

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
February 23, 2012 at 6:00 p.m.

Meeting called to order by Chair Tracey Dean. Present were Commissioners Beth Mitchell, Jean Ross, Charles Lancaster, Tom Haley, and Rick Burleson. Commissioner Steve Klepfer was 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 February 9, 2012.

Commissioner Haley moved to approve the minutes as presented. Commissioner Ross seconded. Motion carried on a vote of 6-0.

2. Public Hearing and Possible Action

Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-12-001, a request to change the zoning from Single Family Residential 2 (R-2) to Rural Residential 1 (R-1) for a 3.04 acre tract of land located at 558 Flite Acres, Wimberley, Hays County, Texas. (*Gary & Martha Barchfeld, Applicants*)

City Administrator Ferguson reviewed the subject property's location in Planning Area I and the Protected Water Overlay District (PWOD) and current/proposed zoning and uses. He noted that the requested zoning change is being made in conjunction with the proposed replat of Lots 10 (1.532 acres) and 11 (1.507 acres) of the Keller Estates Subdivision, which dissolves the center lot line and combines the two tracts to form one 3.04 acre tract. While the plat approval is being handled administratively, the change in lot size makes it necessary to change the subject property's zoning. Other than inquiries, it was noted that no comments were received supporting or opposing the requested zoning change and staff recommended approval.

Commissioner Burleson recused himself from the meeting at this time.

Chairman Dean opened the public hearing.

City Administrator Ferguson advised that the applicant, Martha Barchfeld and representative, Kelly Kilber of Pro-Tech Engineering, were present to answer questions.

Discussion addressed compliance with PWOD setback and elevation/structure height requirements.

Chairman Dean closed the public hearing.

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

Commissioner Burleson rejoined the meeting at this time.

3. Discuss and Consider Action

- A. Discuss and consider action regarding issues relating to the proposed development of a master plan for the area of the Wimberley Square. (*City Administrator*)

Due to ongoing efforts by Wimberley Central Improvement Area, Inc. (WCIA) to pursue creation of a Municipal Management District (MMD) for downtown wastewater service, City Administrator Ferguson explained that it may be prudent to delay engaging downtown property owners at this time in order to avoid confusion among owners dealing with wastewater and master planning issues at the same time. He advised that meetings with the Meeks family (Rio Bonito Resort owners) can be scheduled, so that the Commission may begin to work with the owners on issues encountered during a prior Wimberley Planned Development District (WPDD) application/hearing process. Discussion addressed possible timeframes for the Commission's downtown master planning efforts.

No vote was taken.

- B. 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 reviewed modifications to §154.020 General Subdivision Procedure, as presented in the red-lined version provided to Commission members (*attached to these minutes*). He explained the reasoning for each modification meant to make Code language more concise and clear. Clarifying language was added to ensure compliance with State regulations, as well elimination of duplication and simplification of wording to make the Code easily understandable. Certain modifications were made to streamline the platting and planning procedures for applicants, and to make the process more cost-effective.

Discussion included specific submission/review deadlines, compliance/cost issues with Hays County's electronic submission requirements, and the overall review goal to make

the Code more user-friendly, including addition of informational items to help applicants through the platting and planning process.

Commission agreed to forward any comments to City Administrator Ferguson, who will provide a clean version of §154.020, as modified, at the Commission's next meeting. No vote was taken.

4. Staff and Commission Reports

- Announcements
- Future Agenda Items

As a future agenda item, Commissioner Lancaster requested discussion of the City's conditional use permit requirement for secondary residential structures.

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

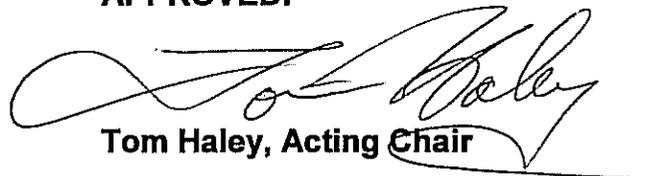
Adjourn at 6:55 p.m.

Recorded by:

Cara McPartland

These minutes approved the 22nd of March, 2012.

APPROVED:



Tom Haley, Acting Chair

PLATTING AND PLANNING PROCEDURES

§ 154.020 GENERAL SUBDIVISION PROCEDURE.

(A) Except as may be provided for herein, for all subdivisions within the scope of these regulations, a plat of the land in question shall be drawn and submitted to the City for approval or disapproval, as provided for below. In no instance, notwithstanding any provision to the contrary, shall a subdivider proposing to make, or having made, a subdivision within the territorial jurisdiction proceed with any construction work or development on the proposed subdivision, including grading, before first obtaining plat approval.

(B) The general procedure for the subdivision of land is outlined in this section. The regulations governing each step of the procedure are described in §§ 154.021 et seq. and 154.040 et seq. Based on the procedures established by these regulations and other city codes, there are at least () four discrete steps involved in the development process. These include the platting process, the zoning process, the site design or detailed development plan process, and the construction process. Each process has established deadlines and expirations that must be met in order to maintain validity under the city's requirements, and therefore constitutes its own series of approvals.

(C) Professional Submittal Required

All plats shall be prepared by a licensed civil engineer or a registered land surveyor bearing his or her seal, together with a completed application form and a filing fee.

(D) Classification of Subdivisions and Additions.

Before any plat is filed for record with the county clerk, the property owner shall apply for and secure City Council approval of the required subdivision plat, in accordance with the following procedures, unless otherwise provided within this chapter.

(1) Minor Plat or Replat. A plat or replat involving four or fewer lots abutting an existing street and not requiring the creation of any new street or the extension of municipal facilities shall be considered a minor plat. Minor plats and minor replats require the submission of a final plat drawing and other submission materials required for a final plat and may be approved by the Administrator, unless a variance from the requirements of this Code is required. The Administrator shall present requests for such variances to the Commission and City Council for approval or disapproval, in accordance with the procedures set forth in this Chapter. Lots may be conveyed or sold only when the plat has been approved by the Administrator, or if forwarded to the City Council and the plat has been filed with the Hays County Clerk.

(2) All other plats must be reviewed and approved by the Commission and approved by the City Council, pursuant to this Chapter. If the land is required to be

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platted, no conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the City Council and filed with the Hays County Clerk.

(E) Submission Requirements for All Types of Plat Applications. In addition to the requirements outlined in this Chapter for each type of development application, the City shall maintain application forms, checklists, language blocks for plats, and other similar items.

The forms and paperwork are available at the office of the Administrator. These supplemental materials may be amended from time to time, and it is the applicant's responsibility to be familiar with, and to comply with their requirements.

No plans providing land use, density or intensity shall be considered by the City prior to the submission of a required application.

(F) Right to Deny Hearing and Plat. The City may deny a hearing and any approval if the applicant does not submit the information and fees required by this Chapter.

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(G) Misrepresentation of Facts. It shall be a violation of this chapter for any person to knowingly or willfully misrepresent, or fail to include, any information required by this chapter in any plat application or during any public hearing or meeting of the commission or City Council. Such a violation shall constitute grounds for denial of the plat.

(h) Proof of Land Ownership. Only the landowner or his or her authorized agent are allowed to submit an application for subdivision approval. The City may require proof of ownership or documented proof of authorization to serve as agent for the landowner from any applicant.

(i) Official Submission Date and Completeness of Application for All Types of Plats.

(1) For the purpose of these regulations, the "submission date" shall be the date upon which a complete application for approval of any type of plat, that contains all required elements mandated by the Texas Local Government Code, Section 212.004(b) and by this chapter, is first submitted to the Administrator, after which the statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed officially submitted and no further processing by staff shall occur until the Administrator determines that the application is complete and a fee receipt is issued by the City.

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(2) Failure by the Administrator to make a determination of incompleteness within ten (10) calendar days following the date on which the application was first received by the City, shall result in the application being deemed complete, and the "submission date" shall become the 10th calendar day following initial receipt of the application by the City.

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(3) Plat applications which do not include all required information and materials, as outlined below and per other City development review policies which may change

from time to time, will be considered incomplete, shall not be accepted for official submission by the City, no further processing by staff shall occur and shall not be scheduled on a Commission or City Council agenda until the proper information is provided to City officials.

(4) Incomplete plat applications shall expire on the 45th calendar day after the application is filed if the applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to form and content of the application, and a new application and fee shall be required.

(j) Submission Procedures and City Review Process for All Types of Plats.

(1) Submission Timing. An application for approval of any plat shall be submitted to the commission at least twenty-eight (28) calendar days, but no more than thirty (30) calendar days after the date that the application was deemed administratively complete, unless the applicant waives the 30-day requirement for action on the plat in writing, prior to the commission meeting at which it is to be considered.

(2) Submission Materials. The application shall include a written application form which bears the notarized signature(s) of the property owner(s) of the subject property, along with the appropriate submission fee, the appropriate number of full-size (24" x 36") prints of the plat, as required by the City's current development review policies and requirements, one 11" x 17" black-and-white reduction of the plat, a copy of any applicable development agreement pertaining to the subject property, if any, including an electronic version of all submission documents in a format acceptable to the City, and shall clearly demonstrate that the proposed development complies with all applicable laws, and any other applicable information and materials deemed appropriate by the City.

(A) The application shall be accompanied by a certificate showing that all taxes have been paid on the subject property, and that no delinquent taxes exist against the property. Documentation shall also be included that shows no delinquent assessments, fees, or other debts or obligations to the City and which are directly attributable to the subject property.

(B) The application shall also be accompanied by an engineer's summary report which describes, in as much detail as necessary, the following: the overall nature and scope of the proposed development, including zoning of the property, proposed use(s) and acreage of each proposed use, minimum lot sizes, widths and depths, number of lots to be created, and special amenities or facilities that will be included in the development; how the property will be served with required utilities and services; how storm water drainage will be handled; and an itemization and description of any exceptions from provisions of this chapter that will be sought. If the proposed development will have access points onto a major thoroughfare, the application shall also include a letter from the appropriate entity, such as TxDOT or Hays County, acknowledging and approving proposed driveway locations and corresponding

median openings and left turn lanes, if applicable. Letters shall also be provided from each of the applicable utility service providers, including water, wastewater, gas, electricity, telephone, cable television and solid waste, verifying their receipt and review of all materials depicting the proposed development and their ability to provide an adequate level of service for the proposed development. A letter from the applicable independent school district shall also be provided that acknowledges the school district's ability to accommodate the additional number of school-age children that will be generated by the proposed development, and that expresses any desire the school district may have to obtain a future school site within any portion of the subject property.

(C) All plat drawings and other corresponding plans and drawings, including engineering plans and landscape and screening plans, shall be on sheets no larger than 24" by 36" in size, and shall be drawn to a known engineering scale of not smaller than one hundred feet to the inch (1"=100') or a larger scale. In cases of large developments which would exceed the dimensions of the sheet at one hundred foot (100') scale, plats may be on multiple sheets or to another known engineering scale, as approved by the Administrator, and in a format that will be acceptable for eventual filing with the Hays County Clerk.

(3) City Staff Review. Upon official submission of a complete application for plat approval, the City shall commence technical review of the development application by forwarding a copy of the application and plat to development review team members that includes, but shall not be limited to, the Administrator, City administrator, City engineer and the City planner, and to the applicable utilities. Development review team members shall review the plat and shall ascertain its compliance with these and other applicable City regulations. Following City staff review of the plat and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plat to the City no later than seven (7) calendar days prior to the commission meeting. Failure to resubmit corrected copies of the plat to the City in time shall be cause for the Administrator to forward the plat application to the Council as it was originally submitted rather than the corrected version of the plat. If, upon re-submission of the corrected plat to the City, the Administrator determines that the application is still incomplete or is not in compliance with the requirements of the Code, the plat application shall be subject to denial.

(4) After the plat has been scheduled on an agenda, the applicant may request, in writing, a waiver of the thirty (30) day approval requirement in order to allow more time to correct deficiencies, address concerns, or otherwise improve the plat pursuant to the City's regulations. After receipt of the request, the City may delay action on the plat beyond thirty (30) calendar days following the official submission date.

(5) Action by the Commission and City Council. Except as specifically permitted to be approved administratively herein, all subdivision plat applications shall be

reviewed by the commission, and if in conformance with the provisions of this chapter and with all other applicable regulations of the City, they shall be approved by the City Council.

(A) City staff shall place applications for preliminary plats that are deemed to be administratively complete by the City administrator on a commission agenda within thirty (30) calendar days of the date that the plat is found to be administratively complete. The commission shall review each plat application and shall recommend approval, approval subject to certain conditions, or denial of the plat application. The City Council shall take action on the plat within thirty (30) calendar days of the action of the commission.

(B) Affirmation of, or minor modifications to, the commission's recommendation to approve the plat shall require a majority vote of the City Council members present.

(6) Simultaneous Submission of Plats. In the event that an applicant submits preliminary and final plat applications simultaneously, the City administrator shall schedule both plat applications for action by the commission within thirty (30) calendar days of the official submission date, unless the applicant has executed a written waiver of the 30-day review period for one or both plats.

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