

City of Wimberley
 City Hall, 221 Stillwater
 Wimberley, Texas 78676
Planning & Zoning Commission
 Minutes of Regular Meeting
 May 24, 2012 at 6:00 p.m.

Meeting called to order by Chair Tracey Dean. Present were Commissioners Jean Ross, Charles Lancaster, Steve Klepfer, and Rick Burleson. Commissioners Beth Mitchell and Tom Haley 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 May 10, 2012.

Commissioner Ross moved to approve the minutes as presented. Commissioner Lancaster seconded. Motion carried on a vote of 5-0.

2. Discuss and Consider Action

- A. 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), which included changes in accordance with prior Commission input.

Discussion addressed differences between preliminary and final plat procedures, clarification of recordation fee payments, and a spelling correction in §154.022(A)(1).

Commissioner Klepfer moved to recommend approval of the draft of §154.022 *Preliminary Plat* and §154.023 *Final Plat*, as presented (including the abovementioned spelling correction). Commissioner Ross seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider action on possible changes to *Section 155.023 (M)(5) Final Approval and Ordinance Adoption* of the City of Wimberley Zoning Code relating to the production of a metes and bounds description of property being zoned.
(Commissioner Jean Ross)

City Administrator Ferguson explained the current property description requirements, including reasoning for requiring metes and bounds descriptions for certain properties, such as those properties with multiple zoning districts.

Discussion addressed:

- Need for metes and bounds descriptions for properties located in subdivisions
- Cost of obtaining a metes and bounds description
- Existing flexibility to allow for acceptance of other types of property descriptions or surveys, as determined necessary by the City

Agreement was reached to recommend no changes to current requirements, which allow staff flexibility to work with property owners on provision of acceptable property descriptions. No vote was taken.

- C. Discuss and consider action on possible changes to the application fees for conditional use permit applications. (*Commissioner Jean Ross*)

Commissioner Ross stated that the current \$400 non-refundable conditional use permit (CUP) application fee seems higher than necessary for the City to cover costs of processing such applications and felt that subdivided properties with legal descriptions should be excluded from the provision of a metes and bounds description.

City Administrator Ferguson presented information on the City's actual processing costs and included information on CUP fees charged by surrounding cities. Discussion addressed CUP fees charged by other cities. No vote was taken.

- D. Discuss and consider action on possible changes to the City of Wimberley Zoning Code relating to the requirement for conditional use permits for secondary residential structures. (*Commissioner Charles Lancaster*)

City Administrator Ferguson presented a draft ordinance (attached to these minutes), which would amend §155.035 Residential Acreage (RA) and §155.036 Rural Residential 1 (R-1) to add "one secondary single-family residential building built onsite, provided the secondary residence is not used for short- or long-term rental" as a permitted use. Subsection (C) of §155.035 and §155.036, which currently allows "one secondary single-family residential building built onsite" as a conditional use would be deleted.

Discussion addressed:

- Possible need to retain the CUP requirement for R-1 zoned properties
- Retaining the CUP requirement for Single-Family Residential 2 (R-2) properties
- Maintaining the 1,000 minimum square foot requirement for a secondary residence built onsite before construction of the primary residence

- Impact of impervious cover/setback requirements on development on smaller-sized lots

Commissioner Lancaster moved to direct staff to initiate the public hearing/notification process for the draft ordinance, as presented, for future Commission consideration. Discussion followed regarding prior denials/withdrawals of CUPs for secondary residences. Commissioner Klepfer seconded. Motion carried on a vote of 5-0.

4. Staff and Commission Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Commissioner Lancaster moved to adjourn. Commissioner Ross seconded. Motion carried on a vote of 5-0.

Adjourn at 6:40 p.m.

Recorded by:

Cara McPartland

Cara McPartland

These minutes approved the 28th of June, 2012.



APPROVED:

Jean Ross

Jean Ross, Acting 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 The City of Wimberley's Comprehensive Plan, The plan must show compatibility of land use, and coordination of improvements and facilities within the development. Preliminary plat approval is required prior to the preparation, consideration, and approval of a public review final plat

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(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) While 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, 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 under separately submitted construction plans.

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(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 City of Wimberley's Comprehensive Plan;

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(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;

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(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 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.

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(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, at any time, 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.

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(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 attach the information specified in divisions (D) - (G) below.

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(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 no more than 200 feet.

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(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 City of Wimberley's 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 City of Wimberley's 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 shall have been determined to be complete;

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(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 City fees shall be paid;

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(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.

ORDINANCE NO. 2012-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES AS FOLLOWS:

(1) AMENDING SUBSECTION (B) OF THE FOLLOWING SECTIONS: § 155.035 (RESIDENTIAL ACREAGE; RA), § 155.036 (RURAL RESIDENTIAL 1; R-1), TO ADD “ONE SECONDARY SINGLE-FAMILY RESIDENTIAL BUILDING BUILT ONSITE, PROVIDED THE SECONDARY RESIDENCE IS NOT USED FOR SHORT-OR LONG TERM RENTAL” AS A PERMITTED USE; AND

(2) AMENDING SUBSECTION (C) OF THE FOLLOWING SECTIONS: § 155.035 (RESIDENTIAL ACREAGE; RA), § 155.036 (RURAL RESIDENTIAL 1; R-1), TO DELETE “ONE SECONDARY SINGLE-FAMILY RESIDENTIAL BUILDING BUILT ONSITE” AS A CONDITIONAL USE; AND

PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley (“City Council”) seeks to provide for the orderly arrangement and regulation of compatible uses within its corporate limits; and,

WHEREAS, in the course of reviewing the proposed amendments detailed in this Ordinance, the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the City’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and,

WHEREAS, further the P&Z and Council have considered, among other things, the character of each zoning district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and,

WHEREAS, the regulations established by this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and,

WHEREAS, the following enactments are a valid exercise of the City’s broad police powers and based upon the City’s statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, 211 and 213; and,

WHEREAS, the City Council finds that the provisions of this Ordinance will serve to promote the public health, safety, morals and general welfare; and,

WHEREAS, parties in interest and citizens have had an opportunity to be heard at numerous public hearings conducted by the Planning and Zoning Commission and City Council, notice of which was published in the City's official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, COUNTY OF HAYS, STATE OF TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENTS

A. THAT subsection (B) of sections § 155.035 (Residential Acreage; RA), § 155.036 (Rural Residential 1; R-1), of the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), are each hereby amended to add "One secondary single-family residential building built onsite, provided the secondary residence is not used as a short-or long term rental" as a permitted use.

B. THAT subsection (C) of sections § 155.035 (Residential Acreage; RA), § 155.036 (Rural Residential 1; R-1), of the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), are each hereby amended to delete "One secondary single-family residential building built onsite" as a conditional use.

Except as amended herein, the Code of Ordinances of the City of Wimberley shall remain in full force and effect.

III. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

IV. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

V. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage and publication as may be required by governing law.

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this _____ day of _____, 2012, by a _____ (Ayes) _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Bob Flocke, Mayor

ATTEST:

Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine A. Friar, City Attorney