

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
October 14, 2010 at 6:30 p.m.

Meeting called to order by Chairman Tracey Dean. Present were Commissioners Jean Ross, Lila McCall, Steve Klepfer, and David Glenn. Commissioners Beth Mitchell and Phil Dane had excused absences.

Staff Present: City Administrator Don Ferguson

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

Approval of minutes of the regular Planning & Zoning Commission meeting on August 26, 2010.

Commissioner Klepfer moved to approve the minutes as presented. Commissioner Glenn seconded. Motion carried on a vote of 5-0.

2. Public Hearing and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council on an ordinance of the City of Wimberley, Texas amending the City's Comprehensive Plan and accompanying maps to revise the boundaries of Planning Areas II and III, in the general area between the Blanco River and the Wimberley Square, and as further shown on the exhibit attached hereto. (*City Administrator; consideration of this item was delayed from the September 23, 2010 meeting of the Planning and Zoning Commission due to the lack of a quorum*)

City Administrator Ferguson reviewed past discussions on this issue and provided reasoning for the proposed extension of Planning Area III to allow for existing commercial uses. He displayed maps of the subject area, which is bounded by Blue Heron Road, Blue Heron Run, Ranch Road 12, and the Blanco River, and includes *Rio Bonito Resort* and *The Vineyard*. Discussion clarified zoning districts that are allowed in Planning Area III.

Joe Pendleton spoke in favor of the proposed ordinance, which would allow Commercial – Low Impact (C-1) zoning for his property on Ranch Road 12 at FM 3237.

Discussion addressed specific *Rio Bonito* tracts adjacent to Blue Heron, concerns over possible mobile home use, and buffering requirements for commercial properties abutting residential areas.

Commissioner Ross moved to recommend approval of the item as presented. Commissioner Klepfer 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-10-014, an application for a conditional use permit (CUP) to allow for the sale of beer, wine and alcohol for on-premise consumption on 15.523 acres located at 601 FM 2325, Wimberley, Hays County, Texas. (*Wimberley Lions Club, Applicant*)

City Administrator Ferguson reviewed the application proposing to expand the area where beer, wine, and alcohol sales are permitted for on-premise consumption to an additional 15.523 acres to include the entire Market Days grounds. No problems have been reported with alcohol sales in the previously approved area known as "Hamburger Hill", which was granted a CUP in May, 2010. As with the prior CUP, staff recommends approval of the requested CUP with the condition that beer, wine, and alcohol sales for on-premise consumption be allowed only on Market Days. Any change in the dates of Market Days would require an amendment to the CUP, if granted.

Discussion addressed the subject property's location in overlay districts and suggested CUP conditions.

Commissioner Ross moved to recommend approval of the item, as presented, which includes the previously stated condition that beer, wine, and alcohol sales for on-premise consumption shall be allowed only on Market Days. Commissioner McCall seconded. Motion carried on a vote of 5-0.

3. Discussion and Possible Action

Discuss and consider action relating to the possible development of zoning regulations for bed and breakfast operations and vacation rentals. (*City Administrator*)

City Administrator Ferguson reviewed past discussions and presented a matrix (*attached to these minutes*) detailing possible requirements for bed and breakfast (B & B) operations, vacation rentals, and small inns. This matrix, to be used as a starting point for discussion, would require a CUP and licensing for B & Bs and vacation rentals and create a new zoning district for inns.

City Administrator Ferguson's presentation included specific requirements for B & Bs, vacation rentals, and the tentatively named Village Inn (VI) zoning district. Details related to the following were provided for each of the three (3) rental categories:

- Planning areas allowed
- Zoning districts allowed
- Non-transferrable CUP requirement for B & Bs and vacation rentals
- Non-transferrable annual permit requirement for B & Bs and vacation rentals
- Annual inspection requirement
- "Duration of operation" requirement for B & Bs and vacation rentals
- "Owner occupation" requirement for B & Bs
- Maximum occupancy requirements
- Maximum length of stay requirements for B & Bs and vacation rentals
- Room requirements
- Construction requirements
- Parking requirements
- Lighting Code compliance requirements
- Food service requirements
- Fire safety requirements
- Signage allowed
- Water access from a point at least fifty feet (50') from any adjacent property lines
- Prohibited gathering requirements for B & Bs and vacation rentals
- *State Hotel Occupancy Tax (HOT) permit requirement for B & Bs and inns (There is not a City of Wimberley HOT.)*
- Guest documentation requirements
- Location requirement for vacation rentals [not less than one thousand feet (1,000') from an existing permitted vacation rental]

City Administrator Ferguson displayed a map of properties with existing CUPs and stressed that more CUP applications are expected in the near future.

Discussion addressed the need for Economic Development Commission review, re-defining lodging categories, concerns over "party houses," intent of guest documentation requirements, licensing (for all businesses), and safeguards provided by the CUP process, in general.

Economic Development Commission (EDC) member, Jeri Ross, agreed with the CUP process, but felt that EDC should review the proposed regulations. She believed that B & Bs should not be singled out "as the only business in town that's got to go through these hoops." Acknowledging that the matrix is useful for discussion purposes, Ms. Ross favored input from EDC based on the potential impact on economic development in the tourist sector.

