

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
April 10, 2014 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair Tom Haley. Present were Commissioners Charles Lancaster, Steve Klepfer, Lance Cawley, and Rick Bureson. Commissioners Beth Mitchell and Tracey Dean 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 March 27, 2014.

Commissioner Lancaster moved to approve the minutes, as presented. Commissioner Cawley seconded. Motion carried on a vote of 4-0. Commissioner Klepfer abstained.

2. Public Hearings and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-14-002, an application for a conditional use permit to allow for the operation of a vacation rental facility on property zoned Scenic Corridor (SC), located at 12500 Ranch Road 12, Wimberley, Hays County, Texas. (*Michael & Meredith McClay, Applicants*)

City Administrator Ferguson advised that the applicants have requested continuance of this item to allow the time needed for them to secure a permit for a new septic system to serve the subject property.

Commissioner Klepfer moved to continue this item until the Commission's meeting on May 8, 2014. 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-14-001, an application to amend Wimberley Planned Development District (WPDD) Ordinance No. 2013-008 to revise the concept plan and certain development regulations relating to parking surface and wall materials for property located at 400 River Road, Wimberley, Hays County, Texas. (*Patricia Tang & Albert Valera, Applicants*)

City Administrator Ferguson stated that the City has issued a Temporary Certificate of Occupancy (TCO) to allow the applicants to open their newly completed Hotel Flora and Fauna for business. Before the City can issue a Certificate of Occupancy (CO), City Administrator Ferguson advised that there are two (2) compliance issues relating to wall and parking surface materials that need to be resolved. He noted that the property owner chose to install a stucco finish on the front wall and gravel surface for the parking lot, instead of the stone veneer wall finish and decomposed granite parking surface required by the WPDD.

Chairman Haley opened the public hearing.

Applicant Albert Valera recapped the building design and construction phases that resulted in the stucco finish (with artwork in the form of a painted mural) and crushed gravel for the development's front wall and parking lot, respectively.

Discussion addressed: original building plans/materials; specifics of the wall construction; non-compliance with original WPDD requirements; applicant's choice to proceed with non-compliant materials, despite notification from the City that materials used were not as specified in the WPDD agreement; pervious nature of decomposed granite and crushed gravel; preference for rock versus stucco on the front wall; and advantages of crushed gravel versus decomposed granite for the parking surface.

Patricia Tang stated the applicants believed that the concept plan submitted as part of the approved WPDD was simply a "concept" and not binding as to certain details such as materials used. Mr. Valera recounted the building/permitting process and felt that he has brought a standard of lodging to Wimberley not previously known and asked the Commission to appreciate his position.

Chairman Haley closed the public hearing.

Discussion addressed preference for stone veneer finish versus painted stucco, improvements made by the applicants, building/permitting process, and potential for confusion on the part of the applicants.

Commissioner Lancaster moved to recommend approval of the item, as presented. Commissioner Cawley seconded. Chairman Haley called for a vote as follows: Commissioner Klepfer, nay; Commission Lancaster, aye; Chairman Haley, aye; Commissioner Cawley, aye; Commissioner Burleson, aye. Motion carried on a vote of 4-1.

Subsequent discussion included need for more details in submitted concept plans to avoid miscommunication, lack of adherence to WPDD conditions, possible future discussions to address non-compliance and increase understanding of the WPDD process, critical nature of architectural renderings to accurately reflect design and building materials, and City Council's approval of a TCO.

- C. Hold a public hearing and consider making a recommendation to City Council regarding proposed amendments to the City of Wimberley Zoning Code to modify the attendance requirements and removal process for members of the City of Wimberley Planning and Zoning Commission. (*City Administrator*)

City Administrator Ferguson presented City Council's proposed amendment to the Zoning Code that would impose the following attendance requirements:

"The City Council may, by majority vote, remove a Commission member for lack of confidence, incompetence, corruption, misconduct or malfeasance. Any Commission member who misses two (2) consecutive meetings or three (3) meetings within a twelve (12) month period shall appear before the City Council to explain the reason behind their absences. Any Commission member who misses three (3) consecutive meetings within a twelve (12) month time period shall be deemed to have automatically vacated his or her position on the Commission. Individuals deemed to have automatically vacated his or her position on the Commission may appeal the vacation to the City Council. Such an appeal shall be submitted in writing to the City Council within ten (10) days of receiving written notification of the vacation. A super majority vote of City Council is required to reverse a vacation. For the purpose of this meeting attendance requirement, it shall be considered a missed meeting for any Commission member who leaves a meeting prior to the completion of all action items on the posted agenda for a meeting for any other reason than to avoid a potential conflict of interest. Any Commission member who is removed or automatically vacates his or her position on the Commission shall not be considered for appointment to the Commission or a City Board by City Council for a period of six (6) months from the date of their removal or vacation."

No public comments were heard.

Discussion addressed:

- Commission's meeting schedule
- Pros/cons of the Commission voting on this item pre- or post-May election
- Removal of the proposed requirement that Commission members appear before Council to explain absences
- Problematic nature of defining excused absences
- Setting a threshold for missed regular and/or special-called meetings
- Scheduling of meetings to meet the needs of the public and applicants
- Role of appointing Council member (or Council as governing body) to make a determination about Commission member's ability to serve
- Council action to remove a Commission member
- Challenges associated with finding qualified appointees

Commissioner Burleson moved to recommend approval of the following modifications to Council's recommended language: A Commission member who misses four (4) regular

meetings within a twelve (12) month period shall automatically vacate his or her position on the Commission; and deletion of Council's suggested requirement that Commission members shall appear before the City Council to explain the reason behind their absences.

Discussion continued on the following:

- Requiring a recommendation to City Council from the Commission on actions related to member absences
- De-politicizing the removal/vacation process
- Option to reappoint removed/vacated members without imposing the six-month waiting period from the date of removal or vacation
- Sending notification to Council of absences (as opposed to sending a recommendation)
- Setting a threshold to trigger sending notification to Council that a specified number of absences have occurred
- Setting a threshold for the number of absences allowed before member(s) automatically vacate his/her position
- Consensus on removal of Council-recommended language that would require Commission members to appear before Council to explain absences, if two (2) consecutive meetings or three (3) meetings in a twelve-month period are missed
- Not counting absences from special-called meetings

After discussion of various options, Commissioner Klepfer moved to recommend approval of the following: The Commission shall hold regular meetings on the second Thursday of each month; members who miss more than five (5) regular meetings in a rolling twelve-month period are automatically removed from the Commission, with no penalty for missing special-called meetings; when a Commission member has missed four (4) meetings in a rolling twelve-month period, notification is sent to all Council members by staff of the Commission member's absences; delete the Council-recommended language relating to a Commission member's leaving a meeting prior to completion of all action items; and delete the Council-recommended language requiring a Commission member to appear before Council to explain his/her absences. Councilmember Burleson seconded. Motion carried on a vote of 5-0.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

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

Adjourn at 7:29 p.m.

Recorded by:



Cara McPartland

These minutes approved the 12th of June, 2014.



APPROVED:



Tom Haley, Chair