

City of Wimberley
 City Hall, 221 Stillwater, Wimberley, Texas
Minutes of Board of Adjustment Meeting
 Monday, January 27, 2014 at 6:00 p.m.

The meeting was called to order at 6:00 p.m. by Chair P. Jason Aldridge. Board members present were Steve Gartside, Bill Cline, Barry Tyler, and Dick Larson.

Staff members present were City Administrator Don Ferguson

1. Consent Agenda

Approval of minutes of the October 28, 2013 meeting of the Board of Adjustment.

Boardmember Larson moved to approve the minutes of October 28, 2013, as presented. Boardmember Tyler seconded. Motion carried on a vote of 5-0.

Boardmember Tyler disclosed that a family member works for Pape-Dawson, the engineering firm retained by Wimberley ISD.

2. Public Hearing and Possible Action

- A. Public hearing and consider possible action on Case No. BA-14-001, a request for variances to the Sections of the City of Wimberley Zoning Code relating to maximum building footprint and open cuts in a Public Facilities (PF) zoning district for property located at 100 Carney Lane, Wimberley, Hays County, Texas. (*Wimberley ISD, Applicant*)

City Administrator Ferguson reviewed the application, including the subject property's location as the site of Wimberley High School, current/proposed zoning and uses, and proposed additions and modifications to existing facilities included in WISD's 2013 Bond Issue. He noted that the current building footprint of the High School is approximately 130,100 square feet – a size that significantly exceeds the maximum allowable building footprint of 7,500 square feet for PF-zoned properties. He stated that WISD is seeking variances from the footprint requirements set forth in §155.060(D) of City Code for construction of a new band hall, as well as from §155.078(H)(5) for cuts exceeding the maximum allowable depth of five (5) feet for excavation of detention/filtration ponds.

City Administrator Ferguson advised that no comments have been received regarding the proposed variances and City staff recommended approval. Discussion established the depth of the proposed cuts as six-feet (6') and the requirement that the ponds be fenced to prevent access.

Chairman Aldridge opened the public hearing.

Pape-Dawson Project Manager Shelly Mitchell offered to answer any questions about the proposed variances.

Discussion among Board members, Ms. Mitchell, and City Administrator Ferguson addressed access to the subject property, locations of specific improvements, previous variances granted for prior improvements in excess of maximum building footprint, and reasoning for 7,500 square-foot limit on maximum building footprint for PF-zoned properties.

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

City Administrator Ferguson noted conditions required for granting of these variances pursuant to City of Wimberley Ordinance No. 2001-010, Section 10, and recommended the inclusion of specific, written findings in the motion, as listed below, along with the additional condition that open cuts shall not exceed a maximum depth of six feet (6’):

1. That there are special circumstances or conditions affecting the property involved such that the strict application of the provisions of this ordinance would (a) deprive the applicant of the reasonable use of the property; and (b) create an unnecessary hardship in the development of this property; and
2. That such circumstances or conditions are (a) not self-imposed; (b) not based solely on economic gain or loss; and (c) do not generally affect most properties in the vicinity of the property; and
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
4. The variance if granted will not: (a) adversely affect the public health, safety or welfare; (b) be contrary to the public interest; and (c) be injurious to or adversely affect the orderly use of other property within the area; and
5. The property involved is otherwise in compliance with all other applicable City ordinances, rules, and regulations; and
6. The granting of the variance will be in harmony with the spirit and purpose of this ordinance.

Boardmember Larson moved to approve the requested variances, with the inclusion of affirmative findings on all six above listed conditions, as cited by City Administrator Ferguson, and the additional condition that open cuts shall not exceed a maximum allowable depth of six feet (6’). Boardmember Tyler seconded. There was brief discussion establishing the maximum allowable depth for open cuts during construction versus final build-out, and whether the maximum allowable depth should be increased. Motion carried on a vote of 5-0.

- B. Public hearing and consider possible action on Case No. BA-14-002, a request for variances to the Sections of the City of Wimberley Zoning Code relating to maximum building footprint, minimum setbacks and exterior building materials in a Public Facilities (PF) zoning district for property located at 951 FM 2325, Wimberley, Hays County, Texas (*Wimberley ISD, Applicant*)

City Administrator Ferguson reviewed the application, including the subject property’s location as the existing WISD Annex and Storage Facility, and proposed expansion increasing the existing square footage (11,573 square feet) by 5,928.8 square feet. He noted that the expanded

facility, to be used as the new WISD Administration Building, will total 17,501.8 square feet, which WISD contends is needed to meet the growing demand for administrative office space.

Due to site constraints, it was noted that some of the additional planned parking spaces will encroach 6' 9" into the required 25-foot front setback. Additional drainage improvements include construction of a required concrete drainage structure for the project on the west side of the subject property, within the boundary of the 10' side yard setback. City Administrator Ferguson advised that construction and parking are not allowed within required setbacks without a variance from §155.060(D) of City Code related to uses in required minimum setbacks. He also noted that the existing Annex and Storage Facility has a metal panel façade that does not comply with the exterior building material requirements in City Code. He stated the proposed façade will include a colored architectural metal panel that is harmonious with the stone and brick masonry that will make up the exterior façade, and the limited use of metal panel will require a variance from §155.078(K) of City Code.

City Administrator Ferguson advised that no comments have been received regarding the proposed variances and City staff recommended approval.

Chairman Aldridge opened the public hearing.

Discussion established delineation of the 200-foot notification area, exterior materials allowed under City Code, and details relating to proposed construction of a drainage channel in the 10-foot setback area due to location of the existing building. City Administrator Ferguson recommended that the drainage improvement construction on the west side of the subject property should be a minimum of two (2) feet from the property line to minimize any potential impact to adjacent properties. Although the original building is considered pre-existing, non-conforming, City Administrator Ferguson clarified that the expansion plans constitute a change in use that trigger the need for variance requests related to maximum building footprint and required minimum setbacks under Code §155.060(D), and to exterior building materials requirements under Code §155.078(K).

City Administrator Ferguson advised that no comments were received regarding the proposed variances and recommended approval, as presented, with the additional condition that the proposed encroachment for drainage improvements into the side yard setback on the west side of the subject property shall be a minimum of two (2) feet from the property line.

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

Boardmember Larson moved to approve the requested variances, with the inclusion of affirmative findings on all six above listed conditions (see list, Agenda Item 2A), as cited by City Administrator Ferguson, including the condition that the encroachment into the 10-foot side yard setback shall be no more than eight (8) feet, and no closer than two (2) feet from the property line. Discussion clarified the construction process for the proposed drainage channel. Boardmember Gartside seconded. Motion carried on a vote of 5-0.

- C. Public hearing and consider possible action on Case No. BA-14-003, a request for variances to the Sections of the City of Wimberley Zoning Code relating to maximum building height, maximum building footprint, minimum setbacks, off-street parking and open cuts along with the parking and impervious cover requirements of the Protected Waterway Overlay District in a Public Facilities (PF) zoning district for property located at 200 Texan Boulevard, Wimberley, Hays County, Texas. (*Wimberley ISD, Applicant*)

City Administrator Ferguson provided details on each of the variances requested from maximum building height, maximum building footprint, minimum setback, off-street parking, and open cut requirements of the City’s Zoning Code, as well as parking and impervious cover requirements of the Protected Water Overlay District. He noted the subject property’s location (known as Danforth Middle School, Tennis Courts, and Texan Stadium) in Planning Area III, portions of which are within the boundaries of the Protected Water Overlay District.

He provided the following breakdown of improvements and associated requested variances:

Pressbox Expansion

The replacement press box at the Stadium plans call for the west portion of the press box to be 27 feet above grade to the highest portion of the structure, while the highest portion of the east side will be 36 feet above grade. As a result of the 8’6” grade under the replacement press box structure, and the height of the existing grandstands, WISD is seeking a variance from the building height requirements under City Code §155.005 to allow for construction of the replacement press box.

Field House (Multi-Purpose Building)

The footprint of the proposed field house is 26,218 square feet – a size well in excess of the maximum allowable building footprint of 7,500 square feet for PF-zoned properties. WISD contends the proposed size is needed to meet the existing and future space needs of its athletics program, including, but not limited to, locker rooms, training facilities, concession facilities, restrooms, and classroom space. As such, WISD is seeking a variance from maximum footprint requirements pursuant to City Code §155.060(D)(4).

Field house plans call for a sloped roof that will be 33’2” above grade at its highest point on the east side of the building, and 19’ above grade on the west side. As the field house could be considered an accessory building to the nearby Danforth Middle School or Stadium, WISD is seeking a variance from accessory building height requirements as set forth in §155.060(D)(1), which allow for a maximum height of 18’ above grade.

Additional Tennis Courts

One of the three planned tennis courts will encroach 3.75’ into the required 10’ interior setback, which WISD contends cannot be avoided due to site limitations and the need to locate the new courts in close proximity to the existing tennis courts on the subject property. As a result, WISD

is seeking a variance from the setback requirements as set forth in City Code §155.060(D)(5) that prohibit construction within the required interior setback.

Drainage Improvements

Proposed improvements call for the addition of a storm water detention pond in a location proposed to allow for the preservation of natural open space and trees on other portions of the site. Water quality controls have been designed to minimize footprint of the drainage infrastructure, however, the pond will need to be excavated to a depth of more than five (5) feet in some places to efficiently detain storm water. As a result, WISD is seeking a variance from the 5' open cut limit in City Code §155.078(H)(5)(a).

Improvements in the Protected Waterway Overlay District (PWOD)

Existing improvements, including the former baseball field, tennis courts, and stadium parking lot, currently encroach into the setback of PWOD. Due to site limitations and the need to locate the water quality structures where proposed, some of the planned improvements, including but not limited to, two of the new tennis courts, a portion of the field house, a reconstructed parking lot, and a second water quality structure, will encroach into the setbacks. As a result, WISD is seeking a variance from impervious cover requirements as set forth in City Code §155.092(E)(3) relating to the PWOD. Because the parking lot is considered a pre-existing, non-conforming use, no variance is needed for the parking lot reconstruction.

Parking Spaces

Between the nearby High School and Middle School parking lots, just over 500 spaces are available for Stadium events, a number far less than the required amount of parking for the Stadium. Due to the prohibition of parking within the PWOD and lack of available space on-site to add parking spaces, WISD is seeking a variance from the Stadium parking requirements set forth in City Code §155.075(F)(54). City Administrator Ferguson stressed that no new parking spaces will be allowed on portions of the subject property within the PWOD.

City Administrator Ferguson advised that no comments have been received regarding the proposed variances and recommended approval.

Chairman Aldridge opened the public hearing.

Pape-Dawson Project Manager Shelly Mitchell offered to answer any questions.

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

Discussion addressed:

- Meaning of specific terms listed on the field house site plan
- Possible options for additional parking for Stadium events
- Impact of improvements on surrounding residential properties

- Safety issues associated with lack of adequate parking spaces for certain stadium events
- Increased stadium capacity and loss of some parking spaces due to construction
- Possible additional condition that WISD implement an alternative plan to provide supplemental on- or off-site parking and deal with overflow parking (such as satellite parking shuttle service) to enhance safety
- Ability of the Board to place additional conditions on individual variance(s)
- Prohibition on parking in portions of the subject property within the PWOD
- Additional condition applicable to the parking variance only
- Specific conditional language relating to “best efforts” of WISD to find alternative parking
- Possible requirement that WISD submit alternative parking plan to the Board of Adjustment or City staff for approval before proceeding with proposed parking modifications
- Requirement that WISD try to accommodate for increased parking needs created by planned stadium expansion and parking spaces lost as a result of field house construction versus accommodation for total seating capacity of stadium (upon completion of improvements)
- Possible specification of deadline date for submittal of WISD alternative parking plan to City
- Possible acquisition of additional land by WISD to accommodate parking

Boardmember Tyler moved to approve the requested variances, as presented, with the inclusion of affirmative findings on all six above listed conditions (see list, Agenda Item 2A), as cited by City Administrator Ferguson, including the following condition (*for the variance from parking requirements set forth in §155.075(F)(54) only*): WISD shall submit a plan, subject to approval by City staff, to safely accommodate additional on-site or off-site parking to meet the additional capacity added to the stadium seating and for parking spaces lost as a result of field house construction. Boardmember Larson seconded. There was brief discussion of the methods of measuring and calculating bench seating capacity. Motion carried on a vote of 5-0.

3. Board Member Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson reported on the status of a recent appeal filed regarding a Board of Adjustment decision.

Hearing no announcements or future agenda items, Boardmember Larson moved to adjourn.

Chairman Aldridge called the meeting adjourned at 7:15 p.m.

Adjourned at 7:15 p.m.

Recorded by:

Cara McPartland
Cara McPartland

These minutes approved on the 24th day of February, 2014.



APPROVED:

A large, stylized handwritten signature in black ink, appearing to read "P. Jason Aldridge".

P. Jason Aldridge, Chair