

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

**PLANNING & ZONING COMMISSION
December 7, 2011
5:30 P.M.**

On this the 7th day of December, 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
CHARLIE KIEHNE
CHRIS KAISER
STEVE THOMAS
RON WOELLHOF
JASON HELFRICH
MATT LINES
BJORN KIRCHDORFER

ABSENT: BRENDA SEGNER

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-1106A) BY THE CITY OF FREDERICKSBURG TO:

A) CONSIDER A CHANGE IN THE LAND USE PLAN FROM PUBLIC/SEMI-PUBLIC AND MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL ON PROPERTY LOCATED AT 103 W. TRAVIS; AND

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 Bjorn Kirchdorfer to open public hearing Z-1106A by The City of Fredericksburg to A) Consider a change in the Land Use Plan from Public/Semi-Public and Medium Density Residential to Commercial on property located at 103 W. Travis; and B) Consider a change in zoning from R-2, Mixed Residential to C-1, Neighborhood Commercial on said property. Brian Jordan, Director of Development Services for the City of Fredericksburg, presented the application and gave the background of how the zoning of this property came into question. Mr. Jordan noted the owner of the adjacent property filed an application for re-zoning last month and the Commission decided to table their recommendation because they were not comfortable re-zoning a single property. At the same time, the Commission made a recommendation that the City initiate a zoning change on the subject property. Mr. Jordan noted the boundary of the Historic District goes through the subject property and the surrounding zoning districts and land use plans are varied. Mr. Jordan also commented the zoning change would be more appropriate if both this property and the property at 304 N. Adams were changed. Mr. Jordan commented the requirement that there would be no adverse effects on the neighborhood can get tricky because all the uses

that are allowed in a C-1 zoning district need to be considered, but also noted Turner Hall has been in that location for a very long time and that use has not had any negative impact. Mr. Jordan noted Staff believes this is an appropriate location for C-1 zoning. Mr. Jordan noted one letter was received but it only addressed the owner's concerns and did not note whether she was opposed or in favor of the request.

Mr. Jordan also stated City Staff received a phone call from Turner Hall asking what needed to be done to have the zoning changed on their property because they were in favor of doing so. Mr. Jordan stated he researched land use maps and found all maps prior to 1986 or 1987 had this property and the corner property designated for retail or business uses. Mr. Jordan stated at some point after that the City decided to change the zoning on the property to residential. Mr. Jordan noted Staff recommends not acting on either property individually, 103 W. Travis or 304 N. Adams, and noted at a minimum both properties should be zoned the same. Mr. Jordan noted Staff recommendation of approval on both applications Z-1106 at 304 N. Adams and Z-1106A at 103 W. Travis.

Marlene Pylate at 408 N. Adams asked if a notification would be sent to the neighbors if an application came in for a Conditional Use Permit for either property and Mr. Jordan noted the notification process would be the same as it was for this request and so the neighbors within 200' of the property would be notified and given a chance to voice their opinion.

Ron Woellhof moved to close Public Hearing Z-1106 and Jason Helfrich seconded the motion. All voted in favor and the motion carried.

Bjorn Kirchdorfer asked if a zoning change would impact the traffic flow and Mr. Jordan noted not as the building is being used now, but if the use is changed it could possibly be impacted, but he also stated he does not believe it would be dramatically changed. Mr. Woellhof noted the pool property creates a good buffer between the different zoning districts should the two properties be changed.

Ron Woellhof moved to approve applications Z-1106 and Z-1106A. Chris Kaiser seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING (Z-1108) BY FREDERICK PETMECKY AND WILLIAM PETMECKY TO:

A) CONSIDER A CHANGE IN THE LAND USE PLAN FROM HIGH DENSITY RESIDENTIAL TO COMMERCIAL ON A 0.141 ACRE PORTION OF THE PROPERTY LOCATED AT 504 LONGHORN STREET; AND

B) CONSIDER A CHANGE IN ZONING FROM R-3, MULTI-FAMILY RESIDENTIAL, TO C-2, COMMERCIAL, ON SAID PROPERTY - It was moved by Jason Helfrich

and seconded by Bjorn Kirchdorfer to open Public Hearing Z-1108 by Frederick Petmecky and William Petmecky to: A) Consider a change in the land use plan from High Density Residential to Commercial on a 0.141 acre portion of the property located at 504 Longhorn Street; and B) Consider a change in zoning from R-3, Multi-Family Residential, to C-2, Commercial, on said property. William Petmecky presented the application. Mr. Petmecky noted the property is a 0.141 acre piece of a larger 0.854 acre tract and it is a triangular shaped, small lot. Mr. Petmecky noted the lot is an inadequate size to be used for anything because it is only about 6000 square feet and the minimum required size lot in an R-3 zoning district is 7500 square feet. Mr. Petmecky stated the remainder of the lot has been zoned C-2 for many years and he noted this portion was also zoned C-2 until an arbitrary line was drawn through the zoning district. Mr. Petmecky noted the size and zoning of the lot has prohibited them from using the property for anything and the tenant on the remainder of the lot wishes to expand his business onto this property. Mr. Petmecky noted the tenant will continue to use the lot in the same manner it has been for many years without any objection from the neighbors.

Ron Woellhof moved to close Public Hearing Z-1108 and Chris Kaiser seconded the motion. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the property was zoned commercial prior to 1998, which is when there was a zoning line created along many thoroughfares 200 feet deep because many of the lots were that depth. Mr. Jordan explained the line was run parallel to the corresponding thoroughfare, but in this particular case it created an irregular shaped lot which makes it difficult for the owner to do anything with the property. Mr. Jordan noted this is not a case of spot zoning, but instead a continuation of a zoning district. Mr. Jordan noted there was one letter received in support of the request. Mr. Jordan noted the zoning and land use change request is reasonable and noted Staff recommendation of approval.

Mr. Kirchdorfer asked if the owners were anticipating another entrance off Longhorn Street and Mr. Jordan stated there is an existing entrance and it could possibly be enlarged, but there is not enough frontage for a second entrance.

Bjorn Kirchdorfer moved to approve Z-1108 and Matt Lines seconded the motion. All voted in favor and the motion carried.

SITE PLANS

SP-1101 - CONSIDER SITE PLAN FOR MR. GATTI'S AT 134 BOOS LANE - Andy Bray of Mustard Design presented the application. Mr. Bray noted the property is 1.7 acres in size and they are proposing a restaurant with 304 seats. Mr. Bray noted the existing B & Bs on the property and the existing warehouse will all remain. Mr. Bray commented the building will be single story and there is access from both Highway 16 and Boos Lane. Mr. Bray stated the parking area will be granite base, which has been approved by the fire marshal, and will allow for vehicle circulation.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted this property was previously approved for an event hall but that project has fallen through and the property has been sold. Mr. Jordan noted the adjoining property uses are varied. Mr. Jordan noted the restaurant will consist of approximately 10,700 square feet, the retail area will be 2300 square feet, the warehousing and storage facility is 4000 square feet a there are also a few existing B&Bs and a single apartment on the property. Mr. Jordan noted several of the uses were existing before the property was annexed into the city and designated with a specific zoning classification. Mr. Jordan noted the building and impervious coverage are within the requirements. Mr. Jordan stated there is not curbing on Boos Lane and explained that the property has been used as one open area for a long time. Mr. Jordan noted the owners are going to establish a driveway for each business location and create a fire lane. Mr. Jordan noted the owners are required to have 92 parking spaces and they have designated those spaces on the site, but also noted when there is not striped parking and curb stops are used, some spaces will inevitably be lost. Mr. Jordan noted there is no screening required but the owners have shown some landscaping on the site. Mr. Jordan noted landscaping will be required along both Highway 16 and Boos Lane. Mr. Jordan noted Staff recommendation of approval with the following conditions:

- 1) Approval of the Landscape Plan prior to issuance of a building permit
- 2) Lighting to be shielded and approved by Staff
- 3) Addressing Engineering Department comments prior to issuance of a building permit.

Bjorn Kirchdorfer asked what the proposed completion date is and Mr. Bray stated they hope to be operational by February, 2013. Mr. Kirchdorfer asked if there would be any cost to the city for infrastructure and Mr. Jordan noted there would not be. Mr. Kirchdorfer asked how much larger this restaurant will be than the existing one and Mr. Bray noted it is approximately 3000 square feet larger. Charlie Kiehne asked if there will be a drive up at the restaurant and Mr. Bray stated there will not be which is due to site restrictions and Mr. Gatti's requirements. Steve Thomas asked how the storm water will be handled and Mr. Bray stated nothing is really changing as far as how much run off there will be, so they are only adding curbs along Boos Lane and that may entail a lot of grading. Mr. Bray noted money may be put into escrow in lieu of installing the curbs now. Mr. Jordan commented the final engineering plans are not complete so they really don't know how the storm water will have to be handled. Craig Wallendorf, Director of Public Works, stated the property is very flat and has essentially no fall so when the area gets improved the roadway may get cut down to facilitate drainage and escrowing money is the best way to handle the situation now.

Ron Woellhof moved to approve SP-1101 with the conditions set forth by Staff. Bjorn Kirchdorfer seconded the motion. All voted in favor and the motion carried.

Steve Thomas stepped down from the Commission for the consideration of SP-1102.

SP-1102 - CONSIDER A SITE PLAN FOR ONE FREDERICKSBURG MEDICAL CENTER SUBDIVISION AT 1312 S. STATE HWY 16 - Randy Stehling presented the application and represented the current owners, Jimmy Raymond and Raymond Bros, Ltd. Mr. Stehling noted the site plan was originally approved in 2006, encompasses 2.7 acres and is bordered by Fredericksburg Clinic and SMPT. Mr. Stehling stated the site will consist of 6 individual buildings to be used as medical offices, ranging in size from 3500 to 4000 square feet. Mr. Stehling noted each building will be privately owned and the area outside the building lines, including the parking and landscape areas, will be common areas to be shared and maintained by the owners association. Mr. Stehling noted access to the site will be from Highway 16 South and a shared access from Fredericksburg Clinic. Mr. Stehling noted parking is ample and there is on-site storm water detention planned. Mr. Stehling noted the property will be fully landscaped, the building exterior will be stone and masonry, and roofs will be standing seam metal. Mr. Stehling noted the architectural style will complement the buildings to the north and south.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the site plan is essentially identical to the original submittal. Mr. Jordan noted one thing that was brought up by Craig Wallendorf, Director of Public Works, is that there is a drive connection to the clinic that the city felt was very important the last time the site plan was reviewed, but a connection that wasn't pursued last time was one to SMPT. Mr. Jordan asked Mr. Stehling what the realistic possibility would be to have them agree to extend the driveway to the south. Mr. Stehling noted in 2006, during the initial submittal process, the sports medicine clinic was very open to doing that and stated he believes it is very likely that could happen. Mr. Jordan asked what the timing for the initial phase is and Mr. Stehling noted it depends on the sale of pad sites, but they have had a lot of interest and some pending offers so as soon as they start selling, they want to move forward. Mr. Jordan noted Staff recommendation of approval with the following conditions:

- 1) Landscape plan be approved by Staff before issuance of a building permit
- 2) Site lighting being shielded and screened from adjoining properties

- 3) Addressing Engineering Department comments prior to issuance of a building permit.

Mr. Wallendorf noted there are some utility issues but they will work through that with the applicant. Matt Lines stated there was no reference to curbs on site and Mr. Stehling noted the plan is to curb the entire site. Mr. Jordan commented sidewalks are proposed but there has been no resolution to the sidewalk situation along a state highway, so the applicant is looking at their options. Mr. Jordan noted there is a bar ditch along the highway so the applicant may choose to build the sidewalk on their own property, or possibly put money into escrow for a sidewalk to be built in the future.

Ron Woellhof moved to approve SP-1102 with the conditions set forth by Staff. Jason Helfrich seconded the motion. All voted in favor and the motion carried.

Steve Thomas returned to the Commission.

Janice Menking stepped down from the Board for the consideration of P-1111. Ron Woellhof acted as Chair because Brenda Segner, Vice-Chair, was not present.

PLATS

P-1111 - CONSIDER VACATING PAGES 2 AND 3 OF THE CARRIAGE PARK SUBDIVISION PLAT - Robert Menking presented the application. Mr. Menking noted this is a necessary step because the Commission approved an amended Conditional Use Permit for Carriage Park Subdivision at their last meeting which made pages 2 and 3 of the plat no longer applicable.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted when the original plat was approved the City of Fredericksburg filed the first page of the plat, which designated the layout of each lot, but the applicant filed two additional pages which were basically conveyance documents. Mr. Jordan stated since the project is condominiums the buyer will not buy an individual lot, but only the boundaries within the walls of the condominium and so the second page designated the limitations of each unit and the third page showed exterior elevations of units that were being proposed at the time. Mr. Jordan noted page 1, which dedicated the appropriate easements and boundaries of the property, was the only page that was applicable to the amended Conditional Use Permit.

Mr. Jordan noted Staff recommendation to take action to vacate pages 2 and 3 of the Carriage Park Subdivision Plat.

Charlie Kiehne moved to vacate pages 2 and 3 of the Carriage Park Subdivision plat. Bjorn Kirchdorfer seconded the motion. All voted in favor and the motion carried.

Janice Menking returned as Chair to the Commission.

MINUTES

Charlie Kiehne moved to approve the minutes from the November 2011 meeting as presented. Jason Helfrich seconded the motion. All voted in favor and the motion carried.

DISCUSSIONS

UPDATE ON NON-CONFORMING CONVENIENCE STORE/SELF-SERVE GASOLINE USES

- Brian Jordan, Director of Development Services, noted the Commission discussed the definition of Convenience Store / Self-Serve Gasoline, specifically how many pumps are allowed and if that number should be changed, and the Commission decided to leave the definition as it was. Mr. Jordan noted he inventoried all the fueling facilities in town and found three to be non-compliant and those three facility owners received a letter asking them to present a proposal to City Staff to bring their station into compliance within 90 days of the letter. Mr. Jordan noted all three property owners responded within the 90 day time frame. Mr. Jordan noted one property owner proposed a change to their canopy to bring it into compliance, another owner presented proof that the pumps had been in place prior to 1998, the date the definition was adopted, and the other owner sent a letter saying their canopy was changed in 2001 and at that time they were compliant and they feel they should be able to continue the use as it is. Mr. Jordan noted he was open to the Commission's thoughts and comments. Mr. Jordan also added the city attorney noted it is up to the City to prove the property owner is not compliant in a court of law. Mr. Jordan suggested the Commission accept the information and proposal from the two owners and respectfully disagree, in the form of another letter, with the owner who claims he was in compliance in 2001. There followed some discussion and Mr. Jordan asked the Commission to consider what they believe should be done.

ADJOURN

With nothing further to come before the Commission, Ron Woellhof moved to adjourn. Chris Kaiser seconded the motion and the meeting was adjourned at 7:00 p.m.

PASSED AND APPROVED this the 4th day of January, 2012.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman