



**NOTICE OF MEETING
PLANNING & ZONING COMMISSION
OF MARBLE FALLS, TEXAS
Thursday, March 3, 2016 – 6:00 PM**

A quorum of the Marble Falls City Council and the Economic Development Corporation may be present

Fred Zagst, <i>Vice-Chairman</i>	Steve Reitz, <i>Chairman</i>	Mike Hodge, <i>City Manager</i>
Dee Haddock, <i>Commissioner</i>		Caleb Kraenzel, <i>Development Svs Director</i>
Thomas E. Barr, <i>Commissioner</i>		Elizabeth Jaimes, <i>City Planner</i>
Darlene Oostermeyer, <i>Commissioner</i>		Chelsea Seiter-Weatherford, <i>GIS Analyst</i>
Greg Mills, <i>Commissioner</i>		Scarlet Contreras, <i>Commission Secretary</i>
Jason Coleman, <i>Commissioner</i>		Patty Akers, <i>City Attorney</i>

The City of Marble Falls Planning & Zoning Commission will meet on **Thursday, March 3, 2016**, in **regular session at 6:00 p.m.** in the City Council Chambers at 800 Third Street, Marble Falls, Texas.

The agenda listed below is distributed to the Chair, Commission members, and the Marble Falls Public Library no later than the Monday preceding the Commission meeting. The agenda is also posted on the City's website: www.marblefallstx.gov

1. **CALL TO ORDER AND ANNOUNCE PRESENCE OF QUORUM**
2. **Citizen/Visitor Comments to be heard for items not on the agenda:** This is an opportunity for citizens to address the Planning and Zoning Commission concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Commission. The Chair may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting.
3. **REGULAR AGENDA:** The Commission will individually consider and possibly take action on any or all of the following items:
 - A. **Discussion and Action:** Administration of oaths for reappointed Commissioners and election of Commission Chairperson and Vice-Chairperson for the 2016 calendar year. *(City Staff)*
 - B. **Approval of Minutes:** Minutes from the joint workshop on February 2, 2016 and from the regular meeting on February 4, 2016. *(Scarlet Contreras, Commission Secretary)*
 - C. **Presentation and Discussion:** Regarding an update and summary of the Downtown redevelopment project- Hotel Conference Center partnership. *(Christian Fletcher, Executive Director, Marble Falls Economic Development Corporation)*
 - D. **Public Hearing, Discussion, and Recommendation:** Regarding a variance request to Section 602. Restriction of age of structure moved into any district, District Regulations, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to allow for a historic structure built in 1904 to be relocated within the Single-Family Base District (R-1), for residential use on Lot 3-A, Block 36, Marble Falls Original Township, City of Marble Falls, Burnet County, Texas, municipally addressed as 604 Avenue F. Case 2016-6-V. *(Randy Rudman, applicant and owner)*



- E. **Public Hearing, Discussion, and Recommendation:** Regarding a rezoning request from Mobile Home Park Base District (MH-2) to Single-Family Base District (R-1) for Lots 9-A and 12-A, K & B Addition, City of Marble Falls, Burnet County, Texas, municipally addressed as 904 McDonald Drive and 900 McDonald Drive. Case 2016-7-Z. *(Steven Tomlinson, applicant and owner)*
- F. **Public Hearing, Discussion, and Recommendation:** Regarding a zoning text amendment to Sections 1030-1099 of the Landscape Ordinance, General Regulations, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to amend the Protected Trees regulations and to amend any conflicting regulations therein. *(City Staff)*
- G. **Discussion and Action:** Regarding Comprehensive Plan Update and scheduling a Special Meeting date for recommendation of the Comprehensive Plan. *(City Staff)*
- H. **Presentation and Discussion:** Previous Planning and Zoning Commission items, City Council Disposition and update regarding future planning projects. *(Commission)*
 - 1. 908 Avenue G CUP request, Case 2016-1-CUP
- I. **Presentation and Discussion:** Monthly Building Permit Summary; Construction Update. *(City Staff)*

4. ADJOURNMENT

“The Planning & Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including but not limited to, Sections: 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues), and as authorized by the Texas Tax Code including but not limited to, Section 321.3022 (Sales Tax Information).”

In compliance with the Americans for Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending the Commission Meetings. To better serve you, requests should be received 24 hours prior to the meeting, by contacting Ms. Christina McDonald, City Secretary, at 830-693-3615.

Certificate of Posting Agenda Meeting Notice

I, Elizabeth Jaimes, City Planner for the City of Marble Falls, Texas, certify this Meeting Notice was posted at the Marble Falls City Hall in a place readily accessible to the general public, on the 26th day of February, 2016, at 5:00 p.m., posted thereafter for at least 72 continuous hours before the scheduled time of said meeting.

The agenda is also posted on the City’s web site: www.marblefallstx.gov.

Elizabeth Jaimes, City Planner



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
March 3, 2016**

To: Chairman and Planning & Zoning Commission
Item 3. A. Discussion and Action: Administration of oaths for reappointed Commissioners and election of Commission Chairperson and Vice-Chairperson for the 2016 calendar year.
Requested by: Christina McDonald, City Secretary

SYNOPSIS

City Secretary will administer oaths of office to reappointed Commissioners.

The Commission will then take action on the election of a Chairperson and Vice-Chairperson. Process is by nomination and vote on the person(s) nominated for each role.



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
March 3, 2016**

To: Chairman and Planning & Zoning Commission
Item 3. B. Approval of Minutes
Requested by: Scarlet Contreras, Commission Secretary

SYNOPSIS

Commission will consider approval of the minutes from the joint workshop on February 2, 2016, and the minutes from the regular meeting on February 4, 2016.

(Minutes attachment following this page)

**STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS**

On this 2nd day of February, 2016 the Planning and Zoning Commission convened in joint workshop session at 7:17pm with the City Council of the City of Marble Falls at the regular meeting place having been posted as prescribed by law, with the following members present in accordance to-wit:

P&Z COMMISSION PRESENT:	Steve Reitz Fred Zagst Darlene Oostermeyer Tom Barr Greg Mills	Chairman Vice-Chairman Commissioner Commissioner Commissioner
COMMISSIONERS ABSENT:	Dee Haddock Jason Coleman	Commissioner Commissioner
CITY COUNCIL PRESENT:	John Packer Jane Marie Hurst Rachel Austin- Cook Richard Lewis Ryan Nash Reed Norman	Mayor Mayor Pro-Tem Councilmember Councilmember Councilmember Councilmember
COUNCILMEMBERS ABSENT:	Richard Westerman	Councilmember
STAFF PRESENT:	Mike Hodge Caleb Kraenzel Elizabeth Jaimes Patty Akers Christina McDonald Mark Whitacre Margie Cardenas Johnny Caraway Mike Ingalsbe	City Manager Director of Development Services City Planner City Attorney City Secretary Police Chief Finance Director Fire Marshall Building Official
VISITORS:	Billy Wall Mary Ann Raesener Chad Calhoun Glynis Smith	Citizen City of Meadowlakes Mayor Citizen The Highlander

1. **CALL TO ORDER.** Chairman Reitz called the joint workshop to order at 7:17pm and declared a quorum of the Commission is present to conduct the joint workshop.
2. **JOINT WORKSHOP- Between the Marble Falls Planning & Zoning Commission and City Council.** Caleb Kraenzel, Director of Development Services addressed the Commission and Council. The Commissioners and Councilmembers took part in a discussion regarding Short Term Rentals (STRs), existing conditions, other jurisdictions, planning considerations, economics, and next steps; concluding that if STRs are going to be allowed in the City, they should not be allowed in Single Family Residential (R-1) and should be addressed in the Land Use Regulation re-write.
3. **ADJOURNMENT:** Vice-Chairman Zagst made a motion to adjourn the joint workshop. Commissioner Mills seconded the motion. The joint workshop was adjourned at 8:20 pm.

Steve Reitz – Chairman to the Commission

Scarlet Contreras - Commission Secretary

**STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS**

On this 4th day of February 2016 the Planning and Zoning Commission convened at the regular meeting place having been posted as prescribed by law, with the following members present in accordance to-wit:

MEMBERS PRESENT:	Steve Reitz Fred Zagst Dee Haddock Darlene Oostermeyer Jason Coleman Greg Mills Tom Barr	Chairman Vice-Chairman Commissioner Commissioner Commissioner Commissioner Commissioner
MEMBERS ABSENT:	None	
STAFF PRESENT:	Mike Hodge Caleb Kraenzel Elizabeth Jaimes Scarlet Contreras Mike Ingalsbe	City Manager Director of Development Services City Planner Commission Secretary Building Official
VISITORS	Curtis Knetsch Bill Dickey Patti Dickey Tom Martin	Citizen Citizen Citizen Citizen

1. CALL TO ORDER AND ANNOUNCE PRESENCE OF QUORUM: Chairman Reitz called the meeting to order at 6:00pm and declared a quorum of the Commission is present to conduct the meeting.

2. Citizens/Visitors comments to be heard for items not on the agenda: This is an opportunity for citizens to address the Planning and Zoning Commission concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Commission. The Chair may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting. There were no person(s) with any public comment(s).

3. REGULAR AGENDA: The Commission will individually consider and possibly take action on any or all of the following items:

A. Approval of Minutes: Minutes from the regular meeting on January 7, 2016 and workshop on January 19, 2016. (*Scarlet Contreras, Commission Secretary*) Vice-Chairman Zagst made a motion to approve the minutes as presented. Commissioner Mills seconded the motion. The motion was approved by a vote of 7 – 0.

B. Presentation, Discussion, and Recommendation: Regarding a Conditional Use Permit request to allow Single-Family Residential within the General Commercial Base District (C-3), with site plan approval, on Lot 9-A, Block No. 70 Marble Falls Original Township, City of Marble Falls, Burnet County, Texas, municipally addressed as 908 Avenue G. Case 2016-1-CUP. (*Curtis Knetsch, applicant, and Clayton Knetsch, owner.*) City Planner Elizabeth Jaimes addressed the Commission. Property owner, Bill Dickey, inquired about the zoning of the area and stated his overall approval of the project. Director of Development Services, Caleb Kraenzel, read a letter from property and business owner Ray Cardenas in favor of project with a concern with drainage. Applicant, Curtis Knetsch, addressed the drainage concern. Vice-Chairman Zagst made a motion to send Case 2016-1-CUP to Council for approval as presented. Commissioner Oostermeyer seconded the motion. The motion was approved by a vote of 7 – 0.

C. Presentation and Discussion: Previous Planning and Zoning Commission items, City Council Disposition and update regarding future planning projects. (*Commission*)

1. Update: City Staff Tree Ordinance draft
2. Update: 2015 Comprehensive Plan Update
3. Build Marble Falls 2015 Summary and 2015 Population Estimates

Director Caleb Kraenzel addressed the Commission.

D. Presentation and Discussion: Monthly Building Permit Summary; Construction Update (*City Staff*).
Director Caleb Kraenzel addressed the Commission.

4. ADJOURNMENT: There being no further items to discuss, Commissioner Haddock made a motion to adjourn the meeting. Commissioner Oostermeyer seconded the motion. The motion was approved by a vote of 7 – 0. The meeting was adjourned at 6:28 pm.

Steve Reitz - Chairman to the Commission

Scarlet Contreras - Commission Secretary



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
March 3, 2016**

To: Chairman and Planning & Zoning Commission
Item 3. C. **Presentation and Discussion:** Regarding an update and summary of the Downtown redevelopment project- Hotel Conference Center partnership.
Requested by: Christian Fletcher, Executive Director of the Marble Falls Economic Development Corporation

SYNOPSIS

This item will be an overview presentation by Christian Fletcher, Executive Director of the Economic Development Corporation regarding an update and summary of the Downtown redevelopment project and Hotel Conference Center partnership.



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
March 3, 2016**

To: Chairman and Planning & Zoning Commission
Item 3. D. **Public Hearing, Discussion, and Recommendation:** Regarding a variance request to Section 602. Restriction of age of structure moved into any district, District Regulations, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to allow for a historic structure built in 1904 to be relocated within the Single-Family Base District (R-1), for residential use on Lot 3-A, Block 36, Marble Falls Original Township, City of Marble Falls, Burnet County, Texas, municipally addressed as 604 Avenue F.

Requested by: Randy Rudman, applicant and owner
Case: Case 2016-6-V

SUMMARY

This item is regarding a variance request to Section 602 of the District Regulations for the City of Marble Falls, Texas. Section 602 states that “No structure more than five (5) years of age may be moved into any district established in the Land Use Regulations”. The applicant’s variance request is to allow for the relocation of a historic structure built in 1904 from the Mixed Use Base District (MU-1) to a site within the Single-Family Base District (R-1).

The historic structure is currently located at 911 Seventh Street, near the intersection of Main Street and Seventh Street. The structure was the original parsonage of the First Baptist Church of Marble Falls and was slated for demolition on January 1, 2016 in order to clear the current site for commercial use and to eliminate liability to the current land owners. The applicant became aware of the demolition and, after conducting several inspections, obtained liability insurance and the rights to possession and removal from the current owner, Dr. David Jones of Caliche Investments LTD.

The applicant is proposing to move the structure four (4) blocks from its current site, through a professional moving company from Austin known as Brown and Sons House Movers. The proposed site, henceforth referred to as the Subject Area, is Lot 3-A, Block No. 36, of the Marble Falls Original Township Subdivision, municipally addressed as 604 Avenue F. The Subject Area is currently a vacant lot owned by the applicant, 0.197 acres in size, sixty feet (60’) wide and one hundred and forty feet (140’) deep. The Subject Area is adequately served by City water and wastewater services, and is not located within the 100-year floodplain. The Subject Area and all adjacent lots on Avenue F are zoned Single-Family Base District (R-1).



Surrounding land uses include residential single-family along Avenue F and east of the Subject Area, and a mixture of retail-neighborhood, office-neighborhood, and residential uses to the west of the Subject Area along Avenue G.

The applicant would like to relocate the historic structure to the Subject Area to preserve the historic value of the structure and the historic character of the neighborhood. The structure and Subject Area will be used as a single-family residence and comply with all R-1 zoning regulations. The proposed site plan for the Subject Area can be found on page 20. The site plan features the existing footprint of the 1904 structure, along with the building footprint of two proposed additions, being a single story addition to the rear of the structure (on the west elevation), and a portico/deck addition on the side of the structure (on the north elevation). The structure and additions meet setbacks, maximum height requirements, minimum living area requirements, and impervious cover regulations. The floorplan of the existing structure, along with photography of the existing façade, can be found on pages 21-22. The proposed floorplan of the renovations can be found on page 23.

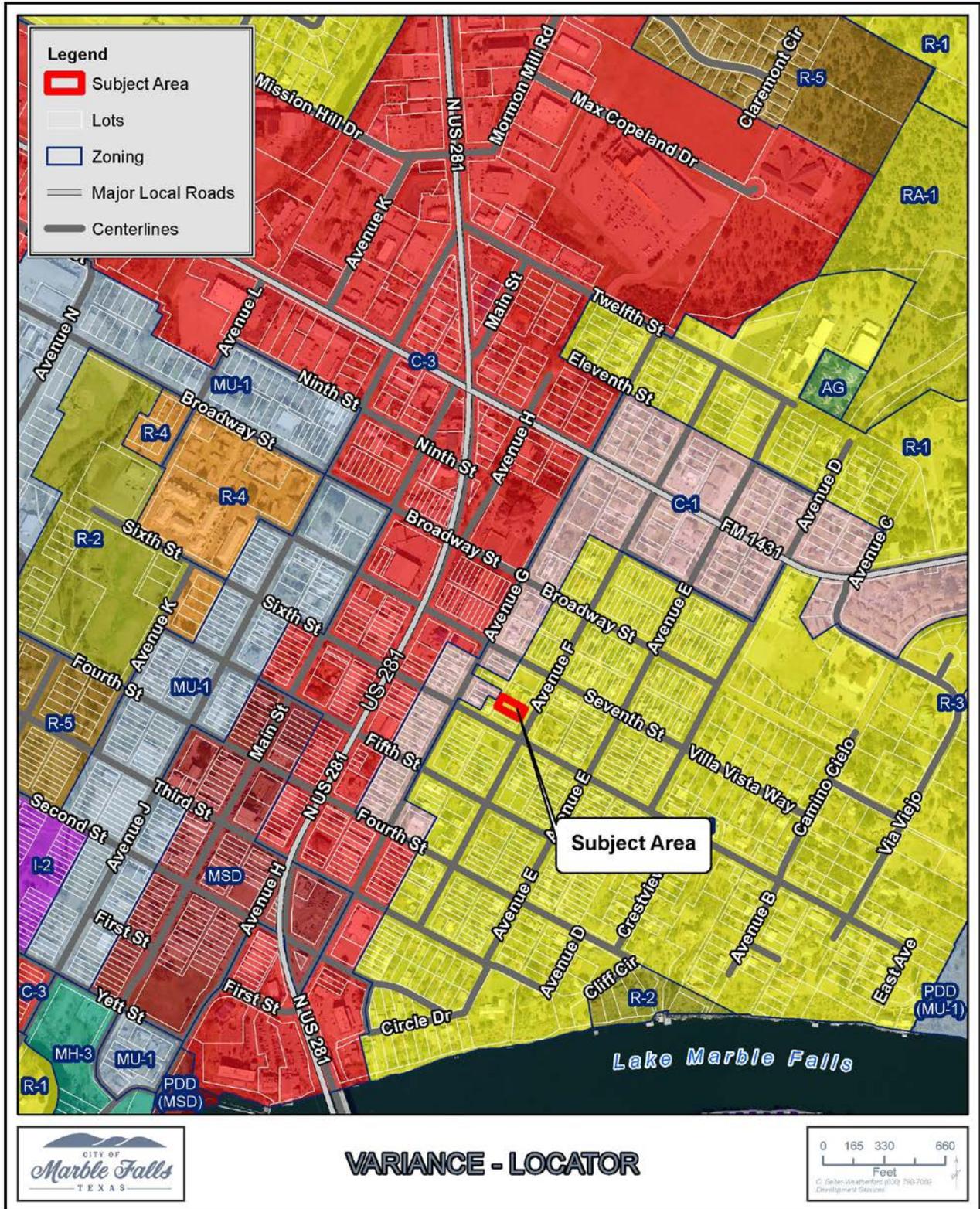
A total of 11 adjacent property owners within two hundred feet (200') of the Subject Area were mailed notification letters, including the public hearing dates and a pre-paid comment card for response supporting/opposing the proposed variance. At the time of packet distribution two (2) cards were returned, one against the variance request and one in support.

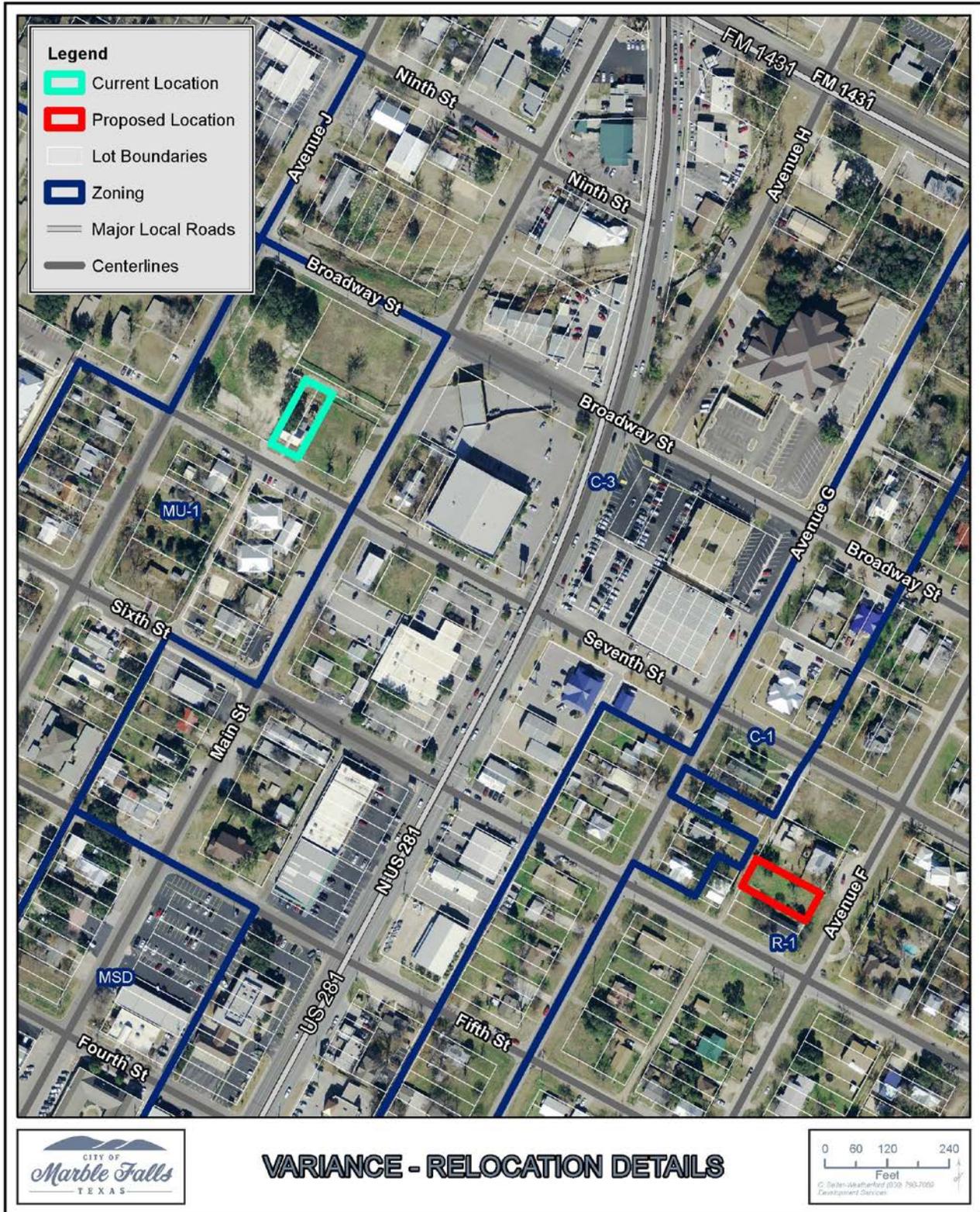
RECOMMENDATION

Due to consistency with the Comprehensive Plan, the surrounding zoning compatibility and the proposed use not posing an incompatibility with surrounding properties or land uses, Staff recommends approval of the variance request for Lot 3-A, Block No. 36, Marble Falls Original Township.

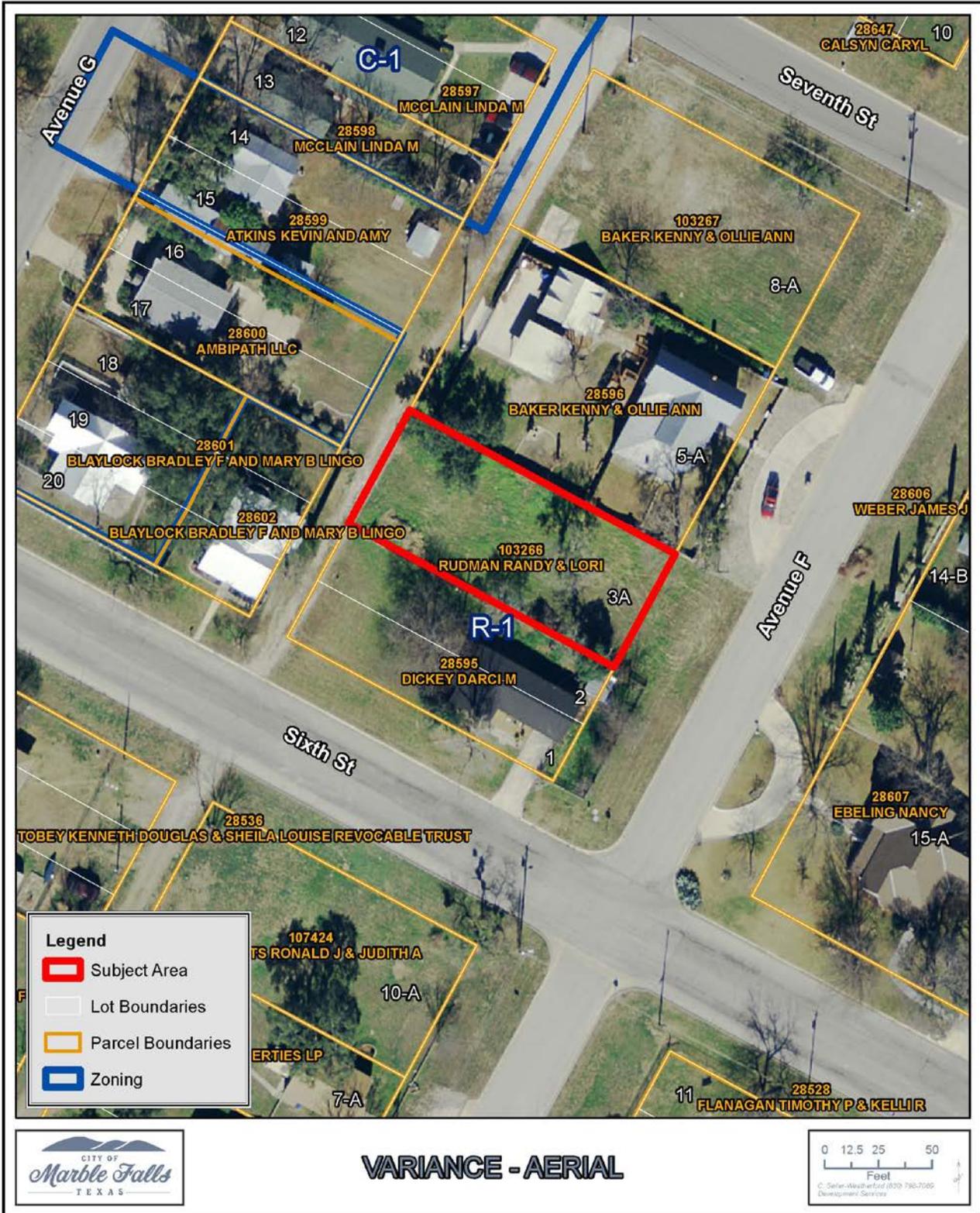
Memo Contents:

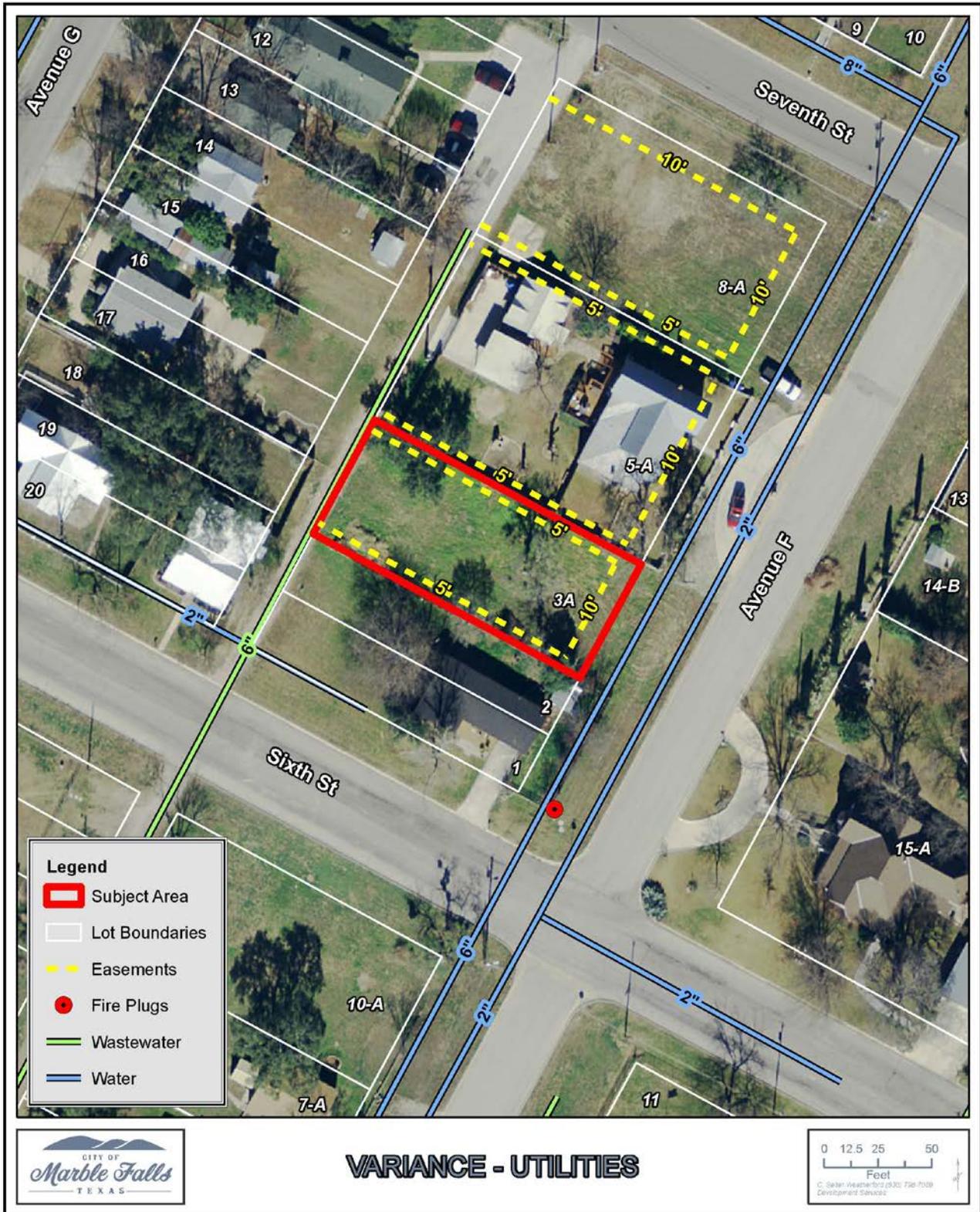
- Informational maps produced by City Staff: **Pages 8 - 15**
- Applicant Statement: **Page 16**
- Liability Insurance: **Page 17**
- Rights to Possession and Removal: **Page 18**
- House Moving Contract: **Page 19**
- Site Plan: **Page 20**
- Existing Floorplan and Proposed Additions **Page 21**
- Existing Facade: **Page 22**
- Proposed Floorplan: **Page 23**

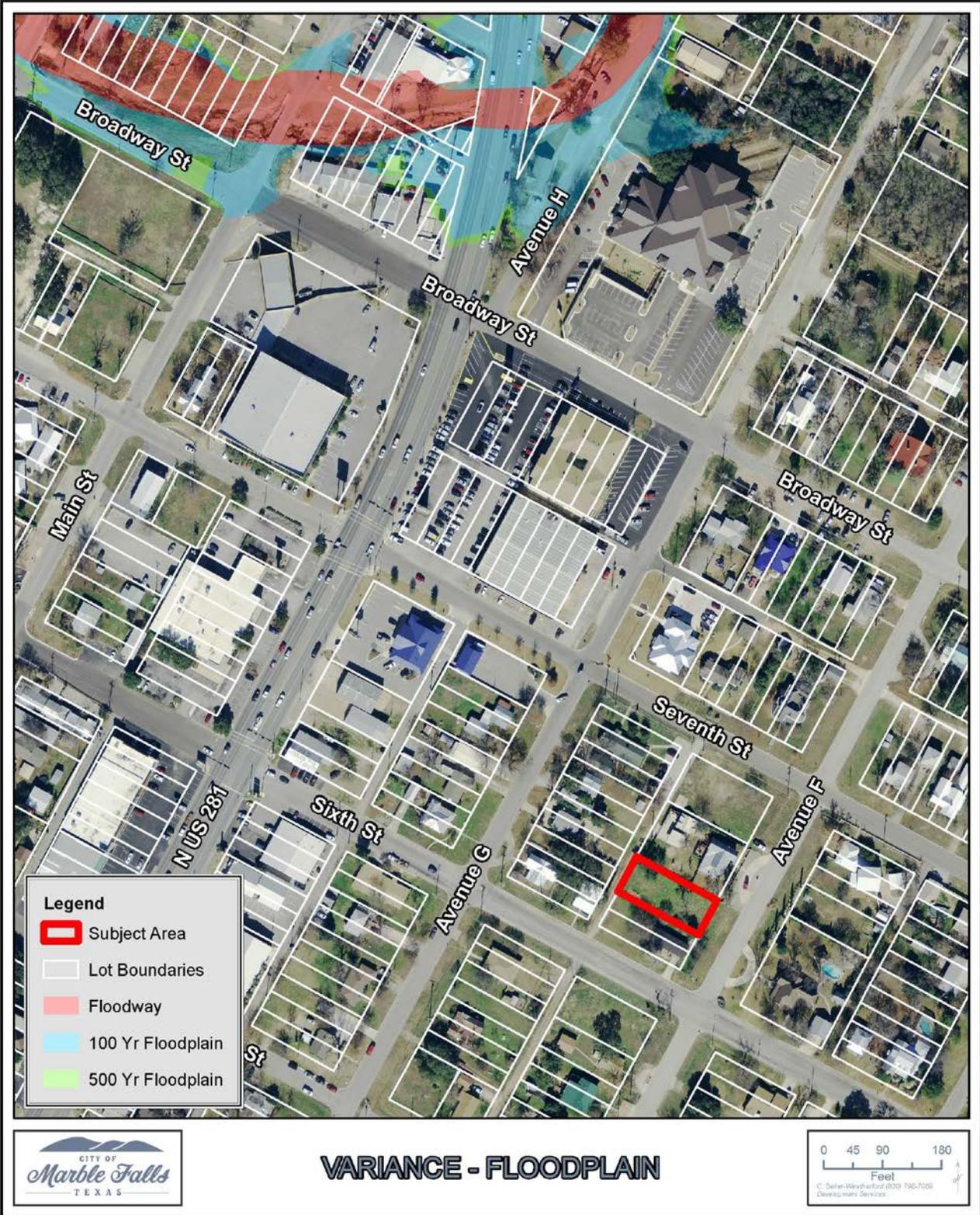




VARIANCE - RELOCATION DETAILS

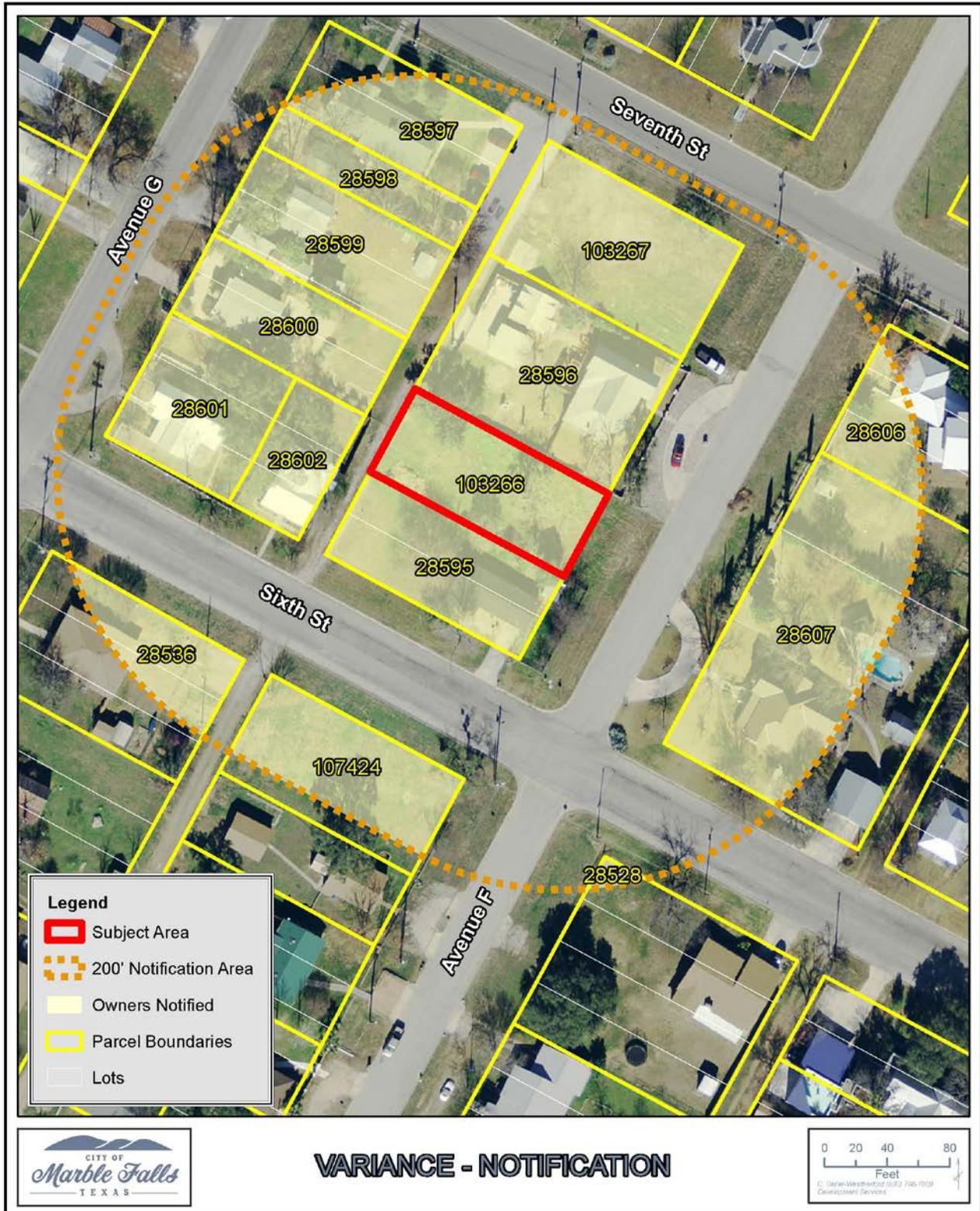














2016-6-V Applicant Statement

Statement of Proposed Use

Randy and Lori Rudman, Owners of the property located at 604 Avenue F (lot 3A, Block 36) in Marble Falls are proposing a variance to the City Ordinances in order to relocate a historic home from within the city limits to the property at 604 Avenue F.

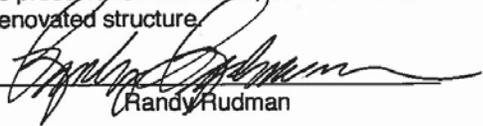
The structure, which is located at 911 7th Street, is the original parsonage of the First Baptist Church of Marble Falls. The structure was slated for demolition on January 1, 2016 in order to clear the current block for commercial use and to eliminate liability to the current landowners.

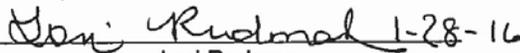
Randy and Lori were informed of the fate of this historic structure, and after several initial inspections, found the house to be both sound and moveable and have secured the necessary liability insurance to bind the property (see attachment A) and have obtained the rights to possession and removal (see attachment B) from the current owner and seller, Dr. David Jones of Caliche Investments LTD.

The house will be moved 4 blocks from its current site by a professional house moving company from Austin, Brown and Sons House Movers (see attachment C). The necessary utility companies have been contacted and have sent or are scheduling field representatives to the location(s) to coordinate the necessary logistics of the transition between the current and proposed locations.

The new property will serve as a single family residence, will meet the R1 zoning restrictions, and will preserve the historic value of both the existing structure and the historic neighborhood that the structure will relocate to. This will also be of significant value to the City of Marble Falls as the combined tax value of the land and the newly renovated structure will be significantly higher than either one alone now represents. The new site plan and the architects renderings will be available for both the P&Z and City Council as digital files.

Thank you for your consideration of this variance proposal, and your careful consideration of what this preservation will mean, both for the community and for the occupants of the newly renovated structure.

 1/28/16
Randy Rudman

 1-28-16
Lori Rudman



2016-6-V Liability Insurance

1/13/2016 01 1296745 CPASMI GCN
7/05/2016

INSURED COPY

Comprehensive Personal Liability Policy Change Summary



GERMANIA INSURANCE COMPANY
P.O. BOX 645 BRENHAM, TX 77834-0645

AGENT: 414 PH: 830-693-2900
WHITMAN INSURANCE AGENCY
1008 AVENUE J
MARBLE FALLS TX 78654-5128

INSURED: 000040183801 PH: 830-693-2753
RANDALL L RUDMAN
LORI ANN RUDMAN
PO BOX 1163
MARBLE FALLS TX 78654-1163

RANDALL L RUDMAN
LORI ANN RUDMAN
PO BOX 1163
MARBLE FALLS TX 78654-1163

POLICY NUMBERS
1 100 1296745

POLICY PERIOD
7/05/2015 to 7/05/2016
(12:01 AM Standard Time at the
location of the residence premises)

CHANGES EFFECTIVE 01/12/2016

This is a summary of the changes made to the referenced policy. This Change Summary does not form a part of the referenced policy. It is intended as a quick reference for informational purposes only. For absolute verification of changes made to your policy, please refer to the enclosed endorsed declarations page. If you have questions, please contact your agent.

ADDED LOCATION

ADDITIONAL RESIDENCE - 911 7TH ST, MARBLE FALLS, TX 78654
PL 24 05 ADDITIONAL RESIDENCE PREMISES

2016-6-V Rights to Possession and Removal

ATTACH (B)

AGREEMENT

This agreement is made by and between Randy Rudman - Contractor, and Dr. David Jones, Caliche Investments, LTD - Owner.

RECITALS

Dr. David Jones, Caliche Investments, LTD is the record title owner of real property in Marble Falls, Texas described as Lots 1-7, Block 52, City of Marble Falls, Burnet County, Texas (the Property). There is a house located on this property that Owner wishes to have removed. Contractor is willing to remove the house from Owner's real property. Owner and Contractor have agreed that the consideration for Contractor's removal of the house shall be transfer of ownership of the house from Owner to Contractor. Contractor has agreed to provide insurance on the house, and providing the insurance shall be further consideration for this agreement.

Now therefore, Owner agrees to permit Contractor to enter the Property and to remove the house located thereon. Upon the completion of the work contemplated by this Agreement, Owner shall deliver a bill of sale for the house to Contractor transferring legal title to the house as personal property.

Contractor agrees to remove the house from Owner's property. Contractor shall insure the house from the date of this contract. Contractor shall maintain insurance on the house while it is being moved from Owner's real property to Contractor's real property. Contractor shall indemnify owner from any and all liability arising from the removal of the house from Owner's property, from the moving of the house, and from the resetting of the house on Contractor's real property. Contractor shall deliver proof of insurance to owner upon the execution of this contract. Contractor shall have the right to begin removing certain parts of the house in preparation for moving, and shall further have the right to remove any other obstructions (other than the one large oak tree located immediately to the North of the house) necessary to remove the house from Owner's real property. Contractor understands and agrees that a condition of this agreement is that the pad site of the house shall be left clean and free of obstructions or any remaining objects or materials that could in any way be a hazard to public safety and in a condition that meets any and all applicable city requirements without further modification by the property owner.

Signed this 27 day of January, 2016.



Dr. David Jones, Caliche Investments, LTD, Owner



Randy Rudman, Contractor



2016-6-V House Moving Contract

ATTACH (C)

Brown & Sons House Movers
P.O. Box 1242
Del Valle, Texas 78617
Business (512-247-3901)
Fax (512-247-3222)

HOUSE MOVING CONTRACT

CONTRACT OF AGREEMENT between W.A. BROWN, JR., Moving Contractor, and
Randy Rudman Owner of house to be moved from the
present location of in marble Falls
to a new location at in marble Falls

Cost of Moving House \$ 25000.00
Building Foundation \$ -
Cutting House \$ -
Replacing Beams \$ -

TOTAL: \$ 25,000.00

Contractor does no work other than that is specified in contract. Contractor is not responsible for
damage to sheetrock or plumbing, nor any damage caused by fire or by Acts of GOD, such as
lighting, rain, or storms, ect.

Contractor does not clean lots; not connect gas, water, or electricity.

Foundation will consist of Owner will provide

Owner will contractor in 3 payments \$8000 when The Job is started
\$8000 when The House is Ready To move
\$9000 when The House is on New Location

EXECUTED this the 3 day of Feb, 2016

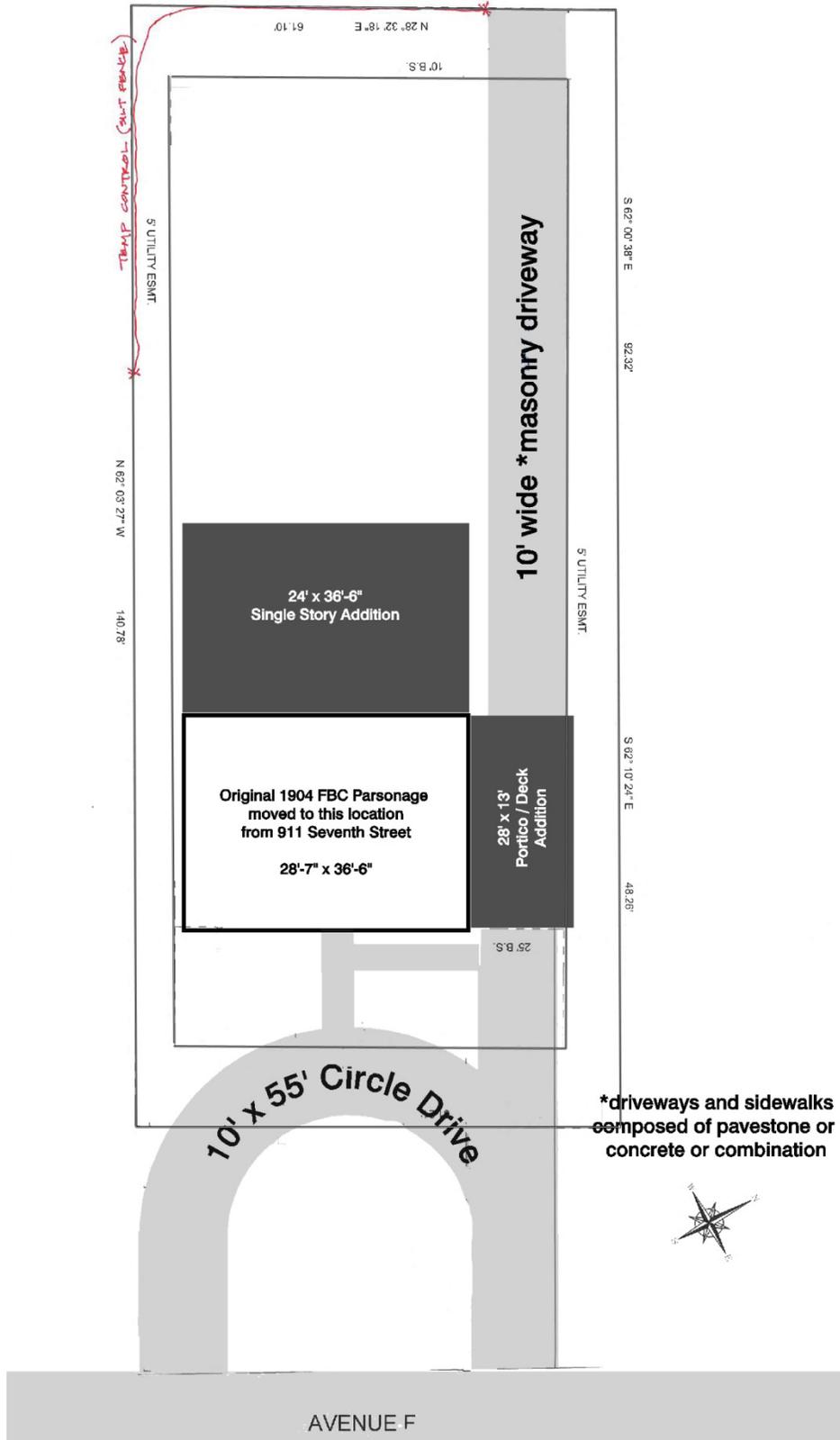
ACCEPTED:

W.A. BROWN, JR., OWNER

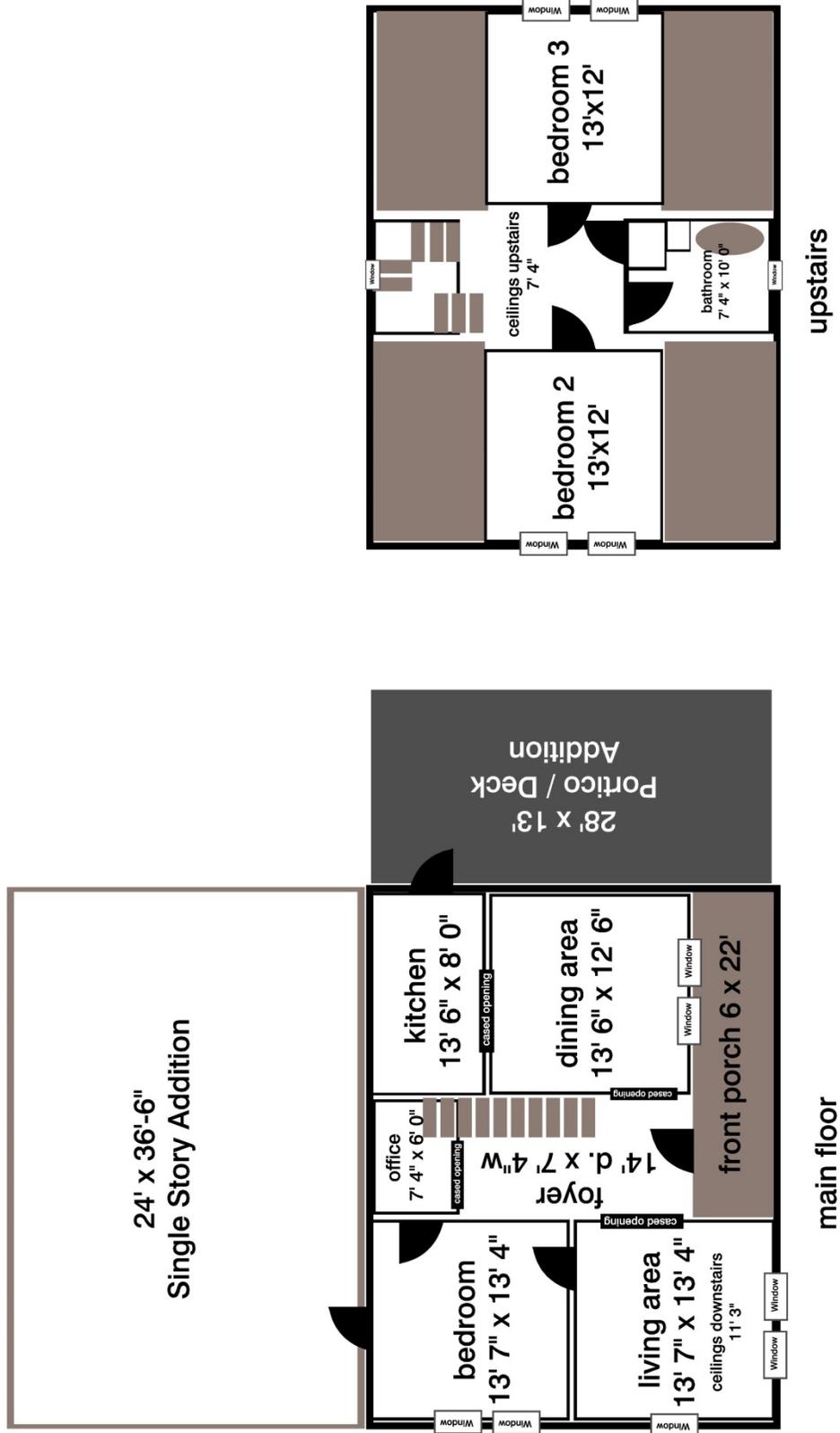
by [Signature]

by W.A. Brown
Owner

2016-6-V Site Plan



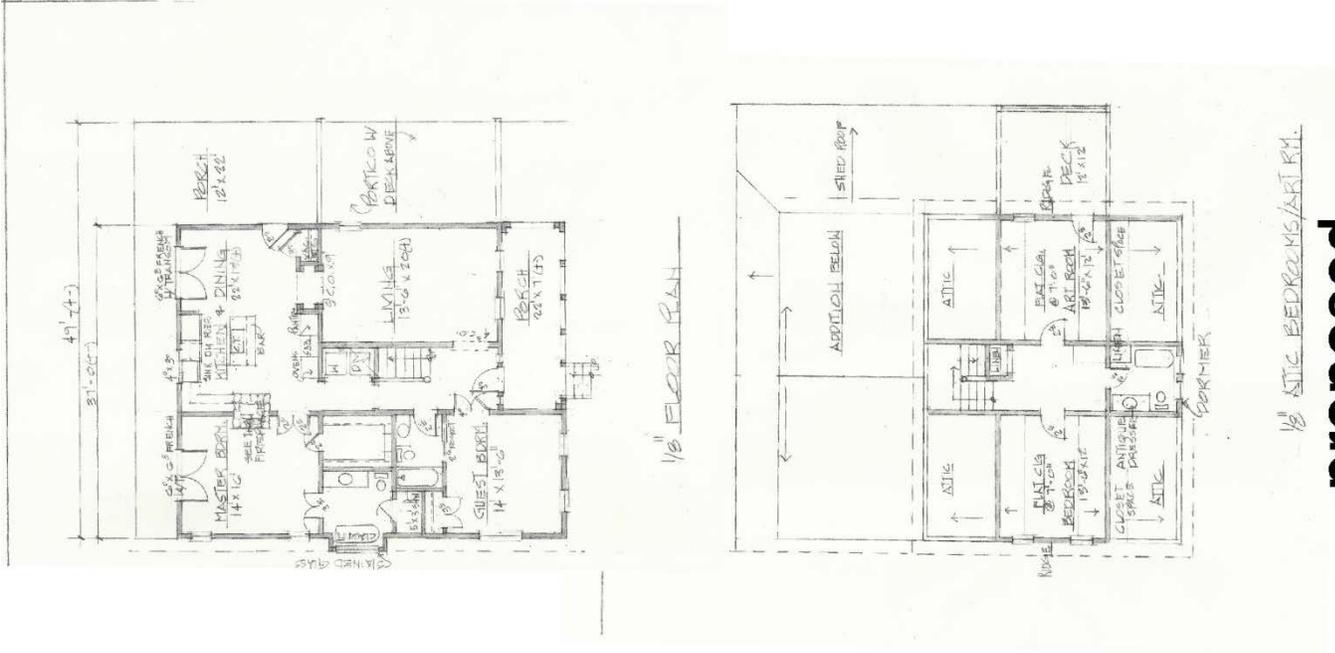
2016-6-V Existing Floor Plan and Proposed Additions



2016-6-V Existing Façade



2016-6-V Proposed Floorplan



south elevation



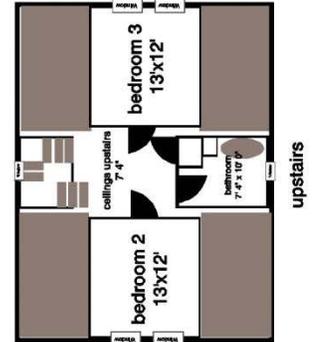
north elevation



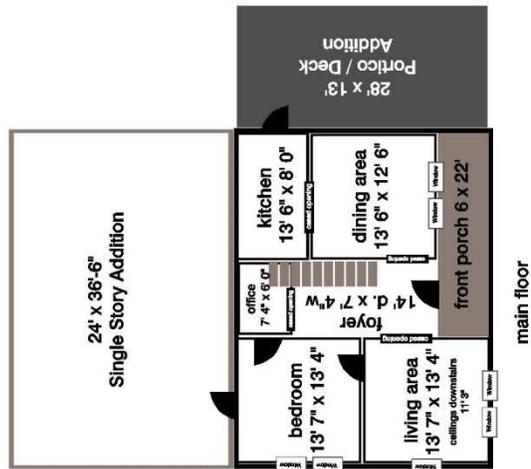
east elevation



west elevation



upstairs



main floor

1 1/2 ATTIC BEDROOMS/ATTIC R.M.
proposed

existing



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
March 3, 2016**

To: Chairman and Planning & Zoning Commission
Item 3. E. **Public Hearing, Discussion, and Recommendation:** Regarding a rezoning request from Mobile Home Park Base District (MH-2) to Single-Family Base District (R-1) for Lots 9-A and 12-A, K & B Addition, City of Marble Falls, Burnet County, Texas, municipally addressed as 904 McDonald Drive and 900 McDonald Drive.
Requested by: Steven Tomlinson, applicant and owner
Case: Case 2016-7-Z

SUMMARY

This item is regarding a rezoning request for Lot Nos. 9-A and 12-A of the K&B Addition Subdivision, in order to rezone from Mobile Home Park Base District (MH-2) to Single-Family Base District (R-1)

Lot Nos. 9-A and 12-A, herein referred to as the Subject Area, are each approximately 0.20 acres in size, encompassing a total of approximately 0.40 acres. Lot 9-A, municipally addressed as 904 McDonald Drive, is home to a vacant mobile home structure. Lot 12-A, municipally addressed as 900 McDonald Drive, is home to an existing one-story single-family detached frame house. Current owners, Steven Paul and Shirley Elaine Tomlinson, purchased the Subject Area (both lots) in August 2015. Homes in the MH-2 zoning district are restricted to be mobile homes as defined by the Department of Housing and Urban Development. Because the existing house on Lot 12-A is not a mobile home as defined by the Department of Housing and Urban Development, the existing home on Lot 12-A would be classified as a nonconforming structure under the adopted Land Use Regulations. The applicant/owners are requesting to rezone the Subject Area into R-1, in order to make the existing single-family house on Lot 12-A a compliant structure, and to remove the existing mobile home structure from Lot 9-A. Once the mobile home structure is removed, the owners wish to replat their property into one single lot, in conformance with their ownership boundaries, and apply for a building permit to construct a detached accessory structure in conformance with R-1 zoning standards. Current zoning would not allow for approval of such a replat, due to the MH-2 minimum lot requirements.

The Subject Area is adequately served by both water and wastewater utilities, and no portion of the Subject Area is within the 100 year floodplain.



The proposed use of the Subject Area is to remain as Single-Family Residential Detached. Existing zoning surrounding the Subject Area include MH-2 to the west and south, and R-1 to the east and north. The proposed rezoning would simply move the existing R-1 zoning boundary to the west, across Lake Shore Drive, in order to encompass the 2 lots on the corner of McDonald Drive and Lake Shore Drive. The rezoning request is proposing an expansion of the existing abutting R-1 district and not the introduction of a new district that would cause compatibility issues in the area.

Site plan approval is not required for this rezoning due to the applicant seeking to rezone to a zoning district in conformance with the Comprehensive Plan and because the Subject Area encompasses existing development compatible with surrounding or abutting zoning, with no substantial development proposed. The Comprehensive Plan Future Land Use Plan (FLUP) module for the Subject Area is Low Density Residential.

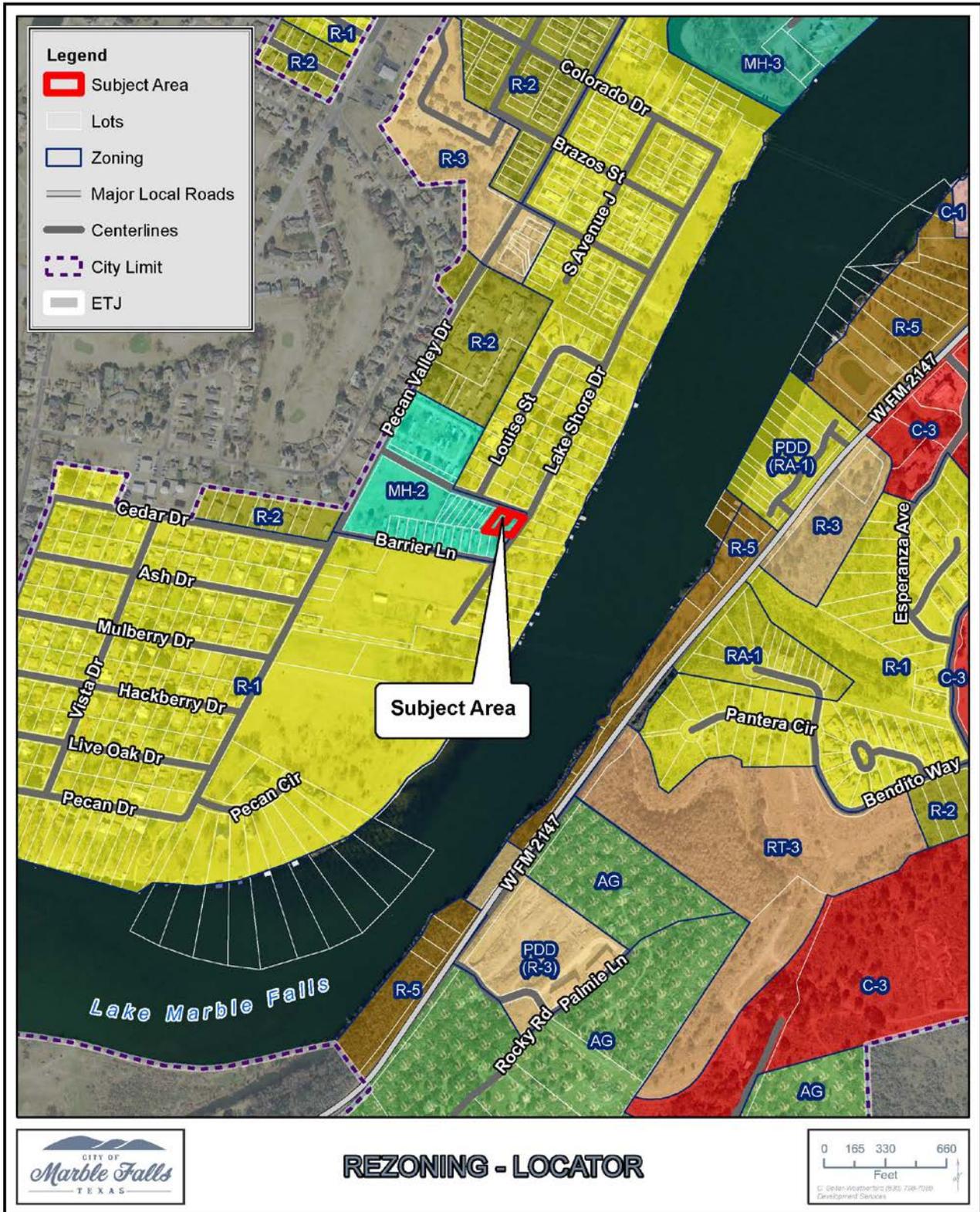
A total of seventeen (17) adjacent property owners within two hundred feet (200') of the Subject Area were mailed notification letters, including the public hearing dates and a pre-paid comment card for response supporting/opposing the proposed rezoning. At the time of packet distribution six (6) property owners submitted a response in favor of the rezoning.

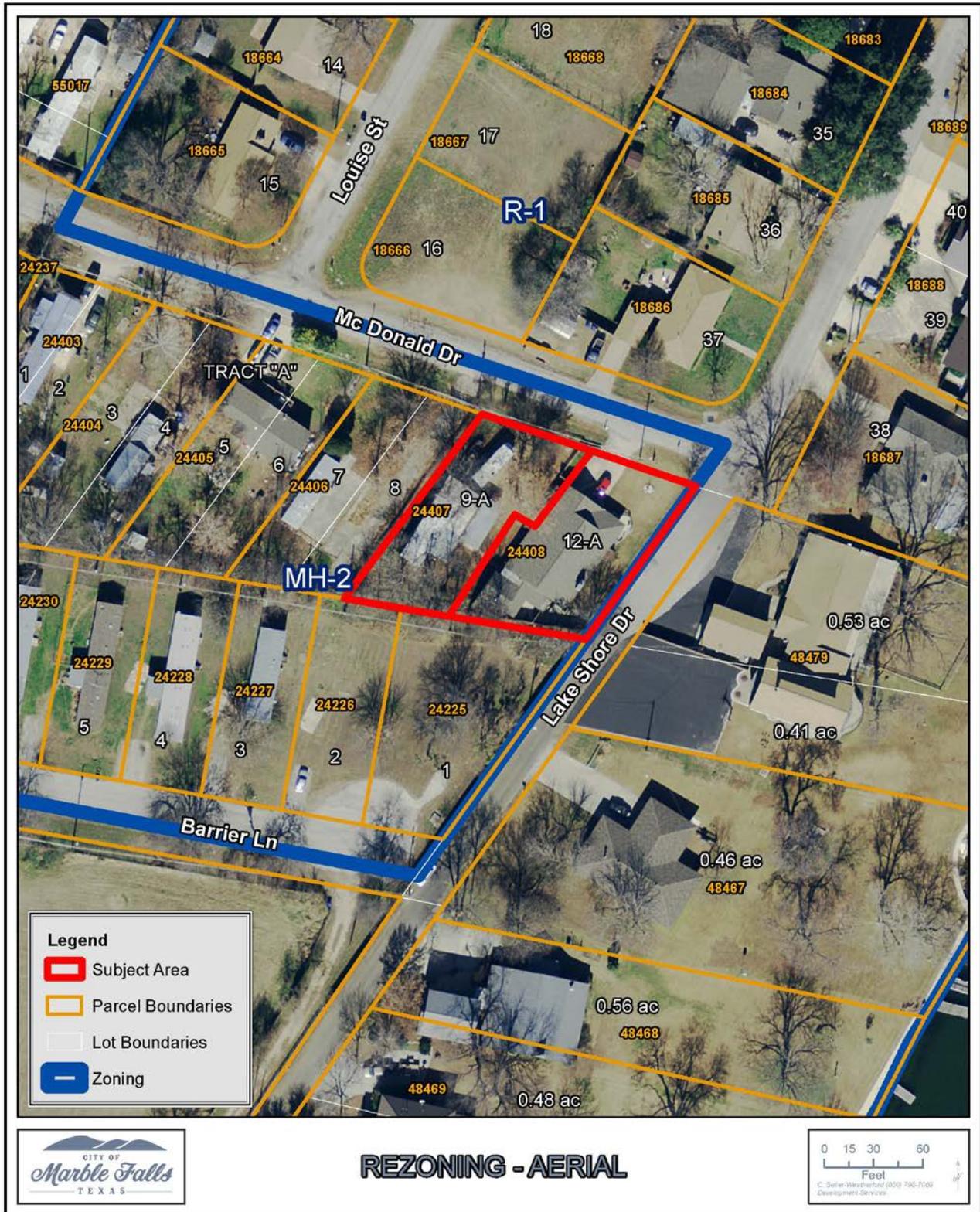
RECOMMENDATION

Due to conformance with the Comprehensive Plan and the compatibility with surrounding zoning and existing land uses, City Staff recommends approval of the rezoning from MH-2 to R-1.

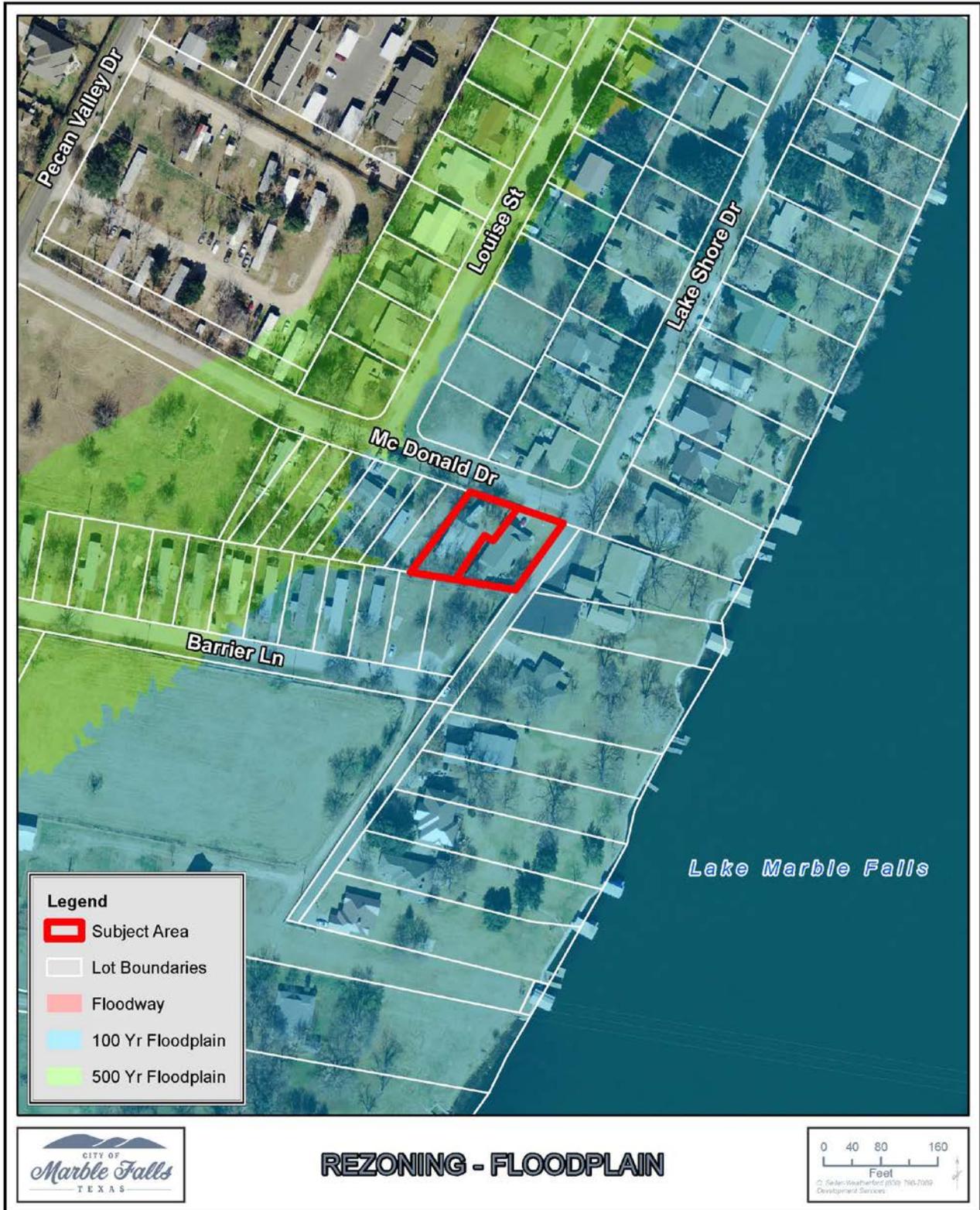
Memo Contents:

- Informational maps produced by City Staff: **Pages 26 - 32**
- Survey of Existing Single-Family Home: **Page 33**

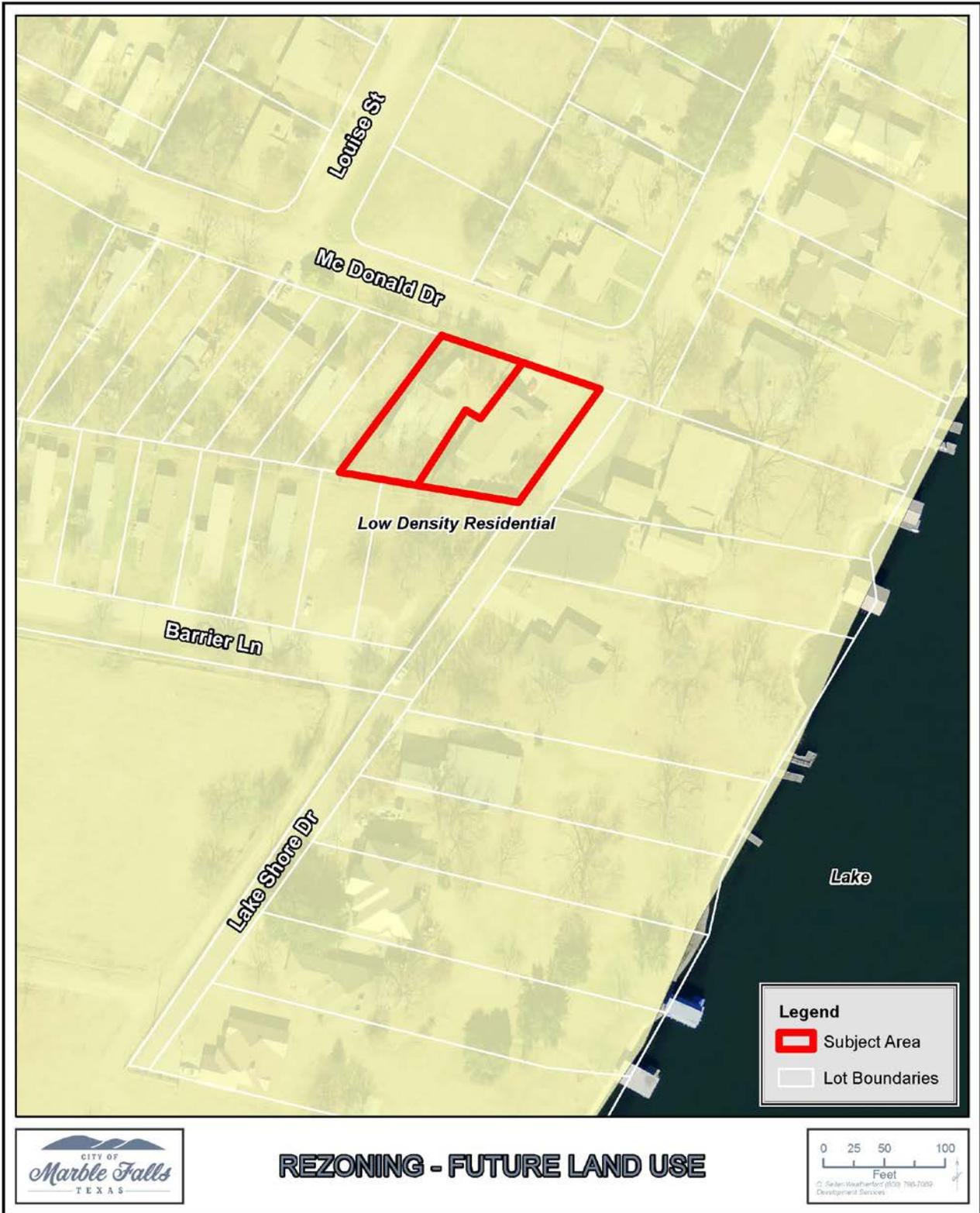


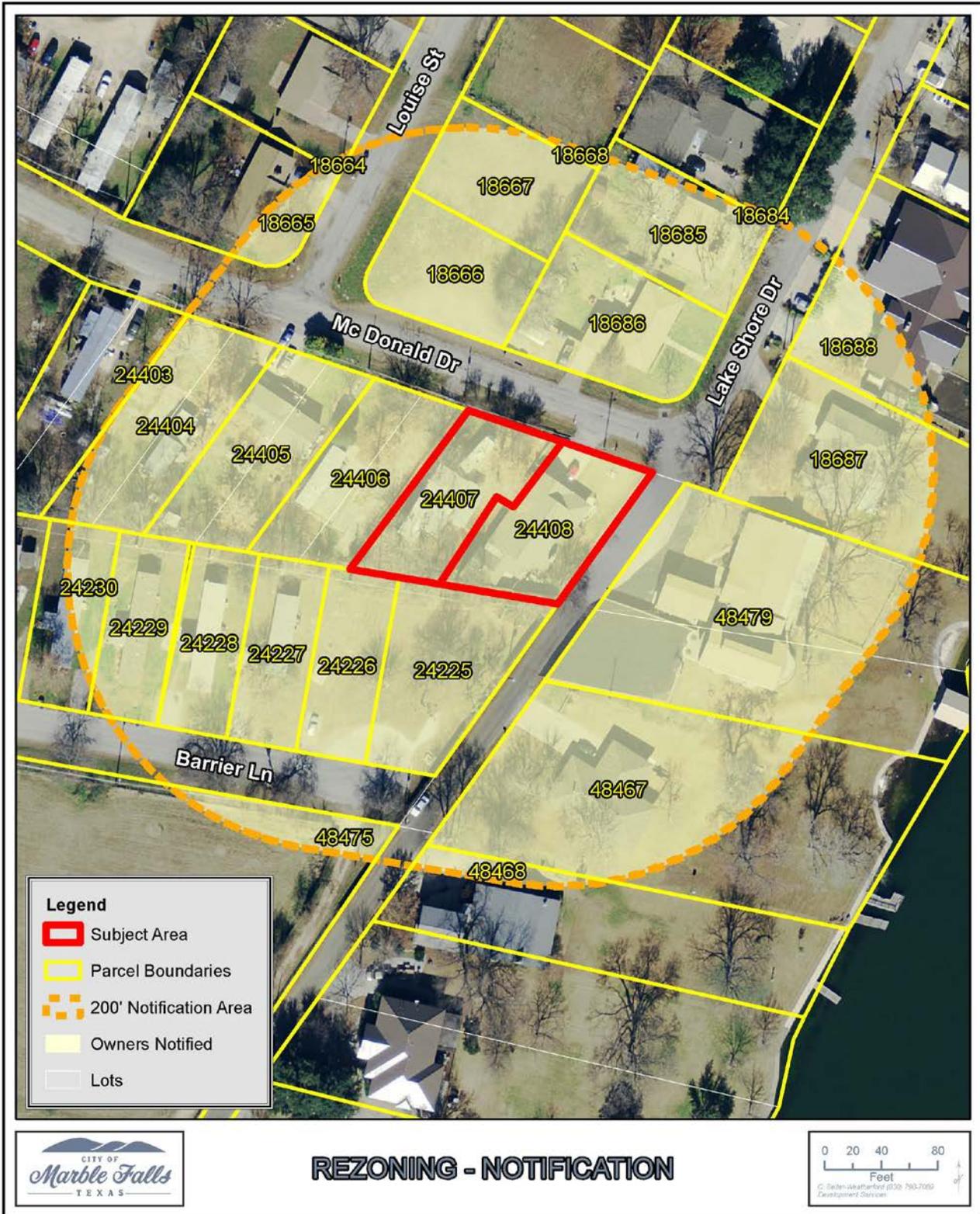












2016-7-Z Survey

BEING ALL OF LOT NO. 12-A, A PLAT TO FORM LOT NOS. 9-A AND 12-A, K & B ADDITION, A BURNET COUNTY SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN CABINET 2, SLIDE 136C OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS.

LAND TITLE SURVEY

LEGEND	
● 1/2" IRON ROD FOUND	—D— CHAIN-LINK FENCE
○ 1/2" IRON ROD SET	—/— WOOD FENCE
○ CULVERT DRAIN	—/— WOODEN UTILITY
□ AIR CONDENSER	—/— WIRE MESH UTILITY
□ WATER METER	—/— GUY WIRE
□ WATER PUMP	—/— U/E UTILITY EASEMENT
□ FLAG POLE	—/— B.S. BUILDING SETBACK
□ GAS METER	[] RECORD INFORMATION

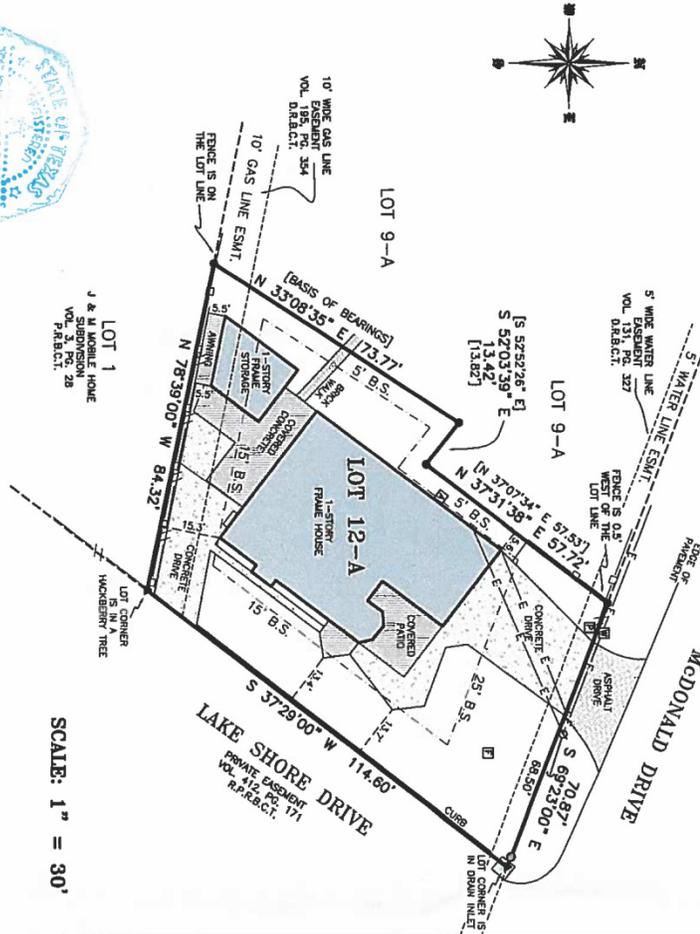
1. RESTRICTIONS AND BUILDING SETBACKS RECORDED IN VOL. 2, PG. 128 AND CAB. 2, SLD. 136C P.R.B.C.T.
2. FLOODAGE AND FLOODATION EASEMENT GRANTED TO THE LOWER COLORADO RIVER AUTHORITY RECORDED IN VOL. 107, PG. 457 D.R.B.C.T.
3. BLANKET TYPE UTILITY EASEMENT GRANTED TO FERNANDEZ ELECTRIC COOPERATIVE, INC. RECORDED IN VOL. 192, PG. 434 D.R.B.C.T.
4. EJECT: WIDE WATER LINE EASEMENT RECORDED IN VOL. 131, PG. 327 D.R.B.C.T. (SHOWN HEREON)
5. 10 FT. WIDE GAS LINE EASEMENT WITH BLANKET INGRESS / EGRESS TO LONE STAR GAS RECORDED IN VOL. 195, PG. 354 D.R.B.C.T. (SHOWN HEREON)
6. ALL CURRENT CITY OF MARBLE FALLS ZONING AND LAND USE ORDINANCES.
7. ANY RIGHTS OR REGULATIONS OF THE LOWER COLORADO RIVER AUTHORITY.

EXCLUSIVELY TO PARTIES INVOLVED IN SERVICE TITLE COMPANY COMMITMENT OF NO. 36517, EFFECTIVE JULY 16, 2015.

I, TODD HOLLAND, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON DURING JULY, 2015, UNDER MY DIRECTION AND SUPERVISION; THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THERE ARE NO APPARENT ENCROACHMENTS OR OVERLAPPING OF IMPROVEMENTS WITH THE DEED LINES SHOWN EXCEPT AS SHOWN HEREON; THAT THERE ARE NO APPARENT DISCREPANCIES OR DEED LINE CONFLICTS WITH THE DEEDS EXCEPT AS SHOWN HEREON; THAT THERE ARE NO VISIBLE UTILITY LINES EXCEPT AS SHOWN HEREON; THAT THIS PROPERTY ADDS A DEDICATED RIGHT-OF-WAY.

DATE: 7/22/15
CLIENT: SUSIE HARDY
ROLLAND # 2015-092
DRAWN BY: T. HOLLAND

TODD HOLLAND
REGISTERED PROFESSIONAL
LAND SURVEYOR
NO. 5421, STATE OF TEXAS



SCALE: 1" = 30'

HOLLAND
SURVEYING
P.O. BOX 1847
MARBLE FALLS, TEXAS 78654
830-785-8500 830-988-1285



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
March 3, 2016**

To: Chairman and Planning & Zoning Commission
Item 3. F. **Public Hearing, Discussion, and Recommendation:** Regarding a zoning text amendment to Sections 1030-1099 of the Landscape Ordinance, General Regulations, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to amend the Protected Trees regulations and to amend any conflicting regulations therein.
Requested by: City Staff
Case: Case 2015-6-ZT

SUMMARY

This item is to consider a text amendment to the Protected Tree regulations for the City of Marble Falls. Currently Section 1035. Protected Trees of the adopted Landscape Ordinance reads as follows:

1035. Protected trees.

- A. Any living tree within the City of Marble Falls with a caliper larger than sixteen (16) inches shall not be removed without permit from the city planner.*
- B. Application for such permit should be made in writing to the City of Marble Falls Code Enforcement Department and describe the unique or extenuating circumstances which necessitate the removal of the tree.*
- C. Protected trees removed shall be replaced by trees from the list contained herein with a minimum caliper size of three (3) inches at the time of planting.*
- D. Protected trees retained on the site shall be protected by providing a pervious surface treatment under such tree of at least one hundred (100) square feet.*

(Ord. No. 98-O-6B, § II, 6-23-98)

A Tree Ordinance Committee was established in March 2011 to discuss and create a proposed amendment to the existing Protected Tree regulations.

The last major milestone regarding a Tree Protection update was the Joint Workshop between the Planning and Zoning Commission and the Tree Ordinance Committee which occurred on February 5, 2015. Updates to the Protected Tree Requirements, Enforcement, and Costs associated with the implementation of a Tree Protection Ordinance were discussed. At the close of the Joint Workshop, the Commission and Committee directed City Staff to draft a Tree Ordinance based on the workshop discussion.



After substantial research and consideration of various Tree Protection ordinances from surrounding municipalities within Central Texas, City Staff compiled an analysis of the wide diversity of regulations that are currently adopted. Following this analysis, City Staff inventoried the various stakeholder interests supporting or opposing the development of an updated Tree Protection ordinance, and worked to develop a draft based on the input received, and on the average protected tree sizes and standard requirements found in similar jurisdictions.

City Staff continued the research by selecting a variety of undeveloped lots and surveying the existing trees in order to create trial site plans. The selected properties and trial site plans were reviewed against the draft ordinance, in order to assess the effect of the regulations, to determine if it achieved the desired tree protection and to determine the impact on future development. These evaluations led to modifications of the ordinance language.

The current draft of the Tree Preservation and Protection Ordinance is attached to this memo for review.

City staff will be conducting several stakeholder meetings for further review prior to the Commission public hearing. Any feedback, commentary, or proposed updates to the current draft will be discussed by City Staff at the time of the meeting.

RECOMMENDATION

Staff recommendation will be presented to the Commission at the time of the meeting.

Memo Contents:

- Tree Preservation and Protection Draft: **Pages 36 - 43**

Tree Preservation and Protection Ordinance DRAFT

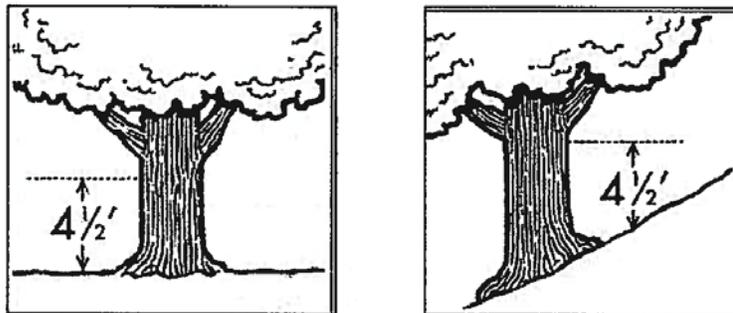
Sec. 1035. – Tree Preservation and Protection.

A. Purpose. The purpose of this section is to:

1. Encourage protection of the natural environmental and beauty of the City.
2. Preserve the City's urban canopy by minimizing tree loss.
3. Promote replacement of trees which have been removed and destroyed due to the ill effects of rapid and intense urbanization within the City limit.
4. Regulate diversely based on different development types and sizes.
5. Encourage a resourceful and prudent approach to urban development of wooded areas.
6. Provide mitigation and cost effective alternatives for creative subdivision and site design which preserves trees while allowing development in wooded areas.
7. Create a positive economic effect on the City by preserving and enhancing property values, mitigating drainage and flooding issues, improving air quality, helping save energy, and improving health and quality of life, thereby making the City a more attractive place in which to live, visit and do business.

B. Definitions. For the purposes of this section, the following definitions will be used:

1. *Caliper*. The diameter of the trunk of a tree measured four and one-half feet (4-1/2') above the ground, also known as the diameter at breast height (DBH). The DBH can be obtained by measuring the circumference of the tree trunk and converting it to diameter by dividing by pi (3.14).

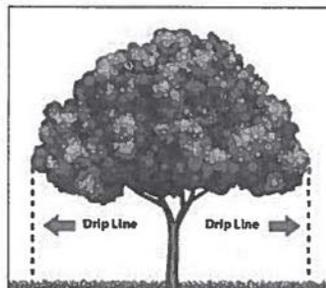


** If the tree is on a slope, measure from the high side of the slope*



For multiple trunk trees, the caliper is deemed to equal the caliper of the largest trunk plus half the caliper of each additional trunk. For example, a tree that has three trunks with circumferences of 22", 18", and 12" you would have a circumference of 37" ($22" + (\frac{1}{2} \times 18") + (\frac{1}{2} \times 12")$). The circumference would then be divided by pi (3.14), giving you a caliper of 11".

2. *Clearing.* The act of cutting down, removing all or a substantial part of, or damaging a tree or other vegetation that will cause the tree to decline and/or die (which includes but is not limited to chemical, physical, compaction or grading damage).
3. *Critical Root Zone.* The area within the drip line of a tree.
4. *Drip line.* A vertical line extending from the outermost portion of the tree canopy to the ground.



5. *Protected tree.* Trees with a caliper of twelve inches (12") or greater.
6. *Public tree.* All trees partially or completely resting on public property.
7. *Removal of tree.* An act that causes or may be reasonably expected to cause a tree to die, including, but not limited to: uprooting, severing the main trunk, severely pruning or trimming a tree, damaging the root system by machinery, storage of materials or soil compaction; substantially changing the natural grade above the root system or around the trunk; paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.



8. *Heritage tree*. A protected tree with a caliper of twenty five inches (25") or greater.
 9. *Tree Inventory*. A diagram or drawing which accurately depicts the location, species, and size of all protected trees on a lot within the limits of construction, including a legend that identifies and differentiates protected trees to be removed and those to be retained.
 10. *Tree Replacement Plan*. A diagram or drawing which accurately depicts the location, species, and size of all replacement trees required on a lot, including the location, species, and size of any trees to be retained and used as credit against the replacement requirements.
- C. Application. Except as otherwise provided, the provisions of this section are applicable to the following:
1. All new residential and nonresidential development within the City.
 2. Redevelopment of any residential or nonresidential property within the City limit that results in an increase in building footprint or total destruction and reconstruction of any residential or nonresidential property within the City limit.
- D. Exemptions. The provisions of this section shall not apply to the following:
1. The proposed primary building footprint and driveway area of all new residential development or redevelopment if tree caliper is under twenty five inches (25").
 2. The area within ten feet of a primary residential building footprint if tree caliper is under twenty five inches (25").
 3. The area over a septic system, if septic systems are allowed/present, and if tree caliper is under twenty five inches (25").
 4. The areas designated for the construction or installation of public facilities, such as streets or utilities, if tree caliper is under twenty five inches (25").
 5. If a tree endangers the public health, welfare or safety, and immediate removal is required as determined in writing by the designated official of the City.
- E. Permit Application Requirements. The removal of an existing tree(s) from a development or redevelopment site must be in accordance with this and all other applicable ordinances of the City. Prior to the removal of any protected or heritage tree, as defined within this section, the property owner must first submit an application with the following information:
1. Which tree(s) will be removed (as shown on a site plan or tree inventory).
 2. Which tree(s) will remain and be counted as tree credits, if any (as shown on a site plan or tree replacement plan).
 3. How the removal will be performed (and machinery and equipment needed), and the date and time when the anticipated removal will occur.
 4. If a heritage or protected tree proposed for removal is within or not within the following:



- a. A primary residential building footprint or residential driveway area, or within ten feet of a primary residential building footprint.
 - b. Within the area over the septic system.
 - c. Within an area designated for the construction or installation of public facilities such as streets or utilities.
5. A Tree Inventory and Tree Replacement Plan, if necessary.

F. Preservation Requirements.

1. Clearing or stripping of natural vegetation on a lot is expressly prohibited. Any part of a site not used for buildings, parking, driveways, walkways, utilities, on-site septic facilities (OSSF) and approved storage areas or accessory structures shall be retained in a natural state, or reclaimed to its natural state.
2. All living trees measuring twelve inches (12") in caliper or greater are designated as protected trees. The removal of any protected tree must be specifically requested by the applicant and approved via permit prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Removal of any such trees without a permit is expressly prohibited.
3. The removal of heritage trees, which for the purposes of these requirements are trees with twenty five inch (25") caliper or greater regardless of location, must be specifically approved by the Planning and Zoning Commission, through request of a variance, prior to any action being taken to remove the tree or to damage or disturb the tree in any way.
 - a. The City Manager or designee will forward to the Planning and Zoning Commission any tree removal permit application that requests a variance to the regulations established herein. Such applications shall list all hardships associated with the request, and will be considered by the Commission at its next regularly scheduled meeting; the applicant shall be notified of the time and place of said meeting and shall be invited and encouraged to attend.
 - b. In order to lessen practical difficulties and prevent unnecessary physical hardships, a variance to remove a heritage tree or to deviate from these regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size shape or dimensions of a lot, or from topographic or physical limitations in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with this chapter is not a reason for granting a variance.
 - c. The commission will approve, reject, or approve with conditions the tree removal permit application and the associated variance.
 - d. A decision by the Commission may be appealed to the City Council if the appeal is filed within 10 days of the date of the Commission's decision. The City Council, after receiving a report from the



Commission, may confirm, reverse, or modify the action of the Commission. All appeals must be in writing and clearly set out the portions of the regulations that are applicable to the appeal and the justification for the appeal.

- e. The City Manager or designee may forward at his discretion any tree removal application to the Planning and Zoning Commission for its consideration in lieu of review and consideration by the City Manager or designee.

G. Mitigation Requirements.

1. Trees over twelve inches (12") in caliper but less than twenty five inches (25") in caliper that are not located in one of the following areas shall be replaced on-site at a ratio of one inch per inch removed:
 - a. Within a residential building footprint or residential driveway area.
 - b. Within ten feet of a residential building footprint.
 - c. Within the area over the septic system.
 - d. Within areas designated for the construction or installation of public facilities such as streets or utilities.
2. Any heritage tree that is approved to be removed shall be replaced on-site at a ratio of one inch per inch removed regardless of the location of the heritage tree.
3. If, based on a site inspection, a tree designated for preservation pursuant to this section is already dead, dying, or fatally diseased prior to development or redevelopment of the site, the provisions of replacement requirements shall not apply.
4. The following tree species are exempt from mitigation requirements of this section:
 - Celtis Occidentalis (hackberry);
 - Juniperus Virginiana, Juniperus Ashei (common cedar);
 - Chinaberry;
 - Mesquite;
 - Ligustrum.
5. Replacement trees must be a minimum of three inches (3") in caliper.
6. Replacement trees do not count towards standard landscaping requirements. However, existing trees may be counted both towards tree credits to reduce replacement requirements and towards the standard landscaping requirements if the existing tree has a minimum caliper of three inches (3").
7. Species, size, quantity, and delivery date of replacement trees shall be approved by the City.
8. Replacement trees must be planted prior to the issuance of a certificate of occupancy unless a bond for the cost of the trees is posted with the City. If a bond is posted the property owner shall have up to 12 months to plant the required replacement trees.

9. Any replacement tree that dies prior to the expiration of two years after a certificate of occupancy is issued shall be replaced by the developer or owner. This shall not apply to any replacement trees planted on individual single-family lots.
10. Replacement trees may be donated or a fee-in-lieu of planting the required trees may be paid to the City if the following conditions exist:
 - a. There is not adequate space on the site for all of the required replacement trees to be planted on the site in which the protected tree(s) were removed, as determined and approved by the City Manager or designee.
 - b. Weather conditions are such that do not make it favorable for the required planted trees to survive and thrive, as determined and approved by the City Manager or designee.

If it is not possible or feasible to provide for the replacement of the total number of inches of protected trees removed, a fee in lieu of tree replacement in an amount equal to the total number of inches of protected trees removed but not replaced times one hundred and fifty dollars (\$150) per inch may be paid to the City, money which will go towards the planting, replacement, and/or preservation of trees on public property.

- H. Tree Credits. As an incentive to preserve the City's urban canopy, existing trees retained shall receive credit against the replacement requirements according to the following schedule:
1. Existing trees with three inches (3") in caliper or greater located on site may be credited toward the replacement trees required under this Section at a one to one inch ratio.
 2. When calculating tree credits, any remaining fraction of an inch greater than or equal to 0.5 shall constitute a one (1) inch credit; any remaining fraction less than 0.5 shall not.
 3. Up to fifty percent (50%) of the inches to be replaced may be done through tree credits, unless you are preserving or retaining existing trees at a ratio of 300% or more of the protected inches removed. If you are preserving or retaining 300% or more inches than those removed, up to eighty percent (80%) of the inches to be replaced may be done through tree credits.

Ex: If 20" of protected trees are removed and 30" of existing trees are preserved, a maximum of 10" are available as tree credits. 10" will need to be replaced.

If 20" of protected trees are removed and 60" of existing trees are preserved, a maximum of 16" are available as tree credits. 4" will need to be replaced.



4. The trees selected for credit consideration toward the amount of replacement requirements shall be indicated on the Tree Replacement Plan.
 5. The trees shown on the Tree Replacement Plan as the trees proposed for tree credits shall be protected in the same manner as a Protected Tree during construction.
 6. The City Manager or designee will review the trees proposed for tree credits provided in the Tree Replacement Plan and will approve or deny the use of the recommended trees as credits toward the replacement trees required. The City Manager or designee's review will be based on the assessed health, structure, habitat, disease, or decline of the tree.
 7. Invasive plants that will not count towards tree credits: Chinaberry, Chinese Parasol Tree, Chinese Pistache, Chinese Tallow, Giant Cane, Japanese Honeysuckle, Mimosa (Silk Tree), Paper Mulberry, Photinia, Poison Ivy, Pyracantha, Running Bamboo, Russian Olive, Tamarisk (Salt Cedar), Tree of Heaven, Vitex, Waxleaf Ligustrum, White Mulberry, Wisteria.
- I. Tree Protection Requirements.
1. All protected and heritage trees within or next to an excavation site or construction site for any building, structure, or street work, shall be guarded with a good substantial protective fence, frame, or box not less than four feet high and surrounding the drip line of the tree. In addition, three inches of mulch or compost shall be spread beneath the drip line of the tree when the drip line is completely fenced off and eight to 12 inches of mulch if there will be any encroachment within the area under the drip line of the tree.
 2. The barriers other than what is required per this section shall be approved by the building official and shall be in place before any site clearance or other site-disturbing act commences.
 3. All building material, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials shall be kept outside the barrier.
 4. Barriers shall remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the certificate of occupancy.
 5. Activities hazardous to the health of any protected or heritage tree being preserved are prohibited, including but not limited to the following:
 - a. Physical damage.
 - b. Equipment cleaning and liquid disposal. Cleaning equipment, depositing or allowing harmful liquids to flow overland within the limits of the critical root zone. This includes paint, oil, solvents, asphalt, concrete, mortar, tar or similar materials.
 - c. Grade changes. Grade changes (cut or fill) within the limits of the critical root zone.



- d. Material storage. Storing materials intended for use in construction or allowing waste materials due to excavation or demolition to accumulate within the limits of the drip line.
 - e. Tree attachments. Attaching to a tree any signs, wires, or other items, other than those of a protective nature.
 - f. Vehicular traffic. Vehicular and/or construction equipment traffic, parking, or storage within the limits of the drip line, other than on pre-existing or approved pavement. This restriction does not apply to single incident access within the drip line for purposes of clearing underbrush, vehicular access necessary for emergency services, routine utility maintenance, emergency restoration of utility service, or routine mowing operations.
 - g. Utility encroachment. Installation of utilities and appurtenances within the drip line.
 - h. Excavation and trenching. Excavation and trenching within the limits of the drip line.
- J. Penalty. Any person who shall violate any provision of this section, or shall fail to comply therewith, or with any of the requirements thereof shall be liable for a fine not to exceed the sum of \$2,000.00. Each tree removed and each day the violation exists shall constitute a separate offense.



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
March 3, 2016**

To: Chairman and Planning & Zoning Commission
Item 3. G. **Discussion and Action:** Regarding Comprehensive Plan Update and scheduling a Special Meeting date for recommendation of the Comprehensive Plan.
Requested by: City Staff

SYNOPSIS

This item is regarding the Comprehensive Plan Update and scheduling a Special Meeting date for recommendation of the Comprehensive Plan. There are few meetings left for the Comprehensive Plan Update. Below is a listing of tentative meeting dates in regards to the Comprehensive Plan Update:

- Thursday, March 10, 2016 6pm - CPAC Meeting
- Thursday, March 31, 2016 - Open House/Public Workshop (additional information to be provided closer to date)
- Thursday, April 21, 2016 - Special P&Z Meeting to consider Comprehensive Plan
- Tuesday, May 3, 2016 - City Council adoption



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
March 3, 2016**

To: Chairman and Planning & Zoning Commission
Item 3. H. Presentation and Discussion: Regarding previous Planning and Zoning Commission items, City Council Disposition and update regarding future planning projects.
Requested by: Planning & Zoning Commission

SYNOPSIS

This item is to update Commission regarding previous Planning and Zoning Commission items, City Council Disposition and update regarding future planning projects.

1. 908 Avenue G CUP request, Case 2016-1-CUP



**City of Marble Falls
Planning and Zoning Commission Agenda Cover Memo
March 3, 2016**

To: Chairman and Planning & Zoning Commission
Item 3. I. Presentation and Discussion: Monthly Building Permit Summary;
Construction Update.
Requested by: City Staff

SYNOPSIS

This item is to update the Commission about the building permits issued in the past month and other ongoing projects.

Item 4. ADJOURNMENT