

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
May 9, 2013 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Acting Chair Steve Klepfer. Present were Commissioners Beth Mitchell, Tom Haley, Charles Lancaster, Lance Cawley (arrived at 6:02 p.m.), and Rick Burleson. Chair 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 March 28, 2013.

Commissioner Haley moved to approve the minutes, as presented. Commissioner Burleson seconded. Commissioners Lancaster and Mitchell abstained. Motion carried on a vote of 3-0 (Commissioner Cawley had not yet arrived).

**2. Public Hearing and Possible Action**

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case No. C212-12-005, an application for *The Resubdivision of Lot 6, establishing Lots 6A and 6B, Revision of Lots 5 and 6, Trail's End Ranch Subdivision* and a related variance from City's requirements pertaining to lot frontage. (*Paul & Donna Whitelock, Applicants*)

City Administrator Ferguson explained the proposed plat creates Lot 6A with an area of 25.23 acres and Lot 6B with an area of 25.20 acres. Lot 6A has access to and contiguous frontage on the Allison Lane cul-de-sac, a private road easement with a right-of-way width of sixty (60) feet. Lot 6B has access to and frontage on the same cul-de-sac via a thirty (30) foot wide shared access easement. Both lots will be served by individual water wells and wastewater service will be on-site sewage facilities (OSSF) permitted by Hays County.

City Administrator Ferguson noted that the applicant is seeking a variance from Section 154.063(D)(1) of the City Code, which requires lots to have contiguous frontage on a usable, dedicated road right-of-way. Lot 6B's frontage is obtained through a shared access easement, which does not comply with City Code, but does comply with Hays

County subdivision standards for lot frontage and access. The applicants will be responsible for constructing and maintaining the shared access easement so that emergency vehicles can access the driveway during all weather conditions. Details were provided on a prior plat revision and possible reasoning for the thirty (30) foot wide shared access easement. City staff did not view allowing the use of the shared access easement to meet the frontage requirements as detrimental and recommended approval of the proposed plat and requested variance.

No public comments were heard.

Discussion addressed:

- Subject property location
- Issues related to FEMA elevation requirements
- History of interlocal agreement(s) between the City of Wimberley and Hays County allowing for a single review process for plats
- The dual review of plats by the City and Hays County as burdensome and the need for an interlocal agreement to streamline the subdivision process for applicants

Hearing no further discussion, Commissioner Haley moved to recommend approval of the item, as presented, including the requested variance. Commissioner Lancaster seconded. Motion carried on a vote of 6-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case No. CUP-13-002, an application for a conditional use permit to allow for the operation of a vacation rental on a tract of land zoned Residential Acreage (RA), located 201 Panorama, Wimberley, Hays County, Texas. (*Richard & Sharon Whipple, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, existing residence, maximum occupancy of four (4) persons, access, and parking. It was noted that there is an existing, properly functioning on-site septic system (OSSF) and that the applicant will limit occupancy to no more than four (4) persons, in accordance with the City Sanitarian's review of the OSSF.

City Administrator Ferguson read a list of the applicant's house rules and regulations for the vacation rental. He also read a list of City staff's recommended conditions to be included in the conditional use permit (CUP), should the Commission desire to recommend approval.

It was noted that one surrounding property owner (No. 2 on the Notification Map) expressed opposition to the CUP request, citing concerns that the community gate code would be excessively passed around creating a security risk, and that noise and traffic may increase due to vacation rental activity.

No public comments were heard.

Discussion among Commission members, City Administrator Ferguson, and the applicants addressed:

- Lack of response/opposition to the CUP request from neighboring property owners
- Applicants' intention to live on the subject property and occasionally offer as a vacation rental when not otherwise occupied
- Clarification that the City cannot enforce deed restrictions that may prohibit certain uses
- Enforcement of the maximum occupancy limit and all other CUP conditions and ability to revoke CUP if future compliance problems occur
- Applicants' intent to not place any signage for the vacation rental

Commissioner Burleson moved to recommend approval of the CUP, with all of the conditions, as presented. Commissioner Cawley seconded. Motion carried on a vote of 6-0.

- C. Hold a public hearing and consider making a recommendation to City Council regarding Case No. CUP-13-003, an application to amend an existing conditional use permit to allow for the sale of alcohol, in addition to beer and wine, for on-premise consumption, on a tract of land zoned Commercial – Low Impact (C-1), located at 500 River Road, Wimberley, Hays County, Texas. (*Daysi Flores, Applicant*)

City Administrator Ferguson reviewed the subject property's location and current/proposed zoning and uses. The applicant recently opened a restaurant on the subject property that has been the location of at least four (4) other restaurants in recent years. In February 2012, a CUP allowing for the sale and on-premise consumption of beer and wine was obtained from the City by one of the previous restaurant operators. The applicant is seeking to amend the referenced CUP to allow for the sale of alcohol, in addition to beer and wine, for on-premise consumption.

No public comments were heard.

Discussion addressed TABC licensing/regulations and ownership history of the subject property.

Commissioner Lancaster moved to recommend approval of the item, as presented. Commissioner Mitchell seconded. Motion carried on a vote of 6-0.

### **3. Staff and Commission Reports**

- Announcements
- Future Agenda Items

City Administrator Ferguson advised that the Commission remains on its regular meeting schedule, with no special meetings planned at this time.

Hearing no announcements or future agenda items, Commissioner Haley moved to adjourn. Acting Chair Klepfer called the meeting adjourned.

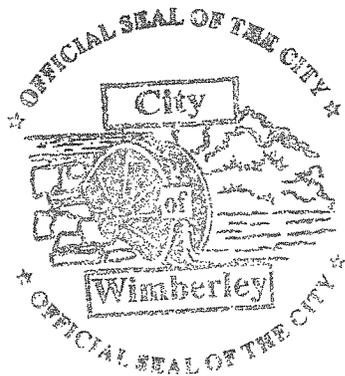
**Adjourn at 6:34 p.m.**

Recorded by:



Cara McPartland

**These minutes approved the 13<sup>th</sup> of June, 2013.**



**APPROVED:**



**Steve Klepfer, Acting Chair**