



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR PLANNING AND ZONING COMMISSION MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, MAY 11, 2023 - 6:00 PM

AGENDA

1. **CALL TO ORDER** May 11, 2023, at 6:00 PM
2. **CALL OF ROLL**
3. **CITIZENS COMMUNICATIONS**
This provides an opportunity for the citizens to comment on agenda and non-agenda items in advance of the regular business of the Planning and Zoning Commission. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing the Board. Speakers will have one opportunity to speak during the time period. Comments from speakers should not be directed towards any specific member of the Board or City staff. Comments should not be accusatory, derogatory or threatening in nature.
4. **MINUTES**
 - 4.1. Consider approval of the April 13, 2023 Regular Planning & Zoning Commission meeting minutes.
5. **PUBLIC HEARING AND POSSIBLE ACTION**
 - 5.1. Hold a public hearing and consider making a recommendation to City Council regarding case ZA-23-002, an application for a zoning amendment to change the zoning for a property located at 110 Old Kyle Rd, Wimberley, TX, from Commercial Low Impact (C-1) to Commercial High Impact (C-3) .
(Applicant: Chloe Glasscock Williams)
 - 5.2. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-004, an application for a Conditional Use Permit to allow for the operation of a bar/tavern at 110 Old Kyle Rd, Wimberley TX. (Applicant: Chloe Glasscock Williams)
 - 5.3. Hold a public hearing and consider making a recommendation to City Council regarding Case CUP-23-006, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 13500 Ranch Road 12, STE A, Wimberley, TX. (Applicant: See-Shell Investments LLC)
 - 5.4. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-007, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 13310 Ranch Road 12, Wimberley, TX. (Applicant: See-Shell Enterprises LLC)

- 5.5. Public Hearing related to the regulation of Historic Properties and Districts and creating a procedure for the designation of Historic Landmarks and Historic Districts. (*Nathan Glaiser, Director of Planning/Public Works*)

6. **BOARD MEMBER REPORTS**

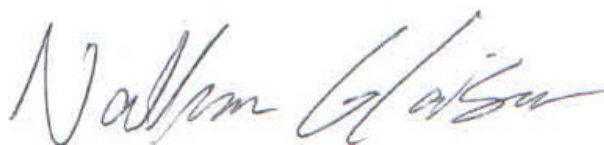
- 6.1. Announcements
- 6.2. Future Agenda Items

7. **ADJOURNMENT**

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City's website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, May 8, 2023, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Nathan Glaiser
Planning and Development Coordinator

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 Tammy Cook at (512) 847-0025 two business days in advance of the meeting for appropriate arrangements.





City of Wimberley

221 Stillwater, Wimberley, Texas 78676

REGULAR PLANNING AND ZONING COMMISSION MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, APRIL 13, 2023 - 6:00 PM

MINUTES

1. **CALL TO ORDER** April 13, 2023, at 6:00 PM

Chair Austin Weeks called the meeting to order at 6:00 p.m.

2. **CALL OF ROLL**

Commissioners Present:

Austin Weeks, Chair
Anne Hollows, Vice Chair
David Hester
Bob Clark
Philip McBride
Jerry Lunow
Tim Dodson

Staff Present:

Nathan Glaiser, Director of Planning and Public Works
Tammy Heller, City Secretary
Kenneth LaVergne, City Attorney

3. **CITIZENS COMMUNICATIONS**

This provides an opportunity for the citizens to comment on agenda and non-agenda items in advance of the regular business of the Planning and Zoning Commission. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing the Board. Speakers will have one opportunity to speak during the time period. Comments from speakers should not be directed towards any specific member of the Board or City staff. Comments should not be accusatory, derogatory or threatening in nature.

There were no citizen comments this evening.

4. **MINUTES**

- 4.1. Consider approval of the February 9, 2023 Regular Planning & Zoning Commission meeting minutes.

A motion was made by Commissioner Hollows, seconded by Commissioner McBride, to approve the minutes from the February 9, 2023 Regular Planning and Zoning Commission Meeting. The motion carried (6-0-1)

with Chairman Weeks abstaining.

5. PUBLIC HEARING AND POSSIBLE ACTION

- 5.1.** Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-002, an application for a Conditional Use Permit to allow for the operation of a Bed & Breakfast (STR1) on a property located at 285 Sierra Loma, Wimberley, Hays County, Texas.

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case CUP-23-002, a Conditional Use Permit application that would allow for the operation of a Bed and Breakfast (STR1) on a property located at 285 Sierra Loma, Wimberley, Texas.

Jimmy and Marie Finger, spoke in support of the request, and answered questions posed by the commission related to the objection received, current residency status, and original CUP status of the property.

Chair Weeks opened the Public Hearing at 6:24 p.m. There being no comments, the Public Hearing was closed at 6:24 p.m.

Upon completion of discussion, a motion was made by Commissioner Hollows, seconded by Commissioner Dodson to approve a recommendation to City Council on case CUP-23-002, an application for a conditional use permit to allow for the operation of a Bed & Breakfast (STR1) on a property located at 285 Sierra Loma, Wimberley, Texas. The motion carried unanimously (7-0)

- 5.2.** Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-003, an application to amend an existing Conditional Use Permit to allow for the sale of alcohol for on-premises consumption for a property located at 111 River Road #110, Wimberley, Hays County, Texas.

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case CUP-23-003, a Conditional Use Permit application that would amend an existing CUP to allow for the sale of alcohol for on-premises consumption on a property located at 111 River Road #110, Wimberley, Texas.

Rachel and Matthew Buchanan were present to answer questions and spoke in support of the project. John David Carson, representing the property owner, provided information related to the expansion of the restaurant, zoning of surrounding properties, and the placement of conditions on the structures and not the entire property.

Chair Weeks opened the Public Hearing at 6:40 p.m. There being no comments, the Public Hearing was closed at 6:40 p.m.

Upon completion of discussion, a motion was made by Commissioner McBride, seconded by Commissioner Hollow to approve a recommendation to City Council regarding Case CUP-23-003, an application to amend an existing Conditional Use Permit to allow for the sale of alcohol for on premises consumption for a property located at 111 River Road #110, Wimberley, Texas with a condition that would limit the Conditional Use Permit to the proposed structures only, as defined. The motion carried unanimously (7-0).

6. DISCUSSION AND POSSIBLE ACTION

- 6.1.** Consider action supporting the Downtown Ranch Road 12 Sidewalks Project and seeking approval of the 2023 TxDOT Transportation Alternatives Grant to assist with funding of this project.

Nathan Glaiser, Director of Planning and Public Works, provided a brief update on the Downtown Ranch Road 12 Sidewalks Project and is asking for Commission support for the Transportation Alternative Grant. Upon completion of discussion, a motion was made by Commissioner McBride, seconded by Commissioner

Hollows, to approve a resolution of support for the Ranch Road 12 sidewalk project. The motion carried unanimously (7-0).

7. BOARD MEMBER REPORTS

7.1. Announcements

No announcements this evening.

7.2. Future Agenda Items

Mr. Glaiser informed the commission of the next meeting that will be held on May 11, 2023.

8. ADJOURNMENT

Chair Weeks adjourned the meeting at 6:57 p.m.

RECORDED BY:

Planning & Zoning Commission Staff Liaison



APPROVED BY:

Planning & Zoning Commission Chairperson



AGENDA ITEM:	ZA-23-002 - Zoning Change (C1 to C3)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	8/25/2022
MEETING DATE:	5/11/2023 (P&Z) / 5/18/2023 (City Council)

REPORT

ITEM

The applicant, Chloe Glasscock Williams, is requesting a zoning change from Commercial – Low Impact (C-1) to Commercial – High Impact (C-3) for two tracts totaling .75 acres of property located at 110 Old Kyle Rd.

Commercial – Low Impact (C-1) is defined as follows:

“The C-1, commercial 1 district is established as a limited retail category intended for the purpose of supplying day-to-day needs and personal services. Establishments may include small, freestanding retail structures, and personal service establishments.”

Commercial – High Impact (C-3) is defined as:

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

This property is split between Planning Areas IV and V. C-3 is acceptable in V but not IV according to the comprehensive plan. Both tracts are within the City Center Overlay.

PROPERTY INFORMATION

Property Description

Applicant(s):	Chloe Glasscock Williams
Property Address:	110 Old Kyle Rd
Property Owner:	Lucky Kidd LLC
Legal Description:	Amasa Turner Survey ABS 461
Property Size:	.75 acres

Existing Use of Property: Commercial - retail

Existing Zoning: Commercial – Low Impact 1

Request: Zoning change to Commercial – High Impact 3

Planning Area: IV & V

Overlay District: City Center

Surrounding Property:

Frontage: Old Kyle Rd

		Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use	North of Property	C3	Commercial
	South of Property	PF/C2	Church/Commercial
	East of Property	C1	Commercial
	West of Property	C3	Commercial

COMMENTS

Staff has not received any comments from adjacent neighbors as of 5/8/23.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200’): April 21st, 2023

Published Legal Notice (Wimberley View): April 27th, 2023

CRITERIA FOR CONSIDERATION

In making a determination regarding a requested zoning change, the planning and zoning commission and city council shall consider the following factors:

- (A) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole;
- (B) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings;
- (C) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of that vacant land unavailable for development;

(D) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;

(E) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;

(F) Any other factors which will substantially affect the public health, safety, morals, or general welfare; and

(G) Whether granting the request furthers the land use objectives and principles adopted by the city.

Possible Motions can include:

- Motion to approve ZA-23-002
- Motion to deny ZA-23-002

ATTACHMENT/S

- Application



Commercial Zoning Application

Planning & Development

Non-Residential, Multi-Family, or Mobile Home Development

FOR OFFICE USE ONLY

Application Date: 04/10/2023 File No.: _____ Fees: \$ _____ Paid: _____
Tentative P&Z Hearing: _____ Tentative City Council Hearing: _____
Planning Area: _____ Zoning Requested: _____ City Initiated: ☐ Yes ☐ No

PROPERTY INFORMATION

STREET ADDRESS OF PROPERTY TO BE ZONED: 110 OLD KYLE ROAD, Wimberley, Texas

*New Street Addresses can be obtained by calling (512) 393-2160 HAYS COUNTY CAD PROPERTY ID #: R 18565
18388

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY: North on RR12, Right on Old Kyle Road, 1/4 mile down on Right.

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

TOTAL AREA TO BE ZONED: ACRES .75 (OR) SQ. FT. _____ TOTAL NO. of TRACTS: 2

PLANNING AREAS: IV REQUESTED ZONING CLASSIFICATION: C3

PROPOSED USE: Bar, Music Venue, Restaurant

EXISTING ZONING CLASSIFICATION(s) AND USES (if applicable): C1

OWNER'S INFORMATION

Owner's Name: Lucky Kidd LLC Phone No.: _____

Mailing Address: 201 Mockingbird Lane, Wimberley, Texas 78676

Email Address: _____

REPRESENTATIVE'S INFORMATION

Representative Name: Chloe Glasscock Williams Phone No.: _____

Mailing Address: 201 Mockingbird Lane, Wimberley, Texas 78676

Email Address: _____

Name of Real Estate Company Involved: _____

LEGAL DESCRIPTION

Street Address: 110 Old Kyle Road, Wimberley, TX 78676 Subdivision: Amasa Turner, 464 Abstract
Block(s) _____ Lot(s) _____ Plat Book: _____ Page Number: _____

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

VOLUME: _____ PAGE: _____ OF COUNTY PLAT RECORDS

OTHER PROVISIONS

Is Property in an Overlay District? ☒ Yes ☐ No ☐ Unknown

TYPE OF OVERLAY ZONE(S) (if applicable) City Center Overlay

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

ELECTRIC UTILITY PROVIDER: PEC

WATER UTILITY PROVIDER: Wimberley Water Supply

WASTEWATER UTILITY PROVIDER: City of Wimberley

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

SITE INSPECTION AUTHORIZATION

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

Date: 04/10/2023 APPLICANT SIGNATURE [Signature]

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

ACKNOWLEDGMENT OF EXISTING

Subdivision Plat Notes, Deed Restrictions Restrictive Covenants and/or
Zoning Conditional Use Permits

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 110 Old Kyle Road + Lot next and more particularly known as Lot _____, Block _____ of the Amasa Turner Subdivision.

If a conflict should result with the request, I am submitting to the City of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits.

I understand that if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 04/10/2023 APPLICANT SIGNATURE [Signature]

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

Forms & Applications October 2021

NOTES

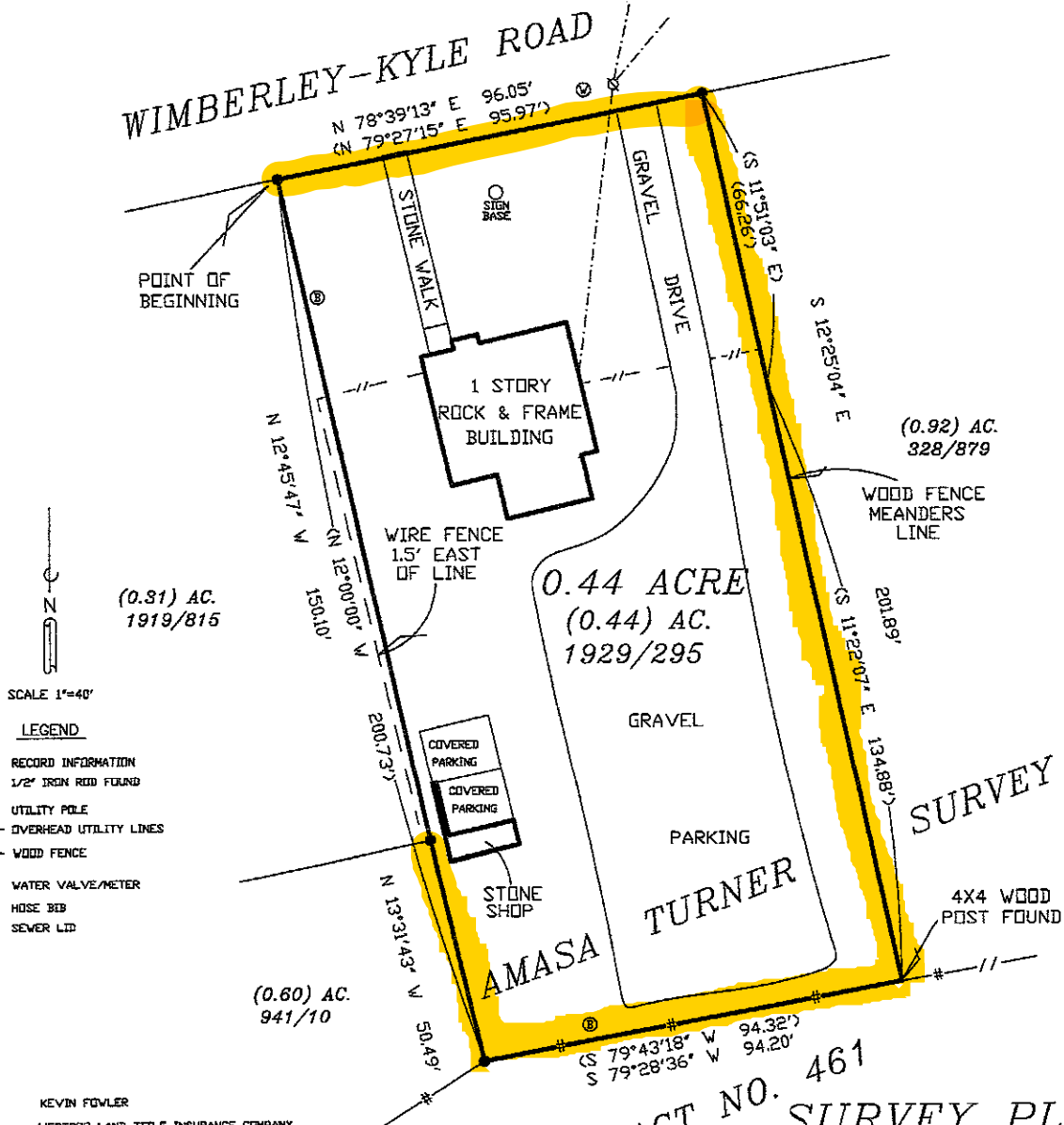
1) THIS TRACT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE EASEMENT RECORDED IN VOLUME 2001, PAGE 357, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. THE EASEMENT IS DESCRIBED AS BEING A 15' WIDE EASEMENT, THE CENTERLINE BEING THE PIPELINE AS RELOCATED. THERE IS NO VISIBLE EVIDENCE OF ANY PIPELINES CROSSING THIS TRACT.

2) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48209C0355F, DATED SEP. 2, 2005, THIS TRACT IS LOCATED IN ZONE X AND IS NOT IN THE 100-YEAR FLOODPLAIN.

3) A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS SURVEY PLAT.

4) BEARING BASIS FOR THIS SURVEY WAS DERIVED FROM GPS OBSERVATIONS AND REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, SOUTH CENTRAL ZONE.

5) THIS TRACT MAY BE SUBJECT TO THE TERMS AND CONDITIONS OF THE EASEMENT RECORDED IN VOLUME 116, PAGE 570, DEED RECORDS OF HAYS COUNTY, TEXAS, WITH REGARDS TO RIGHTS OF INGRESS/EGRESS. THERE IS NO VISIBLE EVIDENCE OF ANY TRANSMISSION LINES CROSSING THIS TRACT.



SCALE 1"=40'

LEGEND

- () RECORD INFORMATION
- 1/2" IRON ROD FOUND
- ⊗ UTILITY POLE
- OVERHEAD UTILITY LINES
- - - WOOD FENCE
- ⊙ WATER VALVE/METER
- ⊕ HOSE BIB
- ⊗ SEWER LID

TO:
PURCHASER: KEVIN FOWLER
TITLE CO: WESTCO LAND TITLE INSURANCE COMPANY
TEXAS NATIONAL TITLE
G.F. NO: T118009
LENDER/LIENHOLDER

I, DANIEL R. (ROCKY) EDWARDS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING MAY, 2019, OF THE PROPERTY SHOWN HEREON AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND EXCEPT AS SHOWN OR NOTED, THERE ARE NO VISIBLE DISCREPANCIES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADWAYS, AND THAT SAID PROPERTY HAS ACCESS TO A PUBLIC RIGHT OF WAY.

Daniel R. Edwards
DANIEL R. (ROCKY) EDWARDS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5472 STATE OF TEXAS

5/25/19
DATE

ABSTRACT NO. 461
0.44 ACRE
252/96

SURVEY PLAT
OF
0.44 ACRE
OUT OF THE
AMASA TURNER SURVEY
ABSTRACT NO. 461
HAYS COUNTY, TEXAS

HAYS COUNTY LAND SURVEYING
P.O.B. 1732
WIMBERLEY, TEXAS 78678
512-722-6244
JOB NO. 19-2500
FR 100474-00

NOTES

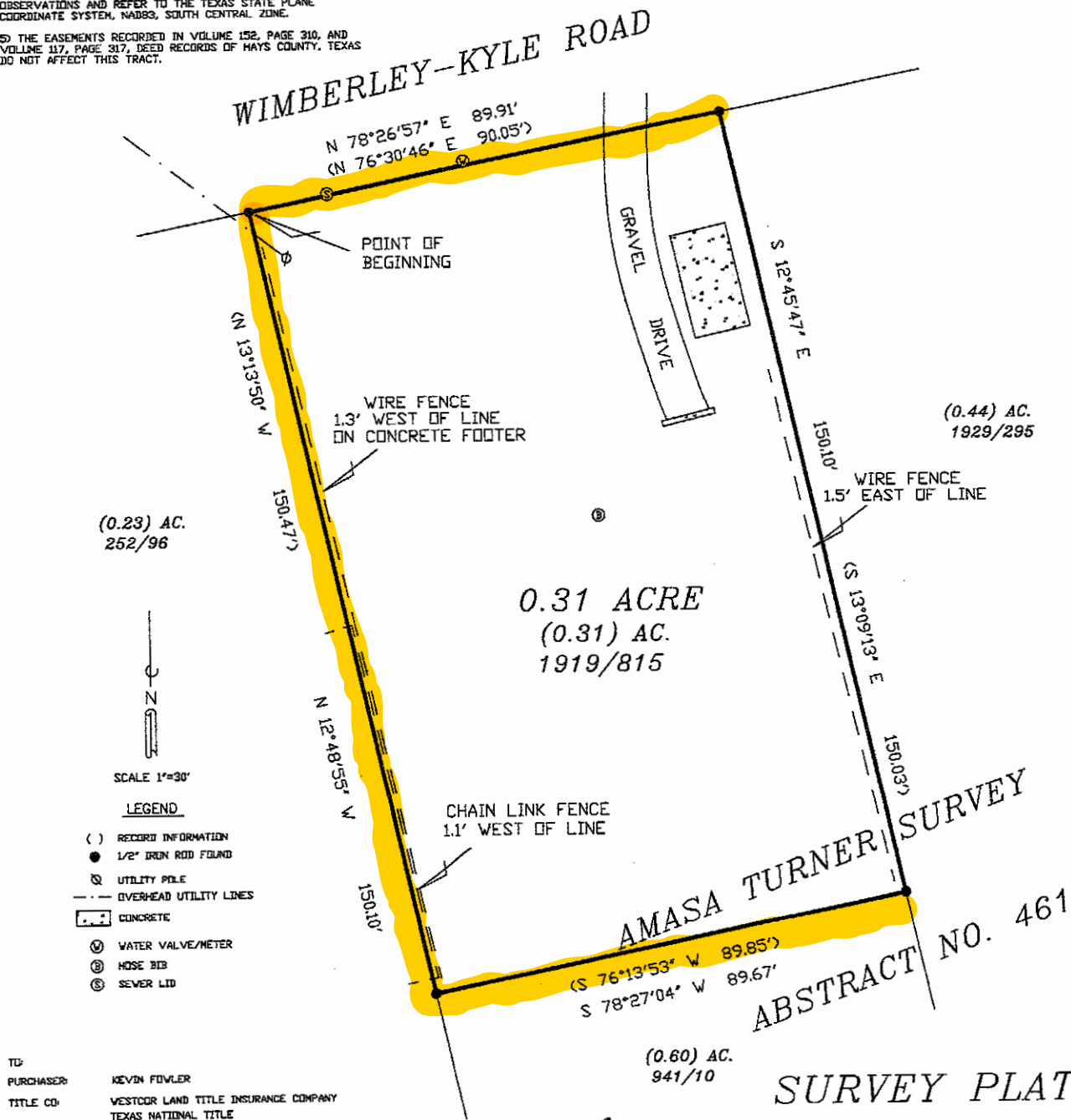
1) THIS TRACT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE EASEMENT RECORDED IN VOLUME 2001, PAGE 367, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. THE EASEMENT IS DESCRIBED AS BEING A 15' WIDE EASEMENT, THE CENTERLINE BEING THE PIPELINE AS RELOCATED. THERE IS NO VISIBLE EVIDENCE OF ANY PIPELINES CROSSING THIS TRACT.

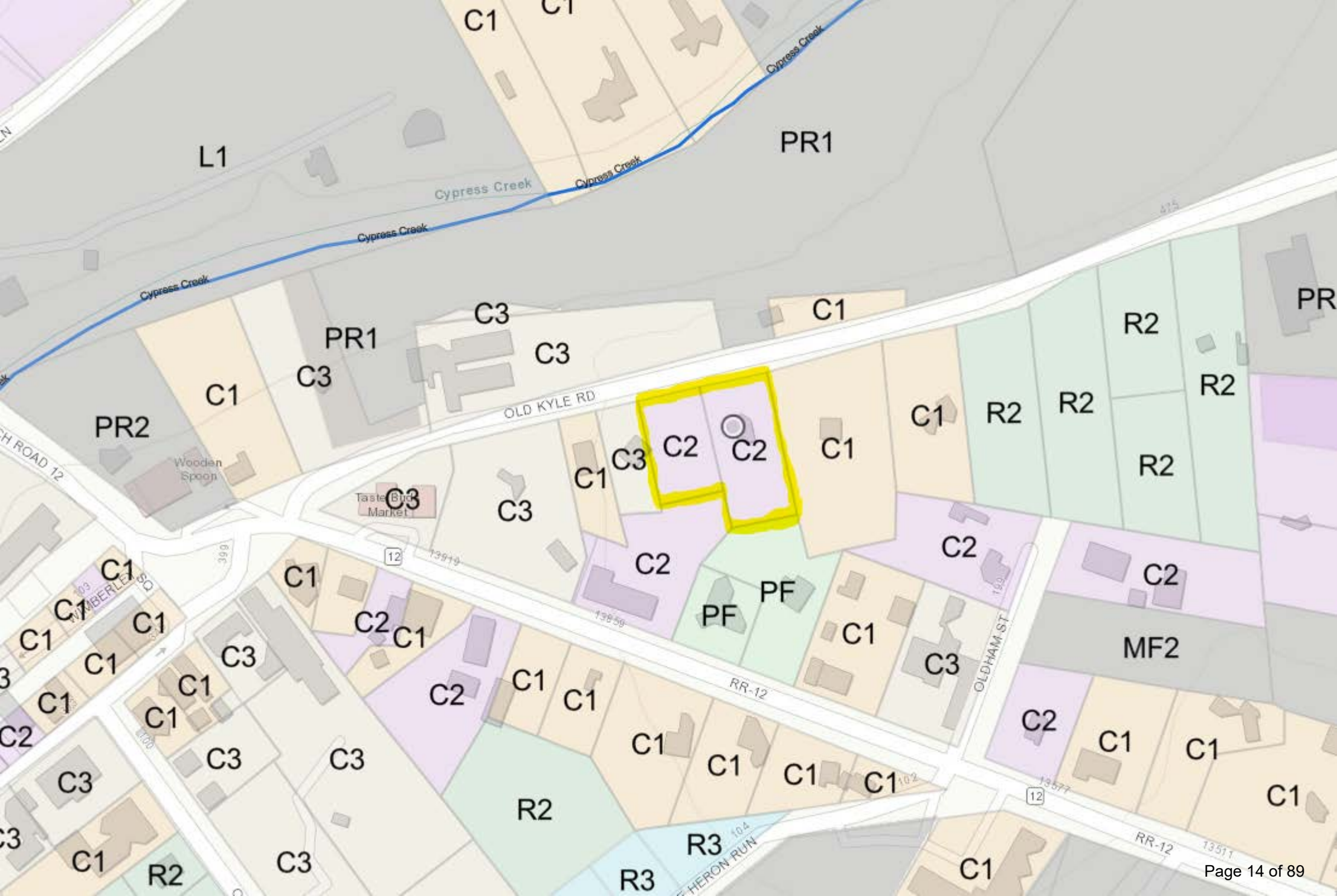
2) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48290C0355F, DATED SEP. 2, 2003, THIS TRACT IS LOCATED IN ZONE X AND IS NOT IN THE 100-YEAR FLOODPLAIN.

3) A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS SURVEY PLAT.

4) BEARING BASIS FOR THIS SURVEY WAS DERIVED FROM GPS OBSERVATIONS AND REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, SOUTH CENTRAL ZONE.

5) THE EASEMENTS RECORDED IN VOLUME 152, PAGE 310, AND VOLUME 117, PAGE 317, DEED RECORDS OF HAYS COUNTY, TEXAS DO NOT AFFECT THIS TRACT.







AGENDA ITEM:	CUP-23-004 Bar/tavern
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	4/10/2023
MEETING DATE:	P&Z – 5/11/2023 & Council – 5/18/2023

REPORT

ITEM

The applicant, Lucky Kidd LLC, would like to obtain a Conditional Use Permit to operate a bar/tavern at a property located at 110 Old Kyle Rd. Currently, the building is being used primarily for retail and office space. Parking is proposed in the rear of the building. Bar/tavern is a conditional use in the Commercial High Impact (C-3) zoning district.

PROPERTY INFORMATION

Property Description

Applicant(s):	Lucky Kidd LLC
Property Address:	110 Old Kyle Rd
Property Owner:	Lucky Kidd LLC – Chloe Glasscock Williams
Legal Description:	Amasa Turner Survey ABS 461
Property Size:	.75 acres
Existing Use of Property:	Commercial Retail
Existing Zoning:	C-2
Shared Infrastructure	NA
Request:	Bar/tavern
Planning Area:	V and IV
Overlay District:	City Center

Surrounding Property:

Frontage: Ranch Road 12

Surrounding Zoning

Current Zoning:

Existing Land Use:

& Land Use	North of Property	C3	Commercial
	South of Property	PF, C2	Church, Commercial
	East of Property	C1	Commercial
	West of Property	C3	Commercial

COMMENTS

Staff has not received any comments as of 5/9/23.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): April 21st, 2023
Published Legal Notice (Wimberley View): April 27th, 2023

CRITERIA FOR CONSIDERATION

- (A) The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not more adversely affect an adjoining site than would a permitted use;
- (B) The architecture, facade, and signage designs of the use are traditional Hill Country designs and are harmonious with those of adjacent uses. In the case of chain establishments, they shall not include or simulate the signature designs of those establishments beyond the absolute minimum necessary to identify the establishment;
- (C) The use requested by the applicant is set forth as a conditional use in the base district;
- (D) The nature of the use is reasonable;
- (E) The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- (F) The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- (G) Any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

Possible Motions can include:

- Motion to approve CUP
- Motion to approve CUP with the following conditions (list all conditions)
- Motion to deny CUP

ATTACHMENT/S

- Application



Conditional Use Permit

Planning & Development

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$650): ☐ _____

Applicant: Lucky Kidd, LLC
Mailing Address: 201 Mockingbird Lane City: Wimberley State: TX Zip: 78676
Phone: _____ Email: _____

OWNER'S INFORMATION

Property Owner: Lucky Kidd, LLC - Chloee Glasscock Williams
Mailing Address: 201 Mockingbird Lane City: Wimberley State: TX Zip: 78676
Phone: _____ Email: _____

PROJECT SITE ADDRESS: Lot between 110 & 220 Old Kyle Road

Legal description: .31 acres, A 0461 AMASA TURNER SURVEY

Total Acreage or Square Footage: .31 Deed recorded in: _____

Hays CAD Parcel ID R- 18388 Planning Area: IV Zoning: C1

Is property located in an overlay district? ☒ Yes ☐ No If Yes, type: city center

SPECIFIC CONDITIONAL USE REQUEST: Bar/Tavern

Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

UTILITIES

Electric Provider: REC

Water provider or Private Well: Wimberley Water Supply

Wastewater Service or Septic Permit No. City of Wimberley

*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

CONDITIONAL USE PERMIT (CUP) SUBMITTAL CHECKLIST

- ☒ Complete "Conditional Use Permit Application"
- ☐ Metes and bounds description and/or survey exhibit
- ☐ Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- ☐ Copy of the Original Deed(s)
- ☐ Payment of application fee (credit card payments, checks/money orders, cash exact change only)
- ☐ Agent authorization to represent property owner if applicable

MY REQUEST IS BASED ON THE FOLLOWING:

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

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Applicant's Signature: _____

Date: 04/10/2023

Forms & Applications October 2021 2

NOTES

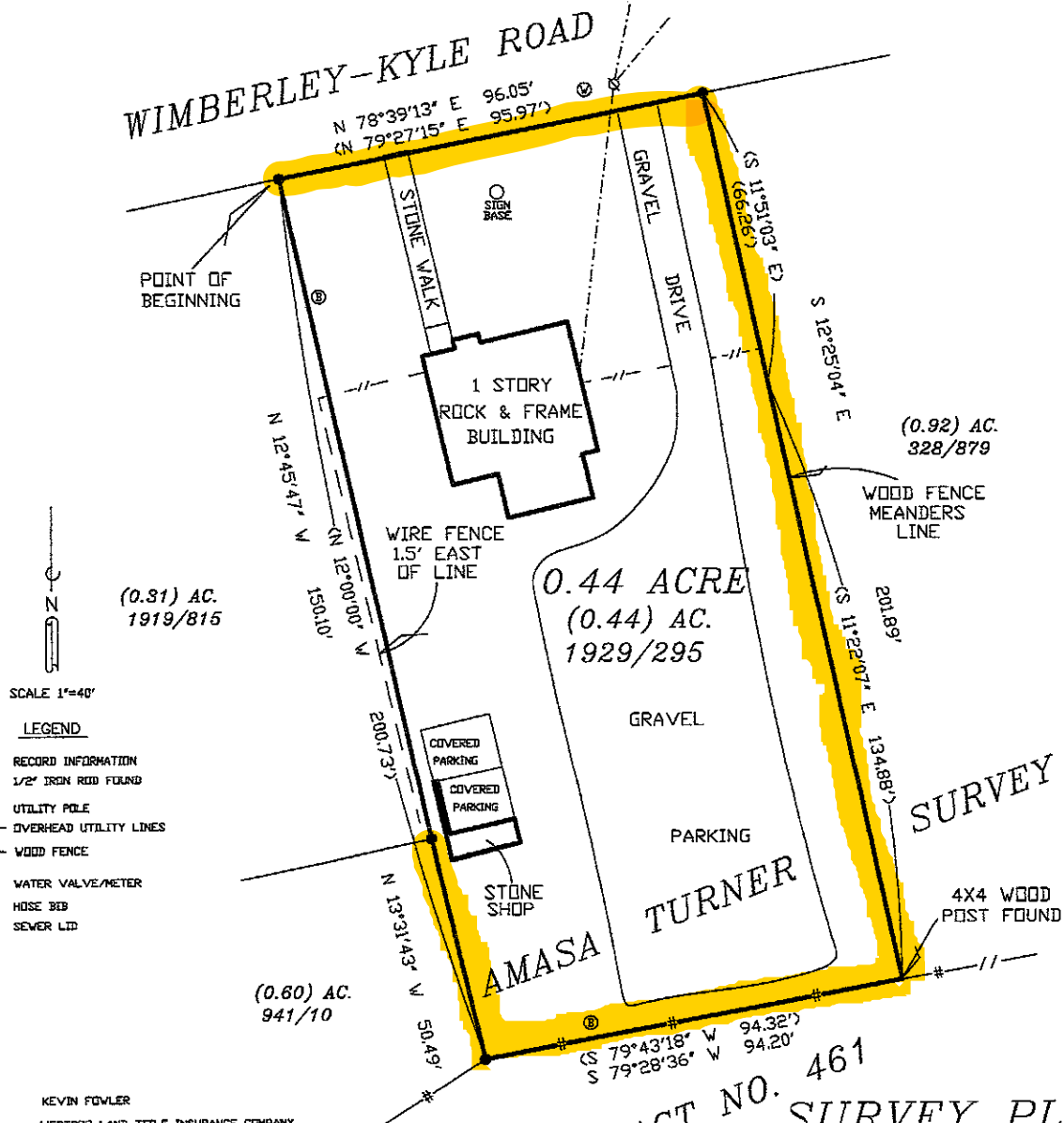
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SCALE 1"=40'

LEGEND

- () RECORD INFORMATION
- 1/2" IRON ROD FOUND
- ⊗ UTILITY POLE
- OVERHEAD UTILITY LINES
- - - WOOD FENCE
- ⊙ WATER VALVE/METER
- ⊕ HOSE BIB
- ⊗ SEWER LID

TO:
PURCHASER: KEVIN FOWLER
TITLE CO: WESTCO LAND TITLE INSURANCE COMPANY
TEXAS NATIONAL TITLE
G.F. NO: T118009
LENDER/LIENHOLDER

I, DANIEL R. GLOCKY EDWARDS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING MAY, 2019, OF THE PROPERTY SHOWN HEREON AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND EXCEPT AS SHOWN OR NOTED, THERE ARE NO VISIBLE DISCREPANCIES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADWAYS, AND THAT SAID PROPERTY HAS ACCESS TO A PUBLIC RIGHT OF WAY.

Daniel R. Edwards
DANIEL R. GLOCKY EDWARDS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5472 STATE OF TEXAS

5/25/19
DATE

ABSTRACT NO. 461
(0.55) AC.
252/96

SURVEY PLAT
OF
0.44 ACRE
OUT OF THE
AMASA TURNER SURVEY
ABSTRACT NO. 461
HAYS COUNTY, TEXAS

HAYS COUNTY LAND SURVEYING
P.O.B. 1732
WIMBERLEY, TEXAS 78678
512-722-6244
JOB NO. 19-2500
FR 100474-00

NOTES:

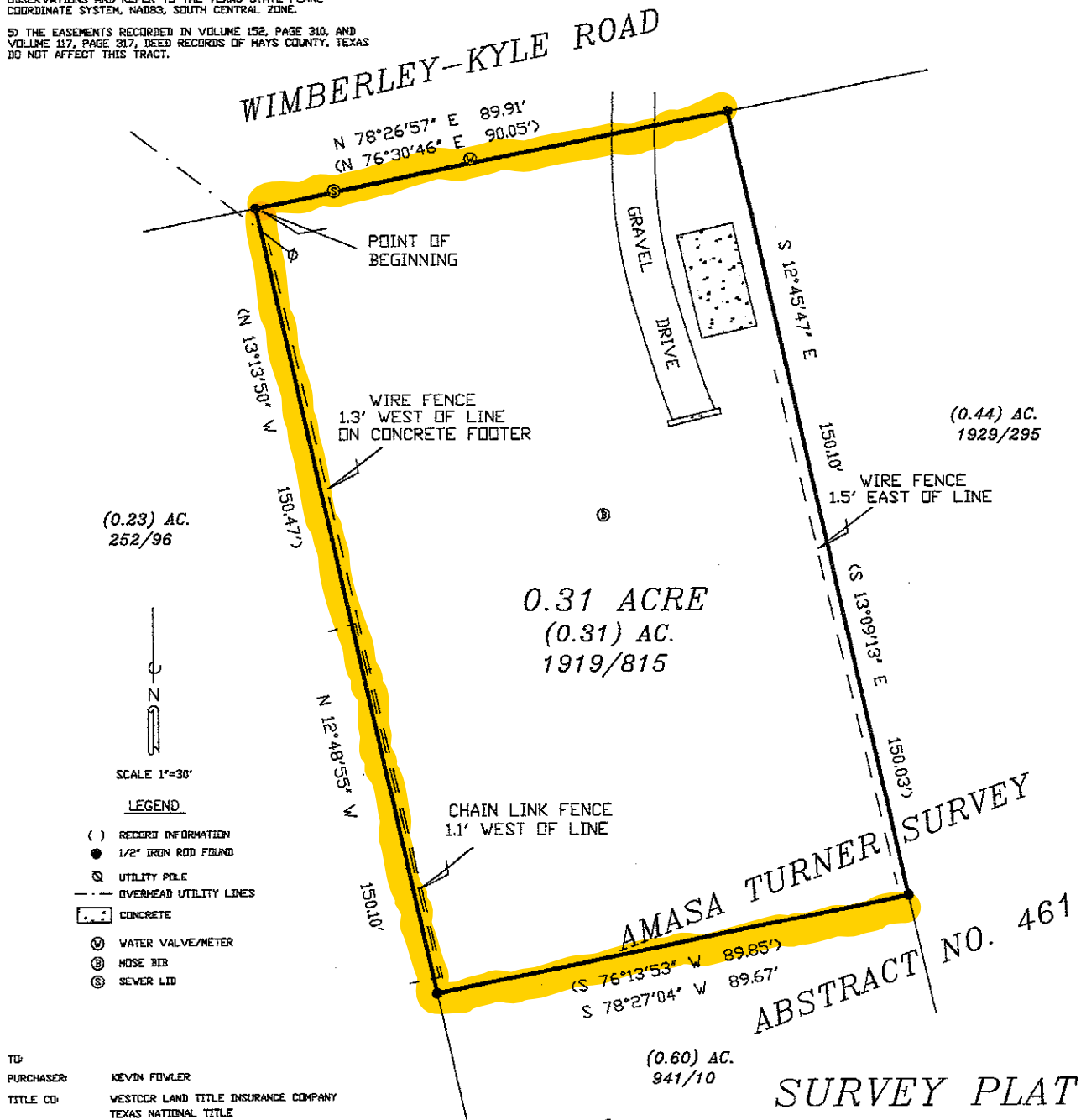
1) THIS TRACT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE EASEMENT RECORDED IN VOLUME 2001, PAGE 367, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. THE EASEMENT IS DESCRIBED AS BEING A 15' WIDE EASEMENT, THE CENTERLINE BEING THE PIPELINE AS RELOCATED. THERE IS NO VISIBLE EVIDENCE OF ANY PIPELINES CROSSING THIS TRACT.

2) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48299C0355F, DATED SEP. 2, 2005, THIS TRACT IS LOCATED IN ZONE X AND IS NOT IN THE 100-YEAR FLOODPLAIN.

3) A METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS SURVEY PLAT.

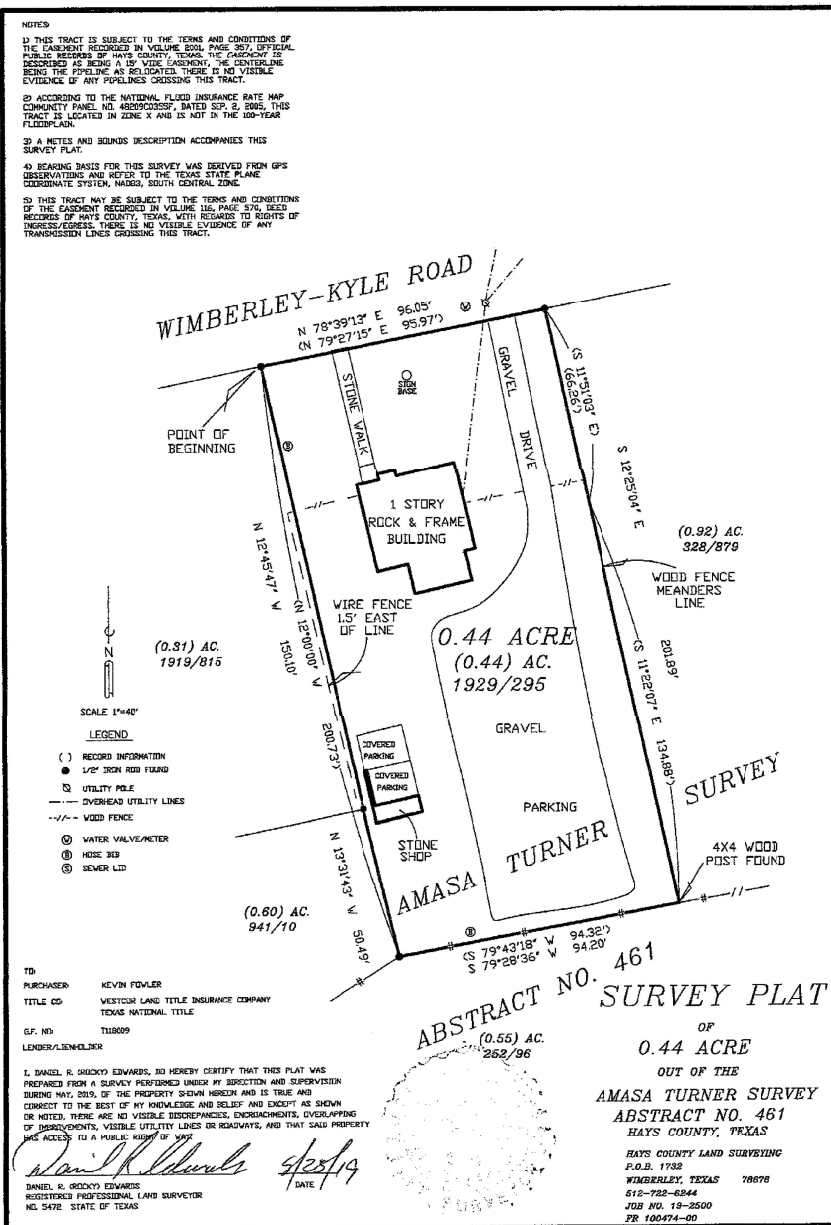
4) BEARING BASIS FOR THIS SURVEY WAS DERIVED FROM GPS OBSERVATIONS AND REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83, SOUTH CENTRAL ZONE.

5) THE EASEMENTS RECORDED IN VOLUME 152, PAGE 310, AND VOLUME 117, PAGE 317, DEED RECORDS OF HAYS COUNTY, TEXAS DO NOT AFFECT THIS TRACT.



I, DANIEL R. GLOCKY EDWARDS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING MAY, 2019, OF THE PROPERTY SHOWN HEREIN AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND EXCEPT AS SHOWN OR NOTED, THERE ARE NO VISIBLE DISCREPANCIES, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADWAYS, AND THAT SAID PROPERTY HAS ACCESS TO A PUBLIC RIGHT OF WAY.

Daniel R. Edwards
DATE: 5/21/19
DANIEL R. GLOCKY EDWARDS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5472 STATE OF TEXAS



1 | SURVEY (FOR REFERENCE) SCALE: N.T.S.

RENOVATIONS FOR SKINNY'S

110 Old Kyle Road Wimberley, Texas 78676

DESIGN DEVELOPMENT

APRIL 16, 2023



SITE LOCATION:



PROJECT DATA:

PROJECT DESCRIPTION:

THIS PROJECT INCLUDES REPLACING 4 EXISTING WINDOWS AND 1 EXISTING MAIN ENTRY DOOR AS WELL AS THE ADDITION OF A WOOD DECK, WOOD STEPS AND METAL POSTS INTENDED TO SUPPORT EXTERIOR LED CANTINA LIGHTS.

EXISTING BUILDING ON EXISTING SITE. NO CHANGES TO DRIVEWAYS. NO INCREASE IN IMPERVIOUS COVER.

TDLR REGISTRATION NOT REQUIRED. CONSTRUCTION COST <\$50,000.

DRAWING INDEX

A1.0 COVER SHEET & SURVEY
 A1.1 EXISTING & NEW SITE PLAN, GENERAL NOTES
 A2.1 EXISTING & NEW WORK FLOOR PLAN, DOORS & WINDOWS
 A3.1 EXISTING & NEW EXTERIOR ELEVATIONS



PROJECT: **RENOVATIONS FOR SKINNY'S**
 110 Old Kyle Road, Wimberley, TX 78676

ISSUE: DD 04/17/2023

REVISION:

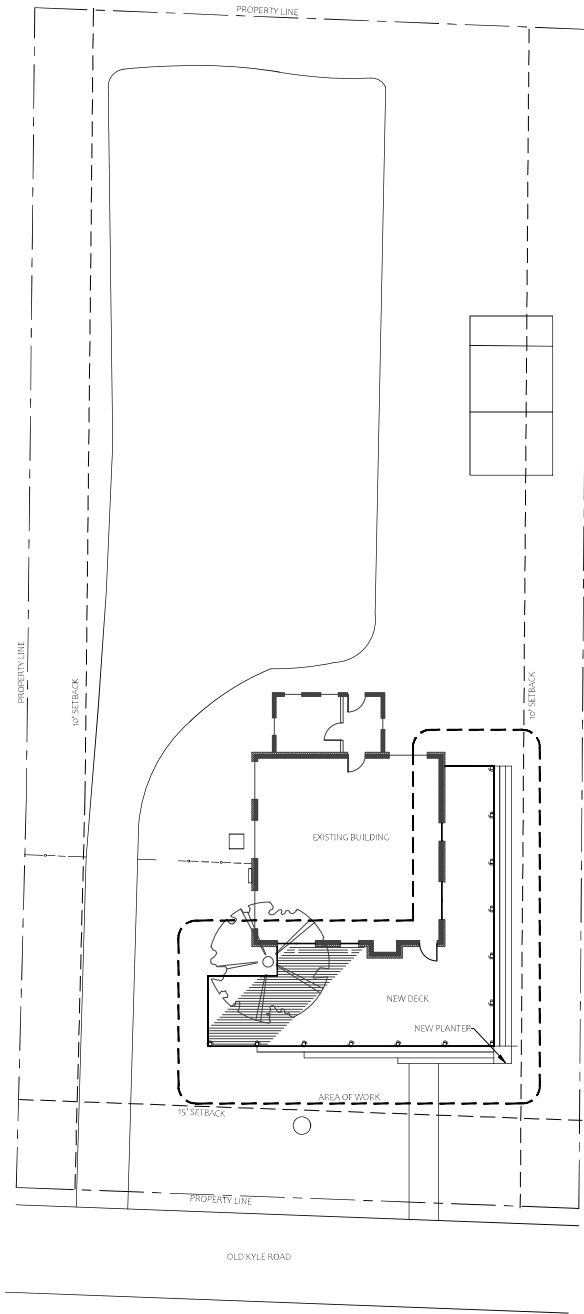


DRAWING PREPARED BY: NAME DESIGN STUDIO

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

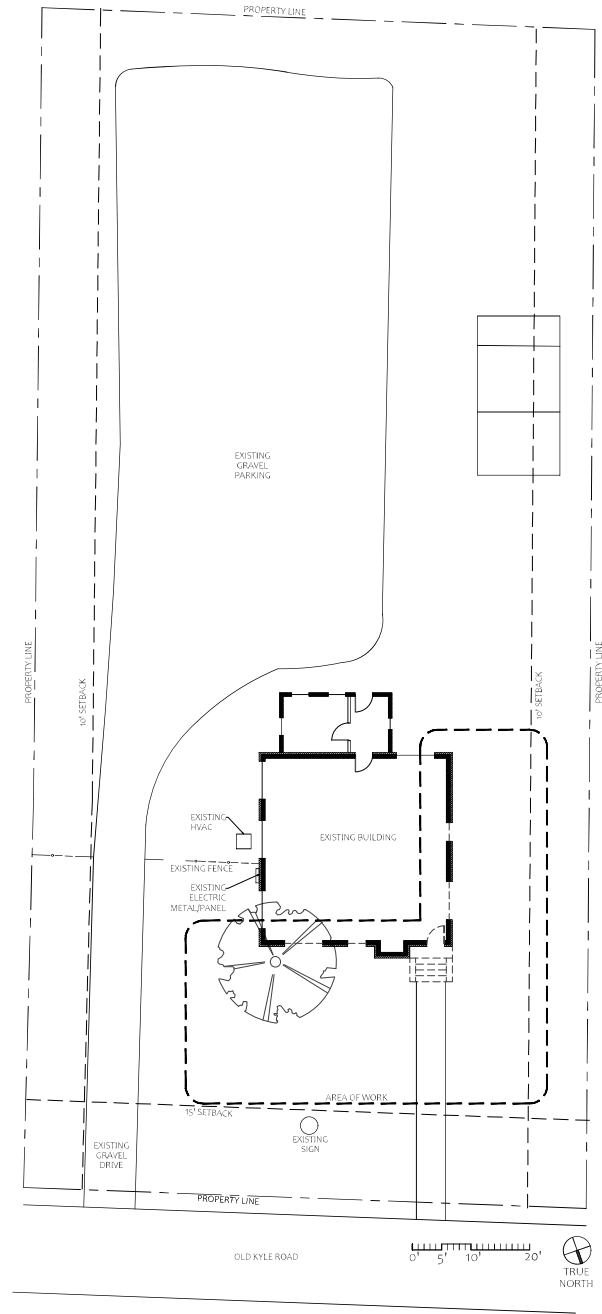
Drawing and specifications are intended to be used as a guide only. They are not to be construed as a warranty or representation of the accuracy or completeness of the information provided. The user assumes all responsibility for the use of the information provided. The user agrees to hold the designer harmless from all claims, damages, losses, and expenses, including reasonable attorney's fees, arising from the use of the information provided, regardless of whether the claim, damage, loss, or expense is caused in whole or in part by the negligence, active or passive, of the designer.

SHEET #
A1.0
 COVER SHEET & SURVEY



2 | NEW WORK SITE PLAN

SCALE: 1/16" = 1'-0"



1 | EXISTING SITE PLAN

SCALE: 1/16" = 1'-0"



PROJECT:
RENOVATIONS FOR SKINNY'S
110 Old Kyle Road, Wimberley, TX 78676

ISSUE:
DD 04/17/2023

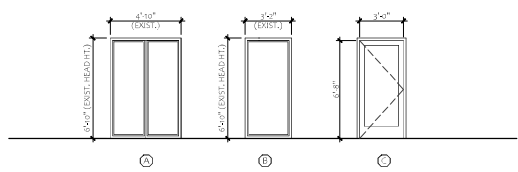
REVISION:



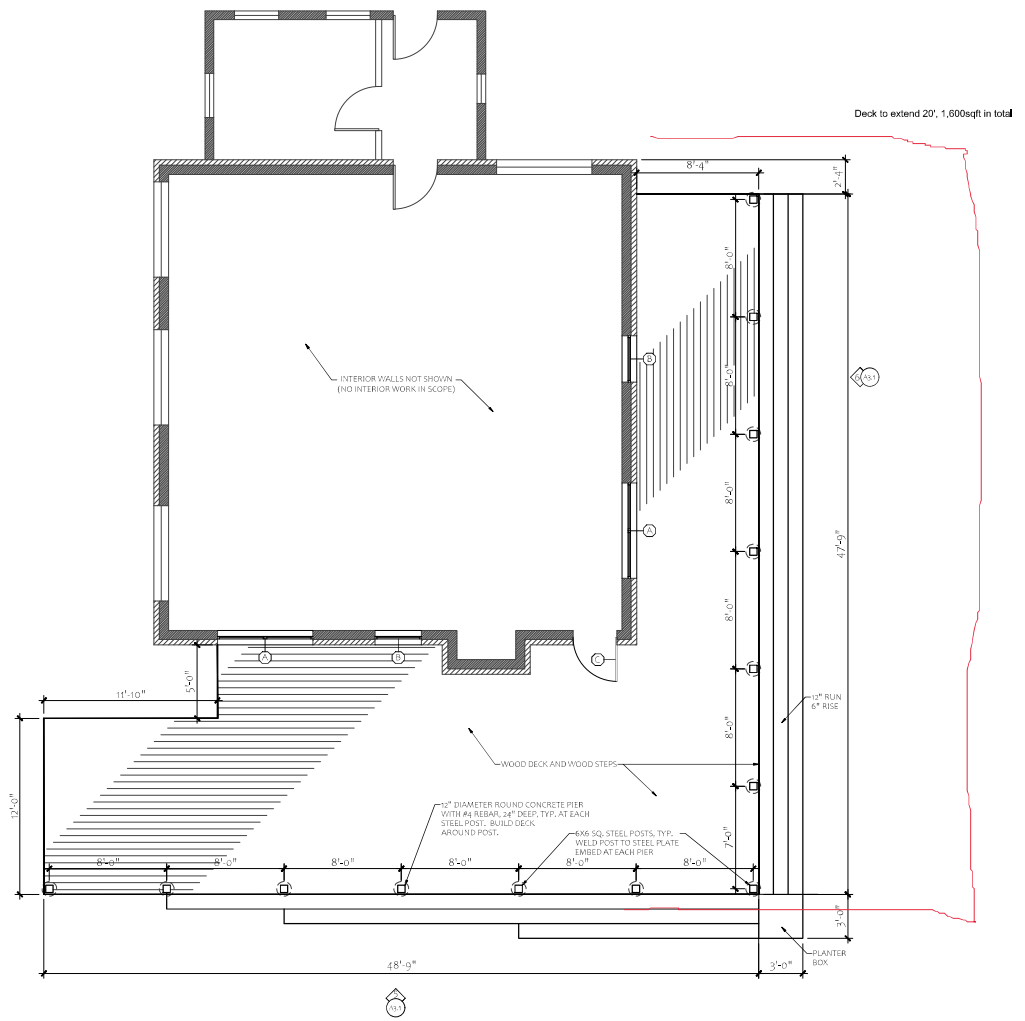
DRAWING PREPARED BY:
RYAN DESIGN STUDIO
NOT FOR REGULATORY
APPROVAL, PERMITTING, OR
CONSTRUCTION

Drawings and specifications are
representations of work and are not
warranties of the accuracy of the
information. The drawings are not
to be used for any other purpose
without the written consent of the
designer. The designer is not
responsible for the construction
methods, technique, sequence or
progression of the work and the
progression of the work is the
responsibility of the contractor.

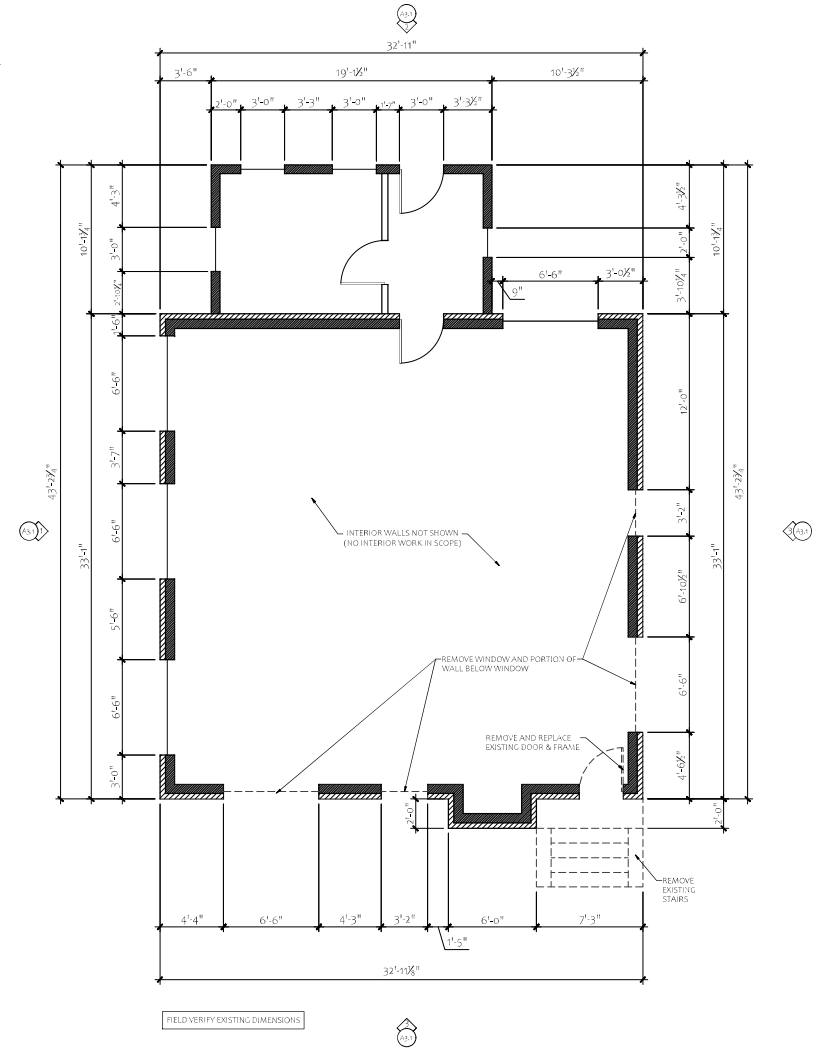
SHEET #
A1.1
EXISTING AND
NEW WORK SITE
PLANS



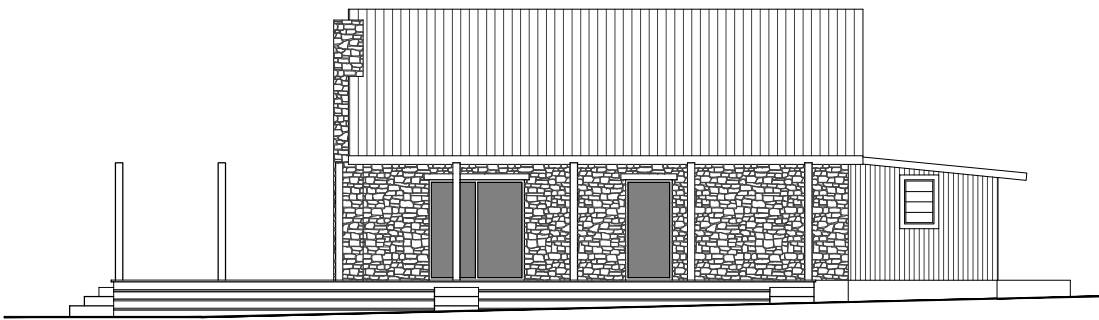
3 | NEW DOORS & WINDOWS SCALE: 1/4" = 1'-0"



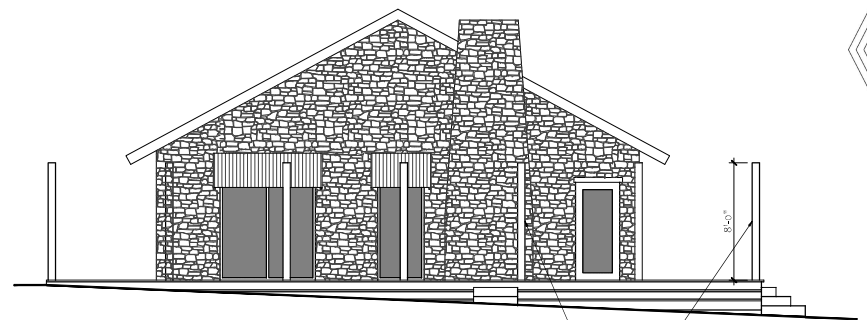
2 | NEW WORK FLOOR PLAN SCALE: 1/4" = 1'-0"



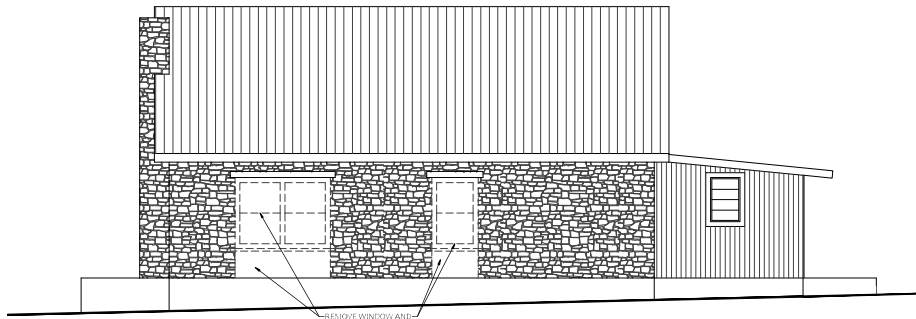
1 | EXISTING FLOOR PLAN SCALE: 1/4" = 1'-0"



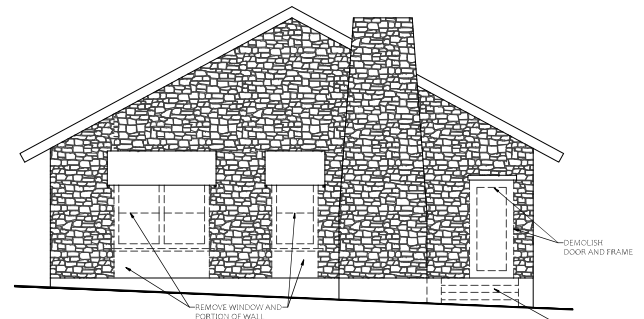
6 | NEW WORK WEST SIDE ELEVATION SCALE: 1/4" = 1'-0"



5 | NEW WORK FRONT ELEVATION SCALE: 1/4" = 1'-0"



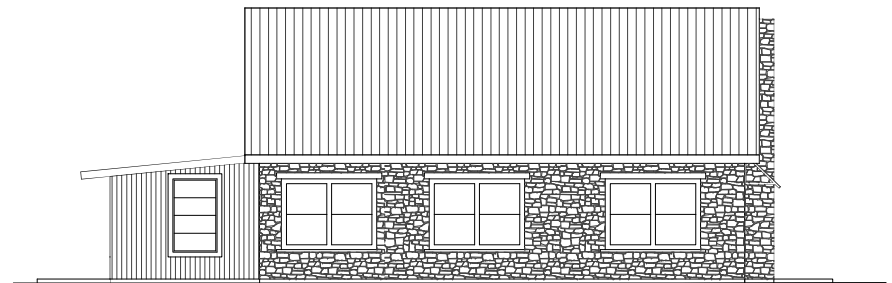
4 | EXISTING & DEMO. WEST SIDE ELEVATION SCALE: 1/4" = 1'-0"



3 | EXISTING & DEMO. FRONT ELEVATION SCALE: 1/4" = 1'-0"



2 | EXISTING REAR ELEVATION (NO WORK) SCALE: 1/4" = 1'-0"



1 | EXISTING EAST SIDE ELEVATION (NO WORK) SCALE: 1/4" = 1'-0"



AGENDA ITEM:	CUP-23-006 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	January 23, 2023
MEETING DATE:	May 11, 2023 (P&Z) / May 18, 2023 (City Council)

REPORT

ITEM

The applicants, See-Shell Investments LLC, have requested a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on property located at 13500 Ranch Road 12, Wimberley. The property is .39 and zoned Commercial – Low Impact (C-1). The applicants are requesting a maximum occupancy of six guests. This property is connected to city sewer.

PROPERTY INFORMATION

Property Description

Applicant(s):	See-Shell Investments
Property Address:	13500 Ranch Road 12
Property Owner:	See-Shell Investments
Legal Description:	Harrison Resort Sec 1, Lot 32
Property Size:	.39 acres
Existing Use of Property:	Unknown
Existing Zoning:	C-1
Shared Infrastructure	None
Request:	Vacation Rental (STR2)
Planning Area:	IV
Overlay District:	none

Surrounding Property:

Frontage: Ranch Road 12

		Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use	North of Property	MF2	Residential
	South of Property	PR-1	Commercial
	East of Property	C-1	Commercial

COMMENTS

Staff has not received any comments as of 5/9/2023.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): April 21st, 2023
Published Legal Notice (Wimberley View): April 27th, 2023

ATTACHMENT/S

- Application
- Notification Map
- Letter of Opposition



Conditional Use Permit

Planning & Development

RECEIVED APR 12 2023

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$650): ☐ _____

Applicant: See-Shell Investments LLC

Mailing Address: 13500 RR 12, STE B City: Wimberley State: TX Zip: 78676

Phone: _____

OWNER'S INFORMATION

Property Owner: See-Shell Investments LLC

Mailing Address: 13500 RR 12, STE B City: Wimberley State: TX Zip: 78676

Phone: _____

PROJECT SITE ADDRESS: 13500 RR 12, STE A

Legal description: S3630 - Harrison Resort Sec 1, Lot 32

Total Acreage or Square Footage: .39 acres Deed recorded in: Hays County

Hays CAD Parcel ID R- 120136 Planning Area: C-WIM-SQ Zoning: C-1

Is property located in an overlay district? ☐ Yes ☒ No If Yes, type: _____

SPECIFIC CONDITIONAL USE REQUEST: STR-2

Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

UTILITIES

Electric Provider: PEC

Water provider or Private Well: Wimberley Water Corporation

Wastewater Service or Septic Permit No. Wimberley City Sewer Service

*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

CONDITIONAL USE PERMIT (CUP) SUBMITTAL CHECKLIST

- ☒ Complete "Conditional Use Permit Application"
- ☒ Metes and bounds description and/or survey exhibit
- ☒ Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- ☒ Copy of the Original Deed(s)
- ☒ Payment of application fee (credit card payments, checks/money orders, cash exact change only)
- ☐ Agent authorization to represent property owner if applicable

MY REQUEST IS BASED ON THE FOLLOWING:

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

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Applicant's Signature: _____

Deen Skell

Date: 4-12-2023

Forms & Applications October 2021 2

ADDITIONAL QUESTIONS AND LIST OF CONDITIONS THAT MAY BE INCLUDED IN A BED AND BREAKFAST/VACATION RENTAL CUP

OWNER: See-Shell Investments LLC

LOCATION OF PROPERTY: 13500 RR 12

LEGAL DESCRIPTION: S3630 - Harrison Resort Sec 1, Lot 32

PLANNING AREA: C-WIM-SQ PRESENT ZONING: C-1

EXISTING USE: Residence

HOMEOWNERS ASSOCIATION CONTACT INFO: N/A

SHARED FACILITIES (RIVER PARK, POOL, ETC.): N/A

PROPERTY IN FLOODPLAIN? ☐ YES ☒ NO

GATED COMMUNITY OR PRIVATE STREET? ☐ YES ☒ NO

USE TO BE GRANTED: Bed & Breakfast OR ☒ Vacation Rental

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional "Hill Country" design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules, and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will always be harmonious and compatible with surrounding uses

OFF-STREET PARKING: All parking will be off-street. 4 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 6 guests. Parking will be in these spaces only.

SIGNAGE: All signage will be of traditional "Hill Country" design and will comply with the City Sign Ordinance.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audibles from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single-family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 1 **PROPOSED MAXIMUM OCCUPANCY:** 6 guests.

Forms & Applications October 2021 3

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will always be adequate for the maximum occupancy.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the N/A _____ River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason.

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not, owner occupied) Owner agrees to always retain under contract a responsible local management company the property is used as a non-owner-occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive, and pass on to owner any complaints received and at owner's direction act upon such complaints. (If owner occupied) The property shall be the owner's principal place of residence and the owner shall actively always supervise and manage the property that it is used as a bed and breakfast facility.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be always maintained in good condition.

REVOCATION: The cup may be revoked by the City Council upon recommendation of the Planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules, and regulations.

ACCEPTED AND AGREED TO:


OWNER SIGNATURE

Teresa Shell

PRINT NAME

4-12-2023

DATE

OWNER SIGNATURE

PRINT NAME

DATE

Forms & Applications October 2021 4

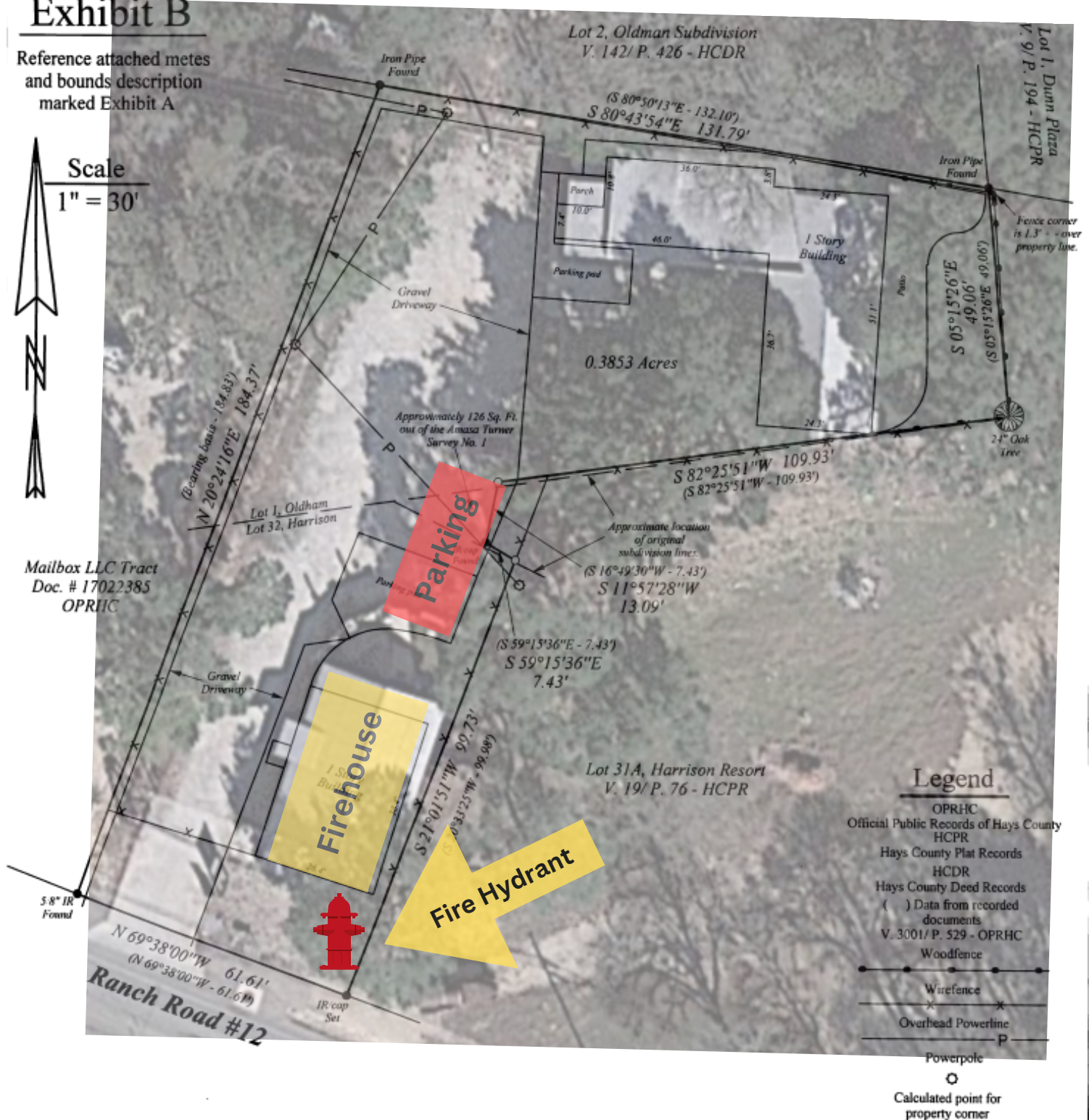
13500 RR12 Site Plan

Exhibit B

Reference attached metes and bounds description marked Exhibit A



Mailbox LLC Tract
Doc. # 17022385
OPRHC





AGENDA ITEM:	CUP-23-006 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	January 23, 2023
MEETING DATE:	May 11, 2023 (P&Z) / May 18, 2023 (City Council)

REPORT

ITEM

The applicants, See-Shell Investments LLC, have requested a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on property located at 13310 Ranch Road 12, Wimberley. The property is .84 acres and zoned Commercial – Low Impact (C-1). The applicants are requesting a maximum occupancy of 8 guests. This property is connected to city sewer.

PROPERTY INFORMATION

Property Description

Applicant(s):	See-Shell Investments
Property Address:	13310 Ranch Road 12
Property Owner:	See-Shell Investments
Legal Description:	Harrison Resort Sec 1, Lot 31
Property Size:	.84 acres
Existing Use of Property:	Unknown
Existing Zoning:	C-1
Shared Infrastructure	None
Request:	Vacation Rental (STR2)
Planning Area:	IV
Overlay District:	none

Surrounding Property:

Frontage:	Ranch Road 12
------------------	---------------

		Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use	North of Property	O1	Commercial
	South of Property	PR-1	Commercial
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COMMENTS

Staff has not received any comments as of 5/9/2023.

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Surrounding Neighbor Notification Letters (200'): April 21st, 2023
Published Legal Notice (Wimberley View): April 27th, 2023

ATTACHMENT/S

- Application



Conditional Use Permit
Planning & Development

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$650): ☐ _____

Applicant: See-Shell Enterprises LLC

Mailing Address: 13500 RR 12, STE B City: Wimberley State: TX Zip: 78676

Phone: _____

OWNER'S INFORMATION

Property Owner: See-Shell Enterprises LLC

Mailing Address: 13500 RR 12, STE B City: Wimberley State: TX Zip: 78676

Phone: _____

PROJECT SITE ADDRESS: 13310 RR 12, Wimberley, Texas 78676

Legal description: Harrison Resort Sec 1, Lot 31 A

Total Acreage or Square Footage: .84 Deed recorded in: Hays County

Hays CAD Parcel ID R- 151651 Planning Area: C-WIM-SQ Zoning: C-1

Is property located in an overlay district? ☐ Yes ☒ No If Yes, type: _____

SPECIFIC CONDITIONAL USE REQUEST: STR-1

Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

UTILITIES

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Water provider or Private Well: Wimberley Water Corporation

Wastewater Service or Septic Permit No. Wimberley City Sewer Service

*If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

Forms & Applications October 2021 1

CONDITIONAL USE PERMIT (CUP) SUBMITTAL CHECKLIST

- ☒ Complete "Conditional Use Permit Application"
- ☒ Metes and bounds description and/or survey exhibit
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- ☒ Copy of the Original Deed(s)
- ☒ Payment of application fee (credit card payments, checks/money orders, cash exact change only)
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- The nature of the use is reasonable.
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area.
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Applicant's Signature: _____



Date: 4-12-2023

Forms & Applications October 2021 2

ADDITIONAL QUESTIONS AND LIST OF CONDITIONS THAT MAY BE INCLUDED IN A BED AND BREAKFAST/VACATION RENTAL CUP

OWNER: See-Shell Enterprises LLC

LOCATION OF PROPERTY: 13310 RR 12, Wimberley, Texas 78676

LEGAL DESCRIPTION: Harrison Resort Sec 1, Lot 31 A

PLANNING AREA: C-WIM-SQ PRESENT ZONING: C-1

EXISTING USE: Residence

HOMEOWNERS ASSOCIATION CONTACT INFO: N/A

SHARED FACILITIES (RIVER PARK, POOL, ETC.): N/A

PROPERTY IN FLOODPLAIN? ☐ YES ☒ NO

GATED COMMUNITY OR PRIVATE STREET? ☐ YES ☒ NO

USE TO BE GRANTED: Bed & Breakfast OR ☒ Vacation Rental

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NUMBER OF BEDROOMS: 2 **PROPOSED MAXIMUM OCCUPANCY:** 8 guests.

Forms & Applications October 2021 3

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests.

