

MINUTES  
Thursday, June 8, 2017 Special Meeting  
Planning and Zoning Commission  
City of Lago Vista

Vice-Chair Jim Moss called the meeting to order at 7:11 P.M. in the Council Chambers, City Hall, 5803 Thunderbird St., Lago Vista, Texas. Members present were Jim Moss, Vice-Chair; Gary Zaleski, Tom Monahan, Richard Brown, Paul Smith, and Andy White. Chair Tara Griffin and Commission Liaison Mark Tippetts were absent. City Attorney Barbara Boulware-Wells, Development Services Director David Harrell and Administrative Assistant Alice Drake were also present.

**PUBLIC HEARING**

The Public Hearing opened at 7:14 P.M.

1. **17-1061-PDD-MOD** – Recommendation of an Ordinance to the City Council for modification to Ordinance 06-06-15-01 in order to allow owners to lease their condo units on a short term basis (short term rental) – less than 30 days (located at 3404 American Dr.).

**A. Staff Presentation**

David Harrell gave his staff presentation regarding short term rentals.

Tom Monahan stated that according to Section 4, Paragraph A (PDD requirements), the Ordinance refers to R-4 uses (Table B, Permitted Uses). The table lists short term occupancy as an R-4 use and it states that no permit is required.

Barbara Boulware-Wells replied that they are bringing in the language for clarity since it's a PDD.

Tom replied that according to the wording of the current Ordinance, there is not a compliance issue.

David stated that the zoning Ordinance does not reflect a PDD having R-4 uses, so it is not allowed. He stated that this was his interpretation of the Ordinance.

Tom clarified that the Ordinance (Section 4, PDD Requirements, Paragraph A) does not explicitly prohibit short term occupancy as a use within a PDD because it states that use requirements are applicable to the R-4 Multi-Family Residential District. He stated that according to the Table B in Section 23, a permit is needed for Zone R-1, but that a permit is not needed for Zone R-4.

David Harrell asked for a recess to have a consultation with Barbara Boulware-Wells.

Jim Moss called a recess at 7:28 P.M.

The public hearing reconvened at 7:42 P.M.

David stated that after consultation with the City Attorney and looking at both the City Code and State Law requirements, short term rental uses would be allowed based on what they found. He stated the use would be allowed but that a short term occupancy permit would be required.

Barbara stated that the use is allowed by right since Zone R-4 allows the use according to the Code. She stated that the review of the short term rentals within the City revealed that it

wasn't called out in the PDD. She reported that this was an attempt to clarify this instead of going back to R-4 and noting that it was allowed.

Jim Moss asked if they should go ahead and proceed with the recommendation.

Barbara stated that no action is needed. She reported that the use is allowed and that it wasn't initially called out in the PDD. She said that this is because they didn't initially look at the R-4 section directly, which allows the use of short term rentals. She stated that since R-4 references the use, no action will need to be taken.


Jim Moss asked David Harrell to clarify the outcome of the discussion for the public present.

David Harrell stated that no action would be taken now and short term rentals are allowed by right but that a short term occupancy permit would still be required for the use.

#### ADJOURNMENT

On a motion by Paul Smith, seconded by Gary Zaleski, the Commission voted unanimously to adjourn at 7:54 P.M.

  
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Jim Moss, Vice-Chair

  
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Alice Drake, Administrative Assistant

On a motion by Paul Smith, seconded by Andy White, the foregoing instrument was passed and approved this 24<sup>th</sup> Day of August, 2017.