

# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676

## REGULAR PLANNING & ZONING MEETING

WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS

221 STILLWATER, WIMBERLEY, TEXAS

AUGUST 11, 2016 - 6:00 P.M.

### AGENDA

CALL TO ORDER: AUGUST 11, 2016 @ 6:00 P.M.

CALL OF ROLL: CITY SECRETARY

### CITIZENS COMMUNICATIONS:

*THE PLANNING & ZONING COMMISSION WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN, NOT ON THIS AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A THREE-MINUTE TIME LIMIT WHEN ADDRESSING THE COMMISSION. SPEAKERS WILL HAVE ONE OPPORTUNITY TO SPEAK DURING THE TIME PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR COMMISSION CONSIDERATION.*

1. ASSIGNMENT OF TERMS FOR MEMBERS OF THE PLANNING AND ZONING COMMISSION
2. CONSENT AGENDA

*THE FOLLOWING ITEMS MAY BE ACTED UPON IN ONE MOTION. NO SEPARATE DISCUSSION OR ACTION IS NECESSARY UNLESS REQUESTED BY A COMMISSION MEMBER OR CITIZEN, IN WHICH EVENT THOSE ITEMS WILL BE PULLED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION.*

APPROVAL OF MINUTES OF THE REGULAR PLANNING & ZONING COMMISSION MEETING ON JULY 14, 2016.

3. PUBLIC HEARINGS AND POSSIBLE ACTION

- (A) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL REGARDING CASE CUP-16-019, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A VACATION RENTAL FACILITY ON PROPERTY ZONED RESIDENTIAL ACREAGE (RA), LOCATED AT 207 LITTLE RANCHES ROAD, WIMBERLEY, HAYS COUNTY, TEXAS. *(WAYNE MCQUAID, APPLICANT)*
- (B) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL REGARDING A PROPOSED ORDINANCE AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SUBCHAPTERS 155.105 (CONDITIONAL USES) AND 155.077 (DEVELOPMENT PLAN REVIEW), SECTION (E) (APPROVAL PROCESS), SUBSECTION (3) (EFFECT OF DEVELOPMENT PLAN APPROVAL) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES TO PROVIDE AN EXPIRATION DATE FOR UNUSED CONDITIONAL USE PERMITS; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; SAVINGS; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. *(CITY ADMINISTRATOR)*

4. DISCUSS AND CONSIDER ACTION

- (A) DISCUSS AND CONSIDER ACTION REGARDING THE PROPOSED DEVELOPMENT OF AN ORDINANCE CLARIFYING THE DEFINITION OF A SINGLE-FAMILY RESIDENCE IN THE CITY ZONING CODE. *(CITY ADMINISTRATOR)*
- (B) DISCUSS AND CONSIDER ACTION REGARDING ISSUES RELATING TO SHORT-TERM RENTAL PROPERTIES IN THE CITY. *(CITY ADMINISTRATOR)*

5. STAFF AND COMMISSION REPORTS

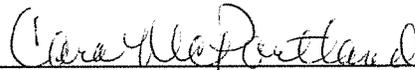
- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

## ADJOURNMENT

THE COMMISSION MAY RETIRE TO EXECUTIVE SESSION ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSION ABOUT HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS LOCAL GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087. ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

### CERTIFICATION

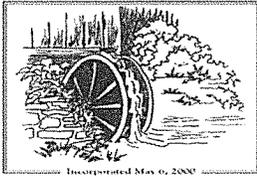
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on August 8, 2016 at 5:00 p.m.



\_\_\_\_\_  
CARA MCPARTLAND, CITY SECRETARY

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Don Ferguson, City Administrator, at (512) 847-0025 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

# P&Z Commission Agenda Form



Date Submitted: August 8, 2016

Agenda Date Requested: August 11, 2016

**Project/Proposal Title:** DRAWING FOR THE LENGTH OF TERMS FOR THE CURRENT MEMBERS OF THE PLANNING AND ZONING COMMISSION

**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

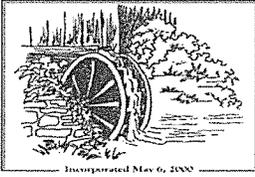
**Project/Proposal Summary:**

The Wimberley City Council recently adopted an ordinance increasing the term length for members of the Planning and Zoning Commission from two (2) years to three (3) years. The three (3) year terms are to be staggered to eliminate creating a situation where the city faces a wholesale change of the Commissioners when future appointments are made by the City Council.

To stagger the terms, there is a need for the current Commissioners to draw for the length of their initial terms. Two (2) members will draw one (1) year terms (to be succeeded by a normal three (3) year term), two (2) members will draw two (2) year terms (to be succeeded by a normal three (3) year term), and three (3) members will draw three (3) year terms.

The item was placed on the agenda to allow Commissioners to draw for the lengths of their initial term.

# P & Z Commission Agenda Form



Date Submitted: August 8, 2016

Agenda Date Requested: August 11, 2016

**Project/Proposal Title:** APPROVAL OF MINUTES  
OF THE REGULAR PLANNING & ZONING  
COMMISSION MEETING ON JULY 14, 2016

**Funds Required:**  
**Funds Available:**

**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

Attached are the minutes of the Regular Planning & Zoning Commission meeting on July 14, 2016 for review and consideration.

**City of Wimberley**  
 City Hall, 221 Stillwater  
 Wimberley, Texas 78676  
**Planning & Zoning Commission**  
 Minutes of Regular Meeting  
 July 14, 2016 at 6:00 p.m.

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

Staff Present: City Administrator Don Ferguson and City Secretary Cara McPartland

**Citizen Communications:**

No citizen comments were heard.

**1. Consent Agenda**

Approval of minutes of the Regular Planning & Zoning Commission meeting on June 23, 2016.

Chairman Urban moved to approve the minutes, as presented. Commissioner McCullough seconded. Motion carried on a vote of 5-0.

**2. Public Hearings and Possible Action**

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-015, an application for a Conditional Use Permit to allow for the operation of a bed and breakfast facility on property zoned Residential Acreage (RA), located at 406 Hoots Holler Road, Wimberley, Hays County, Texas. (*Kelvin and Brenda Adams, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing primary and secondary residential structures. He advised the applicants are proposing to use the guest cabin as a bed and breakfast facility with a maximum occupancy of two (2) people. He noted each residence is served by a properly permitted and functioning on-site septic system.

Based on a review of the system and proposed use, the City Sanitarian has indicated that no more than three (3) people shall occupy the guest cabin. City Administrator Ferguson advised the applicants propose to limit maximum occupancy to two (2) people and guests would be required to park on the subject property. He read a list of conditions to be made part of the requested Conditional Use Permit (CUP), should the Commission desire to recommend approval. He advised that one written response was

received expressing concerns regarding access to the subject property via University Road.

Applicant Kelvin Adams noted that he owns a total of twelve (12) acres and that he purchased the rights to unlimited use of University Road from Texas State University, which is an easement he helps to maintain, and not a City road.

Applicant Brenda Adams said there are two entrances to the subject property and noted the application is for the top entrance on Hoots Holler, not for the bottom entrance on University Road. Kelvin Adams stated that either entrance can be used to access the property.

Chairman Urban opened the public hearing.

Applicant Kelvin Adams spoke on nearby rental activity on surrounding properties.

Hearing no comments, Chairman Urban closed the public hearing.

Discussion addressed the University Road easement deed restrictions, residency requirement for bed and breakfast owners, and two-person maximum occupancy limit.

Commissioner Pigg moved to recommend approval of the CUP, as presented. Commissioner Meeks seconded. Motion carried on a vote of 5-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-016, an application for Conditional Use Permit to allow for the operation of a vacation rental facility on property zoned Single Family Residential 2 (R-2), located at 2660 FM 3237, Wimberley, Hays County, Texas. (*Chris & Karen Lawrence, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing two-bedroom residence, which the applicants are proposing to use as a vacation rental with a maximum occupancy of four (4) guests. He advised there is a property permitted and functioning septic system that serves the residence. Based on a review of the septic system and proposed use, City staff is recommending a maximum occupancy of three (3) people. He noted guests would be required to park on the subject property. City Administrator Ferguson read a list of conditions to be made part of the requested Conditional Use Permit (CUP), should the Commission desire to recommend approval. He advised that one written response and one phone call expressing opposition have been received by City staff.

Applicant Karen Lawrence noted that the referenced phone call in opposition was from an adjacent property owner (Jeremy Trahan), who has since spoken to the applicants. Mrs. Lawrence stated Mr. Trahan's concerns have been resolved and he now supports the CUP request.

Chairman Urban opened the public hearing.

Aaron Hays Atkins of 2630 FM 3237 spoke of problems with existing area rental properties, including two calls to Hays County Sheriff regarding the Cabins at Smith Creek, noise, litter, absentee ownership, and access via an unmaintained easement. He asked that the Commission recommend denial of the CUP.

Johannes Grijsen and Sharlene Evans of 230 Arrowlake expressed concerns regarding loss of privacy, guests using Smith Creek, property devaluation, and disturbance of the peace. He cited deed restrictions from 1964 that state "no business of any kind shall be carried out in any residence" and asked the Commission to reject the CUP application.

Darin Anderson of Hill Country Premier Lodging, whose company would manage the subject property, stated there are a lot of area rentals on FM 3237 (such as Cabins at Smith Creek), and said he has never received notice of any calls to the Sheriff's Office. He noted he carries the emergency phone and responds to calls 24 hours a day and has not received any complaints. He advised of his company's procedures to resolve complaints, including asking people to leave, if necessary. City Administrator Ferguson said there are four or five short-term rentals in the general vicinity of the subject property.

Tammy Braun of 300 Arrowlake stated there are numerous area rentals and cited problems related to an owner-managed short-term rental operating on Arrowlake Drive, including large groups, weddings, fireworks, trash, and trespassing. She did not feel this rental is being properly overseen. She felt rentals impact her privacy and property values and was concerned that the area is becoming nothing but rentals. She preferred that the Commission not recommend approval.

Chairman Urban closed the public hearing.

Discussion addressed access to the subject property from FM 3237; secluded nature of subject property; total acreage; deed restrictions as civil matters among homeowners/homeowners associations; the so-called "Twenty-percent Rule" that applies to City Council actions; septic permitting/capacity; complaint-driven enforcement of maximum occupancy limit; ability of the Commission to recommend additional conditions; recourse of property owners to pursue civil action to enforce deed restrictions, and existing area rental operations.

Chairman Urban commented that when opposition is expressed, the Commission has a responsibility to listen to voiced concerns and said he would vote against recommending approval.

Chairman Urban moved to recommend denial of the CUP, based on opposition. Commissioner Pigg seconded. Motion carried on a vote of 3-2. Councilmember McCullough and Meeks voted against.

- C. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-017, an application for Conditional Use Permit to allow for the operation of a vacation rental facility on property zoned Single Family Residential 2 (R-2), located at 1824 Flite Acres Road, Wimberley, Hays County, Texas. (*Robert Weber, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing 5-bedroom residence, which the applicants are proposing to use as a vacation rental with a maximum occupancy of ten (10) guests. He advised there is a property permitted and functioning septic system that serves the residence. Based on a review of the septic system and proposed use, City staff is recommending a maximum occupancy of six (6) people. He noted guests would be required to park on the subject property.

City Administrator Ferguson read a list of conditions to be made part of the requested CUP, should the Commission desire to recommend approval. He advised that two written responses expressing opposition have been received by City staff and one phone call seeking information on the CUP request.

Applicant's representative, Cathy Weber Biediger, spoke on the rebuilding of her parents' flood-damaged residence and agreement to limit maximum occupancy to six (6) people based on the septic permit.

Chairman Urban opened the public hearing.

Charles Lancaster of 1700 Flite Acres Road spoke of his long friendship with the Webers, who are elderly flood survivors and due to health issues, have moved closer to family near Houston. He said the Webers need income from their Wimberley home to offset costs of staying in Houston. Due to these circumstances, as well as the lack of negative impact to vehicle traffic, Mr. Lancaster asked the Commission to recommend approval.

Steve Stewart of 2105 Spoke Hollow expressed concerns regarding noise, trash, and the number of existing area rentals. He said they have never called to complain, but have been disturbed by rental activity. Mr. Stewart stated there are seven vacant lots directly across from his property and did not want a developer to come in and build rental properties, which he felt would become a massive problem. He said it would hurt property values and ruin their tranquility and privacy. Mr. Stewart stated they love the river and miss the trees, but they want the peace and tranquility they bought into some time ago.

Chris Webre of 2205 Spoke Hollow expressed sympathy for the Webers and spoke of his family's plans to retire to Wimberley and build a house here. He echoed Steve Stewart's earlier comments, cited past problems with an existing nearby rental property, and asked the Commission to reject the CUP request. Mr. Webre said he might not build on his property, if surrounded by river rentals.

Chairman Urban closed the public hearing.

Discussion addressed management of the vacation rental by a local company; septic capacity; applicant's compliance with the maximum occupancy requirement of six (6) people; limited availability for rentals, given frequent use of subject property by family members; prior noise complaints regarding adjacent Blanco River Cottages (destroyed in May 2015 flood); notification of City staff, responsible party, and law enforcement in the event of complaints; possible CUP revocation for non-compliance with CUP conditions; trespassing by renters seeking water access; Council's grandfathering policy for flood-damaged/destroyed properties; and comparison of vacation rentals with absentee owners versus owner-occupied bed and breakfasts.

After discussion of public input and procedural issues, Commissioner Espinoza moved to recommend approval of the CUP request as presented. Commissioner Pigg seconded. Motion carried on a vote of 3-2. Commissioner Espinoza and Commissioner Urban voted against.

