

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
January 13, 2011 at 6:30 p.m.

Meeting called to order by Chair Tracey Dean. Present were Commissioners Beth Mitchell, Jean Ross, Lila McCall, Steve Klepfer, David Glenn, and Rick Burluson.

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 December 9, 2010.

Commissioner Ross moved to approve the minutes, as presented. Commissioner McCall seconded. Motion carried on a vote of 7-0.

2. Public Hearing and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council on an application for a replat of Lot 1 out of the Wimberley Community Center Subdivision on Ranch Road 12, Wimberley, Hays County, Texas. (*Wimberley Senior Citizens Activities Incorporated, Applicant*)

City Administrator Ferguson reviewed the reasons for the proposed re-subdivision of Lot 1 and directed the Commission's attention to a newly distributed version of the plat, which includes plat note revisions. He advised that staff recommends approval of the plat, as presented in the revised version, with the following conditions:

- Current wastewater easement(s) must be shown on the replat
- Current water easement(s) must be shown on the replat
- Because the subject property is part of a Wimberley Planned Development District (WPDD), approval of the WPDD amendment shall be conditioned on reflection of the new lot configuration in the amendment

No public comments were heard.

Discussion addressed:

- Original WPDD conditions
- Access to the subject property
- Easements for utility/access/parking
- Septic requirements
- Pre-existing development
- Acquisition of Zach House by WSCAI

Commissioner Klepfer moved to recommend approval of the replat of Lot 1 out of the Wimberley Community Center Subdivision on Ranch Road 12, Wimberley, Hays County, Texas, including the conditions as stated above by City Administrator Ferguson. Commissioner Ross seconded. Motion carried on a vote of 7-0.

- B. Hold a public hearing and consider making a recommendation to City Council on Case #ZA-10-006, an application to rezone 3.295 acres of land located at 13301 Ranch Road 12 in Wimberley, Hays County, Texas, from Single Family Residential 2 (R-2) to Wimberley Planned Development District (WPDD) with a base zoning district of Commercial - Low Impact (C-1) (*Sibyl Burrows, Applicant*)

City Administrator Ferguson provided details on the subject property's location, current/proposed zoning and uses, current/proposed structures, and development phasing for the mixed use facility. Phase One of the development calls for the consolidation of two (2) parcels, demolition of the two (2) abandoned residences, and the construction of a two-story mixed-use building that will house a reception hall, bed and breakfast lodging and some limited retail space. Phase Two calls for the construction of an addition to the structure built in the initial development phase to provide for additional bed and breakfast lodging. The mixed uses would share a sixty three (63) space parking lot to be built with a permeable parking surface. He cited Phase One and Two figures for maximum building footprint and maximum total square footage.

Information was provided related to the access driveway, buffering/landscaping, setbacks, and compliance with the City's Floodplain Development Ordinance and Protected Water Overlay District requirements. It was noted that the applicant will limit impervious cover for the entire development to not more than thirty percent (30%), install a 10,000 gallon rainwater harvesting system for the proposed structures, and utilize permeable surfaces for walking trails and parking areas. Use of the property solely for river access will be strictly prohibited and outdoor gatherings and events will be prohibited between the hours of 10 p.m. and 8 a.m. Sundays through Thursdays, and between 11:30 p.m. and 8 a.m. on Fridays, Saturdays, and holidays. The applicants will be responsible for managing all flood flows associated with new construction, with drainage issues to be addressed in the required site development process prior to construction.

Designer Chris Johnson spoke of the applicant's intent to comply with all Code requirements related to this project, which he stated will be a credit to the City of Wimberley.

Discussion addressed:

- Concerns over drainage/runoff
- Existing flows and management of flood flows associated with new construction
- Need for engineering designs/studies
- Possible need for retention pond
- Engineering study required as part of site development process
- Trees as shown on plan and possible need for tree survey
- Buffering and landscaping
- Protected Water Overlay District (PWOD) requirements prohibiting commercial development, necessitating a WPDD application to consider the proposed uses
- Inclusion of all permitted C-1 uses in the proposed WPDD and ability of the Commission to recommend limiting or modifying such uses, as it deems appropriate
- Specific PWOD requirements and development limitations
- Steps to be taken by the applicant to mitigate any negative environmental impact
- Strengthening WPDD language to clearly state as a condition that runoff from new construction will not increase flow to the Blanco River, in accordance with State law
- Addition of WPDD language stating exactly how runoff will be managed during and after construction
- Elevation of structures in floodplain
- Building height limits
- Proximity of parking area to abutting residential properties, planned landscape buffering, and low level lighting to lessen impact on neighbors
- Addition of language to WPDD Exhibit B stating that use of the subject property solely for the purpose of river access is prohibited

Chairman Dean opened the public hearing.

Neighboring property owner Cindy Meeks spoke of existing/increased runoff, potential flooding of her residence, and lighting.

Neighboring property owner Jim Casper expressed concerns regarding noise and asked for monitoring of decibel levels and limitations on hours for outdoor entertainment.

Terry Swift of 340 South River expressed concerns regarding river access by Rio Bonito guests, the number of proposed parking spaces, and noise. City Administrator Ferguson clarified limitations on river access for guests and outdoor entertainment, including the City's existing noise ordinance and complaint procedures.

Chris Johnson stressed that there will be time limitations for certain events, with bands restricted to indoor venues.

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

Commissioner Klepfer moved to continue this item and direct staff to work with the applicant in order to address expressed concerns relating to construction and post-construction non-point source pollution, drainage issues in the Protected Water Overlay District (PWOD), river access, and noise/light pollution. Commissioner Glenn seconded.

Discussion included:

- Low-level lighting
- Intensity of proposed uses
- Need to protect adjacent residential properties
- Limitation on commercial uses in the PWOD
- Land use intensity gradations
- Flexibility of development agreements
- Possible reduction in size of proposed structures

Chairman Dean called the question, asked that Commission members provide input to staff, and restated the motion. Motion carried on a vote of 7-0.

Chairman Dean noted that all received written correspondence related to this item has been submitted for the record (*attached to these minutes*).

- C. Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-10-007, an application to rezone 34.11 acres of land located at 13401 Ranch Road 12 in Wimberley, Hays County, Texas, from Residential Acreage (RA), Rural Residential 1 (R-1), Single Family Residential 2 (R-2) and Single Family Residential 3 (R-3), to Wimberley Planned Development District (WPDD) with a base zoning district of Residential Acreage (RA). (*City of Wimberley & Natalie Meeks for Rio Bonito, Applicants*)

City Administrator Ferguson provided background information on the subject property's existing uses and detailed specific terms of the proposed City-initiated WPDD agreement for development of 34.11 acres of land known as Rio Bonito Resort. He noted existing/proposed structures, including building footprints, parking/access, and construction of a thirty (30) pad RV park on one of the tracts located near the intersection of Oak and Blue Heron Drives. He outlined phasing of the development, impervious cover (not to exceed 25%), rainwater harvesting for landscaping uses, setbacks, drainage, mitigation of flows, water access by guests, and floodplain development.

Applicant Natalie Meeks spoke of the need to sell some of the family-owned subject property due to debt obligations. She stated her intent to purchase ten (10) acres and implement a heavily researched business plan that will allow for the property to stay in the family. Mrs. Meeks cited demographics favorable to development of an upscale RV park and addressed neighbors' concerns related to negative environmental impact, water access, and septic capacity. She stated her family's intent to mitigate impact on surrounding residential owners, including issues regarding pollution, and to comply with all development requirements, including wastewater, buffering/landscaping, drainage/runoff, access, parking, and RV traffic on Blue Heron Drive.

There was discussion of alternate locations for the RV pads and family ownership of the subject property.

Cindy Meeks clarified the buffered location of the RV park in the interior of the subject property and RV access from Blue Heron. Discussion addressed concerns about large RVs accessing Rio Bonito from either Blue Heron or Ranch Road 12.

Chairman Dean opened the public hearing.

Pete Anderson of 400 Blue Heron Run stated reasons for his opposition to the proposed RV park as noted in his correspondence dated January 12, 2011 (*attached to these minutes*). Expressed concerns included intensity of use abutting residentially zoned homes, worsened pollution of Cypress Creek, and contamination of his private well due to increased sewage generated by the proposed RV park.

Jim Thompson of 408 Blue Heron Run referred to his letter dated January 6, 2011 (*attached to these minutes*). While respecting property rights, he stated that this planned development requires broad public input and greater professional assessment than appears to have occurred to date. He felt that baseline information about drainage, runoff, and detention/retention should be provided before committing to high density development. Mr. Thompson believed that a better plan could be developed that preserves the rights of Rio Bonito property owners to enjoy economic benefits, while preserving the rights of adjacent residential owners to enjoy their homes. Mr. Thompson cited the following issues that he felt have not been properly addressed: Cluster of uses and densities that are incompatible with the adjacent residentially zoned properties; aesthetic considerations due to the subject property's location as a "gateway" to the Wimberley Square; increased traffic; no site plan location for retention/detention of increased runoff; and, lack of WPDD provision language clearly stating water access requirements. He felt that the proposed plan is flawed and needs more analysis and vetting before proceeding further and recommended continuance of this item. Since this item is a City-initiated zoning action, City Administrator Ferguson explained for Mr. Thompson the designation of both the City of Wimberley and Natalie Meeks for Rio Bonito as applicants.

Blue Heron property owner Chris Oddo spoke of the concept of "highest and best use" and felt that an RV park would be an acceptable way to generate income, if it is run

properly as an upscale facility. He stated the need for WPDD language placing restrictions on the building of any structures (such as decking) around RVs, suggested larger setbacks, and expressed concerns about possible negative effects on surrounding property values. Mr. Oddo favored growth and development, if done responsibly. He advocated low-level lighting and tasteful landscaping/buffering and stated that increased density could benefit downtown's economic health.

Terry Swift of 340 South River referred to his letter (*attached to these minutes*) and stated his opposition to the proposed RV park. He felt that more detailed information is needed before action is taken and expressed concerns relating to noise. Mr. Swift acknowledged the importance of proper zoning, but felt that action is being taken too quickly for such a material piece of property.

Arthur Rogers of 320 South River agreed with concerns as expressed by Terry Swift in his letter and comments.

Adjacent property owner Peter Way supported keeping the Rio Bonito property family-owned, but was concerned about the precedent set by allowing a thirty (30) pad RV park on such a major property. He cited current trespassing problems with the fourteen (14) existing Rio Bonito cabins. Mr. Way feared that over thirty (30) new housing units will put too much stress on the aquifer resulting in future water restrictions.

Kirby Atwell, owner of 302 and 304 Blue Heron Run, opposed the WPDD as detrimental to his neighborhood by decreasing property values and negatively impacting the environment. Mr. Atwell read his letter (*attached to these minutes*) dated January 12, 2011, expressing concerns about the RV park and development plan. He hoped that the owners will be able to keep ownership in their family and find a better development plan.

Steve Gartside of 520 South River agreed with all of the previously stated opposing comments and was horrified to hear that thirty (30) RV pads would be close to the river. He said that "intentions" were expressed by the applicant about protecting the neighborhood, but not specific commitments.

South River resident Jim Casper expressed opposition to the high density RV park and questioned why the subject property would have base RA zoning, rather than a commercial/lodging designation, given the intended use. He stated that septic systems are antiquated along the water and noted odor from pollution. Mr. Casper felt that adding thirty (30) RV pads would increase septic waste and pollute the Blanco River and Cypress Creek.

