

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
August 9, 2012 at 6:00 p.m.

Meeting called to order by Chair Tracey Dean. Present were Commissioners Beth Mitchell, Jean Ross, Charles Lancaster, Steve Klepfer, Lance Cawley, 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 July 12, 2012.

Commissioner Ross moved to approve the minutes, as presented. Commissioner Lancaster seconded. Motion carried on a vote of 6-0. Commissioner Burleson abstained.

2. Public Hearing and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding an application for a Preliminary Plan and Final Plat of 7.69 acres located at 220 Red Hawk Road, Wimberley, Hays County, Texas. (*Terri LeMaster, Applicant*)

City Administrator Ferguson reviewed the proposed subdivision within the City's Extraterritorial Jurisdiction (ETJ), which attaches 5.049 acres of unplatted land to an adjoining platted 2.641 acre tract and subdivides the resulting 7.69 acres into three (3) lots having areas of 2.37 acres (Lot 2A), 3.00 acres (Lot 2B), and 2.32 acres (Lot 2C). Each of the lots have frontage on Red Hawk Road (a private road easement). Water/wastewater services for each of the lots will be provided by private water wells and on-site septic facilities (OSSF), respectively. He recommended approval and noted that Hays County Commissioners Court granted County approval of the subdivision on July 17, 2012.

Chairman Dean opened the public hearing.

Barbara Hopson of 46 Ranchview Trail requested information on minimum lot size requirements. City Administrator Ferguson replied that such requirements depend on factors such as proximity to aquifer(s) and types of utilities provided. He noted that the subject subdivision meets all City requirements and that no variances have been requested.

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

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

- B. Hold a public hearing and consider making a recommendation to City Council regarding an application for an Amending Plat of Lots 21, 22 and 23, Block 2, Woodcreek Section 3, located in Wimberley, Hays County, Texas, along with variance requests relating to the City's lot depth to width ratio requirements and the minimum lot size requirements for lots to be served by on-site septic facilities (OSSF). (*Roger & Karen Sosby, Applicants*)

City Administrator Ferguson explained the proposed Amending Plat, which relocates the common lot lines between Lots 21 and 22 and Lots 22 and 23 to create Lots 21A and 23A. Water and wastewater services on each lot will be provided by Wimberley Water Supply Corporation and OSSFs, respectively. No rezoning is required and the following variances were requested:

- Variance from §154.063(C), which requires lots to have a minimum 1:5 average depth to average width ratio
- Variance from §95.07(B), which establishes a minimum lot size of 1.5 acres for lots to be served by an OSSF

City Administrator Ferguson advised that the size and unusual configuration of the subject property make it impossible for the applicant to meet the required average depth to average width ratio and that both of the two (2) lots created in the Amending Plat already have an existing OSSF. He recommended approval of the Amending Plat, along with the requested variances.

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

Brief discussion addressed location of existing structures and the need for variances.

Commissioner Ross moved to recommend approval of the item, as presented, which includes the requested variances. Commissioner Mitchell seconded. Motion carried on a vote of 7-0.

- C. Hold a public hearing and consider making a recommendation to City Council regarding an application to vacate and replat Lots 4, 5, 6 and 7 of the *Replat and Extension of Lot 2 Dunn Plaza* located in Wimberley, Hays County, Texas. (*Virgil & Associates Consulting Services, Applicants*)

City Administrator Ferguson reviewed the subject property's location (Old Kyle Road at R.M. 3737) and proposed subdivision, which vacates Lots 4, 5, 6, and 7 and replats the area occupied by these four lots into two lots – Lot 4A (2.008 acres) and Lot 6A (1.996 acres). Lot 4A has frontage on R.M. 3737 and Lot 6A has frontage on both Old Kyle Road and R.M. 3237. The proposed subdivision is being sought in conjunction with plans for a medical office complex development that will include both detention and water quality ponds. Water service will be provided by Wimberley Water Supply Corporation and wastewater service will be provided by proposed on-site septic and drip irrigation facilities. No rezoning is required and City staff recommended approval.

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

Discussion addressed reasoning for the requested subdivision, proposed use as medical offices, scope of the development, setbacks, and septic system.

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

- D. Hold a public hearing and consider making a recommendation to City Council regarding an application to amend Ordinance No. ZA-06-013 which designates the property located at 14100 Ranch Road 12, Wimberley, Hays County, Texas, as a Wimberley Planned Development District (WPDD) with a base zoning district of Commercial – Moderate Impact (C-2), for the purpose of revising the Concept Plan and certain development regulations, including, but not limited to those relating to building footprint, building floor area, setbacks, parking and impervious cover. (*Mariposa Ranch Road 12, L.P., Applicant*)

City Administrator Ferguson reviewed the existing WPDD agreement, subject property location, and proposed amendment to develop the currently undeveloped 8.571 acre tract (Parcel Three) into an eighty-unit senior housing community featuring a mix of one- and two-bedroom units, along with a swimming pool, clubhouse, and pedestrian paths. The gated community will have access driveways located on Ranch Road 12 near the Diamond Shamrock store and the Brookshire Brothers parking lot. The development will be surrounded by a 6-foot security fence and total impervious cover will not exceed seventy percent (70%). Centralized wastewater treatment will be provided by Aqua Texas and water service will be provided by Wimberley Water Supply Corporation. The development will be required to comply with the drainage and non-point source pollution requirements set forth in the City Code.

According to the WPDD, any future development of Parcel Three must comply with the City's C-2 development standards. The applicant is proposing to amend the WPDD to allow for the following improvements, which deviate from the City's development standards:

- One (1) housing structure with a maximum floor area of 21,946 square feet. *(The maximum floor area allowed by City Code is 20,000 square feet.)*
- Two (2) housing structures, connected by an elevated walkway, with a combined building footprint of 21,600 square feet. *(The maximum building footprint allowed by City Code is 15,000 square feet.)*
- Encroachment of a perimeter driveway into the required ten (10) foot side yard setback at two separate locations on the side of the parcel closest to the Brookshire Brothers Grocery Store. *(City Code limits construction within building setbacks.)*
- The provision of 111 resident off-street parking spaces or 1.38 off-street parking spaces for each dwelling, exclusive of guest parking. *(City Code requires 120 spaces or 1.5 off-street parking spaces for each dwelling unit, exclusive of guest parking.)*
- Construction of a concrete sidewalk and some picnic table pads in an area of open space dedicated for drainage mitigation for Parcels One and Two of the Brookshire Brothers Development. These improvements, which will not adversely impact drainage mitigation, are intended to facilitate access to the Patsy Glenn Bird Refuge by those residing in the senior housing community. *(The WPDD dedicates the subject open space for drainage mitigation.)*

The applicant seeks the abovementioned deviations in order to preserve existing trees and minimize impervious cover. The developer will be in compliance with all other City development requirements. City Administrator Ferguson detailed the proposed site plan and noted certain needed clarifications to existing WPDD language relating to impervious cover.

Bonner Carrington President Stuart Shaw (representative for Mariposa Ranch Road 12, L.P.) spoke on the status of project funding efforts to date, including an application submitted to Texas Department of Housing and Community Affairs (TDHCA), as well as possible future alternative sources. He reported on Bonner Carrington's management practices and on other successful senior housing communities developed by his firm, including one located in San Marcos. He provided information on the residency requirements, rental rate structure, architectural style, layout of buildings, amenities, accessibility/connectivity to surroundings, communications with neighboring property owners and area organizations, letters of support, detention ponds, and mitigation of drainage issues. He felt that the development will be an aesthetically-pleasing and tax-paying asset to the community.

Discussion addressed specifics of setback encroachments; ingress/egress issues, including gated entrances with access codes; and the applicant's intent to acquire the property from the current owner (Brookshire Brothers) and retain ownership.

Chairman Dean opened the public hearing.

Barbara Hopson, 46 Ranchview Trail, expressed concerns relating to impervious cover, density, and tree removal. She felt that variances should be granted sparingly. She also expressed concerns over possible tax credits applicable to the subject property and felt that due to its desirable location and value, more tax revenue could be generated, if the property is used for a type of business that does not qualify for tax breaks. Ms. Hopson cited the needs of Wimberley and Dripping Springs ISDs for additional tax revenue. She acknowledged the need for senior housing options, but stated that something should be built on the subject property that "will pay its way." She also questioned management of the facility and cited problems with management of another Mariposa development in Cedar Park.

Wimberley resident M.F. Johnson stated that Wimberley is about community spirit and volunteer services. She felt that Mariposa at Ranch Road 12 is needed for active adults who no longer wish to maintain a larger home. She stated that Wimberley is about "people" and not simply "taxpayers." Mrs. Johnson believed that Mariposa will attract active seniors who want to continue to live here and serve the community.

Wimberley resident Malcolm Harris expressed concerns about the negative impact of runoff, impervious cover, and degradation of Cypress Creek. He cited current problems with runoff that comes through his property from Brookshire Brothers and the Wimberley Community Center. He stated that he has not been contacted by Mr. Shaw or his firm about the proposed development. City Administrator Ferguson clarified that impervious cover requirements remain the same as specified in the original WPDD and are not part of the amendments requested by the applicant.

Stuart Shaw explained his firm's obligations relating to payment of applicable taxes and receipt of tax credits. He cited his firm's long-term approach to ownership and management of its properties.

Chairman Dean closed the public hearing.

Discussion among Stuart Shaw, applicant's consulting engineer Ron Nielsen (of R.G. Miller Engineers), Commission members, and City Administrator Ferguson addressed:

- Background information on the original WPDD negotiations in held in 2006
- Past amendments to the original WPDD
- Existing drainage problems and negative impact on neighboring properties and waterways
- Drainage flow issues (including volume, velocity, sheet flows, and water quality) and associated erosion problems
- Access/driveways/parking areas for Brookshire Brothers
- Ability to correct/mitigate problems with drainage and parking associated with Parcels One and Two as part of the development process for Parcel Three
- Ineffectiveness of existing detention pond

- Preservation of trees
- Rainwater harvesting and water reuse
- Specific measures to mitigate drainage issues
- Calculation of impervious cover percentage and area used to perform such calculation
- Architectural style of the proposed development
- Reasoning for encroachments (to preserve trees and limit impervious cover)
- Site plan approval process
- Adequacy of proposed number of parking spaces

Commissioner Klepfer moved to recommend approval, as presented, with the addition of No. 11 to the list of ten (10) amendments in the draft ordinance, which would require the applicant to comply with the drainage requirements set forth in Ordinance No. ZA-06-013, along with the City's Water Quality Protection Ordinance, and minimize the impact of storm water flows from the development on adjacent and downstream properties through the use of staged release and/or other acceptable means to manage storm water volumes, velocities, sheet flows, and water quality. Commissioner Lancaster seconded. Motion carried on a vote of 7-0.

Stuart Shaw stressed that his firm will comply with all City requirements and hoped to work closely with Brookshire Brothers management to address the aforementioned issues.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

Chairman Dean reported on actions taken at City Council's meeting on August 2, 2012 relating to a conditional use permit application for a personal care home operation and an ordinance to allow secondary residential structures on properties zoned Residential Acreage (RA) as a permitted use.

Hearing no announcements or future agenda items, Commissioner Lancaster moved to adjourn. Commissioner Ross seconded. Motion carried on a vote of 7-0.

Adjourn at 8:04 p.m.

Recorded by:



Cara McPartland

These minutes approved the 27th of September, 2012.

APPROVED:



Chair Tracey Dean