Cathy Weber Biediger asked if prospective buyers are told of rules and regulations regarding properties on the river, as she thought the Webers owned property to the middle of the river. Chairman Urban said each property's survey should reflect such information.

- D. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-018, an application for Conditional Use Permit to allow for the operation of a vacation rental facility on property zoned Single Family Residential 2 (R-2), located at 2912 Flite Acres Road, Wimberley, Hays County, Texas. (*John and Sharyl Robertson, Applicant*)

City Administrator Ferguson advised the applicants have withdrawn the CUP request.

Chairman Urban moved to accept the withdrawal of the CUP application, as requested. Commissioner McCullough seconded. Motion carried on a vote of 5-0.

### **3. Staff and Commission Reports**

- Announcements
- Future Agenda Items

City Administrator Ferguson provided reasoning for evaluating zoning requests on a case-by-case basis. Discussion addressed the importance of public input, impact on neighbors, management/oversight of rentals, and grandfathering procedures for short-term rentals. Regarding future agenda items, City Administrator Ferguson advised the Commission will be considering clarification of City Code language related to the definition of "single family residence."

Hearing no further comments, Chairman Urban called the meeting adjourned.

**Adjourn at 7:25 p.m.**

Recorded by:

Cara McPartland

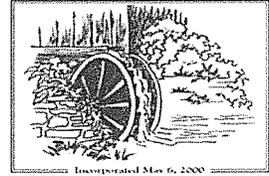
**These minutes approved the \_\_\_ of August, 2016.**

**APPROVED**

**Charles Savino, Chair**

**DRAFT**

# Report for CUP-16-019



## Summary:

An application for a Conditional Use Permit to allow for the operation of a vacation rental facility at 207 Little Ranches Road

## Applicant Information:

### Applicant(s):

Wayne McQuaid  
207 Little Ranches Rd.  
Wimberley, TX 78676

### Property Owner(s):

Wayne C. McQuaid & Tonya R. McQuaid

## Subject Property:

### Legal Description:

Flite Acres Little Ranches Pt Lts 9 & 10, 10.06 acres

### Location:

207 Little Ranches Road

### Existing Use of Property:

Residential

### Existing Zoning:

Residential Acreage (RA)

### Proposed Use of Property:

Vacation Rental

### Proposed Zoning:

RA with CUP

### Planning Areas

I

### Overlay District

Protected Water

## Surroundings:

### Frontage On:

Little Ranches Road

### Area Zoning and Land Use Pattern:

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	RA	Residential
<b>S of Property</b>	RA	Residential
<b>E of Property</b>	RA; R-2	Residential
<b>W of Property</b>	ETJ	Residential

## Legal Notice

### 200' Letters:

7/7/16

### Published:

7/7/16

### Sign Placement:

7/7/16

### Responses:

None

## Comments:

The applicant, Wayne McQuaid, is seeking a Conditional Use Permit (CUP) to allow for the operation of a vacation rental facility at 207 Little Ranches Road. The subject property is zoned Residential Acreage (RA) and located in Planning Area I. Vacation rental facilities are allowed on RA-zoned properties with a CUP.

Currently, there is an 832 square foot, two (2) bedroom, two (2) bath residence on the property. The applicant is proposing to use the residence as a vacation rental, with a maximum occupancy of six (6) people.

There is a properly permitted and functioning on-site septic system that serves the residence for which the CUP is being sought. Based on a review of the septic system and proposed use, City staff is recommending a maximum occupancy of three (3) guests for the proposed vacation rental facility.

Guests would be required to park on the subject property.

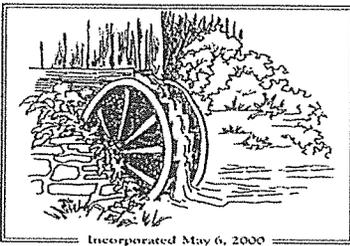
The applicant is proposing a series of house rules, a copy of which is attached. Based on the City's regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Commission desire to recommend approval:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact

changes, then the property owners shall notify the City and property owners within two (200) feet of the subject property, with the current name and contact information.

10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be three (3) people.

To date, City staff has received one (1) written response in support of the CUP request and one (1) verbal inquiry seeking information.



# City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

Phone (512) 847-0025 Fax (512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)

## CONDITIONAL USE PERMIT APPLICATION

No. CUP 116 - 019

### FOR OFFICIAL USE ONLY

Application Date: 6/30/16 Tentative P&Z Hearing: 8/11 Tentative Council Hearing: 8/18

FEES: \$400.00 DATE PAID: 6/30/16 CHECK NO. 7960 REC'D BY CW Perthen

PROJECT SITE ADDRESS: 207 LITTLE RANCHES Wimberley, TX 78676

OWNER/APPLICANT Wayne McQuaid PHONE (512) 557-6259

MAILING ADDRESS: 207 LITTLE RANCHES

CITY: Wimberley STATE: TX ZIP: 78676

APPLICANT UNDERSTANDS that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

VACATION RENTAL

Planning Area I Zoning RA Total Acreage or Sq. Ft. 5 ACRES

Subdivision: ELITE ACRES  
LITTLE RANCHES Lot 10 Block \_\_\_\_\_

Appraisal District Tax ID #: R 27701

Deed Records Hays County: Volume \_\_\_\_\_ Page \_\_\_\_\_

Is property located in an overlay district? ( ) Yes (  ) No If Yes, type: \_\_\_\_\_

Is property located in flood plain? ( ) Yes (  ) No

### UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: Wimberley WATERC

Wastewater Service Provider or Hays County Septic Permit No: ?

**MY REQUEST IS BASED ON THE FOLLOWING:**

- The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- The use requested by the applicant is set forth as a conditional use in the base district;
- The nature of the use is reasonable;
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

**ADDITIONAL REQUIREMENTS/DOCUMENTATION**

- Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- List of Special Conditions that Applicant agrees apply to property.
- List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- Payment of Application fee \$400.00 (non-refundable)
- Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- Applicant agrees to provide additional documentation as needed by the City.
- Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- Applicant hereby authorizes the City representatives to visit and inspect the subject property.

6/30/16  
DATE

Wynne McQuaid  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date \_\_\_\_\_

\_\_\_\_\_  
AGENT SIGNATURE

**LIST OF CONDITIONS THAT MAY BE INCLUDED IN A  
BED AND BREAKFAST/VACATION RENTAL CUP**

Owner: Wayne McQuaid

LOCATION OF PROPERTY: 207 Little Ranches Rd

LEGAL DESCRIPTION: Elite Area Little Ranches Pt Lots 9 & 10 10.06 Ac.

PLANNING AREA: \_\_\_\_\_

PRESENT ZONING: \_\_\_\_\_

EXISTING USE: Residential

USE TO BE GRANTED: \_\_\_\_\_ Bed & Breakfast OR  Vacation Rental

**NEW CONSTRUCTION:** (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional “Hill Country” design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

**COMPATIBILITY TO NEARBY AREAS:** The facilities on the property will at all times be harmonious and compatible with surrounding uses 42.2 A 1.

