

**AGENDA
CITY OF FREDERICKSBURG
PLANNING & ZONING COMMISSION**

Tuesday, October 6, 2015

5:30 P.M.

LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

PAGE REF.

1. Call to Order
2. Approve minutes from the September 2015 Regular Meeting *Pp 1 - 6*

PUBLIC HEARINGS

3. Public Hearing (Z-1516) by Joel M. and Karen H. Marshall for a Conditional Use Permit to allow a Standardized Business in the Historic Shopping District Overlay within the CBD, Central Business District, at 401 E. Main Street *Pp 7 - 32*
4. Consider making a recommendation on Z-1516

PLATS

5. Consider (P-1514) Final Plat of Oaks of Windcrest, Phase IV *Pp 33 - 38*

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION
September 9, 2015
5:30 P.M.

On this the 9th day of September, 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
STEVE THOMAS
BILL PIPKIN
CHARLIE KIEHNE
DARYL WHITWORTH

ABSENT: BRENDA SEGNER
 CARL MONEY
 CHRIS KAISER
 JOE CLOUD

ALSO PRESENT: BRIAN JORDAN - Director of Development Services
 PAT MCGOWAN - City Attorney
 TAMMIE LOTH - Development Coordinator

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

PUBLIC HEARINGS

PUBLIC HEARING (Z-1513) BY THE CITY OF FREDERICKSBURG TO CONSIDER AMENDING SECTION 7.825 OF THE ZONING ORDINANCE PERTAINING TO SPECIAL PARKING PROVISIONS TO EXTEND SAID PROVISIONS WEST ON MAIN STREET - It was moved by Daryl Whitworth and seconded by Bill Pipkin to open public hearing Z-1513 by The City of Fredericksburg to consider amending section 7.825 of the Zoning Ordinance pertaining to Special Parking Provisions to extend said provisions west on Main Street. Brian Jordan, Director of Development Services presented the application. Mr. Jordan explained there is a section in the ordinance that refers to special parking provisions within a portion of the Historic District and that area was recently extended by an ordinance amendment. Mr. Jordan noted some individuals have proposed opening an event venue and beer and wine bar at 607 W. Main Street and commented the use is allowed. Mr. Jordan noted there was some confusion as to where the business was located and if it was in the area that required parking be provided for the difference in the previous use and the proposed use or the area that was included in the amended ordinance that allows for special parking provisions. Mr. Jordan stated the prospective business owners were led to believe parking did not have to be provided but it was discovered their location is outside of the extended area and are required to park the difference between the prior use and the proposed use. Mr. Jordan noted the applicants were notified of that requirement

but decided to continue working on their project. Mr. Jordan noted the Jones then approached the city council about extending the special parking provisions to the west and the city council has in turn directed Staff to call a public hearing to consider extending the special parking provision either by one block west or further out towards the Y at Hwy 290 and Hwy 87. Mr. Jordan noted Staff has looked at the dynamics of the area between Bowie Street and the Y and the three issues they found that will have the most impact include:

- 1) The speed limit increases from 30 mph to 45 mph at Bowie Street going west on Main Street and that would have an effect on pedestrians crossing the street.
- 2) The zoning changes from C-2 to R-1 in the middle of the block between Main Street and Austin and San Antonio Streets and if patrons circle the block looking for parking spaces, they will inevitably park in the residential area and walk to the venue.
- 3) There are no signalized intersections or crosswalks west of Milam Street so there is not any safe way to cross the street.

Mr. Jordan noted Staff does not recommend extending the parking provisions any further than they are now, but if the Commission is inclined to extend the parking provisions, Staff suggests extending it to the limits of the Historic District or alternately, establish some criteria that an applicant could apply for when requesting special parking allowances for unique circumstances.

Abigail Jones, one of the individuals proposing the venue, noted there are a couple things she would like the Commission to take into consideration. Ms. Jones noted Choo Choo Trolley is a retail business that has live music on the weekends and they have no parking. Ms. Jones added there are 29 parking spaces on each side of the street in their block and during the week almost none of them are being used. Ms. Jones added when they plan to be open, the other commercial businesses in the block will be closed so parking will not be used when they need it. Ms. Jones stated there are 29 parking spaces on their side of the street and they could probably create one handicapped spot and two additional spaces on their property. Ms. Jones noted the area of the property they are trying to promote is located on the back of the lot and there is no access via easements or any other way. Ms. Jones stated it is in their favor there will be parking spots available during their proposed hours of operation. Ben Jones noted they were originally looking at two locations and decided on this one because the other property required parking and there was no where to put it on the lot. Mr. Jones noted there is a push to develop West Main and this will help get that started, but if parking restrictions are put on new businesses on West Main, it will never be able to develop.

Charlie Kiehne moved to close Public Hearing Z-1513 and Daryl Whitworth seconded the motion. All voted in favor and the motion carried.

Daryl Whitworth asked if the Historic Shopping District ends at Acorn and Mr. Jordan noted it does and the parameters are the same as the Historic District.

Bill Pipkin noted two bars in the adjacent block don't have parking and if someone wants to go to a particular place, they will find a spot to park. Mr. Jordan agreed these bars don't have much parking but there is limited parking in the back of their businesses whereas the Jones' property is different because they are not able to get to the back of the property.

Ms. Jones commented there are businesses in this block that have parking but they are new buildings that were developed with a site plan. Ms. Jones added they couldn't stop the construction work when they were notified of the parking requirements because they were already bound by a commercial lease. Mr. Jones noted the building is useless if parking is required on site.

Steve Thomas noted the two bars mentioned earlier have the benefit of parking in an empty bank parking lot and they are different type facilities that what is proposed in this location. Charlie Kiehne stated he is a proponent of more parking rather than less and he has to support the recommendation of Staff.

Charlie Kiehne moved to recommend denial of the extension of the special parking provisions. The motion died for lack of a second.

Daryl Whitworth moved to recommend approval of extending the special parking provisions one block west to Acorn Street to align with the Historic Shopping District and allow the same ability to this block as the rest of the Historic Shopping District. Bill Pipkin seconded the motion. Janice Menking, Steve Thomas, Bill Pipkin and Daryl Whitworth voted in favor. Charlie Kiehne voted in opposition. The motion carried.

PUBLIC HEARING (Z-1514) BY JON H. STARNES FOR A) A CHANGE IN THE LAND USE PLAN FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON APPROXIMATELY 9.97 ACRES OF LAND KNOWN AS OAKS OF WINDCREST, PHASE III LOCATED ON POST OAK RD AND W. WINDCREST DRIVE -

It was moved by Bill Pipkin and seconded by Daryl Whitworth to open Public Hearing Z-1514 by Jon H. Starnes for A) A change in the Land Use Plan from Medium Density Residential to Low Density Residential on approximately 9.97 acres of land known as Oaks of Windcrest, Phase III located on Post Oak Rd and W. Windcrest Drive B)A change in zoning from PUD, Planned Unit Development, to R-1, Single Family Residential on said property. Kevin Spraggins of VEI Engineering presented the application and noted the owner would like to change the zoning from a PUD to Single Family Residential. Mr. Spraggins noted the PUD was approved in 2008 and the developer now would like to subdivide the property into larger tracts. Mr. Spraggins noted the area is currently 55 small lots intended for garden homes and if the zoning change request is approved, there will be eighteen 20,000 square foot lots for single family residential use.

Charlie Kiehne moved to close Public Hearing Z-1514 and Steve Thomas seconded the motion. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted in 2008 there was no zoning that allowed for lots smaller than a 7500 square foot minimum, which is R-1, so an elaborate PUD was developed to allow for a single family residence on a smaller lot. Mr. Jordan noted there is no provision in the PUD for the type project the developer is wanting to put in and so a zoning change is requested for R-1 zoning with larger than normal lots. Mr. Jordan noted he has talked to one resident of Windcrest and explained the request and he had no objections and he has heard from two additional neighbors who are in favor of the request and no one in opposition. Mr. Jordan noted Staff recommendation of approval.

Daryl Whitworth moved to approve the requested land use change from Medium Density Residential to Low Density Residential and approve the requested zoning change from PUD to R-1, Single Family Residential on application Z-1514. Charlie Kiehne seconded the motion. All voted in favor and the motion carried.

PLATS

CONSIDER (P-1512) PRELIMINARY PLAT OF OAKS OF WINDCREST, PHASE III

Kevin Spraggins, representative for the owner, noted Post Oak Rd has been installed as well as both water and sewer. Mr. Spraggins noted the developer will create lots that range from 17,000 square feet to 25,00 square feet and several cul-de-sacs are designed for the subdivision. Mr. Spraggins added detention is in place.

STAFF COMMENTS

Brian Jordan, Director of Development Services, clarified much of the infrastructure is in place and although drainage is always an issue there are two detention ponds that the property will drain into. Mr. Jordan added there is a main Central Texas line that will become part of the back of the properties. Mr. Jordan noted the subdivision is pretty straightforward. Janice Menking confirmed there would be no buildings allowed in the Central Texas easement and Mr. Jordan noted that was true. Mr. Jordan noted Staff recommendation of approval.

Daryl Whitworth moved to approve P-1512, Preliminary Plat of Oaks of Windcrest, Phase III and Charlie Kiehne seconded. All voted in favor and the motion carried.

PUBLIC HEARING (Z-1515) BY ANTHONY DICUFFA FOR A) A CHANGE IN THE LAND USE PLAN FROM LOW DENSITY RESIDENTIAL TO MIXED USE ON A 1.596 ACRE PORTION OF PROPERTY LOCATED AT 1108 N. LLANO B) A CHANGE IN ZONING FROM R-1, SINGLE FAMILY RESIDENTIAL TO C-1, NEIGHBORHOOD COMMERCIAL ON SAID PROPERTY

- It was moved by Charlie Kiehne and seconded by Daryl Whitworth to open Public Hearing (Z-1515) by Anthony DiCuffa for A) A change in the Land Use Plan from Low Density Residential to Mixed Use on a 1.596 acre portion of property located at 1108 N. Llano B) A change in zoning from R-1, Single Family Residential to C-1, Neighborhood Commercial on said property. Anthony DiCuffa, owner of the property presented the application and stated he has learned a lot about the zoning in the last few months that he has been trying to sell his property. Mr. DiCuffa noted their intent was for a residential use when they bought the property but now there is a lot of commercial interest among the prospective buyers he is seeing. Mr. DiCuffa stated the surrounding area has developed commercially since he and his wife bought the property and the interested parties want to know what the dual zoning on the property means. Mr. DiCuffa stated during his investigation he has found some issues with the dual zoning, the first one being that the zoning line cuts through improvements at the rear of his house. Another issue is that the zoning line is not described on any document so he is not able to show a buyer where the zoning district changes. Mr. DiCuffa added the zoning line is arbitrary and seems to vary on adjoining properties. Mr. DiCuffa commented it appears that when the C1 zoning occurred, his lot was the only undeveloped lot and therefore the only penalized lot. Mr. DiCuffa noted his request is to change the entire lot to C1, but another option could be to move the C-1 zoning lot line back so it won't encompass any improvements and still maintain a R-1 buffer between his property and the neighbors. Mr. DiCuffa noted the street on the side of his property at E. Nimitz is not an improved street and could not be used for commercial access unless it is improved and there are no plans at the City to improve the street.

PUBLIC COMMENT

Mike Stehling, who owns property at 1103 N. Adams, stated the neighborhood is a peaceful, clean area and they feel like what is suggested will add much more traffic, noise and congestion. Mr. Stehling added it could possibly cause some theft in the neighborhood and it seems like the negatives of the requested change out way the positives and stated he and his wife are opposed to the request.

Sarah and Ken Breaker, 106 E. Nimitz, noted their property is the only one on E. Nimitz that is residential. Ms. Breaker stated in 2009 the city said it would be a long time before E. Nimitz would be developed or improved. Mr. Breaker noted if the street is improved there are four very big, old trees that would have to be taken down. Ms. Breaker noted they object to the allowed uses in C-1 as well as almost all the uses allowed by Conditional Use Permit.

Eloisa Ramirez, 708 E. Mulberry, noted her property backs up to Mr. DiCuffa's and she would not feel safe living there if the property is used for commercial use because people would be coming at all times throughout the day. Ms. Ramirez added it would create more traffic and accidents.

Alma Awalt, 1109 N. Adams, noted her main concern is with safety because she has always felt safe and has been in the area the longest. Ms. Awalt noted not knowing what would develop on the strip of land behind them bothers her. Ms. Awalt stated the unknown bothers her and knowing your neighbors and what is going on is a great comfort for all the single individuals in the neighborhood.

Michael Goy, owner of property at 1105 N. Adams and 1107 N. Adams, stated he has a pretty good interest in the neighborhood. Mr. Goy stated he believes Mr. DiCuffa's improvements were done after he bought the property and he should have been aware of the dual zoning at that time. Mr. Goy noted he also understands Mr. DiCuffa's situation and suggested the C-1 zoning line be moved back twenty feet so all his improvements are located in the C-1 zoning district but still maintain a R-1 buffer for the residential neighborhood. Mr. Goy added he does not believe E. Nimitz Street should allow commercial access but he understands it will be very difficult for Mr. DiCuffa to sell his property with a change of zoning going through a portion of the improvements.

Michael Thompson, representing his father at 1203 N. Adams, noted Mr. DiCuffa has built a beautiful home and he has gotten caught in a strange situation. Mr. Thompson suggested changing the entire lot to R-1 because there is no lot in town of that size. Mr. Thompson also noted leaving a buffer to the residential area and moving the zoning line back twenty feet would be acceptable.

Charlie Kiehne moved to close Public Hearing Z-1515 and Daryl Whitworth seconded the motion. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted there are obviously pros and cons to both sides of this situation and he has had a conversation with Mr. DiCuffa about his options. Mr. Jordan noted the options include:

- 1) Leave the zoning as it is and deny the request
- 2) Adjust the zoning line to correspond with some improvements on the property, suggested as the rear fence line by Staff
- 3) Change the zoning to R-2 although there is no contiguous R-2 zoning which would entail extending it from the east and incorporating some other properties, which he is not hearing is a very viable option.
- 4) Change entire property to C-1
- 5) Change entire property to R-1, not recommended, but could be considered and would give a clear distinction of zoning, but would also be the only R-1 zoned property along N. Llano.

Mr. Jordan noted Staff recommendation of approving a zoning change to C-1 to the rear fence line of

the existing improvements.

After more comments and discussion among the neighbors and clarification for the Commission, Daryl Whitworth moved to recommend to City Council the C-1 zoning line be redrawn to approximate the current back yard fence, effectively a 40 + foot move to the north for the C-1 zoning and the R-1 zoning be retained on the rear. Bill Pipkin seconded the motion. All voted in favor and the motion carried.

PLATS

CONSIDER (P-1512) PRELIMINARY PLAT OF STONE RIDGE, UNIT 9

Alan Lindskog of Civil Engineering Consultants presented the application and noted the developer is proposing 34 single family lots and with this plat the connection of Ellebracht Drive will be complete from Hwy 16 to Lower Crabapple. Mr. Lindskog noted the lots are approximately the same size as the previous units and the deed restrictions will be the same as the current ones. Mr. Lindskog stated the developer will begin work in the fall and plans to be finished by next summer.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted this will bring the total number of lots to 334 with two remaining phases to be developed. Mr. Jordan stated the detention pond was built in Phase V. Mr. Jordan added the annexation of this tract is proceeding along with the plat approval.

Mr. Jordan noted Staff recommendation of approval of P-1512.

Daryl Whitworth moved to approve P-1512, Preliminary Plat of Stone Ridge, Unit 9 and Steve Thomas seconded the motion. All voted in favor and the motion carried.

MINUTES

Steve Thomas moved to approve the minutes from the August, 2015 meeting and Charlie Kiehne seconded the motion. All voted in favor and the motion carried.

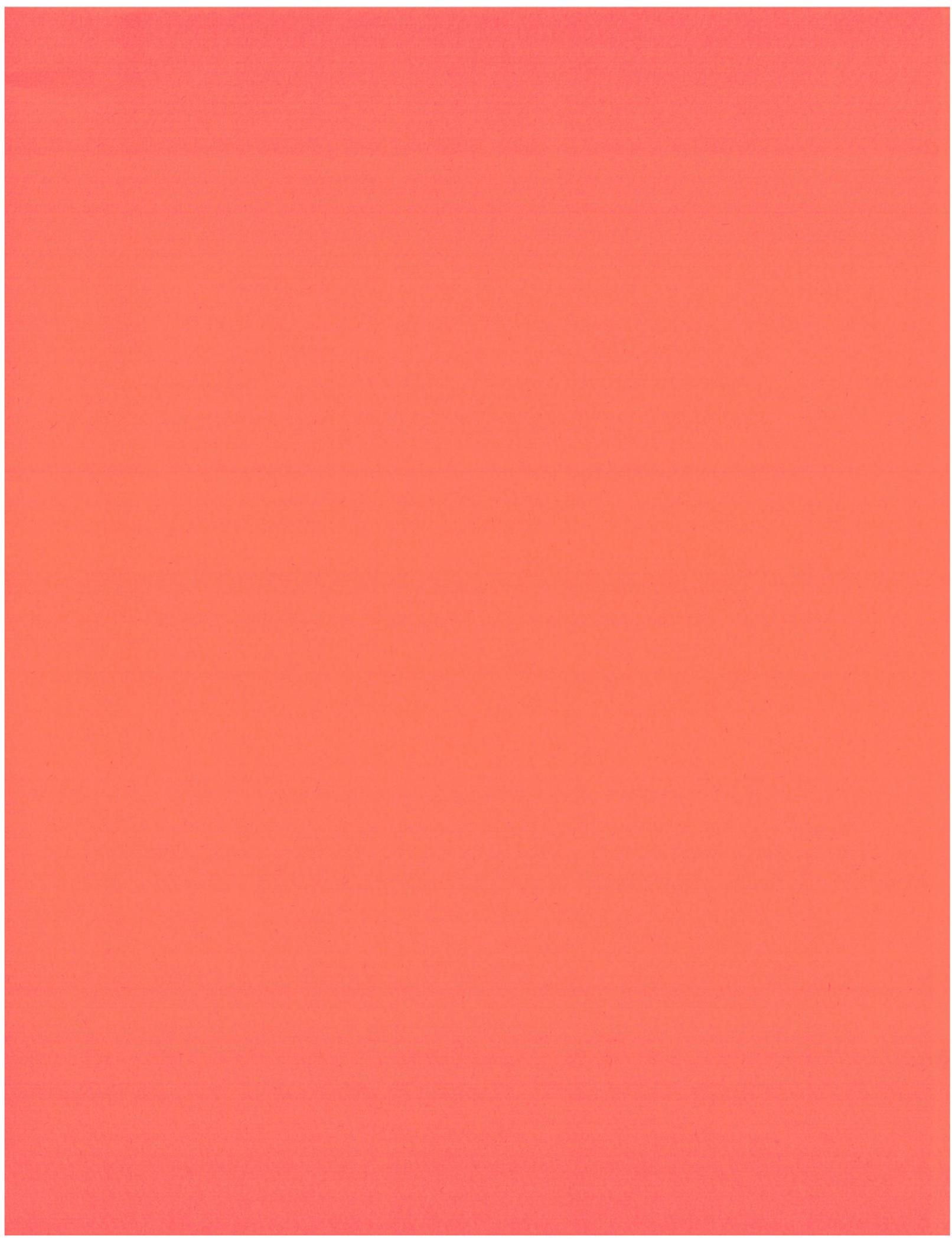
ADJOURN

With nothing further to come before the Commission, Charlie Kiehne moved to adjourn. Daryl Whitworth seconded the motion. All voted in favor and the meeting was adjourned at 7:17 p.m.

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

SHELLEY BRITTON, Secretary

JANICE MENKING, Chairman



CONDITIONAL USE PERMIT BRIEF

Request Z-1516

- Owner:** Keidel Korner LLC (Stuart Barron)
- Applicant:** Joel and Karen Marshall, The Spice and Tea Exchange
- Location:** 401 E. Main Street (the existing building will be removed and a new building constructed)
- Existing Zoning:** CBD, Central Business District
- Request:** Conditional Use Permit for a Standardized Business (The Spice and Tea Exchange) in the Historic Shopping District Overlay.

Site Plan Overview:

- By definition, The Spice and Tea Exchange is considered a standardized business because it is required by contractual or other arrangement or affiliation to maintain one or more of the following items: standardized array of services and/or merchandise, trademark, logo, signs, service mark, symbol, décor, architecture, layout, uniform, menu, or similar standardized features and which causes it to be substantially identical to more than ten (10) other businesses regardless of ownership or location at the time the application therefor is completed.
- The lease space is approximately 1,350 square feet located at 401 E. Main Street, and will be part of the new building to be constructed (see building plans).
- Phase 1 of the Keidel's Korner property was recently developed and is occupied by tenants.
- The existing building (formerly the Subway) will be removed and a new building constructed. Historic Review Board has approved the demolition and the new building.
- Commercial businesses, including retail and restaurant, surround this property.
- CBD zoning surrounds this property all sides.

Review and Evaluation Criteria (per Section 5.460 of the Zoning Ordinance): The following criteria are the standard elements for consideration of any Conditional Use Permit.

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- The site will comply with applicable Development Regulations, including setbacks, building height, building coverage and impervious coverage. A Site Plan was approved for this property in May, 2015.

B. COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:

- The proposed retail use would be compatible with the surrounding commercial uses.

C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:

- None anticipated.

D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:

- None.

E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:

- Vehicular and pedestrian circulation has been considered for a retail use, and would not be negatively affected by the proposed business.

F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:

- NA.

G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:

- Specific detail on signage has not been provided.

H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:

- Parking will be provided on site in accordance with the current regulations, and as approved on the Site Plan.

I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:

- Affirmative. A retail business is considered a permitted use under normal circumstances. The following section will evaluate the proposed use in accordance with the adopted Standardized Business Ordinance.

J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:

- Affirmative. See following section.

K. DETERMINATION THAT THE PROPOSED USE AND SITE DEVELOPMENT, TOGETHER WITH ANY MODIFICATIONS APPLICABLE, THERETO, WILL BE COMPATIBLE WITH EXISTING OR PERMITTED USES IN THE VICINITY:

- Affirmative. See following section.

L. DETERMINATION THAT ANY CONDITIONS APPLICABLE TO APPROVAL ARE THE MINIMUM NECESSARY TO MINIMIZE POTENTIALLY UNFAVORABLE IMPACTS ON NEARBY USES AND TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING OR PERMITTED USES IN THE SAME DISTRICT AND THE SURROUNDING AREA:

- Affirmative. See following section.

M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:

- Affirmative. See following section.

