

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
January 27, 2011 at 6:30 p.m.

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

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 January 13, 2011.

Acting Chair Klepfer pulled the minutes and requested an amendment to language relating to the opening/closing of the public hearing for Agenda Item 2B.

Commissioner Glenn moved to approve the minutes, as amended. Commissioner McCall seconded. Motion carried on a vote of 6-0.

**2. Public Hearing and Possible Action**

- A. Hold a public hearing and consider making a recommendation to City Council on Case #ZA-10-006, an application to rezone 3.295 acres of land located at 13301 Ranch Road 12 in Wimberley, Hays County, Texas, from Single - Family Residential 2 (R-2) to Wimberley Planned Development District (WPDD) with a base zoning district of Commercial – Low Impact (C-1). (*Sibyl Burrows, Applicant; this item was continued from the January 13, 2011 Planning & Zoning Commission meeting*)

Referencing Agenda Items 2A and 2B, City Administrator Ferguson reported that both of these WPDD applications have been withdrawn by their respective applicants. He recommended expeditious development of an area master plan to address concerns about the impact of proposed and future development in the downtown area, with engagement of property owners, as well as the entire community. He stated that a proposal for master plan development will be presented to the Commission at its next meeting and provided details on the process and timeframe.

Discussion among City Administrator Ferguson, Acting Chair Klepfer, and the Commission addressed the "twenty percent rule" pursuant to Texas Local Government Code §211.006. This rule governs adoption of zoning regulations, including public notice/hearing requirements, opposition to zoning actions, specific language relevant to calculating the amount of opposition, and number of Council votes needed to overrule a Planning and Zoning Commission recommendation. Discussion also addressed the proposed master plan area and the need for development of a water quality protection ordinance.

Commissioner McCall moved to accept the withdrawal of Case #ZA-10-006. Commissioner Mitchell seconded. Motion carried on a vote of 6-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-10-007, an application to rezone 34.11 acres of land located at 13401 Ranch Road 12 in Wimberley, Hays County, Texas, from Residential Acreage (RA), Rural Residential 1 (R-1), Single Family Residential 2 (R-2) and Single Family Residential 3 (R-3), to Wimberley Planned Development District (WPDD) with a base zoning district of Residential Acreage (RA). (*City of Wimberley & Natalie Meeks for Rio Bonito, Applicants*)

Commissioner Glenn moved to accept the withdrawal of Case #ZA-10-007. Commissioner Burleson seconded. Motion carried on a vote of 6-0.

### **3. Discussion and Action**

- A. Discuss and consider action regarding the development of a water quality protection ordinance. (*City Administrator*)

City Administrator Ferguson advised that he has received input from each Commission member and that modifications are being incorporated into the proposed ordinance accordingly. He recommended scheduling a workshop to discuss this item before the Commission's next regular meeting on February 10, 2011. Discussion agreed to hold a special Planning and Zoning workshop meeting on Tuesday, February 8, 2011 at 5:00 p.m. No vote was taken.

- B. Discuss and consider possible action regarding the procedure to be used to present future Planning and Zoning Commission recommendations to the Wimberley City Council. (*City Administrator*)

Discussion addressed:

- Need for a clearly defined procedure for presentation of recommendations to Council by designated Commission member(s)
- Communications among board/commission members and Council generally, including the issue of elected/appointed officials speaking as private citizens
- Issues with quorum/Open Meeting Act requirements

- Importance of presenting the Commission's majority *and* minority view to Council
- Procedures used in the past to address potential quorum issues

Acting Chair Klepfer suggested the following motion language: "The procedure for presenting cases to the City Council from the Planning and Zoning Commission shall rest upon the chairman; and in the chairman's absence, the vice-chairman; and in the vice-chairman's absence, the parliamentarian; and, in the absence of all of the above, the member appointed by the chairman."

Commissioner McCall moved to approve Acting Chair Klepfer's previously suggested motion language.

City Administrator Ferguson asked that Commissioner McCall add language to her motion stating that the Commission's representative shall include both the majority and minority opinions in his/her presentation to Council. Commissioner McCall agreed to include the requested addition in the motion, as stated by City Administrator Ferguson. Commissioner Glenn seconded the motion, including the addition. Motion carried on a vote of 6-0.

#### **4. Staff and Commission Reports**

- Announcements
- Future Agenda Items

There was brief discussion of possible naming of the water quality protection ordinance (upon adoption) and the area subject to the proposed master plan for the downtown area.

Commissioner Mitchell felt that it was inappropriate for opponent(s) of tonight's withdrawn zoning cases to use a child's letter and drawings to voice opposition. She favored working together as a commission over what she felt was unnecessary dissention, arrogance, and abuse of power.

Hearing no further announcements or future agenda items, Commissioner Glenn moved to adjourn. Commissioner McCall seconded. Motion carried on a vote of 6-0.

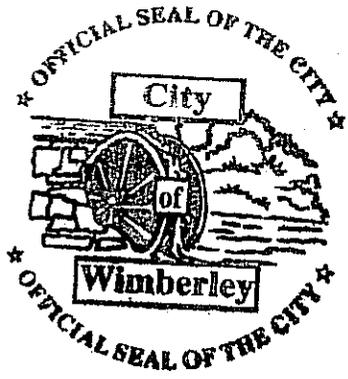
**Adjourn at 7:11 p.m.**

Recorded by:



Cara McPartland

**These minutes approved the 10th of February, 2011.**



**APPROVED:**

A handwritten signature in black ink, appearing to read "Tracey Dean", with a long horizontal flourish extending to the right.

**Tracey Dean, Chair**