



MINUTES OF THE
PLANNING & ZONING COMMISSION
OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, AUGUST 11, 2015 AT 6:30 P.M.
City Hall, 16100 Wharf Cove, Volente, Texas 78641

Present

Richard Roucloux, Chair
Rett Scudder, Vice Chair
Judy Barrick, Secretary
Phil Mitchell, Commissioner
Nancy Carufel, Commissioner

Absent

Also in Attendance

Mayor Pro Tem Connors
Council Member Belote
Mayor Ken Beck

1. Open Regular Meeting
Chair Richard Roucloux calls the meeting to order at 6:32 p.m.
2. Call Roll.
Julia Vicars, City Secretary, calls roll. A quorum is established.
3. Citizen Comments.
None.
4. Approval of the Minutes from June 9, 2015.
Commissioner Judy Barrick makes a motion to approve the minutes from June 9th, 2015. Seconded by Commissioner Rett Scudder. The minutes are approved with Commissioners Judy Barrick, Rett Scudder, and Phil Mitchell voting aye and Commissioner Nancy Carufel abstaining.
5. Review of the Redline Draft of the Zoning Ordinance.
 - a. Presentation from Council Members
Mayor Pro Tem Connors introduces the new Zoning Ordinance. He states that the responses from the public thus far have been positive but he is hoping for a critical review from Planning and Zoning. The overall concept plan and Zoning discussion guide are given to Planning and Zoning for tonight's review. Mayor Pro Tem Connors states that the ordinance should be trimmed down and fit with the area. Residential Zoning restrictions are now based on lot sizes, with a provision for nonconforming structures that would allow them to expand, remodel, etc. but would not further diminish the setbacks.
Chair Richard Roucloux asks if applicants are still required to comply with impervious cover in place.

Mayor Pro Tem Connors answers that yes, applicants are still required to comply but the requirements have changed to LCRA standards. Impervious Cover would be set to 50% for the smaller lots. If the property is restricted by geography, size, length or other features, Impervious Cover would apply only to the buildable area.

Richard Roucloux, Chair, asks who would administratively decide if the lot goes to the smaller requirements.

Mayor Pro Tem Connors answers that our City Engineer would be the one tasked with making that decision.

Chair Richard Roucloux agrees that the engineer is really a disinterested party and something we should rely on in cases like these.

Council Member Belote states Council has strived to make this ordinance less cumbersome so that every lot is buildable.

Commissioner Phil Mitchell asks if these revisions and the different zones are applicable only to existing lots and not newly subdivided lots.

Mayor Pro Tem Connors answers that yes, the smaller categories only apply to existing or historical lots. Any future subdivision would still be a minimum 1 acre size.

Steve Baker, 8204 West Drive, states that the redline and chart 1 make it difficult to see the changes.

Mayor Pro Tem Connors responds with instructions on with how to toggle back and forth between the final and marked up version, which makes it easier to see the changes made.

Mayor Pro Tem Connors details how industrial categories were removed. C1 and C2 would be combined to create low impact and light uses. Marinas are all zoned to be "CM – Commercial Marinas"; the only use given up with this change is the ability to operate a carpentry shop. Council wanted to make sure that they will not further restrict anyone but would instead open up the Marinas category to how they are currently use and the basic activities expected at a Marina. Commercial Entertainment category is solely the Shore Club/Volente Beach. The uses are not expanded, but instead are the uses currently taking place on the property. There is a conditional use in this category for condominiums. The impervious cover for any commercial property would still be subject to LCRA rules and restrictions. The ordinance refers to our Water Quality ordinance, where LCRA will be referenced. Setbacks and side setbacks for all the categories are an amalgamation of nearby cities' ordinances and seem to be reasonable for commercial entities. The PDD or Planned Development District is untouched. The area of the ordinance pertaining to the Board of Adjustments is also untouched.

Council Member Belote presents her changes and reviews to the Telecommunications ordinance.

Chair Richard Roucloux asks if there are restrictions on a homeowner putting in their own HAMM tower.

Council Member Belote answers that big towers would be near impossible.

Steve Baker, 8412 West, states that on his lot in Angel Bay a neighbor did put in a helipad which has caused major issues in their neighborhoods.

Connors states that STRs have been incorporated as a conditional use. Mobile Homes and RVs were not incorporated into the Zoning Ordinance before Council received it for revisions, but Council is looking into it and addressing it in future changes.

