AGENDA
CITY OF FREDERICKSBURG
PLANNING & ZONING COMMISSION
Wednesday, February 9, 2011
5:30 P.M.
LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

PAGE REF.

1. Call to Order

2. Approve minutes from the January 2011 Regular Meeting *Pp 1 - 2*

ZONING

3. PUBLIC HEARING (Z-1101) by Stone Ridge Farms to: *Pp 3 -21*

   A) Consider a change in the Land Use Plan from Low Density Residential to Commercial on the property located at 1210 N. Milam St.

   B) Consider a change in Zoning from R-1, Single Family Residential, to to C-1, Neighborhood Commercial, on said property.

DISCUSSIONS

4. 2010 Development Services Summary *Handout*

ADMINISTRATIVE APPROVALS

5. P-0830 - Hoffman Haus Subdivision - Washburn *Pp 22*
6. P-1014 - Replat- part of Lot 6 & 7, Block B, August Hahne Addition - Frederick/Ersch *Pp 23*

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION
January 5, 2011
5:30 PM

On this the 5th day of January, 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

ABSENT: JASON HELFRICH

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

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

SITE PLANS

CONSIDER SP-1002 A SITE PLAN FOR A HOLIDAY INN EXPRESS LOCATED AT 500 S. WASHINGTON - Charlie Domingues, surveyor for the project, presented the application. Mr. Domingues presented the Board members with a packet of information that included the correspondence between Kenneth Kothe, developer of the project, and TXDOT. Mr. Domingues noted TXDOT did not originally approved the requested curb cut for the entrance to the hotel, but after much correspondence they did give Mr. Kothe the permit approval.

STAFF COMMENTS

Brian Jordan, Director of Development Services, explained TXDOT did originally say no to the permit but Mr. Kothe convinced them to allow the entrance as proposed. Mr. Kothe based his request on the fact that the area is wide open now and there is no control of where individuals turn in and what he is proposing is for a 30 foot ingress only drive, which would offer more control that what is currently in place. Janice Menking asked Mr. Domingues if the drive was indeed only for entrance and if that criteria was stated on the TXDOT permit. Mr. Domingues commented he believes it is stated on the permit because they are only giving 30 feet. Fritz Metzger stated he has driven by the site many times and this type of controlled entry is probably better than what has been there. Brenda Segner noted if TXDOT approved the entrance at the location the applicants presented, she was also fine with approving it. Charlie Kiehne commented he wanted to hear from TXDOT before they made a recommendation and since TXDOT approved the entrance, he is comfortable with approving the request. Brian Jordan noted Staff recommendation of approval and reiterated the conditions for approval which include:

1. Approval of the Landscape Plan prior to issuance of a building permit.
2. Approval of final civil plans and addressing all Engineering comments prior to issuance of a building permit.
3. Exterior lighting to be shielded from adjoining properties and approved by Staff.
4. Property to be replatted prior to issuance of a building permit.

Mr. Jordan commented he has spoken to the Director of Public Works about the intersection close to the proposed entrance where several streets come together because it was a concern of the Commission. Mr. Jordan noted there are several problematic intersections in town and they are considering pooling all the intersections and hiring an engineer professional to look at them to evaluate and prioritize the most important ones, and as money becomes available, improve those intersections.

Ron Woellhof moved to approve Application SP-1002 with the conditions set forth by Staff. Fritz Metzger seconded the motion. All voted in favor and the motion carried.

PLATS

CONSIDER VACATING TRACT 2 OF THE ERNA HEINER SUBDIVISION PLAT - Carey Bonn presented the application. Mr. Bonn explained the property was platted approximately 20 years ago when one of the siblings wanted to build a house on the property. Mr. Bonn noted the owners of the property are now deceased and their children would like to split the property evenly among them. Mr. Bonn noted they are wanting to vacate the plat so they can immediately turn around and plat the acreage into three tracts, each greater than five acres. Mr. Bonn commented the City wants some right of way for a future road and the details of that still need to be worked out.

STAFF COMMENTS
Brian Jordan, Director of Development Services, noted there was some confusion in regard to how much right-of-way is needed because the City was originally asking for 50 feet to meet the requirements of a ETJ street, but the engineering department has asked for 60 feet to meet the requirement of a city street. Mr. Jordan noted Staff is comfortable they can work out the details with the applicants if the Commission is comfortable with Staff determining the amount of right-of-way needed.

Charlie Kiehne moved to approve Application P-1017 with the condition Staff secure the appropriate amount of right-of-way. Brenda Segner seconded the motion. All voted in favor and the motion carried.

MINUTES

Ron Woellhof moved to approve the minutes from the December 2010 meeting as presented. Brenda Segner seconded the motion. All voted in favor, with the exception of Guenther Maenius and Chris Kaiser who abstained, and the motion carried.

With nothing further to come before the Commission, Ron Woellhof moved to adjourn. Guenther Maenius seconded the motion and the meeting was adjourned at 6:09 p.m.

PASSED AND APPROVED this the 9th day of February, 2011.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman

LAND USE PLAN AND ZONING CHANGE BRIEF
Rezoning Request # Z-1101

OWNER:	Stone Ridge Farms, Inc.
APPLICANT:	Rita Hall
SIZE:	Approximately 0.35 acres (15,246 Square feet)
LOCATION:	1210 N. Milam, west side of Milam St., directly across from Glenmoor Drive. (See attached map).
EXISTING ZONING:	R-1, Single-Family Residential
PROPOSED CHANGE:	1. Change in Land Use Plan from Low-Density Residential to Commercial; and 2) Change in Zoning from R-1 Single-Family Residential to C-1, Neighborhood Commercial.

FINDINGS:

- The property contains two separate structures, a main building and one accessory type structure. Both buildings were recently remodeled.
- The property is basically square, with approximately 124' of frontage on Milam, and a depth of 124'.
- The property is bordered by an alley on the north side (unimproved), Milam Street on the east, a private school on the south, and vacant land, an alley and residences to the west.
- Water and Sanitary sewer are available to serve this property.
- Adjacent zoning is R-1 Single Family Residential to the west, north and south, and C-1 and R-1 to the east across Milam (see attached zoning map).
- The Land Use Plan identifies the adjoining property to the west and north as Low-Density Residential, property to the south as Public Facilities and the property to the east across Milam as Commercial north of Glenmoor Dr. and Low-Density Residential south of Glenmoor Dr. (see attached Land Use Map).
- Adjacent land uses include a private school and single family homes to the south and west, single family homes to the north and duplex residential and a vacant tract to the east across Milam.

LAND USE PLAN CHANGE: In considering a Land Use Plan change, the Planning and Zoning Commission shall make the following determinations prior to forwarding a recommendation to the Council.

A. The property affected by the request is adequate in size and shape to facilitate those uses normally associated with the requested designation. **The subject property is large enough to facilitate smaller commercial activities. However, in staff's opinion, a district larger in size would be more appropriate to accommodate commercial activities. The Land Use Plan does not distinguish between neighborhood and general commercial land uses.**

B. The property affected by the request does not exceed the capabilities of the infrastructure. **Infrastructure serving this area is adequate to support light commercial activities.**

C. The request will have no adverse affect on any property within 600 feet of the affected property. **As the applicant intends to utilize the site with an office use or light commercial activities, we would not anticipate any negative affects on adjoining property. However, in considering this change, all possible uses allowed in the commercial designation need to be considered. This could include multi-family residential (apartments) uses which can have negative affects on neighboring property if not properly designed. In addition, certain retail uses may be a concern when adjoining residential.**

D. The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan. **As a stand-alone property, we would not consider the proposed commercial designation appropriate. In other words, we would recommend the creation of a zoning district, rather than "spot zoning" a particular tract or parcel, if it is determined that commercial uses are appropriate in this area.**

E. The request, together with the applicable conditions, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. **If an appropriate district can be created wherein land uses are compatible with the surrounding area, we would not expect the proposed change to have a negative affect on properties within the vicinity.**

ZONING: While the Land Use Plan does not distinguish between levels of commercial, the type of zoning is more specific. In particular, the applicant is requesting a change to C-1, Neighborhood Commercial. The proposed zoning is intended to provide for the establishment of restricted commercial facilities, to serve the conveniences and needs of the immediate neighborhood and must be compatible with the residential character and environment of the neighborhood. These uses generally result in limited traffic generation.

As suggested in the discussion above, staff does not recommend changing the zoning on the subject property as a stand-alone tract. If the Commission is inclined to consider a change of zoning in this area, we would recommend that a larger area be considered and a zoning district be created.

OPPOSITION/SUPPORT OF REQUEST: One response in support and two responses in opposition.

STAFF RECOMMENDATION: There is presently a variety of different land uses within this block and the property configuration is somewhat unusual. As such, this has an affect on the proper zoning for the area. In looking at the current zoning configuration, there is presently no C-1 Commercial zoning on the west side of Milam Street in this area while there are non-residential uses (private school). This application is to establish C-1 zoning on a single tract, leaving the remaining tracts within the block as R-1. Therefore, it would be staff's recommendation that we evaluate the remaining zoning within the block before making a recommendation on this request.

There are several options for the Commission to consider. First, the Commission may recommend approval of the change requested. Second, the Commission may recommend denying the request, or Third, the Commission may recommend that we consider changing the zoning on all or a portion of the remaining property within the block. Changing the zoning on the remainder of the block would mean that action on this item would be postponed until all zoning could be considered simultaneously.

LAND USE - ZONING

☑ ***APPLICATION FOR RE-ZONING- $100.00***

APPLICATION IS HEREBY MADE TO THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION TO AMEND THE ZONING ORDINANCE AND THE ZONING DISTRICT MAP OF THE CITY OF FREDERICKSBURG AS HEREINAFTER SET FORTH

1. APPLICANT: Stone Ridge Farms, Inc.
2. ADDRESS: 7816 White Oak Road, Kerrville, TX 78028

   PHONE NUMBER: 830 896 5757 FAX NUMBER: —
3. OWNER (IF DIFFERENT FROM APPLICANT) c/o Rita Hall and Jerry Hall
4. ADDRESS: Same as above
5. PHONE NUMBER: — FAX NUMBER: —
6. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

   ADDRESS: 1210 N. Milam Street

   LEGAL DESCRIPTION: GE CO BLK 1- .35,

   LOT SIZE: .35

RECEIVED JAN 17 2011 Z 1101

7. ZONING CHANGE REQUESTED FROM R-1 ZONING DISTRICT TO C-1 ZONING DISTRICT
8. JUSTIFICATION FOR REQUEST: Please See Attached Exhibit 'A' And Exhibit 'B'
9. ARE THERE ANY DEED RESTRICTIONS WHICH WOULD PREVENT THIS PROPERTY FROM BEING USED IN THE MANNER HEREIN PROPOSED? NO
10. EXISTING IMPROVEMENTS ON PROPERTY: If there are any structures on the property, attach a plot plan, drawn to scale (to fit on a 8 ½" x 14" paper, if possible) showing the location and size of all existing structures and their distance from the lot lines, plus proposed development plans if any.
11. CONFORMANCE WITH LAND USE PLAN: ☐ YES ☑ NO

    An application for re-zoning will not be accepted unless the requested zoning classification conforms to the Comprehensive Land Use Plan. An applicant may apply for a change in the Comprehensive Land Use Plan. An applicant may apply for a change in the Comprehensive Land Use Plan concurrently with a re-zoning application . However, the Planning & Zoning Commission and the City Council shall consider and make its recommendation or decision on the Comprehensive Land Use Plan change prior to the re-zoning.

☑ ***APPLICATION FOR LAND USE PLAN CHANGE-$200.00***

APPLICATION IS HEREBY MADE TO THE CITY COUNCIL AND THE PLANNING & ZONING COMMISSION TO AMEND THE LAND USE PLAN MAP OF THE CITY OF FREDERICKSBURG AS HEREIN SET FORTH:

12. CHANGE REQUESTED FROM: LDR- low density residential LAND USE TO Commercial LAND USE.
13. SIGNATURE OF APPLICANT: Rita Hall

Note: If the applicant is not the legal owner of the property, A signed statement by the owner that the applicant is the authorized agent of the owner of the property, or the signature of the owner is required:

SIGNATURE OF OWNER: Rita Hall

DATE:

FEE PAID: ☒ Re-zoning ☒ Land Use Plan Change

TITLE SEARCH:

Note: A current title search must be submitted with the application

RECEIVED

14. CONSENT OF LIEN HOLDER: *Note: If this property is encumbered by Lien, consent of the Lien holder is required.*

SIGNATURE OF LIEN HOLDER: Bryan Bierschwale Pres.
Bierschwale Credit & Lending Co.

15. LIST OF PROPERTY OWNERS WITHIN 200 FT. (Provided by City)

EXHIBIT "A"

Application for Re-Zoning: 1210 N. Milam Street

8.) Justification for request:

- From Hwy 290 W. And Milam Street North has spot zoning for Commercial and Residential.
- Property (1210 N. Milam) that is requesting the re-zoning is bordered on South and the East sides by Fredericksburg Christian School. The North side of the property is bordered by an alley that is maintained by the City of Fredericksburg. This serves as a buffer to the residential property owners. See Exhibit "B"
- It is our belief that the re-zoning to C-1 will enhance and improve the overall area in and around the property at 1210 N. Milam.
- Inquires made to the Real Estate Office that has the property listed for sale are:
  - Attorney Office
  - Hair Salon
  - Bed and Breakfast
- Property was inadvertently sold and promoted to current owner as a commercial property.
- Current Property owners have invested a great deal of time and money to bring the property to a higher degree of value.

- **Please see attached the before and after photos of 1210 N. Milam Street.**
  AS EXHIBIT 'A'

EXHIBIT H

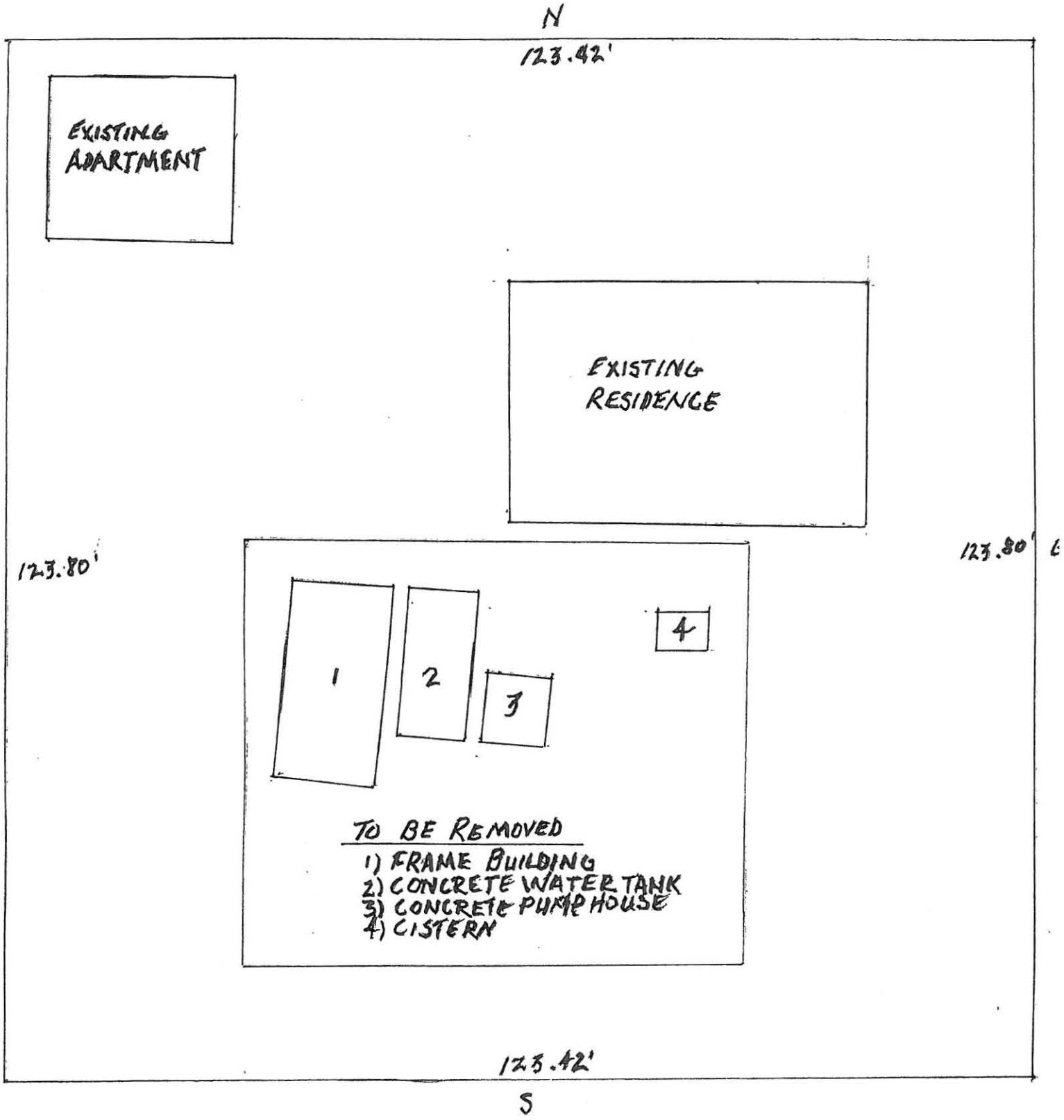
* 1210 N. Milam — Before New Construction and Clean Up

