

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

**PLANNING & ZONING COMMISSION
November 9, 2011
5:30 P.M.**

On this the 9th day of November, 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
MATT LINES

ABSENT: BJORN KIRCHDORFER

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

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

PUBLIC HEARINGS

PUBLIC HEARING (Z-1106) BY VORDENBAUM ENGINEERING, INC. ON BEHALF OF ROBERT CONNELLY TO:

A) CONSIDER A CHANGE IN THE LAND USE PLAN FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL ON PROPERTY LOCATED AT 304 N. ADAMS

B) CONSIDER A CHANGE IN ZONING FROM R-2, MIXED RESIDENTIAL, TO C-1, NEIGHBORHOOD COMMERCIAL, ON SAID PROPERTY - It was moved by Ron Woellhof

and seconded by Jason Helfrich to open public hearing Z-1106 by Vordenbaum Engineering, Inc. on behalf of Robert Connelly to: A) Consider a change in the Land Use Plan from Medium Density Residential to Commercial on property located at 304 N. Adams B) Consider a change in zoning from R-2, Mixed Residential, to C-1, Neighborhood Commercial, on said property. Kevin Spraggins of Vordenbaum Engineering presented the application and distributed a memo and photos of the surrounding area. Mr. Spraggins noted the building was constructed in 1918 and it has been used for commercial uses since that time. Mr. Spraggins outlined the tenants that have been in the building and noted there has not been anyone occupying the building since 2010, so the 90 day time period that is allowed for retaining the non-conforming use has expired, and that is the reason they are requesting a zoning change. Mr. Spraggins noted at some point the property was zoned R-2 through the city's Comprehensive Plan even though it had always been commercial before that point. Mr. Spraggins stated although there is primarily residential zoning and no commercial zoning in the area, there are several uses that are not residential.

Duane Durst spoke on behalf of the Social Turn Verein at 103 W. Travis and stated they have no problem with the zoning being changed to C-1, but they would also like to be considered for a zoning change on their property.

Greg Oehler, Realtor, stated his personal opinion is that the change in zoning to R-2 was a tragic strike of a pen, and the building was not designed for residential or used for residential, and he hopes the mistake can be corrected with a zoning change.

Marlene Pylate at 408 N. Adams stated once the change is made in zoning it opens the door to allow many different uses, and since it is so close to a residential area there could be problems with the noise and traffic. Ms. Pylate also noted the property is located inside the Historic District.

Mr. Oehler added he respects Ms. Pylate's comments but the subject property was used for commercial uses long before she bought either one of the two properties she owns in close vicinity to the property. Ron Woellhof moved to close Public Hearing Z-1106 and Chris Kaiser seconded the motion. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, went over the formal criteria for the property and noted Staff believes creating a zoning district with more than one property would be more appropriate than rezoning this one property. Mr. Jordan also commented as the use is intended, he does not believe there would be any adverse effect on the neighborhood. Mr. Jordan noted C-1 is intended for a use with limited traffic, intensity and noise and that is the reason it is used adjacent to residential zoning districts. Mr. Jordan stated the best he can tell the property was zoned for commercial use until 1986 or 1987. Mr. Jordan stated as a stand alone property, commercial zoning is not appropriate, but as far as the uses, C-1 permitted uses are very limited and some uses are allowed in an R-2 zoning district, so he believes those would be appropriate for the property. Mr. Jordan commented if the zoning is changed and an application is received for a Conditional Use Permit, the Commission would have the opportunity to review the project and if it is inappropriate for the area they could deny the application. Mr. Jordan noted there are several options the Commission has which include approving the request, denying the request, or look at enlarging the area to be re-zoned to create a zoning district as opposed to re-zoning a single property.

Charlie Kiehne commented the building has always been used for business uses and this would be a good time to correct the mistake made when the property was zoned residential. Mr. Kiehne stated he does not believe any of the businesses that are allowed in C-1 zoning district would negatively impact the neighborhood and voiced his support of allowing the zoning change and including the adjacent property in a zoning change.

Steve Thomas commented he agrees with Mr. Kiehne but also suggested the property where the town pool is located should be taken into consideration for a zoning change. Mr. Thomas noted the plans for this property are not yet known so there should possibly be more discussion before a decision is made concerning the subject property.

Mr. Spraggins added the subject property will have limits put on it due to the fact it is a historic property and it is located in the Historic District.

Charlie Kiehne moved to table Application Z-1106 and asked City Staff to begin the process to include Turner Hall at 103 WS. Travis in the zoning and land use change request. Ron Woellhof seconded the motion., All voted in favor and the motion carried.

Janice Menking stepped down from the Commission for the consideration of Public Hearing Z-1107 and Brenda Segner took over as chair.

PUBLIC HEARING (Z-1107) BY SKICAT, LLC FOR AN AMENDED CONDITIONAL USE PERMIT TO ALLOW A CONDOMINIUM USE ON A 4.44 ACRE TRACT OF LAND LOCATED NORTH OF MUELLER STREET, WEST OF LONGHORN STREET, AND EAST OF WASHINGTON STREET -

It was moved by Steve Thomas and seconded by Jason Helfrich to open Public Hearing Z-1107 by Skicat, LLC for an amended Conditional Use permit to allow a condominium use on a 4.44 acre tract of land located north of Mueller Street, west of Longhorn Street, and east of Washington Street. Robert Menking, Realtor for the project, presented the application. Mr. Menking noted Skicat, the company that is purchasing the property, is a small family corporation that has been looking for a real estate investment and his fits their needs. Mr. Menking stated the project was originally approved with a Conditional Use Permit and is zoned R-3, which allows a condominium use. Mr. Menking noted the new proposed owners are asking for a change to page 2 of the original plat, which currently has 36 lots. Mr. Menking stated they would also like to change the floorplans that were originally presented. Mr. Menking stated the applicants have twelve different floorplans and any floorplan can be put on any one of the proposed 35 lots. Mr. Menking commented as the Conditional Use Permit was approved, there are 36 lots with specific floorplans attached to each lot. Mr. Menking also stated there will be covenants put in place so two identical houses will not be built next to each other.

Jason Helfrich moved to close Public Hearing Z-1107. Chris Kaiser seconded the motion. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the Planning and Zoning Commission is being asked to amend the Conditional Use Permit so the original one will be null and void and the current proposed one will be the approved one. Mr. Jordan stated the density of the project is not changing and the layout is not changing, but the new owners do have some items to follow up on. Mr. Jordan commented the streets are just access drives and not dedicated city streets. Mr. Jordan noted Staff recommendation of approval with the following conditions:

- 1) The landscaping originally approved as part of the streetscape be installed.
- 2) Approval of Condominium covenants by the City Attorney prior to occupancy.
- 3) All infrastructure originally installed be brought back to an acceptable condition.
- 4) A minimum of 2 parking spaces be provided off the interior street/drive per unit.

Charlie Kiehne moved to approve Application Z-1107 with the conditions set forth by staff. Jason Helfrich seconded the motion. All voted in favor and the motion carried.

Janice Menking returned to the Commission as chair,.

PLATS

P-1109 - CONSIDER FINAL PLAT FOR ADEMIRAL HEIGHTS, PHASE 1 - Graham Pearson, Project Manager, presented the application. Mr. Pearson noted Michael Dorris, owner of the property,

purchased 380 acres six or seven years ago and his plan is to develop properties similar to Stoneridge with larger lots. Mr. Pearson stated the elevation is too high for the city to provide water so each lot will be on an individual well and septic and the water well studies have been completed. Mr. Pearson stated the initial phase is a 1200 foot cul-de-sac that opens up four lots, two of which have been sold. Mr. Pearson noted when the other two lots are sold, that will allow Mr. Dorris enough incentive to complete the development.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted there was a master plan that showed 15 lots and the applicants have come back with these four lots as a preliminary plat. Mr. Jordan also noted there has been discussion about the length of the cul-de-sac, which was approved by the Planning and Zoning Commission. Mr. Jordan noted the applicants have submitted construction plans and they have been reviewed by Engineering. Mr. Jordan noted the approval of this final plat is the next step that has to be taken in order for the applicant to begin construction on their roadways. Mr. Jordan noted Staff recommendation of approval.

Craig Wallendorf, Direct of Public Works, commented the City will not build the roadway in an easement, it will have to be a dedicated right-of-way, so the easement will have to be re-dedicated as right-of-way before the street can be constructed. Mr. Wallendorf wanted the applicant to be clear the easement is third party ownership and the owner of Lot 2 will have to dedicate that portion as right-of-way.

Ron Woellhof moved to approve P-1109. Brenda Segner seconded the motion. All voted in favor and the motion carried.

MINUTES

Ron Woellhof moved to approve the minutes from the October 2011 meeting as presented. Jason Helfrich seconded the motion. All voted in favor and the motion carried.

ADMINISTRATIVE APPROVALS

P-1103 - REPLAT - WALCH TERRACE EAST (STROEHER & OLFERS) - Mr. Jordan noted this is a piece of property Stroehler and Olfers owns and where the new Sears building will be constructed.

P-1107 - RESUB OF TOWNLOT NO. 553 - Mr. Jordan noted this lot used to run between Schubert and Travis but it has been subdivided and a house has been moved onto the lot.

ADJOURN

With nothing further to come before the Commission, Jason Helfrich moved to adjourn. Matt Lines seconded the motion and the meeting was adjourned at 6:44 p.m.

PASSED AND APPROVED this the 7th day of December, 2011.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman