



**SHADY SHORES PLANNING AND ZONING COMMISSION  
FEBRUARY 27, 2020; 7:00 PM  
SHADY SHORES COMMUNITY CENTER  
101 S. SHADY SHORES ROAD  
SHADY SHORES, TX 76208**

**MINUTES**

|                |                            |                      |
|----------------|----------------------------|----------------------|
| Allen Lea      | Chairman                   | Present              |
| Rebecca Morgan | Vice-Chairman              | Present              |
| Kenneth Wells  | Commissioner               | Present              |
| Linda Winter   | Commissioner               | Present              |
| Paul Brown     | Commissioner               | Present              |
| Lynn Grimes    | Commissioner;<br>Alternate | Present (not voting) |

Staff Present: Wendy Withers, Town Administrator; Jim Shepherd, Town Attorney; David Francis, Binkely Barfield; Jack Nelson, Councilmember

1. CALL TO ORDER

Chairman Allen Lea called the meeting to order at 7:00 pm.

2. ROLL CALL

Establish a quorum

Chairman Allen Lea called the roll, and a quorum was established for the record.

3. REGULAR BUSINESS

1. Minutes- Consider and act on approval of the minutes from the January 9, 2020, Planning and Zoning Commission Meeting.

Rebecca Morgan made a motion to approve the minutes of the January 9, 2020, Planning and Zoning Commission meeting. Kenneth Wells seconded the motion.

Discussion: None

Ayes: Winter, Wells, Lea, Morgan, Brown

Nays: None

The motion passed unanimously

2. Public Hearing- Conduct a public hearing relative to a request for a replat for the property known as 605 Franck's Circle.
  - A) Open Public Hearing
  - B) Applicant
  - C) Those in Favor

- D) Those Opposed
- E) Rebuttal
- F) Close Public Hearing

Chairman Lea opened the Public Hearing at 7:01 pm.

A) The applicant, Tracy Norwood, stated that they would be requesting re-platting of the property into four 1/2 acre lots.

(The actual replat is of a single tract of over 3.2 acres to create three 1/2+ acre lots, with the remaining area of approximately 1.5 acres as a fourth lot.)

B) Richard Cox, 631 Franck's Circle, requested that the commission deny the plat as he felt the drainage plan presented did not provide a plan for the three homes that are located downstream of the proposed project. Mr., Cox stated that he had lived on the property since 1966 and has experienced flooding in him home as well as problems such as soil erosion and ground saturation due to the natural water flow.

C) Cory Cox, 629 Franck's Circle, also requested denial of the plat pending further review of the drainage plan. Mr. Cox listed several factors that he felt were important enough to deny the plat including the fact that the current drainage causes problems and has for decades. In Mr. Cox's opinion, the runoff from the current drainage washes off the topsoil and has caused foundation issues for the homeowners, exposing their plumbing pipes; in addition, due to the flow of water it is impossible for them to put a privacy fence 3) Mr. Cox felt that his property value would be diminished with the addition of three 12" culverts. Finally, Mr. Cox expressed questions regarding the responsibility of maintaining the drainage area; the proper construction of the improvements and enforcement if there were to be a problem.

E) Debra Presley-applicant stated that they had worked with both the Town's Engineer and a private engineer to ensure that a solution to the drainage would be an improvement for the other property owners.

F) Chairman Lea closed the public hearing at 7:20 pm.

3. Action Regarding Public Hearing (605 Franck's Circle) - Consider and act on approval of a replat of the property known as 605 Franck's Circle.

David Francis, Binkley and Barfield explained that while the proposed drainage plan would not correct all the water flow issues, the proposal should in fact improve the drainage and slow down the flow of water across both of the Cox properties. The proposed plan has met the requirements of the Town of Shady Shores Subdivision Ordinance which requires that the proposed project would not create additional cross-lot drainage.

Commissioner Paul Brown expressed concern in regard to the drainage issues that have been in existence for years. Mr. Brown acknowledged that the developer's proposed drainage plan will benefit the adjacent property owners and that although developer has gone to some expense to develop a plan for the drainage, he felt the proposed solution was minimal.

Chairman Lea suggested that both parties take a moment to see if an agreement could be made between the developer and the property owners. The Commission moved to agenda item 3 while the parties conducted a discussion.

Kenneth Wells, made a motion to deny the request. Paul Brown seconded the request.

Discussion: Commissioner Kenneth Wells, stated he would like to see the developers work with the adjacent property owners to see if there was a cooperative solution to the drainage issues.

Commissioner Lynn Grimes asked about the retention pond, and whether or there would be a more advantageous use of the property if an underground pipe were used. Ms. Grimes felt that she needed more time to decide.

Paul Brown stated that he hoped both parties would come together for another resubmittal with an easement so that the drainage doesn't affect them above ground.

Vice-Chairman Rebecca Morgan stated she would like to see the parties involved take some more time for to review the case. Mrs. Morgan stated that she was finding a decision difficult as the drainage plan presented did not show how the downstream properties were affected.

(Note: Comments from the Commissioners indicated a clear concern with the cross-lot drainage of the proposed amended plat onto the property of the neighbors. Cross lot drainage if it does not comply with the Subdivision Regulations at 5.6 C. 5. which reads:

5. Lot drainage. Generally, each lot shall be designed or graded to direct stormwater into an abutting street, alley, channel or inlet. If drainage is provided in the rear of any lot by a channel or closed storm drainage system, the facilities shall be designed for the 100-year flood. Where it is not practical to provide abutting drainage facilities for each lot, drainage facilities such as a closed pipe system or drainage ditch shall generally be required whenever the stormwater runoff from one (1) or more lots is directed across a second residential lot, or whenever facilities are necessary to avoid an adverse effect on any other lot. It shall be unlawful for any person to fill, modify or otherwise obstruct any drainage easement designed or used as a drainage channel or structure.)

Chairman Allen Lea reminded the board that the Town Engineer had approved the drainage plan and the plat.

Ayes: Winter, Morgan, Wells, Brown

Nays: Lea

The motion passed and the plat was denied.

#### 4. WORKSESSION

1. Consider and act on an Ordinance adopting the 2018 Fire Code and amendments and the adoption of updated building and energy codes.

Town Attorney Jim Shepherd and Assistant Fire Chief Chad Thiessen gave an overview of the situation. Some of the Shady Shores Codes are outdated and should be updated.

There was no action take on this agenda item.

#### 5. FUTURE AGENDA ITEMS

Fire Codes -/Building Codes

Vice Chairman Rebecca Morgan will make the Planning and Zoning Commission Report to the Town Council at the March Town Council meeting.

Linda Winter and Allen Lea will be absent for the March meeting.

6. ADJOURN

The meeting was adjourned at 8:30 pm

PASSED AND APPROVED THIS THE 11<sup>th</sup> DAY OF June, 2020  
APPROVED



Allen Lea, Chairman

ATTEST:



Wendy Withers, Town Administrator/Secretary

