

**OFFICIAL MINUTES OF THE CITY COUNCIL
LAGO VISTA, TEXAS
OCTOBER 6, 2011**

BE IT REMEMBERED that on the 6th day of October, 2011 the City Council held a Joint Public Hearing at 6:30 P.M., at City Hall, 5803 Thunderbird, in said City, there being present and acting the following:

Randy Kruger	Mayor	Bill Angelo	City Manager
Bob Bradley	Mayor Pro Tem	Frank Robbins	Assistant City Manager
Dale Mitchell	Council Member	Danny Smith	Police Chief
Richard Bohn	Council Member	Christina Buckner	City Secretary
D'Anne Gloris	Council Member		
Ron Smith	Council Member		

Mayor Kruger called the Joint Public Hearing to order and recognized that all Council Members were present except Darrel Hunt.

Jim Guy, Chairman
Linda Lee
Joe Gudka
Blaine Standiford

Jim Guy recognized that all members of the Planning and Zoning Commission were present except Jim Moss, Bob Besett, Tara Griffin and Paul Smith and a quorum exists.

PUBLIC HEARINGS:

1. Mayor Kruger stated the purpose of the public hearing is to receive citizen input concerning amendments to the general Zoning Ordinance to allow liquefied petroleum gas containers in the front yard building setback.

Frank Robbins stated Steve Frick has requested an amendment to the zoning ordinance to allow buried propane tanks in the front yard which is not currently permitted. He stated that tank exists now on property in The Hollows. He stated they are also recommending that tanks that can be seen from the front, are in the side yard of a corner lot, or in the rear yard of a through lot, need to be buried as well. He stated there are a number of existing buried tanks. He stated the current ordinance requires those that are buried to be landscaped and they are recommending that as well for those in the front setback.

Steve Frick stated buried tanks are currently allowed in the front yard but not outside of the building line. He stated this tank is seven feet over the building line.

Mayor Kruger stated the proposed ordinance indicates it can be located anywhere on the lot so long as it complies with Texas Railroad Commission and Fire Code regulations and it is landscaped.

Steve submitted photos of the existing tank.

D'Anne Gloris questioned whether a variance could be given for this tank as opposed to rewriting the ordinance.

Steve Frick stated as of September 1, the Texas Legislature passed a law that no city can pass an ordinance contradicting it as long as a tank complies with Texas Railroad Commission regulations.

Bill Angelo stated the City attorney has a different opinion. He stated the Railroad Commission cannot prohibit the City from regulating land use and this is part of the City's zoning ordinance.

Mayor Kruger opened the floor for comments from the Council and Commission.

Jim Guy asked for clarification as to whether the current ordinance allows buried tanks in the front yard.

Frank Robbins stated yes, but it can't be in the required 25' building setback line.

Steve Frick stated it has to be between the building setback line and the house.

Mayor Kruger questioned why the tank was put there.

Steve Frick stated it was an honest mistake. He stated he put it 28' back but didn't realize there was a ten foot easement.

Jim Guy asked for clarification that the existing ordinance does allow tanks to be buried in the front yard as long as they are behind the 25' building line.

Frank Robbins stated yes. He stated there is a 25' required building setback and no propane tank can be put there. He stated the 25' setback is from the street right-of-way line. He stated Mr. Frick is talking about an area behind the 25' line in front of the house.

Jim Guy questioned that the new ordinance would allow a tank inside that 25' line.

Frank Robbins stated yes, if it is buried and landscaped.

Bob Bradley questioned whether there was an additional 10' in addition to the building setback line.

Frank Robbins stated no. He stated lots begin at the right-of-way line and, in this case, the right-of-way is about 10' behind the pavement.

Bill Angelo stated the setback is not always 25' and it varies from subdivision to subdivision.

Frank Robbins stated the building setback is always measured from the right-of-way.

Mayor Kruger stated that is the property line and it is measured from the property line.

Mayor Kruger opened the floor for comments from the audience.

Mike Thornton stated there are already a lot of restrictions, regulations and obstacles when building a house. He stated the soil conditions and rockiness of the land present a lot of problems for people that want propane but many people prefer gas over electric. He stated if the current ordinance puts an undue burden on someone who wants to build a house, and there is a way to fix it that meets all safety requirements and requires screening by landscaping, he recommends the Council consider that in their deliberations and make it easier for people who would like to have gas if it can be done safely and aesthetically.

Mayor Kruger questioned how close a tank can be to a house.

Steve Frick stated ten feet from any house and any source of electricity.

Mayor Kruger stated the proposed changes say a tank can be put anywhere but it also states they have to be in compliance with the Fire Code and the Texas Railroad Commission regulations and they shall be landscaped. He questioned whether the distance requirement for tanks from houses is in those regulations.

Steve Frick stated the Texas Railroad Commission not only requires tanks to be ten feet from any house but they must also be ten feet from any building to be built in the future.

Richard Bohn questioned his understanding that only tanks that are owned as opposed to leased can be buried.

Steve Frick stated usually tanks that are buried are owned but he was aware of one company that buried tanks that were leased to own.

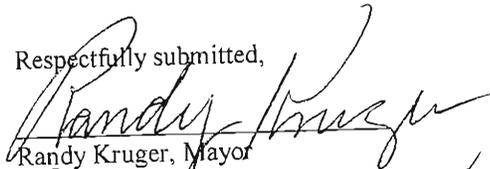
Blaine Standiford questioned whether people with buried tanks understand that they can't put in electricity within ten feet of the tank.

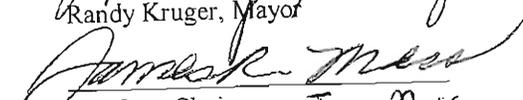
Steve Frick stated they try to meet with their customers and discuss things and show them how to read the gage and turn the tank off. He stated he is asking for this variance for three reasons:

1. The tank meets all Texas Railroad Commission and Fire Code regulations so there are no safety issues.
2. It appears that the existing ordinance was written for above ground tanks and the intent was to prevent eyesores. The new ordinance complies with the intent of the existing ordinance.
3. There are a lot of existing tanks that don't meet the existing ordinance.

There being no further comments, Mayor Kruger closed the Joint Public Hearing at 6:48 p.m.

Respectfully submitted,


Randy Kruger, Mayor


Jim Guy, Chairman
J. M. Moss
Planning and Zoning Commission

ATTEST:


Christina Buckner, City Secretary

On a motion by Council Member Darrel Hunt, seconded by Council Member Bob Bradley, the above and foregoing instrument was passed and approved this 1st day of December, 2011.

The above and foregoing instrument was passed and approved by the Planning and Zoning Commission on the 8th day of December, 2011.