


**PLANNING AND ZONING COMMISSION
NOTICE OF REGULAR PUBLIC MEETING**

October 29, 2019

Notice is hereby given to all interested members of the public that the Horseshoe Bay Planning and Zoning Commission will hold a Regular Public Meeting on Tuesday, October 29, 2019 in the Police Department conference room, #1 Community Drive, Horseshoe Bay, Llano County, Texas. The Regular Public Meeting will begin at 3:00 p.m. The agenda for the Regular Public Meeting is to discuss and/or act on the following:

1. Call the Meeting to Order and Establish a Quorum
2. Public Comments (Those who wish to speak are asked to limit their comments to three minutes)
3. Approval of Minutes of the October 1, 2019 Regular Meeting and the October 8, 2019 Special Meeting
4. Continued Public Hearing and recommendation to City Council on a request to rezone a 0.708 Acre Tract out of Out Tract 14 and out of Tract 3 Summit Rock Golf Course Plat No. 1.1 from A-1 Recreational to GUI Governmental, Utility & Institutional to allow location of a temporary 5,000 gallon LP gas tank, to be followed later by a permanent 30,000 gallon LP gas tank to serve Tuscan Village in Summit Rock – NOTE: ALTERNATIVE LOCATIONS FOR BOTH A 1,000 GALLON TEMPORARY TANK AND A 30,000 GALLON PERMANENT TANK INSIDE OF TUSCAN VILLAGE HAVE BEEN PROPOSED THAT ARE NOT WITHIN 500 FEET OF ANY OTHER PROPERTY OWNER, SO A NEW PUBLIC NOTICE IS NOT NECESSARY – APPLICANT HAS REQUESTED POSTPONEMENT TO NOVEMBER 26 P&Z MEETING
5. Public Hearing and recommendation to City Council on a request to create a new Zoning Classification of R-1 Single Family Townhouse Residential in Zone 10 Siena Creek – NOTE: THIS ITEM WILL NEED TO BE CONTINUED TO THE NOVEMBER 26 P&Z MEETING – SUBMITTAL INFORMATION NOT RECEIVED BY THE DEADLINE
6. Public Hearing and recommendation to City Council on a request to rezone a portion of Lot 17 and all of Lot 18 in Zone 10 Siena Creek from R-4 Multi-Family Townhouse to R-1 Single Family Townhouse – NOTE: THIS ITEM WILL NEED TO BE CONTINUED TO THE NOVEMBER 26 P&Z MEETING – SUBMITTAL INFORMATION NOT RECEIVED BY THE DEADLINE
7. Adjournment



Eric W. Winter, Development Services Dir.

The Planning and Zoning Commission may go into closed session, if necessary and appropriate, pursuant to the applicable section of the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapter D, on any matter that may come before the Commission that is listed on the Agenda and for which a closed session is authorized. No final action, decision, or vote will be taken by the Commission on any subject or matter while in closed session. Any action, decision or vote will be taken by the Commission only in open meeting.

CITY OF HORSESHOE BAY**PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING****October 1, 2019**

The Planning and Zoning Commission of the City of Horseshoe Bay held a Regular Meeting in the Council Chambers at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, on October 1, 2019, in accordance with the duly posted notice of said meeting.

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered, with the agenda subject and item number shown preceding the applicable paragraph.

1. Call the Meeting to Order and Establish a Quorum

Chairman Neil Andrew called the meeting to order with a quorum of 5 Commission Members present.

Present: Mike Thuss, Pat Bouchard, Neil Andrew, Brent Lane, Scooter Lofton. Absent: None

2. Public Comments (Those who wish to speak are asked to limit their comments to three minutes). Mayor Steve Jordan, Council Member Reagan Lambert, Council Member Elaine Waddill, Ron Mitchell, Frank Matzinger, Larry Stahl, Forrest Covin, Bill Hayes, Mike Gabel, Jeff Smith, Ryan Cummings, plus 7 residents.

Forrest Covin spoke about the item for the public hearing. He stated that he does not own property in Summit Rock and that he has been pro moderate growth and an advocate for Tuscan Village. He asked that the P&Z members should listen to the concerns of the public. He wanted to know why this lot was picked. why this lot and location was picked. He said that there is plenty of space in Tuscan Village for this to go in. He wanted to know who will own the tank when it goes in, who will be monitoring it, who will be providing the maintenance and how it is done. He asked who will be providing the liability insurance if something happens. He also asked if someone has done a study of the impacts if something does happen. He stated it will be near the golf cart path and that he has seen people smoking and playing golf. He said that he now understands that the tank will be buried and only in use for a month.

Frank Matzinger said he lives at 101 Paintbrush. He said he is one of the longest residents in Summit Rock and he was opposed to Tuscan Village at the time of its concept. He stated that he does not agree that a 5,000-gallon tank should go in and then be followed by a 30,000-gallon tank one month later. He quoted Mr. Eric Winter that the Texas Railroad Commission issues permits and does inspections but because of the size of the tank they will only do a final inspection. He stated his experience with oil tanks and how costly and catastrophic the damage can be when there is an explosion. He stated that no matter what kind of oversight is done, human error can still happen and no matter how well you follow the rules there is danger of an explosion due to human error. He gave suggestions of other locations where the tank should or could go and that he spoke with Jeff Smith with Tuscan Village about the proposed location. He stated that Jeff Smith said they didn't want the tanks anywhere else because they had already placed the gas lines in. The proposed tank is about 100 feet from a new home that is currently under construction. He stated that they should not have done that without approval first. He said that there are lots of examples of propane explosions, and that Tuscan Village has better locations for the tank.

Larry Stahl stated he lives at 134 Paintbrush. He concurred with Mr. Matzinger and stated that he agrees with him. He said that poor planning or the thought that they could just push this matter through was at play. He is worried about a leak. He feels Tuscan Village has enough land to place this somewhere else. He said that he is pro-growth but wants managed growth. To put the tank near a comfort station and golf cart path is not right. He asked that the Commission consider the comments to deny the request.

3. Approval of Minutes of the August 13, 2019 Special Meeting

Commission Member Scooter Lofton, page 3 of 4, remove the word “not” from the last paragraph, second line. He clarified that he does believe it will affect the surrounding properties.

Commission Member Pat Bouchard brought in written comments to change the minutes and he clarified that his intention was that he did not think there was bias, but that he does think there was not enough information provided initially.

Commission Member Mike Thuss made a motion to approve the Minutes as corrected seconded by Chairman Neil Andrew. The motion passed unanimously (5-0).

4. Public Hearing and recommendation to City Council on a request to rezone a 0.708 Acre Tract out of Out Tract 14 and out of Tract 3 Summit Rock Golf Course Plat No. 1.1 from A-1 Recreational to GUI Governmental, Utility & Institutional to allow location of a temporary 5,000 gallon LP gas tank, to be followed later by a permanent 30,000 gallon LP gas tank to serve Tuscan Village in Summit Rock

Chairman Neil Andrew opened the public hearing at 3:19 pm. He asked if anyone else wanted to speak and no one did. Scooter Lofton opened Commission Member comments by asking why they can't put it somewhere different.

Bill Hayes spoke to the nature of the community of Tuscan Village. He spoke about how the initial idea was that there would be a tank to service the entire community rather than individual tanks throughout the community. He stated that there are other communities that have central propane tank systems. He said that they had no idea a zoning change would be required for this use. He stated that the Resort has a 30,000-gallon underground tank system that has not had any issues for the past 15 years and it is operated by Direct Propane. He stated that the propane tank and lines would be owned and operated by Direct Propane who has been in business for several years.

Commission Member Scooter Lofton asked why the tank location could not be moved. Bill Hayes responded that they came into the project with the idea that they would be able to do the same thing they did in other communities without the need for zoning approval. The tank could be serviced without having to go into Tuscan Village.

Commission Member Brent Lane asked what their evaluation process was to look at site options, He asked if it was a planning or engineering issue rather than a zoning issue. Bill Hayes stated that there is a space issue and detailed the amenities and the close clustering of homes for price point. They did not set aside space for the tank within Tuscan Village.

Commission Member Brent Lane asked again why they did not evaluate other site options rather than placing the tank near existing homes. Bill Hayes stated that the Resort gave them the property and partnered with them for landscaping matters and that is why they determined that site.

Commission Member Brent asked if they could find another site and run a service connection to where it is needed now. Bill Hayes stated if they sacrifice certain lots to provide a site for the tank then the formula for Tuscan Village may become untenable.

Commission Member Brent Lane said they are not opposed to the concept of Tuscan Village, but it still seems that the site selection was not well thought out. Bill Hayes stated again that they have tanks in other communities and did not realize that the tank would need zoning in Horseshoe Bay. In Lakeway their temporary tanks have been in place for a few years.

Larry Stahl pointed out that most golf carts are electric and that they create a spark to run.

Vice-Chairman Pat Bouchard said he understands this was done in Lakeway, but other communities regulate tanks like Horseshoe Bay. But this does beg the question as to why they don't find another site. He questioned if a tank use within Tuscan Village will compromise the plan for Tuscan Village. He commented that it seems this is contrary to what the residents want. He asked if this site was included in their Planned Development with the City. Bill Hayes responded no; this is not in their Planned Development.

Commission Member Mike Thuss asked why they wanted to use LP gas. Bill Hayes stated it is common that their residents want to cook with gas. They like gas stoves, furnaces and outdoor cooking. He also stated that tankless water heaters are not efficient with electricity.

Commission Member Mike Thuss asked if there was a document or permit that shows how they meet the requirements of the Railroad Commission. Bill Hayes stated he does not have the permit or information from the Railroad Commission.

Commission Member Mike Thuss asked who the owner of the property is. Bill Hayes stated that it will belong to Tuscan Village HOA and the tank and lines will belong to Direct Propane.

Commission Member Mike Thuss asked if the City will take over the roads, water/wastewater and propane gas. Bill Hayes said no, the roads and water/wastewater are all private. Direct Propane will be responsible for maintenance of the tank and lines.

Commission Member Mike Thuss asked if there has been analysis on what this does to property values in the area. Bill Hayes stated that he does not know how to quantify the effect on property values in the area, but he does feel that there is added value to Tuscan Village by having central propane.

Commission Member Mike Thuss asked how the tanks will be serviced. Bill Hayes stated it would be serviced by trucks and filled approximately once a year.

Chairman Neil Andrew asked if the other locations where they have propane were in cities. Bill Hayes answered yes.

Commission Member Scooter Lofton asked if the other communities were on raw land or next to existing properties. Bill Hayes answered they were on raw land.

Commission Member Mike Thuss – Since you don't know what the permit requirements are and you don't have a document to go by and propane was not in the original Planned Development, the residents have valid concerns. What are the requirements and how do you meet them?

Chairman Neil Andrew stated that there was no propane system proposed in the Planned Development Ordinance and that it bothered him that there was no discussion about propane brought

up at that time.

Comments were made between the public in attendance and Bill Hayes regarding the temporary tank and the permanent tank, and regarding setbacks for various size tanks.

Mike Gabel stated the tank and lines are already manufactured and on their way. He knew they would have propane for over a year now. They have about 10 homes that need propane within the next 120 days.

Commission Member Mike Thuss asked if there is any mitigation for the tank site. Bill Hayes said it will be fenced and landscaped.

Commission Member Mike Thuss asked what portion of the tank is above ground. Bill Hayes said he thought about 5 feet would be above ground.

There was some general discussion about access roads and service roads.

Commission Member Mike Thuss said it would be nice to hear from the people who will be maintaining the lines and tank

Commission Member Brent Lane moved to table the item for more information from Legend Communities, seconded by Scooter Lofton. The motion passed unanimously (5-0).

There was additional discussion about the location of the tank and public notification.

Commission Member Scooter Lofton made a motion to delete the tabling of the item, seconded by Commission Member Mike Thuss. The motion was approved unanimously (5-0).

Richard Smith is a potential homeowner in Tuscan Village and said he appreciates the Commission's efforts to make this work.

Commission Member Brent Lane made the motion to continue this item to a special meeting on October 8 at 2 pm, seconded by Commission Member Scooter Lofton. The motion passed unanimously (5-0).

5. Staff information on HB 2439 regarding local regulation of exterior building materials and HB 3167 regarding the so-called 30 day shot clock for responses to developers regarding subdivision plats, subdivision infrastructure construction plans, replats and site plans

Eric Winter presented an overview and brief discussion of HB 2439 which puts the burden of enforcement of CCR's on the ACC's and POA's. HB 3167 gives a city 20 days to respond to applicant submittals for subdivision plats, replats and site plans. The City's follow up response is required in 15 days after receiving the applicant's response.

General Discussion

Discussion began about the P&Z Commission's membership being increased from 3 to 5 members, but that a quorum according to the Ordinance is still 2 members, regarding the open meetings act. City Council can do a text amendment to change the quorum number from 2 Members to 3 Members.

The City will send a representative to the Long Range Planning Advisory Committee meetings if invited.

6. Adjournment

Commission Member Brent Lane made the motion to adjourn, seconded by Commission Member Scooter Lofton. The motion passed unanimously (5-0).

The meeting was adjourned at 4:27 pm.

APPROVED this 29th day of October 2019.

CITY OF HORSESHOE BAY, TEXAS

Neil Andrew, Chairman

ATTEST:

Eric W. Winter, Development Services Director

CITY OF HORSESHOE BAY
PLANNING AND ZONING COMMISSION
MINUTES OF SPECIAL MEETING

October 8, 2019

The Planning and Zoning Commission of the City of Horseshoe Bay held a Special Meeting in the Council Chambers at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, on October 8, 2019, in accordance with the duly posted notice of said meeting.

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered, with the agenda subject and item number shown preceding the applicable paragraph.

1. Call the Meeting to Order and Establish a Quorum

Chairman Neil Andrew called the meeting to order at 3:02 P.M. with a quorum of 4 Commission Members present.

Present:

Chairman Neil Andrew

Brent Lane

Scooter Lofton

Mike Thuss

Absent: Vice-Chairman Pat Bouchard

- 2. Public Comments (Those who wish to speak are asked to limit their comments to three minutes)** Frank Matzinger and Jeff Smith were in attendance.
- 3. Continued Public Hearing and recommendation to City Council on a request to rezone a 0.708 Acre Tract out of Out Tract 14 and out of Tract 3 Summit Rock Golf Course Plat No. 1.1 from A-1 Recreational to GUI Governmental, Utility & Institutional to allow location of a temporary 5,000 gallon LP gas tank, to be followed later by a permanent 30,000 gallon LP gas tank to serve Tuscan Village in Summit Rock – NOTE: ALTERNATIVE LOCATIONS FOR BOTH A 1,000 GALLON TEMPORARY TANK AND A 30,000 GALLON PERMANENT TANK INSIDE OF TUSCAN VILLAGE HAVE BEEN PROPOSED THAT ARE NOT WITHIN 500 FEET OF ANY OTHER PROPERTY OWNER, SO A NEW PUBLIC NOTICE IS NOT NECESSARY**

The motion to continue this item to the regular scheduled meeting on October 29, 2019 was made by Brent Lane and seconded by Scooter Lofton. The motion was approved unanimously (4-0).

Item # _____

Frank Matzinger signed up to speak but did not speak during the public hearing because it was continued. Mr. Matzinger stated that he was now "on board" with the proposed tanks because the location had been moved into Tuscan Village.

4. Adjournment

The meeting was adjourned at 3:07 pm.

APPROVED this 29th day of October, 2019.

CITY OF HORSESHOE BAY, TEXAS

Neil Andrew, Chairman

ATTEST:

Eric W. Winter, Development Services Director



CITY OF HORSESHOE BAY

PLANNING & ZONING COMMISSION

OCTOBER 29, 2019

To: Planning & Zoning Commission
From: Eric W. Winter, Development Services Director
RE: Agenda Information

This Memo provides information regarding the three items on the Agenda:

- 4. Continued public hearing on the GUI rezoning for the Tuscan Village LP gas tank. Tuscan Village has requested that this item be continued to the November 26 P&Z meeting. They have found a specific lot for the temporary 1,000 gallon LP tank on Lot 43 on Mayapple, and have submitted an application for a permit for it.. They have not yet narrowed down the exact location for the 30,000 gallon tank, although they are looking at a specific location near the Clubhouse on Common Area property. The relocation from the Mayapple location requires a lot of engineering analysis regarding line sizes and pressures.**
- 5. The new Zoning Classification R-1 Single Family Townhouse in Zone 10 Siena Creek will need to be continued to the November 26 P&Z meeting. The new Ordinance for this classification was not provided by the applicant by the required deadline. Continuation will not require the applicant to do public hearing notices again.**
- 6. The rezoning of property to R-1 Single Family Townhouse in Zone 10 Siena Creek will need to be continued to the November 26 P&Z meeting. Item 4 needs to be approved before this item can be considered.**