

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
April 28, 2011 at 6:30 p.m.

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

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

**Citizen Communications:**

No citizen comments were heard.

**1. Consent Agenda**

Approval of minutes of the Regular Planning & Zoning Commission meeting on March 24, 2011.

Commissioner Ross moved to approve the minutes as presented. Commissioner McCall seconded. Motion carried on a vote of 5-0.

**2. Discussion and Possible Action**

- A. Discuss and consider possible action on issues relating to the development of a proposed Wimberley Planned Development District (WPDD) ordinance for the property located at 333 Wayside Drive, Wimberley, Hays County, Texas. (*City Administrator*)

City Administrator Ferguson reported that discussions with property owners have produced a draft ordinance dated 4/21/11 (*attached to these minutes*) that would recognize the existing resort operation on the subject property and possibly allow for limited future growth of the operation. The draft ordinance allows for the following additional development at the resort:

- One baseball field for resort guest use
- One soccer field for resort guest use
- One swimming pool (1,700 square feet)
- One 10-room lodge building (6,000 square feet)
- Expansion of the *Pioneer Town Chapel* (from 861 to 2,000 square feet)
- One work garage (2,000 square feet)
- One on-site centralized wastewater system to serve the resort area

He highlighted certain provisions relating to non-guest parking to allow for access to off-site waterways or uses [limited to fifty (50) spaces], prohibition of organized outdoor activities from 12 a.m. to 7 a.m., guest use only of athletic fields, outdoor lighting, impervious cover, and grandfathered structures/uses.

Discussion addressed:

- Location of possible future wastewater treatment facility and lodge building
- Suggested removal of the following sentence from page 3, no. 6 and listing it as a separately numbered item: "Water recreational uses and activities shall be allowed only as accessory and incidental use to the principal use of the Property."
- Suggested removal of references to "Hill Country" design and replacement with "design will be consistent with existing on-site design"
- Clarification of language stating that any new construction or remodeling must be compliant before issuance of any building permits or certificates of occupancy
- Incorporation of rainwater harvesting into the design of any new buildings
- Reasoning for twenty-five percent (25%) impervious cover limit
- Suggested reduction of impervious cover limit to twenty percent (20%)
- No outdoor lighting for baseball/soccer fields
- Reused water for irrigation
- If a wastewater treatment system is built, pervious septic fields/irrigation would not be included for purposes of impervious cover calculation
- Prohibition of RV camping, travel trailers, and tent trailers, except for RVs owned by permanent residents residing on the property, which may be parked on the property, but not used for on-site dwelling purposes
- Allowance of outdoor tent camping for group events, provided adequate City-approved temporary wastewater facilities are provided for campers
- Site development plan approval process
- Building in the floodway/plain
- Suggested site plan identification of those parts of the subject property that are within the floodway/plain
- FEMA and Protected Water Overlay District issues

Aside from suggested modifications, as listed above, Commission members expressed general satisfaction with the draft. No vote was taken.

- B. Discuss and consider possible action regarding a proposal relating to the preparation of a master plan to regulate development in the area of the Wimberley Square. *(City Administrator)*

City Administrator Ferguson reported that there may be rural development funds available in the form of grants or loans and/or federal funds to help pay for development of the subject master plan. He referred to suggestions received from Commissioners Glenn and Burleson and asked for additional Commission input on how to proceed.

Discussion addressed:

- Commissioner Glenn's recommendations on plan area boundaries and pre-meeting development
- Commissioner Burleson's recommendations on removing later phases of the project and focusing on developing a conceptual land use plan
- Need for presentation of a plan proposal at initial public meetings
- Need to define the purpose and goals of the subject master plan
- Future commercial expansion in the Square area
- Traffic, land use, pedestrian/parking, and environmental concerns
- Development of a Square master plan versus utilizing City plans already in place (such as the Transportation Master Plan and Comprehensive Plan)
- Initial public meetings held by local governmental bodies to gather early stages of input, before involving an outside consultant
- Stakeholder meetings to define project vision and goals
- Professional planning services, associated costs, and scope of project
- Suggested review of existing City plans by the Planning and Zoning Commission
- Cost-effective use of an outside consultant as an objective facilitator
- Need for clear guidelines for future developers

In accordance with the Commission's suggestion, City Administrator Ferguson advised that City plan information can be forwarded to members for review. No vote was taken.

### **3. Staff and Commission Reports**

- Announcements
- Future Agenda Items

City Administrator Ferguson noted that the Commission will hear two zoning cases at its next meeting.

As a future agenda item, Acting Chair Klepfer requested discussion of various existing City planning documents.

Hearing no further announcements or future agenda items, Commissioner Glenn moved to adjourn. Acting Chair Klepfer called the meeting adjourned.

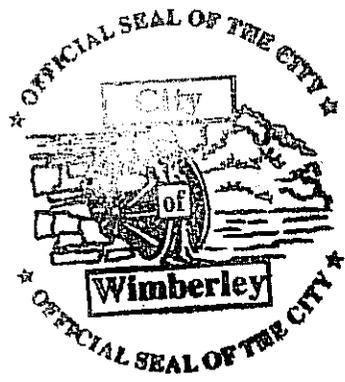
**Adjourn at 7:40 p.m.**

Recorded by:



Cara McPartland

These minutes approved the 12<sup>th</sup> of May, 2011.



APPROVED:

A handwritten signature in black ink, appearing to read "Tracey Dean", with a long horizontal line extending to the right.

Tracey Dean, Chair

ORDINANCE NO. 2011-\_\_\_

AN ORDINANCE OF THE CITY OF WIMBERLEY DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR A PARTICULAR TRACT LOCATED AT 333 WAYSIDE DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, DESIGNATING SUCH TRACT AS A WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) WITH A BASE ZONING DISTRICT OF RESIDENTIAL ACREAGE (RA); AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the regulations established by Chapter 155 (Zoning) of the Wimberley Code of Ordinances, as amended, (the "Code"), are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and,

WHEREAS, in the course of adopting the regulations established by the Code the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community's history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and,

WHEREAS, the regulations established by the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and,

WHEREAS, the regulations established by the Code and in this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and,

WHEREAS, the following enactments are a valid exercise of the City's broad police powers and based upon the City's statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, and 211; and,

WHEREAS, in accordance with section 155.062 of the Code, the Wimberley Planned Development District (WPDD) Zoning is permitted in all Planning Areas of the Comprehensive Plan, and the Residential Acreage (RA) zoning district is permitted in Planning Area I; and,

WHEREAS, the purpose of the WPDD is to permit flexibility and creativity within a project to maximize the unique physical features of a particular site, encourage the efficient use

of land and economic arrangement of buildings, as well as encourage the conservation of energy and natural resources; and,

**WHEREAS**, the proposed layout of buildings provides the most efficient and practical use of the property due to the irregular shape of the subject property described herein; and,

**WHEREAS**, the property owner proposes to conserve and preserve existing natural resources and landscape features of the property by providing enhancements, utilizing rainwater harvesting techniques, as well as proposing construction materials which will be in conformance with the City's aesthetic goals; and

**WHEREAS**, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Comprehensive Zoning Ordinance and have concluded that the approximate \_\_\_\_ acres of land out of the George G. Blackwell Survey, Hays County, Texas, according to the map or plat thereof recorded in Hays County Plat Records, more commonly known as 333 Wayside Drive, Wimberley, Hays County, Texas (the "Property") qualifies for the Wimberley Planned Development District (WPDD) Zoning, with a base zoning district of Residential Acreage (RA) designation, and that such designation is consistent with established City policy and is in the public interest, subject to the conditions stated herein and to be constructed in accordance with the Development Plan to be submitted prior to the issuance of building permits, to be based on the Concept Plan of the subject property and Design Standards, attached hereto and incorporated herein as Exhibits "A" and "B", respectively, which is hereby made a part of this WPDD Ordinance; and,

**WHEREAS**, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, on May 12, 2011 and May 19, 2011, respectively, notice of which was published in the City's official newspaper before the 15<sup>th</sup> day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS:**

#### **ARTICLE I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

#### **ARTICLE II. AMENDMENT**

**A. Zoning.** That the property described as approximately \_\_\_\_ acres of land out of the George G. Blackwell Survey, Hays County, Texas, according to the map or plat thereof recorded in Hays County Plat Records, more commonly known as 333 Wayside Drive, Wimberley, Hays County, Texas, and more particularly described in the attached metes and

bounds description in Exhibit "C", (referred to herein as the "Property") is hereby designated as a Wimberley Planned Development District, with a base zoning district Residential Acreage (RA) in accordance with the Code of Ordinances and subject to the WPDD Conditions described herein in subsection B. Further, development and construction on the Property shall be in conformance with the Development Plan to be submitted prior to the issuance of building permits, to be based on the Concept Plan and Design Standards, described on Exhibits "A" and "B", respectively, and incorporated by reference for all purposes.

**B. WPDD Conditions.**

1. All provisions of the Residential Acreage (RA) zoning district shall apply, except as modified herein.
2. Development and construction of the Property shall be in conformance with the Concept Plan, depicting building layout and square footages, construction phases, parking, proposed signage, proposed phasing, and lighting plan, attached as Exhibit "A", and incorporated by reference for all purposes.
3. Development and construction of the Property shall be in conformance with the Design Standards describing the building construction materials, special amenities, and other design elements applicable to the Property, attached as Exhibit "B", and incorporated by reference for all purposes.
4. All conditions and requirements provided in this Ordinance and the City's Code of Ordinances must be complied with prior to the issuance of a building permit and certificate of occupancy.
5. Accessory uses to the principal use of the Property shall be limited to the provision of food, drink, and other sales and services intended solely for the convenience of guests.
6. The adoption of this Ordinance shall not be construed or interpreted to allow use of the Property solely for commercial water recreational activities. Water recreational uses and activities shall be allowed only as accessory and incidental use to the principal use of the Property. Use of the Property solely for water recreational activities, whether a fee is charged or not, shall be prohibited.
7. The Property may be used to provide non-guest parking for a fee in order to provide access to off-site waterways or uses. No more than fifty (50) parking spaces shall be designated on the property and used for non-guest, paid waterway access parking. Such parking spaces shall be located in the parking lot of the Pioneer Town Area as designated on the Concept

Plan.

8. Organized outside activities shall not occur on the Property between 12 a.m. and 7 a.m. daily. This does not prohibit individual guests from after hours, outdoor use of the property.

9. All outdoor lighting on the Property shall comply with the provisions of the City of Wimberley Comprehensive Outdoor Lighting Ordinance.

10. Outdoor primitive group camping, shall be permitted on the property provided adequate City-approved temporary wastewater facilities are provided for campers.

11. Camping with Recreational Vehicles (RV), travel trailers and tent trailers is prohibited on the property. Recreational vehicles, owned by permanent residents residing on the property, may be parked on the property but shall not be used for on-site dwelling purposes.

12. Access to the Blanco River by those renting cabins, on-site facilities or attending special events on the Property shall be limited to locations which are at least fifty feet (50) feet from each side property line. No access to the Blanco River shall be permitted within this fifty (50) foot buffer with the exception of permanent residents residing on the Property. Signage shall be posted at water access points advising those accessing the water to refrain from accessing the waterway within the buffer zones and not to trespass on adjacent properties.

13. Development and construction of the Property shall be in conformance with the Concept Plan, depicting the approximate location of the proposed improvements, building layout and square footages, construction phases, parking, proposed signage, drainage, landscaping, proposed phasing if any, and lighting plan, attached as Exhibit "A", and incorporated by reference for all purposes.

14. Development and construction of the Property shall be in conformance with the Design Standards describing the building construction materials, special amenities, and other design elements applicable to the Property, attached as Exhibit "B", and incorporated by reference for all purposes.

All conditions and requirements provided in this Ordinance and the City's Code of Ordinances must be complied with prior to the issuance of a building permit and certificate of occupancy.

**ARTICLE III. ZONING DISTRICT MAP**

The official Zoning District Map shall be revised to reflect the zoning district boundary established by this Ordinance.

**ARTICLE IV. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**ARTICLE V. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**ARTICLE VI. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 2011, by a vote of \_ (Ayes) to \_ (Nays) \_ (Abstain) vote of the City Council of the City of Wimberley, Texas

**CITY OF WIMBERLEY**

BY: \_\_\_\_\_  
Bob Flocke, Mayor

**ATTEST:**

\_\_\_\_\_  
Cara McPartland, City Secretary

**APPROVED AS TO FORM:**

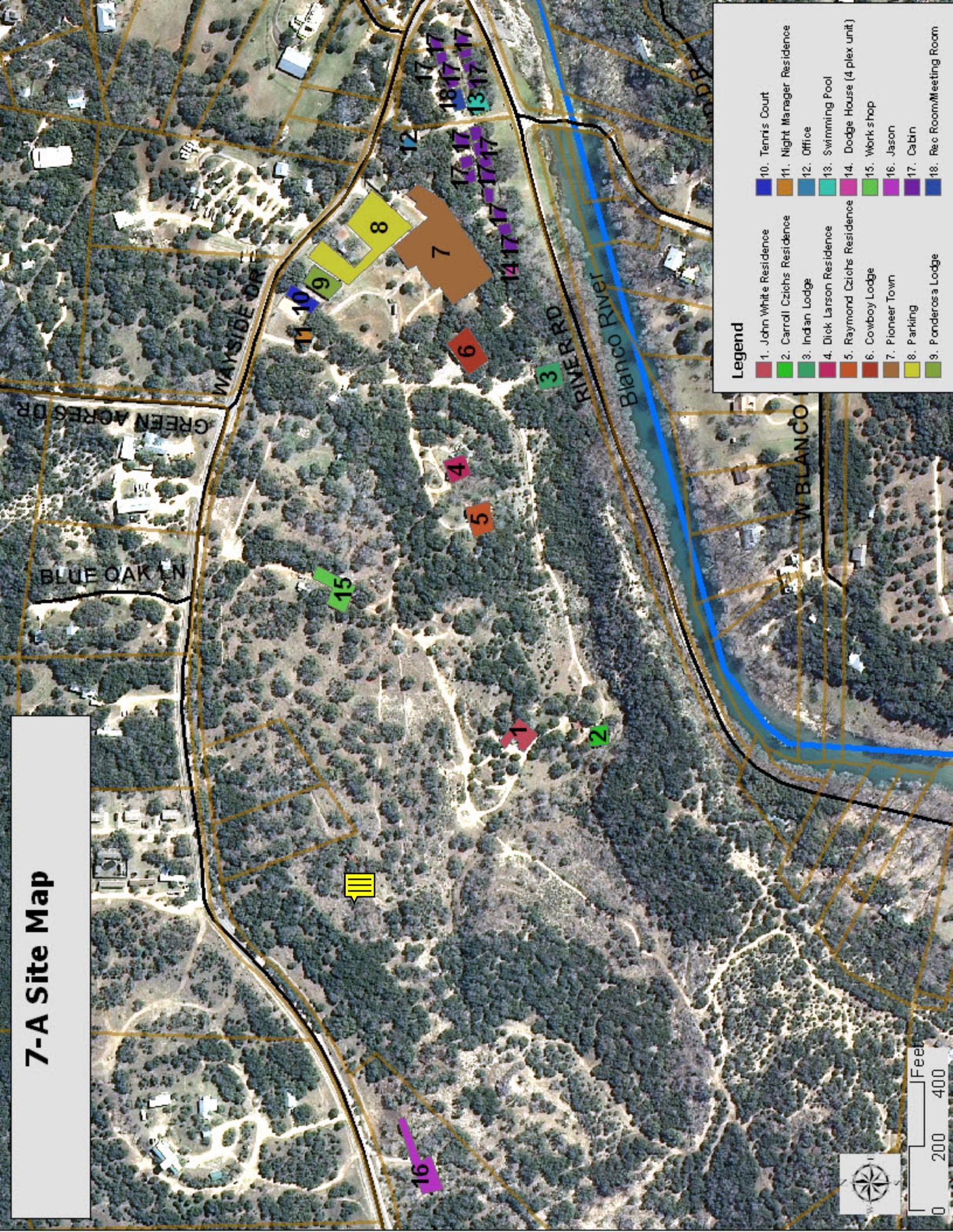
DRAFT 4.21.11

EXHIBIT "A"

Concept Plan

DRAFT 4.21.11

# 7-A Site Map



## Legend

- 1. John White Residence
- 2. Carroll Czichs Residence
- 3. Indian Lodge
- 4. Diek Larson Residence
- 5. Raymond Czichs Residence
- 6. Cowboy Lodge
- 7. Pioneer Town
- 8. Parking
- 9. Ponderosa Lodge
- 10. Tennis Court
- 11. Night Manager Residence
- 12. Office
- 13. Swimming Pool
- 14. Dodge House (4 plex unit)
- 15. Work shop
- 16. Jason
- 17. Cabin
- 18. Rec Room/Meeting Room



## EXHIBIT "B"

### Design Standards

The Property described in Ordinance No. 2011-\_\_\_\_\_ for Case No. ZA-11-000, shall be subject to the following Design Standards:

1. There shall be a fifty (50) foot setback on those portions of the Property fronting River Road and along the north side of the property. There shall be a twenty-five (25) foot setback on those portions fronting Wayside Drive. In addition, there shall be a setback extending one hundred-fifty (150) feet from the current banks of the Blanco River to that area defined on the most current FIRM as special flood hazard areas inundated by 100-year flood, whichever is greater.
2. At the time of adoption of this Ordinance, the following improvements exist on the property and are shown on the Concept Plan. Resort Area: Cabin #1 (448 square feet), Cabin #2 (448 square feet), Cabin #3 (448 square feet), Cabin #4 (448 square feet), Cabin #5 (565 square feet), Cabin #6 (696 square feet), Cabin #7 (460 square feet), Cabin #8 (696 square feet), Cabin #9 (560 square feet), Cabin #10 (560 square feet), Cabin #11 (560 square feet), Cabin #12 (696 square feet), Cabin #14 (696 square feet), Cabin #15 (696 square feet), Cabin #16 (460 square feet), Cabin #17 (696 square feet), Cabin #18 (696 square feet), Cabin #19 (696 square feet), Cabin #24 (480 square feet), Cabin #25 (951 square feet), Cabin #26 (460 square feet), Quad Cabin #s 27, 28,29,30 (total of 1,680 square feet); Indian Lodge, (4,967 square feet), Cowboy Lodge (4,976 square feet), Ponderosa Lodge (5,792 square feet), Recreation Facility (1393 square feet), Swimming Pool (1,648 square feet); Pioneer Town Area: Dogtrot House (665 square feet), Blacksmith Shop (330 square feet), Log Cabin (143 square feet), Arcade & Ice Cream Parlor (5,302 square feet), Post Office (120 square feet), Gazette & Gun Shop (532 square feet), Log Cabin (143 square feet), Bottle House (196 square feet), Silver Spoon Café (4,098 square feet), Opera House (3,063 lower/2242 upper square feet), Office (3,780 square feet), Shop (2,116 square feet), Concession Stand (88 square feet), Mill Building (400 square feet), Museum (1,105 square feet), Duplex (1,251 square feet), Chapel (861 square feet), Duplex Garage (481 square feet) and four (4) single family residences.

If any of the above-mentioned structures is damaged or destroyed by fire or other accidental or natural means, the City, upon application by the owner thereof, shall issue a permit for repair or reconstruction of the building or structure, provided that the repair or reconstruction conforms with the provisions of the City Building Code and the building or structure is not being enlarged upon, expanded, or extended.

Nothing in this Ordinance shall be deemed to prevent ordinary repairs, restoration or alterations to the above-mentioned structures provided the building or structure is not being enlarged upon, expanded, or extended.

3. The property shall be further developed, with the following improvements, in two (2) phases. Phase 1: Resort Area- one (1) swimming pool for guest use only (1,700 square feet), one (1) soccer field for guest use only, one (1) baseball field for guest use only, a ten (10) room lodge (total of 6,000 square feet), one (1) work garage (2,000 square feet); Pioneer Town Area - Chapel Expansion (From 861 to 2,000 square feet) and associated parking as required by the City of Wimberley On-Site Parking Ordinance. Phase 2: One (1) centralized on-site wastewater system to service the Resort, Pioneer Town and Residential areas. The approximate location of these improvements is shown on the Concept Plan. There shall be no time requirement for the completion of any of the above mentioned improvements.
4. The Property shall be serviced by a State licensed public water utility.
5. The Property shall be serviced by properly permitted on-site sewage facilities. The Property shall be connected to a State licensed central wastewater treatment utility within five (5) years of the date when service becomes available to the property, or as otherwise required by the City.
6. Permanent and construction phase drainage plans shall be provided and are subject to review and approval by the City of Wimberley prior to commencement of construction.
7. All existing signage is to remain. Any new, future signage shall fully comply with the City of Wimberley Sign Ordinance, with the exception of the following provision. Any new monument signage shall not exceed ten (10) feet in height and sixty-four (64) square feet in size. If illuminated, the monument sign shall be down-lighted with exterior lighting fixtures. If the structure of a free standing monument sign contains or supports more than one (1) sign, then each sign shall be of the same construction, coloring, design and style, but in no event shall the sign exceed the dimensions set forth herein.
8. At the time of Site Development Plan submittal, an outdoor lighting plan shall be submitted to the City of Wimberley showing all new lighting on the Property, including the depiction of the illumination of any sign, all of which shall comply with the City of Wimberley Comprehensive Outdoor Lighting Ordinance. The plan shall include vertical and horizontal photometric data demonstrating that the shielding requirements of the ordinance are met.
9. Open storage or placement of materials, commodities or equipment and machinery, including motor vehicles and trailers, shall not be located within the

building setback area and shall be fully screened, by fence (as permitted by the City) and/or vegetative screening, from City streets or roads or adjacent or facing residential or un-zoned districts. Outdoor placement or display of commercial material and equipment for sale in the building setback space, or the outdoor display of any object, merchandise, or material that is not a usual item for sale under the permitted use of the site or lot shall be prohibited. All new development shall comply with the aforementioned site standards.

10. The following standards are the maximum permitted standards for the development and construction of new buildings on the Property:

(a) The maximum height of buildings shall be no more than two (2) stories and not more than twenty-eight (28) feet with flat roof or thirty-five (35) feet with pitched roof; accessory buildings shall not be more than eighteen (18) feet tall and not more than one (1) story.

(b) The maximum building footprint for the new ten (10) room lodge shall not exceed six thousand (6,000) square feet, two thousand (2,000) square feet for the new work garage and two thousand (2000) square feet for the Chapel expansion.

(c) The maximum build-out impervious cover and building coverage shall not exceed twenty-five (25) percent.

(d) The exterior of all newly constructed buildings shall be a combination of one or more of the following: glass, stucco, wood, stone material.

(e) The roofing material of all new buildings shall be metal, composite or a like material.

(f) A rainwater harvesting system shall be incorporated into the design of all new buildings constructed on the Property to meet the landscape irrigation needs on the Property. The system shall be designed to provide inlet filtering of the collected water before it enters the storage vessel and outlet filtering of the water as it is being supplied to the point of final use or due to an overflow of the system. Such system shall be designed to anticipate overflow of the capacity of the system. The overflow part of the system shall be designed to ensure that it does not result in nuisance flooding, erosion or water quality issues.

11. No dumpsters or other trash collection containers shall be visible from any adjacent property or roadway and shall be screened in accordance with provisions in the City code.

12. The desired architectural design shall be consistent with the traditional Hill

Country style. Designs should acknowledge the traditional Hill Country scale, colors and materials appropriate for the natural beauty of the area and should preserve views and use scale, colors and materials compatible with the nature of the area.

13. A Site Development Plan shall be submitted for review and approval by the City of Wimberley prior to construction on any improvements detailed in this Ordinance or on the Concept Plan. A Site Development Plan is a detailed engineered development plan consisting of a map or maps and all necessary accompanying narrative and supporting documents to completely define the development to occur on the site.
14. All development shall comply with local, state and federal laws and regulations in addition to the conditions described below. In the event there is a conflict between a law and a condition, then the stricter requirement shall apply.
  - (a) The Property owner ("Owner") shall provide for adequate drainage to eliminate standing water and health hazards, to be approved by the City Administrator or designee.
  - (b) A drainage plan shall be submitted and approved by the City, showing any anticipated temporary drainage facilities and the proposed final storm water management facilities. Owner shall comply with all state and local laws related to installation and maintenance during construction of silt fences and storm water pollution prevention requirements in accordance with best management practices.
  - (c) The drainage plan shall show contours, acreages, runoff, existing/proposed storm drain lines, pipe sizes, direction of flow, inlet locations, headwalls, points of discharge, detention/retention features, channels, creek ways, 100-year floodplain limits, and connections to any existing systems. The engineer shall also analyze any off-site acreage that contributes to the subdivision, as well as any off-site storm drain extensions, grade to drain locations or required easements.
  - (d) The physical design of the proposed development shall conform to the minimum storm sewer, drainage and floodplain criteria and standards set forth in the City's engineering standards, as amended.
  - (e) There shall be no increase in the 100-year water surface elevation on any property upstream, downstream or on the opposite bank from the proposed development.
  - (f) Erosion-control and pollution-prevention plans shall be submitted with the development plan for the proposed development and approved by the City.

Such plans shall evaluate and minimize potential drainage impacts that could negatively affect, destroy or otherwise compromise on- and off-site surface and subsurface water quality, sensitive environmental features (such as riparian vegetation, trees, soils or grassland and prairie vegetation) and wildlife habitats (including terrestrial and aquatic). In addition, such plans shall be adequate to prevent erosional and depositional features such as gullies and accumulations of silt attributable to site development, with such adequacy being determined by the City and in accordance with sound engineering and best management practices. "Best management practices" may include, but are not limited to, the following types of structural and nonstructural practices: wet ponds, dry extended detention ponds, infiltration basins and trenches, porous pavement, bio-retention, organic filters, buffer zones, open space design, urban forestry, conservation easements, stormwater wetlands, grassed swales and filter strips, green parking, alternative turnarounds and water quality inlets. Erosion-control and pollution-prevention plans shall be prepared by a qualified individual or firm and must be approved by the City prior to any site development by Owner. The purpose of this criterion is to mitigate the ill effects of increases in velocity, volume, and pollution of surface runoff on downstream property owners and to protect the overall water quality of the City as a result of development.

(g) Owner shall comply with all water quality ordinances of the City even if enacted after the approval of this Ordinance and prior to submission of a building permit application.

15. The Site Development Plan to be submitted prior to the issuance of building permits, is to be based on the Concept Plan and Design Standards; however, minor revisions may be necessary to the Concept Plan and Design Standards contained herein due to unforeseen reasons. City staff is authorized to administratively approve minor modifications to the Concept Plan and Design Standards so long as the Concept Plan is in substantial conformity with the Design Standards herein and provided such modifications would not otherwise result in a violation of the City's Code of Ordinances. "Minor Modifications" are defined as:

(a) Adjustments of no more than one hundred (100) feet to the location or configuration of roadways, sidewalks, utilities, parking areas, buildings, landscape features, (including plants and trees,) ponds and any other improvements depicted on the Concept Plan;

(b) Adjustments of no more than five percent (5%) in building square footage of any individual building to be constructed as part of the project as compared to such building's initial square footage shown on the Concept Plan; provided no such change may be administratively approved

if the change would cause the project to exceed the limitations on impervious cover, height or floor area;

- (c) A reduction in size of parking lot areas;
- (d) Adjustments of no more than ten percent (10%) of the total square footage of any landscape areas as compared to the square footage shown and approved on the concept plan, site plan or landscape plan;
- (e) So long as the changes referenced above do not cause an increase in the impervious cover approved for the project;
- (f) Allowance for slight enlargement or shifting of easements;
- (g) Addition or relocation of private or franchise utility easements;
- (h) Correction of bearings or distances;
- (i) Correction of minor labeling errors, addition of erroneously omitted informational items and labels;
- (j) Modification of a plat note that does not amend the covenants and restrictions;
- (k) And other similar modifications as determined by the City Administrator;

Major revisions, such as obvious reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, and relocation or addition or deletion of any public improvement, including corresponding easement, substantial relocation or reconfiguration of building layout which have the effect of redesigning the project shall necessitate resubmission and re-approval of the Concept Plan as a "revised concept plan" and shall be considered a new project for the purpose of determining applicable regulations.

The procedures for such re-approval shall be the same as for a concept plan, and such re-approval shall constitute a new project thus necessitating submission of a new application form, payment of new fees, and other requirements.

EXHIBIT "C"

Metes and Bounds Description

DRAFT 4.21.11