Chair Richard Roucloux states that the ordinance was an ordinance passed based solely on the reaction to one individual's RV. He adds that many residents own one, if not more than one RV.

Commissioner Nancy Carufel states that we are of a vacation and tourist area and many residents use RVs for company that comes to visit.

Mayor Ken Beck states that there does not need to be a permit for someone to stay in it, but the real restriction is that there has to be a home built on the property. You can have someone in the RV for 30 days, three times a year, with no permit. The restrictions are that you cannot hook it up and use it as a long-term residence, for instance with someone looking to live in an RV while building.

Council Member Springer states that visibility does not matter and you are only allowed one RV, even if they are out of sight.

Chair Richard Roucloux states that Planning and Zoning will take a look at RVs and Mobile Homes when Council is ready to present their changes on the subject.

Mayor Pro Tem Connors addresses multi-family and states that there is a category currently for multi-family but an applicant would need to request a Zoning Change and change to MFR Zoning in order to have multi-family on their lot.

Council Member Springer asks if search warrants could be obtained to find out if structures are multi-family.

Discussion ensues amongst the Commission about the legality and complications surrounding identifying properties with multi-family uses.

Mayor Pro Tem Connors states that non-conforming uses and structures can expand as long as they do not further reduce the applicable restrictions.

Division Five of the Zoning Ordinance addresses the Planning and Zoning Commission. Mayor Pro Tem Connors states that the proposed change in this section would allow Council to override a Planning and Zoning decision with a simple majority instead of a super majority vote.

Chair Richard Roucloux asks why Council has made this proposed change. Mayor Pro Tem Connors states that he feels that the Council is the elected body of the government and that the Local Government Code states this provision can be passed by Ordinance.

Chair Richard Roucloux details the history behind the reason this provision was included.

Council Member Springer states that the Texas Constitution states a three quarter majority or 75% is required, not super majority. And this is only to reverse a Planning and Zoning decision – to pass anything that Planning and Zoning approves requires only a simple majority.

Mayor Pro Tem Connors states that a lot of changes have been made but Council has tried to faithfully hit the high points and meat of the changes during this presentation. He asks that the Planning and Zoning Commission give the ordinance a critical read and give Council critical feedback.

Commissioner Judy Barrick asks if there has been feedback from the community on this Ordinance.

Council Member Belote answers that yes, but most are waiting until after the Town Hall to form an opinion, according to the recent survey sent out by the Public Relations Committee.

Council Member Belote summarizes her changes to the definitions section and Mayor Pro Tem Connors states that Commercial entities have operating hours based on school year or summer time and that the parking requirements were simplified.

Mayor Pro Tem Connors states that he, the Mayor, and Council Member Springer met with Anna Boland from Travis County about an interlocal with Travis County for building and permitting processes.

Chair Richard Roucloux states he has no objective to an interlocal with Travis County for certain aspect, but he feels that it is imperative that we have an Engineer like Marc who is consistent in the administrative part of the permitting process. To turn it over to Travis County is questionable since there is new construction going up outside of the Village with no permits and Travis County is not red tagging the property. We need to keep an in house handle on the permitting. Turning it over to Travis County would be irresponsible.

Mayor Pro Tem Connors states there would be components that would be the Village's responsibility and components that would be the County's responsibility.

Chair Richard Roucloux states that having Marc being able to respond to Julia's requests and still actively involved would be best for the Village. He states that our City Engineer is an extremely valuable tool that the City should not lose.

PROWs or Private Right of Ways is broken out into a new district, which was split from Open Spaces (now split into PROWs and Parks). These private rights of ways belong to the subdivisions and are viewed, in the past, as being civil matters between parties. If the City regulates construction and someone is building on a property, proof of ownership and consent is required. These PROWs should carry the same standard.

Commissioner Nancy Carufel states that the lake access – the residents of each subdivision – should be paying taxes on the PROWs and we are missing that revenue if we are not recognizing these pieces of land.

Chair Richard Roucloux states that originally there was a discussion about this and the City decided that it could not be restricted to prohibit access. He recommends that Council look to the attorney on this matter.

Commissioner Judy Barrick recommends that each Planning and Zoning Commissioner read the ordinance before the Town Hall Meeting on August 15th, 2015.

6. Adjourn.

The meeting adjourned at 7:45 p.m.

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

Signed:

Richard Roucloux, Chair

Attest:

Julia Vicars, City Secretary