

PLANNING AND ZONING COMMISSION MEETING
January 04, 2023; 5:00 PM
Woodcreek, Texas

MINUTES

CALL TO ORDER

Chair Davenport called the meeting to order at 5:05 P.M.

ROLL CALL AND ESTABLISH QUORUM

PRESENT

Chairperson, Andy Davenport
Vice-Chair Lydia Johns
Commissioner Tomas Palm
Commissioner Chris Sonnier

ABSENT

Commissioner Tamara Robertson
Alt. Commissioner Carson Bledsoe
Alt. Commissioner Josh Erwin

CITY STAFF:

City Manager, Kevin Rule
City Secretary, Suzanne MacKenzie
Interim City Attorney, Roger Gordon

PUBLIC COMMENTS

No Public Comments were offered.

CONSENT CALENDAR

1. Approval of Regular Planning and Zoning Meeting Minutes from December 7, 2022.

Chair Davenport introduced and welcomed Roger Gordon as Interim City Attorney to the Commissioners in attendance.

A motion was made by Vice-Chair Johns to approve the minutes from December 7th. (2:10)
The motion was seconded by Commissioner Sonnier.

A roll call vote was held.

Voting Yea: Vice-Chair Johns, Commissioner Palm, Commissioner Sonnier, Chair Davenport.

The motion passed with a 4-0-0 vote.

REPORTS FROM OFFICERS AND COUNCIL LIAISON

Report by City Manager.

City Manager Rule mentioned that the Ordinance Review Committee met the previous evening and he was tasked with presenting their findings, post review of the Short-Term Rental documents to Planning and Zoning.

The Ordinance Review Committee was charged with looking for inconsistencies or duplications and came up with four(4) items:

1. §156.009 STR definition and make sure it is updated with future Ordinances;
2. §110.002 "Bed and Breakfasts" are defined as hotels, not short-term rentals;
3. HOT applicability to STRs; and
4. There is not a "#1" on the next to last page.

City Manager Rule offered to email the list of items from the Ordinance Review Committee to the Planning and Zoning Commissioners.

Report by Ordinance Review Committee Liaison.

Report given by City Manager Rule. (above)

Report by Planning and Zoning Commission Liaison.

Council Liaison Hambrick introduced himself and his history with previous development plans (i.e. Tiny House Development). Stated he is here to listen and learn.

NEW BUSINESS

1. Workshop to Review the DRAFT Short-Term Rental Documents.

Chairperson Davenport opened the Workshop at 5:14PM.

He stated that the documents have not changed since the last meeting. He will update the documents with the recommendations and add a revision date.

Chair Davenport requested that Roger Gordon review the STR documents and provide a legal opinion, City Manager Rule approved. Mr. Gordon also offered to send out two(2) legal opinions regarding STRs that could be used as a roadmap for established regulations.

Mr. Gordon stated that the takeaway from these 100+ page caselaw opinions is that courts consider property owners to have a "fundamental and settled property right to lease one's real estate under the most desirable terms". Any efforts to create a blanket prohibition of STRs would be subject to strict scrutiny and would require showing a need to do so. That does not mean that they cannot be regulated.

Key to regulations is not to ban, but to enforce. Tools to enforce regulations may already be built into the City's Ordinances. For example, regulations on Parking and Noise already exist in the City's Ordinances.

He believes that a good framework exists, but he will provide feedback on the documents at the next meeting. Suggested the use of City Manager Rule as a conduit in all communications.

Chairperson Davenport closed the Workshop at 6:25PM.

2. Discuss and Take Appropriate Action on Revising the Short-Term Rental Documents.

A motion was made by Vice-Chair Johns to make a request to Council to fund a Public Hearing to review the Short-Term Rental documents pending the final draft approval by Planning and Zoning. Motion was seconded by Commissioner Sonnier.

A roll call vote was held.

Voting Yea: Commissioner Palm, Commissioner Sonnier, Chair Davenport, Vice-Chair Johns

The motion passed with a 4-0-0 vote.

A motion was made by Vice-Chair Johns to table the revision of the Short-Term Rental documents pending a legal review. (1:22) The motion was seconded by Commissioner Sonnier.

A roll call vote was held.

Voting Yea: Commissioner Sonnier, Chair Davenport, Vice-Chair Johns, Commissioner Palm

The motion passed with a 4-0-0 vote.

ADJOURN

Chair Davenport adjourned the meeting at 6:29 P.M.

Andy Davenport, Chairperson

Suzanne MacKenzie, City Secretary