

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

**PLANNING & ZONING COMMISSION
February 5, 2011
5:30 PM**

On this the 5th day of February, 2011, 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 - Chairman
STEVE THOMAS
CHARLIE KIEHNE
CHRIS KAISER
FRITZ METZGER
BRENDA SEGNER
GUENTHER MAENIUS
RON WOELLHOF
JASON HELFRICH

ABSENT:

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 PM.

PUBLIC HEARINGS

PUBLIC HEARING (Z-1101) BY STONE RIDGE FARMS TO:

A) CONSIDER A CHANGE IN THE LAND USE PLAN FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL ON THE PROPERTY LOCATED AT 1210 N. MILAM STREET

B) CONSIDER A CHANGE IN ZONING FROM R-1, SINGLE FAMILY RESIDENTIAL, TO C-1, NEIGHBORHOOD COMMERCIAL, ON SAID PROPERTY.

Charlie Kiehne stepped down from the Commission for the consideration of Z-1101. It was moved by Ron Woellhof and seconded by Fritz Metzger to open the public hearing on request Z-1101 by Stone Ridge Farms to A) Consider a change in the land use plan from low density residential to commercial on the property located at 1210 N. Milam St. and B) Consider a change in zoning from R-1, Single Family Residential, to C-1, Neighborhood Commercial, on said property. Rita Hall presented the application. Ms. Hall stated she and her husband were approached to buy the property to clean it up and make something usable on the site. Ms. Hall noted when they bought the property it was a mess and buildings were falling down. Ms. Hall stated they removed some buildings from the property and completely

remodeled the existing house and the apartment located on the rear of the property, and also built an addition onto the main structure. Ms. Hall noted the property is buffered from the adjacent residential areas because two sides of the property are bordered by Fredericksburg Christian School and the north side is bordered by an alley. Ms. Hall also stated spot zoning exists along Milam Street where the property is located. Ms. Hall commented they were under the impression the property was zoned commercial when they bought it, but when they found out it was not they lost a potential sale to an attorney, and have since looked at making it into a bed and breakfast but by working with City Staff realized that is not feasible because a sign will not be allowed. Ms. Hall stated the location is great for a business and a business would keep the property looking nice and it would not get to the condition it was in before she purchased it. Ms. Hall commented Milam is a busy street but there is adequate room to make an entrance and exit lane on the property and that makes it much safer. Ron Woellhof moved to close Public Hearing Z-1101 and Guenther Maenius seconded. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, highlighted the zoning in the area of the subject property and noted there is primarily R-1 zoning and a few areas that are zoned C-1, but no commercial zoning on the west side of Milam Street, where the property is located, past Burbank. Mr. Jordan noted there is a small section of C-1 on the east side of Milam Street across from the subject property. Mr. Jordan stated he does not know how the small sections of C-1 zoning were established but as Staff looks at future zoning, they have a requirement to create proper zoning districts that will support a neighborhood or an area and not pick and choose a zoning because they feel it is the correct use for a particular piece of property. Mr. Jordan then highlighted the requirements for allowing a change in zoning and noted Staff does not feel like the size of the lot is adequate to fit a commercial district and Mr. Jordan also noted that while the applicants intended use will not have an adverse affect on the properties within 600 feet, another use that will be allowed once the zoning is changed may. Mr. Jordan stated there are many places in town that have C-1 zoning adjacent to R-1 and Staff does not anticipate any problems when a zoning district is created that is compatible with the adjacent district, but noted Staff recommendation of denial based on the fact a zoning change on the individual piece of property in question could prove to be detrimental to the existing R-1 residences. Mr. Jordan stated if the Commission is inclined to approve the zoning change, he believes they should initiate a zoning change for a larger section to include the property adjacent to the subject property extending from the alley on the north and west sides, Milam Street on the east and Nimitz Circle on the south. Mr. Jordan stated if that is what the Commission decides to do, no action should be taken on the current application. Mr. Jordan also commented the Commission has three options regarding this application which are to approve the application as requested, deny the application as requested, or expand the area of consideration for the zoning change. Mr. Jordan noted Staff received four letters, one in support of the request and three in opposition, two of which were from the same owner who owns two separate properties.

Ron Woellhof stated he believes the property needs to stay residential and would deny rezoning more property to C-1. Steve Thomas commented he does not believe this will be the last request the Commission sees to re-zone property along Milam Street. Ron Woellhof moved to deny request Z-1101. Guenther Maenius seconded the motion. Fritz Metzger, Brenda Segner, Guenther Maenius, Ron Woellhof and Jason Helfrich voted in favor. Steve Thomas and Chris Kaiser voted in opposition. The motion carried.

Charlie Kiehne returned to the Commission.

MINUTES

Fritz Metzger moved to approve the minutes from the January 2011 meeting as presented. Ron Woellhof seconded the motion. All voted in favor and the motion carried.

With nothing further to come before the Commission, Fritz Metzger moved to adjourn. Jason Helfrich seconded the motion and the meeting was adjourned at 6:25 p.m.

PASSED AND APPROVED this the 4th day of May, 2011.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman