

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

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

On this the 5<sup>TH</sup> day of June, 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  
JIM JARREAU  
BRENDA SEGNER  
DARYL WHITWORTH  
CHRIS KAISER

**ABSENT:**

STEVE THOMAS

**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-1909) request by Daniel J Scully III for a Conditional Use Permit to operate a first floor short term rental unit in the Historic Shopping District Overlay at 115 E. Austin.**

Jim Jarreau recused himself and stepped down from the table.

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

Cass Phillips presented the application. He described the narrowness of the lot and explained that this created a problem when attempting to utilize it as a retail space. The owner would like to create a B&B project that would have rentals on the first floor and it is his understanding this requires a Conditional Use Permit.

Motion made to close Public Hearing by Tim Dooley seconded by Chris Kaiser. All voted in favor and the motion carried.

Brian Jordan, Director of Development stated the applicant is proposing 4 additional short term rental units to the rear of the building located at 115 E. Austin Street. This process is more of a formality as Section 3.510 of the Zoning Ordinance requires a Conditional Use Permit for a Bed & Breakfast (Short

Term Rental) unit on the first floor. This Ordinance was adopted in order to preserve the retail element of this district.

Approval is recommended. The use of this space for first floor retail does not seem reasonable, and staff does not think the proposed use as additional short term rentals jeopardizes the intent of the ordinance.

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

Daryl Whitworth asked when they planned to start the project and have it completed. Cass Phillips stated they plan to start by the end of summer and have it completed within a year.

Motion made to recommend approval of Application Z-1909 by Daryl Whitworth. Seconded by Brenda Segner. All voted in favor and the motion carried.

**Consider action to have staff consider amending section 8.100 Temporary Use Types of the Zoning Ordinance pertaining to prohibition of temporary use structures in the Historic District.**

Brian Jordan stated the Temporary Use Ordinance currently restricts certain uses in the Historic Overlay District (HO). The expansion of the historic district created an unintended consequence of expanding the limitation of the use of tents. The Temporary Use Ordinance was created to restrict certain uses in the Historic Shopping District and having the restrictions tied to the larger (mostly residential) historic district is not the most efficient way of controlling the shopping district.

During public hearings for the expansion of the historic overlay district it was brought to staff's attention that the expansion of the district would preclude a business from hosting outdoor tented events as it has for years.

Brian displayed a map that showed the HSO district. He stated when the temporary use provisions were adopted it was applied to the Historic District. This ordinance applies to non residential uses. This would prohibit businesses like Hoffman House, if the historic expansion is approve, from tenting for their businesses.

Staff would like to address this and believes this would be the appropriate avenue.

Janice attempted to sum up the recommendation as tents would still be restricted in the Historic Shopping District but not in the Historic District. Brian stated that was correct.

Tim asked if Hoffman House is not included in the Historic District Expansion. What happens if no Recommendation is made on the Temporary Use Item.

Daryl Whitworth stated he understood that the 600 block of East San Antonio has already been revised, the north side has been abandoned from the Historic District Expansion. Brian stated it was amended because the property in question has lost several of the Historic structures. Daryl stated the reason he asked is it could be argued that since that property was abandoned the Hoffman House could be excluded as well which would eliminate this need.

Daryl asked what happens if the district is expanded on the 17<sup>th</sup> of June but this ordinance isn't amended until July. Where does this leave Hoffman house. Brian stated they would be in violation at that time but he believes City Staff would be mindful of this scenario.

Polly Rickert recommended starting this process so the Hoffman Houses exposure to this issue is as limited as possible.

Motion made by Daryl Whitworth to direct staff to consider amending zoning ordinance. Polly Rickert seconded. All voted in favor and the motion carried.

### **MINUTES**

Jim Jarreau moved to approve the minutes of the May, 2019 meeting. Seconded by Brenda Segner. All voted in favor and the motion carried.

### **ADJOURN**

With nothing further to come before the Commission, Tim Dooley moved to adjourn. Jim Jarreau seconded the motion. All voted in favor and the meeting was adjourned at 5:55 p.m.

PASSED AND APPROVED this 3<sup>th</sup> day of July, 2019.

  
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SHELBY COLLIER, DEVELOPMENT COORDINATOR

  
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JANICE MENKING, CHAIRMAN