



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

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

AGENDA

1. **CALL TO ORDER** April 13, 2023, at 6:00 PM
2. **CALL OF ROLL**
3. **CITIZENS COMMUNICATIONS**
This provides an opportunity for the citizens to comment on agenda and non-agenda items in advance of the regular business of the Planning and Zoning Commission. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing the Board. Speakers will have one opportunity to speak during the time period. Comments from speakers should not be directed towards any specific member of the Board or City staff. Comments should not be accusatory, derogatory or threatening in nature.
4. **MINUTES**
 - 4.1. Consider approval of the February 9, 2023 Regular Planning & Zoning Commission meeting minutes.
5. **PUBLIC HEARING AND POSSIBLE ACTION**
 - 5.1. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-002, an application for a Conditional Use Permit to allow for the operation of a Bed & Breakfast (STR1) on a property located at 285 Sierra Loma, Wimberley, Hays County, Texas.
 - 5.2. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-003, an application to amend an existing Conditional Use Permit to allow for the sale of alcohol for on-premises consumption for a property located at 111 River Road #110, Wimberley, Hays County, Texas.
6. **DISCUSSION AND POSSIBLE ACTION**
 - 6.1. Consider action supporting the Downtown Ranch Road 12 Sidewalks Project and seeking approval of the 2023 TxDOT Transportation Alternatives Grant to assist with funding of this project.
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, April 10, 2023 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 Tammy Cook at (512) 847-0025 two business days in advance of the meeting for appropriate arrangements.





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REGULAR PLANNING AND ZONING COMMISSION MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, FEBRUARY 9, 2023 - 6:00 PM

MINUTES

1. **CALL TO ORDER** February 9, 2023, at 6:00 PM

Anne Hollows, Vice-Chair, called the meeting to order at 6:03 p.m.

2. **CALL OF ROLL**

Commissioners Present:
Anne Hollows, Vice Chairperson
David Hester
Bob Clark
Jerry Lunow
Philip McBride
Tim Dodson

Commissioners Absent:
Austin Weeks, Chairperson

Staff Present:
Nathan Glaiser, Director of Planning & Public Works
Alexis Esparza, Permit Coordinator
Roxana I. Pérez Stevens, City Attorney

3. **CITIZENS COMMUNICATIONS**

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There were no citizen comments this evening.

4. **MINUTES**

- 4.1. Consider approval of the November 10, 2022 Regular Planning & Zoning Commission meeting minutes.

A motion was made by Commissioner McBride, seconded by Commissioner Hester, to approve the minutes from the November 10, 2022 Regular Planning and Zoning Commission Meeting. The 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 ZA-22-004, an application for a Zoning Amendment to change the zoning for property located at 12333 Ranch Road 12, Wimberley, Texas, from Residential Acreage (RA) to Rural Residential 1 (R1).
(Applicant: Doyle Schulle)

Nathan Glaiser, Director of Planning & Public Works, provided a presentation on case ZA-22-004, an application for a zoning amendment to change the property located at 12333 Ranch Road 12, Wimberley, Texas from Residential Acreage (RA) to Rural Residential 1 (R1).

Vice Chair Hollows opened the Public Hearing at 6:11 p.m.

Those who spoke:

Doyle Schulle, the applicant, spoke in favor of this request. He stated he would divide this into two and half acre lots. He stated he will not be utilizing a well and this would not be a high-density area. He addressed the concerns that were expressed related to water, safety, and foliage along Ranch Road 12.

Casey Craig, spoke in opposition to this zoning request and asked for denial.

Michael Murphy, spoke in opposition to this zoning request and wants to protect the scenic corridor of Wimberley. He also expressed concern about traffic on Ranch Road 12, the number of houses that could potentially be built on this property if approved, and he asked for denial.

Mike Moeller, neighbor of the applicant, commented on the state requirement related to the amount of frontage needed for a driveway along a state highway. He stated if the applicant does not plan on placing short-term rentals on this property, he is less concerned with this zoning amendment request. He is neither in favor nor opposition, only here to hear the case.

Mr. Schulle, described his driveway plan relating to fire safety.

David Zaff, asked a question relating to number of residences per lot. Mr. Glaiser clarified that the "RA" zoning allows for two residences and the "R1" zoning only allows for one residence.

There being no further comments, Vice Chair Hollows closed the Public Hearing at 6:35 p.m.

The Commissioners held discussion regarding the potential number of houses that could be built with the new zoning. The City Attorney stated that this item only relates to the zoning amendment and not the subdivision of the lot. Upon completion of discussion, a motion was made by Commissioner McBride, seconded by Commissioner Dodson to approve the recommendation to City Council of case ZA-22-004, an application for a zoning amendment to change the zoning for property located at 12333 Ranch Road 12, Wimberley from Residential Acreage (RA) to Rural Residential 1 (R1). The motion carried by a vote of 5-0-1 with Commissioner Clark recusing as he lives near the property.

- 5.2.** Hold a public hearing and consider making a recommendation to City Council regarding case ZA-23-001, an application for a Zoning Amendment to change the zoning for property located at 14800 Ranch Road 12, Wimberley, Texas, from Rural Residential 1 (R1) to Commercial - Low Impact (C-1). (Applicant: Jon Thompson)

Nathan Glaiser, Director of Planning and Public Works, provided a presentation regarding case ZA-33-001, an application for a zoning amendment to change the zoning of the property located at 14800 Ranch Road 12, Wimberley.

Vice Chair Hollows opened the Public Hearing at 6:47 p.m.

Those who spoke:

Jon Thompson, the applicant, spoke as a representative for the owner. He stated the last survey was done in the 1930s and this zoning amendment is consistent with the surrounding properties.

There being no further comments, Vice Chair Hollows closed the Public Hearing at 6:52 p.m.

A motion was made by Commissioner McBride, seconded by Commissioner Clark to approve the recommendation to City Council of case ZA-33-001, an application for a zoning amendment to change zoning for property located at 14800 Ranch Road 12, Wimberley from Rural Residential 1 (R1) to Commercial - Low Impact (C-1). The motion carried unanimously (6-0).

