

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
September 24, 2015 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair Tom Haley. Present were Commissioners Rick Millinor, Tracey Dean, Charles Savino, and Rick Burleson. Commissioners John Urban and Thad Nance were 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 August 27, 2015.

Commissioner Savino moved to approve the minutes, as presented. Commissioner Dean seconded. Motion carried on a vote of 4-0. Commissioner Burleson abstained.

**2. Election of Officers**

Chairman Haley announced his intention to resign from the Commission and called for nominations for the positions of Chair and Vice Chair.

Commissioner Savino nominated Commissioner Rick Millinor for the position of Chair. The Commission voted unanimously (5-0) to approve Commissioner Millinor for the position of Chair.

Commissioner Millinor assumed duties of Chair of the Commission and called for nominations for the position of Vice Chair.

Commissioner Dean nominated Commissioner Savino for the position of Vice Chair. The Commission voted unanimously (5-0) to approve Commissioner Savino for the position of Vice Chair.

**3. Public Hearings and Possible Action**

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-15-004, an application for a conditional use permit to allow for the operation of a vacation rental facility on a tract of land zoned Commercial-

Low Impact (C-1), located at 200 South River, Wimberley, Hays County, Texas.  
(*William & Elizabeth Stephens, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing residence. He advised that the applicants intend to use the residence as a vacation rental, with a maximum occupancy of four (4) guests. He noted that wastewater service would be provided by an on-site septic system that is sized and capable of serving the proposed occupancy. In addition to the applicant's house rules, City Administrator Ferguson read a list of conditions to be made part of the requested conditional use permit (CUP), should the Commission desire to recommend approval. He asked the Commission to consider adding a condition that would require landline telephone service, with a publicly listed number, to be maintained on the subject property to allow for receipt of emergency notification phone calls.

Discussion addressed that adequate on-site parking exists at the subject property and that the septic system has been approved for the applicant's intended use. It was noted there was no opposition expressed to date on the CUP request. Several audience members stated their support for the CUP.

Chairman Millinor opened the public hearing. Hearing no further comments, Chairman Millinor closed the public hearing.

Commissioner Dean moved to recommend approval of the CUP application, as presented, including the additional abovementioned condition to require landline telephone service to the subject property be maintained to allow for receipt of emergency notification phone calls, as stated by City Administrator Ferguson. Commissioner Haley seconded. Motion carried on a vote of 5-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case ZA-15-007, an application to change the zoning from Single Family Residential 2 (R-2) to Single Family Residential 3 (R-3) for property located at 234 Blanco Drive, Wimberley, Hays County, Texas. (*City of Wimberley, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and need to change the zoning designation due to a zoning error made when the City initiated residential zoning shortly after incorporation. No comments have been received, either for or against, the requested zoning change.

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

Commissioner Haley moved to approve the zoning change, as presented. Commissioner Dean seconded.

Discussion established that the zoning error was discovered when the applicant sought a building permit to repair flood damage to the existing single family residence on the subject property. Different setback requirements were noted for zoning districts R-2 and R-3.

Motion carried on a vote of 5-0.

- C. Hold a public hearing and consider making a recommendation to City Council regarding an application for the Replat of Lots 28, 29, 30 and 31 out of the Harrison Resort Subdivision and an adjacent 0.38 acres and 1,397 square feet out of the Amasa Turner Survey to create a 0.84 lot to be known as Lot 31A. *(Tomas Palm, Applicant)*

City Administrator Ferguson explained the proposed subdivision combines the subject lots and unplatted tracts to create a new 0.84 acre lot to be known as Lot 31A, which will not require rezoning from its current Commercial – Low Impact (C-1) designation. He noted that the applicant is seeking a variance from the City's minimum lot size requirements due to the limited size of the tracts being consolidated and recommended approval of the proposed replat and requested variance.

Discussion addressed the subject property's original platting by Hays County and the proposed replat's consolidation of multiple lots, which would reduce density.

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

Commissioner Savino moved to approve the replat and variance, as presented. Commissioner Dean seconded. Motion carried on a vote of 5-0.

#### **4. Staff and Commission Reports**

- Announcements
- Future Agenda Items

City Administrator Ferguson reported on Council's decision regarding 7-A Resort's WPDD amendment application and summarized various reasons Council came to that decision. City Administrator Ferguson advised the Commission that it successfully completed its task to make a recommendation to Council and should not feel slighted over Council's decision or by comments made by one Council member regarding the Commission's consideration and action on this matter.

Commissioner Haley stated that he had no problem with Council's decision to turn down the Commission's recommendation, but did have a problem with a Council member "admonishing" the Commission as a whole for allegedly not doing its "homework." Commissioner Haley stated that in his lengthy public career he has never heard a Council member admonish or chastise a volunteer member of any committee serving the public. He wanted to state for the record that such admonishment was wrong and

he was personally offended. Commissioner Haley announced his resignation from the Commission effective October 1, 2015.

Discussion addressed Council's prerogative to approve or deny Commission recommendations, stressed that the Commission did not overlook or misstep in its consideration and action on 7-A's requested WPDD amendment, and whether any further formal action is need by the Commission on this matter. City Administrator Ferguson stated that the Commission's concerns have been adequately communicated to the subject Council member and felt the Commission did not need to formally revisit this issue, as it might prove counterproductive.

City Administrator Ferguson advised that a joint Council workshop will be scheduled in the near future so that the Commission and Council can hold public hearings and consider updates to the City's Comprehensive Plan. Discussion indicated a scheduling preference for the Commission to consider revisions to the City's Zoning Code before resuming its consideration of Subdivision Code revisions.

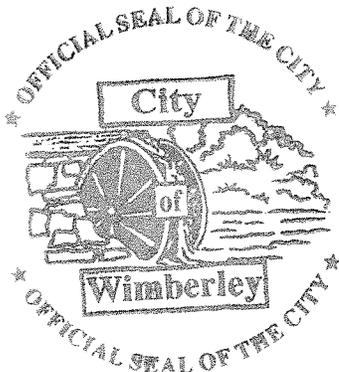
Hearing no further announcements or future agenda items, Chairman Millinor called the meeting adjourned.

**Adjourn at 6:45 p.m.**

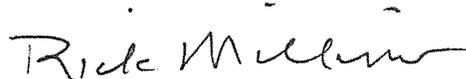
Recorded by:

  
Cara McPartland

**These minutes approved the 29<sup>th</sup> of October, 2015.**



**APPROVED:**



**Rick Millinor, Chair**