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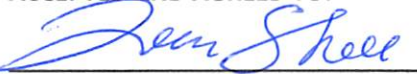
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ACCEPTED AND AGREED TO:


OWNER SIGNATURE

Teresa Shell
PRINT NAME

4-12-2023
DATE

OWNER SIGNATURE

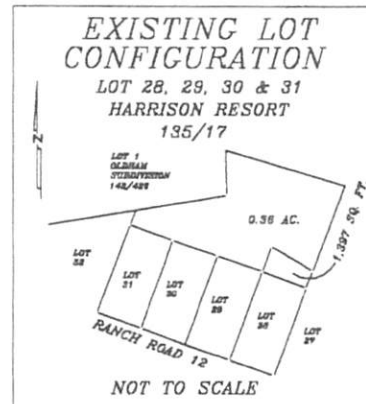
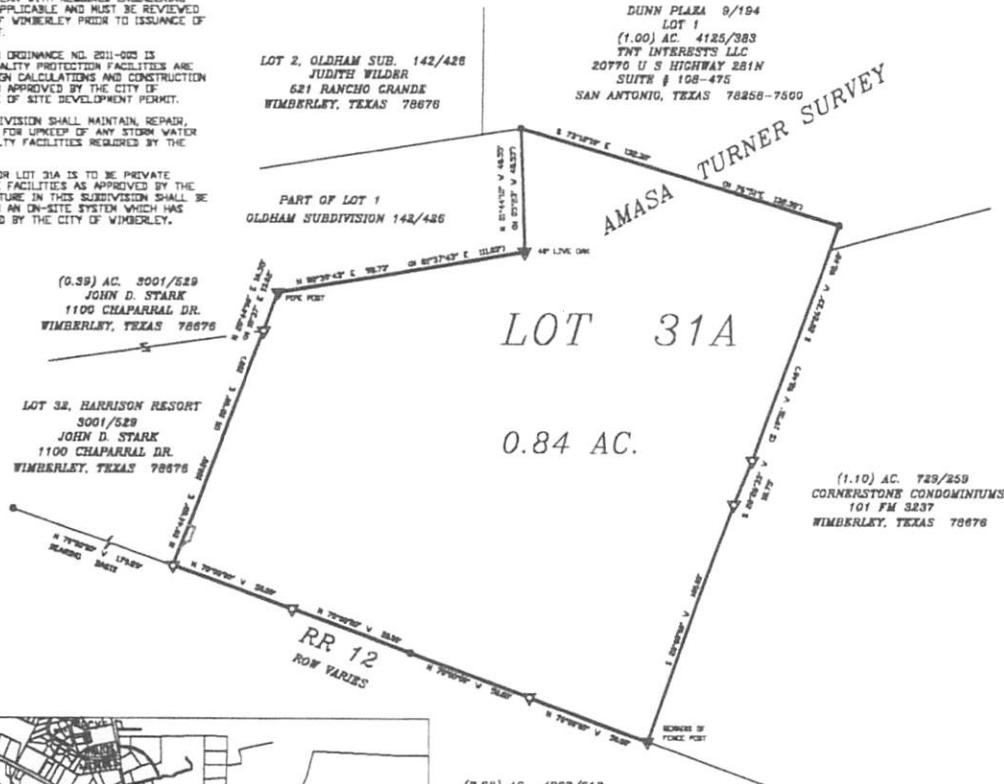
PRINT NAME

DATE

REPLAT
OF
1,397 SQUARE FEET
AND
0.36 ACRE
BOTH OUT OF THE
AMASA TURNER SURVEY
AND OF
LOTS 28, 29, 30 & 31
HARRISON RESORT
ESTABLISHING LOT 31A
HARRISON RESORT
A SUBDIVISION IN
HAYS COUNTY, TEXAS

NOTES:

- 1) THIS SUBDIVISION LIES IN THE CITY LIMITS OF THE CITY OF WIMBERLEY, TEXAS.
- 2) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48050C0305F, DATED SEP. 2, 2005, THIS LOT IS LOCATED IN ZONE X AND IS NOT IN THE 100-YEAR FLOODPLAIN.
- 3) THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER CONTRIBUTING ZONE.
- 4) THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT.
- 5) THE FOLLOWING PUBLIC UTILITY EASEMENTS ARE HEREBY GRANTED:
 A) 20' ALONG ALL ROAD EASEMENTS AND/OR RIGHT OF WAYS
 B) 10' ALONG ALL OTHER LOT LINES.
- 6) BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS 10' ALONG THE ROAD RIGHT OF WAY, 10' SETBACK ALONG SIDE LINES AND 20' SETBACK ALONG THE REAR LOT LINE.
- 7) THE PROVISIONS OF THE CITY OF WIMBERLEY COMPREHENSIVE PLAN SHALL GOVERN THIS AMENDING PLAN.
- 8) A LEVEL 2 DEVELOPMENT PLAN WITH REQUIRED ENGINEERING AND CONSTRUCTION PLANS IS APPLICABLE AND MUST BE REVIEWED AND APPROVED BY THE CITY OF WIMBERLEY PRIOR TO ISSUANCE OF THE SITE DEVELOPMENT PERMIT.
- 9) WATER QUALITY PROTECTION ORDINANCE NO. 2011-005 IS APPLICABLE AND, IF WATER QUALITY PROTECTION FACILITIES ARE REQUIRED, THE ANALYSIS, DESIGN CALCULATIONS AND CONSTRUCTION PLANS MUST BE REVIEWED AND APPROVED BY THE CITY OF WIMBERLEY PRIOR TO ISSUANCE OF SITE DEVELOPMENT PERMIT.
- 10) THE OWNERS OF THIS SUBDIVISION SHALL MAINTAIN, REPAIR, OPERATE AND BE RESPONSIBLE FOR upkeep OF ANY STORM WATER DRAINAGE AND/OR WATER QUALITY FACILITIES REQUIRED BY THE DEVELOPMENT PLAN.
- 11) WASTEWATER TREATMENT FOR LOT 31A IS TO BE PRIVATE INDIVIDUAL ON-SITE SEWERAGE FACILITIES AS APPROVED BY THE CITY OF WIMBERLEY. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN ON-SITE SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY THE CITY OF WIMBERLEY.



TOTAL NO. LOTS	1
TOTAL AREA LOTS	0.84 ACRE
PROPOSED LAND USE	RESIDENTIAL
AVERAGE LOT AREA	0.84 ACRE

NO. LOTS BETWEEN 2 AC. AND 5 AC.	0
NO. LOTS LARGER THAN 5 AC. AND SMALLER THAN 10 AC.	0

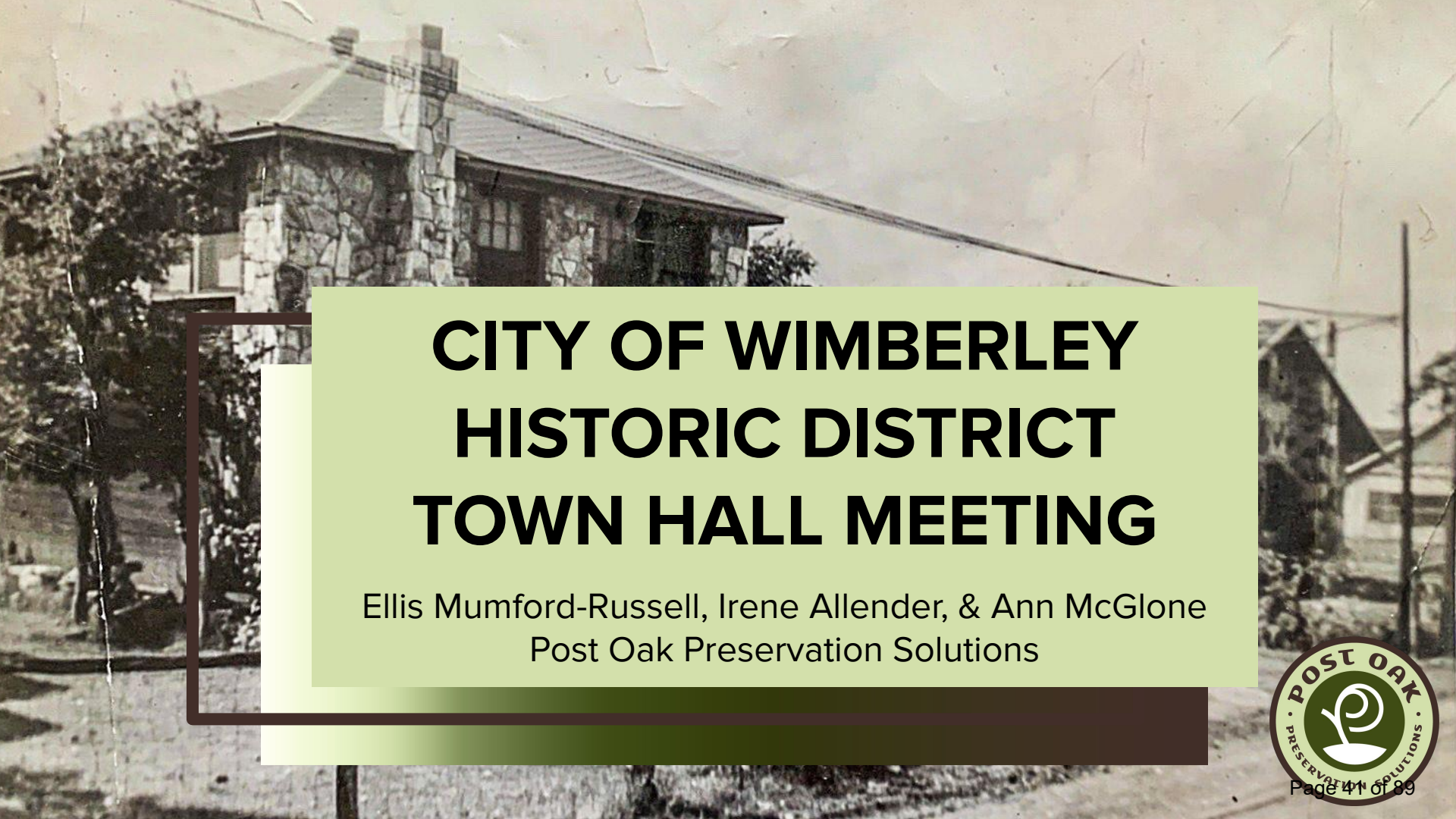
ELECTRIC SERVICE	P. E. C.
TELEPHONE SERVICE	VERIZON
WATER SUPPLY	WIMBERLEY WATER SUPPLY

OWNER/DEVELOPER
TOMAS PALM, PRESIDENT
13310 RR12, LLC
400 RED HAWK RANCH RD.
WIMBERLEY, TEXAS 78676

SURVEYOR
DANIEL R. (ROCKY) EDWARDS
HAYS COUNTY LAND SURVEYING
P.O. BOX 1732
WIMBERLEY, TEXAS 78676
512-847-3827

13310 RR12 Site Plan





CITY OF WIMBERLEY HISTORIC DISTRICT TOWN HALL MEETING

Ellis Mumford-Russell, Irene Allender, & Ann McGlone
Post Oak Preservation Solutions





TODAY'S MEETING

- Review overall preservation project & current status
- Present National and Local Historic Districts
- Discuss historic tax credits
- Review proposed design guidelines
- Receive public feedback in person & online
 - <https://www.cityofwimberley.com/319/Historical-Preservation>
 - wimberley@post oakpreservation.com
-





PROJECT OVERVIEW

- Survey ← complete
- National Register of Historic Places (NRHP) nomination
← draft 2 complete
- Local historic district designation ← in process
- Design Guidelines ← nearly complete



What we heard from you:

Important to preserve Wimberley's "unique character, charm, and history"

Design Guidelines shouldn't create too much uniformity or stifle creativity and "artsy feel"

Ensure that review process isn't too restrictive or hinders business

Emergency repairs and minor work should have shorter review process than major work

More historic resources outside the district should be designated



HISTORIC DESIGNATION & ORDINANCE TASKS

APRIL- JUNE 2022

Survey & Research

JULY 2022 - COMPLETION

Public Engagement

JUNE 2022 - JUNE 2024

NRHP nomination process

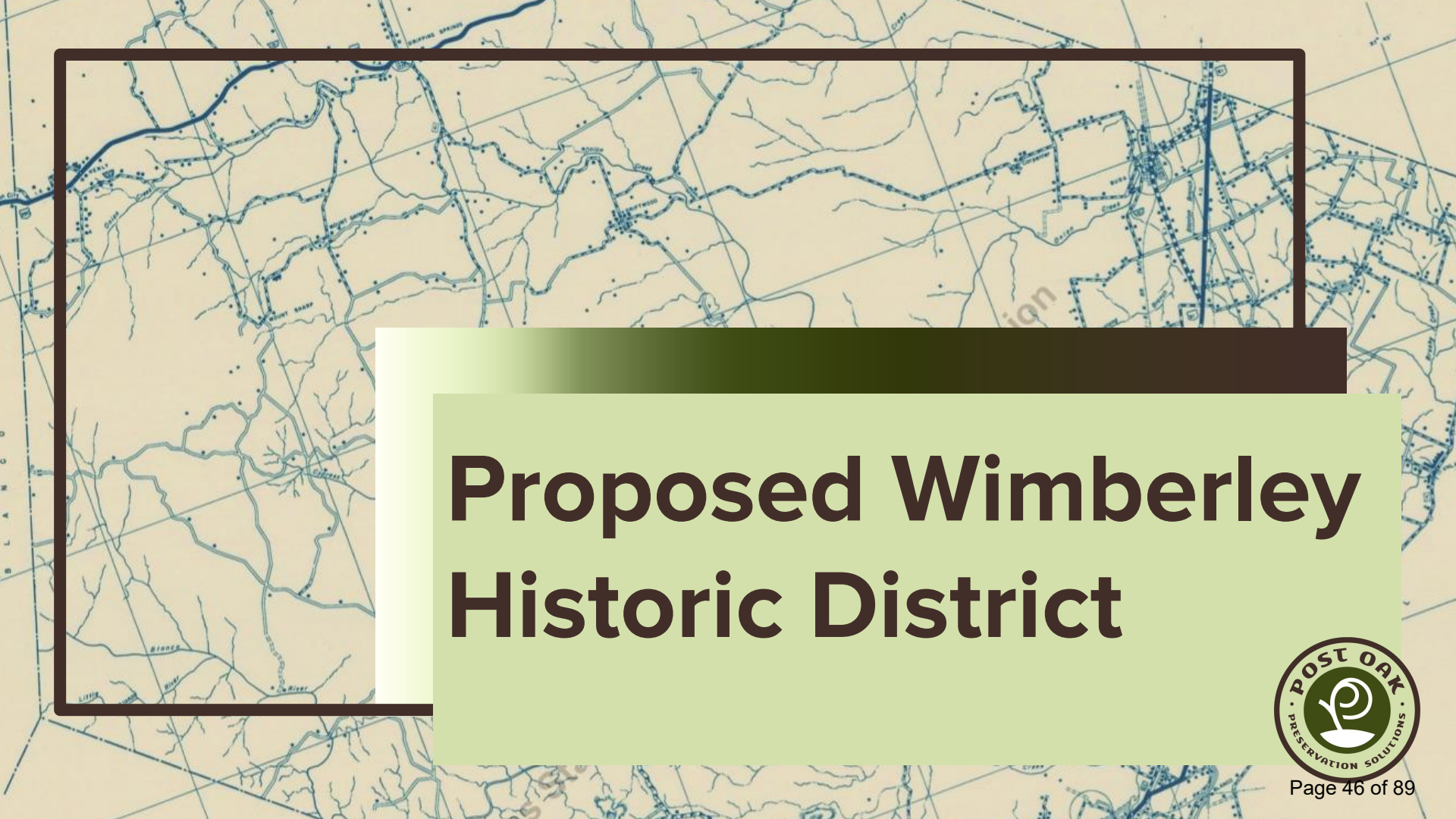
JULY 2023 - MAY 2023

Drafting of Historic Designation and Ordinances

JULY 2022 - JUNE 2023

Historic District Design Guidelines



A historical map of Wimberley, Texas, showing the Blanco River and surrounding areas. The map is framed by a dark brown border. A large, semi-transparent green rectangle is overlaid on the right side of the map, containing the title text.

Proposed Wimberley Historic District

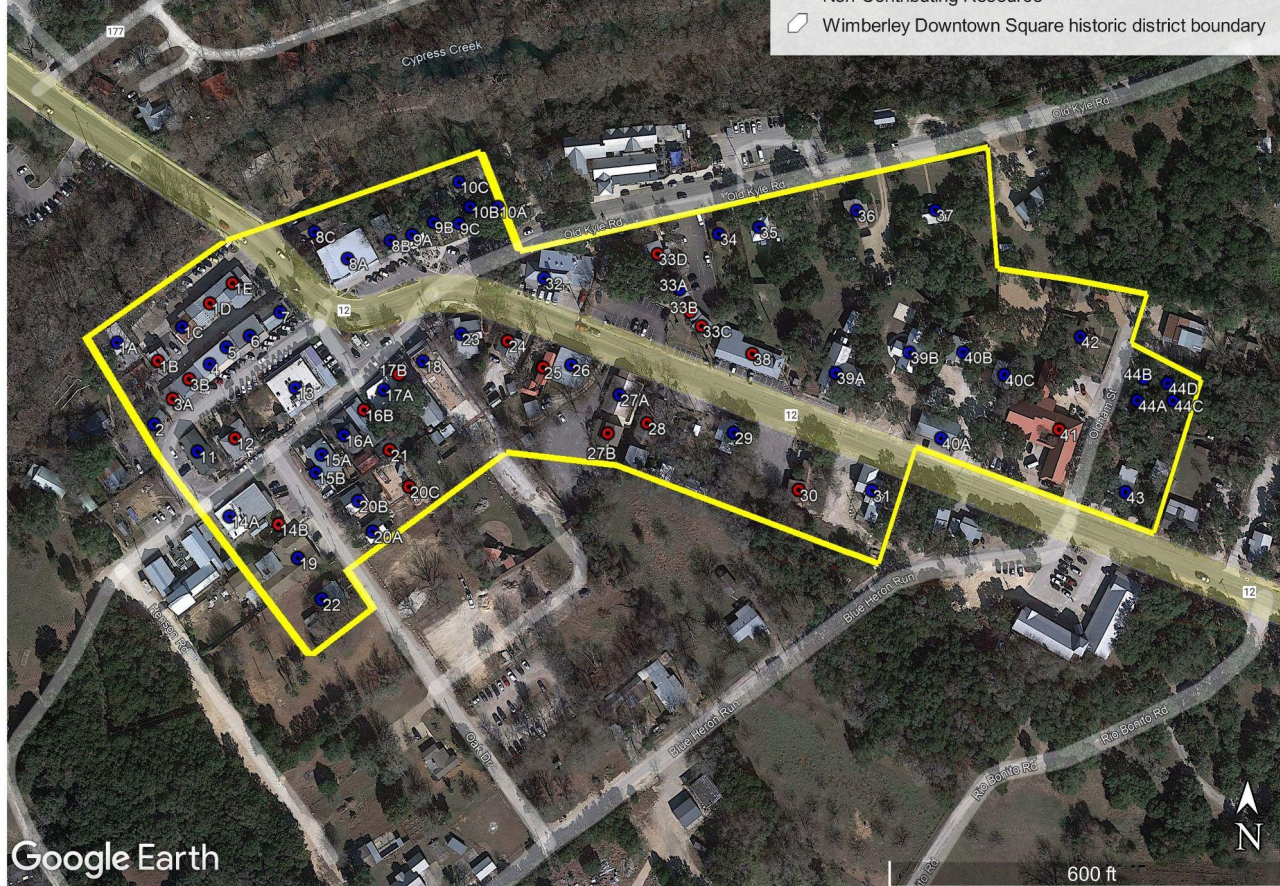


Wimberley Downtown Square Historic District

Post Oak Preservation 2023

Legend

- Contributing Resource
- Non-Contributing Resource
- ▭ Wimberley Downtown Square historic district boundary



Contributing Buildings:

- Are of historic age
- Retain architectural integrity
- Are eligible for Texas & Federal Historic Tax Credits
- Are subject to review under the design guidelines

Non-Contributing Buildings

- Are outside the period of significance
- OR have lost integrity
- Not eligible for tax credits
- Not subject to review



The background image shows the interior of a historic building. A large, dark brick archway frames a view into a modern, brightly lit hallway. The hallway has white walls, a white door, and a large window. The floor is made of dark wood. A modern, geometric light fixture hangs from the ceiling. The overall aesthetic is a blend of historic architecture and modern interior design.

What Is The National Register Of Historic Places?

- Record of historically-significant buildings, places, sites, vessels, landscapes, neighborhoods, districts
- Provides the definitive history of the historic place
- Avails property owners of historic tax credits
- No regulatory burden unless Federal funding or approvals



Historic Tax Credits



What Are Historic Tax Credits?

- Incentive for rehabilitating historic (50+ years old) buildings
- Available for buildings that are National Register of Historic Places listed or eligible
- New use must be compatible to historic building
 - Historic school → affordable apartments
 - Historic factory → offices / mixed use
- Work must adhere to the *Secretary of the Interior's Standards for Rehabilitation* to ensure the historic integrity of the building is preserved

Comparison of Federal and State Historic Tax Credit Programs

	Federal Rehabilitation Tax Credit	Texas Historic Preservation Tax Credit
Credit applies to:	Federal Income Tax	Texas Franchise Tax or Insurance Premium Tax
Credit offered:	20% of qualified rehabilitation expenditures	25% of qualified rehabilitation expenditures
Credit recipient:	Current owner(s)	Current owner(s) May sell or transfer whole or partial credit to others
Eligible applicants:	Individuals, companies, partnerships	Individuals, companies, partnerships, non-profits, and public universities (until January 2022)
Eligible building uses:	Income-producing (including residential rental)	Income-producing, non-profit, and public universities
Required historic designation:	National Register of Historic Places (NRHP) (within 30 months of project completion)	National Register of Historic Places, Recorded Texas Historic Landmark, or State Antiquities Landmark (must be designated before project can be certified)
Minimum project cost:	\$5000 or adjusted basis (value of building), whichever is greater	\$5000
Application forms:	3-part federal application (1, 2, 3)	3-part state application that mirrors federal (A, B, C)
Recapture period	5 years	No recapture period
Time limit for use of credits:	Must be claimed in equal amounts over 5 years	Use immediately or carry forward over 5 years, at credit holder's discretion
Architectural oversight:	National Park Service certifies with THC's recommendation	Texas Historical Commission certifies projects; NPS reviews first if applying for federal and state
Financial oversight:	Credit managed by the IRS	Credit managed by the Texas Comptroller
Application deadline:	Must apply before project completion, unless building is individually listed in the NRHP	Must apply before project completion

Tax Credit Process

Part 1/A

- Establishes that the building is historic & eligible for tax credits



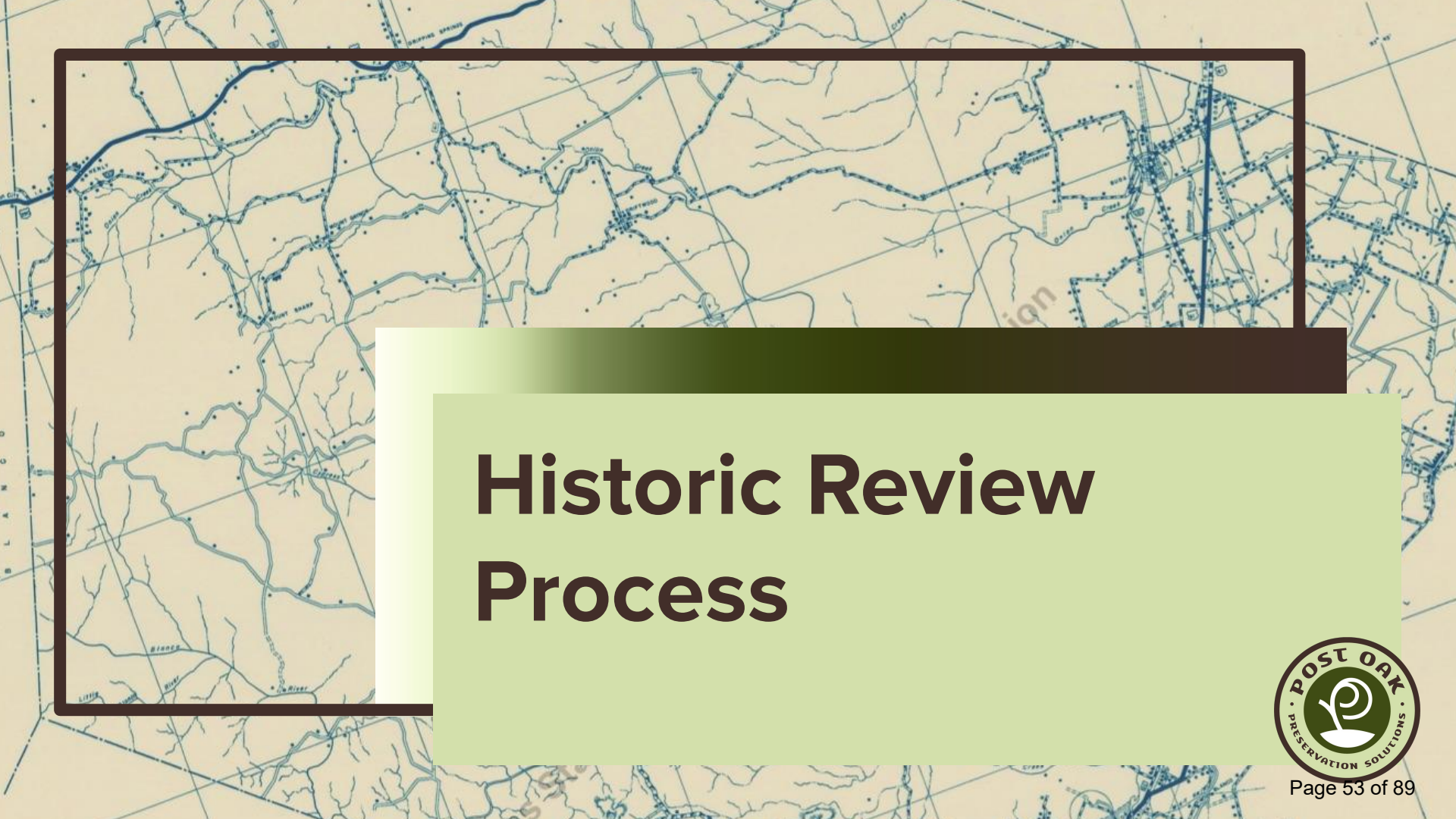
Part 2/B

- Describes scope of work, interior & exterior
- Includes: photographs, architectural drawings, narrative description of scope of work, estimated project costs



Part 3/C

- Presents the completed project for approval.
- Includes: photographs, final project information
- Site visit from THC

A detailed historical map of a region, likely in the Southeastern United States, showing a complex network of rivers, streams, and roads. The map is rendered in a sepia or aged paper tone with blue ink for water features and black ink for land features and text. A prominent river, possibly the Savannah River, flows from the top left towards the center. Other smaller rivers and creeks branch out across the landscape. Towns and settlements are marked with small dots and labeled in various fonts. The map is framed by a dark border.

Historic Review Process



No Application

- Paint color
- A/C & systems repair
- Backyard landscaping
- Interior work

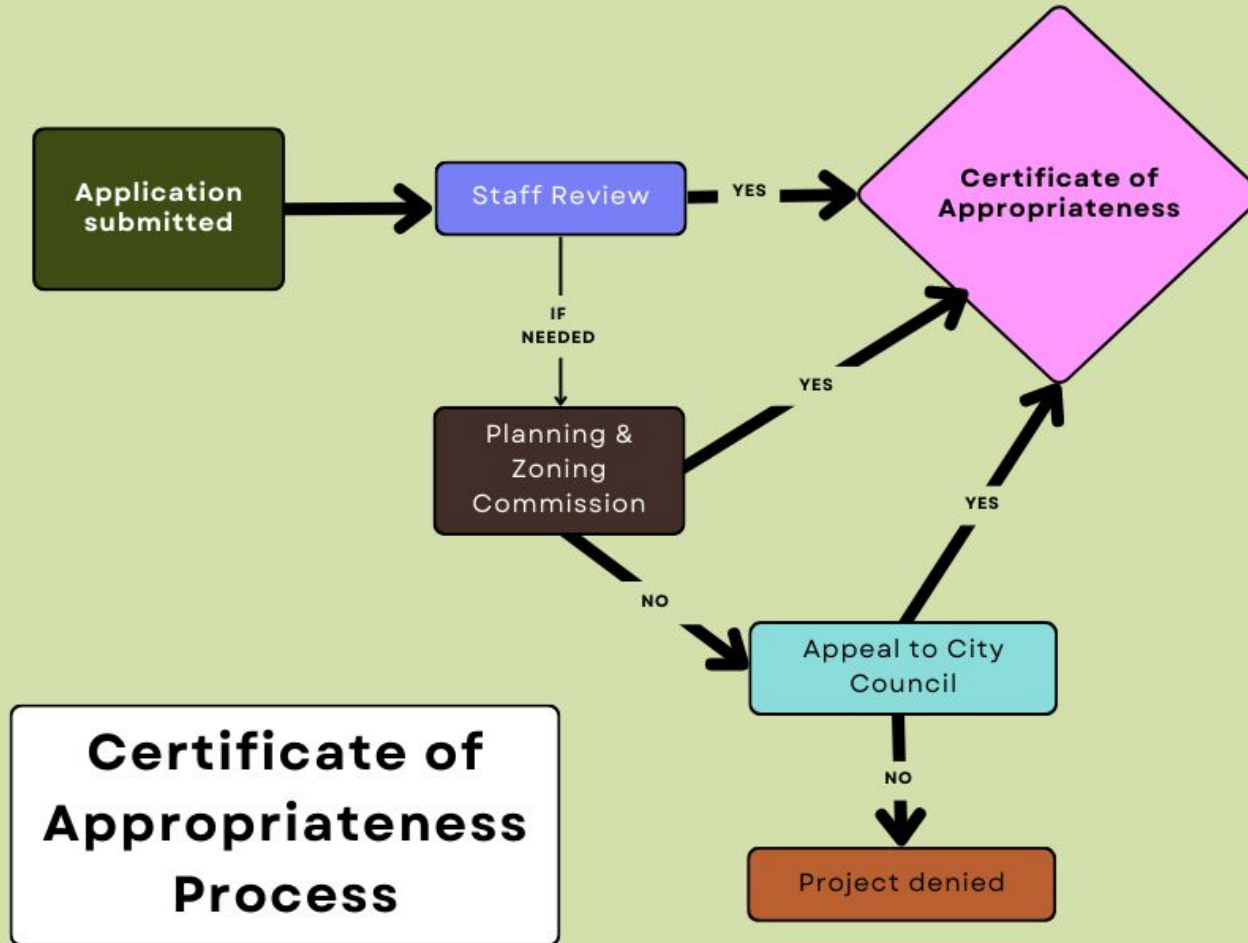
Staff Approval

- Routine repairs & maintenance
- Minor alterations

P & Z Approval

- Designation of Landmarks & Districts
- New construction within historic district
- Additions within historic district
- Major alterations to buildings within historic district, at staff discretion





Design Guidelines



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The Basic Preservation Principles for Wimberley

While the guidelines provide direction for specific design issues, some basic principles of preservation form the foundation for them. The following preservation principles apply in Wimberley:

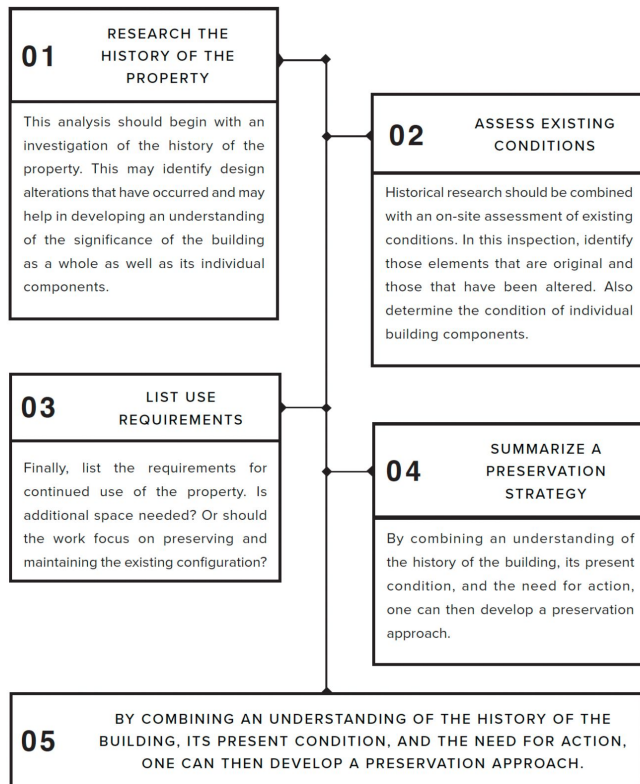
1. Respect the historic design character of the building.
 - 1.1. Do not try to change a building's style or make it look older than it really is. Confusing the character by mixing elements of different styles is not appropriate.
2. Seek uses that are compatible with the historic character of the building.
 - 2.1. Although use is not reviewed by the Planning and Zoning Commission, uses that do not require radical alteration of the original architecture are preferred. Every reasonable effort should be made to provide a compatible use for the building that will require minimal alteration to it or its site. An example of an appropriate adaptive use is converting a residence into a bed and breakfast establishment (when zoning regulations permit). Transitions between adjacent land uses should reflect appropriately compatible levels of intensity.
3. Protect and maintain significant features and stylistic elements.
 - 3.1. Distinctive stylistic features or examples of skilled craftsmanship should be treated with sensitivity. The best preservation procedure is to maintain historic features through proper maintenance from the outset so that intervention is not required. This includes rust removal, caulking, limited paint removal, and reapplication of paint.
4. Preserve key, character-defining features of the property.
 - 4.1. Key features are those that help convey the character of the resource as it appeared during its period of historic significance. These may include the basic structural system and building materials, as well as windows, doors, porches, and ornamentation. Typically, those features that are on the front of a building or that are highly visible from a public way will be most important.
5. Repair deteriorated historic features, and replace only those elements that cannot be repaired.
 - 5.1. Maintain the existing material, using recognized preservation methods whenever possible. If disassembly is necessary for repair or restoration, use methods that minimize damage to original materials and replace the existing configuration.
6. Retain natural features including access to the water, extensive tree canopy, and landscaping. Respect nature by choose sustainable materials.
 - 6.1. Protect trees and maintain access to the creek from Downtown. Utilize materials and construction methodologies that help conserve resources.

CHAPTER 1: Using the Guidelines



Developing a Preservation Strategy

Each preservation project is unique. A project may include a variety of treatment techniques, including the repair and replacement of features and maintenance of those already in good condition. In order to define the range of preservation treatments that may be needed in a project, consider these steps:



CHAPTER 1: Using the Guidelines



2.1. Character of the Public Realm

2.1.2. PEDESTRIAN EXPERIENCE

1. Around the Square

- 1.1. Along the north side of the Square and surrounding the Wimberley Cafe building, continuous awnings provide a sheltered pathway for pedestrians.
- 1.2. In other areas around the Square, pedestrians share right of way with vehicles where there are no sidewalks.
- 1.3. Landscaping, display windows, and many trees create a welcoming environment for pedestrians
- 1.4. Pedestrian safety is a concern around the Square and in areas without sidewalks.

2. Outside the Square

- 2.1. Many streets outside the Square lack sidewalks. Where sidewalks exist, they are along generally busy streets with few safe crosswalks.
- 2.2. The pedestrian experience outside the Square is less welcoming.



The Wimberley Cafe building features continuous awnings, providing a sheltered pathway for pedestrians.



The Wimberley Cafe building features continuous awnings, providing a sheltered pathway for pedestrians.



Many streets outside the Square lack sidewalks.

2.1.3. LANDSCAPING

1. Wimberley has an extensive collection of trees throughout downtown, which connects people to nature and provides welcome shade in the Texas heat.
2. Additional landscaping in the form of planters provide buffers between vehicular traffic and pedestrians as well as visual interest.



The heritage trees throughout downtown Wimberley provide shade and connection to nature.



Planters are used throughout the downtown as a buffer between traffic and pedestrians.

2.2. Site Design

Site and Lot Design describes the placement of major structures, and features within the site. The location of a building on the lot can greatly influence the overall character of a neighborhood. A building located too far back or too far forward does not seem to “fit” within the neighborhood. Location of parking areas can also have great impacts on the character of neighborhood.

Understanding the existing character can provide guidance in determining the compatibility of future development.

2.2.1. STREET FRONTAGE

1. Around the Square

- 1.1. Most buildings around the Square are built with zero setback and to the lot lines. Where buildings have setbacks, these setbacks are shallow and the lot lines are indicated with low fences.
- 1.2. Buildings are oriented toward the street.

2. Outside the Square

- 2.1. Setbacks and orientations outside the Square vary. Most buildings are oriented toward the street, but some buildings, especially those on corners, are oriented at an angle facing the corners.



Buildings in the Square with shallow setbacks have low fences to indicate the lot lines.



Some buildings outside the Square are at an angle facing the corners.

2.2.2. LOT WIDTH & SETBACKS

1. Lot widths in the Square are generally narrow, ranging from 25 feet to 60 feet. Most buildings on the square are built to the lot lines or have shallow setbacks, at most 20 feet.
2. Outside the Square, lot widths are more variable, ranging from 40 feet up to greater than 160 feet. Front and side setbacks also vary in this area but nearly all buildings have at least a 15 foot setback from the street, with the greatest setback being 125 feet.



Buildings in the Square have shallow setbacks.



Buildings outside the Square have variable setbacks.

CHAPTER 2: Existing Character of Downtown Wimberley



2.3. Building Design

2.3.3. ARCHITECTURAL STYLES

2.3.3.1. CRAFTSMAN (C. 1885-1930)

The Craftsman style is defined by simple design with low-pitched gable roofs with broad eaves, large front porches, and exposed wooden structural elements. Craftsman houses were bungalows that incorporated locally handcrafted wood, glass, and metal work. The style incorporates a visible sturdy structure with clean lines and natural materials. Craftsman houses include those that came from mail-order house catalogs, such as Sears. In Wimberley, Craftsman houses have been adapted to the local environment using local materials and masonry techniques.

2.3.3.1.1. Characteristics

1. Low-pitched roof lines, gabled or hipped roof
2. Deep overhanging eaves with exposed rafters
3. Open front porches
4. Columns supporting the roof
5. Hand-crafted design details
6. 1 to 1½ stories
7. Double-hung windows with multiple lights in the upper window and a single pane in the lower, some stained or leaded glass
8. Wood, stone, or stucco siding
9. Exterior stone chimneys
10. Built-in cabinets, shelves, and seating
11. Exposed rafters and beams with elaborated ends and/or supported by knee boards



This building is characteristic of Craftsman style buildings in Wimberley.



Exterior stone chimneys are a typical feature of Craftsman buildings.



Double-hung windows are a typical feature of Craftsman buildings.



Exposed rafter tails and low-pitched roofs are a characteristic of the Craftsman style.

CHAPTER 2: Existing Character of Downtown Wimberley



3.2. First Repair, Then Replace

DETERIORATED ARCHITECTURAL MATERIALS SHOULD BE REPAIRED RATHER THAN REPLACED

1. When deterioration occurs, repair the material and any other related problems. It is also important to recognize that all details weather over time and that a scarred finish does not represent an inferior material, but simply reflects the age of the building. Therefore, preserving original materials and features that show signs of wear is preferred to replacing them.
2. Repair only those features that are deteriorated.
3. Patch, piece-in, splice, consolidate, or otherwise upgrade existing materials, using recognized preservation methods as those identified in the Department of the Interior's Historic Preservation Briefs, located online at <http://www.nps.gov/hps/tps/>
4. Isolated areas of damage may be stabilized or fixed using consolidants. Epoxies and resins may be considered for wood repair. Also, special masonry repair components may be used.
5. Removing damaged features that can be repaired is not appropriate.
6. Protect features that are adjacent to the area being worked on.
7. When disassembly of an historic element is necessary for its restoration, use methods that minimize damage to the original materials.
8. When disassembly of an historic feature is required in a restoration procedure, document its location so it may be repositioned accurately. Always devise methods of replacing the disassembled materials in their original configuration.
9. Use approved technical procedures for cleaning, refinishing, and repairing architectural details. When choosing preservation treatments, use the gentlest means possible that will achieve the desired results.



Damaged materials should be repaired or replaced in-kind instead of covered with an inappropriate substitute material.



Repair historic materials first, then replace in-kind, as needed.



Historic wood windows can be repaired rather than replaced.

CHAPTER 3: Guidelines to Retain & Preserve Existing

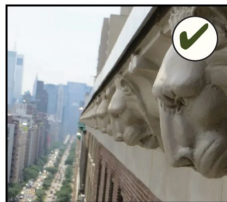


3.3. Respect Historic Styles And Avoid Artificial History

ACCEPTABLE SUBSTITUTE MATERIALS



A metal decorative column is an acceptable substitute for a wood decorative column.



A fiberglass cornice is an acceptable substitute for a formed metal cornice.



Cementitious board siding is an acceptable substitute for a wood siding, as long as the profiles are similar.

ACCEPTABLE SUBSTITUTE MATERIALS



Metal clad wood windows with historic profiles are an acceptable substitute for upper-story wood windows.



Aluminum storefronts clad in wood are an acceptable substitute for deteriorated wood storefronts.



Metal or cementitious shingles are an acceptable substitute for wood, tile or slate roofs.

UNACCEPTABLE SUBSTITUTE MATERIALS



Vinyl siding is an unacceptable substitute material for wood siding.



Thin-set brick or stone is an unacceptable substitute material for brick and stone.



EIFS is an unacceptable substitute material for cast stone and stone.

CHAPTER 3: Guidelines to Retain & Preserve Existing



4.5. Landscaping

Trees and flowering plants help provide interest to pedestrians, as well as shaded protection from the summer sun. Using trees and flowering plants is strongly encouraged.

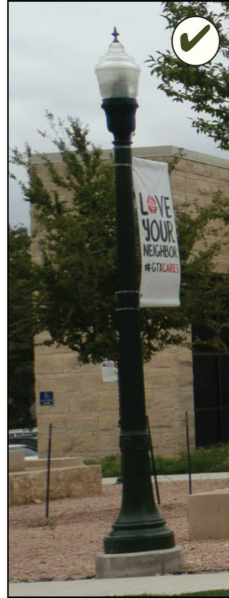
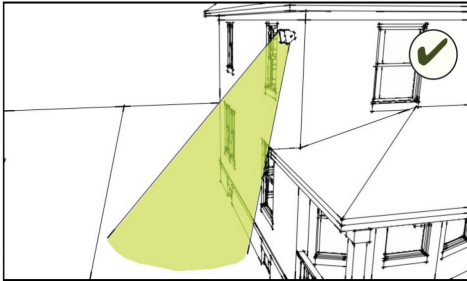
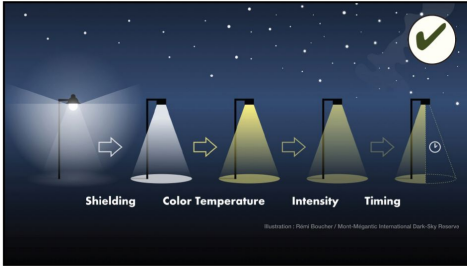
1. Use indigenous, native, and drought-tolerant plant materials when feasible.
2. Install new street trees to enhance the pedestrian experience. Locate street trees along edges of sidewalks, maintaining a clearly defined pedestrian travel zone.
3. Locate street trees in larger planting areas, such as buffer strips adjacent to parking lots.
4. Provide underground irrigation systems where long-term growth will not impact the irrigation system.
5. Use flowers to provide seasonal colors.
6. Replace trees that are diseased or have passed their life cycle.
7. The height of a street tree should be minimized, however, to avoid blocking views of storefronts and interesting details.
8. Additional landscaping, in the form of planters, is encouraged throughout the Historic District. These can provide buffers along sidewalks, around seating areas, and surrounding parking areas.
9. Plantings are preferable to turf as these are easier to maintain and require less irrigation.
10. Landscaping between curbs and the sidewalks should be no taller than 2 feet.
11. Use of native materials such as stone in landscaping installations is encouraged.



CHAPTER 4: Public Realm Design



4.10. Lighting



CHAPTER 4: Public Realm Design

CHAPTER 5: New Building & Addition Design

5.1. Compatibility



New construction in Wimberley should recognize and respect the historic patterns and elements of the neighborhood.

A building should be visually compatible with traditional commercial buildings.

1. Historic Building Character: The street level floors of traditional commercial buildings are clearly distinguishable from the upper floors. First floors feature large display windows, typically horizontally-oriented. Upper floors have smaller windows or no windows. This feature should also be expressed in new construction.

5.3. Street Level Façades

Maintain the distinction between the street level and the upper floor.

1. The first floor of the primary façade should feature large display windows; however, traditional storefront design common in more high-style, turn-of-the-20th-century buildings are not appropriate in Wimberley.
2. Upper floors should be perceived as being more opaque than the lower floor.
3. Highly reflective or darkly tinted glass is inappropriate.
4. Avoid unadorned, blank walls facing entries and streets.



5.2. Design

NEW CONSTRUCTION SHOULD FOLLOW A FRESH APPROACH

Footprint: of the building should be similar to historic structures nearby.

Roof: form, pitch, materials, complexity should be similar to those in the neighborhood.

Envelope: size and "bulk" or massing and scale as well as projections (porches and the like) of the new construction should be similar to the neighborhood.

Skin or exterior materials: should be similar visually and physically to what is typical in the neighborhood.

Holes: window and door styles, proportions, rhythm, appearance, and placement should be similar to surrounding historic buildings.

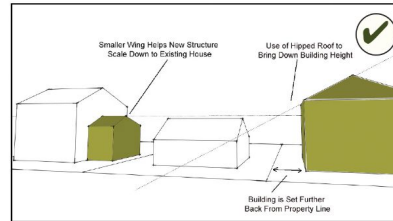
New interpretations of historic building styles are encouraged. While it is important that buildings be compatible with the surrounding historic commercial context, it is not necessary that they imitate older building styles.

1. A new design that draws upon the fundamental similarities among older buildings in the area without copying them is preferred. This will allow the building to be seen as a product of its own time and yet be compatible with its historic neighbors.
2. Buildings that are similar in scale and overall character to those seen historically are strongly encouraged.
3. Infill should be a balance of new and old in design. This applies to architectural details as well as the overall design of a building.

5.4. Additions

Additions to contributing historic buildings should be located toward the rear.

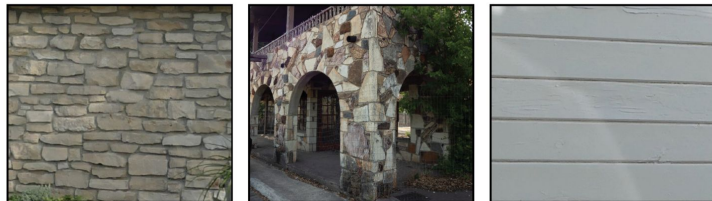
1. Additions to the rear of the building may be the same height as the existing building.
2. Additions to the side of the building should be held to the rear half of the building.
3. Additions should not overwhelm the historic building when viewed from the right of way.



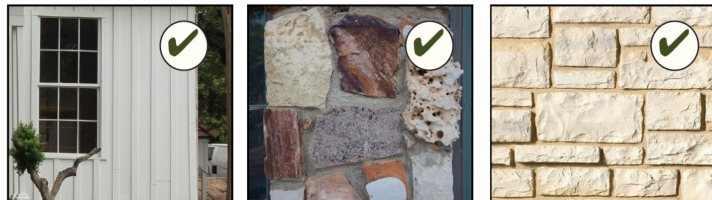
The scale of this one-and-one half story house is appropriate for Wimberley.



TYPICAL EXISTING CONDITIONS



APPROPRIATE



INAPPROPRIATE



CHAPTER 5: New Building & Addition Design

6.2. Demolition Considerations

Historic Commission should consider the following when evaluating proposals to demolish or relocate historic resources:

1. Does the resource proposed for demolition or relocation have architectural and/or historical significance?
2. What would be the effect on surrounding buildings of demolition or relocation of the resource?
3. What would be the effect on the Overlay District as a whole of demolition or relocation of the resource?
4. What would be the effect on safeguarding the heritage of the City of the demolition or relocation?
5. What has been the impact of any previous inappropriate alterations?
6. Is the demolition solely a matter of convenience?
7. Has the owner offered the property for sale?
8. Has the owner asked a fair price?
9. Has the property been marketed for a reasonable time?
10. Has the property been advertised broadly in a reasonable manner?
11. Has the owner sought the advice of a professional experienced in historic preservation work?
12. What would be the effect of open space in that location if the lot is to be left open?
13. What would the effect of any proposed replacement structure to the community?
14. What is the appropriateness of design of any proposed replacement structure to the Overlay District?

CHAPTER 6: Demolitions



APPROPRIATE



Two-pole signs are appropriate for the Historic District.



Monument signs are appropriate for the Historic District.



Projecting and hanging signs are appropriate for the Historic District.

APPROPRIATE



Multi-tenant Building signs are appropriate for the Historic District.



Door/Window signs are appropriate for the Historic District.



Historical plaques are appropriate for the Historic District.

APPROPRIATE



A-frame/sandwich board signs are allowed in the Historic District.



Pedestrian-oriented signs such as those hanging under the awnings around the square are appropriate for the Historic District.



Minimally illuminated blade signs are appropriate for the Historic District.

CHAPTER 7: Signage



1. Maintenance and Repair Guide

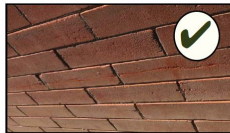
EXTERIOR WALL MATERIALS



Non-historic paint coatings and water repellent treatments are inappropriate for historic masonry.



Covering historic masonry can cause damage to the underlying historic material.



Repoint missing or deteriorated joints with an appropriate, compatible mortar.

Exterior walls may be constructed of or clad in durable materials such as natural or manufactured masonry, wood, stucco, asbestos, or even metal. Regular maintenance of historic building materials is essential to long-term preservation. When possible, these materials should be repaired in-kind, with a material that is similar in look and composition, rather than replaced when damaged or deteriorated.

MASONRY

Masonry refers to a type of building construction that consists of separate, individual units laid in rows, stacked on top of one another, and held together by mortar (a mixture of water, sand or gravel, and cement or lime). It can be structural or decorative. Masonry can be natural, such as limestone or granite, or it can be manmade, such as brick or concrete blocks. When maintained properly, masonry is a durable material; however, inappropriate repair, mortar, or cleaning can rapidly deteriorate the material.

MAINTAINING EXTERIOR MASONRY

- Do not paint historic masonry, and avoid applying water-repellent coatings or sealants.
- Historic masonry should not be coated or covered with any additional materials.
- Repoint missing or deteriorated masonry joints with a mortar that matches the historic in strength, composition, color, and texture, per guidance in National Park Service Preservation Brief #2 (see *Additional Resources* on page #). It should look the same as the existing mortar and be as soft or softer than original.
- Never use Portland cement to patch or repoint historic masonry as it is too hard and can damage the historic material.
- If any masonry units need to be replaced, the replacement material should match existing historic in size, color, texture, and composition.
- Cleaning masonry should only be undertaken to stop active deterioration or remove significant soiling. If cleaning is necessary, start with the gentlest means water, typically low-pressure water (like a garden hose) with a soft bristle brush. Any additional cleaning products should be appropriate for historic masonry and should be tested prior to application. Test products in an inconspicuous location and wait to observe any adverse effects (such as change in color, texture, or gloss). Cleaning may not make masonry look “like new.” Avoid abrasive or mechanical cleaning with power washers, wire wheels, or similar tools. See National Park Service Preservation Brief #1 for additional cleaning guidance (see *Additional Resources*).

APPENDICES



2. Glossary of Terms

24. **DOUBLE-HUNG WINDOW.** A window with two sashes (the framework in which window panes are set), each moveable by a means of cords and weights.
25. **ECONOMIC HARDSHIP.** An onerous and excessive financial burden, not created by the owner, which destroys reasonable and beneficial use of the property. For commercial properties the ability to make a reasonable income does not mean the highest and best use.
26. **ELEVATION.** A mechanically accurate, "headon" drawing of a face of a building or object, without any allowance for the effect of the laws of perspective. Any measurement on an elevation will be in a fixed proportion, or scale, to the corresponding measurement on the real building.
27. **ENTABLATURE.** Refers to the superstructure of moldings and bands that lie horizontally above columns, resting on their capitals. It is the upper section of a classical building, resting on the columns and constituting the architrave, frieze, and cornice.
28. **EXTERIOR ARCHITECTURAL FEATURE.** The architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to the view from a public way.
29. **FAÇADE.** Front or principal face of a building, any side of a building that faces a street or other open space.
30. **FASCIA.** A flat board with a vertical face that forms the trim along the edge of a flat roof, or along the horizontal, or "eaves," sides of a pitched roof. The rain gutter is often mounted on it.
31. **FENESTRATION.** The arrangement of windows and other exterior openings on a building.
32. **FORM.** The overall shape of a structure (i.e., most structures are rectangular in form).
33. **FRAME.** A window component. See window parts.
34. **FRIEZE.** A horizontal band that runs above doorways and windows or below the cornice. It may be decorated with designs or carvings. In classic architecture, architectural ornament consisting of a horizontal sculptured band between the architrave and the cornice.
35. **GLAZING.** Fitting/securing glass into windows and doors.
36. **HEAD.** The top horizontal member over a door or window opening.
37. **HISTORIC DISTRICT.** A geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the City. Historic sites within a local district need not be contiguous, for an area to constitute a district. All sites, buildings, and structures within a local historic district, whether individually contributing or not are subject to the regulations of the district.
38. **HISTORIC LANDMARK.** Any site, building, structure, or landscape of historic significance that receives designation by the City pursuant to this Division.
39. **HISTORIC PRESERVATION.** The protection, reconstruction, rehabilitation, repair and restoration of places and structures of historic, architectural, or archaeological significance.
40. **HISTORIC RESOURCE.** Any building, structure, object or site that is 50 years or older or any resource that has been identified as a high or medium priority because of its unique history or architectural characteristics.
41. **IN-KIND.** In the same manner and material.
42. **INTEGRITY.** The authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.
43. **INVENTORY.** A list of historic properties that have been identified and evaluated as meeting specified criteria of significance.
44. **MAINTENANCE.** The work of keeping something in proper condition, upkeep. Activities required or undertaken to conserve as nearly, and as long, as possible the original condition of an asset or resource while compensating for normal wear and tear. The needed replacement of materials is done in-kind.
45. **MASS/MASSING.** The physical size and bulk of a structure. A building's massing is derived from the articulation of its façade through the use of dormers, towers, bays, porches, steps, and other projections.

APPENDICES



3. Secretary of the Interior's Standards for Rehabilitation

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

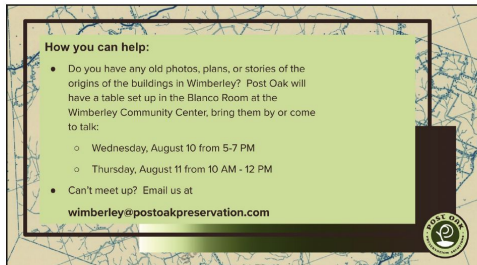
APPENDICES



4. Design Guidelines Preparation Process & Public Input

JULY 2022 MEETING

The first public meeting announcing the Wimberley preservation project, including not just design guidelines but also the historic resources survey and creation of a National Register of Historic Places historic district, occurred in July 2022. This meeting primarily reviewed findings from the historic resources survey, completed in July. Shortly following this meeting, Post Oak staff set up a table and held "office hours" at the Wimberley Institute of Culture in order to solicit public input as well as gather historical information from long-time residents. Throughout the process, the public has been able to send information and feedback via an email address set up exclusively for this project, which was announced at the July meeting.



Post Oak solicited public input as well as gathered historical information from long-time Wimberley residents as part of the design guidelines project.

AUGUST 2022 MEETING

City of Wimberley staff facilitated utilizing existing organizations as initial stakeholder groups. Three groups were interviewed in a combination of virtual and in-person meetings held in August 2022. Those groups were:

1. Wimberley Institute of Culture
2. Hotel Occupancy Tax Board
3. Economic Development Council

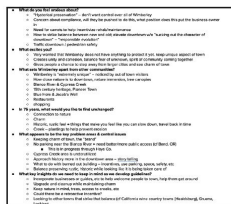


Post Oak presented the initial findings from historic resource surveys at the August 2022 meeting.

At these meetings, Post Oak presented initial findings from historic resource surveys and study of existing regulations and solicited feedback in the following areas:

- Wimberley's unique character
- Key issues or problem areas affecting downtown Wimberley

Across three stakeholder group meetings, 15 members of the public engaged with the Post Oak team.



Stakeholder groups provided feedback about the survey and design guideline process.

APPENDICES



HISTORIC DESIGNATION & ORDINANCE TASKS

APRIL- JUNE 2022

Survey & Research

JULY 2022 - COMPLETION

Public Engagement

JUNE 2022 - JUNE 2024

NRHP nomination process

JULY 2022 - MAY 2023

Drafting of Historic Designation and Ordinances

JULY 2022 - JUNE 2023

Historic District Design Guidelines





NEXT STEPS

- Owners in the Historic District will receive property owner notification soon
- May 11: P&Z hearing on ordinance
- May 18: City Council 1st reading on ordinance
- June 1: City Council 2nd reading on ordinance
- June 8: P&Z hearing on design guidelines
- June 15: City Council hearing on design guidelines
- Sept 23: State Board of Review meeting for district





Get in touch!

Online:

<https://www.cityofwimberley.com/319/Historical-Preservation>

Email: wimberley@postoakpreservation.com



**CITY OF WIMBERLEY
ORDINANCE NO. 2022-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WIMBERLEY, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY
OF WIMBERLEY, TEXAS, TO AMEND CHAPTER 9 REGULATING
HISTORIC PROPERTIES AND DISTRICTS AND CREATING A
PROCEDURE FOR THE DESIGNATION OF HISTORIC LANDMARKS
AND HISTORIC DISTRICTS; REPEALING ALL ORDINANCES OR
SECTIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Texas Local Government Code Chapter 211 (the “Code”) specifically authorizes zoning functions and procedures for municipalities; and

WHEREAS, Section 211.003(b) of the Code provides that in the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures; and

WHEREAS, Section 211.005(a) of the Code authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district; and

WHEREAS, the City Council of the City of Wimberley (the “City Council”) believes that the protection and perpetuation of landmarks and districts of historical significance is necessary to promote the economic, cultural, and educational welfare of the residents of the City; and

WHEREAS, the City Council hereby finds and declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public; and

WHEREAS, the City Council hereby finds and declares that the adoption of the regulations provided for in this ordinance will (a) protect and enhance the landmarks and districts which represent distinctive elements of Wimberley’s historic, architectural, and cultural heritage; (b) foster civic pride in the accomplishments of the past; (c) protect and enhance Wimberley’s attractiveness to visitors and the support and stimulus to the economy thereby provided; (d) insure the harmonious, orderly, and efficient growth and development of the city that is sensitive to its historic resources; and (e) promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city; and

WHEREAS, pursuant to the Code, the City Council has given due public notice of hearings related to the designation of historical landmarks and historical districts and the regulations proposed in such an ordinance.

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

Section 1 Amending Sec 9.02.008 Definitions and Interpretations.

Add the following definitions to Sec.9.02.008 Definitions and Interpretations:

Architectural Details. Small details like moldings, carved woodwork, etc. that add character to a building.

Alteration. Any act or process that changes one or more historic, architectural, or physical features of an area, site, place, and/or structure including, but not limited to the erection, construction, reconstruction, or removal of any structure.

Applicant. A person seeking a designation or authorization under this Chapter or the person's designated and duly authorized agent or representative, including but not limited to the property owner, occupant of the site, the Planning and Zoning Commission or City Council.

Certificate of Appropriateness. An order issued by the Planning and Zoning Commission indicating approval of plans for alteration, construction, or removal affecting a designated landmark or property within a designated district.

Design Guidelines. Guidelines of appropriateness or compatibility of building design within a community or historic district.

Design review. The decision-making process conducted by the Planning and Zoning Commission or an appointed historic preservation officer that is guided by established terms.

Determination of Significance. A determination based on the importance of a historic property as defined by criteria found in Sec. 9.03.255(f).

Economic Hardship. An onerous and excessive financial burden, not created by the owner, which destroys reasonable and beneficial use of the property. For commercial properties the ability to make a reasonable income does not mean the highest and best use.

Exterior Architectural Feature. The architectural style and general arrangement of such portion of the exterior of a structure as is open to the view from a public way.

Historic District. A contiguous or non-contiguous geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the City.

Historic Landmark. Any site, building, structure, or landscape of historic significance designated by

the City pursuant to this Division.

Historic Preservation. The protection, reconstruction, rehabilitation, repair and restoration of places and structures of historic, architectural, or archaeological significance.

Historic Resource. Any building, structure, object or site that is 50 years or older or any resource that has been identified as a high or medium priority because of its unique history or architectural characteristics.

Integrity. The authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

Inventory. A list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

National Register of Historic Places. The nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission. Restrictions on these properties exist only when there is an undertaking that uses federal funds or that requires a federal permit or license.

Object. A physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

Ordinary Maintenance. The repair of any exterior or architectural feature of a landmark or property within a historic district which does not involve a change to the architectural or historic value, style, or general design. In-kind replacement or repair is included in this definition of ordinary maintenance.

Owner. The individual, corporation, partnership, or other legal entity in whom is vested the ownership, dominion, or title of property and who is responsible for payment of ad valorem taxes on that property; including a Lessor or Lessee if responsible for payment of ad valorem taxes.

Preservation. The stabilization of an historic building, its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.

Reconstruction. The act or process of reproducing by new construction the exact form and detail of a vanished building as it appeared at a specific period of time.

Recorded Texas Historical Landmark. A state designation for buildings important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National Register of Historic Places designations.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

Restoration. Returning a property to a state indicative of a particular period of time in its history, while removing evidence of other periods.

Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing structure.

State Archaeological Landmark. A designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. Although called "archaeological" landmarks, this designation can include buildings as well as archaeological sites. For a building to be designated as a State Archaeological Landmark, it must first be listed on the National Register of Historic Places. Damage to a State Archaeological Landmark is subject to criminal, not civil, penalties.

Structure. A term used to distinguish specific types of functional constructions from buildings that are usually made for purposes other than creating shelter.

Zoning. The City's adopted zoning code and regulations.

Section 2. Amending 9.03.253(f) Powers and Duties

Add the following:

(3) Review and act on the designation of Landmarks and the delineation of Districts, subject to approval by the City Council. Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Archaeological Landmark, National Register property and any locally designated Landmark, as deemed necessary. Review and take action on all Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Division. Review and take action on all appeals on action taken regarding the administrative review of Certificates of Appropriateness applications for compliance with adopted Design Guidelines pursuant to this Division. Develop, prepare and adopt specific Design Guidelines which shall be ratified by the City Council, for use in the review of all Certificates of Appropriateness applications. Recommend to City Council the acquisition of endangered Landmarks by demolition where its preservation is essential to the purpose of this Article and where private preservation is not feasible. Provide comment to the Texas Historical Commission on any federal undertakings (projects utilizing federal funds or requiring a federal permit) pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended

Section 3. Chapter 9 of the Wimberley Code of ordinances is hereby amended to add: Section 9.03.255 Historic Preservation Overlay District; HD (Historic Districts) HL (Historic Landmarks)

(a) *General Purpose and Description.* The Historic Overlay Districts are intended to protect and

enhance the landmarks and districts which represent distinctive elements of Wimberley's historic, architectural, and cultural heritage; to foster civic pride in the accomplishments of the past; to protect and enhance Wimberley's attractiveness to visitors and the support and stimulus to the economy thereby provided; to insure the harmonious, orderly, and efficient growth and development of the city that is sensitive to its historic resources; and to promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city.

- (b) *Limits of Overlay.* Application of this overlay shall be limited to properties within a given boundary as described by a legal description and/or illustrated in an attached map.
- (c) *Permitted uses.* Permitted uses shall be governed by the underlying zoning.
- (d) *Site Development Standards.* The site development standards are the same as the underlying zoning except for the additional requirements and conditions as described in the specific Historic District Design Guidelines.
- (e) *City Administrator.* The City Administrator or its designee shall appoint a qualified person to serve as Historic Preservation Officer (HPO).
 - (1) Administer these regulations and advise the Commission on matters submitted to it.
 - (2) Receive and review applications pursuant to this Division to ensure their completeness.
 - (3) Review and forward with any recommendation's applications for Certificates of Appropriateness subject to review by the Commission pursuant to the Design Guidelines.
 - (4) Review and take action on all applications that qualify for Administrative Review pursuant to the Design Guidelines.
- (f) *Criteria for Designation of Local Historic Landmarks and Districts.* To be considered for historic designation of individual Landmark or Historic District will meet the following criteria.
 - (1) An individual Landmark will meet the criteria of a Determination of Significance if it is at least fifty (50) years old and it substantially complies with two or more of the following:
 - a. Possesses significance in history, architecture, archeology, and culture.
 - b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - c. Represents the work of a master designer, builder, or craftsman.
 - d. Embodies the distinctive characteristics of a type, period, or method of construction.
 - e. Represents an established and familiar visual feature of the city.
 - f. Associated with an antiquated use due to technological or social changes, such as, but not limited to, a blacksmith's shop or railroad trestle.
 - (2) A Historic District may be designated if it substantially complies with both of the

following:

- a. Contains properties and an environmental setting which meet two or more of the criteria for designation of a landmark, and;
 - b. Constitutes a distinct section of the city.
- (g) *Designation of Historic Landmarks and Historic Districts Overlays*. The process for designation of Overlay Districts shall follow the process as outlined in Sec. 9.03.255.
- (h) *Minimum Maintenance Standards*. No owner or person with an interest in real property designated as a Landmark or a property located within a District shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HPO, create a detrimental effect upon the historic character of the Landmark or District. Examples of serious disrepair or significant deterioration include:
 - (1) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
 - (2) Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
 - (3) Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.
 - (4) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
 - (5) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
 - (6) Rotting, holes, and other forms of material decay.
 - (7) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
 - (8) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure.
 - (9) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.
- (i) *Ordinary Maintenance*. Nothing in these regulations shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, or outward appearance that require the issuance of a building permit. In-kind repair/replacement and repainting is included in this definition of ordinary maintenance unless painting involves an exterior masonry surface that was not previously painted. The HPO shall be in charge of making the decisions as to what is "ordinary maintenance."
- (j) *Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts*. No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any Landmark or any property within a District, nor shall any person make any material change in the light fixtures,

signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any Landmark or any property within a District without a Certificate of Appropriateness application. The application must be reviewed and approved by the City Administrator or Commission prior to the issuance of any building permit involving any Landmark or property located within a District. The application shall be required in addition to, and not in lieu of, any required building permit.

(k) *Review Criteria for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts.* In considering an application for a Certificate of Appropriateness, the HPO and the Planning and Zoning Commission shall review it for compliance with *The Secretary of the Interior's Standards for Rehabilitation* and any applicable adopted Design Guidelines approved by the City Council.

(l) *Procedure for Certificates of Appropriateness for Alterations or New Construction Affecting Landmarks or Historic Districts.* The procedure for obtaining a Certificate of Appropriateness may be initiated by the individual property owner(s) of the subject Landmark or for a property located within a District. The application must be submitted for review and approved by the HPO or the Commission prior to the commencement of any work. An application for Certificate of Appropriateness shall be made on forms as prescribed by the City and shall be filed along with fees in accordance with the City's fee schedule.

(1) Design review affecting Landmarks and properties located in Districts.

- a. Upon receipt of a completed Certificate of Appropriateness application as determined by the HPO, the HPO shall review the application for a preliminary determination of compliance with the Secretary of the Interior's Standards for Rehabilitation and any applicable adopted Design Guidelines. If the application meets the Secretary of Interior's Standards or the Design Guidelines the City Administrator may administratively approve the C of A if the proposed work falls within the scope laid out in the Design Guidelines of work eligible for administrative approval.
- b. Upon receipt of a completed Certificate of Appropriateness and a preliminary determination of compliance, the HPO shall schedule a public hearing at a regularly scheduled Commission meeting of all work that is not subject to administrative approval as determined in the Design Guidelines.
- c. The Commission shall review the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that the proposed work complies with the Secretary of the Interior's Standards for Rehabilitation and any adopted Design Guidelines. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.
- d. The Commission may take action to approve, postpone requesting additional information or deny the application.
- e. If approved, the HPO shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, and any specific conditions of

approval (if any) supporting the decision. No subsequent changes shall be made to the approved design without the prior review and approval of the HPO. An applicant shall have one (1) year from the date of issuance of a Certificate of Appropriateness to secure a building permit for the specified improvements or it shall become null and void.

- f. If the Commission finds the proposed work will have an Adverse Effect on the Landmark, or property located within a District, or if the proposed work is inconsistent with the Secretary of the Interior's Standards for Rehabilitation or any applicable adopted Design Guidelines, the Commission shall advise the applicant at the hearing of the disapproval of the application and of any changes to the application which are necessary to approval of the same. The HPO shall provide the applicant in writing of the disapproval of the application and of any changes to the application which are necessary for approval of the same. A Certificate of Appropriateness application that has been denied may not be resubmitted without incorporating changes to the application which are necessary for approval of the same.
- g. The applicant may appeal the decision to the City Council. Appeal requests shall be filed in writing to the HPO within ten (10) days of the Commission's decision.
- h. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning regulations of the city.

(m) *Demolition of Landmarks or Property within a Historic District.* It is the intent of this and succeeding sections to preserve the historic and architectural resources of the city through limitations on demolition and removal of Landmarks to the extent it is economically feasible, practical, and necessary. The demolition or removal of historic buildings, structures and sites in the city diminishes the character of the city's historic Districts and it is strongly discouraged. Instead, the city recommends and supports preservation, rehabilitation and relocation within a Historic District. It is recognized however that structural deterioration, economic hardship and other factors not entirely within the control of the property owner may result in the necessary demolition or removal of a historic building structure or site.

(1) Removal or repair of hazardous or dangerous Landmarks.

- a. If the City's building official determines a Landmark to be structurally unsound and a hazardous or dangerous building pursuant to any appropriate regulation, the building official shall be required to provide written notice to the HPO and the Commission of the ordered removal or repair of the Landmark prior to taking such action.
- b. Upon notification of the City building official the owner shall take immediate steps to comply with the building officials directives, including but not limited to the placement of a security fence around the subject structure in such a manner as to protect the public from danger.
- c. The HPO shall convene experts such as architects and structural engineers familiar with historic buildings to assess the situation and

suggest alternatives to demolition.

(n) *Certificates of Appropriateness for Demolition Affecting Landmarks or Historic Districts.*

No person shall carry out the demolition of a Landmark or property within a District, including secondary buildings and landscape features that are not previously deemed a hazardous or dangerous building by the building official, or without the review and approval of a Certificate of Appropriateness for Demolition application by the Commission. The application shall be required in addition to, and not in lieu of, any required building permit. All demolition permits require a sixty-day stay of demolition to allow for exploration of options to preserve the structure.

(1) In the absence of a determination by the City's building official of the subject property as a hazardous or dangerous building, the Commission may consider an application for a Certificate of Appropriateness for Demolition of a Landmark or property located within a District, only if it meets compliance with one of the following:

- a. The subject property of the application is not a recognized Landmark.
- b. The subject building, structure or object is not an accessory building and/or landscape features that is integral to the historic interpretation or integrity of the Landmark.
- c. The applicant is requesting a Certificate of Appropriateness for Demolition of a Landmark on the basis of Economic Hardship pursuant to (o) and (p) of this section.
- d. The subject building, structure or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owner(s).

(o) *Procedure for Certificates of Appropriateness for Demolition Affecting Landmarks or Historic Districts.* The procedure for obtaining a Certificate of Appropriateness for Demolition may be initiated by the individual property owner(s) of the subject Landmark or property within a District. The application must be submitted to the HPO for review and approval by the Commission prior to the commencement of any work.

(1) The application shall contain:

- a. Name, address, telephone number of applicant, and physical address of the individual property.
- b. Site plan of the individual property or map indicating the area of the proposed demolition showing all affected buildings and/or structures on the site.
- c. Photographs of existing conditions as well as any historical photographs, if available.
- d. All future development plans for the property, if available.
- e. Any other information which the Commission may deem necessary.

(2) An individual property that is under review by the City for a Certificate of Appropriateness for Demolition shall be protected by and subject to all of the

provisions governing demolition, minimum maintenance standards and penalties until a final decision by the Commission Becomes effective.

(3) The procedure for a Certificate of Appropriateness for Demolition application involving a claim of Economic Hardship shall be as follows:

- a. Upon receipt of a completed Certificate of Appropriateness for Demolition application, the HPO shall review the application for a preliminary determination of compliance with the standards for Economic Hardship and the criteria for review.
- b. Upon receipt of a completed Certificate of Appropriateness involving a claim of Economic Hardship and a preliminary determination of compliance, the HPO shall schedule a public hearing at a regularly scheduled Commission Meeting. The owner shall be required to stabilize and secure the property subject to the penalties of this Article until a final decision by the Commission becomes effective.
- c. The Commission shall conduct its initial review of the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that standards for Economic Hardship and the criteria for review have been met. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.
- d. In considering the application, the Commission shall take action to postpone the application to establish a Stay of Demolition period, during which time the owner shall allow the city to post a sign stating that the property is subject to demolition. Said sign shall be at least three feet by two feet 3 X 2 readable from a point of public access and state that more information may be obtained from the HPO for the duration of the stay. The owner shall conduct in good faith with the city local preservation organizations and interested parties a diligent effort to seek an alternative that will result in the rehabilitation of the Landmark. Negotiations may include but are not limited to such actions to utilize various preservation incentive programs to sell or lease the Landmark or facilitate proceedings for the city to acquire the Landmark under its power of eminent domain, if appropriate, and financially possible. If negotiations are successful, the Certificate for Demolition application shall be considered withdrawn, and all associated applications closed.
- e. At the end of the one hundred and eighty (180) days, if prior negotiations are unsuccessful and the request for demolition stands, the HPO shall schedule a second public hearing on the application at the next available regularly scheduled Commission meeting.
- f. At the end of the second hearing, the Commission may take action to approve, postpone requesting additional information or deny the application. If no hearing has been scheduled within sixty (60) working

days of the end of the stay period, a Certificate of Appropriateness shall be deemed issued and the HPO shall advise the applicant in writing.

- g. If approved, the HPO shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, and any specific conditions of approval (if any) supporting the decision. The approval shall be valid for one (1) year from the hearing date of the Commission's final decision. The historic property shall immediately be removed from the city's inventory of historic properties and the official zoning maps of the city.
 - h. Prior to demolition, the city may as a condition of approval require the owner to provide documentation of the demolished historic property at the owner's expense in accordance with the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey, or other information as specified.
 - i. Approval for the demolition of a structure may be conditioned upon the construction of an acceptable replacement structure, or landscape or park plan. A bond or other financial guarantee in the amount of the cost of the replacement structure may be required in order to assure the construction of the replacement structure, or park, or landscape plan.
 - j. The city may also require the owner to incorporate an appropriate memorialization of the building, structure, or site such as a photographic display or plaque into any proposed future development project on the property.
 - k. Denial of a Certificate of Appropriateness application for Demolition involving Economic Hardship shall prevent the owner from demolishing the property or reapplying for another Certificate of Appropriateness application for Demolition for a period of three (3) years from the hearing date of the Commission's final decision unless substantial changes in circumstances have occurred other than resale of the property or those caused by acts beyond the control of the owner. It shall be the responsibility of the owner to stabilize and maintain the minimum maintenance standards for the property so as not to create a hazardous or dangerous building.
 - l. The owner may appeal the decision of the Commission to the City Council. Appeal requests shall be filed in writing to the HPO within ten (10) days of the Commission's decision. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning regulations of the city.
- (p) *Economic Hardship involving Certificates of Appropriateness for Demolition Affecting Landmarks or property within a Historic District.* No Certificate of Appropriateness for Demolition involving a claim of Economic Hardship may be approved, nor shall a

demolition permit be issued by the city unless the owner proves compliance with the following standards for Economic Hardship:

- (1) The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.
- (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
- (3) Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (4) The structure cannot be moved or relocated to another site similar site or within the district.
- (5) The criteria for review in considering claims of economic hardship for non-income producing properties can be adopted by the Commission. Non-income properties shall consist of owner-occupied single-family dwellings and non-income producing institutional properties. All standards for review shall be made available to the owner prior to the hearing. The information to be considered by the city may include but not be limited to the following:
 - a. Purchase date price and financing arrangements
 - b. Current market value
 - c. Form of ownership
 - d. Type of occupancy
 - e. Cost estimates of demolition and post demolition plans for development.
 - f. Maintenance and operating costs
 - g. Inspection report by licensed architect or structural engineer having experience working with historic properties.
 - h. Costs and engineering feasibility for rehabilitation
 - i. Property tax information
 - j. Rental rates and gross income from the property
 - k. Other additional information as deemed appropriate.
- (6) Claims of Economic Hardship by the owner shall not be based on conditions resulting from:
 - a. Evidence of demolition by neglect or other willful and negligent acts by the owner
 - b. Purchasing the property for substantially more than market value at the time of purchase
 - c. Failure to perform normal maintenance and repairs.
 - d. Failure to diligently solicit and retain tenants.

e. Failure to provide normal tenant improvements.

(q) *Enforcement.* All work performed pursuant to a certificate of appropriateness issued under these regulations shall conform to any requirements included therein. It shall be the duty of the City building official to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Commission and verification by the HPO, the City building official shall issue a stop work order and all work shall immediately cease. The property owner shall then be required to apply for a hearing before the Commission to explain the non-compliance. No further work shall be undertaken on the project if a stop work is in effect until a decision is rendered by the Commission on the application.

(r) *Penalties.* It shall be unlawful to construct, reconstruct, significantly alter, restore, or demolish any building or structure designated as a Landmark or in a designated District in violation of the provisions of these regulations. The City in addition to other remedies may institute any appropriate action or proceeding to prevent such unlawful construction reconstruction significant alteration or demolition to restrain correct or abate such violation or to prevent any illegal act business or maintenance in and about such premises including acquisition of the property.

(1) Any person, firm or corporation violating any provision of this division shall be guilty of a class C misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00 or more than two thousand dollars (\$2,000.00). Each day the violation continues shall be considered a separate offense. Such remedy under this section is in addition to the abatement restitution.

Section 4. Severability Clause

Should any paragraph, phrase, sentence, or clause of this ordinance be determined to be unconstitutional, said determination shall not affect the remaining paragraphs, phrases, sentences or clauses which shall remain in full force and effect.

Section 5. Effective Date

This ordinance shall become effective after passage and publication as required by law.

PRESENTED AND GIVEN first reading the XXth day of _____, A.D. 20_, at a regular meeting of the City Council; and passed and approved on second final reading the XXth day of _____, A.D. 20_, by a vote of X ayes and X nays at a regular meeting of the

_____mayor