

City of Wimberley
Wimberley City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
July 13, 2017 at 6:00 p.m.

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

Staff Present: Interim City Administrator/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 25, 2017.

Commissioner Savino moved to approve the Consent Agenda, as presented. Commissioner McCullough seconded. Motion carried on a vote of 6-0.

2. Public Hearings and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council on an ordinance of the City of Wimberley, Texas amending Title XV (Land Usage), Chapter 155 (Zoning), Section 155.005 (Definitions) and Section 155.078 (Supplemental Regulations) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, and effective date, and proper notice and meeting. (*Interim City Administrator*)

Interim City Administrator McPartland reported on the proposed amendment to allow improvements to grandfathered structures on property defined as the "Market Days Area." As the density of the grandfathered structures make it difficult for improvements to be made that would comply with modern fire and life safety codes that require minimum fire separation distances, staff consulted with the City's contract inspection firm (ATS Engineers) and the City fire marshal on possible scenarios to allow improvements while maintaining fire safety. It was noted that specific language was included in the draft ordinance to mitigate fire risk in accordance with fire marshal recommendations.

Chair Urban opened the public hearing.

Discussion addressed questions relating to specific planned improvements; allowing improvements via a conditional use permit rather than a Zoning Code amendment; purpose of the requested Zoning Code amendment; certain provisions added to draft ordinance to mitigate fire risk; concerns regarding definition of "Market Days Area" and possible future expansion of said area; what constitutes "minor improvements"; building permit requirements; and preference of the Commission to have the Market Days building manager present to explain specific types of planned improvements.

Commissioner Savino moved to continue this item in order to allow Market Days Building Manager John Stark to be present to explain the impetus for this Zoning Code amendment and specific intended improvements, as well as to address other concerns brought up by the Commission. Commissioner McCullough seconded. Motion carried on a vote of 6-0.

- B. Hold a public hearing and consider making a recommendation to City Council on an ordinance of the City Of Wimberley, Texas amending Title XV (Land Usage), Chapter 155 (Zoning), Sections 155.035 (Residential Acreage; RA), 155.036 (Rural Residential 1; R-1), 155.037 (Single-Family Residential 2; R-2), 155.038 (Single-Family Residential 3; R-3), 155.039 (Single-Family Residential 4; R-4), 155.040 (Two-Family Residential (Duplex); R-5), 155.041(Multi-Family Residential1(Triplex/Quadriplex/Apartments); MF-1), 155.042 (Multi-Family Residential 2 (Apartments); MF-2), 155.043 (Mobile Home; MH), And 155.076 (Accessory Building And Use Regulations) Of The City Of Wimberley Code Of Ordinances to include a contiguous property under the same ownership provision under Accessory Building And Use Regulations; and providing for the following: findings of fact, savings, severability, repealer, effective date, and proper notice and meeting. (*Interim City Administrator*)

Interim City Administrator McPartland began her briefing on this item to provide background and reasoning for the proposed Zoning Code amendment. At this time, Market Days Building Manager John Stark arrived and was advised that the Commission had already approved a motion to continue Agenda Item 2A until the Commission's next regular meeting on July 27, 2017. Staff report continued on Agenda Item 2B, to include an explanation of the intent of the proposed ordinance to provide an alternative to the subdivision process for property owners who wish to build accessory structures on contiguously owned tracts that do not contain a primary residence. It was noted that additional language was suggested by Planning Technician Sandy Floyd to clarify that improvements will not be allowed to be built over lot lines in accordance with state law.

No public comments were heard.

Discussion addressed the purpose of the ordinance to provide an alternative to a potentially lengthy and costly amending plat process, but only to those owners who own all of the tracts in question. Other topics included the issue of approving a Zoning Code amendment versus a variance request; specific affirmative findings required for the

granting of a variance, including that such requests cannot be based solely on financial hardship; primary versus accessory buildings; questions as to the original intent of the current Code requirements relating to accessory buildings; and number of residential zoning districts in the City Zoning Code. Commissioner Savino left the meeting at this time (6:53 p.m.). Commissioner Weeks expressed concerns that the proposed ordinance might incentivize property owners to cut their properties up into smaller and smaller pieces or to sell them off in the future. He felt there should be some incentive for maintaining larger lots. He did not feel it is the City's job to take away someone's financial burden. Discussion addressed provisions regarding unintended consequences of changes in ownership and associated enforcement issues and amendment of the Zoning Code that affects only a few individuals.

Commissioner Weeks moved to recommend denial of the proposed ordinance. Commissioner Espinoza seconded. Motion carried on a vote of 5-0. (Commissioner Savino left the meeting prior to the vote.)

3. Discussion and Action

- A. Discuss and consider possible action regarding the proposed development of a heritage tree ordinance for commercial development. (*Former Place Three Councilmember Sally Trapp*)

Chairman Urban commended Commissioner Espinoza on his research and upcoming presentation.

Commissioner Espinoza presented information on the intent and purpose of the proposed ordinance, certain limitations (such as minimum lot sizes, applicability to commercially-zoned properties or both commercial and residential; tree sizes; tree types (such as heritage, legacy, etc.); status of pending state legislation affecting municipalities' ability to regulate tree removal on private properties; balancing property rights versus local/state regulations; examples of City of Boerne and City of Kyle tree ordinances; trunk measurement definitions such as DBH (diameter at breast height) and caliper; exemption/replacement/removal requirements; and certain definitions/provisions cited from other cities' ordinances (copies of ordinances from five other cities provided to Commission members). Commissioner Espinoza felt that a public workshop would be helpful in developing a tree ordinance. Discussion addressed the possible timeline for consideration of state legislation impacting local tree regulations, general agreement by the Commission to pursue adopting a tree ordinance appropriate for Wimberley, and inclusion of an update on Texas Senate Bill 782's progress through the legislative process.

Commissioner McCullough said she would like to read through Commissioner Espinoza's presentation, although tonight's meeting would be her last, as she had submitted her resignation. Commissioner Urban also announced that tonight would be his last meeting as well, as he is resigning his position. Many thanks were given by

staff and fellow commissioners to Commissioners Urban and McCullough for their service.

- B. Discuss and consider possible action regarding the existing development regulations relating to the Edwards Aquifer System. (*Commissioner Gail Pigg*)

Commissioner Espinoza moved to continue this item until the Commission's next meeting, as Commissioner Pigg is not present for discussion. Commissioner Meeks seconded. Motion carried on a vote of 5-0.

4. Staff and Commission Reports

- Announcements
- Future Agenda Items

Discussion addressed possible future meeting dates and future agenda items to include a "tutorial" from the city sanitarian on the maximum occupancy calculations based on septic records. As the Commission voted to continue Item 2A, staff advised the Commission's next meeting will be on July 27, 2017. Questions relating to meeting quorum requirements were discussed as some members announced they may not be able to attend on July 27th and the outcome of any future appointments by Council is not known at this time.

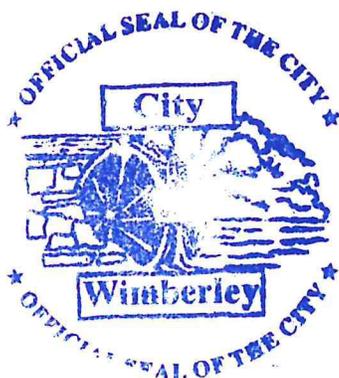
Hearing no further future agenda items, Chairman Urban called the meeting adjourned.

Adjourn at 7:33 p.m.

Recorded by:

Cara McPartland

These minutes approved the 27th of July, 2017.



APPROVED:

Natalie Meeks
Natalie Meeks, Acting Chair