

CITY OF SMITHVILLE

February 13, 2017

COUNCIL MEETING

Present: Mayor Saunders, Councilmembers, Bennie Rooks, Troy Streuer, Bill Gordon, Rhonda Janak, Joanna Morgan, and City Manager Tamble.

Open Meeting: Call to order: Mayor Saunders called the meeting to order at 6:00 p.m.

Invocation: Darroll Wright from the Church of Christ gave the invocation.

Pledge of Allegiance: Councilman Rooks led the pledge.

Recognition/Awards/Proclamations/Announcements/Presentations:

Third grader Allyson Hall read her essay for Character Trait "Justice". Mayor Saunders presented a proclamation for "African American History Month", "Smithville ISD School Board Recognition Month", and "Congenital Heart Defect Awareness".

Approval of the minutes from the January 9, 2017 Council Meeting and Public Hearing:

Councilman Gordon moved to approve the minutes as written for the January 9, 2017 Council Meeting and Public Hearing Councilwoman Morgan Seconded and the motion passed unanimously.

Hear recommendations from Planning and Zoning on a:

- a. *A zone change from Single Family & Duplex (SF-2) to Neighborhood Shopping District (C-1) in the Bunte Addition, Blk. 3, Lot 2, Owner - Melvin & Courtney Thomas:* Nancy Catherman said the P&Z commission recommended approving the zone change from Single Family & Duplex (SF-2) to Neighborhood Shopping District (C-1).
- b. *A minor re-plat in the Burlison Addition, Block 51, Lots 1, 2, & 27.5 of 3, Owner- Ronnie & Marilyn Haywood:* Nancy Catherman said the P&Z commission recommended approving the minor re-plat at 501 Jones Burlison Addition, Block 51, Lots 1, 2, & 27.5 of 3
- c. *Variance request on property at 1103 NE 2nd Street, the Byrne Addition, Block 116, Lots 4 & 5, Owner Troy Streuer*
 - 1) Side yard set-back variance of 15' on the north side of the property
 - 2) Side yard set-back variance of 10' on the south side of the property
 - 3) Front yard off street parking variance
 - 4) Minimum lot size variance
 - 5) A 6' high rear-yard fence variance

Nancy Catherman said the P&Z recommended denying all variance requests for 1103 NE 2nd Street, the Byrne Addition, Block 116, Lots 4 & 5.

Public Hearing:

Hear citizen's comments on:

- a. *A zone change from Single Family & Duplex (SF-2) to Neighborhood Shopping District (C-1) in the Bunte Addition, Blk. 3, Lot 2, Owner-Melvin & Courtney Thomas:* Mr. Thomas would like the zoning classification changed to C-1 because he wants to put a food trailer on his property. He said having a food trailer would allow him to contribute to the community by providing employment; good food; and once a week give out free BBQ to the community. There were no citizens at the meeting to speak for or against the zone change.
- b. *A minor re-plat in the Burlison Addition, Block 51, Lots 1, 2, & 27.5 of 3, Owner- Ronnie & Marilyn Haywood:* Mr. Haywood would like to split the lot so that he could build two new houses on each lot. These lots were originally two and a half lots and now he wants to split into 2 big lots. There were no citizens at the meeting to speak for or against the minor re-plat.

c. *Variance request on property at 1103 NE 2nd Street, the Byrne Addition, Blk. 116, Lots 4 & 5, Owner - Troy Streuer:* Troy spoke and said he wants to strike all variances except the lot size variance.

- 1) Side yard set-back variance of 15' on the north side of the property
- 2) Side yard set-back variance of 10' on the south side of the property
- 3) Front yard off street parking variance
- 4) Minimum lot size variance
- 5) A 6' high rear-yard fence variance

There were several citizens signed up to speak for and against the project. George McMahan spoke in support of the variance and said Smithville needs more housing and thinks this project will be good for the City. Caroline McClimon spoke in support of the variance and was glad to see him remove four of the variances. McClimon thinks this project will provide reasonable rental space. McClimon also mentioned she is not in conflict of interest because of her husband representing Troy. Meagan McCormick spoke in support of the variance and said it will provide nice rental spaces. Jay Conlon spoke against the variance and said it would promote overcrowding. Conlon also mentioned his petition signed by the neighbors. Barbara Lockerman spoke against the variance and said thank you for removing the other four variances. Lockerman thinks having an apartment in this location will block off the rest of the community. Lockerman said don't move forward with the lot size variance. Dana Tovar spoke against the variance and said she was afraid for the kid's safety and flooding issues. Tovar said this project has been going on for a year and the first time she's been in the loop was last Monday and she still feels like she doesn't know what's going on.

Hear from Jay Conlon on rear setback at 1103 NE 2nd Street, Byrne Addition, Blk. 116, Lots 4 & 5, Owner – Troy Streuer: Mr. Conlon said he thinks the 50' rear yard set-back should apply. Jason Rammel (City Attorney) said that it only applies in a SF-1 Single Family zoning and it doesn't say anywhere in Multifamily (MF) that this would apply and is not relevant to this case because we are talking about property that is zoned MF.

Open Meeting:

- a. *A zone change from Single Family & Duplex (SF-2) to Neighborhood Shopping District (C-1) in the Bunte Addition, Blk. 3, Lot 2, Owner-Melvin & Courtney Thomas:* Councilwoman Morgan made a motion to approve the zone change from SF-2 to C-1. Councilman Gordon seconded the motion and the motion passed unanimously.
- b. *A minor re-plat in the Burlison Addition, Blk 51, Lots 1, 2, & 27.5 of 3, Owner- Ronnie & Marilyn Haywood:* Councilman Rooks made a motion to approve the minor re-plat. Councilwoman Janak seconded the motion and the motion passed unanimously.
- c. *Variance request on property at 1103 NE 2nd Street, the Byrne Addition, Blk. 116, Lots 4 & 5, Owner Troy Streuer:* Councilman Rooks requested the council go into Executive Session.

Closed Meeting: 6:40

Executive Session pursuant to the Open Meetings Act, Chapter 551, Govt. Code, Vernon's Texas Code Annotated, in accordance with the authority contained in Section 551.071, Consultation with Attorney on (a) seeking advice on pending or contemplated litigation and (b) a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551.

Open Meeting: 7:24

Mayor Saunders spoke to the audience and wanted them to stay active in the community and council meetings. Saunders said to contact him or the council members if they ever had any questions or concerns. Saunders said that the Council has to go by specific rules set by our ordinance and no variance shall be granted unless the city council finds that:

- (a) There are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and
- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (c) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- (d) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

Dareld Morris, Streuer's lawyer, recapped on the project and said they would like to scale back the project and make it an eight unit apartment building but will still use the 30% coverage of the lot. Councilmember Janak asked about the percentage of the lot that would be covered by buildings, sidewalks and parking. Mr. Morris answered that 60 % of the lot would be covered, which was within the ordinance requirements. Mr. Morris said all parking will be onsite parking and water will not be an issue. Mayor Saunders said that the council must have a super majority vote which means they must have $\frac{3}{4}$ of the vote to approve/deny because there was a petition signed by neighbors. Councilman Streuer abstained from the vote. The following variances were on the agenda for consideration:

- 1) Side yard set-back variance of 15' on the north side of the property
- 2) Side yard set-back variance of 10' on the south side of the property
- 3) Front yard off street parking variance
- 4) Minimum lot size variance
- 5) A 6' high rear-yard fence variance

All but the minimum lot size variance were taken off of the agenda by Streuer. Councilwoman Morgan stated she felt there was a real concern of drainage issues in the neighborhood. She also stated rather real or perceived the neighbors had additional concerns with the increase of traffic and the danger for the children. Councilwoman Morgan made a motion to deny the minimum lot size variance because she felt the variance did not meet all four ordinance requirements to approve the request. Councilman Gordon seconded to motion.

Vote:

For the motion: Morgan, Rooks, Janak, and Gordon

Abstained: Streuer

Discussion and Action on an Ordinance Promoting Economic Development, in the Texas Constitution, Article VIII, Section 1-j exemptions of certain Freeport Goods: Neither the City of Smithville nor Smithville ISD currently offer a Freeport Tax Exemption as an incentive for large developers. Bastrop County does offer the Freeport Exemption. The Freeport Exemption provides a property tax exemption on inventory that is detained in Texas for 175 or less. To qualify, the goods must be in Texas for certain purposes, such as assembly, storage, manufacturing, processing, or fabrication. Qualified inventory includes goods, wares, ores, and merchandise (except for oil, gas, or other petroleum products. Councilman Rook made a motion to approve the Ordinance Promoting Economic Development, in the Texas Constitution, Article VIII, Section 1-j exemptions of certain Freeport Goods. Councilwoman Janak seconded the motion and the motion passed unanimously

Discussion and Action on the Financial Report: Councilman Gordon made a motion to approve the Financial Report. Councilwoman Janak seconded the motion and the motion passed unanimously.

Adjourn: at 7:48 p.m.

Scott Saunders Jr., Mayor

Attest:

Jennifer Lynch, Asst. City Secretary

