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

Wimberley Planned Development District

Village of Wimberley Zoning Application C211-03-108-A

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: April 29, 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 special for its key location **in** the Wimberley Entrance Corridor Overlay District. The development regulations of the overlay shall apply.
- c. Achievement of diversified land uses:
Parcel 1 which directly abuts the adjacent Saddleridge residential development shall be limited to office and **low intensity** retail uses as specified in Section B. of this WPDD.

Parcel 2, facing the highway, shall be allowed commercial uses as specified in Section B. of this WPDD and limited in a manner consistent with the property being in the Wimberley Entrance Corridor Overlay District and close to a large residential development.

- d. Achievement of continuity of function and design:
The parcels will be separated by an interior road (depicted on the Conceptual Plan Drawing as the 30 foot Common Area Access And Utility Easement) to provide access to all businesses on both parcels. Architectural control administered by a property owners association in accordance with this WPDD 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 road, the aforementioned Buffer Plan, un-built space resulting from the impervious cover and building cover limits and other development regulations.

B. PERMITTED USES

1. Base Zoning District:

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

All development regulations of the Zoning Ordinance and the base-zoning district shall apply to Parcel 1 and Parcel 2. except as otherwise provided in this WPDD.

2. Parcels 1. and 2.

Uses permitted on Parcels 1. and 2 are those permitted in the base zoning district and additional uses as provided in this WPDD. Uses and activities are restricted in a manner that gives special attention to limiting the impact of commercial activity on the neighboring residential community. The following specific uses and activities are prohibited, with the prohibitions limiting any use definition of the ordinance.

- a. The Outside Display of any merchandise, materials or objects of any kind for sale and/or rent:
 - i) when a business is closed to the public and between the hours of 10:00 PM and 6:00 AM of the following day; and.
 - ii) that cannot be stored indoors on the site when the business is closed to the public and between the hours of 10:00 PM and 6:00 AM of the following day; and
 - iii) that is not the property of a person or entity that is a tenant or property owner in the Saddleridge Business Park.
- b. Drive-through or drive-in sales or services of any kind.
- c. Uses that operate between the hours of 10:00 PM and 6:00 AM of the following day, except for Eating Establishment: Sit-down; and, Hotel/Motel.
- d. Alcoholic beverage sales except for Eating Establishment: Sit-down.
- e. The sale or rental of heavy equipment for purposes of construction, industry, and land development and maintenance.

3. **Parcel 1.**

Fifty percent (50%) of the area of Parcel 1. shall be used only for the permitted uses in the base zoning district, with the following optional, additional uses allowed on the balance of the Parcel. Different uses on a single lot are permitted .

a. Business Support Services

Conditional Uses: (As defined in the Zoning Ordinance Section 42 and 13.8(2): Retail Sales and Services - Limited

4. **Parcel 2.**

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 (Except Convenience Sales)

c. Business Support Services.

d. Child Care Center

e. Eating Establishment; Sit down (with carry-out capability allowed).

f. Animal Sales and Services: Grooming

g. Arts & Crafts Sales and/or Instruction

h. Commercial / Single Family Residential

i. Medical Services – Limited

j. Personal Services – Limited

k. Bank and Savings & Loan

l. Accessory uses to the main use

m. Single Family Residence

n. One Hotel/Motel.

The following auxiliary uses are allowed in connection with a Hotel/Motel..

- i) Eating Establishment; Sit-down.
- ii) Retail Sales limited to merchandise primarily serving guests.
- iii) Recreational facilities limited to serving guests.
- iv) Meeting facilities, limited to less than 200 attendees.

Conditional Uses: (As defined in the Zoning Ordinance Section 42 and 13.8(2): Convenience Sales and Personal Services

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 (21)
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 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 endeavor to minimize the impacts of development on surrounding properties, and of traffic on RR12 and the interior road separating parcels 1 and 2.

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 have an area no less than one acre; and
- b. shall have no less than one hundred feet frontage on the interior road.
- c. The 30 foot Common Area Access and Utility Easement shall be subdivided as a lot in accordance with section 34020 of the Village Subdivision Ordinance.(as depicted on the Conceptual Plan Drawing – Attachment F)

3. Buildings

- a. Building dimensions and coverage shall conform to the development regulations of the base-zoning district (O-2).
- b. Adjacent buildings may be connected using Connector Elements of one story, with a minimum length separating adjoined buildings of ten feet, and that are not designed or used in a manner that expands the commercial capacity of the property.

4. Roads, Driveways and Parking

- a. An interior private road shall be constructed to Village standards within the Common Area Access and Utility Easement in accordance with the Village Subdivision ordinance as shown on the Concept Plan Map, to provide access to all lots resulting from future subdivision. The impervious cover created in this easement shall be added, in proportion to the frontage on the easement, to the impervious cover for each of the future lots.

- 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, except as otherwise provided for herein.

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 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, providing 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 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 and the Saddleridge Business Park shall maintain the consistent architectural appearance characteristic of a planned business community. Architectural control shall be effected by an Architectural Review Committee of the Saddleridge Business Park Owners Association.

The Site Plans for development phases shall include exterior architectural details of new buildings. All facades on **all sides** of new buildings shall be variations and contemporary adaptations of classical ‘Texas Hill Country 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:

All development regulations of the Zoning Ordinance and the base-zoning district shall apply to Parcel 1 and Parcel 2. except as otherwise provided herein.

1. Building setbacks on all lots within Parcel 1. and Parcel 2, shall be as follows:
 - a. No buildings or other structures or installation of any kind shall be allowed in the setback space except:
 - i) Approved screening of garbage receptacles; and
 - ii) Approved parking integrated with landscape features in the setback space facing the interior road.
 - b. No placement or display of commercial material and equipment shall be allowed in the setbacks.
 - c. The minimum setbacks shall be as follows:
 - i) Facing RR12: Thirty-seven and one half ft (37.5 ft)
 - ii) Facing Saddleridge residential property: ten (10) ft exclusive of the 50 ft. Buffer Zone.
 - iii) Facing the interior road and other lots within Parcel 1 and Parcel 2: ten (10) ft.
2. 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.
3. Evidence shall be provided of compliance with TCEQ regulation pertaining to development over the Edwards Aquifer Recharge Zone.
4. Permanent and construction phase drainage plans shall be provided and be

- subject to review by the Village.
5. Evidence of curb cut permission from Texas Department of Transportation shall be provided when applicable. No more than two curb cuts (entrances) to the 30 foot Common Area Access And Utility Easement shall be permitted.
 6. 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.
 7. New and existing outdoor lighting, including lighting for any form of illuminated sign, shall comply with the Wimberley Comprehensive Outdoor Lighting Ordinance.
 8. Open storage of materials, commodities or equipment, including inoperative or unlicensed motor vehicle and trailers is prohibited.
 9. All garbage receptacles and dumpsters shall be screened from view from any street and all adjacent residential property.
 10.
 - a. Section 13.8.A.4 and 13.8.A.6 of the Zoning Ordinance shall not apply.
 - b. The frontage of any property on the interior road shall be limited to 225 feet unless -
 - i) there is more than one uses on the property, each use having an independent front entrance; or
 - ii) there is more than one building on the property.
 11. The following additional development regulations shall apply to any Hotel/Motel use and any related auxiliary uses.
 - a. Minimum gross property size: Two (2) acres
 - b. Maximum Guest Bedrooms: Forty (40).
 - c. Maximum guest bedrooms per building: Ten (10).
 - d. Maximum guest bedrooms per acre: Ten (10)
 - e. Maximum Building Height: (See **Zoning Ordinance** Appendix A: Definitions, Height).
 - i) Primary buildings (for guest bedrooms): Not more than two stories and not more than twenty-eight (28) feet with flat roof (see definition) or thirty-five (35) feet with pitched roof.
 - ii) Accessory buildings: Not more than eighteen (18) feet and not more than one story.
 - iii) Decks: Not more than twelve (12) feet including a railing only or eighteen (18) feet including a roof.
 - f. Minimum Required Setbacks:
 No construction, including buildings, parking areas and driveways, except entry driveways, and no placement or display of commercial material and equipment shall be allowed in the setbacks. Table 47.1.A. of **the Zoning Ordinance** does not apply.
 - i) RR12 side: Thirty-seven and one half ft (37.5 ft)
 - ii) Interior road side: ten (10) ft.
 - iii) other sides: ten (10) ft.

- g. Maximum **Total** Building Coverage: Fifty percent (50%). Building Coverage shall be calculated as a percentage of the Net Site Area.
- h. Maximum **Single** Building Footprint: Seven Thousand Five Hundred (7,500) square feet, exclusive of connector elements.
- i. Maximum **Single** Building Floor Area: Fifteen Thousand (15,000) Square Feet, exclusive of connector elements.
- j. No less than one half of the **total of all** building footprints shall be limited to one story.
- k. Adjacent buildings may be connected. See F.3.b
- l. Maximum Impervious Coverage: Sixty Percent (60%)
Impervious Coverage shall be calculated as a percentage of the Net Site Area and shall be the lesser of the percentage specified above in this district description or the percentage for the average lot slope in Table 47.13.

H. 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. Full compliance with Section 46. of the Zoning Ordinance is required for development of any phase.

I. BUFFER PLAN

- 1. Buffering in the RR12 setback as augmented by the Entrance Corridor Overlay District shall be in accordance with the development standards of the Overlay District. Existing vegetation shall be preserved and used to the extent possible. The Saddleridge Business Park Owners Association shall be responsible for the uniform installation and perpetual maintenance of the plant and other buffering materials in the RR12 setback, and dead or damaged plant material shall be promptly replaced with comparable material.
- 2. A fifty (50) foot wide buffer zone between Saddleridge Business Park Parcel 1 and adjacent Saddleridge residential property shall be established. Plant material shall be selected and located to minimize visual and noise impacts on adjacent residential property from RR12 and the commercial activity on Parcels 1 and Parcel 2. Plant material shall be installed at the time the interior road is created and prior to the start of other construction on the property. The

Saddleridge Business Park Owners Association shall be responsible for the uniform installation and perpetual maintenance of the plant and other buffering materials in the buffer zone, and dead or damaged plant material shall be promptly replaced with comparable materials.

- a. Areas of 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. To the extent that existing vegetation dies it shall be promptly replaced with materials providing equivalent screening by the Saddleridge Business Park Owners Association.
- b. Areas of Sparse Existing Vegetation.
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, shall also prevent vehicle access from this cul-de-sac to the Saddleridge Business Park.

J. PROPERTY OWNERS ASSOCIATION

Saddleridge Business Park Owners Association shall be created to manage and preserve the architectural uniformity and the attractive appearance of buildings and landscaping in the park in compliance with this WPDD and the Entrance Corridor Overlay District. The Saddleridge Business Park applicant/owner will establish a Saddleridge Business Park Owners Association prior to the sale of the first property. This Association shall initially be chaired and controlled by the applicant, but may be turned over to the property owners once 75% of the property has been sold.

By-laws shall be created for this Association, and the Association shall 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. The entrances to the Business Park and all common areas will be maintained in an attractive and orderly condition. Saddleridge Business Park property owners will fund and maintain the Association.

K. ATTACHMENTS

- A. PREFERRED ARCHITECTURAL STYLE.**
- B. PREFERRED SIGNAGE STYLE.**
- C. PROPERTY LEGAL DESCRIPTION.**
- D. BUFFER ZONE PLANTING SPECIFICATIONS.**
- E. ZONING ORDINANCE SECTION 25**
- F. CONCEPTUAL PLAN DRAWING**

L. SIGNATURES

1. Owner/Agent:

_____ Date _____

2. Planning & Zoning Commission Chair:

_____ Date _____

3. Mayor:

_____ Date _____

4. City Attorney:

_____ Date _____