

City of Woodcreek Planning and Zoning Commission Meeting
July 17, 2019; 5:00 p.m.
NOTICE/AGENDA

This notice is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551). The Woodcreek Planning and Zoning Commission will hold a Meeting on July 17, 2019, at 5:00 p.m. at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas at which time the following items will be considered:

- 1. Call to Order**
- 2. Pledges**
- 3. Roll Call**
- 4. Approval of Minutes of March 20, 2019.**
- 5. Discussion and Take Possible Action on Proposed Regulations for Short-Term Rentals and a Possible Recommendation to City Council**
- 6. Discussion and/or Take Appropriate Action on Procedures for Amending and/or Repealing Ordinance No. 00-65P – Special Use Permit #4 – Island House for 155 Champions Circle**
- 7. Adjourn**

Executive sessions held during this meeting will generally take place in the City Manager's office, at the discretion of the Planning & Zoning Commission.

The Planning & Zoning Commission may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

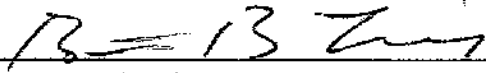
Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech-disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

I certify that the above notice was posted on the 12th day of July, 2019 at 2:27 PM.

By: 
Brenton B. Lewis, City Manager

City of Woodcreek Planning and Zoning Commission Meeting

March 20, 2019; 5:00 p.m.

MINUTES

1. **Call to Order.** Chairperson Anne Green called the meeting to order at 5:00 p.m.
2. **Pledges**
3. **Roll Call. Present:** Chairperson Anne Greene, Vice Chairperson Joe Kotarba, Commissioner Jack Boze, City Manager Brenton Lewis, City Secretary Linda Land
Absent: Commissioner Larry Alford, Alternate Commissioner Carl Weldon, Alternate Commissioner Jeff Rasco
4. **Approval of Minutes of February 20, 2019.** Commissioner Boze moved to approve the minutes of February 20, 2019. The motion was seconded by Vice Chairperson Joe Kotarba and passed 3-0-1. The following voted Aye: Chairperson Greene, Vice Chairperson Kotarba, Commissioner Boze. The following voted Nay: None. The following were Absent and not Voting: Commission Alford
5. **Discussion and possible action on the Proposed 2030 Comprehensive Plan Goals, Objectives and Strategies.** Councilmember Cyndi Jackson explained the process for developing the Proposed 2030 Comprehensive Plan Goals, Objectives and Strategies and named the citizens on the committee. After discussion, the Planning and Zoning Commission agreed on the following changes to the Proposal:

Remove Strategy 1.3.2

Strategy 1.6.1 – remove “Bull Creek”

Remove Objective 2.1 except that Strategy 2.1.11 will be kept and changed to -
“Consider shared activities with Camp Young Judaea and Quicksand Golf Course for community use.”

Remove Strategy 2.3.3

Remove Strategy 3.1.1

Change the first word on Strategy 3.2.2 from “Educate” to “Inform”

Strategy 5.2.2 – remove “Woodcreek Day” at Camp Young Judaea”

Make numbering changes

Commissioner Boze moved to recommend that City Council approve the Proposed 2030 Comprehensive Plan Goals, Objectives and Strategies with the changes discussed. The motion was seconded by Vice Chairperson Kotarba and passed 3-0-1. The following voted Aye: Chairperson Greene, Vice Chairperson Kotarba, Commissioner Boze. The following voted Nay: None. The following were Absent and not Voting: Commission Alford

6. **Adjourn.** There being no further business, the meeting was adjourned at 6:18 p.m.

Anne Greene, Chairperson

Linda Land, City Secretary

Short Term Rental (STR) Requirements

- a) **Purpose.** The requirements listed below are intended to promote the orderly development and use of property as vacation rentals in order to promote the public health and safety of the community. Short Term Rentals are permitted in residential zoning districts and as such the regulations herein are the minimal necessary to mitigate any possible impact of such uses on the surrounding neighborhood, while allowing property owners to reasonably use their property. The residential feel and character of an STR used as a vacation rental property shall be maintained and not unnecessarily intrude upon the adjacent neighbors.
- b) The CUP application must include a drawing of the property, indicating locations of bedrooms and parking spaces.
- c) An approved conditional use permit (CUP) shall be required for a short-term rental property. City Staff shall review application presentations and issue permits.
- d) All approved CUPs shall comply with any conditions imposed as part of the CUP application process, this section _____ and any other applicable ordinance, law or regulation.
- e) Factors for review of a CUP application shall include but not be limited to consideration of the following:
 - 1) Permitted uses in the applicable zoning district;
 - 2) The proposed occupancy and the size of the property, and whether a smaller occupancy level is appropriate. Occupancy levels will be limited to 2 per bedroom, plus no more than 2 total occupants in excess of the combined bedroom limit.
 - 3) Setbacks and proximity to other dwellings;
 - 4) Occupant access to waterways and other environmentally sensitive areas;
 - 5) Vehicle access and on-site parking and the number of parking spaces available;
 - 6) Compliance with all state, county, and city ordinances, laws, rules, and regulations, including the building code and fire code; and
 - 7) Adequacy of wastewater treatment systems.
- f) In addition to any conditions imposed as part of the approved CUP, the following regulations shall be applicable to all vacation rental lodging facilities and shall be incorporated into the terms of the CUP:
 - 1) An approved conditional use permit (CUP) shall be required.
 - 2) Property shall be subject to inspection at any time by designated city representatives, if compliance is in question, with proper notice provided if feasible.
 - 3) A fire escape plan shall be developed and graphically displayed in each guest room. A second exit from the lodging facility structure shall be provided. One (1) smoke alarm shall be provided in each guest bedroom along with a fire extinguisher visible and accessible to guests.
 - 4) No advertising signage is allowed on the property exterior. This excludes common signage that designates residence, such as "the Johnson Family" or "The Johnsons".
 - 5) A valid taxpayer number for reporting any Texas tax shall be provided to the city along with a copy of the completed state hotel occupancy tax questionnaire (Form AP-102) no later than thirty (30) days following the approval of the CUP.
 - 6) If there is a change in ownership of the property, the city shall be notified of any change in property ownership within thirty (30) days of such change. A CUP does not transfer with ownership. New owners wishing to continue operating an STR will be required to file a new permit application.
 - 7) If guests have water access, guests may not enter upon any property which is not part of the owner's property for the purpose of entering or exiting the water.
 - 8) On-street parking is prohibited. One (1) parking space is required per room rented subject to modification as part of the CUP approval process. Required off-street parking shall be provided on the same site as the use it is to serve. Parking areas shall be clearly identified on the property and adequate maneuvering space shall be provided for vehicle ingress and egress. No parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces.
 - 9) The maximum occupancy allowed shall be reviewed and determined in each individual CUP application based on number of rooms, beds, parking, neighborhood input, septic system capacity and any other factor determined to be relevant by the commission or council. In no case is

allowed occupancy to exceed 2 per bedroom, plus no more than 2 total occupants in excess of the combined bedroom limit. Owner occupancy is permitted but not required.

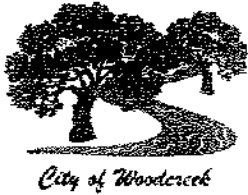
10) The subject property owner shall provide the city and property owners, within 200 feet of the subject property, with the current name and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able 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 owner shall notify the city and property owners within 200 feet of the subject property, with the current name and contact information.

11) All outdoor activities for STR's shall end at 10 p.m. Sunday through Thursday and Midnight on Friday and Saturdays. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one person which is conducted on a premises within the city and which, by reason of the conduct of those persons in attendance, results in the occurrence of one or more of the following conditions or events on public or private property: rioting; trespassing, the unlawful sale, furnishing, possession or consumption of alcoholic beverages; 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.

f) Rental regulations shall be posted in the main living area of each property advising the following rules at a minimum:

- 1) On-street parking is prohibited. Park in designated spaces only, no parking on landscaping, grass or unimproved surfaces
- 2) Maximum occupancy number must be posted with a notice that no extra guests are allowed.
- 3) No large parties allowed
- 4) No outdoor activities after 10 p.m. Sunday through Thursday and Midnight on Friday and Saturdays.
- 5) Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one person which is conducted on a premises within the city and which, by reason of the conduct of those persons in attendance, results in the occurrence of one or more of the following conditions or events on public or private property: rioting; trespassing, the unlawful sale, furnishing, possession or consumption of alcoholic beverages; 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.
- 6) A list of emergency numbers to include at a minimum: Rental manager emergency number, 911 (Sheriff & Fire), Constables' office
- 7) A pet policy that includes responsibility for waste removal and disposal.

g) Special procedures for planning and zoning commission consideration of CUP application. If a proposed CUP application is denied by the City and protested in accordance with this subsection, it must receive a majority approval vote by the planning and zoning commission, at a meeting where a quorum is present.



