



**CITY OF PORT ARANSAS, TEXAS**

**MINUTES  
PLANNING AND ZONING COMMISSION &  
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE  
PUBLIC HEARING/REGULAR MEETING  
Tuesday, May 31<sup>st</sup>, 2016 @ 3:00pm  
Port Aransas City Hall, 710 W. Avenue A  
Port Aransas, Texas 78373**

Notice is hereby given that the Port Aransas Planning and Zoning Commission and the Port Aransas Capital Improvements Advisory Committee will conduct a meeting on Tuesday, May 31<sup>st</sup>, 2016 beginning at 3:00 pm at the regular meeting place in City Hall – Council Chamber, 710 W. Avenue A, Port Aransas, Texas, for the purpose of considering the following agenda items:

1. **CALL TO ORDER:** With a quorum of the members present, the Regular Meeting of the Port Aransas Capital Improvements Advisory Committee was called to order by Chair Becky Corder at 3:01 pm on Monday, May 31<sup>st</sup>, 2016 in the Council Chambers of the Port Aransas City Hall, 710 W Avenue A, Port Aransas, Texas.

**PLANNING & ZONING MEMBERS PRESENT**

P&Z Chairman Becky Corder  
P&Z Co-Chairman Chuck Crawford  
P&Z Commissioner Nick Lorette  
P&Z Commissioner Randy D’Herde  
P&Z Commissioner Craig Scott

**PLANNING & ZONING MEMBERS ABSENT**

P&Z Commissioner Mike Garlough  
P&Z Commissioner Bruce Clark (position vacated due to being elected to City Council)

**STAFF MEMBERS PRESENT**

Development Services Director Rick Adams  
Planning Assistant Nicole Boyer  
City Manager David Parsons (4:00pm)

**COUNCIL MEMBERS PRESENT**

Council Member Beverly Bolner  
Council Member Bruce Clark  
Mayor Charles Bujan

2. **CITIZEN COMMENTS AND REPORTS:** *In accordance with the Open Meeting Act, Capital Improvements Advisory Committee is prohibited from acting or discussing (other than factual responses to specific questions) any items brought before them at this time. Comments will be limited to three (3) minutes or less.*

**No citizens signed up to speak.**

3. **ITEMS FOR CONSIDERATION:**

- a. Discuss and take action to receive and review the Capital Improvements Advisory Committee's IFCIP Costing and Cost Per Service Unit Calculations Report.

**Eddie Haas, representing Freese and Nichols, presented the final report regarding the impact fee update and discussed with the Commission the policy recommendations needed before the presentation to council. Those recommendations will be finalized at the June meeting and need to be sent to Council before the 13<sup>th</sup> of July.**

**4. CAPITAL IMPROVEMENTS ADVISORY COMMITTEE COMMENTS AND ITEMS FOR FUTURE CONSIDERATION:**

5. **ADJOURN:** Port Aransas Capital Improvements Advisory Committee

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6. **CALL TO ORDER:** Planning and Zoning Commission: With a quorum of the members present, the Regular Meeting of the Port Aransas Planning and Zoning Commission was called to order by Chair Becky Corder at 3:01 pm on Monday, May 31<sup>st</sup>, 2016 in the Council Chambers of the Port Aransas City Hall, 710 W Avenue A, Port Aransas, Texas.
7. **CITIZEN COMMENTS AND REPORTS:** *In accordance with the Open Meeting Act, Capital Improvements Advisory Committee is prohibited from acting or discussing (other than factual responses to specific questions) any items brought before them at this time. Comments will be limited to three (3) minutes or less.*

**No citizens signed up to speak.**

8. **PUBLIC HEARINGS:** In accordance with the Open Meetings Act, Planning and Zoning Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items brought before them at this time. Comments will be limited to three (3) minutes or less.
  - A. Creation of a **Coastal Protection Overlay Zone (CPOZ)** through a **Zoning Change request #ZCR-16-0647**. The area described by the CPOZ encompasses all real property located in the area bound by the 1000' Dune Protection Line to the West, Mean High Tide Line to the East, Access road 1A to the South and Avenue G to the North and proposes certain use restrictions for properties whose sole access is derived from the gulf beach road. **Applicant:** City of Port Aransas.

