

**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**PLANNING & ZONING COMMISSION
MAY 8, 2019
5:30 P.M.**

On this the 8TH day of May, 2019 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
TIM DOOLEY
POLLY RICKERT
STEVE THOMAS
JIM JARREAU
BRENDA SEGNER
DARYL WHITWORTH

ABSENT:

CHRIS KAISER

ALSO PRESENT:

BRIAN JORDAN – Director of Development Services
ANNA HUDSON – Historic Preservation Officer
DANIEL JONES – City Attorney
SHELBY COLLIER – Development Coordinator

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

PUBLIC HEARING

Consider (Z-1904) request by Luke Barnett to change the Zoning from R1, Single Family Residential, to R2, Mixed Residential, on lots 149, 150, 151 and 152 of the Walch Terrace Addition Block T located at 314 W. Park Street

Motion made to open Public Hearing by Tim Dooley seconded by Daryl Whitworth. All voted in favor and the motion carried.

No applicant present.

Tim withdrew motion to open public hearing seconded by Jim Jarreau. All voted in favor and the motion carried.

Consider (Z-1908) request by Dale Sultemeier on behalf of Penick Estate Limited Partnership to change the Zoning from R1, Single Family Residential, to R1-A, Single Family Residential Small Lot, on 16.04 across of land located west of Hollmig Lane and south of Friendship Lane.

Motion made to open public hearing by Tim Dooley. Seconded by Daryl Whitworth. All voted in favor and the motion carried.

Dale Sulzemeier presented the application. He explained the request for R1-A lots versus R1 lots is the smaller size allows for more lots and also provides the potential property owner with a more affordable product.

Citizen Clint Beiker spoke regarding the development. He would like more information regarding the type of homes that will be in this development. Dale Sulzemeier stated the average home would be 1500 sq. ft and all homes will meet City requirements.

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

Brian Jordan, Director of Development, stated The property is located on the west side of Hollmig Lane, south of Friendship Lane. Adjacent zoning is C-1, Neighborhood Commercial to the north, and R-1, Single family residential to the west and east. Property to the south is outside the city limits.

Given the description provided in the Comprehensive Plan of providing a range of lot sizes and housing types in order to promote increased housing diversity and affordability, we believe the proposed R1-A category is appropriate.

Brian did not receive formal response letters, however, he met with several individuals that were concerned about traffic on Hollmig Ln and drainage as well as utilities and access to the development.

Jim Jarreau voiced a concern about the amount of R1-A lots approved recently. Tim Dooley stated by his calculations there were 52 lots in the Beginning, 58 lots in Crabapple Grove, Heather Glen proposes 70 lots in phase 1 with a total 480 lots and 106 lots in the current application. He stated that all lots mentioned are R1-A.

Brian stated we do not control absorption and went on to say that the community needs properties.

Tim Dooley asked if City Staff would be responsible for determining capacity for utilities for all of these properties. Brian stated that is correct and spoke to the developer paying for the extension of utilities.

Motion to approve Application Z-1908 as presented by Tim Dooley. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Request (P-1910) by Dale Sulzemeier for a Preliminary Plat for 16.04 acres of land located west of Hollmig Lane and south of Friendship Lane, known as Dove Crossing.

Dale Sulzemeier presented the application. He explained the flow of drainage for this development and commented on the detention pond he also stated he would continue to work with engineering staff for utilities and drainage. Dale also commented on the lift station and that the size will possibly be upgraded.

Brian stated this development consists of 106 residential lots. All lots exceed the minimum width of 45', and exceed the minimum size requirement of 4,500 sf for the R-1A zoning district. The commercial lots range in size from 0.63 acres to 1.56 acres.

Two drives are proposed on Friendship Lane and a single drive on Hollmig Lane. The westernmost drive on Friendship lane will serve both the commercial development and the residential neighborhood.

Friendship Lane is an arterial street and is built with two lanes in each direction. No additional street improvements are required for Friendship Lane. The project also adjoins Hollmig Lane. A portion of Hollmig Lane is in the City Limits and a portion is outside the City Limits. Section 6.12 of the Subdivision Ordinance states a developer is responsible for their proportional share of an abutting street such as Hollmig Lane. The Developer's proportional share of the street construction shall be determined by the Developer's engineer and approved by the Director of Public Works and Utilities.

The extension of utilities will be the sole responsibility of the developer of the project. Lines will be required to be extended to the adjoining properties to allow for future connection to the adjoining properties.

Staff recommends approval conditioned upon approval of the final Construction Plans prior to the start of construction, approval of the proportional share of the cost of Hollmig Lane by the Director of Public Works and Utilities, approval of a screening plan along Hollmig Lane prior to the Final Plat approval with installation to occur with subdivision improvements and approval of a Traffic Impact Analysis prior to Final Plat approval.

Polly Rickert commented on a trend of 50 – 100 lot requests. She commented on the lack of green space for the neighborhood and her disappointment in the marketability of this property and lack of vision for the neighborhood. She encourages that prior to the final plat being reviewed by the commission that her comments are addressed.

Daryl Whitworth commented on the screening for Hollmig Ln. He asked staff if there would be screening requirements along the south property line. Brian stated no because that property is not in the City Limits.

Tim Dooley asked about access to the development. Kris commented that the TIA would help determine if this development would need to place a traffic light and went on to say that the developer would be responsible for the cost.

Citizen Amy Pomykal commented on the increase in traffic and the need to dedicate ROW for sidewalk on Hollmig Ln.

Brian commented that Hollmig Ln is not on the sidewalk plan and Brian has had this conversation with the developer. There is ROW dedication currently on Hollmig Ln but does not foresee additional ROW added.

Tim Dooley asked if they could require sidewalks. Brian stated it is not part of the Subdivision Ordinance so he does not think so.

Daryl Whitworth asked if the TIA would address foot traffic. Kris commented that this request could be considered.

Janice asked if the commercial lots would come back to P&Z. Brian commented yes, this is the preliminary plat but the application would return in the form of a final plat and site plan.

Motion made to approve Application P-1910 as presented by Tim Dooley. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Consider (Z-1904) request by Luke Barnett to change the Zoning from R1, Single Family Residential, to R2, Mixed Residential, on lots 149, 150, 151 and 152 of the Walch Terrace Addition Block T located at 314 W. Park Street

Motion made to open the public hearing by Daryl Whitworth. Seconded by Tim Dooley. All voted in favor and the motion carried.

Luke Barnett presented the application. He explained that the zoning on the north side of W. Park street is all R2 and would like to request this zoning prior to development of these lots.

Motion made to close public hear by Tim Dooley. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Brian stated the property is located at 314 W. Park Street, and consists for 4 lots of the Walch Terrace Addition. A Single family residence is located on one of the lots, the remaining lots are currently vacant. The existing R-1 zoning was established on the subject property when it was annexed into the City in 1999. For some reason, the properties fronting and on the north side of Park Street between the subject property and S. Adams Street are zoned R-2, Mixed Residential. Staff does not know the history on this zoning and it does not appear to represent the land uses in these blocks. The applicant has not indicated an intended use of the property if the zoning is approved. We do not object to the zoning and would see this as an extension of the R-2 zoning rather than spot zoning.

Based on the Land Use Plan designation, this property falls within the Low Density Residential. While the proposed R-2 Mixed Residential District allows greater density, the size of the subject property and surrounding properties will restrict the number of units. Given the fact that the adjoining property is R-2, we would see this as a reasonable extension of that zoning. Approval is recommended.

Jim Jarreau asked for clarification from Brian's brief regarding density. Brian explained the size of the lots are limited for development so while a duplex would be allowed the size would be restricting.

Tim Dooley asked if thought was given to include the additional properties on that street. Luke commented that he had reached out to the owners but had no comment from them. Brian stated if the commission wanted to request that change they had the ability to do so.

Tim stated he believes the commission should extend the R2 to South Milam. Polly Rickert and Jim Jarreau agreed.

Motion made to recommend approval of Z-1904 with request of City Staff to extend the R2 zoning to S. Milam. Jim Jarreau seconded the motion. All voted in favor and the motion carried.

Consider (Z-1910) request by City of Fredericksburg to expand the local Historic District by creating "H" Zoning overly, no change to base zoning.

Polly Rickert and Jim Jarreau recused themselves.

Motion made to open the public hearing by Daryl Whitworth. Seconded by Tim Dooley. All voted in favor and the motion carried.

Anna Hudson presented a PowerPoint that explained the following:

Landmarks are protected as a property but greater protection is given to a district. Through the survey process a few properties were identified as having potential state significance.

A survey is a snapshot in time. Through the survey process the consultants provided a new database so the information may be updated as needed. The period that was represented is from 1890 to 1968. Significance and integrity are required to have a historic property. She further explained the tiered evaluation of high, medium and low ratings.

Anna went on to explain the Historic Review Board process and that this district expansion has been underway since 2016.

Citizen Johnny Melvin spoke in protest. She stated the three outbuildings at 618 – 620 E. San Antonio were rated High. The property was under contract by a Hotel and due to the High rating is now likely not to go through. She showed pictures regarding the outbuildings. She believes that the inability to demolish the structures is a burden not a benefit to the neighborhood due to the condition. She spoke regarding the financial burden. She spoke regarding house bill 2496 and would like the commission to wait and see what happens with that bill.

Citizen Mrs. Doralee Soule provided a protest letter which Commission Chair, Janice Menking read aloud. It asked how many on City Council are living in the Historic District. A comment was made that the Mayor lives in a landmark and councilman Bobby Watson lives in the survey area. An additional question was asked, why is the City Council making the decision when only 1 member is living in the district and the comment went on to state she believes it should be given to a vote of the citizens.

Citizen Jeff Brasher, Superintendent for FSD, spoke in protest. He voiced concern of improving safety and quality of facilities. He would like to study financial impact on the district and taxpayers involving the schools. He voiced his concern about the unknown cost of a modification. Janice commented that she understood the concern but while she understood she they would not want to see the middle school knocked down, this process would protect it.

Citizen Johnnie Moldenhauer who owns property 616 E. San Antonio spoke in protest. He commented on the integrity of the building and the multiple additions done to the structure.

Citizen Daryl Moore who owns property at 107 W. Centre spoke in protest. He stated property taxes would increase because realtors will be pushing the importance of properties in the Historical District. He questions repairs and maintenance and stated he thinks it unreasonable that they have to gain permission to replace windows. He commented that some of the properties in his opinion are not valuable historical properties.

Citizen Sarah Washbourne who owns and operates the Hoffman House voiced a concern regarding the ordinance prohibiting tents in the Historic District. The ability to provide temporary tents is important for the business. If the property does become part of the Historic District where does this leave them?

Anna stated she has received 14 letters in protest including the two received at the meeting and 7 in approval not counting numerous phone calls.

Citizen Amy Pomykal who owns 221 W. Centre spoke in protest. She resides and operates a B&B from this location and does not want to be in the Historic District. She gave an example of replacing windows in a high rated property and stated this is unreasonable and these are important things that need to be discussed. Corey Pomykal also commented that this is a financial burden that is not fit for the demographic living in these properties.

Motion made to close public hearing by Tim Dooley. Seconded by Brenda Segner. All voted in favor and the motion carried.

Receive Recommendation

Janice questioned if a certified local government is required to do a survey. Anna commented it is recommended to update every 5-10 years.

Tim Dooley asked why this request was brought to them. Anna stated this is a technicality, the Historic Ordinance is written that this is a Zoning Overlay. So its handled as if it's a zoning change. Tim asked what happens if the commission does not approve it. Brian stated it would still go to Council but Daniel Jones, City Attorney stated but it would require a super majority vote to override.

Daryl Whitworth was at a Council meeting where a Historic Landmark was presented, he questioned why they didn't preserve these properties that way. Anna stated that was a good question and explained that a Landmark protects individual property but a district protects the neighborhood.

Daryl asked about the tent issue addressed by Sarah Washburn. Brian stated there is a temporary use section that prohibits a temporary structure in the historical district. The only exception is for museums, churches and marketplatz . Brenda asked if there is a grandfather clause to the ordinance and Brian stated no.

Tim Dooley stated the community has grown and historic preservation has set Fredericksburg apart from other communities. The Historic Review Board is part of the City Government and they have spent a lot of time on this endeavor. While he is not a fan of the cost to obtain a survey and the surveyors themselves as they are not local, we cannot have it both ways. There can be oversight for the betterment of all or none at all and he is not in favor of taking a year and a half's worth of work and bringing it to the commission. This should be presented solely to City Council.

Tim Dooley made a motion to approve as presented. Steve Thomas seconded. Daryl and Brenda opposed all others voted in favor and the motion carried.

Janice Menking thanked Anna Hudson and City Staff for the work of a year and a half regarding the expansion of the Historic District.

MISCELLANEOUS

Update on US Highway 290 East Annexation

Brian informed the Commission that a lawsuit has been filed seeking an injunction preventing the city from proceeding with the annexation. The judge granted an extension to the injunction and no resolution has occurred yet.

Revisions to the Standardized Business Ordinance

Brian stated there was discussion about amending the mentioned ordinance and City Staff will be looking at this regarding expansion of the district to Kay Street and viewing the criteria for the CUP process describing a "chain".

MINUTES

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

ADJOURN

With nothing further to come before the Commission, Polly Rickert moved to adjourn. Jim Jarreau seconded the motion. All voted in favor and the meeting was adjourned at 7:27 p.m.

PASSED AND APPROVED this 5th day of June, 2019.



SHELBY COLLIER, DEVELOPMENT COORDINATOR



JANICE MENKING, CHAIRMAN