



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, NOVEMBER 9, 2023 - 6:00 PM

AGENDA

1. **CALL TO ORDER**

November 9, 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 September 14, 2023, Regular Planning & Zoning Commission meeting minutes.

5. **DISCUSSION AND POSSIBLE ACTION**

- 5.1. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-014, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) at 213 Blue Hole Ln, Wimberley, Texas.
- 5.2. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-015, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) at 900 FM 2325, Wimberley, Texas.
- 5.3. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-016, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) at 100 Box Canyon, Wimberley, Texas.
- 5.4. Hold a public hearing and consider making a recommendation to City Council regarding case ZA-23-005, an application for a zoning amendment to change the zoning for a property located at 151 Old Kyle Rd, Wimberley, TX, from Commercial Low Impact (C-1) to Commercial High Impact (C-3).

6. **BOARD MEMBER REPORTS**

6.1. Announcements

6.2. Future Agenda Items

7. **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.

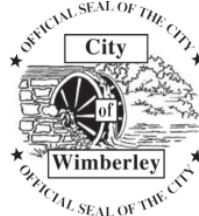
CERTIFICATION

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 DAY, MONTH DD, YYYY, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Nathan Glaiser
Director of Planning & Public Works

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 Heller at (512) 847-0025 two business days in advance of the meeting for appropriate arrangements.





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, SEPTEMBER 14, 2023 - 6:00 PM

MINUTES

1. **CALL TO ORDER** September 14, 2023, at 6:00 PM

Chair Austin Weeks called the meeting to order at 6 P.M.

2. **CALL OF ROLL**

Commissioners Present:
Austin Weeks, Chair
Anne Ulfelder, Vice Chair
David Hester
Bob Clark
Vance McCracken
Michael Rambo

Commissioners Absent:
Jerry Lunow

Staff Present:
Nathan Glaiser, Director of Planning and Public Works
Alexis Esparza, Permit Coordinator
Tim Patek, City Administrator
Lee Simmons, City Attorney

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.

No citizen comments this evening.

4. **MINUTES**

- 4.1. Consider approval of the August 10, 2023, Regular Planning & Zoning Commission meeting minutes.

A motion was made by Commissioner McCracken, seconded by Commissioner Ulfelder, to approve the minutes from the August 10, 2023 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 CUP-23-010, an application for a Conditional Use Permit to all for the operation of a bar/tavern at 107 Old Kyle Rd, Wimberley, Texas. (*Applicant: Bent Rods LLC*)

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case CUP-23-010, a Conditional Use Permit application that would allow for the operation of a Bar/Tavern on a property located at 107 Old Kyle Rd, Wimberley, Texas.

Paul Torrez, spoke in support of the request, and answered questions presented by the commissioners.

Chair Weeks opened the Public Hearing at 6:09 p.m. There being no comments, the Public Hearing was closed at 6:09p.m.

Upon completion of discussion, a motion was made by Commissioner Hester, seconded by Commissioner Rambo to approve a recommendation to City Council on case CUP-23-004 as submitted, an application for a conditional use permit to allow for the operation of a Bar/Tavern on a property located at 107 Old Kyle Rd, Wimberley, Texas. The motion carried unanimously (6-0)

- 5.2.** Hold a public hearing and consider making a recommendation to City Council regarding case CUP-23-013, to allow for the operation of a Vacation Rental (STR2) on a property located at 2240 FM 3237, Wimberley, Texas. (*Applicant: Edward A Foster*)

Nathan Glaiser, Director of Planning and Public Works, provided a presentation on Case CUP-23-013, a Conditional Use Permit application that would allow for the operation of a Vacation Rental (STR2) on a property located at 2240 FM 3237, Wimberley, Texas.

Edward Foster, spoke in support of the request and answered questions presented by the commissioners.

Chair Weeks opened the Public Hearing at 6:17 p.m. There being no comments, the Public Hearing was closed at 6:17 p.m.

Upon completion of discussion, a motion was made by Commissioner Hester, seconded by Commissioner Ulfelder to approve a recommendation with the condition of prohibiting access to the creek to City Council on case CUP-23-013, an application for a conditional use permit to allow for the operation of a Vacation Rental (STR2) on a property located at 2240 FM 3237, Wimberley, Texas. The motion carried (5-1) Rambo Opposed

- 5.3.** Hold a public hearing and consider making a recommendation regarding the zoning of approximately 22.6 acres of land generally located in the Wimberley downtown area and roughly bounded by Cypress Creek, Old Kyle Rd., Oldham Rd. and Henson Rd., including Wimberley Square and extending south and east to include properties on RR 12, Old Kyle Rd., Oak Dr., and Oldham St., to Historic Preservation Overlay District (HD). (*Planning and Public Works Director, Nathan Glaiser*)

Chair Weeks called for an Executive Session at 6:21 p.m.

The Executive Session adjourned at 6:26 p.m.

Nathan Glaiser, Planning and Public Works Director, provided a presentation regarding the Historic Preservation Overlay District. The presentation included the ordinance adopted in May, the criteria for a contributing building, and a certificate of appropriateness process.

Glaiser then proceeded with answering any question presented by the commissioners with the assistance of Elis Momford-Russel, Post Oak Preservation Solutions Consultant.

Chair Weeks Opens the public hearing at 6:43 pm

Those who spoke:

Greg McBride, 110 Old Kyle, spoke in opposition and described concerns about previous historic district maps and the public hearing process.

Bill Johnston, spoke in opposition. Johnston requested information on laws that allow for the establishment of historic districts and spoke in opposition to increased regulation of his property.

Dana Lombard, 180 Oak, spoke in opposition. The contributing building has been demolished and no longer contributes to the Historic District. She requested the empty residential lot be removed from the boundary.

Angie Pereira spoke in opposition. Pereira voiced concern for the business owners that would be affected by the establishment of a Historic Preservation Overlay District.

Jacque Mason, 14012 RR 12, spoke in opposition. Mason asked for clarification over how the historic preservation overlay district concept was initially pursued.

Madonna Kimble inquired about the reasoning behind establishing the historic preservation overlay district.

There being no further comments, Chair Weeks closed the public hearing at 7:32 p.m.

Commissioners provided their opinions on the proposed district. Upon completion of discussion, a motion was made by Commissioner McCracken, seconded by Commissioner Ulfelder to recommend the approval of the Historic Preservation Overlay District boundaries with the removal of the residential property (180 Oak). The motion carried unanimously (6-0)

6. BOARD MEMBER REPORTS

6.1. Announcements

6.2. Future Agenda Items

7. ADJOURNMENT

Chair Weeks adjourned the meeting at 8:03 pm

RECORDED BY:

Planning & Zoning Commission Staff Liaison



APPROVED BY:

Planning & Zoning Commission Chairperson



AGENDA ITEM:	CUP-23-014 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Public Works Director
DATE SUBMITTED:	September 7, 2023
MEETING DATE:	November 9, 2023 (P&Z) / October 16, 2023 (City Council)

REPORT

ITEM

The applicant, Zachary Lowe, has requested a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on property located at 213 Blue Hole Ln, Wimberley. The property is .44 acres and zoned Residential Acreage. It is on Cypress Creek with part of the property within the 100-year floodplain. It has a three-bedroom home, Accessory Dwelling Unit, and carport. The applicants are requesting a maximum occupancy of 10 guests. The property is on City Sewer.

PROPERTY INFORMATION

Property Description

Applicant(s):	Zachary Lowe
Property Address:	213 Blue Hole Ln
Property Owner:	Hugh Lowe
Legal Description:	Dobie Estates Lot 8-A
Property Size:	.44 acres
Existing Use of Property:	Residence
Existing Zoning:	R3
Shared Infrastructure	City easement along Cypress Creek
Request:	Vacation Rental (STR2)
Planning Area:	II
Overlay District:	Protected Waterway

Surrounding Property:

Frontage: Blue Hole Ln

Surrounding Zoning & Land Use	North of Property	Current Zoning: PR1	Existing Land Use: Parkland
	South of Property	R3	Residential/STR CUP

**East of Property
West of Property**

**PR1
L2**

**Parkland
Lodging**

COMMENTS

Staff has received one letter of support from a neighbor within 200 ft as of 10/24/23.

RECOMMENDATION

Staff defers to Planning & Zoning Commission for their recommendation.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): October 20, 2023
Published Legal Notice (Wimberley View): October 26, 2023

ATTACHMENT/S

- Application
- Zoning Map



CITY OF WIMBERLEY

Conditional Use Permit Planning & Development

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$650): ☐ _____

Applicant: Zachary Lowe
Mailing Address: 3302 Riverlawn Dr City: Kingwood State: TX Zip: 77329
Phone: 281 432 9851 Email: _____

OWNER'S INFORMATION

Property Owner: Hugh Lowe
Mailing Address: 400 Academy Dr City: Austin State: TX Zip: 78704
Phone: _____ Email: _____

PROJECT SITE ADDRESS: 213 Blue Hole Ln. Wimberley 78676
Legal description: Dobie Estates Lot 8-A
Total Acreage or Square Footage: 0.44 / 1832 sq ft Deed recorded in: 1-6-2010
Hays CAD Parcel ID R- 151596 Planning Area: R-3 Zoning: residential
Is property located in an overlay district? ☒ Yes ☐ No If Yes, type: protected waterway
SPECIFIC CONDITIONAL USE REQUEST: yes

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: P.E.C.
Water provider or Private Well: Wimberley Water
Wastewater Service or Septic Permit No. city wastewater

*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: _____

Date: _____

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

OWNER: Hugh Lowe

LOCATION OF PROPERTY: 213 Blue Hole Ln Wimberley 78676

LEGAL DESCRIPTION: Dobie Estates Lot 8-A 0.44 acres

PLANNING AREA: _____ PRESENT ZONING: residential

EXISTING USE: private residence

HOMEOWNERS ASSOCIATION CONTACT INFO: none

SHARED FACILITIES (RIVER PARK, POOL, ETC.): shared easement

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 10 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:** 10 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 Cypress 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

PRINT NAME

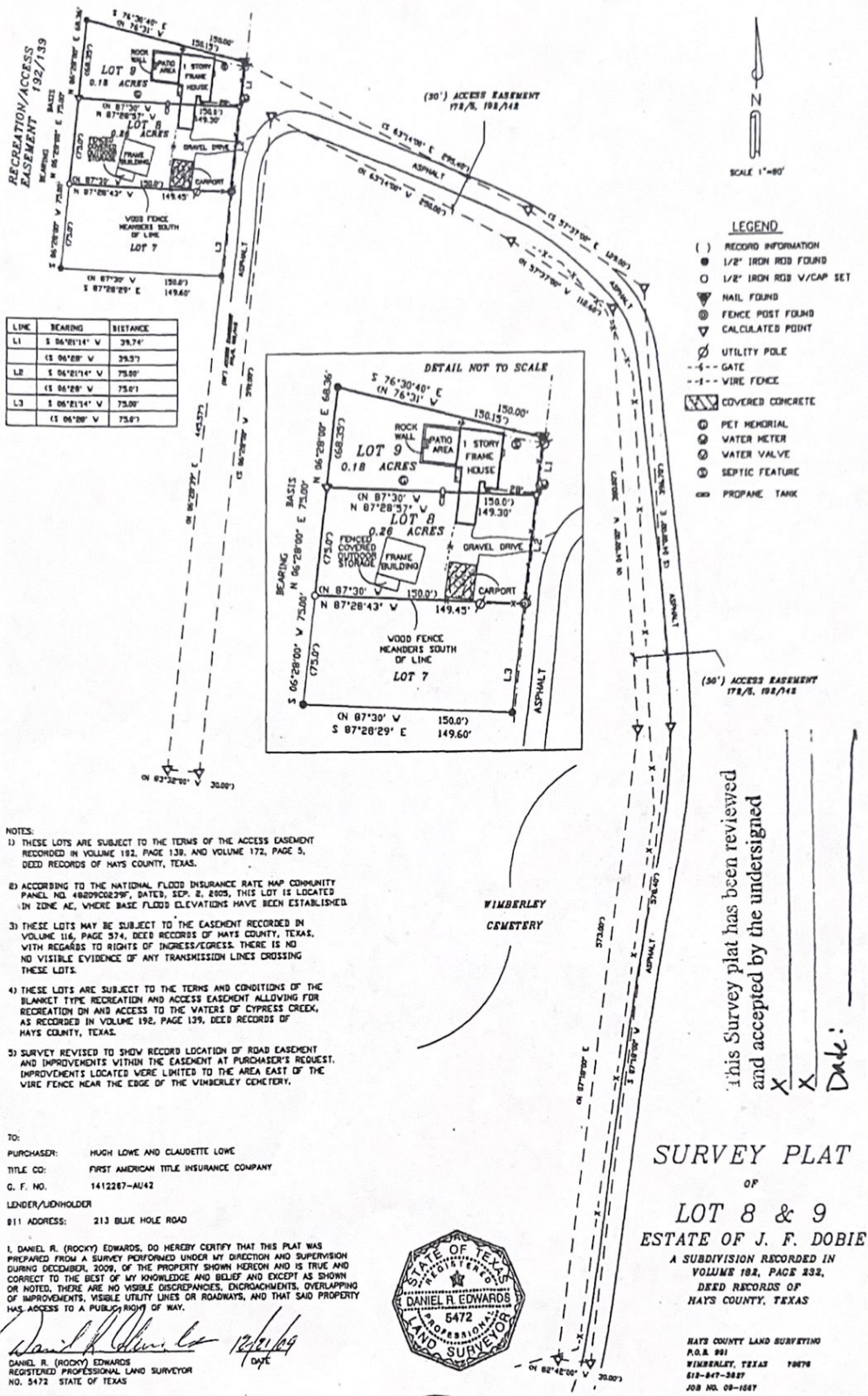
DATE

OWNER SIGNATURE

PRINT NAME

DATE

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STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS

That we, Hugh & Claudia Linn, owner of the certain tract of land shown hereon and described in a deed recorded in Volume 202, Page 688, of the Official Public Records of Hays County, Texas, same being Lots 8 and 9, Estate of J.F. Dobie, recorded in Book 182, Page 232, of the Hays County Plat Records, do hereby subdivide said lot as shown hereon, and do hereby consent to all plat rules and regulations shown hereon, and do hereby dedicate to the City of Wimberley the streets, alleys, rights-of-way, easements, and public phone shown hereon for such public purposes as the City of Wimberley may deem appropriate. This subdivision is to be known as the AMENDING PLAT OF LOTS 8 & 9, ESTATE OF J.F. DOBIE, ESTABLISHING LOT 8-A, CITY OF WIMBERLEY, HAYS COUNTY, TEXAS.

TO CERTIFY WHICH, WITNESS by my hand this 29 day of Oct. A.D. 2015

Hugh Linn
400 Audubon Drive
Austin, TX 78704

Claudia Linn
400 Audubon Drive
Austin, TX 78704

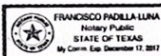
STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS

Before me, the undersigned authority, on this day personally appeared Hugh & Claudia Linn, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they have executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL, at office this 29 day of Oct. A.D. 2015

Francisco Padilla-Luna
Notary Public in and for Hays County, Texas



STATE OF TEXAS
CITY OF WIMBERLEY

Based upon the above representations of the engineer or surveyor whose seal is affixed hereto, and after a review of the plat as represented by the said engineer or surveyor, I bear that this plat conforms with the requirements of the City of Wimberley. This certification is made solely upon such representations and should not be relied upon for verification of the facts alleged. The City of Wimberley disclaims any responsibility to any member of the public for judgment or verification of the representation, fact or otherwise, contained in this plat and the documents associated with it.

Don Ferguson, City Engineer
City of Wimberley, Texas

I, Don Ferguson, City Engineer of the City of Wimberley, Texas do hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations to which approval is required.

Don Ferguson, City Engineer
City of Wimberley, Texas

I, Don Ferguson, City Administrator of the City of Wimberley, Texas hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations to which approval is required.

Don Ferguson
City of Wimberley, Texas

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS

I, Lisa G. Gonzalez, Clerk of the County Court of said County, do hereby certify that the foregoing instrument is in writing, with its certificate of authorization was filed for record in my office on the 7 day of October, A.D. 2015, at 2:30 p.m. and is a true and correct copy of the original as recorded in the Public Records of Hays County, Texas, in Book 182, Page 232.

TO CERTIFY WHICH, WITNESS by my hand and seal of the Office of County Clerk, this 7 day of October, A.D. 2015

Barbara M. Reddy
County Clerk
Hays County, Texas

Wimberley Water Supply, CCH #10214, an approved water supply system, has adequate capacity to supply this subdivision in accordance with the policies of the water supply system.

Wimberley Water Supply Representative
12/22/15

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS

I, Kelly Kilber, Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correctly made from an actual survey made on the ground of the property legally described hereon, and that there are no apparent discrepancies, conflicts, overlapping of boundaries, or other errors or omissions in this plat, and that the corner monuments shown thereon were properly placed under my supervision in accordance with the Subdivision Regulations of the City of Wimberley, Texas.

TO CERTIFY WHICH, WITNESS by my hand and seal at Wimberley, Hays County, Texas this 22 day of Oct. A.D. 2015

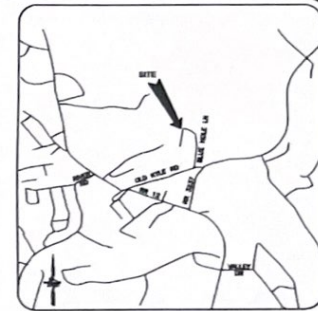
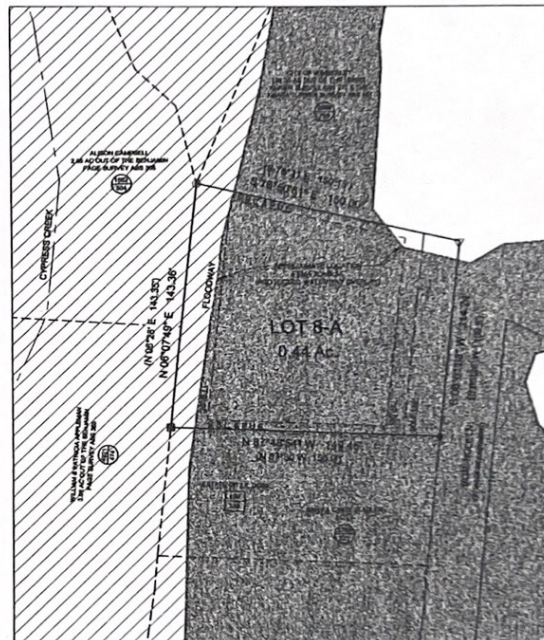
Kelly Kilber
R.P.L.S. # 2216, State of Texas

I, Kelly Kilber, Registered Professional Engineer in the State of Texas, do hereby certify that this subdivision is not in the Edwards Aquifer Recharge Zone, nor is it in the Barton Springs Segment of the Edwards Aquifer Recharge Zone, it is however in the Contributing Zone of the Edwards Aquifer and is surrounded by a Zone A-2 flood area, as described herein, and as defined by Federal Emergency Management Administration Flood Hazard Boundary Map, Community Flood Hazard, 10-1000 0208 F effective date September 2, 2005, and that such lot conforms to the Wimberley Subdivision Regulations.

TO CERTIFY WHICH, WITNESS by my hand and seal at Wimberley, Hays County, Texas this 22 day of Oct. A.D. 2015

Kelly Kilber
Registered Professional Engineer, No. 41167
State of Texas

AMENDING PLAT OF LOTS 8 & 9, ESTATE OF J.F. DOBIE ESTABLISHING LOT 8-A CITY OF WIMBERLEY HAYS COUNTY, TEXAS



VICINITY MAP
1" = 2000'
ZIP CODE: 78678

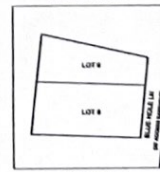
PLAT NOTES

1. No portion of this subdivision lies within the boundaries of the Barton Springs Segment of the Edwards Aquifer Contributing Zone.
2. This subdivision lies within the boundaries of the Edwards Aquifer Contributing Zone.
3. This subdivision lies within the boundaries of the 100-year flood plain as delineated on Hays County FIRM Panel #40200C 0208 F, City of Wimberley Community Panel #40100A 0208 F, dated September 2, 2005.
4. This subdivision contains 1 residential lot for a total of 0.44 acres.
5. This subdivision lies within the Wimberley Independent School District.
6. Water supply for this subdivision is provided by Wimberley Water Supply Corporation.
7. Sewerage collection is not required and in some areas may offer the local wastewater treatment system.
8. Electricity for this subdivision is provided by Transmission Electric Company, Inc.
9. Telephone service for this subdivision is provided by Verizon.
10. This subdivision lies within the City Limits of The City of Wimberley and is subject to its ordinances.
11. When required, site shall have a minimum driveway culvert size of 18".
12. This subdivision has an average slope of less than 10%.
13. There is hereby dedicated a 10-foot (30 feet Public Utility, Coverage, and Intersecting/Overlapping Easement adjacent to all street right-of-way lines and a 10-foot (10 feet Public Utility, Coverage Easement adjacent to all non-street lines. If any or more lots are contained on a single lot, this easement shall be automatically subdivided along the common line or lines of the combined lots so long as no utility lines or drainage improvements are located therein.
14. Construction and use of land within the Protected Watershed Overlay District is limited as set forth in Chapter 152.002 of the City's Code of Ordinances.
15. All construction activity within zone A-2 100-year flood hazard must comply with City of Wimberley and FEMA Floodplain Management regulations as set forth in Chapter 153 of the City's Code of Ordinances.
16. Wetland treatment for this subdivision is to be provided, individual on-site treatment facilities as approved by the City of Wimberley. No structure to this subdivision shall be occupied until connected to a public sewer system or to a on-site wastewater system which has been approved and permitted by the City of Wimberley.
17. Improvements noted on this plat, which is not shown by this Plat.
18. Provisions of the City of Wimberley Comprehensive Plan shall also govern this subdivision.
19. Building setback lines per City of Wimberley Zoning Ordinance.
20. No sign, including landscape, fencing or landscaping which would interfere with the purpose of the subdivision, shall be placed or erected within a Drainage Easement. The owner(s) of any lots upon which drainage facilities are located, including drainage, shall be responsible for maintenance and upkeep of such facilities.
21. Sewing Basin, Texas State Water Control System-South Central Zone.
22. New construction on Lot 8-A must obtain a Development Permit from the City of Wimberley in compliance with §152.02 of City Code Chapter 152 Flood Damage Prevention.
23. Lot 8-A is within the Protected Watershed Overlay District (PWO) of Cypress Creek and is subject to the requirements of §152.002 of City Code Chapter 152 Zoning.
24. This tract shall be located in zone of Lot 8-A is 302.0' and the block face dimensions of the existing structures are 304.0' for the house and 302.0' for the outbuilding.

SCALE: 1"=40'



ORIGINAL CONFIGURATION



SCALE: 1"=100'

LEGEND

- FENCE POST FOUND
- IRON CORNER FOUND
- △ ALUMINUM CAP IRON STAKE FOUND
- △ NAIL FOUND
- HAYS COUNTY DEED RECORD
- HAYS COUNTY PLAT RECORD
- FIRM FLOOD ZONE NO

ENGINEER:
BEC-11
ENGINEERING, L.P.
100 E. San Antonio St., Suite 100
San Marcos, Texas 78666
Phone: 512-333-3338 Fax: 512-333-0224
TWP'S REG. # 1210003

JULY 7, 2015

SURVEYOR

TRU-TRON
SURVEYING COMPANY, L.P.
www.surveystocamp.com
1401 E. San Antonio St., Suite 100
San Marcos, Texas 78666
Phone: 512-333-3338 Fax: 512-333-0224
TWP'S REG. # 1210003

SHEET 1 of 1

PLAN 5701

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CITY OF WIMBERLEY

221 STILLWATER
WIMBERLEY TEXAS 78676

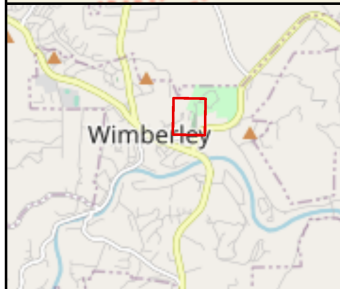
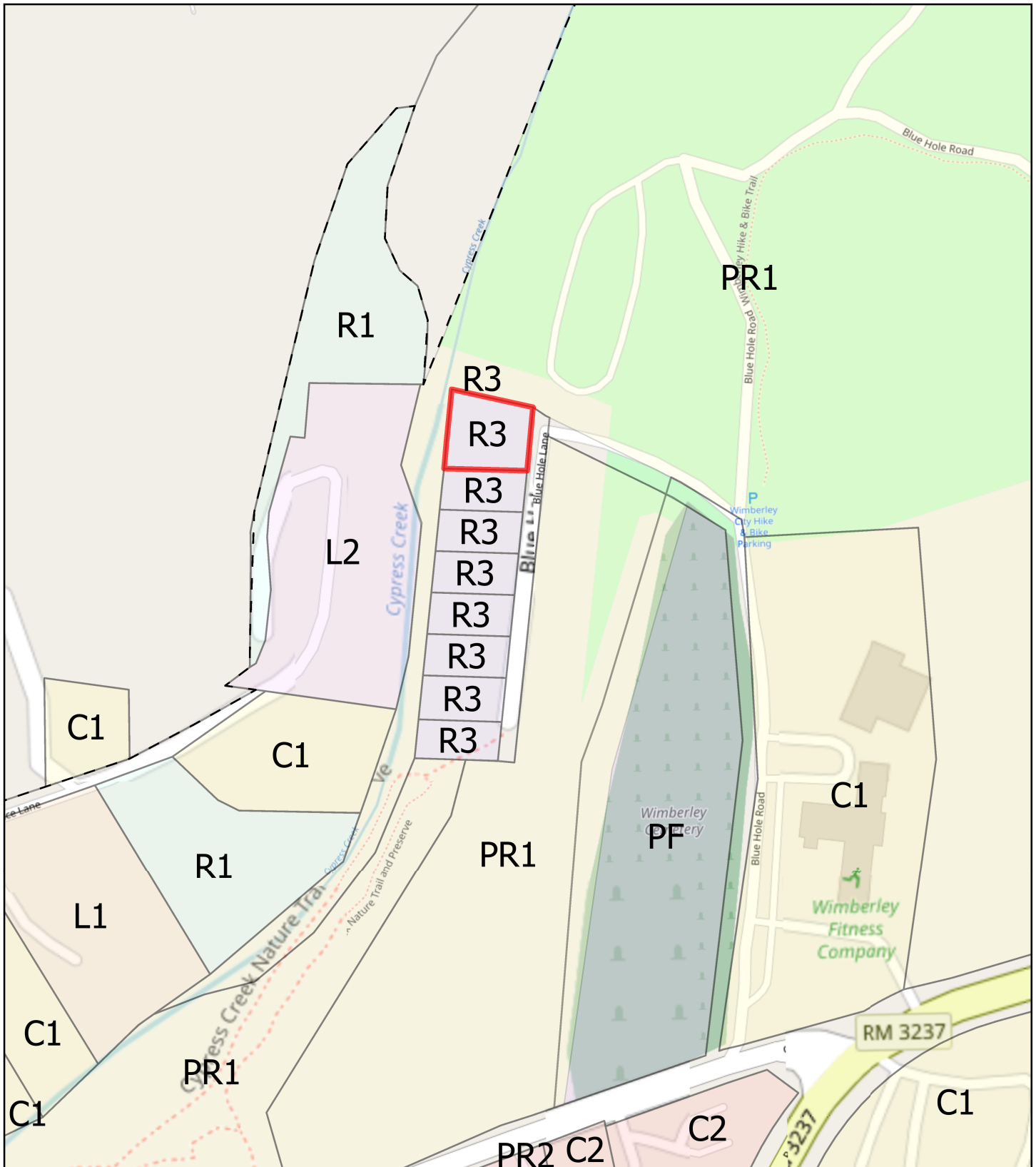
RE: FILE CUP-23-014
213 BLUE HOLE LANE WIMBERLEY

Mr. Nathan Glaiser

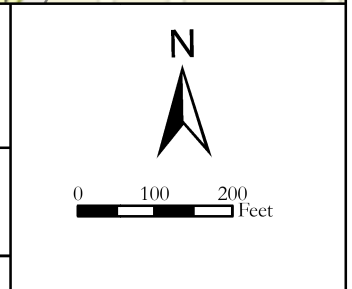
I have known the Lowe family for many years. I know the family, and especially Zachary, to be conscientious homeowners always considering their neighbors, and improving their property. I believe they will be just as considerate of the neighbors and property as owners of a VRBO. With that said, my wife Cindy and I hope they will be approved for a Conditional Use Permit (CUP) so they can operate a VRBO.

SINCERELY,

GARY AND CINDY STADLER
211 BLUE HOLE LANE
WIMBERLEY TEXAS, 78676



CUP-23-014		Legend
© OpenStreetMap (and) contributors, CC-BY-SA		 213 Blue Hole Ln
2023		Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet





AGENDA ITEM:	CUP-23-015 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Public Works Director
DATE SUBMITTED:	September 1, 2023
MEETING DATE:	October 12 (P&Z) / October 19, 2023 (City Council)

REPORT

ITEM

The applicants, Rachel & Scott Baker, have requested a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on property located at 900 FM 2325, Wimberley. The property is .5 acres and zoned Commercial Low impact 1. It currently has three buildings on the property, one single-family residence, one accessory building, and one personal storage building. The personal storage building is a non-conforming use. The applicants are requesting to remodel the accessory building into a 2-bedroom vacation rental. The applicants are requesting a maximum occupancy of 4 guests.

PROPERTY INFORMATION

Property Description

Applicant(s):	Rachel & Scott Baker
Property Address:	900 FM 2325
Property Owner:	Rachel & Scott Baker
Legal Description:	Rankin Survey
Property Size:	.5 acres
Existing Use of Property:	Residence & storage
Existing Zoning:	C1
Shared Infrastructure	None
Request:	Vacation Rental (STR2)
Planning Area:	IV
Overlay District:	Entrance Corridor

Surrounding Property:

Frontage: FM 2325

Surrounding Zoning

Current Zoning:

Existing Land Use:

& Land Use	North of Property	NS	Business Park
	South of Property	C1	Commercial
	East of Property	R2	Residential
	West of Property	C1	Commercial

COMMENTS

Staff has not received any comments from citizens as of 10/2/2023.

RECOMMENDATION

Staff defers to Planning & Zoning Commission for their recommendation.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): September 22, 2023
Published Legal Notice (Wimberley View): September 28, 2023

ATTACHMENT/S

- Application
- Zoning Map



CITY OF WIMBERLEY

Conditional Use Permit Planning & Development

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$650): ☐ _____

Applicant: Rachel & Scott Baker
Mailing Address: 900 FM 2325 City: Wimberley State: TX Zip: 78676
Phone: [REDACTED] Email: [REDACTED]

OWNER'S INFORMATION

Property Owner: Same As Above
Mailing Address: _____ City: _____ State: _____ Zip: _____
Phone: [REDACTED] Email: [REDACTED]

PROJECT SITE ADDRESS: 900 FM 2325 Wimberley, TX 78676
Legal description: Being .50 acre of land out of The Rankin Survey (R.S.)
Total Acreage or Square Footage: 1/2 acre (1.50) Deed recorded in: 12-30-2021
Hays CAD Parcel ID R- 17525 Planning Area: _____ Zoning: C-1
Is property located in an overlay district? ☐ Yes ☒ No If Yes, type: _____
SPECIFIC CONDITIONAL USE REQUEST: STR - 2

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. City Waste-Water 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.

Forms & Applications October 2021 1

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 (see permit)
- ☒ 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: _____

Rachael Bub
Joe Du

Date: 9-1-2023
9-1-2023

Forms & Applications October 2021 2

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 None 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:

Rachel Baker
OWNER SIGNATURE

Rachel Baker
PRINT NAME

9-1-2023
DATE

Scott Baker
OWNER SIGNATURE

Scott Baker
PRINT NAME

9-1-2023
DATE

Forms & Applications October 2021 4

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

OWNER: Rachel & Scott Baker

LOCATION OF PROPERTY: 900 FM 2325 Wimberley, TX 78676

LEGAL DESCRIPTION: Being 50 acres of land out of the R.S. Rankin Survey

PLANNING AREA: _____ PRESENT ZONING: C-1

EXISTING USE: Workshop

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

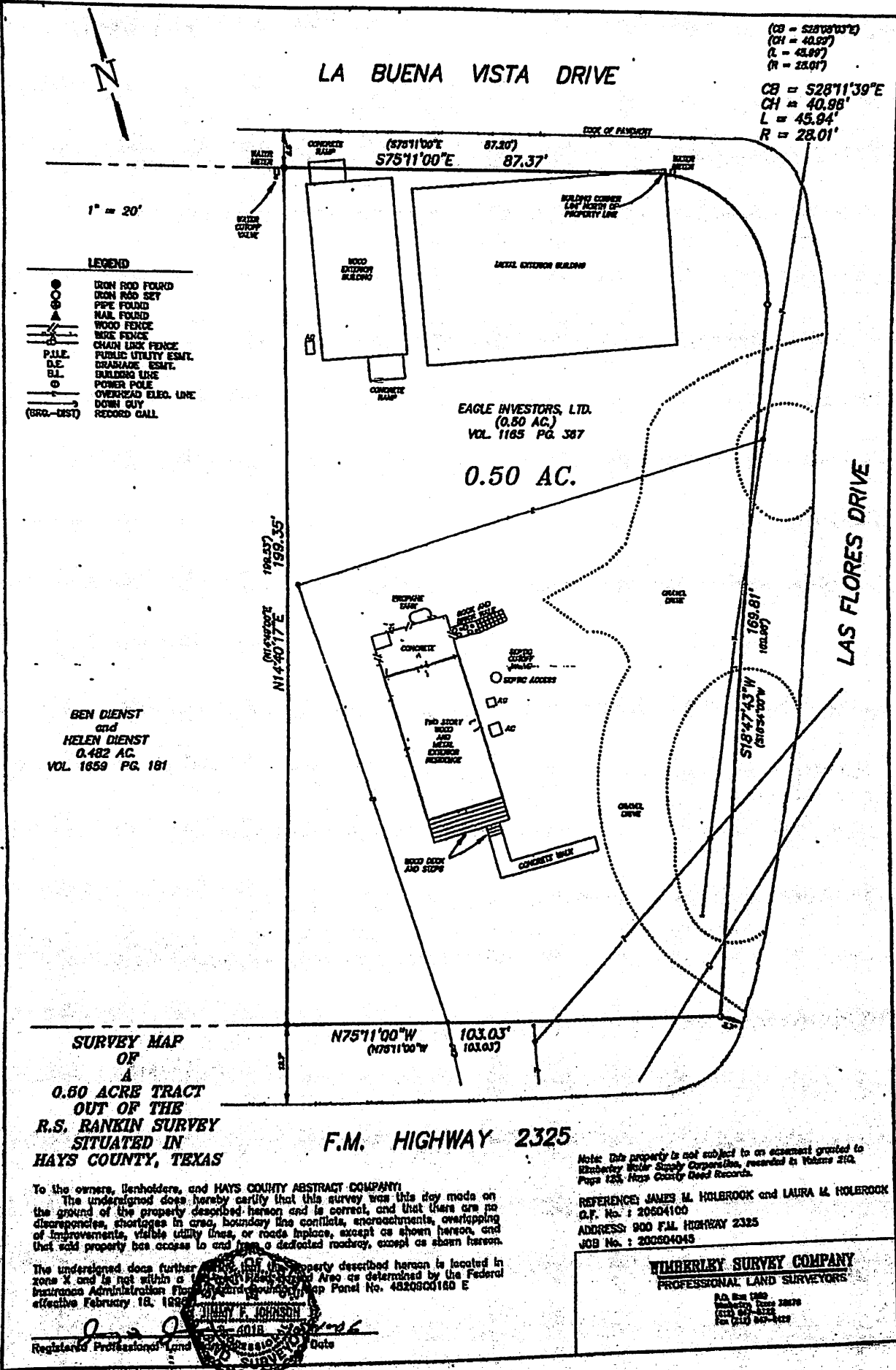
OFF-STREET PARKING: All parking will be off-street. ☒ Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 4 guests. Parking will be in these spaces only.

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 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: 2 PROPOSED MAXIMUM OCCUPANCY: 2-4 guests.

Forms & Applications October 2021 3



- LEGEND**
- IRON ROD FOUND
 - IRON ROD SET
 - PIPE FOUND
 - ▲ NAIL FOUND
 - WOOD FENCE
 - WIRE FENCE
 - CHAIN LINK FENCE
 - PUBLIC UTILITY ESMT.
 - DRAINAGE ESMT.
 - BUILDING LINE
 - POWER POLE
 - OVERHEAD ELEC. LINE
 - DOWN GUY
 - RECORD CALL
- (BRG-TEST)

BEN DIENST
and
HELEN DIENST
0.482 AC.
VOL. 1659 PG. 181

**SURVEY MAP
OF
A
0.50 ACRE TRACT
OUT OF THE
R.S. RANKIN SURVEY
SITUATED IN
HAYS COUNTY, TEXAS**

F.M. HIGHWAY 2325

To the owners, lessors, and HAYS COUNTY ABSTRACT COMPANY:
The undersigned does hereby certify that this survey was this day made on the ground of the property described hereon and is correct, and that there are no discrepancies, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visible utility lines, or roads in place, except as shown hereon, and that said property has access to and from a dedicated roadway, except as shown hereon.

The undersigned does further certify that the property described hereon is located in zone X and is not within a Federal Flood Hazard Area as determined by the Federal Insurance Administration Flood Hazard Insurance Map Panel No. 4820SC0160 E effective February 18, 1959.

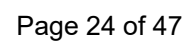
Registered Professional Land Surveyor
JIMMY E. JOHNSON
4018
Date

Note: This property is not subject to an easement granted to Kibben's Water Supply Corporation, recorded in Volume 210, Page 125, Hays County Deed Records.

REFERENCE: JAMES M. HOLBROOK and LAURA M. HOLBROOK
O.F. No. : 20604100
ADDRESS: 900 FAL HIGHWAY 2325
JOB No. : 200504045

WIMBERLEY SURVEY COMPANY
PROFESSIONAL LAND SURVEYORS

P.O. Box 1282
Wimberley, Texas 77875
(512) 839-4128
Fax (512) 839-4129





AGENDA ITEM:	CUP-23-016 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Public Works Director
DATE SUBMITTED:	September 6, 2023
MEETING DATE:	October 12 (P&Z) / October 19, 2023 (City Council)

REPORT

ITEM

The applicants, Jessica Verma, have requested a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on property located at 100 Box Canyon Dr, Wimberley. The property is 6 acres and zoned Residential Acreage. It currently has three buildings on the property, one single-family residence, one accessory dwelling, and garage. The applicants are requesting a short-term rental 2 for the main building with a maximum occupancy of 14 guest.

PROPERTY INFORMATION

Property Description

Applicant(s):	Jessica Verma
Property Address:	100 Box Canyon
Property Owner:	Arun S. Verma and Jessica B. Verma
Legal Description:	John W Keeley Survey
Property Size:	6 acres
Existing Use of Property:	Single Family Residence
Existing Zoning:	RA
Shared Infrastructure	None
Request:	Vacation Rental (STR2)
Planning Area:	I and VII
Overlay District:	Entrance Corridor

Surrounding Property:

Frontage: FM 3237

Surrounding Zoning & Land Use	North of Property	Current Zoning: R1	Existing Land Use: Residential
--	--------------------------	------------------------------	--

South of Property	RA	Residential
East of Property	R2	Residential
West of Property	ETJ	Commercial

COMMENTS

Staff has not received any comments from citizens as of 10/3/2023.

RECOMMENDATION

Staff defers to Planning & Zoning Commission for their recommendation.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'):	September 22, 2023
Published Legal Notice (Wimberley View):	September 28, 2023

ATTACHMENT/S

- Application
- Zoning Map



Conditional Use Permit
Planning & Development

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$650): ☐ _____

Applicant: Jessica Verma

Mailing Address: 801 White River Drive City: Prosper State: TX Zip: 75078

Phone: [REDACTED] Email: [REDACTED]

OWNER'S INFORMATION

Property Owner: Arun S. Verma and Jessica B. Verma

Mailing Address: 801 White River Drive City: Prosper State: TX Zip: 75078

Phone: [REDACTED] Email: [REDACTED]

PROJECT SITE ADDRESS: 100 Box Canyon Rd. Wimberley, TX 78676

Legal description: A0277 JOHN W KEELEY SURVEY, ACRES 5.998

Total Acreage or Square Footage: 3300sf Deed recorded in: 2023

Hays CAD Parcel ID R- 15819 Planning Area: MAIN HOUSE Zoning: RA

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: Private Well

Wastewater Service or Septic Permit No. 1041

*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: _____

J Verma

Date: _____

9/6/23

Forms & Applications October 2021 2

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

OWNER: Arun and Jessica Verma

LOCATION OF PROPERTY: 100 Box Canyon Rd, Wimberley, TX 78676

LEGAL DESCRIPTION: A0277 JOHN W KEELEY SURVEY, ACRES 5.998

PLANNING AREA: MAIN HOUSE PRESENT ZONING: RA

EXISTING USE: Previously a recovery center

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. 5 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: 5 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 _____ 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

Arun Verma

PRINT NAME

9/6/23
DATE


OWNER SIGNATURE

Jessica Verma

PRINT NAME

9/6/23
DATE

GF NO. KTGAUS-22-1566 KEY TITLE GROUP
ADDRESS: 100 BOX CANYON ROAD
WIMBERLEY, TEXAS 78676
BORROWER: ARUN S. VERMA AND
JESSICA B. VERMA

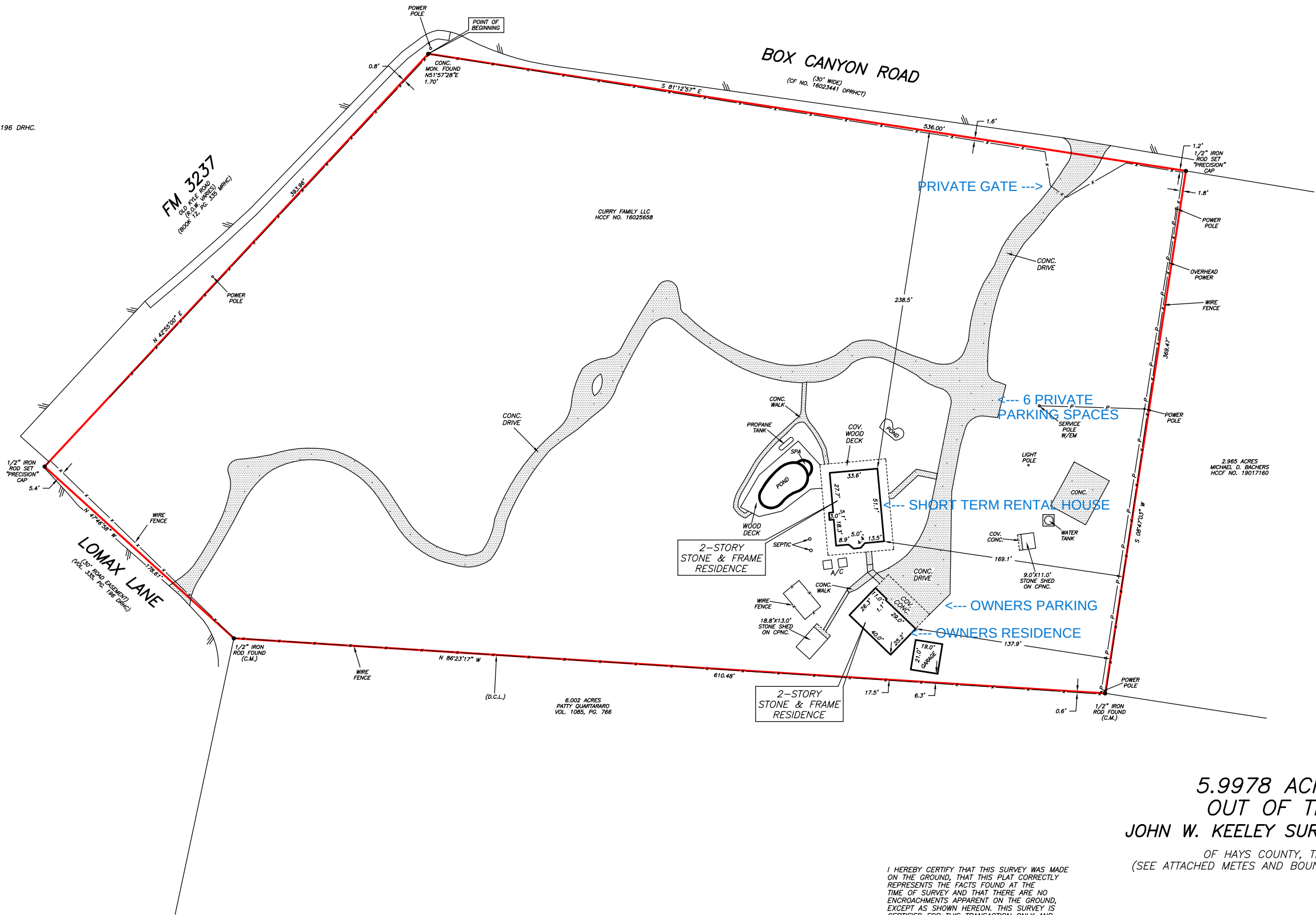
THIS PROPERTY DOES NOT LIE WITHIN THE
100 YEAR FLOOD PLAIN AS ESTABLISHED
BY THE U.S. DEPT. OF HOUSING & URBAN
DEVELOPMENT.
COMMUNITY/PANEL NO. 48209C 0239 F
MAP REVISION: 09/02/2005
ZONE X

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

NOTE: RIGHT OF WAY EASEMENT PER VOL. 335, PG. 196 DRHC.

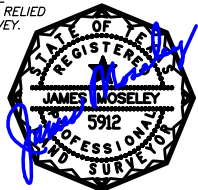
SCALE: 1" = 50'



5.9978 ACRES
OUT OF THE
JOHN W. KEELEY SURVEY, A-277
OF HAYS COUNTY, TEXAS
(SEE ATTACHED METES AND BOUNDS DESCRIPTION)

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.

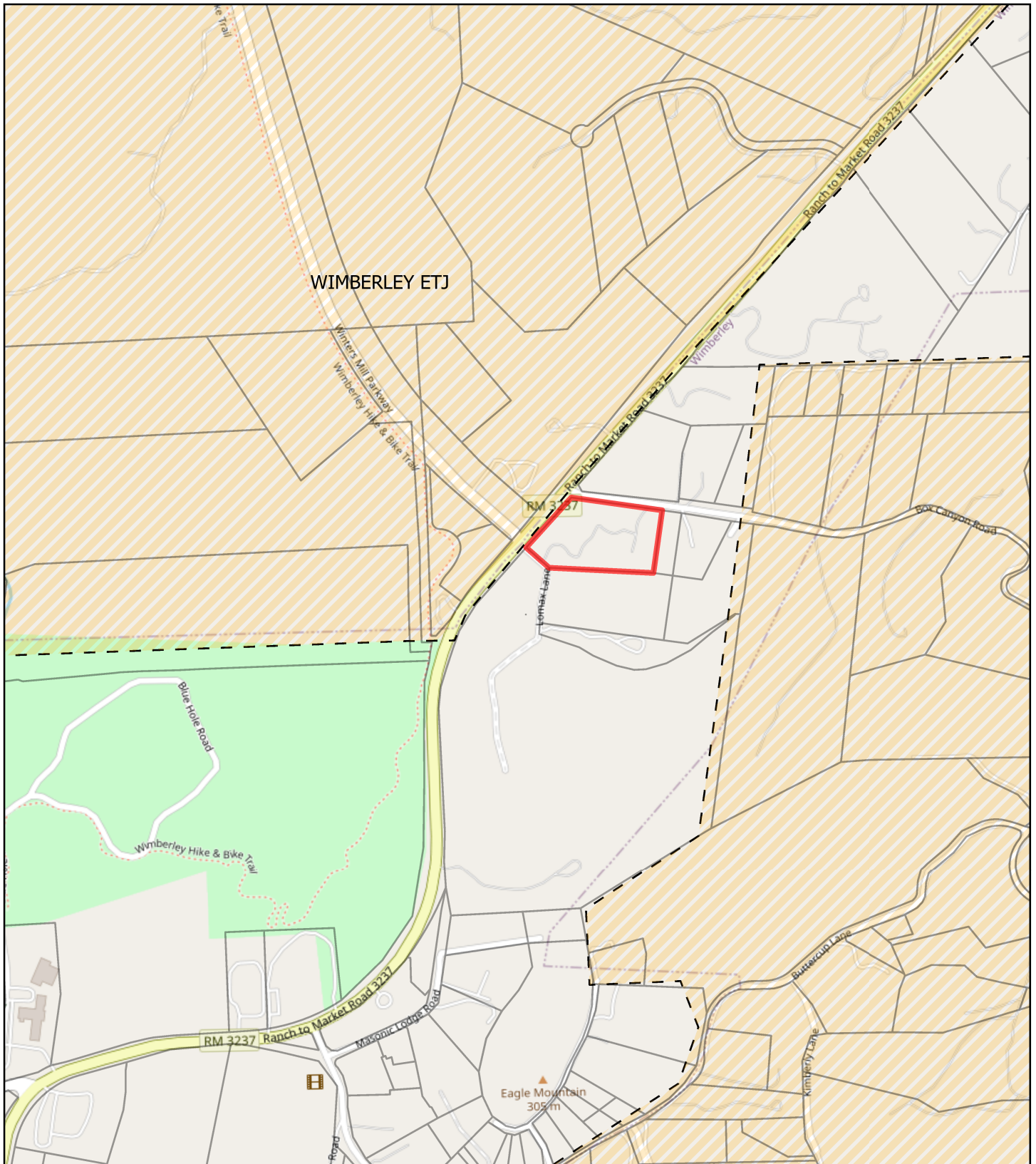
JAMES E. MOSELEY
PROFESSIONAL LAND SURVEYOR
NO. 5912
DRAWING NO. SA2023-01340
APRIL 27, 2023



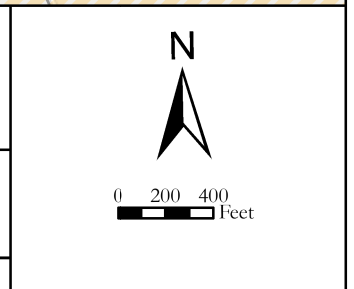
D.C.L.=DIRECTIONAL CONTROL LINE
RECORD BEARING: HCCF NO. 16025658

DRAWN BY: JB

PRECISION SURVEYORS
PROFESSIONAL LAND SURVEYS
1-800-LANDSURVEY
www.precisionlandsurvey.com
281-496-1586 FAX 281-496-1867
950 THIRDAVENUE STREET SUITE 130 HOUSTON, TEXAS 77079
210-529-4941 FAX 210-529-1555
1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
FIRM NO. 10063700



CUP-23-016	Legend 100 Box Canyon
© OpenStreetMap (and) contributors, CC-BY-SA	2023
Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet	





AGENDA ITEM:	ZA-23-005 – C1 to C3
SUBMITTED BY:	Nathan Glaiser, Planning and Development Coordinator
DATE SUBMITTED:	October 16, 2023
MEETING DATE:	November 9, 2023 (P&Z) / November 16, 2023 (City Council)

REPORT

ITEM

The applicant, Philip V. Giglio (owner: Patricia Carol White), has requested a zoning amendment to change the zoning from Commercial Low Impact C-1 to Commercial High Impact C-3 for property located at 151 Ranch Road 12, Wimberley. The property is .227 acres and though it is zoned Commercial Low Impact 1, it is currently being used as a single-family residence. It is on City Sewer. It is in planning area V which is defined as “the primary location for high impact community and regional services.” The applicant is proposing to change the use of the property to a gelateria and café, serving small plates and beer/wine. A gelateria serves gelato, a type of Italian ice cream.

Commercial Low Impact 1 is defined as:

“The C-1, commercial 1 district is established as a limited retail category intended for the purpose of supplying day-to-day needs and personal services. Establishments may include small, freestanding retail structures, and personal service establishments.”

Commercial High Impact 3 is defined as:

“The C-3, commercial 3 district is established to provide areas for more intense and concentrated shopping and service facilities for the retail sales of goods and services. These shopping areas shall utilize established landscape and buffering requirements. The C-3 district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.”

PROPERTY INFORMATION

Property Description

Applicant(s):	Philip V. Giglio
Property Address:	151 Old Kyle Rd
Property Owner:	Patricia Carol White
Legal Description:	Oldham Lot 10
Property Size:	.227

Existing Use of Property: Single-Family Residential
Existing Zoning: C1
Shared Infrastructure None
Request: C3
Planning Area: V
Overlay District: City Center, Historical Preservation District (HD)

Surrounding Property:

Frontage: Old Kyle

		Current Zoning:	Existing Land Use:
Surrounding Zoning & Land Use	North of Property	C3	Commercial
	South of Property	C2	Commercial
	East of Property	C3	Commercial
	West of Property	C3	Commercial

COMMENTS

Staff has not received any comments from citizens as of 11/3/2023.

STAFF ANALYSIS

Review Criteria and *Staff Response*.

- A. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole;

The subject property is surrounded on three sides by C3 properties. The majority of uses surrounding property are restaurants serving beer/wine, which is what the applicants are proposing. In general, the subject property is located in Wimberley's City Center and Planning Area V, which is the area determined to be most appropriate for high impact community and regional services.

- B. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings;

This area was recently provided with a sewer collection system. This property fronts on Old Kyle Road, which is part of the Wimberley Valley Trails Plan. Future plans for Old Kyle Rd include more pedestrian/bike paths and an upgraded one-way street.

- C. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of that vacant land unavailable for development;

In Planning Area V there is currently 4.8 acres zoned C1 and 8.3 acres zoned C3. Most lots in this area have been at least partially developed. Only one property zoned C3 is vacant.

- D. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;

Available land in the C1 and C3 zoning districts is developing rapidly in Planning Area V compared to other areas of Wimberley.

- E. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;

With such a small area being proposed for rezoning, staff does not feel that any other areas designated for similar development will be significantly affected.

- F. Any other factors which will substantially affect the public health, safety, morals, or general welfare; and

Staff does not believe that this request will negatively affect the public health, safety, morals, or general welfare of Wimberley.

- G. Whether granting the request furthers the land use objectives and principles adopted by the city.

Yes, staff finds that this zoning request is supported by the Comprehensive Plan.

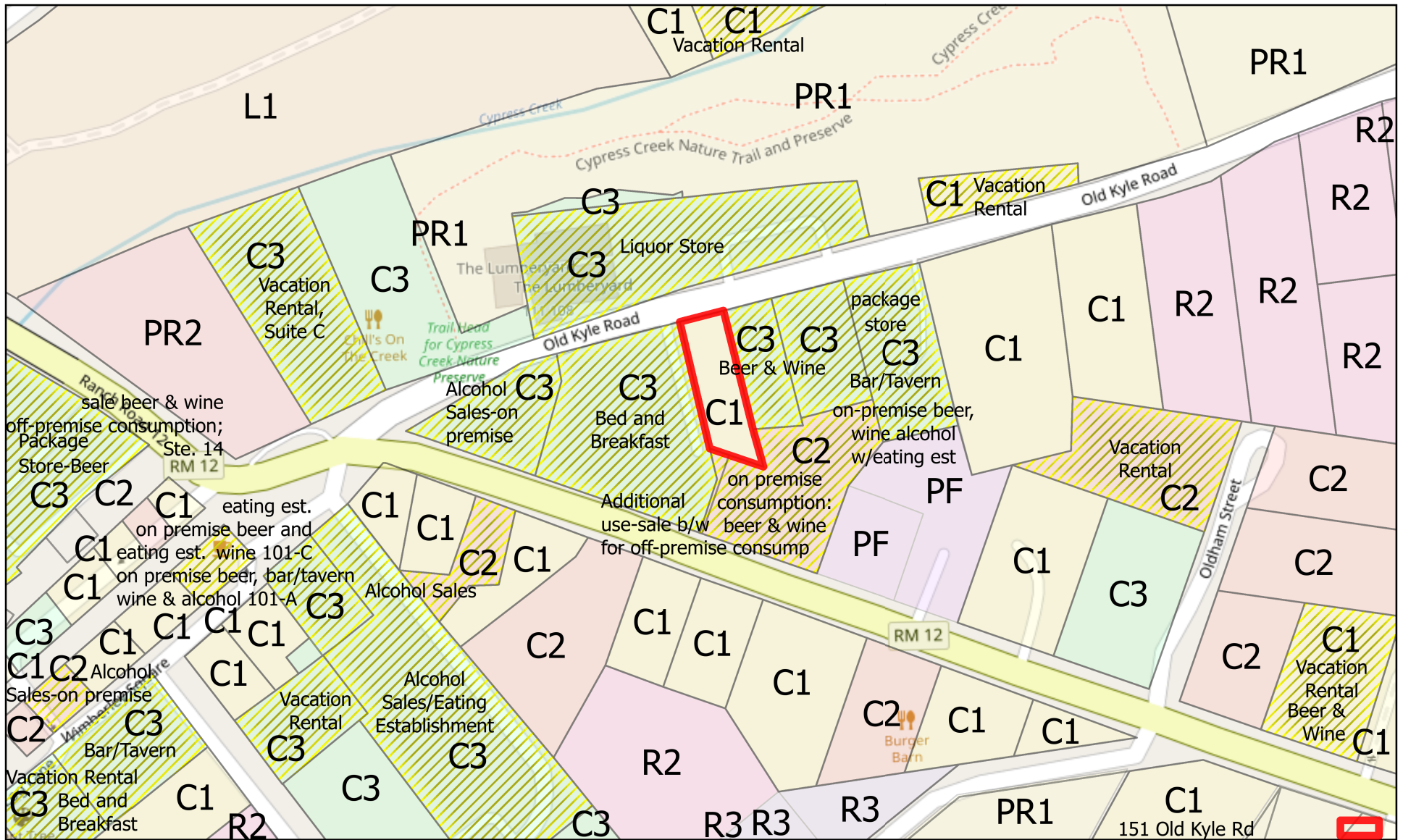
Staff recommends approval of this zoning amendment.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): October 19, 2023
Published Legal Notice (Wimberley View): October 26, 2023

ATTACHMENT/S

- Application
- Zoning Map
- Code of Ordinances C1 & C3



ZA-23-005

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2023

Coordinate System: NAD 1983 StatePlane Texas Central FIPS 4203 Feet



0 100 200 Feet



Commercial Zoning Application

Planning & Development

Non-Residential, Multi-Family, or Mobile Home Development

FOR OFFICE USE ONLY

Application Date: _____ File No.: _____ Fees: \$ _____ Paid: _____
Tentative P&Z Hearing: _____ Tentative City Council Hearing: _____
Planning Area: _____ Zoning Requested: _____ City Initiated: ☐ Yes ☐ No

PROPERTY INFORMATION

STREET ADDRESS OF PROPERTY TO BE ZONED: 151 Old Kyle Rd., Wimberley, Texas

*New Street Addresses can be obtained by calling (512) 393-2160 HAYS COUNTY CAD PROPERTY ID #: R 18606

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY: From City Hall, head North on RR12. Turn Right on Old Kyle Rd and property is on the right.

NOTE: Please clearly mark your property so it is easily identifiable.

TOTAL AREA TO BE ZONED: ACRES .227 (OR) SQ. FT. _____ TOTAL NO. of TRACTS: 1

PLANNING AREAS: V REQUESTED ZONING CLASSIFICATION: C3

PROPOSED USE: Gelateria and cafe serving small plates and beer/wine

EXISTING ZONING CLASSIFICATION(s) AND USES (if applicable): C1 - currently a residence

OWNER'S INFORMATION

Owner's Name: Patricia Carol White Phone No.: _____

Mailing Address: 151 Old Kyle Rd, Wimberley, TX 78676

Email Address: _____

REPRESENTATIVE'S INFORMATION

Representative Name: Philip V. Giglio Phone No.: [REDACTED]

Mailing Address: 495 Thomas Jung Road, Fredericksburg TX 78624

Email Address: [REDACTED]

Name of Real Estate Company Involved: Compass RE Texas, LLC

LEGAL DESCRIPTION

Street Address: 151 Old Kyle Hwy, Wimberley, TX 78676 Subdivision: Oldham

Block(s) _____ Lot(s) 10 Plat Book: _____ Page Number: _____

DEED RECORDS: (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER):

VOLUME: _____ PAGE: _____ OF COUNTY PLAT RECORDS

OTHER PROVISIONSIs Property in an Overlay District? X Yes No UnknownTYPE OF OVERLAY ZONE(S) (if applicable) Historic; City Center OverlayFLOOD PLAIN (What, if any, flood zone does your property occupy?): NoELECTRIC UTILITY PROVIDER: Pedernales ElectricWATER UTILITY PROVIDER: City of WimberleyWASTEWATER UTILITY PROVIDER: Aqua TexasHAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): NA**SITE INSPECTION AUTHORIZATION**

Applicant, Owner, or Applicant's authorized agent hereby authorizes the City of Wimberley representatives to visit and inspect the property for which this application is being submitted.

Date: 10/13/2023APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: 10/13/2023AGENT SIGNATURE **ACKNOWLEDGMENT OF EXISTING**

Subdivision Plat Notes, Deed Restrictions Restrictive Covenants and/or
Zoning Conditional Use Permits

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 151 Old Kyle Rd., Wimberley TX 78676, and more particularly known as Lot 10, Block of the Oldham Subdivision.

If a conflict should result with the request, I am submitting to the City of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits.

I understand that if requested, I must provide copies of all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 10/13/2023APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: 10/13/2023AGENT SIGNATURE 

Forms & Applications October 2021

SUBMITTAL CHECKLIST

TO ENSURE THAT YOU HAVE COMPLIED WITH THE ZONING APPLICATION REQUIREMENTS, REVIEW THE FOLLOWING LIST. FAILURE TO COMPLETE THE NECESSARY STEPS CAN CAUSE A DELAY IN PROCESSING YOUR APPLICATION.

- ☐ Complete "Application for Zoning"
- ☐ Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- ☐ Provide plat map of the specific property to be zoned.
- ☐ Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- ☐ Provide a legal description of the property to be zoned.
- ☐ Sign/date Submittal Verification form.
- ☐ Sign/date Site Inspection Authorization form.
- ☐ Sign/date Acknowledgement Form.
- ☐ Pay Zoning Fee (this fee is based on the cost of services incurred by the City of Wimberley in reviewing, processing, and recording the zoning request).
- ☐ Applicant agrees to attend a pre-zoning conference prior to acceptance of Application.
- ☐ Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning.
- ☐ Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning or waives his/her rights of appearance (see below).

Related Cases, If Applicable

- | | |
|--|----------------|
| ☐ Zoning | File No. _____ |
| ☐ Building Permit | File No. _____ |
| ☐ Subdivision | File No. _____ |
| ☐ Sign Permit | File No. _____ |
| ☐ Engineered construction | File No. _____ |

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

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 representative, may delay the review of the Application.

I hereby waive my right to appear before the City of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 10/13/2023

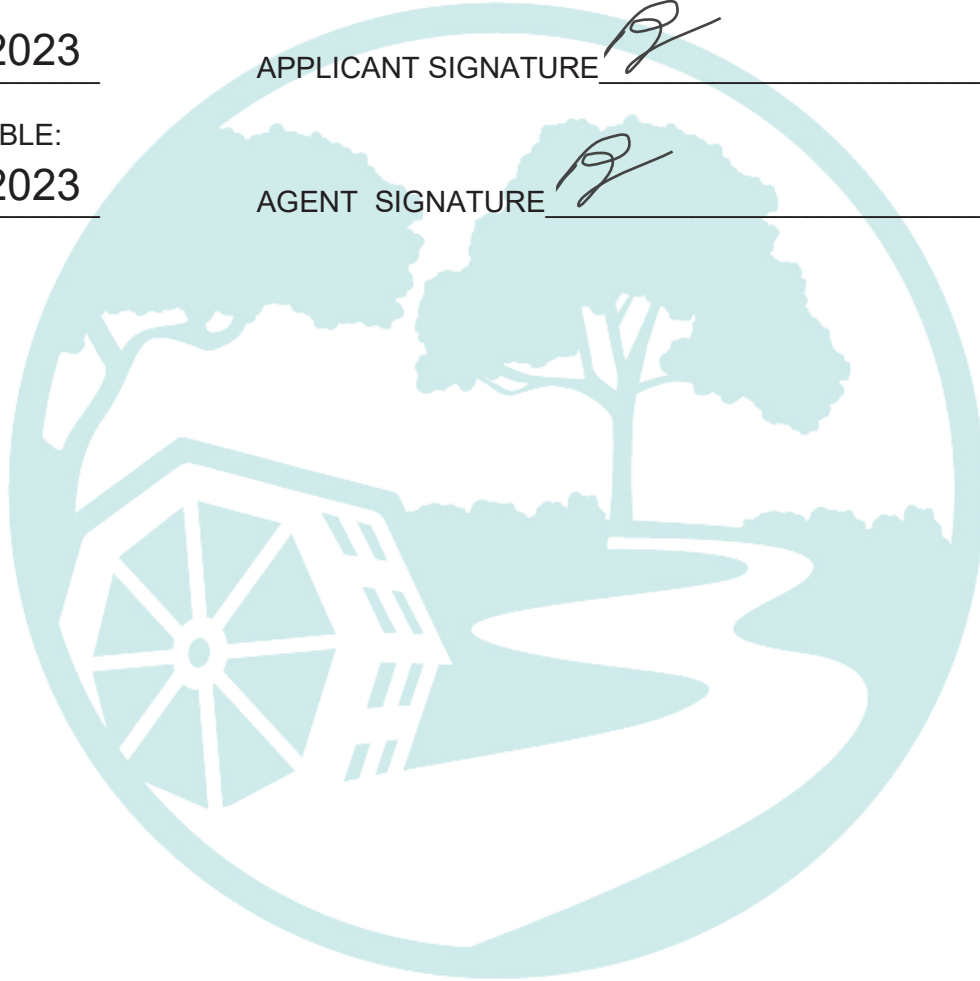
APPLICANT SIGNATURE



WHEN APPLICABLE:

Date: 10/13/2023

AGENT SIGNATURE



DEER LAKE ROAD
(OLD WIMBERLEY-KYLE ROAD)

(N 78°12' E 40.00')
N 75°48'49" E 59.96'

JOHN DUNN JR. TO
WIMBERLEY J&G LTD.
LESS & EXCEPT
0.015 ACRES

D/E/TEL/CBL

14.0'
COVERED PORCH

27.8'
ONE STORY FRAME HOUSE
32.7'
15.7'
PORCH
12.1'

JOHN F. DUNN, JR. TO
WIMBERLEY J&G LTD.
0.23 ACRES

SEWAGE TANK

LARRY FOWLER et al TO
JOHN DUNN JR. et al
0.01 ACRES

JOHN DUNN JR. TO
WIMBERLEY J&G LTD.
0.012 ACRES

JOHN DUNN et al TO
EL DONADO TRADING POST
0.01 ACRES

JOHN DUNN et al TO
EL DONADO TRADING POST
0.00 ACRES



ORIGINAL SCALE
1" = 10'

LEGEND

- HAYS COUNTY PLAT RECORDS
- HAYS COUNTY DEED RECORDS
- IRON ROD FOUND
-
- CALCULATED POINT
- WIRE FENCE
- CHAIN LINK FENCE
- OVERHEAD UTILITIES/POLE

SURVEYOR'S NOTES

1. THIS SURVEY WAS MADE IN CONJUNCTION WITH A TITLE COMMITMENT OF JEL BRIDGES, DATED JANUARY 6, 2009 AND PREPARED BY HAYS COUNTY AND TRACT DEPARTMENT.
2. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP, DATED 06/18/90, THIS TRACT IS NOT WITHIN FLOOD OR A SPECIAL FLOOD HAZARD AREA.
3. BENCHMARKS AND DISTANCES IN PARENTHESES ARE RECORD INFORMATION.
4. THIS LOT IS SUBJECT TO A BLANKET EASEMENT TO DEAN, BOYER AND TRACY AS APPLICABLE IN VOLUME 27, PAGE 167 OF THE HAYS COUNTY REAL PROPERTY RECORDS.

I, hereby certify that this plat is true and correct to the best of my knowledge and belief as shown on the ground January 28,

J. Dale Moon
J. Dale Moon
Registered Professional Land Surveyor
License Number: 330

A SURVEY
0.227 ACRES OF LAND
OUT OF LOT 10 OF THE
CHARLES & OLLIE OLDHAM SUBDIVISION
IN THE AMASA TURNER SURVEY # 1
WIMBERLEY, TEXAS

FRONTIER
SURVEYING COMPANY
710 BUFFALO ST. SUITE 302
CORPUS CHRISTI, TX. 78401
(512) 881-8044 FAX (512) 881-8340

DRAWN BY: ARL P. DATE:

Division 3. District Regulations

Sec. 9.03.083 Commercial - Low Impact; C-1

(a) General purpose and description. The C-1, Commercial 1 district is established as a limited retail category intended for the purpose of supplying day-to-day needs and personal services. Establishments may include small, freestanding retail structures, and personal service establishments.

(b) Permitted uses.

- (1) Administrative and professional office:
 - (A) Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;
 - (B) Photography studios, doctors, dentists;
 - (C) Nonprofit organizations (with certain restrictions);
 - (D) Civic uses (such as city halls);
 - (E) Research services: limited; and
 - (F) Office.
- (2) Religious assembly;
- (3) Retail sales and services: limited;
- (4) Business support services;
- (5) Child care center;
- (6) Repair services: consumer;
- (7) Eating establishments: sit-down, not including the sale of beer, wine, or alcohol for on-premises consumption;
- (8) Animal sales and services: grooming;
- (9) Convalescent services;
- (10) Arts and crafts sales and instruction;
- (11) Commercial/single-family residential;
- (12) Adult day care facility;
- (13) Private primary educational services;
- (14) Private secondary educational services;
- (15) Medical services: limited;
- (16) Personal services: limited;
- (17) Bank and savings and loan;
- (18) Accessory uses to the main use;
- (19) Single-family residence; and

(20) Low impact institutional: residential oriented.

(c) Conditional uses.

- (1) A drive-through or drive-in facility otherwise allowed in any permitted use in this district shall be allowed only with a conditional use permit;
- (2) Bank and savings and loan (drive-through);
- (3) STR1;
- (4) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations;
- (5) Eating establishments: fast food with drive-through order windows;
- (6) Package store;
- (7) Eating establishments: sit-down, including the sale of beer, wine, and alcohol for on-premises consumption;
- (8) STR2; and
- (9) Personal care home.

(d) Development regulations.

- (1) Minimum lot size: 5,000 square feet.
- (2) Maximum building height (as defined in [section 9.03.005](#)):
 - (A) Primary buildings: Not more than 2 stories and not more than 28 feet or 35 feet with gable roof;
 - (B) Accessory buildings: Not more than 18 feet and not more than one story; and
 - (C) Decks: Not more than 12 feet including a railing only or 18 feet including a roof.
- (3) The minimum setbacks shall be the larger of the dimensions in [section 9.03.184](#)(a), table A, or the following:
 - (A) Dominant street: 10 feet;
 - (B) Secondary street: 10 feet; and
 - (C) Interior side or rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than one story.
- (4) Maximum impervious cover: 70%. Impervious coverage shall be calculated as a percentage of the net site area.
- (5) Maximum building coverage: 60%. Building coverage shall be calculated as a percentage of the net site area.
- (6) Maximum building footprint: 11,500 square feet.
- (7) Maximum floor area: 15,000 square feet.

(e) Special requirements.

- (1) Open storage is prohibited.
- (2) For site plan requirements, see [section 9.03.183](#).

(3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling or nonresidential purposes.

(f) Other regulations. As established in [division 5](#) of this article, development standards.

(g) Parking regulations. As required by [section 9.03.181](#), off-street parking and loading requirements.

(Ordinance 2001-010, sec. 26, adopted 4/1/01; Ordinance 2003-006 adopted 7/3/03; Ordinance 2004-017 adopted 8/5/04; 2006 Code, sec. 155.047; Ordinance 2006-013 adopted 11/2/06; Ordinance 2008-009, sec. II(A), adopted 2/21/08; Ordinance 2008-023, sec. II(L), adopted 7/17/08; Ordinance 2009-031, sec. II(B), (C), adopted 7/16/09; Ordinance 2009-050, sec. II(F), adopted 12/3/09; Ordinance 2011-004, sec. II(F), adopted 1/20/11; Ordinance 2012-003, sec. II(C), adopted 2/2/12; Ordinance 2015-005, sec. II(B), (C), adopted 2/19/15; Ordinance 2019-08 adopted 5/2/19)

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