

**City of Wimberley**  
City Hall, 12111 Ranch Road 12, Suite 114  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
April 8, 2010 at 6:30 p.m.

Meeting called to order by Acting Chair Jean Ross. Present were Commissioners Mike Jones, Lila McCall, Paul Xiques, David Glenn, and Phil Dane. Chairman Tracey Dean had an excused absence.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and City Planning Technician Sandy Irvin.

**Citizen Communications:**

No citizen comments were heard.

**1. Consent Agenda**

Approval of minutes of the regular Planning & Zoning Commission meeting on March 25, 2010.

Commissioner Glenn moved to approve the minutes as presented. Commissioner Dane seconded. Motion carried on a vote of 5-0. Acting Chair Ross abstained.

**2. Public Hearing and Possible Action**

Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-10-001, a request to change to zoning for a 5.04 acre tract of land located at 10330 Ranch Road 12, Wimberley, Hays County, Texas, from Residential Acreage (RA) to Scenic Corridor (SC).  
*(Michael Jones, Applicant)*

Commissioner Jones recused himself from the meeting at this time due to a conflict of interest.

City Planning Tech Irvin reported on the subject property's location, surrounding properties, current zoning/uses, public notification, and noted one (1) property owner's response, which inquired about the applicant's plans for the property. The applicant has not stated his planned use of the subject property, which is currently undeveloped. She closed with staff's recommendation for approval.

City Administrator Ferguson added that the Commission may consider buffering requirements, as with previous zoning cases involving commercial properties

abutting residential tracts. He provided information on communications with two (2) noticed property owners and prior zoning request(s) relating to the subject property.

Acting Chair Ross opened the public hearing.

Kevin Gunter (owner of Property #4 on Notification Map) expressed concerns about buffering his property from surrounding commercial activities. He provided details on plans for using his property as a residential homestead and stated significant costs incurred to date toward installation/construction of utilities. Mr. Gunter expressed opposition to more intense uses that potentially create increased traffic, larger parking areas, and in particular, unacceptable levels of noise. Mr. Gunter noted increased noise levels resulting from the applicant's clearing of cedar trees from the subject property. He did not object to low impact uses such as offices that are typically open during business hours, but was concerned about possible restaurant uses, with potential venues involving alcohol and music.

Commissioner Jones rejoined the meeting at this time in order to speak as the applicant in this case and respond to Mr. Gunter's comments.

Discussion among the Commission, the applicant, Mr. Gunter, and staff addressed:

- Potential plans for the subject property that may adversely affect surrounding residential properties
- Buffering requirements
- SC permitted/conditional uses
- Zoning procedures in general and specific events such as changes in use that would trigger the need for zoning actions, including conditional use permits
- Background information on creation of SC zoning district and Planning Area VII as protection for scenic vistas along entry corridors

Speaking as the applicant, Mr. Jones stated that he currently has no plans for the subject property, but envisioned low impact uses such as insurance, real estate, mortgage, and/or architect offices. Discussion addressed noise, parking, impervious cover, setbacks, specific uses that generate concern, and stressed the importance of buffering to minimize impact to surrounding residential properties.

Commissioner/applicant Jones recused himself from the meeting again, before any action was taken on this item.

Acting Chair Ross closed the public hearing.

Discussion addressed specific buffering requirements, scope of required buffering, including possible placement of fencing (if required), access for the purpose of maintaining landscaped buffers, and Mr. Gunter's buffering preferences. Concerns were expressed about projected costs of installing/maintaining landscaped buffers as part of the development process.

General agreement was reached that buffering shall consist of an eight (8) foot wide evergreen buffer along all property lines that abut a residential zoning district or residential use where no natural vegetative buffer exists. The evergreen buffer shall consist of native, adaptive and drought tolerant bushes, shrubs, and plant materials normally expected to reach eight (8) feet in height in three (3) years time. Invasive and exotic plants shall not be used. The buffer shall be installed prior to issuance of any certificates of occupancy and irrigated/maintained by the commercial property owner at all times.

Commissioner Dane moved to recommend approval of the item as presented, with vegetative buffering as described in the previously stated language. Commissioner Glenn seconded. Motion carried on a vote of 4-1. Commissioner Xiques voted against.

Commissioner Jones rejoined the meeting at this time.

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

Discuss and consider the possible development of a Lodging – Retreat (L-3) zoning district and accompanying definitions and development standards. (*City Administrator*)

City Administrator Ferguson reviewed past discussions and provided the Commission with draft copies of the proposed L-3 zoning district, along with current regulations for Lodging L-1 and L-2 districts. He displayed maps showing specific large tracts that would be compatible with proposed L-3 zoning, given existing uses.

Discussion addressed:

- Certain provisions/restrictions for waterfront properties
- Creation of an L-3 zoning district versus requiring property owners to apply for Wimberley Planned Development Districts (WPDDs), and problems with establishing base zoning compatible with existing uses
- WPDD procedures and associated costs
- Concerns about potential locations for L-3 uses, should properties be subdivided to meet minimum acreage requirements, if adopted
- Suggestion that tree surveys and rainwater collection be mandated for proposed L-3 properties

- Need to define the scope and context of L-3 zoning in order to preserve the style and ambiance of existing uses in context of present Wimberley settings
- Basic differences between zoning and permitting, including WPDD procedures in general
- Accessory uses to existing lodging operations and specific types of lodging establishments
- Public hearing/notification procedures occurring with proposed zoning actions
- Use of density controls
- Unintended consequences of creation of an L-3 district to accommodate existing uses
- Historical use of WPDD zoning as a means to monitor commercial development
- Valuable purposes of WPDD zoning
- Ability of the Commission to recommend development restrictions/conditions
- Example of large scale waterfront resort development in nearby city and need for advance planning in order to limit intensity, particularly along waterways
- Applicable planning area for L-3 zoning, if adopted
- Protecting ambiance of existing uses, while balancing such protection with possible future needs for expansion
- Proposed minimum setback requirements for waterfront properties
- Large tracts that are currently undeveloped or subject to possible redevelopment
- Development compatible with the Comprehensive Plan vision and the Comprehensive Plan as a fluid document, which is subject to change
- While Commissioner Dane advocated utilizing WPDDs for applicable properties instead of zoning them L-3, there was general consensus to proceed with development of an L-3 zoning district

Commissioner Jones left the meeting at 8:02 p.m., during discussion of this item.

Copies of Commission-recommended changes were distributed among Commission members in order to review and compare suggested additions/revisions.

Commissioner Dane specified his recommended changes to the draft version of §155.055 *Lodging 3; L-3 Resort*. Points of discussion included maximum dwelling units, minimum lot size, maximum guest bedrooms, rooms per unit/building, minimum floor area of rooms, maximum floor area of buildings, maximum impervious cover, recreational vehicle (RV) requirements, separation of buildings, rooms per acre, and type(s) of desired development. Commissioner Glenn stated the need for clarification of certain definitions/terms and estimated

statistics on existing lodging facilities, including lot sizes, numbers of rooms/dwellings, and impervious cover.

Specific development standards/limitations were discussed as means to control problematic issues such as density, "clustering" of dwellings, and acceptable impervious cover percentages. Commissioner McCall stressed the need for tree surveys, six-hundred foot (600') waterfront setbacks, incentives for rainwater collection, and staggered walls. There was discussion of allowance of RVs, elimination of laundromat requirements, and duration of stay limitations.

Closing comments were made providing direction to City Administrator Ferguson in order to bring the Commission a revised draft for later consideration and possible action. General agreement was reached to allow up to twenty-five percent (25%) maximum impervious coverage.

#### 4. Staff and Commission Reports

- Announcements
- Future Agenda Items

Hearing no further announcements or future agenda items, Commissioner Dane moved to adjourn. Commissioner Glenn seconded. Motion carried on a vote of 5-0.

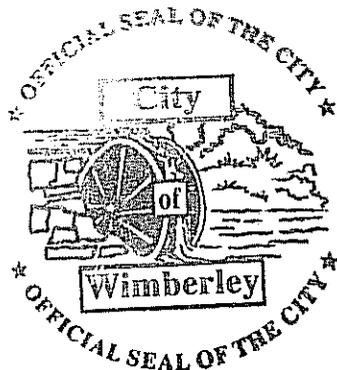
**Adjourn at 8:58 p.m.**

Recorded by:

*Cara McPartland*

Cara McPartland

**These minutes approved the 13th of May, 2010.**



**APPROVED:**

*Tracey Dean*

**Tracey Dean, Chair**