

STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On this 4th day of March, 2021, the Planning and Zoning Commission convened at the Lakeside Pavilion 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
	Greg Mills	Commissioner
	William "Dee" Haddock	Commissioner
	Tom Martin	Commissioner
	Jason Coleman	Commissioner
	Angela Taylor	Commissioner
MEMBERS ABSENT:	None	
STAFF PRESENT:	Valerie Kreger	Development Service Director
	Scarlet Moreno	Planner
	Kristen Jones	Commission Secretary
	Thomas Crane	Fire Marshall
	Michael Ingalsbe	Building Official
	Joey Wray	Code Enforcement
VISITORS:	Ron Schwier	Dave Mason
	Vincent Huebinger	Irene Taber
	Gerald Taber	Martin Stary
	Maria Whitsett	Rene Rosales
	Rick Edwards	Jane Marie Hurst
	Spence Collins	Adrienne Pabon
	Jackie English	Joe Thompson
	John Davis	MJ Love

1. **CALL TO ORDER AND ANNOUNCE PRESENCE OF QUORUM:** Chairman Zagst called the meeting to order at 6:00 pm and declared a quorum of the Commission is present to conduct the meeting.
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 January 7, 2021, regular meeting. Commissioner Oostermeyer requested to correct the date on the minutes. Commissioner Martin moved to approved the minutes with the correction and Commissioner Oostermeyer seconded the motion. The motion passed carrying a 7-0 vote.
 - B. **Discussion and Recommendation** regarding a Final Plat of Roper West Phase 1, City of Marble Falls, Burnet County, Texas. Case 2020-37-FP. (*Ellison Roper Land Corporation and Endeavor Properties, LLC, owners, and Mehdi Ali for Endeavor Properties, LLC, applicant*). Scarlet Moreno, Planner, addressed the Commission. The commission discussed where the access to the future improvement will be and timeline of the utility

extension. Commissioner Oostermeyer made a motion to recommend approval with the staff recommendation. Commissioner Haddock seconded the motion. The motion passed carrying a vote of 7-0.

- C. Public Hearing, Discussion, and Recommendation** regarding a Planned Development District (Roper Ranch PDD) with base zoning districts of General Commercial (GC), Business/Industrial Park (BP), Neighborhood Residential (NR), and Multifamily Residential (MR) for approximately 661 acres out of the R.S. Morgan Survey, Abstract #597, the C. & M. R.R. Co. Survey, Abstract #1270, the F. Fissler Survey, Abstract #328, the J.W. Franklin Survey, Abstract #341, the C.&M. R.R. Co. Survey, Abstract #1122, the C. & M. R.R. Co. Survey, Abstract #1123, the J. Harrell Survey, Abstract #451, the G. Flores Survey, Abstract #304, the August Hoffman Survey No. 1078, Abstract No. 1034, the Joseph Harrell Survey No. 533, Abstract No. 451, the Guadalupe Flores Survey No. 7, Abstract No. 304, and the C. & M. RR. Co. Survey No. 1, Abstract No. 1122, Burnet County, Texas, located east of US Highway 281, west along County Road 401, north of State Highway 71, and south of east Farm to Market Road 2147. Case 2020-20-PDD. (*Janie Kay Roper, Ellison Roper Land Corporation, owners and Roper Ranch, LLC applicant*). Valerie Kerger, Development Service Director, addressed the commission. The commission discussed and clarified that there have not been any changes to the Planned Development District since they approved it in the December Planning and Zoning Commission meeting. Commissioner Haddock made a motion to recommend approval and Commissioner Mills seconded the motion. The motion passed carrying a 7-0 vote.
- D. Public Hearing, Discussion and Recommendation** regarding a zoning map amendment request from General Commercial District (GC) and Neighborhood Residential District (NR) to Neighborhood Commercial District (NC) and Transitional Residential District (TR) for Lots 1 and 35-A, Holly-Naumann Subdivision No. Three, Burnet County, Texas. Case 2020-36-ZMA. (*Barnett Properties, William H. Scott, and Darwin F. Lajab, owners and Vincent Gerard & Associates, Inc., applicant*). Items 3. D and E were opened concurrently. Public hearing and Commission are listed after 3E below as the comments relayed to both items 3D and 3E. Commissioner Martin made a motion to recommend approval and Commissioner Haddock seconded the motion. The motion passed carrying a 6-1 vote.
- E. Public Hearing, Discussion, and Recommendation** regarding a conditional use permit to allow for apartments in Transitional Residential District (TR) and Neighborhood Commercial District (NC), Lots 1 and 35-A, Holly-Naumann Subdivision No. Three, Burnet County, Texas. Case 2021-1-CUP. (*Barnett Properties, William H. Scott, and Darwin F. Lajab, owners and Vincent Gerard & Associates, Inc., applicant*). Items 3. D and E were opened concurrently. Public hearing and Commission are listed after 3E below as the comments relayed to both items 3D and 3E. Commissioner Martin made a motion to recommend approval with the condition that they will be condos, that there will be a 10' buffer zone, that there will only be 6 houses on Lot 1, Replat of Tract 30, Holly Naumann Subdivision Section 3, and that a suitable barrier be constructed between this site and the neighboring houses north of the proposed project. Commissioner Coleman seconded the motion. The motion passed carrying a 6-1 vote.

The developer's representative, Vincent Huebinger, presented the changes they made in after speaking with the neighboring property owners. During the public hearing 5 citizens spoke out against allowing the Zoning Map Amendment and Conditional Use Permit with concerns regarding:

- increase in traffic on Mormon Mill Road,
- the proximity of the development to the floodway,
- the commercial traffic and noise from US 281 that could potentially become a nuisance to the new development tenants,
- the possibility of the road through the development to become a thru street from Commerce to Mormon Mill Rd and vice versa,
- the location of the road to the homes to the north,
- the change of the neighborhood from having greenspace behind the homes to a development that would remove the greenspace,
- multi-family use so close to single family homes and commercial property,
- limiting the number of units to 6 units on the property that is adjacent to Mormon Mill Rd.
- provide landscaping buffer to separate the proposed development from the homes, and

- in past owner's had been told that the property could not be changed from residential and needed clarification as to why and how that changed.

The developer's realtor, Spence Collins, spoke to the citizens to ease their concerns by informing them the plans will include retention pond for flooding concerns, there will be a private street, they will have landscape buffer, and that the plans had already been adjusted to address their concerns from a previous meeting and spoke about the price point for these units. The Commission discussed the concerns that were brought up by the citizens, buffer zones that may help to ease the concerns. They also discussed the definitions between townhomes, apartments and condos to help better define the dwelling units being proposed.

F. Public Hearing and Discussion regarding proposed ordinance for short term rentals. Chairman Zagst addressed the commission before opening this item and gave the commissioners an opportunity to recuse themselves from this item due to conflict of interest. No commissioners stepped down. Chairman Zagst ask that the following be put on record.

- Commissioner Jason Coleman has not recused himself as a Planning and Zoning Commissioner from the Public Hearing and Discussion about short term rentals
- The property at 501 East Avenue is currently is owned by James Henry Coleman Credit Shelter Trust and that James Henry Coleman Jr. is the trustee
- The property at 501 East Avenue is currently being used as a short term rental with active publication on VRBO.com
- Chairman Zagst had a personal conversation with Commissioner Coleman on Thursday, March 4, 2021, during which time he asked Commissioner Coleman had an interest in the Family Trust and that Commissioner Coleman answered yes.
- Chairman Zagst is concerned about a conflict of interest from a commissioner who appears to have a vested interest in a property which would be directly impacts by the outcome of this public hearing and discussion about short term rentals
- Chairman Zagst objects to Commissioner Coleman's continuing participation in the discussion as a commissioner.

Commissioner Coleman addressed these comments stating he is a real estate broker and has valuable experience to bring to this discussion.

Valerie Kreger, Director of Development Services, addressed the commission. During the public hearing two citizens spoke against allowing short term rentals with concerns regarding the speed of which this process is going, the negative impact on the city, density of allowed short term rentals, fees that the city will incur for contracting out the enforcement of short-term rentals and HOA notification. Also, during the public hearing one citizen spoke in favor of allowing short term rentals stating it allows for supplemental income that helps families in times of need. The commission discussed the following

- Current regulations for short term rentals
- Grammar and wording of the ordinance draft
- Whether or not there needs to be a third type of license to cover the property owners that may fall outside of the two types in the draft
- Clarify the revocation time frame for repeated violations
- Adding a checkbox for HOA on the application
- Whether to allow at Condos
- Timeline of the approval process
- Clarify the Occupancy for 16 guest including kids
- Fees for license to be enough to cover staff fees
- Prohibited zoning areas

4. UPDATES, ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

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

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

1. January and February Building Permit Summary

C. Department and City Updates

5. ADJOURNMENT: There being no further items to discuss, Commissioner Mills made a motion to adjourn the meeting and Commissioner Taylor seconded. The motion carried a vote of 7 - 0 and the meeting was adjourned at 9:29 pm.



Fred Zagst, Chairman



Kristen Jones, Commission Secretary