SECTION 5.461 REVIEW AND EVALUATION CRITERIA FOR HISTORIC SHOPPING DISTRICT OVERLAY:

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications for all Standardized Businesses within the Historic Shopping District Overlay using the following criteria:

A. Affirmative finding that the existence of such business will not:

1. Materially alter the general characteristic of the surrounding area of the small town German and Hill Country environment,
2. Detract from the uniqueness of, nor materially alter the identity of, the Historic Shopping District,
3. Contribute to the nationwide trend of standardized offerings, or
4. Impair the intent of this ordinance or the comprehensive plan.

B. Affirmative finding that the business will:

1. Add diversity to the mix of businesses in the area including the type of service, amusement, product, price range and the like, and
2. Compliment those businesses already in the Historic Shopping District Overlay,
3. Help promote and foster the local economic base as a whole, or
4. Is currently existing in the District or is regionally or locally based or is serving a community need or local demand.

C. The Planning and Zoning Commission may recommend and the Council shall require that a Standardized Business:

1. Will not utilize or contain the features or attributes of a Standardized Business as defined above except the service, product or amusement, and a sign, no more than 2 square feet in size showing the franchise or business affiliation.
2. Be pedestrian oriented as opposed to automobile oriented, to encourage walking in the Historic Shopping District.
3. Utilize a unique visual appearance that reflects or compliments the historic character of the Historic Shopping District, and not project a visual appearance that is homogeneous with its elements in other communities, and
4. Not be in such close proximity to Standardized Businesses to significantly destroy a mix of standardized businesses with other businesses.

D. The Planning and Zoning Commission may recommend and the Council may place other reasonable conditions upon the granting of the application which may not be specifically set out herein provided that such conditions promote the goals of this ordinance. It is specifically permitted that the City Council may place restrictions upon the operation of the business such as hours or operation to conform generally to other businesses in the area or the requirement of the addition of architectural features to maintain the character and architectural look of the area.

- E. The burden of proof in conditional use proceedings shall be upon the applicant. The Council may require the applicant to submit a traffic study, prepared by a Registered Professional Engineer, approved by the Board, or to submit any other substantiation of the elements of the application.
- F. The fact that a use may be more profitable or that a structure may be more valuable if the conditional use is granted shall not be grounds for issuance of the permit.

The applicant has provided detailed responses to each of the above criteria. Please see the attached information.

OPPOSITION/SUPPORT OF REQUEST: No comments received to date.

STAFF RECOMMENDATION: For informational purposes, the Council has approved 3 Conditional Use Permits for standardized businesses. James Avery Craftsman at 207 E. Main Street was approved in May, 2009, Ameriprise Financial Offices at 414 W. Austin Street was approved in August, 2010, and Security State Bank & Trust drive-through at Crockett and San Antonio Street was approved in April, 2015. In each of these cases, the Council agreed that each business met the qualifying criteria of the ordinance. A specific condition was placed on the Ameriprise Financial Office that they were not allowed a sign to identify their affiliation with the business.

Based on the information provided by the applicant on The Spice and Tea Exchange, and review of the company's website, we believe there are several favorable elements of the business to the community, but also elements that do not meet the purpose and intent of the ordinance. We have provided a copy of the "WHEREAS" section of the ordinance for your review and consideration. While we have no objection to the Spice and Tea Exchange and feel they would add to the culinary interest in the community, in our opinion, the proposed use would not meet the qualifying criteria based on the purpose and intent descriptions of the ordinance. In addition, if approved, it would be very difficult not to allow other similar standardized businesses in the district in the future.

If the Commission is inclined to recommend approval of the request, we would suggest that identifiable conditions/criteria be established that would distinguish this business from any other such business.

ORDINANCE NO. 18-002

April 21, 2008

AN AMENDMENT OF THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG TO ADD SECTION 3.500 HISTORIC SHOPPING DISTRICT OVERLAY; DEFINING THE HISTORIC SHOPPING DISTRICT; PROVIDING FOR PRINCIPAL PERMITTED USES; PROVIDING FOR GENERAL USES SUBJECT TO THE ISSUANCE OF A CONDITIONAL USE PERMIT; PROVIDING FOR SPECIFIC USES SUBJECT TO ADDITIONAL CONDITIONAL USE REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A REPEALER CLAUSE AND PARTIAL INVALIDITY CLAUSE

WHEREAS, there exists in the City of Fredericksburg a Historic Shopping District, as hereinafter defined and described, which is composed of the original shopping area of the City and which lies in various zoning districts of the city and part of which is also subject to the provisions of the Historic Overlay District; and

WHEREAS, such area is a vital part of the City of Fredericksburg, containing numerous unique small shops, museums, restaurants, bed and breakfast accommodations and other small businesses; and

WHEREAS, the City Council recognizes that said District draws many visitors each year and receives nationwide exposure for its unique German Heritage and Hill Country Architecture and its shopping opportunities and the continuation and promotion of such business and exposure is vital to Fredericksburg's economic future; and

WHEREAS, the City Council further recognizes that the characteristics of size and uniqueness of the businesses in the District are directly related to the support for the preservation of the many outstanding historic properties in the District, and for the use of such District as a pedestrian oriented area, and further that the encouragement of such business is necessary to maintain the property values and the living and business vitality of the area; and

WHEREAS, the City Council recognizes that the long-term health of the Historic Shopping District would be advanced by promoting a blend of unique and diverse commercial offerings for residents and visitors, and that the entire City of Fredericksburg, as well as such District, would be benefitted thereby; and

WHEREAS, the City Council wishes to promote a thriving historic business district with attractive retail, merchandising, dining, museum, entertainment and recreation opportunities offering residents and visitors alike a diverse and wholesome environment for commercial, cultural, civic and social pursuits that are identifiable with and to the City of Fredericksburg showcasing its commitment to the quality of place and the independent entrepreneurs which have made Fredericksburg the place that it is; and

WHEREAS, layout and other existing physical characteristics of the Historic Shopping District are ideally suited to smaller, local businesses the promotion of which is vital to the continued economic vitality of the City; and

WHEREAS, the City Council further recognizes that notwithstanding the marketability of a business's goods or services or the visual attractiveness of its establishment, certain kinds of businesses can be counterproductive and otherwise detract from the appeal of both the street-scape and overall historic downtown experience, particularly in view of the fact that other sections of the city offer plenty of opportunity for larger businesses and those which require the use of a marketing model or plan similar to those of other like businesses and are more likely to better accommodate the architectural, parking, service and technological needs of such businesses; and

WHEREAS, the City Council also recognizes that businesses run in accordance with a standard operation plan, which standardize aspects of the business such as architecture, services, decor, signs, rooms, uniforms, retail or menu offerings and the like, present a grave danger to the

unique identity of the Historic Shopping District, and if unchecked will lead to standardization of the District's business, retail and restaurant offerings, resulting in an increase of the pressure to alter or destroy historic buildings and decrease the variety of offerings which sets Fredericksburg apart from other locations; and

WHEREAS, in light of the foregoing considerations, the City Council has determined that the welfare of the City's residential, retail, business and tourist based community, as articulated by the principles found in the Comprehensive Plan, will be served and advanced by regulating the establishment of standardized businesses in the Historic Shopping District.

NOW THEREFORE be it ordained that the Zoning Ordinance of the City of Fredericksburg be and is hereby amended to add Sections 3.500 and Section 5.461 as follows:

3.500 HSD Historic Shopping District Overlay

Intent This zone is intended to encompass that portion of the City which constitutes the in-town historic shopping and tourist area. The area within the District is subject to the requirements of the underlying zoning district, the Historic Overlay District, if within its defined area, and the requirements of this Historic Shopping District.

Principal Permitted Uses- see uses listed in the underlying district

Uses Permitted Subject to issuance of a Conditional Use Permit using the review and evaluation criteria of Section 5.460- see the uses listed for the underlying district

Uses Permitted Subject to issuance of a Conditional Use Permit using review and evaluation criteria in Sections 5.460 and 5.461- Any Standardized Business may be located in the Historic Shopping District subject to a Conditional Use Permit as provided in Section 5.400 using the review and evaluation criteria set forth in Sections 5.460 and 5.461: For the purpose of this section, the following definitions shall apply:

PRELIMINARY PLAN
 THIS PLAN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.
 REGISTRATION NO. 7417

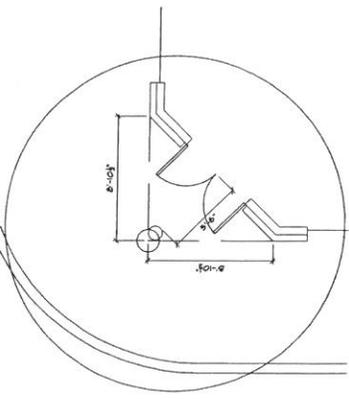
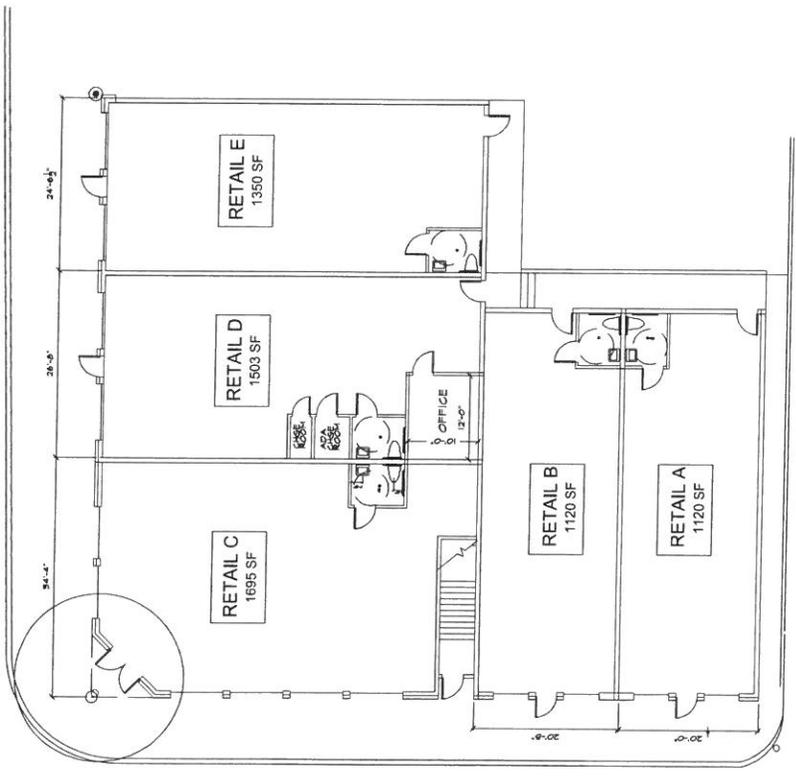
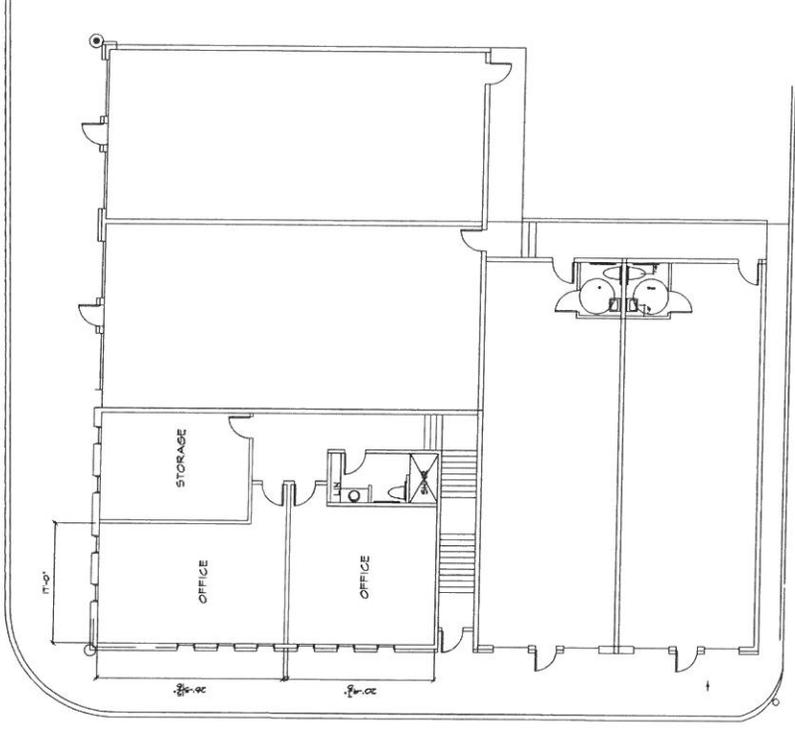
BARRY A. WAGNER AIA
 ARCHITECT & PRESERVATION CONSULTANT
 308 NORTH MAIN STREET
 FREDERICKSBURG, TEXAS
 PHONE: (202) 997-5233
 CELL: (202) 951-9444



KEIDEL'S KORNER PHASE 2
 401 EAST MAIN STREET
 Fredericksburg
 Texas

DATE	07-5-2018
PROJECT NUMBER	17-008
REVISION	

FLOOR PLAN
 SHEET NUMBER
A1-1
 OF 1



14



Project Application

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: The Spice & Tea Exchange

Project Address: 401 East Main Street Suite E, Fredericksburg Texas 78624

Tax ID Number (s): Have not established one for business as of this time

Application Type (Check all items that apply.)

- | | | |
|--|--|---|
| <input checked="" 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 type="checkbox"/> Zoning Change | <input type="checkbox"/> Amending Plat* | <input type="checkbox"/> Other |
| <input 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* | 30-day action |
| | <input type="checkbox"/> Development Plat | |

Revision of Approved Plan / Plat? Yes No Name:

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

Original Survey & Abstract No:

Legal Description: A 1350 sq. foot space located on Town lot 222AR, or 222BR per replat recorded in Volume 5, page 56, Plat Records, Gillespie County

Current Land Use Plan:

Proposed Land Use Plan:

Current Zoning: CBD-Downtown

Proposed Zoning:

Location: 401 East Main Street Suite E, Fredericksburg Texas 78624

Proposed Use(s): Specialty Retail - Franchise

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: Joel M. Marshall Karen H. Marshall

Printed Name: JOEL M. MARSHALL, KAREN H. MARSHALL Date: 8/31/2015

Staff Use Only Application No.: _____ Date: _____

*Copy of current Title Search required with application.



Project Application

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): Keidel Korner LLC

Owner Name: Keidel Korner LLC (Stuart Barron)

Address: 146 Keidel Lane, Fredericksburg, Texas 78624

Phone: 830/459-4881

Fax: n/a

Email: wtranch@hotmail.com

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

Role: Agent Engineer Surveyor Other (note role): Building Tenant

Firm Name (if applicable): The Spice & Tea Exchange

Address: 401 East Main Street Suite E, Fredericksburg, Texas 78624

Primary Contact Name: Joel Marshall or Karen Marshall

Phone: 713/553-5858; 713/628-1972

Fax: Email: joel.marshall@outlook.com

Secondary Contact Name:

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable): The Spice & Tea Exchange

Applicant Name (s): Joel and Karen Marshall

Address: 1427 Clarkdale Court Houston Texas 77094

Phone: 713/628-1972; 713/553-5858

Fax: n/a

Email:

joel.marshall@outlook.com; karenmarshallcreations@yahoo.com

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

Role: Agent Engineer Surveyor Other (note role):

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone:

Fax:

Email:

Section 5.461 Review and Evaluation Criteria for Historic Shopping District

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permits application for all Standardized Businesses within the Historic Shopping District using the following criteria:

A. Affirmative finding that the existence of such business will not:

(1) materially alter the general characteristic of the surrounding area of the small town German and Hill Country environment, (2) detract from the uniqueness of, nor materially alter the identity of, the Historic Shopping District, (3) contribute to the nationwide trend of standardized offerings, or (4) impair the intent of this ordinance of the comprehensive plan of the City;

The architecture of this building, which has been approved by the City of Fredericksburg, will blend well with the historic characteristics currently seen throughout the area. The Spice & Tea Exchange will occupy space within a building to be built by Keidel Korner, LLC., located at the corner of East Main Street (Hwy. 290) and Washington Street (Hwy. 87).

The Spice & Tea Exchange, Fredericksburg, will be one of only three locations in Texas with a location of 405 East Main Street (we currently have a Pre-Lease option on 1350 square feet with Stuart Barron, Keidel Korner, LLC.). The current locations are in the Fort Worth Stockyards and the Historic Downtown district of Grapevine, (both are locally owned and operated by the same Fort Worth based owner). While there are more than ten locations nationwide, we feel the other store locations are geographically removed from Fredericksburg.

B. Affirmative finding that the business will:

(1) add diversity to the mix of businesses in the area including type of service, amusement, product, price range and the like, and (2) complement those businesses already in the Historic Shopping district, and (3) help promote and foster the local economic base as a whole, or (4) is currently existing in the District or is regionally or locally based or is serving a community need or local demand.

We believe the addition of The Spice & Tea Exchange in the Historic Shopping district will create a unique shopping experience for everyone that walks through the doors. This will be a store like what might have been in Fredericksburg during the 1800's. The product offerings and interactive atmosphere will add diversity to the current offerings by businesses within the Historic District. Upon entering the store, customers will be encouraged to browse the rustic product displays of spices, blends, hand-mixed blends, salts, sugars and teas while taking in the sights and smells of the store. Customers may watch employees create hand-mixed seasonings at a blending area and will be encouraged to open the jars and smell the spices.

The pricing for products will vary based upon the quantity of spices, spice blends and teas or accessories that are purchased. The pricing structure is set by each location owner/operator.

Our business will be locally owned and operated. We plan to relocate to Fredericksburg to establish our home in addition to becoming members of the business community. As a local business, it is our intention to offer valuable education and interactive demonstrations to our customers in order to put an emphasis on the local community.

C. The Planning and Zoning Commission may recommend and the Council shall require that a Standardized Business:

(1) will not utilize or contain the features or attributes of a Standardized Business as defined above except the service, product or amusement and a sign, no more than two square feet in size showing the franchise or business affiliation, if desired, (2) be pedestrian oriented as opposed to automobile oriented, to encourage walking in the HSD, (3) utilize a unique visual appearance that reflects or compliments the Historic character of HSD, and not project a visual appearance that is homogenous with its elements in other communities, and (4) not be in such close proximity to Standardized Businesses to significantly destroy a mix of standardized businesses with other businesses.

The Spice & Tea Exchange Fredericksburg, located at 405 East Main Street, will erect signs as approved by the Planning and Zoning Commission and City Council for the proposed new retail development by Keidel Korner, LLC. Additional window signage will include the store's name and logo, subject to approval of the Planning and Zoning Commission and City Council.

Our business encourages pedestrian traffic throughout the East Main Street corridor by offering another casual retail environment to the current Historic District shopping experience. Throughout the store, architectural features and time-period pieces will be used to create an 'old world' feel. Such items include rustic wooden beams, wrought-iron lights and lanterns, crates, spice sacks, antiques and more. Many antiques and time period pieces will be sourced from the local Fredericksburg area, giving the store interior a more personal touch. (See examples of store interiors attached)

D. The Planning and Zoning Commission may recommend and the Council may place other reasonable conditions upon granting of the application which may not be specifically set out herein provided that such conditions promote the goal of this ordinance. It is specifically permitted that the City Council may place restrictions upon the operation of the business such as the hours of operation to conform generally with other businesses in the area or the requirement of the addition of architectural features to maintain the character and architectural look of the area.

The ability to smell fresh spices, salts, sugars and teas, and purchase of these items, draws one back to a time where products were purchased in small trading posts or general stores.

The experience begins the minute a visitor opens the door – the smell of spices, salts, sugars and teas encourages one to explore the shelves, and enjoy a step back into an earlier century. Custom blends and locally-made seasonings will make our store a unique shopping destination for tourists as well as people in the community.

We will offer hours of operation similar to existing businesses within the Historic Downtown district.

- E. The burden of proof in conditional use proceedings shall be upon the applicant. The Council may require the applicant to submit a traffic study, prepared by a Registered Professional Engineer, approved by the Board or to submit any other reasonable substantiation of the elements of the application.

Our business is pedestrian oriented. We are proposing to move into a building that is new and being built to current Fredericksburg standards.

- F. The fact that a use may be more profitable or that a structure may be more valuable if the conditional use granted shall not be grounds for issuance of the permit.

We are moving to the area and investing in this endeavor because we want to be a part of the community.

The Spice & Tea Exchange of Fredericksburg **Unique Store Features**



old hearth, lanterns, hand-carved wooden tables, spice sacks



locally-sourced brick work, woods, wooden pillars & beams

The Spice & Tea Exchange of Fredericksburg **Unique Store Features**

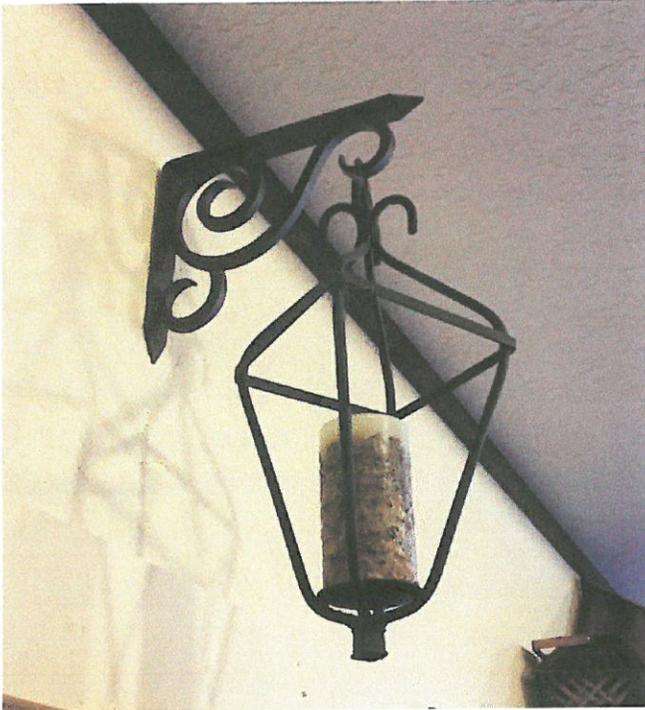


unique display pieces, aged brickwork

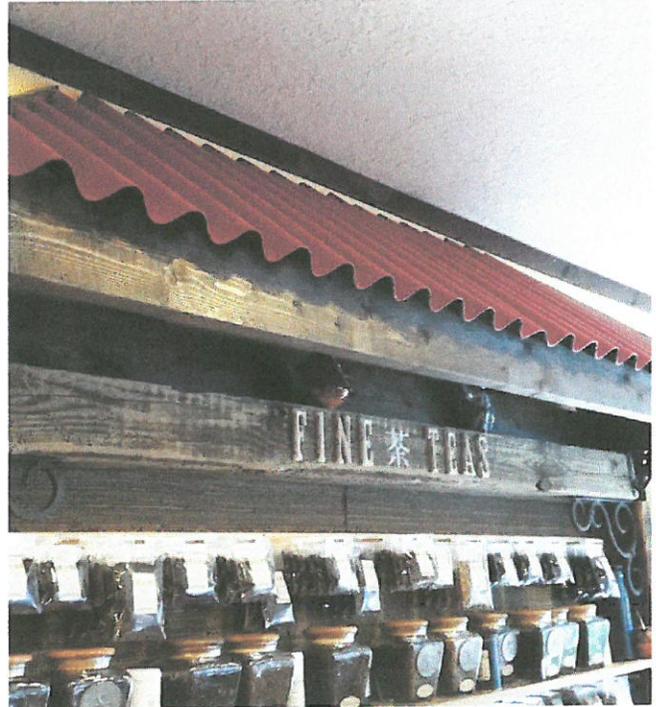


crates, barrels & custom displays created with locally-sourced items

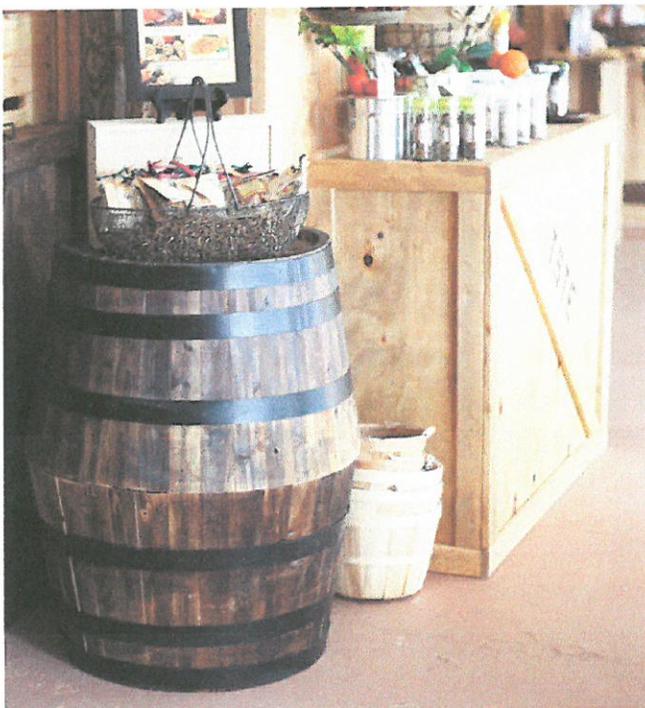
The Spice & Tea Exchange of Fredericksburg **Sample Fixtures & Displays**



wrought iron lighting fixtures



wood beams & hanging accents



crate & barrel displays



locally-sourced antique displays



The Spice & Tea Exchange® Retail Experience

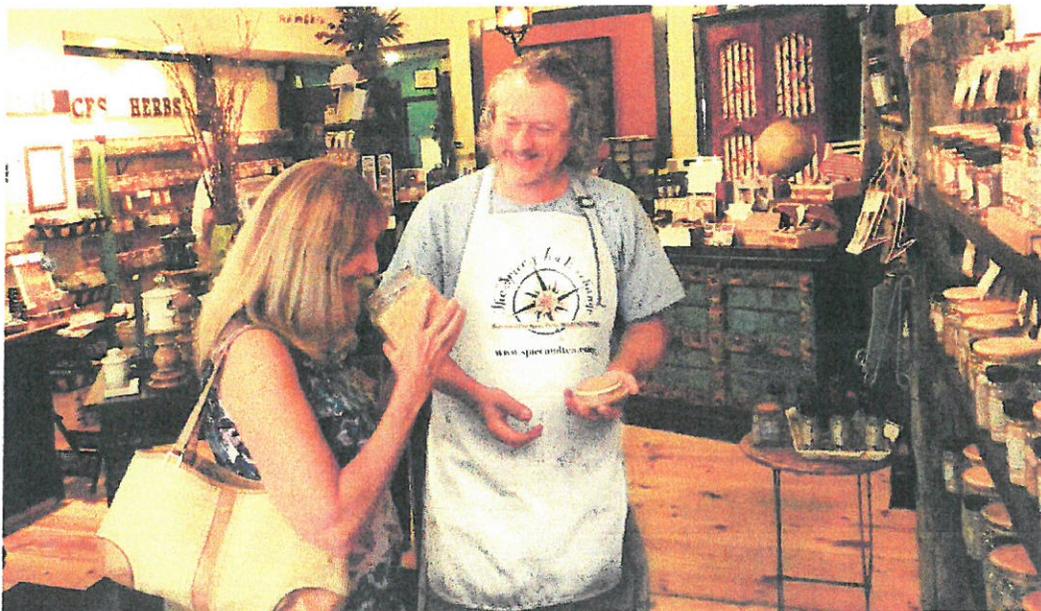
The spice trade was the basis behind world exploration, and much like the original spice traders, we invite our guests to experience the sights, smells, and tastes of our culture.

The Spice & Tea Exchange® began as a small stand-alone shop, and flourished into the brand that it is today. Over the years, our franchise owners have helped us build a brand reputation that continues to strengthen as we grow online and in your local communities.

At The Spice & Tea Exchange®, we consider our in-store experience to be one of our greatest assets. Our goal is to have our guests feel transported to another place and time as they are immersed in the sights, smells, and flavors of our concept.

When you enter The Spice & Tea Exchange®, you're turning back time and entering an old 18th Century Trading Post, where you'll experience:

- Heavy wood beams and shelving with apothecary-style jars lining the walls
- Rich, deep colors accent the space and add to our rustic theme
- Antique displays that are a classic nod to the local community and 18th century era
- A wide variety of products, accessories, and gifts
- A blending theatre designed to allow you to watch Spice Masters create our hand-mixed blends and seasonings
- Engaging and knowledgeable team members who encourage interaction and discovery





The Industry

At The Spice & Tea Exchange®, we greet guests from around the world who seek to live a more flavorful lifestyle. According to a study done by Mintel Research Group,

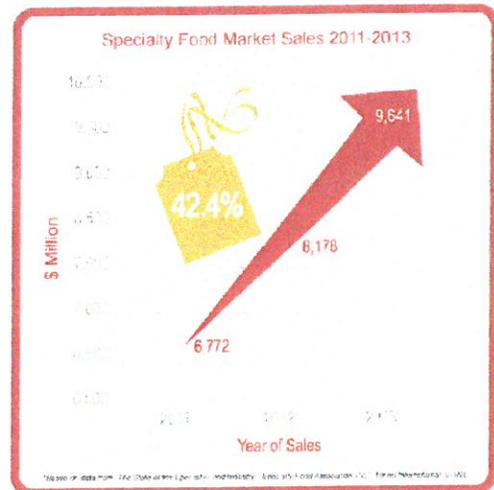
“TASTE is consistently the No. 1 reason for trying a new product...”

and a true foodie knows that 70-75% of taste is SMELL. Our concept brings these important senses together to capture our audience and help them discover new culinary options.

Overall, the spice and tea markets are poised for growth, and our concept is nearly unmatched, combining the spice and tea industries under one roof.

How The Industry Measures Up:

- Specialty food sales topped \$88.3 billion in 2013.
- 17.6% of total spice/seasonings market sales came from specialty retailers, during 2011-2013.
- 40.1% of total tea market sales came from specialty retailers, 2011-2013.
- In retail segments, specialty food stores recorded the biggest sales increase, at 42.4%, from 2011-2013 (shown in “Specialty Food Market Sales 2011-2013” chart).
- The global seasonings and spices market is projected to grow at a rate of 4.8% every year until 2019.
- Researchers estimate a market spend of \$16.9 billion by 2019 in the spices and seasonings industry.
- The specialty teas market has jumped from #15 to #10 in most purchased specialty foods since 2013.



Sources:

Seasonings and Spices Market - Global Industry Analysis, Size, Share, Growth, Trends and Forecast, 2013 - 2019- Transparency Market Research

Today's Specialty Food Consumer 2014- Specialty Food Association, INC., Mintel International

The State of the Specialty Food Industry- Specialty Food Association, INC., Mintel International, SPINS



The Spice & Tea Exchange® Product Line

The Spice & Tea Exchange® product line features:

More than 140 Fine Spices & Herbs

- Available whole, chopped, diced, minced, candied, or ground
- Herbs and botanicals
- Freeze dried and sun dried ingredients
- Over 30 pepper variations, including paprikas and pepper powders

75+ Proprietary Hand-Mixed Blends and Seasonings

- Made daily in an interactive "Blending Theater" within the stores
- Sold in various sizes and containers
- Specialty, meat, seafood, cultural, curries, salt-free, and grinder blends

Exotic Loose-Leaf Teas

- Black
- Oolong
- Green
- Herbal (Tisanes)
- Decaf and caffeine-free

Salts from Around the World

- Coarse and petite flake
- Smoked, mineral, and sea salts
- Salt platters, grater stones, and accessories

Grains & Dry Goods

- Rices
- Quinoa Blends
- Mushrooms

Naturally-Flavored Sugars:

- Flavored with essential oils
- Flavor profiles from sweet to spicy

Gourmet Gifts & Accessories

- Gift crates, gift boxes, and gift bags
- Samplers, favors, and small gifts
- Organic Extra Virgin Olive oil
- Mills and grinders
- Kitchen and tea accessories
- Storage tins and shakers
- Mortars and pestles



PRELIMINARY PLAN
 THESE INCOMPLETE DOCUMENTS ARE FOR INTERIM REVIEW ONLY AND MAY NOT BE USED FOR REGULATORY APPROVAL, PERMIT, OR CONSTRUCTION.
 BARRY A. WAGNER, AIA
 REGISTRATION NO. 7187

BARRY A. WAGNER AIA
 ARCHITECT & PRESERVATION CONSULTANT
 505 NORTH MAIN STREET
 FREDERICKSBURG, TEXAS
 PHONE: (800) 997-9225
 CELL: (800) 406-7484



TEXAS

KEIDEL'S KORNER
401 EAST MAIN STREET
 Fredericksburg

DATE	08-28-2018
PROJECT NUMBER	12-08
REVISION	

ELEVATIONS	
SHEET NUMBER	A1-2
	3 of 3



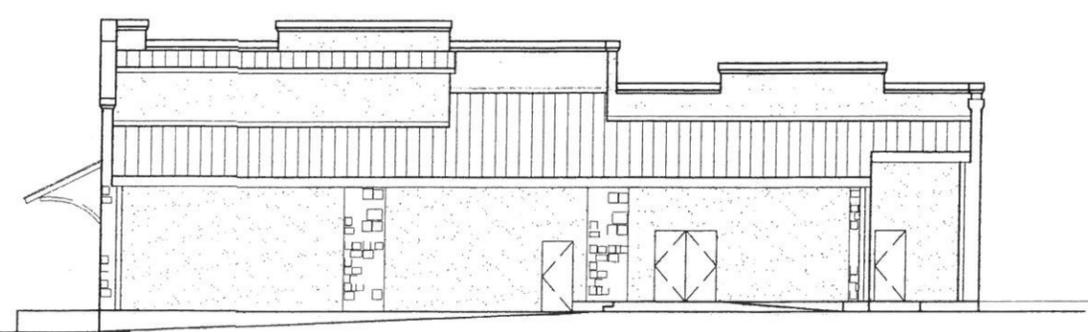
NORTH (MAIN ST.) ELEVATION
 1/8" = 1'-0"



