

**MINUTES
CITY OF ELGIN PLANNING AND ZONING COMMISSION
REGULAR MEETING
MONDAY, SEPTEMBER 27, 2021**

CALL TO ORDER – ROLL CALL: The Vice-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: Vice-Chair Brian Lundgren, Ronnie Creppon, Jason Tatum, Scott Mackay, and David Lanford.

COMMISSION ABSENT: Chair Antonio Prete & Dorothy McCarther.

STAFF PRESENT: David Harrell, Development Services Director; Melissa Lipiec, Secretary

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

CONSENT AGENDA

1. July 26, 2021, Minutes.
2. August 23, 2021, Minutes.
3. August 30, 2021, Minutes.

Ronnie Creppon moved that the Commission approve the consent agenda, Scott Mackay seconded the motion. The motion passed unanimously with a vote of five (5) for and zero (0) against.

NEW BUSINESS

1. Project #: 202100834: A final plat for “Cano Subdivision” located on a parcel of land known by the Travis County Appraisal District as Parcel 248221, located on the eastside of Klaus Ln. and south of the intersection of Klaus Ln. and FM 1100 for a total of 9 lots on 10 acres of land.
 - A. Staff Presentation – David Harrell conducted a power-point presentation of the staff report.
 - B. Applicant Presentation – Javier Barajas, applicant, indicated he was present for any questions.
 - C. Open Public Hearing – The public hearing was opened at 6:36 P.M. with no members of the public to speak on the item.
 - D. Close Public Hearing – The public hearing was closed at 6:36 P.M.
 - E. Discussion – There was no discussion on this item.
 - F. Consideration – David Lanford made a motion to approve the item, seconded by Jason Tatum. The motion passed unanimously by a vote of five (5) to zero (0).

NEW BUSINESS (Cont.)

2. Project # 202101536: 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, 2012 and making this amendment a part of said official zoning map to wit: To rezone land from "R-2" Single Family & Duplex Dwelling District to "R-3" Single Family Dwelling District located at 316 S. Avenue C (ELGIN CITY, DIV. 8, LOT 5B FR), 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 – Richard Miscoe, applicant, indicated he wants to rezone the land to allow for a future subdivision of six (6) lots versus five (5) lots. This would increase the number of lots on Avenue B from two (2) lots to three (3) lots. He also indicated the existing Johnson home would be moved to one (1) of the new lots. There was discussion between the applicant and the Commission regarding how he is lacking the additional three (3) feet to get the total three (3) lots on Avenue B. He desires to build new duplexes on the newly created lots.
 - C. Open Public Hearing – The public hearing was opened at 6:52 P.M. with one (1) member of the public to speak on the item.

Shirley Creppon, 322 S. Ave. C., had questions regarding the number of people to be living in the proposed duplexes and location of future driveways in relation to their fence. She did not express an opinion for or against the items.
 - D. Close Public Hearing – The public hearing was closed at 6:58 P.M.
 - E. Discussion – Vice Chair Brian Lundgren asked City Staff if as a condition the rezoning could dictate where the saved home would go, City Staff indicated that legal frowns upon conditions placed on a base rezoning. Jason Tatum asked the applicant how he was going to place the new lots and location of the driveways and the applicant explained the situation. The applicant indicated to the Commission that these would be rentals and that screenings of background and financial of future tenants are conducted. Scott Mackay indicated that if something happened to the applicant, these potential future screenings may not be carried out. Applicant indicated to the Commission that he is trying to build modest rentals to help the community. Jason Tatum indicated he isn't opposed to allowing the duplexes for modest rentals. Scott Mackay indicated his concern of allowing a spot zoning in the area. He asked City Staff why this didn't go through a zoning variance in which City Staff indicated that was possible however the rezoning process is typically easier then meeting zoning variance criteria. Ronnie Creppon indicated that the lots can be developed as is with duplexes without the rezoning, although slightly fewer. David Lanford indicated the presentation was good but was hesitant to allow for additional density as allowed under the rezoning.
 - F. Recommendation – Scott Mackay made a motion to recommend denial of the item, seconded by Ronnie Creppon. The motion passed unanimously by a vote of five (5) to zero (0).

NEW BUSINESS (Cont.)

3. Project # 202101587: 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, 2012 and making this amendment a part of said official zoning map to wit: To rezone land from "C-3" Highway Commercial District & "I" General Industrial District to "A" Multiple Family Residential District located on a parcel of land known by the Bastrop County Appraisal District as Parcel 111936, located along the westside of Roy Rivers Rd, south of Lee Dildy Dr.. (ELGIN BUSINESS PARK III, BLK A, LOT 1, 6.0300), 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 – Curtis Thigpen c/o Paravel Capital, applicant, indicated that he has been working with the City Economic Development Commission (EDC) and indicated they received approval of an EDC agreement to start the project. He indicated to the Commission the proposed development style of the future project.
 - C. Open Public Hearing – The public hearing was opened at 7:18 P.M. with no members of the public to speak on the item.
 - D. Close Public Hearing – The public hearing was closed at 7:18 P.M.
 - E. Discussion – There was discussion between the Commission for the future layout of the Elgin Business Park, spot zoning, how the rezoning would influence commercial development in the area in relation to City owned property, mixed-use land use category, placement of faith in EDC Development Review Board (who would look how that, and other sites would be developed).
 - F. Recommendation – Scott Mackay made a motion to recommend approval of the item, seconded by David Lanford. The motion passed unanimously by a vote of five (5) to zero (0).
4. Project# 202101606: An ordinance granting a modification to an already approved specific use for a medical facility in order to remove a condition that the Use be renewed in five (5) years on property located at 122 Fisher St. (0.484 ACRES OF LAND AND 9.19 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178), City of Elgin, Texas, Bastrop County, Texas, 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 – Peter Piraino, applicant, provided information to the Commission indicating their financial provider was hesitant to issue financing for new buildings due to the five (5) year limitation on the previously granted specific use by Council back on August 3, 2021.
 - C. Open Public Hearing – The public hearing was opened at 7:32 P.M. with no members of the public in attendance to speak on the item.
 - D. Close Public Hearing – The public hearing was closed at 7:32 P.M.

NEW BUSINESS (Cont.)

- E. Discussion – David Lanford asked City Staff whether specific uses run with the owner or the land, City Staff indicated it runs with the land unless conditioned to run with an owner. David Lanford asked a question regarding the uses associated with the specific use. City Staff indicated they would continue to use as is however there would be no time limitation on it. Scott Mackey and City Staff discussed the history of the site, reason for the specific use, and the request to remove the condition on the previously granted specific use. Scott Mackay asked the applicant if a timeframe condition or a square footage on building space caused problems. The applicant indicated a timeframe would and a square footage on building space condition would cause a problem with the owner as they would need to come back before the City. City Staff indicated the building square footage condition was offered if the Commission felt uncomfortable with no conditions. The Commission discussed amongst themselves of removing the condition and placing other conditions.
 - F. Recommendation – David Lanford made a motion to recommend approval of the item with no additional conditions, seconded by Ronnie Creppon. The motion passed unanimously by a vote of five (5) to zero (0).
- 5. Project # 202101525: An ordinance granting a specific use for a medical facility on property located at 124 Fisher St. (0.480 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE THOMAS GARRETSON SURVEY, ABSTRACT 178), City of Elgin, Texas, Bastrop County, Texas, 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 – Peter Piraino, applicant, indicated that the previous alcoholics anonymous (AA) is no longer at the site and that they were upgrading the building interior to house offices and a training facility. He indicated traffic will be reduced with this new use and had no issues with any conditions as a building square footage requirement.
 - C. Open Public Hearing – The public hearing was opened at 7:48 P.M. with no members of the public in attendance to speak on the item.
 - D. Close Public Hearing – The public hearing was closed at 7:48 P.M.
 - E. Discussion – City Staff indicated they are working with the applicant at this time regarding the submitted building permit for this facility and the specific use request. City Staff indicated how they are wanting to use it can be fit under the definition of medical facility since the uses are accessory with the Burning Tree facility at 122 Fisher. Scott Mackey asked the applicant is there a plan to merge the two (2) properties (122 & 124 Fisher St.), the applicant indicated no.
 - F. Recommendation – Scott Mackay made a motion to recommend approval of the item, seconded by Jason Tatum. The motion passed unanimously by a vote of five (5) to zero (0).

ANNOUNCEMENTS

David Harrell announced that there will be meeting next month with a preliminary plat and potentially two (2) final plats on the agenda.

ADJOURNMENT

The meeting was adjourned by the Vice-Chair at 7:55 P.M.



Antonio Prete, Chair

ATTEST: Melissa Lipiec
Melissa Lipiec, Secretary

On a motion by Scott Mackay, seconded by Brian Lundgren
the foregoing instrument was passed and approved on this 25^h day of October 2021.