

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
AUGUST 12, 2010- 6:30 P.M.

AGENDA

CALL TO ORDER: AUGUST 12, 2010 @ 6:30 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 JULY 22, 2010.

2. ELECTION OF OFFICERS

3. PUBLIC HEARING AND POSSIBLE ACTION

- (A) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL ON CASE ZA-10-003, A REQUEST TO CHANGE THE ZONING FROM SINGLE FAMILY RESIDENTIAL 2 (R-2) TO SINGLE FAMILY RESIDENTIAL 3 (R-3) FOR A .3533 ACRE TRACT OF LAND LOCATED AT 7 PALOS VERDES, WIMBERLEY, HAYS COUNTY, TEXAS. (*MICHELLE GRACE, APPLICANT*)
- (B) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL ON AN APPLICATION FOR AN AMENDING PLAT OF LOTS 2, 3 AND 4, BLOCK 2, WOODCREEK SECTION 3 ON PALOS VERDES DRIVE, WIMBERLEY, HAYS COUNTY TEXAS, AND AN ASSOCIATED VARIANCE FROM SECTION 154.063(C) OF THE CITY SUBDIVISION CODE REQUIRING LOTS TO BE RECTANGULAR IN SIZE AND CONFORM TO THE AVERAGE DEPTH TO AVERAGE WIDTH RATIO. (*GARRETT ALLEN & MICHELLE GRACE, APPLICANTS*)
- (C) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL ON CASE CUP-10-013, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A SECONDARY RESIDENTIAL UNIT ON A 5.16 ACRE TRACT OF LAND ZONED RESIDENTIAL ACREAGE (RA) AND LOCATED AT 260 PANTHER CROSSING IN WIMBERLEY, HAYS COUNTY TEXAS. (*THOMAS & NANCY PAYTE, APPLICANTS*)
- (D) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL ON CASE ZA-10-004, AN APPLICATION TO AMEND AN EXISTING PLANNED UNIT DEVELOPMENT AGREEMENT, WITH A BASE ZONING OF LODGING (L-2), TO ALLOW FOR THE ADDITION OF TWO (2) CABINS AND ONE (1) SINGLE FAMILY RESIDENCE TO THE DEVELOPMENT AND TO MODIFY PHASING OF THE DEVELOPMENT LOCATED AT 100 W. SPOKE HILL DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS. (*A YELLOWROSE, APPLICANT*)

- (E) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL ON A PROPOSED ORDINANCE AMENDING THE CITY OF WIMBERLEY ZONING CODE TO CREATE A RURAL RETREAT 1 (RR-1) ZONING DISTRICT FOR TOURIST RETREAT DEVELOPMENT, EXCLUDING HOTELS AND MOTELS, IN THE FORM OF COTTAGES, CABINS, LODGES, RV SITES AVAILABLE FOR SHORT TERM RENTAL AND ACCESSORY USES; ESTABLISHING DEVELOPMENT REGULATIONS RELATING TO THE RR-1 ZONING DISTRICT; AND DESIGNATING THE PLANNING AREAS WHERE SUCH ZONING WOULD BE ALLOWABLE. *(CITY ADMINISTRATOR)*

4. **DISCUSSION AND POSSIBLE ACTION**

DISCUSS AND CONSIDER POSSIBLE ACTION RELATING TO A PROPOSAL TO IMPOSE A MORATORIUM ON THE ISSUANCE OF NEW CONDITIONAL USE PERMITS FOR BED AND BREAKFASTS IN THE AREA OF THE WIMBERLEY SQUARE. *(COMMISSIONER LILA MC CALL)*

5. **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

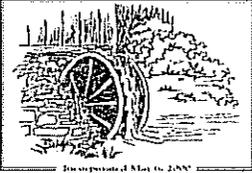
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on August 9, 2010 at 5:00 p.m.

A handwritten signature in cursive script that reads "Cara McPartland". The signature is written in black ink and is positioned above a horizontal line.

CARA MC PARTLAND, 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 Agenda Form



Date Submitted: August 9, 2010

Agenda Date Requested: August 12, 2010

Project/Proposal Title: APPROVAL OF MINUTES
OF THE REGULAR PLANNING & ZONING
COMMISSION MEETING ON JULY 22, 2010

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 July 22, 2010 for review and consideration.

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
July 22, 2010 at 6:30 p.m.

Meeting called to order by Acting Chair Jean Ross. Present were Commissioners Lila McCall, Steve Klepfer, David Glenn, and Phil Dane. Chairman Tracey Dean had an excused absence. Commissioner Mike Jones resigned from the Commission prior to the meeting.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and City Planning Tech Sandy Irvin.

Citizen Communications:

No citizen comments were heard.

1. Consent Agenda

Approval of minutes of the regular Planning & Zoning Commission meeting on July 8, 2010.

Commissioner Klepfer moved to approve the minutes as presented. Commissioner Glenn seconded. Motion carried on a vote of 5-0.

2. Election of Planning and Zoning Commission Officers

Consensus was reached to continue this item until the Commission's next regular meeting on August 12, 2010.

3. Public Hearing and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-10-009, an application for a conditional use permit to allow for the operation of a bed and breakfast on a .41 acre tract of land zoned Commercial – Low Impact (C-1) and located at 110 Oak Drive, Wimberley, Hays County, Texas. (*Marcilia Anderson, Applicant*)

Commissioner Klepfer recused himself from the meeting at this time due to a possible conflict of interest.

Acting Chair Ross called a brief recess to allow City Administrator Ferguson to make a determination about quorum requirements.

Acting Chair Ross reconvened the meeting upon City Administrator Ferguson's return.

City Administrator Ferguson advised that due to Commissioner Jones' resignation from the Commission, four (4) votes would be needed to make a recommendation.

Planning Tech Irvin reviewed the conditional use permit (CUP) application, including subject property location, acreage, and current/proposed zoning and uses. She stated that presently there are six (6) other permitted or grandfathered bed and breakfast operations in close proximity to the subject property. It was noted that the proposed facility, which formerly housed a day care operation, will consist of eight (8) bedrooms and nine (9) bathrooms, with a maximum occupancy of eighteen (18) guests. In compliance with City Code, a total of seven (7) on-site parking spaces will be provided. The applicant has agreed to comply with the City's list of conditions pertaining to bed and breakfast operations. Proper notifications were posted and mailed to surrounding property owners, with one nearby business owner expressing concerns over septic capacity, maximum occupancy, and parking. Based on compatibility with surrounding uses, staff recommended approval.

Applicant Marcilia Anderson stated that the proposed facility will only have six (6) bedrooms and provided details on the aerobic engineered septic system, which has passed inspection by the City Sanitarian. Ms. Anderson stated that she does not intend to operate a restaurant and will only provide a continental breakfast. She noted that the proposed facility will be ADA compliant and explained specifics relating to parking, including an additional parallel space. She outlined certain policies and guidelines for guests and pointed out that water conserving plumbing fixtures will be used. Ms. Anderson noted that fire code requirements have been exceeded, with the use of double sheetrock layers/insulation, a fire alarm system, and a "Knox Box." Ms. Anderson assured that residents and/or neighbors will receive a speedy response from her or her property manager should the need arise. Ms. Anderson felt that there is a need for a bed and breakfast at this location, which should boost business for retail merchants in the Square.

Discussion among Commission members, staff, and the applicant addressed:

- Number of proposed showers and former building configuration
- Adequacy of parking for guests/employees
- Maximum occupancy and specifics on accommodations/occupancy in each room
- Exceeding minimum requirements in order to provide flexibility
- Applicant's focus on bed and breakfast operations, with no intent to operate a restaurant
- Details on the septic system and inspection procedures
- Concerns over septic leaks and protection of waterways
- Commissioner McCall's suggestion to impose a moratorium on all new bed and breakfast facilities in congested areas along creeks/rivers and subsequent request for a future agenda item relating to same

- Comparison of occupancy statistics between the former day care operation and the proposed bed and breakfast facility
- Alarm system in place to notify of septic problems
- Concerns regarding the City's liability, until implementation of a centralized downtown wastewater system
- Clarifications of the Code's definition of "bed and breakfast," applicable planning area, and Lodging – Low Impact (L-1) as a possible zoning classification
- Comparisons of environmental impact of various types of businesses, including restaurants and assisted living facilities
- Clarification of the Code's definition of "Lodging (L-1)" and reasoning for requesting a CUP versus L-1 zoning
- More regulatory ability via case-specific CUP conditions
- Need to refine Code language relating to bed and breakfast regulations
- Enforcement of CUP conditions and revocations for violations

Commissioner Glenn stated that he would not vote against the item and "moved" the question. Acting Chair Ross asked if Commissioner Glenn's statement was a motion and whether there was a second.

Requesting discussion on the motion, Commissioner Dane expressed concerns over parking adequacy and felt extra parking conditions may be needed, including clearly designated spaces, and no street parking. Occasional use of the public parking lot for overflow and parking for cleaning staff was discussed. City Administrator Ferguson stated that the applicant's parking accommodations meet current City Code requirements. Problems common to downtown parking in general were noted.

Commissioner Glenn stated that he was ready to vote. Acting Chair Ross entertained a second. Commissioner Dane felt that septic issues have been addressed, but remained concerned about adequate parking. City Administrator Ferguson advised that the applicant meets City Code. Commissioner Dane stated that he could not see what additional restrictions could be placed on parking, other than what is already in the Code. Related to parking, Acting Chair Ross and Commissioner Dane acknowledged that City Code requirements have been met. There was discussion of the possibility of placing identification on cars that belong to bed and breakfast residents who park in public parking spaces.

Acting Chair Ross stated that a motion had been made and revised her statement to reflect that Commissioner Glenn had called the question, but that a motion had not been made. Commissioner Glenn stated that there was no second. Commissioner Dane stated his understanding that Commissioner Glenn moved to recommend approval the CUP. Acting Chair Ross asked Commissioner Glenn if his motion was to recommend approval of the CUP. Commissioner Glenn stated that he would not vote against it. Acting Chair Ross stated: "Just so I understand the motion on the table is to recommend approval of the CUP." City Administrator Ferguson stated: "With the

conditions that she's included." Acting Chair Ross asked Commissioner Glenn: "Is that your motion?"

Commissioner Glenn withdrew his motion. Acting Chair Ross entertained another motion.

Acting Chair Ross moved to recommend approval of Case #CUP-10-009. Motion died for lack of a second. Because there was no vote, City Administrator Ferguson advised that this item will be heard by City Council on August 5, 2010, without the Commission's recommendation.

Commissioner Klepfer rejoined the meeting at this time.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-10-010, an application for a conditional use permit to allow for the operation of a bed and breakfast on a 1.024 acre tract of land zoned Single Family Residential 2 (R-2) and located at 408 Blue Heron Run, Wimberley, Hays County, Texas. (*James and Judy Thompson, Applicants*)

Prior to this meeting, the applicants, James and Judy Thompson withdrew their application. As such, no action is required.

- C. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-10-011, an application for a conditional use permit to allow for the operation of a bed and breakfast on a .50 acre tract of land zoned Single Family Residential 2 (R-2) and located at 444 Blue Heron Run, Wimberley, Hays County, Texas. (*Donn and Pamela Lamoureux, Applicants*)

Prior to this meeting, the applicants, Donn and Pamela Lamoureux, withdrew their application. As such, no action is required.

- D. Hold a public hearing and consider making a recommendation to City Council regarding Case #CUP-10-012, an application for a conditional use permit to allow for the operation of a bed and breakfast on a .35 acre tract of land zoned Single Family Residential 2 (R-2) and located at 430 Blue Heron Run, Wimberley, Hays County, Texas. (*Donn and Pamela Lamoureux, Applicants*)

Prior to this meeting, the applicants, Donn and Pamela Lamoureux, withdrew their application. As such, no action is required.

4. Discussion and Action

Discuss and consider possible modification of the regular meeting schedule for the Planning and Zoning Commission. (*City Administrator*)

Consensus was reached to keep the current meeting schedule in order to revisit issues such as planning and design standards.

5. Staff and Commission Reports

- Announcements
- Future Agenda Items

Future agenda items:

Commissioner McCall requested consideration of a moratorium on new bed and breakfast facilities along waterways and a presentation by a Texas Historical Commission representative.

Commissioner Klepfer requested a review of development regulations.

Commissioner McCall requested consideration of Commission review of site plan submittals.

In response to Commissioner Klepfer, City Administrator Ferguson advised that the Commission will hold a public hearing on creation of a "Retreat" zoning district on August 12, 2010.

Commissioner Glenn requested an item finalizing the Non-Point Source (NPS) pollution ordinance.

Commissioner Dane requested an item to consider allowable uses in the Commercial – Low Impact (C-1) district.

Hearing no further announcements or future agenda items, Commissioner Dane moved to adjourn. Chairman Klepfer seconded. Motion carried on a vote of 5-0.

Adjourn at 7:37 p.m.

Recorded by:

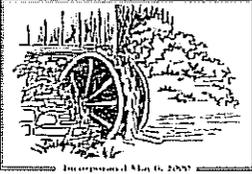
Cara McPartland

These minutes approved the ____ of August, 2010.

APPROVED:

Tracey Dean, Chair

P & Z Agenda Form



Date Submitted: August 9, 2010

Agenda Date Requested: August 12, 2010

Project/Proposal Title: DISCUSS AND CONSIDER
ACTION ELECTING PLANNING AND ZONING
COMMISSION OFFICERS

Funds Required:
Funds Available:

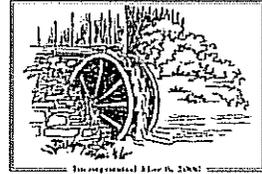
Commission Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the Planning and Zoning Commission to elect officers for the coming year.

Report for Zoning ZA-10-003



Summary: A request to change the zoning of a .3533 tract of land located at 7 Palos Verdes Drive from Single-Family Residential 2 (R2) to a zoning of Single-Family Residential 3 (R3)

Applicant Information:

Applicant: Michelle Grace
P.O. Box 2356
Wimberley, Texas 78676

Property Owner: Michelle Grace

Subject Property:

Legal Description: Lot 3, Block 2, Woodcreek Section 3
Location: 7 Palos Verdes
Existing Use of Property: Residential
Existing Zoning: Single-Family Residential 2 (R2)
Proposed Use of Property: Residential
Proposed Zoning: Single-Family Residential 3 (R3)
Planning Area: III
Overlay District: None

Surroundings:

Frontage On: Palos Verdes Drive

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PF	Public, Residential
S of Property	PF	Public
E of Property	R2, C2	Commercial, Residential
W of Property	R2, C1	Commercial, Vacant Residential

Legal Notice

200' Letters Sent: 7.23.10
Published: 7.28.10
Sign Placement: 7.23.10

Responses: None

Comments:

The applicant, Michelle Grace, has submitted an application to change the zoning of 7 Palos Verdes from Single Family Residential 2 (R-2) to Single Family Residential 3 (R-3). The .3533 acre tract of land is located in Planning Area III and its proposed use is residential.

The requested zoning change is being made in conjunction with a proposed Amending Plat of Lots 2, 3 and 4 of Block 2, Woodcreek Section 3. The proposed plat amends the existing property lines for the lots which are currently zoned Single Family Residential 2

(R-2). While the proposed subdivision will increase the size of Lots 2 and 4, the size of Lot 3 will be reduced from .4860 acres to .3533 acres, making it necessary to change the zoning of the subject property to Single Family Residential 3 (R-3). Lots 2 and 4 will retain their current zoning designation of Single Family Residential 2 (R-2)

To date, no comments, either for or against the requested zoning change, have been received. Upon review of the application, City staff recommends approval of this zoning request.

§ 155.038 SINGLE-FAMILY RESIDENTIAL 3; R-3.

(A) *General purpose and description.* The R-3 single-family residential-3, district is intended to provide for development of primarily detached, single-family residences on lots of not less than 10,000 square feet.

(B) *Permitted uses.*

(1) One residence, including:

(a) Single-family detached dwellings; or

(b) One mobile or manufactured home installed on a permanent foundation.

(2) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:

(a) The term accessory use shall include customary home occupations as herein defined;

(b) Accessory buildings, including a private garage, shall not occupy more than 50% of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See § 155.076 for additional accessory use requirements;

(c) A detached private garage used in conjunction with the main building; and

(d) Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.

(3) Religious assembly.

(C) *Conditional uses.*

(1) Bed and breakfast lodging located only in the residential building;

(2) Home day care (fewer than 7 children);

(3) Home commercial crafts or hobbies;

(4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations; and

(5) Two-family residential (duplex).

(D) *Development regulations.*

(1) Lot size: minimum 10,000 square feet, but less than 20,000 square feet.

(2) Maximum building height (as defined in § 155.005):

(a) Primary residential building: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;

(b) Accessory buildings: not more than 18 feet and not more than 1 story; and

(c) Decks: not more than 12 feet including a railing only or 18 feet including a roof.

(3) For minimum setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

(a) Dominant street: 30 feet;

(b) Secondary street: 15 feet;

(c) Interior side yard: 5 feet; and

(d) Rear: 20 feet.

(4) Minimum floor area:

(a) Residential building: 600 square feet.

(5) Maximum impervious cover: 45%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(6) The parking and trash collection ordinances will apply.

(E) *Special requirements.*

(1) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.

(2) Electrical fencing and barbed wire is prohibited as perimeter fencing.

(3) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, gardening materials, and the like.

(4) Single-family homes with side entry garages where lot frontage is only to 1 street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.

(F) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards.
(Ord. 2001-010, § 17, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003) Penalty, see § 155.999

FOR OFFICIAL USE ONLY

APPLICATION DATE: 7/23/2010 FILE NO. ZA-10-003
TENTATIVE P&Z* HEARING: August 12, 2010 TENTATIVE CC** DATE: August 19, 2010
CITY INITIATED: YES - NO PLANNING AREA: III ZONING REQUESTED: R3
ZONING FEES: \$ 110⁰⁰ DATE PAID: 7/23/2010 RECEIPT NO. _____

**APPLICATION FOR ZONING
RESIDENTIAL—NON-COMMERCIAL**

STREET ADDRESS OF PROPERTY TO BE ZONED: 7 Palos Verdes Wimberley, Texas
HAYS COUNTY CENTRAL APPRAISAL DISTRICT
PROPERTY ID#: R 52697 **

* New street addresses can be obtained by calling (512) 393-2160
** You may obtain this from your property tax statement.

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:
CORNER TURN LEFT OFF RR 12 NORTH ONTO PALOS VERDES
THIRD LOT ON LEFT SIDE. HOME ADDRESS IS SECOND
HOUSE ON LEFT

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

1. OWNER'S NAME: MICHELLE GRACE HOME PHONE: (512) 618-9151
BUSINESS PHONE: () _____
FAX: () _____
E-MAIL: _____

OWNER'S CURRENT MAILING ADDRESS P.O. Box 2356 CITY WIMBERLEY STATE TX ZIP 78676

2. HEARING REPRESENTATIVE NAME: _____ PHONE: () _____

REPRESENTATIVE'S MAILING ADDRESS: _____ CITY _____ STATE _____ ZIP _____

3. NAME OF REAL ESTATE COMPANY INVOLVED: _____

PROPERTY INFORMATION

4. TOTAL AREA TO BE ZONED: ACRES . 3533 (OR) SQ.FT. _____ TOTAL NO. of TRACTS: 1

5. PLANNING AREA(S): III 6. PROPOSED ZONING: R3

EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): _____

6. EXISTING STRUCTURES: _____

PROPOSED STRUCTURES/USE: _____

7. LEGAL DESCRIPTION

Subdivision: WOODCREEK Lot(s) 3

Block(s) SEC. 3 BLK 2 Plat Book: 406-3784 Page Number: 844

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

VOLUME: 3784 PAGE: 844 OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

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

TYPE OF OVERLAY ZONE(S) (if applicable) N/A

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

C. ELECTRIC UTILITY PROVIDER: _____

WATER UTILITY PROVIDER: _____

WASTEWATER UTILITY PROVIDER: _____

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

SITE INSPECTION AUTHORIZATION

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

Date: 7/23/10 APPLICANT SIGNATURE Michelle F. Coore

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: 7 PALOS VERDES, and more particularly known as Lot 3, Block 2 of the WOODCREEK Subdivision.

If a conflict should result with the request I am submitting to the Village 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: 7/23/10 APPLICANT SIGNATURE Michelle F. Coore

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

SUBMITTAL CHECKLIST

- Complete Zoning Application.
- Provide a plat map of the property to be zoned, showing scale.
- Provide a plat map of all properties within 200 feet of any portion of Applicant's property and indicate Applicant's property on such map. Map must clearly indicate scale of map, streets and main arteries leading to property.
- 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 Village of Wimberley in reviewing, processing and recording the zoning request).
- Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning (or sign waiver below).
- Sign/date Submittal Verification and/or Waiver of Appearance form.
- Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning.

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 Village 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 Village 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: 7/23/10

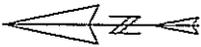
APPLICANT SIGNATURE: 

WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE: _____

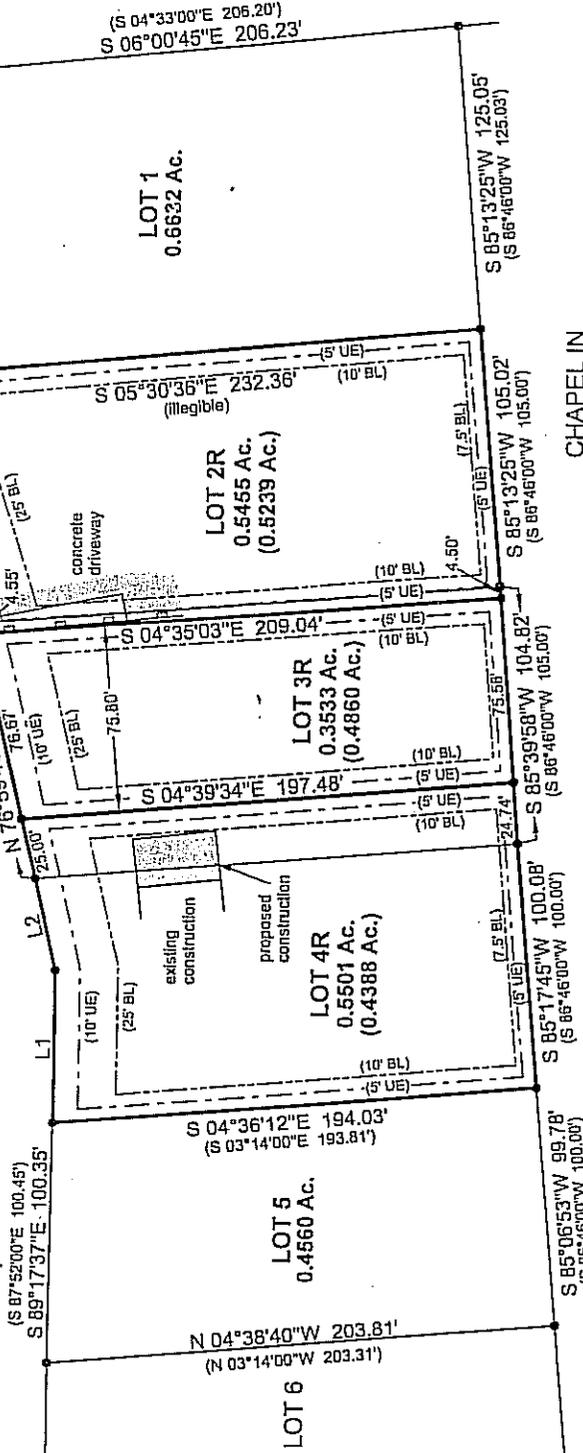
PRELIMINARY PLAN



RANCH ROAD 12 (80' R.O.W.)

PALOS VERDES DRIVE (50' R.O.W.)

CHAPEL IN THE HILLS



LINE	BEARING	DISTANCE
L1 =	S 89°31'47"E	62.28'
	(S 97°52'00"E	62.30')
L2 =	N 77°19'36"E	38.24'
	(N 78°45'00"E	38.33')
L3 =	N 75°17'31"E	25.17'
	(illegible)	
L4 =	N 83°32'40"E	65.20'
	(illegible)	
L5 =	S 50°49'18"E	46.69'
	(S 48°04'00"E	46.77')

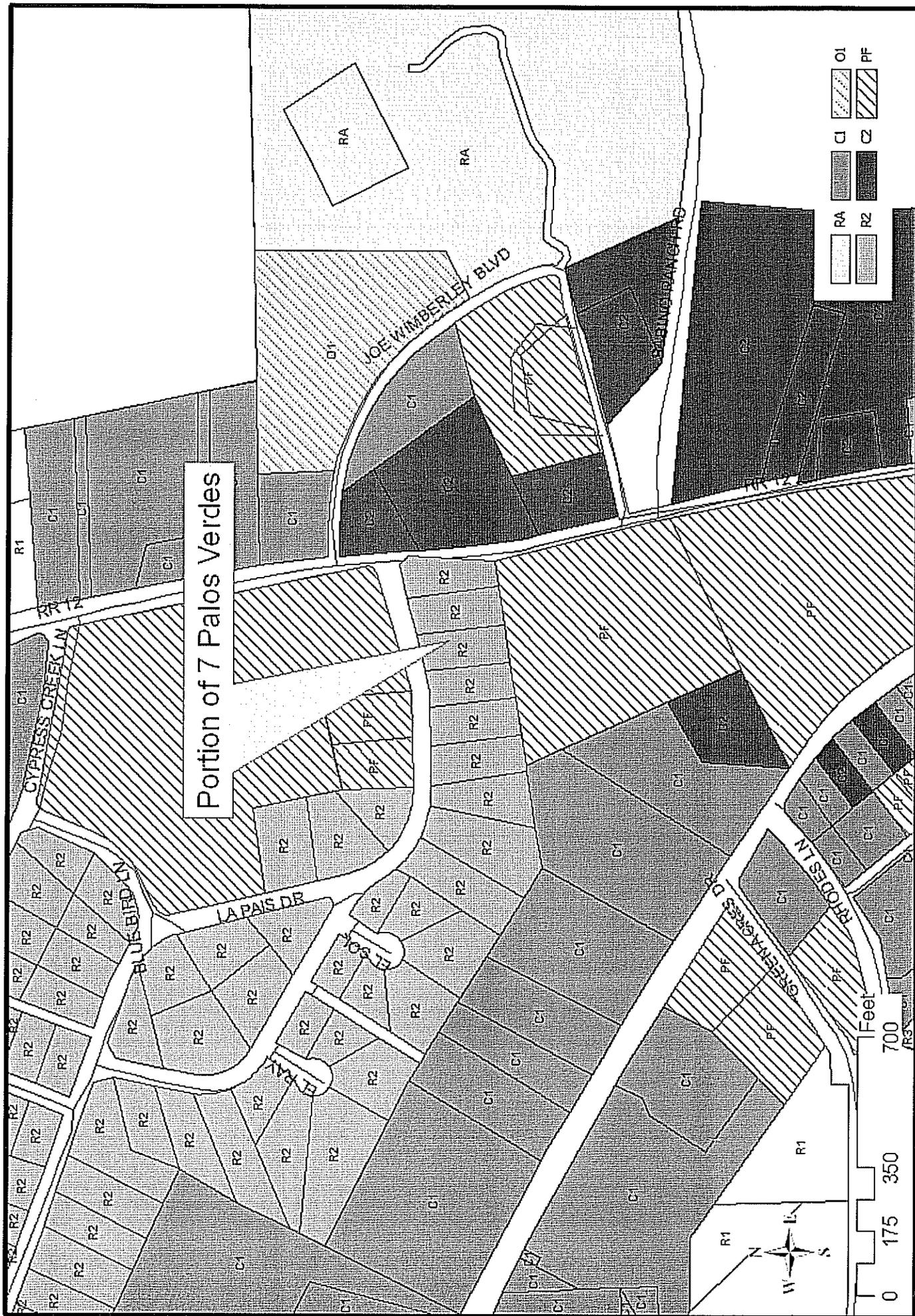
Date: April 9, 2010
 Scale: 1" = 60'
 Job No. 10-004 jw
 234WDC2.ZAK

THIS DOCUMENT HAS BEEN PROVIDED FOR GENERAL REFERENCE ONLY AND SHALL NOT BE USED FOR ANY CONVEYANCE OR RECORDED FOR ANY PURPOSE.

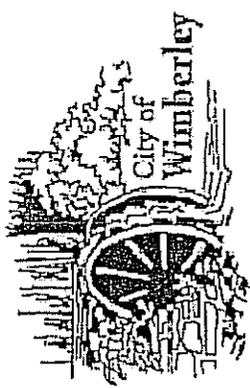
EAGLE LAND SURVEYING
 (512) 847-1079
 P.O. Box 2264 Wimberley, TX. 78676

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Zoning Map for ZA-10-003



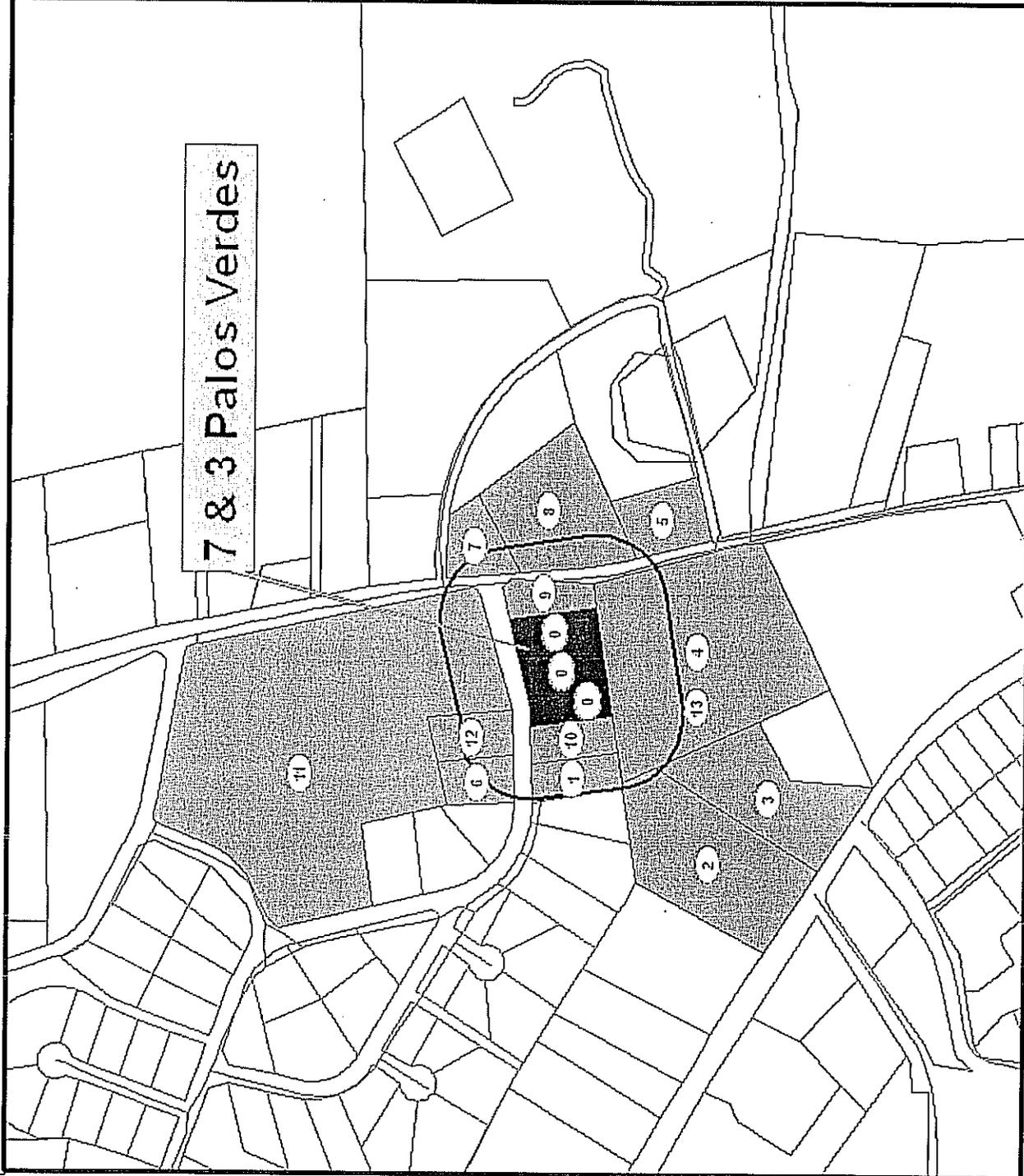
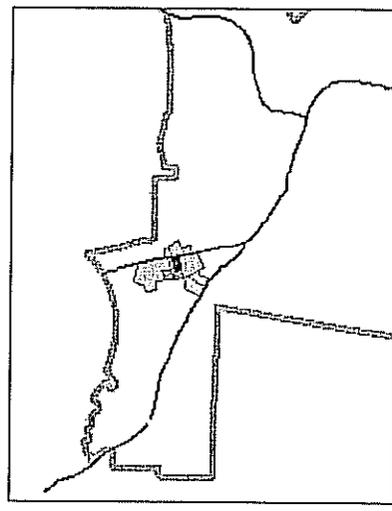
Notification Map for Case ZA-10-003 & Case C212-10-002

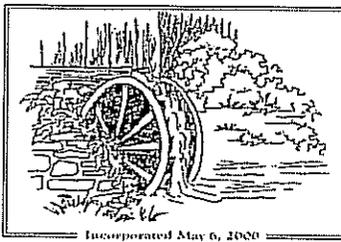


P.O. Box 2027 • Wimberley, Texas 78676

Legend

- 200' Notification Buffer
- Subject Properties
- 13, CHAPEL IN THE HILLS CHURCH
- 12, AYMOND GREGORY M BISHOP OF THE
- 11, CATHOLIC DIOCESE OF AUSTIN
- 10, HINES BARBARA M
- 9, GRACE, MICHELLE B
- 8, SMITH FAMILY LP #1
- 7, VICTORIA BANK & TRUST
- 6, AYMOND GREGORY M BISHOP OF THE
- 5, SMITH, TERRY O
- 4, CHAPEL IN THE HILLS CHURCH
- 3, JOHNSON, WM PARKS
- 2, WILLETT, BOYD
- 1, MCWILLIAMS JEFF & JUDITH
- 0, ALLEN, GARRETT
- 0, GRACE, MICHELLE





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com
Bob Flocke, Mayor - Charles Roccaforte, Mayor Pro-tem
Council Members - Mac McCullough, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

July 23, 2010

NOTICE OF PUBLIC HEARING

Re: File No. C212-10-002 (3 & 7 Palos Verdes)
A request for an amended plat of Lots 2, 3, and 4, Block 2, Woodcreek, Section 3

File No. ZA-10-003 (7 Palos Verdes)
An application to change the zoning for a .3533 acre portion of property located at 7 Palos Verdes, Wimberley, Texas from Single-Family Residential 2 (R2) to Single-Family Residential 3 (R3)

Dear Property Owner:

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

The applicants, Michelle Grace and Garrett Allen, have submitted an application for an Amending Plat of Lots 2, 3 and 4 of Block 2, Woodcreek Section 3. The proposed plat amends the existing property lines for the subject tracts. As part of their subdivision application, the applicants are seeking a variance from Section 154.063(C) of the City Subdivision Code which requires that lots be rectangular in size and conform to the average depth to average width ratio.

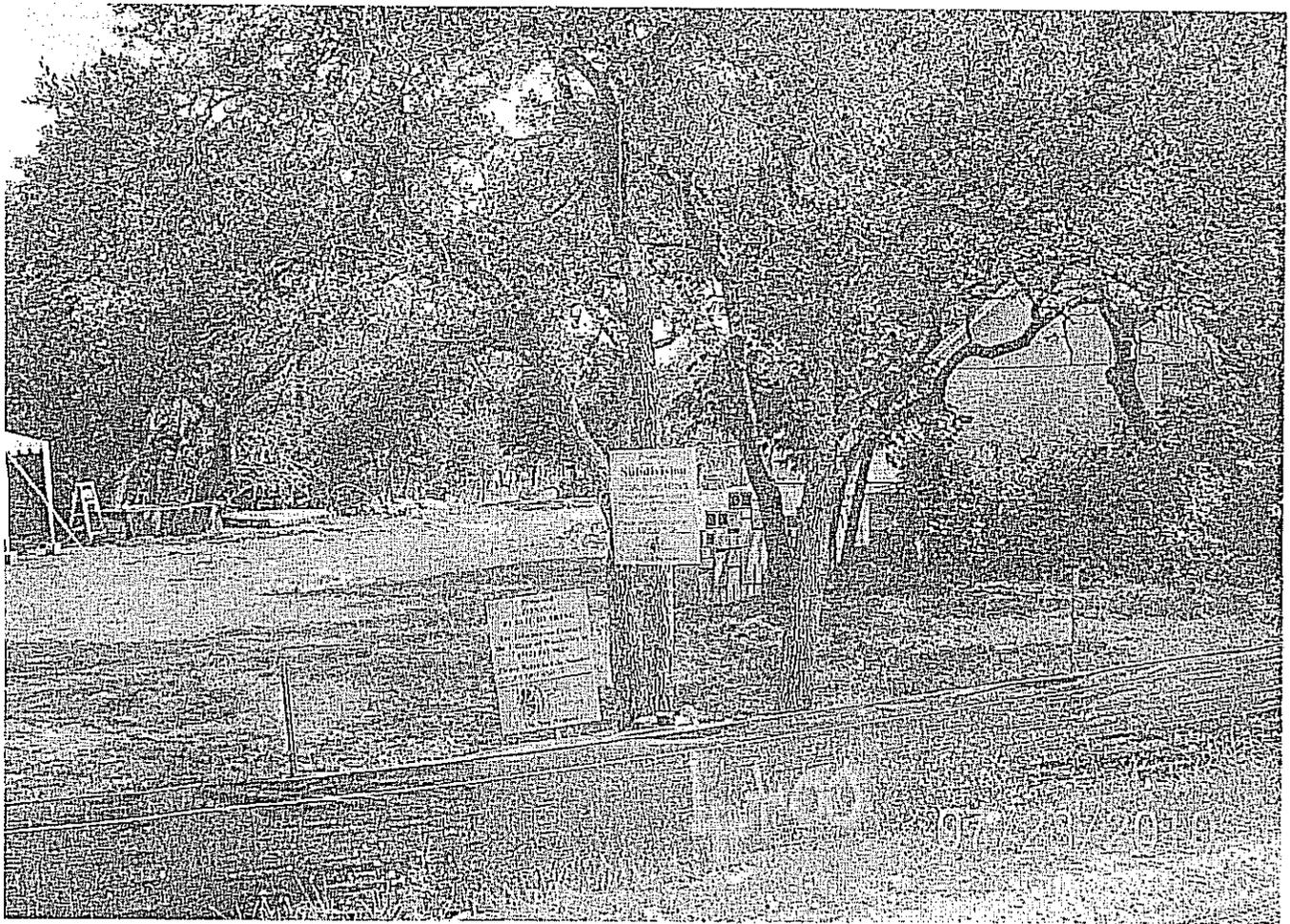
In addition to the proposed subdivision, the applicants have submitted an application to change the current zoning of the subject properties to conform to the City Zoning Code. The current zoning for these properties is Single-Family Residential 2 (R2). The proposed subdivision will place Lot 3 in a new zoning category of Single-Family Residential 3 (R3).

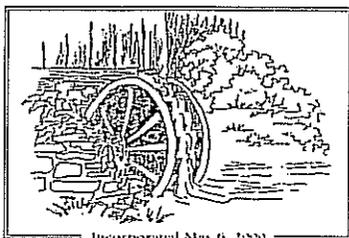
The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, August 12, 2010, at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same requests on **Thursday, August 19, 2010, at 6:00 p.m.**

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





City of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676

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

E-mail: Wimberley@anvil.com - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: C 212-10-007
2A-10-007

Owner _____

Date 7/23/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

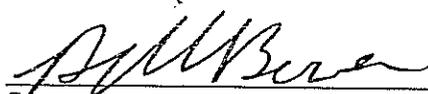
() Project Site Address 37 Palos Verdes

which is located Palos Verdes

Bill Bowers
Asst. Public Works

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

7/23/10, 2010


Signature

Century News 858-4163 • Wimberley View 847-2202

★ LEGALS & PUBLIC NOTICES

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, August 12, 2010, at 6:30 p.m.** to consider the following: CUP-10-013 - an application for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit at 260 Panther Crossing. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, August 19, 2010, at 6:00 p.m.** at City Hall.

NOTICE OF PUBLIC HEARING (Request 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, August 12, 2010, at 6:30 p.m.** to consider the following: ZA-10-003 - an application

for a zoning change from Single-Family Residential 2 (R2) to Single-Family Residential 3 (R3) on a .3533 acre portion of 7 Palos Verdes.

Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, August 19, 2010, at 6:00 p.m.** at City Hall.

Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (12315/1a/60)

NOTICE OF PUBLIC AND INTRUSION DETECTION SYSTEMS AT NEW DRIPPING SPRINGS HIGH SCHOOL AND NEW MIDDLE SCHOOL RFP # P10-010R

Proposals will be opened publicly and read aloud. All interested parties are invited to attend. Proposals received after this time, whether delivered in person or

mailed, will not be accepted. FAX proposals will not be accepted. Proposal forms and specifications may be obtained from the Dripping Springs Independent School District Business office, by calling (512) 858-3006 between 8:00 A.M. and 4:00 P.M. Monday through Friday, or thru the district website at <http://www.dsisd.txed.net>.

A non-mandatory pre-proposal will be held at 2:00 pm on Thursday August 5, 2010 at the Dripping Springs Independent School District at 510 West Mercer Street, Dripping Springs, Texas 78620. All interested parties are encouraged to attend. Dripping Springs Independent School District reserves the right to reject any and all proposals or to waive formalities. In case of ambiguity or

We buy junk vehicles, any condition - running, wrecked or not. Cash paid. Location: 16380 N. Hwy 123, San Marcos, TX 512-353-4511 or 512-396-1382 (02949/4cc/60+)

★ BUSINESS OPPORTUNITIES

CLEANING BUSINESS FOR SALE
established 30 years, Call 847-2866 (cell) 557-2566 (12262/2cc/60+)

ESTABLISHED CASH FLOWING LOCAL BUSINESS
All assets & lease convey. Low oversight. Owner may carry. \$23,500 Call Debie Hill, Samford Group 512-801-4280 (09631/1cc-tn/61+)

★ CHILDCARE

WIMBERLEY UNITED METHODIST CHURCH
Now enrolling for Call Clay at 512-796-3956 (39750/12cc/74+)

THE LUMBERYARD CREEKSIDE/RETAIL SPACE
1 block from the square, \$1.00 per SF per month, 560, 820, & 1800 SF suites, immediate availability 512-474-6025 (12110/1cc-tn/60+)

★ FURNITURE

FUTON
quality Southwest-style fabric, \$85. China cabinet, 80x32", custom-made painted rustic black, glass doors, \$300; Black laminate bookshelf 89x32", \$50; carpet shampooer, like new, \$50. 512-847-5803 (12304/1cc/61+)

SOFA & LOVE SEAT
Excellent condition \$500. Rustic ranch style entertainment center...up to 52" TV...\$375. Antique Secretary \$300. 2 Antique night stands \$75 for both. 512-722-3641 (12283/2cc/61+)

MATTRESS ON DEMAND
Wholesale to Public All Sizes Call 512-761-1000 Springs - Part time and full time opportunities. Looking to fill positions for overnight shifts. Candidate must be 21 years of age, have satisfactory driving record. Drug screening and criminal background check required. Pay begins at 9.00, but commensurate with experience and education. May

be eligible for Bereavement & gas allowance. Please fax your resume to Karri at (512) 858-5104 or call 894-0701 ext 2 email kalvis@corehealth.com. Visit our website at www.corehealth.com (12277/2cc/61+)

HELP ELDERLY LADY
With focus on painless exercise and fun activities 847-3755 (07451/1cc/60+)

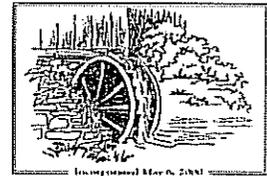
LG. 2 BR APT.
for rent on horse farm \$400/mo. Must work 40 hrs/wk. Horse/Lawn/Ranch Maint. \$10/hr. Call (512)396-2101 (12250/4cc/63+)

INNKEEPER
Position requires good computer skills and good health for strenuous work many steps. Full time week ends requires some horse knowledge.

TEXAS YOGA
Wimberley's Yoga Studio heartoftexas-yoga.com 663-4278 (00800/4cc-tn/61+)

YOGA
Raine St. Claire Licensed Massage Therapist Alexander Technique Teacher Licensed Massage C

Report for Zoning C212-10-002



Summary: An application for an Amending Plat of Lots 2, 3 and 4 of Block 2, Woodcreek Section 3

Applicant Information:

Applicant: Michelle Grace & Garrett Allen
P.O. Box 2356 & 2 Deer Ridge
Wimberley, Texas 78676

Property Owner: Michelle Grace & Garrett Allen

Subject Property:

Legal Description: Lots 2,3 and 4, Block 2, Woodcreek Section 3
Location: 7 & 3 Palos Verdes
Existing Use of Property: Residential
Existing Zoning: Single-Family Residential 2 (R2)
Proposed Use of Property: Residential
Proposed Zoning: N/A
Planning Area: II & III
Overlay District: None

Surroundings:

Frontage On: Palos Verdes Drive

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PF	Public, Residential
S of Property	PF	Public
E of Property	R2, C2	Commercial, Residential
W of Property	R2, C1	Commercial, Vacant, Residential

Legal Notice

200' Letters Sent 7/23/2010
Published 7/28/2010
Sign Placement 7/23/2010

Responses None

Comments:

The applicants, Michelle Grace and Garrett Allen, have submitted an application for an Amending Plat of Lots 2, 3 and 4 of Block 2, Woodcreek Section 3. The subject lots are located on Palos Verdes Drive.

The proposed plat adjusts the existing property lines so as to increase the size of Lots 2 and 4 and while reducing the size of Lot 3. Specifically, Lot 2 will increase in size from .5239 acres to .5455 acres while the size of Lot 4 will increase from .4388 acres to .5501 acres. The size of Lot 3 will be reduced from .4860 acres to .3533 acres.

As part of their subdivision application, the applicants are seeking a variance from Section 154.063(C) of the City Subdivision Code which requires that lots be rectangular in size and conform to the average depth to average width ratio. The variance is being sought for Lot 3 in the proposed subdivision. The proposed new lot has an average width of 76.13' and an average depth of 203.26', resulting in a depth-width ratio of 2.67. This ratio exceeds the maximum allowable depth-width ratio of 2.5 set forth in the Code.

To date, no comments, either for or against the proposed plat and requested variance, have been received. Upon review of the application, City staff recommends approval of the Amending Plat with the requested variance.

§ 155.037 SINGLE-FAMILY RESIDENTIAL 2; R-2.

(A) *General purpose and description.* The R-2 district is intended to provide for development of primarily detached, single-family residences on lots of not less than 20,000 square feet.

(B) *Permitted uses.*

(1) One residence, including:

(a) Single-family detached dwellings; or

(b) Mobile or manufactured homes installed on permanent foundations.

(2) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:

(a) The term accessory use shall include customary home occupations as herein defined;

(b) Accessory buildings, including a private garage, shall not occupy more than 50% of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See § 155.076 for additional accessory use requirements;

(c) A detached private garage used in conjunction with the main building;

(d) Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes; and

(e) One accessory dwelling unit.

(3) Swimming pool (private);

(4) Utilities (public); and

(5) Religious assembly.

(C) *Conditional uses.*

(1) Bed and breakfast lodging located only in the residential building;

(2) Home day care;

(3) Home commercial crafts or hobbies;

(4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all

applicable city regulations;

- (5) Two-family residential (duplex); and
- (6) One secondary single-family residential building built onsite.

(D) *Development regulations.*

(1) Lot size: minimum 20,000 square feet but less than 2 acres.

(2) Maximum building height (as defined in § 155.005):

(a) Primary residential building: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;

(b) Secondary residential building: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;

(c) Accessory buildings: not more than 18 feet and not more than 1 story; and

(d) Decks: not more than 12 feet including a railing only or 18 feet including a roof.

(3) For minimum setback, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

(a) Dominant street: 40 feet;

(b) Secondary street: 15 feet;

(c) Interior side yard: 10 feet; and

(d) Rear yard: 20 feet.

(4) Minimum floor area:

(a) Primary residential building: 600 square feet.

(5) Maximum impervious cover: 35%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(6) The parking and trash collection ordinances will apply.

(E) *Special requirements.*

(1) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.

(2) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, gardening materials, and the like.

(3) Single-family homes with side entry garages where lot frontage is only to 1 street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.

(F) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards. (Ord. 2001-010, § 16, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003) Penalty, see § 155.999

(4) Minimize reductions in the capacity of adjacent streets in so far as possible by reducing the number of turning movement conflicts;

(5) Provide an appropriate response to the limitations and opportunities of topography; and

(6) Increase the ability of building sites (lots) to receive or to be protected from solar gain as the season requires in order to improve utility efficiency and increase the livability of each lot.

(B) Residential blocks shall not exceed 1,300 feet nor be less than 500 feet in length, except as otherwise provided for herein.

(C) Blocks along arterial streets shall not be less than 1,300 feet.

(D) The width of blocks shall be sufficient to accommodate 2 tiers of lots with minimum depth as required by § 154.063(E). Exceptions to this width shall be permitted in blocks adjacent to major streets, waterways, or other topographical features prohibiting a second lot tier.

(E) The Commission may, at the preliminary plat phase, require the dedication of an easement or right-of-way not less than 10 feet wide bisecting the center of any block in excess of 800 feet in length to accommodate utilities, drainage facilities, and pedestrian access, upon recordation of the plat.

(F) Blocks shall be identified on each plat by consecutive adjacent numbers within each subdivision and portion thereof. Blocks forming a continuation of a previous subdivision block shall continue the block number.

(Ord. 2001-014, § 34010, passed 9-20-2001) Penalty, see § 154.999

§ 154.063 LOTS.

(A) *Designation.* All land area within the boundaries of the subdivision or resubdivision, except that area specifically dedicated as public right-of-way for any purpose, shall be designated as a lot. Each lot shown on a plat shall be clearly designated by a number located within the boundaries of the lot. The boundaries of each lot shall be shown by bearing and distance in relation to the monuments found or established on the ground in conformance with this chapter.

(B) *Use.* The proposed use for each lot shall be indicated on the plat as 1 of the following:

- (1) RA; Residential acreage;
- (2) R-1; Rural residential 1 (minimum 2 acre lots);
- (3) R-2; Single-family residential 2 (minimum 20,000 square foot lots);
- (4) R-3; Single-family residential 3 (minimum 10,000 square foot lots);
- (5) R-4; Single-family residential 4 (minimum 6,000 square foot lots);
- (6) R-5; Two-family residential (duplex homes);
- (7) MF-1; Multi-family residential 1 (triplex/quadruplex/apartments);
- (8) MF-2; Multi-family residential 2 (apartments);

- (9) MH; Mobile home;
- (10) Special requirements for mobile home parks
- (11) O-1; Office - low impact;
- (12) O-2; Office - high impact;
- (13) C-1; Commercial - low impact;
- (14) C-2; Commercial - moderate impact;
- (15) C-3; Commercial - high impact;
- (16) HC; Highway commercial;
- (17) I-1; Industrial - low impact;
- (18) I-2; Industrial - high impact;
- (19) AS/S; Animal sales/services;
- (20) L-1; Lodging (1-15 units);
- (21) L-2; Lodging (1-30 units);
- (22) IP; Industrial park;
- (23) PPU; Public protection/utility;
- (24) PR-1; Participant recreation - low impact;
- (25) PR-2; Participant recreation - high impact;
- (26) PF; Public facilities;
- (27) NS; Neighborhood services district;
- (28) WPDD; Planned development district;

(C) *Lot shape.* All lots shall be rectangular except when the street alignment is curved in order to conform with other provisions of this chapter or configuration of the parent tract does not permit. No lot shall have a corner intersection of less than 45 degrees. The ratio of average depth to average width shall not exceed 2.5 to 1 (2.5:1) nor be less than 1.5 to 1 (1.5:1) unless the lot is at least 1.5 times the required lot size, both the depth and width of the lot exceed the minimums required in these regulations, and the Director finds that the proposed lot dimensions are consistent with surrounding development and the Comprehensive Plan.

(D) *Lot orientation.*

(1) *Standard frontage.* All lots shall face and have contiguous frontage on a usable, dedicated public road right-of-way, except lots within a WPDD which may have similar frontage on a

private street under common ownership. The extent of this frontage (front line) shall conform to the minimum lot width requirements set forth herein.

(2) *Lot facing.* Facing lots shall be compatible. Lots arranged so that the rear line of a lot or lots is also the side line of an adjacent lot shall be avoided. When this occurs, 10 feet shall be added to the minimum lot width and the side building line adjacent to the rear yard of another lot.

(3) *Lot lines.* The lot line common to the street right-of-way line shall be the front line. Side lot lines shall project away from the front line at approximately a right angle to street lines and radial to curved street lines. The rear line shall be opposite and approximately parallel to the front line. The length and bearing of all lot lines shall be indicated on the plat.

(4) *Double frontage.*

(a) Residential lots shall not have frontage on 2 non-intersecting local or collector streets.

(b) Residential lots adjacent to an arterial street shall also have frontage on a local street. Vehicular access to these lots shall be from the local street only. Non-residential lots with double frontage shall have offset access points to inhibit cut-through traffic.

(E) *Lot area.* The base minimum lot area for all lots served by a publicly approved sewer system shall conform to Chapter 155 of this code and following requirements in the table below in this section; provided however, the base minimum lot area for all lots utilizing on-site sewage facilities (OSSFs) shall be 1 acre.

(F) *Standards.* Lot width and depth, coverage by structures, and coverage by impervious surfaces shall conform to the requirements as established for the designated land use as set forth in the table below in this section. In addition, all lots shall provide a 10-foot public utility easement adjacent to all public rights-of-way. Public utility easements on side and rear lot lines shall be required as needed to accommodate utilities and drainage.

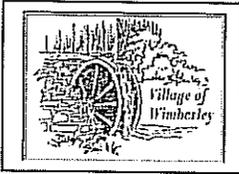
(G) *Corner lots.* Lots having frontage on 2 or more intersecting streets shall be classified as corner lots.

(1) Corner lots adjacent to streets of equal classification shall have only 1 access driveway on either of the intersecting streets, except as otherwise approved by the Commission.

(2) Corner lots adjacent to streets of unequal classification shall access the lower classification street only, and only 1 drive approach shall be allowed, except as otherwise approved by the Commission.

(3) The building setback line for all corner lots shall conform to the minimum requirements for the land use designated but shall never be less than 25 feet from an existing or proposed street right-of-way, except that on back-to-back corner lots the setback on the common side yard can be reduced to 15 feet when the owners of both properties agree and provided that a garage facing the side street must be set back not less than 20 feet.

(4) Corner residential lots shall be 10 feet wider than the average interior lot on the same block.



Village of Wimberley

12111 Ranch Road 12
Mailing Address: P.O. Box 2027
Wimberley, Texas 78676

(512) 847-0025 - Fax: (512) 847-0422 - E-Mail: wimberley@anvilcom.com

Subdivision Application

SUBMISSION DATE: 4/29/2010 Official Use Only CASE NO. C212-10-002
 SUBDIVISION: WOODCREEK Sec. 3 Hays County Tax I.D. No. R52695/R52697
 LOCATION/DIRECTIONS: _____ Fees Paid: \$150⁰⁰
 APPLICATION TYPE: Preliminary PROJECT TYPE: _____
1= Concept Plan; 2= Preliminary; 3=Public Review Final; 4=Record Final 1=Conventional; 2=WPDD; 3=Small Lot; 4=Townhouse; 5=Rural
5=Detailed Development Plans
 PROCESS TYPE: _____ I=Conventional; 2=Amend; APPLICATION REC'D _____ By _____
3=Short Form; 4=Dedication; 5=Conveyance, 6=Replat/Vacate (Does not constitute acceptance)

1. OWNER(S): MICHELLE GRACE GARRETT ALLEN Lot 2: 3 Palos Verdes
P.O. BOX 2356
 MAILING ADDRESS: 2 DEER RIDGE RD. CITY/STATE/ZIP: WIMBERLEY TX 78676
512-418-9151
 PHONE (512-677-8118) FAX () _____ E-MAIL _____

2. PRIMARY CONTACT (Agent) GARRETT ALLEN FIRM: OWNER LOTS 1+2
 MAILING ADDRESS: 2 DEER RIDGE CITY: WIMBERLEY STATE: TX ZIP: 78676
 PHONE 512-677-8118 FAX () _____ E-MAIL _____

3. ENGINEERING FIRM _____ CONTACT: _____
 MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
 PHONE () _____ FAX () _____ E-MAIL _____

4. SURVEYING FIRM: EAGLE LAND SURVEYING CONTACT: CLYDE BOROSSO
 MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
 PHONE 512-847-1079 FAX () _____ E-MAIL _____

5. PLAT ATTRIBUTES
 NAME: WOODCREEK SEC. 3 BLOCK 2 LOCATION: LOTS 2,3,4 PALOS VERDES
 SUBDIVISION CLASSIFICATION: R JURISDICTION: C
C=Commercial; R=Residential (Based on Land Use & Density) C= City Limits; E=1 mile ETJ;
 COMPREHENSIVE PLAN AREA: _____ CURRENT ZONING: R2
 CITY GRID MAP NUMBERS: _____ TAX APPRAISAL NUMBERS: R52695 and R52697
 WATERSHED(S): _____ IN RECHARGE ZONE (Y) (N)
 ELECTRICITY: _____ WATER SOURCE: _____
 WASTEWATER/SEWAGE DISPOSAL: _____
 TELEPHONE SERVICE: _____ SCHOOL DISTRICT _____

6. RELATED CASES _____ PROPOSED ZONING: _____
 APPLICATION NO. _____ ZONING ORDINANCE NO. _____
 SITE PLAN CASE NO. _____

7. PROPOSED LAND USE (By Summary)

Single Family	SF
Multi-Family	MF
Duplex	DUP
Public/Quasi-Public	P
Wimberley Planned Development District	WPDD
Right-of-Way	ROW
Commercial/Office	C-O
Commercial/Retail	C-R
Flood Plain	FP
Industrial	IND
Greenbelt/Trails	GRBLT

LAND USE (See Table)	NUMBER OF LOTS	NUMBER OF UNITS	ACREAGE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
TOTALS	_____	_____	_____
	LOTS	UNITS	ACRES

Note: The signature below of an applicant or designated agent authorizes Village of Wimberley Staff to visit and inspect the property for which this application is being submitted. Applicant further understand and agrees that no application shall be considered "filed" and no deadlines shall run against the Village of Wimberley until the Planning & Zoning Commission staff has expressly determined that the application is administratively complete.

Date: 4/29/10

Applicant's Signature: *Michelle K. Grace*
Lawrence

Date: _____

Agent's Signature: _____

ENGINEER'S/SURVEYOR'S CERTIFICATION

This is to certify that I am authorized to practice the profession of Engineering/Surveying in the State of Texas; that I prepared/reviewed the plan/plat submitted herewith; that all information shown thereon is accurate and correct to the best of my knowledge as related to the engineering/surveying portions thereof; and that said plan/plat complies with Title 25 of the Land Development Code, as amended, and all other applicable codes and ordinances.

 Engineer/Surveyor's Signature

SUBMITTAL CHECKLIST

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

- Complete "Subdivision Application"
- Provide area map of property to be subdivided which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- Provide plat of the specific property to be subdivided (3 copies for review/10 for approval)
- Provide names and addresses of property owners within 200 feet of any portion of Applicant's property if replat.
- Provide a legal description of the property.
- Sign/date Submittal Verification and/or Waiver of Appearance form.
- Place stake on site with property address so property is easily identifiable.
- Approved construction plans (if required)
- Deed restrictions or covenants
- Current Tax Certificate showing that all taxes are paid
- Pay subdivision fee.
- Utility Service Acknowledgement
- Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed subdivision.
- Applicant agrees to attend City Council hearing scheduled for Applicant's proposed subdivision or waives his/her rights of appearance.

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 Village 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 Village of Wimberley City Council at the public hearing to be held concerning the subdivision of my above-referenced property. I understand that my failure to appear allows the Council to consider my subdivision request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 4/29/10

APPLICANT SIGNATURE *May Alls*
Michelle Cooper

WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE _____

FEE SCHEDULE

*Residential:	Fee	Additional	Comments
Concept Plan	None		Optional
Preliminary Plat	\$350	+\$25 per lot	
Public Review Final Plat	\$500	+\$10 per lot	
Record Final Plat	\$200	+\$10 per lot	
Amend Plat	\$150		Including Plat Vacation
Short Form Plat	\$250		
*Non-Residential:			
Concept Plan	None		Optional
Preliminary Plat	\$400	+\$40 per acre	
Public Review Final Plat	\$500	+\$20 per acre	
Record Final Plat	\$200	+\$10 per acre	3 sets required
Amend Plat	\$200		Including Plat Vacation
Short Form Plat	\$400		
*Property Owner Notification included in base fee.			
Mylar recording at county	\$56	\$50/page	Tax Receipt \$10/lot
Village ordinance 2007-003 allows additional costs to be passed on to owner/applicant			

ADMINISTRATIVE COMPLETENESS

No development right (if any) shall vest nor deadline run against the Village until a preliminary plan is expressly determined by the Planning Staff to be administratively complete. An application for a preliminary plan shall not be considered "filed" until the application is determined by the Planning Staff to be administratively complete.

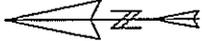
Owner Acknowledgement:

Date: 4/29/10



 Signature

PRELIMINARY PLAN



RANCH ROAD 12 (80' R.O.W.)

PALOS VERDES DRIVE (50' R.O.W.)

CHAPEL IN THE HILLS

(S 04°33'00"E 206.20')
S 06°00'45"E 206.23'

S 85°13'25"W 125.05'
(S 86°46'00"W 125.03')

LOT 1
0.6632 Ac.

LOT 2R
0.5455 Ac.
(0.6239 Ac.)

LOT 3R
0.3633 Ac.
(0.4860 Ac.)

LOT 4R
0.5501 Ac.
(0.4388 Ac.)

LOT 5
0.4560 Ac.

LOT 6

(S 87°52'00"E 100.45')
S 89°17'37"E 100.35'

S 04°36'12"E 194.03'
(S 03°14'00"E 193.81')

S 85°06'53"W 99.78'
(S 86°46'00"W 100.00')

N 04°38'40"W 203.81'
(N 03°14'00"W 203.31')

(N 74°34'00"E 104.00')
N 72°38'14"E 103.83'

(N 76°45'00"E 106.39')
N 76°59'40"E 106.22'

S 04°35'03"E 209.04'

S 04°39'34"E 197.48'

S 85°17'45"W 100.08'
(S 86°46'00"W 100.00')

S 85°39'58"W 104.82'
(S 86°46'00"W 105.00')

S 85°13'25"W 105.02'
(S 86°46'00"W 105.00')

S 05°30'36"E 232.36'
(illegible)

(S 04°35'03"E 209.04')

(S 04°39'34"E 197.48')

(S 85°17'45"W 100.08')

(S 85°39'58"W 104.82')

(S 85°13'25"W 105.02')

(S 05°30'36"E 232.36')

L4

L3

L2

L1

L5

L6

concrete driveway

existing construction

proposed construction

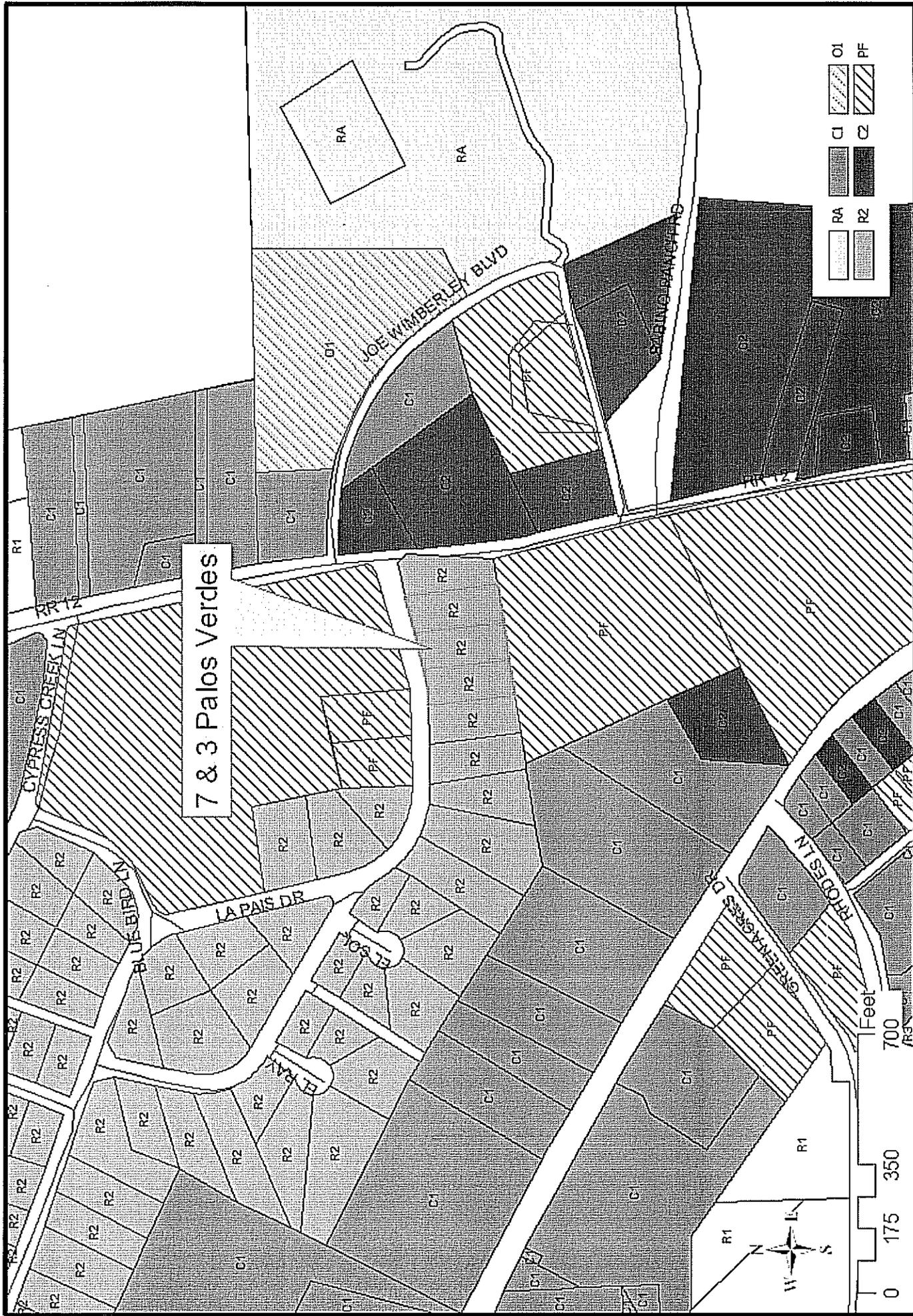
LINE TABLE	
L1 =	S 69°31'47"E 62.28' (S 87°52'00"E 62.30')
L2 =	N 77°19'36"E 38.24' (N 78°45'00"E 38.33')
L3 =	N 75°17'31"E 25.17' (illegible)
L4 =	N 83°32'40"E 65.20' (illegible)
L5 =	S 50°48'18"E 46.69' (S 48°04'00"E 46.77')

Date:	April 9, 2010
Scale:	1" = 60'
Job No.	10-004 jw
	234WDC2.ZAK

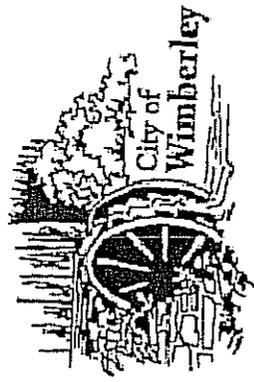
THIS DOCUMENT HAS BEEN PROVIDED FOR GENERAL REFERENCE ONLY AND SHALL NOT BE USED FOR ANY CONVEYANCE OR RECORDED FOR ANY PURPOSE.

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

Zoning Map for C212-10-002



Notification Map for Case ZA-10-003 & Case C212-10-002

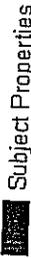


P.O. Box 2027 • Wimberley, Texas 78676

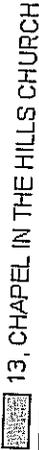
Legend



200' Notification Buffer



Subject Properties



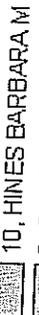
13, CHAPEL IN THE HILLS CHURCH



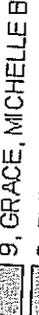
12, AYMOND GREGORY M BISHOP OF THE



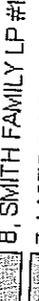
11, CATHOLIC DIOCESE OF AUSTIN



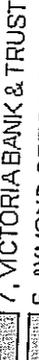
10, HINES BARBARA M



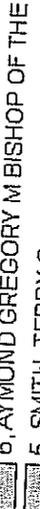
9, GRACE, MICHELLE B



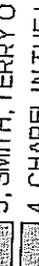
8, SMITH FAMILY LP #1



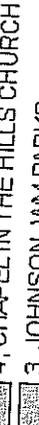
7, VICTORIA BANK & TRUST



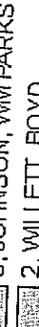
6, AYMOND GREGORY M BISHOP OF THE



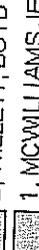
5, SMITH, TERRY O



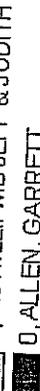
4, CHAPEL IN THE HILLS CHURCH



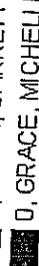
3, JOHNSON, WM PARKS



2, WILLETT, BOYD



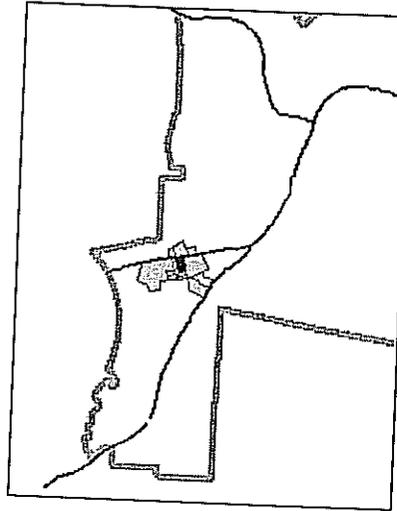
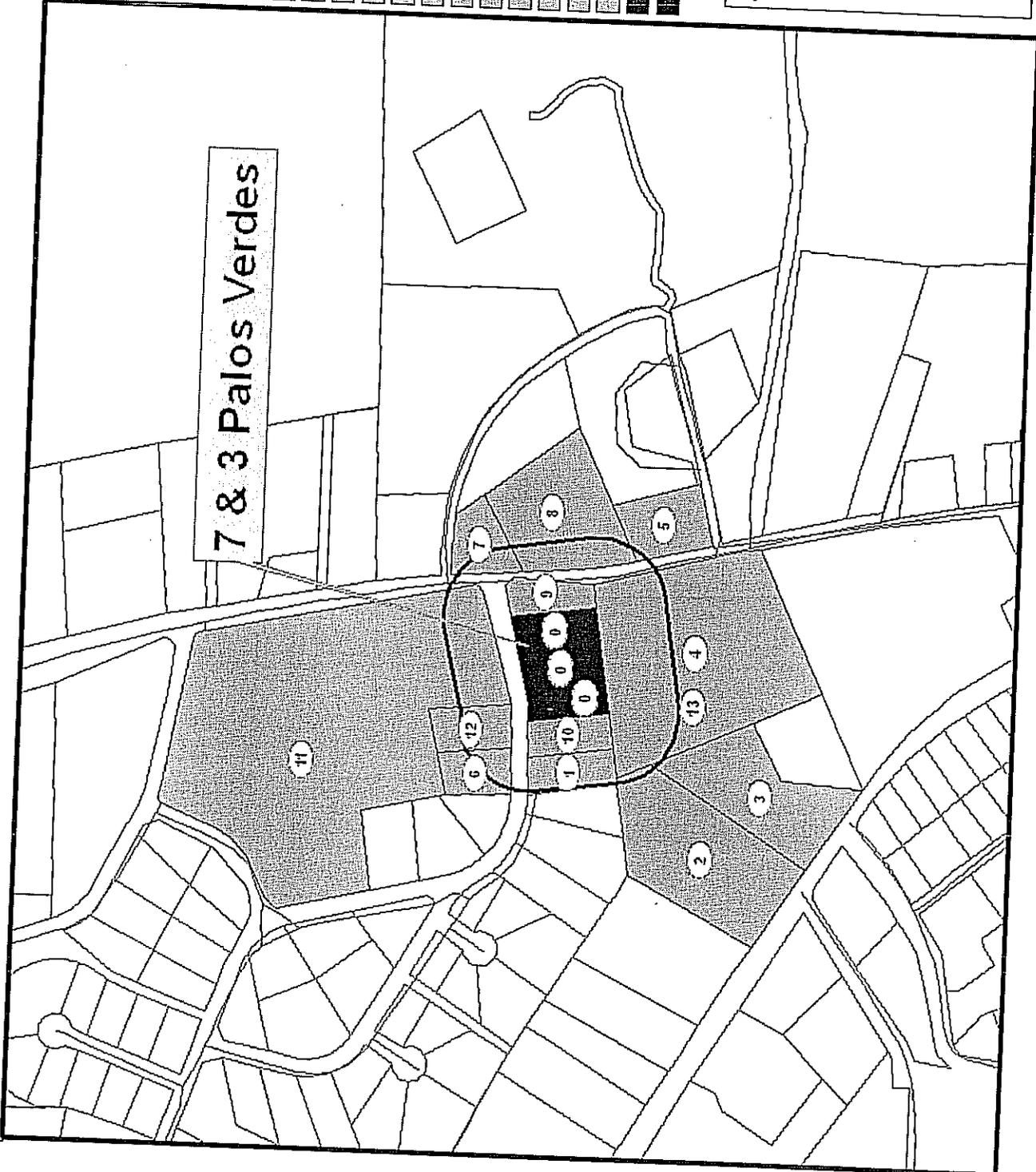
1, MCWILLIAMS JEFF & JUDITH

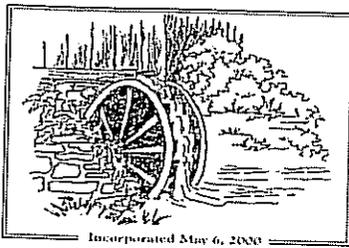


0, ALLEN, GARRETT



0, GRACE, MICHELLE





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com
Bob Flocke, Mayor - Charles Roccaforte, Mayor Pro-tem
Council Members - Mac McCullough, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

July 23, 2010

NOTICE OF PUBLIC HEARING

Re: File No. C212-10-002 (3 & 7 Palos Verdes)
A request for an amended plat of Lots 2, 3, and 4, Block 2, Woodcreek, Section 3

File No. ZA-10-003 (7 Palos Verdes)
An application to change the zoning for a .3533 acre portion of property located at 7 Palos Verdes, Wimberley, Texas from Single-Family Residential 2 (R2) to Single-Family Residential 3 (R3)

Dear Property Owner:

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

The applicants, Michelle Grace and Garrett Allen, have submitted an application for an Amending Plat of Lots 2, 3 and 4 of Block 2, Woodcreek Section 3. The proposed plat amends the existing property lines for the subject tracts. As part of their subdivision application, the applicants are seeking a variance from Section 154.063(C) of the City Subdivision Code which requires that lots be rectangular in size and conform to the average depth to average width ratio.

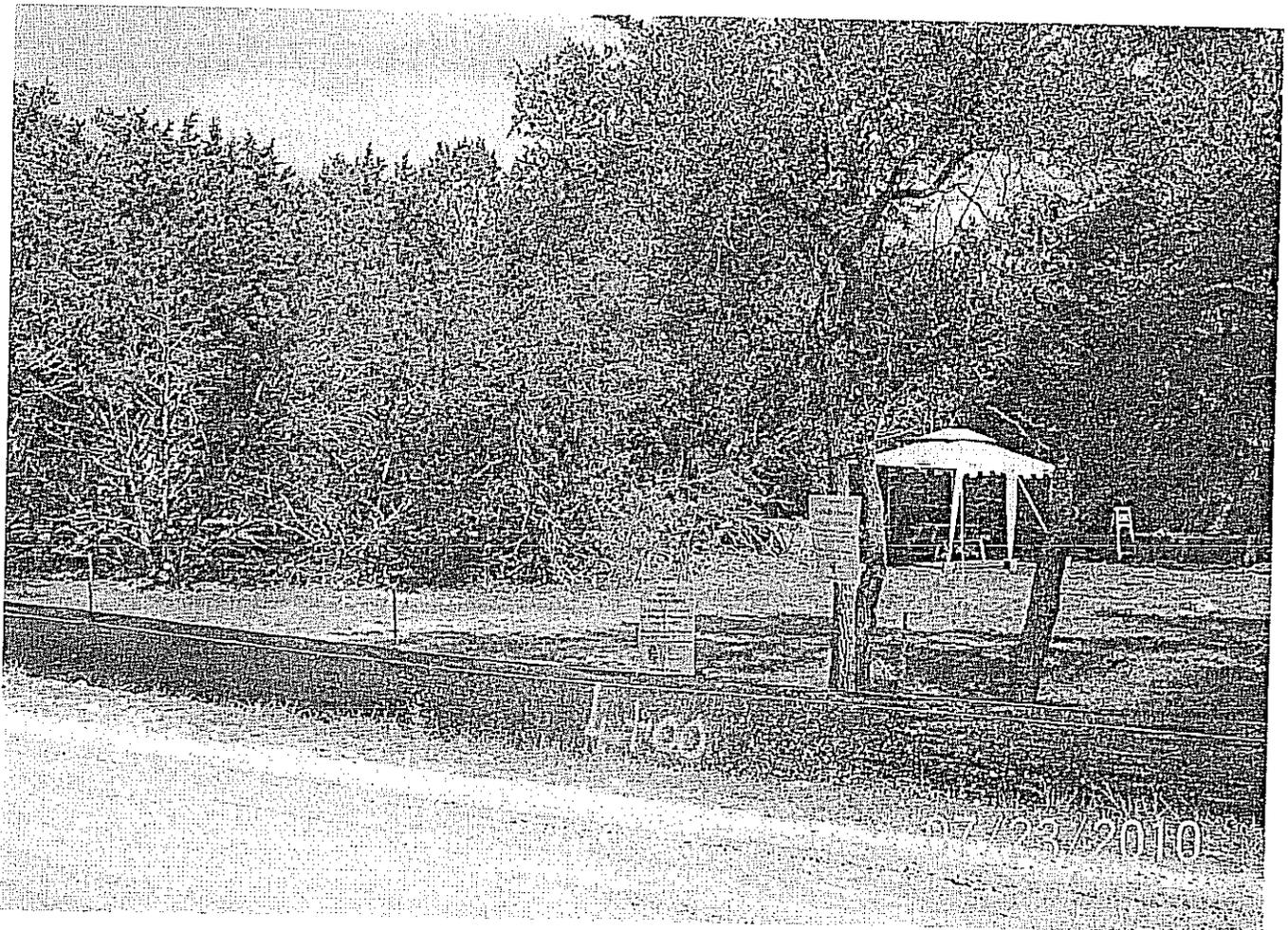
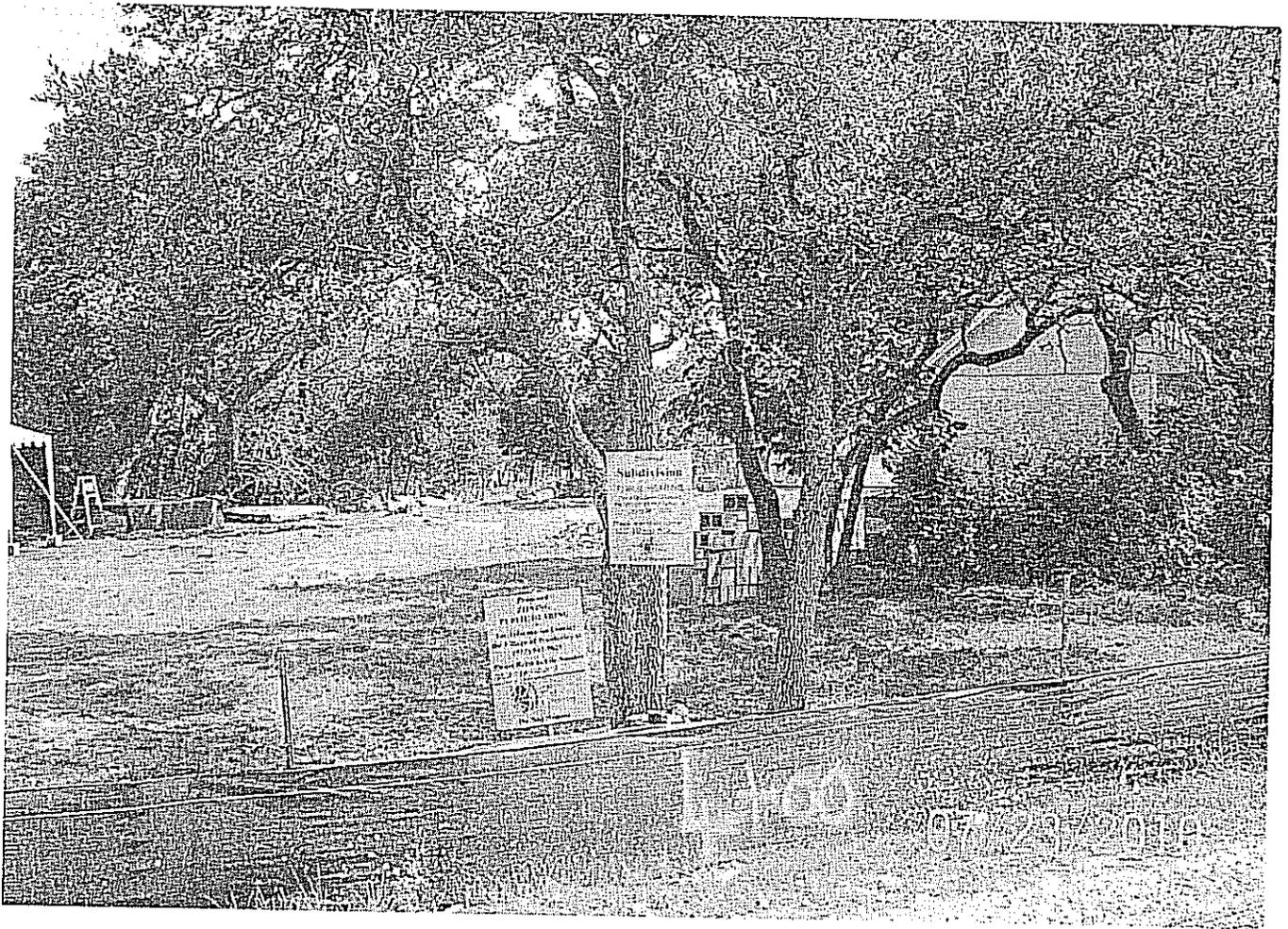
In addition to the proposed subdivision, the applicants have submitted an application to change the current zoning of the subject properties to conform to the City Zoning Code. The current zoning for these properties is Single-Family Residential 2 (R2). The proposed subdivision will place Lot 3 in a new zoning category of Single-Family Residential 3 (R3).

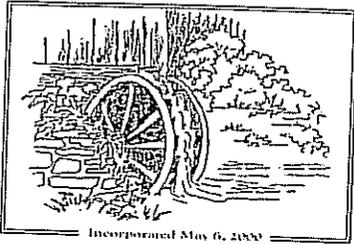
The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, August 12, 2010, at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same requests on **Thursday, August 19, 2010, at 6:00 p.m.**

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





City of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676

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

E-mail: Wimberley@anvilcom.com - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: C 212-10-002
2A-10-002

Owner _____

Date 7/23/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

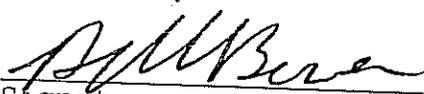
() Project Site Address 377 Palos Verdes

which is located Palos Verdes

Bill Bowers
Asst. Public Works

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

7/23/10, 2010


Signature

Century-News 858-4163 • Wimberley View 847-2202 •

NOTICE OF PUBLIC HEARING

(Request 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, August 12, 2010, at 6:30 p.m.** to consider the following: **C212-10-002** - an application for an Amending Plat of Lots 2, 3 and 4, Block 2, Woodcreek Section 3 and an associated variance from section 154.063 (c) of the City Subdivision Code requiring lots to rectangular in size and conform to the average depth to average width ratio. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, August 19, 2010, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing.

The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (21316/1a/60)

more particularly set out in a Planned Unit Development Agreement. This amendment includes the addition of two (2) cabins and one (1) single family residence to the planned development and modifies the phasing of the development. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, August 19, 2010, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (21316/1a/60)

REQUEST FOR PROPOSAL

Sealed competitive proposals will be received at the Business Office of the Dripping Springs Independent School District, 510 West Mercer Street, P.O. Box 479, Dripping Springs, Texas 78620, August 12, 2010 until 2:00 P.M., for the following: **ACCESS CONTROL AND INTRUSION DETECTION SYSTEMS AT NEW DRIPPING SPRINGS HIGH SCHOOL AND NEW MIDDLE SCHOOL RFP # P10-010R** Proposals will be opened publicly and

NOTICE OF PUBLIC HEARING

(Request 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, August 12, 2010, at 6:30 p.m.** to consider the following: **C212-10-002** - an application for an Amending Plat of Lots 2, 3 and 4, Block 2, Woodcreek Section 3 and an associated variance from section 154.063 (c) of the City Subdivision Code requiring lots to rectangular in size and conform to the average depth to average width ratio. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, August 19, 2010, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing.

Conservation District meets at 6:00 p.m. on Thursday, August 19, at Wimberley Community Center, 14068 Ranch Road 12. The Meeting will include Hearing Agenda Items: Discuss and Possible Action on Permit and Quarterly Reporting for Cielo Azul Ranch and Dr. Guy Hodgson. For more information, visit www.haysgroundwater.com, <http://www.haysgroundwater.com> or call (512) 858-9253 (12307/1a/60)

★ ANTIQUES

SILO ANTIQUES
50% off all furniture
ridiculously low prices
7990 RR12,
San Marcos, M-F 1-6,
Sat 10-5, Sun 12-5
(12271/1cc/60+)

★ AUTOS

GOOD OLD BOYS AUTO RECYCLING
Cash for your Cars and Trucks - running or not. Free pick up and/or towing.
512-393-1410
(01997/4cc-tfn/60)

ATTENTION: RoadRunner Recycling
Is now buying all types of scrap metal. We buy junk vehicles, any condition - running, wrecked or not. Cash paid.
Location:
16380 N. Hwy 123,
San Marcos, TX
512-353-4511 or

babysit your little one.
Please call
512-212-4620
(06364/1cc/60)

★ COMMERCIAL FOR LEASE

WAREHOUSE / CONTRACTORS / SHOP / LIGHT MANUFACTURING
1000 - 1500 sf
Insulated w/ half bath.
Great cross ventilation. 15 amp service.
801 Carney Ln.,
1 mile past High School, from \$450/mo
512-914-1510
(12199/a-tfn)

WAREHOUSE
In San Antonio, dock high, on Loop 106, just off Hwy. 87. (Southeast San Antonio)
(210)493-8055
(12251/nc-tfn)

OFFICE SPACE FOR LEASE
In South River Center
1 - 720 Sq.Ft.
512-748-6202 for more information.
(05079/a-tfn)

ONE - 2000 SQ. FT.
Office / Warehouse
\$850 per month
TWO - 1000 SQ. FT.
Office / Warehouse
\$550/mo each.
THREE - 800 SQ. FT.
Office / Retail
\$775 per month/each
Plaza Del Sol Wimberley.
Call Clay at 512-796-3956

(39750/12cc/74+)

THE LUMBERYARD CREEKSIDE/RETAIL SPACE
1-block from the

Contact Tammy
512-468-4136
www.sassychairsalon.com.
(12305/1cc/61+)

NEW SALON
Great Location, needs nail tech,
512-757-2922 or
512-569-7805
(12287/1cc/60+)

MAKE UP TO \$800
per month or more - delivering the Austin American Statesman in the Wimberley area.
For more information please call
512-353-5814
(12034/1cc/62+)

OFFICE MANAGER
FT/ Accounting software exp. required, registrations telephone, John Knox Ranch, Fischer TX.
Resumes to sngricco@yahoo.com
call 512-934-0944
(12290/2cc/62+)

DRIVERS: CRST NEEDS YOU!
IMMEDIATE opportunities!
No CDL, No Problem!
CDL Training Available
Great Benefits & Start earning \$750-800/wk
Call Today!
1-866-557-9243
(12263/2cc/60+)

IMMEDIATE OPENINGS!
Core Health Care is looking for direct care staff who are responsible, caring and nurturing to provide care to brain injured residents and our psychiatric residents. Facilities in Dripping Springs - Part time and full time opportunities. Looking to fill positions for overnight shifts. Candidate must be 21 years of age, have satisfactory driving record. Drive

ence. Call A.T.M.
A/C Services at
512-312-9080 or email
office@aim4ac.com.
(12165/a-tfn)

DEER CREEK OF WIMBERLEY
is accepting applications for the following positions:
RN's (11a - 7p),
LVN's, CNA's (must have license)
all shifts available.
Fax resume to:
512-847-8819
(07485/a/tfn)

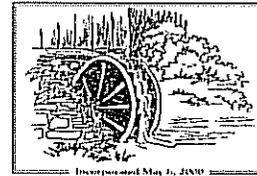
★ INSTRUCTIONAL

KUNDALINI YOGA YOURSELF
For more energy, flexibility, and wholeness of health, with Cecilia.; 847-1659
www.myinnerscapes.com
(12237/2cc/60+)

WIMBERLEY MUSIC STUDIO
Janet Davis is now accepting new piano students. Call 847-1951. Balanced curriculum that includes technique, music theory and different styles of piano. She is a member of the American College of Musicians, "Who's Who, Outstanding Young Women of American", "Who's Who, International Musicians".
(03399/8p/65+)

HEART OF TEXAS YOGA
Wimberley's Yoga Studio
heartoftexasyoga.com
663-4278
(00800/4cc-tfn/61+)

Report for CUP-10-013



Summary:

A request for a Conditional Use Permit (CUP) to allow a secondary residential unit at 260 Panther Crossing.

Applicant Information:

Applicant:

Thomas & Nancy Payte
260 Panther Crossing
Wimberley, TX 78676

Property Owner:

Thomas & Nancy Payte

Subject Property:

Legal Description:

Flite Acres Little Ranches Lot 15, 5.16 Acres GEO#90606067

Location:

260 Panther Crossing

Existing Use of Property:

Residential

Existing Zoning:

Residential Acreage (RA)

Proposed Use of Property:

Residential

Proposed Zoning:

Secondary Residential

Planning Area:

Planning Area I

Overlay District:

Protected Waterway

Surroundings:

Frontage On:

Panther Crossing

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	ETJ	ETJ
S of Property	R2, RA	Residential
E of Property	R1, RA	Residential
W of Property	ETJ	ETJ

Legal Notice

200' Letters

7/21/2010

Published

7/28/2010

Sign Placement

7/23/2010

Responses

None

Comments:

The applicants, Thomas and Nancy Payte, have requested a Conditional Use Permit (CUP) to allow for the construction of a secondary residence on the 5.16 acre tract of land located at 260 Panther Crossing in Planning Area I. The subject property is zoned Residential Acreage (RA) which allows secondary residential structures with a floor area of at least 600 square feet as a conditional use with a CUP.

Currently, there is one (1) single family residence located on the subject property. The applicant is proposing to construct a one-story secondary residence, with a floor area of approximately 3,200 square feet, on the residentially zoned tract. The architectural style of the secondary residence will be consistent with that of the surrounding neighborhood.

Relatives of the applicants are expected to move into the secondary residence, if approved.

To date, City Staff has not received any comments from surrounding property owners regarding the requested CUP. Upon review of the application, City staff recommends approval of the CUP.

DISTRICT REGULATIONS; USE REQUIREMENTS AND RESTRICTIONS

§ 155.035 RESIDENTIAL ACREAGE; RA.

(A) *General purpose and description.* The RA, residential acreage district is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the city is given the RA classification until it is assigned another more permanent zoning district.

(B) *Permitted uses.*

(1) One residence, including:

(a) One single-family detached dwelling; or

(b) Mobile or manufactured home installed on a permanent foundation.

(2) Farms, barns, nurseries, greenhouses, or gardens on parcels 5 acres or larger, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises except as provided under home occupation, as defined in § 155.005, and except as may be permitted with a conditional use permit (CUP);

(3) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:

(a) The term accessory use shall include customary home occupations as herein defined. See § 155.076 for additional accessory use requirements;

(b) A detached private garage used in conjunction with the main building;

(c) Detached garages with living quarters (such as garage/accessory dwelling), detached employee (such as caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached employee quarters without a garage may be permitted only by CUP, and are required to be on a lot 5 acres or larger. Only 1 accessory dwelling unit (such as garage/accessory dwelling, employee quarters, and the like) shall be allowed on any lot within the RA district, and it shall be clearly incidental to the primary use (such as single-family detached residential). These accessory living structures shall not, in any case, be sold separately from the main dwelling.

(4) Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.

(5) Swimming pool (private);

(6) Commercial row and field crops;

(7) Commercial livestock; and

(8) Religious assembly.

(C) *Conditional uses.*

(1) One secondary single-family residential building built on site;

(2) Bed and breakfast lodging which may be in the primary or secondary residential building or in cottages or cabins;

(3) Home day care;

(4) Home commercial crafts or hobbies;

(5) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations;

(6) Two-family residential (duplex); and

(7) Utilities.

(D) *Development regulations.*

(1) Minimum lot size: 5 acres or more.

(2) Maximum building height (as defined in § 155.005):

(a) Primary residential building: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;

(b) Secondary residential building: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;

(c) Accessory buildings: not more than 18 feet and not more than 1 story;

(d) Decks: not more than 12 feet including a railing only or 18 feet including a roof; and

(e) Barns, silos, water towers: 45 feet if more than 90 feet from residential buildings or property line, otherwise 28 feet.

(3) For minimum setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment

shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

- (a) Dominant street: 50 feet;
 - (b) Secondary street: 25 feet; and
 - (c) Interior side and rear: 15% of lot width, but need not be greater than 25 feet.
- (4) Minimum floor area:
- (a) Primary residential building: 1,000 square feet;
 - (b) Secondary residential building: 600 square feet; and
 - (c) Bed and breakfast units: 200 square feet.

(5) Maximum impervious cover: 20%. Impervious cover shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(6) The parking and trash collection ordinances will apply.

(E) *Special requirements.*

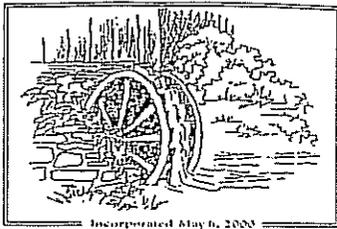
(1) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.

(2) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on 2 or more acres.

(3) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, garden materials, and the like.

(4) Single-family homes with side entry garages where lot frontage is only to 1 street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.

(F) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards. (Ord. 2001-010, § 14, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003) Penalty, see § 155.999



City of Wimberley
Conditional Use Permit (CUP)
Application

No. CUP-10 - 013

FOR OFFICIAL USE ONLY

Application Date: 7/2 Tentative P&Z Hearing: 8/12 Tentative Council Hearing: 8/19
FEES: \$400.00 DATE PAID: 7/2 CHECK NO. 011019 REC'D BY SANDY LEVIN

PROJECT SITE ADDRESS: 260 Panther Crossing Wimberley, TX. 78676

OWNER/APPLICANT J. Thomas & Nancy Payte PHONE (512) 722-3619

FAX (512) 722-3617 EMAIL: njpayte@mac.com

Mailing Address: 260 Panther Crossing 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.

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

Secondary Residential

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

Subdivision: Elite Acres Little Runes Lot 15 Block _____

Appraisal District Tax ID#: R 27708

Deed Records Hays County: Volume 165 Page 285

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

Type: Protected Waterway

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

Utilities:

Electric Provider: Pedernales Electric

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
- Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the Village zoning action does not relieve any obligation of these restrictions.
- Applicant agrees to provide additional documentation as needed by the Village.
- Applicant understands that Village review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- Applicant hereby authorizes the Village representatives to visit and inspect the subject property.

Date 7/2/10



APPLICANT SIGNATURE

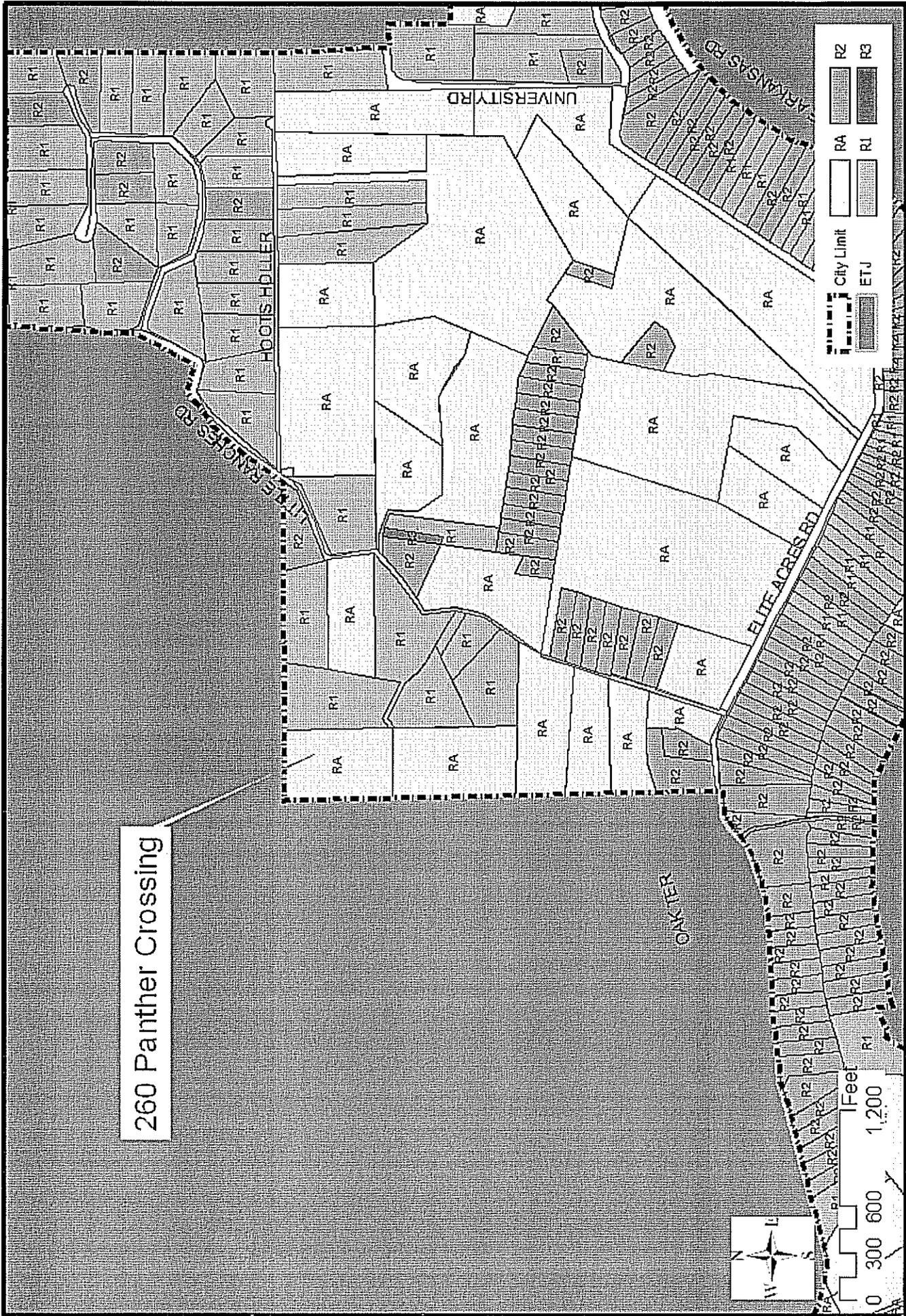
WHEN APPLICABLE:

Date _____

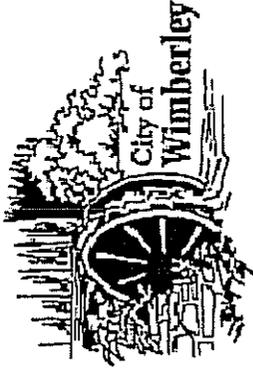
AGENT SIGNATURE

Zoning Map for CUP-10-013

260 Panther Crossing

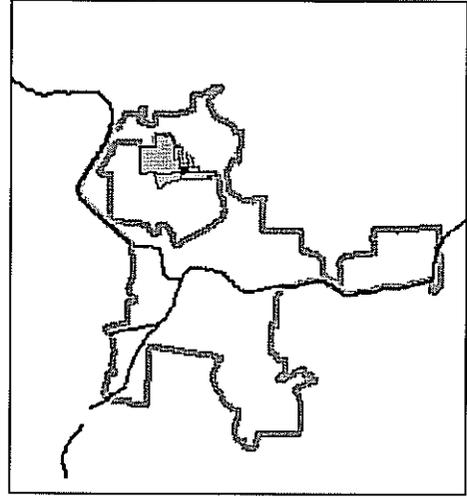
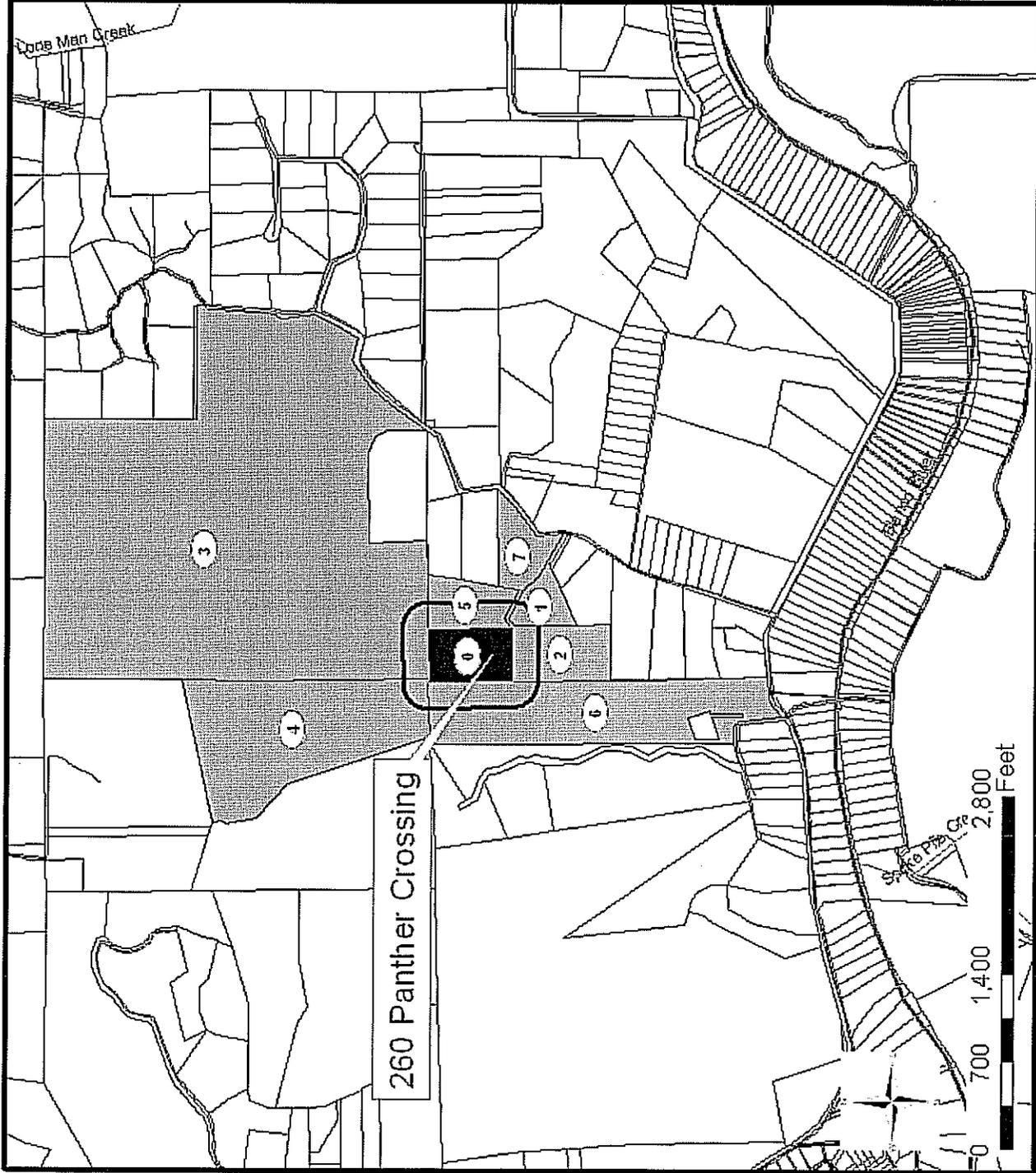


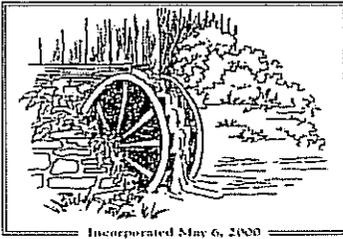
Notification Map for Case CUP-10-013



P.O. Box 2027 • Wimberley, Texas 78676

- 200' Notification Buffer
- Subject Property
- 0, PAYTE JAMES T & NANCY J
- 1, BARRON OTIS A & ARDITH ARLENE
- 2, SMITH RANDALL Q
- 3,
- 4,
- 5, HENDERSON JIM & THELMA GENE
- 6, DONALDSON, DAVID & SUSAN
- 7, HENDERSON J MORRIS & DOROTHY L





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com
Bob Flocke, Mayor - Charles Roccaforte, Mayor Pro-tem
Council Members - Mac McCullough, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

July 21, 2010

NOTICE OF PUBLIC HEARING

Re: File No. CUP-10-013
260 Panther Crossing
A request for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit at this location.

Dear Property Owner:

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

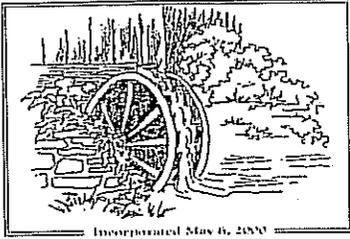
The applicants, Thomas and Nancy Payte, have requested a Conditional Use Permit (CUP) to allow a secondary residential unit at 260 Panther Crossing. The current zoning for this property is Residential Acreage (RA). The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, August 12, 2010, at 6:30 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, August 19, 2010, at 6:00 p.m.**

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





City of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676

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

E-mail: Wimberley@anvilcom.com - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: CUP-10-013

Owner _____

Date 7/26/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

(1) Project Site Address 260 Panther Crossing

which is located Panther Crossing

Bill Bowers
Asst. Public Works

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

7/23/10, 2010



Signature

Century News 858-4163 • Wimberley View 847-2202

★ LEGALS & PUBLIC NOTICES

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, August 12, 2010, at 6:30 p.m.** to consider the following: CUP-10-013 - an application for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit at 260 Panther Crossing. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, August 19, 2010, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (12313/1a/60)

NOTICE OF PUBLIC HEARING

(Request for Zoning) Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley

for a zoning change from Single-Family Residential 2 (R2) to Single-Family Residential 3 (R3) on a .3533 acre portion of 7 Palos Verdes. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on **Thursday, August 19, 2010, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (12315/1a/60)

NOTICE OF PUBLIC HEARING

(PUD Amendment) Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on **Thursday, August 12, 2010, at 6:30 p.m.** to consider the following: ZA-10-004 - an amendment to the Planned Unit Development with a base zoning of Lodging 2 (L-2) at 100 Spoke Hill Drive, as more particular set out in a Planned Unit Development Agreement. This amendment includes the addition of two (2) cabins and one (1) single family residence to the planned development and

mailed, will not be accepted. FAX proposals will not be accepted. Proposal forms and specifications may be obtained from the Dripping Springs Independent School District Business office, by calling (512) 858-3006 between 8:00 A.M. and 4:00 P.M. Monday through Friday, or thru the district website at <http://www.dsisd.txed.net>.

A non-mandatory pre-proposal will be held at 2:00 pm on Thursday August 5, 2010 at the Dripping Springs Independent School District at 510 West Mercer Street, Dripping Springs, Texas 78620. All interested parties are encouraged to attend. Dripping Springs Independent School District reserves the right to reject any and all proposals or to waive formalities. In case of ambiguity or lack of clarity and state of compliance in the proposal, Dripping Springs Independent School District reserves the right to consider the most advantageous interpretation thereof or to reject the proposal. (12312/2a/60,62)

PUBLIC NOTICE

HTGCD Public Hearing Thursday at City Hall
The Hays Trinity groundwater Conservation District meets at 6:00 p.m. on Thursday, August 19, at Wimberley Community Center, 14068 Ranch Road 12. The Meeting will include Hearing Agenda Items: Discuss and Possible

★ BUSINESS OPPORTUNITIES

CLEANING BUSINESS FOR SALE
Established 30 years, Call 847-2866 (cell) 557-2566 (12262/2cc/60+)

ESTABLISHED CASH FLOWING LOCAL BUSINESS

All assets & lease convey. Low oversight. Owner may carry. \$23,500 Call Deble Hill, Sanford Group 512-801-4280 (09631/1cc-tfn/61+)

★ CHILDCARE

WIMBERLEY UNITED METHODIST CHURCH

Now enrolling for Mother's Day Out. Ages 1-5 for 2010-2011 year. M-F 8:30-2:30, early drop off 7:30 a.m., late pick up 5:30 p.m. Lead teachers are Early Childhood Certified, low ratio, 2 teacher's per class, licensed center. Contact Matilda Long at 847-7924 or email mdo@wimberleyumc.org (12258/2a/61+)

NEED A SITTER?

Stay at home mom to babysit your little one. Please call 512-212-4620 (06364/1cc/60)

★ COMMERCIAL FOR LEASE

★ FURNITURE

FUTON
quality Southwest-style fabric, \$85. China cabinet, 80x32", custom-made painted rustic black, glass doors, \$300; Black laminate bookshelf 89x32", \$50; carpet shampooer, like new, \$50. 512-847-5803 (12304/1cc/61+)

SOFA & LOVE SEAT
Excellent condition \$500. Rustic ranch style entertainment center... up to 52" TV... \$375. Antique Secretary \$300. 2 Antique night stands \$75 for both. 512-722-3641 (12283/2cc/61+)

MATTRESS ON DEMAND
Wholesale to Public All Sizes Call 512-761-1000 Serving Hays County (12204/4cc/67+)

★ HELP WANTED

NEW SALON SEEKING
full/part time stylist and nail tech, booth rent, someone with established clients is a plus. Contact Tammy 512-468-4138 www.sassychairsalon.com (12305/1cc/61+)

NEW SALON
Great Location, needs nail tech, 512-757-2922 or 512-569-7805

oil change services & gas allowance. Please fax your resume to Kerri at (512) 858-5104 or call 894-0701 ext 219 email kalvis@corehealth.com. Visit our website at www.corehealth.com (12277/2cc/61+)

HELP ELDERLY LADY
With focus on painless exercise and fun activities 847-3755 (07451/1cc/60+)

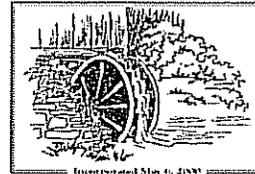
LG. 2 BR APT.
for rent on horse farm. \$400/mo. Must work 40 hrs/wk. Horse/Lawn/Ranch/Maint. \$10/hr. Call (512)396-2101 (12250/4cc/63+)

INNKEEPER
Position requires good computer skills and good health for strenuous work many steps. Full time week-ends requires some housekeeping must work Saturday night. Send resume to info@blairhouseinn.com Good wages. (120681a/60+)

LOCAL A/C COMPANY
Ready to hire qualified technician. Must be registered with TDLR as required by law. Have EPA license, clean driving record. Salary based on experience. Call A.I.M. A/C Services at 512-312-9080 or email office@aim4ac.com. (12165/a-tfn)

DEER CREEK OF WIMBERLEY
is accepting applications for the following positions: RN's (11a - 7p),

Report for Zoning Change ZA-10-004



Summary:

An application for an amendment to the existing Planned Unit Development (PUD) Agreement with Base Zoning of Lodging 2 (L-2) at 100 W. Spoke Hill Drive

Applicant Information:

Applicant: A Yellow Rose
A Boutique Hotel Company
100 W. Spoke Hill
Wimberley, TX 78676
A Yellow Rose

Property Owner:
Subject Property:

Legal Description: A0206 Lewis C Gibbs Survey, Acres 21.87, (6.42 AC @ MKT)
Location: 100 W. Spoke Hill Drive
Existing Use of Property: Lodging, Accessory Buildings/Uses & Residential
Existing Zoning: Planned Unit Development (PUD) with Base Zoning of Lodging 2 (L-2)
Proposed Use of Property: Lodging, Accessory Buildings/Uses & Residential
Proposed Zoning: Planned Unit Development Agreement (PUD) with Lodging 2 (L-2) Base Zoning
Planning Area Planning Areas I & VII
Overlay District Entrance Corridor

Surroundings:

Frontage On: Ranch Road 12, W. Spoke Hill Drive

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	WPDD with R-1	Commercial/Residential
S of Property	RA	Vacant
E of Property	RA	Vacant
W of Property	RA	Vacant

Legal Notice

200' Letters 7/23/10
Published 7/28/10
Sign Placement 7/23/10
Responses None

Comments:

The applicant, *A Yellow Rose*, is seeking an amendment to an existing Planned Unit Development (PUD) Agreement for Blair House Inn located at 100 W. Spoke Hill Drive. The original PUD was approved by City Council in September 2001 and has a base zoning district of Lodging 2 (L-2). The 22-acre development is located in the Entrance Corridor Overlay District.

Specifically, the applicant is proposing to amend the *Development Map* in the PUD to add two (2) cabins, each six hundred and eighty (680) square feet in size, and one (1) single family

residence, approximately twenty-two hundred (2,200) square feet in size. Additional parking would also be provided for the new cabins.

Currently, the development features six (6) cabins, a barn and one (1) main lodge with a restaurant, art gallery, and guest bedrooms. The development also calls for a yet to be developed tennis court. If approved, plans call for the two (2) new cabins and associated parking to be developed immediately and the single family residence, to be developed at some point in the future.

The proposed cabins would be located near the main lodge in the south east corner of the property. The proposed single family residence would be located away from the lodging area on the east side of the property. Water service for the proposed additions would be provided by Wimberley Water Supply Corporation, while wastewater service would be provided by permitted on-site septic facilities.

The above mentioned improvements will have a minimal impact, if any, on the neighboring properties, most of which are vacant. In addition, no drainage problems are anticipated as a result of the minimal amount of additional impervious cover proposed. It should be noted that the subject property is, in large part, undeveloped open space.

As part of the PUD amendment, City staff is proposing to incorporate into the PUD language which gives City staff the ability to approve minor changes to the PUD development plan. Such language is now standard for development agreements approved by the City.

City staff recommends approval of the amendments as requested,

§ 155.055 LODGING; L-2.

(A) *General purpose and description.* The L-2, lodging 2 district is intended primarily for the conduct of moderate lodging operations that typically depend upon frequent customer or client visits.

(B) *Permitted uses.*

- (1) Hotel or motel; maximum of 30 dwelling units;
- (2) Detached cabins or cottages; maximum of 30 dwelling units;
- (3) Accessory uses to the main use; and
- (4) Religious assembly.

(C) *Conditional uses.*

- (1) RV park; maximum of 30 sites (dwelling units); and
- (2) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations.

(D) *Required facilities.*

- (1) All motel and cabin or cottage units shall have private bath.
- (2) Electric, water, and sewer hook-up are required for each RV space.
- (3) Permanent secure building space is required for storm refuge for RV tenants.
- (4) A minimum of 1 bathroom with shower and toilet is required for each 10 RV sites or fraction thereof.
- (5) A laundromat with 1 washer and 1 dryer is required for each 10 dwelling units of all types.

(E) *Development regulations.*

- (1) Minimum lot size: 2 acres.
- (2) Maximum guest bedrooms (all forms) per acre: 10.
- (3) Maximum guest bedrooms (all forms): 60.
- (4) Maximum building height (as defined in § 155.005):

(a) Primary buildings: not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;

(b) Accessory buildings: not more than 18 feet and not more than 1 story; and

(c) Decks: not more than 12 feet including a railing only or 18 feet including a roof.

(5) Minimum floor area of the lodging/service buildings:

(a) Six hundred square feet, plus 200 square feet per internal guest bedroom, plus 100 square feet per RV site; or

(b) Six hundred square feet, plus 200 square feet per internal dwelling unit, plus 100 square feet per RV site.

(6) For minimum required setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

(a) Dominant street: 30 feet;

(b) Secondary street: 30 feet;

(c) Interior side yard: 10 feet, 30 feet when adjacent to a residential district, 50 feet if the building is more than 1 story; and

(d) Rear yard: 20 feet, 40 feet when adjacent to a residential district, 60 feet if the building is more than 1 story.

(7) Maximum floor area of the lodging/service building: 15,000 square feet.

(8) Maximum impervious coverage: 60%. Impervious coverage shall be calculated as a percentage of the net site area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in § 155.078(M), Table C.

(9) Maximum building coverage, including RV parking sites: 50%. Building coverage shall be calculated as a percentage of the net site area.

(10) Maximum building footprint: 7,500 square feet.

(F) *Special requirements.*

(1) Open storage is prohibited.

(2) For site plan requirements, see § 155.077.

(3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling or non-residential purposes.

(G) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards.

(H) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements. (Ord. 2001-010, § 34, passed 4-1-2001) Penalty, see § 155.999

Proposed Amendments to Ordinance No. ZA-01-023 Planned Unit Development Agreement

1. The following subsection is to be added to Section E (Development Regulations):

8. *Minor Development Plan Modifications*

City staff is authorized to administratively approve minor modifications to the Development Plan so long as the Development Plan is in substantial conformity with the development standards herein and provided such modifications would not otherwise result in a violation of the City's Code of Ordinances. "Minor Modifications" are defined as:

- (A) *adjustments of no more than 100 feet to the location or configuration of roadways, sidewalks, utilities, parking areas, buildings, landscape features, (including plants and trees,) ponds and any other improvements depicted on the Development Plan;*
- (B) *adjustments of no more than five percent (5%) in building square footage of any individual building to be constructed as part of the project as compared to such building's initial square footage shown on the Development Plan; provided no such change may be administratively approved if the change would cause the project to exceed the limitations on impervious cover, height or floor area.*
- (C) *a reduction in size of parking lot areas or structured parking garages;*
- (D) *adjustments of no more than ten percent (10%) of the total square footage of any landscape areas as compared to the square footage shown and approved on the development plan, site plan or landscape plan;*
- (E) *so long as the changes referenced above do not cause an increase in the impervious cover approved for the project*
- (F) *allowance for slight enlargement or shifting of easements*
- (G) *addition or relocation of private or franchise utility easements,*
- (H) *correction of bearings or distances,*
- (I) *correction of minor labeling errors, addition of erroneously omitted informational items and labels,*

- (J) *modification of a plat note that does not amend the covenants and restrictions,*
- (K) *and other similar modifications as determined by the City Administrator. Major revisions, such as obvious reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, and relocation or addition or deletion of any public improvement, including corresponding easement, substantial relocation or reconfiguration of building layout which have the effect of redesigning the project shall necessitate resubmission and re-approval of the Development Plan as a "revised development plan" and shall be considered a new project for the purpose of determining applicable regulations.*

The procedures for such re-approval shall be the same as for a development plan, and such re-approval shall constitute a new project thus necessitating submission of a new application form, payment of new fees, and other requirements.

- 2. The following language is to replace the current "header" language in Section F Blair House Inn Planned Unit Development Map.

F. Blair House Inn Planned Unit Development Map

The PUD Map, as amended, illustrates the following features of the development

- 3. The following language is to replace the current language set forth in subsection (F)(2) and (F)(3).

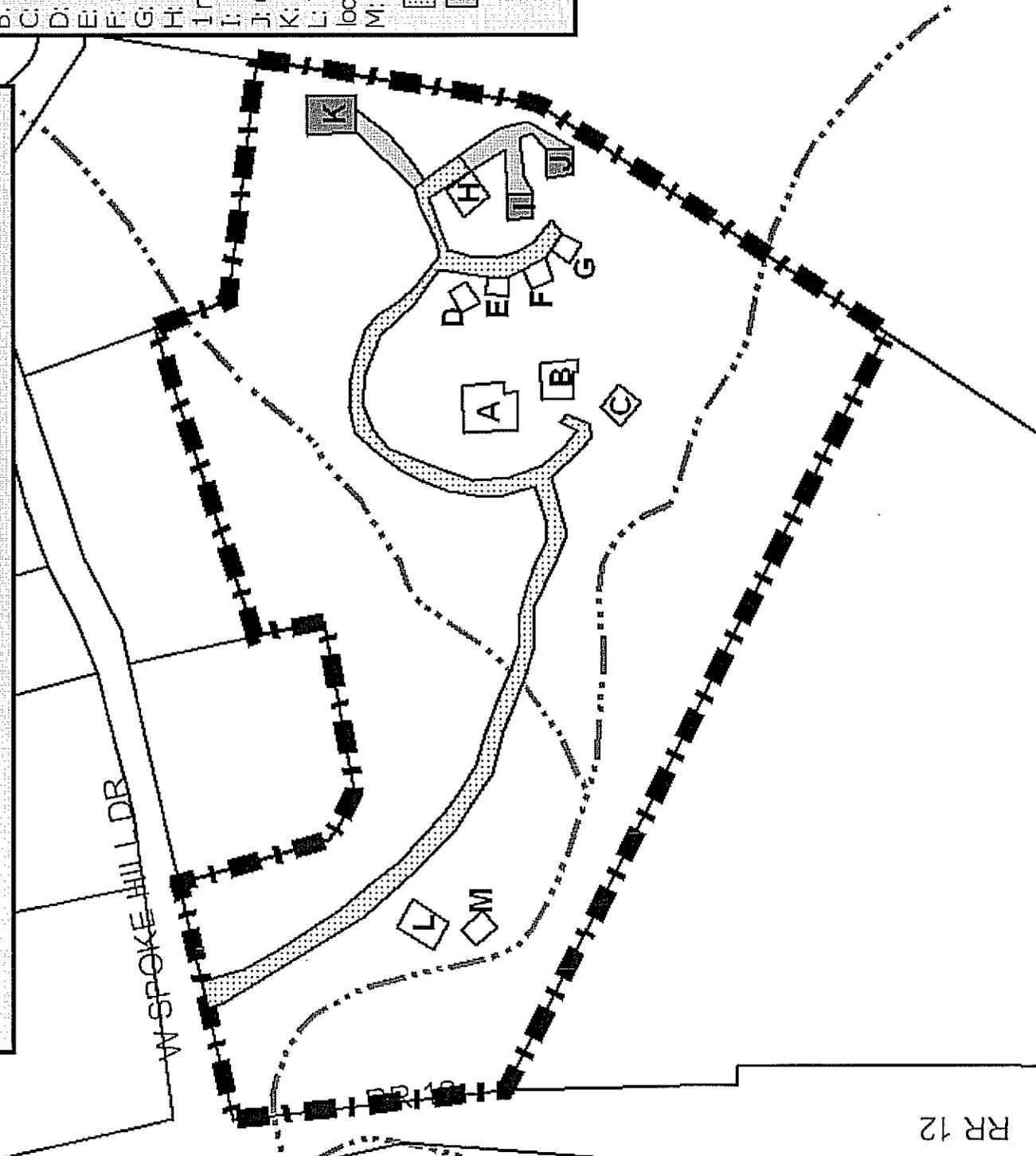
F(2) Existing Development and Features

- a. *Main Building with 3 guest bedrooms, restaurant and art gallery*
- b. *Cabin with 2 guest bedrooms*
- c. *Cabin with 3 guest bedrooms*
- d. *Cabin/owner manager residence with bedrooms*
- e. *Cabin with 1 guest bedroom(s)*
- f. *Cabin with 1 guest bedroom(s)*
- g. *Cabin with 1 guest bedroom(s)*
- h. *Barn (no foundation)*
- i. *Roads from entry to the various building and associated parking*

F(3) Proposed Development

- a. *Cabin with 1 guest bedroom (Approximately 680 square feet in size)*
- b. *Cabin with 1 guest bedroom (Approximately 680 square feet in size)*
- c. *Single family residence (approximately 2,200 square feet in size)*

Amended Planned Unit Development (PUD) 100 W Spoke Hill Drive



Legend

- A: Main Building: existing, 3 rooms.
- B: Cabin: existing, 2 rooms.
- C: Cabin/Spa: existing, 3 rooms.
- D: Cabin: existing, 1 room.
- E: Swimming pool: existing.
- F: Cabin: existing, 1 room.
- G: Cabin: existing, 1 room.
- H: Cabin/Owner residence: existing, 1 room.
- I: Cabin: proposed, 1 room.
- J: Cabin: proposed, 1 room.
- K: SFR: proposed, 2 or 3 rooms.
- L: Tennis courts: proposed re-location.
- M: Barn (no foundation): existing.



Amendment to previous approved zoning for the Blair House Inn

The owners of the Blair House Inn wish to provide a more unique and positive experience for their guests. The Inn which presently consists of a spa, an art gallery, restaurant (limited meal service) and cooking school plans to add three more units, enlarge its spa and add a tennis court.

The original presentation to the zoning committee included all of the above but, due to new procedures, only approved three new units, a pool and tennis court with the provision that approval of additional units would be given at a later date. The fee for zoning was very reasonable at that time (under \$400.00) which is acceptable.

Now almost 10 years later we have renovated the majority of our guest rooms and other facilities and look toward taking the next step in moving the guest experience to another level. We plan to add three more units designed for longer stays. They will be almost 680 sq feet with living rooms, wet bars, large bedrooms, spa bathroom, covered porch and decks. One of new units would be the conversion of the owner's cottage to a guest cottage. This would require the owners to build a new house which would be about 2,200 square feet and slightly north of the present unit. This would entail two bedrooms, two baths, a half bath, a living room, kitchen, dining room and deck.

All of the guest units would be built within three and half acres from the existing lodge. There are no neighbors to the south of us, none to the west and none to the east. There are three to the North which are over two hundred yards away from the existing and planned facilities.

Attached is a lay out design of our property and where we plan to build these units and owner's house.

Original

PUD Agreement

Case No. C211-01-023

Approved Sept. 6, 2001

For

100 W. Spoke Hill

ORDINANCE NO. ZA-01-023

AN ORDINANCE OF THE VILLAGE OF WIMBERLEY, AMENDING ORDINANCE NO. 2001-010, DESIGNATING GEOGRAPHIC BOUNDARIES FOR PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR A PARTICULAR TRACT LOCATED AT 100 SPOKE HILL DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS; CASE NO. C211-01-023, DESIGNATING SUCH TRACT AS A PLANNED UNIT DEVELOPMENT (PUD) UNDER BASE ZONING DISTRICT LODGING (L-2), AS MORE PARTICULARLY SET OUT IN A PLANNED UNIT DEVELOPMENT AGREEMENT; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; AND PROPER NOTICE AND A HEARING.

WHEREAS, the regulations established by this Ordinance are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools; parks, and other public facilities; and

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

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

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

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

WHEREAS, the City Council and Planning and Zoning Commission has carefully reviewed the requirements of the Village's Comprehensive Zoning Ordinance and has concluded that the 21.87 acres of the LOUIS AAAAC. GIBBS SURVEY, Hays County, Texas, more commonly known as 100 Spoke Hill Drive, Wimberley, Hays County, Texas (further described in Attachment A), qualifies for the Planned Unit Development (PUD) designation, under Base Zoning District L-2 and more particularly set out in a Planned Unit Development Agreement attached hereto and made a part hereof for all purposes, and that such designation is consistent with established Village policy and in the public interest;

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

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

ARTICLE I. AMENDMENT

Ordinance No. 2001-010 is hereby amended by adding Appendix F, which shall be incorporated into and made part of Ordinance No. 2001-010, and given full weight and effect. Appendix F shall read as follows:

Appendix F: Zoning District Designations -

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

(1) The 21.87 acres of the LOUIS C. GIBBS SURVEY, Hays County, Texas, more particularly known as 100 Spoke Hill Drive, Wimberley, Hays County, Texas, is designated as a PLANNED UNIT DEVELOPMENT (PUD), under Base Zoning District L-2 and more particularly set out in a Planned Unit Development Agreement attached hereto and made a part hereof for all purposes.

ARTICLE II. ZONING DISTRICT MAP

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

ARTICLE III. SEVERABILITY

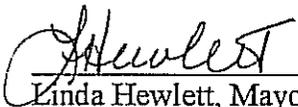
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of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

ARTICLE IV. PROPER NOTICE AND MEETING

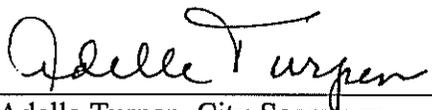
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard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

PASSED AND APPROVED this 6th day of September, 2001, by a 5 to 0 vote of the City Council of the Village of Wimberley, Texas.

VILLAGE OF WIMBERLEY

BY:  _____
Linda Hewlett, Mayor

ATTEST:

 _____
Adelle Turpen, City Secretary

APPROVED AS TO FORM:

Alan J. Bojorquez, City Attorney

DESCRIPTION OF 21.87 ACRES, MORE OR LESS, OF LAND AREA IN THE LOUIS C. GIBBS SURVEY, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 83.28 ACRES IN A DEED FROM FRANK M. AUSTIN, JR. ET UX TO JONNIE STANSBURY DATED JULY 17, 1991 AND RECORDED IN VOLUME 883, PAGE 104 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in the common east line of R. M. Highway No. 12 and the east line of that tract described as 4.511 acres in a deed from Ike P. Robinson et ux to the State of Texas dated December 23, 1963 and recorded in Volume 198, Page 518 of the Hays County Deed Records for the common northwest corner of the Stansbury 83.28 acre tract and the southwest corner of that tract described as 4.261 acres in a deed from the First Baptist Church of Wimberley, Inc. to Lutheran Church of the Resurrection, Inc. dated December 13, 1991 and recorded in Volume 902, Page 529 of the Hays County Official Public Records at the beginning of West Spoke Hill Drive, A 50 foot roadway easement referred to in Volume 883, Page 104 of the Hays County Official Public Records;

THENCE leaving the east line of R.M. Highway No. 12, the State of Texas 4.511 acre tract and the PLACE OF BEGINNING as shown on that plat numbered 25059-01-d dated May 29, 2001 as prepared for Jonnie Stansbury by Byrn & Associates, Inc. of San Marcos, Texas, with the common north line of the Stansbury 83.28 acre tract, the south line of the Lutheran Church 4.261 acre tract, the south line of A Subdivision of Tract 5, Spoke Hill, Section 1, as recorded in Volume 6, Page 303 of the Hays County Plat Records, and the centerline of the 50 foot roadway easement, N 78° 02' 00" E 360.54 feet to a calculated point for the northwest corner of Lilly's Hill Subdivision as recorded in Volume 9, Page 215 of the Hays County Plat Records;

THENCE leaving the south line of Tract 5, Spoke Hill, Section 1, and the centerline of the 50 foot roadway easement and crossing the Stansbury 83.28 acre tract with the southwest line of Lilly's Hill Subdivision, S 15° 58' 30" E 231.26 feet to a ½" iron rod found with a plastic cap stamped "Byrn Survey" for the southwest corner of Lilly's Hill Subdivision, pass at 25.12 feet a ¼" iron rod found with a plastic cap stamped "Byrn Survey" at the south edge of the 50 foot roadway easement;

THENCE with the south line of Lilly's Hill Subdivision, the following seven courses:

1. S 53° 19' 57" E 31.68 feet to a ¼" iron rod found with a plastic cap stamped "Byrn Survey",
2. S 66° 14' 25" E 48.18 feet to a ¼" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,

ATTACHMENT "A"

3. N 80° 26' 25" E 246.13 feet to a ½" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,
4. N 11° 34' 07" W 100.28 feet to a ½" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,
5. N 72° 46' 00" E (this course being the Bearing Basis for this description) 465.46 feet to a ½" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point,
6. S 20° 02' 55" E 116.37 feet to a ½" iron rod found with a plastic cap stamped "Byrn Survey" for an angle point, and
7. S 83° 30' 55" E 347.41 feet to a ½" iron rod found with a plastic cap stamped "Byrn Survey" in the west line of that tract described as 35.76 acres in a deed from Jonnie Stansbury to Linda O. Crawford dated December 20, 1995 and recorded in Volume 1197, Page 253 of the Hays County Official Public Records for the common northeast corner of this description and the southeast corner of Lilly's Hill Subdivision;

THENCE with the west line of the Crawford 35.76 acre tract, the following two courses:

1. S 09° 52' 44" W 415.62 feet to an iron rod found with an aluminum cap stamped "Pro-Tech" for an angle point, and
2. S 34° 07' 23" W 629.89 feet to a ½" iron rod set for the southeast corner of this description;

THENCE leaving the west line of the Crawford 35.76 acre tract, N 59° 01' 09" W 1232.35 feet to a ½" iron rod set in the common curving west line of the Stansbury 83.28 acre tract and the east line of R.M. Highway No. 12 and the State of Texas 4.511 acre tract for the southwest corner of this description;

THENCE with the common west line of the Stansbury 83.28 acre tract and the east line of R.M. Highway No. 12 and the State of Texas 4.511 acre tract, the following two courses:

1. with a left-breaking curve having the following characteristics: central angle = 06° 17' 29", radius = 2914.70 feet, arc length = 320.05 feet and a chord which bears N 08° 50' 29" W 319.89 feet to a TxDot concrete monument,, and
2. N 11° 32' 04" W 38.69 feet to the PLACE OF BEGINNING, pass at 13.69 feet a ½" iron rod found at the southwest corner of the 50 foot roadway easement.

There are contained within these metes and bounds 21.87 acres, more or less, of land area as prepared from public records and a survey made on the ground on May 29, 2001 by Byrn & Associates, Inc. of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".

Village of Wimberley
Planned Unit Development Agreement

Case Number: 211-01-023
Project: Blair House Inn
Owner: A Yellow Rose – a boutique hotel company.
Property Address: 100 Spoke Hill Drive, Wimberley, TX. 78667
Agent/Owner: Michael L. Schneider
Phone Contact: 512-847-1111

A. Base Zoning District:

LODGING (L-2)

B. Permitted Uses:

All uses permitted in L-2 as of the date of this application, except the following:

1. 34.2.C. RV Park. Maximum of thirty (30) sites (dwelling units).
2. 34.3. CONDITIONAL USES. Telecommunications Towers, Commercial Antennas, and Broadcast Towers, subject to all applicable Village regulations

C. Additional uses allowed:

1. Cultural Exhibits Limited.
2. Retail Sales and Services Limited.
3. Single-family residential. AG district provisions apply.
4. Eating Establishment - Sit Down.
5. Arts and Crafts Sales and/or Instructions.

D. Conditional Uses:

No conditional uses allowed.

E. Development Regulations

1. **Base District:** L-2 zoning district development regulations apply.
2. **Subdivision:** Subdivision or condominium division of the property shall not be permitted except under terms of an amendment to the PUD agreement.
3. **Signage:** A unified signage plan shall be maintained throughout the property. The Planning and Zoning Commission may request drawings representing the signage plan. The signage plan, if requested, shall be subject to final approval by the Planning and Zoning Commission. Signage shall comply with the Village of Wimberley Sign Ordinance.
4. **Architectural Continuity:** Future construction is to follow a building style that is in substantial compliance or harmony with the existing structures. Changes to the overall architectural theme of the structure may be introduced by the Owner, subject to review and approval by the Planning and Zoning Commission.

5. **Open Storage:** Open storage or placement of materials, commodities or equipment and machinery, including inoperative or unlicensed motor vehicles and unlicensed trailers, shall observe all setback requirements and shall be screened, by fence (as permitted by the Village) and/or vegetative screening, from Village streets or roads or adjacent or facing residential or un-zoned properties.
6. **Fences:** Any fence that faces a village street or road and is more than four feet (4 ft) in height:
 - a. Shall be erected only with a Village Building Permit; and
 - b. Shall have a solid to void ratio no greater than 1:8 (12.5%); and
 - c. If the material is chain link fencing, shall be placed only within the building setback provided by the zoning district.
 - d. Any fence which faces a Village street or road and which has been damaged to the extent that the cost of repair exceeds sixty percent of the cost of the replacement cost shall be considered destroyed. The owner shall remove a destroyed fence within 90 days of the date it was found to be in a destroyed condition. A destroyed fence may be replaced only with a fence that conforms to this regulation.
7. **Outdoor Lighting:** Outdoor Lighting shall conform to the following regulations.
 - a. Any outdoor lighting fixture having total electric consumption in excess of 150 watts or total light emission in excess of 1800 lumens, except those illuminating a flag of a state or nation, shall be shielded in a manner that:
 - (i) confines the light so that it falls entirely on a wall or sign, or confines the light entirely below an angle fifteen degrees below a horizontal plane at the level of the lowest point of the fixture at which light is emitted or reflected by a specular reflector; and
 - (ii) prevents a line of sight from any point off the property on which the fixture is situated to a light source or a specular reflector within or incidental to the fixture.
 - b. Fixtures or light sources which do not conform to Section E.7.a of this agreement shall not exceed an aggregate electric consumption of 750 watts or aggregate light emission of 9,000 lumens.
 - c. The illumination on any outdoor surface or object, including signs, at the point of maximum illumination shall not exceed:
 - (i) Eighteen (18) foot candles when the business is open.
 - (ii) Three (3) foot candles after 12:00 AM or the business is closed.

Reduction of illumination, if necessary, shall be accomplished by the disconnection or re-lamping of fixtures or programmed dimming.
 - d. The installation or replacement of a mercury arc or mercury discharge lamp of any size or kind is prohibited.

- e. Any existing outdoor lighting fixture which does not conform to Section E.7.a of this agreement and which can be re-aimed shall be re-aimed so that:
 - (i) it conforms with Section E.7.a; or
 - (ii) the optical axis is at an angle not less than 60 degrees below the horizontal; or
 - (iii) the optical axis is at the lowest angle permitted by the nature of the fixture and/or available mounting hardware.
- f. Any existing outdoor lighting fixture which does not conform to Section E.7.a shall be removed or disconnected within ten years from the effective date of this PUD agreement.

F. Blair House Inn Planned Unit Development Map

The PUD Map illustrates the following features of the development.

- 1. Defined development areas:
 - A. Entry Area. No buildings to be erected in this area. No Ranch Road 12 road cut or entry to be created.
 - B. Lodging Area. Development of proposed lodging facilities to be in, but not limited to, this area.
 - C. One Single Family residential building (no map area defined) may be placed anywhere on the property under the provisions of the AG district.
- 2. Existing development and features.
 - a. Main Building with 3 guest bedrooms, Restaurant and Art Gallery.
 - b. Cabin with 2 guest bedrooms.
 - c. Cabin with 3 guest bedrooms.
 - d. Cabin\Owner-manager Residence with x bedrooms.
 - e. Barn (no foundation).

Roads from entry to the various buildings.
- 3. Proposed development – Five year plan.
 - a. Cabin with 1 guest bedroom(s).
 - b. Cabin with 1 guest bedroom(s).
 - c. Cabin with 1 guest bedroom(s).
 - d. Tennis Court.
 - e. Road for proposed buildings.

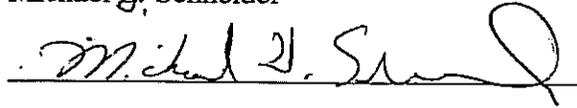
G. Attachments

- 1. Blair House Inn Planned Unit Development Map.
- 2. Blair House Inn Plat Map.
The plat map as attached was derived from a copy of the original plat map.

H. Signatures

Owner/Agent:

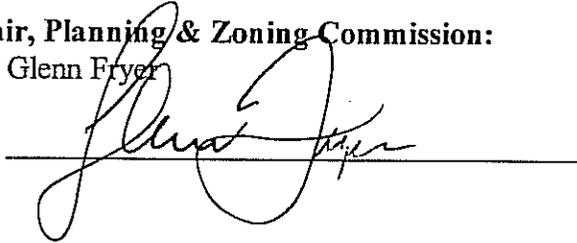
Michael D. Schneider



Date 9-13-01

Chair, Planning & Zoning Commission:

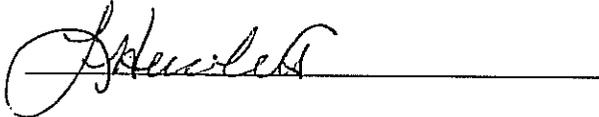
Glenn Fryer



Date 9-10-01

Mayor:

Linda Hewlett



Date 9-13-01

City Attorney:

Alan Bojorquez

Date _____

APPENDIX

A.

Zoning Ordinance Abstracts.

SECTION 34. LODGING (L-2)

34.1. GENERAL PURPOSE AND DESCRIPTION

The L-2 district is intended primarily for the conduct of moderate lodging operations that typically depend upon frequent customer or client visits.

34.2. PERMITTED USES

- A. Hotel/Motel: Maximum of thirty (30) dwelling units
- B. Detached Cabins/Cottages. Maximum of 30 dwelling units.
- C. RV Park. Maximum of thirty (30) sites (dwelling units).
- D. Religious assembly

34.3. CONDITIONAL USES

Telecommunications Towers, Commercial Antennas, and Broadcast Towers, subject to all applicable Village regulations

34.4. REQUIRED FACILITIES

- A. All motel and cabin/cottage units shall have private bath.
- B. Electric, water and sewer hook-up are required for each RV space.
- C. Permanent secure building space is required for storm refuge for RV tenants.
- D. A minimum of one bathroom with shower and toilet is required for each ten RV Sites or fraction thereof.
- E. A laundromat with one washer and one dryer is required for each ten dwelling units of all types.

34.5. DEVELOPMENT REGULATIONS

- A. Minimum Lot Size: Two (2) acres
- B. Maximum guest bedrooms (all forms) per acre: Ten (10)

- C. Maximum guest bedrooms (all forms): Sixty (60)
- D. Maximum Height:
 - 1. Lodging/service building: Not more than two stories and not more than twenty-eight (28) feet or thirty-five (35) feet with gable roof (see definition).
 - 2. Accessory buildings: Eighteen (18) feet and not more than one story.
- E. Minimum floor area of the lodging/service building: Six Hundred square feet plus two hundred (200) square feet per internal guest bedroom plus one hundred (100) square feet per RV site.
- F. Minimum Required Setbacks:

No construction, including buildings, parking areas and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in Table 47.0.A. or the following:

 - 1. Dominant Street: Thirty (30) feet
 - 2. Secondary Street: Thirty (30) feet
 - 3. Interior Side Yard: Ten (10) feet; Thirty (30) feet when adjacent to a residential district, Fifty (50) feet if the building is more than one story.
 - 4. Rear Yard: Twenty (20) feet, Forty (40) feet when adjacent to a residential district; Sixty (60) feet if the building is more than one story.
- G. Minimum floor area of the lodging/service building: Six Hundred square feet plus two hundred (200) square feet per internal dwelling unit plus one hundred (100) square feet per RV site.
- H. Maximum floor area of the lodging/service building: Fifteen Thousand (15000) Square Feet
- I. Maximum Impervious Coverage: Sixty Percent (60%)

Impervious Coverage shall be calculated as a percentage of the Net Site Area. Impervious cover shall be calculated as a percentage of the lot area inside the setbacks and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in Table 47.9.
- J. Maximum Building Coverage, including RV Parking sites: Fifty percent (50%).

Building Coverage shall be calculated as a percentage of the Net Site Area.
- K. Maximum Building Footprint: Seven Thousand Five Hundred (7,500) square feet.

SECTION 14. AGRICULTURE/GRAZING (AG)

14.4. DEVELOPMENT REGULATIONS

- A. Minimum Lot Size: Five (5) acres
- B. Primary residential building: Thirty-five (35) feet and not more than two (2) stories.
- C. Secondary residential building: Not more than two stories and not more than twenty-eight (28) feet or thirty-five (35) feet with gable roof.
- D. Barns, Silos, Water towers: Forty-five (45) feet if more than ninety (90) ft from residential buildings or property line, otherwise twenty-eight (28) feet.
- E. Other accessory structures: Eighteen (18) feet.
- F. Minimum Setbacks:

No construction, including buildings, parking areas and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in Table 47.0.A or the following:

- 1. Dominant Street: Fifty (50) feet
 - 2. Secondary Street: Twenty-five (25) feet
 - 3. Interior Side and Rear: Fifteen percent (15%) of lot width but need not be greater than twenty-five (25) feet.
- G. Minimum floor area:
 - 1. Primary residential building: One thousand (1,000) square feet
 - 2. Secondary residential building: Six hundred (600) square feet
 - 3. Bed & Breakfast units: Two hundred (200) square feet
 - H. Maximum Impervious Cover: Twenty percent (20%).
Impervious cover shall be calculated as a percentage of the lot area inside the setbacks and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in Table 47.9.
 - I. The Parking and Trash Collection Ordinances will apply.

14.5. SPECIAL REQUIREMENTS

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on two (2) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.

14.6. OTHER REGULATIONS - As established in Article V, Development Standards.

Use Definitions

(18) Arts and Crafts Sales and/or Instructions:

Establishments or places of business engaged in the large scale manufacture and sales of arts and crafts and/or teaching the production of arts and crafts. This does not include *HomeCrafts* which have noon-site sales outlet. Typical uses include glass blowing, pottery making and metal sculpting.

(52) Cultural Exhibits: Limited.

Museum-like preservation and exhibition of objects of artistic, cultural, scientific interest, and gallery exhibition of works of art for study and pleasure which accommodate more than 100 participants. Typical uses include aquariums; art galleries; museums; planetariums; and observatories.

(62) Eating Establishment: Sit-down.

Establishments or places of business where customers are seated and served, and that are primarily engaged in the sale of prepared foods and beverages, including alcoholic beverages, for on-premises consumption. They are located at high capacity/high volume sites that are easily accessed by vehicles and pedestrians. Typical uses include restaurants, short-order eating places, cafeterias, and coffee shops.

(134) Retail Sales and Services: Limited.

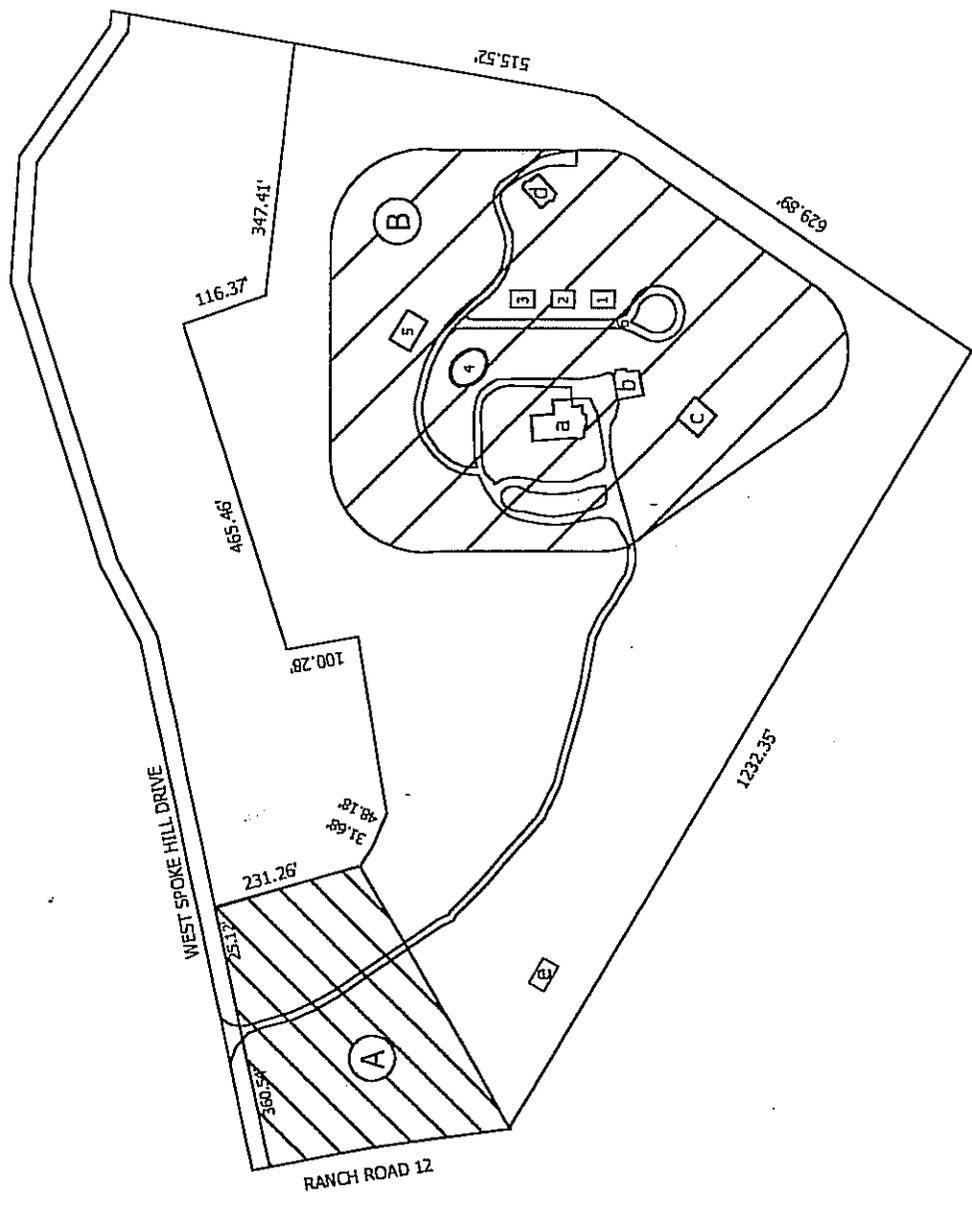
Establishments engaged in the sale or rental of commonly used retail goods and services, and serving primarily neighborhood or localized population centers.

(142) Single-Family Residential.

One dwelling unit other than a mobile home that is a freestanding and structurally separated building used exclusively for residential purposes. It is located on a lot or building site that is unoccupied by any other dwelling unit or main building. A typical use is a single detached dwelling.



Approx. Scale: 1"=250'



- A. Entry area: no buildings.
- B. Lodging area: Main building, cabins and related features to be located in, but not limited to, this area.
 - a. Main building: existing.
 - b. Cabin: existing.
 - c. Cabin: existing.
 - d. Cabin/Owner residence: existing.
 - e. Barn (no foundation): existing.
- 1. Cabin: proposed.
- 2. Cabin: proposed.
- 3. Cabin: proposed.
- 4. Swimming pool: proposed.
- 5. Tennis court: proposed.
- 6. Cabin access road: proposed.

Signatures:

Owner/Agent:
Michael L. Schmelder

Chair, Planning & Zoning Commission
Glenn Fryer

Mayor:
Linda Hewlett

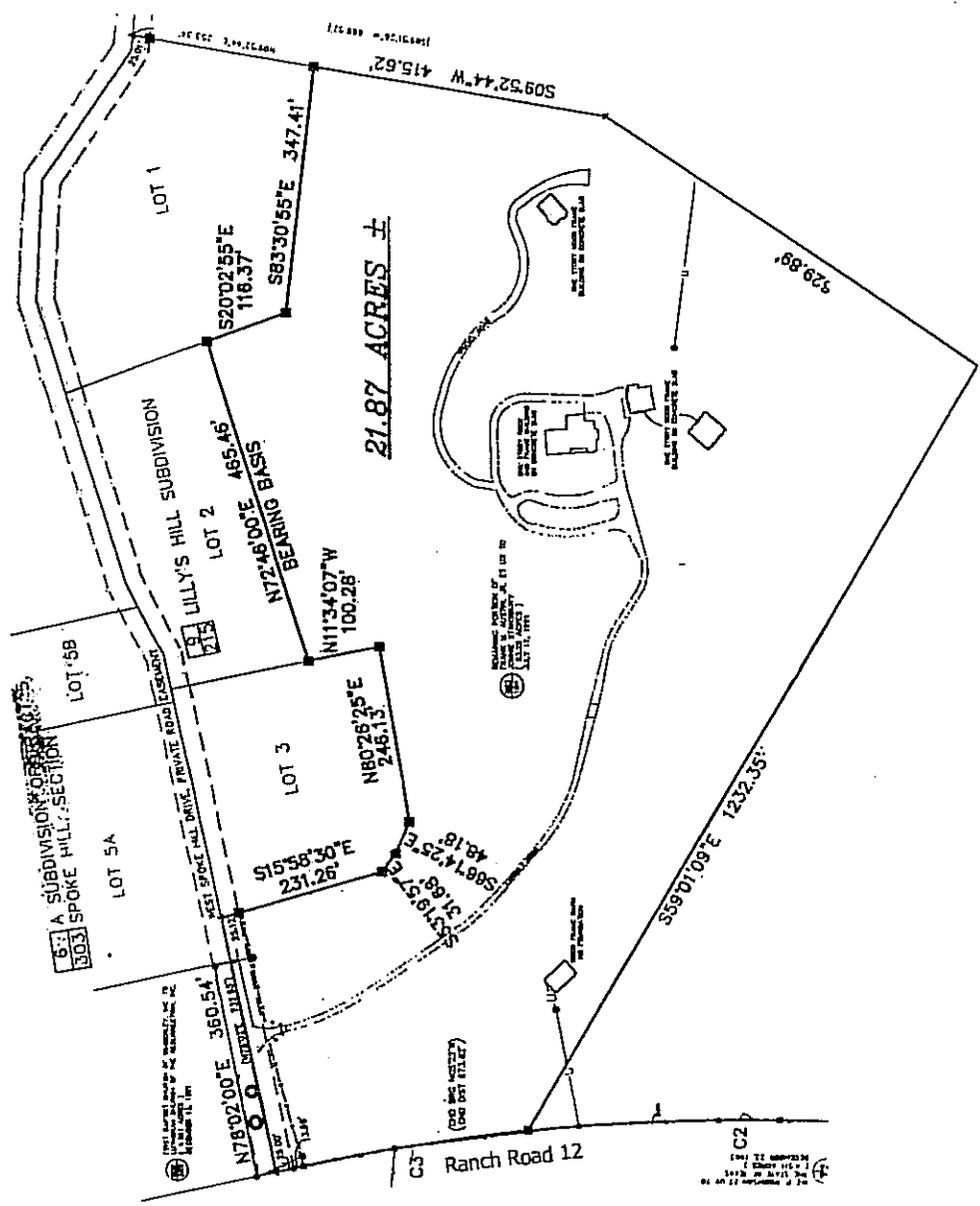
City Attorney:
Alan Bojorquez

Date

**Village of Wimberley
Planned Unit Development**

Case: 211-01-023
 Project: Blair House Inn
 Owner: A Yellow Rose
 - a boutique hotel company.
 Property Address: 100 Spoke Hill Drive
 Agent/Owner: Michael L. Schmelder
 Phone Contact: 512-847-1111

Approx. Scale: 1"=250'

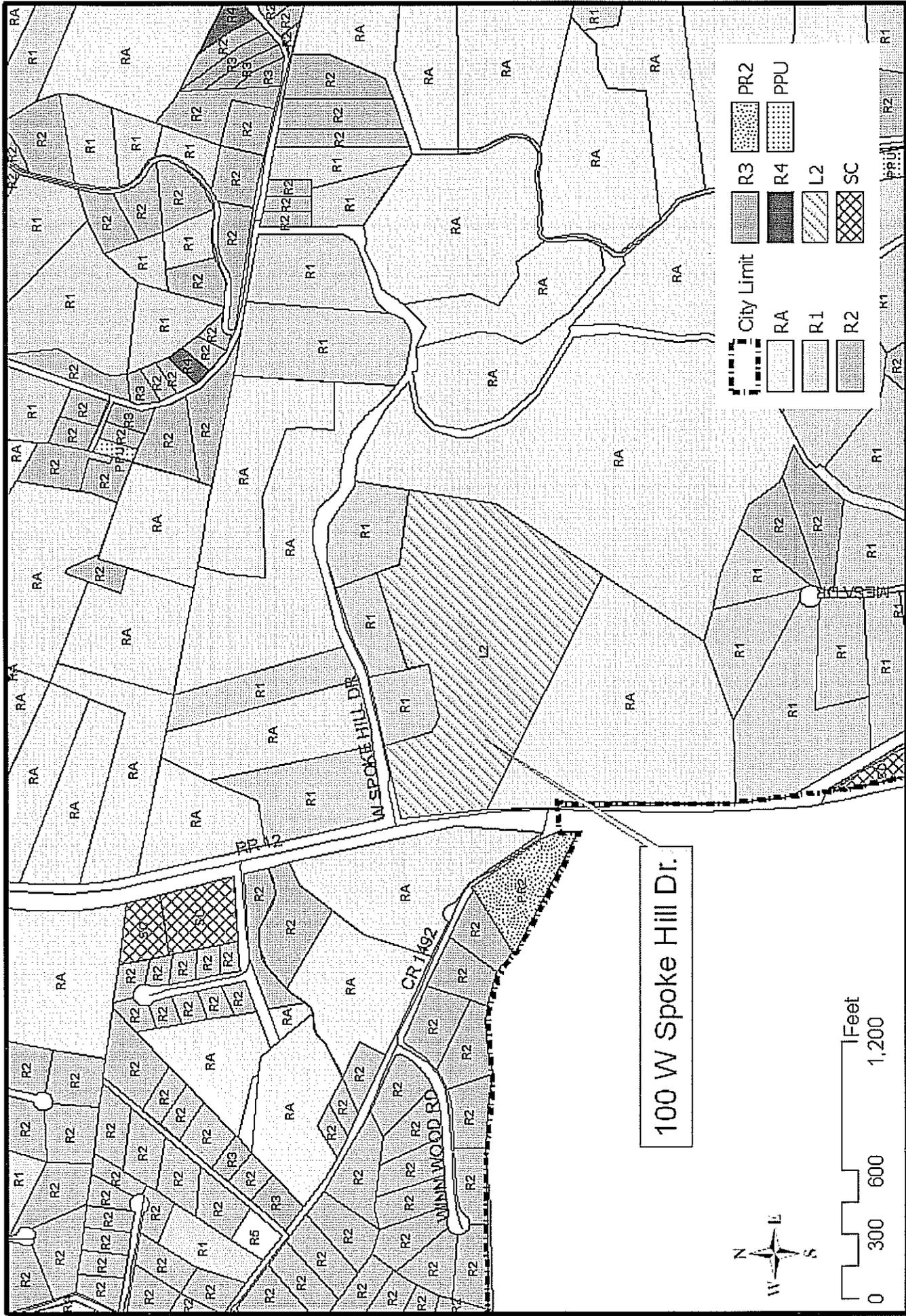


**Blair House Inn
Plat Map Copy**

A Yellow Rose - a boutique hotel company.
 Michael L. Schneider
 100 Spoke Hill Drive
 Wimberley, TX, 78676
 512-847-1111

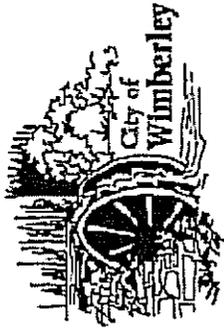
Village of Wimberley Zoning Case 211-01-023

Zoning Map for ZA-10-004

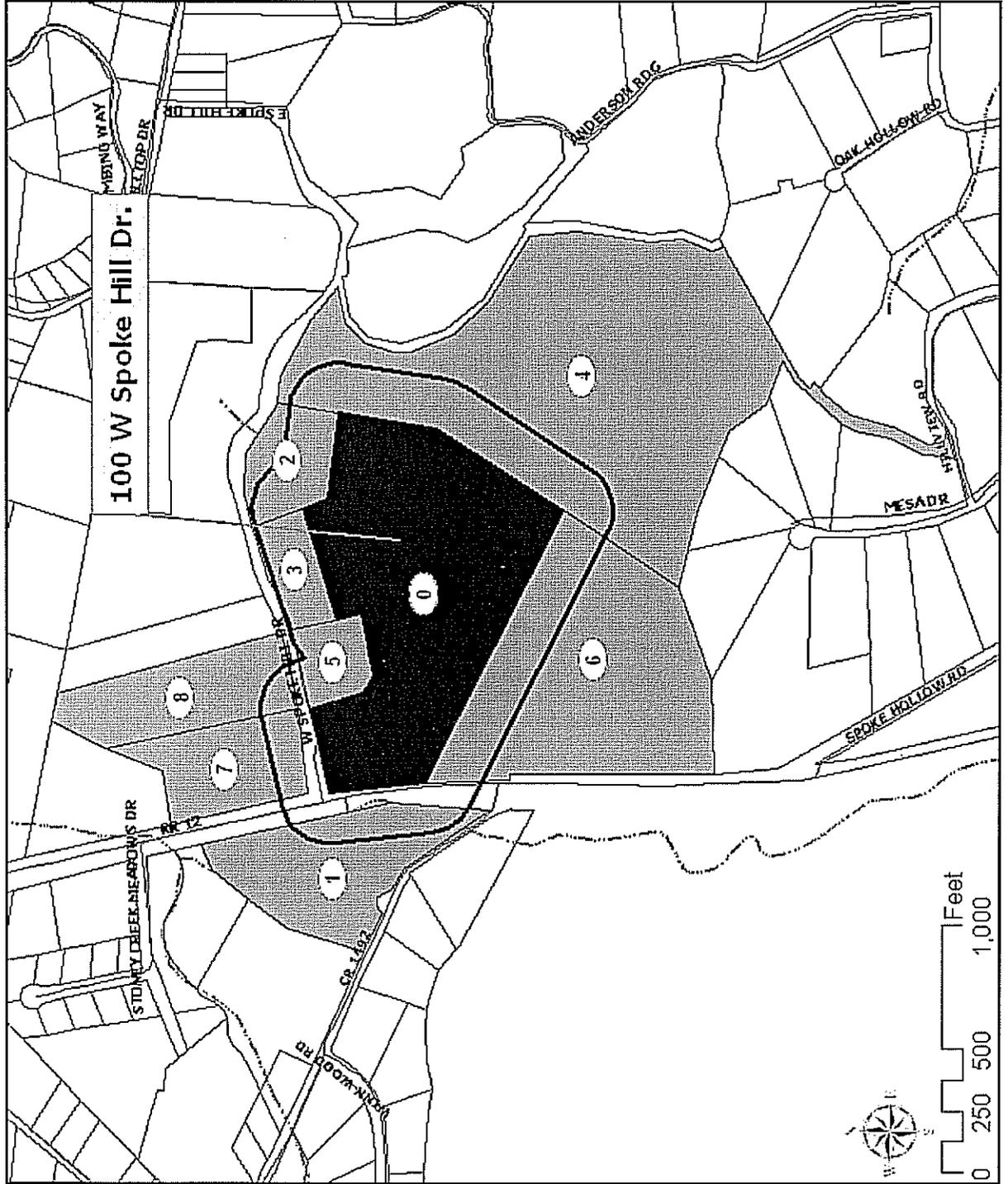


100 W Spoke Hill Dr.

Notification Map for Case ZA-10-004

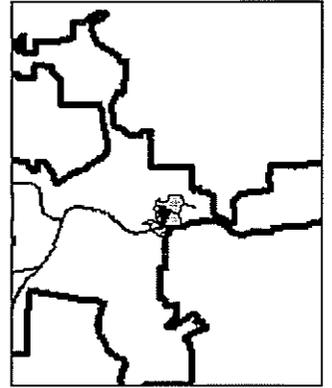


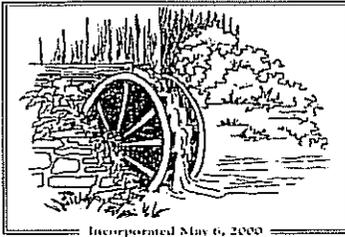
P.O. Box 2027 • Wimberley, Texas 78676



- 200' Notification Buffer
- Subject Property
- 0. AYELLO/ROSE
- 1. JACKSON, BILLIE PETE FAMILY TRUST
- 2. CARR, JOE P &
- 3. WEEKS, AUSTIN
- 4. CRAWFORD, LINDAO
- 5. WEEKS GARY & LESLIE
- 6. STANSBURY, ENTERPRISES LTD
- 7. LUTHERAN CHURCH OF THE RESURRECTION
- 8. DELONG, TIMOTHY EDWARD

Location Map





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com
Bob Flocke, Mayor – Charles Roccaforte, Mayor Pro-tem
Council Members – Mac McCullough, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

July 23, 2010

NOTICE OF PUBLIC HEARING

Re: **File No. ZA-10-004**

An application for an amendment to the Planned Unit Development with a base zoning of Lodging 2 (L-2) at 100 W Spoke Hill Drive

Dear Property Owner:

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

The current property owner, A Yellow Rose, has applied for an amendment to the Planned Unit Development with base zoning of Lodging 2 (L-2) located at 100 W Spoke Hill Drive. This amendment includes the addition of two (2) cabins and one (1) single family residence to the planned development and modifies the phasing of the development.

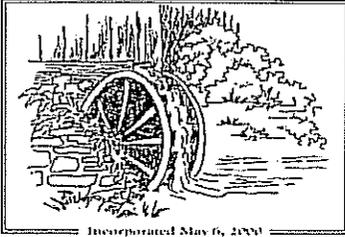
The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, August 12, 2010 at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, August 19, 2010, 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





City of Wimberley

12111 Ranch Road 12, P.O. Box 2027, Wimberley, Texas, 78676

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

E-mail: Wimberley@anvilcom.com - Web: www.vil.wimberley.tx.us

NOTICE BY SIGN POSTING

Zoning No: 2A-10-004

Owner _____

Date 7/26/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address 100 Spoke Hill

which is located Spoke Hill

Bill Bowers
Asst. Public Works

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

7/23/, 2010

Bill Bowers
Signature

Century-News 858-4163 • Wimberley View 847-2202

August 19, 2010, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas (12313/1a/60)

NOTICE OF PUBLIC HEARING

(Request 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, August 12, 2010, at 6:30 p.m. to consider the following: C212-10-002 - an application for an Amending Plat of Lots 2, 3 and 4, Block 2, Woodcreek Section 3 and an associated variance from section 154.063 (c) of the City Subdivision Code requiring lots to rectangular in size and conform to the average depth to average width ratio. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 19, 2010, at 6:00 p.m. at City Hall.

Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be

NOTICE OF PUBLIC HEARING (PUD Amendment)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, August 12, 2010, at 6:30 p.m. to consider the following: ZA-10-004 - an amendment to the Planned Unit Development with a base zoning of Lodging 2 (L-2) at 100 Spoke Hill Drive, as more particularly set out in a Planned Unit Agreement. This amendment includes the addition of two (2) cabins and one (1) single family residence to the planned development and modifies the phasing of the development.

Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, August 19, 2010, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (12316/1a/60)

Comments on this request from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas. (12316/1a/60)

REQUEST FOR PROPOSAL

Sealed competitive proposals will be

accepted. FAX proposals will be accepted. In case of ambiguity or lack of clarity and state of compliance in the proposal, Dripping Springs Independent School District reserves the right to consider the most advantageous interpretation thereof or to reject the proposal. (12312/2a/60,62)

PUBLIC NOTICE

HTGCD Public Hearing Thursday at City Hall

The Hays Trinity ground water Conservation District meets at 6:00 p.m. on Thursday, August 19, at Wimberley Community Center, 14068 Ranch Road 12. The Meeting will include Hearing Agenda Items: Discuss and Possible Action on Permit and Quarterly Reporting for Cleo Azul Ranch and Dr. Guy Hodgson. For more information, visit www.haysgroundwater.com or call (512) 858-9253 (12307/1a/60)

★ ANTIQUES

SILO ANTIQUES
50% off all furniture
ridiculously low prices
7990 RR12,
San Marcos, M-F 1-6,
Sat 10-5, Sun 12-5
(12271/1cc/60+)

★ AUTOS

GOOD OLD BOYS AUTO RECYCLING

★ CHURCH
Now enrolling for Mother's Day Out. Ages 1-5 for 2010-2011 year. M-F 8:30-2:30, early drop off 7:30 a.m., late pick up 5:30 p.m. Lead teachers are Early Childhood Certified, low ratio, 2-teacher's per class, licensed center. Contact Matilda Long at 847-7924 or email mlo@wimberleyumc.org (12258/2a/61+)

NEED A SITTER?
Stay at home mom to babysit your little one. Please call 512-212-4620 (06364/1cc/60)

★ COMMERCIAL FOR LEASE

WAREHOUSE / CONTRACTORS / SHOP / LIGHT MANUFACTURING
1000 - 1500 sf
Insulated w/ half bath.
Great cross ventilation. 15 amp service.
801 Carney Ln.,
1 mile past High School, from \$450/mo
512-914-1510
(12199/a-tfn)

WAREHOUSE
In San Antonio, dock high, on Loop 106, just off Hwy. 87. (Southeast San Antonio)
(210)493-8055
(12251/nc/tfn)

OFFICE SPACE FOR LEASE
In South River Center
1 - 720 Sq.Ft.
512-748-6202 for more information.
(05079/a-tfn)

Call 512-761-1000
Serving Hays County
(12204/4cc/67+)

★ HELP WANTED

NEW SALON SEEKING
full/part time stylist and nail tech, booth rent, someone with established clients is a plus. Contact Tammy 512-468-4138
www.sassychairsalon.com
(12305/1cc/61+)

NEW SALON
Great Location, needs nail tech, 512-757-2922 or 512-569-7805
(12287/1cc/60+)

MAKE UP TO \$800
per month or more - delivering the Austin American Statesman in the Wimberley area. For more information please call 512-353-5814
(12034/1cc/62+)

OFFICE MANAGER
FT/ Accounting software exp. required, registrations telephone, John Knox Ranch, Fischer TX. Resumes to sngricco@yahoo.com call 512-934-0944
(12290/2cc/62+)

DRIVERS:
CRST NEEDS YOU! IMMEDIATE opportunities! No CDL, No Problem! CDL Training Available Great Benefits & Start earning \$750-800/wk Call Today! 1-866-557-9243
(12263/2cc/60+)

Benefits for beneficiaries & gas allowance. Please fax your resume to info@blairhouseinn.com. Good wages. (12068/1a/60+)

LOCAL A/C COMPANY
Ready to hire qualified technician. Must be registered with TCEQ as required by law. Have EPA license, clean driving record. Salary based on experience. Call A.I.M. A/C Services at 512-312-9080 or email office@aim4ac.com (12165/a-tfn)

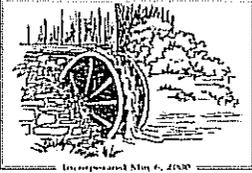
DEER CREEK C WIMBERLEY
is accepting applications for the following positions: RN's (11a - 7p), LVN's, CNA's (must have license) all shifts available. Fax resume to: 512-847-8819 (07485/a/tfn)

★ INSTRUCTIONAL

KUNDALINI YOGA YOURSELF
For more energy, flexibility, and wholeness of health with Cecilia. 847-1655
www.myinnerscapes.com
(12237/2cc/60+)

WIMBERLEY MUSIC STUDIO
Janet Davis is now accepting new piano students. Call 847-1951. Balanced curriculum that includes technique, music theory and different

P & Z Agenda Form



Date Submitted: August 7, 2010

Agenda Date Requested: August 12, 2010

Project/Proposal Title: PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION ON A PROPOSED RURAL RETREAT 1 (RR-1) ZONING DISTRICT AND THE PLANNING AREAS WHERE IT WOULD BE ALLOWED

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow the Planning and Zoning Commission to hold a public hearing on the proposed creation of a Rural Retreat 1 (RR-1) zoning district and the designation of planning areas where such zoning would be allowable. After the public hearing, the Commission will be asked to make a recommendation to City Council.

ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES BY REVISING SECTION 155.055 IN ITS ENTIRETY TO READ AS FOLLOWS: “§ 155.055 RURAL RETREAT 1; RR-1”, TO DELETE “LODGING; L2” AS A ZONING DISTRICT AND CREATE A NEW ZONING CLASSIFICATION, SPECIFY PERMITTED AND CONDITIONAL USES AND DEVELOPMENT STANDARDS RELATED TO SAME; AND PROVIDING FOR THE FOLLOWING: PENALTY; FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley (“City Council”) seeks to provide for the orderly arrangement and regulation of compatible uses within its corporate limits; and,

WHEREAS, in the course of reviewing the proposed amendments detailed in this Ordinance, the Planning and Zoning Commission and City Council have solicited public input and given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the City’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and,

WHEREAS, further the P&Z and Council have considered, among other things, the character of each zoning district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and,

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

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

WHEREAS, the City Council finds that the provisions of this Ordinance will serve to promote the public health, safety, morals and general welfare; and,

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

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

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.

II. AMENDMENTS

THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning) is hereby amended to amend section 155.055 in its entirety to delete "Lodging; L-2" as a zoning district and create "§ 155.055 RURAL RETREAT 1; RR-1" to read as follows:

"§ 155.055 RURAL RETREAT 1; RR-1.

(A) *General purpose and description.* The Rural Retreat 1 (RR-1) district is intended to accommodate the needs and desires of visitors, tourists and transient guests. It applies to specific areas where public roads and public utilities are available or where suitable alternate private facilities are assured. It is the intent of the district to provide for tourist retreat development, excluding hotels and motels, in the form of cottages, cabins, lodges and RV sites available for short term rental and accessory uses to serve visitors to such facilities.

(B) *Permitted uses.*

- (1) Lodges;
- (2) Detached cabins or cottages;
- (3) Recreational Vehicle (RV) Sites; One (1) RV site is equal to two (2) guest bedrooms
- (4) Accessory uses to the main use including but not limited to retail sales and service, restaurant and recreation facilities;
- (5) Single family residential; and,
- (6) Religious assembly.

(C) *Conditional uses.*

- (1) Sit down eating establishments with the sale of beer, wine and alcohol for on-premise consumption.
- (2) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations.

(D) *Required facilities.*

- (1) All lodges, cabins and cottage units shall have electricity and sanitary facilities to include bathing facilities with running hot water and restroom

- facilities adequate to accommodate the guests residing in the lodge, cabin or cottage.
- (2) Electric, water, and sewer hook-ups are required for each RV space.
 - (3) Permanent secure building space is required for storm refuge for RV tenants.
 - (4) A minimum of one (1) bathroom with shower and toilet is required for each ten (10) RV sites or fraction thereof.

(E) *Development regulations.*

- (1) Minimum lot size: Ten (10) acres;
- (2) Maximum guest bedrooms (all forms) per individual acre: No more than ten (10) guest bedrooms may be located within the boundaries of any single acre;
- (3) Maximum guest bedrooms (all forms) per total development: Two hundred (200);
- (4) Maximum RV sites per total development site: Ten (10);
- (5) Maximum building height (as defined in § 155.005);
- (6) Primary buildings: not more than two (2) stories and not more than twenty-eight (28) feet with flat roof (see definition) or thirty-five (35) feet with pitched roof;
- (7) Accessory buildings: not more than eighteen (18) feet and not more than one (1) story; and
- (8) Minimum floor area per cottage or cabin: Four hundred (400) square feet;
- (9) Minimum floor area per lodge: Two thousand five hundred (2,500) square feet;
- (10) Maximum building footprint per lodge: Fifteen thousand (15,000) square feet;
- (11) Maximum floor area of the lodging/service building: Thirty thousand (30,000) square feet;
- (12) For minimum required setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks.
 - (a) Dominant street: Fifty (50) feet;
 - (b) Secondary street: Thirty (30) feet;
 - (c) Interior side yard: Twenty (20) feet, thirty (30) feet when adjacent to a residential district or residential use, fifty (50) feet if the building is more than one (1) story;
 - (d) Rear yard: Fifty (50) feet, seventy-five (75) feet when adjacent to a residential district or residential use, one hundred (100) feet if the building is more than one (1) story.
- (13) Maximum impervious coverage: Twenty percent (20%). Impervious coverage shall be calculated as a percentage of the net site area. The maximum impervious cover limits may be increased five (5)

percentage points, if more than one-half of roof runoff from combined structures on-site is isolated, treated and used for irrigation.

- (14) Maximum building coverage: Twenty percent (20%). Building coverage shall be calculated as a percentage of the net site area.

(F) *Special requirements.*

- (1) Open storage is prohibited.
- (2) For site plan and development standards requirements, see §155.077 and §155.075.
- (3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling for a period greater than thirty (30) consecutive days or for non-residential purposes.
- (4) Outdoor camping, including tents and pop-up trailers, is prohibited

(G) *Other regulations.*

- (1) All site utility installations on the property shall be underground.
- (2) No dumpsters or other trash collection containers shall be visible from any adjacent property or roadway and shall be screened in accordance with provisions in the City code.
- (3) The desired architectural design shall be consistent with the traditional Hill Country style. Designs should acknowledge the traditional Hill Country scale, colors and materials appropriate for the natural beauty of the area and should preserve views and use scale, colors and materials compatible with the nature of the area.
- (4) When a natural vegetative buffer does not already exist, a landscape buffer shall be required and maintained along all lodging property lines abutting property zoned or used for residential purposes so as to visually screen the retreat lodging uses. If required by this section, the buffer shall be installed prior to the issuance of any certificates of occupancy or as required in accordance with this section. Any buffer may be included as part of the required setbacks.
- (5) No lodge, cottage, cabin or RV site shall be located within one hundred (100) feet of Cypress Creek and one-hundred fifty (150) feet of the Blanco River, whichever is greater, or within the floodplain.

(H) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.”

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

III. REPEALER

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this _____ day of _____, 2010, by a _____
(Ayes) _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
Bob Flocke, Mayor

ATTEST:

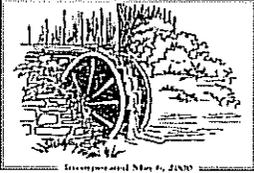
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

C. Crosby, City Attorney

P & Z Agenda Form



Date Submitted: August 9, 2010

Agenda Date Requested: August 12, 2010

Project/Proposal Title: CONSIDER MAKING A RECOMMENDATION ON A PROPOSED MORATORIUM ON THE ISSUANCE OF NEW CONDITIONAL USE PERMITS FOR BED AND BREAKFASTS IN THE AREA OF THE WIMBERLEY SQUARE

Funds Required:

Funds Available:

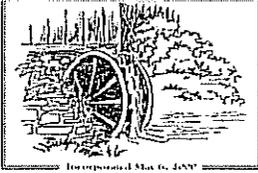
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Planning and Zoning Commissioner Lila McCall to allow the Commission to discuss and consider recommending a moratorium on the issuance of any new conditional use permits for bed and breakfasts in the area of the Wimberley Square.

P & Z Agenda Form



Date Submitted: August 9, 2010

Agenda Date Requested: August 12, 2010

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.