

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
January 26, 2012 at 6:00 p.m.

Meeting called to order by Acting Chair Tom Haley. Present were Commissioners Jean Ross, Charles Lancaster, Steve Klepfer, Tom Haley, and Rick Burleson. Commissioner Beth Mitchell was absent. Chair Tracey Dean arrived at 6:40 p.m.

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 January 12, 2012.

Commissioner Ross moved to approve the minutes as presented. Commissioner Lancaster seconded. Motion carried on a vote of 5-0. Chairman Dean was not present at this time.

**2. Public Hearing and Possible Action**

Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-12-001, an application for a conditional use permit to allow for a sit-down eating establishment including the sale of beer, wine, and alcohol for on-premise consumption on a commercial tract of land at 500 River Road, Wimberley, Hays County, Texas. (*Carla Cawley, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, planning area, ownership history, and surrounding properties' zoning/uses. The applicant is proposing to open a new restaurant (formerly known as *Juan Henry's*) called *Cawley's River Road Café*. No public comments either for or against the CUP request have been received. Two (2) phone inquiries were made regarding the nature of the requested CUP. Staff recommended approval, with the following conditions:

- The applicant shall secure the permits necessary from the Texas Alcoholic Beverage Commission (TABC) and the City of Wimberley prior to the sale of any alcohol on the subject property.

- The alcohol to be sold for on-premises consumption shall be limited to beer and wine.
- No alcohol shall be sold on the property solely for the purpose of off-premise consumption.
- Any beer and wine, purchased with a sit-down meal, that has not been consumed, may be taken off-premise by the customer provided the appropriate license from TABC allowing such is in place.
- Alcohol consumption on the property shall be limited to areas inside the restaurant and to outside areas within the fenced backyard on the subject property.

Discussion among the Commission, City Administrator Ferguson, Lance Cawley, and Dave Lewis addressed proposed uses of the outside area of the restaurant, zoning status of the five (5) lots included in the subject property, uses allowed on specific lots, fencing, TABC requirements, and applicable planning areas.

Acting Chair Haley opened the public hearing. Hearing no comments, Acting Chair Haley closed the public hearing.

Commissioner Klepfer moved to recommend approval of the item, as presented, including the previously stated staff-recommended list of conditions. After brief discussion, Commissioner Klepfer amended his motion to add that this CUP will be applicable only to the subject property's commercially zoned lots. Commissioner Lancaster seconded the amended motion.

Motion, as amended, carried on a vote of 5-0. Chairman Dean was not present at this time.

### **3. Discuss and Consider Action**

Discuss and consider issues relating to the platting and planning procedures of Chapter 154 Subdivision Control of the City of Wimberley Code of Ordinances.  
(*City Administrator*)

City Administrator Ferguson provided reasoning for proposed modifications as indicated in red-lined versions of pages 1-27 of Chapter 154.

Discussion addressed changes in formatting/referencing; consistency with the City's Comprehensive Plan/Water Quality Protection Ordinance/Zoning Ordinance; platting procedures; types of plats; jurisdictional issues; Hays County/City of Wimberley interlocal agreement(s) relating to subdivision regulations; addition of Administration and Enforcement section, including planning staff responsibilities and interpretation of provisions; platting requirement for building permit issuance; exemptions; pending applications; Texas Local Government Code Chapter 245 determinations (related to establishment of development rights); expiration of existing permits/projects; conflicts with other laws; fee types; payment of fees; and specific definitions and interpretations.

Discussion and further consideration of this item will be on the Commission's next agenda. No action was taken.

**4. Staff and Commission Reports**

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Commissioner Lancaster moved to adjourn. Commissioner Ross seconded. Motion carried on a vote of 6-0.

**Adjourn at 7:30 p.m.**

Recorded by:



Cara McPartland

**These minutes approved the 9<sup>th</sup> of February, 2012.**

**APPROVED:**



**Tracey Dean, Chair**

