

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

**PLANNING & ZONING COMMISSION
July 6, 2011
5:30 PM**

On this the 6th day of July, 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 - Chair
BRENDA SEGNER
CHARLIE KIEHNE
CHRIS KAISER
STEVE THOMAS
RON WOELLHOF
JASON HELFRICH
GUENTHER MAENIUS

ABSENT: FRITZ METZGER

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

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

MINUTES

Ron Woellhof moved to approve the minutes from the June 2011 meeting as presented. Charlie Kiehne seconded the motion. All voted in favor and the motion carried.

DISCUSSIONS

DISCUSS DEFINITION OF CONVENIENCE STORE / SELF-SERVICE GASOLINE, SPECIFICALLY THE SECTION THAT STATES SELF SERVICE GASOLINE RETAIL SALES ARE LIMITED TO THREE MULTIPLE DISPENSERS OR PUMP UNITS WITHIN ONE SERVICE ISLAND WITH ONE CANOPY COVE. - Brian Jordan, Director of Development Services, gave a brief background of applications the Commission has reviewed which asked for more fuel pumps than are currently allowed by definition in the zoning ordinance. Mr. Jordan stated the latest applicant was HEB and they withdrew their application before City Council heard it because the Planning & Zoning Commission recommended denial. Mr. Jordan noted as a result of that, the Council asked P&Z and Staff to discuss if they believe the definition should be changed. Mr. Jordan noted in 2009 there were some amendments being made to the code and this came up at that time, but it was decided to leave the definition alone. Mr. Jordan commented the limitation is pretty restrictive and there are a combination of things the Commission could recommend be done which include leave the ordinance as it is, increase the

amount allowed by a specific number, or increase the number of dispensers and canopies allowed. Mr. Jordan noted he surveyed some surrounding cities about what they allowed and presented that information to the Commission.

PUBLIC COMMENTS

Tim Dooley asked the Commission to consider the fact that the people who are requesting to put in more than the allowed number of pumps are generally companies that have a standardized layout. Mr. Dooley noted Fredericksburg is an unique city and he doesn't believe we are in need of large fueling stations to make gas cheaper. Mr. Dooley also noted there are not people lining up to get fuel and he does not believe we need any more service stations.

Roy Stroehrer stated HEB has the same option as everyone else in town and they could have a diesel pump under their existing canopy.

Graham Pearson noted it would be easy for HEB to change out a single existing pump with diesel fuel but he believes HEB is looking at the more expensive option of adding an additional island because they are looking at a safety issue to keep the larger vehicles that use diesel away from the vehicles that are using the existing fueling station.

Alton Immel noted at one time he had the opportunity to put in a fueling facility and the rules seems constricting at the time. Mr. Immel commented if the property is large enough, he believes the owners should be allowed more pumps than stated in the current definition.

COMMISSION COMMENTS

Charlie Kiehne recommended the definition include 6 multiple pump dispensers and up to 2 fueling islands under 1 or 2 canopies, as the owner sees appropriate, and not require a specific number under each canopy. Mr. Kiehne commented he felt competition is important and keeps the fuel prices down. Mr. Kiehne also added no oil company will allow more pumps on a site than are safe.

Ron Woellhof stated he sees no reason to change anything in the definition and commented he believes what we have in town is adequate.

Jason Helfrich asked Staff if there were many requests to have more pumps than what the definition allows and Mr. Jordan noted only the larger retailers are requesting more than 3 pumps.

Steve Thomas commented the pumps are getting more advanced and that will continue to happen. Mr. Thomas noted everything will change based on technology and the City will have to look at flexibility, which will not be a black and white allowance. Mr. Thomas stated every station has a different layout but it would not be good to bend the rules for larger companies. Mr. Thomas stated the City should look at something that is a more multiple type ordinance because there is a lot of gray area. Janice Menking asked Mr. Thomas if that means he sees changing the ordinance or just continuing to look at it every couple of years and reviewing each project that comes through. Mr. Thomas commented they should find a common denominator and something that works for everyone and then try to model some type of ordinance from that. Mr. Thomas also commented some of the retailers have larger tracts of land and that will also have to be looked at.

Mr. Helfrich asked if there was a way to tier the ordinance as to how many pumps should be allowed by

the amount of acreage available on site and also asked what the process of remodeling an existing station would be if the City would allow more pumps. Mr. Jordan noted the owners of the station would have to present a site plan if they want to add more pumps. As far as tiering the ordinance, Mr. Jordan noted what he is hearing is that the City doesn't want huge fueling stations and so tiering the ordinance would contradict what he thinks the majority of people want to keep out of Fredericksburg.

Guenther Maenius stated he does not have a great problem with allowing HEB to add a diesel pump but it would open a big can of worms and he believe there should be some limitations on the number of pumps allowed.

Chris Kaiser stated he is somewhat torn because he does not want a large truck stop type fueling station, but without some type of acreage size requirements the ordinance seems to not make much sense. Mr. Kaiser stated the definition, as it stands, is inhibiting business owners, but it is not hurting the citizens. Mr. Kaiser noted he does not have a strong opinion one way or the other.

Brenda Segner commented she does not have a problem with HEB installing a separate dispenser but she is curious about what the impact will be on the existing stations. Ms. Segner also noted it is difficult to fill larger vehicles at some of the stations, and it seems to make sense to have larger stations on the edges of town or in the ETJ, but she does not believe they will see that request inside the city limits. Ms. Segner stated she has mixed emotions.

Mr. Jordan noted it would be easier to enforce a simple set of rules and specific limitations on the number of pumps allowed, but if the Commission wants to look at some size threshold they can give that some thought.

Craig Wallendorf, Director of Public Works, noted it will be very difficult to put something together that is density based because in most circumstances the fueling station cannot be cut out from the entire tract, or it will have to be based on a stand alone site, which would again change the density requirement. Mr. Wallendorf stated the density basis will not put everyone on the same playing field.

Mr. Jordan noted the City Council asked that the Planning & Zoning Commission look at the definition and re-consider what is in place to give them their thoughts but didn't specifically ask that it be changed.

Ms. Menking asked each member what they believe should be done so Mr. Jordan could pass that information along to the Council. Charlie Kiehne stated he believes the ordinance should be changed and every other member stated they want to leave the ordinance as it is, but re-address it every couple of years to see if it needs to be changed.

Ms. Menking stated their recommendation is to leave the definition and ordinance alone and look at revisions to it as the market dictates.

ADJOURN

With nothing further to come before the Commission, Jason Helfrich moved to adjourn. Chris Kaiser seconded the motion and the meeting was adjourned at 6:30 p.m.

PASSED AND APPROVED this the 3rd day of August, 2011.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman