

**City of Wimberley**

**Planning & Zoning  
Meeting**

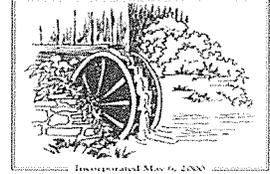
**Agenda Packet**

**March 24, 2016**

**6:00 p.m.**

**PART TWO OF TWO**

# Report for CUP-16-005



## Summary:

An application for a Conditional Use Permit for a Vacation Rental Facility property at 505 Rocky Springs Road

## Applicant Information:

### Applicants:

Brynn & Carl Anderson  
5812 Gentle Breeze Ter.  
Austin, TX 78731-3799

### Property Owners:

Brynn & Carl Anderson (Designated Agent: Aaron Scott)

## Subject Property:

### Legal Description:

Rocky Springs Sec 1, Lot 8, 1.24 acres

### Location:

505 Rocky Springs Road

### Existing Use of Property:

Residential

### Existing Zoning:

Single Family Residential 2 (R-2)

### Proposed Use of Property:

Vacation Rental

### Proposed Zoning:

R-2 with CUP

### Planning Area

I

### Overlay District

Protected Water Overlay District

## Surroundings:

### Frontage On:

Rocky Springs Road

### Area Zoning and Land Use Pattern:

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	RA, R-1	Residential
<b>S of Property</b>	RA	Residential
<b>E of Property</b>	R-2	Vacant, Residential
<b>W of Property</b>	R-1	Residential

## Legal Notice

### 200' Letters:

3/7/16

### Published:

3/3/16

### Sign Placement:

3/8/16

### Responses:

One (1) written response in opposition; One (1) written response in support

## Comments:

The applicants, Brynn and Carl Anderson, are seeking a Conditional Use Permit (CUP) for the operation of a vacation rental facility on 1.24 acres of property located at 505 Rocky Springs Road. The subject property is zoned Single Family Residential 2 (R-2), located in Planning Area I, and lies partially within the Protected Water Overlay District. Vacation rental facilities are allowed on R-2 zoned properties with a CUP.

Currently, there is a 3,046 square foot, two (2) bedroom residence on the property. The applicant is proposing to use the residence as a vacation rental, with a maximum occupancy of four (4) people. The designated agent for the applicants is Aaron Scott of SkyRun Vacation Rentals, who manages the subject property for the owners.

There is a properly permitted and functioning on-site septic system that serves the residence for which the CUP is being sought. Based on a review of the septic system and proposed use, City staff is recommending a maximum occupancy of four (4) guests for the proposed vacation rental facility.

Guests would be required to park on the subject property.

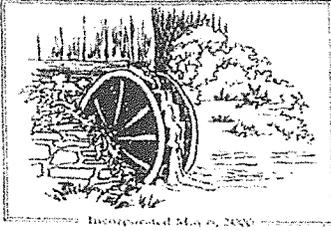
The applicants are proposing a series of house rules, a copy of which is attached. Based on the proposed house rules and City's regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Commission desire to recommend 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 *City of Wimberley/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/City 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 four (4) people.

To date, City staff has received one (1) written response opposing the CUP and one (1) written response in support of the request.

FEB 24 2010



# City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

Phone (512) 847-0025 Fax (512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)

## CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 005

### FOR OFFICIAL USE ONLY

Application Date: \_\_\_\_\_ Tentative P&Z Hearing: \_\_\_\_\_ Tentative Council Hearing: \_\_\_\_\_

FEES: \$400.00 DATE PAID: \_\_\_\_\_ CHECK NO. \_\_\_\_\_ REC'D BY \_\_\_\_\_

PROJECT SITE ADDRESS: 505 ROCKY SPRINGS RD. Wimberley, TX 78676

OWNER/APPLICANT CARL & BRYNN ANDERSON PHONE (512) 323-5477 (HOME)  
512 297-9552 (CARL - BRYNN)

MAILING ADDRESS: 5812 GENTLE BRIDGE TER.

CITY: AUSTIN STATE: TX ZIP: 78731

**APPLICANT UNDERSTANDS** that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

VACATION RENTAL

Planning Area I Zoning R2 Total Acreage or Sq. Ft. 1.24 ACRES

Subdivision: ROCKY SPRINGS SUBDIVISION Lot 8 Block \_\_\_\_\_

Appraisal District Tax ID #: R 40337

Deed Records Hays County: Volume 1 Page 113

Is property located in an overlay district? (  ) Yes (  ) No If Yes, type: PWOD

Is property located in flood plain? ( ) Yes (  ) No

### UTILITY PROVIDERS:

Electric Provider: PEDERNALES ELECTRIC COOPERATIVE

Water Provider or Private Well: PRIVATE WELL

Wastewater Service Provider or Hays County Septic Permit No: HAYS CO. SEPTIC

**MY REQUEST IS BASED ON THE FOLLOWING:**

- (✓) The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- (✓) The use requested by the applicant is set forth as a conditional use in the base district;
- (✓) The nature of the use is reasonable;
- (✓) The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- (✓) The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- (✓) That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

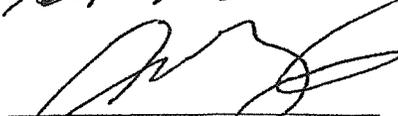
**ADDITIONAL REQUIREMENTS/DOCUMENTATION**

- (✓) Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- (✓) Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- (✓) List of Special Conditions that Applicant agrees apply to property.
- (✓) List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- (✓) Payment of Application fee \$400.00 (non-refundable)
- (✓) Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- (✓) Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- (✓) Applicant agrees to provide additional documentation as needed by the City.
- (✓) Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- (✓) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

2/22/14  
DATE

  
APPLICANT SIGNATURE

WHEN APPLICABLE:  
Date 2/20/16

  
AGENT SIGNATURE

**LIST OF CONDITIONS THAT MAY BE INCLUDED IN A  
BED AND BREAKFAST CUP**

Owner: CARL & BRYNN ANDERSON

LOCATION OF PROPERTY: 505 ROCKY SPRINGS RD. / WIMBERLEY, TX

LEGAL DESCRIPTION: LOT 8, OF ROCKY SPRINGS SUBDIVISION, SECTION 1

PLANNING AREA: \_\_\_\_\_

PRESENT ZONING: \_\_\_\_\_

EXISTING USE: HOME

USE TO BE GRANTED: Residential Bed & Breakfast Lodging

**NEW CONSTRUCTION:** (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional "Hill Country" design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

**COMPATIBILITY TO NEARBY AREAS:** The facilities on the property will at all times be harmonious and compatible with surrounding uses 42.2 A 1.

**OFF-STREET PARKING:** All parking will be off-street. ~~1~~<sup>3</sup> Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 4 guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

**SIGNAGE:** All signage will be of traditional "Hill Country" design and will comply with the City Sign Ordinance. 42.2 A 1; 42.2 A 6.

**NOISE AND LIGHTING:** Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

**NUMBER OF BEDROOMS:** 2 42.3 B.

**MAXIMUM OCCUPANCY:** 4 guests. 42.3 B.

**OCCUPANT REGULATIONS AND GUIDELINES:** Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests. 42.3 D.

**WASTEWATER SYSTEM:** The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy. 42.3 H.

**WATERFRONT USAGE:** (Applicable if guests have water access) Guests may only use the Creek behind home River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

**PROPERTY MANAGEMENT:** Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

**MISCELLANEOUS:** Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times. 42.2 A 1.

**REVOCAATION:** The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

**OWNER COMPLIANCE:** Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

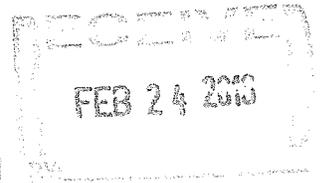
ACCEPTED AND AGREED TO:

2/22/16  
DATE

Carl Anderson  
OWNER

2/22/16  
DATE

Bryan B. Olson  
OWNER



February 24, 2016

City of Wimberley

221 Stillwater Drive

Wimberley, TX 78676

To Whom It May Concern:

Please find attached the Conditional Use Permit application for the property at 505 Rocky Springs Road, Wimberley, TX 78676. SkyRun Vacation Rentals manages this property for the home owner. If you have questions or concerns regarding this application, please contact Aaron Scott at (512) 753-2626.

Thank you in advance for your consideration.

Sincerely,

SkyRun Vacation Rentals

Special Conditions for 505 Rocky Springs Road, Wimberley, Texas 78676

This property is managed by SkyRun Vacation Rentals (512.753.2626) located in Wimberley, Texas. We have several properties that we manage in the Wimberley area. We have three employees that live a half a mile away from this particular property and at least one employee drives by the property at least every other day.

We also have a digital lock that allows us to see when guests check in and out. In addition we are installing a video camera to enforce our vehicle maximum. The vehicle maximum at this property is 3 and the guest maximum is 4. Guests who violate our policies are fined and forced to vacate immediately.

We also enforce strict quiet hours of 10pm-8am every single day.

We also require our guests to keep all trash in trashcans and never leave trash bags outside but rather in the trash bins.

We are complying with paying the 5% City of Wimberley tax to the city as requested.

We have the trashcans and recycling cans pulled out to the road the night before pickup and we roll them back in the next morning.

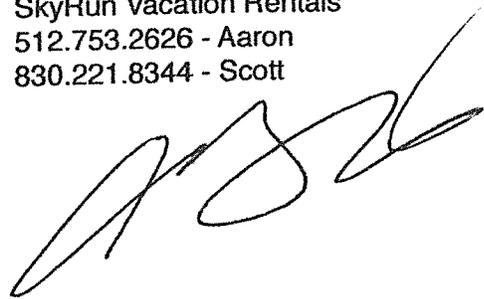
We also don't allow fires of any kind and post "Burn Ban" signs on the refrigerators when the Burn Ban is on.

We have also passed out business cards with SkyRun's owners cell phones on them and after hours numbers to neighbors close by.

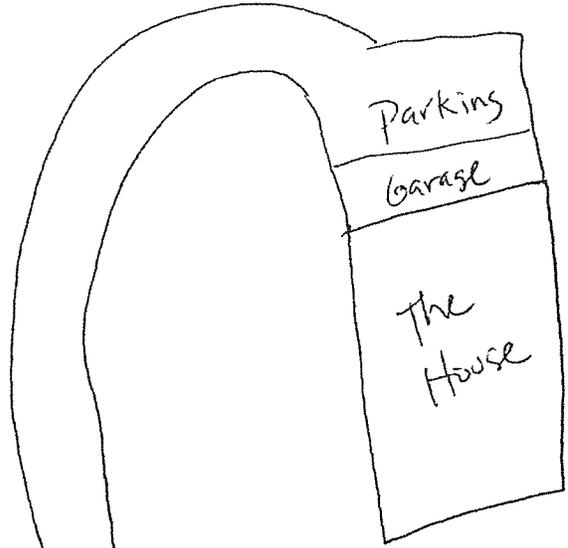
We have someone on call 24/7 who is ready to receive phone calls, voicemails and respond in person to any emergency within 15 minutes.

If you have any further questions please let me know and we will address it immediately.

Aaron Scott and Scott Teuton, owners  
SkyRun Vacation Rentals  
512.753.2626 - Aaron  
830.221.8344 - Scott

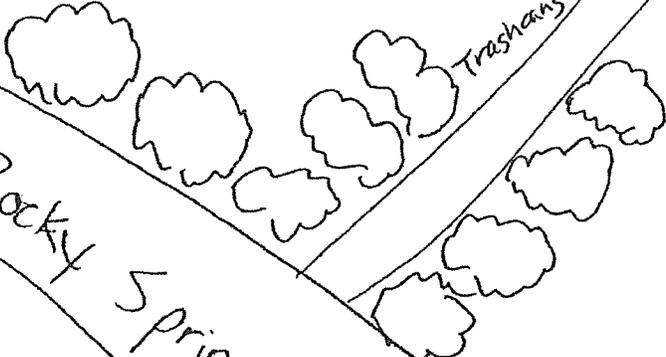
A handwritten signature in black ink, appearing to be a cursive combination of the names Aaron Scott and Scott Teuton, located below the typed names.

505 Rocky Spring Road  
site map



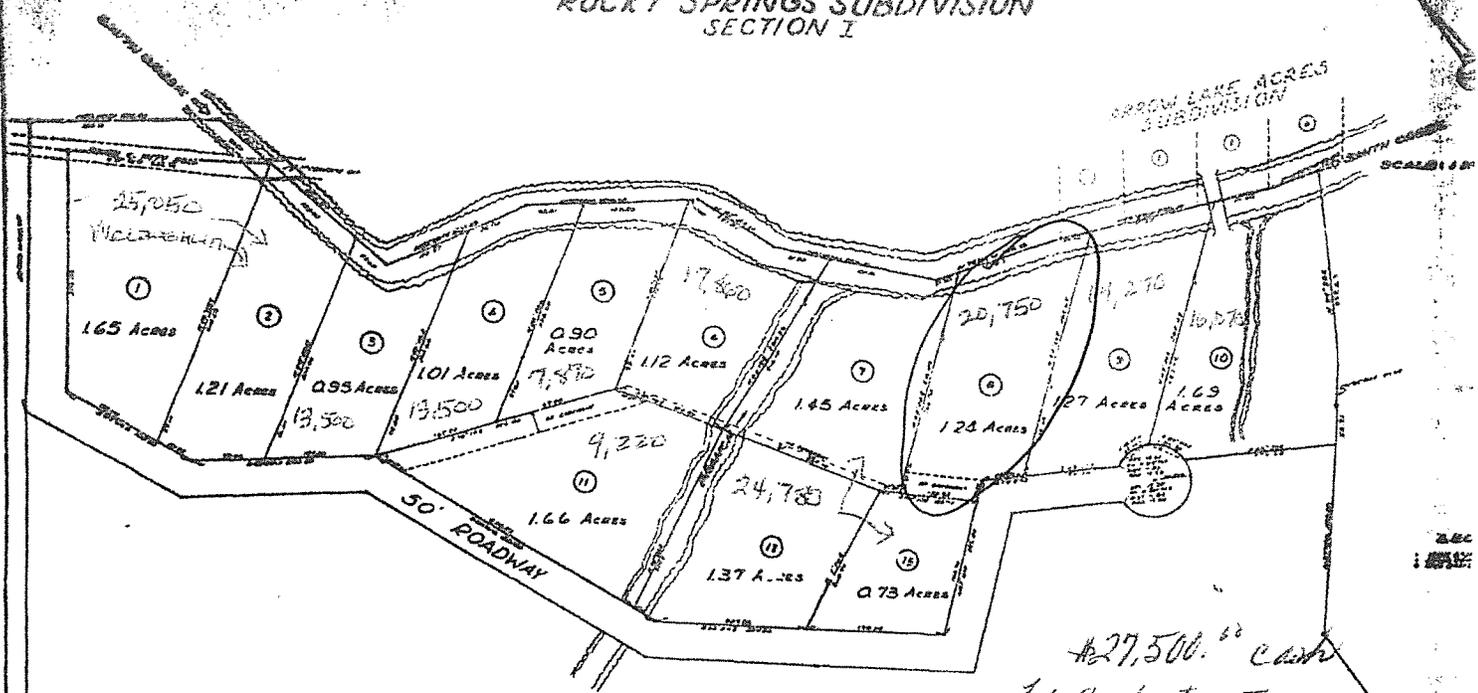
Trashcans

Rocky Springs Road



Plan 17, 113 Vol. 1 P. 117  
 68525  
**ROCKY SPRINGS SUBDIVISION**  
 SECTION I

SPRING LAKE ACRES  
 SUBDIVISION



\$27,500.00 cash  
 Lot 8, Section I  
 1.24 acres

**THE STATE OF TEXAS**  
 COUNTY OF [unclear]  
 I, [unclear], County Clerk, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in my office.

**THE STATE OF TEXAS**  
 COUNTY OF [unclear]  
 I, [unclear], County Clerk, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in my office.

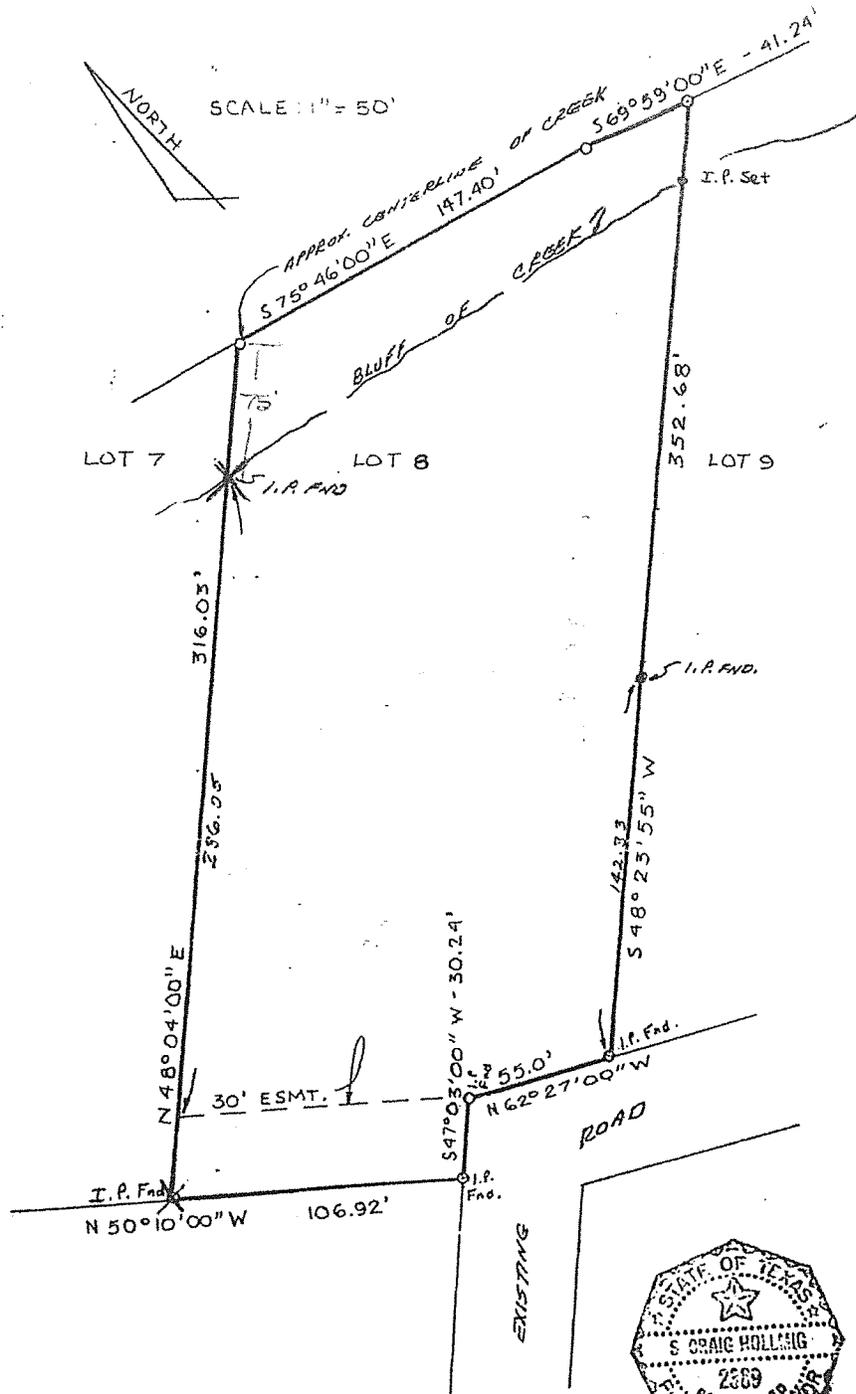
**THE STATE OF TEXAS**  
 COUNTY OF [unclear]  
 I, [unclear], County Clerk, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in my office.

**THE STATE OF TEXAS**  
 COUNTY OF [unclear]  
 I, [unclear], County Clerk, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in my office.

**THE STATE OF TEXAS**  
 COUNTY OF [unclear]  
 I, [unclear], County Clerk, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in my office.

**THE STATE OF TEXAS**  
 COUNTY OF [unclear]  
 I, [unclear], County Clerk, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in my office.

**THE STATE OF TEXAS**  
 COUNTY OF [unclear]  
 I, [unclear], County Clerk, do hereby certify that the foregoing is a true and correct copy of the original record as the same appears in my office.



Lot 8  
 ROCKY SPRINGS SUBDIVISION  
 Section One  
 Vol. 1, Page 113  
 Map and Plat Records  
 Hays County, Texas

Reference:

STATE OF TEXAS  
 COUNTY OF COMAL

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT  
 ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER  
 MY SUPERVISION

This 11th day of November, 1983 A. D.

Schell

Field Book          Page          Job No         



*EJ*

HAYS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

PERMIT TO CONSTRUCT  
AN ON-SITE SEWERAGE FACILITY

PROPERTY OWNER'S NAME: Kirchoff Kim A.  
(Last) (First) (M.I.)

SITE ADDRESS: 505 Rocky Springs Rd. off of CR 267 Wimberley 78676  
(Number) (Street/Co Road) (City) (Zip)

LEGAL DESCRIPTION:  
Lot 8 Block \_\_\_\_\_ Subdivision Rocky Springs Sec 1  
LAND AREA/ACREAGE: 1.25 acres (Acreage) (Survey) Vol 1 Page 113 (Vol/Pg)

BUILDER NAME: Biggs Raymond PHONE #: \_\_\_\_\_  
(Last) (First)

INSTALLER NAME: Carruthers Tom PHONE #: \_\_\_\_\_  
(Last) (First)

SITE EVALUATION:

PERFORMED BY: Bob Pratt, R.S.  
SOIL TYPE: \_\_\_\_\_  
SOIL DEPTH: \_\_\_\_\_  
Ra: 0.5  
MAXIMUM DAILY WASTEWATER DESIGN FLOW: \_\_\_\_\_ gpd

AUTHORIZATION IS HEREBY GIVEN TO CONSTRUCT A PRIVATE SEWAGE FACILITY ON THE ABOVE DESCRIBED PROPERTY WITH THE FOLLOWING SPECIFICATIONS:

CONVENTIONAL SYSTEM REQUIREMENTS:

Tank capacity 1250 gallons. Two compartment. Pump tank capacity \_\_\_\_\_.

Drainfield: Must be one of the following and only checked squares can be used.

- 1. Lateral lines: 250 linear ft. x 3 ft. width = 750 sq ft
- 2. Soil absorption beds: 2 # of beds x 584 sq ft = 1168 sq ft
- 3. Evapotranspiration beds: \_\_\_\_\_ # of beds x \_\_\_\_\_ sq ft = \_\_\_\_\_ sq ft

ALTERNATIVE SYSTEM REQUIREMENTS:

Designer's Name: \_\_\_\_\_ Reg. No.: \_\_\_\_\_  
(Last) (First) (M.I.)

Date plans approved \_\_\_\_\_. Refer to the designer's plans the Licensing Authority approval letter for system specifications.

A maintenance contract is required for the: treatment system \_\_\_\_\_.  
disposal system \_\_\_\_\_.

SPECIAL REQUIREMENTS  
Low flow water saving devices must be installed and utilized.

NOTE: The on-site sewage facility construction must meet all TNRCC Regulations and Hays County's Rules for Private Sewage Facilities. If unforeseen and/or adverse conditions are encountered (including, but not limited to excessive rock, seepage, or high water table) stop construction and contact the Licensing Authority. A revised construction permit may be issued.

SIGNED: George S. White, S.I.T. DATE: 20 June 1994 PERMIT # 2034

! \*THIS PERMIT EXPIRES ONE (1) YEAR FROM DATE OF ISSUANCE. !  
! \*THIS PERMIT IS NON-TRANSFERABLE. !

**THIS PERMIT IS  
NON-TRANSFERABLE**



Inspection Data

Owner: KIRCHOFF, KIM

Site Address: ROCKY SPRINGS RD.

Subdivision: ROCKY SPRINGS (lot 8) ESTATES LOT 18

Pump system: y\_n\_XX tank size: n/a

1st inspection date: 4-25-95

Tank size: 1250 2/c conc.

Trench Width: 3 feet wide ( or see drawing)

Fall from Outlet: 12" +

Distance from house to tank: (see drawing)

Drawing:

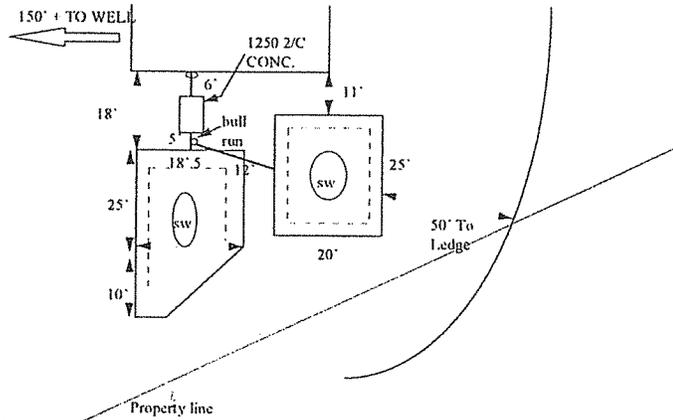
2nd Inspection date: 4-26-95

Backfill Material: Sandy Loam

Gravel in inches: 12"

Hay : xx Filter Fabric:       

Sand Wicks: yes



Kirchoff Res., Rocky Springs (Lot 8)

Comments:

Installed by: RYBARSKI, MIKE

Inspected by: DANIEL R. GONZALEZ, R.S.#3075

March 20, 2016

City of Wimberley  
221 Stillwater  
Wimberley, Texas 78676

Attention: City Administrator

Re: File No. CUP-16-005  
505 Rocky Springs Road, Wimberley, Texas

City of Wimberley,

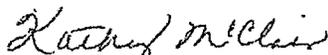
This letter is in response to the Notice of Public Hearing that I received on or about March 7, 2016, wherein Brynn and Carl Anderson have applied for a Conditional Use Permit to allow for a vacation rental on property zoned Single-Family Residential 2 (R2) located at 505 Rocky Springs Road, Wimberley, Texas. I am strongly opposed to the rezoning of the property located at 505 Rocky Springs, to allow for a vacation rental.

I purchased my property approximately one year ago because I love Wimberley and want to live in a rural, quiet, residential location. The Anderson's property is visible and audible from my home. If the property becomes rezoned to vacation rental, it will increase the traffic on this "dead end" street. The road is a narrow two lane, hilly road which does not lend itself to safe foot traffic either. In addition to the traffic, short term visitors in the residential neighborhood could possibly increase theft and vandalism.

I understand that the Anderson never intended to live on this property. Long term rentals do not bring the issues and challenges of vacation rentals. There are plenty of commercial locations in Wimberley to allow for vacation rentals that are not in rural residential neighborhoods.

I would be at the public hearing on March 24<sup>th</sup>, but I have had a trip planned to see my daughter in D.C. for many months. Thank you for considering my comments,

Sincerely,



Kathy McClain  
301 Rocky Springs Road  
Wimberley, Texas 78767  
512.497.5896

## Cara McPartland

---

**From:** carole boatner [REDACTED]  
**Sent:** Monday, March 21, 2016 11:11 AM  
**To:** cmcpartland@cityofwimberley.com; dferguson@cityofwimberley.com  
**Cc:** Aaron Scott  
**Subject:** 505 Rocky Springs CUP application

RE: CUP application for 505 Rocky springs Road, Wimberley

I own the home at 401 Rocky Springs Rd, next to the above property. It is my understanding that the owners are seeking a CUP to use the home as a vacation rental.

I am in support of the CUP for this property. I have owned my own property since 2005. There have not been any incidents of crime, mischief, loud noise or increased traffic since this home has been used for vacation rental. The home is well maintained. I believe having people rent it may even discourage criminal mischief because it is occupied. There is a local full time vacation rental agency that responds to any questions or concerns quickly and takes care of any problems immediately.

Sincerely,

Carole Boatner  
713 202 7723

505 Rocky Springs Rd, Wimberley, Texas, USA

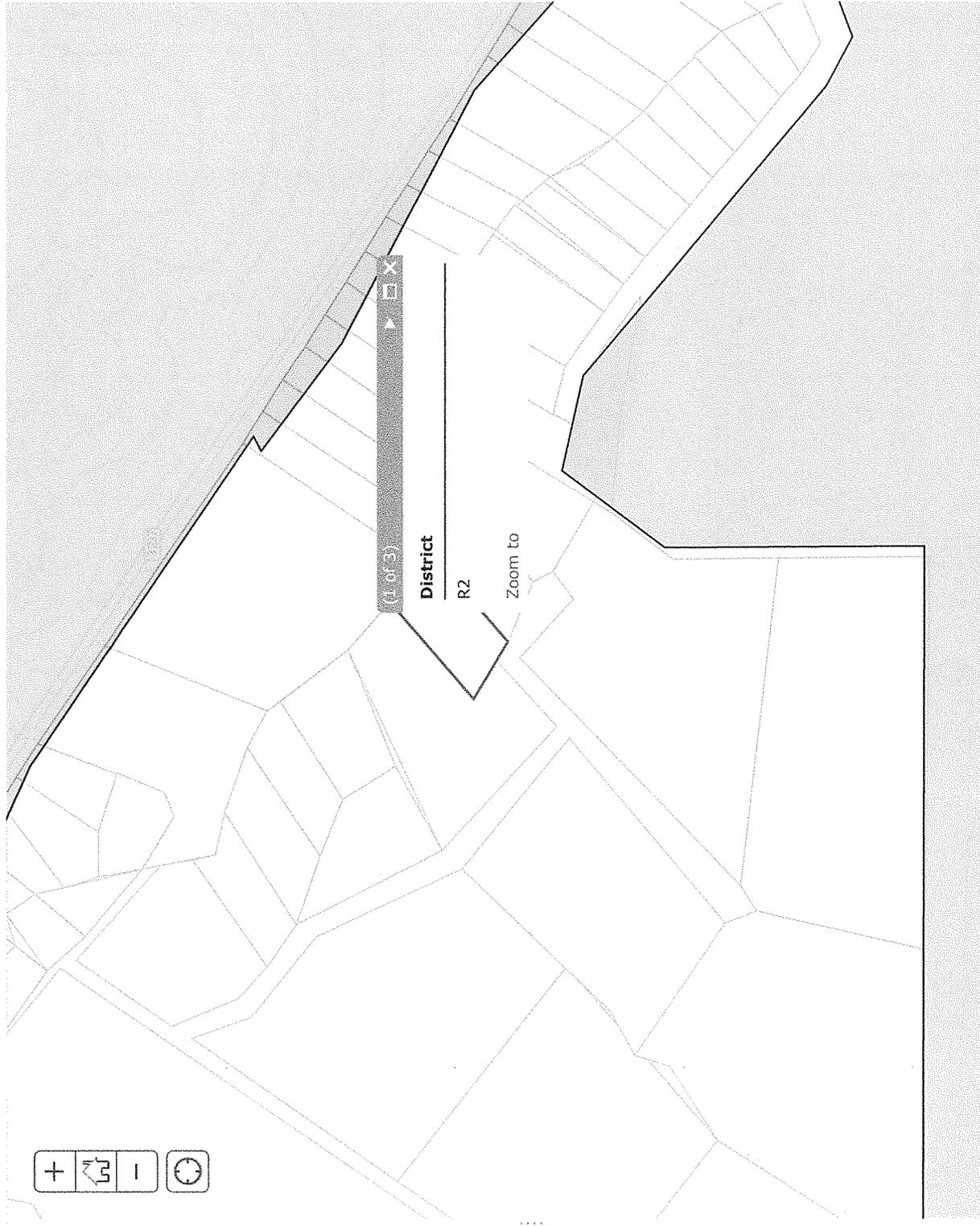
- Save
- Share
- Print
- Measure
- Bookmarks

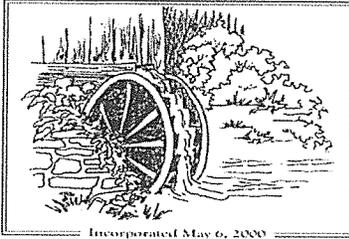
Map navigation controls: + (Zoom In), Home, - (Zoom Out), Refresh

Contents

- Entrance Corridor Overlay
- City Limits
- Zoning
- Zoning
  - R2
  - R1
- Zoning
  - R2
  - R1
- Zoning
  - R3
  - RA
  - R1
  - R4
  - R5
  - MF1
  - MH
  - MF2

Topographic





# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)

Steve Thurber, Mayor - Cindy Anderson, Mayor Pro-Tem

Council Members - Bob Dussler, Mac McCullough, Pam Showalter & John D. White

City Administrator - Don Ferguson

---

March 7, 2016

## NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-005**  
505 Rocky Springs Road, Wimberley, Texas

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicants, Brynn and Carl Anderson, have applied for a Conditional Use Permit to allow for a vacation rental on property zoned Single-Family Residential 2 (R-2) located at 505 Rocky Springs Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, March 24, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, April 7, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

**CITY OF WIMBERLEY**

**Properties within 200 feet of subject property -505 Rocky Springs Rd:**

R40338  
Robert A. Parker  
506 Blue Ridge  
Shenandoah, TX 77381

R40339  
Craig N & Barbara J. Reitz  
504 Rocky Springs Rd.  
Wimberley, TX 78676

R40343  
Craig N & Barbara J. Reitz  
504 Rocky Springs Rd.  
Wimberley, TX 78676

R20523  
Sturdi Enterprises, Inc.  
745 Sunset Dr.  
Wimberley, TX 78676

R20522  
Sturdi Enterprises, Inc.  
745 Sunset Dr.  
Wimberley, TX 78676

R20521  
Michael D. Krouse  
2500 FM 3237  
Wimberley, TX 78676

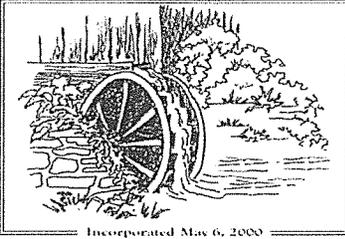
R17762  
Clemente Carlos Alaniz ( VLB)  
1414 MacClesby Ln.  
Channelview, TX 77530-2260

R40335  
Kathy McClain  
301 Rocky Springs Rd.  
Wimberley, TX 78676-5518

R40336  
Bruce C. & Carole A. Boatner  
1042 Martin  
Houston, TX 77018

**NOTICE OF PUBLIC HEARING  
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, March 24, 2016 at 6:00 p.m.** to consider the following: CUP-16-005 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental on property zoned Single Family Residential 2 (R-2) located at 505 Rocky Springs Road in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, April 7, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

E-mail: [village@wimberley-tx.com](mailto:village@wimberley-tx.com) - Web: [www.cityofwimberley.com](http://www.cityofwimberley.com)

## NOTICE BY SIGN POSTING

Zoning No: CUP-16-005

Owner \_\_\_\_\_

Date 3/8/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property (

( ) Project Site Address 505 Rocky Springs Rd

which is located on Rocky Springs Rd

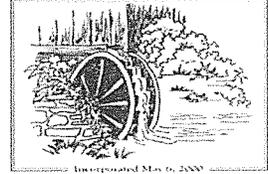
Bill Bowers  
Asst. Public Works

Note: The above-referenced sign was placed on the subject property on

3/8, 2016

Bill Bowers  
Signature

# Report for CUP-16-006



## Summary:

An application for a Conditional Use Permit for a Vacation Rental Facility property at 101 Arrowlake Road

## Applicant Information:

### Applicants:

Christopher S. Cureton  
101 Arrowlake Road  
Wimberley, TX 78676

### Property Owners:

Christopher S. Cureton

## Subject Property:

### Legal Description:

Arrowlake Acres, Lot 18A, 4.16 acres

### Location:

101 Arrowlake Road

### Existing Use of Property:

Residential

### Existing Zoning:

Rural Residential 1 (R-1)

### Proposed Use of Property:

Vacation Rental

### Proposed Zoning:

R-1 with CUP

### Planning Areas

I, VII

### Overlay District

Protected Water, Entrance Corridor

## Surroundings:

### Frontage On:

Arrowlake Road

### Area Zoning and Land Use Pattern:

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	ETJ	Residential
<b>S of Property</b>	R-1, ETJ	Residential
<b>E of Property</b>	R-1	Residential
<b>W of Property</b>	R-2	Residential

## Legal Notice

### 200' Letters:

3/7/16

### Published:

3/3/16

### Sign Placement:

3/8/16

### Responses:

One (1) written response in opposition; One (1) phone call inquiry only

## Comments:

The applicant, Christopher Cureton, is seeking a Conditional Use Permit (CUP) for the operation of a vacation rental facility on 4.16 acres of property located at 101 Arrowlake Road. The subject property is zoned Rural Residential 1 (R-1) and located in Planning Areas I and VII and lies within the boundaries of the Protected Water and Entrance Corridor Overlay Districts. Vacation rental facilities are allowed on R-1 zoned properties with a CUP.

Currently, there is a 2,762 square foot, four (4) bedroom residence on the property. The applicant is proposing to use the residence as a vacation rental, with a maximum occupancy as determined by septic permit records.

There is a properly permitted and functioning on-site septic system that serves the residence for which the CUP is being sought. Based on a review of the septic system and proposed use, City staff is recommending a maximum occupancy of five (5) guests for the proposed vacation rental facility.

Guests would be required to park on the subject property.

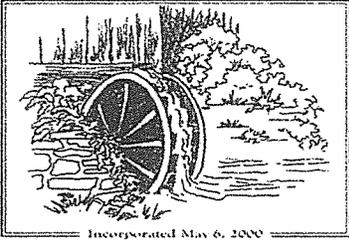
Based on the City's regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Commission desire to recommend approval:

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 *City of Wimberley/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/City 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 five (5) people.
15. Landline telephone service, with a publicly listed phone number, shall be maintained on the property at all times to allow for receipt of emergency notification phone calls. Notice, in a form acceptable to the City, shall be posted on the property advising guests of the purpose for the telephone and the need to answer the phone. In addition, the phone number for the subject landline telephone shall be registered with the City and Hays County emergency phone notification systems.

To date, City staff has received one written response in opposition to the CUP request.



FEB 23 2016

# Village of Wimberley

## CONDITIONAL USE PERMIT APPLICATION

No. CUP-16 - 206

### FOR OFFICIAL USE ONLY

Application Date: \_\_\_\_\_ Tentative P&Z Hearing: 3/21 Tentative Council Hearing: 4/7

FEES: \$400.00 DATE PAID: \_\_\_\_\_ CHECK NO. \_\_\_\_\_ REC'D BY \_\_\_\_\_

PROJECT SITE ADDRESS: 101 ARROWLAKE Rd. Wimberley, TX. 78676

OWNER/APPLICANT CHRISTOPHER CURETON / PHONE (512) 925-2102

FAX ( ) \_\_\_\_\_ EMAIL: \_\_\_\_\_

Mailing Address: SAME CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

APPLICANT UNDERSTANDS that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

ZONING: \_\_\_\_\_ CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

Planning Area 1 <sup>VR</sup> <sub>↓ VII</sub> Zoning R1 Total Acreage or Sq. Ft. 4.16

Subdivision: ARROWLAKE ACRES Lot 8A Block \_\_\_\_\_

Appraisal District Tax ID#: R 20539

Deed Records Hays County: Volume \_\_\_\_\_ Page \_\_\_\_\_

Is property located in an overlay district? (✓) Yes ( ) No - If Yes, PWOD, EC

Type: PWOD, EC

Is property located in flood plain? ( ) Yes (✓) No

Utilities:

Electric Provider: PEC 3000470403

Water Provider or Private Well: PRIVATE well

Wastewater Service Provider or Hays County Septic Permit No: 2008-29

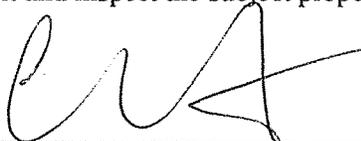
**MY REQUEST IS BASED ON THE FOLLOWING:**

- ( ) The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- ( ) The use requested by the applicant is set forth as a conditional use in the base district;
- ( ) The nature of the use is reasonable;
- ( ) The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- ( ) The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- ( ) That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

**ADDITIONAL REQUIREMENTS/DOCUMENTATION**

- ( ) Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- ( ) Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- ( ) List of Special Conditions that Applicant agrees apply to property.
- ( ) List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- ( ) Payment of Application fee \$400.00
- ( ) Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- ( ) Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the Village zoning action does not relieve any obligation of these restrictions.
- ( ) Applicant agrees to provide additional documentation as needed by the Village.
- ( ) Applicant understands that Village review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- ( ) Applicant hereby authorizes the Village representatives to visit and inspect the subject property.

Date 2/23/16

  
\_\_\_\_\_  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date \_\_\_\_\_

\_\_\_\_\_  
AGENT SIGNATURE

**LIST OF CONDITIONS THAT MAY BE INCLUDED IN A  
BED AND BREAKFAST/VACATION RENTAL CUP**

Owner: CHRIS CURETON

LOCATION OF PROPERTY: 101 ARROWLACE Rd.

LEGAL DESCRIPTION: ARROW LAKE ACRES LOT 18A

PLANNING AREA: \_\_\_\_\_

PRESENT ZONING: \_\_\_\_\_

EXISTING USE: \_\_\_\_\_

USE TO BE GRANTED: \_\_\_\_\_ *Bed & Breakfast* OR  *Vacation Rental* → 

**NEW CONSTRUCTION:** (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional “Hill Country” design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

**COMPATIBILITY TO NEARBY AREAS:** The facilities on the property will at all times be harmonious and compatible with surrounding uses 42.2 A 1.

**OFF-STREET PARKING:** All parking will be off-street. 10 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of ~~27~~ guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

**SIGNAGE:** All signage will be of traditional “Hill Country” design and will comply with the City Sign Ordinance. 42.2 A 1; 42.2 A 6.

**NOISE AND LIGHTING:** Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

**NUMBER OF BEDROOMS:** 4 42.3 B.

**MAXIMUM OCCUPANCY:** ~~27~~ guests. 42.3 B.

**OCCUPANT REGULATIONS AND GUIDELINES:** Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests. 42.3 D.

**WASTEWATER SYSTEM:** The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy. 42.3 H.

**WATERFRONT USAGE:** (Applicable if guests have water access) Guests may only use the Smitly River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

**PROPERTY MANAGEMENT:** Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

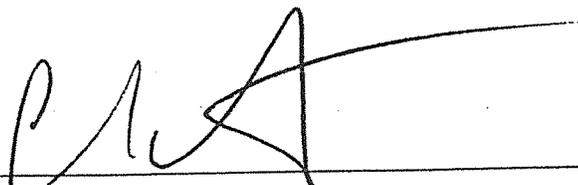
**MISCELLANEOUS:** Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times. 42.2 A 1.

**REVOICATION:** The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

**OWNER COMPLIANCE:** Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

DATE 3/1/16

  
OWNER

DATE \_\_\_\_\_

OWNER \_\_\_\_\_

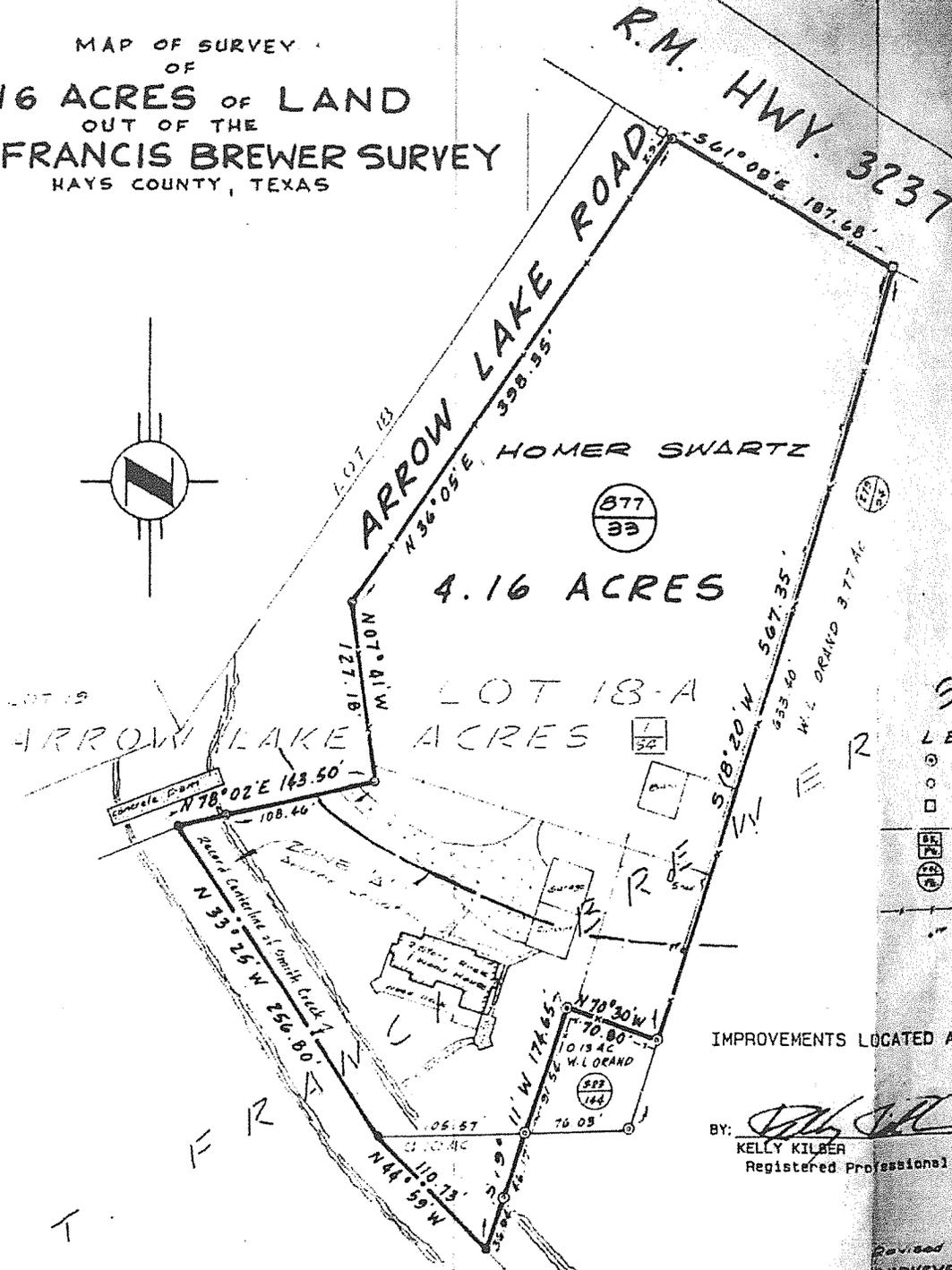
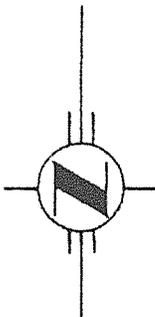
## Cara McPartland

---

**From:** Chris Cureton [REDACTED]  
**Sent:** Thursday, March 03, 2016 9:18 AM  
**To:** Cara McPartland  
**Subject:** Document - Mar 3, 2016  
**Attachments:** Doc - 3-3-16, 9-14 AM.pdf; ATT00034.txt

Hi Cara. I didn't know the occupancy because I haven't received the septic info yet . I can sleep 12-14 people ok , but I know that's not what you mean. I have a pasture and very large concrete driveway , I can park a lot of cars . I put 10

MAP OF SURVEY  
OF  
4.16 ACRES OF LAND  
OUT OF THE  
T. FRANCIS BREWER SURVEY  
HAYS COUNTY, TEXAS

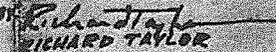


- LEGEND:
- ⊙ Iron stake found
  - Iron stake set
  - Concrete monument found
  - Contour line
  - ⊠ Hays County Plat Records
  - ⊠ Hays County Deed Records
  - Wire fence
  - Power Pile

IMPROVEMENTS LOCATED APRIL 14, 1992

BY:   
KELLY KILBER  
Registered Professional Land Surveyor



Revised May 28, 1984  
SURVEYED JUNE, 1982  
BY:   
RICHARD TAYLOR  
Registered Public Surveyor No. 5986

PRO-TECH ENGINEERING GROUP INC  
SAN MARCOS

FLOOD INSURANCE RATE NOTE:  
A portion of the tract shown hereon is within Zone "A" A Special Flood Hazard Area, as delineated on the Flood Hazard Boundary Map for Unincorporated Areas of Hays County, Texas, Community-Panel No. 480321 0005 A, published by the U. S. Dept. of Housing and Urban Development, Federal Insurance Administration dated March 21, 1978.

PLAN NO. 669 F.B. 135 PG. 4 SCALE: 1" = 80'

EO 12-15576

Date: June 1, 2014

GF No. \_\_\_\_\_

Name of Affiant(s): RACHEL JOHNSON FOR SWARTZ ESTATE

Address of Affiant: \_\_\_\_\_ Arlington, TX

Description of Property: LOT 18A ARROWLAKE ACRES 4.16 ACRES; 101 ARROWLAKE, WIMBERLEY, TX 78  
County Hays, Texas

"Title Company" as used herein is the Title Insurance Company whose policy of title insurance is issued in reliance upon the statements contained herein.

Before me, the undersigned notary for the State of TEXAS, personally appeared Affiant(s) who after by me being duly sworn, stated:

1. We are the owners of the Property. Or state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners.": RACHEL JOHNSON FOR SWARTZ ESTATE

2. We are familiar with the Property and with the improvements located on the Property.

3. We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as the Title Company may deem appropriate. We understand that the owner of the Property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner Policy of Title Insurance upon payment of the promulgated premium.

4. To the best of our actual knowledge and belief, since 1992 there have been no:

- a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures;
- b. changes in the location of boundary fences or boundary walls;
- c. construction projects on immediately adjoining property(ies) which encroach on the Property;
- d. conveyance, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property;

EXCEPT for the following (If None, Insert "None" Below): water storage tank added

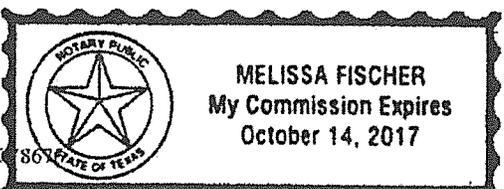
5. We understand that Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This affidavit is not made for the benefit of any other parties and this Affidavit does not constitute a warranty or guarantee of the location of improvements.

6. We understand that we have no liability to the Title Company or the title insurance company that will issue the policy(ies) should the information in this Affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.

Rachel Johnson  
Rachel Johnson for Swartz Estate

WITNESSED AND SUBSCRIBED this 1<sup>st</sup> day of June, 2014

Melissa Fischer  
Notary Public



## Cara McPartland

---

**From:** Chris Cureton [REDACTED]  
**Sent:** Thursday, March 17, 2016 3:30 PM  
**To:** Cara McPartland  
**Subject:** Re: CUP-16-006 for 101 Arrowlake

If you want to forward my telephone number to them , I will talk to them if they choose

Sent from my iPhone

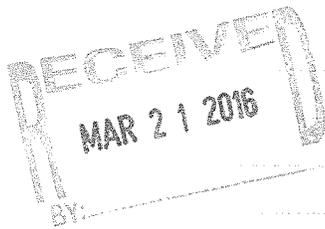
On Mar 17, 2016, at 3:22 PM, Cara McPartland <[cmcpartland@cityofwimberley.com](mailto:cmcpartland@cityofwimberley.com)> wrote:

Mr. Cureton,

This is to advise that staff has received opposition to your above referenced CUP application from one property owner within the 200-foot notification area. Another phone call was received, however, it was only an inquiry and did not express any support or opposition.

Call or email if you have any questions.

Thank you,  
Cara McPartland, TRMC  
Assistant City Administrator  
City Secretary/Court Clerk  
221 Stillwater  
P.O. Box 2027 (MAILING ADDRESS)  
Wimberley, TX 78676  
(512) 847-0025 Office  
(512) 847-0422 Fax  
City Website: [www.cityofwimberley.com](http://www.cityofwimberley.com)



March 18, 2016

We are against this.

Cup-16-006

I will be 90 years old on Nov. 16, 2016, and Curtis will be 95 on Nov. 5, 2016

We have lived here for 35 years, on June 2016.

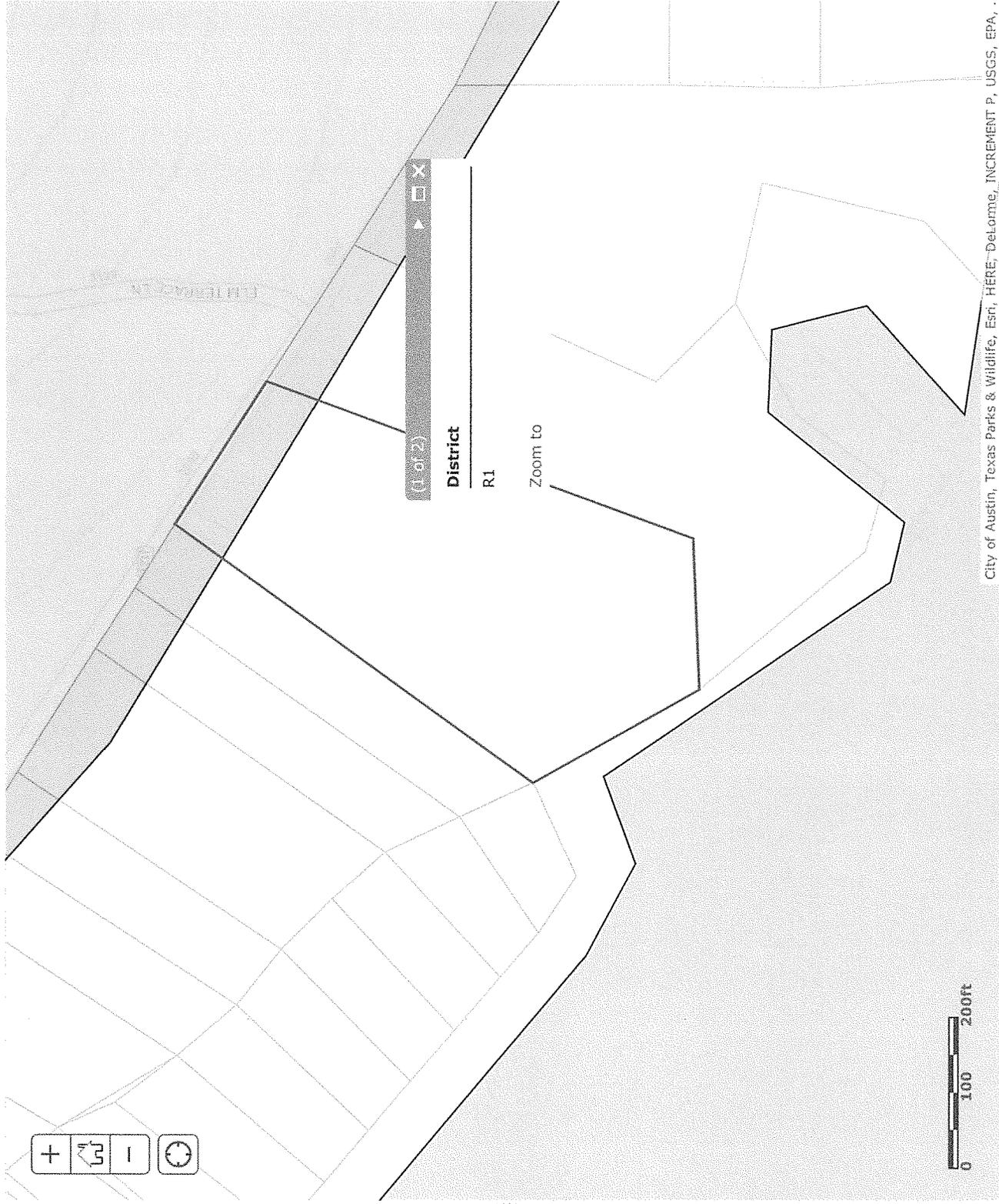
We are too old to attend the meeting, which is on March 24, 2016 and April 07, 2016 at 6:30 Clock P. M.

The applicant, Christopher J. Curston has applied for a Conditional Use Permit to allow for a vacation rental on property zoned Rural Residential 1 CR-15 located

at 101 Arrowlake Road,  
Wimberley, Texas. We  
live 200 Arrowlake Rd.  
Wimberley, Tex.

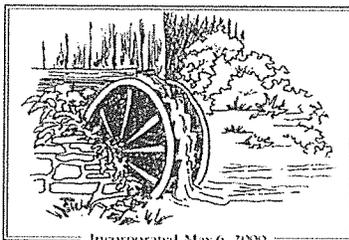
Sincerely  
Mrs. Curtis  
Brown

101 Arrowlake Rd, Wimberley, Texas, USA



Contents

- O2
- R2
- PPU
- HC
- Zoning
- R2
- R1
- Zoning
- R2
- R1
- Zoning
- R3
- RA
- R1
- R4
- R5
- MF1
- MH
- MF2
- Topographic



# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)

Steve Thurber, Mayor - Cindy Anderson, Mayor Pro-Tem

Council Members - Bob Dussler, Mac McCullough, Pam Showalter & John D. White

City Administrator - Don Ferguson

---

March 7, 2016

## NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-006**  
101 Arrowlake Road, Wimberley, Texas

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicant, Christopher S. Cureton, has applied for a Conditional Use Permit to allow for a vacation rental on property zoned Rural Residential 1 (R-1) located at 101 Arrowlake Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, March 24, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, April 7, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

**CITY OF WIMBERLEY**

Properties within 200' of 101 Arrowlake Rd:

R20538

Michael B. & Tamara M. Lane  
12027 Wedgehill Ln.  
Houston, TX 77077

R20537

Donald J. & Billie M. Bisett  
P.O. Box 844  
Wimberley, TX 78676-0844

R20536

Karolyn Tybor  
P.O. Box 451  
Wimberley, TX 78676-0451

R20540

Curtis Unruh  
200 Arrow Lake Dr.  
Wimberley, TX 78676

R13005

Shravi & Shivani Ltd  
P.O. Box 26100  
Austin, TX 78755-6100

R13004/R12997

Richard S. Walker &  
Shana L. Sloas  
3368 Maroneal  
Houston, TX 77025

R133609

Jerry F. & Brenda L. Tomasello  
4022 N. Barnett Way  
Missouri City, TX 77459-6336

R133605

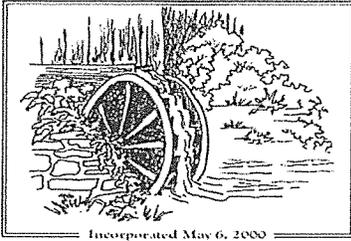
Jeremy Youngblood  
2825 Elm Terrace Ln.  
Wimberley, TX 78676

R13016

R.K. Yeates  
2701 FM 3237  
Wimberley, TX 78676

**NOTICE OF PUBLIC HEARING  
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, March 24, 2016 at 6:00 p.m.** to consider the following: CUP-16-006 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental on property zoned Rural Residential 1 (R-1) located at 101 Arrowlake Road in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, April 7, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676  
Phone: (512) 847-0025 - Fax: (512) 847-0422  
E-mail: [village@wimberley-tx.com](mailto:village@wimberley-tx.com) - Web: [www.cityofwimberley.com](http://www.cityofwimberley.com)

## NOTICE BY SIGN POSTING

Zoning No: ~~17~~ CUP-16-006 Owner \_\_\_\_\_

Date 3/8/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

( ) Project Site Address 101 Arrow Lake Rd

which is located on Arrow Lake Rd

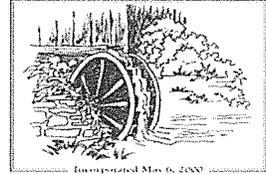
Bill Bowers  
Asst. Public Works

Note: The above-referenced sign was placed on the subject property on

3/8, 2016

Bill Bowers  
Signature

# Report for CUP-16-007



## Summary:

An application for a Conditional Use Permit to allow for the sale of wine for off-premise consumption on property at 14015 Ranch Road 12, #7

## Applicant Information:

### Applicants:

Nancy Sallaberry  
201 Penta Ct.

Driftwood, TX 78619

### Property Owners:

Wimberley Quarter LLC

## Subject Property:

### Legal Description:

ABS 461 aka Cypress Creek Mall Amasa Turner Survey, 1.22 acres

### Location:

14015 Ranch Road 12, #7

### Existing Use of Property:

Vacant

### Existing Zoning:

Commercial Low Impact (C-1)

### Proposed Use of Property:

Wine Shop (Sale of wine for off-premise consumption)

### Proposed Zoning:

C-1 with CUP

### Planning Areas

V

### Overlay Districts

Protected Water, Village Center

## Surroundings:

### Frontage On:

Ranch Road 12

### Area Zoning and Land Use Pattern:

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	PR-2, L-1	Participant Rec; Lodging
<b>S of Property</b>	C-1, C-3, L-1	Commercial; Lodging
<b>E of Property</b>	PR-2, C-1	Participant Rec; Lodging
<b>W of Property</b>	R-2	Residential

## Legal Notice

### 200' Letters:

3/7/16

### Published:

3/3/16

### Sign Placement:

3/8/16

### Responses:

None

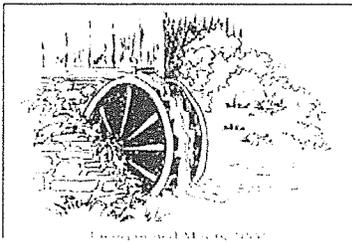
## Comments:

The applicant, Nancy Sallaberry, is seeking a Conditional Use Permit (CUP) for the sale of wine for off-premise consumption at property located at 14015 Ranch Road 12, #7. The subject property is zoned Commercial Low Impact (C-1), located in Planning Area V, and lies within the boundaries of the Village Center and Protected Water Overlay Districts. The sale of wine for off-premise consumption is allowed on C-1 zoned properties with a CUP.

The applicant is proposing to rent the approximately 650 square-foot space from Wimberley Quarter LLC, for the purpose of selling wine for off-premise consumption. The applicant intends to hold periodic wine tastings in accordance with Texas Alcoholic Beverage Commission (TABC) regulations. The wine shop business would be open Tuesdays-Saturdays from 11 a.m. to 6 p.m. and on Sundays from 12 p.m. to 6 p.m.

The proposed wine shop will not require a variance from distance requirements relating to the sale of beer and wine, as the subject property is not located within 300 feet of a school, church, hospital, or day care.

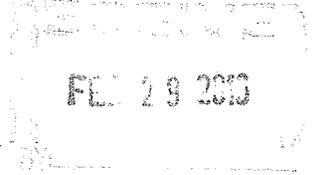
To date, City staff has received no responses either for or against the CUP request.



# City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

Phone (512) 847-0025 Fax (512) 847-0422



## CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 007

### FOR OFFICIAL USE ONLY

Application Date: \_\_\_\_\_ Tentative P&Z Hearing: 3/24 Tentative Council Hearing: 4/7

FEES: \$400.00 DATE PAID: \_\_\_\_\_ CHECK NO. \_\_\_\_\_ REC'D BY \_\_\_\_\_

PROJECT SITE ADDRESS: 14015 RR 12 #7 Wimberley, TX 78676

OWNER/APPLICANT Nancy Salaberri PHONE (601) 312-4168

MAILING ADDRESS: 210 Penta Ct

CITY: Driftwood STATE: TX ZIP: 78619

**APPLICANT UNDERSTANDS** that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

Wine Shop

Planning Area V Zoning C-1 Total Acreage or Sq. Ft. 650 sq approx

Subdivision: \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

Appraisal District Tax ID #: R 18513

Deed Records Hays County: Volume \_\_\_\_\_ Page \_\_\_\_\_

Is property located in an overlay district? () Yes () No If Yes, type: WOOD, PWOD

Is property located in flood plain? () Yes () No

### UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: Wimberley Water Corp.

Wastewater Service Provider or Hays County Septic Permit No: Private Septic

**MY REQUEST IS BASED ON THE FOLLOWING:**

- (  ) The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- (  ) The use requested by the applicant is set forth as a conditional use in the base district;
- (  ) The nature of the use is reasonable;
- (  ) The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- (  ) The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- (  ) That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

**ADDITIONAL REQUIREMENTS/DOCUMENTATION**

- (  ) Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- (  ) Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- (  ) List of Special Conditions that Applicant agrees apply to property.
- (  ) List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- (  ) Payment of Application fee \$400.00 (non-refundable)
- (  ) Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- (  ) Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- (  ) Applicant agrees to provide additional documentation as needed by the City.
- (  ) Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- (  ) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

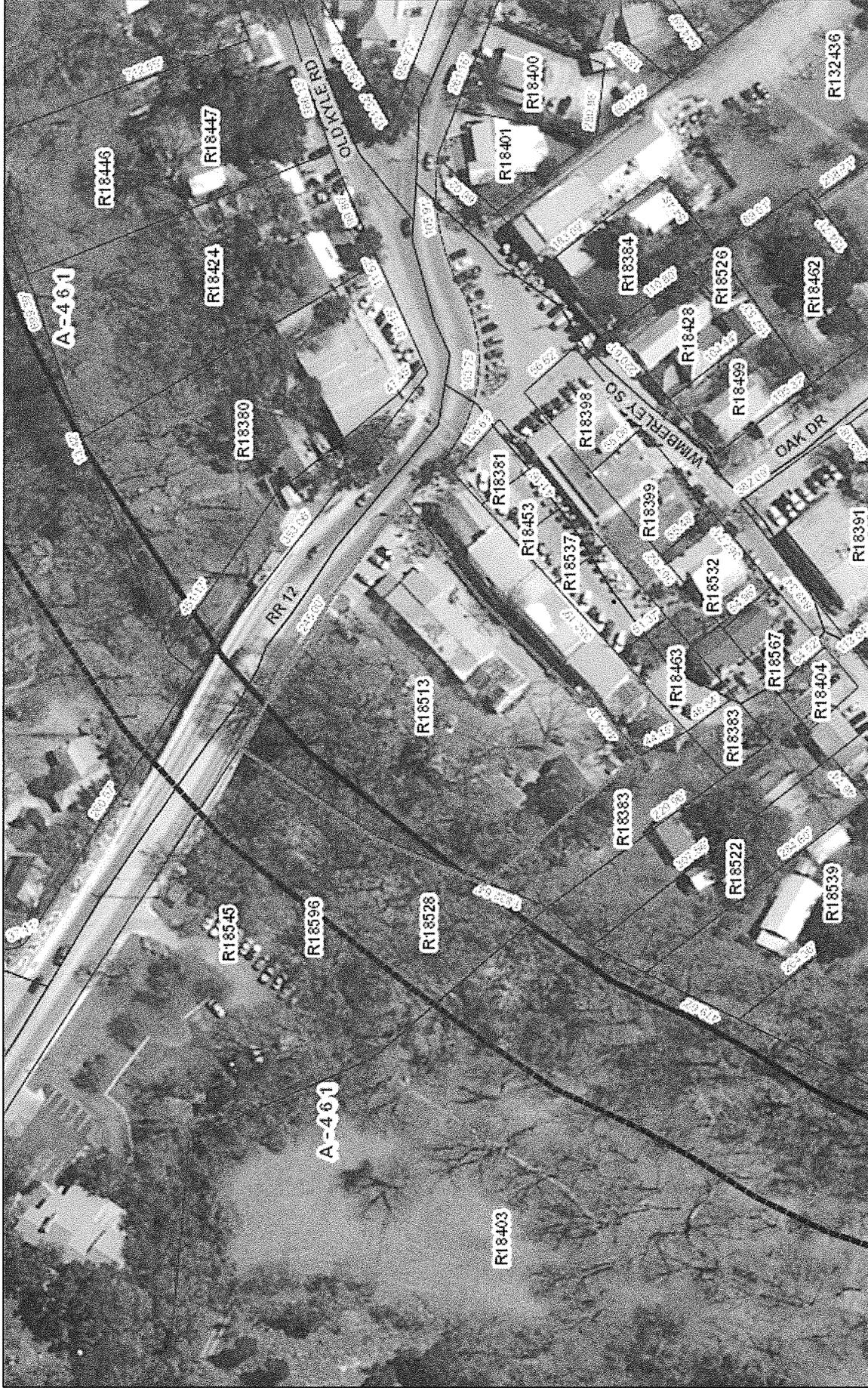
DATE 2/29/2016

  
\_\_\_\_\_  
APPLICANT SIGNATURE

WHEN APPLICABLE:  
Date \_\_\_\_\_

\_\_\_\_\_  
AGENT SIGNATURE

# 14015 Ranch Road 12, #7

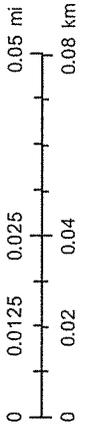


March 21, 2016

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

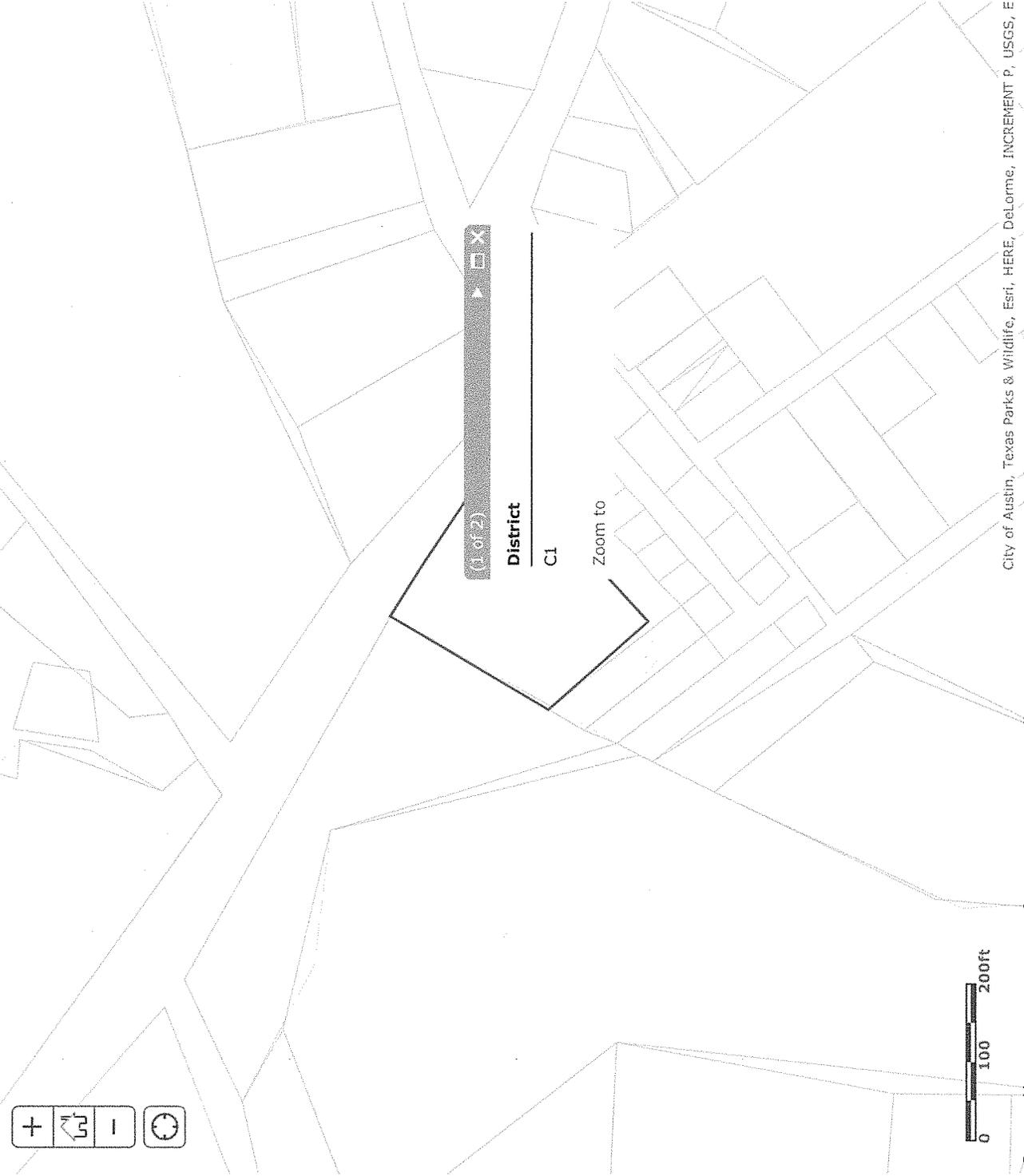
- Parcel Lines
- Abstracts
- Historical Lines
- Parcel ID
- Roads

1:1,597



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

This product and relative contents are the property of the respective governmental entity and BIS Consultants. Use is restricted for official purposes.  
 Hays Central Appraisal District & BIS Consulting - www.bisconsultants.com



Contents

Zoning

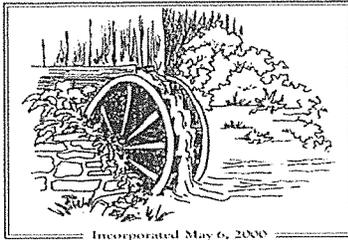


Zoning



Zoning

Zoning



# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 - Fax: (512) 847-0422

[www.cityofwimberley.com](http://www.cityofwimberley.com)

Steve Thurber, Mayor - Cindy Anderson, Mayor Pro-Tem

Council Members - Bob Dussler, Mac McCullough, Pam Showalter & John D. White

City Administrator - Don Ferguson

---

March 7, 2016

## NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-007**  
14015 Ranch Road 12, #7, Wimberley, Texas

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicant, Nancy Sallaberry, has applied for a Conditional Use Permit to allow for the sale of wine for off-premise consumption on property zoned Commercial Low Impact (C-1) located at 14015 Ranch Road 12, #7, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, March 24, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, April 7, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

**CITY OF WIMBERLEY**

Properties within 200' of 14015 RR 12, #7:

R18380

Laura Romano  
1611 Ravey St.  
Austin, TX 78704-4925

R18424

Joyce Webb Tate  
148 Champion Circle  
Wimberley, TX 78676

R18381

Janet Bryant-Cisneros  
335 Dakota Mountain Dr.  
Dripping Springs, TX 78620

R18453

104 Wimberley Square Ltd.  
P.O. Box 47  
Wimberley, TX 78676-0047

R18537

Anna R. & Tommy Jack Hopkins  
21231 Park Bend Dr.  
Katy, TX 77450-4144

R18463

Carl & Juanita Marie Leinneuber  
P.O. Box 1983  
Wimberley, TX 78676

R18398/R18399/R18532

Herschel & Robinette McCullough  
101-A Wimberley Square  
Wimberley, TX 78676

R18567

Effat Shekarforoosh  
P.O. Box 397  
Wimberley, TX 78676-0397

R18404

Karb Family Partnership Ltd.  
201 Wimberley Sq.  
Wimberley, TX 78676

R18391  
Phillip M. & Mary L. Van Ostrand  
12 Brookside Dr.  
Wimberley, TX 78676

R18555  
Mary Lou Redd  
2 Concha Canyon Trl.  
Wimberley, TX 78676

R18408  
Alexandria Lee LLC  
12704 Trail Driver St.  
Austin, TX 78737-9539

R18539/R18403  
Carson Diversified Land 2 LLC  
1911 Corporate Dr., Ste. 102  
San Marcos, TX 78666-6171

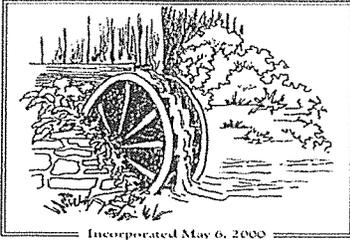
R18522/R18523  
Ellen L Sheffield  
P.O. Box 736  
Wimberley, TX 78676-0736

R18528/R18596  
Ozona National Bank  
c/o Wimberley Branch  
P.O. Box 430  
Ozona, TX 76943-0430

R18383  
Senior Citizens Craft Shop  
of Wimberley, Inc.  
P.O. Box 1174  
Wimberley, TX 78676-1174

**NOTICE OF PUBLIC HEARING  
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, March 24, 2016 at 6:00 p.m.** to consider the following: CUP-16-007 – an application for a Conditional Use Permit (CUP) to allow for the sale of wine for off-premise consumption on property zoned Commercial Low-Impact (C-1) located at 14015 Ranch Road 12 #7, in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, April 7, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676  
Phone: (512) 847-0025 - Fax: (512) 847-0422  
E-mail: [village@wimberley-tx.com](mailto:village@wimberley-tx.com) - Web: [www.cityofwimberley.com](http://www.cityofwimberley.com)

## NOTICE BY SIGN POSTING

Zoning No: CUP-16-007

Owner \_\_\_\_\_

Date 3/8/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

( ) Project Site Address 14015 RR-12 - #7

which is located on RR-12

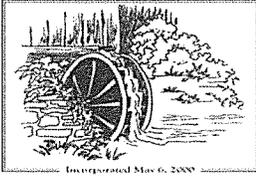
Bill Bowers  
Asst. Public Works

Note: The above-referenced sign was placed on the subject property on

3/8, 2016

  
Signature

# P&Z Commission Agenda Form



Date Submitted: March 21, 2016

Agenda Date Requested: March 24, 2016

**Project/Proposal Title:** DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING PROPOSED CHANGES TO THE PLANNING AREAS FOR PROPERTIES ON FM 2325 BETWEEN RHODES LANE AND CARNEY LANE

**Commission Action Requested:**

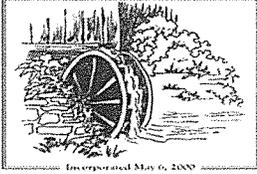
- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow the Planning and Zoning Commission to discuss and consider possible action regarding proposed changes to the designated planning areas for those properties with frontage on FM 2325 between Rhodes Lane and Carney Lane.

Currently, the area in question is located in Planning Area III where Commercial-Low Impact (C-1) zoning is the most intense commercial zoning allowed. The existing land uses in the subject area are, in large part, high-impact commercial uses. City staff is recommending the planning area for the subject area be designated as Planning IV to be more reflective of the long-time existing uses in the area.

# P&Z Commission Agenda Form



Date Submitted: March 21, 2016

Agenda Date Requested: March 24, 2016

**Project/Proposal Title:** DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING PROPOSED CHANGES TO THE CITY'S OUTDOOR LIGHTING ORDINANCE

**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow the Planning and Zoning Commission to discuss and consider possible action regarding proposed changes to the City's Outdoor Lighting Ordinance.

The City Council is considering submitting a request to the *International Dark Sky Association* (IDA) for the City of Wimberley to be designated as an *International Dark Sky Community*. IDA International Dark Sky Communities are towns, cities, municipalities or other legally organized communities that have shown exceptional dedication to the preservation of the night sky through the implementation and enforcement of a quality outdoor lighting ordinance, dark sky education, and citizen support of dark skies. Dark Sky Communities excel in their efforts to promote responsible lighting and dark sky stewardship, and set good examples for surrounding communities.

Prior to seeking IDA designation, there is a need for the City to update its Outdoor Lighting Ordinance to ensure it meets the IDA standards. With this in mind, City staff recently submitted the City's ordinance to the IDA for review to identify those areas of the ordinance that need to be strengthened to meet dark sky standards.

Attached is a copy of the ordinance with the changes recommended by the IDA staff for review and consideration by the City. City Council has requested a recommendation from the Planning and Zoning Commission regarding the proposed changes.

## OUTDOOR LIGHTING

### § 151.60 COMPLIANCE REQUIRED.

All outdoor lighting fixtures and installations in the city shall conform to the following provisions.

(Ord. 2001-025, passed 11-20-2003)

### § 151.61 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BULB.** A light-emitting device or a structure containing a light source. This includes but is not limited to a lamp.

**CORRELATED COLOR TEMPERATURE.** The specification of the color appearance of light emitted by a lamp, relating its color to the color of light from a reference blackbody source when heated to a particular temperature, measured in degrees Kelvin (K).

**DIFFUSING LENS.** A translucent enclosure which surrounds a light source and through which there can be seen no semblance of an image of the light source. To provide a sufficiently wide distribution of light, a lens meeting this definition shall have a minimum cross-section, as seen from any angle, of not less than 0.125 square inch per lumen of enclosed light source emission.

**EFFICIENCY.** As an engineering term, the emission of light by a light source expressed in lumens per watt. In the absence of manufacturers' ratings, or at the discretion of the city, the **EFFICIENCY** and light emission of lamps shall be calculated as follows:

- (1) Common tungsten incandescent: 12 lumens per watt;
- (2) Halogen incandescent: 18 lumens per watt;
- (3) Metal halide: 82 lumens per watt;
- (4) High pressure sodium: 82 lumens per watt; and
- (5) Fluorescent tubes: 75 lumens per watt.

**FIXTURE.** An outdoor lighting assembly containing 1 or more lamps and including any lenses, reflectors, and shields designed to direct the light in a defined manner.

**FOOTCANDLE.** As an engineering term, a unit of light intensity equal to 1 lumen per square foot, which applies to the brightness of light on a surface or at a point in space.

**FULL HORIZONTAL CUT-OFF FIXTURE.** A fixture that confines the light entirely below a horizontal plane running through the lowest of: the lowest point from which light is emitted, or the lowest part of any lens, or the lowest point of any specular reflector.

**GLARE.** The effect of light shining directly in the eyes such as occurs when there is a line of sight to the light source.

John Barentine 3/16/2016 9:14 AM

**Comment [1]:** The standard industry term is "efficacy"

John Barentine 3/16/2016 11:33 AM

**Comment [2]:** To this I would add a value for LED, although the range is very large (roughly 50-150 lm/W). See, e.g., <http://energy.gov/eere/ssl/led-basics>

John Barentine 3/16/2016 11:37 AM

**Comment [3]:** I would take this opportunity to also add lux as a unit of illuminance to your code. It's gradually becoming the unit of choice among lighting engineers. If you want to also keep footcandles, as it's still a common unit, then give any illuminances in both footcandles and lux.

INITIAL LUMENS. The manufacturer-specified number of lumens of light generated by a lamp at the beginning of its service lifetime, not accounting for losses associated with lamp age.

**LAMP.** A light-emitting device or a structure containing a light source. This includes but is not limited to a bulb.

**LIGHT SOURCE.** Any device or element which emits light.

**LIGHT STRING.** Any number of bulbs connected with wire in a linear or 2-dimensional array, not contained in the structure of a fixture, used either for illumination or decoration, and supported in any manner.

**LIGHT TRESPASS.** Any horizontal or vertical illumination on a property from light sources on another property that exceeds 0.1 footcandles on a residential or unzoned district or 0.5 footcandles on a non-residential district. The measurement shall be made 4 feet above the ground at a point 4 feet inside the property line.

**LIGHTING INSTALLATION.** All outdoor lighting fixtures and light sources on a property.

**LINE OF SIGHT.** As it applies to the visibility of a light source, a straight unobstructed line from any point on a property 4 feet or more above the ground to a light source on another property.

**LUMEN.** As an engineering term, a unit of light flux, which applies to the amount of light emitted by a lamp.

LUMENS PER ACRE. The total number of initial lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

**SPECULAR REFLECTOR.** A reflector which has a mirror-like surface that reflects an image (no matter how imperfect or distorted) of a light source.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003)

§ 151.62 SHIELDING, SPECTRUM AND CURFEWS.

(A) Any fixture installed in the city, including municipally-owned street lights, having total light emission in excess of 1,500 initial lumens, shall be shielded in a manner that:

(1) Confines the light so that it falls entirely on a wall or sign, or confines the light entirely below a horizontal plane at the level of the lowest of: the lowest point of the fixture at which light is emitted, the lowest part of any lens, or the lowest point of any specular reflector; and

(2) Prevents a line of sight from any point off the property on which the fixture is situated to a light source, its surrounding non-diffusing lens, or a specular reflector within or incidental to the fixture.

(B) No property in the city shall have fixtures that are not included in, or do not conform to division (A), which collectively have total light emission exceeding 7,200 initial lumens.

John Barentine 3/16/2016 11:39 AM  
**Deleted:** total electric consumption in excess of 150 watts or

John Barentine 3/16/2016 11:39 AM  
**Comment [4]:** I would eliminate references to Wattages as much as possible in the document in order to make the code relatively insensitive to figure changes in lighting technology. The Dept. of Energy requires that all new lighting sold in the U.S. must indicate lumens on the packaging. This is the preferred unit for lighting engineers. Given your table of luminous efficacies in the definitions section, users should be able to calculate the lumens of any light if they know the Watts and the lamp type.

John Barentine 3/16/2016 11:41 AM  
**Comment [5]:** This is our threshold for International Dark Sky Communities

John Barentine 3/16/2016 11:41 AM  
**Deleted:** 8

John Barentine 3/16/2016 12:16 PM  
**Deleted:** except those illuminating a flag of a state or nation.

John Barentine 3/16/2016 11:41 AM  
**Deleted:** an angle 15 degrees below

John Barentine 3/16/2016 11:42 AM  
**Comment [6]:** This is a good, defensible definition of light trespass on its own. Original item (C) in this section is redundant, given this definition.

John Barentine 3/16/2016 11:42 AM  
**Deleted:** A line of sight shall be deemed not to exist for a light source of 3,600 lumens or less if it is enclosed in a diffusing lens.

John Barentine 3/16/2016 12:10 PM  
**Deleted:** total electric consumption exceeding 600 watts or

(C) No fixture may be installed employing a lamp whose correlated color temperature exceeds 3000 Kelvins.

(D) New street lighting installed after the effective date, other than fixtures at the intersection of roadways, shall utilize half-night photocells or timers to turn off the lights halfway between dusk and dawn.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003) Penalty, see § 151.99

§ 151.63 SITE LUMEN LIMITS.

(A) The total outdoor light output (excluding municipally-owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) in both shielded and unshielded fixtures on any nonresidential property in districts RA, R-1 to R-5, MF-1, MF-2, NS and unzoned tracts where a residence exists shall not exceed 20,000 initial lumens per net acre, or 40,000 initial lumens per net acre in other districts and unzoned tracts, in any contiguous illuminated area. These lumen per net acre values are upper limits and not design goals; design goals should be the lowest levels that meet the requirements of the task.

(B) Total outdoor light output (excluding municipally-owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) in unshielded fixtures on any nonresidential property in districts RA, R-1 to R-5, MF-1, MF-2, NS and unzoned tracts where a residence exists shall not exceed 6,000 initial lumens per net acre, or initial 15,000 lumens per net acre in other districts and unzoned tracts, in any contiguous illuminated area.

§ 151.64 REDIRECTION AND REMOVAL OF ADJUSTABLE FIXTURES AND BULBS.

(A) *Redirection.* Any fixture existing on the effective date of this subchapter which does not conform to § 151.62 of this code and which can be re-aimed shall be re-aimed in a manner that reduces the degree of non-compliance so:

- (1) It fully conforms with § 151.62;
- (2) The optical axis is at an angle not less than 60 degrees below the horizontal; or
- (3) The optical axis is at the lowest angle permitted by the nature of the fixture and existing or available mounting hardware.

(B) *Removal.* A light string that does not conform to § 151.62 shall be removed, or the number of bulbs reduced sufficiently to comply with § 151.62.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003) Penalty, see § 151.99

§ 151.65 ILLUMINATION.

John Barentine 3/16/2016 12:29 PM  
**Comment [7]:** This color temperature provision is a requirement for IDA Dark Sky Communities.

John Barentine 3/16/2016 12:30 PM  
**Comment [8]:** This 'adaptive controls' provision is a requirement for IDA Dark Sky Communities.

John Barentine 3/16/2016 11:42 AM  
**Deleted:** (C) Lighting on a property shall not create light trespass on another property.

Unknown  
**Formatted:** Font: (Default) Times New Roman, 12 pt, Bold, Font color: Blue

John Barentine 3/16/2016 11:58 AM  
**Formatted:** Font: 12 pt

John Barentine 3/16/2016 11:58 AM  
**Formatted:** Font: 12 pt

John Barentine 3/16/2016 11:58 AM  
**Formatted:** Font: 12 pt

John Barentine 3/16/2016 11:58 AM  
**Formatted:** Font: 12 pt

John Barentine 3/16/2016 12:01 PM  
**Formatted:** Font: 12 pt

John Barentine 3/16/2016 12:01 PM  
**Formatted:** Font: 12 pt

John Barentine 3/16/2016 12:01 PM  
**Formatted:** Font: 12 pt

John Barentine 3/16/2016 12:01 PM  
**Formatted:** Font: 12 pt

John Barentine 3/16/2016 12:01 PM  
**Formatted:** Font: (Default) Times

John Barentine 3/16/2016 11:58 AM  
**Formatted:** Indent: Left: 0.33", No bullets or numbering

John Barentine 3/16/2016 12:30 PM  
**Comment [9]:** I have consolidated these sections and rewritten them to conform to IDA requir... [1]

John Barentine 3/16/2016 11:59 AM  
**Moved (insertion) [1]**

John Barentine 3/16/2016 12:02 PM  
**Deleted:** (D) Total limitation per proper... [2]

John Barentine 3/16/2016 11:59 AM  
**Formatted** ... [3]

John Barentine 3/16/2016 11:56 AM  
**Deleted:** 63

John Barentine 3/16/2016 11:43 AM  
**Comment [10]:** This term is not defined i... [4]

John Barentine 3/16/2016 11:56 AM  
**Deleted:** 64

(A) *Limitation per fixture.* The maximum illumination on any outdoor surface or object, including signs, from all fixtures or light sources, whether installed before or after the effective date of this subchapter, including lighting of externally illuminated and internally illuminated signs, shall not exceed:

- (1) Six footcandles in districts RA, R-1 to R-5, MF-1, MF-2, NS and unzoned tracts where a residence exists;
- (2) Eighteen footcandles in other districts and unzoned tracts where a business exists and is open; or
- (3) Three footcandles in other districts and unzoned tracts where a business is closed or does not exist.

(B) *Measurement.*

- (1) On any surface, except signs, the maximum illumination shall be measured at the point of highest illumination but no closer than 6 feet from the center of the nearest fixture.
- (2) On any surface of an externally illuminated sign, the maximum illumination shall be measured at the center of the sign.
- (3) On any surface of an internally illuminated sign, the maximum illumination shall be measured at the point of highest illumination.
- (4) On any surface illuminated by an internally illuminated sign, the maximum illumination shall be measured at the point of highest illumination, but no closer than 6 feet from the center of the sign.

(C) *Re-lamping.* Any fixtures existing on the effective date of this subchapter which do not conform to this section, which require lamp replacement and which will support lamps of lower emission, shall be re-lamped with lower emission lamps in order to:

- (1) Achieve compliance with this section; or
- (2) Approach compliance with this section to the greatest possible degree.

John Barentine 3/16/2016 11:44 AM  
**Comment [11]:** You might consider replacing these hard-wired illuminance limits with a reference to the accepted industry best practices: the Illuminating Engineering Society of North America Recommended Practices 33 ("Lighting for Exterior Environments"), also known as "RP-33". The code could simply advise consulting the latest edition of the RP-33 so that the code will adapt to future changes. Note, however, that adherence to the IESNA Recommended Practices is not a requirement of IDA Dark Sky Communities.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003) Penalty, see § 151.99

§ 151.66 PROHIBITED LIGHTING FORMS.

The installation or replacement of a mercury arc or mercury discharge lamp of any size or kind is prohibited.

(Ord. 2001-025, passed 11-20-2003) Penalty, see § 151.99

§ 151.67 REMOVAL OF NON-CONFORMING FIXTURES.

John Barentine 3/16/2016 11:59 AM  
**Moved up [1]:** (D) *Total limitation per property.* The total light emission of all fixtures on any property shall not exceed 20,000 lumens per net acre in districts RA, R-1 to R-5, MF-1, MF-2, NS and unzoned tracts where a residence exists, or 40,000 lumens per net acre in other districts and unzoned tracts. No property of any size shall be limited to less than 6,000 total lumens in districts RA, R-1 to R-5, MF-1, MF-2, and unzoned tracts where a residence exists, or 12,000 total lumens in other districts and unzoned tracts.

John Barentine 3/16/2016 11:57 AM  
**Deleted:** 65

John Barentine 3/16/2016 11:57 AM  
**Deleted:** 66

Non-conforming fixtures, except those of a public entity, existing within the city on the effective date of this ordinance, shall be removed or disconnected no later than seven years from the effective date. Any change of use of a property, or renovations to the structures on a property constituting more than 25% of their value, shall result in the removal or replacement of any non-conforming fixtures on those structures.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003) Penalty, see § 151.99

§ 151.68 REPLACEMENT OF FIXTURES; CONFORMANCE REQUIRED.

Any fixture that is replaced, whether or not it conforms to this subchapter, shall be replaced only with a fixture that conforms to all provisions of this subchapter.

(Ord. 2001-025, passed 11-20-2003) Penalty, see § 151.99

§ 151.69 PUBLIC SAFETY AND PUBLIC NUISANCE.

(A) The City may install new public outdoor lighting, including street lighting and lighting on other public property and rights-of-way, after the effective date only upon the determination of the City Manager that a clear public safety threat exists in the space to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting.

(B) Notwithstanding the provisions of § 151.66, the city may require the modification or removal or limited operation of lighting fixtures found to be a public hazard or public nuisance according to the following criteria.

(1) Criteria for finding illumination to be a public hazard:

(a) Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle; or

(b) Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in his or her path.

(2) Criteria for finding illumination to be a public nuisance:

(a) Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of a property;

(b) A high frequency or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property; or

(c) Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any citizen of the city from the usual and reasonable enjoyment of a property.

John Barentine 3/16/2016 11:48 AM

Deleted: October 5, 2001

John Barentine 3/16/2016 11:48 AM

Deleted: October 5, 2011

John Barentine 3/16/2016 11:48 AM

Comment [12]: I recommend a grandfather period of no longer than seven years, and preferably five or under. Longer periods virtually guarantee non-compliance after the exemption end date.

John Barentine 3/16/2016 11:50 AM

Comment [13]: This is good practice in addition to a grandfather period with an exemption end date.

John Barentine 3/16/2016 11:57 AM

Deleted: 67

John Barentine 3/16/2016 11:52 AM

Comment [14]: This is a very good and progressive provision.

John Barentine 3/16/2016 11:57 AM

Deleted: 68

John Barentine 3/16/2016 12:25 PM

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.13" + Indent at: 0.38"

John Barentine 3/16/2016 12:29 PM

Comment [15]: This "warranting" provision for public lighting is a requirement of IDA Dark Sky Communities.

John Barentine 3/16/2016 12:25 PM

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black

John Barentine 3/16/2016 12:25 PM

Deleted: A

(C) Benefit to the general public welfare may be found to mitigate a finding of a public nuisance but may not be found to mitigate a finding of a public hazard.

John Barentine 3/16/2016 12:25 PM

Deleted: B

(Ord. 2001-025, passed 11-20-2003) Penalty, see § 151.99

#### § 151.70 EXCEPTIONS.

John Barentine 3/16/2016 11:57 AM

Deleted: 69

The city may grant an exception to some of the provisions of this subchapter for certain fixtures if the city finds the exception to be in the interest of public health, safety, and welfare and under the following conditions.

(A) For the illumination of city streets, parking lots, areas of public activity, and yard security, a non-conforming fixture which is granted an exception may be installed and the fixture and its light shall be exempt from the provisions of §§ 151.62, 151.64(A)(3), and 151.67 of this code except as set forth below if:

John Barentine 3/16/2016 11:52 AM

**Comment [16]:** Spell out the process by which requests for exceptions will be received and evaluated, and on which criteria they will be granted.

(1) No alternative lighting design or location using fully conforming fixtures is reasonably applicable to the physical conditions of the site, and the asserted need for a non-conforming fixture is not solely for the purpose of achieving an illumination level in excess of the provisions of § 151.64(A)(3) of this code;

(2) A fully conforming fixture with or without auxiliary shielding is unavailable from manufacturers of fixtures or is unavailable for mounting on a pole of the public electric utility;

(3) The fixture has a full horizontal cut-off design, and has total light emission not exceeding 8,500 initial lumens;

(4) A fixture is mounted no higher than:

(a) Sixteen feet above the ground when mounted on a privately owned pole; or

(b) The lowest point consistent with public electric utility requirements when mounted on a pole which is the property of the public electric utility.

(5) No excepted fixture is located closer to another such fixture on 1 or separate properties than a distance equal to 3 times the average mounting height of the fixtures, nor closer to property lines of adjoining or facing residential property than a distance equal to 2 times the height of the fixture above the ground;

(6) No more than 1 excepted fixture is located on a residential property;

(7) No more than 2 excepted fixtures are located on a non-residential property for security purposes where there is no night time public activity;

(8) The maximum illumination due to all fixtures on the ground or any other surface does not exceed 6 footcandles; and

(9) The light from all excepted fixtures conforms to the provisions of §§ 151.62(A)(2) and 151.62(C) of this code so far as it affects any adjoining residential property.

(10) The lighting illuminates the flag of any state or nation, provided that:

(a) Flagpoles illuminated from below are limited to a height of 25 feet aboveground level, and are illuminated with a single spot-type fixture whose maximum initial output is 75 lumens per foot of height, measured from the light fixture to the top of the flagpole. The fixture must be mounted so that the lens is perpendicular to the flagpole.

(b) Flagpoles illuminated from above utilize a single light fixture, not to exceed 800 initial lumens, attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within 15 feet of the flagpole.

John Barentine 3/16/2016 12:18 PM  
Formatted: Indent: Left: 0.38"

(B) Decorative light strings displayed during the seasonal holiday period from November 1 to January 15 of the next year are exempt from the provisions of this subchapter, provided that:

- (1) No bulb in the string has electric consumption exceeding 5 watts; and
- (2) The light string does not contribute to light trespass on an adjacent residential property.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2003-009, passed 12-4-2003) Penalty, see § 151.99

John Barentine 3/16/2016 11:53 AM  
**Comment [17]:** This language is highly problematic given the light trespass definition in §151.62(A)(2). In other words, all holiday lighting consisting of light strings will create light trespass. Rather, I think it's best to just substitute a provision here that exempts holiday string lighting from the requirements of §151.62(A)(2).

§ 151.71 **APPLICABILITY; ADMINISTRATION AND ENFORCEMENT.**

(A) All lighting installations or additions to lighting installations made after the original effective date of this subchapter shall conform to this subchapter and shall be subject to inspection by the Building Official or his or her designee.

John Barentine 3/16/2016 11:57 AM  
Deleted: 70

(B) An outdoor lighting plan shall be included as part of the documentation for a permit application. The outdoor lighting plan shall show the bulb type and electric power of all proposed and existing outdoor bulbs and fixtures in the lighting installation, and provide sufficient detail with respect to location, height, and aiming and shielding of the fixtures to demonstrate that the proposed lighting installation complies with this subchapter.

(C) If the Building Official or his or her designee finds that an outdoor lighting fixture does not comply with this subchapter, the owner shall be notified and shall be allowed 30 days from the date of the notification to remedy the non-compliance or to demonstrate that a violation does not exist.

(D) This subchapter shall not be construed to require or allow any act which is prohibited by any other ordinance or code provision.

(Ord. 2001-025, passed 11-20-2003; Am. Ord. 2004-007, passed 3-18-2004) Penalty, see § 151.99

**Page 3: [1] Comment [9]** **John Barentine** **3/16/16 12:30 PM**

I have consolidated these sections and rewritten them to conform to IDA requirements for Dark Sky Communities. The specific lumens per acre threshold numbers are not specified in the requirements. They are given here as suggestions.

**Page 3: [2] Deleted** **John Barentine** **3/16/16 12:02 PM**

(D) *Total limitation per property.* The total light emission of all fixtures on any property shall not exceed 20,000 lumens per net acre in districts RA, R-1 to R-5, MF-1, MF-2, NS and unzoned tracts where a residence exists, or 40,000 lumens per net acre in other districts and unzoned tracts. No property of any size shall be limited to less than 6,000 total lumens in districts RA, R-1 to R-5, MF-1, MF-2, and unzoned tracts where a residence exists, or 12,000 total lumens in other districts and unzoned tracts.

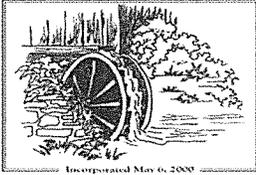
**Page 3: [3] Formatted** **John Barentine** **3/16/16 11:59 AM**

Font:(Default) Times New Roman, 12 pt, Font color: Black

**Page 3: [4] Comment [10]** **John Barentine** **3/16/16 11:43 AM**

This term is not defined in the code. Also, this item (2) is unclear and probably should be struck.

# P&Z Commission Agenda Form



Date Submitted: March 20, 2016

Agenda Date Requested: March 24, 2016

**Project/Proposal Title:** DISCUSS AND CONSIDER  
POSSIBLE ACTION REGARDING CHANGES TO THE CITY OF  
WIMBERLEY ZONING CODE

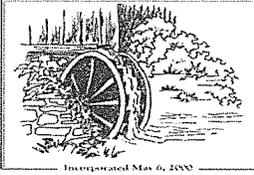
**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow the Planning and Zoning Commission to discuss and consider possible action regarding changes to the City of Wimberley Zoning Code.

# P & Z Commission Agenda Form



Date Submitted: March 21, 2016

Agenda Date Requested: March 24, 2016

**Project/Proposal Title:** STAFF & COMMISSION  
REPORTS

**Funds Required:**  
**Funds Available:**

**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow for reports to be presented by Commission members and for future agenda item requests.