

Village of Salado, Texas
Planning & Zoning Commission
Minutes
Regular Meeting
4:00 p.m. Tuesday, November 28, 2017
Municipal Building, 301 N. Stagecoach Road
Salado, Texas

Present: Chairman Larry Roberson, Tom McMahan Vice-Chair Susan Terry, KD Hill, Ronnie Tynes

Members Absent: None

Others Present: Chrissy Lee, Planning & Development; Don Ferguson, Village Administrator

1. CALL TO ORDER

Chairman Roberson called the meeting to order at 4:00 p.m.

2. CONSENT AGENDA

All items listed under this section, Consent Agenda, are considered routine by the P & Z Commission and may be enacted by one motion. If discussion is desired by the P & Z Commission, any item may be removed from the Consent Agenda at the request of a Commissioner and will be considered separately.

Consider approving the Consent Agenda item(s):

- a. Minutes, November 14, 2017, Regular Meeting.

Commissioner Hill made a motion to approve the Consent Agenda. Commissioner Tynes seconded. The motion carried unanimously (5-0).

3. REGULAR SESSION

- a. PUBLIC HEARING AND POSSIBLE ACTION – Hold a public hearing and consider possible action regarding CUP-17-003 – an application for a Conditional Use Permit (CUP) to allow a duplex on a property zoned Historic District (HD) located at 716 Center Circle in Salado, Bell County, Texas.

Ms. Lee explained that if granted the Conditional Use Permit (CUP) would not change the zoning of the property which is Historic District, but would allow for the duplex use.

She advised that the applicant, Kirt Hearne, Hearne Enterprises, LLC is seeking a CUP for the property located at 716 Center Circle, Salado. The applicant is proposing one unit upstairs and one unit downstairs. He will also maintain a room for use as a Bed & Breakfast. Staff published notice of the Public Hearing in the Salado Village Voice on November 9, 2017 and notice had also been sent to twelve (12) property owners within 200' on November 9, 2017. As of meeting time, nine (9) written responses had been received in opposition and no written responses were received in favor. Additionally, six (6) written

letters/emails had been received in opposition from residents of the community who were not in the notification area.

Mr. Ferguson explained the following: A CUP is a zoning action. Zoning districts have permitted uses, conditional uses, and uses that are prohibited. Conditional uses are on the border line of permitted, they are a special use. A CUP goes with the property. The only way it goes away is if it is requested to be withdrawn by the property owner or if the property owner has violated the CUP. The Commission has the ability to recommend conditions be put on the use. There are a wide range of conditions that can be recommended such as requirements for refuse, driveways, lighting, etc. It cannot have conditions such as the amount of rent to be charged or who the property could be rented to. You cannot put time restraints on the CUP. A CUP does not set precedent, it is considered on a case-by-case basis. Factors for consideration include consistency with the Comprehensive Plan and compatibility with the neighborhood.

Vice-Chairman Terry asked for confirmation that the property was currently vacant. Mr. Ferguson responded it was.

Commissioner Hill asked if the Historic Society had given a recommendation. Ms. Lee explained that the Historic Society official response was to remain neutral.

The applicant, Kirt Hearne (5818 FM 2484), resident since 2005, property owner since 2007 (rental properties), and employed in the Village since 2011, gave a brief history of the property which has been vacant for seven (7) years. Current owner does not live in Salado. He is either going to rent or sell this property. Current structure built in the 1960's and expanded in the 1980's. The applicant intends to clean the property. Changes to the interior will not have an effect on the exterior. Mr. Hearne currently vets his tenants with background and credit checks and will continue to do so. He enforces rules at his tenant properties and does periodic interior/exterior inspections. Mr. Hearne limits the number of vehicles and prohibits external storage. His intention is to purchase the property and create an apartment upstairs and an apartment downstairs and maintain a unit for bed and breakfast use.

Commissioner Hill asked if there was any historic significance to the rock wall located on the property. Mr. Hearne said not that he was aware of. She then asked if there were any deed restrictions on the property. Mr. Hearne replied that there were none.

Vice-Chairman Terry inquired what type of gravel work the applicant intended to do on the driveway and parking areas. Mr. Hearne responded that there is already gravel parking that is overtaken with grass that needs to be treated, but there is plenty of parking. She then asked the number of anticipated parking spots. He replied there would be a total of five (5).

Chairman Roberson asked if the applicant intended to place any fencing on the property. Mr. Hearne said that was a possibility.

Commissioner McMahan confirmed with the applicant that he did not intend to make any external alterations to the structure. He then asked what the rent structure for the units would be. Mr. Hearne explained that he intended to rent the two duplex units for \$1500/month (all bills paid).

Commissioner Hill asked if on street parking would be prohibited. Mr. Hearne felt like that would not be an issue.

Vice-Chair Terry asked if there were plans for developing the rest of the property. Mr. Hearne responded no.

Mr. Ferguson asked the applicant if he would be willing to provide closed in parking on the property. The applicant advised that there were two (2) existing garaged parking spots.

Chairman Roberson opened the meeting for Public Hearing:

Hans Fields (818 Blaylock Circle) – Opposed to the CUP. The size of the property, 1.3 acres, is large enough to build more duplexes on it. The surrounding property owners do not want the CUP and that should be enough. Great deal of history in the area. The house may not be historic, but the land is. It was donated in 1859 as part of the acreage that included College Hill.

Bill Smith (717 Center Circle) – Duplexes are scary. The property and wall are historic. The wall was placed for terracing. The log cabin behind the school house came from near here. The driveway across the street was a wagon turn around. There is also a grave on the site. Long hours were spent coming up with the terms of the Historic District and should be respected and left alone.

Commissioner Terry asked how allowing a duplex hurts the Historic District. Mr. Smith responded that it may or may not hurt the District. It could open the door for more people asking for the same use. His main concern is changing the guidelines of the Historic District. Expressed that if there was a problem, being next door, he would have to be the first to deal with it. Prefers to see no pavement in the Historic District.

Commissioner McMahan stated he didn't understand the objection since somewhere in the neighborhood of seventy percent (70%) of this area was already rental property, whether by the day or by the month. He also reiterated that Mr. Hearne was going to vet the tenants, whereas a B&B facility does no vetting.

Stephen Kirkpatrick (901 Center Circle) – wanted to reiterate this is a zoning issue and is forever. Concerned this lot is big enough for additional units or development and this CUP would encompass the whole property. Mr. Kirkpatrick's statement was corrected by Commissioner Hill and Ms. Lee, who explained that Village ordinance states the CUP, if granted, would only be applicable to the existing structure which could not be expanded. Mr. Kirkpatrick also has concern that this is right in the middle of Single Family Residential. Reminded the Commission that this action goes with the land even if sold.

Linda Reynolds (507 Santa Rosa) – Mentioned to the Commission that the 200' notices used the word "variance", that the website said this was a change in zoning, and that the newspaper notice did not include the use of B&B. Believes the Historic Society and this Commission failed the neighborhood by not having the property re-zoned to Single Family Residential. Mr. Ferguson explained that the newspaper did not include B&B use because that is already allowed. He also clarified that there was not an error on the website and that the 200' notices conformed to legal requirements.

Lauren Drake (101 Salado Creek Place) – Addressed Vice-Chair Terry's question on how this use affects the Historic District. She expressed the higher density use is not consistent with Single Family Residential. Restrictions are in place to protect the Historic District. Explained there was quite a difference in elevation on the property and there was not enough parking for give (5) cars. Concerned their living areas face where these cars would be parked. Concerned there was no storage on the property and that permanent renters would bring outdoor furniture and children's items.

Larry Sands (2300 Indian Trail) – Gave a brief history of the rental and purchase transactions of the property. Explained the difficulty he, as the real estate agent, has had along with the present owners in trying to sell the property. There are also difficulties in finding a family to rent such a large home

(6br/6.5b). Encouraged the Commission to recommend approval of this CUP, giving he applicant and his wife an opportunity to rent this property to qualified tenants who will love and take care of the property.

Darlene Walsh (1110 Mill Creek Drive) – Was involved in the original zoning of Salado and the creation of the Comprehensive Plan. This property was a B&B and restaurant. Salado Creek Place and Royal View were just building up. Zoned this property Historic because of all of the existing historic properties and B&B's in the area. Believes that it should have been re-zoned to Single Family Residential after the B&B/restaurant closed. Feel's the problem with a CUP is that it sets a precedent. A CUP is not appropriate here, but may be appropriate in other areas of the Historic District that are not next to a single family use.

Joe Wood (109 Salado Creek Place) – Allowing a CUP would devalue property value to surrounding neighbors.

Bonnie Smith (717 Center Circle) – There are nine (9) homeowners and six (6) residents write in opposition and no one right for this.

Judy Fields (818 Blaylock Circle) – Asked the Commission what brought them to Salado. The charm? The history? We don't want to lose our history to progress. She and her husband give historic tours and no one wants to see a duplex on a historic tour. Majority of all contacted by public notice have responded no, please listen.

Amy ? (352 Mill Creek Drive) – Tenant of Mr. Hearne's. Keeps his homes and the properties pristine. Performs maintenance and updates to properties. Went through an extensive background check with Mr. Hearne.

Will Lowery (602 Center Circle) – Shares concerns with neighbors. Has concerns about the integrity and atmosphere of the neighborhood. He is far more afraid of what almost happened with tenants is worse than what is being proposed here. He feels the Commission can listen to the neighborhood and list conditions on the CUP that would help alleviate the concerns brought forth today.

Maurice Carson (314 Royal View Road) – Spent many years in real estate and development. Believes opening the door to one duplex promotes the potential for more duplexes or apartments.

Linda Reynolds presented staff with a letter from Maryanne Fiorenza.

After no response to additional calls for public comment, Commissioner Hill motioned to close the Public Hearing at 5:15 p.m. Commissioner Tynes seconded. The motion carried unanimously (5/0).

Mr. Hearne made the following closing remarks addressing some concerns brought forth: There would be no outside changes to the structure. Is unaware and there is no designation that there is anything on the property that is historic. Density would be less than that of a B&B use. Potential cars on the property with a B&B have no restrictions. There would be no parking on the upper terrace. Storage available in all six (6) bedrooms and the garage. There are apartments above Carriage House and Salado Church Place, both in the Historic District. Feels someone keeping up with the property would help property values more than a vacant house. No one will know from the outside that the use has changed.

Vice-Chair Terry asked if the following conditions would be acceptable to the applicant: 1.Limiting the parking to six (6) cars; 2. Maintaining the driveway as unpaved; 3. Working with the Historic Society on the preservation of the rock wall; and 4. Limiting development to the existing house.

Chairman Roberson mentioned neighbors may be interested in a fence on the North side of property. Mr. Hearne said he had spoken with the neighbor and he is not opposed to a fence.

Mr. Ferguson explained that if the Commission wanted to recommend conditions related to parking, a site plan would need to be presented to the Board of Alderman with this request.

Vice-Chair Terry made a motion to recommend approval of the Conditional Use Permit at 716 Center Circle, Salado, Bell County, Texas with the following conditions: that the parking be limited to six (6) cars; that the driveway be maintained, as per the Historic Society recommendation; that the applicant work with the Historic Society to preserve the rock wall; that the development is limited to the existing house; that a site plan is prepared to show a privacy fence on the North side and that parking be on the South side.

After discussion relating to conditions and limitations, the Commission felt additional review time was needed to be specific. A question was raised in the audience about forwarding a recommendation to the Board of Alderman and a super majority vote. Mr. Ferguson explained if twenty percent of the property notified (not the people, but the acreage) responded in written opposition, this would require a unanimous vote of the BOA for approval. Staff was instructed to meet with Mr. Hearne to develop a site plan.

Vice-Chair Terry made a motion to continue consideration of this case until Tuesday, December 5, 2017 at 3:00 p.m. Commissioner Tynes seconded. The motion carried unanimously (5/0).

4. ADJOURN

Chairman Roberson adjourned the meeting at 5:40 p.m.

These minutes approved on _____

Larry Roberson, Chairman

Chrissy Lee, Planning & Development