

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
September 22, 2011 at 6:30 p.m.

Meeting called to order by Chair Tracey Dean. Present were Commissioners Beth Mitchell, Jean Ross, Charles Lancaster, Tom Haley, and Rick Burleson. Commissioner Steve Klepfer was absent.

Staff Present: City Administrator Don Ferguson

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

Approval of minutes of the Regular Planning & Zoning Commission meeting on September 8, 2011.

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

2. Public Hearing and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-11-008, an application for an amendment to Ordinance No. 2009-042 which amended the development regulations for a Planned Unit Development located at 14835 Ranch Road 12, Wimberley, Hays County, Texas in order to revise certain development regulations relating to the maximum building square footage, the total project square footage and parking. (*John McCrocklin, Applicant; this case was continued from the September 8, 2011 meeting of the Planning and Zoning Commission*)

City Administrator Ferguson advised that the applicant has requested that the Commission delay consideration until its meeting on October 13, 2011 and recommended approval of the continuance request. It was noted that the applicant will incur an additional fee due to re-notification requirements.

Commissioner Haley moved to recommend approval for acceptance of the continuance request. Commissioner Ross seconded. Motion carried on a vote of 6-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-11-009, an application to change the zoning from Wimberley

Planned Development District (WPDD) with a base zoning of Rural Residential 1 (R-1) to Scenic Corridor (SC) for a 3.467 acre tract of land located at 11552 Ranch Road 12, Wimberley, Hays County, Texas. (*Mike Williams, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and recent subdivision into three (3) tracts. He noted that adjacent properties are zoned SC and that the subject property is located in Planning Area VII, where SC is a permitted zoning district. The applicant is requesting the zoning change to increase the available low impact commercial opportunities for the subject property, which fronts on Ranch Road 12. He advised that no comments were received on the proposed zoning change and recommended approval.

No public comments were heard.

Commission Ross moved to recommend approval of the item, as presented. Commissioner Mitchell seconded. Motion carried on a vote of 6-0.

- C. Hold a public hearing and consider making a recommendation to City Council regarding a proposed ordinance of the City of Wimberley, Texas, amending Chapter 155 (Zoning), creating a new Section 155.006 (Prohibited Uses) of the Code of Ordinances to prohibit wind turbines and accessory equipment of same and utility grid wind energy systems within the City's corporate limits; and providing findings of fact, a repealing clause, to provide a savings clause and severability clause and providing for an effective date. (*City Administrator*)

City Administrator Ferguson recommended approval of the proposed ordinance, which was drafted in accordance with prior Commission discussion and direction.

Commissioner Haley moved to recommend approval of the item, as presented. Commissioner Ross seconded.

No public comments were heard.

Brief discussion addressed height limitations and economic feasibility of wind turbine operations. Motion carried on a vote of 6-0.

- D. Hold a public hearing and consider making a recommendation to City Council regarding a proposed ordinance amending portions of Sections 155.107 (Planning and Zoning Commission) and 155.108 (Board of Adjustment; Variances and Appeals) of the Code of Ordinances of the City of Wimberley, Texas in order to revise the removal process for board members appointed to the above referenced boards; and providing for findings of fact, an effective date; proper notice and meeting, and severability. (*City Administrator*)

City Administrator Ferguson explained the key differences between the current ordinance and the proposed ordinance. The current ordinance states that a board

member automatically vacates his/her position if he/she violates the attendance requirement. The proposed ordinance states that upon recommendation of the Planning and Zoning Commission, the City Council may with a super majority vote remove a board member for violating the attendance requirement.

Discussion addressed reasoning for the proposed ordinance, board/commission appointment/removal procedures, obligation to serve citizens in a timely manner, and need for equal treatment of members with absences, uniform application of attendance requirements, and staff's role.

No public comments were heard.

Commissioner Haley moved to recommend approval of the item, as presented. Commissioner Burleson seconded. Motion carried on a vote of 6-0.

3. Discuss and Consider Action

Discuss and consider possible action regarding a proposal to amend the City of Wimberley Zoning Code to allow, as a conditional use, limited adult health care homes in residentially zoned areas. (*City Administrator*)

City Administrator Ferguson explained that this proposal stems from the recent discovery of an adult care home in a residentially zoned area on the City's north side. He stated that in addition to the homeowners, two elderly residents are living in the home and receiving hospice care. The owners contend the limited health care operation is not having a negative impact on the neighborhood and that such operations should be allowed as a conditional use, provided they are small in scale.

Clint Frankmann spoke in opposition to allowing commercial uses in a residential neighborhood and cautioned against setting a precedent that would allow other types of businesses to operate. He stated that the neighborhood has an opportunity to change its deed restrictions/covenants in approximately six years, if there is a desire among residents to allow commercial uses in the future. Discussion between Commissioner Ross and Mr. Frankmann addressed neighborhood deed restrictions and enforcement.

Commission discussion addressed:

- Property owners associations and enforcement of deed restrictions
- Differing points of view among various neighborhoods regarding allowance of commercial uses
- Consideration of neighborhood input in granting CUPs
- Owner occupation requirement
- Comparison to Bed and Breakfast CUPs

Agreement was reached to direct staff to draft an ordinance for consideration that would allow limited adult health care homes as a conditional use in residentially zoned areas.

4. Staff and Commission Reports

- Announcements
- Future Agenda Items

There was brief discussion of future meeting dates, possible Commission member absences, and Commission representation at Council meetings to report on Commission recommendations.

Hearing no further announcements or future agenda items, Commissioner Haley moved to adjourn. Commissioner Lancaster seconded. Motion carried on a vote of 6-0.

Adjourn at 7:30 p.m.

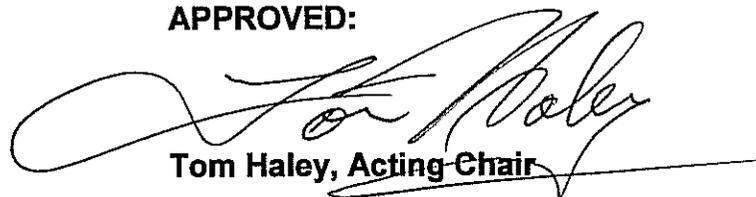
Recorded by:



Cara McPartland

These minutes approved the 13th of October, 2011.

APPROVED:



Tom Haley, Acting Chair

