

STATE OF TEXAS  
COUNTY OF GILLESPIE  
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION  
APRIL 3, 2019  
5:30 P.M.

On this the 3rd day of April the PLANNING AND ZONING COMMISSION convened in regular Session at the Law Enforcement Center with the following members present to constitute a quorum:

**PRESENT:**

JANICE MENKING  
JIM JARREAU  
POLLY RICKERT  
JIM WARREN  
TIM DOOLEY  
CHRIS KAISER  
STEVE THOMAS

**ABSENT:**

DARYL WHITWORTH  
BRENDA SEGNER

**ALSO PRESENT:**

BRIAN JORDAN – Director of Development Services  
DANIEL JONES – City Attorney  
KRIS KNEESE – Assistant Public Works Director  
ANN HUDSON – Historic Preservation Officer  
SHELBY COLLIER – Development Coordinator

Janice Menking called the meeting to order at 5:30 P.M.

**MINUTES**

Jim Jarreau moved to approve the minutes of the March 2019 meeting. Polly Rickert seconded the motion. All voted in favor and the motion carried.

Polly Rickert moved to approve the minutes of the February 7, 2019 City Council and Planning and Zoning Commission meeting and Jim Jarreau seconded the motion. All voted in favor and the motion carried.

**ACTION ITEM**

**Consider (P-1906) Request by Luke Barnett to replat lot 2AR of the Bertelson Acres Subdivision located on Green Meadows Blvd.**

Motion made to open public hearing by Jim Jarreau. Seconded by Steve Thomas. All voted in favor and the motion carried.

Luke Barnett presented the application. He is requesting to subdivide one lot into two with access for both lots on Green Meadows Blvd.

Motion made to close public hearing Jim Jarreau seconded by Chris Kaiser. All voted in favor and the motion carried.

Receive recommendation and consider (P-1906)

Brian Jordan, Director of Development Services, stated adequate right-of-way for Green Meadows Boulevard was provided when the Green Meadows subdivision was developed. A park dedication fee in the amount of \$500 will be required for the new lot being created and a water and sanitary sewer tap will be required for the additional lot.

Staff recommends approval

Motion to approve Application P-1906 per staff recommendation by Jim Jarreau. Seconded by Tim Dooley Thomas. All voted in favor and the motion carried.

**Consider (P-1907) Request by Dale Sultemeier to replat lot 1 of the Medical Center Subdivision located on South State Highway 16.**

Janice Menking recused herself from the proceedings.

Polly Rickert made a motion to nominate Tim Dooley as acting Chairman. Seconded by Chris Kaiser. All voted in favor and the motion carried.

Motion to open public hearing made by Jim Jarreau seconded by Polly Rickert. All voted in favor and the motion carried.

Dale Sultemeier presented the application. He is requesting to subdivide the property, one lot into two, with the newly created lot having frontage on Pyka Road.

Motion to close public hearing made by Jim Jarreau. Seconded by Jim Warren. All voted in favor and the motion carried.

Receive recommendation and consider (P-1907)

Brian Jordan stated this application is a Replat of Lot 1 of the Medical Center Subdivision into Lot 1-AR and Lot 1-BR. Main access into the property is provided from State Highway 16. The new lot (1-AR) will have access from Pyka Road.

An existing 60' drainage easement is located along the west side of Lot 1-AR, a diversion easement along the south property line and a driveway easement with the adjoining property to the south and the Sidewalk Plan does not call for a sidewalk adjoining any portion of this property.

Staff recommends approval

Motion to approve Application P-1907 by Jim Jarreau. Seconded by Steve Thomas. All voted in favor and the motion carried.

**Consider (Z-1901) Request by City of Fredericksburg to consider an ordinance amending section 7.800 – Off Street parking procedures of the Zoning Ordinance of the City of Fredericksburg, specifically section 7.825 special provisions applicable to central Fredericksburg.**

Motion to open public hearing by Tim Dooley. Seconded by Polly Rickert. All voted in favor and the motion carried.

Brian Jordan presented the application. He stated The Council adopted Ordinance 24-005 in May 2014. This ordinance amended Section 7.825 of the Zoning Ordinance, Special Parking Provisions Applicable to Central Fredericksburg by extending these provisions from Washington Street to Elk Street on the east end of town and from Milam Street to Bowie Street on the west end of town. In September, 2015, the Council adopted Ordinance 25-017 that extended these provisions from Bowie Street to Acorn Street. The 600 block of W. Main Street is zoned C-2 Commercial and the property immediately adjacent is zoned R-1 Single Family Residential. By allowing the special parking provisions to be extended into this location, the existing properties are not required to provide on-site parking unless the buildings are expanded.

There are several factors that should be considered as part of this evaluation. First of all, the speed limit along Main Street transitions from 30 MPH to 45 MPH at Bowie Street heading west. There are no cross-walks or traffic signals within the blocks west of Milam Street to protect pedestrians crossing the street. The zoning and uses of property adjacent to and behind the lots fronting on Main Street is single family residential. The potential negative affect of this would be if on street parking is not available, parking would likely extend into the residential areas.

Staff recommends approval of the provided ordinance which eliminates the special parking provisions from these blocks.

Polly Rickert stated the application as presented is increasing the required parking. Brian stated that is correct. He gave an example of an existing location that changes from an office to a restaurant and stated this change would trigger the need for full parking.

Greg Kaderli spoke in support of the amendment. He stated he lives at 611 W. San Antonio and has often seen his neighborhood used as parking overflow for the neighboring commercial businesses.

Larry Burson stated he has questions. He lives at 607 W. Austin. And he wanted to know why the change now? What will be the effect on the surrounding area if this is approved.

Brian addressed the why now is at the direction of City Council. The issue was stemmed by the previously mentioned business, the business is no longer there, but it showed a possible issue that needed to be addressed. No magic about the time other than City Staff now having the time to address this issue.

Carolyn Moore stated Mr. Kaderli expressed her opinion very well and Doug Travis agreed with Mr. Kaderli as well.

Brian stated 3 comments were provided to the Commission and Staff has received 4 additional ones tonight. 7 letters received with 6 in support.

Motion made to close public hearing by Polly Rickert. Seconded by Jim Warren. All voted in favor and the motion carried.

Receive Recommendation Z-1901.

Jim Jarreau asked what the parking requirement is for Short Term Rentals. Brian stated the requirement is 1 parking space per rentable unit.

Motion to recommend approval made by Jim Jarreau. Seconded by Jim Warren. All voted in favor and the motion carried.

**Consider (Z-1902) Request by City of Fredericksburg to consider an ordinance amending the Zoning Ordinance of the City of Fredericksburg, prohibiting outdoor amplified sound adjacent to Single Family Residential Zoning Districts**

Motion to open public hearing by Tim Dooley. Seconded by Polly Rickert. All voted in favor and the motion carried.

Brian Jordan presented the application. He stated On February 18, 2019, the Council voted to initiate the consideration of an ordinance to amend the Zoning Ordinance to prohibit outdoor amplified sound adjacent to single family residential zoning districts. Under current regulations, a business located in a Commercial zoning district that happens to adjoin a residential zone is only restricted by the current sound ordinance. The primary complaints come from neighborhoods located adjacent to commercial zones. The proposed ordinance would prohibit outdoor amplified sound for any use when located adjacent to a Single Family Residential District.

He commented on the several maps that showed where this Ordinance would restrict outdoor amplified sound.

Staff recommends approval.

Greg Kaderli lives at 611 W. San Antonio St. He spoke in support of this ordinance. He spoke about the importance of maintaining the culture and believes this Ordinance will assist with that.

Motion to close public hearing made by Polly Rickert. Seconded by Chris Kaiser. All voted in favor and the motion carried.

Receive Recommendation Z-1902

Polly Rickert commented that in the Ordinance there was an error. Daniel stated it had been corrected.

Polly Rickert commented on the definition of adjacent. She voiced her concern that a residential property could be across the street from Commercial and have the same issue. She gave an example of the properties shown in the map at Lower Crabapple Road.

Brian stated a recommendation could be made to include the areas across the road from commercial as an example. He went on to say Staff could provide a better definition.

Chris Kaiser questioned if the business at 607 W. Main would currently allow outdoor amplified sound. Brian stated the business would be allowed as it is in operation currently, but not as proposed in the new ordinance.

Motion made to recommend approval with change to definition of adjacent made by Tim Dooley. Seconded by Polly Rickert. All voted in favor and the motion carried.

**Consider (Z-1905) Request by City of Fredericksburg to consider an ordinance amending the Zoning Ordinance to create a MU-2, Mixed Use Zoning District, establishing permitted uses and site development regulations for such district**

Motion made to open public hearing made by Polly Rickert. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Brian Jordan stated when the last Comprehensive Plan was adopted, a Mixed Use Corridor Land Use Category was established. The staff and the Planning and Zoning Commission have been working on the creation of a zoning district that would correspond with this category. Two Mixed Use Districts have been created, with one being for major corridors (MU-2) and the other for infill development (MU-1). In addition, a new C-1.5 commercial district has been drafted to fall between our C-1 Neighborhood Commercial District and the C-2 General Commercial District. A copy of each district is attached.

Brian wanted to clarify under the permitted uses on page 3 of 7, there is a reference under the shopping center to limit the size, he is suggesting to strike this item. He also commented on moving "guidelines" into "requirements". They may be found in subsection 1 under additional special site and developmental regulations, A through K.

City Staff plans to present this to City Council on April 15<sup>th</sup> and then this zoning would apply to the 290 East Annexation in May.

Andy Bray stated overall a great ordinance. He would like to see the height increased to 4 stories.

Tim Dooley asked if 4 stories included parking. Andy Bray stated sometimes.

Brian clarified that the definition of "story" is above grade.

Brian stated currently the Zoning Ordinance has a max of 38 ft. There was discussion from Mustard Design staff regarding height and the multiple uses that could be developed.

Jim Warren commented that 54 ft above grade would be a good "max" number. Tim Dooley commented that he does not want to come into town and see businesses, he wanted to see church steeples.

Brian asked Mustard Design to provide sketches for Council meeting. Polly Rickert commented that a height limit should be set. Jim Warren stated max height 54 ft and limit to 4 stories above grade.

Andy Bray commented on the parking requirement being in the back or on the side. He stated that this requirement could be problematic depending on the lot. He recommended providing a vehicle that would allow for an exception to this requirement possibly an architectural exemption.

Brian commented that the thought is this zone will utilize large parcels not small tracts however a requirement could be made for a number of parking spaces being provided in the desired location with a smaller number provided in the front. Brian also commented on the ability to apply this issue as a Conditional Use.

Motion to close public hearing made by Polly Rickert. Seconded by Jim Warren. All voted in favor and motion passed.

Receive recommendation Z-1905

Brian recapped discussion with height 4 stories above grade and a max height of 54 ft. An option to allow parking percentage involving CUP up to 25% be considered in front.

Motion made by Jim Warren to recommend approval conditioned upon changes of 4 stories above grade restriction with max height of 54 ft and parking location requirement to rear or side be a CUP provision. Seconded by Polly Rickert. Tim Dooley opposed. All others voted in favor and the motion passed.

**Consider (Z-1906) Request by City of Fredericksburg to consider an ordinance amending the Zoning Ordinance to create a MU-1, Mixed Use Zoning District, establishing permitted uses and site development regulations for such district**

Motion made to open public hearing made by Jim Jarreau. Seconded by Polly Rickert. All voted in favor and the motion carried.

Brian presented the application. He explained that the ordinance provided is the appropriate ordinance. Not the ordinance listed in the packet.

Motion made to close public hearing made by Jim Jarreau. Seconded by Polly. All voted in favor and the motion carried.

Receive Recommendation Z-1906

Brian stated Staff recommends approval.

Motion made by Polly Rickert to recommend approval conditioned upon changes of 4 stories above grade restriction with max height of 54 ft and parking location requirement to rear or side be a CUP provision. Seconded by Jim Warren. Tim Dooley opposed. All others voted in favor and the motion passed.

**Consider (Z-1907) Request by City of Fredericksburg to consider an ordinance amending the Zoning Ordinance to create a C1.5, Medium Commercial Zoning District, establishing permitted uses and site development regulations for such district**

Motion made to open public hearing by Polly Rickert. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Brian Jordan stated a new C-1.5 commercial district has been drafted to fall between our C-1 Neighborhood Commercial District and the C-2 General Commercial District. A copy of each district is attached.

Motion made to close public hearing by Polly Rickert. Seconded by Jim Warren. All voted in favor and the motion carried.

Receive recommendation Z-1907

Brian stated no special site development criteria and City Staff recommends approval

Motion made to approve application Z-1907 by Jim Warren. Seconded by Jim Jarreau. All voted in favor and the motion carried.

**MISCELLANEOUS**

**ADJOURN**

With nothing further to come before the Commission, Jim Jarreau moved to adjourn. Seconded by Polly Rickert. All voted in favor and the meeting was adjourned at 6: 55 p.m.

PASSED AND APPROVED this 8<sup>th</sup> day of May 2019.

  
SHELBY COLLIER, Development Coordinator

  
JANICE MENKING, Chairman