

DRAFT- Planning and Zoning Commission  
Public Hearing & Regular Meeting  
City of Blanco  
Minutes of the Meeting  
May 2, 2022

Members: Susan Moore, Loris Perkins, Brandon Carlson, Heinz Roesch, Marissa Mensik, Lynn DeVincenzo, Laura Swinson

**REGULAR MEETING**

**1. The meeting was called to order at 6:31 p.m.**

**2. A quorum was established.**

Commissioners: Moore, Perkins, Carlson, Roesch, Mensik, DeVincenzo, Swinson

**4. Announcements (No Action May be Taken)**

None

**5. Public Comments**

None

**OPEN PUBLIC HEARING:**

**NEW BUSINESS:**

**1. 1917 Main Street – Special Use Permit & Rezoning from R-5 to C-1.**

No One Spoke

**2. 618 Live Oak – Special Use Permit to Remodel Live Oak Medical Center.**

No One Spoke

**3. 1725 So Hwy 281 – Sone Property- Building Set Back.**

No One Spoke

**4. 1215 4<sup>th</sup> Street – Blanco High School – Fence Variance**

No One Spoke

**CLOSE PUBLIC HEARING**

**OPEN REGULAR MEETING: 6:35pm**

**NEW BUSINESS:**

**1. Approval of Minutes of Regular Meeting April 4, 2022.**

Commissioner Perkins made a motion to approve the minutes. Commissioner Roesch 2<sup>nd</sup> the motion. Passed Unanimously.

**2. Approval of Minutes of Regular Meeting April 7, 2022.**

Commissioner Roesch made a motion to approve minutes. Commissioner DiVincenzo 2<sup>nd</sup> the motion . Passed Unanimously.

**3. Discussion and Take action on Approval of Special Use Permit and rezoning from R-5 to C-1 at 1917 Main Street.**

Warren: The owner/applicant, (Larry Brewer) is trying to provide a mini-storage area as self-storage and think it was classified in R5 zone. He came a month or two ago and when he talked to P&Z, he was advised to change from R5 to C1 and also to ask for a special use permit to allow that use. One of the reasons he wants this specific type of use is that it doesn't require a lot of water/sewer. Water is pretty readily available, but sewer would take a lot of effort. The staff recommendation is for P&Z to make a recommendation to City Council. I think this is a reasonable request.

Chairman Moore read a dispute letter from Dennis Moore> This letter is to protest the special use permit and zoning from R5 to C1. We are opposed to this.

Property owner, Mr. Brewer, stated he thought the adjoining Moore property was in a state of disrepair and the proposed development would be an improvement to the area. He didn't see any position you could take to oppose this development.

A commissioner stated every business he spoke with was against this development. It would distract from the tourist locations and what they would see in their hometown. A commissioner questioned the use of a SUP and how it extends to future existence. Warren: The SUP is only good with the owner for however long the owner has it. A SUP is with the ownership. A rezone is virtually forever. If you don't feel this is something that meets the community standard, then don't recommend it to Council.

A commissioner voiced a concern about the use in the future. That building will always look like a storage unit and difficult to repurpose. Also, from a walk-ability standpoint, it doesn't make sense, as cute little shops or cafe' makes more sense. Commissioner Moore stated they are in an R5 zone and Storage Buildings are not allowed in R5 zone. They would be allowed in a C1 with a SUP. I am so opposed to changing a zone and immediately giving a Special Use Permit. That goes against everything I have read in the UDC Code. If we are going to change the zoning, we need to go to Industrial which allows him to build it. If you change the zoning to C1 with and SUP, it would need to include strict restrictions to have everything in an enclosed building, no outside storage allowed and an acceptable entrance. We already have one on Blanco Ave that is against code, people are living on that property in RV's, parked cars with flat tires and after 5 years it is still operating. To do a zoning change and then immediately issue a SUP, I am shocked at that. A commissioner stated this property is adjacent to an Industrial Zoned Property, and agreed it would make more sense to change it from R5 to Industrial if we are going to make a zoning change. Mr. Brewer's proposal put forth shows a very clean and proper use of that lot with a tree barrier or fence to shield the property. Another commissioner questioned, when the city zones property a certain way then people decide they want to develop something, they should look at the zone and see what type buildings/uses are allowed at that zone versus automatically wanting the city to change its zoning. Additional discussion continued.

Warren spoke: I understand what Mr. Brewer is saying and what everyone here is saying. To add a couple of things. There are many things that are allowed in R5 with out changing the zone but would need a SUP. If you or City Council say "no," then you are not denying his use of his property.

Commissioner Perkins made a motion to deny the request. Commissioner Carlson 2<sup>nd</sup> the motion. 5 Yea/ 2 No- The motion to deny passed.

#### **4. Discussion and Take Action on Approval of Special Use Permit For Medical Center Remodel at 618 Live Oak (Owner RL Toms, Inc.).**

Warren: This is an application for a special use permit to allow a multi-family in an R5 district. This action has previously been reviewed by the administrators, but this action should have been requested for an SUP. The applicant is already halfway in this project. You are only looking at whether you should allow the SUP, all other questions like parking etc. was handled by our reviewers. If you approve this action, it will not come back to you. The parking etc. is part of the staff review, the staff is basically Bureau Veritas.

Commissioners saw only an upside to this. It is going to be apartments which is badly needed in the city. This is a multi-family which is allowed in R5 with a special use permit. He is using the building and upgrading the use. I believe this is a win/win. Another commissioner, this is taking an abandoned building and creating something we need.

Commissioner Roesch made a motion to approve the SUP request. Commissioner Perkins 2<sup>nd</sup> the motion. Passed Unanimously.

#### **5. Discussion and Take Action on Approval of Building Set Back . (and Special Use Permit Request for Outdoor Storage Containers) at 1725 S US Hwy 281 (Owner: Second Echo, LLC.**

Warren: The property is currently Zoned C1, it is an art studio, which used to be a restaurant. They want to have an accessory structure and want a variance from 20' to a 10' side set-back. At the time of permitting, it will either qualify as an accessory structure or it will not. It will not be before P&Z again unless it is not in compliance with the UDC code.

Tonight, only the setback variance is to be considered. The structure type will be handled by the administration.

The owner: We will have a multi-use plaza and need to compensate our storage shortfall for our rotating art inventory.

Commissioners: Any accessory unit would have to be contained in within the 10' setback. When looking at the shape of that property, it makes sense to use that corner as it is tucked away off the side. A residence on each side of the property was discussed but determined to not be a problem with the 10' set back. There will be no change in impervious cover. The city engineer will review the plans with the building permit. The height of the fence is at 6' and possible it will need to be 8'. The issue of traffic and no turn lane was discussed. This is a very dangerous place on 281. Warren said it had been discussed but the city has no control over this issue.

Commissioner DiVincenzo made motion to approve 10' variance. Commissioner Carlson 2<sup>nd</sup> the motion. Motion Passed Unanimously.

**6. Discussion and Take Action on approval of Variance to Fencing around Tennis Court at Blanco High School. (Owner: Blanco Independent School District.)**

Warren: This is a pretty simple request. BISD asking for a variance to allow for a 10' fence for the tennis court for safety reasons.

Commissioner Carlson made a motion to approve 10' fence variance. Commissioner DiVincenzo 2<sup>nd</sup> the motion. Motion passed unanimously.

**7. Annual Election of Officers – Chairperson/Vide Chair/Secretary.**

Commissioner Roesch made a motion to elect Susan Moore as Chairperson. Commissioner Carlson 2<sup>nd</sup> the motion.

Commissioner Roesch made a motion to elect Brandon Carlson as Vice Chair. Commissioner DiVincenzo 2<sup>nd</sup> the motion.

Commissioner Roesch made a motion to elect Lynn DeVincengo as Secretary. Commissioner Swinson 2<sup>nd</sup> the motion.

Motions Passed Unanimously.

**8. Discussion and Take action on Approval of Development Agreement Between the City of Blanco and 42 on 32 RV Park, LLC.**

Warren: It might take me a few minutes to get through all this. Any development agreement must be approved by Planning and Zoning before it goes to Council. In this development agreement there is no right or wrong. This is about what we are going to do about the billing situation. The RV Park is outside the ETJ. The city is not required to provide any kind of services to anyone outside the ETJ. But once those services are provided, they can't be revoked. However, you can look at the billing, the cost to provide the service and adequately raise or lower rates for services as long as we have some justification. The RV Park was distributing water to residents of the RV Park while only paying for one connection. City was billing them for one tap for all 114 service connections. The average RV's monthly usage is between 1500 to 2000 gallons. The other issue is that the 114 RV slots probably have about a 75% residency annually. The basis of the proposed development agreement takes the residency, usage, and connections into account and proposes to charge them for 90 connections at \$50 per connection. Another portion of the development agreement is that the water features (lake, water park, irrigation) will not be provided by City Water.

Commissioners ask: What if they increase the number of units they provide? What if they increase from 114 to 130 taps? Warren answered if they add more then we would charge them more and that's in the contract. Commissioners ask, how are you going to know their position? Warren, I don't know if we would know if they added more, other than I visited the site and we have a relationship with the applicant but that's not to say we won't revisit them. Commissioner, so you took 114 and said about 75% = about 90 units. Then said we want to reduce the rate a little bit, so you gave them a rate of \$50 instead of the norm. Right?! Warren: in the end this would reduce their fee to about 60%. There isn't a wrong or right answer here. I will say, this is an imperfect document and the reason Planning and Zoning is asked to look at this.

Commissioner, am I reading this contract right, where it says that they have already constructed the sewer and the water lines and the City is going to take over that responsibility so that if anything happens to that it will be on the city's dime? Look in the Utility Conveyance, first paragraph.

“The Water Line Extension and the Sewer Line Extension (as defined in the agreement) have been constructed; the Developer wishes to convey such facilities to the City for ownership, pursuant to the terms of the Agreement and this Utility Conveyance and Security Agreement; and the city is willing to accept such conveyance.”

Does that mean that if the city accepts, it is on our dime to keep it up and repair it even if it is not build to our specifications, we will have to do it? Warren replied, that's what it says. We will strike where the developer is conveying the facilities to the city. Commissioner noted, it is in there in two different areas, stating again “the agreement requires that the Project Facilities (as defined therein) be conveyed to the city for ownership,”

Commissioners ask the owners; how do you currently dispose of your sewage? Answer: we have 12 Septic Systems; the owner is a licensed septic system installer. The water line goes down 32 to city water line. The city will not provide water for the water park, the irrigation and the lake, where will you get that water? Answer: Canyon Lake provides the water for our onsite storage tanks.

Commissioner stated, the problem is you don't know how many they will add, even if they will or not, but you are going to charge them for 90 spots and you have no one to go there even on a quarterly basis and count them, why not charge them an arbitrary figure that you come up with for the number of spots they have rather than to assume that they are only going to use approximately 75% on any given time and you don't know how many spots they are going to add. At least you would have one constant which is how many spots they have on the ground, instead of having two variables.

You know how much water has been used in the past because you billed them usage. So, you know what their average usage is at this point. Discussion continued. . We need to renegotiate the water contract if there is a change in ownership.

Commissioner Carlson made a motion to approve the development agreement with the changes we have stated; 114 units times a computed water rate, increasing with each additional unit for the base fee and take out any language in the development agreement regarding city ownership. Commissioner Roesch 2<sup>nd</sup> the motion. Passed unanimously.

**Note:**

Warren stated he wanted to have a planning workshop. Talk about governing issues to make sure we are running it the way we should. Also, put together a workflow sheet for how it comes to us and what our responsibilities are. Then talk about the fun stuff, why do we do zoning what does the UDC mean. When is a suitable time for the commission? How is Tuesday, May 24<sup>th</sup> at 6:00pm. Done.

**ADJOURN:**

Commissioner Carlson made a motion to Adjourn. Commissioner Roesch 2<sup>nd</sup> the motion. Adjourned at 8:12 pm.