**Director of Development Rick Adams presented the Coastal Protection Overlay Zone. He explained that the boundaries of the Zone were the 1000' Dune Protection Line to the West, Mean High Tide Line to the East, Access Road 1A to the South and Avenue G to the North and stated that the CPOZ ordinance proposes certain use restrictions for properties whose sole access is derived from the gulf beach road. He further explained that most of the items in the proposed ordinance appear elsewhere, but the idea was to bring them all together in one section.**

**Jeff Watson, 2104 On the Beach, said he wanted to listen to other's comments and reserve his comments for later.**

**Keith Zars, 1820 On the Beach, appreciates the City's regards for safety but does not believe that changing the zoning will make anything safer.**

**Barbara Zars, 1820 On the Beach, does not want to rent out her property at the current time but wants to maintain that right when they pass on the property to her children. She asked for a clarification on the 20% opposition needed for a super majority and what date it was going to go to council.**

**Judy Smith, 3302 On the Beach, does not want to rent her house, but wants to maintain that right for herself and for potential buyers if she decides to sell it.**

**JW Judson, Lot 5, Block 6, (Pole 3), believes that the Coastal Management Plan is sufficient to regulate the zone area.**

**John Hooten, 2120 On the Beach, bought property on the beach for the potential income from short-term rental and believes that taking away that ability decreases the value of his property by about half. He believes this rezoning is a reverse condemnation. He believes that the overlay zone is too large and should only be 300'. He suggests P&Z should reject this proposal.**

**Nathan Clark, 1804 On the Beach, spoke for himself and another property owner who also wants to maintain the right to short-term rent and wants whoever he purchases it from him in the future to be able to rent as well.**

**Joseph Cabela, Lot D, G, H Seahawk Addition, bought three properties in order to participate in short-term rentals. He believes that this will diminish the value of his lot. He believes this is a unconstitutional takings. He believes a solution to the safety issue could be to offer additional clauses on short-term rental agreements.**

**Cathy Thomas, 2112 On the Beach, due to the high property tax, she wants to maintain the ability to short-term rent. She also wants to maintain the right to build what she wants on her land.**

**Patty Anderson, 2112 On the Beach, wanted more clarification on the 20% opposition needed for a super majority at Council. She believes that this is an illegal takings, as this will reduce her property value.**

**Don Gall, 1825 Palisades, agrees with the proposal but is worried about the wiggle room in the restrictions. He is also worried about all the dune cuts.**

**Tracy Meyers, Lot 1, Block 16, turned in and read oppositions from several property owners, who want to maintain the short-term rental ability.**

**Bubba Meyers, 3310 On the Beach, believes that this zoning change intrudes on their constitutional rights, devalues their property and hurts tourism. He would like to maintain their short-term rental ability. While building, he met the standards of the Coastal Management Plan, the Open Beaches Act, and the Dune Protection Act and felt like this was sufficient.**

**Michelle Arnold, 907 Access Rd 1A, spoke against the zoning change, but is not a property owner in the area.**

**Debra Allen, 1814 & 1908 On the Beach, believes that short-term rentals help the economy of Port Aransas and should be allowed to continue. She submitted a study on short-term rentals.**

**Steve Allen, 1814 & 1908 On the Beach and two vacant lots, opposes the zoning change and would like to maintain the ability to short-term rent.**

Dan Watson, 2104 On the Beach, has only begun short-term renting recently due to the high property taxes and would like to maintain that ability.

Rick Smith, 3302 On the Beach, asked to give his 3 minutes to Joe Cabela. Joe wanted clarification on the number of people that were notified of the zoning change. He also wanted to clarify about being permit-vested if he had a project in the process.

**9. ITEMS FOR CONSIDERATION:**

- A. Discussion and take appropriate action on the Monday, March 28th, 2016 and Monday, April 25<sup>th</sup>, 2016, Planning and Zoning Regular Meeting Minutes.

**MOTION: Commissioner Nick Lorette made the motion to approve the minutes as presented. Seconded by Commissioner Chuck Crawford and carried with the following vote:**

Name	Yes	No	Abstain	Absent
Chairman Corder	x			
Co-Chairman Crawford	x			
Commissioner Scott	x			
Commissioner D’Herde	x			
Commissioner Clark				x
Commissioner Lorette	x			
Commissioner Garlough				x

- B. Discuss and take action on Creation of a **Coastal Protection Overlay Zone (CPOZ)** through a **Zoning Change Request #ZCR-16-0647**. The area described by the CPOZ encompasses all real property located in the area bound by the 1000’ Dune Protection Line to the West, Mean High Tide Line to the East, Access road 1A to the South and Avenue G to the North and proposes certain use restrictions for properties whose sole access is derived from the gulf beach road. **Applicant:** City of Port Aransas.

