

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Special Meeting
December 18, 2013 at 7:30 p.m.

Meeting called to order at 7:30 p.m. by Chair Tom Haley. Present were Commissioners Beth Mitchell, Tracey Dean, Charles Lancaster, Steve Klepfer, Lance Cawley (arrived at 8:50 p.m.), and Rick Burleson.

Staff Present: City Administrator Don Ferguson

Discussion and Possible Action

Discuss and consider making a recommendation to City Council regarding Case ZA-13-006, an application to change the zoning from Public Facilities (PF) to Wimberley Planned Development District (WPDD), with a base zoning district of Commercial – Moderate Impact (C-2), for property located at 14501 Ranch Road 12 and 100 Emergency Lane, Wimberley, Hays County, Texas. (*H-E-B, Applicant*)

Chairman Haley outlined procedures for speakers at tonight's meeting.

City Administrator Ferguson summarized issues discussed at the Commission's meeting on December 12, 2013, including removal/replacement of trees, H-E-B's proposed contribution of up to \$100,000 for traffic mitigation measures, signage, and elevation. He advised that subsequent meetings with H-E-B resulted in a revised draft WPDD agreement, which has been distributed to Commission members. He stated the draft includes statistics related to the site's tree inventory and preservation of trees, and the addition of "not to exceed" language for specific maximum development standards limits. He noted defined minimum and maximum threshold percentages for use of certain types of building materials such as masonry, rock, and metal panels. Details were provided on commitments made by H-E-B to address signage concerns, including sign locations, color/design options, and use of more glass to incorporate as much natural light as possible into the design. He reviewed H-E-B's commitment of up to \$100,000 to mitigate any negative impact from traffic. Specific traffic mitigation measures such as deceleration lanes and signal timing at certain intersections were noted.

H-E-B representative Ben Scott reviewed four main issues:

- Traffic mitigation, including verbal commitments to be incorporated into the proposed WPDD agreement
- Trees, with focus on preservation and increasing tree count and diversity

- Building architecture, including increased use of masonry as the primary material, rather than metal panels; roofline articulations; additional use of glass
- Signage, including minimizing amount of sign square footage and lighting

Chairman Haley opened the public hearing.

John Lyon, who resides outside the city limits and works at Brookshire Brothers, questioned the timeframe for H-E-B's WPDD process versus the timeframe for completion of Brookshire Brothers' store expansion. He cited other possible large-scale developments that may follow H-E-B and cautioned Council against allowing rapid growth that will quickly change Wimberley.

Erin Lyon, wife of previous speaker, spoke of her family's history as Wimberley residents, and cited the benefits of Brookshire Brothers to the community. She felt allowing big businesses to locate here will cause small businesses to close, which will be detrimental to Wimberley's image.

Susan Zimmerman, River Oaks Subdivision resident, speaking on behalf of Citizens Alliance for Responsible Development (CARD), conveyed CARD's unresolved concern relating to the proposed store's location, which she stated may negatively impact established small businesses. She personally felt that the store should be no bigger than 30,000 – 37,000 square feet in size. She said that the H-E-B project will change the character of Wimberley and serve as a template for future retail projects of this type and scale.

Herb Smith, River Oaks Subdivision resident and CARD Steering Committee member, stated that the H-E-B zoning process is happening too fast without enough public input or education. He expressed concerns about pumping of groundwater for the store, which may cause Cypress Creek and Jacob's Well to go dry. He said that H-E-B must not assume that rainwater collection will not work for their project. He concurred with the previous speaker on the size of the store. Mr. Smith was alarmed by the number of variances needed for the project and felt that more information is needed on H-E-B's future development plans.

Brandon Ducote, 21 Sprucewood Drive, expressed concerns that an H-E-B store will change the character of Wimberley. He felt the WPDD process is moving too fast and questioned the need for another grocery store in close proximity to the existing one, given the size of the community. He asked that a lot more consideration be given to the proposed project.

Nancy Russell of Woodcreek Circle expressed concerns regarding development of an H-E-B gas station and associated underground storage tanks within a few hundred yards of three other gas stations.

Andrew Hardin, 506 Deer Crossing Lane, expressed opposition to an H-E-B store based on environmental reasons. He did not feel another grocery store is needed and feared that H-E-B will bring other corporate chains to Wimberley. He noted the uniqueness of the area and its waterways and said adding pavement will create more rainwater runoff into the river. He felt the store should be smaller in size and supported the position of earlier statements made on behalf of CARD.

Alice Wightman of 200 Rim Road spoke highly of H-E-B as an institution, but asked that thought be given to what residents want Wimberley to look like. She felt that H-E-B will change the community and create a domino effect for future development of this scale. She said Wimberley is either a tourist community or a suburban outpost for Dripping Springs, San Marcos, or Austin. She stated that Wimberley has adequate facilities, such as a very nice grocery store, car wash, and other small businesses. She said big outside institutions such as H-E-B are not looking at what Wimberley needs, but what they want to do.

Claire Billingsley of Flite Acres Road spoke of Wimberley's small businesses that attract tourists. She said what Wimberley has is unique and wonderful and is not scaled for a big box store. She noted that a lot of repurposed small business buildings were once personal homes. She asked that we value what we have now and preserve Wimberley's historic buildings, such as the Zach Wimberley House.

CARD member Jim McMeans of Fischer Store Road agreed that H-E-B's zoning process needs to slow down in order to allow for more public input. He supported conservation of groundwater and use of rainwater collection, particularly for landscape irrigation and the proposed car wash facility.

Jo Kathryn Quinn, 1988 Hilltop Drive, favored the H-E-B development and agreed with those expressing environmental concerns. She asked that the City take time to work with H-E-B and cautioned against the domino effect an H-E-B store might have for future developments. She felt that H-E-B is a positive community player and said there is a chance to work with H-E-B due to its commitments in Texas. She cited H-E-B's conservation and land preservation efforts, including significant donations to community organizations, such as those to public food banks. She said that providing an H-E-B would help those who struggle to make ends meet by bringing grocery value to Wimberley.

CARD member Louis Parks, who resides outside city limits, recognized H-E-B's positive aspects, but feared the process is moving too fast for such an important issue. He asked for consideration of small business employees who may be negatively impacted by an H-E-B store, and felt their interests need to be protected.

Cynthia Marion of 215 Rim Road expressed concerns regarding the impact of an H-E-B store on Wimberley's image and culture as a small tourist community. She feared the architectural design of the proposed H-E-B store threatens Wimberley's culture. She said Wimberley is not a modern community and asked that it remain that way.

Alan Munde, 408 Mountain View, stated that the City was incorporated to help ensure that development is carefully considered and stated the process is moving too fast. He cautioned against the attraction of “big money” coming to Wimberley and questioned the absence of fuel station/car wash facilities in H-E-B’s site plan drawings. He feared pavement from the project will increase water runoff problems and felt the proposed store is too large.

Terry Sones, who resides within city limits, spoke of the significant variance needed to allow for the proposed store’s square footage. She felt that if H-E-B seeks such a variance, there should be tangible benefits for Wimberley. She asked that H-E-B install a rainwater collection system for its car wash and other non-potable needs. Ms. Sones stated that H-E-B has not shown willingness to discuss rainwater harvesting. She questioned the unspecified expansion mentioned in Phase 4 and asked if carte blanche is being given for future expansion.

Woodcreek resident Brent Pulley expressed concerns about rushing the zoning process for such a large development in the central business district. He said due diligence needs to be done and asked for studies on the development’s impact. He asked if the City has done its own traffic impact study. He felt that excess capacity is being built into the retail sector and that increased traffic has to absorb that excess capacity or existing businesses will die. He stressed that more studies are needed before such an important decision is made and hoped that the City will be smart about change.

Lynda Kaye Rogers, who resides outside city limits, expressed concerns about H-E-B’s proposed architectural design, including signage for the site. She stated that rainwater collection for the project is possible and supported rainwater for landscape irrigation. She said runoff would be horrendous and that the detention pond will not be adequate to hold runoff from the site. She asked if Wimberley Independent School District (WISD) could extend more time for sale of the subject property to H-E-B to allow for careful planning before taking a major step that cannot be reversed.

Shelley Buse, Wimberley business owner and Driftwood resident, spoke of her family’s long history in Wimberley and acknowledged changes that will continue to occur. She commented favorably on H-E-B in general, but stated her main concern is the store’s location. She said H-E-B will meet resistance because so many people feel that Wimberley is a special place.

Hearing no further comments, Chairman Haley closed the public hearing.

Discussion among H-E-B representatives, the Commission, and City Administrator Ferguson addressed:

- Clarification on the project’s expansion phase and language relating to each phase’s development
- Any future expansion would initiate the WPDD amendment process and trigger requirements for public notification and input

- H-E-B plans that exceed Code requirements for water quality and drainage
- Variance requested for building size
- Pursuit of LEED-certification as part of H-E-B's commitment to environmental responsibility in the design, construction, and operation of the site
- H-E-B's emphasis on energy and water conservation
- Estimated water usage at car wash facility
- Drought-tolerant landscaping
- Serious consideration of rainwater collection
- Water storage tank for fire suppression
- H-E-B's financial commitment toward mitigating traffic impact
- H-E-B's role as a corporate citizen, including support of local service organizations

Commission members commented as follows:

Commissioner Mitchell expressed her respect and appreciation for H-E-B and for the high level of community involvement, but felt that she was not prepared to vote on this item tonight and needed time for further review.

Commissioner Dean felt that many issues brought up at tonight's meeting were discussed and addressed at the Commission's last meeting. He noted the speed with which Ace Hardware was approved for its reconstruction and felt the Commission has learned from that experience. He respected his fellow Commission members' viewpoints and felt that bringing an H-E-B store to Wimberley is a great opportunity for the community and for WISD and its students.

Commissioner Lancaster recounted his long history as a Wimberley visitor and resident, both pre- and post-incorporation, and noted changes that have occurred over many years. He cited growth in Austin and felt that such growth will continue to impact Wimberley in the future, whether or not the community wants it to happen. He felt that H-E-B has adequately researched the Wimberley market as a feasible location and that there will be a benefit to those who no longer have to drive to surrounding cities to shop at H-E-B. He stated that H-E-B has met every objective the City has requested of them within a fast turnaround time and believed that H-E-B can build a store here that will be a model for future developments.

Commissioner Klepfer expressed appreciation for diligence by H-E-B and City staff, but noted reasoning for the City's Zoning Ordinance, which does not allow Commercial – High Impact (C-3) zoning for the subject property's location. He stated that zoning regulations are based upon the City's Comprehensive Plan, which does not favor big box-type developments. He recounted the extensive public process that went into development and adoption of the City's Zoning Ordinance and Comprehensive Plan. Commissioner Klepfer stated the issue is not whether one does or does not want an H-E-B store in Wimberley, but whether the subject property is a suitable location. He cited concerns with building footprint, scale of development, elevations, tree removal, and impact on the downtown area. He felt that central business owners have invested

considerable amounts of money based on Wimberley's vision of small-scale, pedestrian-friendly development. Related to traffic issues, he stated that Wimberley does not have a traffic light problem - it has an east-west cut-through problem. Commissioner Klepfer said that the proposed WPDD is a 22-page document that requires more review and public education before major decisions are made, and absent the needed time for such review, he could not vote to recommend approval at this time.

Commissioner Burlson expressed respect and appreciation for all perspectives, however, he felt the subject property is a very important place and that anything built there should only be done after very careful planning. Major issues of concern were the variances needed for building footprint/setbacks, and negative consequences for Brookshire Brothers and other businesses such as gas stations. He felt that H-E-B needs to consider how it can benefit the community beyond building of the store. He stated that much more careful "big picture" planning would need to be done for this project to result in a great, landmark store and to gain community support.

Commissioner Cawley acknowledged the Commission's responsibility to do what is best for the community when facing tough decisions. He recognized the issue of growth and stated the City has worked hard to prepare for future growth. He spoke of the zoning process as an opportunity for the City to work with H-E-B as a partner that will have an ongoing interest in and concern for our community. He felt that H-E-B has demonstrated its commitment to meeting this community's expectations, recognized concerns regarding the speed with which this zoning process is proceeding, but noted there are several factors at play relevant to the project's timeframe.

Chairman Haley stated his long history as a Wimberley resident and witness to growth over the years. He felt that for a development as large as proposed, the City could not ask for a better partner than H-E-B. He stated that H-E-B has committed to spending up to \$100,000 toward alleviating traffic problems, which he felt can be resolved. He supported the project and cited H-E-B's prompt responses to the City's concerns and requirements. He felt that H-E-B would not be entertaining building a store here if there were not a market for one. He reminded that the Commission is an advisory body and that final decisions are made by City Council, which may approve or deny zoning cases, whether or not such actions are in accordance with Commission recommendations.

Hearing no further comments, Commissioner Klepfer moved for continuance of this item until the Commission's meeting on January 9, 2014. Commissioner Burlson seconded.

Chairman Haley called for a vote as follows: Commissioner Mitchell, aye; Commissioner Dean, nay; Commissioner Lancaster, nay; Commissioner Klepfer, aye; Commissioner Burlson, aye; Commissioner Cawley, nay; Chairman Haley, nay. Motion failed on a vote of 3-4.

If the Commission chose to make a recommendation at tonight's meeting, City Administrator Ferguson asked for guidance and direction regarding signage, particularly whether or not west-side signage should be on the water tower itself or on the glass-sided building. Commissioner Klepfer said it is too soon to deal with that kind of detail in such a lengthy document. City Administrator Ferguson advised that the document before the Commission formalizes details presented at the Commission's last meeting, with the exception of areas discussed tonight.

Chairman Haley stated City Council has the ability to make adjustments in document specifics.

Commissioner Klepfer moved to recommend denial of Case ZA-13-006, an application submitted by H-E-B to change the zoning from Public Facilities (PF) to Wimberley Planned Development District (WPDD), with a base zoning district of Commercial – Moderate Impact (C-2). Commissioner Burleson seconded.

Chairman Haley called for a vote as follows: Commissioner Cawley, nay; Commissioner Burleson, aye; Commissioner Klepfer, aye; Commissioner Lancaster, nay; Commissioner Dean, nay; Commissioner Mitchell, aye; Chairman Haley, nay. Motion failed on a vote of 3-4.

Brief discussion addressed H-E-B's response to expressed concerns, including the location of the store as adequate for the building's size.

Commissioner Dean moved to recommend approval of the item, as presented, with direction to City staff to recommend placement of west-side signage on the water tower. Commissioner Cawley seconded.

Chairman Haley called for a vote as follows: Commissioner Lancaster, aye; Commissioner Dean, aye; Commissioner Mitchell, nay; Commissioner Klepfer, nay; Commissioner Burleson, nay; Commissioner Cawley, aye; Chairman Haley, aye. Motion carried on a vote of 4-3.

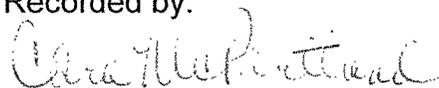
Commissioner Klepfer moved to adjourn.

Chairman Haley advised that the next public hearing on this item will be held by City Council and encouraged the public to voice its opinions.

Chairman Haley called the meeting adjourned.

Adjourn at 9:22 p.m.

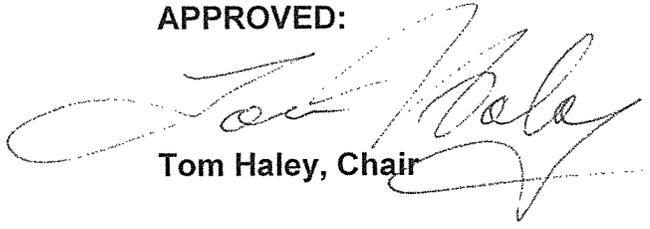
Recorded by:



Cara McPartland

These minutes approved the 9th of January, 2014.

APPROVED:



Tom Haley, Chair

