

AGENDA
CITY OF FREDERICKSBURG
PLANNING & ZONING COMMISSION
Wednesday, May 9, 2012
5:30 P.M.
LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

PAGE REF.

1. Call to Order
2. Approve minutes from the April 2012 Regular Meeting

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PUBLIC HEARINGS

3. PUBLIC HEARING (Z-1205) by Michael G. Painter to consider a change in zoning from R-1, Single Family Residential to C-2, Commercial, on a 0.376 acre tract of land being a portion of LotA4, Block 2 and Lot 15, Block 2 of the Louis Preiss Addition to the town of Fredericksburg, generally located at the southwest corner of Kay Street and Austin Street
4. Consider making a recommendation on Z-1203

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DISCUSSIONS

5. Sidewalk Master Plan

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ADJOURN

On this the 3rd day of April 2012, 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
STEVE THOMAS
RON WOELLHOF
BRENDA SEGNER
MATT LINES
JASON HELFRICH
CHRIS KAISER

ABSENT: BJORN KIRCHDORFER

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

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

SITE PLANS

SP-1201 - CONSIDER A SITE PLAN FOR A SELF STORAGE FACILITY AT 383 FM 2093:

Kelli Vela from Melden & Hunt, Inc., engineers for the project, presented the application. Ms. Vela noted the overall square footage for the project is approximately 132,000 and it will be built out in two phases. Ms. Vela stated the first phase will consist of a little more than 70,000 square feet, which includes buildings R-1, R-2, A and B, pad only for building C, and buildings D, E and F. The remaining buildings will be constructed in Phase II. Ms. Vela commented there is a house on the property that will be taken down. Ms. Vela also stated there is existing sewer service to the property and a new water service will be provided by tapping into the line located across the street. Ms. Vela noted there is a site manager that will live on the property. Ms. Vela noted the detention has been sized to meet the engineering requirements and commented the site will have one entrance and it will be a gated facility.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the use is a permitted use in the zoning district and the Commission is only responsible for a technical review of the site. Mr. Jordan noted buildings R-1, R-2 and the north side of the office building will be stone and all sides that are visible from FM 2093 will be stone, while the balance will be metal. Mr. Jordan noted the building and impervious coverage is below the allowable amount. Mr. Jordan noted the applicants are required to provide 71 parking spaces and they have allowed for that many plus one handicapped space. Mr. Jordan commented the applicants are proposing a single dumpster to be located on the east side of the property and it will be enclosed on the sides that are visible from the street. Mr. Jordan stated the applicants have not provided a landscape plan, but there are many oak trees on the property and they will be required to preserve those trees. 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. Jordan added the existing well on site will be filled in and capped. Mr. Jordan also commented the storm sewer outfall will drain onto the adjoining properties, which belong to the Fair and Festivals Association, and the applicants will have to secure an easement from them prior to issuance of a building permit.

Ron Woellhof moved to approve Application SP-1201 with the conditions set forth by Staff. Brenda Segner seconded the motion. All voted in favor and the motion carried.

MINUTES

Charlie Kiehne moved to approve the minutes from the March, 2012 meeting as presented. Ron Woellhof seconded the motion. All voted in favor and the motion carried.

DISCUSSIONS

UPDATE ON SIDEWALK ORDINANCE CHANGES / SCHEDULE - Brian Jordan, Director of Development Services, noted during the first part of March the City Council and Staff had a workshop and at that time the Council directed Staff to proceed with an amendment to the subdivision ordinance that would eliminate the requirement for a sidewalk from being a subdivision requirement. Mr. Jordan stated the Council directed Staff to create a sidewalk master plan to include areas where a sidewalk would be expected and as applicants bring in development plans, Staff look at the master plan to determine if the property is one that is expected to have sidewalks, and if so, they be required as part of the permitting process. While the amendment to the Subdivision Ordinance would not require a public hearing, an amendment to the Zoning Ordinance would require a hearing. Mr. Jordan noted Staff will put together an inventory depicting the areas that currently have sidewalks and a plan showing where sidewalks should be required. Mr. Jordan commented Staff will come up with a plan the Commission can review and make a recommendation on. Mr. Jordan asked the Commission to think about areas they believe should have sidewalks and noted there will be more discussion about it at the next meeting. Mr. Jordan also commented the escrow issue has not been finalized but will have to be addressed.

ADJOURN

With nothing further to come before the Commission, Ron Woellhof moved to adjourn. Charlie Kiehne seconded the motion and the meeting was adjourned at 6:35 p.m.

PASSED AND APPROVED this the 9th day of May, 2012.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman

ZONING CHANGE BRIEF
Rezoning Request # Z-1205

- OWNER/APPLICANT:** Michael G. Painter
- SIZE:** Approximately 0.376 acres (16,388 Square feet)
- LOCATION:** 100 Block of Kay Street, west side of Kay Street between Main Street and Austin Street (See attached map).
- EXISTING ZONING:** R1 – Single Family Residential
- PROPOSED CHANGE:** Change in Zoning from R1, Single Family Residential District to C-2, Commercial District.

FINDINGS:

- The property is part of Lot A4, Block 2 and Lot 15, Block 2 of the Louis Preiss Addition to the City of Fredericksburg. There is presently a home located on the northern portion of the property.
- The applicant intends to resubdivide the property into 3 lots, with 2 lots fronting on Austin Street and 1 lot fronting on Kay Street. As proposed, the lots fronting on Austin Street would remain R1 and the lot fronting on Kay Street would become C-2.
- The property is bordered by the Post Office on the west, single family homes to the north, and commercial businesses to the east and south.
- Water and Sanitary sewer are available to serve this property.
- Adjacent zoning is PF, Public Facilities to the west, R1, Single Family Residential to the north and east, and C-2, Commercial to the south (see attached zoning map).
- The Land Use Plan identifies properties surrounding the intersection of U.S. Highway 290 and U.S. Highway 87 as a Commercial Center. Beyond this area, the Land Use Plan identifies the area to the north as Low Density Residential, to the east and south as Uptown CBD, and to the west as Mixed Use Corridor (see attached Land Use Map).

LAND USE PLAN: As mentioned above, the subject property is within the Commercial Center land use designation. As defined in the Comprehensive Plan, such centers are located at the intersection of two existing or planned major arterials. They are intended to include community- and regional-serving shopping centers and malls. Some office or service uses may also locate here. Residential or hospitality uses may also be considered

if they can be included in a compatible way. For new centers, the design should reduce the need for multiple automobile trips between stores.

The subject property by itself, would not be large enough to accommodate the type of development anticipated by the Commercial Center designation. However, this is intended to be a very broad designation and a tract like the subject property would likely be considered supportive to any major development.

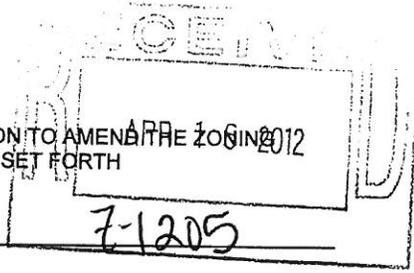
ZONING: As proposed, the applicant intends to maintain the R1 Single family Residential Zoning on the north end of the property, adjacent to the existing R1 across Austin Street and Kay Street, and is proposing to change the southern portion of the property to C-2 to be an extension of the zoning to the south. Given the surrounding land uses and zoning to the south and west, coupled with maintaining the residential zoning to the north, the proposed change to commercial would seem reasonable. To avoid the issue of spot zoning, this would need to be considered an extension of the existing zoning rather than a separate district altogether.

OPPOSITION/SUPPORT OF REQUEST: To date, we have received no letters for or against this request.

STAFF RECOMMENDATION: While the commercial center designation in the Comprehensive Plan certainly includes this tract, it would not be large enough on its own to accommodate the types of uses anticipated. However, given the circumstances within this block and the vicinity, an extension of the commercial zone could be considered a reasonable request. Approval is recommended.

The Commission may concur with staffs recommendation, may recommend denial of the request, or may recommend a lesser C-1, Neighborhood Commercial Zoning.

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: MICHAEL G. PAINTER
- 2. ADDRESS: 112 N. KAY ST
- PHONE NUMBER: (830) 3859465 FAX NUMBER: _____
- 3. OWNER (IF DIFFERENT FROM APPLICANT) _____
- 4. ADDRESS: _____
- 5. PHONE NUMBER: _____ FAX NUMBER: _____

6. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
ADDRESS: 112 N. KAY ST

LEGAL DESCRIPTION: _____

LOT SIZE: 205' x 205' total area = 80.17 - 77.49 x 123.29 0.376 ac.

