

City of Wimberley

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

REGULAR PLANNING & ZONING MEETING
WIMBERLEY CITY HALL-CITY COUNCIL CHAMBERS
12111 RANCH ROAD 12, WIMBERLEY, TEXAS
JANUARY 28, 2010- 6:30 P.M.

AGENDA

CALL TO ORDER: JANUARY 28, 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 JANUARY 14, 2010.

2. **PUBLIC HEARING AND POSSIBLE ACTION**

- (A) HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION TO CITY COUNCIL REGARDING CASE # CUP-10-001, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A SECONDARY RESIDENTIAL STRUCTURE ON A RESIDENTIAL TRACT OF LAND AT 1415 EAST SPOKE HILL DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS. (*HERSCHEL MCCULLOUGH, APPLICANT*)
- (B) HOLD A PUBLIC HEARING AND MAKE A RECOMMENDATION TO CITY COUNCIL REGARDING CASE # CUP-10-002, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A BAR OR TAVERN AND A SIT-DOWN EATING ESTABLISHMENT INCLUDING THE SALE OF BEER, WINE AND ALCOHOL FOR ON-PREMISE CONSUMPTION ON A COMMERCIAL TRACT OF LAND AT 320 WIMBERLEY SQUARE, WIMBERLEY, HAYS COUNTY, TEXAS. (*CHARLES USELTON, APPLICANT*)

3. **DISCUSSION AND ACTION**

DISCUSS AND CONSIDER ACTION ON ISSUES RELATING TO THE MODIFICATION OF CERTAIN SETBACK AND DEVELOPMENT REQUIREMENTS, PLANNING AREA MAPS AND OTHER PROVISIONS OF THE CITY'S ZONING CODE AS THEY RELATE TO THE AREA OF THE WIMBERLEY SQUARE. (*COMMISSIONER JEAN ROSS*)

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

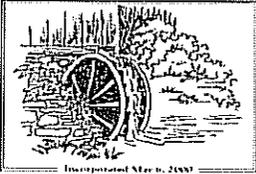
I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Wimberley City Hall on January 25, 2010 at 5:00 p.m.



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.

P & Z Agenda Form



Date Submitted: January 25, 2010

Agenda Date Requested: January 28, 2010

Project/Proposal Title: APPROVAL OF MINUTES
OF THE REGULAR PLANNING & ZONING
COMMISSION MEETING ON JANUARY 14, 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 January 14, 2010 for review and consideration.

City of Wimberley
City Hall, 12111 Ranch Road 12, Suite 114
Wimberley, Texas 78676
Planning & Zoning Commission
Minutes of Regular Meeting
January 14, 2010 at 6:30 p.m.

Meeting called to order by Chair Tracey Dean at 6:30 p.m. Present were Commissioners Jean Ross, Lila McCall, Paul Xiques, and David Glenn. Commissioner Mike Jones had an excused absence. Commissioner Alice Wightman resigned from the Commission after its last meeting and a replacement has not been named.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and City Planning Technician Abby Gillfillan.

Citizen Communications:

Bill Johnson expressed concerns relating to noise associated with the Blue Hole wastewater treatment facility. He stated that the noise is louder than reported in the past. Due to recent discussions on financing/construction of a new plant, Mr. Johnson asked that consideration be given to noise possibly generated by such a facility and its impact on neighboring properties.

1. Consent Agenda

Approval of minutes of the regular Planning & Zoning Commission meeting on December 10, 2009.

City Administrator Ferguson noted the need for one amendment to the first sentence of the last paragraph on page eight (8) in order to correct the name of the Commissioner making the original motion (change Commissioner *Ross* to Commissioner *Wightman*). Commissioner Ross moved to approve the minutes as amended. Commissioner Glenn seconded. Motion carried on a vote of 5-0.

2. Public Hearing and Possible Action

- A. Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-09-009, a City initiated proposal to zone certain currently un-zoned properties located in the downtown Wimberley area bounded by the Cypress Creek, Blanco River, Old Kyle Road and FM 3237 in Wimberley, Hays County, Texas, from un-zoned to Residential Acreage (RA), Rural Residential 1 (R-1), Single Family Residential 2 (R-2), Single Family Residential 3 (R-3), Multi-Family 1 (MF-1), Multi-Family 2 (MF-2), Neighborhood Services (NS), Commercial – Low Impact (C-1), Commercial – Moderate Impact (C-2),

Lodging 1 (L-1), and Public Facilities (PF). (*City of Wimberley, Applicant*)

Planning Technician Gillfillan detailed the application, including proposed zoning for un-zoned properties and eleven (11) requests made by property owners for zoning different than that proposed by City staff (as indicated in Map #3).

Discussion addressed reasoning for staff's zoning recommendations, public responses expressing specific concerns relating to proposed zoning for certain downtown area properties, and general concerns relating to Blue Heron zoning. City Administrator Ferguson noted that additional conditions such as buffering requirements may be added for commercial properties abutting residential tracts. Further discussion addressed one specific written request to delay action, ownership issues with certain tract(s), commercial/residential/planning area boundaries, and possible motion language for additional buffering requirements.

Commissioner Ross moved to recommend approval of Case #ZA-09-009 as presented in Zoning Map #3, with the condition that standard buffering requirements apply in transition areas (commercial properties abutting residential properties). Commissioner Glenn seconded. Chairman Dean opened the public hearing.

Speaking on behalf of W.C. Carson, John David Carson stated that there are no title issues with property currently owned by W.C. Carson. He provided information on an option contract for an adjacent property and offered to answer any questions. Because C-2 zoning is not allowed in the subject property's planning area, Mr. Carson stated that City staff proposed C-1 zoning. He felt that as the lowest intensity commercial zoning, C-1 is appropriate for areas near residential properties without any additional buffering requirements. Mr. Carson stated that any motion to impose such additional buffering should be on a blanket-wide basis, rather than singling out specific properties. He requested that the Commission recommend zoning as proposed by City staff without any additional buffering requirements, and added that there are currently no plans to develop the subject property. In relation to the property currently under an option contract, Mr. Carson stated that transactions to date have been based on communications with City administrations dating from 2002 that recognize downtown as an area of commercial activity. He stated that W.C. Carson's option contract with Mr. Clayton assumes that the tract is a commercial parcel and that further restrictions would make it difficult to move forward with that transaction.

Hearing no more responses, Chairman Dean closed the public hearing.

City Administrator Ferguson clarified that Deborah Koeck asserted in written correspondence that there is pending litigation, but he stated that property ownership issues, if any, are not relevant to this zoning case. Discussion

established that the Commission does not intend to single out individual properties for additional buffering requirements, but generally agreed that commercial properties abutting residential areas should as a whole be required to provide adequate buffering per the City of Wimberley Comprehensive Plan and applicable ordinances.

Discussion addressed the City's reliance on Hays Central Appraisal District (HCAD) maps as a basis for zoning actions, whether or not such information is deemed completely correct.

Regarding questions related to specific properties at FM 3237 and Ranch Road 12, discussion among Commissioner Xiques, City Administrator Ferguson, and Commission members addressed Council-directed reasoning for proposed zoning classifications in this area of mixed commercial and residential uses. Commissioner Xiques felt that O-1 or O-2 would be more appropriate for Properties #88-144 (on Zoning Map #3) than the proposed C-1 designation. In response to Commissioner Xiques' request for clarification about the zoning designation for property located between #1 and #54, City Administrator Ferguson replied that the property's current zoning is C-2.

Commissioner Xiques questioned proposed RA zoning for Zoning Map #3 Properties #74 and 76 (Rio Bonito) and suggested Participant Recreation as an alternative. City Administrator Ferguson replied that RA is applicable per planning area and policy direction, with the understanding that current uses are pre-existing/non-conforming. Discussion addressed accuracy of HCAD maps, possible future planning area change(s), and the City's referral of potential plat issues to HCAD.

Hearing no further discussion, Chairman Dean called for a vote. Motion carried on a vote of 5-0.

Commissioner Glenn and the rest of the Commission commended staff for a job well-done on this City-initiated zoning case.

Commissioner Xiques felt that Zoning Map #3 appeared to reflect spot zoning. City Administrator Ferguson explained that whenever zoning policy is based on existing use, the map will have the appearance of spot zoning, but that this will lessen over time.

- B. Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-09-028, a City initiated proposal to change the zoning from Single Family Residential 2 (R-2) to Commercial - Low Impact (C-1) for two tracts of land located at 230 and 240 Carney Lane, Wimberley, Hays County, Texas. (*City of Wimberley, Applicant*)

Planning Technician Gillfillan explained the need for this rezoning request based on recent planning area map changes and a request from property owner, James Godwin of 240 Carney Lane, for C-1 zoning. Though no communication has been received from the property owner at 230 Carney Lane, C-1 zoning is proposed in order to be consistent with the zoning of surrounding Carney Lane properties.

No public comments were heard.

Brief discussion addressed area deed restrictions, property owner responses, and policy-based reasoning for recommended C-1 zoning of 230 Carney Lane.

Commissioner Ross moved to recommend approval of the item as presented. Commissioner Xiques seconded. Motion carried on a vote of 5-0.

- C. Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-09-029, a City initiated proposal to change the zoning from Public Facilities (PF) to Commercial – Low Impact (C-1) for a tract of land located at 956 FM 2325, Wimberley, Hays County, Texas. (*City of Wimberley, Applicant*)

Planning Technician Gillfillan detailed the subject property's location, current/proposed zoning and uses, request for delayed action by the property owner, and correction of current PF zoning designation from prior action. Per Wimberley Presbyterian Church correspondence dated September 28, 2009, C-1 zoning was requested. Based on this request and staff's review of surrounding land uses, approval of C-1 zoning is recommended as part of the City initiated zoning project.

No public comments were heard.

Commissioner Glenn moved to recommend approval of the item as presented. Commissioner Ross seconded. Motion carried on a vote of 5-0.

- D. Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-09-030, a City initiated proposal to zone a currently un-zoned tract of land located at 807 FM 2325, Wimberley, Hays County, Texas, from un-zoned to Commercial – Low Impact (C-1). (*City of Wimberley, Applicant*)

Planning Technician Abby Gillfillan reported the subject property's location in a largely commercial area, current/proposed zoning and uses, and the need for this zoning action due to an HCAD mapping error. Because the subject property is in area where C-1 zoning is permitted, and the property owner supports such zoning, City staff recommends approval.

No public comments were heard.

Commissioner Ross moved to recommend approval of the item as presented. Commissioner Xiques seconded. Motion carried on a vote of 5-0.

- E. Hold a public hearing and consider making a recommendation to City Council regarding Case #ZA-09-031, a City initiated proposal to change the zoning from Residential Acreage (RA) to Commercial – Low Impact (C-1) for a tract of land located at 700 FM 2325, Wimberley, Hays County, Texas (*City of Wimberley, Applicant*)

City Planning Tech Gillfillan detailed the subject property's location, with the rear portion of the property located in Planning Area II and the portion fronting FM 2325 in Planning Area III. She explained prior RA zoning based on the subject property's location and vacant status. Per procedures, the owner was given forty-five (45) days to request alternate zoning, but the owner did not respond in writing by the deadline, and the property was zoned RA as proposed by City staff. The owner requested C-1 zoning after the deadline to respond had passed and offered to install a privacy fence along the rear portion of the lot abutting residential properties in order to mitigate the impact of any commercial use. Ms. Gillfillan reported that staff recommends approval of the requested zoning change from RA to C-1 including the installation of a privacy fence along the rear portion of the property that abuts a residential area.

City Administrator Ferguson provided reasoning for the proposed zoning based on the subject property's location in two different planning areas, the dominant location of the FM 2325 frontage in Planning Area III, and the agreed-upon fence installation as an additional buffering requirement.

Chairman Dean opened the public hearing.

Adjacent residential property owner, Marty Walker, asked for information on the height of the proposed fence and the definition of Commercial – Low Impact (C-1). City Administrator Ferguson cited examples of low impact commercial permitted/conditional uses and certain development standards. Discussion established that mini-storage facilities would not be allowed, should C-1 zoning be granted and clarified that zoning designations remain in place despite ownership changes.

Property owner David Domsch offered to answer any questions, if needed.

Discussion addressed the standard fence height of eight (8) feet and property owner notification procedures.

Commissioner Ross moved to recommend approval of the item as presented, including the standard buffering requirements for commercial properties abutting

residential properties. Commissioner McCall seconded. Motion carried on a vote of 5-0.

3. Staff and Commission Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson stated that the Commission's next agenda will contain items related to possible planning area and Protected Water Overlay District changes.

He reported that Planning Technician Abby Gillfillan will be leaving her position at the end of this week, commended her as an excellent employee who will be greatly missed, and announced that Sandy Irvin has been chosen to replace Ms. Gillfillan.

Commission members expressed appreciation for Ms. Gillfillan's service and congratulated her on her new position.

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

Adjourn at 7:30 p.m.

Recorded by:

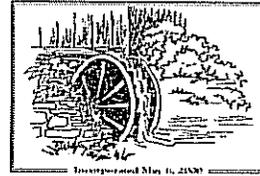
Cara McPartland

These minutes approved the _____ of January, 2010.

APPROVED:

Tracey Dean, Chair

Report for CUP-10-001



Summary: A request for a Conditional Use Permit (CUP) to allow a secondary residential unit at 1415 East Spoke Hill Drive

Applicant Information:

Applicant: Herschel McCullough
1415 East Spoke Hill Drive
Wimberley TX 78676

Property Owner: Herschel McCullough

Subject Property:

Legal Description: Paradise Hills
Location: 1415 East Spoke Hill Drive
Existing Use of Property: Residential
Existing Zoning: Rural Residential 1 (R-1)
Proposed Use of Property: Residential
Proposed Zoning: Secondary Residential
Planning Area: Planning Area I
Overlay District: None

Surroundings:

Frontage On: East Spoke Hill

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R-2	Residential
S of Property	RA	Residential
E of Property	R-2	Residential
W of Property	R-1	Residential

Legal Notice

200' Letters Published: 1/8/10
Sign Placement: 1/13/10
Responses: 1/8/10
None

Comments:

The applicant, Herschel McCullough, has requested a Conditional Use Permit (CUP) to allow for the construction of a secondary residence on the 3.7 acre tract of land located at 1415 East Spoke Hill Drive. The subject property is zoned Rural Residential 1 (R-1) which allows secondary residential structures with a floor area of at least 600 square feet as a conditional use.

Currently, there is one (1) single family residence and two (2) amateur radio antennas located on the subject property. The applicant is proposing to construct a two-story, 1,800 square foot secondary residence adjacent to the existing home on the residentially

zoned tract. The architectural style of the secondary residence will be consistent with that of the surrounding neighborhood.

City Staff has not received any comments from surrounding property owners and recommends approval.

§ 155.036 RURAL RESIDENTIAL 1; R-1.

(A) *General purpose and description.* The R-1 district is intended to provide for development of primarily detached, single-family residences on lots of not less than 2 acres.

(B) *Permitted uses.*

(1) One residence including:

(a) One primary single-family residential building built on site; or

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

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

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

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

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

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

(e) One accessory dwelling unit.

(3) Non-commercial row and field crops;

(4) Non-commercial livestock;

(5) Swimming pool (private);

(6) Utilities; and

(7) Religious assembly.

(C) *Conditional uses.*

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

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

(3) Home day care;

(4) Home commercial crafts or hobbies;

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

(6) Two-family residential (duplex).

(D) *Development regulations.*

(1) Lot size: minimum 2 acres but less than 5 acres.

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

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

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

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

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

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

(a) Dominant street: 50 feet;

(b) Secondary street: 25 feet; and

(c) Interior side and rear: 15% of lot width, but need not be greater than 25 feet.

(4) Minimum floor area of residential buildings:

(a) Primary residential building: 1,000 square feet;

(b) Secondary residential building: 600 square feet; and

(c) Bed and breakfast units: 200 square feet.

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

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

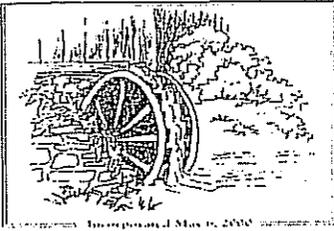
(E) *Special requirements.*

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

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

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

(F) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards. (Ord. 2001-010, § 15, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003) Penalty, see § 155.999



Village of Wimberley

CONDITIONAL USE PERMIT APPLICATION

No. CUP-10 - 001

FOR OFFICIAL USE ONLY

Application Date: 1/4/10 Tentative P&Z Hearing: 1/22 Tentative Council Hearing: 2/4

FEES: \$400.00 DATE PAID: 1/4/10 CHECK NO. _____ REC'D BY _____

PROJECT SITE ADDRESS: 1415 E. Spoke Hill DR Wimberley, TX. 78676

OWNER/APPLICANT Herschel P. McCullough PHONE () 847-0283

FAX () _____ EMAIL: WSMC@AUSTIN-RR.COM

Mailing Address: ABOVE CITY: _____ STATE: _____ ZIP: _____

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: R-1 CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging) conditional use requested for secondary residence

Planning Area 1 Zoning R-1 Total Acreage or Sq. Ft. _____

Subdivision: Paradise Hills Lot _____ Block _____

Appraisal District Tax ID#: R 14548 TRAC 1

Deed Records Hays County: Volume _____ Page _____

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

Type: _____

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

Utilities:

Electric Provider: PEC

Water Provider or Private Well: Wimberly Water Supply Corp

Wastewater Service Provider or Hays County Septic Permit No: 2006-59

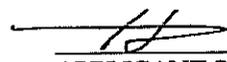
MY REQUEST IS BASED ON THE FOLLOWING:

- 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 1-4-2010



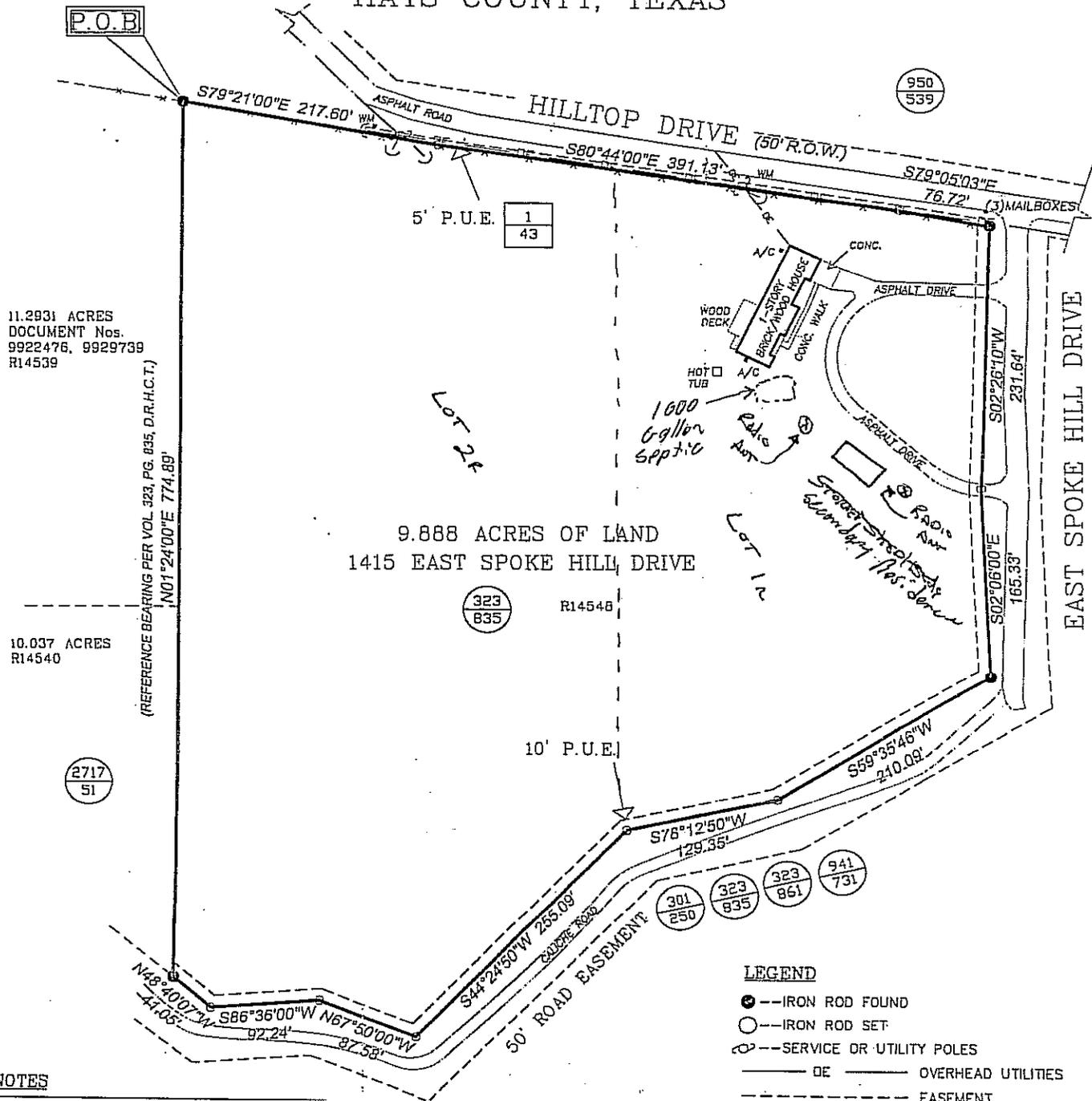
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

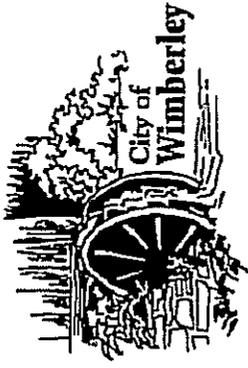
AGENT SIGNATURE

9.888 ACRES OF LAND
 OUT OF THE L.C. GIBBS SURVEY No. 86, ABSTRACT No. 206
 HAYS COUNTY, TEXAS



NOTES

Zoning Map for CUP-10-001

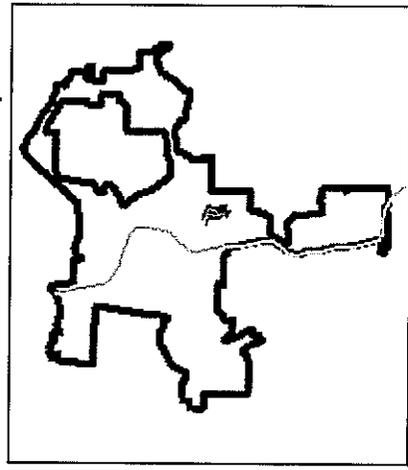


P.O. Box 2027 • Wimberley, Texas 78676

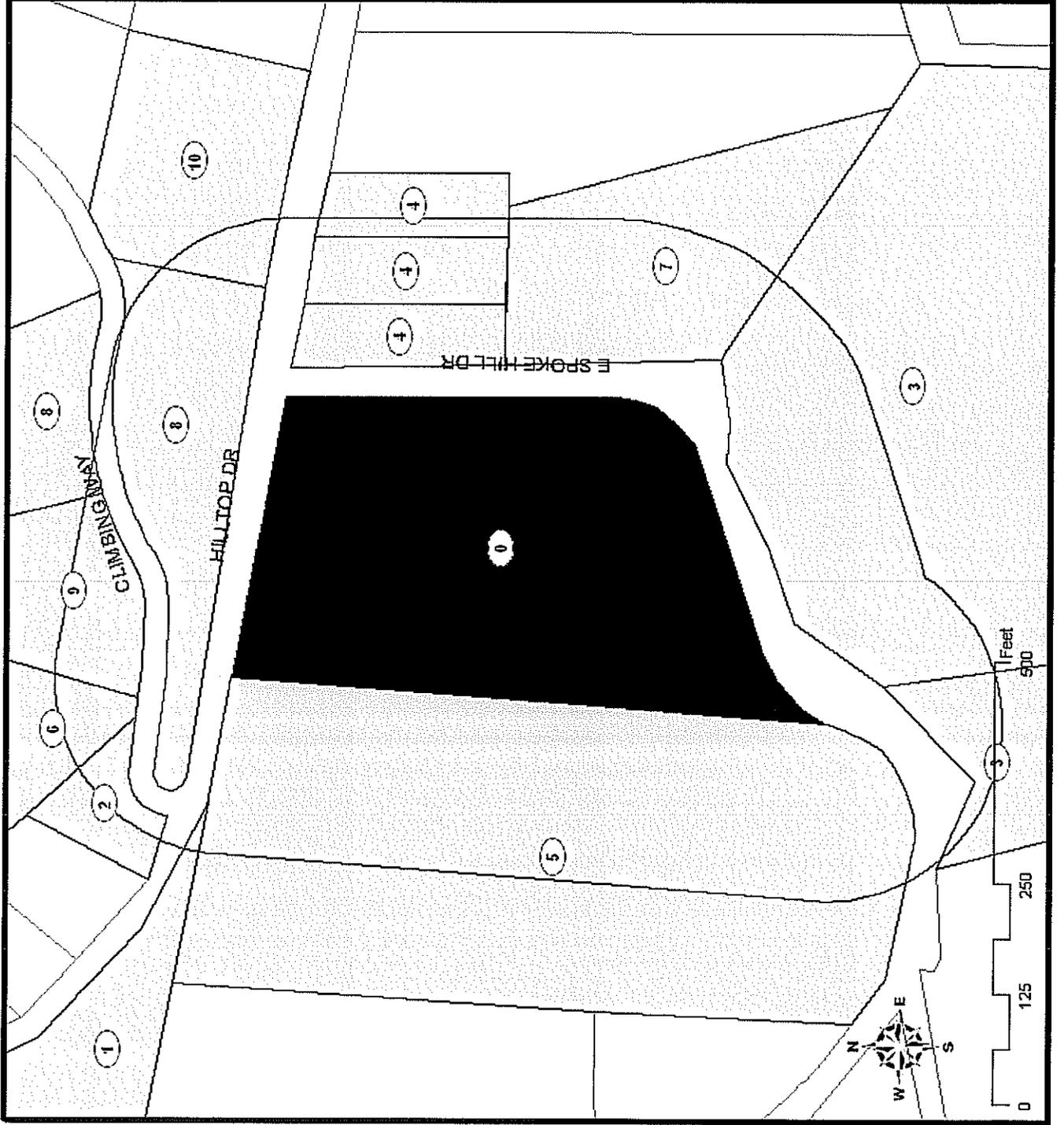


-  Subject Property
-  Residential Acreage (RA)
-  Rural Residential 1 (R-1)
-  Single Family Residential 2 (R-2)
-  Single Family Residential 3 (R-3)
-  Single Family Residential 4 (R-4)
-  Lodging 2 (L-2)

Location Map

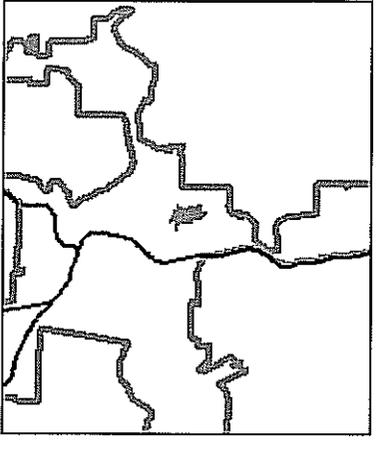


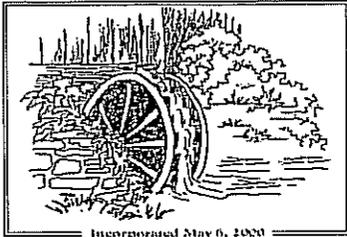
Notification Map for CUP-10-001



- 200 Foot Notification Buffer
- 0, MCCULLOUGH HERSHELL & ROBINETTE
- 1, WEBB LINDAKAY
- 2, CHAPMAN JOHN G &
- 3, BAJAMONTE, GENO & SUSAN
- 3, BAJAMONTE GENO S & SUSAN
- 4, CATHER JAMES N & JANE R
- 6, MCCULLOUGH HERSHELL & ROBINETTE
- 6, McDONALD MICKEY S & CHRISTOPHER
- 7, MILLER MICHAEL N & JUDITH N
- 8, RADICE MICHAEL D & DEBRA K
- 9, SPROHGE ERIK T & HELEN K
- 10, UERKWITZ LEE ANN

Location Map





City of Wimberley

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

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

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

NOTICE BY SIGN POSTING

Zoning No: CCP-10-001

Owner _____

Date 10/08/2010

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

() Project Site Address _____

which is located _____

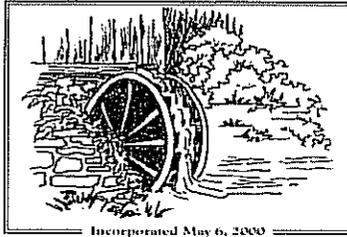
Bill Bowers
Asst. Public Works

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

10/08, ²⁰¹⁰~~2009~~


Signature





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, Jeri Xiques, Terrie Bursiel, Dick Larson

Don Ferguson, City Administrator

January 8, 2010

NOTICE OF PUBLIC HEARING

Re: File No. CUP-10-001

1415 E. Spoke Hill Drive

A request for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit on the subject property

Dear Property Owner:

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

Herschel McCullough has requested a Conditional Use Permit (CUP) to allow a Secondary Residential Unit for a property located at 1415 E. Spoke Hill Drive.

The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, January 28, 2010 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon recommendations from the Commission, City Council will hold a Public Hearing to consider the same requests on **Thursday, February 4, 2010 at 6:30 p.m.**

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

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

CITY OF WIMBERLEY

THE CLASSIFIED

Wednesday, January 13, 2010

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

★
LEGALS & PUBLIC NOTICES

**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, January 28, 2010, at 6:30 p.m. to consider the following: CUP-10-002: an application for a Conditional Use permit (CUP) to allow the operation of a bar or tavern and to allow an eating establishment that includes the sale of alcohol for on-premise consumption at 320 Wimberley Square. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, February 4, 2010, 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. (09671/1a/4)

**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, January 28, 2010, at 6:30 p.m. to consider the following: CUP-10-001 - an application for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit at 1415 E Spoke Hill Drive. Upon recommendation of the Planning and Zoning Commission, the City Council will also hold a public hearing on Thursday, February 4, 2010, 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, 12111 Ranch Road 12, Wimberley, Texas (09672/1a/4)

**PUBLIC NOTICE
Plum Creek Conservation District
Rules Adoption Notice**

On December 29, 2009 Plum Creek Conservation District

adopted revised Groundwater Management and Protection Rules exercising authority granted to the District in provisions of Chapter 36 of the Texas Water Code. This District is also governed by the provisions of Chapters 49 and 51 of the Texas Water Code. The revised Rules set out requirements for various types of groundwater well test hold and well permits issued by the Board and state Rules applying to exempt wells. The Rules eliminate drilling permits but specify requirements for test holes, production well permits, transportation permits, recharge well permits and miscellaneous non-exempt well permit applications. Among new requirements are production limitations based on the number of surface acres in a tract associated with a well in amounts that vary with the formation from which the water is to be produced but, in most cases, is 1/2 acre foot per acre per year, classification of wells as "Tier I" or "Tier II" depending on the production rate associated with the well and the intended use of the water, and varying requirements for information to be submitted in applications depending on the type of well and its classification. The rules contain requirements applicable to water well drilling companies and per-

sons working on wells, and impose fees including fees on water produced in the District and transported for use outside the boundaries of the District. The revised Rules also specify procedures to be used by the District in considering and acting on applications for various types of permits including procedures to be used if someone desires to contest the issuance of a permit. Penalties for violation of the Rules are as allowed by Texas Law and include the potential for Civil Penalties of up to \$10,000 per day, injunction, and recovery of cost of enforcement including attorneys' fees and expert witness fees. The full text of the regulations is on file in the offices of the District at 1403 Blackjack St. (State Highway 20 East), Sule C, Lockhart, Texas during the District's normal business hours. The revised Rules are also posted in the District's web site: <http://bccd.org> (09652/2/2 & 4)

PUBLIC NOTICE

By order of the Hays County Commissioners' Court, notice is hereby given that on Tuesday, January 27, 2010 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

Resubdivision of a 10.13 acre portion of land, River Oaks of Wimberley, Unit 1, Section 2. (09628/3a/5)

**PUBLIC NOTICE
NOTICE OF PUBLIC SALE**

Wimberley Mini Storage, 506 Melody Way, Misc Goods. Tenant: Rufino Rodriguez III Landlord Lien sale on site, January 11, 2010, 9a.m. (09625/2a/3)

**PUBLIC NOTICE
NOTICE OF PUBLIC SALE**

Wimberley Mini Storage, 506 Melody Way, Misc Goods. Tenant: Marvin (Cody) Martin Landlord Lien sale on site, January 18, 2010, 9a.m. (09643/2a/4)

★
AUTOS

**GOOD OLD BOYS
AUTO RECYCLING**

Cash for your Cars and Trucks - running or not. Free pick up and/or towing. 512-393-1410 (01997/4cc-1fn)

ATTENTION:

RoadRunner Recycling is now buying all types of scrap metal. We buy junk vehicles, any condition - running, wrecked or not. Cash paid. Location: 16380 N. Hwy 123, San Marcos, TX 512-359-4511 or

512-396-1382 (02949/4cc/13+)

★
BUSINESS OPPORTUNITIES

ESTABLISHED CASH FLOWING LOCAL BUSINESS

All assets & lease convey. Low oversight. Owner may carry \$29,500. Call Debie Hill, Sanford Group 512-801-4280 (09631/cc/1fn)

★
COMMERCIAL FOR LEASE

RETAIL SHOP Wimberley Square Approx. 220 sq. ft. w/deck \$525 per month plus deposit. Year lease 847-2113 Mary (09658/1cc/4)

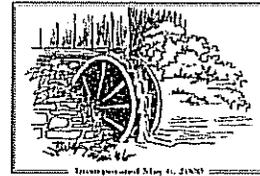
ONE MONTH FREE

at 'The Quarter' Wimberley's newest retail center. Several spaces to choose from small to large. Best rates on the square. Call 512-695-6326 or 512-847-6026 (09645/4a/9)

EXECUTIVE SUITES

Wimberley Receptionist, internet, conference room, more \$200 512-423-8700 (09665/a/1fn)

Report for CUP-10-002



Summary:

A request for a Conditional Use Permit (CUP) to allow the operation of a bar or tavern and a sit-down eating establishment that sells beer, wine and alcohol for on-premise consumption at 320 Wimberley Square

Applicant Information:

Applicant: Charles R. Uselton
P.O. Box 229
Wimberley, TX 78676
Property Owner: Charles R. Uselton

Subject Property:

Legal Description: CCC Addition Lot 1
Location: 320 Wimberley Square
Existing Use of Property: Vacant
Existing Zoning: Commercial-High Impact (C-3)
Proposed Use of Property: Commercial-Restaurant, Bar and Music Venue
Proposed Zoning: C-3 with CUP for a bar or tavern and sit-down eating establishment which sells beer, wine and alcohol for on-premise consumption
Planning Area: V
Overlay District: Village Center Overlay, VC

Surroundings:

Frontage On: Wimberley Square

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PR-2	Commercial
S of Property	C-3	Vacant
E of Property	C-2	Commercial
W of Property	C-3	Commercial

Legal Notice

200' Letters: 1/8/10
Published: 1/13/10
Sign Placement: 1/8/10
Responses: None

Comments:

The applicant has requested a Conditional Use Permit (CUP) to allow for the operation of a bar or tavern, and a sit-down eating establishment that sells beer, wine, and alcohol for on-premise consumption on a tract of land located at 320 Wimberley Square.

Currently, the subject property is zoned *Commercial-High Impact (C-3)* and is located in the *Village Center Overlay District* and *Planning Area V*. Bars, taverns and eating establishments that sell beer, wine, and alcohol for on-premise consumption are allowed in C-3 as conditional uses.

The subject property is the former location of the *Cypress Creek Café* which operated for years as a restaurant and bar prior to closing its doors more than six months ago. The applicant is proposing to open a new restaurant that would serve beer, wine and alcohol for on-premise consumption. In addition, the applicant plans to re-open the bar located in the rear of the structure and utilize an existing outdoor stage behind the structure as an open-air music venue for special events where alcohol will be sold. The requested CUP includes all of the above-mentioned uses.

Any building or site improvements needed to facilitate the proposed businesses will be required to meet City Code. On-site parking exists for the proposed businesses. In addition, there is a public parking lot available for use adjacent to subject property.

To date, City staff has received no comments from the public on the CUP request.

Upon review of the application, City staff recommends approval of the requested Condition Use Permit.

It should be noted that if the CUP is approved, the applicant must secure a waiver from the City's buffer requirements relating to the sale of beer, wine and alcohol within 300 feet of a church, daycare, hospital or school.

§ 155.049 COMMERCIAL - HIGH IMPACT; C-3.

(A) *General purpose and description.* The C-3, commercial 3 district is established to provide areas for more intense and concentrated shopping and service facilities for the retail sales of goods and services. These shopping areas shall utilize established landscape and buffering requirements. The C-3 district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

(B) *Permitted 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) Civic uses (such as City Halls);

(e) Research services: limited; and

(f) Office.

(2) Religious assembly.

(3) Food and beverage retail sales (such as grocery);

(4) Medical services: general; large facilities, hospitals;

(5) Eating establishments: sit-down;

(6) Eating establishments: sit-down fast foods;

(7) Agricultural supplies and services;

(8) Commercial blood centers;

(9) Commercial off-street parking;

(10) Parking lot and parking garage, automotive;

(11) Transportation facilities: surface, limited (such as cross-country truck companies and their distribution centers);

- (12) Transportation facilities: aircraft;
- (13) Commercial/single-family residential;
- (14) Private primary educational services;
- (15) Private secondary educational services;
- (16) Non-profit civic;
- (17) Retail sales and services: general;
- (18) Bank and savings and loan;
- (19) Personal services: general;
- (20) Accessory uses to the main use; and
- (21) Single-family residence.

(C) *Conditional uses.*

(1) A drive-through or drive-in facility otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit;

- (2) Alcoholic beverage sales;
- (3) Bars/taverns (50% sales derived from alcohol);
- (4) Gasoline sales: truck stops;
- (5) Automotive sales, rentals, and repairs;
- (6) Automotive and equipment: sales and rentals, farm and heavy equipment;
- (7) Automotive and equipment: sales and rentals, light equipment;
- (8) Custom manufacturing;
- (9) Construction sales and services;
- (10) Eating establishments: fast food with drive-through order windows;
- (11) Eating establishments: drive-in;
- (12) Adult entertainment (such as sexually oriented business) use as may be provided for or

restricted by other city ordinances;

(13) Bed and breakfast lodging;

(14) Automotive washing;

(15) Personal storage; and

(16) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations.

(D) Development regulations.

(1) Minimum lot size: 20,000 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 setbacks, no construction, including buildings, parking areas, and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. The minimum setbacks shall be the larger of the dimensions in § 155.078(A), Table A, or the following:

(a) Dominant street: 25 feet;

(b) Secondary street: 15 feet; and

(c) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than 1 story.

(4) Maximum impervious coverage: 70%. 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: 60%. Building coverage shall be calculated as a percentage of the net site area.

(6) Maximum building footprint: 20,000 square feet.

(7) Maximum floor area: 20,000 square feet

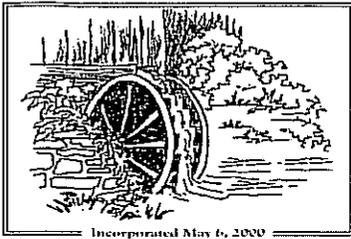
(E) *Parking regulations.* As required by § 155.075, off-street parking and loading requirements.

(F) *Special requirements.*

(1) Open storage is prohibited in the village center (VC) overlay district.

(2) These districts shall be limited to properties fronting on major transportation arterials, provided the location is not incompatible with an existing residential neighborhood or property.

(G) *Other regulations.* As established in §§ 155.075 *et seq.*, development standards. (Ord. 2001-010, § 28, passed 4-1-2001; Am. Ord. 2003-006, passed 7-3-2003; Am. Ord. 2004-017, passed 8-5-2004) Penalty, see § 155.999



Village of Wimberley

CONDITIONAL USE PERMIT APPLICATION

No. CUP-10 - 002

FOR OFFICIAL USE ONLY

Application Date: 1/8/10 Tentative P&Z Hearing: 1/28/10 Tentative Council Hearing: 2/4/10

FEES: \$400.00 DATE PAID: 1/8 CHECK NO. 4899 REC'D BY [Signature]

PROJECT SITE ADDRESS: 320 Wimberley Square Wimberley, TX. 78676

OWNER/APPLICANT Charles R Useiton PHONE (713) 705-7354

FAX () _____ EMAIL: TRuseiton@Shawus.com

Mailing Address: P.O. Box 229 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: _____ CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging)

Cafe, Club, Event area Alcoholic Beverage Sales

Planning Area _____ Zoning C-3 Total Acreage or Sq. Ft. 1.44/6834.20

Subdivision: Village Center Lot 1 Block _____

Appraisal District Tax ID#: R 18527

Deed Records Hays County: Volume _____ Page _____ See Attached

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

Type: Village Center

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

Utilities:

Electric Provider: PEC

Water Provider or Private Well: Village of Wimberley

Wastewater Service Provider or Hays County Septic Permit No: 1986-10007

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 1-7-2010


APPLICANT SIGNATURE

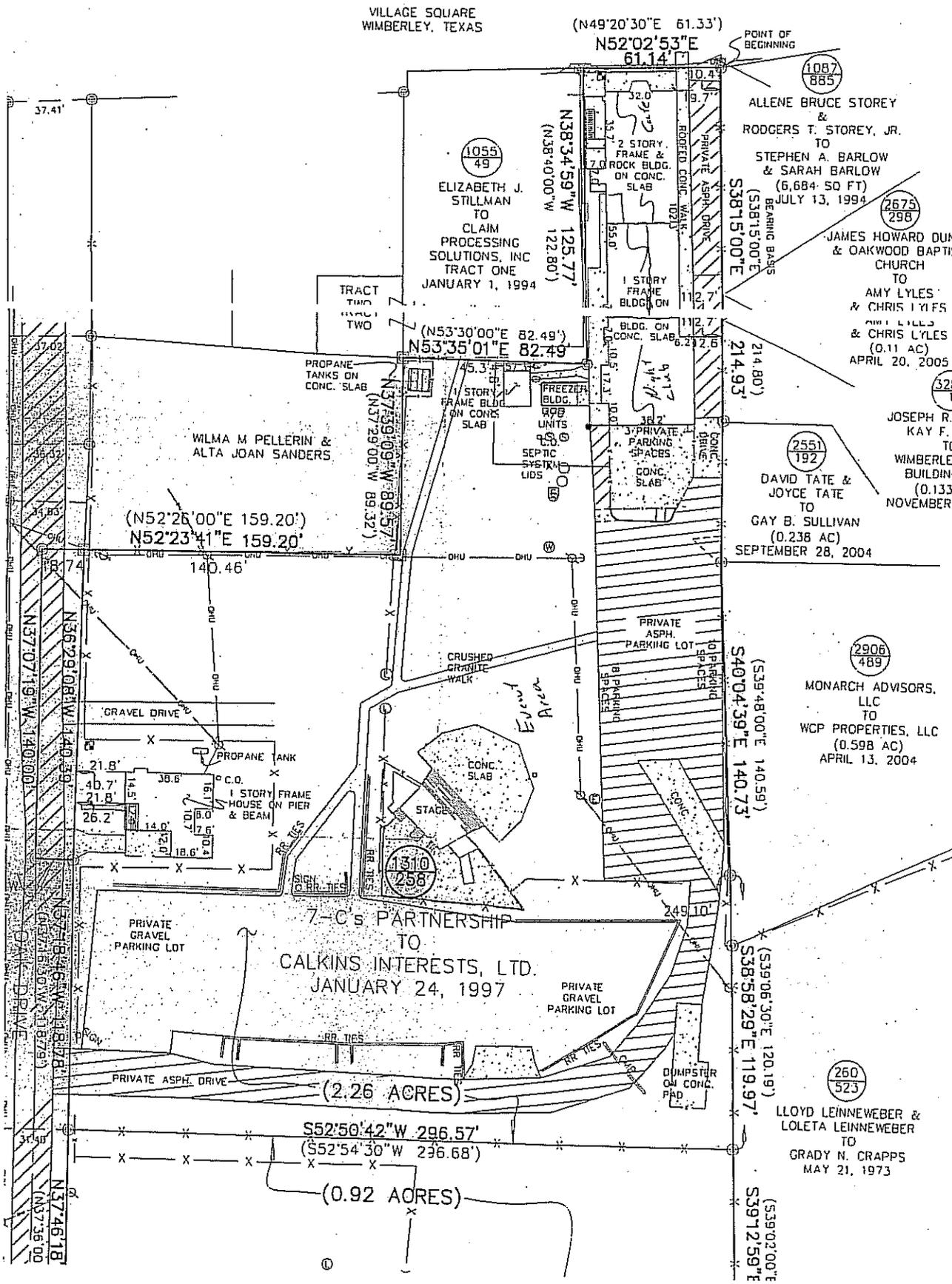
WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

CITY OF WIMBERLEY HAYS COUNTY, TEXAS

VILLAGE SQUARE
WIMBERLEY, TEXAS



(N49°20'30"E 61.33')

N52°02'53"E
61.14'

POINT OF BEGINNING

1087
885

ALLENE BRUCE STOREY & RODGERS T. STOREY, JR. TO STEPHEN A. BARLOW & SARAH BARLOW (6,684 SQ FT) JULY 13, 1994

2675
298

JAMES HOWARD DUNN & OAKWOOD BAPTIST CHURCH TO AMY LYLES & CHRIS LYLES (0.11 AC) APRIL 20, 2005

328

JOSEPH R. KAY F. TO WIMBERLEY BUILDING (0.133 AC) NOVEMBER

2551
192

DAVID TATE & JOYCE TATE TO GAY B. SULLIVAN (0.238 AC) SEPTEMBER 28, 2004

2906
489

MONARCH ADVISORS, LLC TO WCP PROPERTIES, LLC (0.598 AC) APRIL 13, 2004

260
523

LLOYD LEINNEWEBER & LOLETA LEINNEWEBER TO GRADY N. CRAPPS MAY 21, 1973

1055
49
ELIZABETH J. STILLMAN TO CLAIM PROCESSING SOLUTIONS, INC TRACT ONE JANUARY 1, 1994

N38°34'59"W 125.77'
(N38°40'00"W 122.80')

(N53°30'00"E 82.49')
N53°35'01"E 82.49'

WILMA M PELLERIN & ALTA JOAN SANDERS

(N52°26'00"E 159.20')
N52°23'41"E 159.20'

7-C's PARTNERSHIP TO CALKINS INTERESTS, LTD. JANUARY 24, 1997

(2.26 ACRES)

S52°50'42"W 296.57'
(S52°54'30"W 236.68')

(0.92 ACRES)

37.41'

37.02'

36.52'

37.02'

37.02'

37.02'

37.02'

37.02'

37.02'

37.02'

37.02'

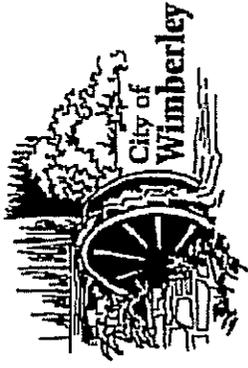
37.02'

37.02'

37.02'

37.02'

Zoning Map for CUP-10-002

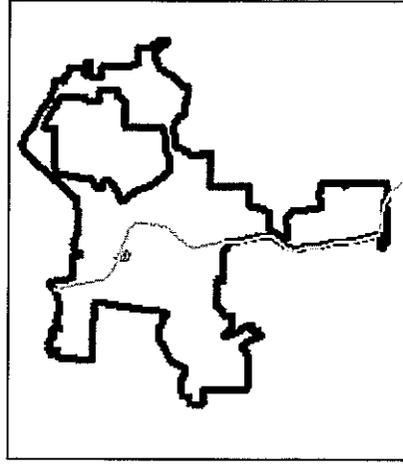


P.O. Box 2027 • Wimberley, Texas 78676



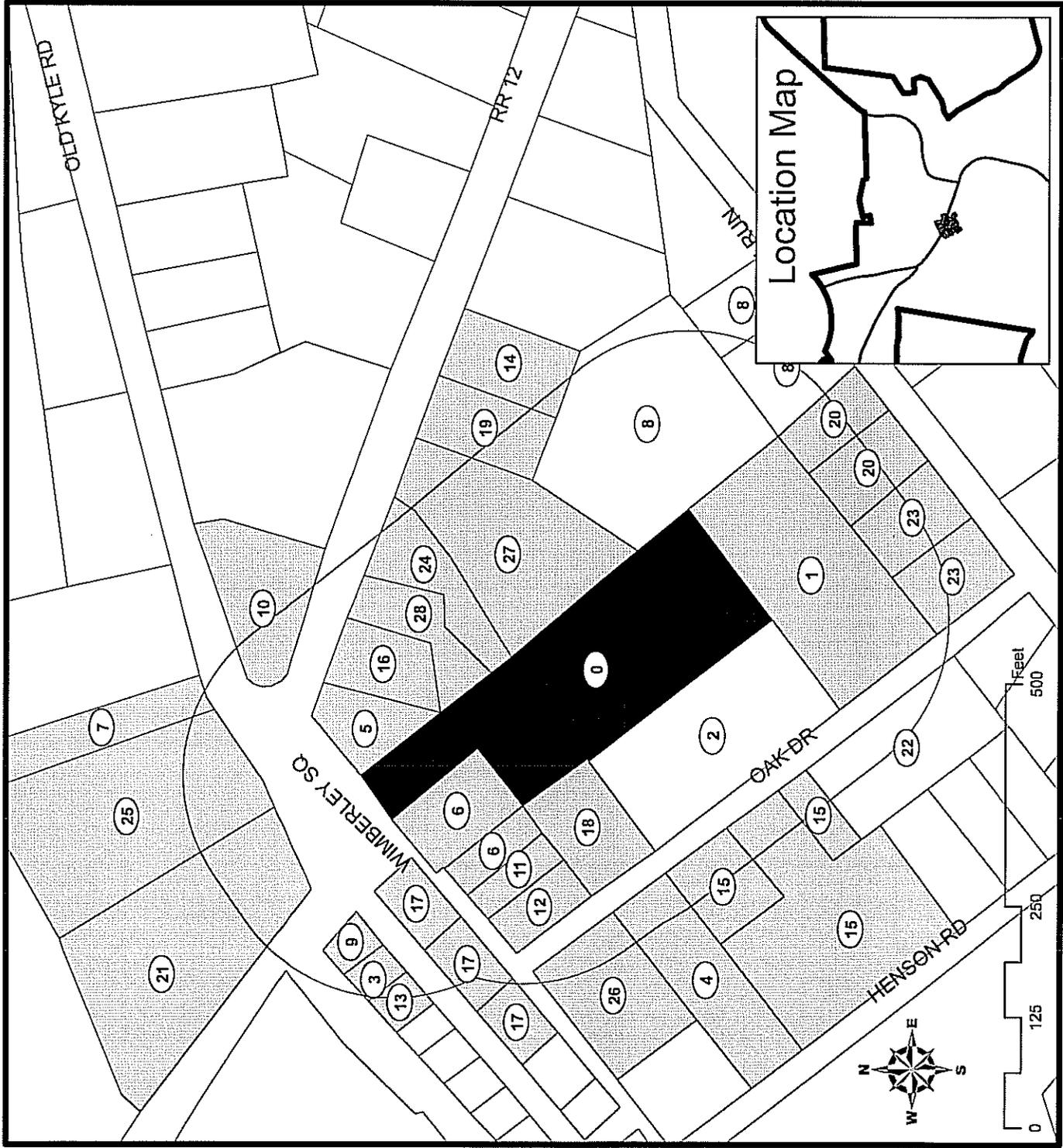
	Subject Property
	Mobil Home
	Commercial-Low Impact (C-1)
	Commercial-Moderate Impact (C-2)
	Commercial-High Impact (C-3)
	Lodging 1 (L-1)
	Lodging 2 (L-2)
	Participant Recreation-Low Impact (PR-1)
	Participant Recreation-High Impact (PR-2)

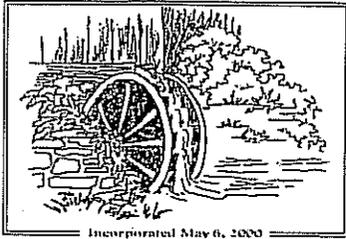
Location Map



Notification Map for CUP-10-002

- 200 Foot notification Buffer
- 0, CALKINS, INTERESTS LTD
- 1, City of Wimberley
- 2, CALKINS, INTERESTS LTD
- 3, 104 WIMBERLEY SQUARE LTD
- 4, ANDERSON, MARCILIA L
- 5, BARLOW STEPHEN A & SARAH
- 6, CLAIM PROCESSING SOLUTIONS INC
- 7, CRANE, LES
- 8, CRAPPS HELEN LOUISE ESTATE OF
- 9, DIXIE CLEMENTINE MANAGEMENT INC
- 10, DOUBLE LC PARTNERS ONE LTD
- 11, FLOCKE, ROBERT
- 12, FRANKLIN SUE M & EST OF JAMES R
- 13, FRAZIER, JODY LEE
- 14, JOHNSTON WILLIAM A & ULRIKE J
- 15, LANE JOY & BERRY DOT LANE
- 16, LYLES AMY & CHRIS
- 17, MCCULLOUGH HERSCHEL & ROBINETTE
- 18, MCQUIGG, MARY KAY
- 19, ODOM CHARLES N TRUSTEE
- 20, RAMIREZ, FELIPE
- 21, ROMANO, LAURA
- 22, SCHNAUTZ, NANCY L
- 23, SCUDDER, JANET E
- 24, SULLIVAN, GAY B
- 25, TATE, JOYCE WEBB
- 26, VAN OSTRAND PHILLIP M & MARY L
- 27, WCP PROPERTIES LLC
- 28, WIMBERLEY PATIO BUILDING LLC





City of Wimberley

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

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

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

NOTICE BY SIGN POSTING

Zoning No: CV1-10-009

Owner _____

Date 10/08/2010

To: Code Enforcement/Public Works

Please place a Proposed Zoning Sign on the following property

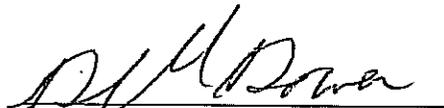
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which is located _____

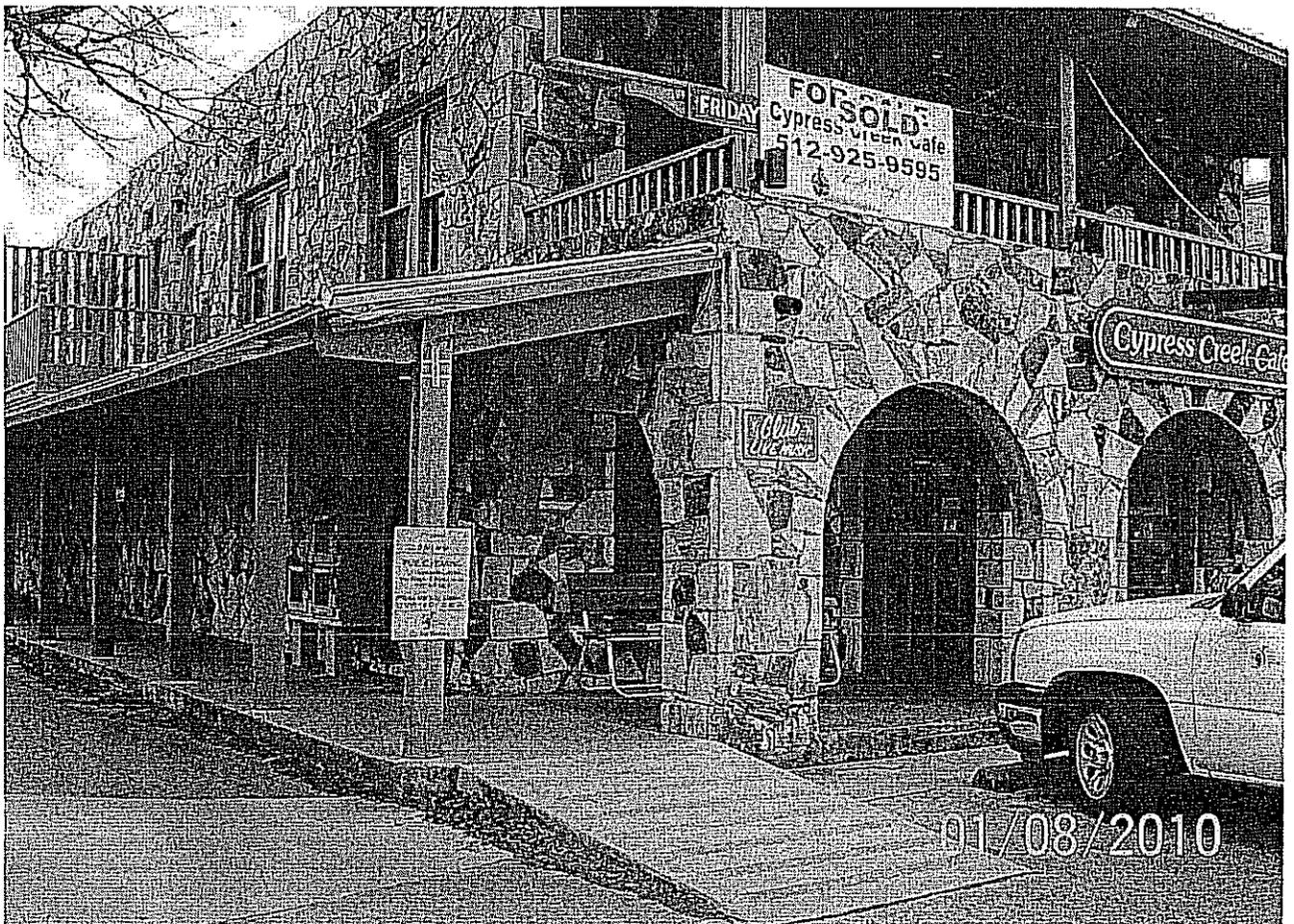
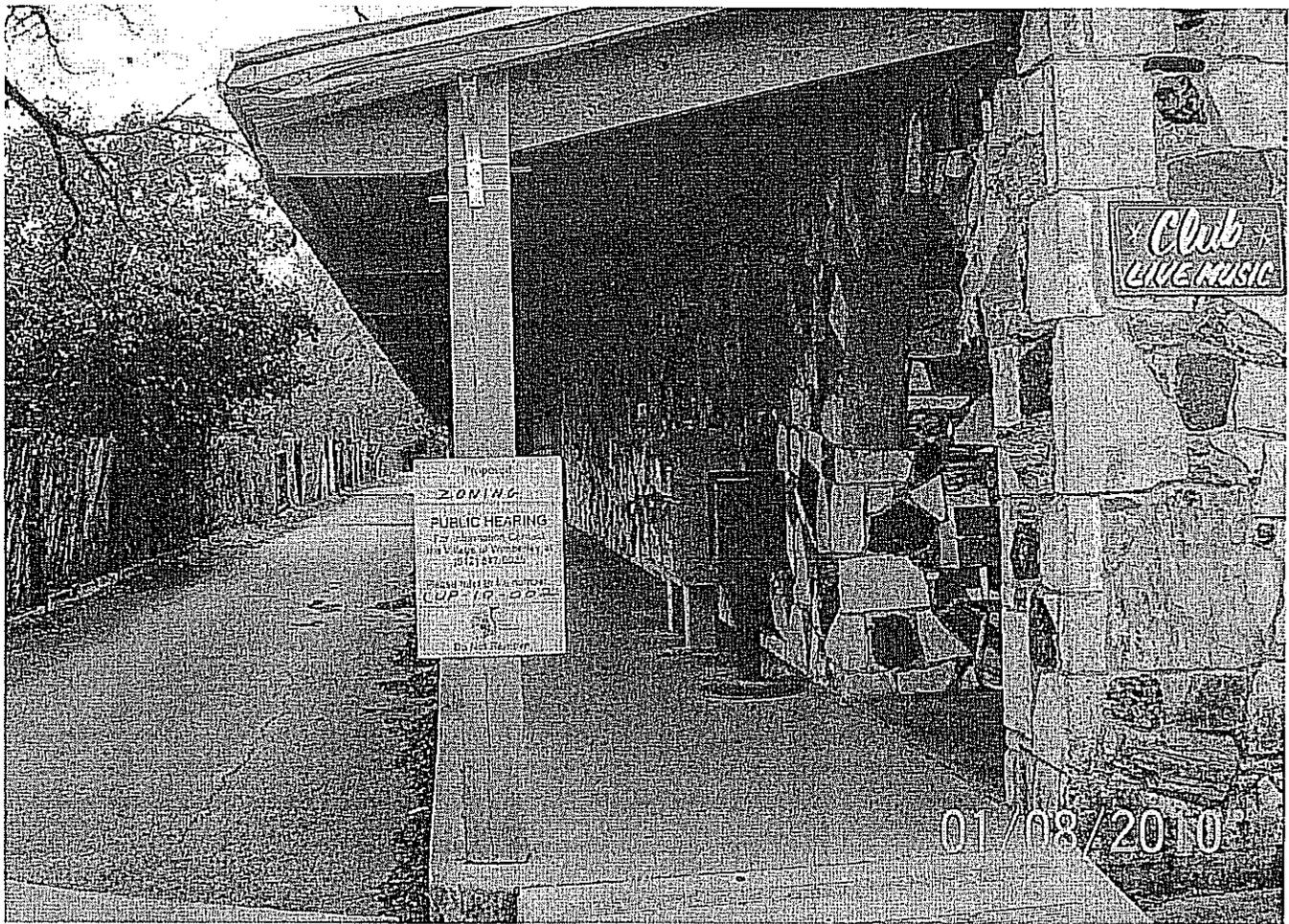
Bill Bowers
Asst. Public Works

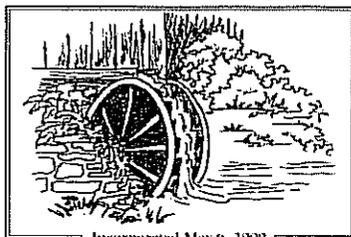
Note: The above-referenced sign was placed on the subject property on

1/8 ²⁰¹⁰
2009



Signature





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.vit.Wimberley.tx.us

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

Council Members - Charles Roccaforte, Jeri Xiques, Terrie Bursiel, Dick Larson
Don Ferguson, City Administrator

January 8, 2010

NOTICE OF PUBLIC HEARING

Re: File No. CUP-10-002

320 Wimberley Square

A request for a Conditional Use Permit (CUP) to allow the operation of a bar or tavern and an eating establishment that includes the sale of beer, wine and alcohol for on premise consumption

Dear Property Owner:

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

Charles R. Uselton has requested a Conditional Use Permit (CUP) to allow the operation of a bar or tavern and an eating establishment that includes the sale of beer, wine and alcohol for on premise consumption for a property located at 320 Wimberley Square.

The City of Wimberley Planning & Zoning Commission will consider these requests at a public hearing on **Thursday, January 28, 2010 at 6:30 p.m.** in the Wimberley City Hall, 12111 Ranch Road 12. Upon recommendations from the Commission, City Council will hold a Public Hearing to consider the same requests on **Thursday, February 4, 2010 at 6:30 p.m.**

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

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

CITY OF WIMBERLEY

THE CLASSIFIED

Wednesday, January 13, 2010

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

★ LEGALS & PUBLIC NOTICES

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, January 28, 2010, at 6:30 p.m. to consider the following: CUP-10-002- an application for a Conditional Use permit (CUP) to allow the operation of a bar or tavern and to allow an eating establishment that includes the sale of alcohol for on-premise consumption at 320 Wimberley Square. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, February 4, 2010, 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. (09671/1a/4)

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, January 28, 2010, at 6:30 p.m. to consider the following: CUP-10-001 - an application for a Conditional Use Permit (CUP) to allow a Secondary Residential Unit at 1415 E Spoke Hill Drive. Upon recommendation of the Planning and Zoning Commission, the City Council will also hold a public hearing on Thursday, February 4, 2010, 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. (09672/1a/4)

PUBLIC NOTICE Plum Creek Conservation District Rules Adoption Notice

On December 29, 2009 Plum Creek Conservation District

adopted revised Groundwater Management and Protection Rules exercising authority granted to the District in provisions of Chapter 36 of the Texas Water Code. This District is also governed by the provisions of Chapters 49 and 51 of the Texas Water Code. The revised Rules set out requirements for various types of groundwater well test hold and well permits issued by the Board and state Rules applying to exempt wells. The Rules eliminate drilling permits but specify requirements for test holes, production well permits, transportation permits, recharge well permits, and miscellaneous non-exempt well permit applications. Among new requirements are production limitations based on the number of surface acres in a tract associated with a well. In most cases, 1 1/2 acre foot per acre per year, classification of wells as "Tier I" or "Tier II" depending on the production rate associated with the well and the intended use of the water and varying requirements for information to be submitted in applications depending on the type of well and its classification. The rules contain requirements applicable to water well drilling companies and per-

sons working on wells, and impose fees, including fees on water produced in the District and transported for use outside the boundaries of the District. The revised Rules also specify procedures to be used by the District in considering and acting on applications for various types of permits including procedures to be used if someone desires to contest the issuance of a permit. Penalties for violation of the Rules are as allowed by Texas Law and include the potential for Civil Penalties of up to \$10,000 per day, injunction, and recovery of cost of enforcement including attorneys' fees and expert witness fees. The full text of the regulations is on file in the offices of the District at 1403 Blackjack St. (State Highway 20 East), Suite C, Lockhart, Texas during the District's normal business hours. The revised Rules are also posted in the District's web site: <http://pccd.org> (09652/2/2 & 4)

PUBLIC NOTICE

By order of the Hays County Commissioners' Court, notice is hereby given that on Tuesday, January 27, 2010 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

Resubdivision of a 10.13 acre portion of land, River Oaks of Wimberley, Unit 1, Section 2. (09628/3a/5)

PUBLIC NOTICE NOTICE OF PUBLIC SALE

Wimberley Mini Storage, 506 Melody Way, Misc Goods. Tenant: Rufino Rodriguez III. Landlord Lien sale on site, January 11, 2010, 9a.m. (09625/2a/3)

PUBLIC NOTICE NOTICE OF PUBLIC SALE

Wimberley Mini Storage, 506 Melody Way, Misc Goods. Tenant: Marvin (Cody) Martin. Landlord Lien sale on site, January 18, 2010, 9a.m. (09643/2a/4)

★ AUTOS

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

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

512-396-1382
(02949/4cc/13+)

★ BUSINESS OPPORTUNITIES

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

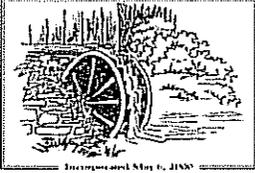
★ COMMERCIAL FOR LEASE

RETAIL SHOP
Wimberley Square. Approx. 220 sq. ft. w/deck. \$525 per month, plus deposit. Year lease.
847-2113 Mary
(09658/1cc/4)

ONE MONTH FREE
at "The Quarter"
Wimberley's newest retail center. Several spaces to choose from, small to large. Best rates on the square. Call
512-695-6326 or
512-847-6026
(09645/4a/9)

EXECUTIVE SUITES
Wimberley Receptionist, Internet, conference room, more. \$200
512-423-8700
(09665/a/tn)

City Council Agenda Form



Date Submitted: January 25, 2010

Agenda Date Requested: January 28, 2010

Project/Proposal Title: DISCUSS AND CONSIDER POSSIBLE MODIFICATIONS OF CERTAIN DEVELOPMENT AND ZONING REQUIREMENTS AS THEY RELATE TO THE AREA OF THE WIMBERLEY SQUARE

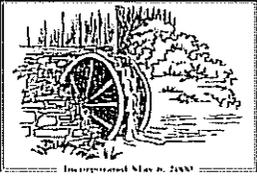
Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

This item was placed on the agenda at the request of Commissioner Jean Ross to allow the Planning and Zoning Commission to discuss and consider possible modifications of certain setback and development requirements, planning area maps and other provisions of the City's Zoning Code as they relate to the area of the Wimberley Square.

P & Z Agenda Form



Date Submitted: January 25, 2010

Agenda Date Requested: January 28, 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.