

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
December 12, 2013 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair Tom Haley. Present were Commissioners Tracey Dean, Charles Lancaster, Steve Klepfer, Lance Cawley, and Rick Burleson. Commissioner Beth Mitchell 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 November 25, 2013.

Commissioner Dean moved to approve the minutes, as presented. Commissioner Cawley seconded. Motion carried on a vote of 5-0. Commissioner Klepfer abstained.

2. Public Hearings and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding an application for the replat of Lot 1A, La Point Subdivision, establishing Lot 1A1 and Lot 2A1, La Point Subdivision located in Wimberley, Hays County, Texas, and requested variances from Section 154.063(C) relating to lot shape criteria and Section 154.063(E) relating to lot area. (*John Pfeffer and Patti Humphries, Applicants*)

City Administrator Ferguson explained the proposed subdivision to replat Lot 1A (1.54 acres) to create two (2) lots – Lot 1A1 (.66 acres) and Lot 2A1 (.88 acres). He advised that the intended use is residential, with water/wastewater service provided by Wimberley Water Supply Corporation and on-site sewage facilities (OSSF), respectively. Due to the unusual configuration of the subject property, it was noted that the applicant is seeking a variance from §154.063(C) of the City Code, which requires lots to have a minimum 1:5 average depth to average width ratio. In addition, the applicant is requesting a variance from §154.063(E) relating to lot size, which requires lots served by OSSFs to be a minimum of one (1) acre. City staff recommended approval of the proposed plat and requested variances, with the inclusion of any needed modifications to plat notes.

Chairman Haley opened the public hearing.

Hearing no comments, Chairman Haley closed the public hearing.

Discussion addressed subject property's access to a public road, pad site location(s), topography posing development challenges, existing OSSF, and basis for variance from OSSF regulations.

Commissioner Klepfer moved to approve the item, as presented, including the requested variances, and proposed modifications to plat notes. Commissioner Dean 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-13-016, an application for a conditional use permit (CUP) to allow for the operation of a vacation rental facility on property zoned Single Family Residential 2 (R-2), located at 1861 Flite Acres Road, Wimberley, Hays County, Texas. (*Aaron Scott, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, acreage, planning area, existing structure, applicant's requested maximum occupancy of five (5) persons, parking, and access. Based on the City Sanitarian's review, staff recommended a maximum occupancy of no more than four (4) persons. City Administrator Ferguson advised that prior to using the residential unit as a vacation rental, written evidence will need to be provided to the City by the applicant showing that the OSSF serving the subject residence has been inspected and found to be property functioning and capable of serving the proposed maximum occupancy.

City Administrator Ferguson cited the applicant's house rules and advised that one (1) comment was received just prior to tonight's meeting from a notified property owner expressing concerns regarding trespassing by renters wishing to access the Blanco River. He read a list of staff-recommended conditions to be made part of the CUP, should the Commission desire to recommend approval.

Chairman Haley opened the public hearing.

Hearing no comments, Chairman Haley closed the public hearing.

Discussion addressed compliance/enforcement of the CUP condition related to water access by guests and established that there is no access to the Blanco River from the subject property.

Commissioner Klepfer suggested amending Condition No. 15 to clarify that the subject property has no access to the Blanco River and that guests shall not access the Blanco River by trespassing across someone else's property. City Administrator Ferguson advised CUP Condition No. 15 can be amended per Commissioner Klepfer's suggested amended language.

Commissioner Dean moved to recommend approval of the item, as presented, in accordance with staff's recommendations, which includes conditions limiting maximum occupancy not to exceed four (4) persons and the aforementioned suggested amendment to Condition No. 15. Commissioner Lancaster seconded. Motion carried on a vote of 6-0.

- C. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-13-017, an application for a conditional use permit to allow for the operation of a vacation rental facility on property zoned Residential Acreage (RA), located at 1402 East Spoke Hill Road, Wimberley, Hays County, Texas. (*Geno and Susan Baiamonte, Applicants*)

Chairman Haley entertained a motion to continue this item until the Commission's meeting on January 9, 2014, at the request of the applicant. Commissioner Klepfer moved to continue the item, as requested. Commissioner Lancaster seconded. Motion carried on a vote of 6-0.

- D. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-13-018, an application for a conditional use permit to allow for the operation of a vacation rental facility on property zoned Rural Residential 1 (R-1), located at 2225 River Road, Wimberley, Hays County, Texas. (*Jill Wedel, Applicant*)

Chairman Haley entertained a motion to continue this item until the Commission's meeting on January 9, 2014, at the request of the applicant. Commissioner Burleson moved to continue the item, as requested. Commissioner Lancaster 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-13-006, an application to change the zoning from Public Facilities (PF) to Wimberley Planned Development District (WPDD), with a base zoning district of Commercial – Moderate Impact (C-2), for property located at 14501 Ranch Road 12 and 100 Emergency Lane, Wimberley, Hays County, Texas (*H-E-B, Applicant*)

City Administrator Ferguson provided a detailed overview of the proposed development, including:

- Grocery store building footprint of 46,500 square feet, along with fuel station and car wash facility
- Street frontage on FM 2325, Ranch Road 12, and Emergency Lane
- Maximum building footprint/floor area, setbacks, signage, outdoor display, exterior building materials, and cut and fill requirements that do not comply with the City's applicable development standards

- Features of the proposed development meeting or exceeding many of the City's development standards, including drainage/storm water management, water quality protection, impervious cover, building height, building cover, landscaping, and parking
- Store to be LEED-certified and key elements of Sustainable Site Initiatives (SITES) to be employed in development
- Phases of the development, which may be constructed separately or concurrently
- Options to mitigate impact of additional traffic, including deceleration lanes and sidewalks

City Administrator Ferguson recommended the addition of the following language to the proposed WPDD relating to traffic flow:

"In an attempt to enhance flow of traffic in the area of the site, H-E-B agrees to work with the City and the Texas Department of Transportation to adjust the timing of the traffic signals on Ranch Road 12 and FM 2325, north of Cypress Creek, to resolve the traffic performance issues that have been identified in the Traffic Impact Analysis (TIA) conducted by Bury Partners for H-E-B. In addition, H-E-B agrees to continue working with the City to identify further measures to mitigate potential traffic impact of the development and to contribute funding in an amount not to exceed \$100,000 toward mitigation measures deemed appropriate by and agreeable to both the City and H-E-B."

Chairman Haley outlined procedures for speakers and the role and responsibilities of the Planning and Zoning Commission.

Land Use Solution's Michelle Haussmann introduced representatives from H-E-B, Bury, Inc., and Design Workshop. She provided an overview of the proposed zoning and plans to meet and/or exceed City Code requirements for specific aspects of the development, including pursuit of traffic mitigation measures and LEED/SITES certification.

Bury's Civil Engineer Mark Johnson detailed a conceptual site plan relating to storm water management and drainage, including proposed water quality/detention measures. Topics included access, deceleration lanes, tree preservation, parking, signage, site elevations, and retaining wall(s)/screening.

Design Workshop Principal Steven Spears highlighted the overall landscape design concept, which seeks to nestle the building into the landscape, preserve trees, and provide aesthetic screening. He noted that the project is suitable for pursuit of LEED certification and for incorporation of SITES sustainable building principles. He spoke on use of natural methods for storm water management and specifics on tree preservation, diversity of species/habitat, and planting of additional trees. He also noted measures to reduce water usage and to reuse the building site's native materials such as stone and cleared cedar trees.

H-E-B Architect Jeffrey Williams presented custom design plans for the building that will fit the Hill Country style in accordance with the City's Comprehensive Plan. He also displayed various color scheme options.

Bury's Transportation Engineer Bobak Tehrany presented specific proposals to mitigate traffic impact, including auxiliary right turn deceleration lanes at all driveways. He noted results of analyses of fifteen (15) intersections, which indicated "unacceptable" level of service ratings in only two (2) locations, identified as FM 2325 at Green Acres and Ranch Road 12 at River Road, and possible corrective measures to improve mobility.

Michelle Haussmann thanked everyone for their presentations and asked for the Commission's support for the project.

Chairman Haley opened the public hearing.

Woodcreek resident and former Hays County official, James A. Stowe, Jr., spoke of his professional background and area history. He stressed the importance of this project to Wimberley and its impact on traffic. He spoke highly of H-E-B as an asset to the community and hoped that concerns regarding the negative impact on Brookshire Brothers and traffic could be resolved.

Representing Chapel in the Hills Church, Dorothy Evans of Flite Acres Road spoke of her personal history as a Wimberley visitor and resident. She noted the Chapel's vested interest in development of the subject property and felt that H-E-B will be a very active, productive community member and good neighbor. She cited past work with H-E-B as former San Marcos Chamber of Commerce president and positive personal experiences, including H-E-B's local philanthropic efforts such as food bank donations. She asked for support for the H-E-B project.

David Glenn of 500 Outback Trail spoke of his long-held position on Wimberley's Planning and Zoning Commission and his advocacy of Wimberley "scale," when considering design standards. He noted the importance of "breaking" the scale of all views of the building with visual separations. He expressed concerns regarding lighting and rainwater collection under current state law.

Claire Billingsley of 211 Flite Acres expressed concerns that an H-E-B store may redefine Wimberley in a manner that may not be positive. She felt that increased traffic will have a negative impact if the store is built on the subject property. She hoped that H-E-B would consider a different location. She feared that the Square and Wimberley's character will be jeopardized, should H-E-B pursue development at the subject site.

George Scott, owner of Wimberley Mountain Plaza, spoke in favor of the project, but expressed concerns over Driveway #5, which he felt did not match up with the

Wimberley Mountain Plaza entrance. He expressed concerns that vehicles may use the back side of the store site as an alternative to Emergency Lane.

Eagle Rock resident Sharon Mickey acknowledged Wimberley's growth and encouraged "green" development. She asked that H-E-B consider solar energy, rainwater collection, and geothermal building methods. She expressed concerns regarding increased traffic and hoped that H-E-B will build a model store that will be a "win-win" for Wimberley.

Wimberley Independent School District (WISD) Superintendent Dwain York spoke of discussions with H-E-B on challenges associated with development of the subject site and commended H-E-B on its efforts to develop a store that will be a good fit for Wimberley. He was impressed with tonight's presentation and felt that an H-E-B store would have a much less negative impact on the community than WISD's planned use of the site as a baseball field. He stated that WISD's sale of the subject property to H-E-B will enhance its ability to move forward with bond projects and do much more than would have been possible through WISD's planned use of the former Bowen school property. Mr. York closed by affirming his commitment to continue working through any issues of concern with H-E-B.

WISD School Board member Ken Strange spoke in support of the H-E-B project and cited their efforts to date to address any concerns.

Susan Zimmerman, River Oaks Subdivision property owner, asked that H-E-B consider rainwater collection for non-potable uses only. She cited the large roof as a collection area and her communications with Billy Kniffen, a local rainwater collection professional, and offered to provide his contact information to H-E-B. She highlighted Mr. Kniffen's professional background, education, and qualifications. She noted mixed feelings about an H-E-B store in Wimberley and asked that the public hearing process be slowed down to allow the public adequate time to provide input.

Citizens Alliance for Responsible Development (CARD) member Louis Parks of Red Hawk Road spoke favorably of tonight's presentation and H-E-B in general, but expressed concerns regarding the long-term impact of the proposed development on how Wimberley is viewed by both residents and visitors. He hoped that the City will see that H-E-B keeps its promises, particularly to mitigate effects of lighting and water usage through reuse and/or rainwater collection.

Candy Spitzer of Cypress Creek Lane supported the H-E-B development and hoped the City carefully considers architectural controls such as those implemented by the City of Bee Cave. She expressed concerns regarding store lighting's effect on the night sky and hoped for a positive outcome.

Woodcreek resident Brent Pulley appreciated H-E-B's presentation and efforts to alleviate concerns, but felt that Wimberley is too small to support two grocery stores.

He feared that one of the two grocery stores will close down and become an abandoned eyesore that will be a target for vandalism and devalue the area. He cited the need for a diversity of tenants to prevent two grocery stores from being placed in such close proximity to each other in the City's central business district. He asked that careful consideration be given to the prospect of having to deal with a large, abandoned building in a few years.

Mitzi Hovre, Old Baldy area resident, spoke of her personal experiences dealing with Austin's growth, and felt that Wimberley could lose its small-town charm, if H-E-B pursues its project here. She said that there are other ways to help WISD and feared that soon development will spread to the bypass (Winter's Mill Parkway).

Lynda Kaye Rogers, who resides outside city limits, expressed concerns about aesthetics of the current Ace Hardware development and feared that a large-scale H-E-B store next to Ace will completely wipe out Wimberley's charm that is so important for preserving tourism. She hoped that the City will do what is best for everyone in the community and cited the importance of visual first impressions. Ms. Rogers feared that an H-E-B store will have a negative impact on traffic, the community, and its way of life.

In response to rainwater collection comments, Bury's Mark Johnson stated that consideration of rainwater harvesting is still being pursued, if at all feasible. He also commented on screening/buffering/lighting measures, particularly for the back and side views of the store. H-E-B Architect Jeffrey Williams spoke briefly on specific architectural features, including color palettes.

Chairman Haley closed the public hearing.

Discussion among the Commission, staff, project representatives, and audience members included:

- Concerns regarding problematic aspects of architectural design relative to the unique nature of the site
- Look of the building as depicted in the rendering presented earlier in tonight's meeting
- Concerns relating to massing/footprint of building and certain design materials
- Concerns regarding variances to Code requirements for building footprint/size, impervious cover, and signage
- Conceptual nature of non-finalized site plan as presented at tonight's meeting and possible use of a three-dimensional model to better illustrate the project
- Project design unique to Wimberley
- Growth management and H-E-B project as a model for other future commercial developments
- WPDD purpose/procedures generally

- Maximum building size/footprint allowed under current City regulations (as opposed to those negotiated as part of WPDD agreements)
- Concerns regarding small setback sizes, side views of building, and use of metal panels versus rock for building materials
- Variances from City's Sign Ordinance to allow almost 600 square feet of total signage
- Signage scaled appropriately for scope/scale of building
- Traffic/pedestrian issues, particularly east-west movement of vehicles
- Tree preservation
- Size/location of building
- Retaining wall as a way to save existing trees
- Role of the Planning and Zoning Commission in WPDD process
- H-E-B's proposed development versus WISD's plans approved as part of its bond issuance
- H-E-B's stated commitment to address project concerns and role as good stewards of the community
- Favorable comments on Design Workshop's landscape design based on the firm's work at Blue Hole Regional Park
- Possible incorporation of H-E-B's verbal commitments made at tonight's meeting in the proposed WPDD and scheduling of an additional Planning and Zoning meeting before taking action on a recommendation to Council
- Caution against rushing through the WPDD process, given the long-term impact of project

Commissioner Klepfer moved to hold a Special meeting of the Commission at 7:30 p.m. on Wednesday, December 18, 2013 at City Hall in order to continue consideration of this item. Commissioner Lancaster seconded. Motion carried on a vote of 6-0.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

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

Adjourn at 8:28 p.m.

Recorded by:



Cara McPartland

These minutes approved the 9th of January, 2014.



APPROVED:

A handwritten signature in black ink, which appears to read "Tom Haley". The signature is written in a cursive, flowing style.

Tom Haley, Chair