

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
December 9, 2010 at 6:30 p.m.

Meeting called to order by Chair Tracey Dean. Present were Commissioners Beth Mitchell, Jean Ross, Lila McCall, Steve Klepfer, David Glenn, and Rick Burleson.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and City Attorney Cindy Crosby.

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

Approval of minutes of the regular Planning & Zoning Commission meeting on November 11, 2010.

Commissioner Ross moved to approve the minutes, as presented. Commissioner Glenn seconded. Motion carried on a vote of 6-0. Chairman Dean abstained.

2. Public Hearing and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-10-015, an application for a conditional use permit to allow for the operation of a bed and breakfast on a 1.024 acre tract of land zoned Single Family Residential 2 (R-2) and located at 408 Blue Heron Run, Wimberley, Hays County, Texas. (*James and Judy Thompson, Applicants*)

City Administrator Ferguson explained the need for Commission action to accept the withdrawal of applications (at the applicants' requests) for Agenda Items 2A, 2B, and 2C.

Commissioner Klepfer moved to accept withdrawal of the application as requested by James and Judy Thompson for Case #CUP-10-015. Commissioner Ross seconded. Motion carried on a vote of 7-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-10-016, an application for a conditional use permit to allow for the operation of a bed and breakfast on a .35 acre tract of land zoned Single Family Residential 2 (R-2) and located at 430 Blue Heron Run, Wimberley, Hays County, Texas. (*Donn and Pamela Lamoureux, Applicants*)

Commissioner Klepfer moved to accept the withdrawal of the application as requested by Donn and Pamela Lamoureux for Case #CUP-10-016. Commissioner Ross seconded. Motion carried on a vote of 7-0.

- C. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-10-017, an application for a conditional use permit to allow for the operation of a bed and breakfast on a .50 acre tract of land zoned Single Family Residential 2 (R-2) and located at 444 Blue Heron Run, Wimberley, Hays County, Texas. (*Donn and Pamela Lamoureux, Applicants*)

Commissioner Klepfer moved to accept the withdrawal of the application as requested by Donn and Pamela Lamoureux for Case #CUP-10-017. Commissioner Ross seconded. Motion carried on a vote of 7-0.

- D. Hold a public hearing and consider making a recommendation to City Council regarding Case Number ZA-10-006, an application for a Wimberley Planned Development District with a base zoning district of Commercial – Low Impact (C-1) for a tract of land located at 13301 Ranch Road 12, Wimberley, Hays County, Texas. (*Sibyl Burrows, Applicant*)

City Administrator Ferguson explained that the applicant has requested a continuance until the Commission's January 13, 2011 meeting. Commissioner Glenn moved to continue Case #ZA-10-006 until January 13, 2011. Commissioner Ross seconded. Motion carried on a vote of 7-0.

- E. Hold a public hearing and consider making a recommendation to City Council regarding the modification of requirements for bed and breakfast and short-term vacation rental uses within the City of Wimberley, Texas. (*City Administrator*)

This item was heard after Agenda Item 21.

Commissioner Burluson rejoined the meeting at this time.

City Administrator Ferguson reviewed extensive discussions to date, cited current definitions, and directed the Commission's attention to a revised matrix (*attached to these minutes*) highlighting current/proposed regulations related to the following:

- Planning area allowed
- Zoning district allowed
- Conditional use permit (CUP) required
- City license
- Inspection
- Duration of operation
- Owner occupancy
- Maximum occupancy
- Maximum length of stay

- Room requirements
- Construction requirements
- Parking
- Lighting
- Food service
- Fire safety
- Signage allowed
- Water access
- Prohibited gathering
- Proof of State tax license/permit
- Guest documentation
- Location requirement
- Property ownership change

Discussion included:

- CUP process in general, including revocation and ability to impose additional conditions
- Applicability of new regulations, if adopted, to existing operations [Not retroactive; only applicable to CUP applications submitted *after* adoption; or to operations dormant for a period of nine (9) consecutive months; or to CUPs in violation of conditions]
- Signage square footage/illumination in residential versus commercial areas

Chairman Dean opened the public hearing.

Local property owner Phil Collins felt that the proposed regulations seem to target “postage stamp” size rentals, provided information on his large acreage vacation rental properties, and expressed concerns regarding the proposed six-person maximum occupancy for vacation rentals in Planning Areas I and II, need for impact studies, and clarifying language for certain terms such as private “parties” and “yard” parking.

Wimberley resident Charles Lancaster asked when it became so important to regulate bed and breakfasts (B & Bs) and stated that without B & Bs, Wimberley’s other merchants would suffer from decreased business. He considered the \$400 conditional use permit fee to be a tax. He asked whether City Council or Planning and Zoning originated discussions of additional B & B regulations. Mr. Lancaster questioned who would be responsible for inspecting B & Bs, and whether or not such person is qualified. He stated that the B & B industry is the most responsible in town, in order to ensure return customers. Mr. Lancaster asked if the Wimberley Merchants Association, which he said benefits from B & B guests, is involved with the proposed regulations. He stated that B & Bs are necessary due to the lack of other types of overnight accommodations for guests. Mr. Lancaster said that Blue Heron Run property owners withdrew their applications due to the proposed restrictions. He felt it was strange that discussion of B & B regulations coincides with an individual’s recent donation. Mr. Lancaster stated that Commissioners McCall and Klepfer called for tighter B & B

regulations at an earlier meeting, which he felt was not favorable for an industry that brings money to merchants and increases sales tax revenues. He said that people visit Wimberley for many reasons and choose B & Bs for the peace and quiet they offer. He cited other cities' regulations and felt that Wimberley does not treat the B & B industry in a positive manner. Mr. Lancaster gave his personal opinion that any Commission members with personal agendas for B & Bs (or any other matter) cannot cast an unbiased vote and should resign.

Hill Country Accommodations owner Wayne Kochenderfer offered several observations, issues, and comments. He cited certain statistics on B & Bs versus vacation rentals, Wimberley tourism in general, the importance of increased shopping by B & B/vacation rental guests, and accompanying increases in sales tax collections. He questioned the imposition of more regulations during a poor economy. Mr. Kochenderfer asked whether complaints were the driving force behind the proposed regulations, and if so, how such complaints were filed and addressed. He stated that property owners are generally very sensitive and responsive to complaints. Mr. Kochenderfer asked if there are any problems that need to be addressed by either individual property owners or by the B & B industry as a whole. He stated that a nine-month dormancy period, as listed in the duration of operation requirement, is not realistic and provided various examples that may cause an operation to shut down for more than one year. He did not favor placing a figure on maximum occupancy or yard parking restrictions on large acreage properties. Mr. Kochenderfer also stated that private parties, such as weddings, should not pose a problem on large acreage properties. He pointed out that Texas does not have a hotel occupancy tax applicable to any rentals over thirty days, therefore, no state record of such rentals exists.

Wimberley resident Clint Frankmann expressed concerns about increasing regulations and favored limited government. He cited informal poll results of B & B owners/managers, finding that there is no general consensus on "rowdiness" problems that the proposed regulations are designed to address. Politically speaking, Mr. Frankmann said that some people who serve in public office and on committees have a personal "log to saw" and seek to get their "pet" situation rectified. He hoped that regulations are not passed to please one person who may have a vendetta for a local bed and breakfast. In the absence of complaints against B & Bs, Mr. Frankmann supported limited regulations as they currently exist.

Flite Acres B & B owner Dale Dugger requested the definition of a CUP and asked who created the matrix of proposed regulations. He reported positive feedback from B & B guests and said that there have not been problems with loud parties. He concurred with Mr. Frankmann's comments on the lack of problems/complaints and questioned the need for more regulation. Mr. Dugger said that B & Bs do not need attention, unlike other more important problems that Wimberley faces. He opposed septic inspections as a violation of his rights, questioned how inspections are conducted, and opposed more B & B ordinances.

Vacation rental owner Johanna Norvell spoke of the value of the vacation rental industry to Wimberley and questioned the need for more regulations. She supported safety-related regulations, but felt that unclear or arbitrary standards (such as maximum number of guests) are unenforceable and possibly unconstitutional. She asked about inspection procedures and supported notification of neighbors within two-hundred feet (200'). Mrs. Norvell felt that the six-person maximum occupancy requirement is too restrictive for her property, which is twenty-five (25) acres in size and contains two (2) houses. She asked for clarification on fire notices in "guest" rooms versus "bed" rooms. She questioned the enforceability of regulations that run contrary to state law on water access. Mrs. Norvell stated that her family bought vacation rental property and hoped to move to Wimberley in the future. She favored the current CUP process asked why the City would set arbitrary limits on an industry that contributes a lot of business to the local economy. As an alternative to mandatory requirements, Mrs. Norvell suggested publishing the latest matrix as "relevant considerations," without arbitrary distinctions that might not make sense for every property.

Former Council member Dick Larson recalled a Benjamin Franklin quote favoring the least possible government. He felt that there is too much government for Wimberley and noted that during his time on Council, he always voted in favor of granting conditional use permits.

Flite Acres property owner, D'Anna Tindal, spoke of changes to her property's quiet setting when a road was built that caused her property to become a busy mecca for those who come for Blanco River recreation near a low water crossing. She felt that not being able to have a party at her property is an assault on her personal property ownership liberties and favored limited government. Ms. Tindal noted that she has not been able to get any assistance with nuisances that exist on a neighboring property. Given the current economy, Ms. Tindal stressed that she needs rental income in order to hold on to her property. She said that the public has the right to know the author of the proposed regulations and his/her motivation. She opposed septic inspections as intrusive and unnecessary. Mrs. Tindal stated her opposition to the proposed regulations and "anything like it."

Local realtor, Melinda Everett, feared the proposed regulations would have a negative impact on the local economy and the B & B industry in particular, which she stated drives the economy on the Square. She agreed with Phil Collins' earlier comments and felt that under current conditions, more regulations will add to the economic hardship that businesses already face. Ms. Everett stated the importance of vacation rentals and tourism in general to the economy. She favored safety requirements, but felt that larger properties should be allowed to have more than six (6) guests and be able to have events such as reunions. Ms. Everett asked that the Commission not recommend approval of the proposed regulations.

Clarification was provided to Ms. Burrows (recent purchaser of the former Artisans Inn B & B) on the proposed maximum number of guests allowed for vacation rental properties in Planning Areas I and II (six persons) and on applicability of the proposed regulations,

if adopted. It was stressed that the proposed regulations would not apply to pre-existing, non-conforming uses and that B & Bs would not be affected by the proposed maximum occupancy limitations.

City Administrator Ferguson reviewed the origin and history of this issue, including a specific CUP application that brought up the need for clarification of different types of rental uses, particularly in certain areas such as the Square. Discussion addressed the Commission's duties related to future planning and proposed regulations for vacation rentals in Planning Areas I and II and for larger tracts.

Discussion included:

- Re-addressing the issue of maximum occupancy for vacation rentals located on large acreage
- Pre-existing, non-conforming uses
- Regulation/definition of private parties
- Commercialization of residential neighborhoods
- Complaint-driven inspection process
- Possible detrimental effect of proposed regulations on B & Bs, as opposed to the current CUP process
- Whether a need exists for standards to protect neighborhoods from unwanted rental uses versus the existing case-specific CUP process

Hearing no further comments, Chairman Dean closed the public hearing.

Chairman Dean directed the Commission's attention to the revised matrix presented at tonight's meeting. Discussion addressed:

- Reconsideration of the maximum number of guests allowed on large acreage vacation rental properties
- Commission consensus on specific issues and differing views on vacation rental maximum occupancy limitations and prohibited gatherings
- Grandfathering of existing operations and revocation of CUP due to lack of rental activity and/or unresolved violation(s) of CUP conditions
- Balancing the protection of neighborhoods from commercialization versus maintaining a vibrant B & B/rental industry that is critical to the local economy
- Primarily residential nature of Planning Areas I and II
- Inspections conducted only as a result of complaints or compliance questions
- Clarification on six (6) person limit as applicable to vacation rental *homes* versus vacation rental *properties* (for example, a vacation rental property may have more than one home)
- Re-defining vacation rentals and B & Bs, as opposed to possible imposition of added regulations
- Concerns regarding over-regulation of B & Bs, which may eliminate responsible B & B owners from continuing operations

- Procedural questions on the public hearing process and public information relating to CUPs

Commissioner Klepfer moved to recommend approval of the matrix, as presented, to City Council regarding the modification of the requirements for B & Bs and short-term vacation rentals within the City of Wimberley, with the amendment that in Planning Areas I and II, the maximum occupancy shall not exceed six (6) people on properties of five (5) acres or less, and shall not exceed twelve (12) people on properties greater than that [over five (5) acres].

In response to Commissioner Burleson, Chairman Dean stated that the maximum occupancy limit could be modified under the current CUP process.

Commissioner McCall seconded Commissioner Klepfer's motion.

Chairman Dean spoke of neighborhood involvement in the CUP process as a key factor in protection of residential areas that do not want B & Bs and/or vacation rentals. Though historically the Commission has generally denied recommending approval of protested CUP applications (as stated by Commissioner Ross), it was pointed out by Chairman Dean that neighborhood protest does not automatically guarantee that a CUP will be denied.

Commissioner Glenn offered the following option: "In Planning Areas I and II maximum occupancy is *suggested* not to exceed six (6) people for five (5) acres or less or twelve (12) people for greater than five (5) acres, and will be determined in the CUP." Commissioner Mitchell stated that such language is superfluous. Commissioner Glenn stated that large-tract owners still have the opportunity to convince neighbors that a higher maximum occupancy limit would be acceptable. Commissioner Ross felt that such wording would be more appropriate for inclusion in the Comprehensive Plan, rather than in a regulatory document. Commissioner Mitchell favored exclusion of Commissioner's Glenn's amended language and opposed additional regulations. City Administrator Ferguson suggested the following change to Commissioner Glenn's previously stated wording: "In Planning Areas I and II maximum occupancy is *preferred* not to exceed six people for five acres or less. . ."

Commissioner Glenn proposed a friendly amendment to Commissioner Klepfer's motion as follows: "In Planning Areas I and II maximum occupancy is *preferred* not to exceed six (6) people for five (5) acres or less or twelve (12) people for greater than five (5) acres, and to be determined by the CUP." Commissioner Klepfer accepted Commissioner Glenn's friendly amendment. Commissioner McCall seconded. Commissioner Klepfer called the question.

Chairman Dean favored the current CUP process and noted that the Commission needs to discuss any other issues with the matrix, as amended, before voting. Commissioner Ross felt that sign requirements need clarification and offered a second friendly amendment to Commissioner Klepfer's motion to allow signs up to four (4) square feet

in residential areas and in accordance with the Sign Ordinance in all other areas. Commissioner Klepfer accepted Commissioner Ross's friendly amendment. After more discussion of prohibiting private parties, Commissioner Klepfer called the question. Commissioner Glenn offered another friendly amendment as follows: "In Planning Areas I and II residences shall not be used by the public or paying guests for the hosting of receptions, private parties, or the like, *unless previously agreed to in the CUP*: Commissioner Klepfer accepted Commissioner Glenn's friendly amendment. Discussion clarified that this friendly amendment only applies to vacation rentals, not to B & Bs.

Commissioner Glenn restated his friendly amendment, applicable to vacation rentals only: "Residences in Planning Areas I and II shall not be used by the public or paying guests for the hosting of receptions, private parties, or the like *unless agreed to otherwise in the CUP*." Commissioner Klepfer accepted the restated friendly amendment.

The friendly amendments to the original motion were clarified and confirmed, as follows:

For vacation rentals: "In Planning Areas I and II the maximum occupancy is preferred not to exceed six (6) people for properties up to five (5) acres in size, and twelve (12) people for properties greater than five (5) acres in size."

For B & Bs and vacation rentals: "Signage shall be limited to one (1) non-illuminated sign not to exceed four (4) square feet in area and shall be of traditional hill country design and color. Signage on such properties located in all other planning areas shall be subject to the regulations set forth in the City Sign Ordinance."

For vacation rentals: "Residences located in Planning Areas I and II shall not be used by the public or paying guests for the hosting of receptions, private parties or the like, unless approved otherwise in the CUP."

For B & Bs: The "Prohibited Gathering" requirement will be deleted altogether for B & Bs, and only applicable to vacation rentals (as stated above).

Commissioner Klepfer accepted the friendly amendments listed above and Commissioner McCall seconded. Commissioner Glenn called the question.

Chairman Dean called for a vote as follows: Commissioner Mitchell, nay; Commissioner Ross, nay; Commissioner McCall, aye; Commissioner Klepfer, aye; Commissioner Glenn, aye; Commissioner Burleson, aye; Chairman Dean, nay. Motion and friendly amendments carried on a vote of 4-3.

Chairman Dean called for a brief recess at 8:25 p.m. and reconvened at 8:33 p.m.

- F. Hold a public hearing and consider making a recommendation to City Council regarding the establishment of a *Village Inn (VI)* zoning district and associated

regulations and the designation of a planning area where the zoning district would be allowed. (*City Administrator*)

City Administrator Ferguson highlighted key development requirements for the proposed zoning district for small lodging operations. The proposed VI district would be allowed in largely commercial Planning Areas III – VII. Lodging establishments with not more than ten (10) rooms and a maximum occupancy of twenty (20) guests would be allowed. The maximum building footprint of such establishments would be 2,000 square feet, while the minimum lot size for VI zoned properties would be one-half (1/2) acre.

No public comments were heard.

Discussion addressed:

- Concerns over maximum occupancy limitations
- Clarification of maximum room floor area
- Determination of maximum impervious coverage and maximum building coverage
- Suggested elimination of maximum guest requirement and allowance of four (4) guests per room

Compromise was reached to allow a maximum of thirty (30) guests. City Administrator Ferguson suggested the following additions:

- Single Family Residence and sit-down eating establishment allowed as permitted uses
- Sale of alcohol in sit-down eating establishments allowed as a conditional use

In response to Commissioner Burleson, Chairman Dean clarified that only one (1) sleeping room would be allowed for every five hundred (500) feet of floor area. Commissioner Burleson pointed out a contradiction between *Development regulations* (3) and (5) relating to maximum building footprint and maximum room floor area. It was agreed that maximum building footprint should be amended to 2,500 square feet, with a maximum floor area of 5,000 square feet, if the building is two stories. It was agreed to leave signage requirements as drafted.

Commissioner Ross moved to recommend approval of item, including the above-mentioned amendments, along with the designation that the VI zoning district be allowed in Planning Areas III – VII. Commissioner Klepfer seconded. Motion carried on a vote of 7-0.

- G. Hold a public hearing and consider making a recommendation to City Council regarding an ordinance amending portions of Sections 155.107 (Planning and Zoning Commission) and 155.108 (Board of Adjustment; Variances and Appeals) of the Code of Ordinances of the City of Wimberley, Texas in order to revise the

removal process for board members appointed to the above referenced boards; and providing for findings of fact, an effective date; proper notice and meeting, and severability. (*City Administrator*)

City Administrator Ferguson highlighted current and proposed attendance and removal requirements. Key changes include eliminating excused absences and establishing a removal process for members with attendance problems. Because the proposed changes would require an amendment to the Zoning Code, the Commission is required to hold a public hearing and forward a recommendation to Council.

No public comments were heard.

Discussion included:

- Current authority of Council to remove board/commission members
- Eliminating the designation of absences as excused or unexcused
- Attendance records for specific members
- Reliance on volunteers to serve on boards/commissions
- Responsibility of the appointing Council member to initiate removal proceedings
- Voluntary resignation of members who have attendance problems
- Reinstatement process for removed members
- Record of meetings cancelled due to lack of a quorum
- Determination of excused versus unexcused absences
- Lack of enforcement of current attendance requirements
- Need for boards/commissions to hear cases in a timely manner, without delays due to lack of a quorum
- Inconvenience to applicants whose cases have been continued due to lack of a quorum
- Specific scenarios that may excuse an absence and allowance for discretionary review

Commissioner Glenn suggested compromise language and general consensus was reached to amend language in §155.107(B)(5) and §155.108(B)(4) (*Removal of Board members*) of the draft ordinance to reflect the following:

"Any Board member who misses three (3) consecutive meetings within a 12-month period of time or five (5) meetings within a 12-month time period shall be deemed to have automatically vacated his or her position on the Board."

"A super majority vote of City Council is required to reverse a vacation."

Commissioner Klepfer moved to recommend approval of the ordinance, with the above stated amendments. Commissioner Glenn seconded.

Chairman Dean called for a vote as follows: Commissioner Mitchell, nay; Commissioner Ross, nay; Commissioner McCall, aye; Commissioner Klepfer, aye;

Commissioner Glenn, aye; Commissioner Burleson, aye; Chairman Dean, nay. Motion carried on a vote of 4-3.

- H. Hold a public hearing and consider making a recommendation to City Council regarding an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for property located at 260 Panther Crossing, Wimberley, Hays County, Texas, designating such property from Residential Acreage (RA) to Rural Residential 1 (R-1); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Thomas and Nancy Payte, Applicants*)

This item was heard after Agenda Item 2D.

City Administrator Ferguson reported that due to the proposed subdivision of the subject property (see Agenda Item 2I), creating two (2) lots, both greater than two (2), but less than five (5) acres in size, it will be necessary to change the zoning of the property to Rural Residential 1 (R-1). He noted the subject property's current zoning, planning area location, and proposed residential use. He advised that no comments have been received for or against the zoning change and recommended approval.

No public comments were heard.

Commissioner Burleson recused himself at this time due to a possible conflict of interest.

Commissioner Ross moved to recommend approval of the item, as presented. Commissioner Mitchell seconded. Motion carried on a vote of 6-0. (Commissioner Burleson recused)

- I. Hold a public hearing and consider making a recommendation to City Council regarding an application for a replat of Lot 15 Flite Acres Little Ranches creating two (2) lots to be known as Lot 15A (4.436 acres) and Lot 15B (2.212 acres), on Panther Crossing, Wimberley, Hays County, Texas, and associated variances from Section 154.063(C) of the City Subdivision Code relating to lot shape configuration, Sections 154.058 and 154.063(D) relating to lot access and frontage and Section 154.063 relating to intersection design. (*Thomas and Nancy Payte, Applicants*)

City Administrator Ferguson reviewed the application to subdivide Lot 15 into two (2) lots named Lot 15A (4.436 acres) and Lot 15B (2.212 acres). He explained that Lot 15 was originally platted with an area of 6.648 acres, with only about fifteen feet (15') of frontage on a thirty-foot (30') wide private access easement road, known as Panther Crossing. The proposed Lot 15A will continue to have frontage on Panther Crossing, while the proposed Lot 15B will not. Access to the proposed lots will come from a dedicated thirty-foot (30') access easement that will tie into the above-mentioned

access easement known as Panther Crossing. The proposed lots will be served by Wimberley Water Supply Corporation.

City Administrator Ferguson reviewed the requested variances from City Code relating to lot shape, lot access, and intersection design. He noted that Section 154.063(C) stipulates lots are to be rectangular, except if the configuration of the parent tract does not permit. The parent tract (Lot 15) is rectangular. This section also requires conformance with a minimum and maximum range of average depth to average width ratios, unless the lot is at least 1.5 times the lot size required for the applicable R-1 zoning district. Both the depth and width of the lot exceeds the minimum required and the City finds the proposed lot dimensions are consistent with surrounding development and the Comprehensive Plan. Lots 15A and 15B do not meet these shape criteria.

City Administrator Ferguson stated that Lots 15A and 15B do not have access to public right-of-way accepted by the appropriate governmental agency (§154.058), nor face and have coterminous frontage on a usable dedicated public road right-of-way [§154.063(D)(1)], nor have frontage conforming to the minimum lot width requirement [§154.063(D)(1)]. Lot 15B has a corner intersection of less than forty-five degrees (45°) and does not conform to the requirements of §154.063(C). He recommended approval of the proposed subdivision and requested variances.

No public comments were heard.

Discussion included specifics related to access and easements.

Commissioner Ross moved to approve recommend approval of the item, as presented, which includes the requested variances. Commissioner McCall seconded. Motion carried on a vote of 6-0. (Commissioner Burleson recused)

3. Discussion and Action

Discuss and consider action regarding the development of a water quality protection ordinance. (*City Administrator*)

City Administrator Ferguson recommended continuing this item until the Commission's January 13, 2011 meeting and asked for input on the draft ordinance. Commissioner Ross asked that City Administrator Ferguson give a copy of the proposed ordinance to City Sanitarian Kyle De Hart, so that he may participate in providing input.

Commissioner Klepfer moved to take no action on this item at this time. Commissioner Glenn seconded. Motion carried on a vote of 7-0.

4. Staff and Commission Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Commissioner Ross moved to adjourn. Commissioner Mitchell seconded. Motion carried on a vote of 7-0.

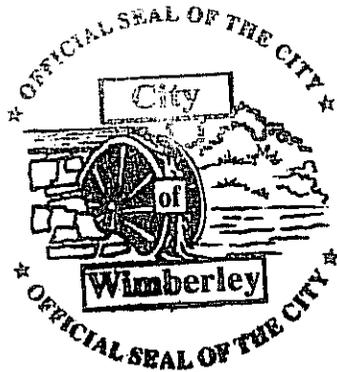
Adjourn at 9:12 p.m.

Recorded by:



Cara McPartland

These minutes approved the 13th of January, 2011.



APPROVED:



Tracey Dean, Chair

	<i>Bed and Breakfast (CUP)</i>	<i>Vacation Rental (CUP)</i>
Planning Area Allowed	All Planning Areas RA, R-1, R-2, R-3, O-1, O-2, C-1, C-2, C-3, NS, SC	All Planning Areas RA, R-1, R-2, R-3, O-1, O-2, C-1, C-2, C-3, NS, SC
Zoning District Allowed	RA, R-1, R-2, R-3, O-1, O-2, C-1, C-2, C-3, NS, SC	RA, R-1, R-2, R-3, O-1, O-2, C-1, C-2, C-3, NS, SC
CUP Required	Yes	Yes
City License	No	No
Inspection	Property subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided CUP shall terminate if and when there is evidence of no rental activity, based on the State Occupancy Tax Reports, for a period of nine consecutive months	Property subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided CUP shall terminate if and when there is evidence of no rental activity, based on the State Occupancy Tax Reports, for a period of nine consecutive months
Duration of Operation Requirement	Yes	Yes
Owner Occupancy Required	Yes	Owner occupancy not required. However, the subject property owner shall provide the City and property owners, within 200' feet of the subject property, with the current name and contact information for the local responsible party for the subject property
Maximum Occupancy	Addressed as part of CUP application based on number of rooms, beds, parking and neighborhood input	Addressed as part of CUP application based on number of rooms, beds, parking and neighborhood input. In Planning Areas I & II, the maximum occupancy shall not exceed six (6) people
Maximum Length of Stay	No	No
Room Requirements	No	No
Construction Requirements	OSSF shall have adequate capacity	OSSF shall have adequate capacity
Parking	On-street parking prohibited; two (2) parking spaces are required plus one additional space per room rented, subject to modification as part of CUP; yard parking not permitted	On-street parking prohibited; one (1) space per room rented subject to modification as part of CUP; yard parking not permitted
Lighting	Compliance with Lighting Code Required	Compliance with Lighting Code Required
Food Service	Optional; owner prepared/pre-packaged or from licensed commercial kitchen	Optional; owner prepared/pre-packaged or from licensed commercial kitchen
Fire Safety	One (1) smoke alarm in each guest bedroom along with a fire extinguisher visible and accessible to guests; a fire escape plan shall be developed and graphically displayed in each guest room; second exit shall be provided	One (1) smoke alarm in each guest bedroom along with a fire extinguisher visible and accessible to guests; a fire escape plan shall be developed and graphically displayed in each guest room; second exit shall be provided
Signage Allowed	Signage shall be limited to one (1) non-illuminated sign not to exceed four (4) square feet in area and shall be of traditional hill country design	Signage shall be limited to one (1) non-illuminated sign not to exceed four (4) square feet in area and shall be of traditional hill country design
Water Access	Retain current CUP requirements for water access	Retain current CUP requirements for water access
Prohibited Gathering	Residence shall not be used by the public or paying guests for the hosting of receptions, private parties or the like	Residence shall not be used by the public or paying guests for the hosting of receptions, private parties or the like
Proof of State tax license/permit	Yes	Yes
Required Guest Documentation	None	None
Location Requirement	None	None
Property Ownership Change	City shall be notified of any change in property ownership within thirty (30) days of such change	City shall be notified of any change in property ownership within thirty (30) days of such change

Revised Following 1/11/10 P&Z Meeting