

Planning and Zoning Meeting Packet

February 10, 2022

6:00 p.m. @ City Hall

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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, FEBRUARY 10, 2022 - 6:00 PM

AGENDA

1. **CALL TO ORDER** February 10, 2022, 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. Approval of minutes of the Regular Planning & Zoning Commission meeting on January 13, 2022.
5. **PUBLIC HEARING AND POSSIBLE ACTION**
 - 5.1. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-22-001, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 13285 Ranch Road 12, Wimberley, Hays County, Texas. (Applicant: Johanna Cromwell)
 - 5.2. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-22-002, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 13510 Ranch Road 12, Wimberley, Hays County, Texas. (Applicant: Beer Ranch Project, LLC)
 - 5.3. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-22-003, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on a property located at 40 La Buena Vista, Wimberley, Hays County, Texas. (Applicants: Robert & Brandy Fox)
6. **DISCUSSION**
 - 6.1. Hold a pre-application meeting to discuss a proposed Wimberley Planned Development District for

property located at 115 Mill Race Ln, Wimberley, Hays County, TX.

7. **BOARD MEMBER REPORTS**

7.1. Announcements.

7.2. Future Agenda Items.

8. **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, February 4, 2022, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Nathan Glasier
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 Laura Calcote at (512) 847-0025 two business days in advance of the meeting for appropriate arrangements.





City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

PLANNING & ZONING COMMISSION MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, JANUARY 13, 2022– 6:00 P.M.

Minutes

1. CALL TO ORDER

Chairman Weeks called the meeting to order on January 13, 2022, at 6:00 p.m.

2. CALL OF ROLL

Commissioners Present:

David Hester	Member
Rick Burleson	Member
Charles Savino	Member
Jerry Lunow	Member
Tim Dodson	Vice-Chair
Austin Weeks	Chairman

Staff Members Present:

Nathan Glaiser	Planning and Zoning Coordinator
Charles Zech	City Attorney

3. CITIZENS COMMUNICATIONS

Beverly Clark asked about the criteria for accepting or denying a zoning request. Austin Weeks explained the public process that is followed for zoning request.

4. MINUTES

Motion to approve the minutes, as presented, made by Charles Savino. Motion was seconded by David Hester. Motion carried unanimously (6-0).

4.1. Approval of minutes of the Regular Planning & Zoning Commission meeting on December 9, 2021.

5. PUBLIC HEARING AND POSSIBLE ACTION

5.1. Hold a public hearing and consider making a recommendation to City Council regarding case ZA-21-012, an application for a Wimberley Planned Development District with base zoning of Residential Acreage (RA) to allow for the operation of an RV Park for property at 12322 Ranch Road 12, Wimberley, Hays County, Texas. (*Applicant: Jon Thompson, J Thompson Professional Consulting, LLC*)

Staff gave a brief presentation of the item and provided a recommendation to deny the

application based on incompatibility with the City of Wimberley Comprehensive Plan. Applicant, Jon Thompson, and owner, Pat Tessaro, presented their application and answered questions from the commissioners. Austin opened the public hearing at 6:39. Eleven citizens spoke in opposition to the request. They are as follows:

- | | |
|-------------------|-------------------|
| 1. Sharon Carter | 7. Nelson Hensley |
| 2. Sheldon Ginn | 8. Beverley Clark |
| 3. Mike Sandella | 9. Sally Hawkins |
| 4. Craig Fore | 10. James Mann |
| 5. Candy Fore | 11. Dana Boatman |
| 6. Michael Murphy | |

The speakers presented concerns that included increased development in the entrance corridor, density of the units, water supply, the aesthetics of RV parks, septic safety, environmental concerns, and traffic. Austin Weeks closed the public hearing at 7:06. The commissioners discussed further with the applicant and amongst themselves.

Charles Savino made a motion to recommend denial of the application. Motion was seconded by Rick Burleson. Motion carried unanimously (6-0).

The commissioners listed concerns relating to incompatibility with the comprehensive plan, issues developing in the entrance corridor and setting a precedent for future development, environmental concerns, traffic concerns, and issues with the high density of units and dark sky lighting.

6. STAFF AND COMMISSIONER REPORTS

6.1. Announcements

There were no announcements.

6.2. Future Agenda Items

There were no future agenda items discussed.

7. ADJOURNMENT

Chairman Weeks adjourned the meeting at 7:23 p.m.

RECORDED BY:



Nathan Glaiser, Planning and Zoning Coordinator



APPROVED BY:

Austin Weeks, Chairman



AGENDA ITEM:	CUP-22-001 Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	December 17, 2021
MEETING DATE:	February 10, 2022 (P&Z) / February 17, 2022 (City Council)

REPORT

ITEM

The owner of 13285 Ranch Road 12 is requesting a Conditional Use Permit (CUP) to allow for the operation of a Vacation Rental (STR2). There is a home on the property, previously used as a long-term rental, that was damaged by the 2015 flood. The applicant plans to tear down the current structure and rebuild an elevated 3-bedroom 1,395 square foot home. They will also put in a new septic system.

They are requesting a maximum occupancy of 8 guest. This property has waterfront on the Blanco River.

PROPERTY INFORMATION

Property Description

Applicant(s):	Johanna Cromwell
Property Address:	13285 Ranch Road 12
Property Owner:	John K. Morgan
Legal Description:	Amasa Turner Survey Abstract 461
Property Size:	1.13 Acres
Existing Use of Property:	Vacant
Existing Zoning:	Single-Family Residential - 1
Shared Infrastructure	None
Request:	Operate a Vacation Rental (STR2)
Planning Area:	III
Overlay District:	Protected Waterway Overlay

Surrounding Property:

Frontage: Ranch Road 12

Surrounding Zoning & Land Use	Current Zoning:			Existing Land Use:	
	North of Property	C1		Commercial	
	South of Property	C1		Raw Land	
	East of Property	R2		Residential	
	West of Property	R2		Residential	

COMMENTS

Staff has not received any comments as of 2/4/2022.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): January 27, 2022
Published Legal Notice (Wimberley View): January 27, 2022

RECOMMENDATION

Staff has no recommendation.

CRITERIA FOR CONSIDERATION

When considering action on a zoning application, the Council should consider the criteria within the Code of Ordinances Sec.9.03.251(b)

Possible Motions can include:

- Motion to approve CUP-22-001
- Motion to approve CUP-22-001 with the following conditions (list all conditions)
- Motion to deny CUP-22-001

ATTACHMENT/S

- Criteria For Consideration
- Application
- Notification Map



CITY OF WIMBERLEY

Conditional Use Permit Planning & Development

FOR OFFICE USE ONLY

Date: 12/17/2021 CUP - 22 - 001 Staff Review _____
P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$650): ☒

Applicant: Johanna Morgan Cromwell
Mailing Address: 4409 Medford Dr. City: Annandale State: VA Zip: 22003

OWNER'S INFORMATION

Property Owner: John K. Morgan
Mailing Address: 349 Crabapple Rd City: Blanco State: TX Zip: 78606

PROJECT SITE ADDRESS: 13285 ~~13201~~ RR 12 Wimberley TX 78676
Legal description: A0461 Amasa Turner Survey
Total Acreage or Square Footage: 1.13 acres Deed recorded in: Hays county
Hays CAD Parcel ID R- ~~18394~~ 18483 Planning Area: 111 Zoning: R-2
Is property located in an overlay district? ☒ Yes ☐ No If Yes, type: Protected Waterway overlay
SPECIFIC CONDITIONAL USE REQUEST: short term rental 2, owner occupied
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 Supply
Wastewater Service or Septic Permit No. aerobic spray (to be determined)

*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.

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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: _____

[Handwritten Signature]

Date: _____

12/15/21

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

OWNER: John K. Morgan

LOCATION OF PROPERTY: 13201 RR 12 Wimberley TX 78676

LEGAL DESCRIPTION: A0461 Amasa Turner Survey

PLANNING AREA: 111 PRESENT ZONING: R-2

EXISTING USE: Previously a long-term rental but was damaged by 2015 flood

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 8 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: 3 PROPOSED MAXIMUM OCCUPANCY: 8 guests.

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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 Blanco ~~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:

John K. Morgan
OWNER SIGNATURE

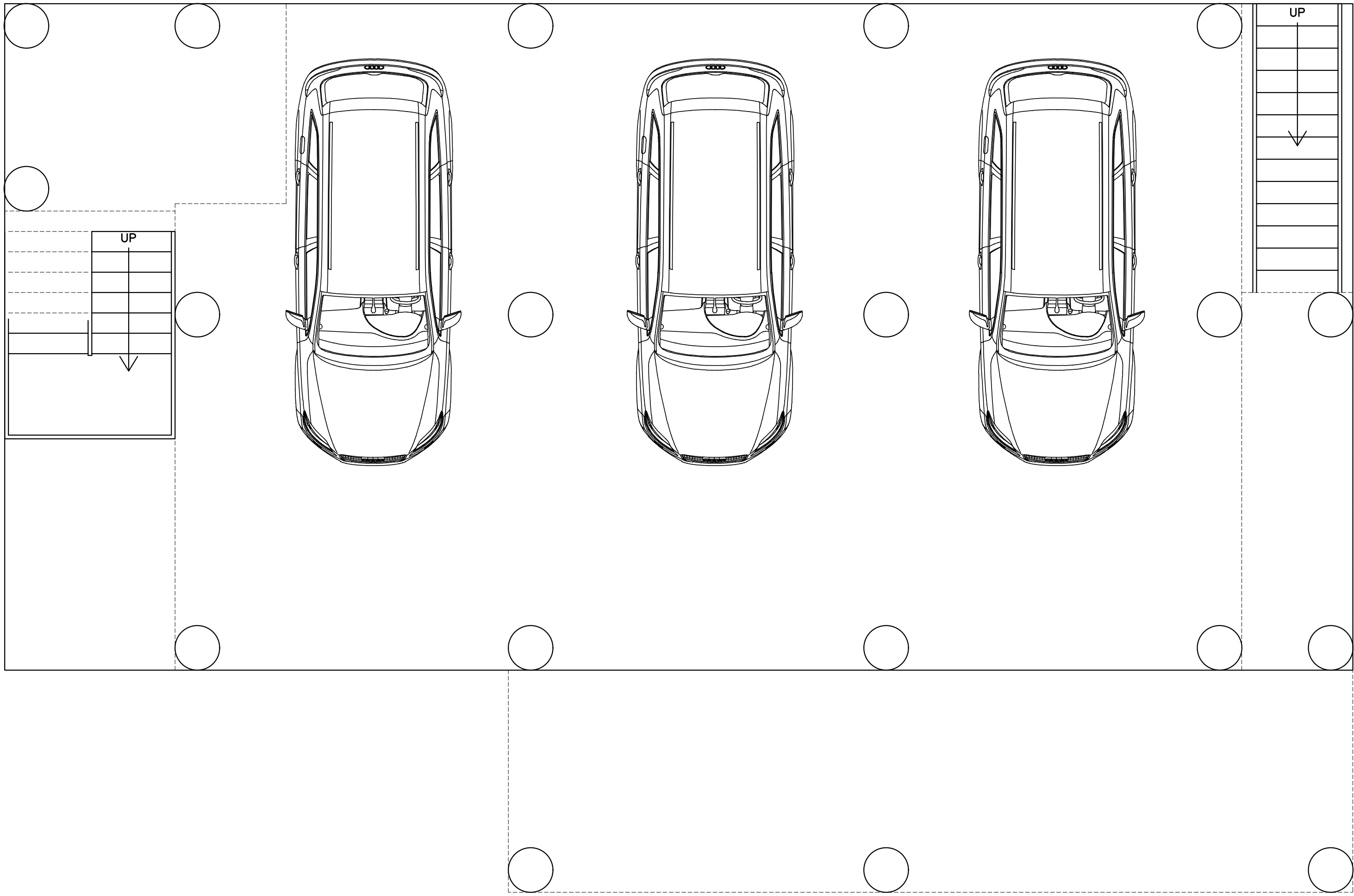
John K. Morgan
PRINT NAME

12/16/21
DATE

OWNER SIGNATURE

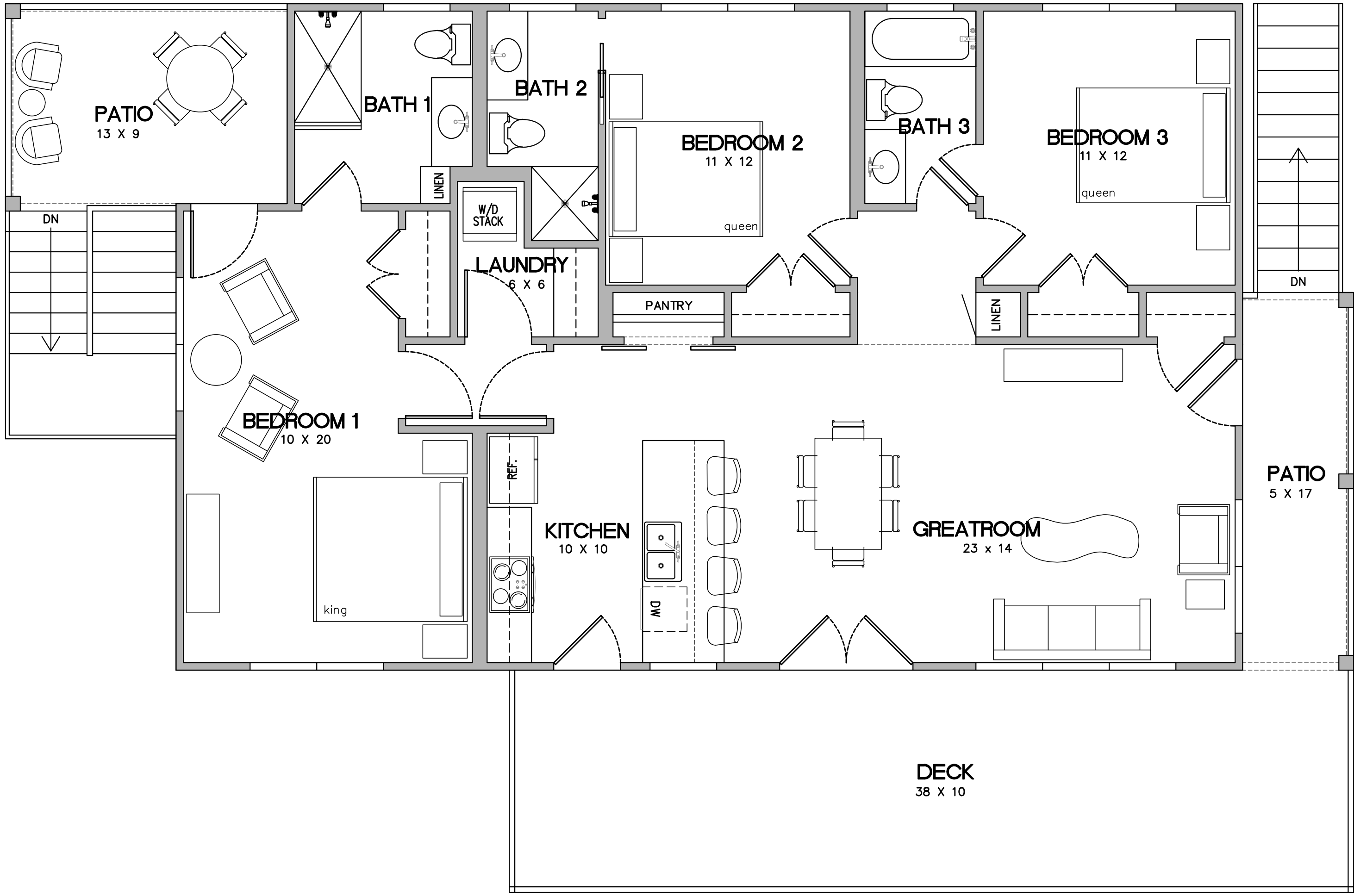
PRINT NAME

DATE



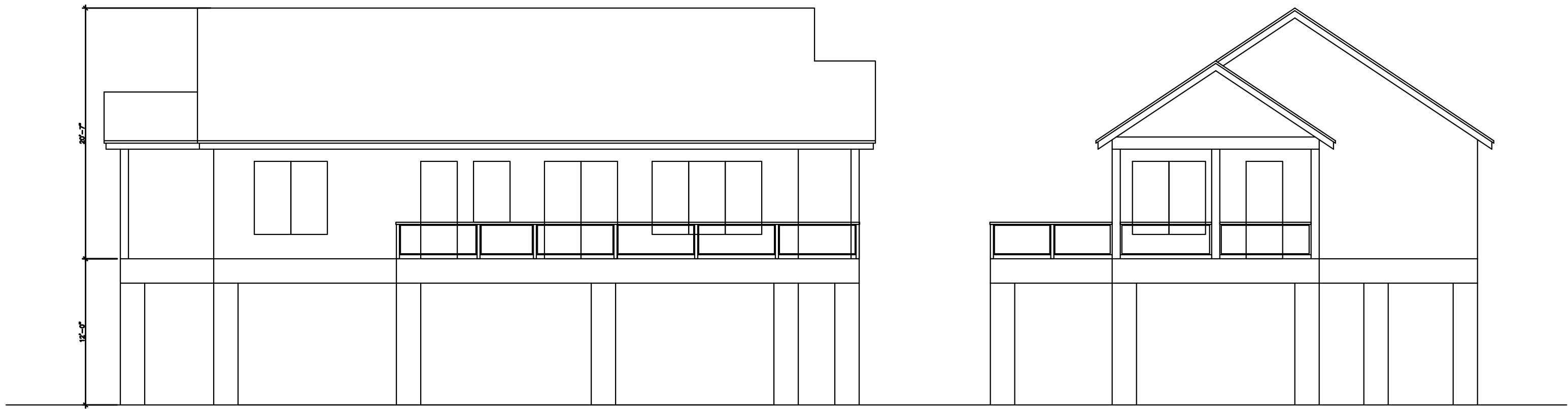
LOWER LEVEL

SCALE: 1/4" = 1'-0"



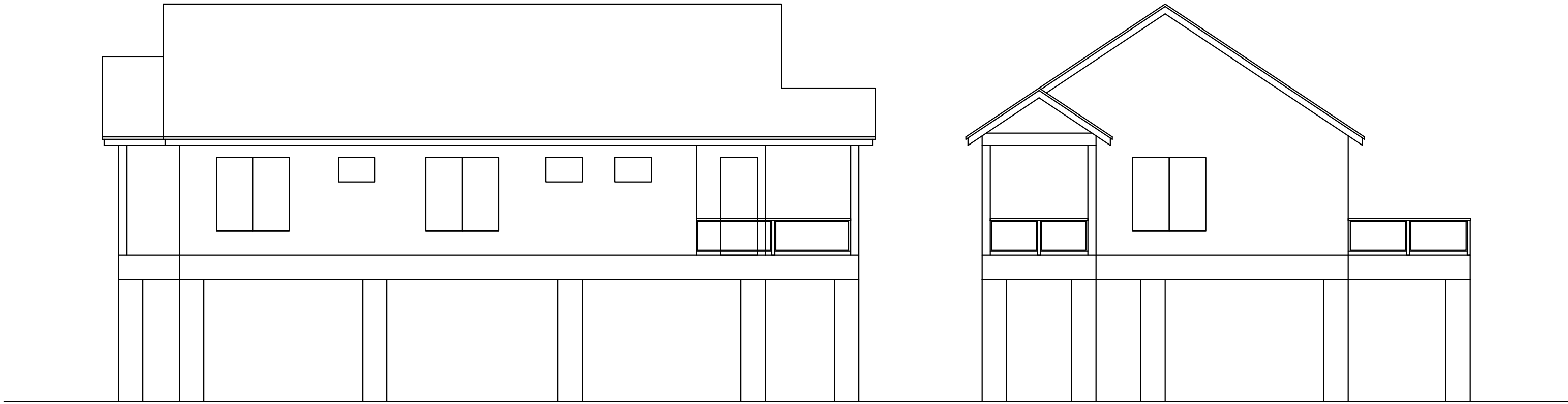
MAIN LEVEL

SCALE: 1/4" = 1'-0"



PRELIMINARY ELEVATIONS

SCALE: 1/8" = 1'-0"



PRELIMINARY HOME PLANS FOR

MORGAN RIVERSIDE HOUSE

13201 RANCH ROAD 12
WIMBERLEY, TX 78676



Estrada
Design & Co.

Estrada Design & Co.
830-481-4739
nathan@estradadesignco.com
P.O. Box 312422
New Braunfels, Tx. 78131

H O M E P L A N S F O R
MORGAN RIVERSIDE HOUSE
13201 RANCH ROAD 12
WIMBERLEY, TX 78676

A0
12/16/21

December 15th, 2021

Dear Planning and Development Department,

The existing construction on ~~13201~~¹³²⁸⁵ RR 12 was damaged by the flood in 2015. We looked into the option of restoring the house but concluded it would be a more worthwhile project to take it down and rebuild a new construction that is elevated in accordance with FEMA guidelines.

The proposed new construction would be a single story elevated 1,395 square foot home with 3 bedrooms. This property has been in our family since the 70's and we hope to continue to enjoy it for generations to come. To offset the new construction costs we'd like to use the property as a short term rental as well as a place for our own small family gatherings.

We will need to apply and build a new septic system as we are out of limits to get onto the city's wastewater service. It will need to be an aerobic spray but we are waiting to see if our site plan is approved before designing the system.

Thank you for your consideration,

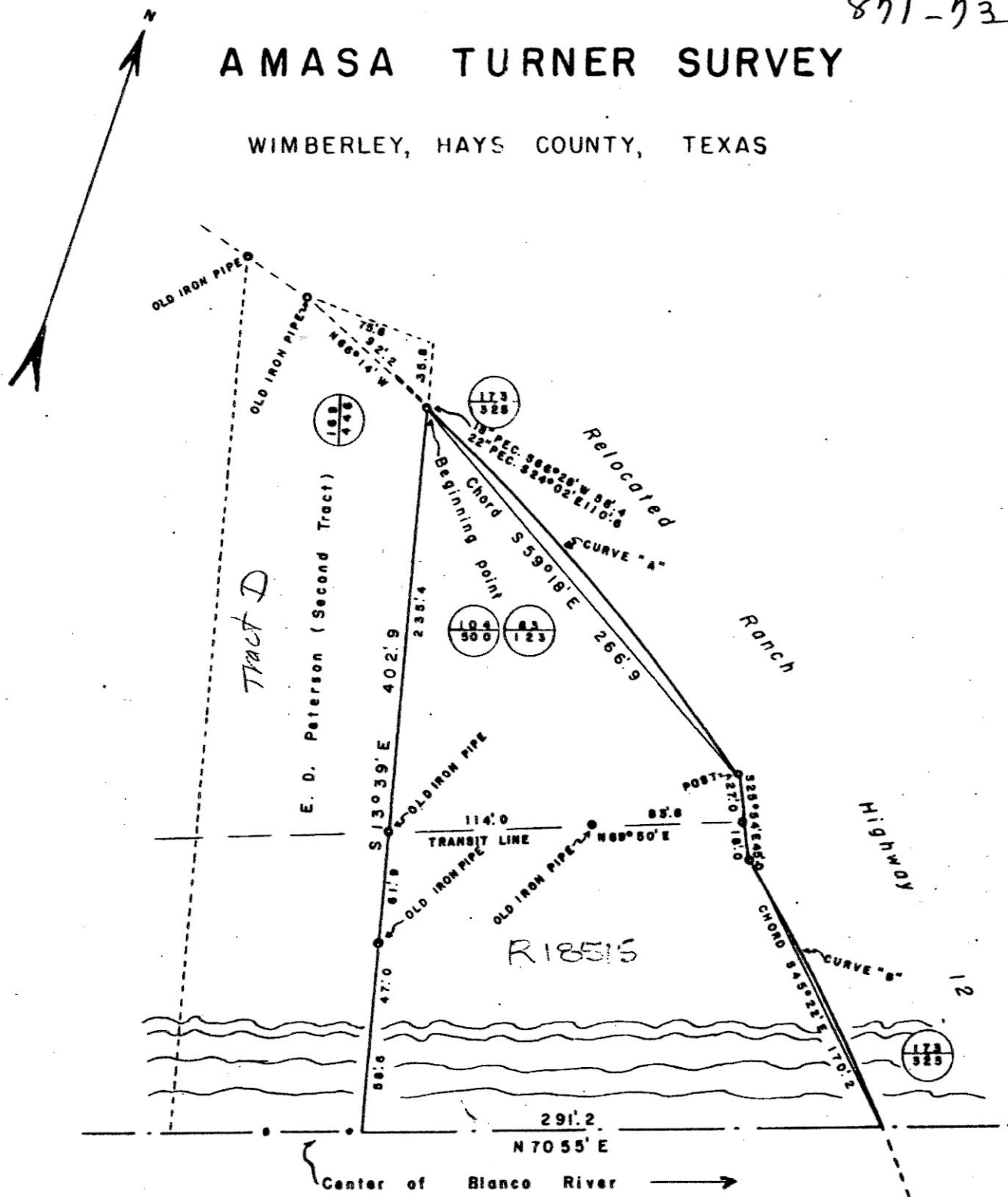
Johanna Morgan Cromwell,
on behalf of John K. Morgan

254
~~864~~
 871-73

PART OF

AMASA TURNER SURVEY

WIMBERLEY, HAYS COUNTY, TEXAS



Surveyor's Notes —

o = Iron Pipe

Scale —

1 in. = 80 ft.

Curve "A"

I = 84° 34'

D = 5°

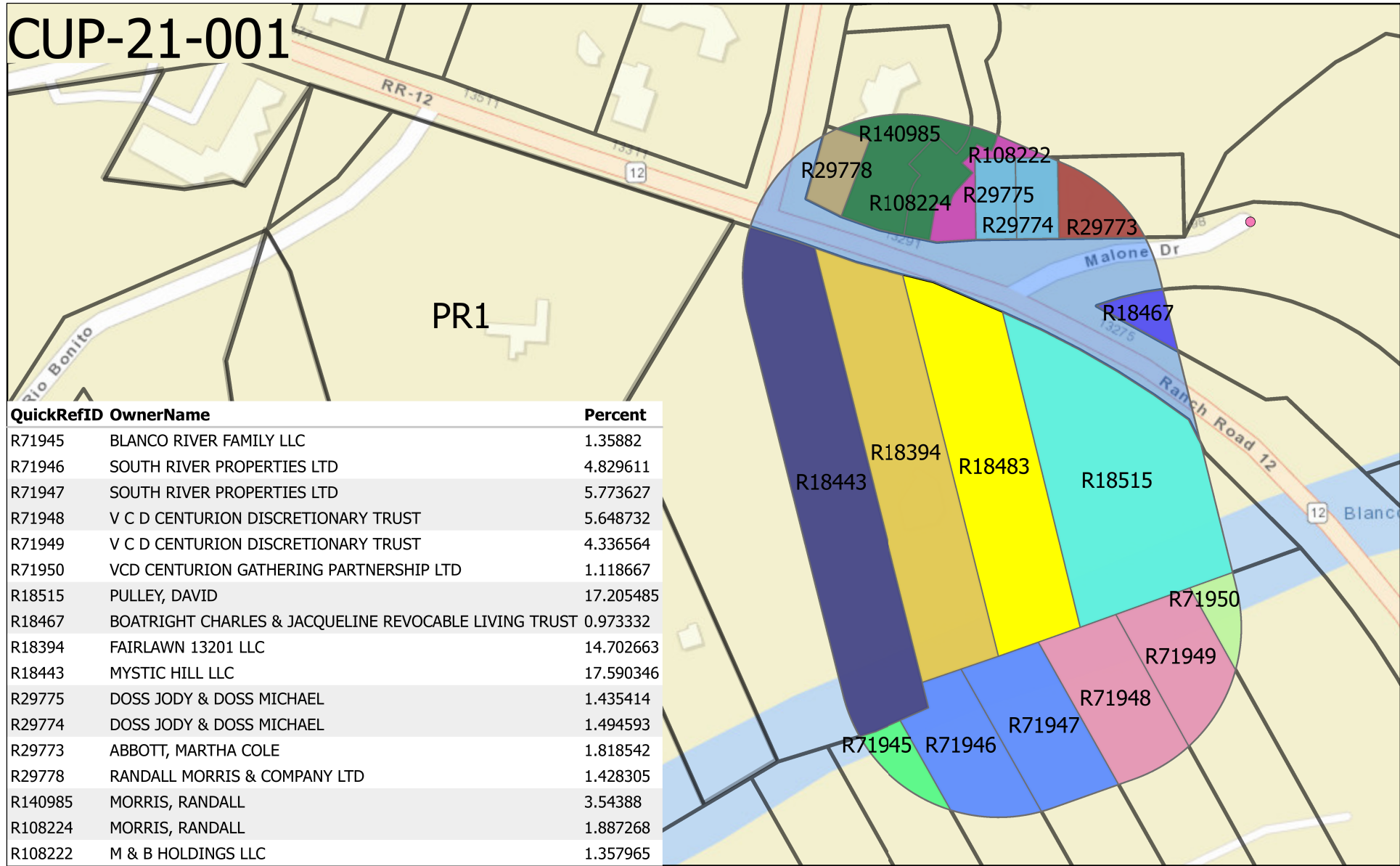
R = 1116.0

A map of a survey made by me
 on January 24, 1959:

Don Cude

DON CUDE, REGISTERED
 PUBLIC SURVEYOR NO. 364

CUP-21-001

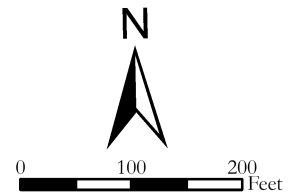


200' Notification Map

© OpenStreetMap (and) contributors, CC-BY-SA, City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS HaysCAD
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2022

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





AGENDA ITEM:	CUP-22-002 Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	January 17, 2021
MEETING DATE:	February 10, 2022 (P&Z) / February 17, 2022 (City Council)

REPORT

ITEM

In 2018 a Conditional Use Permit (CUP) was approved for 13510 Ranch Road 12 to allow for the operation of a Vacation Rental (STR2) with a maximum of four (4) guests. The current owners of 13510 Ranch Road 12 are requesting to amend their current CUP to allow for 14 guests. The owners plan to build an additional four (4) units behind the existing structure. The property is proposing to have 14 parking spaces. This property is on City sewer.

PROPERTY INFORMATION

Property Description

Applicant(s):	Beer Ranch Project, LLC
Property Address:	13510 Ranch Road 12
Property Owner:	Max and Kathryn Saballett
Legal Description:	Amasa Turner Survey Abstract 461
Property Size:	0.48 Acres
Existing Use of Property:	Vacation Rental
Existing Zoning:	Single-Family Residential - 1
Shared Infrastructure	None
Request:	Operate a Vacation Rental (STR2)
Planning Area:	III
Overlay District:	Protected Waterway Overlay

Surrounding Property:

Frontage: Ranch Road 12

Surrounding Zoning

Current Zoning:

Existing Land Use:

& Land Use	North of Property	C1	Commercial
	South of Property	C1	Raw Land
	East of Property	R2	Residential
	West of Property	R2	Residential

COMMENTS

Staff has not received any comments as of 2/4/2022.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): January 27, 2022
Published Legal Notice (Wimberley View): January 27, 2022

RECOMMENDATION

Staff has no recommendation.

CRITERIA FOR CONSIDERATION

When considering action on a zoning application, the Council should consider the criteria within the Code of Ordinances Sec.9.03.251(b)

Possible Motions can include:

- Motion to approve CUP-22-001
- Motion to approve CUP-22-001 with the following conditions (list all conditions)
- Motion to deny CUP-22-001

ATTACHMENT/S

- Criteria For Consideration
- Letters of Opposition
- Application
- Notification Map
- Ordinance



Conditional Use Permit
Planning & Development

FOR OFFICE USE ONLY

Date: 1/12/2022 CUP - 22 - 002 Staff Review _____

P&Z Hearing: 2/10/22 Council Hearing: 2/17/2022 Fees Paid (\$650): ☒ _____

Applicant: Beer Ranch Project, LLC

Mailing Address: 101 Deer Lake Estates City: Wimberley State: TX Zip: 78676

Phone: [REDACTED] Email: [REDACTED]

OWNER'S INFORMATION

Property Owner: Max and Kathryn Saballett

Mailing Address: Same as above City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

PROJECT SITE ADDRESS: 13510 RR 12, Wimberley, Texas 78676

Legal description: A0461 Amasa Turner Survey, 0.48 acres, 13510 RR 12

Total Acreage or Square Footage: 0.48 acres Deed recorded in: _____

Hays CAD Parcel ID R- 18481 Planning Area: _____ Zoning: C-1

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

SPECIFIC CONDITIONAL USE REQUEST: To increase the number of guests for the vacation rentals

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: Pedernales Electric Cooperative (PEC)

Water provider or Private Well: Wimberley Water

Wastewater Service or Septic Permit No. Wimberley Sewer

*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)
- ☐ N/A 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: 1-12-21

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

OWNER: Max and Kathryn Saballett, Beer Ranch Project, LLC

LOCATION OF PROPERTY: 13510 RR 12, Wimberley, Texas 78676

LEGAL DESCRIPTION: A0461 Amasa Turner Survey, 0.48 acres, 13510 RR 12

PLANNING AREA: _____ PRESENT ZONING: C-1

EXISTING USE: Vacation Rentals and Tasting Room for Brewery

HOMEOWNERS ASSOCIATION CONTACT INFO: _____

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. _____ Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of _____ 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: 7 PROPOSED MAXIMUM OCCUPANCY: 14 guests.

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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 _____ 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 _____ 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

Max G. Saballett

PRINT NAME

1-12-21

DATE



OWNER SIGNATURE

Kathryn Saballett

PRINT NAME

1-12-21

DATE



19 STANDARD
4 COMPACT
1 ACCESSIBLE (VAN)

TOTAL SPACES 14

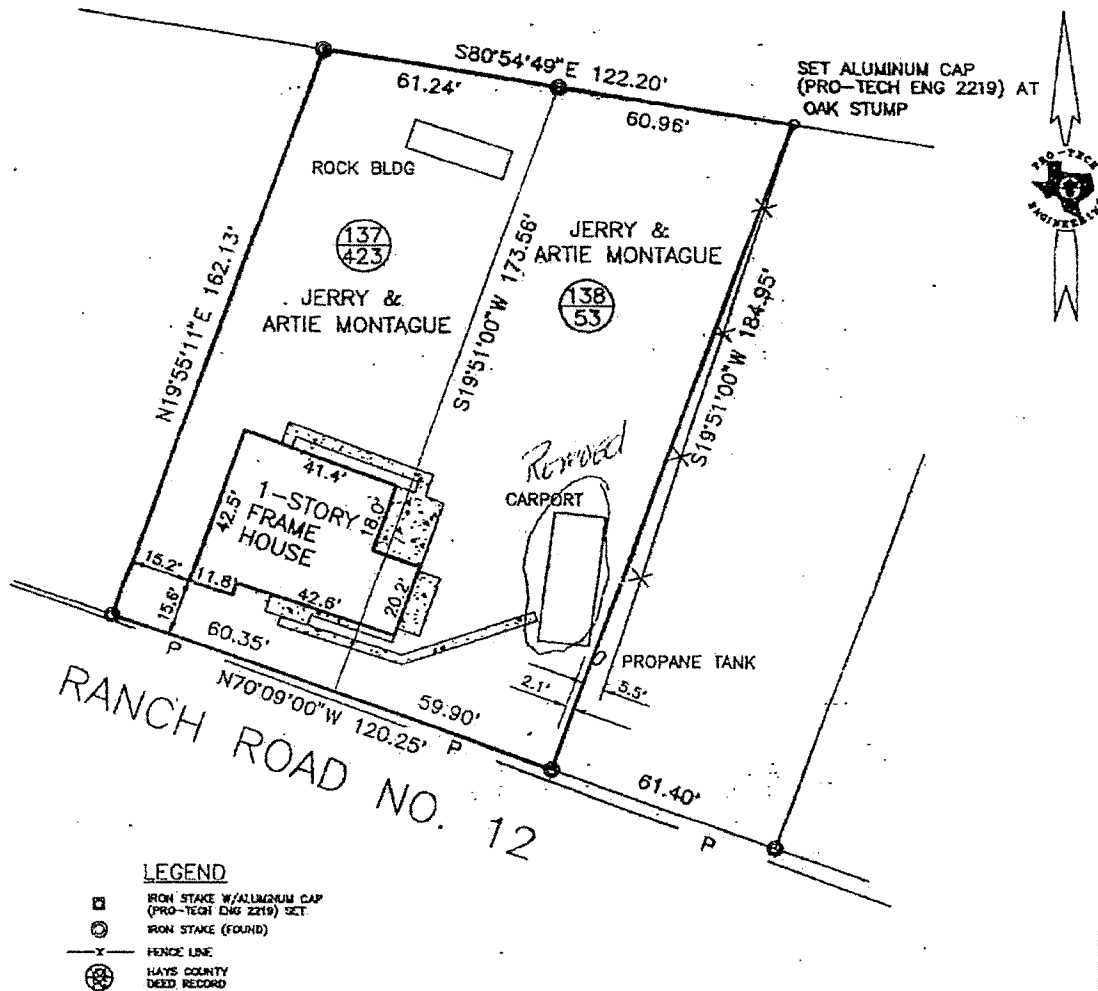
1. Ingress/Egress Price can be shifted to accommodate trees easily
2. Driveway and parking to be finished with pervious cover
3. SOME locations may change to accommodate trees.

SCALE 1" = 16'

RANCH ROAD 12



MAP OF SURVEY OF SURVEY 0.40 ACRES OF LAND OUT OF THE AMASA TURNER SURVEY NO. 1 HAYS COUNTY, TEXAS

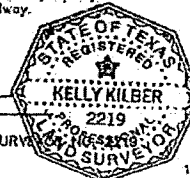


FLOOD INSURANCE RATE NOTE:
The tract shown hereon lies within Zone "X" areas determined to be outside the 500 year flood plain as delineated on the Flood Insurance Rate Map (FIRM) Community Panel No. 480321 0160 B, dated June 15, 1993, for unincorporated areas of Hays County, Texas.

I, the undersigned, hereby certify to the owner of the tract of land shown hereon that this survey was this day made on the ground of the property legally described hereon and is correct. And that there are no visible discrepancies, conflicts, encroachments, overlapping of improvements, easements or right-of-way, except as shown or noted hereon, and that said property has access to and from a public roadway.

