

City of Wimberley

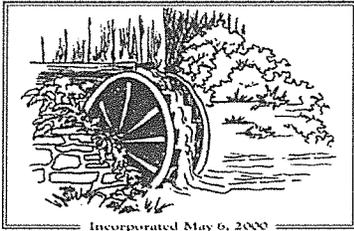
City Council Meeting

Agenda Packet

April 7, 2016

6:00 p.m.

PART ONE OF TWO



City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS
APRIL 7, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER APRIL 7, 2016 @ 6:00 P.M.

CALL OF ROLL CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

PROCLAMATIONS

- (A) PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, PROCLAIMING NATIONAL SERVICE RECOGNITION DAY IN WIMBERLEY, TEXAS AND ENCOURAGING RESIDENTS TO RECOGNIZE THE POSITIVE IMPACT OF NATIONAL SERVICE IN THE CITY.
- (B) PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, PROCLAIMING THE MONTH OF APRIL 2016 AS CHILD ABUSE PREVENTION AND AWARENESS MONTH IN THE CITY OF WIMBERLEY.
- (C) PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, PROCLAIMING APRIL 2016 AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH IN THE CITY OF WIMBERLEY.

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 MARCH 17, 2016
- (B) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF MARCH 12, 2016

2. **CITY ADMINISTRATOR REPORT**

- STATUS REPORT ON THE CENTRAL WIMBERLEY WASTEWATER PROJECT
- STATUS REPORT ON OPERATION OF THE BLUE HOLE REGIONAL PARK
- STATUS REPORT ON SHORT-TERM RENTAL COMPLIANCE PROJECT
- STATUS REPORT ON UPCOMING PRESCRIPTION DRUG TAKE-BACK PROGRAM
- STATUS REPORT ON 2015 FLOOD RECOVERY

3. **PUBLIC HEARINGS AND CONSIDER ACTION**

- (A) HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING A ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY HERSCHEL "MAC" MCCULLOUGH TO ALLOW FOR THE OPERATION OF A BED AND BREAKFAST FACILITY ON PROPERTY LOCATED AT 1415 E. SPOKE HILL DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RURAL RESIDENTIAL 1 (R-1), 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. *(HERSCHEL "MAC" MCCULLOUGH, APPLICANT)*
- (B) HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY LISA RISOLI TO ALLOW FOR THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 310 SUMMIT LOOP, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RURAL RESIDENTIAL 1 (R-1), 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. *(LISA RISOLI, APPLICANT; THIS APPLICATION HAS BEEN WITHDRAWN)*
- (C) HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY BRUCE AND CAROLE BOATNER TO ALLOW FOR THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 401 ROCKY SPRINGS ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED

RURAL RESIDENTIAL 1 (R-1), 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. *(BRUCE AND CAROLE BOATNER, APPLICANTS)*

- (D) HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY AARON AND ANGELA SCOTT TO ALLOW FOR THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 1851 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. *(AARON AND ANGELA SCOTT, APPLICANTS)*
- (E) HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CARL AND BRYNN ANDERSON TO ALLOW FOR THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 505 ROCKY SPRINGS 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. *(CARL AND BRYNN ANDERSON, APPLICANTS)*
- (F) HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CHRISTOPHER CURETON TO ALLOW FOR THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 101 ARROWLAKE ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RURAL RESIDENTIAL 1 (R-1), 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. *(CHRISTOPHER CURETON, APPLICANT)*
- (G) HOLD A PUBLIC HEARING AND CONSIDER ACTION REGARDING AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY NANCY SALLABERRY TO ALLOW FOR THE SALE OF WINE FOR OFF-PREMISE CONSUMPTION ON PROPERTY LOCATED AT 14015 RANCH ROAD 12, NO. 7, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1), 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. *(NANCY SALLABERRY, APPLICANT)*

4. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSED JOINT ELECTION AGREEMENT WITH THE WIMBERLEY ISD FOR THE MAY 7, 2016 GENERAL ELECTION. *(CITY ADMINISTRATOR)*
- (B) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE PROPOSED CREATION OF HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 9. *(CITY ADMINISTRATOR)*
- (C) DISCUSS AND CONSIDER POSSIBLE ACTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH REAL ESTATE APPRAISER JAMES J. JEFFRIES TO PREPARE A YELLOW BOOK APPRAISAL FOR A PARKLAND CONVERSION REQUIRED FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT. *(CITY ADMINISTRATOR)*
- (D) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING A PROPOSED RATE INCREASE FOR COMMERCIAL SOLID WASTE COLLECTION AND RECYCLING. *(CITY ADMINISTRATOR)*
- (E) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE PROPOSED DEVELOPMENT OF REPORTING AND ENFORCEMENT PROCEDURES FOR CITIZEN COMPLAINTS REGARDING SHORT TERM RENTAL FACILITIES IN WIMBERLEY. *(PLACE THREE COUNCIL MEMBER MAC MCCULLOUGH)*
- (F) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING MODIFICATIONS TO THE CITY OF WIMBERLEY WEBSITE. *(PLACE FOUR COUNCIL MEMBER PAM SHOWALTER)*

5. 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

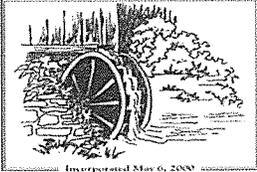
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on April 4, 2016 at 5:30 p.m.



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: April 4, 2016

Agenda Date Requested: April 7, 2016

Project/Proposal Title: APPROVAL OF MARCH
17, 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 March 17, 2016 Regular City Council Meeting.

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
March 17, 2016 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Steve Thurber.

Mayor Thurber gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Steve Thurber, Councilmembers Bob Dussler, Cindy Anderson, Mac McCullough, Pam Showalter, and John White.

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

Proclamation

Proclamation of the City of Wimberley recognizing Hays County Precinct Three Deputy Constable Tom Wallace for eleven (11) years of support and service to the residents of Wimberley

Mayor Thurber presented the proclamation to Deputy Constable Wallace who expressed appreciation to Council. He spoke of his long history as a Wimberley resident and was honored to serve the citizens of Hays County and our precinct.

Citizens Communications

Texas Floodplain Management Association Executive Director Roy Sedwick and Conference Program Chair John Espinoza presented a plaque to the City of Wimberley for its proven resilience and response after flooding and its excellence in floodplain management and flood hazard mitigation. Mayor Thurber accepted the plaque and expressed appreciation for the award. Mr. Sedwick commended City Administrator Ferguson for his presentation at a recent conference and said the Texas Floodplain Management Association would like to help with fundraising toward efforts to build a flood memorial.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of March 3, 2016
- B. Approval of minutes of the Special City Council meeting of March 3, 2016
- C. Approval of the February 2016 Financial Statements for the City of Wimberley

Councilmember Showalter moved to approve the Consent Agenda, as presented. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported that the City's loan application to the Texas Water Development Board (TWDB) is expected to be considered at the Board's April 11th meeting. A system design briefing is tentatively scheduled for April 7, 2016. He reminded that updated project information and timeframe is available on the City's website.

- Status report on sales tax collections for the City of Wimberley

City Administrator Ferguson reported that the City's March collections totaled \$56,455.30, up thirty percent (30%) from the same period last year. Year to date collections totaled \$436,682.00, up eighteen percent (18%) from the same period last year and running well ahead of budget.

- Status report on Hotel Occupancy Tax collections for the City of Wimberley

City Administrator Ferguson reported that collections to date total \$38,922.24, provided monthly/quarterly breakdowns, and advised the Hotel Occupancy Tax Advisory Committee continues to work diligently on developing rules and procedures. He stressed that the Committee is not accepting any funding proposals at this time.

- Status report on Blue Hole Regional Park operations

City Administrator Ferguson reported that construction of the replacement deck is underway. He provided details on the "Raptors Return to the Pavilion" event to be held at 10 a.m. on Saturday, March 19, 2016. He advised that applications are being accepted for summer part-time positions. He noted that the swimming area will be open weekends in May, then daily from Memorial Day through Labor Day and that discount passes are available. Councilmember White requested future consideration of opening the swimming area during spring break when there are high numbers of visitors to Wimberley. He anticipated a presentation in the coming weeks to Council on the Park's summer programs and an award from the Texas Recreation and Parks Society.

- Status report on Short-term Rental Compliance Project

City Administrator Ferguson reported that responses are coming in from a recent mailing to determine compliance with existing rental operations. He noted that one conditional use permit (CUP) application that was submitted before Council's action on grandfathered status, was withdrawn by the applicant, who provided an affidavit as documentation of continuous use for a period of five (5) or more years. He stressed that proof of grandfathered status allows the short-term rental to continue to operate, but reminded that any change in use, violation of CUP condition(s), or complaints on the operations could result in revocation of grandfathered status and require approval of a CUP. He complimented operators and rental agents for their cooperation.

- Status report on 2015 Flood Recovery

City Administrator Ferguson reported that design work has started on the River Road Bank Restoration Project and the Hidden Valley low water crossing reconstruction. He advised that a memorial event is scheduled for Saturday, May 21, 2016 from 10 a.m. to 2 p.m. at Blue Hole Regional Park in remembrance of the 2015 Memorial Day Weekend Flood. He said a large number of volunteers are in Wimberley for spring break helping with reconstruction projects. He advised FEMA will be here this week to finalize paperwork on both the Memorial Day and October 2015 flood events.

In addition, City Administrator Ferguson reported that the City received a \$5,000 check from the Wimberley Village Library District representing a portion of proceeds from the sale of the recently published book on the Memorial Day Weekend Flood. He also noted that the Ranch Road 12 Bridge over the Blanco River will be subject to lane closures from 9 p.m. on Wednesday, March 23rd until 5 a.m. on Thursday, March 24th for fortification of USGS gauges.

Brief discussion included the timeframe for the River Road and Hidden Valley projects and Mayor Thurber reminded that discounted admission to the Blue Hole Regional Park swimming area is available to those within the 78676 zip code from 6 to 8 p.m. on Tuesday and Wednesday nights. Discussion continued on rainfall/flow gauges now in place and the development of warning sirens.

3. Discussion and Possible Action

- A. Discuss and consider possible action regarding the proposed addition of a contingent liability footnote to *The City of Wimberley Annual Financial Report for the Fiscal Year ending September 30, 2015* (Preston Singleton, Singleton Clark & Company)

City Administrator Ferguson introduced Preston Singleton of Singleton Clark & Company who proposed a supplement to the notes section of the Fiscal Year 2015 Annual Financial Report. He said the addition of a notes disclosure would be helpful in explaining why an accrual was not made and took responsibility for not initially including such a note. He detailed GASB 62 standards on the topic of contingent liabilities and defined terms and criteria that would dictate whether a potential loss could be accrued as follows: 1.) Information available prior to the issuance of the financial statements indicates that it is probable that liability had been incurred at the date of the financial statements; and, 2.) the amount of that liability can be reasonably estimated. He provided further details on determining levels of probability (likely, reasonably possible, or remote). Mr. Singleton noted difficulties in determining the City's level of probability given the unknown amount of future reimbursements from FEMA and use of volunteer hours for clean-up as an in-kind match.

Mr. Singleton said at this point in time it is still unknown what the City's potential liability might be and would be a guess, however, he felt the following addition to Note "K: Contingencies" would be useful: "In May 2015, the City of Wimberley experienced catastrophic flooding caused by the swelling of the Blanco River after a major, multi-day rain event. Following the flood, the City contracted with Hays County for the collection of flood debris within the

corporate limits of the City with the commitment to pay the County the City's proportionate share of collection costs not reimbursed by state or federal agencies. As of the date of these financial statements, the amount of the City's share of the clean up costs, if any, cannot be estimated and is not anticipated to be material."

Councilmember McCullough questioned Mr. Singleton as to why there was no mention of the flood event in the original report. Mr. Singleton said that the flood event was a matter of discussion during the audit and the abovementioned factors were considered as part of determining whether the City needed to accrue a liability as of September 30, 2015. He said that of the abovementioned criteria, the second one requiring a reasonable estimation of liability could not be met. Mr. Singleton recognized that a notes disclosure would have been beneficial, but he did not want it to appear that the matter was not deemed important by him or by the City.

Councilmember McCullough questioned the notes disclosure language stating that the City's share of clean up costs "cannot be estimated and is not anticipated to be material." Councilmember McCullough said he had never seen so many County dump trucks and tried to guess the number of crews and trips to the dump. He estimated that the City has \$200,000 worth of debt by his estimation and by his observations. He said the number of volunteer hours has not been computed, but stated the City immediately incurred real debt to the County when we signed the interlocal agreement. Councilmember McCullough felt uncomfortable incurring more than \$5,000,000 in debt (referring to the proposed central wastewater system) without showing we incurred debt to the County and said Mr. Singleton should "parcel that apart" and see what that cost could be. Councilmember McCullough did not feel that the cost to the County "cannot be estimated and is not anticipated to be material," and described "material" as being greater than \$1,000. He believed the City's cost share is going to be \$200,000 by breaking down truckloads and labor hours.

Mayor Thurber spoke of accounting rules, stated you cannot book a number as a contingent liability unless you have a reasonable expectation that there is one, and said the \$200,000 figure based on Councilmember McCullough's observations of large numbers of dump trucks does not meet the previously discussed accounting criteria. Mayor Thurber stated at this point there has been no indication from Hays County or FEMA that the City owes a material amount. Discussion addressed "materiality," which Mr. Singleton defined as a number that is big enough to make a difference, in Council's judgment, in the financial statements and provided examples. Given the City's Fund Balance, Mr. Singleton did not feel \$1,000 would be considered material enough to affect the City's judgment of the City's financial condition.

Councilmember McCullough questioned FEMA's written obligation to reimburse the City and City Administrator Ferguson stated documentation exists on meeting qualification for in-kind matches. Councilmember McCullough disagreed and said we have to show this debt.

Discussion addressed problems associated with quantifying Councilmember McCullough's \$200,000 estimate and noted auditing principles that require supporting documentation if such a figure were included in the City's financial statements and deemed to be a reasonable estimate that meets the second abovementioned standard. Councilmember McCullough said in his view that it does not have to pass this test. Mr. Singleton stated if a thorough analysis was presented

to him it would be reviewed for possible inclusion. Councilmember McCullough felt he could figure what we owe by looking at what the City was facing in those early weeks after the flood. Discussion addressed the role of an independent auditor in preparing financial statements and showing debt for actual bills for services incurred versus unknown debt amounts.

Councilmember Showalter moved to approve the addition of the footnote, as presented. Councilmember Dussler seconded. Motion carried on a vote of 4-1. Councilmember McCullough voted against.

- B. Discuss and consider possible action authorizing the mayor to submit a letter of support to *CASA of Central Texas*. *(Place Four Councilmember Pam Showalter)*

Councilmember Showalter referenced CASA representatives' previous presentation from Council's last meeting and said it seems appropriate to support their desire to build a permanent facility.

Councilmember McCullough moved to approve the letter of support, as presented. Councilmember Anderson seconded. Discussion addressed CASA's services, its efforts to obtain funding for a permanent facility, and letter of support that does not require a financial commitment from the City. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action approving the 2015-2016 Health Insurance Benefits Package from the Texas Municipal League Intergovernmental Employee Benefits Pool. *(City Administrator)*

City Administrator Ferguson presented the 2015-2016 Package, which increases the City's cost for employee medical insurance by three percent (3%). He advised that there will be a ten percent (10%) increase in employee dental insurance and no increase in the City's cost for employee vision coverage.

Councilmember White moved to approve the package, as presented. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action approving plans for a City of Wimberley Citizen Academy. *(City Administrator)*

City Administrator Ferguson presented plan topics, number of sessions, class size, and application/graduation process. Topics would focus on areas such as City Council, boards and commissions, administration, finance/budget, planning and zoning, permitting, intergovernmental relations, elections, parks/community center operations, public safety, emergency services, municipal court, public health/inspections, utilities, open meetings, and public information.

Discussion addressed greater citizen involvement, including various service organizations (such as Scout troops), required minimum age for participants, liability issues, and favored eligibility of extra territorial jurisdiction (ETJ) residents to participate in the academy.

Councilmember Showalter moved to approve the plans, as presented. Councilmember Anderson seconded. Motion carried on a vote of 5-0.

4. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda items: Councilmember McCullough requested discussion of the conditional use permit (CUP) process to require that the City be notified of any complaints regarding short-term rentals and Councilmember Showalter requested discussion of improvements to the City’s website.

Hearing no further announcements or future agenda items, Mayor Thurber called the meeting adjourned.

Adjournment: Council meeting adjourned at 7:06 p.m.

Recorded by:

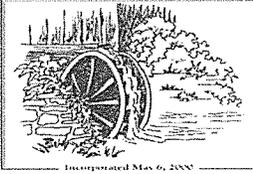
Cara McPartland

These minutes approved on the ____ of April, 2016.

APPROVED:

Steve Thurber, Mayor

City Council Agenda Form



Date Submitted: April 4, 2016

Agenda Date Requested: April 7, 2016

Project/Proposal Title: APPROVAL OF MARCH 12, 2016 MINUTES OF SPECIAL CITY COUNCIL MEETING

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are minutes for the March 12, 2016 Special City Council Meeting for review and consideration.

MINUTES
SPECIAL CITY COUNCIL MEETING
THE HOME OF TEVIS GRINSTEAD & MARILEE WOOD
111 LAZY L LANE, WIMBERLEY, TEXAS
MARCH 12, 2016 – 4:00 P.M.

The City Council of the City of Wimberley, Texas met for the purpose of observing and participating in a Meet the Candidates event at the home of Tevis Grinstead and Marilee Wood, located at 111 Lazy L Lane, Wimberley, Hays County, Texas on Saturday, March 12, 2016.

Those present were: Mayor Steve Thurber, Mayor Pro-tem/Councilmember Place Two Cindy Anderson, and Place Four Councilmember Pam Showalter.

Members of the City of Wimberley City Council attended the special meeting for the purpose of observing and participating in a Meet the Candidates event. No action was taken during the meeting that began at 4:00 p.m. and ended at 5:45 p.m.

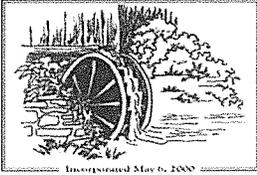
DATE APPROVED: April __, 2016

Steve Thurber, Mayor

ATTEST:

Cara McPartland, City Secretary

City Council Agenda Form



Date Submitted: April 4, 2016

Agenda Date Requested: April 7, 2016

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

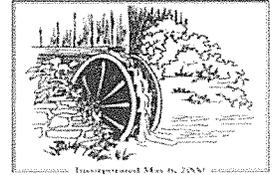
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

- Status report on the Central Wimberley Wastewater Project
- Status report on operation of Blue Hole Regional Park
- Status report on short-term rental compliance project
- Status report on upcoming prescription drug take-back program
- Status report on 2015 flood recovery

Report for CUP-16-001



Summary:

An application for a Conditional Use Permit to allow for the operation of a bed and breakfast at 1415 E. Spoke Hill Drive

Applicant Information:

Applicant: Herschel "Mac" McCullough
1415 E. Spoke Hill Drive
Wimberley, TX 78676

Property Owner: Herschel "Mac" McCullough

Subject Property:

Legal Description: MCII/KURZROOT, Lot 1R, 3.7 acres
Location: 1415 E. Spoke Hill Drive
Existing Use of Property: Residential
Existing Zoning: Rural Residential 1 (R-1) with CUP (Secondary Residence)
Proposed Use of Property: Bed & Breakfast
Proposed Zoning: R-1 with CUP (Bed & Breakfast)
Planning Area: I
Overlay District: None

Surroundings:

Frontage On: E. Spoke Hill Drive

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R-2	Residential
S of Property	RA, CUP	Residential, Vacation Rental
E of Property	R-2, R-1	Residential
W of Property	R-1	Residential

Legal Notice

200' Letters: 2/29/16
Published: 2/25/16
Sign Placement: 2/26/16
Responses: One (1) Oral Opposition

Comments:

The applicant, Herschel "Mac" McCullough, is seeking a Conditional Use Permit (the "CUP") for the operation of a bed and breakfast facility in a secondary residence located on 3.7 acres of property located at 1415 E. Spoke Hill Drive. The subject property is located in Planning Area I and is zoned Rural Residential 1 (R-1) with a Secondary Residence CUP. Vacation rental facilities are allowed on R-1 zoned properties with a CUP.

Currently, there is a 2,198 square foot primary residence along with a 1,200 square foot one (1) bedroom secondary residence on the subject property. The applicant is proposing to use the secondary residence as a bed and breakfast, with a maximum occupancy of two (2) people.

There is a properly permitted and functioning on-site septic system that will serve both residences. Based on a review of the septic system and proposed use, City staff is recommending a maximum occupancy of two (2) guests for the proposed vacation rental facility.

Guests would be required to park on the subject property.

