

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – WIMBERLEY CITY HALL
221 STILLWATER, WIMBERLEY, TEXAS
JULY 21, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER JULY 21, 2016 @ 6:00 P.M.

CALL OF ROLL CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

CITIZENS COMMUNICATIONS

THE CITY COUNCIL 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 COUNCIL. 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 COUNCIL 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 COUNCIL MEMBER OR CITIZEN, IN WHICH EVENT THOSE ITEMS WILL BE PULLED FROM THE CONSENT AGENDA FOR SEPARATE CONSIDERATION.

- (A) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JULY 7, 2016
- (B) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF JULY 4, 2016.
- (C) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF JULY 5, 2016

- (D) APPROVAL OF THE REAPPOINTMENT OF JOHN ESTEPP TO THE CITY OF WIMBERLEY WATER-WASTEWATER ADVISORY BOARD. (*PLACE TWO COUNCIL MEMBER CRAIG FORE'S NONINEE*)
- (E) APPROVAL OF DAN MOORE TO SERVE AS THE WIMBERLEY CHAMBER OF COMMERCE REPRESENTATIVE ON THE CITY OF WIMBERLEY HOTEL OCCUPANCY TAX ADVISORY COMMITTEE. (*WIMBERLEY CHAMBER OF COMMERCE*)
- (F) APPROVAL OF THE JUNE 2016 FINANCIAL STATEMENTS FOR THE CITY OF WIMBERLEY

2. **CITY ADMINISTRATOR REPORT**

- STATUS REPORT ON THE DOWNTOWN RESTROOM TRAILER PROJECT
- STATUS REPORT ON THE HIDDEN VALLEY LOW WATER CROSSING RECONSTRUCTION PROJECT
- STATUS REPORT ON THE RIVER ROAD BANK RESTORATION PROJECT
- STATUS REPORT ON THE PROPOSED CLOSURE OF A PORTION OF SAVAGE LANE
- STATUS REPORT ON OPERATION OF THE BLUE HOLE REGIONAL PARK
- STATUS REPORT ON 2015 FLOOD RECOVERY

3. **PUBLIC HEARINGS AND CONSIDER ACTION**

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY KELVIN AND BRENDA ADAMS TO OPERATE A BED AND BREAKFAST FACILITY ON PROPERTY LOCATED AT 406 HOOTS HOLLER ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. (*KELVIN AND BRENDA ADAMS, APPLICANTS*)
- (B) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CHRIS AND KAREN LAWRENCE TO OPERATE A VACATION RENTAL FACILITY ON PROPERTY LOCATED AT 2660 FM 3237, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. (*CHRIS AND KAREN LAWRENCE, APPLICANTS*)
- (C) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY ROBERT WEBER TO OPERATE A VACATION RENTAL

FACILITY ON PROPERTY LOCATED AT 1824 FLITE ACRES ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. (ROBERT WEBER, APPLICANT)

- (D) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY JOHN AND SHARYL ROBERTSON TO OPERATE A VACATION RENTAL FACILITY ON PROPERTY LOCATED AT 2912 FLITE ACRES ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. (JOHN AND SHARYL ROBERTSON, APPLICANTS)
- (E) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SUBCHAPTER 155.107 (PLANNING AND ZONING COMMISSION), SUBSECTION (B) (CREATION; MEMBERSHIP; OFFICERS; RULES AND BYLAWS) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES PROVIDING FOR A THREE-YEAR TERM FOR COMMISSIONERS AND PROCEDURES FOR APPOINTMENT TO THE PLANNING AND ZONING COMMISSION; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SAVINGS; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. (CITY ADMINISTRATOR)

4. ORDINANCE

DISCUSS AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE VII (TRAFFIC CODE) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES ADDING CHAPTER 73 ENTITLED "GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND OTHER TYPES OF RECREATIONAL OFF-HIGHWAY VEHICLES"; TO ALLOW THE LIMITED OPERATION OF GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES ON CERTAIN PERMITTED STREETS AND LOCATIONS; PROVIDING DEFINITIONS; REQUIRING SAFETY EQUIPMENT; PROVIDING OPERATIONAL REGULATIONS; REQUIRING FINANCIAL RESPONSIBILITY; PROVIDING FOR A PENALTY, A SAVINGS CLAUSE, SEVERABILITY AND AN EFFECTIVE DATE. (PLACE THREE COUNCIL MEMBER SALLY TRAPP)

5. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER ACTION REGARDING THE POSSIBLE INCORPORATION OF A SEPTIC TANK EFFLUENT PUMPING (STEP) SYSTEM INTO THE COLLECTION SYSTEM DESIGN FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT. (PLACE FOUR COUNCIL MEMBER

GARY BARCHFELD)

- (B) DISCUSS AND CONSIDER ACTION REGARDING THE POSSIBLE ADDITION OF A SECOND EFFLUENT STORAGE TANK FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT TO REDUCE THE POTENTIAL OF EFFLUENT DISCHARGE. (MAYOR MAC MCCULLOUGH)
- (C) DISCUSS AND CONSIDER ACTION REGARDING THE POSSIBLE DEVELOPMENT OF AN EFFLUENT-TRUCKING PLAN FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT TO REDUCE THE POTENTIAL OF EFFLUENT DISCHARGE. (MAYOR MAC MCCULLOUGH)
- (D) DISCUSS AND CONSIDER ACTION REGARDING THE POSSIBLE DEVELOPMENT OF AN AGREEMENT WITH AQUA TEXAS TO ACCEPT EFFLUENT FROM THE CENTRAL WIMBERLEY WASTEWATER PROJECT TO REDUCE THE POTENTIAL OF EFFLUENT DISCHARGE. (MAC MCCULLOUGH)
- (E) DISCUSS AND CONSIDER ACTION REGARDING THE POSSIBLE DEVELOPMENT OF PLANS FOR A ROADSIDE EFFLUENT IRRIGATION SYSTEM ON WINTER'S MILL PARKWAY FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT. (MAYOR MAC MCCULLOUGH)
- (F) DISCUSS AND CONSIDER ACTION REGARDING THE PROPOSED FISCAL YEAR 2017 CITY OF WIMBERLEY GOALS AND PRIORITIES. (MAYOR MAC MCCULLOUGH)
- (G) DISCUSS AND CONSIDER ACTION REGARDING ISSUES RELATING TO THE PROPOSED DEVELOPMENT OF THE FISCAL YEAR 2017 BUDGET. (CITY ADMINISTRATOR)

6. CITY COUNCIL REPORTS

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

THE CITY COUNCIL MAY RETIRE INTO EXECUTIVE SESSION AT ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSING ANY MATTERS LISTED ON THE AGENDA AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE INCLUDING, BUT NOT LIMITED TO, 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 GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087 OF THE TEXAS GOVERNMENT CODE; ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

CERTIFICATION

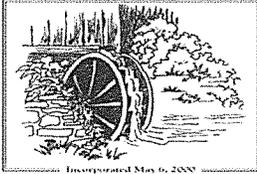
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on July 14, 2016 at 10:00 p.m.



Cara McPartland
Cara McPartland, Assistant City Administrator/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.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: APPROVAL OF JULY 7, 2016 MINUTES OF REGULAR CITY COUNCIL MEETING

Funds Required:
Funds Available:

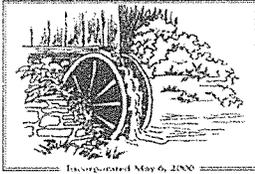
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the July 7, 2016 Regular City Council Meeting. The minutes will be presented to City Council under separate cover in advance of the meeting.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: APPROVAL OF JULY 4,
2016 MINUTES OF SPECIAL CITY COUNCIL MEETING

Funds Required:
Funds Available:

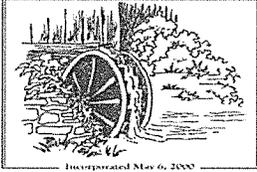
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the July 4, 2016 Special City Council Meeting. The minutes will be presented to Council under separate cover in advance of the meeting.

City Council Agenda Form



Date Submitted: July 14, 2016
Agenda Date Requested: July 21, 2016

Project/Proposal Title: APPROVAL OF JULY 5,
2016 MINUTES OF SPECIAL CITY COUNCIL MEETING

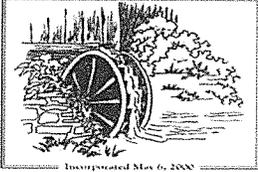
Funds Required:
Funds Available:

Council Action Requested:
 Ordinance
 Resolution
 Motion
 Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to consider approving the minutes for the July 5, 2016 Special City Council Meeting. The minutes will be presented to Council under separate cover in advance of the meeting.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: APPROVAL OF THE REAPPOINTMENT OF JOHN ESTEPP TO THE CITY OF WIMBERLEY WATER-WASTEWATER ADVISORY BOARD

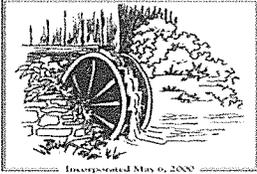
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Two Council Member Craig Fore to allow City Council to discuss and consider approval of the reappointment of John Estep to the City of Wimberley Water-Wastewater Advisory Board. Mr. Estep is Council Member Fore's nominee to the Board.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: APPROVAL OF THE APPOINTMENT OF DAN MOORE TO THE HOTEL OCCUPANCY TAX ADVISORY COMMITTEE

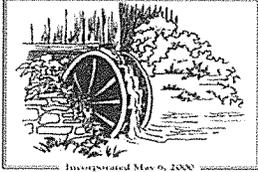
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider the appointment of Dan Moore to serve as the Wimberley Chamber of Commerce representative on the City of Wimberley Hotel Occupancy Tax Advisory Committee. Mr. Moore will fill the seat previously held by Former Mayor Bob Flocke who recently resigned from the Committee.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: APPROVAL OF JUNE 2016
FINANCIAL STATEMENTS OF THE CITY OF
WIMBERLEY

Funds Required:
Funds Available:

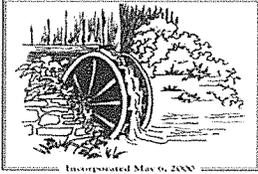
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda for City Council to consider approval of the June 2016 Financial Statements for the City of Wimberley. The statements will be presented to City Council under separate cover in advance of the Council meeting for review and consideration.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

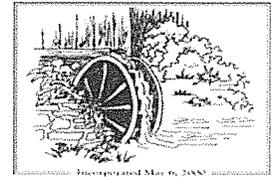
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

The City Administrator will present a report on the following items:

- Status report on the Downtown Restroom Trailer Project
- Status report on the Hidden Valley Low Water Crossing Reconstruction Project
- Status report on the River Road Bank Restoration Project
- Status report on the proposed closure of a portion of Savage Lane
- Status report on the operation of the Blue Hole Regional Park
- Status report on 2015 flood recovery

Report for CUP-16-015



Summary:

An application for a Conditional Use Permit to allow for the operation of a bed and breakfast facility at 406 Hoots Holler Road

Applicant Information:

Applicant(s): Kelvin and Brenda Adams
406 Hoots Holler Road
Wimberley, TX 78676

Property Owner(s): Kelvin and Brenda Adams

Subject Property:

Legal Description: Flite Acres Little Ranches, Lot 6R, 8 acres
Location: 406 Hoots Holler Road
Existing Use of Property: Residential
Existing Zoning: Residential Acreage (RA) with CUP for Secondary Residence
Proposed Use of Property: Bed and Breakfast
Proposed Zoning: RA with CUP for Bed and Breakfast Facility
Planning Area: I
Overlay District: Protected Waterway Overlay District

Surroundings:

Frontage On: Hoots Holler Road

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R-1	Residential
S of Property	RA; R-1	Residential
E of Property	R-1	Residential
W of Property	RA	Residential

Legal Notice

200' Letters: 06/28/16
Published: 06/23/16
Sign Placement: 06/28/16
Responses: One (1) written opposition

Comments:

The applicants, Kelvin and Brenda Adams, are seeking a Conditional Use Permit (CUP) to allow for operation of a bed and breakfast facility in a secondary residence located on eight (8) acres of property at 406 Hoots Holler Road. The subject property is in Planning Area I, zoned Residential Acreage (RA) with a Secondary Residence CUP, and lies within the boundaries of the Protected Waterway Overlay District. Bed and breakfast facilities are allowed on RA-zoned properties with a CUP.

Currently, there is a 2,785 square foot residence on the subject property, which serves as the applicants' primary residence and a 754 square foot, one-bedroom guest cabin, which consists of a 572 square foot living area and 182 square foot covered porch. The applicants are proposing to use the guest cabin as a bed and breakfast with a maximum occupancy of two (2) people.

Each residence is served by a properly permitted and functioning on-site septic system. Based on a review of the system and proposed use, the City Sanitarian has indicated that no more than three (3) guests shall occupy the guest cabin.

The applicant is proposing to limit the maximum occupancy to two (2) people. Access to both single family residences is from Hoots Holler Road. There is adequate space on-site for off-street parking and guests would be required to park on the subject property.

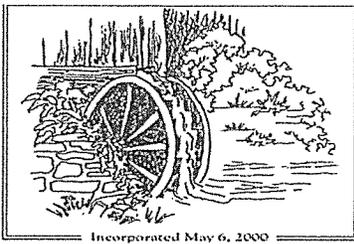
The applicants are proposing a series of house rules, a copy of which is attached. Based on the proposed house rules and City's regulations for bed and breakfast facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Council desire to recommend approval:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.

9. The Owner or the owner's designated representative shall occupy the property subject to the CUP at all times whenever the property is rented to third persons.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the City of Wimberley and State Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the bed and breakfast facility shall be limited to one (1) non-illuminated sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be two (2) people.

To date, City staff has received one (1) written response against the CUP request.

The Planning and Zoning Commission is scheduled to hold a public hearing and make a recommendation regarding the CUP request on July 14, 2016. The Commission's recommendation will be presented to City Council under separate cover in advance of the Council meeting.

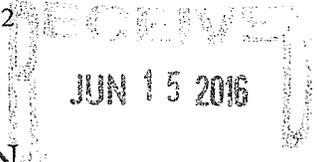


City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

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

www.cityofwimberley.com



CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 015

FOR OFFICIAL USE ONLY

Application Date: 6/14/16 Tentative P&Z Hearing: 7/14 Tentative Council Hearing: 7/21

FEES: \$400.00 DATE PAID: 6/14/16 CHECK NO. 1524 REC'D BY C. McPherland

PROJECT SITE ADDRESS: 406 Hoots Holler Wimberley, TX 78676

OWNER/APPLICANT Kelvin & Brenda Adams PHONE 281-923-8902

MAILING ADDRESS: 406 Hoots Holler

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.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

Bed + Breakfast

Planning Area I Zoning RA Total Acreage or Sq. Ft. 572^{sq}

Subdivision: Little Ranches Lot 6 R Block _____

Appraisal District Tax ID #: R 131702

Deed Records Hays County: Volume 3596 Page 198

Is property located in an overlay district? () Yes () No If Yes, type: PWOD

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

UTILITY PROVIDERS:

Electric Provider: Pedernales

Water Provider or Private Well: Private Well

Wastewater Service Provider or Hays County Septic Permit No: 2009-194

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 (non-refundable)
- (✓) 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 City zoning action does not relieve any obligation of these restrictions.
- (✓) Applicant agrees to provide additional documentation as needed by the City.
- (✓) Applicant understands that City 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 City representatives to visit and inspect the subject property.

6/14/16
 DATE 6/14/16

Brenda Adams
 APPLICANT SIGNATURE

WHEN APPLICABLE:
 Date _____

AGENT SIGNATURE _____

**LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
BED AND BREAKFAST/VACATION RENTAL CUP**

Owner: Kelvin and Brenda Adams

LOCATION OF PROPERTY: 406 Harts Hollow Wimberley, TX

LEGAL DESCRIPTION: Lot 6R / Little Panchres

PLANNING AREA: _____

PRESENT ZONING: RA

EXISTING USE: CABIN

USE TO BE GRANTED: *Bed & Breakfast* OR *Vacation Rental*

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional “Hill Country” design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will at all times be harmonious and compatible with surrounding uses 42.2 A 1.

OFF-STREET PARKING: All parking will be off-street. Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of _____ guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

SIGNAGE: All signage will be of traditional “Hill Country” design and will comply with the City Sign Ordinance. 42.2 A 1; 42.2 A 6.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 1 42.3 B.

MAXIMUM OCCUPANCY: 2 guests. 42.3 B.

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests. 42.3 D.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy. 42.3 H.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the NA River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

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 property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times. 42.2 A 1.

REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

6/14/16

DATE

6/14/16

DATE

Brenda Sanders

OWNER

[Signature]

OWNER

EXHIBIT "A"

Tract I:

Being Lot 6R, AMENDING PLAT OF LOTS 5 AND 6, FLITE ACRES LITTLE RANCHES, a Subdivision in Hays County, Texas, according to the Plat thereof recorded in Volume 15, Page 71, Plat Records, Hays County, Texas.

Tract II:

BEING A TRACT OR PARCEL CONTAINING 4.041 ACRES OF LAND OUT OF THE JESSE WILLIAMS SURVEY NO. 4, ABSTRACT NO. 472, HAYS COUNTY, TEXAS; BEING THAT SAME CALLED 4.041 ACRE TRACT (HAYS COUNTY PROPERTY IDENTIFICATION NUMBER R18849) CONVEYED TO EDWARD BREITENBACH AND ERIN BREITENBACH BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 2770, PAGE 358, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 4.041 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS ARE REFERENCED TO SAID 4.041 ACRE TRACT):

BEGINNING:

at a ½-inch iron rod with cap stamped "DRIFTWOOD SURVEYING" found under fence and marking the northeast corner of Lot 6R, Amending Plat of Lots 5 & 6, Flite Acres Little Ranches, a subdivision of record in Volume 15, Pages 71-72, Plat Records of Hays County, Texas and the northwest corner of herein described tract;

THENCE:

South 89° 10' 35" East, with fence, a distance of 239.26 feet to a ½-inch iron rod found marking the northeast corner of the herein described tract;

THENCE:

South 00° 43' 43" East, with fence, a distance of 685.84 feet to a 2" steel fence corner post found marking the southeast corner of the herein described tract;

THENCE:

South 84° 30' 42" West, with fence, a distance of 264.84 feet to a ½-inch iron rod with cap stamped "DRIFTWOOD SURVEYING" found in the east line of said Lot 6R and marking the southwest corner of the herein described tract;

THENCE:

North 01° 15' 22" East, with the east line of said Lot 6R, a distance of 714.72 feet to the POINT OF BEGINNING and containing 4.041 acres of land.

EXHIBIT "B"

PERMITTED EXCEPTION

1. Mineral and/or royalty interest as per instrument dated September 26, 2005, from Thomas Earl Tise and Paula F. Tise Revocable Living Trust to Edward Breitenbach and Erin Breitenbach recorded in Volume 2770, Page 358 of the Official Public Records of Hays County, Texas, as modified by Waiver of Surface Rights.

Hays County Environmental Health

1251 Civic Center Loop
SAN MARCOS, TX 78666

Phone:



AUTHORIZATION TO CONSTRUCT AN ON-SITE SEWAGE FACILITY

Permit #: 2009-194

Location: 406 HOOTS HOLLER, WIMBERLEY TX 78676

LITTLE RANCHES Block: Lot: 6R

Owner: ADAMS, C KELVIN

Mailing address: 23 N HAVEN RIDGE DR THE WOODLANDS TX 77381

Permit Date: 7/2/2009

Phone: (979) 777-2502

AUTHORIZATION IS HEREBY GIVEN TO CONSTRUCT AN ON-SITE SEWAGE FACILITY ON THE ABOVE DESCRIBED PROPERTY.

Approval is hereby granted for the construction as shown on the submitted planning material.

ANY MODIFICATIONS TO SUBMITTED PLANS REQUIRE APPROVAL BY THE HAYS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT PRIOR TO INSTALLATION.

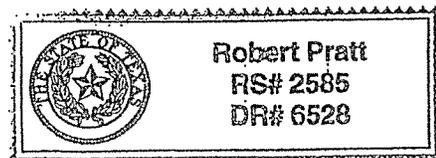
CONTACT THE HAYS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT FOR REQUIRED INSPECTIONS.

The authorization to construct is valid for twelve months from the date of application.

COMMENTS:

NOTE: The On Site Sewage Facility construction must meet all TCEQ Regulations and Hays County Rules for On Site Sewage Facilities. If unforeseen and/or adverse conditions are encountered (including, but not limited to excessive rock, seepage, or high water table) stop construction and contact HAYS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT. Revised planning materials and Authorization to Construct may be required.

SEE ATTACHED SITE PROFILE PAGE FOR ADDITIONAL REQUIREMENTS.




Agency Official

7-2-2009

Date

7/2/2009 11:56 AM Page 1

INSTALLERS COPY

SITE PROFILE

7/2/2009

Permit #: 2009-194

TYPE OF PERMIT: OSSF permit

PROPERTY ADDRESS: 406 HOOTS HOLLER, WIMBERLEY TX 78676

NAME OF OWNER: C KELVIN ADAMS

MAILING ADDRESS: 23 N HAVEN RIDGE DR THE WOODLANDS TX 77381

Work Phone:

Cell:

Home Phone: (979) 777-2502

Fax:

Septic Type: Residential +

Reason: New

4061 Sq Ft

2 Homes

Household: 0

Purchased: 5/21/2009

Revision: 6/4/2009

License Date:

Bathrooms: 0

Plans: 5/17/2009

Final Inspection:

Printed:

Kitchens: 0

Authorization: 7/2/2009

Approved By: PRATT, ROBERT W

Field: 7693

Installed:

Other Information:

Rainwater Collection

City limits

Public Sewer

ETJ

Public Water

Well

Water saving fixtures

Public Water

Recharge zone

Meter / Timer Required

WaterSupply Company:

HAYS COUNTY

Record Set:

Volume:

Page:

Precinct/Zone: 3

Lot/Tract: 6R

Block:

Lot size: 8.00

Grid/Section:

Abstract Number: 0

Affidavit File Date:

Survey:

Subdivision: LITTLE RANCHES

Reference:

Evaluator's Information:

Site Evaluator: DEHART, KYLE

Type of soil: 3

Soil Date: 5/14/2009

480 GPD

System Information:

Manufacturer: HOOT AEROBIC SYSTEMS, INC.

Distributor:

Designer: DEHART, KYLE

Installer: WEED, CALVIN

Treatment Type: Aerobic

Disinfectant: Liquid Chlorine

Flood Plain Information:

Disposal: Surface Application

Flood Plain Status: *Exempt*

Brand / Model	Serial Number	Date
System: Hoot		
Aerator:		
Discharge:		

Flood Plain Date:

Flood Plain Certificate:

Flood Plain Complete:

Expiration Date:

Service and Maintenance Information

Routine Maintenance

Active Service

Electronic Monitoring

Service Provider:

Date Maintenance Contract Started:

Insp./year: 3

Date Maintenance Contract Expires:

Location of System:

GPS Latitude: N

GPS Longitude: W

Map Code:

Legal Description:

Tanks

Permit: 2009-194

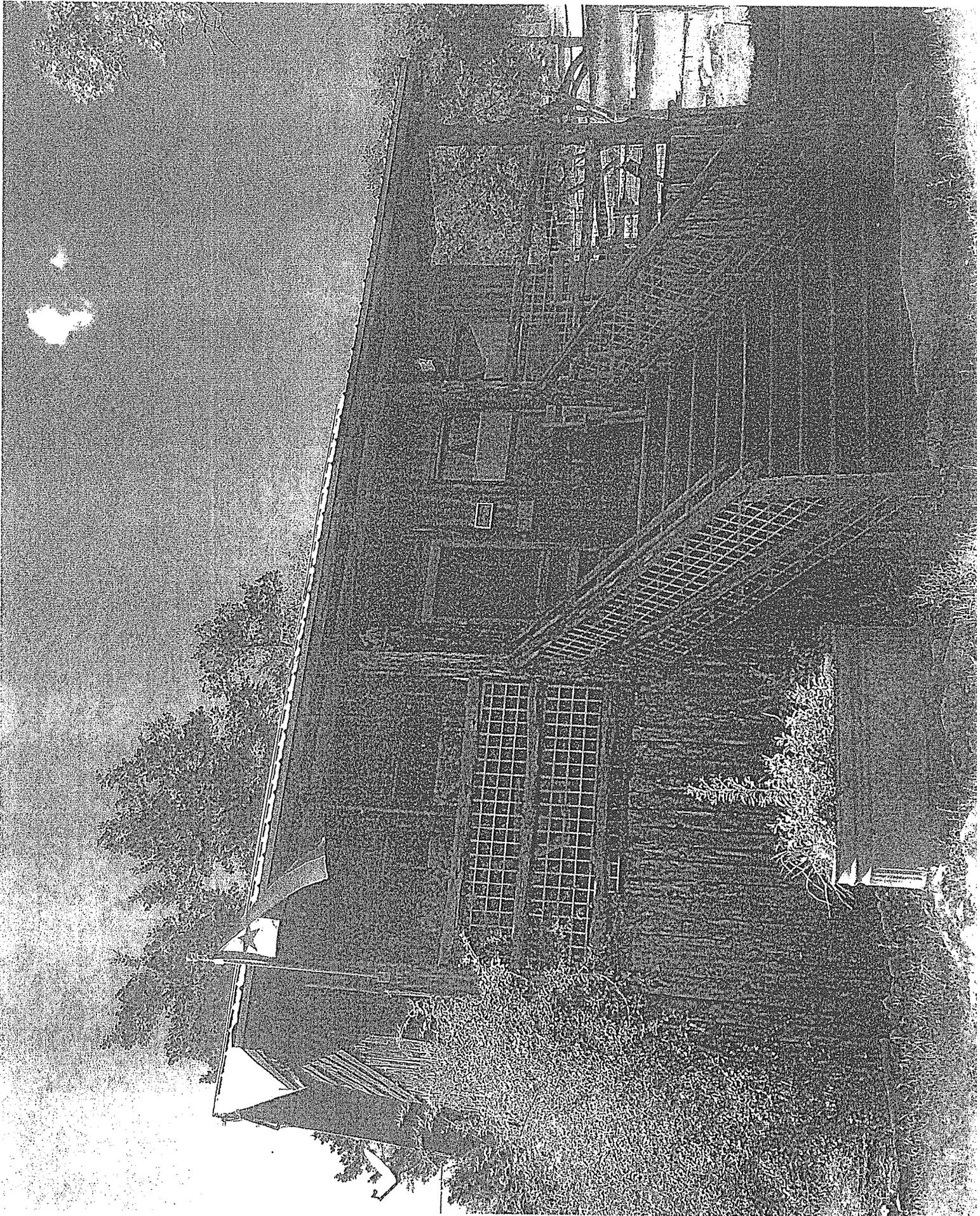
Site: 406 HOOTS HOLLER WIMBERLEY

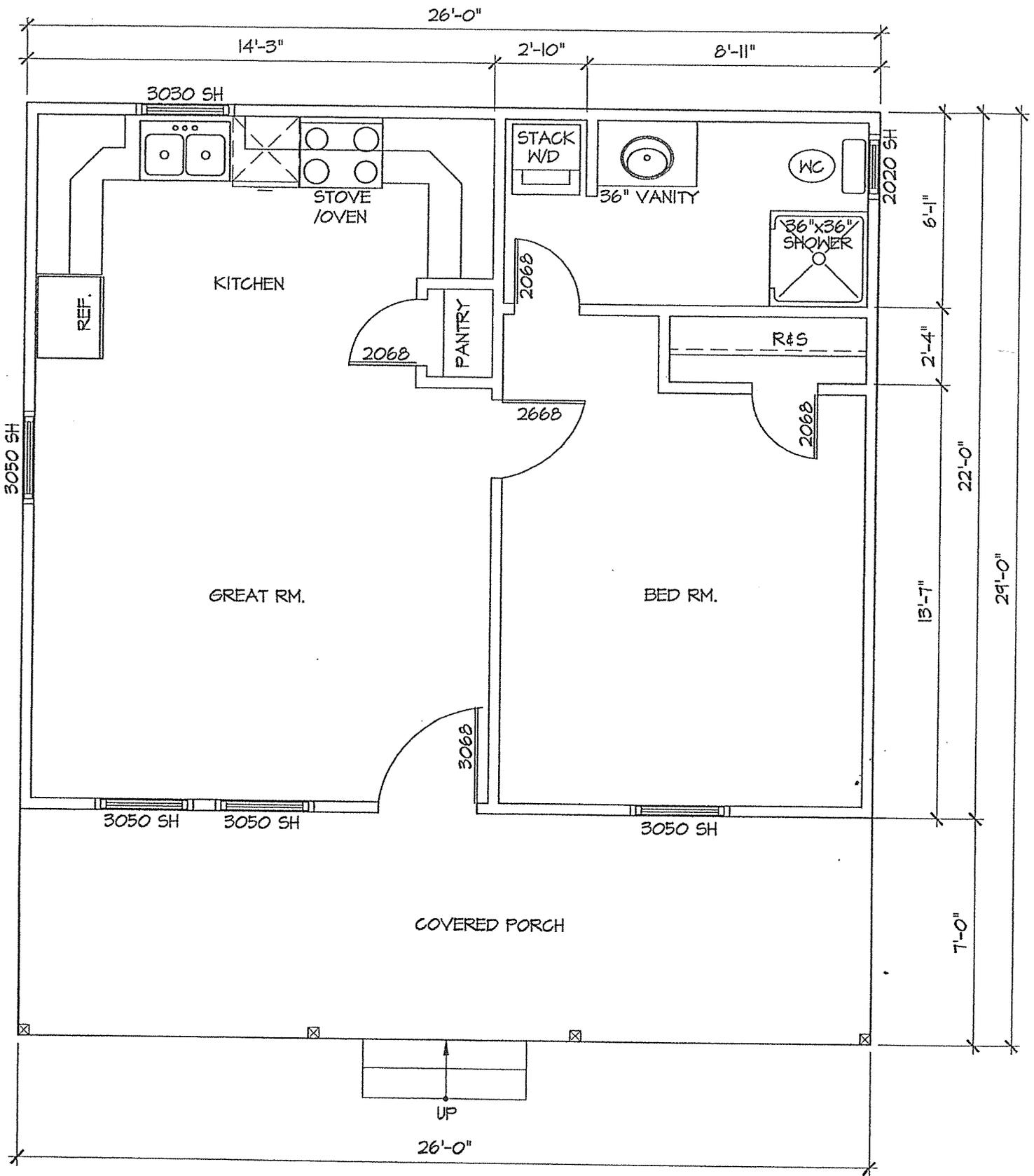
Owner: C KELVIN ADAMS

Pretreatment	Construction: Concrete	Date Installed:	Baffles:
	Capacity: 500	Manufacturer:	<input type="checkbox"/> Filter
	Depth:	Cover:	Years Between: 0.0
	Compartments: 0	Days Between: 0	Last Pumped:
Tank Location: N 0	W 0		
Comments: FOR CABIN.			

Pretreatment	Construction: Concrete	Date Installed:	Baffles:
	Capacity: 750	Manufacturer:	<input type="checkbox"/> Filter
	Depth:	Cover:	Years Between: 0.0
	Compartments: 0	Days Between: 0	Last Pumped:
Tank Location: N 0	W 0		
Comments: FOR MAIN HOUSE.			

Aerobic 2/C	Construction: Concrete	Date Installed:	Baffles:
	Capacity: 1,000	Manufacturer: HOOT AEROBIC SYSTEMS, INC.	<input type="checkbox"/> Filter
	Depth:	Cover:	Years Between: 0.0
	Compartments: 0	Days Between: 0	Last Pumped:
Tank Location: N 0	W 0		
Comments:			





COWBOY CABIN

① **FLOOR PLAN**
 SCALE: 1/4" = 1'-0"

572 SQ. FT. HEATED AREA
 182 SQ. FT. COVERED PORCH
 754 TOTAL SQ. FT.

1. We ask that our Tenants and their guests treat our cabin as their own.
2. We have great neighbors - so please no loud music/parties during your stay.
3. No smoking in our cabin please. If you smoke, we ask that you smoke outside and use the ash trays provided.
4. Our cabin is on a septic system - so please do NOT flush feminine products, small animals, or grumpy in-laws down toilet.
5. Check-In-Time is flexible but you MUST let us know if you will be Checking-In past dark.
6. Check-Out-Time is by Noon.
7. No pets are allowed. We have plenty here.
8. All bookings require an adult over 21 to accompany any minors.
9. All animals on property, garden area and the main house area are off limits to tenants and their guest.
10. We are not responsible for ANY accidents, injuries, illness or personal property damage that occur to the Tenant and/or the Tenant's guests on our property and/or occupying the cabin.

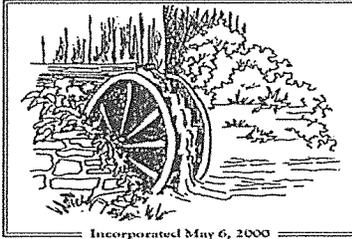
ACCORDINGLY BY MAKING A RESERVATION FOR THIS CABIN, THE TENANT AND THE TENANT'S GUESTS HEREBY RELEASE AND DISCHARGE US FROM ALL LIABILITY FOR ANY ACCIDENTS, INJURIES, ILLNESS, AND/OR PERSONAL PROPERTY DAMAGE THAT OCCUR TO THE TENANT AND/OR THE TENANT'S GUESTS WHILE ON OUR PROPERTY AND/OR OCCUPYING OUR CABIN.

406 Hoots Holler, Wimberley, Texas, USA

Legend
 NS
 O2
 R2
 PPU
 HC
Zoning
 R2
 R1
Zoning
 R2
 R1
Zoning
 R3
 RA
 R1
 R4
 R5
 MF1
 MH
 MF2

0 150 300ft

City of Austin, Texas Parks & Wildlife, Esri, HERE, DeLorme, INCREMENT P, USGS, E.



City of Wimberley

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

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

www.cityofwimberley.com

Mac McCullough, Mayor

Council Members - Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld & John D. White

City Administrator - Don Ferguson

June 28, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-015**
406 Hoots Holler Road, Wimberley, Texas

Dear Property Owner:

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

The applicants, Kelvin and Brenda Adams, have applied for a Conditional Use Permit to allow for a bed and breakfast facility on property zoned Residential Acreage (RA) located at 406 Hoots Holler Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 14, 2016 at 6:00 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, July 21, 2016, at 6:00 p.m.** in the Wimberley City Hall.

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

M & M McClay Properties LLC
405 Mirafiel Ln.
Austin, TX 78737-4679

Lindsey C. Roberts &
Christie N. Williams
1112 S. Rock St.
Georgetown, TX 78626-6750

Rodger T. & Marilyn S. Parker
P.O. Box 375
Wimberley, TX 78676-0375

Kelvin Adams & Brenda Dodson
406 Hoots Holler
Wimberley, TX 78676-5768

Michael A. Dukes &
Karen M. Serafino
3401 Flite Acres Rd.
Wimberley, TX 78676

Alice L. Oldham Revocable
Living Trust
102 University Dr.
Wimberley, TX 78676

Richard & Barbara Burleson
216 Summit Loop
Wimberley, TX 78676-5741

Marian J. Running
210 Summit Loop
Wimberley, TX 78676-5741

Richard & Barbara Burleson
216 Summit Loop
Wimberley, TX 78676-5741

Advertising Receipt

Ad 30496

San Marcos Daily Record

P.O. Box 1109
 San Marcos, TX 78667
 512-392-2458

Accounts Payable
 City of Wimberley
 P.O. Box 2027
 Wimberley, TX 78676

Customer: RA0684
Phone: 847-0025
Ad No.: 30496
Date: 06/20/16
Sales Rep: Barker, Taffy

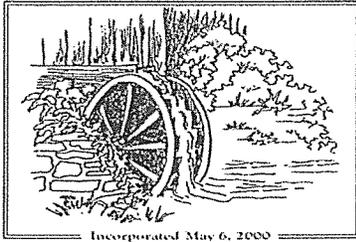
Legals	Publication	First Date	Last Date	Days	Cost
NOTICE OF PUBLIC HEARING (Conditional Use Permit)	Wimberley Legal Classifieds	06/23/16	06/23/16	1	\$63.18

Total Days: 1

Total Cost: \$63.18

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 14, 2016** at **6:00 p.m.** to consider the following: CUP-16-015 – an application for a Conditional Use Permit (CUP) to allow for a bed and breakfast facility on property zoned Residential Acreage (RA) located at 406 Hoots Holler Road in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, July 21, 2016, 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 (P.O. 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.

Payment Type:	Payment Date:	Payment Amount:
Check/Card No.	Other Credits:	Amount Due: \$63.18



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676
Phone: (512) 847-0025 – Fax: (512) 847-0422
E-mail: www.cityofwimberley.com; www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CUP-16-015 Owner _____

Date 6/28/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 406 Harts Haller

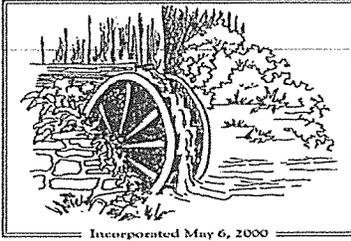
which is located Harts Haller

Bill Bowers
Asst. Public Works

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

6/28, 2016


Signature



City of Wimberley

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

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

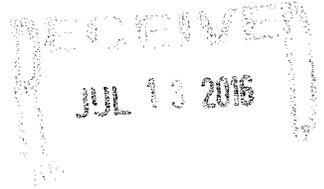
www.cityofwimberley.com

Mac McCullough, Mayor

Council Members - Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld & John D. White

City Administrator - Don Ferguson

June 28, 2016



NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-015**
406 Hoots Holler Road, Wimberley, Texas

Dear Property Owner:

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

The applicants, Kelvin and Brenda Adams, have applied for a Conditional Use Permit to allow for a bed and breakfast facility on property zoned Residential Acreage (RA) located at 406 Hoots Holler Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 14, 2016 at 6:00 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, July 21, 2016, at 6:00 p.m.** in the Wimberley City Hall.

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.

7/11/16

CITY OF WIMBERLEY *Jerry & Debbie Oldham, Alice Oldham*

*do not want bed and breakfast facility as described above
Hoot Holler Road is on the other side of where we are, ~~on~~
University Road; and I can tell you they would be using
University Road to access their property. The road is bad
enough with the University people using it. We would not
-mvt-*

Know if indeed the people were using the bed + breakfast
We were told at the very beginning before the land ^{or the university} -
was sold, it would be for Single Family Residential
use ~~only~~ only!! We are not able to be at the
hearing.

Rubie Oldham

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY KELVIN AND BRENDA ADAMS TO OPERATE A BED AND BREAKFAST FACILITY ON PROPERTY LOCATED AT 406 HOOTS HOLLER, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RESIDENTIAL ACREAGE (RA), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Kelvin and Brenda Adams (“Applicants”) requesting authorization to operate a bed and breakfast facility on real property, described as Flite Acres Little Ranches, Lot 6R, zoned Residential Acreage (RA); and

WHEREAS, a bed and breakfast vacation rental facility is an authorized use in areas zoned Residential Acreage (RA) upon the approval of a Conditional Use Permit; and

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibits “A” and “B”, respectively, and incorporated herein, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and City Council have conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application; and

WHEREAS, the City Council finds that the use of the subject property as a vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Kelvin and Brenda Adams (“Applicants”) for use as a vacation rental facility on real property, described as Flite Acres Little Ranches, Lot 6R, as more particularly described by survey in Exhibit “C”, attached and incorporated by reference, zoned Residential Acreage (RA), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The Owner or the owner’s designated representative shall occupy the property subject to the CUP at all times whenever the property is rented to third persons.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the City of Wimberley and State Hotel Occupancy Tax

Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.

13. Signage for the bed and breakfast facility shall be limited to one (1) non-illuminated sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.

14. The maximum occupancy for the property shall be two (2) people.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

ARTICLE V. 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 or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability 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 VI. EFFECTIVE DATE

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

ARTICLE VII. 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 by the Wimberley City Council on the 21st day of July, 2016 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Herschel "Mac" McCullough, Mayor

ATTEST:

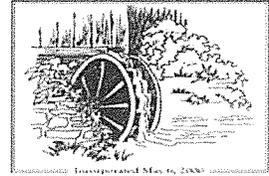
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

Report for CUP-16-016



Summary:

An application for a Conditional Use Permit to allow for the operation of a vacation rental facility at 2660 FM 3237

Applicant Information:

Applicant(s):

Chris & Karen Lawrence
2010 South Rainbow Ranch Road
Wimberley, TX 78676

Property Owners:

Chris & Karen Lawrence

Subject Property:

Legal Description:

Arrowlake Acres, Pt Lots 11 & 12

Location:

2660 FM 3237

Existing Use of Property:

Residential

Existing Zoning:

Single Family Residential 2 (R-2)

Proposed Use of Property:

Vacation Rental

Proposed Zoning:

R-2 with CUP

Planning Areas

I, VII

Overlay District

Protected Water, Entrance Corridor

Surroundings:

Frontage On:

FM 3237

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	ETJ	Residential
S of Property	R-2, ETJ	Residential
E of Property	R-2	Residential
W of Property	R-2	Residential

Legal Notice

200' Letters:

6/28/16

Published:

6/23/16

Sign Placement:

6/28/16

Responses:

One (1) Opposition Call & One (1) Written Opposition

Comments:

The applicants, Chris and Karen Lawrence, are seeking a Conditional Use Permit (CUP) to allow for the operation of a vacation rental facility on 1.3565 acres of property located at 2660 FM 3237. The subject property is zoned Single Family Residential 2 (R-2), located in Planning Areas I and VII and lies within the boundaries of the Protected Water and Entrance Corridor Overlay Districts. Vacation rental facilities are allowed on R-2 zoned properties with a CUP.

Currently, there is a 1,056 square foot, two (2) bedroom, two (2) bathroom residence on the property. The applicant is proposing to use the residence as a vacation rental facility, with a maximum occupancy of four (4) people.

There is a properly permitted and functioning on-site septic system that serves the residence for which the CUP is being sought. Based on a review of the septic system and proposed use, City staff is recommending a maximum occupancy of three (3) guests for the proposed vacation rental facility.

Guests would be required to park on the subject property.

Based on the City's regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Council desire to recommend approval:

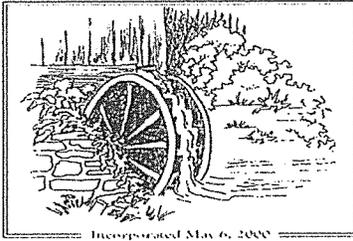
1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local

contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two (200) feet of the subject property, with the current name and contact information.

10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be three (3) people.
15. Landline telephone service, with a publicly listed phone number, shall be maintained on the property at all times to allow for receipt of emergency notification phone calls. Notice, in a form acceptable to the City, shall be posted on the property advising guests of the purpose for the telephone and the need to answer the phone. In addition, the phone number for the subject landline telephone shall be registered with the City and Hays County emergency phone notification systems.
16. If guests have water access, 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.

To date, City staff has received one (1) phone call opposing the CUP request and one (1) written letter of opposition.

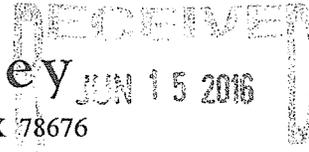
The Planning and Zoning Commission is scheduled to hold a public hearing and make a recommendation regarding the CUP request on July 14, 2016. The Commission's recommendation will be presented to City Council under separate cover in advance of the Council meeting.



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

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



CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 016

FOR OFFICIAL USE ONLY

Application Date: 6/15/16 Tentative P&Z Hearing: 7/14 Tentative Council Hearing: 7/21

FEES: \$400.00 DATE PAID: 6/15 CHECK NO. 6007 REC'D BY cu

PROJECT SITE ADDRESS: 2660 FM 3237 Wimberley, TX 78676
OWNER/APPLICANT CHRIS C. LAWRENCE
+ KAREN R. LAWRENCE PHONE (512) 461-8096 Karen cell
512-847-3906 hm.
MAILING ADDRESS: 2010 SOUTH RAINBOW RANCH RD.
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.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging; Vacation Rental)

VACATION RENTAL (** see pg. 4)

Planning Area I, VII Zoning R-2 Total Acreage or Sq. Ft. 1.3565 acre / 1,056 #

Subdivision: ARROW LAKE ACRES Lots 11+12 Block _____

Appraisal District Tax ID #: R 20531

Deed Records Hays County: ~~Volume~~ DOCUMENT # 2016-16017699 (filed 6/3/2016)

Is property located in an overlay district? () Yes () No If Yes, type: PWOD, ECOD

Is property located in flood plain? () Yes () No
But structure is NOT in flood plain!
House sits up high on bluff side.

UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: PRIVATE WELL

Wastewater Service Provider or Hays County Septic Permit No: (see copy attached)

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 (non-refundable)
- 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 City zoning action does not relieve any obligation of these restrictions.
- Applicant agrees to provide additional documentation as needed by the City.
- Applicant understands that City 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 City representatives to visit and inspect the subject property.

6/14/2016

DATE

Karen Lawrence

APPLICANT SIGNATURE
Chris Lawrence

WHEN APPLICABLE:
Date _____

AGENT SIGNATURE

**LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
BED AND BREAKFAST/VACATION RENTAL CUP**

Owner: CHRIS C. LAWRENCE + KAREN R. LAWRENCE

LOCATION OF PROPERTY: 2660 FM 3237, WIMBERLEY, TX. 78676

LEGAL DESCRIPTION: ARROW LAKE ACRES, LOTS 11+12

PLANNING AREA: I

PRESENT ZONING: R-2

EXISTING USE: 2nd HOME

USE TO BE GRANTED: *Bed & Breakfast* OR *Vacation Rental*

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated:
Describe new construction. The architecture and façade of all new construction will be traditional
"Hill Country" design and harmonious with those of adjacent uses. No construction shall commence
prior to compliance with all applicable ordinances, laws, rules and regulations.

N/A

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will at all times be harmonious and compatible with surrounding uses 42.2 A 1.

OFF-STREET PARKING: All parking will be off-street. Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 4-6 guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

SIGNAGE: All signage will be of traditional "Hill Country" design and will comply with the City Sign Ordinance. 42.2 A 1; 42.2 A 6.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 2 42.3 B. 2 bath

MAXIMUM OCCUPANCY: 4-6 guests. 42.3 B.

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests. 42.3 D.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy. 42.3 H.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the SMITH River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

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 property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times. 42.2 A 1.

REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

6/14/2016
DATE

6/14/2016
DATE

Opisa Lawrence
OWNER

Karen Lawrence
OWNER

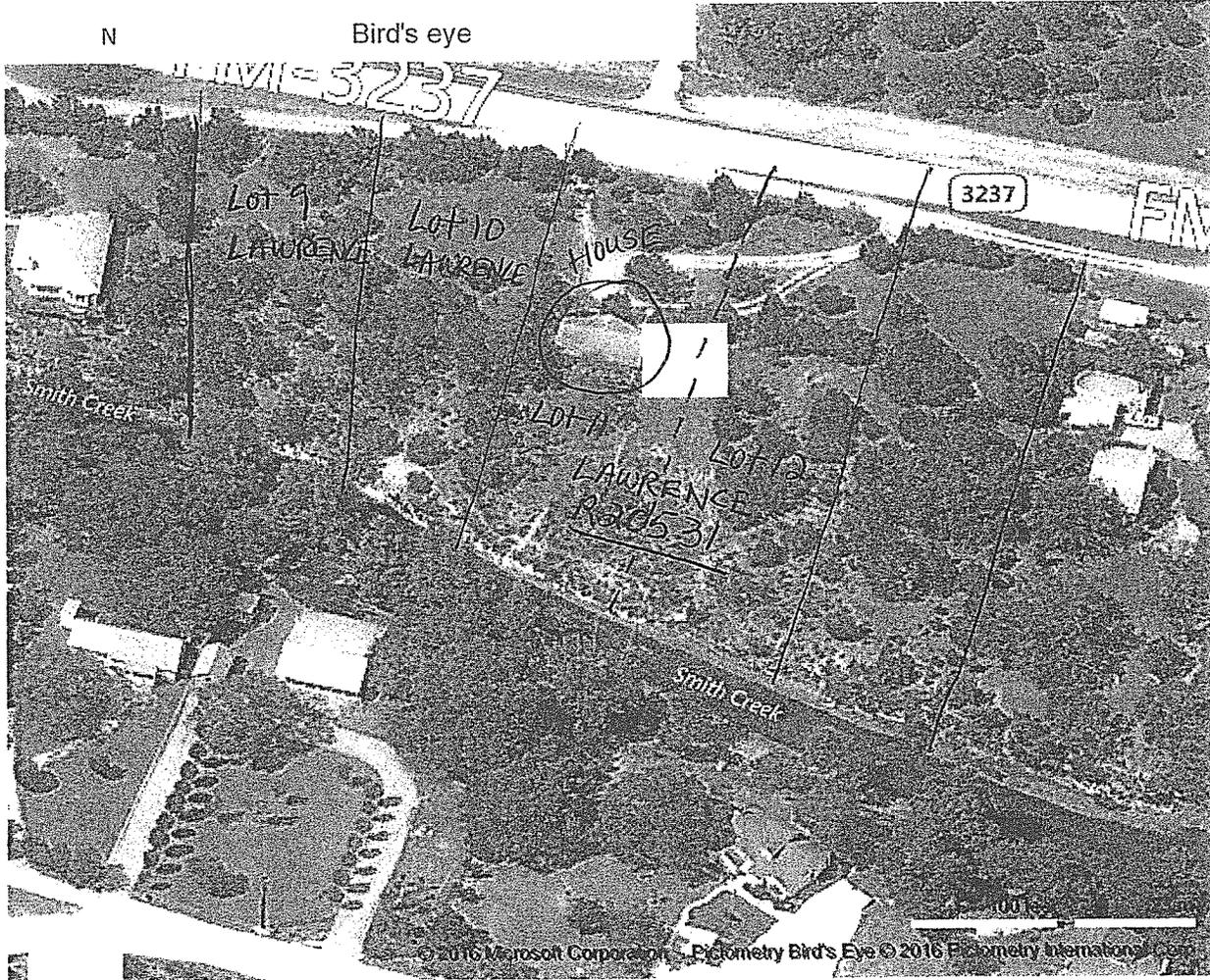
★ ★ NOTE: We have been working with "April Anderson"
@ Hill Country Premier Lodging 512-847-7460

Balloon View

Map

2660 FM 3237 / LAWRENCE

Re
RE



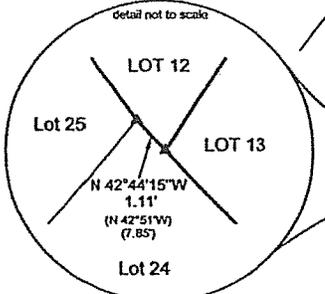
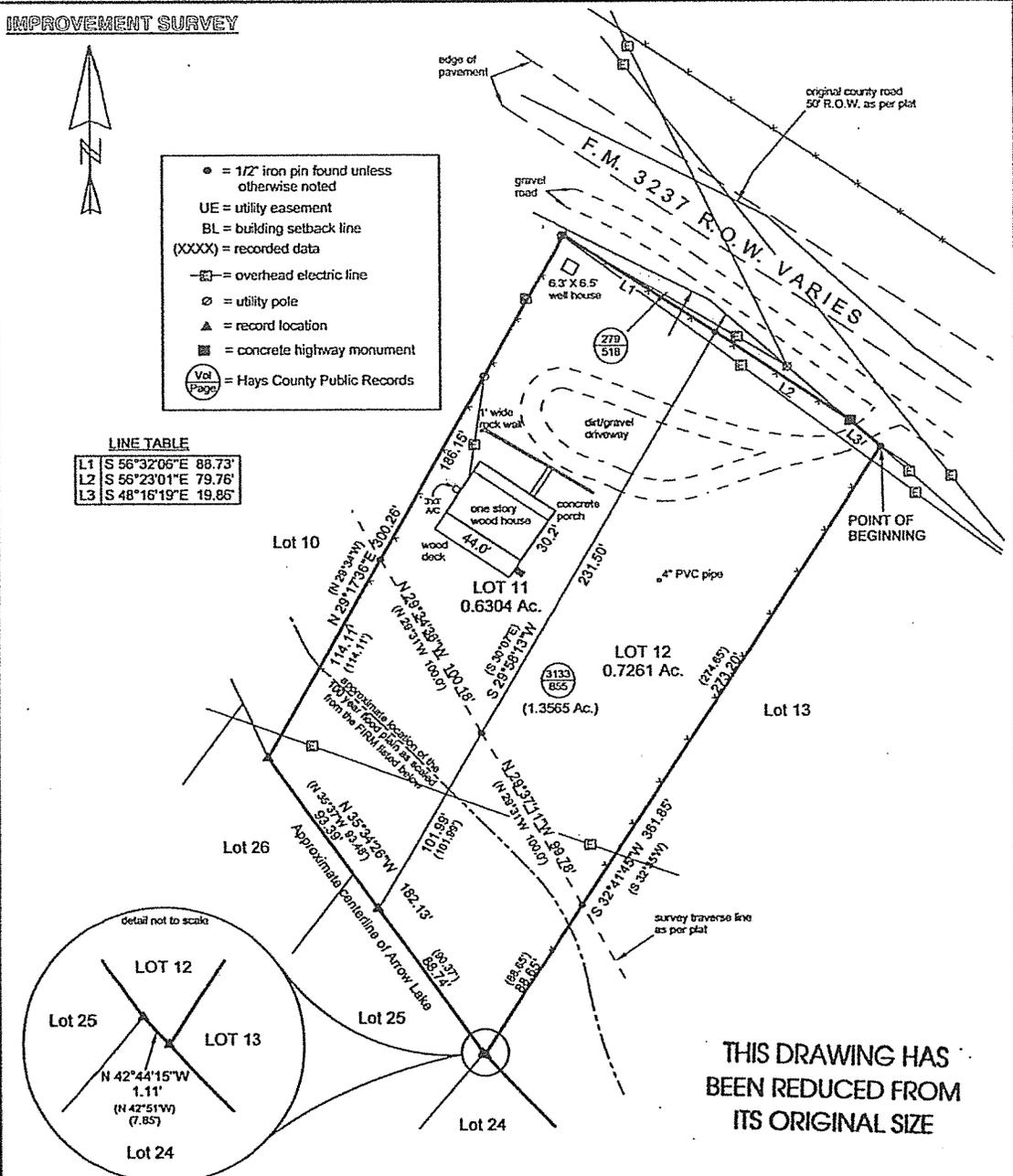
IMPROVEMENT SURVEY



- = 1/2" iron pin found unless otherwise noted
- UE = utility easement
- BL = building setback line
- (XXXX) = recorded data
- = overhead electric line
- = utility pole
- ▲ = record location
- = concrete highway monument
- Vol Page = Hays County Public Records

LINE TABLE

L1	S 56°32'06"E	88.73'
L2	S 56°23'01"E	79.76'
L3	S 48°16'19"E	19.85'



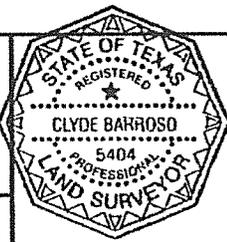
THIS DRAWING HAS BEEN REDUCED FROM ITS ORIGINAL SIZE

Copyright © 2016 Eagle Land Surveying. All rights reserved.

CLIENT: Christopher C. Lawrence and Karen R. Lawrence ADDRESS: 2660 F.M. 3237 Wimberley, Texas 78676	TITLE COMPANY: Independence Title Company (Austin) G.F. No.: 200605007	DATE: May 10, 2016 SCALE: 1" = 50' 1112arw.zak
---	---	--

LEGAL DESCRIPTION: Being 1.3565 acres of land, more or less, being 0.6304 acres of land out of Lot 11, and 0.7261 acres of land out of Lot 12, ARROW LAKE ACRES, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 1, Page 53, Hays County Plat Records, said 1.3565 acres being that same property as described and recorded in Volume 1793, Page 786, Hays County Official Public Records, and said 1.3565 acres being more particularly described by metes and bounds in the field notes attached hereto.

A portion of this subject property does lie within a Special Flood Hazard Area as determined from FIRM Hazard Map, Community Panel No. 481694 0243 F, dated September 2, 2005. The residential structure shown hereon does not lie within the Special Flood Hazard Area.



EAGLE LAND SURVEYING
 (512) 847- 1079
 P.O. Box 2264 Wimberley, TX 78676

I hereby certify that this plat correctly represents a survey made upon the ground under my supervision, on May 10, 2006 and May 9, 2016, and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso
 Clyde Barroso, R.P.L.S. #5404, State of Texas, Firm # 10078360.

JOB NUMBER: 16-068 jw/ww/cb



EAGLE
LAND
SURVEYING

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

May 10, 2016

FIELD NOTES DESCRIBING 1.3565 ACRES OF LAND, MORE OR LESS, BEING 0.6304 ACRES OF LAND OUT OF LOT 11, AND 0.7261 ACRES OF LAND OUT OF LOT 12, ARROW LAKE ACRES, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 53, HAYS COUNTY PLAT RECORDS, SAID 1.3565 ACRES BEING THAT SAME PROPERTY AS DESCRIBED AND RECORDED IN VOLUME 1793, PAGE 786, HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND SAID 1.3565 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING, at a ½" iron pin found for the Northeast corner of Lot 12, being the Northwest corner of Lot 13, said point being on the South right-of-way line of F.M. 3237;

THENCE, S 32°41'45"W, leaving the South right-of-way line of F.M. 3237 with the Northwest line of Lot 13, a distance of 361.85 feet to a point in the approximate centerline of Arrow Lake on the Northeast line of Lot 24 and being the West corner of Lot 13, said point being the South corner of Lot 12 and the South corner of the herein described 1.3565 acres, passing at 273.20 feet along this course, a ½" iron pin found on line;

THENCE, N 42°44'15"W, with the Southwest line of Lot 12, a distance of 1.11 feet to an angle point, being the North corner of Lot 24 and the East corner of Lot 25;

THENCE, N 35°34'26"W, with the South line of Lot 12 and Lot 11, the North line of Lot 25 and a portion of the North line of Lot 26, a distance of 182.13 feet to a point for the South corner of Lot 10, said point being the West corner of the herein described 1.3565 acres, passing at 88.74 feet along this course, a point for the West corner of Lot 12, and being the South corner of Lot 11;

THENCE, N 29°17'36"E, with the Southeast line of Lot 10, the Northwest line of Lot 11, a distance of 300.26 feet to a ½" iron pin found on the South right-of-way line of F.M. 3237, being the West corner of that tract of land called 0.017 acres out of Lot 11, as described and recorded in Volume 279, Page 518, Hays County Deed Records, for the North corner of the herein described 1.3565 acres, passing at 114.11 feet along this course, a ½" iron pin found on line;

THENCE, S 56°32'06"E, crossing Lot 11, with the South right-of-way line of F.M. 3237, a distance of 88.73 feet to a ½" iron pin found on the common line of Lot 11 and Lot 12, for the South corner of the afore mentioned 0.017 acre tract, being the West corner of that tract of land called 0.010 acres out of Lot 12, as described and recorded in Volume 279, Page 518, Hays County Deed Records;

THENCE, S 56°23'01"E, crossing Lot 12, continuing with the South right-of-way line of F.M. 3237, a distance of 79.76 feet to a concrete monument found on the North line of Lot 12, for an angle point, being the East corner of the afore mentioned 0.010 acres;

THENCE, S 48°16'19"E, continuing with the South right-of-way line of F.M. 3237, a distance of 19.86 feet to the POINT OF BEGINNING, containing 1.3565 acres of land, more or less. These field notes accompany a survey plat dated May 10, 2016, by Eagle Land Surveying, Job number 16-068.

Clyde Barroso, R.P.L.S. #5404, State of Texas, Firm #10079300.

page one of one
16-068/field notes/cb



2660 AM 3237

10.00
5/4/16



Hays County Environmental Health
1251 CIVIC CENTER LOOP
SAN MARCOS, TEXAS 78666
512/353-4351

Inspection Data

Owner BOB FOSTER

Site Address CR 3237

Subdivision ARLOWAKE ACRES LT 11+12

Pump system: y n

1st Inspection Date 5-5-95 2nd Insp Date 5-16-95

Tank Size 750 gal material corr Gravel in inches 12"

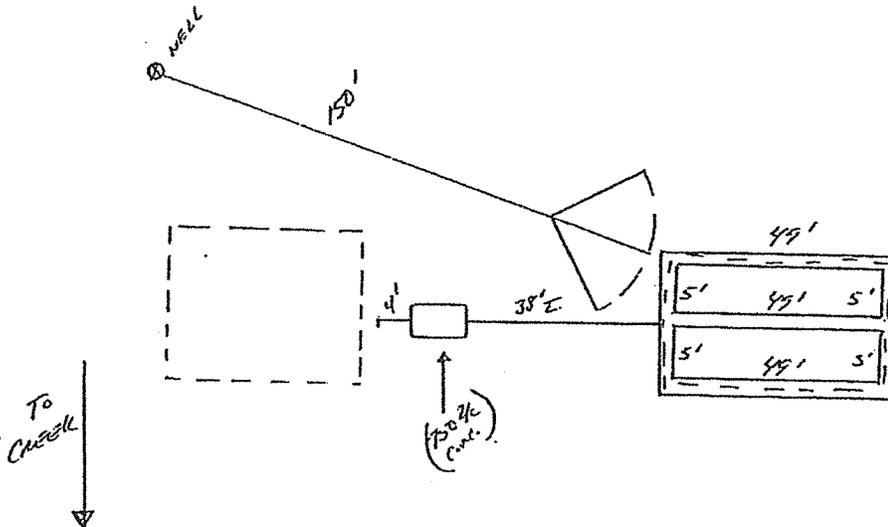
Trench Width 3 feet wide (or see drawing) Backfill Material Sandy Loam

Fall from Outlet 12" ± Pump Tank Hay Filter Fabric

Distance from house to tank 5' Sand Wicks: no

Drawing:

FM 3237



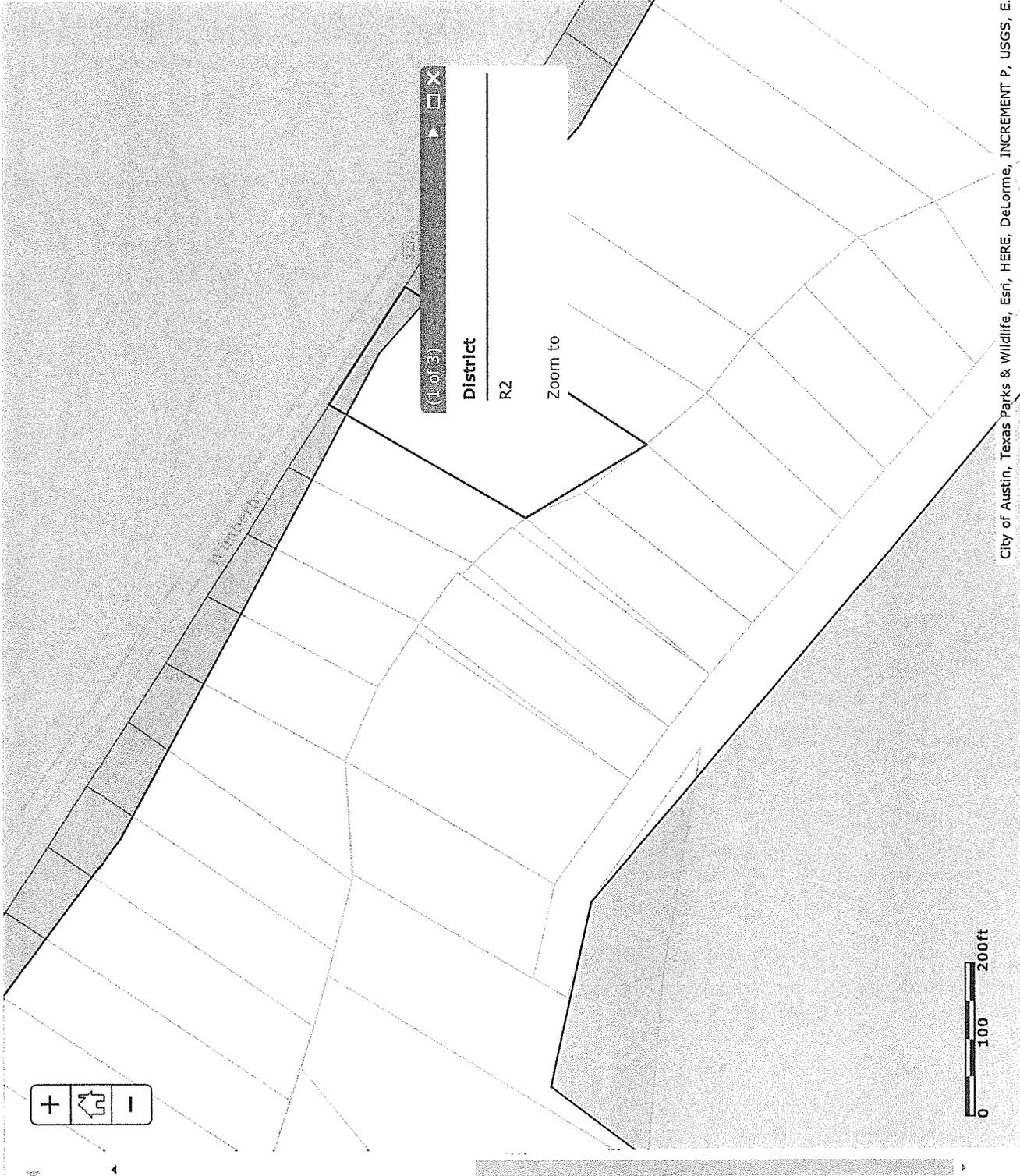
Comments: _____

Installed by: DALE LINDEN

Inspected by: DANIEL R. GONZALES, R.S. # 3075

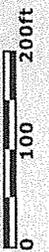
SAW 2 1219

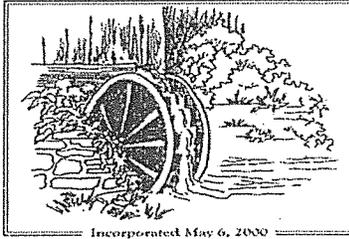
[Details](#) |
 [Add](#) |
 [Basemap](#) |
 [Save](#) |
 [Share](#) |
 [Print](#) |
 [Measure](#) |
 [Bookmarks](#) |
 2660 FM-3237, Wimberley, Texas, USA



+ | ↺ | -

- Legend**
- NS
- O2
- R2
- PPU
- HC
- Zoning**
- R2
- R1
- Zoning**
- R2
- R1
- Zoning**
- R3
- RA
- R1
- R4
- R5
- MF1
- MH
- MF2





City of Wimberley

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

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

www.cityofwimberley.com

Mac McCullough, Mayor - John D. White, Mayor Pro-Tem
Council Members - Bob Dussler, Craig Fore, Sally Trapp & Gary Barchfeld
City Administrator - Don Ferguson

June 28, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-016**
2660 FM 3237, Wimberley, Texas

Dear Property Owner:

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

The applicants, Chris & Karen Lawrence, have applied for a Conditional Use Permit to allow for a vacation rental facility on property zoned Single Family Residential 2 (R-2) located at 2660 FM 3237, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 14, 2016 at 6:00 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, July 21, 2016, at 6:00 p.m.** in the Wimberley City Hall.

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

Mailed 6/28/10

Armando & Elia Diaz
1840 Hawthorne Loop
Driftwood, TX 78619-4359

R.K. Yeates
2701 FM 3237
Wimberley, TX 78676

Donald R. Anderson
P.O. Box 1672
Wimberley, TX 78676-1672

Mystic Hill LLC
970 Verde Vista Dr.
Wimberley, TX 78676-4685

John F. & Ann K. Phillips, Jr.
222 E. Austin Ave.
Harlingen, TX 78550

Johannes Geert Grijzen &
Sharlene Evans
230 Arrow Lake Rd.
Wimberley, TX 78676

Everett & Nancy S. Bryant
4705 Woodcreek Rd.
Austin, TX 78749-2338

Aaron Hays & Jessica-E. Atkins
2630 FM 3237
Wimberley, TX 78676

Karolyn Tybor
P.O. Box 451
Wimberley, TX 78676-0451

Reace B. Harrison
22 Palmer Green Pl.
Spring, TX 77381-4262

Marshal R. & Sue C. Wortham
2600 FM 3237
Wimberley, TX 78676-5505

Sims Family Living Trust
17900 County Road 463
Brazoria, TX 77422-7060

Jeremy & Kristin Trahan
104 Cedar Springs Dr.
Wimberley, TX 78676-5603

Advertising Receipt

Ad 30497

San Marcos Daily Record

P.O. Box 1109
 San Marcos, TX 78667
 512-392-2458

Accounts Payable
 City of Wimberley
 P.O. Box 2027
 Wimberley, TX 78676

Customer: RA0684
Phone: 847-0025
Ad No.: 30497
Date: 06/20/16
Sales Rep: Barker, Taffy

Legals	Publication	First Date	Last Date	Days	Cost
NOTICE OF PUBLIC HEARING (Conditional Use Permit)	Wimberley Legal Classifieds	06/23/16	06/23/16	1	\$60.84

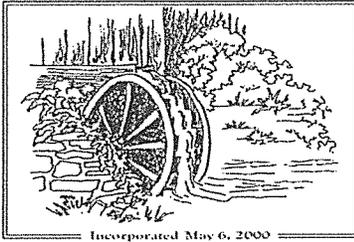
Total Days: 1

Total Cost: \$60.84

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 14, 2016** at **6:00 p.m.** to consider the following: CUP-16-016 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental facility on property zoned Single Family Residential 2 (R-2) located at 2660 FM 3237 in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, July 21, 2016, 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 (P.O. 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.

Payment Type:	Payment Date:	Payment Amount:
Check/Card No.	Other Credits:	Amount Due: \$60.84



City of Wimberley

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

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

E-mail: www.cityofwimberley.com: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CUP-16-016 Owner _____

Date 6/28/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 2660 FM 3237

which is located FM 3237

Bill Bowers
Asst. Public Works

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

6/28, 2016



Signature

Subject: Re: File No. CUP-16-016

Date: Monday, July 11, 2016 11:42:55 AM Central Daylight Time

From: Karolyn Tybor

To: DFERGUSON@CITYOFWIMBERLEY.COM

Dear Mr. Ferguson,

I received a letter from the City of Wimberley re: an application for a Conditional Use Permit to allow for a vacation rental facility within 200 feet of my home. I have been a resident in my home at 2700 FM 3237 since 1979 and I have seen many changes to the neighborhood over the years. Arrow Lake Acres is a small neighborhood located on a very sensitive waterway, Smith Creek. I would like to register my objection to granting the the application on the grounds of maintaining the zoning for Single Family Residential 2 to protect the quality of life for me and my neighbors. It is my understanding that the property owners, Chris and Karen Lawrence, do not reside at the property and do not live in the vicinity for providing supervision, maintenance, or security for the property. I ask that you consider my objection to the application so as not to set a precedence of losing the integrity of our neighborhood as a Single Family Residential community.

Sincerely,

Karolyn Tybor
2700 FM 3237
PO Box 451
Wimberley, Tx. 78676

Sent from my iPad

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CHRIS AND KAREN LAWRENCE TO OPERATE A VACATION RENTAL FACILITY ON PROPERTY LOCATED AT 2660 FM 3237, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Chris and Karen Lawrence (“Applicants”) requesting authorization to operate a vacation rental facility on real property, described as Arrowlake Acres, Pt Lots 11 & 12, zoned Single Family Residential 2 (R-2); and

WHEREAS, a vacation rental facility is an authorized use in areas zoned Single Family Residential 2 (R-2) upon the approval of a Conditional Use Permit; and

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibits “A” and “B”, respectively, and incorporated herein, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and City Council have conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application; and

WHEREAS, the City Council finds that the use of the subject property as a vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Chris and Karen Lawrence (“Applicants”) for use as a vacation rental facility on real property, described as Arrowlake Acres, Pt Lots 11 & 12, as more particularly described by survey in Exhibit “C”, attached and incorporated by reference, zoned Single Family Residential 2 (R-2), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two (200) feet of the subject property, with the current name and contact information.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.

11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be three (3) people.
15. Landline telephone service, with a publicly listed phone number, shall be maintained on the property at all times to allow for receipt of emergency notification phone calls. Notice, in a form acceptable to the City, shall be posted on the property advising guests of the purpose for the telephone and the need to answer the phone. In addition, the phone number for the subject landline telephone shall be registered with the City and Hays County emergency phone notification systems.
16. If guests have water access, 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.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

ARTICLE V. 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 or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability 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 VI. EFFECTIVE DATE

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

ARTICLE VII. 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 by the Wimberley City Council on the 21st day of July, 2016 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Herschel "Mac" McCullough, Mayor

ATTEST:

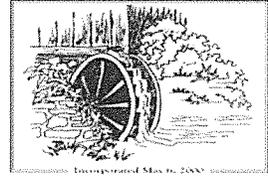
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

Report for CUP-16-017



Summary:

An application for a Conditional Use Permit to allow for the operation of a vacation rental facility at 1824 Flite Acres Road

Applicant Information:

Applicant(s):

Robert Weber (Cathy Biediger, Attorney-in-fact)
606 Hunters Creek Way
Hockley, TX 77447

Property Owner(s):

Robert Weber

Subject Property:

Legal Description:

Eagle Cave View, Lot 12

Location:

1824 Flite Acres Road

Existing Use of Property:

Residential

Existing Zoning:

Single Family Residential 2 (R-2)

Proposed Use of Property:

Vacation Rental

Proposed Zoning:

R-2 with CUP

Planning Areas

I

Overlay District

Protected Water

Surroundings:

Frontage On:

Flite Acres Road

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	ETJ	Residential
S of Property	R-2	Residential
E of Property	R-2	Residential
W of Property	R-2	Residential

Legal Notice

200' Letters:

6/28/16

Published:

6/23/16

Sign Placement:

6/28/16

Responses:

Two (2) written opposition and one (1) call seeking Information

Comments:

The applicant, Robert Weber, is seeking a Conditional Use Permit (CUP) to allow for the operation of a vacation rental facility at 1824 Flite Acres Road. The subject property is zoned Single Family Residential 2 (R-2), located in Planning Area I, and lies within the boundaries of the Protected Water Overlay District. Vacation rental facilities are allowed on R-2 zoned properties with a CUP.

Currently, there is a 2,599 square foot, five (5) bedroom, three and one-half (3 ½) bath residence on the property. The applicant is proposing to use the residence as a vacation rental, with a maximum occupancy of ten (10) people.

There is a properly permitted and functioning on-site septic system that serves the residence for which the CUP is being sought. Based on a review of the septic system and proposed use, City staff is recommending a maximum occupancy of six (6) guests for the proposed vacation rental facility.

Guests would be required to park on the subject property.

Based on the City's regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Council desire to recommend approval:

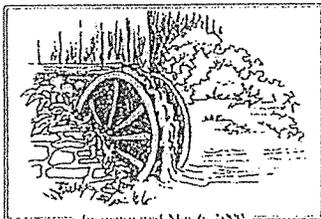
1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local

contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two (200) feet of the subject property, with the current name and contact information.

10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be six (6) people.
15. Landline telephone service, with a publicly listed phone number, shall be maintained on the property at all times to allow for receipt of emergency notification phone calls. Notice, in a form acceptable to the City, shall be posted on the property advising guests of the purpose for the telephone and the need to answer the phone. In addition, the phone number for the subject landline telephone shall be registered with the City and Hays County emergency phone notification systems.
16. If guests have water access, 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.

To date, City staff has received two (2) letters of opposition and one (1) call from an individual seeking information on the CUP request.

The Planning and Zoning Commission is scheduled to hold a public hearing and make a recommendation regarding the CUP request on July 14, 2016. The Commission's recommendation will be presented to City Council under separate cover in advance of the Council meeting.



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

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

www.cityofwimberley.com

RECEIVED
JUN 17 2016

CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 017

FOR OFFICIAL USE ONLY

Application Date: 6/17/16 Tentative P&Z Hearing: 7/14 Tentative Council Hearing: 7/21

FEES: \$400.00 DATE PAID: _____ CHECK NO. _____ REC'D BY _____

PROJECT SITE ADDRESS: 1824 Flite Access Wimberley, TX 78676

OWNER/APPLICANT: Robert Weber
Cathy Briediger (attorney in fact) PHONE (713) 851-8839

MAILING ADDRESS: 606 Hunters Creek Way

CITY: Hockley STATE: TX ZIP: 77447

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.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

Vacation Rental

Planning Area I Zoning R2 Total Acreage or Sq. Ft. _____

Subdivision: Eagle Cave View Lot 12 Block _____

Appraisal District Tax ID #: R 26750

Deed Records Hays County: Volume _____ Page _____

Is property located in an overlay district? () Yes () No If Yes, type: protected water overlay

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

UTILITY PROVIDERS:

Electric Provider: Pedernales Electric

Water Provider or Private Well: Wimberly Water

Wastewater Service Provider or Hays County Septic Permit No: Septic

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 (non-refundable)
- () 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 City zoning action does not relieve any obligation of these restrictions.
- () Applicant agrees to provide additional documentation as needed by the City.
- () Applicant understands that City 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 City representatives to visit and inspect the subject property.

June 16, 2016
DATE

Cathy Rodriguez
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
BED AND BREAKFAST/VACATION RENTAL CUP

Owner: Robert Weber Cathy Biediger (attorney in fact)

LOCATION OF PROPERTY: 1824 Flite Acres Rd

LEGAL DESCRIPTION: _____

PLANNING AREA: _____

PRESENT ZONING: _____

EXISTING USE: _____

USE TO BE GRANTED: _____ *Bed & Breakfast* OR *Vacation Rental*

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional "Hill Country" design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will at all times be harmonious and compatible with surrounding uses 42.2 A 1.

OFF-STREET PARKING: All parking will be off-street. _____ Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of _____ guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

SIGNAGE: All signage will be of traditional "Hill Country" design and will comply with the City Sign Ordinance. 42.2 A 1; 42.2 A 6.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 5 42.3 B. — 3 1/2 bathrooms

MAXIMUM OCCUPANCY: 12 ¹⁰ guests. 42.3 B. per CB by phone

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests. 42.3 D.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy. 42.3 H.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the Blanco River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

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 property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times. 42.2 A 1.

REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

June 16, 2016
DATE

Robert W. Welton
OWNER

June 16, 2016
DATE

Cathy Biediger (attorney in fact)
OWNER

INSPECTION DATA

OWNER ROBERT WEBER

SITE ADDRESS 1824 FLITE ACRES, WIMBERLEY, TX 78676

LEGAL DESCRIPTION FACILE CAVE VIEW, LOT 12

1st INSP. DATE 8-29-96 2nd INSP. DATE 9-3-96 3rd INSP. DATE 9-4-96

TANK SIZE 1250 GAL. 2-COMP. CONC. AMOUNT OF GRAVEL TWELVE INCHES

PUMP TANK SIZE N/A GAL. CHECK VALVE N/A QUICK CONNECT N/A

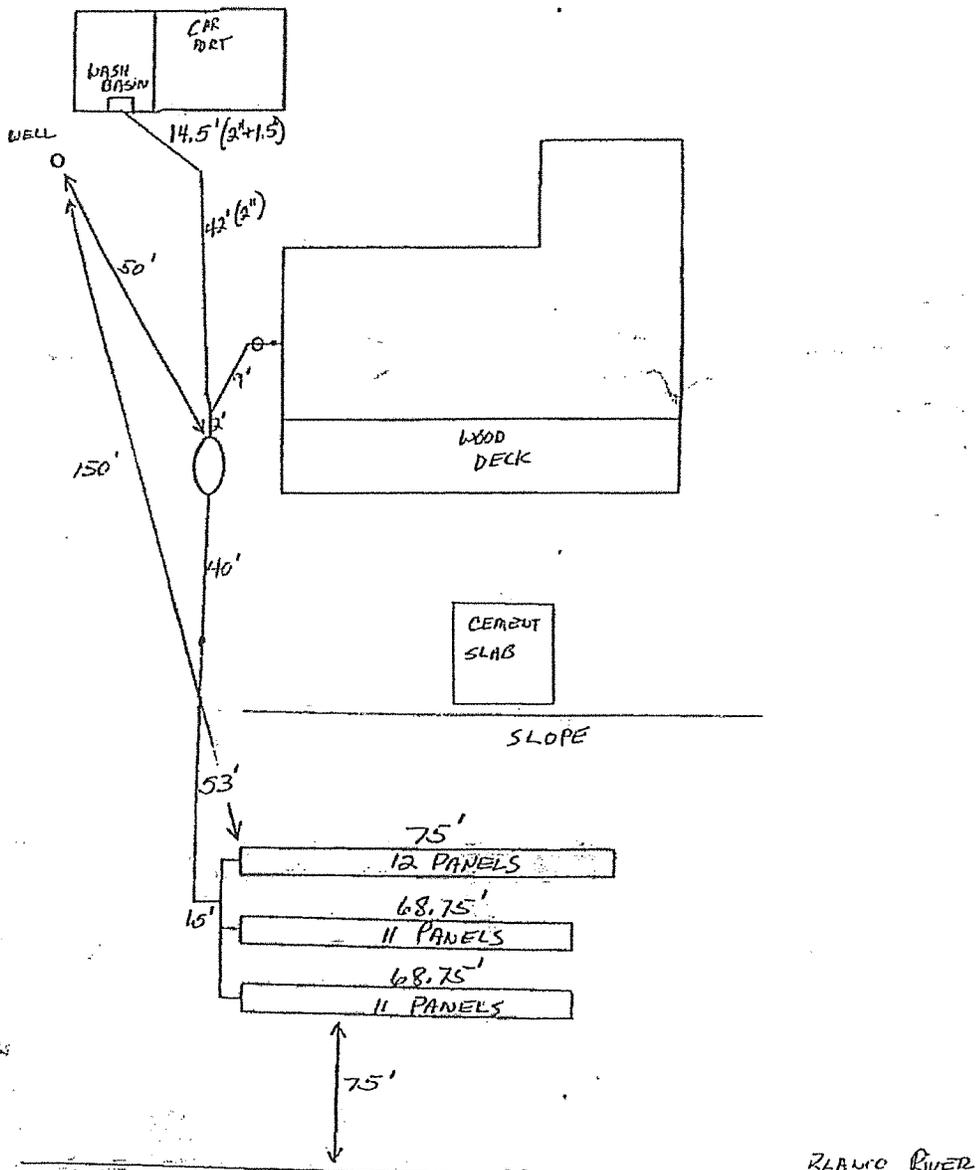
DRAINFIELD DIMENSIONS SEE DRAWING BACKFILL MATERIAL SANDY LOAM

FALL FROM OUTLET TO FIELD 12 INCHES + HAY N/A FILTER FABRIC N/A

DISTANCE FROM HOUSE TO TANK 5 FEET + TRENCHES BEDS (SAND WICK)

DRAWING:

FLITE ACRES RD.



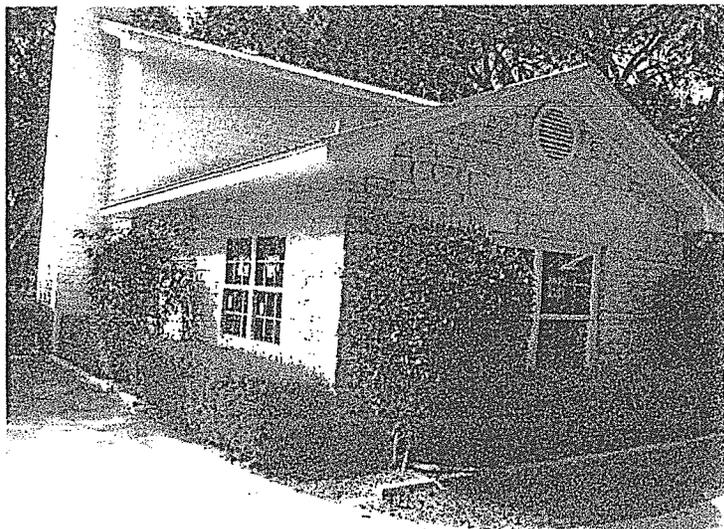
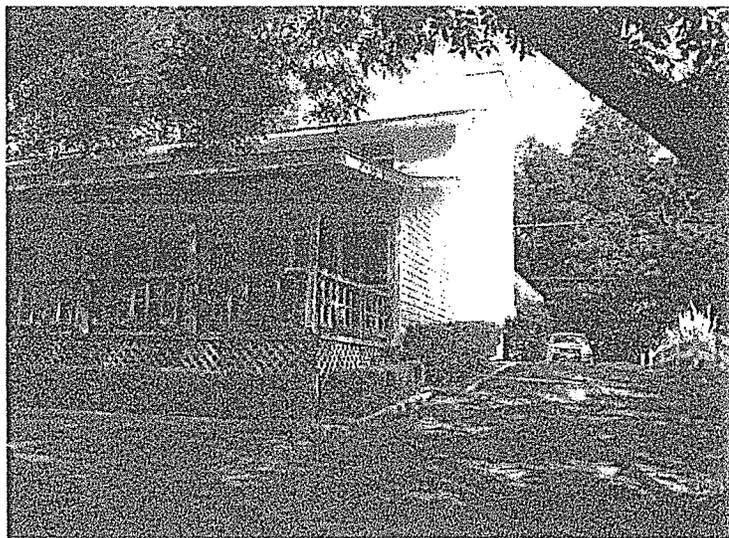
COMMENT LEACHING CHAMBERS USED (5' BETWEEN TRENCHES)

INSTALLER DARREN LAWSON

INSPECTOR BOB PRATT, R.S.

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1824 FLITE ACRES			Policy Number:	
City WIMBERLEY	State Texas	ZIP Code 78676	Company NAIC Number:	

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Wimberley, TX 78676

(512) 847-9840

DATE 10-6-96

Bob & Mary Weber
1824 51st Ave
Wimberley, Tex 78676

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE \$2315.00

DATE	CHARGES AND CREDITS	BALANCE	
	BALANCE FORWARD		
	Paint down Septic	1825	00
	1 day labor	490	00
		\$2315	00
	pd ch # 745		
	R. Biggs		
	10-7-96		
	Robert J. Biggs		

BIGGS CONSTRUCTION

PAY LAST AMOUNT IN THIS COLUMN

816

STATEMENT

BIGGS CONSTRUCTION

RT. 2, BOX 56A
WIMBERLEY, TEXAS 78676
(512) 847-9840

DATE 9 / 31 / 91

Bob Nelson

ADDRESS 5 Site Area

STATE

ZIP

CITY

	labor	\$	280	00
	septic drain	\$	1935	00
	materials	\$	485	00
	total	\$	932	00
	pd ch # 676			
	9-31-91			
	B Biggs			

RT. 2, BOX 577
WIMBERLEY, TEXAS 78676
(512) 847-9840

DATE

8 / 2 / 96

TO

Bob Walker

ADDRESS

577 White Acres

STATE

ZIP

CITY

Wimberley, Tex

78676

			NO. OF	CO
	Slab		10.00	00
	Plumbing rough		1650	00
	labor 4 days	#	3090	00
	dumpster	#	518	00
	no materials this work			
	pump existing septic	#	70	00
	total	#	15,455	00

pd # 632

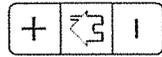
8-2-96

P. Biggs

Thank you

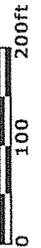
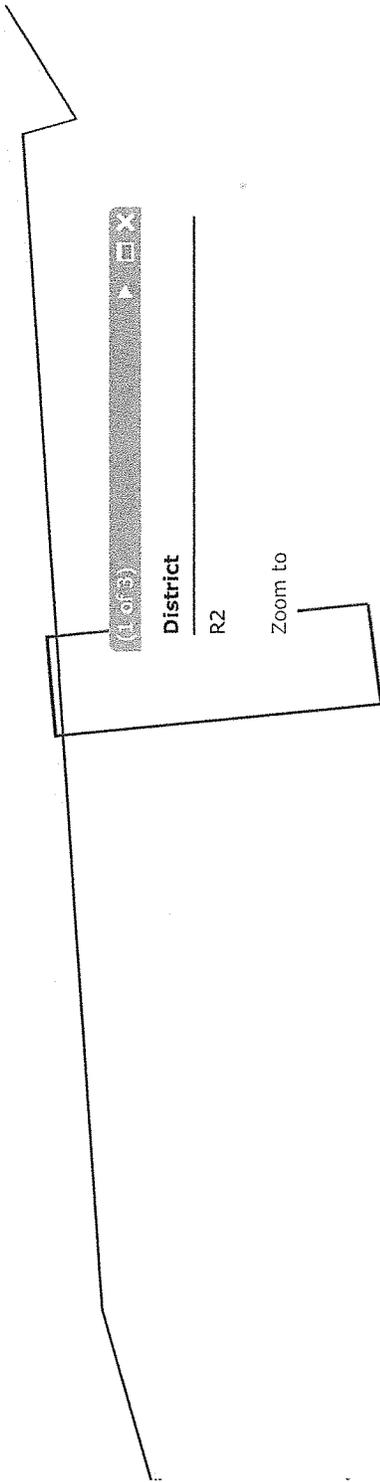
Walker

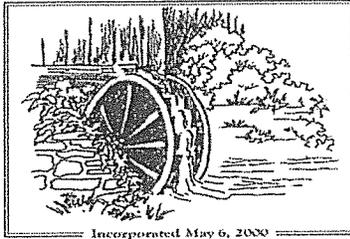
Details |
 + Add |
 Basemap |
 Save |
 Share |
 Print |
 Measure |
 Bookmarks |
 1824 Flite Acres Rd, Wimberley, Texas, USA



Contents

- ETJ
- Addressing
- Addressing
- Planning Areas
- Protected Waterway Overlay
- Village Center Overlay
- Entrance Corridor Overlay
- City Limits
- Zoning
- Zoning
- Zoning
- Zoning
- Streets





City of Wimberley

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

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

www.cityofwimberley.com

Mac McCullough, Mayor - John D. White, Mayor Pro-Tem
Council Members - Bob Dussler, Craig Fore, Sally Trapp & Gary Barchfeld
City Administrator - Don Ferguson

June 28, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-017**
1824 Flite Acres Road, Wimberley, Texas

Dear Property Owner:

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

The applicant, Robert Weber, has applied for a Conditional Use Permit to allow for a vacation rental facility on property zoned Single Family Residential 2 (R-2) located at 1824 Flite Acres Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 14, 2016 at 6:00 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, July 21, 2016, at 6:00 p.m.** in the Wimberley City Hall.

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

6/28/14



Charles E. Chadwick
18758 E. Cool Breeze Ln.
Montgomery, TX 77356-4978

Matthew Carl Weinheimer
3702 Caney Creek Rd.
Austin, TX 78732

Donald Richard & Rita King
2113 Spoke Hollow Rd.
Wimberley, TX 78676

S. J. Henry Company, LLC
13501 Ranch Road 12, Suite 103
Wimberley, TX 78676

John David Buse
16611 Town Lake Ct.
Houston, TX 77059-5544

Stephen M. & Catherine
Marie Dienst Irrevocable Trust
1828 Flite Acres Rd.
Wimberley, TX 78676-5408

Stephen M. & Catherine
M. Dienst
634 Northport Ln.
Kemah, TX 77565-2981

William N. Pelczar
1702 Flite Acres Rd.
Wimberley, TX 78676

Darren J. & Misty L. Toomey
300 Secret Springs Rd.
Wimberley, TX 78676-4381

Steven L. & Mary Kathleen
Stewart
15902 Chiltren Cir.
Spring, TX 77379-6647

1834 Flite Acres LLC
400 Red Hawk Rd.
Wimberley, TX 78676-5542

Dannye H. Packer
203 Oak Terrace Dr.
Wimberley, TX 78676

Mildred K. & Charles H. Lancaster
1700 Flite Acres Rd.
Wimberley, TX 78676-5407

Advertising Receipt

Ad 30498

San Marcos Daily Record

P.O. Box 1109
 San Marcos, TX 78667
 512-392-2458

Accounts Payable
 City of Wimberley
 P.O. Box 2027
 Wimberley, TX 78676

Customer: RA0684
 Phone: 847-0025
 Ad No.: 30498
 Date: 06/20/16
 Sales Rep: Barker, Taffy

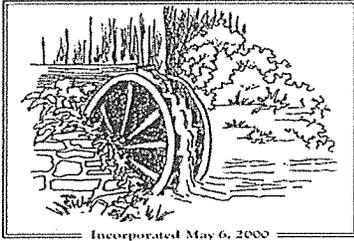
Legals	Publication	First Date	Last Date	Days	Cost
NOTICE OF PUBLIC HEARING (Conditional Use Permit)	Wimberley Legal Classifieds	06/23/16	06/23/16	1	\$63.18

Total Days: 1

Total Cost: \$63.18

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 14, 2016 at 6:00 p.m.** to consider the following: CUP-16-017 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental facility on property zoned Single Family Residential 2 (R-2) located at 1824 Flite Acres Road in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, July 21, 2016, 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 (P.O. 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.

Payment Type:	Payment Date:	Payment Amount:
Check/Card No.	Other Credits:	Amount Due: \$63.18



City of Wimberley

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

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

E-mail: www.cityofwimberley.com; www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CUP-16-017 Owner _____

Date 6/28/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 1824 Plite Acres Rd
which is located Plite Acres Rd

Bill Bowers
Asst. Public Works

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

6/28/, 2016

Bill Bowers
Signature

Subject: CUP Application

Date: Thursday, July 14, 2016 3:44:48 PM Central Daylight Time

From: Dennis Simons

To: dferguson@cityofwimberley.com

CC: 

It has come to our attention that an application for a CUP has been filed by the owners of property on Flite Acres Road owned by the Weber family. As owners of property on Spoke Hollow Road, across the river from the Weber house, we are opposed to any change in property use designation that would allow short term rentals of the property.

Kay and Dennis Simons

Sent from my iPad

Subject: 6 P.M. Meeting today, 7/14, at City Hall

Date: Thursday, July 14, 2016 10:17:08 AM Central Daylight Time

From: Diane King

To: Don Ferguson, [REDACTED]

Don Ferguson,

We already have plans tonight regarding the meeting tonight at City Hall at 6 p.m.

But we wanted to express our opinions, Diane King, and I, Richard King, owners of the property at 2113 Spoke Hollow Road, as we won't be at tonight's meeting. Our property is located just almost directly across the Blanco River from future (to be built) houses that seek "special approval" as full - time "party" rental properties on Flite Acres Road that also are on the Blanco River, but, on the other side of the river from us.

Diane and I, Richard, have never had any problems with the Webers' property owners across the Blanco River, on Flite Acres Road, at slightly an angle, (not directly across the river from us). So, to us, they are not a problem for us.

A brand new "house on stilts" has been completed recently (as a result of the Blanco River flood), just directly across from us on the Blanco River, and on Flite Acres Road. For around 6 - 9 months that the house has been completed, we have never had any problems with owners of that new house either.

However, to the very right side of the "house on stilts" on the Blanco River on Flite Acres Road, and just across from us on Spoke Hollow Road, there are 3 lots that have been purchased by one owner. We have already heard that these new owners may want to build some type of party/wedding/celebration type of business(es), and this is where the "rub" comes in as the new owners are seeking to rent out these future facilities to possible "loud party goers."

I know that some owners on the Blanco River do not actually live her full time. However, Diane and I, Richard, DO live here on Spoke Hollow Road, Wimberley, **100% of the time**. We are very glad that we do not have to live in a "fraternity house atmosphere" that we might be living in Austin. The same thing goes for San Antonio where we would not care to hear very loud Spanish music for parties, or, weddings all of the time.

Finally, we don't want a full - time wedding/party/Spanish/"frat house" atmosphere approval for the 3 lots across from us on Flite Acres Road.

Thank you for your consideration. We do appreciate our current living conditions. "Silence is Golden."

Richard & Diane King, 2113 Spoke Hollow Road, Wimberley, Tx 78676

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY ROBERT WEBER TO OPERATE A VACATION RENTAL FACILITY ON PROPERTY LOCATED AT 1824 FLITE ACRES ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Robert Weber (“Applicant”) requesting authorization to operate a vacation rental facility on real property, described as Eagle Cave View Lot 12, zoned Single Family Residential 2 (R-2); and

WHEREAS, a vacation rental facility is an authorized use in areas zoned Single Family Residential 2 (R-2) upon the approval of a Conditional Use Permit; and

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibits “A” and “B”, respectively, and incorporated herein, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and City Council have conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application; and

WHEREAS, the City Council finds that the use of the subject property as a vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Robert Weber (“Applicant”) for use as a vacation rental facility on real property, described as Eagle Cave View. Lot 12, as more particularly described by survey in Exhibit “C”, attached and incorporated by reference, zoned Single Family Residential 2 (R-2), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two (200) feet of the subject property, with the current name and contact information.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.

11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be six (6) people.
15. Landline telephone service, with a publicly listed phone number, shall be maintained on the property at all times to allow for receipt of emergency notification phone calls. Notice, in a form acceptable to the City, shall be posted on the property advising guests of the purpose for the telephone and the need to answer the phone. In addition, the phone number for the subject landline telephone shall be registered with the City and Hays County emergency phone notification systems.
16. If guests have water access, 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.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

ARTICLE V. 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 or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability 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 VI. EFFECTIVE DATE

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

ARTICLE VII. 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 by the Wimberley City Council on the 21st day of July, 2016 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Herschel "Mac" McCullough, Mayor

ATTEST:

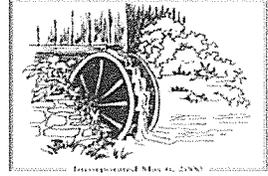
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

Report for CUP-16-018



Summary:

An application for a Conditional Use Permit to allow for the operation of a vacation rental facility at 2912 Flite Acres Road

Applicant Information:

Applicant(s): John & Sharyl Robertson
1012 Quail Ridge Drive
Dripping Springs, TX 78620

Property Owner(s): John & Sharyl Robertson

Subject Property:

Legal Description: Flite Acres East, Sec 1 Lot 3 & Pt of 4
Location: 2912 Flite Acres Road
Existing Use of Property: Residential
Existing Zoning: Single Family Residential 2 (R-2)
Proposed Use of Property: Vacation Rental
Proposed Zoning: R-2 with CUP
Planning Areas I
Overlay District Protected Water

Surroundings:

Frontage On: Flite Acres Road

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R-1; R-2; RA	Residential
S of Property	ETJ	Residential
E of Property	R-2	Residential
W of Property	R-2	Residential

Legal Notice

200' Letters: 6/28/16
Published: 6/23/16
Sign Placement: 6/28/16
Responses: Five (5) letters of written opposition

Comments:

The applicants, John and Sharyl Robertson, are seeking a Conditional Use Permit (CUP) to allow for the operation of a vacation rental facility on 1.085 acres of property located at 2912 Flite Acres Road. The subject property is zoned Single Family Residential 2 (R-2), located in Planning Area I, and lies within the boundaries of the Protected Water Overlay District. Vacation rental facilities are allowed on R-2 zoned properties with a CUP.

Currently, there is a 2,202 square foot, three (3) bedroom, three (3) bath residence on the property. The applicant is proposing to use the residence as a vacation rental, with a maximum occupancy of six (6) people.

There is a properly permitted and functioning on-site septic system that serves the residence for which the CUP is being sought. Based on a review of the septic system and proposed use, City staff is recommending a maximum occupancy of four (4) guests for the proposed vacation rental facility.

Guests would be required to park on the subject property.

Based on the City's regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Council desire to recommend approval:

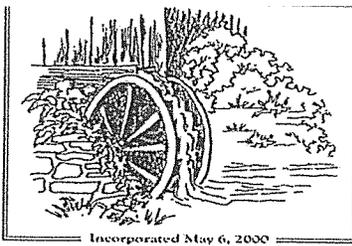
1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local

contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two (200) feet of the subject property, with the current name and contact information.

10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be four (4) people.
15. Landline telephone service, with a publicly listed phone number, shall be maintained on the property at all times to allow for receipt of emergency notification phone calls. Notice, in a form acceptable to the City, shall be posted on the property advising guests of the purpose for the telephone and the need to answer the phone. In addition, the phone number for the subject landline telephone shall be registered with the City and Hays County emergency phone notification systems.
16. If guests have water access, 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.

To date, City staff has received five (5) written responses expressing opposition to the CUP request.

The Planning and Zoning Commission is scheduled to hold a public hearing and make a recommendation regarding the CUP request on July 14, 2016. The Commission's recommendation will be presented to City Council under separate cover in advance of the Council meeting.

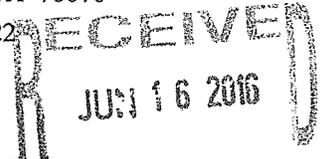


City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

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

www.cityofwimberley.com



CONDITIONAL USE PERMIT APPLICATION BY: _____

No. CUP 16 - 018

FOR OFFICIAL USE ONLY

Application Date: 6/16/16 Tentative P&Z Hearing: 7/14 Tentative Council Hearing: 7/21

FEES: \$400.00 DATE PAID: 6/16/16 CHECK NO. 3629 REC'D BY MD

PROJECT SITE ADDRESS: 2912 Flite Acres Wimberley, TX 78676

OWNER/APPLICANT John & Sharyl Robertson PHONE (AIA) 5339357

MAILING ADDRESS: 1012 Quail Ridge Dr.

CITY: Dripping Springs STATE: TX ZIP: 78620

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.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

Vacation Rental

Planning Area I Zoning R-2 Total Acreage or Sq. Ft. 1.0853 Acres

Subdivision: Flite Acres East Lot 3: pt 4 Block sect. 1

Appraisal District Tax ID #: R 27661 11-2985-0000-00300-8

Deed Records Hays County: Volume 1 Page 7

Is property located in an overlay district? () Yes () No If Yes, type: PWOD

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

UTILITY PROVIDERS:

Electric Provider: Perdenales Electric

Water Provider or Private Well: Wimberley Water

Wastewater Service Provider or Hays County Septic Permit No: 2207

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. *Maximum 6 persons, 3 cars*
- 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 (non-refundable)
- 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 City zoning action does not relieve any obligation of these restrictions.
- Applicant agrees to provide additional documentation as needed by the City.
- Applicant understands that City 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 City representatives to visit and inspect the subject property.

6/14/16
DATE

Erangel Roberto

 APPLICANT SIGNATURE
 214 533 9357
 214 244 0296

WHEN APPLICABLE:
Date 6/14/16

Clint Robertson

 AGENT SIGNATURE
 214 926 9599
 2

LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
BED AND BREAKFAST/VACATION RENTAL CUP

Owner: John & Sharyl Robertson

LOCATION OF PROPERTY: 2912 Flite Acres

LEGAL DESCRIPTION: Lot 3 + Partial Lot 4, Flite Acres East Subdivision

PLANNING AREA: _____

PRESENT ZONING: Residential

EXISTING USE: Residential

USE TO BE GRANTED: _____ Bed & Breakfast OR Vacation Rental *We know prior owner rented property.*

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional "Hill Country" design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will at all times be harmonious and compatible with surrounding uses 42.2 A 1.

OFF-STREET PARKING: All parking will be off-street. Yes Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 6+ guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

SIGNAGE: All signage will be of traditional "Hill Country" design and will comply with the City Sign Ordinance. 42.2 A 1; 42.2 A 6.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property, shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 3 42.3 B. 3 bath

MAXIMUM OCCUPANCY: 6 guests. 42.3 B.

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests. 42.3 D.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy. 42.3 H.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the Blanco River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

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 property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times. 42.2 A 1.

REVOCAATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

6/14/16
DATE

[Signature]
OWNER

6/14/16
DATE

Shayne Robertson
OWNER

Phone: 392-5831

San Marcos - Hays County Health Department
302 W. San Antonio St., San Marcos, Texas 78666
APPLICATION FOR A PERMIT TO INSTALL A SEPTIC TANK

Owner J H Cook Contractor Tom Fuchs
Address Wimberley, Texas Address Wimberley, Texas
Location of septic tank system installation (5 ft from foundation)

Block Number _____ Addition Elite Acres
Lot Number 3 Street & Number " " Road
Size or Square Feet in House 14' x 80' Trailer
Number of Bedrooms 3 Number of Baths 2
Washing Machine 1 Garbage Grinder -

Perc. Data: one inch fall in 15 Minutes.

Approval is given for construction of this septic tank with the following specifications:

Material Concrete Capacity 1000 gallons

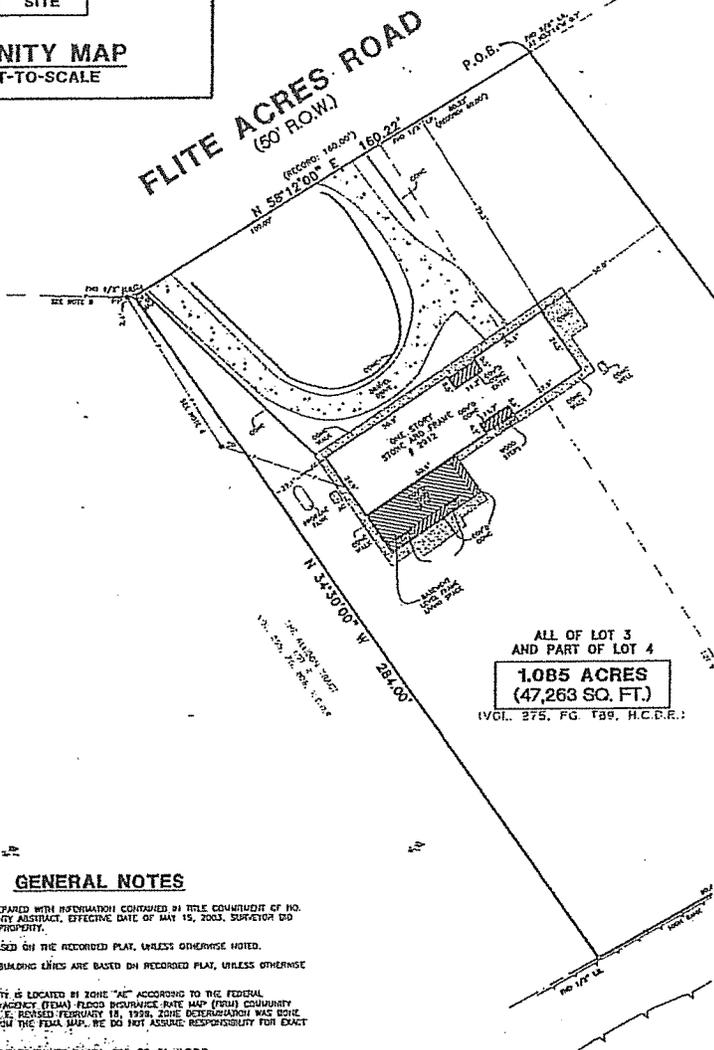
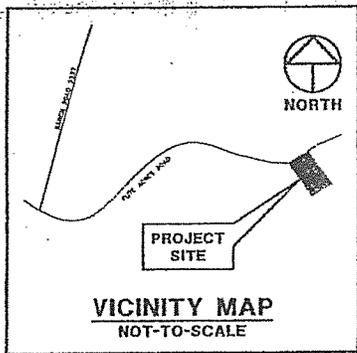
Use one of the following four:

- (1) Ft. in 18 inch wide trench (3) Ft. in 24 inch wide trench
- (2) Ft. in 30 inch wide trench (4) 192 Ft. in 36 inch wide trench

Distance between lines 10 Ft. Effective absorption 570 sq ft in back
Gravel 12 In. Total Beneath 6 In.
Distance from: Foundation 5 Ft. Lot Line 10 Ft.
Distance from creek or river 75 ft. Front-Back-Side
Distance from any water well 150 ft.

Call for final inspection before covering.

Tom Fuchs Date 7/19/77
Signature of Applicant
Approved: MILON TALLANT, M. D. Inspection Fee \$ 20⁰⁰ XX Pol checks 1321
County Health Officer
By: Tracy Ewald R.S. Permit Number 2207
Inspector



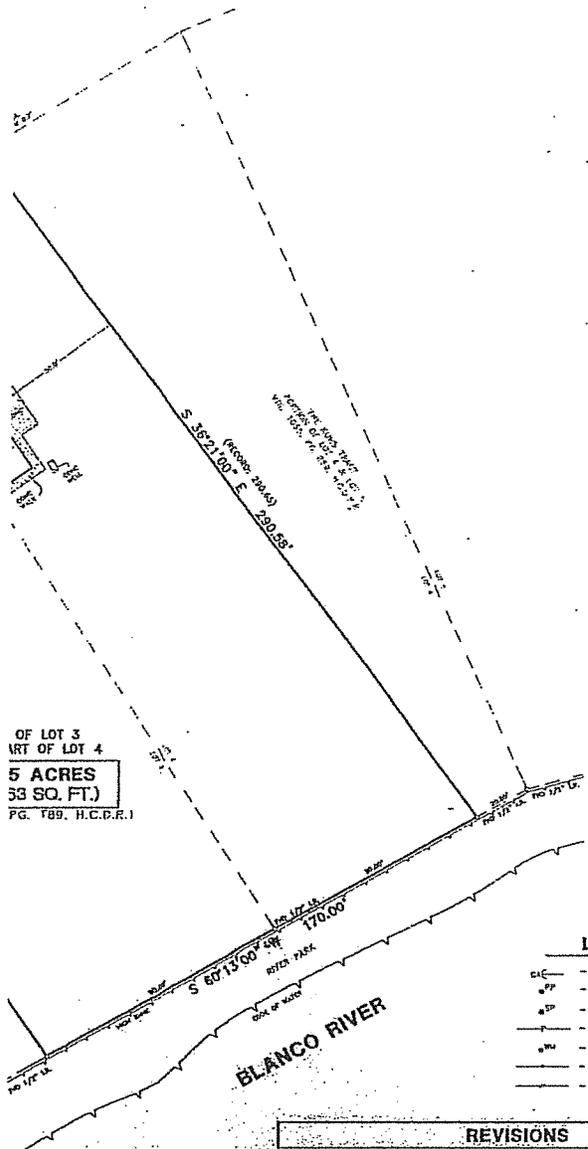
ALL OF LOT 3
AND PART OF LOT 4
1.085 ACRES
(47,263 SQ. FT.)
VOL. 275, PG. 139, H.C.D.R.

GENERAL NOTES

- 1) THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN TITLE COMMITMENT OF NO. 20050564 OF HAYS EQUITY ASSURANCE, EFFECTIVE DATE OF MAY 15, 2005. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY.
- 2) ALL BEARINGS ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED.
- 3) ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLAT, UNLESS OTHERWISE NOTED.
- 4) THE SUBJECT PROPERTY IS LOCATED IN ZONE "AE" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 48331-1002E DATED FEBRUARY 18, 1999. ZONE DETERMINATION WAS MADE BY COMPARING PLATTING FROM THE FEMA MAP. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
- 5) SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 205, PG. 81, H.C.D.R.
- 6) SUBJECT TO ELECTRIC SERVICE EASEMENT TO PEDESTALS ELECTRIC CO.-OP, INC. BY VOL. 205, PG. 408, H.C.D.R.

LEFT SIDE

**SURVEY
ALL OF LOT 3 AND
FLITE ACRES
VOLUME 1, PAGE
HAYS COUNTY**



OF LOT 3
PART OF LOT 4
**5 ACRES
53 SQ. FT.)**
P.G. T89, H.C.D.R.1

LEGEND

- CA — GUY ANCHOR
- PP — POWER POLE
- SP — SERVICE POLE
- — OVERHEAD POWER LINE
- WM — WATER METER
- — WIRE FENCE
- — WOOD FENCE

LEG.

1.285 ACRES (47,263 SQUARE FEET) BEING ALL OF LOT 3 AND A PART THEREAS, ACCORDING TO THE MAP 1 BEING ALL OF THAT TRACT OF LAND BEING RECORDED BY HAYS COUNTY, DESCRIBED BY METES AND BOUNDS

BEGINNING AT A POINT ON THE S THE NORTH LINE OF LOT 4 OF S CORNER OF THE TRACT HEREIN DESCRIBED AS DESCRIBED IN V. CORNER A 3/4 INCH HIGH ROD 1 FEET;

THENCE, LEAVING THE SOUTH LINE OF LOT 4, WITH THE WEST LINE OF 2 SECONDS EAST, 380.89 FEET (TO THE SOUTH LINE OF SAID LOT 4 OF SAID FLITE ACRES EAST) CURVED DESCRIBED, SAME BEING THE SOUTHWEST CORNER OF SAID LOT 4;

THENCE, LEAVING THE SAID WEST LINE OF SAID LOT 4, 300 FEET PASSING A 1/2 INCH HIGH ROD AND THE SOUTHWEST CORNER OF SAID HIGH ROD FOUND MARKING CORNER OF LOT 3, FOR THE SOUTHWEST CORNER OF SAID TRACT;

THENCE, LEAVING RIVER PARA NET 20 MINUTES 00 SECONDS WEST, 1 LINE OF SAID FLITE ACRES ROAD, NORTHEAST CORNER OF LOT 3, IN DESCRIBED, SAME BEING THE TOP

THENCE, WITH THE SOUTH LINE OF 00 SECONDS EAST, AT 100.00 FEET THE NORTHWEST CORNER OF LOT 3 (150.00 FEET) TO THE PLACE OF 1 FEET) OF LAND.

A BORIS WELLS, A REGISTERED PROFESSIONAL LAND SURVEYOR HAS REVIEWED THIS SURVEY AND HAS APPROVED IT AND THAT THERE ARE NO DISCREPANCIES AND THAT THERE ARE NO DISCREPANCIES AND THAT THERE ARE NO DISCREPANCIES

[Signature]
BORIS WELLS
REGISTERED PROFESSIONAL LAND SURVEYOR
P.L.S. NO. 3482

PREPARED BY: BORIS WELLS AND TRACY B. WELLS
2513 FLITE ACRES ROAD
LEWISVILLE, TEXAS 75041

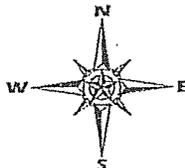
DATE: 11/11/11
FILE NO.: 11111111

REVISIONS	
DATE	REASON

Windros Services

2013 TOWN LAND, SUITE 212
1400 W. 14TH STREET, SUITE 212
LEWISVILLE, TEXAS 75041
TEL: 972.333.1111
WWW.WINDROSERVICES.COM

MIDDLE



SCALE: 1" = 30'

SURVEY OF ALL OF LOT 3 AND PART OF LOT 4, FLITE ACRES EAST VOLUME 1, PAGE 7, H.C.P.R. HAYS COUNTY, TEXAS

LEGAL DESCRIPTION

1.055 ACRES (47,283 SQUARE FEET) OF LAND OUT OF THE DAY LAUD AND CATTLE COMPANY, BEING ALL OF LOT 3 AND A PART OF LOT 4, FLITE ACRES EAST SUBDIVISION, HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAN THEREOF RECORDED IN VOLUME 1, PAGE 7, H.C.P.R., BEING ALL OF THAT TRACT OF LAND COVERED TO I.C. BOYER AND WIFE, HELLAS BOYER BY DEED RECORDED IN VOLUME 275, PAGE 189, H.C.P.R. AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

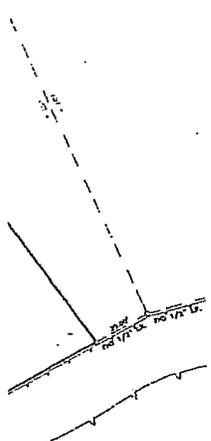
BEGINNING AT A POINT ON THE SOUTH LINE OF FLITE ACRES ROAD (50 FOOT R.O.W.) AND THE NORTH LINE OF LOT 4 OF SAID FLITE ACRES EAST SUBDIVISION FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, SAME BEING THE NORTHEAST CORNER OF THE ABOVE TRACT AS DESCRIBED IN VOLUME 1, PAGE 7, H.C.P.R., AND FROM WHICH CORNER A 3/8 INCH IRON ROD FOUND BEARS NORTH 33 DEGREES 14 MINUTES WEST, 0.7 FEET;

THENCE, LEAVING THE SOUTH LINE OF SAID FLITE ACRES ROAD AND THE NORTH LINE OF SAID LOT 4, WITH THE WEST LINE OF SAID RINGS TRACT, SOUTH 36 DEGREES 21 MINUTES 00 SECONDS EAST, 200.55 FEET (RECORD: 230.45 FEET) TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID LOT 4 AND THE NORTH LINE OF BAKER PARK AS SHOWN ON PLAN OF SAID FLITE ACRES EAST SUBDIVISION, FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED, SAME BEING THE SOUTHWEST CORNER OF THE SAID RINGS TRACT;

THENCE, LEAVING THE SAID RINGS TRACT, WITH THE NORTH LINE OF SAID BAKER PARK AND THE SOUTH LINE OF SAID LOT 4, SOUTH 80 DEGREES 13 MINUTES 00 SECONDS WEST, BY 80.00 FEET PASSING A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF SAID LOT 4 AND THE SOUTHWEST CORNER OF LOT 3, AND CONTINUING ON BY ALL 170.00 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF LOT 3 AND THE SOUTHWEST CORNER OF LOT 2, FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED, SAME BEING THE SOUTHWEST CORNER OF THE ALLEGED TRACT AS DESCRIBED IN VOLUME 235, PAGE 893, H.C.P.R.;

THENCE, LEAVING BAKER PARK WITH THE COMMON LINE OF LOTS 2 AND 3, NORTH 34 DEGREES 30 MINUTES 00 SECONDS WEST, 224.00 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID FLITE ACRES ROAD FOR THE NORTHEAST CORNER OF LOT 3 AND THE NORTHEAST CORNER OF LOT 2, FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, SAME BEING THE NORTHEAST CORNER OF THE ALLEGED TRACT;

THENCE, WITH THE SOUTH LINE OF SAID FLITE ACRES ROAD, NORTH 58 DEGREES 12 MINUTES 00 SECONDS EAST, BY 100.00 FEET PASSING THE NORTHEAST CORNER OF LOT 3, SAME BEING THE NORTHEAST CORNER OF LOT 4 AND CONTINUING ON BY ALL 180.22 FEET (RECORD: 180.20 FEET) TO THE PLACE OF BEGINNING AND CONTINUING 1.055 ACRES (47,283 SQUARE FEET) OF LAND.



LEGEND

- CUT ANCHOR
- POWER POLE
- SERVICE POLE
- OVERHEAD POWER LINE
- WATER METER
- WIRE FENCE
- WOOD FENCE

I, RONNIE WILLIS, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY AND THE DATA MADE ON THE EXPOSURE AND THAT THIS PLAN CORRECTLY REPRESENTS THE PROPERTY LINES DESCRIBED HEREON, THAT THE FACTS STATED ON THE FACE OF THIS SURVEY SHOW THE PROCEEDINGS AND THAT THERE ARE NO DISCREPANCIES THEREOF OF THE ORIGINAL DEEDS AS SHOWN.



R. Willis
RONNIE WILLIS
REGISTERED PROFESSIONAL LAND SURVEYOR
P.L.S. NO. 5402

6/11/03
DATE

PURCHASER: PAUL DAVIS AND TERRY SAUD
ADDRESSES: 2115 FLITE ACRES ROAD

FILED BY: 04-02-03 RW
DRAWN BY: 05-10-03 RW
CHECKED BY: 06-10-03 RW

BOOK: HAYS COUNTY ABSTRACT

SEE REG. INSTR. # 2002 1 12 1

REVISIONS	REASON

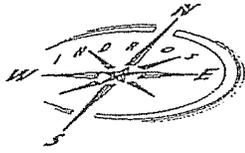
Windrose
Services

3013 TODD LANE, SUITE 512
AUSTIN, TEXAS 78744
REGISTRATION NO. 0000000000
RENEWAL DATE: ALL RIGHTS RESERVED

Land
Austin

Tel: (512) 310-3100
Fax: (512) 318-2770

Right Side



LEGAL DESCRIPTION

1.085 ACRES (47,263 SQUARE FEET) OF LAND OUT OF THE DAY LAND AND CATTLE COMPANY, BEING ALL OF LOT 3 AND A PART OF LOT 4, FLITE ACRES EAST SUBDIVISION, HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 7, H.C.P.R., BEING ALL OF THAT TRACT OF LAND CONVEYED TO J.C. BEVERS AND WIFE, THELMA BEVERS BY DEED RECORDED IN VOLUME 275, PAGE 189, H.C.D.R. AND BEING MORE PARTICULARLY DEESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A POINT ON THE SOUTH LINE OF FLITE ACRES ROAD (50 FOOT R.O.W.) AND THE NORTH LINE OF LOT 4 OF SAID FLITE ACRES EAST SUBDIVISION FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, SAME BEING THE NORTHWEST CORNER OF THE KUHS TRACT AS DESCRIBED IN VOLUME 1056, PAGE 359, H.C.O.P.R., AND FROM WHICH CORNER A 5/8 INCH IRON ROD FOUND BEARS NORTH 33 DEGREES 14 MINUTES WEST, 0.7 FEET;

THENCE, LEAVING THE SOUTH LINE OF SAID FLITE ACRES ROAD AND THE NORTH LINE OF SAID LOT 4, WITH THE WEST LINE OF SAID KUHS TRACT, SOUTH 36 DEGREES 21 MINUTES 00 SECONDS EAST, 290.58 FEET (RECORD: 290.65 FEET) TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID LOT 4 AND THE NORTH LINE OF RIVER PARK AS SHOWN ON PLAT OF SAID FLITE ACRES EAST SUBDIVISION, FOR THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, SAME BEING THE SOUTHWEST CORNER OF THE SAID KUHS TRACT;

THENCE, LEAVING THE SAID KUHS TRACT, WITH THE NORTH LINE OF SAID RIVER PARK AND THE SOUTH LINE OF SAID LOT 4, SOUTH 60 DEGREES 13 MINUTES 00 SECONDS WEST, AT 80.00 FEET PASSING A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF SAID LOT 4 AND THE SOUTHEAST CORNER OF LOT 3, AND CONTINUE ON IN ALL 170.00 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF LOT 3 AND THE SOUTHEAST CORNER OF LOT 2, FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED, SAME BEING THE SOUTHEAST CORNER OF THE ALLISON TRACT AS DESCRIBED IN VOLUME 255, PAGE 808, H.C.D.R.;

THENCE, LEAVING RIVER PARK WITH THE COMMON LINE OF LOTS 2 AND 3, NORTH 34 DEGREES 30 MINUTES 00 SECONDS WEST, 284.00 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID FLITE ACRES ROAD FOR THE NORTHWEST CORNER OF LOT 3 AND THE NORTHEAST CORNER OF LOT 2, FOR THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED, SAME BEING THE NORTHEAST CORNER OF THE ALLISON TRACT;

THENCE, WITH THE SOUTH LINE OF SAID FLITE ACRES ROAD, NORTH 58 DEGREES 12 MINUTES 00 SECONDS EAST, AT 100.00 FEET PASSING THE NORTHEAST CORNER OF LOT 3, SAME BEING THE NORTHWEST CORNER OF LOT 4 AND CONTINUING ON IN ALL 160.22 FEET (RECORD: 160.00 FEET) TO THE PLACE OF BEGINNING AND CONTAINING 1.085 ACRES (47,263 SQUARE FEET) OF LAND.



RONNIE WILLIS, RPLS #5462
JUNE 11, 2003
JOB #6126
GF #20305194

2912 Flite Acres Rd, Wimberley, Texas, USA

- Save
- Share
- Print
- Measure
- Bookmarks

+ Add Basemap

Details



Legend

ETJ



City Limits



Zoning

C2

L2

C1

PR2

PR1

L1

C3

O1

PF

SC

NS

O2

R2

PPU

HC

(1 of 3)

District

R2

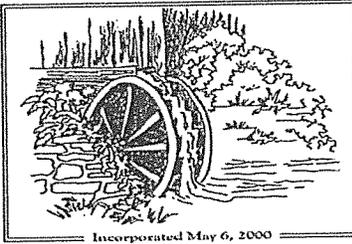
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City of Wimberley

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

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

www.cityofwimberley.com

Mac McCullough, Mayor - John D. White, Mayor Pro-Tem
Council Members - Bob Dussler, Craig Fore, Sally Trapp & Gary Barchfeld
City Administrator - Don Ferguson

June 28, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-018**
2912 Flite Acres Road, Wimberley, Texas

Dear Property Owner:

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

The applicants, John and Sharyl Robertson, have applied for a Conditional Use Permit to allow for a vacation rental facility on property zoned Single Family Residential 2 (R-2) located at 2912 Flite Acres Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 14, 2016 at 6:00 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, July 21, 2016, at 6:00 p.m.** in the Wimberley City Hall.

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

Donald I. & Glennette M. Kuhs
208 W. Blanco Bend Dr.
Wimberley, TX 78676-5600

Edward G. & Suzanne A. Davis, Jr.
10 S. Hollow Ln., #85
Houston, TX 77027-2893

Thomas G. & Cynthia M. Talcott
3333 Flite Acres Rd.
Wimberley, TX 78676-5707

Terry R. & Debra F. Oldham
100 University Rd.
Wimberley, TX 78676

M & M McClay Properties LLC
405 Mirafiel Ln.
Austin, TX 78737-4679

Strickland Family Trust
c/o James V. & Sharon K.
Strickland, Co-Trustees
6516 E. 57th Pl.
Tulsa, OK 74145-8511

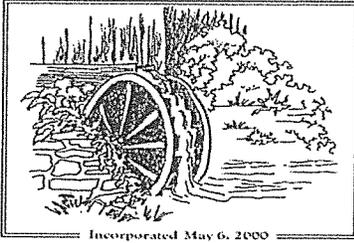
Julie Kickham Matoush
503 Fargo St.
Houston, TX 77006-2021

Victor J. & Jennifer E. Marino
2908 Flite Acres
Wimberley, TX 78676

Needmore River Ranch LLC
3900 N. McColl Rd.
McAllen, TX 78501-9160

**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 14, 2016 at 6:00 p.m.** to consider the following: CUP-16-018 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental facility on property zoned Single Family Residential 2 (R-2) located at 2912 Flite Acres Road in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, July 21, 2016, 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 (P.O. 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.



City of Wimberley

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

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

E-mail: www.cityofwimberly.com; www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CUP-16-018 Owner _____

Date 6/28/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 2912 Plite Acres Rd

which is located Plite Acres Rd

Bill Bowers
Asst. Public Works

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

6/28, 2016


Signature

Cara McPartland

From: Don Ferguson [dferguson@cityofwimberley.com]
Sent: Tuesday, July 05, 2016 7:56 AM
To: Cara McPartland
Subject: FW: Flite Acres CUP

For your file.

Don

On 7/4/16 9:22 PM, "Thomas Talcott" <[REDACTED]> wrote:

- >Don,
- >
- >In response to your letter and after much deliberation, Cindy and I are
- >negatively responding to the recent P&Z letter concerning the CUP on
- >Flite Acres. We have no issues with the Robertsons or if they choose a
- >long term rental, however, an unmonitored B&B is not in the best
- >interest of the neighborhood.
- >
- >
- >Tom & Cindy Talcott
- >3333 Flite Acres Road
- >Wimberley, Texas 78676
- >512-847-9225

Cara McPartland

From: Don Ferguson [dferguson@cityofwimberley.com]
Sent: Tuesday, July 05, 2016 7:56 AM
To: Cara McPartland
Subject: FW: Robertson's CUP request

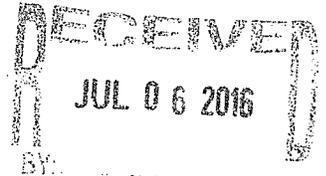
For your file.

Don

On 7/4/16 6:28 PM, "[REDACTED]" wrote:

- >
- >
- >
- >
- >Don,
- >
- >Just received the Robertsons request for a CUP. We will be out of town
- >for the meetings July 14 and 21 so wanted to get this to you before we
- >leave. We do find it interesting/hypocritical that Sharyl Robertson, as
- >part of the neighbors who prevented us from a bnb, is now asking us to
- >give them approval to do so.
- > We
- >may be justified in seeking revenge but refuse to let our emotions
- >guide our judgment. When it was previously a short term rental we never
- >felt the need to complain or report after hours noise. Therefore we
- >would not object to this request for a CUP.
- >
- >Because we are in the process of selling our lot at 2916 Flite Acres Rd
- >to Edward and Suzanne Davis on the other side of us and it may close
- >(at the latest July 25) before a decision is made, we convey our right
- >to comment/protest to them and vote as they vote.
- >
- >
- >Respectfully,
- >
- >Glennette and Don Kuhs

Suzanne and Edward Davis
3000 Flite Acres Road
Wimberley, Texas 78676



July 6, 2016

Mr. Don Ferguson, City Administrator
City of Wimberley
Email: dferguson@cityofwimberley.com

Re: File No. CUP-16-018

Dear Mr. Ferguson,

We are strongly opposed to the granting of the above referenced CUP for property located at 2912 Flite Acres Road.

We are under contract to purchase the property at 2916 Flite Acres Road directly adjacent to 2912. As a result of the Memorial Day flood, the 2916 property is now a vacant lot on the east side of 2912. Our house at 3000 is adjacent to the vacant lot at 2916 and we are the first house east of 2912.

If vacation rentals are allowed on the subject property, unfamiliar vacation renters would undoubtedly trespass on our properties. This is already a problem with random recreational visitors in the river and it will be compounded by visitors in a nearby vacation rental.

Our properties have various features that can be hazardous to visitors. The 2916 property has yet to be cleaned up after the Memorial Day flood. There is exposed rebar, holes in the surface, glass on the ground and other exposed sharp objects. The property at 3000 incorporates Schidl Creek. The creek has steep banks. There is an old abandoned bridge on our property that crosses the creek and the bridge does not have safety rails. We do not want to be exposed to liability issues arising from out-of-town visitors from a nearby vacation rental property.

We are also concerned that property values in our neighborhood will be adversely affected by a vacation rental property. Like many other buyers, when we were looking for river property, we avoided homes near vacation rental properties. When properties are less desirable to potential buyers, values suffer.

We purchased our property because it was located in a quiet neighborhood on a dead end street. We want our neighborhood to remain a quiet residential area where the neighbors know one another and share a common interest in the peaceful environment. Vacation renters are typically noisier than homeowners or long-term renters. They are unaware of property boundaries and other neighborhood norms and they may not share the common interests of the neighborhood residents.

Thank you for your consideration of our particular circumstances.

Sincerely,

Edward Davis

Suzanne A. Davis

Mobile (713) 392-9373; Email: [REDACTED]

July 6, 2016

City of Wimberley

Don Ferguson

City Council

Planning and Zoning

To All:

We live at 2908 Flite Acres, Wimberley, Texas 78676. We bought our property and built our dream home on the banks of the Blanco 2 years ago. We moved into the house in late May of 2014 and almost 1 year to the day the Memorial Day flood ravished our home. We spent all of last summer rebuilding our home and our dream. Our neighbors the Robertson's whom were also affected in the flood were gracious enough to allow us to park a travel trailer on their driveway while we made our repairs. We are forever grateful.

I have personally spent the last year policing trespassers up and down our street from stealing property from absent owners and from exploitation in their absence to use the property for entry into the river. This is an almost daily occurrence. It seems hard for people to grasp that even when people are out of town that private property is private property.

The 4th of July weekend really opened our eyes to what the impact of a vacation rental right next door would mean to me and my family our peace and quiet and peace of mind. All weekend people were illegally parked along Little Arkansas and Fulton Ranch Road and accessing the river from private property and walking down the river and accessing other private property along the way. I live at least a quarter of a mile from the bridge and this was loud and blatant disregard of the rules and stated and posted signage.

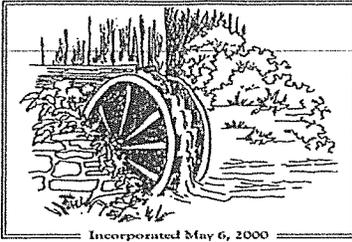
We are against having a Vacation Rental next door as I have no confidence that visitors will obey the owner's rules and regulations pertaining to their rental. It has been our experience as past coastal homeowner's that rental agreements are just pieces of paper to the renters. We watched many weekends as homes that supposedly slept 4 had 8 or more people show up to stay.

We are full time residents of our home and would like to preserve the residential flavor of our neighborhood. After the trauma of last year's flood and our struggle back to some sort of normalcy we request that this Conditional Use Permit be denied. We welcome a long term neighbor.

Thanks for listening.

Jenni and Vic Marino

Attached: deed restrictions for Flite Acres East



City of Wimberley

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

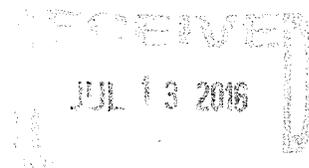
Phone: (512) 847-0025 - Fax: (512) 847-0422

www.cityofwimberley.com

Mac McCullough, Mayor - John D. White, Mayor Pro-Tem
Council Members - Bob Dussler, Craig Fore, Sally Trapp & Gary Barchfeld
City Administrator - Don Ferguson

June 28, 2016

NOTICE OF PUBLIC HEARING



Re: **File No. CUP-16-018**
2912 Flite Acres Road, Wimberley, Texas

Dear Property Owner:

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

The applicants, John and Sharyl Robertson, have applied for a Conditional Use Permit to allow for a vacation rental facility on property zoned Single Family Residential 2 (R-2) located at 2912 Flite Acres Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, July 14, 2016 at 6:00 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, July 21, 2016, at 6:00 p.m.** in the Wimberley City Hall.

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.

7/11/16

CITY OF WIMBERLEY

Jerry + Debbie Oldham, Alice Oldham do not want vacation rental facility as described above. It is zoned for Single Family Residential. as described, we are not able to be at the hearing. There is no way of knowing who will be renting and why.

Debbie Oldham *We have good neighbors*

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY JOHN AND SHARYL ROBERTSON TO OPERATE A VACATION RENTAL FACILITY ON PROPERTY LOCATED AT 2912 FLITE ACRES ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED SINGLE FAMILY RESIDENTIAL 2 (R-2), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by John and Sharyl Robertson (“Applicants”) requesting authorization to operate a vacation rental facility on real property, described as Flite Acres east, Section 1, Lots 3 & Pt of 4, zoned Single Family Residential 2 (R-2); and

WHEREAS, a vacation rental facility is an authorized use in areas zoned Single Family Residential 2 (R-2) upon the approval of a Conditional Use Permit; and

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, Applicant has submitted a Conditional Use Permit Application and site plan, attached hereto as Exhibits “A” and “B”, respectively, and incorporated herein, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission and City Council have conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application; and

WHEREAS, the City Council finds that the use of the subject property as a vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, 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. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by John and Sharyl Robertson (“Applicant”) for use as a vacation rental facility on real property, described as Flite Acres East, Section 1, Lots 3 & Pt of 4, as more particularly described by survey in Exhibit “C”, attached and incorporated by reference, zoned Single Family Residential 2 (R-2), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed *City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire*, no later than thirty (30) days following approval of the CUP.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two (200) feet of the subject property, with the current name and contact information.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive

noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.

11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be four (4) people.
15. Landline telephone service, with a publicly listed phone number, shall be maintained on the property at all times to allow for receipt of emergency notification phone calls. Notice, in a form acceptable to the City, shall be posted on the property advising guests of the purpose for the telephone and the need to answer the phone. In addition, the phone number for the subject landline telephone shall be registered with the City and Hays County emergency phone notification systems.
16. If guests have water access, 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.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

ARTICLE V. 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 or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability 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 VI. EFFECTIVE DATE

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

ARTICLE VII. 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 by the Wimberley City Council on the 21st day of July, 2016 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Herschel "Mac" McCullough, Mayor

ATTEST:

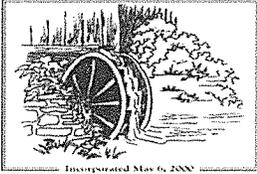
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: PUBLIC HEARING AND CONSIDER APPROVAL OF THE SECOND AND FINAL READING OF AN ORDINANCE INCREASING THE TERM LENGTH FOR PLANNING AND ZONING COMMISSION MEMBERS

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to hold a public hearing and consider approval of the second and final reading of an ordinance increasing the term length of Planning and Zoning Commission members from two (2) years to three (3) years.

On June 23, 2016, the Planning and Zoning Commission held a public hearing on the proposed ordinance. Afterwards, the Commission voted unanimously to recommend approval of the subject ordinance.

Attached is a copy of the proposed ordinance for review and consideration.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV (LAND USAGE), CHAPTER 155 (ZONING), SUBCHAPTER 155.107 (PLANNING AND ZONING COMMISSION), SUBSECTION (B) (CREATION; MEMBERSHIP; OFFICERS; RULES AND BYLAWS) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES PROVIDING FOR A THREE-YEAR TERM FOR COMMISSIONERS AND PROCEDURES FOR APPOINTMENT TO THE PLANNING AND ZONING COMMISSION; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SAVINGS; SEVERABILITY; REPPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Wimberley (“City”) is authorized to establish a Planning and Zoning Commission; and,

WHEREAS, the City Council of the City of Wimberley, Texas strives to consider qualified individuals who represent a broad sampling of the community when appointing members to City boards and commissions; and,

WHEREAS, the City Council of the City of Wimberley, Texas desires to amend the formal appointment process for the Zoning and Planning Commission and finds that the procedures herein will enhance the membership of the Commission;

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

Section 1. 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.

Section 2. Amendment. Title XV (Land Usage), Chapter 155 (Zoning), Subchapter 155.107 (Planning and Zoning Commission), Subsection (B) (Creation; membership; officers; rules and bylaws) of the City of Wimberley Code of Ordinances is hereby amended as follows:

“(B) *Creation; membership; officers; rules and bylaws.*

(1) There is created, in accordance with Tex. Loc. Gov’t Code, Chapter 211, the Planning and Zoning Commission, hereafter sometimes referred to as the “Commission,” which shall consist of seven (7) members who are either resident citizens of the city or are residents of the extraterritorial jurisdiction of the city, provided no more than two (2) members shall reside in the extraterritorial jurisdiction of the city. In the event that a vacancy occurs on the Commission that results in the majority of the Commission members being residents that reside outside the city limits, then the commission will not meet or conduct business until such time as the vacancy can be filled by appointment of the City Council so that a majority of the Commission members are residents living within the city limits. For purposes of this section, the member that moved

outside the city limits which caused the Commission to lose its majority of members who reside within the city limits shall be deemed to have automatically resigned from membership of the Commission. If the member's move outside the city limits does not result in a majority of members residing outside the city limits, then the member will continue to serve on the commission.

(2) Any member of the City Council may nominate an eligible person to fill a vacant position on the Commission. ~~Each Member of City Council and the Mayor shall nominate one (1) member to the Commission no later than forty five (45) days after taking office. A seventh Commissioner shall be nominated by consensus of the Council no later than forty five (45) days after the Mayor takes office.~~ Each person so nominated must be approved by a simple majority vote of the Council before becoming a member of the Commission.

(3) Commissioners shall be appointed to a particular place (such as Planning and Zoning Commissioner, Place No. 1). Commissioners shall serve three (3)-year staggered terms, or, in the event that a Commissioner is appointed to fill a vacancy, the remainder of the term for which the Commissioner is appointed, unless the Commissioner resigns or is removed prior to the expiration of the term. ~~The Commissioner appointed to Place No. 6 shall be the appointee of the Mayor. The Commissioner appointed to Place No. 7 shall be the appointee nominated by consensus of the City Council. 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 Commissioner appointed to Place No. 7 shall run concurrent with the term of the Mayor.~~ The members of the commission shall serve until their successors are appointed. Each Commissioner shall be eligible for reappointment.

(4) If a vacancy occurs on the Commission, ~~the City Council, Mayor or individual City Council Member who originally appointed that member or his or her successor shall appoint a person, with approval of the City Council, to~~ may fill the unexpired term at the first regular meeting of City Council following notification of vacancy.

(5) *Removal of Commission Members.* The City Council may, by majority vote, remove a Commission member for lack of confidence, incompetence, corruption, misconduct or malfeasance. The Commission shall hold one (1) Regular Meeting per month on the second Thursday of the month. The Commission may hold Special Called Meetings at any other time, when deemed necessary. Any Commission member who misses three (3) Regular Meetings or Special Called Meetings, under the circumstances set forth in this Chapter, within a twelve (12) month time period shall be deemed to have automatically vacated his or her position on the Commission. When any Commission member has missed two (2) Regular meetings or Special Called Meetings, under the circumstances set forth in this Chapter, in a twelve (12) month time period, the City Administrator shall notify the subject Commission member and City Council, in writing, about the subject Commission member's absences. For the purpose of this meeting attendance requirement, it shall be considered a missed meeting for any member who misses a Special Called Meeting that was cancelled due to a lack of quorum because of the subject Commission member's absence. In addition, it shall be considered a missed meeting for any

Commission member who leaves a meeting prior to the completion of all action items on the posted agenda for a meeting for any other reason other than to avoid a potential conflict of interest. For the purpose of this policy, any Commission member who automatically vacates his or her position on the Commission may be considered for reappointment to the Commission or appointment to another City Board in the future by City Council.

(6) Members of the Commission shall regularly attend meetings and public hearings of the Commission, and shall serve without compensation. Voluntary absences from 3 meetings of the Commission in a calendar year will result in the automatic resignation of the Commissioner. The chairperson may excuse an absence if the Commissioner concerned seeks an excused absence. Once 3 unexcused absences are recorded, the chairperson will refer the Commissioner in question to the City Council to schedule the appointment of a replacement.

(7) From among its members the Commission shall elect its officers, those being the chairperson, vice-chairperson, and parliamentarian. Officers shall be elected for terms of 1 year. The chairperson shall not hold the position for 2 consecutive terms. The Commission, at its second meeting each June, shall select all the positions. New officers shall begin serving during the meeting following their selection and they shall serve until the next election of officers.

(8) The chairperson shall preside over all meetings of the Commission and may vote. The vice- chairperson shall preside in the absence of the chairperson, and the parliamentarian shall preside in the absence of both the chairperson and vice-chairperson. In the absence of the parliamentarian, a parliamentarian pro tem shall be appointed by the chairperson or vice-chairperson as appropriate.

(9) The Commission may appoint consultants, citizen committees, and council to assist in the work of the Commission on the approval of the person(s) and a duly passed motion of the Commission. These groups have standing without vote as advisors in Commission meetings. The entire work product of a consultant, committee, or council relating to an agenda item may become part of the records of the Commission, at the discretion of the chairperson.

(10) The Commission shall take no final action on any matter before it without first obtaining reports from the city departments concerned.

(11) Releases and statements to the public and press in the name of the Commission shall be made only by the chairperson or the chairperson's designated representative. The chairperson shall sign all written recommendations of the Commission."

Section 3. Interim Provisions. Notwithstanding any provision in this Ordinance to the contrary, the Commissioners shall draw straws at the first meeting of the Commission following the passage of this Ordinance in order to establish the length of the initial terms for the current Commissioners. Two (2) members will draw one (1)-year terms (to be succeeded by a normal three (3)-year term), two (2) members will draw two (2)-year terms (to be succeeded by a normal three (3)-year term), and three (3) members will draw three (3)-year terms. This will establish a staggering of future appointments and eliminate creating a situation where the city faces a wholesale change of the Commissioners.

Section 4. Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 5. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 6. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 8. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is 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 Meeting Act, Chapter 551, Texas Government Code.

FIRST READING PASSED AND APPROVED this _____ day of _____, 2016, by a vote of _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

SECOND AND FINAL READING PASSED AND APPROVED this _____ day of _____, 2016, by a vote of _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Hershel "Mac" McCullough, Mayor

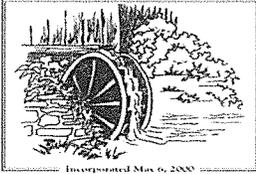
ATTEST:

Don Ferguson, City Administrator

APPROVED AS TO FORM:

Catherine Fryer, City Attorney

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING A PROPOSED ORDINANCE REGULATING THE
OPERATION OF GOLF CARTS AND NEIGHBORHOOD
ELECTRIC VEHICLES ON CITY STREETS

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Sally Trapp to allow the City Council to discuss and consider possible action regarding a proposed ordinance regulating the operation of operation of golf carts and neighborhood electric vehicles (the "NEV") on city streets.

The proposed ordinance was first presented to City Council on July 7, 2016. After considerable discussion, City Council directed City staff to add a provision prohibiting rented golf carts/NEVs from operating on City streets and to clarify the ordinance language relating to the operation of golf carts/NEVCs on State highways.

Attached is the proposed ordinance with the suggested changes for review and consideration.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING TITLE VII (TRAFFIC CODE) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES ADDING CHAPTER 73 ENTITLED "GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND OTHER TYPES OF RECREATIONAL OFF-HIGHWAY VEHICLES" TO ALLOW THE LIMITED OPERATION OF GOLF CARTS AND NEIGHBORHOOD ELECTRIC VEHICLES ON CERTAIN PERMITTED STREETS AND LOCATIONS; PROVIDING DEFINITIONS; REQUIRING SAFETY EQUIPMENT; PROVIDING OPERATIONAL REGULATIONS; REQUIRING FINANCIAL RESPONSIBILITY; PROVIDING FOR A PENALTY, A SAVINGS CLAUSE, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Texas Transportation Code authorizes the governing body of a municipality to regulate and control the operation of golf carts and neighborhood electric vehicles within the city's legal boundaries and on its public streets to ensure the public safety of the community; and,

WHEREAS, the Texas Transportation Code additionally authorizes the governing body of a municipality to regulate and enforce other standards of operation which may be particular to its unique situation; and,

WHEREAS, use of golf carts and neighborhood electric vehicles can help to reduce overall emissions and their use is an eco-friendly or 'green' alternative to traditional passenger vehicles; and,

WHEREAS, golf carts and neighborhood electric vehicles are not normally equipped with many of the traditional safety features that are customarily required or found on more commonly-used motor vehicles; and

WHEREAS, operator and passenger safety is enhanced by providing rules for operation in addition to the rules of the road that are contained in state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, THAT:

Section 1. Findings. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. Amendment.

That Title VII (Traffic Code) be amended to add Chapter 73 entitled "Golf Carts, Neighborhood Electric Vehicles and other types of Recreational Off-Highway Vehicles" to hereinafter read as follows:

"CHAPTER 73. GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND OTHER TYPES OF RECREATIONAL OFF-HIGHWAY VEHICLES

Sec. 73.01. Definitions. These terms shall have the following meanings:

All-Terrain Vehicle means a motor vehicle that is:

- (1) equipped with a seat or seats for the use of:
 - (a) the rider; and
 - (b) passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;
- (2) designed to propel itself with three or more tires in contact with the ground;
- (3) designed by the manufacturer for off-highway use;
- (4) not designed by the manufacturer primarily for farming or lawn care and
- (5) not more than fifty (50) inches wide.

City means the City of Wimberley, Texas.

Daytime means the period beginning one-half hour before sunrise and ending one half hour after sunset.

Driver's License means an authorization issued by the Department of Public Safety for operation of a motor vehicle. The term includes a temporary license or instruction permit and an occupational license.

Golf Cart shall have the meaning assigned by the Texas Transportation Code Section 502.001, as amended, which currently defines it as a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. It must have a minimum of four wheels and has an attainable top speed not greater than 25 miles per hour on a paved level surface and which is manufactured primarily for transporting persons on a golf course and in

compliance with those federal motor vehicle safety standards for low speed vehicles.

Neighborhood Electric Vehicle (NEV) (Includes Low Speed Vehicles "LSV") means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard No. 500; Low-Speed Vehicles (Effective 6-17-98). This standard specifies requirements for low-speed vehicles. A low-speed vehicle is a 4-wheeled motor vehicle, other than a truck, whose attainable speed is more than 32 km/h (20 mph) and not more than 40 km/h (25 mph).

Nighttime means the period beginning one-half hour after sunset and ending one-half hour before sunrise.

Operate shall mean driving.

Operator means any person driving and having physical control over the motor vehicle.

Park or **Parking** means the standing or stopping of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Parking Area means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

Recreational Off-Highway Vehicle means a motor vehicle that is:

- (1) equipped with a seat or seats for the use of:
 - (a) the rider; and
 - (b) a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;
- (2) designed to propel itself with four or more tires in contact with the ground;
- (3) designed by the manufacturer for off-highway use by the operator only; and
- (4) not designed by the manufacturer primarily for farming or lawn care.

Street means a public roadway in the City of Wimberley, Texas by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that is open to vehicular traffic.

Section 73.02. Limited Operation.

- (A) Golf carts and NEVS are permitted to be operated on:
 - (1) streets where the posted speed limit is 35 miles per hour or less, with the exception of the following:
 - (a) Flite Acres Road from Buttercup Lane to FM 3237,
 - (b) River Road from CR 1492 to western city limits,
 - (c) Wayside Drive from Green Acres Drive to western city limits,
 - (2) private and public parking lots.
- (B) The operation of a golf cart and NEV shall be prohibited on any street in the state highway system, regardless of the speed limit, including Farm-to-Market Roads located within the corporate boundaries of the city. A state highway system includes, but is not limited to, FM 2325 (excluding FM 2325 located between Green Acres to Ranch Road 12), FM 32, FM 3237 and Ranch Road 12 (excluding Ranch Road 12 located between Blue Heron and Palos Verdes).
- (C) A golf cart may drive across intersections where the cross street has a posted speed limit of more than 35 miles per hour, even if the cross street is otherwise a prohibited street under this ordinance, but only if the intersection is controlled by a multi-way stop or traffic signal.
- (D) Nighttime driving of golf carts and NEVS is prohibited. Golf carts and NEVS can only be driven during the daytime.
- (E) A NEV may drive across intersections where the cross street has a posted speed limit of more than 45 miles per hour even if the cross street is otherwise a prohibited street under this ordinance.
- (F) Rented golf carts and NEVS are prohibited from operating on public streets and public parking lots.

Section 73.03. Required Equipment-Golf Cart.

- (A) A golf cart operated under this ordinance must be equipped at a minimum, with the following equipment as mandated by the Texas Transportation Code, Section 551.404 (a), as amended, and/or required by the City of Wimberley to operate on permitted locations:
- (1) operational headlamps;
 - (2) operational tail lamps;
 - (3) side reflectors;
 - (4) operational parking brake;
 - (5) rearview mirror(s).
 - (6) turn signals;
 - (7) horn;
 - (8) brake lights; and
 - (9) seat belts.
- (B) A golf cart that is operated at a speed of not more than 25 miles per hour shall display a 'slow-moving-vehicle emblem' when it is operated under this ordinance, as that emblem is defined by Texas Transportation Code, Section 547.703.
- (C) Equipment and its installation and maintenance must meet standards provided by Texas Transportation Code, as amended.

Section 73.04. Required Equipment-Neighborhood Electric Vehicle.

- (A) A neighborhood electric vehicle (NEV) operated under this ordinance must be equipped with the following equipment as mandated by the Texas Transportation Code, Section 551.301, as amended, and/or required by the City of Wimberley, Texas, to operate on permitted locations:
- (1) operational headlamps;
 - (2) operational tail lamps;

- (3) side reflectors;
- (4) operational parking brake;
- (5) rearview mirror(s)
- (6) turn signals;
- (7) horn;
- (8) brake lights;
- (9) seat belts;
- (10) windshield; and
- (11) vehicle identification number.

(B) Equipment and its installation and maintenance must meet standards provided by Texas Transportation Code, as amended.

Section 73.05. Operator Regulations.

All operators of golf carts or NEVs shall:

- (1) be licensed to operate a motor vehicle as provided by Texas Transportation Code, Section 521.021, as amended, and carry a valid driver's license as provided by Texas Transportation Code, Section 521.025, and all state law driver's license permissions and restrictions shall apply to the operation of a golf cart or NEV;
- (2) abide by all state and local traffic regulations applicable to vehicular traffic when operating a golf cart or NEV under this ordinance;
- (3) use standard hand signals for turning during daylight;
- (4) not operate or park on a sidewalk or hike and bike trails at any time;
- (5) not pull any object or person with golf cart or NEV at any time;
- (6) not exceed the seating capacity of the vehicle as designed by the manufacturer;

- (7) remain seated at all times while the vehicle is in motion and ensure the same for passengers. Passengers can be issued a citation for not remaining seated while vehicle is moving;
- (8) not have or permit a passenger younger than 4 years of age;
- (9) maintain financial responsibility as required in the Texas Transportation Code, Section 601.051;and
- (10) not intentionally or knowingly allow an unlicensed operator to operate the vehicle in violation of this ordinance and state law.

Section 73.06. All-Terrain Vehicles, Recreational Off-Highway Vehicles.

It shall be unlawful for a person to operate an ATV or ROHV on a public street or location except as provided by state law and this section. A person may only drive across a public street or highway that is not an interstate or limited-access highway, if done so in accordance with state law. (See Transportation Code, Section 663.037, and as amended)

Section 73.07. Exemptions-All-Terrain Vehicles, Recreational Off-Highway Vehicles.

In accordance with state law, generally, a person may not operate an ATV or ROHV on a public street, road or highway, except as allowed under the Transportation Code, Section 663.037. In limited circumstances when allowed by state law, an Operator of ATVs or ROHVs may drive on streets with a speed limit of 35 miles per hour or less, (not interstate highway or limited access highway), but only if the transportation falls within the exceptions contained in Transportation Code, Section 663.037(d), including those vehicles owned by the city, county or state, and used for public safety and welfare purposes, or within the limits of Section 663.037(d). Such operator must be licensed and may also cross a public street, road or highway that is not a limited access highway or an interstate highway, with a posted speed limit of not more than 45 miles per hour.

Section 73.08. Safety Equipment for Exempt ATVs and ROVs.

Exempt vehicles must have the following safety equipment:

- (1) affix an 8ft. pole on back w/orange triangle flag;
- (2) headlamps illuminated while operated;

- (3) tail lamps illuminated while operated;
- (4) brake system;
- (5) muffler system maintained in good operating condition;
- (6) U.S. Forest Service spark arrester; and
- (7) off-highway vehicle decal from Texas Parks & Wildlife. Section 126.484.

Section 73.09. Penalties.

Only warning citations may be issued for the first sixty (60) days following the effective date of this ordinance so that an educational effort by the City of Wimberley may be conducted to inform the public about the importance and requirements of this ordinance. In addition to traffic violations for which the owner or driver of the golf cart or NEV may be subject to pursuant to state law, any person who violates this ordinance shall be guilty of a misdemeanor punishable by a fine as follows:

- (1) First offense shall have a minimum fine of \$100.00 and a maximum fine of \$500.00;
- (2) Second offense shall have a minimum fine of \$200.00 and a maximum fine of \$500.00; and
- (3) Third and subsequent offenses shall have a minimum fine of \$500.00.

Each day's violations shall constitute a separate and distinct offense. Any prior conviction under this ordinance will count towards a second and third charge regardless of when it occurred. "

Except as amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

Section 3. Savings Clause. All ordinances or parts of ordinances on full force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any

part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is 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 Texas Open Meetings Act, Capt. 551, Loc. Gov't. Code.

PASSED AND APPROVED this ___ day of July 2016, by a vote of ___ (Ayes) to ___ (Nays) ___ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Herschel "Mac" McCullough, Mayor

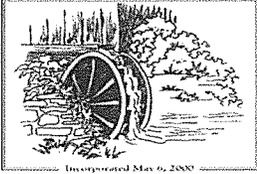
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING THE POSSIBLE INCORPORATION OF A "STEP"
SYSTEM INTO THE COLLECTION SYSTEM DESIGN FOR THE
CENTRAL WIMBERLEY WASTEWATER PROJECT

Commission Action Requested:

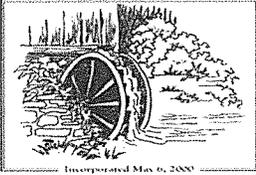
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Four Council Member Gary Barchfeld to allow the City Council to discuss and consider action regarding the possible incorporation of a septic tank effluent pumping (the "STEP") system into the collection system design for the Central Wimberley Wastewater Project.

City Council was briefed STEP systems on July 7th and discussed the alternate approach to wastewater collection in detail at a Council workshop on July 11th.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING THE POSSIBLE ADDITION OF A SECOND
EFFLUENT STORAGE TANK FOR THE CENTRAL
WIMBERLEY WASTEWATER PROJECT

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

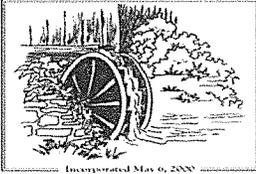
Project/Proposal Summary:

This item was placed on the agenda by Mayor Mac McCullough to allow the City Council to discuss and consider action regarding the possible addition of a second effluent storage tank for the Central Wimberley Wastewater Project.

Current plans for the wastewater project call for there to be one (1) 500,000 gallon effluent storage tank where effluent would be stored when the City is unable to irrigate designated areas in the Blue Hole Regional Park. When the tank is full and it's still too wet to irrigate, the City would discharge effluent.

At its July 11th workshop, City Council discussed the possible addition of a second effluent storage tank to reduce the potential of effluent discharge in extremely wet times.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE POSSIBLE DEVELOPMENT OF AN EFFLUENT-TRUCKING PLAN FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

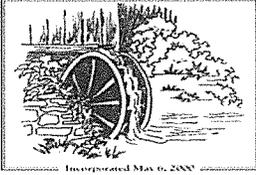
Project/Proposal Summary:

This item was placed on the agenda by Mayor Mac McCullough to allow the City Council to discuss and consider action regarding the possible development of an effluent-trucking plan for the Central Wimberley Wastewater Project.

Current plans for the wastewater project call for there to be one (1) 500,000 gallon effluent storage tank where effluent would be stored when the City is unable to irrigate designated areas in the Blue Hole Regional Park. When the storage tank is full and it's still too wet to irrigate, the City would discharge effluent.

At its July 11th workshop, City Council discussed the possibility for using tanker trucks to haul effluent from the treatment plant to designated disposal locations in the area to reduce the potential of effluent discharge in times where the effluent storage tank is nearing capacity and it's too wet to irrigate.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE POSSIBLE DEVELOPMENT OF AN AGREEMENT WITH AQUA TEXAS TO ACCEPT EFFLUENT FROM THE CENTRAL WIMBERLEY WASTEWATER PROJECT

Commission Action Requested:

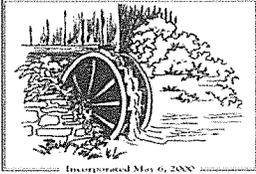
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Mayor Mac McCullough to allow the City Council to discuss and consider action regarding the possible development of an agreement with Aqua Texas to accept effluent from the Central Wimberley Wastewater Project.

At its July 11th workshop, City Council discussed the possibility of developing an agreement with Aqua Texas where by Aqua Texas would accept effluent from the City in times when the City's effluent storage tank is nearing capacity and it's too wet to irrigate with effluent. The intent of such an agreement would be to reduce the potential of effluent discharge.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE POSSIBLE DEVELOPMENT OF PLANS FOR A ROADSIDE EFFLUENT IRRIGATION SYSTEM ON WINTER'S MILL PARKWAY FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

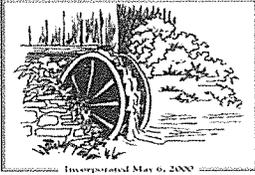
Project/Proposal Summary:

This item was placed on the agenda by Mayor Mac McCullough to allow the City Council to discuss and consider action regarding the possible development of plans for an effluent irrigation system along the roadside of Winter's Mill Parkway for the Central Wimberley Wastewater Project.

In addition to irrigating designated areas of the Blue Hole Regional Park with treated effluent from the wastewater project, plans call for the development of an effluent reuse system in the service area of the planned wastewater project.

As an alternative to the development of an effluent reuse system in the service area, City Council at its July 11th workshop discussed the possible development of a roadside effluent irrigation system on Winter's Mill Parkway.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING THE PROPOSED *FISCAL YEAR 2017*
CITY OF WIMBERLEY GOALS AND PRIORITIES

Council Action Requested:

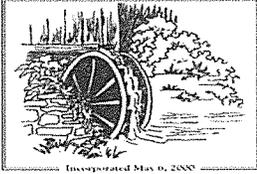
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action regarding the proposed *Fiscal Year 2017 City of Wimberley Goals and Priorities* developed at the City Council Workshop on July 6, 2016.

A copy of the proposed goals and priorities will be distributed to City Council under separate cover for review and consideration prior to the meeting.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: CONSIDER ACTION ON ISSUES RELATING TO THE DEVELOPMENT OF THE FY 2017 BUDGET FOR THE CITY OF WIMBERLEY

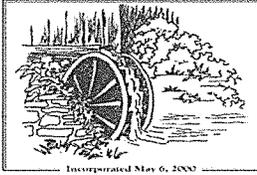
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action on various issues relating to the development of the Fiscal Year 2017 Budget for the City of Wimberley.

City Council Agenda Form



Date Submitted: July 14, 2016

Agenda Date Requested: July 21, 2016

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for reports to be presented by the Mayor and members of City Council and for future agenda item requests.