



MINUTES
 Of the REGULAR CALLED MEETING
 Of the
PLANNING & ZONING COMMISSION
 OF THE VILLAGE OF VOLENTE, TEXAS
 MONDAY, OCTOBER 20, 2014, 7:00 P.M.
 City Hall, 16100 Wharf Cove, Volente, Texas.

1. Open Regular Meeting.

Meeting called to order at 7:00 p.m.

2. Call Roll.

Barbara Wilson, City Administrator, calls role. Chair Allison Thrash and Commissioners Jeff Browning, Ruan Lourens, and Kit Hopkins are present. Commissioner Rett Scudder is absent. Marc Dickey, City Engineer, is also in attendance.

3. Introduction by Chair.

Allison Thrash, Chair, gives opening statement detailing what is on the Agenda for the meeting.

4. Citizens Comments.

No citizen comments at this time.

5. Discussion and Possible Recommendation to Village of Volente City Council on the request from Tana Busch for a variance from the Water Quality and Subdivision Ordinances regarding Non-Point Source Pollution Control Management Performance Standards for the Re-subdivision of 8114 and 8116 Joy Road (Section 32.109) and a variance from the Subdivision Ordinance regarding Statutory Procedures Zoning Requirements (section 31.1115).

a. Presentation by Staff and City Engineer

Barbara Wilson, City Administrator:

Details the variance request for Planning and Zoning Commission. Applicant wished to homestead entire property, but has since decided to sell. Barbara references the letter from TRE Engineering (*see attached*), and material of proof the applicant is paid up to date, and maps of the plat (*see attached*). All 3 lots are in different subdivisions and the combined lot will total slightly less than one acre. Barbara also details the easements and existing structures of the properties. The applicant has addressed impervious cover

and water quality. All existing structures were built prior to incorporation. PEC, AT&T, Southwestern Bell, and Time Warner have released the utility easements of the center lot, which ran through the house. Barbara then details what was approved by BOA, specifically the setbacks. (*Reference Board of Adjustment Findings of Fact*)

Carey Witt, GEOSolutions, Applicant's Engineer:

Hands out a detailed drawing of how the applicant has addressed water quality. References map of 3 plats to show how the applicant has dealt with storm water that passes over the lots. Carey shows the Planning and Zoning Commission where the three french drains are on the property and the cross-hatching, which illustrates vegetative areas. Applicant is catching the storm water and filtering it through mulch and vegetation. The applicant used LCRA's calculations of how much vegetative cover is needed to create impervious cover.

Marc Dickey, City Engineer:

Adds that the Applicant is treating some of the pollutant load that is going to the lake. Expresses compassion for the applicant having to go through this process to turn three lots into one and congratulates the applicant on the hard work put into improving the lot.

b. Questions and Answers from the Commission, Staff, and Applicant.

Babs Yarbrough, Applicant's Authorized Agent:

States the variance request has been in process since April. Thanks Barbara for her hard work on this task. Details the process from initiation on the variance, as well as the exorbitant taxes the Applicant faced. Mentions that in order for the property to be financed, it would need to be changed to 1 lot. LCRA has approved the one septic for the combined lot.

Ruan Lourens, Commissioner:

Asks if this type of issue will arise in the future because of the LCRA and residents wishing to change their multiple lots into one.

Babs Yarbrough answers yes.

Ruan Lourens suggests adding as a separate agenda item, to be discussed at a later meeting, how to deal with this type of request in the future.

Allison Thrash, Chair:

The way the Village of Volente Site Development was originally drawn out had in mind big subdivisions and commercial entities. This needs to become an easier process for homeowners and more reality-based requests.

Ruan Lourens adds that property owners who were grandfathered and are now remodeling are facing these new requirements.

Kit Hopkins adds that new buyers coming to Volente are faced with these requirements as well.

Barbara Wilson, City Administrator, references more material for basing a decision upon including the Board of Adjustment's ruling, water quality, and understanding that the subdivision had original five foot PUEs. (*Reference Marc Dickey's letter*).

Ruan Lourens makes a motion to grant the variance for 8114 and 8816 Joy Road, firstly for the side PUE setbacks of five foot and to grant the impervious coverage from 20% to 27.5%. Seconded by Jeff Browning. Carries unanimously.

Uniqueness and Hardships:

- Uniqueness is that this is 3 lots under the subdivision ordinances for each lot that existed at the time.
- Uniqueness is that the majority of the structures built were built before incorporation in 2003.
- Applicant has been granted the BOA variance on front and side setbacks
- Applicant is going to the historical PUE 5 foot easements that the rest of the original subdivision has.
- Has over a process of years, validated by GEOSolutions, mitigated for the impervious cover that existed when land was purchased.
- This applicant and the future owner will not be able to build any new structures.
- This is an economic hardship in the configuration that currently exists because Applicant can only homestead one portion of the three lots. (*Cannot be main determining factor, but can be considered*)
- Mortgage and title companies typically do not supply loans for the purchase of 3 lots.

Carey Witt suggests to Planning and Zoning that in dealing with these types of variances in the future that they come up with a streamline process, eliminating some of the red tape and legwork for the applicants.

6. Discussion and Possible Recommendation to set up the process and public hearings to develop Recommendations to the Village of Volente City Council on Site Development Ordinance (Sections 33.322, 33.323, and 33.338), regarding Landscaping & Trees. (39:16)

Marc Dickey, City Engineer:

States there needs to be a separation of the application for Tree Removal and the section for Landscaping Requirements. New construction should be separated, where evaluation of a tree can be performed before the project begins. Using an application for tree removal, which can be revised, that comes attached to a checklist for the applicant will prevent cutting a tree that requires protection.

Allison Thrash, Chair states that as this Ordinance stands today, this only applies to single family residential structures built after incorporation (section 33.323)

Marc Dickey says that this Ordinance needs to be looked at, with separation of new construction and remodeling, so that there are no exemptions.

Barbara Wilson, City Administrator, states she and Marc Dickey would like to clean up the wording in this Ordinance and suggest recommendations for how to separate Residential and New Construction. Adding that the Fire Department supports changing this Ordinance because they would like to see Volente change from a Fire Wise to a Fire Adaptive community.

Chair asks if Barbara and Marc would like time to meet prior to making recommendations.

Barbara answers yes, adding if the Commission can give some suggestions into what they would like to see then Barbara and Marc can suggest the changes to achieve it.

Ruan Lourens suggests that the regulations apply to both new construction and remodeling, regardless of the size of the lot (over or under one acre) and without exemptions for pre-incorporation properties.

Allison Thrash, Chair, agrees adding that at the time this Ordinance was written a major development in Volente was in the works. That development has come to fruition, so Planning and Zoning should review this Ordinance and recommend any revisions necessary to for the Village of Volente today.

Discussion ensued amongst the Commission of past development projects pertaining to this Ordinance, and how the Ordinance, as it stands, regulates tree removal. Enforcement of Ordinances is discussed, and though the Commission is a "recommendation only" body, it is suggested that the Commission make Council aware of the concerns for enforcement so that they may take any action on the topic. The Commission comes to a consensus that there needs to be recommendations of revisions to clarify the requirements for residents and streamline the process for applicants to remove trees.

Discussion takes place amongst the Commission as to when this topic should be brought before the Public via Public Hearing or a Town Hall Meeting. It is suggested that the Commission have enough time to prepare strong recommendations of changes before opening discussion to the public.

Ruan Lourens makes a motion for Barbara to go through the simplification process and come back and present to Planning and Zoning in a work session and to not differentiate between lot sizes over and under an acre. Kit seconds. Unanimously approved.

7. Discussion and Possible Recommendation on Chapters Five, Six, Seven and Eight of the current Village of Volente Comprehensive Plan.

Discussion amongst the Commission for edits necessary to Chapter Five of the Comprehensive Plan.

Kit makes a motion to modify Chapter Five as discussed. Seconded by Jeff Browning, unanimously approved.

Discussion amongst the Commission for edits necessary to Chapter Six of the Comprehensive Plan.

Kit makes a motion to amend Chapter Six of the Comprehensive Plan as above. Jeff Browning seconds, unanimously approved.

Discussion amongst the Commission for edits necessary to Chapter Seven of the Comprehensive Plan, which include only grammatical errors.

Ruan makes a motion to correct the grammatical errors of Chapter Seven. Jeff Browning seconds, unanimously approved.

8. Discussion and Possible Recommendation of the next meeting's calendar and draft agenda.

- a. **The Comprehensive Plan Chapters**
Chapter 8 is decided upon for the next meeting.
- b. **Additional corrections and additions to Zoning Ordinance.**
Decided upon after hearing Council's requests for recommendations.
- c. **Pending Subdivision and Variance Applications.**
None at the time.

9. Adjourn.

Approved this __13__ day of _____ January _____, 2015.

Signed:

JB
Chair of Planning and Zoning Commission

Attest:

JV
Julia Vicars, Acting City Secretary