



PLANNING & ZONING COMMISSION

Tuesday, March 2, 2021, 6:00 PM

AGENDA

Location : Event Center 60 Morgan's Point Boulevard

Call to Order: Chairman Hobbs called the meeting to order at 6:00 PM.

Members present: Chairman Ken Hobbs, Nathan Kreutter, Becky Cooley, and Andrea Hankins

City Staff: City Manager Dalton Rice, City Secretary Ophelia Rodriguez, Code Enforcement Officer Jay Montgomery

PUBLIC HEARING #1- Chairman Hobbs called the Public Hearing “Open” at 6:01PM

Chairman Hobbs called and opened the floor for anyone wanting to address the topic Regarding Specific Use Permit for a short-term rental located at 38 Beachcomber, Morgan's Point Resort, Texas.

Henry Robinson 23 Triton- spoke in opposition, constant noise every weekend, suggested fines be issued.

Gary Brunner 11 Aquatic -lives directly across 38 Beachcomber- spoke in opposition -Mr. Brunner stated he spoke with owner of 38 Beachcomber regarding his concerns, and added he has no problem with the owner being a neighbor but does not agree with the property being allowed as a short-term rental.

Kurt Ziebis 21 Triton – spoke in opposition, because, profanity, loud music was his concern and afraid that it could have a negative effect on property value.

John Mosley 12 Aquatic – has also been subject to the loud music, and asked if there was a code restriction, if not this would allow others to follow suit.

Mike Bell 34 Beachcomber – has heard loud music, and loud voices, but has heard the same from other neighbors. Should it get out of hand, Police Department can handle this type of situation. Has lived in this section since 2005 has enjoyed his area and has no issue with the situation.

Wes Phillips 1 Bosun – has concerns with the loud music, and different people renting each time.

Zach Nieland, owner of 38 Beachcomber – the rental venture was to have a family friendly place to come experience on vacation. There was no intention to turn into a “party place”. The property is well maintained. He said he had met with some neighbors. Mr. Nieland advised he has taken steps to remedy the issues, removed the fire pit, disabled the backyard sound system, installed a “noise aware” device that immediately sends alerts (him) should noise go over a certain pitch, added an additional ring camera in the parking area where only 4 vehicles are allowed, added to rental agreement more detailed expectations of noise, etc...He expressed that he hopes he has addressed the issues and will continue to contribute to its growth, and sustain this great community.

With no other comments from the floor Chairman Hobbs called the hearing “Closed” at 6:25 PM.

PUBLIC HEARING #2 Chairman Hobbs called the Public Hearing “Open” at 6:26 PM.

Chairman Hobbs called and opened the floor for anyone wanting to address the topic regarding Specific Use Permit for operating a rental business to be located at 3 FM 2483, Morgan’s Point Resort, Texas

There were no comments from anyone on the floor. Owner Mr. Teegarden was present for any questions.

With no other comments from the floor Chairman Hobbs called the hearing “Closed” at 6:27PM.

Chairman Hobbs asked City Manager Rice and Mayor Pro-tem Hartman for any comments. Mrs. Hartman stated, with regards to 38 Beachcomber, Citizen and Mayor Pro-tem Donna Hartman, thanked Mr. Nieland for the actions he has taken after hearing the concerns. She advised, regarding the comments, if there was a precedent. She said yes, there were 3 BNBs approved in the area. As part of the Zoning, the City has regulations in place, on limited number of people that can stay on property, and limited vehicles parked.

REGULAR SESSION

Call to Order Chairman Hobbs called the meeting of regular session to order at 6:29PM.

*Members present: Chairman Ken Hobbs, Members Nathan Kreutter, Becky Cooley, Andrea Hankins
City Staff: City Manager Dalton Rice, City Secretary Ophelia, Code Enforcement Jay Montgomery*

Announcements and Citizen Comments There were none.

Item 1 Approval of Minutes- February 2, 2021 Minutes Regular Session

Chairman Hobbs noted a correction and asked members for any other corrections, or deletions. Andrea Hankins made the motion, with correction noted to accept minutes. Nathan Kreutter made the second motion. All present voted “Aye”. Motion carried.

Item 2 New Business:

- Discuss and take appropriate action – Specific Use Permit- Short-term rental property at 38 Beachcomber.

Chairman Hobbs asked for any comments from members. Andrea Hankins recommended that restrictions should be the same as required by prior approval of the last short-term rentals, that include the reporting noise or any disturbances to Police Department. She commented that City should consider limiting the number of short-term rentals.

City Manager Rice thanked everyone that commented. He expressed, that he, Code Enforcement Officer, and staff, will continue to address issues by reviewing Ordinances based on input from Citizens, and will continue to bring ordinances to upgrade, modify, to make sure what Morgan's Point Resort wants to be and can be.

City Manager Rice advised that the City has a noise ordinance in Article 8.3 which states from 11PM to 7AM, and if changes need to be done, this can be addressed later. Regarding 38 Beachcomber, he advised that he had reached out to the Police Department, and discovered the only call made in the last six months since August of last year was an alarm call. There were no music, noise, or disturbance calls reported. Mr. Rice added his intention was to verify that the City's Police Department was doing their due diligence. Chairman Hobbs entertained a motion, that P&Z approve the recommendation, to move this forward to City Council with current ordinances, which are in place and used for the previous short-term rentals. Becky Cooley made the second motion. All present voted "Aye". Motion carried.

- Discuss and take appropriate action- Specific Use Permit- Operating a rental business to be located at 3 FM 2483.

Lengthy discussion regarding the position of the property, the concerns were with the traffic flow on the entrance and exiting, and the lighting of property. Mr. Teagreen (*leaser of the property*) acknowledged to adhere to the City's concerns. Chairman Hobbs made a motion to the recommendation to move forward to City Council, with stipulation of traffic flow and lighting that does not trespass in neighboring properties. Nathan Kruetter made the second motion. All present voted "Aye". Motion carried.

- Discuss and take appropriate action- Consider new member to P&Z Commission

Lengthy discussion amongst members with questions, one being that there could be a possible conflict of interest. Mr. Luftburrow was unable to attend due to prior commitment. Chairman Hobbs made a motion to recommend that Mr. Luftburrow, be included in the P&Z Commission with stipulation that City Council understand, that he is a real estate agent within the community. With no second. Motion died. Andrea Hankins asked to discuss a recommendation to P&Z members, to send to City Council, *not* recommend Mr. Luftburrow to serve on the P&Z Commission. After a brief discussion, Mrs. Hankins rescinded her motion. Becky Cooley made the motion to delay this item to next meeting, until Mr. Luftburrow can come and speak with the Commission to alleviate any concerns Commission may have. Nathan Kreutter made the second motion. All present voted "Aye". Motion carried.

Item 3 Old Business

- Discuss and take appropriate action- Preliminary Plat of Rancho Del Lago Phase IV
A0505B H KATTEN, 3.422 ACRES A0531BC GW LINDSEY, 94.934 ACRES

Chairman Hobbs commented that Commission had seen maps, drainage and additional items that were going to be included. Chairman Hobbs asked for comment from Mayor Pro-tem Donna Hartman. She stated, she and City Staff had also met with engineers for meetings and all is in complete order. She thanked BJ Little of Turley and Associates for their patience. Chairman Hobbs entertained a motion. Andrea Hankins made the motion to move to City Council with recommendation of approval. Nathan Kreutter made the second motion all present voted "Aye". Motion carried.

- Discuss and take appropriate action- Variance Request – 58 Buckskin Cover or Carport Cover over driveway - Mr. & Mrs. Miller

City Manager Rice advised that he and Code Enforcement Officer Jay Montgomery made visits with the Millers. A variance agreement of 20 feet was agreed upon and submit to P&Z. This was to provide a reasonable accommodation, for the electric wheelchair lift that is attached to back of vehicle, to *not* extend out from underneath the Carport. City Manager Rice added that the Millers have gone a step further by doing wood framing to the Carport to match the esthetics of the home. Chairman Hobbs entertained a motion. Nathan Kreutter made the motion to approve the variance. Becky Cooley made the second motion. All present voted “Aye”. Motion carried.

Item 4 MPR Master Plan Update: Still in the works

Item 5 Agenda Discussion: It was suggested, with research done by City Manager and staff, that in May or June meeting, topics of limiting of short-term rentals in the City be discussed, and lighting within the City.

Item 6 Adjournment: Chairman Hobbs entertained a motion. Andrea Hankins made the motion to adjourn meeting. Nathan Kreutter made the second motion. All present voted “Aye”. Motion carried. **Meeting adjourned at 7:47 PM.**



Ken Hobbs, Chairman
City of Morgan’s Point Resort, Texas

ATTEST.



Ophelia Rodriguez, City Secretary
City of Morgan’s Point Resort, Texas