

City of Wimberley

City Council Meeting

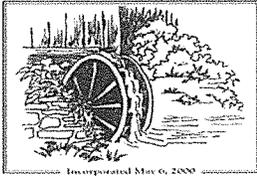
Agenda Packet

April 7, 2016

6:00 p.m.

PART TWO OF TWO

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 505 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 505 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 until April 21, 2016, to allow them time to meet with those residents opposing the requested CUP to try and resolve their concerns.

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 April 21, 2016.

Subject: Delay request

Date: Friday, April 1, 2016 12:13:00 PM Central Daylight Time

From: Brynn

To: Don Ferguson

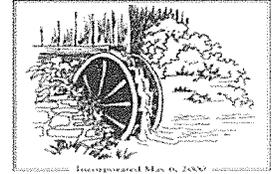
Don -

We respectfully request that our CUP application, that is currently slated for the City Council hearing on April 7, 2016, be tabled, in order to give us more time to work things out amicably with our neighbor.

Thank you for your consideration,
Brynn & Carl Anderson

Sent from my iPhone

Report for CUP-16-005



Summary:

An application for a Conditional Use Permit for a Vacation Rental Facility property at 505 Rocky Springs Road

Applicant Information:

Applicants:

Brynn & Carl Anderson
5812 Gentle Breeze Ter.
Austin, TX 78731-3799

Property Owners:

Brynn & Carl Anderson (Designated Agent: Aaron Scott)

Subject Property:

Legal Description:

Rocky Springs Sec 1, Lot 8, 1.24 acres

Location:

505 Rocky Springs 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

Protected Water Overlay District

Surroundings:

Frontage On:

Rocky Springs Road

Area Zoning and Land Use Pattern:

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

Legal Notice

200' Letters:

3/7/16

Published:

3/3/16

Sign Placement:

3/8/16

Responses:

Five (5) written response in opposition; Three (3) written responses in support

Comments:

The applicants, Brynn and Carl Anderson, are seeking a Conditional Use Permit (CUP) for the operation of a vacation rental facility on 1.24 acres of property located at 505 Rocky Springs Road. The subject property is zoned Single Family Residential 2 (R-2), located in Planning Area I, and lies partially within the Protected Water Overlay District. Vacation rental facilities are allowed on R-2 zoned properties with a CUP.

Currently, there is a 3,046 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.

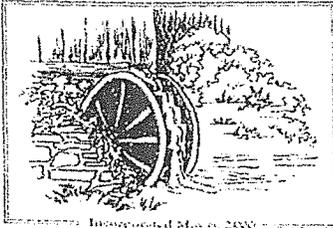
The applicants are proposing a series of house rules, a copy of which is attached. Based on the proposed house rules and City's regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Council desire to recommend approval:

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 and three (3) written responses in support of the 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 the concerns of 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

CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 005

FOR OFFICIAL USE ONLY

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

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

PROJECT SITE ADDRESS: 505 ROCKY SPRINGS RD. Wimberley, TX 78676

OWNER/APPLICANT CARL & BRYNN ANDERSON PHONE (512) 323-5477 (HOME)
512 297-9552 (CELL - BRYNN)

MAILING ADDRESS: 5812 GENTLE BRIDGE TER.

CITY: AUSTIN STATE: TX ZIP: 78731

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 2 Zoning R2 Total Acreage or Sq. Ft. 1.24 ACRES

Subdivision: ROCKY SPRINGS SUBDIVISION Lot 8 Block _____

Appraisal District Tax ID #: R 40337

Deed Records Hays County: Volume 1 Page 113

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 ELECTRIC COOPERATIVE

Water Provider or Private Well: PRIVATE WELL

Wastewater Service Provider or Hays County Septic Permit No: HAYS CO. SEPTIC

MY REQUEST IS BASED ON THE FOLLOWING:

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

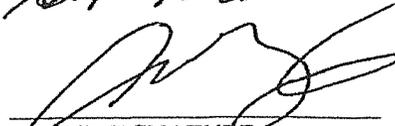
ADDITIONAL REQUIREMENTS/DOCUMENTATION

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

2/22/14
DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:
Date 2/22/16


AGENT SIGNATURE

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

Owner: CARL & BRYNN ANDERSON

LOCATION OF PROPERTY: 505 ROCKY SPRINGS RD. / WIMBERLEY, TX

LEGAL DESCRIPTION: LOT 8, OF ROCKY SPRINGS SUBDIVISION, SECTION 1

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. ~~4~~³ 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 home 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

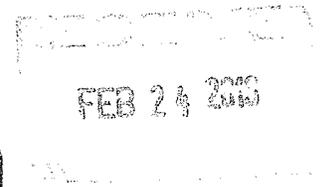
Carl Andrus
OWNER

2/22/16
DATE

Gregory B. Johnson
OWNER



SkyRun
Vacation Rentals



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 505 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 505 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.

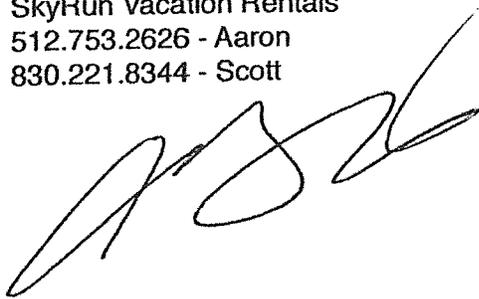
We also don't allow fires of any kind and post "Burn Ban" signs on the refrigerators when the Burn Ban is on.

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

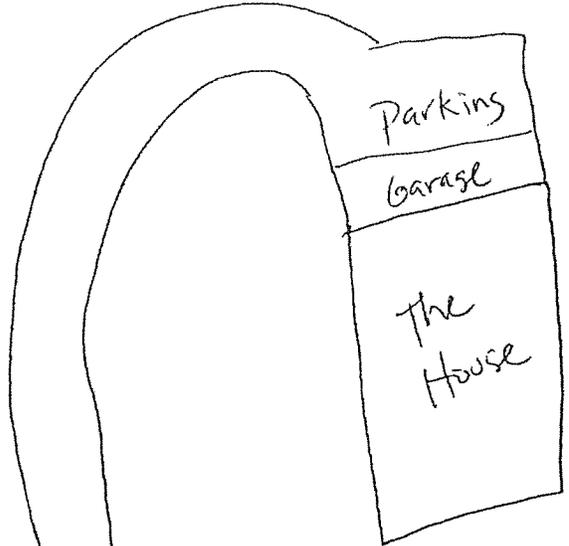
We have someone on call 24/7 who is ready to receive phone calls, voicemails and respond in person to any emergency within 15 minutes.

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

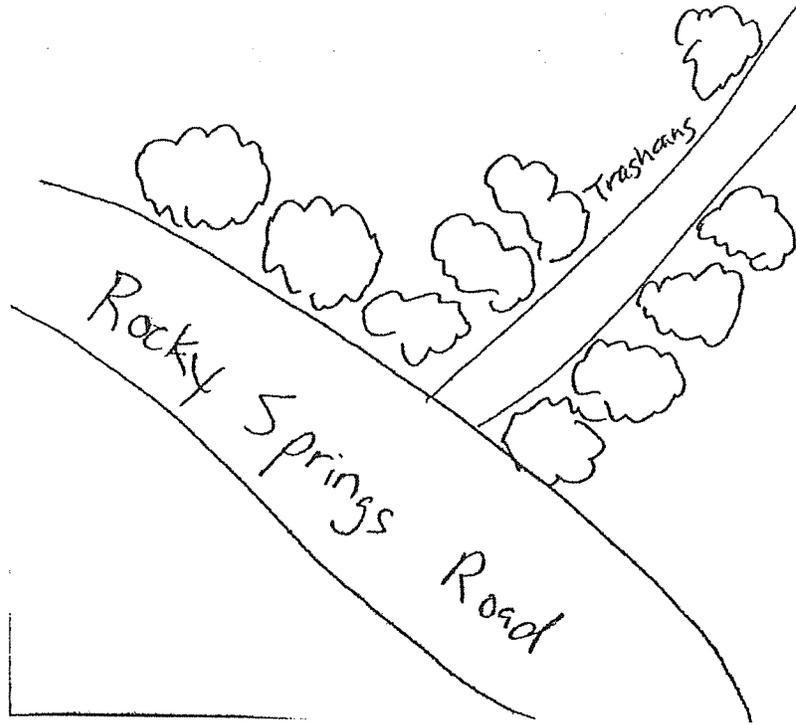


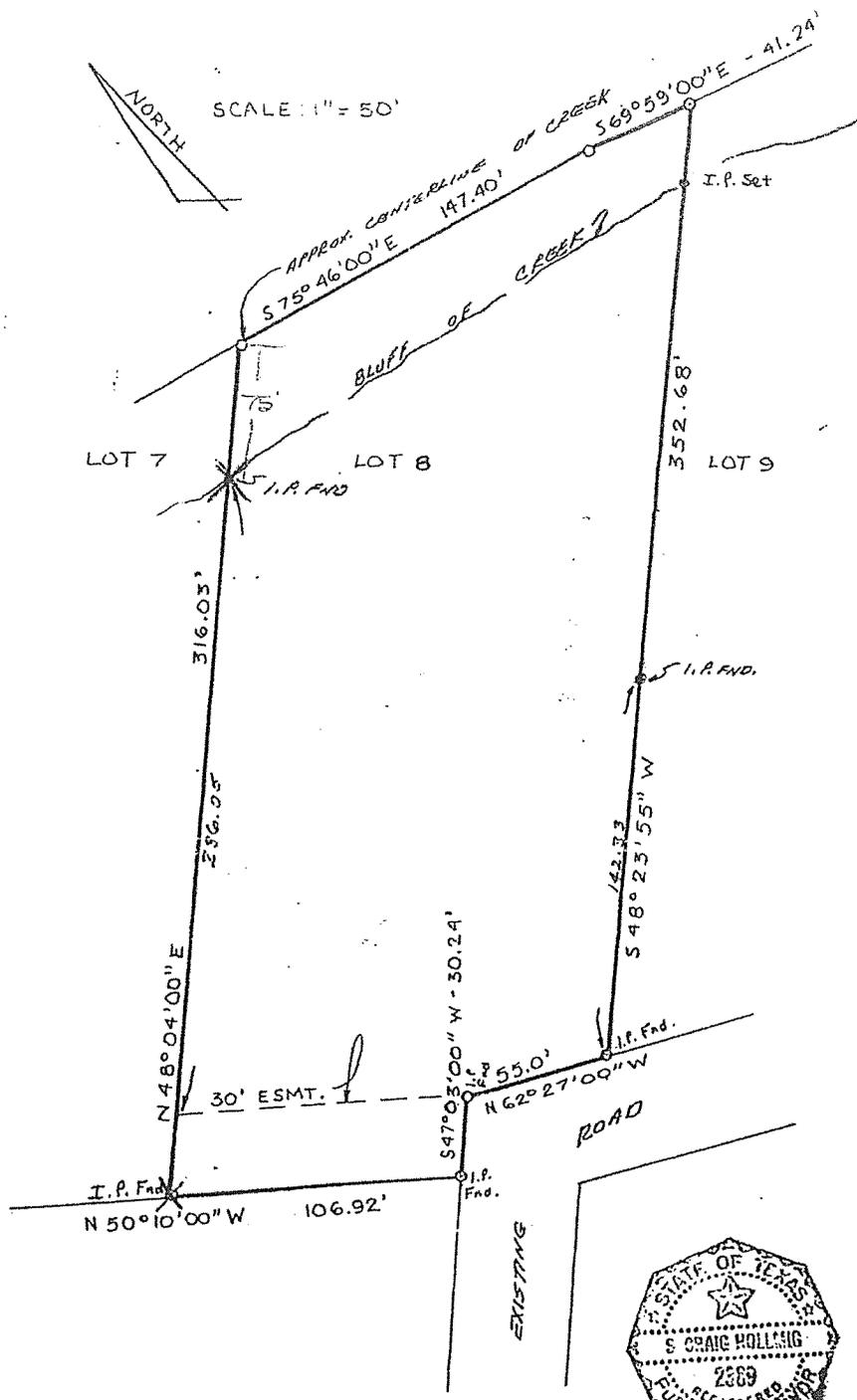
505 Rocky Spring Road
site map



Trashcans

Rocky Springs Road





Lot 8
 ROCKY SPRINGS SUBDIVISION
 Section One
 Vol. 1, Page 113
 Map and Plat Records
 Hays County, Texas

Reference:

STATE OF TEXAS }
 COUNTY OF COMAL }

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT
 ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER
 MY SUPERVISION

This 11th day of November, 1983 A. D.

 Field Book _____ Page _____ Job No _____



EJ

HAYS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

PERMIT TO CONSTRUCT
AN ON-SITE SEWERAGE FACILITY

PROPERTY OWNER'S NAME: Kirchhoff Kim A.
(Last) (First) (M.I.)
SITE ADDRESS: 505 Rocky Springs Rd Wimberley 78676
off of CR 267
(Number) (Street/Co Road) (City) (Zip)

LEGAL DESCRIPTION:
Lot 8 Block _____ Subdivision Rocky Springs Sec 1
LAND AREA/ACREAGE: 1.25 acres _____ Vol 1 Page 113
(Acreage) (Survey) (Vol/Pg)

BUILDER NAME: Biggs Raymond PHONE #: _____
(Last) (First)

INSTALLER NAME: Carruthers Tom PHONE #: _____
(Last) (First)

SITE EVALUATION:

PERFORMED BY: Bob Pratt, R.S.
SOIL TYPE: _____
SOIL DEPTH: _____
Ra: 0.5
MAXIMUM DAILY WASTEWATER DESIGN FLOW: _____ gpd

AUTHORIZATION IS HEREBY GIVEN TO CONSTRUCT A PRIVATE SEWAGE FACILITY ON THE ABOVE DESCRIBED PROPERTY WITH THE FOLLOWING SPECIFICATIONS:

CONVENTIONAL SYSTEM REQUIREMENTS:

Tank capacity 1250 gallons. Two compartment. Pump tank capacity _____.

Drainfield: Must be one of the following and only checked squares can be used.

- or 1. Lateral lines: 250 linear ft. x 3 ft. width = 750 sq ft
 2. Soil absorption beds: 2 # of beds x 584 sq ft = 1168 sq ft
_____ 3. Evapotranspiration beds: _____ # of beds x _____ sq ft = _____ sq ft

ALTERNATIVE SYSTEM REQUIREMENTS:

Designer's Name: _____ Reg. No.: _____
(Last) (First) (M.I.)

Date plans approved _____. Refer to the designer's plans the Licensing Authority approval letter for system specifications.

A maintenance contract is required for the: treatment system _____
disposal system _____.

SPECIAL REQUIREMENTS

Low flow water saving devices must be installed and utilized.

NOTE: The on-site sewage facility construction must meet all TNRCC Regulations and Hays County's Rules for Private 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 the Licensing Authority. A revised construction permit may be issued.

SIGNED: George S. White, S.I.T. DATE: 20 June 1994 PERMIT # 2994

THIS PERMIT EXPIRES ONE (1) YEAR FROM DATE OF ISSUANCE.
THIS PERMIT IS NON-TRANSFERABLE.

THIS PERMIT IS
NON-TRANSFERABLE

HAYS COUNTY ENVIRONMENTAL HEALTH DEPARTMENT
401 BROADWAY DRIVE
SAN MARCOS, TEXAS 78666

LICENSE TO OPERATE AN ON-SITE SEWERAGE FACILITY

This is to certify that this on-site sewerage facility:

PROPERTY OWNER: KIM KIRCHOFF

Address: Rocky Springs Road Permit No. 9902894

Land Area/Acreage: _____ Subdivision: Rocky Springs

Lot: 8 Block: _____ Sec: 1

Residential - Living area: 2160 sq ft # of bedrooms 2

Institutional - Type _____

Building area _____ sq ft

*Daily water usage by design: _____ gals.

meets the basic minimum regulatory requirements established by this department.

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 other house papers. You may need it when selling your house or if a malfunction occurs.

THIS LICENSE REMAINS in effect until such time as there is evidence that; this facility is not operating properly, is altered, an increase in the volume of or change in the nature of the wastewater being treated, a threat to the health of the people of Hays County, or any other reason which the Licensing Authority determines to be a reason to revoke or suspend.

NOTE: The specified backfill should not be altered or covered in anyway except for sodded grass or grass seeded cover to promote transpiration. All plumbing in the house should be kept in good repair to minimize flooding of the drainfield. During periods of heavy rainfall, the owner should minimize water usage to assure proper functioning of system. The septic tank needs to be pumped every 2 to 3 years to prevent solids build-up and clogging.

DATE OF CONSTRUCTION: 4-26-95

DATE OF CERTIFICATION: 7-10-95

D. R. Dwyer, P.S. #3075
SANITARIAN

Allen J. Wald
DIRECTOR

Inspection Data

Owner: KIRCHOFF, KIM

Site Address: ROCKY SPRINGS RD.

Subdivision: ROCKY SPRINGS (lot 8) ESTATES LOT 18

Pump system: y_n_XX tank size: n/a

1st inspection date: 4-25-95

Tank size: 1250 2/c conc.

Trench Width: 3 feet wide (or see drawing)

Fall from Outlet: 12" +

Distance from house to tank: (see drawing)

Drawing:

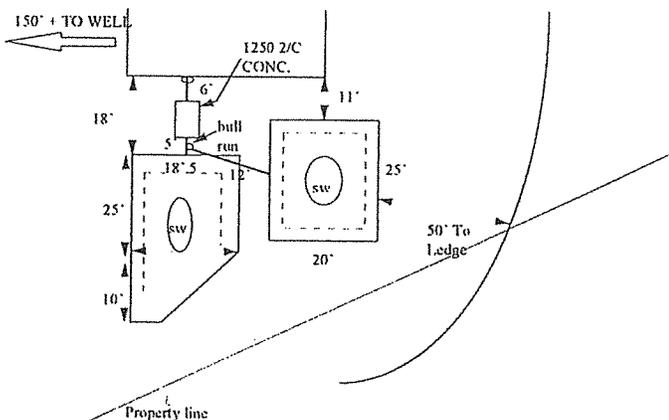
2nd Inspection date: 4-26-95

Backfill Material: Sandy Loam

Gravel in inches: 12"

Hay : xx Filter Fabric: _____

Sand Wicks: yes



Kirchoff Res., Rocky Springs (Lot 8)

Comments:

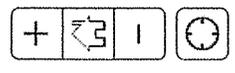
Installed by: RYBARSKI, MIKE

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

505 Rocky Springs Rd, Wimberley, Texas, USA

- Save
- Share
- Print
- Measure
- Bookmarks

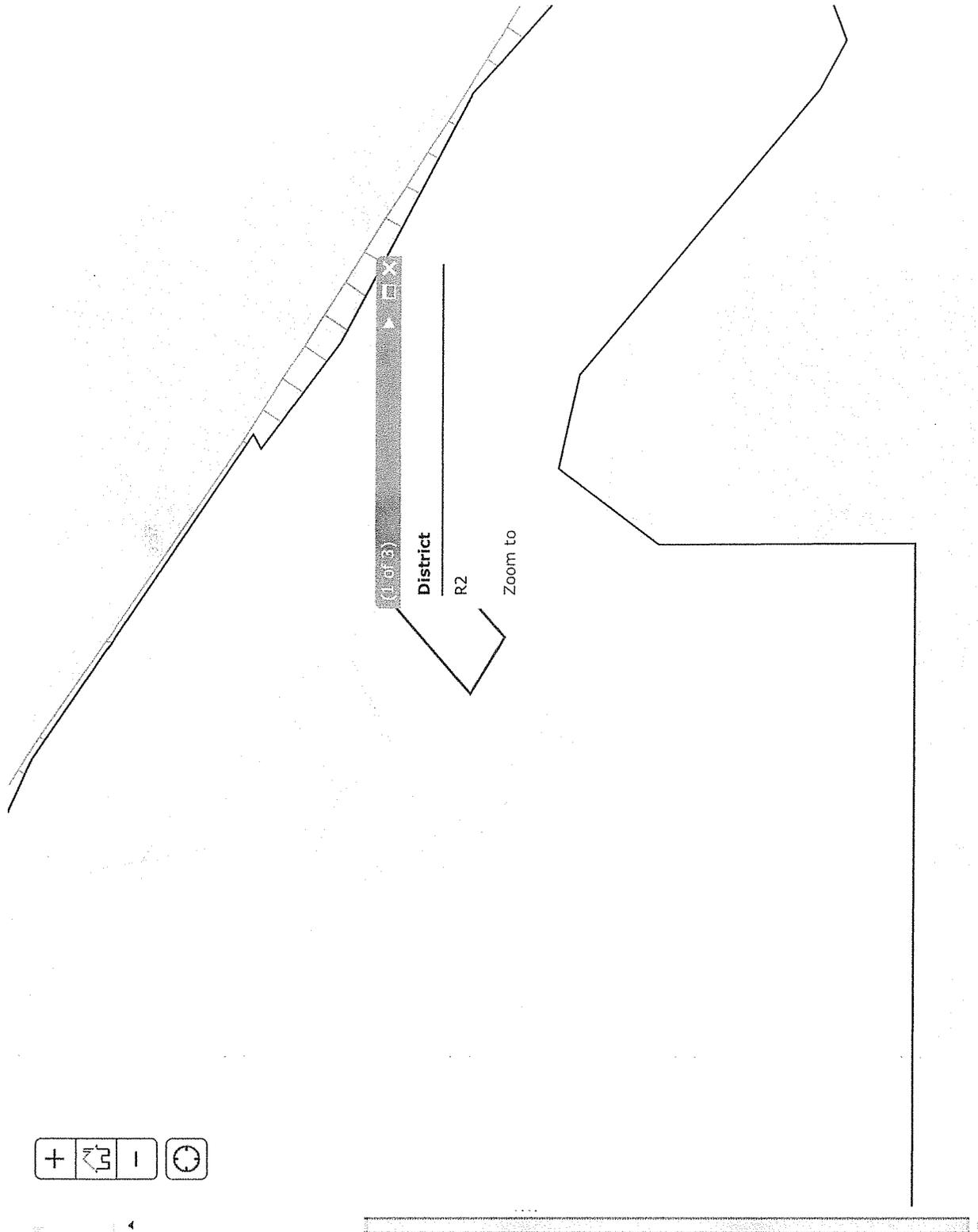
- Details
- + Add
- Basemap

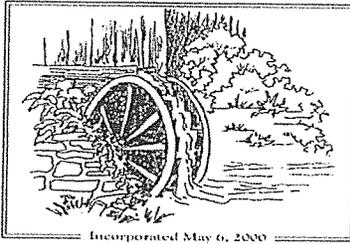


Contents

- Entrance Corridor Overlay
- City Limits
- Zoning
- Zoning
- R2
- R1
- Zoning
- R2
- R1
- Zoning
- R3
- RA
- R1
- R4
- R5
- MF1
- MH
- MF2

Topographic





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-16-005**
505 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, Brynn and Carl Anderson, have applied for a Conditional Use Permit to allow for a vacation rental on property zoned Single-Family Residential 2 (R-2) located at 505 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 feet of subject property -505 Rocky Springs Rd:

R40338

Robert A. Parker
506 Blue Ridge
Shenandoah, TX 77381

R40339

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

R40343

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

R20523

Sturdi Enterprises, Inc.
745 Sunset Dr.
Wimberley, TX 78676

R20522

Sturdi Enterprises, Inc.
745 Sunset Dr.
Wimberley, TX 78676

R20521

Michael D. Krouse
2500 FM 3237
Wimberley, TX 78676

R17762

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

R40335

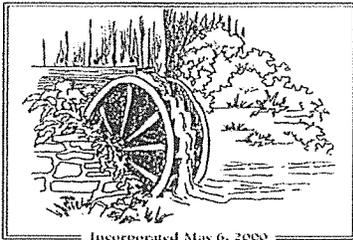
Kathy McClain
301 Rocky Springs Rd.
Wimberley, TX 78676-5518

R40336

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

**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-16-005 – 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 505 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
E-mail: village@wimberley-tx.com - Web: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: CUP-16-005

Owner _____

Date 3/8/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property (

() Project Site Address 505 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 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

DAYTON CONSTRUCTION INC.
2.89 AC.
R15812
10-0277-0030-00000-8

PEBBLE BROOK

FOURISTER LINDA MAUST

R15797

17.34 Ac.
doc09927561

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. LOVELL
R13003
1.23 AC.
910-975

CRAIG

10

11.722 ac

SANDY

R15799

10-0277-0019-00000-8

R15790

10-0277-0009-00000-8

1

R70304
R96095
R90764

00

March 20, 2016

City of Wimberley
221 Stillwater
Wimberley, Texas 78676

Attention: City Administrator

Re: File No. CUP-16-005
505 Rocky Springs Road, Wimberley, Texas

City of Wimberley,

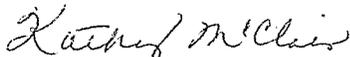
This letter is in response to the Notice of Public Hearing that I received on or about March 7, 2016, wherein Brynn and Carl Anderson have applied for a Conditional Use Permit to allow for a vacation rental on property zoned Single-Family Residential 2 (R2) located at 505 Rocky Springs Road, Wimberley, Texas. I am strongly opposed to the rezoning of the property located at 505 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 Anderson'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 Anderson never intended to live on this property. 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 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,

A handwritten signature in black ink that reads "Rodger Marion".

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



MARCH 28, 2016

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

Re: Conditional Use Permit – CUP-16-005
505 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. Until recently due to my health, I have had to wade and clean up beer bottles and soda cans thrown in and drifted down to our creek front as a result of occasional partying by the occupants in the house at 505 Rocky Springs Road. No, this is not flood debris but objects we have witnessed being thrown into the creek. We have had to pick up dirty diapers along with other trash from those 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.

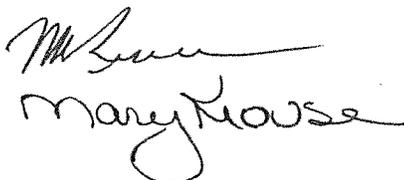
Another matter of concern is sewage. Of course we don't know the condition of the sewer and waste facilities in this house but we do know the use will probably increase beyond what was originally designed, permitted and installed for a residence if they are to become a vacation rental. And if the system 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 black ink, appearing to read "Mary Krouse". The signature is written in a cursive style with a large, looped "M" at the beginning and a long, sweeping underline.

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-16-005

Upon review of City of Wimberley's notification regarding 505 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

Subject: RE: C.U.P. Application by Mr. & Mrs. Anderson
Date: Tuesday, March 22, 2016 10:25:31 PM Central Daylight Time
From: Prowd House
To: dferguson@cityofwimberley.com, cmcpartland@cityofwimberley.com
CC: aaron@skyrun.com

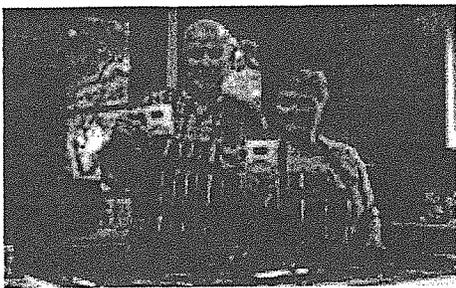
Mr. Ferguson,

Subsequent to my email below it has also been brought to my attention that an objection to Mr. & Mrs. Carl Anderson's application for a C.U.P. has been lodged by Ms. McClain. The Anderson's vacation home is at 505 Rocky Springs and has also been operating without an approved C.U.P. for some considerable time without incident.

My comments below also apply in this case and again Ms. McClain should be encouraged to withdraw her complaint.

Thank you for your attention,

Donna & Dave Kyte on Duty at Prow'd House



304 Rocky Springs Road.

From: Prowd House [REDACTED]
Sent: Monday, March 21, 2016 2:51 PM
To: 'dferguson@cityofwimberley.com'; 'cmcpartland@cityofwimberley.com'
Cc: [REDACTED]
Subject: C.U.P. Application by the Boatner's

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: 505 Rocky Springs CUP application

Date: Monday, March 21, 2016 10:11:07 AM Central Daylight Time

From: carole boatner

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

CC: Aaron Scott

RE: CUP application for 505 Rocky springs Road, Wimberley

I own the home at 401 Rocky Springs Rd, next to the above property. It is my understanding that the owners are seeking a CUP to use the home as a vacation rental.

I am in support of the CUP for this property. I have owned my own property since 2005. There have not been any incidents of crime, mischief, loud noise or increased traffic since this home has been used for vacation rental. The home is well maintained. I believe having people rent it may even discourage criminal mischief because it is occupied. There is a local full time vacation rental agency that responds to any questions or concerns quickly and takes care of any problems immediately.

Sincerely,

Carole Boatner
713 202 7723

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]

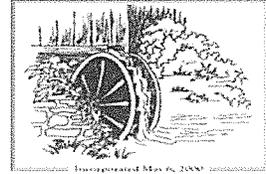
Don Ferguson, City Manager and Wimberley City Council

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

Report for CUP-16-006



Summary:

An application for a Conditional Use Permit for a Vacation Rental Facility property at 101 Arrowlake Road

Applicant Information:

Applicants: Christopher S. Cureton
101 Arrowlake Road
Wimberley, TX 78676

Property Owners: Christopher S. Cureton

Subject Property:

Legal Description: Arrowlake Acres, Lot 18A, 4.16 acres
Location: 101 Arrowlake 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 Areas: I, VII
Overlay District: Protected Water, Entrance Corridor

Surroundings:

Frontage On: Arrowlake Road

Area Zoning and Land Use Pattern:

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

Legal Notice

200' Letters: 3/7/16
Published: 3/3/16
Sign Placement: 3/8/16
Responses: One (1) written response in opposition; One (1) phone call inquiry only

Comments:

The applicant, Christopher Cureton, is seeking a Conditional Use Permit (CUP) for the operation of a vacation rental facility on 4.16 acres of property located at 101 Arrowlake Road. The subject property is zoned Rural Residential 1 (R-1) and located in Planning Areas I and VII and lies within the boundaries of the Protected Water and Entrance Corridor Overlay Districts. Vacation rental facilities are allowed on R-1 zoned properties with a CUP.

Currently, there is a 2,762 square foot, four (4) bedroom residence on the property. The applicant is proposing to use the residence as a vacation rental, with a maximum occupancy as determined by septic permit records.

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 five (5) guests for the proposed vacation rental facility.

Guests would be required to park on the subject property.

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

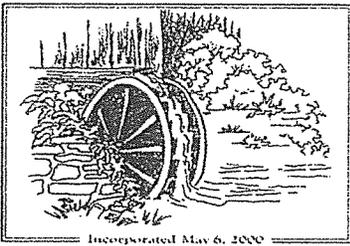
1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in writing, in advance, by the owner or his agent.
3. The grounds outside the residence shall remain free of litter and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

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

10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the property shall be five (5) people.
15. Landline telephone service, with a publicly listed phone number, shall be maintained on the property at all times to allow for receipt of emergency notification phone calls. Notice, in a form acceptable to the City, shall be posted on the property advising guests of the purpose for the telephone and the need to answer the phone. In addition, the phone number for the subject landline telephone shall be registered with the City and Hays County emergency phone notification systems.
16. Access to the creek adjacent to the subject property shall be gained only from the subject property.

To date, City staff has received one written response in opposition to 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.



Village of Wimberley

CONDITIONAL USE PERMIT APPLICATION

No. CUP-16 - 006

FOR OFFICIAL USE ONLY

Application Date: _____ Tentative P&Z Hearing: 3/21 Tentative Council Hearing: 4/7

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

PROJECT SITE ADDRESS: 101 ARROWLAKE Rd. Wimberley, TX. 78676

OWNER/APPLICANT CHRISTOPHER CURETON PHONE (512) 925-2102

FAX () _____ EMAIL: _____

Mailing Address: SAME CITY: _____ STATE: _____ ZIP: _____

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

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

Planning Area VR Zoning R1 Total Acreage or Sq. Ft. 4.16

Subdivision: ARROWLAKE ACRES Block _____

Appraisal District Tax ID#: R 20539

Deed Records Hays County: Volume _____ Page _____

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

Type: PWOD, EC

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

Utilities:

Electric Provider: PEC 3000470403

Water Provider or Private Well: PRIVATE WELL

Wastewater Service Provider or Hays County Septic Permit No: 2008-29

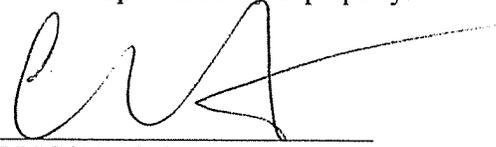
MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

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

Date 2/23/16



APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

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

Owner: CHRIS CURETON

LOCATION OF PROPERTY: 101 ARROWLACE Rd.

LEGAL DESCRIPTION: ARROW LAKE ACRES LOT 18A

PLANNING AREA: _____

PRESENT ZONING: _____

EXISTING USE: _____

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

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

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

OFF-STREET PARKING: All parking will be off-street. 10 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of ~~3~~ 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: 4 42.3 B.

MAXIMUM OCCUPANCY: ~~3~~ 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.

will at all times be adequate for the maximum occupancy. 42.3 H.

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

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

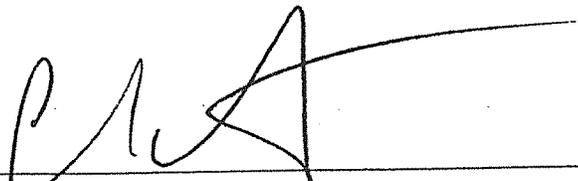
MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the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

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

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

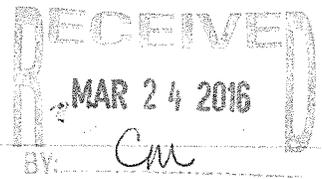
ACCEPTED AND AGREED TO:

DATE 3/1/16


OWNER

DATE _____

OWNER _____



TO THE CITY OF WIMBERLEY AND
ITS RESIDENTS, MY NAME IS CHRIS
CURETON and I own a home on
101 ARROWLAKE RD. I MOVED HERE IN
2013, AND I HAVE 2 SMALL GIRLS,
AGES 7 + 5. I LOVE MY HOME
AND PLAN ON KEEPING IT IN MY
FAMILY AFTER IM GONE ONE DAY.
AFTER MY DIVORCE I STARTED RENTING
IT OUT OCCASIONALLY ON THE WEEKENDS
TO HELP ME PAY THE MORTGAGE AND
REDUCE STRESS. IT IS MY ONLY RESIDENCE.
I USUALLY STAY WITH MY MOM OR
I AM WORKING OUT OF TOWN WHEN
IT IS RENTED. IT AVERAGES 5 DAYS
A MONTH RENTED. I AM USING ~~ARROWLAKE~~
THE INTERNET TO BOOK THESE FEW NIGHTS.
I AM NOT INTERESTED IN A SIGN OR
IN CREATING A PROBLEM WITH NEIGHBORS.
I HAVE NEVER HAD ANY COMPLAINTS
AND HONESTLY MY NEIGHBORS PROBABLY
DONT KNOW WHEN IM HOME OR
NOT. I HOPE YOU WILL GRANT MY
CUR SO I CAN REMAIN IN THIS
SPECIAL HOME, WHERE I WANT TO
LIVE FOREVER.

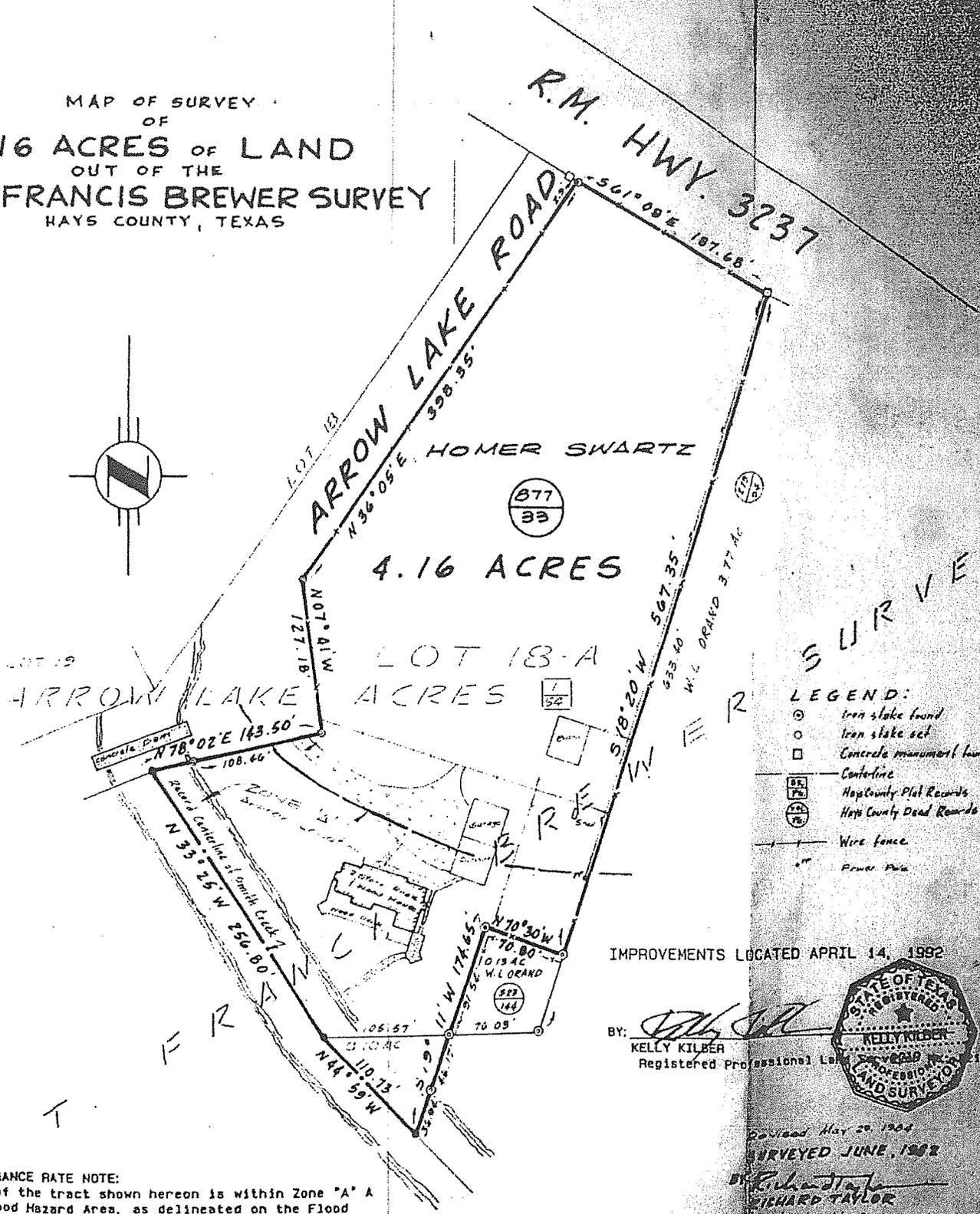
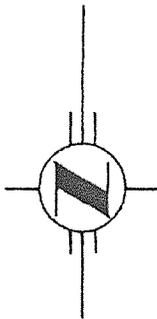
Sincerely,
CHRIS CURETON

Cara McPartland

From: Chris Cureton [REDACTED]
Sent: Thursday, March 03, 2016 9:18 AM
To: Cara McPartland
Subject: Document - Mar 3, 2016
Attachments: Doc - 3-3-16, 9-14 AM.pdf; ATT00034.txt

Hi Cara. I didn't know the occupancy because I haven't received the septic info yet . I can sleep 12-14 people ok , but I know that's not what you mean. I have a pasture and very large concrete driveway , I can park a lot of cars . I put 10

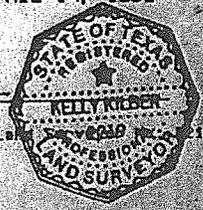
MAP OF SURVEY
OF
4.16 ACRES OF LAND
OUT OF THE
T. FRANCIS BREWER SURVEY
HAYS COUNTY, TEXAS



- LEGEND:
- Iron stake found
 - Iron stake set
 - Concrete monument found
 - Contour line
 - ⊠ Hays County Plat Records
 - ⊠ Hays County Deed Records
 - Wire fence
 - Power Line

IMPROVEMENTS LOCATED APRIL 14, 1992

BY: *Kelly Kilber*
KELLY KILBER
Registered Professional Land Surveyor No. 118



Revised May 20, 1994
SURVEYED JUNE, 1982
BY: *Richard Taylor*
RICHARD TAYLOR
Registered Professional Land Surveyor No. 3986

PRO-TECH ENGINEERING GROUP, INC.
SAN MARCOS

FLOOD INSURANCE RATE NOTE:
A portion of the tract shown hereon is within Zone "A" A Special Flood Hazard Area, as delineated on the Flood Hazard Boundry Map for Unincorporated Areas of Hays County, Texas, Community-Panel No. 480321 0005 A, published by the U. S. Dept. of Housing and Urban Development, Federal Insurance Administration dated March 21, 1978.

PLAN NO. 669 F.B. 133 PG. 4 SCALE: 1" = 80'

EO 78-13575

ate: June 1, 2014

GF No. _____

ame of Affiant(s): RACHEL JOHNSON FOR SWARTZ ESTATE

ddress of Affiant: _____ Arlington, TX

escription of Property: LOT 18A ARROWLAKE ACRES 4.16 ACRES; 101 ARROWLAKE, WIMBERLEY, TX 78
ounty Hays, Texas

itle Company" as used herein is the Title Insurance Company whose policy of title insurance is issued in reliance upon
ie statements contained herein.

efore me, the undersigned notary for the State of _____ TEXAS _____, personally appeared
ffiant(s) who after by me being duly sworn, stated:

1. We are the owners of the Property. Or state other basis for knowledge by Affiant(s) of the Property, such
s lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners.":
ACHEL JOHNSON FOR SWARTZ ESTATE

2. We are familiar with the Property and with the improvements located on the Property.

3. We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested
rea and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Title
ompany may make exceptions to the coverage of the title insurance as the Title Company may deem appropriate. We
nderstand that the owner of the Property, if the current transaction is a sale, may request a similar amendment to the
rea and boundary coverage in the Owner Policy of Title Insurance upon payment of the promulgated premium.

4. To the best of our actual knowledge and belief, since _____ 1992 _____ there have been no:
a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other
ermanent improvements or fixtures;
b. changes in the location of boundary fences or boundary walls;
c. construction projects on immediately adjoining property(ies) which encroach on the Property;
d. conveyance, replattings, easement grants and/or easement dedications (such as a utility line) by any party
ffecting the Property;

XCEPT for the following (If None, Insert "None" Below): water storage tank added

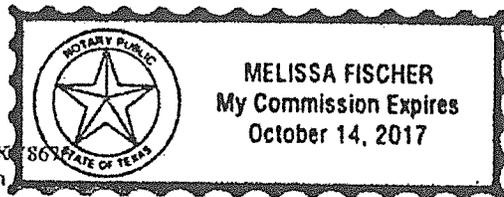
5. We understand that Title Company is relying on the truthfulness of the statements made in this affidavit to
rovide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This
ffidavit is not made for the benefit of any other parties and this Affidavit does not constitute a warranty or guarantee of
ie location of improvements.

6. We understand that we have no liability to the Title Company or the title insurance company that will issue the
olicy(ies) should the information in this Affidavit be incorrect other than information that we personally know to be
icorrect and which we do not disclose to the Title Company.

Rachel Johnson
_____ Rachel Johnson for Swartz Estate

WORN AND SUBSCRIBED this 1st day of June, 2014

Melissa Fischer
_____ Notary Public



FAR- 1907) 5-01-08

s Of Texas Realty, Inc., 14500 RR 12, Wimberley Mt. Plaza #2 Wimberley, TX 78654
ne: 512.618.1342 Fax: 512.687.5375 Marti Eveleigh

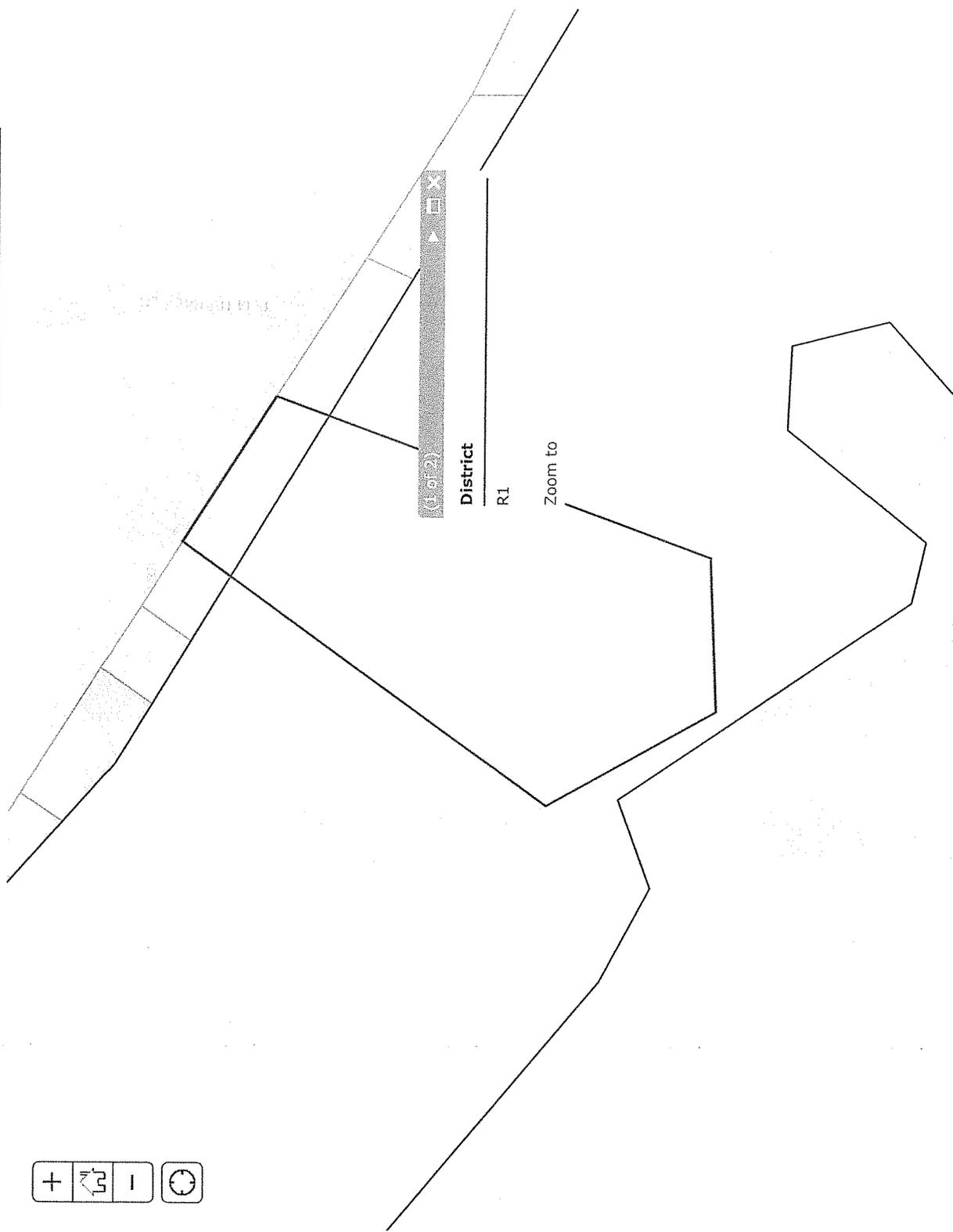
Produced with ZioForm® by zioLoaix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zioLoaix.com

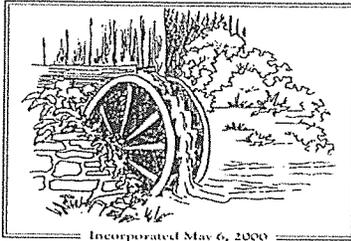
Details

+ Add Basemap

Save Share Print Measure Bookmarks

101 Arrowlake Rd, Wimberley, Texas, USA





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-16-006**
101 Arrowlake Road, Wimberley, Texas

Dear Property Owner:

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

The applicant, Christopher S. Cureton, has applied for a Conditional Use Permit to allow for a vacation rental on property zoned Rural Residential 1 (R-1) located at 101 Arrowlake 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 101 Arrowslake Rd:

R20538

Michael B. & Tamara M. Lane
12027 Wedgehill Ln.
Houston, TX 77077

R20537

Donald J. & Billie M. Bisett
P.O. Box 844
Wimberley, TX 78676-0844

R20536

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

R20540

Curtis Unruh
200 Arrow Lake Dr.
Wimberley, TX 78676

R13005

Shravi & Shivani Ltd
P.O. Box 26100
Austin, TX 78755-6100

R13004/R12997

Richard S. Walker &
Shana L. Sloas
3368 Maroneal
Houston, TX 77025

R133609

Jerry F. & Brenda L. Tomasello
4022 N. Barnett Way
Missouri City, TX 77459-6336

R133605

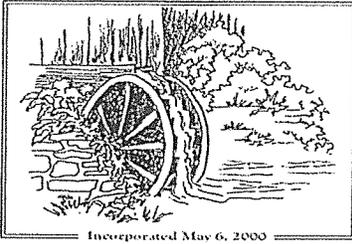
Jeremy Youngblood
2825 Elm Terrace Ln.
Wimberley, TX 78676

R13016

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

**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-16-006 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental on property zoned Rural Residential 1 (R-1) located at 101 Arrowlake 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: ~~174~~ CUP-16-006 Owner _____

Date 3/8/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 101 Arrow Lake Rd

which is located on Arrow Lake Rd

Bill Bowers
Asst. Public Works

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

3/8, 2016

Bill Bowers
Signature

Cara McPartland

From: Chris Cureton [REDACTED]
Sent: Thursday, March 17, 2016 3:30 PM
To: Cara McPartland
Subject: Re: CUP-16-006 for 101 Arrowlake

If you want to forward my telephone number to them , I will talk to them if they choose

Sent from my iPhone

On Mar 17, 2016, at 3:22 PM, Cara McPartland <cmcpartland@cityofwimberley.com> wrote:

Mr. Cureton,

This is to advise that staff has received opposition to your above referenced CUP application from one property owner within the 200-foot notification area. Another phone call was received, however, it was only an inquiry and did not express any support or opposition.

Call or email if you have any questions.

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

RECEIVED
MAR 21 2016

March 18, 2016

We are against this.

Cup-16-006

I will be 90 years old
on Nov. 16, 2016, and Curtis
will be 95 on Nov. 5, 2016

We have lived here for 35
years, on June 2014.

We are too old to attend the
meeting, which is on
March 24, 2016 and April
07, 2016 at 6:00 o'clock P. M.

The applicant Christopher
J. Curston has applied for
a Conditional Use Permit
to allow for a vacation rental
on property zoned Rural
Residential 1 CR-15 located

at 101 Arrowlake Road,
Wimberley, Texas. We
live 200 Arrowlake Rd.
Wimberley, Tex.

Sincerely
Mrs. Curtis
Horn

ORDINANCE NO. 2016-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CHRISTOPHER CURETON TO OPERATE A VACATION RENTAL FACILITY 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.

WHEREAS, an application for a Conditional Use Permit has been filed by Christopher Cureton (“Applicant”) requesting authorization to operate a vacation rental facility on real property, described as Arrowlake Acres Lot 18A, zoned Rural Residential 1 (R-1); and

WHEREAS, a vacation rental 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 Christopher Cureton ("Applicant") for use as a vacation rental facility on real property, described as Arrowlake Acres, Lot 18A, 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 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 five (5) 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. Access to the creek adjacent to the subject property shall be gained only from the subject property.

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:

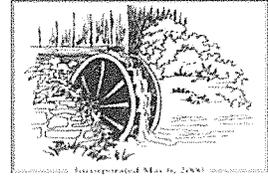
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Catherine B. Fryer, City Attorney

Report for CUP-16-007



Summary: An application for a Conditional Use Permit to allow for the sale of wine for off-premise consumption on property at 14015 Ranch Road 12, #7

Applicant Information:

Applicants: Nancy Sallaberry
201 Penta Ct.
Driftwood, TX 78619

Property Owners: Wimberley Quarter LLC

Subject Property:

Legal Description: ABS 461 aka Cypress Creek Mall Amasa Turner Survey, 1.22 acres
Location: 14015 Ranch Road 12, #7
Existing Use of Property: Vacant
Existing Zoning: Commercial Low Impact (C-1)
Proposed Use of Property: Wine Shop (Sale of wine for off-premise consumption)
Proposed Zoning: C-1 with CUP
Planning Areas: V
Overlay Districts: Protected Water, Village Center

Surroundings:

Frontage On: Ranch Road 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PR-2, L-1	Participant Rec; Lodging
S of Property	C-1, C-3, L-1	Commercial; Lodging
E of Property	PR-2, C-1	Participant Rec; Lodging
W of Property	R-2	Residential

Legal Notice

200' Letters: 3/7/16
Published: 3/3/16
Sign Placement: 3/8/16
Responses: None

Comments:

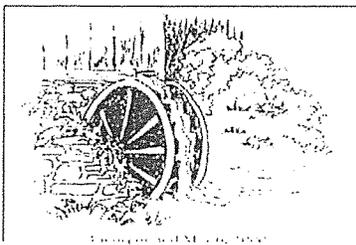
The applicant, Nancy Sallaberry, is seeking a Conditional Use Permit (CUP) for the sale of wine for off-premise consumption at property located at 14015 Ranch Road 12, #7. The subject property is zoned Commercial Low Impact (C-1), located in Planning Area V, and lies within the boundaries of the Village Center and Protected Water Overlay Districts. The sale of wine for off-premise consumption is allowed on C-1 zoned properties with a CUP.

The applicant is proposing to rent the approximately 650 square-foot space from Wimberley Quarter LLC, for the purpose of selling wine for off-premise consumption. The applicant intends to hold periodic wine tastings in accordance with Texas Alcoholic Beverage Commission (TABC) regulations. The wine shop business would be open Tuesdays-Saturdays from 11 a.m. to 6 p.m. and on Sundays from 12 p.m. to 6 p.m.

The proposed wine shop will not require a variance from distance requirements relating to the sale of beer and wine, as the subject property is not located within 300 feet of a school, church, hospital, or day care.

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

On March 24, 2016, the Planning and Zoning Commission unanimously voted to recommend approval of the requested CUP.



City of Wimberley

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

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

FEB 29 2000

CONDITIONAL USE PERMIT APPLICATION

No. CUP 116 - 007

FOR OFFICIAL USE ONLY

Application Date: _____ Tentative P&Z Hearing: 3/24 Tentative Council Hearing: 4/7

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

PROJECT SITE ADDRESS: 14015 RR 12 #7 Wimberley, TX 78676

OWNER/APPLICANT Nancy Sallaberry PHONE (601) 312-4168

MAILING ADDRESS: 210 Penta Ct

CITY: Driftwood STATE: TX ZIP: 78619

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)

Wine Shop

Planning Area IV Zoning C-1 Total Acreage or Sq. Ft. 650 sq approx

Subdivision: _____ Lot _____ Block _____

Appraisal District Tax ID #: R 18513

Deed Records Hays County: Volume _____ Page _____

Is property located in an overlay district? (Yes) (No) If Yes, type: V^oOD, P^oOD

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

UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: Wimberley Water Corp.

Wastewater Service Provider or Hays County Septic Permit No: Private Septic

MY REQUEST IS BASED ON THE FOLLOWING:

- () The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- (v) The use requested by the applicant is set forth as a conditional use in the base district;
- (v) 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.
- (v) List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- (v) Payment of Application fee \$400.00 (non-refundable)
- (v) 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.
- (v) 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.
- (v) Applicant agrees to provide additional documentation as needed by the City.
- (v) 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.
- (v) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

2/29/2016
DATE

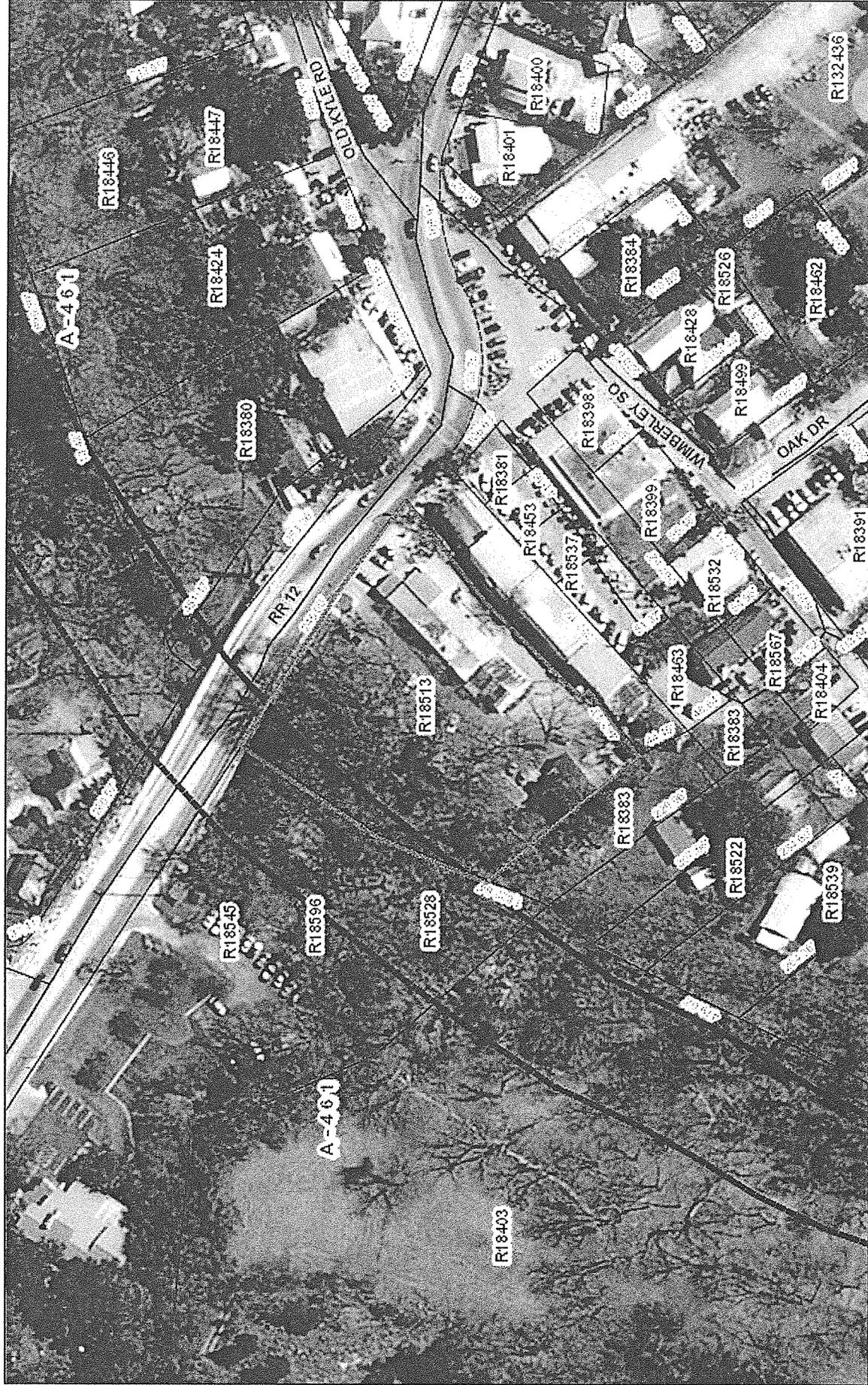

APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

14015 Ranch Road 12, #7



March 21, 2016

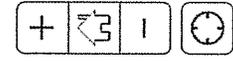
Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

-  Parcel Lines
-  Parcel ID
-  Abstracts
-  Roads
-  Historical Lines

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

This product and relative contents are the property of the respective governmental entity and BIS Consultants. Use is restricted for official purposes. Heys Central Appraisal District & BIS Consulting - www.bisconsultants.com

14015 ranch road 12, Wimberley, Texas, USA



Contents

Zoning

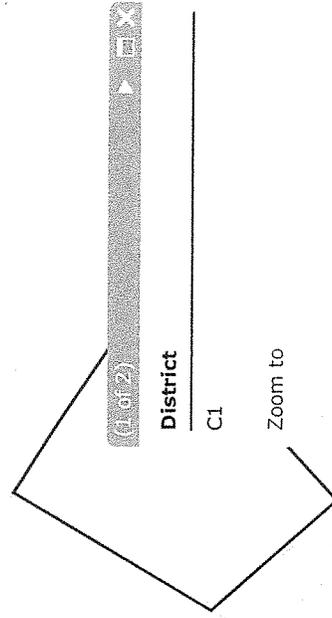
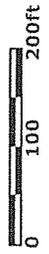
- C2
- L2
- C1
- PR2
- PR1
- L1
- C3
- O1
- PF
- SC
- NS
- O2
- R2
- PPU
- HC

Zoning

- R2
- R1

Zoning

Zoning

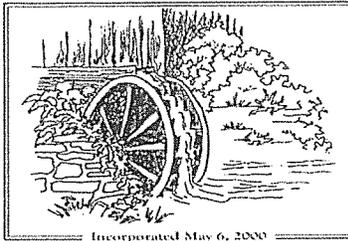


(1 of 2) [Close]

District

C1

Zoom to



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-16-007**
14015 Ranch Road 12, #7, Wimberley, Texas

Dear Property Owner:

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

The applicant, Nancy Sallaberry, has applied for a Conditional Use Permit to allow for the sale of wine for off-premise consumption on property zoned Commercial Low Impact (C-1) located at 14015 Ranch Road 12, #7, 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 14015 RR 12, #7:

R18380

Laura Romano
1611 Ravey St.
Austin, TX 78704-4925

R18424

Joyce Webb Tate
148 Champion Circle
Wimberley, TX 78676

R18381

Janet Bryant-Cisneros
335 Dakota Mountain Dr.
Dripping Springs, TX 78620

R18453

104 Wimberley Square Ltd.
P.O. Box 47
Wimberley, TX 78676-0047

R18537

Anna R. & Tommy Jack Hopkins
21231 Park Bend Dr.
Katy, TX 77450-4144

R18463

Carl & Juanita Marie Leinneweber
P.O. Box 1983
Wimberley, TX 78676

R18398/R18399/R18532

Herschel & Robinette McCullough
101-A Wimberley Square
Wimberley, TX 78676

R18567

Effat Shekarforoosh
P.O. Box 397
Wimberley, TX 78676-0397

R18404

Karb Family Partnership Ltd.
201 Wimberley Sq.
Wimberley, TX 78676

R18391
Phillip M. & Mary L. Van Ostrand
12 Brookside Dr.
Wimberley, TX 78676

R18555
Mary Lou Redd
2 Concha Canyon Trl.
Wimberley, TX 78676

R18408
Alexandria Lee LLC
12704 Trail Driver St.
Austin, TX 78737-9539

R18539/R18403
Carson Diversified Land 2 LLC
1911 Corporate Dr., Ste. 102
San Marcos, TX 78666-6171

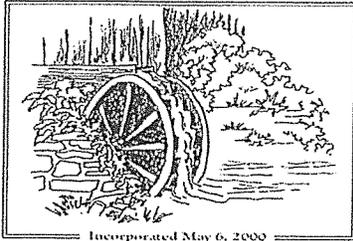
R18522/R18523
Ellen L Sheffield
P.O. Box 736
Wimberley, TX 78676-0736

R18528/R18596
Ozona National Bank
c/o Wimberley Branch
P.O. Box 430
Ozona, TX 76943-0430

R18383
Senior Citizens Craft Shop
of Wimberley, Inc.
P.O. Box 1174
Wimberley, TX 78676-1174

**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-16-007 – an application for a Conditional Use Permit (CUP) to allow for the sale of wine for off-premise consumption on property zoned Commercial Low-Impact (C-1) located at 14015 Ranch Road 12 #7, 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-16-007

Owner _____

Date 3/8/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 14015 RR-12-#7

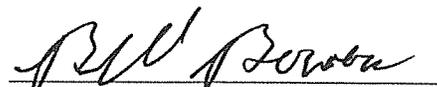
which is located on RR-12

Bill Bowers

Asst. Public Works

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

3/8, 2016


Signature

ORDINANCE NO. 2016-_____

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.

WHEREAS, an application for a Conditional Use Permit has been filed by Nancy Sallaberry (“Applicant”) requesting authorization the sale of wine for off-premise consumption on real property, described as ABS 461 aka Cypress Creek Mall Amasa Turner Survey, zoned Commercial-Low Impact (C-1); and

WHEREAS, the sale of wine for off-premise consumption is an authorized use in areas zoned Commercial-Low Impact (C-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 Nancy Sallaberry (“Applicant”) for sale of wine for off-premise consumption on real property, described as ABS 461 aka Cypress Creek Mall Amasa Turner Survey, as more particularly described by survey in Exhibit “C”, attached and incorporated by reference, zoned Commercial-Low Impact (C-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. On-site wine tastings shall be allowed in accordance with the regulations of the Texas Alcoholic Beverage Commission.

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:

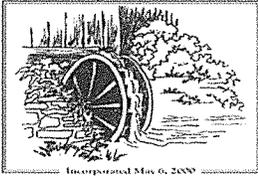
Cara McPartland, City Secretary

(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: CONSIDER APPROVAL OF A JOINT ELECTION AGREEMENT BETWEEN THE CITY OF WIMBERLEY AND WIMBERLEY ISD

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

The City of Wimberley and Wimberley ISD (WISD) will hold elections on May 7, 2016.

Like the City, the WISD will be contracting with the Hays County Elections Administrator to carry out its elections. As such, there is a need for the City and WISD to enter into a joint election agreement for the May election. The proposed agreement will allow the City and WISD to share polling places in the election, and appoint the same election officials to preside over the election. In return, the City and WISD will share equally the election expenses charged by the Hays County Elections Administrator for carrying out the elections.

Attached is the proposed joint election agreement for review and consideration.

**AGREEMENT BY THE CITY OF WIMBERLEY AND
WIMBERLEY INDEPENDENT SCHOOL DISTRICT
TO HOLD A JOINT ELECTION IN VOTING PRECINCTS
ON MAY 7, 2016**

WHEREAS, the Wimberley Independent School District (“DISTRICT”) will hold a bond election on May 7, 2016; and,

WHEREAS, the City of Wimberley (“CITY”) will also hold a general election for Mayor and City Council positions within the boundaries of the CITY on May 7, 2016; and,

WHEREAS, Texas Election Code, Chapter 271, authorizes political subdivisions of the State of Texas to hold elections jointly in voting precincts if it will be of benefit to the citizens and voters thereof to be served by common polling places and elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory; and,

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested.

NOW, THEREFORE, pursuant to Chapter 791 of the Texas Government Code and Sections 271.001 et. seq. of the Texas Election Code, the Joint Election Agreement set forth below is entered into by and between the Entities acting by and through their respective governing bodies, agree as follows:

1. The District and the City will share polling places during the election on May 7, 2016.
2. The District and the City will appoint the same election officials to preside over the election precinct in which a common election is held.
3. The District and the City will use a HAVA compliant voting system (DREs) in each election precinct in which a common election is held.
4. The expenses of the joint election will be divided equally between the entities having a common election. Expenses will be determined and divided based on each precinct. By way of example, where the entities hold a common election in a precinct, the expenses will be apportioned one-half each. Each entity will bear all expenses for equipment and supplies utilized in its election.
5. It is agreed that all entities will contract with Hays County Elections Administrator to provide all election services needed for these elections.
6. Early voting for District and City shall be conducted jointly per the election services contract with Hays County Elections Administrator in accordance with Title 7 of the Texas Election Code.

7. Each individual signing below represents and warrants the execution of this Agreement has been duly authorized by the respective entity they represent.

DATED this the _____ day of _____, 2016.

CITY OF WIMBERLEY

BY: _____
Steve Thurber,
Mayor

ATTEST: _____

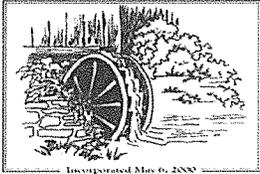
DATED this the _____ day of _____, 2016.

WIMBERLEY INDEPENDENT SCHOOL DISTRICT

BY: _____
Ken Strange,
WISD Board President

ATTEST: _____

City Council Agenda Form



Date Submitted: April 4, 2016

Agenda Date Requested: April 7, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE PROPOSED CREATION OF HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 9

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider possible action regarding the proposed creation of Hays County Emergency Services District No. 9.

On March 16, 2016, the City received a petition to create a new emergency services district to fund emergency medical services (the "EMS") in those areas of Hays County that do not currently fall within an existing emergency services district or within a municipally funded EMS service area. Attached is a copy of the subject petition for review and consideration.

There is a portion of the proposed district that falls within the city limits of Wimberley and its E-T-J. The area in question is largely south of Ranch Road 12, including the Junction and Summer Mountain Ranch. While the subject area isn't part of an existing EMS emergency services district, Wimberley EMS currently provides service to the area.

Because a portion of the proposed district is within the city limits of Wimberley and its E-T-J, the City must consent to the inclusion of this area within the proposed district in order for it to be included within the district.

This item was placed on the agenda to allow City Council to be briefed on the proposal and to provide direction to City staff regarding the possible placement of the requested consent resolution relating to the petition on a future City Council agenda for action.

The Carlton Law Firm, P.L.L.C.

2705 Bee Cave Road, Suite 200
Austin, Texas 78746

Phone: (512) 614-0901
Facsimile: (512) 900-2855

John J. Carlton
john@carltonlawaustin.com

March 16, 2016

VIA FIRST CLASS MAIL

Mayor Steve Thurber and City Council Members
City of Wimberley
221 Stillwater
Wimberley, TX 78676

Re: Consent to petition for creation of Hays County Emergency Services District
No. 9

Dear Mayor Thurber and Wimberley City Council Members:

Laurie Taylor, James M. Swisher and John T. Mills have filed the attached petition for creation of Hays County Emergency Services District No. 9 (the "District"). The District is proposed for the purpose of funding emergency medical services in the area. The Commissioners Court of Hays County has accepted the petition and scheduled a public hearing in April to consider whether to grant the petition. Because a portion of the District will be within the City of Wimberley and its extraterritorial jurisdiction, the City must consent to the inclusion of this area within the District in order for it to be included within the District. (Texas Health & Safety Code §775.014). This letter serves as a formal request that the City consent to creation of the proposed District and allow the District to include these portions of the City's limits and extraterritorial jurisdiction.

The petitioners respectfully request to be placed on the City of Wimberley's agenda as soon as possible under an item titled, "Discuss and consider consenting to creation of the proposed Hays County Emergency Services District No. 9." The City must act on this request within 60 days or it will be deemed denied under the law.

A map of the District and the written boundary description are included in the attached petition.

The petitioners respectfully request that you consent to including these portions of the City and its extraterritorial jurisdiction in Hays County Emergency Services District No. 9 by adopting a resolution similar to the attached and approving the request in writing.

If you have any questions, please contact me at your earliest convenience.

Sincerely,

THE CARLTON LAW FIRM, P.L.L.C.



John J. Carlton

Enclosure

cc: Don Ferguson, City Administrator (*via email*)
David Smith, San Marcos Hays County EMS

RESOLUTION NO. _____

**A RESOLUTION GRANTING THE CONSENT OF
THE CITY OF WIMBERLEY, TEXAS, TO THE CREATION OF
HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 9**

WHEREAS, the City of Wimberley, Texas (the "City"), has received the petition attached as **Exhibit "A"**, and a letter requesting the City's consent to the creation of an emergency services district ("District"), proposed to be known as Hays County Emergency Services District No. 9, which includes portions of the city limits and extraterritorial jurisdiction of the City within Hays County, and

WHEREAS, the City desires to grant its written consent to the creation of the District;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS that the City gives its written consent to the creation of the District, proposed to be known as Hays County Emergency Services District No. 9, and to the inclusion of the City limits and extraterritorial jurisdiction of the City within the boundaries of the District as more particularly described in the petition attached as **Exhibit A**. This consent is valid for a period of six month from the date of its adoption.

PASSED AND APPROVED on the ____ day of _____, 2016

Steve Thurber, Mayor
City of Wimberley, Texas

ATTEST:

Cara McPartland, City Secretary

PETITION FOR CREATION OF
EMERGENCY SERVICES DISTRICT

THE STATE OF TEXAS § IN THE COMMISSIONER'S COURT
 §
 § OF
 §
COUNTY OF HAYS § HAYS COUNTY, TEXAS

TO THE HONORABLE COUNTY JUDGE AND COMMISSIONERS OF SAID COURT:

NOW COME 100 or more qualified voters who own taxable real property in Hays County, Texas pursuant to Texas Health & Safety Code, Section 775.011, requesting the creation of an Emergency Services District and would respectfully show the following:

I.

That the proposed Hays County Emergency Services District No. 9 (the "District") will be created and operated under the provisions of Article III, Section 48-e of the Constitution of Texas and Chapter 775 of the Health & Safety Code of the State of Texas.

II.

That the name of the proposed District shall be "HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 9."

III.

That the area of the District will overlap portions of Hays County Emergency Services District No. 3, Hays County Emergency Services District No. 6 and the portion of Hays-Caldwell County Emergency Services District No. 1 located in Hays County (collectively, the "Overlapping Districts"), none of which provide emergency medical services, and will generally include all or portions of the city limits of the Cities of San Marcos, Kyle, Wimberley, Creedmoor, Neiderwald, Uhland, Mountain City, and portions of the extraterritorial jurisdiction of the Cities of San Marcos, Kyle, Wimberley, Neiderwald, Uhland, Mountain City, and

Dripping Springs. The boundaries of the District are more particularly described by the description attached as Exhibit "A", which is attached hereto and incorporated herein for all purposes, and generally shown on the attached sketch in Exhibit "B".

IV.

The District will provide emergency medical services in response to any emergency situation in accordance with the authority granted to emergency services districts under Chapter 775 of the Texas Health & Safety Code, but the District will not provide any services provided by the existing Overlapping Districts, as set forth in the statement of services to be provided in accordance with Section 775.018(g) of the Texas Health and Safety Code by each of those districts.

V.

The creation of the District complies with Section 775.0205 of the Texas Health & Safety Code. The petitioners request that the County deliver a copy of this petition to the Board of Commissioners of the Overlapping Districts, and request a statement of services in accordance with Section 775.018(g) of the Texas Health & Safety Code.

VI.

That Laurie Taylor, who resides at 1909 Kirby Ln., Kyle, Texas 78640, and James M. Swisher, who resides at 160 Caliche Trail, San Marcos, Texas 78666, and John T. Mills, who resides at 1625 Twin Cove, Kyle, Texas 78640, petitioners herein, agree and obligate themselves to pay the cost incident to the formation of the District, including the costs of publishing notices, election costs, and other necessary and incidental expenses, such cost not to exceed one hundred fifty (\$150.00) dollars for Hays County.

VII.

The cities of San Marcos, Kyle, Wimberley, Creedmoor, Neiderwald, Umland, Mountain City, and Dripping Springs are the only municipalities whose consent must be obtained under Section 775.014 of the Texas Health & Safety Code.

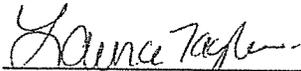
VIII.

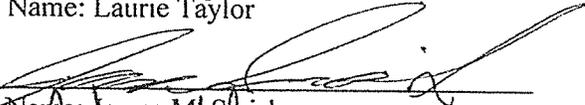
The signatures required by the Texas Health & Safety Code, Section 775.011, for the creation of Hays County Emergency Services District No. 9 are attached on Exhibit "C" respectively.

WHEREFORE, PREMISES CONSIDERED, petitioner prays that such notices be issued by the County Clerk of Hays County as required by law; that a public hearing be held on this petition in the county; that a copy of this petition be sent to Hays County Emergency Services District No. 3, Hays County Emergency Services District No. 6 and Hays-Caldwell County Emergency Services District No. 1 together with a request for a statement of services; and that, after the hearing, the Commissioners Court of Hays County grant this petition and call a special election regarding the creation of the District.

RESPECTFULLY SUBMITTED this ____ day of _____, 2015.

PETITIONERS:

By: 
Printed Name: Laurie Taylor

By: 
Printed Name: James M. Swisher

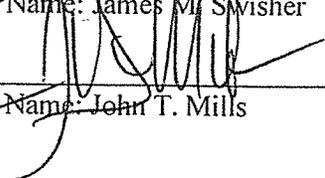
By: 
Printed Name: John T. Mills

Exhibit "A"

Description of Proposed Hays County Emergency Services District No. 9

Boundary Description

Beginning at the point of intersection of the Hays-Comal County line with the southernmost corner of the boundary of Hays County Emergency Services District No. 7, thence Northerly and Easterly along the boundary of Hays County Emergency Services District No. 7 to the point of intersection with the boundary of Hays County Emergency Services District No. 1, thence Northerly and Easterly along the boundary of Hays County Emergency Services District No. 1 to the point of intersection with the boundary of Hays County Emergency Services District No. 2, thence Easterly along the boundary of Hays County Emergency Services District No. 2 to the point of intersection with the Hays-Travis County line, thence Easterly and Southerly along the Hays-Travis County Line to the point of intersection with the Caldwell County Line, thence Southerly along the Hays-Caldwell County Line to the point of intersection with the Guadalupe County Line, thence Southerly along the Hays-Guadalupe County Line to the point of intersection with the Comal County Line, thence Northerly and Westerly along the Hays-Comal County line to the point of beginning.

Exhibit B
Map of Proposed
Hays County Emergency Services District No. 9

[ATTACHED]

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Lindsey Combs	350 New Country Rd	Same	8/2/82	1071183005	HAYS	Jacob K Combs	11/30/15
Penny Rodriguez	510 Quarter Buena, TX	Same	3/3/80		HAYS	[Signature]	11/30/15
Sarah Boyd	355 New Country Rd Kyle, TX 78640	Same 355 New Country Rd Kyle, TX 78640	12/29/1980		HAYS	Bobbie Boyd	12/1/15
Lauren Hanner	310 New Country	Same	7/11/82		HAYS	[Signature]	10/1/15
Josh Boyd	355 New Country Rd Kyle, TX 78640	Same 355 New Country Rd Kyle, TX 78640	1/4/84		HAYS	[Signature]	
John Emanuelson	365 New Country Rd Kyle, TX 78640	Same	7/30/66		HAYS	John Bapt	12/1/15
Linda Emanuelson	305 New Country Rd	Kyle TX 78640	10/3/53		HAYS	[Signature]	12/1/15
ASTLEY VANDENBERG	375 NEW COUNTRY RD. KYLE TX 78640	KEMMER " " "	8/9/95		HAYS	[Signature]	12/1/15
John Soto	121 GINA DR	Kyle	11/15/58		HAYS	A Soto	12-1-15

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Linda Williams	345 New Country Rd Kyle TX 78640	Kyle	5/3/86		Hays	[Signature]	12/1/15
Nicholas Tello	330 New Country Rd Kyle TX 78640	Kyle same	12/20/47		Hays	[Signature]	12/1/15
FATIMA	281 new country Kyle TX 78640	same	4/17/84		HAYS	[Signature]	12-1-15
Stephanie Paver	310 NEW Country Rd Kyle TX 78640	same	3/13/67		Hays	[Signature]	12/1/15
Urvano Gallo	240 New Country Rd Kyle TX 78640	same	2/24/81		Hays	[Signature]	12/1/15
Allison Estrada	280 New Country Rd Kyle TX 78640	same	10/21/72		Hays	[Signature]	12/1/15
Jennifer Lindley	740 Olson Cir Kyle TX 78640	same	10/7/81		Hays	[Signature]	12/1/15
JAMIE MOORE	140 Olson Cir Kyle TX 78640	same	2/24/81		Hays	[Signature]	12/1/15
Jay Horn	131 Olson Cir Kyle TX 78640	same	8/1/02/05		Hays	[Signature]	20/5/2011

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Kathryn Girout	4456 Nathan	Kyle TX 78040	9-2-80		Hays		12/1/15
EMILIO ALBERT NIEL PERA	107 WISTERIA WAY SAN MARCOS TX 78666 355 New Country 365 Pecos County Kyle TX 78640		2-17-1978		Hays		2/2/15
Daniel Carras	130 Sundown Ln San Marcos TX 78666	Kyle TX 78640	05/16/80		Hays		12/2/15
John Carras	623 W Hopkins	same	5-2-74		Hays		12/2/15
Thom Rogers	623 W. Hopkins	same	9-3-76		Hays		12/2/15
Lucio Lopez	1111 Barbara D. San Marcos Tx	San Marcos	4-16-72		Hays		10/2/15
Diana Lopez	1111 N. Barbara Dr.	San Marcos Tx	12-26-79		Hays		12/2/15
KENNETH BELL	1033 CHEATHAM	SAN MARCOS	6/15/67		Hays		12/2/15

Owner Name (Printed)	Residence Address	Mailing Address	Date of Birth	Vote Registration Number	County of Registration	Owner Signature	Date
Candita Castillo	1103 FM Rd 150 East Kyle	same	11/5/73		HAYS	[Signature]	12/2/15
Astorio Gonzalez	PPO3 FRI 150 150 East Kyle	SAME	11/29/60		HAYS	[Signature]	12-2-15
Gloria Gonzales	1103 FM Rd 150 East Kyle	same	2-5-60		HAYS	[Signature]	12-2-15
Melissa McNeel	117 W. SM HOLLAND	same	5-10-48	1001135641	HAYS	[Signature]	12/2/15
Audre Willett	117 W. Holland SM	"	6/22/95	1001135504	HAYS	[Signature]	12/2/15
Ashley Adage	903 Conway Dr. Sammars TX	same	11/2/1974		HAYS	[Signature]	12/2/15
Rosario Adage	703 Conway Dr Sammars TX	same	4-28-73		HAYS	[Signature]	12/2/15
MARK DIEBOLD	4700 Hilliard Pb Sm MARCUS TX 78664	same	3/7/64		HAYS	[Signature]	12/2/15
Richard Dyer	602 Candlelight 2 N TY 78666	same	10/10/49		HAYS	[Signature]	12/2/15

Owner Name (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner's Signature	Date
Rosie Payne	229 San Felipe	Rosie Payne	01/11/45		HAYS	Rosie Payne	12/21/15
JANUAGARCIA	2411 PINKA PT SAN MARCOS	THRU SAN MARCOS	7/26/49		HAYS	[Signature]	10/2/15
Dennis Smart	2255 Summit	Same	7/6/49		HAYS	[Signature]	12/2/15
Denise Smart	11	11	10/5/51		HAYS	[Signature]	10/2/15
Ellen Ault	816 Belvin ST	111	05/30/69		HAYS	[Signature]	12/2/15
J.K. Ault	816 Belvin	111	12/21/15		HAYS	[Signature]	12/2/15
J.D. ELSHOFF	1105 SANDVIEW DR. S.M.	SAME	3-5-46		HAYS	[Signature]	12-2-15
Laurel Pawelek	212 Pauls Dr San Marcos, TX	Same	10/29/67		HAYS	[Signature]	12/2/15
Ben Pawelek	11	11	07/26/53		11	[Signature]	12-2-15

Owner Name (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	DOB
Alic Brannons	1587 Twin Kyle, TX	" "	06/29/84		HAYS	[Signature]	12/12
Jenny Brannons	" "	Pamie	9/7/84		HAYS	[Signature]	12/2/15
Stan Zacherh	149 Lakake Westing Dr Kyle Texas	Same	02/12/56		HAYS	[Signature]	12/2/15
Erica Villalobos	" "	" "	11/19/81		HAYS	[Signature]	12/2/15
Shelly Plumbey	287 Calle Largo W.	Same	2/2/79		HAYS	[Signature]	12/2/15
Michael Plumbey	287 Calle						
Lisa Davila	Large Kyle, TX 340 Ferry St. San Marcos	Same	4/26/77		HAYS	[Signature]	12/2/15
Kristina Kelsy	575 Craddock Sim 78664	" "	10/29/79		HAYS	[Signature]	10/2/15
TEAN KEISE	1761 E Hwy 21 S.M.TX 78666	" "	6/3/75		HAYS	[Signature]	12/2/15
KEISE		" "	3/26/79		HAYS	[Signature]	12/2/15

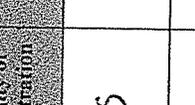
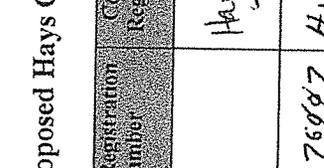
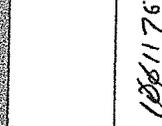
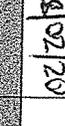
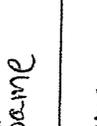
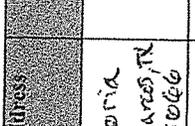
Owner Name (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Debbie H Scott	379 N 7640 Fellville	" "	4/3/77		Hay	XRAW	12/2/15
MARGO GREGORY	1105 GRANDVIEW SAN MARCOS TX	" "	7/18/50		Hay	[Signature]	12/2/15
ANNE HANSEN	1236 Belmont SMIX		11/29/73		Hay	[Signature]	12/2/15
Jeff	1236 Belmont San Marcos TX	Same	1/18/73		Hay	[Signature]	12/2/15
[Signature]	1189 Mountain San Marcos	Same	12/10/01		Hay	[Signature]	12/2/15
Cindy L. [Signature]	1017 San Marcos Mountain Dr	Same	9-8-78		Hay	[Signature]	12-2-15
Rob [Signature]	1304 BAREBARRE San Marcos TX	Same	6/29/64		Hay	[Signature]	12-2-15
Marylou Espinoza	1304 Barbare San Marcos TX	Same	3/14/47		Hay	[Signature]	12-2-15

Owner Name (Printed)	Residence Address	Mailing Address	Director Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Red Fisher	501 Quail Run SM, TX	Same	12-13-57		Hays	[Signature]	12-2-15
Karen Morris	4704 Scudero SMT	←	3/18/61		Hays	[Signature]	12/2/15
Claudia Torres	SM, TX 78666 1700 Lancaster	Same	6/9/72		Hays	[Signature]	12/2/15
CHRIS TORRES	1700 LANCASTER SAN MARCOS, TX	SAME	05/06/72		HAYS	[Signature]	12/02/15
Fony Castings	323 SPRING DR Kyle, TX	SAME	3/6/47		Hays	[Signature]	12/1/15
Elaine Cille		Same	8-10-47		Hays	[Signature]	12-2-15
RENÉ VALDEZ	309 Goldenrod San Marcos TX	Same	8-21-63		Hays	[Signature]	12-2-15
Jacqueline VALDEZ		"	8-3-71		Hays	[Signature]	12-2-15
Richard POWNING	100 FLUMA CT SAN MARCOS TX		9-8-69		"	[Signature]	12/2/15

Owner Name (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Corey Jelen	San Marcos TX 610 Eastwind	610 Eastwind Same	7/2/73		Hays	Corey Jelen	12/2/15
Tanya Jelen	San Marcos 610 Eastwind	610 Eastwind PO Box 1303 San Marcos TX 78667	2/7/74		Hays	Tanya Jelen	12/2/15
Goikonda Hernandez Austin	1404 San Marcos 301 S. Johnson SM TX 78066	Same	4/27/62		Hays	Goikonda Hernandez	12/2/15
Van Zant	140 Bluebonnet SM TX, 78066	Same	10/7/82		Hays	Van Zant	12/2/15
Tom Lauderdale	140 Bluebonnet SM TX, 78066	Same	12/14/53		Hays	Tom Lauderdale	12/2/15
Cathy Lauderdale	140 Bluebonnet San Marcos TX 140 Bluebonnet Pears	Same	10/1/56		Hays	Cathy Lauderdale	12/2/15
Lisa Metzler	San Marcos TX 736 Willow Ridge Dr. SW	Same	6/9/90		Hays	Lisa Metzler	12/2/15
Lynde Gordon	736 Crest Circle Dr. San Marcos TX	Same	6/15/59		Hays	Lynde Gordon	12/2/15
		Same	3/7/62		Hays		12/2/15

Exhibit "C"

Real Property Owners Qualified to Vote in Hays County for Proposed Hays County Emergency Services District No. 9

Owner Name(s) (printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Cody L Carroll	230 Brazoria Trail San Marcos, TX 78066	Same	02/20/88		Hays		11/19/15
Charles M Johnson	304 Suttles Ave San Marcos, TX 78666	Same	07/09/48	1881176887	Hays		12/4/15
Linda V Johnson	304 Suttles Ave San Marcos, TX 78666	Same	11/18/49		Hays		12/3/15
Joshua Beckwith	116 Desert Ridge Dr Hyle TX 78060	116 Desert Ridge Dr Hyle TX 78060	05/18/85		Hays		11/19/2015
Brian Kemp	310 Woodland Trail San Marcos, TX	Same	2-1-70		Hays		11-19-15
John C Browning	110 Brazoria Trl SAN MARCOS, TX	Same	8/26/68		Hays		11-19-15
Karen Smith	406 Brazoria Trail San Marcos, TX	Same	7/25/50				11/19/15
DAVID SMITH	406 Brazoria Trail San Marcos, TX	Same	1/18/77		Hays		12/19/15

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
MIKE Schlinggen	303 Suttles Ave	Same	9/1/450			Mike Schlinggen	12/5/15
DIANE Schlinggen	303 Suttles Ave	SAW MARCOOS TX 78666	7/30/1950			Diane M Schlinggen	12/5/15
JAMES GOLOSMITA	305 SUTTLES AVE	SAME	2-2-31			James Golosmita	12/5/15
FRANCES GOLDSMITH	305 Suttles Ave	Same	6-8-36			Frances Goldsmith	12-5-15
MARY DIAZ	305 Suttles Ave	Same	3-1-41			Mary Diaz	12-5-15
JOHN A. DIAZ	308 SUTTLES AVE	Same	2/16/43			John A. Diaz	12/5/15
DOMINGO PEÑA	310 SUTTLES AVE	SAME	10/28/51			Domingo Peña	12/5/15
CURTIS T. GRANT	2703 SUTTLES	SAME	7/29/43			Curtis T. Grant	12/5/15
PATRICIA HUTCHISON	2703 SUTTLES	SAME	1/12/41			Patricia Hutchison	12/5/15

Owner Name(s) (printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Everette Swinney	407 Suttles	Same	9/19/1933			<i>Everette Swinney</i>	12/5/15
Donna Swinney	407 Suttles	Same	3/8/1933			<i>Donna Swinney</i>	12/5/15
Billy Wolford	302 Suttles	SAME	9/25/1930			<i>Billy Wolford</i>	12/5/15
BOBBIE WOLFORD	302 SUTTLES	SAME	10/01/1931			<i>Bobbie Wolford</i>	12/5/15
Concepcion HARGIS	301 Suttles	Same	2/11/1958			<i>Concepcion Hargin</i>	12-5/15
GARY HARGIS	301 Suttles	SAME	7/29/1955			<i>Gary Hargin</i>	12-5/15
MARGARET STOVALL	2609 James St	Same	3/27/37			<i>Margaret Stoval</i>	12/4/15
Brenda Walsh	2605 James St.	Same	12/26/58			<i>Brenda Walsh</i>	12/6/15
Gilbert GARCIA	2603 JAMES ST.	Same	2-8-1948			<i>Gilbert M. Garcia</i>	12/4/15

Owner Name(s) (printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Linda V GARCIA	2603 James St	same San Marcos TX 78666	12/15/ 1947			Linda V Garcia	12/6/ 2015
John P Weatherford	2607 James St San Marcos, TX	same 78666	10/19/ 58			John P Weatherford	12/6/15
Sean Smith	306 Laurel HL	Same	8/7/86			[Signature]	12/6/15
MARION JOHNSON	308 Laurel Hill San Marcos	Same	8/10/42			[Signature]	12/6/15
CHRIS TURREAU	310 LAUREL AVE San Marcos	Same	2/21/61			[Signature]	12/6/15
CHRISTINA TURREAU	310 LAUREL HILL San Marcos	Same	8/30/66			[Signature]	12/6/15
Ben Turreau	512 Lockhart #2 San Marcos	Same	11/13/87			B. Turreau	12/6/15
VICTORIA LOPEZ	512 LOCKHART ST #2 San Marcos	Same	12/29/89			V Lopez	12/6/15
Gene Petty	406 Laurel HILL	Same	7/29/43			[Signature]	

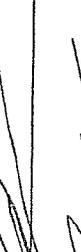
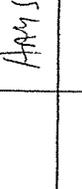
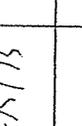
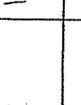
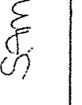
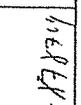
Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
RoseLYN J. Pethay	406 Laurel Hill San Marcos	Same	4/19/42			<i>RoseLYN J. Pethay</i>	12-6-15
JOE Daubenbeck	410 LAUREL Hill San Marcos	SAME	6/18/51			<i>Joe Daubenbeck</i>	6/dec/15
Lester Arnold	2605 Philost San Marcos	SAM	1/30/44			<i>Lester Arnold</i>	12-6-15
DANIEL D. Edger	405 Laurel Hill San Marcos	SAME	3/29/48			<i>Daniel D. Edger</i>	12/6/15
SAM A. Khuskhd	2606 James St San Marcos	Same	11-4/45			<i>SAM A. Khuskhd</i>	12/6/15
Hanna M. Khuskhd	The Same 2606 James St San Marcos	"	12/2/48			<i>Hanna M. Khuskhd</i>	12/6/15
Betty Neagy	208 Suttles Ave San Marcos	Same	9/18/26	1001176292	Hays	<i>Betty Neagy</i>	12/6/15
MARION WILLIAM	San Marcos 100 Suttles Ave	Same	10/31/47			<i>Marion William</i>	12/6/15
Cecil Hebert	107 Suttles Ave San Marcos	Same	11/19/16		Hays	<i>Cecil Hebert</i>	12/6/15

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
MARCK McCloud	5771 Texas KYLE TX 78660	→	4/20/86		Hays		
Collyn Bone	2227 Mustang Ln San Marcos, TX 78666	same	4/17/83		Hays		
Ryan Wiser	480 Thicket Kyle TX 78660	5th	10/7/81		Hays		
Kathy Moore	747 Aprilot Kyle 78660		11/29/59		Hays		
FRANK VAUGHAN	208 Birch Kyle TX 78660		10/21/33		Hays		
Sharon Vaughn	208 Birch Rd. Kyle TX		4/15/44		Hays		
JOE GUERRIN	208 Challenger		2/12/57		Hays		
J. PETE KRUG	104 S. Burleson		5/30/38		Hays		
Michelle M. Lopez	737 W. Burleson Burleson TX 78640		9/9/70		Hays		

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Catus Martinez	885 W. San Antonio St San Marcos, TX 78666	885 W. San Antonio St San Marcos, TX 78666	11-1-80		HAYS		12/2/15
Tiffany Martinez	108 W. Winkler St San Marcos, TX 78666	885 W. San Antonio St San Marcos, TX 78666	8-8-88		HAYS	Jeffrey Nantz	12/2/15
Traci Mobley	507 GLADNEY WINKLER	SAN MARCOS TX 78666	2/24/70		HAYS	Demetrius Franks	12/2/15
REGAY NICHOL S HARLOW	2713 HARROW HARROW	SAN MARCOS TX 78666	7-10-65		HAYS	SAR	12/2/15
Nicola-Nichells Harlow	302 HARROW HARROW	SAN MARCOS TX 78666	10/29/67		HAYS	Judy	12/2/15
CHRISTOPHER WILKINSON	302 HARROW HARROW	SAN MARCOS TX 78666	5/12/68		HAYS	Andre Nicks	12/2/15
ROBERT GRAVEY	4806 SENDERO DR SAN MARCOS, TX 78666	SAN MARCOS TX 78666	11/10/1968		HAYS		12/2/15
MIKE HARPER			11/21/73		HAYS		12/2/15

Owner Name (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Tony Harper	4806 Sendero Dr S.M. TX 78666	←	8/10/73		HAYS	[Signature]	12/2/15
BEN DEAN	1133 Hilltop SMTX 78666	←	9/16/85		HAYS	[Signature]	12/2/15
Alex Dean	1133 Hilltop SMTX 78666	Same	6/29/87		HAYS	[Signature]	12/2/15
Stacie Sundquist	101 W. Hopkins Sammartos TX 78666	Same	8/14/68		Hays	[Signature]	12/2/15
Stephen Sundquist	101 W. Hopkins Sammartos TX 78666	Same	6/29/68		Hays	[Signature]	12/2/15
YVETTE VELASQUEZ	225 SCOTT ST. SAN ANTONIO	78666	12/30/82		HAYS	[Signature]	12/2/15
ALYSON GEORG	253 PULCEA PL. 148 Ames Kyle, TX	78666	5/27/87		HAYS	[Signature]	12/2/15
CLINT LADD	518 LINDSEY SAN MARCOS	78666	11/14/86		HAYS	[Signature]	12/2/15
CHRISTOPHER BARNETT			5/6/67		Hays	[Signature]	

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Vote Registration Number	County of Registration	Owner Signature	Date
Jennifer Bennett	512 Windsor San Marcos TX 78666	Same HAAS	1/12/76		Hays		12/2/15
Brenda Longwell	213 W Mimosas SMTX	HAAS Same	01/26/77		Hays		12/2/15
Karen Weibel	1141 Brando St San Marcos TX	Same HAAS			Hays		12/2/15
Raymond Renteria	1315 Belvia SMTX	Same HAAS	6-24-83		Hays		12-2-15
Cristy Severson	12800 Lantern Creek Buda TX	Same HAAS	10/28/61		Hays		12-2-15
Ruth Ault	103 W Mimosas	Same HAAS	5/31/40		Hays		12-2-15
STAN AULT	103 Mimosas	Same HAAS	12/9/38		Hays		12/2/15
JERRY BEAN	752 CLEARVIEW CIRCLE San Marcos TX	1900 Aguirre SPRINGS OR 78083 San Marcos TX	12/15/15		Hays		12/2/15
Mike Wood	1608 Ramona Cir S. M.T.X. 78666	Same	3/17/59		Hays		12/2/15

Owner Name(s) (printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Harvey Clark	7065 Old Springdale Rd KYLE TX	P.O. Box 507 KYLE TX	12/18/60		HAYS		12/21
TRAVIS Collington	497 Sweet Gum KYLE TX 78610	same	3/5/79		HAYS		12/2
JEFF Corby	139 Trinity DR. KYLE TX 78661	same	9/30/66		HAYS		12/2
Betha	1200 DALK LANE #A	S AMVE	8-15-45		HAYS	Betha Gayale 	12/2
Ronald Day	805 BUTTE BERSH DR.	" "	6-30-51		HAYS		12/2
Jean Claes	135 Sampson KYLE TX	same	2/5/73		HAYS		12/2
Veronica Maldonado	33880 Ford Dr. KYLE TX	same	11/3/90		HAYS	U. Maldonado 	12/2
LUIS Jimenez	33880 Ford Dr. KYLE TX	same	3/14/85		HAYS	Luis Jimenez 	12/2
J. Torres	133 Shure Dishart Austin TX 78749	11	3/11/75		HAYS		12/2

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Shonda Elizabeth	7425 Cromwell #3105 Kyle, TX 78640	"	5-15 73		Hays		12-2-15
Susan Butterwick	6099 Steiner Kyle	Same	12 26 53		Hays		12-2-15
Matthew Bonham Veronica Bonham	250 New Country Kyle	Same	02 10 76		Hays		12-7-15
Bonham Gregory Dane Nuyksunder	250 New Country Kyle	Same	1 14 83		Hays		12-7-15
Linda Gutierrez	760 Rummel Dr. Kyle	Same	11/18/71		Hays		12/7/15
Anthony Arenas	391 Rummel DR	"	10/27/ 1986		Hays		12/8/15
Melissa Arenas	401 Rummel Dr. Kyle	"	11/21/88		Hays		12/8/15
Fidel Islos	420 Rummel Dr. Kyle	Same	10/10/1988		Hays		12.08.15

Owner Name (printed)	Residential Address	County Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Travis Davis	780 Willow Ridge San Marcos	San Marcos	2/12/1984		Hays		12/9/2015
Jane Davis	" "	" "	9/27/82		" "		10/8/15
Corey Carothers	1105 MOUNTAIN VIEW San Marcos TX 78666	"	6/12/80		Hays		12/3/15
Catherine Carothers	"	"	7/14/80		"		12/20/15
SARAH BOWER	PO BOX 2116 KYLE, TX 78640	1941 Highways KYLE, TX 78660	10/20/15		Hays		12/3/15
Wendy Lindy Earp	"	"	2007, 1/3, 1980		Hays		12/3/15
Frank Martinez	76 Box 161 KYLE TX 78640	"	Aug 1, 1963		Hays		12/7/15
Alexandra Martinez	78640 KYLE TX	"	3-11-65		"		"
Kristin Cole	1080 Wayne Edge Dr San Marcos	"	2/19/87		"		"

Owner Name (Printed)	Address	Date of Birth	Your Registration Number	Amount of Registration	Owner's Signature	Date
Jose Rodriguez	801 Barbara Dr	5-20-85		Days	[Signature]	12/3/15
POGATZ SUTEREN	800 OAKGROVE RD SAY	3/28/50		HAYS	[Signature]	12/3/15
Jane Stiefer	same	12/15/50		1 days	[Signature]	
Kathleen Cronin	302 Wilky VER-	6/21/76		1 day	Kathlachur	12/3/15
PATRICIA WALKER	820 LASO VISTA ST	8/20/51		Days	[Signature]	12/3/15
Randy Rands	350 Anchor Hill	3/11/75		Days	[Signature]	12/3/15
Rebecca Rownds	350 Anchor Hill Rd.	9/23/75		Days	[Signature]	12/3/15
Rene, law	221 Ocean base OK White Top	06/13/81		Days	[Signature]	
Michael Cole	1050 Wayne Ridge Dr.	6-5-85		Days	[Signature]	12-3-15

Owner Name (Printed)	Residence Address	Date of Birth	Year of Registration	County of Registration	Owner's Signature	Date
JOHN PENA	356 Botale Brush	11/1/87		Hays	[Signature]	12/3/15
Helen Portida	856 Botale Brush	10/25/86		Hays	[Signature]	12/3/15
Luis Canales	155 Pincra Harp	6-16-1971		Hays	[Signature]	12/3/15
Pan Jacobs	1712 Hamilton PO Box 442 SM 78667	6/29/64		Hays	[Signature]	12/3/15
Sandra Cruz	813 Lago Vista	11/07/71		Hays	[Signature]	12/3/15
Naomi Saucedo	28 Brazoria	6/8/76		Hays	[Signature]	12/3/15
Mario Saucedo	218 Brazoria	11-19-86		Hays	[Signature]	12-3-15
John Ramirez	902 Dartmouth	10-15-83		Hays	[Signature]	12/8/15
Katie McLaughlin	1200 Cinnamon CRT.	3-13-84		Hays	[Signature]	12/3/15

Owner Name Residence A

Owner Name	Address	City	State	Zip	County	City	State	Zip	County	City	State	Zip
José Delgado	1145 Hilltop	San Antonio	TX	78204	San Antonio	TX	78204	6/25/69	Hays	12/4/15		
Michael Flores	225 Teron Dr	San Marcos	TX	78681	San Marcos	TX	78681	12/6/15	Hays	12/4/15		
Jocel Yala	445 California		TX	78705		TX	78705	3/7/1985	Hays	12-4-15		
Suzanne Bore	1926 Nevada		TX	78705	1926 Nevada	TX	78705	12/5/24	Hays	2-4-15		
Rosalba Medina	1500 Mustang Lane		TX	78705	1500 Mustang Lane	TX	78705	7/14/07	Hays	12-4-15		
Theresa Good	114 Rainier		TX	78705	114 Rainier	TX	78705	4/24/11	Hays	12/4/15		
Susana Daulton	2725 Leslie Ln		TX	78705	2725 Leslie Ln	TX	78705	11-17-05	Hays	12/4/15		
Angela Pearson	483 Moorwalk		TX	78705	483 Moorwalk	TX	78705	12/8/06	Hays	12/4/15		
Gayle Champion	502 Quail Run		TX	78705	502 Quail Run	TX	78705	12/8/05	Hays	12-4-15		

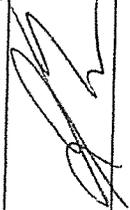
Owner Name (Printed)	Residence Address	Voting Address	Date of Birth	Vote Registration Number	County of Registration	Owner Signature	Date
Bobby Cavazos	221 WISTORIA WAY	SAME	2/22/76		HAYS	Bobby Cavazos	12/4
MARCELA R. Lopez	102 WISTERIA WAY	same	9/6/55		HAYS	Marcela Lopez	12-5-15
Clyde Morales	110 Wistonia Way	Same	3-5-82		HAYS	Clyde Morales	12-5-15
Alma Heathman	20 WOSTERIA way	Same	5-18-84		HAYS	Alma Heathman	12-5-15

Owner Name Residence Address

Owner Name(s) (Printed)	Residence Address	St. Mailing Address	Date of Birth	Vote Registration Number	County of Registration	Owner's Signature	Date
LARKIN SMITH	319 WHITE WILLOW SM	SAME	5/16/49		HAYS	<i>Larkin Smith</i>	12/4/15
Miguel Arizon	5070 Horizon KISLE	same	9/28/60		Hays	<i>Miguel Arizon</i>	12/4/15
Valerie mendoza	2427 STATE Hwy 21 SAN MARCOS TX	same	8/2/82		Hays	<i>Valerie Mendoza</i>	12/4/15
Charlotte Happley	1111 Willis Way SAN MARCOS TX	Same	1/29/93		HAYS	<i>Charlotte Happley</i>	12/4/15
William DAY	228 BRAEBURN TRAIL SAN MARCOS TX	Same	6/27/68		Hays	<i>William Day</i>	12/4/15
Jane & H. Johnson	224 BRAEBURN TRAIL SAN MARCOS TX 78666	SAME	1-1-1940		HAYS	<i>Jane Johnson</i>	12/4/15
<i>Jane J. Johnson</i>	238 BRAEBURN TRAIL SAN MARCOS TX 78666	Same	10/1/82		Hays	<i>Jane J. Johnson</i>	12/4/15
<i>Anthony P. Johnson</i>	203 WISTERIA WAY SAN MARCOS TX 78666	Same	6/24/82		Hays	<i>Anthony P. Johnson</i>	12/4/15
Aminda Overby	225 WISTERIA WAY SAN MARCOS TX 78666	Same	3/1/88		HAYS	<i>A. Overby</i>	12/5/15

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Vote Registration Number	County of Registration	Owner's Signature	Date
Cristina Lugo	400 Rummel Dr. Kyle	"	10/3/1977		Hays		12/8/15
Robert Clemens	390 Rummel Dr. Kyle	"	5-14-1984		Hays		12/8/15
Nobums Philomena	141 Clover Cove Kyle	"	10/15/73		Hays		12/8/15
Ngan Nguyen	110 Clover Cove Kyle, TX 78640	"	12/18/1989 3/18/1989		Hays		12/8/15

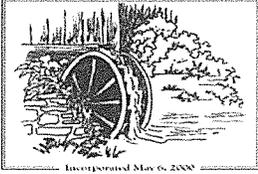
Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
MIKE VASIL	261 Brian Ln	261 Brian Ln Kyle TX 78640	1-19-72		HAYS	<i>Mike Vasil</i>	11-23-15
FRANK MARK SCHULTZ	402 WEST NORTH	402 WEST NORTH KYLE, TX 78640	5/10/66		HAYS	<i>Frank Schultz</i>	11/23/2005
RULE TAYLOR	1909 Kirby Ln	1909 Kirby Ln	3/29/70		HAYS	<i>RULE</i>	11/30/15
Carly Fretwell	5917 McNeughton	5917 McNeughton Kyle TX 78640	11/4/83		HAYS	<i>Carly Fretwell</i>	12/1/15
ERIC HOLLEN	114 BRAZOS LN	114 BRAZOS LN KYLE TX 78640	DECLINE		HAYS	<i>Eric Hollen</i>	12/1/15
Josh Todd	285 Strawn	285 Strawn Kyle, TX 78640	12/2/86		HAYS	<i>Josh Todd</i>	12/2/15
Aaron Cain	1336 Twin Cv Kyle, TX 78640	1336 Twin Cv Kyle, TX 78640	7/26/82		HAYS	<i>Aaron Cain</i>	12/2/15

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Larry Todd Poirier	340 New Bridge Kyle, TX 78640	340 New Bridge Kyle, TX 78640	1-5-83	1071798658	Hays		11/24/15
Joni T. Pelicano	115 HOYA LANE SANTARCOS TX 78666	SAME	05/05/60		HAYS		11/24/15
Kim Leber	2719 Lodi Ln San Marcos TX 78666	Same	10-20-73		Hays		11/24/15

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Daryl Hilsenbeck	2506 Robin RD. MANHATTAN 78052		10/27 1969		Hays	<i>[Signature]</i>	12-2 2015
Brandon Rutledge	525 Skyline Summit Vista W. Manhattan 78076		6/13 1973		Hays	<i>[Signature]</i>	12-2 2015

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
KAY HEBERT	50THS AVE, 107 SAN MARCOS CA 92066	Same	11/20/65		HAYS	Kay Hebert	12/6/15 12/6/15
STEPHEN COUSER	109 SOTTLES AVE SAN MARCOS CA	SAME	11/2/82		HAYS	[Signature]	12/6/15
Lorraine Jaska	111 Suttles 5M. 78666	"	8-25-36		"	Lorraine Jaska	12-6-15
Maretha Mundy	201 Suttles 5M. 78666	"	11/17/55		Hays	Maretha Mundy	12-6-15
Alex Mundy	201 Suttles 5M. 78666	"	3/24/33		Hays	Alex Mundy	12/6/15

City Council Agenda Form



Date Submitted: April 4, 2016

Agenda Date Requested: April 7, 2016

Project/Proposal Title: CONSIDER ACTION AUTHORIZING THE CITY ADMINISTRATOR TO CONTRACT WITH REAL ESTATE APPRAISER JAMES JEFFRIES TO PREPARE A YELLOW BOOK APPRAISAL FOR A PARKLAND CONVERSION REQUIRED FOR THE CENTRAL WIMBERLEY WASTEWATER PROJECT

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider possible action authorizing the City Administrator to execute an agreement with real estate appraiser James Jeffries to prepare a yellow book appraisal for a parkland conversion required for the *Central Wimberley Wastewater Project*.

Currently, the City owns and operates a wastewater treatment plant and drain field on approximately 3.16 acres of City-owned property located adjacent to the Park. The City is proposing to abandon the referenced drain field and relocate and expand the existing treatment plant on approximately 1.3 acres of parkland that is located in the northeast corner of the Park. The former plant site and drain field would become part of the Park while the new plant site would be removed from the Park.

The above-mentioned parkland conversion and substitution requires state and federal approval because state and federal funds were used to help acquire and develop the park. Part of obtaining the required approval is the submission of a yellow book appraisal of the property involved. Yellow book appraisals are specialized appraisals that are required to follow strict federal standards. They are typically performed in connection to most federal land acquisitions, exchanges, and/or dispensations.

City staff obtained quotes from three (3) real estate property appraisers who specialize in yellow book appraisals. The quotes ranged from \$12,000 to \$15,000 with delivery times ranging from sixty (60) days to one hundred twenty (120) days.

City staff is recommending City Council authorize the City Administrator to execute a contract with James Jeffries, ARA, MAI, to prepare the required yellow book appraisal at a cost not to exceed \$12,400 with a delivery time of less than ninety (90) days. Mr. Jeffries has extensive experience preparing yellow book appraisals and working with Texas Parks and Wildlife on parkland conversions.

JAMES J. JEFFRIES, ARA, MAI
Real Estate Appraiser & Consultant

March 29, 2016

Mr. Don Ferguson
City Administrator
City of Wimberley
221 Stillwater, P.O. Box 2027
Wimberley, Texas 78676

RE: Blue Hole Regional Park
Acreage Replacement

Dear Mr. Ferguson:

Pursuant to our conversation and the information that you have provided; as well as my discussions with Ms. Dana Lagarde, Recreation Grants Branch, Texas Parks & Wildlife and Mr. Bill Gordon, designated review appraiser, I am pleased to offer my appraisal services on the referenced project.

As I understand the situation, a current waste water treatment facility exists at the north end of the Blue Hole Park Property but is not officially within the park boundary. This consists of 3.16 acres; the plant itself and the existing drain field. These 3.16 acres will be cleared of structures and other improvements for proposed inclusion within Blue Hole Regional Park. As a replacement, 1.3 acres have been identified at the east end of the existing Park and along FM Highway 3237. These 1.3 acres are proposed for removal from the Park and, thereafter, to be improved as a new waste water treatment facility.

I propose to prepare a valuation analyses for each of the two referenced parcels (3.16 acres and 1.3 acres). Both market valuations can be presented within the covers of one narrative appraisal report or, alternatively, two single, complete appraisal reports. Under either alternative, I will prepare multiple paper copies, up to four, along with one electronic copy of the appraisal.

I have been instructed by Ms. Lagarde that it will be acceptable to present a hypothetical condition within the appraisal report for the 3.16 acres that all the improvements have been removed and the parcel is vacant, cleared and available to be put to its highest and best use. Also, it will be necessary to make an appropriate assumption regarding legal and physical access to the 3.16 acres through the existing Park.

Mr. Don Ferguson
Page -2-

March 29, 2016

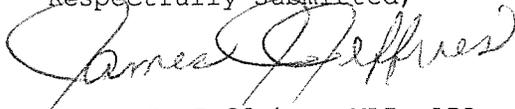
I respectfully request whatever title work the city has regarding the Blue Hole Regional Park property (perhaps the Title Commitment document that existed at the time it was acquired) and, most particularly, the legal description of the parcel or parcels and any easements, encumbrances or encroachments.

Based on the Scope of Work dictated by the "yellow book" and my understanding of the man-days required to complete the two valuations, I propose a total fee not to exceed \$12,400. Based on my current and expected near-term workload, I respectfully request a delivery date for the two valuations of not less than 90 days after authorization to proceed.

If the above proposal is acceptable, please sign on the below provided authorization line or, alternatively, prepare whatever contract document is appropriate for our joint signatures.

Thank you for the opportunity of offering my services. I look forward to working with you on the project.

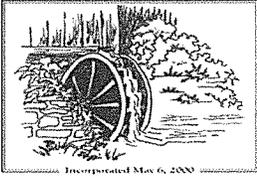
Respectfully submitted,



James J. Jeffries, MAI, ARA
State Certified TX-1320825-G

Agreed and Authorized to Proceed
Mr. Don Ferguson, City Administrator

City Council Agenda Form



Date Submitted: April 4, 2016

Agenda Date Requested: April 7, 2016

Project/Proposal Title: CONSIDER APPROVAL OF A PROPOSED RATE INCREASE FOR COMMERCIAL SOLID WASTE COLLECTION SERVICES

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

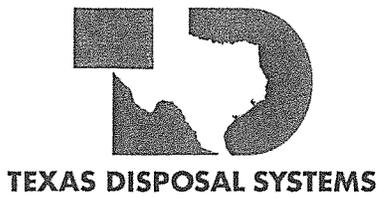
Project/Proposal Summary:

This item was placed on the agenda to allow the City Council to discuss and consider action regarding a proposed rate increase for commercial solid waste collection services provided by Texas Disposal Systems (the "TDS") – the City's solid waste collection service provider.

The City's current contract with TDS (the "Contract"), which was approved in February 2014, allows TDS to submit written requests for rate increases for commercial solid waste collection services. The proposed rate increase must be based upon increases in the *Consumer Price Index – All Urban Customers* (the "CPI"), landfill fees charged to the service provider or cost increases associated with the laws, ordinances or regulations adopted by local, state or federal agencies. The City has the authority to accept or reject any or all of a proposed rate increase.

Attached is a spreadsheet breaking down the proposed increases for commercial trash, recycling and roll-off services. If approved, the proposed rates will go into effect June 1, 2016.

TDS representatives will be present at the meeting to brief City Council on the rate proposal and answer questions.



P.O. Box 17126, Austin, TX 78760
512.421.1300 Office
800.375.8375 Toll Free
512.243.4123 Fax
www.texasdisposal.com

March 21, 2016

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

GREETINGS:

In accordance with the 2014 City of Wimberley Solid Waste and Recycling Contract pricing, your annual rate adjustment will become effective on June 1, 2016. Attached you will find the calculation from the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI) for your rate adjustment for Commercial.

Please contact me if you have any questions regarding your rate adjustment. Furthermore, if you will be presenting this information to a board or governing body, I will be happy to attend and respond to any questions.

Thank you for your continued business.

Respectfully

A handwritten signature in black ink, appearing to read "Ray Bryant", written over the word "Respectfully".

Ray Bryant
HOA and Municipal Account Supervisor
(512) 421-7646
rbryant@texasdisposal.com

Wimberley Price Increase

B1	TRASH	Size	Freq
		0.5	1
		2	1
		3	0.5
		3	1
		4	0.5
		4	1
		4	2
		6	0.5
		6	1
		6	2
		6	3
		8	0.5
		8	1
		8	2
		8	3
	Casters and Lock Bars		

Current \$ Mo	New \$ Month
31.41	31.57
78	78
63	63
83	84
69	69
92	93
172	173
79	79
105	106
202	203
291	292
95	96
127	127
244	245
361	363
18.24	18.47

B2	RECYCLE	Size	Freq
		0.5	0.5
		0.5	1
		2	0.5
		2	1
		3	0.5
		3	1
		4	0.5
		4	1
		6	0.5
		6	1
		8	0.5
		8	1

New \$ Month	New \$ Month
12.16	12.22
27.36	27.49
41	41
67	67
51	51
72	72
61	61
79	79
69	69
91	92
75	75
111	111

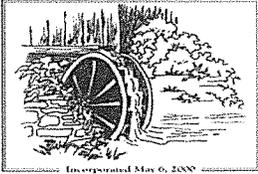
* Recycle Material contains 15% contamination

C	Additional 40 CY roll-off for City Wide Clean-up, each	427	429
	Additional manned rear load truck per hour, plus disposal \$25.00 per ton	152	153

D	Commercial Roll-off Haul
	20 open top
	30 open top
	40 open top
	20 compactor
	30 compactor
	35 compactor
	40-42 compactor
	Delivery
	Rental

427	429
458	460
489	491
443	445
468	471
489	491
514	517
177	178
3	3

City Council Agenda Form



Date Submitted: April 4, 2016

Agenda Date Requested: April 7, 2016

Project/Proposal Title: CONSIDER ACTION REGARDING THE DEVELOPMENT OF REPORTING AND ENFORCEMENT PROCEDURES FOR CITIZEN COMPLAINTS REGARDING SHORT-TERM RENTALS

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Three Council Member Mac McCullough to allow City Council to discuss and consider possible action regarding the development of reporting and enforcement procedures for citizen complaints regarding short-term rentals.

Attached please find background information for this item provided by Council Member McCullough.

At the time of publication of the agenda packet, City staff was drafting a proposed ordinance establishing the procedures recommended by Council Member McCullough. The proposed ordinance will be presented to Council under separate cover in advance of the meeting for review and consideration.

Subject: Fwd: Re: for review and thoughts please

Date: Sunday, April 3, 2016 12:01:22 AM Central Daylight Time

From: Mac

To: Don Ferguson, Bob Flocke, Place1, Place5, Place Four, [REDACTED]
[REDACTED]

It is my request we review this proposed ordinance only, that we take no action unless Don is or has time to get a legal review and incorporate those ideas/suggestion into a more formal agreement before our Thursday meeting please .. mac/mc pl 3

Mac stated : – I have forwarded to the Prasek’s and the Tyler’s..... See above for their email addresses.ail address for Jan and Paul or Barry and Bea Tyler or any other persons you might feel this can be shared with and might offer good or constructive input before i submit it for review by the Council and some soon to follow action .. In general my view of CUP's is each one is individual and brings differing circumstances, but we need to do more to protect the long term property owners when they feel wronged and not make it difficult or more arduous.. I have not done much to clean up syntax or grammar, just sharing the content is my objective right now please ..mac/mc pl 3 3:27 pm 3/27/16

I do this in preparation of what we as a council have initiated and now expect to see 50 plus CUP applications come forward in the next several months, and in general we are long over due to build in more protection for the real owners who remain in the neighborhoods and try and blend a CUP into their lives and surrounding circumstances.. How we blend these possible requirements into existing or already granted CUPs will remain a moving process not so easy to solve... mac/mc pl 3

It is this information below that I want us as council to review and make comments and or suggestion to improve please ..mac/mc pl 3 4/2/16

INSIGHT: READERS This is a brief process I want to try and build into the City's CUP granting process, it comes from a conversation with a neighbor i have a high level of respect for. I have by my guess heard or reviewed 50 CUP's or more in my time serving as an elected official and most often i feel we in the end of the process have put the nearby or immediate adjoining neighbors at a disadvantage and provided no real recourse for them ..

OVERVIEW.. to build a process whereby HOMEOWNERS and or NEIGHBORS of or in and around properties that have been granted a CUP no matter the method, actual formal CUP application or via Grandfather method.. Where these owners can seek redress when the CUP property becomes loud, unruly or just disrupting the neighborhood lifestyle . Presently these property owners are assured that if they contact the named CUP manager rental person or

contact name on some form.. that this person is as a part of the CUP being granted will become responsive in a timely manner and address the complaining neighbors concerns whatever the issue/s from the offending CUP property is..

HISTORY: we know we for all intent we have and wont have local law enforcement to help document the offense or claimed grievance within or even promptly from the time of complaint.

PRESENTLY: The person/s feeling aggrieved are instructed to call and make their situation known to the "agent" listed on the CUP ... then sit back and wait for positive results or results.. It has always rubbed me wrong that the person who is being imposed on, has to take the first step of making claim and expecting results to alive a situation they really never wanted or often even agreed to be involved in. Often we grant CUP's under duress of law and being compliant, often we grant these CUP's knowing we have neighbors who didn't want or ever expect these type of business's to be run in or adjacent to their own property.

Persons applying and receiving a CUP are given a privilege from the CITY to operate the approved property in exchange for complying and agreeing to conditions we as a council set forth, but historically we have not made the effort to really protect the already existing adjacent property owners..

SOLUTION: First we do all we can to encourage the person/s aggrieved to 'FIRST' call City Hall, no matter the time and lodge a complaint and a brief overview of the situation, second they then call the listed agent and explain the offending situation and expecting soon results to clear up the situation at hand, experience tells us the agent will take immediate action and almost always the situation is resolved and in a peaceful manner. But it is still an imposition and situation the aggrieved neighbor never typically wanted to be a part of or agreed to.

REDRESS: The city keeps a log of these complaints and promptly notifies the OWNER of the offending property and the listed agent EACH time a situation occurs or complaint received ..If or when a SECOND complaint is received, as well as notifying the property owner/s the property owner is placed on a Notice to Appear before City Council and show why the CUP should not be revoked within 10-30 days {as to be determined} and formal CUP re-application must be made if the offending property is desired to receive a new CUP.. NOTE: I am fixed that this SECOND complaint remain at 2 , I have no need for it to reach 3 as we might be more inclined to from a more typical be patient or try and resolve the offending issues with the offending property. We need to establish and become known we are serious about these situations and intend to protect the neighbors as a first course of action, this is in an already bad feeling situation where the adjacent or adjoining neighbors feel slighted from our action having

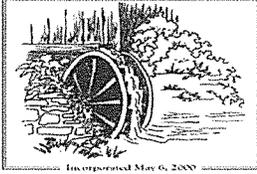
already granting the CUP, as well the persons receiving these CUP's will soon realize we have a new game and while we have and under always differing circumstances granted the CUP it can be revoked and our intent is to keep or protect the neighbors from being further put upon ...

FALLACY: Some where in this above process i have little doubt it can be subject to disingenuous complaining and the person/s knowing they can effectively get the CUP property in trouble and in short order the CUP revoked. Then the process becomes more subjective, but in large part we as council will have a chance to see or sense this attitude and make or take a more balanced result of our actions. I am open to help here to try and keep false or mean spirited complaints in balance and our actions remain focused and fair, that we are not used as a punitive tool or means..
{i welcome input or suggestion on this}

CONCLUSION: we have to have a better balance with a harder favor to the neighbors who are already in some neighborhoods feeling not heard...

warm regards: mac/mc pl 3 Wimberley Council

City Council Agenda Form



Date Submitted: April 4, 2016

Agenda Date Requested: April 7, 2016

Project/Proposal Title: CONSIDER ACTION
REGARDING MODIFICATIONS TO THE CITY OF
WIMBERLEY WEBSITE

Council Action Requested:

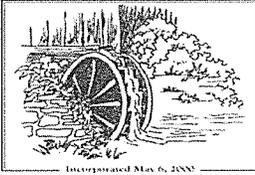
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Four Council Member Pam Showalter to allow City Council to discuss and consider possible action regarding the modifications to the City of Wimberley website.

No background information was provided on this item.

City Council Agenda Form



Date Submitted: April 4, 2016

Agenda Date Requested: April 7, 2016

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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