



Village of Wimberley
P.O. Box 2027, Wimberley, Texas, 78676
Phone: 512-847-0025

Wimberley Planned Development District

Village of Wimberley Zoning Application C211-02-107

PROJECT NAME: Saddleridge Business_Park

OWNER: River Chase Ventures,
PO Box 1629, Wimberley, Texas, 78676
512 847 5263

PROPERTY ADDRESS Ranch Road 12 @ FM Hwy. 32

LEGAL DESCRIPTION: Attachment C.

AGENT: Kelly Kilber,
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DATE: February 27, 2004
WIMBERLEY PLANNED DEVELOPMENT DISTRICT

See the Wimberley Comprehensive Zoning Ordinance, Section 41 for full requirements of the Wimberley Planned Development District.

This document sets forth in narrative and graphic form (attached) the purpose, intent and physical nature of a Wimberley Planned Development District, which is a zoning district that applies only to the property described herein, as provided by Section 41. of the Wimberley Comprehensive Zoning Ordinance. Each title provided in each section of this document is to remain in the document. Entries under the titles, 'none', 'na' (not applicable), or a reference to an attached document, may be appropriate for many titles. All references to the "Zoning Ordinance" refer to the ordinance and amendments in effect on the date of the approval of the application for this WPDD.

Specifications and restrictions for the development topics set forth in Section 41.3 of the Zoning Ordinance are defined explicitly in this WPDD document and the attached Concept Plan map; or by the development regulations of the base-zoning district; or by other regulations of the Zoning Ordinance; and other ordinances of the Village of Wimberley. All of these topics including any that are not so addressed are to be considered in the review of all Site Plans required for the development phases to occur

within the WPDD district. The approval of the WPDD based on a Concept Plan is approval of the zoning for the property but does not constitute approval for the start of construction.

A. PURPOSE AND INTENT:

1. General

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

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

2. Specific

The purpose and intent of the development under this application is the creation of a business park at the intersection of RR12 and RR32 with uses and architectural style that will provide needed business properties and enhance the appearance of an important site on the Wimberley Entry Corridor.

- a. Compatibility with adjoining and proximate properties:
The compatibility with the adjoining and proximate properties will be ensured by a limited set of appropriate uses and an appropriate Buffer Plan (see Section I.) providing adequate protection for the adjoining Saddleridge residential development..
- b. Preservation of unique physical features of the site:
The site is unique, not for its natural features but for its key location on the Wimberley Entry Corridor. The architecture and landscape treatment of the property will be compatible with the traditional nature of Wimberley.
- c. Achievement of diversified land uses:
The Park will consist of two Parcels. Parcel 1 which directly abuts the adjacent Saddleridge residential development will be limited to office and light retail uses, while Parcel 2, facing the intersection of the highways, will have the possibility for more commercial uses consistent with the property being in the Wimberley Entrance Corridor Overlay District and adjacent to a large residential development.

- d. Achievement of continuity of function and design:
The parcels will be separated by an internal private road to provide access to all businesses on both parcels. Architectural control will limit building design to a style exemplified by the existing development on Lot 1 of the Park
- e. Provision of open space and common areas:
Open space and common area will result as an automatic consequence of the common road, the aforementioned Buffer Plan and the un-built space required by the impervious cover and building cover limits as described in the base district (O-2) development regulations in the Zoning Ordinance.

B. PERMITTED USES

1. Base Zoning District:

Office -High Impact (O-2), Zoning Ordinance Section 25.

All uses and regulations of the base-zoning district apply to Parcel 1 and

Parcel 2, except as follows:

- a. Setback provisions of the base zoning district, Zoning Ordinance Section 25.4.C, shall not apply (See G.8).
- b. The conditional uses listed in O-2 shall not be allowed.

Additional uses allowed:

The following additional “light” retail sales use is permitted in Parcel 1, with a “50%” restriction defined.

- a. Light Retail Sales (note: this verbiage supercedes any definitions in Appendix A of the Village of Wimberley Zoning Ordinances): Establishments engaged in the sale of retail merchandise, such as dress and gift shops. No establishments engaged in services or rentals allowed.
- b. Retail acreage restriction: In any event, no more than 50% of the property acreage in Parcel 1 will be used for light retail sales, with the balance being what is allowed by O(2). Both light retail sales and office uses will be allowed on the same lot, with the acreage for the lot allocated proportionately to check compliance of the back parcel with this 50% restriction.
- c. Overall Intent for Parcel 1: The intent of this verbiage for Parcel 1 is to provide the potential for an attractive and eclectic mixture of offices and light retail sales in Parcel 1. Only retail sales compatible with offices are intended, such as dress and gift shops. Furthermore, it is intended that the offices and retail establishments in Parcel 1, being directly adjacent to the Saddleridge residential development, would, in general, be expected to be primarily engaged in daytime operations.

