

City of *OVILLA*

Planning and Zoning Commission

Patrick Gray, Place One
Rachel Huber, Place Two
David Hinson, Place Seven

Gregory Kimble, Place Three
Alan Whittaker Place Four

Dani Muckleroy, Place Five
Fred Hart, Place Six

Monday, August 7, 2023

105 S. Cockrell Hill Road, Ovilla, TX 75154
6:00 P.M.

Council Chamber Room

AGENDA

NOTICE is hereby given of a **Regular Meeting** of The City of Ovilla Planning and Zoning Commission to be held on **Monday, August 7, 2023**, at **6:00 P.M.** in the City Council Chamber located at **105 S. Cockrell Hill Road, Ovilla, Texas, 75154** for the purpose of considering the following items:

I. CALL TO ORDER

- Invocation
- Pledge of Allegiance

II. COMMENTS, PRESENTATIONS, REPORTS, OR APPOINTMENTS

COMMENTS

- Carol Lynch - Exiting Chair of the Planning and Zoning Commission

PRESENTATIONS:

- Oath of Office and Statement of Appointed Official to be issued by the Board Secretary to the following:
 - Place 1 Patrick Gray
 - Place 3 Gregory Kimble
 - Place 5 Dani Muckleroy
 - Place 7 David Hinson

III. CITIZEN'S COMMENTS

The Ovilla Planning and Zoning Commission welcomes comments from the public. Those wishing to speak must sign in before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. Speakers under citizens' comments must observe a three-minute time limit. Inquiries regarding matters not listed on the agenda may be referred to Staff for research and possible future action.

IV. CONSENT AGENDA

- C1:** Planning and Zoning Minutes of the Regular Meeting November 7, 2022
- C2:** Capital improvement Advisory Committee Special Meeting May 1, 2023

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Fred Hart, Place Six

V. REGULAR AGENDA

- ITEM 1.** **DISCUSSION/ACTION** – Consideration of and action on the nomination(s) and appointment of the Chairman of the Ovilla Planning and Zoning Commission.
- ITEM 2.** **DISCUSSION/ACTION** – Consideration of and action on the nomination(s) and appointment of the Vice-Chairman of the Ovilla Planning and Zoning Commission.

VI. ADJOURNMENT

This is to certify that a copy of the Notice of the Ovilla Planning and Zoning Commission Regular Meeting of August 7, 2023, was posted on the bulletin board at City Hall, 105 S. Cockrell Hill Road, Ovilla, Texas on August 4, 2023, prior to 6:00 p.m.



Cathy Gaeta
Planning and Development Coordinator



This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call 972-617-7262 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE ALL CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.

A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTOLAS), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA OCULTA.

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.

CONFORME A LA SECCIÓN 30.07 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA VISIBLE), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTOLAS), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA VISIBLE.

CITY OF OVILLA MINUTES
PLANNING & ZONING COMMISSION
Monday, November 7, 2022

PL3 Chair Carol Lynch called to order the meeting of the Ovilla Planning & Zoning Commission, at 6:01 pm, with the following members present:

Pat Gray	P&Z Commissioner, PL1
Rachel Huber	P&Z Commissioner, PL2
Alan Whittaker	P&Z Commissioner, PL4
Dani Muckleroy	P&Z Commissioner, PL5
Fred Hart	P&Z Commissioner, PL6

Six Planning & Zoning Commission members were present for the meeting, thus constituting a quorum. PL7, Lindsey Pierce was noted absent.

PL5 Dani Muckleroy led the Pledge of Allegiance.

COMMENTS, PRESENTATIONS, REPORTS, OR APPOINTMENTS

Oath of Office and Statement of Appointed Officer

Lindsey Pierce was noted absent, and it was noted that she would be sworn in at the next Planning and Zoning Meeting.

CITIZEN COMMENTS

None

DEPARTMENT REPORTS

The Commission reviewed the June 2022 – October 2022 Building Permit Reports with staff.

PL5 Muckleroy wanted clarification on what “mechanical proposed use” permits were. Planning and Zoning Coordinator Cathy Gaeta explained that it was normally HVAC related.

DEPARTMENT REPORTS

Reviewed Building Permits from June through October 2022

CONSENT AGENDA

C1: July 5, 2022, minutes

PL 6 Hart motioned to approve the consent items.

PL 5 Muckleroy seconded the motion.

The motion carried with a unanimous vote of the Planning and Zoning Commission.

