



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, MARCH 10, 2022 - 6:00 PM

AGENDA

1. **CALL TO ORDER** March 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 February 10, 2022.
5. **PUBLIC HEARING AND POSSIBLE ACTION**
 - 5.1. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-22-002, 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*)
6. **DISCUSSION**
 - 6.1. Pre-application discussion of a property located at 12322 Ranch Road 12, Wimberley, Texas. (*J. Thompson Professional Consulting LLC*)
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, March 7, 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, FEBRUARY 10, 2022– 6:00 P.M.

Minutes

1. CALL TO ORDER

Chairman Weeks called the meeting to order on February 10, 2022, at 6:00 p.m.

2. CALL OF ROLL

Commissioners Present:

David Hester	Member
Charles Savino	Member
Philip McBride	Member
Jerry Lunow	Member
Tim Dodson	Vice-Chair
Austin Weeks	Chairman

Staff Members Present:

Nathan Glaiser	Planning and Zoning Coordinator
Megan Santee	City Attorney

3. CITIZENS COMMUNICATIONS

No comments were made.

4. MINUTES

4.1. Approval of minutes of the Regular Planning & Zoning Commission meeting on January 13, 2022.

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

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*)

City Staff gave a brief presentation of the application. Theresa Morgan, representing the applicant, answered questions from the commissioners. Chairman Weeks opened the

public hearing at 6:15 p.m. Craig Fore spoke and suggested that the applicant investigate the possibility of connecting to the City sewer. Chairman Weeks closed the public hearing at 6:17 p.m.

Motion to recommend approval of the application to City Council with the added condition that renters be notified that the home was in the floodplain was made by Philip McBride. Motion was seconded by Charles Savino. Motion carried unanimously (6-0).

- 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)

Chairman Weeks had questions regarding the number of dwelling units allowed for a Short-Term Rental on commercially zoned property.

Motion to table the item until a legal opinion could be given by the City Attorney was made by Philip McBride. Motion was seconded by Jerry Lunow. Motion carried unanimously (6-0).

- 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*)

City Staff gave a brief presentation of the application, stating that one adjacent neighbor is opposed, and one adjacent neighbor is in support. Applicants, Robert & Brandy Fox spoke in favor of the request and answered questions from the commissioners.

Chairman Weeks opened the public hearing at 6:52 p.m. Craig Fore of 311 La Buena Vista spoke in opposition to short-term rentals in the neighborhood. Candy Fore also spoke in opposition to the request.

Motion to recommend denial of the application to City Council was made by David Hester. Motion was seconded by Philip McBride. Motion carried as follows (5-0-1)

David Hester:	Aye
Charles Savino:	Aye
Philip McBride:	Aye
Jerry Lunow:	Aye
Tim Dodson:	Aye
Austin Weeks:	Abstain

The commissioners stated that the reasons for the denial were neighborhood opposition and the potential for the character of the neighborhood changing if Short-term rentals are introduced.

6. STAFF AND COMMISSIONER REPORTS

6.1. Announcements

There were no announcements.

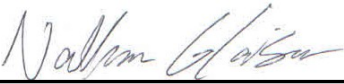
6.2. Future Agenda Items

There were no future agenda items discussed.

7. ADJOURNMENT

Chairman Weeks adjourned the meeting at 7:50 p.m.

RECORDED BY:



Nathan Glaiser, Planning and Zoning Coordinator



APPROVED BY:

Austin Weeks, Chairman



AGENDA ITEM:	CUP-22-002 Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	January 17, 2021
MEETING DATE:	March 10, 2022 (P&Z) / March 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 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 existing structure will house three (3) STR2 units and a tasting room for craft beer. 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:	Commercial Low Impact – 1 (C-1)
Shared Infrastructure	None
Request:	Operate a Vacation Rental (STR2)
Planning Area:	IV
Overlay District:	None

Surrounding Property:

Frontage:	Ranch Road 12
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Surrounding Zoning & Land Use	North of Property	Current Zoning: MF-2	Existing Land Use: Residential
	South of Property	C1, WPDD	Commercial
	East of Property	C1	Commercial
	West of Property	C2	Commercial

COMMENTS

Staff has not received any comments as of 3/7/2022.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): February 24, 2022
Published Legal Notice (Wimberley View): February 24, 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-22-002
- Motion to approve CUP-22-002 with the following conditions (list all conditions)
- Motion to deny CUP-22-002

ATTACHMENT/S

- Application
- Notification Map



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: 2020

Hays CAD Parcel ID R- 18481 Planning Area: IV 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: IV PRESENT ZONING: C-1

EXISTING USE: Vacation Rentals and Tasting Room for Brewery

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. 14 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 14 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.

Forms & Applications October 2021 3

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

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

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

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

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

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

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

ACCEPTED AND AGREED TO:



OWNER SIGNATURE

Max G. Saballett

PRINT NAME

1-12-21

DATE



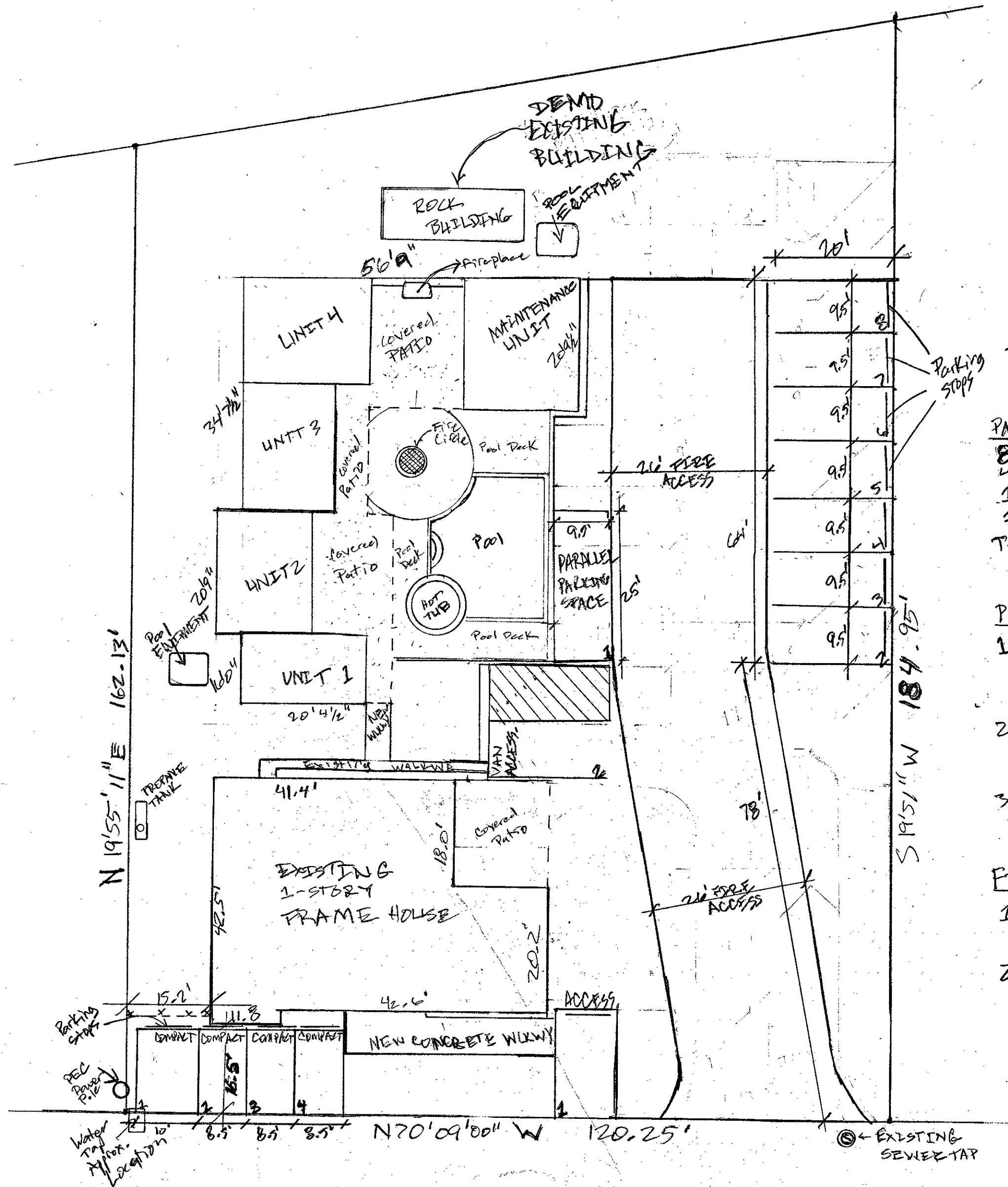
OWNER SIGNATURE

Kathryn Saballett

PRINT NAME

1-12-21

DATE



RANCH ROAD 12

PROPOSED SITE PLAN

SCALE 1"=16'

BEER RANCH PROJECT

MAX & KATHRYN SABALLET
13510 RR 12 WIMBERLEY TX
73676

IMPERVIOUS COVER
~ 64% as proposed

PARKING SPACES

8 STANDARD
4 COMPACT
1 ACCESSIBLE (VAN)
1 ACCESSIBLE
TOTAL SPACES 14

PARKING/DRIVEWAY

1. Ingress/Egress Drive 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

FIRE LANE/ACCESS

1. 20' WIDE FIRE ACCESS
2. ≤ 150' DEAD END FIRE ACCESS TURNAROUND NOT REQUIRED PER FIRE CODE

COMPLIANCE

≤ 70% Impervious cover
per 9.03.83 (d) (4) City zoning

COMPLIANCE

- 10 SPACES REQUIRED
Per Section 903.181 City Code
- SIZING COMPLIANT
With Section 9.02.157 City Code
- 1 ACCESSIBLE SPACE REQUIRED

COMPLIANCE

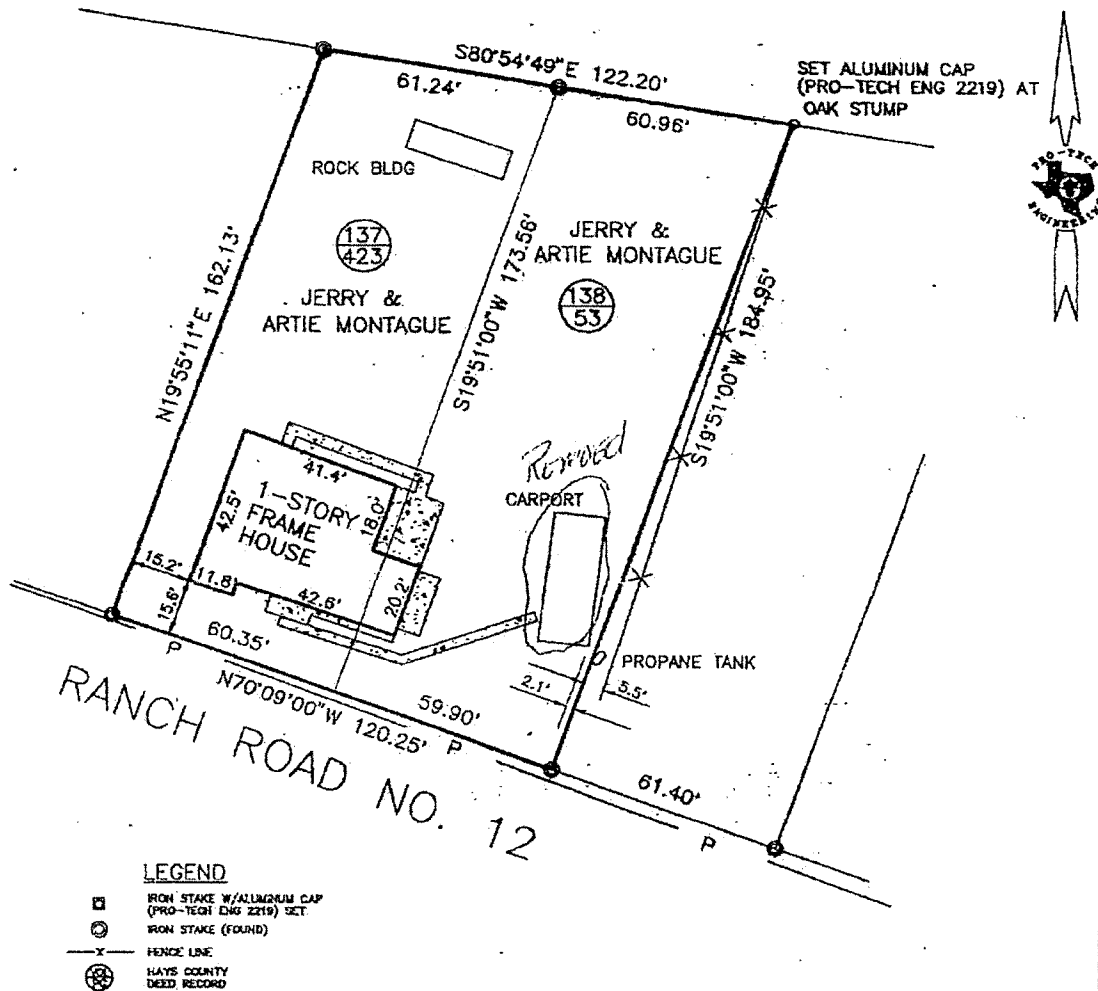
1. MEETS/EXCEEDS
CITY CODES/ORDINANCES
AS ADOPTED.
2. APPLICABLE SECTIONS
- 9.03.181 (4) (25)
3. Pervious cover will be compliant
w/ City Drive Requirements and
code official approval per
IPC 2018 and/or Section 9.02.157(A)(1)
City Code

COMPLIANCE

1. Exceed IFC 2015
Requirements as
adopted by the
City of Wimberley
2. Complies w/ IFC 2018
as adopted by Hays
County.
3. Applicable Code Sections:
- 503
- 503.2
- 503.2.5
- Appendix D
- FIG. D103.1
- Table D103.4



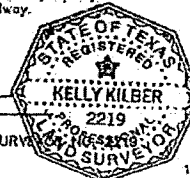
MAP OF SURVEY OF SURVEY 0.40 ACRES OF LAND OUT OF THE AMASA TURNER SURVEY NO. 1 HAYS COUNTY, TEXAS



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

SURVEYED: SEPTEMBER 10, 1997

KELLY KILBER
REGISTERED PROFESSIONAL LAND SURVEYOR



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



CUP-21-002

139.19

12

138.09

R18445

R18389

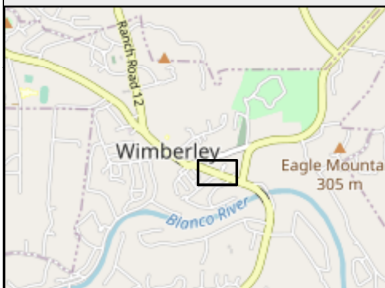
R18568

R18443

R112617

R97681

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

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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

