

Planning and Zoning Minutes

February 5, 2019

Meeting Location: Saint Hedwig City Hall

Called to order at 7:00 P.M.

Roll Call:

Secretary Fornof – Present

Commissioner Jones – Present

Commissioner Low – Present

Commissioner Robinette – Present

Commissioner Stolowski – Present

Quorum established.

Topic: 01 Reading and approval of the Minutes for the January 22, 2019 meeting.

- Commissioner Robinette motioned to accept the minutes as written
 - Commissioner Low seconded.
- The motion carried.
- Minutes accepted as written.

Topic: 02 Citizens to be Heard.

Robin Blocker

- Wanted to know why “ya’ll” get to pick and choose variances.
 - Why approve the track on 1604 and Abbott Road and will not approve my 3.8 acres?
 - Does not make sense to her
 - Needs to know why they are getting held up on the dollar general issue?
 - “So not right that you will not approve my variance but yall approve one on 1604”

Mrs. Blocker went on list her reasons for moving away from Saint Hedwig.

John Gary Blocker

- Stated that he never received anything in the mail
 - Noted that he currently resides in the Stockdale area.

- Agreed with the previous citizen to be heard.
- Prior to living in Stockdale he stated that he lived on part of the property of the proposed Dollar General location.
- Troubled that he never received a letter in the mail that the city hall could be built across the street from his house. Or that his neighbor could run a business at his house or park cars lined up and down 1518. He never received any chance to vote on anything and now when he tries to do something with his property he feels like we (the city) try to dictate everything they do. Noted that this is the reason that they left.
 - Claimed that there is someone down the road running a body shop out of his house.
 - Wants to sell what land he has left and does not understand
 - Wants to know what they can do with their land, asked if anyone could tell him.
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Wanda Polacek

- Is trying to do research and understand what the commission is working on and is frustrated that with the agenda item regarding a re-zoning request and she cannot locate the property that was referenced. Could not find the property owned by the person noted in the agenda.
 - Looked in the area around "Alcock"
 - Noted that it is hard when the citizens cannot find out more information to know what questions to raise in the meeting.

Kathy Palmer

- Noted that the problem with the agenda being wrong is that there is not a 40-acre tract of property in the area
 - "Alcock" lane does not exist
 - There is no legal description of the property in question so the citizens cannot clearly understand what property we are discussing
 - Is difficult for a property owner to know whether or not to attend the meeting and provide input.
 - "not really typo's they are incorrect and misleading information"
 - Asks that the commission table this discussion in order to allow citizens that might want to attend but did not know where this property was or the correct size of the property or the fact that Alcock lane does not exist in the city.

Topic: 03 Old Business- Discuss Dollar General Information Request

- Reviewed correspondence from the attorney for Overland which is the developer of the Dollar General Property
- There were two letters on dated January 28th, and one dated February 20th.
- Commissioner Jones noted that he had spoken with the city attorney on this subject earlier in the day.
 - The city attorney maintains that the property was illegally sub-divided to start with.

- Did say that it could be fixed but was not clear on what the corrective process would be.
- Attorney did agree that the zoning trumps the subdivision ordinance.
- Commissioner Robinette asked if the city attorney had spoken with the lawyers for the developer?
 - Commissioner Jones responded that he had not at the time of the conversation
- Commissioner Robinette noted that the assumed course of action would be for the City attorney to respond back to the Developers attorney.
 - Commissioner Jones agreed and assumed that was what the attorney was going to do with a prescribed course of action for them to take.
 - Commissioner Jones noted that at this point the attorneys should be able to sort this out and find a path to resolution.
- Commissioner Robinette asked if we would be able to see what the city attorney sends as a response to the Developer's letter.

Topic: 04 Old Business – Discuss and take action on the Future Land Use Map

- Reviewed the proposed changes from the consultant
 - Commissioner Robinette clarified that this is our option 1 map.
 - Commissioner Jones read the text of the proposed changes aloud
 - Noted difficulty in understanding the "Agricultural Production Facility" designation for the business existing prior to the adoption of the first zoning ordinance.
 - The description does not really fit the uses.
 - It works for one of them.
- Commissioner Robinette noted that the civic and institutional should cover the city hall too.
- None of the commissioners cared for the term "Village"
- Secretary Fornof noted that it cannot be the same legend as the existing zoning map.
 - The plan will always be a guide
- Discussed the following changes to the map and verbiage:
 - Noted that it is hard to differentiate between the Prime Agricultural color on the map
 - Single family residential is acceptable
 - Change Historic Village Center to Historic Town Center
 - Traditional Mixed Use is acceptable
 - Change Village Commercial to City Commercial
 - Highway Commercial is acceptable
 - Civic and Institutional is acceptable with the addition of the City Hall and Park area
- Commissioner Robinette asked why we could not call the Agricultural Production Center Pre-existing commercial?
- Secretary Fornof proposed Agricultural Manufacturing Production and leave the center off?
- Commissioner Jones proposed changing to historical business
 - Historic is already on there

- Commissioner Robinette noted that he does not understand why we cannot just call it commercial
 - Suggested that we ask the attorney if these are mandated terms
 - Commissioner Low asked if there is a list of words that we can use
 - Commissioner Robinette noted that the Consultant need to be here in order to address our questions directly.
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Topic: 05 New Business—Discuss and Take action on Change of Zoning Request for Brietzke Property

- Commissioner Jones noted that this is not the public hearing but part of the planning process for the hearing.
 - Noted that the property in question is located approximately 1-mile south of the intersection of 1518 and Abbott road on the West side of 1518.
 - There is currently a 4' x 8' for sale sign on the property
 - Will make sure that when the hearing takes place the location of the property will be made very clear
- Secretary Fornof noted that there will be two public hearings as part of the process. One for Planning and Zoning and One for city council to hear and consider our recommendation.
- Mr. Brietzke was present and identified the property on the on one of the maps
 - He went on to describe the property and noted that it is about 1/3 of a mile north of Martinez creek with a pipe entrance, and a row of trees along the road going in to the property with a metal barn in the middle of the property.
- Commissioner Jones reviewed the process for clarification.
 - Letters will be sent out to all land owners within 200 or 400 feet of the property
 - The hearing will be at city hall
- Commissioner Robinette asked if there is a time deadline that we are dealing with
 - Secretary Fornof noted that we received the request on January 15th but we are not under a legal time line.
 - Concluded that we need to schedule as soon as possible.
 - Start with the hearing date and work 16 days back in order to meet the publishing deadlines for the Wilson County News
 - Agreed that April 2nd would be a good target date.
 - Would be able to get our recommendation to council in time for their meeting on the 4th.
 - Will use the legal description from BCAD

Mr. Brietzke's attorney suggested that we use the property identification numbers as a point of reference as an option.

Topic: 06 New Business—Discuss current Zoning ordinance

- Secretary Fornof noted that we had identified a couple of items during the meeting and received a request from city council to review the ordinances to find any other conflicts.
 - Council did not provide a list
 - Suggestion was to have the city attorney review it.
- Commissioner Robinette asked for clarification on why we need to do this.
 - Commissioner Jones noted the recent Dollar General case where zoning trumps the subdivision ordinance and they are contradictory to each other.
- Secretary Fornof went on to mention the minimum street frontage being another problematic area where the zoning says one thing and the subdivision says another.
- Commissioner Jones asked secretary Fornof to compile a list of everything that she is aware of.
 - Commissioner Jones will ask the attorney to look into how to go about the review
 - Also asked if there was anything more specific from council in terms of direction
 - Commissioner Jones stated that he is more interested in conflicts at the moment with tune ups being secondary in priority.
- Commissioner Robinette noted that we can look through it but should we explore hiring someone to go through it.
 - Secretary Fornof noted that it would be someone lower like a paralegal review.

Topic: 07 Set date and agenda for next meeting

Commissioner Robinette requested that we get the Planning consultant to come in on the 19th.

This way we could wrap up the FLU map.

- Leave Dollar General under old business
- Have the consultant present
- Discuss the process for the April 2nd hearing under preparation for re-zoning request
- Discuss the revisions to the zoning ordinance
- Under new business to discuss annexation possibilities
- Under new business open commissioners seat
- To take place on the 19th at city hall

Topic: 08 Announcements

- Commissioner Jones announced that Commissioner Solarczyk resigned her post on the commission so we have a vacancy.
 - Appointed by council
 - We would like to hear from anyone interested in serving.

Meeting Adjourned.