

MINUTES OF THE
PLANNING & ZONING COMMISSION
OF THE VILLAGE OF VOLENTE, TEXAS
TUESDAY, SEPTEMBER 8, 2015 at 6:30 P.M.
City Hall, 16100 Wharf Cove, Volente, Texas.

1. Open Regular Meeting.

Vice Chair Rett Scudder calls the meeting to order at 6:32 p.m.

2. Call Roll.

Nancy Carufel, Judy Barrick, Rett Scudder, Phil Mitchell. Absent is Chair Richard Roucloux. Also in attendance is Council Member Springer and Mayor Pro Tem Connors.

3. Citizen Comments.

None.

4. Approval of the Minutes from August 11th, 2015.

Nancy Carufel makes a motion to approve the minutes as written. Seconded by Phil. CU

5. Review and Revisions of the Redline Draft of the Zoning Ordinance as provided by Council.

Vice Chair Rett Scudder speaks to the proposal from Carey Witt regarding the Zoning Ordinance and allowances made for odd shaped lots. He asks Carey to speak to his proposal this evening at the meeting after the presentation from Council Members.

a. Presentation from Council Members

Mayor Pro Tem Connors asks that the Planning and Zoning Commission attend the work sessions of Council to assist in the changes to the Zoning ordinance. The Citizen Comments to the Zoning ordinance should be worked through individually to address the concerns of the public including density, cluster housing, condos, etc. After that, land use restrictions like setbacks and IC would be addressed followed by buildable area and nonconforming structures. Then commercial zoning would be addressed beginning with light commercial and moving on to Marinas and CE. This would be the general order of approaching the second round of changes. Mayor Pro Tem Connors adds that the super majority change in the Planning and Zoning portion of the Zoning ordinance would be another discussion aside from citizen concerns. The Site Development ordinance is the next ordinance for review, with the primary goal by Mayor Pro Tem Connors being to move to Chapter 80 Travis County code. Gap analysis is being used to determine if there are things that Travis County would not address that the Village should. Coordination between the Planning and Zoning Commission and Council would be the goal for the Site Development ordinance, with each body working together on review and edits. Edits from the current round of feedbacks would be addressed for a second Redline Draft to be presented to the Public after P&Z and Attorney review. A revised redline should be available by early October, with a Town Hall to follow.

Rett says two work sessions are scheduled before the first of October to get this ordinance hammered out. He adds that this is a tight deadline but is certainly do-able. He says the length and language being used on Nextdoor to respond to this Zoning ordinance has also been taken in consideration in reviewing the Redline draft. He asks Connors how we begin the discussion on changes and edits.

Mayor Pro Tem Connors states that the Commission should review the document in regards to the way he outlined earlier, beginning with density.

Rett says the survey and the pulse of the community feels that multi-family is not supported. Judy says the results were actually close to split. Cluster and multi-family may need to be considered for long-range. It's better to have a provision on how they should be set up instead of ignoring them and having them appear later.

Mayor Pro Tem Connors states that he doesn't want to become involved in the debate, but instead wants P&Z to hash it out amongst themselves and provide the feedback to Council.

Vice Chair Rett Scudder recognizes Carey Witt to present his proposal for the Zoning Ordinance. Carey Witt states that these are not matters to be rushed and suggests that the Council and Planning and Zoning limit their meetings to allow time for the public to digest the information presented and provide feedback. He adds that the hot buttons have been the smaller pre-existing lots. He says Zoning is easy when you have a cookie-cutter planned community. But our community was subdivided and cut into lots before we ever incorporated, which makes it difficult. A new Zoning Chart is provided by Carey based on his proposal. His suggestion is to break back apart multi-family and cluster homes from residential on the chart. Carey says the IR district, or Infill Redevelopment was done well at the start of the ordinance. He presents the map that Council Member Springer worked on to identify the IR and unique lots in the Village. An overlay is how most communities address unique lots. The numbers on the proposed chart he proposes are a graduated range based on a formula to calculate setbacks and impervious cover. Setbacks and IC seem to be the main concerns and variances. He adds that the Mayor wants to modify IC – the formula would be modified to allow a little bit larger IC. Quarter acre moved from 36% to 40%. One acre lots are now 25%. 1.25 acres is back down to 20%.

Vice Chair Rett Scudder states that the formula to calculate IC seems logical, because our lots are not "one size fits all".

Carey Witt says this gives the ability for existing homeowners to maximize their IC. He presents the side yard setbacks chart as well. 7.5 ft would be the minimum side yard setback.

Mayor Pro Tem Connors states that the FD wants a minimum of 5 ft but the 7.5 ft is in consideration of the septics.

City Secretary adds that most deed restrictions reference 7.5 ft.

Carey lists the changes made to the setbacks chart, as follows:

40ft front width= 7.5ft side setbacks

60 ft front width=7.5ft side setbacks

80ft front width =10ft side setbacks

100 ft=14

120=21ft

125=25ft

Mayor Pro Tem Connors asks about the SR restrictions. He states that the Village's restrictions are far greater than any surrounding entity.

Carey Witt says that the difficulty is because organized water and sewer come into play. If a City has a rural category, then the restrictions are similar. The difficulty is with the smaller lots.

Connors states that when compared to Jonestown, our restrictions were comparable to lot sizes greater than 4acres. He asks Carey to describe the rationale and purpose behind these very restrictive setbacks. Given the topography and the difficulty allowing both a septic and

well and buildable area on the lot, smaller setbacks comparable to other entities would work for our lots.

Carey states that setbacks are generally a percentage of the width of the lot. In terms of preserving greenery and look and feel of Volente, larger setbacks are necessary.

Commissioner Nancy Carufel states that Fire Wise Communities do not allow for trees to be between houses, if there's a ten foot setback.

Carey states that a 25 ft setback allows for trees between the homes and still account for fire safety.

Commissioner Judy Barrick states that Jonestown's Zoning ordinance has a five foot minimum.

Kit Hopkins states that a bit of space is needed to preserve the feel of the rural community.

Volente is not like a master planned or high density of community. Small lots may need bigger setbacks to allow access to the back of the property to service septic, etc.

Carey adds that master planned communities have density in mind, which is not Volente.

Nancy Carufel asks how many vacant lots are undeveloped.

Connors answers 75 less than an acre and 183 over an acre.

Kit Hopkins states that re-subdivision process was so expensive that it does not allow those who own multiple small lots to combine them.

Connors says that the setbacks are appearing to be primarily an aesthetic discussion. He details the history of setbacks. Over the years, setbacks have been justified for health and safety reasons (ex: access to FD and EMTs), but in reality it is primarily a look and feel consideration.

He says the Volente we know and love is the product of 60 years of no regulation, with each lot being unique and different. The tighter the restrictions are drawn, the more uniform the appearance will be. He argues that if we truly are trying to preserve the look and feel of

Volente, then there should be less uniformity. Connors states that ultimately the government should be relaxed to allow people to build without extensive regulations and difficulty. He asks which Volente are we trying to preserve – fishing shacks? 70s and 80s Volente from Booth? McMansions on Lime Creek? What are we trying to protect?

McMansions on Lime Creek? What are we trying to protect?

Kit Hopkins says that not having everything look the same is acceptable. A building permit and reasonable setbacks and common sense will be necessary – one size fits all does not work for our community. Based on LGC 245, she can do whatever she wants on her property. There will be those that will take down the historical fishing shack and build out to the edge of the lot line.

Carey says that's why setbacks are zoned in. He says it's our charge to preserve what is here.

It's the Village's job to preserve all of them, to a degree that is reasonable. The IR overlay gives us the flexibility to do so.

Rett Scudder says the history of setbacks stated by Connors includes the word "formula". He feels that a formula that can be evenly applied and graduated to the size of the lot. He wants to recommend that the Council consider Carey's recommendation.

Connors states that he wants to see an ease on restrictions on the larger lots, especially where road setbacks are considered. Road setbacks of 15 ft seems to be the commonly accepted area. Arren Terrace and Buddy are platted roads, even though they are not paved. There are some interior lots with 50ft setbacks currently on each side. The front setbacks are acceptable, but still more restrictive than other areas.

RECORDING FOR INTERACTIONS

Rett Scudder says there's always room for variances. He states the Commission will begin with the low hanging fruit.

Carey suggests separating the residential categories and mesh his recommendations and Council's together to come up with rational numbers. He references his exhibits he has created. He states the increased numbers to Impervious Cover should satisfy all properties.

Connors thanks Carey Witt and David Gordon for their hard work.

Rett thanks Carey for his hard work.

Carey summarizes David Gordon's suggestions for Commercial zoning.

Rett Scudder opens for Citizen Comments:

Kit Hopkins, Booth Circle, speaks to the amount of changes to the Ordinance. The comment about the Community Survey supporting multifamily is incorrect. SurveyMonkey can be utilized to get a public opinion about specific topics. The harassment on Nextdoor may not provide you the best results, a survey would be advantageous.

Rett says that the survey, as he read it, was in agreement with Kit's statement. But the term for life-cycle-housing was included.

Kit says that this community already supports a full life cycle housing.

Judy states that cluster homes is in the Comprehensive Plan. There is a design laid out to have cluster acres for half acre lots, 20 acres or above. 4 dwellings per acre in multifamily.

Carey Witt states that Cluster Housing was written into the Comprehensive Plan because of the PDD. The PDD plan includes cluster housing. There's a desire to find smaller homes as we age, still within the community. It existed because of the PDD, but it could be moved to the general area. It's a development technique and there's nothing wrong with cluster homes, if done right. Rett states that all of this was put together 10-12 years ago to gain control over the PDD.

Judy Graci, Booth Circle, spoke about the Agendas and backup packets and meeting minutes. She states that these work sessions are going on with no material provided to the public. She states she asked the City Secretary and the City Secretary states that Council was working out of their binder. She says charts and research should have been provided. She states she had to receive the tapes of the meetings in order to learn about what's going on. She says she was shocked to hear potential projects going on and proposed changes reflecting those potential projects. She says she spoke to Erik Harris at the LCRA, who says lots platted before 2003 there's no IC requirements. She wants Mayor Pro Tem Connors to address how IC will work, given his suggestions. She says Austin and CP shouldn't be referenced, given their big differences. We are the only city without water and wastewater. Condos and cluster homes were brought up as a change in the proposed zoning that condos be a conditional use for the Shore Club. She asks how the Shore Club would support condos. Also in the proposed changes are commercial changes that are drastically different than what's existing. As a resident, she feels that the need to not be restrictive has turned into a "buffet" for developers. No involvement with the City Attorney has taken place to date. Usually the City Attorney attends any meetings with the Zoning Ordinance. She asks why there is all of the sudden this need to be cost effective and not show the attorney this ordinance. She asks about IC and what mitigation would happen per the LCRA requirements. Nonconforming uses and structures has a big change, which would allow them to expand as long as they do not further diminish the setbacks and height. She asks how that would even work. She says a neighbor 2 ft from her property, can he then go around and build within 2 feet of the entire lot. Parking requirements for mixed use developments are usually added together for other cities. She says this is Planning and Zoning's research project, because Council did not. P&Z dots the i and crosses the t. It hasn't been handled this way in the past and shouldn't be. After she listened to the tapes, she went through the redline document. The discussion guide didn't educate on the changes. She says that she gave the proposed changes to the Zoning ordinance to Richard Roucloux. She says there are many meetings to come that need a full discussion. She says once Zoning is done, then it sits and waits until the other 3 land use ordinances are complete. She says that residents who had

to comply with the ordinance should not be penalized and watch neighbors come in and be allowed a 25 ft setback. IC and Setbacks should receive relief but any other problems are nonexistent so why are all these problems coming about. She says she doesn't feel that Council is working for her. Her top 10 of the things that have changed, and none are on the discussion guide.

David Gordon, 15761 Booth Circle, speaks to his ideas on Commercial zoning and asks if the Commission has any questions for him. He says one thing was discussed with Council Member Springer and he wishes it to be stricken – C3 (commercial marina) has boat repair listed and he wants it to be removed. LCRA doesn't want boat repair that close to the lake. Hazardous materials could leak close to the lake. He says Judy Graci asks why paved parking is not in commercial. He assumes that paved parking was eliminated from Zoning because the parking requirements would make it difficult to build any business with your IC calculations. He suggests instead non-dusting parking, like crushed granite. The only problem that arises from crushed granite is with leaking automobiles.

Carey asks David to speak to the zoning chart.

David says that he doesn't like breaking down the chart by lot size. In Austin, they say what each lot is based on the map. He suggests the north side of 2769 being the side with restaurants because Mary street is a natural buffer. In that zoning could be the noisier usage, like restaurants. Eliminating industrial from Commercial seems like a good idea. Jan Yenawine states that some of the things included in the ordinance were put in there for "place savers". Using professionals is necessary in review of the Ordinance. This proposed ordinance seems just like the original, in that it's cut and paste and rushed. Nobody on Council is a land planner or architect. Nobody on P&Z is in the business either. Our volunteers do not have the experience this time around more than Volente did the last time around. He says the first time around was not all that bad in regards to Commercial. The categories are pretty good. There can be some editing, but otherwise they're good. He says CE and CM were backwards. He doesn't see any reason why all four marinas shouldn't be under the same zoning. To change a category to Marina doesn't allow for the possibility of the land being used for another reason at a later date. Other than condos thrown into CE, there's no opening for CE, CM, or the Combo to allow for those properties to become anything than what they are now. He states some other examples and speaking to professionals would come into play.

Judy Barrick says that the Shore Club and Volente Beach are separate of the Marina.

Connors states that the intent of Council was that the Shore Club is a different and more intense use and the Marinas are another thing entirely. The idea was to call things what they are and zone it accordingly.

David Gordon states that Linda Carter should be able to put in Water Slides, just like the Shore Club can.

Kit Hopkins states that 10 ft off a residential property line is not practical.

Connors asks David what he would like to see done with the Shore Club.

Gordon answers that it would fall into the heavy use, C3.

RECORDING.

David Gordon asks that we have someone come in and sit at the meetings.

Connors states that in his work with small businesses, you want attorneys and professionals to come in at the tail end after hashing out the citizen concerns vs. Council recommendations, then the professionals are engaged to keep the cost down. The essentials need to be in place before we run into costs with professionals.

Kit says the negotiation of a contract is completely different than advice and recommendations on our ordinance. Any consultant needs to be controlled. You have to supervise and have a tight reign on your professionals.

Steve Baker, West Dr, states he doesn't want to disrupt and has no further comments. He does advise to bring in consultants at the front end instead of the tail end. Deadlines, hearings, etc may delay the process. Consultants can help lead through the process vs. coming in at the end. Do not do a fixed fee contract with a consultant. Water Quality should also be in the skill set of whomever we use for ordinance review.

Council Member Springer says the Beach Club is C3 because of the water park and it needs to be separated and treated differently. It's premature to show the Zoning ordinance to the attorney until it is firmed up. Nothing done so far is being illegal and TML is referenced on occasion with anything questionable. IC was never straight to LCRA and we restricted to less than LCRA requirements. Survey needs clarification about full life cycle with an additional survey. If it requires a Zoning Change, then we are in full control of the project. Setbacks need to be clarified in a survey. It wasn't specific on the 2014 Community Survey. IC was on the survey, and impervious cover was raised according to those results. Conforming R1 lots is all North of Lakeview – they should be asked if they want changes in the setbacks. It was developed to be estates. We have different neighborhoods that need to be considered. North of Lakeview is all above 1 acre for the most part, excluding Joy and Sharon. Joy has an HOA with deed restrictions. The entire half of the town, which generates half of the tax revenue, only has two clusters of property under one acres. The rest is much like a planned community. 40 homes heavily deed restricted in Village of Volente subdivision. The other part of town has all smaller lots clustered around Debbie and Davey and Randolph and Reed. Lakeview is small as far as being its own neighborhood. But maintaining the character of Volente should be broken apart according to the traditions of each neighborhood. People in each neighborhood, here before the Village, have built up to the property line. And now we tell their neighbor they cannot build up to the property line. He suggests that if a neighbor is allowed to encroach then a property owner should be allowed the same encroachment. 62% of respondents wanted a full life cycle housing, so it should be clarified. Condos would require rezoning which would give Council the power to determine how it would be done. 30 lots less than 1/3 acre undeveloped, 53 lots total undeveloped under an acre. RECORDING FOR COMPLICATION. Suggests that Council put online calculators on the website to allow people to calculate their setbacks.

Vice Chair Rett Scudder thanks everyone for their hard work and input.

Judy Barrick makes a recommendation to Council that a consultant be hired to assist the Planning and Zoning Commission in their review of the Zoning Ordinance using reserves if not laid out in the budget and that the cost of updating the Zoning map be included in that request. Seconded by Phil Mitchell. The motion carries unanimously.

Steve Baker states that the budget was just finished and balanced and he suggests the addition of where the money would come from – mainly saying that it comes from the reserves.

Nancy says that this is far more complicated than it needs to be. The full life cycle should be researched first, before going to the public with another survey.

Judy Barrick says that the PR & Comm has talked about doing another survey. Judy says she agrees there doesn't need to be another survey right this minute.

Rett says that a survey doesn't have to be the length of a bible – it can be just 5 questions.

Phil suggests P&Z come to the next meeting with five questions prepared for full life cycle housing. The topic is too broad.

Carey asks that P&Z expand to other topics.

Steve says that questions may need to be prefaced with history.

Connors says he wants to know what neighborhood and lot size they are on.

b. Edits by the Planning and Zoning Commission.

6. Adjourn.

Meeting adjourns at 9:00 p.m.

Passed and approved this 11th day of October, 2016.

Signed:

Julia Vicars, City Secretary

Attest:

Richard Roucloux, Chair