

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
March 24, 2011 at 6:30 p.m.

Meeting called to order by Chair Tracey Dean. Present were Commissioners Beth Mitchell, Jean Ross, Lila McCall, Steve Klepfer, David Glenn, and Rick Burleson.

Staff Present: City Administrator Don Ferguson and City Secretary Cara McPartland

**Citizen Communications:**

No citizen comments were heard.

**1. Consent Agenda**

Approval of minutes of the Regular Planning & Zoning Commission meeting on March 10, 2011.

Commissioner Ross moved to approve the minutes, as presented. Commissioner McCall seconded. Motion carried on a vote of 7-0.

**2. Discussion and Possible Action**

- A. Hold a public hearing and consider making a recommendation to City Council on Case ZA-11-001, an application to amend the Planned Unit Development (PUD) Agreement with a base zoning district of Participant Recreation – High Impact (PR-2), for property located at 14068 Ranch Road 12, Wimberley, Hays County, Texas to reflect a recent replat of the subject property. (*Wimberley Senior Citizens Activities Incorporated, Applicant*)

City Administrator Ferguson explained the need for a PUD amendment due to the recently approved subdivision of Lot 1 of the subject property into four (4) lots. He advised that there are no changes in use or development regulations, no comments have been received on the subject amendment, and recommended approval.

No public comments were heard.

Commissioner Ross moved to approve the item, as presented. Commissioner Glenn seconded. Motion carried on a vote of 7-0.

- B. Hold a public hearing and consider making a recommendation to City Council on Case ZA-11-002, an application to rezone 0.19 acres of land located at 109 Mill Race Lane in Wimberley, Hays County, Texas, from Commercial – Moderate

Impact (C-2) to Participant Recreation – Low Impact (PR-1). (*Bruce Billingsley/Elizabeth Dibrell, Applicant*)

City Administrator Ferguson explained that the applicant is proposing to subdivide a 1.92 acre tract into Lot 1 (0.19 acre tract) and Lot 2 (1.73 acre tract), which meets the criteria for administrative approval. He presented surrounding zoning/uses, notification area, and maps of the subject property. The subdivision will facilitate a planned land transaction to allow for the restoration of the historic *Zach House* on Lot 1, which will be open to the public for guided scheduled tours. He noted that access for the historic home will be gained via a designated pedestrian access easement, with vehicle parking available in the Wimberley Community parking lot. An emergency access easement will be dedicated in the proposed subdivision to provide emergency vehicle access to the subject property off Mill Race Lane. He advised that no comments have been received about the proposed zoning change and recommended approval.

No public comments were heard.

Discussion established that primary traffic will not be on Mill Race Lane and that there is no minimum lot size requirement in the PR-1 zoning district. Clarification was provided on pedestrian access and current residential use of the subject property.

Commissioner Klepfer moved to approve the item, as presented. Commissioner McCall seconded. Motion carried on a vote of 7-0.

- C. Hold a public hearing and consider making a recommendation to City Council regarding an ordinance of the City of Wimberley, Texas, amending Chapter 155 (Zoning), Section 155.005 (Definitions) of the Code of Ordinances to amend the definition of "height"; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*City Administrator*)

City Administrator Ferguson read the following definition intended to improve understanding of how building height is to be measured, as recommended by the Commission at its March 10, 2011 meeting:

**"HEIGHT.** Of a structure, the vertical distance from any point on the established ground level under the structure to the highest attached component of the structure above that point. The established ground level shall be the lower of the natural grade prior to disturbance of the site, or the newly established grade after construction."

He proposed including a graphic depiction, along with the proposed definition.

No public comments were heard.

Discussion addressed wording differences between the current and proposed definitions and favored inclusion of a graphic depiction.

Commissioner Glenn moved to approve the item, as presented, with the inclusion of a graphic depiction. Commissioner McCall seconded. Motion carried on a vote of 7-0.

- D. Hold a public hearing and consider making a recommendation to City Council regarding an ordinance of the City of Wimberley, Texas, amending Chapter 155 (Zoning), Section 155.106 (Non-Conforming Uses and Structures) of the Code of Ordinances to add administrative provisions regarding non-conforming uses and structures; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*City Administrator*)

City Administrator Ferguson explained the proposed addition of a subsection to detail what evidence may be presented to the City to help staff determine the pre-existing, non-conforming (grandfathered) status of a land use and to provide a process for a land owner to appeal such staff determination of a grandfathered status to the City's Board of Adjustment. Based on discussion at the Commission's March 10, 2011 meeting, City Administrator Ferguson noted that "sworn affidavits" were added to the list of acceptable forms of evidence.

No public comments were heard.

Discussion addressed Commissioner Klepfer's concerns regarding the need to notify adjacent property owners when an administrative determination of grandfathered status is made for a land use that is not permitted in the subject property's zoning district. Various examples were provided to illustrate points of discussion related to notification of neighbors and appeals.

Commissioner Klepfer moved to approve the item, as presented. Commissioner McCall seconded. Motion carried on a vote of 5-2. Commissioners Ross and Mitchell voted against.

- E. Hold a public hearing and consider making a recommendation to City Council regarding an ordinance of the City of Wimberley, Texas, amending Chapter 155 (Zoning), Section 155.092 (Protected Water Overlay District; PW) of the Code of Ordinances to allow for the upgrade or replacement of existing non-conforming commercial septic systems; and require the submission and approval of a site development permit prior to construction or development on property within the PW Overlay District; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*City Administrator*)

City Administrator Ferguson explained the needed modification relating to erosion control consistent with provisions of the recently approved Water Quality Protection Ordinance, which would allow pre-existing, non-conforming commercial septic systems

within the PW Overlay District to be upgraded or replaced, in order to resolve health and safety issues.

No public comments were heard.

Discussion established that connection to a public wastewater system would be required for commercial and residential septic systems, should such a system become available in the future.

Commissioner Ross moved to approve the item, as presented. Commissioner Klepfer seconded. Motion carried on a vote of 7-0.

### 3. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson reminded Commission members to forward any comments regarding the scope of the proposed downtown master plan.

In response to an inquiry by M.F. Johnson, City Administrator Ferguson clarified that only emergency access to the *Zach House* is allowed from Mill Race Lane.

Hearing no further announcements or future agenda items, Commissioner Klepfer moved to adjourn. Commissioner Ross seconded. Motion carried on a vote of 7-0.

**Adjourn at 7:15 p.m.**

Recorded by:



Cara McPartland

**These minutes approved the 28th of April, 2011.**

**APPROVED:**



**Steve Klepfer, Acting Chair**

