

**SPECIAL CITY  
COUNCIL MEETING  
PACKET**

**Wednesday, May 8, 2019**

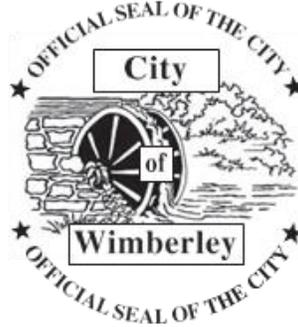
**5:30 p.m.**



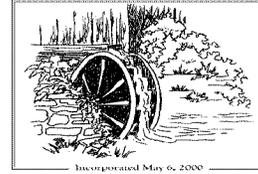
*Laura J. Calcote*

Laura J. Calcote, MPA, TRMC  
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 City Secretary Laura Calcote at (512) 847-0025 two business days in advance of the meeting for appropriate arrangements.



# Report for ZA-19-003



**Summary:**

An application for a WPDD to allow for the construction of a winery/brewery, eating establishment, events venue and additional cabins

**Applicant Information:**

**Applicant:** M & N Meeks, LLC/Matthew & Natalie Meeks  
 PO Box 1344  
 Wimberley, TX 78676

**Property Owner:** M & N Meeks, LLC/Matthew & Natalie Meeks

**Subject Property:**

**Legal Description:** 26.02 acres of land out of the Amasa Turner Survey, Abs. No. 461  
**Location:** 13401 RR 12  
**Existing Use of Property:** Commercial/Residential  
**Existing Zoning:** Residential Acreage (RA)  
**Proposed Use of Property:** Commercial/Residential  
**Proposed Zoning:** WPPD w/Participant Recreation – Low Impact  
**Planning Area:** III  
**Overlay District:** Protected Waterway

**Surroundings:**

**Frontage On:** Ranch Road 12; Blue Heron

**Area Zoning and Land Use Pattern:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
<b>N of Property</b>	C1, NS, R3	Commercial, Residential
<b>S of Property</b>	C1, R2	Commercial, Residential
<b>E of Property</b>	R2	Residential
<b>W of Property</b>	C1, R1, R2, R3	Commercial, Residential

**Legal Notice**

**200' Letters:** 04/16/2019  
**Published:** 04/18/2019  
**Sign Placement:** 03/20/2019  
**Responses within 200':** 8 property objections; 1 property supporter

**Comments:**

The applicant, M & N Meeks, LLC (Matt & Natalie Meeks), have requested a Wimberley Planned Development District (WPDD) with a base zoning of Participant Recreation – Low Impact (PR-1) on 26.02 acres out of the Amasa Turner Survey, Abstract No. 461, more commonly known as 13401 Ranch Road 12. The property currently functions with the uses of lodging, weddings/events, and single-family residence. The applicants propose to add the following uses:

Eating establishment: sit down including the sale of beer, wine and alcohol for on-premise consumption; office; retail; winery/brewery; livestock for personal use. Wimberley Water will provide water and either on-site sewage facility (OSSF) or City sewer will provide wastewater.

The restaurant will be an upscale eatery that will be complimentary to the winery.

Livestock has existed on the property for decades. This use is to be continued.

River access will be limited to cabin guests.

The property is to be further developed, with the following proposed improvements, in three (3) phases. Phase 1: Six (6) cabins (1,000 square feet each); expansion of existing structure, previously washateria by 1,200 square feet (7,740 total square feet) for operation as an eating establishment. Phase 2: one (1) administrative & professional office and retail sales and services: general space (2,000 square feet); one (1) storage barn (2,600 square feet).; one (1) winery/brewery with tasting room and deck (3,500 square feet). Phase 3: one (1) events/venue structure (7,500 square feet); two (2) administrative & professional office and retail sales and services: general space (1,200 square feet each); single-family residence expansion (1,200 square feet); swimming pool for residence; swimming pool for cabins.

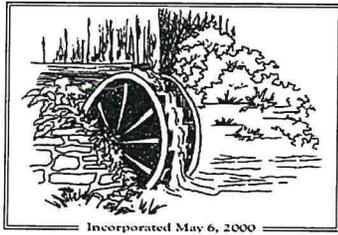
Existing impervious cover is 25,000 square feet of structures and 30,000 square feet of roads, driveways and parking, for a total of 4.85% impervious cover.

Proposed additional structures/expansions are 27,200 square feet and proposed roads, driveways and parking equal 10,000 square feet, for a total of 3.28% additional impervious cover.

Total proposed disturbed area is 37,200 square feet or 0.85 acres.

To date, eight (8) letters of opposition and one (1) letter of support have been received from properties within the 200' notice area. Four (4) letters of opposition have been received outside the 200' notice area.

Opposition of owner's within the 200' notice area is 19.30%.



# City of Wimberley

221 Stillwater, P.O. Box 2027

Wimberley, Texas, 78676

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

[www.cityofwimberley.com](http://www.cityofwimberley.com)

## Wimberley Planned Development District

OFFICE USE	ZA <u>19 - 003</u>	Date: <u>MARCH 11, 2019</u>	Staff Review <u>SLF</u>
	6:00	5:30	
P&Z Hearing:	<u>4-11-19</u>	Council Hearing:	<u>4-18-19</u>
Fees Paid: <input checked="" type="checkbox"/> Application <input type="checkbox"/> Public Notice			

Applicant:	<u>M&amp;N Meeks, LLC / Matthew and Natalie Meeks</u>		
Mailing address:	<u>PO Box 1344</u>	City:	<u>Wimberley</u> State: <u>TX</u> Zip: <u>78676</u>
Phone:	<u>[REDACTED]</u>	Email:	<u>[REDACTED]</u>
Property Owner:	<u>Matthew and Natalie Meeks</u>		
Mailing address:	<u>PO Box 1344</u>	City:	<u>Wimberley</u> State: <u>TX</u> Zip: <u>78676</u>
Phone:	<u>[REDACTED]</u>	Email:	<u>[REDACTED]</u>

Project Site Address:	<u>13401 Ranch Road 12 Wimberley, TX 78676</u>		
Legal description:	<u>see attached 26.02 acres out of the Amasa Turner Survey, Abs. No. 461</u>		
Total Acreage or Square Footage:	<u>26.02</u>	Deed recorded in:	<u>see attached</u>
Hays CAD Parcel ID R	<u>see attached</u>	Planning Area:	<u>III</u> Zoning: <u>RA</u>
Is property located in an overlay district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, type: <u>Protected Water Way</u>		

### WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD)

See the Wimberley Code of Ordinances, Section 155.062 for full requirements of the Wimberley Planned Development District.

**This document sets forth in narrative and graphic form (attached) the purpose, intent and physical nature of a Wimberley Planned Development District, which is a zoning district that applies only to the property described herein, as provided by Section 155.062 of the Wimberley Code of Ordinances.**

**All references to the “Zoning Ordinance” refer to the ordinance and amendments in effect on the date of the application for this WPDD.**

**A. PURPOSE AND INTENT**

**1. General**

The Wimberley Planned Development District, herein referred to as WPDD, is a special zoning district category that provides an alternate approach to conventional land use controls. The WPDD may be used for individual tracts or on tracts or parcels of land that are under common ownership and are to be developed as one unit according to a master design statement or a master development plan. The WPDD is subject to special review procedures, and once approved by the City Council, it becomes a special zoning classification for the property it represents.

Conventional land use controls tend to segregate uses and concentrate them into specific areas on the land. One of the key objectives of the Comprehensive Plan is to ensure the continuation of the eclectic, mixed-use pattern which characterizes the Wimberley Valley. Toward that end, WPDDs, shall be allowed in all Planning Areas and shall be used to allow otherwise incompatible uses to be sited side-by-side. While it is not customary to use the planned developments in this way, the WPDD will be the Planning and Zoning Commission’s “tool of choice” to ensure that this ordinance does not adversely impact the historical growth patterns of the City.

**2. Specific**

The purpose and intent of the development under this application is:

a. Compatibility with adjoining and nearby properties: Expanded uses will be located on the same property as the existing business of “The Waters Point” and will not only be complimentary of current uses but also of the neighboring properties. The property borders adjoin the City Center Overlay and Planning Area IV and is within 200 ft of property zones NS, C1, C2, and C3. “The Water Point” is in close proximity to the Downtown Square and would further enhance the draw to this area while also being able to provide all of its own parking, maintain green space, and provide sufficient area for OSSF if sewer service is not available.

b. Preservation of unique physical features of the site: We will preserve as many trees as possible, especially heritage trees, to maintain the natural atmosphere that currently draws people to The Waters Point. The river and creek are personally enjoyed and also the main draw to our business. No development on our property will jeopardize these pristine and fragile waters. Part of the main allure of our setting is the feeling of being out in the country while actually in the heart of Downtown Wimberley. This is a feature we will continue to maintain and protect. Our property has vigilantly been fought for through 5 generations to preserve and prevent overdevelopment. The intent is for limited development and to protect the ecosystem. This beautiful sanctuary also serves as our primary residence, and the preservation of this land is of the utmost importance to our family. While we do operate a commercial business on the grounds, this is first and foremost our home for almost a

century.

c. Achievement of diversified land uses: Currently the primary use of the property is for on-site lodging in our cabins, weddings and events, and concerts and festivals. Future expansion would potentially expand the current uses as well as add potential sale of food and alcohol, as well as retail shopping. A portion of the land is on the Ranch Road 12 highway frontage and Blue Heron Run located off of the Downtown Square.

d. Achievement of continuity of function and design: The look and feel of The Wates Point must be maintained in order to serve our main sources of revenue from weddings/events and lodging. Additional expansion and uses would be designed in the same beautiful and high-end fashion and would serve to compliment the existing business and neighboring properties.

e. Provision of open space and common areas: Open spaces will be for sitting areas with firepits, natural areas and pecan orchards that also double as festival and concert spaces, and beautifully landscaped walking paths between areas. The majority of the open space and common areas will be left in its natural, untouched state.

## **B. PERMITTED USES**

1. Base Zoning District: Participant Recreation 1

2. Additional uses allowed: On-site lodging, office and retail space, winery and/or brewery, eating establishments: sit-down, including the sale of beer, wine and alcohol for on-site consumption, and maximum building footprint of 7,500 sq. ft., swimming pools, and residential units. *LIVESTOCK INCLUDING BUT NOT LIMITED TO HORSES, PONIES, CATTLE, LONG HORN, GOATS, DONKEYS, AND SIMILAR LIVESTOCK.*

3. Conditional Uses:

## **C. SITE AREA**

1. Total tract Area: 26.02 acres

2. Net Site Area as defined by the zoning code: 26.022 acres or 1,133,518.32 sq. ft.

3. Areas in the five (5) slope zones defined in the Net Site Area: 100% of the land area with 0% to 15% average slope.

4. Area within a Flood Plain: 500 year flood plain (55%), 100 year flood plain (35%), and floodway (10%)

5. Area to be disturbed by development (all phases): Phase 1 – addition of (6) 1,000 sq. ft cabins, expansion of “washeteria” by 1,200 sq. ft. Phase 2 – construction of 2,000 sq. ft office/retail space, construction of 3,500 sq. ft winery, and construction of 2,600 sq. ft storage “barn”. Phase 3 – construction of 7,500 sq. ft venue/events building and (2) 1,200 sq. ft office/retail spaces and expansion of personal residence by 2,000 sq. ft.

## **D. EXISTING DEVELOPMENT**

Existing development features and structures that do not comply with the base district provisions and these WPDD development regulations shall be considered legal nonconforming features and structures, except as provided under Site Remediation.

Existing development consists of:

1. Buildings and other structures shown as existing on the site plan having total impervious surface of 25,000 square feet.
2. Roads and parking areas shown as existing on the site plan having a total impervious surface of 30,000 square feet.
3. Development features and structures shown as existing on the site plan, which are within an Overlay District of the Zoning Ordinance: Protected Water Way
4. Number of parking spaces shown as existing on the site plan: 300 (designated and maintained pasture), 40 parking spaces for cabins and office paved with asphalt and/or crushed granite, caliche, or similar material
5. Existing uses that are to be continued under this WPDD: The Waters Point – lodging, weddings/events, festivals, concerts accommodating more than 100 participants at a time.
6. Number of parking spaces required by Section 155.075 of the Code of Ordinances for the existing uses that are to be continued: 340
7. Area and volume of storm water retention or detention facilities shown as existing on the site plan: 2,000 gallon retention pond
8. The existing zoning, development, and uses on adjacent property are:

North: NS, C1, C2, C3

East: R2, C1

South: R2, C1

West: R2, MF1, C1, C3

Neighboring properties currently have an intensity gradation higher than 2 from our adjacent property as we are considered a district A and our property is adjacent to properties with a district D (difference of 3 – C2) and E (difference of 4 – C3).

#### **E. SITE REMEDIATION**

Existing development features and structures shown as existing on the site plan shall be removed and/or improved as follows: Remodel of the current “washeteria” in phase 2.

#### **F. NEW DEVELOPMENT**

##### **1. Phases**

The site will be developed in phases and by area shown on the site plan according to the following schedule:

**Phase 1:** Within 12 months of approval from the Planning and Zoning commission and City Council,

and site development approval from the city engineer and will consist of construction of driveways and sidewalks with caliche/crushed granite, repair and remodel of the “washeteria” with expansion of 1,200 sq. ft, running of electricity and pipes to lodging cabins. Construction will begin for the 6 new lodging cabins. Construction is anticipated to take 12-18 months.

**Phase 2:** This phase would include the construction of the maintenance and storage barn and would begin within 18 months of approval. We would also begin construction of the restaurant/winery at this time which would include electricity, water, sewage, etc. Construction is anticipated to take 12-18 months. Included in this phase is the addition of a 2,000 sq ft structure located off of Blue Heron that will house our business office as well as small retail space.

**Phase 3:** During this phase at approximately 3 years following approval, construction of a larger indoor wedding/events venue would begin. This is dependent upon the success of the previous 2 phases and is approximated to be 7,500 square feet. This would allow events to take place indoors, thus limiting the impact of inclement weather and also assisting in noise reduction. In addition, retail and/or office space consisting of 2 structures up to 1,200 sq ft each, is to be added along the Ranch Road 12 frontage, and expansion of personal residence by 2,000 sq. ft. and swimming pool at residence and swimming pool for cabins.

