



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, DECEMBER 12, 2024 - 6:00 PM

AGENDA

1. **CALL TO ORDER** December 12, 2024, 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 November 14, 2024 Regular Planning and 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-24-008, an application for a Conditional Use Permit to operate a Short-Term Rental 2 (Vacation Rental) at a property located at 180 Oak Drive, Wimberley, TX.
6. **BOARD MEMBER REPORTS**
 - 6.1. Announcements
 - 6.2. Future Agenda Items
7. **ADJOURNMENT**

EXECUTIVE SESSION NOTE: The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for Executive Session

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. 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, December 9, 2024, 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) 648-2403 two business days in advance of the meeting for appropriate arrangements.





City of Wimberley

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REGULAR PLANNING AND ZONING COMMISSION MEETING

WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676

THURSDAY, NOVEMBER 14, 2024 - 6:00 PM

MINUTES

1. **CALL TO ORDER** November 14, 2024, at 6:00 PM

Chair Anne Ulfelder called the meeting to order at 6:00 p.m.

2. **CALL OF ROLL**

Commissioners Present:

Matt Joyce
Chris Sharp
Ben O'Kane
Anne Ulfelder
Vance McCracken
Jerry Lunow
Michael Rambo

Staff Present:

Nathan Glaiser, Director of Planning & Public Works
Tammy Heller, City Secretary

3. **CITIZENS COMMUNICATIONS**

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No citizen comments this evening.

4. **MINUTES**

- 4.1. Consider approval of the September 12, 2024 Regular Planning and Zoning Commission meeting minutes.

A motion was made by Commissioner O' Kane, seconded by Commissioner Rambo, to approve the September 12, 2024 Planning & Zoning Commission meeting minutes. The motion carried unanimously (7-0).

5. **PUBLIC HEARING AND POSSIBLE ACTION**

- 5.1. Hold a public hearing and consider making a recommendation to City Council regarding case CUP-24-007, an application for a Conditional Use Permit to allow for the sale of beer and wine for on-premise and off-premise consumption at 13615 Ranch Road 12, Wimberley, TX. (*Nathan Glaiser, Director of Planning & Public Works*)

Nathan Glaiser, Director of Planning and Public Works, provided a presentation regarding a Conditional Use Permit to allow for the sale of beer and wine for on-premise and off-premise consumption at 13615 Ranch Road 12, Wimberley Texas. This property was previously operated as a retail business called "The Tree House". The new owner plans to open a wine shop where customers can order a glass of wine to sample and then purchase a bottle to take home. This "Tasting Room" use is not a defined use within the City's Zoning Code. However, it is closely related to conditional uses that are already available in C1 Zoning. This item was properly notified, and no comments have been received. The site plan was presented, and additional parking spots will be added to accommodate the requirements of this space.

Genevieve Guy, applicant, responded to questions posed by the Commission related to outdoor seating and modifications to the building.

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

A motion was made by Commissioner McCracken, seconded by Commissioner Sharp, to approve CUP-24-007, as presented. The motion carried unanimously (7-0).

6. DISCUSSION AND POSSIBLE ACTION

- 6.1. Discuss and consider possible action on a Replat of Lot 38, Paradise Hills, Section 2, and 10.79 acres in the Thomas Carothers Survey, Abstract 106 located at 300 Sunrise Drive, Wimberley.

Nathan Glaiser, Planning and Public Works Director, gave a presentation regarding the replat of Lot 38, Paradise Hills, Section 2 and 10.79 acres in the Thomas Carothers Survey, Abstract 106, located at 300 Sunrise Drive. Mr. Glaiser stated an application was submitted for this replat two weeks ago and state law and our ordinance requires the Planning and Zoning Commission to consider replats within 30 days. Mr. Glaiser stated there was a deficiency in their application, as our City Ordinance requires a larger minimum lot size for lots with steep slopes. Staff recommends denial of this replat due to non-compliance with Section 4.06.004 of the Wimberley City Code of Ordinances.

A question was posed regarding the problem in the application and if the applicant knew of this deficiency. Mr. Glaiser stated the applicant is aware, he knows there are some corrections that will need to be made and there will be some back and forth before a finished product is brought forward. Mr. Glaiser noted that if it is not acted on this evening, it would be automatically approved in 30 days. The applicant is expecting a formal letter from staff to identify the exact concerns.

Chair Ulfelder opened the Public Hearing at 6:15 p.m. There being no comments, the Public Hearing was closed at 6:15 p.m.

A motion was made by Commissioner O'Kane, seconded by Commissioner Rambo to deny the replat of Lot 38, Paradise Hills, Section 2 and 10.79 acres in the Thomas Carothers Survey, Abstract 106 located at 300 Sunrise Drive for non-compliance with Section 4.06.004 of the Wimberley City Code of Ordinances. The motion carried unanimously (7-0).

7. BOARD MEMBER REPORTS

- 7.1. Announcements

No announcements this evening.

7.2. Future Agenda Items

No future agenda items discussed this evening.

8. ADJOURNMENT

Chair Ulfelder adjourned the meeting at 6:16 p.m.

RECORDED BY:

Planning & Zoning Commission Staff Liaison



APPROVED BY:

Planning & Zoning Commission Chairperson



AGENDA ITEM:	CUP-24-008 – Vacation Rental (STR2)
SUBMITTED BY:	Nathan Glaiser, Planning and Public Works Director
DATE SUBMITTED:	November 7, 2024
MEETING DATE:	December 12, 2024 (P&Z) / December 19, 2024 (City Council)

REPORT

ITEM

The applicant, Dana Lombard, has requested a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) on property located at 180 Oak Dr, Wimberley. The property is .482 acres and zoned Single-Family Residential 2. The property is within the City Center Overlay. There is one existing storage building on the property. The applicants are proposing to construct one main residence and one accessory dwelling unit (ADU) to both be used as Short-Term Rentals. They are requesting a maximum of 6 guests in the primary residence and 4 in the ADU. There is available parking on the property. The property is connected to city sewer.

PROPERTY INFORMATION

Property Description

Applicant(s):	Dana Lombard
Property Address:	180 Oak Dr
Property Owner:	Dana Lombard
Legal Description:	0.4824 acre tract described in deed to JC Lane 4/15/1946 Vol 134 Pg 435
Property Size:	.482 Acres
Existing Use of Property:	Not in use
Existing Zoning:	R-2
Shared Infrastructure	None
Request:	Vacation Rental (STR2)
Planning Area:	V
Overlay District:	City Center

Surrounding Property:

Frontage: Oak Dr

Surrounding Zoning

Current Zoning:

Existing Land Use:

& Land Use	North of Property	C3	Oak Park
	South of Property	R1/C1	Residential/Commercial
	East of Property	C3	Vacant/Commercial
	West of Property	C1/R2	Lodging/Vacant

COMMENTS

Staff has received one letter of support (attached) as of 12/9/2024.

RECOMMENDATION

Staff defers to P&Z for their recommendation.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): November 26, 2024
Published Legal Notice (Wimberley View): November 21, 2024

ATTACHMENT/S

- Application





Conditional Use Permit
Planning & Development

FOR OFFICE USE ONLY

Date: _____ CUP - _____ - _____ Staff Review _____

P&Z Hearing: _____ Council Hearing: _____ Fees Paid (\$750): ☐ _____

Applicant: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER'S INFORMATION

Property Owner: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

PROJECT SITE ADDRESS: _____

Legal description: _____

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

Hays CAD Parcel ID R- _____ Planning Area: _____ Zoning: _____

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

SPECIFIC CONDITIONAL USE REQUEST: _____

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: _____

Water provider or Private Well: _____

Wastewater Service or Septic Permit No. _____

*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: _____

Dana S. Leonard

Date: _____

Forms & Applications October 2021 2



(512) 847-0025



www.cityofwimberley.com



221 Stillwater, Wimberley, Texas 78676

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

OWNER: _____

LOCATION OF PROPERTY: _____

LEGAL DESCRIPTION: _____

PLANNING AREA: _____ PRESENT ZONING: _____

EXISTING USE: _____

HOMEOWNERS ASSOCIATION CONTACT INFO: _____

SHARED FACILITIES (RIVER PARK, POOL, ETC.): _____

PROPERTY IN FLOODPLAIN? ☐ YES ☐ NO

GATED COMMUNITY OR PRIVATE STREET? ☐ YES ☐ NO

USE TO BE GRANTED: _____ **Bed & Breakfast** OR _____ **Vacation Rental**

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional “Hill Country” design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules, and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will always be harmonious and compatible with surrounding uses

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

SIGNAGE: All signage will be of traditional “Hill Country” design and will comply with the City Sign Ordinance.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audibles from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single-family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: _____ **PROPOSED MAXIMUM OCCUPANCY:** _____ guests.
Guesthouse-1 ~~Guesthouse-4~~

Forms & Applications October 2021 3

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

PRINT NAME

DATE

OWNER SIGNATURE

PRINT NAME

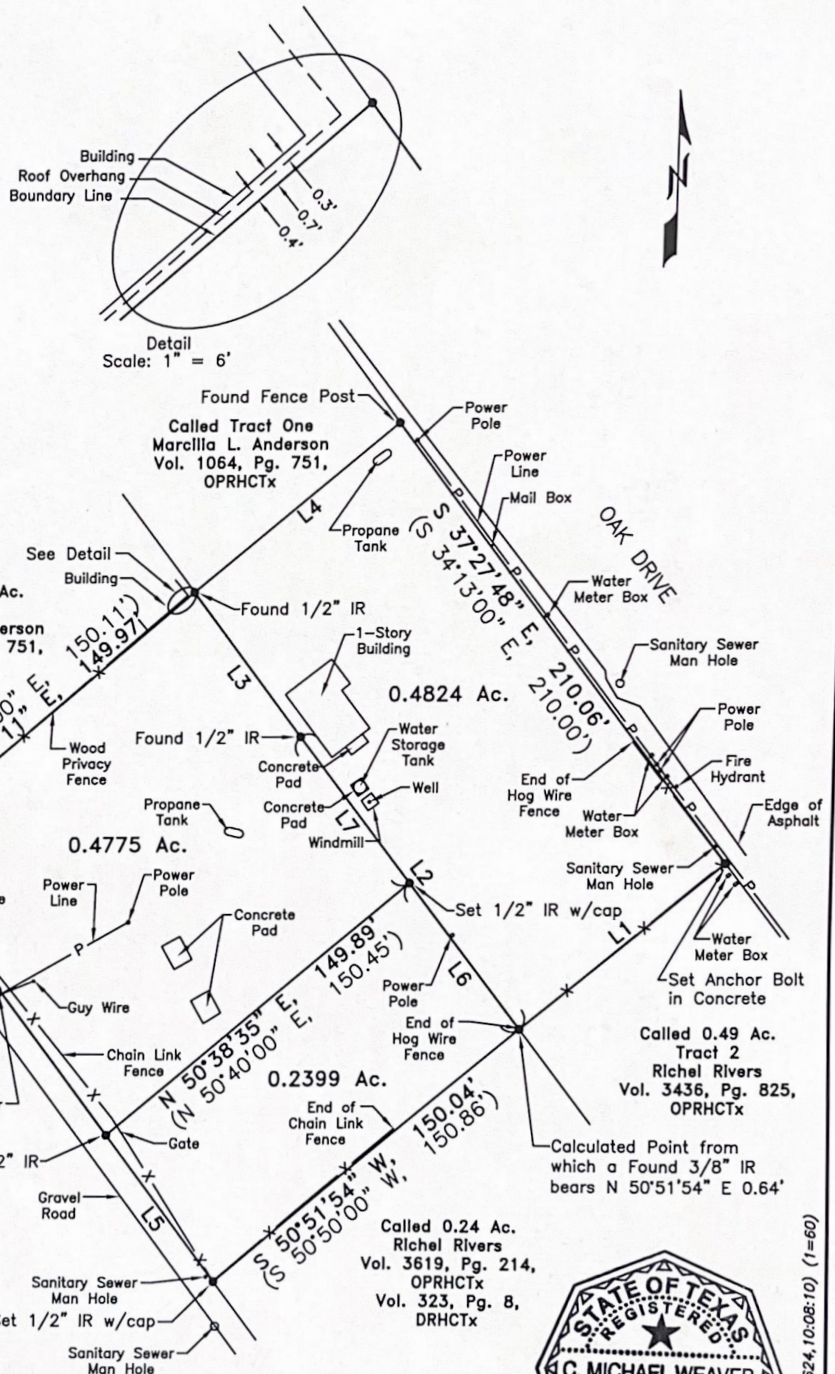
DATE

Line Table

L1	
S 51°10'12" W, 99.78'	
(S 55°47'00" W, 100.00')	
L2	
N 37°43'15" W, 140.37'	
(N 34°13'00" W)	
L3	
N 37°24'36" W, 69.13'	
(N 37°18'00" W, 69.09')	
(L2 / L3)	
(N 34°13'00" W, 210.00')	
L4	
N 50°51'43" E, 100.36'	
(N 55°47'00" E, 100.00')	
L5	
N 37°34'54" W, 69.43'	
(N 37°20'00" W, 69.43')	
L6	
S 37°43'15" E, 70.01'	
(S 37°40'00" E, 69.85')	
L7	
S 37°43'15" E, 70.37'	
(S 37°40'00" E, 69.82')	

Survey of 3 tracts of land

located in the Amasa Turner Survey, Abstract No. 461, Hays County, Texas, being a 0.2399 acre tract that is the same tract called 0.24 acres described as Tract One in deed dated 8/10/1976 from John Albert Clayton to Joy Lane recorded in Volume 287, Page 270 of the Deed Records of Hays County, Texas; a 0.4775 acre tract that is the same tract called 0.48 acres described as Tract Two in said deed recorded in Volume 287, Page 270 of the Deed Records of Hays County, Texas; and a 0.4824 acre tract that is the same tract described in deed dated 4/15/1946 from Mrs. Georgia Belle Clayton to J. C. Lane, recorded in Volume 134, Page 435 of the Deed Records of Hays County, Texas



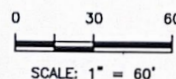
Flood Certificate
Subject property is located in Zone X, not in a FEMA designated flood hazard area, per FIRM map #48209C0355F, dated 9/02/2005.

Survey Notes:

1. Survey based on Texas State Plane Coordinates, South Central Zone, NAD83 (2011), U.S. Feet, Vertical Datum NAVD88

Notes:

1. Record calls in parentheses.
2. Survey performed without title commitment; therefore, all encumbrances may not be shown.
3. There may be building setback lines per City of Wimberley Zoning Ordinance, not shown hereon.
4. Surveyor did not perform a record search for encumbrances or make a One Call request for underground utilities, and accepts no responsibility for those not shown.



C. Michael Weaver
C. Michael Weaver, RPLS #4427

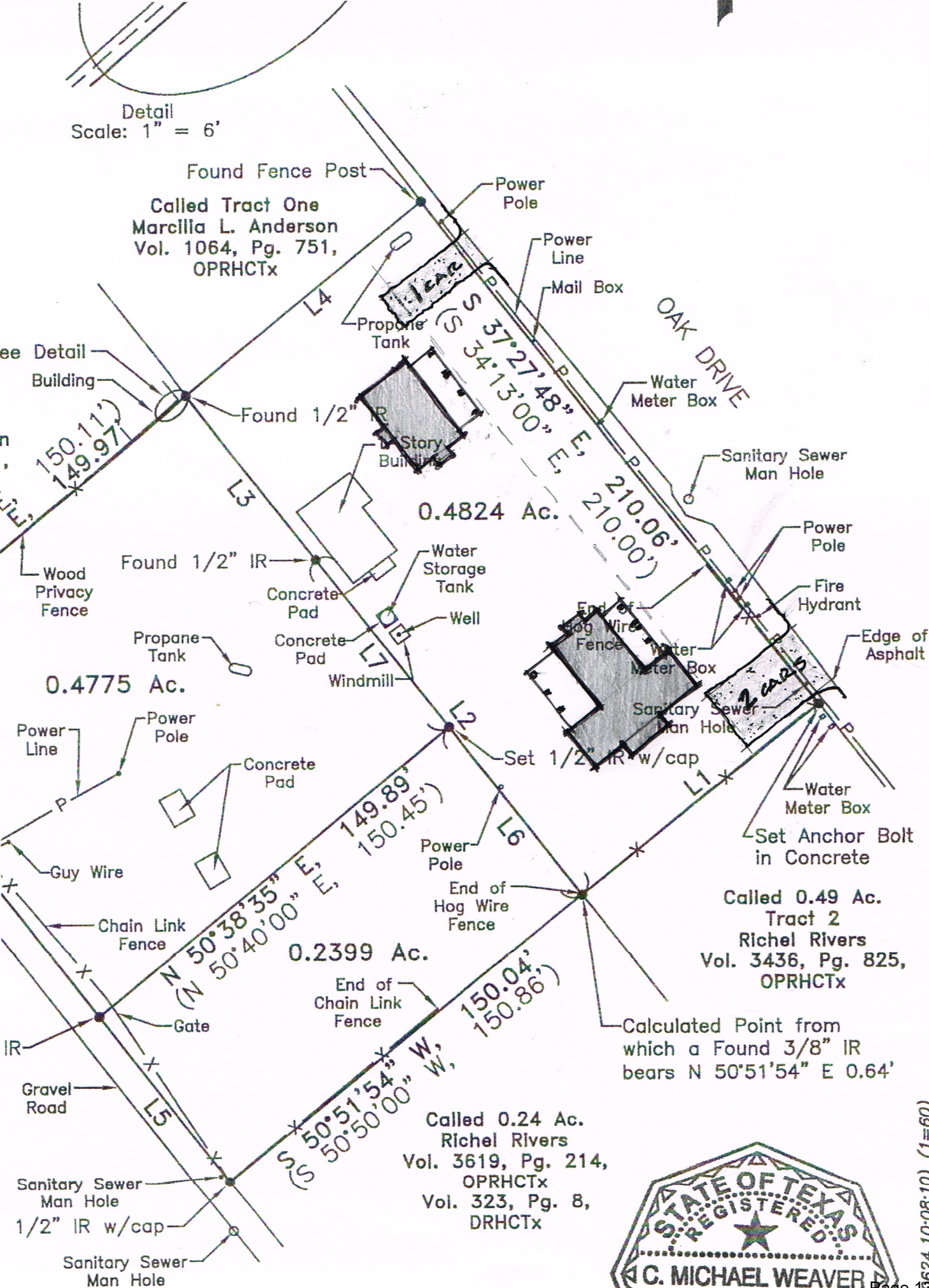
I do hereby certify, on this the 6th day of August, 2024, that this survey was performed under my supervision on the ground, that, to the best of my knowledge, it is correct and that there are no visible encroachments, except as shown.

Weaver Surveying, LLC
TBPELS Firm #10194053
Drawing No. H240626-01A

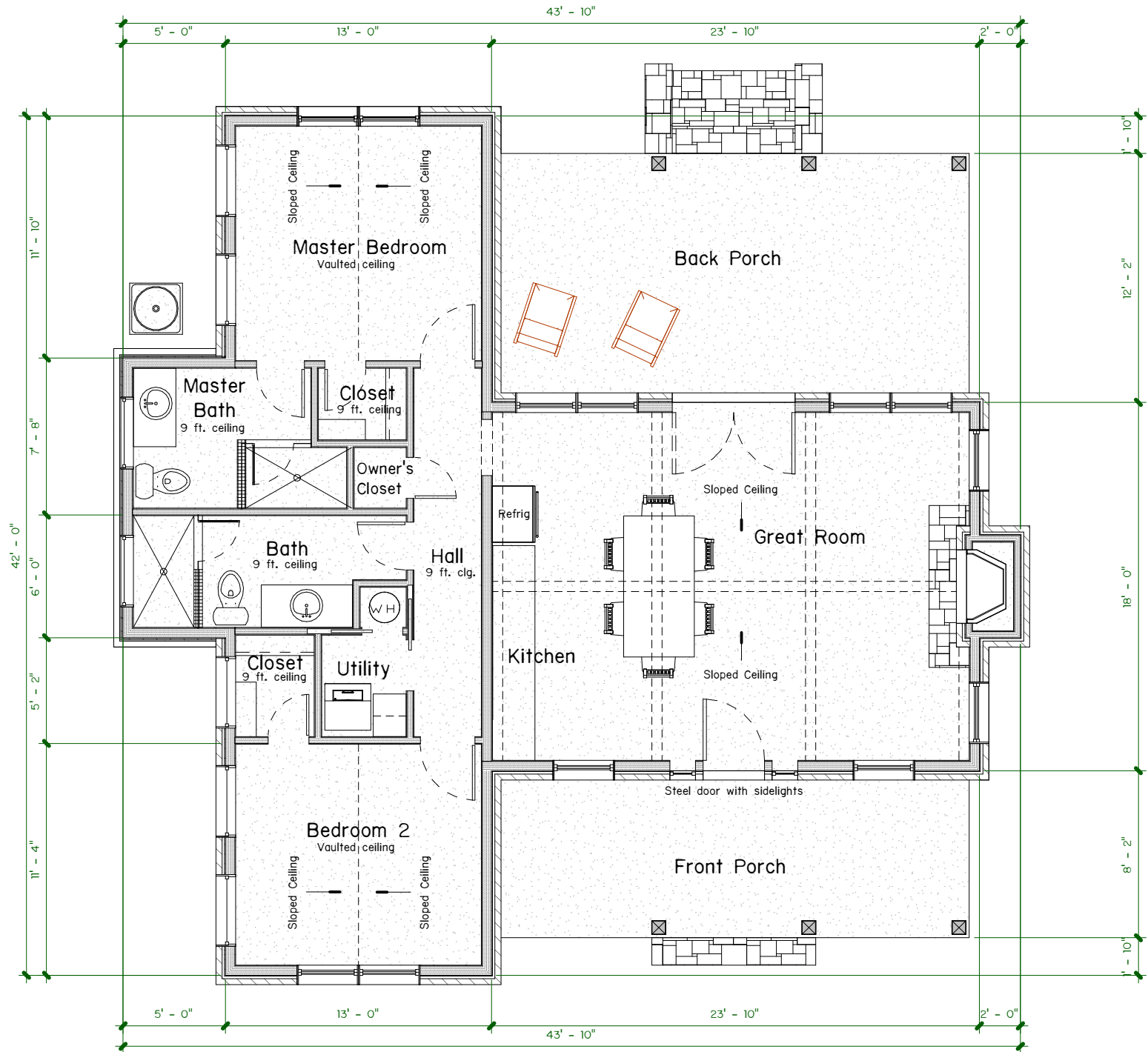
Oak Dr. Lombard MasterPlot240806.dwg (080624, 10:08:10) (1=60)

Detail
Scale: 1" = 6'

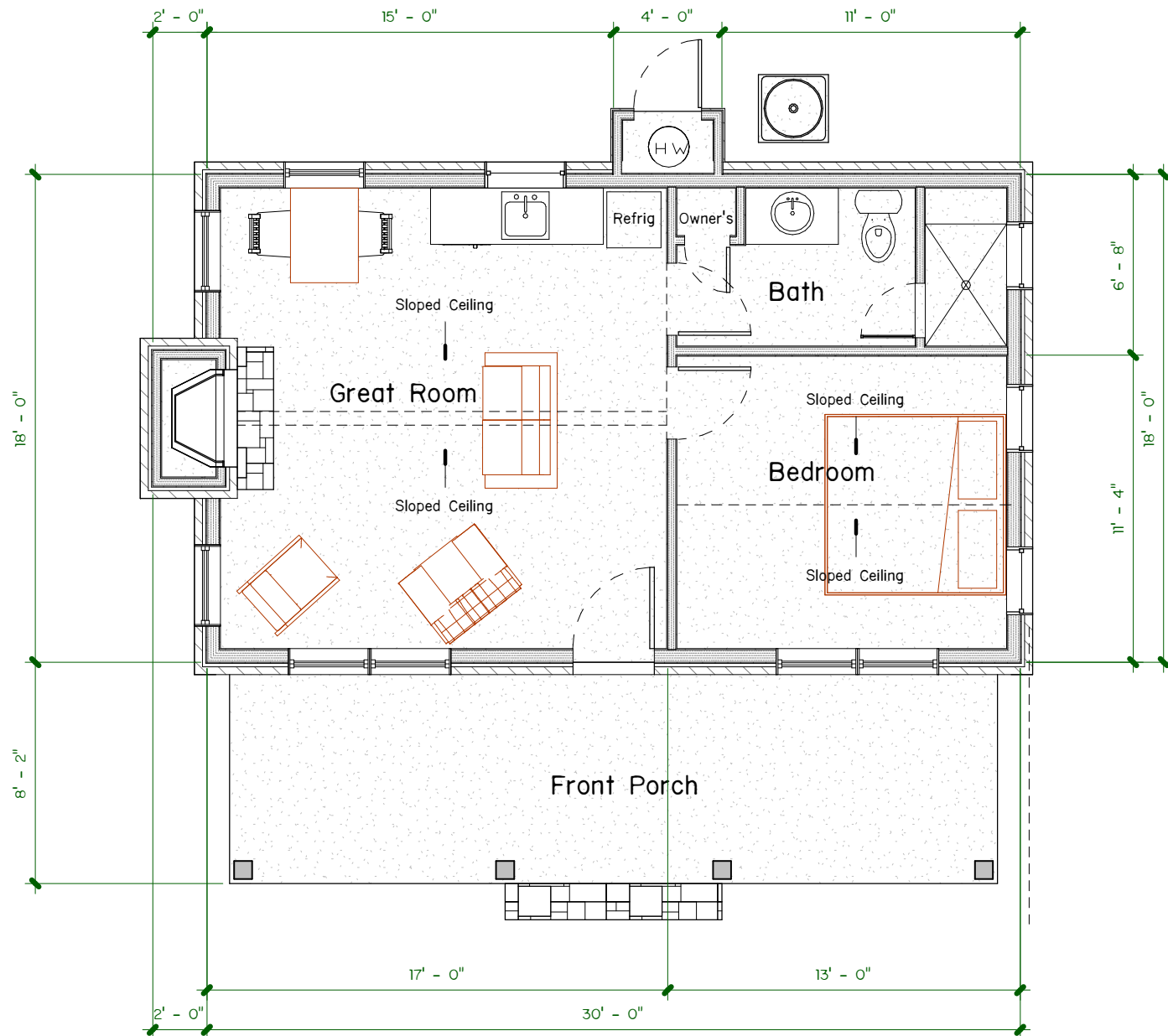
Called Tract One
Marcella L. Anderson
Vol. 1064, Pg. 751,
OPRHCTx











Nathaniel Glaiser

From: Rikky Rivers <rrivers@riversmcnamara.com>
Sent: Tuesday, December 3, 2024 2:20 PM
To: Nathaniel Glaiser
Subject: File No CUP-24-008

Follow Up Flag: Follow up
Flag Status: Flagged

External Sender - From: (Rikky Rivers
<rrivers@riversmcnamara.com>)
This message came from outside your organization.

Hello Mr. Glaiser –

I received your NOTICE OF PUBLIC HEARING regarding Dana Lombard’s application for a CUP for her property at 180 Oak. I’ll not be able to attend the public hearings on Dec 12 & 19, but I want to submit to you my approval of Ms. Lombard’s request. She has shared her plans for building on her property, and they seem to be a lovely and useful addition to the Wimberley Square central business district. As her neighbor, I give my full support to her request and encourage the P&Z Committee and Council to approve it.

Sincerely,
Rikky Rivers



www.riversmcnamara.com

CONFIDENTIALITY NOTICE: This message may constitute a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply email or phone, so that our address record may be corrected.