

# City of Wimberley

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

**REGULAR PLANNING & ZONING MEETING**  
**WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS**

**JULY 22, 2010- 6:30 P.M.**

**AGENDA**

**CALL TO ORDER:**                    JULY 22, 2010 @ 6:30 P.M.

**CALL OF ROLL:**                    CITY SECRETARY

**CITIZENS COMMUNICATIONS:**

*THE PLANNING & ZONING COMMISSION WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN, NOT ON THIS AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A THREE-MINUTE TIME LIMIT WHEN ADDRESSING THE COMMISSION. SPEAKERS WILL HAVE ONE OPPORTUNITY TO SPEAK DURING THE TIME PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR COMMISSION CONSIDERATION.*

**1. CONSENT AGENDA**

*THE FOLLOWING ITEMS MAY BE ACTED UPON IN ONE MOTION. NO SEPARATE DISCUSSION OR ACTION IS NECESSARY UNLESS REQUESTED BY A COMMISSION MEMBER OR CITIZEN, IN WHICH EVENT THOSE ITEMS WILL BE PULLED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION.*

APPROVAL OF MINUTES OF THE REGULAR PLANNING & ZONING COMMISSION MEETING ON JULY 8, 2010.

2. ELECTION OF PLANNING AND ZONING COMMISSION OFFICERS

3. PUBLIC HEARING AND POSSIBLE ACTION

- (A) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL REGARDING CASE # CUP-10-009, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A BED AND BREAKFAST ON A .41 ACRE TRACT OF LAND ZONED COMMERCIAL-LOW IMPACT (C-1) AND LOCATED AT 110 OAK DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS. *(MARCILIA ANDERSON, APPLICANT)*
  
- (B) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL REGARDING CASE # CUP-10-010, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A BED AND BREAKFAST ON A 1.024 ACRE TRACT OF LAND ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2) AND LOCATED AT 408 BLUE HERON RUN, WIMBERLEY, HAYS COUNTY, TEXAS. *(JAMES AND JUDY THOMPSON, APPLICANTS)*
  
- (C) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL REGARDING CASE # CUP-10-011, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A BED AND BREAKFAST ON A .50 ACRE TRACT OF LAND ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2) AND LOCATED AT 444 BLUE HERON RUN, WIMBERLEY, HAYS COUNTY, TEXAS. *(DONN AND PAMELA LAMOUREUX, APPLICANTS)*
  
- (D) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL REGARDING CASE # CUP-10-012, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A BED AND BREAKFAST ON A .35 ACRE TRACT OF LAND ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2) AND LOCATED AT 430 BLUE HERON RUN, WIMBERLEY, HAYS COUNTY, TEXAS. *(DONN AND PAMELA LAMOUREUX, APPLICANTS)*

4. DISCUSSION AND ACTION

DISCUSS AND CONSIDER ACTION REGARDING POSSIBLE MODIFICATION OF THE REGULAR MEETING SCHEDULE FOR THE PLANNING AND ZONING COMMISSION.  
*(CITY ADMINISTRATOR)*

5. STAFF AND COMMISSION REPORTS

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

THE COMMISSION MAY RETIRE TO EXECUTIVE SESSION ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSION ABOUT HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS LOCAL GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087. ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

**CERTIFICATION**

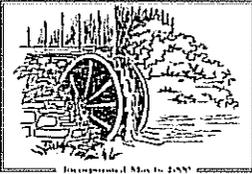
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on July 19, 2010 at 5:00 p.m.



\_\_\_\_\_  
CARA MC PARTLAND, CITY SECRETARY

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Don Ferguson, City Administrator, at (512) 847-0025 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

# P & Z Agenda Form



**Date Submitted:** July 19, 2010

**Agenda Date Requested:** July 22, 2010

**Project/Proposal Title:** APPROVAL OF MINUTES  
OF THE REGULAR PLANNING & ZONING  
COMMISSION MEETING ON JULY 8, 2010

**Funds Required:**

**Funds Available:**

**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

Attached are the minutes of the regular Planning & Zoning Commission meeting on July 8, 2010 for review and consideration.

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
July 8, 2010 at 6:30 p.m.

Meeting called to order by Chairman Tracey Dean. Present were Commissioners Mike Jones, Jean Ross, Steve Klepfer, and David Glenn. Commissioners Lila McCall and Phil Dane had excused absences.

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 June 10, 2010.

Commissioner Ross moved to approve the minutes as presented. Commissioner Glenn seconded. Motion carried on a vote of 3-0. Commissioners Jones and Klepfer abstained.

**2. Public Hearing and Possible Action**

- A. Hold a public hearing and make a recommendation to City Council regarding Case #CUP-10-008, an application for a conditional use permit to allow for a sit-down eating establishment including the sale of beer, wine and alcohol for on-premise consumption on a commercial tract of land located at 111 River Road, Wimberley, Hays County, Texas. (*Leaning Pear, LLC, Applicant; consideration of this item was delayed from the June 24, 2010 meeting of the Planning and Zoning Commission due to the lack of a quorum*)

City Administrator Ferguson reviewed the application, including subject property location, acreage, current/proposed zoning and uses, and notification. He stated that staff received no comments from surrounding property owners either for or against the application, and recommended approval.

No public comments were heard.

Commissioner Ross moved to recommend approval of the item as presented. Commissioner Klepfer seconded. Motion carried on a vote of 5-0.

- B. Hold a public hearing and make a recommendation to City Council on an ordinance amending Chapter 155 (Zoning) Subsections 155.107(B)(2) and (B)(3) (Planning and Zoning Commission) of the Code of Ordinances of the City of Wimberley, Texas in order to revise the appointment process for Planning and Zoning Commission members; and providing for findings of fact, an effective date; proper notice and meeting, and severability. *(City Administrator; consideration of this item was delayed from the June 24, 2010 meeting of the Planning and Zoning Commission due to the lack of a quorum)*

City Administrator Ferguson stated the purpose of this agenda item in order to replace a staggered term appointment process that has been in place for several years and make the Commission's appointment process consistent with other City of Wimberley boards and commissions.

City Administrator Ferguson explained the reasoning for the following proposed ordinance language: "Each member of the City Council, and Mayor shall nominate one member to the Commission no later than forty-five days after taking office. A seventh member shall be nominated by a consensus of Council no later than forty-five days after the Mayor takes office. Each person nominated must be approved by a simple majority vote of the Council before becoming a member of the Commission. Each member's term in office will run concurrent with the term of the City Councilmember who made his or her appointment, unless sooner removed or resigned. The term of the consensus member shall run concurrent with the term of the Mayor. The members of the Board shall serve until their successors are appointed. Each Commission member shall be eligible for reappointment."

City Administrator Ferguson suggested replacing references to "no later than forty-five days after taking office" with "no later than City Council's first regular meeting in July," in order to be consistent with existing language in similar ordinance(s) relating to other City boards/commissions.

Discussion clarified the existing appointment process, reasoning for staggered terms, past discussions, pros/cons of the proposed ordinance, and the potential for wholesale changes under the proposed appointment process.

Commissioner Ross moved to recommend approval of the item, with the inclusion of City Administrator Ferguson's previously suggested changes. Commissioner Jones seconded. Motion carried on a vote of 5-0.

### **3. Discussion and Action**

Discuss and consider the possible action on where to allow a proposed Retreat zoning district, if approved, within the city limits of Wimberley, Texas. *(City Administrator)*

City Administrator Ferguson explained the need to designate where to allow the proposed zoning district in order to include this issue as part of the public hearing process on creation of a Retreat district. He displayed current planning area and zoning maps and pointed out locations of certain properties that exemplify Retreat uses and their respective current planning areas. He reviewed past discussions on protections against large-scale development such as buffering, density controls, protection of waterways, and possible expansion of the downtown overlay district.

Discussion included:

- Original reasoning for creation of a Retreat district to address pre-existing, non-conforming uses that currently do not fit into any zoning district, in order to allow for future needs for remodeling/expansion, without initiating the Wimberley Planned Development District (WPDD) process
- Specific properties that would fit in a Retreat zoning district, if created
- Protections for residential areas such as various density controls and buffering requirements
- Unintended consequences of creating a Retreat zoning district in order to complete the City-initiated zoning project and the impact of such a district on future development
- Allowance for recreational vehicles (RVs) under certain conditions
- Clarification on protections to allow only limited numbers of RVs on retreat properties for short-term guests, which would not allow for an economically viable RV park operation
- Clarification on definition change from: "one (1) RV = two (2) guest bedrooms" to "one (1) RV site = 2 guest bedrooms"
- Maximum RV pad sites allowed = ten (10) per total development, with only one (1) RV allowed per single acre
- Need for public input before any final Commission recommendation to City Council
- Positive remarks on retaining the ambiance of certain existing retreat-type lodging facilities

General consensus was reached to recommend allowance of Retreat zoning in Planning Areas I & II, with the understanding that the Commission's final recommendation will be subject to input received at upcoming public hearings. City Administrator Ferguson explained the public hearing process and anticipated the first Planning and Zoning Commission public hearing to be held on August 12, 2010, followed by two subsequent hearings to be held by City Council.

Commissioner Glenn moved to recommend that a proposed Retreat zoning district, if approved, shall be allowed in Planning Areas I & II. Commissioner Jones seconded. Motion carried on a vote of 5-0.

City Administrator Ferguson advised that the Commission will be provided with a final draft to review sufficiently prior to its scheduled public hearing.

**4. Staff and Commission Reports**

- Announcements
- Future Agenda Items

Hearing no further announcements or future agenda items, Commissioner Ross moved to adjourn. Chairman Dean seconded. Motion carried on a vote of 5-0.

**Adjourn at 7:14 p.m.**

Recorded by:

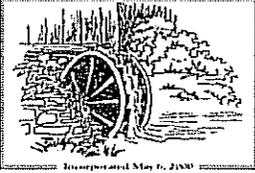
Cara McPartland

**These minutes approved the \_\_\_\_ of July, 2010.**

**APPROVED:**

**Tracey Dean, Chair**

# P & Z Agenda Form



Date Submitted: July 19, 2010

Agenda Date Requested: July 22, 2010

**Project/Proposal Title:** DISCUSS AND CONSIDER  
ACTION ELECTING PLANNING AND ZONING  
COMMISSION OFFICERS

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

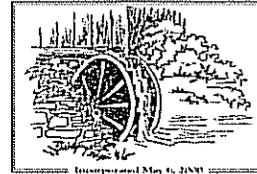
**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow the Planning and Zoning Commission to elect officers for the coming year.

# Report for Conditional Use Permit CUP-10-009



**Summary:** A Request for a Conditional Use Permit (CUP) to allow the operation of a *Bed and Breakfast* at 110 Oak Drive

**Applicant Information:**

**Applicant:** Marcilia Anderson  
P.O. Box 2110  
Wimberley, TX 78676

**Property Owner:** Marcilia Anderson

**Subject Property:**

**Legal Description:** ABS 461 AMASA TURNER SURVEY 0.41 AC/17,860 SF (0.0234 AC/1,018 SF HS)

**Location:** 110 Oak Drive

**Existing Use of Property:** Vacant; previously a child day care

**Existing Zoning:** C1

**Proposed Use of Property:** Bed and Breakfast

**Proposed Zoning:** N/A

**Planning Area:** III

**Overlay District:** Village Center

**Surroundings:**

**Frontage On:** Oak Drive and Henson Road

**Area Zoning and Land Use Pattern:**

	Current Zoning	Existing Land Use
<b>N of Property</b>	R2, C1, C2	Residential, Commercial
<b>S of Property</b>	R2, MH, C1	Residential, Commercial, Vacant
<b>E of Property</b>	R2, C1, C2, C3	Residential, Commercial
<b>W of Property</b>	C1, L2	Residential, Vacant

**Legal Notice**

**200' Letters:** 7/2/2010

**Published:** 7/10/2010

**Sign Placement:** 7/1/2010

**Responses:** (1) - Please see below

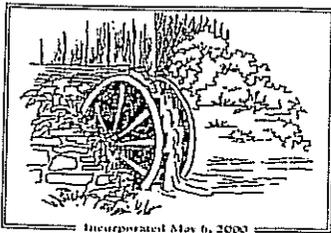
**Comments:**

The applicant, Marcilia Anderson, has requested a Conditional Use Permit (CUP) to allow for the operation of a *Bed and Breakfast* on a .41 acre tract located at 110 Oak Drive. The subject property is located in Planning Area III, the Village Center Overlay District and is currently zoned Commercial - Low Impact (C-1). *Bed and Breakfast* operations are allowed in C-1 zoning districts with a CUP.

Currently, there are two (2) vacant buildings on the subject property which once housed a day care operation. The primary building is approximately 4,200 square feet in size while the secondary structure is approximately 1,400 square feet. The applicant is proposing to have six (6) bedrooms, seven (7) bathrooms, lounge, reception area, office, and computer room in the primary structure. The secondary building will consist of two (2) bedrooms and two (2) bathrooms. A total of seven (7) parking spaces will be provided on site for the *Bed and Breakfast* which complies with the City code. The applicant has provided documentation indicating the existing on-site septic system has adequate capacity for an estimated occupancy of eighteen (18) guests.

One (1) concerned near-by business owner contacted City staff regarding the proposed *Bed and Breakfast* operation. The business owner expressed concerns regarding parking, septic capacity and maximum occupancy.

Based on a review of the CUP application and the supplemental information provided by the applicant, City staff recommends approval of the requested CUP.



# Village of Wimberley

## CONDITIONAL USE PERMIT APPLICATION

No. CUP-10 - 009

### FOR OFFICIAL USE ONLY

Application Date: 6/22/2010 Tentative P&Z Hearing: 7/22 Tentative Council Hearing: 8/5  
FEES: \$400.00 DATE PAID: 4/22 CHECK NO. 1014 REC'D BY SANDY IRVIN

PROJECT SITE ADDRESS: 110 OAK DRIVE Wimberley, TX. 78676

OWNER/APPLICANT MARCELLA ANDERSON PHONE (ST) 633-2608

FAX ( ) \_\_\_\_\_ EMAIL: marci.anderson@gmail.com

Mailing Address: P.O. Box 2110 CITY: Wimberley STATE: TX ZIP: 78676

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

ZONING: C-1 CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

BED & BREAKFAST LODGING; "SQUARE INN"

Planning Area III Zoning C-1 Total Acreage or Sq. Ft. 0.41 ac / 17,860 SF

Subdivision: ABS 461 AMASA Lot \_\_\_\_\_ Block TRACT 1  
TURNER SUEVED

Appraisal District Tax ID#: R 18546

Deed Records Hays County: Volume \_\_\_\_\_ Page \_\_\_\_\_ 4F # 9909-8069

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

Type: Village Center

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

Utilities:

Electric Provider: PEC

Water Provider or Private Well: WIMBERLEY WATER

Wastewater Service Provider or Hays County Septic Permit No: FPA 7848

MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

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

Date 6/7/10

  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date \_\_\_\_\_

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

## *Welcome to the SQUARE INN*

*Located on the Wimberley Square, 110 Oak Drive*

Thank you for choosing the Square Inn of Wimberley. It is our pleasure to provide you with a homey environment and comfortable furnishings for your enjoyment. Please make yourself at home...and for the enjoyment of all the guests, please care for our Inn as if it were your home. We sincerely hope you enjoy your stay with us.

### Please review the following Inn Regulations:

- Check in time: 3:00 p.m. - Check out time 11 a.m.
- Please park all guest vehicles in the designated parking spaces in the front of the Inn. Additional parking is available half a block down Oak Drive.
- Smoking is allowed outside only.
- Please remember that we have good neighbors close by so please keep the noise down after 10:00 pm, as sound travels. Please respect our neighbors' property.
- All children that visit with us will require adult supervision at all times.
- Please respect, preserve and protect the nature and animals indigenous to the area. For your safety, do not attempt to approach or handle any wild animals.
- The Square Inn has its' own septic system. Please be gentle. Do not put trash or non-degradable items down the toilet. For disposal of feminine products, please place in the appropriate trash container provided.
- For the safety and protection of all guests, we reserve the right to ask any unruly or unsafe guests to leave the property immediately.
- We are an eco-friendly community. Please conserve water usage to preserve our resources and our septic.
- Please place all trash inside the large green container located outside.
- Cleaning after your visit is provided, an additional fee will be charged if excessive clean up is required.
- We are not responsible for items left behind. Please double check all rooms before you leave.
- Please do not move indoor or outdoor furniture from its original location.
- Please contact us if you have any issues as we can be reached at:
  - Josie Sturdivant (512) 847-7460 or (210) 710-0209
  - Marci Anderson (512) 633-2608
- Please call 911 for all emergencies and fires!

Your suggestions and comments are encouraged. Please take a few minutes to let us know about your stay with us. We hope to see you again soon!

Thank You,  
Josie Sturdivant, Property Manager  
Marci Anderson, Property Owner

SQUARE INN  
110 OAK DRIVE  
WIMBERLEY, TX

110 Oak Drive is an existing commercial building of approximately 5,600 total square feet on .41 acres, located behind the Wimberley Square. The main building is approximately 4,200sf and currently has 6 bathrooms with 3 of those bathrooms plumbed for showers. There is also a second building of approximately 1,400sf with 2 bathrooms. The kitchen already exists in the main building and will not be remodeled.

In January 2010, the building sustained damage from water pipes breaking and much of the work is repair from this damage.

Our scope of work is primarily to re-model the pre-existing bathrooms with details of work below. It is our intention to open an 'Inn' with 6 bedrooms. We believe that this would be an asset to the merchants of the square as well as the economy of Wimberley.

SCOPE OF WORK

- Front Exterior:
1. Wanes-coat rock façade across front and right side
  2. Paint
  3. Wood façade on front peaks
  4. Install front door wood awning extended 3 feet
  5. Re-attach rain cutter
  6. Replace light fixtures
  7. Replace signage with same dimensions and placement
  8. Replace 4' wood fence on left side
- Back Exterior:
1. Wanes-coat rock façade in court-yard
  2. Paint
  3. Install 4 foot overhang above court yard doors
  4. Replace chain-link fence with 6' wood privacy fence on sides
- Reception:
1. Sheetrock patch and paint
  2. Replace flooring
- Hallway:
1. Sheetrock patch and paint.
  2. Replace flooring.
  3. Install French doors at end of hallway to back porch.
- Lounge Area:
1. Sheetrock patch and paint
  2. Install common area toilet, move sink. Frame 4'6"x6' bathroom
  3. Replace flooring

- Room 1:
1. Sheetrock patch and paint
  2. Frame out existing bathroom to 9'x6. Install shower
  3. Frame, insulate, sheetrock, paint 14' division wall between Room 1 and Room 2
  4. Replace flooring
- Room 2:
1. Sheetrock patch and paint.
  2. Frame out existing bathroom to 8'x7. Install shower.
  3. Replace window with exterior door.
  4. Replace flooring.
- Room 3:
1. Sheetrock patch and paint.
  2. Frame out existing bathroom to 9'6"x11'8". Re-install shower, reinstall sink.
  3. Frame 15' dividing wall.
  4. Replace flooring.
- Room 4:
1. Sheetrock patch and paint.
  2. Replace tub/shower.
  3. Replace flooring.
- Room 5:
1. Sheetrock patch and paint.
  2. Re-install shower.
  3. Replace flooring.
- Room 6:
1. Sheetrock patch and paint.
  2. Frame out existing bathroom to 7'6"x7'8". Install shower.
  3. Enclose water heater in closet.
  4. Frame 17'7" dividing wall.

Install hard-wired fire alarm system with 2 detectors in hallway and 1 in each room. Install lighted exit signs with battery back up.

**PRO-TECH ENGINEERING GROUP**  
INCORPORATED

P. O. box 1004

San Marcos, Texas 78666

(512) 392-3391

FIELD NOTE DESCRIPTION  
OF  
A SURVEY OF  
0.40 ACRES OF LAND  
OUT OF THE  
AMASA TURNER SURVEY  
HAYS COUNTY, TEXAS

BEING ALL THAT TRACT OF LAND CONVEYED TO LARRY E. FOWLER BY RANDALL L. WILLIS BY DEED DATED MAY 2, 1980, AND RECORDED IN VOLUME 341, PAGE 707, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron stake found on the Southeast line of Oak Street, at the East corner of that tract of 0.35 acres of land conveyed to Wimberley Restoration Association by Mrs. Georgia Bell Clayton by deed dated May 2, 1966, and recorded in Volume 211, Page 371, Hays County Deed Records, for the North corner of the tract herein described;

THENCE, leaving the said Wimberley Restoration Association 0.35 acre tract, with the Southeast line of said Oak Street, S 38° 13' E, 70.03 feet to an iron stake found, at a corner fence post, for the East corner of the tract herein described, same being the North corner of that tract of land conveyed to J. C. Lane by Mrs. Georgia Bell Clayton by deed dated April 15, 1946, and recorded in Volume 134, Page 435, Hays County Deed Records;

THENCE, leaving the said Oak Street, with fence, the Northwest line of the said Lane tract, S 50° 36' W, 100.56 feet to an iron stake found at the West corner of the said Lane tract;

THENCE, leaving fence, the said Lane tract, S 50° 13' W, 149.79 feet to an iron stake found, for the South corner of the tract herein described;

THENCE, N 37° 20' W, 69.17 feet to the West corner of the tract herein described;

THENCE, N 50° 13' E, at 3.42 feet passing an iron stake found, at the South corner of that tract of 0.24 acres of land conveyed to Sander Engineering Corporation by J. Arthur York by deed dated May 3, 1973, and recorded in Volume 258, Page 517, Hays County Deed Records, at 103.29 feet passing an iron stake found at the East corner of the said Sander Engineering Corporation 0.24 acre tract, same being the South corner of the aforementioned Wimberley Restoration Association 0.35 acre tract, and continuing on, in all, 149.89 feet to an iron stake found;

THENCE, continuing with the Southeast line of the said Wimberley Restoration Association 0.35 acre tract, N 50° 07' E, 99.42 feet to the POINT OF BEGINNING containing 0.40 acres of land. Field notes prepared February, 1981, from a survey in November, 1980.

By   
Kelly Kilger,  
Registered Public Surveyor #2219

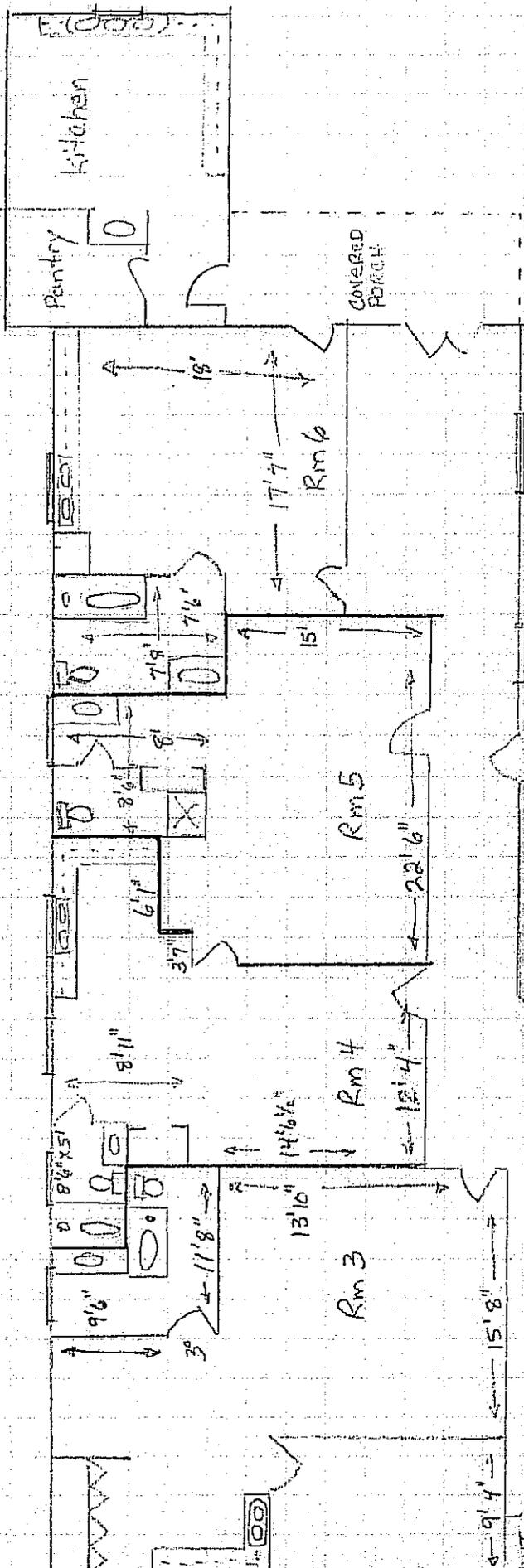
MARSHA FOWLER  
FB 114 PG 4  
PLAN NO. 607  
EO 76-13187

**EXHIBIT A**

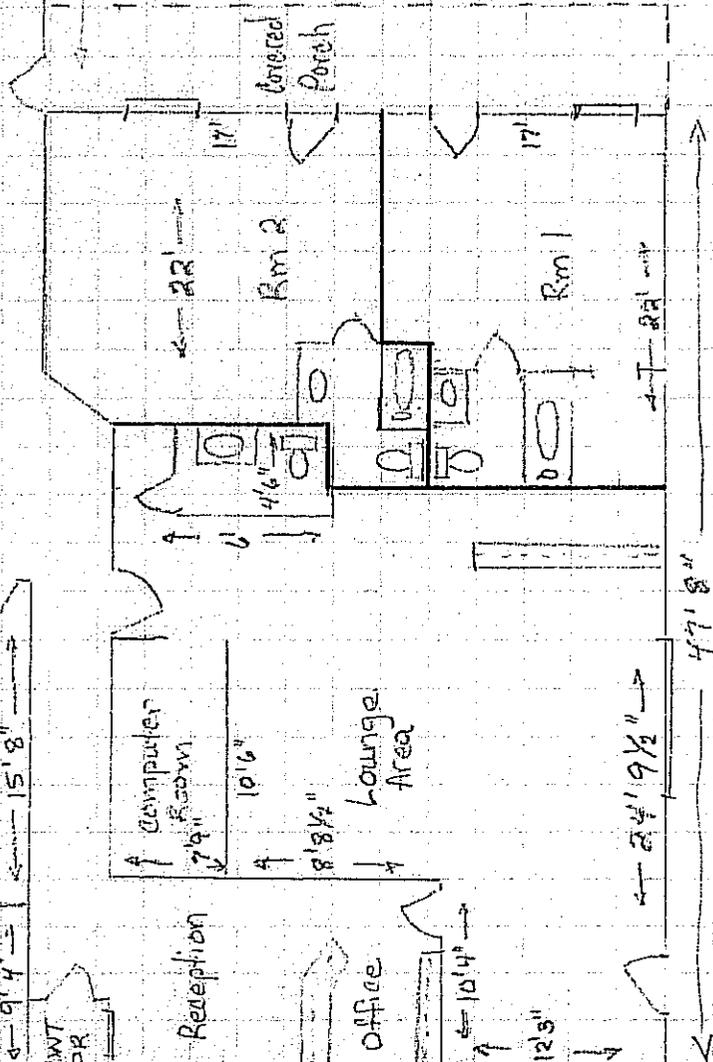
FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

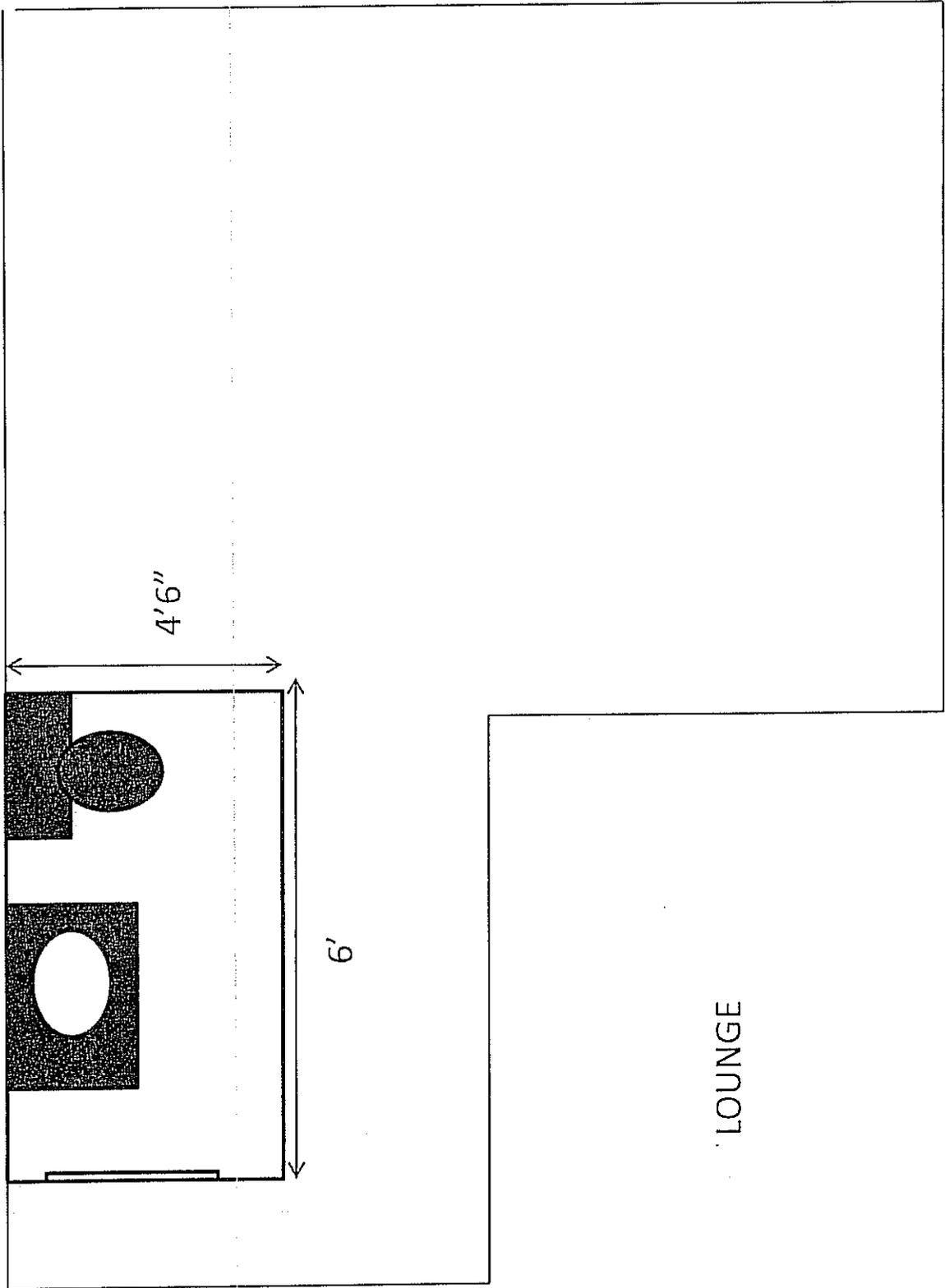
*Lee Carlisle*

11-12-99 08:49 AM 9926831  
LACKEY \$23.00  
LEE CARLISLE, County Clerk  
HAYS COUNTY



"Square Inn"  
 116 Oak Drive  
 Approx. 4200 sq  
 Main Building

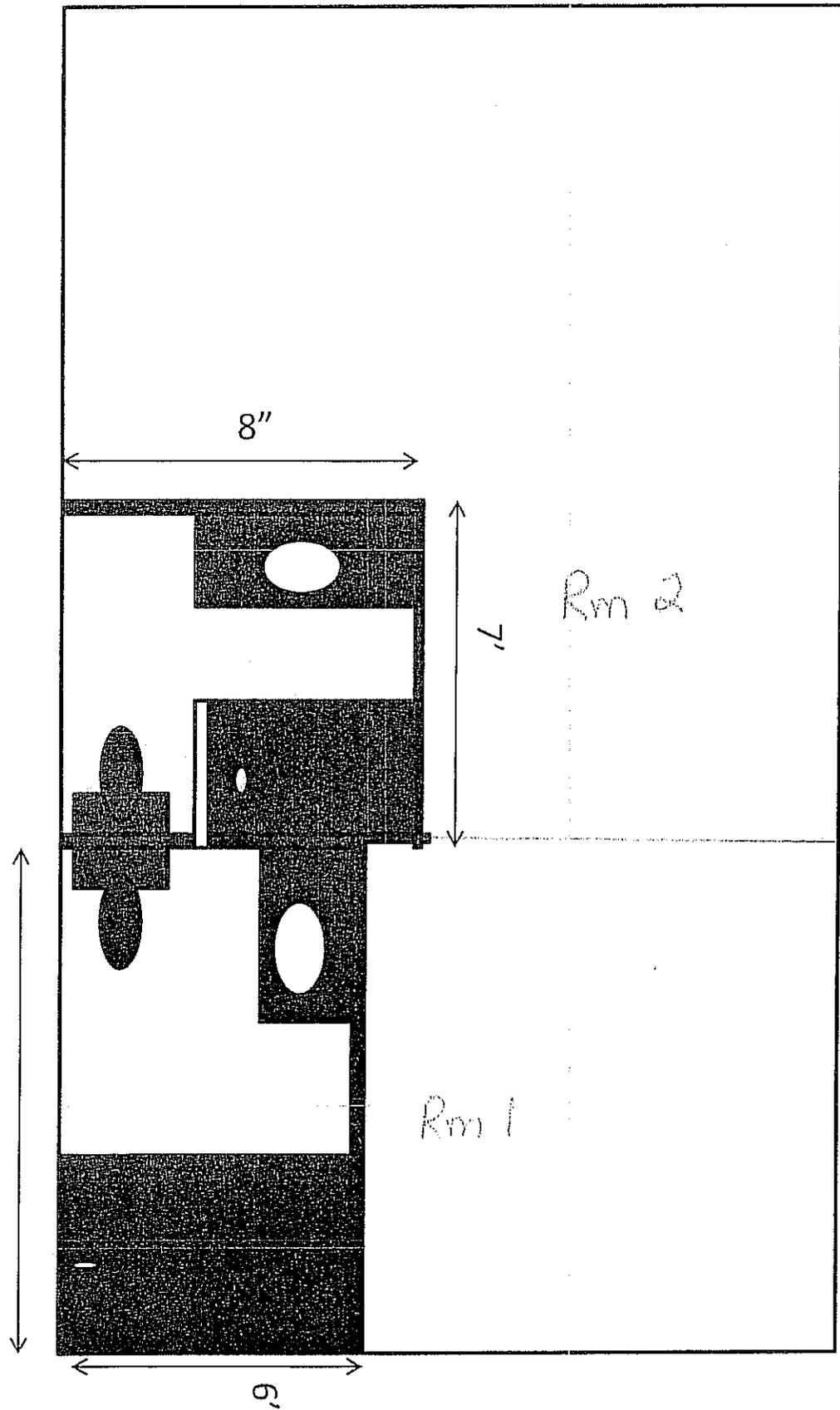




4'6"

6'

LOUNGE



8"

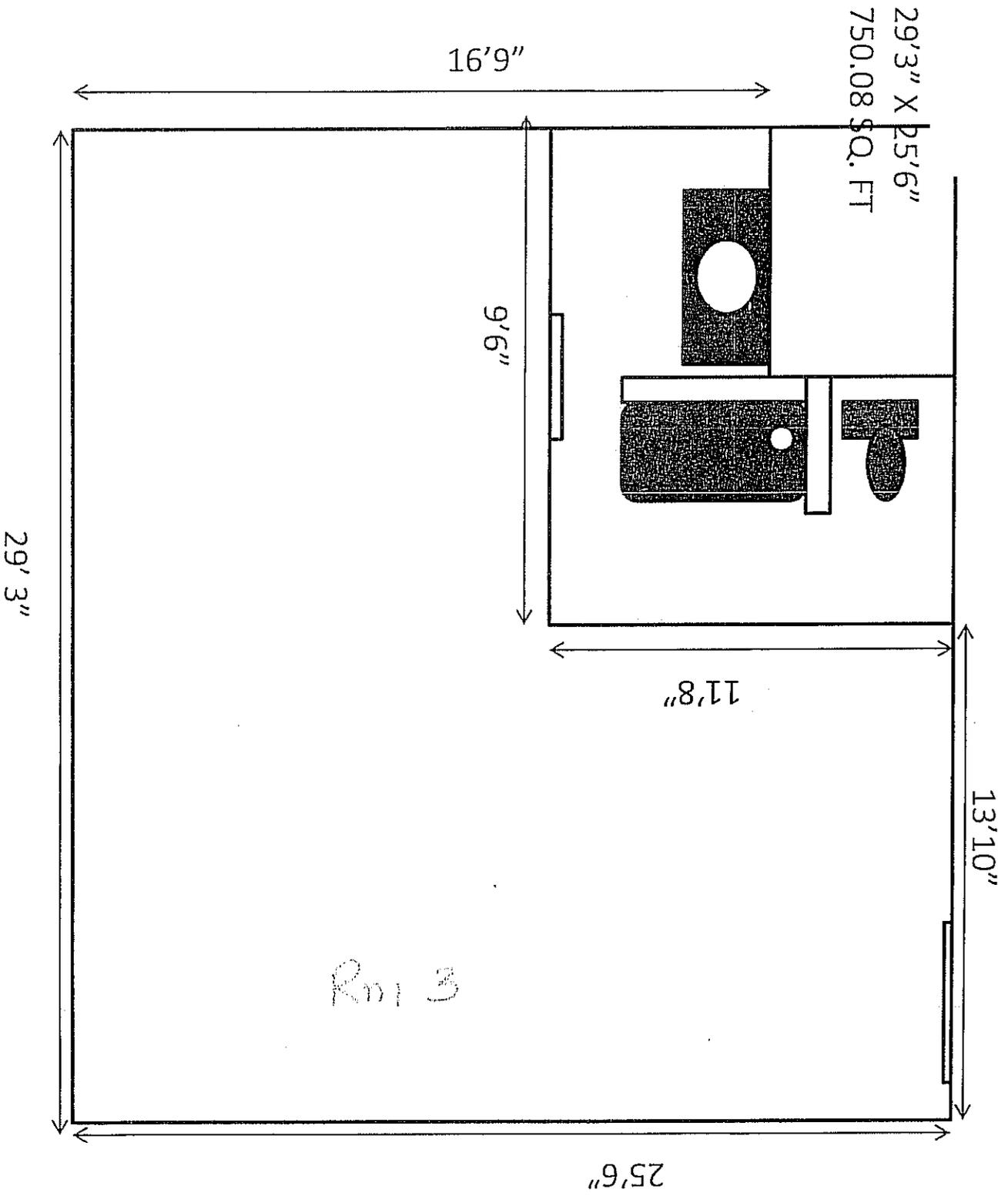
7"

Rm 2

Rm 1

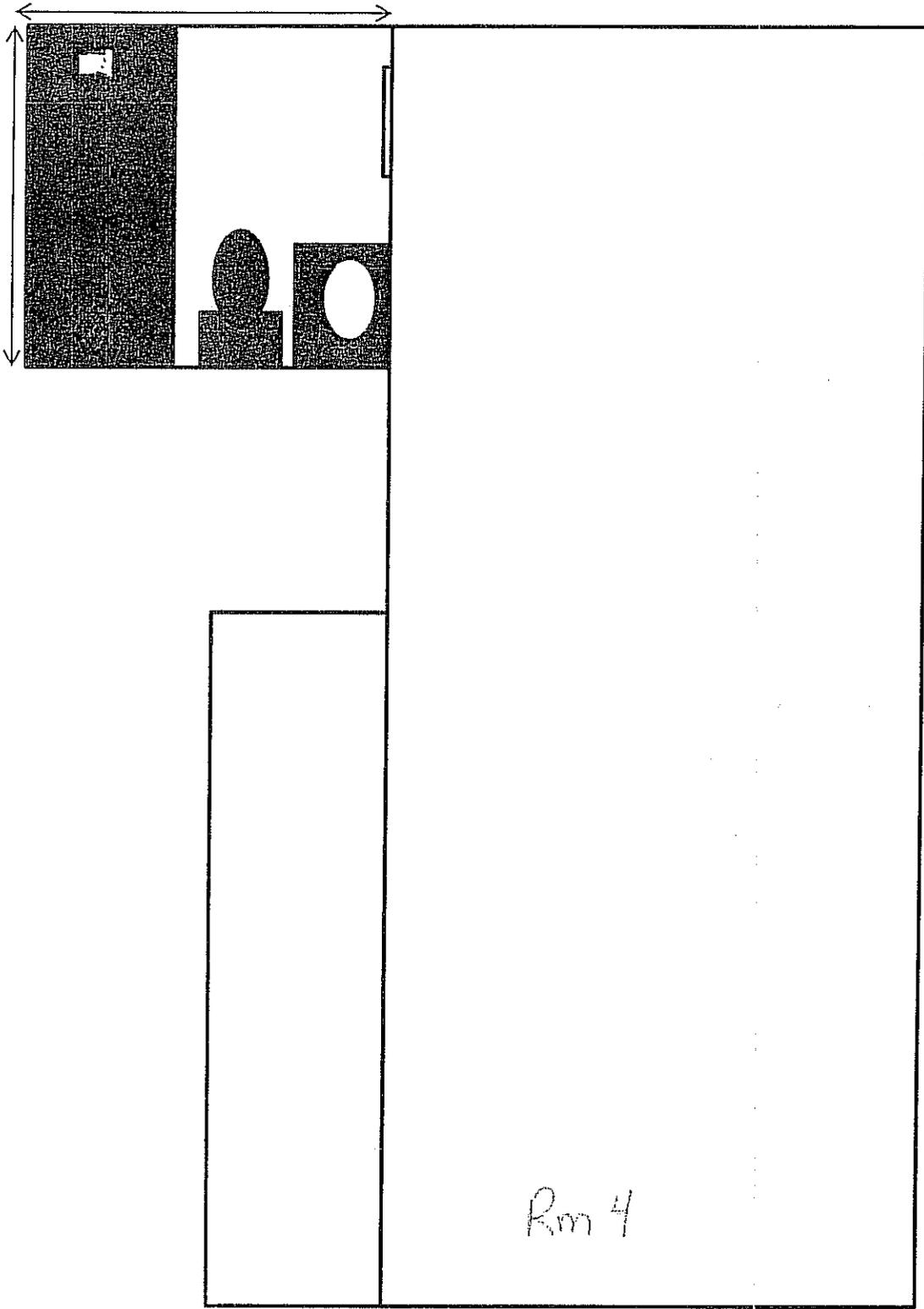
12"

6"

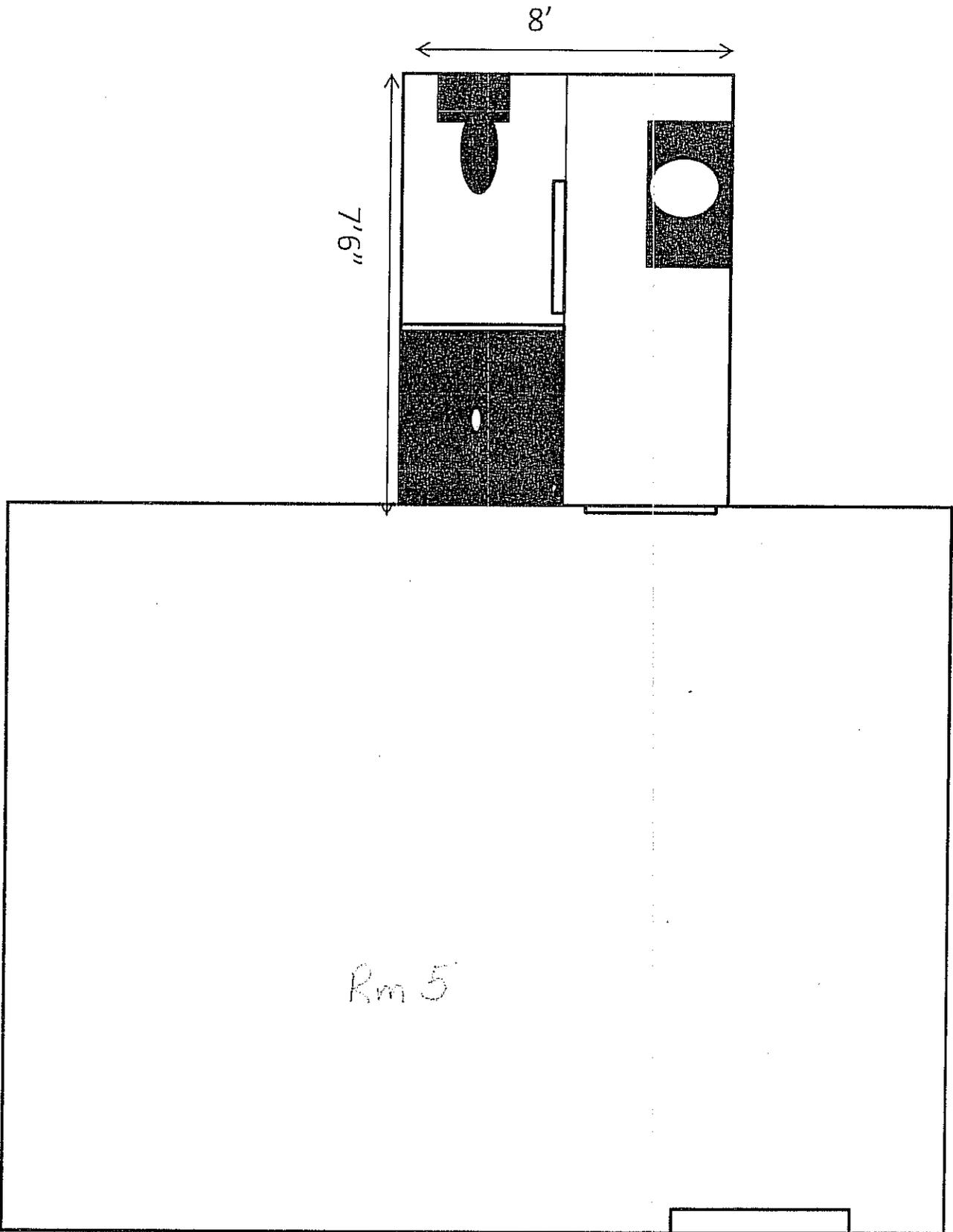


8'6"

5'



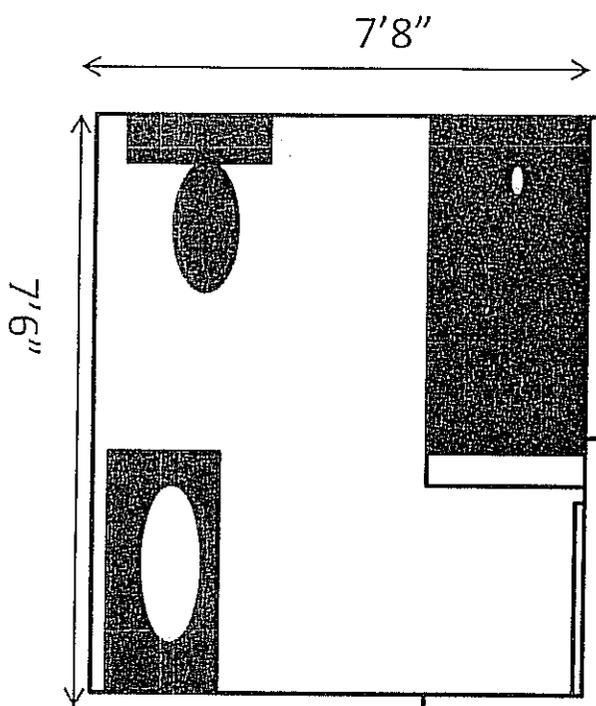
Rm 4



8'

7'6"

Rm 5

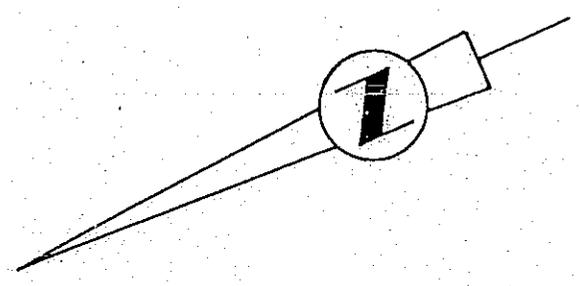
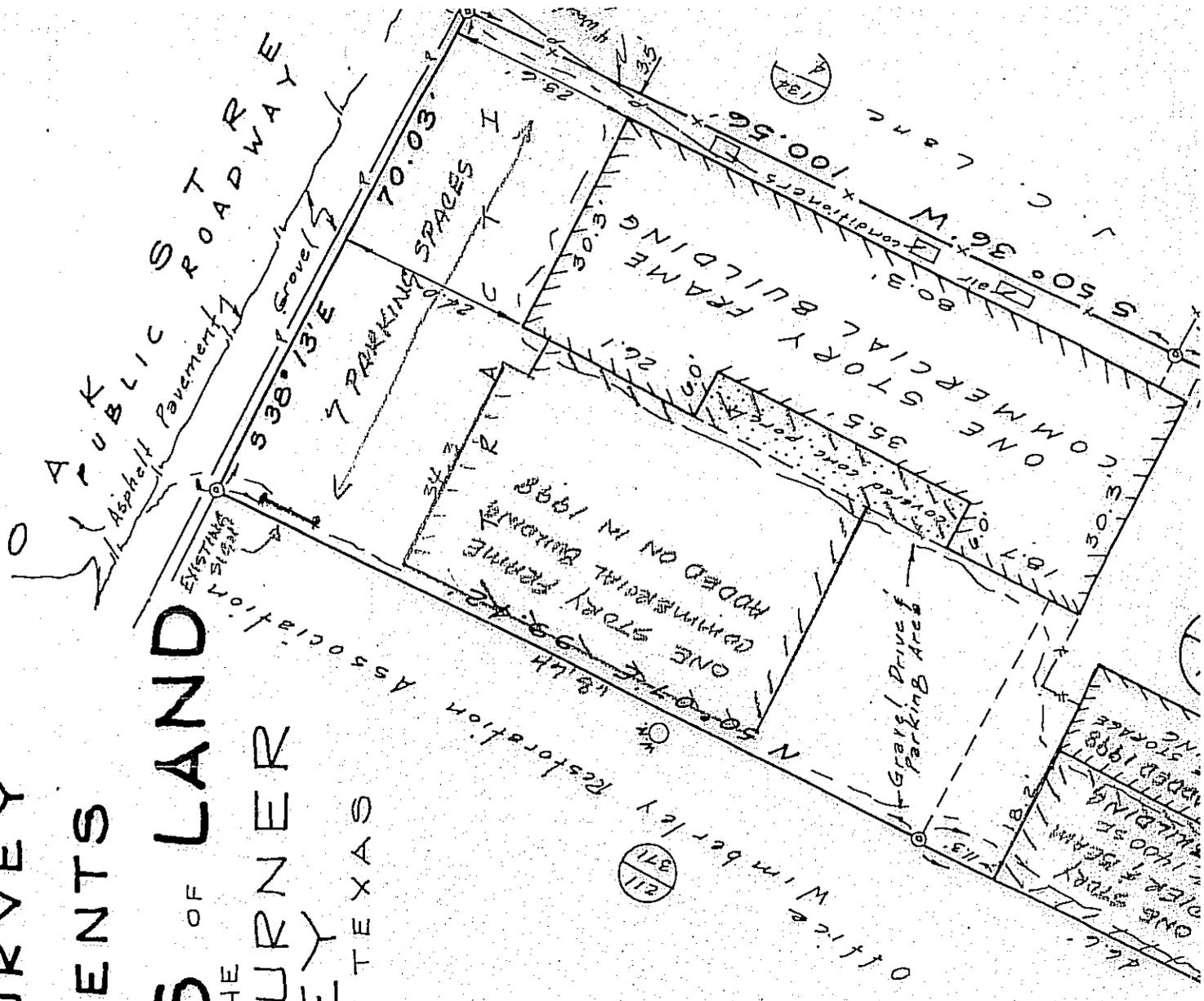


WATER  
HEATER

Rm 6

MAP OF SURVEY  
AND  
IMPROVEMENTS

ON  
**0.40 ACRES**  
OF THE  
OUT OF THE  
AMASA TURNER  
SURVEY  
HAYS COUNTY, TEXAS



P 0 5 1

The construction in progress with Hays County regulations and Private Sewage Facilities. Please post this certificate to County Inspectors.

Location: 110 Oak Dr  
Permit #  
Private Sewage Facility #  
Flood Plain Development



Private Sewage Facility # 7848  
Flood Plain Development

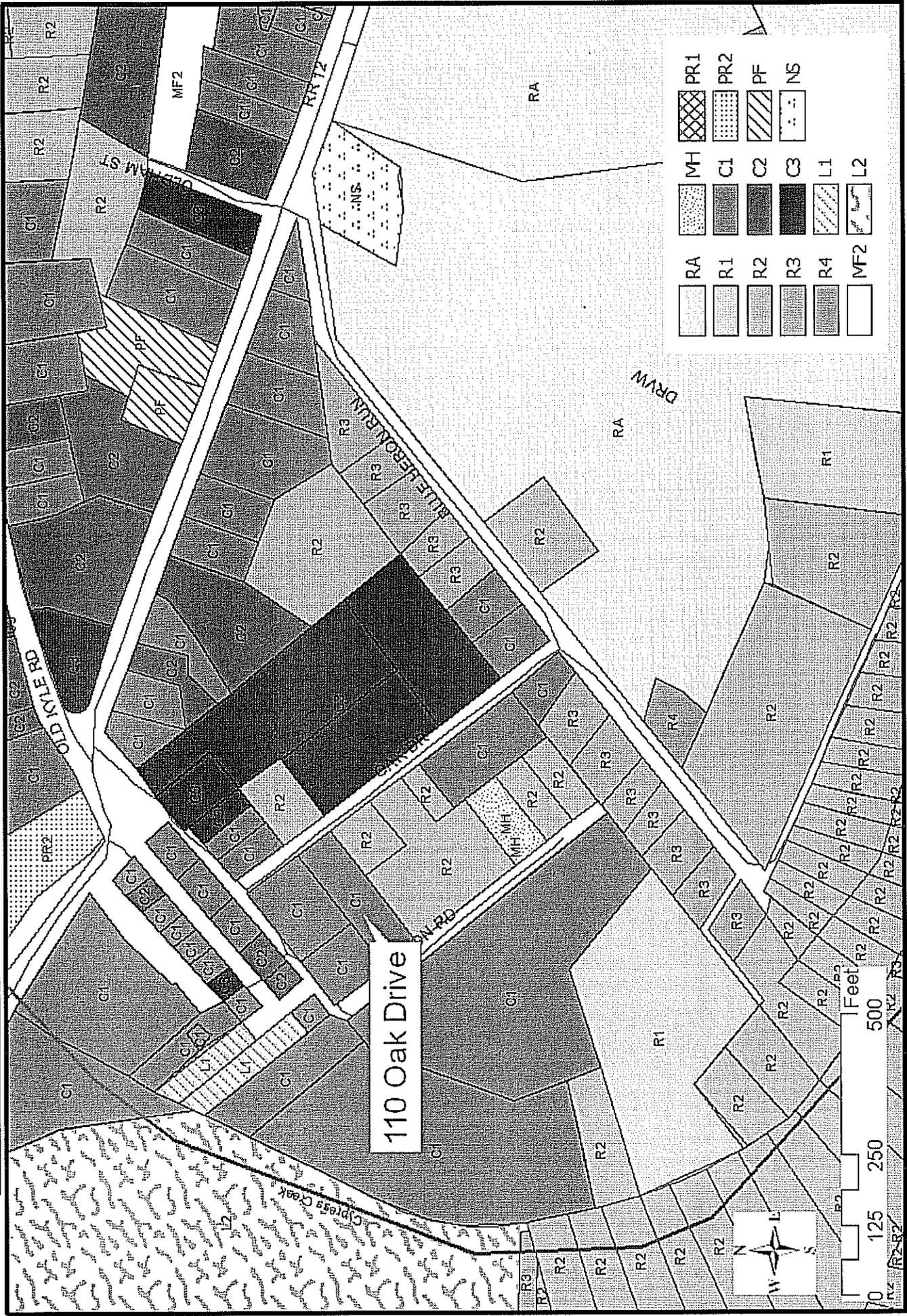
Permit # FPA 7848

Location: 110 Oak Dr. Wimberley TX 78676

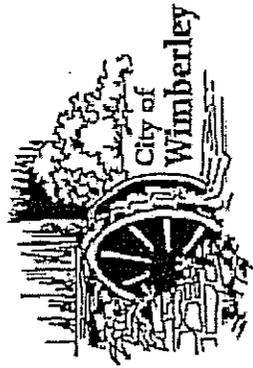
The construction in progress at above location is in compliance with Hays County regulations governing Flood Plain Management and Private Sewage Facilities. Please post this certificate at the jobsite where it can be seen by County Inspectors.

7848  
7848

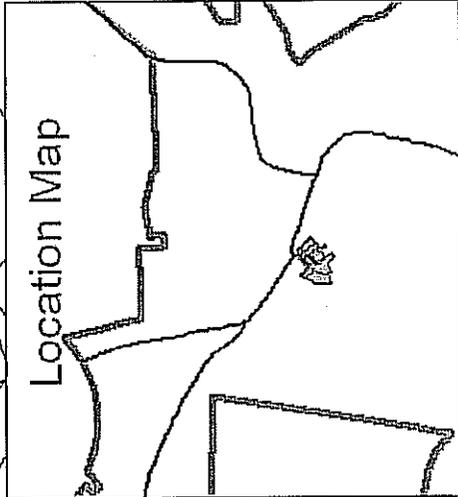
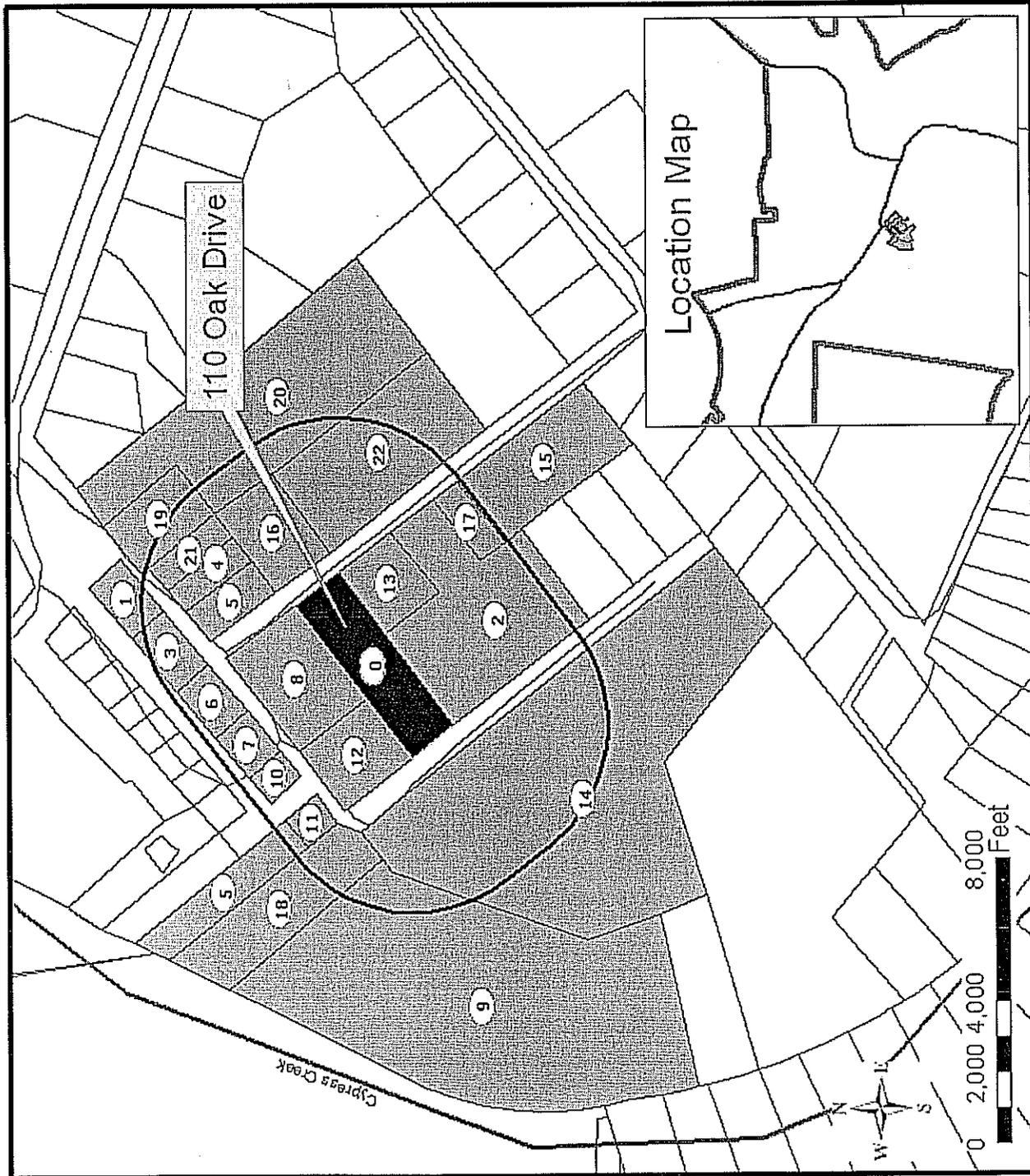
# Zoning Map for CUP-10-009



# Notification Map for Case CUP-10-009



P.O. Box 2027 • Wimberley, Texas 78676



- 200' Notification Buffer
- Subjct Property
- 0, ANDERSON, MARCILIAL
- 1, MCCULLOUGH HERSHEL & ROBINETTE
- 2, LANE, JOY
- 3, MCCULLOUGH HERSHEL & ROBINETTE
- 4, FLOCKE, ROBERT
- 5, SHEFFIELD, JAMES L
- 5, FRANKLIN SUE M & EST OF JAMES R
- 6, MCCULLOUGH HERSHEL & ROBINETTE
- 7, SHEKARFOOSH, EFFAT
- 8, VAN OSTRAND PHILLIP M & MARYL
- 9, CARSON, W C
- 10, JC & BB LTD
- 11, ALEXANDRILEE LLC
- 12, REDD, MARY LOU
- 13, LANE JOY & BERRYDOT LANE
- 14, CLAYTON, CHARLES E, JR.
- 15, SCHNAUTZ, NANCY L
- 16, MCQUIGG, MARYKAY
- 17, LANE, JOY
- 18, CARSON, W C
- 19, CLAIM PROCESSING SOLUTIONS INC
- 20, USELTON, CHARLES
- 21, CLAIM PROCESSING SOLUTIONS INC
- 22,



MCCULLOUGH HERSCHEL &  
ROBINETTE  
101-A WIMBERLEY SQUARE  
WIMBERLEY, TX 78676

LANE, JOY  
P O BOX 42  
WIMBERLEY, TX 78676-0042

FLOCKE, ROBERT  
P O BOX 1315  
WIMBERLEY, TX 78676-1315

SHEFFIELD, JAMES L  
P O BOX 736  
WIMBERLEY, TX 78676-0736

FRANKLIN SUE M & EST OF  
JAMES R  
18 CYPRESS PT  
WIMBERLEY, TX 78676

SHEKARFOROOSH, EFFAT  
P O BOX 397  
WIMBERLEY, TX 78676-0397

VAN OSTRAND PHILLIP M &  
MARY L  
12 BROOKSIDE DR  
WIMBERLEY, TX 78676

CARSON, W C  
1911 CORPORATE DR, STE 102  
SAN MARCOS, TX 78666

JC & BB LTD  
P O BOX 2849  
WIMBERLEY, TX 78676-2849

ALEXANDRIA LEE LLC  
12704 TRAIL DRIVER  
AUSTIN, TX 78737

REDD, MARY LOU  
2 CONCHA CANYON TRL  
WIMBERLEY, TX 78676

LANE JOY & BERRY DOT LANE  
P O BOX 42  
WIMBERLEY, TX 78676-0042

CLAYTON, CHARLES E, Jr.  
513 WILLOW CREEK CIR  
SAN MARCOS, TX 78666-5025

RIVERS, RACHEL  
190 OAK DR  
WIMBERLEY, TX 78676

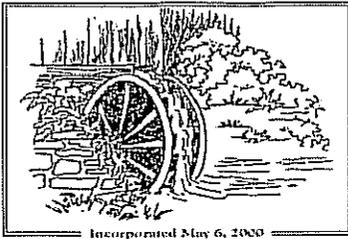
MCQUIGG, MARY KAY  
280 OLD KYLE RD  
WIMBERLEY, TX 78676

ANDERSON, MARCILIA L  
P O BOX 2110  
WIMBERLEY, TX 78676-2110

LANE, JOY  
P O BOX 42  
WIMBERLEY, TX 78676-0042

CLAIM PROCESSING  
SOLUTIONS INC, THE OLD  
MILL STORE  
P O BOX 708  
WIMBERLEY, TX 78676-0708

USELTON, CHARLES  
P.O. BOX 229  
WIMBERLEY, TX 78676



# City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676  
Phone: 512-847-0025 Fax: 512-847-0422 Web: [cityofwimberley.com](http://cityofwimberley.com)  
Bob Flocke, Mayor - Charles Roccaforte, Mayor Pro-tem  
Council Members - Mac McCullough, Bill Appleman, Steve Thurber, John White  
Don Ferguson, City Administrator

---

July 2, 2010

## NOTICE OF PUBLIC HEARING

**Re: File No. CUP-10-009**

110 Oak Drive

A Request for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at this location.

Dear Property Owner:

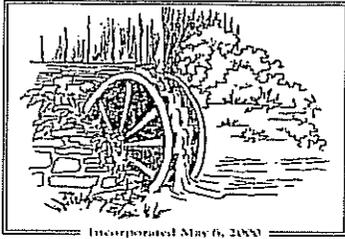
You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicant, Marcilia Anderson, has requested a Conditional Use Permit (CUP) to operate a Bed and Breakfast at 110 Oak Drive. The current zoning for this property is Commercial Low-Impact (C-1). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 22, 2010, at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, August 5, 2010, at 6:00 p.m.**

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

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

CITY OF WIMBERLEY



# City of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676

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

E-mail: [Wimberley@anvilcom.com](mailto:Wimberley@anvilcom.com) - Web: [www.vil.wimberley.tx.us](http://www.vil.wimberley.tx.us)

## NOTICE BY SIGN POSTING

Zoning No: CUP-10-009

Owner \_\_\_\_\_

Date 7/11/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

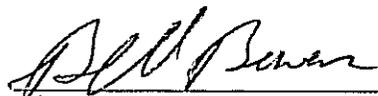
(\*) Project Site Address 110 Oak Pr

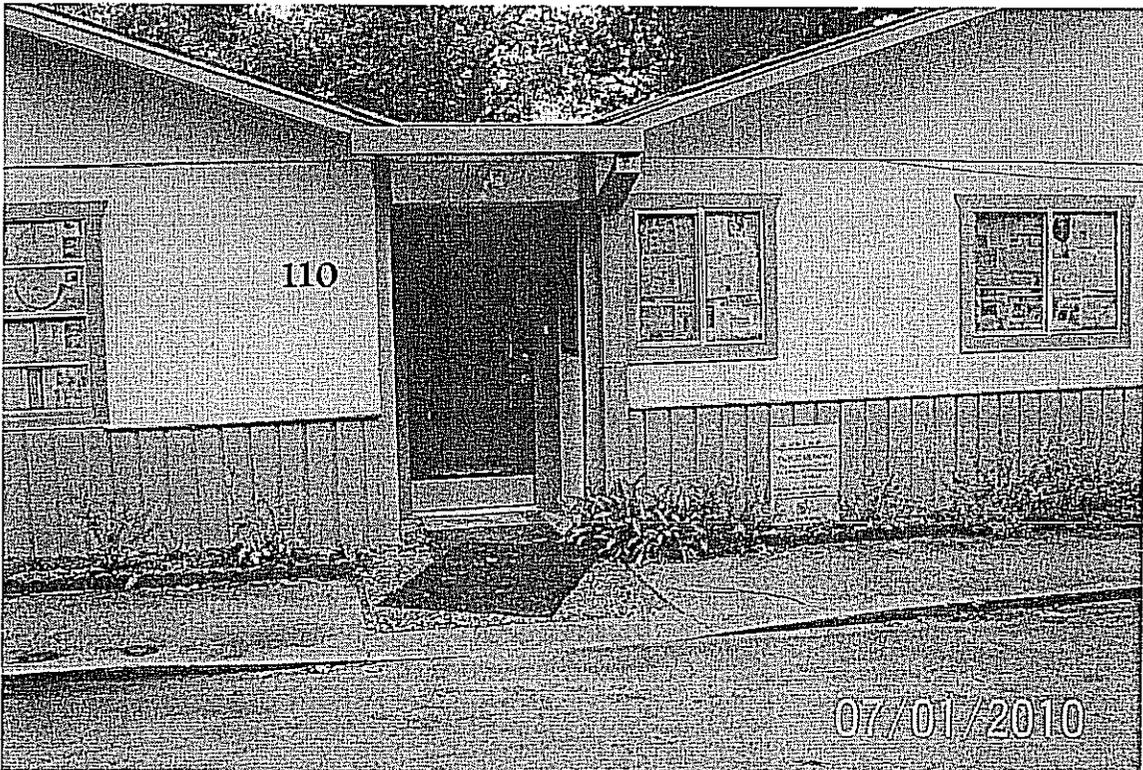
which is located Oak Pr

Bill Bowers  
Asst. Public Works

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

7/11/10, 2010

  
\_\_\_\_\_  
Signature



Century News 858-4163 • Wimberley View 847-2202

# CLASSIFIED

**★ LEGALS & PUBLIC NOTICES**

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, July 22, 2010, at 6:30 p.m. to consider the following CUP-10-009 - an application for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at 110 Oak Drive. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 5, 2010, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas (12239/1a/55)

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

Notice is hereby given that the Planning & Zoning Commission of

## NOTICE OF PUBLIC MEETING TO DISCUSS PROPOSED TAX RATE

The Wimberley Independent School District will hold a public meeting at 7:00 PM, July 21, 2010 in Wimberley High School Library, 100 Carney Lane, Wimberley, Texas 78676. The purpose of this meeting is to discuss the school district's tax rate that will be adopted. Public participation in the discussion is invited.

The school district has elected to adopt a tax rate before receiving the certified appraisal roll from the chief appraiser(s) of the appraisal district(s) and before adopting a budget. In accordance with Texas Tax Code, Section 26.05(g), the chief appraiser(s) of the appraisal district(s) in which the school district participates has (have) the assessor for the school district an estimate of the taxable value of property in the school district as provided by Texas Tax Code, Section 26.01(c). In accordance with Texas Education Code, Section 44.004(j) following adoption of the tax rate, the school district will publish notice and hold another public hearing before the school district adopts a budget.

The tax rate that is ultimately adopted at this meeting or at a separate meeting at a later date may not exceed the proposed rate shown below unless the district publishes revised notice containing the same information and comparisons set out below and holds another public meeting to discuss the revised notice.

Maintenance Tax	\$1.06000/\$100 (proposed rate for maintenance and operations)
School Debt Service Tax Approved by Local Voters	\$0.17270/\$100 (proposed rate to pay bonded indebtedness)

Total Appraised Value and Total Taxable Value (as calculated under Section 26.04, Tax Code)		
	Preceding Tax Year	Current Tax Year*
Total appraised value** of all property	\$1,565,752,161	\$1,628,184,053
Total appraised value** of new property***	\$109,561,401	\$73,658,044
Total taxable value**** of all property	\$1,487,717,363	\$1,543,775,462
Total taxable value**** of new property***	\$43,456,713	\$26,870,859

\* All values identified are based on estimate(s) of taxable value received pursuant to Section 26.01(e), Tax Code.  
 \*\* "Appraised value" is the amount shown on the appraisal roll and defined by Section 1.04(8), Tax Code.  
 \*\*\* "New property" is defined by Section 26.012(17), Tax Code.  
 \*\*\*\* "Taxable value" is defined by Section 1.04(10), Tax Code.

Bonded Indebtedness	
Total amount of outstanding and unpaid bonded indebtedness*	\$36,998,985

\* Outstanding principal.

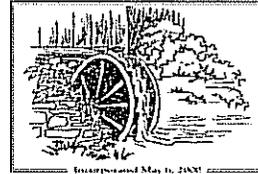
Comparison of Proposed Rates with Last Year's Rates				
	Maintenance & Operations	Interest & Sinking Fund*	Total	Local Revenue Per Student
Last Year's Rate	\$1.04000	\$0.19270	\$1.23270	\$7,954
Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service	\$1.05790	\$0.21228	\$1.27018	\$8,012
Proposed Rate	\$1.06000	\$0.17270	\$1.23270	\$8,020

\* The Interest & Sinking Fund tax revenue is used to pay for bonded indebtedness on construction, equipment, or both. The bonds, and the tax rate necessary to pay those bonds, were approved by the voters of this district.

Comparison of Proposed Levy with Last Year's Levy on Average Residence			
	Last Year	This Year	% Change
Average Market Value of Residences	\$192,717	\$192,717	0%
Average Taxable Value of Residences	\$177,717	\$177,717	0%
Last Year's Rate Versus Proposed Rate per \$100 Value	\$1.23270	\$1.23270	0%
Taxes Due on Average Residence	\$2,190.72	\$2,190.72	0%
Increase (Decrease) in Taxes	\$0.00	\$0.00	0%

This table shows the dollar amount of school taxes imposed on the residence homestead of a person 65 years of age or older or of the surviving spouse.

# Report for Conditional Use Permit CUP-10-010



## Summary:

A Request for a Conditional Use Permit (CUP) to allow the operation of a *Bed and Breakfast* at 408 Blue Heron Run

## Applicant Information:

**Applicant:** James & Judy Thompson  
P.O. Box 2345  
Wimberley, TX 78676

**Property Owner:** James & Judy Thompson

## Subject Property:

**Legal Description:** MULTIPLE PORTIONS OF HARRISON RESORT SEC 2 & BREEZEWAY

**Location:** 408 Blue Heron Run

**Existing Use of Property:** Residential

**Existing Zoning:** Single-Family Residential 2 (R2)

**Proposed Use of Property:** Bed and Breakfast

**Proposed Zoning:** N/A

**Planning Area:** II

**Overlay District:** Protected Waterway

## Surroundings:

**Frontage On:** Blue Heron Run

**Area Zoning and Land Use Pattern:**

	Current Zoning	Existing Land Use
<b>N of Property</b>	R2, R3, R4, C1	Residential, Commercial, Vacant
<b>S of Property</b>	R2, R3	Residential, Vacant
<b>E of Property</b>	R1, R2, RA	Residential, Lodging
<b>W of Property</b>	R2, R3	Residential, Vacant

## Legal Notice

**200' Letters:** 7/2/2010

**Published:** 7/10/2010

**Sign Placement:** 7/1/2010

**Responses:** None

## Comments:

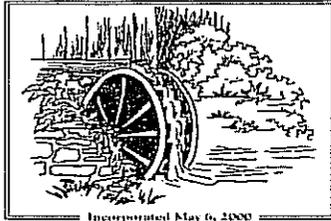
The applicants, James and Judy Thompson, have requested a Conditional Use Permit (CUP) to allow for the operation of a *Bed and Breakfast* on a 1.024 acre tract located at 408 Blue Heron Run. The subject property is located in Planning Area II and is currently zoned Single-Family Residential 2 (R-2). The operation of a *Bed and Breakfast* is allowed in R-2 zoning districts with a CUP.

The applicants are proposing to operate a *Bed and Breakfast* in a three (3) bedroom home currently located on the subject property. The maximum occupancy of the proposed *Bed and Breakfast* is six (6) guests. Adequate on-site parking and septic capacity exist for the proposed use.

If approved, the proposed *Bed and Breakfast* operation will have to comply with the standard City requirements for such operations relating to after hours contact information, noise, parking, water recreation access, etc. (See Attachment)

Currently, there are six (6) *Bed and Breakfast* operations in the immediate area of the proposed *Bed and Breakfast*.

Based upon review of the application and information provided, staff recommends approval of the requested CUP.



# Village of Wimberley

## CONDITIONAL USE PERMIT APPLICATION

No. CUP-10 - 010

### FOR OFFICIAL USE ONLY

Application Date: 6/30/2010 Tentative P&Z Hearing: 7/22 Tentative Council Hearing: 8/5

FEES: \$400.00 DATE PAID: 6/30/2010 CHECK NO. 7258 REC'D BY Sandy Teum

PROJECT SITE ADDRESS: 408 BLUE HERON RUN Wimberley, TX. 78676

OWNER/APPLICANT JAMES J. THOMPSON  
JUDY L. THOMPSON PHONE (512) 557-3407

FAX ( ) \_\_\_\_\_ EMAIL: jimthompson@austin.rr.com

Mailing Address: P.O. BOX 2345 CITY: WIMBERLEY STATE: TX ZIP: 78676

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

ZONING: R2 CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

Planning Area II Zoning RQ Total Acreage or Sq. Ft. 1.024 AC

Subdivision: BREEZWAY + HARRISON RESORT Lot \_\_\_\_\_ Block See Survey

Appraisal District Tax ID#: R29788

Deed Records Hays County: Volume 3734 Page 720

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

Type: PROTECTED WATERWAY

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

Utilities:

Electric Provider: PEC

Water Provider or Private Well: WIMBERLEY WATER

Wastewater Service Provider or Hays County Septic Permit No: Unknown See Attachment C

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

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

**ADDITIONAL REQUIREMENTS/DOCUMENTATION**

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

Date June 30, 2010

  
Judy H. Thorey  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date \_\_\_\_\_

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

LIST OF ATTACHMENTS TO CITY OF WIMBERLEY  
CONDITIONAL USE PERMIT APPLICATION

408 BLUE HERON RUN

JAMES J. AND JUDY L. THOMPSON  
APPLICANT

ATTACHMENT A

Conditions That May be Included In The Bed And Breakfast CUPs

ATTACHMENT B

Occupant Regulations and Guidelines

ATTACHMENT C

Wastewater Inspection Certification Letter

ATTACHMENT D

Survey and Metes and Bounds Description of 408 Blue Heron Run

ATTACHMENT E

List of Property Owners within 200 Feet

ATTACHMENT F

Neighborhood Plat highlighting Owners within 200 feet

**ATTACHMENT A**  
**CONDITIONS THAT MAY BE INCLUDED IN BED AND**  
**BREAKFAST CUPs**

**CONSTRUCTION:** The core of our home, two double rock wall cabins which stand today, were constructed in 1934 and 1938. The home was completely rebuilt and enlarged in 1984 with new plumbing, HVAC, electrical and septic. It was updated late in 2009. The architecture retains the Wimberley character of the 1930's with the interior features of today. The two buildings on the site are one story with extremely limited natural landscaping material.

**COMPATABILITY TO NEARBY AREAS:** There are 12 homes on the creek side of Blue Heron Run. One has operated in the past as a B&B and has an inactive CUP granted in 2009, one operates a grandfathered B&B, three others have operated B&Bs in past years. Across the Creek on Loma Vista there are 2 operating B&Bs. Rio Bonito Resort property abuts Blue Heron Run to the north. Properties within 200 feet were zoned Residential by the City. There are no restrictions on Blue Heron Run.

**OFF-STREET PARKING:** The large driveway shown on the attached plat is more than adequate to handle the overnight guests and the limited additional guests they may have. The attached rules clearly indicate that all parking shall be in the driveway, not on Blue Heron Run.

**SIGNAGE:** There shall be **NO** signage on the property advertising the Bed and Breakfast.

**NOISE AND LIGHTING:** The attached rules clearly indicate that both noise and lighting shall not impact anyone in the neighborhood and provides for removal from the property for violation.

**NUMBER OF BEDROOMS IS 3. MAXIMUM OCCUPANCY IS 6 guests.**

**OCCUPANT REGULATIONS AND GUIDELINES:** Guidelines are included as "Attachment B" and require acknowledgment by guest and management company.

**WASTEWATER SYSTEM:** Included as "Attachment C" is INSPECTION CERTIFICATION LETTER dated August 14, 2009 from Texas Septic Services & Inspections, TCEQ License Number OS0025140

**WATERFRONT USAGE:** The attached rules clearly indicate that crossing the Creek or adjacent properties is strictly prohibited.

**PROPERTY MANAGEMENT:** The attached rules clearly indicate that all owners shall be provided the phone numbers of both the owner and Management Company should neighbors feel their enjoyment of their property is impacted. In our absence from Wimberley we will engage a reputable, professional and local management company to lease and supervise the property to assure compliance with the rules and guidelines.

**MISCELLANEOUS:** We have always maintained our properties in Wimberley to a high standard for our enjoyment as well as that of the neighborhood. We will continue to do so.

**REVOCATION:** We understand and accept the responsibility to assure compliance with rules and guidelines to avoid revocation of the CUP.

ATTACHMENT B

**WELCOME TO THE  
BLUE HERON RUN CREEKSIDE COTTAGE  
RULES AND GUIDELINES**

A guest in our home we would like to outline our desires and expectations that you will follow for your enjoyment, our peace of mind and that of our neighbors and friends on Blue Heron Run and Loma Vista on the west side of Cypress Creek.

Blue Heron Run is a private, family neighborhood steeped in a tradition of respecting the environment, the Square, and all adjacent neighbors. **It is not a resort area.** Our rules and guidelines are not onerous, but rather those you would exercise within your own home and neighborhood.

- The number of guests will be limited to 6, including children. No one under the age of 21 will be allowed to be the lessee.
- **NO** parties, gatherings, events or any other activity is allowed that includes anyone other than those 6, or less, guests listed at the time of registration.
- All parking of vehicles will be in the driveway and not on Blue Heron Run.
- Any Creekside activity which is bothersome to neighbors, including creekside decks shall cease at 10:00 PM. No loud music, no loud chatter, no loud laughing, any of which will impact neighbors will be allowed after 10:00pm.
- All lessees and their guests shall recognize the private property rights of neighbors. Crossing adjacent property, including the Creek, is strictly prohibited. In particular, access to the Blanco River and the up-creek area, including behind the dam, is not allowed.
- Any chairs, lounge chairs, flotation devices, kayaks, canoes, etc., used in the Creek shall be removed from the Creek and stored near the deck area each day after use.
- Fires are a hazard and are only allowed in the small concrete pad area fire pit if, and only if, upon check in, there is no "Fire Ban" in place.
- Within our home, the fireplace may be used only between November 1<sup>st</sup> and March 1<sup>st</sup>.
- Outside lighting shall be used sparingly. They shall be used only when necessary for security and shall be not used after 10:00pm.

- Smoking is not allowed in our home. All cigarettes or cigars smoked outside must be thoroughly extinguished and placed in the trash, not on the ground.
- No pets of any kind or any size are allowed on the property.
- We are in an environmentally sensitive area with limited water supply and with septic waste water treatment. Please use shower/bath water sparingly, only minimal toilet tissue in commodes, no other products in commodes, and no major food waste in the disposal. Please scrape food debris into the provided garbage bags and only minimal plate residue should be allowed into the disposal.
- Neighbors will have the name and number of the Property Manager as well as our number should they feel any of the rules have been violated that will impact their use and enjoyment of their home. You will be asked to leave the property if the Manager and/or we feel it is warranted without refund of deposit and rental paid.

**TO REFLECT YOUR UNDERSTANDING AND ACCEPTANCE,  
PLEASE ACKNOWLEDGE BELOW:**

**Lessee:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

**Manager:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

**Names of additional registered guests: (not more than 6 including lessee.**

\_\_\_\_\_

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# TEXAS SEPTIC SERVICES & INSPECTIONS

Residential & Commercial OSSF Inspections • Repairs • New Installation • Maintenance

## INSPECTION CERTIFICATION LETTER

**DATE:** August 14, 2009

**FROM:** Terry G. Moore, Sr.  
Owner / Inspector  
TSSI-Texas Septic Services & Inspections  
Installer II TCEQ License Number OS0025140

**SUBJECT:** On-Site Sewage Facility (OSSF) installed to service the residence located at 408 Blue Heron; Wimberley; Hays County, Texas 78676 **Legal description:** Harrison Resort Subdivision; Section 2; Lot 1/4 of lot 6, all of lots 7 & 8, and part of lot 12 and all of lot 10 (1.20 acres); CADID or GEO #: 90606168

To Whom It May Concern:

TSSI-Texas Septic Services & Inspections was contracted with to...

- Conduct an inspection of the components to the on-site sewage facility;
- A walkover inspection of the ground area over the components to the on-site sewage facility;
- A water flow and water load test on the on-site sewage facility; and
- To provide a written assessment of the on-site sewage facility (OSSF) in the form of a Certified Inspection Letter.

This is to certify that on August 14, 2009, Terry G. Moore, Sr. and Stewart Moore with TSSI completed the above described tasks according to TSSI's inspection guidelines and on August 14, 2009, the on-site sewage facility (check only those boxes which apply)...

- Appeared to be functioning properly and was not subject to any recommended repairs, required repairs or conditions being met.
- Appeared to be functioning properly with recommended and not required repairs to one or more of the components to the on-site sewage facility.
- Appeared to be functioning properly, but was...
- Subject to certain required repairs being made to one or more of the components to the on-site sewage facility. (Please see the required repairs section of the Inspection Certification Letter for further information).
- Subject to certain conditions being met. (Please see the required conditions to met section of the Inspection Certification Letter for further information).
- Did not appear to be functioning properly and failed TSSI's inspection. (Please see the failed inspection section of the Inspection Certification Letter for reasons as to why the on-site sewage facility did not pass TSSI's inspection).

### RECOMMENDED REPAIRS:

1. There are two main watertight sewer drain lines that exit the residence. The two drain lines then connect to a single watertight sewer drain line that goes out to the septic tank. There was no cleanout plug installed in the watertight sewer drain lines for access to the drain line should it ever become clogged. It is TSSI's understanding that the

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purchaser of this residence plans to remodel/renovate the residence. For this reason TSSI is not requiring the installation of several cleanout plugs as a required repair. The purchaser of this property should meet with either a licensed Plumber or a licensed on-site sewage facility Installer during the remodeling/renovation process to discuss the location of the cleanout plugs.

2. TSSI recommends the installation of an effluent filter in the outlet drain line inside the septic tank. The effluent filter if installed should be cleaned annually. See information sheet titled Effluent pumps need to be protected from solids / Soil absorption fields need to be protected from solids and rain, a copy of which, has been included with this Inspection Certification Letter.

**REQUIRED REPAIRS:**

1. None.

**REQUIRED CONDITIONS TO BE MET:**

1. None. Note: TSSI is not requiring the septic tank to be pumped and cleaned. There was no surface scum observed floating on the effluent surface and there was no measurable sludge in the bottom of the septic tank. Further, no undesired solids or personal hygiene items were observed inside the septic tank.

**MISCELLANEOUS RECOMMENDATIONS:**

1. TCEQ recommends that the septic tank to the on-site sewage facility be pumped and cleaned every 2 to 5 years. TSSI recommends that to properly maintain the on-site sewage facility that the septic tank be pumped out and cleaned every three years. See table 3. for frequency of pumping septic tanks, a copy of which, has been included with this Inspection Certification Letter.
2. Only grass vegetation (no trees or shrubs) should be planted over the ground area above the drainfield and the grass over the drainfield area should be kept mowed regularly. Further, TSSI recommends that during the start of the winter season the ground area above the drainfield location be seeded with winter rye grass.
3. Vehicular traffic should kept off any area the yard where the components to the on-site sewage facility are located. This does not include riding lawn mowers.

**COMMENTS REGARDING THE OSSF:**

1. On 08/14/09, prior to TSSI beginning its water flow or water load test TSSI walked over the entire area of the backyard looking for signs of "influent or effluent seepage" and "surface pooling." On 08/14/09, TSSI using olfactory or visual means did not observe any "influent or effluent seepage" or "surface pooling" or any signs of "influent or effluent seepage" or "surface pooling" in any of the areas of the backyard where the components to the on-site sewage facility are located.
2. A water flow test was conducted during the inspection. The purpose of the water flow test is to visually check for flow impediment, effluent seepage, surface pooling or leakage of the following components to the on-site sewage facility...
  - The watertight sewer drain line that connects the house sewer to the septic tank;
  - The septic tank;
  - To observe the sheet flow inside the septic tank;
  - The watertight sewer drain line that connects the septic tank to the drainfield; and...on 08/14/09, no flow impediment, effluent seepage, surface pooling or leakage was observed in any of the areas around or above the components to the on-site sewage facility.

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3. A **water load test** was conducted during the inspection. A total of 300 gallons was put into the single drainfield of the on-site sewage facility. On 08/14/09, **during TSSI's water load test** of the on-site sewage facility; the on-site sewage facility **did not show any olfactory and/or visual signs of "influent or effluent seepage" or "surface pooling"** in the areas around or above the components to the on-site sewage facility.
  4. Per the wastewater usage rate table, as set forth by TCEQ-Texas Commission on Environmental Quality, the daily wastewater usage rate (measured in gallons per day) for a single family dwelling with 3 bedrooms and more than 2,500 square feet of living area, **would be 300 gallons per day without water saving devices installed to the plumbing fixtures inside the residence and 240 gallons per day with water saving devices installed to the plumbing fixtures installed inside the residence.**
  5. The purchaser of this property should be aware that on-site systems installed prior to September 11, 2008, might not be adequately sized per current TCEQ minimum standards. Water conservation methods should be utilized to prevent hydraulic overloading of the on-site system. The on-site system may require frequent pumping of the septic tank and the pump tank if the drainfield becomes over saturated from hydraulic overloading or from excessive amounts of rainfall.
  6. The purchaser of the property should also be aware that TCEQ guidelines require that an on-site system be brought up to current minimum standards under the following conditions...
    - Additions to the residence (i.e. bedrooms, living area square footage increases, etc.);
    - Modifications to the on-site system; or
    - System failure.

...which could require the installation of additional tanks; the expansion of an existing drainfield; the installation of additional drainfields; or the abandonment of the current on-site system and the installation of a new on-site system.

**Please note: The existing residence has been added on to over the years and it does not appear that the current property owner obtained a permit for the on-site sewage facility during the remodeling/renovation of the existing residence. Further, it is unknown to TSSI if the current property owner ever attempted to obtain any information regarding the Hays County Environmental Health Department's rules and regulations concerning the on-site sewage facility's during the remodeling/renovation of the residence. The purchaser of this property should be aware that the Hays County Environmental Health Department should be contacted before beginning any further remodeling/ renovation of the existing residence.**

7. The purchaser of this property should be aware that when a license to operate an on-site facility has been issued the license to operate the on-site system remains valid and in effect until such time as there is evidence that...
  - The facility is not operating properly;
  - Is altered;
  - An increase in the volume of or change in the nature of the wastewater being treated;
  - A threat to the health of the people of the County in which the system is installed; or
  - Any other reason which the Licensing Authority determines to be a reason to revoke or suspend.
8. **Cleanout Plug Information:** TSSI on the date of the inspection did not observe any cleanout plugs installed in the watertight sewer drain lines that connect the house sewer to the septic tank.

Please note: §285.32. Criteria for Sewage Treatment Systems. (a)(5)(6)(7) *"A two-way cleanout plug must be provided between the sewer stub out and the treatment tank. Only sanitary type fittings constructed of PVC Schedule 40 or SDR 26 shall be used on this section of the sewer. An additional cleanout plug shall be provided every 50 feet on long runs of pipe and within five feet of 90 degree bends. Additional cleanout plugs shall be of the single sanitary type. The pipe shall have a minimum inside diameter of three inches."* Adopted August 20, 2008 • Effective September 11, 2008

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9. **Septic Tank Information:** The on-site sewage facility has single a single compartment concrete septic tank with an estimated total volume capacity of 500 to 750 gallons when operating at the tanks normal operating flow. The normal operating flow line inside a septic tank is measured from the floor of the outlet end of the septic tank to the bottom of the outlet drain line inside the septic tank. The Hays County Environmental Health Department did not have any records on file for the on-site sewage facility installed on the property. The exact volume capacity of the septic tank is estimated. See TSSI's diagram for the approximate location of the septic tank.

The effluent level observed inside the septic tank when the cover to the single cleanout/inspection port hole was removed was at the each septic tanks normal operating flow line. During TSSI's water flow and water load test of the drainfield the effluent level inside the septic tank remained at the tanks normal operating flow line. There was no flow impediment or backflow observed.

10. **Disposal Method Information:** The on-site sewage facility utilizes a soil absorption type drainfield. The exact location or size of the drainfield is not known to TSSI. The materials used to construct the drainfield or the workmanship used to construct the drainfield is not known to TSSI.
11. **Gray Water Systems:** TSSI during the inspection does not inspect surface discharge gray water systems or water softener systems to determine if they have been installed correctly and are functioning properly. Information regarding gray water has been included in the general information booklet that was attached to this report. TCEQ in its guidelines state that *"It is not advisable to allow the back flush from the water softener to enter into any portion of the OSSF system."*

TSSI, in submitting this Inspection Certification Letter to its client, has provided its client with the following information via e-mail or at the time of the inspection...

- A booklet entitled "TSSI's Guidelines for conducting inspections, water flow tests, water load tests and providing an assessment on existing On-site Sewage Facilities," which fully details the scope and specific limitations of TSSI's inspection of the on-site sewage facility. It is the responsibility of the person and/or persons requesting the inspection, testing and assessment of the on-site sewage facility to read TSSI's Guidelines in its entirety in order to fully understand the scope and specific limitations of TSSI's inspection, testing and assessment of the on-site sewage facility installed on the property; and
- A general information booklet on on-site sewage facilities.

In closing, if any of the parties to this transaction have any questions, please direct them to Terry G. Moore, Sr. or Stewart Moore; our phone numbers are shown below or you can E-mail us at [tssibuda@austin.rr.com](mailto:tssibuda@austin.rr.com).

Sincerely,



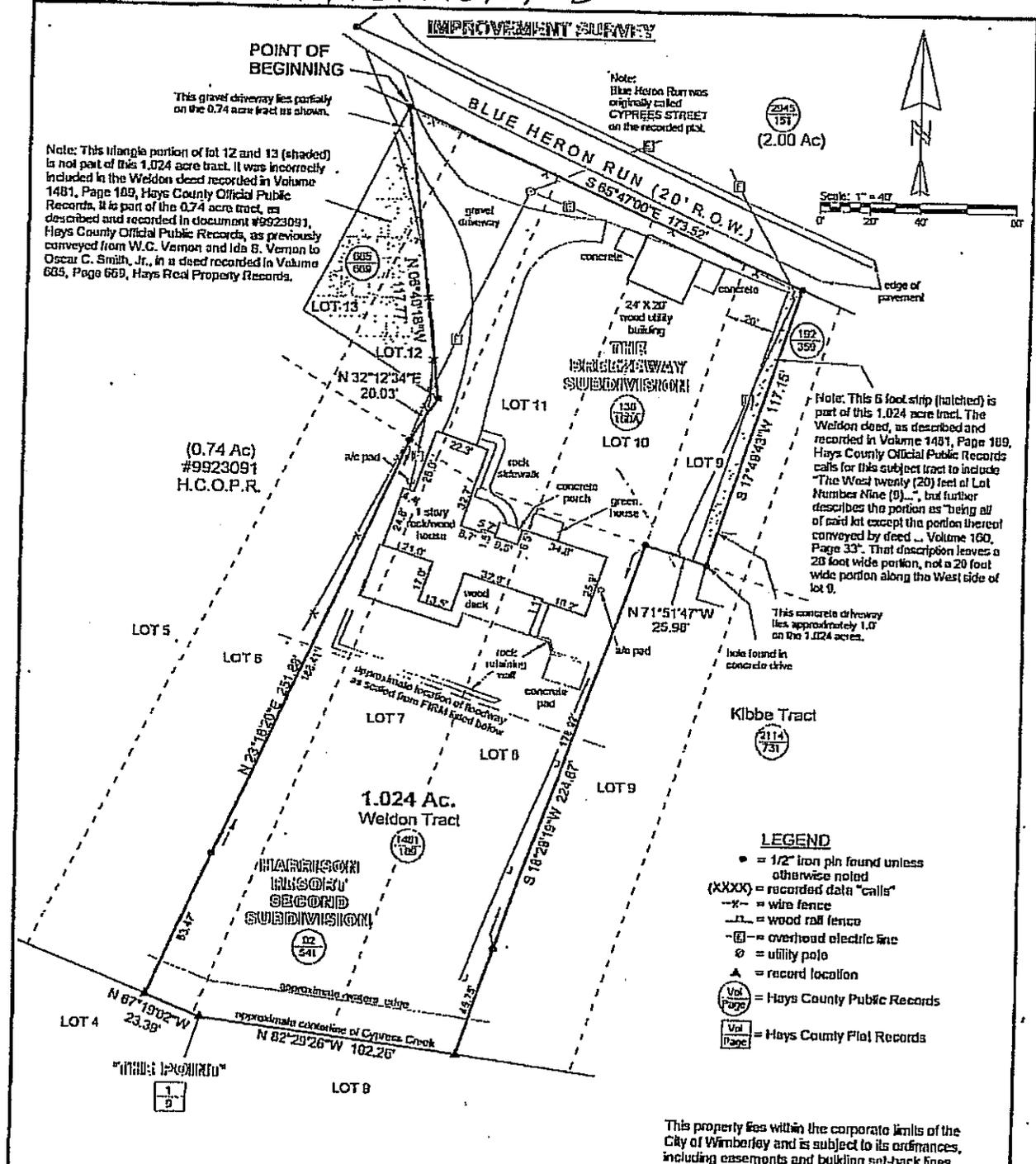
Terry G. Moore, Sr.

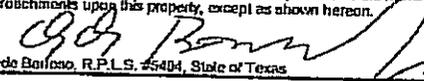
Owner / Inspector

TSSI-Texas Septic Services & Inspections

Installer II • TCEQ License Number OS0025140

# ATTACHMENT D



Copyright © 2009 Eagle Land Surveying. All rights reserved.			
<b>CLIENT:</b> Carl Weldon	This survey was produced without the benefit of a current title report, therefore certain easements may exist that were not apparent on the ground and are not shown hereon.	Subject property DOES lie within a Special Flood Hazard Area as determined from FIRMA Hazard Map, Community Panel No. 491694 0355 F, dated September 2, 2005.	DATE: April 1, 2009 SCALE: 1" = 40' WELDON.ZAK
<b>LEGAL DESCRIPTION:</b> Being 1.024 acres of land, more or less, in the Amasa Turner Survey, being all of Lots 7 and 8 and a Southeast portion of Lot 6, HARRISON RESORT SECOND SUBDIVISION, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 52, Page 541, Hays County Deed Records, TOGETHER with all of Lots 10 and 11 and portions of Lots 9, 12, and 13, THE BREEZEWAY SUBDIVISION, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 138, Page 160A, Hays County Deed Records, being substantially that same tract of land conveyed to Elizabeth Shaw Weldon, as described and recorded in Volume 1481, Page 189, Hays County Official Public Records, said 1.024 acres being more particularly described by metes and bounds in the field notes attached hereto.			
<b>ADDRESS:</b> 408 Blue Heron Run, Wimberley, Texas 78676			I hereby certify that this plat correctly represents a survey made upon the ground under my supervision, in February and March of 2009, and there are no visible or apparent encroachments upon this property, except as shown hereon.   Clyde Barroso, R.P.L.S. #5404, State of Texas
	<b>EAGLE LAND SURVEYING</b> (512) 847-1079 P.O. Box 2264 Wimberley, TX. 78678	JOB NUMBER: 90036 jw	



**EAGLE  
LAND  
SURVEYING**

P.O. Box 2264 Wimberley, Texas 78676 (512) 847-1079 Fax (512) 847-8522

April 8, 2009

FIELD NOTES DESCRIBING 1.024 ACRES, MORE OR LESS, IN THE AMASA TURNER SURVEY, BEING ALL OF LOTS 7 AND 8 AND A SOUTHEAST PORTION OF LOT 6, HARRISON RESORT SECOND SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 92, PAGE 541, HAYS COUNTY DEED RECORDS, TOGETHER WITH ALL OF LOTS 10 AND 11 AND PORTIONS OF LOTS 9, 12, AND 13, THE BREEZEWAY SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 138, PAGE 160A, HAYS COUNTY DEED RECORDS, BEING SUBSTANTIALLY THAT SAME TRACT OF LAND CONVEYED TO ELIZABETH SHAW WELDON, AS DESCRIBED AND RECORDED IN VOLUME 1481, PAGE 189, HAYS COUNTY OFFICIAL PUBLIC RECORDS, SAID 1.024 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a ½" iron pin found on the South right-of-way line of Blue Heron Run (originally called Cypress Street on the recorded plat) and the North line of Lot 13, THE BREEZEWAY SUBDIVISION, for the Northeast corner of that tract of land called 0.74 acres, as described and recorded in Document Number 9923091, Hays County Official Public Records and the Northwest corner of the afore mentioned Weldon tract, said point being the Northwest corner of the herein described 1.024 acres and the POINT OF BEGINNING for this description;

THENCE, S 65°47'00"E, with the South right-of-way line of Blue Heron Run, the North line of a portion of Lot 13, Lot 12, Lot 11, Lot 10, and a portion of Lot 9, THE BREEZEWAY SUBDIVISION, being the North line of the afore mentioned Weldon tract, a distance of 173.52 feet to a ½" iron pin found for the Northeast corner of the afore mentioned Weldon tract and the Northwest corner of that tract of land conveyed to Anna S. Kibbe, as described and recorded in Volume 2114, Page 731, Hays County Official Public Records, said point being the Northeast corner of the herein described 1.024 acres;

THENCE, S 17°49'43"W, across Lot 9, THE BREEZEWAY SUBDIVISION, with the West line of the afore mentioned Kibbe tract and the East line of the afore mentioned Weldon tract, a distance of 117.15 feet to a hole found in a concrete driveway on the South line of Lot 9, THE BREEZEWAY SUBDIVISION and the North line of Lot 9, HARRISON RESORT SECOND SUBDIVISION, for an angle point on the West line of the afore mentioned Kibbe tract and the East line of the afore mentioned Weldon tract;

THENCE, N 71°51'47"W, continuing with the West line of the Kibbe tract and the East line of the Weldon tract, with the South line of Lot 9, THE BREEZEWAY SUBDIVISION and the North line of Lot 9, HARRISON RESORT SECOND SUBDIVISION, a distance of 25.98 feet to a ½" iron pin found for the Southwest corner of Lot 9, THE BREEZEWAY SUBDIVISION, the Southeast corner of Lot 10, THE BREEZEWAY SUBDIVISION, the Northwest corner of Lot 9, HARRISON RESORT SECOND and the Northeast corner of Lot 8, HARRISON RESORT SECOND, said point being an interior corner on the West line of the afore mentioned Kibbe tract and the East line of the Weldon tract;



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P.O. Box 2264 Wimberley, Texas 78676 (512) 847-1079 Fax: (512) 847-8522

THENCE, S 18°29'19"W, continuing with the West line of the Kibbe tract and the East line of the Weldon tract, with the West line of Lot 9 and the East line of Lot 8, HARRISON RESORT SECOND, on the East side of a wood rail fence, a distance of 224.67 feet to a point in the approximate centerline of Cypress Creek, on the North line of Lot 9, THE POINT, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 1, Page 9, Hays County Plat Records, for the Southwest corner of Lot 9 and the Southeast corner of Lot 8, said point being the Southwest corner of the herein described 1.024 acres, passing at 178.92 feet along this course a 1/2" iron pin found on line;

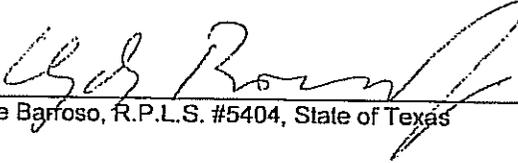
THENCE, N 82°29'26"W, with the approximate centerline of Cypress Creek, the North line of Lot 9, THE POINT and the South line of the afore mentioned Weldon tract, a distance of 102.26 feet to a point for the Northwest corner of Lot 9 and the Northeast corner of Lot 4, THE POINT, said point being an angle point in the South line of the herein described 1.024 acres;

THENCE, N 67°19'02"W, continuing with the approximate centerline of Cypress Creek and the South line of the afore mentioned Weldon tract, with the North line of Lot 4, THE POINT, a distance of 23.39 feet to a point for the Southeast corner of the afore mentioned 0.74 acres and the Southwest corner of the afore mentioned Weldon tract, said point being the Southwest corner of the herein described 1.024 acres;

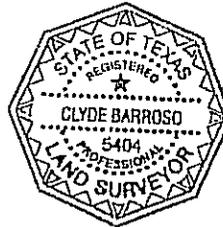
THENCE, N 23°16'20"E, across Lot 6, HARRISON RESORT SECOND with the East line of the afore mentioned 0.74 acres and the West line of the afore mentioned Weldon tract, a distance of 251.88 feet to a 1/2" iron pin found on the North line of Lot 6, HARRISON RESORT SECOND SUBDIVISION and the South line of Lot 12, THE BREEZEWAY SUBDIVISION, for an angle point in the East line of the afore mentioned 0.74 acres and the West line of the afore mentioned Weldon tract, passing at 63.47 feet, along this course, a 1/2" iron pin found on line;

THENCE, N 32°12'34"E, into Lot 12, THE BREEZEWAY SUBDIVISION, continuing with the East line of the afore mentioned 0.74 acres and the West line of the afore mentioned Weldon tract, a distance of 20.03 feet to a 1/2" iron pin found for an angle point in the East line of the afore mentioned 0.74 acres and the West line of the afore mentioned Weldon tract for an interior corner of the herein described 1.024 acres;

THENCE, N 06°40'18"W, continuing across Lot 12, THE BREEZEWAY SUBDIVISION, into Lot 13, and continuing with the East line of the afore mentioned 0.74 acres and the West line of the afore mentioned Weldon tract, a distance of 117.77 feet to the POINT OF BEGINNING, containing 1.024 acres of land, more or less. These field notes accompany a survey plat dated April 1, 2009, by Eagle Land Surveying.



Clyde Barroso, R.P.L.S. #5404, State of Texas



ATTACHMENT E  
BLUE HERON CREEKSIDE COTTAGE

List of Owners and Addresses Within 200'

	<u>Property ID</u>
K. A. Ltd. 2410 Locke Lane Houston, TX 77019	R18476
Peter D. Anderson P. O. Box 350 Wimberley, TX 78676	R29784 R21987
Wanda Cook 404 Blue Heron Wimberley, TX 78676	R29786
Patricia Ann Dalton 402 Blue Heron Wimberley, TX 78676	R29785
Duane Smith Dupree 5700 Lime Kiln Rd San Marcos, TX 78666	R29787
Melinda Austin and Yassin Hassan 4800 Apple Valley Ct. College Station TX 77845	R29790
Rasjidah Franklin and Carol Swain 6421 Heather Ridge Way Oakland CA 74611	R105945 R120456
Rio Bonito LLC 18431 P. O. Box 247 Wimberley TX 78676	R18432 R18431
Wm S. Clayton 136 Henson Rd. Wimberley, TX 78676	R21988
Wimberley Point Ltd. P.O. Box 36530 Houston, TX 77236-6530	R71520 R38153

Dr. Jim Waldron R38156  
7777 SW Freeway #820  
Houston, TX 77074

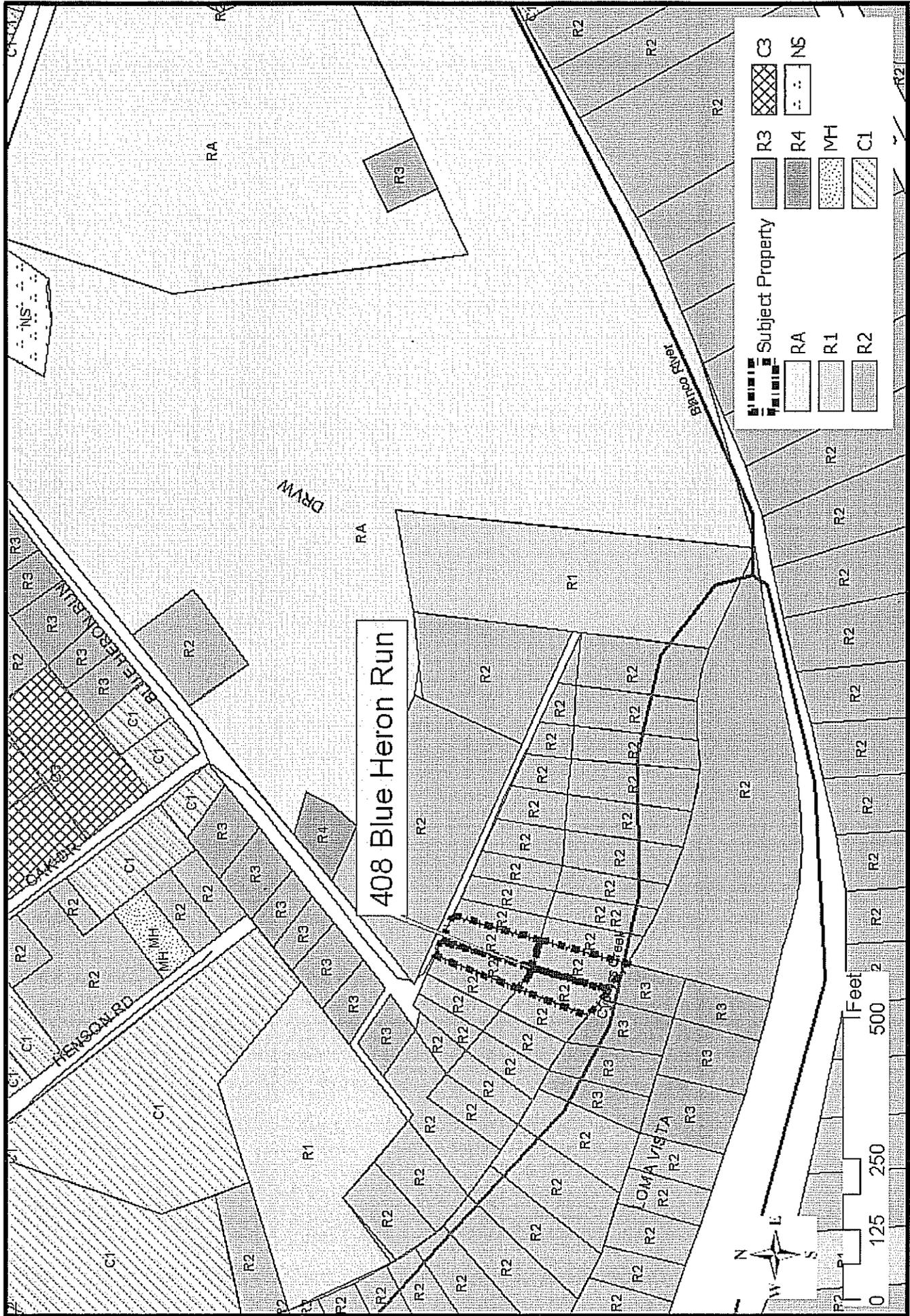
Linda Williams Allen R38155  
P.O. Box 1746  
Wimberley, TX 78676

Albert A and Jean Sander R38154  
P.O. Box 1682  
Wimberley, TX 78676

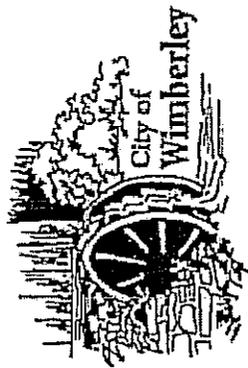
Anita Kibbe  
P.O. Box 131  
Falfurias, TX 78355



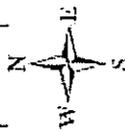
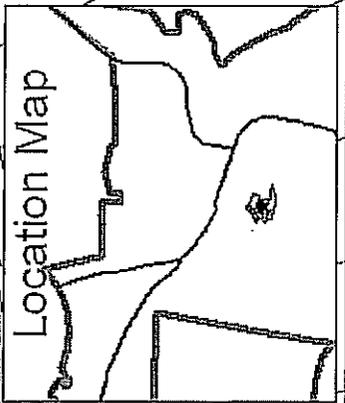
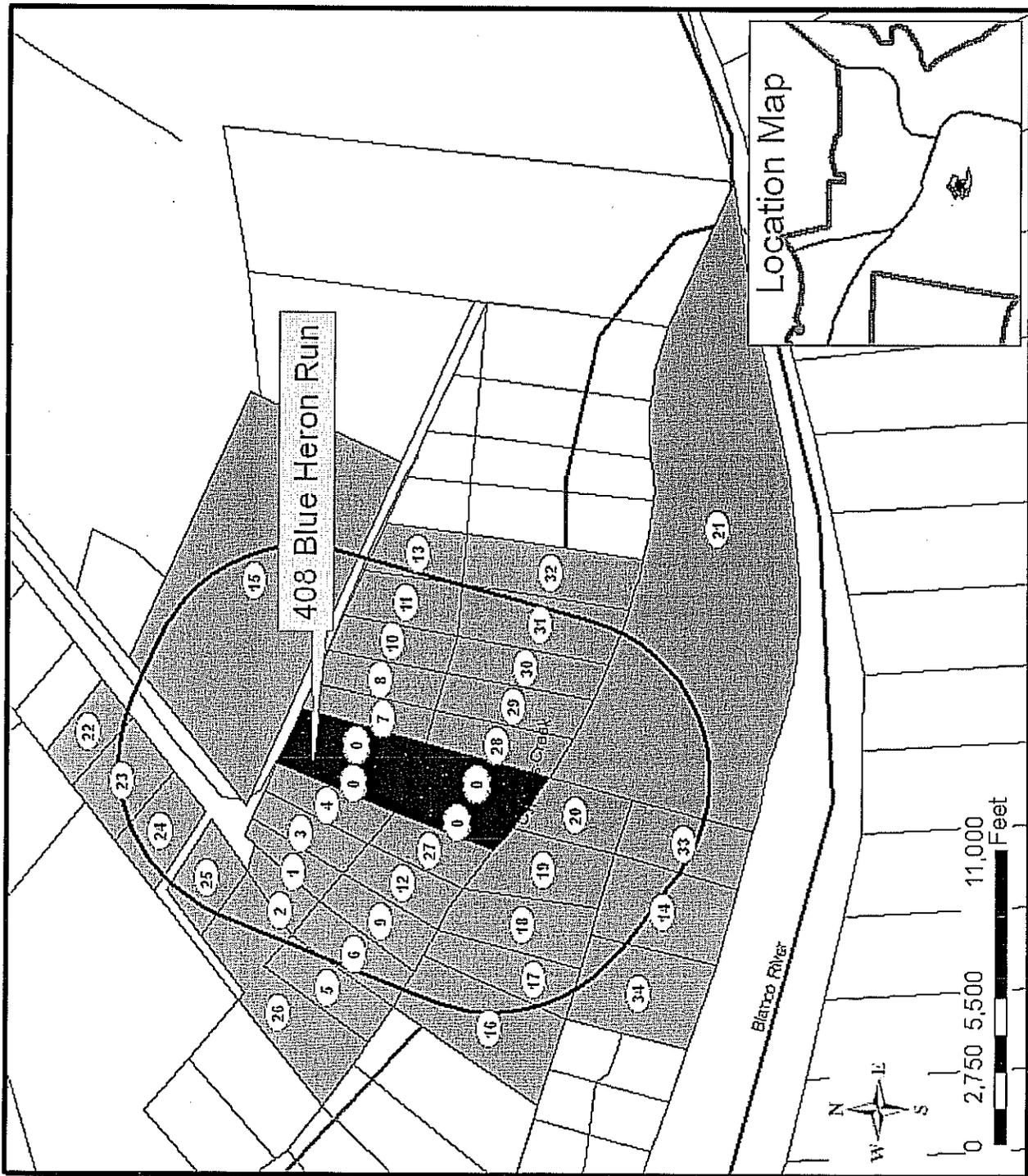
# Zoning Map for CUP-10-010



# Notification Map for Case CUP-10-010



R.O. Box 2027 • Wimberley, Texas 78676



200' Notification Buffer

Subj. Property

0, THOMPSON JAMES J & JUDYL

1, COOK, WANDA

2, COOK, WANDA

3, DUPREE, DUANE SMITH

4, DUPREE, DUANE SMITH

5, DALTON, PATRICIA ANN

6, DALTON, PATRICIA ANN

7, KIBBE, RANCHES LTD

8, KIBBE, RANCHES LTD

9, COOK, WANDA

10, KIBBE, RANCHES LTD

11, HASSAN, YASSIN A

12, DUPREE, DUANE SMITH

13, HASSAN, YASSIN A

14, CRADDOCK, LARRY

15, FRANKLIN, RASJDAH

16, WIMBERLEY POINT LTD

17, WIMBERLEY POINT LTD

18, SANDER ALBERT A & JEAN O & ETAL

19, ALLEN, LINDA WILLIAMS

20, WALDRON JIM F DR

21, WIMBERLEY POINT LTD

22, CLAYTON, WILLIAM S

23, CLAYTON, WILLIAM

24, CLAYTON, WILLIAM S

25, ANDERSON, PETER D

26, ANDERSON, PETER D

27, DUPREE, DUANE SMITH

28, KIBBE, RANCHES LTD

29, KIBBE, RANCHES LTD

30, KIBBE, RANCHES LTD

31, HASSAN, YASSIN A

32, HASSAN, YASSIN A

33, WALDRON JIM F DR

34, CRADDOCK, LARRY

COOK, WANDA  
404 BLUE HERON  
WIMBERLEY, TX 78676

DUPREE, DUANE SMITH  
5700 LIME KILN RD  
SAN MARCOS, TX 78666

THOMPSON JAMES J & JUDY L  
P O BOX 2345  
WIMBERLEY, TX 78676-2345

DALTON, PATRICIA ANN  
402 BLUE HERON  
WIMBERLEY, TX 78676

KIBBE, RANCHES LTD  
P O BOX 131  
FALFURRIAS, TX 78355-0131

HASSAN, YASSIN & MELINDA  
AUSTIN  
4800 APPLE VALLEY CRT  
COLLEGE STATION, TX 77845

CRADDOCK, LARRY  
2325 HARTFORD RD  
AUSTIN, TX 78703

FRANKLIN, RASJIDAH  
FRANKLIN SWAIN 2003 REVOC  
TRUST  
6421 HEATH RIDGE WAY  
OAKLAND, CA 94611-1207

WIMBERLEY POINT LTD  
P O BOX 36530  
HOUSTON, TX 77236-6530

SANDER ALBERT A & JEAN O  
& ETAL  
P.O. BOX 1682  
WIMBERLEY, TX 78676

ALLEN, LINDA WILLIAMS  
P O BOX 1746  
WIMBERLEY, TX 78676-1746

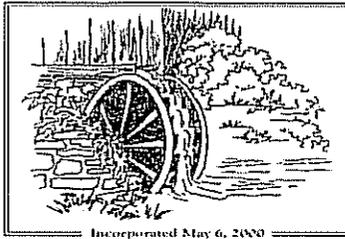
WALDRON JIM F DR  
7777 S W FREEWAY STE #820  
HOUSTON, TX 77074

WIMBERLEY POINT LTD  
P O BOX 36530  
HOUSTON, TX 77236-6530

CLAYTON, WILLIAM S  
136 HENSON RD  
WIMBERLEY, TX 78676

CLAYTON, WILLIAM  
1 SPALDING CIRCLE  
WIMBERLEY, TX 78676

ANDERSON, PETER D  
P O BOX 350  
WIMBERLEY, TX 78676-0350



# City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676  
Phone: 512-847-0025 Fax: 512-847-0422 Web: [cityofwimberley.com](http://cityofwimberley.com)  
Bob Flocke, Mayor - Charles Roccaforte, Mayor Pro-tem  
Council Members - Mac McCullough, Bill Appleman, Steve Thurber, John White  
Don Ferguson, City Administrator

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July 2, 2010

## NOTICE OF PUBLIC HEARING

**Re: File No. CUP-10-010**  
408 Blue Heron Run  
A Request for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at this location.

Dear Property Owner:

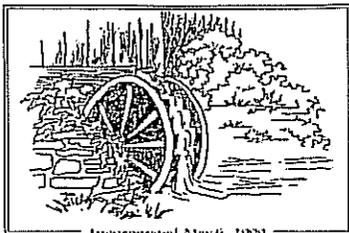
You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicants, James and Judy Thompson, have requested a Conditional Use Permit (CUP) to operate a Bed and Breakfast at 408 Blue Heron Run. The current zoning for this property is Single-Family Residential 2 (R-2). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 22, 2010, at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, August 5, 2010, at 6:00 p.m.**

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

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

CITY OF WIMBERLEY



# City of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676

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

E-mail: [Wimberley@anvil.com](mailto:Wimberley@anvil.com) - Web: [www.vil.wimberley.tx.us](http://www.vil.wimberley.tx.us)

## NOTICE BY SIGN POSTING

Zoning No: COP-10-010

Owner \_\_\_\_\_

Date 7/14/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

( ) Project Site Address 408 Blue Heron Run

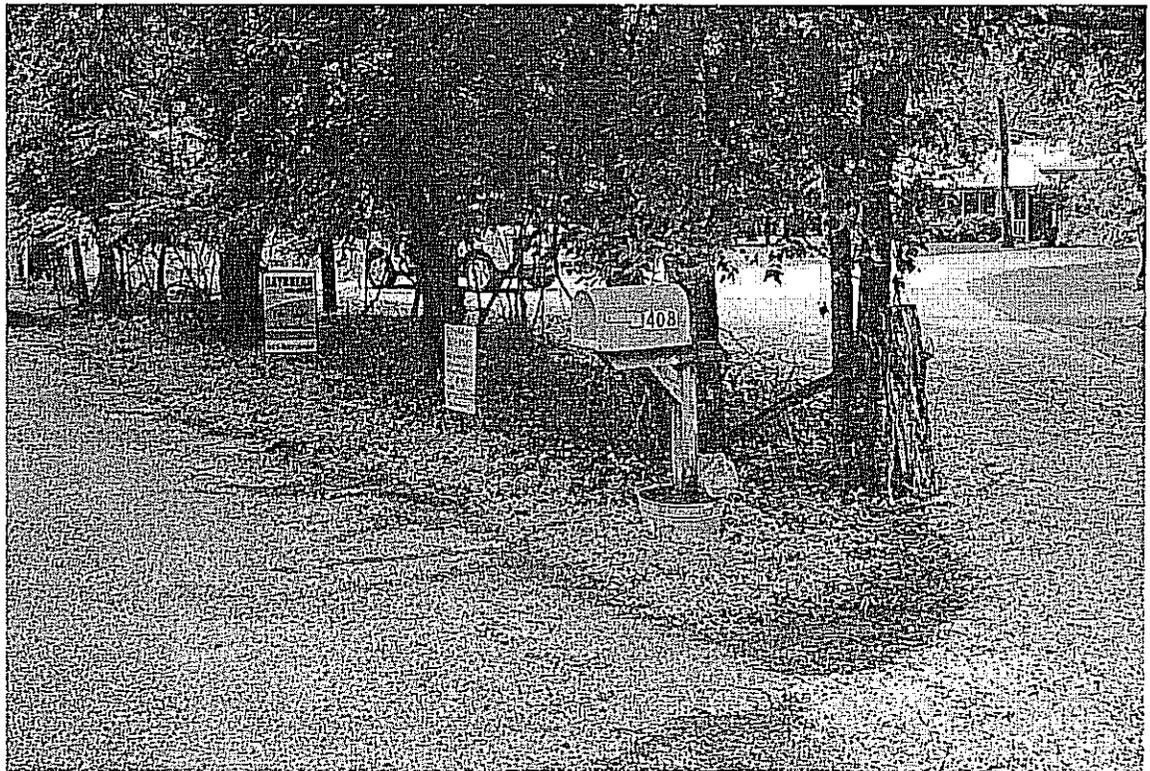
which is located Blue Heron Run

Bill Bowers  
Asst. Public Works

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

7/14/10, 2010

Bill Bowers  
Signature



**Century News 858-4163 • Wimberley View 847-2202**

# CLASSIFIED

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, July 22, 2010, at 6:30 p.m. to consider the following: CUP-10-010 - an application for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at 408 Blue Heron Run. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 5, 2010, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas (12240/1a/55)

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, July 22, 2010, at 6:30 p.m. to consider the following: CUP-10-011 - an application for a Conditional Use Permit (CUP) to allow the operation of a Bed and

Average Market Value of Residences	\$192,717	\$195,000
Average Taxable Value of Residences	\$177,717	\$178,000
Legal Year's Rate Versus Proposed Rate per \$100 Value	\$1,23270	\$1,232,000
Taxes Due on Average Residence	\$2,190.72	\$2,200.00
Increase (Decrease) in Taxes		\$10.00

Under state law, the dollar amount of school taxes imposed on the residence homestead of a person 65 years of age or older or of the surviving spouse of a person, if the surviving spouse was 55 years of age or older when the person died, may not be increased above the amount paid in the first year after the person turned 65, regardless of changes in tax rate or property value.

**Notice of Rollback Rate:** The highest tax rate the district can adopt before requiring voter approval at an election is \$1.25228. This election will be automatically held if the district adopts a rate in excess of the rollback rate of \$1.25228.

**Fund Balances**

The following estimated balances will remain at the end of the current fiscal year and are not encumbered with or by a corresponding debt obligation, less estimated necessary for operating the district before receipt of the first state aid payment:

Maintenance and Operations Fund Balance(s)	\$305,090
Interest & Sinking Fund Balance(s)	\$1,195,433

City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas (12241/1a/55)

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, July 22, 2010, at 6:30 p.m. to consider the following: CUP-10-012 - an application for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at 430 Blue Heron Run. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 5, 2010, at 6:00 p.m. at

granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas (12242/1a/55)

**★ ANTIQUES**

**RUSSIAN SAMAVAR**  
Great collector's item or investment.  
Exhibition dates of 1882 and 1896.  
\$2995, 847-2123 (s-nc)

**★ APPLIANCES**

**WASHER \$ 375/  
DRYER \$ 325,  
and Side by Side Refrigerator \$ 875,  
all Whirlpool. \$1500 for the set. Practically new, must sell - moving.  
512-947-8617 (12213/1cc/55+)**

**★ AUTOS**

(01997/4cc/1fn/60)  
**ATTENTION:**  
**RoadRunner Recycling** is now buying all types of scrap metal. We buy junk vehicles, any condition - running, wrecked or not. Cash paid.  
Location:  
16380 N. Hwy. 123, San Marcos, TX  
512-353-4511 or 512-396-1382 (02949/4cc/60+)

**★ BOATS**

**CANOE**  
Old Town Discovery Solo. Lightweight, Excellent condition \$450.00  
512-705-7587 (12234/2p/58+)

**★ BUSINESS OPPORTUNITIES**

**ESTABLISHED CASH FLOWING LOCAL BUSINESS**  
All assets & lease convey. Low oversight. Owner may carry. \$23,500  
Call: Debbie Hill, Sanford Group  
512-801-4280 (09831/1cc/1fn/55+)

Stay at home mom to babysit your little one.

Please call  
512-212-4620  
(06364/1cc/56)

**★ COMMERCIAL FOR LEASE**

**WAREHOUSE / CONTRACTORS / SHOP / LIGHT MANUFACTURING**  
1000 - 1500 sq  
Insulated w/ half bath.  
Great cross ventilation. 15 amp service.  
801 Carney Ln., 1 mile past High School from \$450/mo  
512-914-1510 (12199/a-1fn)

**WAREHOUSE**  
in San Antonio, dock high, on Loop 106, just off Hwy. 87. (Southeast San Antonio)  
(210)493-8055 (12251/nc/1fn)

**THE LUMBERYARD CREEKSIDE/RETAIL SPACE**  
1 block from the square. \$1.00 per SF per month. 560, 820, & 1800 SF suites. Immediate availability  
512-474-6025 (12412/1cc/55+)

\*\*\*\*\*  
**ONE - 2000 SQ**  
Office / Warehouse  
\$850 per month  
**TWO - 1000 SQ**  
Office / Warehouse  
\$550/mo each  
**THREE - 800 SQ**  
Office / Retail  
\$775 per month  
Plaza Del Sol  
Wimberley  
Call Clayia  
512-796-3999  
\*\*\*\*\*  
(39750/12cc/7)

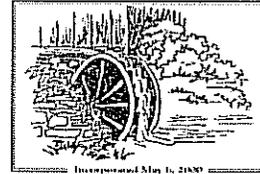
**★ FURNITURE**

**MATTRESS DEMAND**  
Wholesale to All Sizes  
Call 512-761  
Serving Hays  
(12204/4cc/5)

**★ HELL WANTS**

**CARETAKER**  
Elderly couple housekeeping, meal preparation, must have car and insurance personal

# Report for Conditional Use Permit CUP-10-011



**Summary:** A Request for a Conditional Use Permit (CUP) to allow the operation of a *Bed and Breakfast* at 444 Blue Heron Run

**Applicant Information:**

**Applicant:** Donn & Pamela Lamoureux  
444 Blue Heron Run  
Wimberley, TX 78676

**Property Owner:** Donn & Pamela Lamoureux

**Subject Property:**

**Legal Description:** LOT 15 & 1/2 OF 16 HARRISON RESORT SEC 2 & LOT 3 & PORTION OF LOT 2 BREEZEWAY

**Location:** 444 Blue Heron Run  
**Existing Use of Property:** Residential  
**Existing Zoning:** Single-Family Residential 2 (R2)  
**Proposed Use of Property:** Bed and Breakfast  
**Proposed Zoning:** N/A  
**Planning Area:** II  
**Overlay District:** Protected Waterway

**Surroundings:**

**Frontage On:** Blue Heron Run

**Area Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	R2, R3, R4, C1	Residential, Commercial, Vacant
<b>S of Property</b>	R2, R3	Residential, Vacant
<b>E of Property</b>	R1, R2, RA	Residential, Lodging
<b>W of Property</b>	R2, R3	Residential, Vacant

**Legal Notice**

**200' Letters:** 7/2/2010  
**Published:** 7/10/2010  
**Sign Placement:** 7/1/2010  
**Responses:** None

**Comments:**

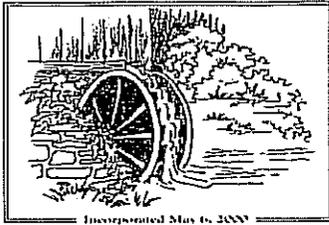
The applicants, Donn and Pamela Lamoureux, have requested a Conditional Use Permit (CUP) to allow for the operation of a *Bed and Breakfast* on a .5 acre tract located at 444 Blue Heron Run. The subject property is located in Planning Area II and is currently zoned Single-Family Residential 2 (R-2). The operation of a *Bed and Breakfast* is allowed in R-2 zoning districts with a CUP.

The applicants are proposing to operate a *Bed and Breakfast* in a four (4) bedroom home currently located on the subject property. The maximum occupancy of the proposed *Bed and Breakfast* is ten (10) guests. Adequate on-site parking and septic capacity exist for the proposed use.

If approved, the proposed *Bed and Breakfast* operation will have to comply with the standard City requirements for such operations relating to after hours contact information, noise, parking, water recreation access, etc. (See Attachment)

Currently, there are six (6) *Bed and Breakfast* operations in the immediate area of the proposed *Bed and Breakfast*.

Based upon review of the application and information provided, staff recommends approval of the requested CUP.



# Village of Wimberley

## CONDITIONAL USE PERMIT APPLICATION

No. CUP-10-011

### FOR OFFICIAL USE ONLY

Application Date: 6/30/2010 Tentative P&Z Hearing: 7/22 Tentative Council Hearing: 8/5  
FEES: \$400.00 DATE PAID: 6/30/2010 CHECK NO. 2715 REC'D BY Sandy Irvin

PROJECT SITE ADDRESS: 444 BLUE HERON RUN Wimberley, TX. 78676  
OWNER/APPLICANT DONN & PAMELA LAMOUREUX PHONE (512) 847-9883  
FAX (512) 847-9369 EMAIL: PAM@LXNET.COM  
Mailing Address: 444 Blue Heron Run CITY: Wimberley STATE: TX ZIP: 78676

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

ZONING: R2 CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)  
BED & BREAKFAST LODGING

Planning Area II Zoning R2 Total Acreage or Sq. Ft. 0.5 ACRE  
Subdivision: LOT 15 + 1/2 OF 16 HARRISON RESORT SEC 2 + LOT 3 + PORTION OF 2, BREEZEWAY SUBDIVISION  
Appraisal District Tax ID#: R29792  
Deed Records Hays County: Volume 138 Page 160; V308 p. 755; V92 p. 541; V301 p. 26

Is property located in an overlay district?  Yes ( ) No - If Yes,  
Type: Protected Water Overlay

Is property located in flood plain?  Yes ( ) No

### Utilities:

Electric Provider: PEC  
Water Provider or Private Well: Wimberley Water Supply  
Wastewater Service Provider or Hays County Septic Permit No: \_\_\_\_\_

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

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

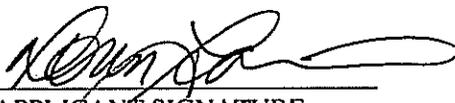
**ADDITIONAL REQUIREMENTS/DOCUMENTATION**

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

Date 6/28/2010

WHEN APPLICABLE: 6/28/10

Date \_\_\_\_\_

  
 \_\_\_\_\_  
 APPLICANT SIGNATURE  
 Paula Jandusek

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

LIST OF ATTACHMENTS TO CITY OF WIMBERLEY  
CONDITIONAL USE PERMIT APPLICATION

444 BLUE HERON RUN

Donn and Pamela Lamoureux  
Applicants

ATTACHMENT A

Conditions That May be Included in the Bed And Breakfast CUPs

ATTACHMENT B

Occupant Regulations and Guidelines

ATTACHMENT C

Survey and Metes and Bounds Description of 444 Blue Heron Run

ATTACHMENT D

List of All Property Owners within 200 Feet

ATTACHMENT E

Neighborhood Plat highlighting Owners within 200 feet

ATTACHMENT F

Site Plan drawn to scale

CHECK

\$400 Application Fee

## ATTACHMENT A

### CONDITIONS THAT MAY BE INCLUDED IN BED AND BREAKFAST CUPs

**CONSTRUCTION:** 444 Blue Heron Run - This one-story rock and wood house was constructed in 1981 and remodeled prior to the incorporation of Wimberley. No plumbing fixtures were added during remodel. The house has been occupied continuously since 1988 as a full time residence, and all systems have been maintained or upgraded as required. The architecture retains the Wimberley Hill Country character.

**COMPATABILITY TO NEARBY AREAS:** 500 Blue Heron Run is the east neighbor of our two properties that under application for a CUP. She was granted a CUP in 2009 for a B&B. Rio Bonito Resort property is on the other side of her and Rio Bonito wraps around and is also adjacent to us on the north side of our properties on Blue Heron Run. The property to the west of our properties is an operational B&B, Austin Cottage. It has been in operation before the incorporation of Wimberley. The Point, directly across the creek is in the flood way and unoccupied. Across and further up the Creek on Loma Vista there are 2 operating B&Bs. Our properties were zoned Residential by the City. There is no HOA or restrictions on Blue Heron Run.

**OFF-STREET PARKING:** The large concrete court and carport with driveway shown on the attached plat is more than adequate to handle the overnight guests and the limited additional guests they may have. The attached rules clearly indicate that all parking shall be on the property, not on Blue Heron Run.

**SIGNAGE:** There shall be **NO** signage on the property advertising the Bed and Breakfast.

**NOISE AND LIGHTING:** The attached rules indicate that noise and lighting shall not impact anyone in the neighborhood.

**NUMBER OF BEDROOMS IS 4. MAXIMUM OCCUPANCY IS 10 overnight guests.**

**OCCUPANT REGULATIONS AND GUIDELINES:** Guidelines are included as "Attachment B" and require acknowledgment by guest and management company. It is understood that these guidelines may not be modified to be made less restrictive without the consent of the Village Administrator.

**WASTEWATER SYSTEM:** The wastewater treatment system will at all times be adequate for the maximum occupancy.

**WATERFRONT USAGE:** The attached rules indicate that Guests may not enter upon any property which is not part of the owner's property for the purpose of entering or exiting the water.

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

**MISCELLANEOUS:** We have always maintained our properties in Wimberley to a high standard for our enjoyment as well as that of the neighborhood. We will continue to do so. All trash and garbage will be placed in provided receptacles. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times.

**REVOCATION:** We understand and accept the responsibility to assure compliance with rules and guidelines to avoid revocation of the CUP.

## ATTACHMENT B

# WELCOME TO THE BLUE HERON RETREAT RULES AND GUIDELINES

**As a guest in our home we would like to outline our desires and expectations that you will follow for your enjoyment, our peace of mind and that of our neighbors.**

**Blue Heron Run is a neighborhood steeped in a family tradition of respecting the environment, the Creek, the Square, the adjacent owners and guests while embracing the spirit of seasonal fun in the Wimberley Valley and the surrounding area. Our expectations are not onerous, but rather those you would exercise in your own home and neighborhood.**

- The number of overnight guests will be limited to 10. No one under the age of 21 will be allowed to be the lessee.
- All parking of vehicles will be on the property and not on Blue Heron Run.
- Any creek side activity which is bothersome to neighbors, including creek side decks shall cease at 10:30 PM. No loud music, no loud chatter, no loud laughing, any of which will impact neighbors will be allowed after 10:30pm.
- All lessees and their guests shall recognize the private property rights of neighbors. Crossing adjacent property, including the Creek, is strictly prohibited without owner's permission. Access to the up-creek area behind the dam is not allowed.
- Any chairs, lounge chairs, flotation devices, kayaks, canoes, etc., used in the Creek shall be removed from the Creek and stored near the deck area each day after use.
- Outdoor fires are a hazard and are not allowed on this property.
- Within our home, the wood-burning stove may be used only between November 1<sup>st</sup> and March 1<sup>st</sup>.
- Outside lighting shall be used sparingly. They shall be used only when necessary for security and shall not be used after 10:30pm.
- Smoking is not allowed in our home. All cigarettes or cigars smoked outside must be thoroughly extinguished and placed in the trash, not on the ground.

- Allowance of pets shall be considered on a case by case basis. If a dog is allowed, it shall be leashed at all times while outside, on or off of the property. There is a leash law. There will be an additional pet deposit.
- We are in an environmentally sensitive area with limited water supply and with septic waste water treatment. Please use shower/bath water sparingly, only minimal toilet tissue in commodes, no other products in commodes, and no major food waste in the disposal. Please scrape food debris into the provided garbage bags and only minimal plate residue should be allowed into the disposal.
- Neighbors will have the name and number of the Property Manager as well as our number should they feel any of the rules have been violated that will impact their use and enjoyment of their home. You will be asked to leave the property if the Manager and/or we feel it is warranted without refund of deposit and rental paid.

**TO REFLECT YOUR UNDERSTANDING AND ACCEPTANCE,  
PLEASE ACKNOWLEDGE BELOW:**

**Lessee:**

\_\_\_\_\_

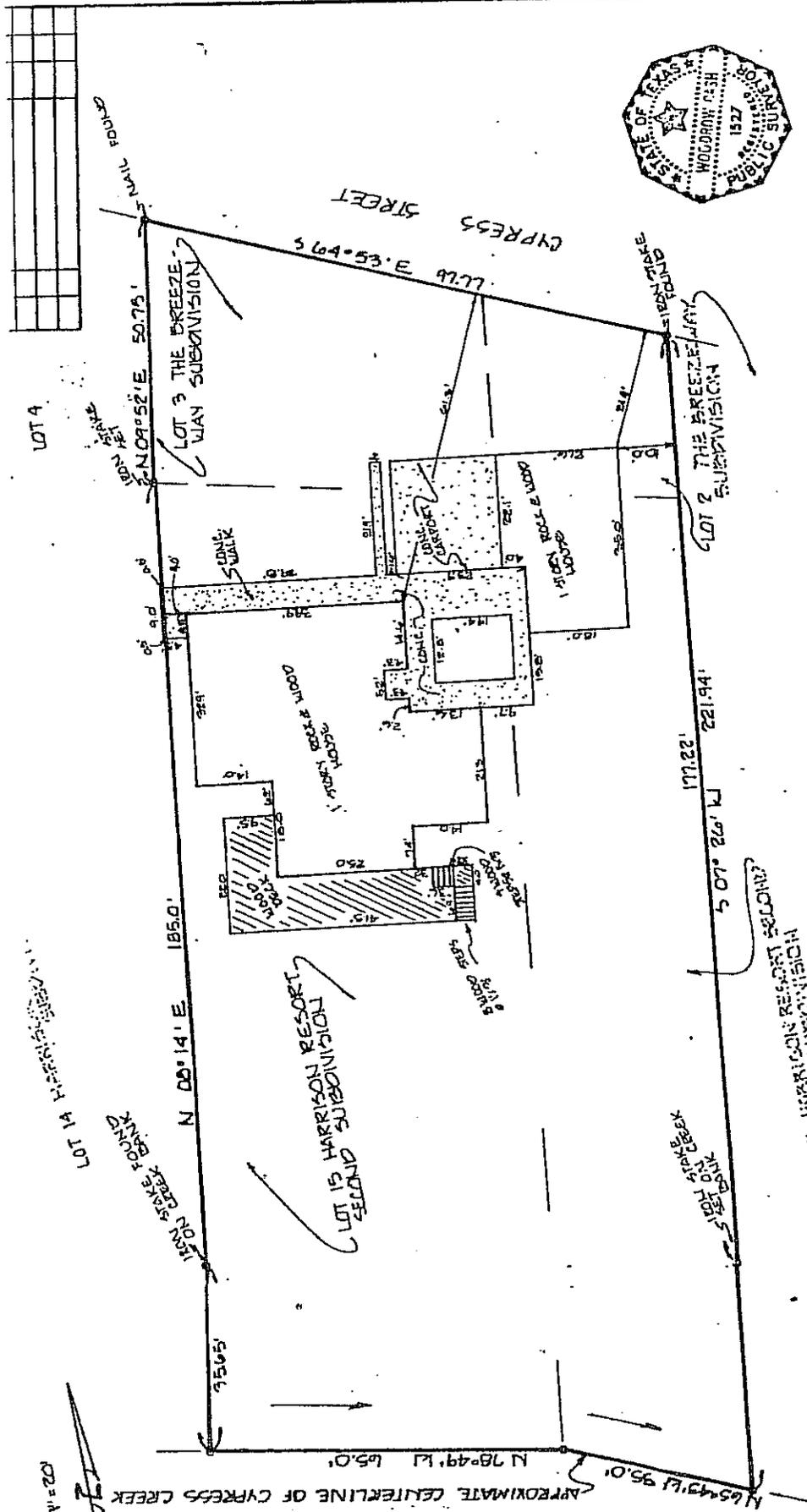
**Date:** \_\_\_\_\_

**Manager:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

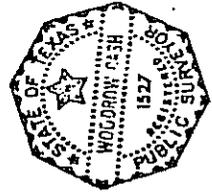
444 Blue Helen Run



TOLERANCES HEREIN ARE BY DECIMAL	1	1" = 20'	SCALE	DRAWN BY I. J. BELLE
FRACTIONAL	2	1" = 20'	APPROVED BY	
ANGULAR	3		DATE	04/25/88

STATE OF TEXAS  
COUNTY OF COMAL  
I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENT OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.  
THIS 23<sup>RD</sup> DAY OF AUGUST, 1988 A.D.

REFERENCES:  
MAP VOL 158 PG. 100  
THE BREEZE WAY SUBDIVISION  
MAP VOL 98 PG. 241  
HARRISON RESORT SECOND SUBDIVISION  
NOTE: THIS IS TO CERTIFY THAT THE PROPERTY SHOWN ABOVE DOES NOT LIE WITHIN THE EDWARDS ADJUTER RECHARGE ZONE.  
NOTE: SURVEY BASED ON FIELD OF RECORDS AND ACTUAL MONUMENTATION FOUND ON THE GROUND.



FIELD NOTE  
OF

A 0.50 ACRE TRACT OF LAND, BEING ALL OF LOT 3 AND A PORTION OF LOT 2, BREEZEWAY SUBDIVISION, OF RECORD IN VOLUME 138, PAGE 160, HAYS COUNTY DEED RECORDS, AS CONVEYED TO DOUGLAS PARKER BY EDWARD DUNCAN PETERSON, INDEPENDENT EXECUTOR OF THE ESTATE OF MABEL PETERSON, ET AL, BY DEED DATED MARCH 20, 1978, AND RECORDED IN VOLUME 308, PAGE 755, HAYS COUNTY DEED RECORDS, AND ALL OF LOT 15, AND A PORTION OF LOT 16, HARRISON RESORT SECOND SUBDIVISION, OF RECORD IN VOLUME 92, PAGE 541, HAYS COUNTY DEED RECORDS, AS CONVEYED TO DOUGLAS PARKER BY JAMES R. NEW, ET AL, BY DEED DATED SEPTEMBER 8, 1977, AND RECORDED IN VOLUME 301, PAGE 269, HAYS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS TO- WIT:

BEGINNING at an iron stake set on the West line of the tract herein described for the common South corner of lots 3 and 4 of the said Breezeway Subdivision, same being the common North corner of lots 14 and 15 of the said Harrison Resort Second Subdivision, and being on the South line of a 20 foot road as shown by the plat of the said Harrison Resort 2nd Subdivision, and from which an old Axle found for the common corner of lots 6 and 7, Breezeway Subdivision and lots 11 and 12, Harrison Resort 2nd Subdivision, bears N 82°55' W, 189.83 feet;

THENCE leaving the said lots 14 and 15 and the south line of the said Harrison Resort 2nd Subdivision 20 foot road, with the common line between the said lots 3 and 4, Breezeway Subdivision, N 09°52' E a distance of 50.75 feet to a nail found for the Northwest corner of the tract herein described, same being the common North corner of the said lots 3 and 4, Breezeway Subdivision, and on the South line of Cypress Street, a 20 foot road as shown by the plat of the said Breezeway Subdivision;

THENCE leaving lot 4, with the South line of Cypress Street, S 64°53' E a distance of 97.77 feet to an iron stake found for the Northeast corner of the tract herein described;

THENCE leaving Cypress Street, S 07°26' W a distance of 177.22 feet to an iron stake set on the North bank of Cypress Creek and continuing on in all 221.94 feet to the record location of the South line of the lot 14, same being the approximate centerline of Cypress Creek, for the Southeast corner of the tract herein described;

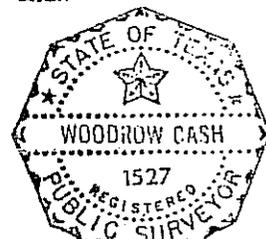
THENCE with the approximate centerline of Cypress Creek N 65°43' W a distance of 35.00 feet to an angle point in Cypress Creek;

THENCE N 78°49' W a distance of 65.00 feet to the Southwest corner of the tract herein described, same being the common South corner of lots 14 and 15 of the said Harrison Resort 2nd Subdivision;

THENCE leaving the approximate centerline of Cypress Creek, with the common line between the said lots 14 and 15, N 08°14' E a distance of 35.65 feet to an iron stake found on the North bank of Cypress Creek and continuing on in all 165.00 feet to the place of BEGINNING.

As surveyed August 23, 1988 by Woodrow Cash, Registered Public Surveyor.

  
WOODROW CASH



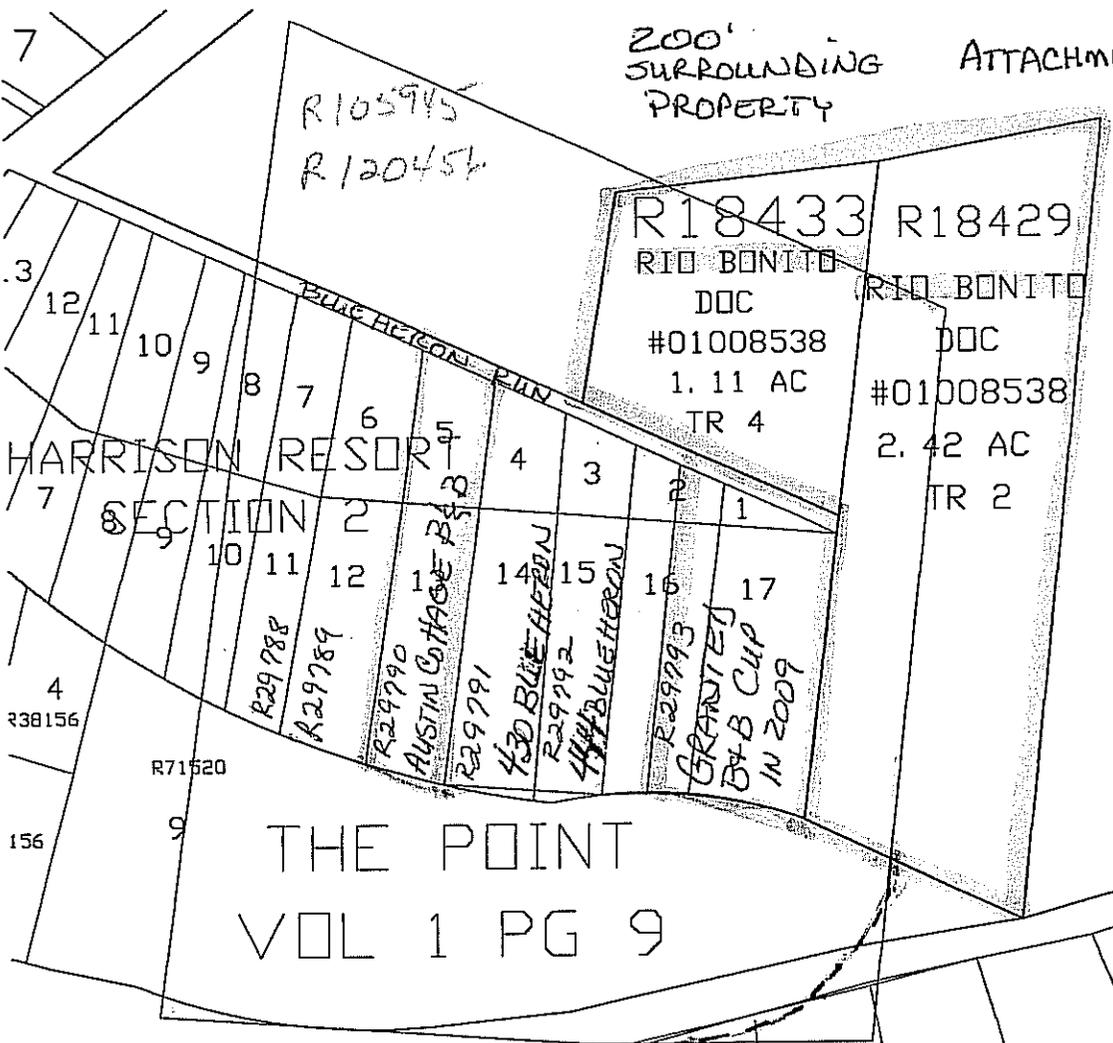
ATTACHMENT D  
BLUE HERON RETREAT  
444 Blue Heron Run

List of Owners and Addresses Within 200'

	<u>Property ID</u>
James & Judy Thompson P.O. Box 2345 Wimberley, TX 78676	R29788
Melinda Austin and Yassin Hassan 4800 Apple Valley Ct. College Station TX 77845	R29790
Rasjidah Franklin and Carol Swain 6421 Heather Ridge Way Oakland CA 74611	R105945 R120456
Rio Bonito LLC 18431 P. O. Box 247 Wimberley TX 78676	R18433 R18429
Wimberley Point Ltd. P.O. Box 36530 Houston, TX 77236-6530	R71520
Anita Kibbe KIBBE RANCHES LTD P.O. Box 131 Falfurias, TX 78355	R29789
Betty Sue Cooper 500 Blue Heron Run Wimberley, TX 78676	R29793
Walter J. Buehring 13501 RR 12 #103 Wimberley, TX 78676	R71927

200'  
SURROUNDING  
PROPERTY

ATTACHMENT E



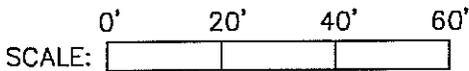
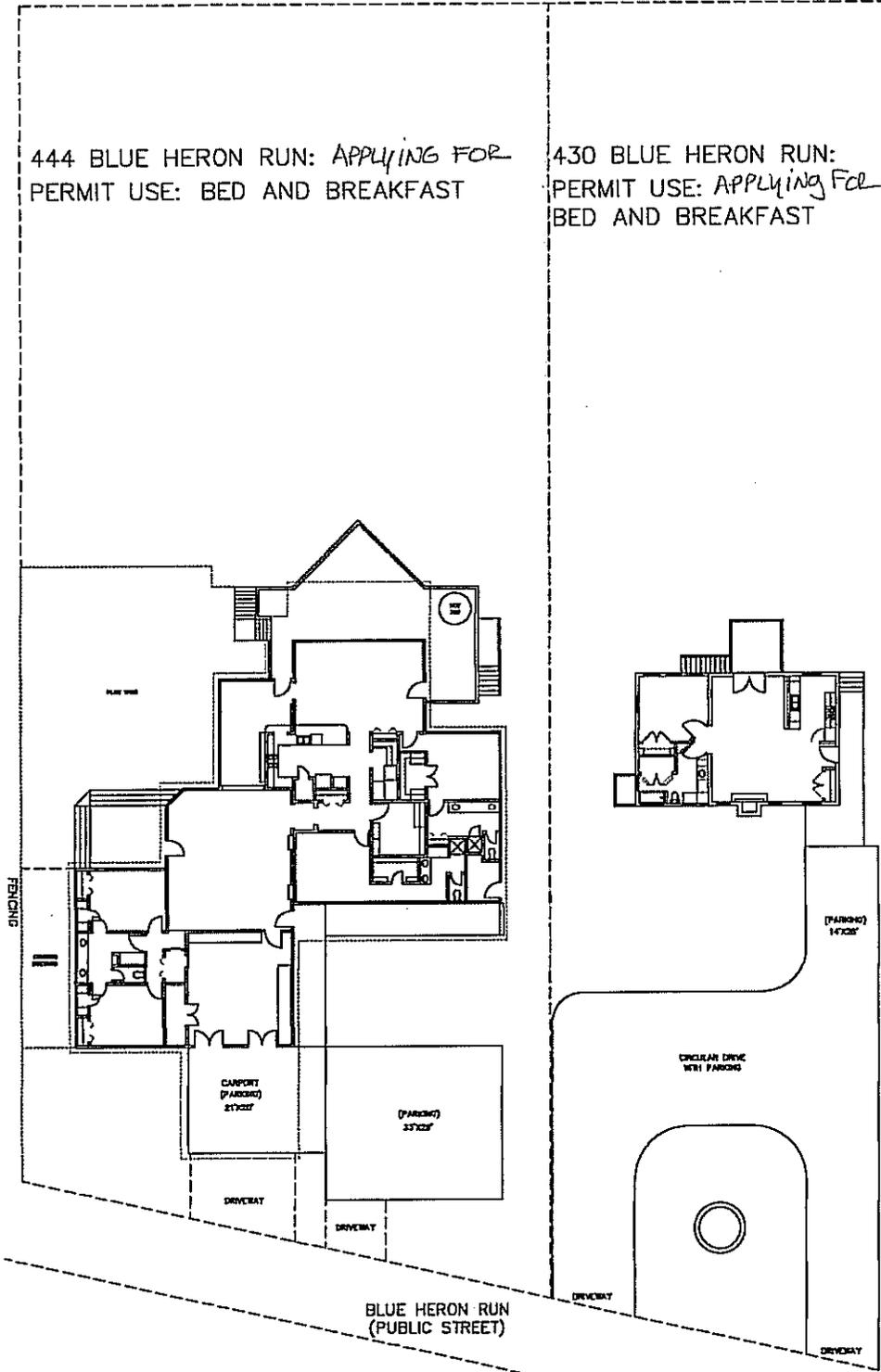
CYPRESS CREEK

444 BLUE HERON RUN: APPLYING FOR PERMIT USE: BED AND BREAKFAST

430 BLUE HERON RUN: APPLYING FOR PERMIT USE: BED AND BREAKFAST

NEIGHBOR: 500 BLUE HERON RUN - BED AND BREAKFAST  
EUP

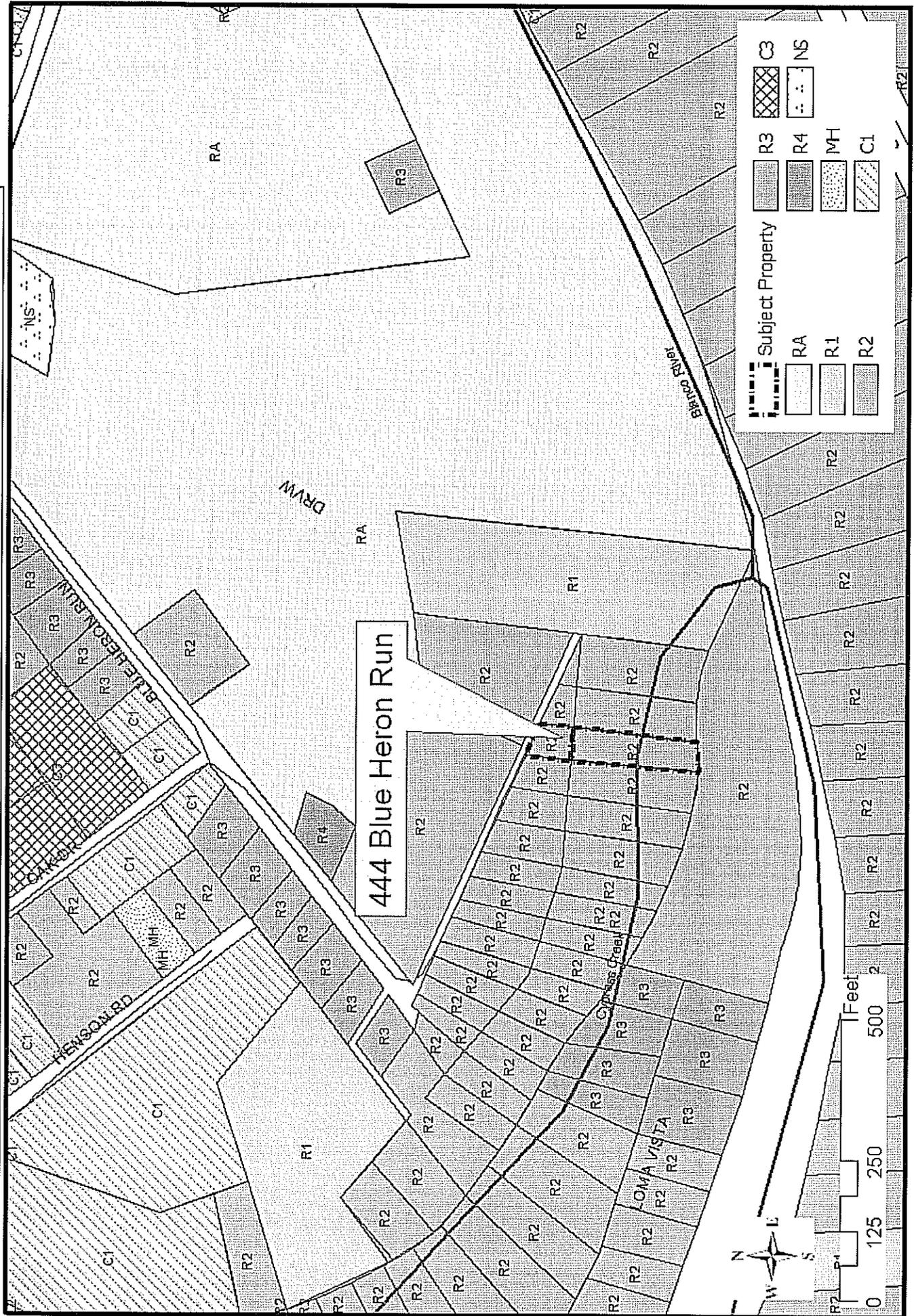
NEIGHBOR: AUSTIN COTTAGE - BED AND BREAKFAST



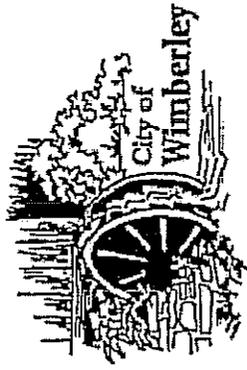
NEIGHBOR: RIO BONITO RESORT



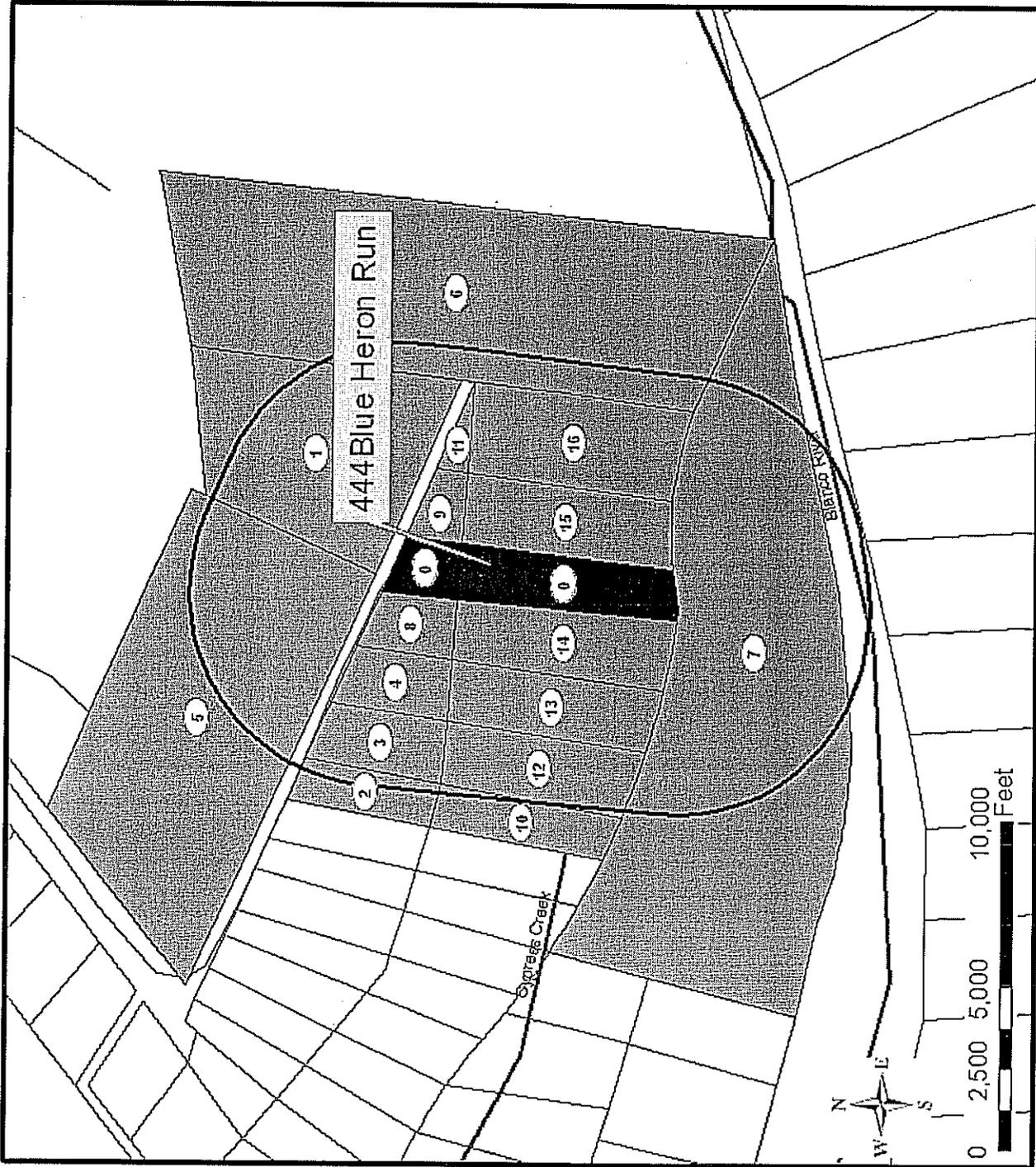
# Zoning Map for CUP-10-011



# Notification Map for Case CUP-10-011



P.O. Box 2027 • Wimberley, Texas 78676



200' Notification Buffer

Subject Property

D, LAMOUREUX DONN C & PAMELA D

1, RIO BONITO LLC

2, KIBBE, RANCHES LTD

3, HASSAN, YASSIN A

4, HASSAN, YASSIN A

5, FRANKLIN, RASJIDAH

6, RIO BONITO LLC

7, WIMBERLEY POINT LTD

8, LAMOUREUX DONN & PAMELA

9, COOPER WILLIAM E & BETTY SUE

10, KIBBE, RANCHES LTD

11, COOPER WILLIAM E & BETTY SUE

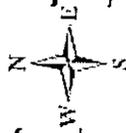
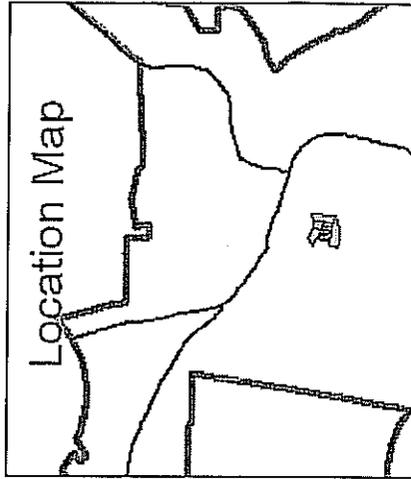
12, HASSAN, YASSIN A

13, HASSAN, YASSIN A

14, LAMOUREUX DONN & PAMELA

15, COOPER WILLIAM E & BETTY SUE

16, COOPER WILLIAM E & BETTY SUE



RIO BONITO LLC  
P O BOX 247  
WIMBERLEY, TX 78676-0247

KIBBE, RANCHES LTD  
P O BOX 131  
FALFURRIAS, TX 78355-0131

HASSAN, YASSIN & MELINDA  
AUSTIN  
4800 APPLE VALLEY CRT  
COLLEGE STATION, TX 77845

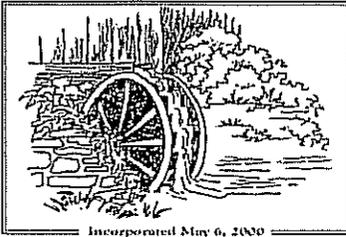
FRANKLIN, RASJIDAH  
FRANKLIN SWAIN 2003 RECOV  
TRUST  
6421 HEATH RIDGE WAY  
OAKLAND, CA 94611-1207

RIO BONITO LLC  
P O BOX 247  
WIMBERLEY, TX 78676-0247

WIMBERLEY POINT LTD  
P O BOX 36530  
HOUSTON, TX 77236-6530

LAMOUREUX DONN &  
PAMELA  
444 BLUE HERON RUN  
WIMBERLEY, TX 78676

COOPER WILLIAM E & BETTY  
SUE  
500 BLUE HERON RUN  
WIMBERLEY, TX 78676-5331



# City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676  
Phone: 512-847-0025 Fax: 512-847-0422 Web: [cityofwimberley.com](http://cityofwimberley.com)  
Bob Flocke, Mayor - Charles Roccaforte, Mayor Pro-tem  
Council Members - Mac McCullough, Bill Appleman, Steve Thurber, John White  
Don Ferguson, City Administrator

---

July 2, 2010

## NOTICE OF PUBLIC HEARING

**Re: File No. CUP-10-011**  
444 Blue Heron Run  
A Request for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at this location.

Dear Property Owner:

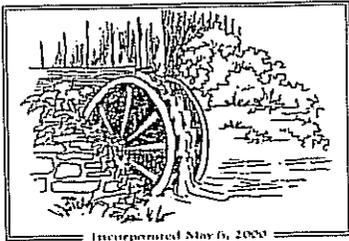
You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicants, Donn and Pamela Lamoureux, have requested a Conditional Use Permit (CUP) to operate a Bed and Breakfast at 444 Blue Heron Run. The current zoning for this property is Single-Family Residential 2 (R-2). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 22, 2010, at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, August 5, 2010, at 6:00 p.m.**

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

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

CITY OF WIMBERLEY



# City of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676

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

E-mail: [Wimberley@anyilcom.com](mailto:Wimberley@anyilcom.com) - Web: [www.vil.wimberley.tx.us](http://www.vil.wimberley.tx.us)

## NOTICE BY SIGN POSTING

Zoning No: COP-10-011

Owner \_\_\_\_\_

Date 7/11/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

( ) Project Site Address 444 Blue Heron Run

which is located Blue Heron Run

Bill Bowers  
Asst. Public Works

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

7/11/10, 2010

  
Signature



**Century-News 858-4163 • Wimberley View 847-2202**

# CLASSIFIED

operation of a Bed and Breakfast at 408 Blue Heron Run. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 5, 2010, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas (12240/1a/55)

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, July 22, 2010, at 6:30 p.m. to consider the following: CUP-10-012 - an application for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at 444 Blue Heron Run. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 5, 2010, at 6:00 p.m. at

City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas (12241/1a/55)

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, July 22, 2010, at 6:30 p.m. to consider the following: CUP-10-012 - an application for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at 430 Blue Heron Run. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 5, 2010, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be

granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas (12242/1a/55)

★  
**ANTIQUES**

**RUSSIAN SAMAVAR**  
Great collector's item or investment.  
Exhibition dates of 1882 and 1896.  
\$2995, 847-2123 (s-nc)

★  
**APPLIANCES**

**WASHER \$ 375/  
DRYER \$ 325,  
and Side by Side Refrigerator \$ 875,  
all Whirlpool. \$1500 for the set. Practically new, must sell - moving.**  
512-947-8617 (12213/1cc/55+)

★  
**AUTOS**

**GOOD OLD BOYS AUTO RECYCLING**  
Cash for your Cars and Trucks - running or not. Free pick up and/or towing.  
512-393-1410

(01997/4cc-1fn/60)  
**ATTENTION:**  
**RoadRunner Recycling** is now buying all types of scrap metal. We buy junk vehicles, any condition - running, wrecked or not. Cash paid.  
Location:  
16380 N. Hwy 123, San Marcos, TX  
512-353-4511 or 512-396-1382 (02949/4cc/60+)

★  
**BOATS**

**CANOE**  
Old Town Discovery Scio. Lightweight, Excellent condition \$450.00  
512-705-7587 (12234/2p/55+)

★  
**BUSINESS OPPORTUNITIES**

**ESTABLISHED CASH FLOWING LOCAL BUSINESS**  
All assets & lease convey. Low oversight. Owner may carry. \$23,500  
Call Debie Hill, Samford Group  
512-801-4280 (09631/1cc-1fn/55+)

★  
**CHILDCARE**

**NEED A SITTER?**

Stay at home mom to babysit your little one.  
Please call  
512-212-4620  
(06364/1cc/58)

★  
**COMMERCIAL FOR LEASE**

**WAREHOUSE / CONTRACTORS / SHOP / LIGHT MANUFACTURING**  
1000 - 1500 sf  
Insulated w/ half bath  
Great cross ventilation 15 amp service  
801 Carney Ln, 1 mile past High School from \$450/mo  
512-914-1510 (12199/a-1fn)

**WAREHOUSE**  
In San Antonio, dock high, on Loop 106, just off Hwy 87 (Southeast San Antonio)  
(210)493-8055 (12251/nc/1fn)

**THE LUMBERYARD CREEKSIDE/RETAIL SPACE**  
1 block from the square, \$1.00 per SF per month, 560, 820, & 1800 SF suites, immediate availability  
512-474-6025 (12110/1cc-1fn/56+)

**OFFICE SPACE FOR LEASE**  
In South River Center  
1 - 720 Sq.Ft.  
512-748-6202 for more information.  
(05079/a-1fn)

\*\*\*\*\*  
**ONE - 2000 SQ. Office / Warehouse**  
\$850 per month  
**TWO - 1000 SQ. Office / Warehouse**  
\$550/mo each  
**THREE - 800 SQ. Office / Retail**  
\$775 per month/ea  
Plaza Del Sol Wimberley  
Call Clay at 512-796-3956  
\*\*\*\*\*  
(89750/1cc/74+)

★  
**FURNITURE**

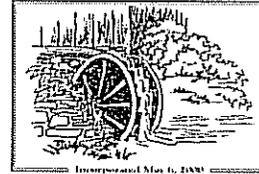
**MATRESS ON DEMAND**  
Wholesale to Public  
All Sizes  
Call 512-761-1010  
Serving Hays County  
(12204/4cc/59+)

★  
**HELP WANTED**

**CARETAKER**  
Elderly couple, li-  
houskeeping, laun-  
meal preparation,  
ing, must have o-  
car and insurance  
personal care,  
background che-  
required, \$9.00  
702-427-3988  
(12243/2cc/58+)

**HOUSEKEEPER**  
Wanted, part-time  
must have SS#

# Report for Conditional Use Permit CUP-10-012



**Summary:**

A Request for a Conditional Use Permit (CUP) to allow the operation of a *Bed and Breakfast* at 430 Blue Heron Run

**Applicant Information:**

**Applicant:** Donn & Pamela Lamoureux  
444 Blue Heron Run  
Wimberley, TX 78676

**Property Owner:** Donn & Pamela Lamoureux

**Subject Property:**

**Legal Description:** HARRISON RESORT SEC 2, LOT 14 AND BREEZEWAY SUBD,  
LOT 4 GEO#90606172

**Location:** 430 Blue Heron Run  
**Existing Use of Property:** Residential  
**Existing Zoning:** Single-Family Residential 2 (R2)  
**Proposed Use of Property:** Bed and Breakfast  
**Proposed Zoning:** N/A  
**Planning Area:** II  
**Overlay District:** Protected Waterway

**Surroundings:**

**Frontage On:** Blue Heron Run

**Area Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	R2, R3, R4, C1	Residential, Commercial, Vacant
<b>S of Property</b>	R2, R3	Residential, Vacant
<b>E of Property</b>	R1, R2, RA	Residential, Lodging
<b>W of Property</b>	R2, R3	Residential, Vacant

**Legal Notice**

**200' Letters:** 7/2/2010  
**Published:** 7/10/2010  
**Sign Placement:** 7/2/2010  
**Responses:** None

**Comments:**

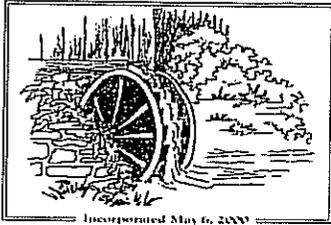
The applicants, Donn and Pamela Lamoureux, have requested a Conditional Use Permit (CUP) to allow for the operation of a *Bed and Breakfast* on a .35 acre tract located at 430 Blue Heron Run. The subject property is located in Planning Area II and is currently zoned Single-Family Residential 2 (R-2). The operation of a *Bed and Breakfast* is allowed in R-2 zoning districts with a CUP.

The applicants are proposing to operate a *Bed and Breakfast* in a one (1) bedroom home currently located on the subject property. The maximum occupancy of the proposed *Bed and Breakfast* is four (4) guests. Adequate on-site parking and septic capacity exist for the proposed use.

If approved, the proposed *Bed and Breakfast* operation will have to comply with the standard City requirements for such operations relating to after hours contact information, noise, parking, water recreation access, etc. (See Attachment)

Currently, there are six (6) *Bed and Breakfast* operations in the immediate area of the proposed *Bed and Breakfast*.

Based upon review of the application and information provided, staff recommends approval of the requested CUP.



# Village of Wimberley

## CONDITIONAL USE PERMIT APPLICATION

No. CUP-D - 012

### FOR OFFICIAL USE ONLY

Application Date: 6/30/2010 Tentative P&Z Hearing: 7/22 Tentative Council Hearing: 8/5  
FEES: \$400.00 DATE PAID: 6/30/2010 CHECK NO. 2714 REC'D BY Sandy Irwin

PROJECT SITE ADDRESS: 430 BLUE HERON RUN Wimberley, TX. 78676  
OWNER/APPLICANT DONN & PAMELA LAMOUREUX PHONE (512) 847-9883  
FAX (512) 847-9369 EMAIL: PAM@LXNET.COM  
Mailing Address: 444 Blue Heron Run CITY: Wimberley STATE: TX ZIP: 78676

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

ZONING: R2 CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

BED & BREAKFAST LODGING

Planning Area II Zoning R2 Total Acreage or Sq. Ft. 0.35 ACRE

Subdivision: BREEZEWAY LOT 4 AND HARRISON RESORT SEC 2 Lot 14 Block

Appraisal District Tax ID#: R29791

Deed Records Hays County: Volume 138 Page 160A; 192 p.541.

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

Type: Protected Water Overlay

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

Utilities:

Electric Provider: PEC

Water Provider or Private Well: WIMBERLEY WATER SUPPLY COOP

Wastewater Service Provider or Hays County Septic Permit No: \_\_\_\_\_

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

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

**ADDITIONAL REQUIREMENTS/DOCUMENTATION**

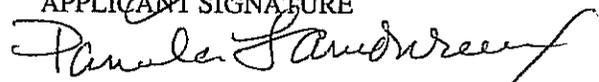
- Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction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

Date 6-28-2010

WHEN APPLICABLE:

Date \_\_\_\_\_

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



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

LIST OF ATTACHMENTS TO CITY OF WIMBERLEY  
CONDITIONAL USE PERMIT APPLICATION

430 BLUE HERON RUN

Donn and Pamela Lamoureux  
Applicants

ATTACHMENT A

List of Conditions That May be Included In The Bed And Breakfast CUPs

ATTACHMENT B

Occupant Regulations and Guidelines

ATTACHMENT C

Survey and Metes and Bounds Description of 430 Blue Heron Run

ATTACHMENT C.1 - SEWAGE FACILITY FINAL INSPECTION

ATTACHMENT D

List of All Property Owners within 200 Feet

ATTACHMENT E

Neighborhood Plat highlighting Owners within 200 feet

ATTACHMENT F

Site Plan drawn to scale

CHECK

\$400 Application Fee

ATTACHMENT A

**CONDITIONS THAT MAY BE INCLUDED IN BED AND BREAKFAST CUPS**

**CONSTRUCTION: 430 Blue Heron Run** -The one-story cabin was built in 1950 and fully remodeled in 2005. All systems were replaced as permitted including plumbing, septic, HVAC, electrical, etc. The cabin has been rented periodically on a long term basis since completion of the remodel. The architecture retains the Wimberley Hill Country character.

**COMPATABILITY TO NEARBY AREAS:** 500 Blue Heron Run is the east neighbor of our two properties that under application for a CUP. She was granted a CUP in 2009 for a B&B. Rio Bonito Resort property is on the other side of her and Rio Bonito wraps around and is also adjacent to us on the north side of our properties on Blue Heron Run. The property to the west of our properties is an operational B&B, Austin Cottage. It has been in operation before the incorporation of Wimberley. The Point, directly across the creek is in the flood way and unoccupied. Across and further up the Creek on Loma Vista there are 2 operating B&Bs that we know about. Our properties were zoned Residential by the City. There is no HOA or restrictions on Blue Heron Run.

**OFF-STREET PARKING:** The parking spots and large circular driveway is more than adequate to handle the overnight guests and the limited additional guests they may have. The attached rules clearly indicate that all parking shall be on the property, not on Blue Heron Run.

**SIGNAGE:** There shall be **NO** signage on the property advertising the Bed and Breakfast.

**NOISE AND LIGHTING:** The attached rules clearly indicate that both noise and lighting shall not impact anyone in the neighborhood and provides for removal from the property for violation.

**NUMBER OF BEDROOMS IS 1. MAXIMUM OCCUPANCY IS 4 guests.**

**OCCUPANT REGULATIONS AND GUIDELINES:** Guidelines are included as "Attachment B" and require acknowledgment by guest and Management Company. It is understood that these guidelines may not be modified to be made less restrictive without the consent of the Village Administrator.

**WASTEWATER SYSTEM:** The wastewater treatment system will at all times be adequate for the maximum occupancy.

**WATERFRONT USAGE:** The attached rules indicate that Guests may not enter upon any property which is not part of the owner's property for the purpose of entering or exiting the water.

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

**MISCELLANEOUS:** We have always maintained our properties in Wimberley to a high standard for our enjoyment as well as that of the neighborhood. We will continue to do so. All trash and garbage will be placed in provided receptacles. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times.

**REVOCATION:** We understand and accept the responsibility to assure compliance with rules and guidelines to avoid revocation of the CUP.

ATTACHMENT B

**WELCOME TO THE  
BLUE HERON CABIN  
RULES AND GUIDELINES**

**As a guest in our home we would like to outline our desires and expectations that you will follow for your enjoyment, our peace of mind and that of our neighbors.**

**Blue Heron Run is a neighborhood steeped in a family tradition of respecting the environment, the Creek, the Square, the adjacent owners and guests while embracing the spirit of seasonal fun in the Wimberley Valley and the surrounding area. Our expectations are not onerous, but rather those you would exercise in your own home and neighborhood.**

- The number of overnight guests will be limited to 4. No one under the age of 21 will be allowed to be the lessee.
- All parking of vehicles will be on the property and not on Blue Heron Run.
- Any creek side activity which is bothersome to neighbors, including creek side decks shall cease at 10:30 PM. No loud music, no loud chatter, no loud laughing, any of which will impact neighbors will be allowed after 10:30pm.
- All lessees and their guests shall recognize the private property rights of neighbors. Crossing adjacent property, including the Creek, is strictly prohibited without owner's permission. Access to the up-creek area behind the dam is not allowed.
- Any chairs, lounge chairs, flotation devices, kayaks, canoes, etc., used in the Creek shall be removed from the Creek and stored near the deck area each day after use.
- Outdoor fires are a hazard and are only allowed in the fire pit if, and only if, there is no "Fire Ban" in place, and someone is present and attending the fire until completely out.
- The fireplace may not be used.
- Outside lighting shall be used sparingly. They shall be used only when necessary for security and shall not be used after 10:30pm.
- Smoking is not allowed in the cabin. All cigarettes or cigars smoked outside must be thoroughly extinguished and placed in the trash, not on the ground.

- Allowance of pets shall be considered on a case by case basis. If a dog is allowed, it shall be leashed at all times while outside, on or off of the property. There is a leash law. There will be an additional pet deposit.
- We are in an environmentally sensitive area with limited water supply and with septic waste water treatment. Please use shower/bath water sparingly, only minimal toilet tissue in commodes, no other products in commodes, and no major food waste in the disposal. Please scrape food debris into the provided garbage bags and only minimal plate residue should be allowed into the disposal.
- Neighbors will have the name and number of the Property Manager as well as our number should they feel any of the rules have been violated that will impact their use and enjoyment of their home. You will be asked to leave the property if the Manager and/or we feel it is warranted without refund of deposit and rental paid.

**TO REFLECT YOUR UNDERSTANDING AND ACCEPTANCE,  
PLEASE ACKNOWLEDGE BELOW:**

**Lessee:**

\_\_\_\_\_

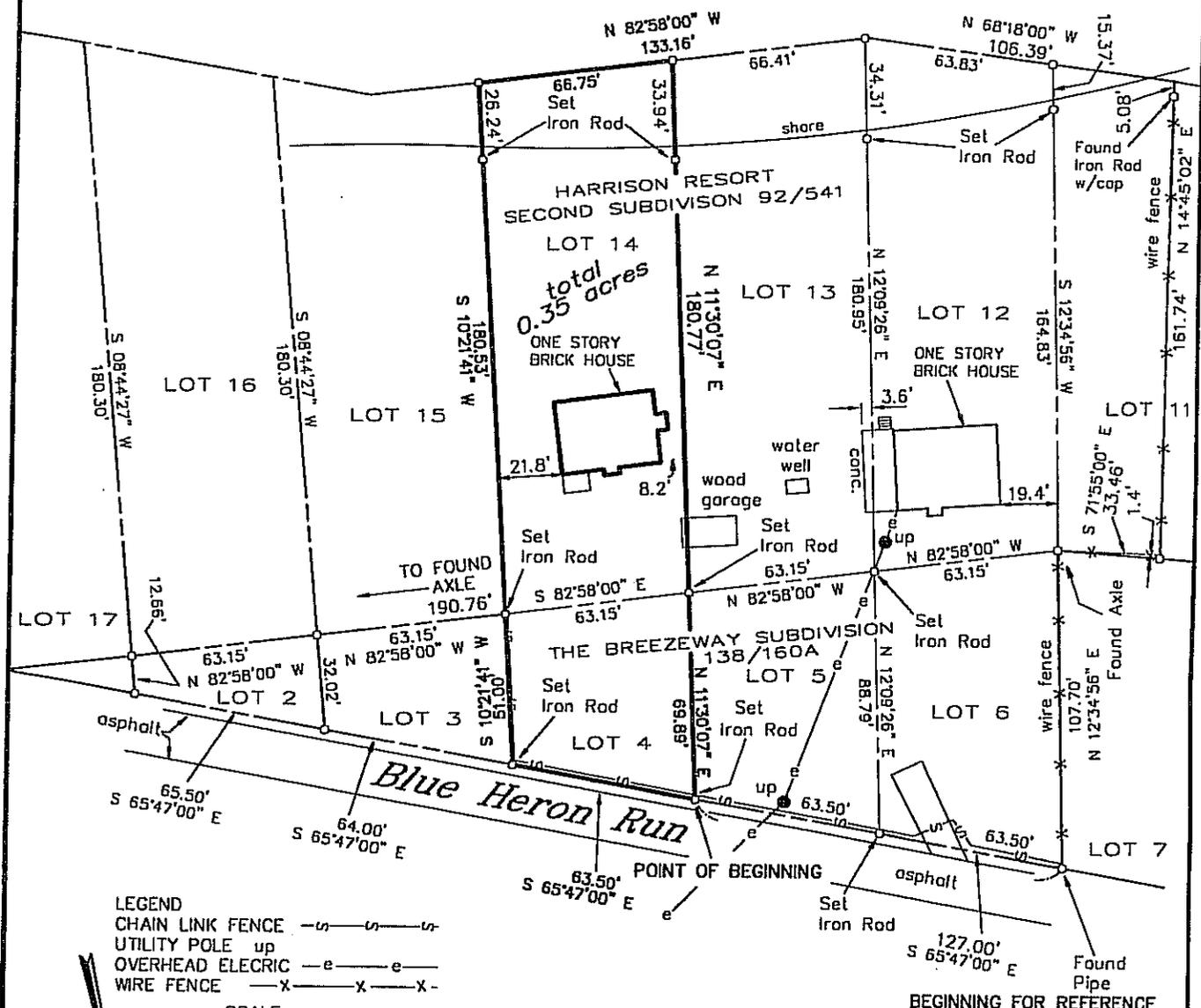
**Date:** \_\_\_\_\_

**Manager:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

# Cypress Creek



ADDRESS: 430 BLUE HERON RUN

PROPERTY SURVEY OF 0.35 ACRE OF LAND, MORE OR LESS, BEING ALL OF LOT 4, THE BREEZEWAY SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 138, PAGE 160A, DEED RECORDS, HAYS COUNTY, TEXAS, TOGETHER WITH ALL OF LOT 14, HARRISON RESORT SECOND SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 92, PAGE 541, DEED RECORDS, HAYS COUNTY, TEXAS.

State of Texas:  
County of Hays:

The undersigned does hereby certify that this survey was this day made on the ground on the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

Dated this the 3RD day of SEPTEMBER 199 9

And I certify that the property shown hereon IS within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary map revised as per Map Number: 48209C0160 E  
Zone: AE Dated: 02/18/98

*[Signature]*

Thomas P. Dixon R.P.L.S. 4324

6305 Forest Hills Drive, Austin, Texas Phone: 306-0032



**Dixon Land Surveying**

Office: 512-481-9602

Thomas P. Dixon  
R.P.L.S. 4324

Fax: 512-481-9610

EXHIBIT "A"

J6672C

September 3, 1999

**FIELD NOTES**

**FIELD NOTES FOR 0.35 ACRE OF LAND, MORE OR LESS, BEING ALL OF LOT 4, THE BREEZEWAY SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 138, PAGE 160A, DEED RECORDS, HAYS COUNTY, TEXAS, TOGETHER WITH ALL OF LOT 14, HARRISON RESORT SECOND SUBDIVISION, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 92, PAGE 541, DEED RECORDS, HAYS COUNTY, TEXAS; FOR WHICH A MORE PARTICULAR DESCRIPTION BY METES AND BOUNDS IS AS FOLLOWS:**

**BEGINNING FOR REFERENCE** at a pipe found on the south R.O.W. of Blue Heron Run, at the N.W. corner of Lot 6, THE BREEZEWAY SUBDIVISION;

**THENCE** S65°47'00"E along the south R.O.W. of Blue Heron Run, at 63.50 feet passing an iron rod set at the N.E. corner of Lot 6 and the N.W. corner of Lot 5, and in all 127.00 feet to an iron rod set at the N.W. corner of Lot 4 for the N.W. corner hereof and **POINT OF BEGINNING**;

**THENCE** S65°47'00"E along the south R.O.W. of Blue Heron Run for a distance of 63.50 feet to an iron rod set at the N.E. corner of Lot 4, for the N.E. corner hereof;

**THENCE** S10°21'41"W for a distance of 51.00 feet to an iron rod set at the S.E. corner of Lot 4 and the N.E. corner of Lot 14, HARRISON RESORT SECOND SUBDIVISION, for a corner hereof;

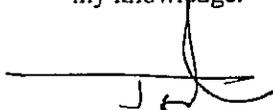
**THENCE** S10°21'41"W along the east line of Lot 14, at 154.29 feet passing an iron rod set on the shore of Cypress Creek, and in all 180.53 feet to a point in Cypress Creek at the S.E. corner of Lot 14 for the S.E. corner hereof;

**THENCE** N82°58'00"W for a distance of 66.75 feet to a point at the S.W. corner of Lot 14, for the S.W. corner hereof;

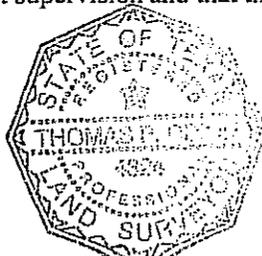
**THENCE** N11°30'07"E along the west line of Lot 14, at 33.94 feet passing an iron rod set on the shore of Cypress Creek, and in all 180.77 feet to an iron rod set at the N.W. corner of Lot 14, same being the S.W. corner of Lot 4, THE BREEZEWAY SUBDIVISION, for a corner hereof, from which point an axle found at the S.W. corner of Lot 6 and the N.W. corner of Lot 12 bears N82°58'00"W at a distance of 126.30 feet;

**THENCE** N11°30'07"E for a distance of 69.89 feet to the **POINT OF BEGINNING**, containing 0.35 acre of land.

I, the undersigned do hereby certify that the field notes hereon were prepared from an actual on-the-ground survey under my direct supervision and that they are true and correct to the best of my knowledge.



Thomas P. Dixon R.P.L.S. 4324





# Hays County Environmental Health

1251 Civic Center Loop  
San Marcos TX 78666-  
(512) 393-2150

## FINAL INSPECTION

To whom it may concern:

Date: 4/19/04

Permit #: 2004 - 549

Date purchased: 3/12/04

Owner's Name: **LAMOUREUX, DONN & PAMELA**

444 BLUE HERON RUN, WIMBERLEY TX 78676

Site location

430 BLUE HERON RUN, WIMBERLEY TX 78676

BREEZEWAY

Block: Lot: 4

The above referenced private sewage facility has been inspected by the above county for compliance with the rules of the county and based on information provided in the application, has been found to comply with the requirements of those rules.

NOTE: This certification does not extend to the materials, workmanship or fabrication of the private sewage facility so as to express or imply to the owner or installer of the facility any warranty by or rights against this county or any of its agencies, as to the quality or durability of the facility nor compliance with the owner's individual specifications and requirements, but solely relates to the facility meeting the requirements of this county in effect as of this date.

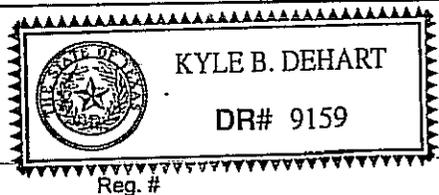
NOTE: This approval simply grants permission to operate this facility; it does not guarantee its successful operation. Routine maintenance and proper functioning are the sole responsibility of the owner.

NOTE: This approval remains in effect until such time as there is evidence that this facility is not operating properly and may constitute a threat to the health of the people of this county.

The specified backfill should not be altered or covered in any way except for sodded grass in a checkerboard fashion or grass seeded cover to promote evaporation. All plumbing in the house should be kept in good repair to minimize flooding of the

ISSUED THIS DATE: 4/19/04

SANITARIAN



ATTACHMENT D  
BLUE HERON CABIN  
430 Blue Heron Run

List of Owners and Addresses Within 200'

	<u>Property ID</u>
James & Judy Thompson P.O. Box 2345 Wimberley, TX 78676	R29788
Melinda Austin and Yassin Hassan 4800 Apple Valley Ct. College Station TX 77845	R29790
Rasjidah Franklin and Carol Swain 6421 Heather Ridge Way Oakland CA 74611	R105945 R120456
Rio Bonito LLC 18431 P. O. Box 247 Wimberley TX 78676	R18433 R18429
Wimberley Point Ltd. P.O. Box 36530 Houston, TX 77236-6530	R71520
Anita Kibbe KIBBE RANCHES LTD P.O. Box 131 Falfurias, TX 78355	R29789
Betty Sue Cooper 500 Blue Heron Run Wimberley, TX 78676	R29793
Walter J. Buehring 13501 RR 12 #103 Wimberley, TX 78676	R71927

200' SURROUNDING PROPERTY

R105945  
R120456

R18433

R18429

RIO BONITO  
DOC  
#01008538  
1.11 AC  
TR 4

RIO BONITO  
DOC  
#01008538  
2.42 AC  
TR 2

HARRISON RESORT  
SECTION 2

R29788  
R29789  
Austin College  
R29790  
430 Blue Head  
R29791  
444 Blue Head  
R29792  
GRANTED  
CLIP FOR B7B  
in 2009

THE POINT  
VOL 1 PG 9

R38156

R71520

156

R71923

21

22

23

24

25

26

27

28

R71927

R71930

R71926

R71924

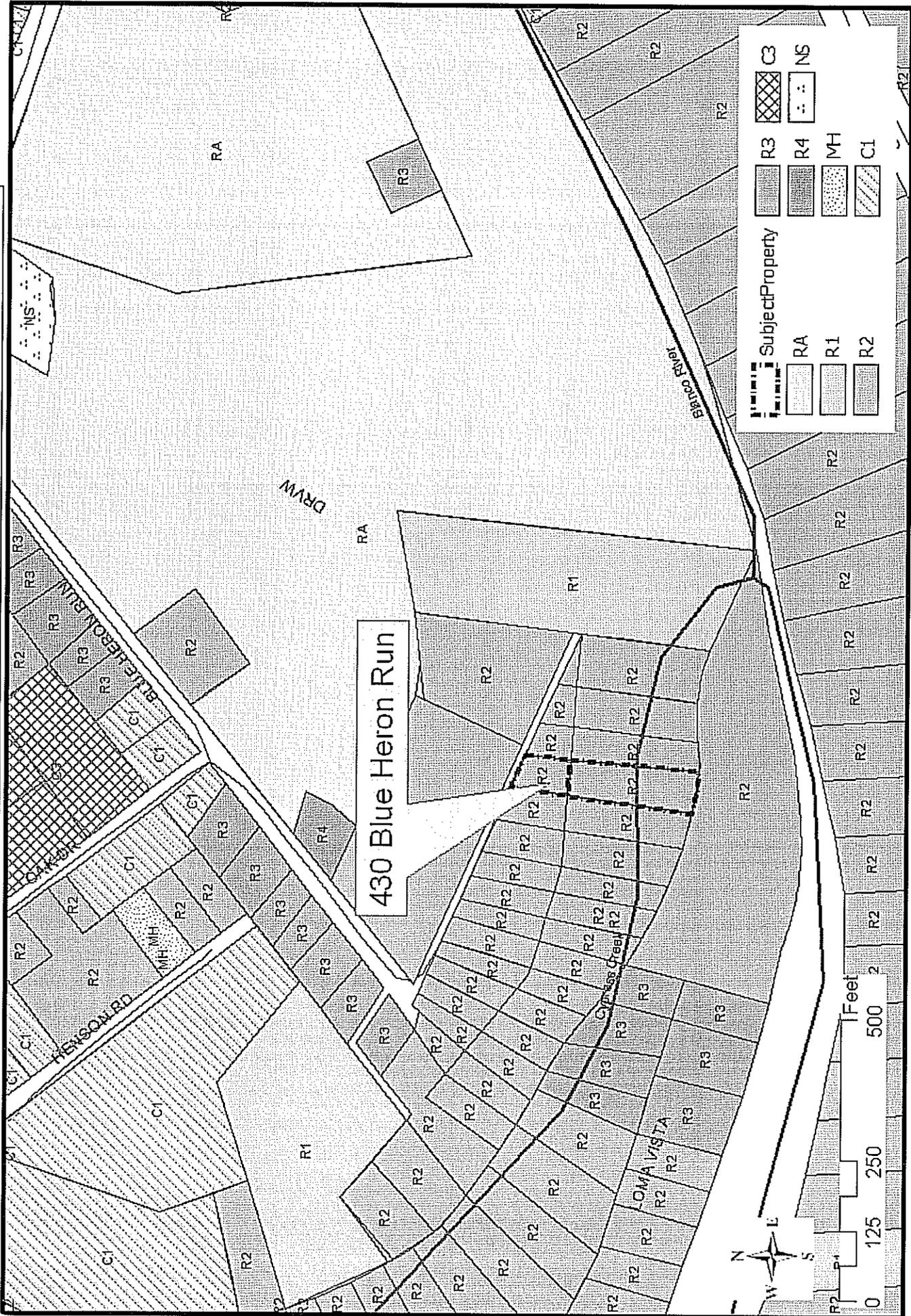
R71925

R7

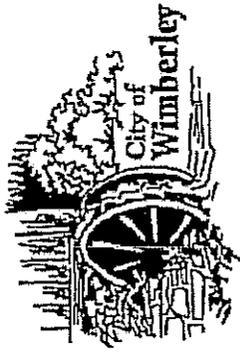
88



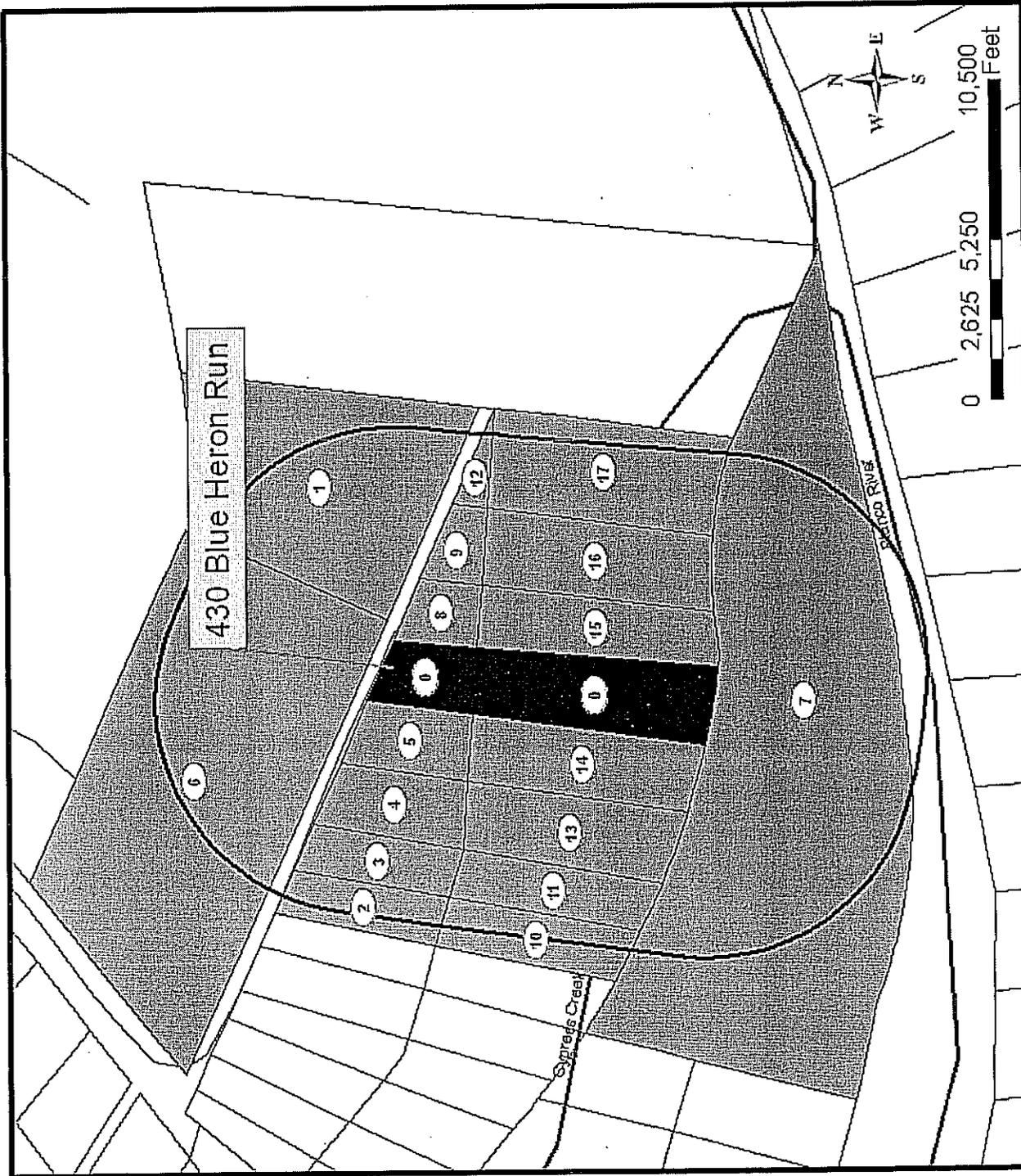
# Zoning Map for CUP-10-012



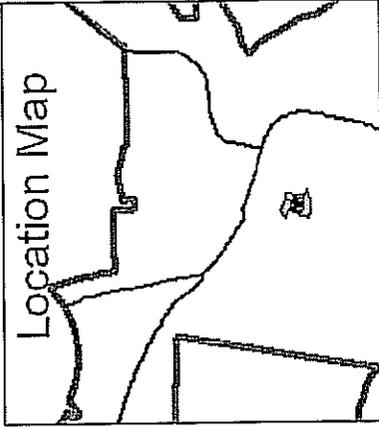
# Notification Map for Case CUP-10-012



P.O. Box 2027 • Wimberley, Texas 78676



- 200' Notification Buffer
- Subject Property
- 0, LAMOUREUX DONN & PAMELA
- 1, RIO BONITO LLC
- 2, KIBBE, RANCHES LTD
- 3, KIBBE, RANCHES LTD
- 4, HASSAN, YASSINA
- 5, HASSAN, YASSINA
- 6, FRANKLIN, RASJIDAH
- 7, WIMBERLEY POINT LTD
- 8, LAMOUREUX DONN C & PAMELA D
- 9, COOPER WILLIAM E & BETTY SUE
- 10, KIBBE, RANCHES LTD
- 11, KIBBE, RANCHES LTD
- 12, COOPER WILLIAM E & BETTY SUE
- 13, HASSAN, YASSINA
- 14, HASSAN, YASSINA
- 15, LAMOUREUX DONN C & PAMELA D
- 16, COOPER WILLIAM E & BETTY SUE
- 17, COOPER WILLIAM E & BETTY SUE



RIO BONITO LLC  
P O BOX 247  
WIMBERLEY, TX 78676-0247

FRANKLIN, RASJIDAH  
FRANKLIN SWAIN 2003 REVOC  
TRUST  
5421 HEATH RIDGE WAY  
OAKLAND, CA 94611-1207

COOPER WILLIAM E & BETTY  
SUE  
500 BLUE HERON RUN  
WIMBERLEY, TX 78676-5331

KIBBE, RANCHES LTD  
P O BOX 131  
FALFURRIAS, TX 78355-0131

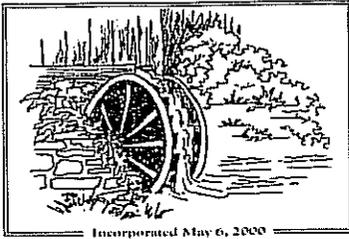
WIMBERLEY POINT LTD  
P O BOX 36530  
HOUSTON, TX 77236-6530

KIBBE, RANCHES LTD  
P O BOX 131  
FALFURRIAS, TX 78355-0131

HASSAN, YASSIN A &  
MELINDA AUSTIN  
4800 APPLE VALLEY CRT  
COLLEGE STATION, TX 77845

LAMOUREUX DONN C &  
PAMELA D  
444 BLUE HERON RUN  
WIMBERLEY, TX 78676-0051

COOPER WILLIAM E & BETTY  
SUE  
500 BLUE HERON RUN  
WIMBERLEY, TX 78676-5331



# City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676  
Phone: 512-847-0025 Fax: 512-847-0422 Web: [cityofwimberley.com](http://cityofwimberley.com)  
Bob Flocke, Mayor - Charles Roccaforte, Mayor Pro-tem  
Council Members - Mac McCullough, Bill Appleman, Steve Thurber, John White  
Don Ferguson, City Administrator

---

July 2, 2010

## NOTICE OF PUBLIC HEARING

**Re: File No. CUP-10-012**  
430 Blue Heron Run  
A Request for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at this location.

Dear Property Owner:

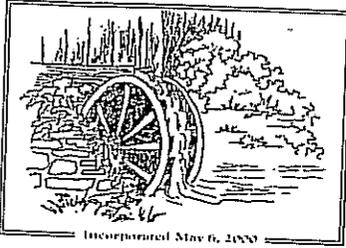
You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicants, Donn and Pamela Lamoureux, have requested a Conditional Use Permit (CUP) to operate a Bed and Breakfast at 430 Blue Heron Run. The current zoning for this property is Single-Family Residential 2 (R-2). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 22, 2010, at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, August 5, 2010, at 6:00 p.m.**

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

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

CITY OF WIMBERLEY



# City of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676

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

E-mail: [Wimberley@anvilcom.com](mailto:Wimberley@anvilcom.com) - Web: [www.vil.wimberley.tx.us](http://www.vil.wimberley.tx.us)

## NOTICE BY SIGN POSTING

Zoning No: CUP-10-012

Owner \_\_\_\_\_

Date 7/2/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

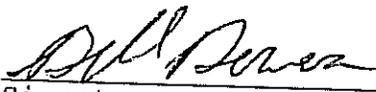
( ) Project Site Address 430 Blue Heron Run

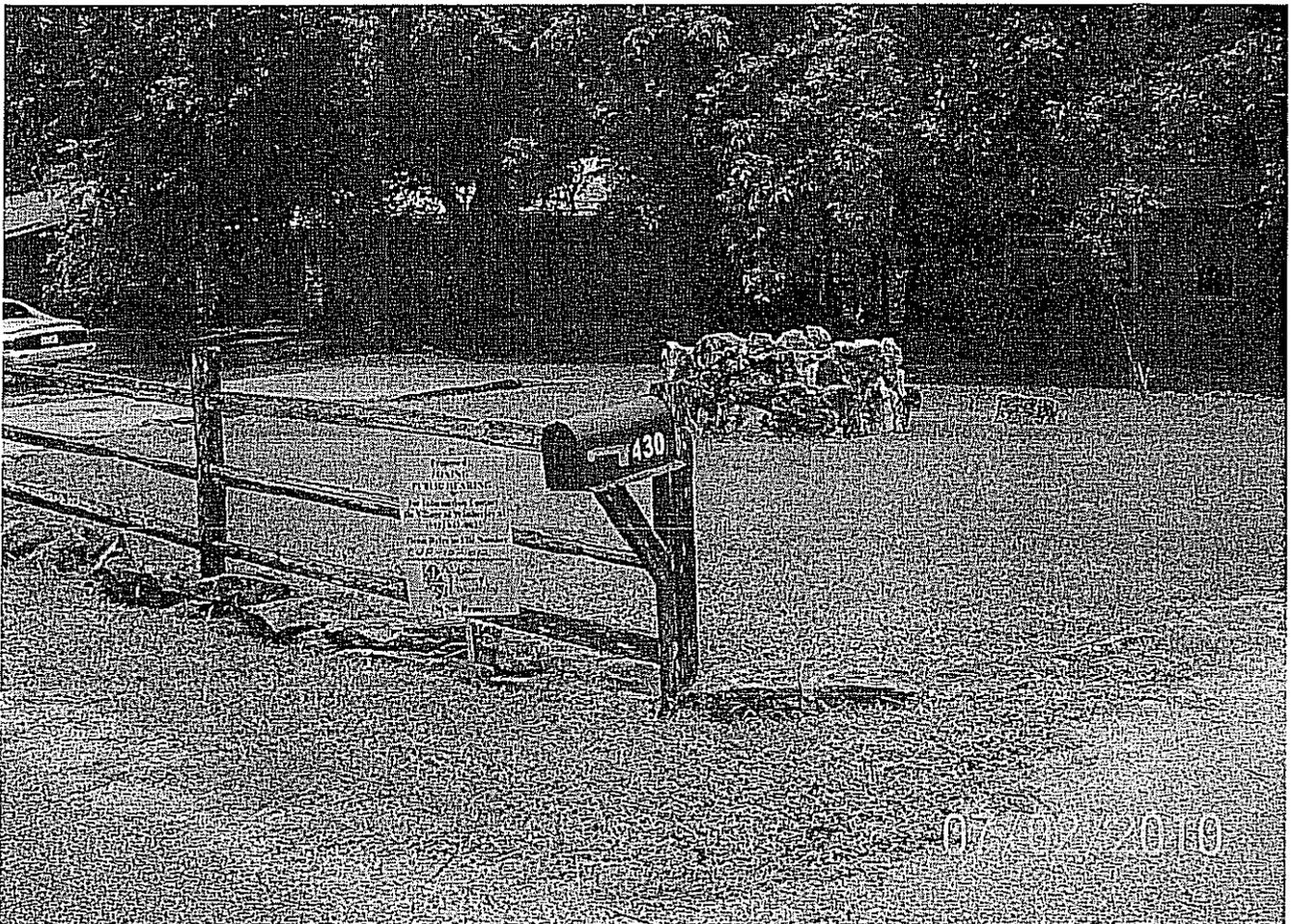
which is located Blue Heron Run

Bill Bowers  
Asst. Public Works

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

7/2/10, 2010

  
\_\_\_\_\_  
Signature



Century News 858-4163 • Wimberley View 847-2202

# CLASSIFIED

operation of a Bed and Breakfast at 408 Blue Heron Run. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 5, 2010, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (12240/1a/55)

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, July 22, 2010, at 6:30 p.m. to consider the following: CUP-10-011 - an application for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at 444 Blue Heron Run. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 5, 2010, at 6:00 p.m. at

City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (12241/1a/55)

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

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, July 22, 2010, at 6:30 p.m. to consider the following: CUP-10-012 - an application for a Conditional Use Permit (CUP) to allow the operation of a Bed and Breakfast at 430 Blue Heron Run. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 5, 2010, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be

granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (12242/1a/55)



**RUSSIAN SAMAVAR**  
Great collector's item or investment.  
Exhibition dates of 1882 and 1896  
\$2995, 847-2123  
(s-no)



**WASHER \$ 375/  
DRYER \$ 325,  
and Side by Side  
Refrigerator \$ 875,  
all Whirlpool. \$1500  
for the set. Practically  
new, must sell -  
moving.  
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(12213/1cc/55+)**



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AUTO RECYCLING**  
Cash for your Cars  
and Trucks - running  
or not. Free pick up  
and/or towing.  
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(01997/4cc/tn/60)  
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**RoadRunner Recycling**  
is now buying all  
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We buy junk vehicles,  
any condition -  
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San Marcos, TX  
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512-396-1382  
(02949/4cc/60+)



**CANOE**  
Old Town Discovery  
Solo, Lightweight,  
Excellent condition.  
\$450.00  
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(12234/2p/58+)



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BUSINESS**  
All assets & lease  
convey. Low over-  
sight. Owner may  
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Call Debie Hill,  
Samford Group  
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(09631/1cc/tn/55+)



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Stay at home mom to  
babysit your little one

Please call  
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(06364/1cc/56)



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SHOP / LIGHT  
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1000 - 1500 sf  
Insulated w/ hall bath.  
Great cross  
ventilation. 15 amp  
service.  
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1 mile past High  
School from \$450/mo  
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In San Antonio,  
dock high, on Loop  
106, just off Hwy. 87.  
(Southeast San  
Antonio)  
(210)493-8055  
(12251/ncl/tn)

**THE LUMBERYARD  
CREEKSIDE/RETAIL  
SPACE**  
1 block from the  
square, \$1.00 per SF  
per month, 560, 820,  
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immediate availability  
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**OFFICE SPACE  
FOR LEASE**  
In South River Center  
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512-748-6202 for more  
information.  
(05079/a/tn)

\*\*\*\*\*  
**ONE - 2000 SQ.**  
Office / Warehouse  
\$850 per month  
**TWO - 1000 SQ.**  
Office / Warehouse  
\$550/mo each  
**THREE - 800 SQ.**  
Office / Retail  
\$775 per month/  
Plaza Del Sol  
Wimberley.  
Call Clay at  
512-796-3966  
\*\*\*\*\*  
(39750/12cc/74)



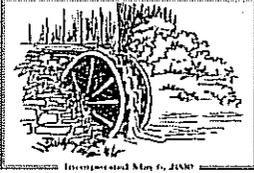
**MATTRESS ON  
DEMAND**  
Wholesale to Public  
All Sizes  
Call 512-761-1111  
Serving Hays Co  
(12204/4cc/59)



**CARETAKER**  
Elderly couple,  
housekeeping, lat  
meal preparation  
ing, must have  
car and insuran  
personal care  
background ch  
required, \$9.00  
702-427-3988  
(12243/2cc/58)

**HOUSEKEEPER**  
Wanted, part-t  
must have SS

# P & Z Agenda Form



Date Submitted: July 19, 2010

Agenda Date Requested: July 22, 2010

**Project/Proposal Title:** DISCUSS AND CONSIDER  
ACTION TO MODIFY THE REGULAR MEETING  
SCHEDULE FOR PLANNING AND ZONING  
COMMISSION

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

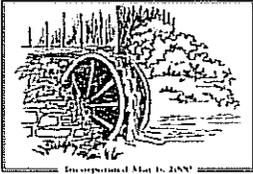
**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow the Planning and Zoning Commission to discuss possible modifications to the regular meeting schedule for the Commission.

# P & Z Agenda Form



**Date Submitted:** July 19, 2010

**Agenda Date Requested:** July 22, 2010

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

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

**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

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