

ORIGINAL

NOTICE OF THE REGULAR CALLED MEETING
Of the
PLANNING & ZONING COMMISSION
OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, FEBRUARY 10, 2015 at 7:00 P.M.
City Hall, 16100 Wharf Cove, Volente, Texas.

Notice is hereby given that the Planning and Zoning Commission of the Village of Volente will hold a Regular Called Meeting at 7:00 PM. Tuesday, the 10th day of February, 2015 in the Council Room at City Hall, 16100 Wharf Cove, Volente, TX at which time the following items will be discussed, to wit:

1. Open Regular Meeting.
2. Call Roll.
3. Citizen Comments. *At this time, any person with business before the Planning and Zoning Commission not scheduled on the agenda may speak. There is a four (4) minute time limit on any communication.*
4. Approval of the Minutes from January 13, 2015.
5. Discussion and Possible Recommendation to the Village of Volente City Council on the Variance Request from Rogelio Malvaiz of Malvaiz Builders, Authorized Agent for Michelle and Zahir Arifi, 8102 Lime Creek Road, for a variance from the Site Development Ordinance regarding Underground Utility Requirements, Section 33.351 Electric Cable, Telephone, and Telecommunications Utilities.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Citizen Comments
6. Discussion and Possible Recommendation to the Village of Volente City Council on the Variance Request for James "Rick" Remore of Venture Four Architects, Authorized Agent for Susan and Richard Dooley, 8420 Lime Creek Road, for a variance from the Site Development Ordinance regarding Development on Slopes over 25 degrees and Construction in the Floodplain, Section 33.340 Slopes Limits and Section 33.344 Drainage.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Citizen Comments
7. Discussion and Possible Action on a Recommendation to City Council to amend the ordinance that governs Planning and Zoning to change the regular meeting time from 7:00 PM to 6:30 PM.
8. Discussion and Recommendation of the Next Meeting's Agenda and the Possibility of a Special Called Meeting for a Workshop on Zoning Ordinances.
 - a. Confirm Date of Meeting
 - b. Topics for Agenda
 - c. Variances
9. Adjourn.

IT IS HEREBY CERTIFIED that the above Agenda was posted on the bulletin board at the Village Offices and the VVFD Bulletin Board on this 2nd day of February, 2015.

Julia Vicars, Acting City Secretary

The Village of Volente is committed to the compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. A quorum of the City Council or Board of Adjustments may be in attendance at this meeting however, no official action by the City Council or Board of Adjustments shall be taken.

MINUTES
Of the
PLANNING & ZONING COMMISSION
OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, JANUARY 13, 2015 at 7:00 P.M.
City Hall, 16100 Wharf Cove, Volente, Texas.

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1. Open Regular Meeting.
Jeff Browning, Interim Chair of the Planning and Zoning Commission called the meeting to order at 7:07 p.m.
 - 12
13 2. Call Roll.
14 Julia Vicars, Acting City Secretary, calls rolls. Commissioners Ruan Lourens, Rett Scudder,
15 and Interim Chair Jeff Browning. Alternate Nancy Carufel also in attendance. Absent were
16 Phil Mitchell and Judy Barrick.
17
 - 18 3. Citizen Comments.
19 None.
20
 - 21 4. Introduction of New Members to the Planning and Zoning Commission.
 - 22 a. Completion of Application.
23 Application to be completed by new members and turned into the office at a later
24 date.
 - 25 b. Oath of Office for New Members.
26 Julia Vicars, Acting City Secretary administers the Oath of Office for Nancy Carufel,
27 Alternate.
28
 - 29 5. The Election of a Vice Chair of the Planning and Zoning Commission and Secretary of the
30 Planning and Zoning Commission positions for the calendar year 2015.
31
32 Commissioner Ruan Lourens announces he will be available for a few meetings more,
33 then will resign from his position on the Planning and Zoning Commission.
34
35 **Commissioner Ruan Lourens nominates Commissioner Rett Scudder for the position of**
36 **Vice Chair of the Planning and Zoning Commission. Seconded by Alternate Nancy**
37 **Carufel. Carries unanimously.**
38
39 **Commissioner Rett Scudder nominates Commissioner Judy Barrick for the position of**
40 **Secretary of the Planning and Zoning Commission. Seconded by Alternate Nancy**
41 **Carufel. Carries unanimously.**
42
43 a. Oath of Office for Current Members
44 The Oath of Office for Current Members will be administered by Julia Vicars, Acting
45 City Secretary, immediately following the meeting.
46
 - 47 6. Approval of the Minutes from August 12th, August 26th, and October 20th, November 11th,
48 and December 9th, 2014.
49
50 **Commissioner Rett Scudder makes a motion to approve the meeting minutes from August**
51 **12th, August 26th, October 20th, November 11th, and December 9th, 2014. Seconded by**
52 **Commissioner Ruan Lourens. Passes with Commissioners Ruan Lourens, Rett Scudder, and**

53 **Chair Jeff Browning voting yes. Nancy Carufel abstains from the vote, stating that she**
 54 **would like to read the minutes before voting.**
 55

56 7. Discussion and Possible Action on Section 30.133 Conditional Use Permit as it pertains to
 57 Short Term Rentals.

58 a. Citizen Comments.

59 None.
 60

61 b. Presentation from Staff

62 Barbara Wilson, City Administrator, details the changes suggested to Section 30.133
 63 to allow the addition of the Short Term Rental category. To remain consistent with
 64 other ordinances, it is suggested to change the notice requirement to 500 feet. To
 65 not conflict with the Zoning ordinance, whichever amount is greater will be the
 66 amount that is applicable (line 64).
 67

68 c. Discussion and Possible Action by Commissioners

69 Nancy Carufel, Alternate, asks why the authorized conditional uses include airports,
 70 landing strips, etc.

71 Barbara Wilson, City Administrator, answers that when the STR ordinance was
 72 created, the ability to operate a Short Term Rental became a conditional use within
 73 residential zoning. Section 30.133 contains all conditional uses, including
 74 amusement parks, cemeteries, etc. After the addition of Short Term Rental, there
 75 will need to be changes made to the procedures for each conditional use category.
 76 By definition, any category not listed will have to come before Council for approval.
 77

78 Nancy Carufel, Alternate, asks if the authorized is the same as appointed (line 121).

79 Barbara Wilson answers yes, but to keep the ordinances consistent a suggested
 80 change to the language used in other items was made.
 81

82 Nancy Carufel, Alternate, asks if there is a time limit for the applicant that begins
 83 with the submission of an application.

84 Barbara Wilson, City Administrator, says that in the septic and site plan, there are
 85 time limits, which require City Administration to respond within a timely manner.
 86 There is not one specifically in the STR ordinance, which uses the term "reasonable",
 87 suggesting around 10 days or less.
 88

89 Commissioner Ruan Lourens adds that variances have a time limit.
 90

91 **Commisioner Rett Scudder makes a motion to recommend the changes made to**
 92 **Section 30.133 Final Draft to Council for Review. Seconded by Commissioner Ruan**
 93 **Lourens. Carries unanimously.**
 94

95 8. Discussion and Recommendation of the next meeting's agenda.

96 a. Confirm date of Meeting

97 The next regularly scheduled meeting date is set for February 10, 2015.
 98

99 Bill Connors, 8016 Lakeview, Council Member:

100 States that the Governmental Relations Committee, of which he is Chair, is
 101 responsible for acting as liaison with the Planning and Zoning Commission. During
 102 the Council Retreat, he proposed a timeline and process to help expedite the task of
 103 reviewing ordinances. This 12-18 month plan revisits chapters of the Comprehensive

104 Plan while working on review of the Subdivision, Zoning, Site Development, and
105 Water Quality ordinances. Within the next couple of weeks there should be a more
106 detailed approach that would accomplish the tasks assigned to Planning and Zoning
107 in a reasonable amount of time.
108

109 Interim Chair Jeff Browning thanks Bill Connors, adding he appreciates the
110 systematic approach this plan lays out.

111 Barbara Wilson, City Administrator, says that the Comprehensive Plan is required,
112 but needs to match the ordinances in place and incorporate the Community Survey
113 results.

114 Commissioner Rett Scudder adds that the original Community Survey was a tool in
115 creating the original Comprehensive Plan.
116

117 b. Topics for Agenda

118 Barbara Wilson, City Administrator briefs the Planning and Zoning Commission on
119 two upcoming variances for their February 10th meeting.
120

121 Julia Vicars, Acting City Secretary, suggests the Planning and Zoning Commission
122 hold a separate, special called meeting, on a day of their choosing for ordinance
123 review according to Bill Connors' plan. Adding that doing so as a work session gives
124 the Planning and Zoning Commission time to prepare before public comments.
125

126 c. Variances
127

128 9. Adjourn.

129 The meeting adjourned at 7:47 p.m.
130

131 Passed and Approved this _____ day of _____, 20____.
132

133 Signed:

134 _____
135
136 Jeff Browning, Interim Chair of Planning and Zoning
137

138
139 _____
140 Julia Vicars, Acting City Secretary
141

Friday, September 12, 2014



108 Tuscany Way
Georgetown, TX. 78633
Phone/Fax: (512)240-5297
Mobile: (512)748-5329

To whom it may concern:

Malvaiz Builders, Inc. is requesting a Permanent Electric Pole Variance, this variance consist of using the existing Electric Pole that is 180 ft. from Lime Creek Road. Below are the reasons why this variance is the best, most effective and efficient way to provide power for the Arifi Residence.

- 1) The existing pole is the best power source, not requiring me to go under my septic drain.
- 2) There will be power closer to the ^{weld} that we have to keep 50 ft. away from the septic tank and 100 ft. away from the septic drain field. We had planned to install the drain field in the front yard because the house sits 175 ft. from Lime Creek Road.
- 3) ^{weld} If this variance is not accepted, we will have to cut a 250 ft. ditch to have power to the weld and also leading us to be extremely close to the septic drain field. Costing more resources and time.

We have contacted LCRA and they stated that those poles belonged to Pedernales Electric, that LCRA have no jurisdiction over the electric poles on Lime Creek Road. Pedernales Electric does not require a variance letter, as long as we paid our fee. Attached is a copy of Pedernales Electric Fee, which we have paid. Please take all this in consideration, for any questions or concerns you can reach me at (512)748-5329.

X

Rogelio Malvaiz
President of Malvaiz Builders, Inc.

VARIANCE APPLICATION FORM

Date of Submission: 7 12 81 2014

APPLICANT/OWNER INFORMATION

Applicant Malvaiz Builders inc

Address 108 Tuscony way Georgetown Tx. 78633

Phone 512 748-5329 Fax 512 740-5297 Email info@malvaiz.builders.com

Applicants Status: (check one) Owner Tenant Contractor
Owner must sign the application or submit a notarized letter of authorization

Owner: Zahir Anir

Address: 3643 Ranch Creek Dr Austin, Tx 78782

Phone 512-372-9948 Fax / Email mazgrip@yahoo.com

Ownership: (check one) Individual Partnership Corporation Other
If ownership is a trust, partnership, corporation, or other legal entity, the applicant must name the partners or principals on a separate attachment.

PROPERTY DESCRIPTION

Acreage: 1.98

Physical Address: 8102 Lime Creek Rd Volente Tx. 78641

Legal Description: (attach map of area also if available)

Lot(s): 2 Block(s): _____

Subdivision: Calavan States Addition

Existing Use of Property: Vacant Land (Residential)

VARIANCE DESCRIPTION

Applicable Regulation(s): _____

Project Description: Electric Meter Temporary & Permanent
For 8102 Lime Creek Rd.

Variance Sought: Using electric Pole 170' From the Road
Already in Place.

Justification(s): 40'-50' From house. this electric
Pole will get Better source of Power To
the house

Special Condition(s): NONE

Project Timeline: one week

Attachments: NONE

(e.g., construction drawings, site plan, survey, photographs, list of names and addresses for all property owners within 500 feet of the footprint of the structure for which a variance is sought.)



Engineering Solutions

Village Of Volente

Site Development Review

16100 Wharf Cove
(512) 250-2075 (P/fax)

Project Site Address: 8102 Lime Creek Rd Date: December 3, 2014
Permit Applicant: Rogelio Malvaiz Project: Residential Application
Zoning District: R-1
Reviewer: Marc Dickey

REVIEW – APPROVED w/ CONDITIONS

SECOND Review Comments:

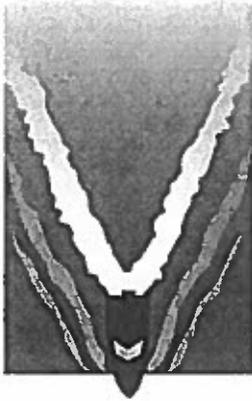
FYI: This review is only for the Site Development Plan. The building review will be issued separately following approval of the Site Plan.

1. **Note: The mailboxes must be breakaway as specified by TxDOT. Please remove the stone mailbox.**
2. **Please try to preserve the 24" Oak in the front of the property as required by the landscape ordinance.**
3. **It appears a variance request to allow for overhead electric is at the city but has not been heard. If the variance is granted the applicant can install overhead, if the request is denied the site plan shows the underground electric location.**
4. **Water tanks are considered structures and are required to be located outside of the side setbacks. Please show the water tank location outside of the side setback.**

These conditions must be met prior to site plan approval and a site development permit can be issued.

These plans have been reviewed for compliance with the Village of Volente Ordinances. Items identified as insufficient information or where a noncompliance exists must be corrected.

Review of these plans does not represent the code(s) in their entirety. Field verification must be done to ensure compliance with jurisdiction adopted code(s) and ordinances. Review of structural documents by a design professional is limited to assuring that they have been provided.



Village of Volente

16100 Wharf Cove
 Volente, Texas 78641
 Phone/Fax: (512) 250-2075
 Email: city.admin@volentetexas.gov
 Web: www.volentetexas.gov

PLAN REVIEW

8102 Lime Creek Road	Malvaiz Builders, Inc. – Rogelio Malvaiz	11/13/2014
Address:	Permit Applicant:	Date:
Subdivision:	Section:	Phase
New Residence		Block: <u>1</u>
Project:	Zoning:	Lot:
	Group	V-B
		Construction Type

REVIEW – CONDITIONALLY APPROVED

Documentation Submitted

Document	Date Reviewed	A/E Seal	Registration #
Site Plan	11/5/2014	RPLS	81420
Specifications			
Soils Report			
Foundation	11/5/2014	PE	37154
Structural Framing	11/5/2014		
Wind Brace Plan			
Building Design	11/5/2014		
Mechanical Plans			
Plumbing Plans			
Fuel Gas Plans			
Electrical Plans	11/5/2014	PE	93963
Energy Conservation	11/13/2014		

Additional Documentation Required

Document	Firm	License #
Foundation Certification Letter		
Engineer Letter		
Elevation Certificate		
2009 IECC Certification		

Comments

	The site plan must be approved prior to starting construction.
Zoning Ord. Sec.30.109	Building height shall not exceed 35' feet.
Site Dev. Ord. Sec.33.351	All Electric Cable, Telephone and Telecommunications Utilities shall be installed underground. Inspector will site verify.
Site Dev. Ord. Sec.33.347	All exterior lighting shall comply with Volente exterior lighting ordinance.

INSPECTIONS REQUIRED

House

1. Temporary Construction Power
2. Plumbing rough-in / foundation layout
3. Water / sewer yard-lines
4. Under slab water distribution piping
5. Foundation pre-pour by design engineer
6. Frame, Mechanical, Electrical, Plumbing rough-in
7. Re-frame and Insulation (Energy 1)
8. 2009 IECC compliance inspection (Duct leakage test by qualified third party company)
9. Wallboard
10. Gas Test and Electrical meter connection
11. Final inspection (Building, Mechanical, Electrical, Plumbing and Energy 2)

Contact design engineer for foundation pre-pour. Foundation certification letter from design engineer is required to be delivered to Village of Volente prior to issuance of CO. Contact the Village of Volente @ 512-250-2075 to schedule all other inspections.

Houses permitted after January 1, 2012, will be required to produce a passing inspection report by qualified third-party showing compliance of ductwork per 2009 IECC prior to issuance of CO.

Plans must be on-site when inspections are being performed.

These plans have been reviewed for compliance with the Village of Volente Building Code Ordinance and Zoning Ordinance. Review of these plans does not represent the code(s) in their entirety. Field verification must be done to ensure compliance with jurisdiction adopted code(s) and ordinances. Foundation review is limited to verification that an engineer has designed the foundation.

VARIANCE APPLICATION FORM

Date of Submission: 12/30/14

APPLICANT/OWNER INFORMATION

Applicant JAMES RICK REMORE

Address 3821 JUNIPER TRACE SUITE 5

Phone 512-378-8581 Fax _____ Email REMORE@VENTUREFOUR.COM

Applicants Status: (check one) _____ Owner _____ Tenant Contractor
Owner must sign the application or submit a notarized letter of authorization

Owner: SUSAN & RICHARD DOOLEY

Address: 8420 LIME CREEK ROAD

Phone _____ Fax _____ Email _____

Ownership: (check one) Individual _____ Partnership _____ Corporation _____ Other _____
If ownership is a trust, partnership, corporation, or other legal entity, the applicant must name the partners or principals on a separate attachment.

PROPERTY DESCRIPTION

Acreage: 4.0830

Physical Address: 8420 LIME CREEK ROAD

Legal Description: (attach map of area also if available)

Lot(s): 3B Block(s): _____

Subdivision: LAKE TRAVIS #7 Addition: _____

Existing Use of Property: RESIDENTIAL

VARIANCE DESCRIPTION

Applicable Regulation(s): SEC. 33.340 SLOPE LIMITS

Project Description: 6' CONC. CART PATH FROM RESIDENCE
TO ± ELEVATION 688.0'

Variance Sought: TO BUILD A CART PATH OVER
AREAS THAT EXCEED 25% SLOPE, PART OF WHICH
IS IN THE 100 YEAR FLOODPLAIN

Justification(s): TO CREATE A SAFE PATH
TO ACCESS THE LAKE & EXISTING
BOAT DOCK FOR PEOPLE, MATERIALS & EQUIPMENT.

Special Condition(s): THE CONDITIONS OF THE LOT ARE
UNIQUE IN THAT THE ACCESS TO THE BOAT DOCK &
LAKE IS VERY STEEP (OVER 25% SLOPE)

Project Timeline: _____

Attachments: SITE PLAN THAT SHOWS THE ANTICIPATED
LOCATION OF THE PROPOSED CART PATH

(e.g., construction drawings, site plan, survey, photographs, list of names and addresses for all property owners within 500 feet of the footprint of the structure for which a variance is sought.)

SWORN AFFIRMATION

SUDCRIBED AND SWORN TO BEFORE ME on JANUARY 7th, 2015, by James Richard Remore, who is the applicant for a variance as described above, and on whose oath certifies that the above statements are true and correct to the best of the applicant's knowledge.



Barbara L. Wilson
Notary Public, State of Texas

My Commission expires: 8/13/18

If the owner of the subject property is not the applicant, by signing below, the owner authorizes the applicant or his authorized representative to make this application on its behalf and to appear before the Village Council.

[Signature] 1/7/15
Owner Authorized Agent Date

SUBSCRIBED AND SWORN TO BEFORE ME on _____, 20__ by,

_____, who is the owner of the property for which a variance is sought, and on whose oath certifies that the above statements are true and correct to the best of the owners knowledge.

Barbara L. Wilson
Notary Public, State of Texas

My Commission expires: 8/13/18



VENTURE FOUR ARCHITECTS

3821 Juniper Trace Ste. 105 ♦ Bee Cave, Texas 78738
(512) 328-8581 venture@venturefour.com

Barbara Wilson
City Administrator
Village of Volente
16100 Wharf Cove
Volente, Texas 78641
512-250-2075

RE:
The Dooley Residence
8420 Lime Creek Rd
Sec. 33.340 Slope Limits
Amended 6/17/2008; Ordinance 2008-0-94

- A. No construction or land disturbing activities shall be permitted on natural grades with slopes of twenty-five percent (25%) or steeper.

Ms. Wilson,

We are requesting a slope variance to build a 6' wide concrete cart path from the residential structure to the approximate grade elevation of 688.0' over areas that may exceed SEC. 33.340 Slope Limits 25% grade or steeper, as shown on the attached site plan.

- (1) *Granting the variance will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the variance will not prevent the orderly subdivision of other property in the vicinity; The cart path will in no way impact public safety, as the path is for private access to the existing privately owned boat dock from the residence. It will in no way be injurious to surrounding property owners, as the path is contained entirely on the applicant's lot.*
- (2) *The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property; The conditions of this lot are unique to this area in that it has very steep (over 25% slope) access to an existing boat dock and to the lake. These conditions are not generally applicable to other properties.*
- (3) *Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of this article is carried out; The topographical conditions to the lake are very steep, and cannot be safely traversed without a cart path. It is also difficult and at times impossible to get both equipment and materials to the existing boat dock to supply and maintain it with these steep conditions without a cart path. Strict adherence to the ordinance would prevent the resident from accessing the existing boat dock and the lake safely.*
- (4) *The variance will not in any manner vary the provisions of the zoning ordinance or comprehensive plan or any other adopted plan(s) of the Village; Granting the cart path variance will have no effect on the zoning ordinance or comprehensive plan of the Village as the cart path will be on private property and be used to access a private existing boat dock from a private residence.*
- (5) *An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein. There is no alternative design that will allow access of persons, material and supplies to the access the existing boat dock and lake from the residence.*

To summarize;

The residents of the home are in need of a cart path that will make it safe for both the elderly and children in the home to be able to access the existing boat dock and lake. The walk to the existing boat dock is hazardous in all but perfect weather conditions. The slope to the lake is very steep, and cannot be safely traversed without a cart path. It is also difficult and at times impossible to get both equipment and materials to the existing boat dock to supply and maintain it.

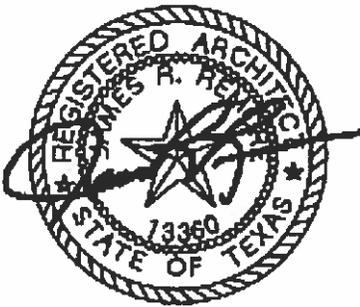
Not defined as a parking area or a building, the cart path as shown in the 100 year flood plain is 1521 sq. ft. The cart path will have no adverse impact on the floodplain of this or any surrounding properties. The cart path is necessary on this lot because of its access to the lake and to the existing boat dock. The cart path will not result in additional adverse flooding on other properties.

Neighboring lots have also had to build similar cart paths on steep slopes and below the 100 year flood plain to access boat docks and the lake.

The cart path, to be built of broom finished 4" concrete, will have minimal impact on the surroundings, yet provide safe access to the lake and existing boat dock for people, equipment and supplies.

We appreciate your consideration of this variance.

Sincerely,



James R. Remore AIA
(Owners Agent)