

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
June 9, 2016 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Acting Chair Charles Savino. Present were Commissioners John Urban, Rebecca McCullough, Austin Weeks, and John Espinoza. Commissioner Tracey Dean was absent.

Mayor Pro-tem John White administered the Oath of Office to newly appointed Commissioner Rebecca McCullough.

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 26, 2016.

Commissioner Weeks moved to approve the minutes, as presented. Commissioner Urban 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-16-014, an application for a Conditional Use Permit (CUP) to allow for a secondary residential building on property zoned Residential Acreage (RA), located at 406 Hoots Holler, Wimberley, Hays County, Texas. (*Kelvin and Brenda Adams, Applicants*)

City Administrator Ferguson reviewed the subject property's location, acreage, and current/proposed zoning and uses. He stated there is a 2,785 square foot main residence and 754 square foot guest cabin on the subject property. He advised that the aforementioned residences were constructed several years ago without obtaining the required CUP for a secondary residence, which was due to a staff oversight during the permitting process. He said the oversight was discovered when the applicants submitted an application for a short-term rental CUP. He noted that no responses have been received either for or against the CUP request.

Chairman Savino opened the public hearing.

Applicant Kelvin Adams said the cabin was built first for use by family members, then the primary residence was constructed. He was not aware of the City's CUP requirements for the secondary residence.

Chairman Savino closed the public hearing.

Discussion addressed the subject property's large acreage and lack of response from neighbors.

Commissioner Urban moved to recommend approval of the CUP application, as presented. Commissioner McCullough 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-16-012, an application for a Conditional Use Permit to allow for the operation of a vacation rental facility on a tract of land zoned Residential Acreage (RA), located at 261 Panther Crossing, Wimberley, Hays County, Texas. (*Randall Smith, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and two (2) existing residential structures. He advised that the applicant is proposing to use both residences as vacation rentals. He noted adequate on-site parking space for off-street parking and two (2) existing on-site septic systems to serve the subject residences. Based on a review by the City Sanitarian, it was determined that no more than four (4) people shall occupy the main home and no more than three (3) people shall occupy the guest cabin. He said the applicant has agreed to the occupancy limit.

City Administrator Ferguson read a list of conditions to be made part of the CUP, should the Commission recommend approval. He said no responses have been received either for or against the CUP request, with only one informational inquiry from a notified property owner.

Chairman Savino opened the public hearing.

Applicant's representative Dan Sturdivant, who manages the subject property for the applicant, spoke of his company's policy on responding to complaints, renter screening procedures, and 24-hour availability to respond to calls.

Chairman Savino closed the public hearing.

Discussion addressed the subject property's prior non-compliant status and clarified the City's procedures for CUP applications, which includes the requirement for public notices and notification of surrounding property owners.

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

Brief discussion addressed short- versus long-term rentals and the City's requirement that waterfront short-term rentals maintain a landline telephone for the purpose of emergency notification in case of possible flooding.

- C. Hold a public hearing and consider making a recommendation to City Council regarding an application for an amendment to Ordinance No. 2009-056 which granted a Conditional Use Permit to allow for the operation of a bar/tavern on property zoned Commercial – High Impact (C-3), located at 314 Wimberley Square, Wimberley, Hays County, Texas. (*Claims Processing Soutions/dba The old Mill Store, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses (as *The Old Mill Store* and *The Gallery on the Square*, respectively), and the applicant's request to amend the original site plan to relocate the bar to *The Gallery on the Square*. He noted the new location will also be adjacent to the courtyard seating area and access points to the bar/tavern remain unchanged. He advised that no responses either for or against the CUP request have been received by City staff and one (1) inquiry was made for information purposes only.

Chairman Savino opened the public hearing.

Applicant Steve Klepfer offered to answer any questions and said the only amendment to the site plan is to the service area, which does not change parking or the existing buildings.

Chairman Savino closed the public hearing.

Discussion addressed the applicant's business plans and the area to be modified.

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

- D. Hold a public hearing and consider making a recommendation to City Council regarding Case ZA-16-001, an application to change the zoning from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2) for property located at 703 FM 2325, Wimberley, Hays County, Texas. (*Texan Car Wash, LLC, Applicant*)

City Administrator Ferguson provided background information on City Council's recent action moving the subject property and others along FM 2325 from Planning Area III to Planning Area IV. He stated that this move created an opportunity for the property owner to pursue the zoning actions necessary to bring the pre-existing car wash into compliance with the City's Zoning Code. It was noted that this item is followed by a

companion zoning case requesting a CUP required for car wash facilities (*see Agenda Item 2E*).

Chairman Savino opened the public hearing. Hearing no comments, Chairman Savino closed the public hearing.

Discussion addressed differences between commercial zoning districts and associated issues related to intensity of use and traffic.

Commissioner Espinoza moved to recommend approval of the request to change the subject property's zoning from C-1 to C-2. Commissioner McCullough seconded. Motion carried on a vote of 5-0.

- E. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-013, an application for a Conditional Use Permit to allow for the operation of a drive-in/drive-through car wash facility on property located at 703 FM 2325, Wimberley, Hays County, Texas. (*Texan Car Wash, LLC, Applicant*)

City Administrator Ferguson advised that the subject property is the current location of the pre-existing, non-conforming car wash facility known as *Texan Car Wash*.

Chairman Savino opened the public hearing.

Applicant Steve Weldon distributed plans for the car wash facility's upgrade and conversion of one bay to an automatic wash bay. He spoke on water conservation measures implemented, including water reuse and estimated reduction in water usage.

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

Discussion addressed specific features of the upgraded wash bays and automatic bay.

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

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson reported on a procedural change that would allow for applicants to present their zoning cases to the Commission, rather than reading of reports by City staff. He advised that applicants would be able to designate a representative, if they cannot be present.

City Administrator Ferguson advised that the Commission's next meeting will be June 23, 2016 and include consideration of a zoning request related to a senior housing

project, as well as a possible change in the Commission members' term lengths. He cautioned Commission members against ex parte communications regarding the proposed senior housing development. He stated that if at least five (5) Commission members cannot be present at meetings, videoconferencing could be used, if necessary, to meet quorum requirements.

Hearing no further announcements or future agenda items, Chairman Savino called the meeting adjourned.

Adjourn at 6:43 p.m.

Recorded by:

Cara McPartland
Cara McPartland

These minutes approved the 23rd of June, 2016.



APPROVED:
Charles Savino

Charles Savino, Acting Chair