

City of Wimberley
City Hall, 12111 Ranch Road 12, Suite 114
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
January 28, 2010 at 6:30 p.m.

Meeting called to order by Chair Tracey Dean at 6:37 p.m. Present were Commissioners Jean Ross, Lila McCall, Phil Dane, and David Glenn. Commissioner Mike Jones and Commissioner Paul Xiques had excused absences.

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

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

Approval of minutes of the regular Planning & Zoning Commission meeting on January 14, 2010.

City Administrator Ferguson noted the need for one amendment on page five (5) in order to state that the public hearing was closed. Commissioner Ross moved to approve the minutes as amended. Commissioner Glenn seconded. Motion carried on a vote of 4-0. Commissioner Dane abstained.

2. Public Hearing and Possible Action

- A. Hold a public hearing and make a recommendation to City Council regarding Case #CUP-10-001, an application for a conditional use permit to allow a secondary residential structure on a residential tract of land at 1415 East Spoke Hill Drive, Wimberley, Hays County, Texas. (*Herschel McCullough, Applicant*)

City Administrator Ferguson detailed the application, including current/proposed zoning, uses, and structures. The architectural style of the proposed secondary residential structure is consistent with the surrounding neighborhood and the applicant is working to ensure compliance with all City Code building and septic system regulations. No opposition has been received and staff recommends approval.

Chairman Dean opened the public hearing.

Applicant Herschel McCullough stated that a building permit has been issued for the existing slab.

Discussion addressed the need for compliance with all applicable regulations, including on-site septic system approval by the City Sanitarian, lot size, and number of occupants.

The public hearing was closed.

Commissioner Ross moved to recommend approval of the item as presented. Commissioner McCall seconded. Motion carried on a vote of 5-0.

- B. Hold a public hearing and make a recommendation to City Council regarding Case #CUP-10-002, an application for a conditional use permit to allow for a bar or tavern and a sit-down eating establishment including the sale of beer, wine and alcohol for on-premise consumption on a commercial tract of land at 320 Wimberley Square, Wimberley, Hays County, Texas. (*Charles Uselton, Applicant*)

City Administrator Ferguson detailed the application, including the subject property's location as the former Cypress Creek Café, current/proposed zoning/uses, permitted/conditional uses, parking, and prior subdivision. He stated that any improvements must meet City Code. He recommended additional buffering and stated that the applicant intends to extend the property line fencing. Mr. Ferguson noted that if the CUP is approved, the applicant must secure a waiver from the City's distance requirements relating to the sale of beer, wine, and alcohol within three hundred feet (300') of a church, day care, hospital, or school. He stated that no opposition has been received to this request and that staff recommends approval.

Chairman Dean opened the public hearing.

Discussion addressed the scope of the notification area, lack of responses received, and lack of public comment. In response to Commissioner McCall, City Administrator Ferguson replied that there are no State rules prohibiting restaurants from operating on private septic systems. In response to Commissioner Ross, City Administrator Ferguson replied that the subject property's septic system is leased from the City property and is in compliance. Mr. Ferguson stated that should the subject property connect to a centralized sewer system in the future, the existing septic system would be de-commissioned and that land could be used for a parking lot.

In response to Commissioner Dane's inquiry, applicant Charles Uselton provided specifics on fencing relating to privacy, noise buffering, security, and access. Regarding Commissioner Dane's question about limitations on the outdoor music venue, City Administrator Ferguson replied that the Commission has the ability to

place additional restrictions. Mr. Ferguson stated that very few downtown area noise complaints have been received over the years and subsequent discussion compared this case to recent similar zoning cases. The intent and purpose of buffering requirements was discussed in general and specific to certain properties, including the subject property.

Discussion generally agreed on the need to define standard buffering requirements, certain development/design standards, and the primarily commercial nature of the downtown/square area. Commissioner Ross felt that the location of the bar/tavern should be delineated in order to be consistent with other CUP requests, but acknowledged that might be difficult with the subject property, because alcohol will be sold in both the restaurant and the outdoor music venue. City Administrator Ferguson stated that discussions with the applicant indicated that the restaurant will be at the front of the property, while the bar/tavern will be located at the rear of the property, which is the current configuration. There are no plans for the upstairs part of the subject property.

As a notified property owner within two-hundred feet (200') of the subject property, Herschel McCullough spoke in support of the CUP request and conveyed support from downtown merchants in general.

Chairman Dean closed the public hearing.

Commissioner Ross moved to recommend approval of the item as presented, with the understanding that there will be a fence of at least eight (8) feet in height with a vegetative buffer on the east and west side property lines. Commissioner McCall seconded.

Relating to concerns over precedent-setting and based on review of previous distance waiver requests, Commissioner Dane felt that the subject property's prior use and central location will not set a precedent for subsequent waiver requests. Commissioner Ross stated that all CUP requests are viewed on a case-by-case basis and do not set precedent, which Commissioner Dane acknowledged.

Hearing no further discussion, Chairman Dean called for a vote. Motion carried on a vote of 5-0.

3. Discussion and Action

Discuss and consider action on issues relating to the modification of certain setback and development requirements, planning area maps and other provisions of the City's Zoning Code as they relate to the area of the Wimberley Square. (*Commissioner Jean Ross*)

Commissioner Jean Ross favored planning for development and stated that it would be useful to consider possible ramifications to the Square area should owners feel forced to sell properties, if unable to pay mandatory wastewater connection fees.

Commissioner McCall stated that there is an opportunity to create an historical district with associated design/development standards. She stated that the City must recognize the need for long-term subsidizing of wastewater costs for property owners and securing the tax base necessary for issuance of bonds. Discussion followed on achieving affordable wastewater service for downtown properties via a possible ad valorem tax on all property owners. She stated that having a clean, sanitary downtown area will attract more visitors and increase revenues.

Commissioner Dane favored further discussion, review, and future recommendations on this issue in order to preserve the nature and character of the Square, perhaps without going through the historical designation process. Discussion followed on different ways to establish aesthetic design standards.

Subsequent discussion addressed planning for future development or redevelopment, in the event of ownership changes (including large-scale transfers of property), various scenarios to achieve implementation of design standards such as overlay/historical districts, and preservation of the Square area's character and architectural style.

Economic Development Commission (EDC) member Jeri Ross directed the Commission's attention to relevant excerpts distributed to the Commission from the Comprehensive Plan and Economic Development Strategy (attached to these minutes) for guidance in revisiting issues that affect potential development in the downtown Square. She clarified for Commissioner Glenn that she is not speaking for the EDC, which has not had time to meet on this issue. Ms. Ross clarified for Commissioner McCall that she is not opposed to wastewater service for downtown, but stated that EDC provided the Water Wastewater Advisory Board (WWAB) with similar excerpts to help make the case that the Square needs to be treated differently than other areas when it comes to development. Ms. Ross clarified for the Commission that her distributed handouts are excerpts from policies approved by City Council.

EDC Chair Gary Weeks favored downtown wastewater service as a great opportunity to rejuvenate and revitalize properties, making them more appealing to residents and tourists. He spoke of the threat of increased density that may come with wastewater service, as well as the pressure it may create to develop/redevelop some properties. He felt that design standards criteria such as architectural scale, materials, setbacks, and landscaping are important to maintain downtown's character. Stating his personal opinion, Chairman Weeks

felt that perhaps a simple form could be designed for developers to fill out when applying for a building permit.

WWAB member Herschel McCullough welcomed input on preservation of the downtown area and recognized the distasteful aspect of mandatory connection for business owners, but stated the importance of getting downtown wastewater service. He stated that he will convey points brought up by Commissioner Jean Ross and EDC member Jeri Ross to the WWAB. City Administrator Ferguson advised that the WWAB is meeting on Monday, February 1, 2010 to discuss issues related to downtown wastewater service. Mr. McCullough added that his dislike of mandatory connection would likely not be strong enough to give up on the idea of getting a downtown sewer system in place.

Commissioner Ross reiterated that looking at possible consequences and planning for future development is important whether or not one favors downtown wastewater and/or mandatory connection. She cited examples of business owners who may possibly sell their properties to developers, if unable to bear mandated connection costs. City Administrator Ferguson agreed with Commissioner Ross about the need for planning, regardless of the wastewater issue, and stated that mandatory sewer connections for downtown businesses may increase property values. Herschel McCullough advocated the inclusion of a clause that states any new owner(s) must connect to a sewer system. Commissioner McCall stated that any subsidization of sewer system costs must go with the property, not the owner. Discussion followed on the positive effects of downtown wastewater service may have on commercial lending and property values and ways to develop design standards.

Commissioner Glenn asked Charles Uselton (see previous Agenda Item 2B) for his thoughts on connection to a centralized sewer system. Citing septic expenses incurred by the prior owner, Mr. Uselton favored connecting to a sewer system, if the cost is not prohibitive. City Administrator Ferguson pointed out that retrofitting in an environment with a small customer base makes for higher costs, but noted that the Commission's focus should be on planning for development, not on the system's financing. Commissioner Ross stressed that regardless of the costs associated with downtown wastewater it is important to look ahead to significant inherent consequences of providing sewer service. She stated that future development may also occur due to dilapidation of the downtown Square area over time, which also needs to be planned for.

Commissioner Dane agreed on the importance of design/development standards, whether or not development is a result of bringing wastewater service to downtown or dilapidation over time. He cited sources of input that may be helpful in development of standards such as aesthetically appealing design requirements recently presented on Blue Hole Regional Park improvements.

City Administrator Ferguson stated that setting standards via the public process is probably preferable to establishing review committees. Commissioner McCall stated that some smaller communities use historical societies to make recommendations and felt that the Wimberley Institute of Cultures and Hays County Historical Society might be useful sources of information.

City Administrator Ferguson stated that this item can be put on upcoming agendas for further consideration, with staff providing helpful information such as maps and charts showing zoning/development/overlay district requirements. Discussion addressed the possibility of creating an historical district in lieu of the Village Center Overlay District. Commissioner Glenn suggested getting EDC and WWAB involved in the process of developing design standards and suggested appointment of representatives from each entity. He stressed water reuse as important topic in discussions of the development process and felt that a comprehensive statement is needed on the Square as the "essence of Wimberley."

Subsequent discussion addressed possible future planning area changes, subcommittee formation, and/or appointment of liaisons. Herschel McCullough stated that he was in favor of formation of a preservation subcommittee to deal with potential effects of having downtown sewer service.

4. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson introduced Planning Technician Sandy Irvin, who has replaced Abby Gillfillan, and cited her past experience as Hays County Subdivision Coordinator. The Commission welcomed Ms. Irvin to the City's staff.

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

Adjourn at 7:42 p.m.

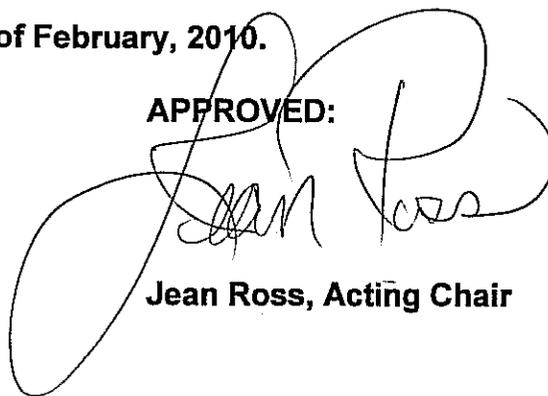
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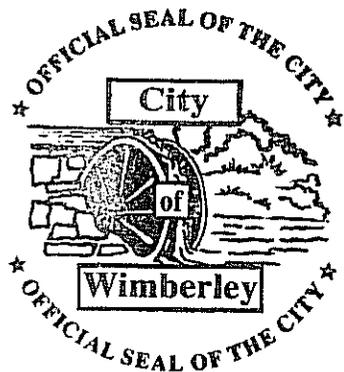
Cara McPartland

These minutes approved the 11th of February, 2010.

APPROVED:



Jean Ross, Acting Chair



Comprehensive Plan – Relevant Excerpts

IX. The Built Environment

A. Growth Management

Citizen input consistently emphasized the desire to maintain the small town, or “City” atmosphere. Residents look to the City government to provide the means to regulate the extent and type of new development that is inevitably coming to the Wimberley Valley.

C. Commercial Development

Consistent with citizens’ expressed desires to see the City remain mostly residential in character, much of the commentary concerning commercial development was focused upon the ways in which such development could be made to reflect the Wimberley profile, maintaining the quaint small town aura.

D. Special Areas

Citizen input addressed some of the special aspects of the City. This was particularly true concerning some of the unique areas, special features and historic sites found within the community. The roots of the City are traced back at least 150 years. Many old buildings of historic significance remain in use today. Others have been preserved and still others may be candidates for preservation.

2. Encourage and reinforce the development and enhancement of the City Center as the heart of Wimberley’s commercial/visitor-oriented activity.

- a. The City should sponsor the development of a plan for the City Center and for its several component parts.
- b. The City should ensure that all future development acknowledges the scale and character of the City Center and especially the Square, with emphasis on landscaping and pedestrian amenities.
- c. The City should address the issues of parking and pedestrian circulation in and around the City Center.
- d. The City should discourage strip retail and commercial development that could serve to diminish the ambiance of the City Center.
- e. The City should require that all commercial developments install and maintain landscaping in and around their parking areas and that service, storage, refuse, and maintenance areas are adequately screened.

4. Preserve and enhance historic and prehistoric sites within the City.

- a. The City should encourage the identification, documentation and designation of areas of historic and prehistoric importance.

- b. The City should facilitate special protection of historic and prehistoric sites.
- c. The City should work with property owners and other affected entities to preserve and enhance historic and prehistoric sites.
- d. The City should encourage developments in or around historic sites to be compatible in their design and landscaping.

Economic Development Strategy – Relevant Excerpts

I. Where we are

1.1 P.5:

The population of the Valley is expected to continue to increase, and by some projections, to increase rapidly. An Economic Development Strategy must address this trend and its inherent questions: How will these people live and work? How can they be accommodated without overwhelming our identity, quality of life, infrastructure, environment and economic and social health? There is no gate to shut. [Appendices A and J]

Community opinions concerning such questions have been well documented. There is consensus that any economic development should be harmonious with the scale, look, and feel of the existing community, preserve the natural beauty, and protect the environment. How this is to be done is not clear from accumulated opinions, but it is clear what is not wanted: Anything large scale, anything that pollutes, anything that consumes large amounts of water resources, anything that would destroy the unique character of the city and valley. [Appendix L]

1.2. P. 8 C. A List of Opportunities:

Wimberley's qualities are becoming rare, giving us a niche and a competitive advantage. The following opportunities must be realized to protect these qualities:

Cooperative regional planning with Woodcreek and Hays County to preserve the assets and enhance the quality of life in the Valley. [Appendix C]

Development of design standards and ordinances that will protect the small town atmosphere and increase property values. [Appendix C]

Maintenance of wildlife and agricultural exemptions; improvement of land and water use and conservation; and preservation of the rural landscape. [Appendix A]

Development of large land areas (e.g., the bypass) in ways that will enhance the ambience and reputation of the City and Valley. [Appendix I]

II. Where We Want to Be

2.1 P. 10-12 Image and Identity

1. Sense of place: The valley has special meaning, identity, and character to people animating its community spirit and its regional reputation. Some of this feeling and perception comes from nature and some from culture. Enterprises and businesses that have no special relationship to this landscape and culture serve to dilute this sense of place and reduce our competitive advantage, community spirit, and regional reputation.

Goals:

- *Preservation of our small town atmosphere.
- *Maintenance of the differentiation between Wimberley and surrounding communities as they grow.
- *New businesses that are compatible with community values and objectives.
- *Open space and landscape buffering on the entry corridors and in new developments.

Tasks:

- *Establish and maintain standards for development to address and include setbacks, landscaping, signage, lighting, impervious cover, open space, and architecture particularly on the entry corridors and on existing and new collector roads.

5. Quality of Development: Development in the Valley has largely been small scale and eclectic, leading to a mix of styles and a distinct ambience. Relatively low density has softened the effects of any less than careful planning and land use. As more land is developed (particularly in larger tracts) and as population increases, there is increased risk to ambience and the environment.

Goals:

- *A master plan.
- *Guidelines for appropriate development.
- *The preservation of open space and landscape buffering in all classes of development.

Tasks:

- *Establish and maintain standards for development to address and include setbacks, landscaping, signage, lighting, open space, impervious cover, and architecture.
- *Determine and promote desired outcomes of development.

III. How we are going to get there:

3.1. Planning and Zoning

**Renew the Square*

Appendix I, Community Opinions, P.1.

Community opinions have been well-documented over the lifetime of the Village government and even earlier. In a nutshell, there is consensus that any economic development should be undertaken on a scale that is harmonious with the look and feel of the existing community with an eye toward preserving the natural beauty of the area and protecting the environment.

How the desire for preservation of the existing community and environment is to be reconciled with nurturing economic activity and growth is not clear. As one reads through the various surveys and vision statements, it is clear what is not wanted: Anything large-scale, anything that pollutes, anything that consumes large amounts of water resources, anything that would destroy the Village's unique character.

The Village of Wimberley Comprehensive Plan, for example, lists in its Commercial Goals and Objectives prohibitions against: Strip development, heavy industrial development, chain stores, franchises, and fast food outlets. Under its Economic Goals and Objectives, it calls for prohibition against enterprises that are too large and that thus produce overcrowding, traffic, pollutants and other things "inappropriate to the small town Village way of life." It also recommends balancing business development between those that are tourist-based and those that are service-based.