

---

## MEETING NOTICE

*The Planning and Zoning Commission of the City of Woodcreek, Texas will conduct a Regular Meeting at Woodcreek City Hall, located at 41 Champions Circle, Woodcreek, TX. The meeting will be held on December 7 at 5:00 PM.*

*All attendees are encouraged to wear face coverings when a minimum of six-foot social distancing cannot be maintained.*

**Note: Smoking is not allowed anywhere on City Hall property.**

*The public may watch this meeting live at the following link: <https://meetings.ipvideotalk.com/178216400>. The public may listen to this meeting by dialing one of the following numbers: 1(617) 315-8088 or toll free at 1(866) 948-0772. When prompted enter Meeting ID:178216400.*

*Submit written comments by email to [woodcreek@woodcreektx.gov](mailto:woodcreek@woodcreektx.gov) by noon on the day prior to the meeting. Please include your full name, home or work address, and agenda item number. Written comments will be part of the official written record only. A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.*

*This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).*

---

## AGENDA

### CALL TO ORDER

### PLEDGES

### ROLL CALL

### PUBLIC COMMENTS

*Interested persons are required to sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak and whether they wish to speak on the item at the beginning of the meeting or during the meeting when the agenda item is being considered by the Commission. Speakers shall refrain from comments regarding the City's staff, elected officials, or council appointed committee membership which are prohibited by law. Delegations of more than five persons shall appoint one person to present their views before the Commission. The Commission may not discuss or comment about an item not included on the agenda, except that the Commission may (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose that the item be placed on a future agenda. Comments will be limited to three (3) minutes per speaker.*

### CONSENT AGENDA

- [1.](#) Approval of Regular Meeting Minutes from November 2, 2022.
- [2.](#) Approval of Special Meeting Minutes from November 15, 2022.

## REGULAR AGENDA

3. Report From the Ordinance Review Committee Council Liaison Regarding Recommendations For, or the Approval of, the Short-Term Rental Documents.
4. Report From the City Attorney Regarding Recommendations For, or the Approval of, the Short-Term Rental Documents.
5. Report From the City Planner Regarding Recommendations For, or the Approval of, the Short-Term Rental Documents.
6. Discuss and Take Action on Setting A Time For A Public Hearing for January 4, 2023 to Hear the Public's Comments on the Possible Addition of the Short-Term Rental Text into the City's Ordinances.
7. Discuss and Take Action on Setting A Time for A Public Hearing for January 4, 2023 to Hear the Public's Comments on the Possible Increase in Minimum Lot Sizes.

## ADJOURN

*The Planning and Zoning Commission may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.*

*This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.*

### **Attendance by Other Elected or Appointed Officials:**

*It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.*

*The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.*

*Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.*

I certify that the above notice was posted on the **3rd day of December, 2022 at 12:30PM**

By:   
**Suzanne J. MacKenzie, City Secretary**

**PLANNING AND ZONING COMMISSION MEETING (CYJ)**  
**November 02, 2022; 5:00 PM**  
**Woodcreek, Texas**

---

**MINUTES**

---

**CALL TO ORDER**

Chair Davenport called the meeting to order at 5:00PM.

**ROLL CALL**

PRESENT

Chairperson Andy Davenport  
Vice Chairperson Lydia Johns  
Commissioner Tomas Palm  
Commissioner Tamara Robertson  
Alt. Commissioner Carson Bledsoe  
Council Liaison, Joe Kotarba

ABSENT

Commissioner Chris Sonnier  
Alt. Commissioner Josh Erwin

STAFF PRESENT

Suzanne Mac Kenzie, City Secretary

**PUBLIC COMMENTS**

No Public Comments were offered.

**CONSENT AGENDA**

1. Approval of Planning and Zoning Commission Meeting Minutes from October 5, 2022  
A motion was made by Vice-Chair Johns to approve the minutes from October 5th. The motion was seconded by Commissioner Palm.  
A roll call vote was held.  
Voting Yea: Vice-Chair Johns, Commissioner Palm, Commissioner Robertson, Chair Davenport  
Motion Passed: 4-0-0.

## REGULAR AGENDA

2. **Discuss and Take Appropriate Action to Recommend to the City Council to Amend the Code of Ordinances 156.062 - CHART 1: RESIDENTIAL ZONING DISTRICTS to State a Disallowance of Short-Term Rentals ("Short Term Rentals are not allowed.") in All Districts Excepting SF-4, MF-1, and MF-2 Where They Shall be Allowed.**

A motion was made by Vice-Chair Johns to make the recommendation to City Council to amend the Code of Ordinances per the recommendation from the Planning and Zoning Commission. The motion was seconded by Commissioner Palm.

Discussion of the recommendation's history to present day. After the beginning documents are reviewed at this meeting, the next steps are to have it reviewed by Legal, by the Ordinance Review Committee to ensure they do not conflict with other Ordinances, then open the item up in a Public Hearing to hear from the citizens and revise as needed before sending it Council.

Alt. Commissioner Bledsoe arrived at 5:11PM.

Discussion was held about current short-term rental zoning ordinances, in addition to viewing the map locations of Zones SF-4, MF-1 and MF-2.

A roll call vote was held.

Voting Yea: Commissioner Palm, Commissioner Robertson, Commissioner Bledsoe, Chair Davenport, Vice-Chair Johns

Motion Passed: 5-0-0.

3. **Discuss and Take Appropriate Action on the: Draft STR Ordinance, Draft STR Map, Draft STR Frequently Asked Questions (FAQs), Draft STR Application, and Draft STR Inspection Checklist.**

A motion was made by Vice-Chair Johns to accept the draft documents and forward them to the Ordinance Review Committee, the City Attorney and get a timeline for a Planning and Zoning Public Hearing. The motion was seconded by Commissioner Palm.

Discussion was held about: collected sales tax used for tourism; not permitting day visitors; setting a maximum occupancy for overnight stays; and enforcement of the Ordinance.

A roll call vote was held.

Voting Yea: Commissioner Robertson, Commissioner Bledsoe, Chair Davenport, Vice-Chair Johns, Commissioner Palm

Motion Passed: 5-0-0.

## ADJOURN

Chair Davenport adjourned the meeting at 5:49PM.

---

Andy Davenport, Chairperson

---

Suzanne Mac Kenzie, City Secretary

**PLANNING AND ZONING COMMISSION**  
**November 15, 2022; 5:00 PM**  
**Woodcreek, Texas**

---

**MINUTES**

**CALL TO ORDER**

Chair Davenport called the meeting to order at 5:12PM.

**ROLL CALL AND ESTABLISH QUORUM**

**PRESENT**

Chairperson Andy Davenport  
Commissioner Chris Sonnier  
Commissioner Tamara Robertson  
Council Liaison, Joe Kotarba

**ABSENT**

Vice Chairperson Lydia Johns  
Commissioner Tomas Palm  
Alt. Commissioner Carson Bledsoe  
Alt. Commissioner Josh Erwin

**STAFF PRESENT**

Suzanne Mac Kenzie, City Secretary

**PUBLIC COMMENTS**

*No Public Comments were offered.*

**REGULAR AGENDA**

- 1. Presentation and Discussion from K Friese Representative, Brandon Melland, AICP on the Rules and Procedures of the Planning and Zoning Commission Pertaining to Subdivision Platting.**

Presentation by Brandon Melland from K.Friese: "P&Z 101, Part 7, Subdivision Platting", to cover rules and procedures of Planning and Zoning for the new Commission Members.

Presentation began at 5:14PM and ended at 6:15PM.

Question and Answer Session with Brandon

**2. Discuss and Take Appropriate Action on a Replat Request from Mr. Rick Town, for Woodcreek Section 6, Lot PT12 Brookmeadow Subdivision, Establishing The Oaks Single Family Subdivision, Generally Located on Brookmeadow Drive Approximately 700 Feet West of Ranch Road 12.**

Brandon presented a Staff Report to the Planning and Zoning Commission. He explained that the Plat Notes at the end of the report help define the City's Ordinances. He mentioned that the property is in a recharge zone so the City can require the property to abide by the 30% impervious cover. He also commented that the

In addition to the Plat Notes recommended by K.Friese, the following Plat Notes were discussed:

- a) Plat Notes specifying impervious cover per lot directly correlates to the prescribed drainage ordinances.
- b) The impervious cover for the entire 5.03 acres is limited to 30%.
- c) Any road built on the 5.03 acres shall count against the impervious cover.

Chair Davenport read an email from Vice-Chair Johns voicing concerns on the Plat.

During consideration and discussion, per the City Attorney, the voting options for the Commission are to: Approve; Approve with Conditions; or Deny.

The Commission went into Executive Session at 9:00PM.

The Commission came out of Executive Session at 9:25PM.

No action was taken in Executive Session.

Chair Davenport moved to make a motion to make the recommendation to City Council to approve the recommendation as set forth in the Planning and Zoning Commission Final Replat of the subdivision document provided by Brandon, from K.Friese, listing Plat Notes numbers 1-5, the additional three(3) Plat Notes and addressing the dually claimed ownership of the sliver of land referenced as "the Krueger property" as the claim affects the impervious cover of the property. Commissioner Robertson claimed the motion; Commissioner Sonnier seconded the motion.

Commissioner Sonnier amended the main motion to have the developer hire a city engineering firm to perform a traffic study or analysis that is directed by our city engineering firm and present the information to Council as Council considers this Plat.

A roll call vote was held on the amended motion.

Voting Yea: Commissioner Sonnier, Chair Davenport

Voting Nay: Commissioner Robertson

The motion passed: 2-1-0.

A roll call vote was held on the main motion.

Voting Yea: Commissioner Sonnier, Chair Davenport

Voting Nay: Commissioner Robertson

The motion passed: 2-1-0.

**ADJOURN**

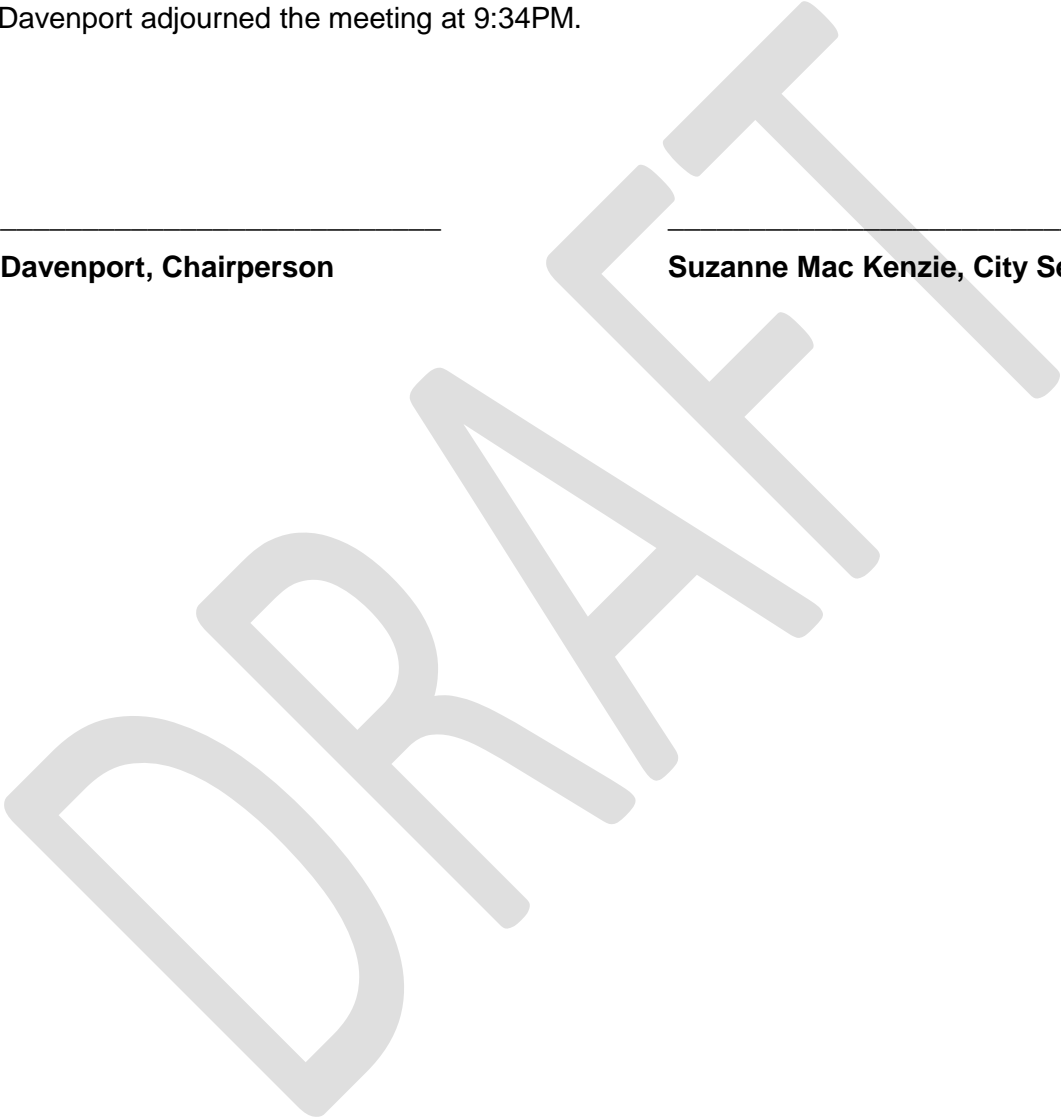
Chair Davenport adjourned the meeting at 9:34PM.

---

**Andy Davenport, Chairperson**

---


**Suzanne Mac Kenzie, City Secretary**





**City Secretary**

---

**From:**  kent@thewymorelawfirm.com  
**Sent:** Tuesday, November 29, 2022 2:26 PM  
**To:** 'Andy Davenport'  
**Cc:** City Secretary; Jeff Rasco; bmelland@kfriese.com; Manager  
**Subject:** RE: City of Woodcreek - Public Hearing - January 2, 2023 (P&Z Meeting)

Andy,

These look like they pretty well track the Arlington ordinance. This is a good starting point for discussion. I'll dig in more as we move forward.

Best!

Bud

**THE WYMORE LAW FIRM, PLLC**  
 1250 Capital of Texas Highway South  
 Building Three, Suite 400  
 Austin, Texas 78746  
 (512) 346-3600  
 Fax: (866) 211-4235  
[kent@thewymorelawfirm.com](mailto:kent@thewymorelawfirm.com)  
[www.thewymorelawfirm.com](http://www.thewymorelawfirm.com)

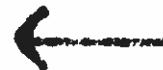
**CONFIDENTIALITY NOTICE:** Information contained in this e-mail is attorney-client privileged and confidential information intended for the use of the individual or entity named. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

**IRS CIRCULAR 230 NOTICE:** TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT ANY U.S. FEDERAL TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING PENALTIES UNDER THE INTERNAL REVENUE CODE OR PROMOTING, MARKETING, OR RECOMMENDING TO ANOTHER PARTY ANY TRANSACTION OR MATTER ADDRESSED HEREIN

**From:** Andy Davenport <ldavenpo@gmail.com>  
**Sent:** Tuesday, November 22, 2022 9:41 PM  
**To:** Kent E. Wymore IV <kent@thewymorelawfirm.com>  
**Cc:** City Secretary <city.secretary@woodcreektx.gov>; Jeff Rasco <jeff.rasco@woodcreektx.gov>; bmelland@kfriese.com; Brenton Lewis <manager@woodcreektx.gov>; Andy "Doc" Davenport <ldavenpo@gmail.com>  
**Subject:** Re: City of Woodcreek - Public Hearing - January 2, 2023 (P&Z Meeting)

Bud (et al),

I may be mistaken about the tasking (if so, I apologize for muddying the water!), but just to be clear: those documents you were sent are NOT current and are NOT being used by P&Z.



The current documents that P&Z is asking for legal consideration are here:

Planning and Zoning Commission  
Meeting (CYJ) 11/02/2022 05:00 PM |  
Woodcreek, TX  
meetings.municode.com



And specifically:

[Woodcreek Draft Ordinance Amendment 221013.pdf](#)

[Woodcreek Draft STR Ordinance 221013.pdf](#)

[Woodcreek Draft STR MAPS.pdf](#)

[Woodcreek Draft STR FAQs.pdf](#)

[Woodcreek Draft STR Application.pdf](#)

[Woodcreek Draft STR Inspection Checklist.pdf](#)

Thank you!  
Andy

--  
Louis Davenport, MD, MPH  
[ldavenpo@gmail.com](mailto:ldavenpo@gmail.com)  
(512) 757-6888

On Nov 22, 2022, at 8:09 PM, Kent E. Wymore IV <[kent@thewymorelawfirm.com](mailto:kent@thewymorelawfirm.com)> wrote:

Will get thoughts to you tomorrow.

Bud

Sent from my iPhone

On Nov 22, 2022, at 6:32 PM, City Secretary <[city.secretary@woodcreektx.gov](mailto:city.secretary@woodcreektx.gov)> wrote:


Good Evening Bud and Brandon –

(Brandon – I know you have communicated that you are traveling today)

But could each of you please provide an estimated time of completion for the review of these documents?

Thank you in advance.

**City Secretary**

**From:**  Brandon Melland <bmelland@kfriese.com>  
**Sent:** Thursday, December 1, 2022 5:01 PM  
**To:** Andy Davenport; Jeff Rasco  
**Cc:** kent@thewymorelawfirm.com; City Secretary; Selina Angel  
**Subject:** RE: City of Woodcreek - Public Hearing - January 2, 2023 (P&Z Meeting)

Afternoon All! Typically, I'd provide my feedback in the documents themselves through track changes – but from a policy standpoint – this process looks to be pretty far down the road. And policy advice is generally my role on things like this. So with that said, I think the best value I can offer the City on this, short of rewriting the whole thing 😊, is the general comments below.

**General Recommendations/Comments/Observations**

1. **As interpret the draft code, STR's will only be allowed in the MF-1 and SF-4 District. Based on the City's zoning map, there is only one MF-1 property in the City (an apartment complex) and 7 properties zoned SF-4.**
2. **From a safety standpoint, it seems counter intuitive in my opinion, to allow STR's in the MF-1 District. If additional traffic due to long or short term rentals is a concern within the community, I would recommend limiting additional transient traffic in multifamily areas (the most congested areas), not focusing it there.**
3. **Also, apartments are often the most challenging properties from a disturbance standpoint, similar to short-term rentals. I would recommend not clustering these two similar uses together.**
4. **Also, from an equity standpoint, the ordinance makes it clear that short term rentals are viewed as something that has the potential to erode the character of existing neighborhoods. An apartment complex may not be a neighborhood as we generally understand it, but it's still a place where families and children live – and typically those that are lower income. On the surface, I feel like the draft ordinance gives the appearance that the City is relegating an undesirable use to a lower income residential area.**
5. **Lastly regarding STR's in the MF-1 District, I feel confident saying that I don't think the owners of the apartment complex are going to allow their tenants to rent out their units for short term rentals. The building code may not allow it either. So it's possible that STR's being allowed in the MF-1 District is a moot point.**
6. **Regarding allowing STR's in the SF-4 District, I understand the logic, because they are next to the golf course; but has the City reached out to those property owners to make sure that they are each fine with this? If not, I would recommend checking with them before adopting the ordinance.**
7. **I don't see anywhere in the ordinance where a certificate of occupancy is required in order to operate a short-term rental. I would highly recommend you add that language. This provides the City the ability to ensure that the facility is safe for transient occupancy. Also, without a certificate of occupancy, an STR owner can never argue that they are grandfathered if the City ever changed the code to not allow them in the districts proposed.**
8. **The ordinance and application establishes a lot of administration for staff, considering how few properties there are only 8 properties that STR's would be allowed on.**
9. **Overall, my recommendation is to allow STR's based on lot size, not district type. In my opinion, the larger the lot size, the less impact an STR will have. Also, the larger the lot size(s), the less an area is a neighborhood**

and the more it becomes rural. My recommendation would be to allow them by right on lots that are  
acre or more. I think this addresses safety, disturbance, and neighborhood character.

Item 5.

I hope this helps and let me know if I can be of further assistance!



Respectfully,  
Brandon

Brandon Melland, AICP, CNU-A  
Senior Planner

P 210.491.2391 F 210.610.9923 C 210.385-9006  
40 NE Loop 410, Suite 545, San Antonio, TX 78216

AUSTIN | HOUSTON | ROUND ROCK | SAN ANTONIO



MORE



**From:** Andy Davenport <ldavenpo@gmail.com>  
**Sent:** Wednesday, November 30, 2022 7:52 AM  
**To:** Jeff Rasco <jeff.rasco@woodcreektx.gov>  
**Cc:** kent@thewymorelawfirm.com; City Secretary <city.secretary@woodcreektx.gov>; Brandon Melland <bmelland@kfriese.com>; Brenton Lewis <manager@woodcreektx.gov>  
**Subject:** Re: City of Woodcreek - Public Hearing - January 2, 2023 (P&Z Meeting)

I use Apple's Pages and Keynote to draft the originals, but I've gone back in and deleted the watermarks and headers before exporting to Word this time to make the text a bit easier to manage. Once we have the text we want, I'm happy to re-format back into a more aesthetic document.

The official retirement date is this Saturday - super excited!

Thanks!!  
Andy

Louis Davenport  
[ldavenpo@gmail.com](mailto:ldavenpo@gmail.com)

On Nov 30, 2022, at 7:35 AM, Jeff Rasco <[jeff.rasco@woodcreektx.gov](mailto:jeff.rasco@woodcreektx.gov)> wrote:

Bud, can you work with these files? Andy, just out of curiosity what is the software you used to create the doc? It didn't convert very cleanly to Word, but I think it's probably workable. When I view them, it's mostly the header graphic that gets in the way, but it might be fine for Bud.

Thank you, it's great work.

# AGENDA ITEM DETAIL FOR FUTURE PUBLIC HEARING ITEM:

## **STR Language Addition in City Ordinance**

1. Public Hearing on the Preliminary Report from the Planning and Zoning for the Proposed Addition of text “(d) Short Term Rentals are not allowed” under **§ 156.062 - CHART 1: RESIDENTIAL ZONING DISTRICTS (B) Districts (1) SF-1, Single-Family Residence, (2) SF-2, Single-Family Residence, (3) SF-3, Single-Family Residence, (5) SF-5, Single-Family Residence, (6) SF-6, Single-Family Residence, (7) TH/C Townhouse and Condominium Residence, (8) DU-1, Two-Family Duplex, (9) 4PLX, Four-Plex, and (14) RR, Rural Residence District; and the proposed addition of text “(e) Short Term Rentals are not allowed” under § 156.062 - CHART 1: RESIDENTIAL ZONING DISTRICTS (B) Districts (16) MH-1, Manufactured Housing Subdivision. Permissive text of “(3) Short Term Rentals allowed” shall be added under **156.064 – CHART 3: MULTI-FAMILY REQUIREMENTS, MF-1 AND M-2 ZONES (B) Permitted Uses.****
2. Discuss and Take Action on the Preliminary Report, Creating a Final Report from the Planning and Zoning Commission to the City Council, Making the Recommendation to Create and Adopt an Ordinance of the City of Woodcreek to Include the Addition of text “(d) Short Term Rentals are not allowed” under **§ 156.062 - CHART 1: RESIDENTIAL ZONING DISTRICTS (B) Districts (1) SF-1, Single-Family Residence, (2) SF-2, Single-Family Residence, (3) SF-3, Single-Family Residence, (5) SF-5, Single-Family Residence, (6) SF-6, Single-Family Residence, (7) TH/C Townhouse and Condominium Residence, (8) DU-1, Two-Family Duplex, (9) 4PLX, Four-Plex, and (14) RR, Rural Residence District; and to Include the Addition of text “(e) Short Term Rentals are not allowed” under **§ 156.062 - CHART 1: RESIDENTIAL ZONING DISTRICTS (B) Districts (16) MH-1, Manufactured Housing Subdivision; and to Include the Permissive Text of “(3) Short Term Rentals allowed” Under **156.064 – CHART 3: MULTI-FAMILY REQUIREMENTS, MF-1 AND M-2 ZONES (B) Permitted Uses; and Providing an Effective Date.******

# AGENDA ITEM DETAIL FOR FUTURE PUBLIC HEARING ITEM: **MINIMUM LOT SIZE INCREASE**

1. Public Hearing on the Preliminary Report from the Planning and Zoning Commission to Make the Recommendation to City Council to Increase Minimum Lot Size Requirements for All Zoning Districts listed in the City of Woodcreek Code of Ordinances to 14,520 s.f., which encompasses the minimum lot size of 12,000 s.f. for water and sewer connection; and will only apply to the undeveloped properties within the City of Woodcreek in excess of the aforementioned size and in the City of Woodcreek's Extra Territorial Jurisdiction.
2. Discuss and Take Action on the Preliminary Report, Creating a Final Report from the Planning and Zoning Commission to the City Council, Making the Recommendation to Create and Adopt an Ordinance of the City of Woodcreek to Increase Minimum Lot Size Requirements for All Zoning Districts listed within the City of Woodcreek to 14,520 s.f., in Accordance with Texas Local Government Code Chapters 211 and 212, which Encompasses the Minimum Lot Size of 12,000 s.f. for Water and Sewer Connection; and will only apply to the undeveloped properties within the City of Woodcreek in excess of the aforementioned size and in the City of Woodcreek's Extra Territorial Jurisdiction and Providing an Effective Date.