City of Granite Shoals
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MEETING MINUTES
FOR A REGULAR MEETING
OF THE PLANNING AND ZONING COMMISSION
GRANITE SHOALS CITY HALL, 2ND FLOOR COUNCIL CHAMBER
2221 N. PHILLIPS RANCH ROAD
GRANITE SHOALS, TX 78654
THURSDAY, MARCH 17, 2016 6:00 P.M.

Vice Chair Susie Hardy, called to order the regular meeting of the Planning and Zoning Commission of the City of Granite Shoals at 6:00 p.m., Granite Shoals City Hall, 2221 N. Phillips Ranch Road, Granite Shoals, Texas.

Present:
Claudine Gonzales
Susie Hardy, Vice-Chair
Terry Scott
Shawna Williams
Paul Fletcher

Absent:
Shannon Wilson, Chair

City Staff:
City Manager Ken Nickel
Elaine Simpson, City Secretary (recording)
Preston Williams, Code Compliance Officer

Public comment and announcements

At this time, any person with business before the Commission not scheduled on the agenda may speak to the Commission. No formal action can be taken on these items at this meeting. No discussion or deliberation can occur. Comments regarding specific agenda items should occur when the item is called. Anyone wishing to speak under this agenda item must complete a Comment Card and submit to the Chair or the Secretary, prior to addressing the Commission.

City Staff Announcements/Items of Public Interest: City Manager Ken Nickel invited the Committee members to volunteer for the upcoming Big Birthday Bash for the City, which will be held Saturday, April 23, 2016, and will be a celebration of the city's 50th Anniversary.

City Manager Nickel also reminded the Commissioners that May 21, 2016 is the Burnet County Household Hazardous waste collection at Marble Falls at the High School parking lot.

April 30, 2016, will be 'City Wide Clean Up Day' for Granite Shoals for most brush and junk items, other than Household Hazardous Waste and contractors' debris. The city will accept tires, mattresses, etc.

There were no citizen comments.

APPROVAL OF MINUTES

1. Review and consider approval of the minutes from the Planning and Zoning Commission Regular Meeting of February 18, 2016.

Meeting minutes were corrected to include recommended *modifications to the Zoning Ordinance* which were inadvertently left off.

The following sections were added:
(Regarding Boat Docks)
(k) was modified, Electrical was modified. National was crossed out, 'currently adopted' was added and (NEC) was deleted.

(Sec. 40-26)
Related to the 'Burden of Proof' – verbiage 'person claiming such status' was deleted and changed to 'property owner'.

Commissioner Scott made a motion, Commissioner Gonzales seconded, to approve, as corrected, the February 18, 2016 meeting minutes. Motion carried with a 5-0 vote.

REGULAR AGENDA ITEMS

2. Continue to review and discuss the Granite Shoals Zoning Ordinance, as supplemented.
(The P&Z Commissioners have been reviewing the entire Zoning Ordinance, which is Chapter 40 in the city code. At their meeting on June 18, 2015, the Commissioners reviewed sections 40.8 through 40.11, at their July 16th meeting they reviewed Section 40.12 General Business District GB-1 through Section 40.14 Industrial District item d. #9. At their August 20, 2015 meeting, the Commissioners resumed reviewing Industrial District and reviewed through 40.17 Height and area restrictions, generally. September 17th, the Commissioners discussed regulations of non-conforming structures, Administration, and the Board of Adjustments and also discussed driveways. At their meetings last year October 15th and November 19th, and January 21th, the Commissioners reviewed parking and Drive-ways section again. February 18th the Commission reviewed the Ordinance related to signs, boat docks and Vacation Home Rentals. Tonight, the Commission will consider moving forward through the Ordinance, starting with Planned Development Districts (PD)).

The Commission heard this item last and due to time constraints, there were few recommendations made.

One recommendation related to the Vacation Rentals section was made that a requirement be added for an authorized Vacation Rental annual renewal to be processed, that a current

certificate of occupancy, issued by the City Manager or his designee, must be provided annually.

There was some discussion of how best to assure that Vacation Rentals were not rented out for more guests than the Fire Marshal had declared safe for occupancy. No consensus was reached.

3. Discuss, consider and possibly take action related to Granite Shoals zoning ordinance related to fencing.

Ms. Britany Dooley, and Mr. Steven Dooley, of 127 W. Stonecastle Drive, Granite Shoals, requested this agenda item. They presented the P&Z Commissioners with a Petition to amend current City Code Sec. 40-6.(p) – Single Family Residential District, R-1. This section relates to approved materials for fencing in R-1.

"(p)

Fencing. Fences may be located directly on the property/lot lines, i.e. front, side(s) and rear yard lot lines. Front yard fencing must have no more than 50 percent density.

(1)

Fence materials. All fences shall be constructed with new and of good quality materials. Allowable materials are milled wood, split-rails, masonry, rock, stone, chain link and/or wrought iron.

a.

Chain link fences are required to have a top rail, bottom guide wire and traditional chain link fence hardware.

b.

Cinder block shall not be considered a masonry product.

c.

Except as provided in subsection (p)(1)d., agriculture fence materials such as pipe, drill stem, T-Post, rolled wire fence, stranded wire, barbed wire, cow panel, corral panel, non-milled cedar posts, and all other types of agriculture fencing shall not be allowed in any residential district.

d.

Sheets of galvanized welded wire panels of 20 feet or less, framed in wood, metal or masonry are allowed.

(2)

Fence height.

a.

Front yard lot line maximum height five feet.

b.

Side yard lot lines shall maintain five feet maximum height, 20 feet back from the front yard lot line, and may increase to six feet maximum height to the rear yard lot line.

c.

Rear yard lot line maximum height six feet

d.

All posts, pillars, columns, arches, decorative tops, lights, and gates shall not exceed allowed fence heights by greater than 12 inches (one foot).

e.

For through lots (street to street), each parallel side of the lot facing a street shall be subject to the same fence height and setback restrictions that apply to a front yard.

f.

For corner lots, the side of the lot that faces the street that corresponds to the building's street address shall be considered the front yard, and the side of the lot that faces the intersecting street shall be subject to a maximum fence height of five feet and a minimum setback from the lot line of ten feet.

The petition noted that in R-1, the fencing regulations do not allow non-milled (natural) cedar posts and deer fence (rolled wire) up to 8' tall, however this IS allowed in Multifamily Residential District R-2.

Here is the pertinent section of R-2 from City Code, Section 40.8:

40.8 R-2

...(g)

Miscellaneous requirements.

...

(3)

Privacy fences and/or obstructing vegetation more than four feet high shall not be placed:

a.

Along a front property line;

b.

Within 20 feet of the corner, on corner lots;

c.

Parallel to private driveway on side lot line that hinders drivers visibility.

(4)

See through chain link fences shall not be more than four feet high along front lot lines. Deer-proof fences may be erected not higher than eight feet on each side and back lot lines, and five feet on front lot lines.

...

Mr. and Mrs. Dooley were the creators and circulators of the petition, upon which they gathered 103 signatures from residents in their neighborhood.

The Petition was dated March 10, 2016. It respectfully demanded that the city codes under Single Family Residential District R-1, regarding allowable fencing materials and fence height be amended to include the use of natural cedar posts and rolled wire deer fencing. It also demanded that the maximum height be increased from 6' to 8', as it is in Multifamily Residential District R-2, so long as said fence is made mostly of transparent materials and doesn't obstruct anyone's view. Alternatively, that the 8' maximum height is only allowed around gardens for protection from the deer.

The Dooley Family constructed a fence, which they provided pictures of to the Commissioners. This fence surrounds their garden. It is made of natural (unmilled) cedar which the Dooley's explained blends with surrounding trees and is termite resistant. It is also made from rolled wire, which the family noted would not obstruct the neighbors' views.

The following neighbors signed the petition and attended the meeting to speak on behalf of the Dooley's fence:

1.) Lisa Schmidt, 806 Misty Downs. Commended the look of the fence. Noted that she had many concerns regarding code violations that include eyesores such as junk vehicles and boats. She noted that often these violations are long-standing, and expressed her belief that code compliance would be better served to focus on these issues, instead of this new fence. She briefly discussed water plant facilities near her home, which she believes are unsightly.

2.) George LaChance, 109 Oakwood. Noted that he has also had difficulties in the past with a building project and stated his concern that the City Code is insufficient and sometimes misleading/confusing. He suggested that there be a definition added for a 'garden enclosure' which would be considered separately and independently from the main fencing regulations. These 'garden enclosures' should have the flexibility to be taller; due to the overpopulation of deer in the City. He also commended the look of the Dooley's garden enclosure of natural wood.

3.) Tom Hemisthath, 512 Bluebriar. Spoke in support of the Dooley's garden fence.

4.) Julie Taylor, 109 Driftwood, asked Commissioners to consider reclassification to allow a garden fence as an enclosure, not the same as a property fence. She noted that it will only be around the garden, not the entire property.

5.) Christine Russell, 212 Norwood Drive. Expressed her support of the Dooley's garden fence. She requested clarification from the Commissioners related to desire for 'standardization' of fencing. She noted that residents of Granite Shoals, she believes, desire a more rural character for the community than in the big cities such as Austin.

Mr. Steven Dooley, 127 Stonecastle: admitted that as the property owners, they had failed to secure a permit to build the fence, or even to inquire as to the city codes for fencing. Stated his grievance that his fence has received a violation, but a similar fence down the street has not because it is being classified as a 'temporary' fence. He is troubled by the inconsistency in application of the rules. He also noted that the city seems to exempt itself from these

regulations. There are city fences which do not meet the standards required of his garden fence.

Mark Morren, 251 W. Lakewood Drive, spoke in favor of the current regulations. Noted that before construction on any structure, a property owner within the city limits should secure the proper permits from the city and this process will inform them of the regulations. He noted also that the city regulations apply to all and just because this fence has the support of the neighbors, the city still must enforce regulations. This fence is made of materials that are not allowed.

There was a general discussion of the 'agricultural' appearance of the fence and whether this was in character with a city neighborhood, also, whether the fact it was a specifically 'garden' fence should be considered in a different light, and allowed to use more rustic building materials.

There was an extended discussion of the philosophical basis for having a zoning ordinance and for wanting there to be standardization of structures in the community.

City Manager Nickel explained that the R-1 Single Family district section of the Zoning Ordinance is recently modified. This section of the zoning ordinance has been recently scrutinized and amended by the P&Z Commissioners and the City Council (Ordinance 663, July 28, 2015). The R-2 'Multi-Family' residential section of the Zoning Ordinance (where taller deer fencing is allowed) is in a part of the Zoning Ordinance that has **not yet been** modified/updated, although the P&Z Commissioners have been at work on this review and revise project.

The Commissioners thanked the citizens for bringing this to their attention, and it will be on the next Commission meeting agenda for further review.

4. Discuss, consider and possibly take action related to reviewing and sending recommendations to City Council related to issues with the Non-Conforming Ordinance.

City Manager Nickel explained that the City Council has not yet held their workshop on this issue.

Jim Davant, 310 S. Shorewood: Disseminated some pictures of his home, which was built in 1968, and which has recently been declared non-conforming structure because of encroachments of the stairs and the eaves.

Mark Morren, 251 Lakewood DR: Explained that long ago it was the foundation that was used to measure setbacks. Now, there are issues with eaves and overhangs conflicting with utility easements.

The Commissioners will discuss this item at a future meeting.

5. Discuss, consider and possibly take action related to clarifying the Commission recommendations related to driveways and parking.

The Commissioners did not address this agenda item due to time constraints.

6. Identify future agenda items
   - Non-conforming Ordinance - next meeting.
   - Annexation Plan for the City – probably May meeting.
   - Review of draft amendment to the City Comprehensive Plan for Road Improvements – review proposal and Streets and Water Advisory Group recommendations at future meeting.
   - Commissioner Scott asked for utility easements regulations regarding flatwork/sidewalks be reviewed.
   - Fencing will be discussed.

7. Adjourn.

With no other items on the agenda, and no objections from the Commissioners, Vice Chair Hardy adjourned the meeting at 8:08 PM.

The next meeting of the P&Z will be held on April 21, 2016.

I, Susie Hardy Chair of the Planning and Zoning Commission for the City of Granite Shoals, Texas, certify that the attached are true and correct minutes taken from recordings and notes of the Planning and Zoning Commission Regular meeting held on March 17, 2016 date Susie Hardy 4-21-16.