7. ZONING CHANGE REQUESTED FROM LOT 1 R-1 ZONING DISTRICT TO LOT 1 C-2 ZONING DISTRICT

8. JUSTIFICATION FOR REQUEST: CONFORMS TO EXISTING OR ADJACENT PROPERTY

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 an 11 x 17" 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: LOT 1 R-1 LAND USE TO ~~Commercial~~ C-2 LAND USE.

13. SIGNATURE OF APPLICANT: [Signature]

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: [Signature]

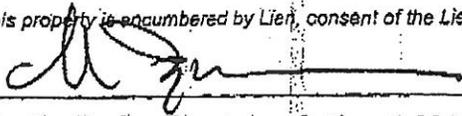
DATE: 4/12/12

FEE PAID: _____ Re-zoning Land Use Plan Change

TITLE SEARCH: HILL COUNTRY TITLES CO.
Note: A current title search must be submitted with the application

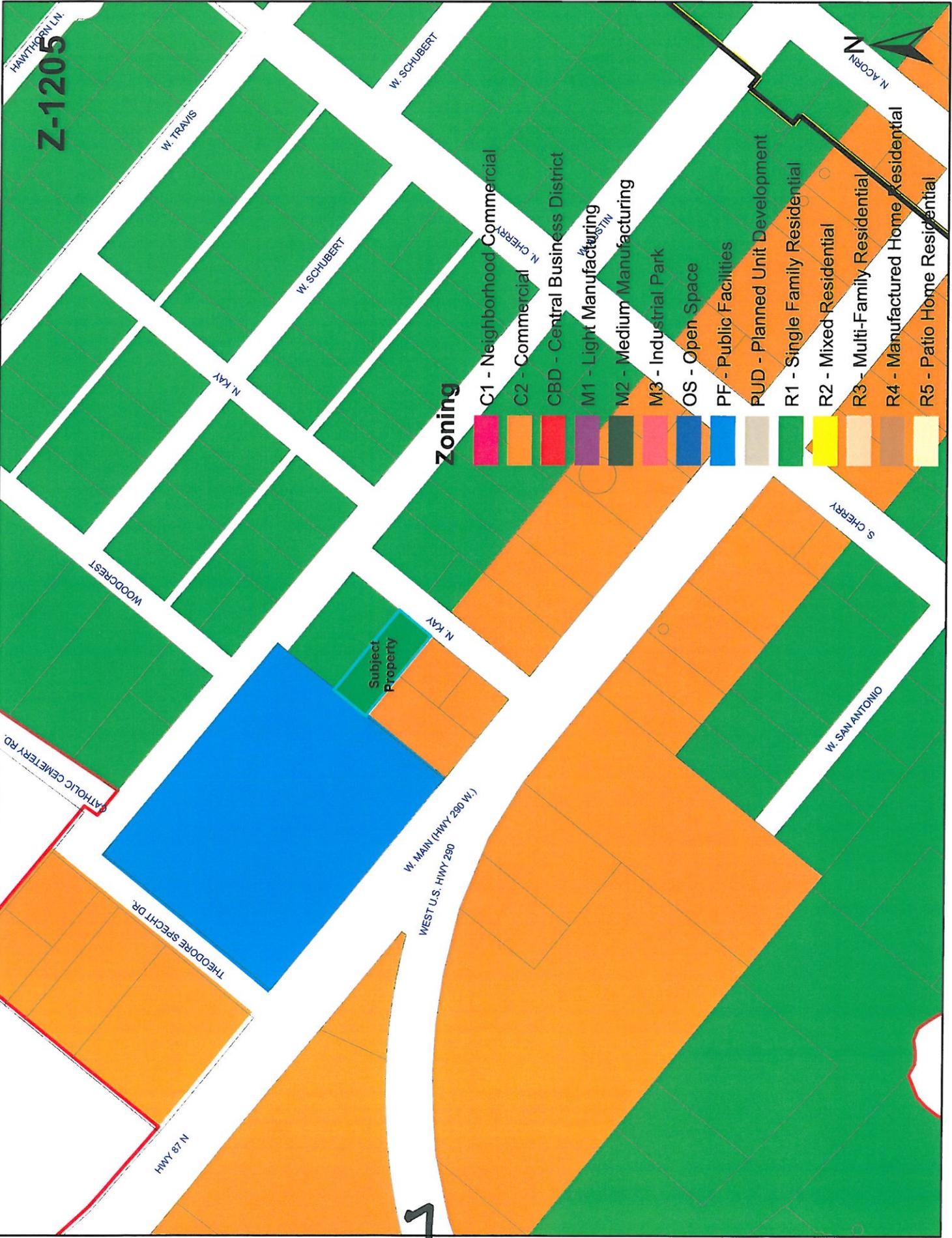
14. CONSENT OF LIEN HOLDER: *Note: if this property is encumbered by Lien, consent of the Lien holder is required.*

