

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
March 24, 2016 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Chair Rick Millinor. Present were Commissioners John Urban, Tracey Dean, Austin Weeks (assumed duties after oath of office administered), Charles Savino, Thad Nance, and Rick Burleson.

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

Oath of Office

Administer oath of office to newly appointed Commissioner Austin Weeks.
(*Mayor Steve Thurber*)

Mayor Thurber administered the oath of office to Commissioner Weeks.

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

Approval of minutes of the Regular Planning & Zoning Commission meeting on February 11, 2016.

City Administrator Ferguson recommended the following amendment to Agenda Item 4 (Staff and Commission Reports), to delete Paragraphs 1-3 and replace as follows: "Commission members discussed the role of the Planning and Zoning Commission in future discussions regarding transmission line improvements. City Administrator Ferguson advised the Commission that the Comprehensive Plan has been approved by the City Council."

Commissioner Savino moved to approve the minutes, as amended. Commissioner Burleson seconded. Motion carried on a vote of 7-0.

2. Public Hearings and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-001, an application for a conditional use permit to allow for the operation of a bed and breakfast facility on a tract of land zoned Rural Residential 1 (R-1), located at 1415 E. Spoke Hill Drive, Wimberley, Hays County, Texas. (*Herschel "Mac" McCullough, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing primary and secondary residences. He noted that the applicant intends to use the secondary residence as a bed and breakfast operation with a maximum occupancy of two (2) people. Based on a review of the property permitted and functioning on-site septic facility (OSSF), City staff recommends a maximum occupancy of two (2) people for the proposed bed and breakfast. City Administrator Ferguson read a list of conditions to be made part of the requested conditional use permit (CUP), should the Commission desire to recommend approval. It was noted that one (1) phone call was received from one (1) property owner who expressed verbal opposition and the intent to submit written opposition, but to date no written correspondence has been received by City staff.

Chairman Millinor opened the public hearing.

Paradise Hills resident Jo Kathryn Quinn cautioned that the Paradise Hills neighborhood is confined and not spread out. She said that there are concerns about the density of bed and breakfasts and vacation rentals in her neighborhood. She felt that a bed and breakfast is the "lesser of two evils" (as compared to a vacation rental), but feared every time a rental is approved, it creates a "slippery slope" that would turn the neighborhood into a rental environment, rather than a place where permanent residents live. She believed that a maximum occupancy of only two (2) people would not be likely to cause huge traffic concerns. She said people who rent without a sense of ownership do not typically take care of the neighborhood the way permanent residents would. Ms. Quinn stated that she did not have strong opposition to this CUP application, but wanted to take this opportunity to speak to the Commission about her neighborhood's concerns that little by little most of the neighborhood could become rental properties. She requested that an additional condition be added to terminate the CUP if the subject property changes ownership outside the McCullough family. City Administrator Ferguson explained that a CUP is a zoning action that goes with the property, regardless of ownership changes. Commissioner Millinor noted that CUPs may be canceled if CUP conditions are not met.

Applicant Mac McCullough said he took all of previous speaker Quinn's comments into consideration before submitting his CUP application and spoke of his consultation with a neighboring property owner, who expressed no objections. He noted that his property has ample parking and is on a private, dead end street. He also spoke of his desire to protect individual neighborhood property owners by proposing that complaints against any short-term rentals be directed to City staff (rather than rental agents) and creating a "two-strike" program that would trigger the CUP holder's appearance before the Commission and/or City Council to address complaints.

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

Discussion addressed compliance/enforcement of the requirement that a bed and breakfast owner (or representative) reside on the property while being rented; existing CUP for a secondary residence on the subject property; applicant McCullough's

abovementioned proposed complaint procedures; parliamentary procedures restricting discussion to tonight's specific agenda items; road maintenance/access issues in Paradise Hills; existing area short-term rentals; and possible signage restrictions to prohibit advertising of the rental operation. Applicant Mac McCullough stated he has no intention of placing any signage for the proposed rental and noted types of signs placed on other area rentals.