SURVEYED: SEPTEMBER 10, 1997

KELLY KILBER
REGISTERED PROFESSIONAL LAND SURVEYOR



PRO-TECH
ENGINEERING GROUP
INCORPORATED

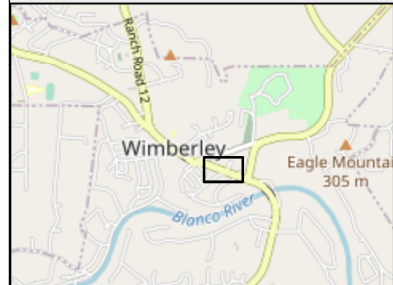
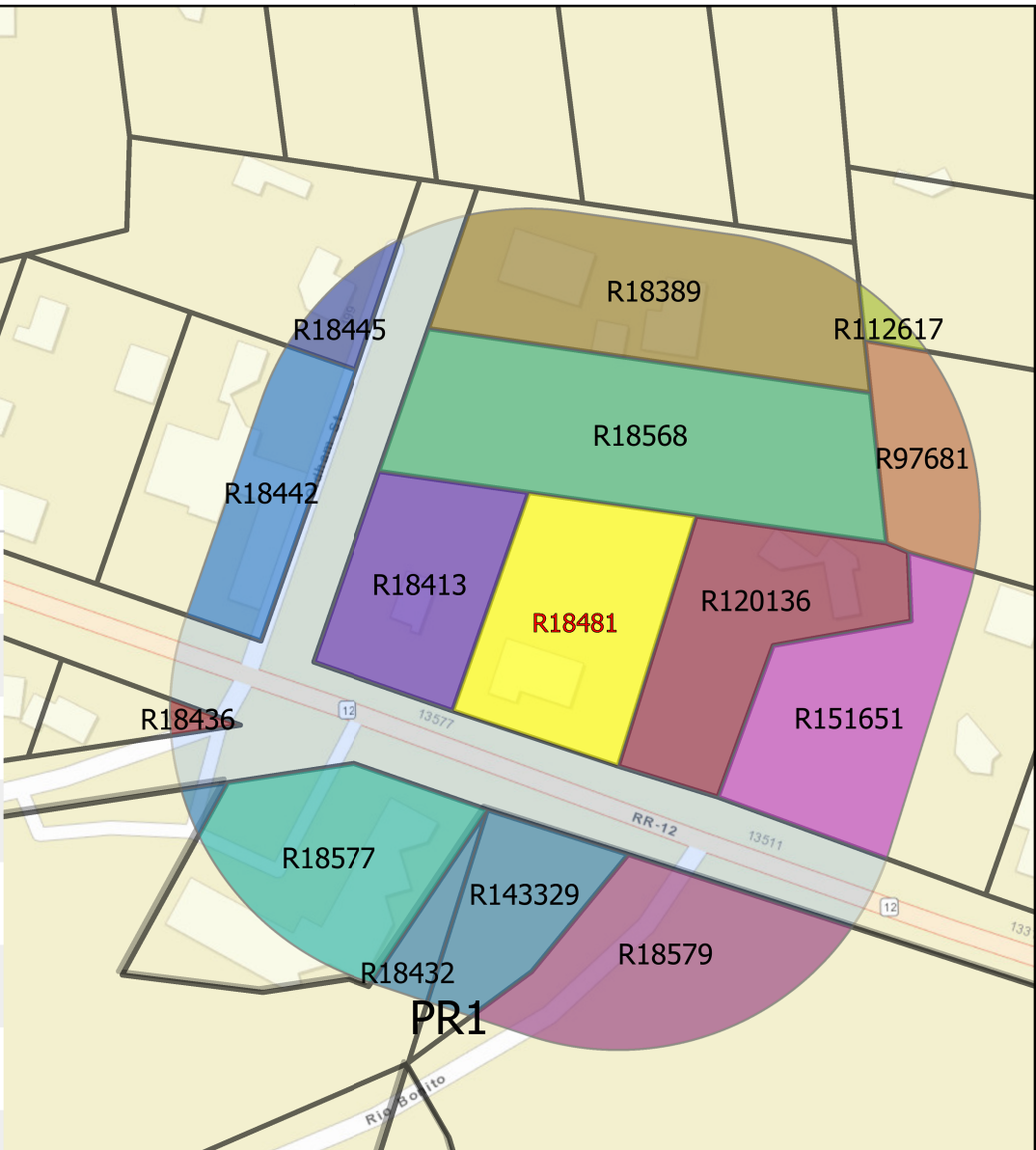
100 E. San Antonio St., Suite 100
San Marcos, TX, 78668
(512) 353-3335

SCALE: 1"=30'

E.O. 14603
FB:394 PG:68
PLAN No. 6430
EDSC\DWG\14603\SURVEY.DWG

CUP-21-002

QuickRefID	OwnerName	Percent
R18579	MEEKS MATTHEW & NATALIE	8.534176
R143329	M & N MEEKS LLC	4.262306
		0
R18432	M & N MEEKS LLC	1.452854
R18577	MYERS LAND & INVESTMENTS LLC	7.898296
R18436	HILL COUNTRY CHIC LLC	0.260225
R151651	SEE SHELL ENTERPRISES LLC	8.144208
R120136	SEE SHELL INVESTMENTS LLC	8.321455
R18413	DER HUND HAUS LLC	6.551245
R97681	SPICEWOOD LLC	3.831896
R18568	WILDER JUDITH S & CHARLES M	14.410025
R18442	WIMBERLEY CLEAR WATER PROPERTY LLC	4.616648
R18389	MINNICK DONALD J & REBECCA	11.221087
R112617	ROE, JENNIFER M	0.40925
R18445	OLDMIXON DOUGLAS E & BENSON JO-DEE M	1.265745

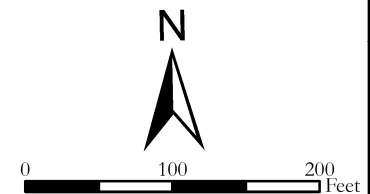


200' Notification Map

© OpenStreetMap (and) contributors, CC-BY-SA, City of Wimberley, Comal County, Esri, HERE, Garmin, INCREMENT P, NGA, USGS HaysCAD
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

2022

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





AGENDA ITEM:	CUP-22-003 Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	January 18, 2021
MEETING DATE:	February 10, 2022 (P&Z) / February 17, 2022 (City Council)

REPORT

ITEM

The owners of 40 La Buena Vista Dr are requesting a Conditional Use Permit (CUP) to allow for the operation of a Vacation Rental (STR2). There is one main house plus a studio building and pool on 1.9 acres of property. The applicants are proposing 3 bedrooms and a maximum of 8 guest and 6 parking spaces. There is one other vacation rental nearby. This property utilizes on-site septic facilities.

PROPERTY INFORMATION

Property Description

Applicant(s):	Robert & Brandy Fox
Property Address:	40 La Buena Vista Dr.
Property Owner:	Robert Fox
Legal Description:	Robert T Rankin Survey Abstract 390
Property Size:	1.9 Acres
Existing Use of Property:	Single-Family Residential
Existing Zoning:	Single-Family Residential - 1
Shared Infrastructure	None
Request:	Operate a Vacation Rental (STR2)
Planning Area:	II
Overlay District:	None

Surrounding Property:

Frontage: La Buena Vista

Surrounding Zoning

Current Zoning:

Existing Land Use:

& Land Use	North of Property	ETJ	Residential
	South of Property	R2	Residential
	East of Property	R1	Residential
	West of Property	R2	Residential

COMMENTS

Staff has not received any comments as of 2/4/2022.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): January 27, 2022
Published Legal Notice (Wimberley View): January 27, 2022

RECOMMENDATION

Staff has no recommendation.

CRITERIA FOR CONSIDERATION

When considering action on a zoning application, the Council should consider the criteria within the Code of Ordinances Sec.9.03.251(b)

Possible Motions can include:

- Motion to approve CUP-22-001
- Motion to approve CUP-22-001 with the following conditions (list all conditions)
- Motion to deny CUP-22-001

ATTACHMENT/S

- Criteria For Consideration
- Letters of Opposition
- Application
- Notification Map
- Ordinance



Conditional Use Permit
Planning & Development

FOR OFFICE USE ONLY

Date: 1/18/22 CUP - 22 - 003 Staff Review 1/25/22
P&Z Hearing: 2/10/22 Council Hearing: 2/17/22 Fees Paid (\$650): ☒ N.G.

Applicant: ROBERT FOX & BRANDY FOX
Mailing Address: 40 LA BUENA VISTA City: WIMBERLEY State: TX Zip: 78676
Phone: [REDACTED] Email: [REDACTED]

OWNER'S INFORMATION

Property Owner: ROBERT FOX
Mailing Address: 40 LA BUENA VISTA DR. City: WIMBERLEY State: TX Zip: 78676
Phone: [REDACTED] Email: [REDACTED]

PROJECT SITE ADDRESS: 40 LA BUENA VISTA DR.

Legal description: A0390 ROBERT RANKIN SURVEY, ACRES 1.9

Total Acreage or Square Footage: 1.9 ACRES Deed recorded in: HAYS COUNTY

Hays CAD Parcel ID R- 17538 Planning Area: II Zoning: R24 NONE
SEE EXHIBIT A

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

SPECIFIC CONDITIONAL USE REQUEST: SHORT TERM RENTAL

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 SUPPLY

Wastewater Service or Septic Permit No. 2021-24

*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: _____

Robert Fry
B. J. [Signature]

Date: _____

1/19/21
1/19/21

Forms & Applications October 2021 2

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

OWNER: ROBERT FOX

LOCATION OF PROPERTY: 40 LA BOWLA VISTA DR.