Chair Becky Corder explained that the City presented this from a health and safety approach. There has only been one documented time that EMS couldn’t get to a property in that area. There is an obvious opposition to the short-term rental piece in it. Director of Development Rick Adams explained the CPOZ ordinance and all of its proposals. He also explained that many of the restrictions were in other places in both the Coastal Management Plan and City Ordinances, but staff wanted to bring it all together to have in one section. Commissioner Nick Lorette asked if City Attorney Mike Morris had looked at the proposal. Rick Adams assured him that Mike had and said that the proposals would not constitute a takings. Commissioner Nick Lorette stated that he did not feel this needed to be done in an overlay zone and did not support this proposal. Commissioner Randy D’Herde said that there are portions of the proposal that he likes and thinks the intent was good. He stated that he is a property rights advocate but is also worried about the density that could be allowed with the underlying zoning. He is in favor of keeping the density requirement. Commissioner Craig Scott stated that he did not agree with removing the ability for a property owner to conduct short-term rentals but agreed with leaving the density portion. There was a discussion about the Woodfin precedent and how the number was set to three.

City Engineer Jim Urban spoke about the history of the area. Those areas have been historically allowed to plat even though they do not front on a paved road. He explained that it could be possible to subdivide and still front on the beach to allow for a higher density and more dune cuts. He stated that there are many subdivisions that are 4 and 5 units to an acre and some that go up to 6 or 8, so 3 is not too strict. Rick Adams stated though he was still concerned about safety, he believes staff can possibly address that issue through additional requirements on rental agreements. He suggested removing the section regarding transient rentals portion.

**MOTION: Commissioner Nick Lorette made the motion to approve Zoning Change Request ZCR 16-0647 subject to removing Section B, subsection d (the section regarding transient rentals). Seconded by Commissioner Craig Scott and carried with the following vote:**

Name	Yes	No	Abstain	Absent
Chairman Corder	x			
Co-Chairman Crawford	x			
Commissioner Scott	x			
Commissioner D’Herde	x			
Commissioner Clark				x
Commissioner Lorette	x			
Commissioner Garlough				x

- C. Discuss and take action to confirm that “No” Dune Permit application BFDP 16-0662 is consistent with the City’s Coastal Management Plan. The dune permit applicant proposes to construct residences and typical residential improvements (i.e. decks, driveways, utilities, fence, irrigation lines, associated landscaping, etc.) Construction shall not adversely affect any critical dunes. Property Location: 5009 Hwy 361. Applicant: Cinnamon Shore LLC.

**Jim Urban presented this dune permit application as a “clean-up” permit that puts a No Dune Permit in place where the original Dune Permit had expired. Instead of getting 34 individual permits, the developer decided to do it altogether. The new software system can be credited with catching dune permits that might have otherwise been missed.**

**MOTION: Commissioner Nick Lorette made the motion to approve No Dune Permit application BFDP 16-0662. Seconded by Commissioner Randy D’Herde and carried with the following vote:**

Name	Yes	No	Abstain	Absent
Chairman Corder	x			
Co-Chairman Crawford	x			
Commissioner Scott	x			
Commissioner D’Herde	x			
Commissioner Clark				x
Commissioner Lorette	x			
Commissioner Garlough				x

D. Discuss and take action to confirm that “No” Dune Permit application BFDP 16-0593 is consistent with the City’s Coastal Management Plan. The dune permit applicant proposes to relocate existing overhead power lines to underground lines along the existing alignment and remove existing power poles. Construction shall not adversely affect any critical dunes. Applicant: Charles Campbell. Property Location: 825 Sea Breeze Ln.

**Director of Development Rick Adams presented this dune permit. The applicant is doing a line relocate and is not impacting any critical dunes.**

**MOTION: Commissioner Chuck Crawford made the motion to approve No Dune Permit application BFDP 16-0593. Seconded by Commissioner Craig Scott and carried with the following vote:**

Name	Yes	No	Abstain	Absent
Chairman Corder	x			
Co-Chairman Crawford	x			
Commissioner Scott	x			
Commissioner D’Herde	x			
Commissioner Clark				x
Commissioner Lorette	x			
Commissioner Garlough				x

**PLANNING AND ZONING COMMENTS AND ITEMS FOR FUTURE CONSIDERATION:**

**10. ADJOURNMENT OF REGULAR MEETING:** Upon completion of the posted agenda, Chair Becky Corder adjourned the meeting at 6:00pm.

**CITY OF PORT ARANSAS, TEXAS**

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Becky Corder, Chair

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Planning and Zoning Secretary