittal requirement approved by TCEQ.

Subchapter 5: discusses the SH 130 and SH45 Corridor Districts.

Subchapter 6: discusses the nonconforming use that will have to come in compliance with the Unified Development Code and the Storm Water Pollution Prevention Plan.

Subchapter 15: discusses the subdivision requirement process; Preliminary

**Plats and Construction Plans.**

Subchapter 16: Drainage Standards will reference Chapter 158.

Mr. Anker asked about the SWP3, why have the applicant submit it three times? Is there a way the City can only require one copy of the TCEQ approved permit instead of requiring the storm water plan which may be a three-inch thick document three times.

Mr. Anker asked if the city is introducing any additional requirements from the developer over and above what TCEQ is requiring.

Mr. Frazzell answered no.

Staff will bring this item for public hearing in February before the Planning and Zoning Commission.

**6 Council Action Update**

- A 2012-0975 Council Action Update
  - Technical Advisory Committee (TAC)
  - Parks and Recreation Director
  - Impact Fee Study

Mr. Fletcher presented the items and discussed them with the Commissioners.

**7 Future Agenda Items**

Public Hearing on Storm Water Pollution Control Ordinance and Text amendment for donation bins in February.

**8 Adjourn**

Mr. Anker made a motion to adjourn. Ms. Ely seconded that motion. Meeting adjourned at 7:36 p.m.

Approved by \_\_\_\_\_ on this 6th day of February, 2012.

Thomas Anker, Chairman  
Planning and Zoning Commission