CITY of WOODCREEK

41 Champion's Circle • Woodcreek, TX 78676

(512) 847-9390 • Fax (512) 847-6661

www.woodcreektx.gov

CITY BUSINESS LICENSE # _____

Form AP-102 received* _____

STATE BUSINESS LICENSE # _____

FEDERAL ID. # _____

RESIDENTIAL SHORT-TERM RENTAL LICENSE

LICENSE FEE: \$55

SECTION 1: OWNER INFORMATION

NAME OF OWNER _____

TYPE OF OWNER INDIVIDUAL PROPRIETORSHIP CORPORATION LLC PARTNERSHIP JOINT STOCK CO. TRUST

OWNER PHYSICAL ADDRESS _____ BUSINESS PHONE # _____

CITY _____ STATE _____ ZIP _____ EMAIL _____

MAILING ADDRESS _____ OTHER PHONE # _____

CITY _____ STATE _____ ZIP _____ DOB _____

SECTION 2: LOCAL PROPERTY REPRESENTATIVE

Complete this section if the owner is not the local property representative.

NAME _____ TELEPHONE # _____

ADDRESS _____ EMAIL _____

CITY _____ STATE _____ ZIP _____ OTHER PHONE # _____

SECTION 3: INDIVIDUAL BUILDING INFORMATION

| Rental Address: |
|-----------------|
| 1 |
| 2 |
| 3 |
| 4 |
| 5 |

Residential Dwelling Type: Condo Duplex Triplex Fourplex Single Family Dwelling Apartment

Liability Insurance on Building(s): Yes No

Submitted a diagram of the residence labeling bedrooms and parking: Yes No

Property Owner Notes or Explanations _____

"Property Owner" is defined as "An individual, corporation, partnership, association, joint stock company, business trust, or any unincorporated organization that is the owner of a rental dwelling or has a financial interest in the rental dwelling."

MAKE CHECKS PAYABLE TO CITY OF WOODCREEK

Business License Renewals shall be due annually on January 1st of each year, if paid after January 15th a late penalty of 25% of the amount of the fee shall be added to the original amount due. If paid after February 15th, the fee shall be doubled.

Office Use Only

Date _____ STAFF REVIEWER _____

Date _____ City Manager _____

I, _____ to the best of my knowledge and belief, certify:
(print name)

(initial each statement to acknowledge compliance)

- _____ that the use and occupancy of the residential short-term rental(s) conforms to applicable local, state, and federal laws including all applicable building codes and safety standards.
- _____ that the property owner or a local property representative will be available to respond within thirty minutes 30) minutes to complaints regarding the condition, operation or conduct of occupants of the short-term rental and that immediate remedial action will be taken to resolve such complaints.
- _____ that per City of Woodcreek Ordinances, the property contains an adequate amount of off street parking
- _____ that I understand that a renter may not use a short-term rental for a purpose not incidental to a normal residential use. At no time may the tenants of a short-term rental violate state and municipal law concerning nuisances, noise, and/or disturbing the peace.
- _____ that I understand that I am assuming responsibility for all guests' activities; and that violations may result in fines to owner and/or guests; and/or license denial, suspension, or revocation.
- _____ that I will use best efforts to ensure that the occupants and/or guests of the residential short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any provisions of the City's ordinances or State law, including but not limited to noise, disorderly conduct, the illegal consumption of alcohol, or the use of illegal drugs.
- _____ that the short-term rental will not involve the use of any accessory building(s), mobile structures or yard space for activities outside of the dwelling not normally associated with residential use.
- _____ that there is no HOA and/or CC&R's that restrict me from using my residence as a short-term rental.
- _____ that the residential short-term rental will be rented out to no more than 2 guests per bedroom plus 2 guests per home.
- _____ that each bedroom and corridor leading to a bedroom contains a smoke detector.
- _____ that each floor contains a working carbon monoxide detector.
- _____ that a copy of "Rental Regulations" will be placed inside the rental as per City of Woodcreek's "Short Term Rental (STR) Requirements"

SECTION 4: CERTIFICATION AND SIGNATURE

I understand that falsifying any information on this application constitutes sufficient cause for rejection or revocation of my license. I also understand that the City may require additional information as permitted by the ordinance and I agree to supply the same as part of this application. I hereby certify, to the best of my knowledge or belief, that the use and occupancy of the short-term rental dwelling(s) conform to applicable local, state, and federal laws. I agree to conduct said business strictly in accordance with the Laws and Ordinances covering such business. I further understand that the City may release the name, address, and phone number of the business, the agent's name, and the nature of business. All other information is confidential. I understand that receiving a business license for a short-term rental is not an express or implied acknowledgment by the City that the rental dwelling is in conformity with applicable law. I understand I am strictly liable to ensure that the rental is in compliance with any State of Texas Codes

Date _____ Signed by _____



COPY

City of Woodcreek

July 29, 2013

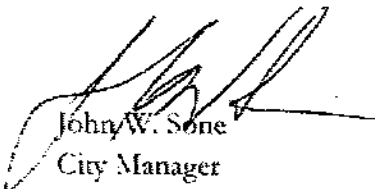
H. Winston Ault
201 Blue Hole Ln
Wimberley, TX 78676

Dear Mr. Ault:

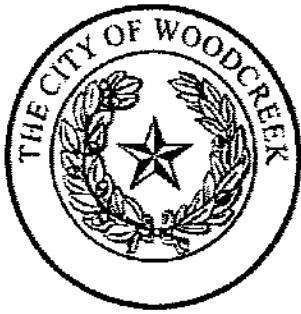
The City of Woodcreek Board of Adjustment convened on July 22, 2013, to consider your request for a Special Use Permit to allow your property at 155 Champions Ci (doing business as Island House) to be used for day rental and overnight lodging.

The City approved the attached ordinance, a copy of which will be placed into the permanent record for 155 Champions Circle.

Sincerely,


John W. Sone
City Manager

ECOPY




THE STATE OF TEXAS §

COUNTY OF HAYS §

I, John W. Sone, City Manager of the City of Woodcreek, Texas, do hereby certify that the foregoing instrument is a true and correct copy of City of Woodcreek Ordinance No. 00-65P consisting of two (2) pages, as approved by the City Council of Woodcreek, Texas, at a Called Meeting on the 22nd day of July 2013, as on file at the Woodcreek City Hall.

WITNESS my hand and official seal of the City of Woodcreek at Woodcreek, Texas, this 29th day of July 2013.



JOHN SONE
CITY MANAGER
CITY OF WOODCREEK, TEXAS

**ORDINANCE NO. 00-65P
SPECIAL USE PERMIT #4 – ISLAND HOUSE**

**AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS,
AMENDING THE ZONING ORDINANCE BY ISSUANCE OF A
SPECIAL USE PERMIT FOR A TRACT OF LAND WHICH PERMIT
SHALL BE IN ADDITION TO THE CURRENT ZONING OF THE LAND;
MAKING FINDINGS OF FACT AND PROVIDING FOR RELATED
MATTERS**

WHEREAS, the owner of the Property described hereinafter (“the Property”) has requested that the Property be rezoned, amending a Special Use Permit currently applicable to the Property; and

WHEREAS, the Property is zoned “Residential Single Family 1”, and has operated as an overnight rental business for three years, without a Special Use Permit (the “Permit”), not subject to the conditions established by the governing body; and

WHEREAS, after the Planning and Zoning Commission reviewed this Special Use Permit request and forwarded its recommendations to the City Council, and after giving ten days’ written notice to the owners of land within two-hundred feet of the Property, City Council held a public hearing on the proposed Special Use Permit; and

WHEREAS, after publishing notice of a public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in zoning of the Property, has transpired;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WODCREEK, TEXAS THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Zoning Ordinance. Ordinance 00-650, as amended, the City of Woodcreek Zoning Ordinance (the “Zoning Ordinance”), is hereby modified and amended by issuing a Special Use Permit permitting additional and conditional uses of the Property, as set forth in Section 3.

Section 3. Property Granted a Special Use Permit. The subject Property is located:

155 Champions Circle, Woodcreek, Texas (Woodcreek Section 4-A Lot 18)

Ordinance 00-65P, Special Use Permit 155 Champions Circle

is and shall remain zoned as Single Family 1. The Zoning Ordinance allows for additional or conditional uses to be permitted that are in addition to the current zoning, through a Special Use Permit. The Property is accordingly hereby granted a Special Use Permit to allow for the following additional and conditional uses, in addition to the uses permitted in the current zoning district in which property is located, to-wit: commercial use for day rental and overnight lodging.

Section 4. Special Use Permit Conditions. The Special Use Permit authorized herein shall be effective upon passage. The terms and conditions for the Special Use Permit conditions are:

Occupants for overnight rental are not to exceed six (6) guests (two per bedroom). No more than four (4) cars may be parked on the premises at one time. No fireworks or firearms will be allowed on the premises. Guests must maintain a quiet noise level appropriate to a residential neighborhood. No additional commercial uses are permitted on this property, including but not limited to food preparation and service. The property must be insured as a day rental operation. Violations of City Ordinances and/or State Law by tenants and/or their guests may result in citations being issued to the property owner. Violations of City Ordinances and/or State Law may result in the termination of this Special Use Permit.

Section 5. Revocation. The City may terminate or revoke the Permit for failure to comply with the terms and conditions herein stated. Upon notice to the owner of a violation on the Property, the City Council may hold a public hearing to immediately revoke the permit authorized herein.

Section 6. 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 Meeting Act, Chapt. 551, Loc. Gov't Code.

PASSED AND APPROVED this, the 22nd day of July, 2013, by a 3 (ayes) to 0 (nays) and 0 (abstentions) vote of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK


Eric C. Eskelund, Mayor

ATTEST:


John Sone, City Manager