The following additional uses are permitted in Parcel 2.

- a. Administrative and Professional Office:
 - 1. Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;
 - 2. Photography studios, doctors, dentists;
 - 3. Non-profit organizations (with certain restrictions)

4. Civic uses (such as City Halls)
5. Research Services: Limited
6. Office
7. Religious assembly
- b. Retail Sales and Services-Limited (No convenience food and beverage stores permitted.)
 - c. Business Support Services
 - d. Child Care Center
 - e. Eating Establishments: Sit down (carry-out capability allowed)
 - g. Animal Sales and Services: Grooming
 - h. Arts & Crafts Sales and/or Instruction
 - i. Commercial / Single Family Residential
 - j. Medical Services – Limited
 - k. Personal Services – Limited
 - l. Bank and Savings & Loan
 - m. Accessory uses to the main use
 - n. Single Family Residence
 - o. Convenience Sales and Personal Services (note: this verbiage supercedes any definitions in Appendix A of the Village of Wimberley Zoning Ordinances): Establishments or places primarily engaged in the provision of frequently needed, day-to-day retail commercial goods and services. Such uses are designed and intended to serve a limited local market, and to be generally within a short walking or short driving distance of a residential area. Furthermore, only uses that do not create increased traffic, noise, or such other impacts considered incompatible with a residential use will be permitted. In any event, no food and beverage convenience stores or large grocery stores will be allowed. Typical uses allowed include small specialty food stores (meats, cheeses, coffee, etc.), candy stores, ice cream parlors, dry cleaning establishments, barbershops, shoe repair shops and newsstands.
 - p. Hotel/Motel_with 40 maximum Guest Bedrooms with no more than 10 Guest Bedrooms allowed in each structure (building) of the hotel/motel.. Only one Hotel/Motel will be allowed in the Business Park.

3. Conditional Uses:

None allowed.

C. SITE AREA

1. Total tract Area:
13.47 acres
2. Net Site Area as defined by Definition 118 of the Zoning Ordinance:
11.9 acres (which excludes the area within the 50 foot buffer setback adjacent to the residential districts which shall be available for on site waste water disposal systems, as long as there is no conflict with the Buffer Plan.)
3. Areas in the five slope zones defined in Definition 118 of the Zoning

Ordinance: None.

4. Area within a Flood Plain.
None.
5. Area to be disturbed by development (all phases):
10.6 acres

D. EXISTING DEVELOPMENT:

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

All existing development complies with the provisions of this WPDD.

1. Buildings and other structures shown as existing on the concept plan map having total impervious surface of 4,300 square feet.
2. Roads and parking areas shown as existing on the concept plan map having a total impervious surface of 17,200 square feet.
3. Development features and structures shown as existing on the concept plan map within an Overlay District of the Zoning Ordinance: None.
4. Number of parking spaces shown as existing on the concept plan map:
Twenty-one
5. Existing uses that are to be continued under this WPDD.
Administrative and Professional Office, Lot 1, (Parcel 1.)
6. Number of parking spaces required by Section 44 of the Zoning Ordinance for the existing uses that are to be continued.
Sixteen (16). One (1) space for each two hundred (200) square feet
7. Area and volume of storm water retention facilities shown as existing on the site plan: None shown for existing improvements. See Section F.8. herein for future development.
8. The existing zoning, development and uses on adjacent property are:
West: Un-zoned -Not within City Limits (undeveloped and moderate commercial existing)

South: Un-zoned (undeveloped and moderate commercial existing)

North: Residential (RA and R1)

East: Residential (RA and R1)

E. SITE REMEDIATION:

Existing development features and structures shown as existing on the site plan
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shall be removed and/or improved as follows: None

F. NEW DEVELOPMENT

1. Phases

Development phases will occur as:

- a. Common features are developed; and
- b. Lots are created by future subdivision.

Each phase will be subject to a Development Site Plan review as required by Section 46 of the Zoning Ordinance. This review will include a review by the Saddleridge Business Park Owners Association (including their Architectural Review Committee) to ensure the standards developed for assurance of unified development have been met. Developers of all phases shall make a best effort to minimize the impacts of development on surrounding properties.

2. Sub-division

No sub-division of the land is conferred by this agreement. The property may be sub-divided according to sale of lots or development by a common owner. Any future sub-division of the property will be required to conform with the terms and conditions of the City's Sub-division Ordinance in effect at the time that the sub-division application is submitted to the City with the following provisions:

- a. Each lot shall be created to include the portion of the tract included in the common private road easement.
- b. Each lot shall have an area no less than one acre and shall have no less than one hundred feet frontage on the interior private road.

3. Buildings

Building dimensions and coverage shall conform to the development regulations of the base-zoning district (O-2).

4. Roads, Driveways and Parking

- a. An internal common private road shall be constructed along the easement shown on the Concept Plan Map to provide access to all lots resulting from future subdivision. The impervious cover created by this common road shall be included in the impervious cover of the future lots. The private road will be constructed to City Standards as allowed and specified by Section 3303.o.r of the Subdivision ordinance. The private road will be maintained by the Property Owners Association for the development.
- b. Driveways and parking shall be provided according to the development plans submitted for each construction phase and shall conform to the impervious cover provision of the base district (O-2) and to the parking requirements for the intended uses on each lot as described in the Zoning Ordinance.

5. Parking Space

The number of parking spaces, undetermined at the time of the WPPD approval, shall be determined by the specific use on each future lot according to the requirements of Article 5, Section 44 of the Zoning Ordinance.

6. Water Supply

Water will be provided by individual private water wells on each subdivided lot.

7. Waste Water Treatment

Waste water treatment will be provided by individual on site sewage facilities on each subdivided lot. The 50-foot buffer zone protecting the adjacent residential property shown on the Concept Plan map may be utilized for disposal of waste water, as long as this does not interfere with the Buffer Plan outlined in Section I.

8. Drainage

The topographic data shown on the attached Concept Plan map shows the natural drainage patterns of the property which will be maintained during its development. Drainage within the development will be directed to drainage swales along the common private road and discharged to the existing natural drainage course. Detailed storm water management plans will be submitted as the development of the subdivided lots is undertaken.

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

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

The plan shall include an analysis of the effect of land grading, including any cut and fill, and/or natural land surface alteration within and outside of the areas of impervious cover. The Village may require a hydrological engineering report to demonstrate the adequacy of the plan. Detention, retention and filtration facilities may be shared between multiple properties.

9. Landscaping

The areas set aside for landscaping and preservation of natural existing plant material will be shown on the site plan as the development of the

subdivided lots is undertaken. Landscaping improvements will be installed in compliance with the Zoning Ordinance Section 47.15, Commercial Landscape Regulations and Section 52. Entrance Corridor Overlay District

10. Architecture.

Saddleridge Business Park will make every attempt to maintain the consistent architectural appearance characteristic of a planned business community. To accomplish this, an architectural review committee will be established as part of the Saddleridge Business Park Owners Association prior to construction approval of the first structure. This committee should be initially chaired by the applicant/owner. This committee will create more complete architectural guidelines when it is initially established.

The Site Plans for development phases shall include exterior architectural details of new buildings. All facades of new buildings shall be variations on classical 'Texas hill country style' or 'Southwestern style', resembling or equivalent to the style of the existing building on Lot 1. "Signature" architecture that signifies a recognizable chain establishment is prohibited. See Attachment A. for photographs of examples of building styles that meet the "resemble or equivalent to" criteria.

G. DEVELOPMENT REGULATIONS:

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

1. In the absence of a connection to a State Licensed central waste water treatment utility, a current Hays County private wastewater permit for the existing and/or proposed use and discharge rate shall be required.
2. Evidence shall be provided of compliance with TCEQ regulation pertaining to development over the Edwards Aquifer Recharge Zone.
3. Permanent and construction phase drainage plans shall be provided and be subject to review by the Village.
4. A plan for a curb cut or interface between a private road or drive and a Village street shall be provided and be subject to review by the Village. Evidence of curb cut permission from Texas Department of Transportation shall be provided when applicable.
5. The Site Plans for development phases shall include designs for new and existing signage, that shall comply with both the regulations and the Design Guidelines of the Village of Wimberley Sign Ordinance, except that internally illuminated signs are prohibited. Signs shall be of a uniform style resembling those illustrated in Attachment B.

6. New and existing outdoor lighting, including lighting for any form of illuminated sign, shall comply with the Wimberley Comprehensive Outdoor Lighting Ordinance.
7. Open storage or placement of materials, commodities or equipment and machinery, including motor vehicles and trailers, shall be within the building setback and shall be fully screened, by fence (as permitted by the Village) and/or vegetative screening, from Village streets or roads or adjacent or facing residential or un-zoned districts. Outdoor placement or display of commercial material and equipment for sale in the building setback space, or the outdoor display of any object, merchandise, or material that is not a usual item for sale under the permitted use for the site or lot is prohibited.
8. Additional development regulations including but not limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, setbacks, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the City Council and the Planning and Zoning Commission may deem appropriate are as follows:
 - a. Building setbacks are defined externally to the parcels by the setback lines on the Concept Plan Map; on the west by the setback required by the Entrance Corridor Overlay District and on the east and north by the fifty foot buffer setback protecting the adjoining residential properties.
 - b. Building setbacks internal to the parcels shall be ten (10) feet on the internal road and ten (10) feet on the internal side lot lines.

H. SITE DEVELOPMENT PLAN

A Concept Plan (see Section 46 of the Zoning Ordinance) is required unless a Site Plan is submitted in lieu of the Concept Plan, or a Preliminary Plat in lieu of the Residential Concept Plan.

Non Residential Concept Plan A Non Residential Concept Plan submitted at the time of the WPDD request shall show the applicant's intent for the use of the land within the proposed WPDD in a graphic and narrative manner documenting proposals and standards for development. While the plan is intended to be general it shall be sufficiently specific, as required by the Village on a case-by-case basis, to define and limit the nature and scope of the WPDD. The Non Residential Concept Plan, when the Village finds it to be adequately specific and detailed, may suffice for the Site Plan at the time of physical development for the limited uses set forth in Section 41. of the Zoning Ordinance.

1. This WPDD is based on a Non-Residential Concept Plan.
2. Development of the property may occur in several phases. The WPDD Concept Plan is permitted and it limits development in a general manner according to the development regulations of the base zoning district (O2); other regulations

of the Zoning Ordinance; other ordinances of the Village of Wimberley; and the standards for unified development established by the Saddleridge Business Park Owners Association. This Concept Plan does **not** suffice as a Site Plan. Site Plans shall be required for any development phase, setting forth all the required details of development on all property included in the phase as described in Section 46.1.C of the Zoning Ordinance.

I. BUFFER PLAN

Buffering in Saddleridge Business Park will be provided in two distinctly different categories:

1. Buffering in the 37.5-foot setback provided between Saddleridge Business Park Parcel 2 and RR12.
2. Buffering between Saddleridge Business Park Parcel 1 and adjacent Saddleridge residential property.

The intent of this buffering is to provide visual and noise isolation between RR12, the Saddleridge Business Park, and the adjacent Saddleridge residential community.

1. Buffering between Saddleridge Business Park parcel 2 and RR12.

This property is within the Entrance Corridor Overlay District as defined in Section 52 of the Village of Wimberley Comprehensive Zoning Ordinance. In this section, buffering is defined as the use of a mix of landscaping, consisting primarily of shrubs and trees, but including berms, walls, or fences to reduce the impact of noise and unsightly visual intrusions. The specified landscaped area shall adjoin the Entrance Corridor Road (RR12) and shall extend for a distance equal to the front setback of the Business Park.

Existing vegetation shall be preserved and used to the extent possible. For the portion of the specified landscaped area where existing vegetation will not provide sufficient protection, additional vegetation shall be planted, such that the necessary protection is provided.

2. Buffering between Saddleridge Business Park Parcel 1 and Saddleridge residential property.

A 50-foot buffer zone is established between Parcel 1 and the adjacent Saddleridge residential property as shown on the Concept Plan. The primary intent of this buffer zone is to isolate the residential property and the commercial property in such a way that noise and visual intrusion will be reduced to an absolute minimum.

a. For the portion of the buffer zone with existing vegetation -

Existing vegetation shall be preserved and used to the extent possible. Existing

oak trees within the 50-foot buffer zone will not be disturbed. If existing vegetation does not provide adequate buffering, additional vegetation shall be added.

b.Areas where no significant vegetation currently exists -

Within the 50 foot buffer zone where no oak trees or other significant large trees currently exist, vegetation shall be planted in accordance with the Landscape Plan provided in Attachment D. The buffer adjacent to the Meadow View Drive cul-de-sac, besides providing an effective visual and noise barrier, should also prevent any access between this cul-de-sac and the Saddleridge Business Park.

All buffering specified above shall be planted at the time the Saddleridge Business Park inner road is created and prior to any structural construction commencing. After vegetative buffers are planted, they shall be maintained by the Saddleridge Business Park Owners Association. In the event that trees or plants die or must be removed, the Association will replace them with a suitable replacement.

J. PORPERTY OWNERS ASSOCIATION

Recognizing that the Saddleridge Business Park falls within the Wimberley Entrance Corridor Overlay District and, therefore, the importance of creating and maintaining an aesthetically pleasing and attractive development, the Saddleridge Business Park applicant/owner will establish a Saddleridge Business Park Property Owners Association prior to the sale of the first property. This Association will initially be chaired by the applicant/owner, but can be turned over to the property owners once 75% of the property has been developed.

By-laws will be created for this Association, and the Association will have the responsibility for setting and maintaining Business Park standards that will enhance and maintain the collective appearance of the Saddleridge Business Park and provide assurance that the Business Park is a unified development. Through this Association, the Saddleridge Business Park will make every attempt to maintain the consistent architectural appearance and quality characteristic of a planned business community. The entrances to the Business Park and all common areas will be maintained in an attractive and desirable condition. Saddleridge Business Park property owners will fund and maintain this Association.

K. SIGNATURES

1. Owner/Agent:

_____ Date _____

2. Planning & Zoning Commission Chair:

_____ Date _____

3. Mayor:

_____ Date _____

4. City Attorney:

_____ Date _____