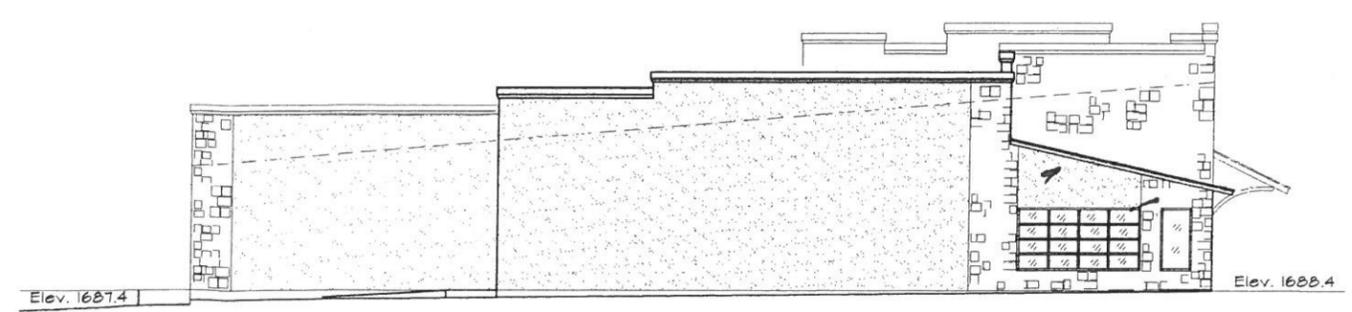
WEST (WASHINGTON ST.) ELEVATION
 1/8" = 1'-0"

COLOR SELECTIONS

- STONE: WHITE CENTRAL TEXAS LIMESTONE
- STUCCO: TAN/OFF WHITE TO BLEND WITH STONE
- PORCH ROOFS: GALVALUME
- EXPOSED STEEL BRACKETS/BEAMS: FOREST GREEN
- DOORS & STOREFRONT FRAMING: DARK ANODIZED ALUM.

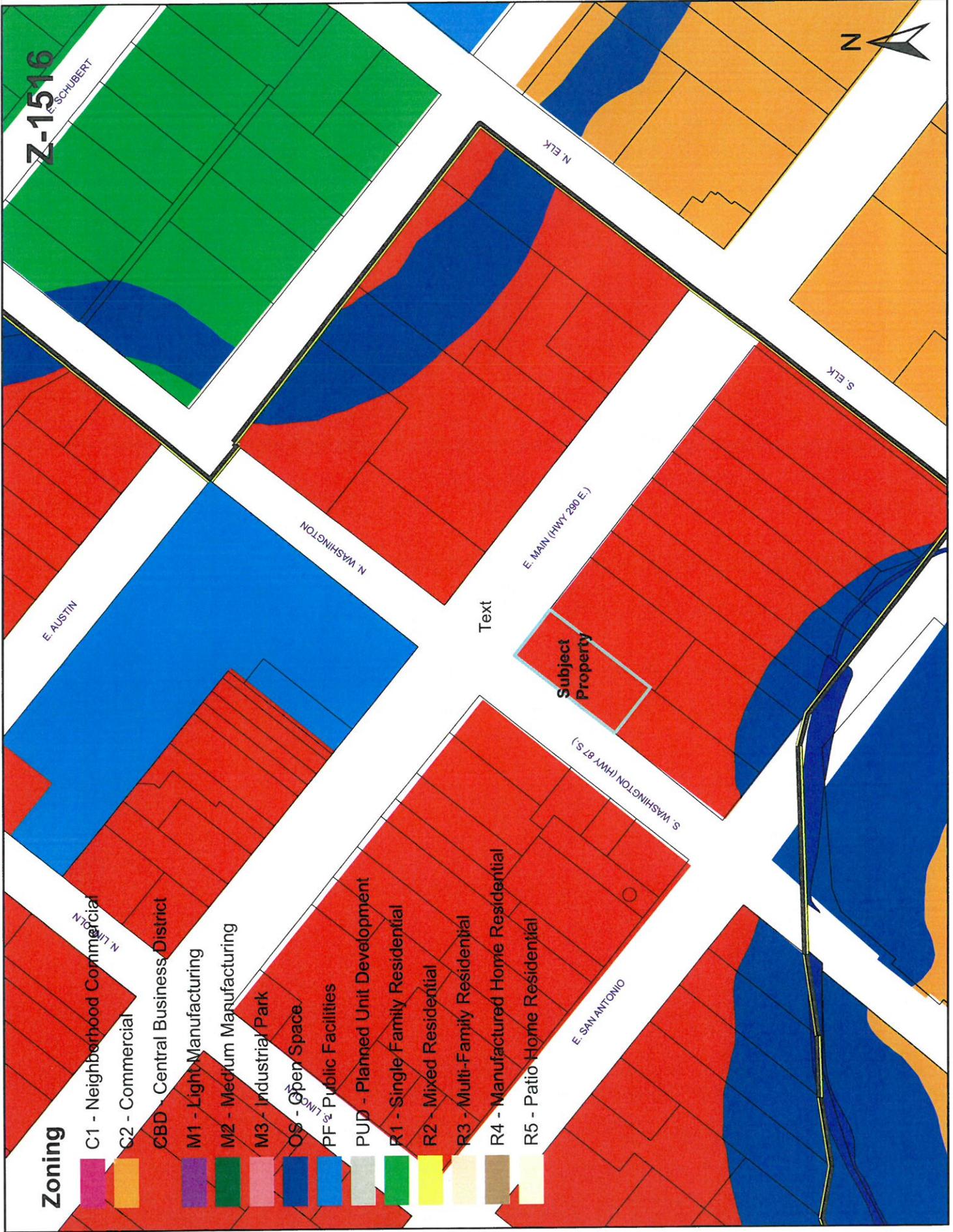


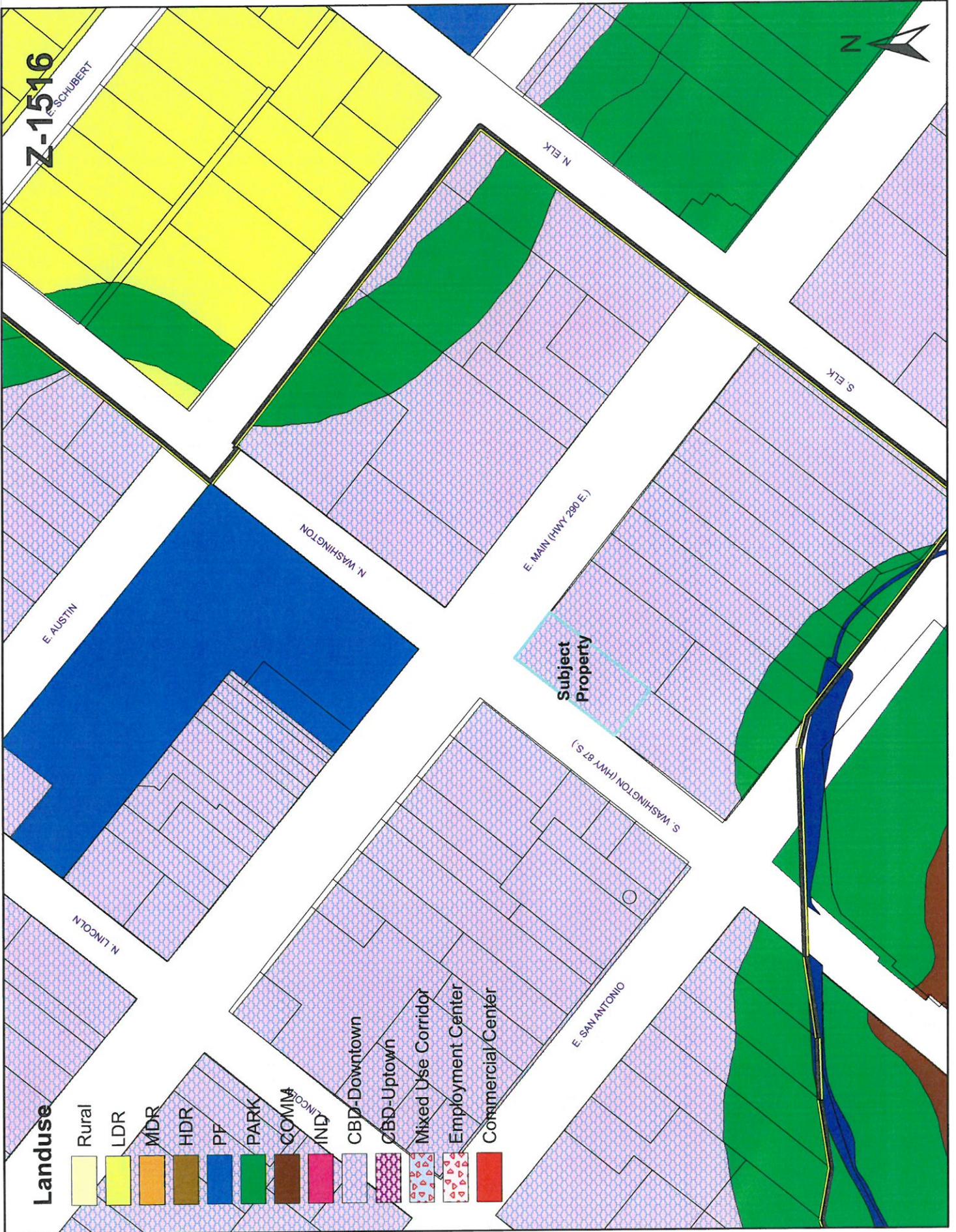
SOUTH ELEVATION
 1/8" = 1'-0"

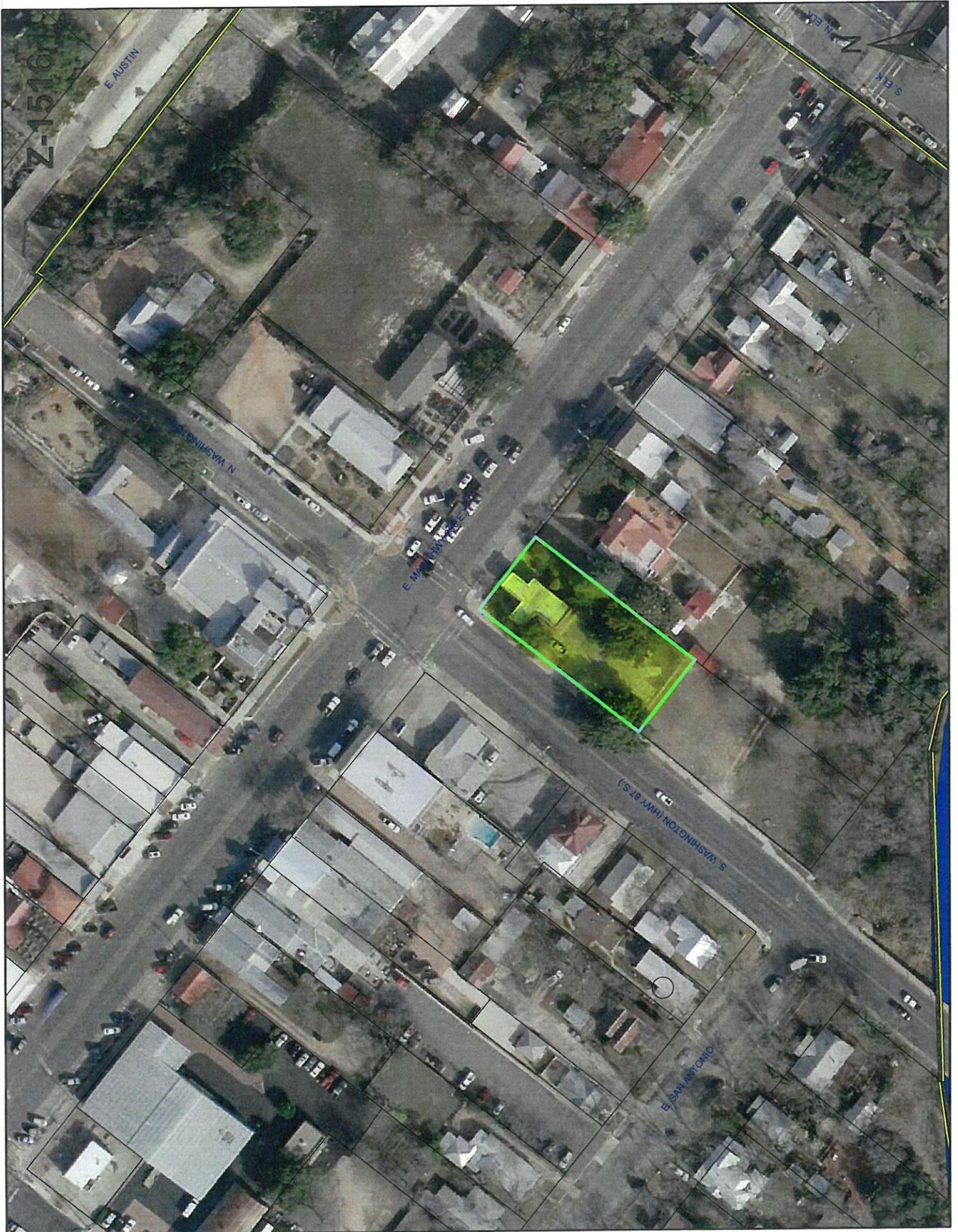


EAST ELEVATION
 1/8" = 1'-0"

26







Z-1516

E. AUSTIN

N WASHINGTON

E. M. WHITE (HWY. 125 E.)

S. WASHINGTON (HWY. 87 S.)

E. SAN ANTONIO

Z-1516

ESCHUBERT



200' Notification Area

Subject Property



**NOTICE OF PUBLIC HEARING FOR
A CONDITIONAL USE PERMIT**

HEARING
DATE: **OCTOBER 6, 2015**

TIME: **5:30 PM**

REQUEST
NUMBER: **Z-1516**

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 Conditional Use Permit.

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: **OCTOBER 19, 2015**

TIME: **6:00 PM**

REQUEST
NUMBER: **Z-1516**

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

APPLICANT: Joel M. and Karen H. Marshall

LOCATION: 401 E. Main Street

(see accompanying map)

REQUEST: Conditional Use Permit to allow a Standardized Business (The Spice and Tea Exchange) in the Historic Shopping District overlay within the CBD, Central Business District

(DETACH HERE)

REQUEST NO. Z-1516

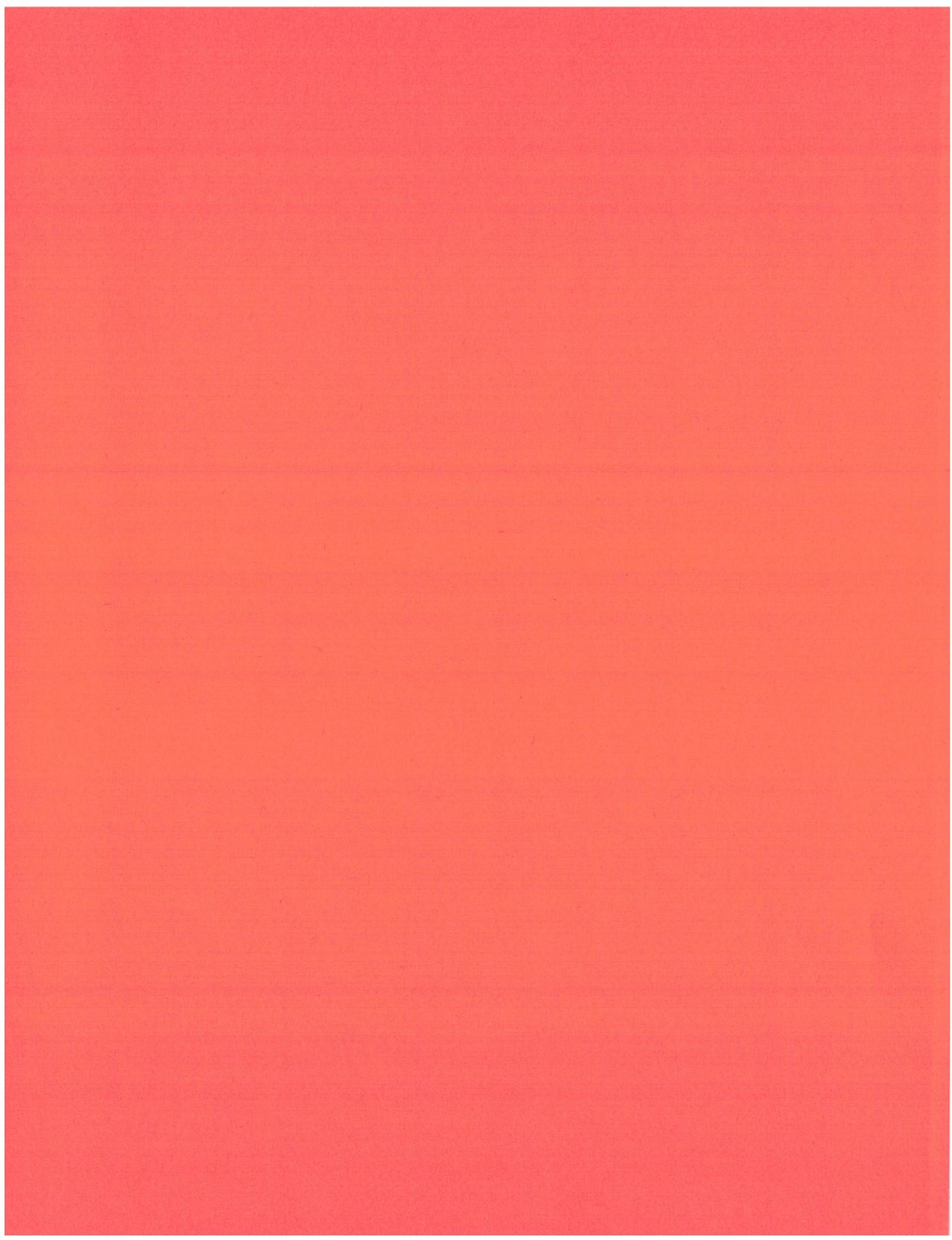
As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed _____

Date _____

Printed Name _____

Address _____



**FINAL PLAT
BACKGROUND INFORMATION
October, 2015**

File Number: P-1514

Subdivision Name: Oaks of Windcrest, Phase 4

Preliminary Plat: The Preliminary Plat was approved by the Planning and Zoning Commission in 2005. While there are minor changes in the layout, the Final Plat conforms to the Preliminary Plat.

Location: West side of Post Oak Road, north of phase 2 of the Oaks of Windcrest (see attached map).

Zoning: R-1, Single Family Residential

Tract Size: 10.17 acres

Number/Size of Lots: 44 lots, all of which are over the 7,500 square foot minimum.

Roadways: Three streets, Darlington Drive, Emory Drive and Chinkapin Drive will be constructed to serve the lots.

Right-of-way: All streets will contain the minimum 50' of right-of-way.

Utilities: Water and Sewer lines within the vicinity will be extended to serve the subdivision.

Easements: Typical drainage and utility easements on each lot. Standard electric easements (CTEC), each lot

Easements Abandoned: NA

Stormwater Detention: Drainage will actually flow into two separate existing detention ponds. A portion of the water will flow into the pond located at the corner of Windcrest and Post Oak Road, and a portion will flow into the pond located to the southwest of the Oaks of Windcrest Phase 1.

Drainage: See above.

Construction Plans: Construction Plans have been reviewed by the Engineering Department. Comments have been returned to the Engineer. Approval of the Final Plat should be conditioned upon revisions being made to the plans.

Staff Comments:	NA
P&Z Action:	Final approval
Staff Recommendation:	Approval
Conditions:	Installation of public improvements approved as part of Construction Plans.



Project Application

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: Oaks of Windcrest, Phase: 4, Section 1

Project Address: Post Oak Rd. and W. Windcrest Dr.

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

Revision of Approved Plan / Plat? Yes No Name:

Jurisdiction: City Limits ETJ Total Acres: 10.17 Ac. No. of Lots: 44

Original Survey & Abstract No: Barbara Adame Survey No. 123, Abstract No. 4

Legal Description: Oaks of Windcrest, L.P., Remainder of Tract I, Instrument No. 20062495 O.P.R.

Current Land Use Plan: Medium Density Residential Proposed Land Use Plan:

Current Zoning: PD 18-013 Residential Proposed Zoning: R1-Single Family

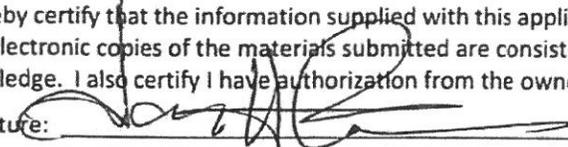
Location: Post Oak Rd. and W. Windcrest Dr.

Proposed Use(s): Single Family Residential

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: 

Printed Name: Jon H. Stames Date: 08/08/2015

Staff Use Only Application No.: _____ Date: _____

*Copy of current Title Search required with application.



Project Application

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): Allied Interests, Inc.

Owner Name: Jon H. Starnes

Address: 816 Terrace Mountain Dr., Austin, TX 78746

Phone: 512-327-6318

Fax: 512-327-6384

Email: jon@allied-interests.com

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

Role: Agent Engineer Surveyor Other (note role):

Firm Name (if applicable): VEI Consulting Engineers

Address: 507-D East Highway St., Fredericksburg, TX 78624

Primary Contact Name: Kevin Spraggins

Phone: 830-997-4744

Fax: 830-997-6967

Email: kspraggins@vei-tx.com

Secondary Contact Name:

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable): Allied Interests, Inc.

Applicant Name (s): Jon H. Starnes

Address: 816 Terrace Mountain Dr., Austin, TX 78746

Phone: 512-327-6318

Fax: 512-327-6384

Email: jon@allied-interests.com

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

Role: Agent Engineer Surveyor Other (note role):

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone:

Fax:

Email:

CERTIFICATE OF SURVEYOR

I, the undersigned, a (Licensed Professional Engineer/ Registered Professional Surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

JEFF BOERNER, TX REGISTRATION # 4939 REGISTERED PROFESSIONAL LAND SURVEYOR

STATE OF TEXAS § COUNTY OF GILLESPIE §

BEFORE ME, the undersigned authority, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated. Given under my hand and seal of office this _____ day of _____

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS § COUNTY OF GILLESPIE §

I (we), the undersigned, owner(s) of the land shown on this plat within the area described by metes and bounds as follows: (Metes and Bounds Description of Boundary)

and designated herein as the _____ Subdivision to the City of Fredericksburg, Texas, and whose name is subscribed hereto, hereby dedicate to the public use forever by fee simple title, free and clear of all liens and encumbrances, oil streets, thoroughfares, alleys, parks, and trails, and to the public use forever easements for sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of the platting ordinances, rules, and regulations thereon shown for the purpose and consideration therein expressed.

Owner: Oaks of Windcrest, L.P. By: Oaks of Windcrest Development, L.L.C., General Partner By: Allied Interests Inc., Manager

By: Jon H. Starnes, President

Date: _____

STATE OF TEXAS § COUNTY OF GILLESPIE §

BEFORE ME, the undersigned authority, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated. Given under my hand and seal of office this _____ day of _____

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

LIENHOLDER'S RATIFICATION OF PLAT DEDICATION

STATE OF TEXAS § COUNTY OF GILLESPIE §

Whereas, _____ acting by and through the undersigned, its duly authorized agent, is the lienholder of the property described herein, does hereby ratify all dedications and provisions of this plat as shown.

Lienholder: _____

Date: _____

STATE OF TEXAS § COUNTY OF GILLESPIE §

BEFORE ME, the undersigned authority, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated. Given under my hand and seal of office this _____ day of _____

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

CERTIFICATE OF FINAL PLAT APPROVAL

(FOR FINAL PLATS WITH REQUIRED PUBLIC IMPROVEMENTS INSTALLED AFTER APPROVAL)

Approved _____

Chairman, Planning and Zoning Commission Date _____ City of Fredericksburg, Texas

The undersigned, the City Secretary of the City of Fredericksburg, Texas, hereby certifies that the foregoing Final Plat of the _____

Subdivision or Addition to the City of Fredericksburg was submitted to the Planning and Zoning Commission on the _____ day of _____, and the Commission, by formal action, then and there accepted the dedications, conveyances of land, improvements, and any other property necessary to serve the plat and to implement the requirements of the platting ordinances, rules, and regulations as shown and set forth in and upon said plat, that the public works and infrastructure improvements have been completed in accordance with the construction plans, have been tested and have been accepted by the City, that the Final Plat is now acceptable for filing with Gillespie County and said Commission further authorized the Chairman of the Planning and Zoning Commission to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness by hand this _____ day of _____, 20____

City Secretary City of Fredericksburg, Texas

OUTLOT NO. 115

OUTLOT NO. 116

OUTLOT NO. 117

OUTLOT NO. 109

OUTLOT NO. 108

OUTLOT NO. 107

OUTLOT NO. 106

OUTLOT NO. 105

OUTLOT NO. 104

OUTLOT NO. 103

OUTLOT NO. 102

OUTLOT NO. 101

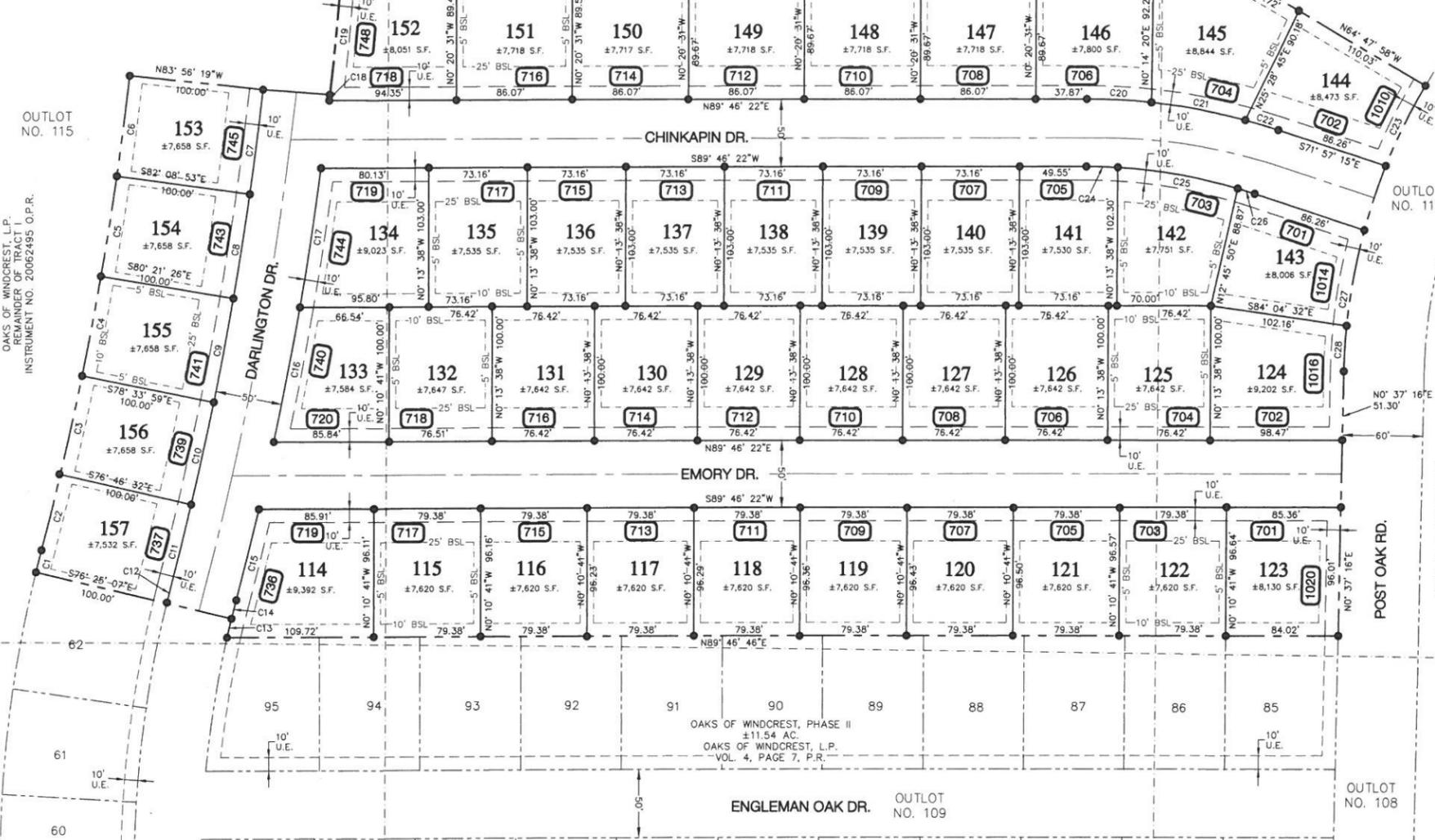
OUTLOT NO. 100

OUTLOT NO. 99

OUTLOT NO. 98

OUTLOT NO. 97

OUTLOT NO. 96



OAKS OF WINDCREST, L.P. REMAINDER OF TRACT I INSTRUMENT NO. 20062495 O.P.R.

OAKS OF WINDCREST, L.P. REMAINDER OF TRACT I INSTRUMENT NO. 20062495 O.P.R.

OAKS OF WINDCREST, L.P. REMAINDER OF TRACT I INSTRUMENT NO. 20062495 O.P.R.



- LEGEND: PROPERTY BOUNDARY, ADJACENT PROPERTY BOUNDARY, OUTLOT LINES, EXISTING EASEMENTS, PROPOSED LOT LINES, PROPOSED ROAD CENTERLINE, PROPOSED EASEMENTS, PROPOSED BUILDING SETBACK LINES, 1/2" IRON ROD SET (CAPPED), UTILITY EASEMENT

BENCHMARK CITY OF FREDERICKSBURG, GPS STATIC SURVEY DESCRIPTION: NGVD 29 ELEVATION ELEVATION 1751.513

TO REACH THE STATION FROM THE JUNCTION OF GREEN MEADOWS BLVD AND GREEN MEADOW LN, GO NORTH ON GREEN MEADOW LN, 0.1 MILE TO STATION SET ON THE RIGHT. A 3" BRASS DISK SET IN CONCRETE FLUSH WITH THE GROUND STAMPED "GPS 9 1994 City of FBG." THE STATION IS 75.0' OFF CENTER OF CULDESAC, 2.7' OFF FENCE AND 78.0' @ 200' MAGNETIC AZIMUTH TO NORTHWEST CORNER OF A RESIDENCE.

P-1514 RECEIVED SEP 2 2 2015 Routed 9/23/15 DRC 9/24/15 + 10/1/15 Comments Due 10/5/15 A FINAL PLAT FOR

OAKS OF WINDCREST, PHASE IV

ZONED: R1 - SINGLE FAMILY RESIDENTIAL

10.17± ACRES OF LAND SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, BEING ALL OR PARTS OF OUTLOTS NO. 115, 116 AND 117, AS SAID OUTLOTS ARE SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS, BY THE GERMAN EMIGRATION COMPANY, AND BEING PART OF TRACT 68.37± ACRES TRACT OF LAND DESCRIBED IN CONVEYANCE TO OAKS OF WINDCREST, L.P. BY MARY & WILLIAMS, ET AL, DATED APRIL 12, 2006, FOUND OF RECORD IN INSTRUMENT NO. 20062495, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.

OAKS OF WINDCREST, L.P. OWNER

BY: OAKS OF WINDCREST DEVELOPMENT, L.L.C. (512) 327-6318 GENERAL PARTNER ALLIED INTERESTS, INC., MANAGER FAX (512) 327-6384 CONTACT: JON H. STARNES, PRESIDENT 816 TERRACE MOUNTAIN DRIVE AUSTIN, TX 78746

M.D.S. LAND SURVEYING CO., INC. SURVEYOR

CONTACT: JEFF BOERNER (830) 816-1818 BOERNE, TX 78006

VEI CONSULTING ENGINEERS ENGINEER

CONTACT: KEVIN W. SPRAGGINS (830) 997-4744 507-D E. HIGHWAY ST. FREDERICKSBURG, TX 78624 FAX: (830) 997-6967

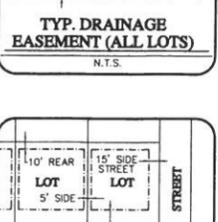
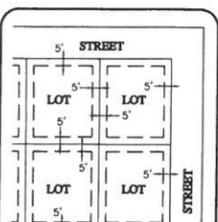
FILE NO: 15043 DATE: 09/21/2015

F1 SHEET 2 OF 19

Table with columns: Curve #, Delta, Radius, Length, Chord Bearing, Chord Length. Lists curve data for various lot boundaries.

NOTES

- 1.) THE DEVELOPER DEDICATES THE SANITARY SEWER & WATER MAINS UPON COMPLETION BY THE DEVELOPER AND ACCEPTANCE BY THE CITY OF FREDERICKSBURG... 2.) DAMAGE BY ANY UTILITY COMPANY TO ANY STRUCTURES, FENCES, WALLS, OR LANDSCAPING OF ANY KIND PLACED WITHIN THE LIMITS OF THE EASEMENTS SHOWN ON THIS PLAT WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER... 3.) DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY PROPERTY OWNERS AND ACCESS TO BE GIVEN TO DEVELOPER OR AUTHORIZED PERSONS FOR ANY ADDITIONAL CONSTRUCTION, MAINTENANCE, OR REPAIR OF ANY STRUCTURE WITHIN ANY DRAINAGE EASEMENT... 4.) NO ONE SHALL INTERFERE WITH ANY NATURAL DRAINAGE PATTERN OR CONSTRUCTED DRAINAGE SYSTEM ESTABLISHED BY THE DEVELOPER BY ALTERING ANY SLOPES, CONSTRUCTING OR DESTROYING ANY RETAINING WALL OR OBSTRUCTING OR CHANGING THE CONTOUR OF ANY CHANNEL, SWALE, OR EMBANKMENT... 5.) ALL TOPOGRAPHIC INFORMATION, BENCHMARKS, AND DRAINAGE DESIGNS WERE COMPUTED AND STAKED ON THE GROUND BY VEI CONSULTING ENGINEERS.



Plot Scale: 1"=40' Plat Date: 08/03/06 File No: 06080 FINAL PLAT.DWG

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