

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
December 22, 2011 at 6:30 p.m.

Meeting called to order by Chair Tracey Dean. Present were Commissioners Beth Mitchell, Jean Ross, Charles Lancaster (arrived at 6:50 p.m.), Steve Klepfer, Tom Haley, and Rick Burleson.

Staff Present: City Administrator Don Ferguson

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

Approval of minutes of the Regular Planning & Zoning Commission meeting on December 8, 2011.

Commissioner Ross moved to approve the minutes as presented. Commissioner Haley seconded. Motion carried on a vote of 6-0. Commissioner Lancaster was not present at this time.

2. Public Hearing and Consider Action

Hold a public hearing and consider making a recommendation to City Council on Case #CUP-11-006, an application for a conditional use permit (CUP) to allow for a secondary residential structure on a 22.69 acre tract of land, which is zoned Residential Acreage (RA), located at 1580 FM 3237, Wimberley, Hays County, Texas. (*Don Frasier, Applicant*)

City Administrator Ferguson reviewed the subject property's location, zoning, and proposed structures. It was noted that the applicant will submit plans for two residential structures. One of the structures to be built will serve as a primary residence, while the secondary structure will serve as guest quarters. Both structures will comply with height requirements and there are no plans to use the guest quarters as bed and breakfast/vacation rental facilities. Inquiries were received from surrounding property owners expressing concerns about land clearing, buffering, and access to the building site during construction. City Administrator Ferguson recommended approval and noted that the applicant will fully comply with all applicable Code requirements.

Chairman Dean opened the public hearing.

Neighboring property owner Alan Jones detailed the location and ownership of his property, as well as surrounding properties. He provided background information on his family's history in Wimberley and on specific family members, including his eighty-eight year old father, Milam A. Jones, who could not be present at tonight's meeting. Mr. Jones stated that his brother is an attorney for Valero Energy and has submitted written concerns to the City regarding this zoning application, which City Administrator Ferguson advised the City had not received. Mr. Jones recounted a conversation with the applicant, which he characterized as unfriendly. Mr. Jones questioned the applicant's intended use(s) for the subject property, its current listing for sale, and clearing of the land in what he called a reckless manner. He expressed concerns about erosion and fire hazards due to clearing of the property.

Chairman Dean asked for clarification from Mr. Jones on his reasoning for opposing the CUP application, other than his personal distrust of the applicant and his stated intended uses of the subject property. Mr. Jones stated that he would not object to the CUP request, if the applicant uses his property according to plans as outlined in his zoning application. Based on personal conversation(s) with the applicant, Mr. Jones questioned Mr. Frasier's intended use of the subject property.

City Administrator Ferguson provided clarification on conditional use permits and stressed that any use other than stated in the application would require a separate CUP application subject to public notification and hearing requirements. He noted that all construction would have to be properly permitted and inspected, and that any additional use, development, or subdivision of the property would have to go through a very public process involving notification of surrounding property owners. He added that the applicant will be required to comply with the City's water quality ordinance.

City Administrator Ferguson stated that Mr. Frasier and his builder have met with City staff and Mr. Frasier indicated that his intent was to build residences for his family.

Commissioner Haley stressed that Mr. Frasier would have to submit another zoning application and go through an extensive public hearing process before both the Planning and Zoning Commission and City Council, if he wished to build any additional structures on the subject property, beyond those proposed in his application. City Administrator Ferguson further explained the nature of CUPs in general, including the burden on current and future owners to abide by specified conditions, or face revocation of the CUP.

Clarification was provided to an unidentified audience member about the two planned structures, which are to be used as a primary single family residence and secondary guest quarters residence, respectively.

Chairman Dean stated that if neighboring property owners observe that uses other than those specified in the CUP application are occurring, they may notify City staff, who will contact the property owner about any suspected unpermitted uses.

Discussion addressed the subject property's boundaries, building site/plans, setback requirements, road easement(s), and wet weather creek.

Jim Randall of 1530 FM 3237 expressed concerns regarding the subject property's current zoning and questions about future possible uses or subdivision. City Administrator Ferguson clarified the subject property's current zoning and explained procedures for conditional use permitting for uses such as bed and breakfast facilities and setback requirements.

Discussion among the Commission, City Administrator Ferguson and audience members (including Jim and Barbara Randall, Alan and Carolyn Jones, Agnes M. Sullivan, Gail Clinton, and Gino Turner) addressed:

- Concerns over "fence-to-fence" clearing of the land leaving no natural barriers
- Monitoring compliance through the building permitting process
- Possibility of future commercial uses on the subject property, including bed and breakfast/vacation rental uses
- Possibility of future subdivision of the subject property
- Public notification procedures required for zoning changes
- Development issues with the subject property such as steep slope requirements
- Compliance with minimum square footage requirements for the proposed secondary residence and the building permitting process
- Possible additional CUP condition that the secondary residence must be at least 1,000 square feet
- The applicant's absence at tonight's meeting
- Importance of public feedback on zoning requests
- Access to the subject property
- Surrounding residents/uses and proximities to the subject property's back property line
- Texas Local Government Code §211.006 relating to protested zoning changes which require a three-quarter (3/4) majority vote of the City Council to approve the request
- Drainage flows on the subject property and compliance with the City's water quality protection ordinance
- Interactions among the applicant and surrounding property owners regarding land clearing, lack of buffering, and intended uses
- Possible additional CUP conditions such as buffering requirements, setbacks, and access limitations

Based on his desire to have the applicant present, Commissioner Klepfer moved to continue this item until the Commission's next regular meeting on January 12, 2012. Commissioner Burleson seconded. Discussion addressed concerns raised by Commissioner Ross about the unintended consequences of writing specific CUP conditions based on speculation over possible future uses. City Administrator Ferguson advised that the applicant will be notified of the continuance, if approved, but cannot be mandated to be present. City Administrator Ferguson responded affirmatively to

Commissioner Haley's request for verification of the percentage of opposition received from notified property owners and to Commissioner Ross's request for an updated numbered zoning map of the surrounding properties and corresponding owners.

Hearing no further public comments, the public hearing was closed and Chairman Dean called for a vote on the motion to continue this item until the Commission's next regular meeting on January 12, 2012. Motion carried on a vote of 7-0.

Discussion after the vote included clarification of future public hearing dates and procedures for submitting statements of opposition to the CUP request.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Commissioner Haley moved to adjourn. Commissioner Klepfer seconded. Motion carried on a vote of 7-0.

Adjourn at 7:22 p.m.

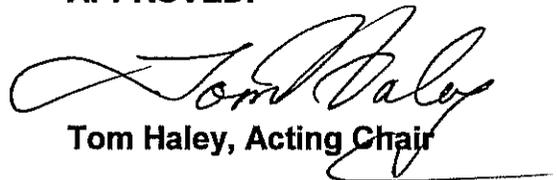
Recorded by:



Cara McPartland

These minutes approved the 12th of January, 2012.

APPROVED:



Tom Haley, Acting Chair

