

AGENDA
CITY OF FREDERICKSBURG
PLANNING & ZONING COMMISSION
Wednesday, July 6, 2011
5:30 P.M.
LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

PAGEREF.

1. Call to Order
2. Approve minutes from the June 2011 Regular Meeting

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DISCUSSIONS

3. 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 cover.

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ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION
June 8, 2011
5:30 PM

On this the 8th day of June, 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
FRITZ METZGER
RON WOELLHOF
JASON HELFRICH

ABSENT: STEVE THOMAS
GUENTHER MAENIUS

ALSO PRESENT: BRIAN JORDAN - Director of Development Services
CRAIG WALLENDORF - Director of Public Works
KYLE STAUDT - Building Inspector

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

PUBLIC HEARINGS

Fritz Metzger stepped down from the Commission for the consideration of Z-1102 stating he owned property within 200 feet of the subject property.

PUBLIC HEARING (Z-1102) BY BURY & PARTNERS ON BEHALF OF HEB GROCERY COMPANY AT 407 S. ADAMS TO AMEND PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW A PERMANENT SHADE CANOPY WITHIN THE FRONT SIDE WALK AND THE ADDITION OF A SINGLE DIESEL FUEL DISPENSER ISLAND WITH CANOPY COVER-

It was moved by Ron Woellhof and seconded by Brenda Segner to open public hearing Z-1102 by Bury & Partners on behalf of HEB Grocery Company at 407 S. Adams to amend PUD (Planned Unit Development) to allow a permanent shade canopy within the front sidewalk and the addition of a single diesel fuel dispenser island with canopy cover. Mark Johnson with Bury & Partners presented the application. Mr. Johnson noted an interior remodel is already underway at HEB and they would also like to install a shade canopy on the front of the store, between the two entries. Mr. Johnson stated they want to provide a better shopping experience for their customers by providing shade in that area. The canopy will be a cloth cover with metal columns. Mr. Johnson noted the proposed diesel station is in response to customer requests and noted they are looking at a stand alone canopy, similar to what is already in place. Mr. Johnson stated no new signage will be requested. Mr. Johnson stated there are some space limitations so a tree will have to be removed, but the project allows for additional landscaping. Mr. Johnson also commented there will need to be some small changes for better vehicular circulation around the existing pumps and the new proposed pump. Mr. Johnson stated they want to keep the traffic for

the different pumps separate. Ron Woellhof moved to close Public Hearing Z-1102 and Jason Helfrich seconded. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, highlighted the applicant's original PUD approval and noted that creating a PUD allowed HEB the opportunity to have some things that may not have been allowed under a normal zoning district, but it also allowed Staff to have some input on the site. Mr. Jordan stated what they are now proposing was not included on their original plan and that is why it has to be considered. Mr. Jordan commented the Planning & Zoning Commission has heard other applications that called for more than the allowed three fuel dispensers under a single canopy, and those requests have been denied. Mr. Jordan noted Staff recommendation of approval for the shade canopy and noted the request for an additional fuel pump is a deviation from what has been allowed, and although Staff is not opposed to the additional pump, they do not feel HEB should be allowed an additional pump until the ordinance is amended so other businesses will be afforded the same opportunity.

Charlie Kiehne noted he was in favor of looking at the ordinance when other applicants applied for more fueling dispensers than are allowed, but he does not believe HEB should have the opportunity to add an additional pump until other business owners are allowed the same.

Ron Woellhof moved to approve the shade canopy along the storefront sidewalk and deny the installation of a single diesel fuel dispenser island. Jason Helfrich seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING (Z-1103) BY THE CITY OF FREDERICKSBURG TO:

A) CONSIDER A CHANGE IN THE LAND USE PLAN FROM PUBLIC/SEMI-PUBLIC TO CBD (CENTRAL BUSINESS DISTRICT) - UPTOWN ON PROPERTY LOCATED AT 610 W. MAIN ST.

