

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
October 24, 2013 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair Tom Haley. Present were Commissioners Beth Mitchell, Tracey Dean, Steve Klepfer, Lance Cawley (arrived at 6:06 p.m.), and Rick Burleson. Commissioner Charles Lancaster 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 September 12, 2013.

Commissioner Klepfer moved to approve the minutes, as presented. Commissioner Dean seconded. Motion carried on a vote of 4-0. Commissioner Mitchell abstained. Commissioner Cawley had not yet arrived.

2. Public Hearings and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-13-011, an application for a conditional use permit (CUP) to allow for a secondary residential building on a tract of land zoned Single Family Residential 2 (R-2), located at 205 Freedom Drive, Wimberley, Hays County, Texas. (*Sue Jones, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning, existing structure (main 2,587 square foot main residence), and proposed remodel of the 625 square foot detached garage into a one-bedroom guest house to house relatives and friends of the applicant.

He stated that access to both single family residences would be gained from Freedom Drive, that a new septic system would be installed to serve the secondary residence, and require approval of a variance from the City's on-site sewage facility (OSSF) lot size requirements.

City Administrator Ferguson advised that two (2) notified property owners have expressed verbal opposition concerning possible future use of the guest home as a

short- or long-term rental. Prior to this meeting, City Administrator Ferguson stated that one of the owners expressing verbal opposition has called back advising that she no longer opposes the CUP request. He noted that verbal support has been received from one (1) adjacent property owner.

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

Commissioner Dean moved to approve the item, as presented, including the condition that the secondary residence not be used as a rental. Commissioner Klepfer seconded. Discussion addressed current use of the garage as a workshop and whether said garage is an attached or detached structure. City Administrator Ferguson advised that the Hays Central Appraisal District records list the subject structure as detached.

Motion carried on a vote of 6-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-13-012, an application for a conditional use permit to allow for the operation of a bed and breakfast facility on a tract of land zoned Single Family Residential 2 (R-2), located at 1861 Flite Acres, Wimberley, Hays County, Texas. (*Aaron Scott, Applicant*)

City Administrator Ferguson stated that the applicant has submitted a written request to withdraw the subject CUP application for a bed and breakfast at this time, with the intent to submit a CUP application for a vacation rental for Commission consideration in November.

Commissioner Dean moved to accept the applicant's withdrawal request. Commissioner Klepfer seconded. Motion carried on a vote of 6-0.

- C. Hold a public hearing and consider making a recommendation to City Council regarding Case ZA-13-005, an application to change the zoning from Single Family Residential 2 (R-2) to Commercial – High Impact (C-3) for property located at 103 and 107 Oak Drive, Wimberley, Hays County, Texas. (*Chris Oddo, Applicant*)

This item was heard after Agenda Item 2D.

Commissioner Klepfer recused himself and left the meeting at this time, as he owns property within the two-hundred foot notification area of the subject property.

City Administrator Ferguson reviewed the subject property's location within the Village Center Overlay District, current/proposed zoning, and planning area. He stated the applicant is proposing to purchase the subject property and convert two (2) existing vacant homes into retail and/or office space. It was noted that there is an existing septic system on site that currently serves the two (2) residential structures and the applicant

will be required to provide the City with certification that the septic system is properly functioning and capable of serving any proposed commercial use, prior to such use. City Administrator Ferguson advised no comments have been received on the requested zoning change.

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

Discussion among Commission members, the applicant, and staff addressed:

- Lot size/configuration/acreage
- Existing structures
- Surrounding zoning/uses
- Septic system specifications and related concerns regarding potential future commercial uses
- Parking concerns and possible measures to mitigate those concerns
- Concerns related to intensity of requested C-3 zoning
- Permitted uses in C-3 and C-2 zoning districts
- Limitations on proposed uses due to current septic system requirements
- Surrounding C-3 zoned properties
- Comparison of residential versus low-impact commercial on water/wastewater usage
- Verification required for septic system compliance for proposed use(s)

Commissioner Dean moved to approve the item, as presented. Commissioner Cawley seconded. Chairman Haley called for a vote as follows: Commissioner Mitchell, aye; Commissioner Dean, aye; Chairman Haley, nay; Commissioner Cawley, aye; Commissioner Burluson, aye. Motion carried on a vote of 5-1.

- D. Hold a public hearing and consider making a recommendation to City Council regarding Case ZA-13-003, an application to change the zoning from Single Family Residential 2 (R-2) to Rural Residential 1(R-1) for property located at 516 Flite Acres Road, Wimberley, Hays County, Texas. (*Michael Gieber & Janice Mullenax, Applicants*)

This item was heard after Agenda Item 2E.

City Administrator Ferguson explained the rezoning request made in conjunction with the recent replat of Lots 8 (1.506 acres) and 9 (1.512 acres) of the Keller Estates Subdivision. The replat dissolved the center lot line and combined the two tracts to form one 3.02 acre tract, making it necessary to change the zoning of the subject property to Rural Residential 1 (R-1). No comments on the zoning change request were received and staff recommended approval.

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

Commissioner Dean moved to approve the item, as presented. Commissioner Mitchell seconded. Motion carried on a vote of 6-0.

- E. Hold a public hearing and consider making a recommendation to City Council regarding Case ZA-13-004, an application to change the zoning from Commercial – Low Impact (C-1) to Public Facilities (PF) for property located at 222 Twilight Trail, Wimberley, Hays County, Texas. (*Wimberley Emergency Medical Systems, Inc., Applicant*)

This item was heard after Agenda Item 2B.

City Administrator Ferguson explained the rezoning request made in conjunction with the proposed replat of Lots 34A and 35A of the Wimberley Heights Subdivision, which dissolves the center line of the two tracts to form Lot 34R, a 1.763 acre tract. Discussion established that one inquiry was received by staff, but no opposition was expressed regarding the requested zoning change.

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

Commissioner Dean moved to approve the item, as presented. Commissioner Mitchell seconded. Motion carried on a vote of 6-0.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

This item was heard after Agenda Item 2C.

City Administrator Ferguson advised that special workshop meeting(s) are anticipated in order to expedite HEB's request for Wimberley Planned Development District (WPDD) zoning, with tentative dates of October 30th and one or two weeks thereafter. Public hearing dates for the Commission and City Council are to be determined. Due to the significant size, nature, and impact of the proposed development, he reminded Commission members to give careful thought to questions and concerns and to avoid any ex parte communications on this matter.

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

Adjourn at 6:47 p.m.

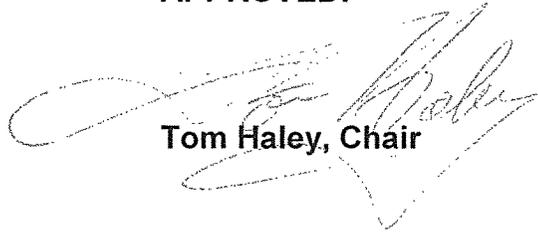
Recorded by:



Cara McPartland

These minutes approved the 25th of November, 2013.

APPROVED:



Tom Haley, Chair

