

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
December 8, 2016 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair John Urban. Present were Commissioners Austin Weeks, Natalie Meeks, Charles Savino, Rebecca McCullough, Gail Pigg, and John Espinoza.

Staff Present: City Administrator Don Ferguson

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

- A. Approval of minutes of the Regular Planning & Zoning Commission meeting on October 13, 2016.
- B. Approval of minutes of the Special Planning and Zoning Commission meeting on November 1, 2016.

Chairman Urban moved to approve Consent Agenda items, as presented. Commissioner Savino seconded. Motion carried on a vote of 7-0.

2. Public Hearings and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-021, an application for a conditional use permit to allow for the limited duration on-premise sale and consumption of beer and wine on property zoned Participant Recreation – High Impact (PR-2) located at 450 Old Kyle Road, Wimberley, Hays County, Texas. (*Wimberley Players, Applicant*)

City Administrator Ferguson explained that the City recently received an inquiry from the operators of the *Wimberley Players Theatre* seeking permission to serve alcoholic beverages in conjunction with their performances. As on-premise consumption of alcoholic beverages is not a permitted or conditional use in the PR-2 zoning district, City Administrator Ferguson noted that the Zoning Code was recently amended to allow such use with a conditional use permit (CUP). He reviewed the subject property's location, and current/proposed zoning and uses. He stated that beer/wine sales and consumption would be allowed with a CUP, would be limited to the duration of the

event, and shall not occur more than one hour before and after the event. He advised no comments have been received on the CUP application.

Chairman Urban opened the public hearing.

Hearing no comments, Chairman Urban closed the public hearing.

Commissioner Savino moved to recommend approval of the CUP application, as presented. Commissioner Weeks seconded. Discussion established that the applicant intends to limit alcohol sales and consumption to beer and wine only. Motion carried on a vote of 7-0.

- B. Hold a public hearing and consider making a recommendation regarding an ordinance amending Title XI (Business Regulations), Chapter 112 (Regulation of Vacation Rentals and Bed and Breakfast Lodgings) of the City of Wimberley Code of Ordinances' and amending Title XV (Land Usage), Chapter 155 (Zoning), Section 155.065 (Vacation Rental Lodging Requirements) of the City of Wimberley Code of Ordinances and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, and effective date, and proper notice and meeting. (*City Administrator*)

City Administrator Ferguson presented the final regulatory recommendations in the proposed ordinance as follows:

- Requires vacation rental facilities to have a non-transferrable license that must be renewed every 2 years and establishes a procedure for those facilities with a history of complaints.
- Establishes a refund procedure for application fees when vacation rental CUP applications are withdrawn prior to presentation to the Planning and Zoning Commission.
- Establishes a 20% rule, similar to that which exists for the City Council, for the Planning and Zoning Commission when considering vacation rental CUP applications.
- Establishes size and location requirements for property address signage for vacation rental properties.
- Requires the operators of vacation rental facilities to provide guests with a property map showing property boundaries and advising that trespassing is prohibited.
- Prohibits vacation rental facility operators from advertising for an occupancy that is greater than the septic capacity for the rental property, as established by the City.
- Requires individuals responsible for responding to complaints regarding vacation rentals to be able to respond within thirty (30) minutes of receiving such complaints.

No public comments were heard.

Discussion among Commission members, City Administrator Ferguson, City Council members Barchfeld and Trapp, and an audience member included:

- Clarification regarding calculations related to application of the “20% Rule”
- *Sizing of signage to conform with “standard blue EMS” signs*
- Provision of the rental property’s boundaries to the Commission as part of CUP application
- Requiring that responses to complaints be made within 30 minutes
- Recording of complaints/responses
- Option to use an answering service for recording complaints
- Permit/CUP review process
- Revocation for non-compliance
- Investigation and validation of complaints
- Frivolous complaints
- Number of complaints that would trigger review/enforcement procedures
- Council’s discretion and judgment regarding complaints or enforcement
- Distinguishing between resolved versus unresolved complaints
- Modifying §112.06(C) to read “. . .two or more *registered unresolved* complaints relating to a *violation of City ordinances, CUP requirements, and/or State law. . .*”
- Enforcement actions for property owners operating without CUPs/grandfathered status
- Concerns regarding proper notice to property owners for inspections.

Commissioner Savino moved to recommend approval of the proposed ordinance, as discussed, including the abovementioned italicized changes. Commissioner McCullough seconded. Motion carried on a vote of 7-0.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson noted that City Council’s next meeting will be on January 5, 2017.

Hearing no further announcements or future agenda items, Chairman Urban called the meeting adjourned.

Adjourn at 7:07 p.m.

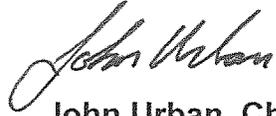
Recorded by:



Cara McPartland

These minutes approved the 12th of January, 2017.

APPROVED:



John Urban, Chair

