

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Special Meeting  
October 29, 2015 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair Rick Millinor. Present were Commissioners John Urban, Tracey Dean, Charles Savino, Thad Nance, 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 September 24, 2015.

Commissioner Savino moved to approve the minutes, as presented. Commissioner Urban 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 CUP-15-005, an application for a conditional use permit (CUP) to allow a secondary single family residence on a tract of land zoned Rural Residential 1 (R-1), located at 285 Sierra Loma, Wimberley, Hays County, Texas. (*Brian & Amy Gillis, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing shop/residence. He advised that the applicants intend to construct a second single family residence on the property that would be used as their primary residence, with the existing residence to continue being used as a shop/residence. It was noted that access to both residences would be from Sierra Loma and a new septic system would be installed to serve the newly constructed residence. He stated no comments have been received either for or against the CUP request and recommended approval.

Chairman Millinor opened the public hearing.

Applicant Amy Gillis distributed pictures of the existing shop/residence to Commission members and provided details on locations of the existing and planned structures.

Neighboring property owner John Hogan questioned whether the residences would be used as businesses and applicant Amy Gillis replied that the intended use is strictly residential.

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

Commissioner Urban moved to recommend approval of the CUP application, as presented. Commissioner Nance seconded. Motion carried on a vote of 6-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-15-006, an application for a conditional use permit (CUP) to allow for the operation of a vacation rental on a tract of land zoned Rural Residential 1 (R-1), located 201 Box Canyon, Wimberley, Hays County, Texas. (*Jim & Andrea Jones, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing residence. He noted there is a properly permitted and functioning on-site septic system that serves the residence that will accommodate a maximum occupancy of six (6) guests for the proposed vacation rental facility. He advised that guests would be required to park on the subject property. In addition to the applicant's house rules, City Administrator Ferguson recommended the following conditions be made part of the requested CUP, should the Commission desire to recommend approval:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.

8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two (200) feet of the subject property, with the current name and contact information.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one (1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State and/or City of Wimberley Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be six (6) people.

To date, City staff has received one (1) letter from an adjacent property owner opposing the CUP request.

Chairman Millinor opened the public hearing.

Applicant Andrea Jones distributed pictures of the subject property to the Commission and spoke on the reasons for requesting a vacation rental due to her husband's military orders to relocate for one (1) year. She stated a professional management company

will be retained to handle all bookings, cleaning, maintenance, and enforcement of rules. She agreed to the maximum occupancy limit of six (6) persons.

Adjacent property owner Ellis Richard Berryman of 221 Box Canyon described himself as community-minded, and said that he would not do anything to stand in the way of the Jones' being able to keep their house in Wimberley. Although he was "not thrilled" about the idea of a vacation rental in his quiet neighborhood, he was relieved that it would not be a "party house." He was appreciative of the Jones' patience with the construction of his own residence and said they are good neighbors and would like to keep them. Mrs. Jones added that she and her husband would very much like to come back to Wimberley and plan to do so.

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

Discussion addressed location of the subject property's existing structure, proximity to neighbors, noise ordinance provisions and enforcement, response to potential noise/trespassing complaints by the Austin-based management company, letter of opposition, screening of renters, CUP revocation process in the event of non-compliance, long-term versus short-term renters, and applicant's desire to return to Wimberley, when possible.

Commissioner Dean moved to recommend approval of the CUP, as presented, including the abovementioned conditions, as read by City Administrator Ferguson. Commissioner Savino 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-15-008, an application to change the zoning from Single Family Residential 2 (R-2) to Single Family Residential 3 (R-3) for property located at 236 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 from R-2 to R-3 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 Dean moved to recommend approval of the zoning change, as presented. Commissioner Savino seconded. Motion carried on a vote of 5-0. Due to ownership of property in the 200-foot notification area, Commissioner Urban abstained.

- D. Hold a public hearing and consider making a recommendation to City Council regarding Case ZA-15-009, an application to change the zoning from Rural Residential 1 (R-1) and Single Family Residential 2 (R-2) to Rural Residential 1

(R-1) for Lot 18A, Paradise Hills Section 3, Wimberley, Hays County, Texas.  
(*Chris Chicko, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning, and recent replat combining two (2) lots to form one (1) 3.126 acre tract, making it necessary to change the zoning to R-1 due to the size of the newly created lot. Brief discussion addressed differing setback requirements for R-1 and R-2 zoning districts.

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

Commissioner Burluson moved to recommend approval of the zoning change, as presented. Commissioner Dean seconded. Motion carried on a vote of 6-0.

- E. Hold a public hearing and consider making a recommendation to City Council regarding an application for the Replat of Lot 23 of the Replat of Hilltop Place Phase One, establishing Lots 23A and 23B, and related variances to the City of Wimberley's steep slope lot size multiplier and lot configuration requirements.  
(*David Estey, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current zoning/residential use, and proposed subdivision to create two (2) lots to be known as Lot 23A (2.00 acres) and Lot 23B (3.22 acres) from a 5.22 acre tract currently known as Lot 23. He advised the lots created by the proposed subdivision will obtain water supply from on-site groundwater wells, with wastewater service provided by on-site sewerage facilities. He noted that the applicant is seeking a variance from Ordinance 2009-050, which establishes a minimum lot size based on the slope of the property. In addition, a variance is being sought from Code §154.063(C), which establishes average depth to average width requirements for subdivision lots. He stated the applicant is unable to meet the referenced Code requirements due to the existing size and slope of the parent tract and recommended approval of the proposed replat and requested variances.

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

Brief discussion addressed the existing lot configuration, compliance with City Code, and degree to which the newly created lots are "buildable."

Commissioner Dean moved to recommend approval of the proposed replat and variances, as presented. Commissioner Savino seconded. Motion carried on a vote of 6-0.

### **3. Staff and Commission Reports**

- Announcements
- Future Agenda Items

City Administrator Ferguson reported on the Commission's meeting schedule for November and upcoming agenda items. He advised that there will be an early December joint meeting scheduled with City Council in order to hold public hearings and allow the Commission to make a recommendation on revisions to the Comprehensive Plan, which are currently being finalized by the Comprehensive Plan Review Committee.

Hearing no further announcements or future agenda items, Commissioner Dean moved to adjourn. Commissioner Savino seconded. Motion carried on a vote of 6-0. Chairman Millinor called the meeting adjourned.

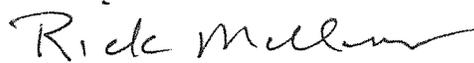
**Adjourn at 6:56 p.m.**

Recorded by:

  
Cara McPartland

**These minutes approved the 12<sup>th</sup> of November, 2015.**

**APPROVED:**



**Rick Millinor, Chair**

