

7.2. Future Agenda Items

8. **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, April 7, 2025 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.



5. PUBLIC HEARING AND POSSIBLE ACTION

- 5.1.** Hold a public hearing and consider making a recommendation to City Council regarding case CUP-25-004, an application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) at 110 Malone Drive, Wimberley, Texas.

Nathan Glaiser, ACA/Director of Development Services, provided a presentation regarding an application, by Charles Boatright, for a Conditional Use Permit (CUP-25-004), to allow for the operation of Vacation Rental (non-owner occupied) at 110 Malone Drive. They are requesting a maximum of 4 guests and there is parking available in the driveway.

Chair Ulfelder opened the Public Hearing at 6:07 p.m. There being no comments, the Public Hearing was closed at 6:08 p.m.

A motion was made by Commissioner O'Kane, seconded by Commissioner Ulfelder, to approve CUP-25-004, as presented. The motion carried unanimously (6-0).

- 5.2.** Hold a public hearing and consider making a recommendation to City Council regarding case CUP-25-005, an application for a Conditional Use Permit to allow for administrative and professional office use at 45 La Buena Vista Dr, Wimberley, TX

Nathan Glaiser, ACA/Director of Development Services, provided a presentation regarding an application, by Gregory Grazdan, for a Conditional Use Permit (CUP-25-005), to allow for administrative and professional office use at 45 La Buena Vista Dr, Wimberley. This property was originally used as a Montessori school. It is zoned NS for Neighborhood Services. The only permitted uses in Neighborhood Services is religious assembly and single-family residential. All other commercial uses must have a conditional use permit. Administrative and Professional Offices include: Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies; Photography studios, doctors, dentists; Nonprofit organizations (with certain restrictions); Research services: limited; Office; and Arts and crafts.

There are currently two 1-story buildings on the property, making up a total floor space of 5,233 square feet. Mr. Glaiser stated this is a good use for the property.

Chair Ulfelder opened the Public Hearing at 6:12 p.m.

The following citizens made comments:

Joe Bruno, owner of the property, spoke in support of this CUP and believes office space is a good use of the property.

Jordan Grazdan, owner of the company looking to lease the property, spoke in support of this CUP and explained the nature of the business, which is a government contracting company.

There being no further comments, the Public Hearing was closed at 6:16 p.m.

The commission made comments and asked questions regarding the use of space, parking availability, septic requirements, and other businesses within the area.

Upon completion of discussion, a motion was made by Commissioner McCracken, seconded by Commissioner Sharp, to approve CUP-25-005, as presented. The motion carried unanimously (6-0).

- 5.3.** Hold a public hearing 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, ACA/Director of Development Services, provided a presentation regarding a request for a replat on Lot 38, Paradise Hills, Section 2, located at 300 Sunrise Drive, Wimberley, Texas. This came forward a couple of months ago, but there were concerns about the steep slope variance. This variance was brought to the council, and it was approved. It now meets all the rules and regulations of the city's

subdivision and zoning code.

Chair Ulfelder opened the Public Hearing at 6:04 p.m. There being no comments, the Public Hearing was closed at 6:05 p.m.

A motion was made by Commissioner McCracken, seconded by Commissioner Sharp, to approve CUP-25-004, as presented. The motion carried unanimously (6-0).

6. BOARD MEMBER REPORTS

6.1. Announcements

None.

6.2. Future Agenda Items

Normal meetings resume April 10th.

7. ADJOURNMENT

Chair Anne Ulfelder adjourned the meeting at 6:19 p.m.

RECORDED BY:

Planning & Zoning Commission Staff Liaison



APPROVED BY:

Planning & Zoning Commission Chairperson



| | |
|------------------------|---|
| AGENDA ITEM: | 1. Discuss and consider possible action on a Replat of Lot 111, South River Unit 1 and 0.801 Acres out of the Amasa Turner Survey, Establishing Lot 111A, South River Unit 1. |
| SUBMITTED BY: | |
| DATE SUBMITTED: | 04/07/2025 |
| MEETING DATE: | April 10, 2025 |

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

This is a replat of Lot 111 in South River. It combines the existing lot with .801 acres of previously unplatted land. Somehow, the .801 acres were left out of South River Unit 1 and South River Unit 2 subdivisions. To my knowledge the property has existed in this configuration for several years and this replat will formally plat it into the South River Unit 1 subdivision. This replat meets all requirements of the City of Wimberley and staff recommends approval of this replat.

REQUESTED ACTION

Motion

FINANCIAL

STAFF RECOMMENDATION

Approval of this replat.

ATTACHMENT/S

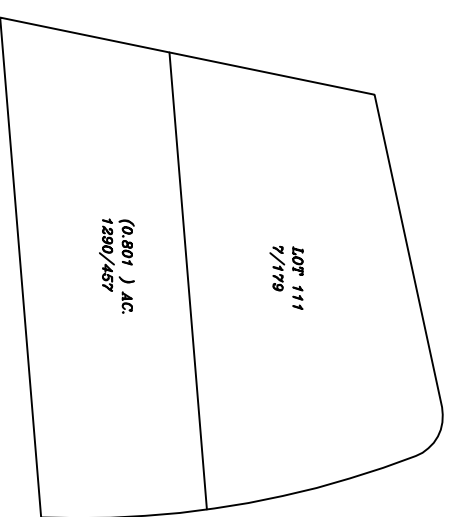
1. SOUTH-RIVER-P1 Model (1)(1)
2. SOUTH-RIVER-P2 Model (1)

| CURVE DELTA ANGLE | RADIUS | ARC | CHORD | CHORD BEARING |
|-------------------|---------------|--------|--------|---------------|
| CI | 8075.64' | 30.99' | 43.12' | S 61.60°29' E |
| CE | 48209.003556' | 67.68' | 67.68' | S 89.18°39' E |

NOTES:

- 1) ACCORDING TO TCEQ MAPS FOR HAYS COUNTY, TEXAS, ALL OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER CONTRIBUTING ZONE AND NO PORTION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
- 2) THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE WIMBERLEY INDEPENDENT SCHOOL DISTRICT.
- 3) THIS SUBDIVISION LIES WITHIN ESD NUMBERS 4 AND 7.
- 4) THIS SUBDIVISION LIES WITHIN THE HAYS TRINITY GROUNDWATER CONSERVATION DISTRICT.
- 5) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL 48209003556 DATED 1/17/2025, THIS LOT APPEARS TO BE LOCATED IN ZONE X AND IS NOT IN THE 100-YEAR FLOODPLAIN.
- 6) BEARING BASIS FOR THIS SURVEY IS BASED ON GPS OBSERVATIONS AND REFER TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM NAD 83, SOUTH CENTRAL ZONE.
- 7) THIS LOT IS SUBJECT TO A 20' DRAINAGE EASEMENT ALONG ALL STREET LOT LINES, A 30' UTILITY EASEMENT ALONG SOUTHRIVER, AND A 10' UTILITY EASEMENT ALONG THE WEST AND SOUTH LOT LINES AS RECORDED IN VOLUME 1290, PAGE 457, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND THE COVENANTS AND RESTRICTIONS APPEARING AND TITLED SOUTH RIVER UNIT 1 RECORDED IN VOLUME 7, PAGE 179, PLAT RECORDS OF HAYS COUNTY, TEXAS AND ALSO A 10' PUBLIC UTILITY EASEMENT IS HEREBY DEDICATED ALONG WHITEWATER AS REQUIRED BY CITY OF WIMBERLEY CODE OF ORDINANCES SEC. 902.119(F).
- 8) ALL ROADS ARE PRIVATE AND THERE ARE IMPROVEMENTS ON THIS PROPERTY NOT SHOWN HEREIN.
- 9) NO OBJECT, INCLUDING BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORMWATER, SHALL BE PLACED OR ERRECTED WITHIN A DRAINAGE EASEMENT. THE OWNER OF ANY LOT UPON WHICH DRAINAGE FACILITIES ARE LOCATED, INCLUDING DETENTION, SHALL BE RESPONSIBLE FOR MAINTENANCE AND UPKEEP OF SUCH FACILITIES.
- 10) THE CITY OF WIMBERLEY COMPREHENSIVE PLAN SHALL ALSO GOVERN THIS SUBDIVISION.
- 11) ELECTRICITY IS PROVIDED BY PEDERNALES ELECTRIC COOP, AND WATER IS SUPPLIED BY WIMBERLEY WATER SUPPLY. WASTEWATER IS AN APPROVED AND PERMITTED DSSF.

ORIGINAL CONFIGURATION



NOT TO SCALE

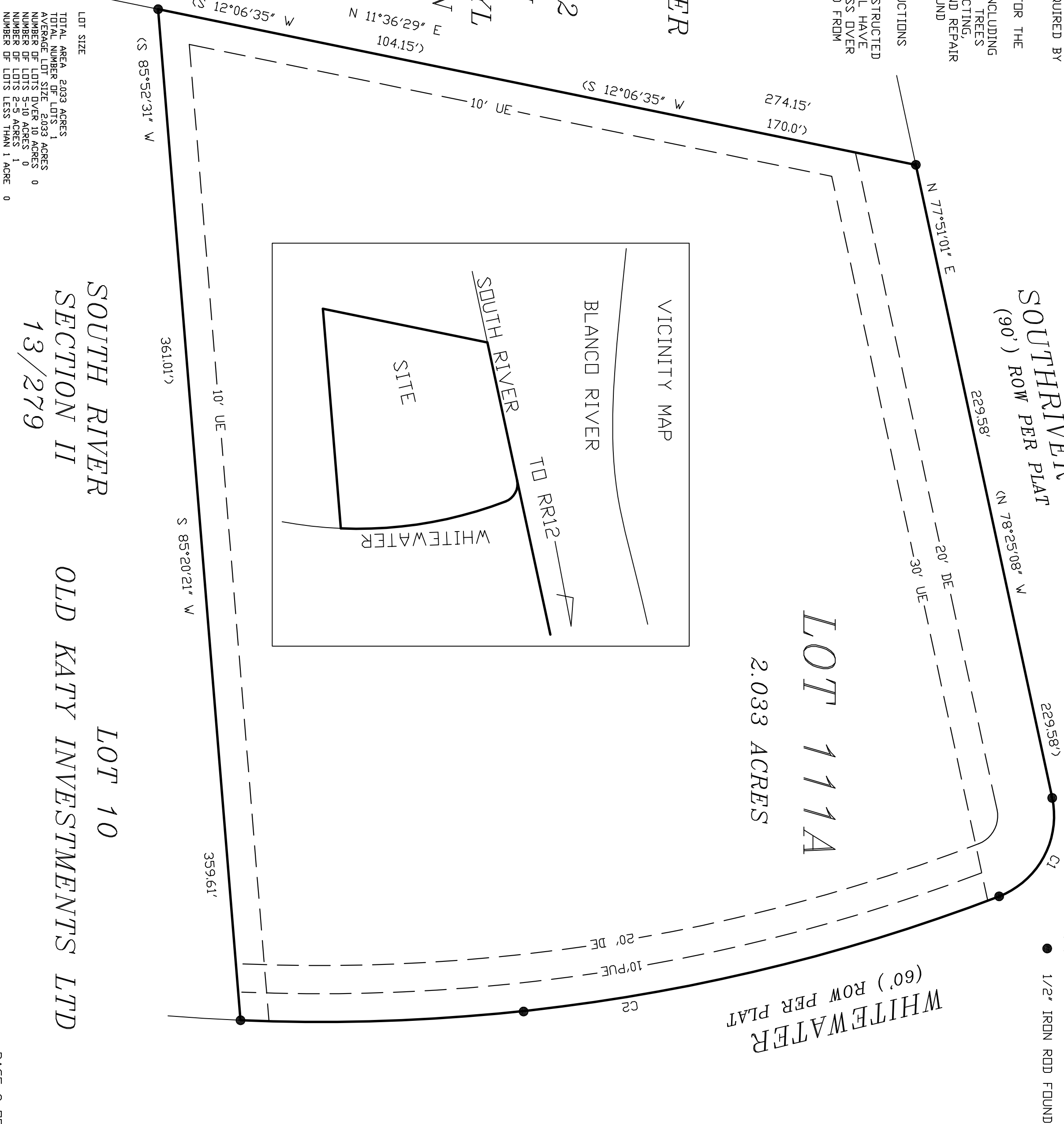
PEDERNALES ELECTRIC COOPERATIVE

NOTES:

- 1) PEDERNALES ELECTRIC COOPERATIVE (PEC) IS HEREBY DEDICATING A TWENTY FOOT (20') WIDE UTILITY EASEMENT ALONG THE LOT LINE ADJOINING THE PUBLIC RIGHT-OF-WAY AND A TEN FOOT (10') WIDE UTILITY EASEMENT ALONG ALL OTHER LOT LINES. PROPERTY WITHIN A PUBLIC ROADWAY OR ACCESS EASEMENT SHALL BE DESIGNATED AS A UTILITY EASEMENT.
- 2) ALL EXISTING OVERHEAD AND UNDERGROUND LINES SHALL POSSESS A TWENTY FOOT (20') WIDE UTILITY EASEMENT CENTERED ON EACH SIDE OF THE LINE.
- 3) THIS LOT IS SUBJECT TO A FLOATING TEN FOOT (10') WIDE BY THIRTY FOOT (30') LONG GUY WIRE EASEMENT AS REQUIRED BY PEC.
- 4) ALL UTILITY EASEMENTS ARE FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, MAINTENANCE (INCLUDING BUT NOT LIMITED TO REMOVAL OF TREES AND OTHER OBSTRUCTIONS), INSPECTING, REMOVAL, READING OF METERS, AND REPAIR OF ALL OVERHEAD AND UNDERGROUND LINES.
- 5) NO BUILDING OR OTHER OBSTRUCTIONS ALL BE PLACED WITHIN UTILITY EASEMENTS. WHERE ACCESS IS OBSTRUCTED WITHIN THE EASEMENT PEC SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJACENT LAND TO AND FROM SAID UTILITY EASEMENT.

REPLAT OF LOT 111 SOUTH RIVER UNIT 1 AND 0.801 ACRES OUT OF THE AMASA TURNER SURVEY ESTABLISHING LOT 111A SOUTH RIVER UNIT 1

SOUTH RIVER UNIT ONE
7/179
LOT 112
VERNON
AND CHERYL
WEITZMAN



| LOT SIZE | TOTAL AREA | TOTAL AREA | AVG. LOT SIZE | NUMBER OF LOTS | NUMBER OF LOTS | NUMBER OF LOTS |
|----------|-------------|-------------|---------------|----------------|----------------|----------------|
| | 2.033 ACRES | 2.033 ACRES | 2.033 ACRES | 0 | 0 | 0 |
| | | | | 0 | 0 | 0 |
| | | | | 1 | 1 | 1 |
| | | | | 0 | 0 | 0 |

SOUTH RIVER SECTION II LOT 10
OLD KATY INVESTMENTS LTD
13/279



| | |
|------------------------|--|
| AGENDA ITEM: | 5.1 CUP-25-006 |
| SUBMITTED BY: | Nathan Glaiser, Assistant City Manager |
| DATE SUBMITTED: | 3/9/2025 |
| MEETING DATE: | 4/10 P&Z 4/17 Council |

REPORT

ITEM

The applicant, Martin and Amy Banister, are requesting a Conditional Use Permit to operate a Short-Term Rental 2 (non-owner-occupied vacation rental) at 740 Ridge Rd, Wimberley. They are requesting a maximum of 6 guests. There is parking available in the driveway and adequate septic facilities for the request.

PROPERTY INFORMATION

Property Description

| | |
|----------------------------------|-------------------------|
| Applicant(s): | Martin and Amy Banister |
| Property Address: | 740 Ridge Rd |
| Property Owner: | Martin and Amy Banister |
| Legal Description: | Leath Hollow, Lot PT 1A |
| Property Size: | 1.26 acres |
| Existing Use of Property: | Residential |
| Existing Zoning: | R2 |
| Shared Infrastructure | None |
| Request: | STR2 |
| Planning Area: | I |
| Overlay District: | None |

Surrounding Property:

Frontage: Ridge Rd

| | | | |
|--|--------------------------|------------------------------|--|
| Surrounding Zoning & Land Use | North of Property | Current Zoning: R2 | Existing Land Use: Residential |
|--|--------------------------|------------------------------|--|

| | | |
|--------------------------|----|-------------|
| South of Property | RA | Residential |
| East of Property | R2 | Residential |
| West of Property | RA | Residential |

COMMENTS

Staff has not received any comments as of 4/3/25.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): 3/28/2025
Published Legal Notice (Wimberley View): 3/27/2025

RECOMMENDATION

Staff defers to P&Z for their recommendations.

CRITERIA FOR CONSIDERATION

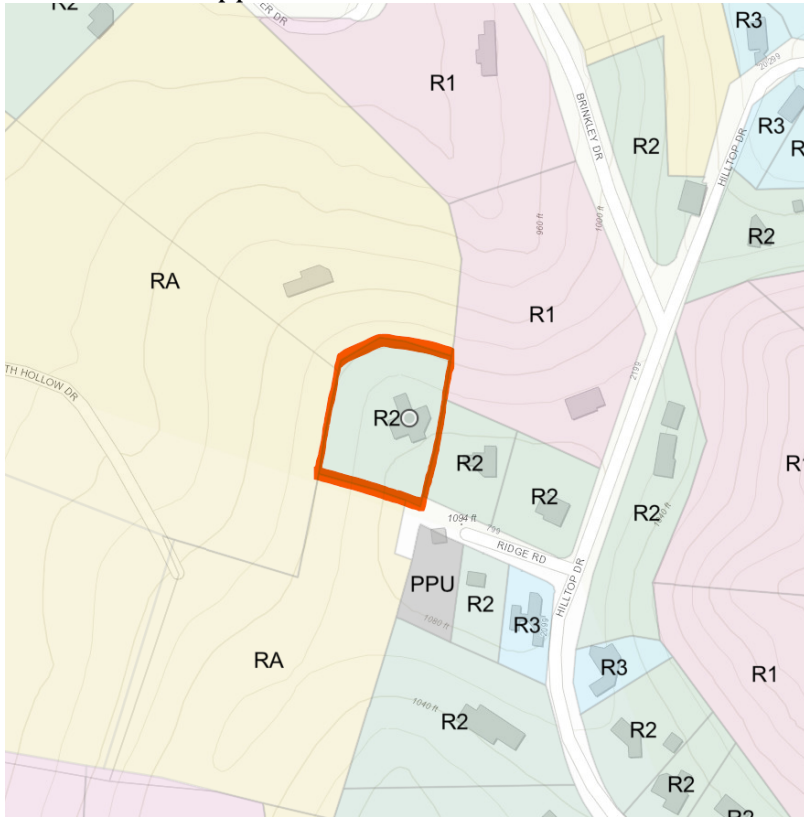
- (A) The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not more adversely affect an adjoining site than would a permitted use;
- (B) The architecture, facade, and signage designs of the use are traditional Hill Country designs and are harmonious with those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

Possible Motions can include:

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

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: Martin and Amy Banister

Mailing Address: 73 ORidge Rd City: Wimberley State: TX Zip: 78676

Phone: 713-653-3605 Email: mbanister@iserv.net

OWNER'S INFORMATION

Property Owner: Martin Banister and Amy Van Kolken Banister

Mailing Address: 730 Ridge Rd City: Wimberley State: TX Zip: 78676

Phone: [Redacted] Email: [Redacted]

PROJECT SITE ADDRESS: 740 Ridge Rd, Wimberley TX 78676

Legal description: Leath Hollow, Lot PT 1A

Total Acreage or Square Footage: 1.26 Acre Deed recorded in: Hays County

Hays CAD Parcel ID R- 34 029 Planning Area: Wimberley Zoning: R2

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

SPECIFIC CONDITIONAL USE REQUEST: STR1

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: Perdenales Electric

Water provider or Private Well: Wimberley Water

Wastewater Service or Septic Permit No. Septic

*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.

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

OWNER: Martin Banister and Amy Van Kolken Banister

LOCATION OF PROPERTY: 740 Ridge Rd, Wimberley TX 78676

LEGAL DESCRIPTION: Leath Hollow, Lot PT 1A

PLANNING AREA: Wimberley PRESENT ZONING: R2

EXISTING USE: Single Family

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. Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 6 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: 6 guests.

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

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

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


PROPERTY MANAGEMENT: Owner will provide 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



OWNER SIGNATURE

Martin Banister

PRINT NAME

Amy Banister

PRINT NAME

3/9/25

DATE

3/9/25

DATE

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:

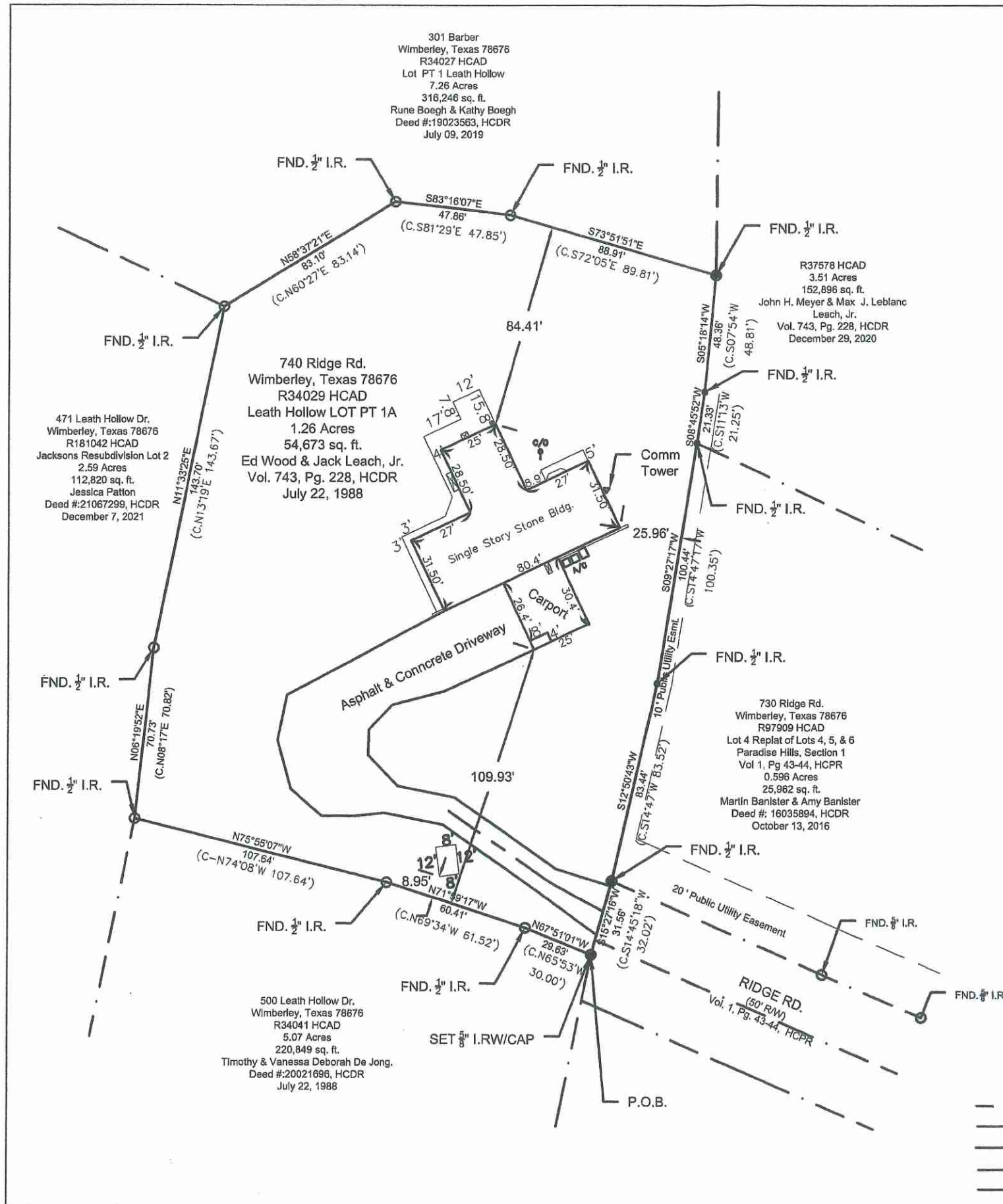
- The use is harmonious and compatible with surrounding existing uses or proposed uses and does not adversely affect an adjoining site than would a permitted use.
- The use requested by the applicant is set forth as a conditional use in the base district.
- The nature of the use is reasonable.
- The 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: *MW Bonister* Date: 3/9/25

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GENERAL NOTES

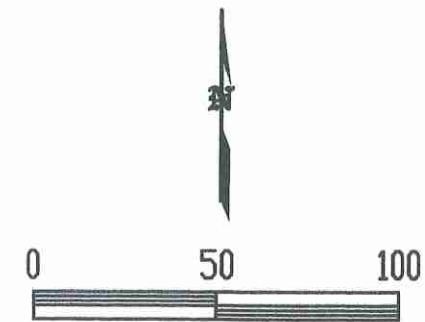
- Bearings shown are based on the Texas State Plane Coordinate System, South Central Zone, NAD1983, as determined by GPS/GNSS observations.
- Upon examination of the Flood Insurance Rate Map, (F.I.R.M.) Map Number 48209C0355F, Dated 09-02-2000, the tract hereon depicted lies in Zone: "X" Unshaded; Defined as: Areas determined to be outside the 0.2 percent annual chance floodplain. All elevation data referenced to NAVD 1988/2001 Adjustment, 2012 Geoid Model.
WARNING: This statement is based on scaling the location of this survey on the above F.I.R.M. This information is intended to be used to determine Insurance Rates only, and not to identify specific flooding conditions.
- Future redevelopment of the tract site is subject to the Village of Wimberley, and Hays County Ordinances pertaining to building lines and to local, county and state subdivision platting procedures and regulations.
- For additional building restrictions, please see Restrictive Covenants.
- The following easements may not affect the subject tract since the only actual access to the subject tract is via Ridge Road. Vol. 250, Pg. 675, Vol. 250, Pg. 677, Vol. 274, Pg. 506, Vol. 767, Pg. 840, and Vol. 913, Pg. 98, Hays County Deed Records (HCDR).
- Vol. 331, Pg. 820, HCDR is a blanket Easement related to an unmapped water distribution pipe line.
- Vol. 5211, Pg. 471, HCDR affects the Pedernales Electric Cooperative, Inc. for electric distribution.
- This Map is one of two documents related to the conveyance of the subject tract.

SYMBOL LEGEND

- P.P. Power Pole
- T.P. Transformer Pole
- S/L Street Light
- A/L Area Light
- D.G. Down Guy (ELEC)
- F.H. Fire Hydrant
- W.V. Water Valve
- W.M. Water Meter
- M.H. Manhole (STM/SAN/ELEC)
- C/O Clean Out (SAN)
- SBC Enclosure (Telephone)
- Gas Meter
- Gas Valve
- Storm Drainage Inlet
- Curb Inlet (BB)
- Sign Post/Traffic Sign
- CL or CL Center Line
- Asp or ASPH Asphalt
- Conc or CONC Concrete
- UG Underground
- TC Top/Back of Curb
- G Gutter Line
- BL or BLDG LINE Building Line (Setback)
- ESMT. or Esmt. Easement
- D.E. Drainage Easement
- W.L.E. Water Line Easement
- U.E. Utility Easement
- EP or EA Edge of Pavement/Asphalt
- HCDR Hays County Deed Records
- HCCF Hays County Clerk's File
- HCMR Hays County Map Records
- HCPR Hays County Plat Records

UTILITY LEGEND

- SANITARY SEWER
- STORM SEWER
- WATER
- GAS
- OVERHEAD ELECTRIC



Scale: 1" = 50'



DATE: 02/02/2024 *L. A. Thompson* OF 3987 R.P.L.S. NO.

I hereby certify, to the above named recipients, that this drawing correctly reflects the results of an on-the-ground survey by me or under my supervision.

Any and all copies of this drawing must bear the Surveyor's original seal and signature in red ink or the drawing is an unauthorized reproduction, which may have been altered or changed without the Surveyor's knowledge or consent.

This original work is protected under the copyright laws, Title 17 United States Code, sections 101 and 102. All violators will be prosecuted to the fullest extent of the law.

This professional service substantially conforms to the current Texas Society of Professional Surveyors' Category 1A, Condition II Land Title Survey.

Be it known that the Surveyor has relied upon, deeds, easements and a Title Commitment for Title Insurance issued by Title Resources Guaranty Company, G.F. NO. 2401478-WIM, effective date of 1-10-2024, issued 01-17-2024, as being accurate and up-to-date.

REVISED DATE: 02-02-2024

Thompson Surveying Company
Land Surveying/Mapping/GPS/GIS
TBPLS Firm No. 100973-00

101 East Mountain Road
Wimberley, Texas 78676
713-895-7348
512-667-8940

**TSPS CATEGORY 1A, CONDITION II,
LAND TITLE SURVEY**

1.26 ACRES OF LAND
BEING PART OF LOT 1A,
LEATH HOLLOW SUBDIVISION
AS RECORDED IN VOLUME 743, PAGE 228
& VOL. 713, PG. 231, HAYS COUNTY DEED
RECORDS, HAYS COUNTY, TEXAS

DATE: 01-16-2024 SCALE: 1"=50' JOB NO. 240101B

CLIENT: Martin Banister, et ux DWG: 240101B2.DWG



| | |
|------------------------|--|
| AGENDA ITEM: | ZA-25-002 – Zoning Change R2 to RA |
| SUBMITTED BY: | Nathan Glaiser, Planning and Public Works Director |
| DATE SUBMITTED: | February 7 th , 2025 |
| MEETING DATE: | April 10th (P&Z) / April 17th(City Council) |

REPORT

ITEM

The applicant, Mike Weaver, representing the owners Hunter Schappaugh and Peggy Krause Schappaugh, have requested a zoning change for 1.05 acres of property located at 615 Sunset Dr, Wimberley, Texas 78676. The request is to change the zoning from Single-family Residential 2 (R2) to Rural Acreage (RA). The property consists of Lot 1 in the Boyles Home Subdivision, which is a one lot subdivision approved in 2015. This zoning change will accompany a Vacate Plat to undue the subdivision. Essentially, the owners are wishing to unplat the 1.05 acres subdivision and return the property back to its original form, as part of a 9 acre unplatted tract of land. To do this, we want the zoning of the property to be consistent across the entirety of the property. This property was rezoned from RA to R2 in 2015 to accommodate the Boyles Home subdivision. Approval of this application would return the 1.05 acre property to RA.

[Residential Acreage](#) is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the city is given the RA classification until it is assigned another more permanent zoning district.

[Single-Family Residential 2](#) is intended to provide for development of primarily detached, single-family residences on lots of not less than 20,000 square feet.

The major difference between the two zoning districts is the minimum lot size. RA is 5 acres and R2 is 20,000 square feet (.47 acres). Agricultural uses are also permitted in RA and not R2. RA also allows for two single family residences instead of just one in R2. Please see ordinances linked above for specifics.

Attachments: Application

PROPERTY INFORMATION

Property Description

Applicant(s): Mike Weaver
Property Address: 615 Sunset Dr.
Property Owner: Hunter Schappaugh and Peggy Krause Schappaugh

Legal Description: Boyles' Home Subdivision
Property Size: 1.05
Existing Use of Property: Raw Land
Existing Zoning: R2
Planning Area: I
Overlay District: None

Utilities

Water: Wimberley Water Supply Corporation
Wastewater: Individual on-site sewage facilities
Electricity: Pedernales Electric Corporation

Surrounding Property:

Frontage: Sunset Dr

| | | Current Zoning: | Existing Land Use: |
|--|--------------------------|------------------------|---------------------------|
| Surrounding Zoning & Land Use | North of Property | R1 | Residential |
| | South of Property | RA | Vacant |
| | East of Property | R3 | Residential |
| | West of Property | RA | Vacant |

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): March 28, 2025
Published Legal Notice (Wimberley View): March 27, 2025

PUBLIC COMMENTS

Staff has not received any comments on this request as of 4/4/2025.

RECOMMENDATION

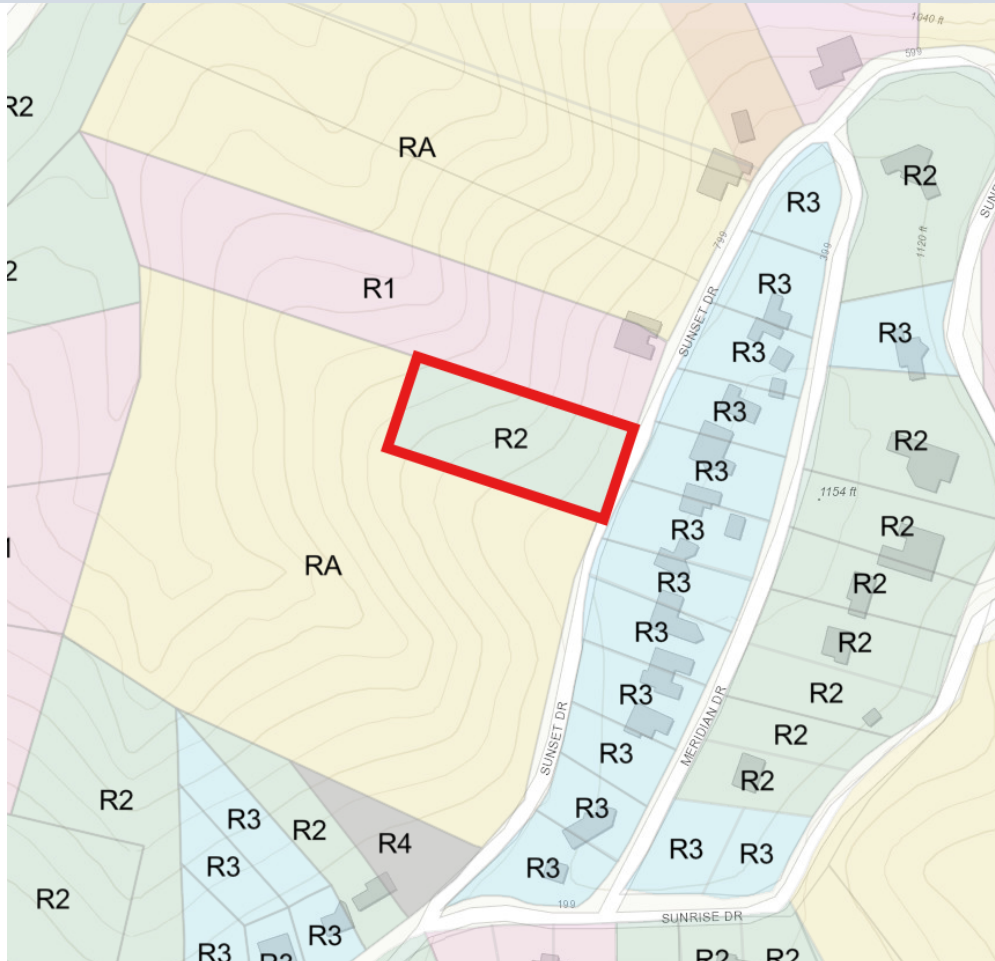
Staff recommends approving this request. This is a zoning change to a less dense zoning. The owners are doing this in preparation of a Vacate Plat that would return this property to its original 10 acres size. Staff has no issue with reducing density in this area where there are steep slopes that make development difficult.

