
MEETING NOTICE

The Planning and Zoning Commission of the City of Woodcreek, Texas will conduct a special meeting at Camp Young Judaea, 121 Camp Young Judaea Rd., Woodcreek, TX. The meeting will be held on January 19, 2022 at 3:00 PM.

All attendees are encouraged to wear face coverings when a minimum of six-foot social distancing cannot be maintained.

Note: Smoking is not allowed anywhere on the property of Camp Young Judaea.

The public may watch this meeting live at the following link: <https://meetings.ipvideotalk.com/199703090>. The public may listen to this meeting by dialing one of the following numbers: 1(617) 315-8088 or toll free at 1(866) 948-0772. When prompted enter Meeting ID:199703090.

Submit written comments by email to woodcreek@woodcreektx.gov by noon on the day prior to the meeting. Please include your full name, home or work address, and agenda item number. Written comments will be part of the official written record only. A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).

AGENDA

CALL TO ORDER

PLEDGES

ROLL CALL

PUBLIC COMMENTS

Interested persons are required to sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak and whether they wish to speak on the item at the beginning of the meeting or during the meeting when the agenda item is being considered by the Commission. Speakers shall refrain from comments regarding the City's staff, elected officials, or council appointed committee membership which are prohibited by law. Delegations of more than five persons shall appoint one person to present their views before the Commission. The Commission may not discuss or comment about an item not included on the agenda, except that the Commission may (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose that the item be placed on a future agenda. Comments will be limited to three (3) minutes per speaker.

CONSENT AGENDA

1. Approval of the Planning and Zoning Commission Meeting Minutes from Nov. 9, 2021

REGULAR AGENDA

2. Planning and Zoning Commission Orientation on Texas Open Meetings Act; the Powers and Duties as Provided for in Chapter 30.35 - 30.42 of the Code of Ordinances of the City of Woodcreek
3. Discussion and Take Appropriate Action on the Election of a Vice-Chairperson Pursuant to Chapter § 30.38 (G) of the City of Woodcreek Code of Ordinances
4. Discuss and Take Appropriate Action on Receiving Additional Information on a Possible Change in Zoning Classification, Including a Potential Zoning Overlay and/or Lot Subdivision Minimum of 1 Acre, for the Areas Described as Brook Meadow Section One; Brookmeadow Section 2; Brookmeadow Section 3; a Resubdivision of Brookmeadow Section 3, Lots 1 thru 35, 39 and 40; Brookmeadow, Section 4 a Subdivision of 15.98 Acres of Land out of the Ransom Weed Survey No. 63; Amended Plat of a Portion of Lot 19, Brookmeadow Section 4 Establishing Lot 19-A; Brookmeadow, Section 5 a Subdivision of 3.77 Acres of Land out of the Ransom Weed Survey No.63; Brookmeadow, Section 6 a Subdivision of 17.02 Acres out of the Ransom Weed Survey No 63
5. Discuss and Take Appropriate Action on Scheduling the Next Planning and Zoning Commission Meeting

ADJOURN

The Planning and Zoning Commission may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

I certify that the above notice was posted on the 14th day of January, 2022 at 4:15PM.

By:  _____

Brenton B. Lewis, City Manager

**PLANNING AND ZONING COMMISSION MEETING (CYJ)
November 09, 2021; 10:00 AM
Woodcreek, Texas**

MINUTES

CALL TO ORDER

Chairperson Kotarba called the meeting to order at 10:02AM.

PLEDGES

ROLL CALL

PRESENT

Chairperson Joe Kotarba
Vice-Chairperson Kathy Maldonado
Commissioner Larry Alford
Commissioner Jack Boze
Commissioner Rogers Holt
Alt. Commissioner Lydia Johns
Alt. Commissioner Chris Sonnier

STAFF PRESENT

City Manager Brenton Lewis
City Secretary Linda Land
City Attorney Bud Wymore
City Inspector Joe Tijerina
Administrative Assistant Maureen Mele

PUBLIC COMMENTS

Public comments were offered by: Ed Jones and Bob Hambrick.

CONSENT AGENDA

1. Approval of the Planning and Zoning Commission Minutes from October 12, 2021

A motion was made by Commissioner Boze to approve the minutes. The motion was seconded by Commissioner Holt.

A roll call vote was held.

Voting Yea: Chairperson Kotarba, Commissioner Alford, Commissioner Holt, Commissioner Boze, Vice-Chairperson Maldonado.

The motion carried with a 5-0-0 vote.

REGULAR AGENDA

2. Discussion and Take Appropriate Action on a Possible Change in Zoning Classification, Including a Potential Zoning Overlay and/or Lot Subdivision Minimum of 1 Acre, for the Areas Described as Brook Meadow Section One; Brookmeadow Section 2; Brookmeadow Section 3; a Resubdivision of Brookmeadow Section 3, Lots 1 thru 35, 39 and 40; Brookmeadow, Section 4 a Subdivision of 15.98 Acres of Land out of the Ransom Weed Survey No. 63; Amended Plat of a Portion of Lot 19, Brookmeadow Section 4 Establishing Lot 19-A; Brookmeadow, Section 5 a Subdivision of 3.77 Acres

of Land out of the Ransom Weed Survey No. 63; Brookmeadow, Section 6 a Subdivision of 17.01 Acres out of the Ransom Weed Survey No 63; Requiring One Acre or More Lot Sizes for New Development

A motion was made by Commissioner Boze to approve the rezoning classification. The motion was seconded by Commissioner Alford.

After discussion, an amendment to the motion was requested by Chairperson Kotarba to propose to City Council to consult with the City Attorney about the legality of the proposed overlay. The amendment was seconded by Vice-Chairperson Maldonado.

A roll call vote was held on the amendment.

Voting Yea: Chairperson Kotarba, Commissioner Alford, Vice-Chairperson Maldonado, Commissioner Holt, Commissioner Boze.

The amendment carried with a 5-0-0 vote.

A roll call vote was held on the main motion.

Voting Yea: Commissioner Holt, Commissioner Boze, Commissioner Alford, Vice-Chairperson Maldonado, Chairperson Kotarba

The motion carried with a 5-0-0 vote.

ADJOURN

Chairperson Kotarba adjourned the meeting at 10:22AM.

Joe Kotarba, Chairperson

Linda Land, City Secretary

PLANNING AND ZONING COMMISSION

§ 30.35 ENACTING CLAUSE.

This subchapter is hereby enacted and adopted as the "Planning and Zoning Commission Ordinance of the City of Woodcreek, Texas", in its entirety to provide for membership and operating procedures as follows.

(Ord. 13-179, 5-20-2013)

§ 30.36 GENERAL.

The Planning and Zoning Commission (also referred to as the "Commission") shall function according to the following criteria that establish membership and operating procedures.

(Ord. 13-179, 5-20-2013)

§ 30.37 POWERS AND DUTIES.

- (A) The Commission shall have all the rights, powers, privileges and authority authorized and granted by the City Council and through the statutes of the state authorizing and granting cities the power of zoning and subdivision regulation as found in Tex. Local Gov't. Code Ch. 211 and 212, as amended from time to time.
- (B) (1) The Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the municipal Comprehensive Plan, changes of zoning, zoning ordinance amendments and zoning to be given to newly annexed areas, and shall consider approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The Commission shall conduct an biennial review (every two years) of the City's municipal Comprehensive Plan and shall be prepared to make recommendations to the City Council as deemed necessary to keep the City's plan current with changing conditions and trends and with the planning needs of the City.
- (2) The Commission shall also serve in an advisory capacity on any planning related item(s) in the City.

(Ord. 13-179, 5-20-2013)

§ 30.38 CREATION; MEMBERSHIP; OFFICERS; RULES AND BYLAWS.

- (A) There is created, in accordance with Tex. Local Gov't. Code Ch. 211, the Planning and Zoning Commission, hereafter sometimes referred to as the "Commission", which shall consist of five people (and two alternates) residing within the City limits.
- (B) Members and alternates shall be nominated by the Mayor and appointed by the City Council.
- (C) All appointments to the Commission shall serve as a member of the Commission for a term of office of three years. Members may be reappointed with no limitation on the number of terms one may serve. When a term expires without request for renewal or resignation from the member, the City Council may, at its discretion, extend the member's term for a one-year period.

- (D) Any vacancy(s) on the Commission shall be filled via appointment by a simple majority vote of the City Council.
- (E) Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Commission. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family, or if the Commission or Council approves the absence(s) as excused. A vote to remove a Commission member shall be placed on the appropriate agenda as a regular item, and shall be voted upon accordingly.
- (F) The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation and shall not hold any other office within, or serve as an employee of, the City while serving on the Commission. Appointments to non-voting commissions and/or boards (e.g., the Beautification Committee) shall be permitted. The Commission shall meet a minimum of twice per year at a time established by the City Council. If there have been no applications filed for review by the Commission, the City Secretary shall notify the Chairperson and no meeting shall be required.
- (G) The Commission shall elect a Chairperson and a Vice-Chairperson from among the Commission membership, and each officer shall hold office for a term of three years or until replaced by a two-thirds vote of the full Commission. The City Manager's/Administrator's designee shall serve as Secretary to the Commission, and shall keep minutes of all meetings held by the Commission as well as the full record of all recommendations made by the Commission to the City Council.
- (H) The Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the City Council, and such rules, regulations and bylaws shall be subject to approval by the City Council. Such rules and bylaws shall include, among other items, provisions for the following:
- (1) Regular and special meetings, open to the public;
 - (2) A record of its proceedings, to be open for inspection by the public;
 - (3) Reporting to the City Council and the public, from time to time and annually; and
 - (4) Reviewing the City's municipal Comprehensive Plan on a biennial basis.

(Ord. 13-179, 5-20-2013)

§ 30.39 PARLIAMENTARY PROCEDURE; QUORUM; VOTING.

The Commission will follow the parliamentary procedure adopted by the City Council, and procedures shall not be in conflict with the laws applicable to the Commission on the following.

- (A) *Quorum.* A quorum shall consist of a majority of the membership of the Commission, and any issue to be voted upon shall be resolved by a majority of those members present.
- (B) *Voting.* All Commission members, including the Chairperson, shall be entitled to one vote each upon any question, a quorum being present. Voting procedures shall be in accordance with the parliamentary procedures adopted by the City Council.
- (C) *Conflict of interest.*
 - (1) If any member has a conflict of interest regarding any item on the Commission's agenda, that member may remove himself or herself from the room and shall refrain from discussing and/or voting only on the item for which a conflict exists.

- (2) Refer to Tex. Local Gov't. Code Ch. 171 and any applicable City policies or regulations governing the same.

(Ord. 13-179, 5-20-2013)

§ 30.40 MEETINGS; PUBLIC RECORDS.

(A) Unless otherwise provided for, the Planning and Zoning Commission shall meet in City Hall or in some other specified location as may be designated by the presiding Chairperson and at such intervals as may be necessary to orderly and properly transact the business of the Commission, but not less than twice each year.

(B) Meetings shall be conducted in accordance with the Open Meetings Law. Refer to Tex. Gov't. Code Ch. 551.

(Ord. 13-179, 5-20-2013)

§ 30.41 PROCEDURE ON ZONING HEARINGS.

(A) (1) The City declares the enactment of zoning regulations governing the use and development of land, buildings and structures as a measure necessary to the orderly development of the community.

(2) Therefore, no change shall be made in the zoning regulations or in the boundaries of the zoning districts, except:

- (a) To correct any error in the regulations or map;
- (b) To recognize changed or changing conditions or circumstances in a particular locality;
- (c) To recognize changes in technology, the style of living or manner of conducting business; or
- (d) To change the property to uses in accordance with the City's adopted municipal Comprehensive Plan.

(B) In making a recommendation regarding a requested zoning change, the Planning and Zoning Commission shall consider the following factors:

- (1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole;
- (2) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area;
- (3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
- (4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
- (5) How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;
- (6) Any other factors that will substantially affect the public health, safety, morals or general welfare; and
- (7) Whether the request is consistent with the municipal Comprehensive Plan.

(Ord. 13-179, 5-20-2013)

§ 30.42 JOINT MEETINGS WITH CITY COUNCIL.

Whenever the City Council and the Commission are required by the laws of the state to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at such other times when it is in the best interest of the City to do so, the City Council and the Commission are hereby authorized, after publishing notice as required by law, to hold joint meetings and to conduct joint public hearings.

(Ord. 13-179, 5-20-2013)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS, ESTABLISHING AND LOCATING THE BROOKMEADOW OVERLAY DISTRICT BY AMENDING THE WOODCREEK ZONING ORDINANCE DULY ADOPTED UNDER ORDINANCE NO. 00-65N ON JUNE 1, 2005 AND AMENDED UNDER ORDINANCE NO. 19-255 ON MARCH 13, 2019; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY.

WHEREAS, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City Council of the City of Woodcreek, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals and general welfare of the residents of the City; and

WHEREAS, Property regulation must substantially advance a legitimate governmental interest to pass constitutional muster, which thus requires examination of effect of regulation and legitimate state interest it is supposed to advance, although requirement is not equivalent to rational basis standard applied to due process and equal protection claims. U.S.C.A. Const. Amends. 5, 14.; and

WHEREAS, protecting against the ill effects of urbanization has been found to substantially advance a legitimate governmental interest; and

WHEREAS, this ordinance is intended to protect against the ill effects of urbanization; and

WHEREAS, preserving the rate and character of community growth has been found to substantially advance a legitimate governmental interest; and

WHEREAS, in addressing the issue of preserving the rate and character of community growth, the Texas Supreme Court has found that justification for the foregoing can be preserving uniquely rural and suburban communities with undivided two-lane roads, clusters of trees, and houses on large lots; and

WHEREAS, in addressing the issue of preserving the rate and character of community growth, the Texas Supreme Court has also found that protecting a community from drastic change of at least three residences per acre and vastly increasing the estimated population is justification for zoning regulation; and

WHEREAS, this ordinance is intended to preserve the rate and character of community growth by preserving the uniquely rural Brookmeadow area of Woodcreek with undivided two-lane roads, clusters of trees, and houses on large lots; and

WHEREAS, this ordinance is intended to preserve the rate and character of community growth by protecting the Brookmeadow area of Woodcreek from drastic change of at least three or more residences per acre and vastly increasing the estimated population, when most lots in the Brookmeadow area of Woodcreek are now 1 acre or more; and

WHEREAS, the City of Woodcreek recognizes that the Brookmeadow area of Woodcreek falls within the Jacob's Well Groundwater Management Zone, thus creating a sound basis for a reduction in impervious coverage in this area to preserve and protect groundwater supply, it being a noble and worthy goal for the City of Woodcreek to ensure all residents have access to safe and clean water.

WHEREAS, the Planning & Zoning Commission held a public hearing on ?????? 2022 and recommended approval of the proposed overlay district; and

WHEREAS, the City of Woodcreek has complied with all requirements of notice of public hearing as required by the Texas Local Government Code; and

WHEREAS, the City Council held a public hearing on the proposed overlay district on ??????????????, and desires to amend the Zoning Map by providing for a zoning overlay for

Brook Meadow Section One; Brookmeadow Section 2; Brookmeadow Section 3; a Resubdivision of Brookmeadow Section 3, Lots 1 thru 35, 39 and 40; Brookmeadow, Section 4 a Subdivision of 15.98 Acres of Land out of the Ransom Weed Survey No. 63; Amended Plat of a Portion of Lot 19, Brookmeadow Section 4 Establishing Lot 19-A; Brookmeadow, Section 5 a Subdivision of 3.77 Acres of Land out of the Ransom Weed Survey No.63; Brookmeadow, Section 6 a Subdivision of 17.02 Acres out of the Ransom Weed Survey No 63 (see attached); and

WHEREAS, the City Council hereby finds and determines that adopting the proposed zoning overlay is in the best interest of the citizens of Woodcreek.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS:

I. FINDING OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

II. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

III. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of this repealing Ordinance, and any changes thereto, in the City's Code of Ordinances.

IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance.

V. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, 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, Texas Government Code, Chapter 551.

VI. OVERLAY VREATION

That the Brookmeadow Overlay District is hereby established by amending the Woodcreek Zoning Ordinance, duly adopted under Ordinance No. 00-65N on June 1, 2005 and amended under Ordinance No. 19-255 on March 13, 2019, to read as set out, and as located on Exhibit "A".

(APPROVAL PAGE FOLLOWS)

PASSED AND APPROVED this, the ____ day of _____ 2022, by a vote of ____ Ayes to ____ Nays to ____ Abstentions of the City Council of Woodcreek, Texas.

City of Woodcreek:

By: _____
Mayor Jeff Rasco

Attest:

By: _____
Linda Land, City Secretary

OVERLAY DISTRICTS

§ 156.090 - BROOKMEADOW OVERLAY DISTRICT

(A) Intent & Purpose.

The purpose of the Brookmeadow Overlay District is to (1) protect against the ill effects of urbanization, (2) preserve the rate and character of community growth of the Brookmeadow community, (3) preserve the uniquely rural Brookmeadow community with undivided two-lane roads, clusters of trees, and houses on large lots, and (4) protect the Brookmeadow community from drastic change of at least three residences per acre (or more) and vastly increasing the estimated population.

(B) Existing Zoning.

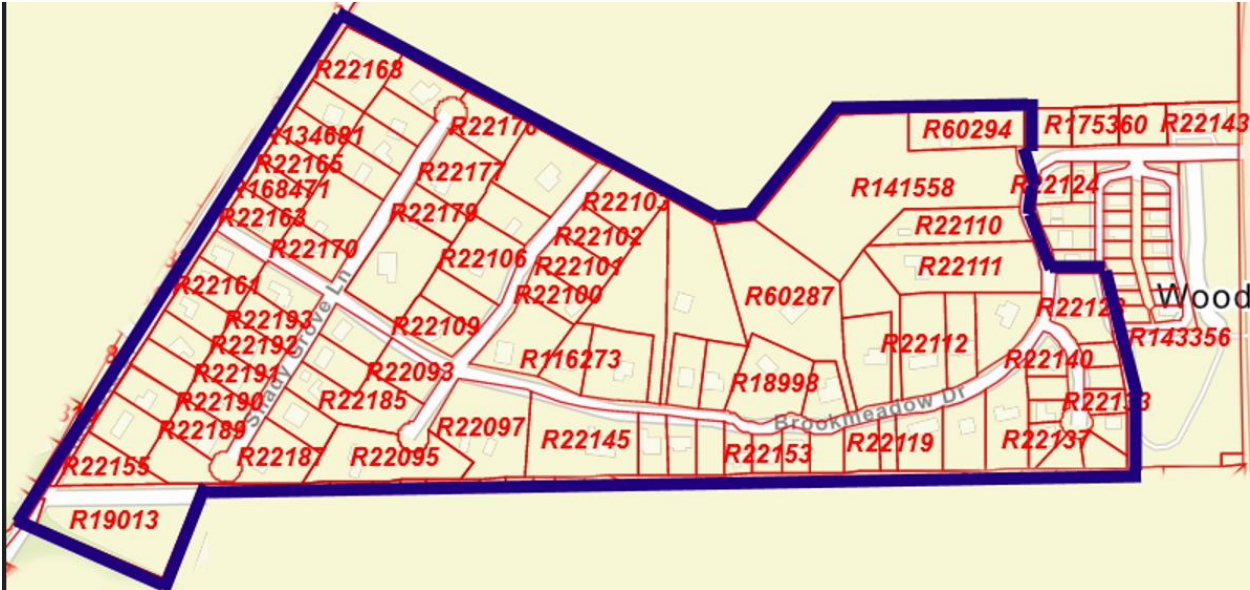
All land in the overlay district shall retain its existing zoning designation and all characteristics of such zoning, except as modified herein.

(C) 1 Acre Lot minimum

No lot located within the Brookmeadow Overlay District may be subdivided such that any lot is less than one (1) acre in size. Any lot located in the Brookmeadow Overlay District that is presently less than one (1) acre in size may remain, but may not be further subdivided.

(D) Location

The location of the Brookmeadow Overlay District shall consist of all portions of the following properties contained within the bold blue outline:



The following was included in the City Council Meeting Packet of 1/12/2022

Council Meeting Date: Regular City Council Meeting January 12, 2022

Agenda Item 18 Cover Sheet

Agenda Item Subject/Title:

Discuss and Take Appropriate Action on Possible Change in Zoning Classification, Including a Potential Zoning Overlay and/or Lot Subdivision Minimum of 1 Acre, for the Areas Described as Brook Meadow Section One; Brookmeadow Section 2; Brookmeadow Section 3; a Resubdivision of Brookmeadow Section 3, Lots 1 thru 35, 39 and 40; Brookmeadow, Section 4 a Subdivision of 15.98 Acres of Land out of the Ransom Weed Survey No. 63; Amended Plat of a Portion of Lot 19, Brookmeadow Section 4 Establishing Lot 19-A; Brookmeadow, Section 5 a Subdivision of 3.77 Acres of Land out of the Ransom Weed Survey No.63; Brookmeadow, Section 6 a Subdivision of 17.02 Acres out of the Ransom Weed Survey No 63 (Grummert)

Agenda Item Summary:

This ordinance is designed to protect the integrity and unique character of the Brookmeadow neighborhood of the City of Woodcreek, with its estate style homes and larger than average lots. Restricting future subdivision of Brookmeadow to one acre lot minimums protects not only the character of the neighborhood, but property values and safety citywide.

Financial Impact:

none

Recommendations:

Submitted by: Councilmember Grummert