

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Special Meeting
July 30, 2015 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair Tom Haley. Present were Commissioners Rick Millinor, John Urban (via videoconference), Charles Savino, Thad Nance, and Commissioner Rick Burleson (arrived at 6:04 p.m.). Commissioner Tracey Dean was 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 July 23, 2015.

Commissioner Nance moved to approve the minutes, as presented. Commissioner Savino seconded. Motion carried on a vote of 5-0.

2. Public Hearing and Possible Action

Hold a public hearing and make a recommendation to City Council regarding Case #ZA-15-006, an application to amend the existing Wimberley Planned Development District (WPDD), with a base zoning of Residential Acreage (RA), for property located at 333 Wayside Drive, Wimberley, Hays County, Texas, to allow for the use of Recreational Vehicles, Travel Trailers and Tent Trailers, with restrictions relating to their number, location, property access, and screening. (7-A Resort, Applicant)

Commissioner Burleson arrived at this time (6:04 p.m.), immediately following Chairman Haley’s introduction of this item.

City Administrator Ferguson reviewed the subject property’s location and current/proposed zoning, and explained existing WPDD provisions which allow for a mix of resort lodging, recreational amenities, and single-family homes, including the continued use of fifty (50) parking spaces in the Pioneer Town parking lot for non-guests who pay a fee to access on-site waterways. He noted that under the current WPDD, camping with Recreational Vehicles (RVs), Travel Trailers, and Tent Trailers is prohibited and the total impervious cover cannot exceed twenty percent (20%).

City Administrator Ferguson cited the following proposed amendment to Condition #12 of the WPDD, which would replace existing language with the following:

12. Camping with Recreational Vehicles (RV), Travel Trailers and Tent Trailers is permitted on the property for up to thirty (30) spaces, provided that the property satisfies the following requirements:

- a) Development and construction of the RV, Travel Trailer and Tent Trailer portion of the property shall be in conformance with a city-approved "RV/Trailer Camping Concept Plan," depicting site layout and square footages, parking, proposed signage, vehicle access, screening, and lighting plan, attached as Exhibit "A-1" and incorporated by reference for all purposes.*
- b) Electric water, and sewer hook-up are required for each RV, Travel Trailer and Tent Trailer site.*
- c) Permanent secure building space is required for storm refuge for RV, Travel Trailer and Tent Trailer tenants.*

Additional recreational vehicles, owned by permanent residents residing on the property, may be parked on the property but shall not be used for on-site dwelling purposes.

He noted verbal opposition to the requested zoning amendment received from one (1) adjacent property owner, (13) written letters of opposition (7 received from property owners residing inside the 200-foot notification area and 6 from outside the notification area), and informational inquiries from three (3) adjacent property owners. He explained that Planning and Zoning's consideration of this case is not subject to the so-called "Twenty-percent Rule."

Chairman Haley outlined procedures for speakers and opened the public hearing.

Applicant's representative Carroll Czichos spoke on the loss of fifteen (15) of twenty (20) cabins at 7-A Resort and the unprecedented nature of the Memorial Day Weekend flood, which hit at the beginning of the busy tourist season, thus worsening the negative economic impact to businesses, which rely on summer income get through winter. He stated the flood came at a bad time. Mr. Czichos said they are looking for types of options available, before spending and possibly wasting money he does not have, on developing a concept plan. He cited various possible uses for the subject property and felt that it would be best to know what the City will allow before spending money on a plan that might be rejected by Council. He said River Road traffic is worse now due to people driving down it to view the flood-damage homes and take pictures. He stated that future concept plans will have to come before Council for approval, but he first needs to know their options.

Clarise Watson spoke in opposition to the zoning amendment request and read from her letter dated July 29, 2015, which referenced "various constructions and commercial

activities” allowed under 7-A Resort’s WPDD agreement, which she said would not have been allowed the other residential properties in the area, since such activities are “grandfathered.” She stated “. . . the applicant is seeking re-zoning for a new endeavor that should not be granted in whole or in part because 7-A ‘does not yet know if they will move forward with RV and trailer camping’.” She said the intended use of the land is supposed to be spelled out in the application. Ms. Watson spoke on the applicant’s intent to increase their options for future development and said that an RV park with associated services such as food and drink is a high-impact use. She contrasted 7-A’s losses with many of its neighbors who lost everything, stated that 7-A’s hotel-style rooms and lodges still remain, and felt that 7-A has acreage that can be developed in other ways. She asked why 7-A needs 131 acres to construct 30 spaces in an RV park, for a land use that would take maybe 5 acres. If this zoning amendment is approved, Ms. Watson stated this is an undesirable land use that would be permitted, and was concerned that the property could be sold and future owners could develop the property however they want to.

At this time, Denise Clark (Clarise Watson’s mother and Blanco Bend property owner) yielded her time to allow Ms. Watson to continue her comments. Ms. Watson referred Code §155.023(G)(1)(H) related to general review criteria and land use policies, and said “. . .if you abide by it, there is no way you would approve this rezoning for commercial usage.” She said the Commission is responsible for present and future development and is charged with promoting public health, safety, morals, and general welfare, protecting and preserving places of significance within the city with respect for the character and tradition of Wimberley. She stated that 7-A has the ability to develop its property with the current zoning and provided examples of possible types of development. Referencing the letter from her mother, Denise Clark, Ms. Watson conveyed Mrs. Clark’s objection to allowing RVs, travel trailers, and tent trailers to be used in full view of River Road and her adjoining property. She stated that all have suffered from the tragic flood, but said we need to strategically plan as we rebuild and not approve short term fixes which forever will depreciate adjoining properties across the Blanco River. Mrs. Clark asked Wimberley’s government to have her property interests in mind, along with other Blanco Bend residents, and not just 7-A Ranch, before approving this request.

Vance McCracken of 200 CR 1492 sympathized with the substantial financial blow suffered by 7-A, as a result of the flood. However, he said there are two other groups with an interest in this zoning change request – Blanco Bend residents and the citizenry of Wimberley at large. Mr. McCracken said the prospect of viewing trailers across the river is very undesirable to himself and Blanco Bend residents. He felt that the increase in numbers of 7-A guests will exacerbate existing trespassing problems and increase liability for property owners. He said that trailer park dump stations would increase the likelihood of river contamination. Mr. McCracken stated that City Council would have to answer for people allowed to stay in trailers in what is now an established flood zone. Mr. McCracken said the drive along River Road is as iconic as the Blue Hole and Wimberley Square and thought that a trailer park at the low water crossing would be a jarring intrusion on everybody. He noted that grandfathered businesses are legal,

however, said that granting a change in zoning for 7-A meets 7-A's needs, but it does not meet the community's needs. He asked the Commission to recommend denial of the zoning change request and thanked Commission members for their volunteer service and courage to make the right decision.

Stan Starrett spoke of the difficulty of speaking against a friend and expressed appreciation to Carroll Czichos for his help last year in getting his wife to an Austin hospital after being injured in a serious accident. However, Mr. Starrett said this issue is terribly serious and distributed a photo to Commission members that he characterized as really disturbing. Referencing the photo, Mr. Starrett stated that approximately one week ago, a 12-year old boy was trespassing on the spot where his deck used to be located before it was washed away by flood waters. He said there was a "No Trespassing" sign in place, but he had to ask the boy to leave his property. Mr. Starrett spoke of a diving accident in California approximately thirty years ago that resulted in the diver's paralysis and subsequent lawsuits, with the family receiving a \$25,000,000 judgment. He said that everyone along the river has potential liability, especially given current river conditions. He cautioned against the potential liability property owners might face if trespassers were injured by underwater hazards, such as the one he described involving a Jeep found underwater in 2002 near the location depicted in the photo. Mr. Starrett did not think the spirit of the Comprehensive Plan included "an RV park on one of the most luxurious drives that we have in the City of Wimberley," which was unacceptable to him and not in the public interest "as indicated by comments from the people tonight."

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

Discussion addressed:

- Reasoning for prohibiting RVs in the original WPDD agreement
- Lack of specificity in the WPDD amendment request regarding location of RVs, travel trailers, and tent trailers
- Requirement to submit a concept plan, subject to the same public process used for zoning requests
- Requirement that the concept plan comply with the City's site development regulations, with special attention paid to minimizing the impact of any development (such as screening, access, and Code compliance)
- Possible addition of language to prevent long-term RV rentals
- Explanation of rezoning versus a WPDD amendment that does not change the base zoning, which remains in effect, even if the property changes ownership
- Alternative land uses and location of floodplain on the subject property
- Concerns expressed by surrounding property owners, including increased traffic, trespassing, parking, etc.
- Ability of the Commission to modify its recommendation on specific aspects of the amendment, such as preferred location of RVs
- Importance of helping businesses recover and economic impact of the flood on 7-A and community businesses as a whole

- Difficulties associated with enforcement of noise/trespassing laws
- Pre-existing, non-conforming status of the subject property's uses
- Possible addition of language that would allow a number of RV/travel trailers equal to the number of cabins lost as a result of the flood, with those RVs placed in a location not visible from the river
- Business risk to subject property owner(s) that a submitted concept plan may not be approved
- Disadvantage (to 7-A property owners), if unable to place any RVs or cabins along the riverfront
- Provisions in the existing WPDD agreement allowing cabins to be rebuilt and problems associated with rebuilding, such as meeting current elevation and ADA requirements
- Need for a basic concept plan to facilitate Commission recommendations to Council and address applicant's and citizens' concerns

Commissioner Burleson moved to table this item for future consideration by the Commission, in order to allow the applicants thirty (30) days to try to arrive at a workable solution that addresses the concerns expressed at tonight's meeting. Commissioner Savino seconded. Chairman Haley called for a vote as follows: Commissioner Millinor, aye; Commissioner Urban, aye; Commissioner Savino, aye; Commissioner Nance, aye; Commissioner Burleson, aye; Chairman Haley, aye. Motion carried on a 6-0 unanimous vote.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

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

Adjourn at 7:20 p.m.

Recorded by:



Cara McPartland

These minutes approved the 27th of August, 2015.



APPROVED:



Tom Haley, Chair