

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Special Meeting
August 27, 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), Tracey Dean, Charles Savino, and Thad Nance. Commissioner Rick Burlison 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 Special Planning & Zoning Commission meeting on July 30, 2015.

Commissioner Savino moved to approve the minutes, as presented. Commissioner Nance 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 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; this agenda item was continued from the July 30, 2015 meeting of the Commission)*

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, 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 total impervious cover cannot exceed twenty percent (20%).

City Administrator Ferguson advised the applicant is seeking the subject amendment to increase options for future development of the resort property that was severely

damaged in the 2015 Memorial Day weekend flood. The applicant is undecided at this time on moving forward with RV and trailer camping, but is requesting the proposed amendment in case the choice is made to exercise this option. If the decision is made to pursue RV/trailer camping, the applicant will be required to obtain City approval of a proposed *RV/Trailer Camping Concept Plan* before any such camping could occur on the subject property. It was noted that the approval process for the referenced *RV/Trailer Camping Concept Plan* would be the same public process used for zoning requests. Advance public notice (200' letters, newspaper notices, and site signage) would be required, along with public hearings before the Planning and Zoning Commission and City Council. If submitted, the Plan would be required to comply with the City's site development regulations including, but not limited to, drainage and water quality protection requirements.

City Administrator Ferguson noted that the Commission voted to continue consideration of this item to allow the applicant time to address concerns raised at its meeting on July 30, 2015.

City Administrator Ferguson cited the following proposed amendment to Condition #12 of the WPDD, which includes language intended to address concerns raised by several adjacent property owners:

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.*
- d) No more than ten (10) RVs shall be located on the portion of the subject property that fronts River Road and said RVs shall be set back at least one hundred twenty (120) feet from River Road and screened with a vegetative buffer (trees, tall grasses, shrubs, etc.).*
- e) No Travel Trailers and Tent Trailers shall be placed on the portion of the property that fronts River Road.*
- f) RVs in excess of ten (10) years old shall be prohibited on the subject property.*
- g) Individual camping with RVs, Travel Trailers and Tent Trailers shall be allowed for a period not to exceed one hundred fifty (150) consecutive days within any twelve (12) month period.*

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.

The applicant's representative, Carroll Czichos, presented a handout to the Commission intended to address concerns expressed at the Commission's July 30th meeting. He emphasized that this request for a WPDD amendment does not change the zoning of the subject property, as alleged in some of the previously submitted protest letters. Due to floodplain elevation and ADA requirements, Mr. Czichos stated that it may not be feasible to build in the areas marked on Layout #1. He requested the option to place a maximum of ten (10) RV pads in areas that front River Road, with the exact locations to be determined at a later date. If there is not enough area for ten (10) pads, he requested that some of the pads be moved to the back acreage, as depicted in Layout #2, with a maximum of thirty (30) pads on the subject 140-acre property. He noted that pads in Layout #1 would meet all requirements as set forth in the abovementioned conditions (*See Conditions d-g*). He stated that Layout #2 depicts possible locations in the back acreage of the remaining sites, with the exact locations dependent on factors such as septic system percolation test results.

Discussion addressed setbacks for the RV pads fronting River Road, which were estimated to be approximately 175 feet. It was noted that the pads will likely be no closer to the Blanco River than the former pre-flood cabin sites. Discussion also addressed possible restrictions on tent camping, which could be included in a future concept plan; clarification that only RVs would have River Road frontage, with Travel/Tent Trailers to be located on the back acreage; types of vegetative buffering; possible alternative uses/developments for the subject property (such as rebuilding of cabins/lodges outside of the floodplain); and allowance of RV parks in floodplain areas.

Chairman Haley opened the public hearing.

Monica Hudson spoke in support of the Czichos family and recalled her years working at a local bank, and the many times Mr. Czichos helped her with instances of tripped alarms and vandalism that required personal visits at very late hours. She said Mr. Czichos was always calm and professional and asked the Commission to not let the Czichos' down when they are already at a low point due to losses from the flood. She noted the generosity of the Czichos' in donating use of their property for fundraising efforts over many years. She said 7-A is a jewel worth fighting for and has brought joy to many people.

Christy Degenhart said the Czichos family has done so much to make this town what it is and firmly believed that anything they want to do with 7-A is only going to be for the betterment of Wimberley and they would never do anything to hurt anyone or make it look worse. Speaking as a business owner who has experienced loss (referencing the Ace Hardware fire), Ms. Degenhart recalled the kindness and compassion of the Czichos family during and after the fire. She acknowledged that she misses the pre-fire

Ace Hardware store and believed the Czichos will miss the pre-flood 7-A Resort that their father built many years ago. She found it heartbreaking to bring a fight to 7-A as they are trying to rebuild.

Business owner and Wimberley resident Tom Keyser recalled the Bastrop wildfire tragedy as the impetus for creation of the non-profit organization known as "My Neighbor's Keeper," which raises funds for disaster relief. He noted that 7-A Resort donated the use of Pioneer Town for various fundraising events for several years and continues to help by charging discounted rates. He said without the seed planted by 7-A, there would not be "My Neighbor's Keeper," which has distributed over \$330,000 to local residents. He asked the Commission to not let this gem go away.

East Blanco Bend resident Denise Clark stated we have all been affected by the flood tragedy, but she said her home is also her investment to help fund her retirement, and a "yes" vote would help 7-A financially, but harm approximately fifteen (15) other home owners on East and West Blanco Bend. She felt that RVs would lower her property's appraisal value, and as a taxpayer, she asked that the Commission, consider that financial help to 7-A would cause financial harm to others.

Bob Harla of 111 CR 1492 opposed RVs in sight of the Blanco River, which he felt is a fundamental change to the beauty to one of the jewels of the City. He said it would probably open the door to more requests of this nature. He stated the subject property has enough acreage to put RVs/Trailers away from the Blanco River and River Road. He said the newly released FEMA advisory flood map puts his own house in the floodplain, which impacts his property's value. He noted that 7-A is a grandfathered commercial business in a residential area and did not know if the applicants are requesting to rebuild what was lost or seeking an opportunity for more commercial revenue. He asked if the City has looked at any other communities that have had this kind of a change in restrictions along a river, and what impact those changes may have had down the road for property owners and the community as a whole.

Steve Gregg of 1092 River Road, speaking on behalf of his brother (and neighbor) Alex Gregg, and neighbors Jerry and Linda Fields, spoke of the direct effect of 7-A's request on his property. He wished 7-A and the Czichos family well as they strive to recover their business, however, he objected to RVs fronting the Blanco River. His personal observations of RVs reflect that some are expensive, but said that he has seen some that he would not like to see on the riverfront and shared previously expressed concerns regarding lowering of property values. If the decision is made to allow RVs on the subject property, Mr. Gregg asked that the applicant delineate more clearly what the screening/buffering would be, how sewage would be treated, and how conditions of longer-term RV visitors would be monitored. Although he supported 7-A and wished the applicants well, he felt that the Commission should consider aspects of the request that are not in the best interests of the neighborhood and property investments.

Wimberley resident Madonna Kimball spoke of the origins and history of 7-A and Rio Bonito Resorts, which she felt have helped make Wimberley what it is today.

Recognizing growth and change, she said we are blessed to have moved here and it is still the town people want to call home, in large part because of the families that built 7-A and Rio Bonito Resorts. She pointed out that those who complain of traffic and noise along the Blanco River knew of 7-A's existence before they built their houses. She spoke of Wimberley's tourism and asked where else people can have public access to the Blanco River, except through 7-A Resort. If we are fortunate enough to live here, Ms. Kimball said we should respect the elders who have come before us, respect nature, and allow others to enjoy its beauty. Ms. Kimball said the Czichos family has been very instrumental since 1946 and she would like to see the Commission recommend approval to allow them to rebuild their lives and go forward with an RV park.

Ben Sorrell of 304 Wayside spoke of the beauty of River Road and its surroundings. He said 7-A is wonderful and has obviously done a lot of good for the City and "has a right to continue to be what they have been." He acknowledged the flood was unfortunate for everybody, but said this is an opportune time to actually improve upon what was there before. Fortunately for 7-A, he said they have a lot of land and there is plenty of room for an RV park, which he is not opposed to, but felt RVs are not appropriate for River Road frontage.

Matt Meeks, whose family owns and operates Rio Bonito Resort, spoke in support of 7-A Resort and the future of the City. He described it as the backbone of this community, long before the City of Wimberley existed. He said "they are what makes Wimberley – Wimberley" and have given so much back to this community. He stated the applicants are seeking guidance and a recommendation during the hardest of times and felt it important to remember that 7-A did not ask to be put in this situation. He noted they are here only because they wish to continue their way of living, the best way they see possible. As a former City Council member, Mr. Meeks said he worked through many City budgets and saw how little funds they City has to operate, with the City funded primarily through sales tax revenue. He quoted 7-A's figure of 15,000 guests lost for this summer, who are customers who would have shopped at our stores and eaten at our restaurants. He said it would be a huge economic hit for the City, if 7-A was no longer in operation. Mr. Meeks noted that Council approved a Hotel Occupancy Tax (on first reading) intended to help bring people to Wimberley, which will be collected entirely by the lodging industry. He said this is "heads in beds" and people want more tourists here, so it seems that we should be even more supportive of having as many heads for those beds as possible. He requested the Commission's strong support and recommendation of approval to City Council and asked that we all do our part in getting Wimberley back in the right direction.

David Achilles spoke on concerns expressed regarding RVs and referred to an example of a nice RV park in Port Aransas that is surrounded by high value properties. He felt that the referenced RV park improved the value of adjacent properties. Mr. Achilles stated the issue of private property is near and dear to him and said 7-A owned the land long before any other houses were here. He did not feel 7-A will cause any damage

and noted the damage was done by nature. He believed RVs help tourism, which will be good for all, including 7-A's neighbors.

Felix Gooding spoke in support of 7-A, was baffled by the opposition, and noted the grieving and healing as result of the dramatic changes caused by the Memorial Day Weekend flood. He said we should respect one another and felt this is a way for 7-A to heal. He believed we should learn from this year's senior graduating class, who all came together to help, and were changed by what happened. He asked the Commission to support 7-A's request, respect the fact that the river has changed, and take a lesson from our youth. He said we have t-shirts and flags that say "Wimberley Strong" and to please not have us make shirts that say "Wimberley Wrong."

Flite Acres Road resident Charles Lancaster believed that the Commission needs to support the City of Wimberley and support tourism. He noted the recent approval of adoption of a Hotel Occupancy Tax (on first reading), which is intended to increase advertising to bring more tourists to Wimberley. He stated that there are only two bed and breakfasts still operating on Flite Acres Road after the flood. Mr. Lancaster said 7-A is one of the backbones of Wimberley and will help make up the difference for the loss of business in other areas such as along Flite Acres. He said the Commission and the City of Wimberley needs to support 7-A so they can continue to make a living. He believed that the RVs that 7-A will attract will be high quality and possibly cost more than some houses across the river. Mr. Lancaster stated that he is a property rights advocate and where there is a divider, such as the Blanco River, he said "don't tell me how to use my side of the river, when you live over there."

Haskin Drive resident David Reece said he did not fancy the idea of looking at a trailer park and asked if it could be set back so as not to be seen from Wayside or River Road. Chairman Haley advised that issue will be discussed following the public hearing.

Wimberley native Matt Polhemus spoke of the fear and uncertainty following the flood and of the pride he has in his hometown. He said it is important for everyone to understand the scope of this meeting. He noted that "we are not approving or denying," but said the applicants are asking for a chance to take the next step. He felt we should trust 7-A to do that.

Kylie Achilles spoke of growing up visiting 7-A and meeting many families with children who came to 7-A every year. She questioned prohibiting a business that brings so many people to Wimberley. She understood peoples' concerns about RVs along the river, but said this is more about the community. Referencing her father's earlier remarks, she stated RVs are expensive and perhaps RVs along the river could be "premium" spots that would cost more. She noted that RVs would have to be less than 10 years old and did not feel they would be unsightly. She loved 7-A and spoke of her personal observations (as an employee of a local restaurant) of 7-A visitors who spend money in area businesses and bring money into our economy, which is dependent on tourism. Although she was in Australia during the Memorial Day Weekend flood, Ms.

Achilles spoke of news coverage of Wimberley, and said Wimberley needs to renew and re-heal and re-grow, which is also what 7-A needs to do.

Vance McCracken, who lives across the Blanco River from 7-A, cited the City's Comprehensive Plan language regarding protection and preservation of scenic vistas and spaces when viewed from roads or public areas. He continued by citing Plan language stating the City should not support development that is out of character with the historic development pattern of the City. Mr. McCracken felt that 7-A's plans would violate the spirit of the Comprehensive Plan and that the restrictions read by City Administrator Ferguson are pretty weak. He did not feel that a 120-foot setback of RVs is not enough to hide them, described the vegetative shield language as awfully vague, and believed the 150-day stay limit is easily circumvented. He said restrictions are ineffectual and without "teeth." He believed the argument that RVs will be newer (less than 10 years old) is a "red herring," because there will still be RVs across the river from his property. Mr. McCracken said although the amendment will help meet the financial needs of 7-A, he noted that the amendment would remain with the property, should the Czichos family decide to sell to new owners. He said the prospect of having a "KOA campground" 120 feet from the river established by some outside commercial entity in the future is surely not something any of us wants to see. He requested that the Commission adhere to the Comprehensive Plan as it is currently written and to please not recommend approval to City Council. At the very least, Mr. McCracken requested that a requirement be added that all tents or trailers be placed completely away from the river. He felt this is a wonderful opportunity for the Commission to compromise for the needs of the neighbors and the needs of 7-A.

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

Commissioner Dean respected differing opinions and felt Wimberley is the volunteer capital of Texas, where neighbors help neighbors. He said that the Czichos family and 7-A Ranch are the core and heart of what we are here. He felt this is a place where people come to enjoy each other's company in a beautiful setting. However, Commissioner Dean stated that beauty is in the eye of the beholder. He noted the Commission is here to deal with planning and zoning and property uses, but said feelings and emotions are factors. He felt the use the applicants are asking for is an appropriate use for the subject property and for what they are doing for this town. He reminded that what we are giving the applicants is a chance to take the next step and the details are in what happens next, with opportunities for more public input and clarification later. After looking at the applicant's request in a reasonable way, Commissioner Dean stated he favors a recommendation of approval.

Commissioner Urban thanked the Czichos family for coming back to the Commission with tangible plans to help understand their intended uses. He also thanked all of the speakers who have come before the Commission to express their feelings. He felt confident that the applicants can come back later with a plan that will work for all of us and be based on good judgment. His only caution to the applicants related to buffering and cited examples of quality RV parks situated beside million-dollar homes in other

cities. He favored going forward to allow the applicants to come back with a concept plan.

Commissioner Millinor spoke of the enormous good will this town has for 7-A and the Czichos family. But he noted that should not affect the Commission's decision, which needs to do the right thing for Wimberley. He said the applicants have made a strong move in the right direction, however, there are still questions about setbacks and shielding, which are vague and hard to picture. He said there is way too much at stake to kill this based on what we think this might look like. He acknowledged there are caveats and details to work out, but said now is not the time to stop this.

Commissioner Savino agreed with previous comments from his fellow Commission members and favored moving forward, but thought the quality of the concept plan will weigh heavily on final approval. He said he would like to see a strong sensitivity in the concept plan to address concerns regarding setbacks and buffers. He felt those issues need to be considered to create a really quality environment for the subject property and if that environment is achieved in the concept plan, then it is acceptable to him.

Commissioner Nance stated that the subject property is very unique and looked forward to working through concept plan issues that address expressed concerns. He concurred with his fellow Commission members and supported a recommendation for approval.

Chairman Haley stated his decision is based on the following criteria:

1. What is best for our city?
2. What is best for the majority of our citizens?
3. What is good for our businesses?
4. How do we retain the culture of our town?

Chairman Haley said Wimberley needs to grow and is pro-business, which helps the City's sales tax revenues. He respected the Czichos family's long history and what they have done for Wimberley, which many people care about. He felt we need to keep the culture of our town for as long as we can. He believed firmly in property rights, as long no harm is done to surrounding properties. He noted that 7-A was in existence long before it had neighbors and supported the applicant's WPDD amendment request.

Chairman Haley entertained a motion.

Commissioner Dean moved to recommend approval of the proposed amendment, as presented. Commissioner Nance seconded.

Chairman Haley called for a vote as follows: Commissioner Millinor, aye; Commissioner Urban, aye; Commissioner Dean, aye; Commissioner Savino, aye; Commissioner Nance, aye; Chairman Haley, aye. Motion carried on a vote of 6-0.

Chairman Haley called for a recess at 7:22 p.m. and reconvened the meeting at 7:30 p.m.

- B. Hold a public hearing and consider making a recommendation regarding the proposed Amending Plat of Lots 18 and 19, Paradise Hills Subdivision, Section 3, and a requested variance from Section 155.078(H) of the City Code relating to slope regulations. (*Chris Chicko, Applicant*)

City Administrator Ferguson reviewed the subject property's proposed subdivision to remove the common side lot line of Lots 18 and 19 to create Lot 18A that will be 3.126 acres in size. The intended use of the newly created lot is residential. The subject property is currently zoned R-2 and will require rezoning, as the newly created lot will be greater than two (2) acres in size. He noted that the applicant is seeking a variance from Section 155.078 of City Code, which establishes a minimum lot size based on the average slope of the lot. He stated the applicant is unable to meet the lot size requirement due to the limited size of the tracts that are being consolidated and recommended approval of the proposed plat and variance.

No public comments were heard.

Commissioner Dean moved to recommend approval of the Amending Plat and variance, as presented. Commissioner Millinor seconded. Motion carried on a vote of 6-0.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson announced that the Commission's next meeting is scheduled for September 24, 2015.

Brief discussion clarified the process for submission of a concept plan for the abovementioned WPDD amendment requested by 7-A Resort and associated challenges the applicant needs to address.

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

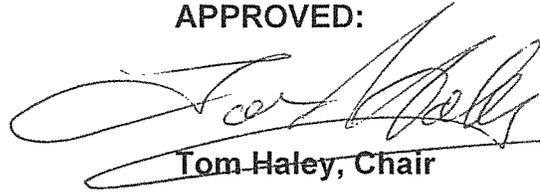
Adjourn at 7:38 p.m.

Recorded by:


Cara McPartland

These minutes approved the 24th of September, 2015.

APPROVED:



Tom Haley, Chair

