

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
January 8, 2015 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair Tom Haley. Present were Commissioners Rick Millinor, Charles Lancaster, Charles Savino, and Rick Burleson. Commissioners Tracey Dean and Thad Nance 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 November 13, 2014.

In response to Commissioner Burleson's prior communication regarding possible revisions, City Administrator Ferguson recommended the following revision: "Discussion favored an approach that would *initially* focus on establishing undesired types of development, rather than basing regulations on lot size/density."

Chairman Haley pulled the minutes and entertained a motion.

Commissioner Burleson moved to approve the minutes, with the abovementioned revisions. Commissioner Savino 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 ZA-15-001, an application to change the zoning from Single Family Residential 2 (R-2) to Rural Residential 1 (R-1) for property located at 1021 Hidden Valley Road, Wimberley, Hays County, Texas. (*Jim & Ellen Balthazar, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning, and recent replat consolidating two lots, each just over an acre in size, to form one 2.28 acre tract. The size of the newly created lot triggered the need to rezone the subject property. He noted that the subdivision was necessary to allow the applicants to proceed with plans to expand an existing single family residence. City staff has

received no comments either for or against the requested zoning change and City Administrator Ferguson recommended approval.

Chairman Haley opened the public hearing. One audience member replied negatively to Chairman Haley, when asked if she would like to speak. Hearing no comments, Chairman Haley closed the public hearing.

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

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case ZA-15-002, an application to change the zoning from Residential Acreage (RA) to Single Family Residential 2 (R-2) for property located at 615 Sunset Drive, Wimberley, Hays County, Texas. (*Matthew & Mary Carr, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning, and recent subdivision that created Lot 1 of the Boyles Home Subdivision from a 10.01 acre parent tract. Due to the size of the newly created lot, there is a need to change the zoning from RA to R-2. The zoning on the remaining 8.96 acres of the original 10.01 acre parent tract remains RA, since it is greater than five acres in size. He advised that the subdivision was necessary to allow the applicants to proceed with plans to construct a single family residence. He stated that City staff has received no comments, either for or against, the requested zoning change and recommended approval. He noted that City Council's plat approval for the subject property included additional stipulations requiring underground utilities and no further subdivisions, which the property owner has agreed to.

A nearby property owner, who stated that she lives right above the subject property, asked for verification that utilities will be placed underground. City Administrator Ferguson responded that the subject property's plat notes will include the stipulation that utilities be placed underground in accordance with the policies of the utility providers.

Discussion established that the plat notes remain in effect for future owners, should the subject property be sold.

Commissioner Millinor moved to recommend approval of the requested zoning change, as presented. Commissioner Lancaster 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 of the City of Wimberley, Texas, amending Title XV (Land Usage), Chapter 155 (Zoning), Sections 155.005 (Definitions), 155.047 (Commercial – Low Impact; C-1), 155.048 (Commercial – Moderate Impact; C-2), 155.049 (Commercial – High Impact; C-3), 155.050 (Highway Commercial; HC), and Section 155.091 (Village Center Overlay District; VC) of the City of

Wimberley Code of Ordinances to amend and clarify permitted and conditional uses relating to the sale of alcoholic beverages; and providing for the following: findings of fact, savings, severability, repealer, effective date, and proper notice and meeting. (*City Administrator*)

City Administrator Ferguson stated the ordinance amendment is needed in order to eliminate some ambiguous and conflicting language that exists in the current ordinance. In addition, the proposed ordinance incorporates the Commission's following recommendations as to where alcohol sales and consumption should be allowed and under what conditions:

- The sale of beer, wine and alcohol for on-premise consumption in sit-down eating establishments should be allowed as a Conditional Use in Commercial-Low Impact (C-1) and Commercial-Moderate Impact (C-2) zoning districts.
- The sale of beer, wine and alcohol for on-premise consumption in sit-down eating establishments should be allowed as a Permitted Use in the Commercial-High Impact (C-3) zoning district.
- Package Stores, as defined in the Code, should be allowed as a Conditional Use in Commercial-Low Impact (C-1), Commercial-Moderate Impact (C-2) and Commercial-High Impact (C-3) zoning districts.
- Liquor Stores, as defined in the Code, should be allowed as a Conditional Use in Commercial-Moderate Impact (C-2) and Commercial-High Impact (C-3) zoning districts.
- Liquor Stores, as defined in the Code, should be a Prohibited Use in the Village Center Overlay.
- Bars and Taverns, as defined in the Code, should be allowed as a Conditional Use in Commercial-High Impact (C-3) and Highway Commercial (HC) zoning districts.

Discussion addressed clarification of certain definitions, examples of specific commercial zoning districts, TABC license types, and distance requirements.

Commissioner Savino moved to recommend approval of the proposed ordinance amendment, as presented. Commissioner Lancaster seconded. Motion carried on a vote of 5-0.

3. Discussion and Possible Action

Discuss and consider action regarding possible changes to Chapter 154 Subdivision Control of the City of Wimberley Code or Ordinances. (*City Administrator*)

City Administrator Ferguson reviewed past discussions of the Subdivision Code and focused on rural versus urban standards and the importance of subdivision regulations. He asked for the Commission's input on what it would like to see in the future and

reminded that the City does have control over subdivisions in the Extra Territorial Jurisdiction.

Chairman Haley recommended continuing discussion of this item until all Commission members are present, due to the critical nature of Code changes.

Brief discussion addressed clarifying cumbersome language in the existing Code and possible scheduling of workshop(s)/field trip(s).

No vote was taken on this item.

4. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson reported on the status and timeframe of H-E-B's construction project. In response to Commissioner Lancaster's question related to Brookshire Brothers, City Administrator Ferguson replied that Brookshire Brothers Real Estate Director Eric Rich confirmed that there are no plans to leave Wimberley.

In response to Commissioner Millinor's inquiry regarding status of the Central Wimberley Master Plan, City Administrator Ferguson advised that Council did not approve the Plan, as currently written, but stated it may be revisited by an advisory group in the future.

Hearing no further announcements or future agenda items, Chairman Haley called the meeting adjourned.

Adjourn at 6:53 p.m.

Recorded by:


Cara McPartland

These minutes approved the 12th of February, 2015.



APPROVED:


Tom Haley, Chair