

City of Wimberley

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

REGULAR PLANNING & ZONING MEETING

WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS

221 STILLWATER, WIMBERLEY, TEXAS

JUNE 23, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER: JUNE 23, 2016 @ 6:00 P.M.

CALL OF ROLL: CITY SECRETARY

CITIZENS COMMUNICATIONS:

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

1. CONSENT AGENDA

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

APPROVAL OF MINUTES OF THE REGULAR PLANNING & ZONING COMMISSION MEETING ON JUNE 9, 2016.

2. PUBLIC HEARINGS AND POSSIBLE ACTION

- (A) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION ON CASE ZA-16-002, AN APPLICATION TO AMEND AN EXISTING WIMBERLEY PLANNED DEVELOPMENT DISTRICT ("WPDD") WITH A BASE ZONING OF COMMERCIAL-MODERATE IMPACT (C-2) FOR PROPERTY LOCATED AT 14100 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS. THE PROPOSED AMENDMENT REVISES THE CONCEPT PLAN AND CERTAIN DEVELOPMENT REGULATIONS INCLUDING, BUT NOT LIMITED TO, THOSE RELATING TO PROPERTY ACCESS, IMPERVIOUS COVER, SETBACKS, MAXIMUM BUILDING FOOTPRINT AND PARKING. *(DDC MERRITT STARLIGHT LTD, APPLICANT)*

- (B) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL REGARDING THE PROPOSED REPLAT OF LOT 9 AND PORTIONS OF LOT 8 AND LOT 10 OF THE *HARRISON RESORT SUBDIVISION*, LOCATED OFF MALONE DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, TO ESTABLISH LOTS 8-A, 9-A, 9-B AND 10-A, AND RELATED VARIANCE REQUESTS FROM THE CITY SUBDIVISION CODE REQUIREMENTS RELATING TO LOT SHAPE, LOT WIDTH AND PUBLIC ROAD FRONTAGE. *(CITY ADMINISTRATOR)*

- (C) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION REGARDING A PROPOSED ORDINANCE AMENDING CHAPTER 155 (ZONING) SECTION 155.107 (PLANNING AND ZONING COMMISSION) OF THE CODE OF ORDINANCES OF THE CITY OF WIMBERLEY, TEXAS IN ORDER TO REVISE THE APPOINTMENT PROCESS AND TERM LENGTHS FOR MEMBERS OF THE PLANNING AND ZONING COMMISSION; AND PROVIDING FOR FINDINGS OF FACT, AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, AND SEVERABILITY. *(CITY ADMINISTRATOR)*

ADJOURNMENT

THE COMMISSION MAY RETIRE TO EXECUTIVE SESSION ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSION ABOUT HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL

GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS LOCAL GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087. ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

CERTIFICATION

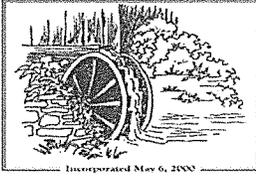
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on June 20, 2016 at 5:00 p.m.



CARA MCPARTLAND, CITY SECRETARY

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

P & Z Commission Agenda Form



Date Submitted: June 20, 2016
Agenda Date Requested: June 23, 2016

Project/Proposal Title: APPROVAL OF MINUTES OF THE REGULAR PLANNING & ZONING COMMISSION MEETING ON JUNE 9, 2016
Funds Required:
Funds Available:

Commission Action Requested:
<input type="checkbox"/> Ordinance
<input type="checkbox"/> Resolution
<input checked="" type="checkbox"/> Motion
<input type="checkbox"/> Discussion

Project/Proposal Summary: Attached are the minutes of the Regular Planning & Zoning Commission meeting on June 9, 2016 for review and consideration.
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City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
June 9, 2016 at 6:00 p.m.

Meeting called to order at 6:00 p.m. by Acting Chair Charles Savino. Present were Commissioners John Urban, Rebecca McCullough, Austin Weeks, and John Espinoza. Commissioner Tracey Dean was absent.

Mayor Pro-tem John White administered the Oath of Office to newly appointed Commissioner Rebecca McCullough.

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

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

Approval of minutes of the Regular Planning & Zoning Commission meeting on May 26, 2016.

Commissioner Weeks moved to approve the minutes, as presented. Commissioner Urban seconded. Motion carried on a vote of 5-0.

2. Public Hearings and Possible Action

A. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-014, an application for a Conditional Use Permit (CUP) to allow for a secondary residential building on property zoned Residential Acreage (RA), located at 406 Hoots Holler, Wimberley, Hays County, Texas. (*Kelvin and Brenda Adams, Applicants*)

City Administrator Ferguson reviewed the subject property's location, acreage, and current/proposed zoning and uses. He stated there is a 2,785 square foot main residence and 754 square foot guest cabin on the subject property. He advised that the aforementioned residences were constructed several years ago without obtaining the required CUP for a secondary residence, which was due to a staff oversight during the permitting process. He said the oversight was discovered when the applicants submitted an application for a short-term rental CUP. He noted that no responses have been received either for or against the CUP request.

Chairman Savino opened the public hearing.

Applicant Kelvin Adams said the cabin was built first for use by family members, then the primary residence was constructed. He was not aware of the City's CUP requirements for the secondary residence.

Chairman Savino closed the public hearing.

Discussion addressed the subject property's large acreage and lack of response from neighbors.

Commissioner Urban moved to recommend approval of the CUP application, as presented. Commissioner McCullough seconded. Motion carried on a vote of 5-0.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-012, an application for a Conditional Use Permit to allow for the operation of a vacation rental facility on a tract of land zoned Residential Acreage (RA), located at 261 Panther Crossing, Wimberley, Hays County, Texas. (*Randall Smith, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and two (2) existing residential structures. He advised that the applicant is proposing to use both residences as vacation rentals. He noted adequate on-site parking space for off-street parking and two (2) existing on-site septic systems to serve the subject residences. Based on a review by the City Sanitarian, it was determined that no more than four (4) people shall occupy the main home and no more than three (3) people shall occupy the guest cabin. He said the applicant has agreed to the occupancy limit.

City Administrator Ferguson read a list of conditions to be made part of the CUP, should the Commission recommend approval. He said no responses have been received either for or against the CUP request, with only one informational inquiry from a notified property owner.

Chairman Savino opened the public hearing.

Applicant's representative Dan Sturdivant, who manages the subject property for the applicant, spoke of his company's policy on responding to complaints, renter screening procedures, and 24-hour availability to respond to calls.

Chairman Savino closed the public hearing.

Discussion addressed the subject property's prior non-compliant status and clarified the City's procedures for CUP applications, which includes the requirement for public notices and notification of surrounding property owners.

Commissioner McCullough moved to recommend approval of the CUP application, as presented. Commissioner Espinoza seconded. Motion carried on a vote of 5-0.

Brief discussion addressed short- versus long-term rentals and the City's requirement that waterfront short-term rentals maintain a landline telephone for the purpose of emergency notification in case of possible flooding.

- C. Hold a public hearing and consider making a recommendation to City Council regarding an application for an amendment to Ordinance No. 2009-056 which granted a Conditional Use Permit to allow for the operation of a bar/tavern on property zoned Commercial – High Impact (C-3), located at 314 Wimberley Square, Wimberley, Hays County, Texas. (*Claims Processing Solutions/dba The Old Mill Store, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses (as *The Old Mill Store* and *The Gallery on the Square*, respectively), and the applicant's request to amend the original site plan to relocate the bar to *The Gallery on the Square*. He noted the new location will also be adjacent to the courtyard seating area and access points to the bar/tavern remain unchanged. He advised that no responses either for or against the CUP request have been received by City staff and one (1) inquiry was made for information purposes only.

Chairman Savino opened the public hearing.

Applicant Steve Klepfer offered to answer any questions and said the only amendment to the site plan is to the service area, which does not change parking or the existing buildings.

Chairman Savino closed the public hearing.

Discussion addressed the applicant's business plans and the area to be modified.

Commissioner Urban moved to recommend approval of the amendment, as presented. Commissioner Weeks seconded. Motion carried on a vote of 5-0.

- D. Hold a public hearing and consider making a recommendation to City Council regarding Case ZA-16-001, an application to change the zoning from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2) for property located at 703 FM 2325, Wimberley, Hays County, Texas. (*Texan Car Wash, LLC Applicant*)

City Administrator Ferguson provided background information on City Council's recent action moving the subject property and others along FM 2325 from Planning Area III to Planning Area IV. He stated that this move created an opportunity for the property owner to pursue the zoning actions necessary to bring the pre-existing car wash into compliance with the City's Zoning Code. It was noted that this item is followed by a

companion zoning case requesting a CUP required for car wash facilities (*see Agenda Item 2E*).

Chairman Savino opened the public hearing. Hearing no comments, Chairman Savino closed the public hearing.

Discussion addressed differences between commercial zoning districts and associated issues related to intensity of use and traffic.

Commissioner Espinoza moved to recommend approval of the request to change the subject property's zoning from C-1 to C-2. Commissioner McCullough seconded. Motion carried on a vote of 5-0.

- E. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-16-013, an application for a Conditional Use Permit to allow for the operation of a drive-in/drive-through car wash facility on property located at 703 FM 2325, Wimberley, Hays County, Texas. (*Texan Car Wash, LLC, Applicant*)

City Administrator Ferguson advised that the subject property is the current location of the pre-existing, non-conforming car wash facility known as *Texan Car Wash*.

Chairman Savino opened the public hearing.

Applicant Steve Weldon distributed plans for the car wash facility's upgrade and conversion of one bay to an automatic wash bay. He spoke on water conservation measures implemented, including water reuse and estimated reduction in water usage.

Hearing no further comments, Chairman Savino closed the public hearing.

Discussion addressed specific features of the upgraded wash bays and automatic bay.

Commissioner Urban moved to recommend approval of the CUP application, as presented. Commissioner Weeks seconded. Motion carried on a vote of 5-0.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson reported on a procedural change that would allow for applicants to present their zoning cases to the Commission, rather than reading of reports by City staff. He advised that applicants would be able to designate a representative, if they cannot be present.

City Administrator Ferguson advised that the Commission's next meeting will be June 23, 2016 and include consideration of a zoning request related to a senior housing

project, as well as a possible change in the Commission members' term lengths. He cautioned Commission members against ex parte communications regarding the proposed senior housing development. He stated that if at least five (5) Commission members cannot be present at meetings, videoconferencing could be used, if necessary, to meet quorum requirements.

Hearing no further announcements or future agenda items, Chairman Savino called the meeting adjourned.

Adjourn at 6:43 p.m.

Recorded by:

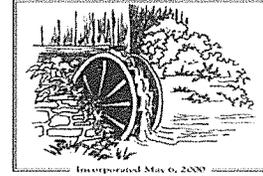
Cara McPartland

These minutes approved the ___ of June, 2016.

APPROVED:

Charles Savino, Acting Chair

Report for Zoning Change ZA-16-002



Summary:

An application for an amendment to the existing Wimberley Planned Development District (WPDD) with base zoning of Commercial – Moderate Impact (C-2) at 14100 RR 12, Wimberley, Texas.

Applicant Information:

Applicant: DDC Merritt Starlight LTD
Austin, Texas, TX 78746

Property Owner: Brookshire Brothers

Subject Property:

Legal Description: Brookshire Brothers Subdivision, Lot 3
Location: 14100 RR 12
Existing Use of Property: Commercial
Existing Zoning: Wimberley Planned Development District (WPDD) with base zoning of Commercial – Moderate Impact (C-2)
Proposed Use of Property: Senior Housing
Proposed Zoning: Amended Wimberley Planned Development District (WPDD) with base zoning of Multi-Family Residential 2 (MF-2)
Planning Area: IV
Overlay District:

Surroundings:

Frontage On: Ranch Road 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	RA	Residential
S of Property	C-2, C-1	Commercial
E of Property	PR-2, C-1, C-2	Public/Institutional, Commercial
W of Property	C-2, C-1, PF	Public/Institutional, Commercial

Legal Notice

200' Letters: May 27, 2016
Published: May 26, 2016
Sign Placement: May 27, 2016
Responses: None

Comments:

This item was placed on the agenda to allow the Planning and Zoning Commission to hold a public hearing and consider making a recommendation to the City Council regarding an application to amend an existing *Wimberley Planned Development District (WPDD)* agreement for the Brookshire Brothers Development located at 14100 RR 12.

The applicant, DDC Merritt Starlight, LTD (“Merritt”), is seeking to amend the referenced WPDD to allow for the development of an eighty (80) unit senior housing community, to be known as *Merritt Starlight Senior Village*, on an undeveloped 8.571 acre tract in the development.

The proposed housing development will feature a mix of one (1) and two (2) bedroom units located in multiple three-story apartment buildings, one-story triplexes and one-story quadplexes. The development will feature a swimming pool, clubhouse, pedestrian paths and rainwater collection facilities.

The gated community will have an access driveway located on Ranch Road 12, near the Diamond Shamrock Store, with an emergency access drive at the Brookshire Brothers parking lot. A security fence will surround the development and total impervious cover will not exceed seventy (70) percent.

Centralized wastewater treatment service for the development will be provided by Aqua Texas while the Wimberley Water Supply Corporation will provide water service. The development will be required to comply with the drainage and non-point source pollution requirements set forth in the City Code.

An existing detention pond that serves the subject parcel and Brookshire Brothers will be improved in conjunction with the proposed development.

Merritt is proposing to change the base-zoning district for the subject parcel from Commercial-Moderate Impact (C-2) to Multi-Family Residential 2 (MF-2), the most intense multi-family housing zoning district in the City Code. The zoning change would require the proposed development to meet the permitted use and development standards established in the City Code for MF-2 zoned properties, with the exception of the following proposed deviations from the required development standards.

<i>Development Standard</i>	<i>City Code</i>	<i>Proposed</i>
Maximum Dwelling Units	Sixty (60) Units	Eighty (80) Units
Maximum Dwelling Units Per Bldg.	Twelve (12) Units	No Limit
Minimum Parking Spaces	150 spaces	122 spaces
Maximum Building height	Two (2) Stories	Three (3) Stories
Setback Requirements	No Construction	Fire Access Lanes

The proposed development will be required to comply with all other applicable City code requirements including but not limited to those relating to construction, signage, and lighting.

Plans call for the project to be funded through private sources, traditional bank financing, the Texas Department of Housing and Community Affairs housing tax credit program and the Federal HOME program.

This is not the first time a senior housing development has been planned on the subject parcel. In August 2012, Mariposa Ranch Road 12, LP, applied for and received a WPDD amendment for the planned development of an eighty (80) unit senior housing community on the same parcel. Plans for that development were abandoned after the developer was unable to secure the required financing for the project.

Attached please find a copy of the following documents relating to the Merritt development:

- Letter requesting WPDD amendment for Merritt Starlight development
- Original Brookshire Brothers WPDD Ordinance
- WPDD Ordinance Amendment approved in 2012 for the Mariposa development
- Redline version of the WPDD Ordinance Amendment approved in 2012 for the Mariposa development reflecting the proposed amendments being sought for the Merritt Starlight development
- Proposed Concept Plan and Elevations for the Merritt Starlight development
- Engineering Summary Feasibility Report for Merritt Starlight Development
- Utility Availability Letters for Merritt Starlight Development



February 22, 2016

City of Wimberley
Attn: Don Ferguson
221 Stillwater
Wimberley, Texas 78678

Re: Application to Amend WPDD

Dear Mr. Ferguson,

Please allow this letter to serve as a formal request to amend the Wimberley Planned Development District ("WPDD") affecting 8.571 acres located on the 14400 block of Ranch Rd 12 in Wimberley, Texas also known as Lot 3 of the Brookshire Brothers Subdivision No. 67 Plat Volume 16, Pages 39-40 Plat Records of Hays County, Texas ("Property"). See **Exhibit A**. Oryx Holdings, LLC has contracted to purchase the Property from current owner, Brookshire Brother, Inc and I have been authorized by the current owner of the Property to submit this formal amendment to the WPDD. See **Exhibit B**. The WPDD was adopted by the Wimberley City Council on October 16th, 2006. See **Exhibit C**. Sections of the WPDD affecting the Property were subsequently amended by the Wimberley City Council on August 16th, 2012. See **Exhibit D**. Please find the proposed redlined amendment to the WPDD for the Property in **Exhibit E**.

The proposed project is the Merritt Starlight Senior Village (the "Project") which consists of eighty units of senior living. A conceptual preliminary site plan is included in **Exhibit F**. This project is currently in the conceptual design phase and as a result we anticipate adding more details to the conceptual site plan prior to presenting the Project to the Wimberley Planning and Zoning Commission. Additionally, due to the early stage of the Project no architectural renderings of elevations are yet available. Should these be required by the City of Wimberley, we anticipate having the required architectural renderings available for presentation to the Planning and Zoning Commission and City Council meetings.

An engineering feasibility study ("Feasibility Study") has been performed by Austin Civil Engineering for the Project and is attached as **Exhibit G**. The Feasibility study includes discussions on utilities, infrastructure and drainage among other items. Additionally utility availability letters for the Project are included in **Exhibit H**. Should you have any questions please do not hesitate to contact me.

Sincerely,

Blake A. Rue
Oryx Holdings, LLC
Managing Member
Ph: 512-294-4017
Email: Blake@Rueinvestments.com

Attachments:

Exhibit A: The Property

Exhibit B: Executed Authorized Agent Form by Brookshire Brothers, Inc.

Exhibit C: WPDD Zoning Ordinance ZA-06-013 for the Property passed 10-16-2006

Exhibit D: Amended WPDD Zoning Ordinance 2012-029 for the Property passed 8-16-2012

Exhibit E: Proposed redlined WPDD amendment for the Property

Exhibit F: Conceptual Preliminary Site Plan

Exhibit G: Engineering Feasibility Report – Merritt Starlight Senior Village

EXHIBIT A

The Property

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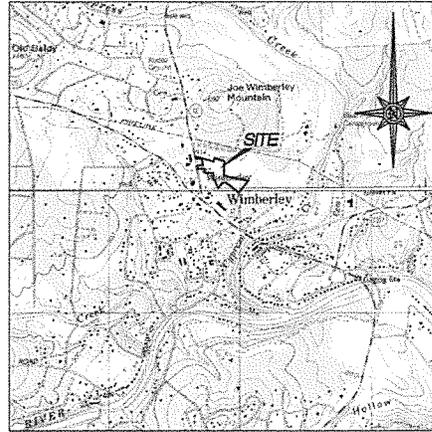
GRAPHIC SCALE - FEET

Bearings are based on record calls of the Brookshire Brothers Subdivision No. 67 Plat, recorded in Volume 16, Pages 39-40, Hays County Plat Records.



LEGEND

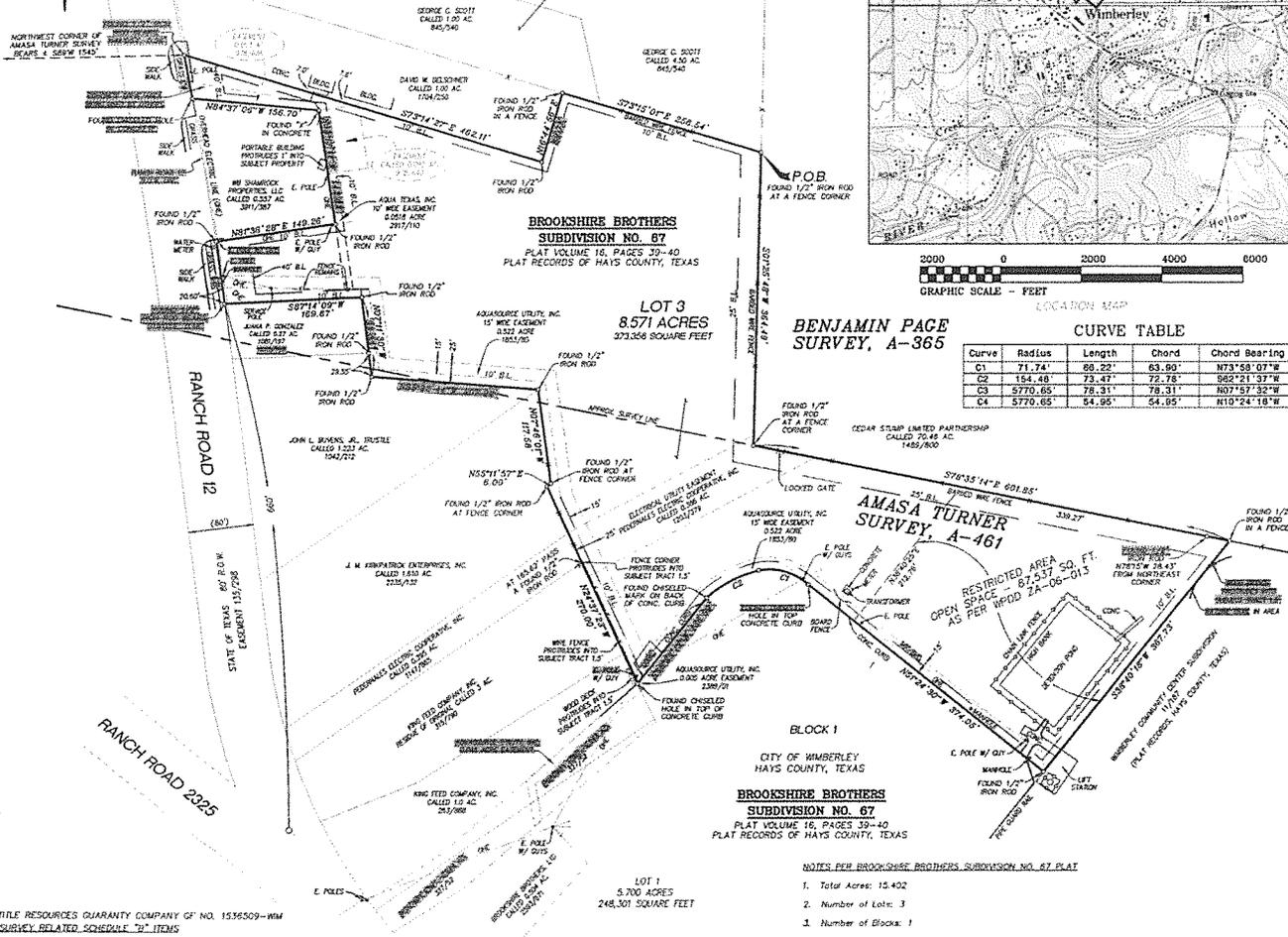
- B.L. - Building Setback Line
- Approx. - Approximate
- 1247/117 - Volume/Page
- D.R.N.C., Tx. - Deed Records of Hays County, Texas
- O.P.R.N.C., Tx. - Original Public Records of Hays County, Texas
- AC - Acre
- Sq. Ft. - Square Feet
- OHE - Overhead Electric



2000 0 2000 4000 6000
GRAPHIC SCALE - FEET
LOCATION MAP

CURVE TABLE

Curve	Radius	Length	Chord	Chord Bearing
C1	71.74'	68.22'	63.90'	N73°58'01"W
C2	154.48'	73.47'	72.78'	S62°21'37"W
C3	5770.65'	78.31'	78.31'	N07°57'32"W
C4	5770.65'	54.95'	54.95'	N10°24'18"W



BENJAMIN PAGE SURVEY, A-365

AMASA TURNER SURVEY, A-461

BROOKSHIRE BROTHERS SUBDIVISION NO. 67

- TITLE RESOURCES GUARANTY COMPANY OF NO. 1535609-WM SURVEY RELATED SCHEDULE "D" ITEMS**
- 10a. - Subject to Electric Utility Easement to Pedernales Electric Cooperative, Inc., recorded in Volume 1203, Page 379, Official Public Records of Hays County, Texas.
 - 10c. - Subject to Waterline Easement to Wimberley Water Supply Corporation, recorded in Volume 245, Page 625, Deed Records of Hays County, Texas.
 - 10d. - Electrical lines shown on plat by Donald W. Lampe dated January 29, 2004.
 - 10f. - Subject to Water Utility Easement to Aquasource Utility, Inc., recorded in Volume 1853, Page 60, Official Public Records of Hays County, Texas.
 - 10g. - Subject to Wastewater Line Easement to Aquasource Utility, Inc., recorded in Volume 2388, Page 01, Official Public Records of Hays County, Texas.
 - 10h. - Subject to Wastewater Line Easement to Aquasource Utility, Inc., recorded in Volume 2317, Page 110, Official Public Records of Hays County, Texas.
 - 10i. - Subject to Right of Way Easement to Wimberley Water Supply, recorded in Volume 2780, Page 757, Official Public Records of Hays County, Texas.
 - 10j. - Subject to Pipeline Easement to Texas Pipeline Co., recorded in Volume 103, Page 632, Deed Records of Hays County, Texas.
 - 10k. - Subject to Powerline Easement to Texas Power & Light Company, recorded in Volume 116, Page 563, Deed Records of Hays County, Texas.
 - 10l. - Subject to Powerline Easement to Texas Power & Light Company, recorded in Volume 116, Page 570, Deed Records of Hays County, Texas.
 - 10m. - Subject to Ingress and Egress Easement to Wimberley D/S, Ltd., recorded in Volume 978, Page 636, Official Public Records of Hays County, Texas.
 - 10n. - Subject to Easement to Wimberley D/S, Ltd., recorded in Volume 978, Page 640, Official Public Records of Hays County, Texas.
 - 10o. - Ten (10) foot wide public utility and drainage easement of all road easements, right-of-ways and property lines as shown on the recorded plat.
 - 10p. - Forty (40') foot building line along the front property line, Twenty Five (25') foot building line along the rear property line and Ten (10') foot building line along all property lines as shown on the recorded plat.
 - 10q. - Guy line and service poles for electrical lines as shown on the recorded plat.

SURVEY PLAT OF

LOT 3, BLOCK 1, BROOKSHIRE BROTHERS SUBDIVISION NO. 67, TO THE CITY OF WIMBERLEY, TEXAS, ACCORDING TO THE MAP AND PLAT OF SAID SUBDIVISION RECORDED IN VOLUME 16, PAGES 39-40, PLAT RECORDS OF HAYS COUNTY, TEXAS.

SURVEYOR'S CERTIFICATION
To: Brookshire Brothers, Inc., Bank of America, N.A., Title Resources Guaranty Company and their respective successors, nominees and assigns:
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NPS and includes items 1, 2, 3, 4, 6A, 8, 9, 10A, 11A, 13, 14 and 16 in Table A thereof. The field work was completed November 24, 2015.

Dated this 3rd day of December, 2015.
Donald W. Lampe
R.P.L.C. No. 1732
Lampe Surveying, Inc.



NOTES:
- No buildings exist on the subject tract.
- According to Flood Insurance Rate Map (FIRM) compiled by the Federal Emergency Management Agency, Map No. 48209C0388 and 48209C0395, Hays County, Texas, effective dates of September 2, 2005, the subject property does not lie within the Special Flood Hazard Area.

BROOKSHIRE BROTHERS, INC.
14100 RANCH ROAD 12
CITY OF WIMBERLEY, HAYS COUNTY, TEXAS
ALTA/ACSM LAND TITLE SURVEY
SHEET 1 OF 1

LAMPE SURVEYING, INC
PROFESSIONAL LAND SURVEYORS
1408 WEST MAIN STREET
WIMBERLEY, TEXAS 77874
(512) 638-4677 • FAX (512) 638-1177
TEXAS LICENSED SURVEYING FIRM NO. 152472000
E.O. 2914 2014/05/09 2914/06/02

EXHIBIT B

Executed Authorized Agent Form by Brookshire Brothers, Inc.

February 17, 2016

City of Wimberley
Attn: Don Ferguson
221 Stillwater
Wimberley, Texas 78678

Re: Appointment of Authorized Agent to Amend WPDD

Dear Mr. Ferguson,

Please allow this letter to serve as Brookshire Brothers, Inc authorization of Blake Rue of Oryx Holdings, LLC to formally request an amendment to the Wimberley Planned Development District ("WPDD") affecting 8.571 acres located on the 14400 block of Ranch Rd 12 in Wimberley, Texas also known as Lot 3 of the Brookshire Brothers Subdivision No. 67 Plat Volume 16, Pages 39-40 Plat Records of Hays County, Texas ("Property"). That the undersigned, has made, constituted and appointed, and by these presents does hereby make, constitute and appoint Blake Rue of Oryx Holdings, LLC as the authorized agent, to execute and deliver in my name, place and stead such documents and instruments as may be necessary, desirable or appropriate, to execute the City of Wimberley application documents related to amending the WPDD on the Property.

This appointment of authorized agent shall apply solely and exclusively to the Property and the matters described hereinabove relating to the Property, and shall be and remain in full force and effect from February 17, 2016 until August 15, 2016.

IN WITNESS WHEREOF, I have hereto set my hand this 17th day of February, 2016



Name: Clay Oliver

Title: CEO

Brookshire Brothers, Inc.

EXHIBIT C

WPDD Zoning Ordinance ZA-06-013 for the Property passed 10-16-2006

ORDINANCE NO. ZA-06-013

AN ORDINANCE OF THE VILLAGE OF WIMBERLEY, TEXAS, AMENDING ORDINANCE NO. 2001-010, AS HERETOFORE AMENDED, SO AS TO DESIGNATE GEOGRAPHIC BOUNDARIES FOR A NEW WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) TO CONSIST OF AN APPROXIMATELY 15.4 ACRE TRACT OF LAND COMPOSED OF THREE TRACTS BEING APPROXIMATELY 5.700 ACRES, 1.131 ACRES AND 8.571 ACRES RESPECTIVELY, WHICH LAND IS LOCATED AT 14100 RANCH ROAD 12, IN THE VILLAGE OF WIMBERLEY, HAYS COUNTY, TEXAS, AND WHICH LAND IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING SPECIAL DEVELOPMENT STANDARDS AND CONDITIONS, ATTACHED AS EXHIBIT "B"; APPROVING A CONCEPT PLAN AND APPLICATION, ATTACHED AS EXHIBIT "C"; AND APPROVING A RESTRICTIVE COVENANT AGREEMENT, ATTACHED AS EXHIBIT "D"; AND PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAP; FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the Village of Wimberley ("Council") and the Planning and Zoning Commission, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the Council finds that said zoning should be granted and that the Comprehensive Zoning Ordinance and Map should be amended as set forth herein; and

WHEREAS, the development proposed by the zoning applicant complies with the current Village Ordinances except as modified by the Planned Development Standards contained in this Ordinance; and

WHEREAS, any protest made against the proposed change of Zoning Classification has been duly considered by the Board of Alderman; and

WHEREAS, Section 41.1 of the Comprehensive Zoning Ordinance provides that the purpose of a Wimberley Planned Development District (WPDD) is to encourage innovative development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the Comprehensive Plan; and

WHEREAS, the Council finds that the WPDD granted herein is consistent with such purpose; and

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

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

I. FINDINGS OF FACT

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

II. AMENDMENT

Ordinance 2001-010 is hereby amended by adding Appendix D, which shall be incorporated into and made part of Ordinance 2001-010, and given full weight and effect. Appendix D shall read as follows:

Appendix D: Zoning District Designations

The City Council of the Village of Wimberley has divided the Village into the zoning districts. The applicable use, height, area and development regulations adopted by the Village shall apply to each district. The following geographic boundaries of the zoning districts for the properties listed below are hereby established as follows:

The approximately 15.4 acre tract of land composed of three tracts being approximately 5.700 acres, 1.131 acres and 8.571 acres respectively, which land is located at 14100 Ranch Road 12, in the Village of Wimberley, Hays County, Texas, and which land is more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes, is designated a Wimberley

Planned Development District, pursuant to, and subject to compliance with, the terms and conditions of the Comprehensive Zoning Ordinance except as modified by the Planned Development Standards attached hereto as Exhibit "B", which exhibit is incorporated herein for all purposes.

III. CONCEPT PLAN

The concept plan and zoning application for this WPDD, which is attached hereto as Exhibit "C" and incorporated herein for all purposes, are hereby approved for said WPDD as required by the Comprehensive Zoning Ordinance except as otherwise modified by this Ordinance. Any proposed use or development depicted on the concept plan shall not be deemed authorized or approved by the Village of Wimberley until the city has approved a final site plan for such use and/or development in accordance with the terms and conditions of Section 41 of the Comprehensive Zoning Ordinance. The concept plan can only be amended in accordance with the requirements of the Comprehensive Zoning Ordinance.

IV. WPDD CONDITIONS

The granting of this WPDD is subject to all applicable development regulations contained in the Comprehensive Zoning Ordinance of the Village of Wimberley, except as modified herein including, without limitation, Section 41 as well as the following special conditions:

- A. The WPDD shall be constructed in accordance with the concept plan, which is attached hereto as Exhibit "C", as same may be amended from time to time in accordance with Section III of this Ordinance, and with the detailed site plans, which must be submitted, reviewed and approved as required by Chapter 41 of the Comprehensive Zoning Ordinance prior to any development taking place on the Property;
- B. The Planned Development on the Property must comply with (i) the Development Standards applicable to land located in the Commercial – Moderate Impact (C-2) Zoning District as set forth in Section 27 of the Comprehensive Zoning Ordinance, except as same are modified by the terms of Exhibit "B" to this Ordinance; (ii) the Concept Plan for this Project as approved by the Council; and (iii) as otherwise required by this Ordinance.
- C. The detailed site plan(s) required for any specific development on the Property, and all development shown thereon, must conform to the approved Concept Plan and all other ordinances of the Village and must be approved by the Council prior to the issuance of any permit or certificate necessary to proceed with accomplishment of the development indicated on the Concept Plan; and

D. All of the requirements of the Ordinances of the Village including, without limitation, Ordinance No. 2001-010, as amended (the Comprehensive Zoning Ordinance), and Ordinance No. 2001-014 (the Subdivision Ordinance), shall apply to this WPDD and the Property, except for those requirements that are modified for the Planned Development in this Ordinance attached as Exhibit "B".

V. RESTRICTIVE COVENANT AGREEMENT

The granting of this WPDD is subject to the execution of a Restrictive Covenant Agreement, attached as Exhibit "D" and incorporated herein for all purposes.

VI. ZONING DISTRICT MAP

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

VII. REPEALER

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

VIII. SEVERABILITY

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

IX. EFFECTIVE DATE

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

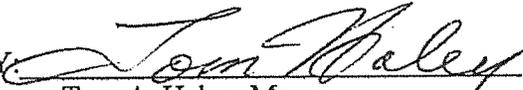
ARTICLE X. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed

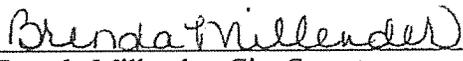
was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 19th day of October, 2006 by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the Village of Wimberley, Texas.

VILLAGE OF WIMBERLEY

BY: 
Tom A. Haley, Mayor

ATTEST:


Brenda Millender, City Secretary

APPROVED AS TO FORM:


Patty L. Akers, City Attorney
Village of Wimberley, Texas

LAMPE SURVEYING

1819-04

PROFESSIONAL LAND SURVEYOR
P. O. Box 2037 - 1408 West Main Street
Brenham, Texas 77833
(979) 836-6677 - Fax (979) 836-1177

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0PR 3095 50

THE STATE OF TEXAS
COUNTY OF HAYS

SURVEYOR'S DESCRIPTION
PARCEL 1
5.700 ACRES

BROOKSHIRE INVESTMENT
COMPANY

All that certain tract or parcel of land, lying and being situated in Hays County, Texas, part of the Amasa Turner Survey, A-461, being a portion of the same land described as 15.399 acres in a deed from James H. McCrocklin, Trustee of the Johnnie L. McNeill Trust to Brookshire Investments Co., dated August 12, 1996, recorded in Volume 1247, Page 117, Official Public Records of Hays County, Texas (1247/117, O.P.R.H.C.,Tx.), and being more fully described by metes and bounds as follows, to-wit:

COMMENCING at a 1/2" iron rod found in a northeast margin of Ranch Road 12 (right-of-way easement recorded in Volume 135, Page 298, Deed Records of Hays County, Texas) for the south corner of said original 15.399 acre tract (1247/117, O.P.R.H.C.,Tx.), being the west corner of the Wimberley Seniors Citizens Activities, Inc. tract called 1.856 acres (912/490, O.P.R.H.C.,Tx.);

THENCE, along southwest lines of said original 15.399 acre tract, common with northeast margins of Ranch Road 12 (as called for in the description of said original 15.399 acre tract), as follows:

Along a clockwise curve, having a radius of 2825.23 feet, a central angle of 02° 31' 00", a chord which bears N 49° 35' 12" W, 124.09 feet, for an arc distance of 124.10 feet, to a 1/2" iron rod found for the end of said curve; and

N 48° 24' 09" W, 66.05 feet, to a set hole chiseled in a concrete curb on a southwest line of said original tract, common with a northeast margin of Ranch Road 12, for the west corner of a 1.131 acre tract surveyed out of said original tract for Brookshire Investment Company, being the most southerly and BEGINNING CORNER hereof;

THENCE, continuing along a southwest line of said original 15.399 acre tract, common with a northeast margin of Ranch Road 12, N 48° 24' 09" W, 214.15 feet, to a nail and cap found in asphalt for an exterior corner hereof and of said original tract and for the south corner of a Randall C. Falkenhagen tract called 0.504 acre (1452/039, O.P.R.H.C.,Tx.);

THENCE, departing from Ranch Road 12 and along the southeast, northeast and northwest lines of said 0.504 acre tract, as follows:

N 57° 51' 09" E, 84.09 feet, to a nail and cap found in asphalt;

N 41° 06' 54" E, 150.92 feet, to a 1/2" iron rod found;

N 43° 38' 19" W, 78.20 feet, to a 1/2" iron rod found for the north corner of said 0.504 acre tract;

S 48° 59' 37" W, 130.50 feet, to a nail and cap found in asphalt; and

S 57° 51' 07" W, 105.45 feet, to a nail and cap found in asphalt on a northeast margin of Ranch Road 12 in a curve of same for the west corner of said 0.504 acre tract and for an exterior corner hereof and of said original tract;

THENCE, along a clockwise curve of Ranch Road 12, having a radius of 676.15 feet, a central angle of 02° 58' 52", a chord which bears N 38° 22' 23" W, 35.18 feet, for an arc distance of 35.18 feet, to a nail and cap found in asphalt for a westerly exterior corner hereof and of said original tract, common with the south corner of a King Feed Company, Inc. tract called 1.0 acre (263/888, D.R.H.C.,Tx.), being on the southwest line of a roadway easement (327/52, D.R.H.C.,Tx.);

THENCE, departing from Ranch Road 12 and along the southeast line of said King Feed Company, Inc. 1.0 acre tract, N 55° 31' 21" E, 419.37 feet, to a set hole chiseled in concrete for the east corner of said 1.0 acre tract and for an interior corner hereof and of said original tract;

EXHIBIT "A"

BROOKSHIRE INVESTMENT
COMPANY (Parcel 1)

THENCE, along a portion of the northeast line of said 1.0 acre tract, N 24° 37' 23" W, 49.19 feet, to a set hole chiseled in the top of a concrete curb, being on the northeast line of said 1.0 acre tract;

THENCE, through said original tract, as follows:

N 38° 33' 12" E, 136.59 feet, to a set chisel mark on the back of a concrete curb at the beginning of a non tangent clockwise curve of same;

Along said curve, having a radius of 154.46 feet, a central angle of 27° 15' 09", an arc length of 73.47 feet, and a chord of N 62° 21' 37" E, 72.78 feet, to the end of said curve at the beginning of another non tangent clockwise curve;

Along said curve, having a radius of 71.74 feet, a central angle of 52° 53' 18", an arc length of 66.22 feet, and a chord of S 73° 58' 07" E, 63.90 feet, to a set chisel hole in the top of a concrete curb near the northeast edge of same; and

S 51° 24' 30" E, 374.05 feet, to a 1/2" iron rod set on the southeast line of said original tract, common with the northwest line of said Wimberley Seniors Citizens Activities, Inc. tract called 1.856 acres, for the east corner hereof;

THENCE, along the southeast line of said original tract, common with the northwest line of said 1.856 acre tract, S 38° 40' 18" W, 428.26 feet, to a 1/2" iron rod set on said line for a southerly exterior corner hereof and for the east corner of said 1.131 acre tract surveyed out of said original tract;

THENCE, severing said original tract and along the northeast and northwest lines of said 1.131 acre tract, as follows:
N 51° 19' 42" W, 190.00 feet, to a set hole chiseled in concrete for the north corner of said 1.131 acre tract;
and S 38° 40' 18" W, 255.07 feet, to the PLACE OF BEGINNING, containing 248,301 SQUARE FEET or 5.700 ACRES of land, as surveyed by Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas.

Prepared in conjunction with a separate survey plat dated January 29, 2004.

Bearings are based on record calls of original tract called 15.399 acres (1247/117, O.P.R.H.C.,Tx.).

Set iron rods are fitted with a plastic cap stamped RPLS 1732.

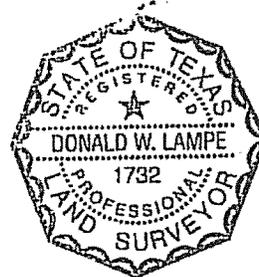
I, Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas, do hereby certify that this description accurately represents the results of an on the ground survey made under my direction during the months of May, 1999, September, 2000 and January, 2004.

Dated this the 29th day of January, 2004.



Donald W. Lampe
R.P.L.S. No. 1732

1819-04
1819DE10



LAMPE SURVEYING
PROFESSIONAL LAND SURVEYORS
P. O. Box 2037 - 1408 West Main Street
Bronham, Texas 77833
(979) 836-6677 - Fax (979) 836-1177

1819-04

THE STATE OF TEXAS
COUNTY OF HAYS

SURVEYOR'S DESCRIPTION
PARCEL 2
1.131 ACRES

70002183 Blk Vol Pg
DEED 2004
BROOKSHIRE INVESTMENT COMPANY 52

All that certain tract or parcel of land, lying and being situated in Hays County, Texas, part of the Amasa Turner Survey, A-461, being a portion of the same land described as 15.399 acres in a deed from James H. McCrocklin, Trustee of the Johnnie L. McNeill Trust to Brookshire Investments Co., dated August 12, 1996, recorded in Volume 1247, Page 117, Official Public Records of Hays County, Texas (1247/117, O.P.R.H.C.,Tx.), and being more fully described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2" iron rod found in a northeast margin of Ranch Road 12 (right-of-way easement recorded in Volume 135, Page 298, Deed Records of Hays County, Texas) for the south corner hereof and of said original 15.399 acre tract (1247/117, O.P.R.H.C.,Tx.), being the west corner of the Wimberley Seniors Citizens Activities, Inc. tract called 1.856 acres (912/490, O.P.R.H.C.,Tx.);

THENCE, along southwest lines of said original 15.399 acre tract, common with northeast margins of Ranch Road 12 (as called for in the deed description of said original 15.399 acre tract), as follows:

Along a clockwise curve, having a radius of 2825.23 feet, a central angle of 02° 31' 00", a chord which bears N 49° 35' 12" W, 124.09 feet, for an arc distance of 124.10 feet, to a 1/2" iron rod found for the end of said curve; and
N 48° 24' 09" W, 66.05 feet, to a set hole chiseled in a concrete curb on a southwest line of said original tract, common with a northeast margin of Ranch Road 12, for the west corner hereof;

THENCE, severing said original tract with the northwest and northeast lines hereof, as follows:

N 38° 40' 18" E, 255.07 feet, to a set hole chiseled in concrete for the north corner hereof; and
S 51° 19' 42" E, 190.00 feet, to a 1/2" iron rod set for the east corner hereof on the southeast line of said original tract, common with the northwest line of said Wimberley Seniors Citizens Activities, Inc. tract;

THENCE, along said common line, S 38° 40' 18" W, 262.21 feet, to the PLACE OF BEGINNING, containing 49,282 SQUARE FEET or 1.131 ACRES of land, as surveyed by Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas.

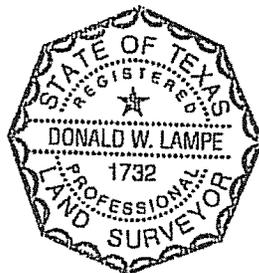
Prepared in conjunction with a separate survey plat dated January 29, 2004.

Bearings are based on record calls of original tract called 15.399 acres (1247/117, O.P.R.H.C.,Tx.):

Set iron rods are fitted with a plastic cap stamped RPLS 1732.

I, Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas, do hereby certify that this description accurately represents the results of an on the ground survey made under my direction during the months of May, 1999 and September, 2000 and January, 2004.

Dated this the 29th day of January, 2004.





Donald W. Lampe,
R.P.L.S. No. 1732

1819-04
1819DE12

LAMPE SURVEYING
PROFESSIONAL LAND SURVEYORS
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1819-04

THE STATE OF TEXAS

SURVEYOR'S DESCRIPTION

COUNTY OF HAYS

PARCEL 3
8.571 ACRES

BROOKSHIRE INVESTMENT
COMPANY, INC.
3006 ANNE DR
WPR 3095

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All that certain tract or parcel of land, lying and being situated in Hays County, Texas, part of the Amasa Turner Survey, A-461 and Benjamin Page Survey, A-365, being a portion of the same land described as 15.399 acres in a deed from James H. McCrockdin, Trustee of the Johnnie L. McNeill Trust to Brookshire Investments Co., dated August 12, 1996, recorded in Volume 1247, Page 117, Official Public Records of Hays County, Texas (1247/117, O.P.R.H.C.,Tx.), and being more fully described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2" iron rod found at a fence corner for the most northerly northeast corner hereof and of said original tract, being the southeast corner of the A.E. Kachel, et al tract called 4.50 acres (383/889, D.R.H.C.,Tx.) and in a west line of the William Parks Johnson, Jr. tract called 70.46 acres (122/167, D.R.H.C.,Tx.);

THENCE, along a west line of said Johnson tract, S 01° 25' 48" W, 364.49 feet, to a 1/2" iron rod found at a fence corner for the southwest corner of said Johnson tract, being an interior corner hereof and of said original tract, and an interior corner of an electrical utility easement (1203/379, O.P.R.H.C.,Tx.), being on the apparent north line of said Amasa Turner Survey, common with the south line of said Benjamin Page Survey;

THENCE, along said survey line, being a south line of said Johnson tract, S 78° 35' 14" E, 601.85 feet, to a 1/2" iron rod found for the lower northeast or most easterly corner hereof and of said original tract, and for the northwest corner of the Wimberley Seniors Citizens Activities, Inc. tract called 1.856 acres (912/490, O.P.R.H.C.,Tx.), a 1/2" iron rod found bears N 78° 15' W, 28.43 feet;

THENCE, along the southeast line of said original tract, common with the northwest line of said 1.856 acre tract, S 38° 40' 18" W, 367.73 feet, to a 1/2" iron rod set on said line for a southerly exterior corner hereof and for the east corner of a 5.700 acre tract surveyed out of said original tract;

THENCE, severing said original tract and along northeast and northwest lines of said 5.700 acre tract, as follows:
N 51° 24' 30" W, 374.05 feet, to a set chisel hole in the top of a concrete curb near the northeast edge of same at the beginning of a non tangent counterclockwise curve of same;
Along said curve, having a radius of 71.74 feet, a central angle of 52° 53' 18", an arc length of 66.22 feet, and a chord of N 73° 58' 07" W, 63.90 feet, to the beginning of another non tangent counterclockwise curve;
Along said curve, having a radius of 154.46 feet, a central angle of 27° 15' 09", an arc length of 73.47 feet, and a chord of S 62° 21' 37" W, 72.78 feet, to a set chisel mark on the back of a concrete curb at the end of said curve; and
S 38° 33' 12" W, 136.59 feet, to a set hole chiseled in the top of a concrete curb on a southwest line of said original tract, being on the northeast line of the King Feed Company, Inc. tract called 1.0 acre (263/888, D.R.H.C.,Tx.);

THENCE, along the northeast line of said 1.0 acre tract, the northeast line of the residue of the King Feed Company, Inc. tract called 3 acres (315/790, D.R.H.C.,Tx.), the northeast line of the Pedernales Electric Cooperative, Inc. tract called 0.395 acre (1147/865, O.P.R.H.C.,Tx.), and a northeast line of the 14306 Ranch Road 12 Limited Partnership, Ltd. tract called 1.610 acre (1313/798, O.P.R.H.C.,Tx.), N 24° 37' 23" W, at 165.62 feet pass by a 1/2" iron rod found at the north corner of said King Feed Company, Inc. residue tract, common with the east corner of said 0.395 acre tract, at 206.27 feet pass by a 3/8" iron rod at the north corner of said 0.395 acre tract, common with an east or southeast corner of said 1.610 acre tract, at a total distance of 270.00 feet, to a 1/2" iron rod found for an interior corner of said 1.610 acre tract;

BROOKSHIRE INVESTMENT
COMPANY, (Parcel 3)

THENCE, along the upper southeast line of said 1.610 acre tract, N 55° 11' 57" E, 6.00 feet, to a 1/2" iron rod found (leaning to the northeast) at a fence corner for an exterior corner of said 1.610 acre tract, being an interior corner hereof and of said original tract;

THENCE, along an easterly line of said 1.610 acre tract, N 07° 46' 01" W, 117.58 feet, to a 1/2" iron rod found for the north corner of said 1.610 acre tract, common with the most easterly corner of the Dale E. Angeli tract called 1.223 acres (547/376, D.R.H.C.,Tx.);

THENCE, along the lower north line of said Angeli tract, N 85° 32' 44" W, 207.22 feet, to a 1/2" iron rod found for an interior corner of said Angeli tract, being a westerly exterior corner hereof and of said original tract;

THENCE, along the east line of said Angeli tract, and the east line of the Juana P. Gonzalez tract called 0.27 acre (1081/197, O.P.R.H.C.,Tx.), N 07° 11' 30" W, at 29.55 feet pass by a 1/2" iron rod found for the southeast corner of said 0.27 acre tract, common with a northeast corner of said Angeli tract, at a total distance of 99.55 feet, to a 1/2" iron rod found for the northeast corner of said 0.27 acre tract and for an interior corner hereof and of said original tract;

THENCE, along the north line of said 0.27 acre tract, S 87° 14' 09" W, 169.67 feet, to the northwest corner of said 0.27 acre tract in an easterly margin of Ranch Road 12 in a curve of same, for a westerly exterior corner hereof and of said original tract, a 1/2" iron rod found bears S 19° 03' E, 0.18 feet;

THENCE, along a counterclockwise curve of Ranch Road 12, having a radius of 5770.65 feet, a central angle of 00° 46' 39", a chord which bears N 07° 57' 32" W, 78.31 feet, for an arc distance of 78.31 feet, to a 1/2" iron rod found for the southwest corner of the Robert D. Farmer, et al tract called 0.557 acre (1209/300, O.P.R.H.C.,Tx.), being a westerly exterior corner hereof and of said original tract in an easterly margin of Ranch Road 12;

THENCE, along the south line of said Farmer tract, N 81° 36' 28" E, 149.26 feet, to a 1/2" iron rod found for the southeast corner of said Farmer tract, being an interior corner hereof and of said original tract;

THENCE, along the east line of said Farmer tract, N 08° 17' 11" W, 142.82 feet, to a "X" found marked in concrete for the northeast corner of said Farmer tract, being the southeast corner of an easement tract called 0.052 acre (978/636, O.P.R.H.C.,Tx.), common with the northwest corner of an easement tract called 0.092 acre (978/640, O.P.R.H.C.,Tx.);

THENCE, along the north line of said Farmer tract, N 84° 37' 06" W, 156.70 feet, to a "X" found marked in concrete on an easterly margin of Ranch Road 12 in a curve of same, for the northwest corner of said Farmer tract, being the southwest corner of said easement tract called 0.052 acre;

THENCE, along a counterclockwise curve of Ranch Road 12, having a radius of 5770.65 feet, a central angle of 00° 32' 44", a chord which bears N 10° 24' 16" W, 54.95 feet, for an arc distance of 54.95 feet, to the most westerly northwest corner hereof and of said original tract in the easterly margin of Ranch Road 12, being the southwest corner of the Eric Scott Davis tract called 1.00 acre (1110/500, O.P.R.H.C.,Tx.), a 1/2" iron rod found bears N 46° 05' E, 0.28 feet, and another 1/2" iron rod found bears N 11° 11' W, 101.52 feet;

THENCE, along the south and east lines of said Davis tract, as follows:

S 73° 14' 27" E, 462.11 feet, to a 1/2" iron rod found for the southeast corner of said Davis tract; and
N 16° 44' 56" E, 89.71 feet, to a 1/2" iron rod found for the northeast corner of said Davis tract, being a northerly exterior corner hereof and of said original tract in the south line of the A.E. Kachel, et al tract called 1.00 acre (389/582, D.R.H.C.,Tx.);

BROOKSHIRE INVESTMENT
COMPANY (Parcel 3)

THENCE, along the most northerly line hereof and of said original tract, common with a portion of the south line of said Kachel 1.00 acre tract and with the south line of said Kachel tract called 4.50 acres, S 73° 15' 01" E, 156.54 feet, to the PLACE OF BEGINNING, containing 373,356 SQUARE FEET or 8.571 ACRES of land, as surveyed by Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas.

Pa
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Prepared in conjunction with a separate survey plat dated January 29, 2004.
Bearings are based on record calls of original tract called 15.399 acres (1247/117, O.P.R.H.C., Tx.).
Set iron rods are fitted with a plastic cap stamped RPLS 1732.

I, Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas, do hereby certify that this description accurately represents the results of an on the ground survey made under my direction during the months of May, 1999, September, 2000 and January, 2004.

Dated this the 29th day of January, 2004.



Donald W. Lampe
R.P.L.S. No. 1732

1819-04
1819DE11

Page 3 of 3



Exhibit "B"

WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) STANDARDS

The following development standards shall be applicable within this WPDD. To the extent that any of the following standards conflict with other Village Ordinances, the following shall control. All development activity undertaken on the Property (the "Project"), shall comply with the development standards for Commercial – Moderate Impact (C-2) District in effect on October 19, 2006 except as modified by Section 41 of the Village of Wimberley Comprehensive Zoning Ordinance or as modified herein, and with all other Village zoning, subdivision and construction codes and requirements, except as modified herein.

The tracts included in this WPDD and described by these standards are as follows:

"Parcel One" refers to the approximately 5.70 acre tract described by the legal description and concept plan attached to this Ordinance and incorporated therein.

"Parcel Two" refers to the approximately 1.131 acre tract described by the legal description and concept plan attached to this Ordinance and incorporated therein.

"Parcel Three" refers to the approximately 8.571 acre tract described by the legal description and concept plan attached to this Ordinance and incorporated therein.

A. Development Requirements:

1. Parcel One: All development codes shall apply to the new construction with the following exceptions:
 - a. Property owner may dedicate less than fifteen percent (15%) of area of impervious cover to landscaping [Section 47.15(4).A].
 - b. Property owner may install less than fifty percent (50%) of required landscape area between the front property line and proposed construction [Section 47.15(4).B].
 - c. Property owner may provide less than the required number of trees and shrubs [Section 47.15(4).C].
 - d. Property owner may locate portions of the parking lot more than sixty four feet (64') distant from the trunk of a tree [Section 47.15(5).B].

Applicant shall preserve the sixteen (16) existing oak trees and landscaping on the site.

2. Parcels One and Two: All development codes will apply with the following exceptions:

a. All existing structures and uses on Parcels One and Two as of the date of this Ordinance are classified as conforming to the development regulations incorporated herein as a component of this WPDD.

3. Parcel Three: All development codes will apply with no exceptions.
4. As a condition to approval of the site development permit, the Village Engineer must review and approve the existing detention facility. In addition, any improvements to the detention facility must be constructed and approved by the Village as a condition to the issuance of a certificate of occupancy.
5. The property owner must properly maintain the detention facility throughout its lifetime, including capacity. The detention facility shall be subject to annual inspections by the Village. Further, upon the Village's request, property owner shall provide the Village with proof of compliance through certification by a licensed engineer. If the detention facility does not meet the requirements of this Ordinance following inspection, property owner shall achieve compliance within thirty (30) days from the date that property owner becomes aware or should have been aware that the detention facility is not functioning properly.
6. Property owner shall execute a restrictive covenant agreement, attached hereto and incorporated herein for all purposes as Exhibit "D", applicable to Parcel Three that stipulates that the described land will remain in its natural state, except for a water detention pond, and that precludes future development. The restrictive covenant agreement must be sufficient to ensure that the total existing and proposed impervious cover on all three parcels following build-out and completion of all phases of the Project shall not exceed 70% over all three parcels.

B. Permitted Uses

1. Parcel One: In addition to the permitted and conditional uses allowed in the "C-2" base zoning district, Food and Beverage Retail Sales (e.g., grocery) shall be a permitted use.
2. Parcel Two: In addition to the permitted and conditional uses allowed in the "C-2" base zoning district, Gasoline Sales: Limited shall be a permitted use.
3. Parcel Three: In addition to the permitted and conditional uses allowed in the "C-2" base zoning district, Low Impact Institutional: Residential Oriented and Assisted Living Centers shall be permitted uses.

C. Permitted Deviations From the Provisions of the Base Zoning District Requirements Applicable to Each Tract

1. Parcel One: All provisions of the “C-2” zoning district will apply except for the following deviations:

a. Section 27.4.C (Table 47.1.A). Deviation to allow the encroachment of the parking area and unloading area along south and east boundary lines within setback line.

The parking and loading areas located along the south and east property lines are existing. This ordinance permits continuance of the existing use.

b. Section 27.4.D. Deviation to allow the impervious coverage on site that exceeds 70 percent.

The current floor areas of the structures and the existing impervious cover located on the Brookshire Brothers tract exceed the limits of Section 27.4.D. The property owner may construct the proposed Phase I improvements to include impervious cover to the extent described by the attached Concept Plan.

c. Section 27.4.F. Deviation to allow a maximum building footprint greater than 15,000 square feet.

The current footprints of the structures located on Parcel One exceed the limits of Section 27.4.F. The property owner may construct the proposed Phase I improvements to include a building footprint that is consistent with the attached Concept Plan.

d. Section 27.4.G. Deviation to allow the floor area to exceed 20,000 square feet.

The current floor areas of the structures located on Parcel One exceed the limits of Section 27.4.G. The property owner may construct the proposed Phase I improvements to include increased floor area that is consistent with the attached Concept Plan.

2. Parcel Two: All provisions of the “C-2” zoning district will apply except for the following deviations:

a. Section 27.4.C (Table 47.1.A). Deviation to allow the encroachment of the parking area and unloading area along south and east boundary lines within building setback line.

The parking and loading areas located along the south and east property

lines are existing. This ordinance permits continuance of the existing use.

b. Section 27.4.D. Deviation to allow impervious coverage on the site that exceeds 70 percent.

The current floor areas of the structures and the existing impervious cover located on the Brookshire Brothers tract exceed the limits of Section 27.4.D. This ordinance permits continuance of the existing use.

3. Parcel Three: All provisions of the "C-2" zoning district will apply with no deviation; provided, however, that property owner shall execute a Restrictive Covenant Agreement, a copy of which is attached hereto and incorporated herein for all purposes as Exhibit "D", that prohibits the construction of impervious cover over that portion of Parcel Three described by the restrictive covenant as the "Restricted Area".

Property owner shall develop the remainder of Parcel Three at 70% impervious cover.

Miscellaneous

1. The total existing and proposed impervious cover on all three parcels following build-out and completion of all phases of the Project shall not exceed 70%.
2. No change to the Restrictive Covenant Agreement attached hereto and incorporated herein for all purposes shall be valid without the prior written approval of the Village.
3. The information contained in the application for zoning is enforceable as part of the zoning requirements for this Project to the extent that the information is not inconsistent with any of the provisions of this Ordinance.
4. The concept plan includes two options for the development of Parcel Three. Property owner may develop Parcel Three according to either configuration reflected on the Concept Plan.
5. All requirements contained in this Exhibit "B" must be completed and approved by the Village prior to issuance of a certificate of occupancy.

PARCEL 2

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PARCEL 1

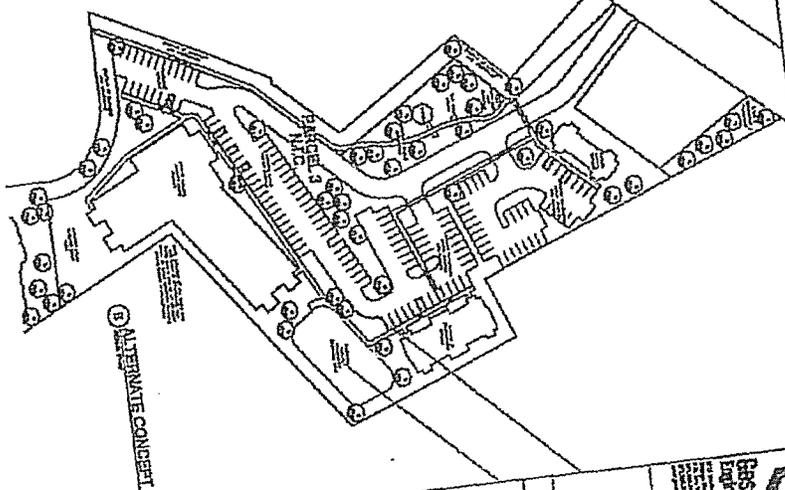
PARCEL 3

CONCEPTUAL SITE PLAN



NOTES:
1. THIS CONCEPTUAL SITE PLAN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
2. THE PROPOSED EXPANSION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE OF TEXAS.
3. THE PROPOSED EXPANSION IS SUBJECT TO THE APPROVAL OF THE FEDERAL GOVERNMENT AND THE STATE OF TEXAS.
4. THE PROPOSED EXPANSION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE OF TEXAS.
5. THE PROPOSED EXPANSION IS SUBJECT TO THE APPROVAL OF THE FEDERAL GOVERNMENT AND THE STATE OF TEXAS.
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9. THE PROPOSED EXPANSION IS SUBJECT TO THE APPROVAL OF THE FEDERAL GOVERNMENT AND THE STATE OF TEXAS.
10. THE PROPOSED EXPANSION IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE OF TEXAS.

NO.	DESCRIPTION	DATE	BY
1	CONCEPTUAL SITE PLAN	11/11/11	J. B. BROS
2	PROPOSED EXPANSION	11/11/11	J. B. BROS
3	ALTERNATIVE CONCEPT	11/11/11	J. B. BROS



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1 OF 1

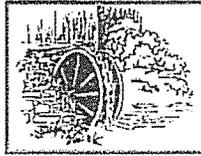
CONCEPT PLAN -
PROPOSED EXPANSION

BROOKSHIRE BROTHERS
NO.67
WIMBERLEY, TEXAS

EXHIBIT "B"



Exhibit "C"



Village of Wimberley
P.O. Box 2027, Wimberley, Texas, 78676
Phone: 512-847-0025

Wimberley Planned Development District

Village of Wimberley Zoning Application 06- 013

PROJECT NAME: Brookshire Brothers, Ltd.

OWNER: Eric Rich / Rhonda Courtney

PROPERTY:

ADDRESS -14100 Ranch Road 12

LEGAL DESCRIPTION – 15.4 acres +/-. See attachment B

AGENT: Ed Theriot, Mithcell Planning Group

PHONE CONTACT: Eric Rich, (936) 633-4629

DATE: October 13, 2006

WIMBERLEY PLANNED DEVELOPMENT DISTRICT

See the Wimberley Comprehensive Zoning Ordinance, Section 41 for full requirements of the Wimberley Planned Development District.

This document sets forth in narrative and graphic form (attached) the purpose, intent and physical nature of a Wimberley Planned Development District, which is a zoning district that applies only to the property described herein, as provided by Section 41. of the Wimberley Comprehensive Zoning Ordinance. Each title provided in each section of this document is to remain in the document. Entries under the titles, 'none', 'na' (not applicable), or a reference to an attached document, may be appropriate for many titles. All references to the "Zoning Ordinance" refer to the ordinance and amendments in effect on the date of the application for this WPDD.

SECTION 41. PURPOSE AND INTENT:

1. General

A Wimberley Planned Development District ("WPDD") is a special zoning district

category that provides an alternate approach to conventional land use controls. WPDDs shall be allowed in all Planning Areas in those cases in which the permitted uses or the related regulations are not appropriate for the intended use or development. . The WPDD may be used for land that is to be developed in the future according to a WPDD Concept Plan described in this Section (the "WPDD Concept Plan") and for land that is to be used in accordance with the WPDD Concept Plan without further development. A WPDD may be appropriate for projects such as industrial districts, offices, retail, commercial or service centers, shopping centers, and residential developments of multiple or mixed housing, including attached single-family dwellings. Any appropriate use or combination of uses may be considered for zoning as a WPDD.

The WPDD Concept Plan constitutes an integral part of an application for a WPDD and in its final form will be incorporated into and becomes a part of the ordinance establishing the WPDD. The WPDD is subject to special review procedures, and once approved by the City Council, becomes a special zoning district for the property it represents. A WPDD does not confer the right to begin any actual development of the property to which it relates. Any such development will require an approved site plan in accordance with Section 46 of this ordinance.

WPDD Summary Statement:

As indicated on the attached Concept Plan, which is attached hereto and incorporated herein for all purposes as Attachment "A", Brookshire Brother's Ltd is proposing to expand the existing Brookshire Brother's Grocery store on Parcel One to increase the level of service to the Village of Wimberley. The first phase of this expansion will include the construction of a 10,250 sq. ft. +/- expansion to the existing building. In addition, the first phase will include the construction of 24 new parking spaces including 5 spaces for handicap use. Later phases will possibly include an additional 12,000 sq. ft. expansion to the existing grocery building and the possible construction of future detached retail lease space.

An existing fueling station and tobacco barn are located on Parcel Two. No additions or modifications are proposed on this site.

Parcel Three is vacant and no improvements are currently planned. The applicant envisions the future construction of improvements on Parcel Three to include professional / medical office use and housing for retirement or assisted living.

The plan endeavors to maintain the existing ambiance and neighborhood connection of the Brookshire Bother's site and will provide a benefit and increased level of service to the residents of Wimberley

SECTION 41.6 - REQUIREMENTS FOR THE WPDD CONCEPT PLAN

- A. The WPDD Concept Plan shall, at a minimum, present a summary description of the WPDD in sufficient detail to provide a clear outline of the proposed project, including its uses and development regulations. It shall set forth the requested deviations from the provisions of the applicable base district or districts, this

ordinance, and other ordinances of the Village. It shall be organized to provide summary data for the entire WPDD and detailed data for each parcel within the WPDD as follows:

1. Total number of acres of the entire WPDD;
15.4 +/- acres.

2. The number of parcels to be created in the WPDD;
No new parcels are proposed for creation. Existing parcels are as follows:

Parcel One: 5.70 acres

Parcel Two: 1.131 acres

Parcel Three: 8.571 acres

3. The maximum number of lots to be created as a result of subdivision of each parcel and their configuration;

No subdivision of the land is proposed. The configuration of the existing parcels is indicated on the attached Concept Plan (Attachment A).

4. The base zoning district applicable to each parcel;

Parcel One: "C-2" District

Parcel Two: "C-2" District

Parcel Three: "C-2" District

5. The deviations from the provisions of the base zoning district requirements applicable to each parcel;

Parcel One: All provision of the "C-2" zoning district will apply except for the following deviations:
 - a. **Section 27.4.C (Table 47.1.A). Deviation to allow the encroachment of the parking area and unloading area along south and east boundary lines within building setback line.**

Deviation to allow this existing condition is hereby requested. The parking and loading areas located along the south and east property lines are existing and were constructed in conformance with

regulations in effect at the time of construction. The current development plans propose no modification to this area.

b. Section 27.4.D Deviation to allow the impervious coverage on site that exceeds 70 percent.

Deviation to allow this existing and proposed condition is hereby requested. The current floor areas of the structures and the existing impervious cover located on the Brookshire Brothers parcel exceed the limits of Section 27.4.D. and were constructed in conformance with regulations in effect at the time of construction. The proposed Phase I improvements are the same as originally indicated on the 1999 reconstruction plans for the Brookshire Brothers store. The applicant is now wishing to continue with their plans to improve and provide better service to the citizens of Wimberley.

Proposed Mitigation: This WPDD application is proposing the dedication of a conservation easement on the portion of Parcel Three located behind the existing grocery store. It is the intention of the WPDD that the total existing and proposed impervious cover on Parcel One and Two will not exceed 70% of the total area of Parcel One, Two, and the open space area of Parcel Three. It is herein agreed that the remainder of Parcel Three will develop at 70% impervious cover exclusive of the area included in the open space.

c. Section 27.4.F Deviation to allow a maximum building footprint greater than 15,000 square feet.

Deviation to allow this existing and proposed condition is hereby requested. The current footprints of the structures located on the Brookshire Brothers parcel exceed the limits of Section 27.4.F. and were constructed in conformance with regulations in effect at the time of construction. The proposed Phase I improvements are the same as originally indicated on the 1999 reconstruction plans for the Brookshire Brothers store. The applicant is now wishing to continue with their plans to improve and provide better service to the citizens of Wimberley.

d. Section 27.4.G Deviation to allow the floor area to exceed 20,000 square feet.

Deviation to allow this existing and proposed condition is hereby requested. The current floor areas of the structures located on the Brookshire Brothers parcel exceed the limits of Section 27.4.G. and were constructed in conformance with regulations in effect at the time of construction. The proposed Phase I improvements are the same as originally indicated on the 1999 reconstruction plans for the Brookshire Brothers store. The applicant is now wishing to continue with their plans to improve and provide better service to the citizens of Wimberley.

Parcel Two: All provision of the “C-2” zoning district will apply except for the following deviations:

a. Section 27.4.C (Table 47.1.A). Deviation to allow the encroachment of the parking area and unloading area along south and east boundary lines within building setback line.

Deviation to allow this existing condition is hereby requested. The parking and loading areas located along the south and east property lines are existing and were constructed in conformance with regulations in effect at the time of construction. The current development plans propose no modification to this area.

b. Section 27.4.D Deviation to allow the impervious coverage on site exceeds 70 percent.

Deviation to allow this existing condition is hereby requested. The current floor areas of the structures and the existing impervious cover located on the Brookshire Brothers parcel exceed the limits of Section 27.4.D. and were constructed in conformance with regulations in effect at the time of construction. The current development plans propose no modification to this area.

Parcel Three: All provision of the “C-2” zoning district will apply with no deviations.

6. All uses (permitted, prohibited, and conditional) on each parcel;

Parcel One: All permitted and conditional uses allowed in the “C-2” District.

Additional Permitted Uses: Food and Beverage Retail Sales (e.g. grocery).

Parcel Two: All permitted and conditional uses allowed in the “C-2” District.

Additional Permitted Uses: Gasoline Sales: Limited.

Parcel Three: All permitted and conditional uses allowed in the “C-2” District.

Additional Permitted Uses: Low Impact Institutional: Residential Oriented.

7. All development regulations applicable to each parcel;

Parcel One: All development codes will apply to new construction

with the following exceptions:

- a. Area dedicated to landscaping is less than 15 percent of area of impervious cover [Section 47.15(4)A].
- b. Fifty percent (50-%) of required landscape area will not be located between the front property line and proposed construction [Section 47.15(4)B].
- c. The required number of trees and shrubs will not be provided [Section 47.15(4)C].
- d. Portions of parking area greater than 64 feet from trunk of tree [Section 47.15(5)(B)].

Deviation to the sections noted in comments a., b., c., and d. to allow these existing and proposed conditions is hereby requested. The existing landscaping on the Brookshire Brothers site was installed prior to current minimum requirements. There are currently 16 oak trees located within and adjacent to the existing parking areas on the Brookshire Brothers site. All of the trees appear to be healthy and are in various stages of maturity. In addition to the oak trees, the existing landscaping on the site includes numerous shrubs and plants located within well maintained and attractive landscaped features. The current development plans propose no modification to these trees or to the immediately surrounding landscaped areas.

Currently, approximately 86% of the site is impervious cover. Thus, Section 47.15.4.A. requires that approximately 38,645 sq. ft. of landscaping be provided. When combined with the existing tree crown credit, the existing landscaping exceeds the current landscaping area requirement.

Parcels One and Two: All development codes will apply with the following exceptions:

- a. Deviation to allow all existing development and uses on Parcels One and Two to be classified as conforming to the development regulations incorporated herein as a component of this WPDD.

Deviation to allow this existing condition is hereby requested. The structures, improvements, and uses located on Parcels One and Two were constructed and initiated to meet or exceed conformance with regulations then in effect. It is an important component of this WPDD that Brookshire Brothers is assured that all improvements and uses existing on the site are classified as conforming and that the continued operation or ability to reconstruct is established herein.

Parcel Three: All development codes will apply with no exceptions:

8. Any overlay district applicable to each parcel, if any;
Not Applicable.
 9. The deviations from the provisions of any applicable overlay district applicable to each parcel;
Not Applicable.
 10. The deviations from any other provisions of this Ordinance and other Village ordinances and regulations applicable to each parcel;
Not Applicable.
 11. Plans for signs, landscaping, buffering, architectural style and continuity, waste water treatment, storm water management and outdoor lighting;

Detailed plans for the proposed new improvements will be provided as a component of the detailed Site Development Plan which will be submitted prior to or concurrent with the application for the Phase I Building Permit.

The applicant's engineer verified that the existing detention facility was designed and constructed to handle the 2, 10, 25-year storm and pass the 100-year storm at fully developed conditions.
 12. Potential impact on infrastructure, including traffic and utilities.

No significant impact on infrastructure, traffic, or utilities is anticipated.
- B. The WPDD Concept Plan shall include a map or maps at least 24 X 36 inches, drawn to scale, with the scale and North direction shown. Such map or maps shall:
1. Set forth all of the features required in the WPDD Concept Plan;
See attached Concept Plan (Attachment A).
 2. Set forth the legal description, address, configuration, area and dimensions of the property;
See attached Concept Plan (Attachment A).
 3. Set forth the relationship of the WPDD to surrounding properties and streets;
See attached Concept Plan (Attachment A).
 4. Show all existing buildings within the WPDD and all existing buildings on all abutting parcels; and

See attached Concept Plan (Attachment A).

5. Show the proposed building envelopes, internal streets and parking design within each parcel.

See attached Concept Plan (Attachment A).

C. SIGNATURES

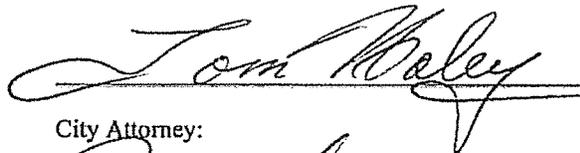
1. Owner/Agent:

_____ Date _____

2. Planning & Zoning Commission Chair:

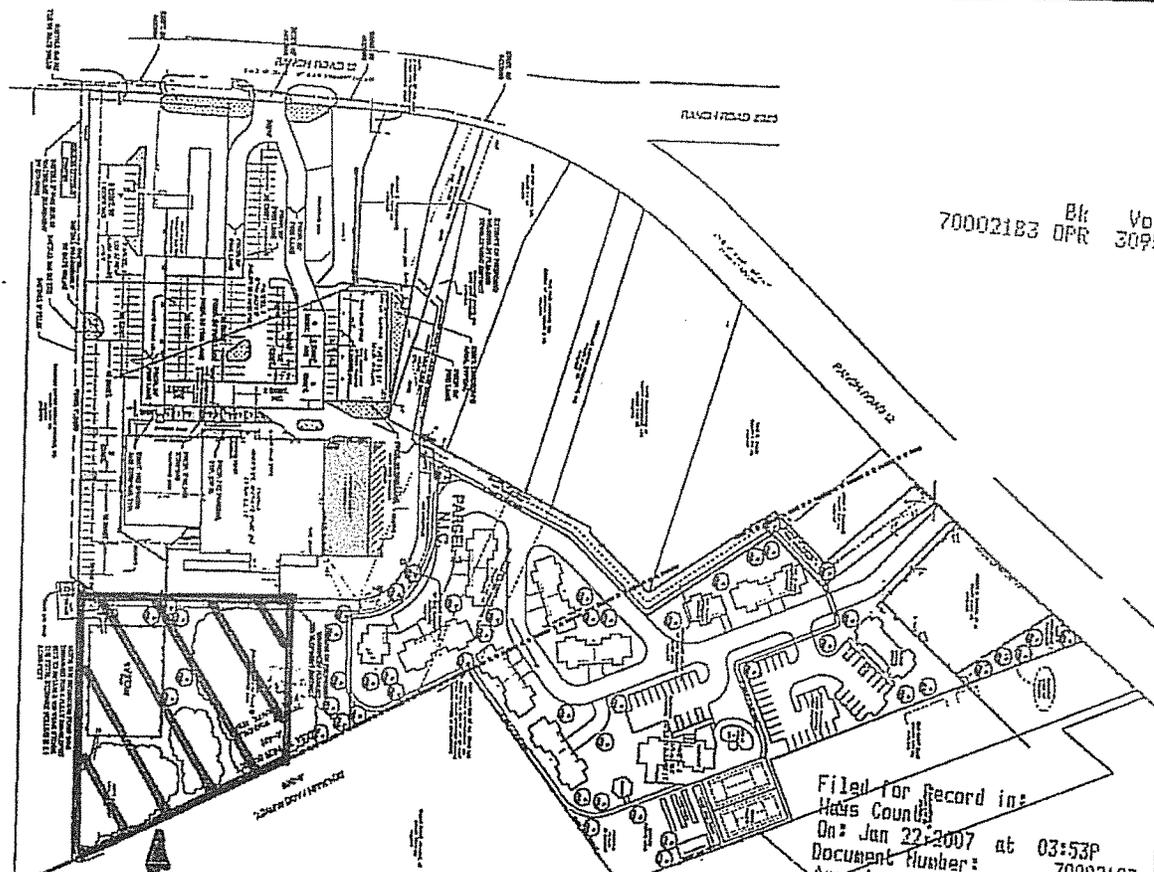
_____ Date _____

3. Mayor:

 _____ Date _____

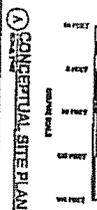
4. City Attorney:

 _____ Date _____

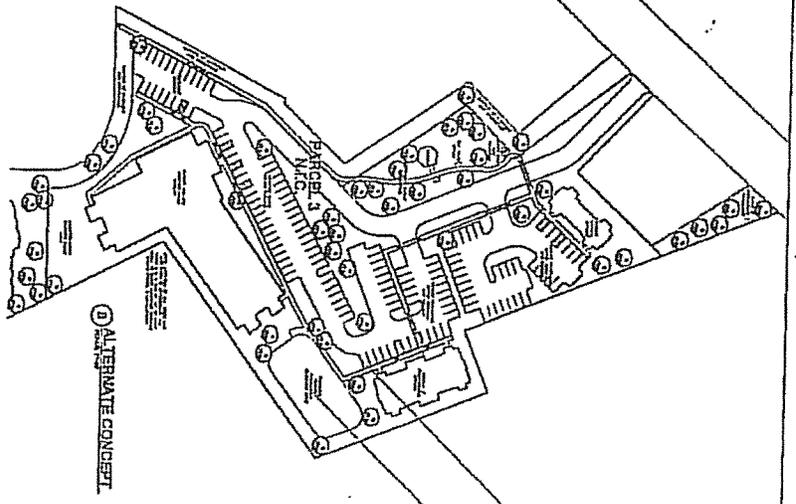


Filed for Record in:
Hays County
On: Jan 22, 2007 at 03:53P
Document Number: 70002183
Amount: 56.00
Receipt Number - 163358
By:
Terry Kleen, Deputy
Linda Fritscher, County Clerk
Hays County

RESTRICTED AREA



NOTES:
1. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED AS A BASIS FOR ANY LEGAL ACTION.
2. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY LEGAL ACTION.
3. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY LEGAL ACTION.
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SYMBOL	DESCRIPTION
(Symbol)	EXISTING BUILDING FOOTPRINT
(Symbol)	PROPOSED BUILDING FOOTPRINT
(Symbol)	EXISTING PARKING SPACES
(Symbol)	PROPOSED PARKING SPACES
(Symbol)	EXISTING DRIVEWAYS
(Symbol)	PROPOSED DRIVEWAYS
(Symbol)	EXISTING ROADS
(Symbol)	PROPOSED ROADS
(Symbol)	EXISTING UTILITIES
(Symbol)	PROPOSED UTILITIES
(Symbol)	EXISTING TREES
(Symbol)	PROPOSED TREES
(Symbol)	EXISTING LANDSCAPE
(Symbol)	PROPOSED LANDSCAPE
(Symbol)	EXISTING FENCES
(Symbol)	PROPOSED FENCES
(Symbol)	EXISTING SIGNAGE
(Symbol)	PROPOSED SIGNAGE
(Symbol)	EXISTING LIGHTING
(Symbol)	PROPOSED LIGHTING
(Symbol)	EXISTING SECURITY
(Symbol)	PROPOSED SECURITY
(Symbol)	EXISTING ACCESS
(Symbol)	PROPOSED ACCESS
(Symbol)	EXISTING EROSION CONTROL
(Symbol)	PROPOSED EROSION CONTROL
(Symbol)	EXISTING DRAINAGE
(Symbol)	PROPOSED DRAINAGE
(Symbol)	EXISTING UTILITIES
(Symbol)	PROPOSED UTILITIES

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1 OF 1

CONCEPT PLAN -
PROPOSED EXPANSION

BROOKSHIRE BROTHERS
WIMBERLEY, TEXAS

NO.67



EXHIBIT "C"

11/5/07
N

RESTRICTIVE COVENANT AGREEMENT

This Agreement is made as of this 11th day of January, 2007, by Brookshire Brothers, Ltd., ("Brookshire Brothers"), a Texas limited partnership, whose mailing address is 1201 Ellen Trout Dr., Lufkin, Texas 75904.

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RECITALS

1. Brookshire Brothers is the owner of three adjoining parcels of land in the Village of Wimberley (the "Village"), Hays County, Texas described as Parcel 1, Parcel 2, and Parcel 3 in the attached Exhibit "A". Parcel 1, Parcel 2, and Parcel 3 are outlined on the attached Exhibit "B".
2. As a condition to granting its approval for Brookshire Brothers to expand its grocery store located on Parcel 1, the Village has required Brookshire Brothers to restrict the use of a portion of Parcel 3, pursuant to the Wimberley Planned Development District Zoning Ordinance.
3. The restrictions required by the Village are intended to promote a common scheme of development in the Village that will protect and safeguard the quality of life enjoyed by the residents of the Village, and maintain property values of residents of the Village over a long period.
4. This common scheme of development required by the Village will benefit the residents of the Village, in general, Parcel 1, Parcel 2, and Parcel 3, and each successive owner of an interest in Parcel 1, Parcel 2, and Parcel 3.
5. Therefore, in furtherance of the general development plan of the Village and in accordance with the doctrines of restrictive covenants and implied equitable servitudes, Brookshire Brothers desires to restrict the generally most eastern 2 acres of Parcel 3, as generally depicted by diagonal lines in the attached Exhibit "C" (the "Restricted Area"), according to these covenants, conditions and restrictions.

NOW, THEREFORE, in consideration of the Village permitting Brookshire Brothers to expand its grocery store located in Parcel 1, and for other good and valuable consideration, receipt of which Brookshire Brothers acknowledges, as to Parcel 1, Parcel 2, and Parcel 3, Brookshire Brothers promises, covenants and agrees as follows:

1. Improvements. No building, whether commercial or residential in nature, and no road, driveway or parking surface, or any other impervious cover, may be constructed on the Restricted Area. However, notwithstanding anything herein seemingly to the contrary, Brookshire Brothers, its successors or assigns, shall maintain the landscape within the Restricted Area, and shall design, construct, clean, maintain and repair the detention pond located within the Restricted Area in accordance with all applicable federal, state and local

258251.3/JSC 10.17.06 gr

AFTER RECORDING RETURN TO:

Jeff S. Chance
Zeleskey Law Firm
1616 S. Chestnut St.
Lufkin, Texas 75901

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EXHIBIT D

Amended WPDD Zoning Ordinance 2012-029 for the Property passed 8-16-2012

ORDINANCE NO. 2012-029

AN ORDINANCE OF THE CITY OF WIMBERLEY AMENDING ORDINANCE NO. ZA-06-013 WHICH DESIGNATED REAL PROPERTY LOCATED ON A APPROXIMATELY 15.4 ACRE TRACT, MORE COMMONLY KNOWN AS 14100 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, AS A WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) WITH A BASE ZONING DISTRICT OF COMMERCIAL-MODERATE IMPACT (C-2), AND IMPOSED CERTAIN CONDITIONS, IN ORDER TO REVISE THE CONCEPT PLAN AND CERTAIN DEVELOPMENT REGULATIONS RELATING TO MAXIMUM BUILDING FLOOR AREA, MAXIMUM BUILDING FOOTPRINT, REQUIRED PARKING SPACES, SIDE YARD SETBACKS, AND IMPERVIOUS COVER; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, on October 19, 2006, the City Council approved Ordinance No. ZA-06-013 which designated a certain tract of real property as a Wimberley Planned Development District (WPDD) with a base zoning district of Commercial-Moderate Impact (C-2); and,

WHEREAS, the property owner wishes to revise the Concept Plan and certain development regulations which must be reviewed and approved by Council; and,

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

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

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

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

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

WHEREAS, in accordance with section 155.062 of the Code, the Wimberley Planned Development District (WPDD) Zoning is permitted in all Planning Areas of the Comprehensive Plan; and,

WHEREAS, the purpose of the WPDD is to permit flexibility and creativity within a project to maximize the unique physical features of a particular site, encourage the efficient use of land and economic arrangement of buildings, as well as encourage the conservation of energy and natural resources; and,

WHEREAS, the proposed layout of buildings provides the most efficient and practical use of the property due to the proposed change in use; and,

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

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Comprehensive Zoning Ordinance and have concluded that Ordinance No. ZA-06-013, should be amended as described herein, and the real property described as a approximately 15.4 acre tract of land, Wimberley, Hays County, Texas, more commonly known as 14100 Ranch Road 12, Wimberley, Hays County, Texas, should be amended as described herein, and such amendments are consistent with established City policy and is in the public interest, subject to the conditions stated herein and to be constructed in accordance with the Development Plan to be submitted prior to the issuance of building permits, to be based on the Concept Plan of the subject property and Design Standards; and,

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

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. AMENDMENT

THAT Ordinance ZA-06-013, which designated a Wimberley Planned Development District (WPDD) zoning on real property consisting of approximately 15.4 acres, composed of three tracts, Parcels One, Two and Three, being approximately 5.7 acres, 1.131 acres and 8.571

acres respectively, municipally numbered 14100 Ranch Road 12, in the City of Wimberley, Hays County, Texas, is hereby amended as follows:

1. Revised Concept Plan. The Concept Plan, attached to Ordinance ZA-06-013, is revised to reflect the location of an access driveway leading from Parcel Three to the Brookshire Brothers Grocery Store parking lot located on Parcel One. This revised Concept Plan shall apply to all real property described in Ordinance No. ZA-06-013 (the "Property") and shall be subject to the Concept Plan requirements described therein.
2. Parcel Three Concept Plan. Exhibit "A", attached to this ordinance, shall represent the Concept Plan for the development of Parcel Three. Any proposed use or development depicted on the concept plan shall not be deemed authorized or approved by the City of Wimberley until the city has approved a final site plan for such use and/or development in accordance with the terms and conditions of the City's Comprehensive Zoning Ordinance. The concept plan can only be amended in accordance with the requirement of the Comprehensive Zoning Ordinance.
3. Building Footprint on Parcel Three. The maximum building footprint for an individual building shall be 21,600 square feet.
4. Building Floor Area. The maximum floor area for an individual building shall be 21,946 square feet.
5. Parking. The minimum number of parking spaces, excluding guest spaces, to be provided shall be 111 spaces.
6. Setback Encroachment. The entry driveway for the subject development shall be allowed to encroach into the ten (10) foot side yard setback in the two (2) areas shown on the Exhibit "D", the Concept Plan for Parcel Three, attached to this ordinance.
7. Restrictive Covenant Agreement. The Restrictive Covenant Agreement, a copy of which is attached to Ordinance No. ZA-06-013, shall be revised to allow for the construction of a sidewalk and three (3) concrete picnic table pads in the Restricted Area of Parcel Three set aside for drainage mitigation. The sidewalk and picnic table pads shall not interfere with the function and purpose of the Restricted Area.
8. Impervious Cover. Miscellaneous, Subsection 1 of Exhibit "B" of Ordinance ZA-06-013 is hereby revised to read as follows:

"The total existing and proposed impervious cover on each parcel shall not exceed 70 percent."

9. A site plan shall be submitted for review and approval by the City of Wimberley prior to construction on any improvements detailed on the Parcel Three Concept Plan, and in any event no later than five (5) years from the date of approval of this Ordinance. A site plan is a detailed engineered development plan consisting of a map or maps and all necessary

accompanying narrative and supporting documents to completely define the development to occur on the site.

10. Upon approval of the site development plan, the applicant has twelve (12) months to begin work on the development described herein. Failure to obtain approval of the development site plan as required, commence construction, or request a time extension prior to the expiration dates shall result in an expiration of the plans attached to this Ordinance and necessitate the re-approval of all development standards described in this Ordinance and Ordinance No. ZA-06-013, as may be applicable.

11. Drainage. The applicant shall comply with the drainage requirements set forth in Ordinance No. ZA-06-013, along with the City's Water Quality Protection Ordinance, and minimize the impact of storm water flows from the development on adjacent and downstream properties through the use of staged release and/or other acceptable means to manage storm water volumes, velocities, sheet flows and water quality.

Except as expressly amended herein, Ordinance No. ZA-06-013, shall remain in full force and effect.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. SEVERABILITY

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

ARTICLE V. EFFECTIVE DATE

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

ARTICLE VI. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this 16th day of Aug., 2012, by a vote of 4 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: Bob Floche
Bob Floche, Mayor

ATTEST:

Cara McPartland
Cara McPartland, City Secretary

APPROVED AS TO FORM:

Catherine B. Fryer
Catherine B. Fryer, City Attorney



EXHIBIT "A"

PARCEL THREE CONCEPT PLAN

EXHIBIT E

Proposed redlined WPDD amendment for the Property

ORDINANCE NO. ~~2012201~~ - _____

AN ORDINANCE OF THE CITY OF WIMBERLEY AMENDING ORDINANCE NO. ZA-06-013 WHICH DESIGNATED REAL PROPERTY LOCATED ON A APPROXIMATELY 15.4 ACRE TRACT, MORE COMMONLY KNOWN AS 14100 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, AS A WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) WITH A BASE ZONING DISTRICT OF COMMERCIAL-MODERATE IMPACT (C-2), AND IMPOSED CERTAIN CONDITIONS, IN ORDER TO REVISE THE CONCEPT PLAN AND CERTAIN DEVELOPMENT REGULATIONS RELATING TO MAXIMUM BUILDING FLOOR AREA, MAXIMUM BUILDING FOOTPRINT, REQUIRED PARKING SPACES, SIDE YARD SETBACKS, AND IMPERVIOUS COVER; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, on October 19, 2006, the City Council approved Ordinance No. ZA-06-013 which designated a certain tract of real property as a Wimberley Planned Development District (WPDD) with a base zoning district of Commercial-Moderate Impact (C-2); and,

WHEREAS, the property owner wishes to revise the Concept Plan and certain development regulations which must be reviewed and approved by Council; and,

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

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

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

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

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

WHEREAS, in accordance with section 155.062 of the Code, the Wimberley Planned Development District (WPDD) Zoning is permitted in all Planning Areas of the Comprehensive Plan; and,

WHEREAS, the purpose of the WPDD is to permit flexibility and creativity within a project to maximize the unique physical features of a particular site, encourage the efficient use of land and economic arrangement of buildings, as well as encourage the conservation of energy and natural resources; and,

WHEREAS, the proposed layout of buildings provides the most efficient and practical use of the property due to the proposed change in use; and,

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

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Comprehensive Zoning Ordinance and have concluded that Ordinance No. ZA-06-013, should be amended as described herein, and the real property described as a approximately 15.4 acre tract of land, Wimberley, Hays County, Texas, more commonly known as 14100 Ranch Road 12, Wimberley, Hays County, Texas, should be amended as described herein, and such amendments are consistent with established City policy and is in the public interest, subject to the conditions stated herein and to be constructed in accordance with the Development Plan to be submitted prior to the issuance of building permits, to be based on the Concept Plan of the subject property and Design Standards; and,

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

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. AMENDMENT

THAT Ordinance ZA-06-013, which designated a Wimberley Planned Development District (WPDD) zoning on real property consisting of approximately 15.4 acres, composed of three tracts, Parcels One, Two and Three, being approximately 5.7 acres, 1.131 acres and 8.571

acres respectively, municipally numbered 14100 Ranch Road 12, in the City of Wimberley, Hays County, Texas, is hereby amended as follows:

1. Revised Concept Plan. The Concept Plan, attached to Ordinance ZA-06-013, is revised to reflect the location of an access driveway leading from Parcel Three to the Brookshire Brothers Grocery Store parking lot located on Parcel One. This revised Concept Plan shall apply to all real property described in Ordinance No. ZA-06-013 (the "Property") and shall be subject to the Concept Plan requirements described therein.
2. Parcel Three Concept Plan. Exhibit "A", attached to this ordinance, shall represent the Concept Plan for the development of Parcel Three. Any proposed use or development depicted on the concept plan shall not be deemed authorized or approved by the City of Wimberley until the city has approved a final site plan for such use and/or development in accordance with the terms and conditions of the City's Comprehensive Zoning Ordinance. The concept plan can only be amended in accordance with the requirement of the Comprehensive Zoning Ordinance.
3. Base Zoning District. The base zoning district for Parcel Three shall be multifamily residential 2 (MF-2) and all development of Parcel Three, except for those requirements specifically deviated by this WPDD, shall conform with the MF-2 development standards established in the most current version of the Code, including amendments or ordinances adopted after the date of this WPDD amendment. In the case that this WPDD does not address an item, the Code shall apply. In the event of a conflict between this WPDD amendment and the Code, including but not limited to the regulations of the base zoning district MF-2, this WPDD shall control.
4. Building Footprint on Parcel Three. The maximum building footprint for an individual all buildings shall be ~~24,600~~70,000 square feet.
5. Building Floor Area. The maximum floor area for an individual all buildings shall be ~~24,946~~135,000 square feet.
6. Parking. The minimum number of parking spaces, excluding guest spaces, to be provided shall be ~~44~~100 spaces.
7. Setback Encroachment. The entry driveway for the subject development shall be allowed to encroach into the ten (10) foot side yard setback for emergency and fire access in the ~~two (2)~~ areas shown on the Exhibit "DA", the Concept Plan for Parcel Three, attached to this ordinance.
8. Maximum Building Height. Maximum building height shall be three stories in height and 42 feet from existing grade as measured to the midpoint of the highest roof plan per the international business code definition of building height. Elevator penthouses shall be exempted.
9. Maximum Dwelling Units per Building. There shall be no maximum dwelling units per building.

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10. Building Length. 200 feet maximum between two hour fire wall or open air pedestrian walkway. Open air pedestrian walkways shall provide fire department access to the rear of building.

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11. Dwelling Units. The maximum number of dwelling units shall be 80.

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6.12. Usable Open Space. The usable open space shown on Exhibit A shall satisfy the Usable Open Space requirements of the Code.

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7.13. Restrictive Covenant Agreement. The Restrictive Covenant Agreement, a copy of which is attached to Ordinance No. ZA-06-013, shall be revised to allow for the construction of a sidewalk and three (3) concrete picnic table pads in the Restricted Area of Parcel Three set side for drainage mitigation. The sidewalk and picnic table pads shall not interfere with the function and purpose of the Restricted Area.

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8.14. Impervious Cover. Miscellaneous. Subsection 1 of Exhibit "B" of Ordinance ZA-06-013 is hereby revised to read as follows:

"The total existing and proposed impervious cover on each parcel shall not exceed 70 percent."

9. A site plan shall be submitted for review and approval by the City of Wimberley prior to construction on any improvements detailed on the Parcel Three Concept Plan, and in any event no later than five (5) years from the date of approval of this Ordinance. A site plan is a detailed engineered development plan consisting of a map or maps and all necessary accompanying narrative and supporting documents to completely define the development to occur on the site.

10. Upon approval of the site development plan, the applicant has twelve (12) months to begin work on the development described herein. Failure to obtain approval of the development site plan as required, commence construction, or request a time extension prior to the expiration dates shall result in an expiration of the plans attached to this Ordinance and necessitate the re-approval of all development standards described in this Ordinance and Ordinance No. ZA-06-013, as may be applicable.

11. Drainage. The applicant shall comply with the drainage requirements set forth in Ordinance No. ZA-06-013, along with the City's Water Quality Protection Ordinance, and minimize the impact of storm water flows from the development on adjacent and downstream properties through the use of staged release and/or other acceptable means to manage storm water volumes, velocities, sheet flows and water quality.

Except as expressly as amended herein, Ordinance No. ZA-06-013, shall remain in full force and effect.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. SEVERABILITY

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

ARTICLE V. EFFECTIVE DATE

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

ARTICLE VI. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this ____ day of _____, 2012, by a vote of _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
~~Bob Flocke~~ Steve Thurber, Mayor

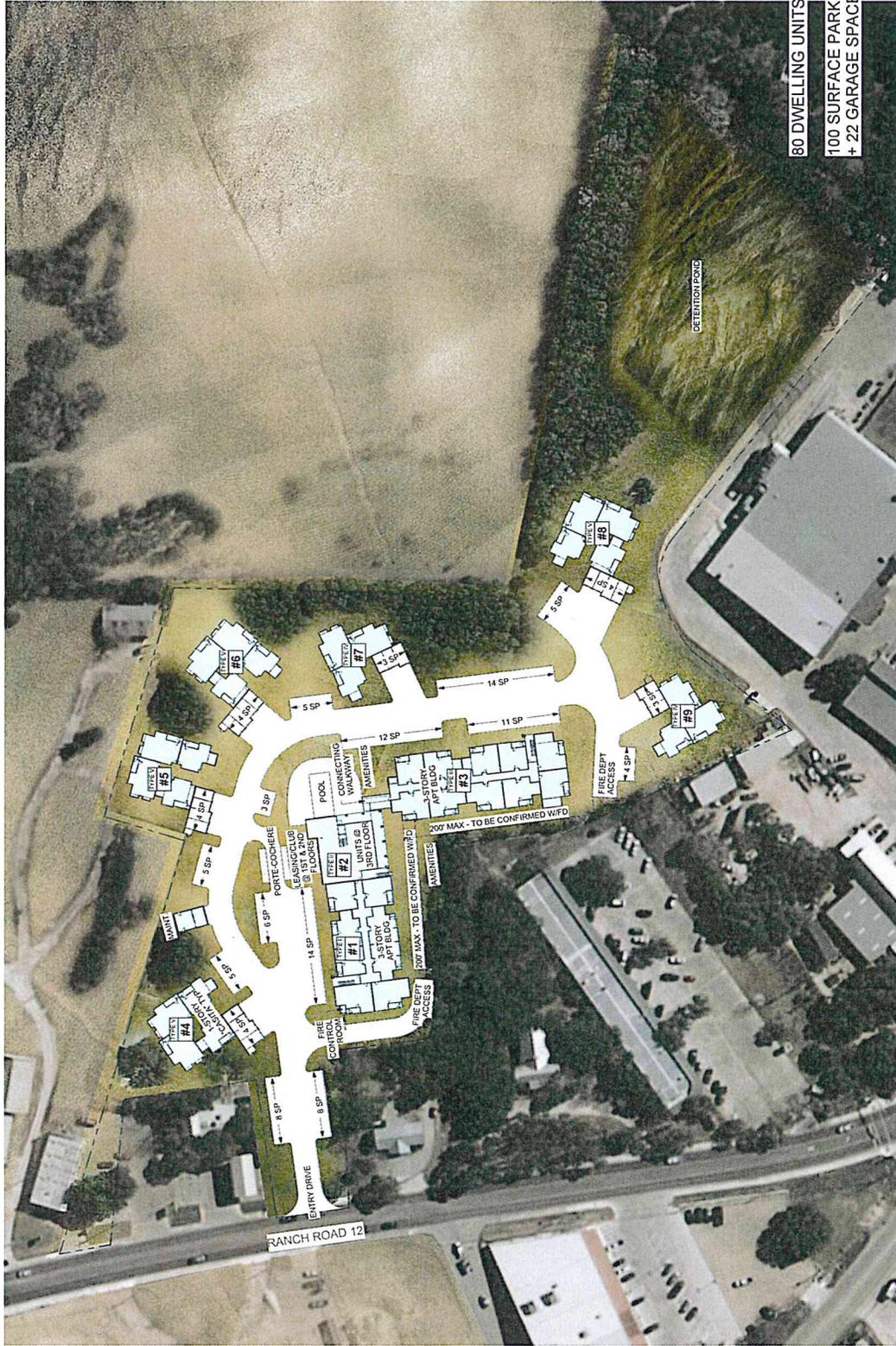
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

City of Wimberley, Texas
Page 5 of 7

Catherine B. Fryer, City Attorney

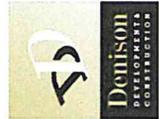


80 DWELLING UNITS

100 SURFACE PARKING SPACES
+ 22 GARAGE SPACES

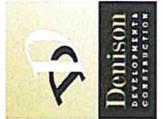
MERRITT STARLIGHT

1" = 50'-0"



05/20/16

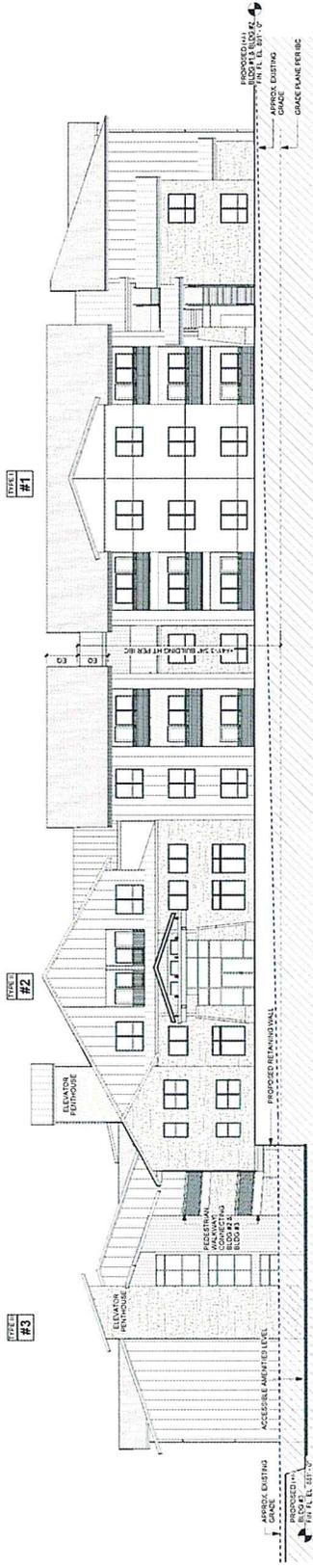
ARCHITECTS
512.900.4428
2003 S. LIMAR STE. 1
AUSTIN, TEXAS 78704



MERRITT STARLIGHT

06/07/16



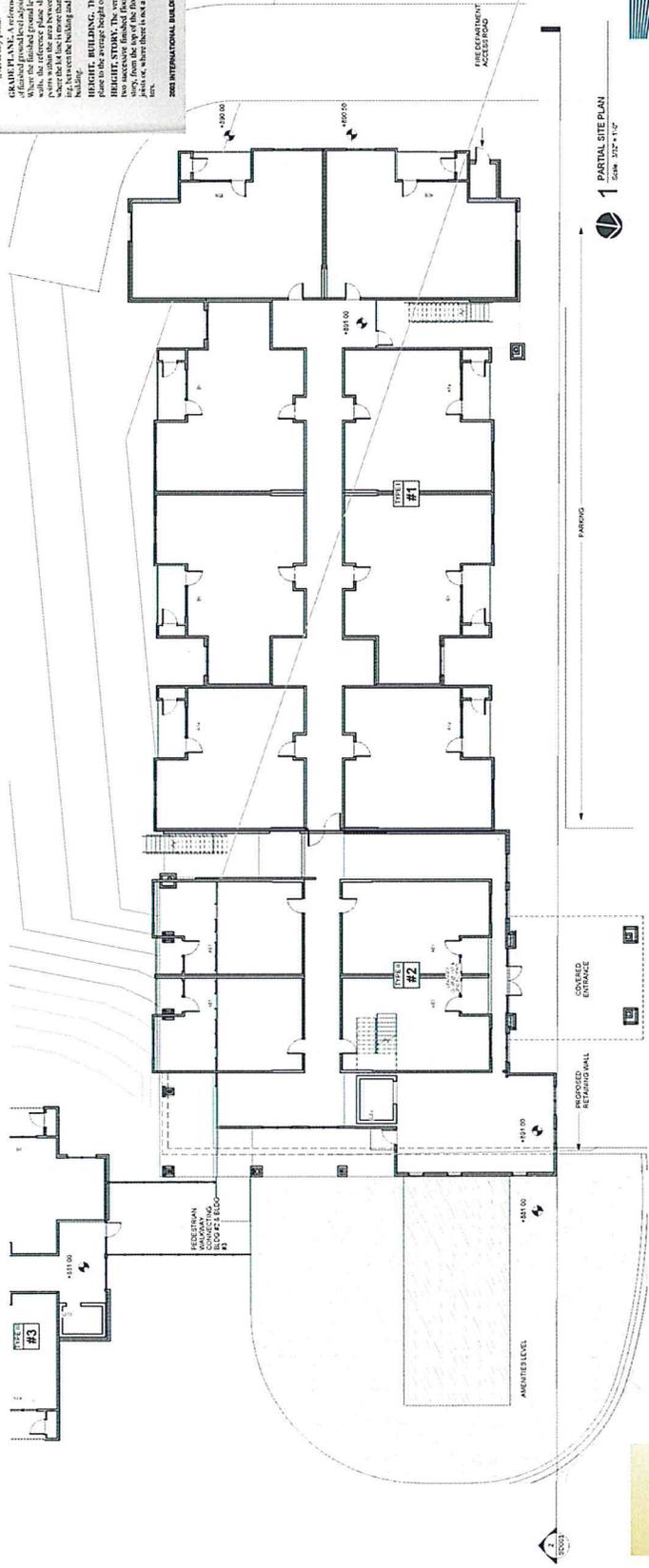


2 SECTION - BUILDING HEIGHT STUDY
Scale: 3/32" = 1'-0"

INTERNATIONAL BUILDING CODES

GRADE, BUILDING. The vertical distance from grade to the top of the finished floor surface, measured to the top of the finished floor surface, shall be measured to the top of the finished floor surface, measured to the top of the finished floor surface, measured to the top of the finished floor surface.

HIGH-RISE BUILDING. The vertical distance from top to top of two successive finished floor surfaces, and, for the purpose of this section, shall be measured to the top of the roof structure, or, where there is no ceiling, to the top of the roof structure.



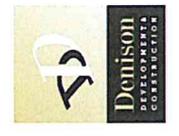
1 PARTIAL SITE PLAN
Scale: 3/32" = 1'-0"



04/15/16

MERRITT STARLIGHT

3/32" = 1'-0"





MERRITT STARLIGHT

06/07/16



512-900-4425
2003 LAMAR STE. 1
AUSTIN, TEXAS 78704



MERRITT STARLIGHT

06/07/16



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AUSTIN, TEXAS 78704



MERRITT STARLIGHT

06/07/16



512.900.4425
2003 S. LAMAR, STE. 1
AUSTIN, TEXAS 78704



February , 2016

Mr. Colby Denison
DDC Merritt Starlight, Ltd.
1904 W 35th Street
Austin, Texas 78703
P: 512/732.1226
F: 512/732.1276

Engineer's Summary Feasibility Report for:
Merritt Starlight- Wimberley
Wimberley, TX

Project: Merritt Starlight – 80 Units

Section I – Executive Summary

Section II – Existing Site Conditions

Section III – Surveys

Section IV – Environmental Site Assessment

Section V—Geotechnical Review Summary

Section VI – Storm Water Management (Detention/Retention/Drainage)

Section VII – Topographic Review

Section VIII – Site Ingress / Egress Requirements (Fire, TXDOT, Median Cuts, Deceleration, Etc.)

Section IX – Offsite Requirements

Section X – Onsite Requirements (Distribution Maps)

Section XI – Electric, Gas, & Telephone Service Summary

Section XII – Zoning / Land Development Ordinances Summary

Section XIII – Building Codes / Ordinances/Design Requirements Summary

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Section XIV – Entitlement / Site Development/Building Permitting Process Summary and Timing

Section XV – Entitlement, Impact and Development Fee Summary

Section XVI – Site Plan Observations/Recommendations

Section XVII – Other Considerations, Conditions, Issues or Topics Relevant to Development of the Site as Proposed

Section I – Executive Summary

The subject property is located on Ranch Road 12 (RR 12) in Wimberley, Texas approximately 512 feet north of the intersection of RR 12 and Farm to Market Road 2325 (FM 2325) and identified by Hays County Appraisal District Property ID number R135869. The tract is 8.571 acres (see attached) and is undeveloped and heavily wooded.

The project will consist of approximately 80 units (58 multi-family, 22 triplexes and quadplexes, see attached plan). Site work will include parking, drives, sidewalks, walking paths, carports, garages, domestic and fire water supply, wastewater, storm sewer and pond improvements. Water is supplied by WWSC (Wimberley Water Supply Corp.), wastewater is supplied by Aqua Texas and electricity is provided by PEC. All utilities are within the property or across the public ROW from the property.

Zoning: The property is currently in the process of amending the existing Wimberley Planned Development District (Ordinance ZA-06-013).

A cost estimate for the onsite and offsite work is attached to this report.

The soil characteristics, as depicted in the Natural Resources Conservation Services soil map (attached), are suitable for this type of develop. A geotechnical study will be necessary prior to design of the building slab.

The local jurisdictions are familiar and supportive of this project. Below is a listing of the organizations and agencies that have either voted to support the project, provided letters of availability or technical information.

- Wimberley City Council (unanimous approval, January 21, 2016)

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- Wimberley Water Supply Corp
- Aqua Texas – wastewater treatment company
- City of Wimberley Planning and Development Review Department
- Hays County Transportation and Natural Resources

Austin Civil Engineering (ACE) has a wide-range of experiences dealing with the City of Wimberley’s reviews, approvals, and final inspection processes. ACE anticipates this project’s approval and construction processes to go smoothly and in a timely fashion.

Section II – Existing Site Conditions

Consultants, ECS Texas (ECS), conducted an Environmental Site Assessment (ESA) for the subject site and describe it as a 8.571 acre parcel of land that is currently undeveloped, wooded land. It is located in the Full Purpose Jurisdiction of Wimberley, Texas and has electric and water utilities improvements adjacent to the property. The site is located in an area that can generally be described as suburban mixed use, residential and commercial. Based on ECS’s record search, site reconnaissance, and interviews, it appears that the site has never been developed.

Section III – Surveys

The subject property is a 8.571-acre tract.

- See attached survey plat
- See attached copy of plat
- See attached USGS Map
- See attached aerial map

Section IV – Environmental Site Assessment

The following is taken from the Phase I ESA report from ECS Texas, LLP, dated February 10, 2016: “We have performed a Phase I Environmental Site Assessment in general conformance with the scope and limitations of ASTM E1527-13 of the vacant parcel (PIN R135869) located on RR 12 in Wimberley, Hays County, Texas. Exceptions to, or deletions from, this practice are described in Section 2.6 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property. ECS Texas LLP (ECS) was contracted by DDC Merritt Starlight to perform an ASTM E1527-13, Phase I Environmental Site Assessment (ESA) of a vacant parcel located at RR 12 in Wimberley, Hays County, Texas (i.e. subject property).

The approximately 8.571-acre subject property is currently vacant. Municipal water and sewer services are available in the vicinity of the site. The subject property is located adjacent to the





north east of a commercial corridor along Ranch Road 12 in Wimberley, Texas. The subject property is bound on the east by a vacant wooded parcel, on the north by a ranch and a storage shed. A series of commercial facilities were identified along RR 12 adjacent to the south and west of the subject property. According to historical research, the subject property has been undeveloped since at least 1962.

This assessment has revealed no evidence of recognized environmental conditions in connection with the property except for the following:

- REC 1: Small engine repair facility is located to the rear of a feed and hardware facility at 14210 RR12.
- REC 2: Wimberley Shamrock, 14410 Ranch Road 12.”

Section V – Geotechnical Review Summary

A Geotechnical review will need to be conducted prior to site plan submittal to the City of Austin.

Section VI – Storm Water Management (Detention / Retention / Drainage)

Edwards Aquifer / Water Quality: This site is located within the Edward’s Aquifer Contributing Zone, as defined by the Texas Commission on Environmental Quality (TCEQ). It is also within the City of Wimberley’s watershed protection jurisdiction. A “wet” pond system is proposed to treat this site per the TCEQ and City of Wimberley water quality standards.

Onsite Drainage: Storm water runoff will be captured into private storm sewer system and directed to an onsite water quality and detention pond system. The pond will treat the storm water runoff for both water quality and detention purposes. BMP (best management practices) will be incorporated to allow the storm water to be routed through landscape and grassy areas, thus achieving the highest amount of infiltration and storm water treatment before reaching the pond.

Offsite Drainage: Offsite flows are generally from the northwest to the southeast. To the extent possible the offsite flows will be routed through the site and into the on-site pond.

Detention: Storm water detention is designed in conjunction with the “wet” water quality pond. The storage above the water quality elevation will provide control and be designed to release the runoff at a rate less than the pre-developed runoff rate. All flows from the site will be maintained at or below the pre-developed conditions for the 2-yr through 100-yr storm events.

Floodplain: No portion of this property is located in the 100 year floodplain, as shown on FEMA flood plain map 48209C0238F revised September 2, 2005 (see attached).

Section VII – Topographic Review

4 of 9

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See attached USGS map which shows the topography of the site. Both offsite and onsite ground elevations naturally slope down from the northwest to the southeast. There is an existing detention pond from the Brookshire Brothers development within a conservation detention easement. This pond may be modified and enlarged to accommodate the needs of both tracts or a separate pond may be constructed upstream of the existing pond.

Section VIII – Site Ingress / Egress Requirements (Fire, TxDOT, Median Cuts, Deceleration, Etc.)

The site plan will have access to Ranch Road. A TxDOT driveway permit will be required. We have contacted the TxDOT area engineer and discussed access with him. A curb inlet will need to be relocated and will be permitted through TxDOT as well.

Section IX – Offsite Requirements

Existing City of Wimberley wastewater service is located along Ranch Road 12. An Extension plan will be submitted to Aqua Texas, Inc. the provider of wastewater service for Wimberley. Please see attached confirmation that existing capacity is adequate for the proposed development.

An off-site relocation of a curb inlet will be processed as part of the TxDOT Driveway permit request.

Section X – Onsite Requirements (Distribution Maps)

Water:

- Wimberley Water Supply Corp - see attached plans for on-site and off-site water distribution plan

Wastewater (Sanitary Sewer):

- Aqua Texas – wastewater treatment company - see attached plans for on-site and off-site wastewater collection plan

Section XI – Electric, Gas, & Telephone Service Summary

Electrical Service:

Electrical service is provided by PEC – Pedernales Electrical Cooperative.



Gas Service:

No Natural Gas Service is proposed for this project.

Telephone Service:

Telephone Service can be provided by ----- .

Section XII – Zoning / Land Development Ordinances Summary (others as applicable)

Current Zoning is WPDD – Wimberley Planned Development District.

The property's development is regulated within a Wimberley Planned Development District (WPDD) (Ordinance ZA-06-013) with an associated Restrictive Covenant. This property is referred to as Parcel Three and the provisions of the WPDD designate it with "C-2 (commercial, moderate impact)" base zoning district, Low Impact Institutional: Residential Oriented and Assisted Living Centers as permitted uses. Parcel Three is allowed 70% impervious cover per the provisions of the Restrictive Covenant.

Significant regulations of the proposed zoning are:

- Maximum building height is 42 feet
- Impervious Cover for the overall subdivision including Lots 1, 2 and 3 is 70%. The actual overall impervious cover accounting for the existing development on Lots 1 and 2 will be less than 64%.
- Maximum building floor area is 135,000 s.f., and the actual building floor area is 110,000 s.f.

Section XIII – Building Codes / Ordinances / Design Requirements Summary

The City of Wimberley has adopted The 2003 International Building Code

In addition, the following accessible codes will be enforced.

- 2010 ADA Standards for Accessible Design
- Fair Housing Act (FHA)
- Texas Accessibility Standard (TAS)

Dwelling Building Code design summary:

The dwelling unit buildings are designed to comply with the 2003 international building codes. The classification occupancy is R-2. This would include residential multifamily dwelling units. The construction type will be wood framed construction with wood trusses. The Type designation is VA construction for the main building and VB for the tri and





quadplexes. The main building will be adjoining, and sharing a common two hour wall. The wall type and UL assembly is the UL U347.

The party walls will be constructed of double stud construction. The double stud walls with insulation on one face will help to reduce dwelling to dwelling sound transmission per UL U341. The fire test assembly for this type construction is the Gypsum Association GA file Number WP. 5512. Stud spacing is dictated by the fire test and the structural engineer.

Exterior load-bearing walls will be designed in accordance with the applicable one hour fire rating per UL U356.

Shear walls will be located through the building. Shear wall construction will require either additional nail patterns or the use of OSB sheathing material. Straps, anchors and hold down clips and accessories will be required and designated locations by the structural engineer.

The elevator shaft will be constructed of 8" wide light and normal weight CMU block. The block will be filled with concrete and steel reinforcing.

The buildings will be equipped with an automatic sprinkler system and fire protection control systems. The automatic fire sprinkler system will include the use of the NFPA life safety code type 13R. Fire control systems will be looped back to a central control panel. Building segments will be separated with rated door assemblies with magnetic hold open.

Building floor ceiling assembly will be the UL L528 system. This system allows for the use of air conditioner ducts and insulation within the rated assembly.

The ceiling attic assembly will be the UL P522. This system received fire rating benefit by the use of prefabricated trusses. The system allows for the use of air conditioner ducts and insulation. Mechanical equipment however, is not included in the system, nor is incorporated in the design.

80 units total

58 units in 3-story Main Building, less than 42' building height per proposed WPDD

22 units in 1-story Triplexes and Quadplexes

2003 International Building Codes

R-2 occupancy

Type VA construction for the Main Building, Type VB construction for the Triplexes and Quadplexes

Main Building comprised of adjoining buildings with 2-hour fire wall between

2-hour fire wall assembly per UL Design No. U347

Tenant separation wall assembly (not technically party walls) per UL Design No. U341

Exterior load bearing wall assembly per UL Design No. U356

Automatic sprinkler system per NFPA 13R

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Environmentally Sensitive

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Floor/ceiling assembly per UL Design No. L528
Roof/ceiling assembly per UL Design No. P522
(Building corridors will not be supplied with air conditioning...)

Section XIV – Entitlement / Site Development / Building Permitting Process Summary and Timing

The following applications will need to be submitted:

- Zoning: The property is currently zoned WPDD and is being rezoned with modification to the Existing WPDD
- Final Plat – The property is currently final platted and no plat revision or amendment is anticipated
- Site Development Plan: Will be submitted to and reviewed by The City of Wimberley
- Water: Domestic and Fire Protection water supply will be provided by WWSC – plans and applications will be submitted
- Wastewater: Plans and Applications will be submitted to Aqua Texas for review and permitting
- TCEQ: Permitting for TCEQ – CZP (contributing zone plan)
- TxDOT Driveway and TxDOT Utility Permits are required.
- Building Plans

The subdivision process is governed by the Subdivision Ordinance, while the site development process is governed by the Site Development Ordinance as well as the Zoning Ordinance. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid.

Timing: submittal, review and processing can occur concurrently. The total time to complete all approvals and permits is expected to be 8-12 months.

Section XV – Entitlement, Impact and Development Fee Summary

See attached fee summary.

Section XVI – Site Plan Observations/Recommendations

See sections IV and V, above

Section XVII – Other Considerations, Conditions, Issues or Topics Relevant to Development of the Site as Proposed

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Relevant taxing jurisdictions and rates:

GHA - HAYS COUNTY - .4232

CWI – VILLAGE OF WIMBERELY – .

EWI – WIMBERLEY HAYS CO ES DIST #7 - .06242

FWI – WIMBERLEY FIRE HAYS CO ES DIST #4 - .0350

RSP – SPECIAL ROAD - .0438

SWI – WIMBERELY ISD – 1.33750

TOTAL - 1.90192

This site was previously considered by the City as a desirable location for senior housing. As such the City previously passed the WPDD Zoning which supported a senior housing development: Wimberley Planned Development District (Ordinance ZA-06-013). The City has expressed support for this project and it is anticipated State Representative Jason Issac will express his support for the project.

If you have any questions regarding this report, please do not hesitate to contact our office.

Respectfully,

Hunter Shadburne, P.E.

Austin Civil Engineering, Inc. Registration # F-001018

9 of 9

Environmentally Sensitive

Site Design • Planning • Permitting



EXHIBIT H

Utility Availability Letters – Merritt Starlight Senior Village



P.O. Box 100 Kyle, Texas 78640-0100
(512) 262-2161 • 1-888-554-4732

January 21, 2016

Mr. Blake A. Rue
Rue Investments
P.O. Box 302663
Austin, Texas 78703

**Re: Merritt Starlight Senior Village located on the east side of the 14400 block of
Ranch Road 12, Wimberley, Texas**

Dear Mr. Rue:

Thank you for your interest in establishing service with Pedernales Electric Cooperative. The above referenced property in Wimberley, Texas, is within the Cooperative's service area. We will extend service to this location in accordance with our Line Extension Policy, which requires that you apply for electric service and pay connection fees for each metered account. Also, if construction of electric service facilities is needed, you must pay all construction fees and grant or acquire all necessary easements before construction can begin.

If you have any questions, please call me at 1-800-868-4791, Extension 7520, Monday through Friday, between 8 a.m. and 5 p.m.

Sincerely,

Brady Karnes,
Electrical Distribution Planning and Designer Manager



TEXAS DISPOSAL SYSTEMS

TEXAS DISPOSAL SYSTEMS, INC. TEXAS DISPOSAL SYSTEMS LANDFILL, INC.

P.O. Box 17126
Austin, TX 78760-7126
512.421.1300
512.421.1325 (FAX)
www.texasdisposal.com

January 29, 2016

DDC Merritt Starlight, Ltd
Attn: Mr. Colby Denison
Denison Development and Construction, Inc.
1904 W 35th Street
Austin, Texas 78703

Re: Trash Removal Availability at the Proposed DDC Merritt Starlight Senior Village
(Approximately 80 senior apartments), located on the East Side of the 14400 block of Ranch
Road 12, Wimberley, Texas 78676

Mr. Colby Denison:

Pursuant to your request, I can confirm that the aforementioned site is located within the service
area for Texas Disposal Systems and has access to our trash removal services.

Sincerely,

Sean O'Grady

Sean O'Grady
Senior Commercial Account Manager



February 15, 2016

VIA EMAIL

Mr. Colby Denison, President
Denison Development and Construction, Inc.
1904 West 35th Street
Austin, Texas 78703

Re: Wastewater Service to the Proposed Merritt Starlight Senior Village, 14400 Ranch Road 12, Wimberley, Texas

Dear Mr. Denison:

I am in receipt of your written request dated February 3, 2016 for wastewater service for the proposed Merritt Starlight Senior Village ("Project") to be constructed at 14400 Ranch Road 12, Wimberley, Texas ("Property"). A majority of the Property is within Aqua's wastewater Certificate of Convenience and Necessity (CCN) service area, and I am therefore able to confirm that Aqua will provide retail wastewater utility service to the Project in accordance with the terms of the Agreement to be negotiated between you and Aqua, and under the Public Utility Commission of Texas ("PUC") Rule 16 TAC 24.103(a)(1)(A) also known as the "Quarter Mile Rule". Such service will be provided in accordance with the provisions of Aqua's tariff in effect from time to time as approved by the Texas Commission on Environmental Quality ("TCEQ") or PUC and in accordance with all other provisions of law.

Sincerely,

A handwritten signature in black ink that reads "Glen E. Lewis". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Glen E. Lewis

Wimberley Water Supply Corporation

P.O. Box 10
Wimberley, Texas 78676
(512) 847-2323

January 22, 2015

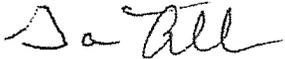
DDC Merritt Starlight, Ltd
Attn: Mr. Colby Denison
Denison Development and Construction, Inc.
1904 W 35th Street
Austin, Texas 78703

Re: Water Availability at the Proposed DDC Merritt Starlight Senior Village (Approximately 80 senior apartments), located on the east side of the 14400 block of Ranch Road 12, Wimberley, Texas 78676

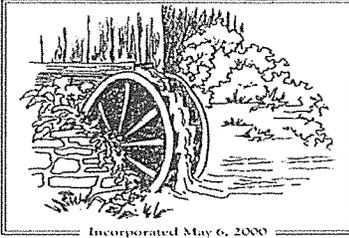
Mr. Colby Denison:

Pursuant to your request, I can confirm that the aforementioned site is located within the service area for the Wimberley Water Supply Corporation and has access to our water services. Note: Any upgrades required to provide adequate service to the property would be at the cost of the developer or owner.

Sincerely,



Garrett Allen
General Manager
Wimberley Water Supply Corporation
Phone: 512-847-2323
Email: wwsc@austin.rr.com



City of Wimberley

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

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

www.cityofwimberley.com

Mac McCullough, Mayor

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

City Administrator - Don Ferguson

May 27, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. ZA-16-002**

An application for an amendment to the existing Wimberley Planned Development District (WPDD) at 14100 Ranch Road 12

Dear Property Owner:

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

The applicant, Merritt Starlight, has requested an amendment to the existing Wimberley Planned Development District (WPDD) with a base zoning of Commercial – Moderate Impact (C-2), for property located at 14100 Ranch Road 12. The proposed amendment revises the Concept Plan and certain development regulations including, but not limited to, those relating to property access, impervious cover, setbacks, maximum building height, maximum building floor area, maximum building footprint, and parking.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, June 23, 2016 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, July 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

Belschner Holdings LLC
14412 Ranch Road 12
Wimberley, TX 78676-6201

Brookshire Brothers, Ltd.
P.O. Box 1688
Lufkin, TX 75902-1688

John L. Buvens, Jr. Trustee
11744 Duart Dr.
Houston, TX 77024-2619

Cedar Stump LP
P.O. Box 1435
Wimberley, TX 78676-1435

Trigg & Ella D. Forister
P.O. Box 2787
Wimberley, TX 78676-2787

General Telephone Co. of the
Southwest
c/o Verizon Communications Tx
P.O. Box 152206
Irving, TX 75015-2206

Juana P. Gonzalez
P.O. Box 1417
Wimberley, TX 78676-1417

King Feed Company, Inc.
400 Deertrail Dr.
San Marcos, TX 78666-8916

J M Kirkpatrick Enterprises, Inc.
800 Skyline Dr.
Wimberley, TX 78676-6014

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

George C. Scott
Attn: George C. Scott
909 Terrace Mountain Dr.
West Lake Hills, TX 78746-2730

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

William A. & Nancy K. Wilcox
5006 Santiago Ct.
Sierra Vista, AZ 85635

Graham Keith & Maryann G. Ward
c/o Graham Keith & Maryann G. Ward
Trustees
P.O. Box 23
Glennallen, AK 99588-0023

WK & K Corp.
14307 Ranch Rd. 12
Wimberley, TX 78676

W.B. Shamrock Properties LLC
P.O. Box 2737
Wimberley, TX 78676-2737

Pedernales Electric Coop, Inc.
Finance Dept.
P.O. Box 1
Johnson City, TX 78636-0001

HEB Grocery Company LP
Property Tax Department
H.E. Butt Grocery Company
P.O. Box 839999
San Antonio, TX 78283-3999

Wimberley Convention & Visitors
Bureau Foundation
P.O. Box 12
Wimberley, TX 78676-0012

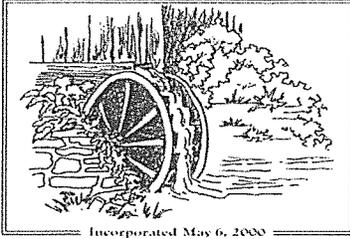
Institute of Cultures for The Wimberley
Valley
dba Wimberley Institute of Cultures
P.O. Box 167
Wimberley, TX 78676-0167

Brookshire Investments Co.
Attn: Jim Arnold
P.O. Box 1688
Lufkin, TX 75902-1688

Mailed 5/27/16

**NOTICE OF PUBLIC HEARING
(WPDD Amendment)**

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, June 23, 2016 at 6:00 p.m.** to consider the following: An amendment to the existing Wimberley Planned Development District (WPDD) with a base zoning of Commercial – Moderate Impact (C-2), for property located at 14100 Ranch Road 12, Wimberley, Hays County, Texas. The proposed amendment revises the Concept Plan and certain development regulations including, but not limited to, those relating to property access, impervious cover, setbacks, maximum building height, maximum building floor area, maximum building footprint, and parking. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, July 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: www.cityofwimberley.com

NOTICE BY SIGN POSTING

Zoning No: WPDJ Amendment Owner _____

Date 5/27/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 14100 RB-12

which is located Ranch Road-12

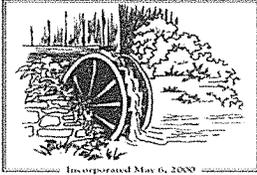
Bill Bowers
Asst. Public Works

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

5/27/16, 2016


Signature

P&Z Commission Agenda Form



Date Submitted: June 20, 2016

Agenda Date Requested: June 23, 2016

Project/Proposal Title: DISCUSS AND CONSIDER ACTION REGARDING THE PROPOSED REPLAT OF LOT 9 AND PORTIONS OF LOT 8 AND LOT 10 OF THE HARRISON RESORT SUBDIVISION

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the Planning and Zoning Commission to discuss and consider making a recommendation to City Council regarding a proposed replat of three (3) lots of the *Harrison Resort Subdivision*.

The applicant is proposing to replat Lot 9 and portions of Lot 8 and Lot 10 to establish Lots 8-A, 9-A, 9-B and 10-A of the Harrison Resort Subdivision. The area of the proposed lots are: Lot 8-A 1.20 acres, Lot 9-A 0.96 acre, Lot 9-B 1.57 acres, and Lot 10-A 0.81 acre for a total of 4.54 acres.

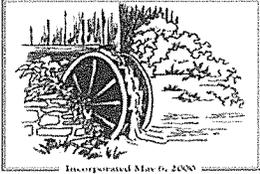
The subject lots are located within the corporate boundaries of the City of Wimberley and currently zoned Single Family Residential 2 (R-2). The proposed use of the lots is residential.

The lots created by the proposed subdivision will obtain water supply from the Wimberley Water Supply Corporation. Wastewater service for the lot will be provided by on-site sewerage facilities.

Lot 10-A has Malone Drive frontage of 35.26 feet requiring a variance from Section 154.063 (C) of the City Code relating to lot shape and Section 154.063 (F) relating to lot width. In addition, Lot 8-A does not have contiguous frontage on a dedicated public road and requires a variance from Section 154.063(D) relating to required public road frontage. The applicant is unable meet the referenced Code requirements because of the existing lot sizes and configurations.

City staff recommends approval of the proposed replat and requested variances.

P&Z Commission Agenda Form



Date Submitted: June 20, 2016

Agenda Date Requested: June 23, 2016

Project/Proposal Title: PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION REGARDING A PROPOSAL TO INCREASE THE TERM LENGTH FOR PLANNING AND ZONING COMMISSION MEMBERS

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the Planning and Zoning Commission to hold a public hearing and consider making a recommendation to City Council regarding a proposal to increase the term length of Planning and Zoning Commission members from two (2) years to three (3) years.