

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
April 12, 2012 at 6:00 p.m.

Meeting called to order by Chair Tracey Dean. Present were Commissioners Beth Mitchell, Jean Ross, Steve Klepfer, Tom Haley, and Rick Bureson. Commissioner Charles Lancaster 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 March 22, 2012.

Commissioner Haley moved to approve the minutes as presented. Commissioner Klepfer seconded. Motion carried on a vote of 4-0. Chairman Dean and Commissioner Mitchell abstained.

**2. Public Hearing and Possible Action**

Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-12-006, an application for a conditional use permit to allow for the operation of a vacation rental on two (2) tracts of land, each zoned Rural Residential 1 (R-1), totaling 5.58 acres, located at 106 River Bluff Lane, Wimberley, Hays County, Texas. (*Robert Mueller, Applicant*)

City Administrator Ferguson advised that the applicant has requested that the Commission continue consideration on this item until its May 10, 2012 meeting to allow the applicant to meet with area property owners to discuss his proposal.

Notification/publication procedures were briefly discussed.

City Administrator Ferguson advised notified property owner, Debbie Campbell of 2401 River Road, that she may contact him directly with any inquiries about the CUP application. Ms. Campbell stated that to her knowledge the subject property has been used as a vacation rental with no problems for the past sixteen (16) years.

Commissioner Klepfer moved to continue consideration of this item until the Commission's meeting on May 10, 2012. Commissioner Ross seconded. Motion carried on a vote of 6-0.

### 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 highlighted key provisions of §154.020 *General Subdivision Requirements* and §154.021 *Application Procedures and Review Process* (attached to these minutes).

Discussion addressed:

- Plat filing requirements
- Payment of taxes prior to plat filings
- Various documents required to accompany application (including letters from school districts and cable television providers)
- "List" formatting of application contents (versus "narrative" formatting)
- Use of the term "variances" rather than "exceptions" in §154.021(B)(2)
- Reasoning for requiring specific documents, including the need to provide information to all potentially impacted parties of proposed development
- Inclusion of a threshold of 15-20 lots in order to trigger the requirement that the school district acknowledge its ability to accommodate the additional number of school-aged children that may be generated by the proposed development
- Distinguishing between essential versus non-essential utility service providers and possible application of a minimum lot threshold requirement for a non-essential utility service provider (such as cable television)
- Determination of completeness, including clarification of timeframe language under §154.021(E) (Consideration of Plat Application) as follows: ". . .~~at least twenty-eight (28) calendar days after, but not more than~~ *within* thirty (30) days after the date the application was administratively complete."
- Changing the last sentence of §154.021(F) Waiver of Timing Requirement, as follows: "After receipt of the request, the City ~~may~~ *shall* delay action on the plat beyond thirty (30) calendar days following the submission date."
- Review process and correction procedures/timeframe
- Issues associated with "completeness" versus "correctness" of the application

Discussion agreed on the following:

- Developments consisting of twenty (20) or more lots would be required to submit documentation as required under §154.021(B)(2)
- Re-formatting of long narrative sections into lists

- Obtaining legal advice on proposed modification of §154.021(E) as outlined above

City Administrator Ferguson advised that a revised draft version incorporating modifications in accordance with tonight's discussion will be presented to the Commission for consideration at its next meeting on May 10, 2012. No vote was taken.

#### 4. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson advised that discussion of conditional use permit (CUP) requirements for secondary residential structures will be on the Commission's next agenda, along with two (2) pending cases, and continuation of the review of Code Chapter 154 Subdivision Control.

As a future agenda item, Commissioner Ross requested discussion of CUP fees for bed and breakfast facilities and the necessity for requiring zoning applicants to provide metes and bounds descriptions for properties that have been properly subdivided.

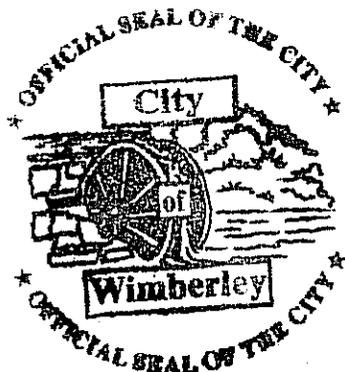
Hearing no further announcements or future agenda items, Commissioner Ross moved to adjourn. Commissioner Mitchell seconded. Motion carried on a vote of 6-0.

**Adjourn at 7:06 p.m.**

Recorded by:

  
Cara McPartland

**These minutes approved the 26<sup>th</sup> of April, 2012.**



**APPROVED:**

  
**Tracey Dean, Chair**

## § 154.020 GENERAL SUBDIVISION REQUIREMENTS.

(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 Commission and Council for their approval or disapproval, as provided for below. In no instance, notwithstanding any provision to the contrary, shall an individual proposing to make, or having made, a subdivision within the territorial jurisdiction, proceed with any development activity related to 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 (4) 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) 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 City 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.

(D) Before any plat is filed for record with the County Clerk, the property owner shall apply for and secure approval of the plat from the City, in accordance with the following procedures, unless otherwise provided within this Chapter.

(E) 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.

(F) The City may deny a hearing and any approval of a plat if the applicant does not submit the information and fees required by this Chapter.

(G) 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) 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.

§ 154.021 APPLICATION PROCEDURES AND REVIEW PROCESS.

(A) Application Requirement. Prior to the subdivision of any property, the property owner shall apply for and secure approval from the City of the required subdivision plat, in accordance with the following procedures, unless otherwise provided within this Chapter.

(B) Content of Application. 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.

(1) 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.

(2) 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.

(3) 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 City Administrator, and in a format that will be acceptable for eventual filing with the Hays County Clerk.

(C) Determination of Completeness. For the purpose of these regulations, the submission date for plat applications 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 City Administrator or his designated representative, 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 City Administrator or his designated representative determines that the application is complete and a fee receipt is issued by the City.

(1) Failure by the City Administrator or his designated representative 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 10<sup>th</sup> calendar day following initial receipt of the application by the City.

(2) 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, and no further processing by City staff shall occur and shall not be scheduled on a Commission or City Council agenda until the proper information is provided to City officials.

(D) Incomplete Applications. Incomplete plat applications shall expire on the 45<sup>th</sup> 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.

(E) Consideration of Plat Application. City staff shall place applications for plats that are deemed to be administratively complete by the City Administrator or his designated representative on a Commission agenda at least twenty-eight (28) calendar

days after, but not more than thirty (30) calendar days after the date the application was 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.

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 at least twenty-eight (28) calendar days after but not more than thirty (30) calendar days after the official submission date, unless the applicant has executed a written waiver of the 30-day review period for one or both plats.

(F) Waiver of Timing Requirement. After a 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 submission date.

(G) City Staff Review. Upon 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 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 plat, with any necessary corrections, 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 City Administrator to forward the plat application to the Commission as it was originally submitted rather than the corrected version of the plat.

(H) 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.

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.