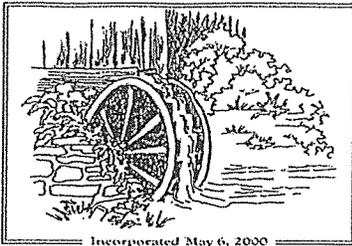
City staff is recommending the following conditions be made part of the requested CUP, should the Council desire to recommend approval:

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 and State of Texas Hotel Occupancy Tax Questionnaires*, 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 vacation rental 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) call from an adjacent property owner on the east side of the subject property expressing opposition.

On March 24, 2016, the Planning and Zoning Commission held a public hearing on the requested CUP. Afterwards, the Commission voted unanimously to recommend the CUP.



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
FEB 16 2010

CONDITIONAL USE PERMIT APPLICATION

No. CUP _____ - _____

FOR OFFICIAL USE ONLY

Application Date: Feb 16 Tentative P&Z Hearing: _____ Tentative Council Hearing: _____

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

PROJECT SITE ADDRESS: 1415 E. Spoke Hill Ln Wimberley, TX 78676

OWNER/APPLICANT Herschel T. McCullough PHONE (512-348-7985)

MAILING ADDRESS: The ~~House~~ 1415 E. Spoke Hill DR

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)

B & B

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

Subdivision: PARADISE 4-11s Lot _____ Block _____

Appraisal District Tax ID #: R _____

Deed Records Hays County: Volume _____ Page _____

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

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

UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: WWSC

Wastewater Service Provider or Hays County Septic Permit No: OSSF

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.

2-16-16
DATE

[Signature]
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

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.

REVOCAION: 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:

2-16-16
DATE


OWNER

DATE

OWNER

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

Owner: Herschel P. & Robin McCullough

LOCATION OF PROPERTY: 1415 E. Spoke Hill

LEGAL DESCRIPTION: _____

PLANNING AREA: _____

PRESENT ZONING: _____

EXISTING USE: _____

USE TO BE GRANTED: Residential Bed & Breakfast Lodging

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. 1 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 2 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: / 42.3 B.

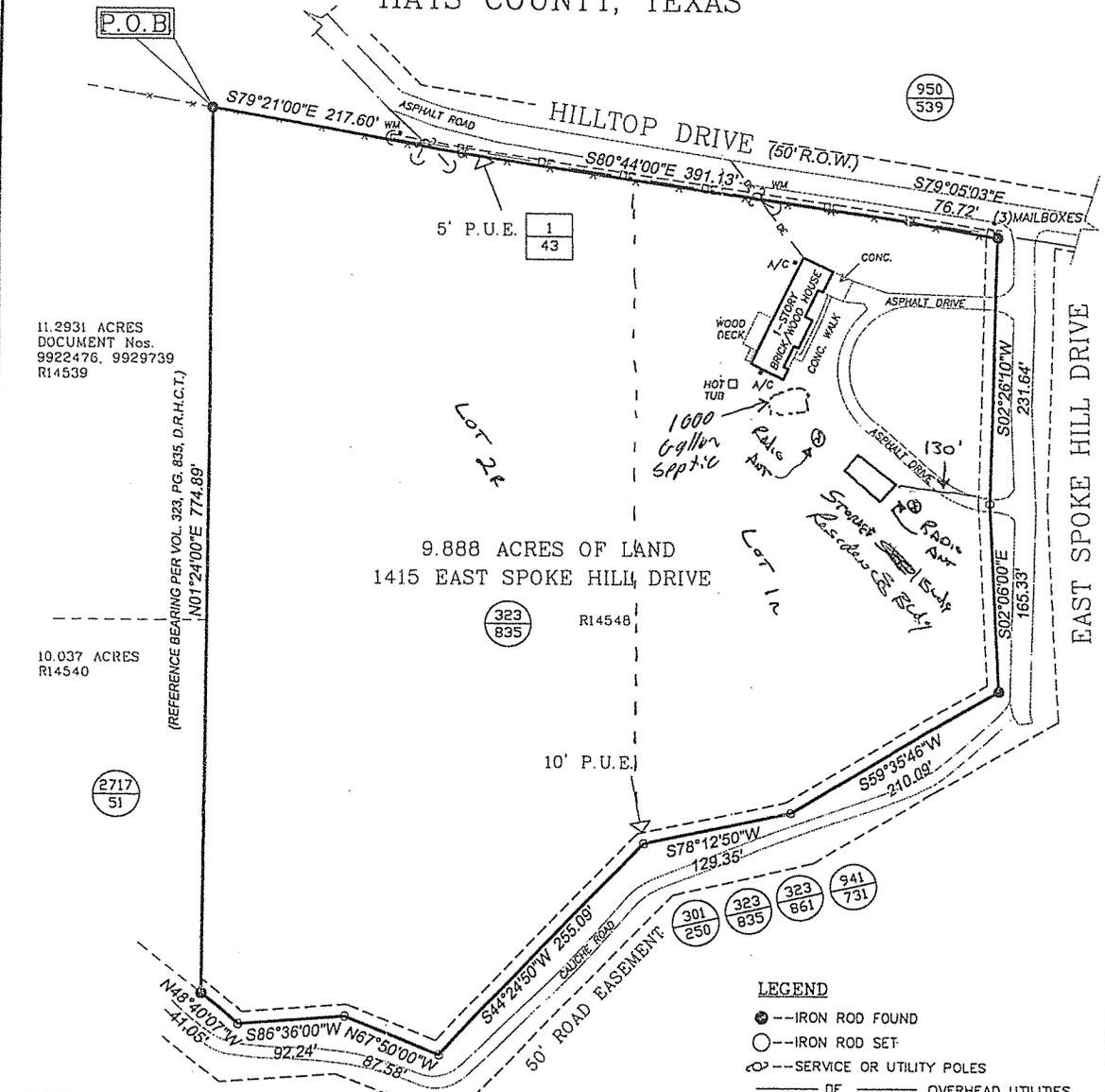
MAXIMUM OCCUPANCY: 2 guests. 42.3 B.

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 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

9.888 ACRES OF LAND
 OUT OF THE L.C. GIBBS SURVEY No. 86, ABSTRACT No. 206
 HAYS COUNTY, TEXAS



11.2931 ACRES
 DOCUMENT Nos.
 9922476, 9929739
 R14539

10.037 ACRES
 R14540

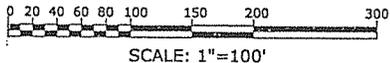
9.888 ACRES OF LAND
 1415 EAST SPOKE HILL DRIVE

NOTES

- THIS SURVEY REFERENCES TITLE COMMITMENT No. 20512007, DATED 11-22-05, PROVIDED BY HAYS COUNTY ABSTRACT CO.
- RESTRICTIVE COVENANTS APPLY PER VOL. 323, PG. 835, H.C.D.R.
- A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS SURVEY (SEE PAGE 2).
- A BLANKET UTILITY EASEMENT EXISTS FOR PEDERNALES ELECTRIC COOPERATIVE, INC. AS RECORDED IN VOL. 356, PG. 251, H.C.D.R.

LEGEND

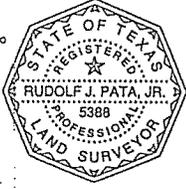
- -- IRON ROD FOUND
- -- IRON ROD SET
- ⊗ -- SERVICE OR UTILITY POLES
- DE — OVERHEAD UTILITIES
- - - - - EASEMENT
- x x x x FENCE
- VOL. PAGE HAYS COUNTY PLAT RECORDS
- VOL. PAGE HAYS COUNTY OFFICIAL PUBLIC RECORDS
- Rxxxxx HAYS COUNTY PROPERTY IDENTIFICATION NUMBER



SURVEYOR'S CERTIFICATION

This survey is made for the benefit of Hays County Abstract Company and buyer, Herschel P. McCullough and Robinette McCullough. I hereby certify to the aforesaid parties, as of the date set forth below that a careful survey was made on the ground, under my supervision, of the tract of land described hereon, and that said survey complies with the current Texas Society of Professional Surveyors Standards & Specifications for a Category 1a, Condition II Land Survey, and that said property has abutting access to and from a public roadway.

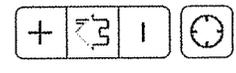
1/19/06
 DATE RUDOLF J. PATA, JR. TX. RPLS #5388



Driftwood Surveying Professional Land Surveyors - Surveying the Hill Country P.O. Box 379 Wimberley, TX 78676 PH. (512) 847-7222 FAX (512) 847-7372		DATE: 01-11-06
		DRAWN: JL/LL
9.888 ACRES OF LAND OUT OF THE GIBBS SURVEY No. 86, A-206 HAYS COUNTY, TEXAS		CHECKED: RJP
CLIENT: McCULLOUGH		FIELD CREW: JP
Page 1 of 2		PROJ. NO.: HCO0808
2005 ALL RIGHTS RESERVED		DWG. NAME/TITLE
		REVISIONS DATE

Details
 Basemap
 Save
 Share
 Print
 Measure
 Bookmarks

1415 E Spoke Hill Dr, Wimberley, Texas, USA

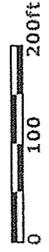
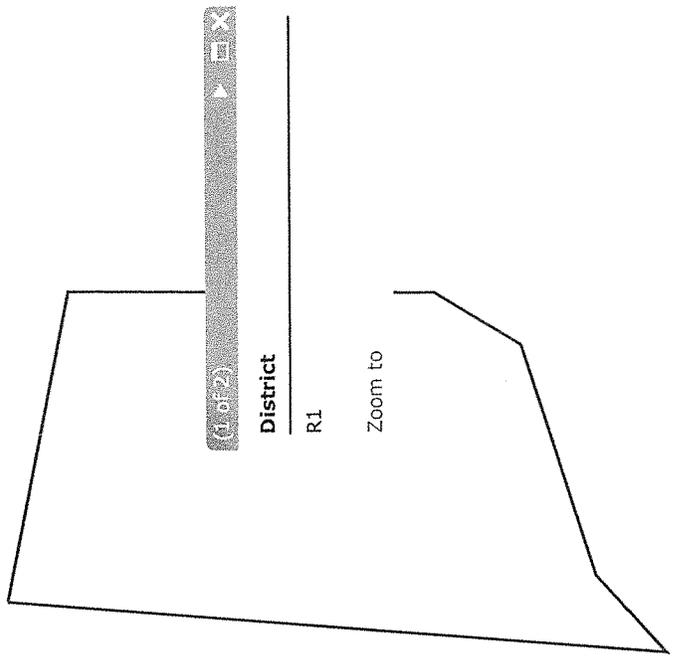


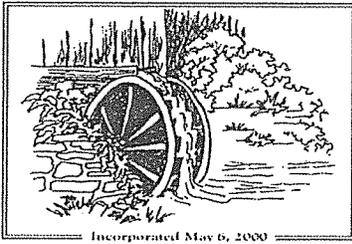
Legend

- L1
- C3
- O1
- PF
- SC
- NS
- O2
- R2
- PPU
- HC

Zoning

- R2
- R1
- R2
- R1
- R3
- RA
- R1
- R4





City of Wimberley

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

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

Steve Thurber, Mayor - Cindy Anderson, Mayor Pro-Tem
Council Members - Bob Dussler, Mac McCullough, Pam Showalter, John White
Don Ferguson, City Administrator

February 29, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-001**
1415 E. Spoke Hill Drive, Wimberley, Texas

Dear Property Owner:

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

The applicant, Herschel McCullough, has applied for a Conditional Use Permit to Rural Residential 1 (R-1) located at 1415 E. Spoke Hill Drive, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, March 24, 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, April 7, 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

BOATMAN, DANA & KIM
23 WIMBERLEY CT
DALLAS, TX 75229-6180

BABB, HOLLY SCOUT & SEYMOUR
SCHOOT CARL
1900 HILLTOP DRIVE
WIMBERLEY, TX 78676

MCDONALD, MICKEY S & CHRISTOPHER
C & DONOVAN KARIN M
8307 CREEKSTONE CIR
HOUSTON, TX 77055

GINDY, MILES A
2446 N PARK BLVD
SANTA ANA, CA 92706-1642

MIEGEL, ELIZABETH
10220 HILLTOP DRIVE
WIMBERLEY, TX 78676-9327

UERWITZ, LEE ANN &
RITCHIE, ROBERT GARY
1022 HILLTOP DRIVE
WIMBERLEY, TX 78676

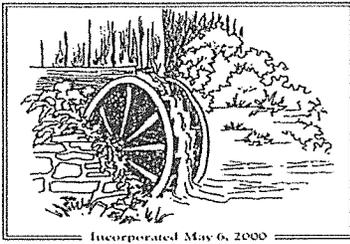
CATHER, JAMES N & JANE R
5830 WARREN RD
ANN ARBOR, MI 48105-9426

MILLER, MICHAEL N & JUDITH N
PO BOX 2069
WIMBERLEY, TX 78676-6969

BAIAMONTE, GENO & SUSAN A
318 PARK TRAIL LN
HOUSTON, TX 77007-8379

**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, March 24, 2016, at 6:00 p.m.** to consider the following: CUP-16-001 – an application for a Conditional Use Permit (CUP) to allow for the operation of a bed and breakfast, on property zoned Rural Residential 1 (R-1) located at 1415 E. Spoke Hill Drive in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, April 7, 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 (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



City of Wimberley

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

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

E-mail: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CUP 16-001

Owner _____

Date 2/26/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 1415 E Spoke Hollow

which is located East Spoke Hollow

Bill Bowers
Asst. Public Works

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

2/26, 2016

Bill Bowers
Signature

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY HERSCHEL “MAC” MCCULLOUGH TO OPERATE A BED AND BREAKFAST FACILITY ON PROPERTY LOCATED AT 1415 E. SPOKE HILL DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED RURAL RESIDENTIAL 1 (R-1), 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 Herschel “Mac” McCullough (“Applicant”) requesting authorization to operate a bed and breakfast facility on real property, described as MCII/KURZROOT Lot 1R, zoned Rural Residential 1 (R-1); and

WHEREAS, a bed and breakfast facility is an authorized use in areas zoned Rural Residential 1 (R-1) 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 Herschel “Mac” McCullough (“Applicant”) for use as a bed and breakfast facility on real property, described as MCII/KURZROOT Lot 1R, Lot 1R, as more particularly described by survey in Exhibit “C”, attached and incorporated by reference, zoned Rural Residential 1 (R-1), 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 and State of Texas Hotel Occupancy Tax Questionnaires* no later than thirty (30) days following the 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 a 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 vacation rental 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 7th day of April, 2016 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Steve Thurber, Mayor

ATTEST:

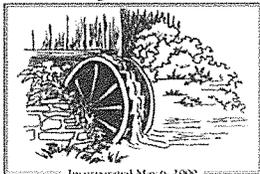
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

City Council Agenda Form



Date Submitted: April 4, 2016

Agenda Date Requested: April 7, 2016

Project/Proposal Title: HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A VACATION RENTAL AT 310 SUMMIT LOOP

Council 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 an ordinance granting a Conditional Use Permit (CUP) to allow for the operation of a vacation rental facility at 310 Summit Loop.

On March 17, 2016, the applicant, Lisa Risoli, asked to withdraw her CUP application and submitted a sworn affidavit stating that her vacation rental operation is a pre-existing non-conforming use.

Property owners within the 200-foot notification area were notified of the applicant's request to withdraw her CUP application and of the subject property's designation as a pre-existing, non-conforming use. Having received "grandfather" status from the City, a CUP is no longer required for the short-term rental facility to continue operations. The applicant understands that in accordance with the City Sanitarian's review of the subject property's septic records, the maximum occupancy for the vacation rental shall not exceed five (5) people.

It should be noted that if the vacation rental facility is expanded at any point in the future, a CUP will be required. Also, should the facility be deemed detrimental or hazardous to the health, safety, or welfare of nearby residents or citizens, the City has the authority to take action to address such concerns or even eliminate the "grandfather" status altogether and require a CUP be obtained for the vacation rental to continue to operate.

City staff recommends City Council vote to accept the applicant's request to withdraw the subject CUP application from consideration.

Cara McPartland

From: Don Ferguson [dferguson@cityofwimberley.com]
Sent: Friday, March 18, 2016 11:27 AM
To: Cara McPartland
Subject: For Your File

On 3/17/16 9:09 AM, "Lisa Risoli" <[REDACTED]> wrote:

>Dear Mr. Ferguson

>

>I would like to retract my application for a CUP. I have included the
>initial request for your records. I would like to request to be
>considered for the Grandfather Clause regarding this matter.

>

>Thank you very much for your time with this matter

>

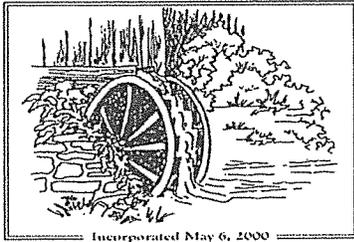
>Sincerely

>

>Lisa M. Risoli

>

>Sent from my iPhone



City of Wimberley

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

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

Steve Thurber, Mayor - Cindy Anderson, Mayor Pro-Tem

Council Members - Bob Dussler, Mac McCullough, Pam Showalter, John White
Don Ferguson, City Administrator

March 17, 2016

Re: **File No. CUP-16-002**
310 Summit Loop, Wimberley, Texas

Dear Property Owner:

The purpose of this letter is to advise you that the owner of the above-referenced location has withdrawn a previously submitted application for a Conditional Use Permit (CUP) to allow for the continued operation of an existing vacation rental facility on the subject property.

As a result of the application withdrawal, please be advised the Planning and Zoning Commission and City Council will **not** hold previously scheduled public hearings and consider the referenced CUP application on March 24th and April 7th.

The CUP application was withdrawn after the applicant provided the City with the documentation required for the existing vacation rental facility to be designated as a pre-existing non-conforming use. Having received "grandfather" status from the City, a CUP is no longer required for the short-term rental facility to continue operations.

If the above-referenced vacation rental facility is expanded at any point in the future, a CUP will be required. Also, please be advised that should the facility in the future be deemed detrimental or hazardous to the health, safety, or welfare of nearby residents or citizens, the City has the authority to take action to address such concerns or even eliminate the "grandfather" status altogether and require a CUP be obtained for the vacation rental facility to continue to operate.

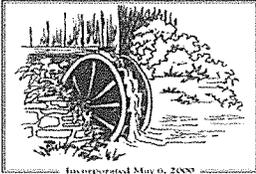
Please feel free to contact me in the event you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Ferguson". The signature is stylized and fluid.

Don Ferguson
City Administrator

City Council Agenda Form



Date Submitted: April 4, 2016

Agenda Date Requested: April 7, 2016

Project/Proposal Title: HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW A VACATION RENTAL AT 401 ROCKY SPRINGS ROAD

Council 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 an ordinance granting a Conditional Use Permit (CUP) to allow for the operation of a vacation rental facility at 401 Rocky Springs Road.

On March 24, 2016, the Planning and Zoning Commission held a public hearing on the subject CUP application. Afterwards, the Commission voted to recommend denial of the CUP, citing opposition to the request expressed by several residents in the area of the subject property.

The applicants have requested City Council delay consideration of the CUP application to allow them time to meet with those residents opposing the requested CUP to try and resolve their concerns. As the applicants will be out of town on the date of the next City Council meeting, they would like consideration of the subject CUP application to be continued until the City Council meeting on May 5, 2016.

As a result of the above-mentioned request, City staff recommends City Council vote to continue consideration of the CUP request until the City Council meeting on May 5, 2016.

Subject: RE: 401 Rocky Springs--Retracting Application for CUP
Date: Friday, April 1, 2016 10:10:23 AM Central Daylight Time
From: [REDACTED]
To: dferguson@cityofwimberley.com
CC: Carole

Dear Mr. Ferguson,

As we discussed yesterday afternoon, Carole and I would like to request that our CUP application for 401 Rocky Springs be reinstated at this time under the condition that we have the option to retract our application prior to April 7, 2016 with no adverse impact to us; if otherwise, then please ignore this request.

We did not believe we could defer the date our application would go to City Council for a decision beyond April 7, 2016 until you informed us of that possibility yesterday. Such deferral would allow us ample time to produce a stronger case for our application including the ability to review and respond to written and oral arguments presented by parties opposing our application. To date, we have only seen one letter of opposition prepared by Ms. Kathy McClain and nothing else including the minutes of the planning and zoning hearing held last week. As we discussed yesterday, if you could please send us copies of any other relative correspondence as well as the minutes of the planning and zoning meeting held last week it would be a great help to us.

We apologize for any inconvenience. The CUP process is entirely new to us and we are learning on the fly. We greatly appreciate your patience and counsel on this matter.

Sincerely,

Bruce and Carole Boatner

From: [REDACTED]
Sent: Thursday, March 31, 2016 12:37 PM
To: 'dferguson@cityofwimberley.com'
Cc: 'Carole'
Subject: 401 Rocky Springs--Retracting Application for CUP

Dear Mr. Ferguson,

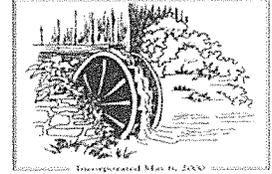
Carole and I are hereby retracting our application for a Conditional Use Permit (CUP) at 401 Rocky Springs, Wimberley Texas. Our retraction is based on our pending request for this property to be grandfathered from a CUP requirement given that it has been a vacation rental in continuous operation for over five years.

Thank you for your assistance in this matter.

Sincerely,

Bruce and Carole Boatner

Report for CUP-16-003



Summary:

An application for a Conditional Use Permit for a Vacation Rental Facility on property at 401 Rocky Springs Road

Applicant Information:

Applicants:

Bruce C. & Carole A. Boatner
1042 Martin
Houston, TX 77018

Property Owners:

Bruce C. & Carole A. Boatner (Designated Agent: Aaron Scott)

Subject Property:

Legal Description:

Rocky Springs Sec 1; Lots 7, 12, 13; 3.55 acres

Location:

401 Rocky Springs Road

Existing Use of Property:

Residential

Existing Zoning:

Rural Residential 1 (R-1)

Proposed Use of Property:

Vacation Rental

Proposed Zoning:

R-1 with CUP

Planning Area

I

Overlay District

Protected Water Overlay District

Surroundings:

Frontage On:

Rocky Springs Road

Area Zoning and Land Use Pattern:

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

Legal Notice

200' Letters:

3/7/16

Published:

3/3/16

Sign Placement:

3/8/16

Responses:

(5) five written responses in opposition; four (4) written responses in support

Comments:

The applicants, Bruce and Carole Boatner, are seeking a Conditional Use Permit (CUP) for the operation of a vacation rental facility on 3.55 acres of property located at 401 Rocky Springs Road. The subject property is zoned Rural Residential 1 (R-1), located in Planning Area I, and lies partially within the Protected Water Overlay District. Vacation rental facilities are allowed on R-1 zoned properties with a CUP.

Currently, there is a 1,752 square foot, two (2) bedroom residence on the property. The applicant is proposing to use the residence as a vacation rental, with a maximum occupancy of four (4) people. The designated agent for the applicants is Aaron Scott of SkyRun Vacation Rentals, who manages the subject property for the owners.

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.

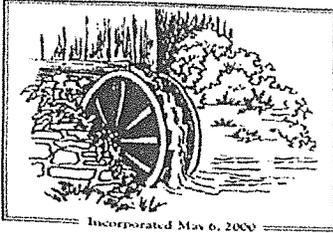
The applicants are proposing a series of house rules, a copy of which is attached. Based on the proposed house rules and City's regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Council desire to recommend approval:

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.

To date, City staff has received five (5) written responses opposing the CUP request and four (4) written responses supporting the CUP request.

On March 24 2016, the Planning and Zoning Commission held a public hearing on the requested CUP. Afterwards, the Commission voted 6-1 to recommend denial of the CUP, citing concerns expressed by several residents in the area of the subject property.



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
FEB 24 2010

CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 003

FOR OFFICIAL USE ONLY

Application Date: _____ Tentative P&Z Hearing: 3/24 Tentative Council Hearing: 4/2

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

PROJECT SITE ADDRESS: 401 Rocky Springs Wimberley, TX 78676

OWNER/APPLICANT Carole & Bruce Boatner PHONE (713) 202-7723

MAILING ADDRESS: 1042 Martin St

CITY: Houston STATE: TX ZIP: 77018

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 R1 Total Acreage or Sq. Ft. 3.5 Acres

Subdivision: Rocky Springs Lot 7, 12, 13 Block _____

Appraisal District Tax ID #: R 40336

Deed Records Hays County: Volume 325 Page 170

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: Rain water Retention System

Wastewater Service Provider or Hays County Septic Permit No: 2005-1461

MY REQUEST IS BASED ON THE FOLLOWING:

- (X) 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;
- (X) The use requested by the applicant is set forth as a conditional use in the base district;
- (X) The nature of the use is reasonable;
- (X) 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;
- (X) 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
- (X) That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

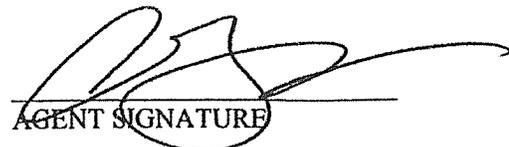
ADDITIONAL REQUIREMENTS/DOCUMENTATION

- (X) Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- (X) 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').
- (X) List of Special Conditions that Applicant agrees apply to property.
- (X) List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- (X) Payment of Application fee \$400.00 (non-refundable)
- (X) 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.
- (X) 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.
- (X) Applicant agrees to provide additional documentation as needed by the City.
- (X) 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.
- (X) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

DATE 2/22/16

Coral Baxter
APPLICANT SIGNATURE

WHEN APPLICABLE:
Date 2/22/16


AGENT SIGNATURE

LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
Vacation Rental **BED AND BREAKFAST CUP**

Owner: Carole & Bruce Boatner

LOCATION OF PROPERTY: 401 Rocky Springs, Wimberly 78676

LEGAL DESCRIPTION: Section 7 lots 7, 12 + 13 Rocky Springs

PLANNING AREA: _____

PRESENT ZONING: _____

EXISTING USE: home

USE TO BE GRANTED: Residential Bed & Breakfast Lodging

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. 30 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 4 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.

MAXIMUM OCCUPANCY: 4 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 Creek behind house 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.

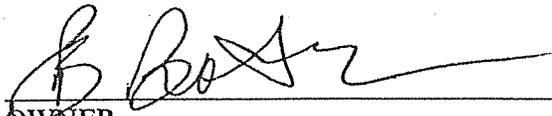
REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

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:

2/22/16
DATE

2/22/16
DATE


OWNER


OWNER

FEB 24 2016



February 24, 2016

City of Wimberley
221 Stillwater Drive
Wimberley, TX 78676

To Whom It May Concern:

Please find attached the Conditional Use Permit application for the property at 401 Rocky Springs Road, Wimberley, TX 78676. SkyRun Vacation Rentals manages this property for the home owner. If you have questions or concerns regarding this application, please contact Aaron Scott at (512) 753-2626.

Thank you in advance for your consideration.

Sincerely,

SkyRun Vacation Rentals

Special Conditions for 401 Rocky Springs Road, Wimberley, Texas 78676

This property is managed by SkyRun Vacation Rentals (512.753.2626) located in Wimberley, Texas. We have several properties that we manage in the Wimberley area. We have three employees that live a half a mile away from this particular property and at least one employee drives by the property at least every other day.

We also have a digital lock that allows us to see when guests check in and out. In addition we are installing a video camera to enforce our vehicle maximum. The vehicle maximum at this property is 3 and the guest maximum is 4. Guests who violate our policies are fined and forced to vacate immediately.

We also enforce strict quiet hours of 10pm-8am every single day.

We also require our guests to keep all trash in trashcans and never leave trash bags outside but rather in the trash bins.

We are complying with paying the 5% City of Wimberley tax to the city as requested.

We have the trashcans and recycling cans pulled out to the road the night before pickup and we roll them back in the next morning.

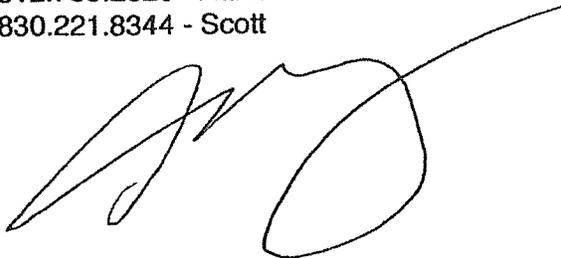
We also don't allow fires of any kind and post "Burn Ban" signs on the refrigerators when the Burn Ban is on.

We have also passed out business cards with SkyRun's owners cell phones on them and after hours numbers to neighbors close by.

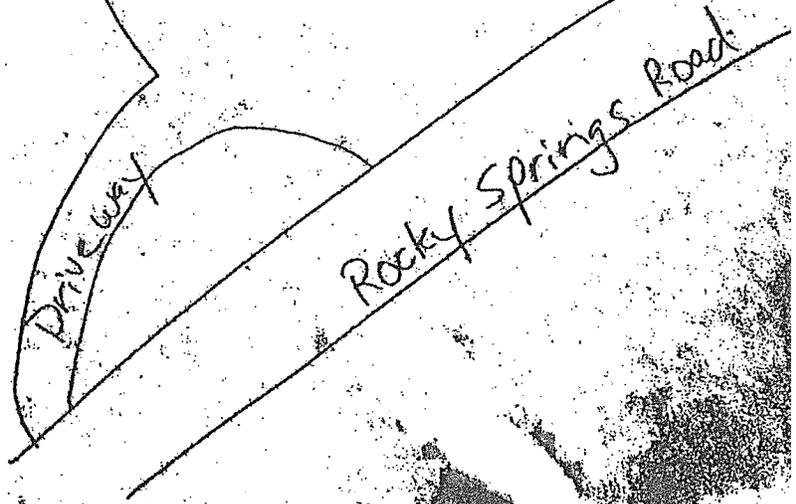
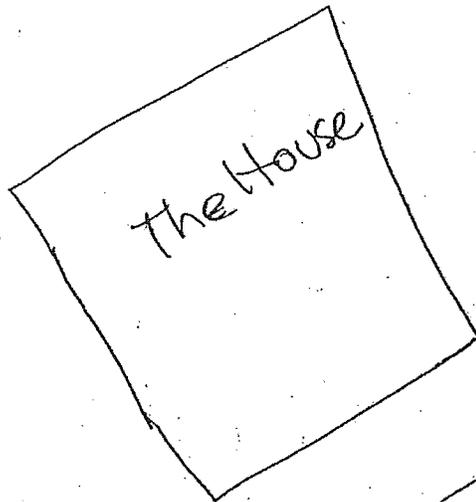
We have someone on call 24/7 who is ready to receive phone calls, voicemails and respond in person to any emergency within 15 minutes.

If you have any further questions please let me know and we will address it immediately.

Aaron Scott and Scott Teuton, owners
SkyRun Vacation Rentals
512.753.2626 - Aaron
830.221.8344 - Scott

A handwritten signature in black ink, appearing to be a stylized combination of the names Aaron Scott and Scott Teuton. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

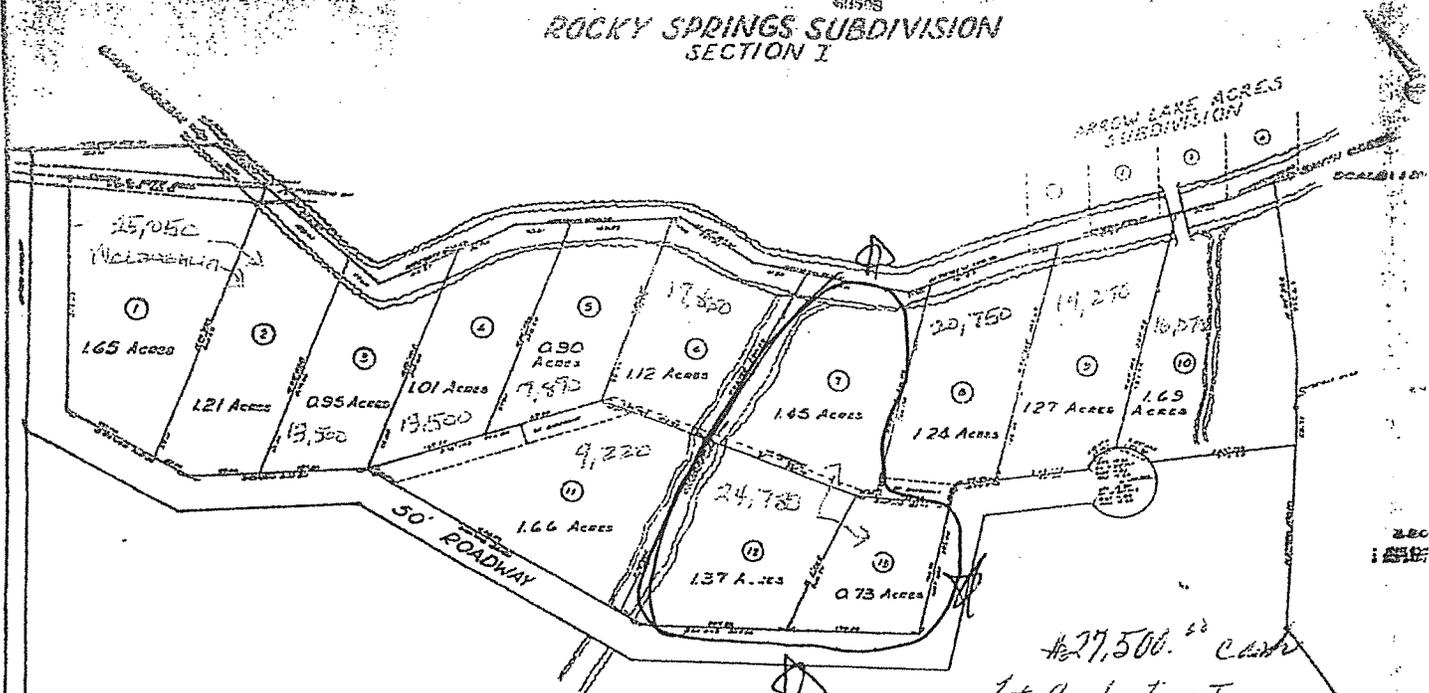
401 Rocky Springs Road Site Plan



Dec. 7, 1935 Vol. 1, P. 115
68598

ROCKY SPRINGS SUBDIVISION SECTION I

ARROW LAKE ACRES
SUBDIVISION



\$27,500.00 cash
Lot 8, Section I
1.24 acres

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]

[Signature]
[Signature]

[Signature]
[Signature]

[Signature]
[Signature]

[Signature]
[Signature]

[Signature]
[Signature]

W. D. JOSS

Cara McPartland

From: Cara McPartland [cmcpartland@cityofwimberley.com]
Sent: Thursday, March 10, 2016 10:54 AM
To: 'Aaron Scott'
Subject: RE: 401 Rocky Springs septic specs

Mr. Scott,

I've forwarded your attached correspondence which is under review.

Thank you,
Cara McPartland, TRMC
Assistant City Administrator
City Secretary/Court Clerk
221 Stillwater
P.O. Box 2027 (MAILING ADDRESS)
Wimberley, TX 78676
(512) 847-0025 Office
(512) 847-0422 Fax
City Website: www.cityofwimberley.com

-----Original Message-----

From: Aaron Scott [REDACTED]
Sent: Thursday, March 10, 2016 10:05 AM
To: cmcpartland@cityofwimberley.com
Subject: 401 Rocky Springs septic specs

Let me know if this will work for the CUP. Thanks!

3

Texicana Wastewater Design & Development

Dora R. Fogle

3656 Westwood Rd.

Lockhart, Texas 78644

(512) 376-9040 hm. (512) 536-3389 cell

Fax: (512) 372-3334

Registered Sanitarian # 3493

Site Evaluator # OS0010801

**On-Site Sewage Facility Plans
Aerobic Wastewater Treatment System
Utilizing Surface Spray Application**

OWNER:

Bruce Boatner

401 Rocky Springs Rd.

Rocky Springs Sec. I Lot 12

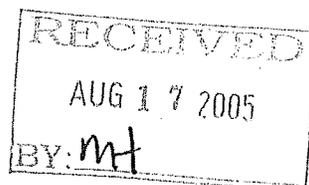
Wimberley, Texas



The site is approximately ~1.65 acres in size. Soil evaluation revealed a Class III soil with shallow subsurface rock which is suitable for surface application. A Hoot treatment plant with surface irrigation will be utilized. The overall slope of the spray area is approximately 8%. The home will be utilizing a Private Water Collection for their source of water. The property is not located over the recharge zone and there are no recharge features within 150 feet of the system. The property is not located within the 100 yr. floodplain. All other separation distances will be maintained as per TCEQ (TNRCC) Table X, rules for On-Site Sewage Facilities Chapter §285.31.

This design is for a 2 bedroom, 1728 sq. ft. single family residence, which is a new construction and will be utilizing low flow fixtures. Therefore, the projected daily flow is 240 gallons per day as per TCEQ (TNRCC) rules Table III, effective June 13, 2001.

The residence will utilize a Hoot 500 treatment system model H-500 TPS LA (500 GPD night pumping system). This is a three compartment treatment plant that has been approved for use and installation in Texas. This system consists of a 350 gallon trash tank, a 500 GPD aerobic compartment which flows through a stack feed chlorinator and is held in the third and final compartment of the 750 gallon pump chamber. After being held and chlorinated in the pump chamber the water will flow through and be distributed to the irrigation area through 1" Sch. 40 PVC line to the sprinklers. There will be two 35', 180° radius pattern served by one spray head each half. All electrical supply line is to be in conduit. This system is to be installed as per manufacturer's instructions.



DESIGN SPECIFICATION		
Size of Residence		1728 Square Feet
Number of Bedrooms	No low flow fixtures	2 bedrooms
Operational Capacity		240Gallons per day
Design Flow		240 Gallons per day
Application Rate	.064 Gal/ft ² /Day	240/.064
Minimum Application Area	(Q÷.064 Gal/ft ² /Day)	3750ft ²
Actual Application Area	$\pi (r^2) \times \text{Number of Heads}$ 3.14 (35 ²) × 2 half radii; 2 heads	3846.5ft ²

SYSTEM COMPONENTS	GALLON CAPACITY
Trash Tank: HOOT LA TPS	350
Aeration tank	500 GPD
Pump Tank	750

PUMP	SPRINKLER HEAD
Effluent Blaster	K-Rain Pro-Plus series or equivalent
Model: H 12 EB05, 0.5 HP submersible pump	Nozzle # 6 LA trajectory 12° or equivalent
Operational Flow: 13 GPM	Providing 35 ft. radius, ≤ 30 psi
Adjustment on spray pattern to be achieved with Nozzle screw adjustment and opening sample port.	6.5 GPM flow per sprinkler

PUMP PROBE/FLOAT SETTING	
Low Water Float/probe:	15 inches above floor
High Water Float/ probe:	33.5 inches above floor
Alarm:	33.5 inches above floor
Daily Operational Capacity:	18.5 in. X 14.5 gal/in.= 270 gallons
One Day Reserve Capacity above alarm:	18.5 in. X 14.5 gal/in.= 270 gallons

FLOW, DOSING AND HEAD CALCULATIONS:

FLOW RATE:	$6.5 \text{ GPM/head} \times 2 \text{ heads} = 13 \text{ gpm}$
DOSING RATE:	1 dose @ 270 gal/dose/ 13 gpm \approx 21 min.
<u>TOTAL HEAD:</u>	
ELEVATION HEAD:	0 ft
PRESSURE HEAD:	$30 \text{ psi} \times 2.31 \text{ ft/psi} = 69.3 \text{ ft.}$
FRICITION HEAD:	1" Sch. 40 PVC @ 13 gpm = 4.89 per100ft $150 \text{ ft} \times 4.89 \text{ ft}/ 100 = 7.34 \text{ ft}$
TDH=	$0 \text{ ft} + 7.34 + 69.3 = 76.6 \text{ ft}$ within pump curve

SPECIAL NOTES:
**According to Installer's Manual:
"Night pumping model"**

"Upon initial start up of system, the internal clock assumes daylight just occurred. The system starts the 20 hour clock till pump down. If night comes, and daylight then occurs before the 20 hours has passed, then the pump will automatically pump out at daybreak. This is also the same scenario that will occur if there is a power failure during the day. Every time water touches the high water probe it will turn the pump on for 4 minutes once it clears the high water probe. This cycle will repeat until 20 hours after sun up when the system will pump the entire pump tank."

Further control, if necessary, of the spray pattern will be done through the nozzle screw as well as opening the sample port. If necessary the nozzle screw can shorten the distance on the pattern when turned in further.

TANK INSTALLATION NOTES:

AS PER §285.32 {F}

Bottom of tank installation must be level with out any rocks or protrusions. Set tanks on at least a 4 inch bed of sandy loam, sand, pea gravel or clay loam. This soil is to be free of rock larger then 1/2 inch in diameter. Backfill on tank excavation may include all soils **except for Class IV soil and any soil that contains rock larger then 1/2 inch in diameter.**

§285.32 (a) 1-7

A minimum of 1/8 inch per foot fall is required from the house to tank and SDR 26 (Schedule 40 PVC pipe) must be utilized. For check tank integrity (leak testing), please fill tank with water up to inlet and outlet. All pipe connections to have a proper seal to prevent water either entering or escaping the tank. ++ Tanks set deeper then 12 inches must have risers to allow for access to system.

ELECTRICAL COMPONENTS

§285.34 "All electrical components must be installed in accordance National Electric Code (1999) or any other standards approved by executive director. As well as be in **Electrical line Conduit** as specified by Chapter 285 rules for on-site sewage facilities. **Electrical disconnect to be supplied within view of the system for maintenance and must be weather proof.**"

INSTALLER: §285.53

For this system must have a valid Class II Installer's license and must install the system in accordance with Title 30 TAC §285 On-Site Sewage Facilities. The installer is not to alter any portion of plans or design without expressed permission of the designer. Ultimately it is the responsibility of the installer to maintain setbacks and separation distances as set forth in §285 On-Site Sewage Facilities Table X.

IRRIGATION SUPPLY LINES:

Supply lines for the spray system must be **purple 1" Sch. 40 PVC** to indicate reclaimed water line. These lines are to be set at minimum excavation depth of 6 inches. Any supply line that is run under a driveway or in high traffic areas is to be sleeved. Should the fresh and reclaimed water line cross, place the reclaimed water line 6 inches below the fresh water line and sleeve the reclaimed water line with a solid 20 foot section of pipe, centering the pipe at the intersection of the two lines.

Sleeved lines for driveways and sidewalks are to be Sch. 40.

APPLICATION AREA:

Any trees in the spray area must be trimmed so that the spray applies to trunk only. The sprinkler head must maintain a 10 ft setback from every tree within the application area. Removal of trees must be with the expressed permission of the property owner. Any exposed rocks in the spray area are to be removed or covered with soil, and grass seed. Brush and cactus are to be trimmed or removed from application area at the discretion of the regulatory authority and property owner. The application area must have established vegetation or seeded with Rye, Bermuda or a mixture dependant upon the season. Vegetation must be well established prior to operation of the system. Area must maintain a slope of less then 15%. Area of application may have to have soil added or grade area to maintain the proper slope.

ALARMS:

The system must be installed with an audio and visual alarm system. This alarm system must be mounted in an area that is within hearing and sight proximity of the home.

FILTER:

(HAYS COUNTY/ CALDWELL COUNTY REGULATION)

A 100 mesh filter is to be installed on the supply line prior to the spray heads either within the tank or on the supply line outside of the tank. A purple valve box must also be supplied should the filter be installed outside of the tank.

†† Systems installed within the San Marcos City limits have the option of not using the 100 mesh spin filter.

MAINTENANCE:

§285.7

A "weather resistant" maintenance tag is to be affixed to the system and must contain the name of the company, phone number, specify start date of contract, and be indelibly marked or punched for each date the system had maintenance.

The home owner is required to sustain a contract for maintenance of the Aerobic System with an authorized company. A copy of this contract is to be submitted to the Regulatory Authority.

A 2 year maintenance contract is included with the installation of the system. The Maintenance Company is required to inspect the system operation and submit paperwork to the Regulatory Authority every 4 months.

AFFIDAVIT:

Permit to install may not be issued until a certified copy of the affidavit, which has been recorded at the Hays County Clerk's office, has been filed in reference to the real property deed on which the surface application system is to be installed. A copy of this affidavit is to be submitted with the application. This affidavit indicates that the property will not be sold or transferred to a new owner without the new owner's knowledge that the property contains a surface application system for wastewater disposal.

Permits shall be transferred to the new owner upon legal sale of the OSSF. The transfer of an OSSF permit under section §285.20 (5) of the TNRCC OSSF Rules, shall occur upon actual transfer of the property on which the OSSF is located unless the ownership of the OSSF had been severed from the property.

HOME OWNER (OSSF) OPERATION:

- ❖ Septic Systems are **NOT** to be treated as a municipal sewer system.
- ❖ Water conservation practices should be utilized at all times; which means running your dish machine at full capacity, and taking brief showers, do not allow the water to run when washing your hands or brushing your teeth. <http://www.geocities.com/RainForest/7575/#bath>
- ❖ Repair any leaking faucets and toilets as quickly as possible, even left to drip overnight can over utilize or damage your system.
- ❖ Typically most aerobic treatment plants need to be pumped every 2 to 3 years (**this is the home owner's responsibility**).
- ❖ If you use a garbage disposal unit, (**this is not recommended**), use should be sparingly if at all.
- ❖ **Water softener backwash (if installed in home) must be disposed of in the pump tank portion of the septic system only.** Check with Designer before the addition of water softener. Design changes may have to be made to accommodate additional water introduction into system.
- ❖ Use detergents without phosphates.
- ❖ Chemical or "septic system additives" are **NOT** to be introduced to your septic system.
- ❖ Neither feminine hygiene products nor disposable diapers may be flushed into your system. Other products such as cigarette butts, nasal tissue or other products that do not degrade readily should also not be introduced (flushed) into your system.
- ❖ **The home owner is responsible** for the vegetation in the application area of your system. It should be trimmed as often as possible and special care to be taken around each spray head so as not to damage them. The home owner should maintain strong vegetative cover.
- ❖ Keep brush and rock outside the spray pattern.
- ❖ Also neither rock walls nor concrete walks to be placed within the spray pattern of your septic system. Buildings, storage units or any other construction should be constructed outside of the spray pattern.
- ❖ Do not build anything over your septic tank.
- ❖ Do not plant any kind of edible vegetation in the spray area.
- ❖ Keep all vehicular traffic away from your septic tank and spray area or drainfield.
- ❖ **It is the homeowner's responsibility to check the system periodically for alarms and malfunctions. When one is noted, call your maintenance provider immediately.**

†† This system has been designed in accordance with Local Authority Rules and TCEQ (formerly TNRCC) §285 Rules for On-Site Sewage Facilities. The performance of this system **CAN NOT BE GUARANTEED** although all aspects of this system have met the minimum standards set forth by the State. If failure occurs, additions to the system may be required.

OSSF SOIL EVALUATION FORM

Owner's Name: Boatner, Bruce

Physical Address: 401 Rocky Springs Rd.

Legal Description: Lot 12 Rocky Springs Section One

Date Performed: 8-05-05

Proposed Excavation Depth: Surface Application

Requirements:

- ❖ At least two soil profile evaluations must be performed on the site, at opposite ends of the proposed disposal area. Locations of the profile hole must be shown on the designer's site drawing.
- ❖ For subsurface disposal, soil evaluations must be performed to a depth of at least 2 feet below the proposed excavation depth. For surface disposal, the surface horizon must be evaluated.
- ❖ For the basis of evaluation each soil horizon should be evaluated and all restrictive horizons to be identified. Lines to be drawn at appropriate depth.

Features of Site Area	Yes	No
Presence of 100 year flood zone.		√
Presence of adjacent ponds, streams, water impoundments.		√
Existing or proposed water well in nearby area.	√	
Organized sewage available to lot or tract.		√
Recharge features within 150 feet.		√

Soil Profile # 1

Depth (ft)	Textural Class	Gravel Analysis	Drainage Mottles/Water Table	Restrictive Horizon	Observations
0	III	< 30 %	N/A		Suitable for Spray system
1					
2					
3					
4					
5					

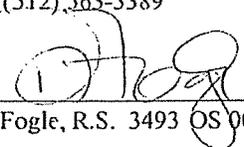
Soil Profile # 2

Depth (ft)	Textural Class	Gravel Analysis	Drainage Mottles/ Water Table	Restrictive Horizon	Observations
0	III	< 30 %	N/A		Suitable for Spray system
1					
2					
3					
4					
5					

I certify that the above statements are true and are based on my own field observations.

Cell Phone (512) 563-3389

Site Evaluator:



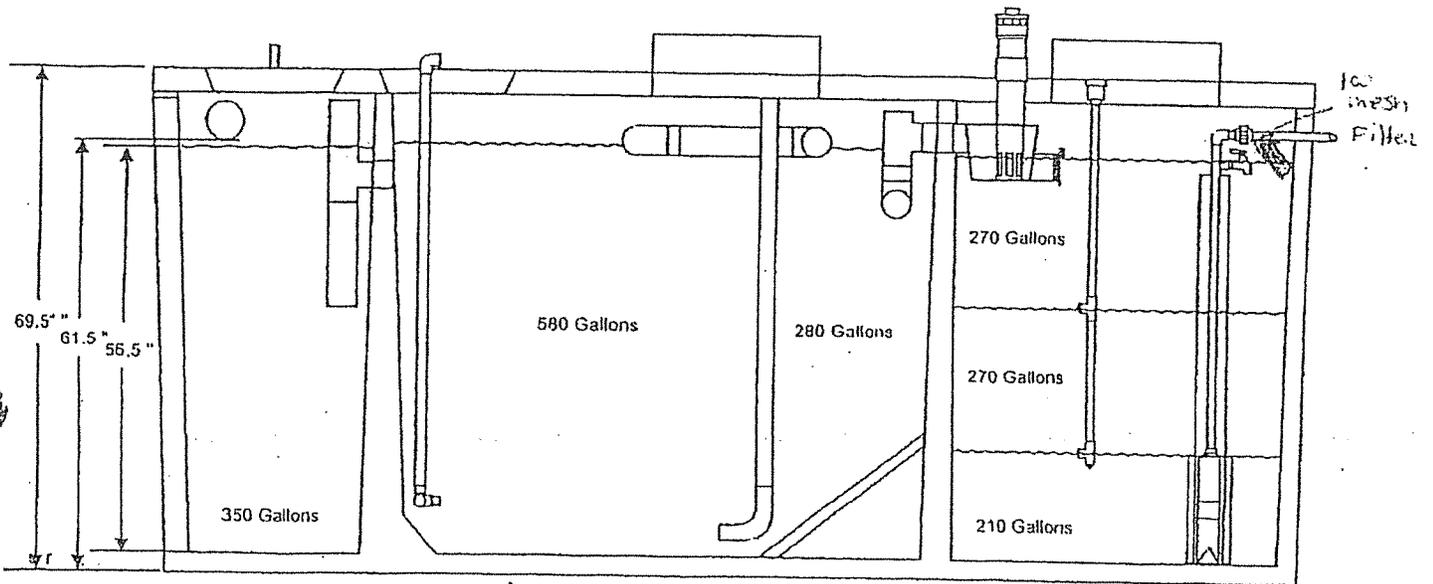
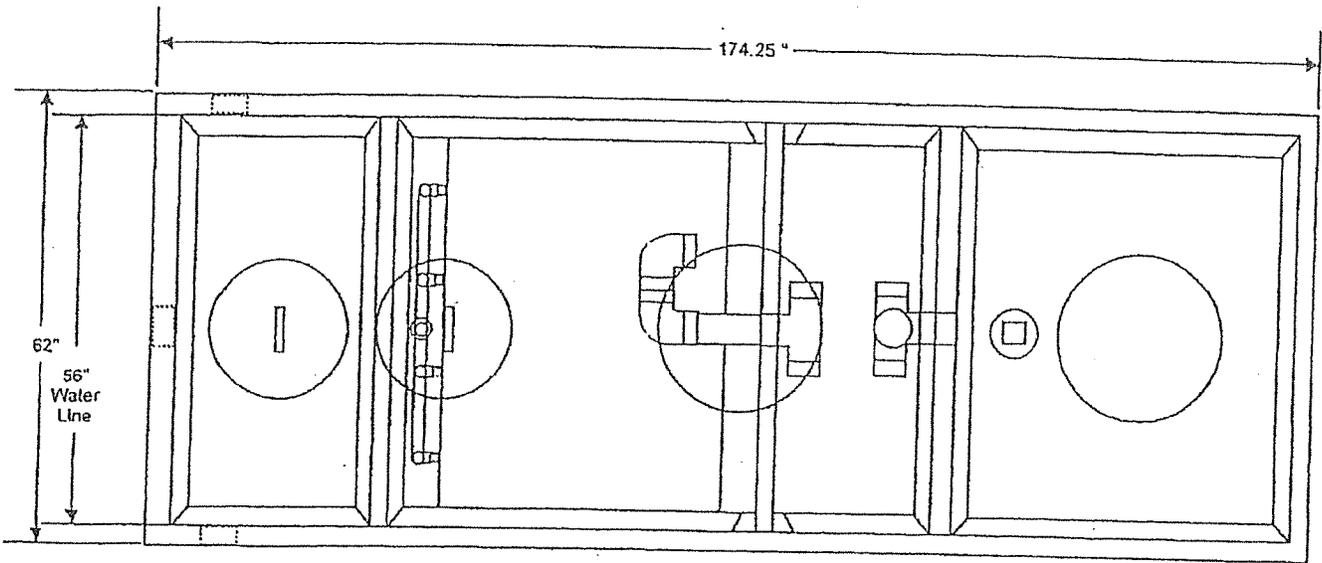
 Dora R. Fogle, R.S. 3493 OS 0010801

RECEIVED

AUG 17 2005

BY: mf

500 GPD NIGHT PUMPING SYSTEM LA-500 TPS Full Day Storage



750 Gallons
210 Gallons Remaining In Tank
 540 Gallons Pumping Capacity



BLASTER®

Filtered Effluent Pump

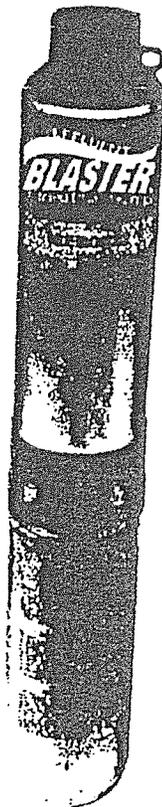
SPECIFICATIONS

Model	Flow Range GPM	Horsepower Range	Best Eff. GPM	Discharge Connection	Maximum Solids Size	Rotation⊙
12EB	3 - 16	½ - 1½	10	1½"	½" dia.	CCW
20EB	6 - 28	½ - 1½	18	1½"	½" dia.	CCW

⊙ Rotation is counterclockwise when observed from pump discharge end.

"EB" SERIES MATERIALS OF CONSTRUCTION

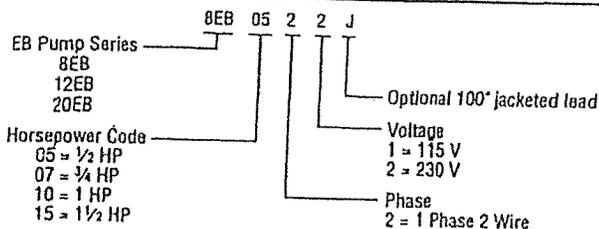
Part Name	Material
Discharge Head	Glass Filled Ultrathane
Check Valve Poppet	Ultrathane
Check Valve O-ring	E P Rubber
Bearing Spider - Upper	Glass Filled Polycarbonate
Bearing	Urethane
Klipring	AISI 301 SS
Diffuser	Glass Filled Polycarbonate
Impeller	Glass Filled Polycarbonate
Bowl	AISI 304 SS
Shim	AISI 304 SS
Spacer	AISI 304 SS, Powder Metal
Inlet Strainer	Glass Filled Ultrathane
Motor Adapter	Glass Filled Ultrathane
Casing	AISI 304 SS
Shaft	
Coupling	AISI 304 SS, Powder Metal



FEATURES

- **Designed for pumping filtered effluent from processed septic systems only.**
- **Field Serviceable:** Pump can be rebuilt in the field to like new condition with common tools and readily available spare parts. **NOTE: The Model EB has left hand casing threads.**
- **Powered for Continuous Operation:** All ratings are within the working limits of the motor as recommended by the motor manufacturer. Pump can be operated continuously without damage to the motor.
- **Metal Parts are Stainless Steel:** AISI types 301 and 304 are corrosion resistant.
- **Non-Metallic Parts are Effluent Compliant:** Impellers, diffusers and bearing spiders constructed of glass filled polycarbonate, an engineered composite. This material is corrosion resistant.
- **Discharge Head:** State of the art engineered composite material for superior strength and corrosion resistance. Loop for safety line molded into head.
- **Motor Adapter:** State of the art engineered composite material with high rigidity to provide accurate alignment of liquid end to motor. Generous space for removal of motor mounting nuts with regular open-end wrench.
- **Bowls:** Stainless steel for strength and abrasive resistance.
- **100' 3 wire motor lead standard.**
- **Consult factory for recommendations involving long run cycles followed by short off cycles to assure proper motor cooling flows.**
- **Check Valve:** Built-in check valve assembly on all models.
- **Warranted for one year against failure due to workmanship and materials. Solids plugged pumps are not covered. Pumps used for liquids other than filtered effluent are not covered.**
- **Stainless Steel Casing:** Polished stainless steel is attractive and durable in the most corrosive effluent.
- **Hex Shaft Design:** Six sided shafts for positive impeller drive.
- **Inlet Strainer:** Molded suction strainer built into motor adapter.
- **Urethane Upper Bearings:** Fluted design for free passage of abrasives.
- **Franklin Electric Motor:**
 - Corrosion resistant stainless steel construction.
 - Built-in surge arrestor is provided on single phase motors.
 - Stainless steel splined shaft.
 - Hermetically sealed windings.
 - Replaceable motor lead assembly.
 - UL 778 and CSA recognized.
 - NEMA mounting dimensions.
- **Optional 100' jacketed power cord available.**
- **Agency Listings:** All complete pump/motor assemblies are UL778 and CSA listed. All Franklin Electric Motors are UL778 recognized.
- **All models have ½" diameter bypass in discharge head to ensure venting on start up.**

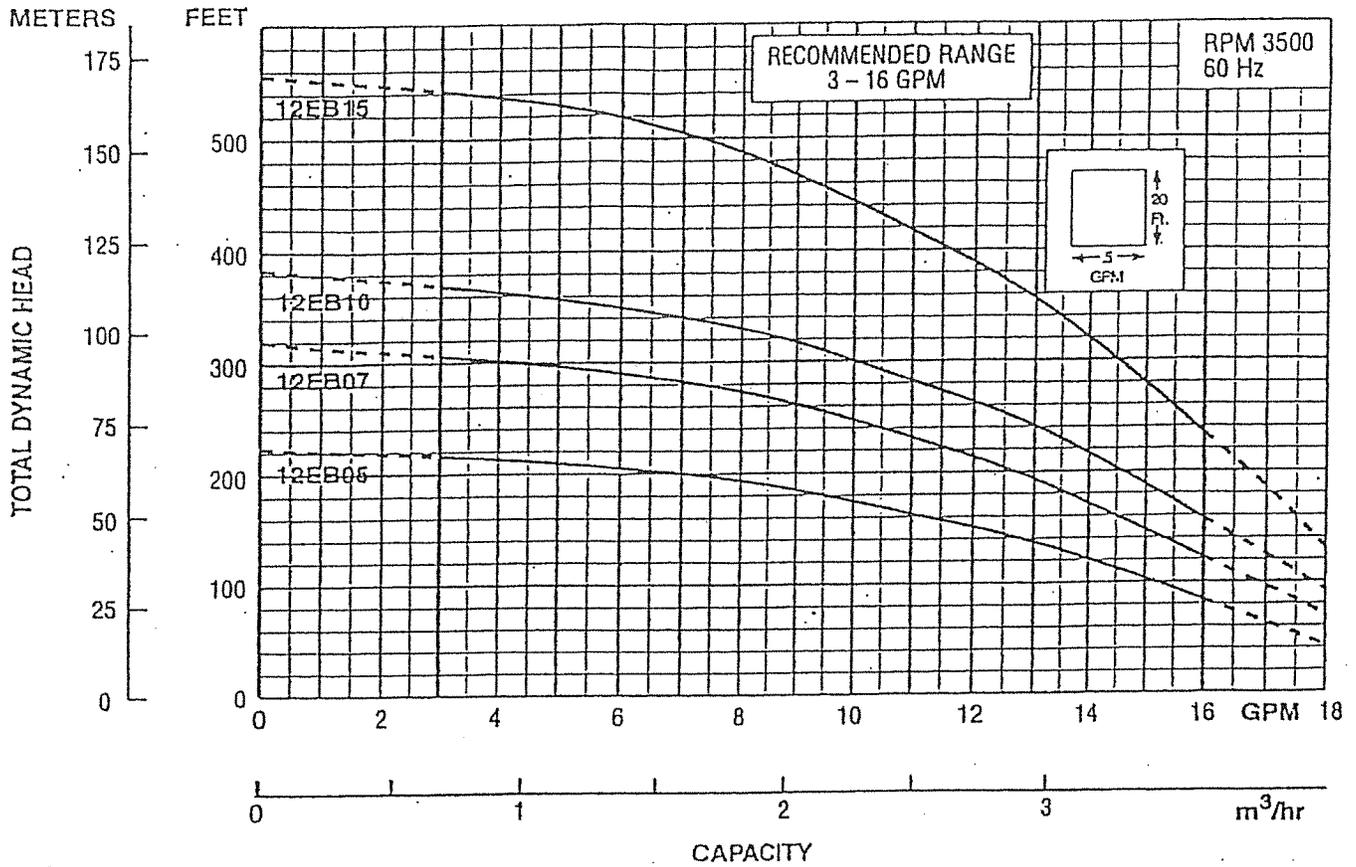
ORDER NUMBER CODE



Underwriters Laboratories
File no. E174428



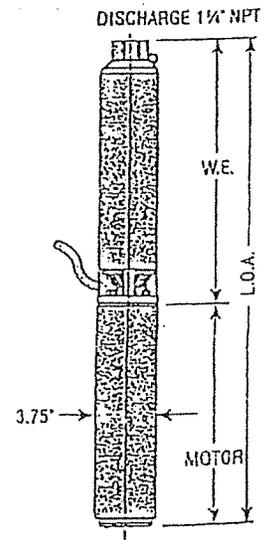
Canadian Standards Association
File no. 38549



DIMENSIONS AND WEIGHTS

Order Number	HP	Phase	Slagas	Length (inches)			Weight (lbs.)		
				W.E.⓪	Motor	L.O.A.Ⓛ	W.E.	Motor	Total
12EB0522, 12EB0521	1/2	1	7	11.0	9.5	20.5	4	18	22

⓪ W.E. = water end or pump without motor.
 Ⓛ L.O.A. = length of assembly - complete pump - water and and motor.