**OFF-STREET PARKING:** All parking will be off-street. \_\_\_\_\_ Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of \_\_\_\_\_ guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

**SIGNAGE:** All signage will be of traditional “Hill Country” design and will comply with the City Sign Ordinance. 42.2 A 1; 42.2 A 6.

**NOISE AND LIGHTING:** Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

**NUMBER OF BEDROOMS:** 2 42.3 B. # Bath 2

**MAXIMUM OCCUPANCY:** 4-6 guests. 42.3 B.

**OCCUPANT REGULATIONS AND GUIDELINES:** Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests. 42.3 D.

**WASTEWATER SYSTEM:** The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy.42.3 H.

**WATERFRONT USAGE:** (Applicable if guests have water access) Guests may only use the W/A River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

**PROPERTY MANAGEMENT:** Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

**MISCELLANEOUS:** Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times. 42.2 A 1.

**REVOICATION:** The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

**OWNER COMPLIANCE:** Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

10/30/16  
DATE

Wynne McQuinn  
OWNER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
OWNER

Wayne & Tonya McQuaid  
207 Little Ranches Road  
Wimberley, TX 78676  
512-557-6259 Wayne's Cell  
512-557-6341 Tonya's Cell

### Proposed Cabin/Property Rules

This property will be managed by a local management company, SkyRun Vacation Rentals (512-753-2626). They have two staff members who live less than 1/2 mile from this property. One of which drives past our property multiple times per day. They employ a customer service representative who is available 24 hours a day, 7 days a week. We will provide all of our neighbors with SkyRun contact info, as well as our own.

My wife Tonya (Danforth teacher) and I have lived and worked in Wimberley nearly 20 years and plan to continue living here and to be members of this community. I grew up coming here as a kid and my family had owned property here dating back to the early 70's.

There will be wireless cameras installed to monitor the property. The entire 10 acre property is fully perimeter fenced and there is an electric gate to the property with an electric keypad. The code will only be given to guests and will be changed periodically.

An electronic wi-fi compatible door lock will be installed that will monitor all activity from guests, cleaning agents, contractors, etc., entering the home. The code to this front door lock will be unique to each guest and will cease to work at the end of each guest's stay.

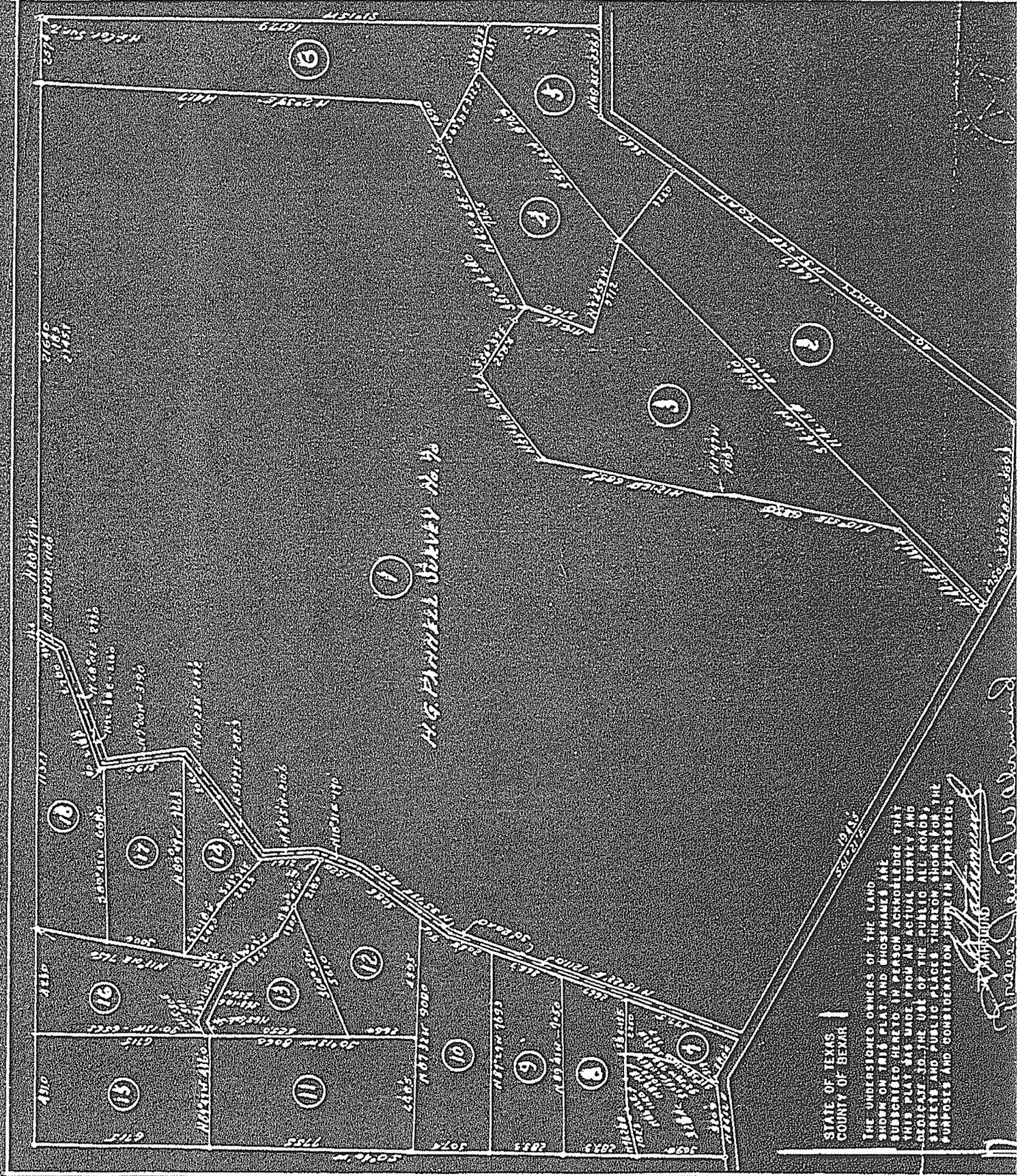
The home on the property is a 2 bedroom, 2 bath log cabin with an outstanding view and loads of Wimberley charm. I believe it will be a wonderful representation of what it means to live in Wimberley. According to the City of Wimberley's Environmental Health Inspector, Kyle DeHart, it will accommodate 3 guests and we have ample parking.

**Policies: Please treat our home with the care you would at your own home and abide by following policies:**

1. Behave as you would in any home in which you live, with respect for property and neighbors.
2. You must be over the age of 25 to rent the property.
3. There will be a noise curfew from 10pm until 8am. No parties.
4. No pets are allowed unless specific arrangements have been made.
5. No fireworks or outdoor fires allowed at any time.
6. No smoking is allowed in or around the home or anywhere on the property, period.
7. Check-in time is 4pm and check-out time is 11am.
8. Please use common courtesy at the home by keeping it clean, reporting any problems or damages, washing dishes as used, taking garbage to the outside bins, leaving towels in the bathrooms and sheets in the bedrooms, and not rearranging furniture.
9. Maintenance and Access: We have the right to enter the home at any time during guest stay and we will diligently attempt to address maintenance issues as they occur.

Signature:

Email:

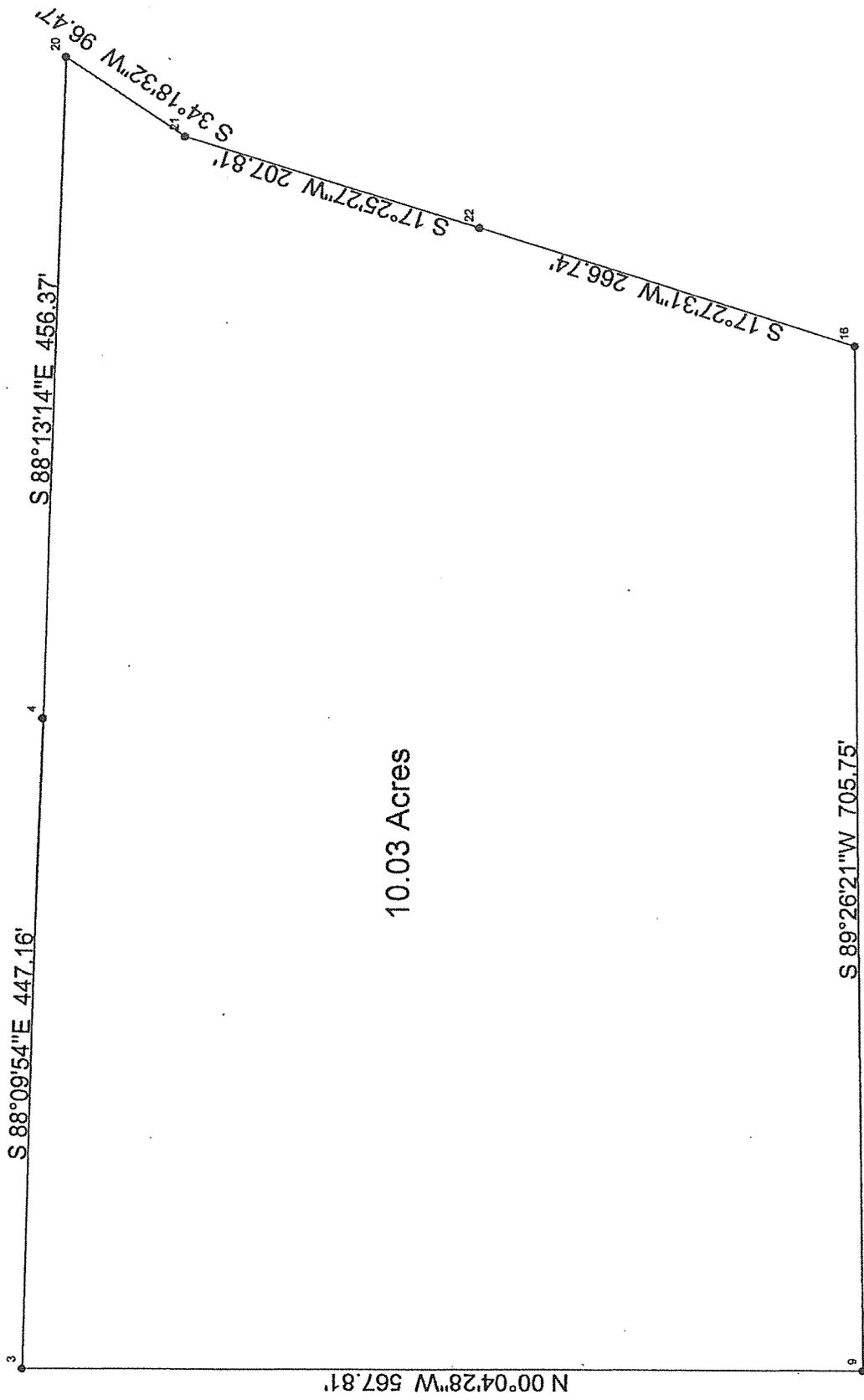


145 PARALLEL BERRY BL. 78

STATE OF TEXAS  
 COUNTY OF BEAR

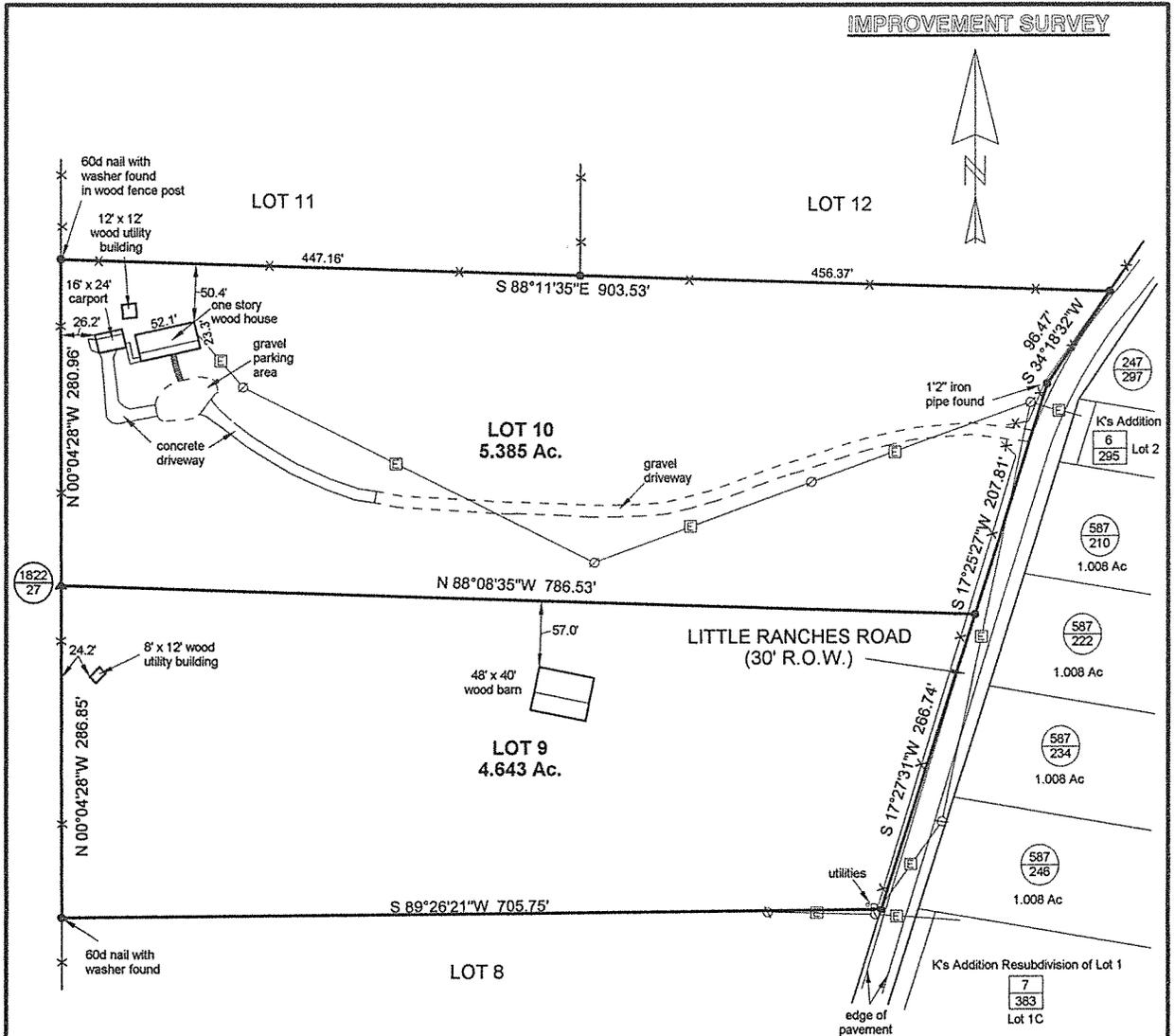
THE UNDERSIGNED OWNERS OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAMES ARE SUBSCRIBED HERETO, IN PERSON ACKNOWLEDGE THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATE TO THE USE OF THE PUBLIC ALL ROADS, STREETS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

*[Signature]*  
 J. W. [Name]



10.03 Acres

IMPROVEMENT SURVEY



1822  
27

- = 1/2" iron pin found unless otherwise noted
- ▲ = calculated point
- x— = wire fence
- = utility pole
- = overhead electric line
- (XXXX) = recorded data
- |      |
|------|
| Vol  |
| Page |

 = Hays County Public Records
- |      |
|------|
| Vol  |
| Page |

 = Hays County Plat Records

Note: The recorded plat for this subdivision contains numerous errors and inconsistencies. Many of the bearings and distances on the original plat are illegible and erroneous. The original survey of this subdivision appears to have been a fenceline survey and no corner monuments were identified on the plat. This survey has been reconstructed from the best evidence available from the plat and as found on the ground.

Fencelines meander and are not necessarily on the property lines.  
 Reference a pipeline easement as recorded in Volume 96, Page 349, Hays County Deed Records.  
 Reference a blanket electrical easement as recorded in Volume 138, Page 21, Hays County Deed Records.  
 This property lies within the corporate limits of the City of Wimberley, Texas.

Copyright © 2012 Eagle Land Surveying. All rights reserved.

CLIENT: Wayne McQuaid	This survey was produced without the benefit of a current title report, therefore certain easements may exist that were not apparent on the ground and are not shown hereon.	DATE: July 2, 2012 SCALE: 1" = 100' LILWAYNE.ZAK
-----------------------	--	--

LEGAL DESCRIPTION: All of Lots 9 and 10, FLITE ACRES LITTLE RANCHES, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 165, Page 285, Deed Records of Hays County, Texas.	Subject property does not lie within a Special Flood Hazard Area as determined from FIRM Hazard Map, Community Panel No. 480321 0355 F, dated September 2, 2005.
ADDRESS: 207 Little Ranches Road, Wimberley, Texas 78676	

**EAGLE  
LAND  
SURVEYING**  
(512) 847- 1079  
P.O. Box 2264 Wimberley, TX. 78676

I hereby certify that this plat correctly represents a survey made upon the ground under my supervision, on June 12, 2012 and there are no visible or apparent encroachments upon this property, except as shown hereon.

*Clyde Barroso*  
Clyde Barroso, R.P.L.S. #5404, State of Texas



JOB NUMBER: 12-091 jj

**Cara McPartland**

---

**From:** Aaron Scott SkyRun  
**Sent:** Wednesday, August 03, 2016 2:35 PM  
**To:** Don Ferguson; Cara McPartland  
**Cc:** Aaron Scott  
**Subject:** Support for Wayne McQuaid's Cup

Don and Cara,

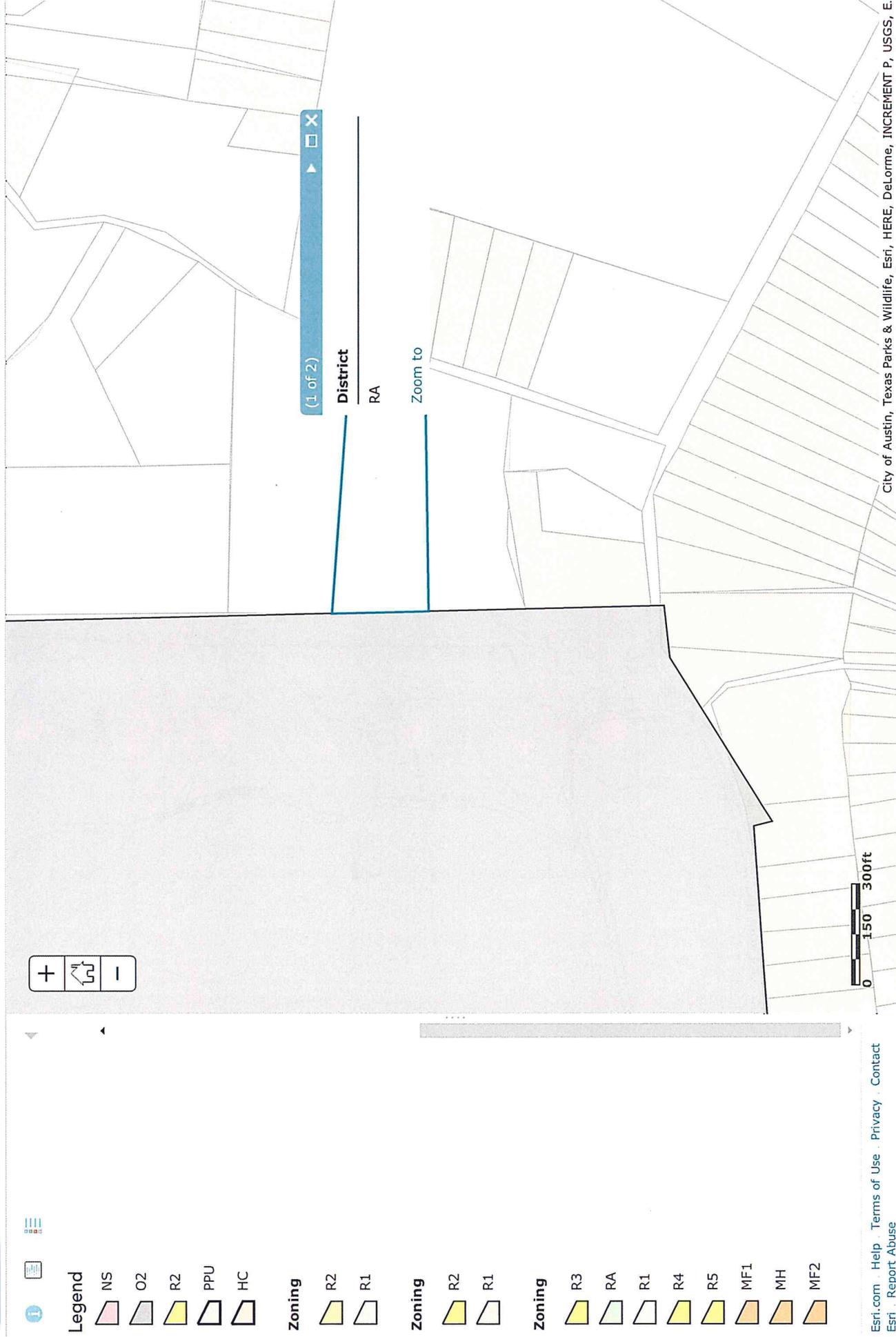
I own two properties (1851 and 1861 Flite Acres Road) down the hill from Wayne's house. In fact there's only one property that separates his from mine. I fully support Wayne's CUP.

