

Planning and Zoning Minutes

December 3, 2019 Regular Meeting

APPROVED

Meeting Location: Saint Hedwig City Hall

Called to order at 7:03 P.M.

Secretary Fornof—Present

Commissioner Jones—Present

Commissioner Robinette—Present

Commissioner Mais—Present

Commissioner Maddox--Present

Commissioner Polasek—Present

Alternate Commissioner Schaefer-- Absent

Quorum established.

Topic 01: Reading and approval of Minutes for November 12, 2019 meeting.

Commissioner Polasek motioned to accept the minutes as written.

Commissioner Maddox seconded.

The motion carried.

Topic 02: Review the Planning and zoning Commission Log

- Secretary Fornof noted the new item in red dated 11/18/19 which is a re-zoning request case number 2019118-pitt.
 - The most recent entries are on the front page
 - Commissioner Polasek motioned to table discussion to table discussion of this topic because public notice was not given.
 - Commissioner Jones clarified that we were discussing the P&Z Log
 - Secretary Fornof noted that it was noted under new business, item 1.
 - There was no second.
 - There were no further comments regarding the P&Z Log
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Topic 03: Citizens to be heard

Larry Strelczyk

Noted that his brother was in the process of gifting some property that he inherited from his parents to his daughter.

- Only had 14 or 15 acres
- Wants to use the small amount of land to build a house on but it is undeveloped in a hay field.
- Noted that his other brother has property on FM 1346 and he would like to do a land swap with 2.114 acres from the back of that parcel with the other property located in the hay field across the highway because with the road frontage the utilities would be more accessible.
- Mr. Strelczyk noted that Joe Ochoa built a house on 1.03 acres on FM 1346 at Old Saint Hedwig road and he does not understand why the city would not issue a permit to do the same in this case.
- Commissioner Jones asked Mr. Strelczyk to clarify that the acreage size in the hay field tract. Mr. Strelczyk responded that it is 2.114 acres.
- Secretary Fornof asked that if this is the property (the hayfield) was the tract that they wanted to build on.
- Mr. Strelczyk responded no, that this was the property that he wanted to trade for the land fronted by FM 1346 and Graytown road.
- Secretary Fornof asked if this was the 9 acre tract.
- Mr. Strelczyk responded yes.
- Secretary Fornof explained that there is no problem permitting the 2.114 acre tract.
 - Noted that this was subdivided prior to the adoption of the zoning ordinance.
- Mr. Strelczyk stated that he was told that there would have to be a re-zoning of the property. He asked about the land swap and Secretary Fornof noted that a swap would be different because that is a transaction.
- Commissioner Jones noted that we could discuss this further down the agenda but wanted to give the other commissioners and opportunity to ask Mr. Strelczyk questions.
- Commissioner Robinette asked Mr. Strelczyk if their intent was to take 2.114 acres out of the 9 acre tract to swap with the parcel existing 2.114 acre tract. It would just be the 2.11 acres out of the 9.
- Commissioner Mais asked if the property fronted by Graytown road was 2.11 acres too. Mr. Strelczyk and his brother responded that it was 9 acres and went on to add that the tract was 3.8 acres as deeded. Mr. Strelczyk clarified that when the property was originally purchased it was in 3 tracts and its all one piece now.
- Secretary Fornof asked if was recorded as 3 separate tracts?
- Mr. Strelczyk presented Secretary Fornof with a document for clarification and she asked if she could make a copy for the file.

There were no other citizens to be heard

Topic 04: New Business- Item 1—Rezoning request. Discuss and take possible action.

- Commissioner Polasek
 - Concern that we did not tell anyone what tract of land this was.
- Commissioner Jones asked if this was her motion.
 - Commissioner Robinette seconded so that we could discuss the issue.
- Commissioner Jones clarified that Commissioner Polasek is concerned with the lack of specifics on the agenda under item 1 for the re-zoning request did not give the public enough information regarding the addresses of the land involved that we should table all discussion on the subject.
 - Commissioner Jones went on to add that this is technically a kind of pre-zoning request discussion to get more information as he recalled previously that we were trying to figure out which direction to go and get feedback from the city attorney
 - Secretary Fornof clarified that this is a completely new request.
- Commissioner Jones asked again for a second.
- Commissioner Maddox asked if notice was given.
- Commissioner Jones explained that as it is stated on the agenda is what we have to work with.
- Commissioner Robinette seconded it.
- Secretary Fornof noted that all we have to do is schedule the public hearing so that we can tell the applicants when to have the public hearing.
- Commissioner Polasek asked if next month's agenda specify the public hearings and address?
- Secretary Fornof reiterated that this is just to discuss the scheduling of the public hearing.
- Commissioner Robinette clarified that he thinks Commissioner Polasek is asking will the properties be identified.
- Secretary Fornof noted that there will be two public hearings.
- Commissioner Robinette stated that he thinks Commissioner Polasek's point is to make sure that people know what property we are discussing.
- Commissioner Robinette stated again that he thinks the concern is that the properties will be identified when the public hearing comes up so that people will have an opportunity to come in and talk about it.
- Secretary Fornof noted that it will be in the paper and letters and there will be two hearings.
- Commissioner Robinette asked what the intention of having this on the agenda tonight was for.
- Commissioner Jones stated that it was to determine if its necessary to have a public hearing because of new information that has come forward.
- Secretary Fornof clarified again that this is straight up a brand new request.
- Commissioner Jones clarified that this is just to discuss if we are going to move forward with scheduling the hearing.
- Commissioner Polasek noted that her issue is the "discuss and take possible action"
- Secretary Fornof responded "action to schedule the meeting, action to send the letters, the notifications in the news papers"
- Commissioner Polasek:
 - She thinks that this clarifies the agenda item.
 - The take possible action portion like a decision will be made.

- So the action that we would take tonight would be that we would post the notice on this date, send the letters on this date
- Asked what the next step to take is.
- Commissioner Jones clarified that we need to vote to carry the motion.
- Commissioner Polasek rescinded her request to table the discussion.

Topic 05 New Business Item 1—Rezoning request discussion and take possible action

- Commissioner Jones noted that it is typically a 3 week advance notice to the newspaper in order to make the 16 day notice prior the date of the public hearing.
 - Asked secretary Fornof when the start date of the application was.
- Secretary Fornof clarified that we have 120 days to get to the hearing.
- Commissioner Jones noted that we should plan for the last couple of weeks of January. The 21 or 28th.
- Secretary Fornof provided a recap of the process
 - Put in the paper
 - Send out notices
 - Post on the marquee
 - Confirmed that would be at city hall
 - Notify the owner
- Agreed on January 28th.
- Commissioner Polasek asked if this was for the P&Z hearing
- Secretary Fornof responded that it was just for the zoning
- The second hearing would be for the city council.
- Commissioner Jones noted that we have to make a recommendation to council prior to their hearing and that council has 30 days to take action on the recommendation.

There were no further questions or comments regarding this agenda item.

Topic 06: Old Business item 1,Subdivision Ordinance Variance Determination. Discuss and take possible action.

- This is pertaining to the Strzelczyk request.
- Commissioner Jones recapped what was discussed in the previous meeting.
 - Noted that secretary Fornof contacted the city attorney for guidance and asked that she share his response.
 - Noted that we were seeking guidance in terms of should the applicants be seeking a variance or a change of zoning.
- From the City attorney: For the subdivision of property the owner will have to request rezoning to R-2 and go through the public hearing process and approval through the city council. The P&Z commission does not have authority to give variances on lot sizes per state and local gov. code 211.103 we must apply the zoning ordinance and must treat all request equally.

- Commissioner Jones clarified directly to the Strzelczyks that the change of lot size on the Graytown road property would have to be filed as a change of zoning request in terms of the procedure to follow.
 - Commissioner Jones went on to recap the process of notification and hearings before the P&Z and the city council.
 - Commissioner Jones clarified that the city attorney was not aware of the 2.114 acre tract size and also was not aware that the 9 acre tract was actually subdivided into 3 acre tracts.
 - Commissioner Jones added that if the land was subdivided prior to the adaption of the zoning ordinance then it would work and if that is the case in this instance then they are good to go.
 - Commissioner Jones noted that at the time of his conversation with the attorney that it was single 9 acre parcel and not 3 parcels totaling 9 acres.
 - Commissioner Jones concluded by noting If they can provide the documentation
 - Secretary Fornof stated that the ultimate goal was to provide them something legal to permit a residence on.
 - Commissioner Polasek noted that Bexar County has 2 lots with in the 9 acres, one is 2.74 and one is 6.42 and it totals up to 9 acres.
 - Commissioner Robinette asked if this is how it is platted then they can take the 2.7 then they could build a home but if they have 2.1 they would have to get a variance. What Bexar county has is what we are bound by.
 - Meeting called back to order.
 - Commissioner Jones noted that new information was presented. It all comes down to how the county recognizes how it is platted. Noted that we need the deed records to verify how it is platted.
 - Commissioner Robinette suggested that they go to a title company to verify the platting.
 - Commissioner Polasek asked if the owner of the 9 acres decides that he wants to deed something to a family member, how the owner is being compensated does not come into play for the P&Z commission. Also noted that she looked at all of the surrounding property and it ranges from 1 acre to 15 acres. The area is evolving into a large tract lot area and finding a way of accommodating this would be appropriate for the area.
 - Commissioner Polasek asked for a summary of what the next course of action will be.
 - Commissioner Jones noted that we have been presented with new documentation this evening in terms of how the 9 acre tract is subdivided. He recommended that the Strzelczyks that they look into having the title company verify how the property is subdivided and if it can be demonstrated that the property is already subdivided then they will be done with the P&Z commission. The monetary concerns of the swap do not concern us. If we can get the verification of what size the lot was prior to the adoption of the zoning ordinance then we everyone can move forward.
 - Commissioner Jones thanked the Strzelczyks for the patience and the commissioners for the lively and thorough conversation.
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Topic 07: Old Business Item 2: Zoning Ordinance Variance Determination to issue Special Use Permit discuss and take possible action.

- Commissioner Jones shared additional information from the city attorney in reference to Mr. Daniels for the property located on West La Vernia Road.
 - Was a nice guy to ask us first
 - Noted that these are much nicer than a port a potty.
- Special use permit can be issued based upon trailers as a temporary construction office as an interpretation of a use in the existing table. So this may be the best means forward for him on this.
- Commissioner Maddox asked if he would have to purchase the property first prior to requesting the permit?
- Secretary Fornof noted that he permit will not convey in the sale of the property.
 - We would just be assuring him that this is the action that we would be taking.
 - Asked if we would want to put a limit on the quantity.
- Commissioner Polasek asked if the City Council would have to approve the permit?
- Commissioner Jones confirmed that it would.
 - We did it on a previous occasion for the barrel guy.
- Commissioner Polasek asked how we can tell him that he is going to get the permit?
- Commissioner Robinette asked who is submitting the request? Noted that a potential property owner cannot submit the request until he owns the property.
- Commissioner Maddox asked if we should tell him if he should choose to purchase the property that our recommendation would be to recommend the permit?
- Commissioner Robinette stated that we should not take any actions on a “potential “ purpose.
- Commissioner Jones noted first of all we tell him the known knowns.
 - We cannot issue a permit because you do not own the property
 - Should Mr. Daniels decide to purchase the property we would follow the process for a special use permit but there are no guarantees?
- Commissioner Mais added that what every Mr. Daniels decides the foundation for him to follow the process.
- Secretary Fornof stated that we have to give her direction on what action to take.
- Commissioner Robinette clarified that this just stays with the owner which is different from a change of zoning request.
- Commissioner Polasek wanted to confirm the size of the tract and commissioner Jones noted that it was currently under ag exemption now.
 - He was just trying to find out if parking trailers was allowed on this property.
- Commissioner Jones noted that a special use permit can be tailored to apply to the request.
 - For now direct secretary Fornof to draft a letter that we had discussed his situation and consulted the city attorney an that if he should decide to pursue the process this is what he would need to do. There are no guarantees, first he has to be the property owner.
- Commissioner Polasek proposed we that notify Mr. Daniels that his course of action would be to apply for a special use permit once he owns the property.
 - Commissioner Robinette agreed.

- Commissioner Mais noted that we should make it specific that it would be contingent on him being the land owner which is a key issue.
- Commissioner Robinette noted that we would take no action until he owned the property.

Topic 08: Ordinance Conflicts and revisions. Discuss and take possible action.

- Started with page 39 regarding moving some of the sections around.
 - Decided to leave section F where it was.
- Commissioner Jones asked secretary Fornof if she was aware of there being anything problematic with the definitions section.
- Secretary Fornof responded “no”.
- Commissioner Jones asked everyone to take a moment to review the definitions and if there were any that we should consider adding.
 - Secretary Fornof noted that we discussed adding a definition of a Tiny Home.
 - Need to figure out if it is a trailer or something different
- Commissioner Maddox noted that he found a definition stating that if it is under 300 square feet it would be an RV. Once it is greater than 300 square feet it becomes a mobile home. A tiny home at 300 square feet or less it is considered a parked RV.
- Secretary Fornof asked the question if we should handle them like an RV which means that it could not be occupied long term but could use a temporary.
- Commissioner Maddox noted that the state DOT is under 300 square feet.
- Secretary Fornof noted that we need further clarification
- Commissioner Jones noted that we should look at some other ordinances and do a comparative analysis. Suggested Austin a place to start.
 - Is concerned about putting a time limit on the occupation.
 - Secretary Fornof noted that we have to come up with a process for the permitting side of things.
- Commissioner Robinette asked if there was a difference between the a 10 x 30 concrete slab with a bathroom and everything and a 300 square foot tiny home and would there be different restrictions on that?
- Secretary Fornof clarified that when septic and electricity becomes involved it becomes a residence and will be permitted.
 - The slab on grade becomes a residence and a permit to live in it would have to be code compliant.
 - Secretary Fornof needs more information.
- Commissioner Polasek noted that they would have to hook it up to septic and electric because it is not self contained.
- Commissioner Maddox noted that just like an RV it is possible to tie in to septic and electric and basically meets all DOT requirements in terms of trailer lights etc. The exception would be the inspection process.
- Commissioner Polasek asked what if you remove the wheels and set it in place.
 - Commissioner Maddox noted that it has more to do with how it is titled.
 - Secretary Fornof again stated that we need to establish this so that she can carry on with the how to permit. How do we as a commission want to proceed in the future.

- Commissioner Jones noted that he thinks a permit should be required and that it is really a consideration of permanence so if they want to touch electrical or a septic this already triggers some permitting actions from the county.
- We need to establish the guidelines for the permitting process.
- Commissioner Jones asked how we currently permit manufactured homes.
- Commissioner Maddox noted that two tiny homes were installed on 1518 in with in the city.
 - Secretary Fornof noted that this was permitted as manufactured home but with-in the confines of a mother in law residence.
 - Commissioner Robinette agreed that if it is being set up similar to a manufactured home hooked into septic and electricity it would be the same.
- Commissioner Maddox noted that the same thing could be done with and RV and that we would not want this.
- Commissioner Maddox noted that there are some very nice tiny homes that meet mobile home specifications.
- Commissioner Jones proposed that Commissioner Maddox look at another city's ordinance and report back to us at which point we make a better decision.
- Secretary Fornof noted that shipping containers would be permitted as a renovation because electrical and plumbing would be added to the structure and inspected.
 - The same lot size requirements would apply.
- Commissioner Maddox asked about the Adult Oriented section should have a provision for the internet aspects of the businesses. Not sure how it would be approached.
- Secretary Fornof noted that we are one of the few communities that do not allow certain uses and the attorney thinks this might not be the best way to handle this.
 - If we want to prohibit something we might consider a stronger use of language or way to do that.
- Commissioner Maddox raised the question of internet managed hosting for this type of business in the definitions section
 - Secretary Fornof asked if this would be a special use type scenario.
- Commissioner Jones questioned the definition of a mobile home as being manufactured prior to June 15, 1976.
 - Secretary Fornof noted that everything after this date is a manufactured home and that now we have tiny and park home.
 - Manufactured home is further down.
- Secretary Fornof noted that we do not currently allow mobile home parks so what consideration should be given to tiny home parks?
 - Commissioner Maddox noted that there are some that are well done.
 - Secretary Fornof noted that we may need to define what multiple tiny homes would look like. This would not work like an RV.
- Commissioner Jones asked if we need to update the definitions of turfs
- Commissioner Maddox noted the definition of shrubs may need to be updated.
 - In the turf adding "any others" might work to resolve the newer types.
- Commissioner Polasek asked what an earth based station under the television and satellite would mean.
 - Commissioner Mais noted that it would partially buried in the ground.

- Commissioner Maddox noted that maybe we should add or attached to structures or maybe remove the earth based part from the definition
- Asked if we should make a reference to the Future land use map?
 - Secretary Fornof noted that it is referring to something in a different part of the ordinance.
- Commissioner Jones asked Secretary Fornof had a spread sheet noting the amendments that we have agreed on to date so that we can start submitting them to the city attorney for review.
 - Secretary Fornof will update this and distribute this to everyone prior to the holiday.

Topic 09: Old business Item 4: Establish Date and agenda for next meeting:

- Discussed the 21st for the hearing with a meeting to follow.
- Agenda Items:
 - Select officers for the commission
 - Discussion of the hearing with possible action
 - Agreed to legal description and physical address with property ID's