TECHNICAL SPECIFICATIONS: K2 PROFESSIONAL SERIES

FEATURES

- 5 Inch Riser Pop-Up Height
- NEW! Patented Easy Arc Set
- Standard Rubber Cover
- Advanced Riser Seal
- Multi-functional arc set and nozzle removal key
- Easily retrofit to any other system

SPECIFICATIONS

- 3/4" Threaded NPT Inlet
- Arc Adjustment Range 35° to 360°
- Flow Range 1 - 10 GPM
- Pressure Rating 7 - 70 PSI
- Precipitation rate: .02 to 1.7 inches per hour (depending on spacing and nozzle used)
- Overall height (popped down): 7 1/2 inches
- Spacing: 25 feet to 50 feet
- Radius: 14 feet to 50 feet
- Nozzle Trajectory:
 - Standard 27°
 - Low Angle 12°

MODELS

- Adjustable and Full Circle Models
- Optional Check Disk Available

STANDARD NOZZLE PERFORMANCE CHART

Nozzle	PSI	Radius	GPM
#1	30	33'	1.0
	40	35	1.3
	50	38	1.4
	60	38'	1.5
#2	30	38'	2.1
	40	39'	2.5
	50	40'	3.0
	60	41'	3.1
#3	30	41'	2.8
	40	42'	3.3
	50	45'	3.6
	60	46'	4.2
#4	30	43'	3.9
	40	45'	4.5
	50	47'	5.4
	60	52'	5.8
#5	40	49'	6.2
	50	51'	7.0
	60	54'	7.9
	70	55'	8.1
#6	40	47'	8.0
	50	51'	8.9
	60	53'	9.6
	70	55'	10.6

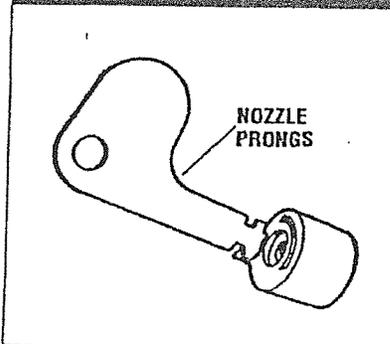
LOW ANGLE NOZZLE PERFORMANCE CHART

Nozzle	PSI	Radius	GPM
#1	30	22'	1.5
	40	24'	1.7
	50	26'	1.8
	60	28'	2.0
#3	30	29'	3.0
	40	32'	3.1
	50	35'	3.5
	60	37'	3.8
#4	30	31'	3.4
	40	34'	3.9
	50	37'	4.4
	60	38'	4.7
#6	40	38'	6.5
	50	40'	7.3
	60	42'	8.0
	70	44'	8.6

DATA REPRESENTS TEST RESULTS IN ZERO WIND. ADJUST FOR LOCAL CONDITIONS. RADIUS MAY BE REDUCED WITH NOZZLE RETENTION SCREW.

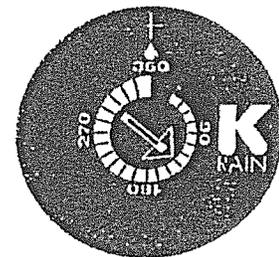
© 1996 K-Rain Mfg. Corp.

EASY NOZZLE REMOVAL



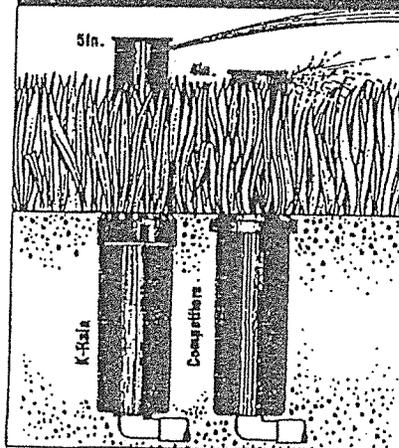
EASY ARC SETTING

ARC SELECTION 35° TO 360°



ADJUST FROM LEFT STOP

K-RAIN VS. COMPETITORS



K RAIN.

IDEAL IN IRRIGATION

K-Rain Manufacturing Corp.
 1640 Australian Avenue
 Riviera Beach, FL 33404 USA
 PH: 561 844-1002
 FAX: 561 842-9493
 EMAIL: krain@k-rain.com
 WEB: http://www.k-rain.com

Details

+ Add Basemap

Save

Share

Print

Measure

Bookmarks

401 Rocky Springs Rd, Wimberley, Texas, USA

Navigation icons: +, Home, -, Refresh

Legend

ETJ



City Limits



Zoning

C2

L2

C1

PR2

PR1

L1

C3

O1

PF

SC

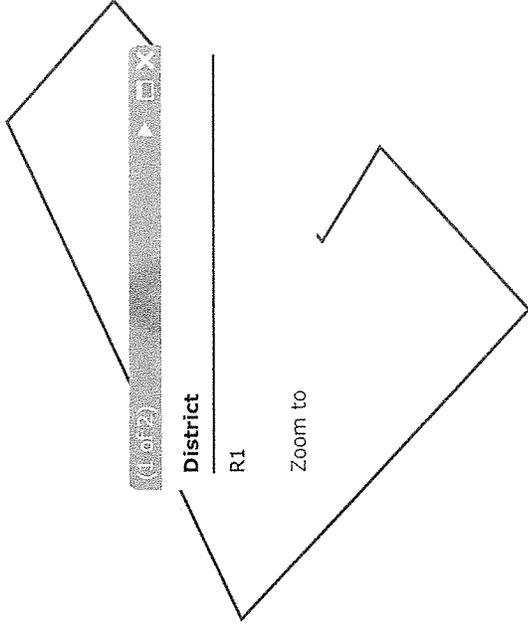
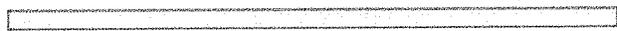
NS

O2

R2

PPU

HC



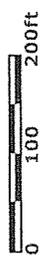
District

R1

Zoom to

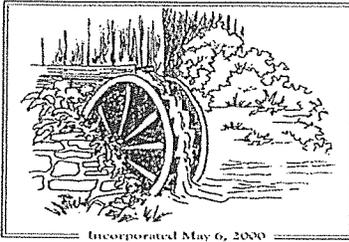
Zonina

Esri.com Help Terms of Use Privacy Contact
Esri Report Abuse



**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, March 24, 2016 at 6:00 p.m.** to consider the following: CUP-16-003 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental on property zoned Rural Residential 1 (R-1) located at 401 Rocky Springs Road in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, April 7, 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

www.cityofwimberley.com

Steve Thurber, Mayor - Cindy Anderson, Mayor Pro-Tem
Council Members - Bob Dussler, Mac McCullough, Pam Showalter & John D. White
City Administrator - Don Ferguson

March 7, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-003**
401 Rocky Springs 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, Bruce & Carole Boatner, have applied for a Conditional Use Permit to allow for a vacation rental on property zoned Rural Residential 1 (R-1) located at 401 Rocky Springs Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, March 24, 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, April 7, 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

Properties within 200' of 401 Rocky Springs:

R40335

Kathy McClain
301 Rocky Springs Rd.
Wimberley, TX 78676

R40341

Raymond Lee Atnip, Jr.
300 Rocky Springs Rd.
Wimberley, TX 78676

R40342

Thomas C. & Ann J. Patton
390 Rocky Springs Rd.
Wimberley, TX 78676

R40343

Craig N. & Barbara Reitz
504 Rocky Springs Rd.
Wimberley, TX 78676

R40338

Robert A. Parker
506 Blue Ridge
Shenandoah, TX 77381

R40337

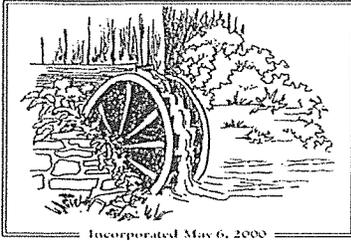
Brynn & Carl Anderson
5812 Gentle Breezes
Austin, TX 78731-3799

R20521

Michael D. Krouse
2500 FM 3237
Wimberley, TX 78676

R17762

Clemente Carlos Alaniz (VLB)
1414 MacClesby Ln.
Channelview, TX 77530-2260



City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas, 78676
Phone: (512) 847-0025 - Fax: (512) 847-0422
E-mail: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CUP-16-003

Owner _____

Date 3/8/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 401 Rocky Springs Rd

which is located on Rocky Springs Rd

Bill Bowers
Asst. Public Works

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

3/8, 2016

Bill Bowers
Signature

March 20, 2016

City of Wimberley
221 Stillwater
Wimberley, Texas 78676

Attention: City Administrator

Re: File No. CUP-16-003
401 Rocky Springs Road, Wimberley, Texas

City of Wimberley,

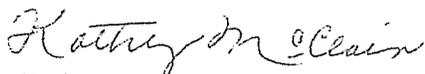
This letter is in response to the Notice of Public Hearing that I received on or about March 7, 2016, wherein Bruce & Carole Boatner have applied for a Conditional Use Permit to allow for a vacation rental on property zoned Rural Residential 1 (R-1) located at 401 Rocky Springs Road, Wimberley, Texas. I am strongly opposed to the rezoning of the property located at 401 Rocky Springs, to allow for a vacation rental.

I purchased my property approximately one year ago because I love Wimberley and want to live in a rural, quiet, residential location. The Boatner's property is visible and audible from my home. If the property becomes rezoned to vacation rental, it will increase the traffic on this "dead end" street. The road is a narrow two lane, hilly road which does not lend itself to safe foot traffic either. In addition to the traffic, short term visitors in the residential neighborhood could possibly increase theft and vandalism.

I understand that the Boatners never intended to live on this property and built the home for rental purposes. Long term rentals do not bring the issues and challenges of vacation rentals. There are plenty of commercial locations in Wimberley to allow for vacation rentals that are not in rural residential neighborhoods.

I would be at the public hearing on March 24th, but I have had a trip planned to see my daughter in D.C. for many months. Thank you for considering my comments,

Sincerely,



Kathy McClain
301 Rocky Springs Road
Wimberley, Texas 78767
512.497.5896

March 23, 2016

City of Wimberley
PO Box 2027
Wimberley, TX 78676

To: City Administrator

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

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

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

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

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

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

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

Respectfully,



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

Rocky Springs Subdivision Sec 1 & 2

Residential Community in Hays County since 1970 – 46 years

Building Restrictions and Reservations Recorded Hays County Vol 241,
page 529 – 535

Incorporated into Village of Wimberley limits in May 2000, now Wimberley.

18 Plated lots sold

14 Owners – some owning multiple lots

3 Owned vacant lots

10 Homes built

8 Homes occupied by full time residents

2 Homes –owned by non residents as second homes

1399/52
R15810

HEINEY
R15798
5.117 AC.
1159/119

MYERS
2.89 AC.
928/896

R15813

PAYTON CONSTRUCTION INC.
015163
2.0 AC.
R15812
10-0277-0030-00000-8

PEBBLE BROOK

FORISTER LINDAUST
R15797

17.34 Ac.
doc:09927561

R16340

DERRICK, L.
1294/709

ALANIZ, C. D.
325/170
6.81 Ac.
R17762

ANTNIP
9.56 A

R40341

ROCKY SPRINGS SEC 1

SCHULTZ
8.99 A

R40348

PATTON
6.14

R40342

REITZ
7.8 AC

R40343

ROCKY SPRINGS SEC 2

TENNYSON
12.02 A

R40347

WALL
10.3 A

R40345

FOSTER
10.19 A

R40344

R40346

HENRY L. LOVEI
R13003
1.03 AC. 010-070

R70304
R96095
R90764

R15799

10-0277-0019-00000-8

R15790

10-0277-0009-00000-8

11.722 ac

1

22

10

00



March 30, 2016

To: Mr. Don Ferguson
City Administrator
City of Wimberley
221 Stillwater
Wimberley, TX 78676

Hello Don,

I'm writing in regard to two re-zoning requests (File No. Cup -16-003 and File No. Cup -16-005).

My wife, Dianne, and I are opposed to any change in zoning for the Rocky Springs subdivision.

We moved here because it was zoned as "single family residential" and that is our continued expectation.

Our neighbors, Craig and Barbara Reitz, have written you recently outlining a number of salient arguments in opposition to re-zoning. I feel they have made excellent points that I support and I'll not try to re-phrase them here again.

I request that the Wimberley City Council support the decision of the Zoning Board and deny these requests for re-zoning for "Vacation Rental Use."

Thank you.

Sincerely,

Dr. Rodger Marion
151 Rocky Springs Rd.
Wimberley, TX 78676
512 814-9730



Subject: Zoning change

From: Rodger Marion ([REDACTED])

To: [REDACTED]

Date: Friday, March 11, 2016 9:55 PM

Hello Craig,

Thank you for telling us about the change of zoning requested by the Boatners.

We purchased our home with the expectation of a quiet, rural setting and the original zoning of our street matches those expectations.

Dianne and I are totally opposed to any change from the original zoning classification for Rocky Springs 1 and 2.

Thanks.

Rodger

Dr. Rodger Marion
151 Rocky Springs Rd.
Wimberley, TX. 78676

March 28, 2016

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

Re: Conditional Use Permit – CUP-16-003
401 Rocky Springs Road
Wimberley, Texas

Dear City of Wimberley,

Please receive this letter as a vote to oppose Conditional Use permitting to the property noted above and allow us to summarize. It is with great concern that we must add our voice to this issue. The reasons are many but most are due to the environmental impact that Vacation Rental properties have in this residential area and the liabilities they bring. Not unlike all of our pristine rivers and streams, Smith Creek has been very dear to us since we built and moved here in 1984. We have had to pick up dirty diapers along with other trash from the vacationers who refuse to respect private properties and ignore the signs. We have had to ask those to stop shooting guns so near to our home. Their targets; the bottles and cans they had just thrown into the creek. They do not care that the next weekenders have to deal with the broken glass as they swim in the creek.

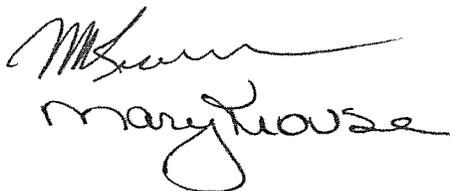
Another matter of concern is sewage. Of course we don't know the condition of the sewer and waste facilities in this house but we do know the use will probably increase beyond what was originally designed, permitted and installed for a residence if they are to become a vacation rental. And if the system overflows, guess where the effluent is going.

And lastly is our concerns on liability issues. Those who vacation, those who spend their leisure in places other than their home, seem to throw caution to the wind in their search to 'get away from it all'. Then, when they or a member of their party gets hurt on properties owned by others, they look to bring their suits against these owners, even though they were the trespassers.

We have owned and lived in Arrow Lake Acres for 32 years and, contrary to others in the subdivision have abided the restrictions, one of which disallows businesses to be operated in Arrow Lake Acres. For all of the reasons mentioned above and many not, we're asking the city to deny Conditional Use permitting to this and all properties in the area.

Your attention to this matter and our concerns is greatly appreciated.

Sincerely,
Michael and Mary Krouse
2500 FM 3237
Wimberley, Texas 78676

A handwritten signature in cursive script, appearing to read "Mary Krouse". The signature is written in dark ink and is positioned to the right of the typed name.

March 26, 2016

Clement C. Alaniz
1414 McClesby LN.
Channelview, TX 77530

City of Wimberley
Attn: Don Ferguson
P.O. Box 2027
Wimberley, TX 78676

RE: File No. CUP-16-003

Upon review of City of Wimberley's notification regarding 401 Rocky Springs Rd., I have strong concerns against re-zoning site from rural residential to (R-1) to vacation rental property. My concerns lie with protecting the integrity of the natural environment, both the land and Smith Creek, and in maintaining the peaceful rural residential atmosphere. Granting a vacation rental property permit would affect property owners far more than 200 feet from boundary.

Environmental impact on land and Smith Creek:

- Litter pollution
- disturb wildlife
- hazardous waste overspill (septic)

Commercial impact:

- security
- noise pollution
- potential loss of home values on nearby residential property

I appreciate the opportunity to comment on the pending permit and respectfully look forward to your resolution.

Sincerely,

Clement C. Alaniz

A handwritten signature in black ink, appearing to read 'Clement C. Alaniz', written in a cursive style.

Subject: 401 and 505 rocky springs

Date: Tuesday, March 29, 2016 1:43:00 PM Central Daylight Time

From: Gil Bruvel

To: dferguson@cityofwimberley.com, cmcpartland@cityofwimberley.com

CC: [REDACTED]

Don Ferguson, City Manager and Wimberley City Council

I reside at 306 Rocky Springs Road in Wimberley, and have absolutely NO OPPOSITION to the City issuing a permit for the homes referenced as vacation rentals. I have experienced none of the claimed increased traffic, crime or disturbances as a result of these homes being rented over the last two years. I fully support their request for a permit.

Please feel free to contact me with questions or if you need anything additional from me.

Gil Bruvel
512-484-6520
306 Rocky Springs Road
Wimberley, TX 78676

Subject: C.U.P. Application by the Boatner's

Date: Monday, March 21, 2016 1:50:58 PM Central Daylight Time

From: Prowd House

To: dferguson@cityofwimberley.com, cmcpartland@cityofwimberley.com

CC: [REDACTED]

Mr. Ferguson,

It has been brought to our attention that Carol and Bruce Boatner have applied for a "Commercial Use Permit" at 401 Rocky Springs Road. It has also been brought to our attention that there has been some resistance to this application by Ms. McClain who live at 301 Rocky Springs.

It is our understanding that the Boatner's have been operating their property without an approved C.U.P. for some considerable time, without a single incident of any kind, which they now realize contravened the C.U.P. ordinance and are now attempting to put that right.

The McClain's have lived at their address also for some considerable time and have not found it necessary to lodge any kind of complaint that relates to their current objection. Therefore how can their objection be considered relevant? With regard to the possible increase in crime which is part of their complaint we, 'Prow'd House' have been in operation over 15 years without a single threat of any kind. In fact it is more likely that the crime threat would be reduced with having the property occupied.

We realize that we are outside the specific area of notification for the subject application but we are still close neighbors and believe that the Boatner's have operated their vacation home in a very professional manner that probably resulted in the McCain's not even being aware that the house was being used for this purpose until now. Therefore they should be encouraged to re-think their objections when they are in receipt of all the circumstances.

Donna & Dave Kyte on Duty at Prow'd House



304 Rocky Springs Road.

Subject: CUP application for 401 Rocky Springs Road, Wimberley

Date: Monday, March 21, 2016 1:55:16 PM Central Daylight Time

From: [REDACTED]

To: dferguson@cityofwimberley.com

RE: CUP application for 401 Rocky springs Road, Wimberley

We own the home at 505 Rocky Springs Rd, next to the above property. It is our understanding that the owners are seeking a CUP to use the home as a vacation rental.

We are in support of the CUP for this property. We have owned our property since 2012, and can say without question, that there have not been any incidents of crime, mischief, loud noise or increased traffic since this home has been used for a vacation rental. The home is extremely well maintained, and we far prefer having people rent it, because we feel it may even discourage criminal mischief because it is occupied and monitored. There is a local full-time vacation rental agency that responds to any questions or concerns quickly and takes care of any problems immediately.

Thank you for your consideration,

Brynn & Carl Anderson

512-297-9552 or 512-689-7327

Subject: Boatner CUP request.

Date: Monday, March 28, 2016 6:37:09 PM Central Daylight Time

From: Edward Foster

To: dferguson@cityofwimberley.com, cmcpartland@cityofwimberley.com, Edward Foster

To Don Ferguson, I would like to articulate a few words on the Boatner's behalf regarding the recent request for a CUP. To the best of my knowledge there is no correlation or cause effect on temporary rentals leading to a spike in crime. Most folks renting a home for vacation in our beautiful city are looking for rest and relaxation, not to perform illegal activities. Even if that was the case a paper trail would exist to link the perpetrators and the crime together.

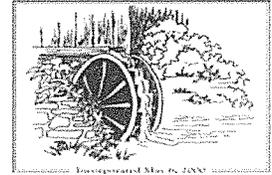
Traffic flow is a net wash in that the same amount of people drive on Rocky Springs whether or not they live here permanently or transitionally.

Furthermore, most of us move to the country areas to be relatively free of restrictions and normally there is somewhat of a give and take philosophy. I'm not aware of any one around here being in 100 per cent compliance with all our restrictions. People in glass houses should not throw rocks or "he that is without sin among you cast the first stone". Stones have been cast but maybe we can minimize the damage by reconsideration.

Thanks again---sincerely Ed foster Prying Eyes

inspections.

Report for CUP-16-004



Summary:

An application for a Conditional Use Permit for a Vacation Rental Facility property at 1851 Flite Acres Road

Applicant Information:

Applicants:

Aaron J. & Angela D. Scott
13501 Ranch Road 12, Ste. 103
Wimberley, TX 78676

Property Owners:

Aaron J. & Angela D. Scott

Subject Property:

Legal Description:

Shepherd's Rest, Lot 1, 2.145 acres

Location:

1851 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 Area

I

Overlay District

None

Surroundings:

Frontage On:

Flite Acres Road

Area Zoning and Land Use Pattern:

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

Legal Notice

200' Letters:

3/7/16

Published:

3/3/16

Sign Placement:

3/8/16

Responses:

None

Comments:

The applicants, Aaron and Angela Scott, are seeking a Conditional Use Permit (CUP) for the operation of a vacation rental facility on 2.145 acres of property located at 1851 Flite Acres Road. The subject property is zoned Single Family Residential 2 (R-2) and located in Planning Area I. Vacation rental facilities are allowed on R-2 zoned properties with a CUP.

Currently, there is a 2,484 square foot, five (5) bedroom residence on the property. The applicant is proposing to use the residence as a vacation rental, with a maximum occupancy of twelve (12) people.

There is a properly permitted and functioning on-site septic system that serves the residence 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.

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

Guests would be required to park on the subject property.

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 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.

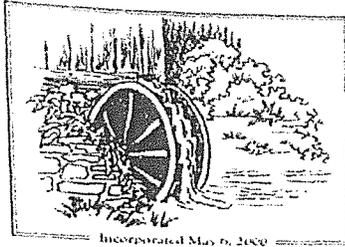
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (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 twelve (12) persons when and if the septic system serving the subject residence is properly permitted and upgrade to meet the requirements for twelve (12) persons. Until such time as that occurs, the maximum occupancy shall be four (4) persons.

15. Landline telephone phone 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. Guests shall park on-site and on a non-grass surface. Such parking shall be limited to no more than four (4) vehicles.

To date, City staff has received no responses either for or against the CUP request.

On March 24, 2016, the Planning and Zoning Commission held a public hearing on the requested CUP. Afterwards, the Commission voted 6-1 to recommend approval of the CUP with the conditions listed above.



RECEIVED
FEB 24 2010

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 10 - 004

FOR OFFICIAL USE ONLY

Application Date: _____ Tentative P&Z Hearing: 3/24 Tentative Council Hearing: 4/2

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

PROJECT SITE ADDRESS: 1851 Elite Acons Rd. Wimberley, TX 78676

OWNER/APPLICANT Aaron + Angie Scott PHONE (512) 753-2626

MAILING ADDRESS: 13501 RR 12 Suite 103,

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

Planning Area I Zoning R2 Total Acreage or Sq. Ft. 1 track ~~2300 sq ft~~

Subdivision: Shepherd's Rest Lot 1 Block _____ 2.145 ac

Appraisal District Tax ID #: R 129705

Deed Records Hays County: Volume 14 Page 358

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

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

UTILITY PROVIDERS:

Electric Provider: Pedernales

Water Provider or Private Well: Wimberley Water Supply

Wastewater Service Provider or Hays County Septic Permit No: 2009-112

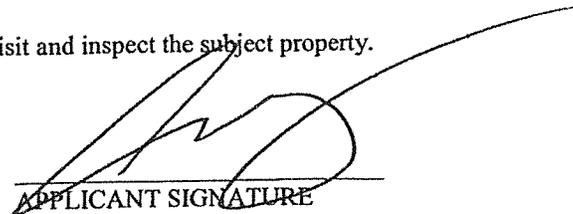
MY REQUEST IS BASED ON THE FOLLOWING:

- (✓) 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. *See Attached*
- (✓) List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property. *See Attached*
- (✓) 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.

2/19/16
DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:
Date 2/19/16


AGENT SIGNATURE

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

Owner: Aaron and Angie Scott

LOCATION OF PROPERTY: 1851 Elite Acres Rd

LEGAL DESCRIPTION: Lot 7, Shepherds Rest, volume 14, page 358

PLANNING AREA: _____

PRESENT ZONING: Residential

EXISTING USE: home

USE TO BE GRANTED: Residential Bed & Breakfast Lodging

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. 5 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 11 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.

MAXIMUM OCCUPANCY: 11 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* *Via Hidden Valley Rd* 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.

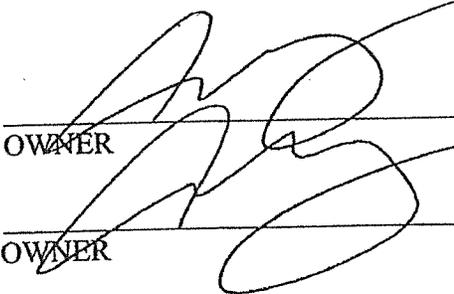
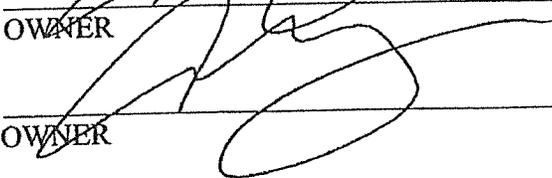
REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

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:

2/19/16
DATE

2/19/16
DATE

OWNER 
OWNER 



FEB 24 2016

February 24, 2016

City of Wimberley

221 Stillwater Drive

Wimberley, TX 78676

To Whom It May Concern:

Please find attached the Conditional Use Permit application for the property at 1851 Flite Acres Road, Wimberley, TX 78676. SkyRun Vacation Rentals manages this property for the home owner. If you have questions or concerns regarding this application, please contact Aaron Scott at (512) 753-2626.

Thank you in advance for your consideration.

Sincerely,

SkyRun Vacation Rentals

Special Conditions for 1851 Flite Acres Road, Wimberley, Texas 78676

This property is managed by SkyRun Vacation Rentals (512.753.2626) located in Wimberley, Texas. We have several properties that we manage in the Wimberley area. We have three employees that live a half a mile away from this particular property and at least one employee drives by the property at least every other day.

We also have a digital lock that allows us to see when guests check in and out. In addition we are installing a video camera to enforce our vehicle maximum. The vehicle maximum at this property is 5 and the guest maximum is 11. Guests who violate our policies are fined and forced to vacate immediately.

We also enforce strict quiet hours of 10pm-8am every single day.

We also require our guests to keep all trash in trashcans and never leave trash bags outside but rather in the trash bins.

We are complying with paying the 5% City of Wimberley tax to the city as requested.

We have the trashcans and recycling cans pulled out to the road the night before pickup and we roll them back in the next morning.

We also don't allow fires of any kind and post "Burn Ban" signs on the refrigerators when the Burn Ban is on.

We have also passed out business cards with SkyRun's owners cell phones on them and after hours numbers to neighbors close by.

Guests may walk down Flite Acres Road to the Hidden Valley Crossing and splash in the river. We instruct them to stay on the road in the river. It's trespassing if they go on anyone's property.

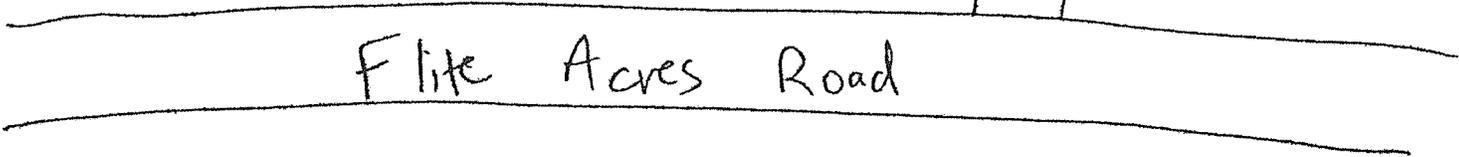
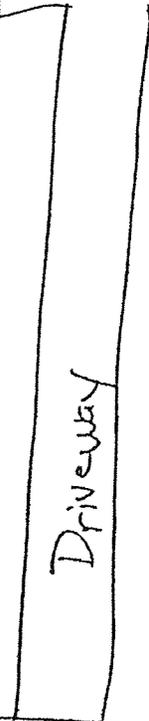
We have someone on call 24/7 who is ready to receive phone calls, voicemails and respond in person to any emergency within 15 minutes.

If you have any further questions please let me know and we will address it immediately.

Aaron Scott and Scott Teuton, owners
SkyRun Vacation Rentals
512.753.2626 - Aaron
830.221.8344 - Scott

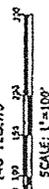
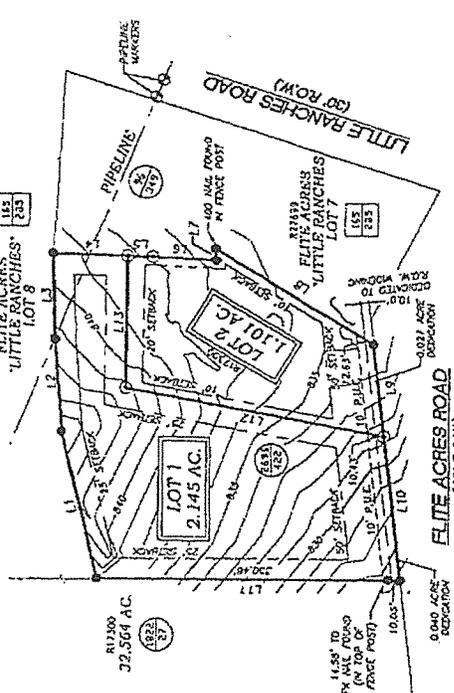
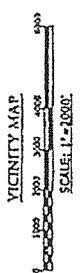
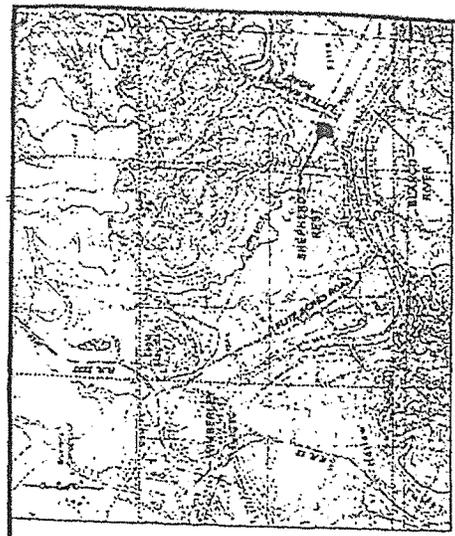


site plan



SHEPHERD'S REST

A SUBDIVISION OF 3.246 ACRES OF LAND
OUT OF THE HUGH G. PANNELL SURVEY No. 70, ABSTRACT No. 368,
HAYS COUNTY, TEXAS



- PLAT NOTES**
- The plat lies within the boundaries of the Colorado Aquifer Contributing Area.
 - No portion of this plat appears to be within the boundaries of the 100-year floodplain as depicted on Hays County Community Flood Hazard Map 0305 F, dated September 2, 2003.
 - The plat lies within the City of Winberry, Texas.
 - The portions of the City of Winberry Comprehensive Plan that do apply to the subdivision are:
 - Land Use/Development
 - Lot 1 shall be R-1, Rural Residential (minimum 2 acres lot);
 - Lot 2 shall be R-2, Single-family residential 2 (minimum 20,000 square foot lot).
 - The plat lies within the Winberry Independent School District.
 - Water services for this plat is provided by Winberry Water Supply.
 - So structures in this subdivision shall be connected to a public sewer system or to an on-site septic system which has been approved and permitted by Hays County Enforcement Health.
 - Responsibility for this plat is provided by Peasemeys Electric Cooperative, Inc.
 - Telephone service for this plat is provided by Verizon.
 - When required, lots shall have a minimum driveway setback area of 10'.
 - Sublot requirements:
 - 50' setback along Elite Acres Road
 - 10' setback at other sides
 - The plat contains two lots, Lot 1, 2.145 ac. and Lot 2, 1.101 ac. for a total of 3.246 acres.
 - The Average Gross Percentage was determined on the ground and is:
 - Lot 1 = 40.33 percent based on a 10' setback along Elite Acres Road
 - Lot 2 = 2.21 percent based on a 10' setback along Elite Acres Road

UNITY CERTIFICATION
Winberry Water Supply Corporation (C0710314), an approved public water supply system, has determined with certainty to supply this subdivision in accordance with the requirements of the water supply system.

[Signature]
Director for Winberry Water Supply Corp.

I, Don Ferguson, City Administrator of the City of Winberry, Texas, hereby certify that this plat conforms to all requirements of the Subdivision Regulations to which approval is required.

[Signature]
Don Ferguson, City Administrator
City of Winberry, Texas

Based upon the representations of the engineer or surveyor, John, that he offered herein and other data of the plat as represented by the said engineer or surveyor, I find that this plat conforms with the requirements of the City of Winberry. This certification is made solely upon such representations and shall not be relied upon for verifications of the facts alleged. The City of Winberry disclaims any responsibility to any member of the public for independent verification of the representation, field or otherwise, contained in this report and the documents referenced therein.

[Signature]
Don Ferguson, City Administrator
City of Winberry, Texas

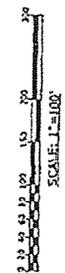
I, Paul D. Robinson, City Engineer of the City of Winberry, Texas, do hereby certify that this report conforms to all requirements of the Subdivision Regulations to which approval is required.

[Signature]
Paul D. Robinson, City Engineer
City of Winberry, Texas



STATE OF TEXAS
COUNTY OF HAYS
I, Paul D. Robinson, City Engineer of the City of Winberry, Texas, do hereby certify that this report conforms to all requirements of the Subdivision Regulations to which approval is required.

[Signature]
Paul D. Robinson, City Engineer
City of Winberry, Texas



LINE	LENGTH	BEARING
L1	183.64	N75°58'28"E
L2	114.75	N85°49'28"E
L3	105.26	N88°14'25"E
L4	89.05	S09°43'11"W
L5	29.45	S09°43'11"W
L6	25.26	S97°33'02"W
L7	13.99	N87°28'17"E
L8	222.99	S107°47'33"W
L9	114.47	S83°09'00"W
L10	175.26	S83°09'00"W
L11	365.04	N09°37'02"W
L12	318.67	N09°44'35"E
L13	193.09	S09°16'49"E

STATE OF TEXAS
COUNTY OF HAYS
I, Linda Fritsche, Clerk of Hays County, Texas, do hereby certify that this plat conforms to all requirements of the Subdivision Regulations to which approval is required.

[Signature]
Linda Fritsche, Clerk of Hays County, Texas

TO CERTIFY NEARLY, WITNESS BY MY HAND THIS 26 day of August, A.D. 2008.

[Signature]
Angela Schell
1651 Elite Acres Road
Winberry, Texas 78719

STATE OF TEXAS
COUNTY OF HAYS
BEFORE ME, the undersigned authority, on this day personally appeared, Angela Schell and Angela Schell, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they have executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

[Signature]
Angela Schell
Notary Public, and for Hays County, Texas

NOTARY PUBLIC, and for Hays County, Texas

I, Linda Fritsche, Clerk of Hays County, Texas, do hereby certify (excepting instrument of which its certificate of authentication was not filed in my office on the 26 day of August, A.D. 2008 at ELITE address, A.M., and duly recorded on the 26 day of August, A.D. 2008) that the plat of subdivision of the land in the Plat records of said County and State, in Plat Book No. 14, Page(s) 357-358.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, this 26 day of August, A.D. 2008.

[Signature]
Linda Fritsche, Clerk of Hays County, Texas



LEGEND
 0 - 1/2" ROW ROAD W/CP
 " - UNLESS NOTED
 0 - 1/2" ROW ROAD SET-BACK/4000
 SCHEDULED
 DASHED
 SCHEDULED
 HAYS COUNTY OPTIONAL
 PUBLIC RECORDS
 HAYS COUNTY PROPERTY
 CONFIRMATION NUMBER

Driftwood Surveying
 1651 Elite Acres Road
 Winberry, TX 78719
 P.O. Box 373
 Winberry, TX 78719
 FAX (512) 817-2312
 TEL (512) 817-2372
 PROJ. NO. MC00108
 SHEET 1 of 1



Hays County Environmental Health

1251 Civic Center Loop
SAN MARCOS, TX 78666

Phone:

Notice of Approval/Final Inspection Permit #: 2009-08

Location: 1861 FLITE ACRES ROAD, WIMBERLEY TX 78676
SHEPHERD'S REST Block: Lot: 1
Owner: SCOTT, AARON J

Permit Date: 4/3/2009
Phone: (512) 753-2626

THIS IS TO CERTIFY that the above On-Site Sewage Facility meets or exceeds the basic requirements established by the Texas Commission on Environmental Quality and Hays County.

License to operate this facility is hereby granted to the owner. This license simply grants permission to operate this facility; it does not guarantee its successful operation. Routine maintenance and proper functioning are the sole responsibility of the owner.

KEEP THIS LICENSE with important papers. You may need it when selling your house or if a malfunction occurs.

The above referenced On-Site Sewage Facility has been inspected by Hays County for compliance with the rules and based on information provided in the application, has been found to comply with the requirements of those rules.

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

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

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

The specified backfill should not be altered or covered in any way except for sodded grass or grass seed cover to promote evaporation and transpiration. All plumbing in the house should be kept in good repair to minimize flooding of the drainfield.



Corrie Smith
Agency Official

4-15-09
Date

Hays County Environmental Health

1251 Civic Center Loop
SAN MARCOS, TX 78666

Phone:



AUTHORIZATION TO CONSTRUCT AN ON-SITE SEWAGE FACILITY

Permit #: 2009-08

Location: 1861 FLITE ACRES ROAD, WIMBERLEY TX 78676
SHEPHERD'S REST Block: Lot: 1
Owner: SCOTT, AARON J

Permit Date: 4/3/2009
Phone: (512) 753-2626

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.

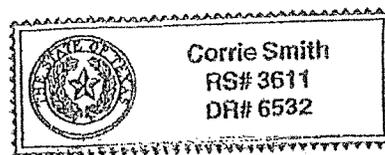
CONTACT THE HAYS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT FOR REQUIRED INSPECTIONS.

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.



Corrie Smith
Agency Official

A
4-3-09
Date

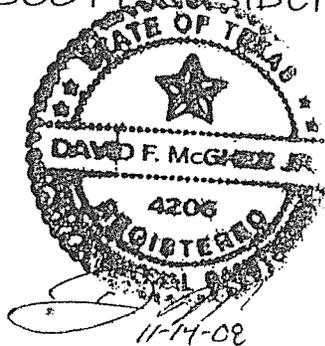
PLAN-IT SEPTIC DESIGN & SERVICES,
L.L.C.

DESIGNING FOR A HEALTHIER PLANET

TBD FLIGHT ACRES ROAD
LOT 1 OUT OF THE HOUGH G. SCOTT PANNELL
SURVEY NO. 70, ABSTRACT NO. 368
HAYS COUNTY, TX

FOR

THE SCOTT RESIDENCE



PLAN-IT CONTACT INFORMATION:

6208 TANGLEWOOD TRAIL • SPRING BRANCH • TEXAS • 78070 • 210-347-1593
PLAN-IT@HOTMAIL.COM



SYSTEM SUMMARY

On November 14, 2008 Plan-It Septic Design & Services, L.L.C. began an On-Site Sewage Facility design located at Flite Acres Road, Hays County, Texas. This design was performed in conformance with Chapter 285 of Texas Commission on Environmental Quality.

This system is comprised of the following:

- **System Designed For:** 240 Gallons Per Day
- **Tank:** 1250 gallon 2 compartment (Use Affordable Concrete Products or equivalent)
- **Required Drainfield area:** 1200 Square Feet
- **Required Linear Footage of Trenches:** 240 Feet
- **Actual Linear Footage with 25% Reduction for Leaching Chambers:** 188' will be used
- **Trench Depth and Width:** 2, 3' wide trenches, 94 feet long on 6' centers. Backfill with class III soil or native material. Please note that a 16" concrete block will be placed at the bottom of the Panel where the distribution pipe enters the drainfield to avoid any "wash-out" of soil.

SITE DESCRIPTION AND SITE EVALUATION

The subject property consisted of a 2.145 acre irregular tract of land located at TBD Flite Acres Road. The existing vegetation consists of some native grasses live oak and juniper trees. The soil evaluation indicated class III soils. No evidence of shallow groundwater was noted. This site has suitable soil for a conventional system utilizing Infiltrator Panels. The single family residence will utilize a public water supply for potable water. No portion of this system lies within 10 feet of a waterline. There are no recharge features within 150 feet of this proposed system. No portion of this site lies within the 100-year flood plain. Minimum separation distances as stated in § 285.30 TCEQ, On-Site Sewage Facilities must be maintained.

Cara McPartland

From: SkyRun Aaron [REDACTED]
Sent: Monday, March 14, 2016 1:25 PM
To: Cara McPartland; dferguson@cityofwimberley.com
Subject: septic design for 1851 Flite Acres Road
Attachments: aaron scott design.pdf; ATT00016.txt

Don and Cara,

Could you forward this to Kyle (I can't find his email address). It's a copy of the redesigned septic system for 1851 Flite Acres Road that gets us to the 12 person occupancy. Thank you for your help. I have the septic guy ready to dig and install when I get the green light from the council.