- 5.3.** Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-001, an application for a Conditional Use Permit to allow for the operation of a Bed & Breakfast (STR1) on a property located at 110 Little Ranches Rd - Unit A, Wimberley, Hays County, Texas.
(Applicants: Justice Quintana & Rachel Emry)

Nathan Glaiser, Director of Planning and Public Works, provided a presentation regarding case CUP-23-001, an application for a Conditional Use Permit to allow for the operation of a Bed & Breakfast (STR1) on a property located at 110 Little Ranches Rd - Unit A, Wimberley.

Vice Chair Hollows opened the Public Hearing at 6:57 p.m.

Those who spoke:

Justice Quintana and Rachel Emry, the applicants, spoke in support of this request and addressed parking concerns raised by Commissioner Lunow. Ms. Emry stated this would only be used as a bed and breakfast with a six-person occupancy. Square footage is around 1,300 square feet.

There being no further comments, the Public Hearing was closed at 7:02 p.m.

A motion was made by Commissioner Hester seconded by Commissioner Lunow to approve the recommendation of case CUP-23-001, an application for a Conditional Use Permit (CUP) to allow for the operation of a Bed and Breakfast on a property located at 110 Little Ranches Road - Unit A, Wimberley. The motion carried unanimously 6-0.

6. DISCUSSION

- 6.1.** Discuss establishing and administering a Historic District in downtown Wimberley.

Nathan Glaiser, Director of Planning and Public Works, provided a brief update on establishing and administering a Historic District in downtown Wimberley. He noted that the City hired Post Oak Preservation Solutions in March 2022 to assist with this process.

Mr. Glaiser stated the next steps in the process and noted the enabling Ordinance would come before the Planning and Zoning Commission and ultimately to the City Council.

7. BOARD MEMBER REPORTS

- 7.1.** Announcements

No announcements.

- 7.2.** Future Agenda Items

No future items at this time.

8. **ADJOURNMENT**

A motion was made by Commissioner McBride and seconded by Commissioner Lunow to adjourn the meeting at 7:15 p.m. The motion carried unanimously 6-0.

RECORDED BY:

Planning & Zoning Commission Staff Liaison



APPROVED BY:

Planning & Zoning Commission Chairperson



AGENDA ITEM:	CUP-23-002 – Bed & Breakfast (STR1)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	January 23, 2023
MEETING DATE:	April 13, 2023 (P&Z) / April 20, 2023 (City Council)

REPORT

ITEM

The applicants, Jimmy & Marie Finger, have requested a Conditional Use Permit to allow for the operation of a Bed & Breakfast (STR1) on property located at 285 Sierra Loma, Wimberley. The property is 3.71 acres and contains one primary residence and one accessory dwelling unit. The Fingers are requesting the ability to rent out the accessory dwelling unit on a short-term basis. They will remain on the property while it is being rented. They are requesting a maximum occupancy of four guests. The septic system is adequate for the request.

PROPERTY INFORMATION

Property Description

Applicant(s):	Jimmy & Marie Finger
Property Address:	285 Sierra Loma
Property Owner:	Same
Legal Description:	Hilltop Place Sec 1 Lot 44B
Property Size:	3.71 acres
Existing Use of Property:	Single-Family Residence
Existing Zoning:	Single-Family Residential - 1
Shared Infrastructure	Entry Gate and HOA
Request:	Operate a Bed & Breakfast (STR1)
Planning Area:	I
Overlay District:	none

Surrounding Property:

Frontage:	Sierra Loma
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Surrounding Zoning & Land Use	North of Property	Current Zoning: RA	Existing Land Use: Residential
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South of Property	R-1	Residential
East of Property	RA	Residential
West of Property	R-1	Residential

COMMENTS

One letter of opposition from a neighbor within 200' as of 4/10/2023.

LEGAL NOTICE

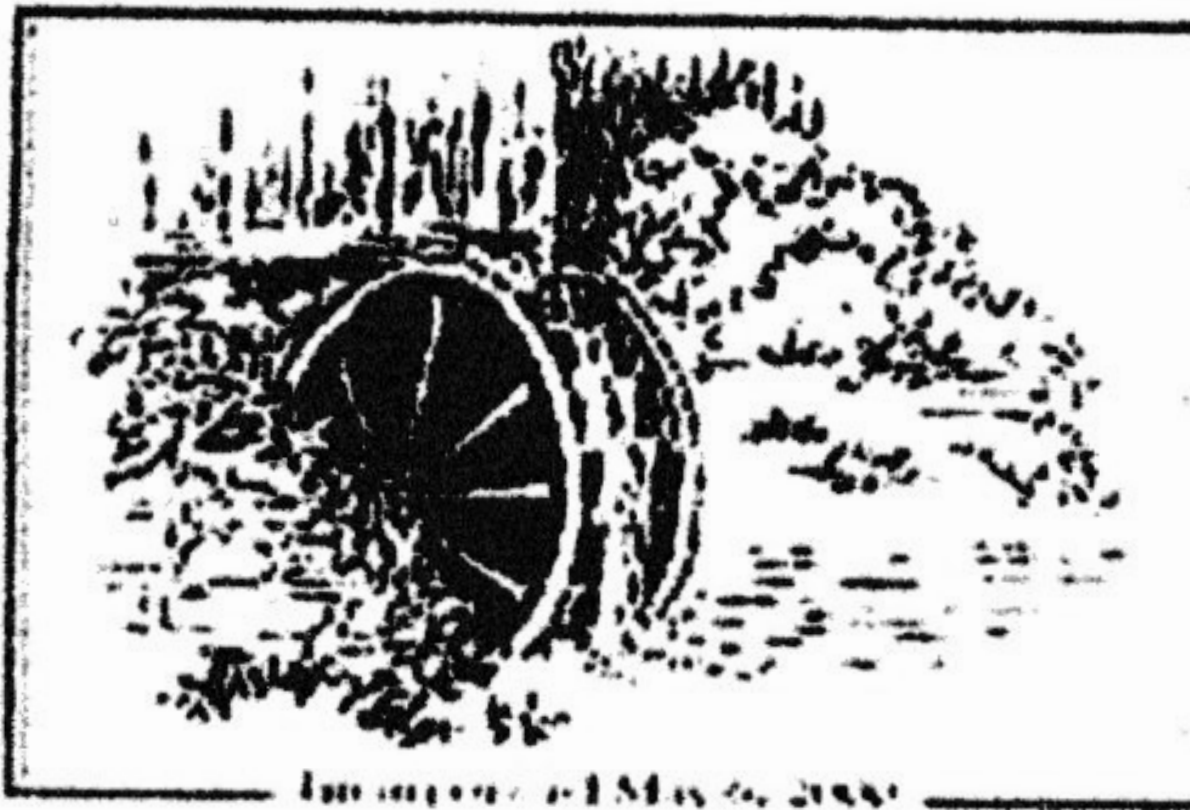
Surrounding Neighbor Notification Letters (200'): March 20, 2023
Published Legal Notice (Wimberley View): March 30, 2023

RECOMMENDATION

Staff defers to Planning and Zoning Commission for their recommendation.

ATTACHMENT/S

- Application
- Notification Map
- Letter of Opposition



City of Wimberley

221 Stillwater, Wimberley, TX 78676

P/ (512) 847-0025 F/ (512) 847-0422

www.cityofwimberley.com

CONDITIONAL USE PERMIT APPLICATION

No. CUP 21 - 17

FOR OFFICIAL USE ONLY

Application Date: 6/22/21 Tentative P&Z Hearing: 8/12 Tentative Council Hearing: 8/19
FEES: \$650.00 DATE PAID: 6/22/21 CHECK NO. 03165 REC'D BY N.G.

PROJECT SITE ADDRESS: 285 SIERRA LOMA Wimberley, TX 78676

OWNER/APPLICANT JIMMY & MARIE FINGER PHONE () [REDACTED]

MAILING ADDRESS: 285 SIERRA LOMA

CITY: WIMBERLEY STATE: TX ZIP: 78676

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.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

SHORT TERM RENTAL

Planning Area I Zoning A1 Total Acreage or Sq. Ft. ACRES 3.75

Subdivision: HILLTOP PLACE Lot 44B Block SBC 1

Appraisal District Tax ID #: R 32007

Deed Records Hays County: Volume 3428 Page 874

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

Is property located in flood plain? () Yes (☒) No

UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: PRIVATE WELL

Wastewater Service Provider or Hays County Septic Permit No: 2014-27

which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

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 retain under contract a responsible local management company at all times 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 supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

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 maintained in good condition at all times. 42.2 A 1.

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:

6-16-21
DATE

6-16-21
DATE

Jimmy Fung
OWNER
[Signature]
OWNER

MY REQUEST IS BASED ON THE FOLLOWING:

- (X) 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;
- (X) The use requested by the applicant is set forth as a conditional use in the base district;
- (X) The nature of the use is reasonable;
- (X) 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;
- (X) 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
- (X) That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- (X) Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- (X) 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; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- (X) List of Special Conditions that Applicant agrees apply to property.
- (X) List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- (X) Payment of Application fee \$650.00 (non-refundable)
- (X) Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- (X) Applicant has 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 applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- (X) Applicant agrees to provide additional documentation as needed by the City.
- (X) Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- (X) Applicant hereby authorizes the City representatives to visit and inspect the subject property.

6-16-21
DATE

Jing Fing
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

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

Owner: JIMMY + MARIE FINCHER

LOCATION OF PROPERTY: 258 SIERRA LOMA

LEGAL DESCRIPTION: LOT 44B

PLANNING AREA: I

PRESENT ZONING: ~~R1~~ R1

EXISTING USE: SINGLE FAMILY

HOME OWNERS ASSOCIATION CONTACT INFO: HILLTOPPLACEHOA@GMAIL.COM

SHARED FACILITIES (RIVER PARK, POOL, ETC.): NO

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 at all times be harmonious and compatible with surrounding uses

OFF-STREET PARKING: All parking will be off-street. 2 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 4 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 audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 1
PROPOSED MAXIMUM OCCUPANCY: 4 guests.

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 at all times 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 retain under contract a responsible local management company at all times 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 supervise and manage the property at all times 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 maintained in good condition at all times.

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ACCEPTED AND AGREED TO:

6-22-21
DATE

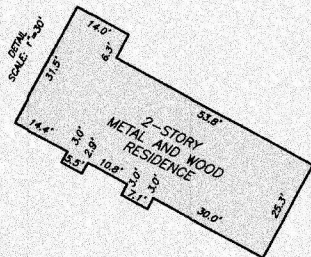
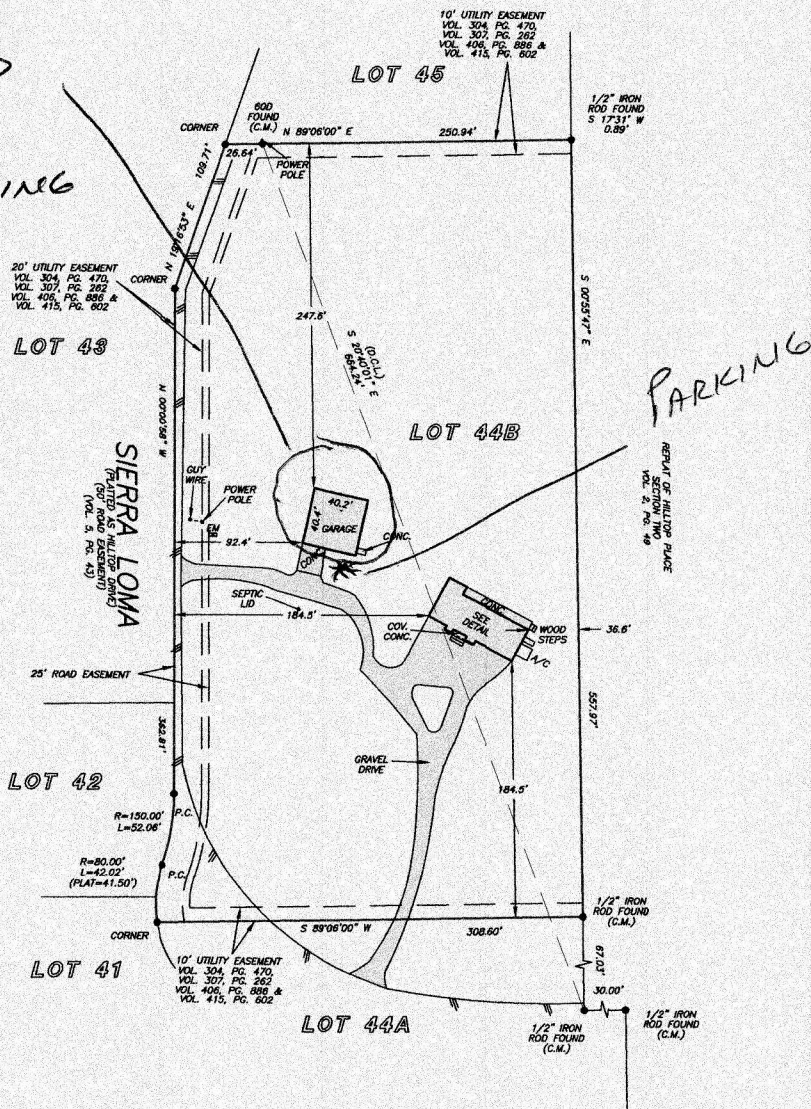
6-22-21
DATE

[Signature]
OWNER
[Signature]
OWNER

* THE FACILITY HAS 1 LEGAL BED ROOM & A LOFT 4

BUILDING TO BE USED
IS LOCATED IN THIS
40X46 METAL BUILDING

THE APARTMENT TO
BE USED IS
20X40
2 STORY



GF NO. T-131158 TEXAS NATIONAL TITLE
ADDRESS: 285 SIERRA LOMA
WIMBERLEY, TEXAS 78676
BORROWER: MARIE FINGER AND
JIMMY FINGER

LOT 44B HILLTOP PLACE, SECTION 1

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 5, PAGE 43 OF THE MAP RECORDS
OF HAYS COUNTY, TEXAS

NOTE: BUILDING SETBACK LINES PER VOL. 304, PG. 470, VOL. 307, PG. 262,
VOL. 406, PG. 888 AND VOL. 415, PG. 602.

NOTE: A UTILITY EASEMENT GRANTED TO PEDERNALES ELECTRIC
COOPERATIVE, INC. PER VOL. 214, PG. 320, VOL. 322, PG. 782 AND
PG. 784.

NOTE: A SITE EASEMENT FOR RADIO TOWER PER VOL. 260, PG. 134.

NOTE: EASEMENTS AND RESTRICTIONS PER VOL. 304, PG. 470,
VOL. 307, PG. 262, VOL. 406, PG. 888, VOL. 415, PG. 602 AND
VOL. 2001, PG. 827.



THIS PROPERTY DOES NOT LIE WITHIN THE
100 YEAR FLOOD PLAIN AS PER FIRM
PANEL NO. 48200C 0355 F
MAP REVISION: 08/02/2005
ZONE X
BASED ONLY ON VISUAL EXAMINATION OF MAPS.
INACCURACIES OF FEMA MAPS PREVENT EXACT
DETERMINATION WITHOUT DETAILED FIELD STUDY.

A SUBSURFACE INVESTIGATION
WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE
RECORD BEARING: VOL. 5, PG. 43, H.C.M.R.

DRAWN BY: RE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
ON THE GROUND THAT THIS PLAT CORRECTLY
REPRESENTS THE FACTS FOUND AT THE
TIME OF SURVEY AND THAT THERE ARE NO
ENCROACHMENTS APPARENT ON THE GROUND,
EXCEPT AS SHOWN HEREON. THIS SURVEY IS
CERTIFIED FOR THIS TRANSACTION ONLY AND
ABSTRACTING PROVIDED IN THE ABOVE
REFERENCED TITLE COMMITMENT WAS RELIED
UPON IN PREPARATION OF THIS SURVEY.

RICHARD WILLET
PROFESSIONAL LAND SURVEYOR
NO. 4619
JOB NO. SA2020-01802
JUNE 24, 2020



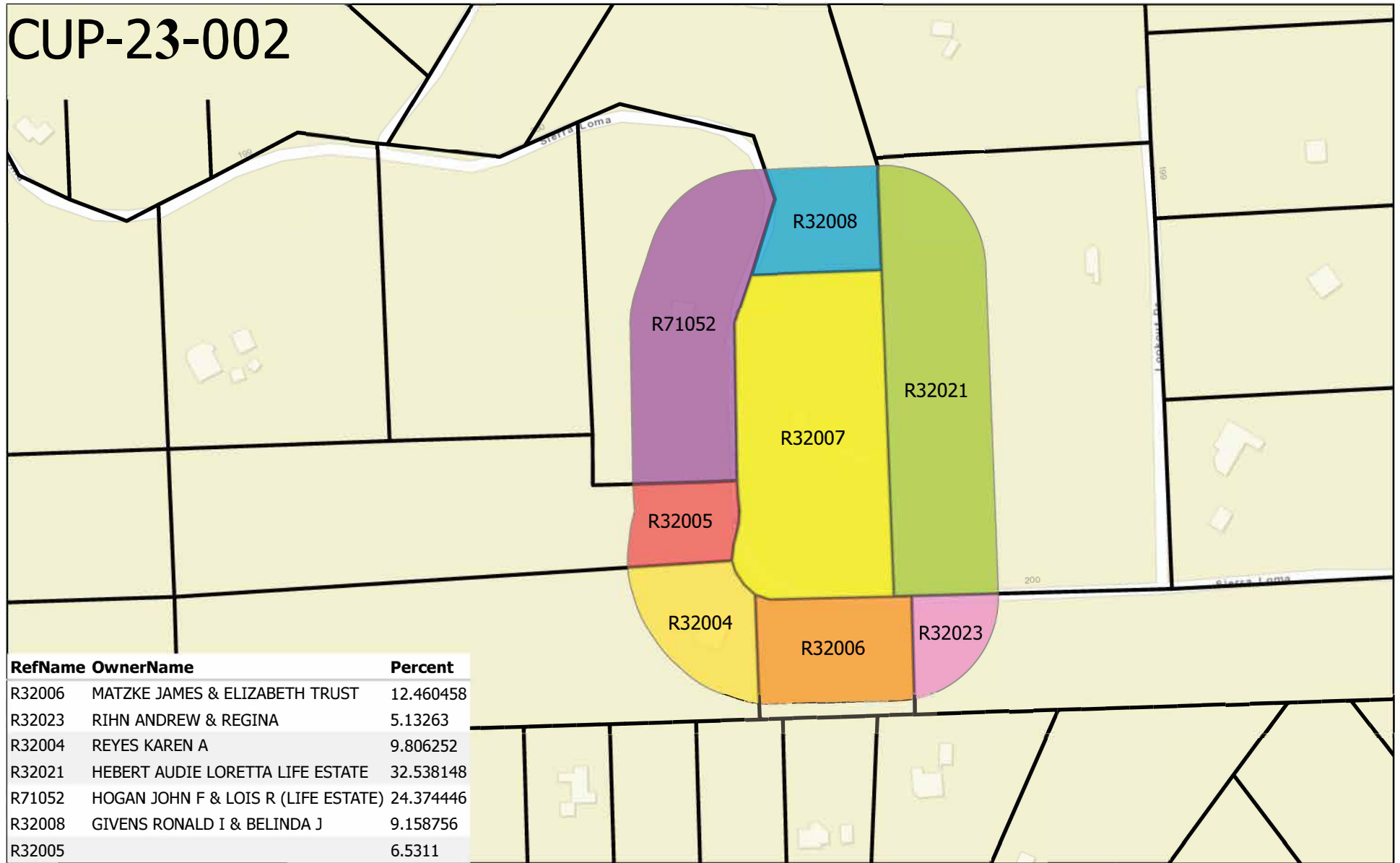
TEXAS NATIONAL TITLE
MARIE FARBER
512-337-0931



PRECISION
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950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
FIRM NO. 10063700

CUP-23-002



RefName	OwnerName	Percent
R32006	MATZKE JAMES & ELIZABETH TRUST	12.460458
R32023	RIHN ANDREW & REGINA	5.13263
R32004	REYES KAREN A	9.806252
R32021	HEBERT AUDIE LORETTA LIFE ESTATE	32.538148
R71052	HOGAN JOHN F & LOIS R (LIFE ESTATE)	24.374446
R32008	GIVENS RONALD I & BELINDA J	9.158756
R32005		6.5311

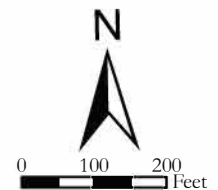


200' Notification Map

© 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.

2023

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



Nathaniel Glaiser

From: Belinda Givens <[REDACTED]>
Sent: Saturday, April 1, 2023 12:00 AM
To: Nathaniel Glaiser
Subject: Finger Conditional Use Permit

Follow Up Flag: Follow up
Flag Status: Flagged

Nathan,

My husband and I will be unable to attend the public hearing scheduled on Thursday, April 13, 2023 or Thursday, April 20, 2023 regarding the Finger request for Conditional Use Permit. I would like to notify all who attend that my family is opposed to granting the request for the permit. Our subdivision is populated with single family homes and I would suggest that if the Finger family is interested in operating a bed and breakfast type business they should consider locating to other properties which allow operation of this type of business. We also have a concern that in the past the Fingers have not followed the rules set forth by deed restrictions and have without a permit established and advertised a bed and breakfast business. And this in spite of the guidance by the city that a business was not allowed without proper permits.

My family purchased our property with the knowledge that the area was established as a single family residential area and would like to continue to enjoy living in the area without the noise, traffic, or inconvenience of having a business located next door.

Thank you for your consideration in this matter,

Belinda and Ron Givens

245 Sierra Loma

Wimberley, TX 78676

--

Belinda Givens



AGENDA ITEM:	CUP-23-003 Alcohol Sales (on-premise)
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	3/16/2023
MEETING DATE:	4/13/2023 (P&Z) / 4/20/2023 (City Council)

REPORT

ITEM

The applicants, Leaning Pear LLC, are seeking to amend an existing Conditional Use Permit to allow for the sale of beer, wine, and alcohol/mixed-beverages for on-premise consumption at a sit-down eating establishment at 111 River Road #110, Wimberley, TX. The business currently holds a Conditional Use Permit that allows for the sale of beer and wine for on-premises consumption. This CUP amendment would extend that use to also include liquor.

The owners are proposing an expansion of the currently operating restaurant to include a bar area, outdoor seating and expanded parking.

PROPERTY INFORMATION

Property Description

Applicant(s):	Leaning Pear, LLC
Property Address:	111 River Road, #110
Property Owner:	Carson Diversified Land 2, LLC
Legal Description:	9.08 Acres out of Amasa Turner Survey Abs 461
Property Size:	8.32 Acres (portion zoned L1)
Existing Use of Property:	Restaurant – Beer and Wine
Existing Zoning:	Lodging L-1
Shared Infrastructure	None
Request:	Alcohol/mixed beverage sales on-premise consumption
Planning Area:	IV
Overlay District:	No

Surrounding Property:

Frontage:	River Road		
		Current Zoning:	Existing Land Use:
	North of Property	C1	Commercial
Surrounding Zoning & Land Use	South of Property	R3	Residential
	East of Property	C1	Commercial
	West of Property	C1	Commercial

COMMENTS

Staff has received one email of support from an adjacent property owner across Cypress Creek.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): March 27, 2023
Published Legal Notice (Wimberley View): March 30, 2023

RECOMMENDATION

Staff defers to Planning and Zoning Commission for their recommendation.

CRITERIA FOR CONSIDERATION

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

Possible Motions can include:

- Motion to approve CUP-23-003
- Motion to approve CUP-23-003 with the following conditions (list all conditions)
- Motion to deny CUP-23-003

ATTACHMENT/S

- Application
- Site plan



**CITY OF
WIMBERLEY**

Conditional Use Permit

Planning & Development

FOR OFFICE USE ONLY

Date: 3/16/23 CUP - 23 - 003 Staff Review N.G.

P&Z Hearing: 4/13/2023 Council Hearing: 4/20/2023 Fees Paid (\$650): ☒ _____

Applicant: Leaning Pear, LLC

Mailing Address: 111 River Road, #110 City: Wimberley State: TX Zip: 78676

Phone: _____ Email: info@leaningpear.com

OWNER'S INFORMATION

Property Owner: Carson Diversified Land 2, LLC

Mailing Address: 407 S Stagecoach Trl, Ste 203 City: San Marcos State: TX Zip: 78676

Phone: _____ Email: _____

PROJECT SITE ADDRESS: 111 River Road, #110, Wimberley, TX 78676

Legal description: A 9.08 acre tract of land, more or less, situated in the Amasa Turner Survey, Abstract No. 461, Hays County, Texas, being all of that called 9.08 acre tract of land in deed to W.C. Carson recorded in Volume 854, Page 649 Official Public Records Hays County, Texas and described in Volume 730, Page 867 Real Property Records Hays County, Texas.

Total Acreage or Square Footage: 8.32 AC zoned L2 **Deed recorded in:** Doc 11000478, OPR Hays County

Hays CAD Parcel ID R- 18403 **Planning Area:** IV **Zoning:** L2

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

SPECIFIC CONDITIONAL USE REQUEST: The sale of beer, wine, and alcohol/mixed-beverages for on-premise consumption at a sit-down eating establishment. (Ord 2013-015 already grants a CUP for beer & wine)

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 Co.

Wastewater Service or Septic Permit No. Aqua Texas

*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 use does not adversely affect the safety of vehicular or pedestrian traffic reasonably anticipated.
- 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.

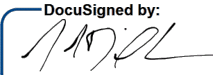
SUBMITTAL VERIFICATION

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.

DocuSigned by:
Applicant's Signature: 
 Rachel Buchanan
 Owner/GM

Date: 3/16/2023

PROPERTY OWNER:

DocuSigned by:

 John David Carson
 Authorized Rep

3/16/2023

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C:\Users\ssimp\Synology\Colorspace\Architectural\Projects\21-022021 - Leaning Pear Bar Expansion\Project_Files\Drawings\Control
Realt File\022021_LARG_LIP_BAR_EXPANSION.dwg
2/1/2023 3:45:18 PM
plotted:
The drawings and written material herein constitute original work of the architect, and as intellectual property and instruments of service, are
subject to copyright and may not be reproduced, distributed, published or used in any way without the express written consent of the architect.

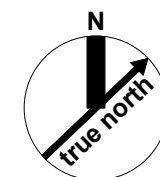
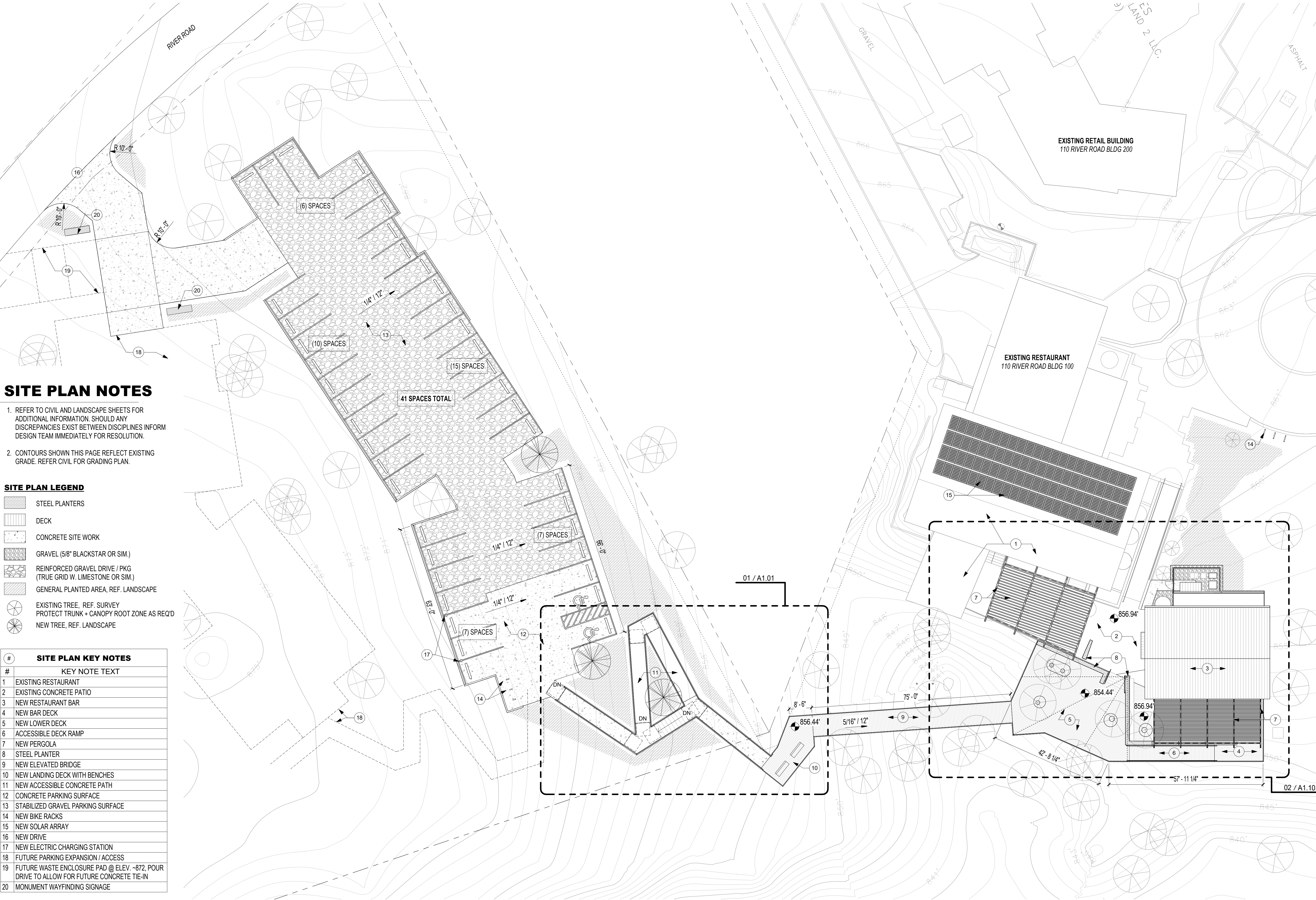
SITE PLAN NOTES