2. **Subdivision**

The site will be subdivided according to the attached Subdivision Plan. N/A

3. **Buildings**

At full build-out the site will have new buildings with a maximum foot print per building of 7,500 square feet for the venue, 1,000 square feet per additional cabin, 2,600 square feet for the storage barn, and 3,500 square feet for the winery, 2,000 sq ft for the office and retail, 2,400 sq. ft for retail/office space on Ranch Road 12 frontage, expansion of “washeteria” by 1,200 sq. ft for the restaurant, with a total new building foot print of 26,000 square feet bringing the total building footprint to 49,000 square fit with an impervious cover of 4.5%.

Existing: 25,000 sq ft  
Proposed: 26,000 sq ft  
51,000 sq ft  
4.5%

4.

**Roads, Driveways and Parking**

At full build-out the site will have 10,000 square feet of new road, driveways, and parking area.

Existing: 30,000 sq ft  
Proposed: 10,000 sq ft  
40,000 sq ft  
3.53%

5.

**Parking Space**

At full build-out there will be a total of 340 parking spaces on the site. Parking spaces are required by Section 155.075 of the Code of Ordinances for the proposed and existing uses on the site.

SIF

6. **Water Supply** Wimberley Water Supply

7. **Wastewater Treatment** OSSF. New structures will connect to sewer if services are available, otherwise we will construct additional OSSF.

8. **Drainage**

A plan shall be included upon City Engineer request in the Site Development phase for storm water drainage for the construction phase (applying to any construction phase) and for the

permanent drainage (applying to the entire site and/or each individual subdivided lot).

The storm water management plan shall be adequate for the two (2), ten (10) and twenty-five (25) year storm events. The plan shall include any necessary engineered designs for storm water retention, detention and filtration facilities, and a demonstration that the proposed development of the property:

1. Shall preserve established watercourses as conduits for storm water runoff from higher properties and to lower properties; and
2. Shall not result in damage or diminished value of downstream properties by a peak flow of storm water runoff exceeding the historical peak flow rate for each above referenced storm event; and
3. Shall not result in an alteration in the historical overland flow pattern of storm water; and
4. Shall not result in the conduct of hazardous materials, and pollutants, onto another property or into a waterway.

The plan shall include an analysis of the effect of land grading, including any cut and fill, and/or natural land surface alteration within and outside of the areas of impervious cover. The City may require a hydrological engineering report to demonstrate the adequacy of the plan. Detention, retention and filtration facilities may be shared between multiple properties. The plan shall also include proposed storm water conveyance for the one-hundred (100) year storm event

9. **Landscaping**

The areas set aside for landscaping and preservation of natural existing plant material on the site plan will be developed according to the Commercial Landscape regulation of the Code of Ordinances, Section 155.078, and specifically as described in the attached Landscape Plan.

We plan on improving the grounds in the areas immediately surrounding the structures and path ways with natural and native landscaping to the Texas Hill Country. We are also considering adding rain water collection to the venue and restaurant/winery structures to assist in watering the nearby vegetation. The majority of the property will be left in its natural state and undisturbed to encourage the continued presence of the wildlife that also make their home here. The natural buffers of the property are to remain untouched, less entryways to the property required off of Blue Heron.

## **G. DEVELOPMENT REGULATIONS**

Development regulations for the base district, Overlay districts and Ordinances and Development Standards of the City of Wimberley shall apply, except as otherwise explicitly provided in this WPPD.

1. In the absence of a connection to a State Licensed central wastewater treatment utility, a current Hays County private wastewater permit for the existing and/or proposed use and discharge rate shall be required.
2. Evidence shall be provided of compliance with TCEQ regulation: Subchapter B: Contributing Zone To The Edwards Aquifer In Medina, Bexar, Comal, Kinney, Uvalde, Hays, Travis And Williamson Counties. 213.20 — 213.28, Effective June 1, 1999
3. Permanent and construction phase drainage plans shall be provided and be subject to review by the City upon request by the City Engineer.
4. A plan for a curb cut or interface between a private road or drive and a City street shall be provided and be subject to review by the City. Evidence of curb cut permission from Texas Department of Transportation shall be provided when applicable.
5. New and existing signage shall comply with the Code of Ordinances Section 152 (Signs) and be of uniform style.
6. An Outdoor Lighting Plan shall be submitted upon City Engineer request showing how new and existing outdoor lighting, including lighting for any form of illuminated sign, shall comply with the Code of Ordinances Section 151.60 Outdoor Lighting.
7. Open storage or placement of materials, commodities or equipment and machinery, including motor vehicles and trailers, shall be within the building setback and shall be fully screened, by fence (as permitted by the City) and/or vegetative screening, from City streets or roads or adjacent or facing residential or un-zoned districts. Outdoor placement or display of commercial material and equipment for sale in the building setback space, or the outdoor display of any object, merchandise, or material that is not a usual item for sale under the permitted use for the site or lot is prohibited.
8. Additional development regulations including but not limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, setbacks, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the City Council and the Planning and Zoning Commission may deem appropriate are as follows:

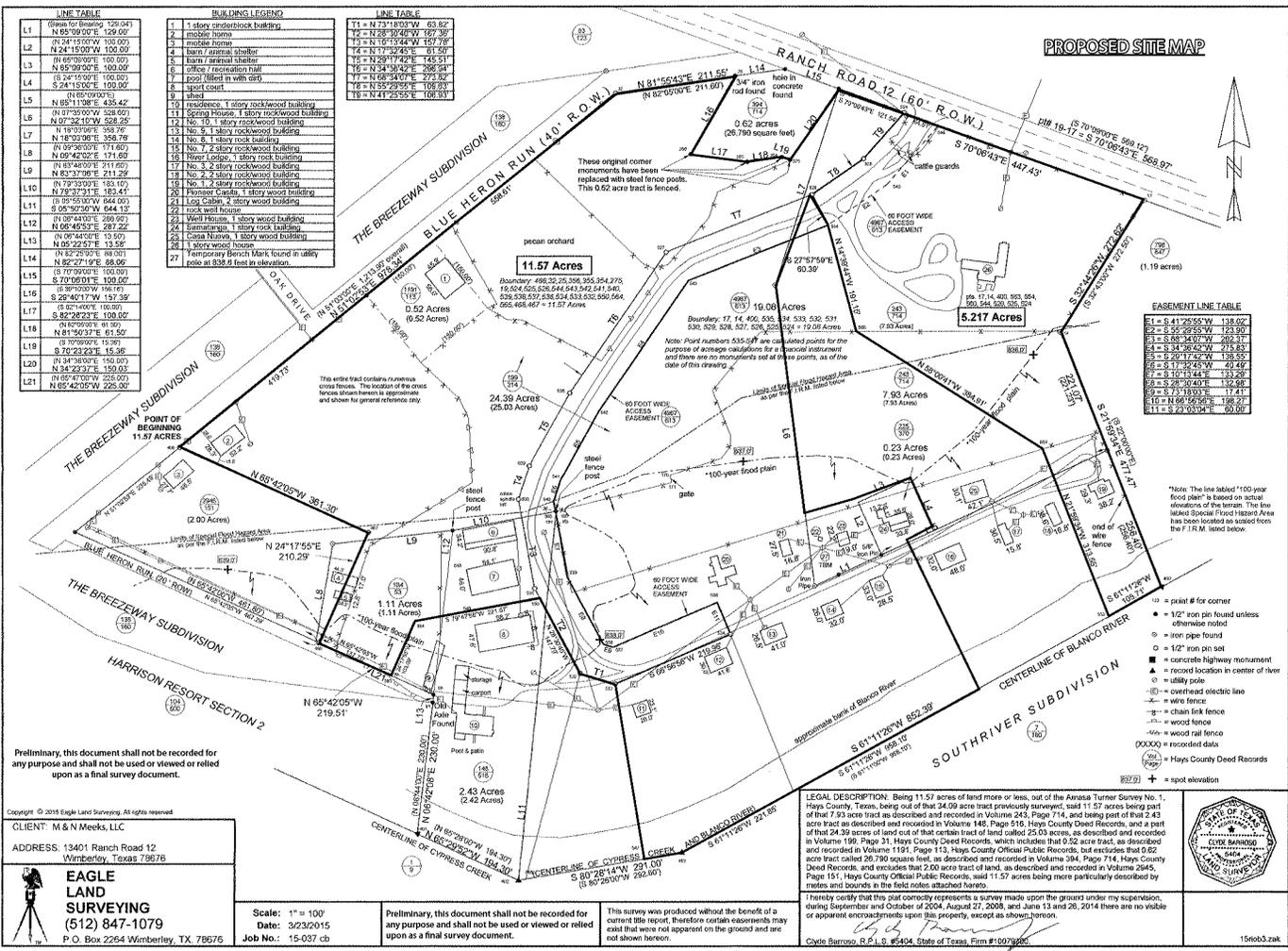
3/11/19  
 \_\_\_\_\_  
 DATE

  
 \_\_\_\_\_  
 APPLICANT SIGNATURE

WHEN APPLICABLE:

Date \_\_\_\_\_

\_\_\_\_\_  
 AGENT SIGNATURE



LINE TABLE	
L1	(665' N on Entry) 120.04'
L1	N 85°00'00" E 120.00'
L2	N 24°15'00" W 100.00'
L2	N 24°15'00" W 100.00'
L3	(N 65°00'00" E 100.00')
L3	N 65°00'00" E 100.00'
L4	(S 24°15'00" E 100.00')
L4	S 24°15'00" E 100.00'
L5	(N 65°00'00" E)
L5	N 65°00'00" E 435.42'
L6	(N 07°30'00" W 528.25')
L6	N 07°30'00" W 528.25'
L7	(N 18°00'00" E 358.78')
L7	N 18°00'00" E 358.78'
L8	(N 05°20'00" E 171.60')
L8	N 05°20'00" E 171.60'
L9	(N 87°40'00" E 111.60')
L9	N 87°40'00" E 111.60'
L10	(N 87°40'00" E 211.29')
L10	N 87°40'00" E 211.29'
L11	(N 05°20'00" E 164.00')
L11	N 05°20'00" E 164.00'
L12	(N 05°20'00" E 13.58')
L12	N 05°20'00" E 13.58'
L13	(N 05°20'00" E 13.58')
L13	N 05°20'00" E 13.58'
L14	(N 82°22'00" E 88.00')
L14	N 82°22'00" E 88.00'
L15	(N 70°00'00" E 100.00')
L15	N 70°00'00" E 100.00'
L16	(S 30°00'00" W 166.17')
L16	S 30°00'00" W 166.17'
L17	(S 82°28'23" E 100.00')
L17	S 82°28'23" E 100.00'
L18	(S 82°28'23" E 100.00')
L18	S 82°28'23" E 100.00'
L19	(S 70°23'23" E 15.36')
L19	S 70°23'23" E 15.36'
L20	(N 34°38'00" E 150.00')
L20	N 34°38'00" E 150.00'
L21	(N 65°42'05" W 210.00')
L21	N 65°42'05" W 210.00'

BUILDING LEGEND	
1	1 story brick/rock building
2	mobile home
3	mobile home
4	heavy metal shed
5	barn / animal shelter
6	office / recreation hall
7	pool / filled in with dirt
8	spot court
9	shed
10	residence, 1 story rock/wood building
11	Spring House, 1 story rock/wood building
12	No. 19, 1 story rock/wood building
13	No. 8, 1 story rock building
14	No. 6, 1 story rock building
15	No. 7, 2 story rock/wood building
16	House, 1 story rock building
17	No. 3, 2 story rock/wood building
18	No. 2, 2 story rock/wood building
19	No. 1, 2 story rock/wood building
20	Pronger Chapel, 1 story wood building
21	Log cabin, 1 story wood building
22	rock wood house
23	Wood house, 1 story wood building
24	Shamsharan, 1 story rock building
25	China Marsh, 1 story wood building
26	1 story wood house
27	Temporary Bench Mark found in utility pole at 838.0 feet in elevation.

LINE TABLE	
T1	N 73°10'00" W 63.82'
T2	N 28°30'40" W 167.39'
T3	N 10°13'42" W 157.78'
T4	N 17°30'42" E 81.50'
T5	N 29°17'42" E 145.51'
T6	N 24°30'42" E 268.54'
T7	N 08°34'00" E 274.82'
T8	N 15°23'50" E 180.31'
T9	N 41°25'25" E 108.33'

EASEMENT LINE TABLE	
E1	S 41°29'55" W 138.02'
E2	S 55°29'55" W 123.90'
E3	S 34°30'26" W 278.83'
E4	S 34°30'26" W 278.83'
E5	S 29°12'44" E 133.20'
E6	S 29°12'44" E 133.20'
E7	S 73°18'03" E 11.47'
E8	S 73°18'03" E 11.47'
E9	S 23°03'00" E 60.00'

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

Copyright © 2015 Eagle Land Surveying, All rights reserved.  
 CLIENT: M & N Meeks, LLC  
 ADDRESS: 13401 Ranch Road 12  
 Wimberley, Texas 78678

**EAGLE LAND SURVEYING**  
 (512) 847-1079  
 P.O. Box 2254 Wimberley, TX 78675

Scale: 1" = 100'  
 Date: 3/23/2015  
 Job No.: 15-037.ch

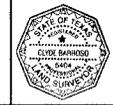
Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

This survey was produced without the benefit of a current title report, therefore certain easements may exist that were not apparent on the ground and are not shown hereon.

**LEGAL DESCRIPTION:** Being 11.57 acres of land more or less, out of the Amasa Turner Survey No. 1, Hays County, Texas, being out of that 34.09 acre tract previously surveyed, said 11.57 acres being part of that 7.93 acre tract as described and recorded in Volume 243, Page 714, and being part of that 2.43 acre tract as described and recorded in Volume 148, Page 516, Hays County Deed Records, and a part of that 24.39 acres of land out of that certain tract of land called 25.03 acres, as described and recorded in Volume 190, Page 21, Hays County Deed Records, which includes that 0.52 acre tract, as described and recorded in Volume 1191, Page 113, Hays County Official Public Records, but excludes that 0.62 acre tract called 26,790 square feet, as described and recorded in Volume 394, Page 714, Hays County Deed Records, and excludes that 2.00 acre tract of land, as described and recorded in Volume 2945, Page 151, Hays County Official Public Records, said 11.57 acres being more particularly described by notes and bounds in the field notes attached hereto.

I hereby certify that this plat correctly represents a survey made upon the ground under my supervision, during September and October of 2004, August 27, 2008, and June 13 and 26, 2014 there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Burrows, P.L.L.C. #5454, State of Texas, Firm #15079265

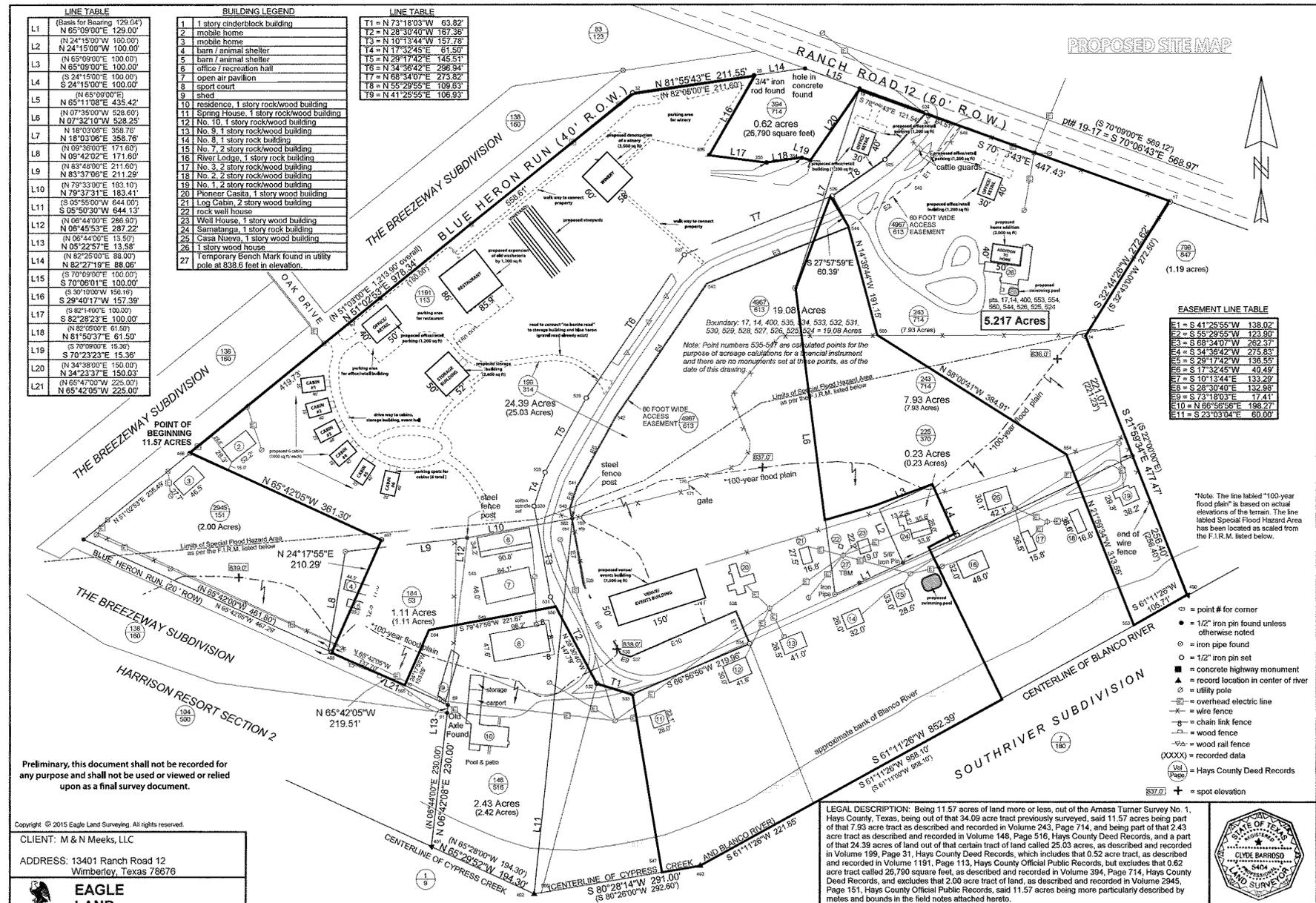


15net3.zak

LINE TABLE	
L1	(Basis for Bearing) 129.04' N 65°09'00" E 129.00'
L2	N 24°15'00" W 100.00' N 24°15'00" W 100.00'
L3	N 65°09'00" E 100.00' N 65°09'00" E 100.00'
L4	(S 24°15'00" E 100.00') S 24°15'00" E 100.00'
L5	(N 65°09'00" E) N 65°11'02" E 435.42'
L6	N 07°35'00" W 528.60' N 07°32'10" W 528.25'
L7	N 18°03'00" E 358.76' N 18°03'00" E 358.76'
L8	(N 09°42'02" E 171.60') N 09°42'02" E 171.60'
L9	(N 83°48'00" E 211.60') N 83°48'00" E 211.60'
L10	(N 79°33'00" E 183.10') N 79°37'31" E 183.41'
L11	(S 05°56'00" W 644.00') S 05°50'30" W 644.13'
L12	(N 06°44'00" E 286.90') N 05°45'53" E 287.22'
L13	(N 06°44'00" E 13.50') N 05°22'57" E 13.50'
L14	(N 82°27'19" E 88.06') N 82°27'19" E 88.06'
L15	(S 70°09'00" E 100.00') S 70°08'01" E 100.00'
L16	(S 29°40'00" W 156.16') S 29°40'17" W 157.39'
L17	(S 82°14'00" E 100.00') S 82°28'23" E 100.00'
L18	(N 81°50'37" E 61.50') N 81°50'37" E 61.50'
L19	(S 70°09'00" E 15.36') S 70°23'23" E 15.36'
L20	(N 34°38'00" E 150.00') N 34°23'37" E 150.00'
L21	(N 65°47'00" W 225.00') N 65°42'05" W 225.00'

BUILDING LEGEND	
1	1 story cinderblock building
2	mobile home
3	mobile home
4	barn / animal shelter
5	barn / animal shelter
6	office / recreation hall
7	open air pavilion
8	sport court
9	shed
10	residence, 1 story rockwood building
11	Spring House, 1 story rockwood building
12	No. 10, 1 story rockwood building
13	No. 9, 1 story rockwood building
14	No. 8, 1 story rockwood building
15	No. 7, 2 story rockwood building
16	River Lodge, 1 story rock building
17	No. 3, 2 story rockwood building
18	No. 2, 2 story rockwood building
19	No. 1, 2 story rockwood building
20	Pioneer Casita, 1 story wood building
21	Log Cabin, 2 story wood building
22	rock well house
23	Well House, 1 story wood building
24	Samatanga, 1 story rock building
25	Casa Nueva, 1 story wood building
26	1 story wood house
27	Temporary Bench Mark found in utility pole at 838.6 feet in elevation.

LINE TABLE	
T1	N 73°18'03" W 63.82'
T2	N 28°30'49" W 187.35'
T3	N 10°13'44" W 157.78'
T4	N 17°32'45" E 61.50'
T5	N 29°17'42" E 145.51'
T6	N 24°36'42" E 208.94'
T7	N 68°34'07" E 273.82'
T8	N 55°29'55" E 109.83'
T9	N 41°25'55" E 106.93'



EASEMENT LINE TABLE	
E1	S 41°25'55" W 138.02'
E2	S 55°29'55" W 123.80'
E3	S 65°34'07" W 262.37'
E4	S 34°36'42" W 273.83'
E5	S 29°17'42" W 138.55'
E6	S 17°32'45" W 40.49'
E7	S 10°13'44" E 133.29'
E8	S 28°30'49" E 132.86'
E9	S 73°18'03" E 17.41'
E10	N 66°56'56" E 198.27'
E11	S 23°03'04" E 60.00'

Note: The line labeled "100-year flood plain" is based on actual elevations of the terrain. The line labeled "Special Flood Hazard Area" has been located as scaled from the F.I.R.M. listed below.

- 113 = point # for corner
- = 1/2" iron pin found unless otherwise noted
- = iron pipe found
- = 1/2" iron pin set
- = concrete highway monument
- ▲ = record location in center of river
- = utility pole
- = overhead electric line
- x-x- = wire fence
- |-|- = chain link fence
- |-|- = wood fence
- |-|- = wood rail fence
- (XXXX) = recorded data
- (Page) = Hays County Deed Records
- 837.0' + = spot elevation

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

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CLIENT: M & N Meeks, LLC  
 ADDRESS: 13401 Ranch Road 12  
 Wimberley, Texas 78676

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

Scale: 1" = 100'  
 Date: 3/23/2015  
 Job No.: 15-037 cb

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

This survey was produced without the benefit of a current title report, therefore certain easements may exist that were not apparent on the ground and are not shown hereon.

LEGAL DESCRIPTION: Being 11.57 acres of land more or less, out of the Amasa Turner Survey No. 1, Hays County, Texas, being out of that 34.09 acre tract previously surveyed, said 11.57 acres being part of that 7.93 acre tract as described and recorded in Volume 243, Page 714, and being part of that 2.43 acre tract as described and recorded in Volume 148, Page 516, Hays County Deed Records, and a part of that 24.39 acres of land out of that certain tract of land called 25.03 acres, as described and recorded in Volume 199, Page 31, Hays County Deed Records, which includes that 0.52 acre tract, as described and recorded in Volume 1191, Page 113, Hays County Official Public Records, but excludes that 0.62 acre tract called 26,790 square feet, as described and recorded in Volume 394, Page 714, Hays County Deed Records, and excludes that 2.00 acre tract of land, as described and recorded in Volume 2945, Page 151, Hays County Official Public Records, said 11.57 acres being more particularly described by metes and bounds in the field notes attached hereto.

I hereby certify that this plat correctly represents a survey made upon the ground under my supervision, during September and October of 2004, August 27, 2008, and June 13 and 26, 2014 there are no visible or apparent encroachments upon this property, except as shown hereon.

*Clyde Barroso*  
 Clyde Barroso, R.P.L.S. #5404, State of Texas, Firm #11007980



15riob3.zak

### **Sec. 9.03.071 Residential Acreage; RA**

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

(b) Permitted uses.

(1) One residence, including:

(A) One single-family detached dwelling.

(2) Farms, barns, nurseries, greenhouses, or gardens on parcels 5 acres or larger, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises except as provided under home occupation, as defined in section 9.03.005, and except as may be permitted with a conditional use permit (CUP);

(3) Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith or on a contiguous lot under the same ownership that satisfies the requirements of section 9.03.182, but not involving the conduct of a retail business except as provided herein:

(A) The term "accessory use" shall include customary home occupations as herein defined. See section 9.03.182 for additional accessory use requirements;

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

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

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

(5) Swimming pool (private);

(6) Commercial row and field crops;

(7) Commercial livestock;

(8) Religious assembly; and

(9) One secondary single-family residential building built on-site, provided the secondary residence is not used as a short- or long-term rental.

(c) Conditional uses.

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

(2) Home day care;

(3) Home commercial crafts or hobbies;

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

(5) Two-family residential (duplex);

(6) Utilities;

(7) One manufactured home installed on a permanent foundation, as the primary residence;

(8) Vacation rental; and

(9) Personal care home.

(d) Development regulations.

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

- (2) Maximum building height (as defined in section 9.03.005):
    - (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 one story;
    - (D) Decks: Not more than 12 feet including a railing only or 18 feet including a roof; and
    - (E) Barns, silos, water towers: 45 feet if more than 90 feet from residential buildings or property line, otherwise 28 feet.
  - (3) The minimum setbacks shall be the larger of the dimensions in section 9.03.184(a), table A, or the following:
    - (A) Dominant street: 50 feet;
    - (B) Secondary street: 25 feet; and
    - (C) Interior side and rear: 15% of lot width, but need not be greater than 25 feet.
  - (4) Minimum floor area:
    - (A) Primary residential building: 1,000 square feet;
    - (B) Secondary residential building: 600 square feet; and
    - (C) Bed and breakfast units: 200 square feet.
  - (5) Maximum impervious cover: 20%. Impervious cover shall be calculated as a percentage of the net site area.
  - (6) The parking and trash collection ordinances will apply.
  - (e) Special requirements.
    - (1) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.
    - (2) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on 2 or more acres.
    - (3) Open storage is prohibited, except for materials for the resident's personal use or consumption such as firewood, garden materials, and the like.
    - (4) Single-family homes with side entry garages where lot frontage is only to one 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 division 5 of this article, development standards.
- (Ordinance 2001-010, sec. 14, adopted 4/1/01; Ordinance 2003-006 adopted 7/3/03; 2006 Code, sec. 155.035; Ordinance 2006-014, sec. II(B), (C), adopted 2/1/07; Ordinance 2008-023, sec. II(A), adopted 7/17/08; Ordinance 2009-050, sec. II(F), adopted 12/3/09; Ordinance 2011-004, sec. II(F), adopted 1/20/11; Ordinance 2012-003, sec. II(C), adopted 2/2/12; Ordinance 2012-028, sec. II, adopted 8/2/12; Ordinance 2017-023, sec. II(A), adopted 8/3/17)

### **Sec. 9.03.223 Protected Waterway overlay district; PW**

(a) Definitions. For the purpose of this section, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Creek. A watercourse smaller than a river.

River. A natural stream of water of fairly large size flowing in a definite course or channel or series of diverging and converging channels.

Watershed. An area of land over and through which water flows to the lowest point, which can be a creek, river, wetland, or lake.

(b) General purpose and description.

(1) The PW, Protected Waterway district is intended primarily for the protection of the rivers and creeks, as well as private property in close proximity to those rivers and creeks, found within the city limits and extraterritorial jurisdiction.

(2) The goal of the overlay is to maintain or improve the condition of the city's rivers and creeks by limiting the amount of impervious cover allowed near those features, to provide viable habitat for fish and wildlife, to reduce the possibility of future property loss due to flood damage while accommodating new growth, to maintain the integrity of high quality surface and ground water, and to help restore impaired waters by protecting vegetation, trees, and other features that serve to protect watershed health (such as ground and surface water quality). It is important that the city preserve the integrity of the community's watersheds because watersheds provide our drinking water, as well as resources for the area's economy, recreation, and wildlife.

(c) Limits of overlay. Application of this overlay is limited to Federal Emergency Management Agency (FEMA) studied and unstudied (unstudied are typically zone A) waterways, as depicted on flood insurance rate maps (FIRM). It is limited to areas extending 150 feet from current riverbanks and 100 feet from current creek banks, or to that area defined on the most current FIRM as special flood hazard areas inundated by 100-year flood, whichever is greater. These areas may be generically referred to, below, as the setback.

(d) Permitted uses. Except as noted below, all construction within the PW district shall be prohibited. Permitted uses described for the PW district are governed by the allowable underlying zoning districts found associated with each river and creek (see this article and the city's planning areas map that accompanies the comprehensive plan). These permitted uses must conform to the following criteria, as well as to the special development standards set forth for this overlay district:

(1) Utilities, only if those utilities cannot feasibly be located outside the setback, and only under the following circumstances:

- (A) The utilities shall be located as far from the watercourse bank as possible;
- (B) Their installation and maintenance shall protect the integrity of the setback areas;
- (C) They shall not impair the quality of the water found in the adjoining river(s) or creek(s); and
- (D) Construction of any utility crossing shall meet the requirements of all applicable federal, state, county, and city ordinances on soil erosion and sedimentation control.

(2) Agricultural activities, provided:

- (A) The activity does not impair the quality of the water found in the adjoining river(s) or creek(s); and
- (B) The use meets all federal, state, county, and city environmental rules and regulations.

(3) Industrial and commercial land uses existing prior to the establishment of the PW district, provided:

- (A) No previously existing use shall be expanded;
- (B) The activity does not impair the quality of the water found in the adjoining river(s) or creek(s); and
- (C) Those uses meet all federal, state, county, and city environmental rules and regulations.

(4) Single-family dwellings, including the usual appurtenances, if they comply with the following conditions:

- (A) The dwelling is in compliance with all city zoning and building regulations;

- (B) A septic tank or tanks servicing such a dwelling may be located within the PW district, and shall be pumped by a certified septic tank servicing company every 3 years;
- (C) However, septic tank drainfields shall not be located within the PW district; and
- (D) Only engineered wastewater treatment and disposal systems may be installed in the PW district.
- (5) The construction of road crossings is allowed, provided that the construction meets the requirements of all applicable federal, state, county, and city ordinances on soil erosion and sedimentation control; and
- (6) Recreational usage, consistent either with the maintenance of a vegetative buffer or with river-dependent recreation, is allowed. Docks, paths, and walkways shall be consistent with this criterion.
- (7) Nonconforming commercial septic systems. A nonconforming commercial septic system is defined as a commercial septic system (including septic tanks and appurtenances to the system) located on real property within the PW overlay, regardless of zoning of such property that was in use prior to April 1, 2001 and since such date. Notwithstanding the provisions of section 9.03.252 (nonconforming uses and structures), a nonconforming commercial septic system may be upgraded or replaced in its entirety, only if the following conditions are met:
- (A) A certified inspector has determined that the nonconforming commercial septic system must be upgraded or replaced due to the system failing, constitutes a health hazard and can no longer be repaired in a feasible manner; and
- (B) All state and local laws and regulations are complied with, including application for a permit and inspection of the new septic system; and
- (C) Expansion of capacity of the septic system is not permitted to allow for excess capacity of the existing nonconforming commercial system attributable to additional uses on the property after the septic system became nonconforming.
- (D) A public wastewater system does not exist. If a public system exists then connection to the public system shall be required in accordance with applicable city ordinances, and a nonconforming commercial septic system may not be upgraded or replaced.
- (8) Prior to commencement of any construction permitted by this subsection, or commencement of development as defined in article 9.04 (water quality protection), as may be amended from time to time, the property owner shall apply for and obtain the approval of a site development permit. The requirements and process for approval for a site development shall be the same as set forth in section 9.03.183 (development plan review).
- (e) Site development standards. The site development standards of the PW district are the same as those of the allowable underlying district except for the following additional requirements and conditions:
- (1) Construction. Except as expressly provided for under subsection (d) of this section, no new buildings shall be constructed within the special flood hazard areas inundated by 100-year flood zone as designated on the most current flood insurance rate map;
- (2) Septic tanks. Except as expressly provided for under subsections (d)(4) and (d)(7) of this section, septic tanks and septic tank drainfields are prohibited within the PW district;
- (3) Maximum impervious cover. No impervious surface shall be constructed within a 150-foot setback area on both sides of a river as measured from the river's bank or within a 100-foot setback area on both sides of a creek as measured from the creek's bank, except for those uses described in subsection (d) above. This regulation shall not apply for residential building sites above the floodplain; and
- (4) Landscaping. To reduce runoff into rivers and creeks, vegetation abutting river and creek banks shall not be eliminated within a distance of 10 feet from the banks except to provide a single point of access to the river or creek for each platted lot. The width of the single point of access shall not exceed 10% of the length of the lot's river- or creek-front footage or 20 feet, whichever is smaller. Following any land-disturbing activity within the river corridor, vegetative buffer shall be restored as quickly as possible.
- (f) Prohibited uses.
- (1) Handling areas for the receiving and storage of hazardous waste shall be prohibited.
- (2) Hazardous waste or solid waste landfills shall<sup>17</sup> be prohibited.

(3) Wastewater treatment plants shall be prohibited.

(4) Parking lots shall be prohibited.

(Ordinance 2001-010, sec. 50, adopted 4/1/01; 2006 Code, sec. 155.092; Ordinance 2011-015 adopted 4/21/11)

## **Sec. 9.03.098 Planned Development District; WPDD**

### **(a) Intent.**

(1) A Wimberley Planned Development District (WPDD) is a special zoning district category that provides an alternate approach to conventional land use controls. WPDDs shall be allowed in all planning areas in those cases in which the permitted uses or the related regulations are not appropriate for the intended use or development. The WPDD may be used for land that is to be developed in the future according to a WPDD concept plan described in this section (the "WPDD concept plan") and for land that is to be used in accordance with the WPDD concept plan without further development. A WPDD may be appropriate for projects such as industrial districts, offices, retail, commercial or service centers, shopping centers, and residential developments of multiple or mixed housing, including attached single-family dwellings. Any appropriate use or combination of uses may be considered for zoning as a WPDD.

(2) The WPDD concept plan constitutes an integral part of an application for a WPDD and in its final form will be incorporated into and becomes a part of the ordinance establishing the WPDD. The WPDD is subject to special review procedures, and once approved by the city council, becomes a special zoning district for the property it represents. A WPDD does not confer the right to begin any actual development of the property to which it relates. Any such development will require an approved development plan in accordance with section 9.03.183.

### **(b) General purpose and description.**

(1) The intent and purpose of the WPDD provisions are to:

(A) Encourage innovative projects while maintaining appropriate limitations on the character and intensity of use, and assuring compatibility with adjoining and proximate properties;

(B) Permit flexibility and creativity within a project to maximize the unique physical features of the particular site;

(C) Encourage efficient use of land, facilitate economic arrangement of buildings and circulation systems, and encourage diversified living environments and land uses;

(D) Achieve continuity of function and design within the project and encourage diversified living environments and land uses, including open space and common areas;

(E) Provide a vehicle for negotiating modifications in standard uses and development requirements in order to encourage innovative projects, while mitigating the effects of such projects and protecting the health, safety and welfare of the city;

(F) Encourage the conservation of energy and natural resources;

(G) Carry out the goals, purposes, and intent of the comprehensive plan.

(2) The city council, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may authorize the creation of a WPDD by ordinance.

### **(c) Approval process and procedure.**

(1) The procedure for establishing a WPDD zoning district shall follow the procedures set forth in section 9.03.255.

(2) Any potential applicant for a WPDD may, at his or her discretion, schedule a pre-application review conference with the city administrator and with the planning and zoning commission. During the pre-application conference with the planning and zoning commission it will review the applicant's preliminary development concept and will provide the potential applicant with non-binding preliminary information as to any items of particular concern that could surface during the application review process. Other items of concern to the commission and the city administrator may surface as the review process continues and no rights are granted on the basis of any pre-application conference.

(3) During the review process for a WPDD application, the planning and zoning commission and/or the city council may direct the applicant to include items in the WPDD concept plan in addition to those items that must be addressed under the terms of this section.

(4) All WPDD zoning districts approved in accordance with the provisions of this article in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map. A list of

such WPDD districts, showing the uses permitted and any other special stipulations of the WPDD, shall be maintained as part of this article.

(d) Selection of base zoning district(s). An application for a WPDD shall specify the base zoning district upon which each tract in the WPDD is based. Each base zoning district specified must be a zoning district permitted in the planning area in which the tract to which it relates is located. Unless specifically addressed and modified by the ordinance establishing the WPDD, all terms and conditions of the base zoning district, including use and development regulations, shall apply to the development of the tract to which it applies. The terms and conditions of the base zoning district which are applicable to each tract in the WPDD that are in effect at the time of the adoption of the ordinance establishing the WPDD shall remain applicable to the WPDD and are not subject to change by reason of future amendments of the base zoning district unless an amendment to the WPDD ordinance is sought and obtained.

(e) Permitted uses.

(1) Any use permitted as a use by right in the base zoning district shall be treated as a use by right on the tract within the WPDD to which such base zoning district applies unless specifically changed in the ordinance establishing the WPDD.

(2) Any use that is not permitted as a use by right in the base zoning district is prohibited on the tract within the WPDD to which such base zoning district applies, unless specifically authorized as an "additional use" in the ordinance establishing the WPDD.

(3) Any conditional use permitted in the base zoning district is prohibited on the tract within the WPDD to which the base zoning district applies unless specifically authorized as a "conditional use" in the ordinance establishing the WPDD.

(f) WPDD requirements.

(1) The permitted land uses and development requirements for each WPDD and each tract within the WPDD shall be set forth in a WPDD concept plan. The WPDD concept plan is an integral part of the WPDD application. The items to be covered in the WPDD concept plan shall include, but are not limited to those items set forth below in subsection (g) below. The planning and zoning commission and the city council may require additional items to be addressed in the WPDD concept plan as they may deem appropriate.

(2) The WPDD concept plan shall list all requested deviations from the standard uses and development requirements set forth in this article as well as from all other provisions of this article and from other ordinances of the city (applications without this list will be considered incomplete). Development on each tract within the WPDD shall also conform to all other zoning regulations and ordinances of the city unless specifically changed or excluded in the WPDD concept plan.

(3) The ordinance granting a WPDD shall include a statement as to the purpose and intent of the WPDD granted therein.

(4) The minimum acreage for a WPDD request shall be one acre.

(5) In establishing a WPDD in accordance with this section, the planning and zoning commission shall recommend, and the city council shall approve and file, as part of the WPDD ordinance, the final WPDD concept plan resulting from the review process. The WPDD concept plan, as incorporated in the WPDD ordinance and together with the text of the ordinance, establishes the WPDD.

(g) Requirements for the WPDD concept plan.

(1) The WPDD concept plan shall, at a minimum, present a summary description of the WPDD in sufficient detail to provide a clear outline of the proposed project, including its uses and development regulations. It shall set forth the requested deviations from the provisions of the applicable base district or districts, this article, and other ordinances of the city. It shall be organized to provide summary data for the entire WPDD and detailed data for each tract within the WPDD as follows:

(A) Total number of acres of the entire WPDD;

(B) The number of tracts to be created in the WPDD;

(C) The maximum number of lots to be created as a result of subdivision of each tract and their configuration;

(D) The base zoning district applicable to each tract;

- (E) The deviations from the provisions of the base zoning district requirements applicable to each tract;
  - (F) All uses (permitted, prohibited, and conditional) on each tract;
  - (G) All development regulations applicable to each tract;
  - (H) Any overlay district applicable to each tract, if any;
  - (I) The deviations from the provisions of any applicable overlay district applicable to each tract;
  - (J) The deviations from any other provisions of this article and other city ordinances and regulations applicable to each tract;
  - (K) Plans for signs, landscaping, buffering, architectural style and continuity, wastewater treatment, stormwater management and outdoor lighting;
  - (L) Potential impact on infrastructure, including traffic and utilities.
- (2) The WPDD concept plan shall include a map or maps at least 24 inches by 36 inches, drawn to scale, with the scale and north direction shown. Such map or maps shall:
- (A) Set forth all of the features required in the WPDD concept plan;
  - (B) Set forth the legal description, address, configuration, area and dimensions of the property;
  - (C) Set forth the relationship of the WPDD to surrounding properties and streets;
  - (D) Show all existing buildings within the WPDD and all existing buildings on all abutting tracts; and
  - (E) Show the proposed building envelopes, internal streets and parking design within each tract.
- (3) No development may take place within a WPDD until a development plan has been approved in compliance with section 9.03.183. The purpose of a development plan is to assure that the development of individual building lots, parcels, or tracts within the WPDD are consistent with the WPDD ordinance (the ordinance establishing the WPDD), this article and other city ordinances and regulations.
- (4) If a WPDD ordinance contemplates future development prior to use in accordance with the WPDD and a development plan has not been approved in accordance with section 9.03.183 with respect to a significant portion of the WPDD within 5 years from the date of the adoption of the WPDD ordinance, then the WPDD ordinance and the associated concept plan shall expire and be of no further force and effect. However, prior to the expiration of the 5 years, a landowner may apply for one extension of the WPDD ordinance for up to 6 months beyond the 5-year period. In the event that a WPDD ordinance shall expire, the zoning of each tract included in the WPDD will become the base zoning established by the WPDD ordinance with respect to such tract.
- (h) Procedure for amendments to an approved WPDD.
- (1) Minor amendments of an approved WPDD are subject to review and approval by the city administrator. Minor amendments include such matters as slight modifications to internal circulation plans and the reorientation of lots and building locations.
- (2) Major amendments of an approved WPDD are treated as a re-opening of the application and approval process as set forth in section 9.03.255. Major amendments include such matters as modifications and changes in proposed land uses, alteration in the allocation of approved land uses between or among tracts, realignment of roadways or entryways by more than 10 feet, or any modification to approved architectural, landscaping/buffering, signage, or lighting plans.
- (3) In the event of a dispute with respect to whether an amendment is minor or major, the decision of the planning and zoning commission shall be final.
- (Ordinance 2001-010, sec. 41, adopted 4/1/01; Ordinance 2005-002 adopted 2/17/05; 2006 Code, sec. 155.062)

**Sec. 9.03.094 Participant Recreation - Low Impact; PR-1**

(a) General purpose and description. The PR-1, Participant Recreation - Low Impact district is intended to accommodate non-governmental recreation and general public services uses that have a minimum impact on adjacent uses. PR-1 uses are confined to those accommodating fewer than 100 participants at any one time.

(b) Permitted uses.

- (1) Campgrounds with facilities;
- (2) Recreation and entertainment: low impact;
- (3) Cultural exhibits: limited;
- (4) Library services;
- (5) Parks;
- (6) Theater;
- (7) Community centers, low impact; and
- (8) Religious assembly.

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

(d) Development regulations.

- (1) Minimum lot size: No requirement.
- (2) Maximum building height (as defined in section 9.03.005):
  - (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 one story; and
  - (C) Decks: Not more than 12 feet including a railing only or 18 feet including a roof.
- (3) Maximum building coverage: 50%. Building coverage shall be calculated as a percentage of the net site area.
- (4) Maximum building footprint: 5,000 square feet.
- (5) Maximum impervious cover: 65%. Impervious coverage shall be calculated as a percentage of the net site area.
- (6) The minimum setbacks shall be the larger of the dimensions in section 9.03.184(a), table A, or the following:
  - (A) Front yard: Same as most restrictive district adjacent to PR-1;
  - (B) Street side yard: Same as most restrictive district adjacent to PR-1;
  - (C) Interior side yard: Same as most restrictive district adjacent to PR-1; and
  - (D) Rear yard: Same as most restrictive district adjacent to PR-1.

(e) Other regulations.

- (1) As established in the development standards, division 5 of this article.
- (2) Outdoor storage of materials or equipment is prohibited.
- (3) Permanent secure building space is required for storm refuge for camping facilities.
- (4) A minimum of one bathroom with shower and toilet is required for each 10 camping sites or fraction thereof.

(f) Special requirements. For site plan requirements, see section 9.03.183.

(g) Parking regulations. As required by section 9.03.181, off-street parking and loading requirements.

(Ordinance 2001-010, sec. 37, adopted 4/1/01; 2006 Code, sec. 155.058; Ordinance 2008-023, sec. II(W), adopted 7/17/08; Ordinance 2009-050, sec. II(F), adopted 12/3/09)

### Sec. 9.03.252 Nonconforming uses and structures

#### (a) Grandfathered status.

(1) Within the city there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this article was enacted. It is the intent of this article to permit these grandfathered uses and structures to continue, as long as the conditions within this section and other applicable sections of this article and other ordinances are met.

(2) Grandfathered uses and structures shall not be enlarged upon, expanded, or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.

(b) Nonconforming status. Any use, platted lot, or structure which does not conform with the regulations of the zoning district in which it is located shall be deemed a nonconforming use, platted lot, or structure when:

(1) The use, platted lot, or structure was in existence and lawfully operating as of the effective date of the ordinance designating the district boundaries in which it is located, and has since been in regular and continuous use;

(2) The use, platted lot, or structure was in existence and lawfully operating as of the effective date of any amendment to this article, but by that amendment is placed in a district wherein that use, platted lot, or structure is no longer permitted, and has since been in regular and continuous use; or

(3) The use, platted lot, or structure was in existence and lawfully operating at the time of annexation into the city, and has since been in regular and continuous use.

#### (c) Proof of status; administrative provisions.

(1) Evidence. The property owner or user claiming nonconforming status under this section has the burden to prove such nonconforming status by a preponderance of evidence by submission of written evidence to include but not limited to sworn affidavits, legally filed plats, sales, use, income and occupancy tax records, building and on-site sewage facility permits, construction receipts, or any other information requested by the city administrator to prove the structure's or use's nonconforming status.

(2) Appeal. The applicant may appeal a decision of the city administrator to the board of adjustment in accordance with the procedure set forth in section 9.03.254 (board of adjustment; variances and appeals).

(3) Conditions. The board of adjustment may adopt any conditions it considers necessary when it issues an order concerning a nonconforming use.

#### (d) Continuing lawful use of property and existence of structures.

(1) The lawful use of land or lawful existence of structures as of the effective date of this article, although they do not conform to the provisions hereof, may be continued; but if the nonconforming use or structure is discontinued or abandoned, as these terms are defined in subsection (d)(2) below, any future use of the premises shall be in conformity with the provisions of this article.

(2) For the purpose of this subsection (d), the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Abandonment. Of a nonconforming use or structure, the actual act or date of abandonment as described in subsection (d)(3) below.

Discontinuance. Of a nonconforming use, the actual act or date that the use is discontinued (such as ceases to operate on the subject property).

(3) When a nonconforming use or structure which does not meet the development standards in this article ceases to be used in that manner as stated in subsection (d)(2) above for a time period of 6 months or longer, that use shall not be resumed, and proof of that event shall constitute prima facie evidence of an act of abandonment, except as allowed in subsection (f)(5) [(f)(6)] of this section. Any nonconforming use which does not involve a permanent type of structure or operation and which is moved from the premises shall be considered to have been abandoned.

(4) No nonconforming use or structure may be expanded, reoccupied with another nonconforming use, or increased following the effective date of this article except as provided in subsection (f) below.

(5) Conforming single-family residential uses on platted lots which were approved prior to the

effective date of this article, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this article as long as the use of the lot is allowed in the respective district. Only the lot size, depth, setbacks, and width shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this article shall be met or the lot shall be considered nonconforming.

(6) Any existing vacant lot platted prior to the effective date of this article, which was legally conforming, shall be deemed a conforming lot.

(e) Changing nonconforming uses.

(1) Any nonconforming use may be changed to a conforming use, and once that change is made, the use shall not be changed back to a nonconforming use.

(2) Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in subsection (f) below.

(3) A nonconforming use may not be changed to another nonconforming use.

(f) Expansion of nonconforming uses and buildings. An expansion of a nonconforming use or structure is allowed in accordance with the following:

(1) A nonconforming use located within a building may be extended throughout the existing building, provided that:

(A) No structural alteration (except as may be provided herein) may be made on or in the building except those required by law to preserve the building in a structurally sound condition; and

(B) The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time the use became a nonconforming use.

(2) No nonconforming use within a building may be extended to occupy any land outside the building;

(3) No nonconforming use of land or building shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use, except to provide off-street loading or off-street parking space;

(4) The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts, except that a lot having less area than herein required, which was an official lot of record prior to the effective date of this article, may be used for a single-family dwelling;

(5) Buildings or structures which do not conform to the area regulations or development standards in this article but where the uses are deemed conforming shall not increase the gross floor area by more than 10%;

(6) Buildings or structures which have been vacant or abandoned for more than 6 months and do not meet the current area regulations or development standards shall be allowed to be reoccupied by a conforming use if the building or structure is brought into full compliance with this article; and

(7) A nonconforming use may be required to provide screening so that its operations, or some portion of its operations or facility, are not visible from the street or surrounding property, may be required to eliminate any nuisance factor caused by the nonconforming use, or the nonconforming use may be eliminated itself if it is deemed detrimental or hazardous to the health, safety, or welfare of nearby residents or other citizens. The planning and zoning commission may, after notice and public hearing, review any of the above situations and make an appropriate recommendation to city council. The city council may, after notice and public hearing, make a final ruling on any of the above situations. The planning and zoning commission's recommendation (such as to provide screening, to eliminate a nuisance factor, or to eliminate the nonconforming use itself) may be appealed to city council, whereupon a majority vote of the council will be required to reverse the commission's recommendation.

(g) Restoration of nonconforming structure. If a structure occupied by a nonconforming use is destroyed by fire, the elements, or some other cause, it may not be rebuilt except to conform to the provisions of this article. In the case of partial destruction of a nonconforming structure which does not exceed 50% of its total appraised value as determined by the county Central Appraisal District, reconstruction will be permitted, but the previously existing square footage of the structure and the function of the nonconforming use cannot be expanded.

(h) Relocation of nonconforming structure.

(1) A nonconforming structure can be relocated (such as moved) to another site on the same lot or tract upon which it was previously located, subject to submission of a structure relocation plan to the building official or his or her designee for review and approval, and subject to compliance with setback regulations for the zoning district in which the structure is located. If the setback regulations of the zoning district cannot be reasonably adhered to, then the building official or his or her designee may waive this requirement upon a finding that the waiver would be in the public interest and would not be detrimental or hazardous to the health, safety, or welfare of nearby property owners or other citizens.

(2) Should a nonconforming structure be relocated (such as moved) from its original site to a different lot or tract, it shall thereafter conform to the regulations (such as setbacks, height, square footage, construction materials, and the like) for the zoning district into which it is moved.

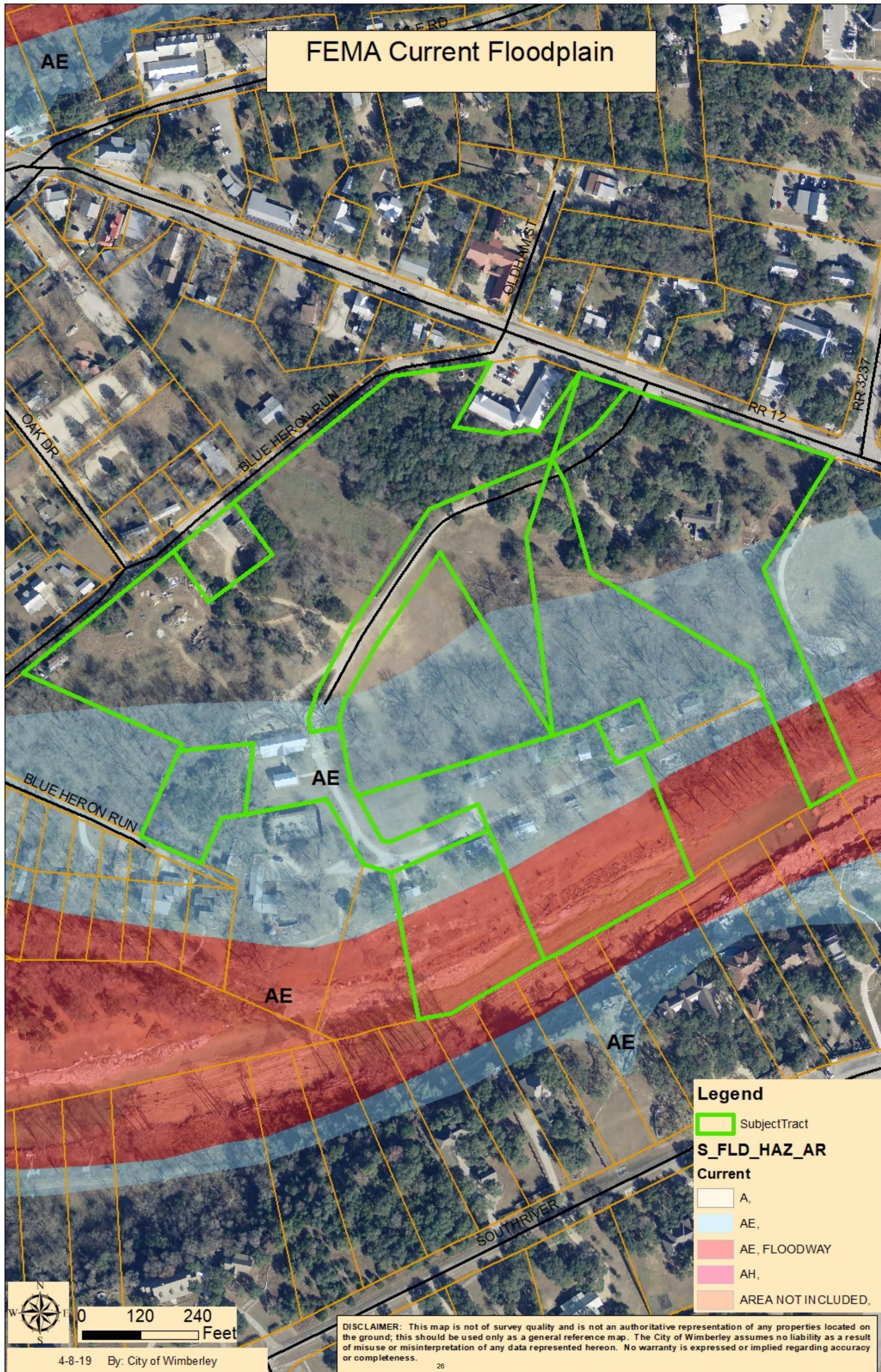
(i) Completion of structures. Nothing herein contained shall require any change in the plans, construction, or designated use of the following:

(1) A building or structure for which a building permit has been issued or a site plan approved prior to the effective date of this article; or

(2) A building or structure for which a substantially complete application for a building permit was accepted by the building official or his or her designee on or before the effective date of this article; provided, however, that the building permit shall comply with all applicable ordinances of the city in effect on the date the application was filed, and the building permit is issued within 30 days of the effective date of this article.

(Ordinance 2001-010, sec. 8, adopted 4/1/01; 2006 Code, sec. 155.106; Ordinance 2011-014 adopted 4/21/11)

# FEMA Current Floodplain



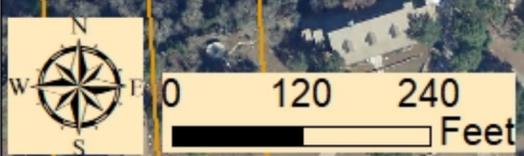
**Legend**

- SubjectTract

**S\_FLD\_HAZ\_AR**

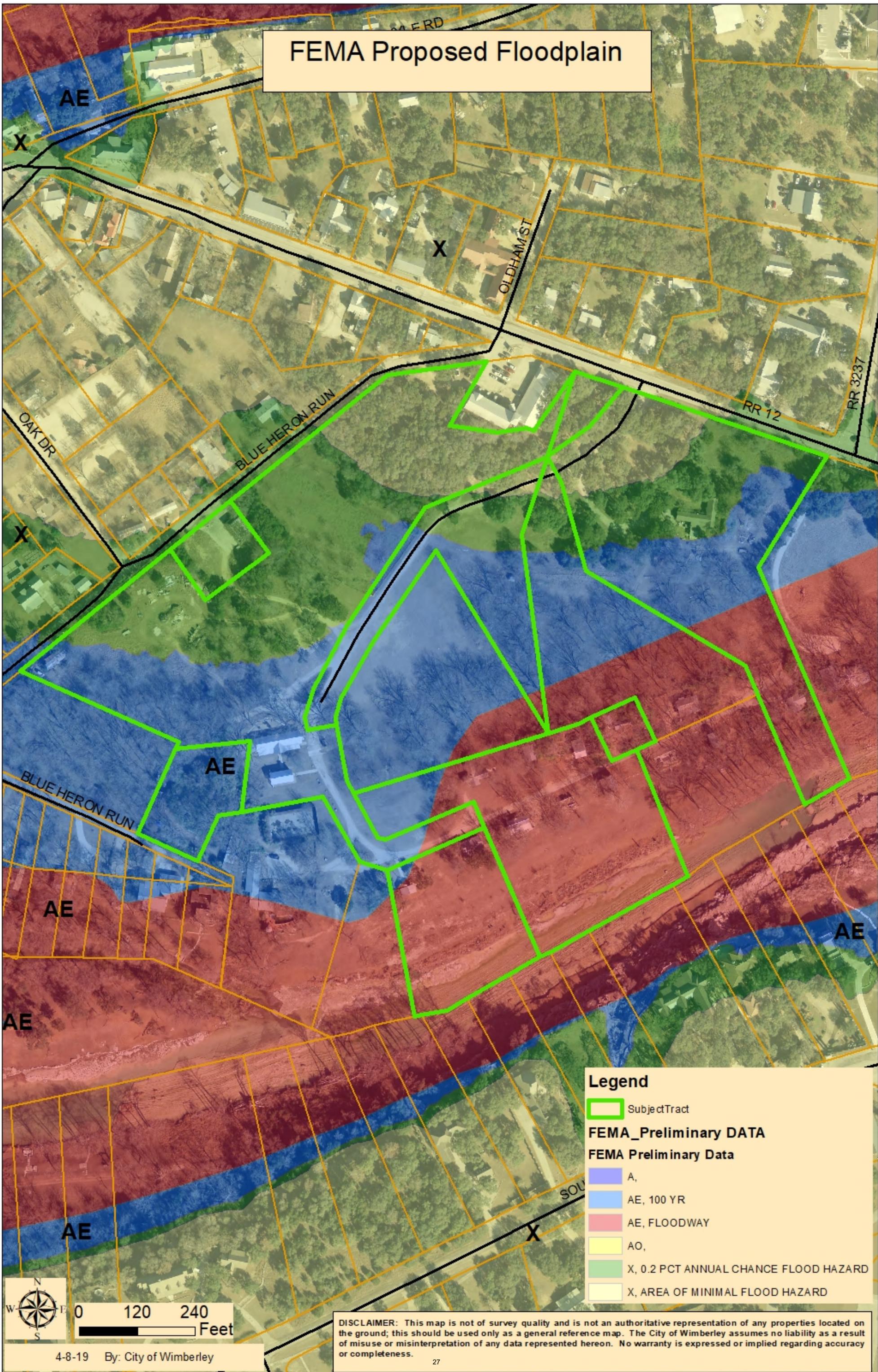
**Current**

- A,
- AE,
- AE, FLOODWAY
- AH,
- AREA NOT INCLUDED,



**DISCLAIMER:** This map is not of survey quality and is not an authoritative representation of any properties located on the ground; this should be used only as a general reference map. The City of Wimberley assumes no liability as a result of misuse or misinterpretation of any data represented hereon. No warranty is expressed or implied regarding accuracy or completeness.

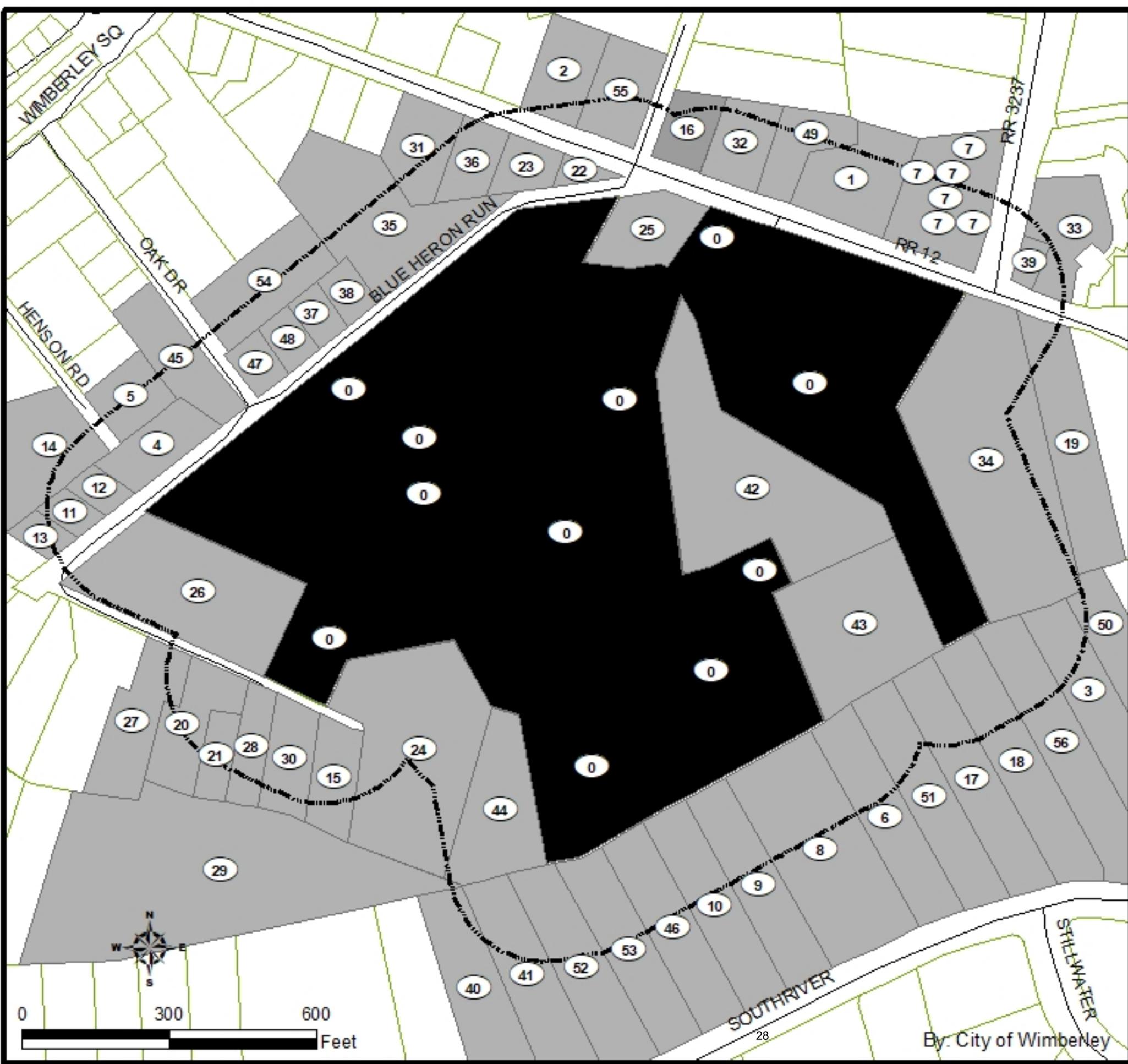
# FEMA Proposed Floodplain



**DISCLAIMER:** This map is not of survey quality and is not an authoritative representation of any properties located on the ground; this should be used only as a general reference map. The City of Wimberley assumes no liability as a result of misuse or misinterpretation of any data represented hereon. No warranty is expressed or implied regarding accuracy or completeness.

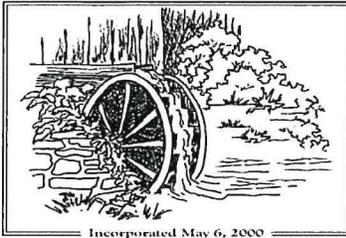
# ZA-19-003 ~ 13401 RR 12

200' NOTIFICATION



### Legend

- 200' Buffer
- 0. OwnerName
- 0. SUBJECT TRACT
- 1. 13310 RR12 LLC
- 2. AUSTIN FRANK M III
- 3. BLANCO RIVER FAMILY LLC
- 4. BLUE HERON RUN INVESTMENTS LLC
- 5. BLUE HERON RUN INVESTMENTS LLC
- 6. CHARBONNET CRAIG S & SHEILA
- 7. STONEHOUSE MANAGEMENT LLC
- 7. SANDER ALBERT & JEAN
- 7. MYNIER CHILDREN TRUST
- 7. KAST PHILLIP M
- 7. CHILDREN'S SECURITY LLC
- 8. CLARKE MARK D & LISAA
- 9. CLARKE MARK D & LISAA
- 10. CLARKE MARK D & LISAA
- 11. CLAYTON, WILLIAM
- 12. CLAYTON, WILLIAM S
- 13. CLAYTON, WILLIAM S
- 14. CLAYTON, WILLIAM S
- 15. COOPER BETTY SUE & ESTATE OF WILLIAM E
- 16. DER HUND HAUS LLC
- 17. DOWD MATTHEW
- 18. DOWD MATTHEW
- 19. FAIRLAWN 13201 LLC
- 20. HASSAN YASSIN A & AUSTIN MELINDA W
- 21. HASSAN YASSIN A & AUSTIN MELINDA W
- 22. HILL COUNTRY CHIC LLC
- 23. HILL COUNTRY CHIC LLC
- 24. MEEKS STEVE LORRING & CYNTHIA FRANKLIN MEEKS
- 25. MYERS LAND & INVESTMENTS LLC
- 26. KIBBE RANCHES LTD
- 27. KIBBE ANNA
- 28. LAMOUREUX DONN & PAMELA
- 29. WIMBERLEY POINT LTD
- 30. LAMOUREUX DONN C & PAMELA D
- 31. LITTLE ROBERT EUGENE
- 32. MAILBOX LLC
- 33. MORRIS, RANDALL
- 34. MYSTIC HILL LLC
- 35. PAISLEY JEROME E (LIFE ESTATE)
- 36. PELCZAR, WILLIAM N
- 37. RAMIREZ, FELIPE
- 38. RAMIREZ, FELIPE
- 39. RANDALL MORRIS & COMPANY LTD
- 40. REINEY WILLIAM R JR & PATRICIA
- 41. REINEY WILLIAM R JR & PATRICIA
- 42. RIO BONITO LLC
- 43. RIO BONITO LLC
- 44. RIO BONITO LLC
- 45. RIVERS, RICHEL
- 46. ROGERS ARTHUR H III & KAREN H
- 47. SCUDDER, JANET E
- 48. SCUDDER, JANET E
- 49. SEE SHELL INVESTMENTS LLC
- 50. SOUTH RIVER PROPERTIES LTD
- 51. STRICKLAND CLIFTON E & JANET L
- 52. SWIFT TERRY & LINDA
- 53. SWIFT TERRY & LINDA
- 54. WIMBERLEY CITY OF
- 55. WIMBERLEY CLEAR WATER PROPERTY LLC
- 56. WIMBERLEY REAL ESTATE CO



# 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)

April 16, 2019

## NOTICE OF PUBLIC HEARING

Re: **File No. ZA-19-003**  
13401 RR 12  
Request for a Wimberley Planned Development District (WPDD)

Dear Property Owner:

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

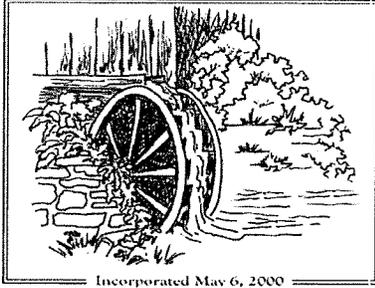
The applicant, M & N Meeks, LLC, has requested a WPDD with base zoning of Participant Recreation-Low Impact (PR-1) at 13401 Ranch Road 12. This WPDD proposes to allow: administrative and professional office; retail; eating establishments: sit-down, including the sale of beer, wine and alcohol for on-premise consumption; winery and/or brewery; single-family residential; two swimming pools; livestock; and to expand the wedding/events venue and number of cabins. The City Planning & Zoning Commission will consider these requests at a public hearing and special meeting on **Tuesday, May 7, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing and special meeting to consider the same requests on **Wednesday, May 8, 2019, at 5:30 p.m.**

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 prior to the meeting.

Additional information regarding the proposed requests are available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

Sandy I. Floyd  
Planning & Development Coordinator  
GIS Analyst  
[sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)



# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676  
(512) 847-0025 Fax (512) 847-0422 [www.cityofwimberley.com](http://www.cityofwimberley.com)

## NOTICE BY SIGN POSTING

DATE: March 20, 2019

ZONING NO: ZA-19-003

APPLICANT: M & N Meeks, LLC  
Matthew & Natalie Meeks

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

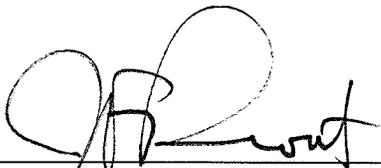
Project Site Address: 13401 Ranch Road 12

John Provost  
Public Works/Code Enforcement

City of Wimberley

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

3/20 2019

  
\_\_\_\_\_  
Signature

# The Wimberley View

# CLASSIFIED



Issuance Date: April 18, 2019



### NOTICE OF GENERAL ELECTION

To the registered voters of the City of Dripping Springs, Texas:  
(a los votantes registrados del Ciudad de Dripping Springs, Texas):

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m. on May 4, 2019, for voting in a general election to elect City Council Members Place 1, Place 3 and Place 5. (Notifíquese, por las presente, que las Casillas electorales citadas abajo se abrirán desde las 7:00 a.m. hasta las 7:00 p.m. el 4 de Mayo de 2019 para votar en la Elección General para elegir City Council Members Place 1, Place 3 and Place 5).

#### LOCATION OF POLLING PLACES (DIRECCION(ES) DE LAS CASILLAS ELECTORALES)

Hays County Precinct No. 4      Sunset Canyon Baptist Church  
195 Roger Hanks Parkway      4000 E. Hwy 290  
Dripping Springs, TX 78620      Dripping Springs, TX 78620

Early voting by personal appearance will be conducted each weekday at:  
(La votación adelantada en persona se llevará a cabo de lunes a viernes en):

- Monday, April 22<sup>nd</sup>**      Hays County Precinct No. 4      Sunset Canyon Baptist Church  
7:00 a.m. – 7:00 p.m.
- Tuesday, April 23<sup>rd</sup>**      Hays County Precinct No. 4      Sunset Canyon Baptist Church  
8:00 a.m. – 4:00 p.m.
- Wednesday, April 24<sup>th</sup>**      Hays County Precinct No. 4      Sunset Canyon Baptist Church  
8:00 a.m. – 4:00 p.m.
- Thursday, April 25<sup>th</sup>**      Hays County Precinct No. 4      Sunset Canyon Baptist Church  
8:00 a.m. – 4:00 p.m.
- Friday, April 26<sup>th</sup>**      Hays County Precinct No. 4      Sunset Canyon Baptist Church  
8:00 a.m. – 4:00 p.m.
- Saturday, April 27<sup>th</sup>**      Hays County Precinct No. 4      Sunset Canyon Baptist Church  
10:00 a.m. – 2:00 p.m.
- Monday, April 29<sup>th</sup>**      Hays County Precinct No. 4      Sunset Canyon Baptist Church  
7:00 a.m. – 7:00 p.m.
- Tuesday, April 30<sup>th</sup>**      Hays County Precinct No. 4      Sunset Canyon Baptist Church  
8:00 a.m. – 4:00 p.m.

Applications for ballots by mail shall be mailed to:  
(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)

Elections Administrator  
712 South Stagecoach Trail, Suite 1012  
San Marcos, Texas 78666-5999

Applications for ballots by mail must be received no later than the close of business on:  
(Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de negocio el:)

April 23, 2019

#### Public Notice

#### Public Notice

#### NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing and special meeting at the Wimberley City Hall on Tuesday, May 7, 2019, at 6:00 p.m. to consider the following: ZA-19-003 – a request to change the zoning from Residential Acreage (RA) to a Wimberley Planned Development District (WPDD) with base zoning of Participant Recreation – Low Impact (PR-1) at 13401 Ranch Road 12. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing and special meeting on Wednesday, May 8, 2019, at 5:30 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail or by email ([sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)) 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.

#### PUBLIC NOTICE

THE STATE OF TEXAS

THE COUNTY OF HAYS

TO THOSE INDEBTED TO OR HOLDING CLAIMS AGAINST THE ESTATE OF RICHARD BENNETT DECEASED; HAYS COUNTY COURT AT LAW CAUSE NO. 19-0054-P

The undersigned Independent Executor of the Estate of Richard Bennett, Deceased, of Hays County, Texas, having been granted Letters Testamentary by the County Court of Hays County, Texas, in Probate Cause No. 19-0054-P on the 3<sup>rd</sup> day of April, 2019, hereby notifies all persons indebted to said Estate to make payment, and those having legal claims against said Estate to present them within the time prescribed by law at the address below. Dated this 4<sup>th</sup> day of April, 2019, Barbara Jean Bennett, Independent Executor of the Estate of Richard Bennett, Deceased, c/o MARILYN G. MILLER, Attorney at Law, P.O. Box 917, Dripping Springs, Texas 78620.

Dripping Springs

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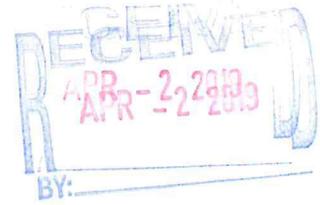
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City Of Wimberley

221 Stillwater

Wimberley, Texas 78676



Case ZA-19-003  
13401 RR12

To whom it may concern:

I have been neighbors with the Meeks' family for over 20 years. Rio Bonito, now Waters Point has always worked with me when issues come up regarding our attached properties. The issues that I am referring to have to do with their fairness and understanding when I or one of my tenants steps a little bit on the line. I have a commercial building with high density. The Meeks on the other hand have just the opposite. They have a lot of acreage that they use in a park like manner for their business. The contrast couldn't be more obvious in our two properties. As I have stated, when issues come up, we discuss them together and find a solution that is fair, reasonable and works for both of us. I totally support what their plans are and know that they wouldn't go down this road if it wasn't good for our community.

Sincerely,

A handwritten signature in black ink, appearing to be "Greg Myers". The signature is written in a cursive style and is positioned to the left of a long, sweeping horizontal line that extends across the page.

Greg Myers

Myers Land & Investments

The Vineyard

## Sandra Floyd

---

**From:** Kirby Attwell <[REDACTED]>  
**Sent:** Sunday, April 7, 2019 12:13 PM  
**To:** Sandra Floyd  
**Subject:** Waters Point event space

Please read into the minutes of the meeting

Dear P&Z,

I'm writing to oppose the change for Waters Point. I cannot attend your meeting due to business commitments out of town.

They have been operating for at least a year without permit or punishment or fine.

They have consistently disturbed the peace, primarily with loud music.

They have gone, since the flood, from renting cabins to hosting weddings with bands and DJs.

The bass rattles the windows and I can no longer relax on the deck or by the creek during one of their events.

This is a HUGE change from the decades of neighborly understanding... This is not fair- in as much as I would like the Meeks to have some success, they are enjoying such at the direct cost of the quiet enjoyment of my property.

Our street has endured the flood.

We have been sucked into the entire BS of the downtown wastewater system- Our water is very often un-swimmable due to pollution from downtown. Now my windows rattle from the base I cannot relax outside unless I want to listen to the music coming from Waters point- or turn mine WAY up to drown it out. The fact that it stops at 10 mostly just means it is not annoying by the time I go to bed.

HOW IS THIS FAIR?

My suggestion is that they be given some kind of provisional permit- If they are able to cure the sound issues (not just promise to try) and prove it- then the residents will support it. If they cannot, THEY must find another solution. Though they are good citizens of Wimberley, they have proven to be poor neighbors, particularly over the past year or so.

They are dropping an event center into a neighborhood of which they have been a part of for decades. Likewise, most of the homes on Blue Heron are homes, not seasonal and have also been part of the neighborhood for decades-

All we want is the opportunity to enjoy the space that all of us have invested time, blood, sweat, and tears

Thank you for your consideration

Kirby Attwell  
304 Blue Heron Run

## Sandra Floyd

---

**From:** Betty Cooper [REDACTED]  
**Sent:** Sunday, April 7, 2019 11:44 PM  
**To:** Sandra Floyd  
**Subject:** Fwd: File No ZA-19-003

Sent from my iPhone

Begin forwarded message:

**From:** Albert Sander [REDACTED]  
**Date:** April 7, 2019 at 9:25:56 PM CDT  
**To:** Betty Cooper [REDACTED]  
**Subject:** Re: File No ZA-19-003

Perfect. The sandy address is sane as you have on letter.

Sent from my iPhone

On Apr 7, 2019, at 8:53 PM, Betty Cooper [REDACTED] wrote:

Attn: Sandy Floyd  
To Planning and Zoning Commission

I would like to state my objection to change the zoning of M&N Meeks, LLC

Located next door to my property, I am hoping for a compromise on the noise level of the bands & DJ' s that play most week-ends for weddings!

I am unable to use my sdeck, which is best part of my home, if there is an event next door because it is so loud!

I have been here over twenty years with no problems and would like it to stay that way for my children & grandchildren! We bought our favorite & quiet little piece of paradise in a quiet neighborhood, not commercial property!!

Thank you for your attention to this matter.

Betty Sue Cooper  
Sent from my iPad

EA-19003

WPPD Application

I object to the proposal because I was not properly notified in a timely manner & have not had time to research the proposal.

1<sup>st</sup> MW  
Wimberly Point Ltd.

My property abuts Rio Bonito

## Sandra Floyd

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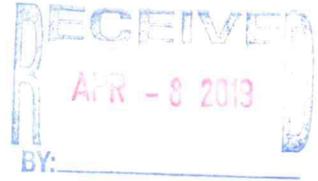
**From:** Alyson Waldron [REDACTED]  
**Sent:** Monday, April 8, 2019 10:17 AM  
**To:** Sandra Floyd  
**Subject:** opposition

Dear Mrs. Floyd,

I did not receive anything about the Rio Bonito WWPD due to being located farther than 200 feet. Our home is next to the Pointe Lot on Loma Vista and we are permanent residents for quite some time and love the serenity we have on the Creek and River near our home. I object to the noise and possible issues if this is granted. I don't want to see or deal with any such noise issues that could result from this to ourselves or our neighbors along Cypress Creek. Thank you for your consideration.

Sincerely,  
Alyson & Jerry Waldron

Mark and Lisa Clarke  
230 South River  
Wimberley, Texas 78676



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

Attention: Sandy Floyd  
Planning & Development Coordinator

Re: File No. ZA-19-003  
13401 RR 12  
M & N Meeks Applicant

Sandy,

As an owner of a home and 3 lots immediately across the river from Waters Point, my wife and I are strongly opposed to an open ended permit that would allow alcohol sales and restaurants within this close of a proximity to our house. The addition of swimming pools, beer gardens, and livestock will give it the feel of a carnival at best.

The wedding venue, while noisy, only effects Friday and Saturday nights. The proposed changes would impact our property seven days a week.

While the Meeks have assured neighbors of trespassing issues etc., as recently as Saturday April 6<sup>th</sup> two (2) of their guests were up on our lots, the level of our home not the river banks.

Again, without any firm plans other than "let's see what works", we are opposed to this WPDD PR-1.

Regards,

Mark D. Clarke

Lisa A. Clarke

## Sandra Floyd

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**From:** Jean Sander [REDACTED]  
**Sent:** Tuesday, April 9, 2019 9:23 AM  
**To:** Sandra Floyd  
**Subject:** Re Zoning of Rio Bonito

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I object to the Re zoning of Rio Bonito for a WPDD. It would cause a reduction our property values as well as create traffic problems.

Jean Sander  
[REDACTED]

Sent from my iPhone

## Sandra Floyd

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**From:** Albert Sander [REDACTED]  
**Sent:** Tuesday, April 9, 2019 9:27 AM  
**To:** Sandra Floyd  
**Subject:** Re zoning of Rio Bonita

I object to the re zoning of Rio Bonita for a WPDD. It would cause a reduction in our property values as well as create traffic problems.

Al Sander  
[REDACTED]

Sent from my iPhone

To: Planning and Zoning Committee  
City of Wimberley

Attn: Ms. Sandra Floyd  
Planning and Development Coordinator  
City of Wimberley

Date: April 9, 2019

Re: Water's Point WPDD Application  
**Noise Issues**

To the Planning and Zoning Committee,

My name is Donn Lamoureux. My wife, Pamela, and I have lived at **444 Blue Heron Run** since 1988. We also own the property located at **430 Blue Heron Run**. Both properties are within 200 feet of Water's Point. *Please note that we did not receive notice of the WPDD hearing for our 430 BHR property.*

Unfortunately, we are not able to attend the hearing on April 11 regarding Water's Point WPDD application.

The Franklins and Meeks have been our neighbors for over 30 years. We share a lot of history, not the least of which was the flood of 2015. Pam and I have watched Rio Bonito and Water's Point work for many years to stay viable in the face of floods, flood plain issues, zoning issues, waste water challenges, etc. We recently met with Natalie and Matt at our house regarding their plans to develop Water's Point. While not fully defined at the time of our meeting, their plans reflect their intent to develop a venue that provides food, drink, and lodging to their wedding venue and cabin lodging guests. During our meeting Natalie and Matt expressed their plans to control water access, visibility screening, ingress / egress, dumpster locations, etc.

Pam and I encourage the Meeks' efforts to keep the Rio Bonito / Water's Point property in their family, and their intent to build a financially sustainable business. We applaud their intent to control and manage their property and business in a responsible and professional manner.

However, we have concern for the loud music issues we and our neighbors experience almost every time there is a wedding reception. Essentially, what goes on behind proposed visual screens is out of sight / out of mind, but the music typical to the wedding receptions is not screened and is often obtrusive. Pam and I and Natalie and Matt candidly discussed the loud music problem and their plans to overcome it. We know that Natalie and Matt currently vet the DJ's, attempt to impose limits on volume, and are incorporating equipment to control the sound / volume of the reception music. Despite these efforts, controlling the reception acoustics has proven to be very elusive and the results unsuccessful.

In a long-term effort to address the sound problem, Natalie and Matt's plans include construction of a reception hall that would eventually accommodate and acoustically manage the music and sound of the receptions. Unfortunately, the timing for construction of this structure is contingent on revenues / finances, and that will likely push the project into Phase 3 of the development.

There is a shared concern among the neighbors that any approval of the WPDD application that does not require an immediate and tangible solution to the sound problem would result in a long-term problem that ultimately devalues our residences and deprives us of quiet enjoyment of our residential properties. Imposing regular, loud reception music on the adjoining neighbors for an indefinite period of time ongoing is undesirable and unacceptable.

**Without a tangible and immediate resolution to the sound issues, we would oppose approval of the WPDD at this time.** However, if an engineered, tangible and definitive solution to the music / noise problem is implemented prior to final approval of the WPDD application, Pam and I enthusiastically support the Water's Point WPDD application. In a constructive effort to find a solution, we have suggested an interim, cost-effective alternative to construction of a reception hall. Erection of an acoustically engineered barrier / backboard would direct the music / sound to the venue audience and preclude the music from intruding on the neighbors. During Art's Fest at Water's Point a similar structure is effectively employed. Properly implemented, we believe the problem could be resolved until the reception hall was constructed.

This letter is offered with a sincere hope that Water's Point will stay in the Meeks family, will be successful, and that our neighbors and our families will have the opportunity to share quiet enjoyment of our beautiful settings for many years to come.

Donn and Pam Lamoureux

Cc: Natalie and Matt Meeks

## Sandra Floyd

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**From:** Donn Lamoureux [REDACTED]  
**Sent:** Tuesday, April 9, 2019 11:08 AM  
**To:** Sandra Floyd  
**Cc:** Pam Lamoureux  
**Subject:** Re: WATERS POINT WPDD

Okay. I will ask Pam to check the PO Box.  
Thank You!

Sent from my iPhone

On Apr 9, 2019, at 11:05 AM, Sandra Floyd <[sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)> wrote:

Donn:  
Received, thank you.

This is the address we used per the Appraisal District. If this is incorrect you'll need to contact them to update.

LAMOUREUX DONN & PAMELA  
PO BOX 51  
WIMBERLEY, TX 78676

Sandy I. Floyd, C.F.M.  
Planning & Development Coordinator/GIS Analyst  
Floodplain Administrator  
City of Wimberley  
P.O. Box 2027  
221 Stillwater, Wimberley, TX 78676  
P: (512) 847-0025 F: (512) 847-0422

DISCLAIMER: Map(s) or data are not of survey quality and are not an authoritative representation of any properties located on the ground; this should be used only as a general reference map. The City of Wimberley assumes no liability as a result of misuse or misinterpretation of any data represented hereon. No warranty is expressed or implied regarding accuracy or completeness.

**From:** Donn Lamoureux [REDACTED]  
**Sent:** Tuesday, April 9, 2019 10:30 AM  
**To:** Sandra Floyd <[sfloyd@cityofwimberley.com](mailto:sfloyd@cityofwimberley.com)>

**Cc:** Natalie Meeks [REDACTED]

**Subject:** WATERS POINT WPDD

Good Morning Sandra,

Please find attached our response to Water's Point WPDD application. My request is that this letter be entered into the record on behalf of 444 Blue Heron Run and 430 Blue Heron Run.

I want to make note of 2 things:

1. I do not believe we received notice for 430 BHR.
2. I have copied Matt and Natalie on this email. We have previously discussed the content of my letter, and feel strongly that regardless of our positions on specific issues, we have been and will always be neighbors that help each other.

Thank you for taking care of this. Please let me know if I need to do anything else.

**Donn Lamoureux**

President

**Lamoureux Associates, Inc.**

8020 Westglen Drive

Houston, TX 77063

[REDACTED]

<image001.gif> <image002.gif> <image003.gif>

*"Design is not just what it looks and feels like. Design is how it works." (Steve Jobs)*

## Sandra Floyd

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**From:** Kirby Attwell [REDACTED]  
**Sent:** Tuesday, April 9, 2019 12:15 PM  
**To:** Sandra Floyd  
**Subject:** Fwd: City Council, Wimberley, Zoning Issues

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Do you have this one?

Begin forwarded message:

**From:** Betty Cooper [REDACTED]  
**Date:** April 9, 2019 at 11:20:08 AM CDT  
**To:** Kirby Attwell [REDACTED]  
**Subject:** Fwd: City Council, Wimberley, Zoning Issues

Sent from my iPhone

Begin forwarded message:

**From:** Anna Kibbe [REDACTED]  
**Date:** April 8, 2019 at 8:04:33 AM CDT  
**To:** Betty sue Cooper [REDACTED]  
**Subject:** City Council, Wimberley, Zoning Issues

To the City Council of Wimberley, Texas  
Re: Zoning Decisions  
Dear Council Members:

I have received the letter from the Meeks family requesting zoning changes for their property on Blue Heron Run.  
I also am a property owner on Blue Heron, and I understand the arguments they make for allowing them zoning changes.  
However my concern is that these changes leave the door open for unknown future development of the property which could certainly be detrimental to all other property on Blue Heron.  
It is allowing the placement of an "Event Center" in the middle of a quiet residential neighborhood, and that is certainly not fair to neighboring property owners.  
As it is now, there are issues with music and increased activity in the river.  
I request that the zoning changes not be granted at this time at least until restrictions on further and future use of the property are carefully defined.  
Thank you for your consideration  
Anna S Kibbe

412 Blue Heron Run  
Wimberley, Texas

Sent from my iPhone

## Sandra Floyd

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**From:** Chris Oddo [REDACTED]  
**Sent:** Tuesday, April 9, 2019 1:51 PM  
**To:** Sandra Floyd  
**Cc:** Shawn Cox  
**Subject:** Against Meeks Rezoning Request - owner of 230 Blue Heron Run and 190 Henson  
**Attachments:** Blue Heron Layout.PNG; blue heron survey not henson.pdf

Sandy,

I'm writing to oppose the change of use/zoning for Waters Point and would like you to pass this along to the P&Z committee.

I own three lots across the street from the Meeks property on Blue Heron Run and two lots behind these lots on Henson. (see attached site plan). The Blue Heron Run properties have an address of 230 Blue Heron Run. There is currently a residence on one of the three lots. The Henson lots have the address of 190 Henson. There is currently a residence on one of the two lots. I have owned these properties for over 8 years and have not had any issues with noise till recently when the Meeks started booking venues with live outdoor music and fireworks. My renters are elderly and regularly complain about the noise. I am not opposed to the Meeks having events at their property but they need to have a concrete plan in place that will mitigate noise before a change of zoning/use is approved.

Thank you,

Chris Oddo  
[REDACTED]

sent from [Mail](#) for Windows 10

## Sandra Floyd

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**From:** Mindy [REDACTED]  
**Sent:** Tuesday, April 9, 2019 3:22 PM  
**To:** Sandra Floyd  
**Subject:** Zoning change

We are opposing the zoning change we were informed about File no ZA-19-003, due to the excessive noise related to the venue that can sometimes be heard loudly at our family's vacation home at 422 Blue Heron Run. Also the poor maintenance of the property ( former laundry mat area) along Blue Heron Run is of concern.

Sincerely, Melinda Austin

Sent from my iPhone

## Sandra Floyd

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**From:** Koeck, Deborah [REDACTED]  
**Sent:** Wednesday, April 10, 2019 8:52 AM  
**To:** Sandra Floyd  
**Subject:** Meeks Event Center

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please add my name to the group that is concerned about the noise. 250 Blue Heron Run

Deborah Koeck

4/10/2019

## Notes Sandra Floyd Planning & Development.

Lin Wanda Cook and I  
live on Blue Heron Run (404)  
and I think the idea that  
his Berto has in asking for  
a change in zoning is a  
bad idea.

To much noise

To much Waste

To much traffic on Blue Run

We have owned a house here  
since 1948 & I have live here  
full time since 1985.

I've seen a lot of changes, but  
I'm not ~~in~~ this one

Happy with

Wanda Cook  
404 Blue Heron  
Newberry Texas

**ORDINANCE NO. 2019-xx**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS CHANGING THE ZONING DESIGNATION FOR APPROXIMATELY 26.02 ACRES OF PROPERTY LOCATED AT 13401 RANCH ROAD 12, WIMBERLEY, HAYS COUNTY, TEXAS, TO WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) WITH A BASE ZONING DISTRICT OF PARTICIPANT RECREATION-LOW IMPACT (PR-1) AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.**

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

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

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

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

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

**WHEREAS**, in accordance with section 9.03.098 of the Code, the Wimberley Planned Development District (WPDD) Zoning is permitted in all Planning Areas of the Comprehensive Plan, and the Participant Recreation-Low Impact (PR-1) zoning district is permitted in Planning Area III; and,

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

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

**WHEREAS**, the property owner proposes to conserve and preserve existing natural resources and landscape features of the property by providing enhancements and proposing construction materials which will be in conformance with the City’s aesthetic goals; and,

**WHEREAS**, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City’s Comprehensive Zoning Ordinance and has concluded that the approximate 26.02 acres of land out of the Amasa Turner Survey, Abstract No. 461, more commonly known as 13401 Ranch Road 12, Wimberley, Hays County, Texas (the “Property”) qualifies for the Wimberley Planned Development District (WPDD) Zoning, with a base zoning district of Participant Recreation-Low Impact (PR-1) designation, and that such designation is consistent with established City policy and is in the public interest, subject to the conditions stated herein and to be constructed in accordance with the Development Plan to be submitted prior to the issuance of building permits, to be based on the Concept Plan, Design Standards and Elevations of the subject property, attached hereto and incorporated herein as Exhibit “A”, which is hereby made a part of this WPDD Ordinance; and,

**WHEREAS**, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, on April 11, 2019 and April 18, 2019, respectively, notice of which was published in the City’s official newspaper before the 15<sup>th</sup> day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing.

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

**ARTICLE I. FINDINGS OF FACT**

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

**ARTICLE II. AMENDMENT**

**A. Zoning.** That the property described as approximately 26.02 acres of land out of the Amasa Turner Survey, Abstract No. 461, more commonly known as 13401 Ranch Road 12, Wimberley, Hays County, Texas (the “Property”) and more particularly described on the attached survey in Exhibit “B”, (referred to herein as the “Property”) is hereby designated as a Wimberley Planned Development District, with a base zoning district of Participant Recreation-Low Impact (PR-1) in accordance with the Code of Ordinances and subject to the WPDD Conditions described herein in Subsection B. Further, development and construction on the Property shall be in conformance with the Development Plan to be submitted prior to issuance of building permits, to be based on the Concept Plan, Design Standards and Elevations, described on Exhibit “A”, and incorporated by reference for all purposes.

**B. WPDD Conditions.**

1. All provisions of the Participant Recreation-Low Impact (PR-1) zoning district shall apply except as modified herein.

- a. Additional permitted uses: Single-family residence; Eating establishment: sit down, including the sale of beer, wine, or alcohol or on-premise consumption; Administrative and professional office; Well house; Pavilion; Office/recreation hall; Barn/animal shelters; Livestock, including but not limited to horses, ponies, cattle, longhorn, goats, donkeys, and similar livestock; Retail sales and services: general; Lodging; Special events/festivals/concerts; Weddings/receptions; Winery/brewery for the production and consumption of alcohol with tasting room; sale of beer, wine and alcohol at special events/festivals/concerts and weddings/receptions; Commercial development within the Protected Waterway Overlay District; Allowed to accommodate more than 100 participants at any one time.
2. Development and construction of the Property shall be in conformance with the Concept Plan, which includes, but is not limited to, building layout, special amenities, square footages and parking, attached as Exhibit “A”, and incorporated by reference for all purposes.
  3. Development and construction of the Property shall be in conformance with the Design Standards describing the special amenities, and other design elements applicable to the Property, as follows:

- a. If any of the existing or proposed structures is damaged or destroyed by fire or other accidental or natural means, the City, upon application by the owner thereof, shall issue a permit for repair or reconstruction of the building or structure, provided that the repair or reconstruction conforms with the provisions of the City Building Code and the building or structure is not being enlarged upon, expanded, or extended.

In the event any of the existing or proposed structures, located in the floodplain, is damaged or destroyed by fire, or other accidental or natural means, the City, upon application by the owner thereof, shall issue a permit for repair or reconstruction of the building or structure at the pre-existing location, provided that the repair or reconstruction conforms with the provisions of the City Flood Damage Prevention Ordinance and the building or structure is not being enlarged upon, expanded, or extended. Such buildings or structures may also be relocated on the Property, outside the floodplain, after first obtaining the necessary permits from the City and provided the building or structure is not being enlarged upon, expanded, or extended.

Nothing in this Ordinance shall be deemed to prevent ordinary repairs, restoration or alterations to the above-mentioned structures provided the building or structure is not being enlarged upon, expanded, or extended.

- b. The property shall be further developed, with the following improvements consistent with the concept plan: Six (6) cabins (1,000 square feet each); expansion of existing structure, previously washeteria by 1,200 square feet

(7,740 total square feet) for operation as an eating establishment; one (1) administrative & professional office and retail sales and services: general space (2,000 square feet); one (1) storage barn (2,600 square feet).; one (1) winery/brewery with tasting room and deck (3,500 square feet); one (1) events/venue structure (7,500 square feet); two (2) administrative & professional office and retail sales and services: general space (1,200 square feet each); single-family residence expansion (2,000 square feet); swimming pool for residence; swimming pool for cabins.

- c. The following standards are the maximum permitted standards for the development and construction of new building on the Property:
1. Maximum building footprint is seven thousand five hundred (7,500) square feet.
  2. Parking spaces provided at full build out will total three hundred and forty (340).
  3. A Site Development Plan shall be submitted for review and approval by the City of Wimberley prior to construction on any improvements detailed in this Ordinance or on the Concept Plan, no later than six (6) years from adoption of this ordinance. Failure to comply with article II (B)(3)(c)(3) shall result in this ordinance being voided and of no effect.

All conditions and requirements provided in this Ordinance and the City's Code of Ordinances must be complied with prior to the issuance of a building permit and certificate of occupancy.

### **ARTICLE III. ZONING DISTRICT MAP**

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

### **ARTICLE IV. SEVERABILITY**

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

### **ARTICLE V. EFFECTIVE DATE**

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

**ARTICLE VI. PROPER NOTICE AND MEETING**

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

**PASSED AND APPROVED** this 18th day of April, 2019, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas

**CITY OF WIMBERLEY**

BY: \_\_\_\_\_  
Susan Jagers, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura Calcote, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney