

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
May 12, 2011 at 6:30 p.m.

Meeting called to order by Chair Tracey Dean. Present were Commissioners Beth Mitchell, Jean Ross, Lifa McCall, Steve Klepfer, David Glenn, 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 28, 2011.

Commissioner Klepfer moved to approve the minutes as presented. Commissioner Glenn seconded. Motion carried on a vote of 6-0. Chairman Dean abstained.

**2. Public Hearing and Possible Action**

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-11-003, an application for a Wimberley Planned Development District (WPDD) with a base zoning district of Residential Acreage (RA) for a particular tract of land located at 333 Wayside Drive, Wimberley, Hays County, Texas. (*7A Resort, Applicant*)

City Administrator Ferguson reviewed prior discussion/action on the subject property producing a draft WPDD ordinance, which would recognize the existing resort operation and allow for possible limited future growth. The draft ordinance (dated "4.28.11") allows for the following additional development at the resort:

- One unlighted baseball field for resort guest use
- One unlighted soccer field for resort guest use
- One swimming pool (1,700 square feet) for resort guest use
- One 10-room lodge building (6,000 square feet) for resort guest use
- Expansion of the *Pioneer Town Chapel* (from 861 to 2,000 square feet)
- One work garage (2,000 square feet)
- One on-site centralized wastewater system to serve the resort area

He provided the total acreage amount in accordance with Hays Central Appraisal District records, summarized the proposed WPDD, and explained provisions relating to modifications recommended at the Commission's last meeting, use of effluent for athletic field irrigation, existing structures located in floodplain, future floodplain development, and compliance with the City's flood regulations.

City Administrator Ferguson explained the following recommended language to Exhibit "B" of the draft ordinance to be inserted in under No. 2, as the third paragraph:

"In the event any of the abovementioned structures located in the floodplain is damaged or destroyed by fire or other accidental or natural means, the City, upon application by the owner thereof, shall issue a permit for repair or reconstruction of the building or structure, at the pre-existing location, provided that the repair or reconstruction conforms with the provisions of the City's Flood Damage Prevention Ordinance and that the building or structure is not being enlarged upon, expanded, or extended. Such buildings or structures may also be relocated on the property, outside of the floodplain, after first obtaining the necessary permits from the City and provided the building or structure is not being enlarged upon, expanded, or extended."

City Administrator Ferguson explained the following italicized modification to the proposed ordinance relating to parking: (page 3, under B. WPDD Conditions, No. 8)

"8. The Property may be used to provide non-guest parking for a fee in order to provide access to *on-site* waterways or uses. . ."

City Administrator Ferguson presented the revised concept plan (attached to draft ordinance as Exhibit "A").

No public comments were heard.

Discussion among the Commission, City Administrator Ferguson, and the applicant's representatives addressed:

- Incorporation of previously discussed modifications into the WPDD, per Commission recommendations at its last meeting
- Clarification of subject property owner name to read *Pioneer Town, Inc. dba 7A Resort*
- Setbacks along specific property perimeters and inclusion of setback information in the concept plan

Commissioner Ross moved to recommend approval of the item, as presented by City Administrator Ferguson. Commissioner Klepfer seconded. Motion carried on a vote of 7-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-11-001, an application for a conditional use permit to allow

for the operation of a vacation rental on a 1.5 acre tract of land zoned Single Family Residential 3 (R-3) and located at 423 Leveritts Loop, Wimberley, Hays County, Texas. (*George Murr, Applicant*)

City Administrator Ferguson presented the conditional use permit (CUP) application, including the subject property's location, current/proposed zoning and uses, overlay district, maximum occupancy, septic system, rental management, house rules, parking, and prohibition of wet weather creek access. He noted that inquiries have been received from some neighbors, however, no opposition has been expressed.

Based on the applicant's submitted house rules and the City's recently adopted vacation rental facilities regulations, *City Administrator Ferguson recommended inclusion of seventeen specific conditions in the requested CUP (attached to these minutes)*. He asked that the Commission consider limitation of outside guests in its recommendation to Council and read factors relevant to review of vacation rental CUP applications from page 7 of Ordinance No. 2011-004.

Chairman Dean opened the public hearing.

Applicant George Murr explained that the subject property was purchased as a vacation/retirement home, which he hoped to use as his personal retirement home in the future. Until retirement is possible, Mr. Murr hoped to use income from renting out the property on weekends to help pay the subject property's mortgage. He stressed that he is not a developer and does not want to enter into long-term rental agreements.

Discussion addressed:

- Clarification of the term "non-paying guests"
- Maximum occupancy and septic capacity
- Professional management of rentals
- Lack of opposition from neighbors
- Adequacy of notification for neighboring properties and the public
- Notification procedures generally
- *Additional suggested condition that trash receptacles shall be moved away from the street after pick-up by the designated responsible party*
- *Additional suggested condition that guests shall not park on or along River Road, if accessing the Blanco River*
- Applicant's knowledge of any deed/mortgage restrictions applicable to use of the subject property as a vacation rental

Commissioner Ross moved to recommend approval of the item, including additional conditions as suggested (see italics above) by staff and the Commission. Commissioner McCall seconded. Motion carried on a vote of 7-0.

### 3. Staff and Commission Reports

- Announcements
- Future Agenda Items

In response to City Administrator Ferguson's inquiry, the Commission replied that electronic copies of City planning documents are acceptable, instead of printed material. City Administrator Ferguson briefly noted upcoming zoning cases.

Commissioner Glenn read his letter of resignation from the Commission, effective upon the conclusion of tonight's meeting (attached to these minutes). City Administrator Ferguson and the Commission thanked Commissioner Glenn for his personal contribution and service to the Commission and the community.

Commissioner Klepfer announced details of the Friends of Blue Hole "Plant the Park Day" on May 21, 2011 beginning 8:30 a.m. at Blue Hole Regional Park.

Hearing no further announcements or future agenda items, Commissioner Glenn moved to adjourn. Commissioner McCall seconded. Motion carried on a vote of 7-0. Chairman Dean called the meeting adjourned.

**Adjourn at 7:19 p.m.**

Recorded by:



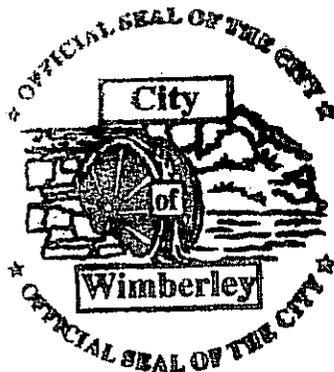
Cara McPartland

**These minutes approved the 23rd of June, 2011.**

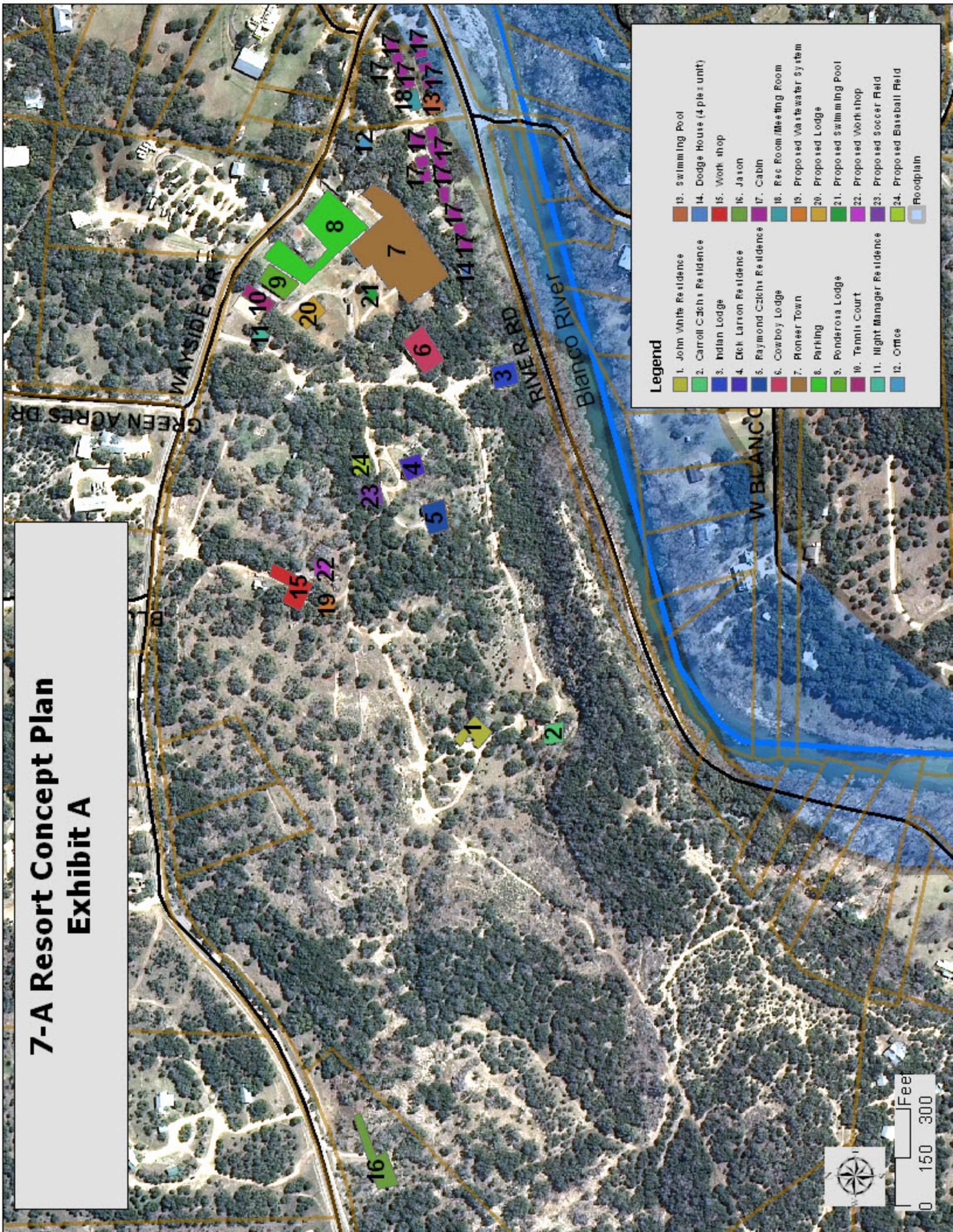
**APPROVED:**



**Tracey Dean, Chair**



# 7-A Resort Concept Plan Exhibit A



### Legend

- |                              |                                |
|------------------------------|--------------------------------|
| 1. John White Residence      | 13. Swimming Pool              |
| 2. Carroll Catch's Residence | 14. Dodge House (4 plex unit)  |
| 3. Indian Lodge              | 15. Work shop                  |
| 4. Dick Larson Residence     | 16. Jason                      |
| 5. Raymond Czich's Residence | 17. Cabin                      |
| 6. Cowboy Lodge              | 18. Rec Room /Meeting Room     |
| 7. Pioneer Town              | 19. Proposed Wastewater System |
| 8. Parking                   | 20. Proposed Lodge             |
| 9. Ponderosa Lodge           | 21. Proposed swimming Pool     |
| 10. Tennis Court             | 22. Proposed Work shop         |
| 11. Night Manager Residence  | 23. Proposed Soccer Field      |
| 12. Office                   | 24. Proposed Baseball Field    |
|                              | Roadplains                     |



Based on the above-mentioned house rules and the City's recently adopted regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Commission desire to recommend approval:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. On-street guest parking shall be prohibited at all times.
3. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
4. The grounds outside the residence shall remain free of litter and trash at all times.
5. The front door to the residence along with the sliding glass doors leading to the deck of the residence shall be designated and identified as emergency fire exits.
6. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
7. One (1) smoke alarm shall be provided in each guest room along with a fire extinguisher visible and accessible to guests.
8. A valid taxpayer number for reporting any Texas tax shall be provided to the City along with a copy of the completed *State of Texas Hotel Occupancy Tax Questionnaire* no later than thirty (30) days following the approval of the CUP.
9. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
10. A copy of the requirements set forth in the CUP shall be made available to all guests.
11. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make

decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owner shall notify the City and property owners within two hundred (200) feet of the subject property, with the current name and contact information.

12. The property may be used for private parties or the like, attended by renting guests and a limited number of non-renting guests, provided the non-renting guests have been approved in writing, in advance, by the owner or his agent.
13. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one person which is conducted on a premises within the city and which, by reason of the conduct of those persons in attendance, results in the occurrence of one (1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
14. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
15. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State Occupancy Texas Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
16. One (1) non-illuminated sign shall be allowed. That sign shall not exceed four (4) square feet in area and shall be of traditional hill country design and color.
17. Guest access to an adjacent wet weather creek shall be prohibited.

Attached are copies of the CUP application, the referenced septic inspection report and applicable portions of City Code for review and consideration by the Commission. In addition, the property owner will be present at the Commission meeting to answer questions regarding the requested CUP.

May 12, 2011

Mayor Bob Flocke  
321 Stillwater, P.O.Box 2027  
Wimberley, Texas 78676

Dear Bob,

It is an honor and privilege to serve as a Commissioner on Wimberley's Planning and Zoning Commission. Following the May 6, 2000, incorporation election, I was initially appointed to the Planning Commission. It was my pleasure to work with this new commission. We developed the Vision Statement, Interim Comprehensive Plan, Zoning, and Subdivision Ordinances. This work formed the framework to preserve the scale, lifestyle, and environmental setting that makes our village--Wimberley.

These efforts were recognized with the Village of Wimberley Planning Commission awarded the Planning Commissioner Award "**For outstanding service to the planning profession in 2001**" by the Central Texas Section of the American Planning Association. In 2002, the APA of Texas awarded a statewide Special Recognition Award to the Village of Wimberley's 1<sup>st</sup> Planning and Zoning Commission "**For outstanding leadership, vision, collaboration and perseverance in establishing the planning tools required to preserve the unique character of the village**".

My initial two-year nomination was made by Council member Martha Knies and the appointment to the Planning Commission was signed by Mayor Linda Hewlett. We pledged to serve all the citizens of the Wimberley Valley who had chosen incorporation as the best means of dealing with the burgeoning population growth being thrust upon rural areas in the Austin-San Antonio urban corridor. In the beginning we studied and analyzed the development ordinances of more than 20 cities and towns in Texas and other states. In 2001, we held 22 work sessions and public hearings just on the zoning ordinance. Subsequently, I have served under Council appointments from Marilee Wood, Carroll Czichos, Jerry Xiques, and Bill Appleman. I estimate having served over 2000 volunteer hours on this citizen committee during the past eleven years. On a 7/24 basis this amounts to nearly three months total time!

Planning has been the most interesting and rewarding part of my service. I am especially proud of being involved with writing and passage of the Wimberley Water Quality and Protection Ordinance which was completed in March 2011.

Looking back, what things would I change or do differently? First, is to return to the original process of appointing Commissioners to full two-year terms. The Commission will be more stable and remain relatively insulated from current politics. P&Z should not be subject to radical shifts and interruptions. Continuity can be maintained, that bridges the gaps of elections. Another suggestion would be to get the Commission, citizens, and stakeholders involved earlier in those planning/zoning issues that look likely to become controversial.

So much for ruminations, I have served Wimberley long and faithfully. It is time for other, younger concerned citizens to step forward and voluntarily serve their community. Therefore, I tender my resignation, effective immediately, to pursue other personal interests.

Thanks for a great ride,

David H. Glenn, Planning & Zoning Commissioner, Wimberley, Texas  
Cc: Council members: Marilee Wood, Mac McCullough, Steve Thurber, and John White