

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

MAY 12, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER: MAY 12, 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 APRIL 14, 2016.

2. PUBLIC HEARINGS AND POSSIBLE ACTION

HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED PRELIMINARY PLAT OF 11.29 ACRES ESTABLISHING LOTS 1, 2, 3 AND 4 OF THE *HACIENDA DEL CIELO SUBDIVISION* LOCATED OFF WEST SPOKE HILL ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, AND RELATED VARIANCE REQUESTS FROM THE CITY SUBDIVISION CODE REQUIREMENTS RELATING TO LOT SHAPE AND LOT WIDTH AND DEPTH. (*CITY ADMINISTRATOR*)

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

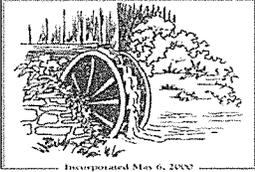
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on May 9, 2016 at 5:00 p.m.



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: May 9, 2016

Agenda Date Requested: May 12, 2016

Project/Proposal Title: APPROVAL OF MINUTES
OF THE REGULAR PLANNING & ZONING
COMMISSION MEETING ON APRIL 14, 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 April 14, 2016 for review and consideration.

City of Wimberley
 City Hall, 221 Stillwater
 Wimberley, Texas 78676
Planning & Zoning Commission
 Minutes of Regular Meeting
 April 14, 2016 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair Rick Millinor. Present were Commissioners John Urban, Tracey Dean, Austin Weeks, and Thad Nance. Commissioners Charles Savino and Rick Burleson were 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 24, 2016.

Commissioner Urban moved to approve the minutes, as amended. Commissioner Nance 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-16-008, an application for a conditional use permit (CUP) to allow for the operation of a drive-in/drive-through coffee shop on property zoned Highway Commercial (HC) located at 9595 Ranch Road 12, Suite 4, Wimberley, Hays County, Texas. (*Lauren Norsworthy, Applicant*)

City Administrator Ferguson reviewed the subject property's location at the Junction and current/proposed zoning and uses. He noted that the applicant is proposing to rent an approximately 1,250 square-foot two-story space from Collie Investments, Ltd. for the purpose of operating a coffee shop with a drive-through window. The applicant intends to sell coffee, tea, and other beverages such as specialty sodas and juices. She plans to install a commercial kitchen to prepare pre-baked goods for sale, with no cooking done to order. There is one (1) existing window and the applicant intends to add a second window. Customers will view menu items at the first window and place orders with a coffee shop employee at the second window. There will be no speakers associated with the proposed drive-through operation. Customers will have the option of eating and/or drinking inside at tables or drive through to place take-out orders. Hours of operation will be from 7 a.m. to 3 p.m. Monday through Saturday and closed

on Sundays. No comments were received by City staff either for or against the requested conditional use permit (CUP).

Chairman Millinor opened the public hearing.

Applicant Lauren Norsworthy explained the proposed facility's window configuration and ingress/egress through the drive-through lane and cul-de-sac allowing for vehicles to turn around and exit.

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

Commissioner Dean moved to recommend approval of the CUP application, as presented. Commissioner Weeks 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-16-009, an application for a conditional use permit to allow for the operation of a sit-down eating establishment with the sale of beer and wine for on-premise consumption on a tract of land zoned Scenic Corridor (SC), located at 12111 Ranch Road 12, Suites 105 and 106, Wimberley, Hays County, Texas. (*Gregory Irvine, Applicant*)

City Administrator Ferguson reviewed the subject property's location in the Plaza del Sol center current/proposed zoning and uses. The applicant is proposing to open a motorcycle gear and accessory shop and a small sit-down restaurant with the sale of beer and wine for on-premise consumption. To date, City staff has received no comments from the public on the CUP request.

Chairman Millinor opened the public hearing.

Applicant Gregory Irvine stated that he is seeking to relocate the business known as *The Hog Pound* to the Plaza del Sol location and intends to expand the business in the future to include high-end rentals of motorcycles to visitors staying in local bed and breakfasts.

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

Discussion addressed storage issues associated with motorcycle rentals and established that any future sales of motorcycles would require rezoning. Discussion favored the location for the proposed use, with some concerns expressed about traffic safety, specifically blind spots, when exiting the subject property and the process for filing complaints if noise becomes an issue. The applicant noted that the closing times of the operation are proposed as follows: Thursdays through Saturdays at midnight and Sundays through Wednesdays at 10 p.m.

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

- C. Hold a public hearing and consider making a recommendation to City Council regarding a proposed ordinance amending the City of Wimberley Comprehensive Plan and accompanying maps to revise the boundaries of Planning Areas III and VI, in the general area of FM 2325 between Rhodes Lane and Carney Lane. (*City of Wimberley*)

City Administrator Ferguson explained that the subject area is currently located in Planning Area III where Commercial – Low Impact (C-1) zoning is the most intense commercial zoning allowed. He noted that existing land uses in the area are, in large part, high-impact commercial uses. He recommended the planning area for the subject area to be designated at Planning Area IV to be more reflective of the long-time existing uses, such as Market Days. He said several commercial businesses are grandfathered as pre-existing, non-conforming uses and interest has been expressed in expanding certain existing businesses. Such expansions would only be allowed upon approval of a Wimberley Planned Development District zoning designation; however, minimum acreage requirements make this option unavailable to certain property owners.

Chairman Millinor opened the public hearing.

Local business owner Steve Weldon spoke of his recent retirement and desire to create a “boutique” car wash at his pre-existing, non-conforming FM 2325 location.

Chairman Millinor closed the public hearing.

City Administrator Ferguson stated that Commercial – Moderate Impact (C-2) zoning is appropriate for this high-traffic area with multiple existing businesses, including restaurants and Market Days. He noted that any zoning changes requested as a result of a planning area modification are subject to public notice/public hearing requirements.

Discussion addressed pedestrian traffic and the need for sidewalks, preference for C-2 zoning as the highest intensity in the subject area, future possible improvements such as addition of turn lanes and sidewalks, possible reasoning for original planning area designations, key differences in permitted/conditional uses in commercial zoning districts, and future planning for area development/redevelopment.

Commissioner Dean moved to recommend approval of a proposed ordinance amending the City of Wimberley Comprehensive Plan and accompanying maps to revise the boundaries of Planning Areas III and VI, in the general area of FM 2325 between Rhodes Lane and Carney Lane, specifically changing the planning area designation from Planning Area III to Planning Area IV in the subject area. Commissioner Nance seconded. Motion carried on a vote of 5-0.

3. Discuss and Consider Possible Action

- A. Discuss and consider possible action regarding proposed modifications to the City of Wimberley Lighting Ordinance. (*City Administrator*)

City Administrator Ferguson advised that City Council is considering submitting a request to the International Dark Sky Association (IDA) for the City of Wimberley to be designated as an *International Dark Sky Community*. IDA staff recently reviewed the City's Lighting Ordinance and made recommendations for updates that would meet IDA standards. He stated that the most noteworthy change related to §151.62(D) which states: "New street lighting installed after the effective date, other than fixtures at the intersection of roadways, shall utilize half-night photocells or timers to turn off the lights halfway between dusk and dawn." He noted that §151.69(A) provides the following: "The City may install new public outdoor lighting, including street lighting and lighting on other public property and rights-of-way, after the effective date only upon the determination of the City Manager that a clear public safety threat exists in the space to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting." City Administrator Ferguson felt that the City would likely not install new street lighting unless there was a public safety issue.

Discussion addressed the purpose of obtaining an IDA designation, use as a marketing tool to promote Wimberley as dark sky community, current Lighting Ordinance provisions and complaint process, streets lights as part of new development(s), other commitments the City must make to obtain IDA designation, and possible concerns regarding additional regulation.

Commissioner Weeks moved to recommend approval of the proposed modifications to the City of Wimberley Lighting Ordinance and to express support for the movement to obtain *International Dark Sky Community* designation for the City. Commissioner Urban seconded. Motion carried on a vote of 5-0.

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

City Administrator Ferguson requested that this item be continued until the Commission's next meeting to allow for Commissioner Savino to be present. The Commission agreed to continue this item. No vote was taken.

4. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson updated the Commission on Council's action relating to two recent CUP applications for vacation rentals in the Rocky Springs Subdivision, with one applicant receiving grandfathered status from the City and the other applicant requesting a continuance. He stressed that zoning cases are evaluated on a case by case basis and that decisions are based on information available at the time cases are heard by each body. He explained that there is an appeals process to the Board of Adjustment for those who wish to dispute a determination of grandfathered status and certain conditions that could terminate grandfathered status and trigger the need for a

CUP. He noted that the so-called "twenty-percent rule" applies to Council actions and is not a factor in Commission decisions.

Hearing no announcements or future agenda items, Commissioner Dean moved to adjourn. Commissioner Nance seconded. Motion carried on a vote of 5-0. Chairman Millinor called the meeting adjourned.

Adjourn at 7:07 p.m.

Recorded by:

Cara McPartland

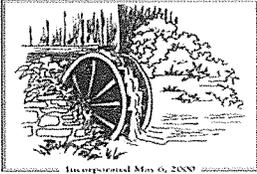
These minutes approved the ___ of May, 2016.

APPROVED:

Rick Millinor, Chair

DRAFT

P&Z Commission Agenda Form



Date Submitted: May 9, 2016

Agenda Date Requested: May 12, 2016

Project/Proposal Title: DISCUSS AND CONSIDER ACTION REGARDING THE PROPOSED PRELIMINARY PLAT OF *HACIENDA DEL CIELO SUBDIVISION* SLOPE LOT SIZE MULTIPLIER AND LOT CONFIGURATION REQUIREMENTS

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 making a recommendation to City Council regarding the proposed preliminary plat of the *Hacienda Del Cielo Subdivision*.

The plat proposes to subdivide an 11.29 acre tract located off West Spoke Hill Road into four (4) lots, two (2) of which are flag shaped lots. The area of the proposed lots is as follows: Lot 1 - 2.06 acres, Lot 2 – 4.57 acres, Lot 3 – 2.64 acres and Lot 4 – 2.02 acres. Each lot has frontage along a fifty (50) foot road easement. The property is located within the corporate boundaries of the City of Wimberley.

The proposed use of the lots is residential. The subject property is currently zoned Residential Acreage (RA). The proposed subdivision will require the four (4) newly created lots to be rezoned Rural Residential 1 (R-1).

The lots created by the proposed subdivision will obtain water supply from on-site groundwater water wells. Wastewater service for the lot will be provided by on-site sewerage facilities.

Lots 2 and 3 have a flag lot configuration. Lot 2 has 51.42 feet of road easement frontage and Lot 3 has less than 90 feet of road easement frontage. As a result, the applicant is seeking a variance from Section 154.063 (C) of the City Code, relating to lot shape, and Section 154.063 (F) relating to lot width and depth. The applicant is unable to meet the referenced Code requirements because of the existing size and slope of the parent tract.

City staff recommends approval of the proposed replat and requested variances.

educate to the City of Wimberley use streets, ways, and easements of the City of Wimberley. This City of Wimberley may deem appropriate. This

known to me to be the person whose name is the same for the purposes and consideration herein

hereof, and after a review of the plat as presented to the City of Wimberley. This City of Wimberley hereby certifies that the plat is a true and correct copy of the original plat as filed with the County Clerk of Hays County, Texas, in Plat Book No. _____ day of _____ A.D. 20__.

this subdivision plat conforms to all

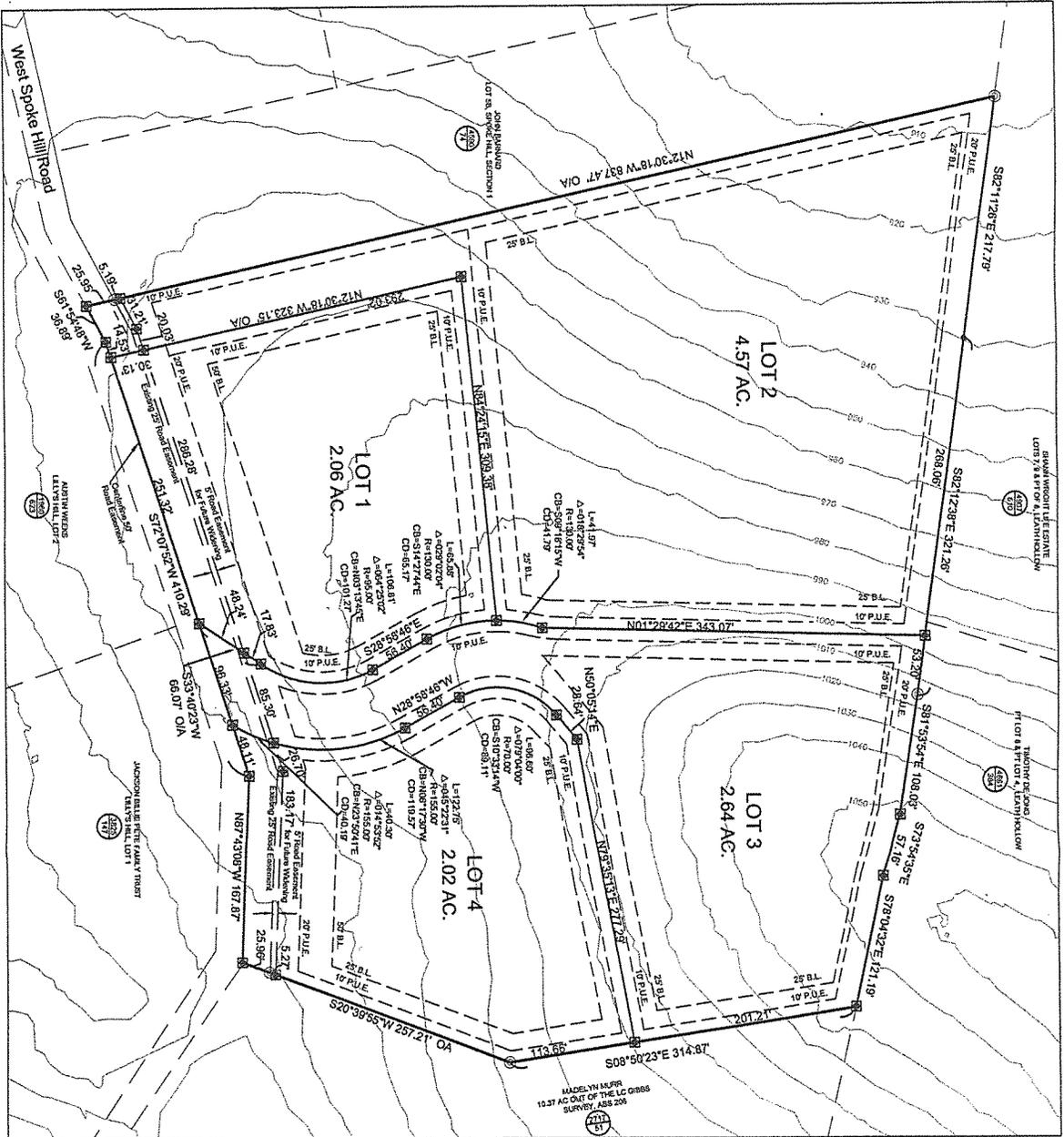
at this subdivision plat conforms to all

foregoing instrument in writing, with its date of recording, and the date of recording of this subdivision plat.

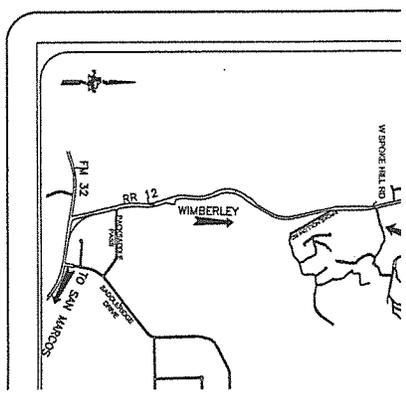
day of _____ A.D. 20__.

STATE OF TEXAS
COUNTY OF HAYS

HAYS COUNTY, TEXAS



LEGEND

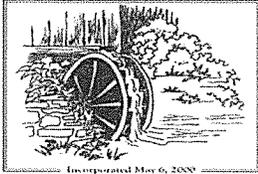


VICINITY MAP
(NOT TO SCALE)
ZIP CODE: 78676

PLAT NOTES

- No portion of this subdivision lies within the boundaries of the Edwards Aquifer Contributing Zone.
- This subdivision lies within the boundaries of the Edwards Aquifer Zone.
- No portion of this subdivision lies within the boundaries of the Edwards Aquifer Zone.
- This subdivision lies within the boundaries of the Edwards Aquifer Zone.
- Water supply for this subdivision is provided by private on-site renewable water resource.
- Rainwater collection is encouraged and in some areas may off renewable water resource.
- Electricity for this subdivision is provided by Pedernales Electric Company.
- There is hereby established a ten (10) foot easement centered on the centerline of the road.
- Telephone service for this subdivision is provided by Verizon.
- This subdivision lies within the City Limits of The City of Wimberley.
- When required, lots shall have a minimum driveway culvert size of 36 inches.
- This subdivision has an average slope of more than 15%.
- Wastewater treatment for this subdivision is to be private, individual, on-site wastewater treatment system.
- Improvements exist on Lot 3, which are not shown by this Plat.
- Provisions of the City of Wimberley Comprehensive Plan shall apply to this subdivision.
- No object, including buildings, fencing or landscaping which would obstruct the view of the road, shall be placed or erected within a distance of 10 feet from the centerline of the road.

P&Z Commission Agenda Form



Date Submitted: May 7, 2016

Agenda Date Requested: May 12, 2016

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

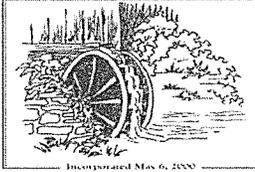
Commission Action Requested:

- 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: May 9, 2016

Agenda Date Requested: May 12, 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.