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

After the public hearing was closed, Dewayne Lancaster asked to comment. Chairman Dean allowed Mr. Lancaster the opportunity to speak. South River property owner Dewayne Lancaster concurred with Peter Way's earlier comments relating to

trespassing and asked for clarification on water access as stated in WPDD Condition No. 7 on page 3. City Administrator Ferguson noted that the final draft language shall be amended to clearly state that parking in the lot for a fee for the sole purpose of providing water access will not be allowed.

Faith Casper asked for clarification on the effect of future subdivision of the 34.11 acre tract on development. City Administrator Ferguson replied that regardless of how the property may be subdivided, the concept plan still guides the development and any change to the approved concept plan would require a WPDD amendment which would be publicly noticed. Clarification was provided on existing structures and proposed improvements as outlined in the development plan, and on accessory uses.

Hearing no further comments, the public hearing was closed.

Discussion among the Commission, staff, the applicant, and audience members included:

- Feasibility of reducing the number of RV pads, while maintaining a sufficient level of profit to allow the Meeks to retain ownership of the subject property
- Specific development standards for the RV park
- Problems with RV access from Blue Heron
- Easements
- Need to determine consensus among Commission members on the RV park development
- Need to clarify certain WPDD conditions relating to water access and parking
- Need for applicant to further discuss development plans with neighbors

City Administrator Ferguson asked that Commission members provide input on specific changes to the final draft. Areas of discussion included the number of RV pads, relocation of RV park farther away from the Blanco River, new internal access for RVs, upgrading of rainwater collection beyond landscaping use, expansion of current uses versus new RV park development, land use intensity gradation, easement for future road development, vegetative buffering, safety issues with large RVs on Blue Heron Run, helping the Meeks' family retain ownership while protecting surrounding residential areas, and the economic benefit of RV guests to local economy.

Commissioner Klepfer moved to continue this item for later consideration to allow staff and the applicant to address the issues heard tonight. Commissioner Glenn seconded. Commissioner Klepfer suggested that the Meeks seek advice from Wimberley's large pool of successful, talented people to gather alternate development ideas.

Motion carried on a vote of 7-0.

3. Discussion and Action

Discuss and consider action regarding the development of a water quality protection ordinance. (*City Administrator*)

City Administrator Ferguson advised that he will be contacting each Commission member to obtain input in order to incorporate any suggested amendments into the draft version. He recommended continuance of this item until the Commission's January 27, 2011 meeting.

Agreement was reached continue this item for placement on the Commission's January 27, 2011 agenda. No vote was taken.

4. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson advised that discussions of the Planning and Zoning Commission's representation at Council meetings will be on a future agenda. He provided updates on recent Council actions relating to bed and breakfast/vacation rentals regulations, addition of a Village Inn (VI) zoning district, and removal procedures for members of the Planning and Zoning Commission and Board of Adjustment.

Commissioner Glenn spoke of the critical nature of tonight's zoning cases, long-term effects on the ambiance of Wimberley, importance of the public hearing process, and the desire of the Commission for Rio Bonito to remain family-owned. City Administrator Ferguson reminded that the intent of the City-initiated WPDD process is to allow expansion of current uses. In response to discussion of drainage issues, City Administrator Ferguson noted that applicants must manage flows created during and post-construction, not existing flows.

Chairman Dean announced that he will not be able to attend the Commission's January 27, 2011 meeting due to business obligations.

Hearing no further announcements or future agenda items, Commissioner Glenn moved to adjourn. Chairman Dean seconded. Motion carried on a vote of 7-0.

Adjourn at 9:27 p.m.

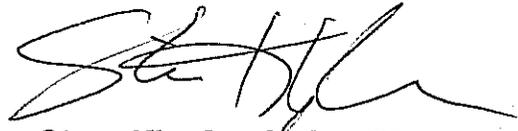
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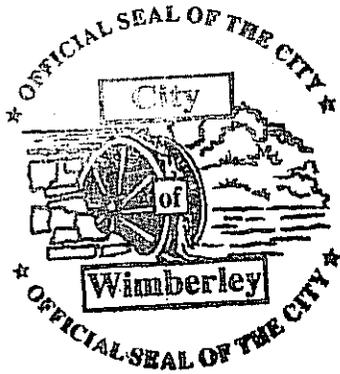
Cara McPartland

These minutes approved the 27th of January, 2011.

APPROVED:



Steve Klepfer, Acting Chair



Don Ferguson

From: Jim Thompson [REDACTED]
 Sent: Wednesday, January 05, 2011 1:34 PM
 To: Don Ferguson
 Cc: Sandy Irvin
 Subject: Rio Bonito WPDD

Don, I hope that the New Year has started well for you. Even though Judy and I did not receive the Notice of Public Hearing for the subject action, I do believe that we have "standing" in this issue and have a few questions prior to finalizing any comments. As you know from previous discussions our thoughts relate to adherence to development standards to preclude additional run-off on adjacent properties as well as "quality of life and compatibility" issues that seem to be the topic du jour. Since acquiring 408 Blue Heron we have spent several thousand dollars creating a drainage swale on the side of our property to handle run-off whose genesis is on the city parking lot behind Cypress Creek Cafe and The Old Mill Store. Additional dense development and impervious cover may adversely impact Creek side property owners without consideration of appropriate detention/retention standards.

In reviewing the Notice of Public Hearing dated December 28, 2010, the questions are:

1. What will be the certain "revised development regulations" that are part of this application?
2. The Notice refers to recreation vehicle (RV) park, while the Draft 2 mentions mobile homes on tract C. Is the application for transient use, permanent placement, or both?

In reviewing the Draft 2 of the WPDD, the questions are:

1. What is the Impervious cover for tracts C, D, and E?
2. What is the density for tract C
3. What is the footprint size for the buildings on tract D and E?
4. Will detention/retention be included in the development plans for each the tracts C, D, and E or elsewhere on the Rio Bonito property?
5. Will a landscape reserve which includes the preservation of trees along Blue Heron Run be required to screen the higher density RV Park from the single family nature of surrounding properties.
6. With increased density will a screened and secure trash/garbage collection area be required? Trash and garbage is currently stored in an open trailer prior to removal.
7. What development standards will be required regarding waste water handling?

Thanks for helping us to better understand this application.

Jim and Judy Thompson

Don Ferguson

From: Jerral G Waldron [REDACTED]
Sent: Wednesday, January 05, 2011 8:09 PM
To: dferguson@cityofwimberley.com
Subject: Meeting on January 13th

Dear Mr. Ferguson,

Jerry and I plan on attending the meeting on 1/13 concerning Rio Bonito's request for zoning to include a RV park to their property. I hope that you still have our letter concerning how we feel about maintaining a more residential environment along our area of the Creek and River.

I strongly oppose their proposition based on all the same reasons that we did not support a B & B request a few months ago. Additionally, we have had many guests from that Business trespass along our property, in the River, the Creek and the Easement in front of our home thinking it is public domain. (We would hate to post No Trespassing signs along all of this area for our neighbors to have to view.) Also, when these guests see the Dam near the Sander's Residence they have and will continue trespassing that way and "hang out" causing noise and show a lack of understanding and concern that people along this area are private residences and not part of the Rio Bonito area.

Jerry and I lived at a RV Park in Wimberley for a period of time and I can say that garbage and personal possessions were always visible to us and we don't want to have that environment near our home and along the river or creek.

If you need a copy of that letter for this meeting, I can resend it to you for the council to review concerning this issue as I know that a RV park located this close to our residence will cause many problems for us and all who live upon Blue Heron and Loma Vista and even the residences of South River.

Sincerely,

Alyson Waldron

1/10/2011

**408 Blue Heron Run
Wimberley, Texas 78676**

January 6, 2011

Mr. Don Ferguson
Administrator
City of Wimberley
Via Email

Dear Don:

Judy and I are providing comments regarding the WPDD application for the Rio Bonito property at this time to allow you, members of P&Z and the Council to consider our thoughts prior to the Hearing. These comments are based upon the Notice of Public Hearing provided us by a neighbor and the Draft 2 of the Rio Bonito WPDD provided by your office. We believe that we have "standing" in this matter and our comments should be considered.

From our visual observation of the property's topography it appears that development of tracts C, D, and E indicated on the Draft 2 will increase the water run off and cause additional flow across the creek side properties along Blue Heron. Also, by observation, it does not appear that any engineering/survey assessment of the site has been accomplished to evaluate the amount of additional run off and establish appropriate detention/retention requirements. We believe that this application should include a registered professional engineer's assessment and recommendation regarding water run off and detention/retention needs at various development densities. This will provide the data so that the P&Z and Council are better prepared to include appropriate guidelines, density requirements and other elements in the WPDD ordinance related to Rio Bonito. If this data has not been provided, we would request that the application be postponed until it has been supplied for consideration of their request.

We also believe, that in any event, the RV Park use at the intersection of Oak Street and Blue Heron Run is not "compatible" with the existing residential uses on Blue Heron and Oak as well as low impact commercial on Oak. A more appropriate location would be in the center of the Rio Bonito property nearer to the existing rental cabins. These uses are more compatible. From a planning area perspective we believe that a better transition of uses for the Blue Heron Run and Oak Street intersection would be low to medium impact commercial, office and retail.

We have included members of the Planning and Zoning Commission and the City Council as recipients of these comments. Would you please make arrangements for delivery to them. We also would like our comments to be included in the public hearing and minutes of the meeting.

Thank you for your assistance.

Respectfully,

/s/

Judy and Jim Thompson

Council

Bob Flocke
Marilee Wood
Mac McCullough
Bill Appleman
Steve Thurber
John White

Planning and Zoning

Tracey Dean
Lila McCall
Steve Klepfer
David Glenn
Rick Burlison
Jean Ross
Beth Mitchell

Don Ferguson

From: Betty Cooper [REDACTED]
Sent: Thursday, January 06, 2011 7:06 PM
To: dferguson@cityofwimberley.com
Subject: Rio Bonito

Hi Don,

I just wanted to voice my opinion on the proposed zoning for Rio Bonito. I think Jim Thompson's letter sums it up very well and I am 100% in agreement with him. This proposed zoning could be a very big problem for all of us on Blue Heron and I am very concerned about my property. Thank you for considering our concerns.

Betty Sue Cooper
500 Blue Heron
Wimberley, Tx 78676

Don Ferguson

From: Donn Lamoureux [REDACTED]
 Sent: Monday, January 10, 2011 8:20 AM
 To: Don Ferguson
 Cc: Peter Way; pete anderson; jimthompson [REDACTED]
 Subject: Blue Heron and Rio Bonito

Don,

Thank you for your time last week discussing the proposed development of Rio Bonito.

Development of this type is always cause for careful study especially when it adjoins a residential neighborhood. The issues include noise, septic, visual screening, lighting, impact on water resources, runoff, etc. I know that my neighbors will address P&Z on these issues.

Most issues noted above can be mitigated onsite through proper design and planning. The purpose of my letter is to point out the issues involving moving RV's to and from the park; issues that cannot be solved onsite and involve public right of way.

Per our conversation, the intent is to create an RV park entrance on Blue Heron near the old washateria / Intersection of Oak Drive. As a resident living on Blue Heron, I have very serious reservations about the wisdom of this plan. Blue Heron already does not currently allow safe passage of opposing traffic or safe access to RR12. Blue Heron is our only viable access and egress from our neighborhood. The most problematic issues are:

1. The intersection of Blue Heron and RR12 is treacherous in its current configuration and needs to be addressed. Blue Heron intersects RR12 at an awkward, acute angle. Turning back toward the square from Blue Heron in an automobile is difficult due to the angle. There is no traffic control in the intersection. Burger Barn customers park in the easement daily blocking one's vision and make it impossible to see traffic coming from the square. It would be virtually impossible for an RV coming from the direction of the square to make a turn onto Blue Heron, or vice versa. Additionally, the major parking lot entry to the Vineyard retail center is in the intersection of Blue Heron and RR12. There is no separation. Traffic turning off of RR12 turns directly into the parking lot without regard for traffic on Blue Heron creating a daily hazard for travelers on Blue Heron. The intersection is very dangerous; and the introduction of larger vehicles only makes it more so.
2. The narrow, blind curve near the Samford property is also dangerous on a daily basis. The Samford fence abuts the street on one side, and there is an overhanging tree on the Rio Bonito side of the street. Even now automobile traffic going in both directions moves to the center of the street at the blind apex to avoid hitting either the fence or the tree overhang. As a full time resident we encounter surprises at this corner every day. Larger, taller, longer vehicles can only exacerbate the problem.
3. The Burger Barn receives their supplies and has their grease and septic pumped from large trucks that park in the narrow street due to the lack of adequate parking and shoulder area. The addition of RV's to this predictably bottle necked area will only make this area more dangerous. Additionally, overflow parking from Burger Barn often parallel parks along Blue Heron, further narrowing the road.

Don, Blue Heron is already dangerous, narrow, poorly designed, and in need of reconfiguration. Unfortunately, it is our artery to the rest of the world. The addition of RV traffic onto this road would further compromise our ability to come and go from our homes safely.

Please make this information to P&Z commissioners and Council.

Thank you,

Donn and Pamela Lamoureux

1/10/2011

A N N A S. K I B B E
P.O. Box 131
Fallurrias, Texas 78355

(512) 325-5300 Pvt.
(512) 325-3741 Hm.
(512) 325-5628 Off.

Mr. Don Ferguson, City Administrator
The City of Wimberley
P.O. Box 2027
Wimberley, TX 78676

Re: File No. ZA-10-007

January 5, 2011

Dear Mr. Ferguson,

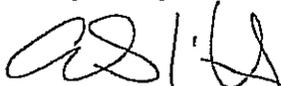
As owner of Lots 7, 8, and part of 9 of Breezeway Subdivision, Hays County; and Lots 9, 10, and part of 11 of Harris Resort Second Subdivision, Hays County, I most strongly protest the granting of a Wimberley Planned Development District with a base zoning of Residential Acreage which would allow resort cabins, stables, an RV park and other facilities at 13401 Ranch Road 12.

Such a development would impact existing residences along Cypress Creek, including my own by affecting drainage issues, which are already a problem. It would allow for greatly increased water usage in our already strapped for water overused aquifer, and it obviously would require huge additional septic service.

I also have a concern about residents of the Development District and RV guests using our property for access to Cypress Creek and the Blanco. We would confront the need to constantly police our lawns for trespassers to avoid liability and to protect our privacy.

I believe that the granting of such a Development District would ruin the neighborhood we have, and decimate the value of our property. I ask you not to grant the Planned Development District that would allow for these facilities, just as you would not want resort cabins, stables, and an RV park across the one lane road from your own home.

Thank you for your attention,



PETER M. WAY

January 6, 2011

VILLAGE OF WIMBERLEY
Mr. Don Ferguson, City Manager
P.O. Box 2027
Wimberley, Texas 78676

Re: File No. ZA-10-007
Rio Bonito WPDD

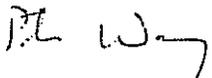
Dear Mr. Ferguson:

I plan to be at the public hearing on Thursday, January 20 at 6:00 p.m., but just in case I am unable to be there, please read my letter into the record. If I am there, I will present it myself.

I am opposed to the proposed development for which the WPDD is being sought. The applicant, Rio Bonito LLC, has, in the past, not been caring of their neighbors and no matter what promises they make to the Commission, I cannot imagine that they will change their ways. They have never explained to their paying clients that the bottom of the river is owned by the adjoining land owners and that their clients are trespassing when they walk up the river to our property. We are constantly having to ask their clients to not come on to our dry land property. They often bring their lawn chairs, boom boxes and beer coolers and make themselves at home on our property. When they leave they leave their trash on our property. Allowing them to increase the number of housing units they manage will only multiply our problems with their clients.

In addition, when we are doing all we can to preserve the water in the aquifer it makes no sense to allow someone to build 30 something RV pads and furnish each with enough water to serve a house hold. The science that has been done says that it takes 18 acres to serve each household with water. Putting 30 household equivalent units on a small piece of property means that during the next drought Cypress Creek will again dry up and the Blanco River will be reduced to a trickle. Then they can rename their RV Park Rio No Bonito.

If this development is allowed more will follow and the wonderful neighborhood we now enjoy will be forever overrun with weekenders looking to have a good time at the expense of the permanent residents.



Peter Way

TO: Don Ferguson + SANDY LEVIN

FROM: KIRBY ATTWELL

RE: RIO BONITA WPOD

DATE: JANUARY 13, 2011

FAX # 512-847-6422

In the hearing tonight.

Kirby Attwell
713-823-4391

To: Don Ferguson, City Manager, Wimberley, TX
From: Kirby Attwell
Re: Rio Bonito WPDD
Date: January 12, 2011

Dear Mr. Ferguson,

I plan to be at the public meeting, January 20, 2011 at 6:00 PM, and will read the following letter into the record. In case I do not make it please see that it gets into the record and to the Board members' files.

My name is Kirby Attwell and I own with my family 2 residential properties on Blue Heron Run (#302 and #304) for our family compound which we use extensively. I oppose the development for which Rio Bonito is seeking this WPDD as I think it will be detrimental to our neighbor, decrease our valuations and be bad for the environment issues facing the community.

I am particularly concerned about the RV park in the Plan. It would put an undesirable type of development in close proximity to the single family housing on Blue Heron Run. Because of the transient nature and usual vacation behavior of the users and density recommended, I think it will create excessive noise and disturbance in the area. There is already an increasing problem of trespassers coming down the creek from town and this will only increase that issue as the users seek access to the lovely Cypress Creek. In addition, Blue Heron Run is not a road for RV's. If they head down that dead end road than they have to access private property to turn around. This could be another headache. Blue Heron has other problems which Dom Lamoureux has explained very well in his communication. Peter Way has explained some of the existing problems with behavior of current guests and I only see this getting worst with more density of transient vacationers. He has also addressed the water issues with such density. It makes no sense to me to worsen a current and projected non sustainable water usage problem by approving such intense household units on the property of this size.

I hope the owners will find a better development plan which will not so negatively impact the current residential development in place on Blue Heron Run at this time.

Thank you for your time.

Kirby Attwell

Don Ferguson

From: Vivien Braslau [REDACTED]
Sent: Tuesday, January 11, 2011 8:49 PM
To: 'Bob Flocke'; 'Don Ferguson'
Cc: 'David Glenn'; morelania [REDACTED]
Subject: RE: Development at Rio Bonito

Dear Mayor Flocke and Administrator Ferguson:

I've found out from neighbors and my landlord that you guys are considering approval of a RV park at Blue Heron and Oak.

Right now this neighborhood still has a rural appeal. I moved to Wimberley because well "it's a little bit of heaven," plus I went to summer camp here when I was eight years old and got bitten by fire ants for the first time -- guess it left a mark.

I'm renting right now with plans to find property in the city limits to build a rainwater collection/energy efficient (small footprint) kind of place. I also have friends who are in the process of buying 20 acres in the city limits.

We are concerned because approval of this kind of park will take away charm from the area and lead to congestion (we've narrowly missed car accidents on Blue Heron Run behind Burger Barn). Also we are concerned about the quality of the project because of the other property owned by Rio Bonito. Right now they have properties on Blue Heron that are in extreme disrepair (would you guys want those properties facing your house?). Also there is what seems to be a growing pile of trash at the end of Blue Heron near the creek.

I know Ruben and I've met the owners of Rio Bonito and they seem like great, super nice people, so it's hard to write this note to you. But we are concerned how a project like this will affect Wimberley in the future especially if it adds more noise, lights, and more traffic that could lead to accidents.

Thank you,

Vivien Braslau & neighbors

Don Ferguson

From: jimthompson [REDACTED]
Sent: Tuesday, January 11, 2011 7:56 AM
To: Don Ferguson
Subject: Re: FW: WPDD Rio Bonito

Don, Thanks for the updated information. I still believe that the intersection of Oak and Blue Heron is not the best location for an RV Park for compatibility issues I previously mentioned, and the traffic and safety issues described by Don Lamoureux. If however, the Commission and Council were not to take our advice, I believe that a set back and screening/landscape requirement from the 2 acre R2 zoned property on Blue Heron Run should also be specified in the WPDD consistent with that defined for the entry street to provide a proper transition from the extreme density uses of the WPDD to the R2 Zoning on the tract.

Hopefully you are able to provide this request to the P&Z Commissioners as well as Council Members prior to the meetings on January 13 and 20.

Thanks

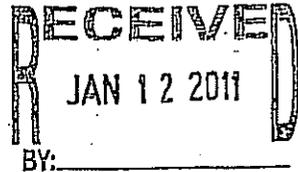
Jim and Judy Thompson

----- Don Ferguson <dferguson@cityofwimberley.com> wrote:

> Jim.
>
>
>
> Please find attached a copy of the Rio Bonito WPDD case for this
> week's Planning and Zoning Commission meeting.
>
>

> Thanks.

>
>
>
> Don
>



400 Blue Heron Run

Wimberley, Texas 78676

Don Ferguson, City Manager

Jan. 12, 2011

Members of the Planning and Zoning Board

Members of the City Council

We strongly object to the proposed RV Park in the WPDD for 13401
Ranch Road 12 for these reasons:

The intensity of use of a RV Park is not compatible with the residentially zoned homes that it abuts.

As verified by water testing done since 1981, e-coli in the creek and river make them unsafe for contact recreation after rain events. We are concerned that adding 30 RV pads and some buildings as close to Cypress Creek as they are planned will make this problem worse.

There are sub service springs in this area and we are concerned that sewage handling for so many recreational vehicles may contaminate our drinking water. Our well is only 30 feet deep but has been providing good drinking water since 1948.

Thank you for taking our concerns into consideration,

Rita Anderson
Pete Anderson
Pete and Rita Anderson

Attachment: 2009 Creek and River readings. (EARDC Lab, Texas State)

Wimberley Water Advisory Group- 2009 Water Testing Results
e-coli colonies per 100 ml

SITE	04/06/09	05/04/09	06/08/09	07/06/09	08/03/09	09/08/09	10/05/09	9-Nov
Jacob's Well	20	23	36	<1	12	<1	17	52
1 Cypress Creek at Jacob's Well Road	20	61	13	NR	NR	DRY	50	67
2 Cypress Creek at Woodcreek	4	190	6	425	26	292	516	548
3 Cypress Creek at north RR 12	125	44	157	980	NR	DRY	50	>2419
4 Cypress Creek at Blue Hole	10	28	7	73	23	44	150	>2419
5 Cypress Creek below bridge at square	172	150	261	93	133	DRY	387	>2419
6 Blanco River at Paradise Valley	11	36	37	23	16	7	727	2418
7 Blanco River at bridge on south RR 12	26	870	29	32	17	40	435	1414
8 Blanco River at Cypress Creek	23	38	16	17	12	326	548	1733
9 Blanco River at 7A Ranch	19	71	205	238	687	387	517	1733
10 Blanco River at River Meadows	9	NT	157	44	34	35	196	373
Blanco River Gage Height	3.28 ft	3.40 ft	3.23 ft	3.15 ft	3.17 ft	3.16 ft	4.02 ft	4.36 ft
Blanco River Discharge	7.8 cfs	18 cfs	7.4cfs	4.4 cfs	6.6 cfs	6.2 cfs	123 cfs	177 cfs
Jacob's Well Discharge	2.65 cfs	2.59 cfs	2.4cfs	0.2 cfs	0.08 cfs	0 cfs	0.77 cfs	23.0 cfs

Nov 8 1.5" RAIN

NR=No Reading

If e-coli counts are high (over 394 colonies per 100 ml of water sample) in the river or creek, there is a greater chance pathogenic organisms are present.

Don Ferguson

From: Patty Dalton [REDACTED]
Sent: Thursday, January 13, 2011 12:09 PM
To: dferguson@cityofwimberley.com
Subject: WPDD application for Rio Bonito property

Dear Mr. Ferguson

As you know, the creek side homes on Blue Heron have severe water run-off problems from the Rio Bonito

property. Development of tracts C,D,and E will increase run off,unless it is properly engineered.Blue Heron is a narrow road

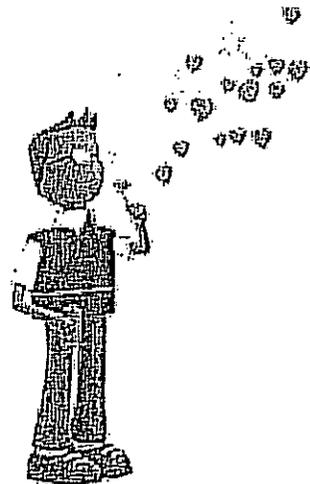
and the curve on the hill leading to RR 12 presents a traffic hazard.It would seem that there are more logical places for RV's

to enter Rio Bonito.I am sure that the Planning and Zoning Commission and City Council will give careful consideration to

these issues,as well as other potential problems that could result from the current rezoning request.

Sincerely,

Wanda Cook
Patty Dalton



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Don Ferguson

From: Kirby Attwell [REDACTED]
Sent: Thursday, January 13, 2011 2:08 PM
To: dferguson@cityofwimberley.com
Cc: Dad Attwell
Subject: Wimberley Planning and Zoning

Attachments: wimberleyRV.doc



wimberleyRV.doc
(21 KB)

Mr Ferguson:

I was planning to make the meeting this evening, but am finding that will not be possible. I am attaching a letter regarding the planned RV park by Rio Bonito. Please see that it gets distributed and added to the record.

Thanks you so much for your time and efforts on so many issues.
Kirby A Attwell

January 13, 2011

Mr. Ferguson;

I am Kirby Andrew Attwell, I am also a partial owner of 302 & 304 Blue Herron Run. My intention is to be present at the meeting this evening, but in the event I am not please see that this letter gets added into the record.

I share the opinion that the proposed RV park at Rio Bonito with the entrance on Blue Herron Run is a bad idea. Most of the reasons for this have already or will be stated by my father and neighbors; a bad/unsafe road, trespassers, noise, lights, flooding, and possibly the most important, the environmental draw down on the aquifer and sewer/septic issues. All of these are very real to those of us along the creek.

There is already a problem with trespassers along the creek from both town and Rio Bonito. None of the residents along Blue Heron have any faith Rio Bonito will educate 30 new RV dwelling groups any better than they do the cottages they rent currently.

All of this is to be considered, but further, is an RV park one block from the town square really how we want to develop Wimberley? The plan works well for Rio Bonito, they cheaply and easily slide in 30 dwellings. (By the way, each of these will likely use more water and sewage than both of our private houses combined they are not transient or temporary – as one leaves another replaces it.) I am by no means against development, but the purpose of a committee such as this is to be sure that development happens carefully and preserves the integrity of the community as a whole. Cypress Creek defines downtown Wimberley, be careful how you treat the aquifer. I haven't seen anything to indicate increasing density will help an already precarious situation. I fear the square defined by an RV park one block away. I truly believe there is a much higher and better use for this land.

Thank you for your time,

Kirby A. Attwell

Don Ferguson

From: Ben Brewer [REDACTED]
Sent: Thursday, January 13, 2011 2:24 PM
To: Don Ferguson
Cc: Julie Gillespie; Val Morris
Subject: 011311 Planning & Zoning Meeting
Attachments: 1.13.11 Planning and Zoning Commission.pdf

Don:

RE: Zoning Case: ZA-10-006

I own the property located at 13201 RR12 to the east of the subject property that is requesting the zoning change, along with my mother, Juliana P. Gillespie and my sister, Valerie B. Morris. Our principal objection is that this north side of the river south of RR12 and east of Blue Heron Drive, with one small exception zoned NS, is all zoned either R1, R2, R3, R4 or RA. We request that it remain zoned in that way. We are aware of the commercial zoning and development on the north side of RR12, but feel that our property is unique with its river frontage, and that all property in this area should remain zoned residential. We enjoy our property as a second home and visit principally on weekends for peace and quiet which is when we would predict the most intense use would occur for the proposed use of the subject property. An additional concern we have is with the position of the proposed new structure and the fact that it will negatively impact the views to the west from our residence. This is a very peaceful location on the Blanco River that we have enjoyed for 46 years, and we would like for it to remain that way.

Please enter these comments into the record at the hearing this evening as we will not be able to attend.

Respectfully,
 Ben E. Brewer III

RE: Zoning Case ZA-10-007

I own the property located at 13201 RR12 to the east of the subject property that is requesting the zoning change, along with my mother, Juliana P. Gillespie and my sister, Valerie B. Morris. We object to the proposed zoning request to WPDD with a base zoning district of RA. Our principal objection is with the proposed RV park along Blue Heron Drive, and the development intensity that this will add to the property. We have no objection to the addition of single family residences to the Rio Bonito property.

Please enter these comments into the record at the hearing this evening as we will not be able to attend.

Respectfully,
 Ben E. Brewer III

For your records, please note that my email address is [REDACTED]

Ben E Brewer III
 President
 Downtown Alliance/San Antonio
 Centro San Antonio
 515 East Houston Street
 Suite 100
 San Antonio, TX 78205
 P: 210 225 3862
 C: 210 889 5815
www.downtownsanantonio.org

1/13/2011

Cara McPartland

From: Swift, Terry [Terry.Swift [REDACTED]]
Sent: Wednesday, January 19, 2011 10:50 AM
To: dferguson@cityofwimberley.com
Cc: bflocke@cityofwimberley.com; croccaforte@cityofwimberley.com;
mmcullough@cityofwimberley.com; bappleman@cityofwimberley.com;
sthurber@cityofwimberley.com; jwhite@cityofwimberley.com;
cmcpartland@cityofwimberley.com
Subject: WPDD Application for Rio Bonito

Dear Mr. Ferguson – Wimberley City Administrator

The Rio Bonito RV/Trailer Park application was protested and objected to by the vast majority of residents and property owners at the Public Hearing before the Planning and Zoning Commissioners on January 13th, 2011. The Wimberley City Council is to meet tomorrow (January 20th, 2011) and further consider this issue.

I respectfully request that the Wimberley City Council be provided a copy of my letter of objection (attached below), along with a complete compilation of all relevant emails and letters submitted by the public, along with public speaker comments.

I truly believe that, when all issues are considered, the Council will recognize (and agree with those at the hearing) that an RV/Trailer Park at this location conflicts and contradicts with the Comprehensive Plan (*Adopted July 17, 2008*).

Rezoning to allow for the RV/Trailer Park would have grave “unintended” consequences for the environment, community, homeowners, tourism, and property values. In fact, it would surely diminish the property value of Rio Bonito itself.

We remain opposed to rezoning such a significant and material tract of land, at this location, for an RV/Trailer Park.

Respectfully

Terry E. Swift

Copy of letter submitted at the Public Hearing *

Wimberley Planning and Zoning Commission
Wimberley City-Hall Council Chambers
221 Stillwater, Wimberley, Texas

 **January 13, 2011**

Re: Rio Bonito LLC Planning and Re-zoning Deviations and Variances;
Public Hearing January 13, 2011 – Case ZA-10-006 and Case ZA-10-007
Request for Effected Property Owner Comments and Concerns

Dear Commission Members

My wife and I have a home located at 340 South River on the Blanco River. For approximately 6 years we have enjoyed the community character and natural beauty of Wimberley. The Wimberley Valley is a wonderfully unique and peaceful environment, which we all share with the abundant wildlife. Wimberley Community leaders have adopted a Comprehensive Plan with a vision to preserve this environment and specifically committed;

“ To permit only such development and use of land as fulfills our commitment to conservation, quality and harmony, rejecting over-commercialization and development of any kind that is inappropriate in size, character, purpose or appearance.”

*City of Wimberley Comprehensive Plan
Second Revision, Adopted July 17, 2008*

In early January we received notice of this public hearing, informing us that the Planning and Zoning Commission was considering proposals to commercially develop the land on the Blanco River, which is within 200 feet of our home site. These proposals would allow for over 30,000 sq ft of new multi-use buildings, 30 pads sites for recreational vehicles, large parking lots and expansion of existing commercial activities in Planning Area II, which is now designated as a “ location for low impact traditional residential developments”. The proposals seek to rezone approximately 37 acres from single family residential to allow for this undesirable commercial development, which by their own admission is in non-conformance with the present zone development ordinances. We believe that these proposals should be denied based on the following observations;

1. **Recreational Vehicles** - The proposals are not consistent and contradict the City of Wimberley Comprehensive Plan. The proposals would allow 30 pads for commercial rental of Recreational Vehicle parking sites. These sites would be considered “low impact traditional residential” activities, which they not. The approval of Recreational Vehicle camp sites at this location would set a dangerous precedent that would negatively impact the City of Wimberley’s authority to enforce existing ordinances and to provide for the orderly development of property within the corporate limits and the extraterritorial jurisdiction (ETJ) of the City of Wimberley in accordance with the Comprehensive Plan.
2. **Increased Noise, Traffic , Sewage, Water Run-off Drainage and Trash** - The proposals would result in “high impact” activities, which would create excessive noise levels, significantly increase sewage levels and increase the volume of trash on the Blanco River. The size of this development, over 37 acres, is material. It will have a direct negative impact on the Blanco River, Cypress Creek and the Town Square. The commercial proposals would increase traffic, create undesirable water run-off and negatively impact the existing wildlife habitat in the Cypress Creek – Blanco River convergence area. The existing 14 cabin commercial use was grand-fathered as acceptable by Wimberley Community leaders and should not be expanded, as it represents over-commercialization.
3. **Limited Information and Rushed Timeline** - The proposals are being hurried through the approval processes without proper communication of critical information to the community at large. The specific details of this “significant” development, along with any limitations or conditions which the Planning and Zoning Commission might impose are unknown to the greater community. The community and Planning and Zoning Commission the has not been afforded time to examine the potential impacts of the proposals and cannot be assured that the proposals will be in conformance with the community vision and mission. As a minimum, consideration of these proposals should be deferred in order to provide all relevant details to the full community. Time should be given for concerned residents and property owners to determine how such proposals would impact the community character and natural beauty of Wimberley.

We ask the Planning and Zoning Commission to reject these proposals on the basis that they are a "significant" commercial development that "materially" deviates from the Comprehensive Plan, which became part of the law that governs the City of Wimberley when adopted by the City Council. The proposal represents over-commercialization which is inappropriate in size, character, purpose and appearance.

Sincerely and Respectfully,

Terry Swift

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