PUBLIC HEARINGS

Public Hearing - Ordinance No. 2022-18 amending chapter 14 (Zoning) of the Code of Ordinances Of The City Of Ovilla; amending the table of land uses to provide for bed and breakfast facilities; providing a definition of “bed and breakfast facility;” providing an amended definition of “hotel/motel;”

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- a. PRESENTATION** – Review by staff.
- b. PUBLIC HEARING** - Receive comments from those wishing to speak.

PL3 Chair Carol Lynch opened the public hearing at 6:06 p.m.

City Secretary, Bobbie Jo Taylor, presented Ordinance No. 2022-18 to the Planning and Zoning Commission. Ms. Taylor explained that the ordinance currently in place regarding “hotel/motel facilities” did not have specifics to include “bed and breakfast facilities” as they are separate businesses.

PL3 Chair Carol Lynch closed the public hearing at 6:09 p.m.

INDIVIDUAL CONSIDERATION & REGULAR AGENDA

- ITEM 1. DISCUSSION/ACTION** – Consideration of and action on Ordinance No. 2022-18 an Ordinance of the City of Ovilla, Texas, amending Chapter 14 (Zoning) of the Code of Ordinances of the City of Ovilla; amending the table of land uses to provide for bed and breakfast facilities; providing a definition of “bed and breakfast facility;” providing an amended definition of “hotel/motel; providing general standards for “bed and breakfast facility”; providing registration, application and permitting fees for each facility; providing a savings clause; providing a severance clause; providing a savings clause; providing for publication; and providing an effective date.

The Commission held a discussion with city staff regarding Ordinance 2022-18. City staff clarified that the ordinance does not relate to short-term rentals such as Airbnb and VRBOs and will only regulate bed and breakfast facilities. Staff added that the ordinance would allow the city to regulate health and fire inspections through the application process.

PL4 Whittaker motioned to recommend to the City Council Ordinance No. 2022-18 an Ordinance of the City of Ovilla, Texas, amending Chapter 14 (Zoning) of the Code of Ordinances of the City of Ovilla; amending the table of land uses to provide for bed and breakfast facilities; providing a definition of “bed and breakfast facility;” providing an amended definition of “hotel/motel; providing general standards for “bed and breakfast facility”; providing registration, application and permitting fees for each facility; providing a savings clause; providing a severance clause; providing a savings clause; providing for publication; and providing an effective date.

Seconded by PL5 Muckleroy.

The motion carried with a unanimous vote of the Planning and Zoning Commission

- ITEM 2. DISCUSSION/ACTION** – Consideration of and action on a request from Glen Kistenmacher for an exception to grant an extension for Forest Creek Estates Preliminary Plat.

PL2 Rachel Huber motioned to forward the recommendation of approval to the City Council on a request from Glen Kistenmacher for an exception to grant an extension for Forrest Creek Estates Preliminary Plat.

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PL5 Dani Muckleroy seconded the motion.

The motion carried with a unanimous vote of the Planning and Zoning Commission.

ITEM 3. DISCUSSION/ACTION – Consideration of any item(s) pulled from the Consent Agenda above for individual consideration and action.

None

ADJOURNMENT

PL4 Alan Whittaker motioned to adjourn.

PL5 Dani Muckleroy seconded the motion.

The motion carried with a unanimous vote of the Planning and Zoning Commission

There being no further business Chair Carol Lynch adjourned the Meeting of November 7, 2022, was adjourned at 6:48 pm.

Chair, PL3 Carol Lynch

ATTEST:

Cathy Gaeta
Planning and Development Coordinator

APPROVED:

August 7, 2023

CITY OF OVILLA MINUTES
Monday, May 1, 2023
Special Meeting of the
Ovilla Capital Improvement Advisory Committee
105 S. Cockrell Hill Road, Ovilla, TX 75154

Board Chair Carol Lynch called the Special Capital Improvement Advisory Committee Meeting of the City of Ovilla to order at 6:00 PM, in the Ovilla Council Chamber Room, 105 S. Cockrell Hill Road Ovilla TX 75154, with notice of the meeting duly posted.

The following Board Members and Ad-Hoc Member were present:

Pat Gray	Place 1	Dani Muckleroy	Place 5
Rachel Huber	Place 2	Fred Hart	Place 6
Carol Lynch	Place 3	Lindsey Pierce	Place 7
Alan Whittaker	Place 4	Windy Zabochnik	Ad-Hoc

All members of the board were present constituting a quorum. The City Manager, City Secretary, and various staff were also present.

CALL TO ORDER:

PL1 Gray led the invocation and PL6 Hart led the reciting of the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

ANNOUNCEMENTS, PROCLAMATIONS, PRESENTATIONS, COMMENTS:

City Secretary, Bobbie Jo Taylor, issued the Oath of Office and the Statement of Appointed Official to Place 7 Lindsey Pierce.

CITIZEN COMMENTS:

No comments

ITEM 1. DISCUSSION/ACTION – Discuss a proposed update to the Capital Improvement Plan and associated Water and Wastewater Impact Fees pursuant to the Texas Local Government Code Chapter 395 and take possible action on adopting a written report to be submitted to the city council for consideration.

City Engineer Andrew Mata gave a presentation to the committee on the updated impact fees which are before the committee for a recommendation to be made to the city council. Mr. Mata and the committee discussed the updated fees in which Mr. Mata advised that the maximum fee amounts allowed to be adopted by the council were \$3,355.31 per water impact service unit and \$5,317.75 per sewer impact service unit.

PL4 Whitaker motioned to make a recommendation for approval of the Water and Wastewater Impact Fees pursuant to the Texas Local Government Code Chapter 395 and to submit a written report to the city council for consideration.

PL6 Hart seconded the motion.
No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 8-0 (including Ad-Hoc member)

ADJOURNMENT:

PL2 Huber made a motion to adjourn.

PL5 Muckleroy seconded the motion.

There being no further business, Board Chair Lynch adjourned the meeting at 6:38 p.m.

No oppositions, no abstentions.

VOTE: The motion to approve carried unanimously: 7-0

Carol Lynch, Chair

ATTEST:

Cathy Gaeta, Board Secretary

APPROVED: August 7, 2023



Ovilla Planning & Zoning

AGENDA ITEM REPORT

Item: 1

Meeting Date: August 7, 2023

Department: Administration

Discussion Action

PROPOSED: Chair Appointment

Attachments:
1. Refer to the attached pages 14A – 128 of the Ovilla Code of Ordinances Book.
Agenda Item / Topic:
ITEM 1. DISCUSSION/ACTION – Consideration of and action on the nomination(s) and appointment of the Chairman of the Ovilla Planning and Zoning Commission.
Discussion / Justification:
Chapter 14, Section 47.1 – 47.9 of the Ovilla Code of Ordinances defines duties and terms of members and appointment of the chair and vice chair. The chair and vice chair will serve for a term of one year or until a successor is appointed. There is no minimum requirement for nomination or appointment to chair or vice chair.
Recommendation / Staff Comments:
N/A
Sample Motion(s):
“I NOMINATE _____ TO SERVE AS CHAIR TO THE OVILLA PLANNING AND ZONING COMMISSION.”
1. _____
2. _____
“ANY OTHER NOMINATIONS?”
“I MAKE A MOTION THAT THE COMMISSION APPOINTS _____ AS CHAIR TO THE OVILLA PLANNING AND ZONING COMMISSION.”



Ovilla Planning & Zoning

AGENDA ITEM REPORT

Item: 2

Meeting Date: August 7, 2023

Department: Administration

Discussion Action

PROPOSED: Vice Chair Appointment

Attachments:
1. Refer to the attached pages 14A – 128 of the Ovilla Code of Ordinances Book.
Agenda Item / Topic:
ITEM 2. Consideration of and action on the nomination(s) and appointment of the Vice-Chairman of the Ovilla Planning and Zoning Commission.
Discussion / Justification:
Chapter 14, Section 47.1 – 47.9 of the Ovilla Code of Ordinances defines duties and terms of members and appointment of the chair and vice chair. The chair and vice chair will serve for a term of one year or until a successor is appointed. There is no minimum requirement for nomination or appointment to chair or vice chair.
Recommendation / Staff Comments:
N/A
Sample Motion(s):
<i>"I NOMINATE _____ TO SERVE AS VICE CHAIR TO THE OVILLA PLANNING AND ZONING COMMISSION."</i>
1. _____
2. _____
<i>"ANY OTHER NOMINATIONS?"</i>
<i>"I MAKE A MOTION THAT THE COMMISSION APPOINTS _____ AS VICE CHAIR TO THE OVILLA PLANNING AND ZONING COMMISSION."</i>