Southwest Septic Design

On-Site Sewage Facility Application and Design

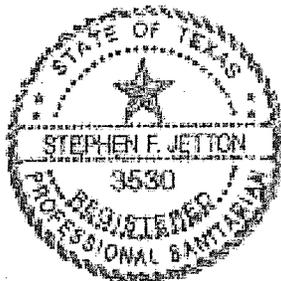
Prepared For:

Scott Residence
1851 Flite Acres Road
Wimberley, Texas

Design 302516

Prepared By:

Stephen F. Jetton March 13, 2016
Registered Professional Sanitarian



S. Jetton

Stephen F. Jetton • Southwest Septic Design
2573 Deer Stand Loop • San Marcos, Texas 78666 • Fax (512) 392-5645 • Mobile (512) 757-1259
E – Mail stephen.jetton@gmail.com

Southwest Septic Design

2573 Deer Stand Loop
San Marcos, Texas 78666
Hays County

Fax (512) 392-5645
Mobile (512) 757-1259

Design Report On-Site Sewage facility Standard Gravity Flow Septic System

OWNER/SITE LOCATION:

Scott Residence
1851 Flite Acres Road
Lot 1, Shepherds Rest
Wimberley, Texas

SITE DESCRIPTION & EVALUATION:

A site evaluation indicated class III soils (see attached soil evaluation report). No evidence of shallow groundwater was noted. This property is within the Edwards Aquifer Recharge Zone, but no recharge features are located within 150 feet of the proposed system. ***All portions of this proposed OSSF will maintain at least a 10' separation from all water lines.*** According to the Federal Emergency Management Agency Flood Insurance Rate Map, the area of proposed construction does not lie within zone A, 100-year Floodplain. Minimum separation distances as stated in §285 TCEQ, On-Site Sewage Facilities, must be maintained.

WASTEWATER DESIGN FLOW:

This design is for an existing ~ 2000 sq. ft., single-family residence with 3-bedrooms and utilizing low-flow fixtures. A public water supply will service this residence (***Wimberley Water Supply***). The owner would like to upgrade the existing system to accommodate 12 people. Rating each person at 60 gallons each, the total projected daily waste flow will be ***720 gallons per day*** per Texas Commission of Environmental Quality (TCEQ) On Site Sewage Facilities 12-27-2012.

SYSTEM DESCRIPTION:

This residence currently has an existing system. The existing 1250 gallon tank will be completely abandoned. The existing 180' of leaching chambers are in fine working order and will be utilized with the new tank and additional drain field. The existing tank will be replaced with a new 2000-gallon, two-compartment septic tank. An additional ***360 linear feet*** of trench will be added for the disposal area. This system has been designed, by request of the property owners, to the minimum standards effective to this date. Therefore, performance of the system is not, and cannot be guaranteed, even though all provisions of the rules and regulations have been complied with. If failure should occur, additions to the system may have to be made. In extreme cases, a substitute system may be required. By accepting this design, the aforementioned agrees and understands that the designer cannot, and will not be liable for any more than the agreed upon design fee.

Abandon Regulations:

The installer will abandon the existing system according to §285.36 Abandoned Tanks, Boreholes, Cesspools, and Seepage Pits.

- (a) An abandoned tank is a tank that is not to be used again for holding sewage.
- (b) To properly abandon, the owner shall conduct the following actions, in the order listed.
- (1) All tanks, boreholes, cesspools, seepage pits, holding tanks, and pump tanks shall have the wastewater removed by a waste transporter, holding a current registration with the executive director.

All tanks, boreholes, cesspools, seepage pits, holding tanks, and pump tanks shall be filled to ground level with fill material (less than three inches in diameter) which is free of organic and construction debris.

Absorption Area Calculations:

Total size of Residence		2000 ft ²
Total number of bedrooms		3
Average Expected Flow	<i>Usage water saving devices</i>	720
Loading Rate	<i>Class III Sandy Loam</i>	0.20
Application Area Required	<i>Area = flow/loading rate</i> <i>Area = 720/0.20</i>	3600 ft. ²
Application Area Used	<i>A = A/ 5</i>	540 linear ft. of Trench minimum; 540' utilized

System Components:

2000-gallon, two-compartment septic tank.
 4, 3' wide trenches each 90' in length (new construction).
 2, 3' wide trenches each 90' in length (existing).
 72 Total ARC 36 Panels (new construction).
 Zabel Filter must be placed in the outlet of the Trash Tank.
 Trench Depth: 18" – 36"

**ARC 36 Panels will substitute the drain-lines. The installer may use a 25% reduction in drainfield sizing.*

Location of System:

All setback requirements from water wells, water lines, and property lines must be observed. The exact location of the tanks and field lines are noted in the enclosed plans.

Inspection Requirements:

Installer must notify designer upon completion of the following items of work in order that the designer may inspect the work as required for certification.

- Excavation of the drainfield.
- Installation of gravel and pipe.
- Final cover of drainfield, seeded with perennial grass seed.

Installation Notes:

- Refer to site plan for component placement.
- All materials and construction methods are required to conform to the standards for Private Sewage Facility's set forth in the Texas Administrative Code, §285 On-Site Sewage Facilities.
- The installer must have a current and valid Texas installer's license; if the property owner will be installing the system, no license is required.
- The installer must notify designer and regulatory authority at least 48 hours in advance to schedule required inspections to ensure that the system is installed in accordance with the approved plans and specifications.
- The installer may not alter these plans without the approval of the designer.
- Diversion berms will be placed when needed to protect disposal area from excessive runoff.
- It is the responsibility of the installer to maintain the minimum setback requirements as stated in §285.
- The contractor, as to the proper operation of the system, will inform the owner that the system must be operated correctly in order to function properly.
- The owner will be solely responsible for failure to operate the system properly or for any modifications to the system by the owner, which subsequently cause the system to malfunction.

Installation Notes:

- Refer to site plan for component placement.
- All materials and construction methods are required to conform to the standards for Private Sewage Facility's set forth in the Texas Administrative Code, §285 On-Site Sewage Facilities.
- The installer must have a current and valid Texas installer's license; if the property owner will be installing the system, no license is required.
- The installer must notify designer and regulatory authority at least 48 hours in advance to schedule required inspections to ensure that the system is installed in accordance with the approved plans and specifications.
- The installer may not alter these plans without the approval of the designer.
- Diversion berms will be placed when needed to protect disposal area from excessive runoff.
- It is the responsibility of the installer to maintain the minimum setback requirements as stated in §285.
- The contractor, as to the proper operation of the system, will inform the owner that the system must be operated correctly in order to function properly.
- The owner will be solely responsible for failure to operate the system properly or for any modifications to the system by the owner, which subsequently cause the system to malfunction.

Distribution Field Notes:

- Each trench shall be level within 1" per 25 linear foot of trench or within 3" for all trench lengths over 75'.
- The depths of the drain field may vary slightly from the plan based on conditions encountered in the field.

- A minimum 12" of fall must be provided between the tank outlet and the bottom of the first trench.
- Imported fill material shall be sandy loam of good quality.
- Single drain lines shall not exceed 150 feet.
- The contractor will contact the designer and the regulating authority immediately should groundwater be encountered during excavation.
- The surface of the distribution field will be graded to drain.
- The field will be seeded or hydro mulched with a mixture of Bermuda and rye or other perennial grasses.
- *Sodding of the distribution field with clay-backed sod will not be allowed.*
- *Vegetation must be established before system is in use.*

Tank Notes:

- The bottom of the excavation for the tanks shall be level and free of large rocks and debris.
- All tanks are to be set level on a layer, with a minimum thickness of 4 inches, of sand, sandy loam, clay loam, or pea gravel.
- Tank excavations must be backfilled with soil or pea gravel that is free of rock larger than ½ inch in diameter. Class IV soils and gravel larger than ½ inch in diameter are not acceptable for use as backfill material. If the top of a septic tank extends above the ground surface, soil may be mounded over the tank to maintain slope to the drain field.
- Risers are required over all tank openings and must extend to the ground surface.
- Risers shall be permanently fastened to the tank lid.
- The riser lid shall screw down and have a lock or weigh 65lbs.
- A secondary plug, cap, netting, etc. shall be provided below the riser lid.
- All openings in the tank must be properly sealed to prevent the escape of wastewater, or to prevent the infiltration of water.
- Tanks must be filled with water for 24 hours to test for leaks and structural integrity.
- The tanks must be set low enough to have fall of at least 1/8" per foot from house to tank.
- PVC pipe from house to tank must be at least Sch.40 or SDR 26.

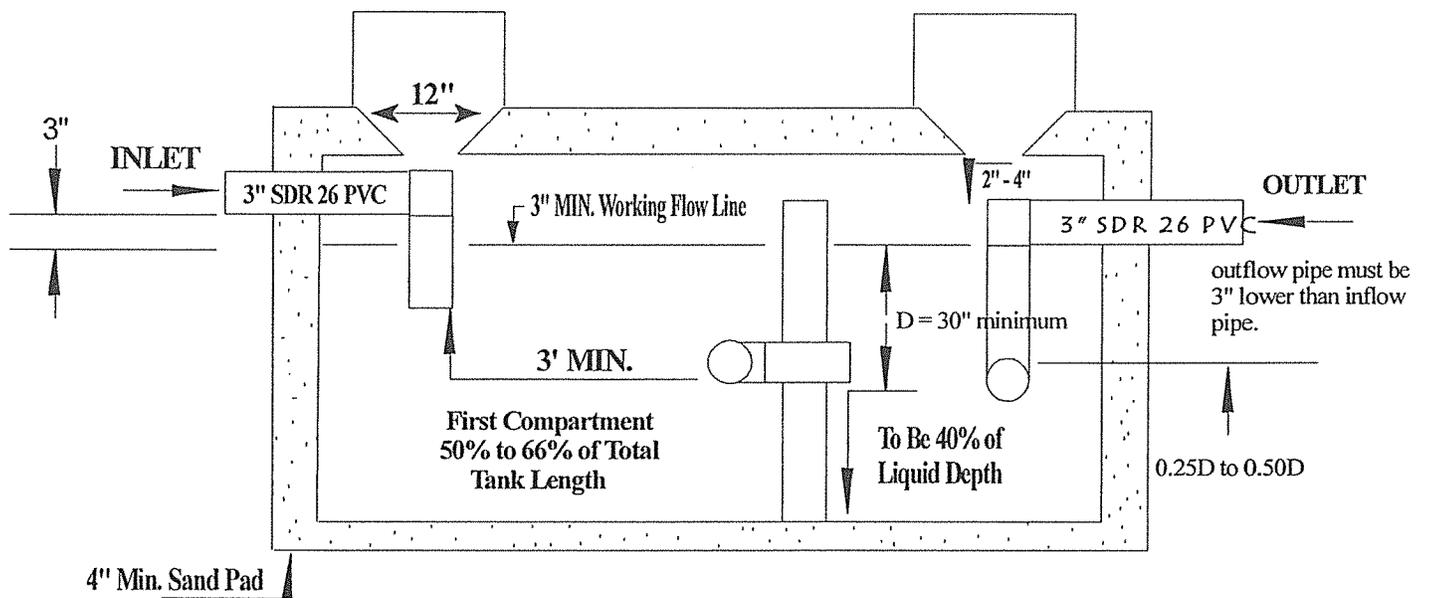
Operation and Management Notes:

- The OSSF should not be treated as a normal city sewer.
- Water conservation practices should be used at all times. Consult your local authorities for more information.
- Run the dishwasher with a full load whenever possible
- Avoid running water continuously when brushing teeth, washing hands, or cleaning food and utensils.
- Repair any water leaks immediately, such as running toilets or leaky faucets.
- The owner is responsible for cleaning and pumping the septic tank, typically every 2 to 3 years depending on system usage.
- Do not use the toilet to dispose of tissue, feminine hygiene products, trash, cigarettes, etc.
- It is recommended that you do not use the garbage disposal and/ or garbage grinders in the facility serviced by this system.
- Household chemicals should be used in moderation.
- If possible, water softener should not be allowed to enter the OSSF.
- Chemical additives or the so-called enzymes should not be used during the operation of this system. Some of these additives may even be harmful to the facilities operation.

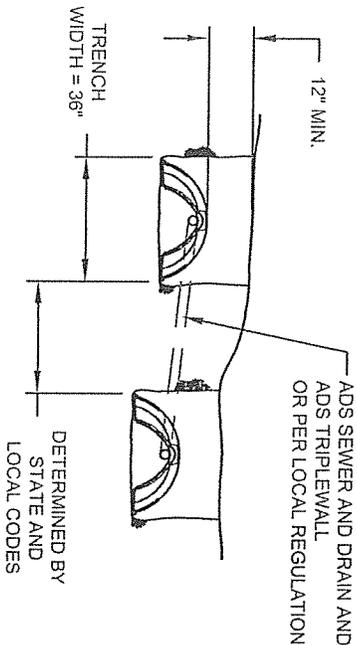
- Do not build driveways, storage buildings, decks, or other structures over the tank or disposal area.
- The OSSF must be protected from coming in contact with vehicular traffic.
- A strong vegetative cover is essential for the proper operation of this system. The property owner is solely responsible for maintaining this vegetation. The disposal area should be groomed by mowing on a regular basis.
- The owner shall become familiar with the operation of the system and be solely responsible for the operation and maintenance of the system, once the system is placed into operation.
- Never place a greater wastewater load on your system than that prescribed by the design of the system (*720 gallons per day*).

**By request of the homeowner, this proposed system has been designed generally following the minimum requirements under TCEQ 8285 On-Site Sewage Facilities. The site evaluation and subsequent design are based on technical information currently available. The performance of the OSSF is not, and cannot be guaranteed even though all provisions of the Standards have been complied with. If failure should occur, additions to the OSSF may have to be made. By accepting this design, the homeowner/builder, understands that the designer cannot be liable for more than the agreed upon design fee.*

Typical 2000 gal. 2 compartment tank

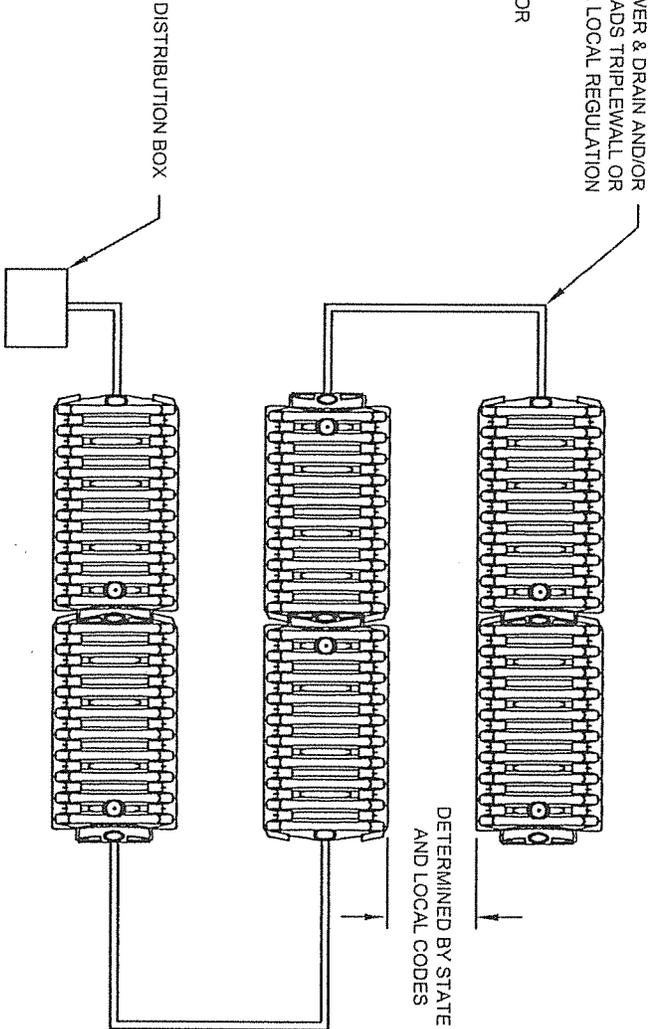


Not to Scale



ADS SEWER & DRAIN AND/OR ADS TRIPLEWALL OR PER LOCAL REGULATION

DETERMINED BY STATE AND LOCAL CODES



NOTES:

1. EXCAVATE TRENCHES TO PROPER WIDTH, AND PROPER DEPTH AS REQUIRED BY STATE AND LOCAL CODES.
2. SMOOTH IRREGULARITIES IN THE EXCAVATION. A LEVEL, FLAT SURFACE IS REQUIRED.
3. ASSEMBLE ARC LEACHING CHAMBERS AND UNIVERSAL ENDPLATES TOGETHER IN TRENCH(ES).
4. INSTALL UNIVERSAL END CAPS AND SECURE IN PLACE WITH BACKFILL.
5. PUNCH OUT PIPE HOLE OPENINGS IN THE END PLATES AS NEEDED AND CONNECT INLET PIPES.

6. FILL SIDEWALL AREA TO TOP CHAMBERS WITH NATIVE SOIL (COARSE SAND OR FINE GRAVEL MAY ALSO BE USED; NO HEAVY CLAY, SILT OR DEBRIS SHALL BE INCLUDED).
7. "WALK IN" FILL TO COMPACT SOIL ALONG SIDES OF ARC CHAMBER. THIS IS VERY IMPORTANT TO ACHIEVE LOAD RATING.
8. COVER ARC LEACHING CHAMBERS TO A MINIMUM OF 12" OF GRANULAR COVER AFTER CONSOLIDATION FOR H-10 APPLICATIONS. AVOID LARGE ROCKS OR DEBRIS IN COVER MATERIAL. COVER HEIGHTS AND LIVE LOADING LIMITS ARE IMPACTED BY BOTH SOIL TYPE AND COMPACTION REQUIREMENTS. CONTACT ADS WHEN POOR SOILS ARE ENCOUNTERED AND FOR MAXIMUM FILL HEIGHTS.

© 2007 ADS, INC.

ADVANCED DRAINAGE SYSTEMS, INC. ("ADS") HAS PREPARED THIS DETAIL BASED ON INFORMATION PROVIDED TO ADS. THIS DRAWING IS INTENDED TO DEPICT THE COMPONENTS AS REQUESTED. ADS HAS NOT PERFORMED ANY ENGINEERING OR DESIGN SERVICES FOR THIS PROJECT, NOR HAS ADS INDEPENDENTLY VERIFIED THE INFORMATION SUPPLIED. THE INSTALLATION DETAILS PROVIDED HEREIN ARE GENERAL RECOMMENDATIONS AND ARE NOT SPECIFIC FOR THIS PROJECT. THE DESIGN ENGINEER SHALL REVIEW THESE DETAILS PRIOR TO CONSTRUCTION. IT IS THE DESIGN ENGINEER'S RESPONSIBILITY TO ENSURE THE DETAILS PROVIDED HEREIN MEETS OR EXCEEDS THE APPLICABLE NATIONAL, STATE, OR LOCAL REQUIREMENTS AND TO ENSURE THAT THE DETAILS PROVIDED HEREIN ARE ACCEPTABLE FOR THIS PROJECT.

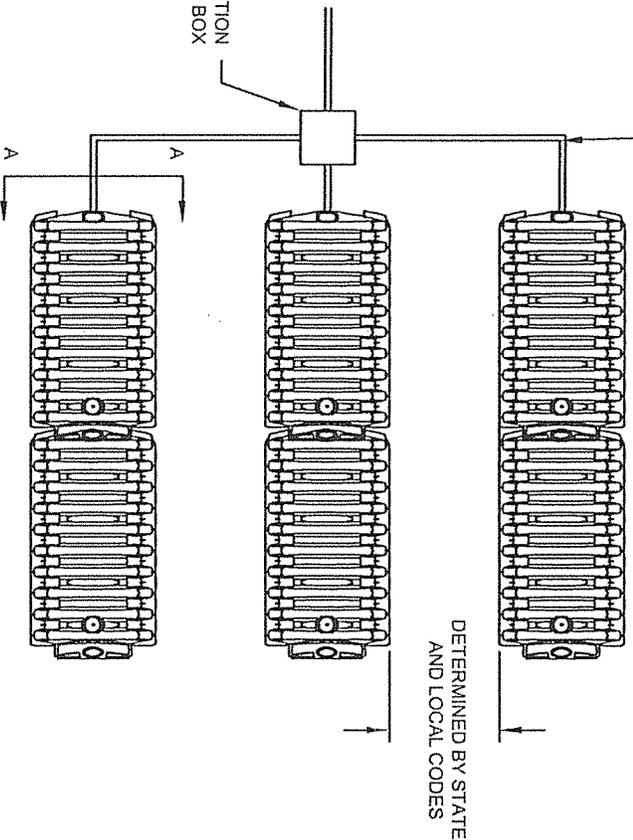
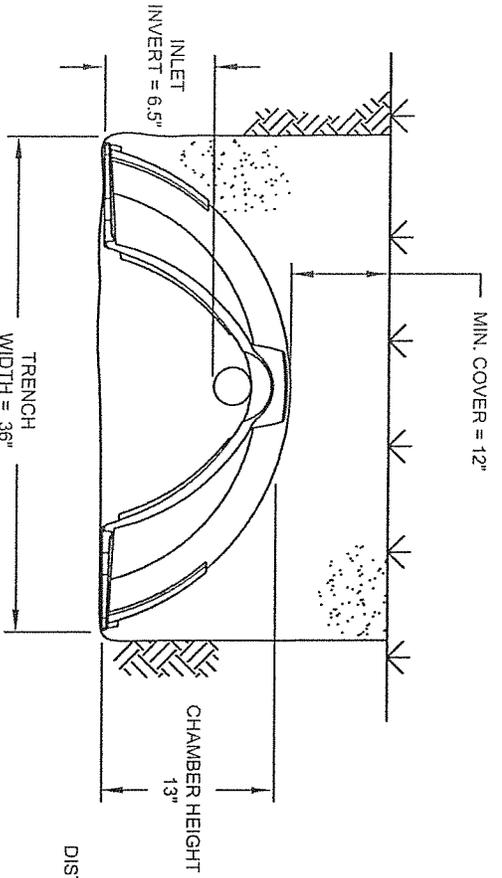
REV.	DESCRIPTION	BY	MM/DD/YY	CHKD	DATE	BY

ARC 36 CHAMBER STANDARD SERIAL MODE INSTALLATION	ARC 36 CHAMBER STANDARD SERIAL MODE INSTALLATION
DRAWING NUMBER: STD-906C	DRAWING NUMBER: STD-906C

DESIGNED BY	TJR
DATE	09/05/07
CHECKED BY	OCS
DATE	NTS
SCALE	OF



ADS SEWER & DRAIN
AND/OR ADS TRIPLE WALL
OR PER LOCAL REGULATION



- NOTES:**
1. EXCAVATE TRENCHES TO PROPER WIDTH, AND PROPER DEPTH AS REQUIRED BY STATE AND LOCAL CODES.
 2. SMOOTH IRREGULARITIES IN THE EXCAVATION. A LEVEL, FLAT SURFACE IS REQUIRED.
 3. ASSEMBLE ARC LEACHING CHAMBERS AND UNIVERSAL ENDPLATES TOGETHER IN TRENCH(ES).
 4. INSTALL UNIVERSAL END CAP AND SECURE IN PLACE WITH BACKFILL.
 5. PUNCH OUT PIPE HOLE OPENINGS IN THE END PLATES AS NEEDED AND CONNECT INLET PIPES.

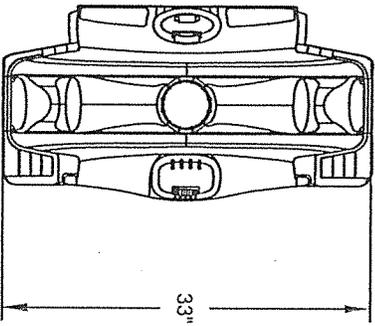
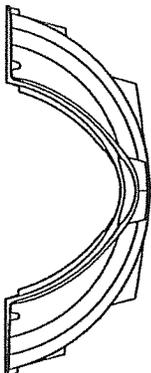
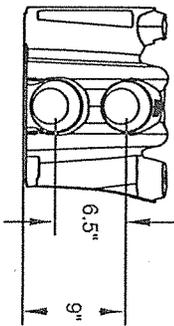
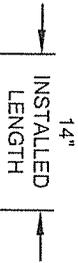
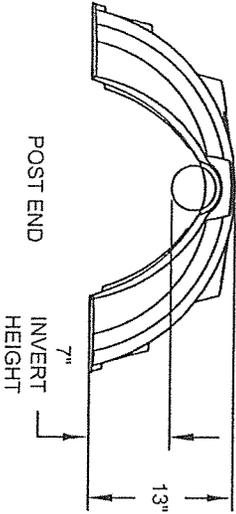
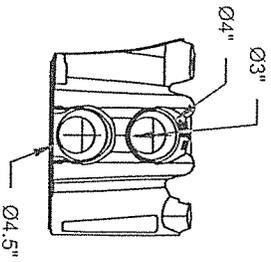
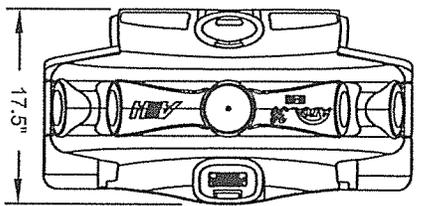
6. FILL SIDEWALL AREA TO TOP CHAMBERS WITH NATIVE SOIL (COARSE SAND OR FINE GRAVEL, MAY ALSO BE USED; NO HEAVY CLAY, SILT, OR DEBRIS SHALL BE INCLUDED.)
7. "WALK IN" FILL TO COMPACT SOIL ALONG SIDES OF ARC CHAMBER. THIS IS VERY IMPORTANT TO ACHIEVE LOAD RATING.
8. COVER ARC LEACHING CHAMBERS TO A MINIMUM OF 12" OF GRANULAR COVER AFTER CONSOLIDATION FOR H-10 APPLICATIONS. AVOID LARGE ROCKS OR DEBRIS IN COVER MATERIAL. COVER HEIGHTS AND LIVE LOADING LIMITS ARE IMPACTED BY BOTH SOIL TYPE AND COMPACTION REQUIREMENTS. CONTACT ADS WHEN POOR SOILS ARE ENCOUNTERED AND FOR MAXIMUM FILL HEIGHTS.

©2007 ADS, INC.
ADVANCED DRAINAGE SYSTEMS, INC. ("ADS") HAS PREPARED THIS DETAIL BASED ON INFORMATION PROVIDED TO ADS. THIS DRAWING IS INTENDED TO DEPICT THE COMPONENTS AS REQUESTED. ADS HAS NOT PERFORMED ANY ENGINEERING OR DESIGN SERVICES FOR THIS PROJECT, NOR HAS ADS INDEPENDENTLY VERIFIED THE INFORMATION SUPPLIED. THE INSTALLATION DETAILS PROVIDED HEREIN ARE GENERAL RECOMMENDATIONS AND ARE NOT SPECIFIC FOR THIS PROJECT. THE DESIGN ENGINEER SHALL REVIEW THESE DETAILS PRIOR TO CONSTRUCTION. IT IS THE DESIGN ENGINEER'S RESPONSIBILITY TO ENSURE THE DETAILS PROVIDED HEREIN MEETS OR EXCEEDS THE APPLICABLE NATIONAL, STATE, OR LOCAL REQUIREMENTS AND TO ENSURE THAT THE DETAILS PROVIDED HEREIN ARE ACCEPTABLE FOR THIS PROJECT.

REV.	DESCRIPTION	BY	MM/DD/YY	CHK'D
	ARC 36 CHAMBER STANDARD TRENCH INSTALLATION			
DRAWING NUMBER: STD-905C				

DESIGNED BY	TJR
CHECKED BY	09/05/07
DRAWN BY	CKS
SCALE	NTS
SHEET	OF





DOMED END

ADVANCED DRAINAGE SYSTEMS, INC. (ADS) HAS PREPARED THIS DETAIL BASED ON INFORMATION PROVIDED TO ADS. THIS DRAWING IS INTENDED TO DEPICT THE COMPONENTS AS REQUESTED. ADS HAS NOT PERFORMED ANY ENGINEERING OR DESIGN SERVICES FOR THIS PROJECT NOR HAS ADS INDEPENDENTLY VERIFIED THE INFORMATION SUPPLIED. THE INSTALLATION DETAILS PROVIDED HEREIN ARE GENERAL RECOMMENDATIONS AND ARE NOT SPECIFIC FOR THIS PROJECT. THE DESIGN ENGINEER SHALL REVIEW THESE DETAILS PRIOR TO CONSTRUCTION. IT IS THE DESIGN ENGINEER'S RESPONSIBILITY TO ENSURE THE DETAILS PROVIDED HEREIN MEETS OR EXCEEDS THE APPLICABLE NATIONAL, STATE, OR LOCAL REQUIREMENTS AND TO ENSURE THAT THE DETAILS PROVIDED HEREIN ARE ACCEPTABLE FOR THIS PROJECT.

REV	DESCRIPTION	BY	MM/DD/YY	CHKD

ABC 36 SIDE PORT COUPLER

DRAWING NUMBER: STD-903A



DATE	8/28/08
SCALE	NTS
SHEET	OF

1851 Flite Acres Road Wimberley, Texas

- A - 3-Bedroom Single Family Residence, 2000 sq. ft.
- B - 2000-Gallon Two-Compartment Septic Tank
- C - 3' Wide Conventional Trench
4, 90' Long Conventional Trenches Totalling 360'
72 Total ARC 36 Leaching Chambers; 18 Per Trench
Minimum/Maximum Trench Depth 18" - 36"

3" or 4" Sch; 40 PVC between House and Tank.
Must have a Minimum of 1/8" per foot of fall between House and tank.
Provide Two-Way Cleanout from House to Tank.

Supply Line: 3" or 4" Sch. 40 PVC

Maintain 15' from all Property Lines.
Maintain 5' from PUE
Maintain 10' from all Potable Water Lines.

*Refer to Tank Detail and Design Notes for more Information.

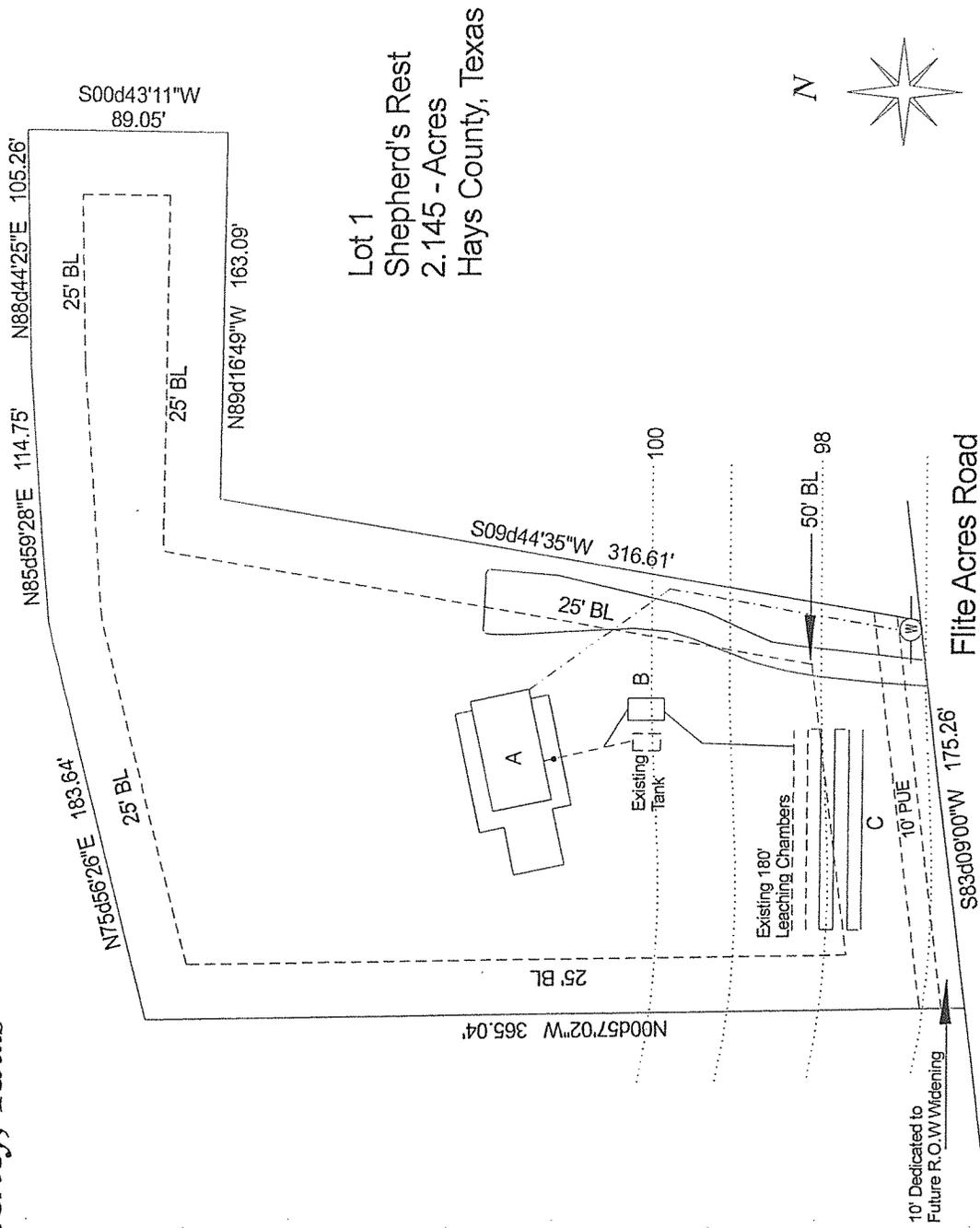
*Plans may vary slightly based on Conditions Encountered in the Field.

*Trim Trees as Necessary in Application Area. Trees must maintain at least 10' from Sprinkler Head.

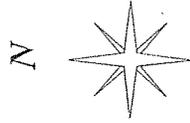
*All Separation and Setback Requirements as Stated in Chapter 285, TCEQ, On-Site Sewage Facilities, must be maintained.

*This is not intended to be used as an official survey. All structures and Contour locations are approximate.

Flood Plain Note: The property depicted is not with the 100 Year Flood Plain according to FIRM Panel 48209C 0355F Dated 9-2-2005.



Lot 1
Shepherd's Rest
2.145 - Acres
Hays County, Texas

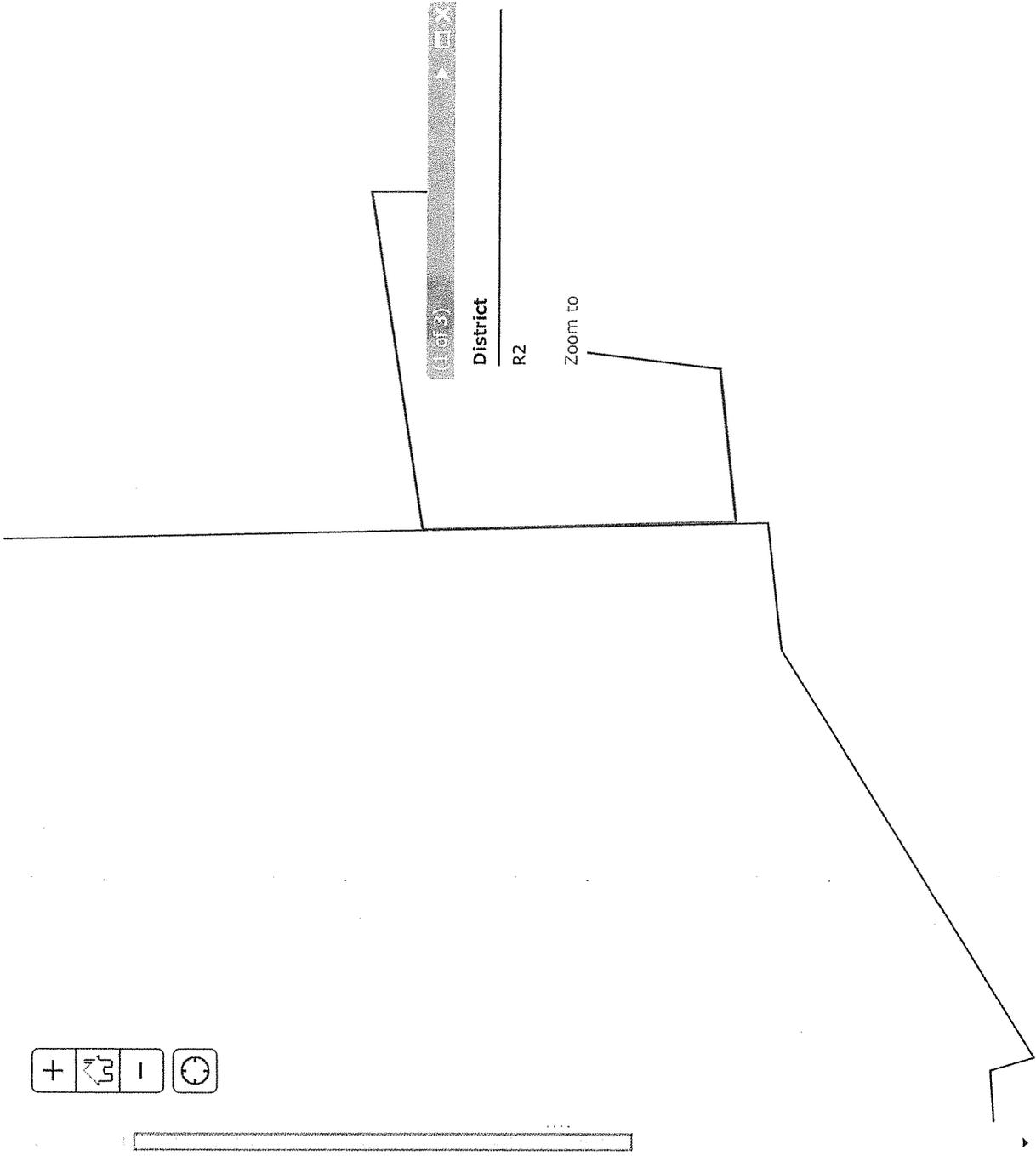


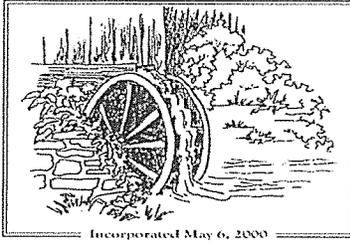
Scale: 1" = 60'

1851 Flite Acres Rd, Wimberley, Texas, USA

- Save
- Share
- Print
- Measure
- Bookmarks

- Details
- Add
- Basemap





City of Wimberley

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

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

www.cityofwimberley.com

Steve Thurber, Mayor - Cindy Anderson, Mayor Pro-Tem

Council Members - Bob Dussler, Mac McCullough, Pam Showalter & John D. White

City Administrator - Don Ferguson

March 7, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-004**
1851 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, Aaron & Angela Scott, have applied for a Conditional Use Permit to allow for a vacation rental on property zoned Single-Family Residential 2 (R-2) located at 1851 Flite Acres Road, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, March 24, 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, April 7, 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

Properties within 200 feet of subject property -1851 Flite Acres Rd:

R129706

Aaron J. & Angela D. Scott
13501 RR 12, Ste. 103
Wimberley, TX 78676-5328

R27699

Amy L. Kirkland
1871 Flite Acres Rd.
Wimberley, TX 78676

R116266

David W. & Andrea Kay Lipinski
111 Little Ranches
Wimberley, TX 78676-5750

R17300

David H. & Susan K. Donaldson, Jr.
1722 Bartoncliff Dr.
Austin, TX 78704-2745

R26762

Dorothy Anne Watson
18018 Oakworth Dr.
Houston, TX 77084

R27610

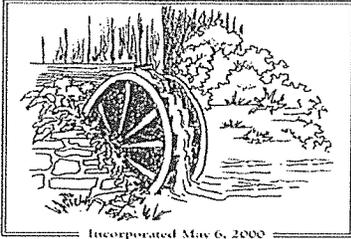
John P. Muth & Julie J. Underriner
1850 Flite Acres Rd.
Wimberley, TX 78676

R27611

Sunset Ridge Escape LLC
56 Snap Dragon Ct.
Lake Jackson, TX 77566-4951

**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, March 24, 2016 at 6:00 p.m.** to consider the following: CUP-16-004 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental on property zoned Single-Family Residential 2 (R-2) located at 1851 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, April 7, 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: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CUP-16-004

Owner _____

Date 3/8/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 1851 Plite Acres

which is located on Plite Acres

Bill Bowers
Asst. Public Works

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

3/8, 2016

Bill Bowers
Signature

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY AARON AND ANGELA SCOTT TO OPERATE A VACATION RENTAL FACILITY ON PROPERTY LOCATED AT 1851 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 Aaron and Angela Scott (“Applicants”) requesting authorization to operate a vacation rental facility on real property, described as Shepherd’s Rest, Lot 1, 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 Aaron and Angela Scott (“Applicants”) for use as a vacation rental facility on real property, described as Shepherd’s Rest, Lot 1, 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 and State of Texas Hotel Occupancy Tax Questionnaires* no later than thirty (30) days following the 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 owner shall notify the City and property owners within two hundred (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 a 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 vacation rental 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 twelve (12) persons when and if the septic system serving the subject residence is properly permitted and upgraded to meet the requirements for twelve (12) persons. Until such time as that occurs, the maximum occupancy shall be four (4) persons.
15. Landline telephone phone 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. Guests shall park on-site and on a non-grass surface. Such parking shall be limited to no more than four (4) vehicles.

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 7th day of April, 2016 by a vote of ____ (Ayes) and ____ (Nays).

WIMBERLEY, TEXAS

By: _____
Steve Thurber, Mayor

ATTEST:

Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney