NOTICE OF MEETING
PLANNING & ZONING COMMISSION
OF MARBLE FALLS, TEXAS
Thursday, September 3, 2020 – 6:00 PM
TELEPHONIC MEETING
DIAL IN TO PARTICIPATE: 1-346-248-7799
MEETING ID: 965 9466 5326

A quorum of the Marble Falls City Council and the Economic Development Corporation may be present.

Fred Zagst, Chairman	Mike Hodge, City Manager
Darlene Oostermeyer, Vice-Chairman	Caleb Kraenzel, Assistant City Manager
Angela Taylor, Commissioner	Valerie Kreger, Development Svs. Director
Greg Mills, Commissioner	Scarlet Moreno, Planner
Jason Coleman, Commissioner	Vacant, GIS Analyst
William "Dee" Haddock, Commissioner	Patty Akers, City Attorney
Tom Martin, Commissioner	Kristen Jones, Commission Secretary

In accordance with the order of the office of the Governor issued March 16, 2020, notice is hereby given that a meeting of the **Planning & Zoning Commission** of the City of Marble Falls, Texas will be held **Thursday, September 3, 2020 at 6:00 pm** in the **Lakeside Pavilion** located at **307 Buena Vista, Marble Falls, Texas**, and **telephonic participation** in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19).

The public dial-in number to participate in the meeting is 1-346-248-7799

The meeting ID: 965 9466 5326

Passcode: 979328

The public will be permitted to offer public comments as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

1. **CALL TO ORDER AND ANNOUNCE PRESENCE OF QUORUM**

2. **CITIZEN/VISITOR COMMENTS.** This is an opportunity for citizens to address the Planning and Zoning Commission concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Commission. The Chair may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting.

3. **REGULAR AGENDA.** The Commission will individually consider and possibly take action on any or all of the following items:

   A. Discussion and Action regarding approval of the minutes from the August 6, 2020 regular meeting.

   B. Public Hearing, Discussion and Recommendation regarding abandonment of a 0.092-acre portion of the alley between Lots 3-6 and 7-9, Block 149, Marble Falls Original Township, and Lot 1-A, Childers Baseball Park, City of Marble Falls, Burnet County, Texas. Case 2020-18-SC. *(Texas Housing Foundation, owner and applicant)*

4. **UPDATES, ANNOUNCEMENTS AND FUTURE AGENDA ITEMS**

   A. Update regarding City Council disposition on Planning and Zoning Commission items

      1. Development Code Edits

   B. Overview of the monthly Building Permit Summary and Construction Update:

      1. August Building Report and Construction Update

   C. Department and City Updates

   D. Future Agenda Items

      1. Thunder Rock Subdivision

5. **ADJOURNMENT**

"The Planning & Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including but not limited to, Sections: 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues), and as authorized by the Texas Tax Code including but not limited to, Section 321.3022 (Sales Tax Information)."

In compliance with the Americans for Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending the Commission Meetings. To better serve you, requests should be received 24 hours prior to the meeting, by contacting Kristen Jones, Development Services Technician at 830-798-7095.

Certificate of Posting Agenda Meeting Notice

I, Valerie Kreger, Development Services Director for the City of Marble Falls, Texas, certify this Meeting Notice was posted at the Marble Falls City Hall, in a place readily accessible to the general public at all times, on the 28th day of August, 2020, by 5:00 p.m. and remained posted thereafter for at least 72 continuous hours before the scheduled time of said meeting.

Valerie Kreger

Valerie Kreger, AICP
Development Services Director

Planning and Zoning Commission
Agenda Item Cover Memo
September 3, 2020

Item 3.A.: **Approval of Minutes**
Presenter: **Commission Secretary**
Requested by: **N/A**
Case Number: **N/A**

SUMMARY

The Commission will consider approval of the minutes from the August 3, 2020, meeting.

(*Minutes attached following this page*)

STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On this 6th day of August, 2020, the Planning and Zoning Commission convened at the Lakeside Pavilion and via telephone conference in response to COVID-19, having been posted as prescribed by law, with the following members present in accordance to-wit:

MEMBERS PRESENT:	Fred Zagst	Chairman
	Darlene Oostermeyer	Vice-Chairman
	Tom Martin	Commissioner
	Greg Mills	Commissioner
	Jason Coleman	Commissioner
MEMBERS ABSENT:	Angela Taylor	Commissioner
	William "Dee" Haddock	Commissioner
STAFF PRESENT:	Valerie Kreger	Development Services Director
	Caleb Kraenzel	Assistant City Manager
	Scarlet Moreno	Planner
	Thomas Crane	Fire Marshal
	Joey Wray	Code Enforcement Officer
	Kristen Jones	Development Service Technician
VISITORS:	Christian Fletcher	

1. CALL TO ORDER AND ANNOUNCE PRESENCE OF QUORUM: Chairman Zagst called the meeting to order at 6:01 pm and declared a quorum of the Commission is present to conduct the meeting.

2. Citizens/Visitors comments to be heard for items not on the agenda: This is an opportunity for citizens to address the Planning and Zoning Commission concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Commission. The Chair may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a proposal to place it on the agenda for a later meeting. There were no citizen/visitor comments.

3. REGULAR AGENDA: The Commission will individually consider and possibly take action on any or all of the following items:

A. Discussion and Action regarding approval of the minutes from the April 23, 2020 special meeting. Commissioner Martin made a motion to approve the April 23, 2020 special meeting minutes with a correction on page two to add a space between "A and Single-Family". Commissioner Oostermeyer seconded the motion. The motion carried by a vote of 5 – 0

4. UPDATES, ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

A. Presentation and Discussion regarding updates on previous Planning and Zoning Commission items and City Council disposition. *(City Staff)*

1. Development Code Edits

Valerie Kreger, Director of Development Services, addressed the commission.

B. Presentation and Discussion regarding Development Services Department Updates. (*City Staff)*

1. Monthly Building Report and Construction Update

a) Discussion regarding that the department can no longer request valuation for Single Family Residential builds and are not excluded from the valuation reports.

b) Discussion regarding which businesses have received their building permit.

Valerie Kreger, Director of Development Services, addressed the commission.

5. **Workshop.** Discussion regarding Short Term Rentals

A. **Presentation and Discussion** from Christian Fletcher, Executive Director of Marble Falls Economic Development Corporation, regarding Hotel Occupancy Taxes and the benefits of allowing Short Term Rentals.

B. **Discussion** regarding biggest concerns of Short-Term Rentals in Marble Falls.

1. Noise

2. Parking

3. Occupancy

4. Trash

C. **Discussion** regarding the definition of a Short-Term Rental.

D. **Discussion** regarding the Framework:

1. Best Practices and examples from other cities.

2. License – 365 STR and Homeowner STR and the differences.

E. **Discussion** regarding setting an occupancy limit of 16 people per Short-Term Rental as per Fire Code for staying in the residential code.

F. **Discussion** regarding whether to include Property/Home Owners Associations in the approval process.

G. **Discussion** regarding where Short-Term Rental should be allowed in the city.

H. **Discussion** regarding enforcement and license revocation.

I. **Discussion** regarding any additional items that should be included in the ordinance.

1. Insurance

2. Visible Address

3. Fire Marshal Inspections

4. Landscape Maintenance

J. **Discussion** regarding the time line for presenting Short-Term Rental Ordinance to City Council.

1. Present a draft of the ordinance in the October Planning and Zoning regular meeting

2. Present the proposed ordinance as a public hearing in the November Planning and Zoning regular meeting.

3. Presentation and public hearing presented in the December City Council regular meet for adoption.

6. **ADJOURNMENT:** There being no further items to discuss, Commissioner Mills made a motion to adjourn the meeting. Commissioner Oostermeyer seconded the motion. The motion carried by a vote of 5 - 0 and the meeting was adjourned at 8:53 pm.

_____

Fred Zagst- Chairman

_____

Kristen Jones, Committee Secretary

Planning and Zoning Commission
Agenda Item Cover Memo
September 3, 2020

Item 3.B.:	**Public Hearing, Discussion and Recommendation regarding abandonment of a 0.092-acre portion of the alley between Lots 3-6 and 7-9, Block 149, Marble Falls Original Township, and Lot 1-A, Childers Baseball Park, City of Marble Falls, Burnet County, Texas.**
Presenter:	**Scarlet Moreno, Planner**
Requested by:	**Texas Housing Foundation, owner and applicant**
Case Number:	**2020-18-SC**

SUMMARY

This item is for consideration of an alley abandonment request for a 20-foot (20') by 199.87-foot (199.87') alley between Lots 3-6 and 7-9, Block 149, Marble Falls Original Township, and Lot 1-A, Childers Baseball Park.

The alley was established with the Marble Falls Original Township. The properties to the north and south of the alley to be abandoned are owned by the Texas Housing Foundation with the exception of 50 ft adjacent to Childers Baseball Park. An existing sewer line that runs parallel to Whitman Branch will require an easement to be retained. The applicant wishes to abandon the alley to replat all lots that they own on both sides of the alley into a single lot.

The value of the requested abandonment area is $12,535.79, as determined by City staff based on the Burnet County Appraisal District's assessed value of adjacent parcels. The applicant will be required to render payment for the subject area within 30 days of City Council approval and will be required to replat the subject area into the abutting lots within nine months of approval.

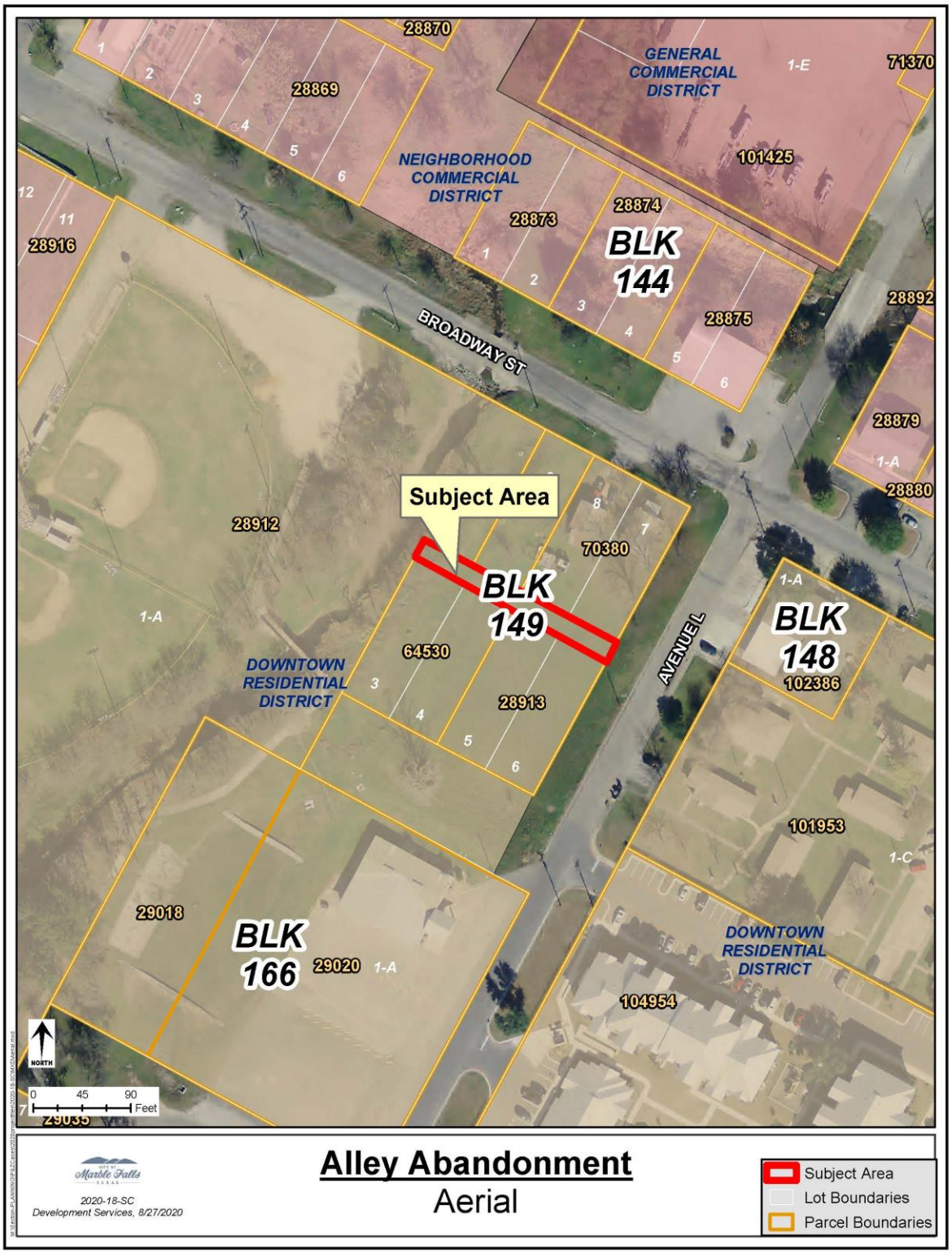
A total of two adjacent property owners (the Texas Housing Foundation owns 6 surrounding properties) within 200 feet of the Subject Area were mailed notification letters, including the public hearing dates and a pre-paid comment card for response supporting/opposing the proposed abandonments. At the time of packet distribution, six comment cards had been received in favor of the alley abandonment.

