

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
March 14, 2013 at 6:00 p.m.

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

Staff Present: City Administrator Don Ferguson and City Secretary Cara McPartland

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

Approval of minutes of the Regular Planning & Zoning Commission meeting on January 24, 2013.

Commissioner Klepfer moved to approve the minutes, as presented. Commissioner Mitchell seconded. Motion carried on a vote of 4-0. Commissioners Haley and Lancaster abstained.

2. Public Hearing and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-13-001, an application for a conditional use permit to allow a manufactured home on .29 acres tract of land, zoned Single Family Residential 3 (R-3), located at 255 Lange Road, Wimberley, Hays County, Texas (*Melanie Pittman, Applicant*)

City Administrator Ferguson reviewed the subject property's location, planning area, and current/proposed zoning and uses. He noted that the City's Zoning Code was amended in 2006 to clarify certain definitions and to require conditional use permits (CUPs) for manufactured/mobile homes. He advised that the proposed manufactured home, if the CUP is approved, must meet all installation requirements, including septic regulations. The applicant also owns the property which abuts the east side of the subject property and has no plans to develop that lot. It was noted that there are other mobile/manufactured homes located in the immediate area surrounding the subject property.

Written opposition to the CUP application has been received from property owners Zack Ezer, David and Sally Brown, and Joseph Humphrey, who are all within the 200-foot

notification area. Oral opposition was received by City staff from Elizabeth Parkinson (Property Owner #19 on Notification Map).

Discussion addressed locations of surrounding manufactured homes.

Chairman Dean opened the public hearing.

Joseph Humphrey spoke in opposition to the CUP application based on concerns that approval may negatively impact his properties' values. He appreciated the letter sent to surrounding property owners by the applicant and recognized that there are some pre-existing, non-conforming ("grandfathered") mobile/manufactured homes in the neighborhood, but felt that properties have the potential to be developed with conventional single family detached dwellings in the price range of \$250,000 to \$350,000, and did not favor allowing additional mobile/manufactured homes.

Zack Ezer of 140 Dobie Drive read from a letter (*attached to these minutes*) citing reasons for his opposition to the CUP application. He opposed approval of any additional manufactured home uses in the Cliffside neighborhood and supported "the proliferation of permanent homes, adding to the aesthetics and marketability of Wimberley and its nearby downtown businesses."

Shannon Fitzsimmons of 140 Dobie Drive read a letter submitted by neighbors David and Sally Brown (*attached to these minutes*) of 150 Dobie Drive, who oppose the CUP request, but could not attend tonight's meeting. The letter was addressed to the applicants (Mr. and Mrs. Pittman) and encouraged them "not to get a mobile home," but to consider building a permanent structure.

Applicant Melanie Pittman spoke of her family's long-standing property ownership history in Wimberley, including a well-maintained property at 250 Rockwood that was owned by her father. She planned to add a porch to the proposed manufactured home and advised that great care will be taken to keep the property attractive and properly maintained.

Chris Dunkin, owner/broker of Star Tex Real Estate, and daughter of adjacent property owner Elizabeth Parkinson, spoke in opposition to the CUP application based on concerns relating to decrease in surrounding property values. She stated that existing mobile homes in the neighborhood have caused her mother's property at 120 Dobie Drive to decrease in value since its purchase in 2008. She questioned the removal and replacement of an existing "grandfathered" mobile home on a nearby lot. City Administrator Ferguson explained that regulations allow for removal and replacement of an existing mobile home within certain time parameters, without revocation of the property's "grandfathered" status.

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

Discussion addressed:

- List of considerations for CUP approval under City Code §155.105(B)(1)
- On-site septic system facility (OSSF) requirements related to minimum lot size
- Existence of any applicable property/home owners association(s) or deed restrictions
- Importance of neighborhood input on CUP applications
- Current commercial development activity in the downtown area
- Whether proposed use is harmonious and/or compatible with surrounding uses
- Amount of opposition received from property owners within the 200-foot notification zone

David Pittman, applicant Melanie Pittman's husband, questioned the reasonableness of the comments made in opposition at tonight's meeting. He asked why some of those expressing opposition recently bought properties on a block that contained twenty-five existing mobile homes, particularly if those voicing opposition were concerned about the negative impact on their property values. Mr. Pittman also questioned why no complaints were made regarding conditions at Mr. Brown's property (at 150 Dobie Drive). He felt it unlikely that homes in the price range quoted earlier by Mr. Humphrey would be developed in an area inundated with numerous mobile homes. Mr. Pittman contended that the proposed mobile home with a porch addition will be one of the nicer homes in the area.

Commissioner Klepfer moved to recommend denial of the CUP application on the grounds that the use is not harmonious or compatible with the surrounding existing uses or proposed uses. Commissioner Burleson seconded.

Discussion addressed:

- Septic permit/variance procedures
- The so-called "twenty percent rule" referencing Texas Local Government Code §211.006(d-f)
- Number of existing mobile/manufactured homes in the immediate area
- Amount of opposition voiced by adjacent property owners
- Intent of CUP requirement as a means of limiting the number of mobile/manufactured homes
- The importance of neighborhood input in the CUP process

Chairman Dean called for a vote as follows: Commissioner Mitchell, aye; Commissioner Haley, aye; Commissioner Lancaster, aye; Chairman Dean, aye; Commissioner Klepfer, aye; Commissioner Burleson, aye. Motion carried on a vote of 6-0.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Commissioner Haley moved to adjourn. Commissioner Mitchell seconded. Motion carried on a vote of 6-0.

Chairman Dean called the meeting adjourned.

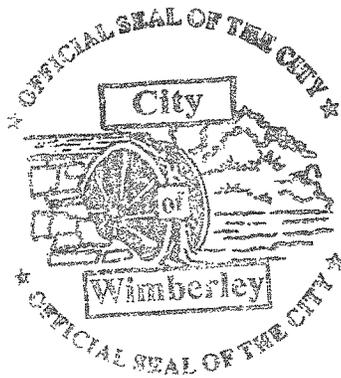
Adjourn at 6:46 p.m.

Recorded by:



Cara McPartland

These minutes approved the 28th of March, 2013.



APPROVED:



Tracey Dean, Chair

My name is Zack Ezer. In 2009, I purchased as my primary residence, 140 Dobie Drive. I am a graduate of Texas A&M with a degree in Economics.

I thank the Pittman Family for announcing their intentions up-front, I do not agree the Cliffside neighborhood can sustain one more property granted a conditional use permit and zoned for a manufactured home use.

When I purchased my home, I made a long-term investment in the Cliffside neighborhood, the City of Wimberley, and Hays County. I assumed the risk every property owner assumes; the valuation of my home will rise, especially with our close proximity to Wimberley's downtown business district. I continually renovate, maintain and beautify my property accordingly in congruence with this assumption to the extent it will yield a return.

Below, while studying manufactured home's impacts on their communities, are conclusions drawn by two researchers conducting a study through the U.S. Department of Agriculture National Research Initiatives Grant; A. MacTavish and S. Salamon (2006), study *Pathways of Youth Development in a Rural Trailer Park*, found in Family Relations.

"Census Bureau's 2001 American Housing Survey – 2001 median purchase price of an owner-occupied manufactured home was \$25,512. For an owner-occupied conventional home during same period was \$68,945."

"Conventional home prices tend to appreciate over time, the value of a typical manufactured home declines to half its original price in as little as three years."

"In 2001, for every 100 trailers sold, 20 were repossessed."

"Most new manufactured homes have no more than a one-year warranty ... thus, trailer owners incurred numerous repair costs on their homes. Even in homes less than five years old, owners were forced to repair or replace basic structural features such as doors, windows, floors, and roofs."

Mobile homes have twice the rate of fire death and are five times more likely to be wind damaged than a conventional house in the same area.

A survey of 1,000 California mobile homes found elevated indoor levels of formaldehyde as a result of the plywood and particleboard often used in mobile home construction."

As stated in the previous study's conclusions, valuations of homes in the area will be adversely affected by the addition of another manufactured home. This will undermine the financial incentive to invest in near downtown property, thereby creating an area of real estate market valuation stagnation with close proximity to downtown and the tourists that a significant portion of sales tax revenue in Wimberley.

For these reasons I oppose the approval of a conditional use permit at 255 Lange Road for the purposes of placing a manufactured home on said property and support the proliferation of permanent homes,

adding to aesthetics and marketability of Wimberley and its nearby downtown businesses. Thank you for your time and consideration.

Works Cited

- *Study Finds U.S. Manufactured-Home Owners Face 'Quasi-Homelessness'*, Paola Scommegna, 2004

<http://www.prb.org/Articles/2004/StudyFindsUSManufacturedHomeOwnersFaceQuasiHomelessness.as>

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- MacTavish, K. A. and Salamon, S. (2006), Pathways of Youth Development in a Rural Trailer Park. *Family Relations*, 55: 163–174. doi: 10.1111/j.1741-3729.2006.00367.x

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Field research was funded by the U.S. Department of Agriculture National Research Initiatives Grant 9801645. The Illinois Manufactured Housing Association (IMHA) generously provided the research team with in-kind support of an office unit in the study park. The park owner supported the research in many ways as well. Marni Basic made a substantial contribution to both project management and fieldwork. Manuscript preparation was supported by a National Institutes of Health–National Institutes of Child Health and Development RO3 Grant HD047608-01. Findings were presented at the annual meetings of the National Council on Family Relations held in Vancouver, British Columbia, Canada, in November 2003. We thank Alexis Walker and Megan Notter for many insightful suggestions during the preparation of this article.

dobie letter

From: David Brown [REDACTED]

Sent: Thu 3/14/13 5:20 PM

To: [REDACTED]

Dear Mr. and Mrs Pittman,

This is David Brown, I live at 150 Dobie Dr. We appreciate you guys giving us a say in the idea of putting a mobile home on your lots in the neighborhood. In the recent past people have moved mobile homes in, left them on the jacks, without any concern of neighbors or their home value. Thanks you guys very much for considering us and our opinions since we do live here permanently.

I don't think it's in your best interests, or ours either. There are existing mobile homes up and down the street, however; with time I believe that they will have to go, and be replaced with permanent structures. As home owners in the Cliffside II neighborhood, we are aware and invested in the neighborhood appraisal value, and would like to see the day when the homes are all on slabs. Looking at other towns comparable towns as Wimberley you don't see mobile home parks within walking distance of the main square. You guys expressed desire, in your letter, to move to Wimberley one day, so why not build once and for all.

I used to sell mobile homes and know they are made to last ten years at best, with out repairs. Look at the warranty on the roof etc. there's not even a whole two by four in those walls. Why spend the money twice instead of building once and for all. There are a few good integrable builders in town, and with interest rates like they are, there's no better time to build.

As a friend I would encourage you guys not to get a mobile home. And as a homeowner in the neighborhood I am asking you guys to help us improve the neighborhood, not downgrade it. And progress with the progression rate Wimberley. Thanks again for including us your decision.

I have intrusted our neighbors Zack Ezer and Shannon Fitzsimmons with this letter because we won't make this weeks meeting however we will be there next week. Thanks again.

Scincerley,
David and Sally

Brown