



# City of Pflugerville

## Minutes - Final Planning and Zoning Commission

---

Monday, November 7, 2011

7:00 PM

100 East Main Street, Suite 500

---

### Regular Meeting

#### 1 Call to Order

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

**Staff present were:** Trey Fletcher, Assistant City Manager; Jeremy Frazzell, Senior Planner; Vicky Loera, Administrative Technician; Patricia Davis, Engineer; Erin Sellers, Planner II; and Lindsay Key, Planner I.

**Present** 6 - Chairman Najji Norder, Vice Chairman Thomas Anker, Commissioner Sam Storms, Commissioner Rodney Blackburn, Commissioner Lisa Ely and Commissioner Kirk Lowe

**Absent** 1 - Commissioner Kathy Taylor

#### 2 Citizens Communication

#### 3 Public Hearing

- A [2011-0874](#) Conduct a Public Hearing and Approving a Replat of Lots 4 & 5 of the F.H. Pfluger Addition No. 1 & Plat of the PISD Timmerman Tract; encompassing 11.91 acres of land located between Pecan St. and W. Walnut St. and N. Fourth St. and Meadow Lane in Pflugerville, Texas. (RP1110-01)

Jeremy Frazzell presented the staff report. The replat of these properties are necessary due to a land swap between PISD and the Pfluger family. This will create a 35-ft wide access that will enable the school to construct pedestrian/bike connectivity to the school from W. Walnut St., to Timmerman Elementary School. In addition to that, the Pfluger properties, an unplatted lot; and lots 4 & 5 which are residential lots will meet the minimum lot size requirements, and will continue to have access off of W. Walnut St.

The subdivision meets the minimum requirements and staff recommends approval.

Mr. Anker asked if W. Walnut St. at those lots are narrowed down or is the same width as the rest of the streets and if a turn around was required.

Mr. Frazzell answered that it is the same width as the rest of the street and there was no comment from the Travis County ESD2.

Mr. Norder made a motion to close the public hearing, no one requested to speak. Mr. Blackburn seconded that motion. Public hearing was closed.

Mr. Norder made a motion to approve the Replat of Lots 4 & 5 of the F.H. Pfluger Addition No.1 & Plat of the PISD Timmerman Tract, as written. Mr. Anker seconded that motion. All in favor. Motion carried.

**B**     [ORD-0083](#)

Conduct a public hearing and consider adding Chapter 158, Stormwater Pollution Control Ordinance to the City of Pflugerville Code of Ordinances in order to regulate the discharge of pollutants into the Municipal Separate Storm Sewer System (MS4) or conveyances and establishing a fine of no more than \$2,000 for any violation of the ordinance. (CA1110-01)

Jeremy Frazzell spoke on MS4 and the City's obligation to comply. MS4 stands for Municipal Separate Storm Sewer System. It is a system of conveyances owned by a public entity that discharges storm water into waters of the United States. These conveyances include drainage ditches, curbs, gutters, inlets, detention ponds to name a few, anything that captures rain water and moves it through the storm water system is included in the MS4.

In 2008 the storm water management program was approved by the City. An interlocal agreement has to be entered into with Travis County in order to regulate this system in the Extraterritorial Jurisdiction (ETJ).

MS4 is tied to the Phase II requirement regulated by the Environmental Protection Agency (EPA).

Mr. Frazzell presented a draft of the items contained in the ordinance that was drafted by Staff. City Council will also hold a public hearing on MS4 on November 22, 2011. The final adoption is anticipated for December 2011 and the ordinance should be implemented in February 2012.

Mr. Fletcher commented that staff is recommending approval on the paper copy of the ordinance that is before the Commission. The interim City Attorney has reviewed and commented on the ordinance, which Mr. Fletcher received today. For clarification, Mr. Fletcher asked the Commission if they are comfortable making a motion tonight, that they acknowledge the copy with the Interim City Attorney's comments addressed by staff, is what's being approved. The content or intent of the Ordinance was and is not changed upon addressing the attorney's comments.

Mr. Anker asked if the City has worked out if there will be inspectors to determine if there is a violation of some sort. Mr. Anker noted that, in his business, after a rain event you are obligated to have an inspection, if a rain event has not occurred an inspection is made at the minimum, every two weeks and any deficiencies are noted, and follow ups are made on previously issued violations. Mr. Anker asked if there's a possibility that they would be getting into some sort of violation with the city that is over and above what would be issued by a third party consultant.

Mr. Frazzell answered there might be some additional constraints put into place by the City.

Mr. Norder asked with the removal of some section to the amended ordinance reviewed by the Interim City Attorney, the removal of the section pertaining to storm water discharge associated with industrial activity. The list of discharge

preventions section, 158.25 industrial or construction activity discharges the paragraph is quite short, it is not clear to him in the time he has had to read this, has the code been restructured but all the same basic enforcements are in place or whether this is a reduction in what the city intends to enforce. Mr. Norder asked for clarification.

Patricia Davis, Engineer spoke. The item 158.25 relates to entities that are mandated by the state; TCEQ, TPD YES Permit, is not being revised, the City is reiterating what the state complies. Because TCEQ already monitors industrial activity, it is not mandatory for the City to enforce this, it is not part of our permitting process therefore TCEQ will continue enforcement.

**4 Consent Agenda**

**A**     [2011-0876](#)     Approving a Final Plat for Renewable Energy Park; a 167.123-acre tract of land out of the William Caldwell Survey No. 162, generally located southwest of the Pecan St and SH 130 intersection in Pflugerville, Texas. (FP1110-01)

**Approved on the Consent Agenda**

**B**     [2011-0888](#)     Approve the Planning and Zoning Commission minutes for October 3rd, 2011 meeting.

**Approved on the Consent Agenda**

**C**     [2011-0904](#)     Approving a one time, 180-day extension request for the Huntington Park Preliminary Plat.

**Mr. Anker made a motion to approve the consent agenda as written. Mr. Lowe seconded that motion. All in favor. Motion carried.**

**5 Discuss and Consider**

**6 Council Action Update**

**A**     [2011-0886](#)     Council Action Update  
 - Special District Text Amendment  
 - Special District (Project Jersey)  
 - Draft Stormwater Pollution Control Ordinance  
 - Board and Commission Interviews

**Mr. Fletcher went over the items in the update report.**

**Mr. Fletcher introduced Lindsay Key, Planner I to the Planning and Zoning Commission. Mr. Norder welcomed Ms. Key.**

**7 Future Agenda Items**

**Sorento Subdivision Preliminary Plan**

**8 Adjourn**

Mr. Anker made a motion to adjourn the meeting at 7:35 p.m. Mr. Norder seconded that motion. All in favor. Meeting adjourned.

Naji Norder, Chairman, Planning and Zoning Commission

Respectfully submitted on this 5th day of December, 2011 by

\_\_\_\_\_.