

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

January 7, 2020

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, January 7, 2020 in the City Council Chambers at City Hall, #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. Election of a Vice-Chairman
4. Approval of Minutes of the November 26, 2019 Regular Meeting
5. Workshop:
  - A. New Member orientation, including:
    1. Review and discuss any questions regarding the New Member packet of planning and zoning information previously delivered to new P&Z members
    2. Presentation by City Attorney Rex Baker regarding legal aspects of planning and zoning, role of P&Z within the City of Horseshoe Bay, limitations of authority, role of City Council on zoning cases
    3. Overview of the Zoning Map and relationship to the FLUM
6. Assignment of Horseshoe Bay areas to Commissioners for land use surveys and oversight regarding Zoning Ordinance regulations
7. Review and discussion of planned P&Z meetings and for 1<sup>st</sup> Quarter 2020
8. 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**

**November 26, 2019**

The Planning and Zoning Commission of the City of Horseshoe Bay held a Regular Meeting in the City Council Chambers at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, on November 26, 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 3:03 P.M. with a quorum of 4 Commission Members present.

Present:

Chairman Neil Andrew  
Vice-Chairman Pat Bouchard  
Commission Member Scooter Lofton  
Commission Member Mike Thuss

Absent:

Commission Member Brent Lane

**2. Public Comments (Those who wish to speak are asked to limit their comments to three minutes)**

There were no public comments.

**3. Approval of Minutes of the October 29, 2019 Regular Meeting**

A motion to approve the minutes was made by Scooter Lofton and seconded by Vice-Chairman Pat Bouchard. The motion passed unanimously (4-0).

**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**

Chairman Neil Andrew opened the Public Hearing. No one signed up to speak and there were no public comments. Mr. Bill Hayes was in attendance representing the applicant. He stated that they had originally planned to locate the 30,000-gallon LP Gas tank on property owned by the Resort but they have relocated it to be within Tuscan Village. They have provided a paved pull-out area for servicing the tank and have provided a 50-foot buffer around the tank.

Scooter Lofton asked if there were any homes currently built around the proposed tank site. Bill Hayes stated that no houses had been built by the proposed tank site.

Mike Thuss asked if the tank will be buried. Bill Hayes stated that the tank will be buried with about 3 feet of cover and will have a fence around it.

Chairman Neil Andrew asked if the temporary 1000-gallon tank was in the ground and operational and if anyone had moved in yet. Bill Hayes stated that the tank is in the ground and had been inspected that day. No one has moved into Tuscan Village yet.

Eric Winter stated that the City will issue a Temporary Certificate of Occupancy until the project is ready for the permanent Certificate of Occupancy. The Temporary Certificate of Occupancy is good for 60 days and can receive an extension if necessary. The applicant will submit a Minor Plat for the 30,000-gallon tank and 50-foot buffer area. Scooter Lofton asked if the Certificate of Occupancy extension would require City Council approval. Eric Winter stated that it did not, as an extension could be approved administratively. Scooter Lofton asked if they are waiting on the 30,000-gallon LP gas tank for their permanent Certificate of Occupancy. Bill Hayes responded that they were.

Pat Bouchard asked about the market demand for the homes. Bill Hayes stated that the market demand was good. Pat Bouchard asked about market feedback. Bill Hayes stated they have received very positive feedback. Chairman Neil Andrew asked if the Commission had any more questions or was prepared to vote.

Eric Winter stated that the original proposed tank location would have required a major amendment to the Planned Development due to its location outside of Tuscan Village and because it was not going to be buried. The current ordinances allow administrative approval of this as a minor amendment and no approval or recommendation is required by the Planning and Zoning Commission. The applicant can also use this process for their 2 water storage tanks to be used for the irrigation system. They will be located off-site but will still be considered part of this project.

Chairman Neil Andrew asked when people will be closing and moving in. Bill Hayes stated in about 2 weeks.

A motion to approve the new location and approve the administrative amendment process

was made by Mike Thuss and seconded by Scooter Lofton. The motion was approved unanimously (4-0).

**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**

Chairman Neil Andrew opened the Public Hearing. No one signed up to speak and there were no public comments.

Eric Winter presented the request and explained the new zoning classification of R-1 Single Family Townhouse Residential for Zone 10 Siena Creek. There are a few issues with the existing homes that are not in conformance with the new zoning classification including: Section 14.02.412(g)(2)(A)i - Encroachment into the 15 foot Front Yard Setback; Section 14.02.412a(g)(4) - Maximum lot coverage of impervious cover is 60%; Section 14.02.4129(g)(6) - No more than 50% of the total lot area will be used for the dwelling and other structures; and Section 14.02.412(g)(7) - Driveways must have a minimum of 2 parking spaces and must be a minimum of 15 feet from the front lot line. These items were found when City staff reviewed the replat. The applicant has 2 options. They can submit variances to City Council to be approved with the replat or each homeowner can come in individually if they want to expand their non-conforming building. This new zoning classification creates the non-conformity for the existing homes.

Vice-Chairman Pat Bouchard asked if this creates an encumbrance that affects the title policy. Ron Mitchell indicated that he did not think this would affect the title policy. Vice-Chairman Pat Bouchard asked if this will affect the title or marketability of the lots. Ron Mitchell stated that they will deed the land to the homeowners at no cost.

Vice-Chairman Pat Bouchard asked about getting variances approved for the nonconforming lots now at the rezoning request. Ron Mitchell replied that they did not want to get variances for the non-conforming lots, because a lot of homes in Horseshoe Bay have this issue. Chairman Neil Andrew asked if it is worthwhile to have the current owners sign a letter agreeing to the non-conforming use. Eric Winter stated that it would not hurt to get letters from the current homeowners. Ron Mitchell stated that he was the current owner of the land because it is part of a condominium regime. He has never heard of this type of letter and it would cause delays and attorney fees. Scooter Lofton noted that currently the owners have no option to expand their homes because they do not own the land. Chairman Neil Andrew said there may be no advantage to getting letters from the current homeowners. After a discussion it was decided that there was no impact to the existing homeowners. Mike Thuss asked if the new homeowners will need variances. Ron Mitchell stated that he does not anticipate the new homes will require variances but if they do they can ask for them through the City process.

Scooter Lofton asked about the downside to the homes on the perimeter. Ron Mitchell stated that he owns all the perimeter land and it is vacant.

A motion to approve the new Zoning classification was made by Scooter Lofton and seconded by Vice-Chairman Pat Bouchard. The motion was approved unanimously (4-0).

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 Residential**

Chairman Neil Andrew opened the Public Hearing. No one signed up to speak and there were no public comments.

Eric Winter presented the rezoning request.

A motion to approve the rezoning request was made by Mike Thuss and seconded by Scooter Lofton. The motion was approved unanimously (4-0).

7. **Public Hearing and recommendation to City Council regarding Approval of The Villas at Siena Creek Plat No. 1.1. A Replat of a portion of Lot 17 and all of Lot 18 in Zone 10 Siena Creek**

Chairman Neil Andrew opened the Public Hearing. No one signed up to speak and there were no public comments.

Eric Winter presented the replat request. The replat creates lots to give to the current homeowners and creates the future lots. Staff has reviewed the plat and has a list of items to be addressed by the surveyor.

A motion to approve the final plat with applicable staff comments was made by Vice-Chairman Pat Bouchard and seconded by Mike Thuss. The motion was approved unanimously (4-0).

8. **Approval of 2020 Planning and Zoning Commission Meeting Schedule**

The schedule of proposed meeting dates for 2020 was reviewed.

Mike Thuss asked if there were any items on the agenda for the January 7, 2020 meeting. Eric stated that there were no items on the agenda at this time.

A motion to approve the meeting dates was made by Scooter Lofton and seconded by Mike Thuss. The motion was approved unanimously (4-0).

9. **Adjournment**

The motion to adjourn the meeting was made by Scooter Lofton and seconded by Vice-Chairman Pat Bouchard. The motion was approved unanimously (4-0). The meeting was adjourned at 3:35 P.M.

APPROVED this 7th day of January 2020.

**CITY OF HORSESHOE BAY, TEXAS**

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**Brent Lane, Chairman**

**ATTEST:**

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**Eric W. Winter, Development Services Director**