

**MINUTES
CITY OF ELGIN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, APRIL 24, 2023**

I. CALL TO ORDER – ROLL CALL: The Chair called the meeting to order at 6:30 P.M. at the Library Annex (Civic Center) located at 404 N. Main St., Elgin, TX U.S.A.

COMMISSION PRESENT: Chair Antonio Prete, Vice-Chair Ronnie Creppon, Berney Williams, Jason Tatum, David Lanford and Scott Mackay (arrived at 6:34 P.M.).

COMMISSION ABSENT: Dorothy McCarther.

STAFF PRESENT: David Harrell, Development Services Director; Melissa Lipiec, Secretary; and Beau Perry, TRC Engineers (3rd Party City Engineers).

II. PUBLIC COMMENT FOR NON-AGENDA RELATED ITEMS: No members of the public desired to speak on this item.

III. CONSENT AGENDA

1. March 27, 2023, Minutes.

David Lanford requested that the minutes be pulled for discussion. The Chairman moved this item to section V. New Business 0.1.

IV. OLD BUSINESS

1. Project #: 202200129: A preliminary plat for “Ella Estates Preliminary Plat” located on a parcel of land known by the Bastrop County Appraisal District as Parcel 13241, located at the intersection of VFW Road and Ella Ln. for a total of 7 lots on 10.733 acres of land.
 - A. Staff Presentation - David Harrell indicated the applicant was able to finish up Commission concerns and that hard copies of the plat and TRC approval letter were before them for review. Based on that Staff had no issues or concerns regarding this submittal.
 - B. Applicant Presentation - None, applicant was not present.
 - C. Discussion – Chairman Prete stated that all items from last meeting had been addressed.
 - D. Consideration – Jason Tatum moved to approve project number 202200129, Ella Estates Preliminary Plat. The motion was seconded by David Lanford and a vote was taken. The motion passed with a vote of six (6) for and zero (0) against.

IV. OLD BUSINESS (Cont.)

2. Project #: 202200130: A final plat for “Ella Estates Final Plat” located on a parcel of land known by the Bastrop County Appraisal District as Parcel 13241, located near the intersection of VFW Road and Ella Ln. for a total of 7 lots on 10.733 acres of land.
 - A. Staff Presentation – David Harrell indicated the applicant was able to finish up Commission concerns and that hard copies of the plat and TRC approval letter were before them for review. Based on that Staff had no issues or concerns regarding this submittal.
 - B. Applicant Presentation – None, applicant was not present.
 - C. Discussion – None
 - D. Consideration – Jason Tatum moved to approve project number 202200130 Ella Estates Final Plat. Ronnie Creppon seconded the motion and a vote was taken. The motion passed unanimously with a vote of six (6) for and zero (0) against.

V. NEW BUSINESS

0.1 March 27, 2023, Minutes

Ronnie Creppon made a motion to approve the March 27, 2023, minutes as presented. The motion was seconded by Berney Williams. The motion passed unanimously with a vote of six (6) for and zero (0) against.

1. Project #: 202200183: A final plat for “Briarwood Phase 1” located on a parcel of land known by the Travis County Appraisal District as Parcel 248232, located adjacent to Neidig Elementary and Austin Community College off County Line Rd and for a total of 236 lots on 46.868 acres of land.
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – John Kim, applicant, indicated he had no presentation but was present for any questions.
 - C. Open Public Hearing –The public hearing was opened at 6:42 P.M., with no members of the public desiring to speak.
 - D. Close Public Hearing – The public hearing was closed at 6:42 P.M.
 - E. Discussion – There was discussion between the Commission and City Staff regarding the reason for an in-city MUD, the existence of a development agreement for this project and what concessions the developer is making as part of that agreement. Chairman Antonio Prete pointed out the issues he had with the plat regarding benchmarks, the wording on the owner’s signature block, and the wording on the Surveyor’s signature block.
 - F. Consideration – Jason Tatum, made a motion to approve the item contingent upon the following conditions: 1) show location of benchmarks; 2) revise wording on owner’s signature block be revised to remove “subject to any easements, and/or restrictions heretofore granted and not released.” 3) revise the surveyor’s signature block to replace “ upon completion of construction” to “prior to recordation of the final plat.”, seconded by Ronnie Creppon. The motion passed unanimously by a vote of six (6) to zero (0).

V. NEW BUSINESS (cont.)

2. Project #: 202300050: A subdivision variance from Sec. 36-175 to allow for the creation of a 4.179-acre flag lot, out of the A373 Young Richard, Tract 2, Bastrop Co., TX for a future subdivision plat (BCAD # 8728395).
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – Applicant, Stephanie Worthy indicated that she had no presentation but was present for any questions.
 - C. Open Public Hearing – The public hearing was opened at 7:10 P.M. with one (1) member of the public to speak:
 - i. Paul George, 1313 FM 1704, stated that he was concerned about the subdivision because McVay Lane is on his property and not a public roadway. He also stated that the power-point presentation showing that the driveway entrance to the proposed lot will be off of FM 1704 and that satisfied his concerns.
 - D. Close Public Hearing – The public hearing was closed at 7:14 P.M.
 - E. Discussion – There was discussion between the Commission and City staff about other possible solutions, but because McVay lane is not a public right of way, the entrance to the proposed lot was required to be on FM 1704 per the City’s subdivision ordinance.
 - F. Consideration – Ronnie Creppon made a motion to approve the Subdivision Variance to allow a flag lot. David Lanford seconded the motion. The motion passed unanimously with a vote of six (6) for and zero (0) against.
3. Project #:202300055: An ordinance amending the official zoning map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances City of Elgin, Texas, 2013 and making this amendment a part of said official zoning map to wit: To rezone land from “R-1” Single Family Dwelling District to “C-3” Highway Commercial District located on parcels of land known by the Travis County Appraisal District as Parcel 815585, located at 13708 County Line Rd. (ABS 518 SUR 65 MARTIN H, ACR 4.096), being more described in Exhibit “A”; and providing for a savings clause and repealing conflicting ordinances and resolutions.
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – Applicant was not present for presentation.
 - C. Open Public Hearing –The public hearing was opened at 7:28 P.M., with no members of the public desiring to speak.
 - D. Close Public Hearing – The public hearing was closed at 7:28 P.M.
 - E. Discussion – There was discussion between the Commission and City Staff regarding zoning of the surrounding lots in the area and uses allowed in the C-3 zoning district.
 - F. Consideration – David Lanford made a motion to recommend denial of the zoning request from “R-1” Single Family Dwelling District to “C-3” Highway Commercial District seconded by Ronnie Creppon. The motion passed unanimously by a vote of six (6) to zero (0).

V. NEW BUSINESS (cont.)

4. An Ordinance amending Ch. 46 Zoning, Article I In General, Article IV Zoning District Regulations; and providing for a savings clause and repealing conflicting ordinances or resolutions.
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Open Public Hearing –The public hearing was opened at 7:32 P.M. with one (1) member of the public to speak.
 - i. Sarah Gudenkauf,813 Old McDade Road, thanked the Commission for considering the Ordinance and stated that the wording on page 4, Section VII(d) was confusing to her. She also questioned whether the 370 square foot minimum was too large. In addition, she questioned whether the minimum 10,000 square foot lot size was too large and would be exclusive to a large number of lots.
 - C. Close Public Hearing – The public hearing was closed at 7:42 P.M.
 - D. Discussion – There was discussion between the Commission and City Staff regarding lowering the minimum size for Accessory Dwelling Units to 250 square feet and the 10,000 square foot lot requirement. Beau Perry provided input stating that all lots will be subject to the City’s impervious cover and off-street parking requirements which may be the deciding factor on whether an accessory dwelling unit can be allowed on the property.
 - E. Consideration – Scott Mackay made a motion to recommend approval of the ordinance with the following conditions: 1) change Section VII, item (d) to clean up the language and to make the minimum size for Accessory Dwelling Units 250 square feet, seconded by Berney Williams. The motion passed by a vote of four (4) to two (2) with Jason Tatum and Ronnie Creppon voting against the motion.

VI. ANNOUNCEMENTS

David Harrell stated that he had no announcements. Scott Mackay asked about bringing the fence ordinance back on the agenda. It was determined that his issue with the fence ordinance was being addressed by Staff and there was no need to bring it back as an agenda item. Chairman Antonio Prete ask about continuing education for the Commission conducted by the City Attorney. David Harrell responded stating he would set it up. Ronnie Creppon announced that his term would be up in September according to the new term limits set by Council. He stated that he has served on that board for thirty-five (35) years.

VII. ADJOURNMENT

The meeting was adjourned by the Chair at 8:02 P.M.



Antonio Prete, Chair

ATTEST: Melissa Lipiec
Melissa Lipiec, Secretary

On a motion by RONNIE CREPPON, seconded by JASON TATUM
the foregoing instrument was passed and approved on this 22nd day of May 2023.