

AGENDA
CITY OF FREDERICKSBURG
PLANNING & ZONING COMMISSION

Wednesday, May 6, 2015

5:30 P.M.

LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

PAGE REF.

1. Call to Order
2. Approve minutes from the April 2015 Regular Meeting

Pp 1 - 4

PUBLIC HEARINGS

3. Public Hearing (Z-1503) by Royce C. Ashley to consider:
 - A) A change in the Land Use Plan from Medium Density Residential to Commercial on a 9.622 acre tract of land located at 521 E. Highway Street
 - B) A change in Zoning from R-2, Mixed Residential to C-2, Commercial on said property

Pp 5 - 16

4. Consider making a recommendation on Z-1503

ACTION ITEMS

5. Consider making a recommendation on the adoption of a Sidewalk Plan for the City of Fredericksburg

Pp 17 - 21

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION
April 8, 2015
5:30 P.M.

On this the 8th day of April, 2015 the PLANNING AND ZONING COMMISSION convened in regular session at the Law Enforcement Center with the following members present to constitute a quorum:

JANICE MENKING - Chair
STEVE THOMAS
BILL PIPKIN
CHARLIE KIEHNE
DARYL WHITWORTH
CHRIS KAISER
TODD WILLINGHAM
JOE CLOUD

ABSENT: BRENDA SEGNER

ALSO PRESENT: BRIAN JORDAN - Director of Development Services
PAT MCGOWAN - City Attorney
KELLI OLFERS - Gillespie County Sanitarian
TAMMIE LOTH - Development Coordinator

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

PUBLIC HEARINGS

PUBLIC HEARING (Z-1501) BY ANDREW BRAY ON BEHALF OF SECURITY STATE BANK AND TRUST FOR A CONDITIONAL USE PERMIT TO - A) ALLOW A DRIVE THROUGH FACILITY ASSOCIATED WITH A BANKING SERVICE IN THE CBD, CENTRAL BUSINESS DISTRICT, AT 118 S. CROCKETT AND B) TO ALLOW A STANDARDIZED BUSINESS IN THE HISTORIC SHOPPING DISTRICT OVERLAY ON SAID PROPERTY - It was moved by Bill Pipkin and seconded by Chris Kaiser to open public hearing Z-1501 by Andrew Bray on behalf of Security State Bank and Trust for a Conditional Use Permit to A) Allow a drive through facility associated with a banking service in the CBD, Central Business District, at 118 S. Crockett and B) To allow a standardized business in the Historic Shopping District Overlay on said property. Andy Bray presented the application and noted the bank has an existing motor bank located in the historic district and that location will be closed and moved to the site being proposed tonight. Mr. Bray noted they will be renovating the existing Beckmann Funeral Home building for the motor bank. Mr. Bray stated there are currently two curb cuts on W. San Antonio St. and an existing access from S. Crockett Street. Mr. Bray noted the wide right-of-way on San Antonio Street as well as the 20 mph school zone were taken into consideration to determine how traffic will flow. Mr. Bray noted the owners are planning to do some facade work on the building and construct a new motor bank canopy. Mr. Bray

commented there will be six drive through lanes, one lane for ATM use and one lane for commercial business. Mr. Bray noted parking for the site was installed in phase one and is nearing completion. Mr. Bray stated they would like to widen the drive off S. Crockett Street to allow two way traffic and access to parking and the drive through lanes. Mr. Bray noted the drive through lanes are located as they are so the que lanes will be reduced and traffic congestion will be minimized. Mr. Bray noted the access point off W. San Antonio Street will be an exit only to allow for right and left turn lanes onto W. San Antonio. Mr. Bray noted the parking located on the curb on San Antonio Street will remain. Mr. Bray noted a typical day will see 200 - 250 cars through the site with a peak of approximately 500 vehicles on Mondays following holidays. Mr. Bray stated there is a shared access easement for the different properties the bank owns.

Mr. Bray addressed the standardized business and noted Security State Bank & Trust has 18 locations but was born in Fredericksburg in 1941. Mr. Bray noted the building will fit into the style and details of Fredericksburg and will provide diversity to the businesses in the historic district because not all banks offer the same services. Mr. Bray noted the bank will not detract from the historic district and will only operate Monday through Friday, when pedestrian traffic is not at it's greatest. Mr. Bray stated Security State Bank & Trust compliments businesses in the district and is a great community sponsor. Mr. Bray reiterated Security State Bank & Trust currently exists in the historic district and is located in the same building they have been in since 1941. Mr. Bray noted there will not be any exterior features of a standardized business other than a sign that will meet the city's sign ordinance.

Judy Boatwright, at 202 S. Crockett, asked if the school zone area could be extended or if the intersection at San Antonio Street and Crockett Street could be made a four way stop because cars do drive fast through the area and with the addition of more cars, she sees that as a concern. Brian Jordan, Director of Development Services, stated that is a question to be raised to the Public Works Department and he will be glad to do that.

Daryl Whitworth moved to close Public Hearing Z-1501 and Bill Pipkin seconded the motion. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, distributed a letter from Heinrich and Brenda Boenig who own property at 215 W. San Antonio Street which stated they are not opposed to the project but have a concern about the 20 mph speed limit as well.

Mr. Jordan noted the application complies with all necessary requirements and stated the impact of the additional traffic is not known, and while there will definitely be times there are conflicts with traffic, he believes it will be isolated circumstances. Mr. Jordan noted if the traffic becomes an issue, the Commission can recall the Conditional Use Permit and re-evaluate the site. Mr. Jordan added since the standardized business ordinance was adopted there have been two standardized businesses approved to open. Mr. Jordan noted Staff does not believe the proposed bank building will negatively impact the Historic Shopping District Overlay. Mr. Jordan added since they are not creating an additional drive through business, this is an appropriate allowance of a standardized business. Mr. Jordan noted Staff recommendation of approval of a Conditional Use Permit for both the drive through component and the allowance of a standardized business in the Historic Shopping District Overlay.

Charlie Kiehne asked about vehicle stacking on the drive through lanes and asked if the applicants anticipate the stacking at the entrance off San Antonio Street to extend into the street. Mr. Bray stated they believe the location of the ATM in the front lane and the number of lanes they have provided will

help the stacking issue and they believe there is enough room for stacking on site so vehicles will be kept off the street. Janice Menking asked how many lanes they have at their current drive through and James Kemp noted they have five at the existing location. Mr. Kiehne added he believes there needs to be some internal signage about pedestrian crossing at the exit drives. Mr. Jordan stated that would be a good idea and that type of signage would be allowed.

Daryl Whitworth noted he was on the Formula Business Committee and believes this type of use is exactly what was supposed to be allowed for local and regional businesses and it fits into the spirit of what the committee approved. Steve Thomas added it is wise to consolidate the same business in one area. Mr. Kemp added there will be a walk in lobby at this location which will help the congestion on Main Street and Crockett. Mr. Bray noted the parking lot that was constructed in phase one created more parking spaces for customers and employees and will also alleviate some congestion from the street.

Charlie Kiehne moved to approve application Z-1411 with the condition a pedestrian warning sign be posted at the exit drive. Daryl Whitworth seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING Z-1502 BY THE CITY OF FREDERICKSBURG TO CONSIDER AN ORDINANCE PERTAINING TO THE REGULATION OF MOBILE FOOD ESTABLISHMENTS

- Charlie Kiehne moved to open Public Hearing Z-1502 by the City of Fredericksburg to consider an ordinance pertaining to the regulation of mobile food establishments. Todd Willingham seconded the motion. All voted in favor and the motion carried. Brian Jordan, Director of Development Services, and Kelli Olfers, Gillespie County Sanitarian, presented the application. Mr. Jordan noted Ms. Olfers and Pat McGowan, City Attorney, have been working very hard to get an ordinance established. Mr. Jordan noted the current rules for mobile food vendors are very lax. Mr. Jordan explained there is a list of criteria that is applied to each applicant requesting a mobile site and the discretion to allow or deny the permit is left up to one person. Mr. Jordan noted the rules proposed in the ordinance are pretty straightforward and mobile food vendors will be allowed in areas zoned other than residential or C-1, Neighborhood Commercial. Mr. Jordan added proposed site requirements for a mobile vendor are that any zoning requirements for that particular zoning district are applicable and a list of health criteria are met. Mr. Jordan noted the permit will be in effect for a year so there will not be a need to police each mobile unit to insure they are not in operation longer than six months. Mr. Jordan commented the length of stay for the vendors is up to the individual permit holder.

Kelli Olfers, Gillespie County Health Sanitarian, went through a state document that is made available to anyone wanting a health permit. Ms. Olfers noted there are 21 points on the list, but the first eleven have to be met in order to obtain a health permit in Gillespie County. Ms. Olfers noted under the proposed ordinance the permits will be good for one year and her department will check that state standards are met. Ms. Olfers added as long as the vendor stays in good standing, they will be able to renew their permit. Ms. Olfers added the vendors may choose their length of stay. Ms. Olfers explained there is one standard that has been difficult to enforce and that is the requirement there is a central preparation facility for each mobile unit, but under the new ordinance such a facility will have to be established. Ms. Olfers noted the mobile units will be inspected when a permit is issued and each year when it is renewed. There followed questions and discussion about mobile units and state standards. The Commission had questions about exemptions from the standards and ordinance for special events. Mr. Jordan and Ms. Olfers noted every mobile trailer will have to meet the standards, but there will be an exemption for special events that the mobile units can be located in the Historic District for such events. Janet Degenhardt of West End Pizza was in attendance and the Commission asked her opinion if the

ordinance was too strict and would keep vendors from coming to town, but Ms. Degenhardt noted she believes it will keep 'fly by the night' vendors from coming in and will help protect the local restaurants. Ms. Degenhardt added the standards that are proposed and will be enforced by the ordinance are similar to the standards required by her state license as well as health permits she obtains from other cities and counties. Joe Cloud commented he believes the requirement for an employer (mobile food vendor) to provide restroom facilities with a hand wash sink for the employees is too restrictive and asked if that can be removed but Ms. Olfers noted she wants that as a requirement because of health concerns. Ms. Olfers confirmed with Pat McGowan, City Attorney, that the ordinance would note state standards have to be met and if those standards are changed and adopted, the new standards would also have to be met and Ms. McGowan stated they would be. Todd Willingham moved to close Public Hearing Z-1502 and Chris Kaiser seconded the motion. All voted in favor and the motion carried.

Chris Kaiser moved to approve the ordinance as presented with the inclusion or clarification on an exemption provision for "public, religious, patriotic or historic assemblies, displays or exhibits including festivals, benefits, fund raising events or similar uses which typically attract a mass audience". Bill Pipkin seconded the motion. All voted in favor and the motion carried.

MINUTES

Charlie Kiehne moved to approve the minutes of the March 2015 meeting. Joe Cloud seconded the motion. All voted in favor and the motion carried.

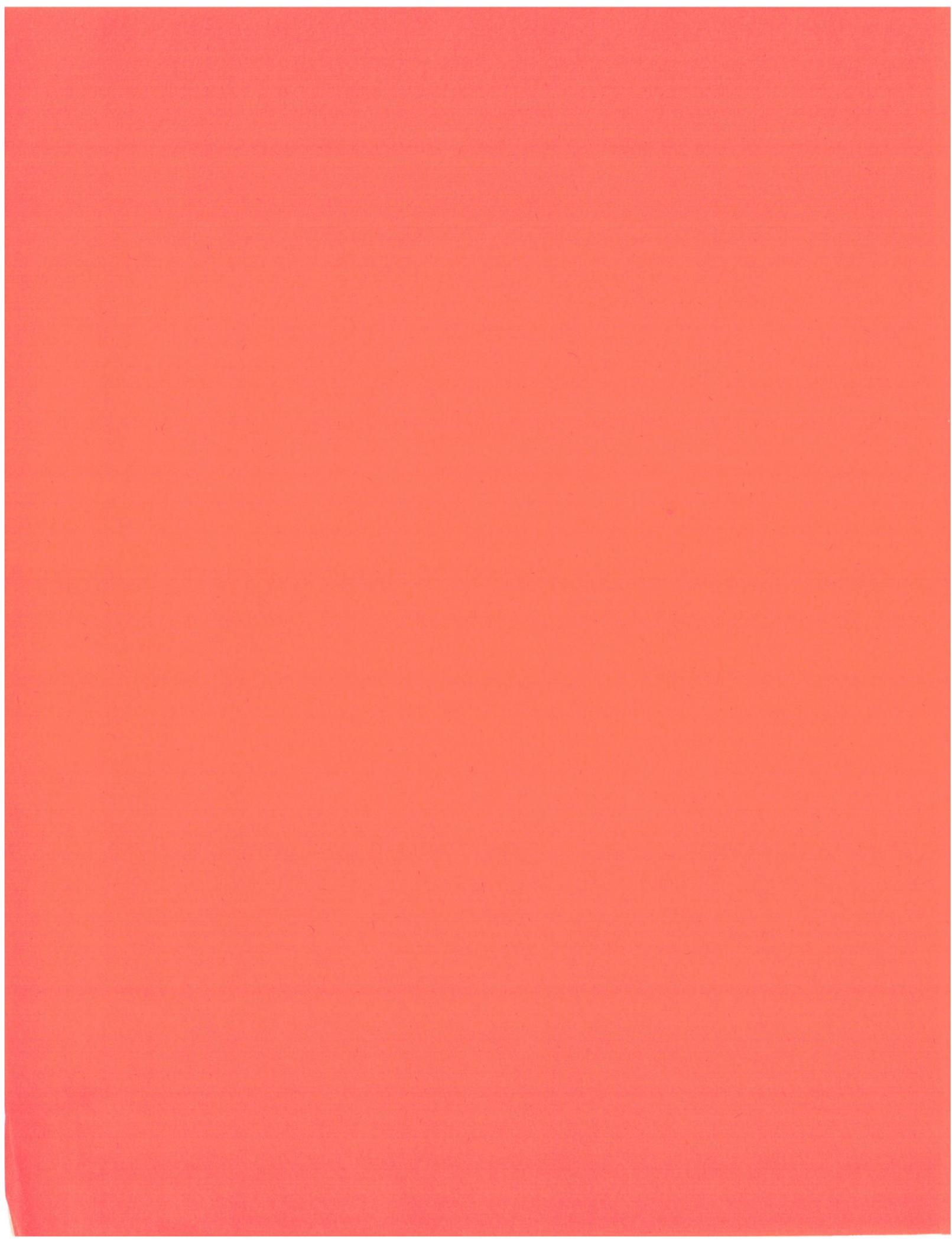
ADJOURN

With nothing further to come before the Commission, Daryl Whitworth moved to adjourn. Todd Willingham seconded the motion. All voted in favor and the meeting was adjourned at 6:57 p.m.

PASSED AND APPROVED this 6th day of May, 2015.

SHELLEY BRITTON, Secretary

JANICE MENKING, Chairman



LAND USE PLAN AND ZONING CHANGE BRIEF

Rezoning Request # Z-1503

OWNER/APPLICANT: Royce C. Ashley

LOCATION: 521 E. Travis

SIZE: 9.622 acres

EXISTING ZONING: R-2, Mixed Residential

PROPOSED CHANGE:

1. Change in the Land Use Plan from Medium Density Residential to Commercial
2. Change in Zoning from R-2 Mixed Residential to C-2 Commercial

FINDINGS:

- The property is a single tract located at 521 E. Highway Street, across Highway Street from the Gillespie Livestock Company facility.
- The property is currently undeveloped. The current owner moved in a number of trees and intends to utilize the property as a tree nursery.
- Utilities are currently available to serve the properties.
- The subject property is zoned R-2, Mixed Residential. Surrounding property is zoned C-2 Commercial to the north and west, PF-Public Facilities to the south and R-2 and R-1 to the east.
- The Land Use Plan identifies the subject property, as well as the adjoining property where the senior housing project is located to the east as Medium Density Residential, property to the west and north as Commercial, property to the south as public/semi-public (Detention Pond) and the property to the southeast as Low Density Residential.
- Surrounding land uses include commercial to the west and north, senior housing and single family residences to the east and public land to the south.

LAND USE PLAN: As noted above, the Land Use Plan has the subject property, along with adjoining senior housing site as Medium Density Residential. This use category includes single family detached dwellings on smaller lots and attached dwelling units, such as duplex units and townhomes. Medium density land uses often provide housing for “empty nesters” who may not want the maintenance of a large-lot single family home, and for young families who may find a townhome or duplex more affordable than a single-family home. They play an important role in providing workforce housing as well. These residential uses can provide a buffer between lower density residential areas and more intensive residential, non-residential or mixed use areas.

The Commercial land use designation may include retail and office uses as well as the light commercial activities that typically need some outdoor storage, display and sales area. For the most part, this land use category is found in areas where a mix of non-residential uses already exists and where change is not anticipated. The Commercial land use designation does not distinguish between light and heavy commercial activities.

In considering a Land Use Plan or Zoning change, the Planning and Zoning Commission shall make the following determinations prior to forwarding a recommendation to the Council.

- A. Will the proposed change enhance the site and the surrounding area? **A change to commercial would be a compliment to the other commercial activities within the area. However, certain heavier commercial activities would not necessarily enhance the surrounding residential neighborhood.**
- B. Is the proposed change a better use than that recommended by the Future Land Use Map? **The Medium Density land use category seems appropriate as a transition between the commercial activities to the west and north and the residential neighborhoods to the east. If the Land Use Plan is changed, the Senior housing property which is designated as Medium Density Residential and zoned R-2, would be the buffer between commercial and single family homes. No buffer would be provided between the southern half of the property and the adjacent neighborhood.**
- C. Will the proposed use impact adjacent residential areas in a negative manner? Or, will the proposed use be compatible with, and/or enhance, adjacent residential areas. **Certain commercial activities, such as the auction facility, do not seem compatible with the surrounding neighborhood. On the other hand, lighter commercial uses can be more compatible. The point here is that it really depends on the nature and characteristics of the commercial use to determine compatibility.**
- D. Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility? **Although the auction facility has coexisted with the surrounding neighborhood for many years, the use itself is not compatible with residential land uses. On the other hand, lighter commercial activities can be more compatible with the neighborhood. While we must consider all potential uses allowed within a commercial designation, the proposed tree nursery would seem compatible.**

- E. Can the proposed use be served by the available public facilities and services? **The site is large enough to serve potential uses permitted within the commercial designation. Utility infrastructure is available and adequate to serve commercial uses. Highway Street is considered a major collector street and would serve commercial uses. The south side of the property has frontage on Sunrise Street which is currently an unimproved roadway that is on the City's CIP within the next few years.**
- F. Does the proposed use present a significant benefit to the public health, safety and welfare of the community? Would it contribute to the City's long-term economic well-being? **The proposed use, along with certain commercial activities would seem to present a benefit to the welfare of the community.**

ZONING: As mentioned previously, zoning of property to the north and west is already commercial. Zoning to the south is public facilities and a portion of the property to the east is mixed residential and a portion is single family residential. So, if the proposed zoning were to be approved, the southern portion of the property would adjoin a single-family zoned neighborhood. While not the most desirable situation, the city does have some situations along W. Main Street, where C-2 zoning adjoins R-1 zoning. The point here is that if we are trying to avoid this circumstance, then the southern portion of the property should remain as currently zoned.

As we have discussed on a number of occasions, certain commercial uses can be compatible with an adjoining residential neighborhood. However, we must consider all potential uses that are allowed in the C-2 District when considering this request.

OPPOSITION/SUPPORT OF REQUEST: We have received one letter in support and none in opposition of this request.

STAFF RECOMMENDATION: There are really three options for the Commission to consider. First, you can deny the request. Second, you can approve the request as submitted. And third, you can approve the change on a portion of the property while leaving a portion as presently zoned. In staff's opinion, a change in the Land Use Plan and Zoning to commercial should be limited to the portion of the property adjoining the senior housing tract that is zoned and developed for higher density housing. This would mean that the southern portion of the property where it adjoins the single family residential zoning would remain R-2.



Project Application (Page 1 of 3)

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

A. Project Information (Please complete all items)

Project Name: _____
Project Address: 521 E. Highway Street
Tax ID Number (s): _____

Application Type (check all items that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Minor Plat * | <input type="checkbox"/> Plat Vacation |
| <input type="checkbox"/> Site Plan * | <input type="checkbox"/> Replat * | <input type="checkbox"/> Annexation * |
| <input checked="" type="checkbox"/> Zoning Change | <input type="checkbox"/> Amending Plat * | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Land Use Plan Change | <input type="checkbox"/> Preliminary Plat * | <input type="checkbox"/> Waiver of Right to |
| <input type="checkbox"/> Variance Request | <input type="checkbox"/> Final Plat * | <input type="checkbox"/> 30-day action |
| | <input type="checkbox"/> Development Plat | |

Revision of Approved Plan/Plat? Yes No Name: _____

Jurisdiction: City Limits ETJ Total Acres: 9.622 No. of Lots _____

Original Survey & Abstract No.: _____

Legal Description: Attached

Current Land Use Plan: medium Density Residential Proposed Land Use Plan: Commercial

Current Zoning: R-2 Proposed Zoning: C-2

Location: 521 E Highway Street

Proposed Use(s): Tree Nursery

Applicant's Signature

Applicant's Role: Owner Developer Other: _____ (note role)

I hereby certify that the information supplied with this application is true and correct, and that the paper and electronic copies of the materials submitted are consistent with each other, to the best of my knowledge. I also certify I have authorization from the owner to act on his / her behalf.

Signature: Royce C. Ashley

Printed Name: Royce C. Ashley Date: 3-19-15

Staff Use Only Application No.: Z-1503 Date: _____

*Copy of current Title Search required with application



Project Application (Page 2 of 3)

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

B. Contact Information (please complete all items – attach additional pages as necessary)

I. Property Owner(s)

Firm Name (if applicable): _____

Owner Name: Royce C. Ashley

Address: 11093 Ranch Rd 965

Phone: 830 685 3626 Cell: 713 253 6833 Email: Royceashley82@yahoo.com

II. Owner's Agent/Engineer/Surveyor (main contact person responsible for application)

Role: _____ Agent _____ Engineer _____ Surveyor _____ Other (note role)

Firm Name (if applicable): Same

Address: _____

Primary Contact Name: _____

Phone: _____ Fax: _____ Email: _____

Secondary Contact Name: _____

Phone: _____ Fax: _____ Email: _____

III. Applicant

Firm Name (if applicable): Same

Applicant Name (s): _____

Address: _____

Phone: _____ Fax: _____ Email: _____

IV. Applicant's Agent/Engineer/Surveyor (main contact person responsible for application)

Role: _____ Agent _____ Engineer _____ Surveyor _____ (note role)

Firm Name (if applicable): Same

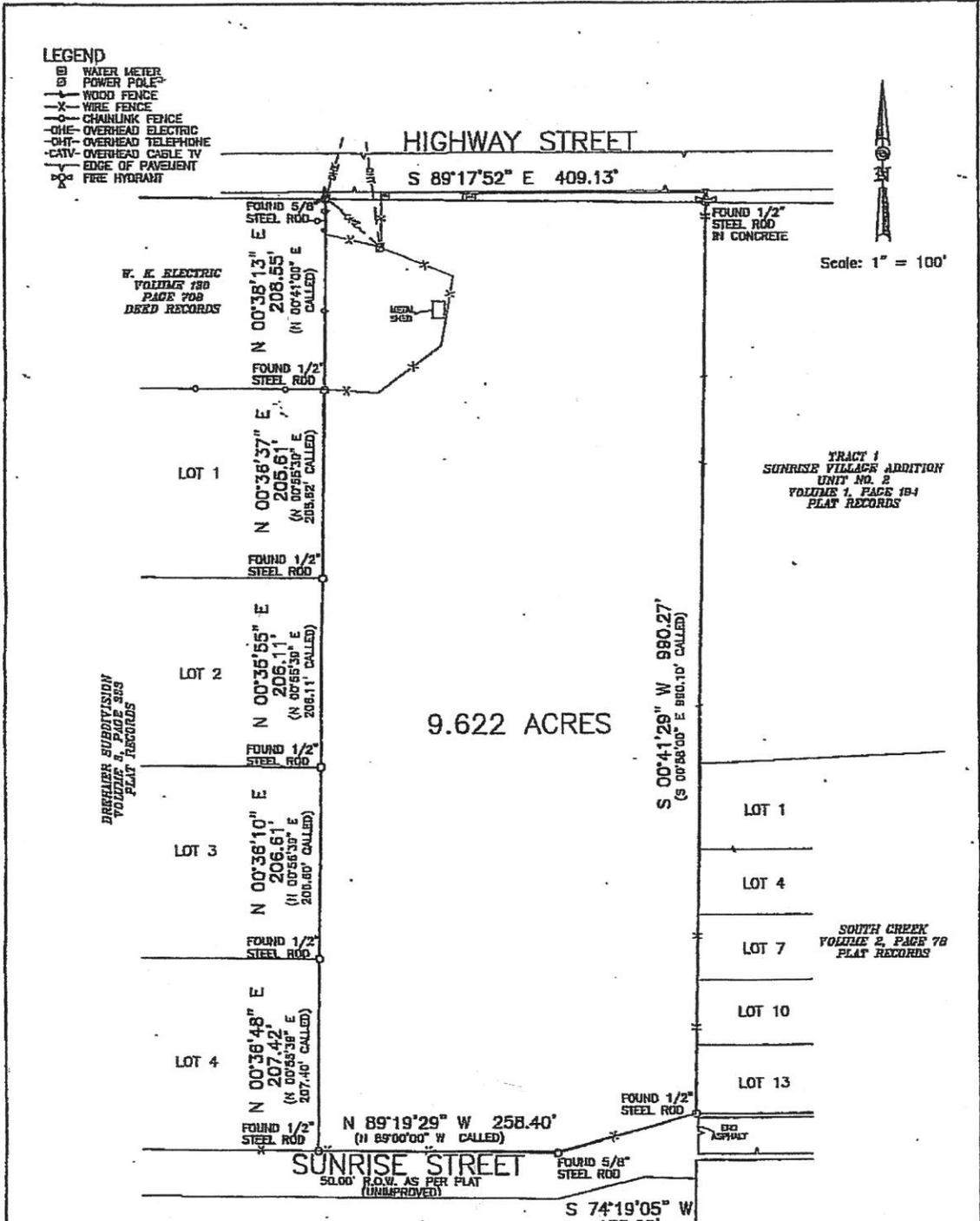
Address: _____

Primary Contact Name: _____

Phone: _____ Fax: _____ Email: _____

LEGEND

- ⊠ WATER METER
- ⊡ POWER POLE
- WOOD FENCE
- WIRE FENCE
- CHAINLINK FENCE
- OHE OVERHEAD ELECTRIC
- OHT OVERHEAD TELEPHONE
- CATV OVERHEAD CABLE TV
- EDGE OF PAVEMENT
- ⊠ FREE HYDRANT



NOTE:
 1) BASIS OF SURVEY WAS ESTABLISHED FROM GPS OBSERVATIONS.
 2) A FIELD NOTE DESCRIPTION OF THE BELOW TRACT WAS PREPARED.
 3) THIS WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITTEE.
 THERE MAY BE OF RECORD ENCUMBRANCES OR RESTRICTIONS THAT AFFECT THIS TRACT.

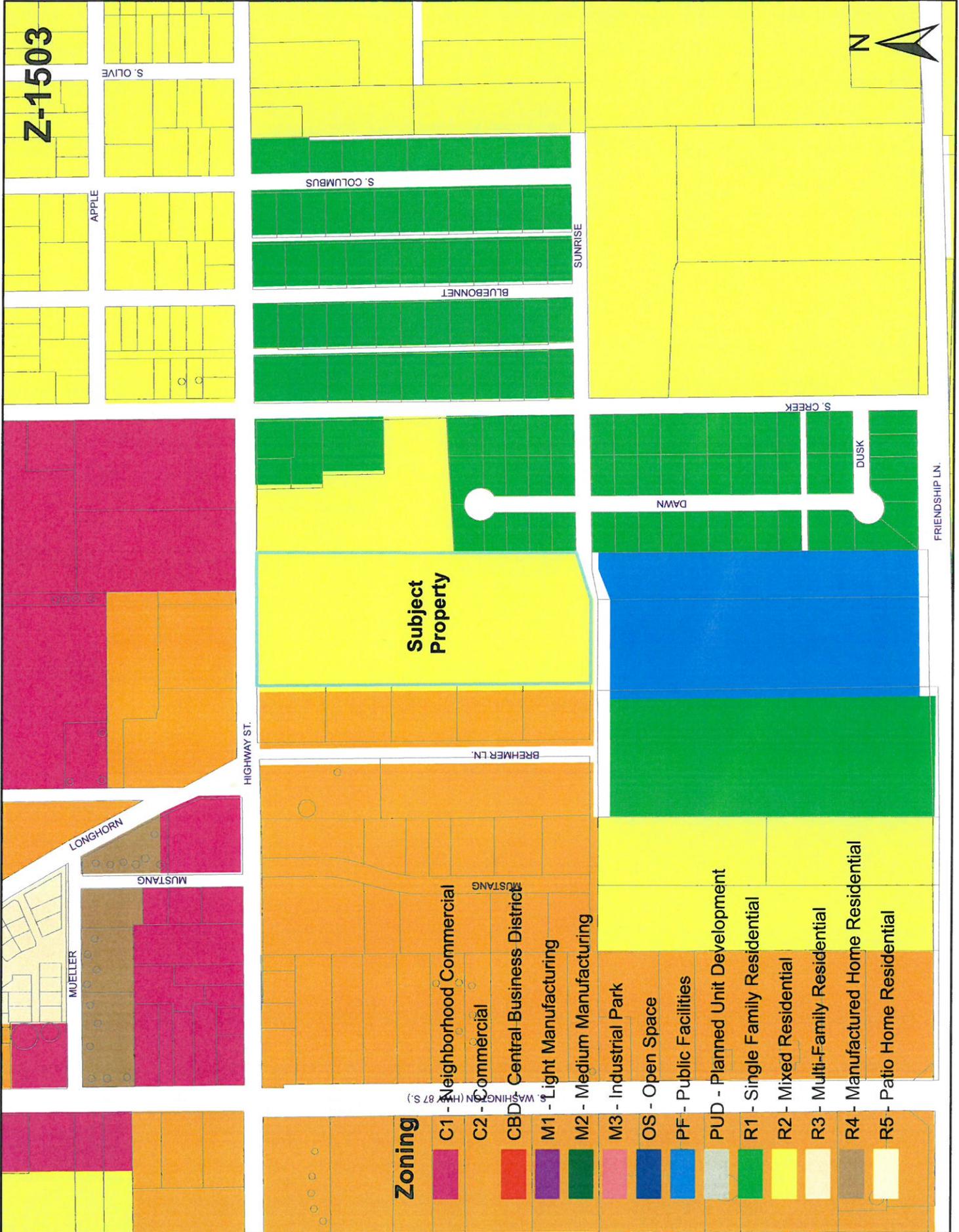
PLAT SHOWING: A 9.622 ACRE TRACT OF LAND OUT OF OUT LOT NO. 35, AS SAID OUT LOT IS SHOWN AND DESIGNATED ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY, SAID 9.622 ACRE TRACT OF LAND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO EARL H. BREHMER BY DEED RECORDED IN VOLUME 57, PAGE 34-35, DEED RECORDS, GILLESPIE COUNTY, TEXAS.
HILL COUNTRY LAND SURVEYING, LLC
 110 NORTH MILAM STREET
 FREDERICKSBURG, TEXAS 78624
 PHONE: (830) 990-2885

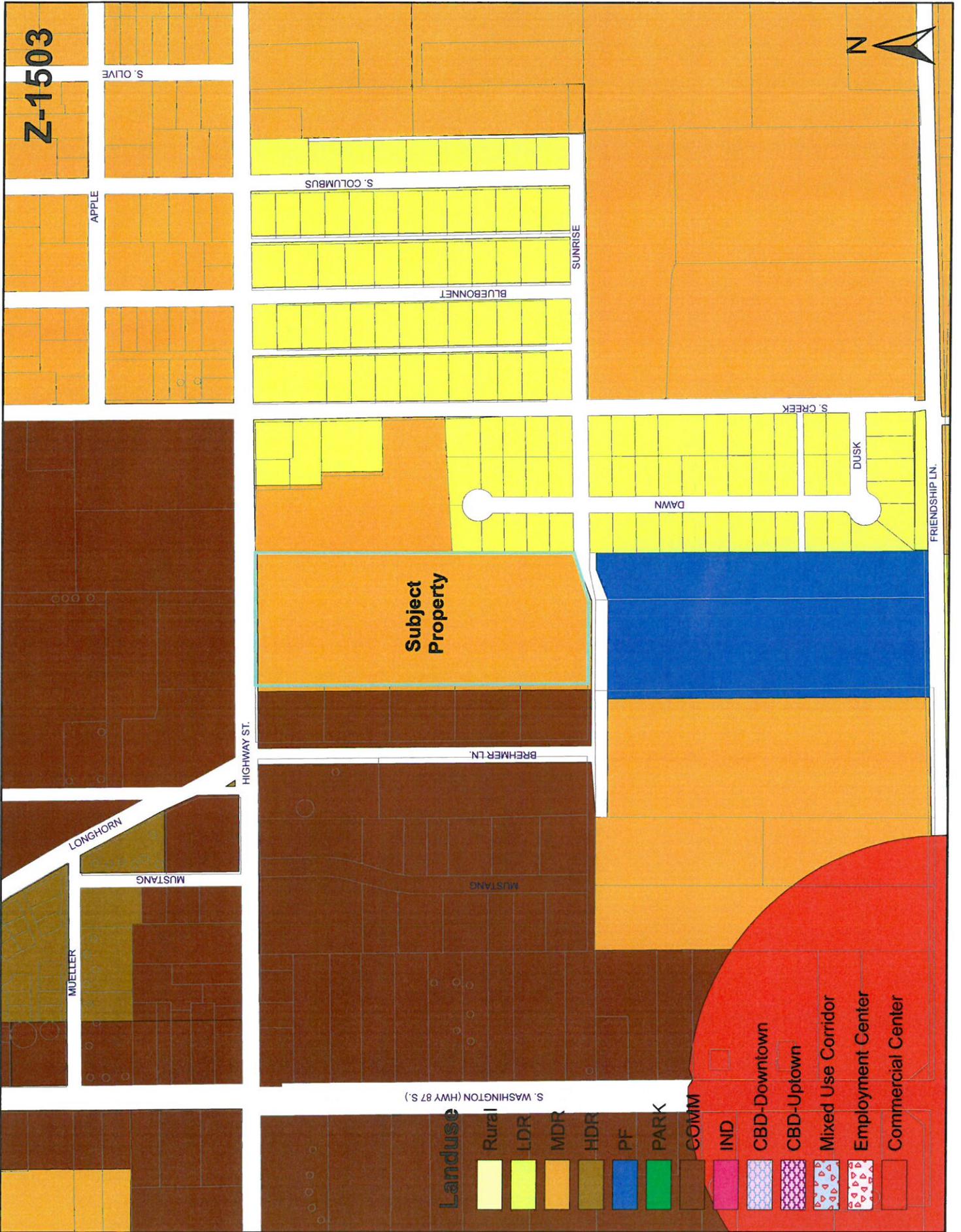


I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY AND THAT THERE ARE NO USABLE ENCUMBRANCES OR ENCUMBRANCE OF APPROXIMATE EXCEPT AS SHOWN HEREON.

Brad Bryan Spenrath
 BRAD BRYAN SPENRATH
 REGISTERED PROFESSIONAL LAND SURVEYOR
 # 5357
 TEXAS REGISTRATION NO.
 DATED 20 JUNE 2007

10





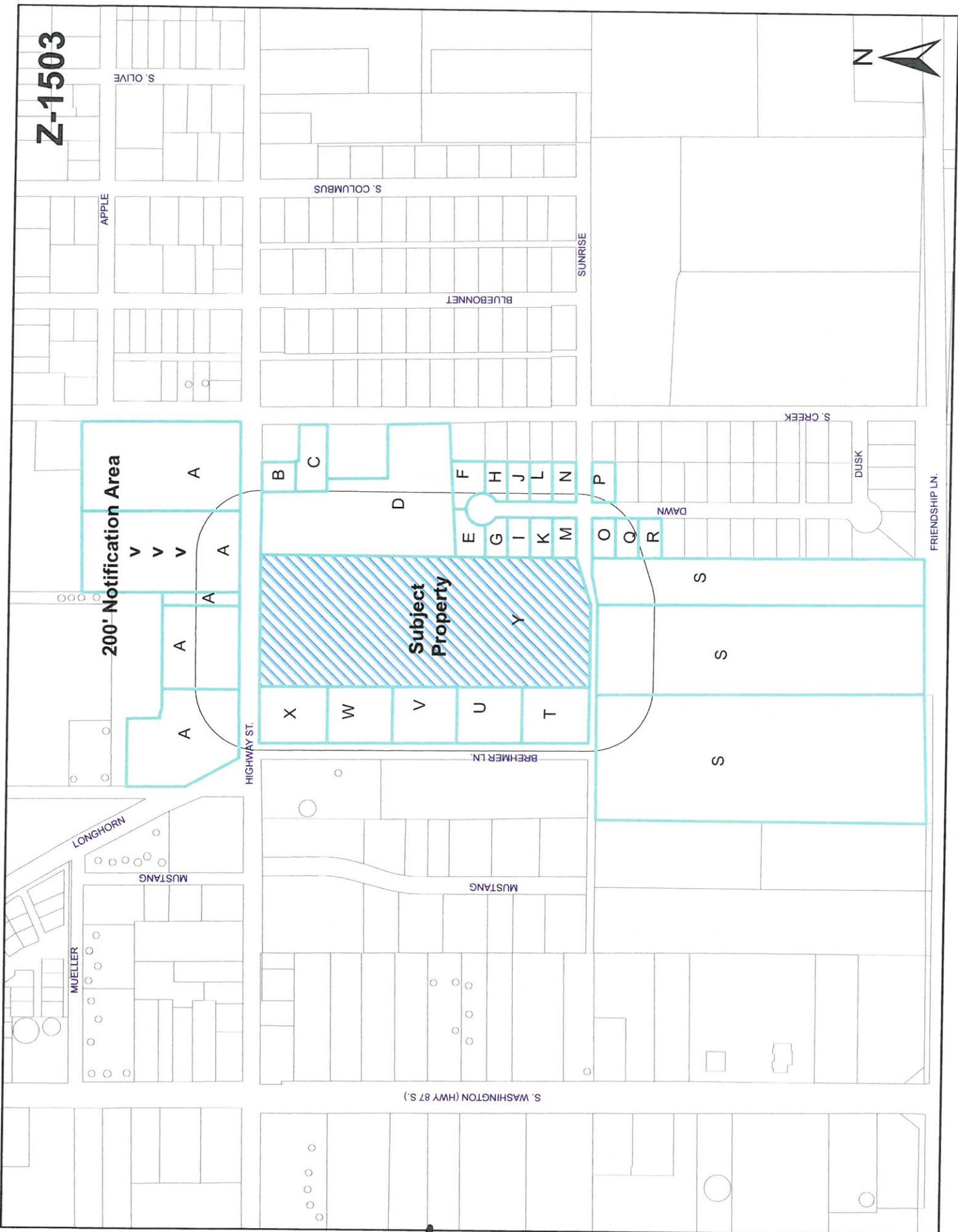


Z-1503



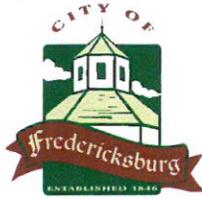
200' Notification Area

Subject Property



Letter	Owner	
A	621 Longhorn	Gillespie Livestock Co.
B	595 E. Highway	Vernon P. Weber
C	604 S. Creek	James D. Clark
D	591 E. Highway	Fredbg Senior Apartments
E	618 Dawn Lane	Curtis H. & Karen A. Kuhlmann
F	617 Dawn Ln	Bonnie Magee
G	620 Dawn Ln	Jeronimo & Anieli Arias
H	619 Dawn Ln.	James D. & Bernadine Cooper
I	622 Dawn Ln	Norma Schoessow
J	621 Dawn Ln	Tracy N. Heimann
K	624 Dawn Ln	Jesse B. & Lucy C Sanchez
L	623 Dawn Ln	Brandon M. & Genevieve A. Gold
M	626 Dawn Ln	KP & Lorraine Taylor
N	625 Dawn Ln	Lyle & Allison Durst
O	702 Dawn Ln	Thomas E. & Hattie A. Tucker
P	701 Dawn Ln	Sandra M Schell
Q	704 Dawn Ln	Bethany Lutheran Church
R	706 Dawn Ln	Lee W. Miller
S	0 Friendship Lane	City of Frederickburg
T	773 Brehmer Ln	Ray Herrera
U	0 Brehmer Ln	Gary Wayne Ford
V	721 Brehmer Ln	Vickie L. Bonewitz
W	0 Brehmer Ln	Kevin J. Kunz
X	519 E. Highway	Sandra Kammiah
Y	521 E. Highway	Royce C. Ashley

Z-1503



**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN LAND USE AND A CHANGE IN ZONING**

HEARING
DATE: MAY 6, 2015

TIME: 5:30 PM

REQUEST
NUMBER: Z-1503

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and Zoning.

According to City Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**. The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING
DATE: MAY 18, 2015

TIME: 6:00 PM

REQUEST
NUMBER: Z-1503

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: Royce Ashley

LOCATION: 521 E. Highway
(see accompanying map)

REQUEST: Change in the Land Use Plan from Medium Density Residential to Commercial and a change in Zoning from R-2, Mixed Residential to C-2, Commercial

(DETACH HERE)

REQUEST NO. Z-1503

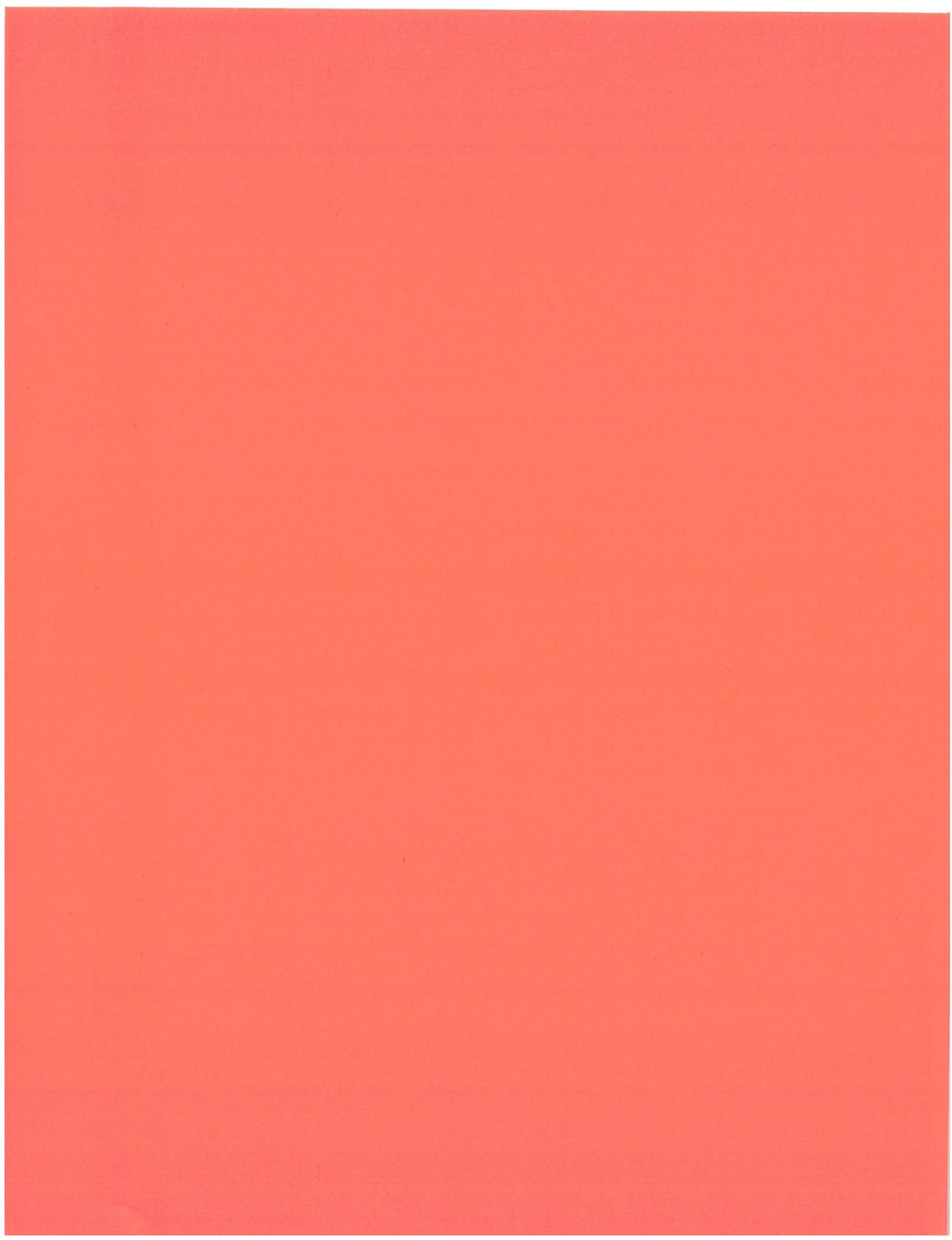
As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed

Date

Printed Name

Address





DATE: April 30, 2015

TO: Planning and Zoning Commission

FROM: Brian Jordan, AICP, RLA, Director of Development Services

SUBJECT: Sidewalk Plan

Summary:

Design Workshop presented the draft Comprehensive Plan Issues Update document to the City Council and Planning and Zoning Commission on July 21, 2014. As you will recall, there were 3 items being considered, including a Sidewalk and Trails Plan, a Gateway Plan and Design Standards and Guidelines for Entry Corridors. The Council decided to break the discussion up between the Sidewalk and Trails Plan, and the Gateway and Design Standards and Guidelines. A meeting involving the Council, the Planning and Zoning Commission and the Historic Review Board was held on September 22, 2014, where the primary focus was on the Sidewalk and Trails Plan.

Changes to the plan were made based on the comments made at the initial joint meeting, and in general was agreed upon by the group. Because the trails proposed were removed from the plan, it was decided to eliminate the reference to Trails. It was then suggested that we consider prioritizing the implementation of the plan. It should be noted that the plan will serve two primary purposes, one to inform the development community of where sidewalks will be required when development occurs and required in the Subdivision Ordinance, and secondly to direct the Council and staff on where to utilize funding should it be available to implement infill projects.

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 77904 • (830) 997-243708 • (830) 997-7521 • Fax (830) 997-1861



The staff recommends that the first priority be to complete the sections of sidewalks in the central part of the city along Main Street and adjoining streets as well as a connection to the Middle School and Town Pool. The second priority would be to complete the remaining sections of sidewalks on Main Street from the "Y" to the University Center as well as a connection from downtown to the Elementary School along N. Adams Street and the Primary School along S. Adams. A third priority would be to complete a section of sidewalk along Highway Street between E. Main Street and S. Adams, complete the sidewalk connection along Friendship Lane between S. Milam and SH Highway 16 and a sidewalk connection along SH Highway 16 between Friendship Lane and Highway Street. A reduced copy of the plan is attached. A larger plan is available in my office and will be provided at the meeting.

The City Council discussed this matter at their retreat on January 22, 2015.

Recommendation:

Approve the Sidewalk Plan as submitted.

Background / Analysis:

The updated Subdivision Ordinance references the Sidewalk Plan and requires sidewalks as part of Plat approval. Section 6.11 of the ordinance (attached) outlines the sidewalk standards and Section 5.05.E (attached) outlines the Escrow Policies and Procedures.

6.11. - Sidewalks



- A. Sidewalks are required as a part of Plat approval to help the City achieve the following:
1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City and to implement objectives and strategies of the Comprehensive Plan,
 2. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians,
 3. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities, and
 4. Facilitate walking as a means of physical activity.
- B. Sidewalk Location and Design Requirements
1. Sidewalks shall be constructed within all new Subdivisions as identified on the City's Sidewalk and Trails Plan.
 2. Sidewalks shall be constructed within the Right-of-Way and along all lots line adjoining dedicated streets, along major Arterial Streets where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.
 3. Routing to clear poles, trees or other obstacles shall be subject to Director of Public Works and Utilities approval.
 4. The Plat or Construction Plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
 5. All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) requirements and barrier-free ramps should be provided for access to the street.
- C. Sidewalk General Construction
1. Sidewalks shall be constructed by Class "A" concrete and shall have a width of not less than five (5) feet and a minimum thickness of four (4) inches.
 2. Sidewalks adjacent to screening walls shall be 5 feet in width and shall abut the wall, eliminating the landscape area found along the wall, thereby reducing maintenance.
 3. Sidewalks shall be constructed one foot (1') from the property line within the street or Arterial Street Right-of-Way and shall extend along the street frontage including the side of corner lots and block ends.
 4. Construction of sidewalks adjacent to curbs will be considered where driveway entrances are constructed from the rear of lots on each side of the street for the full length of the block or where Mountable Curbs are installed. In these instances, the sidewalks shall be five feet (5') wide.
 5. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the Subdivision.
- D. Sidewalks in Commercial and Industrial Areas
Sidewalks in commercial and industrial areas shall be a minimum width of five feet (5') or extend from the back of the curb to the building line as required by the City.
- E. Sidewalk Escrow Option
In accordance with Section 5.05.E Escrow Policies and Procedures, the City may require or the Developer may petition the City to defer required sidewalk improvements in exchange for a deposit of escrow.

E. Escrow Policies and Procedures

1. Request for Escrow
 - a. The City may require or the Developer may petition the City to defer required improvements in exchange for a deposit of escrow up to an amount not to exceed \$25,000 for a period of two (2) years from acceptance of the project. An example may include a timing issue due to pending street improvements by another agency such as TXDOT.
 - b. The Director of Public Works and Utilities may require studies and other information to support the Developer's request to escrow.
2. Escrow Deposit with the City
 - a. When the Director of Public Works and Utilities requires or agrees to accept escrow deposits, the Developer shall deposit in escrow with the City, at a financial institution to be determined by the City, an amount equal to one hundred and ten percent (110%) of the total "turnkey" costs including, but not limited to, the design, permitting, acceptance and inflation costs related to the improvement(s). The full amount of escrow shall remain deposited with the City until completion of the project.
 - b. The Director of Public Works and Utilities shall review and approve the amount, which shall be approved and paid prior to recordation of the Final Plat.
3. City Usage of Escrowed Funds

The City may also use the escrowed funds in participation with another entity (such as TXDOT or the County, etc.) to jointly construct the Public Improvement(s).
4. Termination of Escrow
 - a. Escrows, or portions of escrowed amounts, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be returned to the Developer.
 - b. Such return of escrowed funds does not remove any obligations of the Developer for construction of the required improvement(s).
5. Refund

If all or a portion of a street or other type of Public Improvement for which escrow is deposited is constructed by a party other than the City, the remaining unused escrowed funds, upon written request shall be refunded to the Developer after completion and City acceptance of the street or Public Improvement. The City shall require thirty (30) days from the request to process the refund.
6. Interest on Escrowed Funds

When escrowed funds are returned or refunded to the escrowing Developer, the City shall retain all of the interest accrued by the funds.
7. Escrow Fee Agreement

The Director of Public Works and Utilities, at his/her discretion, may require an escrow fee agreement be executed.