SIGNATURE OF LIEN HOLDER:



Mollie E. Raab, Trustee of The Mollie E. Raab Trust

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



Z-1205

Zoning

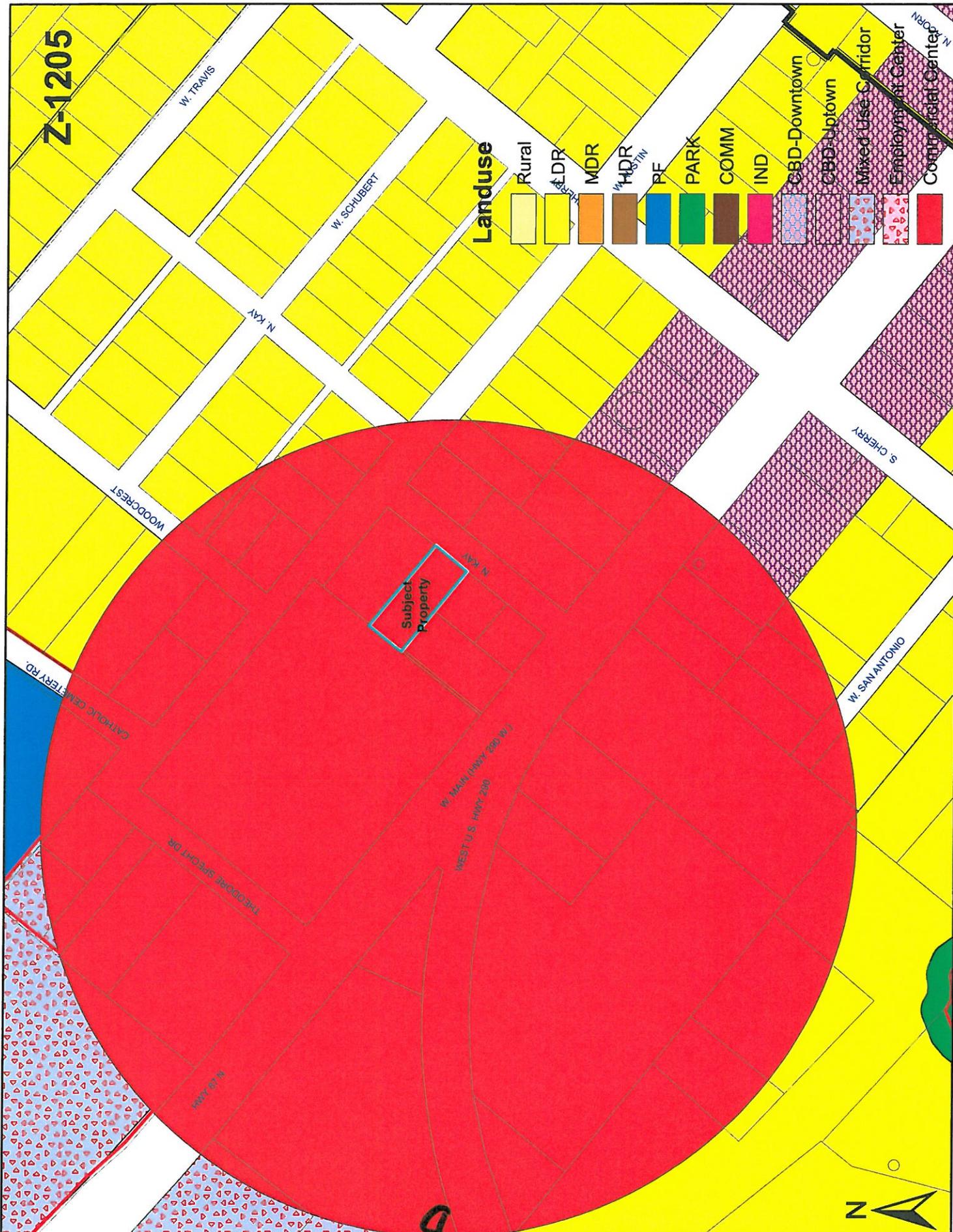
- C1 - Neighborhood Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- M3 - Industrial Park
- OS - Open Space
- PF - Public Facilities
- PUD - Planned Unit Development
- R1 - Single Family Residential
- R2 - Mixed Residential
- R3 - Multi-Family Residential
- R4 - Manufactured Home Residential
- R5 - Patio Home Residential



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Z-1205

Landuse





Z1205

9

Z-1205

W. TRAVIS

W. SCHUBERT



N. KAY

N. CHERRY

200' Notification Area

W. AUSTIN

THEODORE SPECHT DR.

HWY 87 N

W. MAIN (HWY 280 W.)

WEST U.S. HWY 280



10



City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN ZONING**

HEARING
DATE: **MAY 9, 2012**

TIME: **5:30 PM**

REQUEST
NUMBER: **Z-1205**

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: **MAY 21, 2012**

TIME: **7:00 PM**

REQUEST
NUMBER: **Z-1205**

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

APPLICANT: Michael G. Painter

LOCATION: Generally located at the southwest corner of Kay Street and Austin Street, described as a 0.376 acre tract of land, being a portion of Lot A4, Block 2 and Lot 15, Block 2 of the Louis Preiss Addition (complete legal description available at City Hall)

(see accompanying map)

REQUEST: Change in Zoning from R-1, Single Family Residential, to C-2, Commercial

(DETACH BELOW)

REQUEST NO. Z-1205

As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed

Date

Printed Name

Address

Memo

To: Planning and Zoning Commission
From: Brian Jordan, AICP
Date: May 3, 2012
Re: Sidewalk Master Plan

Following a workshop on March 6, 2012, the Council directed staff to prepare an amendment to the Subdivision Ordinance that would eliminate the requirements for sidewalks as stated in the ordinance, to amend the Zoning Ordinance to consider sidewalks as a function of a Site Plan or Conditional Use Permit process, and to start the process for preparing a Sidewalk Master Plan. The Sidewalk Master Plan would be the basis for whether sidewalks would or would not be required for a particular area or project. The basic thought would be that the requirement for a sidewalk would be done as part of development (when a permit is issued for a project) rather than when a property was being subdivided. In addition, the Council was interested in an inventory of existing sidewalk conditions in primarily developed areas, where it might be possible for the Council to fund improvements to fill in the gaps.

The amendment to the Subdivision Ordinance could have been done without the necessity of a Public Hearing, while the amendment to the Zoning Ordinance would require a Public Hearing. Basically, there was not enough time to process the necessary legal notices prior to the next Council Meeting, and doing one amendment without the other would have left a disconnect in the applicability of the requirements. Also, it was decided that it would take staff a reasonable amount of time to do the proper inventory of existing sidewalks and prepare a draft of a Master Plan. At the April 16, 2012 Council Meeting, I reported to the Council that we had started the project, but that with limited staff, it was going to take some time. Since the Planning and Zoning Commission will be making a recommendation on these amendments, I suggested that staff have a work session or discussion with the Planning and Zoning Commission prior to the Council consideration.

The staff has done a basic inventory of existing sidewalks in the Historic Shopping Overlay District, extending from Acorn Street on the west to Elk Street on the east, and Austin Street on the north to San Antonio Street on the south. Sidewalks along Main Street from the 290/87 Y on the west to Friendship Lane on the east have also been inventoried. In addition, the City installed sidewalks on the east side of S. Washington Street from Main Street to the 400 Block of S. Washington, and on the east side of S. Adams from Walch Ave. to Highway Street.

The purpose of our discussion next week is to determine where sidewalks should be located, and to incorporate this into a Master Plan. Also, we should consider where there are "gaps" in sidewalks in developed parts of town, and prioritize where we think sidewalks should be added.