

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
July 22, 2010 at 6:30 p.m.

Meeting called to order by Acting Chair Jean Ross. Present were Commissioners Lila McCall, Steve Klepfer, David Glenn, and Phil Dane. Chairman Tracey Dean had an excused absence. Commissioner Mike Jones resigned from the Commission prior to the meeting.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and City Planning Tech Sandy Irvin.

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

Approval of minutes of the regular Planning & Zoning Commission meeting on July 8, 2010.

Commissioner Klepfer moved to approve the minutes as presented. Commissioner Glenn seconded. Motion carried on a vote of 5-0.

2. Election of Planning and Zoning Commission Officers

Consensus was reached to continue this item until the Commission's next regular meeting on August 12, 2010.

3. Public Hearing and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-10-009, an application for a conditional use permit to allow for the operation of a bed and breakfast on a .41 acre tract of land zoned Commercial – Low Impact (C-1) and located at 110 Oak Drive, Wimberley, Hays County, Texas. (*Marcilia Anderson, Applicant*)

Commissioner Klepfer recused himself from the meeting at this time due to a possible conflict of interest.

Acting Chair Ross called a brief recess to allow City Administrator Ferguson to make a determination about quorum requirements.

Acting Chair Ross reconvened the meeting upon City Administrator Ferguson's return.

City Administrator Ferguson advised that due to Commissioner Jones' resignation from the Commission, four (4) votes would be needed to make a recommendation.

Planning Tech Irvin reviewed the conditional use permit (CUP) application, including subject property location, acreage, and current/proposed zoning and uses. She stated that presently there are six (6) other permitted or grandfathered bed and breakfast operations in close proximity to the subject property. It was noted that the proposed facility, which formerly housed a day care operation, will consist of eight (8) bedrooms and nine (9) bathrooms, with a maximum occupancy of eighteen (18) guests. In compliance with City Code, a total of seven (7) on-site parking spaces will be provided. The applicant has agreed to comply with the City's list of conditions pertaining to bed and breakfast operations. Proper notifications were posted and mailed to surrounding property owners, with one nearby business owner expressing concerns over septic capacity, maximum occupancy, and parking. Based on compatibility with surrounding uses, staff recommended approval.

Applicant Marcilia Anderson stated that the proposed facility will only have six (6) bedrooms and provided details on the aerobic engineered septic system, which has passed inspection by the City Sanitarian. Ms. Anderson stated that she does not intend to operate a restaurant and will only provide a continental breakfast. She noted that the proposed facility will be ADA compliant and explained specifics relating to parking, including an additional parallel space. She outlined certain policies and guidelines for guests and pointed out that water conserving plumbing fixtures will be used. Ms. Anderson noted that fire code requirements have been exceeded, with the use of double sheetrock layers/insulation, a fire alarm system, and a "Knox Box." Ms. Anderson assured that residents and/or neighbors will receive a speedy response from her or her property manager, should the need arise. Ms. Anderson felt that there is a need for a bed and breakfast at this location, which should boost business for retail merchants in the Square.

Discussion among Commission members, staff, and the applicant addressed:

- Number of proposed showers and former building configuration
- Adequacy of parking for guests/employees
- Maximum occupancy and specifics on accommodations/occupancy in each room
- Exceeding minimum requirements in order to provide flexibility
- Applicant's focus on bed and breakfast operations, with no intent to operate a restaurant
- Details on the septic system and inspection procedures
- Concerns over septic leaks and protection of waterways
- Commissioner McCall's suggestion to impose a moratorium on all new bed and breakfast facilities in congested areas along creeks/rivers and subsequent request for a future agenda item relating to same

- Comparison of occupancy statistics between the former day care operation and the proposed bed and breakfast facility
- Alarm system in place to notify of septic problems
- Concerns regarding the City's liability, until implementation of a centralized downtown wastewater system
- Clarifications of the Code's definition of "bed and breakfast," applicable planning area, and Lodging – Low Impact (L-1) as a possible zoning classification
- Comparisons of environmental impact of various types of businesses, including restaurants and assisted living facilities
- Clarification of the Code's definition of "Lodging (L-1)" and reasoning for requesting a CUP versus L-1 zoning
- More regulatory ability via case-specific CUP conditions
- Need to refine Code language relating to bed and breakfast regulations
- Enforcement of CUP conditions and revocations for violations

Commissioner Glenn stated that he would not vote against the item and "moved" the question. Acting Chair Ross asked if Commissioner Glenn's statement was a motion and whether there was a second.

Requesting discussion on the motion, Commissioner Dane expressed concerns over parking adequacy and felt extra parking conditions may be needed, including clearly designated spaces, and no street parking. Occasional use of the public parking lot for overflow and parking for cleaning staff was discussed. City Administrator Ferguson stated that the applicant's parking accommodations meet current City Code requirements. Problems common to downtown parking in general were noted.

Commissioner Glenn stated that he was ready to vote. Acting Chair Ross entertained a second. Commissioner Dane felt that septic issues have been addressed, but remained concerned about adequate parking. City Administrator Ferguson advised that the applicant meets City Code. Commissioner Dane stated that he could not see what additional restrictions could be placed on parking, other than what is already in the Code. Related to parking, Acting Chair Ross and Commissioner Dane acknowledged that City Code requirements have been met. There was discussion of the possibility of placing identification on cars that belong to bed and breakfast residents who park in public parking spaces.

Acting Chair Ross stated that a motion had been made and revised her statement to reflect that Commissioner Glenn had called the question, but that a motion had not been made. Commissioner Glenn stated that there was no second. Commissioner Dane stated his understanding that Commissioner Glenn moved to recommend approval the CUP. Acting Chair Ross asked Commissioner Glenn if his motion was to recommend approval of the CUP. Commissioner Glenn stated that he would not vote against it. Acting Chair Ross stated: "Just so I understand the motion on the table is to recommend approval of the CUP." City Administrator Ferguson stated: "With the

conditions that she's included." Acting Chair Ross asked Commissioner Glenn: "Is that your motion?"

Commissioner Glenn withdrew his motion. Acting Chair Ross entertained another motion.

Acting Chair Ross moved to recommend approval of Case #CUP-10-009. Motion died for lack of a second. Because there was no vote, City Administrator Ferguson advised that this item will be heard by City Council on August 5, 2010, without the Commission's recommendation.

Commissioner Klepfer rejoined the meeting at this time.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-10-010, an application for a conditional use permit to allow for the operation of a bed and breakfast on a 1.024 acre tract of land zoned Single Family Residential 2 (R-2) and located at 408 Blue Heron Run, Wimberley, Hays County, Texas. (*James and Judy Thompson, Applicants*)

Prior to this meeting, the applicants, James and Judy Thompson withdrew their application. As such, no action is required.

- C. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-10-011, an application for a conditional use permit to allow for the operation of a bed and breakfast on a .50 acre tract of land zoned Single Family Residential 2 (R-2) and located at 444 Blue Heron Run, Wimberley, Hays County, Texas. (*Donn and Pamela Lamoureux, Applicants*)

Prior to this meeting, the applicants, Donn and Pamela Lamoureux, withdrew their application. As such, no action is required.

- D. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-10-012, an application for a conditional use permit to allow for the operation of a bed and breakfast on a .35 acre tract of land zoned Single Family Residential 2 (R-2) and located at 430 Blue Heron Run, Wimberley, Hays County, Texas. (*Donn and Pamela Lamoureux, Applicants*)

Prior to this meeting, the applicants, Donn and Pamela Lamoureux, withdrew their application. As such, no action is required.

4. Discussion and Action

Discuss and consider possible modification of the regular meeting schedule for the Planning and Zoning Commission. (*City Administrator*)

Consensus was reached to keep the current meeting schedule in order to revisit issues such as planning and design standards.

5. Staff and Commission Reports

- Announcements
- Future Agenda Items

Future agenda items:

Commissioner McCall requested consideration of a moratorium on new bed and breakfast facilities along waterways and a presentation by a Texas Historical Commission representative.

Commissioner Klepfer requested a review of development regulations.

Commissioner McCall requested consideration of Commission review of site plan submittals.

In response to Commissioner Klepfer, City Administrator Ferguson advised that the Commission will hold a public hearing on creation of a "Retreat" zoning district on August 12, 2010.

Commissioner Glenn requested an item finalizing the Non-Point Source (NPS) pollution ordinance.

Commissioner Dane requested an item to consider allowable uses in the Commercial – Low Impact (C-1) district.

Hearing no further announcements or future agenda items, Commissioner Dane moved to adjourn. Chairman Klepfer seconded. Motion carried on a vote of 5-0.

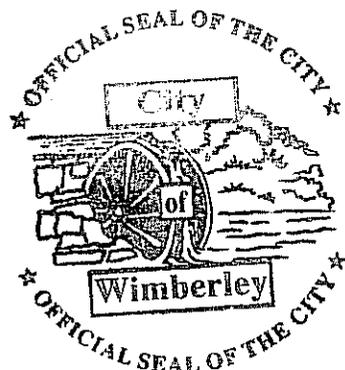
Adjourn at 7:37 p.m.

Recorded by:

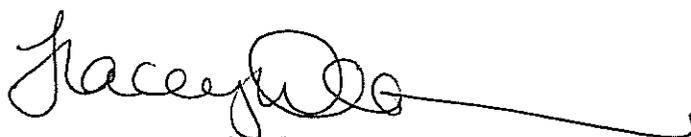


Cara McPartland

These minutes approved the 12th of August, 2010.



APPROVED:



Tracey Dean, Chair