Discussion addressed:

- Effect of permitting on new and existing businesses
- Direct/indirect revenues to the City from B&Bs inside/outside the City limits or in the Extra Territorial Jurisdiction
- Concerns over bureaucratization

- Potential for over-commercialization
- Effectiveness of mechanisms that serve to discourage "party house"-type rentals, such as CUPs and/or licensing
- Problems with enforcement of CUPs and license violations
- Licensing process as way to document and track uses and to determine whether a use is "grandfathered"
- Need for input from lodging industry representatives and public hearings

Agreement was reached to continue discussion of this item at the Commission's next meeting on October 28, 2010. City Administrator Ferguson asked that Commission members forward any comments or revisions to the matrix in advance of the October 28, 2010 meeting and he anticipated a preliminary meeting with EDC Chair Gary Weeks in the interim.

4. Staff and Commission Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Commissioner McCall moved to adjourn. Commissioner Ross seconded. Motion carried on a vote of 5-0.

Adjourn at 7:35 p.m.

Recorded by:



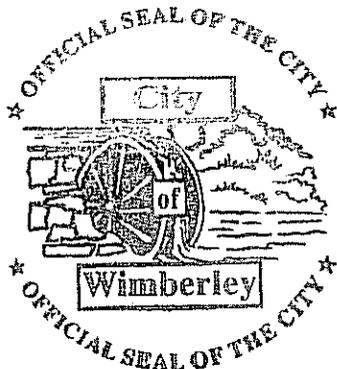
Cara McPartland

These minutes approved the 28th of October, 2010.

APPROVED:



Tracey Dean, Chair



	<i>Bed and Breakfast (CUP)</i>	<i>Vacation Rental (CUP)</i>	<i>Village Inn (VT Zoning District)</i>
Planning Area Allowed	All Planning Areas	Planning Areas III - VII	Planning Areas III - VII
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, O-1, O-2, C-1, C-2, C-3, SC	Not Applicable
CUP Required	Yes	Yes	No
Annual Permit	Yes (Non-transferable)	Yes (Non-transferable)	No
Annual Inspection	Yes	Yes	Yes
Duration of Operation Requirement	The active operation of the bed and breakfast shall not have lapsed for more than nine (9) months	The active operation of the vacation rental shall not have lapsed for more than nine (9) months	Not Applicable
Owner Occupation Requirement	Yes and use must be maintained within an owner occupied single family dwelling	No	No
Maximum Occupancy	Seven (7) guests	Twelve (12)	Twenty (20)
Maximum Length of Stay	Seven (7) days	Fifteen (15) days	Not Applicable
Room Requirements	Not more than three (3) sleeping rooms maybe used for rental purposes	Not more than one (1) sleeping room for 750 square feet of floor area, with a maximum of five (5) sleeping rooms	Not more than one (1) sleeping room for 500 square feet of floor area, with a maximum of ten (10) sleeping rooms.
Construction Requirements	Rooms utilized for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodelled for rental purposes; No alteration to the exterior of the residential dwelling, accessory building, or yard that alters the residential character of the premises is permissible; OSSF shall have adequate capacity	Rooms utilized for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodelled for rental purposes. No alteration to the exterior of the residential dwelling, accessory building, or yard that alters the residential character of the premises is permissible; OSSF shall have adequate capacity	New construction of rooms to be utilized for sleeping is allowed in accordance with applicable codes and ordinances; Property must be at least one half acre in size; Maximum building footprint of 2,000 square feet;
Parking	All parking shall be off-street; two (2) parking spaces are required plus one additional space per room rented; yard parking not permitted	All parking shall be off-street; two (2) parking spaces are required plus one additional space per room rented; yard parking not permitted	All parking shall be off-street; one (1) parking space per room rented shall be provided; yard parking not permitted
Lighting	Lighting Code Compliant	Lighting Code Compliant	Lighting Code Compliant
Food Service	At least one (1) meal shall be served daily to residents and overnight guests	Optional; Such service shall involve pre-packaged food or come from a licensed kitchen	Optional; Such service shall involve pre-packaged food or come from a licensed kitchen
Fire Safety	One (1) smoke alarm in each guest bedroom along with a fire extinguisher visible and accessible to guests	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	None	Signage shall be limited to one (1) non-illuminated sign not to exceed sixteen (16) square feet in area and shall be of traditional hill country design
Water Access	Only renters may access the water from the subject property and such access shall be from a point at least fifty (50) feet from any adjacent property line and occur during daylight hours only	Only renters may access the water from the subject property and such access shall be from a point at least fifty (50) feet from any adjacent property lines and occur during daylight hours only	Only renters may access the water from the subject property and such access shall be from a point at least fifty (50) feet from any adjacent property lines and occur during daylight hours only
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	Not Applicable
HOT Tax Permit Required	Yes	No	Yes
Required Guest Documentation	A list shall be maintained and available upon request of all guests and their place of residence	A list shall be maintained and available upon request of all guests and their place of residence	A list shall be maintained and available upon request of all guests and their place of residence
Location Requirement	Not Applicable	No permitted vacation rental home shall be located closer than one thousand (1,000) feet to an existing permitted vacation rental	Not Applicable