

## PLANNING & ZONING COMMISSION

### Regular Called Meeting, Council Chambers, 1209 Fiorella, Wednesday, Feb 9, 2022 6:30 P.M.

1. Call to order: 6:31
2. Roll Call: Priscilla Garrett, , Eric Cherry, Kyle McVay, Jim Welch

Absent:, Jennifer Basinger, Larry Robertson Alternate Jeff Gardner

3. Citizens Comments: Open at 6:31. Ms DaLong speaking for Christine Aguirre (unable to attend) to respond to the letter Ms Aguirre had received concerning the Specific Use Permit for 1313 Petersburg. Ms Aguirre is in favor. Staff was given the signed letter. Closed: 6:33.
4. Approval of minutes from previous meetings: December 8, 2021, motion to approve by Eric Cherry, 2<sup>nd</sup> by Kyle McVay. Motion passed.
5. Public Hearing to take appropriate action on a request for a Specific Use Permit (SUP) by ordinance to allow a commercial business, a dental office, to be run on a property that is residentially zoned at 1313 Petersburg, Castroville, TX. The current zoning of the property is R-A, One Family Dwelling District, but is currently operating as a commercial business under a SPU issued on December 12, 2005. Public Hearing opened at 6:35. Staff reported that 3 notices were received, Christina Aguirre, Julian and Olivia Guel and Ricap Enterprises: All in favor. Otto Herrod, current owner spoke in his own defense for approval. Hearing closed at 6:41.
6. Discussion and take appropriate action on a request for a Specific Use Permit by ordinance to allow a commercial business, a dental office, to be run on a property that is residentially zoned at 1313 Petersburg, Castroville, TX. The current zoning of the property is R-A, One Family Dwelling District, but is currently operating as a commercial business under a SPU issued on December 12, 2005.

Background: This was requested by the new owner at the P&Z meeting on December 8, 2021 and sent to council with P&Z approval. Council denied the zone change because current ordinance applied only to the previous property owner and was not transferable to a new property owner. Council requested that Staff and P&Z look at language that would allow the SUP to transfer with the property as long as the use does not change and recommended that the applicant reapply for the SUP.

Discussion: The property meets regulations set forth in Article IV, Section 9 "Business/Residential Transition Area" that was approved in 2005 with the same SUP permit criteria. The only thing that has changed is the signage that does not meet the sign regulations which was unnoticed by staff when going through the sign permitting process. This problem was acknowledged by commission members but was not reason to deny the SUP but should be handled through other means. Motion to approve the request for the SUP by Eric Cherry, 2<sup>nd</sup> by Priscilla Garrett. All in favor – motion passed.

7. Public Hearing to take appropriate action on an amendment to the Comprehensive Zoning Ordinance, specifically amending Article II, Section 1 "Use of Land and Buildings", and creating a new Article IV, Chap 1.1 "Short-Term Rentals to establish regulations and permitting requirements for the operation of Short-Term Rentals (commonly referred to as Bed & Breakfasts). Opened 6:52. No speakers. Closed 6:52.

8. Discussion and take appropriate action on an amendment to the Comprehensive Zoning Ordinance, specifically amending Article II, Section 1 "Use of Land and Buildings", and creating a new Article IV, Chap 1.1 "Short-Term Rentals to establish regulations and permitting requirements for the operation of Short-Term Rentals (commonly referred to as Bed & Breakfasts).

Discussion: Staff provided needed key changes to the ordinance to support the CZO amendment: Add definitions to provide clarification throughout the section; provide short-term rental application information; provide short-term rental registration fee; length of permit valid for; operational requirements; compliance with other laws; notification of complaints; compliance and penalties; and permit suspension of revocation and appeal process.

In 2018 P&Z worked on an ordinance but it was never adopted due to upcoming legislation limiting the regulations that can be placed on short-term rentals by municipalities Commission agreed to work with what was already created. Staff used that draft and presented their findings/suggestions:

Add definitions to provide clarification throughout the section; Provide short-term rental application information; Provide short-term rental registration fee; Length of permit valid for; Operational requirements; Compliance with other laws, i.e., federal, state or local; Notification of complaints; Compliance and Penalties and Permit Suspension or Revocation.

Definition presented by Staff: SHORT TERM RENTAL – A privately owned dwelling, including but not limited to, a single-family dwelling, multiple family attached dwelling, apartment house, condominium, duplex, or any portion of such dwellings, rented by the public for consideration without the use of a lease contract, and used for dwelling, lodging or sleeping purposes **typically** for a period of less than thirty (30) consecutive days. This term shall be interchangeable with the term "Bed and Breakfast" for the purposes of regulation.

Commission suggested deleting the word "typically".

Schedule of Uses: Commission agreed to: Use permitted in R-A, R-C, H-E, C-F, C-G, C-H, P-D.  
Use prohibited in M\_H Use may be approved as Specific Use Permit in I-I

Under Operation Requirements: Since the majority of these rentals will be in residential areas discussion centered around the need for Operators to ensure that "renters" clearly understand the noise and parking requirements.

And last, ensure that this amendment meets all legal requirements.

No action taken. Staff will make suggested changes and return to P&Z with final draft.

9. Public Hearing to take appropriate action on an amendment to the Comprehensive Zoning Ordinance, specifically amending Article I, Section 7 "Special Definitions Noted and Related to Use Regulations" and amending Article II, Section 1 "Use of Land and Buildings to include event center and/or banquet hall. Open 7:55. No speakers. Closed 7:55.

10. Discussion and take appropriate action on an amendment to the Comprehensive Zoning Ordinance, specifically amending Article I, Section 7 "Special Definitions Noted and Related to Use Regulations" and amending Article II, Section 1 "Use of Land and Buildings to include event center and/or banquet hall.

Staff presented suggestions for definition, zoning and schedule of uses and requested input.

Definition: BANQUET/EVENT CENTER: A building and/or property which is rented, leased or otherwise made available to any person for group for a private event function, whether or not a fee is charged, not including places of worship or public buildings, with the purpose of hosting gatherings where food, beverages, music or dancing may be offered for purposes such as life cycle events (i.e., birthdays, anniversaries, weddings, reunions, etc.); corporate or professional functions (i.e., seminars, meetings, lectures retreats, etc.); other special events including charitable events, fundraisers and art shows. Commission had no changes or suggestions.

Schedule of Uses: Staff suggested use may only be approved as a "Specific Use Permit" in Zones C-G, C-H, I-I and P-D. Commission agreed that these zones would be the least disruptive to residential zones.

And Commission agreed that existing event centers would be considered existing non-conforming. Motion to approve Comprehensive Zoning Ordinance amendment and forward to City Council as presented by staff by Priscilla Garrett, 2<sup>nd</sup> by Eric Cherry. Motion passed.

11. Public Hearing to take appropriate action on an amendment to the Comprehensive Zoning Ordinance, specifically amending Article IV, Section 9 "Business/Residential Transition Areas" and amending Article II, Section 1 "Use of Land and Buildings" to establish criteria allowing a Specific Use Permit to be transferrable to another property owner.

Open 8:37 No speakers. Closed 8:37.

12. Discussion and take appropriate action on an amendment to the Comprehensive Zoning Ordinance, specifically amending Article IV, Section 9 "Business/Residential Transition Areas" and amending Article II, Section 1 "Use of Land and Buildings" to establish criteria allowing a Specific Use Permit to be transferrable to another property owner.

Existing ordinance states that the Specific Use Permit related to this applies only to the property owner and is not transferrable with the property when sold. City council

recommended that P&Z consider an amendment that would allow the Specific Use Permit be transferrable by City Council as long as the use does not change.

Commission agreed that the process should change and had no problem with the approval through City Council by deleting the Public Hearing process and P&Z recommendation. But commission stressed that it could only be allowed if the use of the property remained the same.

One other item in the current ordinance needs to be replaced. The ordinance now refers to the "Design Review Board" which does not exist anymore and was replaced with the Planning and Zoning Commission.


Motion to amend to the Comprehensive Zoning Ordinance, specifically Article IV, Section 9 "Business/Residential Transition Areas" and Article II, Section 1 "Use of Land and Buildings" to establish criteria allowing a Specific Use Permit to be transferrable to another property owner with the stipulation that the used of the property remains the same. And the replacement of "Design Review Board" with "Planning and Zoning Commission" by Eric Cherry, 2<sup>nd</sup> by Kyle McVay. Motion Passed.

13. Discussion to amend the Comprehensive Zoning Ordinance to establish criteria for height restrictions for the Commercial East and Commercial West zones.

General discussion highlighted the need to preserve the historic site lines observable from Hwy 90 when entering Castroville from the West. The view of the valley, the town and especially the church steeples on the north side and the cemeteries and Cross Hill on the south side is very rare in the state. As to the East side, because of the airport, FAA will control height criteria restrictions/standards. But, we might need to address height in the Central Historic District to preserve the ambiance of our existing small, historic structures.

14. Meeting adjourned at 9:05.

  
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Review and Approved,  
Jim Welch, Chairman

  
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Priscilla Garrett  
Secretary