Criteria for Consideration

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;

- 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;
- 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;
- 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;
- e. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;
- f. Any other factors which will substantially affect the public health, safety, morals, or general welfare; and
- g. Whether granting the request furthers the land use objectives and principles adopted by the city.

ZONING MAP





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: 615 Sunset Drive, Wimberley, Texas
*New Street Addresses can be obtained by calling (512) 393-2160 HAYS COUNTY CAD PROPERTY ID #: R 149302
PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY: Across RR 12 from City offices to Valley Dr. At split, continue right on Valley Dr.
At split, stay right and go up Climbing Way. Left on Hilltop Dr. At split, veer left on Sunset Dr. The property is on the left before you get to 695 Sunset Dr.
NOTE: Please clearly mark your property so it is easily identifiable.
TOTAL AREA TO BE ZONED: ACRES 1.05 (OR) SQ. FT. TOTAL NO. of TRACTS: 1
PLANNING AREAS: REQUESTED ZONING CLASSIFICATION: RA
PROPOSED USE: residential
EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): R2

OWNER'S INFORMATION

Owner's Name: Hunter Schappaugh and Peggy Krause Schappaugh Phone No.: 713-417-8348
Mailing Ad
Email Adre

REPRESENTATIVE'S INFORMATION

Representative Name: Mike Weaver Weaver Surveying, LLC Phone No.: 512-777-9190
Mailing Address: P. O. Box 1115, Wimberley, TX 78676
Email Address: mike@weaversurveying.com
Name of Real Estate Company Involved:

LEGAL DESCRIPTION

Street Address: Sunset Dr. Subdivision: Boyles' Home Subdivision
Block(s) Lot(s) 1 Plat Book: 19 Page Number: 104
DEED RECORDS: (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER):
VOLUME: Doc. No. PAGE: 21003200 OF COUNTY PLAT RECORDS

OTHER PROVISIONS

Is Property in an Overlay District? ___ Yes X No ___ Unknown

TYPE OF OVERLAY ZONE(S) (if applicable) _____

FLOOD PLAIN (What, if any, flood zone does your property occupy?): No

ELECTRIC UTILITY PROVIDER: Pedernales Electric Cooperative, Inc.

WATER UTILITY PROVIDER: Wimberley Water Supply Corp.

WASTEWATER UTILITY PROVIDER: _____

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): N/A

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: 2/7/25 APPLICANT SIGNATURE *[Signature]* Peggy Schappert

WHEN APPLICABLE:

Date: _____ AGENT 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: Sunset Dr., and more particularly known as Lot 1, Block _____ of the Boyles' Home 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: 2/7/25 APPLICANT SIGNATURE *[Signature]* Peggy Schappert

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

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.

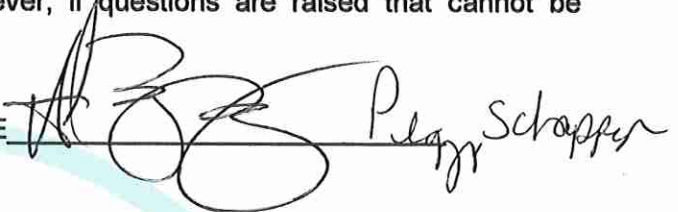
- Complete "Application for Zoning"
- Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- Provide plat map of the specific property to be zoned.
- Provide names and addresses 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 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).

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.

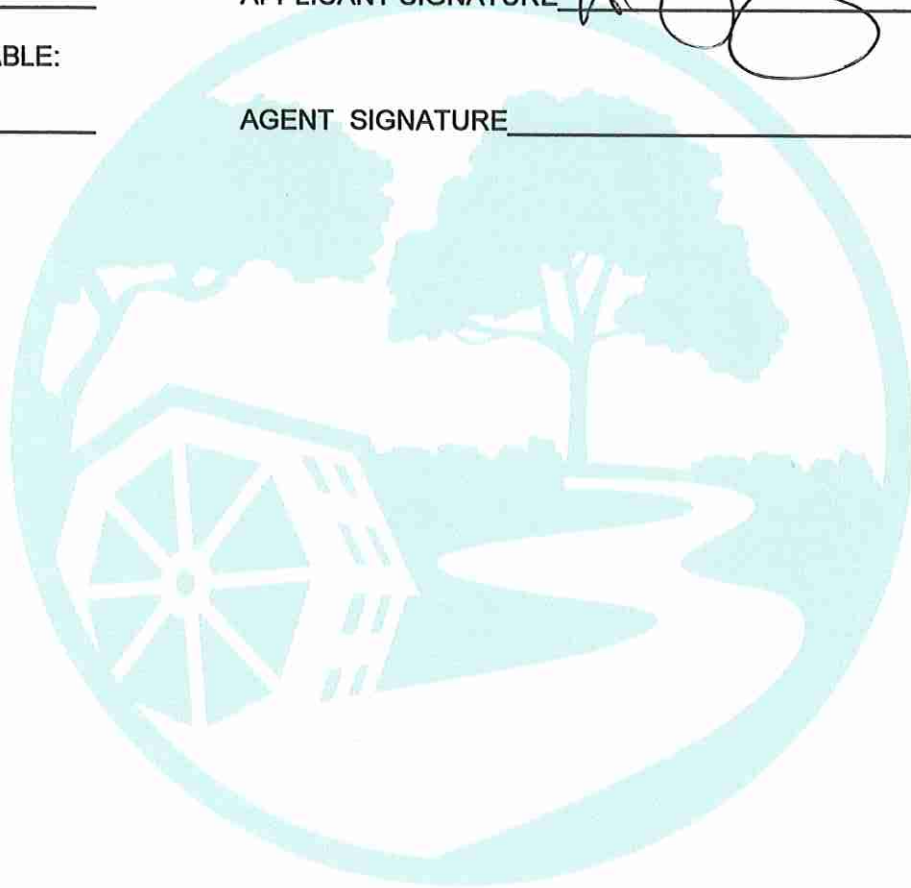
Date: 2/7/25

APPLICANT SIGNATURE 

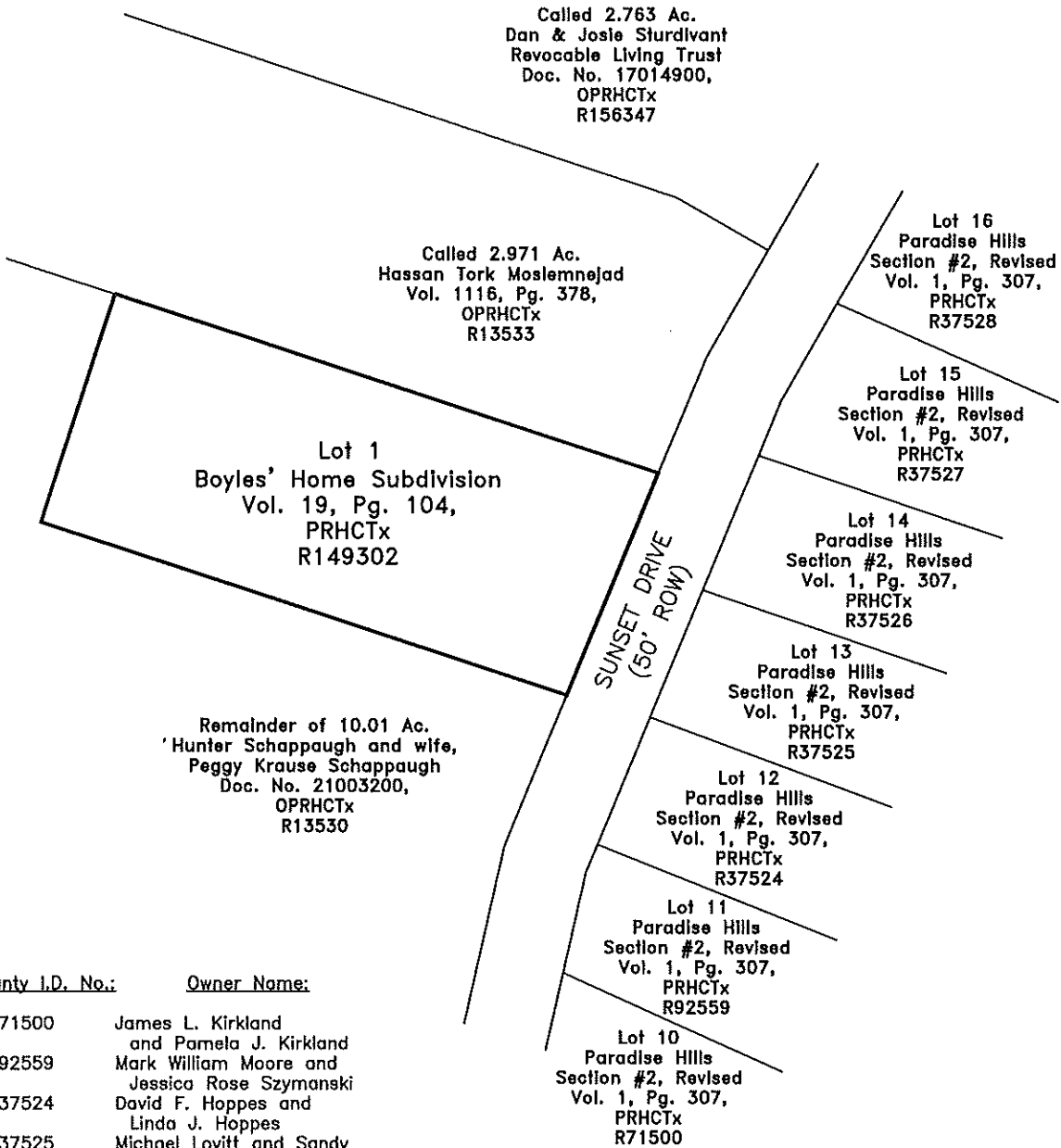
WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE _____



**Sketch of Properties and Owners
Within 200 Feet of Lot 1
Boyles' Home Subdivision
(According to the plat recorded in Vol. 19, Pg. 104
of the Plat Records of Hays County, Texas)**



| <u>Hays County I.D. No.:</u> | <u>Owner Name:</u> |
|------------------------------|---|
| Lot 10 R71500 | James L. Kirkland and Pamela J. Kirkland |
| Lot 11 R92559 | Mark William Moore and Jessica Rose Szymanski |
| Lot 12 R37524 | David F. Hoppes and Linda J. Hoppes |
| Lot 13 R37525 | Michael Lovitt and Sandy Pollock |
| Lot 14 R37526 | Monroe J. Barta and Rosemary Barta |
| Lot 15 R37527 | Michael M. Gieber and Janice S. Mullenax |
| Lot 16 R37528 | Landon Curry, Jr. and Beth Rowley |
| 2.763 Ac. R156347 | Dan Sturdivant and Josie J. Sturdivant |
| 2.971 Ac. R13533 | Hassan Tork Moslemnejad |
| Remainder 10.01 Ac. R13530 | Hunter Schappaugh and Peggy Krause Schappaugh |

Note:
Sketch prepared from the public record and does not reflect an on the ground survey.



Weaver Surveying, LLC
TBPELS Firm #10194053
Drawing No. H241114-01A

Boyles Home Subd L1 Plus 8.95ac Sketch241217.dwg (121724,19:34:14) (1=100)