LEGAL DESCRIPTION: A03 90 ROBERT RANKIN SURVEY, ACRES 1.9

PLANNING AREA: II PRESENT ZONING: SEE AN EXHIBIT A

EXISTING USE: SFR

HOMEOWNERS ASSOCIATION CONTACT INFO: NONE

SHARED FACILITIES (RIVER PARK, POOL, ETC.): NONE

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. N/A Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 8 guests. Parking will be in these spaces only. NO OFF-STREET PARKING, ALL PARKING WILL BE ON PROPERTY.

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: BH 3 **PROPOSED MAXIMUM OCCUPANCY:** 8 guests.

Forms & Applications October 2021 3

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ACCEPTED AND AGREED TO:


OWNER SIGNATURE

Robert Fox
PRINT NAME

11/19/21
DATE


OWNER SIGNATURE

Brandon Fox
PRINT NAME

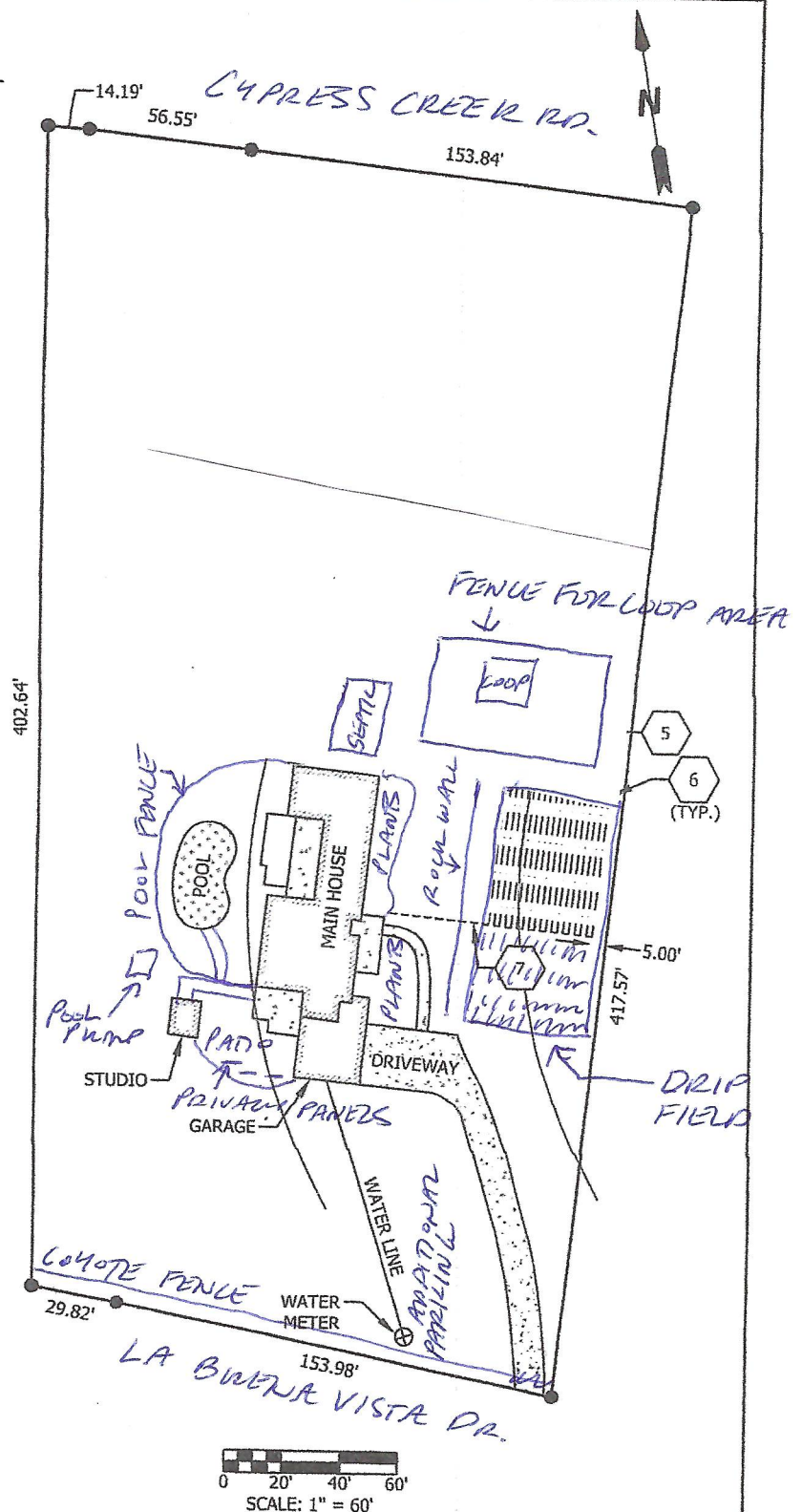
11/19/21
DATE

SYSTEM COMPONENTS:

- 1 SEWER LINE WITH TWO-WAY CLEANOUT
- 2 NUWATER B-800 ATU
- 3 DRIP FIELD SUPPLY LINE
- 4 DRIP FIELD RETURN LINE
- 5 VACUUM BREAKERS ON SUPPLY AND RETURN LINES
- 6 DRIP TUBING CONNECTION (TYP.)
- 7 DRIP TUBING:
 - 36 LINES AT 50' EACH, SPACED 2' APART
 - 6 CONNECTIONS EACH ON SUPPLY AND RETURN LINES
 - 5' MINIMUM SET BACK FROM ALL PROPERTY LINES.

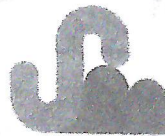
NOTES:

1. RISERS TO GRADE ON ALL ACCESS PORTS.
2. PLANS MAY VARY SLIGHTLY BASED ON CONDITIONS FOUND IN THE FIELD.
3. ALL SEPARATIONS AND SETBACK REQUIREMENTS AS STATED IN CH. 285, TCEQ ON-SITE SEWAGE FACILITIES MUST BE MAINTAINED.



**SMITH SEPTIC DESIGN
AND CONSULTATION**

202 Reimer Ave
San Marcos, TX 78666
512-644-6980
smithsepticdesign@gmail.com

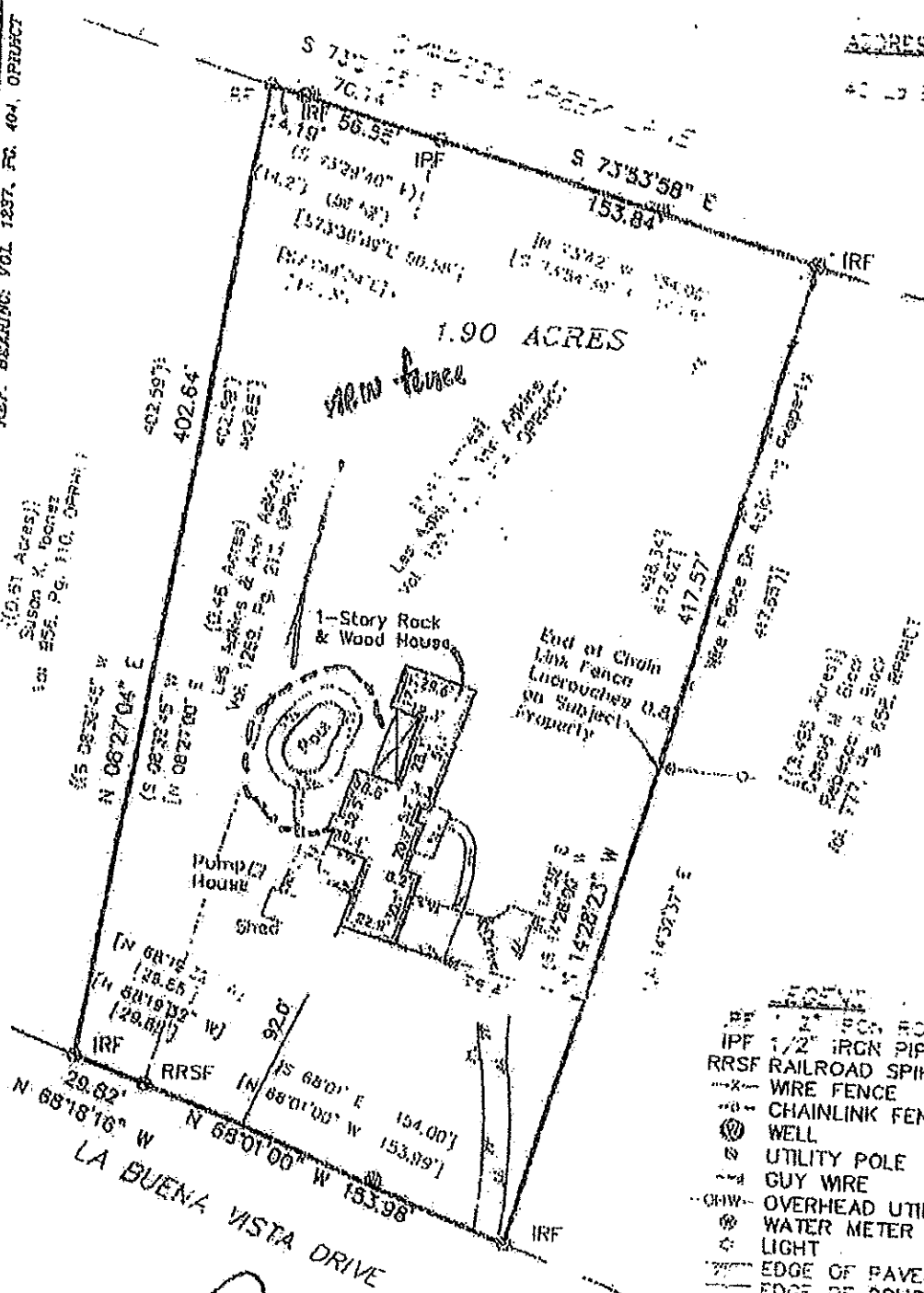


CUSTOMER	TITLE	SCALE	DATE
Brandy Fox	SEPTIC PLAN	1" = 60'	6/28/2021
SITE ADDRESS	PROJECT No.	SHEET No.	
40 La Buena Vista Dr Wimberley, TX	0292	1 of 1	

NOTE

REF. BEARING VOL 1237, PG. 404, OFFDICT

ADDRESS:
4013 Buena Vista Drive



(0.51 Acres)
Susan K. Poncez
Vol. 255, Pg. 110, OFFDICT

(0.45 Acres)
Les. Lakes & Ash Acres
Vol. 1250, Pg. 212, OFFDICT

(0.45 Acres)
Susan K. Poncez
Vol. 255, Pg. 110, OFFDICT

- RF 2" IRON ROD FOUND
- IPF 1/2" IRON PIPE FOUND
- RRSF RAILROAD SPIKE FOUND
- x- WIRE FENCE
- o- CHAINLINK FENCE
- W WELL
- U UTILITY POLE
- G GUY WIRE
- OHW- OVERHEAD UTILITY WIRE
- M WATER METER
- L LIGHT
- E- EDGE OF PAVEMENT
- C- EDGE OF CONCRETE

Kenneth J. Cui 1/15/10



STATE OF TEXAS
COUNTY OF HAYS

1.90 ACRES
R. S. RANKIN SURVEY
NO. 65, A-390

DESCRIPTION

DESCRIPTION OF A 1.90 ACRES TRACT PART OF THE R. S. RANKIN SURVEY NO. 65, A-390, HAYS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND CALLED TO BE 1.44 ACRES, DESCRIBED IN A DEED TO LES ADKINS AND ANN ADKINS, OF RECORD IN VOLUME 123, PAGE 404, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN TRACT OF LAND CALLED TO BE 0.46 ACRES, DESCRIBED IN A DEED TO LES ADKINS AND ANN ADKINS, OF RECORD IN VOLUME 1269, PAGE 210, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 1.90 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found in the north line of La Buena Vista Drive for the southwest corner of a tract of land called to be 3.495 acres, described in a deed to Donald M. Black and Rebecca A. Black, of record in Volume 777, Page 658, of the Real Property Records of Hays County, Texas, same being the southeast corner of said 1.44 acre tract, and the southeast corner of the herein described tract;

THENCE, with the north line of said La Buena Vista Drive, the following two (2) courses:

- 1) N 68° 01' 00" W, 153.98 feet to a rail road spike found for the southwest corner of said 1.44 acre tract, and the southeast corner of said 0.46 acre tract;
- 2) N 68° 18' 16" W, 29.82 feet to a 1/2 inch iron rod found for the southeast corner of a tract of land called to be 0.61 acres, described in a deed to Susan K. Ibanez, of record in Volume 956, Page 110, of the Official Public Records of Hays County, Texas, same being the southwest corner of said 0.46 acre tract, and the southwest corner of the herein described tract;

THENCE, N 68° 27' 04" E, with the west line of said 0.46 acre tract and the east line of said 0.61 acre tract, 402.04 feet to a 1/2 inch iron rod found in the south line of Cypress Creek Lane, for the northeast corner of said 0.61 acre tract, same being the northwest corner of said 0.46 acre tract, and the northwest corner of the herein described tract;

THENCE, with the south line of said Cypress Creek Lane, the following two (2) courses:

- 1) S 77° 37' 28" E, at 1/2 inch iron pipe found for the northeast corner of said 0.46 acre tract, same being the northwest corner of said 1.44 acre tract;
- 2) S 73° 53' 58" E, 153.84 feet to a 1/2 inch iron rod found for the northwest corner of said 3.495 acre tract, same being the northeast corner of said 1.44 acre tract, and the northwest corner of the herein described tract;

THENCE, S 14° 28' 23" W, with the east line of said 1.44 acre tract and the west line of said 3.495 acre tract, 417.57 feet to the POINT OF BEGINNING containing 1.90 acres of land within these metes and bounds.

Surveyed by: Stuart Surveying
P.O. Box 1273
Dripping Springs, Texas 78620
512-858-2236

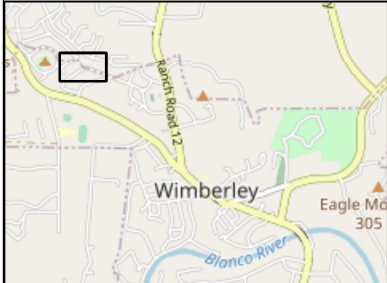
Thomas E. Stuart Registered Professional Land Surveyor No. 5414



The figure is an aerial map of a residential area with several property parcels highlighted in different colors. A red line runs diagonally across the top left. A yellow parcel is labeled R17505. A green parcel is labeled R17516. A blue parcel is labeled R52764. A purple parcel is labeled R52765. A brown parcel is labeled R46074. A light blue parcel is labeled R52766. A dark blue parcel is labeled R52767. A small parcel is labeled R52763. A small parcel is labeled R52768. A small parcel is labeled R17538. The map includes labels for 'Palo Pinto Path', 'Woodcreek ETJ', 'Cypress', 'La Buena Vista Dr', and '400'. A table in the bottom left corner provides the following information:

QuickRefID	OwnerName	Percent
R52768	ZUBERBUJELER, BRYAN LEE	4.376933
R52767	THOMPSON SYLVIA ANN	7.678877
R52766	ANTHONY THOMAS E & JULIE K	8.037053
R46074	LA BUENA VISTA 45 LTD	2.681196
R52765	THIELMAN, JACOB	6.978013
R52763	UPCHURCH KENT & BETTY &	5.857828
R17516	BLACK DONALD W & REBECCA A	25.635534
R52764	IBANEZ SUSAN K TRUSTEE	17.701743
R17505	IBANEZ SUSAN K TRUSTEE	6.016703

QuickRefID	OwnerName	Percent
R52768	ZUBERBUELER, BRYAN LEE	4.376933
R52767	THOMPSON SYLVIA ANN	7.678877
R52766	ANTHONY THOMAS E & JULIE K	8.037053
R46074	LA BUENA VISTA 45 LTD	2.681196
R52765	THIELMAN, JACOB	6.978013
R52763	UPCHURCH KENT & BETTY &	5.857828
R17516	BLACK DONALD W & REBECCA A	25.635534
R52764	IBANEZ SUSAN K TRUSTEE	17.701743
R17505	IBANEZ SUSAN K TRUSTEE	6.016703



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2022

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet

