



# City of Pflugerville

## Minutes - Final Planning and Zoning Commission

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Monday, February 6, 2012

7:00 PM

100 East Main Street, Suite 500

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### Regular Meeting

#### 1 Call to Order

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

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

**Present** 7 - Commissioner Sam Storms, Commissioner Lisa Ely, Commissioner Kirk Lowe, Chairman Thomas Anker, Vice Chairman Rodney Blackburn, Commissioner Drew Botkin and Commissioner Joseph Marse O'Bell

#### 2 Citizens Communication

There were none.

#### 3 Public Hearing

##### A [ORD-0098](#)

Hold a public hearing and consider text amendments to the Code of Ordinances Chapter 157 amending Subchapter 7 General Regulations, to allow as a Temporary Use, Donation Containers in Office, Retail, and Commercial zoning districts; and to add a definition for Donation Containers to Subchapter 20.

Lindsay Key presented the staff report. After further research and getting the Commissioners opinions from the last P & Z Meeting, staff has chosen to make some amendments to the UDC; Chapter 157, Subchapter 7, General Regulations and Subchapter 20, Definitions.

Amendments recommended to theses subchapters and sections of the UDC; Chapter 157:

Subchapter 20 will have the definition for donation containers. The definition would read: Any container, receptacle or any similar device that is located on any lot within the city and is used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins, for collection of recyclable material governed or regulated by the zoning code or any donation container located in a building. This does not affect the paper donation containers that look like dumpsters.

Subchapter 7, staff would like to make an amendment to allow donation containers as a temporary use therefore Subsection A is added to Section 10 that will require a 1 year permit. Staff recommends allowing the donation bins in office; retail and commercial zoning district and eliminate them in the

industrial zoning district.

Subsection B thru E to regulate location of donation bins. They shall not be located in the buffer areas, easements, sidewalks, etc. One container per lot and the containers cannot be located within 400 ft of another donation container. The containers should be required to be on paved surfaces and not in landscaped islands or any other landscaped areas in a parking lot.

Subsection F thru G regulates the collection of the contents. Only household materials, clothing, no paper, no trash and no storage outside of the containers should be allowed. Donation bin owners should collect donated materials as needed but at least every 30 days.

Subsection H - the size of the container should not be more than 96 cubic feet, which is standard size for these containers, no more than 4ft wide X 4ft deep and 6ft tall. That would eliminate the big paper recyclable bins that look like dumpsters. That would also eliminate the large trucks collecting donation items.

Subsection I thru K: The condition of the container must be of neutral/earth tone color, no structural damage, and no graffiti. It must be aesthetically pleasing to the eye and the structures around it.

Ms. Ely asked what we are defining as household materials.

Ms. Key answered; vacuum cleaners, irons, items that will fit in the storage containers.

Ms. Ely asked if someone comes to apply and put a container at the local grocery store, will the applicant go to store owner and ask for permission to put the container there. Where will it state if the property owner got permission from the business/property owner.

Ms. Key answered that the staff has not created the application yet, but that will be on the application when created. Staff wanted to work the details of the text amendment out before creating the application. The application will have the property and the donation bin container owner contact information.

Mr. Fletcher commented that the responsibility is on the applicant to get the property owner's permission.

Mr. Blackburn asked if these donation bins are for charity or for profit.

Ms. Key answered that some of the ones in place at this time are for profit and some are for nonprofit.

Ms. Ely asked if the containers have to state if they are for profit or non-profit? Ms. Ely said that it would be nice if that information was on the donation bins, as a contributor she would like to have the option to donate to a for profit or nonprofit organization.

Ms. Key said that could be on the application.

Mr. Fletcher commented about the Commissioners making a motion that will

include for profit and nonprofit notifications on the donation bins.

Mr. Blackburn made a suggestion for a permit/sticker to put on the box with a for profit or nonprofit check box and the materials that can be accepted.

Mr. Lowe made a recommendation to put the owner contact information from the permit application on the permit that will be placed on the box.

Mr. Blackburn asked if staff has discussed the cost, and made some suggestions (\$24 for non profit and \$48 for profit organizations).

Mr. O'Bell had a suggestion, instead of 30 days collection it may be better to make it a shorter collection time. This would be to avoid items from collecting outside of the donation bins during the holiday season.

Mr. Botkin suggested putting City contact information on the donation bins for complaints from the citizens.

Mr. Fletcher suggested the number for Code Enforcement would be the best contact information on the bins.

Mr. Anker asked if these containers are weather proof, do they have lids on them to keep the contents dry.

Ms. Key answered that the donation bin are designed to keep the contents dry.

Mr. Blackburn asked about insurance to keep the City and the land owner from having any quorums from something the container does to someone. Mr. Blackburn noted that the City of San Antonio requires a \$1 million liability. To keep the City and the landowner from harm, Mr. Blackburn suggests that some type of liability needs to be attached upon applying for a permit.

Mr. Anker asked if anyone in the audience would like to speak on this matter. No one in the audience requested to speak.

Mr. Blackburn made a motion to close the public hearing. Mr. Botkin seconded that motion. Public Hearing closed.

Mr. Anker noted that he would like to see on the permit: nonprofit - profit designation, for non profit for profit, insurance coverage, dollar amount for permit determined by staff, and signage.

Mr. Blackburn motioned to table this item and have staff bring it back with recommendations made tonight by the Commission for a final offering. There was not a second motion. Motion dies.

Ms. Ely motioned to approve the text amendment for the donation bin to the UDC, Chapter 157; with staff's attention to the Commissioners suggestions and take it forward to the City Council. Mr. Botkin second. Mr. O'Bell vote aye, Mr. Lowe vote aye, Mr. Anker vote aye, Mr. Blackburn vote nay and Mr. Storms vote aye. Motion carried with a vote of 6 to 1 in favor of approving the text amendment.

**Aye:** 6 - Commissioner Sam Storms, Commissioner Lisa Ely, Commissioner Kirk Lowe, Chairman Thomas Anker, Commissioner Drew Botkin and Commissioner Joseph Marse O'Bell

**Nay:** 1 - Vice Chairman Rodney Blackburn

**B**     [ORD-0099](#)

Conduct a public hearing and consider text amendments to Chapter 157, Unified Development Code for purposes of adding reference to Chapter 158 Storm Water Pollution Control Ordinance: amending Subchapter 3 to add submittal requirements for Site Development; amending Subchapters 5, 6 and 16 to add reference to Chapter 158; and amending Subchapter 15 to add submittal requirements for Preliminary Plat and Construction Plans. (CA1201-01)

Jeremy Frazzell presented his staff report. In December 2011, the Storm Water Pollution Control Ordinance was approved by the City Council. On January 9th, 2012, Staff came forward with the framework for the amendment to Subchapters 3, 5, 6, 15 and 16 within the Unified Development Code (UDC).

The proposed amendments are as followed;

Subchapter 3 refers to procedures for Site Development, Preliminary Plat and Construction Plan applications.

The Commissioners suggestions from the January meeting was taken to into consideration for not requiring a full copy of the Storm Water Pollution Prevention Plan (SWP3), and instead requesting the applicant submit a copy of the TCEQ permit issued for the SWP3 for Site Development and Construction Plan permits.

Subchapter 5 ensures development within the SH 130; SH 45 Corridor and 685 Commercial Overlay Districts comply with Chapter 158.

Subchapter 6 talks about nonconforming uses and sites.

Subchapter 15 discusses the Subdivision Code; Preliminary Plan and Subdivision Construction Plan requirements.

Subchapter 16 addresses the Drainage Standards to include the Engineering Design Guidelines.

These are the same topics discussed in the January 9th 2012 P & Z meeting.

Mr. Anker asked; once permit is issued and construction commences, what does the Inspectors do as far as managing that process.

Mr. Frazzell answered they would continue to maintain what they have been doing but would also have further knowledge of what to look for once these new amendments are in place. Mr. Frazzell mentioned that with the help of the new Storm Water Specialist hired by the City that will help to implement these requirements.

No one requested to speak on this item from the audience.

Mr. Blackburn made a motion to close the public hearing. Mr. Anker seconded that motion. Public Hearing closed.

Mr. Anker motioned to approve the recommendation of staff for the text

amendment to the UDC Chapter 157 as identified in Item 3B. Mr. Blackburn seconded that motion. All in favor. Motion carried.

Aye: 7 - Commissioner Sam Storms, Commissioner Lisa Ely, Commissioner Kirk Lowe, Chairman Thomas Anker, Vice Chairman Rodney Blackburn, Commissioner Drew Botkin and Commissioner Joseph Marse O'Bell

#### **4 Consent Agenda**

A [2012-0993](#) Approve the Planning and Zoning Commission minutes for the January 9, 2012 meeting.

B [2012-1028](#) Approving a Subdivision Variance to allow posting partial fiscal security for Spring Trails Phase 4 and 5 final plats.

Mr. Blackburn made a motion to approve the Consent Agenda as written. Mr. Botkin seconded that motion. All in favor. Motion carried.

#### **6 Council Action Update**

A [2012-1033](#) Council Action Update  
- Resolution pertaining to property at 102 S. Third Street  
- Waste water reuse program  
- Water & Wastewater Impact Fee Study agreement  
- Development Financing Agreement

Mr. Fletcher mentioned the Engineering house will be up for sale. The zoning on that property is Retail District.

The Waste Water Reuse Program presentation and worksession by the Tom Word, the Assistant City Manager received recommendation to go forth with the reuse masterplan.

The City is in need of updating its Impact Fees, at least every 5 years, this spring.

The Development Finance Agreement, among the City of Pflugerville and the TIRZ Board and Newland Communities was approved.

The City has hired a Stormwater Specialist, Patrick Wells, he has started today. He will administer the MS4 Program.

#### **7 Future Agenda Items**

Review of Impact Fees  
Begin the process to review the Unified Development Code (UDC).

#### **8 Adjourn**

Mr. Anker made a motion to adjourn the meeting at 7:39pm. Mr. Blackburn seconded that motion. All in favor. Meeting adjourned.

Thomas Anker  
Chairman  
Planning and Zoning Commission

Respectfully submitted by \_\_\_\_\_ on this \_\_\_\_ day of  
2012.