

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 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) 648-2403 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, APRIL 10, 2025 - 6:00 PM

MINUTES

1. CALL TO ORDER

The meeting was called to order at 6:05 PM.

2. CALL OF ROLL

Commissioners Present

Matt Joyce
Chris Sharp
Ben O’Kane
Vance McCracken
Mike Rambo

Staff Present

Nathan Glaiser, ACA/Director of Development Services
Tim Patek, City Administrator
Myrna Marinelarena, Customer Service/Permit Coordinator

Commissioners Absent

Anne Ulfelder
Jerry Lunow

3. CITIZENS COMMUNICATIONS

There were no citizens who spoke during this portion of the meeting. It was noted that those wishing to speak on agenda item 6.1 would be allowed to do so when that item was discussed.

4. MINUTES

4.1 Consider approval of the March 19, 2025 Regular Planning and Zoning Commission meeting minutes.

The board members confirmed they had reviewed the minutes from the previous meeting. No objections or concerns were raised.

Commissioner Joyce made a motion to accept the minutes of the March 19th planning and zoning commission meeting. Commissioner Rambo seconded. The motion passed unanimously.

5. DISCUSSION AND POSSIBLE ACTION

5.1 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.

Nathan Glaiser, ACA/Director of Development Services, explained that this replat involved combining Lot 111 in South River Unit 1 with an adjacent 0.801 acre parcel that had not been previously platted. He noted that when South River Unit 1 and Unit 2 were originally platted, this 0.801 acre piece was left out. The owner now wants to combine it with Lot 111 to create Lot 111A.

Mr. Glaiser confirmed that the plat meets all city ordinances and requirements, and staff recommended approval. He clarified that this was an administrative task and the commission should approve it if it meets all regulations.

There was brief discussion about the implications of not approving the replat. Nathan explained that denying it could open the city up to lawsuits if the replat meets all requirements. He also confirmed there had been no objections from South River residents or the HOA.

Commissioner McCracken made a motion to approve the replat. Commissioner Sharp seconded. The motion passed unanimously.

Mr. Glaiser clarified that the commission's approval was final for this replat and it did not need to go to City Council.

6. PUBLIC HEARING AND POSSIBLE ACTION

6.1 Hold a public hearing and consider making a recommendation to City Council regarding case CUP-25-006, An application for a Conditional Use Permit to allow for the operation of a Vacation Rental (STR2) at 740 Ridge Road, Wimberley, Texas.

Mr. Glaiser provided background on the application:

- Property is 1.26 acres zoned Single Family Residential 2
- Located at end of Ridge Road in Leith Hollow subdivision
- Requesting Short Term Rental 2 (non-owner occupied) for max 6 guests
- Adequate parking and septic facilities

Mr. Glaiser noted they received 3 letters opposed and 2 letters in support. Only one supportive letter (705 Ridge Road) was within 200 feet of the property.

Lori Fye, a neighbor, spoke in opposition. Her main concerns were:

- The CUP is permanent and conveys with property sale
- Limited recourse for neighbors if issues arise with future owners
- 200 foot notification radius may be too small for large lots

Martin Bannister, the applicant, spoke in support:

- Lives 70 seconds walk from the rental property
- Requested ability to revoke CUP if he sells the property
- Willing to add deed restrictions prohibiting CUP transfer
- Plans to carefully screen renters and prohibit parties

The commission discussed:

- Owner's proximity as a positive factor
- Ability to revoke CUP in the future
- Existing vacation rentals in the general area

- Potential struggles renting short-term in saturated market

Commissioner O’Kane made a motion to approve CUP-25-006 for an STR2 at 740 Ridge Road. Commissioner Sharp seconded. The motion passed unanimously.

6.2 Hold a public hearing and consider making a recommendation to City Council regarding case ZA-25-002, an application for a zoning amendment to change the zoning for 1.05 acres of property located at 615 Sunset Drive, Wimberley, TX from Single-Family Residential 2 (R2) to Residential Acreage (RA).

Mr. Glaiser explained this request:

- Property is 1.05 acres, part of larger 10 acre tract
- In 2015, this 1 acre was rezoned from RA to R2 and subdivided
- New owners want to vacate subdivision and revert zoning to RA
- Would make zoning consistent across full 10 acre property
- Current R2 portion not suitable building site due to topography

Mr. Glaiser noted staff recommends approval to allow more flexibility in home placement.

Rosemary Barta, a neighbor, spoke with concerns about:

- Previous agreements for underground utilities on the 1 acre
- Whether those agreements would still apply if zoning reverts to RA

The commission discussed:

- Cannot regulate PEC utility placement as part of zoning
- Utility concerns should be addressed separately with City Council

Commissioner Sharp made a motion to approve ZA-25-002 to rezone 615 Sunset Drive from R2 to RA. Commissioner McCracken seconded. The motion passed unanimously.

7. BOARD MEMBER REPORTS

7.1 Announcements

Mr. Glaiser announced a city cleanup event on Saturday at Lions Field from 8am-12pm. He noted restrictions on acceptable items for disposal.

7.2 Future Agenda Items

Mr. Glaiser confirmed the next meeting would be held in May on the regular schedule.

8. ADJOURNMENT

Commissioner O’Kane adjourned the meeting at 6:59 p.m

RECORDED BY:

APPROVED BY:

PZC Staff Liaison

PZC Chairperson





AGENDA ITEM:	5.1 CUP-25-007
SUBMITTED BY:	Nathan Glaiser, ACA / Development Director
DATE SUBMITTED:	3/13/2025
MEETING DATE:	May 8 th PZC & May 15 th City Council

REPORT

ITEM

The applicant, Hoots Hideaway LLC, are requesting a Conditional Use Permit to operate a Short-Term Rental 2 (non-owner-occupied vacation rental) at 110 Dobie Lane, Wimberley. This property is currently vacant but the applicants have submitted for building permits to build a residence. They are requesting a maximum of 8 guests. There are two parking spaces available in the driveway.

PROPERTY INFORMATION

Property Description

Applicant(s):	Hoots Hideaway LLC
Property Address:	110 Dobie Lane
Property Owner:	Hoots Hideaway LLC
Legal Description:	Lot 45, Cliffside Second Unit
Property Size:	.29 acres
Existing Use of Property:	Vacant
Existing Zoning:	R3
Shared Infrastructure	None
Request:	STR2
Planning Area:	II
Overlay District:	None

Surrounding Property:

Frontage: Dobie Drive

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

South of Property	R3	Residential
East of Property	R3	Residential
West of Property	R3	Residential

COMMENTS

Staff has not received any comments from the public as of 4/30/2025.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): 4/25/2025
Published Legal Notice (Wimberley View): 4/24/2025

RECOMMENDATION

The comprehensive plans states that small-scale lodging and cottage industries should be allowed in most residential areas, subject to the impact on the neighborhood.

CRITERIA FOR CONSIDERATION

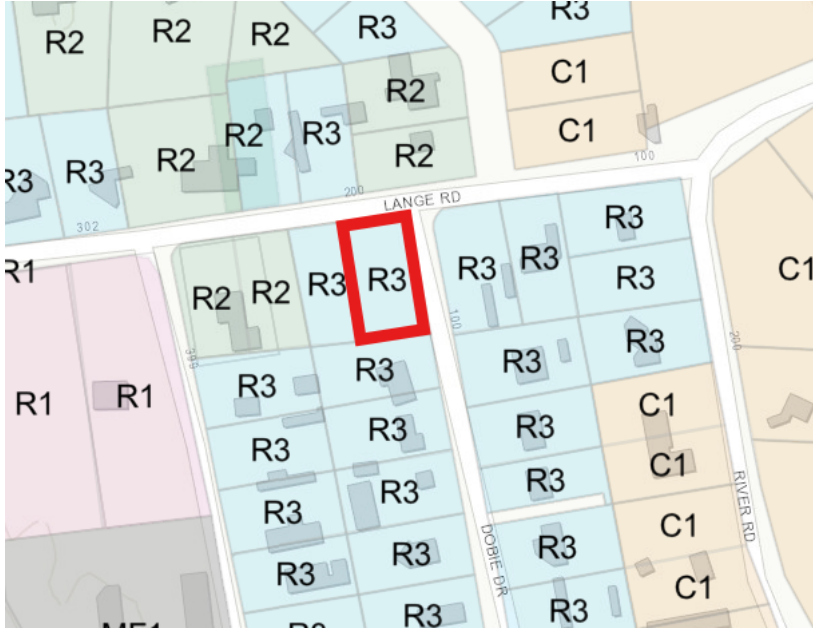
- (A) The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not more adversely affect an adjoining site than would a permitted use;
- (B) The architecture, facade, and signage designs of the use are traditional Hill Country designs and are harmonious with those 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: May 8th Council Hearing: May 15th Fees Paid (\$750): [checked]

Applicant: Hoots Hideaway LLC c/o James R. Salter
Mailing Address: 100 Hoots Holler City: Wimberley State: TX Zip: 78676
Phone: (404) 640-7450 Email: JRSalter@3jl.cc

OWNER'S INFORMATION

Property Owner: Hoots Hideaway, LLC
Mailing Address: 100 Hoots Holler City: Wimberley State: TX Zip: 78676
Phone: [redacted] Email: [redacted]

PROJECT SITE ADDRESS: 110 Dobie Lane, Wimberley, TX 78676
Legal description: Lot 45, Cliffside Second Unit, a subdivision in Hays County, Texas
Total Acreage or Square Footage: 0.29 acres Deed recorded in: Vol 136, Pgs 150-151
Hays CAD Parcel ID R- 24368 Planning Area: _____ Zoning: R3
Is property located in an overlay district? [] Yes [x] 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: Pedernales Electric Cooperative (PEC)
Water provider or Private Well: Wimberley Water Corp
Wastewater Service or Septic Permit No. Permit Application Pending

*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: *Jam N. Smith* Date: 3/13/2025

Forms & Applications October 2021 2

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

OWNER: Hoots Hideaway, LLC c/o James R. Salter

LOCATION OF PROPERTY: 110 Dobie Lane, Wimberley, TX 78676

LEGAL DESCRIPTION: Lot 45, Cliffside Second Unit

PLANNING AREA: _____ PRESENT ZONING: R3

EXISTING USE: Vacant Lot - to be developed for Single Family dwelling

HOMEOWNERS ASSOCIATION CONTACT INFO: N/A

SHARED FACILITIES (RIVER PARK, POOL, ETC.): River Park

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. 2 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 8 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: 8 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.

REVOCAION: 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

James R. Salter, Managing Member

PRINT NAME

3/13/2025

DATE

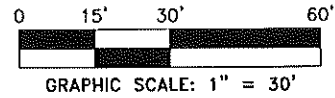
OWNER SIGNATURE

PRINT NAME

DATE

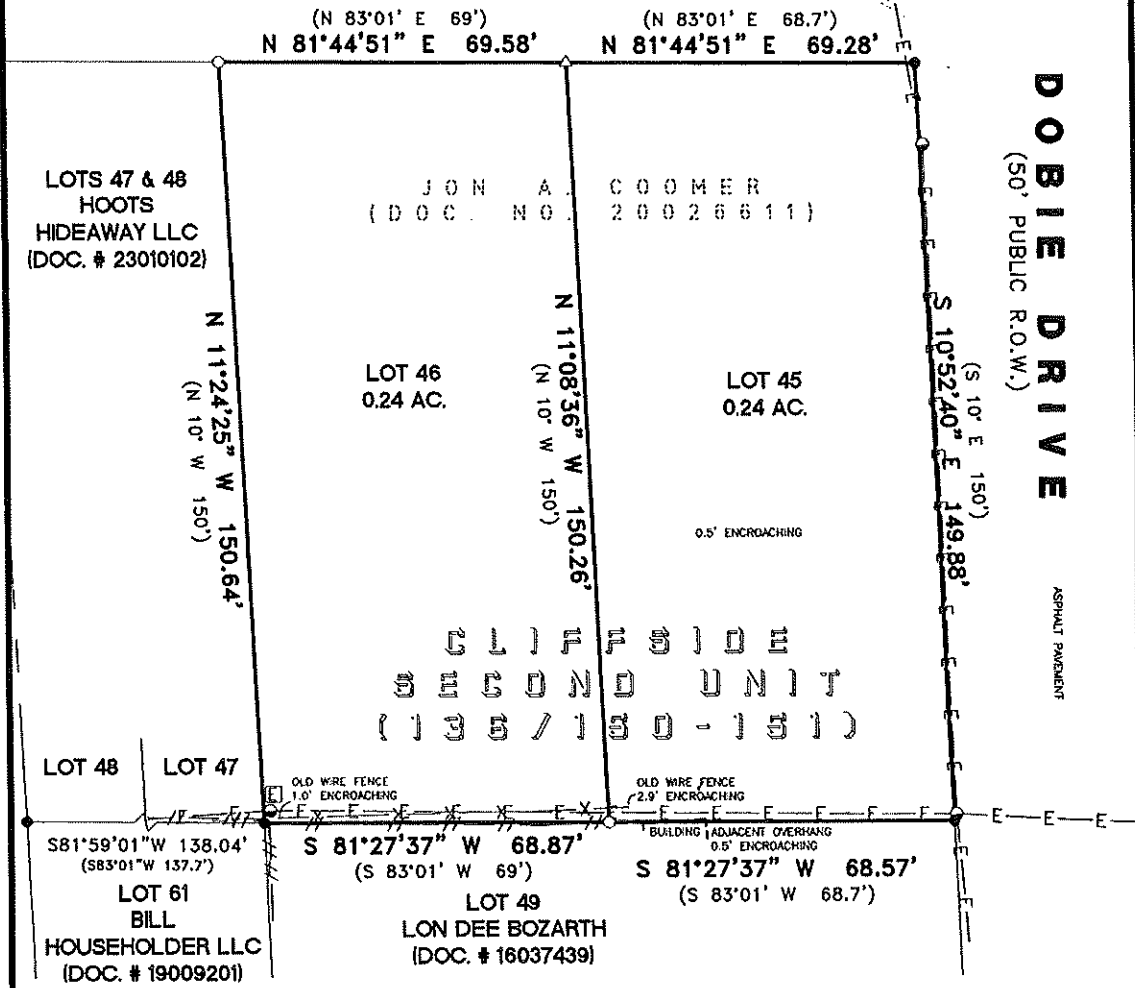
LEGEND

- IRON ROD FOUND
- IRON ROD SET
- CAPPED "RPLS 5687"
- △ COTTON GIN SPINDLE SET
- POWER POLE
- E— OVERHEAD ELECTRIC LINE
- ELECTRIC METER
- //— WOOD FENCE
- X- WIRE FENCE
- (BRG.-DIST.) RECORD CALL



LANGE ROAD
(50' PUBLIC R.O.W.)

ASPHALT PAVEMENT



TITLE NOTES:
ACCORDING TO THE SCHEDULE B OF THE COMMITMENT FOR TITLE, OF # 2324763-WIM, EFFECTIVE 06/23/23 BY TITLE RESOURCES GUARANTY COMPANY, THE PROPERTY IS SUBJECT TO THE FOLLOWING:

1) ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE OR SYSTEM EASEMENT TO PEDERNALES ELECTRIC COOPERATIVE, INC. RECORDED IN VOLUME 137, PAGE 487, DEED RECORDS OF HAYS COUNTY, TEXAS. (BLANKET-TYPE EASEMENT, UTILITIES AS SHOWN)

TO:

PURCHASER: HOOTS HIDEAWAY, LLC
TITLE CO: INDEPENDENCE TITLE
OF NO: 2324763-WIM
ADDRESS: TBD LANGE ROAD, WINBERLEY, TEXAS

I, RICHARD H. TAYLOR, DO HEREBY CERTIFY THAT THIS PLAT OF THE PROPERTY SHOWN HEREON, WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING JULY 2023, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A PUBLIC RIGHT OF WAY.

[Signature]
RICHARD H. TAYLOR, RPLS
REGISTERED PROFESSIONAL LAND SURVEYOR
NUMBER 3986 STATE OF TEXAS
©ASH & ASSOCIATES, L.L.C.

07/24/23
DATE

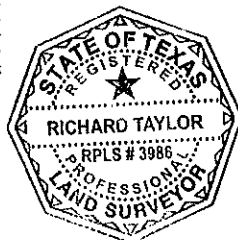
NOTES:

1) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48209C0355F, DATED SEPTEMBER 2ND, 2005, THIS LOT IS LOCATED IN ZONE "X" (UNSHADED), WHICH IS AN AREA OUTSIDE THE FEMA DESIGNATED 100-YEAR FLOODPLAIN.

2) BEARING BASIS DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES & NAD83.

BOUNDARY SURVEY OF:

LOTS 45 & 46, CLIFFSIDE SECOND UNIT, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 136, PAGES 150-151, DEED RECORDS OF HAYS COUNTY, TEXAS.

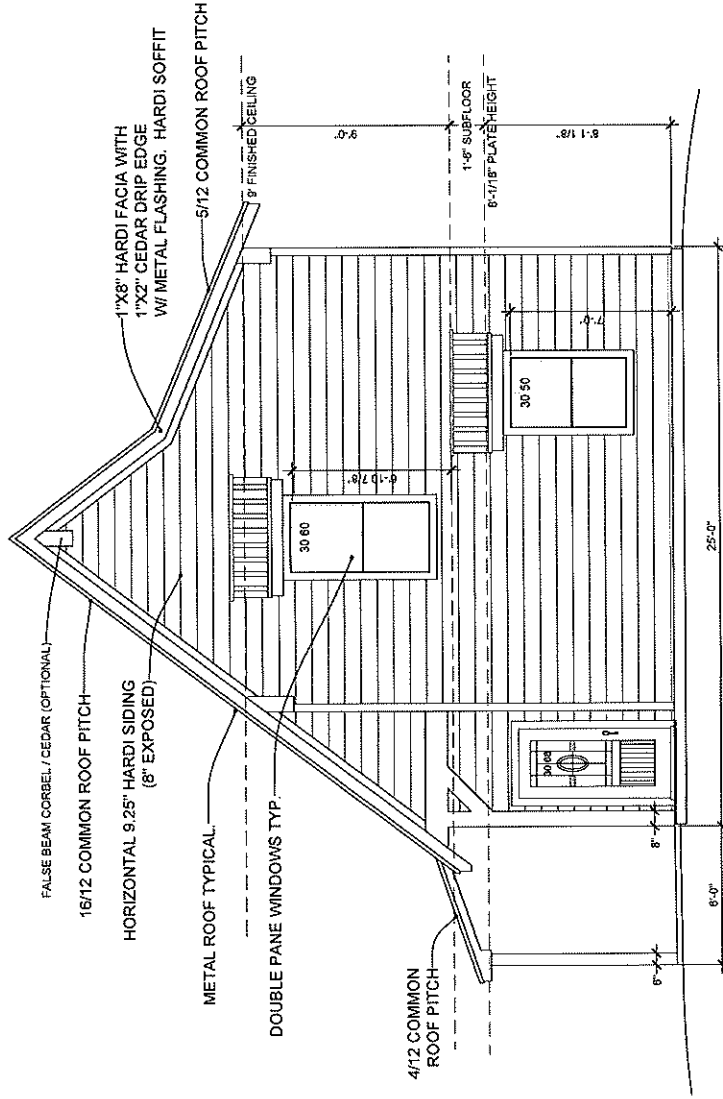


ASH & ASSOCIATES
SURVEYING - MAPPING - PLANNING
142 JACKSON LANE
SAN MARCOS, TEXAS 78666
(512) 392-1719
ashandassociates.net
Surveying: 100847-00

"SERVING THE COMMUNITY OF TEXAS"

JOB NO: 21-7728 DRAWN BY: GMH TB: FILE

NEW CUSTOM HOME - LOT 45 - 110 DOBIE DRIVE, WIMBERLEY, TX. 78676



PROJECT INFORMATION

PROJECT NAME: 110 DOBIE DRIVE
 PROJECT TYPE: NEW CONSTRUCTION
 PROPOSED USE: VACATION RENTAL HOME
 LOCATION: LOT 45, 110 DOBIE DRIVE, WIMBERLEY, TX. 78676
 SQUARE FOOTAGE OF BUILDING: 1,860 SQ FT
 CLIMATE CONTROLLED SQUARE FOOTAGE OF BUILDING:
 1,620 SQ FT
 BUILDING HEIGHT: 28'-10" ±
 OVERALL BUILDING WIDTH: 31'-0"
 OVERALL BUILDING DEPTH: 46'-0"

SHEET INDEX

- CS1 - COVER SHEET
- SP1.10 - SITE PLAN
- A1.10 - FLOOR PLAN
- A1.20 - EXTERIOR ELEVATIONS
- A1.30 - ROOF PLAN AND DETAILS
- A1.40 - ELECTRICAL PLAN

COVER SHEET

SCALE: N.T.S.

01

CONTRACTOR INFORMATION

DESIGNER INFORMATION

Mohney Group
 11000 Katy Road
 Houston, TX 77059
 mohneygroup.com

PROJECT TITLE

RESIDENTIAL
 PLANS

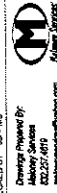
110 DOBIE DRIVE
 WIMBERLEY, TX 78676
 (LOT 45)

DATE	OWNER REVIEW
12-26-2024	PRELIM PERMIT DRAWINGS
03-10-2025	PERMIT DRAWINGS

PROJECT NO. 1152074

DRAWN BY: J.M.

CHECKED BY: J.S. MD



MOONEY GROUP, L.L.C. 20% THIS OFFICE
 OWNER'S PLAN. ALL PERMITS WILL BE
 OBTAINED BY MOONEY GROUP. MOONEY
 GROUP IS NOT RESPONSIBLE FOR ANY
 CONSTRUCTION IN EXCESS OF THE
 MANUFACTURER'S INSTRUCTIONS, AND CANNOT
 BE HELD RESPONSIBLE FOR ANY DAMAGE TO
 THE PROJECT OR TO ANY CONTRACTOR.

SHEET TITLE

COVER SHEET

SHEET NUMBER

CS1

CONTRACTOR INFORMATION

DESIGNER INFORMATION

Atlanta, Georgia
masonry@mcquay-norris.com

RESIDENTIAL
PLANS

110 DOBIE DRIVE
WIMBERLEY, TX 78676
(LOT 45)

PROJECT TITLE

DATE	OWNER REVIEW
12-10-2024	PRELIMINARY DRAWINGS
01-10-2025	PERMIT DRAWINGS

PROJECT NO. 1110024

DRAWN BY: MAM

CHECKED BY: JF, MS

DATE: 12/10/24

SCALE: AS SHOWN

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

DATE: 12/10/24

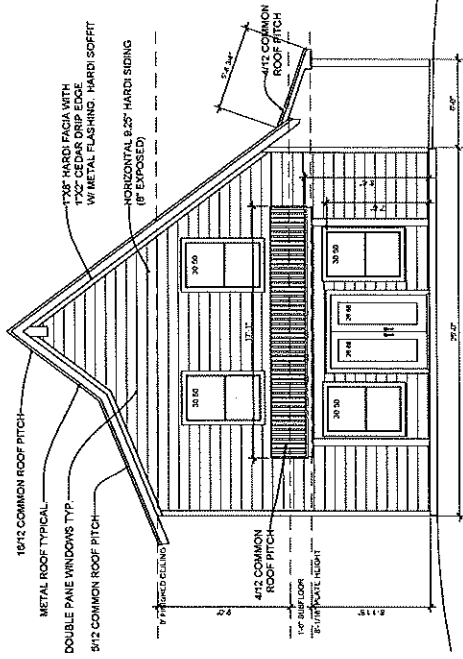


McQuay-Norris
Atlanta, Georgia
masonry@mcquay-norris.com

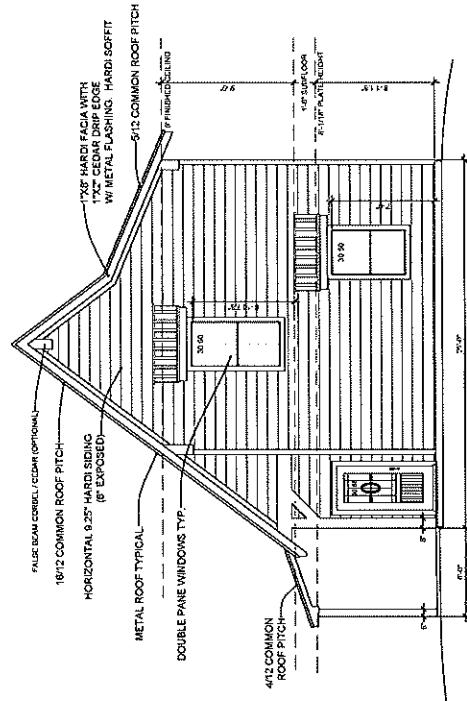
EXTERIOR
BUILDING
ELEVATIONS

A1.20

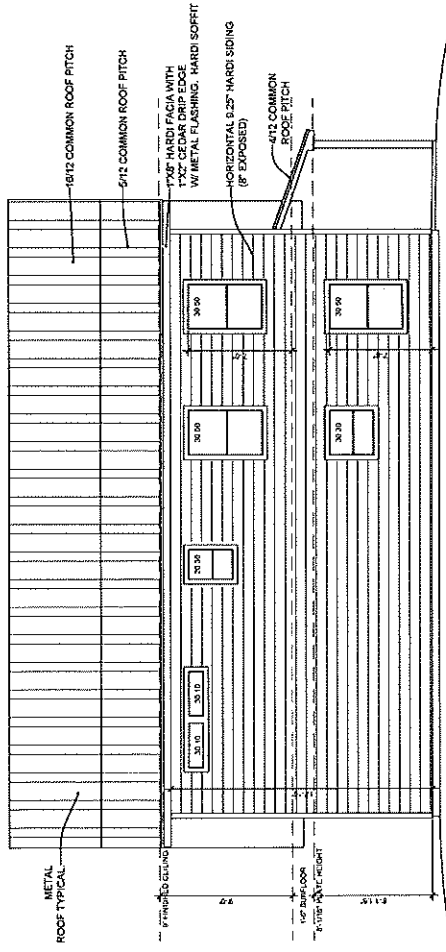
SHEET NUMBER



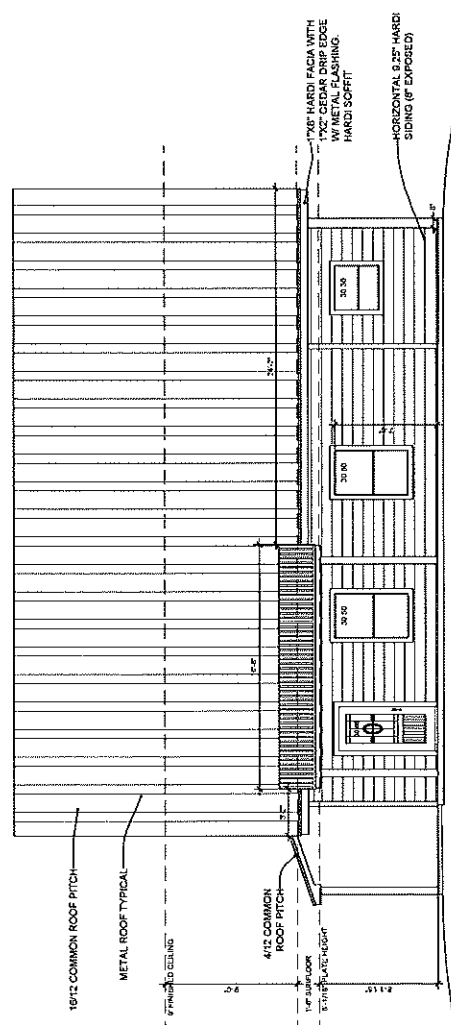
03 SOUTH ELEVATION - REAR SCALE: 1/4"=1'-0"



01 NORTH ELEVATION - FRONT SCALE: 1/4"=1'-0"



04 WEST ELEVATION - SIDE SCALE: 1/4"=1'-0"



02 EAST ELEVATION - SIDE SCALE: 1/4"=1'-0"



AGENDA ITEM:	5.2 CUP-25-008
SUBMITTED BY:	Nathan Glaiser, ACA / Development Director
DATE SUBMITTED:	3/13/2025
MEETING DATE:	May 8 th PZC & May 15 th City Council

REPORT

ITEM

The applicant, Hoots Hideaway LLC, are requesting a Conditional Use Permit to operate a Short-Term Rental 2 (non-owner-occupied vacation rental) at 219 Lange Rd, Wimberley. This property is currently vacant but the applicants have submitted for building permits to build a residence. They are requesting a maximum of 6 guests. There are two parking spaces available in the driveway.

PROPERTY INFORMATION

Property Description

Applicant(s):	Hoots Hideaway LLC
Property Address:	219 Lange Rd
Property Owner:	Hoots Hideaway LLC
Legal Description:	Lot 46, Cliffside Second Unit
Property Size:	.25 acres
Existing Use of Property:	Vacant
Existing Zoning:	R3
Shared Infrastructure	None
Request:	STR2
Planning Area:	II
Overlay District:	None

Surrounding Property:

Frontage: Dobie Drive

Surrounding Zoning & Land Use	North of Property	Current Zoning: R3	Existing Land Use: Residential
--	--------------------------	------------------------------	--

South of Property	R3	Residential
East of Property	R3	Residential
West of Property	R3	Residential

COMMENTS

Staff has not received any comments from the public as of 4/30/2025.

LEGAL NOTICE

Surrounding Neighbor Notification Letters (200'): 4/25/2025
Published Legal Notice (Wimberley View): 4/24/2025

RECOMMENDATION

The comprehensive plans states that small-scale lodging and cottage industries should be allowed in most residential areas, subject to the impact on the neighborhood.

CRITERIA FOR CONSIDERATION

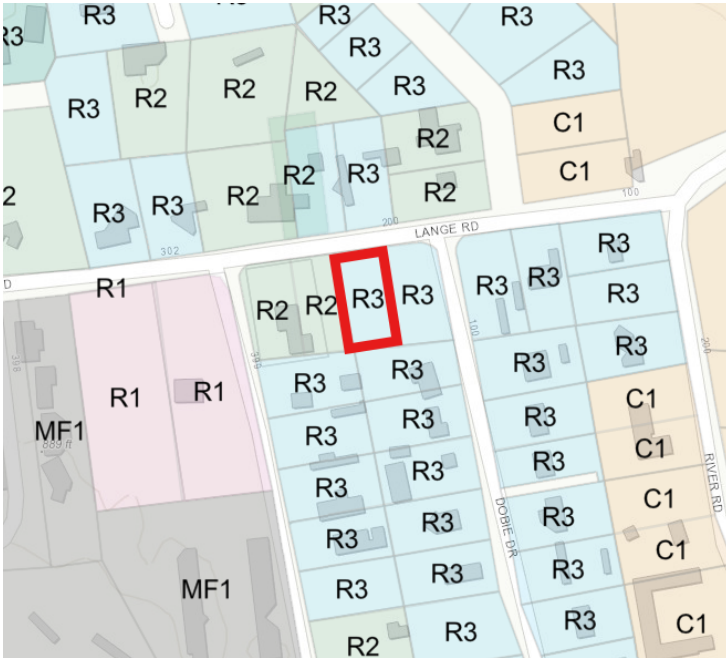
- (A) The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not more adversely affect an adjoining site than would a permitted use;
- (B) The architecture, facade, and signage designs of the use are traditional Hill Country designs and are harmonious with those 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: Hoots Hideaway LLC c/o James R. Salter

Mailing Address: 100 Hoots Holler City: Wimberley State: TX Zip: 78676

Phone: (404) 640-7450 Email: JRSalter@3jl.cc

OWNER'S INFORMATION

Property Owner: Hoots Hideaway, LLC

Mailing Address: 100 Hoots Holler City: Wimberley State: TX Zip: 78676

Phone: Email:

PROJECT SITE ADDRESS: 219 Lange Rd, Wimberley, TX 78676

Legal description: Lot 46, Cliffside Second Unit, a subdivision in Hays County, Texas

Total Acreage or Square Footage: 0.25 acres Deed recorded in: Vol 136, Pgs 150-151

Hays CAD Parcel ID R- 24369 Planning Area: Zoning: R3

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: Pedernales Electric Cooperative (PEC)

Water provider or Private Well: Wimberley Water Corp

Wastewater Service or Septic Permit No. Permit Application Pending

*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:  Date: 3/13/2025

Forms & Applications October 2021 2

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

OWNER: Hoots Hideaway, LLC c/o James R. Salter

LOCATION OF PROPERTY: 219 Lange Rd, Wimberley, TX 78676

LEGAL DESCRIPTION: Lot 46, Cliffside Second Unit

PLANNING AREA: _____ PRESENT ZONING: R3

EXISTING USE: Vacant Lot - to be developed for Single Family dwelling

HOMEOWNERS ASSOCIATION CONTACT INFO: N/A

SHARED FACILITIES (RIVER PARK, POOL, ETC.): River Park

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. 2 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: 2 PROPOSED MAXIMUM OCCUPANCY: 6 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.

REVOICATION: 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

James R. Salter, Managing Member

PRINT NAME

3/13/2025
DATE

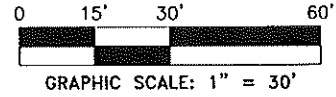
OWNER SIGNATURE

PRINT NAME

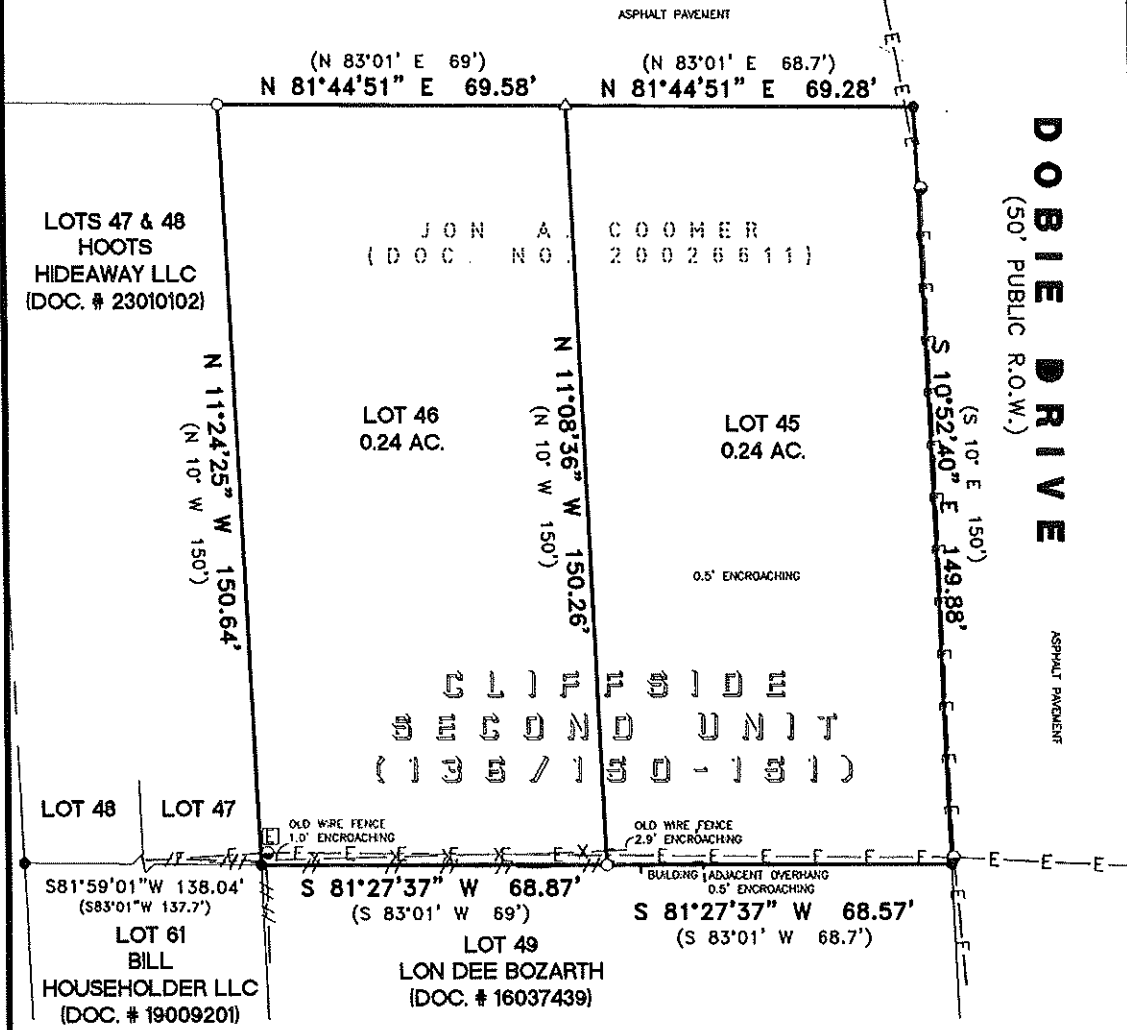
DATE

Forms & Applications October 2021 4

- LEGEND**
- IRON ROD FOUND
 - IRON ROD SET
 - △ CAPPED "RPLS 5687"
 - POWER POLE
 - E— OVERHEAD ELECTRIC LINE
 - ELECTRIC METER
 - // WOOD FENCE
 - X- WIRE FENCE
 - (BRG.-DIST.) RECORD CALL



LANGE ROAD
(50' PUBLIC R.O.W.)



TITLE NOTES:
ACCORDING TO THE SCHEDULE B OF THE COMMITMENT FOR TITLE, GF # 2324763-WM4, EFFECTIVE 06/23/23 BY TITLE RESOURCES GUARANTY COMPANY, THE PROPERTY IS SUBJECT TO THE FOLLOWING:

1) ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE OR SYSTEM EASEMENT TO FEDERNALES ELECTRIC COOPERATIVE, INC. RECORDED IN VOLUME 157, PAGE 487, DEED RECORDS OF HAYS COUNTY, TEXAS. (BLANKET-TYPE EASEMENT, UTILITIES AS SHOWN)

TO:
PURCHASER: HOOTS HIDEAWAY, LLC
TITLE CO: INDEPENDENCE TITLE
GF NO: 2324763-WM4
ADDRESS: TBD LANGE ROAD, WINDERLEY, TEXAS

I, RICHARD H. TAYLOR, DO HEREBY CERTIFY THAT THIS PLAT OF THE PROPERTY SHOWN HEREON, WAS PREPARED FROM A SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION DURING JULY 2023, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A PUBLIC RIGHT OF WAY.

[Signature]
RICHARD H. TAYLOR, RPLS
REGISTERED PROFESSIONAL LAND SURVEYOR
NUMBER 3986 STATE OF TEXAS
©ASH & ASSOCIATES, L.L.C.

07/24/23
DATE

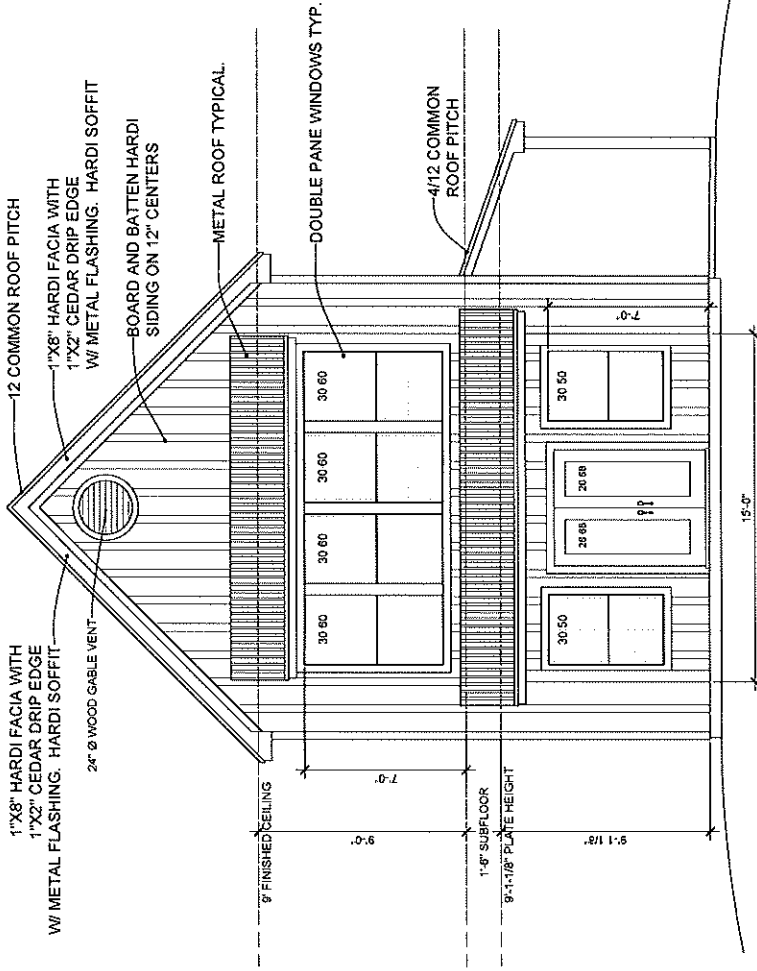
NOTES:
1) ACCORDING TO THE NATIONAL FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48209C0355F, DATED SEPTEMBER 2ND, 2005, THIS LOT IS LOCATED IN ZONE "X" (UNSHADED), WHICH IS AN AREA OUTSIDE THE FEMA DESIGNATED 100-YEAR FLOODPLAIN.
2) BEARING BASIS DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES & NAD83.

BOUNDARY SURVEY OF:
LOTS 45 & 46, CLIFFSIDE SECOND UNIT, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 136, PAGES 150-151, DEED RECORDS OF HAYS COUNTY, TEXAS.



ASH & ASSOCIATES
SURVEYING - MAPPING - PLANNING
142 JACKSON LANE
SAN MARCOS, TEXAS 78666
(512) 392-1719
ashandassociates.net
Surveying: 100B47-00
"SERVING THE COMMUNITY OF TEXAS"

NEW CUSTOM HOME - 219 LANGE ROAD, WIMBERLEY, TX. 78676



PROJECT INFORMATION

PROJECT NAME: 219 LANG ROAD
 PROJECT TYPE: NEW CONSTRUCTION
 PROPOSED USE: VACATION RENTAL HOME
 LOCATION: 219 LANGE ROAD, WIMBERLEY, TX. 78676 (LOT 46)
 SQUARE FOOTAGE OF BUILDING: 1,364 SQ. FT.
 CLIMATE CONTROLLED SQUARE FOOTAGE OF BUILDING:
 1,071 SQ. FT.
 BUILDING HEIGHT: 28'-10" ±
 OVERALL BUILDING WIDTH: 26'-0"
 OVERALL BUILDING DEPTH: 46'-0"

SHEET INDEX

- CS1 - COVER SHEET
- SP1.10 - SITE PLAN
- A1.10 - FLOOR PLAN
- A1.20 - EXTERIOR ELEVATIONS
- A1.30 - ROOF PLAN AND DETAILS
- A1.40 - ELECTRICAL PLAN

COVER SHEET

SCALE: N.T.S. 01

COVER SHEET

CS1

SHEET NUMBER

CONTRACT OR INFORMATION

DESIGNER INFORMATION

Melroy Services
 melroy@melroy.com
 melroy.com

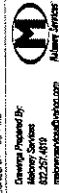
PROJECT TITLE

RESIDENTIAL
 PLANS

219 LANGE ROAD
 WIMBERLEY, TX 78676
 (LOT 46)

DATE	OWNER REVIEW
1-26-2024	PRE-LM PERMIT SET
12-16-2024	PERMIT REVIEW
03-10-2025	PERMIT REVIEW

PROJECT NO. 115024
 DRAWN BY: MAM
 CHECKED BY: JS - MS



Design Provided By:
 Melroy Services
 8225 49th
 Melroy Services
 melroy@melroy.com
 melroy.com

THIS DOCUMENT IS THE PROPERTY OF MELROY SERVICES. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MELROY SERVICES.



AGENDA ITEM:	3. Hold a public hearing and consider making a recommendation to City Council regarding an ordinance amending Chapter 9.03, Division 5, Section 9.03.181 of the City of Wimberley Code of Ordinances relating to off-street parking and loading requirements within the City Center Overlay District.
SUBMITTED BY:	
DATE SUBMITTED:	04/30/2025
MEETING DATE:	May 8, 2025

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

This ordinance will amend the parking requirements for the City Center Overlay by making the City Center Overlay exempt from the off-street parking requirements located in section (f). The section under letter (f) requires developers and business owners to provide a certain number of parking spaces based on the use and size of the property, or some other metric like seats in a restaurant. For example, a restaurant must provide 1 parking space for every 100 square feet of waiting area or 1 parking space for every 3 seats at max capacity. This ordinance will completely remove the existing language that allows for a developer to pay a fee-in-lieu in place of providing the parking spaces required by section (f), as it would no longer be applicable.

REQUESTED ACTION

Motion
Discussion

FINANCIAL

The City has collected 43,000 in parking fee-in-lieu fees from owners in the City Center Overlay. Fees will no longer be collected if the ordinance is approved.

STAFF RECOMMENDATION

Staff recommends approval of this ordinance as written. The comprehensive plan states that: "The City should require, where practical, all new businesses to provide adequate off-street parking, either on-site or in leased or purchased spaces in a City-sponsored lot." Staff proposes that in most cases, it is not practical for businesses in the downtown to provide the parking required in this ordinance. Here is the reasoning:

- The existing properties and buildings within the City Center overlay could not be built today without considerable land acquisition or fee-in-lieu payment of tens of thousands of dollars and in some cases over \$100,000 dollars to comply with the existing code.
- Parking lots provided according to code, when considering the size of a 9x20 space and

a minimum 12-foot lane to accommodate the spaces, would require the parking lots to be roughly 2x to 3x the size of the business they are serving, detracting from the high density, pedestrian-friendly nature of the City Center.

- Lots in the City Center Overlay were not laid out in a planned or uniform manner. The smallest lot in the City Center is just over 1,100 square feet in size and the median lot size is approximately 10,000 square feet or .23 acres, leaving very little room for parking lots were the property to be redeveloped.
- The majority of the properties in the downtown are considered non-conforming (grandfathered) and enforcement of this ordinance has proven to be inequitable, targeting primarily small businesses who may be unable to purchase the additional land needed for parking or pay the parking fee-in-lieu.

Staff sent surveys to other cities in central Texas and found that the majority do not enforce their parking requirements in their downtown districts. Those that do, enforce parking requirements that are much more relaxed than Wimberley's requirements. Ultimately, staff believes that leaving the amount of parking spaces provided up to the free market, as opposed to government mandated parking, will result in more efficient land use of the most valuable property in the City.

ATTACHMENT/S

1. Ord 2025-XX (Amend Ch 9.03.181 - parking in Overlay District)
2. Wimberley, TX Code of Ordinances

ORDINANCE 2025-XX

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 9.03, DIVISION 5, SECTION 9.03.181 OF THE CITY OF WIMBERLEY CODE OF ORDINANCES RELATING TO OFF-STREET PARKING AND LOADING REQUIREMENTS WITHIN THE CITY CENTER OVERLAY DISTRICT; AND PROVIDING FOR FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley, Texas (the "City Council") deems it in the public interest to amend the Code of Ordinances of the City of Wimberley, Texas (the "Code"); and

WHEREAS, the City Council desires to modify the off-street parking requirements specifically for properties located within the City Center Overlay District to further the goals and objectives of that district; and

WHEREAS, the existing Section 9.03.181(g) of the Code establishes specific parking regulations, including reduced parking requirements and a fee-in-lieu option, for the City Center Overlay District; and

WHEREAS, the City Council has determined that removing these parking requirements will enhance the character and economic vitality of the City Center Overlay District;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:

1. Findings of Fact

That Chapter 9.03, Division 5, Section 9.03.181(g), entitled "City center overlay parking" of the Code of Ordinances of the City of Wimberley, Texas, is hereby amended to read in its entirety as follows:

(g) *City center overlay parking.*

Notwithstanding any other provision of this section to the contrary, the off-street parking requirements as set forth in subsection (f) of this section shall not apply to properties located within the city center overlay, as defined in section 9.03.222 of this Code.

~~(1) *Fee-in-lieu of parking spaces.*~~

~~a. Within the city center overlay, (as defined in section 9.03.222), a property owner who is unable to provide the required number of parking spaces for non-residential uses may request to pay a fee in lieu to the City of Wimberley Downtown Parking Fund for each parking space that is not provided, if the request for reduced parking meets the criteria contained herein. Payments to the fund will be on a per unprovided parking space basis as set out in article 9.05, development fees, subsection (s) "fee-in-lieu of parking spaces." Payments to the downtown parking fund will be used for the sole purpose of constructing, maintaining, and improving public parking on public property within the city center overlay, in an area adjacent to the city center overlay, including but not limited to on-street parking, public parking lots, public~~

~~parking garages, and for non-city center overlay adjacent property with shuttle service and/or for shuttle service to such non-adjacent property.~~

~~b. When an existing building has the gross floor area within the existing building perimeter enlarged, rehabilitated, or remodeled, without enlarging the building footprint or number of stories, then the building conversion or improvement shall not require additional off-street parking, so long as the existing off-street parking spaces utilized by said building are maintained, and in the case of commercial buildings, where there is no change or expansion of use.~~

~~c. For commercial buildings where: (1) there is a change or expansion of use; or (2) when an existing building footprint is enlarged or number of stories increased within the city center overlay boundary, the building owner shall only be required to provide 75 percent of the off-street parking requirements for the total building area as listed in section 9.03.181(f).~~

~~d. For new commercial buildings and instances where a structure is completely demolished, and where a new building is constructed, then the property owner shall only be required to provide 75 percent of the off-street parking requirements as listed in the section 9.03.181(f).~~

~~e. Where additional parking is required, then the applicant/property owner shall provide a detailed plan demonstrating how the site meets the city's parking standards, as amended herein for the city center overlay, or pay the fee in lieu, as adopted in accordance with article 9.05, for the necessary number of parking spaces to serve the site. The fee is required to be paid prior to issuance of a building permit or certificate of occupancy.~~

~~f. Residential and hotel type uses shall not be eligible to pay the fee in lieu, nor are they allowed the reduced off-street parking requirements unless the city administrator approves the fee in lieu based on the site and requested use. The city administrator may require a parking study, engineering studies, or other applicable information in order to determine whether the fee in lieu should be approved prior to approving the applicants request for fee in lieu for residential/hotel type uses.~~

~~g. With the exception of approved special exceptions related to the location of parking described in section 9.03.181(i) below, no new parking special exceptions, alternative parking plans, or joint use agreements shall be granted within the city center overlay, all properties shall comply with the amended parking requirements found herein, either by providing the required number of spaces, paying the fee in lieu as delineated in article 9.05 development fees, or a combination of the two. Nothing in this subsection shall affect existing parking special exceptions, alternative parking plans, or joint use agreements.~~

~~h. Any parking special exceptions, alternative parking plans, or joint use agreements that were approved prior to the adoption of this ordinance shall be required to comply with all requirements set forth by the board of adjustment or other body at the time the request was approved.~~

2. Savings.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

3. Severability.

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part of provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

4. Repealer.

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

5. Effective Date.

This Ordinance shall immediately upon its passage, publication and other authorizations as may be required by law.

6. Proper Notice and Meeting.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 1st day of May 2025, by a vote of ___ (Ayes) to ___ (Nays) ___ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

By: _____
James T. Chiles, Mayor

ATTEST:

Tammy Heller, City Secretary

APPROVED AS TO FORM:

City Attorney



^{5/1} If approved, Section (f) below would no longer apply to properties in the City Center Overlay.

(f) *Parking requirements based upon use.* In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or at the time of any change of use, off-street parking spaces in accordance with the following requirements:

- (1) Automobile parts sales (indoors): one space per 500 square feet of indoor floor area, plus one space for each 2,000 square feet of outside sales area;
- (2) Automobile sales or service: see motor vehicle sales under subsection (f)(37) below;
- (3) Bank, savings and loan, or similar institution: one space per 200 square feet of gross floor area, in addition to required stacking spaces (see subsection (c));
- (4) Bowling alley or center: six parking spaces for each alley or lane;
- (5) Bus or truck repair, storage area, or garage: one space for each 500 square feet of floor area and repair garage with a minimum of five spaces;
- (6) Business or professional office (general): one space per 300 square feet of gross floor area, except as otherwise specified herein;
- (7) a. Carwash (self-serve): one space per washing bay or stall, in addition to the washing areas or stalls themselves and required stacking spaces; or
b. Carwash (full-service): one space per 150 square feet of floor area, in addition to the required stacking spaces (also see subsection (c)(12)).
- (8) Church, rectory, or other place of worship: one parking space for each three seats in the main auditorium or sanctuary (see subsection (h)(2));
- (9) College or university: one space per three day students, based upon maximum occupancy or enrollment numbers;
- (10) Commercial amusement (indoor): one space per 100 square feet of gross floor area, or as follows:
 - a. Racquetball or handball courts: three spaces for each court;
 - b. Indoor tennis courts: six spaces for each court;
 - c. Gymnasium, skating rinks, and martial arts schools: one space for each three seats at a maximum seating capacity, based upon maximum occupancy, plus one space for each 200 square feet;
 - d. Swimming pool: one space for each 100 square feet of gross water surface and deck area;
 - e. Weight lifting or exercise areas: one space for each 100 square feet;
 - f. Indoor jogging or running tracks: one space for each 100 linear feet;
 - g. Motion picture theaters (which do not include live performances):

1. One space per 3.5 seats for single-screen theaters; or
 2. One space per five seats for motion picture theaters with two or more screens (see subsection (h)(2)).
- h. Amusement center: one space for each game table and one space for each amusement device; and
- i. All areas for subsidiary uses not listed above or in other parts of this section, such as restaurants, office, and the like, shall be calculated with the minimum specified for those individual uses.
- (11) Commercial amusement (outdoor): ten spaces, plus one space for each 500 square feet over 5,000 square feet of building and recreational area;
- (12) Commercial use: one space per 250 square feet of floor area;
- (13) Community center, library, museum, or art gallery: ten parking spaces, plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains (see subsection (h)(2));
- (14) Convenience store with gasoline pumps: one space per 200 square feet of floor area, plus one space for each gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling (see also subsection (g)(6));
- (15) Dance/aerobics studio, or assembly/exhibition hall without fixed seats: one parking space for each 100 square feet of floor area thereof;
- (16) Day nursery: one space per ten pupils, based upon maximum occupancy or licensing capacity, plus one space per teacher, plus one space for each bus or van;
- (17) Defensive driving school or class: one space for each classroom seat (see subsection (h)(2));
- (18) Fraternity, sorority, or dormitory: one parking space for each two beds on campus, and 1.5 spaces for each two beds in off-campus projects;
- (19) Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service: two parking spaces, plus one additional space for each 300 square feet of floor area over 1,000 square feet;
- (20) Gasoline station: one space per 200 square feet of floor area, plus one space for each gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be

provided for waiting, stacking, and maneuvering automobiles for refueling (see also subsection (g)(6));

- (21) Golf course: four parking spaces per hole or green, plus requirements for retail, office, and club house areas, and one space per each two employees;
- (22) Golf driving range: 1.5 spaces for each driving tee;
- (23) Health club, health spa, or exercise club: one space per 150 square feet of floor area;
- (24) Hospital: one space for each two beds or examination room, whichever is applicable, plus one space for every two employees during periods of full occupancy;
- (25) Hotel or motel: one space per room, plus one space per five restaurant or lounge area seats, based upon maximum occupancy, plus one space per 125 square feet of meeting and conference areas.
 - a. One and one-half spaces per room which contains kitchenette facilities, plus parking for restaurant and meeting areas per ratio stated in this subsection (25).
 - b. Two spaces per guest room provided with full kitchen facilities, plus parking for restaurant and meeting areas per the ratio stated in this subsection (25).
 - c. One space for every two employees during peak (such as busiest) time periods when the hotel or motel is fully occupied.
- (26) Industrial (light) uses: one space for each 1,000 square feet of floor area;
- (27) Institutions of a philanthropic nature: ten spaces, plus one space for each employee;
- (28) Library or museum: ten spaces, plus one space for every 300 square feet;
- (29) Lodge or fraternal organization: one space per 200 square feet;
- (30) Lumber yard or home improvement center: one space per 400 square feet display area, plus one space per 1,000 square feet of warehouse;
- (31) Machinery or heavy equipment sales: one space per 500 square feet of gross floor area;
- (32) Mobile home or mobile home park: two spaces for each mobile home unit, plus visitor or supplemental parking in accordance with section 9.03.080(a)(2), plus additional spaces as required herein for accessory uses;
- (33) Manufacturing, processing, or repairing: one space for each two employees or one space for each 1,000 square feet of total floor area, whichever is greater;
- (34) Medical or dental office: one space per 200 square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals;
- (35) Mini-warehouse: four spaces per establishment, plus one additional space per 10,000 square feet of storage area;
- (36)

Mortuary or funeral home: one parking space for each 200 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms, or one space for each three seats in the auditorium or sanctuary (see subsection (h)(2)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions so that these activities do not cause excessive or extended traffic congestion or delays on a public roadway;

- (37) Motor vehicle sales and new or used car lots: one parking space for each 500 square feet of sales floor/office and other indoor uses, plus one parking space for each 1,000 square feet of exterior lot area used for storage, sales, and parking areas, plus one parking space per repair bay in service areas (indoors or outdoors), plus one parking space per service or towing vehicle to be stored on-site;
- (38) Nursing home, convalescent home, or home for the aged: one space per six beds, plus one parking space for each 300 square feet of floor area devoted to offices, cafeterias, exercise and therapeutic rooms, and other similar ancillary uses, plus one space for every two employees at full occupancy;
- (39) Office (administrative or professional): one space for each 300 square feet of floor area;
- (40) Outdoor display: one space for each 600 square feet of open sales and display area;
- (41) Places of public assembly not listed: one space for each three seats provided (see subsection (h)(2));
- (42) Real estate office: one space for each 200 square feet;
- (43) Restaurant, private club, nightclub, cafe, or similar recreation or amusement establishment: one parking space for each 100 square feet of seating or waiting area, or one space for every three seats under maximum seating arrangement (such as occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be required for drive-through facilities (see subsection (c)(11) [(c)(12)]);
- (44) Retail or personal service establishment, except as otherwise specified herein: one space per 200 square feet of gross floor area, in addition to any required stacking spaces for drive-through facilities (see subsection (c)(11) [(c)(12)]);
- (45) Retirement housing for the elderly (independent living): 1.5 spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service, or recreational uses as defined for those uses;
- (46) Rooming or boarding house: one parking space for each sleeping room, plus one parking space for each host resident or employee during maximum (such as peak) shift;
- (47) Sanitarium or similar institution: one parking space for each six beds, plus one parking space for every two employees at maximum (such as peak) shift and full occupancy;
- (48) School, elementary (grades K—6): one parking space for each 15 students (design capacity);

- (49) School, secondary or middle (grades 7—8): one parking space for each 12 students (design capacity);
 - (50) School, high school (grades 9—12): one space for each three students, faculty, and staff (design capacity);
 - (51) Storage or warehousing: one space for each two employees or one space for each 1,000 square feet of total floor area, whichever is greater;
 - (52) Telemarketing: one space for each 250 square feet of space;
 - (53) Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium, or auditorium, except school auditorium: one parking space for each three seats or bench seating spaces (see subsection (h)(2));
 - (54) Truck stops: one truck parking space for each 10,000 square feet of site area plus one vehicle parking space per 200 square feet of building area;
 - (55) Veterinarian clinic: one space per 300 square feet of gross floor space; and
 - (56) Warehouse or wholesale type uses: one space for 5,000 square feet of gross floor area.
- (g) *City center overlay parking.*
- (1) *Fee-in-lieu of parking spaces.*
 - a. Within the city center overlay, (as defined in [section 9.03.222](#)), a property owner who is unable to provide the required number of parking spaces for non-residential uses may request to pay a fee in-lieu to the City of Wimberley Downtown Parking Fund for each parking space that is not provided, if the request for reduced parking meets the criteria contained herein. Payments to the fund will be on a per unprovided parking space basis as set out in [article 9.05](#), development fees, subsection (s) "fee-in-lieu-of parking spaces." Payments to the downtown parking fund will be used for the sole purpose of constructing, maintaining, and improving public parking on public property within the city center overlay, in an area adjacent to the city center overlay, including but not limited to on-street parking, public parking lots, public parking garages, and for non-city center overlay adjacent property with shuttle service and/or for shuttle service to such non-adjacent property.
 - b. When an existing building has the gross floor area within the existing building perimeter enlarged, rehabilitated, or remodeled, without enlarging the building footprint or number of stories, then the building conversion or improvement shall not require additional off-street parking, so long as the existing off-street parking spaces utilized by said building are maintained, and in the case of commercial buildings, where there is no change or expansion of use.
 - c.

For commercial buildings where: (1) there is a change or expansion of use; or (2) when an existing building footprint is enlarged or number of stories increased within the city center overlay boundary, the building owner shall only be required to provide 75 percent of the off-street parking requirements for the total building area as listed in section 9.03.181(f).

- d. For new commercial buildings and instances where a structure is completely demolished, and where a new building is constructed, then the property owner shall only be required to provide 75 percent of the off-street parking requirements as listed in the section 9.03.181(f).
 - e. Where additional parking is required, then the applicant/property owner shall provide a detailed plan demonstrating how the site meets the city's parking standards, as amended herein for the city center overlay, or pay the fee-in-lieu, as adopted in accordance with article 9.05, for the necessary number of parking spaces to serve the site. The fee is required to be paid prior to issuance of a building permit or certificate of occupancy.
 - f. Residential and hotel type uses shall not be eligible to pay the fee-in-lieu, nor are they allowed the reduced off-street parking requirements unless the city administrator approves the fee-in-lieu based on the site and requested use. The city administrator may require a parking study, engineering studies, or other applicable information in order to determine whether the fee-in-lieu should be approved prior to approving the applicants request for fee-in-lieu for residential/hotel type uses.
 - g. With the exception of approved special exceptions related to the location of parking described in section 9.03.181(i) below, no new parking special exceptions, alternative parking plans, or joint-use agreements shall be granted within the city center overlay, all properties shall comply with the amended parking requirements found herein, either by providing the required number of spaces, paying the fee-in-lieu as delineated in article 9.05 development fees, or a combination of the two. Nothing in this subsection shall affect existing parking special exceptions, alternative parking plans, or joint-use agreements.
 - h. Any parking special exceptions, alternative parking plans, or joint-use agreements that were approved prior to the adoption of this ordinance shall be required to comply with all requirements set forth by the board of adjustment or other body at the time the request was approved.
- (h) *Rules for computing number of parking spaces.* In computing the number of parking spaces required for each of the above uses, the following rules shall govern:
- (1) "Floor area" shall mean the gross floor area of the specific use.
 - (2) "Seat" shall be interpreted as follows:
 - a. For fixed (such as church pews, grandstands, benches, and the like) seating, one seat equals 1.75 feet of length; and

- b. For flexible (such as folding chairs, and the like) seating areas, one seat equals eight square feet of floor area occupied by that seating area (includes aisles).
- (3) Where fractional spaces result, the parking spaces required shall be constructed up to the next whole number.
- (4) The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the director, or his or her designee, in accordance with the requirements for the most closely related use specified in this section.
- (5) Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, those spaces shall be provided on the basis of the enlargement or change.
- (6) For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 40,000 square feet.
- (7) Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to 50 percent of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the director or his or her designee. To ensure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the city.
- (8) In the O-1, O-2, L-1, and L-2 districts, compact car parking spaces may be permitted when approved as part of a detailed site plan by the planning and zoning commission, provided one of the following conditions applies:
 - a. Where it is necessary to preserve the natural landscape and native trees, a maximum of ten percent of required parking may be designed for compact cars;
 - b. On parking lots larger than 50 spaces involving large industrial buildings or large offices and where there is only one tenant, a maximum of ten percent of the required parking may be for compact cars; or
 - c. On parking lots larger than 50 spaces involving a shopping center, a maximum of ten percent of the required parking may be for compact cars.

(i)

Location of parking spaces. All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- (1) Where an increase in the number of spaces is required by a change or enlargement of use or where the spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not to exceed 600 feet from any nonresidential building served.
- (2) In any case where the required parking spaces are not located on the same lot with the building or use served, or where the spaces are collectively or jointly provided and used, approval by the planning and zoning commission and the city council is required according to the following criteria:
 - a. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within 150 feet, or 1,000 feet within the C-2 zoning district, of the building or structure, provided:
 1. A permanent easement of the parking facilities in favor of the premises to be benefitted shall be dedicated and recorded as a condition of that use; or
 2. A long-term remote parking lease agreement be provided upon approval by the city as a condition of that use.
- (3) Parking in the village center shall conform to the specific requirements for the city center overlay district.
- (j) *Use of required parking spaces; nonresidential districts.* Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, storage or permanent display of boats, trailers, campers, motor vehicles, or other goods, materials, or products for sale.
- (k) *Fire lanes.* Fire lanes shall be provided in all multi-family and nonresidential developments, as required by the adopted fire code of the city (also see [article 9.02](#) for certain fire lane regulations).

(Ordinance 2001-010, § 44, adopted 4/1/01; Ordinance 2003-006, adopted 7/3/03; 2006 Code, § 155.075; Ordinance 2011-004, § II(B), adopted 1/20/11; Ordinance adopting 2018 Code; Ordinance 2021-30, § 1, adopted 9/2/21)