

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 9, 2016 - 6:00 P.M.

AGENDA

CALL TO ORDER: JUNE 9, 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 MAY 26, 2016.

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 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*)

 - (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*)

 - (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*)

 - (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*)

 - (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*)
-

3. STAFF AND COMMISSION REPORTS

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

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

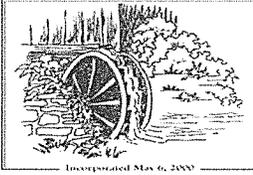
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on June 6, 2016 at 5:00 p.m.



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 6, 2016

Agenda Date Requested: June 9, 2016

Project/Proposal Title: APPROVAL OF MINUTES
OF THE REGULAR PLANNING & ZONING
COMMISSION MEETING ON MAY 26, 2016

Funds Required:
Funds Available:

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are the minutes of the Regular Planning & Zoning Commission meeting on May 26, 2016 for review and consideration.

City of Wimberley
 City Hall, 221 Stillwater
 Wimberley, Texas 78676
Planning & Zoning Commission
 Minutes of Regular Meeting
 May 26, 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, Tracey Dean (via videoconference), Austin Weeks, and Thad Nance.

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 April 14, 2016.

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

2. Public Hearings and Possible Action

Hold a public hearing and consider making a recommendation to City Council regarding the proposed Preliminary Plat of 11.29 acres establishing Lots 1, 2 3 and 4 of the *Hacienda del Cielo Subdivision* located off West Spoke Hill Road, Wimberley, Hays County, Texas, and related variance requests from the City Subdivision Code requirements relating to lot shape and lot width and depth.
(City Administrator)

City Administrator Ferguson explained the proposed plat would subdivide an 11.29 acre tract as follows: Lot 1 – 2.06 acres; Lot 2 – 4.57 acres; Lot 3 – 2.64 acres and Lot 4 – 2.02 acres. He noted the following: each lot has frontage along a 50-foot road easement; proposed zoning/use is Residential Acreage (RA)/residential; proposed subdivision will require the four (4) newly created lots to be zoned Rural Residential 1 (R-1); water supply will be obtained from on-site groundwater wells; and wastewater to be provided by on-site sewerage facilities. He advised that Lots 2 and 3 have a flag lot configuration, therefore, the property owner is seeking a variance from City Code Section 154.063(C) relating to lot shape. Because Lot 2 has 51.42 feet of road easement frontage and Lot 3 has less than 90 feet of road easement frontage, the property owner is seeking a variance from City Code Section 154.063(F) relating to lot width and depth. He stated the property owner is unable to meet the referenced Code

requirements due to the existing size and slope of the parent tract and recommended approval of the proposed Preliminary Plat and requested variances. City Administrator Ferguson said some neighbors have expressed concerns regarding access to Lot 2 from West Spoke Hill Road.

Chairman Savino opened the public hearing.

The property owner's representative, Kelly Kilber of BEC-LIN Engineering, concurred with staff's recommendation and offered to answer any questions.

Surrounding property owner, Gary Weeks, supports the subdivision, but expressed concerns regarding driveway access and drainage issues. Mr. Weeks advised that the property owner and his realtor have both indicated that use of the existing driveway for access will make the property easier to sell and encouraged the development of a road agreement to ensure access and proper maintenance, especially with potential for extra traffic.

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

Discussion addressed reasoning for the flag-shaped lots, Lot 2's access to West Spoke Hill Road, West Spoke Hill Road's status as a road that is not publicly maintained, and anticipated drainage flows.

Property owner, John Leckenby, provided historical information on his driveway's width, his neighbors' lack of objections regarding the flag-shaped lots and driveway access, and use of Mr. Leckenby's driveway as a preferred option.

City Administrator Ferguson suggested the addition of a restrictive covenant allowing access to Lot 2 from the driveway of Lot 3 in the proposed subdivision. Discussion addressed a possible road agreement among property owners, the need for inclusion of flow management in driveway drainage design, and possible restrictive covenant language that would allow access via Lot 3's driveway or through a joint road use agreement.

City Administrator Ferguson advised that a restrictive covenant could be drafted to present to Council allowing access to Lot 2 from the driveway of Lot 3 in the proposed subdivision.

Commissioner Urban moved to recommend approval of the Preliminary Plat, as proposed, including the requested variances, with the understand that the parties shall draft a restrictive covenant encouraging access for Lot 2 from the driveway of Lot 3. Commissioner Savino seconded. Motion carried on a vote of 4-0. Commissioner Weeks recused himself due to a conflict of interest.

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

Adjourn at 6:37 p.m.

Recorded by:

Cara McPartland

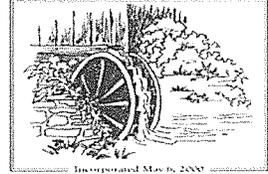
These minutes approved the ____ of June, 2016.

APPROVED:

Charles Savino, Acting Chair

DRAFT

Report for CUP-16-014



Summary:

An application for a Conditional Use Permit for a secondary residential building on property at 406 Hoots Holler Road

Applicant Information:

Applicant(s):

Kelvin and Brenda Adams
406 Hoots Holler Road
Wimberley, TX 78676

Property Owner(s):

Kelvin and Brenda Adams

Subject Property:

Legal Description:

Flite Acres Little Ranches, Lot 6R, 8 acres

Location:

406 Hoots Holler Road

Existing Use of Property:

Residential

Existing Zoning:

Residential Acreage (RA)

Proposed Use of Property:

Bed and Breakfast

Proposed Zoning:

RA with CUP

Planning Area

I

Overlay District

Protected Waterway Overlay District

Surroundings:

Frontage On:

Hoots Holler Road

Area Zoning and Land Use Pattern:

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

Legal Notice

200' Letters:

05/17/16

Published:

05/12/16

Sign Placement:

05/12/16

Responses:

None

Comments:

The applicants, Kelvin and Brenda Adams, are seeking a Conditional Use Permit (CUP) for secondary residential building on eight (8) acres of property located at 406 Hoots Holler Road. The subject property is zoned Residential Acreage (RA), located in Planning Area I, and within the boundaries of the Protected Waterway Overlay District. Secondary residential buildings are allowed on RA-zoned properties with a CUP.

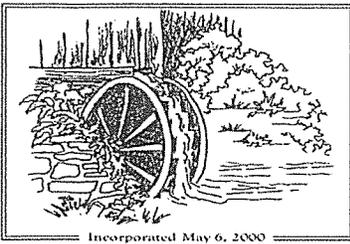
Currently, there is a 2,785 square foot residence on the subject property, which serves as the applicants' primary residence and a 754 square foot, one-bedroom guest cabin, which consists of a 572 square foot living area and 182 square foot covered porch.

The above-mentioned residences were constructed on the subject property several years ago without obtaining the required CUP. This was the result of an oversight by City staff in the permitting process. Approval of the CUP for a secondary residence is necessary to bring the subject property into compliance with the City Zoning Code.

Each residence is served by a properly permitted and functioning on-site septic system. Access to both single family residences is from Hoots Holler Road.

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

City staff recommends approval of the requested CUP.

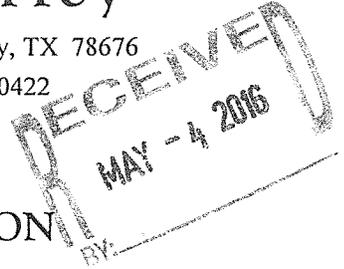


City of Wimberley

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

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

www.cityofwimberley.com



CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 04

FOR OFFICIAL USE ONLY

Application Date: 5/4/16 Tentative P&Z Hearing: 6/1/16 Tentative Council Hearing: 6/16/16

FEES: ¹⁰⁰\$400.00 DATE PAID: 5/4/16 CHECK NO. #267 REC'D BY CM
.CM #303 \$300 5/18/16

PROJECT SITE ADDRESS: 406 Hoots Holler Wimberley, TX 78676

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

MAILING ADDRESS: 406 Hoots Holler

CITY: Wimberley STATE: TX ZIP: 78676

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

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

~~B+B Lodging~~ SECONDARY RESIDENCE

Planning Area I Zoning RA Total Acreage or Sq. Ft. 8 Acres

Subdivision: Flite Acres / Little Ranches Lot 6R Block 5

Appraisal District Tax ID #: R - 09 - 019 131702

Deed Records Hays County: Volume 3596 Page 198

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

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

UTILITY PROVIDERS:

Electric Provider: Pedernales

Water Provider or Private Well: Private Well

Wastewater Service Provider or Hays County Septic Permit No: 2015-12

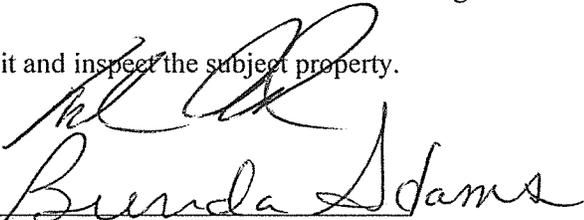
MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

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

5/4/16
DATE


Brenda Adams
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

EXHIBIT "A"

Tract I:

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

Tract II:

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

BEGINNING:

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

THENCE:

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

THENCE:

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

THENCE:

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

THENCE:

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

EXHIBIT "B"

PERMITTED EXCEPTION

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

12.041 ACRES OF LAND

(6,000 ACRE PORTION OF LOT 6, FLITE ACRES LITTLE RANCHES
 A SUBDIVISION IN HAYS COUNTY, TEXAS PER VOL. 165, PG. 285, H.C.D.R.)
 WITH 4.041 ACRES OF LAND OUT OF THE JESSE WILLIAMS SURVEY No. 4, ABSTRACT No. 472,
 HAYS COUNTY, TEXAS

REMAINDER
 OF LOT 1

R116108

2770
356

REMAINDER
 OF LOT 6

8,000 AC
 PORTION
 OF LOT 6
 THIS TRACT DOES NOT MEET THE
 CORRECT RULES & REGULATIONS
 FOR RECREATIONAL PLANTING IN
 HAYS COUNTY, TEXAS

Acc. Bldg

12.041 AC.
 (VACANT)

R27696
 5.05 AC.
 DIC.
 5920323

N05°03'34"E 1257.67'
 10' P.U.E.

N88°59'55"W 295.97'

20' P.U.E.

EDGE OF ASPHALT ROAD S01°15'22"W 542.95'

UNIVERSITY ROAD
 (PRIVATE EASEMENT)

10' P.U.E.

S01°15'22"W 714.72'
 N01°15'22"E 714.72'

20" CEDAR VINCE CORNER
 ANG. 30-42° 10.02'

20' P.U.E.

S84°30'42"W 264.84'

0 40 80 120 160 200 240 280 320 360

SCALE: 1" = 120'

R10849
 4.041 AC.
 2770
356

10' P.U.E.

S00°43'43"E 685.84'

R82285
 65.55 AC.
 1137
516

POB
 8,000 AC.

POB
 4.041 AC.

Ma
 FLOUSE

LOT 10
 FLITE ACRES
 SECTION 2
 R27721
 3.45 AC.
 2630
413

S89°10'35"E 239.26'

10' P.U.E.

HOOTS HOLLER ROAD
 (50' ROW)

ASPHALT
 ROAD

GRAVEL DRIVE

NOTICE
 THIS SURVEY REFERENCE TITLE COMMITMENT
 No. 1255556-AJK2 DATED 10/9/2008,
 PROVIDED BY FIRST AMERICAN TITLE COMPANY.
 THIS PROPERTY LIES WITHIN THE CORPORATE
 LIMITS OF THE CITY OF WILBERLEY
 AND IS SUBJECT TO ITS ORDINANCES.
 SUBJECT TRACTS DO NOT APPEAR TO BE IN
 THE 100 YEAR FLOODPLAIN ACCORDING TO
 F.L.R.M. PANEL #48209C 0360 F. DATED
 9/2/2006. FLOOD AREAS/ELEVATIONS CAN
 ONLY BE VERIFIED BY ELEVATION CERTIFICATE.
 METES AND BOUNDS DESCRIPTIONS AC-
 COMPANY THIS SURVEY (SEE PAGES 2 & 3).
 THE PIPELINE EASEMENT TO W.H. GOSLIN PER
 VOL. 86, PG. 349, H.C.D.R. DOES NOT APPEAR
 TO ENTER OR CROSS SUBJECT TRACTS.
 THE PIPELINE EASEMENT TO T.L. DISE AND
 PAULA FARLEY DISE PER VOL. 219 PG. 67
 H.C.D.R. AND VOL. 2349, PG. 304, O.P.R.A.C.1,
 DOES NOT APPEAR TO ENTER OR CROSS
 SUBJECT TRACTS.
 PERIMETER FENCES SHOWN HEREON
 GENERALLY FOLLOW PROPERTY LINES,
 BUT MAY MEANDER FROM POST TO POST.

SURVEYOR'S CERTIFICATION

This survey is certified to First American Title Company,
 and buyer: Kevin Adams and Brenda Dodson. I hereby
 certify to the abovehold parties, that a careful survey
 was made on the ground, under my supervision, of the
 tract of land described hereon, and that said survey
 substantially complies with the current Texas Society of
 Professional Surveyors Standards & Specifications for a
 Category 1a, Condition II Land Survey, and that said
 property abuts public and private roads.

RUDOLF J. PATK JR.
 DATE: 10/30/08
 TITLE: SURVEYOR



LEGEND

- 1/2" IRON ROD FOUND--UNLESS NOTED
- 1/2" IRON ROD SET OR FOUND (DRIFTWOOD SURVEYING)
- OTHER MONUMENTATION
- SERVICE OR UTILITY POLES
- OVERHEAD UTILITIES
- EASEMENT
- FENCE
- SETBACK



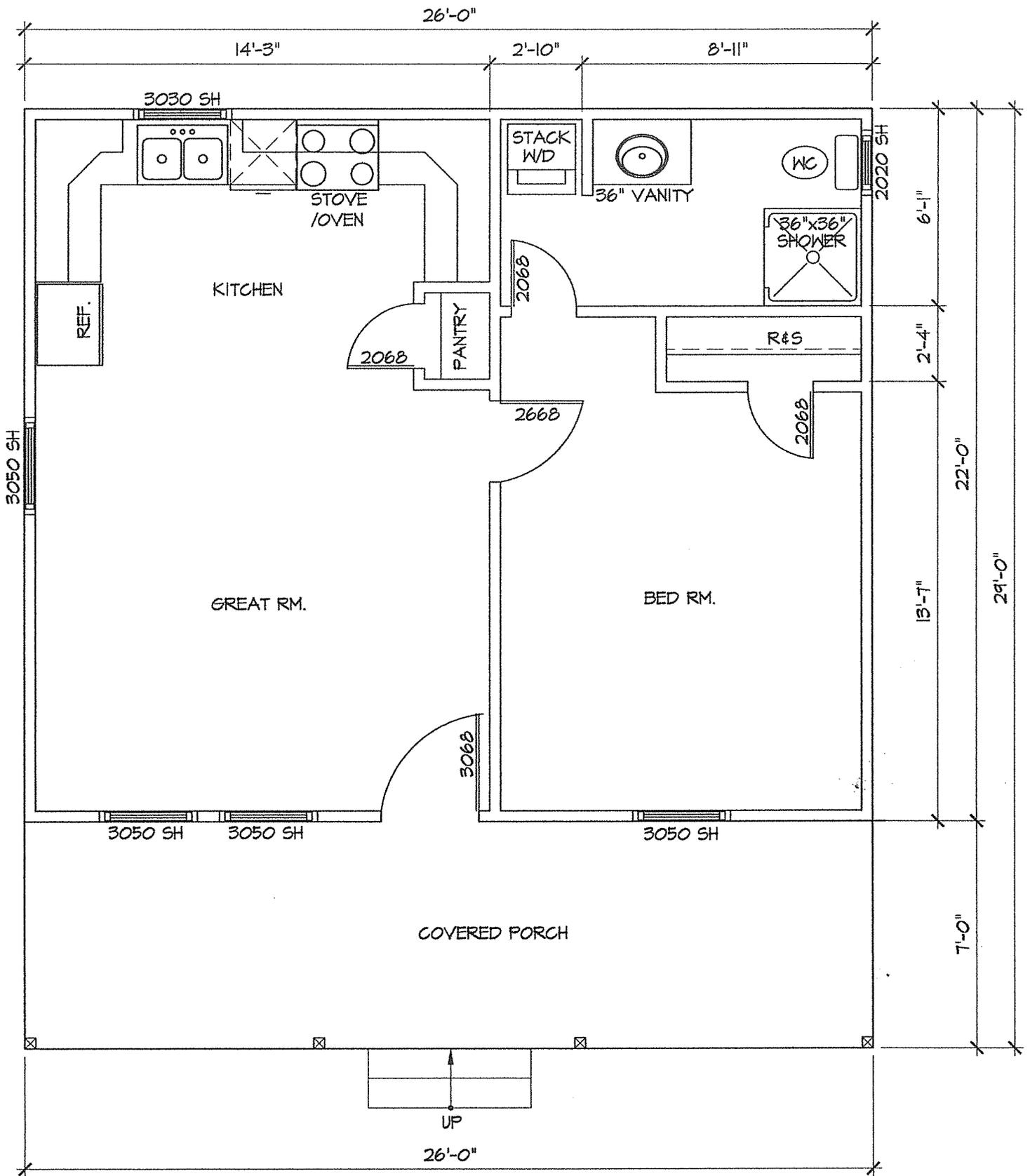
HAYS COUNTY OFFICIAL
 PUBLIC RECORDS
 HAYS COUNTY PROPERTY
 IDENTIFICATION NUMBER

Driftwood Surveying
 Professional Land Surveyors - Serving the Hill Country
 P.O. Box 378
 Wimberley, TX 78876
 PH: (817) 842-7222 FAX: (817) 847-3322

12.041 ACRES OF LAND
 OUT OF THE JESSE WILLIAMS SURVEY AND THE
 H.C. FARNELL SURVEY, HAYS COUNTY, TEXAS
 CLIENT: ADAMS AND DODSON

DATE: 10/29/08
 FIELD ORCH: RCFES
 DRAWN: DSB
 CHECKED: RJP
 PROJ. NO.: HD21508
 Dwg. NAME: TITLE
 REVISION: DATE
 SW: JHJ 10/29/08

Page 1 of 9
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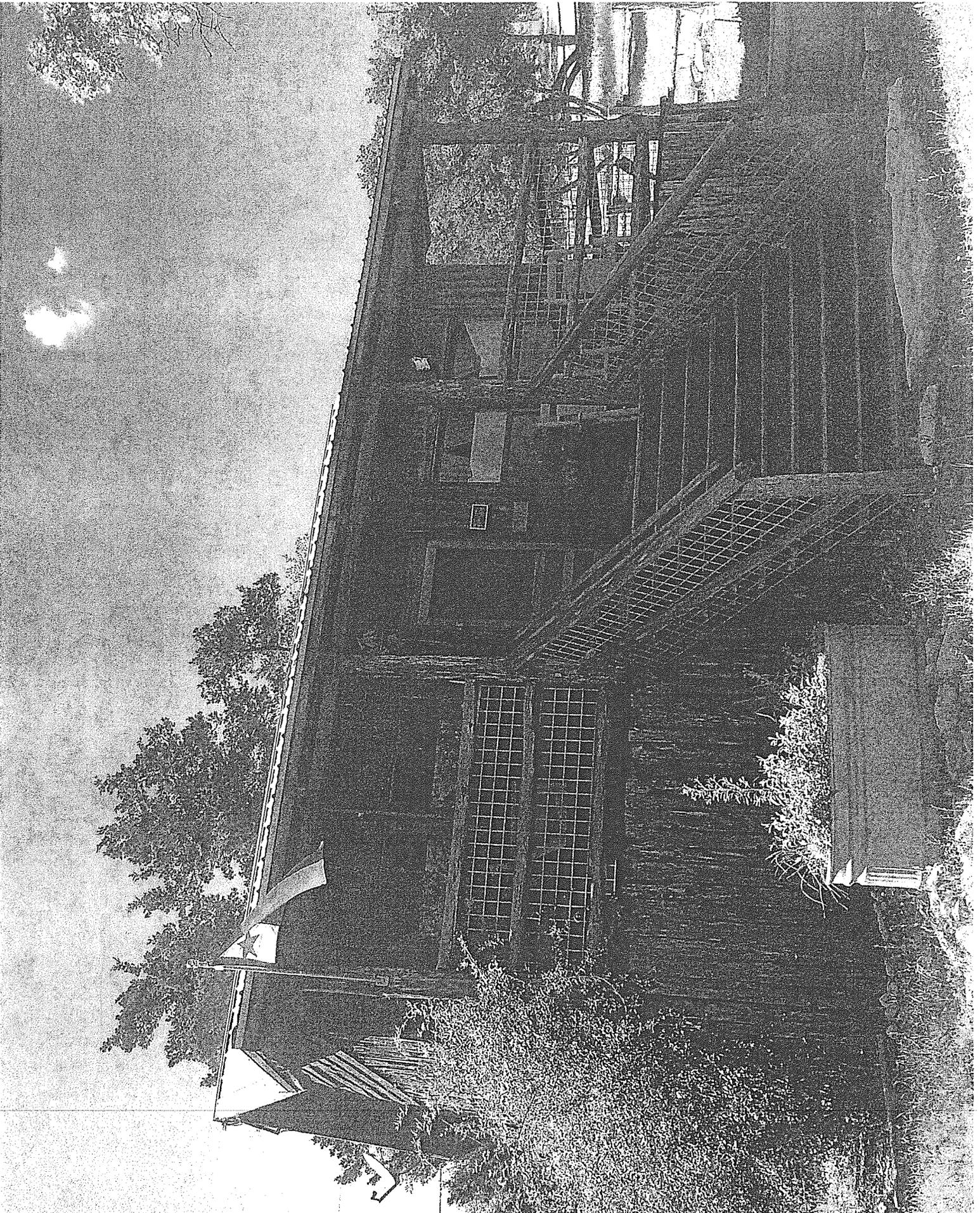


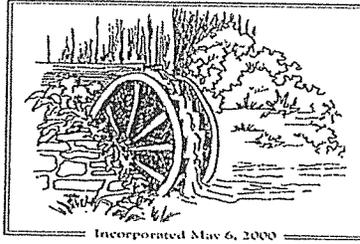
COWBOY CABIN

FLOOR PLAN

SCALE: 1/4" = 1'-0"

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





CITY OF WIMBERLEY

AUTHORIZATION TO CONSTRUCT
AN
ON-SITE SEWAGE FACILITY

Application number: 2015-12
Property Owner: B. Adams
Mailing Address: 406 Hoots Holler, Wimberley, TX 78676
Site Address: 406 Hoots Holler
Lot 6, Flite Acres/Little Ranches, Wimberley, TX 78676

This serves to notify all persons that an on-site sewerage facility application, related technical data, and the appropriate fee have been received by the City of Wimberley Environmental Health Department from said owner as indicated above. The application has been reviewed for technical and administrative consideration against the standards set forth by the TCEQ and local ordinances. Approval is hereby granted for the construction as shown on the submitted plans.

Any modifications to said plan must be submitted to the authorized agent prior to site inspection for review and approval.

The owner or installer must contact the Environmental Health department for inspection procedures prior to installation of the system. Contact the Environmental Health Department office for any questions. 847-0025

This permit will automatically expire one year from the date of issuance. Final inspections not obtained within the year of issuance will require additional application fees.

System Type: Conventional Leaching Chamber System (Quick4 Panels)

Maintenance Contract Required: No

Design Flow: 180 gallons per day

Tanks: Concrete

Pretreatment/ Trash tank: 750gal. 2-compartment

Aerobic Unit: N/A

Pump Tank: N/A

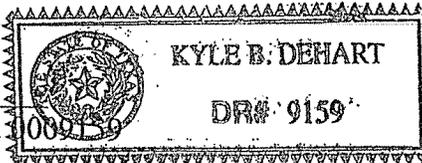
Square Footage of Field/ Application Area: 680sq.ft.

Linear Footage of line or Tubing: 136' ARC36 Panels

Comments:

No vehicles, buildings, drives or parking in area of drainfield.


Kyle B. DeHart, R.S. 4127, S.E. 0022979, D.R. 009159

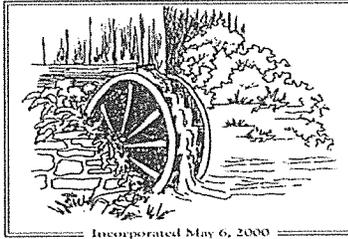


4-7-15
Date

Details
+
Home
-
Refresh
Save
Share
Print
Measure
Bookmarks
406 Hoots Holler, Wimberley, Texas, USA

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

0 150 300ft
 City of Austin, Texas Parks & Wildlife, Esri, HERE, DeLorme, INCREMENT P, USGS, E.



City of Wimberley

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

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

www.cityofwimberley.com

Mac McCullough, Mayor

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

City Administrator - Don Ferguson

May 17, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-014**
406 Hoots Holler Road, Wimberley, Texas

Dear Property Owner:

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

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

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, June 9, 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, June 16, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY

Properties within 200' of 406 Hoots Holler:

R140373 (2653 Flite Acres)
M & M McClay Properties LLC
405 Mirafield Ln.
Austin, TX 78737-4679

R27686 (380 Hoots Holler)
Lindsey C. Roberts &
Christie N. Williams
1112 S. Rock St.
Georgetown, TX 78626-6750

R27696 (400 Hoots Holler)
Rodger T. & Marilyn S. Parker
P.O. Box 375
Wimberley, TX 78676-0375

R18849 (301 University Rd.)
Kelvin Adams & Brenda Dodson
406 Hoots Holler
Wimberley, TX 78676-5768

R19891
Michael A. Dukes & Karen M. Serafino
3401 Flite Acres Rd.
Wimberley, TX 78676

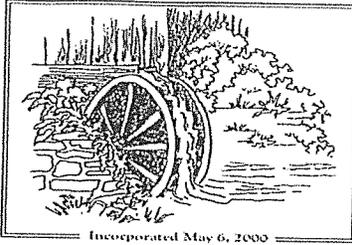
R19898/R136610
Alice L. Oldham Revocable Living Trust
102 University Dr.
Wimberley, TX 78676

R27720/R27721
Richard & Barbara Burleson
216 Summit Loop
Wimberley, TX 78676-5741

R27719
Marian J. Running
210 Summit Loop
Wimberley, TX 78676-5741

**NOTICE OF PUBLIC HEARING
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, June 9, 2016 at 6:00 p.m.** to consider the following: 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 Road in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, June 16, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



City of Wimberley

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

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

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

NOTICE BY SIGN POSTING

Zoning No: CUP-16-014

Owner _____

Date 5/17/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 406 Hoots Haller

which is located on Hoots Haller

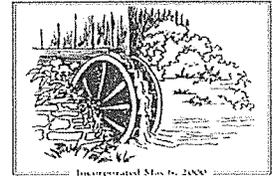
Bill Bowers
Asst. Public Works

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

5/17/, 2016


Signature

Report for CUP-16-012



Summary: An application for a Conditional Use Permit for a Vacation Rental Facility property at 261 Panther Crossing

Applicant Information:

Applicants: Randall Smith
13806 Menasco Ct.
Houston, TX 77077

Property Owners: Randall Q. Smith

Subject Property:

Legal Description: Flite Acres Little Ranches, Lot 11, 8.03 acres
Location: 261 Panther Crossing
Existing Use of Property: Residential
Existing Zoning: Residential Acreage (RA)
Proposed Use of Property: Vacation Rental
Proposed Zoning: RA with CUP for vacation rental
Planning Areas I
Overlay District N/A

Surroundings:

Frontage On: Panther Crossing

Area Zoning and Land Use Pattern:

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

Legal Notice

200' Letters: 5/17/16
Published: 5/12/16
Sign Placement: 5/17/16
Responses: One inquiry; information only

Comments:

The applicant, Randall Smith, is seeking a Conditional Use Permit (CUP) for the operation of a vacation rental on an 8.03 acre tract of land located at 261 Panther Crossing. The subject property is zoned Residential Acreage (RA) and located in Planning Area I. Vacation rental facilities are allowed on RA zoned properties with a CUP.

Currently, there are two (2) single-family residential structures on the subject property. The two-story main home is 4,212 square feet in size and has three (3)

bedrooms and three and one-half (3.5) baths. In addition, there is a two-story guest house that is approximately 1,260 square feet in size that has two bedrooms and one (1) bath. The applicant is proposing to use both of the residences as vacation rentals. There is adequate space on-site for off-street parking.

There are two (2) existing, properly functioning on-site septic systems on the subject property that serve the subject residences. Based on a review of the system, the City Sanitarian has indicated that no more than four (4) guests shall occupy the main home and no more than three (3) guests shall occupy the guest home. The applicant has agreed to the occupancy limit.

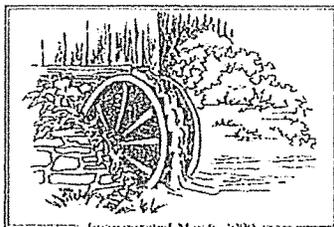
Based on the City's regulations for vacation rental facilities, City staff is recommending the following conditions be made part of the requested CUP, should the Commission desire to recommend approval:

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

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

10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one(1) or more of the following conditions or events on public or private property; the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights, or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives, if compliance is in question, with proper notice provided, if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part on the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. Signage for the vacation rental shall be limited to one (1) sign not to exceed four (4) square feet in area and shall be of traditional Hill Country design and color.
14. The maximum occupancy for the main house shall be four (4) guests, while the maximum occupancy for the guest house shall be three (3) guests

To date, City staff has received no responses either for or against the CUP request. One inquiry for information on the CUP request was received from a property owner within the two-hundred foot notification area.

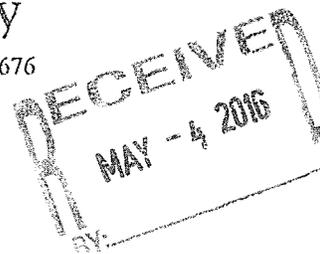


City of Wimberley

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www.cityofwimberley.com



CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 012

FOR OFFICIAL USE ONLY

Application Date: 5/4/16 Tentative P&Z Hearing: 6/9 Tentative Council Hearing: 6/16

FEES: ~~\$400.00~~ DATE PAID: 5/4/16 CHECK NO. 5016 REC'D BY [Signature]
\$100.00

PROJECT SITE ADDRESS: 261 Panther Crossing Wimberley, TX 78676

OWNER/APPLICANT Randall Smith PHONE ⁽¹¹³⁾ 851-9599

MAILING ADDRESS: 13802 Menasco Ct

CITY: Houston STATE: TX ZIP: 77077

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

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

Vacation rental

Planning Area I Zoning RA Total Acreage or Sq. Ft. 8.03 ac.

Subdivision: Elite Acres Little Ranches Lot 11 Block _____

Appraisal District Tax ID #: R 27702

Deed Records Hays County: Volume _____ Page _____

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

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

UTILITY PROVIDERS:

Electric Provider: Pedernales

Water Provider or Private Well: City of Wimberley

Wastewater Service Provider or Hays County Septic Permit No: _____

MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

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

3/18/16
DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

RECEIVED
MAY - 4 2016
BY: _____

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

Owner: Randall Smith

LOCATION OF PROPERTY: 261 Panther Crossing

LEGAL DESCRIPTION: Flite Acres Little Ranches Lot 11

PLANNING AREA: _____

PRESENT ZONING: _____

EXISTING USE: second home

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

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

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

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

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

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

NUMBER OF BEDROOMS: 5 42.3 B. main house 3, guest house 2

MAXIMUM OCCUPANCY: _____ guests. 42.3 B.

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

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

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

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

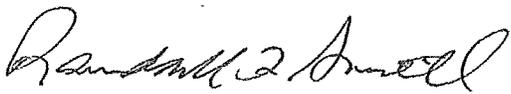
MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the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

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

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

ACCEPTED AND AGREED TO:

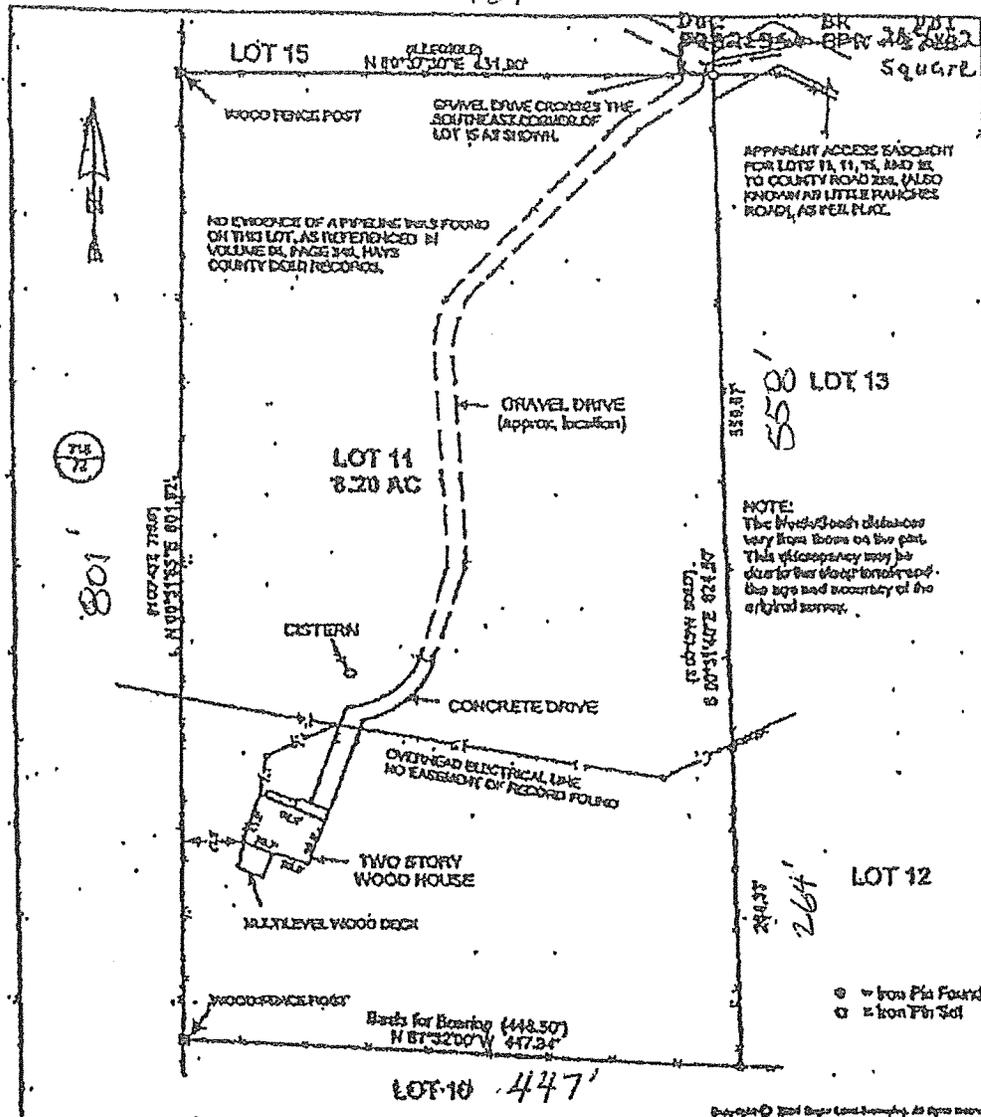
3/18/16
DATE


OWNER

DATE

OWNER

431'



Subject property does not lie within a 100 year flood hazard zone as determined from FEMA Hazard Map, Community Panel No. 480371 0183 E, dated February 18, 1998.

LEGAL DESCRIPTION: Lot 11, Block 1111 of LITTLE FRANCHES SUBDIVISION, as subdivided in Hays County, Texas, according to the map or plat thereof recorded in Volume 456, Page 245, Hays County Deed Records.

PURCHASER: Scott Wepferman, and Marilyn Wepferman 501 Little Franches Road Winchester, Texas 76878	TITLE COMPANY: Hays County Abstract Company
G.F. No.: 20006171	

I hereby certify that this plat represents a survey made upon the ground upon my supervision, on September 8, 2000, and there are no valid or apparent encroachments upon this property, except as shown hereon.

Raymond V. Koster
 Raymond V. Koster, P.E., S. 21154, State of Texas.

Job No. 000809

EAGLE LAND SURVEYING (512) 847-1079 P.O. Box 2884 Winchester, TX 76878	Scale: 1" = 100'
Date: September 8, 2000	Job No. 000809

Plat 2 revised
2/16/07

Details

Add Basemap

Save

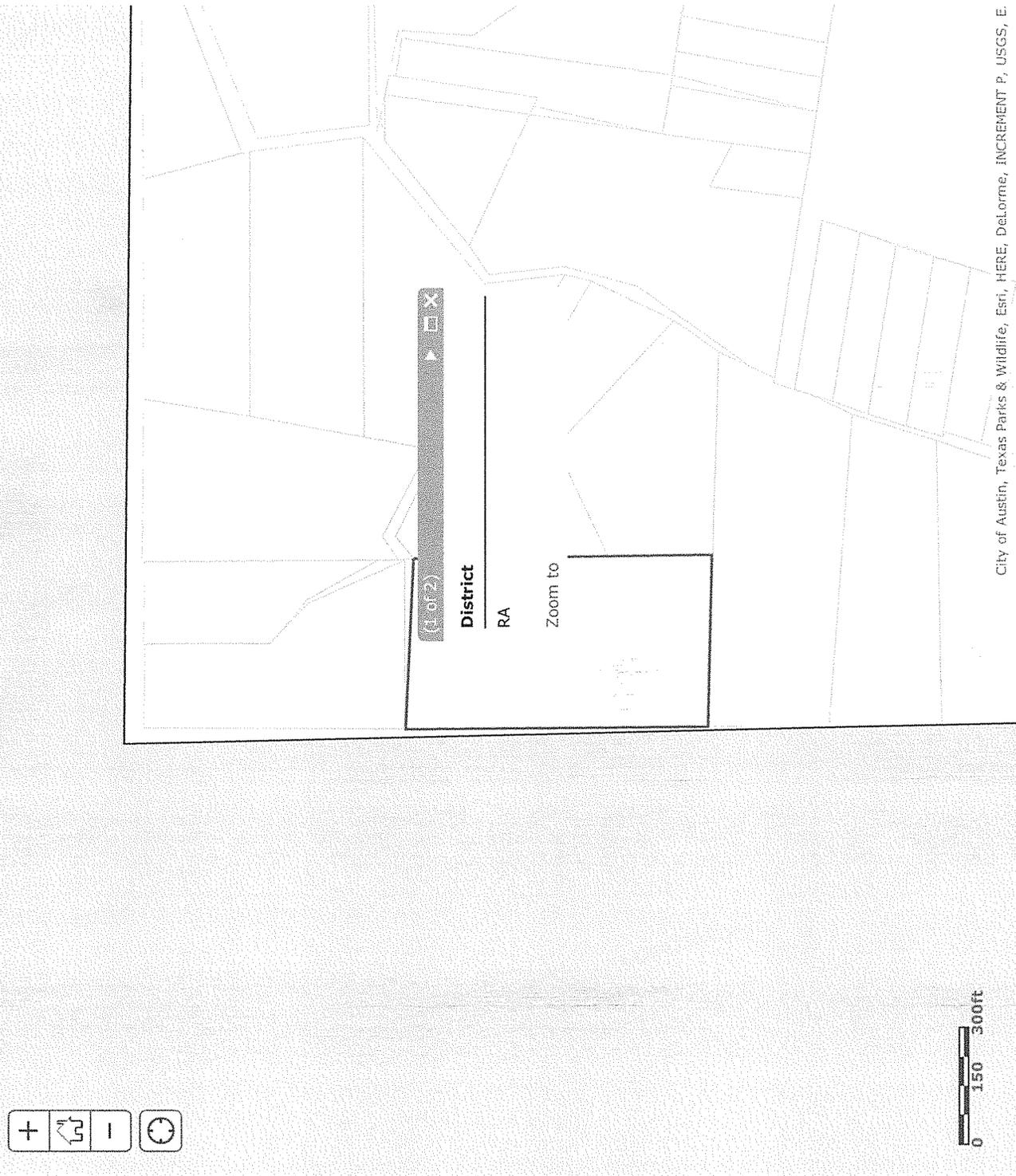
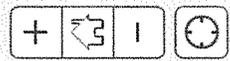
Share

Print

Measure

Bookmarks

261 Panther Xing, Wimberley, Texas, USA



Legend

- NS
- O2
- R2
- PPU
- HC

Zoning

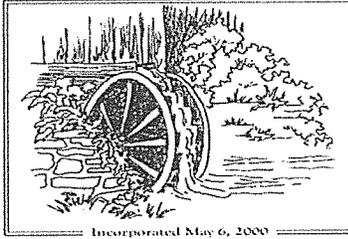
- R2
- R1

Zoning

- R2
- R1

Zoning

- R3
- RA
- R1
- R4
- R5
- MF1
- MH
- MF2



City of Wimberley

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City Administrator - Don Ferguson

May 17, 2016

NOTICE OF PUBLIC HEARING

Re: **File No. CUP-16-012**
261 Panther Crossing, Wimberley, Texas

Dear Property Owner:

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

The applicant, Randall Smith, has applied for a Conditional Use Permit to allow for a vacation rental on property zoned Residential Acreage (RA) located at 261 Panther Crossing, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, June 9, 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, June 16, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY

Properties within 200' of 261 Panther Crossing:

R17300 (ETJ)
Phillip Alan Collins
106 Oak Terrace Dr.
Wimberley, TX 78676-5434

R135077/R135078
James T. & Nancy J. Payte
260 Panther Xing
Wimberley, TX 78676

R27709/R27713 (801 Little Ranches Rd)
Jim & Thelma Gene Henderson
P.O. Box 1676
Wimberley, TX 78676-1676

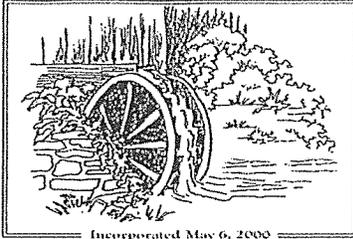
R27706 (301 Little Ranches Rd)
Otis A. & Ardith Arlene Barron
803 Cat Hollow Club Dr.
Spicewood, TX 78669-2638

R27704/27705
Mitchell J. McKinney
135 Panther Crossing
Wimberley, TX 78676

R27701
Wayne C. & Tonya R. McQuaid, Jr.
207 Little Ranches Rd.
Wimberley, TX 78676-5738

**NOTICE OF PUBLIC HEARING
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, June 9, 2016 at 6:00 p.m.** to consider the following: CUP-16-012 – an application for a Conditional Use Permit (CUP) to allow for a vacation rental on property zoned Residential Acreage (RA) located at 261 Panther Crossing in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, June 16, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



City of Wimberley

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

NOTICE BY SIGN POSTING

Zoning No: COP-16-012 Owner _____

Date 5/17/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property
() Project Site Address 261 Panther Crossing
which is located on Panther Crossing

Bill Bowers
Asst. Public Works

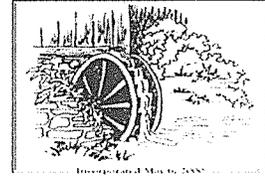
Note: The above-referenced sign was placed on the subject property on

5/18/, 2016



Signature

Report for Amendment To Ordinance No. 2009-056



Summary: An application to amend a Conditional Use Permit to modify the limits of the service area for a bar/tavern located at 314 Wimberley Square

Applicant Information:

Applicants: Claim Processing Solutions/DBA: The Old Mill Store
P.O. Box 708
Wimberley, TX 78676

Property Owners: Claim Processing Solutions/DBA: The Old Mill Store

Subject Property:

Legal Description: ABS 461 Amasa Turner Survey
Location: 314 Wimberley Square
Existing Use of Property: Commercial – Retail, Art Gallery, Office, Music Club, Bar
Existing Zoning: C-3 with a CUP for a Bar or Tavern
Proposed Use of Property: Commercial – Retail, Art Gallery, Office, Music Club, Bar
Proposed Zoning: C-3 with a CUP for a Bar or Tavern with amended service area
Planning Area: V
Overlay District: Village Center Overlay District

Surroundings:

Frontage On: Wimberley Square

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PR-1	Commercial
S of Property	C-3	Commercial
E of Property	C-3; C-1	Commercial
W of Property	C-3; C-1	Commercial

Legal Notice

200' Letters: 5/17/16
Published: 5/12/16
Sign Placement: 5/17/15
Responses: None

Comments:

The applicant, Claims Processing Solutions, has requested an amendment to an existing Conditional Use Permit ("CUP") that allows for the operation of a bar/tavern on property located at 314 Wimberley Square.

The subject property is the current location of *The Old Mill Store* and *The Gallery On The Square*. It is zoned Commercial-High Impact (C-3), in Planning Area V, and within the boundaries of the Village Center Overlay District.

In December 2009, City Council approved a CUP (Ordinance No. 2009-056) for a bar/tavern on the subject property. The original site plan called for the proposed bar to be located behind *The Old Mill Store* adjacent to a courtyard seating area.

The applicant is seeking to amend the site plan for the existing CUP to relocate the bar to *The Gallery On The Square*. This new location will also be adjacent to the courtyard seating area. Access points to the bar/tavern remain unchanged.

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

ORDINANCE NO. 2009- 056

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY CLAIMS PROCESSING SOLUTIONS/DBA: THE OLD MILL STORE TO PERMIT A BAR/TAVERN ON A PORTION OF APPROXIMATELY 0.3327 ACRE TRACTS LOCATED AT 314 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS, ZONED COMMERCIAL-HIGH IMPACT (C-3), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Claims Processing Solutions, d/b/a: The Old Mill Store ("Applicant") requesting authorization to permit a Bar/Tavern on a portion of real property described as two tracts equaling approximately 0.3327 acres described as part of the ABS 461 Amasa Turner Survey, zoned Commercial-High Impact (C-3); and

WHEREAS, a Bar/Tavern is an authorized use in areas zoned Commercial-High Impact (C-3) upon the granting of a Conditional Use Permit; and

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

WHEREAS, Applicant has submitted a Conditional Use Permit Application, site plan, and other necessary information, and has complied with the requirements of the Wimberley Zoning Ordinance; and

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

WHEREAS, the City Council finds that the additional use of the subject property for the sale of alcoholic beverages for on-premise consumption, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Claims Processing Solutions, d/b/a: The Old Mill Store ("Applicant") to permit a Bar/Tavern on a portion of real property described as 0.3327 acres part of the ABS 461 Amasa Turner Page Survey, as more particularly described on the metes and bounds shown on Exhibit "A", attached and incorporated by reference, zoned Commercial-High Impact (C-3), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. The use of the property for a Bar/Tavern shall be limited to the courtyard area located between the two existing buildings and building area, as designated on Exhibit "B", attached and incorporated by reference.
2. Applicant shall not commence development until it has secured all permits and approvals as required by the Wimberley zoning regulations, ordinances or any permits required by regional, State and Federal agencies.
3. This Ordinance only authorizes the additional use of a Bar/Tavern to the portion of the property depicted on Exhibit "B", as well as all applicable regulations in effect at the time of the submission of the building permit application. This Conditional Use Permit does not authorize any other use of the property, except as permitted under the Zoning Code.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the Wimberley City Council on the 17th day of Dec., 2009 by a vote of 4 (Abstentions), 0 (Ayes) and 0 (Nays).

WIMBERLEY, TEXAS

By: _____
Tom Haley, Mayor

ATTEST:

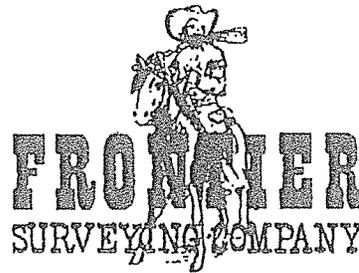
Cara McPartland
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

C. Crosby, City Attorney

PARK TOWER # SUITE 502
710 BUFFALO ST.
CORPUS CHRISTI, TX 78401



OFFICE: 512-881-8044
FAX: 512-881-8340

FIELD NOTES DESCRIPTION

0.100 acres of land, known as Sable V as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas.

Being more fully described by metes and bounds as follows:

BEGINNING at iron rod set on a line of the Amasa Turner Survey No. 1 for the Southernmost corner of a 0.2327 acre tract from Elizabeth J. Stillman to Old Mill Store as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas, also being the Easternmost corner of this 0.100 acre tract.

THENCE: S 55° 35' 24" W – With said line of the Amasa Turner Survey No. 1, a distance of 38.38 feet to an iron rod set on a line of a certain tract from Fred E. Flocke to R. Flock for the Southernmost corner of this 0.100 acre tract.

THENCE: N 38° 20' 11" W – 110.25 feet to an iron rod found for the Westernmost corner of this 0.100 acre tract.

THENCE: N 51° 24' 10" E – 39.95 feet to an iron rod found for the Northernmost corner of this 0.100 acre tract, also being a corner of said 0.2327 acre tract.

THENCE: S 37° 29' 44" E – With the Southwestern line of said 0.2327 acre tract, a distance of 113.07 feet to the **PLACE OF BEGINNING** and containing 0.100 acres of land, more or less.



February 3, 1999
WP-3743B

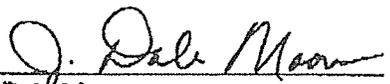

J. Dale Moore
Registered Professional Land Surveyor
License Number 1555

Exhibit "A"

PARK TOWER • SUITE 502
710 BUFFALO ST.
CORPUS CHRISTI, TX 78401



OFFICE: 512-881-8044
FAX: 512-881-8340

FIELD NOTES DESCRIPTION

0.2327 acres of land, from Elizabeth J. Stillman to Old Mill Store as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas.

Being more fully described by metes and bounds as follows:

BEGINNING at an iron pipe found for the North corner of this 0.2327 acre tract, also being a corner of 7-C's Partnership to Calkins Interest, LTD 0.92 acres and 2.26 acres as recorded in Volume 1310, Page 258 of the Deed Records of Hays County, Texas.

THENCE: S 38° 28' 23" E – With a line of said 0.92 and 2.26 acre tract, a distance of 125.78 feet to an iron pipe found for the Easternmost corner of this 0.2327 acre tract, also being a corner of said 0.926 and 2.26 acre tract.

THENCE: S 53° 17' 20" W – With a line of said 0.92 and 2.26 acre tract, a distance of 82.59 feet to an iron rod set for the Southernmost corner of this 0.2327 acre tract also being the East corner of Sable V as recorded in Volume 1055, Page 53 of the Deed Records of Hays County, Texas .

THENCE: N 37° 29' 44" W – 113.07 feet to an iron rod found for the North corner of said Sable V, also being a corner of this 0.2327 acre tract.

THENCE: N 51° 24' 10" E – 1.78 feet to a point for a corner of this 0.2327 acre tract.

THENCE: N 39° 27' 39" W – 10.33 feet to an iron pipe found for the Westernmost corner of this 0.2327 acre tract.

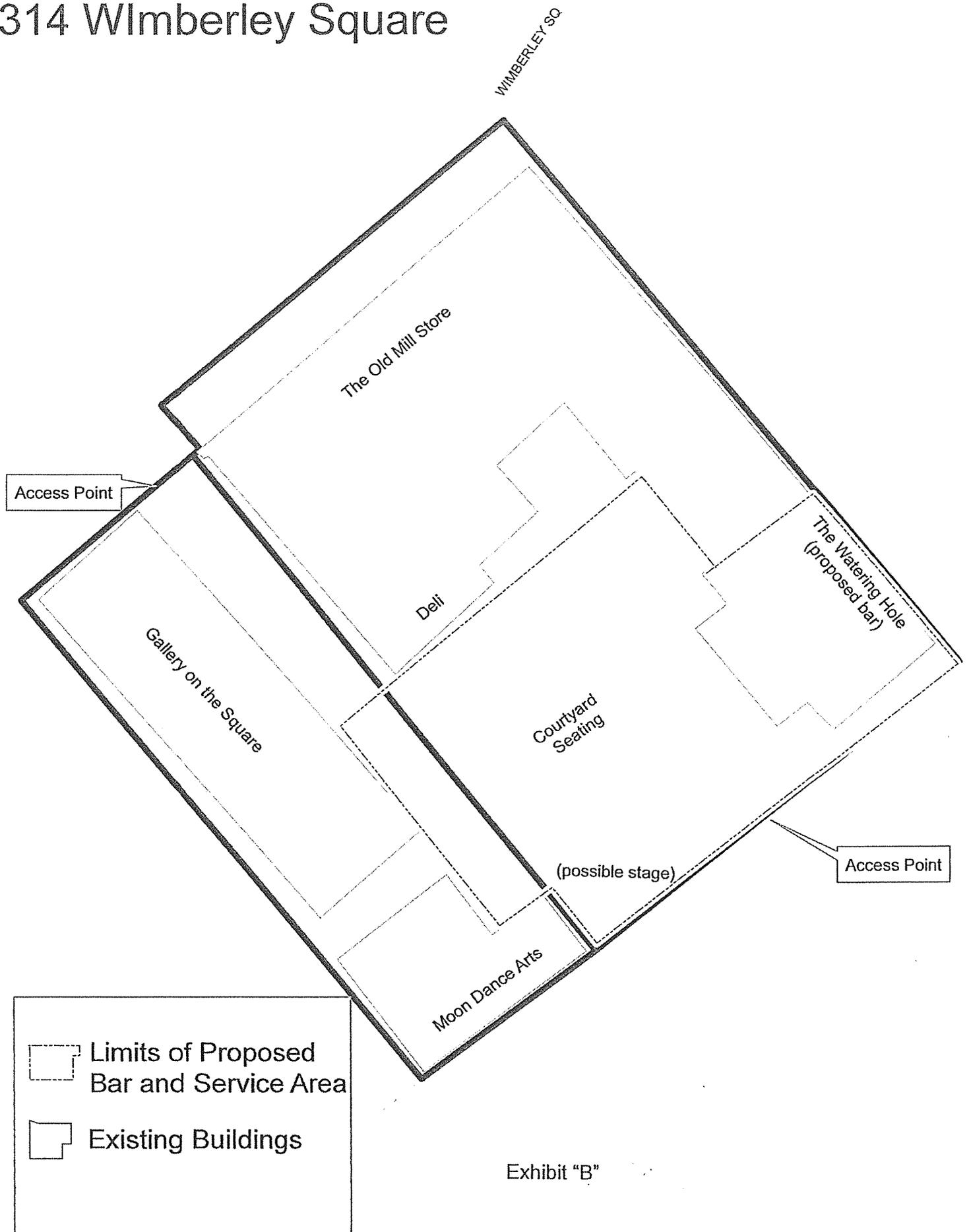
THENCE: N 51° 38' 00" E – 79.01 feet to the **PLACE OF BEGINNING** and containing 0.2327 acres of land.



February 3, 1999
WP-3743A


J. Dale Moore
Registered Professional Land Surveyor
License Number 1555

Site Plan for CUP-09-012 314 Wimberley Square



Stephen Klepfer
The Old Mill Store
PO Box 708, Wimberley TX 78676

City Administrator Don Ferguson
City of Wimberley
PO Box 2027
Wimberley, TX 78676

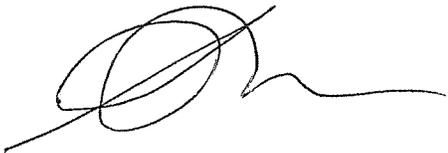
4/22/2016

Re: CUP 09-012 Amendment

Dear Mr. Ferguson,

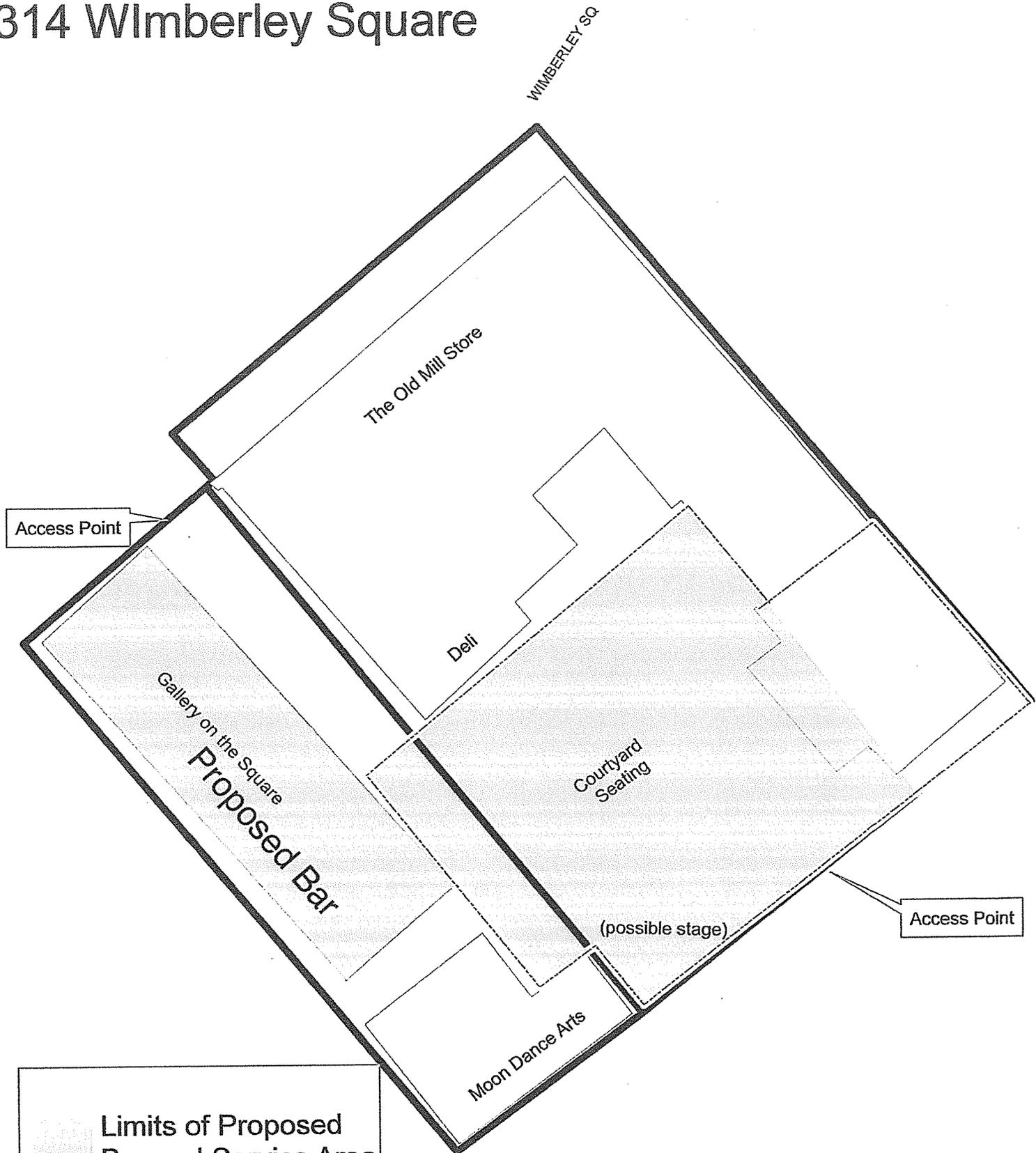
This letter is a written request for a minor amendment to The Old Mill Store's CUP 09-012, City of Wimberley Ordinance No. 2009-056. I am requesting a change to the limits of proposed service area as shown in Exhibit "B". I have included an Amended Exhibit "B" showing the change in service area requested.

Thank you for your attention to this request.

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line that tapers off to the right.

Stephen Klepfer, Owner
The Old Mill Store

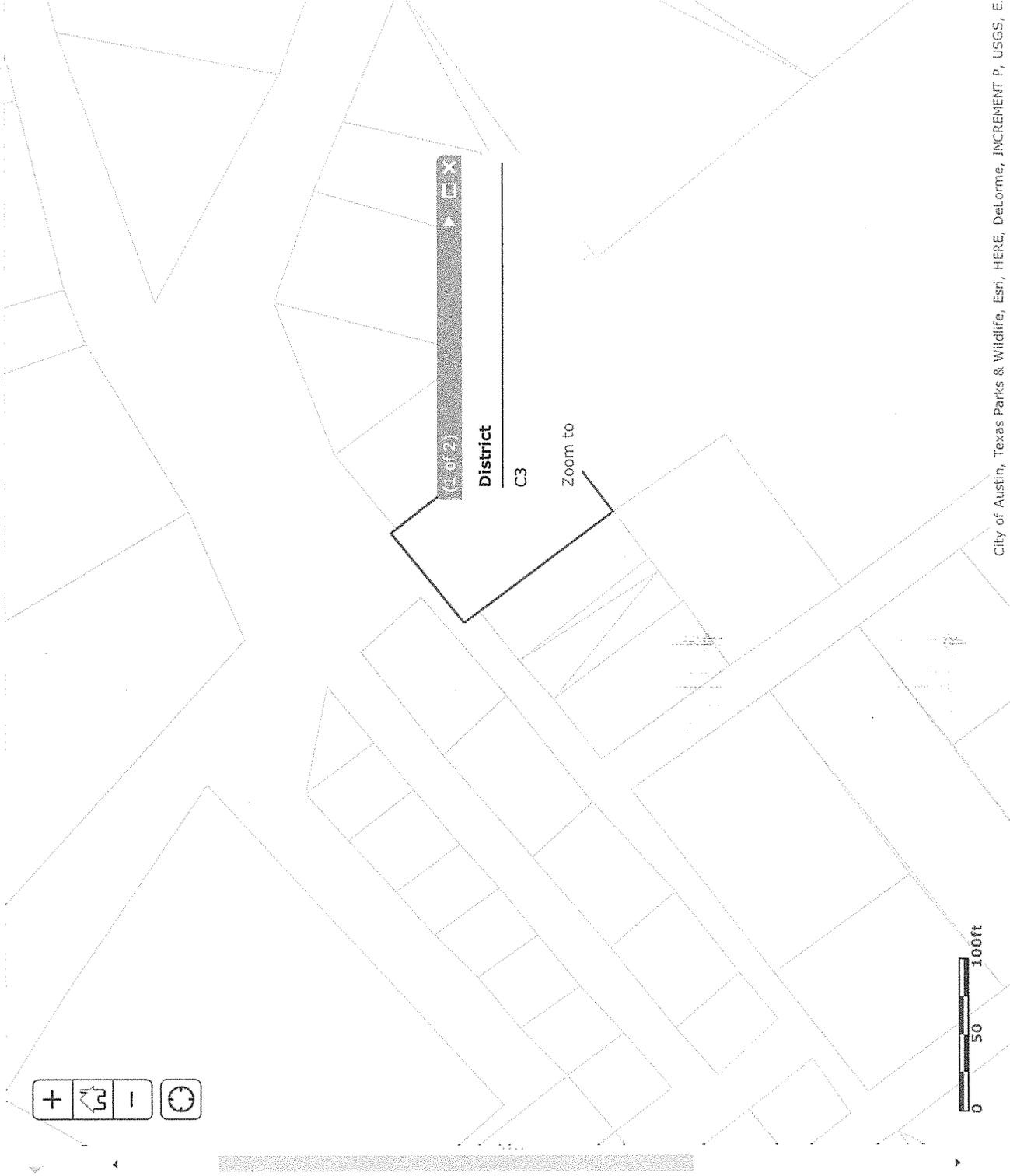
Site Plan for CUP-09-012 314 Wimberley Square



 Limits of Proposed Bar and Service Area
 Existing Buildings

Amendment to
Exhibit "B"

Details | Add | Basemap | Save | Share | Print | Measure | Bookmarks | 314 Wimberley Square, Wimberley, Texas, USA



+ ↶ - ↻

Legend

Zoning

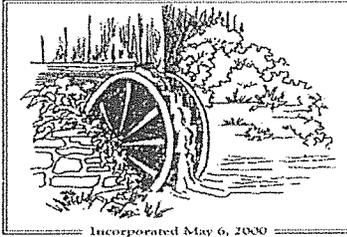
- C2
- L2
- C1
- PR2
- PR1
- L1
- C3
- O1
- PF
- SC
- NS
- O2
- R2
- PPU
- HC

Zoning

- R2
- R1

Zoning

0 50 100ft



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 17, 2016

NOTICE OF PUBLIC HEARING

Re: **Amendment of Ordinance No. 2009-056**
314 Wimberley Square, Wimberley, Texas

Dear Property Owner:

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

The applicant, Claim Processing Solutions, Inc. dba The Old Mill Store, has applied for an amendment to Ordinance No. 2009-056 to modify the limits of the service area for a bar/tavern on property zoned Commercial – High Impact (C-3) located at 314 Wimberley Square, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, June 9, 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, June 16, 2016, at 6:00 p.m.** in the Wimberley City Hall.

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

Additional information regarding the proposed zoning is available for public review at City Hall during normal business hours. Should you have questions, please contact the City Administrator at 512-847-0025.

CITY OF WIMBERLEY

Properties within 200' of 314 Wimberley Square:

R18453
104 Wimberley Square Ltd
P.O. Box 47
Wimberley, TX 78676-0047

R18546 (110 Oak Dr)
Marcilia L. Anderson
c/o Wimberley Children's Center
P.O. Box 2110
Wimberley, TX 78676-2110

R18401 (13915 RR 12)
Stephen A. & Sarah Barlow
832 E. Summit Dr.
Wimberley, TX 78676-9400

R132436 (320 Wimberley Sq)
RPS Realty LLC
P.O. Box 229
Wimberley, TX 78676-0229

R132437 (109 Oak Dr)
Calkins Interests Ltd
10000 Memorial Dr., Ste. 650
Houston, TX 77024-3417

R18381 (14011 RR 12)
Janet Bryan-Cisneros
335 Dakota Mountain Dr.
Dripping Springs, TX 78620

R18465 (13904 RR 12)
Double LC Partners One Ltd.
c/o Double LC Management, Inc.
4301 Lone Man Mountain Rd.
Wimberley, TX 78676

R18396 (112 Wimberley Sq)
Gary J. & Patricia C. Kelly
206 Blanco Dr.
Wimberley, TX 78676-5201

R18428 (310 Wimberley Sq)
Robert A. & Jenelle L. Flocke
P.O. Box 1315
Wimberley, TX 78676-1315

R18499 (306 Wimberley Sq)
Leotam Assets Ltd. &
Suhmgrila Partners Ltd.
1211 W. 9th St.
Austin, TX 78703-4925

R18537 (106 Wimberley Sq)
Anna R. & Tommy Jack Hopkins
21231 Park Bend Dr.
Katy, TX 77450-4144

R18404
Karb Family Partnership Ltd.
201 Wimberley Sq.
Wimberley, TX 78676

R18457 (180 Oak Dr.)
Joy Lane
P.O. Box 42
Wimberley, TX 78676-0042

R18458 (180 Oak Dr.)
Joy Lane & Berry Dot Lane
P.O. Box 42
Wimberley, TX 78676-0042

R18463 (114 Wimberley Sq)
Carl & Juanita Marie Leineweber
P.O. Box 1983
Wimberley, TX 78676

R18400 (13911 RR 12)
Wimberley Ways LLC
P.O. Box 2850
Wimberley, TX 78676-7750

R18398 (101 Wimberley Sq)
Herschel & Robinette McCullough
101-A Wimberley Square
Wimberley, TX 78676

R18399
Herschel & Robinette McCullough
101-A Wimberley Square
Wimberley, TX 78676

R18462 (Oak St)
103 & 107 Oak LLC
700 Water Park Rd.
Wimberley, TX 78676-5870

R18380
Laura Romano
P.O. Box 607
Wimberley, TX 78676

R18383 (116 Wimberley Sq)
Senior Citizens Craft Shop of Wimberley, Inc.
P.O. Box 1174
Wimberley, TX 78676-1174

R18567 (303 Wimberley Square)
Effat Shekarforoosh
P.O. Box 397
Wimberley, TX 78676-0397

R18480 (13901-A RR 12)
Gay B. Sullivan
1842 Flite Acres Rd.
Wimberley, TX 78676

R18424 (14000 RR 12)
Joyce Webb Tate
148 Champion Circle
Wimberley, TX 78676

R18391 (100 Oak Dr)
Phillip M. & Mary L. Van Ostrand
12 Brookside Dr.
Wimberley, TX 78676

R18434 (13811 RR 12)
Bell Showalter Interests LLC
501 Woodcreek Ranch Rd.
Wimberley, TX 78676-5571

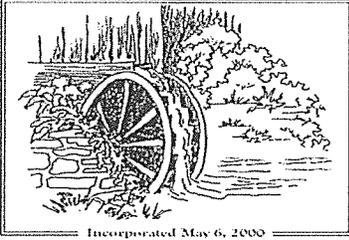
R18508 (13909 RR 12)
Wimberley Patio Building LLC
P.O. Box 2850
Wimberley, TX 78676-2850

R18513 (14015 RR 12)
Wimberley Quarter LLC
1112B River Mountain Rd.
Wimberley, TX 78676-6088

R18425 (13900 RR 12)
Wimberley RR 12 LLC
26480 Peden
Magnolia, TX 77355

NOTICE OF PUBLIC HEARING
(Amendment of Ordinance No. 2009-056)

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 9, 2016 at 6:00 p.m.** to consider the following: an application to amend Ordinance No. 2009-056 to modify the limits of the service area for a bar/tavern on property zoned Commercial – High Impact (C-3) located at 314 Wimberley Square in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, June 16, 2016, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (P.O. Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.



City of Wimberley

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

NOTICE BY SIGN POSTING

Zoning No: 2A-7009-056

Owner _____

Date 5/17/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 314 Wimberley Square

which is located _____

Bill Bowers
Asst. Public Works

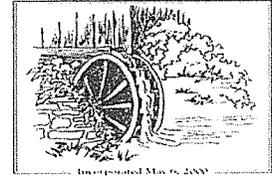
Note: The above-referenced sign was placed on the subject property on

5/17/16, 2016



Signature

Report for ZA-16-001



Summary:

A request to change the zoning of property located at 703 FM 2325 from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2)

Applicant Information:

Applicants:

Texan Car Wash LLC
16 Chisholm Trail
Wimberley, TX 78676

Property Owners:

Texan Car Wash LLC (J. Steven Weldon)

Subject Property:

Legal Description:

ABS 365 Benjamin Page Survey 0.51 acre/22,216 square feet

Location:

703 FM 2325

Existing Use of Property:

Commercial; drive-in/drive through car wash

Existing Zoning:

Commercial – Low Impact (C-1)

Proposed Use of Property:

Commercial; drive-in/drive through car wash

Proposed Zoning:

Commercial – Moderate Impact (C-2)

Planning Area

IV

Overlay District

Entrance Corridor Overlay District

Surroundings:

Frontage On:

FM 2325

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	C-1	Commercial
S of Property	C-1	Commercial
E of Property	C-1	Commercial
W of Property	C-1	Commercial

Legal Notice

200' Letters:

5/17/16

Published:

5/12/16

Sign Placement:

5/17/15

Responses:

None

Comments:

The applicant, J. Steven Weldon, is seeking to change the zoning of an approximately .51 acre tract of land located 703 FM 2325 from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2). The subject property is located in Planning Area IV and lies within the boundaries of the Entrance Corridor Overlay District.

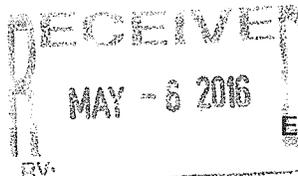
The subject property is the current location of the *Texan Car Wash*, which has for many years operated as a pre-existing, non-conforming use.

In May 2016, City Council moved the property and others along FM 2325 from Planning Area III to Planning IV. This move created an opportunity for the property owner to pursue the zoning actions necessary to bring the car wash into compliance with the City's Zoning Code. The first required action is to request the property be rezoned from C-1 to C-2. That is the subject of this zoning case.

Once the property is rezoned, the applicant must secure a Conditional Use Permit (CUP) required for cash wash facilities. The CUP request is the subject of a companion zoning case that will be heard by the Commission heard later on this agenda.

To date, no comments either for or against the requested zoning change have been received.

City staff recommends approval of the request to change the zoning from C-1 to C-2 for the property located at 703 FM 2325.



Expanded (Commercial)

FOR OFFICIAL USE ONLY

APPLICATION DATE: 5-6-2016 FILE NO. ZA-16-001
TENTATIVE P&Z HEARING: 6/9/16 TENTATIVE COUNCIL HEARING: 6/16/16
CITY INITIATED: YES - NO PLANNING AREA: IV ZONING REQUESTED: C-2
ZONING FEES: \$ DATE PAID: RECEIVED BY:

APPLICATION FOR COMMERCIAL ZONING
NON-RESIDENTIAL, MULTI-FAMILY DEVELOPMENTS, MOBILE HOME DEVELOPMENTS

OWNER, AGENT AND PROJECT DATA

STREET ADDRESS OF PROPERTY TO BE ZONED: 703 FM 2325 Wimberley, Texas
HAYS COUNTY CENTRAL APPRAISAL DISTRICT PROPERTY ID#: R 17154 **

* New street addresses can be obtained by calling (512) 393-2160
** This number may be obtained this from your property tax statement or HCAD's website.

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:

TEXAS Car Wash FM 2325, Wimberley TX.

NOTE: Please clearly mark your property so it is easily identifiable.

1. OWNER'S NAME: J. STEVEN WELDON HOME PHONE: (512) 751-4729
BUSINESS PHONE: () same
FAX: ()
E-MAIL: [REDACTED]

OWNER'S CURRENT MAILING ADDRESS: 16 Christlan Trail CITY Wimberley STATE TX ZIP 78676
EMAIL: [REDACTED]

2. AGENT'S NAME: AGENT'S PHONE: ()
FAX: ()
AGENT'S FIRM NAME: E-MAIL:

AGENT'S FIRM MAILING ADDRESS: CITY STATE ZIP
EMAIL:

PROPERTY INFORMATION

3. TOTAL AREA TO BE ZONED: ACRES 0.51 (OR) SQ.FT. 22,216 TOTAL NO. of TRACTS: 1

4. PLANNING AREA(S): TJ 5. REQUESTED ZONING CLASSIFICATION: C-2

PROPOSED USE(S): CAR WASH

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): C-1

7. LEGAL DESCRIPTION R 17154 ABS 365 Benjamin Page Survey 0.51
GEO # 90603000

Street Address: 703 FM 2325 Subdivision: _____

Block(s) C - WIM - 2325 Lot(s) _____

Plat Book: _____ Page Number: _____

8. DEED RECORDS: (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER):

VOLUME: _____ PAGE: _____ OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

A. IS PROPERTY IN AN OVERLAY DISTRICT? YES NO _____ UNKNOWN

TYPE OF OVERLAY ZONE(S) (if applicable) FLOOD

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): ?

C. ELECTRIC UTILITY PROVIDER: PEC

WATER UTILITY PROVIDER: Wimberley Water

WASTEWATER UTILITY PROVIDER: _____

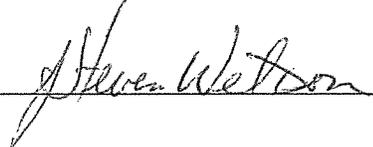
HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

Related Cases, If Applicable

- Zoning File No. _____
- Building Permit File No. _____
- Subdivision File No. _____
- Sign Permit File No. _____
- Engineered construction File No. _____

SITE INSPECTION AUTHORIZATION

Applicant/owner, or Applicant's authorized agent, hereby authorizes the City of Wimberley representatives to visit and inspect the property for which this application is being submitted.

Date: 5-6-2016 APPLICANT SIGNATURE 

WHEN APPLICABLE:

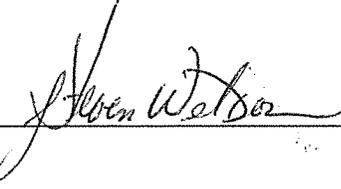
Date: _____ AGENT SIGNATURE _____

**ACKNOWLEDGMENT OF EXISTING
Subdivision Plat Notes, Deed Restrictions Restrictive Covenants
and/or Zoning Conditional Use Permits**

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 703 FM 2325 Wimberley TX 78676 and more particularly known as Lot _____, Block _____ of the _____ Subdivision.

If a conflict should result with the request I am submitting to the City of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 5-6-2016 APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

SUBMITTAL CHECKLIST

TO ENSURE THAT YOU HAVE COMPLIED WITH THE ZONING APPLICATION REQUIREMENTS, REVIEW THE FOLLOWING LIST. FAILURE TO COMPLETE THE NECESSARY STEPS CAN CAUSE A DELAY IN PROCESSING YOUR APPLICATION.

- Complete "Application For Zoning"
- Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- Provide plat map of the specific property to be zoned.
- Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- Provide a legal description of the property to be zoned.
- Sign/date Submittal Verification form.
- Sign/date Site Inspection Authorization form.
- Sign/date Acknowledgement Form.
- Pay Zoning Fee (this fee is based on the cost of services incurred by the City of Wimberley in reviewing, processing and recording the zoning request).
- Applicant agrees to attend a pre-zoning conference prior to acceptance of Application.
- Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning.
- Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning or waives his/her rights of appearance (see below).

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

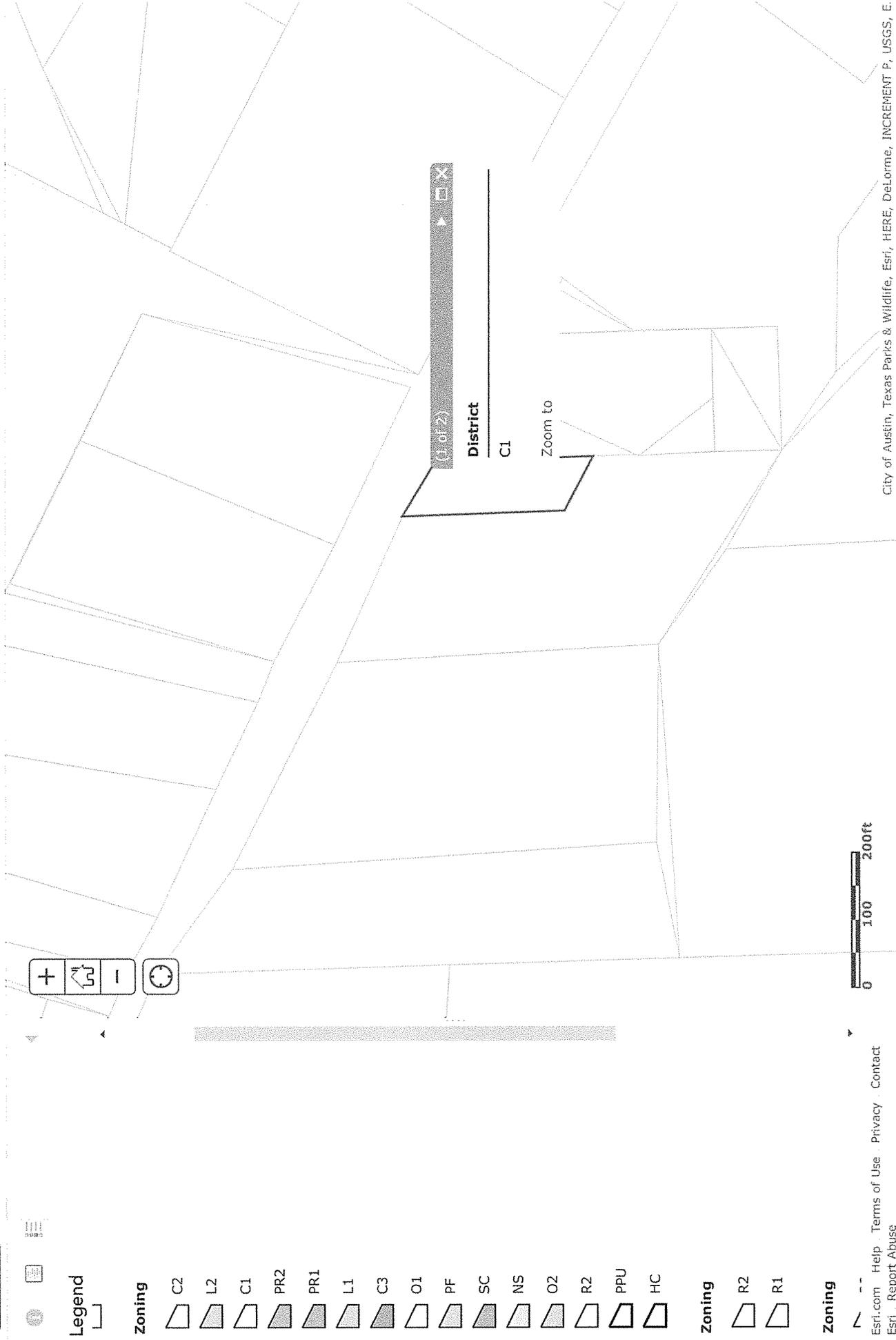
- () My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.
- () I hereby waive my right to appear before the City of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

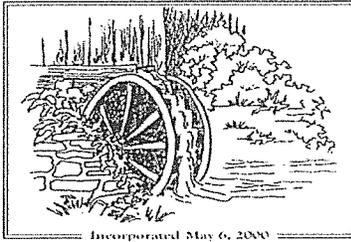
Date: _____ APPLICANT SIGNATURE _____

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

Details | Add | Basemap | Save | Share | Print | Measure | Bookmarks | 703 FM 2325, Wimberley, Texas, USA





City of Wimberley

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

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

www.cityofwimberley.com

Mac McCullough, Mayor

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

City Administrator - Don Ferguson

May 17, 2016

NOTICE OF PUBLIC HEARING

Re: **File Numbers ZA-16-001 & CUP-16-013**
703 FM 2325, Wimberley, Texas

Dear Property Owner:

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

The applicant, J. Steven Weldon, has requested to change the zoning from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2) for property located at 703 FM 2325, Wimberley, Texas, and also has applied for a Conditional Use Permit to allow for a drive-in/drive-through car wash facility on property located at 703 FM 2325, Wimberley, Texas.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, June 9, 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, June 16, 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

d001

Wimberley Lions Club
P.O. Box 1749
Wimberley, TX 78676

Tony & Helen Saucedo
402 High Mesa Dr.
Wimberley, TX 78676

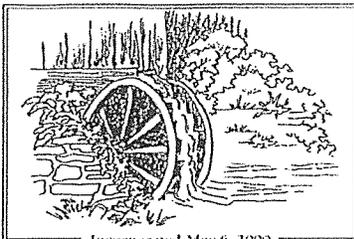
Casbar Properties LLC
300 Cypress Creek Ln.
Wimberley, TX 78676

Bernice Domsch
c/o David Domsch
P.O. Box 165
Poteet, TX 78065-0165

CUP-16-013 drive in/thru car wash
2A-16-001 ct to C2

NOTICE OF PUBLIC HEARING
(Requests for Zoning)

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 9, 2016 at 6:00 p.m.** to consider the following: Case ZA-16-001, a request to change the zoning from Commercial – Low Impact (C-1) to Commercial – Moderate Impact (C-2) for property located at 703 FM 2325 in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, June 16, 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.



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

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

NOTICE BY SIGN POSTING

Zoning No: ZA-6-001

Owner _____

Date 5/17/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 703 FM 2325

which is located on 12th + 2325

Bill Bowers

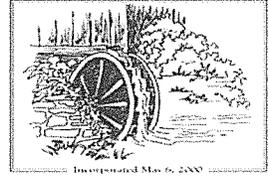
Asst. Public Works

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

5/17, 2016

Bill Bowers
Signature

Report for CUP-16-013



Summary:

An application for a Conditional Use Permit for a drive-in/drive through car wash facility located at 703 FM 2325

Applicant Information:

Applicants:

Texan Car Wash LLC
16 Chisholm Trail
Wimberley, TX 78676

Property Owners:

Texan Car Wash LLC (J. Steven Weldon)

Subject Property:

Legal Description:

ABS 365 Benjamin Page Survey 0.51 acre/22,216 square feet

Location:

703 FM 2325

Existing Use of Property:

Commercial; drive-in/drive through car wash

Existing Zoning:

Commercial – Moderate Impact (C-2) (*Companion zoning application*)

Proposed Use of Property:

Commercial; drive-in/drive through car wash

Proposed Zoning:

Commercial – Moderate Impact (C-2) with CUP

Planning Area

IV

Overlay District

Entrance Corridor Overlay District

Surroundings:

Frontage On:

FM 2325

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	C-1	Commercial
S of Property	C-1	Commercial
E of Property	C-1	Commercial
W of Property	C-1	Commercial

Legal Notice

200' Letters:

5/17/16

Published:

5/12/16

Sign Placement:

5/17/15

Responses:

None

Comments:

The applicant, J. Steven Weldon, has submitted an application for a Conditional Use Permit (CUP) to operate a drive-in/drive-through car wash facility at 703 FM 2325. The subject property is in Planning Area IV and lies within the boundaries of the Entrance Corridor Overlay District.

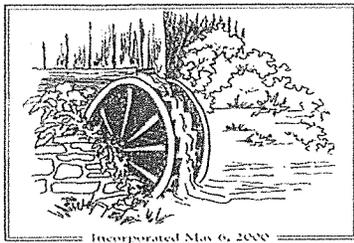
The subject property is the current location of the *Texan Car Wash*, which has for many years operated as a pre-existing, non-conforming use.

In May 2016, City Council moved the property and others along FM 2325 from Planning Area III to Planning IV. This move created an opportunity for the property owner to pursue the zoning actions necessary to bring the car wash into compliance with the City's Zoning Code. The first required action is to request the property be rezoned from C-1 to C-2. That was the subject of a companion zoning case previously heard by the Commission on this agenda.

In addition to rezoning the property, the applicant must secure a CUP required for cash wash facilities. The CUP request is the subject of this zoning case. The applicant plans to upgrade the existing car facilities and add an automatic wash bay.

To date, no comments either for or against the requested zoning change have been received.

City staff recommends approval of the CUP request.



City of Wimberley

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

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

www.cityofwimberley.com

RECEIVED
MAY 10 2016
BY: _____

CONDITIONAL USE PERMIT APPLICATION

No. CUP 16 - 013

FOR OFFICIAL USE ONLY

Application Date: 5/10/16 Tentative P&Z Hearing: 6/9/16 Tentative Council Hearing: 6/16/16

FEES: \$400.00 DATE PAID: 5/10/16 CHECK NO. 2114 REC'D BY WA

PROJECT SITE ADDRESS: 703 Fm 2325 Wimberley, TX 78676

OWNER/APPLICANT J. STEVEN WELDON PHONE (512) 751-4729

MAILING ADDRESS: 16 Chisholm Trail

CITY: Wimberley STATE: TX ZIP: 78676

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

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

CAR WASH - Automatic

Planning Area 3 IV Zoning C-2 Total Acreage or Sq. Ft. 22,216.

Subdivision: _____ Lot _____ Block _____

Appraisal District Tax ID #: R 17154

Deed Records Hays County: Volume 3541 Page 787

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

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

UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: Wimberley Water

Wastewater Service Provider or Hays County Septic Permit No: _____

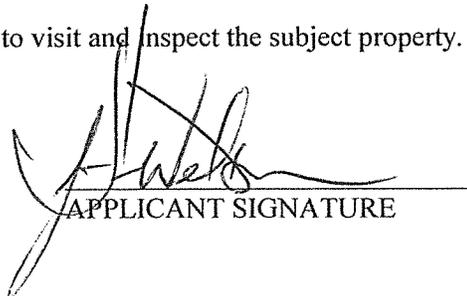
MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

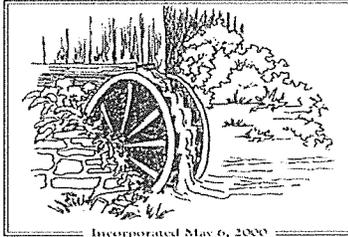
- Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction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

5/9/2016
DATE


APPLICANT SIGNATURE

WHEN APPLICABLE:
Date _____

AGENT SIGNATURE



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City Administrator - Don Ferguson

May 17, 2016

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CITY OF WIMBERLEY

all

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Tony & Helen Saucedo
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Casbar Properties LLC
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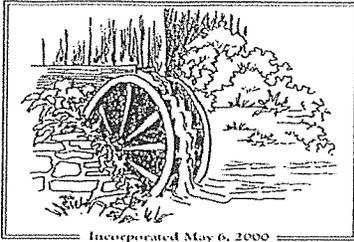
Bernice Domsch
c/o David Domsch
P.O. Box 165
Poteet, TX 78065-0165

CEP-16-013 drive in/thru car wash
ZA-16-001 CI to CZ

**NOTICE OF PUBLIC HEARING
(Conditional Use Permit)**

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, June 9, 2016 at 6:00 p.m.** to consider the following: CUP-16-013 – an application for a Conditional Use Permit (CUP) to allow for a drive-in/drive-through car wash facility on property zoned Commercial Low-Impact (C-1) located at 703 FM 2325, in Wimberley, Hays County, Texas. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, June 16, 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.

Case ZA-16-001 is for rezoning from C-1 to C-2 and set for same public hearing dates



City of Wimberley

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

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

NOTICE BY SIGN POSTING

Zoning No: CVP-16-013 Owner _____

Date 5/17/16

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 703 PM-2025

which is located on PM-2025

Bill Bowers

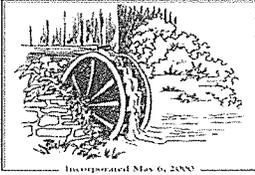
Asst. Public Works

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

5/17, 2016


Signature

P & Z Commission Agenda Form



Date Submitted: June 6, 2016

Agenda Date Requested: June 9, 2016

Project/Proposal Title: STAFF & COMMISSION
REPORTS

Funds Required:
Funds Available:

Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow for reports to be presented by Commission members and for future agenda item requests.