



**NOTICE OF MEETING**  
**GOVERNING BODY OF MARBLE FALLS, TEXAS**  
**Tuesday, November 1, 2016 – 6:00 pm**

A quorum of the Marble Falls Economic Development Corporation  
and the Planning & Zoning Commission may be present

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Notice is hereby given that on the 1<sup>st</sup> day of November, 2016 the Marble Falls City Council will meet in regular session at 6:00 pm in the City Hall Council Chambers located at 800 3<sup>rd</sup> Street, Marble Falls, Texas, at which time the following subjects will be discussed:

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** *“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”*
4. **UPDATES, PRESENTATIONS AND RECOGNITIONS**
  - Update from Republic Services. **Guy Reid, Operations Manager**
  - Update from Marble Falls Economic Development Corporation. **Christian Fletcher, Executive Director**
5. **CITIZEN COMMENTS.** *This is an opportunity for citizens to address the City Council 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 Council. The Mayor 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.*
6. **CONSENT AGENDA.** *The items listed are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which case the item will be removed from the Consent Agenda prior to a motion and vote. The item will be considered in its normal sequence on the Regular Agenda.*
  - (a) Approval of the [minutes](#) of the October 18, 2016 regular meeting. **Christina McDonald, City Secretary**

(b) Approval of [Resolution 2016-R-11A](#) adopting the 2016 Burnet County Hazard Mitigation Plan. **Russell Sander, Fire Chief**

**7. REGULAR AGENDA.** *Council will individually consider and possibly take action on any or all of the following items:*

(a) Public Hearing, Discussion, and Action on the First Reading of [Ordinance 2016-O-11A](#) and waiving the second reading regarding a rezoning request from Single-Family Base District (R-1) and Single-Family Attached District (RA-1) to Single-Family Estates Base District (RE-1) for 173.62 acres being a tract of land out of the Logan Vandiver Survey No. 206, Abstract No. 927, the J.M. Roper Survey No. 1517, Abstract No. 1559, the Charles D. Ball Survey No. 25, Abstract No. 126, and the William C.M. Baker Survey No. 202, Abstract No. 123, and Tract No. 9 of the Holly-Naumann Subdivision, Number Three, City of Marble Falls, Burnet County, Texas, located north of the Wildflower Village Subdivision. **Elizabeth Yeh, City Planner**

(b) Public Hearing, Discussion, and Action on the First Reading of [Ordinance 2016-O-11B](#) and waiving the second reading regarding a rezoning request from Single-Family Base District (R-1) and General Commercial Base District (C-3) to Planned Development District (PDD) with base zoning of Neighborhood Commercial Base District (C-1), for 8.52 acres out of the William C.M. Baker Survey No. 202, Abstract No. 123, and the Logan Vandiver Survey No. 206, Abstract No. 127, and Lot 2A of the Holly-Naumann Subdivision Number Three. **Elizabeth Yeh, City Planner**

(c) Public Hearing, Discussion, and Action on the First Reading of [Ordinance 2016-O-11C](#) and waiving the second reading regarding a zoning text amendment to Sections 690-699 of the District Regulations, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to amend the MH-3 Mobile Home Base District regulations. **Elizabeth Yeh, City Planner**

**8. CITY MANAGER'S REPORT**

- Land Use Regulations Update

**9. EXECUTIVE SESSION**

CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (*Private Consultation between the Council and its Attorney*) and Pursuant to §551.072 (*Deliberation Regarding the Purchase, Exchange, Lease or Value of Real Property*) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the following:

- Consultation with City Attorney regarding Memorandum of Understanding with the Marble Falls Independent School District
- Consultation with City Attorney regarding City owned property

**10. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.**

**11. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.**

**12. ADJOURNMENT.**

*“The City Council 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 with Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending City Council Meetings. To better serve you, requests should be received 24 hours prior to the meeting. Please contact Ms. Christina McDonald, City Secretary at (830) 693-3615.*

**Certificate of Posting**

I, Christina McDonald, City Secretary for the City of Marble Falls, Texas, do certify that this Notice of Meeting was posting at City Hall, in a place readily accessible to the general public at all times, on the 26<sup>th</sup> day of October, 2016 at noon and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

*/s/ Christina McDonald*

Christina McDonald, TRMC  
City Secretary

*The agenda is also posted on the City’s web site [www.marblefallstx.gov](http://www.marblefallstx.gov)*

**November 1, 2016**

**6. CONSENT AGENDA**

- (a) Approval of the minutes of the October 18, 2016 regular meeting. ***Christina McDonald, City Secretary***
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Background information is attached as follows:

[October 18, 2016 regular meeting minutes](#)

STATE OF TEXAS  
COUNTY OF BURNET  
CITY OF MARBLE FALLS

On this the 18<sup>th</sup> day of October, 2016 the Council of the City of Marble Falls convened in regular session at 6:00 pm at the City Hall Council Chambers located at 800 Third Street, Marble Falls, Texas, with notice of meeting giving time, place, date, and subject having been posted as described in Chapter 551 of the Texas Government Code.

**PRESENT:** John Packer Mayor  
Rachel Austin-Cook Councilmember  
Craig Magerkurth Councilmember  
Ryan Nash Councilmember  
Reed Norman Councilmember

**ABSENT:** Jane Marie Hurst Mayor Pro-Tem  
Richard Westerman Councilmember

**STAFF:** Mike Hodge City Manager  
Caleb Kraenzel Assistant City Manager  
Patty Akers City Attorney  
Christina McDonald City Secretary  
Christian Fletcher EDC Executive Director  
Margie Cardenas Finance Director  
Steve Eckstein Police Captain  
Russell Sander Fire Chief  
Perry Malkemus Public Works Director  
Eric Belaj City Engineer  
Cheryl Pounds Municipal Jduge

**VISITORS:** Glynis Smith (The Highlander), Shane and Kara Stewart and Angie Bergman (State Farm Insurance), Tom Stanton Project Manager and Ricky Kennedy President (STR Constructors), Dale Littlefield (R. Gill Architects), Kelly Forister (Hill Country Children’s Advocacy Center)

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the meeting to order at 6:00 pm and announced the presence of a quorum.
2. **INVOCATION.** Councilmember Norman gave the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** Councilmember Nash led the pledges.
4. **UPDATES, PRESENTATIONS AND RECOGNITIONS**

- **Presentation** – State Farm representatives Shane and Kara Stewart and Angie Bergman presented a Philanthropic Grant Check to Fire Rescue in the amount of \$10,000 for the purchase of an electronic fire extinguisher trainer.

5. **CITIZEN COMMENTS.** There were no citizen comments.

6. **CONSENT AGENDA.**

(a) **Approval of the minutes of the October 4, 2016 regular meeting.**

(b) **Approval of Ordinance 2016-O-10C amending the Code of Ordinances of the City of Marble Falls, Texas, Chapter 2 (Administration), Article VII (Purchasing Policies) Sections 2-221, 2-222 and 2-223 to revise the policy to reflect an increase on purchase order limits and authorize the Assistant City Manager to sign purchase orders and change orders.**

(c) **Approval of disbursement of \$2,500 to the Hill County Children’s Advocacy Center from the Child Safety Fund collected by the court for citations received in school zones.**

Councilmember Norman made a motion to approve the consent agenda. Councilmember Austin-Cook seconded the motion. The motion carried by a vote of 5-0.

7. **REGULAR AGENDA.**

(a) **Discussion and Action on the Second Reading of Ordinance 2016-O-10A amending Chapter 26 (Utilities), Article V (Rates and Charges), Division 2 (Water and Sewer), Section 26-136 (Water Service) changing the rates for water services provided by the City; Section 26-138 (Sewer Service) changing the rates for sewer service provided by the City and Section 26-141 (Disconnected Services), changing rates for disconnected services.** Margie Cardenas, Finance Director addressed Council. Councilmember Magerkurth made a motion to approve Ordinance 2016-O-10A. The motion was seconded by Councilmember Norman and carried by a unanimous vote (5-0).

(b) **Discussion and Action on the Second Reading of Ordinance 2016-O-10B establishing a Master Fee Schedule for costs, fees and rates associated with permitting, utility services and other services provided by the City of Marble Falls.** Mike Hodge, City Manager addressed Council. Councilmember Norman made a motion to approve Ordinance 2016-O-10B as presented. Councilmember Austin-Cook seconded the motion. The motion carried by a vote of 5-0.

(c) **Discussion and Action on an Interlocal Agreement with Burnet County Emergency Services District # 6 for dispatching services for the Marble Falls Volunteer Fire Department.** Mike Hodge, City Manager stated that the item had been withdrawn at the request of the Marble Falls Volunteer Fire Department. Upon further review of the contract and possible amendments, the contract will be brought back to the City Council for consideration at a future meeting.

(d) **Discussion and Action on a contract with STR Constructors for the Public Safety Facility project and authorize the City Manager to execute the contract.** Mike Hodge, City Manager addressed Council. Dale Littlefield (R. Gill Architects) and STR Constructor representative Rick Kenney and Tom Stanton were present. After some discussion, Councilmember Nash made a motion to approve the contract with STR Constructors for the Public Safety Building Project in the amount of \$3,482,634.00, rejecting all alternate bid items and accepting the value engineering summary as listed in Attachment 1 in the amount of \$242,366.00. Councilmember Austin-Cook seconded the motion. The motion carried by a unanimous vote (5-0).

8. **CITY MANAGER'S REPORT**

- **Fire Rescue Strategic Plan** – City Manager Mike Hodge gave a brief update on the upcoming Community Meeting on October 25.

9. **EXECUTIVE SESSION**

**CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (Private Consultation between the Council and its Attorney), Pursuant to §551.087 (Deliberation Regarding Economic Development Negotiations), and Pursuant to §551.072 (Deliberation Regarding the Purchase, Exchange, Lease or Value of Real Property) of the Open Meetings Act. Tex. Gov't Code, Council will meet in Executive Session to discuss the following:**

- Discussion regarding economic development projects associated with development of EDC owned and City owned property, including public right-of-way and easements.
- Consultation with City Attorney regarding authority of a municipality to sell treated effluent outside the city limit.

6:34 pm Council convened to Executive Session

7:25 pm Council returned to Open Session

10. **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.** No action was taken.

11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** The draft agenda for the November 1 regular meeting was reviewed.

12. **ADJOURNMENT.** There being no further business to discuss, Councilmember Norman made a motion to adjourn. The motion was seconded by Councilmember Magerkurth and the meeting was adjourned at 7:30 pm.

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**John Packer, Mayor**

**ATTEST:**

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**Christina McDonald, TRMC  
City Secretary**

DRAFT

**November 1, 2016**

**6. CONSENT AGENDA**

(b) Approval of Resolution 2016-R-11A adopting the 2016 Burnet County Hazard Mitigation Plan. **Russell Sander, Fire Chief**

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Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



## Council Agenda Item Cover Memo November 1, 2016

**Agenda Item No.:** 6(b)  
**Presenter:** R. Sander, Fire Chief  
**Department:** Fire/Emergency Management  
**Legal Review:**

### AGENDA CAPTION

Approval of Resolution 2016-R-11A adopting the 2016 Burnet County Hazard Mitigation Plan.

### BACKGROUND INFORMATION

An approved hazard mitigation plan is a federal requirement in order for Marble Falls to remain eligible for some types of grants that are administered by the Texas Division of Emergency Management (TDEM), the Texas Water Development Board (TWDB), and the Federal Emergency Management Agency (FEMA). Participating in the development of a multi-jurisdictional plan and adopting it by resolution allows Marble Falls to maintain our eligibility without having to create and manage our own plan. In 2015, the Texas Colorado River Floodplain Coalition (TCRFC) contracted with Jeff Ward of JSW & Associates, Half Associates, and Tetra Tech to update the 2011 Hazard Mitigation Plan. The Burnet County plan was developed by a steering committee comprised of members of the county, City of Marble Falls representatives and other jurisdictional representatives. The plan was submitted for review earlier in 2016 and now has been approved by both the State of Texas and FEMA.

The purpose of a mitigation plan is to rationalize the process of identifying and prioritizing actions that reduce (mitigate) the effects of natural and man-made hazards on a community. The plan includes:

- Identification of hazards that impact Marble Falls and Burnet County;
- A risk assessment that describes potential losses to physical assets, people, and operations;
- A set of goals, objectives, strategies and actions that will guide mitigation activities; and
- A detailed plan for implementing and monitoring the Multi-Hazard Mitigation Plan.

This plan includes a list of Marble Falls prioritized mitigation projects and actions. Some are a continuation of existing projects and other are future potential projects. Identification of these projects in the plan in no way commits Marble Falls to their implementation.

Mitigation projects and actions will be continually assessed and revised as the City's priorities, specific events and/or routine updates require.

Due to the size of the document, a copy of the Hazard Mitigation Plan is available for review upon request.

Staff recommends approval of this resolution adopting the October 2016 Burnet County Hazard Mitigation Plan.

**Resolution 2016-R-11A**

**WHEREAS**, Section 322 of the Stafford Disaster Relief and Emergency Assistance act (42 U.S.C. 5165) requires local governments to develop a hazardous mitigation plan as a condition for receiving certain types of non-emergency disaster assistance, including funding for mitigation projects; and,

**WHEREAS**, the Code of Federal Regulations (CFR) at Title 44, Chapter 1, Part 201, requires the City to prepare and adopt a local mitigation plan every five years; and,

**WHEREAS**, a steering committee comprised of members of the Burnet County, City of Marble Falls and other jurisdictions as selected and deemed appropriate by the Commissioners Court in his authority to do so as granted by the people, as well as the local participating governments' leadership the was convened in order to assess the risk of hazards facing the County and the City, and to make recommendations on actions to be taken to mitigate these hazards; and,

**WHEREAS**, a request for proposals was issued through the Texas Colorado Regional Floodplain Coalition to hire an experienced consulting firm to work with Burnet County to update a comprehensive hazard mitigation plan for the County and the City of Marble Falls; and,

**WHEREAS**, the plan incorporates the comments, ideas and concerns of the community and of the public in general, which this plan is designed to protect, ascertained through a series of public meetings, publication of the draft plan, press releases, and other outreach activities; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Marble Falls that the 2016 Burnet County, Texas Hazard Mitigation Plan dated October 3, 2016 is hereby approved and adopted by the City Council of the City of Marble Falls and resolved to execute the actions in the plan.

This Resolution shall take effect immediately without reconsideration.

Adopted by the City Council of the City of Marble Falls on this 1st day of November 2016.

Approved:

City of Marble Falls

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John Packer, Mayor

Attest:

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Christina McDonald, City Secretary

# TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

[www.dps.texas.gov](http://www.dps.texas.gov)



STEVEN C. McCRAW  
DIRECTOR  
DAVID G. BAKER  
ROBERT J. BODISCH, SR.  
DEPUTY DIRECTORS



COMMISSION  
A. CYNTHIA LEON, CHAIR  
MANNY FLORES  
FAITH JOHNSON  
STEVEN P. MACH  
RANDY WATSON

October 3, 2016

The Honorable James Oakley  
County Judge  
Burnet County  
220 South Pierce  
Burnet, TX 78611

RE: Approvable Pending Adoption of the County of Burnet Local Mitigation Plan

Dear Judge Oakley:

Congratulations! FEMA has concluded the review of the Burnet County, Texas, local mitigation action plan, and the plan is found to be approvable pending adoption. In order for this plan to receive final FEMA approval, the jurisdiction(s) must adopt this plan and submit the complete adoption package to the state within 90 days. The plan update timeline will begin on the date of the FEMA approval letter. Please mail us the complete adoption package in the form of a CD containing the following:

- The final plan formatted as a single document
  - Plan must be dated to match the date of the first adoption
  - Remove track changes, strikethroughs and highlights
- All signed resolutions as a separate single document

The previous review tool may contain recommendations to be applied to your next update. DO NOT make any further changes to your plan until it has been approved.

The following participating governments are included in Attachment A in this letter.

If you have any questions concerning this procedure, please do not hesitate to contact me at [john.kelley@dps.texas.gov](mailto:john.kelley@dps.texas.gov) or 512-424-2453. We commend you for your commitment to mitigation.

Respectfully,

A handwritten signature in black ink, appearing to read 'John P. Kelley', written over a horizontal line.

Dr. John P. Kelley  
Supervising Program Director  
Recovery, Mitigation and Standards Services  
Texas Division of Emergency Management  
Texas Homeland Security  
Texas Department of Public Safety

Enclosures: Attachment A

EQUAL OPPORTUNITY EMPLOYER  
COURTESY • SERVICE • PROTECTION

Attachment A

Burnet County, Texas  
Multi-Jurisdictional  
Hazard Mitigation Plan Participants

Below is the list of participating governments included in the September 26, 2016 review of the referenced Hazard Mitigation plan:

1. Burnet County
2. City of Bertram
3. City of Burnet
4. City of Granite Shoals
5. City of Highland Haven
6. City of Marble Falls
7. City of Meadowlakes

JK/mp

**November 1, 2016**

**7. REGULAR AGENDA**

- (a) Public Hearing, Discussion, and Action on the First Reading of Ordinance 2016-O-11A and waiving the second reading regarding a rezoning request from Single-Family Base District (R-1) and Single-Family Attached District (RA-1) to Single-Family Estates Base District (RE-1) for 173.62 acres being a tract of land out of the Logan Vandiver Survey No. 206, Abstract No. 927, the J.M. Roper Survey No. 1517, Abstract No. 1559, the Charles D. Ball Survey No. 25, Abstract No. 126, and the William C.M. Baker Survey No. 202, Abstract No. 123, and Tract No. 9 of the Holly-Naumann Subdivision, Number Three, City of Marble Falls, Burnet County, Texas, located north of the Wildflower Village Subdivision. ***Elizabeth Yeh, City Planner***
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Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo  
November 1, 2016**

**Agenda Item No.:** 7(a)  
**Presenter:** Elizabeth Yeh, City Planner  
**Department:** Development Services  
**Legal Review:**  N/A

**AGENDA CAPTION**

Public Hearing, Discussion, and Action on the first reading of Ordinance 2016-O-11A and waiving the second reading regarding a rezoning request from Single-Family Base District (R-1) and Single-Family Attached District (RA-1) to Single-Family Estates Base District (RE-1) for 173.62 acres being a tract of land out of the Logan Vandiver Survey No. 206, Abstract No. 927, the J.M. Roper Survey No. 1517, Abstract No. 1559, the Charles D. Ball Survey No. 25, Abstract No. 126, and the William C.M. Baker Survey No. 202, Abstract No. 123, and Tract No. 9 of the Holy-Naumann Subdivision, Number Three, City of Marble Falls, Burnet County, Texas, located north of the Wildflower Village Subdivision.

**BACKGROUND INFORMATION**

This item is for consideration of a rezoning request for 173.62 acres north of the Wildflower Village Subdivision.

The southern half of the Subject Area is currently zoned Single-Family Attached District (RA-1), and the northern half is zoned Single-Family Base District (R-1). The applicant is requesting to rezone the entire Subject Area into Single-Family Estates Base District (RE-1) in order to allow for larger estate sized lots (one acre minimum).

Current the RA-1 zoning acreage would allow approximately 1,045 single family lots with a minimum lot area of 3,000 square feet. The R-1 zoning acreage would allow approximately 725 single family lots with a minimum lot area of 6,000 square feet. A total of 1,770 lots could potentially be platted with current regulations and densities allowed (not accounting for roadways, topography, and drainage infrastructure). Rezoning the acreage to RE-1 would reduce the density of the acreage to allow approximately 173 single family lots

with a minimum lot area of one acre each (not accounting for roadways, topography, and drainage infrastructure).

The Subject Area is currently undeveloped. The proposed use of the Subject Area is a sixty (60) lot residential subdivision to be known as Mustang Ridge Estates. The subdivision will be similar in character to that found north of the Subject Area along Park View Drive. Housing in the subdivision would be restricted to conventional site built homes. Grading, streets, and drainage would conform to the natural terrain as nearly as practicable. A conceptual lot plan for the subdivision can be found on page 11.

The applicant/owner has submitted a Construction Plat application and related construction plans for the proposed public improvements. This item will come before the Planning and Zoning Commission within the following months.

Site plan approval is not required for this rezoning due to the applicant seeking a downzoning to a less dense zoning district. The Comprehensive Plan Future Land Use Plan (FLUP) classification for the Subject Area is Transitional Residential. The Transitional Residential classification is intended to allow development of different housing types, characterized by a variety of different lot sizes and housing types. New Transitional Residential development should be designed in a manner that matches the character of development it abuts. In this sense, the requested rezoning complies with the Comprehensive Plan Future Land Use Plan intent due to the compatibility of the proposed character and density to that of existing surrounding neighborhoods.

At the October 13, 2016 regular meeting of the Planning and Zoning Commission, the Commission recommended approval (4-0) of the rezoning request as presented.

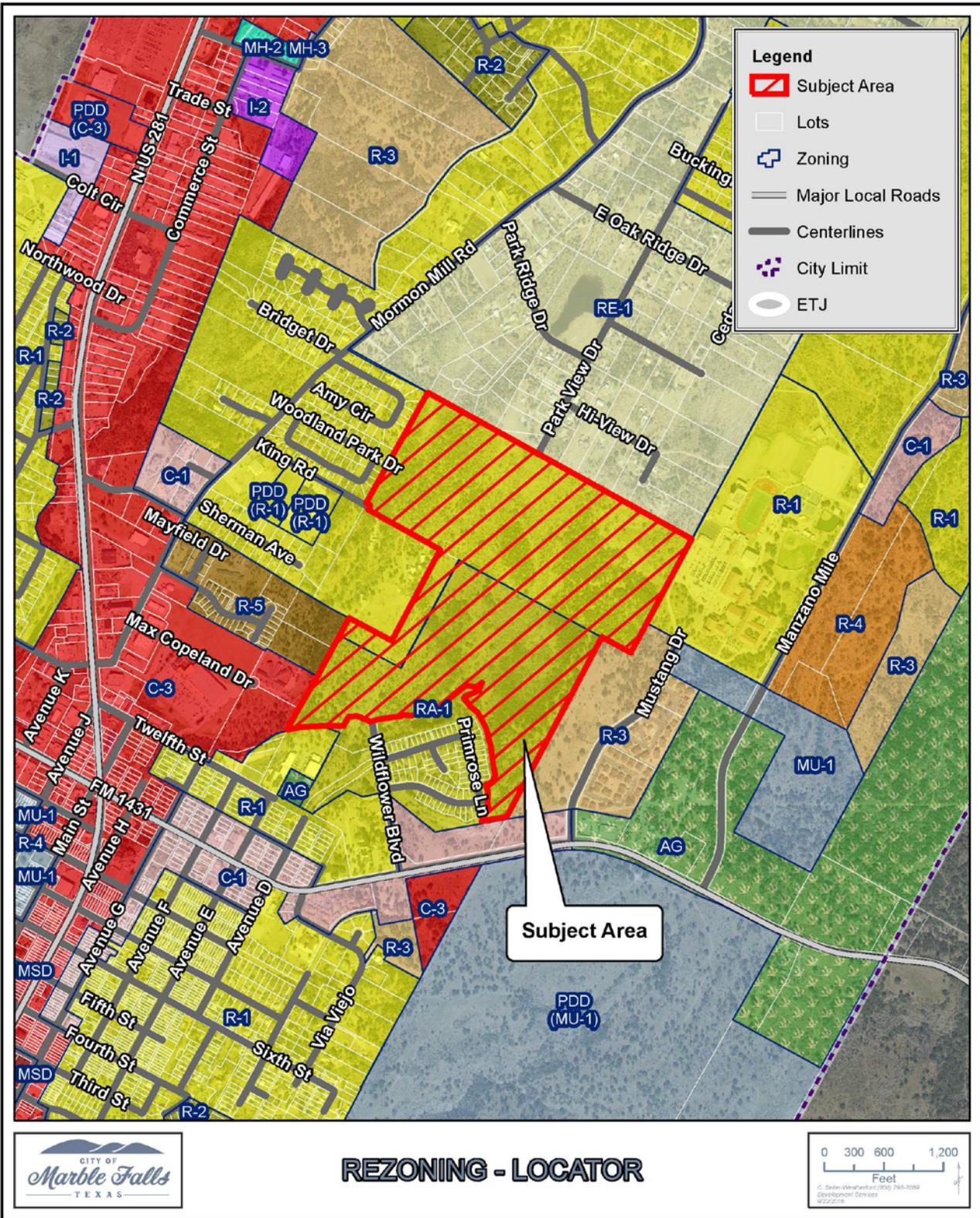
A total of fifty-five (55) adjacent property owners within two hundred feet (200') of the Subject Area were mailed notification letters, including the public hearing dates and a pre-paid comment card for response supporting/opposing the proposed rezoning. At the time of packet distribution nine (9) submitted a response in favor of the rezoning, and four (4) submitted a response against the rezoning.

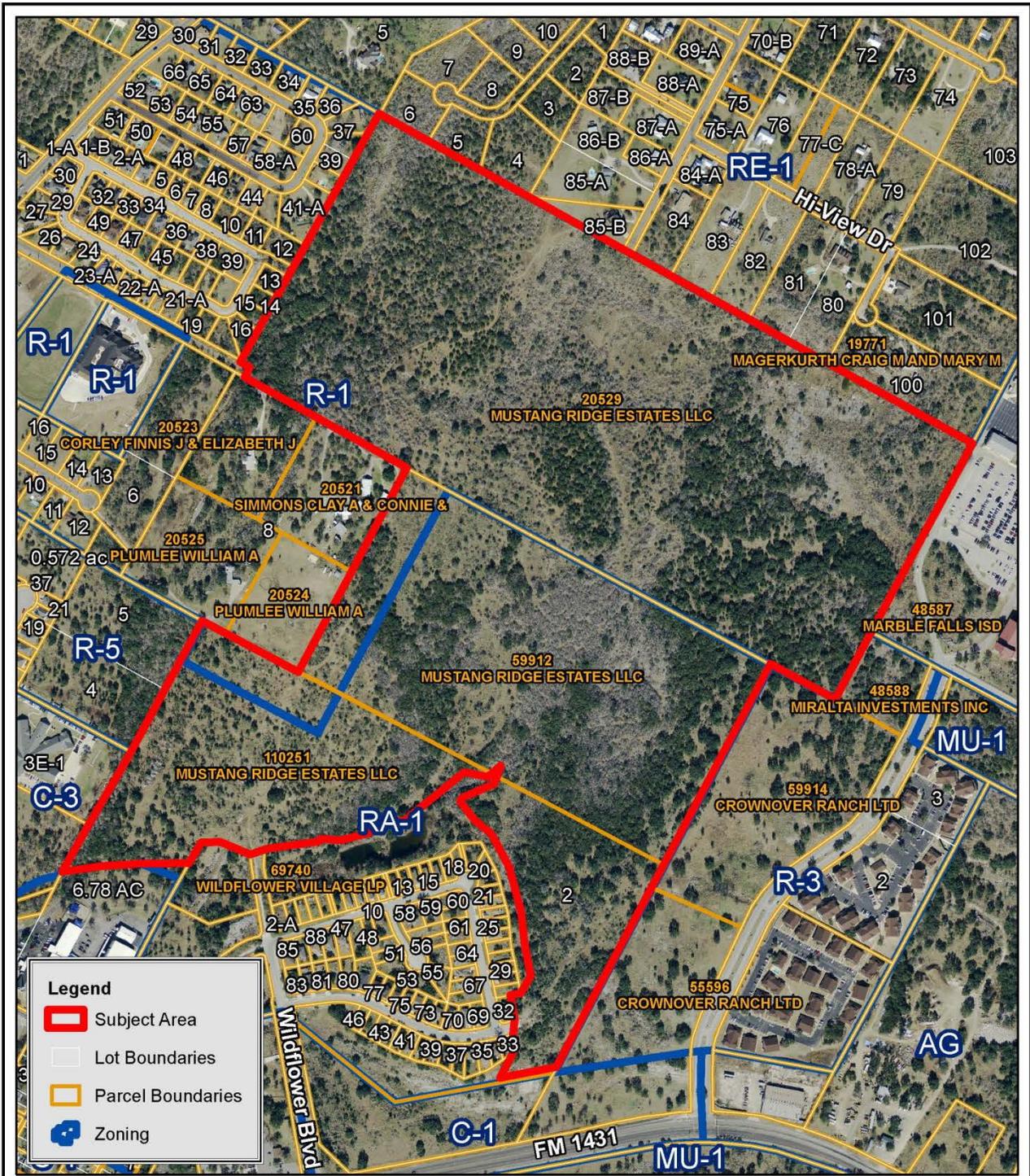
**RECOMMENDATION**

Due to conformance with the Comprehensive Plan, the compatibility with surrounding zoning, the need for diversification of City housing inventory, and the minimal density of the development proposed, City staff recommends approval of the rezoning request to Single-Family Estates Base District (RE-1).

**Memo Contents:**

- Informational maps produced by City Staff: **Pages 4 - 10**
- Conceptual Lot Plan: **Page 11**
- Survey: **Page 12**
- Ordinance 2016-O-11A: **Page 13 - 16**



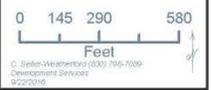


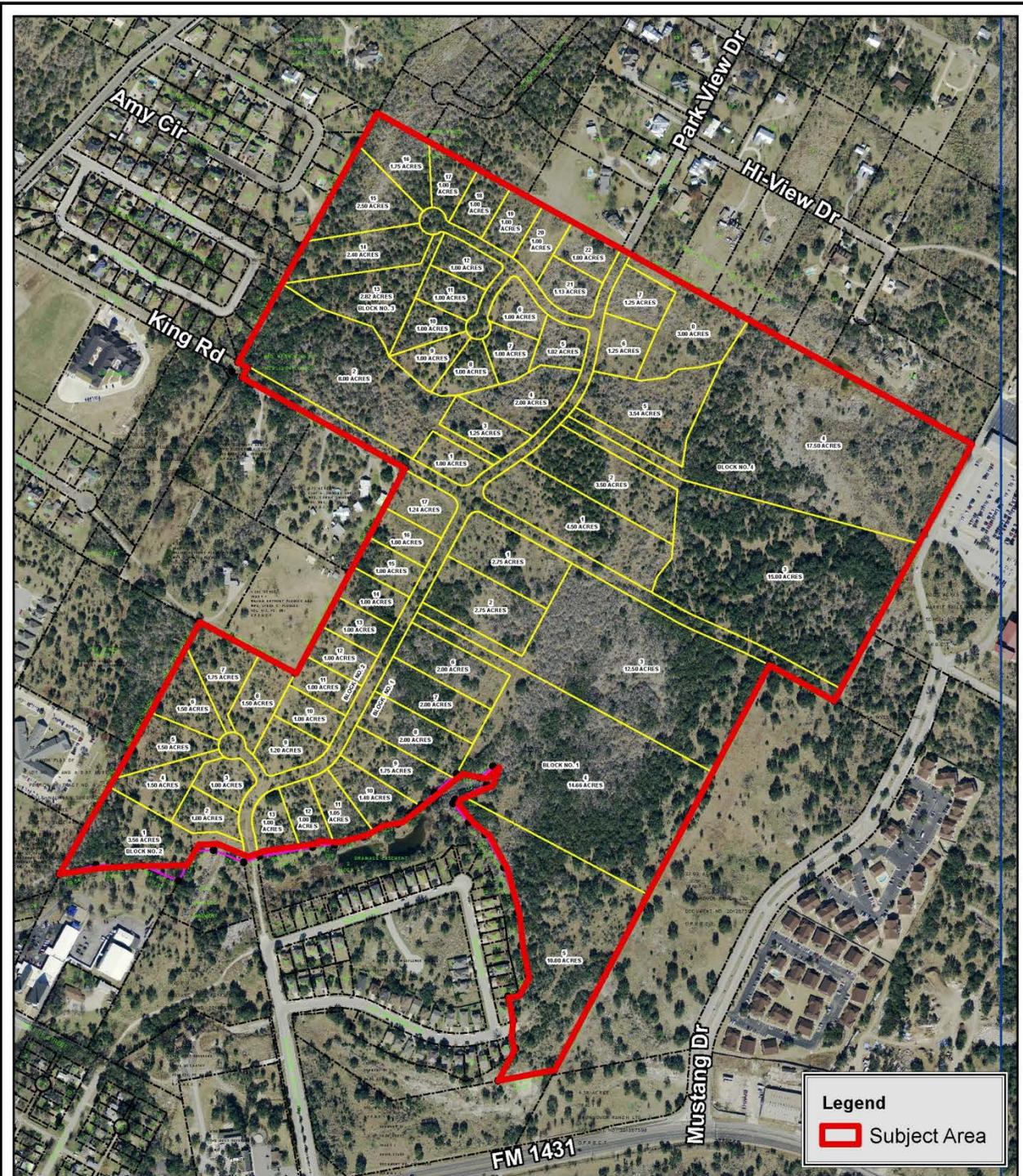
**Legend**

- Subject Area
- Lot Boundaries
- Parcel Boundaries
- R-1 Zoning



**REZONING - AERIAL**



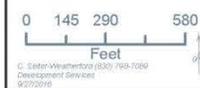


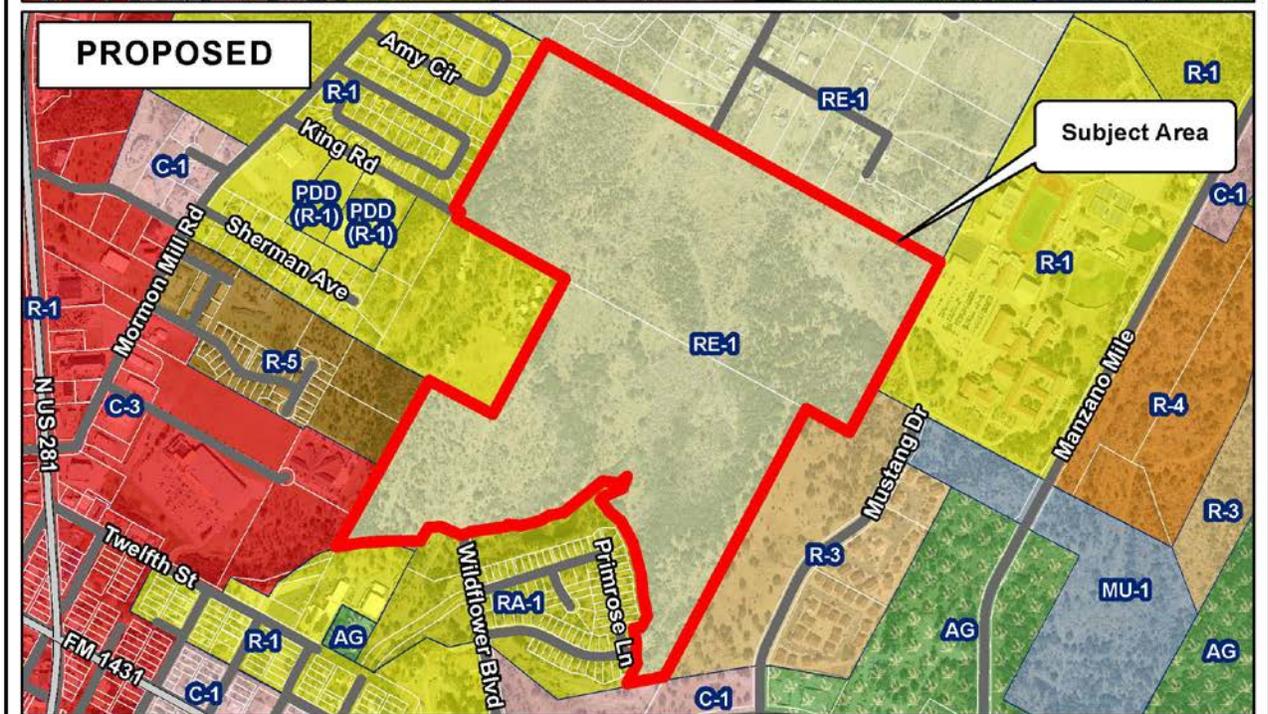
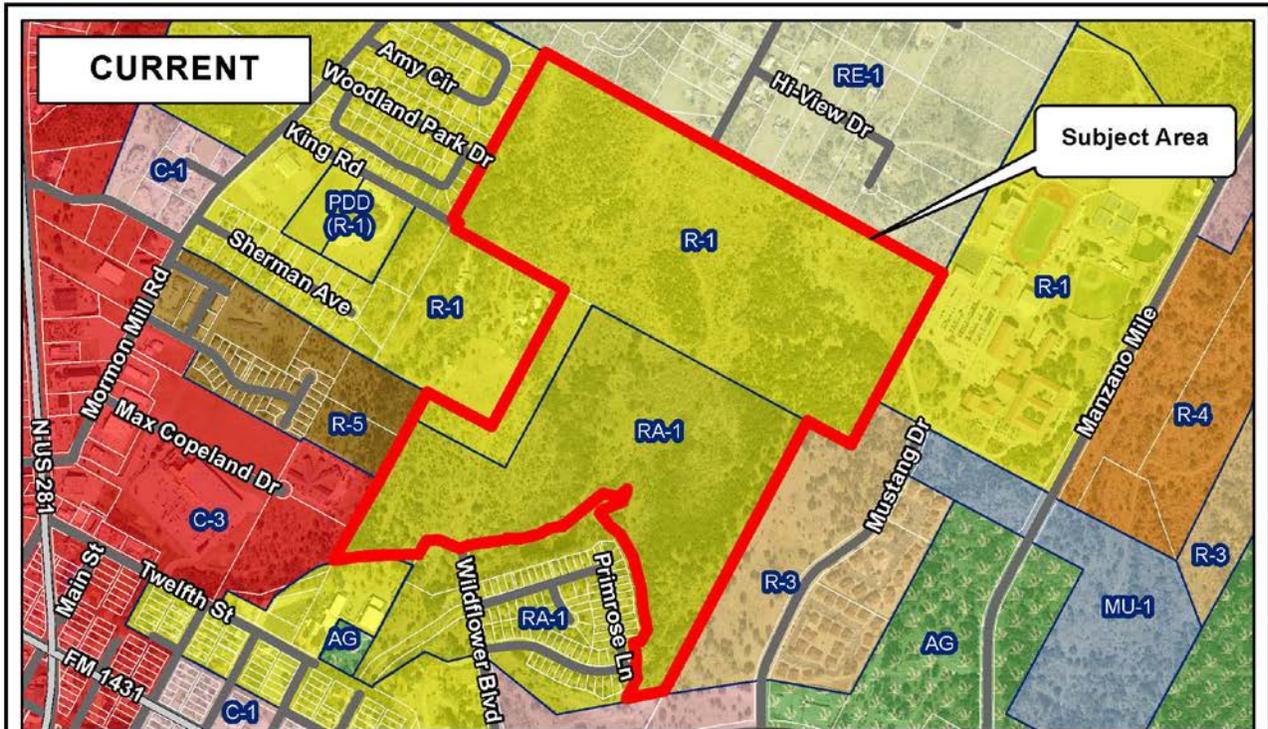
**Legend**

Subject Area

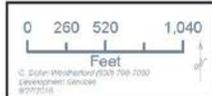


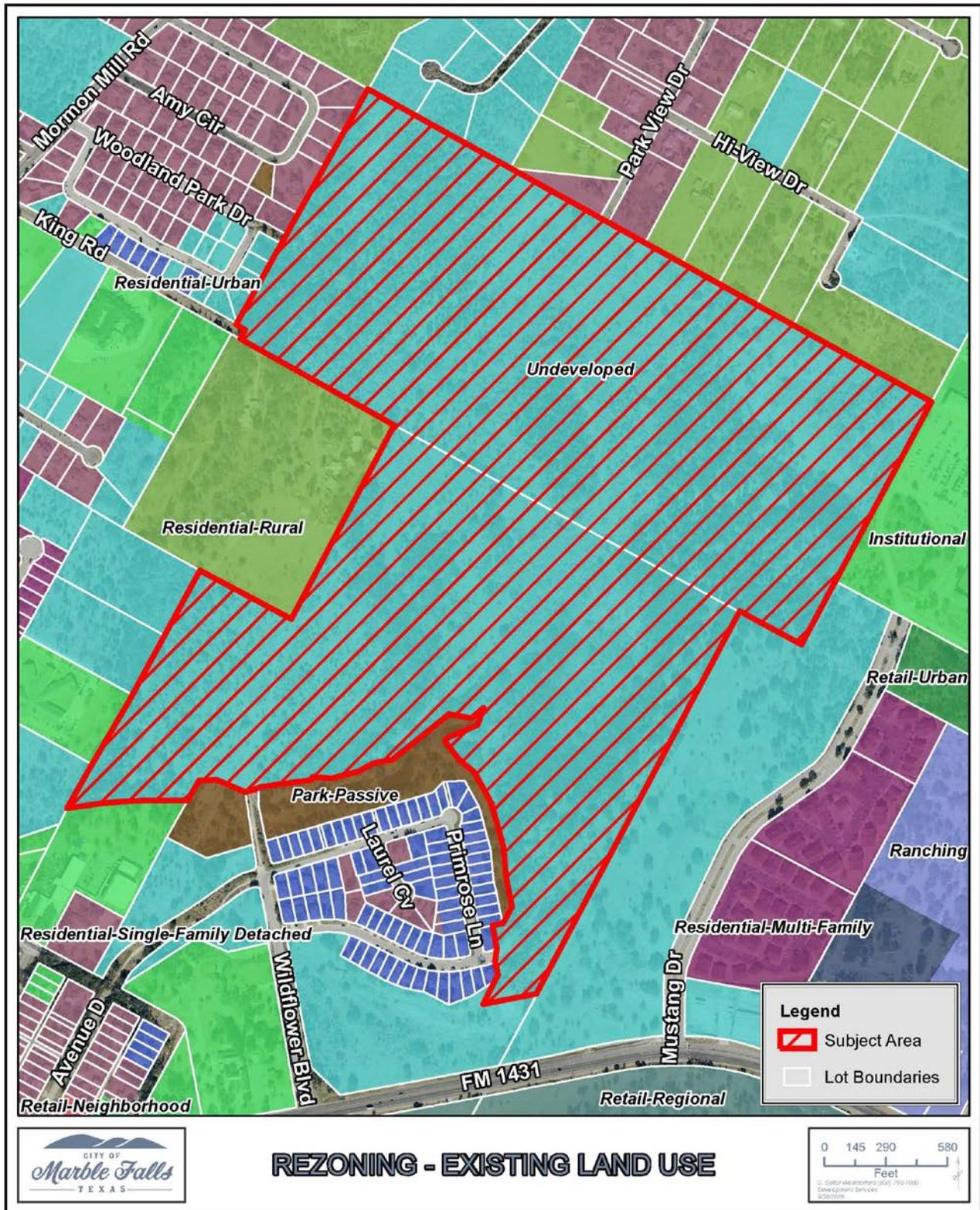
**REZONING - CONCEPTUAL LOT PLAN**

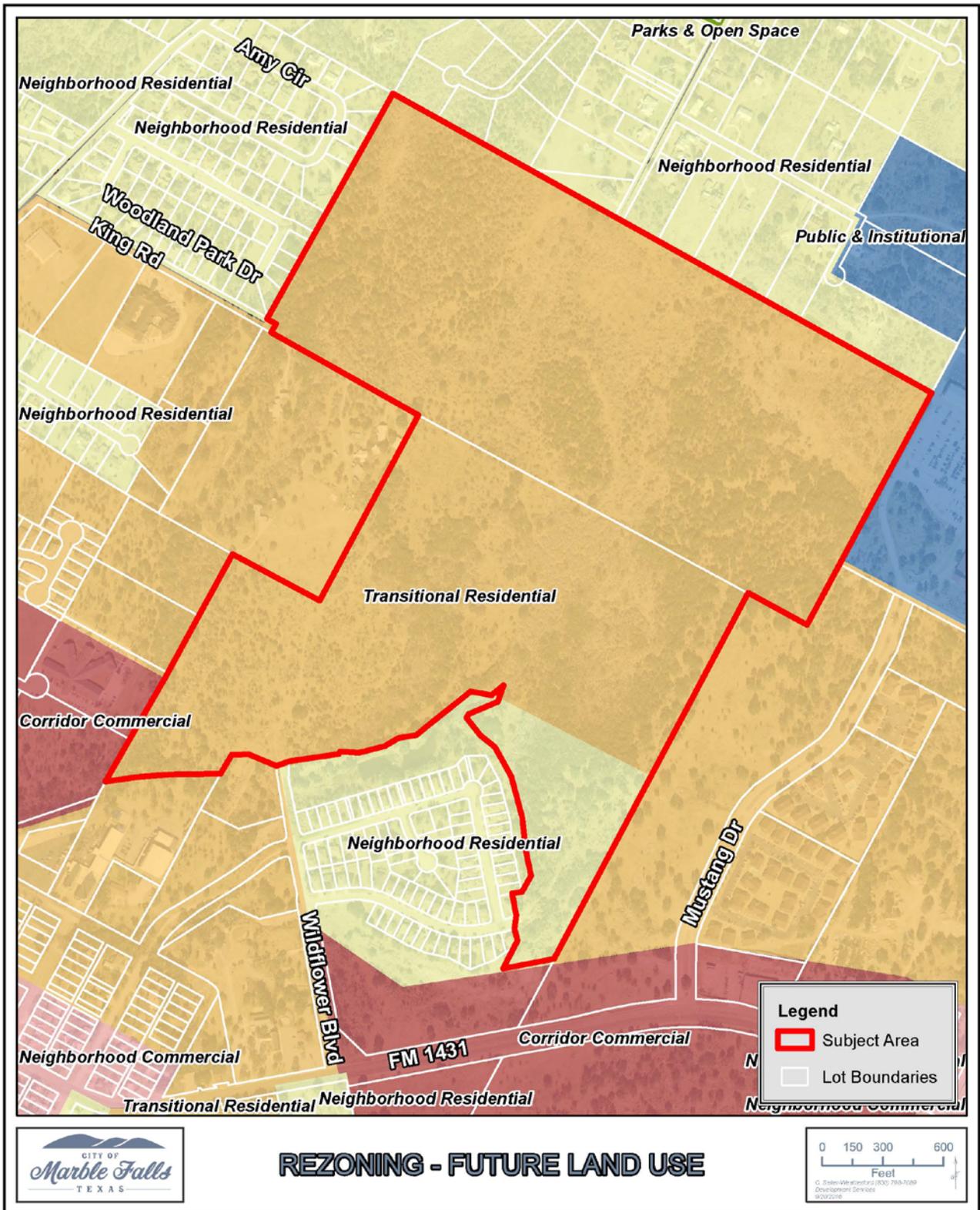


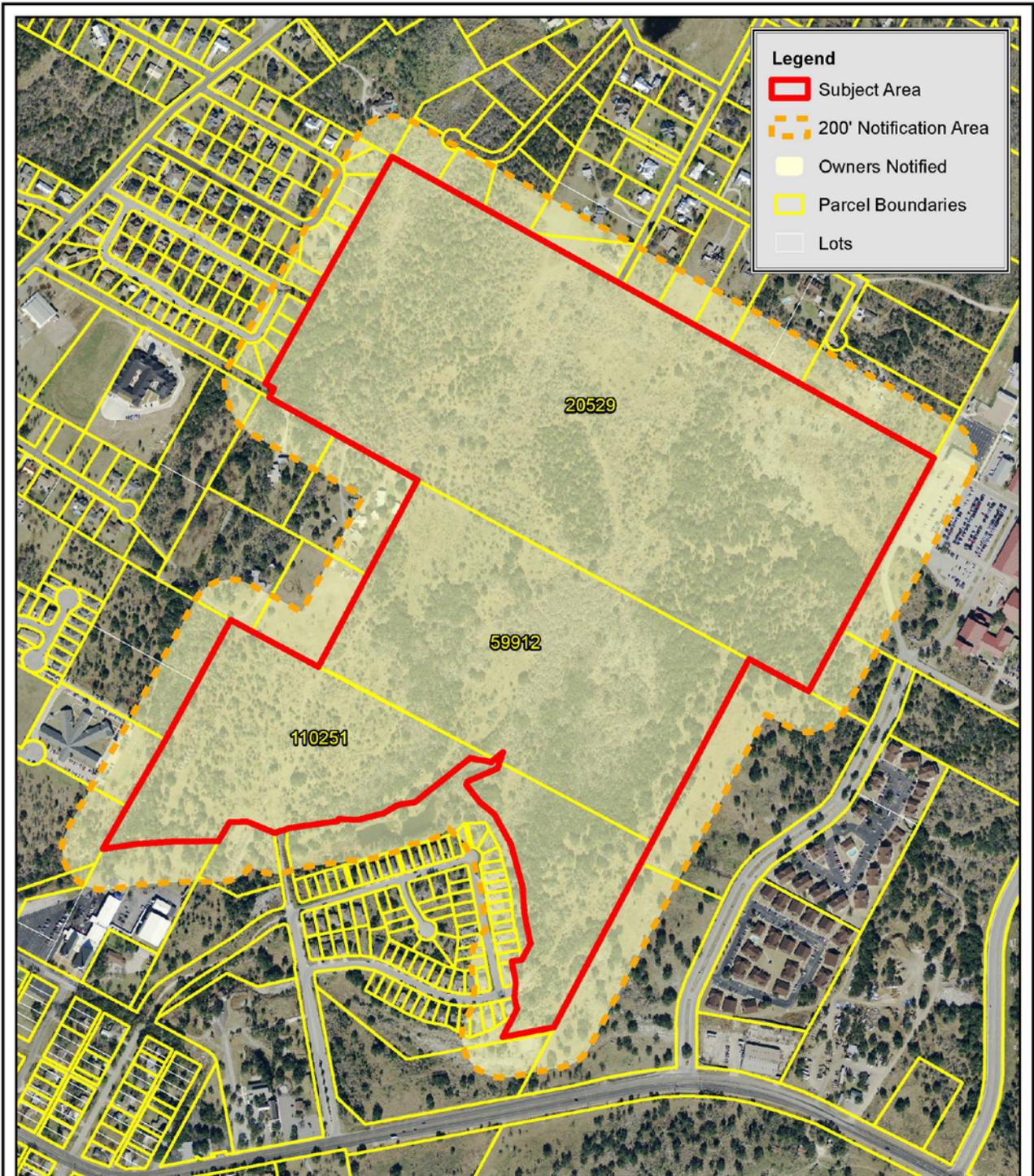


**ZONING MAP**









**Legend**

- Subject Area
- 200' Notification Area
- Owners Notified
- Parcel Boundaries
- Lots



**REZONING - NOTIFICATION**



# Conceptual Lot Plan



LINE TABLE

LINE	BEARING	DISTANCE
L1	N07°45'E	142.17'
L2	N04°02'20"W	88.13'
L3	N04°04'00"W	87.80'
L4	N03°07'00"W	108.80'
L5	N07°07'30"W	48.28'
L6	N07°07'30"W	85.13'
L7	N03°07'30"W	138.34'
L8	N07°07'30"W	148.17'
L9	N02°20'45"W	81.82'
L10	N02°20'45"W	112.21'
L11	N02°04'45"E	18.85'
L12	N02°04'45"E	158.48'
L13	N08°44'37"E	86.70'
L14	S08°52'00"W	76.26'
L15	S08°52'00"W	128.08'
L16	S08°52'00"W	128.08'
L17	S08°52'00"W	128.08'
L18	S08°52'00"W	81.38'
L19	S08°52'00"W	74.82'
L20	S08°52'00"W	88.72'
L21	S08°52'00"W	78.87'
L22	S07°42'00"W	121.79'
L23	N08°04'00"W	82.67'
L24	S08°52'00"W	14.30'
L25	N08°04'00"W	74.82'
L26	N08°04'00"W	148.89'
L27	N08°04'00"W	85.64'
L28	N08°04'00"W	59.15'

PROJECT NO. 2333  
 PREPARED FOR: MUSTANG RIDGE ESTATES & LOGAN WANDER PARTNERSHIP  
 DATE: 10/20/2010  
 DRAWN BY: J. L. LANE  
 CHECKED BY: J. L. LANE  
 APPROVED BY: J. L. LANE

1800 OLD LANE  
 MARBLE FALLS, TX 78048  
 TEL: 254-586-3333 FAX: 254-586-3334  
 WWW.CEFLANDSURVEYORS.COM



NO.	DATE	DESCRIPTION
1	10/20/2010	CONCEPT PLAN
2	10/20/2010	REVISIONS

A CONCEPT PLAN OF  
 MUSTANG RIDGE ESTATES  
 173.62 ACRES  
 OUT OF THE  
 THE LOGAN WANDER SURVEY NO. 206,  
 ABSTRACT NO. 827, THE J. M. HOPKINS SURVEY  
 NO. 1517, ABSTRACT NO. 1558, THE CHARLES  
 D. HALL SURVEY NO. 205, ABSTRACT NO. 128  
 AND THE WILLIAM C. BAKER SURVEY NO. 202,  
 ABSTRACT NO. 123  
 CITY OF MARBLE FALLS  
 BURNETT COUNTY, TEXAS

# Survey



## LAND TITLE SURVEY

LOCAL ADDRESS: MARBLE FALLS, TEXAS

TRACT I BEING A 17.622 ACRE TRACT OF LAND OUT OF THE LUDON WANDER SURVEY NO. 206, ABSTRACT NO. 827, THE J. M. ROYER SURVEY NO. 1517, ABSTRACT NO. 1058, THE CHARLES O. BALL SURVEY NO. 126 AND THE WILLIAM C. BAKER SURVEY NO. 202, ABSTRACT NO. 123 IN BURNETT COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN TRACT NO. 9 AS SHOWN ON THE PLAT OF RECORD IN VOLUME 115, PAGE 388 OF THE OFFICIAL PUBLIC RECORDS OF BURNETT COUNTY, TEXAS AND AS DESCRIBED IN A WARRANTY DEED FROM THE PARTNERSHIP OF DAVID S. STARR, WELDONER IN VOLUME 115, PAGE 388 OF THE OFFICIAL PUBLIC RECORDS OF BURNETT COUNTY, TEXAS, ALL OF THAT CERTAIN 87 ACRES TRACT OF LAND, KNOWN AS TRACT I AS DESCRIBED IN A COMMISSION SPECIAL WARRANTY DEED, DATED FROM MARBLE FALLS, TEXAS, TO BE HAD IN RECORD IN BURNETT COUNTY, TEXAS AND BEING PART OF THE OFFICIAL PUBLIC RECORDS OF BURNETT COUNTY, TEXAS, SAID 87 ACRES TRACT BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS SURVEY.

TRACT II BEING A 6.892 ACRE TRACT OF LAND OUT OF THE WILLIAM C. BAKER SURVEY NO. 202, ABSTRACT NO. 123 IN BURNETT COUNTY, TEXAS AND BEING A PORTION OF THAT CERTAIN 87 ACRES TRACT OF LAND, KNOWN AS TRACT I, A PORTION OF THAT CERTAIN 87 ACRES TRACT OF LAND, KNOWN AS TRACT I AS DESCRIBED IN A COMMISSION SPECIAL WARRANTY DEED, DATED FROM MARBLE FALLS, TEXAS, TO BE HAD IN RECORD IN BURNETT COUNTY, TEXAS AND BEING PART OF THE OFFICIAL PUBLIC RECORDS OF BURNETT COUNTY, TEXAS, SAID 87 ACRES TRACT BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS SURVEY.

EXCLUSIVELY TO THE PARTIES INVOLVED IN THE TITLE COMMITMENT PREPARED BY SERVICE TITLE COMPANY S.P. NO. 2018, EFFECTIVE DATE MAY 2, 2018, ISSUED MAY 6, 2018.

RECORDING COVENANTS: 1124/20, 1124/21, 1221/31 & 1221/31 - S.P.R.C.T. RECORDING PLATS: CAB.3/SLD.208-208 & 2144-P.R.C.T.

TRACT I: 5 FT. UTILITY EASEMENT ALONG EACH LOT LINE OF LOT NO. 9 AS SHOWN ON THE PLAT OF RECORD: 2/144 P.R.C.T.

TRACT II: UTILITY AND ROADWAY EASEMENTS AS SHOWN ON THE PLAT OF RECORD IN CABINET 2, SLIDE 994-C-P.R.C.T. UTILITY EASEMENTS TO THE CITY OF MARBLE FALLS, 300/742, 381/473 & 381/484-P.R.C.T. ROADS OF ACCESS TO ALL UTILITY EASEMENTS AND DRAINAGE EASEMENTS: 1102/21-P.R.C.T.

THE PROPERTY SHOWN HEREON IS NOT SUBJECT TO THE FOLLOWING: RIGHTS OF ACCESS AND UTILITY EASEMENTS GRANTED TO UNITED TELEPHONE: 106/19-P.R.C.T. EASEMENT TO TRACT PUBLIC UTILITIES: 74/208-P.R.C.T. RIGHT OF WAY: 77/218 & 77/410-P.R.C.T.

RECORD CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	90°00'00"	200.00'	157.08'	N10°00'00"W	157.08'
C2	90°00'00"	200.00'	157.08'	S10°00'00"W	157.08'
C3	90°00'00"	200.00'	157.08'	N10°00'00"W	157.08'
C4	90°00'00"	200.00'	157.08'	S10°00'00"W	157.08'
C5	90°00'00"	200.00'	157.08'	N10°00'00"W	157.08'
C6	90°00'00"	200.00'	157.08'	S10°00'00"W	157.08'
C7	90°00'00"	200.00'	157.08'	N10°00'00"W	157.08'
C8	90°00'00"	200.00'	157.08'	S10°00'00"W	157.08'

LINE TABLE

LINE	BEARING	DISTANCE	BEARING	DISTANCE
L1	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L2	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L3	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L4	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L5	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L6	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L7	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L8	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L9	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L10	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L11	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L12	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L13	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L14	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L15	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L16	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L17	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L18	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L19	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L20	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L21	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L22	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L23	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L24	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L25	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L26	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L27	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L28	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L29	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L30	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L31	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L32	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L33	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L34	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L35	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L36	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L37	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L38	S00°00'00"W	157.08'	S00°00'00"W	157.08'
L39	N00°00'00"W	157.08'	N00°00'00"W	157.08'
L40	S00°00'00"W	157.08'	S00°00'00"W	157.08'

## **ORDINANCE NO. 2016-O-11A**

**AN ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS AMENDING THE ZONING OF 173.62 ACRES BEING A TRACT OF LAND OUT OF THE LOGAN VANDIVER SURVEY NO. 206, ABSTRACT NO. 927, THE J.M. ROPER SURVEY NO. 1517, ABSTRACT NO. 1559, THE CHARLES D. BALL SURVEY NO. 25, ABSTRACT NO. 126, AND THE WILLIAM C.M. BAKER SURVEY NO. 202, ABSTRACT NO. 123, AND TRACT NO. 9 OF THE HOLY-NAUMANN SUBDIVISION, NUMBER THREE, CITY OF MARBLE FALLS, BURNET COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED WITHIN EXHIBIT "A" ATTACHED HERETO; FROM SINGLE FAMILY BASE DISTRICT (R-1) AND SINGLE-FAMILY ATTACHED DISTRICT (RA-1) TO SINGLE-FAMILY ESTATES BASE DISTRICT (RE-1); AND PROVIDING FOR A SAVINGS CLAUSE, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS** the City of Marble Falls is legally empowered to regulate development in the community through the legitimate use of its police powers; **AND,**

**WHEREAS,** the City Council seeks to promote responsible and sustainable growth consistent with the City of Marble Falls' Comprehensive Plan and future amendments; **AND,**

**WHEREAS,** the Planning & Zoning Commission recommended the proposed rezoning of the property described herein during a public hearing on Thursday, October 13, 2016, **AND,**

**WHEREAS,** the City Council thereby seeks to ensure conformance with the Future Land Use Plan of the Comprehensive Plan for the City of Marble Falls, **AND;**

**WHEREAS,** the City Council for the City of Marble Falls has considered the matter at a public hearing and deems it appropriate to rezone the property described herein to the classification specified in this ordinance, finding the zoning changes are in conformance with the Future Land Use Plan of the Comprehensive Plan.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:**

**SECTION I. PREAMBLE.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II. ZONING.** That the following real property be rezoned to the zoning classification described below:

- A. From Single-Family Base District (R-1) and Single-Family Attached District (RA-1) to Single-Family Estate Base District (RE-1) for 173.62 acres being a tract of land out of the Logan Vandiver Survey No. 206, Abstract No. 927, the J.M. Roper Survey No. 1517, Abstract No. 1559, the Charles D. Ball Survey No. 25, Abstract No. 126, and the William C.M. Baker Survey No. 202, Abstract No. 123, and Tract



APPROVED:

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John Packer, Mayor  
City of Marble Falls

ATTEST:

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Christina McDonald, City Secretary  
City of Marble Falls

(Seal)

APPROVED AS TO FORM:

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Patty L. Akers, City Attorney  
City of Marble Falls



**November 1, 2016**

**7. REGULAR AGENDA**

- (b) Public Hearing, Discussion, and Action on the First Reading of Ordinance 2016-O-11B and waiving the second reading regarding a rezoning request from Single-Family Base District (R-1) and General Commercial Base District (C-3) to Planned Development District (PDD) with base zoning of Neighborhood Commercial Base District (C-1), for 8.52 acres out of the William C.M. Baker Survey No. 202, Abstract No. 123, and the Logan Vandivier Survey No. 206, Abstract No. 127, and Lot 2A of the Holly-Naumann Subdivision Number Three. *Elizabeth Yeh, City Planner*

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Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



## Council Agenda Item Cover Memo November 1, 2016

**Agenda Item No.:** 7(b)  
**Presenter:** Elizabeth Yeh, City Planner  
**Department:** Development Services  
**Legal Review:**

### AGENDA CAPTION

Public Hearing, Discussion, and Action on the first reading of Ordinance 2016-O-11B and waiving the second reading regarding a rezoning request from Single-Family Base District (R-1) and General Commercial Base District (C-3) to Planned Development District (PDD) with base zoning of Neighborhood Commercial Base District (C-1), for 8.52 acres out of the William C.M. Baker Survey No. 202, Abstract No. 123, and the Logan Vandivier Survey No. 206, Abstract No. 127, and Lot 2A of the Holy-Naumann Subdivision Number Three.

### BACKGROUND INFORMATION

At the October 13, 2016 regular meeting of the Planning and Zoning Commission, the Commission recommended approval (4-0) of the rezoning request with the following conditions:

- Outdoor Entertainment be a Conditional Land Use subject to site plan approval, and
- All new outdoor lighting to be Dark Sky friendly.

This item is for consideration of a rezoning application requesting a Planned Development District (PDD) with base zoning of Neighborhood Commercial Base District (C-1) for 10.28 acres located at 501 12<sup>th</sup> Street, Marble Falls, Texas 78654, known as the property formally housing the First Baptist Church of Marble Falls.

The majority of the Subject Area is currently zoned Single-Family Base District (R-1), and approximately 0.5 acres is zoned General Commercial Base District (C-3). The use of the property prior to being vacated included religious assembly, and associated accessory uses such as food pantry, gymnasium, and school/daycare facilities. These accessory uses were allowed due to the fact that they were tied to the primary use being religious assembly, which is allowed within R-1 zoning. With the religious assembly primary use removed, independent

indoor recreation, daycare facilities, and community assembly/meeting spaces would not be allowed due to the current zoning classification. The applicant would like to purchase the property from the current owner (The First Baptist Church of Marble Falls) in order establish a recreational community center through the continuation of similar community/recreational activity uses on the site, however rezoning needs to occur in order to allow for these nonresidential uses.

The proposed project plans to keep the existing site plan and building configurations (as depicted on pages 10 and 11), but would redevelop the interior of the main building into an indoor play area. The additional buildings previously known as the chapel, gymnasium, youth building, and school/daycare facility would be leased to future tenants that comply with the proposed land uses permitted (found on page 13). The land use table features light-commercial and residential land uses compatible with residential neighborhoods. The proposed project hopes to provide a location that facilitates community activities and provides meeting areas for children and families. As stated in the applicant statement, the project will make it a priority to select rental tenants that provide family/children focused uses in an effort to encourage local family and health centered activities within the project.

In order to increase the overall quality and visual appearance of the project, the applicant is proposing to make improvements to the exterior grounds. Additional landscaping and trees are proposed within the existing parking lot, and future courtyard and outdoor playgrounds/features are planned to increase free play and natural areas. These changes are depicted in the Landscape Plan found on page 12.

As opposed to a conventional rezoning, staff recommended a Planned Development District for the property, in order to safeguard the surrounding residential neighborhood. Our code specifies Planned Development overlay districts are meant to provide greater flexibility in order to allow special conditions or restrictions which would otherwise not allow the development to occur, as long as the proposed land uses are compatible with surrounding zoning and existing land uses. By providing a set site plan for the property and allowing a customized limited amount of compatible uses within the project, the City can assure that the project is compatible with surrounding land uses. With a PDD the neighborhood gets an added layer of land development restriction, and any substantial modifications to the site plan or buildings would require approval through the PDD amendment process. The inventory of existing zoning surrounding the Subject Area includes General Commercial Base District (C-3) to the north and east, and Single-Family Base District (R-1) to the south and west. The

proposed Neighborhood Commercial (C-1) PDD development standards and land uses are providing a gradual transition between the two existing zones, and therefore are deemed to be compatible with surrounding zoning, permitted land uses, and existing land uses in the area.

The Comprehensive Plan Future Land Use Plan (FLUP) classification for the Subject Area is Transitional Residential (TR). The primary uses allowed in TR are single-family and multi-family residential, however secondary uses such as neighborhood nonresidential uses are allowed to be considered on a limited basis. Nonresidential uses should be developed using Neighborhood Commercial (NC) classification standards, which call for nonresidential uses that are of an appropriate use, scale, and design that is compatible with abutting or nearby residential uses. The primary uses allowed in the Neighborhood Commercial future land use classification include professional offices, food sales, convenience stores, general retail sales, personal services, medical or healthcare facilities, life care housing or facilities, restaurants, and parks, trails, and open spaces. The proposed uses and site plan for the project therefore conform to the Comprehensive Plan Future Land Use Plan.

A total of thirteen (13) 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 two (2) property owners submitted a response against the rezoning.

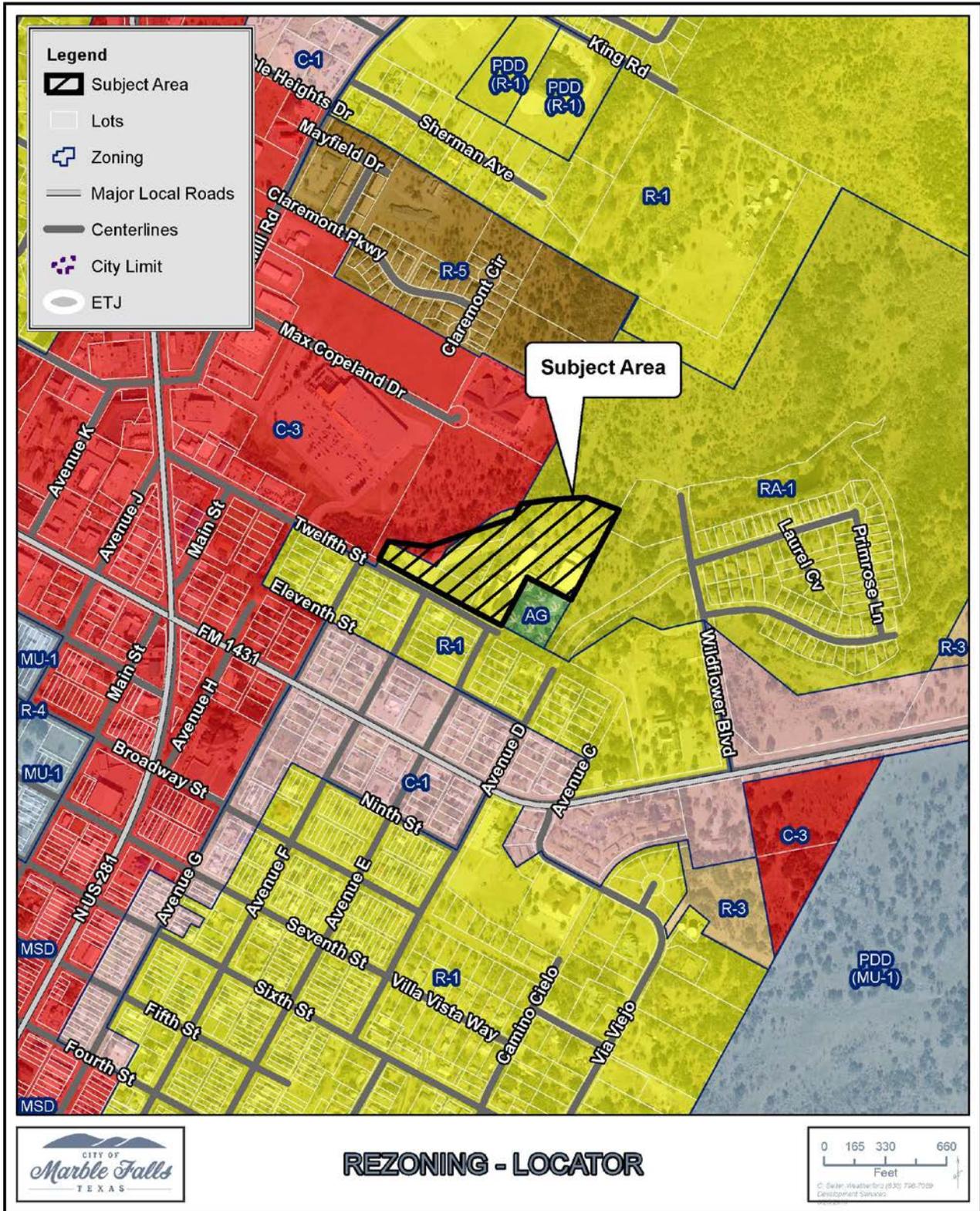
## **RECOMMENDATION**

Due to conformance with the Comprehensive Plan, the compatibility with surrounding existing land uses, and the site plan, land use table, landscape plan, and building elevations meeting or exceeding all minimum standards for the proposed use within the property, City staff recommends approval of the PDD rezoning and corresponding exhibits along with the recommendations set forth by the Planning & Zoning Commission:

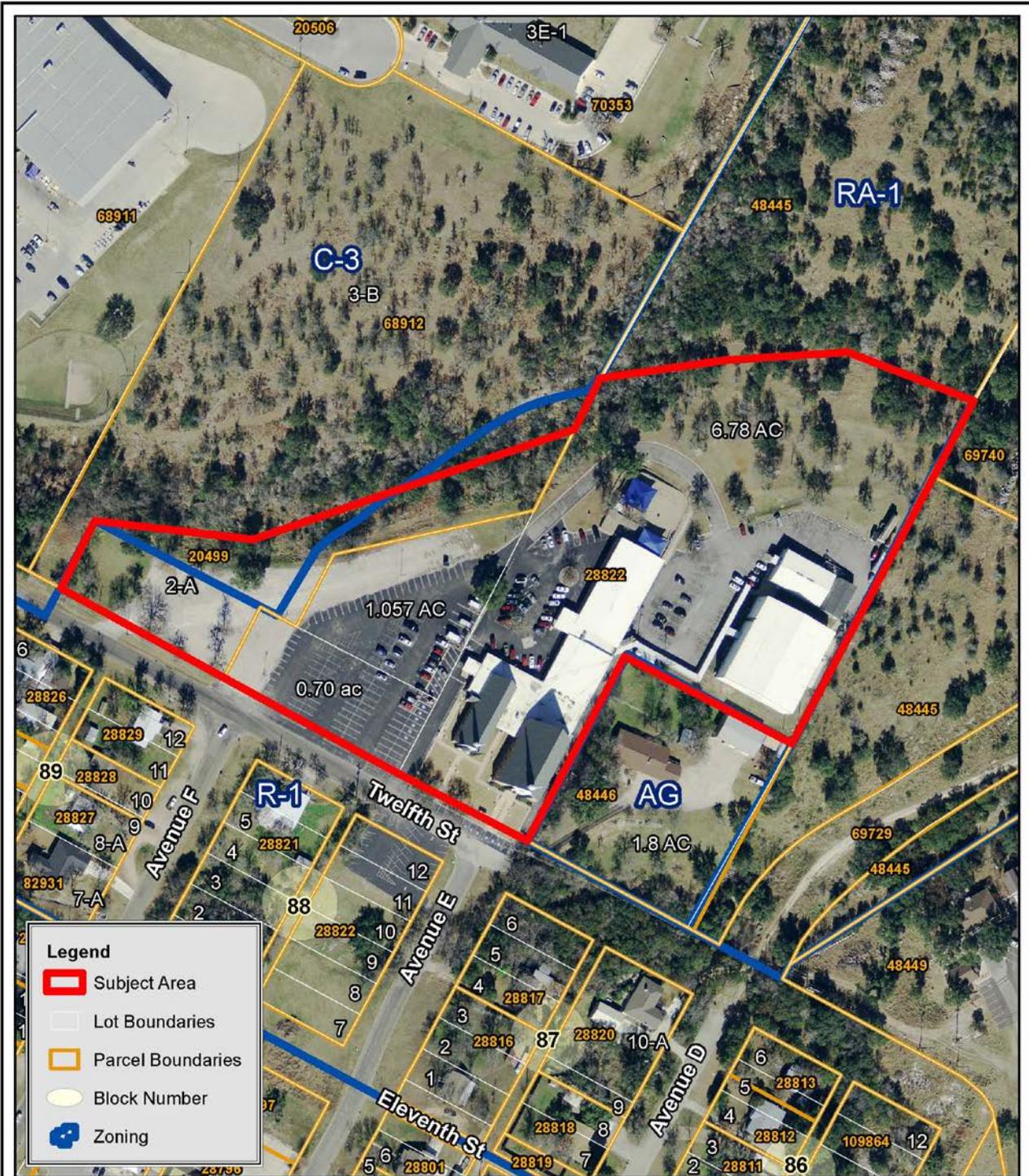
- Outdoor Entertainment be a Conditional Land Use subject to site plan approval, and
- All new outdoor lighting to be Dark Sky friendly.

**Memo Contents:**

- Informational maps produced by City Staff: **Pages 4 - 9**
- Site Plan and Survey: **Page 10**
- Existing Elevations to Remain: **Page 11**
- Proposed Landscape Plan: **Page 12**
- Proposed Land Use Table: **Page 13**
- Applicant Statement: **Pages 14 - 15**
- Ordinance 2016-O-11B: **Pages 16 - 23**



**REZONING - LOCATOR**

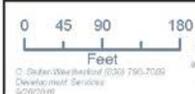


**Legend**

- Subject Area
- Lot Boundaries
- Parcel Boundaries
- Block Number
- C-3 Zoning



**REZONING - AERIAL**



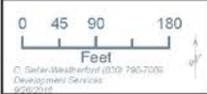


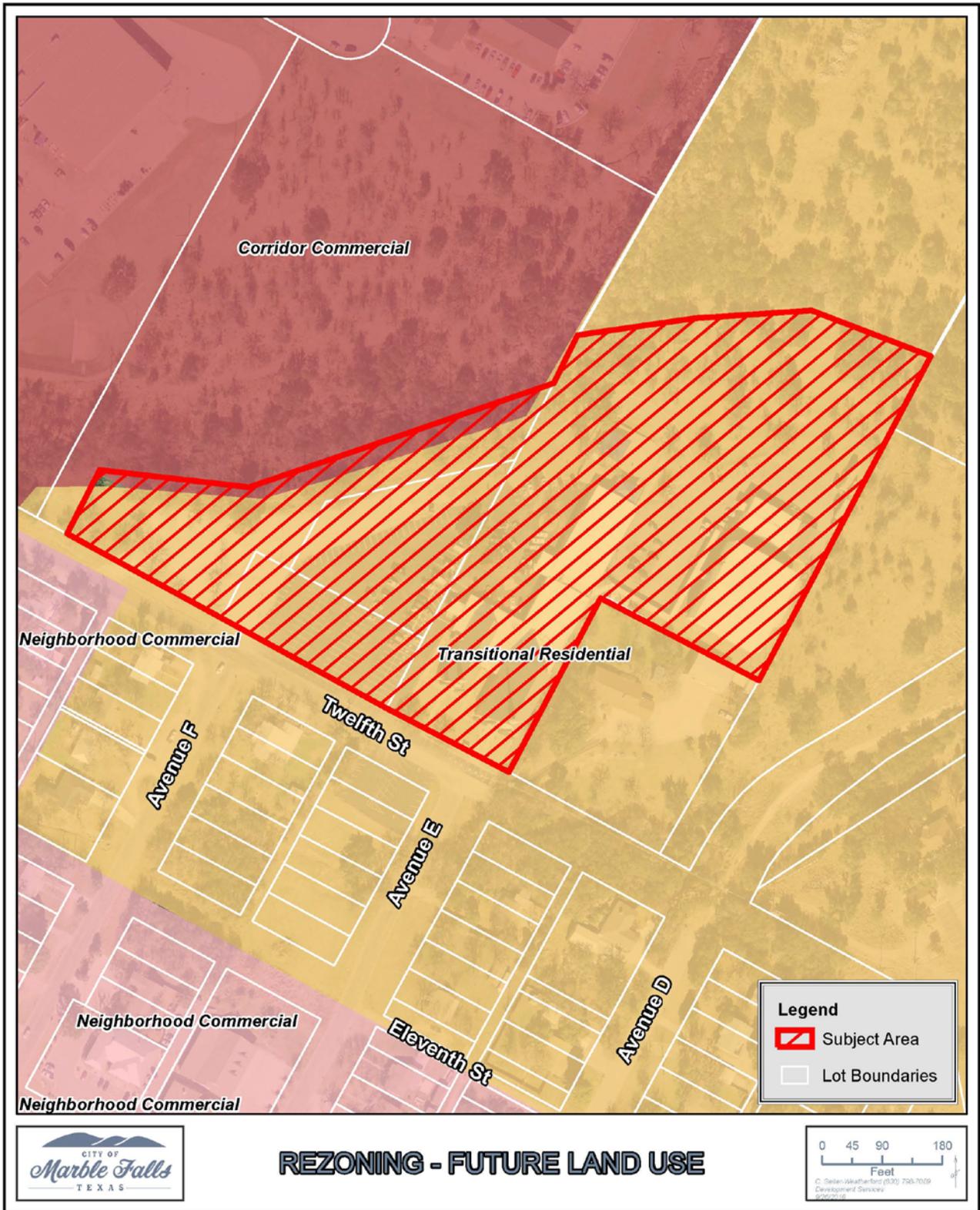
**Legend**

- Subject Area
- Lot Boundaries



**REZONING - EXISTING LAND USE**







**REZONING - NOTIFICATION**





**Existing Elevations to remain**



# Proposed Landscape Plan



## Proposed Land Use Table

### Exhibit E- Land Use Table

Permitted Uses	Conditional Uses
<b>Commercial</b>	
Administrative and business offices.	Commercial off-street parking.
Business support services.	Outdoor Entertainment (subject to site plan review).
Business or trade school.	
Financial services.	
Food sales.	
Funeral services.	
General retail sales.	
Indoor sports and recreation.	
Indoor entertainmnet.	
Medical services/offices.	
Outdoor sports and recreation.	
Personal improvement services.	
Personal services.	
Professional offices.	
Restaurant (convenience).	
Restaurant (general).	
<b>Civic</b>	
Administrative services.	
Day care services (limited).	
Day care services (general).	
Guidance services.	
Park and recreation services.	
Primary education facilities.	
Public assembly.	
Religious assembly.	
Secondary education facilities.	
<b>Residential</b>	
Single-family residential—Developed under the R-1 density and site development regulations.	Apartment and group residential—Developed under the R-3 density and site development regulations.
Duplex residential—Developed under the R-2 density and site development regulations.	
Townhouse residential—Developed under the R-3 density and site development regulations.	
Condominium residential—Developed under the R-3 density and site development regulations.	

\*All other uses not listed are prohibited

## Applicant Statement

501 12<sup>th</sup> Street Project  
Presented By: Rose M. Brasuel

We seek to develop a multiuse space focused on children, family and community. This space will function as families and communities do by providing ongoing activities to enrich and entertain young people while offering gathering and relaxing spaces for adults. This project, (the "Project") has identified a property formerly known as the First Baptist Church in Marble Falls. The property is located at 501 12<sup>th</sup> Street, Marble Falls Texas.

The initial plan would be to develop the main building, formerly the sanctuary into a play area. The buildings adjacent to the main feature will be leased. This includes buildings previously labeled "the chapel", "gymnasium", "youth building", "daycare facility" and "outdoor playground". The food pantry and current tenants will be given the opportunity to stay and plans are underway to lease the daycare facility. These buildings will be leased with no current plans to modify the structures. Activities will be centered indoors and are not expected to change the noise levels from the current church use.

There are currently no plans to build additional structures on the property. The Project will focus on using the existing facilities. It is possible that additional landscaping may be done to the property, a courtyard added and trees planted around the parking areas. It is also possible that the playground could expand to add additional outdoor play features and/or free play nature areas.

The Project will create a unique, upscale, innovative environment that will welcome all families to play, relax and grow. The goal is a formation of an environment that will bring people with diverse backgrounds and interests together in a common forum. The Project has hopes to be an active part of the community, and to provide continual re-investment through participation in community activities and the ability to facilitate as a meeting area for many groups and events.

It is not expected that the Project will change the volume of traffic from the current church use. The Project will use existing parking. The Project will draw smaller groups than the current use, however, it is expected that these smaller groups will utilize the property more continuously over the day than the current church use.

**501 12<sup>th</sup> Street Project**  
**Presented By: Rose M. Brasuel**

As part of our plans to make the Project the number one destination in the area, we would like to work with the Marble Falls Chamber and Economic Development Department to facilitate events that would get our location on the map. In addition, priority in selecting rental use of the Project would be mission or children focused uses in effort to encourage local family and health centered activities and participation. In addition to the social and health benefits, there is considerable positive economic impact to the community that could be gained through the construction of the Project. Direct impacts include the creation of a place for community events and private event rentals, job creation, new revenues from admission and use fees, from local users, event participants and spectators, and visitors making use of the facility. Indirect impacts are also anticipated from the Project, including business location or relocation, and enhancement of the area for retirement and residential relocation, all contributing to higher real estate values.

## **ORDINANCE NO. 2016-O-11B**

**AN ORDINANCE OF THE CITY OF MARBLE FALLS, REZONING FROM SINGLE FAMILY BASE DISTRICT (R-1) AND GENERAL COMMERCIAL BASE DISTRICT (C-3) TO PLANNED DEVELOPMENT DISTRICT (PDD) WITH A BASE ZONING DISTRICT OF NEIGHBORHOOD COMMERCIAL (C-1) FOR 8.52 ACRES OUT OF WILLIAM C.M. BAKER SURVEY NO. 202, ABSTRACT NO. 123, AND THE LOGAN VANDIVER SURVEY NO. 206, ABSTRACT NO. 127, AND LOT 2A (1.76 ACRES) OF THE HOLY-NAUMANN SUBDIVISION NUMBER THREE, CITY OF MARBLE FALLS, BURNET COUNTY, TEXAS; MORE PARTICULARLY DESCRIBED WITHIN EXHIBIT "A" (Site Plan and Survey); APPROVING A SITE PLAN, LANDSCAPE PLAN, AND BUILDING ELEVATION(S); PROVIDING FOR A SAVINGS CLAUSE, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Planning and Zoning Commission of the City of Marble Falls and the City Council of the City of Marble Falls, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Marble Falls is of the opinion and finds that said zoning changes should be granted and that the Zoning Map should be amended as set forth herein; and

**WHEREAS**, The Planned Development District is intended to promote the public health, safety, and general welfare of the City, and to encourage development patterns consistent with community vision, as expressed in the Marble Falls Comprehensive Plan;

**WHEREAS**, the development proposed by Applicant complies with current City ordinances;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:**

**SECTION I. PREAMBLE.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II.** That the zoning regulation and map of the City of Marble Falls, be and the same are hereby, amended so as to grant a change of zoning from R-1 and C-3 to a Planned Development District ("PDD") with a base zoning district of C-1 ("Neighborhood Commercial") consisting of approximately 10.28 acres as more particularly described in Exhibit "A" attached hereto. The property shall be a Planned Development District pursuant to, and subject to compliance with, the terms and conditions of the City's Code of Ordinances except as modified by this ordinance and exhibits which are incorporated herein for all purposes.

**SECTION III.** The granting of this Planned Development District is subject to all

development regulations contained in the Code of Ordinances of the City of Marble Falls, except as modified herein as well as the following special conditions:

- A. That the Planned Development shall be constructed and operated in accordance with the Site Plan and Survey and Landscape Plan, which are attached hereto as Exhibit "A" and Exhibit "B" respectively, Exhibit "C" Development Standards, Exhibit "D" Elevations, and Exhibit "E" Permitted Land Uses as same may be amended from time to time and with all subsequent permits or approvals required by the City's Code of Ordinances, except as such Code of Ordinances may be modified by this Ordinance.
- B. That the Planned Development on the Property must comply with (i) the zoning and development standards applicable to property located in a C-1 base zoning district as set forth in City's Code of Ordinances; except as same are modified by the terms of this Ordinance;

**SECTION IV. USES.** The City Council for the City hereby expressly permits and approves the use of the Property as to the uses described in Exhibit "D". Conditional Uses must subsequently be approved by the City Council pursuant to the Code of Ordinances.

**SECTION V. SAVINGS CLAUSE.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION VI. SEVERABILITY CLAUSE.** If any provision, section, sentence, clause or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

**SECTION VII. REPEALER CLAUSE.** All ordinances or parts of ordinances in force and effect regarding the zoning of this Property when the provisions of this Ordinance becomes effective are hereby repealed.

**SECTION VIII. EFFECTIVE DATE.** This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION IX. NOTICE AND MEETING CLAUSE** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PUBLIC HEARING AND 1<sup>ST</sup> READING OF THIS ORDINANCE: November 1, 2016.**

**SECOND READING: WAIVED.**

**DULY PASSED** by the City Council of the City of Marble Falls, Texas, on the 1<sup>st</sup> day of November, 2016.

APPROVED:

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John Packer, Mayor  
City of Marble Falls

ATTEST:

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Christina McDonald, City Secretary  
City of Marble Falls

(Seal)

APPROVED AS TO FORM:

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Patty L. Akers, City Attorney  
City of Marble Falls



# EXHIBIT "B" – Landscape Plan



## EXHIBIT “C”

### Planned Development District Standards

The following “Planned Development District Standards” (the “Development Standards”) shall be applicable within this Planned Development District. To the extent that any of the Development Standards conflict with other City of Marble Falls Ordinances, these Development Standards shall control. All development activity (the “Project”) undertaken on the Property (as defined in the Ordinance and on Exhibit “A”) shall comply with all city zoning, subdivision and construction codes and requirements, except as modified herein (collectively the “Requirements”). Capitalized terms contained herein shall be defined as indicated in Development Standards, as reflected on the Concept Plan or as defined in the City Code of Ordinances, depending upon context. Unless explicitly stated otherwise, all of the Requirements prescribed herein shall be considered as the minimum requirements.

The following is authorized for this Project:

1. Land Uses permitted within the project shall be restricted to those within Exhibit “E”.
2. Exterior lighting for the property must be Dark Sky friendly/compliant.
3. Landscaping shall be in accordance with the landscape plan attached as Exhibit “B”, and must be completed within two (2) years from the date of building permit approval. Parking Lot Trees must be shade trees from the approved plant list.
4. Building elevations are approved as depicted in Exhibit “D”. Additional structures or building additions shall not be allowed unless approved by a subsequent amendment to the site plan and corresponding exhibits.
5. Exterior building façade improvements which do not increase building footprints may be made as long as the improvements have a minimum 75 percent brick, stone, stucco or masonry construction, to match existing elevations within Exhibit “D”, when building facade is visible from or faces public right-of-ways.
8. Minimum building setback(s) shall comply with C-1 zoning regulations.
9. Project signage must comply with the current adopted Sign Regulations for the City of Marble Falls, and must be architecturally consistent with the character of the development.
10. “Minor Amendments” of the Site Plan for the Project may be approved administratively by the City Manager, or designee, provided such modifications would not otherwise result in a violation of the City’s Ordinances, or as modified by these Development Standards. A “Minor Amendment” will be defined as follows:
  - Adjustments of no more than thirty (30) percent of the total square footage of any landscape/outdoor areas as compared to the square footage shown and approved on the Concept Plan, Site Plan or landscape plan; and
  - Any modification or adjustment that may be administratively approved pursuant to Section 788.E.1.C., Appendix B, City of Marble Falls Code of Ordinances.
11. Any amendment to the Concept Plan or to an Approved Site Plan that is not a “Minor Amendment” shall be considered a “Major Amendment” requiring City Council approval.

**EXHIBIT "D" – Elevations**



## EXHIBIT “E”- Permitted Land Uses

**Exhibit E- Land Use Table**

Permitted Uses	Conditional Uses
<b>Commercial</b>	
Administrative and business offices.	Commercial off-street parking.
Business support services.	Outdoor Entertainment (subject to site plan review).
Business or trade school.	
Financial services.	
Food sales.	
Funeral services.	
General retail sales.	
Indoor sports and recreation.	
Indoor entertainmnet.	
Medical services/offices.	
Outdoor sports and recreation.	
Personal improvement services.	
Personal services.	
Professional offices.	
Restaurant (convenience).	
Restaurant (general).	
<b>Civic</b>	
Administrative services.	
Day care services (limited).	
Day care services (general).	
Guidance services.	
Park and recreation services.	
Primary education facilities.	
Public assembly.	
Religious assembly.	
Secondary education facilities.	
<b>Residential</b>	
Single-family residential—Developed under the R-1 density and site development regulations.	Apartment and group residential—Developed under the R-3 density and site development regulations.
Duplex residential—Developed under the R-2 density and site development regulations.	
Townhouse residential—Developed under the R-3 density and site development regulations.	
Condominium residential—Developed under the R-3 density and site development regulations.	

\*All other uses not listed are prohibited

**November 1, 2016**

**7. REGULAR AGENDA**

- (c) Public Hearing, Discussion, and Action on the First Reading of Ordinance 2016-O-11C and waiving the second reading regarding a zoning text amendment to Sections 690-699 of the District Regulations, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to amend the MH-3 Mobile Home Base District regulations. ***Elizabeth Yeh, City Planner***
- 

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo**  
**November 1, 2016**

**Agenda Item No.:** 7(c)  
**Presenter:** Elizabeth Yeh, City Planner  
**Department:** Development Services  
**Legal Review:**  N/A

**AGENDA CAPTION**

Public Hearing, Discussion, and Action on the first reading of Ordinance 2016-O-11C and waiving the second reading regarding a zoning text amendment to Sections 690-699 of the District Regulations, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to amend the MH-3 Mobile Home Base District regulations.

**BACKGROUND INFORMATION**

This item is to consider a text amendment to the existing Mobile Home Base District (MH-3) zoning regulations. Current regulations and permitted uses read as follows:

- MH-3 MOBILE HOME BASE DISTRICT (§§ 690—699)*
- 691. - *Purpose. The MH-3 Mobile Home District is intended to provide locations for development of mobile home residential lots. Homes in this district shall be restricted to mobile homes as defined by the department of housing and urban development.*
  - 692. - *Permitted uses.*
    - A. *Residential:*
      - Single-Family Residential.*
    - B. *Civic:*
      - Administrative services.*
      - Community recreation.*
      - Day care (limited).*
      - Local utility services.*
      - Park and recreation.*
    - C. *Civic (conditional):*
      - Club or lodge.*
      - Cultural services.*
      - Primary education facilities.*
      - Religious assembly.*
      - Safety services.*
      - Secondary education facilities.*
  - 695. - *Site development regulations.*

<i>Feature</i>	<i>Regulations</i>
<i>Lot size</i>	<i>Minimum 4,000 square feet</i>
<i>Lot width</i>	<i>Minimum 40 feet</i>
<i>Front yard</i>	<i>Minimum required setback, 20 feet</i>
<i>Street side setback</i>	<i>Minimum required setback, 10 feet</i>
<i>Interior site line</i>	<i>Minimum required setback, 5 feet</i>
<i>Rear site line setback</i>	<i>Minimum required setback, 10 feet</i>
<i>Setback requirements</i>	<i>Each mobile home and any attached accessory structures shall be separated from every other mobile home, building, structure, internal street or other common area by at least 10 feet.</i>
<i>Height of structure</i>	<i>Maximum 25 feet</i>
<i>Height of chassis above ground</i>	<i>Minimum 3 feet</i>

697. - *Additional regulations.*

- A. *Tie down and skirting required.*
- B. *Minimum living area-Five hundred (500) square feet per dwelling.*

The MH-3 district was meant to be distinguished from the R-1 Single-Family Residential District in that only Manufactured Housing (also referred to as mobile homes) which is built in a factory and governed by federal building code would be allowed. The Mobile Home Park District (MH-2) similarly restricts homes to be Manufactured Housing, however the MH-2 zoning is specifically intended to provide for the development of mobile home residence parks. The Manufactured Housing District (MH-1) is most similar to the MH-3 district, restricting housing to that regulated by the Department of Housing and Urban Development (HUD), however site built housing can be allowed “based on accepted standards of equal value and equal construction”.

Recently, staff has received several inquiries and permit applications requesting to build site-built homes on vacant lots within the MH-1 and MH-3 districts. Several conventional site-built houses can be found within the MH-1 and MH-3 districts predating the 1998 zoning. Based on the existing conditions within these district neighborhoods (map of district locations found on page 5), and the various requests to permit site-built housing, there does not appear to be an incompatibility between the two housing types. City Staff is proposing an amendment to revise the purpose statement of the MH-3 district in order to allow site built housing when constructed under the R-1 standards, similar to what is currently allowed in the MH-1 district.

Additionally, the Comprehensive Plan Future Land Use Plan classification for these districts is Transitional Residential, which is intended to allow development of different housing types, characterized by a variety of different lot sizes and housing styles.

At the October 13, 2016 regular meeting of the Planning and Zoning Commission, the Commission recommended approval (5-0) of the text amendment.

## **RECOMMENDATION**

Due to the conformance with the Comprehensive Plan, staff recommends approval of the text amendment.

### **Memo Contents:**

- Proposed Text Amendment: **Page 4**
- Mobile Home Zoning Map: **Page 5**
- Ordinance 2016-O-11C: **Page 6 - 8**

## Proposed Text Amendment

### MH-3 MOBILE HOME BASE DISTRICT (§§ 690—699)

691. - Purpose. The MH-3 Mobile Home District is intended to provide locations for development of mobile home residential lots. Homes in this district shall be restricted to mobile homes as defined by the Department of Housing and Urban Development. Site built housing may be allowed based on accepted standards of equal value and equal construction, when developed under the R-1 Single-Family Base District regulations.

692. - Permitted uses.

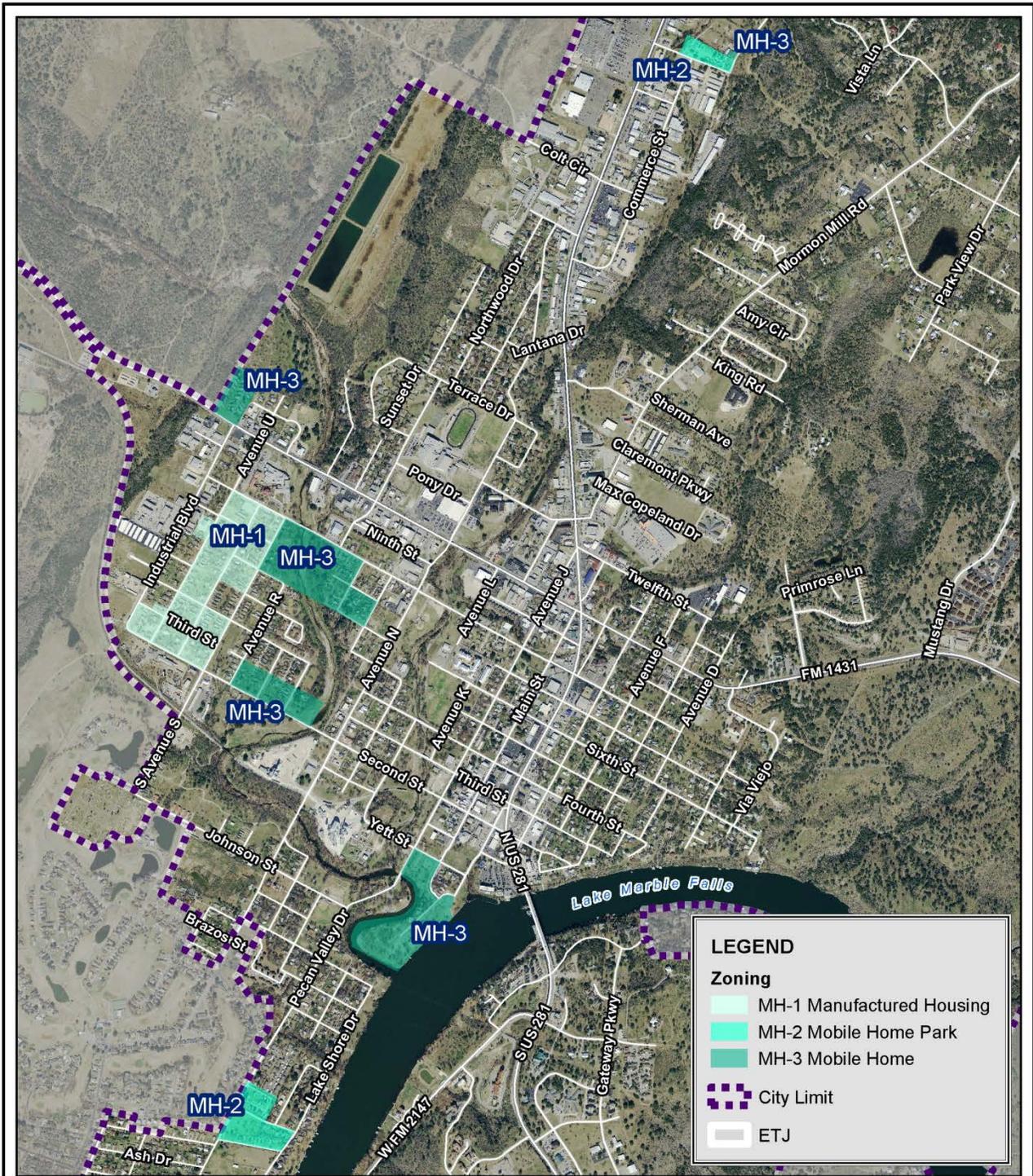
- A. Residential:
  - Single-Family Residential.
- B. Civic:
  - Administrative services.
  - Community recreation.
  - Day care (limited).
  - Local utility services.
  - Park and recreation.
- C. Civic (conditional):
  - Club or lodge.
  - Cultural services.
  - Primary education facilities.
  - Religious assembly.
  - Safety services.
  - Secondary education facilities.

695. - Site development regulations.

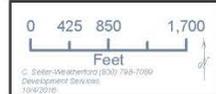
Feature	Regulations
Lot size	Minimum 4,000 square feet
Lot width	Minimum 40 feet
Front yard	Minimum required setback, 20 feet
Street side setback	Minimum required setback, 10 feet
Interior site line	Minimum required setback, 5 feet
Rear site line setback	Minimum required setback, 10 feet
Setback requirements	Each mobile home and any attached accessory structures shall be separated from every other mobile home, building, structure, internal street or other common area by at least 10 feet.
Height of structure	Maximum 25 feet
Height of chassis above ground	Minimum 3 feet

697. - Additional regulations.

- A. Tie down and skirting required.
- B. Minimum living area-Five hundred (500) square feet per dwelling.



**ZONING - MOBILE HOME ZONING DISTRICTS**



**ORDINANCE NO. 2016-O-11C**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARBLE FALLS, APPENDIX B, LAND USE REGULATIONS, GENERAL REGULATIONS, SECTIONS 690-699 OF THE MH-3 MOBILE HOME BASE DISTRICT REGULATIONS; PROVIDING FOR SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS** the City of Marble Falls is legally empowered to regulate development in the community through the legitimate use of its police powers; and

**WHEREAS**, the City Council of the City of Marble Falls is legally empowered to amend the land use regulations to provide for changes and additions to permitted uses, conditional uses, and site development regulation; and

**WHEREAS**, the City Council desires to amend Appendix B Land Use Regulations, General Regulations, Section 690-699, of the District Regulations; and

**WHEREAS**, the City of Marble Falls Planning & Zoning Commission at a public hearing on October 13, 2016 recommended approval of the text amendments to the above referenced regulations; and

**WHEREAS**, the City Council finds that the amendments provided under this Ordinance are in the best interest of the City of Marble Falls;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:**

**SECTION I. PREAMBLE.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II. AMENDMENTS.**

Appendix B Land Use Regulations, MH-3 MOBILE HOME BASE DISTRICT Sections 690-699, is hereby amended by the Purpose Statement as follows:

691. - Purpose. The MH-3 Mobile Home District is intended to provide locations for development of mobile home residential lots. Homes in this district shall be restricted to mobile homes as defined by the Department of Housing and Urban Development. Site built housing may be allowed based on accepted standards of equal value and equal construction, when developed under the R-1 Single-Family Base District regulations.

**SECTION III. REPEALER.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

**SECTION IV. PROVIDING FOR SEVERABILITY.** If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

**SECTION V. EFFECTIVE DATE.** This ordinance shall be in full force and effect from its date of approval.

**SECTION VI. PROPER NOTICE AND MEETING.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PUBLIC HEARING AND 1<sup>ST</sup> READING OF THIS ORDINANCE:      NOVEMBER 1, 2016.**

**PUBLIC HEARING AND ACTION ON SECOND READING:              WAIVED.**

APPROVED:

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John Packer  
Mayor, City of Marble Falls

ATTEST:

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Christina McDonald, City Secretary  
City of Marble Falls

(Seal)

APPROVED AS TO FORM:

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Patty L. Akers, City Attorney  
City of Marble Falls



**City of Marble Falls, Texas  
Council Agenda Item Cover Memo  
November 1, 2016**

**Agenda Item: Executive Session  
Prepared By: Christina McDonald, City Secretary  
Department: Administration  
Submitted By: Christina McDonald, City Secretary**

**AGENDA CAPTION**

**EXECUTIVE SESSION**

**CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (*Private Consultation between the Council and its Attorney*) and Pursuant to §551.072 (*Deliberation Regarding the Purchase, Exchange, Lease or Value of Real Property*) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the following:**

- **Consultation with City Attorney regarding Memorandum of Understanding with the Marble Falls Independent School District**
- **Consultation with City Attorney regarding City owned property**

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**CERTIFICATION:**

I hereby certify that I have reviewed the proposed topic for the Executive Session described herein and in my opinion, the Texas Open Meetings Act authorizes the Marble Falls City Council to meet in Executive Session and to deliberate regarding the subject matter contained in this cover memo.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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City Attorney