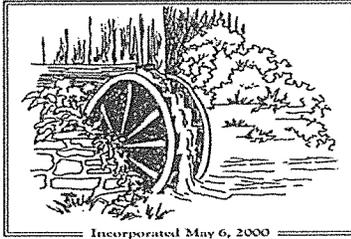
Please reach out to me if you need me elaborate further.

Thank you

Aaron Scott  
512.753.2626=

[Details](#)
+ Add
 + Basemap
 + Save
 + Share
 + Print
 + Measure
 + Bookmarks





# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)

Mac McCullough, Mayor - John D. White, Mayor Pro-Tem  
Council Members - Bob Dussler, Craig Fore, Sally Trapp & Gary Barchfeld  
City Administrator - Don Ferguson

---

July 7, 2016

## NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-019**  
207 Little Ranches Road, Wimberley, Texas

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicant, Wayne McQuaid, has applied for a Conditional Use Permit to allow for a vacation rental facility on property zoned Residential Acreage (RA) located at 207 Little Ranches Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, August 11, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, August 18, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

**CITY OF WIMBERLEY**

**Properties within 200' of 207 Little Ranches (R27701):**

R27704

Mitchell J. McKinney  
135 Panther Crossing  
Wimberley, TX 78676

R27702 (261 Panther Crossing)

Randall Q. Smith  
13806 Menasco Ct.  
Houston, TX 77077

R17300

Phillip Alan Collins  
106 Oak Terrace Dr.  
Wimberley, TX 78676-5434

R116266

David W. & Andrea Kay Lipinski  
111 Little Ranches Rd.  
Wimberley, TX 78676-5750

R88237 (110 Little Ranches)

Michael J. & Deborah P. Harrison, Trustees  
248 Clark Dr.  
San Mateo, CA 94402

R88238 (112 Little Ranches)

Michael G. Elsner, Jr. & Martha Elsner  
350 Hoots Holler  
Wimberley, TX 78676-5764

R27695 (200 Little Ranches)

Tony Partners LP  
2400 Vista Ln.  
Austin, TX 78703

R27694/27693/27692 (202/206/204 Little Ranches)

Blanco 1 Partners LP  
2400 Vista Ln.  
Austin, TX 78703

R27690 (400 Little Ranches)

Kenneth Austin Belote & Beverly Hall Belote  
700 Little Ranches Rd.  
Wimberley, TX 78676-5718

**Advertising Receipt  
Ad 30734**

**San Marcos Daily Record**

P.O. Box 1109  
San Marcos, TX 78667  
512-392-2458

Accounts Payable  
City of Wimberley  
P.O. Box 2027  
Wimberley, TX 78676

**Customer:** RA0684  
**Phone:** 847-0025  
**Ad No.:** 30734  
**Date:** 07/01/16  
**Sales Rep:** Barker, Taffy

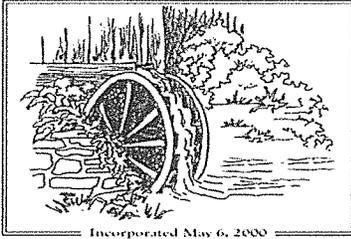
Legals	Publication	First Date	Last Date	Days	Cost
<b>NOTICE OF PUBLIC HEARING (Conditional Use Permit)</b>	Wimberley Legal Classifieds	07/07/16	07/07/16	1	\$63.18

Total Days: 1

Total Cost: \$63.18

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, **August 11, 2016 at 6:00 p.m.** to consider the following: CUP-16-019 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental facility on property zoned Residential Acreage (RA) located at 207 Little Ranches Road in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, **August 18, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

<b>Payment Type:</b>	<b>Payment Date:</b>	<b>Payment Amount:</b>
<b>Check/Card No.</b>	<b>Other Credits:</b>	<b>Amount Due:</b> \$63.18



# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676  
Phone: (512) 847-0025 – Fax: (512) 847-0422  
E-mail: [www.cityofwimberley.com](http://www.cityofwimberley.com); [www.cityofwimberley.com](http://www.cityofwimberley.com)

## NOTICE BY SIGN POSTING

Zoning No: CUP-16-019

Owner \_\_\_\_\_

Date 7/7/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

( ) Project Site Address 207 Little Ranches

which is located Little Ranches

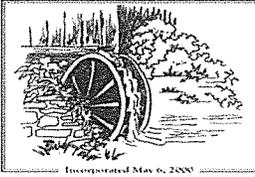
Bill Bowers  
Asst. Public Works

Note: The above-referenced sign was placed on the subject property on

7/7/16, 2016

Bill Bowers  
Signature

# P&Z Commission Agenda Form



Date Submitted: August 8, 2016

Agenda Date Requested: August 11, 2016

**Project/Proposal Title:** PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION REGARDING A PROPOSED "SUNSET" REVIEW ORDINANCE FOR CONDITION USE PERMITS

**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow members of the Planning and Zoning Commission to hold a public hearing and consider making a recommendation regarding a proposed ordinance establishing a "sunset" review for all future Conditional Use Permits ("CUP") granted.

According to the ordinance, all future CUPs would be reviewed two (2) years after they are granted. If no progress has been made toward the completion of the project described by a CUP, the CUP shall expire two (2) years from the effective date of the ordinance authorizing the CUP.

Currently, there is no review provision in place for CUPs.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SUBCHAPTERS 155.105 (CONDITIONAL USES) AND 155.077 (DEVELOPMENT PLAN REVIEW), SECTION (E) (APPROVAL PROCESS), SUBSECTION (3) (EFFECT OF DEVELOPMENT PLAN APPROVAL) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES TO PROVIDE AN EXPIRATION DATE FOR UNUSED CONDITIONAL USE PERMITS; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; SAVINGS; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City Council of the City of Wimberley (“Council”) seeks to provide for the orderly arrangement and regulation of compatible uses within its corporate limits; and

**WHEREAS**, in the course of reviewing the proposed amendments detailed in this Ordinance, the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the City’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and

**WHEREAS**, the regulations established by this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and

**WHEREAS**, the following enactments are a valid exercise of the City’s broad police powers and based upon the City’s statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, 211, and 213; and

**WHEREAS**, the City Council finds that the provisions of this Ordinance will serve to promote the public health, safety, morals, and general welfare; and

**WHEREAS**, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, notice of which was published in the City’s official newspaper before the 15<sup>th</sup> day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:**

**Section 1. Findings of Fact.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Section 2. Amendments.**

A. Title XV (Land Usage), Chapter 155 (Zoning), Subchapter 155.105 (Conditional Use Permits) of the City of Wimberley Code of Ordinances is hereby amended as follows:

**“§ 155.105 CONDITIONAL USE PERMITS.**

(A) *Conditional uses.*

(1) The purpose of the CUP, conditional use permit, process is to allow certain uses which are not specified, permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under “conditional uses” within the specific zoning district. Possible conditional uses, if any, are listed in each zoning district.

(2) The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the intent of the Comprehensive Plan and with general objectives of the city, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a CUP. As a zoning action, issuance of a CUP shall only apply to real property (such as shall not be attached to any person, business entity, or the like) and shall not be transferred from one property to another (such as shall not move if a business operation relocates), and shall not expire without proper zoning action to rescind the CUP (such as change the zoning to remove the CUP, with appropriate public notification, public hearing, and the like).

(3) A zoning application for a CUP shall be accompanied by a metes and bounds description and a survey or scale drawing showing the property for which the CUP is being requested, and by a development plan (see § 155.077) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet. The city shall make available application forms specifying drawing requirements. The Director or his or her designee, the Planning and Zoning Commission, or the City Council may require additional information or drawings (such as building floor plans), operating data, and expert evaluation or testimony concerning the location, function, and characteristics of any building or use proposed. The development plan shall be reviewed and approved along with the CUP zoning application, and in accordance with § 155.077 of this code.

(B) *Conditional use permit regulations.*

....

~~(3) No conditional use permit shall be granted unless the applicant, owner, and grantee of the conditional use permit shall be willing to accept and agree to be bound by and~~

comply with the written requirements or conditions of the conditional use permit, as incorporated into the amending ordinance establishing the CUP, and as reviewed by the Planning and Zoning Commission and approved by the City Council. (4) A building permit or certificate of occupancy shall be applied for and secured within 1 year from the time of granting the conditional use permit; provided, however, that the City Council may authorize 1 extension of 1 additional year. After the 1 year period (and the 1 year extension, if it has been granted by the City Council) has elapsed, the Planning and Zoning Commission and the City Council may review the development plan for continued validity and compliance. If the development plan is determined to be invalid or no longer viable, then the applicant and property owner(s) must submit a new or revised development plan for approval prior to any construction or to application for a building permit for the area designated for the conditional use permit. The new development plan must be resubmitted for review and approval in accordance with § 155.077 of this code. If building construction or use of a CUP has not commenced within a reasonable amount of time after 1 year, then the City Council, at its option, may initiate proceedings to rescind the CUP for lack of use. In the event that no progress has been made toward the completion of the project described by a CUP, the CUP shall expire two years from the effective date of the ordinance authorizing the CUP. No development right, if any, shall vest in a CUP that has expired or is no longer valid.

Brad Young 7/29/2016 1:57 PM  
Deleted: ... [1]

...”

B. Title XV (Land Usage), Chapter 155 (Zoning), Subchapter 155.077 (Development Plan Review), Section (E) (Approval Process), Subsection (3) (Effect of Development Plan Approval) of the City of Wimberley Code of Ordinances is hereby amended as follows:

“(3) *Effect of development plan approval.* If development of a property with an approved development plan has not commenced (such as a building permit has not been applied for or issued) within ~~1 year~~ two years of the date of final City Council approval of the development plan, then the development plan shall be deemed to have expired.

**Section 3.** Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

**Section 4.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

**Section 5.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

**Section 6.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

City Administrator 8/8/2016 11:00 AM  
**Deleted:** Resubmission of the development plan following expiration as described herein shall be in accordance with development plan submission and review procedures then in effect and shall be accompanied by all required items and information, including payment of filing fees, and reconsideration of the development plan shall take into account all changes to applicable ordinances which may have occurred since prior approval of the development plan. No development interest, if any, shall vest in an expired development plan.”

**Section 7.** Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by a vote of \_\_\_\_\_ (Ayes) to \_\_\_\_\_ (Nays) \_\_\_\_\_ (Abstain) vote of the City Council of the City of Wimberley, Texas.

**CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Hershel "Mac" McCullough, Mayor

**ATTEST:**

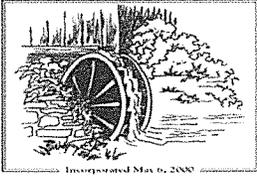
\_\_\_\_\_  
Cara McPartland, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Catherine Fryer, City Attorney



# P & Z Commission Agenda Form



Date Submitted: August 8, 2016

Agenda Date Requested: August 11, 2016

**Project/Proposal Title:** CONSIDER ACTION REGARDING THE PROPOSED DEVELOPMENT OF AN ORDINANCE CLARIFYING THE DEFINITION OF A SINGLE-FAMILY RESIDENCE IN THE CITY ZONING CODE

**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

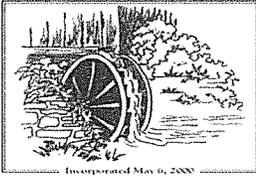
**Project/Proposal Summary:**

This item was placed on the agenda to allow the Planning and Zoning Commission to discuss and consider action regarding the proposed development of an ordinance clarifying the definition of a single-family residence in the City Zoning Code.

In recent months, City staff has received complaints that individual rooms in some single-family homes are being rented out as long-term rentals. City staff has taken the position, in its interpretation of the Code, that the long-term rental of individual rooms in a single-family residence, makes the subject residence a multi-family residence, which is not permitted on property zoned single-family residential.

There is a need to modify the language in the Code to more clearly define single-family residence so as to avoid any potential confusion on the issue in the future among homeowners interested in the long-term rental of rooms in their home.

# P & Z Commission Agenda Form



Date Submitted: August 8, 2016

Agenda Date Requested: August 11, 2016

**Project/Proposal Title:** CONSIDER ACTION  
REGARDING ISSUES RELATING TO SHORT-TERM RENTAL  
PROPERTIES IN THE CITY

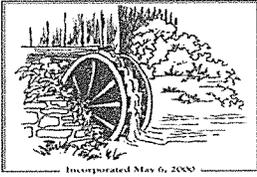
**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow the Planning and Zoning Commission to discuss and consider action on issues relating to short-term rental properties in the city.

# P & Z Commission Agenda Form



Date Submitted: August 8, 2016

Agenda Date Requested: August 11, 2016

Project/Proposal Title: STAFF & COMMISSION  
REPORTS

Funds Required:  
Funds Available:

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for reports to be presented by Commission members and for future agenda item requests.