

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
April 14, 2016 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair Rick Millinor. Present were Commissioners John Urban, Tracey Dean, Austin Weeks, and Thad Nance. Commissioners Charles Savino and Rick Burleson 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 24, 2016.

Commissioner Urban moved to approve the minutes, as amended. Commissioner Nance 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 CUP-16-008, an application for a conditional use permit (CUP) to allow for the operation of a drive-in/drive-through coffee shop on property zoned Highway Commercial (HC), located at 9595 Ranch Road 12, Suite 4, Wimberley, Hays County, Texas. (*Lauren Norsworthy, Applicant*)

City Administrator Ferguson reviewed the subject property's location at the Junction and current/proposed zoning and uses. He noted that the applicant is proposing to rent an approximately 1,250 square-foot two-story space from Collie Investments, Ltd. for the purpose of operating a coffee shop with a drive-through window. The applicant intends to sell coffee, tea, and other beverages such as specialty sodas and juices. She plans to install a commercial kitchen to prepare pre-baked goods for sale, with no cooking done to order. There is one (1) existing window and the applicant intends to add a second window. Customers will view menu items at the first window and place orders with a coffee shop employee at the second window. There will be no speakers associated with the proposed drive-through operation. Customers will have the option of eating and/or drinking inside at tables or drive through to place take-out orders. Hours of operation will be from 7 a.m. to 3 p.m. Monday through Saturday and closed

on Sundays. No comments were received by City staff either for or against the requested conditional use permit (CUP).

Chairman Millinor opened the public hearing.

Applicant Lauren Norsworthy explained the proposed facility's window configuration and ingress/egress through the drive-through lane and cul-de-sac allowing for vehicles to turn around and exit.

Hearing no further comments, Chairman Millinor closed the public hearing.

Commissioner Dean moved to recommend approval of the CUP application, as presented. Commissioner Weeks seconded. Motion carried on a vote of 5-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-009, an application for a conditional use permit to allow for the operation of a sit-down eating establishment with the sale of beer and wine for on-premise consumption on a tract of land zoned Scenic Corridor (SC), located at 12111 Ranch Road 12, Suites 105 and 106, Wimberley, Hays County, Texas. (*Gregory Irvine, Applicant*)

City Administrator Ferguson reviewed the subject property's location in the Plaza del Sol center current/proposed zoning and uses. The applicant is proposing to open a motorcycle gear and accessory shop and a small sit-down restaurant with the sale of beer and wine for on-premise consumption. To date, City staff has received no comments from the public on the CUP request.

Chairman Millinor opened the public hearing.

Applicant Gregory Irvine stated that he is seeking to relocate the business known as *The Hog Pound* to the Plaza del Sol location and intends to expand the business in the future to include high-end rentals of motorcycles to visitors staying in local bed and breakfasts.

Hearing no further comments, Chairman Millinor closed the public hearing.

Discussion addressed storage issues associated with motorcycle rentals and established that any future sales of motorcycles would require rezoning. Discussion favored the location for the proposed use, with some concerns expressed about traffic safety, specifically blind spots, when exiting the subject property and the process for filing complaints if noise becomes an issue. The applicant noted that the closing times of the operation are proposed as follows: Thursdays through Saturdays at midnight and Sundays through Wednesdays at 10 p.m.

Commissioner Dean moved to recommend approval of the CUP application, as presented. Commissioner Urban 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 amending the City of Wimberley Comprehensive Plan and accompanying maps to revise the boundaries of Planning Areas III and VI, in the general area of FM 2325 between Rhodes Lane and Carney Lane. (*City of Wimberley*)

City Administrator Ferguson explained that the subject area is currently located in Planning Area III where Commercial – Low Impact (C-1) zoning is the most intense commercial zoning allowed. He noted that existing land uses in the area are, in large part, high-impact commercial uses. He recommended the planning area for the subject area to be designated as Planning Area IV to be more reflective of the long-time existing uses, such as Market Days. He said several commercial businesses are grandfathered as pre-existing, non-conforming uses and interest has been expressed in expanding certain existing businesses. Such expansions would only be allowed upon approval of a Wimberley Planned Development District zoning designation; however, minimum acreage requirements make this option unavailable to certain property owners.

Chairman Millinor opened the public hearing.

Local business owner Steve Weldon spoke of his recent retirement and desire to create a “boutique” car wash at his pre-existing, non-conforming FM 2325 location.

Chairman Millinor closed the public hearing.

City Administrator Ferguson stated that Commercial – Moderate Impact (C-2) zoning is appropriate for this high-traffic area with multiple existing businesses, including restaurants and Market Days. He noted that any zoning changes requested as a result of a planning area modification are subject to public notice/public hearing requirements.

Discussion addressed pedestrian traffic and the need for sidewalks, preference for C-2 zoning as the highest intensity in the subject area, future possible improvements such as addition of turn lanes and sidewalks, possible reasoning for original planning area designations, key differences in permitted/conditional uses in commercial zoning districts, and future planning for area development/redevelopment.

Commissioner Dean moved to recommend approval of a proposed ordinance amending the City of Wimberley Comprehensive Plan and accompanying maps to revise the boundaries of Planning Areas III and VI, in the general area of FM 2325 between Rhodes Lane and Carney Lane, specifically changing the planning area designation from Planning Area III to Planning Area IV in the subject area. Commissioner Nance seconded. Motion carried on a vote of 5-0.

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

- A. Discuss and consider possible action regarding proposed modifications to the City of Wimberley Lighting Ordinance. (*City Administrator*)

City Administrator Ferguson advised that City Council is considering submitting a request to the International Dark Sky Association (IDA) for the City of Wimberley to be designated as an *International Dark Sky Community*. IDA staff recently reviewed the City's Lighting Ordinance and made recommendations for updates that would meet IDA standards. He stated that the most noteworthy change related to §151.62(D) which states: "New street lighting installed after the effective date, other than fixtures at the intersection of roadways, shall utilize half-night photocells or timers to turn off the lights halfway between dusk and dawn." He noted that §151.69(A) provides the following: "The City may install new public outdoor lighting, including street lighting and lighting on other public property and rights-of-way, after the effective date only upon the determination of the City Manager that a clear public safety threat exists in the space to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting." City Administrator Ferguson felt that the City would likely not install new street lighting unless there was a public safety issue.

Discussion addressed the purpose of obtaining an IDA designation, use as a marketing tool to promote Wimberley as dark sky community, current Lighting Ordinance provisions and complaint process, streets lights as part of new development(s), other commitments the City must make to obtain IDA designation, and possible concerns regarding additional regulation.

Commissioner Weeks moved to recommend approval of the proposed modifications to the City of Wimberley Lighting Ordinance and to express support for the movement to obtain *International Dark Sky Community* designation for the City. Commissioner Urban seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding changes to the City of Wimberley Zoning Code. (*City Administrator*)

City Administrator Ferguson requested that this item be continued until the Commission's next meeting to allow for Commissioner Savino to be present. The Commission agreed to continue this item. No vote was taken.

#### **4. Staff and Commission Reports**

- Announcements
- Future Agenda Items

City Administrator Ferguson updated the Commission on Council's action relating to two recent CUP applications for vacation rentals in the Rocky Springs Subdivision, with one applicant receiving grandfathered status from the City and the other applicant requesting a continuance. He stressed that zoning cases are evaluated on a case by case basis and that decisions are based on information available at the time cases are heard by each body. He explained that there is an appeals process to the Board of Adjustment for those who wish to dispute a determination of grandfathered status and certain conditions that could terminate grandfathered status and trigger the need for a

CUP. He noted that the so-called "twenty-percent rule" applies to Council actions and is not a factor in Commission decisions.

Hearing no announcements or future agenda items, Commissioner Dean moved to adjourn. Commissioner Nance seconded. Motion carried on a vote of 5-0. Chairman Millinor called the meeting adjourned.

**Adjourn at 7:07 p.m.**

Recorded by:

  
Cara McPartland

**These minutes approved the 26<sup>th</sup> of May, 2016.**



**APPROVED:**



**Charles Savino, Acting Chair**