1. REFER TO CIVIL AND LANDSCAPE SHEETS FOR ADDITIONAL INFORMATION. SHOULD ANY DISCREPANCIES EXIST BETWEEN DISCIPLINES INFORM DESIGN TEAM IMMEDIATELY FOR RESOLUTION.
2. CONTOURS SHOWN THIS PAGE REFLECT EXISTING GRADE. REFER CIVIL FOR GRADING PLAN.

SITE PLAN LEGEND

- STEEL PLANTERS
- DECK
- CONCRETE SITE WORK
- GRAVEL (5/8" BLACKSTAR OR SIM.)
- REINFORCED GRAVEL DRIVE / PKG (TRUE GRID W. LIMESTONE OR SIM.)
- GENERAL PLANTED AREA, REF. LANDSCAPE
- EXISTING TREE, REF. SURVEY
PROTECT TRUNK + CANOPY ROOT ZONE AS REQ'D
- NEW TREE, REF. LANDSCAPE

#	KEY NOTE TEXT
1	EXISTING RESTAURANT
2	EXISTING CONCRETE PATIO
3	NEW RESTAURANT BAR
4	NEW BAR DECK
5	NEW LOWER DECK
6	ACCESSIBLE DECK RAMP
7	NEW PERGOLA
8	STEEL PLANTER
9	NEW ELEVATED BRIDGE
10	NEW LANDING DECK WITH BENCHES
11	NEW ACCESSIBLE CONCRETE PATH
12	CONCRETE PARKING SURFACE
13	STABILIZED GRAVEL PARKING SURFACE
14	NEW BIKE RACKS
15	NEW SOLAR ARRAY
16	NEW DRIVE
17	NEW ELECTRIC CHARGING STATION
18	FUTURE PARKING EXPANSION / ACCESS
19	FUTURE WASTE ENCLOSURE PAD @ ELEV. -872, POUR DRIVE TO ALLOW FOR FUTURE CONCRETE TIE-IN
20	MONUMENT WAYFINDING SIGNAGE



01 Architectural Site Plan
SCALE: 1/16" = 1'-0"

color
space

Architecture & Urban Design
407 S Stagecoach Trail, Ste 203
San Marcos, Texas 78666
(678) 737-238 0047

These documents are
not for regulatory
approval, permitting or
construction.

Sarah Simpson
Texas Registration No.
23188

The Leaning Pear Patio Expansion

111 River Road Bldg 100
Wimberley, TX 78676

OWNER
Carson Diversified Land 2, LLC

Schematic Design

REVISIONS △

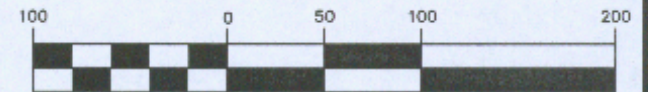
Architectural Site Plan

PROJECT #: 022021

DATE: 01.31.2023

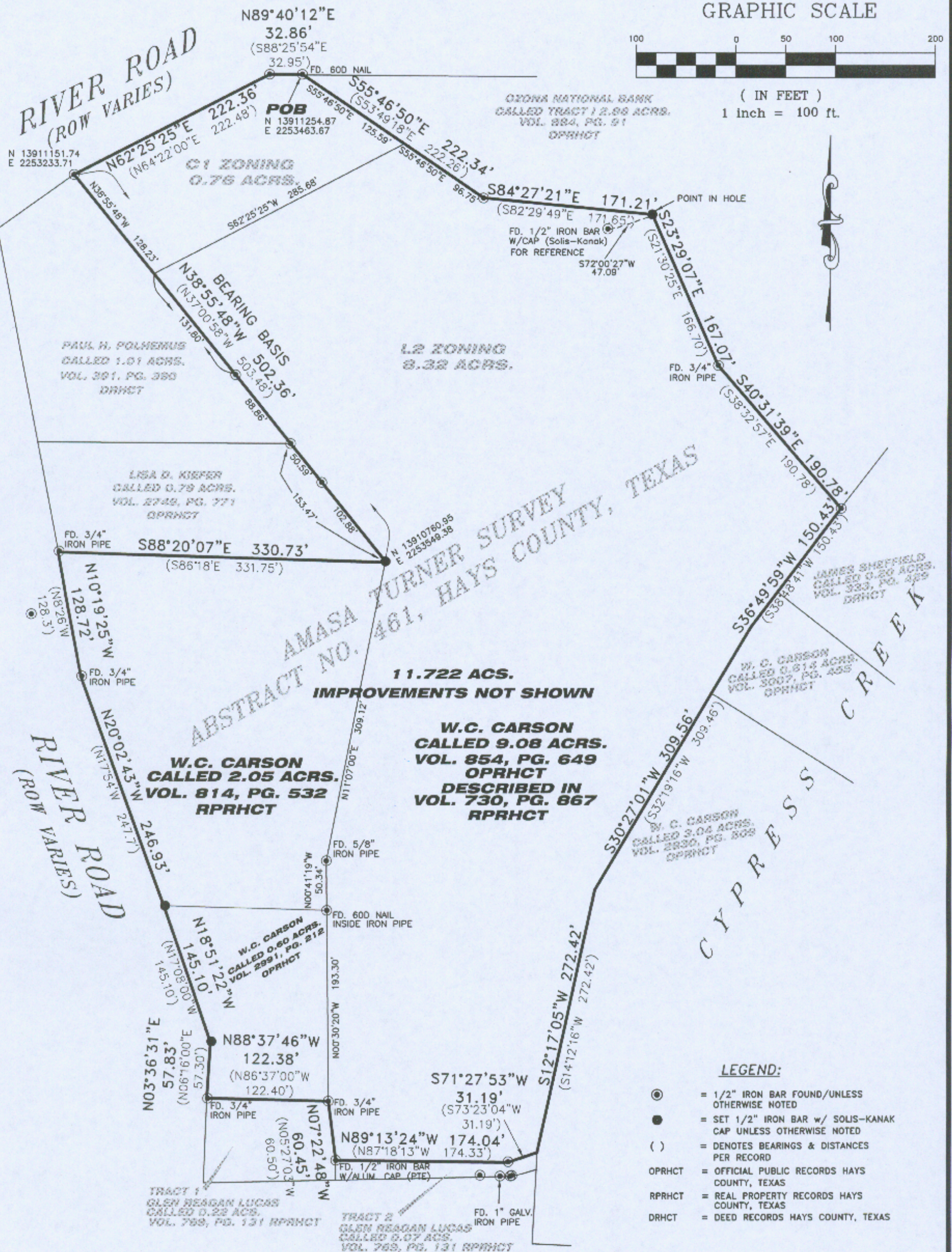
A1.00

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.



LEGEND:

- = 1/2" IRON BAR FOUND/UNLESS OTHERWISE NOTED
- = SET 1/2" IRON BAR w/ SOLIS-KANAK CAP UNLESS OTHERWISE NOTED
- () = DENOTES BEARINGS & DISTANCES PER RECORD
- OPRHCT = OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
- RPRHCT = REAL PROPERTY RECORDS HAYS COUNTY, TEXAS
- DRHCT = DEED RECORDS HAYS COUNTY, TEXAS

NOTES:

THIS PROPERTY DESCRIBED APPEARS ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP: FIRM NO. 48209C0355F EFFECTIVE DATE 09-02-05. THIS PROPERTY LIES IN ZONE "X" AREAS OF MINIMAL FLOOD HAZARDS AND PARTIALLY IN ZONE "AE", BASE FLOOD ELEVATIONS DETERMINED. NO WARRANTY EXPRESSED OR IMPLIED IS MADE REGARDING THE ACCURACY OF THE NATIONAL INSURANCE PROGRAM MAP.

NOTES:

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, CERTAIN EASEMENTS, SETBACKS AND/OR RESTRICTIONS MAY APPLY.

BEARINGS BASED ON TEXAS STATE PLANE COORDINATES SOUTH CENTRAL ZONE (NAD 83).

SURVEY OF:

A 11.722 ACRE TRACT OF LAND BEING ALL OF THAT CALLED 9.08 ACRE TRACT IN DEED TO W.C. CARSON RECORDED IN VOLUME 854, PAGE 649 OPRHCT DESCRIBED IN VOLUME 730, PAGE 867 RPRHCT, ALL OF THAT CALLED 2.05 ACRE TRACT IN DEED TO W.C. CARSON RECORDED IN VOLUME 814, PAGE 532 RPRHCT AND ALL OF THAT CALLED 0.60 ACRE TRACT IN DEED TO W.C. CARSON RECORDED IN VOLUME 2991, PAGE 212 OPRHCT, ALL BEING SITUATED IN THE AMASA TURNER SURVEY, ABSTRACT NO. 461, HAYS COUNTY, TEXAS.



CLINTON L. KANAK, R.P.L.S.
TEX. REG. 4499



Solis-Kanak & Associates, Inc.
Professional Surveyors

CANYON LAKE, TX
(830) 935-4011

17500 HIGHWAY 306
78133
FAX (830) 935-4012

DATE: 07 /31 /09
REV.: 06 /02 /10
ADDED ZONING

DRAWN BY:
S.D.

GF NUMBER:

Job NUMBER:
09-0117

RESOLUTION OF SUPPORT

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION EXPRESSING SUPPORT OF THE DOWNTOWN RANCH ROAD 12 SIDEWALKS PROJECT AND SEEKING APPROVAL OF THE 2023 TXDOT TRANSPORTATION ALTERNATIVES GRANT TO ASSIST WITH FUNDING OF THIS PROJECT

WHEREAS, the Planning and Zoning Commission unanimously extends their support for an application to be submitted to TxDOT for the Transportation Alternatives Grant; and

WHEREAS, this grant would help the City of Wimberley construct sidewalks on both sides of Ranch Road 12, which would improve pedestrian safety and provide better connectivity within the downtown area; and

WHEREAS, the residents and visitors rely on a safe and walkable method within the downtown area; and

WHEREAS, downtown provides many resources that support the local economy; and

WHEREAS, if chosen for this grant, the City has identified sources of local matching funds to assist with the construction cost of these sidewalks.

NOW, THEREFORE, the Planning and Zoning Commission supports the construction of the downtown Ranch Road 12 Sidewalks Project and encourages city staff to pursue the TxDOT Transportation Alternative Grant.

PASSED AND APPROVED this 13th day of April, 2023

Planning and Zoning Commission Chair

ATTEST:

Tammy Heller, City Secretary