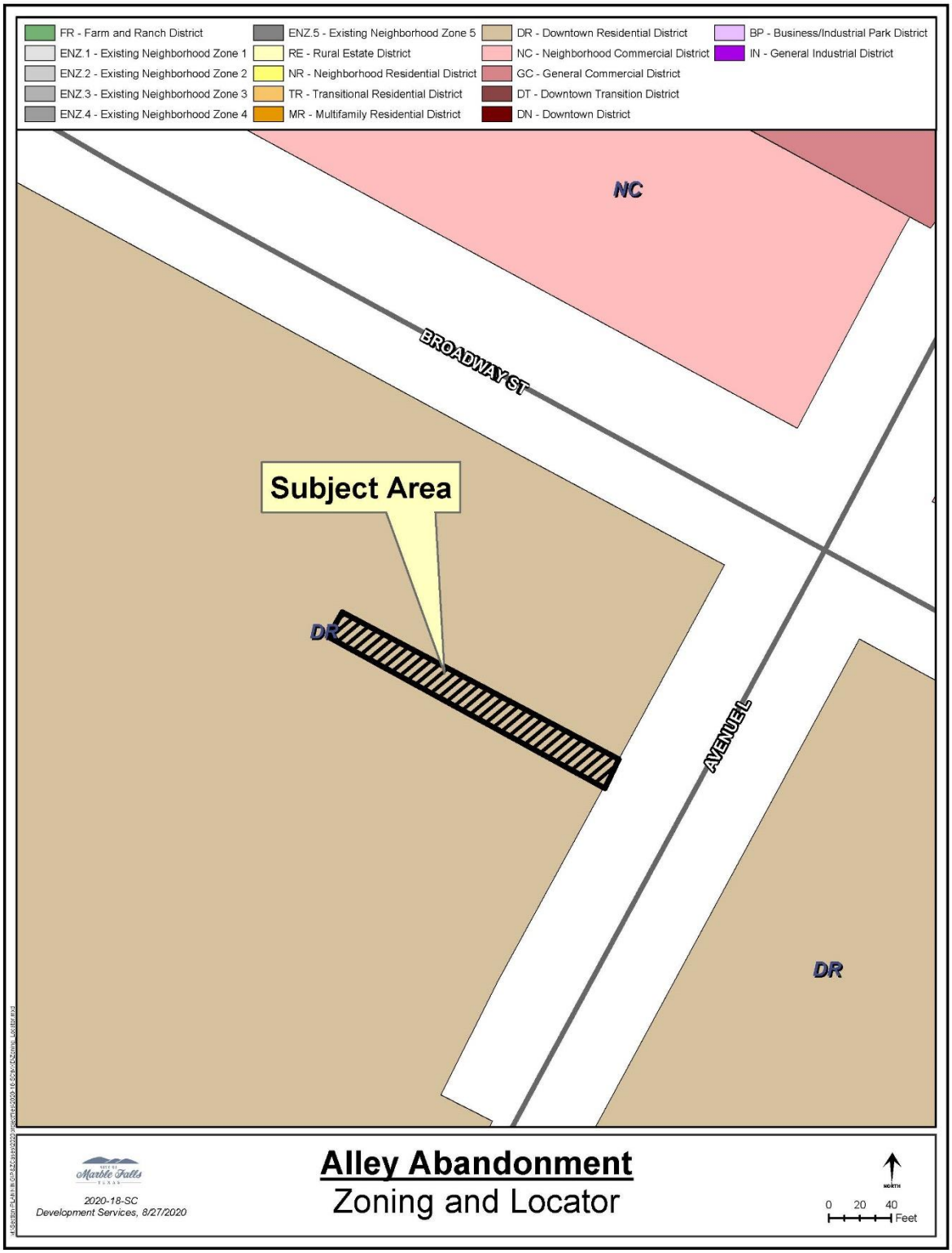
RECOMMENDATION

Recommend to the City Council approval of the requested abandonment of the alley as shown and described in the survey and metes and bounds, based on the location, the addition of the abandonment area to the Ad Valorem tax roll, and the limited use the alley provides to the general public, with the condition the property and alley are replatted within 9 months of approval.

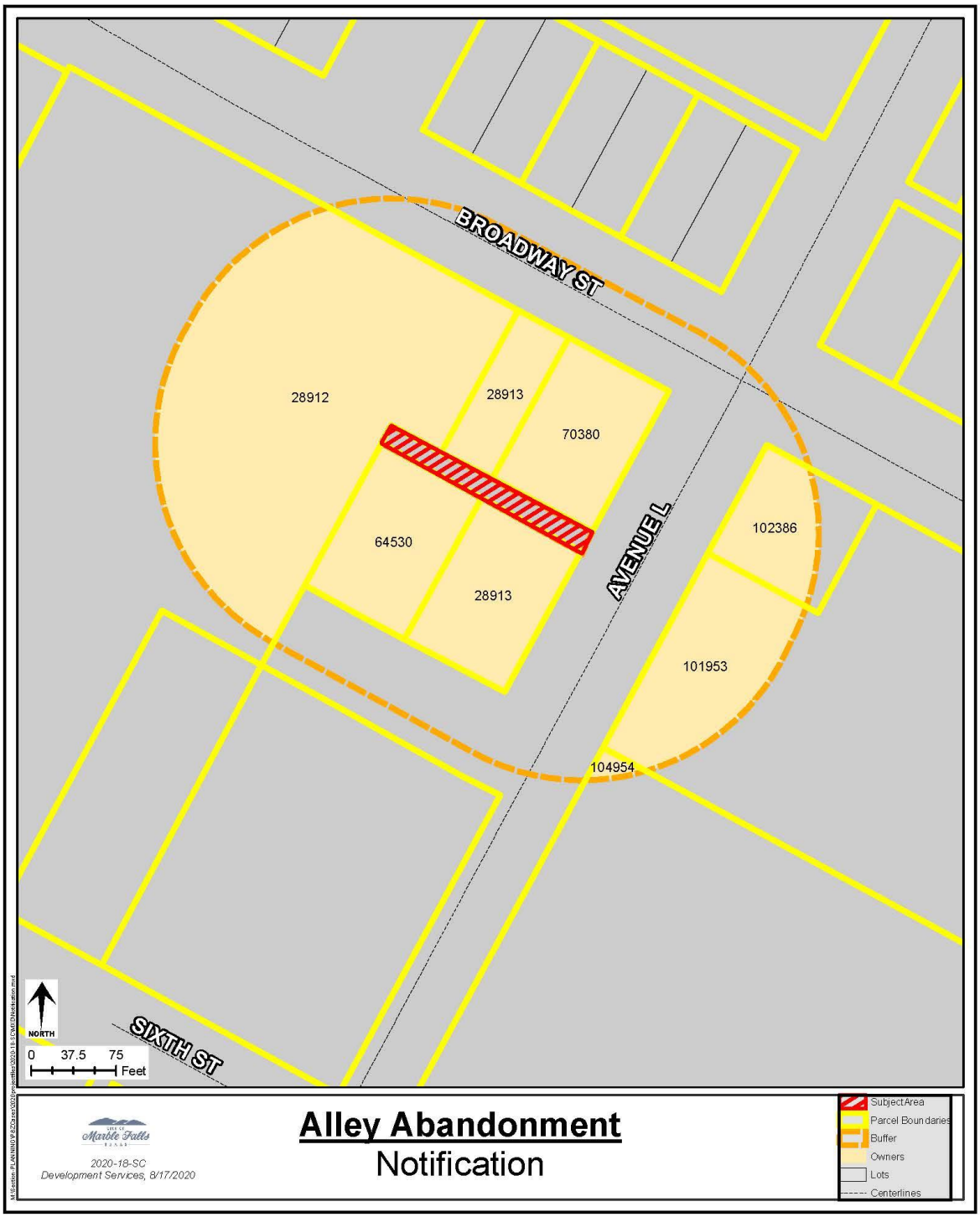
Memo Contents

- Information maps generated by City Staff — Pages 7 - 11
- Survey — Page 12
- Metes and Bounds — Page 13
- Land Value Appraisal — Page 14
- Applicant Photos — Pages 15 - 16

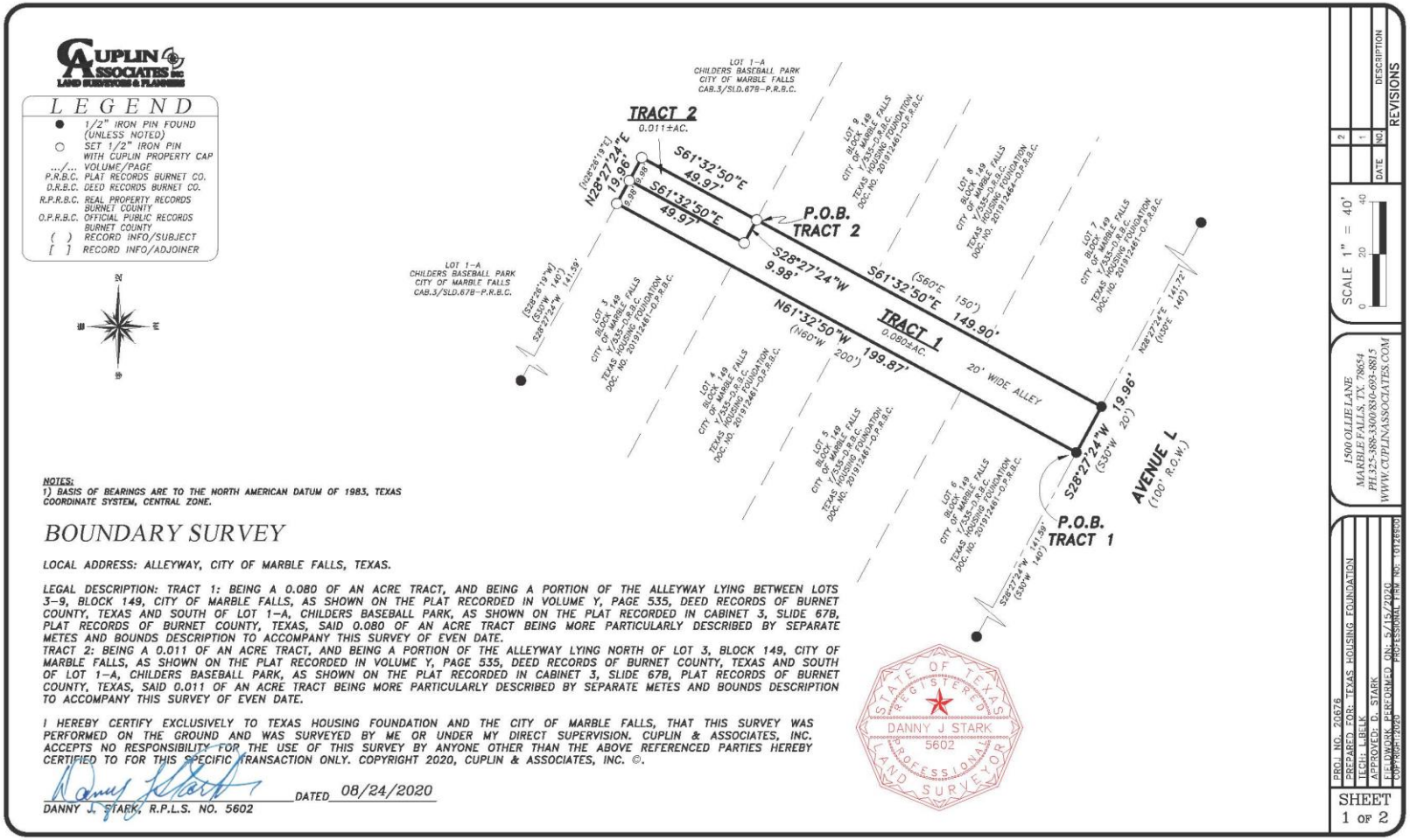

28870
28869
GENERAL COMMERCIAL DISTRICT
1-E
71370
NEIGHBORHOOD COMMERCIAL DISTRICT
101425
28873
28874
BLK 144
28916
28892
BROADWAY ST
28875
28879
1-A
28880
Subject Area
28912
70380
BLK 149
1-A
64530
DOWNTOWN RESIDENTIAL DISTRICT
28913
AVENUE L
BLK 148
102386
101953
1-C
29018
BLK 166
29020
1-A
DOWNTOWN RESIDENTIAL DISTRICT
104954
NORTH
0 45 90 Feet
29035
2020-18-SC
Development Services, 8/27/2020
Alley Abandonment
Aerial
Subject Area
Lot Boundaries
Parcel Boundaries


FR - Farm and Ranch District
ENZ.1 - Existing Neighborhood Zone 1
ENZ.2 - Existing Neighborhood Zone 2
ENZ.3 - Existing Neighborhood Zone 3
ENZ.4 - Existing Neighborhood Zone 4
ENZ.5 - Existing Neighborhood Zone 5
RE - Rural Estate District
NR - Neighborhood Residential District
TR - Transitional Residential District
MR - Multifamily Residential District
DR - Downtown Residential District
NC - Neighborhood Commercial District
GC - General Commercial District
DT - Downtown Transition District
DN - Downtown District
BP - Business/Industrial Park District
IN - General Industrial District
NC
BROADWAY ST
Subject Area
DR
AVENUE L
DR
2020-18-SC
Development Services, 8/27/2020
Alley Abandonment
Zoning and Locator
NORTH
0 20 40
Feet

2"-WW
10"-W
BROADWAY ST
8"-WW
6"-WW
8"-W
15"-WW
Subject Area
6"-W
AVENUE L
8"-WW
10"-W
15"-WW
8"-WW
1-E
1-A
1-A
1-A
NORTH
0
62.5
125
Feet
Alley Abandonment
Utilities and Floodplain
2020-18-SC
Development Services, 8/27/2020
Floodway
100 Yr Floodplain
500 Yr Floodplain
Water
Wastewater
Lot Boundary


BROADWAY ST
AVENUE L
SIXTH ST
28912
28913
70380
64530
28913
102386
101953
104954
NORTH
0 37.5 75
Feet
2020-18-SC
Development Services, 8/17/2020
Alley Abandonment
Notification
Subject Area
Parcel Boundaries
Buffer
Owners
Lots
Centerlines

1-E
Corridor Commercial
Neighborhood Commercial
Broadway St
Parks & Open Space
Subject Area
Avenue L
Transitional Residential
1-A
2-A
1-C
Alley Abandonment
Future Land Use and Thoroughfare Plan
2020-18-SC
Development Services, 8/27/2020
NORTH
0 20 40
Feet



CITY OF Marble Falls TEXAS

CITY OF Marble Falls TEXAS

CUPLIN & ASSOCIATES, Inc.
land surveyors & planners

Prepared For: Texas Housing Foundation
Project No. 20676
Date: 08/25/2020

TRACT I-BEING A 0.080 OF AN ACRE TRACT, AND BEING A PORTION OF THE ALLEYWAY LYING BETWEEN LOTS 3-9, BLOCK 149, CITY OF MARBLE FALLS, AS SHOWN ON THE PLAT RECORDED IN VOLUME Y, PAGE 535, DEED RECORDS OF BURNET COUNTY, TEXAS AND SOUTH OF LOT 1-A, CHILDERS BASEBALL PARK, AS SHOWN ON THE PLAT RECORDED IN CABINET 3, SLIDE 67B, PLAT RECORDS OF BURNET COUNTY, TEXAS, SAID 0.080 OF AN ACRE TRACTS BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pin found along the west right-of-way line of Avenue L, at the northeast corner of Lot 6 of said Block 149, for the southeast corner hereof;

THENCE North 61°32'50" West, along the north line of Lots 6, 5, 4 and 3 of said Block 149, and the south line hereof, a distance of 199.87 feet to a 1/2" iron pin set with plastic survey cap stamped "CUPLIN", along the easterly line of said Lot 1-A, at the northwest corner of said Lot 3, for the most westerly corner hereof;

THENCE North 28°27'24" East, along an east line of said Lot 1-A and the west line hereof, a distance of 9.98 feet to a 1/2" iron pin set with plastic survey cap stamped "CUPLIN", at the most northwesterly corner hereof, WHENCE a calculated point for corner at the southwesterly interior corner of said Lot 1-A bears North 28°27'24" East, a distance of 9.98 feet;

THENCE over and across said Alley the following two(2) courses and distances;

1) South 61°32'50" East, a distance of 49.97 feet to a 1/2" iron pin set with plastic survey cap stamped "CUPLIN";
2) North 28°27'24" East, a distance of 9.98 feet to a 1/2" iron pin set with plastic survey cap stamped "CUPLIN", at the southeasterly corner of said Lot 1-A, at the southwesterly corner of said Lot 9, and being a northerly corner hereof;

THENCE South 61°32'50" East, along the south line of said and Lots 9, 8, and 7, and the northerly line hereof, a distance of 149.90 feet to a 1/2" iron pin found in the west right-of-way line of said Avenue L, for the southeast corner of said Lot 7 and the northeast corner hereof;

THENCE South 28°27'24" West, along the west right-of-way line of said Avenue L and the east line hereof, a distance of 19.96 feet to the **POINT OF BEGINNING** and calculated to contain 0.080 acres.

TRACT 2: BEING A 0.011 OF AN ACRE TRACT, AND BEING A PORTION OF THE ALLEYWAY LYING NORTH OF LOT 3, BLOCK 149, CITY OF MARBLE FALLS, AS SHOWN ON THE PLAT RECORDED IN VOLUME Y, PAGE 535, DEED RECORDS OF BURNET COUNTY, TEXAS AND SOUTH OF LOT 1-A, CHILDERS BASEBALL PARK, AS SHOWN ON THE PLAT RECORDED IN CABINET 3, SLIDE 67B, PLAT RECORDS OF BURNET COUNTY, TEXAS, SAID 0.011 OF AN ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with plastic cap stamped "CUPLIN" in the North line of said alleyway, at the Southwest corner of said Lot 1-A, Childers Baseball Park, the Southwest corner of Lot 9 of said Block 149, and the Northeast corner hereof, **WHENCE** a 1/2" iron rod found in the Western Right of Way line of Avenue L at the Southeast corner of Lot 7 of said Block 149, and the Northeast corner of said alleyway bears S 61°323'50" E, a distance of 149.90 feet;

THENCE S 28°27'24" W, a distance of 9.98 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" in the centerline of said alleyway for the Southeast corner hereof;

THENCE N 61°32'50" W, a distance of 49.97 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" in the Southeast boundary line of said Lot 1-A, for the Southwest corner hereof;

THENCE N 28°27'24" E, along the Southeast boundary line of said Lot 1-A, a distance of 9.98 feet to a 1/2" iron rod set with plastic cap stamped "CUPLIN" at a reentrant corner of said Lot 1-A, for the Northwest corner hereof;

THENCE S 61°32'50" E, a distance of 49.97 feet to the **POINT OF BEGINNING** and calculated to contain 0.011 acres.

NOTE:
A Plat of Survey of even date was prepared and is intended to accompany the above described tract of land. Bearings are based on North American Datum of 1983, Texas Central Zone.

I HEREBY CERTIFY EXCLUSIVELY TO TEXAS HOUSING FOUNDATION AND THE CITY OF MARBLE FALLS, THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION. CUPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY. COPYRIGHT 2020, CUPLIN & ASSOCIATES, INC. ©.

Dated: 08/25/2020

Danny J. Stark
Registered Professional Land Surveyor No. 5602

STATE OF TEXAS REGISTERED DANNY J STARK 5602 PROFESSIONAL LAND SURVEYOR

1500 Ollie Lane, Marble Falls, Texas 78654
PH: 325.388.3300 Fax: 325.388.3320 Prof. Firm No. 10126900
www.cuplinassociates.com

CITY OF Marble Falls TEXAS

Appraisal of Real Property

Based on average appraised values of land immediately adjacent to the street or alley to be closed. The values are based on the 2019 tax roles.

Avenue L Block 149	
Calculation based on Parcel 1	
BCAD Parcel #	70380
Value of Adjacent Parcels	$45,000.00
Acreage of Adjacent Parcels	0.321400
Square Feet of Adjacent Parcels	14,000.18
Value Square Foot of Adjacent Parcels	**$3.21**
Assessed Value of R.O.W.	**$12,881.14**
Street Abandonment Area SF	4,007.52
Acreage of Street Abandonment	0.092000
Double Check for Adjcent Parcels Value	$45,000.00
Calculation based on Parcel 2	
BCAD Parcel #	28913
Value of Adjacent Parcels	$40,880.00
Acreage of Adjacent Parcels	0.321400
Square Feet of Adjacent Parcels	14,000.00
Value Square Foot of Adjacent Parcels	**$2.92**
Assessed Value of R.O.W.	**$11,701.96**
Street Abandonment Area SF	4,007.52
Acreage of Street Abandonment	0.092000
Double Check for Adjcent Parcels Value	$40,880.00
Calculation based on Parcel 3	
BCAD Parcel #	64530
Value of Adjacent Parcels	$45,500.00
Acreage of Adjacent Parcels	0.321400
Square Feet of Adjacent Parcels	14,000.18
Value Square Foot of Adjacent Parcels	**$3.25**
Assessed Value of R.O.W.	**$13,024.27**
Street Abandonment Area SF	4,007.52
Acreage of Street Abandonment	0.092000
Double Check for Adjcent Parcels Value	$45,500.00

Average of R.O.W.
$12,535.79

Planning and Zoning Commission
Agenda Item Cover Memo
September 3, 2020

Agenda Item 4. A.:	**Update regarding City Council disposition on Planning and Zoning Commission items**
Presenter:	**Valerie Kreger, AICP, Director of Development Services**
Requested by:	**Planning and Zoning Commission**
Case Number:	**N/A**

SUMMARY

Staff will provide updates to the Commission regarding items previously presented to the Planning and Zoning Commission, development or zoning related items, and City Council disposition.

1. Development Code Edits

Planning and Zoning Commission
Agenda Cover Memo
September 3, 2020

Item 4.B:	**Overview of the monthly Building Permit Summary and Construction Update**
Presenter:	**Valerie Kreger, AICP, Director of Development Services**
Requested by:	**Planning and Zoning Commission**
Case Number:	**N/A**

SUMMARY

Update the Commission about the building permits issued in the past month and other ongoing projects.

1. August Building Report and Construction Update

For a quick reference to some of the major permitted development projects in Marble Falls, you can refer to the 'Development Buzz' portion of our website at:

http://marblefallstx.gov/541/Development-BUZZ