

City of Wimberley

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

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
12111 RANCH ROAD 12, WIMBERLEY, TEXAS
NOVEMBER 19, 2009, 6:30 P.M.

AGENDA

CALL TO ORDER: NOVEMBER 19, 2009 @ 6:30 P.M.

CALL OF ROLL: CITY SECRETARY

INVOCATION

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

PROCLAMATIONS:

PROCLAMATION RECOGNIZING THE WIMBERLEY LIONS CLUB

CITIZENS COMMUNICATIONS:

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

1. CONSENT AGENDA

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

- (A) APPROVAL OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF NOVEMBER 13, 2009
- (B) APPROVAL OF MINUTES OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 5, 2009

2. CITY ADMINISTRATOR REPORT

- STATUS REPORT ON THE EFFORTS TO SECURE STATE AND/OR FEDERAL FUNDING FOR THE DEVELOPMENT OF A CENTRALIZED WASTEWATER SYSTEM FOR DOWNTOWN WIMBERLEY
- STATUS REPORT ON THE PREPARATION OF A DEVELOPMENT PLAN FOR PROPERTY DONATED TO THE CITY OF WIMBERLEY BY THE PEDERNALES ELECTRIC COOPERATIVE
- STATUS REPORT ON THE DEVELOPMENT OF THE BLUE HOLE REGIONAL PARK
- STATUS REPORT ON THE UPCOMING CHRISTMAS PARADE AND HOLIDAY FESTIVITIES

3. PUBLIC HEARING AND POSSIBLE ACTION

- (A) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY AMENDING ORDINANCE NO. ZA-06-013, WHICH DESIGNATED THE GEOGRAPHIC BOUNDARIES FOR A WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) ZONING DISTRICT CLASSIFICATION FOR REAL PROPERTY LOCATED AT 14100 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, IN ORDER TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION FOR A DESIGNATED PORTION OF PARCEL ONE AND SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. (*BROOKSHIRE BROTHERS LTD, APPLICANT*)
- (B) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY LINDA ALLEN CATERING TO PERMIT AN EATING ESTABLISHMENT: SIT-DOWN, INCLUDING THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON AN APPROXIMATELY 1.711 ACRE TRACT LOCATED AT 500 FM 2325, WIMBERLEY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS. (*LINDA ALLEN CATERING, APPLICANT*)
- (C) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF A WAIVER OF THE 300-FOOT DISTANCE REQUIREMENT RELATING TO THE SALE OF BEER, WINE AND ALCOHOL AT 500 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS. (*LINDA ALLEN CATERING, APPLICANT*)
- (D) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR UNZONED REAL PROPERTY LOCATED NORTH OF OLD KYLE ROAD, AND ALONG RANCH ROAD 12 FROM FM 2325 TO THE NORTHERN CITY LIMITS, WIMBERLEY, HAYS COUNTY, TEXAS, FURTHER DESCRIBED AND SHOWN ON THE EXHIBIT ATTACHED TO THIS ORDINANCE; AND DESIGNATING INITIAL ZONING FOR EACH TRACT AS EITHER RESIDENTIAL ACREAGE (RA), RURAL RESIDENTIAL (R-1), COMMERCIAL-LOW IMPACT (C-1), COMMERCIAL-MODERATE IMPACT (C-2), LODGING 1 (L-1), PARTICIPANT RECREATION 1 (PR-1) OR PUBLIC FACILITIES (PF) AS SHOWN ON THE ATTACHED ZONING MAP; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. (*CITY OF WIMBERLEY, APPLICANT*)

- (E) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR UNZONED REAL PROPERTY LOCATED WEST OF RANCH ROAD 12 AND FM 2325, BETWEEN CYPRESS CREEK AND RHODES LANE, WIMBERLEY, HAYS COUNTY, TEXAS, FURTHER DESCRIBED AND SHOWN ON THE EXHIBIT ATTACHED TO THIS ORDINANCE; AND DESIGNATING INITIAL ZONING FOR EACH TRACT AS EITHER RURAL RESIDENTIAL (R-1), SINGLE-FAMILY RESIDENTIAL 3 (R-3), MULTI-FAMILY 1 (MF-1), COMMERCIAL-LOW IMPACT (C-1), COMMERCIAL-MODERATE IMPACT (C-2), NEIGHBORHOOD SERVICES (NS) OR PUBLIC FACILITIES (PF) AS SHOWN ON THE ATTACHED ZONING MAP; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING. *(CITY OF WIMBERLEY, APPLICANT)*
- (F) HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV (LAND USAGE) OF THE CODE OF ORDINANCES TO: (1) AMEND SUBSECTION 155.005 TO DELETE DEFINITIONS OF "AVERAGE SLOPE"; (2) AMEND SUBSECTION 155.078(H) (STEEP SLOPE); (3) AMEND PORTIONS OF SECTION 155.077 (DEVELOPMENT PLAN REVIEW); (4) AMEND CHAPTER 151 (BUILDING REGULATIONS; CONSTRUCTION) TO CREATE A NEW SUBSECTION 151.20 ENTITLED "STEEP SLOPE"; (5) AMEND SUBSECTION 155.078 (IMPERVIOUS COVER); AND AMEND A PORTION OF SECTIONS 155.035-.043, 155.045-.061, AND 155.091 (ZONING DISTRICTS), IN ORDER TO CLARIFY THE STEEP SLOPE AND IMPERVIOUS COVER REGULATIONS FOR THE CITY OF WIMBERLEY; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE. *(MAYOR PRO-TEM CHARLES ROCCAFORTE)*

4. DISCUSSION AND POSSIBLE ACTION

- (A) DISCUSS AND CONSIDER THE APPOINTMENT OF MEMBERS TO A CITY COUNCIL SUB-COMMITTEE TO ASSIST WITH THE REVIEW OF RESPONSES TO THE CITY OF WIMBERLEY'S REQUEST FOR QUALIFICATIONS FOR PROFESSIONAL LAND SURVEYING SERVICES. *(PLACE TWO COUNCIL MEMBER BOB FLOCKE)*
- (B) DISCUSS AND CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH *ENVIRONMENTAL CONCEPTS, LLC* TO SERVE AS THE ENVIRONMENTAL HEALTH/OSSF INSPECTOR FOR THE CITY OF WIMBERLEY. *(CITY ADMINISTRATOR)*
- (C) DISCUSS AND CONSIDER APPROVAL OF A REQUEST FROM THE WIMBERLEY COMMUNITY CIVIC CLUB TO PLACE DIRECTIONAL SIGNS IN THE CITY RIGHT-OF-WAY FOR THE WIMBERLEY HOME TOUR ON NOVEMBER 20TH AND 21ST, 2009. *(CITY ADMINISTRATOR)*
- (D) DISCUSS AND CONSIDER APPROVAL OF PROPOSED CHANGES TO THE WIMBERLEY ECONOMIC DEVELOPMENT COMMISSION BY-LAWS. *(WIMBERLEY ECONOMIC DEVELOPMENT COMMISSION)*
- (E) DISCUSS AND CONSIDER ACTION RELATING TO THE POSSIBLE ACQUISITION OF LOT 80 (0.814 ACRES) IN SOUTH RIVER UNIT ONE, WIMBERLEY, TEXAS. *(MAYOR TOM HALEY)*

5. CITY COUNCIL REPORTS

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

ADJOURNMENT

THE CITY COUNCIL MAY RETIRE INTO EXECUTIVE SESSION AT ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSING ANY MATTERS LISTED ON THE AGENDA AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE INCLUDING, BUT NOT LIMITED TO, HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087 OF THE TEXAS GOVERNMENT CODE; ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

CERTIFICATION

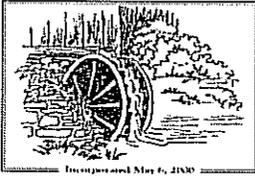
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on November 16, 2009 at 5:00 p.m.



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.

City Council Agenda Form



Date Submitted: November 16, 2009

Agenda Date Requested: November 19, 2009

Project/Proposal Title: APPROVAL OF
NOVEMBER 13, 2009 MINUTES OF SPECIAL
CITY COUNCIL MEETING

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are minutes for the November 13, 2009 Special City Council Meeting for review and consideration.

MINUTES
SPECIAL CITY COUNCIL MEETING
NOVEMBER 13, 2009 – 10:00 A.M.

The City Council of the City of Wimberley, Texas met for the purpose of participating in a workshop to tour and discuss issues relating to the property located at 211 Stillwater, Wimberley, Hays County, Texas on Friday, November 13, 2009 at 10:00 a.m.

Those present were: Mayor Tom Haley, Presiding; Council Members Charles Roccaforte, Bill Appleman, Steve Thurber, and John White.

Members of the City of Wimberley City Council attended the special meeting for the purpose of participating in a workshop to tour and discuss issues relating to the property located at 211 Stillwater, Wimberley, Hays County, Texas. No action was taken during the meeting that began at 10:00 a.m. and ended at 10:40 a.m.

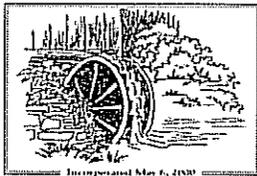
DATE APPROVED: November 13, 2009

Tom Haley, Mayor

ATTEST:

Cara McPartland, City Secretary

City Council Agenda Form



Date Submitted: November 16, 2009

Agenda Date Requested: November 19, 2009

Project/Proposal Title: APPROVAL OF
NOVEMBER 5, 2009 MINUTES OF REGULAR
CITY COUNCIL MEETING

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

Attached are minutes for the November 5, 2009 Regular City Council Meeting for review and consideration.

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
November 5, 2009 at 6:30 p.m.

City Council meeting called to order at 6:30 p.m. by Mayor Tom Haley.

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

Councilmembers Present: Mayor Haley and Councilmembers Charles Roccaforte, Bob Flocke, Bill Appleman, Steve Thurber, and John White.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland and City Attorney Brad Young.

Proclamations

A. Proclamation recognizing *National Hospice Month*

Mayor Haley read the proclamation issued to Hope Hospice representatives who thanked the City for its support.

B. Proclamation recognizing the Hays County Food Bank's *Tackle Hunger Week*

Mayor Haley read the proclamation issued to Hays County Food Bank representatives who provided information on partners, specific sponsors, past food distribution efforts, and the need for this campaign, particularly during the holiday season. Information on eligibility, volunteering, and donating to this cause was provided, along with appreciation to the City for its support. Hays County Precinct Three Commissioner Will Conley, who also serves on the Hays County Food Bank Board, spoke on the efficiency of this organization, pointed out the need for food assistance in the Wimberley Valley, and encouraged donations.

Citizens Communications

No citizen communications were heard.

1. Executive Session

Consultation with attorney regarding pending litigation in Cause No. 08-1984, Cyndi Brown, Individually v. City of Wimberley, Tom Haley, Individually and Don Ferguson, Individually in the 428th District Court of Hays County, Texas

This item was heard after Agenda Item 7A.

Mayor Haley adjourned Open Session and convened Executive Session at 6:49 p.m. for consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code.

Mayor Haley reconvened Open Session at 6:59 p.m. No action was taken during Executive Session.

2. Consent Agenda

- A. Approval of the minutes of the special City Council meeting of October 14, 2009.
- B. Approval of the minutes of the regular City Council meeting of October 15, 2009.
- C. Approval of the appointment of one (1) consensus member to the Wimberley Parks Board
 - Aubrey Weeks (*Place Four Councilmember Steve Thurber's Nominee*)
- D. Approval of the resignation of Julie Harris from the Wimberley Economic Development Commission and the appointment of Nancy Britner to the Wimberley Economic Development Commission (*Place Two Councilmember Bob Flocke's Nominee*)
- E. Approval of the September 2009 City of Wimberley Financial Statements

Councilmember Thurber pulled Consent Agenda Items 2B and 2E.

Councilmember Appleman pulled Consent Agenda Items 2A and 2B.

Councilmember Thurber moved to approve Consent Agenda Items 2C and 2D. Councilmember White seconded. Motion carried on a vote of 5-0.

Councilmember Flocke moved to approve Consent Agenda Item 2A as presented. Councilmember Thurber seconded. Councilmember Appleman abstained due to his absence at Council's October 14, 2009 meeting. Motion carried on a vote of 4-0.

Relating to Consent Agenda Item 2B, Councilmember Thurber requested the following change to page 4, paragraph 3, of Council's October 15, 2009 minutes: amend language to reflect that the item in question was *continued* rather than *tabled*. Councilmember Thurber moved to approve the minutes with the suggested language. Councilmember White seconded. Motion carried on a vote of 4-0. Councilmember Appleman abstained due to his absence at Council's October 15, 2009 meeting.

In response to Councilmember Thurber's inquiry regarding *Capital Outlay Roads* expenditures of \$12,055.55, City Administrator Ferguson clarified that improvements were made to Cypress Creek Lane and Wayside Drive. Councilmember Thurber moved to approve Consent Agenda Item 2E as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

3. Presentation

Presentation by a representative of the United States Census Bureau regarding the upcoming 2010 United States Census (*Henry Dickens, U.S. Census Bureau*).

Henry Dickens distributed an informational folder on the 2010 Census, outlined census procedures making the process easy and safe, noted the importance of participation/response, cited sample resolutions supporting census efforts, and specific area demographics. He asked that Council approve a resolution of support for the 2010 Census.

Discussion addressed the difficulties associated with mailing out Wimberley area questionnaires to physical addresses due to the large number of residents who use post office boxes as mailing addresses. Mr. Dickens stated that questionnaires must be mailed to physical addresses, but noted that census takers will follow up with personal visits to addresses where no initial responses were received. Discussion established that the City has offered to provide space for assistance centers to help ensure Census participation. Mr. Dickens thanked Council for its support.

4. City Administrator Report

City Administrator Ferguson reported that a Request for Qualifications (RFQ) has been issued for the City limits survey project and noted the response deadline, certain terms, and overall project timeframe. Councilmember Flocke requested that Council be more involved in the selection process for this project and discussion addressed posting a future agenda item in order to designate Council members to participate in reviewing responses.

- Status report on the efforts to secure state and/or federal funding for the development of a centralized wastewater system for downtown Wimberley

City Administrator Ferguson reported that the City has received an invitation from the Texas Water Development Board (TDWB) to apply for Tier III funding assistance in the form a \$4.3 million low-interest loan. He provided specifics on loan interest rates/terms, application procedures, necessary documentation, and certain funding process deadlines. Mr. Ferguson noted differences between Tier II and Tier III funding requirements and the possible need to call special Council meeting(s) due to funding application deadlines.

- Status report on the preparation of an ordinance relating to slope development

City Administrator Ferguson reported that an ordinance is being drafted for review and consideration by the Planning and Zoning Commission at its November 12, 2009 meeting.

- Status report on the 2009/2010 City-initiated zoning project

City Administrator Ferguson reported on specific areas and time deadlines relevant to upcoming phases of the project.

- Status report on the preparation of the Fiscal Year 2009 Financial Report

City Administrator Ferguson reported preliminary financial information has been submitted to the City's auditor and anticipated bringing a completed report to Council in late January or early February 2010.

- Status report on the designation of a truck route around Wimberley

City Administrator Ferguson updated Council on recent efforts, including communications with Texas Department of Transportation (TxDOT) and the City of Woodcreek. Concerns were expressed by City of Woodcreek Council members regarding the possible increase of cut-through truck traffic. Discussion with the City of Woodcreek continues consideration of available deterrents such as routing signage both inside and outside Woodcreek's boundaries.

- Status report on activities of the Pedernales Electric Cooperative (PEC) Electrical Distribution System Upgrade Task Force

City Administrator Ferguson reported that pending receipt of requested information from PEC the task force anticipates holding public hearings in December 2009 or January 2010.

- Status report on the possible development of a Texas Department of Transportation grant application for pedestrian and mobility improvements on the Wimberley Square

City Administrator Ferguson reviewed the history of the City's application for a federally-funded, state-administered transportation enhancement grant. He reported on matching fund requirements, reimbursement schedules, and noted the importance of carefully monitoring the availability of fund balance dollars to meet up-front funding and matching requirements. Mr. Ferguson reported on upcoming meeting(s) including Transportation Advisory Board Secretary Bert Ray and Mayor Haley to determine project scale and to help meet specific application deadlines.

5. Resolutions

- Consider approval of a resolution of the City Council of the City of Wimberley, Texas accepting State Energy Conservation Office (SECO) grant funding to be used in furtherance of the City of Wimberley's goals of energy efficiency (*City Administrator*).

City Administrator Ferguson reported on the City's qualification for SECO funding and the need for approval of a resolution in order to proceed with the City's application. He stated that funds may possibly be used to upgrade the heating/air conditioning system at the Wimberley Community Center.

Councilmember Thurber moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

- B. Consider approval of a resolution of the City Council of the City of Wimberley, Texas supporting the United States Census 2010 (*Henry Dickens, U.S. Census Bureau*).

This item was heard after Agenda Item 3.

Councilmember Flocke moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

6. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for a tract located at 14211 Ranch Road 12, Wimberley, Hays County, Texas, designating initial zoning for such tract as Commercial – Moderate Impact (C-2) and imposing certain conditions; and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting (*Charli Manross, Applicant*).

City Administrator Ferguson reported that the subject property was due to be recommended for C-2 zoning in the next phase of City-initiated zoning, but the applicant felt it necessary to proceed with zoning at this time. Mr. Ferguson noted the subject property's location, existing/proposed uses and structures, parking, and access.

Because this zoning action will allow the proposed uses as permitted uses (with no conditional use permit required), Planning and Zoning Commissioner Ross reported that in the interest of safeguarding the adjacent residential area, additional conditional language was added to the ordinance mandating the maintenance of a vegetative buffer at the rear of the property to limit the impact of commercial uses. This additional condition would prevent future property owners from clear-cutting trees/vegetation and maintain buffering for neighboring residential properties. Commissioner Ross stated that the Commission voted unanimously (5-0) to recommend approval.

In response to Councilmember Appleman's safety concerns relating to access, City Administrator Ferguson reported that there is no history of accidents at the subject location. Planning and Zoning Commissioner Ross added that the cumbersome aspect of the subject property's access was deemed to be more of a hindrance to the business owner(s) than the general public. Councilmember Thurber thanked the Planning and Zoning Commission for its foresight in adding the buffering condition to the zoning ordinance.

No public comments were heard.

Councilmember Thurber moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- B. Hold a public hearing and consider approval of an ordinance amending portions of Sections 33.02 (Transportation Advisory Board), Section 33.03 (Water and Wastewater Advisory Board), Section 33.04 (Parks and Recreation Board), and Section 150.01 (Building Code Board of Review) of the Code of Ordinances of the City of Wimberley, Texas in order to revise the process for appointment and terms of office for individuals appointed to the above referenced boards; and providing for findings of fact; an effective date; proper notice and meeting, and severability (*City Administrator; Item continued from the October 15, 2009 City Council meeting*).

City Administrator Ferguson reviewed the draft ordinance based on Council's discussion and input to date. Councilmember Appleman provided reasoning outlining advantages in delaying post-election appointments by Council until either July or November. Councilmember Thurber expressed no preference for either July or November appointments, but suggested that consensus appointments (for those boards/commissions with two consensus appointees) run concurrent with the Mayor and Council Place One, which alternate election years. Discussion addressed whether there is a need for staggering consensus appointments.

No public comments were heard.

Councilmember Appleman moved to approve the item with the addition of Councilmember Thurber's previously stated suggestion. City Administrator Ferguson clarified that should a board/commission have two consensus members, the term of one consensus member shall be consistent with the Mayor's term, and the second consensus member's term shall be consistent with Council Place One. Elections for Mayor and Council Place One are held in alternate years. Councilmember Thurber seconded. Mayor Haley called for a vote as follows: Councilmember Roccaforte, aye; Councilmember Flocke, aye; Councilmember Appleman, aye; Councilmember Thurber, aye; Councilmember White, aye. Motion carried on a vote of 5-0.

7. Discussion and Possible Action

- A. Discuss and consider approval of a request to waive the fees for the Starlight Symphony Orchestra to utilize the Wimberley Community Center (*Place Four Councilmember Thurber*).

This item was heard after **Proclamations** were presented by Mayor Haley.

Councilmember Thurber introduced Starlight Symphony Orchestra's Artistic Director Don Miller and Treasurer Wellborn Gregg. Information was provided on past and upcoming events, including details on the *Messiah Community Sing-Along*.

Councilmember Thurber moved to approve the item as presented and commended the Starlight Symphony for its contribution to the community, including performances provided free to the public. Councilmember Flocke seconded. Motion carried on a vote of 4-1. Councilmember Appleman voted against.

- B. Discuss and consider action on issues relating to the implementation of an on-site sewage facility permitting and inspection program (*City Administrator*).

City Administrator Ferguson advised that Kyle deHart will serve as the City's contract sanitarian and consultations with Water and Wastewater Advisory Board and Texas Commission on Environmental Quality (TCEQ) yielded agreement on adoption of existing Hays County regulations, with a draft to come before Council for consideration and action before the end of 2009. Future modifications may be recommended as needed once the program is fully implemented. Mr. Ferguson stated that the City is well under way in preparation for the January 1, 2010 transition, when the City assumes septic/food service permitting/inspection responsibilities. No action was taken on this item.

- C. Discuss and consider approval of plans for *Rudolph's 5K Fun Run/Walk* on Saturday, December 5, 2009 (*Wanda Martinez, Deer Creek Nursing Center*).

On behalf of Wanda Martinez, Deer Creek Nursing Center representative Bo Mrozek provided details on this fundraising event benefiting local food banks, including date/time, location, route, parking, insurance, traffic control, and partial lane closure on Old Kyle Road.

City Administrator Ferguson recognized Wanda Martinez of Deer Creek for her organizational efforts and Deer Creek representatives thanked the City for its support.

In response to Councilmember Appleman's expressed safety concerns due to heavily-scheduled weekend activities, Ms. Mrozek stated that this event is not timed and is non-competitive, which should provide a safer, slower-paced environment for both vehicle and pedestrian traffic.

Councilmember Flocke moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider approval of a request to install banners on utility poles on the Wimberley Square (*Wimberley Merchants Association*).

City Administrator Ferguson stated that the Merchants Association is developing a "pole banner" program to promote community events. Merchants Association representative Kenny Carleton displayed a sample banner and City Administrator Ferguson noted that a generous donation (from *Keep Wimberley Beautiful*) will help purchase banners and necessary hardware. Discussion addressed the need for adoption of a formal pole banner program and PEC approval. Mayor Haley expressed concern regarding long-term maintenance of banners and discussion established that the proposed banners will advertise specific seasonal events and not remain as permanent fixtures. Discussion included location/number of banners, maintenance issues, longevity of banner materials, and specifics of hardware placement. Mayor Haley thanked the Merchants Association for its beautification efforts.

Councilmember Thurber moved to approve the request to install banners on utility poles on the Wimberley Square contingent on written PEC approval. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider approval of a proposed change to the Wimberley Ethics Commission by-laws (*Wimberley Ethics Commission*).

Wimberley Ethics Commission Chairman John Meyer stated that current by-laws require four meetings per year. Chairman Meyer reported that Ethics Commission members voted affirmatively to hold one (1) mandatory meeting per year in September in order to hold a thorough workshop dealing with the Commission's duties and responsibilities. He noted that the Commission will schedule additional meetings as deemed necessary.

Councilmember Flocke moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 5-0. In response to Councilmember Thurber, Chairman Meyer advised that no ethics complaints have been received in the past two years.

- F. Discuss and consider possible action relating to the development of a new City Hall facility for the City of Wimberley, Texas (*Mayor Tom Haley*).

Mayor Haley adjourned Open Session and convened Executive Session at 8:09 p.m. for discussion about real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code.

Mayor Haley reconvened Open Session at 8:26 p.m. No action was taken during Executive Session.

8. City Council Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 8:26 p.m.

Adjournment: Council meeting adjourned at 8:26 p.m.

Recorded by:

Cara McPartland

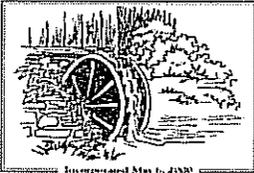
These minutes approved on the ____ of November, 2009.

APPROVED:

Tom Haley, Mayor

DRAFT

City Council Agenda Form



Date Submitted: November 16, 2009

Agenda Date Requested: November 19, 2009

Project/Proposal Title: CITY ADMINISTRATOR'S REPORT

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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

- Status report on the effort to secure State and/or Federal funding for the development of a centralized wastewater system for downtown Wimberley
- Status report on the preparation of a development plan for property donated to the City of Wimberley by the Pedernales Electric Cooperative
- Status report on the development of the *Blue Hole Regional Park*
- Status report on the upcoming Wimberley Christmas Parade and holiday festivities

Report for WPDD Amendment ZA-09-024



Summary: An application for a second amendment to the existing Wimberley Planned Development District (WPDD) at 14100 Ranch Road 12.

Applicant Information:

Applicant: Brookshire Brothers, LTD
1201 Ellen Trout Drive
Lufkin, TX 75904

Property Owner: Eric Rich

Subject Property:

Legal Description: 15.399 acres out of the Amasa Turner Survey

Location: 14100 Ranch Road 12

Existing Use of Property: Grocery Store, Gas Station

Existing Zoning: Wimberley Planned Development District (WPDD) with a base zoning district of Commercial – Moderate Impact (C-2)

Proposed Additional Use: Grocery Store with an eating establishment including the sale of beer and wine for on-premise consumption

Proposed Zoning: Amended Wimberley Planned Development District (WPDD) with Commercial – Moderate Impact (C-2) base zoning

Planning Area IV

Overlay District N/A

Surroundings:

Frontage On: Ranch Road 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	Un-zoned, C-2	Commercial
S of Property	Un-zoned	Commercial
E of Property	PR-2	Community Center
W of Property	C-1, C-2	Commercial

Legal Notice

200' Letters 10/26/09

Published 10/28/09

Sign Placement 10/26/09

Responses None

Comments:

The applicant, Brookshire Brothers, LTD, is seeking an amendment to the existing Wimberley Planned Development District (WPDD) which governs the grocery store/retail development located at 14100 Ranch Road 12. The subject property is located in Planning Area IV and has a base zoning designation of Commercial-Moderate Impact (C-2).

The original WPDD was approved by City Council in 2006 and was amended in 2008 to add the sale of beer and wine for off-premise consumption as a permitted use. The applicant is now seeking an amendment to the WPDD to allow the sale of beer and wine for on-premise consumption as a permitted use. If approved, Brookshire Brothers would sell beer and wine for on-premise consumption as part of the grocery store's deli/restaurant operation.

On November 12, 2009, the Planning and Zoning Commission held a public hearing on the requested amendment. Afterwards, the Commission voted unanimously to recommend approval of the WPDD amendment with the following conditions:

- On-premise beer and wine consumption shall be limited to inside the grocery store which is located on Parcel One in the WPDD
- Outdoor beer and wine consumption is allowed on Parcel One in the WPDD for special events only and such events must be approved in advance by the City Council
- Beer sold for on-premise consumption shall be served by the bottle and wine by the glass

City staff did not receive any comments from notified property owners.

ORDINANCE NO. ZA-06-013

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

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

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

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

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

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

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

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

I. FINDINGS OF FACT

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

II. AMENDMENT

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

Appendix D: Zoning District Designations

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

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

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

III. CONCEPT PLAN

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

IV. WPDD CONDITIONS

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

A. The WPDD shall be constructed in accordance with the concept plan, which is attached hereto as Exhibit "C", as same may be amended from time to time in accordance with Section III of this Ordinance, and with the detailed site plans, which must be submitted, reviewed and approved as required by Chapter 41 of the Comprehensive Zoning Ordinance prior to any development taking place on the Property;

B. The Planned Development on the Property must comply with (i) the Development Standards applicable to land located in the Commercial – Moderate Impact (C-2) Zoning District as set forth in Section 27 of the Comprehensive Zoning Ordinance, except as same are modified by the terms of Exhibit "B" to this Ordinance; (ii) the Concept Plan for this Project as approved by the Council; and (iii) as otherwise required by this Ordinance.

C. The detailed site plan(s) required for any specific development on the Property, and all development shown thereon, must conform to the approved Concept Plan and all other ordinances of the Village and must be approved by the Council prior to the issuance of any permit or certificate necessary to proceed with accomplishment of the development indicated on the Concept Plan; and

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

V. RESTRICTIVE COVENANT AGREEMENT

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

VI. ZONING DISTRICT MAP

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

VII. REPEALER

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

VIII. SEVERABILITY

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

IX. EFFECTIVE DATE

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

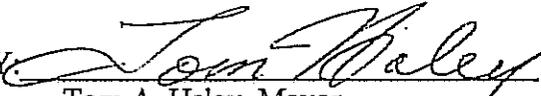
ARTICLE X. PROPER NOTICE AND MEETING

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

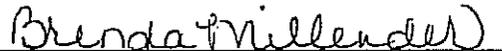
was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided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

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

VILLAGE OF WIMBERLEY

BY: 
Tom A. Haley, Mayor

ATTEST:


Brenda Millender, City Secretary

APPROVED AS TO FORM:

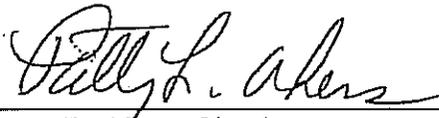

Patty L. Akers, City Attorney
Village of Wimberley, Texas

Exhibit "B"

WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) STANDARDS

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

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

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

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

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

A. Development Requirements:

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

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

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

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

B. Permitted Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FARCEL 2

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FARCEL 3

CONCEPTUAL SITE PLAN

1. THE PROPOSED EXPANSION SHALL BE CONFINED TO THE AREAS SHOWN ON THIS PLAN AND SHALL NOT EXCEED THE TOTAL AREA OF 100,000 SQ. FT. (2.25 ACRES).

2. THE PROPOSED EXPANSION SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF WIMBERLEY AND THE TARRANT COUNTY COMMISSION.

3. THE PROPOSED EXPANSION SHALL BE SUBJECT TO THE APPROVAL OF THE TARRANT COUNTY COMMISSION.

4. THE PROPOSED EXPANSION SHALL BE SUBJECT TO THE APPROVAL OF THE TARRANT COUNTY COMMISSION.

5. THE PROPOSED EXPANSION SHALL BE SUBJECT TO THE APPROVAL OF THE TARRANT COUNTY COMMISSION.

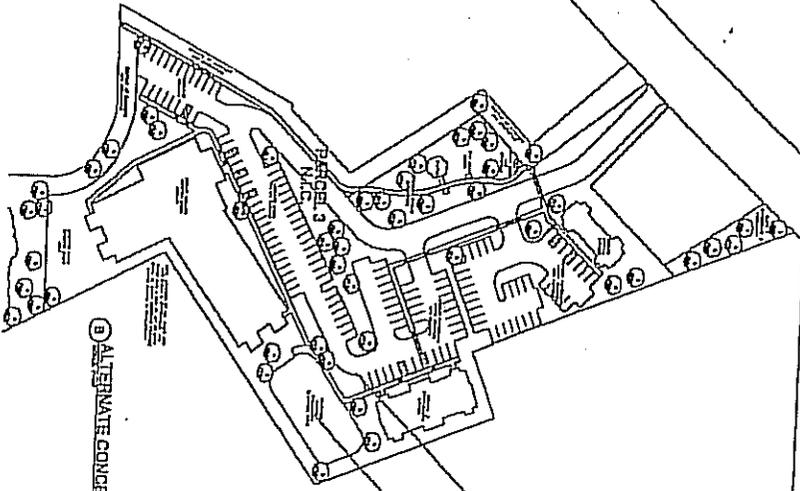
6. THE PROPOSED EXPANSION SHALL BE SUBJECT TO THE APPROVAL OF THE TARRANT COUNTY COMMISSION.

7. THE PROPOSED EXPANSION SHALL BE SUBJECT TO THE APPROVAL OF THE TARRANT COUNTY COMMISSION.

8. THE PROPOSED EXPANSION SHALL BE SUBJECT TO THE APPROVAL OF THE TARRANT COUNTY COMMISSION.

9. THE PROPOSED EXPANSION SHALL BE SUBJECT TO THE APPROVAL OF THE TARRANT COUNTY COMMISSION.

10. THE PROPOSED EXPANSION SHALL BE SUBJECT TO THE APPROVAL OF THE TARRANT COUNTY COMMISSION.



NO.	DESCRIPTION
1	EXISTING BUILDING
2	PROPOSED EXPANSION
3	EXISTING PARKING
4	PROPOSED PARKING
5	EXISTING DRIVEWAYS
6	PROPOSED DRIVEWAYS
7	EXISTING LANDSCAPE
8	PROPOSED LANDSCAPE
9	EXISTING UTILITIES
10	PROPOSED UTILITIES
11	EXISTING FENCES
12	PROPOSED FENCES
13	EXISTING SIGNAGE
14	PROPOSED SIGNAGE
15	EXISTING LIGHTING
16	PROPOSED LIGHTING
17	EXISTING SECURITY
18	PROPOSED SECURITY
19	EXISTING ACCESS
20	PROPOSED ACCESS

07

C-01

CONCEPT PLAN - PROPOSED EXPANSION

BROOKSHIRE BROTHERS
WIMBERLEY, TEXAS
NO. 67

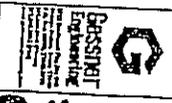


EXHIBIT "B"

ORDINANCE NO. 2008- 003

AN ORDINANCE OF THE VILLAGE OF WIMBERLEY AMENDING ORDINANCE NO. ZA-06-013, WHICH DESIGNATED THE GEOGRAPHIC BOUNDARIES FOR A WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) ZONING DISTRICT CLASSIFICATION FOR REAL PROPERTY LOCATED AT 14100 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, IN ORDER TO ADD ALCOHOLIC BEVERAGE SALES FOR PARCELS ONE AND TWO; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

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

WHEREAS, in the course of adopting the regulations established by the Code the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the 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 the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the Village; and,

WHEREAS, the regulations established by the Code and in this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the 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, in accordance with section 155.062 of the Code, the Wimberley Planned Development District (WPDD) Zoning is permitted in all Planning Areas, and the Commercial Low-Impact (C-1) zoning district is permitted in Planning Area C; and,

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

and natural resources; and,

WHEREAS, the proposed layout of buildings provides the most efficient and practical use of the property due to the irregular shape of the subject property described herein; and,

WHEREAS, on October 19, 2006, the City Council approved Ordinance No. ZA-06-013, approving a WPDD zoning designation with a base zoning of Commercial Moderate Impact (C-2), and designating additional permitted uses for the property described therein; and,

WHEREAS, the property owner has submitted an application requesting an additional use of alcoholic beverage sales for off premise consumption on Parcels One and Two of the real property described by metes and bounds in Exhibit "A" in Ordinance No. ZA-06-013; and,

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the Village's Comprehensive Zoning Ordinance and has concluded that the real property described as Parcels One and Two, and more particularly described by metes in bounds in Exhibit "A" of Ordinance No. ZA-06-013, Wimberley, Hays County, Texas (the "Property") qualifies for an amendment to the Wimberley Planned Development District (WPDD) Zoning, permitting an additional use of alcoholic beverage sales, and that such additional permitted use is consistent with established Village policy and is in the public interest; and,

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, on January 10, 2008 and January 17, 2008, respectively, 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. FINDINGS OF FACT

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

ARTICLE II. AMENDMENT

THAT Ordinance No. ZA 06-013, which designated a Wimberley Planned Development District zoning on real property consisting of approximately 15.4 acres, composed of three tracts, Parcels One, Two and Three, being approximately 5.700 acres, 1.131 acres and 8.571 acres respectively, municipally numbered as 14100 Ranch Road 12, in the Village of Wimberley, Hays County, Texas, and more particularly described in Exhibit "A" therein, is hereby amended to amend Exhibit "B", Section B. Permitted uses, to add alcoholic beverage sales for off-premise consumption as a permitted use for Parcels One and Two.

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

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. EFFECTIVE DATE

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

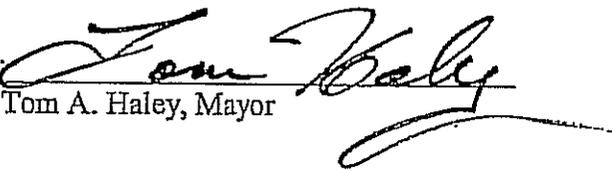
ARTICLE V. PROPER NOTICE AND MEETING

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 17th day of Jan., 2008, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the Village of Wimberley, Texas

VILLAGE OF WIMBERLEY

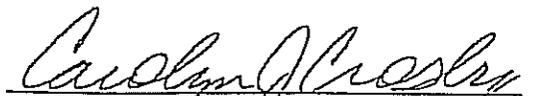
BY:


Tom A. Haley, Mayor

ATTEST:


Cara McPartland, City Secretary

APPROVED AS TO FORM:


Carolyn J. Crosby, Assistant City Attorney

Brookshire Brothers, Ltd.

Employee Owned

October 22, 2009

Abby Gillfillan
Planning Technician
Village of Wimberley
P.O. Box 2027
Wimberley, Texas 78676

Re: Brookshire Brothers

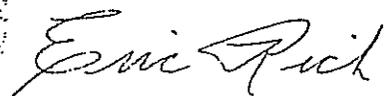
Dear Abby:

Please let this letter serve to identify the aspects of the WPDD agreement, attached to our application package, that we wish to amend.

We would like to add a permitted use to Parcel I and II, as per the recently adopted ordinance relating to alcohol. The use is described as "Eating Establishments: sit-down, including the sale of beer, wine, or alcohol for on-premise consumption" and is listed as a conditional use in the C2 zoning district.

We appreciate all your assistance in this matter. Please do not hesitate to contact us if you require any further information.

Sincerely,



Eric Rich, Director of Real Estate

PROFESSIONAL LAND SURVEYOR

P. O. Box 2037 - 1408 West Main Street

Brenham, Texas 77833

(979) 836-6677 - Fax (979) 836-1177

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THE STATE OF TEXAS

SURVEYOR'S DESCRIPTION

COUNTY OF HAYS

PARCEL 1
5.700 ACRESBROOKSHIRE INVESTMENT
COMPANY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT "A"

**BROOKSHIRE INVESTMENT
COMPANY (Parcel 1)**

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

70002123 OFK Vol 59

59

THENCE, through said original tract, as follows:

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

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

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

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

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

THENCE, severing said original tract and along the northeast and northwest lines of said 1.131 acre tract, as follows:

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

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

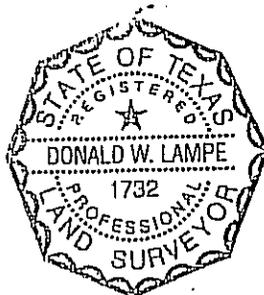
I, Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas, do hereby certify that this description accurately represents the results of an on the ground survey made under my direction during the months of May, 1999, September, 2000 and January, 2004.

Dated this the 29th day of January, 2004.



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

1819-04
1819DE10



LAMPE SURVEYING

1819-04

PROFESSIONAL LAND SURVEYORS

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

THE STATE OF TEXAS
COUNTY OF HAYS

SURVEYOR'S DESCRIPTION
PARCEL 2
1.131 ACRES

70002183 Bk Vol Ps
088 2005 52
BROOKSHIRE INVESTMENT
COMPANY

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

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

THENCE, along southwest lines of said original 15.399 acre tract, common with northeast margins of Ranch Road 12 (as called for in the deed description of said original 15.399 acre tract), as follows:
Along a clockwise curve, having a radius of 2825.23 feet, a central angle of 02° 31' 00", a chord which bears N 49° 35' 12" W, 124.09 feet, for an arc distance of 124.10 feet, to a 1/2" iron rod found for the end of said curve; and
N 48° 24' 09" W, 66.05 feet, to a set hole chiseled in a concrete curb on a southwest line of said original tract, common with a northeast margin of Ranch Road 12, for the west corner hereof;

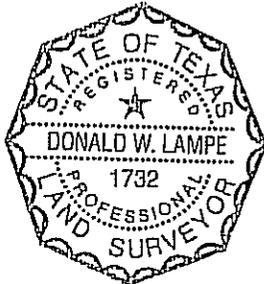
THENCE, severing said original tract with the northwest and northeast lines hereof, as follows:
N 38° 40' 18" E, 255.07 feet, to a set hole chiseled in concrete for the north corner hereof; and
S 51° 19' 42" E, 190.00 feet, to a 1/2" iron rod set for the east corner hereof on the southeast line of said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

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

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

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

Dated this the 29th day of January, 2004.



[Signature]
Donald W. Lampe
R.P.L.S. No. 1732

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

1819-04

THE STATE OF TEXAS
COUNTY OF HAYS

SURVEYOR'S DESCRIPTION
PARCEL 3
8.571 ACRES

BROOKSHIRE INVESTMENT
CORPORATION
Vol 3095
Pg 52

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

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

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

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

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

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

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

BROOKSHIRE INVESTMENT
COMPANY, (Parcel 3)

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

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

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

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

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

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

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

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

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

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

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

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BROOKSHIRE INVESTMENT
COMPANY (Parcel 3)

THENCE, along the most northerly line hereof and of said original tract, common with a portion of the south line of said Kachel 1.00 acre tract and with the south line of said Kachel tract called 4.50 acres, S 73° 15' 01" E, 636.54 feet, to the PLACE OF BEGINNING, containing 373,356 SQUARE FEET or 8.571 ACRES of land, as surveyed by Donald W. Lampe, Registered Professional Land Surveyor No. 1732 of the State of Texas.

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

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

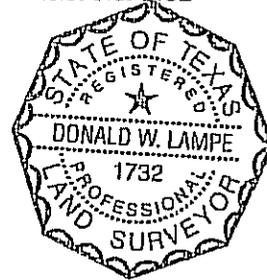
Dated this the 29th day of January, 2004.



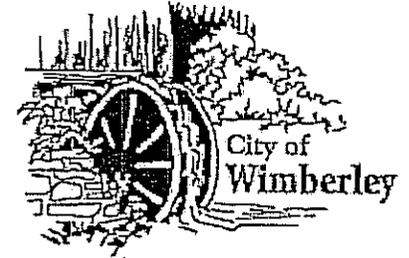
Donald W. Lampe
R.P.L.S. No. 1732

1819-04
1819DE11

Page 3 of 3



Zoning Map for ZA-09-024

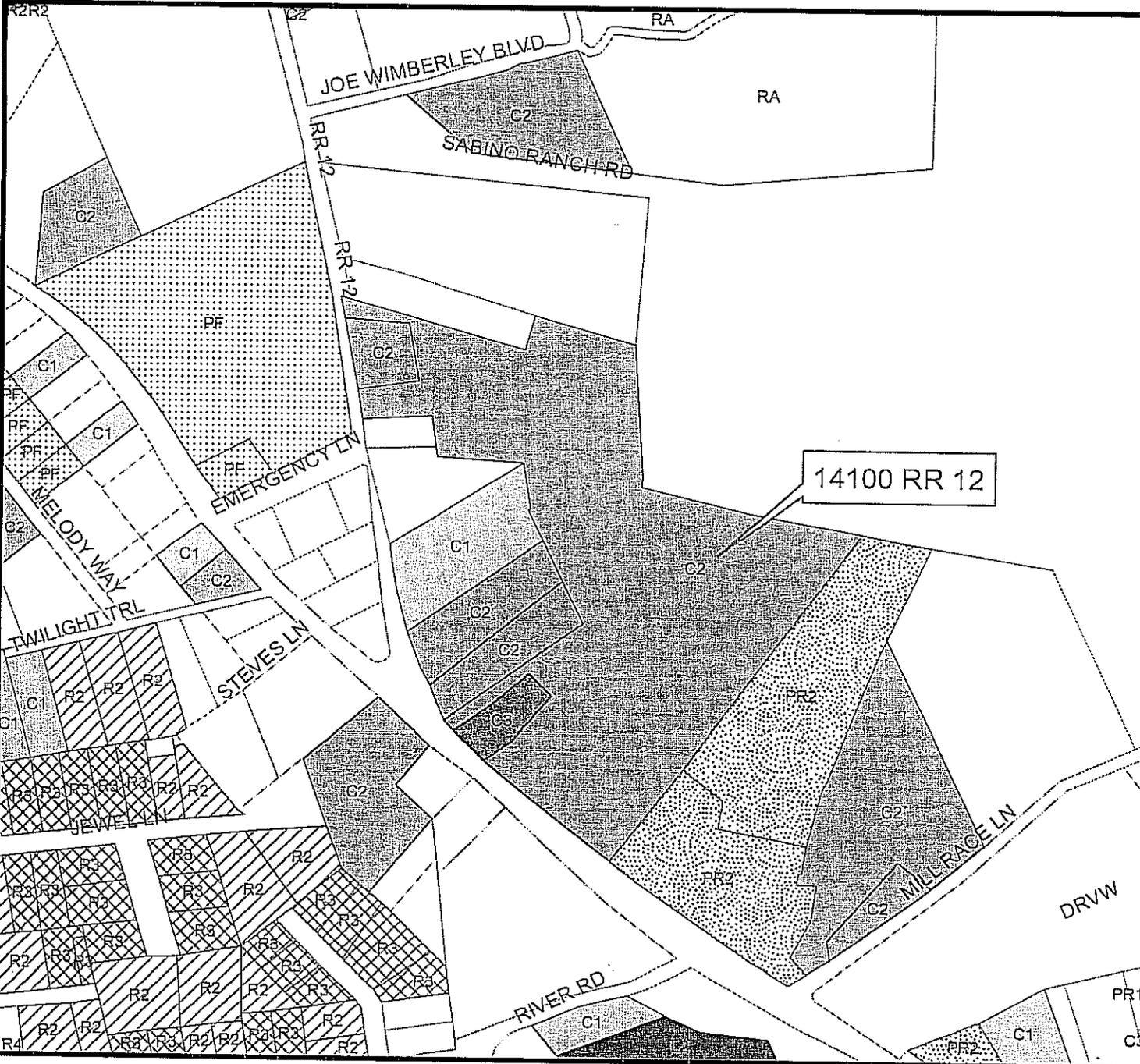
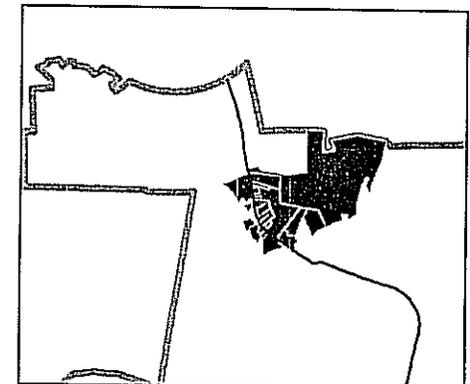


P.O. Box 2027 • Wimberley, Texas 78676

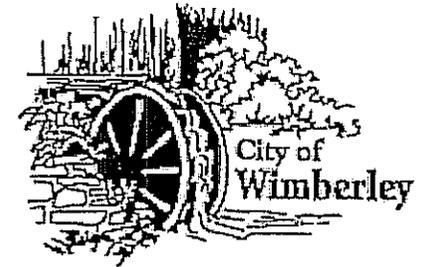
Zoning

-  R2 (Single Family Residential 2)
-  R3 (Single Family Residential 3)
-  C1 (Commercial - Low Impact)
-  C2 (Commercial - Moderate Impact)
-  C3 (Commercial - High Impact)
-  L2 (Lodging 2)
-  PR2 (Participant Recreation 2)
-  PF (Public Facilities)

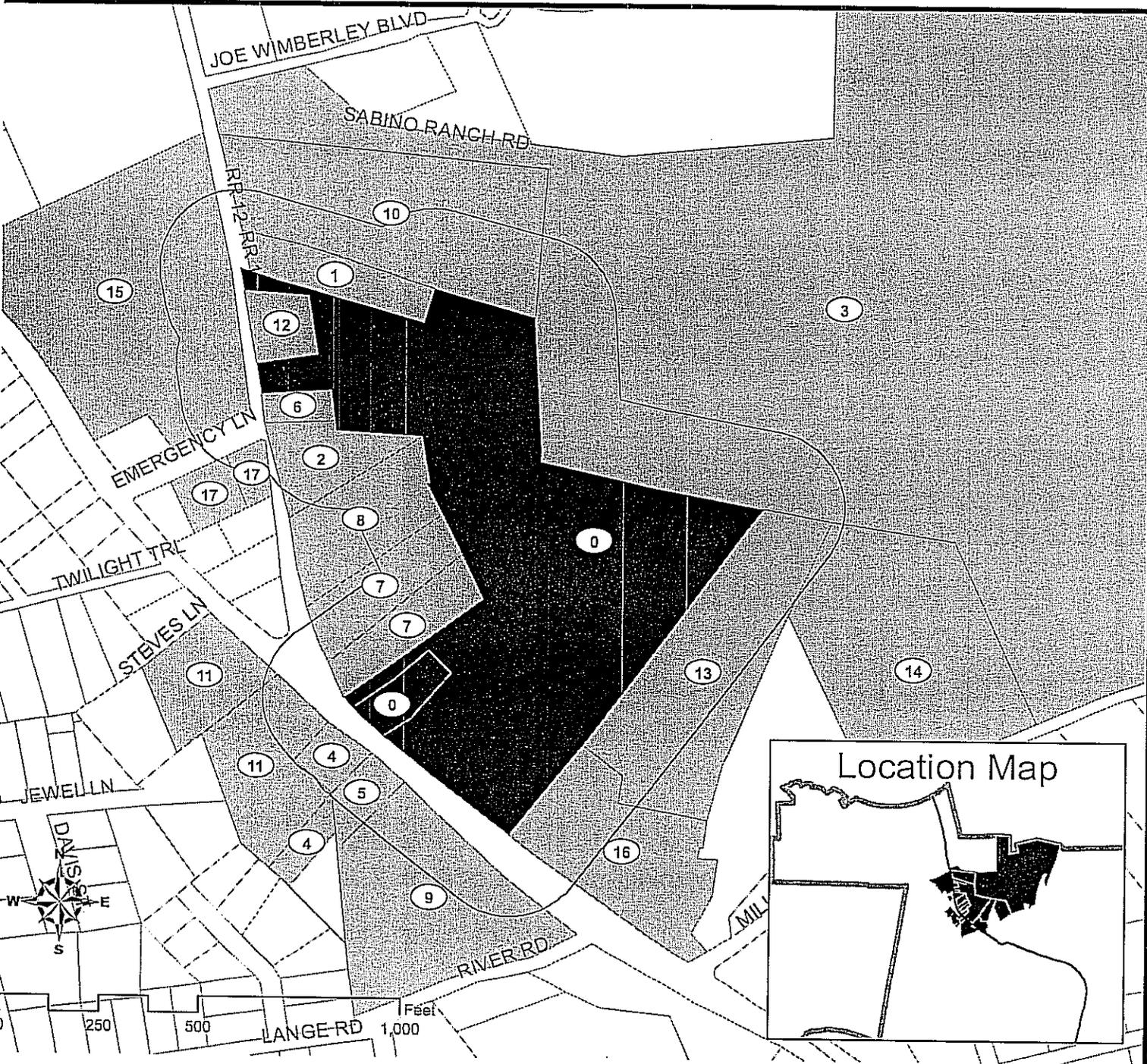
Location Map



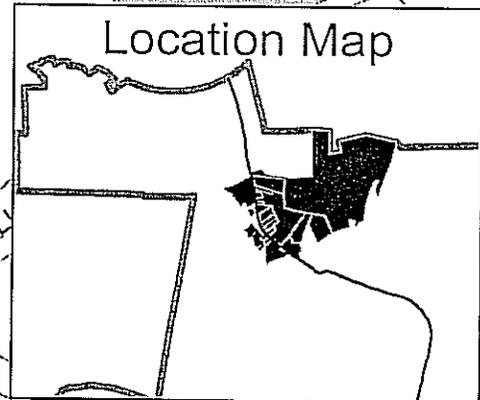
Notification Map for ZA-09-024

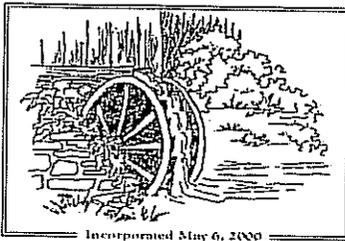


P.O. Box 2027 • Wimberley, Texas 78671



-  buffer
-  17, WK & K CO
-  16, WIMBERLEY SENIOR CITIZEN INC
-  15, WIMBERLEY ISD - TRUST PROPEF
-  14, WILCOX WILLIAM A & NANCY K
-  13, CITY OF WIMBERLEY
-  12, URENA, GAETA RICARDO
-  11, SHRAVI & SHIVANI LTD
-  10, SCOTT, GEORGE C
-  9, OZONA NATIONAL BANK
-  8, KIRKPATRICK J M ENT. INC
-  7, KING FEED COMPANY INC
-  6, GONZALEZ, JUANA P
-  5, GENERAL TELEPHONE CO SW
-  4, FORISTER TRIGG & ELLA D
-  3, CEDAR STUMP LP
-  2, BUVENS JOHN L
-  1, BELSCHNER, DAVID WILLIAM
-  0, BROOKSHIRE, INVESTMENTS CO





City of Wimberley

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

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

Email: village@anvilcom.com Web: www.vil.Wimberley.tx.us

Tom Haley, Mayor - Charles Roccaforte, Mayor Pro-tem

Council Members - Bob Flocke, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

October 26, 2009

NOTICE OF PUBLIC HEARING

Re: **File No. ZA-09-024**

14100 Ranch Road 12

An application for an amendment to the Wimberley Planned Development District (WPDD) with base zoning of Commercial Moderate Impact (C2) at 14100 Ranch Road 12.

Dear Property Owner:

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

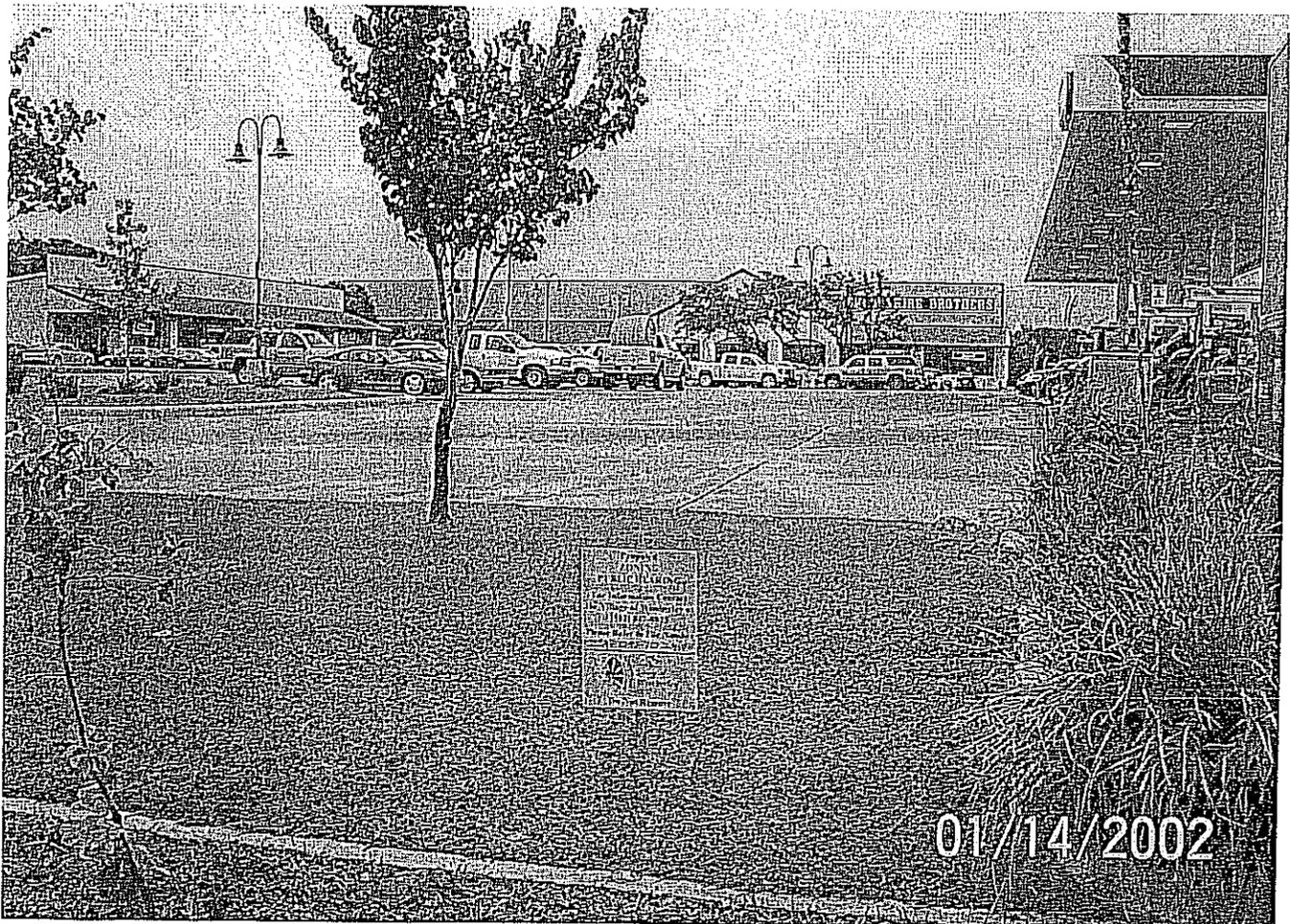
Brookshire Brothers has applied for an amendment to the Wimberley Planned Development District (WPDD) with base zoning of Commercial - Moderate Impact (C2). This amendment proposes to include the sale of alcohol for on premise consumption as a permitted use on Tracts I and II of the development.

The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, November 12, 2009 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, November 19, 2009, at 6:30 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



THE CLASSIFIED

Wednesday, October 28, 2009

Email your ads to: classad@wimberley-tx.com

★ LEGALS & PUBLIC NOTICES

PUBLIC NOTICE

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY ZONING CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at City Hall on Thursday, November 12, 2009 at 6:30 p.m. on an amendment to the City of Wimberley Zoning Code.

ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING TITLE XV, (LAND USAGE) OF THE CODE OF ORDINANCES

AMENDING AND REDEFINITIONS AND DEVELOPMENT

E.G.U. A.F.I.O.'S RELATED TO CORE AVERAGE OPEN AND STEEP SLOPE AND ADDING E.G.U. A.F.I.O.'S

RELATING TO SAME

on recommendation of the Planning & Zoning Commission

City Council will hold a public hearing on Thursday, November 19, 2009 at 6:30 p.m. to consider the ordinance referred to herein. You have

Commission. The City Council will also hold a public hearing on Thursday, November 19, 2009 at 6:30 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 hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas 0718/1a/66.

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

(WPDD Amendment)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at City Hall on Thursday, November 12, 2009 at 6:30 p.m. to consider the following: ZA-09-024 - an amendment to the Wimberley Planned Development District (WPDD) with base zoning of Commercial Moderate Impact (C2) at 1100 RR 12. This amendment proposes to include the sale of alcohol for on-premise consumption as a permitted use

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 hearing. Additional information concerning the proposed action is available for review at Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas 0718/1a/66.

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

(Citywide Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at Wimberley City Hall on Thursday, November 12, 2009 at 6:30 p.m. to consider the following: ZA-09-008 - a city initiated proposal for zone all currently un-zoned properties located west of RR 12 and FM 2325, between the Cypress Creek and Rhodes Lane from un-zoned to R-Rural Residential 1 (R1), Single-Family Residential 3 (R3), Multiple-Family Residential 1 (MF1), Neighborhood Office Services (NS), Commercial Low Impact (C), Commercial Moderate Impact (C2), and Public Facilities (PF) in the 6666 properties in this area.

PUBLIC NOTICE

NOTICE OF PUBLIC SALE

Wimberley Mini Storage, 5061 Melody Way, Landlord Lien sale on site November 9, 2009 9 am. Misc Goods Tenant Li Esensee (06397/4a/88)

FOR IMMEDIATE RELEASE

LEGAL SECTION

PUBLIC NOTICE

By order of the Hays County Court, the Hays County Commissioners Court notice is hereby given that on Tuesday, November 10, 2009 at 9 a.m. in the Hays County Courthouse, 1111 San Antonio Street, in the Hays County Courthouse, Commissioners Court will hold a public hearing to consider:

The proposed

Improvements to Owl Hollow Road and East Owl Hollow Road within the Rocky Ranch 21 Subdivision in Hays County to bring the roadway into compliance with Hays County road standards, and the assessment of all or part of the costs of the improvement, pro rata, against the record owners of real property in the Rocky Ranch Subdivision. (06395/3a/87)

PUBLIC NOTICE

NOTICE OF SEIZURE SALE OF REAL PROPERTY

The State of Texas, Notice of Seizure Sale of Real Property of Hays County, Texas. A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 22nd District Court in and for Hays County, Texas, on the 10th day of June 2009, in favor of Woodcreek Property Owners Association of Hays County, Inc. against Avalee Halms and Chris Halms Cause No. 08-1879. It reflects a judgment amount of \$221649 with interest there on from the date

PUBLIC NOTICE

NOTICE OF PUBLIC SALE

Darral W. Wyas, Constable, Precinct 3, Hays County, By Tom L. Wallace, Deputy Constable, Precinct 3, Hays County. On the property sold there are no warranties expressed or implied, including but not limited to the implied warranties of property as is. Bidders are further advised that purchase of the property at this first order of sale may not extinguish any liens or security interests on the property. If there are any questions, consult legal counsel of your choice. (0519/3a/82/81/88)

FOR IMMEDIATE RELEASE

LEGAL SECTION

PUBLIC NOTICE

The State of Texas, Notice of Seizure Sale of Real Property of Hays County, Texas. A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 22nd District Court in and for Hays County, Texas, on the 10th day of June 2009, in favor of Woodcreek Property Owners Association of Hays County, Inc. against Avalee Halms and Chris Halms Cause No. 08-1879. It reflects a judgment amount of \$221649 with interest there on from the date

PUBLIC NOTICE

NOTICE OF PUBLIC SALE

2009, in favor of Woodcreek Property Owners Association of Hays County, Inc. against an Unknown Heirs of Oran L. Wylie and Gladys A. Wylie Cause No. 08-1880. It reflects a judgment amount of \$242607 with interest there on from the date of judgment at the rate of 5.00% per annum until paid in full. \$25400. as costs of the suit with foreclosure of the lien on the following described property by virtue of the First Order of Sale filed on the 20th day of August, 2009 at 10:00 a.m. lay upon the following described property located in Hays County, Texas: the property of said defendant to wit:

FOR IMMEDIATE RELEASE

LEGAL SECTION

PUBLIC NOTICE

The State of Texas, Notice of Seizure Sale of Real Property of Hays County, Texas. A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 22nd District Court in and for Hays County, Texas, on the 10th day of June 2009, in favor of Woodcreek Property Owners Association of Hays County, Inc. against Avalee Halms and Chris Halms Cause No. 08-1879. It reflects a judgment amount of \$221649 with interest there on from the date

FOR IMMEDIATE RELEASE

LEGAL SECTION

PUBLIC NOTICE

The property known by its legal description as lots 25, Section 9, Block 1, the subdivision known as Woodcreek in Hays County, Texas, as it existed on the 10th day of June 2009. And on the 13th day of November, 2009 being the first Tuesday of November, 2009, at 10:00 a.m. and at 4:00 p.m. at the north door of the courthouse of Hays County will offer for sale, and sell for cash all the right, title and interest of Oran L. Wylie and Gladys A. Wylie and

FOR IMMEDIATE RELEASE

LEGAL SECTION

PUBLIC NOTICE

of the property known by its legal description as lots 25, Section 9, Block 1, the subdivision known as Woodcreek in Hays County, Texas, as it existed on the 10th day of June 2009. And on the 13th day of November, 2009 being the first Tuesday of November, 2009, at 10:00 a.m. and at 4:00 p.m. at the north door of the courthouse of Hays County will offer for sale, and sell for cash all the right, title and interest of Oran L. Wylie and Gladys A. Wylie and

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mail at City Hall prior to the hearing or the public will be granted an opportunity to speak at the public hearing. Additional information concerning the proposed actions is available for public review at City Hall. The City of Wimberley City Hall is located at 12111 Ranch Road 12, PO Box 2027, Wimberley, Texas. (07429/1A/86)

NOTICE OF PUBLIC HEARING
(Request for Alcohol Variance)

Notice is hereby given that the Wimberley City Council will hold a public hearing on Thursday, November 19, at 6:30 p.m. to consider the following: AV-09-004 - a request for a waiver to sell alcohol for on premise consumption less than 300' from a school, church, day care or hospital, at 5001 FM 2325. 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 hearing. Additional information concerning the proposed actions is available for review at the Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas. (07422/1A/86)

PUBLIC NOTICE
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, November 12, 2009, at 6:30 p.m. to consider the following: CUP-09-011 - an application for a Conditional Use Permit (CUP) to allow the sale of alcohol for on premise consumption, at 5001 FM 2325. Upon recommendation of the Planning & Zoning

Commission, the City Council will hold a public hearing on Thursday, November 19, 2009, at 6:00 p.m. 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 hearing. Additional information concerning the proposed actions is available for review at the Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas. (07417/1A/86)

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
(Citywide Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at Wimberley City Hall on Thursday, November 12, 2009, at 6:30 p.m. to consider the following: ZA-09-007 - a city initiated proposal to zone certain currently un-zoned properties north of Old Kyle Road and along Ranch Road 12 from FM 2325 to the north. A portion of the north side of the city limits from Residential Acreage (RA), Rural Residential (RR), Commercial Low Impact (CL), Commercial Moderate Impact (C2), Logging (L), Participant Recreation (PR), and Public facilities (PF). The specific properties in this corridor to be zoned and the new proposed zoning classifications are shown on a map that is displayed at City Hall. Maps may also be viewed at the Community Center and the Library. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 19, 2009, at 6:30 p.m. at City Hall. Comments on the proposed zoning from any member of the public may be

presented at the Community Center and the Library. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 19, 2009, at 6:30 p.m. at City Hall. Comments on the proposed zoning from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearings. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed actions is available for review at Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas. (07419/1A/86)

PUBLIC NOTICE
Early Public Notice - Floodplain City of Eiland

The City of Eiland is considering replacing the water lines that are old, undersized and deteriorating in the Caldwell County portion of the city. A portion of these lines are within a flood hazard area. The city is interested in discussing alternatives to this project. The location of the existing public perceptions of possible adverse impacts that would result from the project and discussing possible measures to minimize any adverse impacts. A public hearing is scheduled on November 12, 2009, at 5:30 p.m. in the city hall to discuss the proposed project. Any written comments should be sent to the Office of Mayor 15 N. Old Spanish Trail, Eiland, Texas 78640. Comments will be received until November 26, 2009. A more detailed description of the project is available for citizen review at the Eiland City Hall. Daniel Heideman, Mayor. (07410/1A/86)

be viewed at the County Courthouse, 1111 San Antonio Street in the Hays County Courthouse. Commissioners Court will hold a public hearing to consider Replat of Lot 9 Mountain Oaks Subdivision. (06335/3A/86)

PUBLIC NOTICE

The State of Texas, Notice of Seizure/Sale of Real Property County of Hays. A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 428th District Court in and for Hays County, Texas on the 10th day of June, 2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Maria A. Trisko Cause No. 06-2214 reflects a judgment amount of \$1,435.03 with interest thereon from the date of judgment at the rate of 5.00% per annum until paid and \$19,000 as costs of the suit with foreclosure of the lien on the following described property: By virtue of the First Order of Sale, did on the 20th day of August, 2009 at 11:20 am levy upon the following described property located in Hays County as the property of said defendant to wit: The property known by its legal description as Lot 160, Section 9, A the subdivision known as Woodcreek in Hays County, Texas as it existed on the 10th day of June, 2009. And on the 3rd day of November, 2009 being the first Tuesday of November, 2009 between the hours of 10:00 am and 4:00 pm at the north door of the courthouse of Hays County will offer for sale and sell for cash all the right, title and interest of Maria A. Trisko in and to said property. State to begin at 10:30 am sharp. Date: August 20, 2009.

PUBLIC NOTICE
The State of Texas, Notice of Seizure/Sale of Real Property County of Hays. A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 22nd District Court in and for Hays County, Texas on the 10th day of June, 2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Charles J. Gunnels Cause No. 06-1697 reflects a judgment amount of \$6,598.94 with interest thereon from the date of judgment at the rate of 5.00% per annum until paid and \$19,000 as costs of the suit with foreclosure of the lien on the following described property: By virtue of the First Order of Sale, did on the 4th day of September, 2009, at 8:55 am levy upon the following described property located in Hays County as the property of said defendant to wit: The property known by its legal description as: Lot 120, Section 8 of Woodcreek a subdivision in Hays County, Texas as it existed on the 23rd day of June, 2008. And on the 3rd day of November, 2009 being the first Tuesday

of Sale, did on the 20th day of August, 2009 at 11:15 am levy upon the following described property located in Hays County as the property of said defendant to wit: The property known by its legal description as Lot 129, Section 13, the subdivision known as Woodcreek in Hays County, Texas as it existed on the 10th day of June, 2009. And on the 3rd day of November, 2009 being the first Tuesday of November, 2009 between the hours of 10:00 am and 4:00 pm at the north door of the courthouse of Hays County will offer for sale and sell for cash all the right, title and interest of Avelle Helms and Chris Helms in and to said property. Sale to begin at 10:30 am sharp. Date: August 20, 2009. Darrell W. Ayres, Constable, Precinct 3, Hays County. By Tom L. Wallace, Deputy Constable, Precinct 3, Hays County. On the property sold there are no warranties expressed or implied, including but not limited to the implied warranties of property as is. Bidders are further advised that purchase of the property at this first order of sale may not extinguish any liens or security interests in the property. If there are any questions, consult legal counsel of your choice. (05195/3/02/84/86)

PUBLIC NOTICE
The State of Texas, Notice of Seizure/Sale of Real Property County of Hays. A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 23rd District Court in and for Hays County, Texas on the 10th day of June, 2008 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Charles J. Gunnels Cause No. 06-1697 reflects a judgment amount of \$6,598.94 with interest thereon from the date of judgment at the rate of 5.00% per annum until paid and \$19,000 as costs of the suit with foreclosure of the lien on the following described property: By virtue of the First Order of Sale, did on the 4th day of September, 2009, at 8:55 am levy upon the following described property located in Hays County as the property of said defendant to wit: The property known by its legal description as: Lot 120, Section 8 of Woodcreek a subdivision in Hays County, Texas as it existed on the 23rd day of June, 2008. And on the 3rd day of November, 2009 being the first Tuesday

of Sale, did on the 20th day of August, 2009 at 11:15 am levy upon the following described property located in Hays County as the property of said defendant to wit: The property known by its legal description as Lot 129, Section 13, the subdivision known as Woodcreek in Hays County, Texas as it existed on the 10th day of June, 2009. And on the 3rd day of November, 2009 being the first Tuesday of November, 2009 between the hours of 10:00 am and 4:00 pm at the north door of the courthouse of Hays County will offer for sale and sell for cash all the right, title and interest of Avelle Helms and Chris Helms in and to said property. Sale to begin at 10:30 am sharp. Date: August 20, 2009. Darrell W. Ayres, Constable, Precinct 3, Hays County. By Tom L. Wallace, Deputy Constable, Precinct 3, Hays County. On the property sold there are no warranties expressed or implied, including but not limited to the implied warranties of property as is. Bidders are further advised that purchase of the property at this first order of sale may not extinguish any liens or security interests in the property. If there are any questions, consult legal counsel of your choice. (05196/3A/82/84/86)

PUBLIC NOTICE

The State of Texas, Notice of Seizure/Sale of Real Property County of Hays. A First Order of Sale was issued the 20th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 274th District Court in and for Hays County, Texas on the 23rd day of June, 2008 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Charles J. Gunnels Cause No. 06-1697 reflects a judgment amount of \$6,598.94 with interest thereon from the date of judgment at the rate of 5.00% per annum until paid and \$19,000 as costs of the suit with foreclosure of the lien on the following described property: By virtue of the First Order of Sale, did on the 4th day of September, 2009, at 8:55 am levy upon the following described property located in Hays County as the property of said defendant to wit: The property known by its legal description as: Lot 120, Section 8 of Woodcreek a subdivision in Hays County, Texas as it existed on the 23rd day of June, 2008. And on the 3rd day of November, 2009 being the first Tuesday

ORDINANCE NO. 2009-___

AN ORDINANCE OF THE CITY OF WIMBERLEY AMENDING ORDINANCE NO. ZA-06-013, WHICH DESIGNATED THE GEOGRAPHIC BOUNDARIES FOR A WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) ZONING DISTRICT CLASSIFICATION FOR REAL PROPERTY LOCATED AT 14100 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, IN ORDER TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION FOR A DESIGNATED PORTION OF PARCEL ONE AND SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

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

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

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

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

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

WHEREAS, in accordance with section 155.062 of the Code, the Wimberley Planned Development District (WPDD) Zoning is permitted in all Planning Areas, and the Commercial Moderate-Impact (C-2) zoning district is permitted in Planning Area C; and,

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

and natural resources; and,

WHEREAS, on October 19, 2006, the City Council approved Ordinance No. ZA-06-013, approving a WPDD zoning designation with a base zoning of Commercial Moderate Impact (C-2), and designating additional permitted uses for the property described therein; and Council has approved an amendment to the WPDD ordinance to allow for the sale of alcoholic beverages off-premise; and,

WHEREAS, the property owner has submitted an application requesting an additional use for sale of alcoholic beverages for on-premise consumption on a designated portion of Parcel One of the real property described by metes and bounds in Exhibit "A" in Ordinance No. ZA-06-013, and has agreed to abide by the conditions enumerated herein; and,

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Comprehensive Zoning Ordinance and has concluded that the real property described as a specified portion of Parcel One, and more particularly described by metes in bounds in Exhibit "A" of Ordinance No. ZA-06-013, Wimberley, Hays County, Texas (the "Property") qualifies for an amendment to the Wimberley Planned Development District (WPDD) Zoning, permitting an additional use of alcoholic beverage sales on-premise, subject to the condition herein, and that such additional permitted use is consistent with established City policy and is in the public interest; and,

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

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. AMENDMENT

THAT Ordinance No. ZA 06-013, which designated a Wimberley Planned Development District zoning on real property consisting of approximately 15.4 acres, composed of three tracts, Parcels One, Two and Three, being approximately 5.700 acres, 1.131 acres and 8.571 acres respectively, municipally numbered as 14100 Ranch Road 12, in the City of Wimberley, Hays County, Texas, and more particularly described in Exhibit "A" therein, is hereby amended to amend Exhibit "B", Section B. Permitted uses, to add alcoholic beverage sales for on-premise consumption as a permitted use for Parcel One, subject to the following conditions:

1. The sale of alcoholic beverages for on-premise consumption shall be allowed only within the grocery store located on Parcel One. No other structure or building currently existing or constructed in the future shall sell alcoholic beverages for on-premise consumption without first obtaining City approval and amending this Ordinance; and,

2. The property owner shall obtain a special events permit approved by the City Council prior to the sale of alcoholic beverages for on-premise consumption outside of the grocery store structure but within its patio area located adjacent to the grocery store; and,

3. Only beer and wine as defined by state law may be sold for on-premise consumption. This Ordinance does not permit the sale or distribution of liquor, as defined by state law, for on-premise consumption; and,

4. Alcoholic beverages for sale for on-premise consumption shall only be sold in glass bottles, however wine shall be sold by individual glasses. No alcohol shall be dispensed by a tap.

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

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. EFFECTIVE DATE

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

ARTICLE V. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this ___ day of _____, 2009, by a vote of ___ (Ayes) to ___ (Nays) ___ (Abstain) vote of the City Council of the City of Wimberley, Texas

CITY OF WIMBERLEY

BY: _____
Tom A. Haley, Mayor

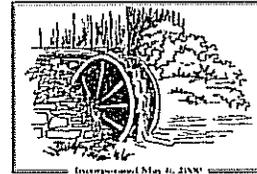
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

Report for Zoning Change CUP-09-011



Summary: A Conditional Use Permit to allow a sit-down eating establishment that sells beer, wine and alcohol for on-premise consumption at 500 FM 2325

Applicant Information:

Applicant: Linda Allen Catering
P.O. Box 1746
Wimberley, Texas 78676

Property Owner: Linda Allen

Subject Property:

Legal Description: A0365 Benjamin Page Survey, Acres 1.711
Location: 500 FM 2325
Existing Use of Property: Eating Establishment, Sit Down
Existing Zoning: C-1 Commercial - Low Impact
Proposed Use of Property: Eating Establishment: Sit-down including the sale of beer, wine and alcohol for on-premise consumption
Proposed Zoning: C-1 with a Conditional Use Permit
Planning Area: III
Overlay District: Entrance Corridor

Surroundings:

Frontage On: FM 2325

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R-2	Residential
S of Property	C-1	School
E of Property	C-1	Vacant
W of Property	C-1	Restaurant

Legal Notice

200' Letters: 10/26/09
Published: 10/28/09
Sign Placement: 10/26/09
Responses: None

Comments:

The applicant has requested a Conditional Use Permit (CUP) to allow for the sale of beer, wine and alcohol for on-premise consumption only at *Linda's Fine Dining* located at 500 FM 2325. The subject property is located in Planning Area III, and is zoned Commercial-Low Impact (C-1). Sit-down eating establishments that sell beer, wine and alcohol for on-premise consumption are allowed in a C-1 zoning district with a CUP.

City staff has received no comments on the CUP request from any of the notified property owners located within 200 feet of the subject property. Based upon a review of the case, City staff recommends approval of the requested CUP.

The subject property is located in close proximity to two (2) sit-down restaurants where alcohol-related CUPs were recently approved by the City.

On November 12, 2009, the Planning and Zoning Commission held a public hearing on the CUP request. Afterwards, the Commission voted unanimously to recommend approval of the CUP.

It should be noted that if the CUP is approved, the applicant will need to obtain a City Council waiver from the City's distance requirements prohibiting the sale of beer, wine and alcohol within 300 feet of a school, church, hospital or day care facility, as the subject property is located across the street from the Katherine Anne Porter Charter School.

ORDINANCE NO. 2009- 031

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 155 (ZONING) OF THE CODE OF ORDINANCES AS FOLLOWS:

1. SECTION 155.005 (DEFINITIONS) TO AMEND, ADD AND DELETE DEFINITIONS RELATED TO ALCOHOL USES;
2. PORTIONS OF SECTION 155.047 (COMMERCIAL - LOW IMPACT (C-1), SECTION 155.048 COMMERCIAL - MODERATE IMPACT (C-2)), AND SECTION 155.049 (COMMERCIAL - HIGH IMPACT (C-3)) TO ALLOW EATING ESTABLISHMENTS: SIT-DOWN, TO SELL BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION AS A CONDITIONAL USE;
3. PORTIONS OF SECTION 155.047 (COMMERCIAL - LOW IMPACT (C-1)), AND SECTION 155.048 (COMMERCIAL - MODERATE IMPACT (C-2)) TO ALLOW PACKAGE STORES OF BEER AND WINE AS A CONDITIONAL USE;
4. PORTIONS OF SECTION 155.049 (COMMERCIAL - HIGH IMPACT (C-3)) TO ALLOW LIQUOR STORES AS A CONDITIONAL USE;
5. PORTIONS OF SECTION 155.049 (COMMERCIAL - HIGH IMPACT (C-3)) TO ALLOW PACKAGE STORES OF BEER AND WINE AS A PERMITTED USE; AND,
6. SECTION 155.091(E) CITY CENTER OVERLAY DISTRICT (CC) ADD LIQUOR STORE AND PACKAGE STORES OF BEER AND WINE AS PROHIBITED USES;

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, on May 9, 2009, a majority of the voters of Hays County voted to allow the public to purchase alcohol in stores and to purchase and consume alcoholic drinks at restaurants and bars in Justice of the Peace, Precinct Three of Hays County; and,

WHEREAS, amendments to the City's zoning code is necessary to allow certain sales and on-premise consumption of beer, wine and liquor in order to permit such uses in the City's various zoning districts; and,

WHEREAS, in the course of reviewing the proposed amendments detailed in this Ordinance, the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the 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 several 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

A. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Section 155.005 (Definitions) shall be amended as follows:

1. The following definitions shall be amended to read as follows:

"BARS AND TAVERNS. Establishments or places of business where customers are seated and served which are primarily engaged in the sale, mixing, or dispensing of beer, wine and alcoholic beverages for consumption on the premises, and which fifty

percent (50%) or more of gross revenue is derived from the on-premises sale of alcoholic beverages. Typical uses include a tavern, bar or cocktail lounge with minimal or no kitchen facilities and little or no food items served.

EATING ESTABLISHMENTS: 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, and may include alcoholic beverages, for on-premises consumption upon approval of a conditional use permit. They are located at high capacity or high volume sites that are easily accessed by vehicles and pedestrians. Typical uses include restaurants, short-order eating places, cafeterias, and coffee shops.

FOOD AND BEVERAGE RETAIL SALES. Establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption, including beer and wine beverages. Typical uses include grocery stores and delicatessens, but does not include sale of alcoholic beverages.

RETAIL SALES AND SERVICES: GENERAL. Establishments engaged in the sale or rental of goods and services, both retail and wholesale, of commonly used goods, merchandise, and services, not including the sale of beer, wine, or alcoholic beverages for on or off-premise consumption.

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, not including the sale of beer, wine, or alcoholic beverages for on or off-premise consumption.

SPECTATOR SPORTS AND ENTERTAINMENT: LOW IMPACT. Establishments or places engaged in the provision of cultural, entertainment, athletic, and other events to spectators as well as parking space for social or fraternal gatherings. These uses are conducted in open facilities or within an enclosed building with a capacity of 100 or fewer people and include retail sales, storage facilities, and other activities incidental to the operation. Typical uses include theaters or amusement places, not including the sale of beer, wine, or alcoholic beverages for on or off-premise consumption.”

2. The following definition shall be deleted in its entirety:

ALCOHOLIC BEVERAGE SALES

3. The following definitions shall be added alphabetically to read as follows:

“ALCOHOLIC BEVERAGE means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

PACKAGE STORE means a store that sells bottled or canned beer and wine beverages for consumption off the premises.

LIQUOR STORE means a store that sells bottled or canned alcoholic beverages for consumption off the premises.”

- B. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsection 155.047(B)(7) (Commercial – Low Impact (C-1)), Permitted Uses, is hereby amended to read as follows:
- “(B)(7) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premise consumption;”
- C. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsection 155.047(C) (Commercial – Low Impact (C-1)), Conditional Uses, is hereby amended to add subsection (6) to read as follows:
- “(6) Eating establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption.”
- D. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsection 155.048(B) (Commercial – Moderate Impact (C-2)), Permitted Uses, is hereby amended to read as follows:
- “(8) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premise consumption;”
- E. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsection 155.048(C) (Commercial – Moderate Impact (C-2)), Conditional Uses, is hereby amended to add subsection (9) to read as follows:
- “(9) Eating establishments: sit-down, including the sale of beer, wine, or alcohol for on-premise consumption.”
- F. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsections 155.049(B)(3) and (5) (Commercial – High Impact (C-3)), Permitted Uses, are hereby amended to read as follows:
- “(3) Food and beverage retail sales (such as grocery), not including the sale of beer, wine, or alcohol for on or off premise consumption;
- (5) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premise consumption;”

G. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Subsection 155.049(C)(2) (Commercial – High Impact (C-3)), Conditional Uses, is hereby amended to read as follows, and subsection (17) is added to read as follows:

“(2) Liquor and package stores;

(17) Eating establishments: sit-down, including the sale of beer, wine, and alcohol for on-premise consumption;”

H. THAT the City of Wimberley Code of Ordinances, Chapter 155 (Zoning), Section 155.091(E) (City Center Overlay (CC)) is hereby amended to add subsection (11) to read as follows:

“(11) Liquor Stores, excluding establishments that solely serve and sell wine for on and off-premise consumption.”.

Except as amended herein, the Code of Ordinances of the City of Wimberley 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.

FIRST READING PASSED AND APPROVED this 2nd day of July, 2009, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

SECOND READING PASSED AND APPROVED this 16 th day of July, 2009, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

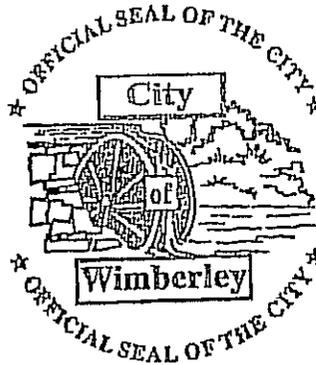
CITY OF WIMBERLEY

By: Tom Haley
Tom Haley, Mayor

ATTEST:

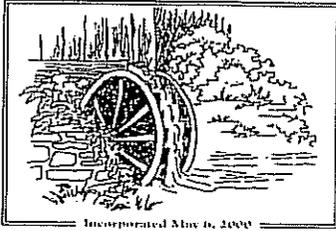
Cara McPartland
Cara McPartland, City Secretary

(SEAL)



APPROVED AS TO FORM:

Carolyn J. Cosby
Carolyn J. Cosby, City Attorney



Village of Wimberley

CONDITIONAL USE PERMIT
APPLICATION

No. CUP-09-011



FOR OFFICIAL USE ONLY

Application Date: 10/23/09 Tentative P&Z Hearing: 11/12/09 Tentative Council Hearing: 11/19/09

FEES: \$400.00 DATE PAID: 10/23/09 CHECK NO. 8668 REC'D BY abhy

PROJECT SITE ADDRESS: 500 FM 2325 Wimberley, TX. 78676

OWNER/APPLICANT LINDA ALLEN CATERING PHONE (512) 847-5464

FAX (512) 847-5961 EMAIL: lindaallencatering@verizon.net

Mailing Address: PO Box 1746 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: C-1 CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

TABC Beer & Wine Permit

Planning Area III Zoning C1 Total Acreage or Sq. Ft. _____

Subdivision: _____ Lot _____ Block _____

Appraisal District Tax ID#: R 17188

Deed Records Hays County: Volume 684 Page 188

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

Type: Entrance Corridor

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

Utilities:

Electric Provider: PEC

Water Provider or Private Well: Wimberley Water

Wastewater Service Provider or Hays County Septic Permit No: Agua Texas

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.

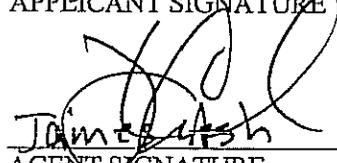
Date 10-23-09



APPLICANT SIGNATURE

WHEN APPLICABLE:

Date 10-23-09



AGENT SIGNATURE

STATE OF TEXAS
COUNTY OF HAYS

1.711 ACRES
BENJAMIN PAGE SURVEY A-365

A DESCRIPTION OF A 1.711 ACRE TRACT OF LAND SITUATED IN THE BENJAMIN PAGE SURVEY, ABSTRACT 365, BEING THE SAME 1.8 ACRES RECORDED IN VOLUME 681, PAGE 189, REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING at a ½ inch iron rod found in the northeast right-of-way line of FM 2325 (80' R.O.W.) for the west corner of a called 3.43 acre tract recorded in Volume 269, Page 877, Deed Records of Hays County, Texas from which a 48" Live Oak with an "x" and slash bears North 42°56'53" West, a distance of 52.27 feet, (called a 28" Live Oak, at North 23°50' West, 57.8' in said Volume 681, Page 189), said ½ inch iron rod found also being the south corner of the herein described tract;

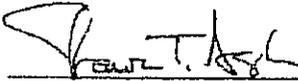
THENCE along said right-of-way North 55°35'32" West, a distance of 184.10 feet, (called North 56° West, 184.1 feet) to a mag nail set in asphalt on the same bearing as a TXDOT concrete monument found at an additional 102.46 feet, said mag nail set being the south corner of a called 1.364 acre tract recorded in Volume 1298, Page 728, Official Public Records of Hays County, Texas and the west corner of the herein described tract;

THENCE along the common line of said 1.364 acre tract and the herein described tract, North 33°06'43" East, passing the same well referenced in said Volume 681, Page 189, at a distance of 191.90 feet continuing along at a total distance of 397.13 feet, (called North 32°40' East, 418.0 feet) to a ½ inch iron rod found in the southwest line of Lot 9, Block 2 of Wood Creek Section 3 recorded in Volume 1, Page 157, Plat Records of Hays County, Texas for the east corner of said 1.364 acre tract and the north corner of the herein described tract;

THENCE along the common line of said Woodcreek Section 3 and the herein described tract, South 56°00'00" East, passing a ½ inch iron rod found for the south corner of Lot 9 and the west corner of Lot 8, Block 2 of said Woodcreek at a distance of 110.95 feet, for a total distance of 190.67 feet, (called South 56° East, 191.0 feet, being the BEARING BASIS herein) to a ½ inch iron rod found for the interior corner of Lot 8, Block 2, Wood Creek Section 3, and being the north corner of said 3.43 acre tract and the east corner of the herein described tract;

THENCE along the common line of said 3.43 acre tract and the herein described tract, South 34°03'37" West, a distance of 398.39 feet, (called South 34° West, 417.8 feet) to the POINT OF BEGINNING and containing 1.711 acres of land

I, Shawn T. Ash, do certify that this description and associated exhibit were prepared from a survey performed under my direction during March, 2004, and is true and correct to the best of my knowledge and belief.



Shawn T. Ash
Registered Professional Land Surveyor
No. 5687 State of Texas



3/18/04
Date

Attachments: Exhibit of 1.711 Acres, 04-0276
Job: 04-0276

WOODCREEK SEC. 8, BLOCK 2

VOL. 1, PG. 157
P.R.H.C., T.

LOT 8

LOT 10

LOT 9

79.72'
(80.00')

S 56°00'00" E 190.67'
(S 56° E 191.0')
BEARING BASIS

SCALE 1" = 50'

LEGEND

- ⊙ IRON PIPE FOUND
- ⊙ IRON ROD FOUND
- ▲ NAIL SET
- ⊞ WATER METER
- WIRE FENCE
- P.O.B. POINT OF BEGINNING
- ⊙ POWER POLE
- OVERHEAD UTILITY LINE
- (SNG-DIST.) RECORD CALL
- TR. CON. CONCRETE FOUND

(1.364 ACRES)
VOL. 1298, PG. 728
L.P.R.H.C., T.

1.711 ACRES
(1.8 ACRES)
VOL. 884, PG. 188
R.P.R.H.C., T.

(3.43 ACRES)
VOL. 269, PG. 877
D.P.R.H.C., T.

397.13'
418.0'
N 33°06'43" E
(N 33°40' E 397.13')

398.39'
417.8'
S 34°03'37" W
(S 34° W)

(1.364 ACRES)

N 55°35'32" W 102.48'
(N 56° W 102.48')

N 55°35'32" W 184.10'
(N 56° W 184.1')

80.00'

FM 2325
(80' B.D.W.)

- NOTES
- 1) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP (CONCRETE) PANEL NO. 400321 0180 E, DATED FEB. 18 1988, THIS LOT IS LOCATED IN ZONE "X", AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN (NOT LOCATED IN THE 100-YEAR FLOODPLAIN.)
 - 2) THIS TRACT MAY BE SUBJECT TO A BLANKET TYPE EASEMENT GRANTED TO TEXAS PIPELINE COMPANY IN VOLUME 86, PAGES 584-570, HAYS CO. DEED RECORDS. NO EVIDENCE OF ITS EXISTENCE WAS IDENTIFIED DURING THIS SURVEY.
 - 3) THIS TRACT IS SUBJECT TO A 15' EASEMENT GRANTED TO AQUASOURCE AS RECORDED IN VOLUME 2431, PAGE 554, OFFICIAL PUBLIC RECORDS OF HAYS CO. TEXAS.

TO:
PURCHASER: LINDA ALLEN
TITLE CO.: HAYS COUNTY ABSTRACT CO.
OF NO.: STEWART TITLE GUARANTY COMPANY
20481076

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION FOR BOUNDARY AND IMPROVEMENT SURVEY OF: 1.71 ACRES OUT OF THE BENJAMIN PAGE SURVEY, A, 365, HAYS COUNTY, TEXAS AS RECORDED IN VOLUME 884, PAGE 188 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS.

I, SHAWN T. ASH, DO HEREBY CERTIFY THAT THIS PLAT OF THE PROPERTY SHOWN HEREON WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING MARCH 2004, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND EXCEPT AS SHOWN OR NOTED HEREON, THERE ARE NO VISIBLE DISCREPANCIES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADWAYS, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A PUBLIC RIGHT OF WAY.



SHAWN T. ASH, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
NUMBER 5687 STATE OF TEXAS

3/18/04
DATE

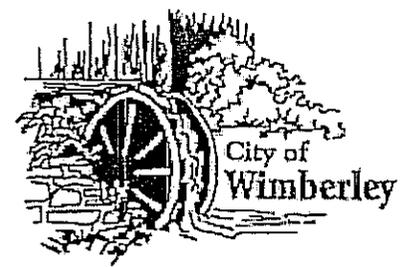


ASH & ASSOCIATES

surveying and mapping
318 W. DEERWOOD ST., SUITE 2
540 WAGNER, LUBBOCK, TEXAS 79608
817-792-1714
FAX (817) 492-1028

JOB NO. 04-0376 DRAWN BY: STA/CM

Zoning Map for CUP-09-011



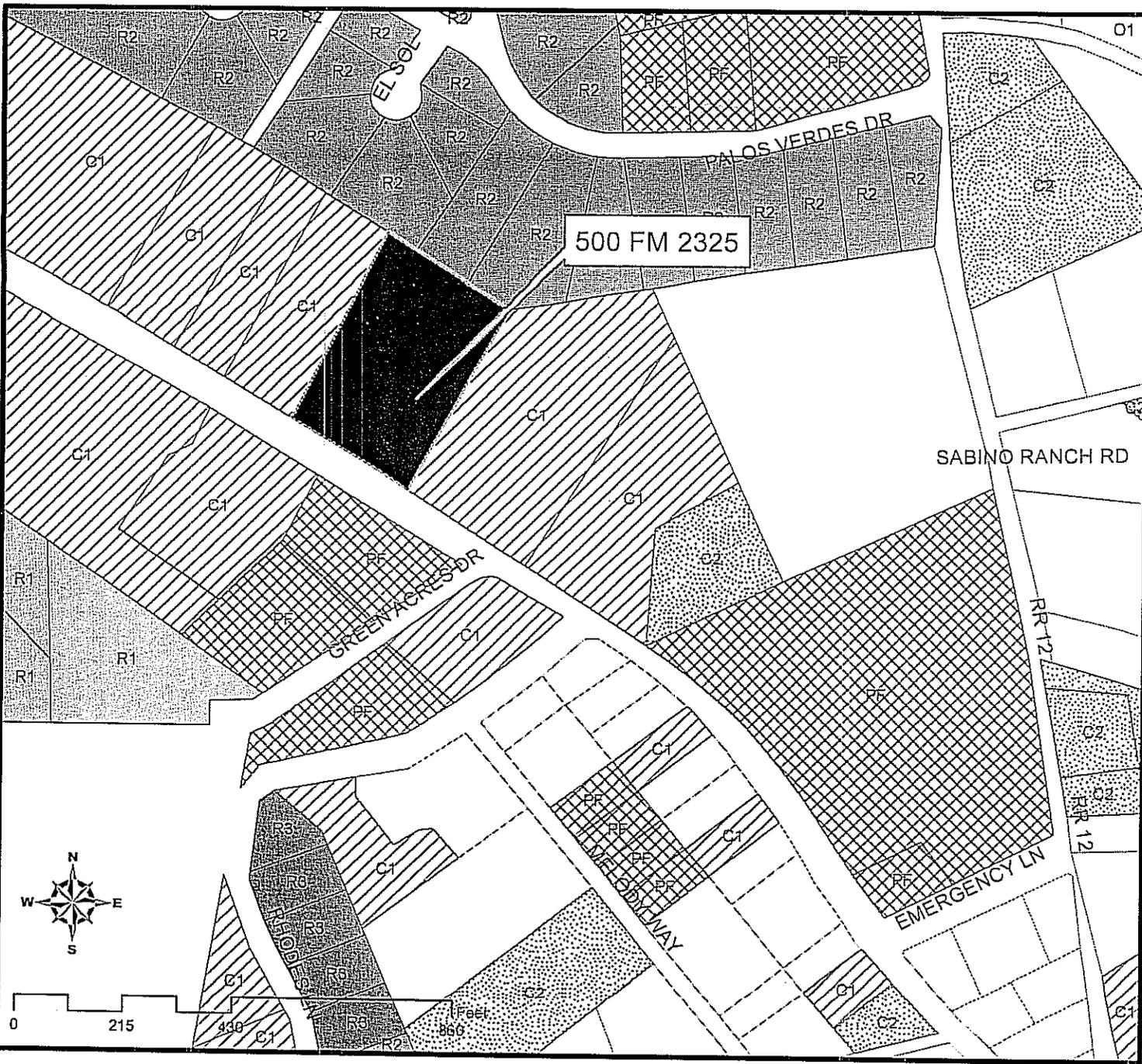
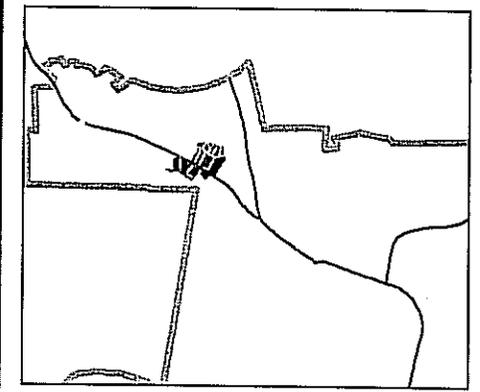
P.O. Box 2027 • Wimberley, Texas 78676

Zoning

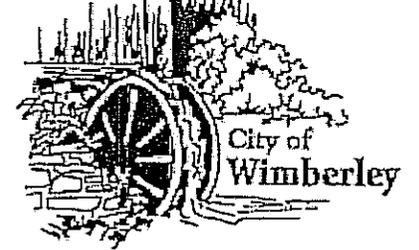
Dist

-  Rural Residential (R1)
-  Single Family Residential 2 (R2)
-  Single Family Residential 3 (R3)
-  Commercial - Low Impact (C1)
-  Commercial - Moderate Impact (C2)
-  Public Facilities (PF)

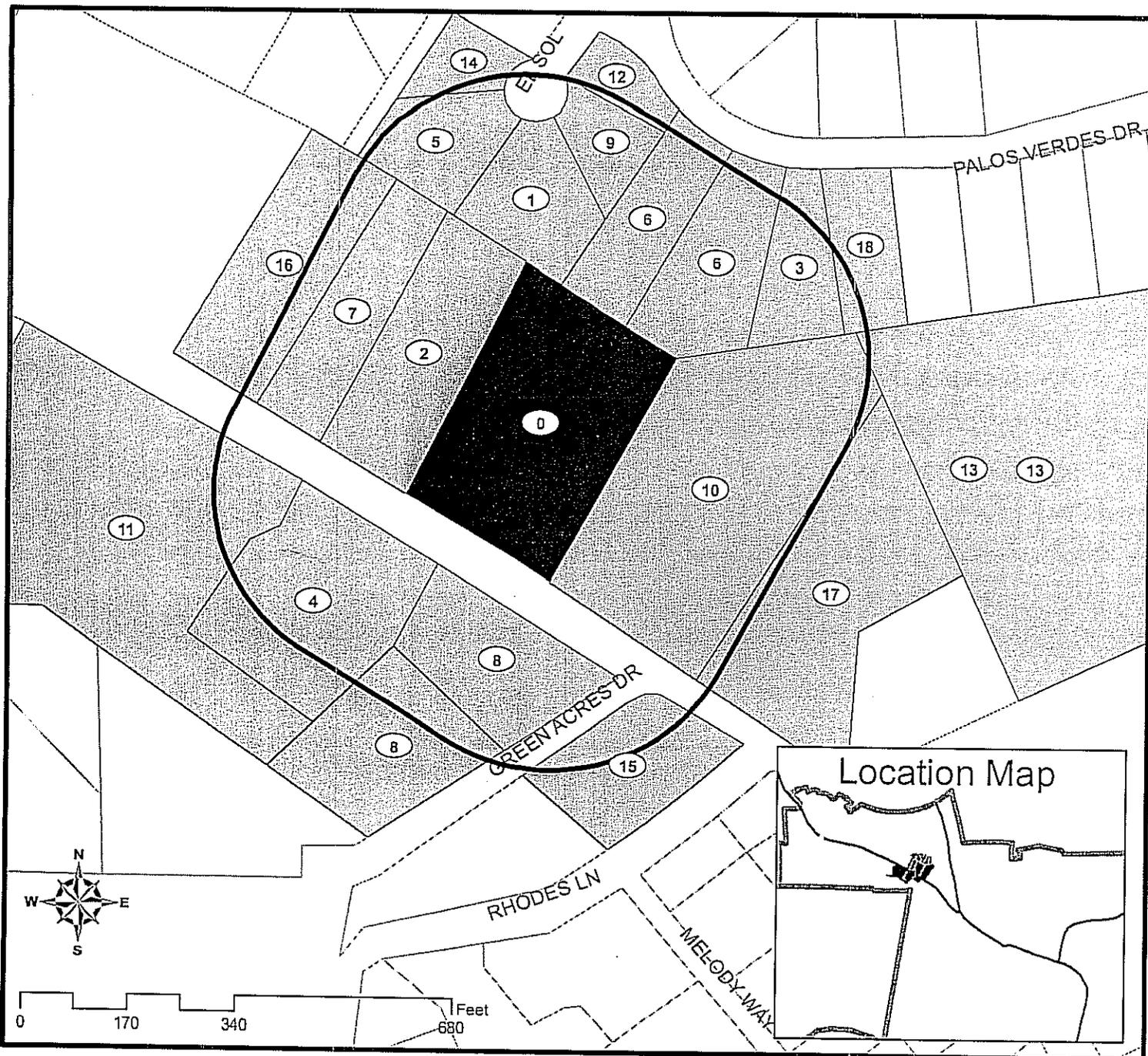
Location Map



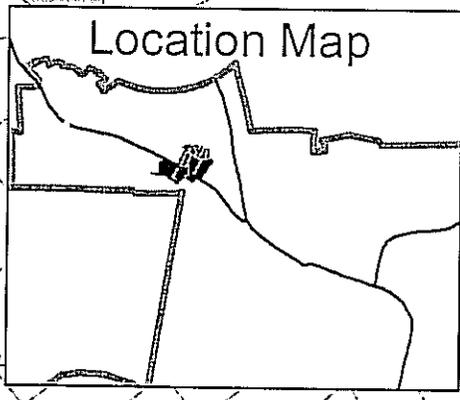
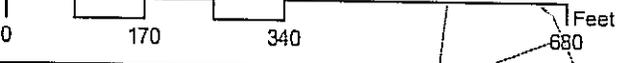
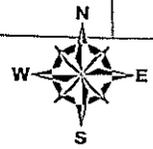
Notification Map for CUP-09-011

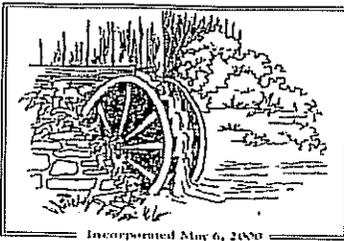


P.O. Box 2027 • Wimberley, Texas 78676



-  300 Foot Buffer
-  0, ALLEN, LINDA
-  1, BELLO DANNY & JEANETTE B
-  2, TILTON KATHLEEN & RONALD G
-  3, GHEEN DWIGHT M & FRED A J
-  4, KATHERINE ANNE PORTER SCHOOL
-  5, KURICAR, MARY MAXINE
-  6, MALLARD NEAL & DARENDA W
-  7, SUMTER TERRY E & ELIZABETH A
-  8, TRINITY, CHAPEL
-  9, WERNER, LUETTA
-  10, WILLETT, BOYD
-  11, WIMBERLEY LIONS CLUB
-  12, BARTON ELSA HERBEL
-  13, CHAPEL IN THE HILLS CHURCH
-  14, DICKEY, MADALINE C
-  15, DUNKS, STEVEN PAUL
-  16, GONZALEZ, EPIFANIA C
-  17, JOHNSON, WM PARKS
-  18, MCWILLIAMS JEFF & JUDITH





City of Wimberley

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

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

Email: village@anvilcom.com Web: www.vil.Wimberley.tx.us

Tom Haley, Mayor - Bob Flocke, Mayor Pro-tem

Council Members - Charles Roccaforte, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

October 26, 2009

NOTICE OF PUBLIC HEARING

Re: File No. CUP-09-011

500 FM 2325

A request for a Conditional Use Permit (CUP) to allow the sale of alcohol for on premise consumption

File No. AV-09-004

500 FM 2325

A request for a waiver to allow the sale of alcohol for on premise consumption within 300 feet of a church, school, day care center or hospital.

Dear Property Owner:

You are receiving this letter because you own property within 300 feet of the above-referenced location.

Linda Allen has requested a Conditional Use Permit (CUP) to allow the sale of alcohol for on premise consumption at 500 FM 2325. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, November 12, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, November 19, 2009, at 6:30 p.m.**

Associated with the above mentioned application, the applicant is seeking a waiver from the City requirement prohibiting the sale of alcohol within 300 feet of a church, school, day care center or hospital. The Wimberley City Council will consider this waiver request at a public hearing on **Thursday, November 19, 2009, at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12

Because the granting of these requests may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearings. 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 waiver and CUP 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



THE CLASSIFIED

Wednesday, October 28, 2009

Email your ads to: classad@wimberley-b

★ LEGALS & PUBLIC NOTICES

PUBLIC NOTICE

NOTICE OF PROPOSED AMENDMENT TO CITY OF WIMBERLEY ZONING CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing on the proposed amendment to the City of Wimberley Zoning Code on Thursday, November 12, 2009 at 6:30 p.m. at the City of Wimberley City Hall, 12111 Ranch Road, Wimberley, Texas 77981.

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

(WRPD) Amendment Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing on Thursday, November 12, 2009 at 6:30 p.m. to consider the following: Z-09-0247 - an amendment to the City of Wimberley Planned Development District (WRPD) with a base zoning of Commercial Moderate Impact (C2) at 14:00, R-12. This amendment proposes to include the sale of alcohol on premises, consumption of alcohol, and other uses permitted use

Commission. The City Council will also hold a public hearing on Thursday, November 19, 2009 at 6:30 p.m. at the 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 Wimberley City Hall, 12111 Ranch Road, Wimberley, Texas 77981. (06/16/09)

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

(WRPD) Amendment Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing on Thursday, November 12, 2009 at 6:30 p.m. to consider the following: Z-09-0247 - an amendment to the City of Wimberley Planned Development District (WRPD) with a base zoning of Commercial Moderate Impact (C2) at 14:00, R-12. This amendment proposes to include the sale of alcohol on premises, consumption of alcohol, and other uses permitted use

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 Wimberley City Hall, 12111 Ranch Road, Wimberley, Texas 77981. (06/16/09)

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing on Thursday, November 12, 2009 at 6:30 p.m. to consider the following: Z-09-006 - a city initiated proposal of zone change currently in a zoned properties located west of RR 12 and FM 2325 between the Cypress Creek and Rhodes Lane from a zoned R-12 (Rural Residential) to R-1 (Single Family Residential) 37 (R) Medium Density Residential (M-1) Neighboring of Potlood Services (NS) Commercial (Low Impact) (C) commercial (Moderate Impact) (C2) and Public Facilities (R-1) in the specific properties in this area

PUBLIC NOTICE

NOTICE OF PUBLIC SALE

Wimberley Mini Storage, 506 Melody Way, Landlord/Tenant sale on site, November 9, 2009 8 a.m. Misc Goods Tenant in Esensee (06/97/17/08)

FOR IMMEDIATE RELEASE

LEGAL SECTION

PUBLIC NOTICE

By order of the Hays County Commissioners, the Hays County Court will hold a public hearing to consider the proposed improvements to Owl Hollow Road and East Owl Hollow Road within the Rocky Ranch subdivision in Hays County to bring the roadway into compliance with Hays County road standards and the assessment of all or part of the costs of the improvement pro rata against the record owners of real property in the Rocky Ranch subdivision. (06/05/09/07/08)

PUBLIC NOTICE

NOTICE OF PUBLIC SALE

Darrell Wayne Avies, Constable Precinct 9 Hays County, By Tom L. Wallace, Deputy Constable Precinct 9 Hays County. On the property sold, there are no warranties expressed or implied, including but not limited to the implied warranties of property, as is. Bidders are further advised that purchase of the property at his first order of sale may not extinguish any liens or security interests on the property. If there are any questions, consult legal counsel or your choice. (05/07/08/07/08)

PUBLIC NOTICE

The State of Texas

Notice of Seizure/Sale of Real Property County of Hays, Texas. A First Order of Sale was issued the 10th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 22nd District Court in and for Hays County, Texas, on the 10th day of June, 2009, in favor of Woodcreek Property Owners Association of Hays County, Inc. against Avalee Haims and Chris Helms Cause No. 08-1079. reflects a judgment amount of \$212,164.99 with interest thereon from the date

PUBLIC NOTICE

NOTICE OF PUBLIC SALE

2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Unknown Heirs of Oran LeVine and Gladys A. Wylie Cause No. 08-1880. reflects a judgment amount of \$212,164.99 with interest thereon from the date of judgment at the rate of \$5.00 per annum until paid and \$25,000 as costs of the suit with foreclosure of the lien on the following described property by virtue of the First Order of Sale. It did not become a final judgment upon the following described property located in Hays County, Texas: the property of said defendant, to which the following property known by its legal description as Subdivision (known as Woodcreek in Hays County, Texas) was created on the 10th day of June, 2009. And on the 13th day of November, 2009 being the first Tuesday of November, 2009, at between the hours of 10:00 a.m. and 4:00 p.m. at the north door of the courthouse of Hays County will offer for sale and sell for cash all the right, title and interest of Unknown Heirs of Oran LeVine and Gladys A. Wylie and

PUBLIC NOTICE

NOTICE OF PUBLIC SALE

2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Unknown Heirs of Oran LeVine and Gladys A. Wylie Cause No. 08-1880. reflects a judgment amount of \$212,164.99 with interest thereon from the date of judgment at the rate of \$5.00 per annum until paid and \$25,000 as costs of the suit with foreclosure of the lien on the following described property by virtue of the First Order of Sale. It did not become a final judgment upon the following described property located in Hays County, Texas: the property of said defendant, to which the following property known by its legal description as Subdivision (known as Woodcreek in Hays County, Texas) was created on the 10th day of June, 2009. And on the 13th day of November, 2009 being the first Tuesday of November, 2009, at between the hours of 10:00 a.m. and 4:00 p.m. at the north door of the courthouse of Hays County will offer for sale and sell for cash all the right, title and interest of Unknown Heirs of Oran LeVine and Gladys A. Wylie and

ORDINANCE NO. 2009-_____

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY LINDA ALLEN CATERING TO PERMIT AN EATING ESTABLISHMENT: SIT-DOWN, INCLUDING THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON AN APPROXIMATELY 1.711 ACRE TRACT LOCATED AT 500 FM 2325, WIMBERLEY, TEXAS, ZONED COMMERCIAL-LOW IMPACT (C-1), AND IMPOSING CERTAIN CONDITIONS; AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit has been filed by Linda Allen Catering (“Applicant”) requesting authorization to permit an Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption on real property described as a 1.711 acre tract described as part of the A0365 Benjamin Page Survey, zoned Commercial-Low Impact (C-1); and

WHEREAS, a Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption is an authorized use in areas zoned Commercial-Low Impact (C-1) upon the granting of a Conditional Use Permit; and

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

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

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

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

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

ARTICLE I. FINDINGS OF FACT

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

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Linda Allen Catering ("Applicant") to permit an Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption on real property described as a 1.711 acre tract part of the A0365 Benjamin Page Survey, as more particularly described on the metes and bounds shown on Exhibit "A", attached and incorporated by reference, zoned Commercial-Low Impact (C-1), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. Applicant shall not commence development until it has secured all permits and approvals as required by the Wimberley zoning regulations, ordinances or any permits required by regional, State and Federal agencies.
2. This Ordinance only authorizes the additional use of a Eating Establishment: Sit-Down, including the Sale of Beer, Wine and Alcohol for On-Premise Consumption, as well as all applicable regulations in effect at the time of the submission of the building permit application. This Conditional Use Permit does not authorize any other use of the property, except as permitted under the Zoning Code.

ARTICLE III. ZONING DISTRICT MAP

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

ARTICLE IV. REPEALER

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

ARTICLE V. SEVERABILITY

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

ARTICLE VI. EFFECTIVE DATE

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

ARTICLE VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED by the Wimberley City Council on the ___ day of _____, 2009 by a vote of ___ (Abstentions), ___ (Ayes) and ___ (Nays).

WIMBERLEY, TEXAS

By: _____
Tom Haley, Mayor

ATTEST:

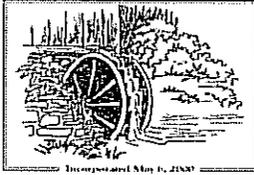
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: November 16, 2009

Agenda Date Requested: November 19, 2009

Project/Proposal Title: CONSIDER ACTION ON A BEER/WINE/ALCOHOL DISTANCE RESTRICTION WAIVER REQUEST FOR 500 FM 2325

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

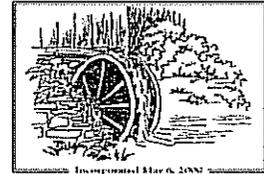
Currently, the sale of beer, wine and alcohol for on-premise consumption is prohibited within 300 feet of schools, churches, hospitals and day care facilities within the City of Wimberley. The same City ordinance that restricts the sale of beer, wine and alcohol to certain locations allows business establishments located within so-called "alcohol-free zones" to request a waiver from the distance requirement.

In October 2009, the City of Wimberley received such a waiver request from the operators of Linda's Fine Foods at 500 FM 2325. The subject property is located just east of Katherine Anne Porter Charter School. In accordance with City ordinance, notice of the requested waiver was mailed to all property owners within 300 feet of the subject property. At the time of production of the agenda packet, no public comments either for or against the requested waiver have been received by the City.

The City's ordinance allows City Council to waive the distance requirements if the Council determines enforcement of the distance provision in a particular case:

- is not in the best interest of the public
- constitutes waste or the inefficient use of land or other resources
- creates an undue hardship on an applicant
- does not serve its intended purpose
- is not effective or necessary
- for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines in the best interest of the community.

Report for City Initiated Zoning ZA-09-007



Summary:

City initiated zoning of certain un-zoned properties north of Old Kyle Road and along Ranch Road 12 from FM 2325 to the northern city limits

Subject Property:

Location: Certain un-zoned properties north of Old Kyle Road and along Ranch Road 12 from FM 2325 to the northern city limits

Existing Use of Property: Vacant, Residential, Commercial, Public, Lodging

Existing Zoning: Un-zoned

Proposed Zoning: RA, R-1, C-1, C-2, L-1, PR-1, PF

Planning Area: III, IV, V

Overlay District: Entrance Corridor Overlay (EC), Protected Water Overlay (PW), Village Center Overlay (VC)

Surroundings:

Frontage On: Ranch Road 12, Joe Wimberley Blvd, Mill Race Lane, Old Kyle Road

Legal Notice

45 Day Property Owner Notification Period: 9/8/09 – 10/23/09

200' Letters Sent Published: 10/23/09
10/28/09

Comments:

Case ZA-09-007 is the second of a series of city initiated cases that will ultimately zone all un-zoned properties located within the city limits. To accomplish this task, City staff identified each of the un-zoned properties and their current use. Based on the direction of the City Council, City staff developed a recommended zoning designation for each of the un-zoned properties consistent with the *Wimberley Comprehensive Plan*, and compatible with the current use of the property and the planning area where the subject property is located. If a property was vacant, the recommended zoning for the property was residential unless the subject property had adjacent commercial properties which conflicted with a residential use.

Following the development of the zoning recommendations by City staff, the un-zoned property owners were notified in writing of the recommended zoning designation for their property and given forty-five (45) days to either agree with the recommendation or request a different permissible zoning designation for their properties.

To avoid the consideration of more than three-hundred ninety (390) individual zoning cases, City staff grouped the un-zoned properties and their proposed zoning designations into seven (7) separate zoning cases.

The second of these cases to be considered by the Planning and Zoning Commission is Case # ZA-09-007. The more than twenty – five (25) un-zoned properties in this zoning case are located along Ranch Road 12, Joe Wimberley Boulevard, Mill Race Lane, and Old Kyle Road. The proposed zoning for the subject properties includes Residential Acreage (RA), Rural Residential (R-1), Commercial – Low Impact (C-1), Commercial – Moderate Impact (C-2), Lodging 1 (L-1), Participant Recreation 1 (PR-1), and Public Facilities (PF).

Five (5) affected property owners requested a zoning designation different from that recommended by the City staff. Below is a list of all the alternate zoning requests and their locations that were received within the forty-five (45) day time period.

Map ID #	Property Owner	Proposed Zoning	Requested Zoning
18	Balcones Bank SSB	Single Family Residential 2 (R-2)	Commercial - Low Impact (C-1)
19	Balcones Bank SSB	Rural Residential 1 (R-1)	Commercial - Low Impact (C-1)
21	Balcones Bank SSB	Single Family Residential 2 (R-2)	Commercial - Low Impact (C-1)
30	David Mallard	Single Family Residential 2 (R-2)	Commercial - Low Impact (C-1)
32	Graham and MaryAnn Ward	Residential Acreage (RA)	Commercial - Low Impact (C-1)

Attached are the following three maps for review and consideration:

- Map #1** A map identifying the un-zoned properties in Case # ZA-09-007
- Map #2** A map showing the zoning designations proposed by City staff in Case #ZA-09-007
- Map #3** A map showing the zoning designations proposed by City staff along with the alternate zoning requests from property owners in Case # ZA-09-007 **(This is the official zoning map to be considered for this zoning case)**

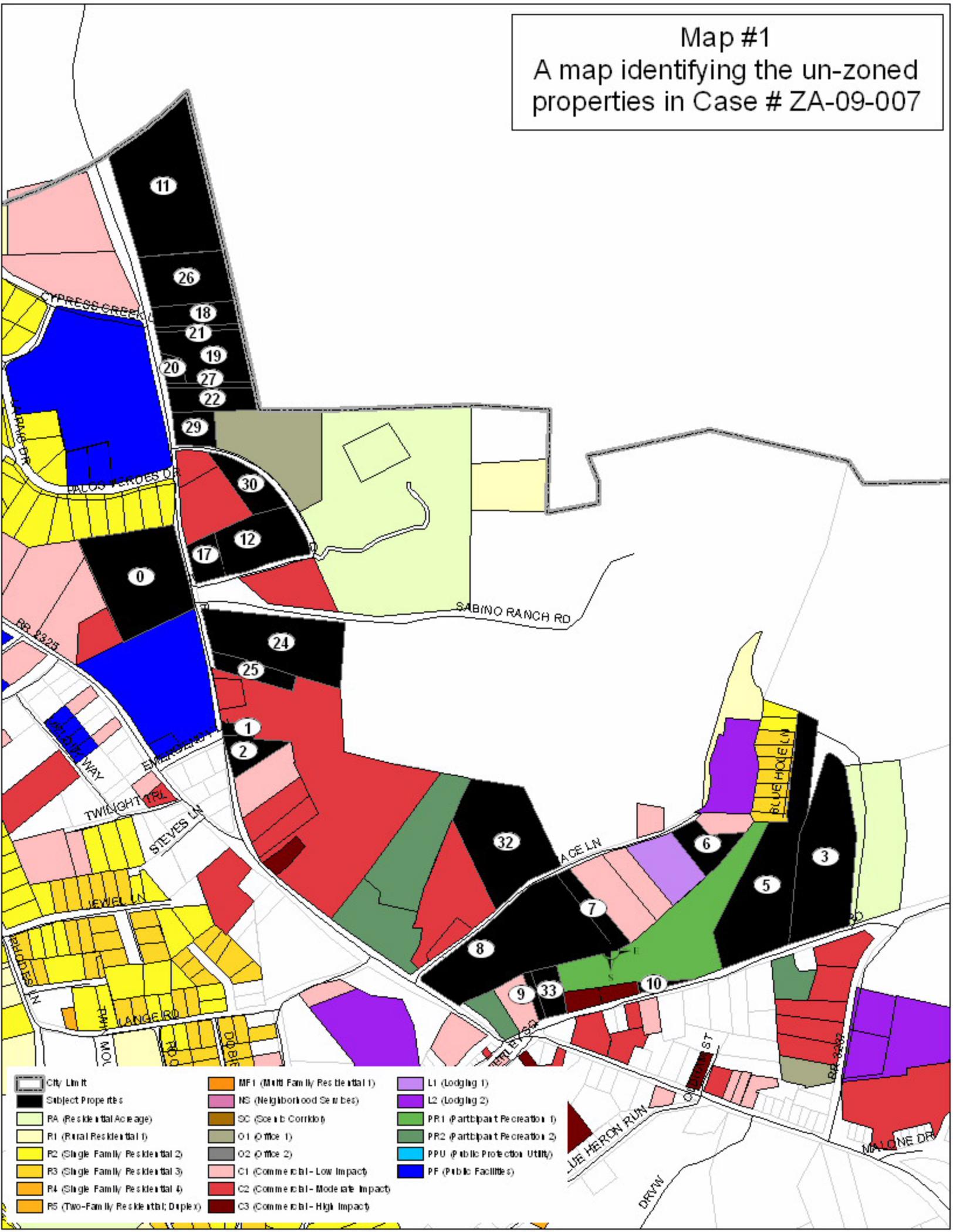
On November 12, 2009, the Planning and Zoning Commission held a public hearing on the city initiated zoning case. Afterwards, the Commission voted 6 to 1 in favor of recommending approval of the zoning case. The one "no" vote on the case came from a Commissioner who was concerned that color maps detailing the case should have been more accessible to the public.

It should be noted that the proper legal notices were published for this case and color maps of the zoning case were made available for public viewing, in advance of the public hearing, at City Hall, Wimberley Community Center and the Wimberley Village Library. Also, in accordance with the statute, notices regarding the zoning case and upcoming Planning Commission and City Council public hearings on the case were sent to all property owners within 200 feet of the subject properties.

Property Descriptions for Case ZA-09-007

ID	Hays_Count	Legal	Site Address	Comp_Plan	Proposed	Existing_U	Requeste	OwnerName
0	R17211	CHAPEL IN THE HILLS	14601 RR 12	III	PF	Church	PF	CHAPEL IN THE HILLS
1	R17178	ABS 365 BEN PAGE SURVEY 0.27 AC	14380 RR 12	IV	C1	Business Services	C1	GONZALEZ, JUANA P
2	R18588	ABS 461 & 365 A TURNER & B PAGE SURVEYS 1.223 AC	14330 RANCH RD 12	IV	C1	Administrative and Professional Office	C1	BUVENS JOHN L
3	R18602	ABS 461 A TURNER		III	PF	CEMETARY	PF	WIMBERLEY CEMETARY ASSN
5	R15756	A0271 HENRY KEISER SURV, ACRES 3.00		III	PR1		PR1	VILLAGE OF WIMBERLEY
6	R27102	END OF THE RACE SUBD, LOT 1, ACRES 1.995	310 MILL RACE LN	III	R1		R1	GIBSON, MERRY LOUISE
7	R18538	ABS 461 A TURNER SURVEY 0.88 AC	214 MILLRACE LN	III	C1		C1	WEAVER NORMAN W & PATRICIA
8	R18441	A0461 AMASA TURNER SURVEY, ACRES 6.94,	MILL RACE LN	V	L1		L1	HARRIS, JAMES MALCOLM
9	R18446	ABS 461 AMASA TURNER SURVEY 0.21 AC		V	C2	Retail Services	C2	CRANE, LES
10	R18402	A0461 AMASA TURNER SURVEY, ACRES 0.18		IV	C1		C1	MCOUIGG, MARY KAY
11	R17194	A0365 BENJAMIN PAGE SURVEY, ACRES 99.00	14680 RANCH RD 12	III	RA		RA	WILLET, BOYD R
12	R17163	ABS 365 BENJAMIN PAGE SURVEY 3.19 AC	111 Joe Wimberley	IV	PF	Post Office	PF	UNITED STATES POSTAL SERVICE
17	R48519	WIMBERLEY MOUNTAIN BUSINESS PARK SEC 1 LOT 1 0.861 AC	14600 RR12	IV	C2	Eating Establishment	C2	SMITH, TERRY O
18	R26122	RENA DOBIE SUBD TR 1 1.55 AC 67,518 SQ FT GEO#90620055	RR 12	III	C1		R2	BALCONES BANK SSB
19	R26123	RENA DOBIE SUBD TR 2 2.88 AC 125,453 SQ FT GEO#90620056	RR 12	III	C1		R1	BALCONES BANK SSB
20	R17521	ABS 390 ROBERT S RANKIN SURVEY 0.36 AC 16,553 SQ FT		III	C1	Bank and Savings and Loan	C1	BALCONES BANK SSB
21	R26122	RENA DOBIE SUBD TR 1 1.55 AC 67,518 SQ FT GEO#90620055	RR 12	III	C1		R2	BALCONES BANK SSB
22	R26124	RENA DOBIE SUBD TR 3 1.58 AC 68,825 SQ FT GEO#9020057	14710 RR 12	III	C1	Bank and Savings and Loan	C1	BALCONES BANK SSB
24	R17176	A0365 BENJAMIN PAGE SURVEY, ACRES 5.50	14500 RR 12	IV	C2	Mountain Plaza	C2	SCOTT, GEORGE C
25	R60211	ABS 461 AMASA TURNER SURVEY 1.00 AC/43,560 SQ FT	14412 RANCH RD 12	IV	C2	Automotive Repair	C2	BELSCHNER, DAVID WILLIAM
26	R17508	ABS 390 ROBERT S RANKIN SURVEY 2.00 AC GEO#90603216		III	R1		R1	ALTICE THERESA
27	R26124	RENA DOBIE SUBD TR 3 1.58 AC 68,825 SQ FT GEO#9020057	14710 RR 12	III	C1		C1	BALCONES BANK SSB
29	R48520	WIMBERLEY MOUNTAIN BUSINESS PARK SEC 1 LOT 2 0.993 AC/	14700 RR12	III	C1	Funeral and Interment services	C1	THOMASON FUNERAL HOME INC
30	R17164	ABS 365 BEN PAGE SURVEY 1.169 AC		IV	C1		R2	MALLARD DAVID N & DARENDA W
32	R88476	A0461 AMASA TURNER SURVEY, ACRES 5.84		III	C1		RA	WARD GRAHAM KEITH & MARYANN G
33	R18447	ABS 461 AMASA TURNER SURVEY 0.47 AC 20,473 SQ FT	107 OLD KYLE RD	IV	C2		C2	CRANE, LES

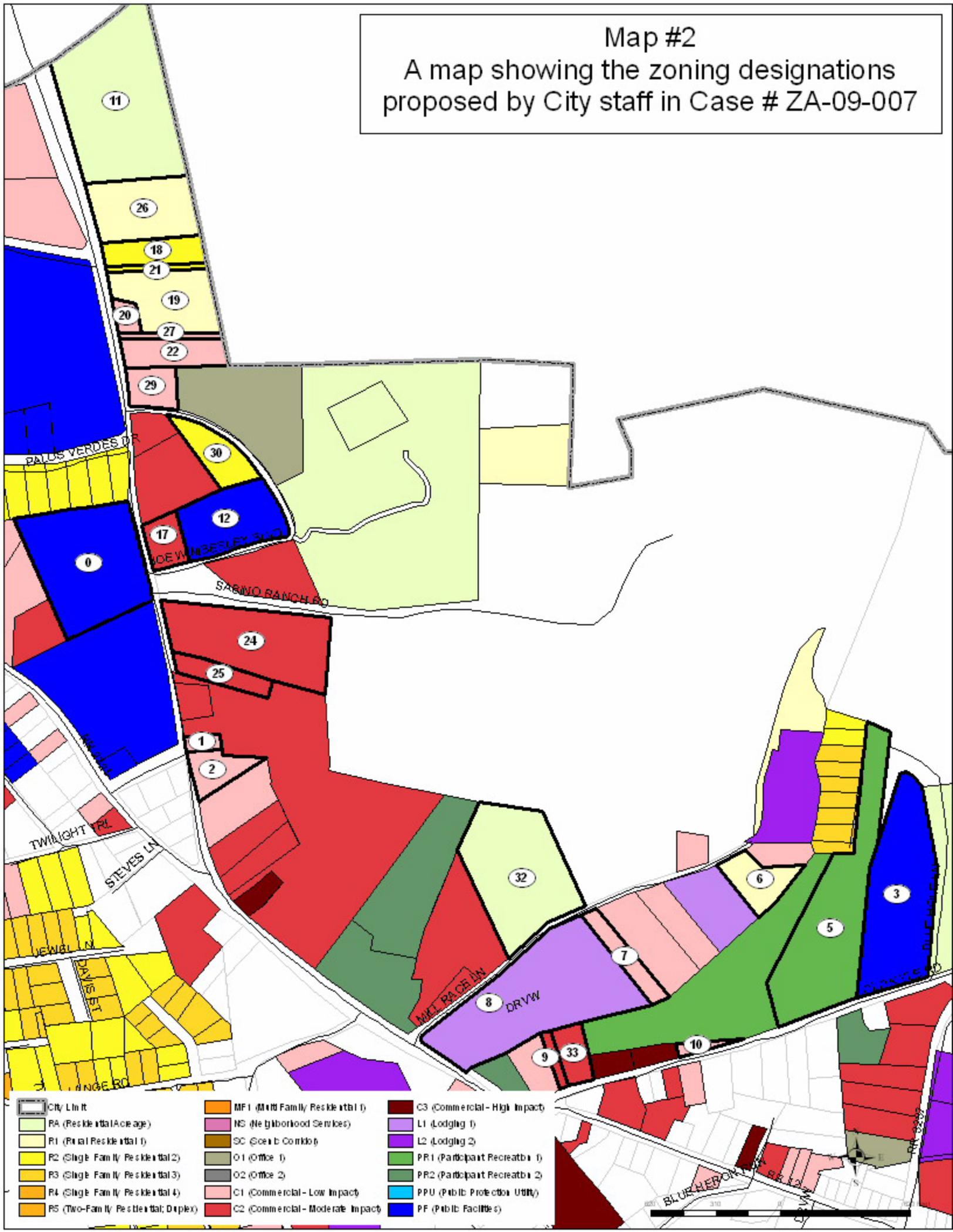
Map #1
 A map identifying the un-zoned properties in Case # ZA-09-007



City Limit	Subject Properties	MF1 (Multi-Family Residential 1)	L1 (Lodging 1)
RA (Residential Agriculture)	NS (Neighborhood Services)	SC (School Corridor)	L2 (Lodging 2)
R1 (Rural Residential 1)	O1 (Office 1)	PR1 (Participant Recreation 1)	PR2 (Participant Recreation 2)
R2 (Single Family Residential 2)	O2 (Office 2)	PPU (Public Protection Utility)	PF (Public Facilities)
R3 (Single Family Residential 3)	C1 (Commercial - Low Impact)		
R4 (Single Family Residential 4)	C2 (Commercial - Moderate Impact)		
R5 (Two-Family Residential Duplex)	C3 (Commercial - High Impact)		

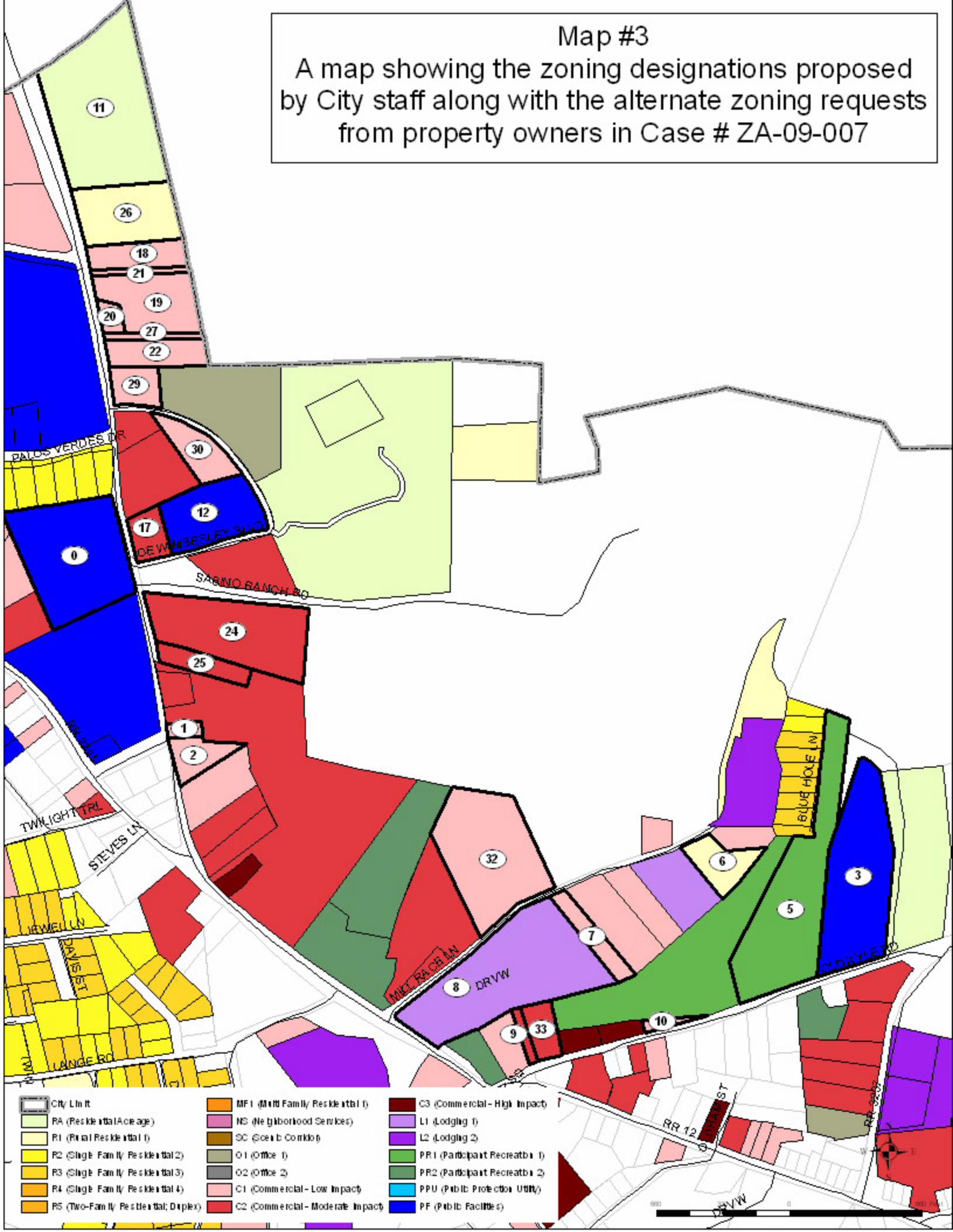
Map #2

A map showing the zoning designations proposed by City staff in Case # ZA-09-007



Map #3

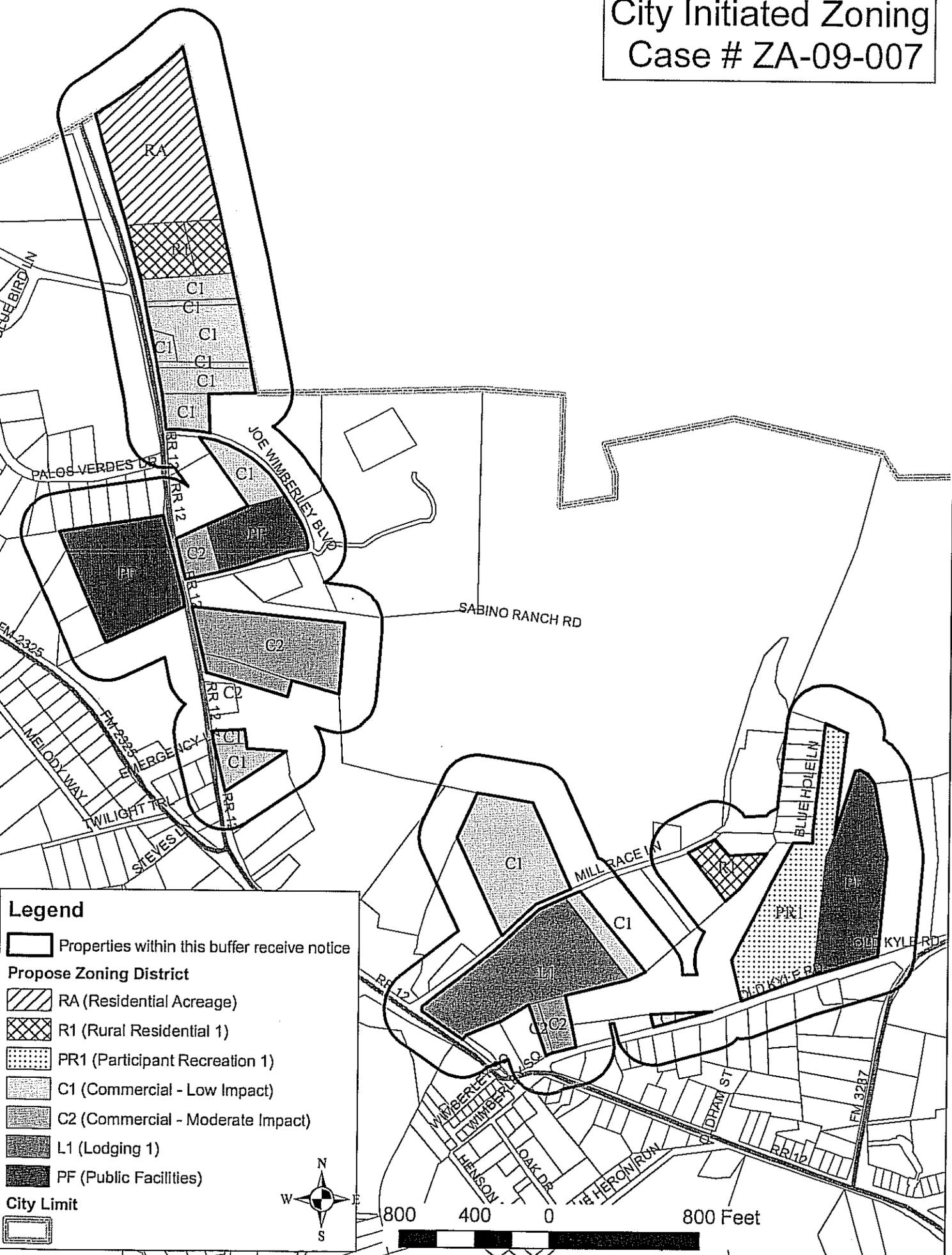
A map showing the zoning designations proposed by City staff along with the alternate zoning requests from property owners in Case # ZA-09-007



	City Limit		MF1 (Mixed Family Residential 1)		C3 (Commercial - High Impact)
	RA (Residential Single-Family)		NS (Neighborhood Services)		L1 (Lodging 1)
	R1 (Residential Single-Family 1)		SC (Specialty Commercial)		L2 (Lodging 2)
	R2 (Residential Single-Family 2)		O1 (Office 1)		PR1 (Participant Recreation 1)
	R3 (Residential Single-Family 3)		O2 (Office 2)		PR2 (Participant Recreation 2)
	R4 (Residential Single-Family 4)		C1 (Commercial - Low Impact)		PPU (Public Protection Utility)
	R5 (Two-Family Residential Duplex)		C2 (Commercial - Moderate Impact)		PF (Public Facilities)

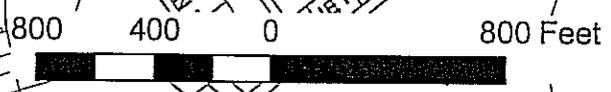


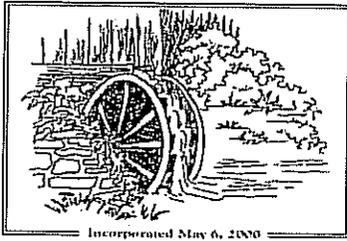
City Initiated Zoning Case # ZA-09-007



Legend

- Properties within this buffer receive notice
- Propose Zoning District**
- RA (Residential Acreage)
- R1 (Rural Residential 1)
- PR1 (Participant Recreation 1)
- C1 (Commercial - Low Impact)
- C2 (Commercial - Moderate Impact)
- L1 (Lodging 1)
- PF (Public Facilities)
- City Limit**
- City Limit





City of Wimberley

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

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

Email: village@anvilcom.com Web: www.vil.Wimberley.tx.us

Tom Haley, Mayor - Charles Roccaforte, Mayor Pro-tem

Council Members: Bob Flocke, Bill Appleman, Steve Thurber, John White

Don Ferguson, City Administrator

October 23, 2009

NOTICE OF PUBLIC HEARING

Re: **File No. ZA-09-007**

City Initiated Zoning

Certain un-zoned properties north of Old Kyle Road and along Ranch Road 12 from FM 2325 to the northern city limits (identified on the attached map)

Dear Property Owner:

In order to implement the City of Wimberley's Comprehensive Plan amendments of July 2008, the City is undertaking a citywide rezoning project to guide future development throughout the City. For the purposes of this citywide zoning initiative, the City has been divided into seven (7) different regions, each of which will be handled individually. In case ZA-09-007, certain real properties north of Old Kyle Road and along Ranch Road 12 from FM 2325 to the northern city limits that are currently un-zoned will now be zoned under the City's regulations. The identified subject properties will change from un-zoned to Residential Acreage (RA), Rural Residential 1 (R1), Commercial - Low Impact (C1), Commercial - Moderate Impact (C2), Lodging 1 (L1), Participant Recreation 1 (PR1), or Public Facilities (PF). The specific properties along the northern RR 12 corridor to be zoned and the new proposed zoning classifications are available for viewing on the maps displayed at City Hall, the Wimberley Community Center, and the Wimberley Village Library.

The City of Wimberley Planning & Zoning Commission will consider this zoning action at a public hearing on **Thursday, November 12, 2009 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same zoning action on **Thursday, November 19, 2009, at 6:30 p.m.** in the Wimberley City Hall.

Because this zoning may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearings. 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

ARENA, GAETA RICARDO
P O BOX 2441
WIMBERLEY, TX 78676-2441

GONZALEZ, JUANA P
P O BOX 1417
WIMBERLEY, TX 78676-1417

BUVENS JOHN L
P O BOX 1736
WIMBERLEY, TX 78676-1736

CREEKHAVEN LLC
00 MILL RACE LN
WIMBERLEY, TX 78676

WIMBERLEY CEMETARY ASSN
P O BOX 786
WIMBERLEY, TX 78676-0786

WIMBERLEY CROSSROADS LLC
P O BOX 1124
WIMBERLEY, TX 78676-1124

WHITE ROBERT & DEBRA
P O BOX 304
WIMBERLEY, TX 78676-0304

KING FEED COMPANY INC
P O BOX 1744
SAN MARCOS, TX 78667-1744

WILCOX WILLIAM A & NANCY
5006 SANTIAGO CT
SIERRA VISTA, AZ 85635

REDAR STUMP LP
02 SABINO RANCH RD
WIMBERLEY, TX 78676

TURNEY HINMAN INC
310 MILL RACE LN
WIMBERLEY, TX 78676

MATTHIAS MARIE
REVOCABLE LIVING TRUST
1313 MILLS CT
ALLEN, TX 75013

CHAPEL IN THE HILLS
CHURCH
P O BOX 1808
WIMBERLEY, TX 78676-1808

MATTHIAS MARIE
REVOCABLE LIVING TRUST
1313 MILLS CT
ALLEN, TX 75013

STADLER GARY W & CINDY L &
CACCIATORE SANDRA J & DAVID J
25427 WINDING CREEK CT
MAGNOLIA, TX 77355

WK&K CORP
14307 RANCH RD 12
WIMBERLEY, TX 78676

POLOZECK LARRY CLIFFORD
7507 HILL MEADOW CIR
AUSTIN, TX 78736

WK & K CO
14307 RANCH ROAD 12
WIMBERLEY, TX 78676

RESCH, B DON
52 CAROLLTON AVE
MORNINGVIEW, LA 71105-3206

WK&K CORP
14307 RANCH RD 12
WIMBERLEY, TX 78676

BYRNE JAMES F & CHRISTINE
205 BLUE HOLE LN
WIMBERLEY, TX 78676

WPA HOLDING
8850 BUSINESS PARK # 200
AUSTIN, TX 78759

EMERSON ROBERT T &
SEAVER STUART
815 A BRAZOS ST PMB-225
AUSTIN, TX 78701

WPA HOLDING
8850 BUSINESS PARK # 200
AUSTIN, TX 78759

EMERSON ROBERT T &
SEAVER STUART
815 A BRAZOS ST PMB-225
AUSTIN, TX 78701

WIMBERLEY CITY OF
P O BOX 2027
WIMBERLEY, TX 78676

GIBSON, MERRY LOUISE
310 MILL RACE LN
WIMBERLEY, TX 78676

SEAVER NORMAN W & PATRICIA M
REVOCABLE LIVING TRUST
08 TOBY LN
MCKINNONVILLE, TX 75766

HARRIS, JAMES MALCOLM
210 MILL RACE LN
WIMBERLEY, TX 78676

WIMBERLEY SENIOR CITIZEN
ACTIVITIES INC
P O BOX 678
WIMBERLEY, TX 78676-0678

PROESBEECK, LILIAN K EST OF %
ELIZABETH WARD DIBRELL IND
O BOX 666
WIMBERLEY, TX 78676-0666

CRANE, LES
4301 LONE MAN MTN RD
WIMBERLEY, TX 78676

CRANE, LES
4301 LONE MAN MTN RD
WIMBERLEY, TX 78676

ATE, JOYCE WEBB
48 CHAMPION CIRCLE
WIMBERLEY, TX 78676

MCQUIGG, MARY KAY
280 OLD KYLE RD
WIMBERLEY, TX 78676

JAMAIL, BRYAN
151 S FIRST ST #200
AUSTIN, TX 78704

JAMAIL, BRYAN
51 S FIRST ST #200
AUSTIN, TX 78704

ROMANO, LAURA
3322 FLITE ACRES RD
WIMBERLEY, TX 78676

WILLETT, BOYD R
13501 RR 12 STE 103
WIMBERLEY, TX 78676

UNITED STATES POSTAL SERVICE
DALLAS OFFICE OF LEGAL SERVICE
O BOX 667160
DALLAS, TX 75266-7160

ROMANO, LAURA
3322 FLITE ACRES RD
WIMBERLEY, TX 78676

MCWILLIAMS JEFF & JUDITH
10 SHOOTING STAR PL
SPRING, TX 77381-6131

WILLETT, BOYD
13501 RR 12 STE 103 PMB 103
WIMBERLEY, TX 78676-5328

JOHNSON, WM PARKS
602 SABINO RANCH
WIMBERLEY, TX 78676-5929

WIMBERLEY ISD - TRUST PROPERTY
14401 RANCH RD 12
WIMBERLEY, TX 78676

HEERMAN ROBERT E TRUSTEE
1313 OAK BRANCH DR
AUSTIN, TX 78737-8818

CHAPEL IN THE HILLS CHURCH
P O BOX 1808
WIMBERLEY, TX 78676-1808

SMITH, TERRY O
P O BOX 3788
BRYAN, TX 77805-3788

VILLAGE LIBRARY OF WIMBERLEY
O BOX 1240
WIMBERLEY, TX 78676-1240

BALCONES BANK SSB
P O BOX 17001
SAN ANTONIO, TX 78217-7001

BALCONES BANK SSB
P O BOX 17001
SAN ANTONIO, TX 78217-7001

ARLOW STEPHEN A & SARAH
32 E SUMMIT DR
WIMBERLEY, TX 78676-9439

WHITE, PATRICIA CAROL
151 OLD KYLE RD
WIMBERLEY, TX 78676

MCCROCKLIN FAMILY
CHILDRENS EDUCATIONAL
P O BOX 2
WIMBERLEY, TX 78676-0002

ALTYCE THERESA
541 SCHARPE
HOUSTON, TX 77023

CATHOLIC DIOCESE OF AUSTIN
BISHOP GREGORY M AYMOND
P O BOX 13327
AUSTIN, TX 78711-3327

HEWLETT CHARLES & LINDA
P O BOX 1974
WIMBERLEY, TX 78676-1974

EDAR STUMP LP
O BOX 1435
WIMBERLEY, TX 78676-1435

ARNOLD, SHELLYE C
P O BOX 1823
WIMBERLEY, TX 78676-1823

SCOTT, GEORGE C
514 DEEP EDDY AVE
AUSTIN, TX 78703

CAMPBELL, ALISON COURTNEY
11 MILL RACE LANE
WIMBERLEY, TX 78676

BELSCHNER, DAVID WILLIAM
100 DEER RUN
WIMBERLEY, TX 78676

PHILIPS STEVE B
171 AUGUSTA DR
WIMBERLEY, TX 78676

THE WIMBERLEY PLAYERS
P O BOX 992
WIMBERLEY, TX 78676-0992

OZONA NATIONAL BANK
WIMBERLEY BRANCH
P O BOX 430
OZONA, TX 76943-0430

BURNETTE CARL W JR FAMILY
TRUST & STORM LYNNE
3310 GENTRY
AUSTIN, TX 78746

ALTICE THERESA
541 SCHARPE
HOUSTON, TX 77023

PEERMAN ROBERT E TRUSTEE
11313 OAK BRANCH DR
AUSTIN, TX 78737-8818

CRESCENDO, ENTERPRISES
P O BOX 349
WIMBERLEY, TX 78676-0349

THOMASON FUNERAL HOME
INC DWAYNE THOMASON
P O BOX 1609
SAN MARCOS, TX 78667-1609

VICTORIA BANK & TRUST
P O BOX 63931
SAN FRANCISCO, CA 94163-3931

MALLARD DAVID N &
DARENDA W
15 PALOS VERDES
WIMBERLEY, TX 78676

SMITH FAMILY LP #1 EDWIN V
& SHIRLEY M SMITH
P O BOX 279
SAN MARCOS, TX 78606-0279

KIRKPATRICK J M
ENTERPRISES INC
205 RAINBOW DR #10579
LIVINGSTON, TX 77399

GRACE, MICHELLE B
P O BOX 2346
WIMBERLEY, TX 78676-2346

SMITH BARBARA M
312 SUNFLOWER LN
SAN MARCOS, TX 78666

MALLARD NEAL & DARENDA
P O BOX 144
WIMBERLEY, TX 78676-0144

MITCHELL WILLIAM H &
ELIZABETH H
2300 FLITE ACRES RD
WIMBERLEY, TX 78676

SMITH, INTERESTS LTD
10000 MEMORIAL DR STE 650
HOUSTON, TX 77024-3417

GHEEN DWIGHT M & FRED A J
P O BOX 1494
WIMBERLEY, TX 78676-1494

BROOKSHIRE, INVESTMENTS
ATTN JIM ARNOLD
P O BOX 1688
LUFKIN, TX 75902-1688

SMITH RR 12 LLC
5480 PEDEN
MAGNOLIA, TX 77355

WIMBERLEY QUARTER LLC
14015 RANCH ROAD 12 STE 1
WIMBERLEY, TX 78676

DOUBLE LC PARTNERS ONE
4301 LONE MAN MOUNTAIN RD
WIMBERLEY, TX 78676

SMITH LINDA D & DEAN
DANIEL C & ADKINS DARA D
P O BOX 1323
WIMBERLEY, TX 78676-1323

WIMBERLEY PATIO BUILDING
P O BOX 2850
WIMBERLEY, TX 78676-2850

RAY BERT E & JULIE L
115 SKY RANCH CIR
WIMBERLEY, TX 78676

SMITH ALBERT A & JEAN A
P O BOX 35 #10A2
AUSTIN, TX 78701

104 WIMBERLEY SQUARE LTD
P O BOX 47
WIMBERLEY, TX 78676-0047

SMITH LTD RON ENDRES
13334 FM 2325
WIMBERLEY, TX 78676

SANDER, ALBERT A
40 N IH 35 APT #10A2
AUSTIN, TX 78701

BURNETTE CARL W JR FAMILY
TRUST & STORM LYNNE
3310 GENTRY
AUSTIN, TX 78746

CARSON, W C
1911 CORPORATE DR STE102
SAN MARCOS, TX 78666

GROESBEECK, LILIAN K EST
OF ELIZABETH WARD DIBRELL
PO BOX 666
WIMBERLEY, TX 78676-0666

BILLINGSLEY, CLAIRE M
P O BOX 2206
WIMBERLEY, TX 78676-2206

SANDER ALBERT & JEAN
40 N IH 35 Apt 2
AUSTIN, TX 78701

ESS LAND & CATTLE LTD
P O BOX 2429
WIMBERLEY, TX 78676-2429

AULT HENRY W & JUNE O
201 BLUE HOLE LN
WIMBERLEY, TX 78676

WIMBERLEY RV PARK & MINI
STORAGE LLC
137 CENTRAL ST
CONCORD, MA 01742

YLES AMY & CHRIS
04 RIVER RD
WIMBERLEY, TX 78676

JOHNSON, KIRK SCOTT
602 SABINO RANCH RD
WIMBERLEY, TX 78676

JOHNSON, WM PARKS
602 SABINO RANCH
WIMBERLEY, TX 78676-5929

JOHNSON, KIRK SCOTT
602 SABINO RANCH RD
WIMBERLEY, TX 78676

CEDAR STUMP LP
P O BOX 1435
WIMBERLEY, TX 78676-1435

WIMBERLEY CEMETARY ASSN
P O BOX 786
WIMBERLEY, TX 78676-0786

CITY OF WIMBERLEY
PO Box 2027
WIMBERLEY, TX 78676

WARD GRAHAM KEITH & MARYANN
P O BOX 23
GLENNALLEN, AK 99588-0023

WILCOX WILLIAM A & NANCY
5006 SANTIAGO CT
SIERRA VISTA, AZ 85635

WILLETT, BOYD R
13501 RR 12 STE 103
WIMBERLEY, TX 78676

GIBSON, MERRY LOUISE
10 MILL RACE LN
WIMBERLEY, TX 78676

BALCONES BANK SSB
P O BOX 17001
SAN ANTONIO, TX 78217-7001

ALTICE THERESA
1541 SCHARPE
HOUSTON, TX 77023

WEAVER NORMAN W & PATRICIA M
08 TOBY LN
JACKSONVILLE, TX 75766

BALCONES BANK SSB
P O BOX 17001
SAN ANTONIO, TX 78217-7001

BALCONES BANK SSB
P O BOX 17001
SAN ANTONIO, TX 78217-7001

BALCONES BANK SSB
P O BOX 17001
SAN ANTONIO, TX 78217-0001

BALCONES BANK SSB
P O BOX 17001
SAN ANTONIO, TX 78217-7001

BALCONES BANK SSB
P O BOX 17001
SAN ANTONIO, TX 78217-7001

THOMASON FUNERAL HOME
P O BOX 1609
SAN MARCOS, TX 78667-1609

MALLARD DAVID N & DAREDA W
15 PALOS VERDES
WIMBERLEY, TX 78676

BROOKSHIRE, INVESTMENTS
ATTN JIM ARNOLD
P O BOX 1688
LUFKIN, TX 75902-1688

GONZALEZ, JUANA P
P O BOX 1417
WIMBERLEY, TX 78676-1417

BUVENS JOHN L
P O BOX 1736
WIMBERLEY, TX 78676-1736

MCQUIGG, MARY KAY
280 OLD KYLE RD
WIMBERLEY, TX 78676

UNITED STATES POSTAL SERVICE
DALLAS OFFICE OF LEGAL SERVICE
P O BOX 667160
DALLAS, TX 75266-7160

CEDAR STUMP LP
602 SABINO RANCH RD
WIMBERLEY, TX 78676

SMITH, TERRY O
P O BOX 3788
BRYAN, TX 77805-3788

COTT, GEORGE C
14 DEEP EDDY AVE
DUSTIN, TX 78703

BELSCHNER, DAVID WILLIAM
100 DEER RUN
WIMBERLEY, TX 78676

HARRIS, JAMES MALCOLM
210 MILL RACE LN
WIMBERLEY, TX 78676

CRANE, LES
301 LONE MAN MTN RD
WIMBERLEY, TX 78676

ROMANO, LAURA
3322 FLITE ACRES RD
WIMBERLEY, TX 78676

THE CLASSIFIED

Wednesday, October 28, 2009

Email your ads to: classad@wimberley-b

★ LEGALS & PUBLIC NOTICES

PUBLIC NOTICE

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY ZONING CODE

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, November 12, 2009 at 6:30 p.m. on an

ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV, (LAND USAGE) OF THE CODE OF THE ORDINANCES TO AMEND AND REVISE DEFINITIONS AND DEVELOPMENT

REGULATIONS RELATED TO SLOPE, AVERAGE SLOPE, AND STEEP SLOPE, AND ADDING REGULATIONS RELATING TO SAME. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing at their regular Council meeting on Thursday, November 19, 2009 at 6:30 p.m. to consider ordinance referred to herein. You are

Commission, the City Council will also hold a public hearing on Thursday, November 19, 2009 at 6:30 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, 2111 Ranch Road, 2, Wimberley, Texas (07416/1a/09)

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(WPDD Amendment) Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 12, 2009, at 6:30 p.m. to consider the following: ZA-09-024 - an amendment to the Wimberley Planned Development District (WPDD) with base zoning of Commercial Moderate Impact (C2) at 14:00 RR-12. This amendment proposes to include the sale of alcohol for on premise consumption as a permitted use

presented in person or by mail (PO Box 2027) at City Hall prior to the hearings. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at Wimberley City Hall, 2111 Ranch Road, 2, Wimberley, Texas (07416/1a/09)

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Citywide Zoning) Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at Wimberley City Hall on Thursday, November 12, 2009, at 6:30 p.m. to consider the following: ZA-09-006 - a city initiated proposal to zone all currently un-zoned properties located west of RR 12 and FM 2325 between the Cypress Creek and Rhodes Lane from un-zoned to Rural Residential 1 (R1) Single Family Residential 3 (R3) Medium Density Residential (ME1) Neighborhood Services (NS) Commercial Low Impact (C1) Commercial Moderate Impact (C2) and Public Facilities (PF). The specific properties in this area

PUBLIC NOTICE NOTICE OF PUBLIC SALE

Wimberley Mini Storage, 506 Melody Way, Landlord Lien sale on site. November 9, 2009 9 a.m. Misc Goods. Tenant: L. Esensee (06397/4a/08)

FOR IMMEDIATE RELEASE LEGAL SECTION PUBLIC NOTICE

By order of the Hays County Court, the Hays County Commissioners hereby give notice on Tuesday, November 10, 2009 at 9 a.m. in the Hays County Courthouse, 111 San Antonio Street, the Hays County Commissioners Court will hold a public hearing to consider

The proposed improvements to Owl Hollow Road and East Owl Hollow Road within the Rocky Ranch Subdivision in Hays County to bring the roadway into compliance with Hays County road standards and the assessment of all or part of the costs of the improvement pro rata against the record owners of real property in the Rocky Ranch Subdivision (06395/3a/07)

PUBLIC NOTICE

Darrell W. Ayres, Constable, Precinct 3, Hays County. By Tom L. Wallace, Deputy Constable, Precinct 3, Hays County. On the property sold, there are no warranties expressed or implied including, but not limited to, the implied warranties of property as is. Bidders are further advised that purchase of the property at this first order of sale may not extinguish any liens or security interest on the property. If there are any questions, consult legal counsel of your choice. (0519/3a/02, 04, 06)

PUBLIC NOTICE

The State of Texas, Notice of Seizure/Sale of Real Property, County of Hays. A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 22nd District Court in and for Hays County, Texas, on the 10th day of June 2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Avalee Helms and Chris Helms Cause # 08-1879. reflects a judgment amount of \$2,216.49 with interest there on from the date

2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Unknown Heirs of Oran L. Wylie Jr. and Gladys A. Wylie Cause # 08-1880 reflects a judgment amount of \$2,426.87 with interest there on from the date of judgment at the rate of 5.00% per annum until paid, and \$257.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the First Order of Sale, I did on the 20th day of August, 2009 at 10:04 a.m. levy upon the following described property located in Hays County as the property of said defendant to wit:

The property known by its legal description as Lot 5, Section 9, of the subdivision known as Woodcreek in Hays County, Texas, as it existed on the 10th day of June, 2009. And on the 3rd day of November, 2009 being the first Tuesday of November, 2009, at between the hours of 10:00 a.m. and 4:00 p.m. at the north door of the courthouse of Hays County, will offer for sale and sell for cash all the right, title and interest of Unknown Heirs of Oran L. Wylie Jr. and Gladys A. Wylie and

of No... betw... 10:00... at the... court... sale... all th... inter... Gurr... prop... at 10... Date... 2009... Darr... Cons... Prec... Coun... By... Depu... Prec... Coun... prop... are... expe... includ... limite... warra... as is... furth... purch... prop... order... extinc... secur... the p...

sent in person or by mail at City Hall prior to the hearing or the public will be granted an opportunity to speak at the public hearing. Additional information concerning the proposed actions is available for public review at City Hall. The City of Wimberley City Hall is located at 12111 Ranch Road 12, PO Box 2027, Wimberley, Texas. (07423/1A/86)

NOTICE OF PUBLIC HEARING (Request for Alcohol Variance)

Notice is hereby given that the Wimberley City Council will hold a public hearing on Thursday, November 19, at 6:30 p.m. to consider the following: AV-09-004 - a request for a waiver to sell alcohol for on-premise consumption less than 300' from a school, church, day care, or hospital, at 500, FM 2325. 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 hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas. (07422/1A/86)

PUBLIC NOTICE 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, November 12, 2009, at 6:30 p.m. to consider the following: CUP-09-011 - an application for a Conditional Use Permit (CUP) to allow the sale of alcohol for on-premise consumption at 500 FM 2325. Upon recommendation of the Planning & Zoning

Council will also hold a public hearing on Thursday, November 19, 2009, at 6:30 p.m. 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, 12111 Ranch Road 12, Wimberley, Texas. (07417/1A/85)

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Citywide Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at Wimberley City Hall on Thursday, November 12, 2009, at 6:30 p.m. to consider the following: ZA-09-007 - a city initiated proposal to zone certain currently un-zoned properties north of Old Kyle Road and along Ranch Road 12 from FM 2325 to the northern city limits from un-zoned to Residential Acreage (RA), Rural Residential (R1), Commercial Low Impact (C1), Commercial Moderate Impact (C2), Lodging (L1), Participant Recreation (PR), and Public Facilities (PF). The specific properties in this corridor to be zoned and the new proposed zoning classifications are shown on a map that is displayed at City Hall. Maps may also be viewed at the Community Center and the Library. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 19, 2009, at 6:30 p.m. at City Hall. Comments on the proposed zoning from any member of the public may be

presented in person or by mail. Maps may also be viewed at the Community Center and the Library. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 19, 2009, at 6:30 p.m. at City Hall. Comments on the proposed zoning from any member of the public may be presented in person or by mail (PO Box 2027) at City Hall prior to the hearings. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas. (07419/1A/86)

PUBLIC NOTICE Early Public Notice - Floodplain City of Ehland

The City of Ehland is considering replacing the water lines that are old, undersized, and deteriorating in the Caldwell County portion of the city. A portion of these lines are within a flood hazard area. The city is interested in discussing alternatives to this project's location, securing public perceptions of possible adverse impacts that would result from the project, and discussing possible measures to minimize any adverse impacts. A public hearing is scheduled on November 4, 2009, at 5:30 p.m. in the city hall to discuss the proposed project. Any written comments should be sent to the Office of Mayor 15 N. Old Spanish Trail, Ehland, Texas 78640. Comments will be received until November 26, 2009. A more detailed description of the project is available for citizen review at the Ehland City Hall. Daniel Heideman, Mayor (07410/1A/66)

a.m. in the Hays County Courthouse, 111 San Antonio Street, Uthmaniyah, Hays County. The City Commissioners' Court will hold a public hearing to consider Replat of Lot 9, Mountain Oaks Subdivision. (06336/3A/85)

PUBLIC NOTICE

The State of Texas, Notice of Seizure/Sale of Real Property County of Hays. A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 428th District Court in and for Hays County, Texas on the 10th day of June, 2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Maria A. Trisko Cause # 08-2214 reflects a judgment amount of \$1,435.03 with interest thereon from the date of judgment at the rate of 5.00% per annum until paid and \$319.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the First Order of Sale, I did on the 20th day of August, 2009 at 11:20 a.m. levy upon the following described property located in Hays County as the property of said defendant to wit:

The property known by its legal description as Lot 160, Section 9, A, the subdivision known as Woodcreek in Hays County, Texas as it existed on the 10th day of June, 2009. And on the 3rd day of November, 2009, between the hours of 10:00 a.m. and 4:00 p.m. at the north door of the courthouse of Hays County, will offer for sale and sell for cash all the right, title and interest of Maria A. Trisko in and to said property. Sale to begin at 10:30 a.m. sharp. Date: August 20, 2009.

described property. By virtue of the First Order of Sale, I did on the 20th day of August, 2009 at 11:15 a.m. levy upon the following described property located in Hays County as the property of said defendant, to wit:

The property known by its legal description as Lot 129, Section 13, the subdivision known as Woodcreek in Hays County, Texas as it existed on the 10th day of June, 2009. And on the 3rd day of November, 2009, between the hours of 10:00 a.m. and 4:00 p.m. at the north door of the courthouse of Hays County, will offer for sale and sell for cash all the right, title and interest of Avalee Helms and Chris Helms in and to said property. Sale to begin at 10:30 a.m. sharp. Date: August 20, 2009. Darrell W. Ayres, Constable Precinct # 3, Hays County. By Tom L. Wallace, Deputy Constable Precinct # 3, Hays County. On the property sold, there are no warranties expressed or implied, including but not limited to the implied warranties of property "as is". Bidders are further advised that purchase of the property at this first order of sale may not extinguish any liens or security interests on the property. If there are any questions, consult legal counsel of your choice. (05195/3A/82-84/86)

PUBLIC NOTICE

The State of Texas, Notice of Seizure/Sale of Real Property County of Hays. A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 22nd District Court in and for Hays County, Texas on the 10th day of June, 2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Charles Gunnels Cause # 05-1697 reflects a judgment amount of \$6,598.94 with interest thereon from the date of judgment at the rate of 5.00% per annum until paid and \$190.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the First Order of Sale, I did on the 4th day of September, 2009, at 8:55 a.m. levy upon the following described property located in Hays County as the property of said defendant, to wit:

Precinct # 3, Hays County. The property known by its legal description as Lot 120, Section 8, of Woodcreek a subdivision in Hays County, Texas, as it existed on the 23rd day of June, 2008. And on the 3rd day of November, 2009, being the first Tuesday of Sale, I did on the 20th day of August, 2009 at 11:15 a.m. levy upon the following described property sold, there are no warranties expressed or implied, including but not limited to, the implied warranties of property "as is". Bidders are further advised that purchase of the property at this first order of sale may not extinguish any liens or security interests on the property. If there are any questions, consult legal counsel of your choice. (05195/3A/82-84/86)

PUBLIC NOTICE

The State of Texas, Notice of Seizure/Sale of Real Property County of Hays. A First Order of Sale was issued the 28th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 274th District Court in and for Hays County, Texas on the 23rd day of June, 2008, in favor of Woodcreek Property Owners Association of Hays County, Inc. against Charles Gunnels Cause # 05-1697, reflects a judgment amount of \$6,598.94 with interest thereon from the date of judgment at the rate of 5.00% per annum until paid and \$190.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the First Order of Sale, I did on the 4th day of September, 2009, at 8:55 a.m. levy upon the following described property located in Hays County as the property of said defendant, to wit:

KENNETH W. BROWN, AICP
DANIEL ORTIZ
PATRICK W. CHRISTENSEN
JAMES D. GRIFFIN



PAUL M. JUAREZ
OF COUNSEL

112 E. PECAN STREET
SUITE 1360
SAN ANTONIO, TEXAS 78205
TELEPHONE: 210 299 3704
FAX: 210 299 4731

TELECOPIER COVER LETTER

CONFIDENTIALITY NOTICE: The documents accompanying this telecopy transmission contain confidential information which is legally privileged. The information is intended only for the use of the recipient named below. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us, and you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited.

DATE: October 23, 2009

CLIENT NO. 9213.002

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Abby Gillfillan

FAX #: (512) 847-0422

FROM: Patrick Christensen

MESSAGE:

Please review the attached and should you have any questions, please do not hesitate to contact our office.

Thank you,

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET: 2

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL OPERATOR AS SOON AS POSSIBLE.

OPERATOR NAME: Eve

KENNETH W. BROWN, AICP
DANIEL ORTIZ
PATRICK W. CHRISTENSEN
JAMES B. GRILLIN



PAUL M. JUAREZ
OF COUNSEL

112 E. PECAN STREET
SUITE 1360
SAN ANTONIO, TEXAS 78205
TELEPHONE: 210.299.3704
FAX: 210.299.4731

October 22, 2009

City of Wimberley
Attn.: Abby Gillfillan
12111 Ranch Road 12
Wimberley, Texas 78676

VIA FACSIMILE DELIVERY
(512) 847-0422

Re: City Initiated Zoning for the Balconies Bank, SSB (Broadway Bank) Properties Described as Rena Dobie Subdivision, Tract 1 (1.55 AC), Tract 2 (2.88 AC), Tract 3 (1.58 AC), and the ABS 390 Robert S. Rankin Survey (0.38 AC) Wimberley, Texas; Our File No. 9213.002.

Dear Ms. Gillfillan:

Please accept this correspondence as formal notice of opposition to the proposed zoning designations for the above described properties in the City initiated zoning. We respectfully request the Broadway Bank properties described above be zoned to C-2 Commercial. Broadway Bank has future expansion plans for the property and it is our opinion that the C-2 Commercial District is appropriate for this location.

I would like to schedule a meeting to discuss this matter at your earliest convenience. If you have any questions, please feel free to contact me.

Sincerely,

BROWN & ORTIZ, P.C.

BY:

A handwritten signature in black ink, appearing to read "Patrick W. Christensen".

Patrick W. Christensen

Abby Gillfillan

From: Neal Mallard [wimpie@wimberleypie.com]

Sent: Thursday, October 22, 2009 10:51 PM

To: Abby Gillfillan

Subject: Re: City initiated Zoning

We definitely want our property on Joe Wimberley Blvd. to be zoned commercial in keeping with the surrounding area. Thank you, Abby, for your cooperation. If you need anything else from me, please advise.

Neal Mallard

On Oct 22, 2009, at 12:27 PM, Abby Gillfillan wrote:

Neal

This email is a follow up to our phone conversation today concerning a 1.17 acre tract of land located on Joe Wimberley Blvd that you own. Our records indicate that because this lot is currently vacant a residential zoning was proposed in a letter that you received. However due to the commercial nature of the surrounding properties and the location of the lot residential zoning does not seem to fit in this area. Therefore the city would like to amend our proposal to C1 zoning (Commercial – Low Impact).

Will you respond to this email confirming the proposed zoning of this property?

Thank you for your help
Abby

Abby Gillfillan
Planning Technician
City of Wimberley
Work: (512) 847-0025
Fax: (512) 847-0422
Cell: (512) 644-9628
agillfillan@anvilcom.com
Web: vil.wimberley.tx.us

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.423 / Virus Database: 270.14.26/2451 - Release Date: 10/22/09 08:51:00

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

Dear Mr. Ferguson,

In reply to your letter of 8 September 2009 concerning A0461 Amasa Turner Survey at Mill Race Lane:

We also own the adjacent 2.6 acres which is currently zoned C1 and we understand that no change is proposed for this land's classification.

In order to be able to develop both properties together if needed, we request that A0461 also be zoned C1.

Sincerely,

Graham and MaryAnn Ward.

ORDINANCE NO. 2009-_____

AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR UNZONED REAL PROPERTY LOCATED NORTH OF OLD KYLE ROAD, AND ALONG RANCH ROAD 12 FROM FM 2325 TO THE NORTHERN CITY LIMITS, WIMBERLEY, HAYS COUNTY, TEXAS, FURTHER DESCRIBED AND SHOWN ON THE EXHIBIT ATTACHED TO THIS ORDINANCE; AND DESIGNATING INITIAL ZONING FOR EACH TRACT AS EITHER RESIDENTIAL ACREAGE (RA), RURAL RESIDENTIAL (R-1), COMMERCIAL-LOW IMPACT (C-1), COMMERCIAL-MODERATE IMPACT (C-2), LODGING 1 (L-1), PARTICIPANT RECREATION 1 (PR-1) OR PUBLIC FACILITIES (PF) AS SHOWN ON THE ATTACHED ZONING MAP; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

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

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

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

WHEREAS, the regulations established by the Code 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, notice was mailed to the un-zoned properties and within 200' and beyond the subject properties; further zoning maps identifying the un-zoned properties and the proposed zoning classifications were available for review by the public at the Wimberley Village Library,

at the Wimberley Community Center, and City Hall; and

WHEREAS, the City has been in the process of reviewing the process and procedure to zone un-zoned properties since adoption of amendments to its Comprehensive Plan since July 2008, and has given notice to property owners in the entire city regarding possible rezoning of property within the City, and Council has adopted a resolution giving staff specific direction on the process to follow in zoning un-zoned properties in compliance with the law; and

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Code of Ordinances and have concluded that the unzoned real property described herein located north of Old Kyle Road and along Ranch Road 12, from FM 2325 to the northern City Limits in Wimberley, Hays County, Texas, is hereby designated with the initial zoning classifications as shown on the attached zoning map, and that such designation is consistent with established City policy and in the public interest; and

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

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

ARTICLE I. AMENDMENT

Section 155 (Zoning) of the Code of Wimberley is hereby amended by adding the following language to Appendix F to read as follows, which shall be incorporated into and made part of Section 155 (Zoning), and given full weight and effect:

Appendix F: Zoning District Designations

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

The un-zoned real property located north of Old Kyle Road and along Ranch Road 12, from FM 2325 to the northern City Limits in Wimberley, Hays County, Texas, and further shown and identified on the attached Exhibit "A" incorporated by reference, is hereby designated with the initial zoning classification as either Residential Acreage (RA), Rural Residential (R-1), Commercial-Low Impact (C-1), Commercial-Moderate Impact (C-2), Lodging 1 (L-1), Participant Recreation 1 (PR-1) or Public Facilities (PF) and further shown on the attached zoning map labeled Exhibit "B" incorporated by reference for all purposes.

Except as expressly amended herein, Appendix F shall remain in full force and effect.

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.

IV. EFFECTIVE DATE

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

ARTICLE V. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this _____ day of _____, 2009, by ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

ATTEST:

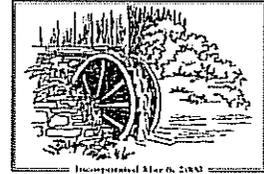
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

Report for City Initiated Zoning ZA-09-008



Summary: City initiated zoning of certain un-zoned properties located west of Ranch Road 12 and FM 2325 between the Cypress Creek and Rhodes Lane

Subject Property:

Location: Certain un-zoned properties located west of Ranch Road 12 and FM 2325 between the Cypress Creek and Rhodes Lane
Existing Use of Property: Vacant, Residential, Commercial, Public, Lodging
Existing Zoning: Unzoned
Proposed Zoning: R-1, R-3, MF-1, NS, C-1, C-2, PF
Planning Area: III, IV, V
Overlay District: Protected Water Overlay (PW), Village Center Overlay (VC)

Surroundings:

Frontage On: Ranch Road 12, FM 2325, Emergency Lane, Melody Way, Jewel Lane, River Road, Lange Road, Rhodes Lane and Rockwood Drive

Legal Notice

45 Day Property Owner Notification Period	9/8/09 – 10/23/09
200' Letters Sent Published	10/23/09 10/28/09

Comments:

Case ZA-09-008 is the third of a series of city initiated cases that will ultimately zone all un-zoned properties located within the city limits. To accomplish this task, City staff identified each of the un-zoned properties and their current use. Based on the direction of the City Council, City staff developed a recommended zoning designation for each of the un-zoned properties consistent with the *Wimberley Comprehensive Plan*, and compatible with the current use of the property and the planning area where the subject property is located. If a property was vacant, the recommended zoning for the property was residential unless the subject property had adjacent commercial properties which conflicted with a residential use.

Following the development of the zoning recommendations by City staff, the un-zoned property owners were notified in writing of the recommended zoning designation for their property and given forty-five (45) days to either agree with the recommendation or request a different permissible zoning designation for their properties.

To avoid the consideration of more than three-hundred ninety (390) individual zoning cases, City staff grouped the un-zoned properties and their proposed zoning designations into seven (7) separate zoning cases.

The third of these cases to be considered by the Planning and Zoning Commission is *Case # ZA-09-008*. The more than fifty – five (55) un-zoned properties in this zoning case are located along Ranch Road 12, FM 2325, Emergency Lane, Melody Way, Jewel Lane, River Road, Lange Road, Rhodes Lane, and Rockwood Drive. The proposed zoning for the subject properties includes Rural Residential (R-1), Single Family Residential 3 (R-3), Multi-Family 1 (MF-1), Neighborhood Services (NS), Commercial – Low Impact (C-1), Commercial – Moderate Impact (C-2), and Public Facilities (PF).

Nine (9) affected property owners requested a zoning designation different from that recommended by the City staff. Below is a list of all the alternate zoning requests and their locations that were received within the forty-five (45) day time period.

Map ID #	Property Owner	Proposed Zoning	Requested Zoning
22	FLOCKE, STEVEN E & LONA	Single Family Residential 3 (R-3)	Commercial - Low Impact (C-1)
39	BARECKY DEVELOPMENT CO	Single Family Residential 2 (R-2)	Neighborhood Services (NS)
45	ENGELHART, HAROLD BRYCE	Single Family Residential 3 (R-3)	Commercial - Low Impact (C-1)
23	GOGONAS, JOHN G & MARY LOU	Commercial - Low Impact (C-1)	Commercial - Moderate Impact (C-2)
48	JENSEN, LEE B & PHYLLIS L	Commercial - Low Impact (C-1)	Single Family Residential 3 (R-3)
52	OLSON, PHILIP C	Rural Residential 1 (R-1)	Multi-Family 1 (MF-1)
53	OLSON, PHILIP C	Rural Residential 1 (R-1)	Multi-Family 1 (MF-1)
34	SMITH, JACK & CHERI V	Single Family Residential 2 (R-2)	Commercial - Low Impact (C-1)
37	ZUNIGA, CECILIA L	Single Family Residential 2 (R-2)	Commercial - Low Impact (C-1)

Attached are the following three maps for review and consideration:

- Map #1** A map identifying the un-zoned properties in *Case # ZA-09-008*
- Map #2** A map showing the zoning designations proposed by City staff in *Case #ZA-09-008*
- Map #3** A map showing the zoning designations proposed by City staff along with the alternate zoning requests from property owners in *Case # ZA-09-008* (***This is the official zoning map to be considered for this zoning case***)

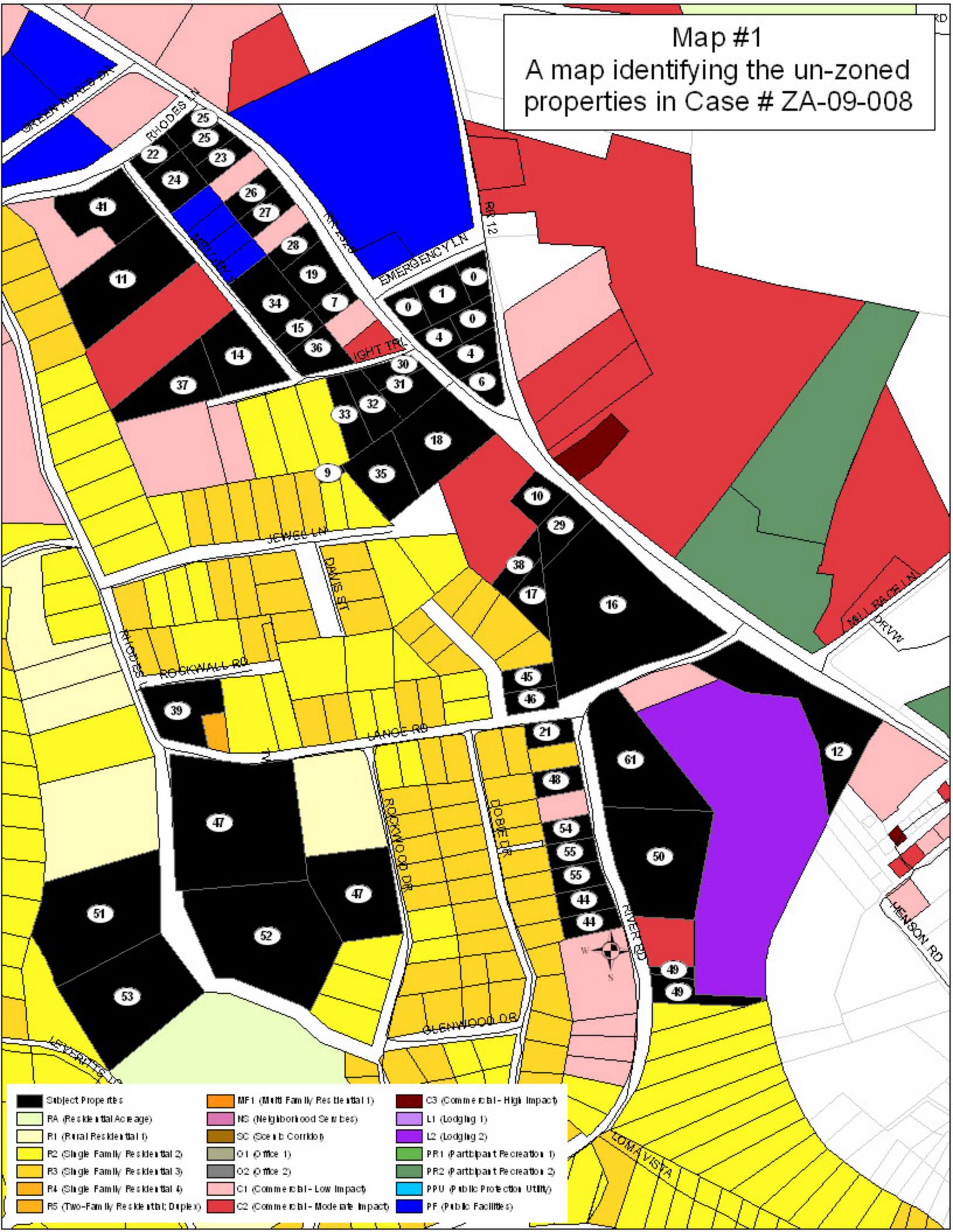
On November 12, 2009, the Planning and Zoning Commission held a public hearing on the city-initiated zoning case. Afterwards, the Commission voted 6 to 1 in favor of recommending approval of the zoning case. The one "no" vote on the case came from a Commissioner who was concerned that color maps detailing the case should have been more accessible to the public.

It should be noted that the proper legal notices were published for this case and color maps of the zoning case were made available for public viewing, in advance of the public hearing, at City Hall, Wimberley Community Center and the Wimberley Village Library. Also, in accordance with the statute, notices regarding the zoning case and upcoming Planning Commission and City Council public hearings on the case were sent to all property owners within 200 feet of the subject properties.

Property Descriptions Case ZA-09-008

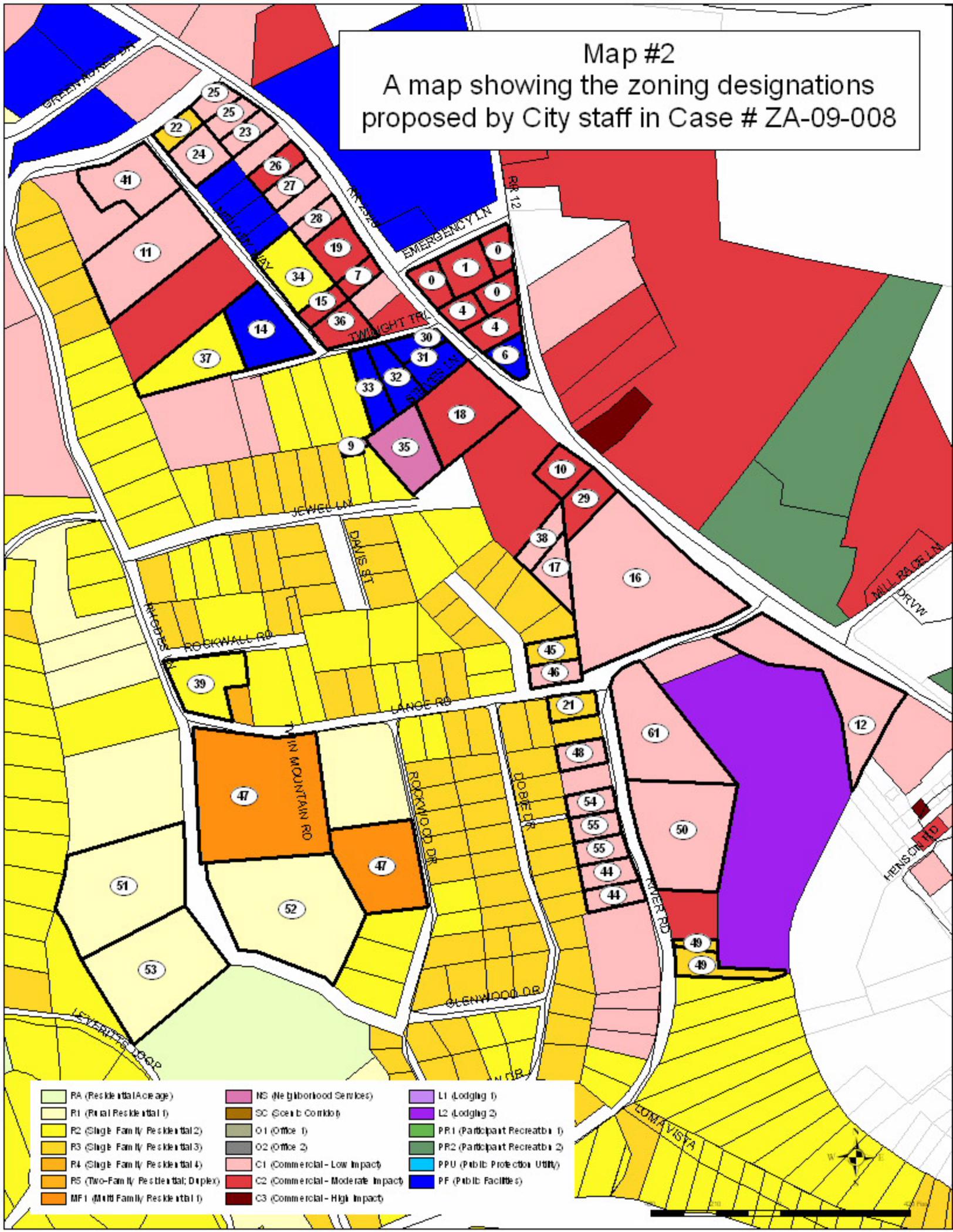
ID	Tax ID #	Legal Description	Site Address	Planning Area	Requested Zoning	Existing Use	Owner Name	Proposed Zoning
0	R41726	SCUDDER ADDN 1 LOTS 1 & 3 & PT OF 2, 4 & 5	14307 RR12	IV	C2	Construction Sales and Services	WK&K CORP	C2
0	R41726	SCUDDER ADDN 1 LOTS 1 & 3 & PT OF 2, 4 & 5	14307 RR12	IV	C2	Construction Sales and Services	WK&K CORP	C2
0	R41726	SCUDDER ADDN 1 LOTS 1 & 3 & PT OF 2, 4 & 5	14307 RR12	IV	C2	Construction Sales and Services	WK&K CORP	C2
1	R41727	SCUDDER #1 PT LOT 2 093 AC	14307 RR12	IV	C2	Construction Sales and Services	WK & K CO	C2
4	R41728	SCUDDER PTS OF LOT 4 & 5, ALL OF 6 .518 AC	14305 RR 12, WIMBERLEY, TX 78676	IV	C2	Construction Sales and Services	WPA HOLDING	C2
4	R41728	SCUDDER PTS OF LOT 4 & 5, ALL OF 6 .518 AC	14305 RR 12, WIMBERLEY, TX 78676	IV	C2	Construction Sales and Services	WPA HOLDING	C2
6	R41729	SCUDDER LOT PT OF 7 0.158 AC		IV	PF		WIMBERLEY CITY OF	PF
7	R48351	WIMBERLEY HEIGHTS, LOT 5, ACRES 0.2089		IV	C2	Propane Sales	GKK, LLC	C2
9	R41085	ROSELLE ADDN SEC 1, LOT PT OF 20-21, ACRES .199		B	NS		JONES, JOHN M	NS
9	R41085	ROSELLE ADDN SEC 1, LOT PT OF 20-21, ACRES .199		B	NS		JONES, JOHN M	NS
10	R18473	A0461 AMASA TURNER SURVEY, ACRES 0.65	14201 RR 12, WIMBERLEY, TX 78676	IV	C2	Wimberley North Complex	FORISTER TRIGG & ELLA D	C2
11	R48380	WIMBERLEY HEIGHTS, LOT 37, ACRES 1.8939		III	C1	Storage Buildings	CEDAR STUMP LP	C1
12	R18596	ABS 461 AMASA TURNER SURVEY 1.50 AC	101 River Rd	V	C1	Bank and Savings and Loan	OZONA NATIONAL BANK	C1
14	R63426	WIMBERLEY HEIGHTS, LOT 34A ACRES 0.902	220 TWILIGHT TRL, WIMBERLEY, TX 78676	III	PF	Wimberley EMS	WIMBERLEY EMERGENCY MEDICAL SER	PF
15	R48366	WIMBERLEY HEIGHTS, LOT 26, ACRES 0.241		IV	C2	Propane Sales	GKK, LLC	C2
16	R18529	ABS 461 AMASA TURNER SURVEY 4.32 AC	100 River Rd	IV	C1	Bank and Savings and Loan	OZONA NATIONAL BANK	C1
17	R18553	ABS 461 AMASA TURNER SURVEY, PT TRACT 3, AC 0.496		IV	C1		OZONA NATIONAL BANK	C1
18	R18552	A0461 AMASA TURNER SURVEY, ACRES 1.411	FM 2325, WIMBERLEY, TX 78676	IV	C2	Eating Establishment; Cleaners	SHRAVI & SHIVANI LTD	C2
19	R48352	WIMBERLEY HEIGHTS, LOT 6-7, ACRES 0.45	321 FM 2325, WIMBERLEY, TX 78676	IV	C2	Gasoline Sales	HNM ENTERPRISES INC	C2
21	R24341	CLIFFSIDE - WIMBERLEY II, LOT 17	200 RIVER RD, WIMBERLEY, TX 78676	III	R3		JEAMBERT, ROBIN GUEST	R3
22	R48359	WIMBERLEY HEIGHTS, LOT 16, ACRES 0.241	1 RHODES LN, WIMBERLEY, TX 78676	IV	C1		FLOCKE STEVEN E & LONA	R3
23	R48358	WIMBERLEY HEIGHTS, LOT 13, ACRES 0.2611	401 FM 2325, WIMBERLEY, TX 78676	IV	C2	Office and Personal Services	GOGONAS JOHN G & MARY LOU	C1
24	R48360	WIMBERLEY HEIGHTS, LOT 17-18, ACRES 0.4821		IV	C1	Business support Services; Locksmith	FLOCKE STEVE & LONA	C1
25	R72374	WIMBERLEY HEIGHTS, LOT 14-15, ACRES 0.4266	411 FM 2325 Unit 2325 WIMBERLEY TX 78676	IV	C1		ODELL, ODIE	C1
25	R72374	WIMBERLEY HEIGHTS, LOT 14-15, ACRES 0.4266	411 FM 2325 Unit 2325 WIMBERLEY TX 78676	IV	C1		ODELL, ODIE	C1
26	R48356	WIMBERLEY HEIGHTS, LOT 11, ACRES 0.2743	310 FM 2325, WIMBERLEY, TX 78676	IV	C2	Automotive Repair	WILLIAMS, JESSE	C2
27	R48355	WIMBERLEY HEIGHTS, LOT 10, ACRES 0.2812	310 FM 2325, WIMBERLEY, TX 78676	IV	C1	Residential; Cabinetry	WILLIAMS, JESSE	C1
28	R48353	WIMBERLEY HEIGHTS, LOT 8, ACRES 0.2491	323 FM 2325, WIMBERLEY, TX 78676	IV	C1		SMITH, JACK	C1
29	R18435	ABS 461 A TURNER SURVEY 0.25 AC	14195 RR 12	IV	C2	Verizon	GENERAL TELEPHONE CO OF THE SO	C2
30	R48348	WIMBERLEY HEIGHTS, LOT 2, ACRES 0.3673		IV	PF	Power Station	PEDERNALES ELECTRIC COOP INC	PF
31	R48347	WIMBERLEY HEIGHTS, LOT 1, ACRES 0.357		IV	PF	Power Station	PEDERNALES ELECTRIC COOP INC	PF
32	R48368	WIMBERLEY HEIGHTS, LOT E 1/2 OF 28, ACRES 0.3673	TWILIGHT TRL, WIMBERLEY, TX 78676	IV	PF	Power Station	PEDERNALES ELECTRIC COOP INC	PF
33	R48369	WIMBERLEY HEIGHTS, LOT W 1/2 OF 28, ACRES 0.3673	TWILIGHT TRL, WIMBERLEY, TX 78676	IV	PF	Power Station	PEDERNALES ELECTRIC COOP INC	PF
34	R48365	WIMBERLEY HEIGHTS, LOT 23-24-25, ACRES 0.7231	625 MELODY WAY, WIMBERLEY, TX 78676	IV	C1		SMITH JACK & CHERI V	R2
35	R18477	A0461 AMASA TURNER SURVEY, ACRES 0.508		B	NS		JONES, JOHN M	NS
36	R48367	WIMBERLEY HEIGHTS, LOT 27, ACRES 0.3099	101 TWILIGHT TRL	IV	C2	Automotive Repair	STONE, DANNY L	C2
37	R63427	WIMBERLEY HEIGHTS, LOT 35A ACRES 0.876	222 TWILIGHT TRL, WIMBERLEY, TX 78676	III	C1		ZUNIGA, CECILIA L	R2
38	R120181	A0461 AMASA TURNER, TRACT PT OF 3, ACRES 0.34		IV	C1		FORISTER, TRIGG	C1
39	R18598	ABS 461 A TURNER SURVEY .890 AC	400 LANGE RD, WIMBERLEY, TX 78676	B	NS		BARECKY DEVELOPMENT CO	R2
41	R97705	WIMBERLEY HEIGHTS, LOT 38-B, ACRES 1.01	RHODES LN, WIMBERLEY, TX 78676	III	C1	Dance Studio; Dog Groomer	SUMTER ELIZABETH A & TERRY	C1
44	R24346	CLIFFSIDE II LOT 24-25	400 RIVER RD, WIMBERLEY, TX 78676	III	C1	Retail Services	TAYLOR, PHYLLIS A	C1
44	R24346	CLIFFSIDE II LOT 24-26	400 RIVER RD, WIMBERLEY, TX 78676	III	C1	Retail Services	TAYLOR, PHYLLIS A	C1
45	R24396	CLIFFSIDE III LOT 2		B	C1	Vacant	ENGELHART, HAROLD BRYCE	R3
46	R24395	CLIFFSIDE - WIMBERLEY III, LOT 1	100 LANGE RD, WIMBERLEY, TX 78676	III	C1	Printing	ENGELHART, HAROLD BRYCE	C1
47	R18576		200 Twin Mountain	B	MF1		TWIN MOUNTAIN MANOR & YOUNG J B	MF1
47	R18576			B	MF1		TWIN MOUNTAIN MANOR & YOUNG J B	MF1
48	R70707	CLIFFSIDE II LOT 19 HOUSE	205 RIVER RD, WIMBERLEY, TX 78676	III	R3	Retail Services	JENSEN LEE B & PHYLLIS L	C1
49	R18427	ABS 461 A TURNER SURVEY 0.29 AC		III	R3		LUCAS GLENN ET AL	R3
49	R18427			III	R3		LUCAS GLENN ET AL	R3
50	R18564	ABS 461 AMASA TURNER SURVEY 2.05 AC		III	C1	Antiques	CARSON, W C	C1
51	R18530	A0461 AMASA TURNER SURVEY ACRES 2.844	202 TWIN MOUNTAIN MANOR LN, WIMBERLEY, TX 78676	II	R1		MALOTT, TERRY	R1
52	R70437	A0461 AMASA TURNER SURVEY, ACRES 3.23	301 TWIN MOUNTAIN RD Unit 7 WIMBERLEY, TX 78676	II	MF1	Mobile Home Park	OLSON, PHILIP C	R1
53	R18444	A0461 AMASA TURNER SURVEY, ACRES 3.147	301 TWIN MOUNTAIN RD, WIMBERLEY, TX 78676	II	MF1	Mobile Home Park	OLSON, PHILIP C	R1
54	R24343	CLIFFSIDE - WIMBERLEY II, Lot 20 - 21	300 RIVER RD, WIMBERLEY, TX 78676	III	C1	Thrift Store	WIMBERLEY VILLAGE TEAM LP	C1
55	R24345	CLIFFSIDE - WIMBERLEY II, Lot 22 & 23	302 RIVER RD, WIMBERLEY, TX 78676	III	C1	Office	STEPHENS C BRUCE & KILGORE DONA	C1
55	R24345	CLIFFSIDE - WIMBERLEY II, Lot 22 & 23	302 RIVER RD, WIMBERLEY, TX 78676	III	C1	Office	STEPHENS C BRUCE & KILGORE DONA	C1
61	R18500	A0461 AMASA TURNER SURVEY, ACRES 0.79	RIVER RD, WIMBERLEY, TX 78676	III	C1	Assisted Living	KIEFER, LISA	C1

Map #1
 A map identifying the un-zoned properties in Case # ZA-09-008



- | | | |
|------------------------------------|-----------------------------------|---------------------------------|
| Subject Properties | MF1 (Multi Family Residential) | C3 (Commercial - High Impact) |
| RA (Residential Acage) | NS (Neighborhood Services) | L1 (Lodging 1) |
| R1 (Rural Residential) | SC (Service Corridor) | L2 (Lodging 2) |
| P2 (Single Family Residential 2) | O1 (Office 1) | PR1 (Participant Recreation 1) |
| P3 (Single Family Residential 3) | O2 (Office 2) | PR2 (Participant Recreation 2) |
| P4 (Single Family Residential 4) | C1 (Commercial - Low Impact) | PPU (Public Protection Utility) |
| P5 (Two-Family Residential Duplex) | C2 (Commercial - Moderate Impact) | PF (Public Facilities) |

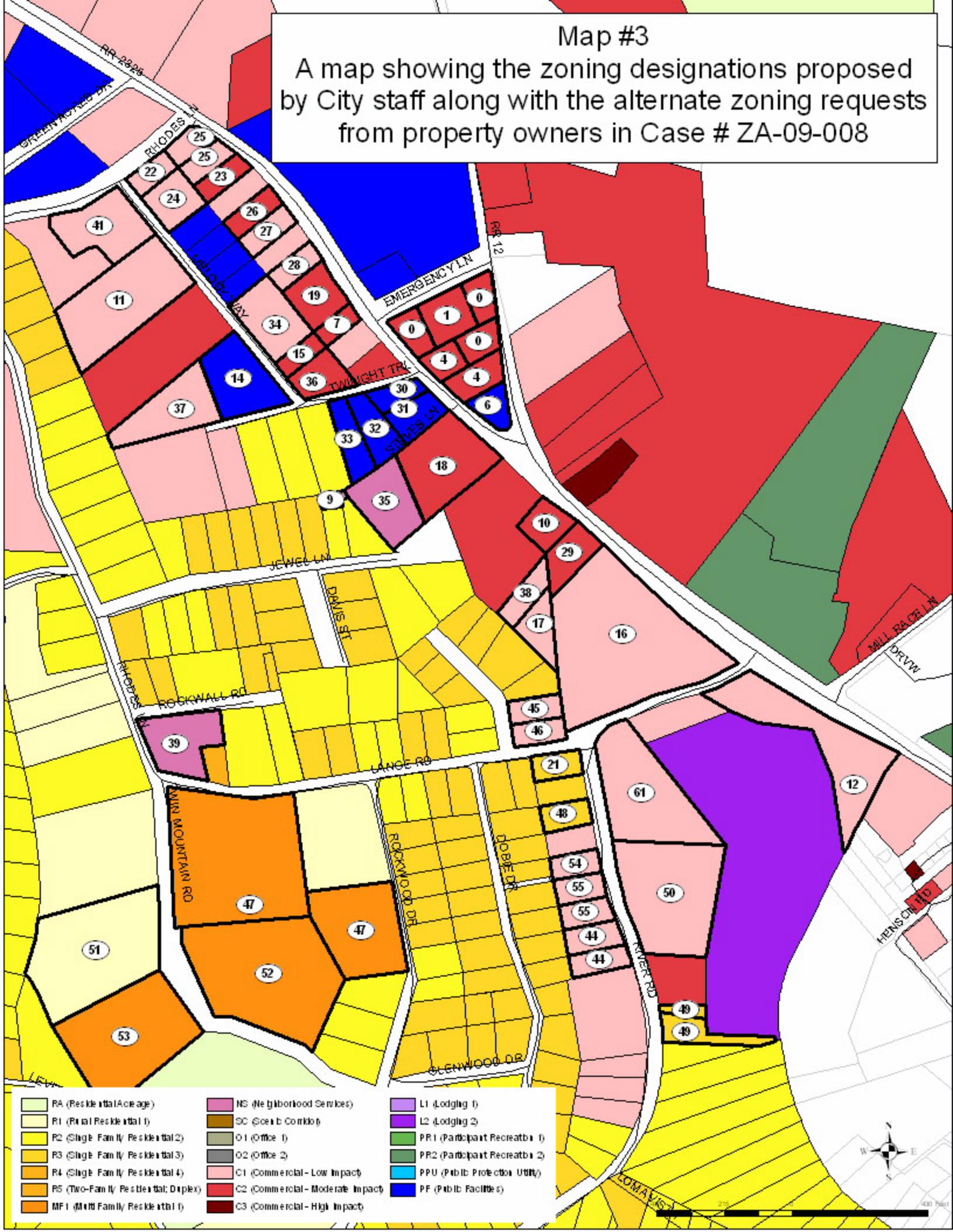
Map #2
 A map showing the zoning designations proposed by City staff in Case # ZA-09-008

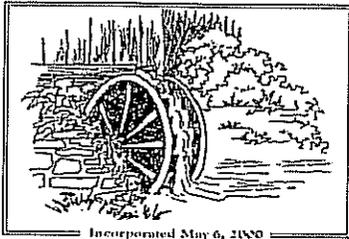


RA (Residential Age)	NS (Neighborhood Services)	L1 (Lodging 1)
R1 (Rural Residential 1)	SC (Special Corridor)	L2 (Lodging 2)
R2 (Single Family Residential 2)	O1 (Office 1)	PR1 (Participant Recreation 1)
R3 (Single Family Residential 3)	O2 (Office 2)	PR2 (Participant Recreation 2)
R4 (Single Family Residential 4)	C1 (Commercial - Low Impact)	PPU (Public Protection Utility)
R5 (Two-Family Residential Duplex)	C2 (Commercial - Moderate Impact)	PF (Public Facilities)
MF1 (Multi-Family Residential 1)	C3 (Commercial - High Impact)	

Map #3

A map showing the zoning designations proposed by City staff along with the alternate zoning requests from property owners in Case # ZA-09-008





City of Wimberley

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

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

Email: village@anvilcom.com Web: www.vil.Wimberley.tx.us

Tom Haley, Mayor - Charles Roccaforte, Mayor Pro-tem

Council Members: Bob Flocke, Bill Appleman, Steve Thurber, John White
Don Ferguson, City Administrator

October 23, 2009

NOTICE OF PUBLIC HEARING

Re: **File No. ZA-09-008**

City Initiated Zoning

Certain Un-zoned Properties located west of RR 12 and FM 2325 between the Cypress Creek and Rhodes Lane

Dear Property Owner:

In order to implement the City of Wimberley's Comprehensive Plan amendments of July 2008, the City is undertaking a citywide rezoning project to guide future development throughout the City. For the purposes of this citywide zoning initiative, the City has been divided into seven (7) different regions, each of which will be handled individually. In Case # ZA-09-008, certain real properties located west of RR 12 and FM 2325 between the Cypress Creek and Rhodes Lane that are currently un-zoned will now be zoned under the City's regulations. The identified subject properties will change from un-zoned to Rural Residential 1 (R1), Single Family Residential 3 (R3), Multi-Family Residential 1 (MF1), Neighborhood Services (NS), Commercial - Low Impact (C1), Commercial - Moderate Impact (C2), or Public Facilities (PF). The specific properties in this area to be zoned and the new proposed zoning classifications are available for viewing on the maps displayed at City Hall, the Wimberley Community Center, and the Wimberley Village Library.

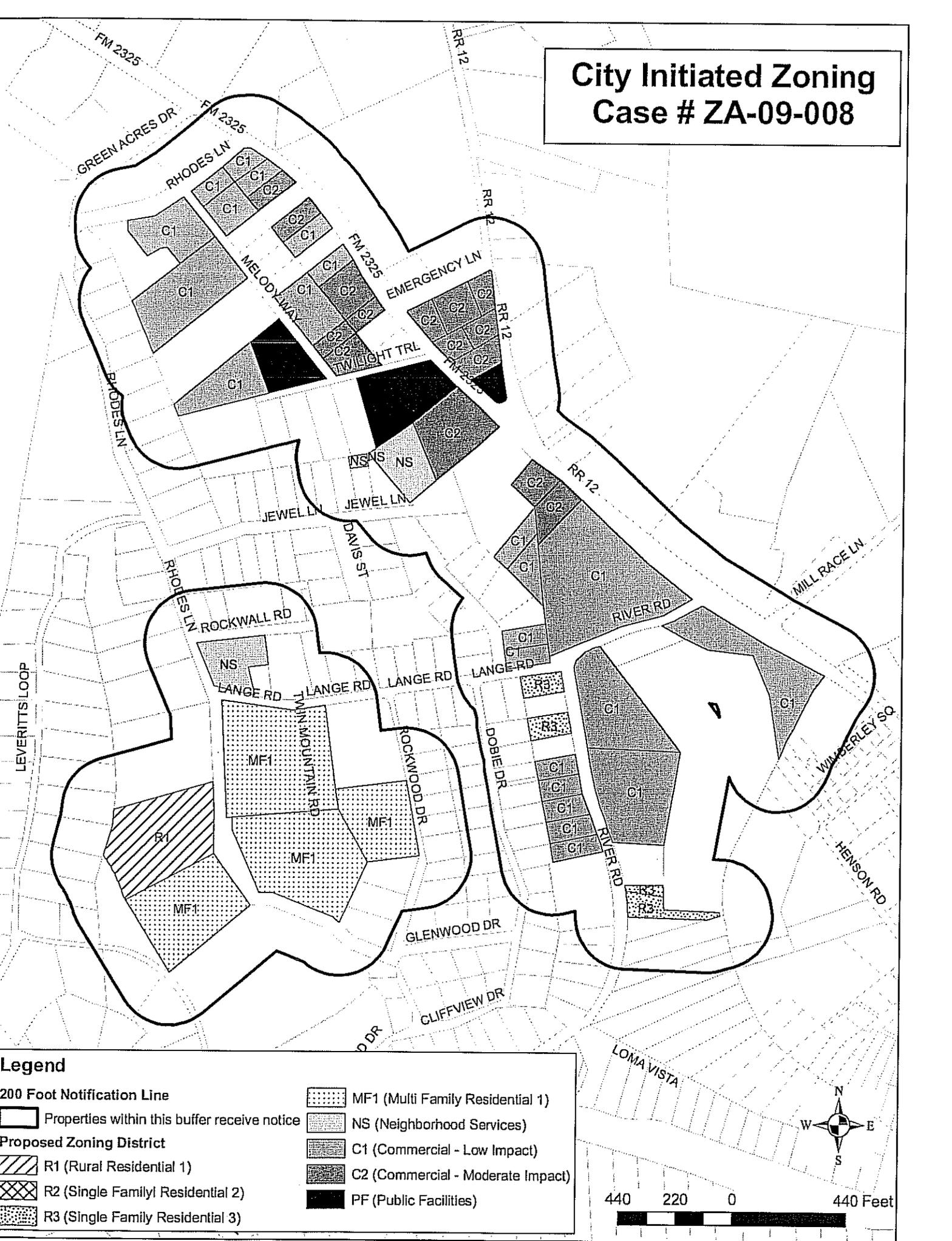
The City of Wimberley Planning & Zoning Commission will consider this zoning action at a public hearing on **Thursday, November 12, 2009 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same zoning action on **Thursday, November 19, 2009, at 6:30 p.m.** in the Wimberley City Hall.

Because this zoning may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearings. 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 Initiated Zoning Case # ZA-09-008



Legend

200 Foot Notification Line

Properties within this buffer receive notice

Proposed Zoning District

R1 (Rural Residential 1)

R2 (Single Family Residential 2)

R3 (Single Family Residential 3)

MF1 (Multi Family Residential 1)

NS (Neighborhood Services)

C1 (Commercial - Low Impact)

C2 (Commercial - Moderate Impact)

PF (Public Facilities)

440 220 0 440 Feet



BROOKSHIRE, INVESTMENTS
ATTN JIM ARNOLD
P O BOX 1688
LUFKIN, TX 75902-1688

GONZALEZ, JUANA P
P O BOX 1417
WIMBERLEY, TX 78676-1417

BUVENS JOHN L
P O BOX 1736
WIMBERLEY, TX 78676-1736

ROACH JACK & JUDY TRUST
S TREMONT TRACE
WIMBERLEY, TX 78676

KING FEED COMPANY INC
P O BOX 1744
SAN MARCOS, TX 78667-1744

KING FEED COMPANY INC
P O BOX 1744
SAN MARCOS, TX 78667-1744

BROOKSHIRE, BROTHERS LTD
P O BOX 1688
LUFKIN, TX 75902-1688

BROOKSHIRE, INVESTMENTS
ATTN JIM ARNOLD
P O BOX 1688
LUFKIN, TX 75902-1688

KING FEED COMPANY INC
P O BOX 1744
SAN MARCOS, TX 78667-1744

HARRIS, JAMES MALCOLM
10 MILL RACE LN
WIMBERLEY, TX 78676

WIMBERLEY SENIOR CITIZEN
ACTIVITIES INC
P O BOX 678
WIMBERLEY, TX 78676-0678

GROESBEECK, LILIAN K EST
% ELIZABETH WARD DIBRELL
PO BOX 666
WIMBERLEY, TX 78676-0666

ROMANO, LAURA
3322 FLITE ACRES RD
WIMBERLEY, TX 78676

ROMANO, LAURA
3322 FLITE ACRES RD
WIMBERLEY, TX 78676

WILLETT, BOYD
13501 RR 12 STE 103 PMB 103
WIMBERLEY, TX 78676-5328

JOHNSON, WM PARKS
02 SABINO RANCH
WIMBERLEY, TX 78676-5929

WIMBERLEY ISD - TRUST
PROPERTY
14401 RANCH RD 12
WIMBERLEY, TX 78676

VILLAGE LIBRARY OF
WIMBERLEY INC
P O BOX 1240
WIMBERLEY, TX 78676-1240

MENDOZA, ELENA J
52 RHODES LN
WIMBERLEY, TX 78676

KOCH, JANET L
301 RHODES LN
WIMBERLEY, TX 78676

HERYFORD HARRY A & SONJA
51 CANYON CREEK
WIMBERLEY, TX 78676

PATLYEK, JESSICA R
10 LEVERITT'S LOOP
WIMBERLEY, TX 78676

PATLYEK, JESSICA R
210 LEVERITT'S LOOP
WIMBERLEY, TX 78676

BROOKSHIRE, INVESTMENTS
ATTN JIM ARNOLD
P O BOX 1688
LUFKIN, TX 75902-1688

LONGER RALPH S & OLLE PAT
O BOX 1116
WIMBERLEY, TX 78676-1116

WILFONG GREG S & JANE A
214 LEVERITT LP
WIMBERLEY, TX 78676

WIMBERLEY VILLAGE TEAM
P O BOX 1568
WIMBERLEY, TX 78676-1568

RODRIGUEZ CARLOS JR &
STEPHANIE D
41 DOBIE DR
WIMBERLEY, TX 78676

HINTON, PAUL ARDELL
7407A E WALLISVILLE RD
BAYTOWN, TX 77521

DINSMORE SYLVIA FAMILY
TRUST
297 LANGE RD
WIMBERLEY, TX 78676

BEAUCHAMP, SHEREE
% SAMMY BEAUCHAMP
1709 FAWNTAIL CT
CHULA VISTA, CA 91913

DINSMORE SYLVIA FAMILY
TRUST
297 LANGE RD
WIMBERLEY, TX 78676

CHRISTENSEN, KIM M
125 JEWEL LN
WIMBERLEY, TX 78676

VASQUEZ GLORIA J & JOE D
P O BOX 2373
WIMBERLEY, TX 78676-2373

CHRISTENSEN, KIM M
125 JEWEL LN
WIMBERLEY, TX 78676

GREENHALGH, RICHARD J
119 JEWELL LANE
WIMBERLEY, TX 78676

JONES, JOHN M
P O BOX 1197
WIMBERLEY, TX 78676-1197

WIMBERLEY QUARTER LLC
14015 RANCH ROAD 12 STE 1
WIMBERLEY, TX 78676

DUNKS, STEVEN PAUL
9999 MT SHARP RD
WIMBERLEY, TX 78676

HUMPHREY JOSEPH M & ERMA
LEE
4602 MERION CRICKET DR
AUSTIN, TX 78747

HUMPHREY JOSEPH M & ERMA
LEE
4602 MERION CRICKET DR
AUSTIN, TX 78747

HUMPHREY JOSEPH M & ERMA
LEE
4602 MERION CRICKET DR
AUSTIN, TX 78747

MCCRACKEN VANCE &
CHARLA
1381 ELMWOOD DR
ABILENE, TX 79605

GREGORCZYK, RUSSELL
P O BOX 601
KYLE, TX 78640-0601

WIMBERLEY ISD
14401 RANCH RD 12
WIMBERLEY, TX 78676

LONG, JON S
325 FM 2325
WIMBERLEY, TX 78676

ORTIZ JOSE R & MARGARITA
P O BOX 641
WIMBERLEY, TX 78676-0641

ORTIZ JOSE R & MARGARITA
P O BOX 641
WIMBERLEY, TX 78676-0641

WIMBERLEY ISD
14401 RANCH RD 12
WIMBERLEY, TX 78676

MUGEN, INC
P O BOX 744
WIMBERLEY, TX 78676-0744

GIBSON HARLAN L &
CLAUDIA T
409 LEVERITTS LOOP
WIMBERLEY, TX 78676

SHAFFER, JEFF
81 MADONNA RD STE #D
SAN LUIS OBISPO, CA 93405

ROMANO, LAURA
3322 FLITE ACRES RD
WIMBERLEY, TX 78676

CONGER RALPH S & OLLE PAT
P O BOX 1116
WIMBERLEY, TX 78676-1116

LYNN, JAMES B
60 WAYSIDE DR
WIMBERLEY, TX 78676

FONVILLE, KIM WARD
331 RHODES LN
WIMBERLEY, TX 78676

MYVY LLC
333 FM 2325
P O BOX 500
WIMBERLEY, TX 78676-0500

WIMBERLEY ISD
14401 RANCH RD 12
WIMBERLEY, TX 78676

WIMBERLEY ISD
14401 RANCH RD 12
WIMBERLEY, TX 78676

FUDGE, DEANN G
P O BOX 998
11702 CHERRY PT
MONT BELVIEU, TX 77580

CARSON W C
911 CORPORATE DR STE 102
SAN MARCOS, TX 78666

ORTIZ JOSE R & MARGARITA
P O BOX 641
WIMBERLEY, TX 78676-0641

ANGELS FOR ELDERS MISSION
221 TWILIGHT TRL
WIMBERLEY, TX 78676-9517

ANGELS FOR ELDERS MISSION
21 TWILIGHT TRL
WIMBERLEY, TX 78676-9517

WATTS, FRANK A, Jr.
301 LANGE RD
WIMBERLEY, TX 78676

RODEMYER THOMAS I &
MARTI M
305 LANGE RD
WIMBERLEY, TX 78676

HOOD, DALE T
01 TWIN MOUNTAIN
WIMBERLEY, TX 78676

ELLIS, MARY LOUISE
P O BOX 704
WIMBERLEY, TX 78676-0704

FOREMAN ARJEN & PEGGY
6026 ABILENE TRL
AUSTIN, TX 78749

ARKINSON ELIZABETH H
20 DOBIE DR
WIMBERLEY, TX 78676

FONVILLE, KIM WARD
331 RHODES LN
WIMBERLEY, TX 78676

YOUNG, J B
P O BOX 278
WIMBERLEY, TX 78676-0278

ARROLL, BONNIE HUNNICUTT
61 LANGE RD
WIMBERLEY, TX 78676

WARD, JIMMY, Jr.
335 RHODES LN
WIMBERLEY, TX 78676

FOREMAN ARJEN & PEGGY
6026 ABILENE TRL
AUSTIN, TX 78749

COCH, JANET L
01 RHODES LN
WIMBERLEY, TX 78676

BURDICK BENJAMIN F &
LENORE M
550 WAYSIDE DR #1
WIMBERLEY, TX 78676-5118

HUMPHREY JOSEPH M & ERMA LEE
4602 MERION CRICKET DR
AUSTIN, TX 78747

HUMPHREY JOSEPH M & ERMA LEE
602 MERION CRICKET DR
AUSTIN, TX 78747

DAISE, JEREMY
7309 FERNDAL CIR
AUSTIN, TX 78745

THORNTON, LYNDA JOYCE
641 RHODES LN
WIMBERLEY, TX 78676

HUMPHREY JOSEPH M & ERMA LEE
602 MERION CRICKET DR
AUSTIN, TX 78747

WILHELM, JILL ANN
P O BOX 495
WIMBERLEY, TX 78676-0495

SHORT DANNIE & CHRISTINE
141 KINGSWAY DR
WIMBERLEY, TX 78676

SHORT DANNIE & CHRISTINE
41 KINGSWAY DR
WIMBERLEY, TX 78676

HUMPHREY JOSEPH M & ERMA LEE
4602 MERION CRICKET DR
AUSTIN, TX 78747

HAMM PAUL & JANET
1 DAVIS LN
WIMBERLEY, TX 78676

SHORT DANNIE & CHRISTINE
41 KINGSWAY DR
WIMBERLEY, TX 78676

ANDERSON, KEITH A
106 JEWEL ST
WIMBERLEY, TX 78676

HUMPHREY JOSEPH M & ERMA LEE
4602 MERION CRICKET DR
AUSTIN, TX 78747

HUMPHREY JOSEPH M & ERMA LEE
4602 MERION CRICKET DR
AUSTIN, TX 78747

THORNTON, LYNDA JOYCE
641 RHODES LN
WIMBERLEY, TX 78676

HUMPHREY JOSEPH M & ERMA LEE
4602 MERION CRICKET DR
AUSTIN, TX 78747

HAMPTON, NOEL D
03 LANGE RD
WIMBERLEY, TX 78676-9477

YOUNG, J B
P O BOX 278
WIMBERLEY, TX 78676-0278

THORNTON, LYNDA JOYCE
641 RHODES LN
WIMBERLEY, TX 78676

HUMPHREY JOSEPH M & ERMA LEE
4602 MERION CRICKET DR
AUSTIN, TX 78747

TAMBRELLA FRANK C & RENA
5712 HIGHLAND RD
SANTA FE, TX 77517

SENIOR CITIZENS CRAFT SHOP
WIMBERLEY INC
P O BOX 1174
WIMBERLEY, TX 78676-1174

SPATZ, THOMAS W
21 DOBIE DR
WIMBERLEY, TX 78676

KOLENDA BETTY JEAN
KOLENDA HELENA K IND
92 MOHICAN PARK AVE
DOBBS FERRY, NY 10522-2313

SHEFFIELD, JAMES L
P O BOX 736
WIMBERLEY, TX 78676-0736

SENIOR CITIZENS CRAFT SHOP
WIMBERLEY INC
P O BOX 1174
WIMBERLEY, TX 78676-1174

LEINNEWEBER CARL &
JUANITA MARIE
P O BOX 1297
WIMBERLEY, TX 78676-1297

ROOS, RUTH A
3412 NOTTINGHAM
PEARLAND, TX 77581

CARSON, W C
911 CORPORATE DR
SUITE 102
SAN MARCOS, TX 78666

MAURER FAMILY LP
P O BOX 1568
WIMBERLEY, TX 78676-1568

CLAYTON, WILLIAM S
136 HENSON RD
WIMBERLEY, TX 78676

ROOS, RUTH A
3412 NOTTINGHAM
PEARLAND, TX 77581

EZER ZACKRY
140 DOBIE DR
WIMBERLEY, TX 78676

SIMONICH, LOUIS J
48 GLEN DR
FAIRFAX, CA 94930-1310

WILFONG GREG S & JANE A
14 LEVERITT LP
WIMBERLEY, TX 78676

GUTIERREZ SERGIO
118 HIGH MESA
WIMBERLEY, TX 78676

BROWN MICHAEL & STENIS
SARAH
150 DOBIE DR
WIMBERLEY, TX 78676

AMBERT RICHARD &
ORINDA
60 ROCKWOOD DR
WIMBERLEY, TX 78676-5008

MDN INC
P O BOX 372
WIMBERLEY, TX 78676-0372

ADAMS SALLY K ESTATE OF
ADAMS JEANINE GAIL IND
5103 BARKALOO RD
BAYTOWN, TX 77521-9207

TYERS RONALD G & BETTE J
16 LEVERITTS LP
WIMBERLEY, TX 78676

HINTON, PAUL ARDELL
7407A E WALLISVILLE RD
BAYTOWN, TX 77521

BURDICK BENJAMIN &
LENORE
550 WAYSIDE DR #1
WIMBERLEY, TX 78676-5118

MOORE, JOEL E
7439 TAMARON
DALLAS, TX 75287

HINTON, PAUL ARDELL
7407A E WALLISVILLE RD
BAYTOWN, TX 77521

DILDAY, VICKI H
218 LEVERITTS LOOP
WIMBERLEY, TX 78676

BURDICK BENJAMIN F &
LENORE M
150 WAYSIDE DR #1
WIMBERLEY, TX 78676-5118

BILLINGS, RICK
200 DOBIE DR
WIMBERLEY, TX 78676

WALKER, JOY L
2204 CEDAR CRK
BAYTOWN, TX 77520-2204

DOWNING, KAREN
15222 HILLTOP VIEW DR
CYPRESS, TX 77429-6084

SYNATSCHK JASON B &
SHERRY ANN
222 LEVERITTS LOOP
WIMBERLEY, TX 78676-9486

ENGELS PAMELLA MRS EST OF
DORIS UDEMI & HELEN HOLMES
271 DOBIE DR
WIMBERLEY, TX 78676

SULLIVAN, MICHAEL JOHN
1842 FLITE ACRES
WIMBERLEY, TX 78676

MDN INC
P O BOX 372
WIMBERLEY, TX 78676-0372

BRADSHAW, MARGARET
215 ROCKWOOD DR
WIMBERLEY, TX 78676

WALKER, JOY L
2204 CEDAR CRK
BAYTOWN, TX 77520-2204

FORBES FAMILY IRREVOCABLE
TRUST FORBES-DAVIS TANYA
11 CHAMELEON CT
THE HILLS, TX 78738

KOLENDA BETTY JEAN ESTATE OF
KOLENDA HELENA K IND EXEC
92 MOHICAN PARK AVE
DOBBS FERRY, NY 10522-2313

ATLYEK, JESSICA R
10 LEVERITT'S LOOP
WIMBERLEY, TX 78676

LOVING, JIMMY
241 DOBIE DR
WIMBERLEY, TX 78676

GRISWOLD, ROSS W, IV
240 DOBIE DR
WIMBERLEY, TX 78676

BRADSHAW JIMMIE D JR
1 CALICHE CT
WIMBERLEY, TX 78676

WILLS, LAURIE ANN
P O BOX 2016
WIMBERLEY, TX 78676-2016

KOLENDA BETTY JEAN ESTATE OF
KOLENDA HELENA K IND EXEC
92 MOHICAN PARK AVE
DOBBS FERRY, NY 10522-2313

MUGEN, INC
P O BOX 744
WIMBERLEY, TX 78676-0744

JOY DALE J & SHARON A
413 LEVERITTS LOOP
WIMBERLEY, TX 78676

MURR, GEORGE B
423 LEVERITTS LP
WIMBERLEY, TX 78676

MCFARLAND JON & DOROTHY
1 FLATCREEK PLACE
THE WOODLANDS, TX 77381

GROESBEECK, LILIAN K EST
ELIZABETH WARD DIBRELL
PO BOX 666
WIMBERLEY, TX 78676-0666

CORDOVA, JUAN (EMILIA)
P O BOX 465
WIMBERLEY, TX 78676-0465

CORDOVA, LEONARDO
P O BOX 652
WIMBERLEY, TX 78676-0652

TRUSS CODY J &
WAGGONER SUSAN M
3517 ALDERFER
HOUSTON, TX 77047

DOWNING, KAREN
15222 HILLTOP VIEW DR
CYPRESS, TX 77429-6084

WIMBERLEY RURAL FIRE
PREVENTION DIST #1
PO BOX 1312
WIMBERLEY, TX 78676-1312

MURKPATRICK J M
ENTERPRISES INC
605 RAINBOW DR #10579
LIVINGSTON, TX 77399

WIMBERLEY RENTALS LLC
PO BOX 2882
WIMBERLEY, TX 78676-2882

LAMM PAUL & JANET
DAVIS LN
WIMBERLEY, TX 78676

CARSON, W C
1911 CORPORATE DR STE 102
SAN MARCOS, TX 78666

CEDAR STUMP LP
602 SABINO RANCH RD
WIMBERLEY, TX 78676

BRIGGS L P EST MALENE
BRIGGS
PO BOX 1204
WIMBERLEY, TX 78676-1204

DAISE, JEREMY
7309 FERNDALE CIR
AUSTIN, TX 78745

SHEFFIELD, JAMES L
PO BOX 736
WIMBERLEY, TX 78676-0736

CEDAR STUMP LP
602 SABINO RANCH RD
WIMBERLEY, TX 78676

DAISE, JEREMY
7309 FERNDALE CIR
AUSTIN, TX 78745

CARSON, W C
1911 CORPORATE DR STE102
SAN MARCOS, TX 78666

JONES, JOHN M
P O BOX 1480
WIMBERLEY, TX 78676-1480

JONES, JOHN M
P O BOX 1480
WIMBERLEY, TX 78676-1480

JONES, JOHN M
P O BOX 1197
WIMBERLEY, TX 78676-1197

BARECKY DEVELOPMENT CO
100 LANGE RD
WIMBERLEY, TX 78676-9478

ENGELHART, HAROLD BRYCE
100 LANGE RD
WIMBERLEY, TX 78676

MALOTT, TERRY
202 TWIN MOUNTAIN MANOR LN
WIMBERLEY, TX 78676

OLSON, PHILIP C
P O BOX 661
WIMBERLEY, TX 78676-0661

OLSON, PHILIP C
P O BOX 661
WIMBERLEY, TX 78676-0661

TWIN MOUNTAIN MANOR & YOUNG
200 TWIN MOUNTAIN RD BOX H4
WIMBERLEY, TX 78676

TWIN MOUNTAIN MANOR & YOUNG
200 TWIN MOUNTAIN RD BOX H4
WIMBERLEY, TX 78676

WIMBERLEY EMERGENCY
MEDICAL SERVICE
P O BOX 33
WIMBERLEY, TX 78676-0033

LUCAS GLENN ET AL
536 Arlington
HOUSTON, TX 77007

HEAMBERT, ROBIN GUEST
400 RIVER RD
WIMBERLEY, TX 78676

ZUNIGA, CECILIA L
222 TWILIGHT TRL
WIMBERLEY, TX 78676

CEDAR STUMP LP
602 SABINO RANCH RD
WIMBERLEY, TX 78676

KIEFER, LISA
P O BOX 2364
WIMBERLEY, TX 78676-2364

POLHEMUS PAUL H & CARMEN L
P O BOX 483
WIMBERLEY, TX 78676-0483

SUMTER ELIZABETH A & TERRY
P O BOX 2233
WIMBERLEY, TX 78676-2233

TAYLOR, PHYLLIS A
400 RIVER RD LNDG
WIMBERLEY, TX 78676

ENGELHART, HAROLD BRYCE
100 LANGE RD
WIMBERLEY, TX 78676

JENSEN LEE B & PHYLLIS L
P O BOX 1933
WIMBERLEY, TX 78676-1933

CARSON, W C
P O BOX 666
SAN MARCOS, TX 78667-0666

WIMBERLEY VILLAGE TEAM
P O BOX 1568
WIMBERLEY, TX 78676-1568

STEPHENS C BRUCE &
KILGORE DONA M
302 RIVER RD
WIMBERLEY, TX 78676

STEPHENS C BRUCE &
KILGORE DONA M
302 RIVER RD
WIMBERLEY, TX 78676

TAYLOR, PHYLLIS A
400 RIVER RD LNDG
WIMBERLEY, TX 78676

SHRAVI & SHIVANI LTD
P O BOX 26100
AUSTIN, TX 78755-6100

WIMBERLEY ENTERPRISES INC
21 FM 2325
WIMBERLEY, TX 78676

GENERAL TELEPHONE CO OF THE
SOUTHWEST
P O BOX 152206
IRVING, TX 75015-2206

WILLIAMS, JESSE
310 FM 2325
WIMBERLEY, TX 78676

WK&K CORP
14307 RANCH RD 12
WIMBERLEY, TX 78676

WK & K CO
14307 RANCH ROAD 12
WIMBERLEY, TX 78676

SHRAVI & SHIVANI LTD
P O BOX 26100
AUSTIN, TX 78755-6100

FORISTER TRIGG & ELLA D
P O BOX 2787
WIMBERLEY, TX 78676-2787

GKK, LLC
P O BOX 57
BLANCO, TX 78606-0057

STONE, DANNY L
P O BOX 1511
WIMBERLEY, TX 78676-1511

WK&K CORP
14307 RANCH RD 12
WIMBERLEY, TX 78676

GKK, LLC
P O BOX 57
BLANCO, TX 78606-0057

WK&K CORP
14307 RANCH RD 12
WIMBERLEY, TX 78676

WPA HOLDING
8850 BUSINESS PARK # 200
AUSTIN, TX 78759

WPA HOLDING
8850 BUSINESS PARK # 200
AUSTIN, TX 78759

7 K INVESTMENTS LTD
P O BOX 724
BLANCO, TX 78606-0724

ODELL, ODIE
117 WINDING OAK DR
JOHNSON CITY, TX 78636

OZONA NATIONAL BANK
PO Box 430
OZONA, TX 76943-0430

OZONA NATIONAL BANK
PO Box 430
OZONA, TX 76943-0430

BOGONAS JOHN G & MARY LOU
1404 EVENINGSTAR DR
AUSTIN, TX 78739

FLOCKE STEVE & LONA
801 WARBLER WAY
WIMBERLEY, TX 78676

ODELL, ODIE
117 WINDING OAK DR
JOHNSON CITY, TX 78636

WILLIAMS, JESSE
10 FM 2325
WIMBERLEY, TX 78676

FORISTER, TRIGG
P O BOX 2787
WIMBERLEY, TX 78676-2787

SMITH, JACK
323 FM 2325
WIMBERLEY, TX 78676

PEDERNALES ELECTRIC COOP
ATTN PROP TAX DEPT
PO Box 1
JOHNSON CITY, TX 78636-0001

WIMBERLEY CITY OF
P O BOX 2027
WIMBERLEY, TX 78676

PEDERNALES ELECTRIC COOP
ATTN PROP TAX DEPT
PO Box 1
JOHNSON CITY, TX 78636-0001

PEDERNALES ELECTRIC COOP
ATTN PROP TAX DEPT
PO Box 1
JOHNSON CITY, TX 78636-0001

PEDERNALES ELECTRIC COOP
ATTN PROP TAX DEPT
PO Box 1
JOHNSON CITY, TX 78636-0001

SMITH JACK & CHERI V
323 RANCH RD 2325
WIMBERLEY, TX 78676

DAMS, AARON H
PO BOX 103
WIMBERLEY, TX 78676-0103

OZONA NATIONAL BANK
PO Box 430
OZONA, TX 76943-0430

THE CLASSIFIED

Wednesday, October 28, 2009

Email your ads to: classad@wimberley-tx.com

★ LEGALS & PUBLIC NOTICES

PUBLIC NOTICE NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY ZONING CODE

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, November 12, 2009 at 6:30 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XXV (LAND USAGE) OF THE CODE OF ORDINANCES TO AMEND AND REVISE DEFINITIONS AND DEVELOPMENT REGULATIONS RELATED TO "SLOPE" (AVERAGE SLOPE AND STEEP SLOPE) AND ADDING REGULATIONS RELATING TO SAME.

Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing at their regular Council meeting on Thursday, November 19, 2009 at 6:30 p.m. to consider the ordinance referred to herein. You are

presented in person or by mail (PO Box 2027) at City Hall prior to the hearings. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas (07416/19/09).

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING (Citywide 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, November 12, 2009 at 6:30 p.m. to consider the following: ZA-09-024, an amendment to the Wimberley Planned Development District (WPDD) with base zoning of Commercial-Moderate Impact (C2) at 14100 RR 12. This amendment proposes to include the sale of alcohol for on premise consumption herein as a permitted use

presented in person or by mail (PO Box 2027) at City Hall prior to the hearings. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas (07416/19/09).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (WPDD Amendment)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 12, 2009, at 6:30 p.m. to consider the following: ZA-09-024, an amendment to the Wimberley Planned Development District (WPDD) with base zoning of Commercial-Moderate Impact (C2) at 14100 RR 12. This amendment proposes to include the sale of alcohol for on premise consumption herein as a permitted use

presented in person or by mail (PO Box 2027) at City Hall prior to the hearings. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at Wimberley City Hall, 12111 Ranch Road, 12, Wimberley, Texas (07416/19/09).

PUBLIC NOTICE NOTICE OF PUBLIC HEARING (Citywide 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, November 12, 2009 at 6:30 p.m. to consider the following: ZA-09-009, a city initiated proposal to zone all currently un-zoned properties located west of RR 12 and FM 2325, between the Cypress Creek and Rhodes Lane from un-zoned C-1 to Rural Residential 1 (R1) Single Family Residential 3 (R3) Medium Density Residential 1 (MF1) Neighborhood Services (NS) Commercial-Low Impact (C1) Commercial-Moderate Impact (C2) and Public Facilities (PF). The specific properties in this area

PUBLIC NOTICE NOTICE OF PUBLIC SALE

Wimberley Mini Storage, 506 Melody Way, Landlord Lien sale on site November 9, 2009, 9 am. Misc Goods. Tenant: Esensee (06397/18/09)

FOR IMMEDIATE RELEASE LEGAL SECTION PUBLIC NOTICE

By order of the Hays County Commissioners Court will hold a public hearing to consider the proposed improvements to Owl Hollow Road and East Owl Hollow Road within the Rocky Ranch I Subdivision in Hays County to bring the roadway into compliance with Hays County road standards and the assessment of all or part of the costs of the improvement pro rata against the record owners of real property in the Rocky Ranch I Subdivision. (06395/31/09)

PUBLIC NOTICE
The State of Texas, Notice of Seizure Sale of Real Property, County of Hays, A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts of Hays County, Texas, after having a judgment rendered by the 22nd District Court and for Hays County, Texas, on the 10th day of June 2009, in favor of Woodcreek Property Owners Association of Hays County, Inc. against Avalon Helms and Chris Helms Cause # 08-1879, reflects a judgment amount of \$212,164.97 with interest thereon from the date

of 08-1880 reflects a judgment amount of \$2,126.87 with interest thereon from the date of judgment at the rate of 5.00% per annum until paid and \$254.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the First Order of Sale, Bid on the 20th day of August 2009 at 10:04 am levy upon the following described property located in Hays County as the property of said defendant to wit: The property known by its legal description as Lot 5 in Section 9 B of the subdivision known as Woodcreek in Hays County, Texas as it existed on the 10th day of June, 2009. And on the 3rd day of November 2009 being the first Tuesday of November 2009, between the hours of 10:00 am and 4:00 pm at the north door of the courthouse of Hays County will offer for sale and sell for cash all the right, title and interest of Unknown Heirs of Oran L. Wylie and Gladys A. Wylie and

Darrell W. Ayres, Constable, Precinct 3, Hays County, By Tom L. Wallace, Deputy Constable, Precinct 3, Hays County. On the property sold, there are no warranties expressed or implied including, but not limited to, the implied warranties of property as is. Bidders are further advised that purchase of the property at this first order of sale may not extinguish any liens or security interests on the property. If there are any questions, consult legal counsel of your choice. (05194/31/02-04 & 05)

2009, in favor of Woodcreek Property Owners Association of Hays County, Inc. against Unknown Heirs of Oran L. Wylie Jr. and Gladys A. Wylie, Cause # 08-1880 reflects a judgment amount of \$2,126.87 with interest thereon from the date of judgment at the rate of 5.00% per annum until paid and \$254.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the First Order of Sale, Bid on the 20th day of August 2009 at 10:04 am levy upon the following described property located in Hays County as the property of said defendant to wit: The property known by its legal description as Lot 5 in Section 9 B of the subdivision known as Woodcreek in Hays County, Texas as it existed on the 10th day of June, 2009. And on the 3rd day of November 2009 being the first Tuesday of November 2009, between the hours of 10:00 am and 4:00 pm at the north door of the courthouse of Hays County will offer for sale and sell for cash all the right, title and interest of Unknown Heirs of Oran L. Wylie Jr. and Gladys A. Wylie and

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presented in person or by mail at City Hall prior to the hearing or the public will be granted an opportunity to speak at the public hearing. Additional information concerning the proposed actions is available for public review at City Hall. The City of Wimberley City Hall is located at 12111 Ranch Road 12, PO Box 2027, Wimberley, Texas. (07423/1A/06)

NOTICE OF PUBLIC HEARING (Request for Alcohol Variance)

Notice is hereby given that the Wimberley City Council will hold a public hearing on Thursday, November 19, at 6:30 p.m. to consider the following: AV-09-004 - a request for a waiver to sell alcohol for on premise consumption less than 300' from a school, church, day care or hospital. at 500 FM 2325. 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 hearing. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas. (07422/1A/06)

PUBLIC NOTICE 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, November 12, 2009, at 6:30 p.m. to consider the following: CUR-09-011 - an application for a Conditional Use Permit (CUP) to allow the sale of alcohol for on premise consumption at 500 FM 2325. Upon recommendation of the Planning & Zoning

Commission will also hold a public hearing on Thursday, November 19, 2009, at 6:30 p.m. 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, 12111 Ranch Road 12, Wimberley, Texas. (07417/1A/06)

PUBLIC NOTICE NOTICE OF PUBLIC HEARING

(Citywide Zoning) Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at Wimberley City Hall on Thursday, November 12, 2009, at 6:30 p.m. to consider the following: ZA-09-007 - a city initiated proposal to zone certain currently un-zoned properties north of Old Kyle Road and along Ranch Road 12 from FM 2325 to the northern city limits from un-zoned to Residential Acreage (RA), Rural Residential (RR), Commercial Low Impact (CL), Commercial Moderate Impact (C2), Lodging (L1), Participant Recreation (PR), and Public Facilities (PF). The specific properties in this corridor to be zoned and the new proposed zoning classifications are shown on a map that is displayed at City Hall. Maps may also be viewed at the Community Center and the Library. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 19, 2009, at 6:30 p.m. at City Hall. Comments on the proposed zoning from any member of the public may be

presented in person or by mail at City Hall prior to the hearing. The public will be granted an opportunity to speak at the hearing. Additional information concerning the proposed action is available for review at Wimberley City Hall, 12111 Ranch Road 12, Wimberley, Texas. (07419/1A/06)

PUBLIC NOTICE Early Public Notice Floodplain City of Eiland

The City of Eiland is considering replacing the water lines that are old, undersized and deteriorating in the Caldwell County portion of the city. A portion of these lines are within a flood hazard area. The city is interested in discussing alternatives to this project, securing public perceptions of possible adverse impacts that would result from the project, and discussing possible measures to minimize any adverse impacts. A public hearing is scheduled on November 4, 2009, at 5:30 p.m. in the city hall to discuss the proposed project. Any written comments should be sent to the Office of Mayor 15 N. Old Spanish Trail, Eiland, Texas 78640. Comments will be received until November 26, 2009. A more detailed description of the project is available for citizen review at the Daniel Heideman Mayor (07410/1A/06)

a.m. in the Hays County Courthouse, 111 San Antonio Street, in the Hays County Courthouse. Commissioners Court will hold a public hearing to consider Replat of Lot 9, Mountain Oaks Subdivision (06335/3A/06)

PUBLIC NOTICE

The State of Texas, Notice of Seizure/Sale of Real Property County of Hays. A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 428th District Court in and for Hays County, Texas on the 10th day of June, 2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Maria A. Trisko Cause # 08-2214 reflects a judgment amount of \$1,495.03 with interest thereon from the date of judgment at the rate of 5.00% per annum until paid and \$3,190.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the First Order of Sale, I did on the 20th day of August, 2009 at 11:20 a.m. levy upon the following described property located in Hays County as the property of said defendant to wit: The property known by its legal description as Lot 160, Section 9, A, the subdivision known as Woodcreek in Hays County, Texas as it existed on the 10th day of June, 2009. And on the 3rd day of November, 2009, between the hours of 10:00 a.m. and 4:00 p.m. at the north door of the courthouse of Hays County will offer for sale and sell for cash all the right, title and interest of Maria A. Trisko in and to said property. State to begin at 10:30 a.m. sharp. Date: August 20, 2009

described property. By virtue of the First Order of Sale, I did on the 20th day of August, 2009 at 11:15 a.m. levy upon the following described property located in Hays County as the property of said defendant to wit: The property known by its legal description as Lot 129, Section 13, the subdivision known as Woodcreek in Hays County, Texas as it existed on the 10th day of June, 2009. And on the 3rd day of November, 2009, being the first Tuesday of November, 2009, between the hours of 10:00 a.m. and 4:00 p.m. at the north door of the courthouse of Hays County will offer for sale and sell for cash all the right, title and interest of Avalde Helms and Chris Helms in and to said property. State to begin at 10:30 a.m. sharp. Date: August 20, 2009. Darrell W. Ayres, Constable Precinct 3, Hays County. By Tom L. Wallace, Deputy Constable Precinct 3, Hays County. On the property sold there are no warranties expressed or implied, including but not limited to the implied warranties of property as is. Bidders are further advised that purchase of the property at this first order of sale may not extinguish any liens or security interests on the property. If there are any questions, consult legal counsel on your choice. (05155/3A/02/04/06)

PUBLIC NOTICE

The State of Texas, Notice of Seizure/Sale of Real Property County of Hays. A First Order of Sale was issued the 18th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 22nd District Court in and for Hays County, Texas on the 10th day of June, 2009

Precinct 3, Hays County. By Tom L. Wallace, Deputy Constable Precinct 3, Hays County. On the property sold there are no warranties expressed or implied, including but not limited to the implied warranties of property as is. Bidders are further advised that purchase of the property at this first order of sale may not extinguish any liens or security interests on the property. If there are any questions, consult legal counsel on your choice. (05195/3A/02/04/06)

PUBLIC NOTICE

The State of Texas, Notice of Seizure/Sale of Real Property County of Hays. A First Order of Sale was issued the 28th day of August, 2009 by the Clerk of the District Courts, Hays County, Texas, after having a judgment rendered by the 274th District Court in and for Hays County, Texas on the 23rd day of June, 2009 in favor of Woodcreek Property Owners Association of Hays County, Inc. against Charles C. Ginnels Cause # 05-1697 reflects a judgment amount of \$6,598.94 with interest thereon from the date of judgment at the rate of 5.00% per annum until paid and \$190.00 as costs of the suit with foreclosure of the lien on the following described property. By virtue of the First Order of Sale, I did on the 4th day of September, 2009, at 8:55 a.m. levy upon the following described property located in Hays County as the property of said defendant to wit: The property known by its legal description as Lot 20, Section 8, of Woodcreek a subdivision in Hays County, Texas, as it existed on the 23rd day of June, 2009. And on the 3rd day of November, 2009, being the first Tuesday

Letter of Transmittal

**Barecky Development CO.
450 Lange Road
Wimberley, Texas 78676**

Date: October 23, 2009

TO: City of Wimberley
12111 Ranch Road 12
Wimberley, Texas 78676

ATTENTION: Mr. Don Ferguson

RE: Barecky Development Co.
Notice of City Initiated Zoning

We are sending you: Attached Under separate cover via _____

- | | | | |
|---|---------------------------------------|---------------------------------------|------------------------------------|
| <input type="checkbox"/> Shop Drawings | <input type="checkbox"/> Submittals | <input type="checkbox"/> Plans | <input type="checkbox"/> Specs |
| <input type="checkbox"/> Copy of Letter | <input type="checkbox"/> Proposal | <input type="checkbox"/> Change Order | <input type="checkbox"/> Contracts |
| <input type="checkbox"/> Samples | <input type="checkbox"/> Draw Request | <input type="checkbox"/> Other: | |

Copies	Dates	Description
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1		Exception Letter to Initiated Zoning
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These are transmitted as checked below:

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| <input type="checkbox"/> For Approval | <input type="checkbox"/> Approved as Submitted | <input type="checkbox"/> Resubmit |
| <input type="checkbox"/> For Your Use | <input type="checkbox"/> Approved as Noted | <input type="checkbox"/> Submit |
| <input checked="" type="checkbox"/> As Requested | <input type="checkbox"/> Returned for Corrections | <input type="checkbox"/> Return |
| <input type="checkbox"/> For Review and Comment | <input type="checkbox"/> Other: _____ | |

Receipt of attached Document



Signature

10/23/09

Date

Barecky Development Co. 450 Lange Road Wimberley, Texas 78676

October 23, 2009

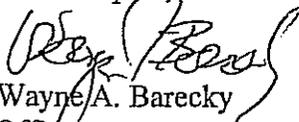
City of Wimberley
12111 Ranch Road 12
Wimberley, Texas 78676

Re: Barecky Development Co
Notice of City Initiated Zoning

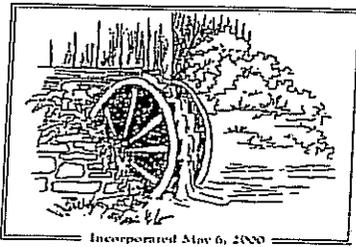
Concerning the attached letter, dated September 8, 2009, Barecky Development Co. hereby takes written exception to the attempt and/or plan to zone our tract of land as Single Family Residential 2 (R2) as stated in the before mentioned September 8, 2009 letter forwarded to us by the City of Wimberley, specifically Mr. Don Ferguson, City Administrator.

Respectfully, we request that our subject property be zoned as Neighborhood Services (NS), which is specifically denoted as 155.061 Neighborhood Services District; NS on the City of Wimberley's web-site, further under City Ordinances, Zoning Codes.

With Respect,


Wayne A. Barecky
Officer

cc: Larry W. Barecky, Danielle Elrod



City of Wimberley

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

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

Email: village@anvilcom.com Web: www.vil.Wimberley.tx.us

Tom Haley, Mayor - Bob Flocke, Mayor Pro-tem

Council Members - Charles Roccaforte, Bill Appleman, Terrie Bursiel, John White
Don Ferguson, City Administrator

September 8, 2009

NOTICE OF CITY INITIATED ZONING

Dear BARECKY DEVELOPMENT CO,

You are receiving this letter because you own a currently un-zoned tract of land (identified on the attached Map) within the City of Wimberley, Texas described as ABS 461 A TURNER SURVEY .890 AC and located at 400 LANGE RD, WIMBERLEY, TX 78676.

In accordance with the City of Wimberley's Comprehensive Plan, the City has launched an effort to zone those currently un-zoned properties located within the City to help guide future development. This City initiated zoning project is being done at no cost to the owners of the un-zoned properties.

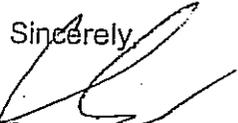
As part of the above-mentioned zoning project, the City is proposing to zone your tract of land as Single Family Residential 2 (R2). The proposed zoning designation is based on the Comprehensive Plan, the current land use and allowable zoning in the area of the subject property. The proposed R-2 zoning allows for single family residential use of the property. Please be advised the proposed zoning designation will not impact the current use of your property and you may continue its current legal use.

If you are opposed to the City's proposed zoning designation for the subject property, you have 45-days from the date of this letter to notify the City of Wimberley, in writing, of your objection and express your desire to zone the property with one of the following alternate zoning designations: Residential-Acreage (RA), Rural Residential-1 (R1), Single-Family Residential-3 (R-3), Single-Family Residential 4 (R-4), Two-Family Residential 5 (R-5), Multi-Family Residential 1 (MF-1), Public Facilities (PF), Public Protection Utility (PPU), Neighborhood Services (NS), or Wimberley Planned Development District (WPDD). At the end of the 45-day period, the City will proceed with the process of zoning the subject property.

Further information regarding the land uses allowed in certain zoning designations can be found on the City of Wimberley Web Site (www.vil.wimberley.tx.us), or by contacting the City Planning Technician Abby Gillfillan at 512.847.0025 or dropping by City Hall located at 12111 Ranch Road 12, Wimberley, Texas.

Thank you, in advance, for your timely consideration of this matter.

Sincerely,

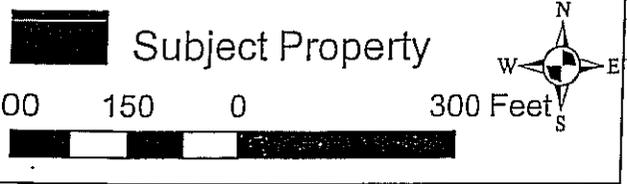

Don Ferguson
City Administrator

Property Identification Map



Subject Property

300 150 0 300 Feet



A north arrow is located to the right of the scale bar, with 'N' at the top, 'S' at the bottom, 'E' to the right, and 'W' to the left. The scale bar is a horizontal line with alternating black and white segments, representing 300, 150, and 0 feet.

Barecky Construction Company

From: "Abby Gillfillan" <agillfillan@anvilcom.com>
To: <barecky@barecky.com>
Cc: "'Don Ferguson'" <dferguson@anvilcom.com>
Sent: Wednesday, September 16, 2009 8:50 AM
Attach: NS.pdf, Permitted Uses.xls
Subject: city initiated zoning
Danielle

Attached is an excel sheet with general information about each of the zoning districts and their permitted and conditional uses as well as the complete Neighborhood Services Ordinance.

Currently your property is unzoned and the existing use on that property is grandfathered; any change or expansion of that use will require the property be zoned appropriately. If approved, the Neighborhood Services district would allow additional office space as a conditional use. If you choose this option, the city will recommend Neighborhood Services during the city initiated zoning. We can also run a concurrent Conditional Use Permit that, if approved, would allow additional office space on the subject property. You would be responsible for submitting the Conditional Use Permit application and a \$400 fee for the processing of the CUP.

If you have more questions or choose to apply for a CUP at this point please contact me and I can give you all the relevant forms and information you need. You may also set up a meeting with myself and our City Administrator Don Ferguson to discuss your options and get any further questions answered.

Thanks,
Abby

Abby Gillfillan
Planning Technician
City of Wimberley
Work: (512) 847-0025
Fax: (512) 847-0422
Cell: (512) 644-9628
agillfillan@anvilcom.com
Web: vil.wimberley.tx.us

9/16/2009

§ 155.061 NEIGHBORHOOD SERVICES DISTRICT; NS.

(A) *General purpose and description.* The NS, neighborhood services district is established to provide areas for limited local neighborhood, low intensity retail and service facilities for the retail sales of goods and services. These business areas shall utilize established landscape and buffering requirements and can also act as a buffer between residential areas and more intense commercial areas.

(B) *Permitted uses.*

- (1) Single-family residence;
- (2) Religious assembly; and
- (3) Accessory uses as permitted in § 155.076.

(C) *Conditional uses.*

- (1) Administrative and professional office:
 - (a) Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;
 - (b) Photography studios, doctors, dentists;
 - (c) Non-profit organizations (with certain restrictions);
 - (d) Research services: limited;
 - (e) Office; and
 - (f) Arts and crafts.
- (2) Civic uses (such as City Hall);
- (3) Office/residential;
- (4) Medical services: limited;
- (5) Retail sales and services: limited;
- (6) Repair services: consumer;
- (7) Bed and breakfast lodging;
- (8) Telecommunications towers, commercial antennas, and broadcast towers, subject to all

applicable city regulations;

(9) Private primary educational services; and

(10) Accessory uses as permitted in § 155.076.

(D) *Development regulations.*

(1) Minimum lot size: 6,000 square feet.

(2) 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.

(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: 25 feet;

(b) Secondary street: 15 feet; and

(c) Interior side and rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than 1 story.

(4) Maximum impervious cover: 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.

(5) Maximum building coverage: 50%. Building coverage shall be calculated as a percentage of the net site area.

(6) Maximum building footprint: 4,500 square feet.

(7) Maximum floor area: 9,000 square feet.

(E) *Special district requirements.* Fencing and landscaping are required to mitigate and screen adverse impacts on adjacent residential properties.

(F) *Supplemental development standards.*

(1) All permitted uses within this district, with the exception of medical services, bed and breakfast lodging, residential, and government and public uses, shall have hours of operation between 6:00 am and 10:00 pm.

(2) Open storage is prohibited for all uses.

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

(4) Other development standards as established in §§ 155.075 *et seq.*, development standards, apply.

(G) *Parking requirements.*

(1) As established by § 155.075, off-street parking and loading requirements.

(2) Open storage is prohibited.

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

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

(Ord. 2001-010, § 40, passed 4-1-2001; Am. Ord. 2004-002, passed 2-19-2004) Penalty, see § 155.999

City of Wimberley Permitted and Conditional Uses

Zoning District	Description	Permitted Uses	Conditional Uses
RA	Residential Acreage (greater than 5 acres)	Single Family Home; Farms, Barns, Nurseries, Greenhouses; Accessory Buildings; Swimming Pool; Commercial Row and Field Crops; Commercial Livestock; Religious Assembly	Secondary Residence; Bed and Breakfast; Home Day Care; Telecommunications Tower; Two-family Residence; Utilities; Mobile Homes
R1	Rural Residential 1 (2-5 acres)	Single Family Home; Accessory Buildings; Non-Commercial Row and Field Crops; Non-Commercial Livestock; Swimming Pool; Utilities; Religious Assembly	Secondary Residence; Bed and Breakfast; Home Day Care; Home Commercial Crafts or Hobbies; Telecommunications Tower; Two-family Residence; Mobile Homes
R2	Single Family Residential 2 (20,000 sq ft - 2 acres)	Single Family Home; Accessory Buildings; Swimming Pool; Utilities; Religious Assembly	Bed and Breakfast; Home Day Care; Home Commercial Crafts or Hobbies; Telecommunications Tower; Two-family Residence; Secondary Residence; Mobile Home
R3	Single Family Residential 3 (10,000 - 20,000 sq ft)	Single Family Home; Accessory Buildings; Religious Assembly	Bed and Breakfast; Home Day Care; Home Commercial Crafts or Hobbies; Telecommunications Tower; Two-family Residence; Mobile Home
R4	Single Family Residential 4 (6,000 - 10,000 sq ft)	Single Family Home; Accessory Buildings; Religious Assembly	Telecommunications Tower; Two-family Residence; Mobile Home
R5	Two Family Residential (greater than 10,000 sq ft)	Two-family Residence; Accessory Buildings; Religious Assembly	Telecommunications Towers
MF1	Multi-Family 1	Multi-Family Dwelling (3-6 units); Municipally Owned Facilities and Uses; Religious Assembly; Leasing Offices for the Complex; Accessory Buildings; Utilities	Telecommunications Towers

City of Wimberley Permitted and Conditional Uses

Zoning District	Description	Permitted Uses	Conditional Uses
MF2	Multi-Family 2	Multi-Family Dwelling (4-12 units); Municipally Owned Facilities and Uses; Religious Assembly; Leasing Offices for the Complex; Accessory Buildings; Utilities; Swimming Pool; Common Open Space, Community Center, or Recreational Building for use by the Residents	Low Impact Institutional; Domestic Violence Shelters; Residential Facility for Dependent and Neglected Children; Halfway House; voluntary admission
MH	Mobile Home	Individually Owned HUD-code Manufactured Homes; Mobile or Manufactured Home Parks; Industrialized Housing; Single Family Homes; Religious Assembly; Municipally Owned Facilities and Uses; Accessory Buildings; Swimming Pool; Utilities	Telecommunications Towers
O1	Office 1	Administrative and Professional Office; Religious Assembly; Civic Uses; Office/Residential; Medical Services: limited; Accessory Uses; Single Family Residence	A Drive-thru or Drive-in Facility; Bed and Breakfast Lodging; Telecommunications Towers
O2	Office 2	Administrative and Professional Office; Religious Assembly; Civic Uses; Research Services; Office/Residential; Medical Services: general; Accessory Uses; Single Family Residence	A Drive-thru or Drive-in Facility; Bed and Breakfast Lodging; Telecommunications Towers
NS	Neighborhood services	Single Family Residence; Religious Assembly; Accessory uses	Administrative and Professional Office; Civic Uses; Office/Residential; Medical Services: limited; Repair Services: consumer; Bed and Breakfast; Telecommunications Tower

City of Wimberley Permitted and Conditional Uses

Zoning District	Description	Permitted Uses	Conditional Uses
SC	Scenic Corridor	Single Family Residence; Administrative and Professional Office; Religious Assembly; Retail Sales and Services: limited; Business Support Services; Funeral and interment services; Repair Services: Consumer; Eating Establishments; Communications Services; Animal Sales and Services; Convalescent Services; Arts and crafts sales and instruction; Commercial/ Single Family Residential; Adult Day Care Facility; Private Primary Educational Services; Private Secondary Educational Services; Medical Services; Personal Services; Bank and Savings and Loan; Accessory Uses	A Drive-Thru or Drive-In; Bank and Savings and Loan Drive thru; Bed and Breakfast; Telecommunications; Eating establishments including the sale of beer, wine, and alcohol for on-premise consumption; Package Stores
C1	Commercial - Low Impact	Administrative and Professional Office; Religious Assembly; Retail Sales and Services: limited; Business Support Services; Child Care Center; Repair Services: consumer; Eating Establishments: sit-down; Animal Sales and Services; Convalescent Services; Arts and Crafts Sales and Services; Commercial/Single family Residential; Adult Day Care Facility; Private Primary Educational Services; Private Secondary Educational Services; Medical Services: limited; Personal Services: limited; Bank and Savings and Loan; Accessory Uses; Single Family Residential; Low-Impact Institutional	A Drive-thru or Drive-in Facility; Bed and Breakfast Lodging; Telecommunications Towers; Eating Establishment: fast food with drive-through order windows; Health and Fitness and Exercise Facilities: limited

City of Wimberley Permitted and Conditional Uses

Zoning District	Description	Permitted Uses	Conditional Uses
C2	Commercial - Moderate Impact	Administrative and Professional Office; Religious Assembly; Retail Sales and Services: general; Retail Sales and Services: flea market/market day; Eating Establishments: sit-down; Plant Nurseries; Emergency Shelter and Feeding Site (humans); Communications Services: limited; Animal Interment Services; Commercial/Residential; Funeral and Interment services: cremating, interring, undertaking; Private Primary Educational Services; Private Secondary Educational Services; Medical Services: limited; Personal Services: general; Bank and Savings and Loan; Accessory Uses; Single Family Residential;	A Drive-thru or Drive-in Facility; Personal Services: limited; Gasoline Sales: limited; Automotive Washing; Personal Storage; Bed and Breakfast Lodging; Telecommunications Towers; Eating Establishment: fast food with drive-through order windows;
C3	Commercial - High Impact	Administrative and Professional Office; Religious Assembly; Food and Beverage retail sales; Medical Services: general, large facilities, hospitals; Eating Establishments: sit-down fast foods; Agricultural Supplies and Services; Commercial Blood Centers; Commercial Off-Street Parking; Parking Lot and Parking Garage; Transportation Facilities: surface, limited; Transportation Facilities: Aircraft; Commercial/Single Family; Private Primary Educational Services; Private Secondary Educational Services; Non-Profit Civic; Retail Sales and Services: general; Bank and Savings and Loan; Personal services: general; Accessory Uses; Single Family Residential	A drive-thru or Drive-in Facility; Alcoholic Beverage Sales; Bars/Taverns (50% sales derived from alcohol); Gasoline Sales: Truck Stops; Automotive Sales, Rentals, and Repairs; Automotive and Equipment; Custom Manufacturing; Construction Sales and Services; Eating Establishments: fast food with drive-through order windows; Eating Establishments: Drive-In; Adult Entertainment; Bed and Breakfast Lodging; Automotive Washing; Personal Storage; Telecommunications Towers

City of Wimberley Permitted and Conditional Uses

Zoning District	Description	Permitted Uses	Conditional Uses
I2	Industrial - high Impact	Heavy Industrial; Automotive and Equipment: heavy repairs and heavy equipment; Automotive and Equipment Storage; Wholesaling, Storage, and Distribution: limited; Accessory Uses; Religious Assembly; Personal Storage	Underground Injection Wells: disposal wells; Mining and Processing; Wholesaling, Storage, and Distribution: general; Recycling Collection and Processing Facility; Hazardous Industrial; Scrap Operations; Sanitary Landfill; Hazardous Waste Disposal; Above-ground Flammable Liquid Storage: general; Above-ground Flammable Liquid Storage: limited; Stockyards; Animal Waste Processing; Feedlots; Telecommunications Towers
AS/S	Animal Sales and Services	Animal Sales and Services; Accessory Uses; Religious Assembly;	Kennels and Veterinary: limited, general; Auctioning; Horse Stables; Commercial Feedlots; Animal Raising; Telecommunications Towers
L1	Lodging 1	Bed and Breakfast (max 5 du's); Detached Cabins or Cottages (Max 15 du's); Accessory Uses; Religious Assembly	RV Park (Max 15 sites); Telecommunications Towers
L2	Lodging 2	Hotel or Motel (Max 30 du's); Detached Cabins (Max 30 du's); Accessory Uses; Religious Assembly	RV Park (Max 30 sites); Telecommunications Towers
IP	Industrial Park	Industrial Production and Offices; Research and Development; Administrative Facilities; Product Testing Facility; Light Manufacturing Meeting High Performance Standards; Industrial Research Services: limited; Mail Order Fulfillment Center; Accessory Uses; Religious Assembly	Biomedical Research; Automobile Parts Manufacturing; Automobile and Equipment Painting Facility; Metallurgical Processing or Plating; Telecommunications Tower

City of Wimberley Permitted and Conditional Uses

Zoning District	Description	Permitted Uses	Conditional Uses
HC	Highway Commercial	Administrative and Professional Office; Religious Assembly; Eating Establishments: sit-down; Eating Establishments: sit-down fast foods; RV Parks with 31 or more RV Sites or Units; Hotel or Motel with 31 or more Units; Automotive Sales, Rentals, and Repairs; Automotive and Equipment; Boat Sales, Rentals, and Repairs; RV Sales, Rentals, and Repairs; Mobile Home Sales, Rentals, and Repairs; Modular Home Sales; Accessory Uses; Retail Sales and Services: general; Personal Services: general; Single Family Residence	A Drive-thru or Drive-in Facility; Bars/Taverns (50% sales derived from alcohol); Gasoline Sales; Truck Stops; Eating Establishments: fast food with drive-through order windows; Eating Establishments: drive-in;
I1	Industrial - Low Impact	Light Industrial, Fabrication, and Manufacturing Plants; Laundry Services; Building Maintenance Services; Industrial : limited; Custom Manufacturing; Construction Materials Supply; Industrial; Religious Assembly; Accessory Uses, Single Family Residence	Automotive and Equipment: cleaning and repairs; Telecommunications Towers

City of Wimberley Permitted and Conditional Uses

Zoning District	Description	Permitted Uses	Conditional Uses
PPU	Public Protection /Utility	Public Protection and Utility: general	Light Public Protection and Utility: restricted; Heavy Public Protection and Utility; Telecommunications Towers
PR1	Participant Recreation - Low Impact	Campgrounds with Facilities; Recreation and Entertainment: low impact; Cultural Exhibits: limited; Library Services; Parks; Theater; Community Centers: low impact; Religious Assembly	Telecommunications Towers
PR2	Participant Recreation - High Impact	Recreational and Entertainment: high impact; Cultural Exhibits: general; Library Services; Parks; Theater; Community Centers; Religious Assembly	Campgrounds without Facilities; Telecommunications Towers
PF	Public Facilities	Schools; Guidance Services; Administrative Services; Library Services; Postal Facilities; City Hall; Public Recreational Facilities; National Guard Offices; Religious Assembly	Institutional: jails, halfway houses, mental health and drug rehabilitation facilities, involuntary confinement; Probation Offices and other Criminal Justice System Facilities; Detention Facilities; Vehicle Storage for Public Service Institutions; Institutional (hospitals, colleges)' Military Installations; Telecommunications Towers

**City of Wimberley
12111 R. R. 12. Ste. 114
P. O. Box 2027
Wimberley, Tx. 78676**

C/O Abby Gillfillan or Don Ferguson

As per our conversation of Friday Oct. 2nd, 2009 I am submitting this letter to request that the re-zoning of my residence not be zoned commercial. For the last 14 years I have had a homestead exemption on file with the County Tax Assessors office of Hays County. This property is a single family residence, only myself and my wife reside at this location. I contacted the Hays County Tax Assessors office in Kyle, and they told me that since I have a homestead exemption on file my property should be zoned a single family residence. Please consider this as you make your decision to zone my property.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Billy J. Witten Sr.", written over a horizontal line.

Billy J. Witten Sr.

206 River Road

Wimberley, Tx. 78676

ENGELHART PRINTING

100 Lange Road • Mailing Address: P.O. Box 1043
Wimberley, Texas 78676
(512) 847-1636 • Fax: (512) 847-7037

October 6, 2009

Reference: Notice of City Initiated Zoning
Attention: Don Ferguson, City Administrator

Mr. Ferguson,

The proposed zoning of Cliffside 111, Lot 1 as C-1 is acceptable to me and I have no objection as this designation suitably fits the property use.

The proposed zoning of Cliffside 111, Lot 2 as R3 is unacceptable to me for the following reasons:

1. According to my survey, my main building, which sits on Lot 1, is placed within 3 feet of the line with Lot 2.
2. Indeed, my porch, propane tank, 2 storage buildings and my septic are all or in part on Lot 2.
3. Zoning one part of my property differently from the other makes it impracticable to sell and diminishes its value.
4. The small size of Lot 2 (75' x 168') makes it unlikely that a single family home could ever be built there under the present county septic rules.

I therefore propose that common sense prevail and that Lot 2 be zoned C-1 along with Lot 1.

Please advise. Thank You.

H. Bryce Engelhart



City of Wimberley
12111 Ranch Road 12
PO Box 2027
Wimberley, TX 78676

Re: Your letters of Sept 08, 2009 regarding change in zoning.

Sir,

The above referenced letters are Notices of City Initiated Zoning changes relating to two contiguous parcels of land owned by me. The two parcels are located 301 Twin Mountain Rd., Wimberley, TX.

The proposed zoning is Rural Residential (R1). The proposed zoning change seriously impacts the value of my property. I herein request that my property be zoned Residential 1(MF 1) as described in Wimberley Zoning ordinance %155.041.

The two parcels are separated by an abandoned road bed which has been deeded to me with the two parcels, thus the parcels are contiguous, under my ownership and total approximately 6.5 acres. The two parcels, together, are now used as a 14 space mobile home park.

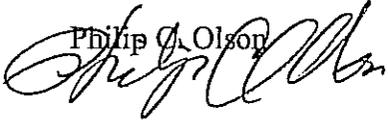
The proposed zoning would seriously impact the value of my property in that the highest and best use of the subject property is considered to be as residential apartment site. Such use is predicated on sewers being available some time in the future. The present use is considered the current highest and best use and such use is likely to remain until such time as sewers are available.

The following are reasons supporting Residential Multi-family (MF 1):

1. There are few if any parcels of land as large as the subject near the downtown area (walking distance to shopping) which would support a multi-family use.
2. There is a large multi-family use property (Twin Mountain Manor) directly to the north and east.
3. To the west is Leverit Loop which is improved with single family residential dwellings. The subject property has no frontage on Leverit Loop thus Leverit Loop itself provides a sufficient buffer to the west. Secondly there is a flood prone dry creek bed on the western boundary providing an additional "buffer".
4. There is a large 7@ parcel to the south which is largely in a flood area. The flood plain area abuts the subject property on the south boundary. Such flood area provides a good "buffer" to the south.
5. The eastern boundary is improve with three ½ @ sites improved with mobile homes.

Given the negative impact on value of the proposed zoning; the size of the subject contiguous parcels; the current multi-family use to the north and east; the lack of frontage on Leverit Loop; the flood prone area to the west and the flood prone area to the south; it is respectfully requested that my two contiguous parcels of land be zone as Residential Multi-family 1 (MF 1) in accordance with the current zoning ordinances of the City of Wimberley, TX.

Respectfully submitted,

Philip C. Olson


Dated

2/22/09

Abby Gillfillan

From: Abby Gillfillan [agillfillan@anvilcom.com]
Sent: Thursday, September 17, 2009 2:38 PM
To: 'Ceci Zuniga'
Subject: RE: zoning information
Attachments: planning Area Table.doc; Planning Area.pdf
Cecilia

That property was zoned in 2005. The planning area that you are in, as referenced in the attached map and Planning Area Table, does not allow C2 zoning.

The Planning Areas are developed as part of the Wimberley Comprehensive Plan and are executed through our zoning ordinance. The purpose of the Comprehensive Plan is to guide development so as to limit adverse impacts (such as traffic) in areas that the planning commission and Wimberley residents . However, Planning Areas can and do change over time as the city grows and evolves.

Abby Gillfillan
Planning Technician
City of Wimberley
Work: (512) 847-0025
Fax: (512) 847-0422
Cell: (512) 644-9628
agillfillan@anvilcom.com
Web: vil.wimberley.tx.us

From: Ceci Zuniga [mailto:clz@austin.rr.com]
Sent: Thursday, September 17, 2009 2:09 PM
To: Abby Gillfillan
Subject: Re: zoning information

Thanks Abby. I see from the zoning map that the property next door to my property is commercial - moderate impact (C2). I'd like to maintain this designation for my property as well, yet it is not listed in the City's letter. Can I ask why?

Thanks,
Cecilia

On Sep 17, 2009, at 1:56 PM, Abby Gillfillan wrote:

Cecilia
Attached is a map of the current zoning surrounding your property.

Abby

Abby Gillfillan
Planning Technician
City of Wimberley
Work: (512) 847-0025
Fax: (512) 847-0422
Cell: (512) 644-9628

agillfillan@anvilcom.com

Web: vil.wimberley.tx.us

From: Ceci Zuniga [<mailto:clz@austin.rr.com>]

Sent: Thursday, September 17, 2009 1:44 PM

To: Abby Gillfillan

Subject: Re: zoning information

And how can I see the zoning for the properties around mine? Is there a map or something available online or otherwise?

Thanks again,
Cecilia

On Sep 17, 2009, at 1:28 PM, Abby Gillfillan wrote:

Cecilia

Attached you will find an excel sheet listing the permitted uses and conditional uses in each of the city's zoning districts. Permitted uses are uses that are allowed by right in that zoning district and conditional uses are ones that are allowed after acquiring a conditional use permit. I have also attached the complete ordinance for the C1 zoning district.

After looking over this material please don't hesitate to call or schedule a meeting with any further questions or concerns.

Abby

Abby Gillfillan

Planning Technician

City of Wimberley

Work: (512) 847-0025

Fax: (512) 847-0422

Cell: (512) 644-9628

agillfillan@anvilcom.com

Web: vil.wimberley.tx.us

<Permitted Uses.xls><C1_Zoning District.pdf>

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.409 / Virus Database: 270.13.103/2378 - Release Date: 09/17/09 06:18:00

<current_Zoning.pdf>

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Checked by AVG - www.avg.com

Version: 8.5.409 / Virus Database: 270.13.103/2378 - Release Date: 09/17/09 06:18:00

11/9/2009

CECILIA L. ZUNIGA, Ph.D., NCSP, LSSP

222 TWILIGHT TRAIL ? WIMBERLEY, TX 78676

(512) 847-1659 ? clz@austin.rr.com

17 September 2009

City of Wimberley
12111 Ranch Road 12 (P.O. Box 2027)
Wimberley, TX 78676

Dear Ms. Gillfillan,

Thank you for calling me back and for explaining the zoning issues to me today. This email letter is follow-up to our conversations via telephone and email, and addresses my opposition to the City's intent to zone my property described as WIMBERLEY HEIGHTS, LOT 35A (RESUBD OF 34-35), ACRES 0.876 and located at 222 TWILIGHT TRAIL, WIMBERLEY, TX 78676 as "Single Family Residential 2 (R2)."

My objections are as follow:

1. I purchased this lot in 1996 due to its status as "Residential/Commercial" property at that time (before incorporation).
2. Restricting my property's zoning to "Single Family Residential 2 (R2)" decreases its resale valued by preventing me from selling it to individuals interested in it for commercial purposes.
3. The location of my property renders it a prime site for either residential or commercial purposes.
4. The property adjacent to mine (on the North side) is zoned "Commercial - Moderate Impact (C2)," and the neighboring

properties to the South are zoned "Commercial - Low Impact (C1)." Directly adjacent to my property to the East is the EMS, which remains unzoned. And directly to the West are residential properties.

I propose that my property be zoned as "Commercial - Moderate Impact (C-2)" to maintain its property value, alignment with neighboring properties, and greatest flexibility in terms of resale potential.

Thank you for your time and support in this matter.

Sincerely,

Cecilia

CECILIA L. ZUNIGA, Ph.D., NCSP, LSSP

222 TWILIGHT TRAIL ? WIMBERLEY, TX 78676

(512) 847-1659 ? clz@austin.rr.com

17 September 2009

City of Wimberley
12111 Ranch Road 12 (P.O. Box 2027)
Wimberley, TX 78676

Dear Ms. Gillfillan,

Thank you for calling me back and for explaining the zoning issues to me today, and for connecting me with Don Ferguson. This email letter is follow-up to our conversations via telephone and email, and addresses my opposition to the City's intent to zone my property described as WIMBERLEY HEIGHTS, LOT 35A (RESUBD OF 34-35), ACRES 0.876 and located at 222 TWILIGHT TRAIL, WIMBERLEY, TX 78676 as "Single Family Residential 2 (R2)."

My objections are as follow:

1. I purchased this lot in 1996 due to its status as "Residential/Commercial" property at that time (before incorporation), likely related to deed issues since zoning was not in place.
2. At this time, restricting my property's zoning to "Single Family Residential 2 (R2)" decreases its resale valued by preventing me from selling it to individuals interested in it for commercial purposes.
3. The location of my property renders it a prime site for either residential or commercial purposes at this time, although with

current zoning, the comfortable feel of it for residential purposes is diminishing.

4. The property adjacent to mine (on the North side) is zoned "Commercial – Moderate Impact (C-2)," and the neighboring properties to the South are zoned "Commercial – Low Impact (C-1)." Directly adjacent to my property to the East is the EMS, whose zoning remains unclear on the City's planning and zoning maps. And directly to the West are residential properties.

I propose that my property be zoned as "Commercial - Low Impact (C-1)" to maintain its property value, alignment with neighboring properties, and greatest flexibility in terms of resale potential. Ideally, I would like it zoned C-2 in alignment with the neighboring property to my North, yet I am told that a C-2 designation is not an option in a C-1 area. No one seems to know how the neighboring property to the North of mine got zoned C-2 in a "strictly C-1" area.

I thank both you and Don Ferguson for your time and support in this matter today, and appreciate all you do to keep the Village of Wimberley quaint, balanced, and in integrity with the beauty of the environment out here.

Sincerely,
Cecilia

Abby Gillfillan

From: jgogo@austin.rr.com
Sent: Tuesday, October 20, 2009 12:09 PM
To: Abby Gillfillan
Subject: RE: city zoning

Abby:

Thanks for all of your help with the zoning requirements, etc.
I am therefore putting in a request for C2 zoning at 401 FM 2325, Wimberley, Tx.
Let me know if you need anything else from me. Thanks again.

Sincerely,

John Gogonas

----- Abby Gillfillan <agillfillan@anvilcom.com> wrote:

> John
>
> As part of the city initiated zoning we will only be able to zone the
> entire lot with one district. You can come in at a later date and
> request a different zoning for the back portion of the lot if you find
> a recreational use that doesn't fit in the C2 zoning district. Be
> aware that the parking requirements for a recreational type use may be
> difficult to comply with due to the size of the lot. If you have any
> questions or need any information concerning development and use
> requirements for your property please don't hesitate to contact me.

>
> Will you send me a written confirmation of your request for C2 zoning
> at 401 FM 2325

> Abby

>
> Abby Gillfillan
> Planning Technician
> City of Wimberley
> Work: (512) 847-0025
> Fax: (512) 847-0422
> Cell: (512) 644-9628
> agillfillan@anvilcom.com
> Web: vil.wimberley.tx.us

> -----Original Message-----

> From: jgogo@austin.rr.com [mailto:jgogo@austin.rr.com]
> Sent: Tuesday, October 06, 2009 1:37 PM
> To: Abby Gillfillan
> Subject: Re: city zoning

> Abby:

> Thanks for sending me the zoning information. Based on what you
> sent, I would like to request zoning of C-2 for my property, however
> for the pavilion in the back, it could possible have a PR-1 use. Is
> there any way I can get a zoning of C-2 for the front property 401-A
> and 401-B FM 2325 and a zoning of PR-1 for the pavilion at 401-C FM
> 2325? I would like to have the option of using the pavilion for
> recreational use, possibly for youth, in the future. (In the past, it
> was used as a Tai Kwondo studio.) I'll probably give you a call to discuss this further.
Thanks for all of your help.

>
> Sincerely,

>
> John Gogonas

ORDINANCE NO. 2009-____

AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING SECTION 155 (ZONING), APPENDIX F, OF THE CODE OF WIMBERLEY, DESIGNATING GEOGRAPHIC BOUNDARIES FOR A PARTICULAR ZONING DISTRICT AND CLASSIFICATION FOR UNZONED REAL PROPERTY LOCATED WEST OF RANCH ROAD 12 AND FM 2325, BETWEEN CYPRESS CREEK AND RHODES LANE, WIMBERLEY, HAYS COUNTY, TEXAS, FURTHER DESCRIBED AND SHOWN ON THE EXHIBIT ATTACHED TO THIS ORDINANCE; AND DESIGNATING INITIAL ZONING FOR EACH TRACT AS EITHER RURAL RESIDENTIAL (R-1), SINGLE-FAMILY RESIDENTIAL 3 (R-3), MULTI-FAMILY 1 (MF-1), COMMERCIAL-LOW IMPACT (C-1), COMMERCIAL-MODERATE IMPACT (C-2), NEIGHBORHOOD SERVICES (NS) OR PUBLIC FACILITIES (PF) AS SHOWN ON THE ATTACHED ZONING MAP; AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

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

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

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

WHEREAS, the regulations established by the Code 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, notice was mailed to the un-zoned properties and within 200' and beyond the subject properties; further zoning maps identifying the un-zoned properties and the proposed zoning classifications were available for review by the public at the Wimberley Village Library,

at the Wimberley Community Center, and City Hall; and

WHEREAS, the City has been in the process of reviewing the process and procedure to zone unzoned properties since adoption of amendments to its Comprehensive Plan since July 2008, and has given notice to property owners in the entire city regarding possible rezoning of property within the City, and Council has adopted a resolution giving staff specific direction on the process to follow in zoning un-zoned properties in compliance with the law; and

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City's Code of Ordinances and have concluded that the unzoned real property described herein west of Ranch Road 12 and FM 2325, between Cypress Creek and Rhodes Lane in Wimberley, Hays County, Texas, is hereby designated with the initial zoning classifications as shown on the attached zoning map, and that such designation is consistent with established City policy and in the public interest; and

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

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

ARTICLE I. AMENDMENT

Section 155 (Zoning) of the Code of Wimberley is hereby amended by adding the following language to Appendix F to read as follows, which shall be incorporated into and made part of Section 155 (Zoning), and given full weight and effect:

Appendix F: Zoning District Designations

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

The un-zoned real property located west of Ranch Road 12 and FM 2325, between Cypress Creek and Rhodes Lane in Wimberley, Hays County, Texas, and further shown and identified on the attached Exhibit "A" incorporated by reference, is hereby designated with the initial zoning classification as either Rural Residential (R-1), Single-Family Residential 3 (R-3), Multi-Family 1 (MF-1), Commercial-Low Impact (C-1), Commercial-Moderate Impact (C-2), Neighborhood Services (NS) or Public Facilities (PF) and further shown on the attached zoning map labeled Exhibit "B" incorporated by reference for all purposes.

Except as expressly amended herein, Appendix F shall remain in full force and effect.

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.

IV. EFFECTIVE DATE

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

ARTICLE V. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this _____ day of _____, 2009, by _____ (Ayes) to _____ (Nays) _____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Tom Haley, Mayor

ATTEST:

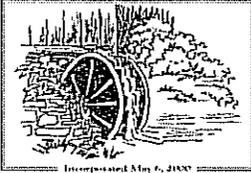
Cara McPartland, City Secretary

(SEAL)

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: November 16, 2009

Agenda Date Requested: November 19, 2009

Project/Proposal Title: CONSIDER PROPOSED
ORDINANCE MAKING CHANGES TO THE CITY'S
SLOPE REQUIREMENTS

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Mayor Pro-tem Charles Roccaforte to allow the Planning and Zoning Commission to make a recommendation to City Council on a proposed ordinance modifying the City's slope development requirements. The changes have been proposed to allow property owners more opportunity to make use of their property.

Currently, the City's Zoning Ordinance restricts development on property with a slope greater than 15 percent. The proposed changes would allow development on such lots provided the City is presented with a comprehensive development plan including, but not limited to, detailed topographic information, a sealed geotechnical report, engineering and construction drawings. These development plans would require approval from the various emergency service providers, in particular the fire department.

In addition, the proposed ordinance removes the use of slope to calculate impervious cover for properties in the City. As such, the net site area of a planned development would be used to calculate the impervious cover percentage.

It is important to note that no changes are being proposed in the City's ridge development prohibition, cut and fill requirements, or the City's landscape requirements for slope development.

On November 12, 2009, the Planning and Zoning Commission held a public hearing on the proposed ordinance. Afterwards, the Commission voted 5 to 2 in favor of recommending approval of the proposed ordinance. The two "no" votes came from Commissioners who wanted more time discuss and study the proposed changes.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV (LAND USAGE) OF THE CODE OF ORDINANCES TO: (1) AMEND SUBSECTION 155.005 TO DELETE DEFINITIONS OF “AVERAGE SLOPE”; (2) AMEND SUBSECTION 155.078(H) (STEEP SLOPE); (3) AMEND PORTIONS OF SECTION 155.077 (DEVELOPMENT PLAN REVIEW); (4) AMEND CHAPTER 151 (BUILDING REGULATIONS; CONSTRUCTION) TO CREATE A NEW SUBSECTION 151.20 ENTITLED “STEEP SLOPE”; (5) AMEND SUBSECTION 155.078 (IMPERVIOUS COVER); AND AMEND A PORTION OF SECTIONS 155.035-.043, 155.045-.061, AND 155.091 (ZONING DISTRICTS), IN ORDER TO CLARIFY THE STEEP SLOPE AND IMPERVIOUS COVER REGULATIONS FOR THE CITY OF WIMBERLEY; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wimberley, Texas (the “City”) seeks to provide for the health, safety and welfare of its citizens; and,

WHEREAS, the Council finds that the construction of structures on steep slopes, if not done properly, may contribute to the loss of life and property, create health and safety hazards, disruption of commerce and governmental services, all of which adversely affect the public health, safety and general welfare; and,

WHEREAS, the regulations proposed herein are not designed to deny the right of property owners to develop their property, but to allow environmentally sensitive construction that not only prevents potential damage, but also enhances the natural terrain and preserves the beauty of the Wimberley valley; and,

WHEREAS, the City has the authority to regulate the uses and construction methods within the City’s corporate limits pursuant to Texas Local Government Code Chapters 51, 52 and 212; and,

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

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

WHEREAS, the regulations established by the Code 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, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, agendas for each meeting 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, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment.

A. THAT the City of Wimberley Code of Ordinances, Title XV (Land Usage), is hereby amended to delete the following definitions from section 155.005 (Definitions):

“Average Slope: 2 Point Horizontal Method”

“Average Slope: 2 Point Surface Method”

B. THAT the City of Wimberley Code of Ordinances, Title XV (Land Usage), subsections 155.077(C)(6)(a) and 155.077(D) (Development Plan Review) are hereby amended to read as follows:

“§ 155.077(C)(6)

(a) Level 1 Development Plan Review (see division (D)(2)) applies to single-family residential zoning for lots where the average slope of the net site area or the average slope of the building footprint is less than 15%.

§ 155.077(D)

(D) *Development plan submission requirements.* Submission requirements for development plan review depend on the development plan review level required by division (C)(6). All required items and information must be received by the city, in order for a development plan review submission to be considered complete; incomplete submissions will not be reviewed until all deficient items and information have been received. The Director or his or her designee shall determine the number of copies required of documents submitted for development plan review.

(1) Development plan submissions of either level shall include all of the following:

(a) Application form (to be provided by the city) signed by the owner or his or her designated representative. If the applicant is not the owner of the subject property, then he or she

shall submit verification in the form of a notarized statement that he or she is acting as an authorized agent for the property owner;

(b) Filing fee (see Chapter 35 Fee Schedule); and

(c) Verification that all taxes and assessments on the subject property have been paid.

(2) Level 1 development plan review submissions shall include at least the following.

(a) Four copies of a map measured 11 inches by 17 inches (tabloid size) drawn to scale with the scale and north direction shown, including an electronic version in a format acceptable to the City, which shall show information including but not limited to the following:

1. Legal configuration, area, and dimensions of the property;
2. Locations and identity of contiguous streets or roads;
3. Locations of existing buildings and other structures;
4. Locations and descriptions of existing and proposed utility services and easements, including size of water and sewer mains and laterals;
5. Maximum areas and extents for proposed or future buildings and structures;
6. Maximum areas and extents of roads, driveways, parking areas, and intersections with city streets or roads;
7. Areas reserved as open space, parks, playgrounds, or school sites;
8. Areas and extents of setbacks including special setbacks required to reduce impacts on adjacent property;
9. Areas of screening features required to reduce impacts on adjacent property;
10. Areas and extents of storm water detention and filtration facilities;
11. Areas and extents of on-site wastewater treatment facilities;
12. Areas encompassing natural watercourses, caves, sinkholes, aquifer recharge features, creeks, and bodies of water;
13. Areas within a studied floodplain or floodway; and
14. Areas and extents of significant vegetation and other natural features.

(b) The areas (divisions (D)(2)(a)5. - (D)(2)(a)11. above) for the proposed development features may be approximate, to provide development flexibility, but with sufficient accuracy to clearly and unambiguously define the scope and density of the development, and may be subject to change at the time of physical development to comply with development regulations of this chapter. Areas for features required by this chapter and by regulations of the state and county shall take precedence over other areas on the property.

(c) The plan shall include, on the face of the map or on attachments, sufficient notes and narrative to fully explain the purpose, intent, and impact of all development features, both existing and proposed or future, and any other documents relative to the proposed development. These notes and narrative shall include but may not be limited to the following:

1. All information required by a concurrent zoning application;
2. The existing development on all abutting sites and the zoning classification thereof;
3. Impervious cover percentage;
4. Disturbed surface percentage including caliche or unimproved roads;
5. Building coverage percentage;
6. Building site and lot slope percentage;
7. Parking space calculations based on parking ratios for various uses in the development;
8. Signage plan; and
9. Storm water management plan.

(3) Level 2 development plan review submissions shall include, but may not be limited to, the following.

(a) Four copies of a map measured 24 inches by 36 inches drawn to scale with the scale and north direction shown, including an electronic version in a format acceptable to the City, which shall show all the information required by division (D)(2)(a) above, plus information including but not limited to the following:

1. Footprints of all proposed or future buildings and structures showing possible locations within the areas defined in division (D)(2)(a)5. above;
2. Dimensions and locations of roads, driveways, parking areas, and intersections showing possible locations within the areas defined in division (D)(2)(a)6. above;

3. Dimensions and possible locations of storm water detention and filtration facilities within the areas defined in division (D)(2)(a)10. above;

4. Dimensions and possible locations of on-site wastewater treatment facilities within the areas defined in division (D)(2)(a)11. above;

5. Dimensions and locations of specimen trees of 4-inch caliper or greater within the areas defined in division (D)(2)(a)12. above;

6. Areas and extents of steep slopes (greater than 15%). A separate or included topographic map with interval no greater than 3 feet shall be required;

7. A sealed geotechnical survey signed and sealed by an engineer licensed in the state of Texas; and

8. An analysis of planned changes in the natural features delineated in the areas defined in division (D)(2)(a)13. above.

(b) The plan shall include all information listed in divisions (D)(2)(c) and (D)(2)(d), and the additional documents and plans as follows:

1. Complete sets of engineering and construction drawings for all site work and for all required public improvements (such as water, wastewater, grading and storm drainage, streets, alleys, fire lanes and hydrants, and the like);

2. Final plat or replat submission, as per Chapter 154, if the property has not yet been platted, or if additional easements or rights-of-way will need to be established for the proposed development;

3. Landscaping and irrigation plans;

4. Building facade (elevation) plans;

5. For areas and extents of steep slopes (greater than 15%), the structural engineering plans of the foundation for all proposed structures on the site sealed by a structural engineer licensed in the state of Texas;

6. For areas and extents of steep slopes (greater than 15%), written proof of submission of all plans to the head or designee of each emergency services entity including but not limited to fire, sheriff and emergency medical services. Prior to approval of any plans the applicant shall submit written evidence of approval of each emergency service entity which services the area verifying they have reviewed the plans, the date of the plans reviewed and whether or not a steep slope in excess of 15% shall be a threat or hindrance to the provision of emergency services to the property; and whether or not it diminishes the public, health, safety and welfare of the occupants and surrounding properties; and

7. Any other additional information and materials (plans, maps, exhibits, legal description of property, information about proposed uses, and the like) as deemed necessary by the Director or his or her designee.

(4) As supplemental requirements, the city may require other information for a specific development plan. Approval of a development plan may establish conditions for construction based upon this information that may include, but is not limited to:

- (a) Geologic information;
- (b) Water yields;
- (c) Flood data;
- (d) Environmental information;
- (e) Traffic impact analysis;
- (f) Existing and proposed road capacities;
- (g) Market and economic data;
- (h) Hours of operation;
- (i) Elevations and perspective drawings; and
- (j) Outdoor lighting plan.

(5) Provision of the above items shall conform to the principles and standards of this chapter. To ensure the submission of adequate information, the Director, or his or her designee, is hereby empowered to maintain and distribute a separate list of specific requirements for development plan review applications. Upon periodic review, the Director, or his or her designee, shall have the authority to update the requirements for development plan review applications.”

C. THAT the City of Wimberley Code of Ordinances, Title XV (Land Usage), subsection 155.078(H) (Steep Slope) is hereby amended to read as follows:

“(H) *Steep slope regulations.* All construction subject to the steep slope regulations shall comply with the requirements herein, in section 155.077 (Development Plan Review), section 151.20 (Steep Slope) and all other applicable Code provisions.”

D. THAT the City of Wimberley Code of Ordinances, Title XV (Land Usage), is hereby amended and amend chapter 151 (Building Regulations; Construction) to create a new subsection 151.20 entitled “Steep Slope” to read as follows:

“§ 151.20 Steep Slope

(H) *Steep slope regulations.*

(1) *Objective.* The objective of this division is to allow the development of property and construction of structures which can be harmoniously, appropriately, and safely located on steep slopes, and thereby serve the following additional objectives:

(a) Prevent soil erosion;

(b) Protect surface waters from sedimentation, turbidity, runoff of storm water, and effluent from sewage disposal systems;

(c) Preserve tree cover and other vegetative cover;

(d) Protect wildlife habitat;

(e) Preserve scenic views;

(f) Protect natural areas; and

(g) Maintain ecological balance.

(2) *Average slope, topographic map method.* See definitions in § 155.005.

(3) *Lot size multiplier.* The minimum and maximum lot size for a zoning district shall be increased according to the average slope of the lot according to the following table.

<i>Table B</i>	
Average Slope	Lot Size Multiplier
0 to 15%	1.0 x
16 to 20%	1.4
21 to 25%	3.3
26 to 30%	10.0
31 to 35%	20.0

(4) *Building site slope.* The building site slope is the difference between the highest point and lowest point in the area planned to be disturbed or actually disturbed divided by the horizontal distance between those points.

(a) $S = 100 \times (E1 - E2)/D$

Where S is the average building site slope in percent;

E1 is the elevation of the highest point in the disturbed area;

E2 is the elevation of the lowest point in the disturbed area; and

D is the horizontal distance between point E1 and point E2.

(b) Development on a lot not platted under Chapter 154 of this code shall use the building site slope instead of average slope and be exempt from the density reduction requirements of division (H)(3) above if all of the following conditions apply:

1. The building site slope is no greater than 25%;
2. The lot is zoned single-family;
3. Secondary and accessory buildings or other constructions on the lot are at sites with a slope no greater than that of the primary building; and
4. Building site locations are approved by the Building Official.

(5) *Cut limits.*

(a) For an open cut made on any slope, the cut depth shall be no greater than 5 feet.

(b) For a filled cut made on any slope, where the cut is filled and the original surface grade restored around a building, the depth of the cut shall be no greater than 10 feet.

(c) The depth of a cut shall be measured as the greatest vertical distance from any point within the excavation to the rim of the cut.

(d) Open cuts shall be fully revetted using stone, brick, or timber, or a combination thereof. Revetments shall be stabilized to prevent collapse of the cut wall. The developer or owner shall be required to repair any cut wall collapse whenever it may occur.

(e) Multiple open cuts may be made if they are separated by a horizontal distance by not less than 2 times the height of the greater of adjacent cuts.

(6) *Fill limits.* Fills on any slope shall have a depth no greater than 10 feet including the exposed portion of the fill and a buried portion (under a building or a paved area). Fills on any slope shall have a length no greater than 60 feet including the exposed portion of the fill and a buried portion (under a building or a paved area).

(a) The exposed portion of a fill shall have a finished slope not exceeding 33% and shall be fully re-vegetated or surfaced with rocks and vegetation arranged to have a natural appearance.

(b) The depth of a fill shall be measured as the greatest vertical distance from any point at the low end of the fill to any point at the high end of the fill.

(c) The length of a fill shall be measured as the horizontal distance from the lowest point of the fill to the highest point of the fill.

(7) *Ridge development.* A building placed within 100 feet horizontally or 50 feet vertically of a ridge shall be screened by natural and installed vegetation as follows.

(a) The view of the facade and roof of the building shall be screened by natural or installed vegetation by at least 75% of its vertical extent for at least 67% of all horizontal angles of view from below or from other hills.

(b) A landscape plan shall be approved by the city that includes all of the following:

1. The type, size, and location of the natural and installed plant material;
2. Evidence of compliance with division (H)(7)(b)1. of this section;
3. The provisions to ensure the viability of the plant material; and
4. A requirement for perpetual maintenance of the plant material in the landscape plan to become a recorded covenant on the land.

(c) For the purpose of this section the average slope, in percent, may be calculated according to the average slope method as defined in § 155.005.

(8) *Private roads and driveways.* Private roads and driveways on land where the average slope or building site slope exceeds 15% shall be constructed to have a slope not to exceed 15%, where possible, and shall follow the contours of the land. For private roads and driveways (greater than 15%), written proof of submission of all plans to the head or designee of each emergency services entity including but not limited to fire, sheriff and emergency medical services is required. Prior to approval of any plans the applicant shall submit a written evidence of approval of each emergency service entity which services the area verifying they have reviewed the plans, the date of the plans reviewed and whether or not a steep slope in excess of 15% shall be a threat or hindrance to the provision of emergency services to the property; and whether or not it diminishes the public, health, safety and welfare of the occupants and surrounding properties. Bar ditches, culverts, watercourses, detention and retention ponds, and runoff dispersion structures shall be installed as required as determined by the city.

(9) *Definitions.* For the purpose of this division (H), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING HEIGHT. To be established pursuant to the definition of height in § 155.005.

BUILDING SITE. The entire area planned to be disturbed or actually disturbed from its pre-construction or natural condition whether or not part of the area is eventually restored to the pre-construction condition and grade. The area includes porches and decks connected to a building and any area under a roof.

RIDGE. Exists on rising land at the point at least 100 feet above the base of the rise, where the slope changes from 25% or more to 15% or less, and above which there is no further rise of land with slope in excess of 25%. The base of the rise is the point, as the land rises, where the slope becomes 25% or more.

RIDGE LINE. The line along the crest of a hill where the condition of a ridge exists.”

E. THAT the City of Wimberley Code of Ordinances, Title XV (Land Usage), subsection 155.078(M) (Impervious Cover) is hereby amended to read as follows:

“(M) *Impervious cover.* Impervious cover shall be calculated as a percentage of the net site area.”

F. THAT the following subsections of the City of Wimberley Code of Ordinances, Title XV (Land Usage), are hereby amended to read as follows:

§ 155.035 RESIDENTIAL ACREAGE; RA.

(D) *Development regulations.*

(5) Maximum impervious cover: 20%. Impervious cover shall be calculated as a percentage of the net site area.

§ 155.036 RURAL RESIDENTIAL 1; R-1.

(D) *Development regulations.*

(5) Maximum impervious cover: 20%. Impervious cover shall be calculated as a percentage of the net site area.

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

(D) *Development regulations.*

(5) Maximum impervious cover: 35%. Impervious cover shall be calculated as a percentage of the net site area.

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

(D) *Development regulations.*

(5) Maximum impervious cover: 45%. Impervious cover shall be calculated as a percentage of the net site area.

§ 155.039 SINGLE-FAMILY RESIDENTIAL 4; R-4.

(D) *Development regulations.*

(6) Maximum impervious cover: 60%. Impervious cover shall be calculated as a percentage of the net site area.

§ 155.040 TWO-FAMILY RESIDENTIAL (DUPLEX); R-5.

(D) *Development regulations.*

(6) Maximum impervious cover: 60%. Impervious cover shall be calculated as a percentage of the net site area.

**§ 155.041 MULTI-FAMILY RESIDENTIAL 1
(TRIPLEX/QUADRIplex/APARTMENTS); MF-1.**

(D) *Development regulations.*

(11) Maximum impervious coverage: 50%. Impervious cover shall be calculated as a percentage of the net site area.

§ 155.042 MULTI-FAMILY RESIDENTIAL 2 (APARTMENTS); MF-2.

(D) *Development regulations.*

(12) Maximum impervious coverage: 70%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.043 MOBILE HOME; MH.

(E) *Development regulations.*

(8) Maximum impervious cover: 50%. Impervious cover shall be calculated as a percentage of the net site area.

§ 155.045 OFFICE - LOW IMPACT; O-1.

(D) *Development regulations.*

(4) Maximum impervious cover: 60%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.046 OFFICE - HIGH IMPACT; O-2.

(D) *Development regulations.*

(4) Maximum impervious cover: 60%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.047 COMMERCIAL - LOW IMPACT; C-1.

(D) *Development regulations.*

(4) Maximum impervious cover: 70%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.048 COMMERCIAL - MODERATE IMPACT; C-2.

(D) *Development regulations.*

(4) Maximum impervious coverage: 70%. Impervious cover shall be calculated as a percentage of the net site area.

§ 155.049 COMMERCIAL - HIGH IMPACT; C-3.

(D) *Development regulations.*

(4) Maximum impervious coverage: 70%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.050 HIGHWAY COMMERCIAL; HC.

(D) *Development regulations.*

(4) Maximum impervious cover: 70%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.051 INDUSTRIAL - LOW IMPACT; I-1.

(D) *Development regulations.*

(4) Maximum impervious coverage: 70%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.052 INDUSTRIAL - HIGH IMPACT; I-2.

(D) *Development regulations.*

(4) Maximum impervious coverage: 50%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.053 ANIMAL SALES/SERVICES; AS/S.

(D) *Development regulations.*

(4) Maximum impervious coverage: 50%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.054 LODGING; L-1.

(E) *Development regulations.*

(7) Maximum impervious coverage: 70%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.055 LODGING; L-2.

(E) *Development regulations.*

(8) Maximum impervious coverage: 60%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.056 INDUSTRIAL PARK; IP.

(D) *Development regulations.*

(7) Maximum impervious cover: 65%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.057 PUBLIC PROTECTION/UTILITY; PPU.

(D) *Development regulations.*

(3) Maximum impervious cover: 90%. Impervious cover shall be calculated as a percentage of the net site area.

§ 155.058 PARTICIPANT RECREATION - LOW IMPACT; PR-1.

(D) *Development regulations.*

(5) Maximum impervious cover: 65%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.059 PARTICIPANT RECREATION - HIGH IMPACT; PR-2.

(D) *Development regulations.*

(5) Maximum impervious cover: 70%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.060 PUBLIC FACILITIES; PF.

(D) *Development regulations.*

(2) Maximum impervious cover: 60%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.061 NEIGHBORHOOD SERVICES DISTRICT; NS.

(D) *Development regulations.*

(4) Maximum impervious cover: 60%. Impervious coverage shall be calculated as a percentage of the net site area.

§ 155.091 CITY CENTER OVERLAY DISTRICT; VC.

(G) *Site development standards.*

(4) Maximum impervious cover: NA (Square), 90% - other. Impervious cover shall be calculated as a percentage of the net site area.”

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

Section 3. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is 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 Meeting Act, Capt. 551, Loc. Gov't. Code.

PASSED AND APPROVED First Reading this ___ day of _____, 2009, by a vote of ___ (Ayes) to ___ (Nays) ___ (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED Second Reading this ___ day of _____, 2009, by a vote of ___ (Ayes) to ___ (Nays) ___ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Tom Haley, Mayor

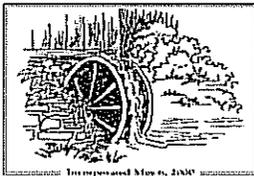
ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

City Council Agenda Form



Date Submitted: November 15, 2009

Agenda Date Requested: November 19, 2009

Project/Proposal Title: CONSIDER APPOINTMENT OF A CITY COUNCIL SUB-COMMITTEE TO ASSIST WITH THE REVIEW OF SURVEY SERVICES RFQ

Funds Required:
Funds Available:

Council Action Requested:

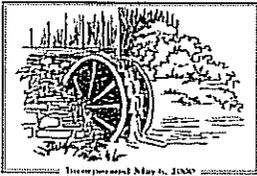
- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda by Place Two Council Member Bob Flocke to allow City Council to discuss and consider appointing a City Council Sub-Committee to assist City staff with the review of responses received to the City's recent Request for Qualifications (RFQ) for Professional Land Surveying Services.

The RFQ was issued to find a surveying firm or firms to prepare a city limits boundary map of the City of Wimberley. All responses are due no later than 2 p.m. on November 25, 2009. Upon review of the responses received, a firm or firms will be recommended to the City Council which must then authorize City staff to negotiate a professional services contract for City Council approval.

City Council Agenda Form



Date Submitted: November 15, 2009

Agenda Date Requested: November 19, 2009

Project/Proposal Title: CONSIDER APPROVAL OF PROFESSIONAL SERVICE CONTRACT WITH ENVIRONMENTAL CONCEPTS, LLC

Funds Required:
Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approving a professional services agreement with *Environmental Concepts, LLC* to serve as the Environmental Health/OSSF Inspector for the City of Wimberley.

Under the proposed agreement, the firm will be responsible, in large part, for food service inspections and septic system plan reviews and inspections. As needed, regular office hours at City Hall will be kept by the firm's inspector who will also conduct regular field inspections. The fee for any office hours worked is \$30 per hour while the fee for field inspections is \$75 per inspection. Plans call for the cost of the services rendered to be recovered by the City through its septic and food service fees.

Environmental Concepts, LLP is a Wimberley based firm lead by Kyle DeHart – a registered sanitarian and former environmental inspector for Hays County. The subject firm currently performs the same services proposed in the Wimberley agreement for the City of Dripping Springs. City officials in Dripping Springs have been pleased with the performance of the firm.

ENVIRONMENTAL HEALTH & OSSF INSPECTION SERVICES AGREEMENT

This Agreement, made and entered into this ____ day of _____ 2009, by and between the City of Wimberley, Texas, hereinafter referred to as the "City" and Environmental Concepts, LLC, hereinafter referred to as "Inspector," is understood and agreed to be as set forth herein:

1. **Description of Services:** The City, in connection with carrying out the duties of its various ordinances and permitting processes regulating the health and safety of food establishments and the construction and operation of On-Site Sewage Facilities (OSSF, also known as "septic systems") requires the services of an environmental health and OSSF inspector.
 - (a) The Inspector shall be retained by the City under the designation of "Environmental Health & OSSF Inspector."
 - (b) Inspector agrees to make all inspections and issue permits required or requested by the City under appropriate ordinances of the City. Such inspections and permits shall include, but not be limited to, those related to food establishments, schools, child care facilities, health care facilities, and on-site sewage facilities.
 - (c) Upon City's request, Inspector will make written reports noting ordinance compliance or any deviations from all inspections and deliver a copy of such reports to the office via mail, in person, facsimile, or other electronic means within two (2) business days after the receipt of request for inspection.
 - (d) Inspector shall investigate complaints of poor sanitation in public establishments and private property.
 - (e) Inspector shall explain City health ordinances and recommend corrective actions to the public.
 - (f) Inspector shall perform follow-up inspections, issue warnings and/or citations and ensure proper issuance of City health permits.
 - (g) Inspector shall provide food handler classes from time to time when requested by the City.
 - (h) Inspector shall review OSSF permit applications and issue OSSF permits.
 - (i) Inspector shall submit required reports to the State regarding environmental health and OSSFs.
 - (j) Inspector may from time to time be called upon to perform the following services:
 - (1) attend meeting of the City Council, when requested by the Mayor, Council Member or other City Official; and/or
 - (2) attend other public or private meetings involving inspection matters related to the duties performed under this Agreement.

- (k) Request for the inspection may be made by telephone or fax. Upon notification, Inspector will respond to the request within one (1) business day.
- (l) Request for inspection services may be made by telephone or fax.
- (m) Inspector shall conduct business as an agent of the City in good faith displaying professionalism and a courteous manner in dealings with the citizens of the City. Inspector agrees to abide by the Building Official Code of Ethics as established by the International Code Council. Inspector will report to City Secretary, verbally or in writing, any conflicts between Inspector and any citizen in the course of performing said duties.
- (n) City may conduct customer satisfaction surveys from time to time without notice to Inspector. The City will incur cost of materials to perform such surveys.
- (o) Inspector shall maintain complete and accurate records of work performed for the City. Inspector shall manage both public and confidential records that Inspector obtains pursuant to this Agreement with the understanding that some records may be subject to state open government laws.”

2. Payment for Services: The City will employ the Inspector for the following fee structure:

- (a) **Office Hours**—Inspector shall observe regular office hours on Tuesday from 9:00 am to 12:00 pm, or as needed. Office Hours shall be maintained in the City Hall complex. Office Hours shall be compensated at an Hourly Rate of \$30.00 per hour, plus mileage reimbursement at the current IRS rate. Office hours/days may be rescheduled by the City Administrator as needed to conform to the City’s holiday schedule. The City and/or the Inspector reserves the right to change office hours/days upon consultation with the other party. Other duties occurring outside the realm of scheduled office hours/days will be compensated at \$75.00 per hour plus mileage at the current IRS rate.
- (b) **Inspections:** Inspections shall be compensated at a rate of \$75.00 per inspection, plus mileage to be reimbursed at the current IRS rate. All inspections shall be performed at times other than the Inspector’s Office Hours.
- (c) **Invoices:** Inspector shall invoice City monthly for office hours and for each inspection and re-inspection performed. Invoices shall include a description of the work performed during office hours and the address and type of inspection performed. Re-inspection fees shall be those fees identified above.

3. Termination: Either party may terminate this Agreement by a thirty (30) day written notice to the other party.

4. Relationship of Parties: It is understood by the parties that Inspector is an independent contractor with respect to the City and not an employee of the City. City will not provide fringe benefits, including health insurance benefits, paid vacation, or any employee benefit, for the benefit of Inspector. Inspector shall maintain a separate place of business, from which inspector can provide services to other customers unrelated to the City.

5. **Employees:** Inspector's employees, if any, who perform services for City under this Agreement shall also be bound by the provisions of this Agreement at the request of City, Inspector shall provide adequate evidence that such persons are Inspector's employees.
6. **Injuries/Insurance:** Inspector acknowledges Inspector's obligation to obtain appropriate insurance coverage for the benefit of Inspector's employees, if any. Inspector waives the rights to recovery from City for any injuries that Inspector and/or Inspector's employees may sustain while performing services under this Agreement. Inspector to provide a copy of insurance coverage to City at least ten (10) days prior to end of any existing coverage period.
7. **Indemnification:** Inspector agrees to indemnify and hold City harmless from all claims, losses, expenses, fees, including attorney's fees, costs and judgments that may be asserted against City that result from acts or omissions of Inspector, Inspector's employees, if any, and Inspector's agents.
8. **Assignment:** Inspector's obligation under this Agreement may not be assigned or transferred to any other person, firm, or corporation without the prior written consent of City.
9. **Notice:** All notice required or permitted under this Agreement shall be in writing and shall be delivered either in person or deposited in the United States mail, postage prepaid, addressed as follows:

If for the City:
City Administrator
City of Wimberley
P.O. Box 2027
Wimberley, Tx 78676

If for Inspector:
Kyle B. DeHart, R.S.
Environmental Concepts, LLC
P.O. Box 585
Wimberley, Tx 78676

Either party may change such address from time to time by providing written notice to the other in the manner set forth above. Notice is deemed to have been received three (3) days after deposit in U.S. mail.

10. **Entire Agreement:** This Agreement contains the entire Agreement of the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes and prior written agreements between the parties.
11. **Amendment:** This agreement may be modified or amended if the amendment is made in writing and is signed by both parties.
12. **Severability:** If any provision of this Agreement shall be held to be invalid or unenforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

13. Waiver of Contractual Right: The failure of any party to enforce any provision of this Agreement shall not be construed as a waiver of limitation to that party's right to subsequently enforce and compel strict compliance with every provision of the Agreement.

14. Applicable Law: The laws of the State of Texas shall govern this Agreement. Venue for any disputes arising under this Agreement shall be in *Hays County*, Texas.

City of Wimberley:

**Environmental Health &
OSSF Inspector:**

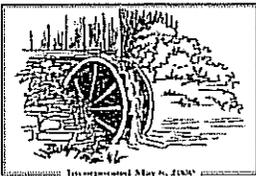
Mayor, Tom Haley

Kyle B. DeHart, R.S.
Environmental Concepts, LLC

Attest:

City Secretary, Cara McPartland

City Council Agenda Form



Date Submitted: November 15, 2009

Agenda Date Requested: November 19, 2009

Project/Proposal Title: CONSIDER APPROVAL OF WIMBERLEY COMMUNITY CIVIC CLUB REQUEST TO PLACE SIGNS IN THE CITY RIGHT-OF-WAY

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider authorizing the Wimberley Community Civic Club to place directional signage in the City right-of-way for the upcoming Wimberley Home Tour on November 20th and 21st. If approved, the small signs would be put out on the morning of November 20th and removed at the conclusion of the event. The signage is designed to help direct participants in the event to the various homes on the tour.

City staff recommends approval of the request.

To: Don Ferguson and

the members of the City Council

Date: November 12, 2009

From: Kathleen Jennings

Representing Wimberley Community Civic Club

Re: Home Tour Signs

Each year the ladies of the Civic Club work extremely hard to earn money from events put on here in Wimberley. The Home Tour, this month, begins on November 20th and ends on Saturday evening, November 21st. What I want from the council is to be able to place our signs in strategic locations, along the routs leading to each home. These signs lead our out-of-town guests and our townspeople to each location. Sometimes a sign will be placed in the right of way but of course not obstructing traffic.

At this time I am asking you to OK this request for this year and for subsequent years. The Home Tour is always on the weekend before Thanksgiving. This date won't change but if it ever does we will notify you of the date.

I would also like you to know how this money is used. Last year from all our work we made over \$30,000; with \$10,000 going to scholarships. The rest was handed out to different organizations here in the community.

For your information I will I pick up each and every sign by the end of the 21st.

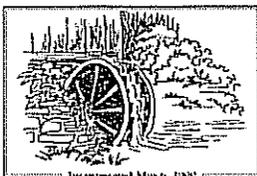
Thanking you in advance for your help in this matter. If you have any questions or concerns please do not hesitate to call me.

Sincerely,


Kathleen Jennings

847 8947

City Council Agenda Form



Date Submitted: November 15, 2009

Agenda Date Requested: November 19, 2009

Project/Proposal Title: CONSIDER APPROVAL OF
AMENDMENTS TO ECONOMIC DEVELOPMENT
COMMISSION BY-LAWS

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

Resolution

Motion

Discussion

Project/Proposal Summary:

This item was placed on the agenda to allow City Council to discuss and consider approval of a request to amend the by-laws for the Wimberley Economic Development Commission.

Specifically, the Commission is proposing to amend the Section A of the by-laws to reflect the commencement of the Commission's business year to be the month of October rather than February. In addition, the Commission is proposing to amend Section Q to reflect that amendments to the by-laws and procedures may be placed on the agenda as a main motion and passed by a majority of the Commission. Currently, an amendment only requires approval by a "simple majority vote".

Economic Development Commission representatives will be present at the meeting to brief City Council on the proposed amendments.

Minutes from
Economic Development Commission Meeting
October 20, 2009

Call to Order: Chair Weeks called the meeting to order at 5:08 pm

Roll Call: All seven commissioners were present.

Approval of Minutes: Minutes from October 5 meeting were read and corrected

Citizen's Communications: None.

Discussion and Action:

- A. Amendments to the By-Laws of the Economic Development Commission were discussed. Commissioner Jenelle moved that Section A "Selection of Officers" be amended to reflect the commencement of the commission's business year to be the month of October, the actual start this year, rather than February, the date specified in the By-Laws. Commissioner Bursiel seconded. The motion carried unopposed. Commissioner Ross moved that Section Q "Amendments To The By-Laws and Procedures" be amended to to read - "Amendments to these by-laws and procedures may be placed on the agenda as a main motion by a majority of the commission." This would change the existing requirement of passage by "simple majority vote." Commissioner Bursiel seconded and the motion carried unopposed.
- B. Chair Weeks led a review of the City of Wimberley Economic Development Strategy. There was discussion of the priority of goals set forth in the document approved by council in November of 2008.
- c. In order to affect the strategic goals, it was agreed that Commissioner Pitzer will coordinate Marketing strategies, Commissioner Currie will coordinate Communications strategies, Commissioner Flocke will coordinate Business and Workforce Development strategies, Commissioner Bursiel will coordinate Public Administration strategies, Commissioner Harris will coordinate Natural Resources strategies and Commissioner Ross will coordinate Funding strategies.
- F. The next meeting of the EDC will be Tuesday, November 3 at 5:00 pm.

Adjourn: At 7:41 pm, Flocke moved to adjourn, Pitzer seconding, all voting in the affirmative.

**Village of Wimberley
Economic Development Commission
By-laws and Procedures**

These by-laws are established pursuant to the Village of Wimberley Ordinance No. 2006-015.

A. SELECTION OF OFFICERS: The officers of the Economic Development Commission (hereafter, the "Commission") shall be Chair, Vice Chair, and Secretary. The Commission at its first meeting in February shall elect all officers. Terms for officers run for approximately one year beginning at this February meeting and continuing to the next election of officers. If an office is vacated, a new officer will be elected to complete the term at the next regularly scheduled meeting. The Chair may be re-elected but shall not hold that position for more than two consecutive terms.

B. PRESIDING OFFICER AND SECRETARY: If present the Chair shall preside over all meetings of the Commission. If the Chair is absent, or fails or refuses to act, the Vice Chair shall perform the duties of the Chair. In the absence of both the Chair and the Vice Chair, the Commission may select any Commissioner to preside over a meeting.

C. COUNCIL AND COMMITTEES: The Commission may appoint consultants and establish subcommittees (of citizens and/or of Commissioners) to assist with its work. The work and reports of consultants and subcommittees shall become part of the records of the Commission. Prior approval of the City Council is required for any payment to any consultant(s).

D. QUORUM: A majority of the Commission, including the Chair, shall constitute a quorum. In no case shall fewer than three votes constitute a simple majority.

E. ATTENDANCE: Any Commissioner who misses three consecutive meetings, or one-third of all regular meetings within a twelve month period shall be deemed to have automatically vacated his or her position on the Commission. This section shall not apply to a Commissioner who received an excused absence from the Chair prior to the meeting(s) at issue. At roll call the Chair shall announce excused absences and the secretary shall record them.

F. MEETINGS: There shall be at least one regular meeting each month, the time and place determined by resolution of the Commission. Special meetings, and their time and place, may be called by the chair or upon the application of any Commissioner to the City Administrator. Notice of all meetings shall be posted at City Hall for public

view at least 72 hours prior to the meeting time. No approval, disposal, or final action shall be taken on any matter before the Commission unless all notice requirements mandated by state statute, these by-laws and procedures, or any other ordinance have been met.

G. ORDER OF BUSINESS:

1. Call to Order and Roll Call.
2. Recognition, Presentations, and Comments of Citizens (Citizens may also speak when an agenda item is called.)
3. Consent Items (includes minutes of the last meeting)
These items may be acted upon in one motion. No separate discussion or action is necessary unless requested by a Commissioner or citizen, in which event those items will be pulled from the consent agenda for separate consideration.
4. Committee, Consultant, and Staff Reports.
5. Consider and Take Action on Main Motions.
6. Work Session (Discussion of subjects pertaining to the mission of the Commission.)
Only subsidiary motions to postpone or commit and privileged motions may be heard at this time.
7. Determine Future Agenda Items
8. Adjournment.

H. MEETING AGENDAS: The agenda will be made public by the Village Staff no later than 72 hours before the time of the meeting to which it refers. The agenda becomes final 72 hours before the time of the meeting to which it refers. Any member may place an item on the agenda (in the appropriate Order of Business) for either a special or regular meeting at either a meeting of the Commission or by submittal to the City Administrator. Only a Commissioner placing an item on the agenda may remove that item from the agenda. That removal must be prior to the agenda becoming final.

I. PUBLIC COMMENT: A public forum shall be a regular part of each meeting and is not limited to agenda items. Each speaker will be limited to three minutes per topic, unless prior arrangements have been made. Public comments requiring more than three minutes must be placed on the agenda at the request of a Commissioner or Village Councilmember.

J. MOTIONS AND DISCUSSION: The chair shall not make motions. Any motion by a Commissioner shall require a second. After a motion has been made and seconded, discussion of that motion will be held, unless Robert's Rules

classifies that motion as undebatable. Discussion of a motion before the Commission shall terminate whenever the Chair shall so rule, unless there is an objection. If there is objection, a motion for the previous question must be passed to end the discussion.

K. VOTING ON MOTIONS: Voting may be by voice, raising of hands, paper ballot, or by roll call with the Chair voting last. The method shall be at the discretion of the Chair, however, a roll call vote or paper ballot shall be taken at the request of any Commissioner.

L. RECONSIDERATION OF DECISIONS: The Chair shall grant reconsideration of a motion previously passed by the Commission when a motion for reconsideration is made by a Commissioner who voted for the original motion.

M. CONFLICT OF INTEREST: Commissioners shall abide by the provisions of the Wimberley Ethics Ordinance 2006-010, its amendments, revisions, and successors.

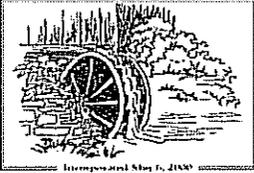
N. PUBLIC STATEMENTS: Releases and statements to the public or press in the name of the Commission shall only be made by the Chair or the Chair's representative. The Chair shall sign all written recommendations of the Commission.

O. ROBERT'S RULES: Any question of order or procedure not covered herein, or in the ordinance establishing this Commission, shall be decided according to the latest edition of Robert's Rules of Order. The Chair shall rule. A Commissioner may appeal rulings of the Chair to the Commission.

P. RECORDS: The Secretary, or the Secretary pro tem, shall keep minutes and records of all proceedings of the Commission. The minutes shall be prepared and copies provided to the City Administrator in a timely manner. These minutes, upon approval by the Commission, shall be secured at City Hall as a matter of public record.

Q. AMENDMENTS TO THE BY-LAWS AND PROCEDURES: Amendments to these by-laws and procedures may be placed on the agenda as a main motion and passed by simple majority vote.

City Council Agenda Form



Date Submitted: November 16, 2009

Agenda Date Requested: November 19, 2009

Project/Proposal Title: CONSIDER ACTION ON
THE POSSIBLE ACQUISITION OF LOT 80 IN
SOUTH RIVER UNIT ONE, WIMBERLEY, TEXAS

Funds Required:

Funds Available:

Council Action Requested:

Ordinance

Resolution

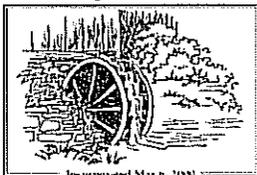
Motion

Discussion

Project/Proposal Summary:

This item was placed on the agenda by Mayor Tom Haley to allow City Council to discuss and consider action relating to the possible acquisition of Lot 80 in South River Unit One, Wimberley, Texas. The subject property is 0.814 acres in size.

City Council Agenda Form



Date Submitted: November 16, 2009

Agenda Date Requested: November 19, 2009

Project/Proposal Title: CITY COUNCIL REPORTS

Funds Required:

Funds Available:

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

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