



MINUTES OF THE
PLANNING & ZONING COMMISSION
OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, MAY 12, 2015 at 6:30 P.M.
City Hall, 16100 Wharf Cove, Volente, Texas.

Present

Jeff Browning, Chair
Judy Barrick
Rett Scudder
Richard Roucloux
Phil Mitchell

Absent

Also in Attendance

Council Member Bill Connors

1. Open Regular Meeting.
Chair of the Planning and Zoning Commission, Jeff Browning, calls the meeting to order at 6:31 p.m.
2. Call Roll.
Julia Vicars, City Secretary, calls roll. A quorum is established.
3. Citizen Comments.
Bill Connors, 8016 Lakeview, states that the variance before the Planning and Zoning Commission is a major remodel with only a slightly larger footprint than the existing house. The lot itself causes the need for a variance because it is narrow, steep, and a large portion of the lot is in the floodplain. Feels that the applicant's requests are not inconsistent with the look and feel of Volente and hopes the Commission grants variances for long-term residents making reasonable requests.
4. Presentation and Public Hearing on a Variance Request from owner David Robinson on the property at 8132 Joy Road for variances from the Site Development Ordinance Section 33.341(a-1), Cut and Fill in excess of 5 feet, Section 33.340(A) Construction on Slopes of 25 percent or greater, Section 33.335 E(5) Addition of an Extra Driveway, Section 33.341 (A)(2), Walls Within the Front Setback may not exceed 1 ft. in height, Section 33.365(C) encroachment into the 5 ft. utility easements and a variance from the Water Quality Ordinance Section 32.109(a)(2)(C), Impervious Coverage greater than 20 percent.

a. Staff Presentation

Barbara Wilson, City Administrator, states that the vacations of easements can only come from the utility companies directly, and they have vacated easements on this property. The Applicant is going underground with his utilities. The walls within the front setbacks no longer apply and the applicant has corrected these. The variance for slopes greater than 25% is due to the topography and slope of the property. The existing house is built on slopes greater than 25%. The extra impervious cover is being mitigated for with a vegetative berm and the cut and fill in excess of five feet is necessary to fit a septic on the property.

Marc Dickey, of TRE & Associates, states that the existing impervious cover is 6,050 sq. ft., or 24% roughly. This project would cause an increase of approximately 1,630 sq. ft. The applicant is requesting a variance for 10.4% of impervious cover. The vegetative berm provides a vegetative filter strip for water quality and part of the cut and fill variance is because of this berm. The applicant's engineer designed the berm to provide treatment for water that comes down over the property.

Jeff Browning, Chair, asks if the entire surface area of the pool is being counted in those impervious cover percentages.

Marc Dickey answers yes, the pool surface is counted.

Barbara Wilson, City Administrator, states that the ordinances allow only one driveway per lot but there is nothing preventing more than one driveway.

Commissioner Richard Roucloux states that two driveways are not out of the ordinary for the neighborhood. Some of the restrictions on driveways, created for consideration of high-traffic areas, may not be applicable to the smaller residential streets.

b. Applicant Presentation

David Robinson, Applicant for 8132 Joy Rd, reads aloud letters prepared for each variance included in the backup material. States that his lot does not meet the minimum 1 acre requirement of R-1 Zoning and that a third of his lot is in the floodplain. The new house is constructed with the existing footprint in mind, and does not differ much from the current impervious cover. He adds that a second driveway, to be used only occasionally for recreation vehicles, all-terrain vehicles, etc. is to move parking of these vehicles off of the street for aesthetic and safety purposes.

c. Citizen Comments

A letter from Nancy Carufel is read aloud, stating her support of these variance requests.

5. Discussion and Possible Action on the Variance Requests from David Robinson, owner of 8132 Joy Road, for variances from the Site Development Ordinance Section 33.341(a-1), Cut and Fill in excess of 5 feet, Section 33.340(A) Construction on Slopes of 25 percent or greater, Section 33.335 E(5) Addition of an Extra Driveway, Section 33.341 (A)(2), Walls Within the Front Setback may not exceed 1 ft. in height, Section 33.365(C) encroachment into the 5 ft. utility easements and a variance from the Water Quality Ordinance Section 32.109(a)(2)(C), Impervious Coverage greater than 20 percent. Commissioner Judy Barrick thanks the applicant for their hard work and patience, stating that their case has been very well laid out and articulated.

The following motions are separated per variance request.

Commissioner Rett Scudder makes a motion to dismiss the variance for Walls Within the Front Setback, Sec. 33.365(C). Commissioner Judy Barrick seconds. The motion carries unanimously.

Commissioner Phil Mitchell makes a motion to approve the variance for encroachment into the five foot utility easements, which have been vacated. Commissioner Rett Scudder seconds. The motion carries unanimously.

Commissioner Richard Roucloux makes a motion to approve the variance for construction on slopes 25% or greater, Section 33.340(A) due to the uniqueness of the lot, steepness of the lot, and the existing structure built on the same slope. Commissioner Rett Scudder seconds. The motion carries unanimously.

Commissioner Judy Barrick makes a motion to approve the variance for cut and fill in excess of five feet, Section 33.341(A-1) due to the septic location in relation to the outcropping, the topography, and the slope of the lot. Seconded by Commissioner Phil Mitchell. The motion carries unanimously.

Commissioner Rett Scudder makes a motion to approve the variance for an additional driveway, Section 33.335(e)(5) because the flow of traffic was taken into consideration, the aesthetics of the street, and the consistency of the existing lots in the neighborhood. Commissioner Richard Roucloux seconds. The motion carries unanimously.

Commissioner Judy Barrick makes a motion to approve the variance for impervious cover greater than 20%, for a total amount of 30.4%, because of the uniqueness in the size of the lot, this does not create a detriment to the value or safety of neighboring properties, and the extra impervious cover is needed primarily for a driveway and pool, of which the surface of the water is counted. The applicant is mitigating the impervious cover with a vegetative berm and decreasing his impervious cover with rainwater harvesting for a 5% credit. A concurrence letter is required. Seconded by Commissioner Phil Mitchell. The motion carries unanimously.

6. Update from the City Council on the progress and discussion from the Council Work Session on May 11, 2015.

Council Member Bill Connors updates the Planning and Zoning Commission on the discussions from the Work Session. Zoning will be based on lot size, allowing for specific special conditions for uniquely shaped lots. The end goal is to minimize the number of road blocks residents face when wanting to develop their lots. Council Member Connors then details the proposed setbacks and impervious cover as well as the concept of a “buildable area” of each lot, taking into consideration special lots with steep drop-offs or large percentages in the floodplain. Council Member Connors states that Council is looking to re-define height and add in definitions of foundation and water tanks to the zoning ordinance. Council Member Connors summarizes Local Government Code, Chapter 245 and the issue of vested rights, which is an item being discussed at Council meetings but he stresses that Council has not reached consensus on this topic.

Commissioner Richard Roucloux states that in the past Volente has taken rules and requirements from other municipalities and imposed it upon our area. A careful eye must be taken to that information. He adds that variances will likely still exist to some degree because of the topography and size of lots in our community.

Council Member Connors states that he goal would be to control future development and limit density but still allow for enjoyment and use of property by residents. Existing small lots should be considered with reasonable controls and restrictions.

Comissioner Phil Mitchell asks what should be done on the Planning and Zoning Commission’s side in regards to the Comprehensive Plan.

Council Member Connors states that the Commission should review and revise the plan, as necessary, to align with the vision statement, feel, and plan for the community.

7. Review of the Vision Statement of the Village of Volente and Recommendation to Council on any necessary changes to ensure it encompasses the atmosphere, view, and ideals of Volente.

Consensus among the Planning and Zoning Commission is that the Vision Statement still coincides with the vision of where we are going and the feel of the community, with no changes necessary.

Commissioner Rett Scudder makes a motion to recommend to Council that the Vision Statement remain as is. Commissioner Judy Barrick seconds. The motion carries unanimously.

- 8. Review of the Comprehensive Plan, Chapter One.
Commissioner Judy Barrick makes a motion to accept Chapter One of the Comprehensive Plan with edits to pages 1-3 under Plan Content and Organization which will list the five sections and the grammatical changes necessary. Commissioner Phil Mitchell seconds the motion. The motion carries unanimously.
- 9. Review of the Zoning Map.
Commissioner Richard Roucloux makes a motion to table Agenda Item 9. Seconded by Commissioner Rett Scudder. Carries unanimously.

10. Adjourn.
The meeting adjourned at 7:53 p.m.

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

Signed:

Jeff Browning, Chair of the Planning and Zoning Commission

Attest:

Julia Vicars, City Secretary