

# Planning and Zoning Minutes

October 1, 2019

## APPROVED at October 15 Regular Meeting

Meeting Location: Saint Hedwig City Hall

Called to order at 7:00 P.M.

Secretary Fornof—Absent

Commissioner Jones—Present

Commissioner Robinette—Absent

Commissioner Mais—Present

Commissioner Maddox--Present

Commissioner Polasek—Present

Alternate Commissioner Schaefer-- Absent

Quorum established.

---

Topic 01: Reading and approval of Minutes for September 3 meeting.

- Commissioner Mais motioned to accept, Commissioner Maddox second.
- Commissioner Jones noted a typo under item 7 for “as grandfathered”
- Secretary Fornof noted under topic 9 that “frequency” should be changed to “frequent”
- Commissioner Polasek noted grandfathered should be changed to “non-compliant” instead of “grandfathered”

A vote was taken with commissioner Polasek abstaining since she was absent

---

Topic 02: Review the Planning and zoning Commission Log

- Secretary Fornof was absent. There was no up-dated log to review.
    - Tabled until next meeting.
- 

Topic 03: Citizens to be heard

- No citizens chose to speak. There were citizens present.
-

Topic 04: Old Business Item 3, Consideration of Dry Hollow Creek Plat approval

- Ray Baca with Rakowitz Engineering reviewed the submittals with a rundown of the proposed development.
  - Commissioner Jones noted that some of the drive ways changed some as they interface with FM 1346
    - Is still in compliance with the Tex Dot driveway spacing of 425'
- Commissioner Polasek asked if the property owner would actually own the flag lot approaches to their land.
  - Mr. Baca noted that it is not an easement it actually part of the property under single deed ownership.
- Mr. Baca noted that all of the lots had plenty of developable land to build on regardless of the flood plain.
- Commissioner Jones noted that the drawing in the corner of the first sheet is incorrect.
  - Mr. Baca noted that it could be easily fixed.
- Noted that the taxes have been paid up. The appraisal district has the property broken up into 7 different property ID's. The documents submitted cover the total acreage.
- Commissioner Polasek asked where on the drawings the total acreage was stated?
  - Mr. Baca noted that it was in the legal description on the cover page.
- Commissioner Mais asked if the total was 224 acres. Mr. Baca answered in the affirmative.
- Commissioners Maddox and Polasek noted that there had been changes in the size of the tract required for an ag exemption.
  - Mr. Baca noted that he was not certain regarding what the current minimum for ag exemption are.
- Commissioner Jones stated that in this case our sub-division ordinance does not apply it is strictly a plat review.
  - Commissioner Polasek asked what the Bexar County requirements are for a plat request.
  - Commissioner Jones responded that he did not know and would have to make some inquiries to confirm.
  - All of the tracts are greater than 5 acres in size.
- Commissioner Polasek asked Mr. Baca if he knew what Bexar county's minimum lot size was.
  - Mr. Baca stated .5 acres which is the minimum for a septic system in Bexar county.
- Commissioner Maddox noted that he would like to see more of this size of development in the future and asked that Mr. Boca relay that on to the developer.
- Commissioner Mais had additional questions regarding the driveway spacing requirements for TexDot. Mr. Baca Confirmed that the new spacing met or exceeded the minimum spacing requirements.
- Commissioner Polasek asked if Mr. Baca could explain the letter in the packet from East Central Special Utility District.
  - Mr. Baca stated that the letter is ECSUD is affirming that they availability to provide them water. There is a water main down Felix road.
  - Commissioner Jones added that it was a matter of confirming the capacity was available.

- Commissioner Polasek asked if Secretary Fornof has had a chance to review the submittal to make sure that everything is in order from her perspective.
  - Commissioner Jones noted that he could not give that assurance as Secretary Fornof left un-expectedly.
  - Mr. Baca asked if the commission would do a preliminary approval contingent upon secretary Fornof' s approval upon her return.
  - Mr. Baca accepted this.
  - Commissioner Mais asked about any timelines from Mr. Boca's perspective.
    - Mr. Baca noted that they were behind schedule.
- Commissioner Polasek motioned that we grant a preliminary approval contingent that the code compliance officer state in writing that all of the code compliance requirements have been met.
- Commissioner Mais asked if we knew when Secretary Fornof would be back.
  - Commissioner Jones did not know when she would be back and perhaps we should plan on a meeting for October 15.
- Commissioner Polasek rescinded her motion.
- Commissioner Mais motioned that we table the discussion until the 15<sup>th</sup>.
  - Commissioner Jones seconded.
  - The motion carried.

Topic 05      Old Business Item 1. Discussion of ordinance conflicts and revisions.

- Commissioner Polasek asked if Kim returned sooner rather than later how quickly we could put a meeting together.
  - Commissioner Jones noted that we have to post notices of meetings 72 hours in advance.
- Commissioner Polasek asked if we should not be looking at a more recent/ more up to date ordinance from a similar sized city comparatively in order to be as current as possible?
- Commissioner Jones acknowledged that this was a great question and shared his opinion of ordinance review.
  - The ordinance is a living document it's made to be flexible, made to change
  - The council can take action on their own.
  - The state laws are updated every legislative session regarding local government code citing annexation as an example.
  - Noted that some comparative analysis was made in the original drafting.
  - Our charge from the mayor was to identify what problem areas need to be fixed.
  - We can decide what to do. Would like to stay focused on what we have started so that we will have a basis for our workshop with council.
  - Noted that Saint Hedwig is somewhat unique in how it is trying to preserve the agricultural heritage
  - Is open to suggestions, please bring in any information that could be helpful.
- Commissioner Polasek noted that at some point the legal council will have to verify if what we are proposing is legal or not. Just wants to be sure that we make correct adjustments to the ordinance.

- Commissioner Mais noted that the workshop should be helpful for both the council and us. The legal council is only there to affirm the legality of what is proposed.
  - Commissioner Polasek noted that we need to be very conscious of other entities requirements into consideration (like Bexar county) as we proceed.
  - Commissioner Jones expects the process will involve hearings like the FLU map process.
- 

Topic 06: Old Business item 1, discussion of Ordinance conflicts page 29 section C.

- Commissioner Jones noted that we left off on page 29.
    - Item B Non-conforming lots of record.
    - “when” is the critical factor
  - Commissioner Maddox agreed that the “when” the lot was subdivided is the critical factor.
  - Commissioner Mais asked about legal non-conforming building and how this was legal.
    - Commissioner Jones noted that he suspected that this has to do with pre-existing condition but was not certain.
    - Commissioner Polasek noted a hypothetical building that was in existence prior to the adoption of the ordinance and what can be done with it after the adoption of the ordinance.
- 

Topic 07: Continued discussion of Ordines conflicts page 29 section D

- Regarding non-conforming use not used and period of time to resume non-conforming use.
  - Commissioner Jones noted that this seems to be a net to protect everyone involved in this type of situation.
    - There were no further question or comments regarding section D.
- 

Topic 07: Continued discussion of Ordinance conflicts – page 29 section E

- Classification changes on non-conforming uses.
    - Refers to chart in XVI of the ordinance.
      - Did not see the chart referred to close to the screening requirements.
      - Commissioner Mais noted that this appears to be a typo and should read back to 15a.
- 

Topic 08: Continued discussion of Ordinance conflicts—Page 30 section F

When restoration allowed.

- Process for restoration permitting.
  - Rules for application to BOA.
  - Commence within 6 months.
- Commissioner Jones stated his concern for the timing not being long enough.

- Commissioner Polasek stated that we not change the time frame but take it on a case by case basis. Need to leave the time line as is and the circumstances will be the guide for the BOA.
  - Commissioner Maddox asked if the home owners would be able to ask for an extension.
  - Commissioner Jones was curious as to why the BOA would be the permitting entity?
  - Commissioner Polasek asked why the BOA would be involved.
    - Will put the question to the legal on who should be permitting this.
    - WE will need clarification and a better understanding of why the BOA would be involved.
    - Commissioner Jones asked former commissioner Palmer if she had a recollection as to what the BOA would be involved. She stated that the BOA is responsible for granting variances to ordinances. BOA is the entity that can do this. They are essentially asking for a variance. May need to call it something other than a “permit”. May mean to “allow” a variance to allow a delayed start date. Need to change “permit” to allow.
- 

Topic 11: Continued discussion of Ordinance conflicts— Section 18, amendments

- Commissioner Jones noted that commission has encountered amendments on many occasions recently regarding section A of the amendments.
- 

Topic 12: Continued discussion of Ordinance conflicts—Section 18-part B, procedure, section 1.

- Based on state law.
    - Official newspaper of record is Wilson County News.
      - Defacto around 20 days to meet their publishing guideline.
  - Commissioner Polasek noted that it would have to be posted 21 days in advance. The stated 16 days is state law.
  - Section 2.
    - Notifications based on tax rolls and locations in terms of proximity to the change.
      - State law is 200’.
      - Commissioner Polasek stated the minimum should be 200’
      - Commissioner Maddox asked if we should not consider 300’
      - Commissioner Jones noted that we may need to bump up the fees to cover the additional postage.
      - Commissioner Maddox like a minimum of 300’. Can be changed later on.
- 

Topic 13: Continued discussion of Ordinance conflicts- page 31 section 3 preliminary reports to council.

- Commissioner Jones noted that this is why we have “stacked” or consecutive meetings after hearings to in order to make the reports to council.

---

Topic 14: Continued discussion of Ordinance Conflicts Item 4.

- Timeline of notice for council to make a decision
  - More of Texas government code. Should it read B 1?
  - Commissioner Jones proposed leaving this as is
- Discussion of joint meetings with council.
  - Commissioner Jones noted that to date the process is generally working.
  - Commissioner Polasek noted that even if we had a joint meeting they could not vote on it until the time line requirement was met.
  - Commissioner Jones noted that the question has been raised if we could have joint meeting with council to make the process smoother.
  - Commissioner Maddox noted that at this point there is no reason to change it.
  - Agreed to leave item 5 alone.
  - Commissioner Mais noted that we need to add “planning” to reference of commission to read “planning and zoning commission”.

Section 6 Proposed change must receive affirmative vote of  $\frac{3}{4}$  of all members of city council.

Agreed to change from 200 to 300' for notifications.

Largely covered by section 212 of state law.

Stopped at page 32 section 19 creation of Planning and Zoning commission.

> Commissioner Polasek motioned to table further discussion at this time.

> Commissioner Mais seconded.

The motion to carried.

---

Topic 15: Announcements

---

Topic 16: Date and time of next meeting

Set for October 15, 2019, 7PM at City Hall

Motion was made to adjourn

Motion seconded

Motion carried. Review the Planning and zoning Commission Log