

City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676

REGULAR PLANNING & ZONING MEETING

WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS

221 STILLWATER, WIMBERLEY, TEXAS

FEBRUARY 11, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER: FEBRUARY 11, 2016 @ 6:00 P.M.

CALL OF ROLL: CITY SECRETARY

CITIZENS COMMUNICATIONS:

THE PLANNING & ZONING COMMISSION WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN, NOT ON THIS AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A THREE-MINUTE TIME LIMIT WHEN ADDRESSING THE COMMISSION. SPEAKERS WILL HAVE ONE OPPORTUNITY TO SPEAK DURING THE TIME PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR COMMISSION CONSIDERATION.

1. CONSENT AGENDA

THE FOLLOWING ITEMS MAY BE ACTED UPON IN ONE MOTION. NO SEPARATE DISCUSSION OR ACTION IS NECESSARY UNLESS REQUESTED BY A COMMISSION MEMBER OR CITIZEN, IN WHICH EVENT THOSE ITEMS WILL BE PULLED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION.

APPROVAL OF MINUTES OF THE REGULAR PLANNING & ZONING COMMISSION MEETING ON JANUARY 28, 2016.

2. PRESENTATION

PRESENTATION BY REPRESENTATIVES OF MERRITT STARLIGHT, LTD. REGARDING A PROPOSED MERRITT STARLIGHT HOUSING COMMUNITY FOR SENIOR CITIZENS IN WIMBERLEY, TEXAS.

3. DISCUSS AND CONSIDER POSSIBLE ACTION

DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING CHANGES TO THE CITY OF WIMBERLEY ZONING CODE. (CITY ADMINISTRATOR)

4. STAFF AND COMMISSION REPORTS

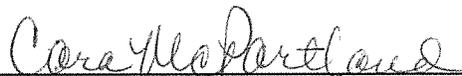
- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

THE COMMISSION MAY RETIRE TO EXECUTIVE SESSION ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSION ABOUT HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS LOCAL GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087. ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on February 8, 2016 at 5:45 p.m.

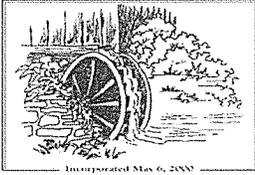


CARA MCPARTLAND, CITY SECRETARY

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Don Ferguson, City Administrator, at (512) 847-0025 for information. Hearing-

impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

P & Z Commission Agenda Form



Date Submitted: February 8, 2016

Agenda Date Requested: February 11, 2016

Project/Proposal Title: APPROVAL OF MINUTES
OF THE REGULAR PLANNING & ZONING
COMMISSION MEETING ON JANUARY 28, 2016

Funds Required:
Funds Available:

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are the minutes of the Regular Planning & Zoning Commission meeting on January 28, 2016 for review and consideration.

City of Wimberley
 City Hall, 221 Stillwater
 Wimberley, Texas 78676
Planning & Zoning Commission
 Minutes of Regular Meeting
 January 28, 2016 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair Rick Millinor. Present were Commissioners Tracey Dean, Charles Savino, Thad Nance, and Rick Burleson. Commissioner John Urban 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 December 10, 2015.

Commissioner Savino moved to approve the minutes, as presented. Commissioner Dean seconded. Motion carried on a vote of 5-0.

2. Public Hearings and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-15-011, an application for a conditional use permit (CUP) to allow a secondary residential building on a tract of land zoned Residential Acreage (RA), located at 444 Lomax Lane, Wimberley, Hays County, Texas. (*Benjamin Fuchs, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing 1,519 square foot residence serving as the primary residence for the owners of the property, Mr. and Mrs. Wilton Lomax. The applicant, who is the owner's son-in-law and designated agent in this zoning case, is seeking a CUP to construct a second single-family residence where he would live with his family. The applicant has expressed no intention to use the secondary residence as a short-term rental. Access to both single-family residences would be from FM 3237 and water/wastewater service would be provided by a private well and new septic system, respectively. City Administrator Ferguson advised that no comments have been received either for or against the CUP request and recommended approval.

Chairman Millinor opened the public hearing. Hearing no comments, Chairman Millinor closed the public hearing.

Brief discussion established the subject property's total acreage as approximately sixty (60) acres.

Commissioner Dean moved to recommend approval of the CUP application, as presented. Commissioner Savino seconded. Motion carried on a vote of 5-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-15-010, an application for a conditional use permit to allow a secondary residential building on a tract of land zoned Rural Residential 1 (R-1), located at 209 Flite Acres Road, Wimberley, Hays County, Texas. (*Bob and Pam Drake, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and 1,640 square-foot residence under construction that is intended to serve as a primary residence for the applicant's in-laws. The applicants are seeking permission to construct a second single-family residence that would serve as the primary residence for the applicants. The applicants have expressed no intention to use the secondary residence as a short-term rental. Access to both residences would be from Flite Acres Road. Water/wastewater service would be provided by a rainwater collection system and new septic system, respectively. City Administrator Ferguson advised that there was one general inquiry by phone, but no comments have been received either for or against the CUP request, and recommended approval.

Chairman Millinor opened the public hearing. Hearing no comments, Chairman Millinor closed the public hearing.

Commissioner Dean moved to recommend approval of the CUP application, as presented. Commissioner Burlison seconded. Motion carried on a vote of 5-0.

Chairman Millinor commended the applicant for choosing a rainwater collection system.

- C. Hold a public hearing and consider making a recommendation to City Council regarding proposed modifications to the City of Wimberley Comprehensive Plan. (*City Administrator*)

City Administrator Ferguson summarized key changes to the Plan as primarily removing language such as "required" and replacing with terms such as "encouraged."

Chairman Millinor opened the public hearing. Hearing no comments, Chairman Millinor closed the public hearing.

Commissioner Dean suggested the following change (in italics) to Page 5 (Introduction; Legal aspects): ". . . it is thereafter obligated *encouraged* to take the Plan into consideration when enacting development ordinances."

Discussion addressed clarification of Section IX (Built Environment)(1)(g); the Commission's consideration of the Comprehensive Plan when making decisions on zoning cases, including development agreements; and differing interpretations of terms such as "Hill Country style" and the City's "vision" for the future.

City Administrator Ferguson cited Zoning Code §155.023 as follows: "(G) *General review criteria*. In making a determination regarding requested zoning, the Planning and Zoning Commission and City Council shall consider the following factors: (1) Whether the request demonstrates consistency with the adopted Comprehensive Plan." Discussion favored proceeding with a recommendation on the Plan at tonight's meeting.

Commissioner Savino moved to recommend approval of the proposed modifications to the Plan, as presented. Commissioner Dean seconded. Motion carried on a vote of 5-0.

3. Discuss and Consider Possible Action

Discuss and consider possible action regarding changes to the City of Wimberley Zoning Code. (*City Administrator*)

City Administrator Ferguson and Commissioner Savino spoke of their discussion relating to simplification of the City's residential zoning districts by reorganizing the current number of residential zoning districts from eight (8) districts to the following three (3) districts: Residential Acreage (RA); Single Family Residential; and Multi-Family Residential. It was hoped that this reorganization would eliminate the need to rezone properties that have changed lot sizes due to subdivisions or consolidations and would simplify the Zoning Code by utilizing a standard setback table based on lot size, rather than creating multiple zoning districts for various lot sizes.

Discussion addressed use of the CUP process for duplexes; definition of "multi-family" as three (3) units or more; reasonable lot size limits; allowance for buildings such as barns/garages/sheds on properties where no residential building(s) exist; desirable models for subdivisions; need for RA zoning district; rezoning requests based on associated subdivisions; and potential reduction in the size of the Zoning Code as a result of the review process.

No action was taken.

4. Staff and Commission Reports

- Announcements
- Future Agenda Items

In addition to future consideration of "tiny houses" and minimum building requirements, City Administrator Ferguson reported that City Council has requested that the

Commission consider so-called “granny” houses specifically designed for elderly residents in order to maximize safety.

City Administrator Ferguson advised that representative(s) from Merritt Starlight, Ltd. are scheduled to make a presentation to the Commission at its next meeting on February 11th to provide details on the proposed senior housing development to be located behind Brookshire Brothers.

Hearing no further announcements or future agenda items, Chairman Millinor called the meeting adjourned.

Adjourn at 6:47 p.m.

Recorded by:

Cara McPartland

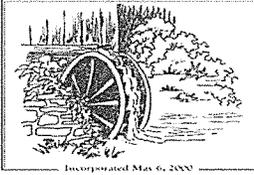
These minutes approved the _____ of February, 2016.

APPROVED:

Rick Millinor, Chair

DRAFT

P & Z Commission Agenda Form



Date Submitted: February 8, 2016

Agenda Date Requested: February 11, 2016

Project/Proposal Title: PRESENTATION BY
MERRITT STARLIGHT, LTD. REGARDING A
PROPOSED HOUSING COMMUNITY FOR SENIOR
CITIZENS

Funds Required:

Funds Available:

Commission Action Requested:

Ordinance

Resolution

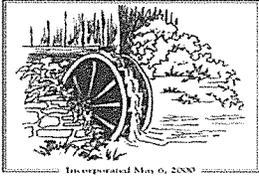
Motion

Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow representatives of Merritt Starlight, Ltd. to give a presentation regarding a proposed Merritt Starlight housing community for senior citizens in Wimberley, Texas.

P&Z Commission Agenda Form



Date Submitted: February 8, 2016

Agenda Date Requested: February 11, 2016

Project/Proposal Title: DISCUSS AND CONSIDER
POSSIBLE ACTION REGARDING CHANGES TO THE CITY OF
WIMBERLEY ZONING CODE

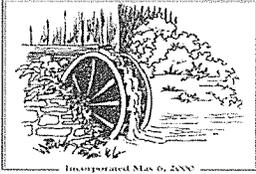
Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the Planning and Zoning Commission to discuss and consider possible action regarding changes to the City of Wimberley Zoning Code.

P & Z Commission Agenda Form



Date Submitted: February 8, 2016

Agenda Date Requested: February 11, 2016

Project/Proposal Title: STAFF & COMMISSION
REPORTS

Funds Required:
Funds Available:

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for reports to be presented by Commission members and for future agenda item requests.