B) CONSIDER A CHANGE IN ZONING FROM PF, PUBLIC FACILITIES, TO C-2, COMMERCIAL, ON SUBJECT PROPERTY. - Chris Kaiser moved to open Public Hearing Z-1103 by the City of Fredericksburg to: A) Consider a change in the land use plan from Public/Semi-Public to CBD (Central Business District)- Uptown on property located at 610 W. Main St. and B) Consider a change in zoning from PF, Public Facilities, to C-2, Commercial, on subject property. Jason Helfrich seconded the motion. All voted in favor and the motion carried. Brian Jordan, Director of Development Services for the City of Fredericksburg, presented the application and noted he has been looking at areas of town where zoning needs to be cleaned up. Mr. Jordan noted the property in question should have been re-zoned in 2001 when a Conditional Use Permit was granted for a drive-through lane, but it was overlooked. Mr. Jordan noted the property was part of a three-way swap between the City, the Historical Society and St. Joseph's Credit Union. The subject property was where the City's water department was located and that is the reason it was zoned Public Facilities. Mr. Jordan noted the City wishes to zone it consistent with property on either side, which is C-2 zoning and a land use plan of CBD-Uptown. Mr. Jordan also stated three letters have been received in opposition since the time the brief was printed, which states no letters were received. Mr. Jordan commented he believes those neighbors are concerned with what is permitted in C-2 because they live in a Single Family Residential zoning district adjacent to the subject property. Mr. Jordan noted Staff recommendation of approval. Ron Woellhof moved to close Public Hearing Z-1103 and Chris Kaiser seconded. All voted in favor and the motion carried.

Charlie Kiehne moved to approve application Z-1103. Fritz Metzger seconded the motion. All voted

in favor and the motion carried.

MINUTES

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

ADJOURN

With nothing further to come before the Commission, Fritz Metzger moved to adjourn. Ron Woellhof seconded the motion and the meeting was adjourned at 6:19 p.m.

PASSED AND APPROVED this the 6th day of July, 2011.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman

Memo

To: Planning and Zoning Commission
From: Brian Jordan, AICP
Date: July 1, 2011
Re: Fueling Facilities

The City Council has directed staff and the Planning and Zoning Commission to re-evaluate the current standards pertaining to fueling facilities within the City of Fredericksburg. The most recent request to deviate from the current guidelines was with HEB. The Planning and Zoning Commission voted to deny their request for a PUD amendment pertaining to an additional fueling island, and HEB withdrew their request by the time the item reached the City Council.

The current definition of a Convenience Store/Self Service Gasoline establishes a limit of three (3) multiple dispensers or pump units within one (1) service island, with one canopy cover. A similar discussion occurred in 2009, where the staff recommended that the limitation of the number of multiple dispensers or pump units be eliminated. The Planning and Zoning Commission as well as the City Council voted to leave the limitation in place (copies of the minutes attached).

This item will be on the agenda next week for discussion.

a discussion about allowing connection of buildings on the same lot, but not buildings with a lot line between them.

John Klein moved to close the public hearing on Z-0902 (A). Brenda Segner seconded the motion. All voted in favor and the motion carried.

Mr. Klein noted businesses need to be allowed to expand and moved to eliminate all of section 3.500 (J) of the zoning ordinance. Jim Jarreau seconded the motion. All voted in favor and the motion carried.

Jim Jarreau moved to re-open the public hearing for Z-0902 (B). Ron Woellhof seconded the motion. All voted in favor and the motion carried. Brian Jordan, Director of Development Services, noted he cannot find when the current definition of a convenience store / self serve gasoline was not in the ordinance and he could not find any evidence of when it was added. Mr. Jordan stated there has recently been some movement with developers who have included more than three pumps in their plans. Mr. Jordan commented the limitation seems unique to Fredericksburg and recommended eliminating the provision of three pumps from the definition, given the other site development criteria in the ordinance.

PUBLIC COMMENT

Tim Dooley stated the limitation should be left in place because it does make Fredericksburg a little unique and noted we don't need to have a truck stop type station.

Roy Stroehler endorsed Mr. Dooley's comments and stated his business would be impacted if more than three pumps were allowed. Mr. Stroehler also noted the gasoline prices in Fredericksburg are consistently below the national average.

Ron Woellhof moved to close public hearing Z-0902 (B). Jim Jarreau seconded the motion. All voted in favor and the motion carried.

John Klein stated he was in support of eliminating the limitation of three pumps until he heard the public comments and agreed he does not want to see a truck stop type station in Fredericksburg. Guenther Maenius stated he has a hard time imagining a large station in Fredericksburg and noted he is not in favor of eliminating the limitation on the number of pumps. Jim Jarreau moved to deny Z-0902 (B). Ron Woellhof seconded the motion. All voted in favor and the motion carried.

Jim Jarreau moved to re-open the public hearing on Z-0902 (C). Guenther Maenius seconded the motion. Edgar Marshall, Code Enforcement Officer, presented the application. Mr. Marshall noted this request refers to a section that was never put into the ordinance but has been in effect. Mr. Marshall stated the City would like to eliminate anything within the 25 foot visibility triangle at intersections of streets. Mr. Marshall noted there are some intersections that already have plants in that triangle and those areas will have to meet the criteria that nothing over three feet will be allowed so that clear visibility will be maintained. Brian Jordan noted if this is approved, it will be easy to enforce because from the date it is approved, it will be effective. Mr. Marshall noted at access driveways there will be a 15 foot visibility triangle enforced from the curb, which is a change from 10 feet. Mr. Jordan clarified grass or ground covering will be allowed in the triangle. Ron Woellhof noted there had been discussion about increasing the minimum height visibility from six feet to nine feet. John Klein moved to close public hearing Z-0902 (C). Fritz Metzger seconded the motion. All voted in favor and the motion carried.

Fritz Metzger asked if the restrictions would affect anything that is already in place. Mr. Marshall noted

Following comments from Charlie Kiehne, Alton Immel, Edward Stroehner and Robert Brandes, it was moved by Council Member Jeffers, seconded by Council Member Pedregon, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

RECOMMENDATION AND ORDINANCE RE: REQUEST #Z-0902, A-C - (A) It was moved by Council Member Pedregon, seconded by Council Member Jeffers to adopt an ordinance amending Section 3.500 J, Historic Shopping Overlay District of the Zoning Ordinance pertaining to existing building footprint, Council Member Jeffers seconded the motion. The vote was follows: AYE: Hoover, Jeffers, Pedregon and Musselman. NAY: Dooley. Motion carried.

ORDINANCE NO. 19-005

AN AMENDMENT OF THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG TO AMEND SECTION 3.500J, HISTORIC SHOPPING DISTRICT OVERLAY; ELIMINATING THE REQUIREMENT THAT THE EXISTING BUILDING FOOTPRINT BE MAINTAINED IN THE HISTORIC SHOPPING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A REPEALER CLAUSE AND PARTIAL INVALIDITY CLAUSE. (Recorded in Ordinance Book)

(B) It was moved by Council Member Jeffers, seconded by Council Member Musselman, to adopt an ordinance amending Section 7.530 of the Zoning Ordinance pertaining to fences, walls, and visibility, and Section 7.920 pertaining to landscaping requirements. The vote was follows: AYE: Hoover, Jeffers, Pedregon, Dooley, and Musselman. NAY: None. Motion carried.

ORDINANCE NO. 19-006

AN ORDINANCE AMENDING SECTION 7.530 AND SECTION 7.920 OF THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG AMENDING THE REQUIREMENTS RELATING TO THE SETBACK OF OBSTRUCTIONS NEAR THE RIGHTS OF WAY ON CORNER LOTS AND NEAR PROPERTY ACCESS WAYS TO PUBLIC STREETS, DEFINING A VISIBILITY TRIANGLE FOR CORNER LOTS AND ACCESS WAYS, PROHIBITING OBSTRUCTION THEREOF AND ESTABLISHING A VERTICAL CLEARANCE FOR VEGETATION IN A RIGHT OF WAY, REPEALING INCONSISTENT PROVISIONS, AND ESTABLISHING AN EFFECTIVE DATE. (Recorded in Ordinance Book)

(C) Council Member Dooley moved, seconded by Council Member Musselman, to ratify the decision of the Planning & Zoning Commission and maintain Section 2.100 of the Zoning Ordinance pertaining to Convenience Store/Self Serve Gasoline as it is and make no changes. The vote was as follows: AYE: Dooley, Musselman, Jeffers, and Pedregon; NAY: Hoover. Motion carried.

REQUEST FROM BOOT RANCH FOR USE OF OFF SYSTEM WATER - It was moved by Council Member Dooley, seconded by Council Member Pedregon to approve the request from Boot Ranch for use of off system water with the following Resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG
REGARDING EMERGENCY USE OF OFF SYSTEM WATER