

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
May 10, 2012 at 6:00 p.m.

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

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 April 26, 2012.

Commissioner Ross moved to approve the minutes as presented. Commissioner Klepfer seconded. Motion carried on a vote of 6-0. Commissioner Haley 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; consideration of the application was continued from the April 12, 2012 meeting of the Planning and Zoning Commission*)

City Administrator Ferguson advised that on May 1, 2012, City staff received an email from the applicant withdrawing the subject conditional use permit (CUP) application from further consideration at this time. He recommended that the Commission vote to accept the applicant's request to withdraw the CUP application.

Commissioner Lancaster moved to accept the applicant's request to withdraw the CUP application, as presented. Commissioner Ross seconded. Motion carried on a vote of 7-0.

### 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 §154.022 *Preliminary Plat* and §154.023 *Final Plat* (attached to these minutes).

Discussion addressed:

- §154.022(A)(1) and (C)(3) sentence restructuring to make more concise
- Explanation of preliminary versus more detailed final plat requirements
- Specific content areas, including topographic contours, elevations, various types of property features/structures, and certificate language/formatting
- Agreement to allow applicants to request a six (6) month extension under §154.022(D) to avoid lapse of preliminary plat when a complete application for construction plans is not submitted within two (2) years
- §154.023 *Final Plat* specific format/content requirements, including information on natural features, certain boundaries, easements, city limits lines, existing recorded lots, structures, property lines, and setbacks
- Comprehensive requirements for §154.023(G) *General Information* relating to zoning/uses, Comprehensive Plan compatibility, content, certification, and formatting
- Possible changes to current lot configuration requirements
- Explanation of §154.023(H)(d)(h) relating to fees in lieu of park land dedication and subsequent user fees, respectively
- Recordation process, including specific requirements and payment of fees

It was agreed that Commission members will forward any further comments on the draft to City Administrator Ferguson for possible inclusion in the revised version for consideration at the Commission's next meeting on June 14, 2012.

No vote was taken on this item.

Due to the late arrival of Clint Frankmann, Chairman Dean re-opened Citizen Communications at this time, to allow Mr. Frankmann an opportunity to speak on an item not on the agenda.

Eagle Rock resident Clint Frankmann asked if a conditional use permit (CUP) application has been submitted for a business located at 39 La Toya Trail. He expressed concerns regarding the wastewater system and number of residents allowed. City Administrator Ferguson advised that the City's enforcement process is continuing relating to septic issues and CUP requirements.

No further citizen comments were heard.

**4. Staff and Commission Reports**

- Announcements
- Future Agenda Items

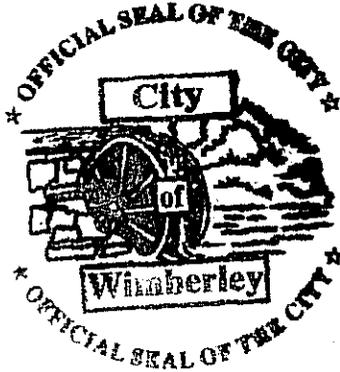
Hearing no announcements or future agenda items, Commissioner Klepfer moved to adjourn. Commissioner Mitchell seconded. Motion carried on a vote of 7-0.

**Adjourn at 6:34 p.m.**

Recorded by:

  
Cara McPartland

**These minutes approved the 24<sup>th</sup> of May, 2012.**



**APPROVED:**



**Tracey Dean, Chair**

§ 154.022 PRELIMINARY PLAT.

(A) *Purpose and applicability.*

(1) Submission of a preliminary plat is the first mandatory step in the City's development approval process. An approved preliminary plat is the first permit in a series of required development permits. The purpose of the preliminary plat is to demonstrate conformance with the Comprehensive Plan, compatibility of land use, and coordination of improvements and facilities within and among individually platted parcels, sections, or phases of a development prior to the preparation, consideration and approval of a public review final plat.

(2) A preliminary plat shall include all contiguous property under the ownership or control of the applicant. It may contain more than one phase which, if so, shall be clearly identified.

(3) Approval of a preliminary plat by the City Council shall be considered general approval of the street and lot layout shown on the preliminary plat, and to the preparation of the final plat. Approval for construction of the necessary streets, water lines, sewer lines, and other required improvements and utilities shall be authorized only through the City engineer's approval of separately submitted construction plans.

(B) *Format.* A preliminary plat shall consist of seven (7) copies, submitted on 24-inch by 36-inch paper, at a scale of 1 inch equals 100 feet, with all dimensions measured accurately to the nearest foot. An electronic version of the preliminary plat is allowed, provided the submittal is in a format and scale approved by the City prior to submittal. Any corrected plats shall be submitted in the same number of hard and electronic copies, size and scale.

(C) *Content.* In order to be considered administratively complete and considered for review, the preliminary plat shall contain or have attached the following:

(1) The names and addresses of the developer, record owner(s), land planner, and engineer;

(2) The proposed name of the subdivision;

- (3) A location map drawn at a scale of 2,000 feet per inch showing the areas within a 1-mile radius of the proposed subdivision. Use of the latest USGS 7.5 minute quadrangle map is required. Include the date of the map, revised or prepared, north indicator, and graphic scale;
- (4) A layout of the entire tract and its relationship to adjacent property, existing development, and recorded plats;
- (5) Topographic contours at 10-foot intervals unless otherwise approved by the City Administrator;
- (6) The proposed major categories of land use by acreage showing compatibility with the Comprehensive Plan;
- (7) Proposed and existing arterial and collector streets to serve the general area;
- (8) The location of sites for parks, schools, and other public uses, and all areas of common ownership;
- (9) Significant drainage features and structures, including any 100-year floodplains;
- (10) Significant human-made features such as railroads, roads, buildings, utilities, and drainage structures;
- (12) Approximate boundaries and timing of proposed phases of development; and
- (13) Identification of known exceptional topographical, cultural, historical, archaeological, hydrological, or any other physical conditions of the property to be developed or within 200 feet of an adjacent tract exist which will require the establishment of reasonable design standards in excess of the established minimum standards or require a variance from those established minimum standards as defined in §§ 154.055 et seq. and 154.080 et seq.
- (14) Certificates and other language shall be included on the plat, pursuant to the following sections:
  - (A) A statement that the subdivided area is legally owned by the applicant.
  - (B) An accurate legal description by bearings and distances, including necessary curve and line data, accurate to the nearest one hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.

(C) A statement signed by the property owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the property owner adopts the plat as shown, described and named, and that he or she does dedicate, in fee simple, to the public use forever the streets, alleys and easements shown on the plat. The property owner further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth or other appurtenance for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.

(D) The registered public surveyor's certificate, with a place for his or her signature and notarization of his or her signature.

(E) A place for plat approval signature of the mayor or mayor pro tem of the City Council, a place for the City Secretary to attest such signature, and the approval dates by the commission and City Council.

(F) Property owner's and surveyor's certificate, approval block, Special Notice regarding sale of property, Visibility, Access and Maintenance Easements (to be used if applicable), Fire Lanes (to be used if applicable), and Access Easements (to be used if applicable) language is required and the specific language is available at the City.

(G) Other Plat Language. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or for a private street subdivision, as deemed appropriate and necessary by the City for the purpose of protecting the public health, safety and welfare. Applicable plat languages are available upon request at the City.

(D) Effect of Approval. Approval of a preliminary plat authorizes the applicant to file construction plans for infrastructure improvements, upon fulfillment of all requirements and conditions of approval. The preliminary plat shall lapse where a complete application for such construction plans is not submitted within two years of the date of approval of the preliminary plat.

#### § 154.023 FINAL PLAT.

(A) *Purpose and applicability*. The final plat provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, and other information required to evaluate proposed subdivisions of land. A

final plat is the third in a series of permits required for plat approval and shall be required for any subdivision except as otherwise provided for herein.

(B) *Format.* A final plat shall consist of seven (7) copies, submitted on 24-inch by 36-inch paper, at a scale of 1 inch equals 100 feet, with all dimensions measured accurately to the nearest foot. An electronic version of the final plat is allowed, provided the submittal is in a format and scale approved by the City prior to submittal. Any corrected plats shall be submitted in the same number of hard and electronic copies, size and scale.

The final plat shall include the entire tract intended to be developed, at one time, along with any off-site improvements required to accommodate the project. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at a scale of 1 inch equals 400 feet shall be attached to the plat.

(C) *Content.* The final plat shall contain or have attached the information specified in divisions (D) - (G) below.

(D) The final plat shall show all information as approved in the preliminary plat.

(E) *Natural features.*

(1) The location of existing watercourses, dry creek beds, caves, springs, wells, sinkholes, and other similar drainage features; centerline of watercourses, creeks, existing drainage structures, and other pertinent data shall be shown; areas subject to flooding shall be shown, delineating the floodway and 100-year flood limits if applicable.

(2) The 100-year floodplain, based on fully developed conditions within the watershed area for the 100-year design flood, as calculated in accordance with the regulation adopted by the City and certified by a registered professional engineer. Supporting information to verify the location of the floodplain shall be furnished by the applicant. If the subdivision or a portion thereof is in a flood-prone area, the developer will be required to comply with provisions of Chapter 153 of this code. This information must be certified by a registered professional engineer with the following statement: "The fully developed, concentrated storm water runoff resulting from the 100-year frequency storm is contained within the drainage easements shown and/or public rights-of-way dedicated by this plat."

(3) Topographic data indicating 2-foot contour intervals drawn to National Map Accuracy Standards (See Appendix B of Ord. 2001-014). The contoured area shall extend outward from the property boundary for a distance equal to 25% of the distance across the tract, but not fewer than 50 feet nor more than 200 feet.

(4) Information specifically required to demonstrate compliance with the watershed provisions of this Chapter described in § 154.057.

(F) *Boundaries.*

(1) The existing property lines of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.

(2) The location, dimensions, areas, and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries, or forming its boundaries, as determined from existing records. The distance from the centerline of the roadway of any boundary street to the proposed platted property shall also be shown.

(3) Location of city limit lines and outer border of the City's extraterritorial jurisdiction, as depicted on the City's most recent base map, if either traverses the subdivision or is contiguous to the subdivision boundary.

(4) The locations, dimensions, names, and descriptions of all existing or recorded lots and blocks, parks, public areas, and permanent structures within or contiguous to the subdivision.

(5) The owner's name, deed or plat reference, and property lines of property within 200 feet of the subdivision boundaries as determined by the most recent tax rolls.

(6) The area, location, and lot patterns of adjacent subdivisions, preliminary plans, and approved final plats, streets, easements, pipe lines, watercourses, and like information within 200 feet of the subdivision boundaries. All lines outside of the proposed subdivision boundaries shall be dashed.

(7) The location, dimensions, names (as specified in § 154.059(B) (18)), and descriptions of all existing and proposed streets, alleys, parks, open spaces, natural features to be preserved, improvements to be installed for beautification and other public areas, blocks, reservations, easements, and rights-of-way; and other sites within the subdivision specifically indicating the connection of improvements to other improvements in adjacent subdivisions.

(8) The location of building setback lines indicated by dashed lines on the plat.

(9) Numbers to identify each lot and each block.

(10) The bearings and distances of the property lines of all lots. If the side lines are not parallel, the distance between them at the narrowest point within the building lines shall be given. The areas of each non-rectangular lot shall be noted.

(G) *General information.*

(1) Identification and location of proposed uses and reservations (as listed in § 154.063) for all lots within the subdivision and also indicating existing and proposed

zoning classifications for each use, when applicable, and the Comprehensive Plan land intensity designation. Proposed residential densities, commercial intensity (floor area ratios), and percentage of impervious coverage shall be noted. The following statement shall also be included on the final plat: "This project shall be constructed in accordance with the Comprehensive Plan and all applicable laws."

(2) The total acreage of the property to be subdivided and the subtotals by land use.

(3) The names, date, scale, north point, addresses of the owner of record, subdivider, and registered professional engineer platting the tract.

(4) The proposed name of the subdivision, which shall not have the same spelling or be pronounced similarly to the name of any other subdivision located within the City or within the extraterritorial jurisdiction of the City; provided, however, that use of the same base names for different sections or phases is required when the units are contiguous with their namesakes and individually identified by a section number.

(5) A key map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least 1 mile using a scale of 1 inch equals 2,000 feet. The latest edition of the USGS 7.5 minute quadrangle map is recommended.

(6) Certifications and signature blocks as required by the City and the county (See Appendix C of Ord. 2001-014).

(7) Certification that easements as required by the City shall be granted on the plat and that no building area will be permitted within areas designated as an easement or public right-of-way.

(8) Identification of known exceptional topographical, cultural, historical, archaeological, hydrological, or any other physical conditions of the property to be developed or which exist within 200 feet on an adjacent tract which will require the establishment of reasonable design standards in excess of the established minimum standards or require a variance from those established minimum standards as defined in §§ 154.055 et seq. and 154.080 et seq.

(9) Lot areas, width, and depth, building coverage, impervious coverage, utility easements, and setbacks shall conform to the requirements as established for the designated land use as set forth in the table under § 154.063.

(H) *Recordation.*

(1) Once the plat is approved, the applicant shall submit to the City Administrator two (2) 18-inch by 24-inch, photographic Mylar copies of the plat for recordation. One (1) copy shall be kept on file in the plat records of the county while the

second copy shall be kept on file in City Hall. The use of removable stick-on attachments to the plat for recordation shall not be permitted.

(2) The City Administrator shall review the final plat for compliance with all conditions of approval established pursuant to division (K) of this section. Prior to the recordation of the record final plat the following shall occur:

(a) The final plat shall have been approved pursuant to process set forth in this chapter.

(b) All conditions of record final plat approval established by the Commission or Council shall have been determined to be complete;

(c) Construction of the subdivision improvements for all required improvements shall have been certified as being complete and approved by the City Administrator;

(d) Fees in lieu of park land dedication as required by City regulations shall have been paid;

(e) Performance and maintenance guarantees for all required improvements that have not been accepted by the City Administrator shall have been established pursuant to this chapter;

(f) Copies of any agreements required providing for the proper and continuous operation, maintenance, and supervision of any facilities that are of common use or benefit which cannot be satisfactorily maintained by an existing public agency, as required in § 154.125, shall be executed;

(g) Written acceptance of all improvements required by these regulations by the Administrator or in lieu of acceptance, assurance of completion of those improvements pursuant to § 154.027 of this code shall be received by the Administrator;

(h) Subsequent user fees pursuant to City ordinance shall be paid;

(i) Fees for recordation as required by the County Clerk shall be paid;  
and

(j) A note shall be added to the plat describing any exceptions approved by the Council.

(3) The City Administrator shall, within fifteen (15) working days of the receipt of a final plat for recordation, either certify that all provisions of this division (L) have been satisfactorily completed or provide the subdivider with written notification of any deficiencies thereof.

(4) The City Administrator shall, upon determination that all provisions of this division (H) have been satisfied, obtain the signatures certifying approval by the following:

(a) The Administrator;

(b) The chairperson of the Commission pursuant to the bylaws of the Commission; and

(c) The Mayor, as attested to by the City Secretary.

(5) The City Administrator shall, upon receiving all signatures certifying approval, forward within ten (10) business days the original signed copies of the plat to the County Clerk for recordation.

(6) If the land area represented by the subdivision is located outside the corporate limits of the City on the date of its filing for recordation with the County Clerk, then it must be approved by the Commissioners Court of the County prior to recordation. It shall be the responsibility of the subdivider to be familiar with the process, procedures, and requirements necessary to secure this approval. This approval shall be evidenced by the signature of the statement of certification by the County Judge.

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