Commissioner Savino moved to recommend approval of the CUP, as presented. Commissioner Dean seconded. Commissioner Burleson said he would vote in support of CUP application, given lack of definitive neighborhood opposition, particularly from immediate neighbors, and the fact that this is a bed and breakfast rental requiring that the property owner/representative reside on the property while rented. Motion carried on a vote of 7-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-002, an application for a conditional use permit to allow for the operation of a vacation rental on a tract of land zoned Rural Residential 1 (R-1), located at 310 Summit Loop, Wimberley, Hays County, Texas. (*Lisa Risoli, Applicant; this application has been withdrawn*)

City Administrator Ferguson reported on the City's recent short-term rental compliance project to identify those operations that are pre-existing, non-conforming ("grandfathered") properties and those that require issuance of a bed and breakfast/vacation rental CUP. He explained that Council approved a policy (subsequent to the subject CUP application submittal) which would allow property owners who provide an affidavit to obtain grandfathered status by indicating they have owned the property for at least five (5) years and that the short-term rental has been in continuous use since they have owned the property. He noted that grandfathered status may be removed under certain circumstances. Because the applicant has received grandfathered status from the City, a CUP is no longer required for the short-term rental to continue operations. The applicant understands that the maximum occupancy for the vacation rental shall not exceed five (5) people in accordance with the City Sanitarian's review of septic records.

Commissioner Nance moved to accept withdrawal of the application, as presented. Commissioner Savino seconded. Motion carried on a vote of 6-1. Commissioner Burleson voted against.

- C. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-003, an application for a conditional use permit to allow for the operation of a vacation rental on a tract of land zoned Rural Residential 1 (R-1), located at 401 Rocky Springs Road, Wimberley, Hays County, Texas. (*Bruce and Carole Boatner, Applicants*)

City Secretary McPartland reviewed the subject property's location, current/proposed zoning and uses, and existing 1,752 square-foot, two-bedroom residence. She noted

that the applicant intends to use the residence as a vacation rental operation with a maximum occupancy of four (4) people. Based on a review of the properly permitted and functioning on-site septic facility (OSSF), City staff recommends a maximum occupancy of four (4) people for the proposed vacation rental. In addition to the applicant's house rules, City Secretary McPartland read a list of conditions to be made part of the requested conditional use permit (CUP), should the Commission desire to recommend approval. It was noted that one (1) phone call was received from one (1) property owner who expressed verbal opposition and the intent to submit written opposition, but to date no written correspondence has been received by City staff. One adjacent (1) property owner submitted written opposition and two (2) written responses were received in support of the CUP request.

Chairman Millinor opened the public hearing.

The applicants' representative, Aaron Scott of Sky Run Vacation Rentals, has worked with the Boatners for approximately one (1) year and noted that applicable Hotel Occupancy Tax reports have been filed and remittances made to both the State and City. He advised that there will be no signage for the rental and that no complaints have been received by the City. He stated that rental guests are required to be over twenty-five years of age and said that a video camera is set to be installed to monitor the parking area. Mr. Scott advised that he can respond to any calls and be on the property within five (5) minutes. Mr. Scott said that he met with neighboring property owner Craig Reitz several months ago to address concerns relating to trash cans for the subject property and provided Mr. Reitz with his cell phone number. He advised that Mr. Reitz did not call him following that meeting. Mr. Scott stated that one of his employees moves the trash cans from view on trash pick-up days. In response to a request from Mr. Reitz, Mr. Scott advised that plans to build a fence that would hide the trash cans were pulled and the fence was torn down, with the cans now hidden behind vegetation. Mr. Scott noted his "24-7" availability to handle any calls.

Discussion addressed duration of the existing short-term rental operation; approximate once monthly occupation of the subject residence by homeowners; vacant state of the residence prior to its use as a vacation rental; lack of complaints in the last year (with the exception of the aforementioned concerns regarding trash cans); approximately seventy-five (75) nights per year that residence is rented or owner-occupied; complaint/emergency contact person(s); and Mr. Scott's response time within two to five minutes of any calls.

Craig Reitz of 504 Rocky Springs read and distributed a letter (*full text attached to these minutes*) expressing strong objection to CUP requests for both 401 Rocky Springs and 505 Rocky Springs (*see Agenda Item 2E*) based on concerns regarding car traffic, noise, theft, vandalism, decreased property values, and vacation rental use in a residential community. He also distributed a letter of opposition from Dr. Rodger Marion of 151 Rocky Springs and a map of Rocky Springs Subdivision Sections 1 and 2. Mr. Reitz feared a "slippery slope" that would turn residential communities into rental areas to generate capital and allow speculators to come in and turn vacant homes into

vacation rentals. He said the people who bought in these communities did not expect to have vacationers nearby for days with no way to control them. He recounted his experience in Florida with vacation rentals in residential areas that he described as the scourge of communities with vandalism and car thefts. Mr. Reitz spoke of the subject property's total acreage, location, and access relative to his own property. He said there are enough vacation rentals in Wimberley and we do not need to start inserting rentals for speculation by people who are non-residents. Mr. Reitz acknowledged his aforementioned contact with Mr. Scott regarding problems with trash cans.

Rocky Springs' resident Marcus "Sandy" Wall agreed with Mr. Reitz's comments, spoke of his family's history in Wimberley, and understood the interest in generating revenue, but felt it should not be "at our expense." He expressed concerns about the rental's effect on his property's value and stood in opposition.

Judy Cureton commented on her move to Wimberley from Woodcreek and her respect for property owners. She said that when you buy a home you need to look at restrictions, homeowners' association rules, and what is allowed. She said it seems unfair to allow people in some residential areas of Wimberley to have vacation rentals but not in others. Ms. Cureton stated there are benefits to both having (and not having) a homeowners association with restrictions.

In response to Ms. Cureton's previous remarks, Mr. Reitz replied that Rocky Springs Subdivision is subject to deed restrictions, but understood that this is a zoning matter before the City. City Administrator Ferguson confirmed that the City does not enforce deed restrictions.

In response to Mr. Reitz's earlier comments regarding trash cans, Aaron Scott reiterated that his employee removes trash cans from view after weekly pick-up. He noted that the Boatners hold a New Year's party every year and neighbors were invited and notified of the parties, which have resulted in no complaints.

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

Commissioner Urban stated that input from adjacent property owners is very important and influences his decision and at this point is not in favor of recommending approval.

Commissioner Dean stated that participation of neighbors has been historically very important to the Commission's consideration. He said due to the amount of opposition expressed he does not favor recommending approval.

Discussion between Commissioner Weeks and City Administrator Ferguson clarified differences in Code provisions relating to bed and breakfasts versus vacation rentals. City Administrator Ferguson explained that zoning cases are land use decisions that are made on a case-by-case basis and are examined on their own merits.

Commissioner Savino respected the views of adjacent property owners, but absent complaints to date on the rental operation, he questioned the adverse impact to surrounding properties and property values. He noted that Rocky Springs properties are large acreage and far apart and said there seems to be effective ways to mitigate any possible negative effects from rental operations.

Commissioner Nance stated that neighbors speaking in opposition means a lot and said he would be against recommending approval.

Commissioner Burleson stated that he would not recommend approval based on neighborhood opposition and believed that rentals are a gray area between residential and commercial use and can change the character of a neighborhood.

Chairman Millinor stated almost every zoning district allows short-term rentals with a conditional use permit, however, he said that it is not the right thing to do in every case. Lacking other guidelines, Chairman Millinor felt the best test is to consider the sentiments of surrounding property owners, who he said have spoken clearly tonight.

Commissioner Dean moved to recommend denial of the CUP and requested a roll call vote. Commissioner Burleson seconded.

Chairman Millinor called for a vote as follows: Commissioner Urban, aye; Commissioner Dean, aye; Commissioner Weeks, aye; Chairman Millinor, aye; Commissioner Savino, nay; Commissioner Nance, aye; and Commissioner Burleson, aye. Motion carried on a vote of 6-1.

City Administrator Ferguson provided details on the so-called "Twenty-Percent Rule," if applicable, requiring an affirmative vote of at least three-fourths of all Council members to overrule the Commission's recommendation of denial.

- D. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-004, an application for a conditional use permit to allow for the operation of a vacation rental on a tract of land zoned Single Family Residential 2 (R-2), located at 1851 Flite Acres Road, Wimberley, Hays County, Texas. (*Aaron and Angela Scott, Applicants*)

This item was heard after Agenda Item 4E.

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing 2,484 square foot, five bedroom residence. He advised the applicant is proposing to use the residence as a vacation rental with a maximum occupancy of twelve (12) people. There is a properly permitted and functioning on-site septic system that serves the residence. Based on a review of the septic system and proposed use, City staff recommends a maximum occupancy of four (4) people.

The applicant, Aaron Scott, has submitted plans from a registered sanitarian that would upgrade the existing septic system to meet the requirements for a maximum occupancy of twelve (12) persons. Should the CUP be granted with a maximum occupancy of twelve (12) persons, as requested, the applicant understands that he must submit an On-site Sewage Facility (OSSF) Permit application and pay any applicable fees before commencing construction of the proposed system. The applicant would be required to limit maximum occupancy to four (4) guests until the newly installed septic system has been issued a City permit. Guests would be required to park on the subject property.

In addition to the applicant's house rules, City Administrator Ferguson read a list of conditions to be made part of the requested CUP, should the Commission desire to recommend approval. It was noted that to date no responses either for or against the CUP request, except for one (1) written comment from a property owner outside the notification area who stated he had no objections to the proposed vacation rental.

Chairman Millinor requested clarification on Commission action related to maximum occupancy. City Administrator Ferguson stated that the applicant is requesting a maximum occupancy of twelve (12) people, while staff's recommendation is for four (4) people, unless the septic system is modified to accommodate twelve (12) people.

Chairman Millinor opened the public hearing.

Applicant Aaron Scott said he has paid for a septic system design that would accommodate twelve (12) people and has an appointment with the septic installer to proceed, should Council approve this CUP request. He noted there is ample parking for the proposed vacation rental and confirmed that the subject property has not incurred any flood damage.

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

Commissioner Burleson asked if the City has approved any other vacation rental CUPs with a maximum occupancy of twelve (12) people. City Administrator Ferguson recalled that the Square Inn has a maximum occupancy of at least twelve (12) or more persons.

Aaron Scott stated reasoning for his maximum occupancy request of twelve (12) persons based in part on two sets of bunk beds built into the walls of one of the five bedrooms. However, Mr. Scott said that a maximum occupancy of ten (10) people would be acceptable, if the Commission and Council so desires.

Discussion addressed allowed uses in the subject property's planning area, neighborhood input as part of the CUP process, historic lack of objections to vacation rentals in the Flite Acres area, concerns with a maximum occupancy of twelve (12) people, subject property's lot size, parking spaces/surfaces, and maximum of four (4) vehicles allowed per applicant's house rules.

Possible additional CUP conditions were considered to require landline telephone service for the purpose of receiving emergency notification calls; to limit parking to no more than four (4) vehicles; and, to not allow parking on the grass.

Commissioner Urban moved to recommend approval of the CUP request, with conditions as presented, for a maximum occupancy of twelve (12) people, and including the following additional conditions:

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.

Parking shall be limited to no more than four (4) vehicles. No parking shall be allowed on grass.

Commissioner Savino seconded. Motion carried on a vote of 6-1. Commissioner Weeks voted against.

- E. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-005, an application for a conditional use permit to allow for the operation of a vacation rental on a tract of land zoned Single Family Residential 2 (R-2), located at 505 Rocky Springs Road, Wimberley, Hays County, Texas. (*Carl and Brynn Anderson, Applicants*)

This item was heard after Agenda Item 4C.

City Secretary McPartland reviewed the subject property's location, current/proposed zoning and uses, and existing 3,046 square-foot, two-bedroom residence. She noted that the applicant intends to use the residence as a vacation rental operation with a maximum occupancy of four (4) people. Based on a review of the property permitted and functioning on-site septic facility (OSSF), City staff recommends a maximum occupancy of four (4) people for the proposed vacation rental. City Secretary McPartland read a list of conditions to be made part of the requested conditional use permit (CUP), should the Commission desire to recommend approval. It was noted that one (1) property owner submitted written opposition and two (2) property owners submitted written support for the CUP request.

Chairman Millinor opened the public hearing.

Applicant's representative Aaron Scott referred to his earlier comments on Agenda Item 4C and said renters who visit Wimberley spend money here, which helps the local economy and increases sales tax revenues. He acknowledged neighbors' concerns,

but pointed out there have been no issues with the subject property's rentals over the last year.

Craig Reitz noted that the Dave and Donna Kyte of Prow'd House, who submitted a letter of support, are not residents of Rocky Springs, but live in an adjacent area. He stated a vacation rental CUP is "almost irreversible" and said the previous owner of the subject property, who is now deceased, sold to the present owners with the expressed request that it not be used as a rental.

Marcus "Sandy" Wall stated he has never received Mr. Scott's business card and would only know to call the police should he need to report any complaints. Mr. Wall said before purchasing his property he looked at all of his neighbors, and did not like the idea of renters he does not know and expressed concern regarding possible negative impact on his property's value.

Commissioner Dean noted that Mr. Wall is not within the two-hundred foot notification area. An unidentified female audience member spoke on traffic issues with vehicles searching for rental properties.

Chairman Millinor closed the public hearing.

Commissioner Dean moved to recommend denial of the CUP request, based on neighborhood opposition. Commissioner Nance seconded. Motion carried on a vote of 6-1. Commissioner Savino voted against.

- F. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-006, an application for a conditional use permit to allow for the operation of a vacation rental on a tract of land zoned Rural Residential 1 (R-1), located at 101 Arrowlake Road, Wimberley, Hays County, Texas. (*Christopher Cureton, Applicant*)

This item was heard after Agenda Item 4D.

City Administrator Ferguson reviewed the subject property's location, current proposed zoning and uses, and existing 2,762 square foot, four (4) bedroom residence. The applicant has periodically used the residence as a vacation rental for approximately one year and would like to bring its existing use into compliance with the City's regulations. Based on a review of the septic system and proposed use, City staff recommends a maximum occupancy of five (5) people. Guests would be required to park on the subject property.

Based on the City's regulations for vacation rental facilities, City Administrator Ferguson read a list of conditions to be made part of the requested CUP, should the Commission desire to recommend approval. It was noted that one (1) phone call was received and

the caller subsequently submitted written opposition based on concerns that the proposed operation would be a “recreational facility” and it was explained that the CUP request was for an existing vacation rental. City Administrator Ferguson referenced written correspondence from applicant Christopher Cureton explaining that he resides at the subject property and only rents it sporadically while out of town. No complaints have been received on the subject property’s use as a vacation rental and the aforementioned caller was unaware of such use.

Chairman Millinor opened the public hearing.

Hearing no comments, Chairman Millinor closed the public hearing.

As the subject property has direct water frontage, City Administrator Ferguson recommended the following additional conditions:

- 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.
- Access to the creek adjacent to the subject property shall be gained only from the subject property.

Discussion addressed the location of the property whose owner expressed opposition, non-compliant vacation rental operations generally, other area short-term rentals, and the applicant’s procedures for handling any potential complaints.

The applicant’s representative, Judy Cureton, stated that she manages the property for her son, Christopher Cureton, when he is unavailable. Ms. Cureton, who is an attorney and resident of Wimberley Hills, advised she can personally respond promptly to any calls and there is a local handyman to serve as a back-up contact person.

Discussion addressed the subject property’s large acreage and sporadic rental activity, which may in part explain the lack of opposition and provided clarification on CUPs as zoning actions that do not terminate with change of ownership and certain circumstances that might trigger CUP revocation.

Given minimal opposition, Commissioner Dean moved to recommend approval of the CUP request, as presented, including the aforementioned additional conditions related to water access, as stated by City Administrator Ferguson. Commissioner Nance seconded.

Commissioner Savino felt that the Commission should not develop the concept of denying requests based on whether or not there is opposition as compared to looking at potential adverse impact, particularly with large acreage properties. He said that someone simply expressing an objection should not be a reason to turn down applications. Commissioner Dean stated there is State law relating to the "Twenty-percent Rule" requiring that Council must consider opposition, regardless of the Commission's recommendation. He said CUP considerations are not always "black and white" issues that are easy to interpret.

Discussion continued on various specific criteria the Commission could use when considering short-term rental CUPs, rules to minimize impact on neighbors, and the City's recent enforcement efforts to identify non-compliant short-term rental operations. Motion carried on a vote of 6-1. Commissioner Burleson voted against.

- G. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-007, an application for a conditional use permit to allow for the sale of wine for off-premise consumption on a tract of land zoned Commercial - Low Impact (C-1), located at 14015 Ranch Road 12, No. 7, Wimberley, Hays County, Texas. (*Nancy Sallaberry, Applicant*)

City Administrator Ferguson reviewed the subject property's location, proposed zoning and use, and applicant's plans to rent an approximately 650 square-foot space from Wimberley Quarter LLC for the purpose of selling wine for off-premise consumption. The wine shop would be open Tuesdays-Saturdays from 11 a.m. to 6 p.m. and Sundays from 12 p.m. to 6 p.m., with periodic wine tastings to be held in accordance with Texas Alcoholic Beverage Commission (TABC) regulations. It was noted that 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. He advised no responses have been received by City staff either for or against the CUP request and clarified differences between on- versus off-premise consumption.

Chairman Millinor opened the public hearing.

The applicant, Nancy Sallaberry, offered to answer any questions.

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

Commissioner Urban moved to recommend approval of the CUP application, as presented. Commissioner Savino seconded. Motion carried on a vote of 7-0.

3. Discuss and Consider Possible Action

- A. Discuss and consider possible action regarding a proposed modification in the FM 2325 planning areas between Rhodes Lane and Carney Lane. (*City Administrator*)

City Administrator Ferguson explained that existing land uses in the FM 2325 area between Rhodes and Carney Lanes are largely high-impact commercial uses, but are located in Planning Area III where the most intense commercial zoning district allowed is Commercial – Low Impact (C-1). As such, City staff recommends that the planning area for the subject area be designated as Planning Area IV to be more reflective of long-standing existing uses. Any future zoning changes as a result of the proposed planning area modification would have to be considered by the Commission and City Council before approval. He reviewed zoning districts allowed in Planning Areas III and IV. He requested the Commission's input on whether or not to proceed with drafting an ordinance for future consideration.

Discussion addressed possible reasoning for initial planning area designations and high traffic volume/intensity of existing uses in the subject area, with any future rezoning actions to be considered as uses change and not as a result of modifications to planning areas.

Commissioner Savino moved to authorize staff to proceed with drafting of an ordinance to be presented at public hearings before the Commission and City Council. Commissioner Burleson seconded. Motion carried on a vote of 6-1. Commissioner Weeks voted against.

- B. Discuss and consider possible action regarding proposed modifications to the City of Wimberley Lighting Ordinance. (*City Administrator*)

City Administrator Ferguson reported that the Chamber of Commerce requested exploration of the requirements for seeking *International Dark Sky Community* designation from the International Dark Sky Association (IDA). Prior to seeking such designation, there is a need for the City to update its Outdoor Lighting Ordinance to ensure it meets IDA standards, as well as other commitments the City must make to preserve night skies. City Administrator Ferguson cited specific provisions in the recommended modifications, including one "adaptive control" requirement that new street lighting installed after the effective date shall utilize half-night photocells or timers to turn off the lights halfway between dusk and dawn.

Discussion addressed potential cost issues and additional time needed by the Commission to further discuss and consider this item.

Commissioner Dean moved to continue this item until the Commission's next meeting. Commissioner Burleson seconded. Motion carried on a vote of 7-0.

- C. Discuss and consider possible action regarding changes to the City of Wimberley Zoning Code. (*City Administrator*)

Commissioner Savino requested additional discussion of specific concerns with City Administrator Ferguson before bringing this item before the Commission for action.

Commissioner Dean moved to continue this item until the Commission's next meeting. Commissioner Burleson seconded. Motion carried on a vote of 7-0.

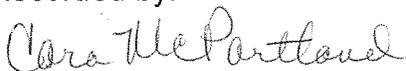
4. Staff and Commission Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda items, Commissioner Dean moved to adjourn. Commissioner Burleson seconded. Motion carried on a vote of 7-0. Chairman Millinor called the meeting adjourned.

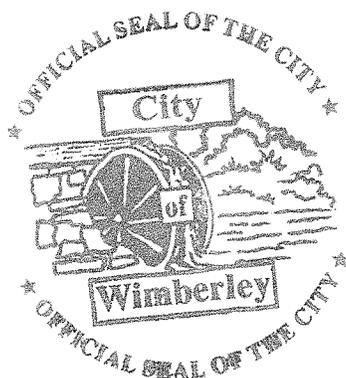
Adjourn at 8:20 p.m.

Recorded by:

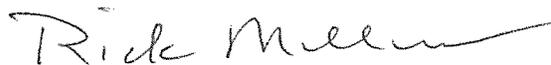


Cara McPartland

These minutes approved the 14th of April, 2016.



APPROVED:



Rick Millinor, Chair

March 23, 2016

City of Wimberley
PO Box 2027
Wimberley, TX 78676

To: City Administrator

Re: Cup -16-003
Cup -16-005

This letter is to voice my strong objection to the rezoning of the two adjacent properties to my property to a zoning re-classification of "Conditional Use- Vacation Rental". These two properties are currently zoned for single family residential.

The Rocky Springs subdivision Sec 1 & Sec 2, is a community that was subdivided as an exclusively residential community in 1970. The change for the permitted use to "Vacation Rental" would bring increased car traffic and noise to our neighborhood. The addition of unwanted nonresident foot traffic to our neighborhood could also lead to increased theft and vandalism making our residents less safe.

Two realtors that I have spoken to tell me that "rental properties" in a residential neighborhood will decrease the property value and salability of my home.

Rocky Springs is a small neighborhood of 10 homes with 8 of these homes occupied by permanent full time Wimberley residents. The 2 homes seeking the change to "vacation rental" status are second homes whose owners do not reside in Wimberley.

I made a substantial investment in my home with the anticipation of living in a peaceful small neighborhood on a dead end road. When our subdivision was incorporated into the Village of Wimberley I assumed it was for the better since City zoning laws would protect my property values and the peaceful use of my home. I expected the City would not allow a "Vacation Rental Business" to be located in a residential neighborhood and next to my home.

I request that the Wimberley Zoning deny these requests for the Conditional Use of "Vacation Rental Use". For 46 years the Rocky Springs Subdivision has been a total residential community and I request that it retains that zoning status.

Respectfully,

A handwritten signature in black ink, appearing to read 'Craig & Barbara Reitz', written in a cursive style.

Craig & Barbara Reitz
504 Rocky Springs Rd
Wimberley, TX 78676
512 847-5386