



Agenda
Planning and Zoning Commission
Council Chambers/City Hall
125 E. South Main, Flatonia, Texas

August 3, 2020
City of Flatonia
Regular Meeting
6:00 p.m.

In accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, Notice is hereby given that a Regular Meeting of the Planning and Zoning Commission of the City of Flatonia will be held on Monday, August 3, 2020 beginning at 6:00 p.m. in the City Hall Council Chambers located at 125 E. South Main St., Flatonia, Texas, for the purpose of considering the following agenda items:

A temporary suspension 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 meeting agenda is posted online at:
http://www.flatoniatx.gov/page/Council_Agendas_Minutes

To attend the meeting remotely, via the Zoom meeting app, use the link Join Zoom Meeting
<https://zoom.us/j/94610249979?pwd=QVozMDZmdHZSShdFQzE1VldlSG80QT09>

Meeting ID: 946 1024 9979
Passcode: 601547

To attend by phone only, dial (888) 788-0099 or (346) 248-7799

Members of the public who wish to submit their written questions or comments on a listed agenda item must submit these by sending an email to City Manager Sarah Novo at manager@ci.flatonia.tx.us. Questions or comments must be received no later than 12:00 noon on Monday, August 3rd, 2020.

Opening Agenda

Call to Order
Citizen Participation

Public Hearing

PH8-2020.1 Public Hearing on request from Emilio Romero to rezone of PID 50611 addressed

with FCAD as 714 N. Walnut St., southeast corner of Walnut St. & Collins St. The property is currently zoned High Density Residential (R-3). The request is for the property to be rezoned as Medium Density Residential (R-2) to allow for the installation of a single manufactured home.

Consent Agenda

Consider and take appropriate action on the Minutes of the August 5, 2019 Planning and Zoning meeting.

Deliberation Agenda

8-2020.1 Consider and take appropriate action on request from Emilio Romero to rezone PID 50611 addressed with FCAD as 714 N. Walnut St., southeast corner of Walnut St. & Collins St.

Adjournment

I, the undersigned authority, hereby certify that the Notice of Meeting was posted on the bulletin board outside the front door of the City Hall of the City of Flatonia, Texas, a place convenient and **readily accessible to the General Public at all times** and said Notice was posted on the following date and time: **July 31, 2020 by 5:00 p.m.** and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Sarah Novo, City Manager, City of Flatonia

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The Flatonia City Hall is wheelchair accessible. Access to the building is available at the primary entrance facing Main Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print are requested to contact the City Secretary's Office at 361-865-3548 or by FAX 361-865-2817 at least two working days prior to the meeting so that appropriate arrangements can be made.



Flatoria Planning and Zoning

Staff Report

August 3rd, 2020 Meeting

PUBLIC HEARING

Agenda Item:

Public Hearing on request from Emilio Romero to rezone of PID 50611 addressed with FCAD as 714 N. Walnut St., southeast corner of Walnut St. & Collins St. The property is currently zoned High Density Residential (R-3). The request is for the property to be rezoned as Medium Density Residential (R-2) to allow for the installation of a single manufactured home.



Flatonía Planning and Zoning

Staff Report
August 3rd, 2020 Meeting

CONSENT

Agenda Item:

Approve Minutes of August 5, 2019 Regular Meeting

Recommended Motion:

I move to approve the consent agenda to include the minutes of the August 5, 2019, Regular Meeting.

**Minutes
City of Flatonia
Planning & Zoning Commission
Regular Meeting
August 5, 2019**

Present:

Members

Brad Cosson
Robert Cunningham
Kirby Farek, Chairman
Sheila Novak
William Richter
Len Waska, Vice Chairman

City Personnel

Mark McLaughlin, City Manager
Cheryl Sedlar

Not Present:

Lisa Kirtley

Opening Agenda

Call to Order -Meeting was called to order by Chairman Kirby Farek at 6:00pm.
Citizen Participation -No citizens were present who wished to speak.

Reports

Report on Building Permits Issued
Report on Council action on previous Planning and Zoning actions

Public Hearing

PH8-2019.1 Public Hearing on request from Zachary Mikulenka and Joan Biel to vacate the City of Flatonia's right-of-way oriented east – west between 8th Street and 9th Street, starting at Market Street and running West along the southern property lines of Zachary Mikulenka's property (PID 98082) and Joan Biel's property (PID 28003) to the westernmost property line of Joan Biel's property; 200 feet in total length.

No citizens were present to speak.

Deliberation Agenda

8-2019.1 Brad Cosson motioned to approve the Minutes of the March 4, 2019 Planning and Zoning meeting. Len Waska seconded the motion. None opposed. Motion carried.

Chairman Kirby Farek spoke to recuse himself from this discussion at 6:06pm. Vice chairman Len Waska stepped in to conduct the meeting on his behalf.

8-2019.2

Len Waska motioned to recommend to the Flatonia City Council that Zachary Mikulenska and Joan Biel be allowed to use the City of Flatonia's right-of-way oriented east – west between 8th Street and 9th Street, starting at Market Street and running West along the southern property lines of Zachary Mikulenska's (PID 98082) and Joan Biel's property (PID 28003) to the westernmost property line of Joan Biel's property; 200 feet in total length for any lawful purpose until such time as the City of Flatonia has a use for the property at which time Zachary Mikulenska and Joan Biel or whoever owns the property at that time will be sent a registered letter allowing them 90 days to remove any personal property from the area in question. Motion died due to a lack of second.

Brad Cosson motioned to recommend to the Flatonia City Council that the request from Zachary Mikulenska and Joan Biel to vacate the City of Flatonia's right-of-way oriented east – west between 8th Street and 9th Street, starting at Market Street and running West along the southern property lines of Zachary Mikulenska's property (PID 98082) and Joan Biel's property (PID 28003) to the westernmost property line of Joan Biel's property; 200 feet in total length be not approved. Sheila Novak seconded the motion. None opposed. Motion carried.

Sheila Novak motioned to adjourn the meeting. Robert Cunningham seconded the motion. Meeting adjourned at 6:35pm.

Respectfully Submitted,

Cheryl Sedlar

Signed

Kirby Farek
Chair



Flatoria Planning and Zoning

Staff Report
August 3rd, 2020 Meeting

DELIBERATION

Agenda Item:

Consider and take appropriate action on request from Emilio Romero to rezone PID 50611 addressed with FCAD as 714 N. Walnut St., southeast corner of Walnut St. & Collins St.

Background:

PID# 50611

Request for Zoning Change from R-3 to R-2

This property was originally zoned as R-1. In 2011, the property owner at the time came before the Planning and Zoning Commission with a request to change the zoning of this property from R-1 to R-3 with the reason being an anticipated sale of the property to adjoining property owners who were zoned R-3 and operating manufactured home parks. At the time the rezone made sense if the property was intended for purchase and continued use as an extension of the existing parks, however the sale to adjacent landowners fell through after the request for rezone had been granted. The lot size of this property on its own is not large enough to accommodate a manufactured home park to be developed on site in accordance with current zoning.

The current property owner is Emilio Romero. Mr. Romero recently came to city hall to inquire about placing a single manufactured home on the lot as a home for his family. With the current R-3 zoning, this property allows a manufactured home park to be developed however lot size restricts this development. Current zoning does not allow the placement of a double-wide manufactured home by itself. To correct the city's 2011 rezone error, the city is requesting the property be rezoned as R-2, which would allow the placement of a manufactured home. This rezone would not constitute a "spot zone" as the property to the west of N Walnut is already zoned as R-2.

P&Z Hearing: August 3, 2020

City Council: August 11, 2020

Deadline for publication in paper: July 13, 2020

Deadline to notify property owners by mail: July 17, 2020

Recommended Motion:

I move to approve the request from Emilio Romero to rezone PID 50611 addressed with FCAD as 714 N. Walnut St., southeast corner of Walnut St. & Collins St. from High Density Residential (R-3) to Medium Density Residential (R-2) to allow for the installation of a single manufactured home which is consistent with surrounding uses and zoning.

Exhibits:

- A. City of Flatonia Zoning Review Request Form
- B. Notice of Public Hearing
- C. Notice to Landowners
- D. Map of Noticing
- E. Landowner Notice Addressing
- F. Response from Landowners
- G. Site photos
- H. Code of Ordinances

EXHIBIT A

City of Flatonia
Zoning Review Request Form

- Request for Zoning Change (\$100.00 Application fee)
- Request for Variance (\$100.00 Application fee)
- Request for Conditional Use Permit (\$100.00 Application fee)
- Other -explain below (Application fee \$ _____)

Date 6-15-20 Receipt # FEE WAIVED

Name of Property Owner EMILIO ROMERO

Physical address of property affected 714 WALNUT

Appraisal District Property ID# 50611 Zone R-3

Requested change CHANGE TO R-2 TO ALLOW
PLACEMENT OF A SINGLE "DOUBLE-WIDE"
MANUFACTURED HOME.

Mailing address of property owner P.O. Box 338
Flatonia, Tx 78941

Contact phone number of property owner (979) 249-6364

Email address _____

Check all of the items for documentation you are providing for your hearing:

- Map(s)
- Survey
- Photograph(s)
- Plans/blueprint
- PowerPoint presentation
- Other

Additional information may be necessary.

Emilio M. Romero
Signature of Property Owner

FOR CITY USE ONLY:

REQUEST IS APPROVED _____ DENIED _____

I. Date of notification to City	II. Deadline for publication in paper	III. Deadline to notify property owners by mail
<u>6-15-20</u>	<u>7-13-20</u>	<u>7-17-20</u>

P & Z Meeting date: AUG. 3 2020 City Council Meeting date: AUG. 11, 2020

NOTES: _____

EXHIBIT B
PUBLIC HEARING NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Commission of the City of Flatonia, Texas, at the Flatonia City Hall, 125 East South Main, Flatonia, Texas, at a meeting to be held at 6:00 p.m. on Monday, August 3rd, 2020 on the matter described below. The Flatonia City Council will also hold a public hearing on the same matter at a meeting to be held at 6:00 p.m. on Tuesday, August 11th, 2020.

Emilio Romero is requesting a rezone of PID 50611 addressed with FCAD as 714 N. Walnut St., southeast corner of Walnut St. & Collins St. The property is currently zoned High Density Residential (R-3). The request is for the property to be rezoned as Medium Density Residential (R-2) to allow for the installation of a single manufactured home.

The Flatonia Planning and Zoning Commission will make a recommendation to the Flatonia City Council regarding the request. The City Council will act on the recommendation from the Planning and Zoning Commission at its meeting on Tuesday, August 11, 2020, at 6:00 p.m.

All interested citizens are invited to attend said meetings.

Anyone having questions regarding this rezone request are encouraged to contact the City Manager, Sarah Novo, at manager@ci.flatonia.tx.us, or (361) 865-3548.



July 17, 2020

**Notice to Landowners
Zoning Change Application**

An application has been filed with the City of Flatonia requesting a zoning change for a property located in the area of property you own in the City of Flatonia.

In accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, Notice is hereby given that a Regular Meeting of the Planning and Zoning Commission of the City of Flatonia will be held on Monday, August 3, 2020 beginning at 6:00 p.m. in the City Hall Council Chambers located at 125 E. South Main St., Flatonia, Texas, for the purpose of considering the following agenda items:

EXHIBIT D

Emilio Romero has submitted a request to the City of Flatonia requesting that the zoning designation of property he owns located at 714 Walnut Street (PID 50611) be changed. The property is currently in the zoning classification of High Density Residential (R-3). He is requesting the zoning classification for this property be changed to Medium Density Residential (R-2) to allow for the installation of a single manufactured home.

A public hearing will be held by the Planning and Zoning Commission of the City of Flatonia, Texas, at the Flatonia City Hall, 125 East South Main, Flatonia, Texas, at a meeting to be held at 6:00 p.m. on Monday, August 3, 2020 on the matter described above. The Flatonia Planning and Zoning Commission will make a recommendation to the Flatonia City Council regarding the request. The Flatonia City Council will also hold a public hearing and may act on the recommendation from the Planning and Zoning Commission on the same matter at a meeting to be held at 6:00 p.m. on Tuesday, August 11, 2020.

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<https://zoom.us/j/95636675573?pwd=UEtUS2VnYWJkcmN4UmJkRVc0Z0gxUT09>

Meeting ID: 956 3667 5573

EXHIBIT D MAP OF NOTICING

Fayette County 911 Addressing
(979)968-6489



Properties that are within the city limits of Flatonia and within 200' of PID: 50611



The information on this map has been provided by Fayette County staff from a variety of sources and is subject to change without notice. Fayette County makes no claim, guarantee, or promise about the accuracy or completeness of the data and hereby disclaims any liability for any errors or omissions. Reproved boundaries are approximate and should not be used for legal or survey purposes.

2018 Pictometry
City Limits

1 inch = 150 feet



EXHIBIT E LANDOWNER NOTICE ADDRESSING

PROP_ID	first name	last name	situs_num	situs_stre	situs_st_1	addr_line1	addr_line2	city	state	zip
25417	JUANA & JUAN	VALDEZ	WALNUT		ST		P O BOX 1008	FLATONIA	TX	78941
25509	FREDDIE LEE	WILLIAMS	WALNUT		ST (EASEMENT)		BOX 274	FLATONIA	TX	78941
27970	TONYA	GUYTON	714		WALNUT ST		714 WALNUT	FLATONIA	TX	78941
28022	GRADY MANUEL	EST	800 N		WALNUT ST	% KAILA BROWN	19010 BUFFALO RIVER WAY	HOUSTON	TX	77084
28102	JOHNNIE	WILLIS	WALNUT		ST		P O BOX 738	FLATONIA	TX	78941
28109	AJNDJ	LLC	709 N		WALNUT ST		P O BOX 828	LA GRANGE	TX	78945
28112	COMA	WILLIAMS	WALNUT OR		HACKBERRY ST	% RAYMOND WILLIAMS	15167 CHUPAROSA ST	VICTORVILLE	CA	92394
50611	EMILIO	ROMERO	714		WALNUT ST		P O BOX 338	FLATONIA	TX	78941
51032	JUANA	MENDEZ	811		WALNUT ST		P O BOX 1008	FLATONIA	TX	78941
51390	ALEX	METCALF	705		COLLINS ST		PO Box 329	WAEELDER	TX	78959
58695	GERALDO MORALES EST	& FLORES PATRICA EST	640		WALNUT ST		P O BOX 502	FLATONIA	TX	78941

EXHIBIT F
RESPONSE FROM LANDOWNERS

Password: 085027

To attend by phone only, dial (888) 788-0099 or (346) 248-7799

The public hearing is open to any interested person. The reply form on the back of this letter can be used if you would like to submit written comments. All written comments submitted before the public hearing will be read at the public hearing.

Notice of the public hearing has already been published in the Flatonia Argus. If you have any questions regarding this notice or the Zoning Change Application, please contact City Manager, Sarah Novo at manager@ci.flatonia.tx.us or 361-865-3548.

Reply Form

In order to be on record, this form may be filled out and mailed to:

City of Flatonia
Planning & Zoning Dept.
P.O. Box 329
Flatonia, TX 78941



REPLY

Name: AJNDI LLC (Jay)
Address: P O Box 828
La Grange, Tx 76445
Phone: 1 (512) 825-1770

In Favor
 Opposed

Reasons and/or Comments:

Good luck and better for his life
so he can have his own house

I do plan to speak at the public hearing on August 3, 2020.
 I do not plan to speak at the public hearing on August 3, 2020.

Signature: J. M. Tajal (Jay)

EXHIBIT G
SITE PHOTOS







EXHIBIT H
 CITY OF FLATONIA CODE OF ORDINANCES
 ARTICLE III
 ZONING DISTRICT USE REGULATIONS

SECTION 3. TABLE OF PERMITTED USES - RESIDENTIAL DISTRICTS

PERMITTED USES	ZONING DISTRICTS		
	R-1	R-2	R-3
RURAL AND RELATED USES			
Agriculture	X		
Plant Nursery	CC		
RESIDENTIAL AND RELATED USES			
Home occupation (business within a dwelling unit)	X	X	X
Dwelling, Single-Family Attached (DSFA)(1)(2)(3)	X (1)	X (2)	X (3)
Dwelling, Single-Family Detached (DSFD)(4)(5)(6)	X (4)	X (5)	X (6)
Dwelling, Multifamily (DMF)			X
Dwelling, Two-Family (DTF)(7)	X(7)	X	X
Bed and Breakfast	CC	X	X
Rooming or Boarding House			X
Garage Apartment	CC	X	X
Manufactured Home		X	
Manufactured Home Park			X