EXHIBIT H
1210 N. Milam St.
Before Current Remodel

EXHIBIT A

1210 N. Milam

Shows the bldgs. to be removed

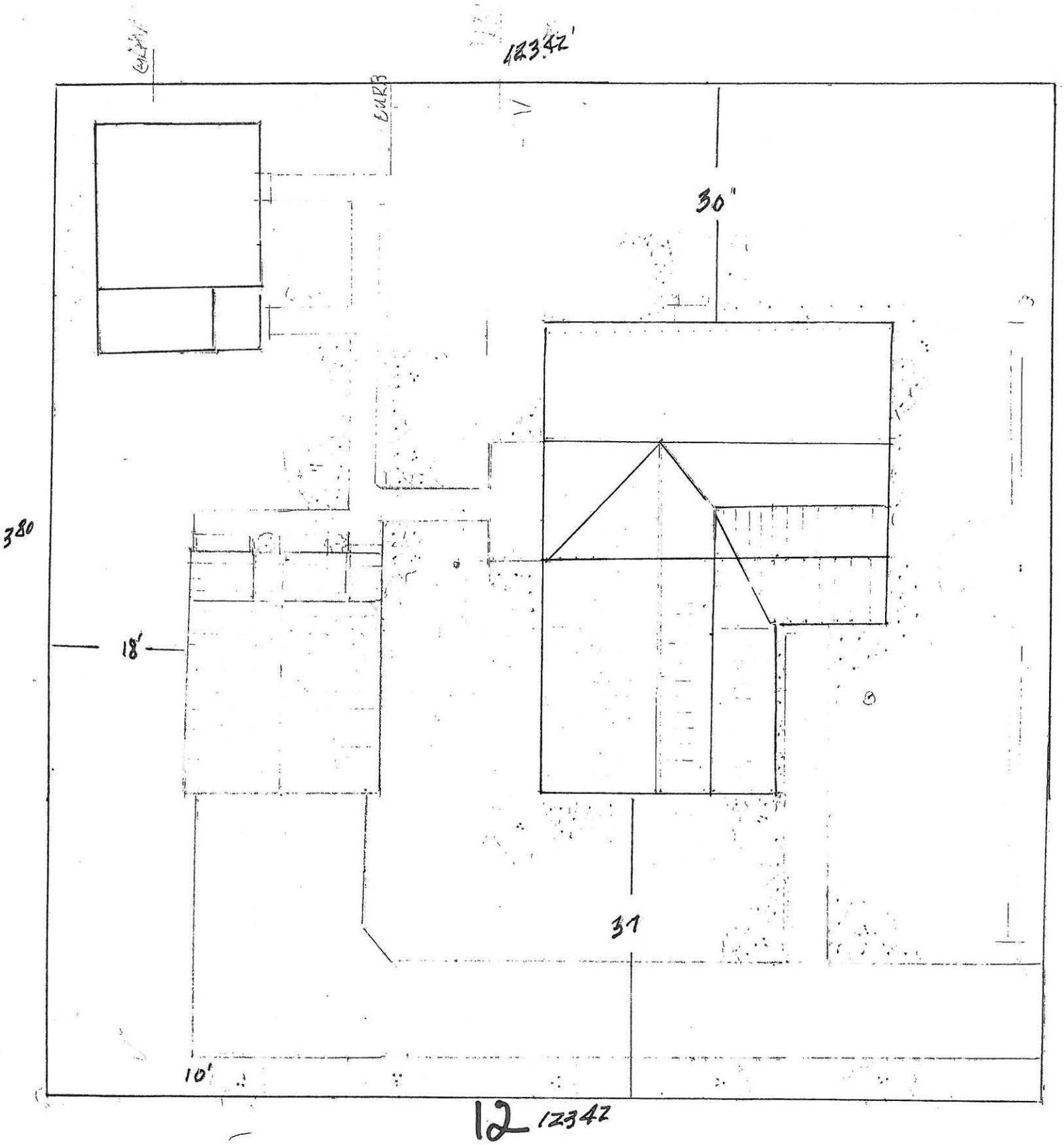


SITE PLAN
.35 ACRE GERMAN EMIGRATION CO.
VOL. 95. PAGE 171, GILLESPIE CO.
FREDERICKSBURG, TEXAS

1/1" = 4'

Exhibit 'A'

Shows New Construction
And Clean-Up Area



1210 N. Milam

New Const. IN Progress

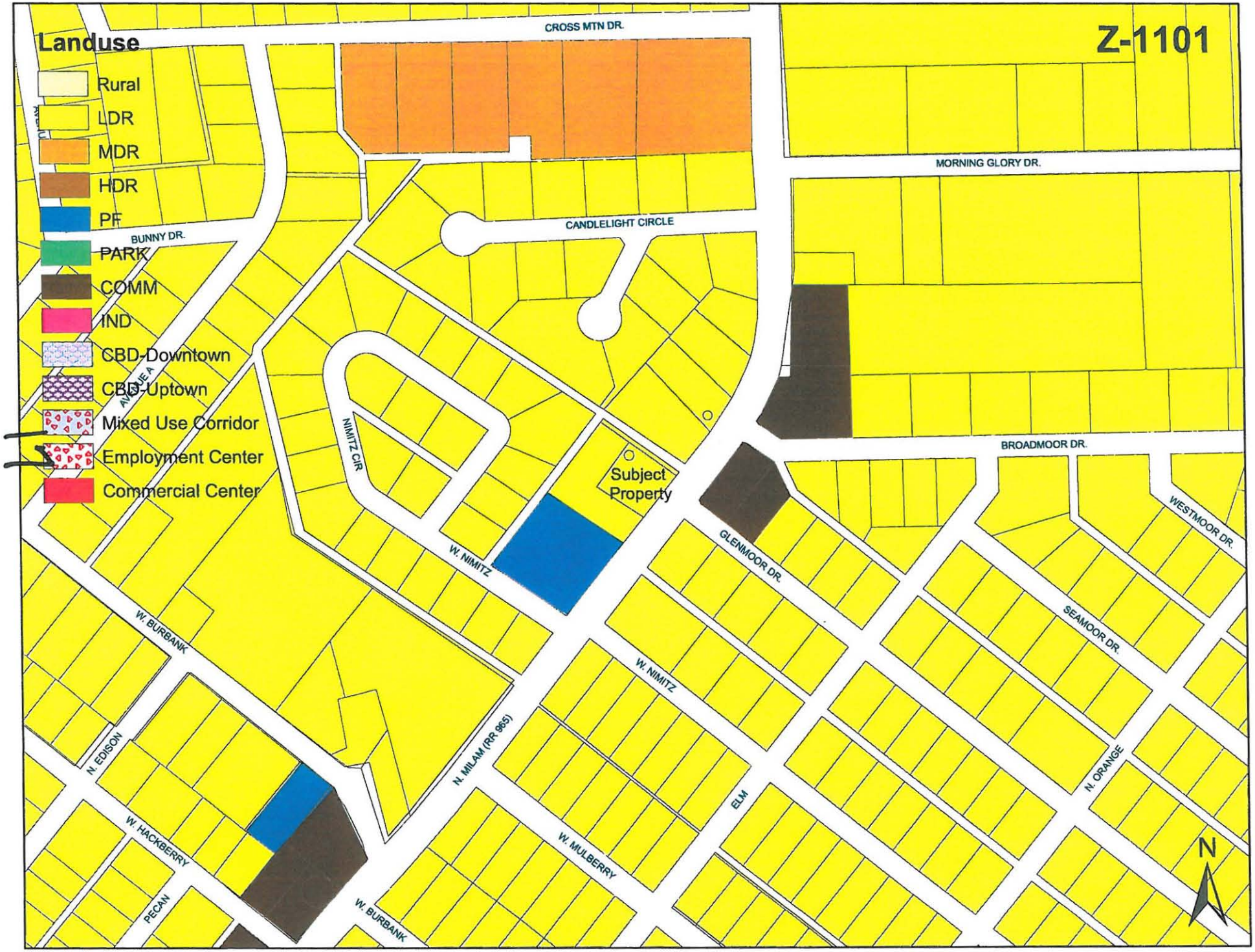
1210 N. MILAM

New Const. IN Progress

Exhibit "B"

Showing 1210 N. Milam


Z-1101
CROSS MTN DR.
MORNING GLORY DR.
AVENUE B
BUNNY DR.
CANDLELIGHT CIRCLE
AVENUE A
NIMITZ CIR
Subject Property
BROADMOOR DR.
WESTMOOR DR.
GLENMOOR DR.
W. NIMITZ
SEAMOOR DR.
W. BURBANK
W. NIMITZ
N. MILAM (RR 965)
N. ORANGE
ELM
W. HACKBERRY
W. MULBERRY
PECAN
W. BURBANK
N
Zoning
C1
C2
CBD
M1
M2
M3
OS
PF
PUD
R1
R2
R3
R4


Z-1101
Landuse
Rural
LDR
MDR
HDR
PF
PARK
COMM
IND
CBD-Downtown
CBD-Uptown
Mixed Use Corridor
Employment Center
Commercial Center
CROSS MTN DR.
MORNING GLORY DR.
CANDLELIGHT CIRCLE
BUNNY DR.
BROADMOOR DR.
WESTMOOR DR.
GLENMOOR DR.
SEAMOOR DR.
NIMITZ CIR
W. NIMITZ
Subject Property
W. BURBANK
N. EDISON
W. HACKBERRY
PECAN
N. MILAM (RR 965)
ELM
W. MULBERRY
N. ORANGE
N


Z-1101
CANDLELIGHT CIRCLE
CANDLELIGHT COVE
NIMITZ CIR
W. NIMITZ
W. NIMITZ
GLENMOOR DR
BROADMOOR DR
ELM
SEAMOOR DR
N. MILAM (RR 965)
W. MULBERRY
W. BURBANK
N

City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

NOTICE OF PUBLIC HEARING FOR
A CHANGE IN LAND USE AND A CHANGE IN ZONING

HEARING DATE: **FEBRUARY 9, 2011**	TIME: **5:30 PM**	REQUEST NUMBER: **Z-1101**

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: **FEBRUARY 21, 2011**	TIME: **7:00 PM**	REQUEST NUMBER: **Z-1101**

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

APPLICANT: Stone Ridge Farms, Inc.

LOCATION: 1210 N. Milam
(see accompanying map)

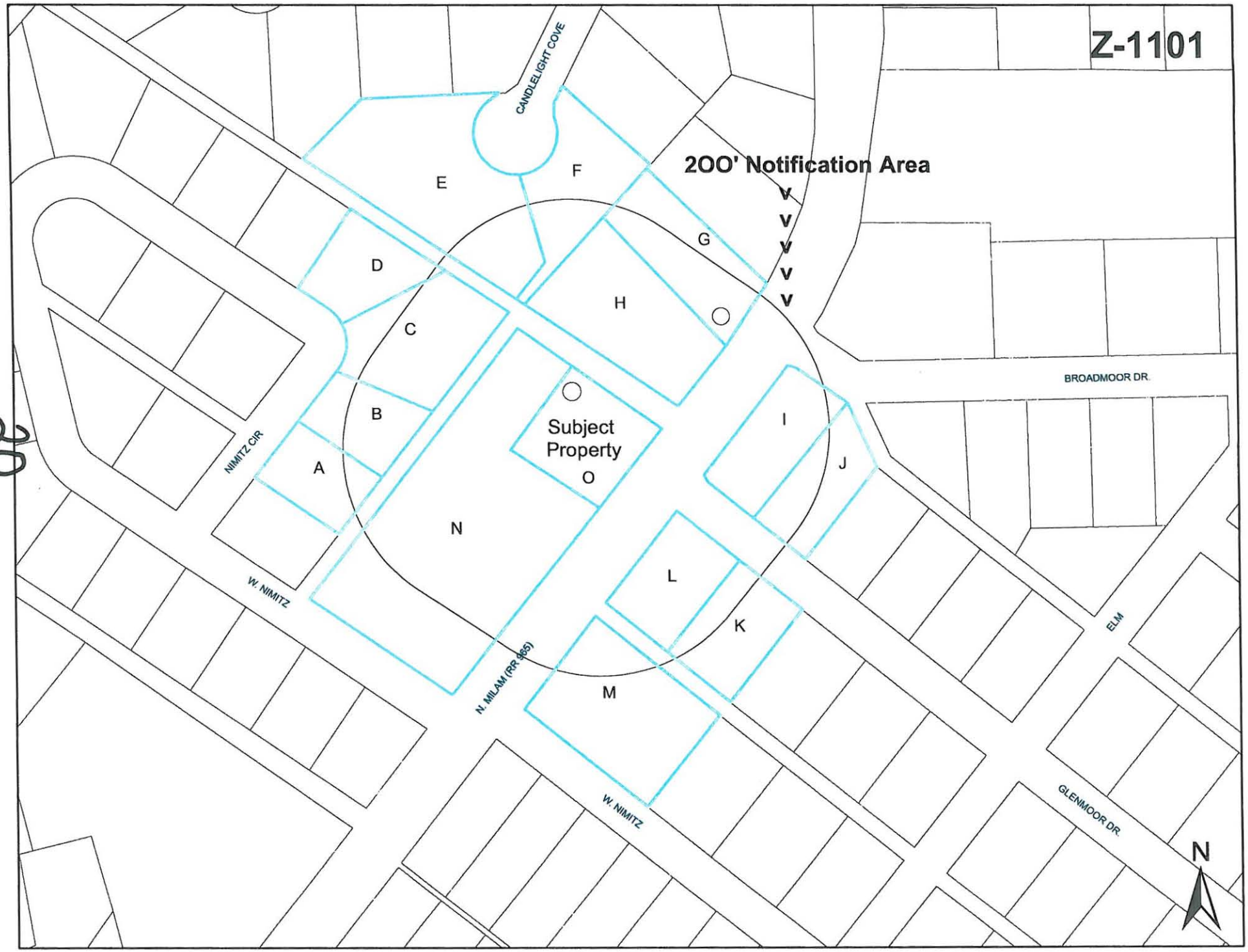
REQUEST: Change in Land Use Plan from Low Density Residential to Commercial and a change in zoning from R-1, Single Family Residential to C-1, Neighborhood Commercial

(DETACH BELOW)

REQUEST NO. Z-1101
As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed _____ Date _____

Printed Name _____ Address _____


Z-1101
200' Notification Area
CANDLELIGHT COVE
BROADMOOR DR.
NIMITZ CIR
W. NIMITZ
N. MILAM (RR 965)
ELM
GLENMOOR DR.
Subject Property
A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
N

Letter	Owner	
A	Daryl & Stephanie Whitworth	
B	Charles C. Kiehne	
C	Virginia Klenzing	
D	Patrick R. & Janis Stehling	
E	Mrs. J.P. Dale, Jr.	
F	Harold T. Austin	
G	Betty J. Sears	
H	Joyce Fritz	
I	Jimmie Lou Brown	
J	John Henry Kothman Estate	
K	Cornelia Sue Croom	
L	Cornelia Sue Croom	
M	1203 Partners, LP	
N	Fredericksburg Christian School, Inc.	
O	Stone Ridge Farms, Inc.	

2

Z-1101


P-0830
E MAIN (HWY 290 E)
S LEE
E SAN ANTONIO
S ELK
E CREEK
S LEE
E UFER
S CREEK
BLUEBONNET
COLUMBUS
N


P-1014
E COLLEGE
N LINCOLN
N