

CITY OF HORSESHOE BAY

PLANNING AND ZONING COMMISSION MINUTES OF REGULAR MEETING

September 10, 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 August 13, 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

Pat Bouchard called the meeting to order with a quorum of 3 Commission Members present.

Quorum: Scooter Lofton, Pat Bouchard, Mike Thuss

Absent: Neil Andrew, Brent Lane

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

None at this time. Comments were reserved by the public to address public hearing items on the agenda.

3. Approval of Minutes of the July 2, 2019 Regular Meeting

Motion to approve as written was made by Pat Bouchard, Seconded by Scooter Lofton – approved by Pat and Scooter. Mike Thuss was not a Commission Member at the July 2 meeting and could not/did not vote on this item.

4. Public Hearing and recommendation to City Council on a request to rezone all lots fronting on the west side of Cats Eye and all lots on Silica and Shale from R-2 Two Family Residential to R-1 Single Family Residential, for Lot Nos. W12007 A & B of Horseshoe Bay West Plat No. 12.6, Lot Nos. W12008-W12031 of Horseshoe Bay West Plat No. 12.1, and Lot Nos. W13001-W13021 of Horseshoe Bay West Plat No. 13.1

Pat Bouchard opens public hearing. First to speak is Mike Barker, owner of lot on Cat's Eye since 2004. Stated he looks forward to building a multi-family home. Disappointed that the community members have requested this rezoning. Highly encourages Commission to not put this forward to council for vote. Jim Bellvue, next. Owns 5 lots on Cat's Eye, his client opposes the request for downzoning. Agrees with Barker. Understands people's concern, understands Mike Riley's position. Points out that around 16 people live within 500 feet of affected properties. Points out that he provided Mr. Winter with documents to his points. Feels that it violated laws and calls it spot zoning. He then read a letter that Horseshoe Bay Resident John Speights sent that agrees with his points. He says that his clients purchased lots anticipating R2. Vicki Adcock spoke in favor of the rezoning and as a member of the group that created a petition for the rezoning. Adcock says that the petition they provided has 131 signatures, 56 within 500

feet. She outlined the location of the homeowners who signed the petition. Petitioner concerns are centered around the zoning density, light pollution, increased traffic, and loss of naturalscapes to name a few. Adcock supports the need for multifamily housing in the location where it makes sense. Mike Riley, property owner at Cats Eye and a partner to obtaining the petition spoke next. He pointed out that this area was first zoned in the 1970's. He stated that we have more information now. He urged the P&Z members to follow the FLUM. Does not want anything hindering the growth of their neighborhood. Jason Speight was next – concerned that when people start to change the zoning of land they don't own, it is very unjust and very unfair. Feels it puts the public at risk. Feels that the PZ stated in the past would not use the FLUM to suggest rezoning and points out that now we are seemingly going against that now. He feels that the City should take the issue seriously and consider lawsuits that would ensue if property values are decreased based on City decisions. Don Hunt, a resident who lives on Cats Eye spoke next. He pointed out that the zoning was established 40 years ago. He stated that at that time, people generally purchased property for homestead, not for investment. He stated that the decision the City makes will have ongoing effect for the next forty years. He said that the previous decision made was arbitrary. He feels that if the zoning stays the same, that the surrounding properties will decrease in value. He stated that density and light pollution and traffic will be minimized if the rezoning is approved. He stated that with certainty, property values will increase with the rezoning. Denise Brazil, owner of property at Applehead under renovation and who is currently living on Cats Eye was next. She states that the street is very narrow, and it is a beautiful area. She feels that there will be parking issues and that the traffic will increase. She feels rezoning will cause an increase in property values. Marsha Benard, lives on Onyx. She feels that there is a concern for short term rentals with VRBO and AirBnB. She feels that there will be less control over the demographic of people, and that they will not have a concern for the community of Horseshoe Bay, referencing a rise in rental properties. Heidi Barker spoke next and said that a duplex does not have to be a negative connotation. She feels that it should be viewed as a multigenerational property. She wants to build and have her parents move in the duplex next to her.

Pat Bouchard closes the hearing at 3:35 pm. Rex Baker points out what the PZ Commission's options are. He noted that the PZ is an advisory commission and that there will be no binding decision made today. He notes that there is no decision to be made today, only a suggestion that will be passed on to City Council. This commission is required to give a final report to City Council. The opinion is up to the PZ, but they are required to decide what will be in the report going to Council.

Scooter proposes motion to consider the item for discussion. Pat Bouchard seconds this. Scooter asked Rex for his opinion on the item. Rex stated that zoning changes can be proposed two ways – one by the property owner themselves and second by the Council themselves. He states that the term spot zoning is brought up often and that there are certain times when spot zoning is allowed and when it is not. He stated that the PZ needs to decide if the zoning change is appropriate or if it is not. He says that he will be looking in to the item himself and will report to Council as well.

Pat Bouchard states that the information that has been presented since the last meeting. He stated that he feels that the property owners may have been given an unbiased opinion. He states that his opinion has changed given new information regarding the property owners of the

suggested change. He states that he is no longer in favor of the change. He feels that the onus is on the petitioners to change the opinion of the property owners. He feels that there may be some disadvantages to the density proposed on this street, he drove the street himself to look. He feels that there are advantages and disadvantages to the rezoning but that there is not enough information to support that the current property owners should have their current zoning taken away. Mike Thuss states that he has carefully read the letters and heard that opinions at the meeting today. He states that the petitioner's information that was given at the meeting today is accurate. He is thankful for the Barkers appearance at the meeting and for their opinion as a military family. He states that he and his wife Patty have had their own dealings with CAD and that appraisals go up with market and that it doesn't matter what is across the street. He stated that he received from Bob Lange that says it would be dishonest to revoke an existing rule that convinced him and his neighbors to purchase these lots. He said he has a note from Douglas McKinney that is opposed to the change because it would limit his development options. He addressed the traffic and parking. He comments on a note from the Cats Eye coalition that notes that the comments are arbitrary. His opinion is that the parking is going to be the same for everyone. There are not completely ideal situations for everyone. He also commented to that the community will be compromised. He feels that the quality of construction and the building codes and that what is built there will be in accordance with the Codes and the ACC. He commented that a Karen Barber writes that she urges to oppose the rezoning. FLUM shows that the plan for Cats Eye is to be single family use. He read that notes from the Resort shows that the FLUM is in conflict with CCRs and should be revised. He notes that the FLUM shows that there are over 600 lots in conflict with the FLUM.

Scooter agrees that the decision is difficult. He states that he agrees with Mike Thuss that CAD appraisals are all about the ability to sell and that it does not matter what is across the street. He commented on traffic and also feels that it will be an issue no matter what. He stated that FLUM is a guide to future land use and that it is just a vision. He feels that the FLUM is more of a future land use "dream" and he is not sure how it got derailed. He stated that the PZ is here to preserve our heritage and plan for our future. He stated that this is what they are doing, they are trying to plan for the future of their street. He feels that by approving, it will open a precedence that other owners next to R2s will attempt to come forward with a request to rezone in their area as well. Pat Bouchard stated again that he feels that if the petitioners want to convince the owners to do so, they can do so at that time.

Rex Baker notified the PZ of their option to recommend to Council of either a request to approve, deny, or give no recommendation to City Council.

Mike Thuss commented that the petitioners have nothing to gain or lose whereas the property owners have the right to use their property as intended.

Mike Thuss makes a motion to deny the rezoning. There was no second, made, motion fails. Scooter makes a motion to provide no recommendation to City Council, Pat Bouchard seconds. Approved unanimously.

5. Request by Ron Mitchell of Horseshoe Bay Development Company, the Declarant for Siena Creek, for a new Zoning Classification of R-1 Single Family Townhouse in Zone 10 Siena Creek (DISCUSSION ONLY)

Ron Mitchel commented on the current status of the property. Go to recording for more notes on his comments.

6. Public Hearing and recommendation to City Council on a request by Ron Mitchell of Horseshoe Bay Development Company, the Declarant for Siena Creek, to rezone Lot Nos. SC17-1 – SC17-13 and SC24-SC28 of Lot 17 Final Plat of Siena Creek Phase One in Zone 10 Siena Creek and being in the 100 Block of Maravilla Way from R-4 Multi-Family to R-1 Single Family Townhouse

Ron Mitchel commented on the current status of the property. Mike Thuss asked to clarify if the property owners themselves had asked for rezoning. He stated yes. Pat Bouchard opened the public hearing and continued it to the October meeting. No public comments at this time.

7. Update on the meeting with Ron Mitchell and Sam Tarbet regarding the FLUM and the CC&Rs

PZ acknowledges memo provided.

8. Adjournment

Mike Thuss asked to be excused for September 3 meeting. Scooter motioned to adjourn, Mike Thuss seconds, unanimous. 4:15 pm adjourned.