

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
August 11, 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. Assignment of Terms for Members of the Planning and Zoning Commission**

This item was heard after Item 2 (Consent Agenda).

City Administrator Ferguson recommended continuance of this item until all Commission members are present. Commissioner Pigg moved to continue this item, as recommended. Chairman Urban seconded. Motion carried on a vote of 5-0.

**2. Consent Agenda**

Approval of minutes of the Regular Planning & Zoning Commission meeting on July 14, 2016.

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

**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*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing 832 square foot, two-bedroom, two-bath residence. He advised the applicants are proposing to use the residence as a vacation rental facility with a maximum occupancy of six (6) people. He noted the 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 vacation rental facility. 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. It was noted that two (2) written responses were received in support of the CUP request, as well as a verbal inquiry.

Applicant Wayne McQuaid spoke of his long history as a Wimberley resident and property owner. He noted there are existing vacation rentals surrounding his property and said there is plenty of room for the 2-bedroom residence on his 10 acres to provide privacy. He advised the property is fully fenced and there is an existing electric gate at the property entrance. Mr. McQuaid stated both he and his wife live and work here, have no plans to move from Wimberley, and will be readily available to address any issues. He advised the vacation rental will be professionally managed by Aaron Scott of SkyRun Vacation Rentals.

Chairman Urban opened the public hearing.

Kenneth Belote of 400 Little Ranches Road expressed opposition to the CUP request and cited problems with existing area rental operations, including noise and traffic. He expressed concerns regarding negative impact to his property's value and said he would try to fight this.

Robbie Walker of Hills of Texas Lodging asked the Commission to recommend approval, as the 2015 floods destroyed numerous vacation rental properties. He said there is no place for families to stay in Wimberley other than in vacation rental homes. He cited a long history of area vacation rentals, favored professional management, and said tourism built this city. He hoped to better educate the public about vacation rentals and how they can be managed.

Phil Collins said he owns 33 acres directly behind the subject property and also owns 2 houses on Little Ranches as long-term investments. He felt vacation rentals are good for property values and was confident the applicant will manage the subject property effectively.

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

Discussion addressed the subject property's location, large acreage, planned video surveillance to monitor rental activity, security features, maximum occupancy, and minimal impact on traffic.

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

- 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*)

City Administrator Ferguson provided background information on a recently amended CUP that has not initiated development in several years from the date the CUP was originally approved. He noted that the proposed ordinance complies with State law and requires two readings for approval.

Chairman Urban opened the public hearing.

Phil Collins spoke in favor of the proposed amendment.

Discussion addressed establishing the length of the dormancy period to comply with State law and the minimal number of existing CUPs that have not commenced development.

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

Commissioner Espinoza moved to recommend approval of the proposed ordinance, as presented. Commissioner McCullough seconded. Motion carried on a vote of 5-0.

Discussion addressed revocation of CUPs due to lack of compliance with dormancy requirements and Council's post-flood action to extend "grandfathered" status to flood damaged/destroyed short-term rental facilities.

#### **4. Discuss and Consider Action**

- A. Discuss and consider action regarding the proposed development of an ordinance clarifying the definition a single-family residence in the City Zoning Code. (*City Administrator*)

City Administrator Ferguson provided information on the history of complaints received regarding long-term rental of individual rooms in residences, including one recent neighborhood dispute that indicated there is a need to clarify the definition of "single family." He said City staff has interpreted such rentals as making the subject residence "multi-family," which is not permitted on property zoned single-family residential. He read a proposed definition of single-family for Commission consideration, as follows: a group of any number of individuals living together as a single housekeeping unit, including a property owner who resides on the premises and leases one or more bedrooms in exchange for compensation, so long as the total number of individuals living in the residence does not exceed what is allowed in the septic permit.

Discussion addressed occupancy guidelines based on number of bedrooms versus number of people allowed as listed on the property's septic permit; need to further define the term single family; enforcement/compliance issues; difficulties associated with defining single-family, possible liability to the City; and the Commission's general preference to take no action on this issue.

Commissioner Pigg moved to recommend that no action be taken on this item. Commissioner McCullough seconded. Discussion addressed the intent of the proposed ordinance to clarify the meaning of single-family and give a broad definition that would provide guidance to property owners. Motion carried on a vote of 5-0.

B. Discuss and consider action regarding issues relating to short-term rental properties in the City. (*City Administrator*)

City Administrator Ferguson spoke of Council's upcoming consideration of possible initiation of 90-day moratorium on short-term rental Conditional Use Permits (CUPs) to help address recent division in the community regarding such rentals. He noted that land use and zoning should be considered on a case-by-case basis. He said the intent of the possible moratorium is to address concerns regarding short-term rentals that cause contention among neighborhood residents. He stated there will be a special joint meeting of City Council and the Commission on August 29, 2016 at 6 p.m. and provided the schedule for public hearings, which are anticipated to gather significant public input. He noted that existing CUP applications would not be subject to a moratorium, if adopted.

Robbie Walker of Hills of Texas Lodging recognized the passionate debate on this issue and asked that Council and the Commission respect all sides and maintain civility and order in public meetings.

Chairman Urban thanked all those present and those who attend meetings to express their views.

## 5. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson advised the Commission will meet on August 25, 2016 and noted training is scheduled for Commission members. He reported that Council failed to get the super majority vote required to approve the Webers' vacation rental CUP on Flite Acres Road.

In response to an inquiry from Commission Pigg, City Administrator Ferguson advised that no applications have been submitted to the City regarding a subdivision on Flite Acres Road.

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

Adjourn at 6:55 p.m.

Recorded by:

*Cara McPartland*  
Cara McPartland

These minutes approved the 25<sup>th</sup> of August, 2016.

APPROVED:



Charles Savino, Chair

