

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Joint Special Meeting of the City Council  
& Planning and Zoning Commission**  
April 12, 2013 at 5:30 p.m.

City Council meeting called to order at 5:30 p.m. by Mayor Bob Flocke.

Mayor Flocke gave the Invocation and Council/Commission members led the Pledge of Allegiance to the United States and Texas flags.

Council Members Present: Mayor Bob Flocke and Councilmembers Tom Talcott, Mac McCullough, Matt Meeks, Steve Thurber, and John White.

Planning & Zoning Commission Members Present: Chair Tracey Dean, Members Beth Mitchell, Tom Haley, Steve Klepfer, and Rick Burleson. Commissioners Charles Lancaster and Lance Cawley were absent.

Staff Present: City Administrator Don Ferguson

**1. Joint Planning and Zoning Commission/City Council Public Hearing**

Public hearing on an ordinance of the City of Wimberley, Texas changing the zoning designation for approximately 2.04 acres of property located at 14307 and 14305 Ranch Road 12, Wimberley, Hays County, Texas, from Commercial – Moderate Impact (C-2) to Wimberley Planned Development District (WPDD) with a base zoning district of Commercial – Moderate Impact (C-2); and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Ace Hardware, Applicant*)

Mayor Flocke explained that this joint meeting is intended to meet the applicant’s need to expedite the zoning and rebuilding process. Mayor Flocke outlined the public speaking procedures for the audience in order to streamline the process for potential speakers.

Mayor Flocke opened the public hearing. Hearing no comments, Mayor Flocke closed the public hearing.

**2. Discussion and Possible Action by the Wimberley Planning and Zoning Commission**

Discuss and consider making a recommendation to the City Council regarding an ordinance of the City of Wimberley, Texas changing the zoning designation for approximately 2.04 acres of property located at 14307 and 14305 Ranch Road 12, Wimberley, Hays County, Texas, from Commercial – Moderate Impact (C-2) to Wimberley Planned Development District (WPDD) with a base zoning district to Commercial – Moderate Impact (C-2); and providing for the following: delineation on

zoning map; findings of fact; severability; effective date and proper notice and meeting.  
(*Ace Hardware, Applicant*)

City Administrator Ferguson reviewed the subject property's location, existing/proposed zoning and uses, total loss of the pre-existing, non-conforming structure due to fire, WPDD agreements in general, and specific WPDD conditions under the proposed agreement, including:

- Replacement of the pre-existing, non-conforming 26,000 square-foot building with a 32,027 square-foot store
- 27,741 square-foot building footprint proposed for the new building, which will be positioned on the subject property to allow for greater setbacks than the former site
- Inclusion of an internal fire suppression system (sprinklers) in the new building
- Total proposed building coverage of thirty-one percent (31%) and building height of twenty-seven feet (27'), which is within the City's development standards
- Impervious cover of seventy-six percent (76%), exceeding the City's development standard of seventy percent (70%), but considerably lower than the previous impervious cover percentage (of 98%) for the original development
- Provision of sixty-five (65) off-street parking spaces, rather than eighty (80) spaces required under City development standards
- Installation of four (4) 12-foot pole lights and associated store signage to comply with the City's lighting regulations
- Total of approximately two-hundred sixty-three (263) square feet in signage for the exterior of the building, with no freestanding signs proposed for the new development
- Access to remain as with the original development
- *Deletion (on second paragraph of page 2) from the proposed ordinance of the reference to "utilizing rainwater harvesting techniques"*
- *Addition of language to the ordinance requiring the new development to comply with the City's Water Quality Protection Ordinance*

City Administrator Ferguson advised that no responses were received by City staff regarding the WPDD application. It was noted that larger setbacks under the proposed development will allow for deliveries by large trucks without impeding traffic on FM 2325. Lumber inventory will be moved indoors for the new development, rather than being outdoors as under the original development.

Commission discussion included:

- Clarification on specific variances from development standards, as listed in the proposed WPDD agreement
- Details on sprinkler system specifications
- Concerns related to sign variance(s)
- Parking spaces located in setback(s)
- Procedural concerns regarding the simultaneous review of this WPDD application by City Council and the Planning and Zoning Commission and consistency in the application of zoning/development regulations to all applicants
- Importance of Ace Hardware's role as an asset to the community

Commissioner Haley moved to recommend approval of the item as presented, which includes all variances as requested, and City Administrator Ferguson's aforementioned revisions of ordinance language (see italics above) related to deletion of the reference to utilization of rainwater harvesting (in second paragraph, page 2) and the additional condition requiring compliance with the City's Water Quality Protection Ordinance.

In response to City Administrator Ferguson's inquiry regarding clarification on signage, Commissioner Haley stated that his motion is to recommend approval of the signage package as presented by the applicant. Discussion established that the total square footage of signage for the new store, as presented by the applicant, exceeds development standards, but is below the total square footage amount for signs that were at the previous store site.

Chairman Dean seconded Commissioner Haley's motion.

Commissioner Klepfer requested a friendly amendment to Commissioner Haley's motion to include direction to City Administrator Ferguson to work with Mayor Flocke and the applicant to arrive at an agreeable solution to address signage variance concerns.

Commissioner Haley accepted Commissioner Klepfer's friendly amendment.

After discussion of the specificity of Commissioner Klepfer's friendly amendment and whether to include a cap on total square footage, agreement was reached on motion amendment language to recommend that total square footage of all signage cannot exceed 263.4 square feet, as submitted by the applicant.

Commissioner Haley accepted the friendly amendment with the clarification, and added the recommendation that the applicant's total signage cannot exceed 263.4 square feet, as originally submitted by the applicant. Chairman Dean seconded the friendly amendment, as clarified.

Hearing no further comments, Chairman Dean called for a vote on the motion, as amended. Motion carried on a unanimous vote of 5-0.

### **3. Discussion and Possible Action by Wimberley City Council**

- A. Discuss and consider approval of an ordinance of the City of Wimberley, Texas changing the zoning designation for approximately 2.04 acres of property located at 14307 and 14305 Ranch Road 12, Wimberley, Hays County, Texas, from Commercial – Moderate Impact (C-2) to Wimberley Planned Development District (WPDD) with a base zoning district of Commercial – Moderate Impact (C-2); and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Ace Hardware, Applicant*)

Mayor Flocke opened Council discussion, which included:

- Precedent-setting nature of simultaneous public hearings held by Planning and Zoning and City Council
- Total square footage/illumination of signage

- Explanation of “shadow” lighting for signs
- Clarification of WPDD procedures and deviation from holding separate Planning & Zoning/City Council public hearings in order to expedite the zoning/permitting process, which is necessary for the owner to rebuild within a mandatory timeframe

Councilmember Talcott moved to approve the ordinance, as presented, which includes City Administrator Ferguson’s aforementioned deletion/addition to ordinance language (see italics above), and the requested variances and signage proposal, as originally submitted by the applicant (without the Planning and Zoning Commission’s recommended 263.4 square-foot cap on total signage). Councilmember McCullough seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding the City of Wimberley, Texas opposing the proposed creation of the Needmore Ranch Municipal Utility District.  
*(Place Four Councilmember Steve Thurber)*

Councilmember Thurber stated that there is a better chance of stopping passage of the House bill, rather than the Senate bill. He favored contacting appropriate legislators and encouraged Council’s approval of a resolution, as read by City Administrator Ferguson, opposing creation of the Needmore Ranch Municipal Utility District (MUD). Discussion established that the bill must pass in both the House and Senate to be enacted. City Administrator Ferguson recommended approval of the resolution and stated that opposition should be communicated to every member of the Texas Senate and House. He advised that Special Districts Committee Vice-Chair Doug Miller is the appropriate contact for those wishing to express opposition to the MUD.

A Citizens Alliance for Responsible Development (CARD) representative spoke of her own efforts to launch a letter-writing/phone call campaign expressing opposition to the Needmore Ranch MUD. She felt that the legislators sponsoring the House and Senate MUD bills (State Representative Jason Isaac and State Senator Donna Campbell, respectively) should be invited to Wimberley to explain their support for this legislation.

Councilmember Talcott supported the resolution, but felt that the Needmore Ranch property owner should be invited to speak publicly and given a chance to respond.

Mayor Flocke stated that it is an extreme breach of protocol for our representative(s) and senator(s) to take action that may have a major negative impact, without consulting local government officials, and felt that such a breach by State Representative Jason Isaac and State Senator Donna Campbell shows a lack of experience.

Councilmember Thurber moved to pass and approve the resolution, as presented, and to direct staff to send the resolution to all members of the Texas House and Senate. Councilmember White seconded. Motion carried on a vote of 5-0.

Mayor Flocke called the meeting adjourned at 6:37 p.m.

**Adjournment:** Joint City Council/Planning & Zoning Commission joint meeting adjourned at 6:37 p.m.

Recorded by:

*Cara McPartland*  
Cara McPartland

These minutes approved on the 2<sup>nd</sup> of May, 2013.

APPROVED:

*Bob Flocke*

**Bob Flocke, Mayor**

