

# City of Wimberley

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

REGULAR PLANNING & ZONING MEETING  
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS

221 STILLWATER, WIMBERLEY, TEXAS

OCTOBER 14, 2010 - 6:30 P.M.

AGENDA

CALL TO ORDER:                   OCTOBER 14, 2010 @ 6:30 P.M.

CALL OF ROLL:                   CITY SECRETARY

CITIZENS COMMUNICATIONS:

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

1. CONSENT AGENDA

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

APPROVAL OF MINUTES OF THE REGULAR PLANNING & ZONING COMMISSION MEETING ON AUGUST 26, 2010.

2. PUBLIC HEARING AND POSSIBLE ACTION

- (A) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL ON AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN AND ACCOMPANYING MAPS TO REVISE THE BOUNDARIES OF PLANNING AREAS II AND III, IN THE GENERAL AREA BETWEEN THE BLANCO RIVER AND THE WIMBERLEY SQUARE, AND AS FURTHER SHOWN ON THE EXHIBIT ATTACHED HERETO. *(CITY ADMINISTRATOR; CONSIDERATION OF THIS ITEM WAS DELAYED FROM THE SEPTEMBER 23, 2010 MEETING OF THE PLANNING AND ZONING COMMISSION DUE TO THE LACK OF A QUORUM)*
- (B) HOLD A PUBLIC HEARING AND CONSIDER MAKING A RECOMMENDATION TO CITY COUNCIL REGARDING CASE # CUP-10-014, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON 15.523 ACRES LOCATED AT 601 FM 2325, WIMBERLEY, HAYS COUNTY, TEXAS. *(WIMBERLEY LIONS CLUB, APPLICANT)*

3. DISCUSSION AND ACTION

DISCUSS AND CONSIDER ACTION RELATING TO THE POSSIBLE DEVELOPMENT OF ZONING REGULATIONS FOR BED AND BREAKFAST OPERATIONS AND VACATION RENTALS. *(CITY ADMINISTRATOR)*

4. STAFF AND COMMISSION REPORTS

- ANNOUNCEMENTS
- FUTURE AGENDA ITEMS

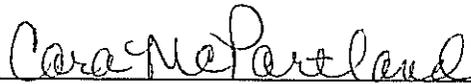
ADJOURNMENT

THE COMMISSION MAY RETIRE TO EXECUTIVE SESSION ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSION ABOUT HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE;

DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS LOCAL GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087. ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

**CERTIFICATION**

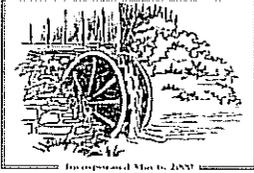
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on October 11, 2010 at 5:00 p.m.

A handwritten signature in cursive script, reading "Cara McPartland", is written over a horizontal line.

CARA MC PARTLAND, CITY SECRETARY

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

# P & Z Agenda Form



**Date Submitted:** October 11, 2010

**Agenda Date Requested:** October 14, 2010

**Project/Proposal Title:** APPROVAL OF MINUTES  
OF THE REGULAR PLANNING & ZONING  
COMMISSION MEETING ON AUGUST 26, 2010

**Funds Required:**  
**Funds Available:**

**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

Attached are the minutes of the regular Planning & Zoning Commission meeting on August 26, 2010 for review and consideration.

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Planning & Zoning Commission**  
Minutes of Regular Meeting  
August 26, 2010 at 6:30 p.m.

Meeting called to order by Chairman Tracey Dean. Present were Commissioners Beth Mitchell, Jean Ross, Lila McCall, Steve Klepfer, and David Glenn. Commissioner Phil Dane had an excused absence.

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

**Citizen Communications:**

No citizen comments were heard.

**1. Consent Agenda**

Approval of minutes of the regular Planning & Zoning Commission meeting on August 12, 2010.

Commissioner Ross moved to approve the minutes as presented. Commissioner Klepfer seconded. Motion carried on a vote of 6-0.

**2. Election of Officers**

Commissioner Ross moved to nominate Chairman Dean for the position of Chair. Commissioner Klepfer seconded. Motion carried unanimously.

Chairman Dean moved to nominate Commissioner Glenn for the position of Parliamentarian. Commissioner McCall seconded. Motion carried unanimously.

**3. Discussion and Possible Action**

- A. Discuss and consider action relating to the possible modification of the planning area boundaries between the Blanco River and the Wimberley Square. (*City Administrator*)

City Administrator Ferguson provided background information and displayed maps of certain Ranch Road 12 frontage properties whose owners have requested zoning that is not allowed in their respective planning area(s). Discussion included:

- Gradation of uses in planning areas to help mitigate the impact of commercial activities on residential uses

- Clarification of properties affected and locations on map, including three (3) large tracts recommended for zoning via a case-specific City-initiated WPDD process
- Review and comparison of zoning districts/uses allowed in certain planning areas
- Limits on commercial development within the Protected Water Overlay District (PWOD)
- Need to buffer residential neighborhoods from commercial uses

General agreement was reached to extend Planning Area III from the Blanco River to Blue Heron Run, provided that certain properties adjacent to Blue Heron Run are zoned with appropriate screening provisions to protect residential properties from commercial uses. City Administrator Ferguson will verify exactly which properties reside within the Rio Bonito Resort tract.

It was agreed to schedule a public hearing on the proposed modification for the Commission's September 23, 2010 meeting. Because a quorum will not be present, the Commission will not meet on September 9, 2010.

- B. Discuss and consider action relating to the possible development of zoning regulations for bed and breakfast operations and vacation rentals. *(City Administrator)*

City Administrator Ferguson reviewed current zoning regulations and cited statistics on the number of conditional use permits (CUPs) allowing for bed and breakfast (B & B) facilities. He noted that the majority of B & Bs are located on direct water access properties. Discussion included:

- Need to clarify definitions
- Specific inconsistencies in terminology used in the Zoning Code and examples illustrating problems caused by ambiguous definitions
- Lack of specificity in certain B & B conditions, including maximum stay requirements, number of units, and owner occupancy
- How to define what constitutes a "B & B" versus a "vacation rental"
- Standard guidelines for B & Bs
- Existing CUP regulations and enforcement process, including the ability to revoke a CUP for a B & B operation, when violations are unresolved
- Importance of B & Bs and vacation rentals to Wimberley's economy
- Existing CUP process versus creation of separate zoning districts and associated advantages/disadvantages
- Need to address "grandfathering" procedures and verify pre-existing, non-conforming uses to curb circumvention of the Zoning Code
- Identification of specific problem issues
- Growing vacation rentals and accompanying property value concerns related to commercialization of residential areas
- Varying levels of acceptance for B & B/vacation rental operations in certain neighborhoods

- Possible licensing of B & B/vacation rentals
- Examples of rental problems experienced by other cities

Agreement was reached to direct staff to develop two proposals to expand on the existing CUP process and to create separate zoning districts for B & Bs and vacation rentals.

#### **4. Staff and Commission Reports**

- Announcements
- Future Agenda Items

City Administrator Ferguson reported that Council approved the first readings of the Rural Retreat 1 (RR-1)-related ordinances. He advised that the three (3) large retreat-type properties' owners are scheduled for meetings with staff, in order to begin the City-initiated Wimberley Planned Development District process. He welcomed Commissioner Beth Mitchell as a new member and noted that each Commission member will receive an informational handbook that will be regularly updated.

As a future agenda item, Commissioner McCall expressed concerns about density and asked to reconsider the maximum number of guests allowed for RR-1 zoning districts.

Hearing no further announcements or future agenda items, Commissioner Ross moved to adjourn. Commissioner Klepfer seconded. Motion carried on a vote of 6-0.

**Adjourn at 7:45 p.m.**

Recorded by:

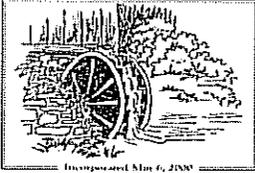
Cara McPartland

**These minutes approved the \_\_\_\_\_ of October, 2010.**

**APPROVED:**

**Tracey Dean, Chair**

# P & Z Agenda Form



Date Submitted: October 11, 2010

Agenda Date Requested: October 14, 2010

**Project/Proposal Title:** DISCUSSION AND ACTION ON A PROPOSED ORDINANCE MODIFYING THE PLANNING AREA BOUNDARIES BETWEEN THE BLANCO RIVER AND THE WIMBERLEY SQUARE

**Funds Required:**  
**Funds Available:**

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow for discussion and action relating to a proposed ordinance modifying the planning area boundaries between the Blanco River and the Wimberley Square. Specifically, the proposed ordinance extends the boundaries of Planning Area III to include the area of land bounded by Blue Heron Road, Blue Heron Run, Ranch Road 12 and the Blanco River. Currently, the subject area, which includes *Rio Bonito* and *The Vineyard*, is located in Planning Area II.

ORDINANCE NO. 2010-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING THE CITY'S COMPREHENSIVE PLAN AND ACCOMPANYING MAPS TO REVISE THE BOUNDARIES OF PLANNING AREAS II AND III, IN THE GENERAL AREA BETWEEN THE BLANCO RIVER AND THE WIMBERLEY SQUARE, AND AS FURTHER SHOWN ON THE EXHIBIT ATTACHED HERETO; AND PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City Council of the City of Wimberley is authorized under Chapter 213 of the Texas Local Government Code to adopt a comprehensive plan for the long-range development of the City; and,

**WHEREAS**, the City Council adopted the City of Wimberley Comprehensive Plan (the "Plan"), and made substantial amendments to the Plan in 2008; and,

**WHEREAS**, some of the property owners which are located in the general vicinity between the Blanco River and the Wimberley Square have requested that the properties within those limits be moved from Planning Area II to Planning Area III, so that they may request amendments to their zoning classifications that will be in conformance with the Plan; and,

**WHEREAS**, the Planning and Zoning Commission has reviewed the changes, held a public hearing and has made recommendations to the City Council to amend the Plan as described herein, finding that such amendment is compatible with the adjacent existing uses and existing zoning classifications, and is in accord with the current uses on the properties; and,

**WHEREAS**, the City Council has reviewed and considered the report by the Planning and Zoning Commission and has held a public hearing on the proposed Plan amendments at which members of the public had the opportunity to give testimony and present written evidence; and,

**WHEREAS**, the City Council has determined that the City of Wimberley Comprehensive Plan should be amended as provided by this ordinance.

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

**I. FINDINGS OF FACT**

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

## II. AMENDMENTS

THAT the City's Comprehensive Plan, and its accompanying maps, described in the report by Planning and Zoning Commission to City Council, shall be hereby amended to revise the boundaries of Planning Areas II and III, as further shown on such report, attached hereto and incorporated herein as Exhibit "A"; and that the official City Maps be amended accordingly.

## 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 upon its passage and publication as may be required by governing law.

## 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 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.

**READ AND APPROVED** on its First Reading this \_\_\_\_ day of \_\_\_\_\_, 2010, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to 0 (abstentions) of the City Council of the City of Wimberley, Texas.

### CITY OF WIMBERLEY

By \_\_\_\_\_  
Bob Flocke, Mayor

**ATTEST:**

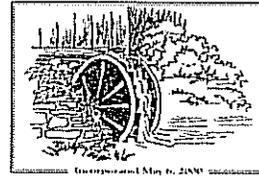
\_\_\_\_\_  
Cara McPartland, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
C. Crosby, City Attorney



# Report for Zoning Change CUP-10-014



**Summary:**

A Conditional Use Permit to allow for the sale of beer, wine and alcohol for on-premise consumption at 601 FM 2325.

**Applicant Information:**

**Applicant:** Wimberley Lions Club  
601 FM 2325  
Wimberley, Texas 78676

**Property Owner:** Wimberley Lions Club

**Subject Property:**

**Legal Description:** A0365 BENJAMIN PAGE SURVEY, ACRES 2.25, \* EXEMPT % 01/01/2003; A0365 BENJAMIN PAGE SURVEY, ACRES 5.546, \* EXEMPT % 01/01/2003; A0365 BENJAMIN PAGE SURVEY, ACRES 3.23, \* EXEMPT % 01/01/2003; A0390 ROBERT S RANKIN SURVEY, ACRES 4.30, \* EXEMPT % 01/01/2003; A0365 BENJAMIN PAGE SURVEY, ACRES 0.11, \* EXEMPT % 01/01/2003

**Location:** 601 FM 2325

**Existing Use of Property:** Market Days

**Existing Zoning:** C-1 Commercial - Low Impact

**Proposed Use of Property:** Alcohol sales

**Proposed Zoning:** Conditional Use Permit

**Planning Area:** III

**Overlay District:** Protected Water & Entrance Corridor

**Surroundings:**

**Frontage On:** FM 2325

**Area Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	R1, R2, C1, L1	Commercial, Lodging, Vacant
<b>S of Property</b>	PF	Public/Institutional
<b>E of Property</b>	C1	Public/Institutional
<b>W of Property</b>	C1, PF	Public/Institutional, Commercial

**Legal Notice**

200' Letters 9/24/2010

Published 9/29/2010

Sign Placement 9/27/2010

Responses None

**Comments:**

The applicant – the Wimberley Lions Club - has requested a Conditional Use Permit (CUP) to expand the sale of beer, wine and alcohol for on-premise

consumption at Lions Market Days - an outdoor market that occurs on the first Saturday of each month from March through December. The subject property is located at 601 FM 2325 in Planning Area III, and is zoned Commercial-Low Impact (C-1). Beer, wine and alcohol sales for on-premise consumption are allowed in a C-1 zoning district with a CUP.

In May 2010, a CUP was granted by the City to the Lions Club to allow for the sale of beer, wine and alcohol on a 3.25 acre tract of land on the Market Days grounds known as *Hamburger Hill* (see attached). To date, there have been no alcohol-related problems at Market Days.

The applicant is proposing to expand the area where beer, wine and alcohol sales are permitted for on-premise consumption to an additional 15.523 acres to include the entire Market Days grounds.

To date, City staff has not received comments from any notified property owners. Upon review of the application, City staff recommends approval of the requested CUP with the condition that beer, wine and alcohol sales for on-premise consumption be allowed only on Market Days which occur on the first Saturday of each month in the months of March through December. Any change to the dates of Market Days would require an amendment to the CUP, if granted.

The subject property is located within three hundred (300) feet of two schools and a church. As such, the applicant will also need to secure a variance from the three hundred (300) foot buffer requirement prohibiting the sale of beer, wine and alcohol within three hundred (300) feet of churches, schools, day care centers and hospitals.

ORDINANCE NO. 2010-018

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY WIMBERLEY LIONS CLUB TO ALLOW THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON A PORTION OF A 3.25 ACRE TRACT LOCATED AT 601 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 Wimberley Lions Club ("Applicant") requesting authorization to allow the Sale of Beer, Wine and Alcohol for On-Premise Consumption on a portion of real property described as approximately 3.25 acres described as part of the A0365 Benjamin Page Survey, zoned Commercial-Low Impact (C-1); and

WHEREAS, 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 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, subject to the conditions described herein, 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 Wimberley Lions Club ("Applicant") to allow the Sale of Beer, Wine and Alcohol for On-Premise Consumption on a portion of real property located at 601 FM 2325, described as a 3.25 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 the Sale of Beer, Wine and Alcohol for On-Premise Consumption on the portion of the property described as "Hamburger Hill" and as further shown on Exhibit "B", attached and incorporated by reference, 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.
3. The sale of the Sale of Beer, Wine and Alcohol for On-Premise Consumption shall only be permitted on Market Days which occurs on the first Saturday of each month in the months of March through December. Any change to the dates of Market Days will require an amendment to this ordinance.

## 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 20<sup>th</sup> day of May, 2010 by a vote of 0 (Abstentions), 4 (Ayes) and 0 (Nays).

WIMBERLEY, TEXAS

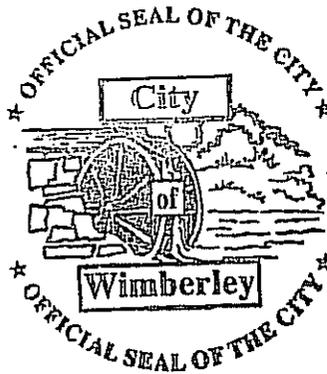
By: Bob Floche  
Bob Floche, Mayor

ATTEST:

Cara McPartland  
Cara McPartland, City Secretary

APPROVED AS TO FORM:

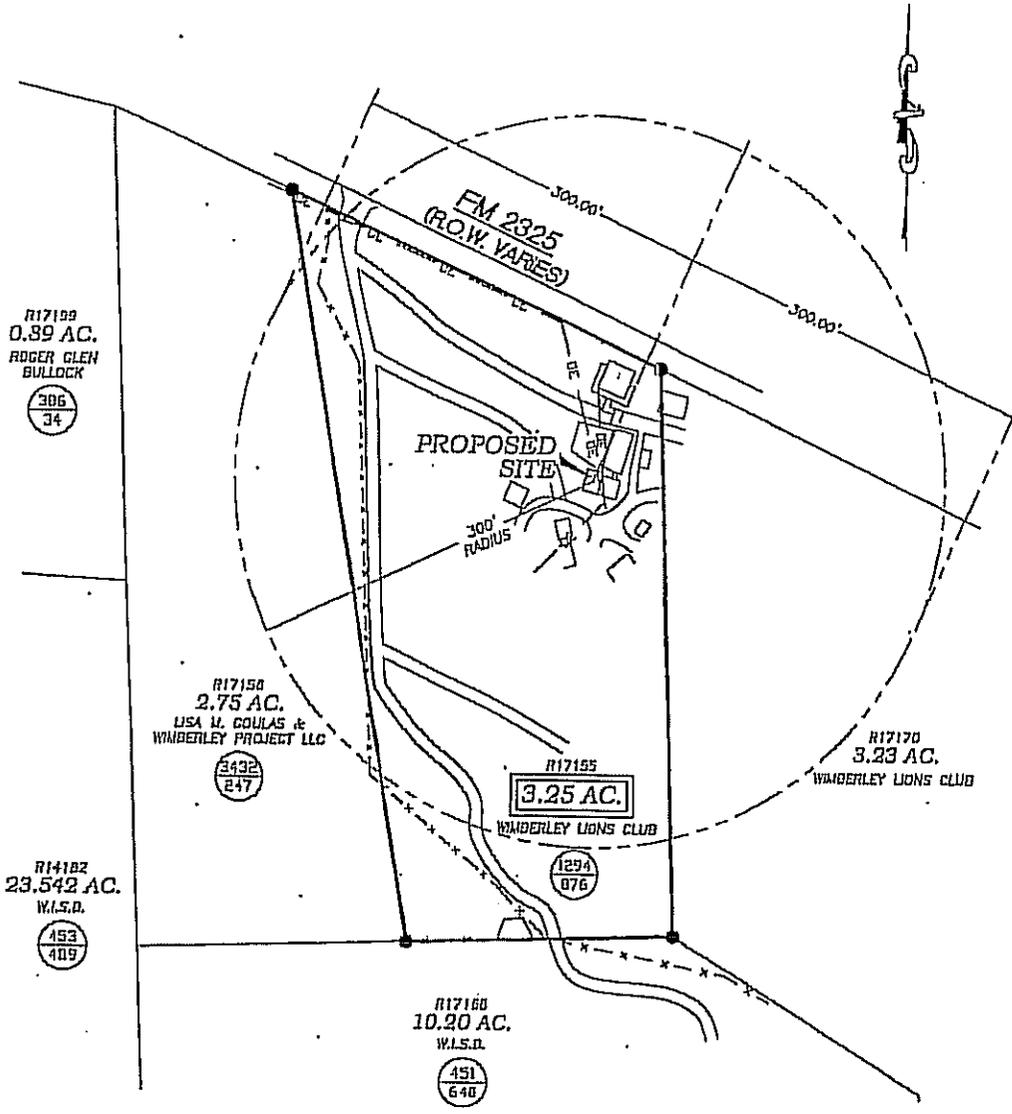
Carolyn J. Crosby  
Carolyn J. Crosby, City Attorney



# EXHIBIT MAP B

HILL

SHOWING THE LOCATION OF THE 'HAMBURGER HUFF' AND PROPOSED SITE OF BUSINESS, SITUATED IN A 3.25 ACRE TRACT OF LAND OUT OF THE BENJAMIN PAGE SURVEY No. 64, A-365, CITY OF WIMBERLEY, HAYS COUNTY, TEXAS.



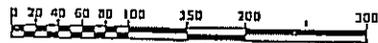
**LEGEND**

- — 1/2" IRON ROD FOUND—UNLESS NOTED
- ⊙ — 1/2" IRON ROD SET—'DRIFTWOOD SURVEYING'
- ⊙ — SERVICE OR UTILITY POLES
- — — — — OVERHEAD UTILITIES
- - - - - FENCE

**VOL. PG.** HAYS COUNTY PLAT RECORDS

**VOL. PG.** HAYS COUNTY OFFICIAL PUBLIC RECORDS

**XXXXXX** HAYS COUNTY PROPERTY IDENTIFICATION NUMBER



SCALE: 1"=100'

<b>Driftwood Surveying</b> Professional Land Surveyors — Surveying the Hill Country		DATE: 03/04/2010 FIELD CREW: DG/GP DRAFTER: CAP CHECKER: RJP PLOT NO: HC02310 EXHIBIT NO: EXHIBIT
P.O. Box 378 Wimberley, TX 75678 TEL (512) 847-7222 FAX (512) 847-7372		REVISIONS:      DATE:
<b>EXHIBIT MAP HILL</b> <b>'HAMBURGER HUFF' AND</b> <b>PROPOSED BUSINESS SITE</b>		
CLIENT: <b>WIMBERLEY LIONS</b>		Page 1 of 1

Mounger & Campbell, L.L.P.  
Attorneys and Counselors at Law

173 F.M. 3237, Building B  
Wimberley, Texas 78676  
Telephone: (512) 847-1308  
Facsimile: (512) 847-3590

Don H. Campbell  
Carrie E. Campbell  
Sara Wells

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September 8, 2010

Sandy Irvin  
CITY OF WIMBERLEY  
Post Office Box 2027  
Wimberley, Texas 78676

**RE: Wimberley Lions Club**

Dear Sandy:

Wimberley Lions Club desires a permit that will have the effect of expanding the Conditional Use Permit which was granted it earlier this year by the City of Wimberley. In support of our request you will find attached the following:

*Conditional Use Permit Application* with exhibits; and  
*Application For Variance* with exhibits.

The application fee of \$400 is attached.

Your courteous assistance with this matter is appreciated.

Sincerely,



Don H. Campbell

enclosures

**Wimberley Lions Club**

**Application for Expanded Conditional Use Permit and  
Application For Variance**

**Table of Contents**

1. Conditional Use Permit Application

Exhibit A: Appraisal District Tax ID#s; Volume and Page Locations

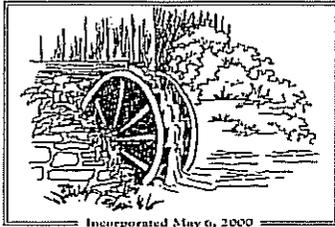
Exhibit B: Plat of Property and Metes and Bounds Descriptions

Exhibit C: List of Adjoining Property Owners Within 200 Feet

2. Application For Variance

Exhibit A: Description of Lions Field Property

Exhibit B: Description of 3.25 Acre Site of CUP



# Village of Wimberley

## CONDITIONAL USE PERMIT APPLICATION

No. CUP-10 - 014

### FOR OFFICIAL USE ONLY

Application Date: 9/9/2010 Tentative P&Z Hearing: 10/14 Tentative Council Hearing: 10/21  
FEES: \$400.00 DATE PAID: \_\_\_\_\_ CHECK NO. 10536 REC'D BY \_\_\_\_\_

PROJECT SITE ADDRESS: 601 State Highway 2325 Wimberley, TX. 78676  
OWNER/APPLICANT Wimberley Lions Club PHONE (512) 847-1308  
FAX (512) 847-3590 EMAIL: shopmarketdays.com  
Mailing Address: P.O. Box 575 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)

Expanded Permit For Sale/Consumption of Beer and Wine on Lions Field

Planning Area 3 Zoning C-1 Total Acreage or Sq. Ft. 18.773 acres

Subdivision: Benjamin Page Survey Lot \_\_\_\_\_ Block \_\_\_\_\_

Appraisal District Tax ID#: R See Exhibit A

Deed Records Hays County: Volume \_\_\_\_\_ Page Sec Exhibit A

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

Type: Waterway and Entrance Corridor

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

Utilities:

Electric Provider: PEC

Water Provider or Private Well: Wimberley Water Company

Wastewater Service Provider or Hays County Septic Permit No: \_\_\_\_\_

MY REQUEST IS BASED ON THE FOLLOWING:

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

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested. *See Exhibit B*
- 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. *See Exhibit C*
- 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 September 8, 2010

Wimbexley Lions Club  
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date September 8, 2010

Donald Campbell, Attorney  
AGENT SIGNATURE



R86971

R27003

R27004

R17524

R88302

R88303

R17531

R17528

R17525

R1135752

R17207

R17180

R17208

R17181

R17182

R17199

R17156

R17155

R17170

R17187

R86971

R17195

R17168

R17157

R17189

R17158

R18521

R48359

R28620

R28617

R28619

R28616

R28615

R28614

R28613

R41072

R48381

R48380

R48359

R48360

R48357

R48362

R48363

R48354

R48352

23441

R23440

0 3/4



**3.25 acre**

**R17155**

**Volume 1294 Page 880**

FIELD NOTE DESCRIPTION  
OF  
A SURVEY OF  
3.25 ACRES OF LAND  
OUT OF THE  
BENJAMIN PAGE SURVEY  
HAYS COUNTY, TEXAS

BEING A PORTION OF THAT 4.00 ACRES OF LAND CONVEYED TO JOE CALLAWAY BY A. J. FARRIS BY DEED DATED APRIL 13, 1971, AND RECORDED IN VOLUME 242, PAGE 727, HAYS COUNTY DEED RECORDS, AND A PORTION OF THAT 2.00 ACRES OF LAND CONVEYED TO JOE CALLAWAY BY A. J. FARRIS BY DEED DATED AUGUST 11, 1970, AND RECORDED IN VOLUME 238, PAGE 402, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron stake set with aluminum cap in a wire fence for the Northwest corner of the tract herein described, same being the South line of F. M. No. 2325, and the North line of the said 2.00 acre Callaway tract;

THENCE, with the said wire fence, the North line of the said 2.00 acre Callaway tract and the South line of the said F. M. No. 2325, S 64 16' E, at about 151.13 feet passing an iron stake found, same being the Northeast corner of the said 4.00 acre Callaway tract, and continuing on, in all, a distance of 343.31 feet to an iron stake found at a fence corner post for the Northeast corner of the tract herein described, same being the Northeast corner of the said 4.00 acre Callaway tract, the Northwest corner of a tract of land conveyed to Hortense M. Strong by deed dated June 24, 1971, and recorded in Volume 244, Page 63, Hays County Deed Records;

THENCE, leaving the said F. M. No. 2325, with a wire fence, the East line of the said 4.00 acre Callaway tract and the West line of the said Strong tract, S 00 53' E, 464.93 feet to a fence corner post for the Southeast corner of the tract herein described, same being the Southeast corner of the said 4.00 acre Callaway tract, the Southwest corner of the said Strong tract, and on the North line of a tract of land conveyed to A. J. Farris by deed dated July 17, 1952, and recorded in Volume 153, Page 570, Hays County Deed Records;

THENCE, leaving the said Strong tract, with the South line of the said 4.00 acre Callaway tract and the Northline of the said Farris tract, S 89 08' W at about 171.54 feet passing an iron stake found and continuing on, in all, 226.54 feet to an iron stake set with an aluminum cap for the Southwest corner of the tract herein described;

THENCE, leaving the said Farris tract, N 08 17' W, at about 313.01 feet passing the South line of the aforementioned 2.00 acre Callaway tract and continuing on, in all, 623.90 feet to the POINT OF BEGINNING containing 3.25 acres of land. Surveyed December 8, 1983.

**2.25 acre**

**R17184**

**Document # 9909801**

## FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING OUT OF AND A PART OF THE BENJAMIN PAGE SURVEY, A-365 & THE ROBERT S. RANKIN SURVEY, A-390, AS RECORDED BY ASSUMPTION DEED TO W. KAREN RAINES AND SHERRI TURNER IN VOLUME 319, PAGE 822, DEE RECORDS, HAYS COUNTY, TEXAS, SAID TRACT OF LAND BEING 2.25 ACRES OF LAND, BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found for the Southwest corner of the 0.55 acre Payne tract recorded in Volume 310, Page 673, same being in the North right-of-way line of R. M. Highway No. 2325, and being the POINT OF BEGINNING of the herein described tract,

THENCE, along a curve to the left whose radius=5769.58 feet, an arc distance of 10.72 feet and whose chord bears N63°56'15"W, and whose chord distance is 10.72 feet, to a concrete monument found for angle point, same being in the said right-of-way of R. M. Highway No. 2325,

THENCE, N63°23'00"W, 289.44 feet along said right-of-way of R. M. Highway No. 2325 to an iron rod found for the Southwest corner of the herein described tract, same being the Southeast corner of the Hugh H. Harper tract recorded in Volume 158, Page 374, of the Hays County Deed Records,

THENCE, N22°15'31"E, 392.38 feet along the common line of said Harper tract and said Raines and Turner tract to an iron rod found for the Northwest corner of the herein described tract, same being in the most Southerly line of the 5.87 acre Domsch tract recorded in Volume 222, Page 10, of the Hays County Deed Records,

THENCE, S61°18'47"E, 207.60 feet along the common line of said Domsch tract and said Raines and Turner tract to a 4" Pipe Post found for the Northeast corner of the herein described tract, same being the Northwest corner of said Payne tract,

THENCE, S08°53'40"W, 402.47 feet along the common line of said Payne tract and said Raines and Turner tract to the POINT OF BEGINNING, containing 2.25 acres of land.

Note:

1. The initial purchase of the Lions Club was that of a 5.37 acre tract as described on the following metes and bounds;
2. The Lions Club conveyed .03 acre, and .238 acres (a total of .158 acres) out of the 5.37 acre tract to Tony Saucedo as described on the following metes and bounds; and
3. The remainder out of the initial 5.37 acre tract now belonging to the Lions Club is 5.212 acres.

## FIELD NOTES

BEGINNING at an iron stake found on the curving Southwest line of F.M. Hwy. 2325 for the Northerly Northwest corner of the tract herein described, same being the Northeast corner of that tract of 2.0 acres of land conveyed to Tony Saucedo, et ux, by A. J. Farris, et ux., by deed dated February 9, 1971, and recorded in Volume 241, Page 694, Hays County Deed Records;

THENCE, with the curving Southwest line of F. M. Hwy #2325, an arc distance of 637.38 feet, said curve having a radius of 5690.31 feet and a chord which bears S. 60° 17' E. 636.69 feet, to an iron stake set for the Northerly Northeast corner of the tract herein described;

THENCE, leaving F. M. Hwy #2325, the following courses numbered (1) through (3):

- (1) S. 26° 12' W. 83.16 feet,
- (2) S. 65° 45' W. 52.01 feet,
- (3) S. 34° 30' W. 178.46 feet to an iron stake set for a re-entrant corner of the tract herein described;

THENCE, S. 53° 21' E. 244.64 feet to an iron stake set for the Southerly Northeast corner of the tract herein described;

THENCE, S. 45° 47' W. 101.59 feet to an iron stake set in top of a rock fence on the Northeast line of that tract of 3.0v acres of land conveyed to Andrew S. Hall, et. ux., by A. J. Farris, et ux., by deed dated April 15, 1971, and recorded in Volume 242, Page 804, Hays County Deed Records for the southeast corner of the tract herein described;

THENCE, with the Northeast line of the said Andrew S. Hall 3.0 acre tract, N. 53° 21' W. 440.67 feet to an iron stake found for a re-entrant corner of the tract herein described, same being the Northeast corner of the said Andrew S. Hall 3.0 acre tract;

THENCE, with the North line of the said Andrew S. Hall 3.0 acre tract, N. 88° 13' W. 200.00 feet to an iron stake found for the Southwest corner of the tract herein described, same being the Northwest corner of the said Andrew S. Hall 3.0 acre tract;

THENCE, leaving the said Andrew S. Hall 3.0 acre tract, N. 54° 53' W. 142.48 feet to an iron stake found for the Southerly Northwest corner of that tract of 3.76 acres of land conveyed to Hortense M. Strong by A. J. Farris, et. Ux., by deed dated June 24, 1971, and recorded in Volume 244, Page 63, Hays County Deed Records, and the Southwest corner of the said Tony Saucedo 2.0 acre tract;

THENCE, leaving the Hortense M. Strong 3.76 acre tract, with the South line of the said Tony Saucedo 2.0 acre tract N. 89° 07' E. 186.37 feet to an iron stake found for re-entrant corner of the tract herein described, same being the southeast corner of the said Tony Saucedo 2.0 acre tract;

THENCE, with the East line of the said Tony Saucedo 2.0 acre tract, N. 0° 53' W. 420.28 feet to

the PLACE OF BEGINNING, containing 5.37 acres of land.

FIELD NOTE DESCRIPTION  
OF A SURVEY OF  
0.03 ACRES OF LAND  
OUT OF THE  
BENJAMIN PAGE SURVEY  
HAYS COUNTY, TEXAS

BEING A PORTION OF THAT 5.37 ACRE TRACT OF LAND CONVEYED TO WIMBERLEY LIONS CLUB BY J. A. WARHMUND BY DEED DATED JANUARY 21, 1972, AND RECORDED IN VOLUME 247, PAGE 930, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING, at an iron stake found on the arc of a curve to the right on the South line of F. M. Hwy. No. 2325, for the North corner of the tract herein described, same being the East corner of that 0.13 acre tract of land conveyed to Tony Saucedo, Et., Ux., by Wimberley Lions Club, by deed dated August 17, 1981, and recorded in Volume 362, Page 745, Hays County Deed Records, the North line of the said Wimberley Lions Club 5.37 acre tract;

THENCE, with the South line of said F. M. Hwy. No. 2325 and the North line of the said Wimberley Lions Club 5.37 acre tract, 27.02 feet, along the arc of the said curve to the right, having a radius of 5690.31 feet, and a sub-chord which bears S62°40'E, 27.02 feet, to an iron stake with aluminum cap marked "PRO-TECH ENG 2219" set for the East corner of the tract herein described;

THENCE, leaving said F. M. Hwy. No. 2325, S29°38'28"W, 54.00 feet, to an iron stake with aluminum cap marked "PRO-TECH ENG 2219" set for the South corner of the tract herein described;

THENCE, N60°32'32"W, 27.00 feet, to an iron stake with aluminum cap marked "PRO-TECH ENG 2219" set under fence, for the West corner of the tract herein described, same being the Southeast line of the said Saucedo 0.13 acre tract;

THENCE, with fence, and the Southeast line of the said Saucedo 0.13 acre tract, N29°38'28"E, 52.91 feet, to the POINT OF BEGINNING, containing 0.03 acres of land. Surveyed March 7, 1997.

FIELD NOTES  
FOR  
A 0.128 ACRE TRACT

BEING 0.128 ACRES OF LAND OUT OF THAT 5.37 ACRE TRACT OF LAND CONVEYED TO THE WIMBERLEY LIONS CLUB BY J. A. WARHMUND, BY DEED DATED JANUARY 21, 1972, AND RECORDED IN VOLUME 247, PAGE 930 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: At an iron stake found on the arc of a curve to the right in the South line of F. M. Hwy. No. 2325, for the Northwest corner of the tract herein described, said point being S 63° 01' E 40.0 feet from the Northwest corner of the said Wimberley Lions Club 5.37 acre tract, the Northeast corner of that 2 acre tract of land conveyed to Tony Saucedo, et ux, by A. J. Farris by deed dated February 9, 1971, and recorded in Volume 241, Page 694 of the Deed Records of Hays County, Texas;

THENCE: With the South line of said F. M. Hwy No. 2325, 40.0 feet, along the arc of the said curve to the right, having a radius of 5690.31 feet, and a sub-chord which bears S 63° 01' E 40.0 feet, to an iron stake set for the Northeast corner of the tract herein described;

THENCE: Leaving said F. M./ Hwy. No. 2325, S 29° 38' 28" W 183.31 feet to an iron stake set for the South corner of the tract herein described, same being on the East line of the said Saucedo 2 acre tract;

THENCE: N 00° 53' W 66.28 feet and N 26° 44' 44" E 124.51 feet to the POINT OF BEGINNING and containing 0.128 acres of land, more or less.

**3.23 acres**

**R17170**

**Volume 357 Page 545**

## FIELD NOTES

ALL THAT CERTAIN REAL PROPERTY BEING 3.23 ACRES OF LAND OUT OF THE BENJAMIN PAGE SURVEY, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF 3.76 ACRES OF LAND CONVEYED TO EARL BELCHER, JR. AND R. J. KELLY, III, BY HORTENSE M. STRONG BY DEED DATED MARCH 23, 1973, AND RECORDED IN VOLUME 257, PAGE 438, HAYS COUNTY DEED RECORDS, AS DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING, at an iron stake under fence on the South line of F. M. Hwy #2325 for the Northwest corner of the tract herein described, same being the northwest corner of the said Belcher and Kelly 3.76 acre tract and the Northeast corner of that tract of 4.0 acres of land conveyed to Joe C. Callaway, et. Ux., by A. J. Farris, et. Ux., by deed dated April 13, 1971, and recorded in Volume 242, Page 727, Hays County Deed Records, and from which beginning corner an iron stake and rock mound found on the South line of F. M. Hwy. #2325 at the Northwest corner of that tract of 2.00 acres of land conveyed to Joe C. Callaway, et. Ux., By A. J. Farris, et. Ux., by deed dated August 11, 1970, and recorded in Volume 238, Page 402, Hays County Deed Records and the Northeast corner of that tract of 640 acres of land conveyed to John E. Bell by C. W. Burdett, et. Ux., by deed dated September 1, 1945, and recorded in Volume 133, Page 111, Hays County Deed Records bears N. 64° 25' W. 504.88 feet;

THENCE, leaving fence and F. M. Hwy #2325, with the East line of the said Joe C. Callaway 4.0 acre tract and the West line of the said Belcher and Kelly 3.76 acre tract, S. 0° 53' E. 465.13 feet to an iron stake for the Southeast corner of the said Joe C. Callaway 4.0 acre tract, same being a Northeast corner of that tract of 10.20 acres of land conveyed to J. A. Warhmund, Trustee, by Hays County Gravel Company, Incorporated by deed dated January 16, 1973, and recorded in Volume 256, Page 793, Hays County Deed Records and the southwest corner of the tract herein described;

THENCE, leaving the line of the said Joe C. Callaway 4.0 acre tract and the West line of the said Belcher and Kelly 3.76 acre tract, with a Northeast line of the said J. A. Warhmund 10.20 acre tract and a South line of the said Belcher and Kelly 3.76 acre tract, S. 57° 56' E., at 247.22 feet passing the Northwest corner of that tract of 4.58 acres of land conveyed to Jewell F. Clayton, et. Ux., by A. J. Farris, et. Ux., by deed dated July 10, 1972, and recorded in Volume 251, Page 619, Hays County Deed Records, and continuing on in all 398.61 feet to an iron stake on a Northeast line of the said Jewell F. Clayton 4.58 acre tract for the most Southerly Southwest corner of that tract of 2.0 acres of land conveyed to Tony Saucedo, et. ux., by A.J. farris, et. Ux., by deed dated February 9, 1971, and recorded in Volume 241, Page 694, Hays County Deed Records, same being also the most Westerly Northwest corner of that tract of 5.37 acres of land conveyed to The Trustees of the Wimberley Lions Club by J. A. Warhmund by deed dated January 21, 1972, and recorded in Volume 247, Page 930, Hays County Deed Records;

THENCE, leaving the Northeast line of the said Jewell F. Clayton 4.58 acre tract, same being the South line of the said Belcher and Kelly 3.76 acre tract and on the Northwest line of the said

Wimberley Lions Club 5.37 acre tract, with the West line of the said Tony Saucedo 2.0 acre tract and the East line of the said Belcher and Kelly 3.76 acre tract, N. 0° 53' W. 264.26 feet to an iron stake for the most Southerly Northeast corner of the tract herein described;

THENCE leaving the West line of the said Tony Saucedo 2.0 acre tract and the East line of the said Belcher and Kelly 3.76 acre tract, N. 64° 16' W. 100.00 feet to an iron stake for a re-entrant corner of the herein described;

THENCE, N. 0° 53' W. 250.00 feet to an iron stake under fence on the South line of F. M. Hwy. #2325, same being the North line of the said Belcher and Kelly 3.76 acre tract for the Northeast corner of the tract herein described;

THENCE, with fence, the South line of F. M. Hwy #2325 and the North line of the said Belcher and Kelly 3.76 acre tract, N. 64° 16' W. 274.17 feet to the PLACE OF BEGINNING, containing 3.23 acres of land. These field notes were prepared from public records by James R. Hall, Registered Public Surveyor #608, in June, 1973.

**4.297 acres**

**R17514**

**Volume 1053 Page 790**

FIELD NOTES  
FOR  
A 4.297 ACRE TRACT

BEING A 4.297 ACRE TRACT OF LAND OUT OF THE R. S. RANKIN SURVEY NO. 65 AND THE BENJAMIN PAGE SURVEY NO. 64 IN HAYS COUNTY, TEXAS AND BEING OUT OF A TRACT CALLED SECOND TRACT, DESCRIBED IN VOLUME 631, PAGE 602 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, AND ALL BEARINGS REFERRED TO IN THIS DESCRIPTION ARE ROTATED TO AND REFERENCED TO A BEARING OF S 65° 38' e BETWEEN IRON PIPES FOUND ALONG THE NORTHEAST LINE OF THE ABOVE REFERENCED TRACT, AND ALL BEARINGS AND DISTANCES REFERRED TO IN THIS DESCRIPTION AS RECORDS CALLS ARE TAKEN FROM VOLUME 631, PAGE 602 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS, SAID 4.297 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: At an iron pipe found at the Northwest corner of the above referenced tract, for the Northwest corner of this tract, said point also being the Southwest corner of Lot 19, Block 2, Woodcreek, Section Three. A subdivision in Hays County, Texas, of record in Volume 1, Page 157 of the Map and Plat Records of Hays County, Texas;

THENCE: Along the Southerly line of Lot 19 and patly along the Southerly line of Lot 18 of said Woodcreek, Section Three, the Northerly line of the above referenced tract, S 65° 38' E 238.52 feet (record 238.40 feet) an iron pipe found, S 60° 12' E 257.50 feet, an iron pin set and S 56° 00' E 7.55 feet to an iron pin set in existing fence line, for the Northeast corner of this tract, an iron pin found at fence corner bears N 34° 00' 0.50 feet;

THENCE: Along the Westerly line of a tract described in Volume 190, Page 517 of the Deed Records of Hays County, Texas, the Easterly line of this tract, S 34° 00' W 403.47 feet to an iron pin found at fence corner in the Northerly line of F. M. No. 2325 for the Southeast corner of this tract;

THENCE: Along the Northerly line of F. M. No. 2325 and a curve to the left, having a central angle of 04° 19' 57", a radius of 5769.58 feet, an arc length of 436.28 feet, and a chord bearing and distance of N 61° 03' 06" W 436.18 feet to an iron pin set in same at the intersection of said Northerly line with the Westerly line of the above referenced tract, for the Southwest corner of this tract, said point being the Southeast corner of a tract called 0.55 acres described in Volume 472, Page 219 of the Deed Records of Hays County, Texas;

THENCE: Along the Easterly line of said 0.55 acre tract, the Westerly line of the above referenced tract, N 24° 22' E 388.59 feet to the POINT OF BEGINNING and containing 4.297 acres of land, more or less.

**0.534 acres**

**R86971**

**Volume 1325 Page 740**

Note:

1. This tract resulted from conveyances from Tony Saucedo to the Lions Club of .21 acre, .214 acre and .11 acre tracts as described below.

FIELD NOTE DESCRIPTION  
OF A SURVEY OF  
0.21 ACRES OF LAND  
BENJAMIN PAGE SURVEY  
HAYS COUNTY, TEXAS

BEING A PORTION OF THAT 2 ACRE TRACT OF LAND CONVEYED TO TONY SAUCEDA, ET. UX., BY A.J. FARRISET. UX., BY DEED DATED FEBRUARY 9, 1971, AND RECORDED IN VOLUME 241, PAGE 694, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron stake found at a corner fence post for the West corner of the tract herein described, same being the Southwest corner of the said Saucedo 2 acre tract, the Southeast corner of that 3.76 acre tract of land conveyed to Hortence M. Strong, By A. J. Farris, et. Ux., by deed dated June 24, 1971, and recorded in Volume 244, Page 63, Hays County Deed Records, the most Westerly corner of that 5.37 acre tract of land conveyed to the Wimberley Lions Club by J. A. Warhmund by deed dated January 21, 1972, and recorded in Volume 247, Page 930, Hays County Deed Records, and being on the Northeast line of that 4.58 acre tract of land conveyed to Jewell F. Clayton et. Ux., by A. J. Farris et. Ux., by deed dated July 10, 1972, and recorded in Volume 251, Page 619, Hays County Deed Records;

THENCE, leaving fence and the said Strong 3.76 acre tract, the said Clayton 4.58 acre tract, and the said Wimberley Lions Club 5.37 acre tract, N. 60° 54' . 211.50 feet, to an iron stake set under fence, for the North corner of the tract herein described, same being on the east line of the said Wimberley Lions Club 5.37 acre tract;

THENCE, with the fence and the East line of the said Wimberley Lions Club 5.37 acre tract, S 00° 53' E, 100.00 feet, to an iron stake found for the Southeast corner of the tract herein described, same being the Southeast corner of the aforementioned Saucedo 2 acre tract, and a re-entrant corner of the said Wimberley Lions Club 5.37 acre tract;

THENCE, with fence, and a North line of the said Wimberley Lions Club 5.37 acre tract, S 89° 07' W, 186.37 feet, to the POINT OF BEGINNING containing 0.21 acres of land. Surveyed October, 1978.

FIELD NOTES  
FOR  
A 0.214 ACRE TRACT

BEING 0.214 ACRES OUT OF THAT 2 ACRE TRACT OF LAND CONVEYED TO TONY SAUCEDA, ET. UX., BY A. J. FARRIS, ET. UX., BY DEED DATED FEBRUARY 9, 1971, AND RECORDED IN VOLUME 241, PAGE 694, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: At an iron stake found at a corner fence post for the Southwest corner of the tract herein described, same being the Southwest corner of the said Saucedo 2 acre tract, the Southeast corner of that 3.76 acre tract of land conveyed to Hortence M. Strong, by A. J. Farris, et. Ux., by deed dated June 24, 1971, and recorded in Volume 244, Page 63, of the Deed records of Hays County, Texas, the most Westerly corner of that 5.37 acre tract of land conveyed to the Wimberley Lions Club by J. A. Wahrmond by deed dated January 21, 1972, and recorded in Volume 247, Page 930, of the Deed Records of Hays County, Texas, and being on the Northeast line of that 4.58 acre tract of land conveyed to Jewell F. Clayton et ux, by deed dated July 10, 1972, and recorded in Volume 251, Page 619 of the Deed Records of Hays County, Texas;

THENCE: N 00° 53' W 100.00 feet along the West line of said 2.0 acre tract to an iron pin set in same for the Northwest corner of this tract;

THENCE:

N 89° 07' E 186.37 feet to an iron pin found in East line of said 2.0 acre tract for the East corner of this tract;

THENCE: S 60° 54' 00" W 211.50 feet to the POINT OF BEGINNING and containing 0.214 acres of land, more or less.

FIELD NOTE DESCRIPTION  
OF A SURVEY OF  
0.11 ACRES OF LAND  
OUT OF THE  
BENJAMIN PAGE SURVEY  
HAYS COUNTY, TEXAS

BEING A PORTION OF THAT 2 ACRE TRACT OF LAND CONVEYED TO TONY SAUCEDA, ET. UX., BY DEED DATED FEBRUARY 9, 1971, AND RECORDED IN VOLUME 241, PAGE 694, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron stake found at a corner fence post for the Southwest corner of the tract herein described, same being the Northwest corner of that 0.21 acre tract of land conveyed to Wimberley Lions Club, by Tony Saucedo, Et. Ux., by deed dated May 14, 1981, and recorded in Volume 358, Page 20, Hays County Deed Records, same being on the East line of that 3.76 acre tract of land conveyed to Hortense Strong, by A. J. Farris, Et. Ux , by deed dated June 24, 1971, and recorded in Volume 244, Page 63, Hays County Deed Records, and being on the West line of the said Saucedo 2 acre tract;

THENCE, leaving the said Wimberley Lions Club 0.21 acre tract, with fence, and the East line of the said Strong 3.76 acre tract, and the West line of the said Saucedo 2 acre tract, N 00° 53' 00" W, 115.00 feet, to an iron stake with aluminum cap marked "PRO-TECH ENG 2219" set for the North corner of the tract herein described;

THENCE, leaving fence and the said Strong 3.76 acre tract, S 36° 02' 32" E, 140.66 feet, to an iron stake with aluminum cap marked "PRO-TECH ENG 2219" set under fence, for the Southeast corner of the tract herein described, same being on the North line of the aforementioned Wimberley Lions Club 0.21 acre tract;

THENCE, with fence, and the North line of aforementioned Wimberley Lions Club 0.21 acre of land. Surveyed March 7, 1997.

## **Exhibit C**

Marty & Kimberlen Walker  
P. O. Box 1824  
Wimberley, Texas

Marjory B. Fogelman  
4 El Rey  
Wimberley, Texas 78676

Kathleen Brune & Ronald Tilton  
600 F.M. 2325  
Wimberley, Texas 78676

Jon S. Clayton  
330 Green Acres Drive  
Wimberley, Texas 78676

James L. & Ellen L. Sheffield  
Rev. Living Trust  
712 F.M. 2325  
Wimberley, Texas 78676

Woodcreek Property Owners Assn.  
P. O. Box 1026  
Wimberley, Texas 78676

Joseph A. Page  
3907 Woodhaven Lane  
Bowie, MD 20715-1276

William J. Fogelman, Jr. &  
Claudia A. Walker  
3723 S.E. 10<sup>th</sup> Ave.  
Portland, Texas 97202

Terry & Elizabeth Sumter  
610 F.M. 2325  
Wimberley, Texas 78676

Texan Car Wash  
703 F.M. 2325  
Wimberley, Texas 78676

Bernice Domsch  
700 F.M. 2325  
Wimberley, Texas 78676

John C. & Frances A. Wolf  
800 F.M. 2325  
Wimberley, Texas 78676

Roger L. & Karen Sosby  
25 Palos Verdes  
Wimberley, Texas 78676

Phyllis J. & A.L. Bynum  
23 Palos Verdes  
Wimberley, Texas 78676

Epifania Gonzalez  
616 F.M. 2325  
Wimberley, Texas 78676

Tony & Helen Saucedo  
701 F.M. 2325  
Wimberley, Texas 78676

James L. & Patsy D. Ferenz  
24 Palos Verdes  
Wimberley, Texas 78676

Raymond V. & Maria J. Mireles  
11403 Pine Mesa Drive  
San Antonio, Texas 78245-2501

Jane Little Botkin  
3 El Rey  
Wimberley, Texas 78676

Madaline C. Dickey  
21 Palos Verdes  
Wimberley, Texas 78676

Danny & Jeanette Bello  
1510 Hill Road  
Houston, Texas 77039

RDMS Family Partners, LTD.  
P.O. Box 2236  
Dublin, CA 94568-0223

Craig M. & Candace L. Fore  
311 La Buena Vista  
Wimberley, Texas 78676

Bradley C. Sikes  
F.M. 2325  
Wimberley, Texas 78676

Rose Mary Tanner  
5 El Rey  
Wimberley, Texas 78676

Mary Maxine Kuricar  
6 El Sol  
Wimberley, Texas 78676

Wimberley Rural Fire Prevention  
Green Acres Drive  
Wimberley, Texas 78676

Katherine Anne Porter School  
515 F.M. 2325  
Wimberley, Texas 78676

William J. & Janet M. Malcom  
301 La Buena Vista  
Wimberley, Texas 78676

Roger Glenn Bullock  
F.M. 2325  
Wimberley, Texas 78676

Ricky & Delores Wright  
601 Burnett Ranch Road  
Wimberley, Texas 78676

James Sheffield  
P. O. Box 736  
Wimberley, Texas 78676

Ian & Jennifer Shott  
12 Stone Creek Circle  
Wimberley, Texas 78676

Dale Smythe  
412 Forehand Court  
Bel-Air MD. 21015-4821

Joy Spini  
401 York Creek Road.  
Driftwood, Texas 78619

David & Iris Smith  
346 Lea Lane  
Wimberley, Texas 78676

Tom & Terry Sones  
211 Little Ranches Road  
Wimberley, Texas 78676

Todd & Carrie Spencer  
#4 Rolling Hills Rd.  
Wimberley, Texas 78676

Jimmy Spivey  
P. O. Box 1174  
Kyle, Texas 78640

Kimberly Stump  
301 Stonegate Lane  
Dripping Springs, Texas 78620

Ken & Yvette Strange  
9 Arrow Point Circle  
Wimberley, Texas 78676

Larry & Carol Thomas  
P. O. Box 2475  
Wimberley, Texas 78676

Thomas Tise c/o Paula Tise  
491 Cindi Circle  
Wimberley, Texas 78676

Pauline Tom  
332 Live Oak Drive  
Mountain City, Texas 78610

John Twomey  
4701 Monterey Oaks Blvd. #919  
Austin, Texas 78749

Mary Lou Jones  
6206 Charlottesville  
San Antonio, Texas 78233

Frances Voight  
8220 Hwy. 71 W. #305  
Austin, Texas 78735

Alan Vosper  
1965 Hilltop  
Wimberley, Texas 78676

Rusty Wallace  
251 Wimberley Oaks Drive  
Wimberley, Texas 78676

Frank Watts  
301 Lange Rd.  
Wimberley, Texas 78676

Laura Williams  
5001 Convict Hill Rd. #1104  
Austin, Texas 78749

Margie & Paxton Williams  
400 Ledgerock Rd.  
Wimberley, Texas 78676

Jesse Williams  
310 F. M. 2325  
Wimberley, Texas 78676

David Wilson  
235 Blanco Drive  
Wimberley, Texas 78676

Wimberley EMS  
P. O. Box 33  
Wimberley, Texas 78676

Wimberley Players Inc.  
7 Champions Court  
Wimberley, Texas 78676

Dale & Janee Wood  
P. O. Box 936  
Wimberley, Texas 78676

## APPLICATION FOR VARIANCE

This Application for Variance is submitted to the City of Wimberley by Wimberley Lions International, Inc. d/b/a Wimberley Lions Club and its Market Days activities for the following reasons:

1. Wimberley Lions Club operates Market Days on the first Saturday of each month from March through December on approximately 18.773 acres of property in Wimberley commonly known as Lions Field (see property descriptions on “Exhibit A” attached);
2. Market Days is operated for the purpose of generating profits used by Wimberley Lions to make donations to many worthy causes including: Lions Camp for disabled children in Kerrville, Texas, Lions Eyebank of Texas, Lions Mobile Health Unit, optometrist exams and corrective eye-wear for needy children, Habitat for Humanity, scholarships for Wimberley’s children to college and trade-school; student-exchange programs, senior-citizens programs, construction of the Wimberley Community Center, Wimberley parks, special programs in Wimberley schools, recognition of outstanding teachers and students, Wimberley Emergency Services, Wimberley Volunteer Fire Department, Emily Ann Theatre, Wimberley Players Theater, Wimberley Food Bank, Wimberley Choral Group, Wimberley Symphony Orchestra, Hays County Women’s Center, Wimberley Visitor’s Center, CASA, PAWS, etc. Wimberley Lions Club has donated more than 3 million dollars generated from Market Days operations to these causes.
3. For the purposes of its Market Days operation, Wimberley Lions Club requested, and received a *Conditional Use Permit* from the City of Wimberley for the sale and consumption of beer and wine on a 3.25 acre tract (see property description on “Exhibit B” attached,) on Lions Field known as “Hamburger Hill.” Wimberley Lions Club was granted license BG 754459 on August 6, 2010 from Texas Alcoholic Beverage Commission that permits it to sell, at all lawful times, beer and wine for on and off premises consumption at any location on all of Lions Field property.
4. Wimberley Lions Club hereby requests that its *Conditional Use Permit* be expanded to include the sale and consumption of beer and wine on all of Lions Field from 3:00 pm until 12:00 am on the first Friday of each month and from 10:00 am through 12:00 am on the first Saturday of each month.
5. Lions Field is located within 1000 feet of property owned or occupied by Wimberley Presbyterian Church, Trinity Chapel, Trinity Chapel, Inc., and Chapel in the Hills.
6. The issuance of a *Conditional Use Permit* to Wimberley Lions Club will necessitate the granting of a variance from certain ordinances or rules regarding

distance requirements between the Wimberley churches listed above and Lions Field.

7. Wimberley Lions Club requests that the City of Wimberley grant it a variance from the distance requirements in question.

WHEREFORE, PREMISES CONSIDERED, Wimberley Lions Club requests that this *Application for Variance* be granted and for such other relief to which it shall show itself entitled for the granting of a *Conditional Use Permit*.

Respectfully submitted,

MOUNGER AND CAMPBELL, L.L.P.

  
\_\_\_\_\_  
Don H. Campbell  
State Bar License #: 03098520  
173 F.M. 3237  
Building B  
Wimberley, Texas 78676  
(512) 847-1308  
(512) 847-3590 – Fax  
ATTORNEY FOR APPLICANT

## Exhibit A

## Exhibit A

<u>Tract of Land</u>	<u>Vol/Page</u>	<u>County Appraisal District Number</u>
3.25 acres	1294/880	R17155
2.25 acres	Doc. # 9909801	R17184
5.212 acres	1247/931	R17195
3.23 acres	357/545	R17170
4.297 acres	1053/790	R17514
0.534 acres	1325/740	R86971

## **Exhibit B**

3.25 acre

R17155

Volume 1294 Page 880

FIELD NOTE DESCRIPTION  
OF  
A SURVEY OF  
3.25 ACRES OF LAND  
OUT OF THE  
BENJAMIN PAGE SURVEY  
HAYS COUNTY, TEXAS

BEING A PORTION OF THAT 4.00 ACRES OF LAND CONVEYED TO JOE CALLAWAY BY A. J. FARRIS BY DEED DATED APRIL 13, 1971, AND RECORDED IN VOLUME 242, PAGE 727, HAYS COUNTY DEED RECORDS, AND A PORTION OF THAT 2.00 ACRES OF LAND CONVEYED TO JOE CALLAWAY BY A. J. FARRIS BY DEED DATED AUGUST 11, 1970, AND RECORDED IN VOLUME 238, PAGE 402, HAYS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron stake set with aluminum cap in a wire fence for the Northwest corner of the tract herein described, same being the South line of F. M. No. 2325, and the North line of the said 2.00 acre Callaway tract;

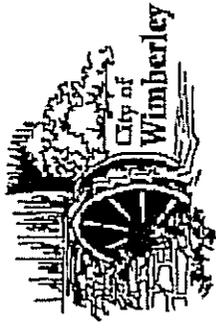
THENCE, with the said wire fence, the North line of the said 2.00 acre Callaway tract and the South line of the said F. M. No. 2325, S 64 16' E, at about 151.13 feet passing an iron stake found, same being the Northeast corner of the said 4.00 acre Callaway tract, and continuing on, in all, a distance of 343.31 feet to an iron stake found at a fence corner post for the Northeast corner of the tract herein described, same being the Northeast corner of the said 4.00 acre Callaway tract, the Northwest corner of a tract of land conveyed to Hortense M. Strong by deed dated June 24, 1971, and recorded in Volume 244, Page 63, Hays County Deed Records;

THENCE, leaving the said F. M. No. 2325, with a wire fence, the East line of the said 4.00 acre Callaway tract and the West line of the said Strong tract, S 00 53' E, 464.93 feet to a fence corner post for the Southeast corner of the tract herein described, same being the Southeast corner of the said 4.00 acre Callaway tract, the Southwest corner of the said Strong tract, and on the North line of a tract of land conveyed to A. J. Farris by deed dated July 17, 1952, and recorded in Volume 153, Page 570, Hays County Deed Records;

THENCE, leaving the said Strong tract, with the South line of the said 4.00 acre Callaway tract and the Northline of the said Farris tract, S 89 08' W at about 171.54 feet passing an iron stake found and continuing on, in all, 226.54 feet to an iron stake set with an aluminum cap for the Southwest corner of the tract herein described;

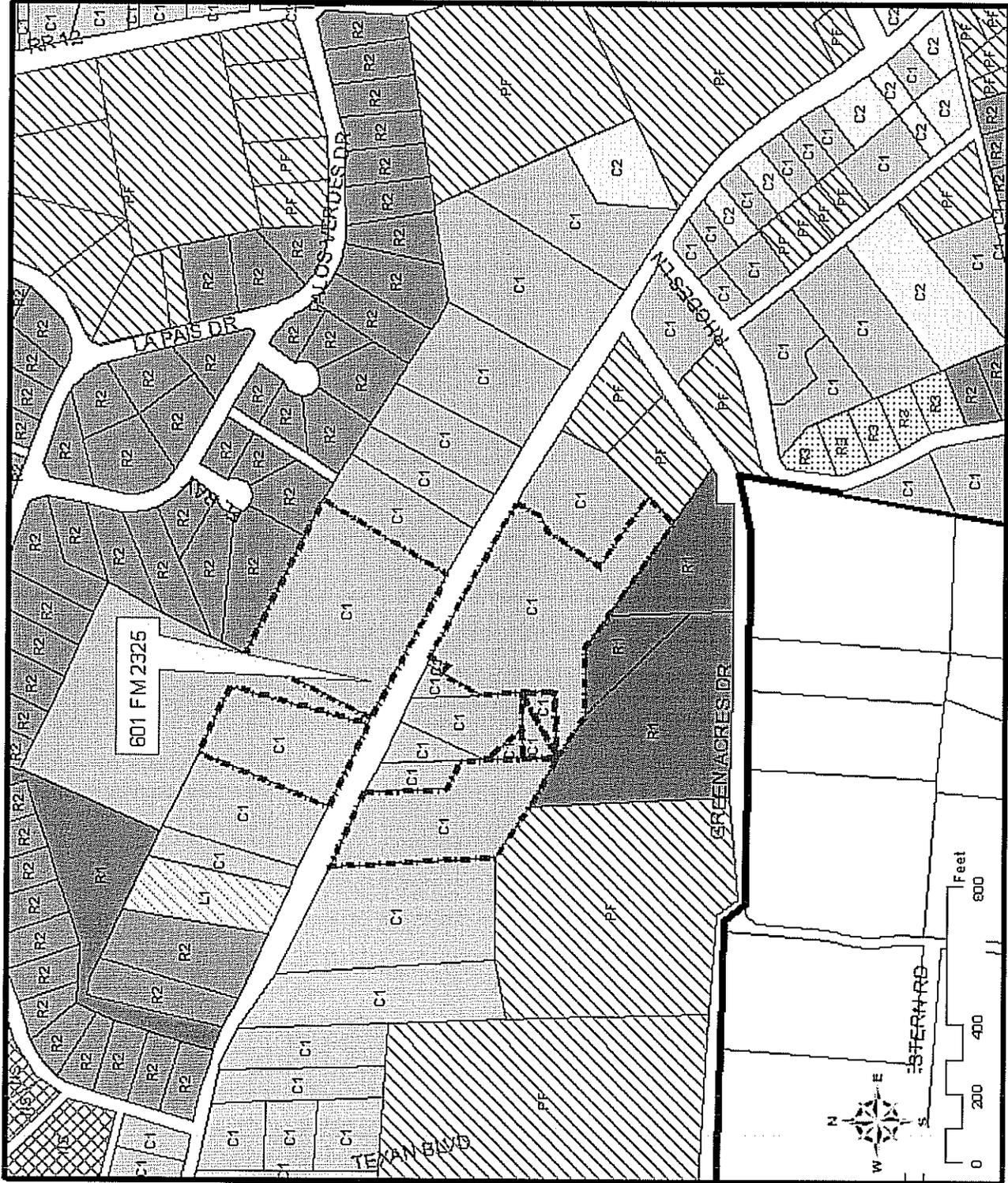
THENCE, leaving the said Farris tract, N 08 17' W, at about 313.01 feet passing the South line of the aforementioned 2.00 acre Callaway tract and continuing on, in all, 623.90 feet to the POINT OF BEGINNING containing 3.25 acres of land. Surveyed December 8, 1983.

# Zoning Map for Case CUP-10-014

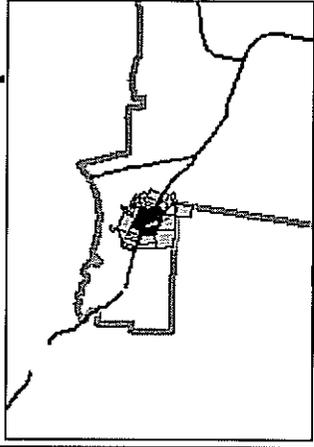


P.O. Box 2027 • Wimberley, Texas 78676

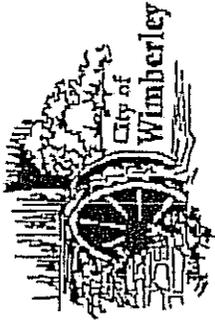
- Subject Tracts
- R1 (Rural Residential 1)
- R2 (Single Family Residential 2)
- R3 (Single Family Residential 3)
- NS (Neighborhood Services)
- C1 (Commercial - Low Impact)
- C2 (Commercial - Moderate Impact)
- L1 (Lodging 1)
- PF (Public Facilities)
- City Limit



## Location Map

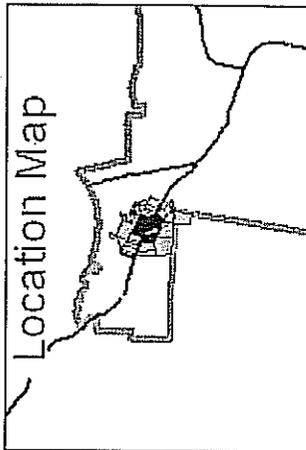


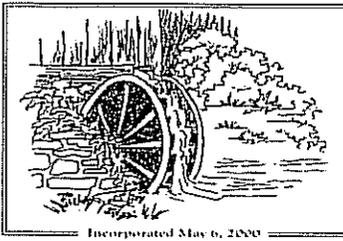
# Notification Map for Case CUP-10-014



P.O. Box 2027 • Wimberley, Texas 78676

- 1. 601 FM 2325
- 2. 602 FM 2325
- 3. 603 FM 2325
- 4. 604 FM 2325
- 5. 605 FM 2325
- 6. 606 FM 2325
- 7. 607 FM 2325
- 8. 608 FM 2325
- 9. 609 FM 2325
- 10. 610 FM 2325
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- 29. 629 FM 2325
- 30. 630 FM 2325
- 31. 631 FM 2325
- 32. 632 FM 2325
- 33. 633 FM 2325
- 34. 634 FM 2325
- 35. 635 FM 2325
- 36. 636 FM 2325
- 37. 637 FM 2325
- 38. 638 FM 2325
- 39. 639 FM 2325
- 40. 640 FM 2325





# City of Wimberley

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

---

September 24, 2010

## NOTICE OF PUBLIC HEARING

**Re: File No. CUP-10-014**  
601 FM 2325

A request for a Conditional Use Permit (CUP) to allow the sale of beer, wine or alcohol for on-premise consumption.

**File No. AV-10-005**  
601 FM 2325

A request for a waiver to allow the sale of alcohol 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.

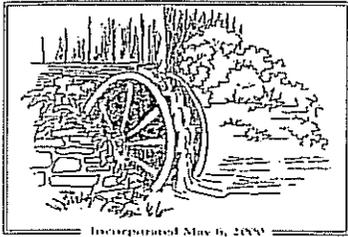
The applicant, Wimberley Lion's Club, has requested a Conditional Use Permit (CUP) to allow the sale of beer, wine or alcohol for on-premise consumption on a property more commonly known as the Market Days Grounds located at 601 FM 2325. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, October 14, 2010, at 6:30 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a Public Hearing to consider the same request on **Thursday, October 21, 2010, at 6:00 p.m.**

Associated with the above mentioned application, the applicant is seeking a waiver from the City requirement prohibiting the sale of beer, wine or 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, October 21, 2010, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater.

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 hearing. If you wish to comment but are unable to attend, written comments may be submitted to the City Administrator prior to the meeting.

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

CITY OF WIMBERLEY



# City of Wimberley

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

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

E-mail: [Wimberley@anvil.com](mailto:Wimberley@anvil.com) - Web: [www.vil.wimberley.tx.us](http://www.vil.wimberley.tx.us)

## NOTICE BY SIGN POSTING

Zoning No: AV-10-005  
COP-10-014 Owner Lions Club

Date 9/27/10

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

( ) Project Site Address 601 RM-2325

which is located RM-2325

Bill Bowers  
Asst. Public Works

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

9/27/10, 2010

  
Signature

**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, **October 14, 2010, at 6:30 p.m.** to consider the following: CUP-10-014 - an application for a Conditional Use Permit (CUP) to allow the sale of beer, wine or alcohol for on-premise consumption on a property more commonly known as the Market Days Grounds located at 601 FM 2325. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, **October 21, 2010, at 6:00 p.m.** at City Hall. Comments on this request from any member of the public may be presented in person at City Hall or by mail (PO Box 2027) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas 78676.

(12550/1a/78)

**PUBLIC NOTICE**

By order of the Hays County Commissioners' Court, notice is hereby given that on Tuesday, October 12, 2010 at 9 a.m. in the Hays County Courthouse, 111 San Antonio Street, the Hays County Commissioners' Court

Conservation District meets at 6:00 p.m. on Thursday, October 21 at the Wimberley Community Center, 14068 Ranch Road 12. The Board of Directors will have a Hearing to vote on the 2011 Budget and the new Management Plan. For more information, visit [www.haysgroundwater.com](http://www.haysgroundwater.com) or call (512) 858-9253.

(12536/1a/78)

**PUBLIC NOTICE**

The Final Plat and Construction Plans for Bush Ranch phase 2 Section 1 have been submitted to Hays County for consideration of approval. Public hearings will be held at the Hays County Commissioners' Court on October 5, 2010 for the approval of the Final Plat. Commissioners Court meetings are held each Tuesday at the County Courthouse, located at 111 East San Antonio St, Suite 300, San Marcos, TX, beginning at 9am. Information regarding the application may be obtained from Hays County Subdivision Planning at 512-393-2160, project 10-17-4. (12537/1/79)

**PUBLIC NOTICE**

**APPLICATION HAS BEEN MADE WITH THE TEXAS ALCOHOLIC BEVERAGE COMMISSION FOR A WINE AND BEER RETAILERS PERMIT AND A BREWPUB LICENSE BY MC3 BREWING LLC DBA THE BARBER SHOP, TO BE LOCATED**

at your community. Is required to either adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). For a detailed listing of the proposed BFEs and information on the statutory period provided for appeals, please visit FEMA's website at [http://www.floodmaps.fema.gov/fhm/Scripts/bfe\\_main.asp](http://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp), or call the FEMA Map Information eXchange toll free at 1-877-FEMA-MAP (12531/2/80)

**★ APARTMENTS, DUPLEXES & TOWNHOMES RENTALS**

**WOODCREEK 2B/2B**  
Clean, maintained, washer/dryer, water & septic paid. Renovated, AVA Now, \$700/mo. \$500/deposit  
**512-858-9999**  
(01879/3cc/80+)

**DRIPPING SPRINGS 2 Story Duplex, 3/2/2, \$900, 1550 sf, 1 yr. old, off RR 12 near downtown. 894-0619 CSA properties (12409/4cc/80)**

**FOR RENT 2 bed/1.5 bath duplex Dripping Springs, Dripping Springs ISD. michelle@garnettspropane.com or Garnett Properties @ 512-844-4556 (12450/a/78)**

**GARAGE APARTMENT**  
for rent, \$450, utilities included, at personal homestead, locked gates, 847-1960

opportunities available. ★  
Make up to \$4000 a month part-time.  
**512-803-4158**  
(12526/2cc/80+)

**★ COMMERCIAL FOR LEASE**

**PROFESSIONAL OFFICES**  
Fall Incentives, Info & Map  
[westhillcenter.com](http://westhillcenter.com)  
31900 RR 12  
Dripping Springs  
512-934-1598  
(12547/3cc/83)

**WAREHOUSE / CONTRACTORS / SHOP / LIGHT MANUFACTURING**  
1000 - 1500 sf  
Insulated w/half bath.  
Great cross ventilation.  
15 amp service.  
801 Carney Ln., 1 mile past High School, from \$450/mo  
**512-914-1510** (12199/a/81)

\*\*\*\*\*  
**ONE - 2000 SQ. FT.**  
Office / Warehouse  
\$850 per month  
**TWO - 1000 SQ. FT.**  
Office / Warehouse  
\$550/mo each.  
**THREE - 800 SQ. FT.**  
Office / Retail  
\$775 per month/each  
Plaza Del Sol Wimberley.  
Call Clay at 512-796-3956  
\*\*\*\*\*  
(39750/12cc/98+)

**WAREHOUSE**  
in San Antonio, dock high, on Loop 106, just off Hwy. 87. (Southeast San Antonio)  
**(210)493-8055**  
(12251/snc)

**★ HELP**

Dripping Sprgs.  
Fax (512)894-7113  
or email: resume to [kristi@garnettspropane.com](mailto:kristi@garnettspropane.com)  
(12459/a/trn)

**LANDSCAPER NEEDED**  
Part-time in Wimberley.  
\$10/hr.start, Call **512-971-8528**  
(12521/1cc/78)

**CAREGIVER**  
for elderly lady with dementia. Prefer non-smoking. Help with meals, toileting, wheelchair, personal care and companionship. Must be able to properly lift and transfer patient in home, automobile, etc. CNA or home health experience required. Will consider full time, live-in, or 12 hr. shift 2 or 3 days per week, choices available. Dependable transportation. Wimberley  
**(512) 694-8554**  
(12499/1cc/78)

**MYSTERY SHOPPERS NEEDED**  
In Buda and surrounding areas. We pay a labor fee and also reimburse for the meal. Apply on-line: [www.consumerimpressions.com](http://www.consumerimpressions.com)  
Consumer Impressions, Inc.  
PO Box 866996, Plano, Texas  
75086-6996  
**\*\* No fee to apply\*\***  
e-mail: [dkirby@consumerimpressions.com](mailto:dkirby@consumerimpressions.com) (12487/a/78)

**DRIPPING SPRINGS Propane Service tech, RRC and Hazmat a plus. Fax resume @ 894-7113 or email to [kristi@garnettspropane.com](mailto:kristi@garnettspropane.com) Office @ 894-4480 (12518/1,tn,a/78)**

for rent in Woodcreek Nc 171 Shady Bl \$905/mo, per negotiable. Please call **512-847-5002** or **512-470-6666** for more information (12340/2p/80-

**3B, 2 BATH, HC Beautiful location stove-ref-dishwasher central A/H - garage pickup-lawns/mo \$935, 512-738-9847-2395, Virgil (12319/2p/80-**

**WIMBERLEY BELOW MARKET OWNER FINANCING 3 bdr/2ba, CH garage, fence, great neighborhood \$138,500 Only \$7000 down yours, \$990/mo, 210-748-6644 (12519/4cc/81)**

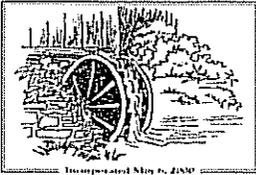
**VERY NICE 3bdr/2ba, ill vaulted ceiling living room 2 car garage North Woodcreek good credit o \$1000/mo, 1 yr. 512-847-3133 (12516/1p/78)**

**NEWER 3BR/2FP stove, refrig DW, water soft covered deck privacy fenced yard, in Woodcreek Wimberley, \$119 512-847-9422 512-657-48 (12502/1/78)**

**OVERLOOKING CREEK 3/2 carport available Pet 2. be approved w/ deposit, report req \$1100 mo/\$1 deposit. Call W 512-395-70 (12400/2cc/81)**

**SPACIOUS 3 w/fireplace & p fenced back y \$1950/mo + \$**

# P & Z Agenda Form



Date Submitted: October 11, 2010

Agenda Date Requested: October 14, 2010

**Project/Proposal Title:** DISCUSSION AND ACTION  
ON THE POSSIBLE DEVELOPMENT OF ZONING  
REGULATIONS FOR BED AND BREAKFASTS AND  
VACATION RENTALS

**Funds Required:**  
**Funds Available:**

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

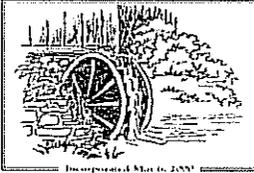
**Project/Proposal Summary:**

This item was placed on the agenda to allow for discussion and action relating to possible development of zoning regulations for bed and breakfast operations and vacation rentals.

To help facilitate the discussion, City staff has prepared a matrix detailing possible requirements for bed and breakfast operations and vacation rental properties, along with small inns. Under this proposal, bed and breakfasts and vacation rentals would be licensed operations requiring a conditional use permit. A new zoning district would be created for inns. This is not a formal proposal, but a "rendering" designed to help trigger discussion.

	<i>Bed and Breakfast (CUP)</i>	<i>Vacation Rental (CUP)</i>	<i>Village Inn (VI Zoning District)</i>
Planning Area Allowed	All Planning Areas	Planning Areas III - VII	Planning Areas III – VII
Zoning District Allowed	RA, R-1, R-2, R-3, O-1,O-2,C-1,C-2, C-3, NS, SC	RA, R-1, O-1,O-2, C-1,C-2, C-3, SC	Not Applicable
CUP Required	Yes	Yes	No
Annual Permit	Yes (Non-transferrable)	Yes (Non-transferrable)	No
Annual Inspection	Yes	Yes	Yes
Duration of Operation Requirement	The active operation of the bed and breakfast shall not have lapsed for more than nine (9) months	The active operation of the vacation rental shall not have lapsed for more than nine (9) months	Not Applicable
Owner Occupation Requirement	Yes and use must be maintained within an owner occupied single family dwelling	No	No
Maximum Occupancy	Seven (7) guests	Twelve (12)	Twenty (20)
Maximum Length of Stay	Seven (7) days	Fifteen (15) days	Not Applicable
Room Requirements	Not more than three (3) sleeping rooms maybe used for rental purposes	Not more than one (1) sleeping room for 750 square feet of floor area, with a maximum of five (5) sleeping rooms	Not more than one (1) sleeping room for 500 square feet of floor area, with a maximum of ten (10) sleeping rooms;
Construction Requirements	Rooms utilized for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes; No alteration to the exterior of the residential dwelling, accessory building, or yard that alters the residential character of the premises is permissible; OSSF shall have adequate capacity	Rooms utilized for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes. No alteration to the exterior of the residential dwelling, accessory building, or yard that alters the residential character of the premises is permissible; OSSF shall have adequate capacity	New construction of rooms to be utilized for sleeping is allowed in accordance with applicable codes and ordinances; Property must be at least one half acre in size; Maximum building footprint of 2,000 square feet;
Parking	All parking shall be off-street; two (2) parking spaces are required plus one additional space per room rented; yard parking not permitted	All parking shall be off-street; two (2) parking spaces are required plus one additional space per room rented; yard parking not permitted	All parking shall be off-street; one (1) parking space per room rented shall be provided; yard parking not permitted
Lighting	Lighting Code Compliant	Lighting Code Compliant	Lighting Code Compliant
Food Service	At least one (1) meal shall be served daily to residents and overnight guests	Optional; Such service shall involve pre-packaged food or come from a licensed kitchen	Optional; Such service shall involve pre-packaged food or come from a licensed kitchen
Fire Safety	One (1) smoke alarm in each guest bedroom along with a fire extinguisher visible and accessible to guests	One (1) smoke alarm in each guest bedroom along with a fire extinguisher visible and accessible to guests; a fire escape plan shall be developed and graphically displayed in each guest room; second exit shall be provided	One (1) smoke alarm in each guest bedroom along with a fire extinguisher visible and accessible to guests; a fire escape plan shall be developed and graphically displayed in each guest room; second exit shall be provided
Signage Allowed	Signage shall be limited to one (1) non-illuminated sign not to exceed four (4) square feet in area and shall be of traditional hill country design	None	Signage shall be limited to one (1) non-illuminated sign not to exceed sixteen (16) square feet in area and shall be of traditional hill country design
Water Access	Only renters may access the water from the subject property and such access shall be from a point at least fifty (50) feet from any adjacent property line and occur during daylight hours only	Only renters may access the water from the subject property and such access shall be from a point at least fifty (50) feet from any adjacent property lines and occur during daylight hours only	Only renters may access the water from the subject property and such access shall be from a point at least fifty (50) feet from any adjacent property lines and occur during daylight hours only
Prohibited Gathering	Residence shall not be used by the public or paying guests for the hosting of receptions, private parties or the like	Residence shall not be used by the public or paying guests for the hosting of receptions, private parties or the like	Not Applicable
HOT Tax Permit Required	Yes	No	Yes
Required Guest Documentation	A list shall be maintained and available upon request of all guests and their place of residence	A list shall be maintained and available upon request of all guests and their place of residence	A list shall be maintained and available upon request of all guests and their place of residence
Location Requirement	Not Applicable	No permitted vacation rental home shall be located closer than one thousand (1,000) feet to an existing permitted vacation rental	Not Applicable

# P & Z Agenda Form



**Date Submitted:** October 11, 2010

**Agenda Date Requested:** October 14, 2010

**Project/Proposal Title:** STAFF & COMMISSION  
REPORTS

**Funds Required:**  
**Funds Available:**

**Commission Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

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