

**CITY OF GONZALES, TEXAS
PLANNING AND ZONING MEETING
MINUTES –FEBRUARY 8, 2021**

A meeting of the Gonzales Planning and Zoning Commission was held on **February 8, 2021** at 5:15 p.m. via teleconference pursuant to **Section 551.045 of the Texas Government Code and in accordance with the March 16, 2020 order by the Governor of the State of Texas.**

This meeting notice, agenda and agenda packet are posted online at www.gonzales.texas.gov.

On March 16, 2020, Governor Abbott suspended several provisions of the Texas Open Meetings Act for the duration of his statewide declaration of disaster, including the new requirement (added by H.B. 2840 last legislative session) that the public has a right to speak on agenda items. This DOES NOT apply to statutorily-mandated public hearings, such as zoning and similar hearings.

This meeting will be closed to in person attendance by the public. A temporary suspension of certain provisions of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

The public toll-free dial in number to participate in the telephone conference is hosted through FreeConferenceCall.com.

Toll-free call in number: **1-844-854-2222**

When asked for an access code enter **348787#**

It is not necessary to announce yourself when you join the teleconference.

A recording of the telephone conference will be made, and will be available to the public in accordance with the Open Meetings Act upon written request.

CALL TO ORDER

Chairperson Gescheidle called the meeting to order at 5:15 p.m. and a quorum was certified.

Attendee Name	Title	Status
Tim Gescheidle	Chairperson	Present
Roland Martinez		Present
Charles Patterson		Present
Paul Frenzel		Absent
Paul Neuse	Vice Chairperson	Present
Gilbert Perez		Absent
Tom Tiller		Present

STAFF PARTICIPATING:

City Manager Tim Patek, Building Official James Cowey, GEDC Director Jennifer Kolbe

Item # 1. Consider Approval of January 11, 2021 Planning & Zoning Commission Meeting Minutes

Member Patterson moved to approve the minutes as presented. Member Tiller seconded the motion. The motion passed unanimously.

Item #2. Conduct a public hearing and consider a recommendation to the City Council regarding amending the Gonzales Code of Ordinances Chapter 14 Zoning

Note: Individuals will be able to speak during the public hearing via teleconference. Please email citysecretary@gonzales.texas.gov to participate.

Mr. Cowey stated that there is an existing zoning map with existing uses. We are not changing zoning districts just the zoning ordinance.

Bryce Cox with Urban Dynamics provided that between the years 2012 and 2014, the City commissioned and paid Freese and Nichols to update both the subdivision regulations and the comprehensive zoning ordinance. The Subdivision Ordinance was completed but the Zoning Ordinance was not. To utilize the 2014 draft Ordinance, several updates had to be made to bring it into compliance with current state laws. Additionally, the 2014 draft ordinance needed to be updated to include ordinance changes that had been enacted between 2014 and now.

To assist City Staff in updating the 2014 draft zoning ordinance, the consulting firm Urban Dynamics, LLC was selected to prepare an update. The proposed ordinance has been updated for compliance with legislation from the 2013, 2015, 2017 and 2019 Texas Legislative sessions and city zoning ordinance updates adopted since 2014. Additionally, the 2014 draft has been tweaked with the input of city staff to provide greater opportunity for property owners and language revision for simplification and clarification.

One significant change for compliance with state law deals with manufactured housing. The proposed ordinance provides for specific distinctions between manufactured housing and industrialized housing (also known as modular housing). Homes that are constructed off-site and then delivered and installed or assembled can be grouped into two (2) basic categories, manufactured house and industrialized house. A manufactured house is a movable dwelling designed to be transported on the highway, either intact or in major sections, and used as a residential dwelling either with or without a permanent foundation. An industrialized house is a residential structure constructed in one or more modules built at a location other than the permanent site; and designed to be used as a permanent residential structure when the modules are transported to the permanent site and erected or installed on a permanent foundation system.

While these homes can sometimes look visually similar there are two distinct differences. The first being that industrialized housing must be installed on a permanent foundation, and the second being it must meet all applicable local

codes and zoning regulations that pertain to construction of traditional site-constructed homes. State law does not allow cities to prohibit the use of industrialized housing in single family residential areas (unlike manufactured housing), but it does provide for the city to adopt additional criteria for this construction method. This proposed ordinance includes all the additional criteria allowed under state law, including complying with the same site design requirements as a site built home, and the addition of minimum valuation and architectural compatibility requirements. All additional criteria for industrialized housing can be found in Sec.14.404.a.2.A.

The 2014 draft was also adjusted to simplify the regulations, clarify terms and regulatory concepts, and provide greater opportunities for property owners. Noteworthy changes include the creation of additional zoning districts, condensing the land use table, and modifications to the lot dimension standards. This proposed ordinance includes seven (7) new zoning districts; three (3) new residential districts, two (2) new non-residential districts and two (2) special districts.

The Old Town District (OT) is intended to be a steppingstone toward a formal historic district recognized by the Texas Historical Commission. Regulations proposed for the Old Town District are intended to maintain and promote the existing historic home characteristics, such as requiring front porches and increased setbacks for garages to accentuate the front of the home. A formal historic district was not included in this proposal due to the additional special regulations required by the state. Staff agrees with the consultant's recommendation that due to the extra regulation that accompanies with historic landmark districts, it should be up to the affected neighborhood property owners to organize and collectively request a historic designation from the city. This request would signify a willingness of the affected property owners to accept the additional special regulations that come with the designation, at which point city staff would work with the property owners to create a formal overlay zoning district for the historic area.

This proposed ordinance uses the same Euclidean style zoning of dividing the city into districts with specific permitted land uses. For ease of use and simplification, similar land uses from the Use Chart were combined. The minimum lot dimensions from the Zoning Dimensional Regulations Chart were also adjusted to account for the existing lot sizes in the older sections of the city. Of special note is that minimum lot width and depth requirements have been removed in the Downtown Mixed Use District (DMU). This modification is intended to promote the continued vitality of downtown, by allowing for incremental development over time, improving flexibility for development of infill lots, and providing new redevelopment opportunities.

Chairperson Gescheidle opened the hearing to public comment.

No comments were made.

Chairperson Gescheidle closed the public hearing.

Member Patterson moved to recommend to the City Council the approval of the change. Member Neuse seconded the motion. The motion passed unanimously.

Item #3

Discuss, Consider and make recommendation to City Council on Amending the Gonzales Code of Ordinances Chapter 10 Subdivision Regulations

Bryce Cox of Urban Dynamics stated along with updating the Zoning Ordinance for legislative changes, our consultant, Urban Dynamics, prepared this proposed update to the subdivision regulations. During the 86th Texas legislative session in 2019, H.B. 3167 was passed, which revised sections of the Texas Local Government Code related to subdivision plat application processing. There were major changes to state mandated plat processing timelines, waiver of rights to 30-day action, and conditional approvals or denials.

Prior to the approval of H.B. 3167, by law the City had 30-days after a complete application was filed to take action on a subdivision plat. Because plat applications are not always submitted complete, the complexity of the staff review required, together with the time for the applicant to respond to technical review comments, this process typically takes more than 30 days. When this previously occurred, the applicant was allowed to voluntarily waive their right to 30-day action, to provide for more review and response time to correct the plat before it was brought to the Planning & Zoning commission for action. Waiver of the right to 30-day action prevented plats from being denied because of the application timeline, which would force the applicant to reapply thereby adding extra expense, time and undoubtedly frustration to the process. However, the changes in H.B. 3167 impose a time limit to the voluntary waiver with a maximum length of 30 additional days (for 60 total days), and only allows for a one-time waiver.

Another change made by H.B. 3167 deals with plat denial or conditional approval. It requires staff to issue a letter stating the reasons for conditional approval or denial (with code/law citations) and to provide an unlimited number of opportunities for the applicant to revise and resubmit the plat for reconsideration. In addition, it places a 15-day required action timeline on the revised submittal. This could ultimately lead to automatically approved plats due to inadequate time for staff to thoroughly review the revisions or schedule a Planning and Zoning Commission meeting, as well as decreased customer service due to the potential for an applicant to be stuck in a seemingly unending denial to revision cycle.

This proposed ordinance update resolves those issues by requiring all technical exhibits to be reviewed and certified as a pre-requisite for submitting a complete

subdivision plat application. The technical review and applicant response are the most demanding and time-consuming parts of the application process. By requiring the technical review process to occur prior to the plat application submittal, staff should be able to process and take action on plats within the prescribed 30-day time period with minimal risk for a plat to be automatically approved because it exceeds the 30-day time period. This should also help streamline the entire subdivision plat process by reducing the required submission items making the technical review less formal and more collaborative with the applicant. Then the formal subdivision plat application processing timeline will be greatly improved as all technical review has been previously completed and staff will only need to double check exhibits and prepare them for approval by the Planning & Zoning Commission.

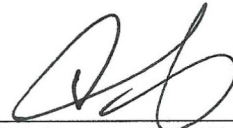
While this change adds a pre-requisite to the plat application process, it is only rearranging the steps to require the review first, and ultimately will improve customer service and aid in expediting the overall processing timeline.

Member Neuse moved to recommend to the City Council the approval of the change. Member Patterson seconded the motion. The motion passed unanimously.

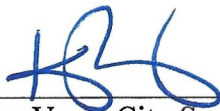
ADJOURN

On a motion by Member Patterson and a second by Member Frenzel, the meeting was adjourned at 6:18 p.m.

Approved this 7th day of September 2021.



Tim Gescheidle, Chairperson



Kristina Vega, City Secretary