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

PAGE REF.

1. Call to Order

2. Approve minutes from the June 2012 Regular Meeting *Pp 1 - 4*

PUBLIC HEARINGS

3. PUBLIC HEARING (Z-1207A) by The City of Fredericksburg to: *Pp 5 - 17*

   A) Consider a change in the Land Use Plan from Medium Density Residential to Commercial on property located at 101 Hale Street, 905 S. Adams Street and 907 S. Adams Street

   B) Consider a change in Zoning from R-2, Mixed Residential, to C-1, Neighborhood Commercial on said properties

4. Consider making a recommendation on Z-1207 and Z-1207(A)

5. PUBLIC HEARING (Z-1208) by The City of Fredericksburg to consider expanding the Historic Overlay District to include all of property located at 306 S. Orange *Pp 18 -26*

6. Consider making a recommendation on Z-1208

PLATS

7. P-1203 - Consider a variance to section 38-14(j) of the Subdivision Ordinance relating to right-of-way widths on existing streets regarding a subdivision of Lot 11, Henry Maier Addition #2, also known as 206 and 210 Hale Street *Pp 27 - 38*

8. Consider making a recommendation on P-1203

DISCUSSIONS

9. Sidewalk Master Plan *Pp 39 - 41*

ADMINISTRATIVE APPROVALS

10. P-1207 - Resubdivision of Townlot 490 (Cormier/Honeycutt)

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION
June 6, 2012
5:30 P.M.

On this the 6th day of June, 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
MATT LINES
STEVE THOMAS
BJORN KIRCHDORFER
BRENDA SEGNER
JASON HELFRICH
CHRIS KAISER
RON WOELLHOF

ABSENT: CHARLIE KIEHNE

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

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

Jason Helfrich stepped down from the Commission for the consideration of Z-1207.

PUBLIC HEARINGS

PUBLIC HEARING (Z-1207) BY TODD AND JODIE KNEESE TO A) CONSIDER A CHANGE IN THE LAND USE PLAN FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL ON PROPERTY LOCATED AT 901 S. ADAMS ST. 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-1207 by Todd and Jodie Kneese to A) Consider a change in the Land Use Plan from Medium Density Residential to Commercial on property located at 901 S. Adams St. and B) Consider a change in Zoning from R-2, Mixed Residential, to C-1, Neighborhood Commercial on said property. Todd Kneese presented the application and stated the purpose for the request is to build an office building for a CPA firm. Mr. Kneese noted they feel the property is well suited for a commercial use. Mr. Kneese stated he has visited with the neighbors in the subdivision about an amendment to the subdivision deed restrictions which would require Lots 1 through 4 to allow a professional use only should the zoning be changed. Mr. Kneese stated they have met with no opposition from the residents in the area. Mr. Kneese commented they have a preliminary site plan that addresses on site parking but they have not presented that to the City yet.

There were no comments from the public. Ron Woellhof moved to close Public Hearing Z-1207. Bjorn Kirchdorfer seconded the motion. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the entire block where the subject property is located is zoned R-2 and the land use is Medium Density Residential. Mr. Jordan stated the lot is of adequate size for a professional office and as the applicant is intending to use the lot, there would be no adverse effect on the surrounding neighbors, but all the allowable C-1 uses need to be considered. Mr. Jordan also commented the City will not enforce the new deed restrictions the applicant mentioned, but will only be able to enforce our zoning ordinance. Mr. Jordan noted as a stand alone tract, Staff does not recommend the zoning change, but if the change seems reasonable to the Commission, they could direct Staff to call another public hearing to consider changing the zoning and land use on all four lots that make up the boundary line along South Adams Street. Mr. Jordan commented access circulation will have to be considered for each lot individually. Mr. Jordan noted Staff received six letters in support of the request and four of those letters came from the property owners that would have their lots considered for rezoning should the Commission direct Staff to do so.

Bjorn Kirchdofer asked what the building height limitations are in a C-1 zoning district and Mr. Jordan stated it is 38 feet. Chris Kaiser asked if a house could continue to be used as a residence if it sells as such. Mr. Jordan noted it could, but if the vacant lot sells the owner would have to get a Conditional Use Permit to build a residence. Mr. Kirchdorfer asked if South Adams would stay stubbed off and if the vehicles would have to exit only at the stop light and Mr. Jordan noted that was correct.

Ron Woellhof moved to take no action on Z-1207 and direct City Staff to call another public hearing to consider a change to the zoning and land use plan on the remaining 3 lots in the block that front South Adams Street. Steve Thomas seconded the motion. All voted in favor and the motion carried.

Jason Helfrich returned to the Commission. Steve Thomas stepped down from the Commission for the consideration of SP-1202.

SITE PLANS

SP-1202 - CONSIDER A SITE PLAN FOR ST. JOSEPH'S HALLE AT 212 W. SAN ANTONIO

Randy Stehling and Brandon Weinheimer presented the application. Mr. Stehling stated the owners of the property are being very sensitive to the historic building and every attempt is being made to have as little impact as possible to the original features of the building. Mr. Stehling noted there will be new additions on the north and west sides, additional parking spaces, a handicapped route to the front of the building, and a handicapped entrance to the west of the main entrance. Mr. Stehling commented the drive entrance belongs to St. Mary's Parish and a letter has been provided to City Staff which notes the agreement between the two owners for use of the drive. Mr. Stehling stated the existing ramp on the east side of the building will be removed because it does not meet ADA requirements and there will be new entrances that do. Mr. Stehling noted a new courtyard with a water fountain will be added along with a new wrought iron and stone fence. Mr. Stehling stated the new patio and sidewalks will tie into St. Mary's property. Mr. Stehling added the dumpster will be located on the rear of the property and new landscaping will be installed.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted there are not a lot of changes to the site, but it must be considered because of the size of the lot. Mr. Jordan stated as a requirement the owners would

have to provide their own means of ingress should the agreement with St. Mary's cease to exist, and Mr. Stehling has confirmed that could be accomplished.

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.

Matt Lines asked if the stone on the fence will match the building and Mr. Stehling stated he believes the stone should be as historically accurate as possible. Mr. Stehling noted the stone will not compete with what is now on the building, but the two will be similar. Bjorn Kirchdorfer asked for a time line of the project and Mr. Stehling noted as soon as the owners have the funding they will begin, but they wanted to get their approvals in place before they start any kind of fundraising.

Ron Woellhof moved to approve SP-1202 with the conditions set forth by Staff. Bjorn Kirchdorfer seconded the motion. All voted in favor and the motion carried.

Steve Thomas returned to the Commission.

MINUTES

Ron Woellhof noted one correction to the May, 2012 minutes and with that correction moved to approve the minutes from the May, 2012 meeting. Jason Helfrich seconded the motion. All voted in favor and the motion carried.

DISCUSSIONS

SIDEWALK MASTER PLAN - Brian Jordan, Director of Development Services, noted he has focused on the main commercial area of downtown and created a map depicting where sidewalks are currently in place and where he believes sidewalks should be continued. Mr. Jordan stated the City Council asked the Commission to look at two different things, one being where, in the main part of town, it is important to provide mobility and a prioritized list of those areas. The second is to create a master plan of the entire city showing where sidewalks should be in place. Mr. Jordan then presented street by street where he believes sidewalks should be located and asked the Commission if there was any area that anyone of them believed he missed. Matt Lines suggested the south side of Schubert to the pool should be considered. Mr. Jordan stated from this list the Commission can start to create a prioritized list and possibly prioritize some simple projects so if Council wants to budget some money in the short term, there will be projects in line to complete. Jason Helfrich stated it makes sense to start at the central part of town and work outwards. Janice Menking suggested speaking to law enforcement before prioritizing a list to see where they know the need is for a sidewalk.

Mr. Jordan asked if he was safe in assuming the Commission would like to see a sidewalk on one or both sides of each major thouroughfare and the Commission agreed that would make sense. Mr. Jordan noted the discussion would continue at the next meeting.

ADJOURN

With nothing further to come before the Commission, Bjorn Kirchdorfer moved to adjourn. Chris Kaiser seconded the motion. All voted in favor and the meeting was adjourned at 7:20 p.m.

PASSED AND APPROVED this the 5th day of July, 2012.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman

LAND USE PLAN AND ZONING CHANGE BRIEF

Rezoning Request # Z-1207(A)

OWNERS: Bill and Fay Petmecky, Wilbur Pressler and Mary Turney

APPLICANT: City of Fredericksburg

LOCATION: 101 Hale Street, 905 S. Adams Street, and 907 S. Adams Street (See attached map).

SIZE: 3 lots, each approximately 12,600 square feet

EXISTING ZONING: R-2, Single-Family Residential

PROPOSED CHANGE: 1. Change in Land Use Plan from Medium-Density Residential to Commercial; and

2) Change in Zoning from R-2 Mixed Residential to C-1, Neighborhood Commercial.

FINDINGS:

- There are single-family residences on each of the 3 properties.
- Each lot is approximately 12,600 square feet, with approximately 90' of frontage on Adams Street, and a depth of 140'.
- Two of the lots are corner lots, with the 101 Hale Street property having frontage on Hale Street and the 907 Adams Street property having frontage on Windcrest Street.
- Each property has frontage on the "stub" section of Adams Street that parallels the main lanes, with street access extending from Windcrest Drive.
- Water and Sanitary sewer are available to serve this property.
- Adjacent zoning is R-2 Mixed Residential to the east and south, and C-2 to the north across Hale Street and to the west across Adams Street (see attached zoning map).
- The Land Use Plan identifies the adjoining property to the west and north as Public Facilities and Commercial, and property to the east and south as Medium Density Residential (see attached Land Use Map).
- Adjacent land uses include a club/lodge to the north, single-family residences to the east and south, and commercial (hotels) to the west.

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. **By combining all 4 properties fronting on Adams Street within this block, the properties are large enough to**

facilitate smaller commercial activities. Given the limit to the size and the access to the properties, we would anticipate the commercial activities to be limited as well.

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. **Given the permitted uses allowed in the C-1 Neighborhood Commercial Zoning District, orientation of the properties, limited size and access, we would not anticipate negative affects on adjoining property. However, in considering this change, all possible uses allowed in the commercial designation need to be considered.**

D. The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan. **Now that all four properties within the block are being considered, we would consider the proposed commercial designation appropriate.**

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. **With the four properties being combined, we believe an appropriate district is being created where land uses are compatible with the surrounding area, and 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. The zoning being considered is C-1, Neighborhood Commercial. By definition, 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.

OPPOSITION/SUPPORT OF REQUEST: No comments have been received.

STAFF RECOMMENDATION: By combining the four lots within this block that front on Adams Street, we believe this change to a C-1 Neighborhood Commercial is a reasonable request. Approval is recommended.

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: City of Fredericksburg
2. ADDRESS: 126 W. Main

   PHONE NUMBER: 997-7521 FAX NUMBER: 99
3. OWNER (IF DIFFERENT FROM APPLICANT) Bill & Faye Petmecky, James & Linda Shaw, Wilbur Pressler, Mary Kelone Turney
4. ADDRESS: 1.
5. PHONE NUMBER: _____ FAX NUMBER: _____
6. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

   ADDRESS: 101 Hale, 901 S. Adams, 905 S. Adams, 907 S. Adams

   LEGAL DESCRIPTION: _____

   LOT SIZE: _____
7. ZONING CHANGE REQUESTED FROM R-2 ZONING DISTRICT TO C-1 ZONING DISTRICT
8. JUSTIFICATION FOR REQUEST: _____
9. ARE THERE ANY DEED RESTRICTIONS WHICH WOULD PREVENT THIS PROPERTY FROM BEING USED IN THE MANNER HEREIN PROPOSED? _____
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: Medium Density Residential LAND USE TO Commercial LAND USE.
13. SIGNATURE OF APPLICANT: [signature] for City of Fredericksburg

    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: _____

    DATE: _____

    FEE PAID: _____ ☐ Re-zoning ☐ Land Use Plan Change

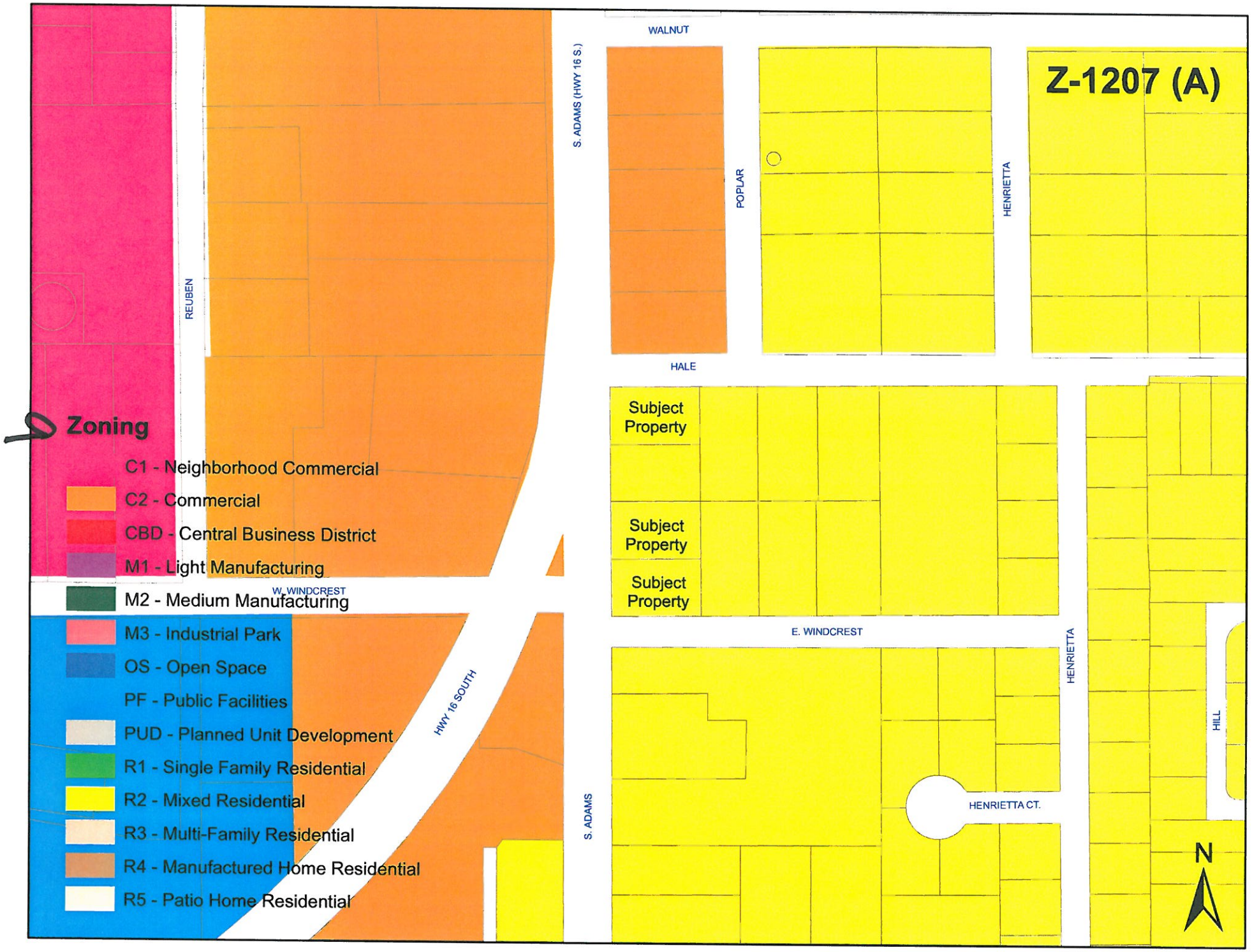
    TITLE SEARCH: _____

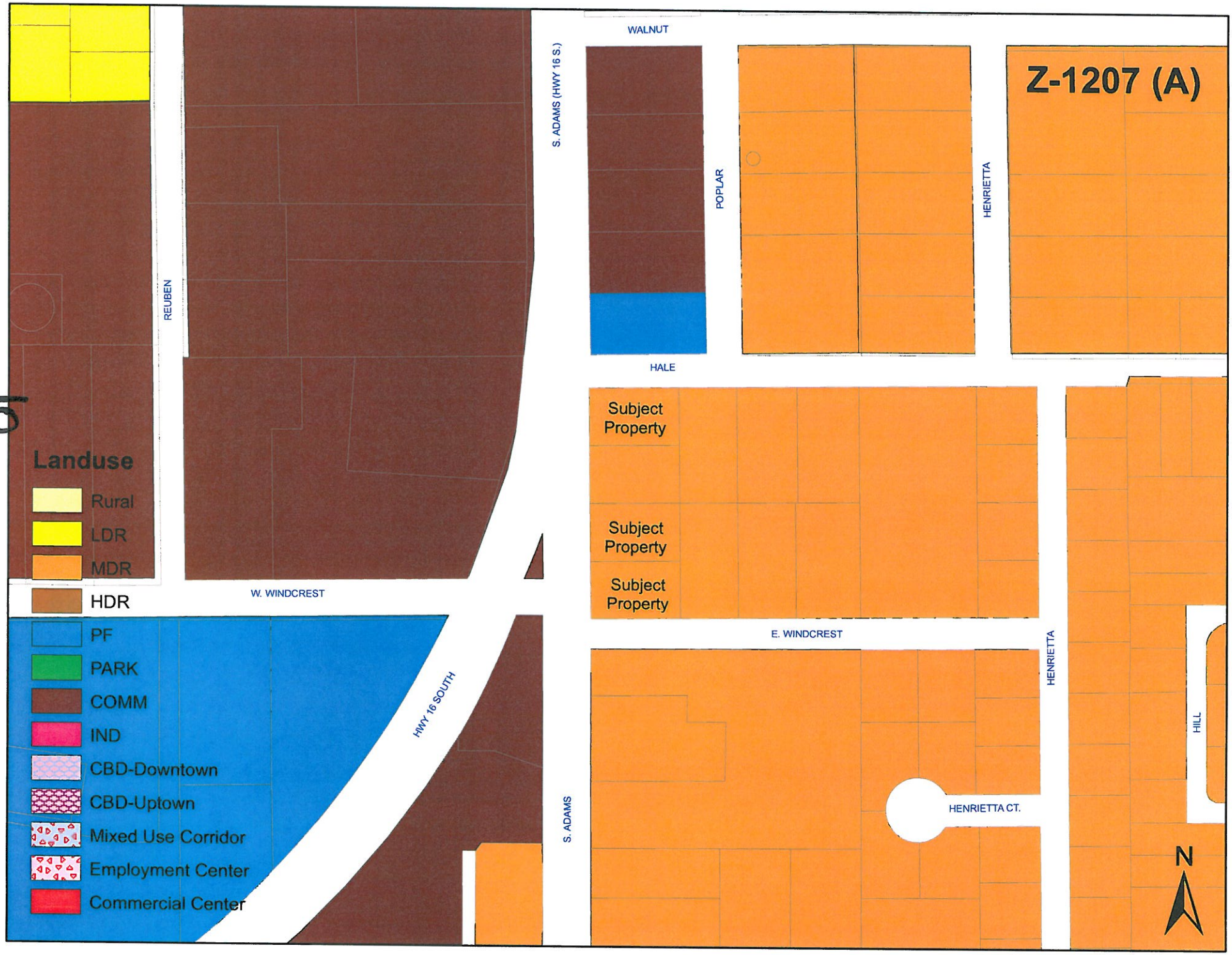
    Note: A current title search must be submitted with the application

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

SIGNATURE OF LIEN HOLDER:_____

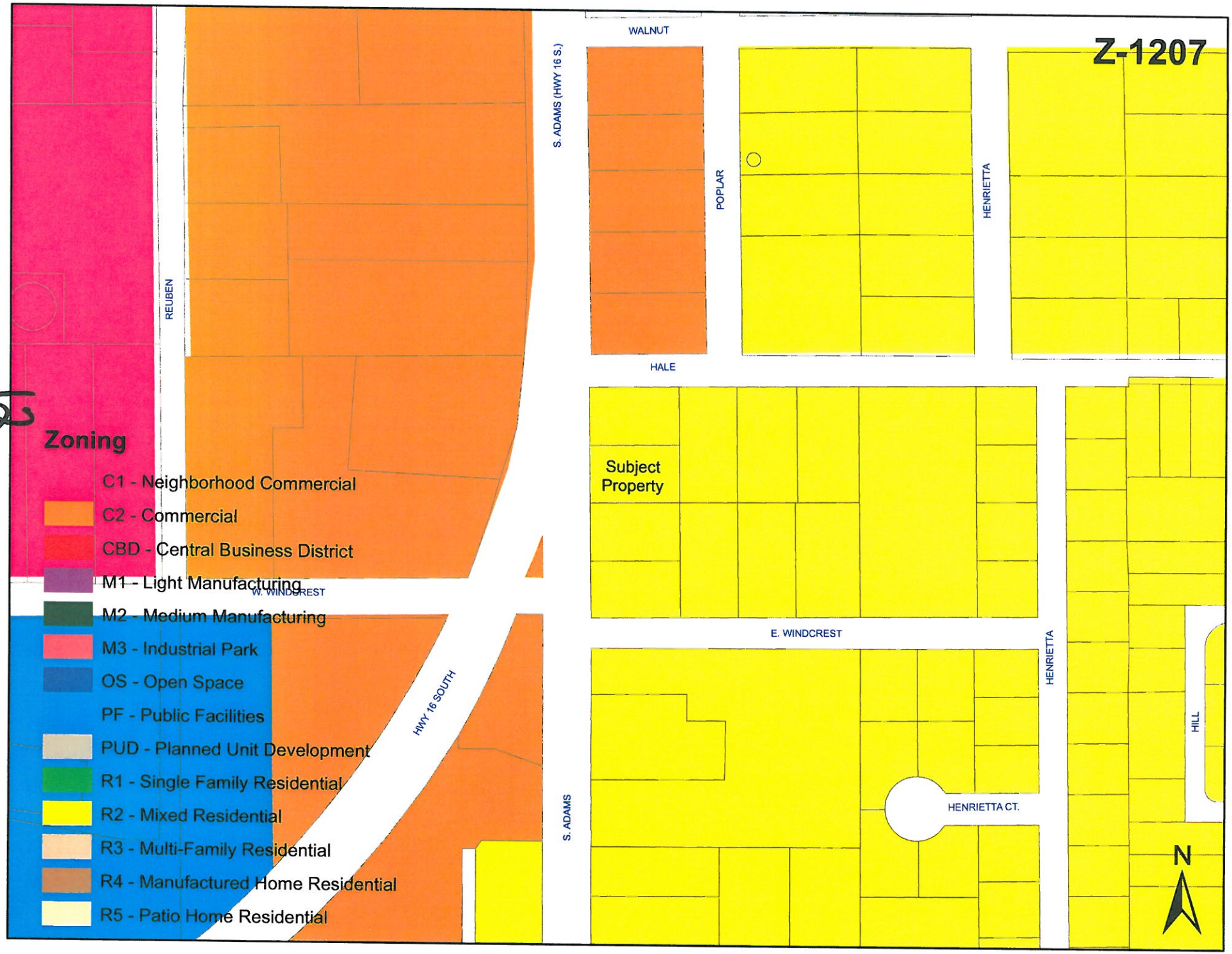
15. LIST OF PROPERTY OWNERS WITHIN 200 FT. (Provided by City)


Z-1207 (A)
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
WALNUT
HALE
S. ADAMS (HWY 16 S.)
POPLAR
HENRIETTA
REUBEN
W. WINDCREST
HWY 16 SOUTH
S. ADAMS
Subject Property
Subject Property
Subject Property
E. WINDCREST
HENRIETTA
HENRIETTA CT.
HILL
N


Z-1207 (A)
Landuse
Rural
LDR
MDR
HDR
PF
PARK
COMM
IND
CBD-Downtown
CBD-Uptown
Mixed Use Corridor
Employment Center
Commercial Center
WALNUT
HALE
POPLAR
HENRIETTA
REUBEN
S. ADAMS (HWY 16 S.)
W. WINDCREST
HWY 16 SOUTH
S. ADAMS
Subject Property
Subject Property
Subject Property
E. WINDCREST
HENRIETTA
HENRIETTA CT.
HILL
N

Z 1287 (A)
Landuse
N
HILL
HENRIETTA
HENRIETTA CT
E. WINDOREST
W. WINDOREST
POPLAR
WALNUT
HAVE
S. ADAMS (HWY 16 S.)
S. ADAMS
HWY 16 SOUTH
REUBEN

11

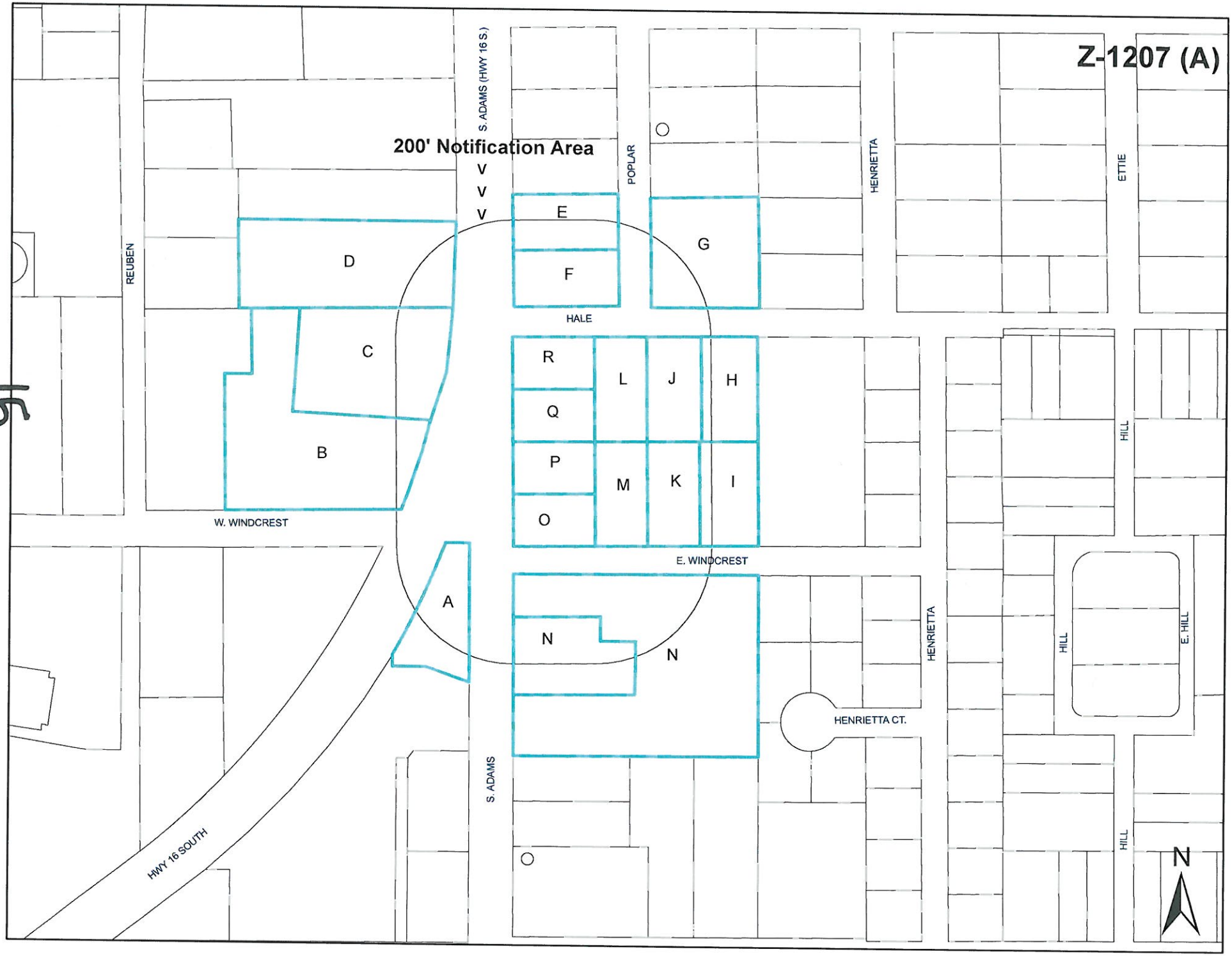

Z-1207
Zoning
C1 - Neighborhood Commercial
C2 - Commercial
CBD - Central Business District
M1 - Light Manufacturing
M2 - Medium Manufacturing
M3 - Industrial Park
OS - Open Space
PF - Public Facilities
PUD - Planned Unit Development
R1 - Single Family Residential
R2 - Mixed Residential
R3 - Multi-Family Residential
R4 - Manufactured Home Residential
R5 - Patio Home Residential
Subject Property
WALNUT
HALE
POPLAR
HENRIETTA
REUBEN
S. ADAMS (HWY 16 S.)
W. WINDCREST
E. WINDCREST
HWY 16 SOUTH
S. ADAMS
HENRIETTA CT.
HILL
N

18


Z-1207
WALNUT
S. ADAMS (HWY 16 S.)
POPLAR
HENRIETTA
HALE
REUBEN
W. WINDCREST
Subject Property
E. WINDCREST
HENRIETTA
HENRIETTA CT.
HILL
HWY 16 SOUTH
S. ADAMS
N
Landuse
Rural
LDR
MDR
HDR
PF
PARK
COMM
IND
CBD-Downtown
CBD-Uptown
Mixed Use Corridor
Employment Center
Commercial Center

19


Z-1207
WALNUT
S. ADAMS (HWY 16 S.)
POPLAR
HENRIETTA
HALE
REUBEN
W. WINDCREST
E. WINDCREST
HENRIETTA
HENRIETTA CT.
HILL
S. ADAMS
Landuse
N


Z-1207 (A)
200' Notification Area
S. ADAMS (HWY 16 S.)
POPLAR
HENRIETTA
ETTIE
REUBEN
HALE
W. WINDCREST
E. WINDCREST
HILL
E. HILL
HENRIETTA CT.
S. ADAMS
HWY 16 SOUTH
A
B
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15

Letter	Owner	
A	Mary Katherine Dooley Penick	
B	Das Hotel Management, Inc.	
C	Drew Lambright	
D	Ed L. & Sharon Laughlin	
E	Ed L. & Sharon Laughlin	
F	Fredbg Lodge #794	
G	Raymond Timothy Nolin	
H	Harvey & Vernell Ellebracht	
I	Sidney Ellebracht	
J	Peter F. DelForge	
K	JoAnn Krauskopf	
L	Clarence Zatopek	
M	Albert Allen & Dorothy Mauldin	
N	Mariechen Kramer etal	
O	Mary Kelone Turney	
P	Wilbur Pressler	
Q	James P. & Linda J. Shaw	
R	William M. & Faye B. Petmecky	

Z-1207(A)

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: **JULY 5, 2012** TIME: **5:30 PM** REQUEST NUMBER: **Z-1207(A)**

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 change in the Land Use Plan and Zoning.

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: **JULY 16, 2012** TIME: **7:00 PM** REQUEST NUMBER: **Z-1207(A)**

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

APPLICANT: City of Fredericksburg

LOCATION: 101 Hale, 901 S. Adams, 905 S. Adams, 907 S. Adams
(see accompanying map)

REQUEST: Change in the Land Use Plan from Medium Density Residential to Commercial and a change in Zoning from R-2, Mixed Residential, to C-1, Neighborhood Commercial

(DETACH BELOW)

REQUEST NO. Z-1207(A)
As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed _____ Date _____

Printed Name _____ Address _____

EXPANSION OF HISTORIC OVERLAY DISTRICT BRIEF

Rezoning Request # Z-1208

OWNER: Cheryl C. Ryan

APPLICANT: City of Fredericksburg

LOCATION: 306 S. Orange Street (See attached map).

EXISTING ZONING: R-1, Single-Family Residential, with Historic Overlay District designation on a portion of the lot

PROPOSED CHANGE: Extend the Historic Overlay District to encompass the entire property.

FINDINGS:

- The property is presently developed with a single-family residence.
- The property is irregular shaped, with approximately 105' of frontage on S. Orange, with the south side of the property abutting Baron's Creek.
- The property is located near the pedestrian bridge that crosses Baron's Creek (see attached map).
- Water and Sanitary sewer currently serve this property.
- Adjacent zoning is R-1 Single-family Residential on all sides. (see attached zoning map).
- The Land Use Plan identifies the surrounding property as Low Density Residential (see attached Land Use Map).
- Surrounding land uses are single-family residences.
- The Historic Overlay District currently runs through the middle portion of the property and the existing house.

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. **Affirmative.**

B. The property affected by the request does not exceed the capabilities of the infrastructure. **Affirmative.**

C. The request will have no adverse affect on any property within 600 feet of the affected property. **The base zoning of R-1, Single Family Residential is not changing. The purpose of this request is to extend the Historic Overlay District to encompass the entire property rather than split the property.**

D. The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan. **Affirmative.**

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. **Affirmative.**

ZONING: The base zoning of R1, Single Family Residential is not changing. As mentioned previously, the purpose if this change is to extend the Historic Overlay District to encompass the entire property rather than split the property.

OPPOSITION/SUPPORT OF REQUEST: Staff has received no letters in support or opposition of this request.

HISTORIC REVIEW BOARD RECOMMENDATION: This Historic Review Board voted unanimously to recommend extending the Historic Overlay District to include all the property at 306 S. Orange Street.

STAFF RECOMMENDATION: Staff concurs with the Historic Review Boards recommendation of approval of this minor change.

306 South Orange Street
Fredericksburg, Texas 78624
May 01, 2012

Brian Jordan, ACIP
126 West Main Street
Fredericksburg, Texas 78624

Dear Mr. Jordan,

Thank you for the time you gave to me at your office yesterday. I also noticed that you "followed-up" our visit by taking extra time to drive by my property. I was impressed by the throughness of your work.
I appreciated your listening to my concern regarding the dilemina I am in with regards to whether my house is in the historical district or not.

I have every intention of continuing to display my property as a worthy view for residents and visitors alike. It was inclosed in my will over ten years ago, that it is NEVER to be developed for anything except to honor the heritage of Fredericksburg. Although the existing house is humble, the land exemplifies the former settlers foresight in building their Sunday houses close to churches, and also to have the acess to the creek. I have put thousands of dollars, ten years of my own physical labor, and much love into restoring and maintaing the land surrounding my home. This was not done for any ego reason or need to show off, but simply to "give back" to what I have been blessed with owning. I intend to "pay it forward". I could sense that you, too, have that same vision for Fredericksburg.
I am fully aware of the restrictions and codes necessary for historical properties. I will be glad to assume those responsibilities.

As you noted during our visit, it was the intent orginally for my house to be included in the historical district. Since we both are aware of that original intent, I am requesting that it now be officially labeled as such.

Please present this letter with my request to the proper authorities.

Sincerely yours,

Cheryl C. Ryan

Cheryl C. Ryan

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: City of Fredericksburg
2. ADDRESS: 126 W. Main St. Fbg. TX. 78624
   PHONE NUMBER: 8309977521 FAX NUMBER: 997-1861
3. OWNER (IF DIFFERENT FROM APPLICANT) Cheryl C. Ryan
4. ADDRESS: 306 S. Orange
5. PHONE NUMBER: _____ FAX NUMBER: _____
6. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:
   ADDRESS: 306 S. Orange
   LEGAL DESCRIPTION: _____
   LOT SIZE: _____
7. ZONING CHANGE REQUESTED FROM NA ZONING DISTRICT TO NA ZONING DISTRICT
8. JUSTIFICATION FOR REQUEST: * Extension of the Historic Overlay District to encompass the entire property. Base Zoning of R-1 will remain.
9. ARE THERE ANY DEED RESTRICTIONS WHICH WOULD PREVENT THIS PROPERTY FROM BEING USED IN THE MANNER HEREIN PROPOSED? NA
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: _____ LAND USE TO _____ LAND USE.
13. SIGNATURE OF APPLICANT: [signature] for City of Fredericksburg

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: _____

DATE: _____

FEE PAID: NA ☐ Re-zoning ☐ Land Use Plan Change

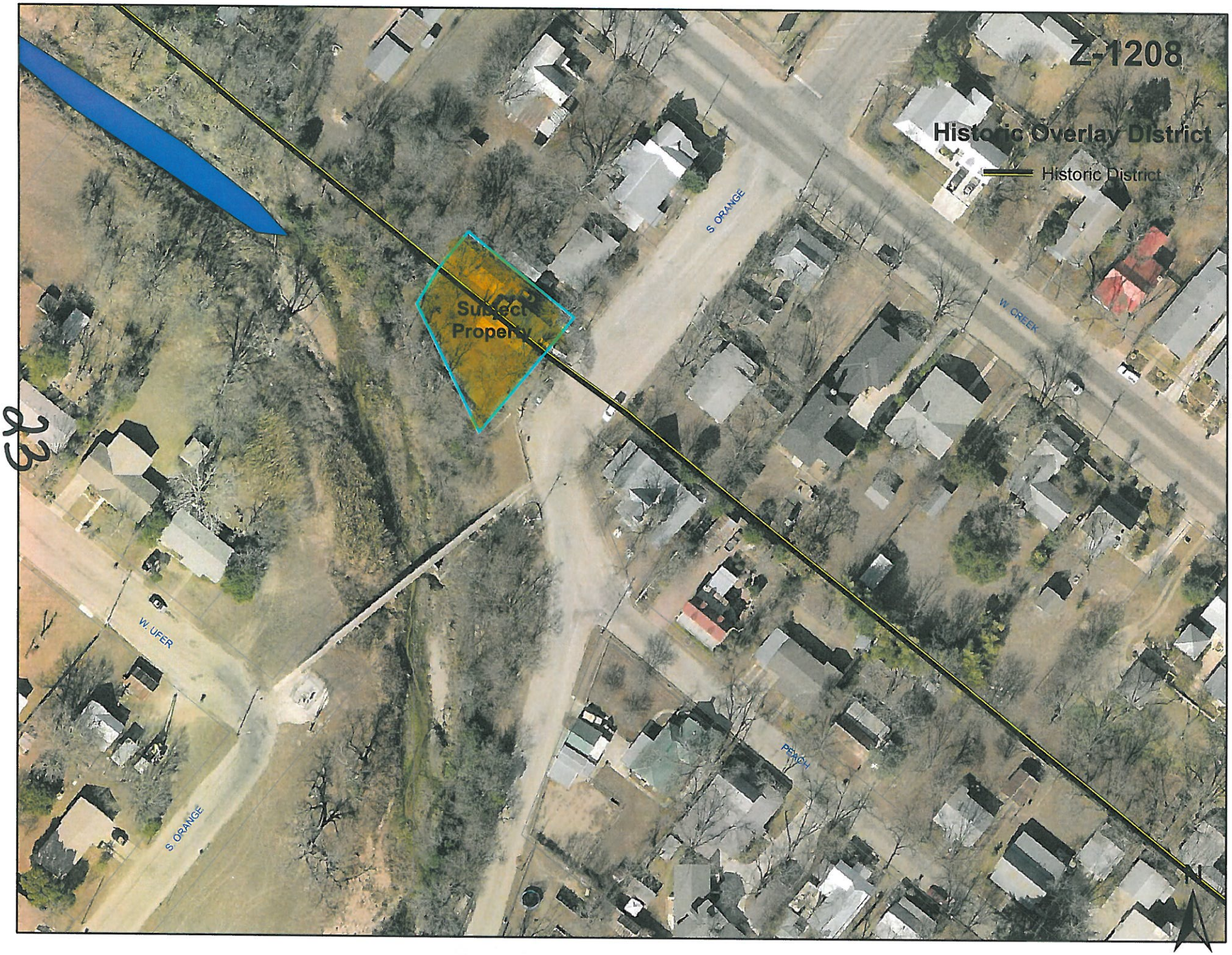
TITLE SEARCH: _____

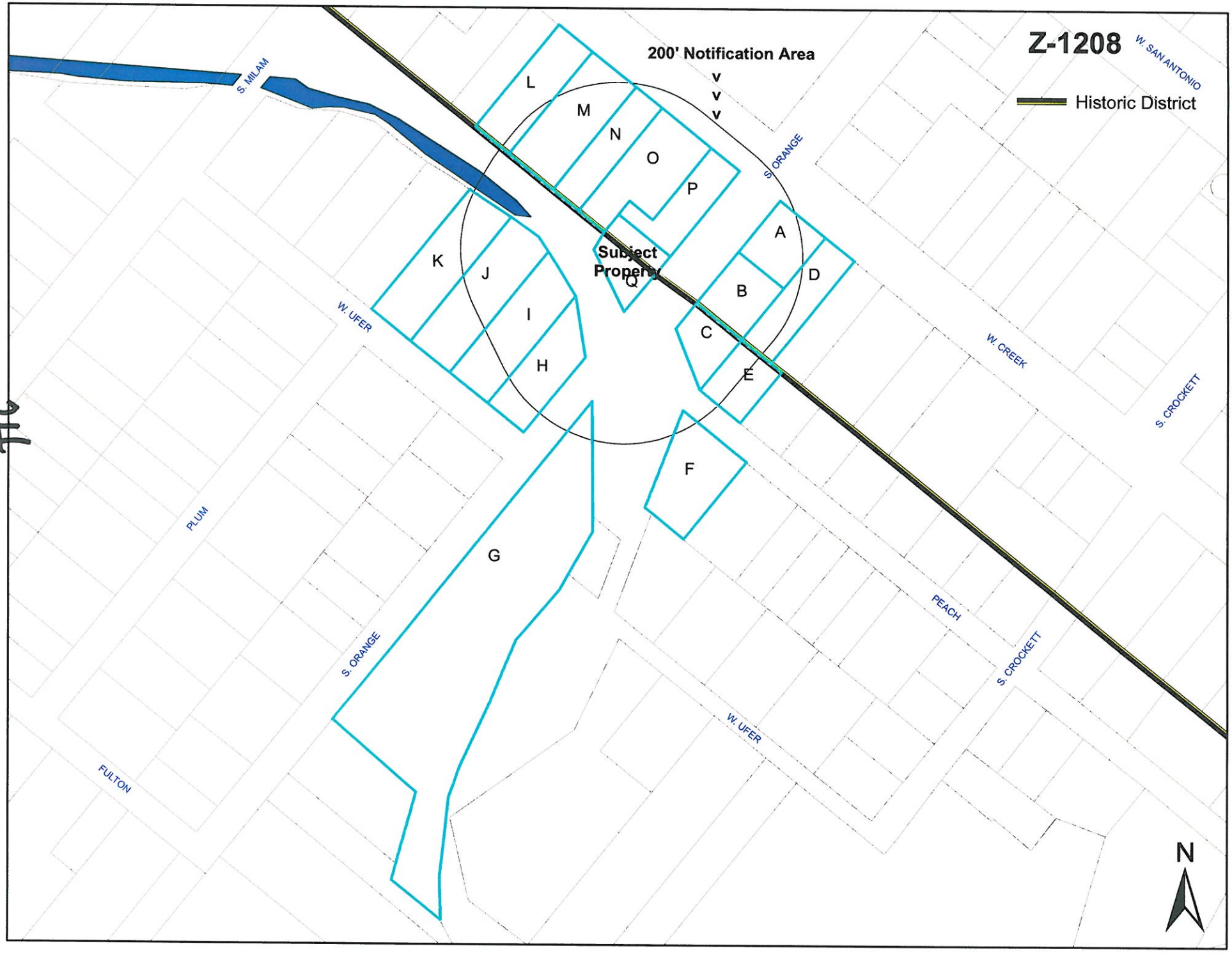
Note: A current title search must be submitted with the application

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

SIGNATURE OF LIEN HOLDER: City Initiated

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


Z-1208
Historic Overlay District
Historic District
Subject Property
S ORANGE
W CREEK
W UFER
S ORANGE
PENCH


Z-1208
200' Notification Area
Historic District
Subject Property
A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
S. MILAM
W. SAN ANTONIO
S. ORANGE
W. UFER
W. CREEK
S. CROCKETT
PLUM
PEACH
FULTON
N

24

Letter	Owner	
A	Emma Jenschke	
B	Vera L. Good	
C	Richard Allan Thompson	
D	Barbara T. Wilkinson	
E	Larry & Margaret Payne	
F	Bruce & Cynthia Busby	
G	City of Fredericksburg	
H	City of Fredericksburg	
I	Doris J. Kenyon	
J	Robert P. Sanford	
K	Michael & Tisha M. Clements	
L	Lisa A. Snapp	
M	Graham Douglas Mead Pearson	
N	Joan P. Harris	
O	Brenda Lehmann	
P	Annie Betty Basse	
Q	Cheryl Colleen Ryan	

Z-1208

City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

NOTICE OF PUBLIC HEARING FOR AN EXTENSION OF THE HISTORIC OVERLAY DISTRICT

HEARING DATE: **JULY 5, 2012** TIME: **5:30 PM** REQUEST NUMBER: **Z-1208**

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 change in the Land Use Plan and Zoning.

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: **JULY 16, 2012** TIME: **7:00 PM** REQUEST NUMBER: **Z-1208**

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

APPLICANT: City of Fredericksburg

LOCATION: 306 S. Orange
(see accompanying map)

REQUEST: Expansion of the Historic Overlay District to include all of property located at 306 S. Orange

(DETACH BELOW)

REQUEST NO. Z-1208
As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed _____ Date _____

Printed Name _____ Address _____

SULTEMEIER SURVEYING

805 North Llano
Fredericksburg, Texas 78624

sultemeiersurveying.com

Bus. 830-990-1221
Fax 830-990-1222

June 19, 2012

Mr. Brian Jordan
Director of Development Services
City of Fredericksburg
126 West Main
Fredericksburg, TX 78624

RE: P-1203 Resubdivision of Lot 11, Henry Maier Addition #2

Dear Mr. Jordan:

As surveyor and engineer for the Kathy Melinda Weathersby Trust we respectfully request a variance from City Code Chapter 38-14(j). As applied to the above referenced Resubdivision of Lot 11, our client would be required to dedicate an additional ten feet (10') of ROW along/contiguous to Hale Street.

We respectfully request this required dedication be reduced from 10 feet (10') to five feet (5').

Please contact our office if you have any questions or if we may supply any additional information for your consideration.

Sincerely,

Dale Allen Sultemeier, P.E., R.P.L.S.

Boundary - Title - Topographic - Construciton Surveys
Engineering - Land Development Services

June 20, 2012

Planning & Zoning Commission

Re: P-1203 resubdivision of Lot 11 Henry Maier Addition #2 Variance Request to **Sec 38-14(j)**

The specific section of the code requires owner's to have a minimum Right of Way of 50 feet. If the 50 feet is not already there, then the owner is required to dedicate half the Right of Way to provide the necessary width.

The Henry Maier Addition #2 provided 30 feet of Right of Way for Hale Street when the original plat was recorded. This would require a dedication of 10 feet of Right of Way on both sides of the street to have the required 50 feet of Right of Way.

The Weathersby Trust is requesting a reduction from the 10 feet to 5 feet of dedication on Hale Street as part of a resubdivision for Lot 11.

The granting of the variance meets variance requirements under **Sec 38-22(d)(5).** Public Works & Engineering staff is in support of the request for the following reasons:

1. The curb line of Hale Street is already established along a majority of properties on this side of the street.
2. Hale Street was widened to the west across the intersection of Hale Street and Ettie Street. This widening all occurred on the opposite side of the street.
3. If 10 feet of Right of Way were dedicated and the roadway was widened it would create an offset that would inhibit traffic flow going through the intersection of Hale Street and Ettie Street.
4. Dedicating 5 feet gives the City more room for utilities behind the curb, eliminating the need for easement acquisition.

Please see the attached photographs showing the area around this project.

The City of Fredericksburg
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

(d) ***Variances.*** The city planning and zoning commission may recommend to the city council a variance from these regulations when undue hardship will result from strict compliance. In the granting of a variance, the city council shall prescribe conditions that it deems necessary to or desirable in the public interest. In arriving at their findings, the city council shall consider the nature of the proposed uses of the land, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of the requested variance on traffic conditions, on natural and cultural features, and on the public health, safety, convenience, and welfare in the vicinity. Variances shall not be granted unless the city council finds one or more of the following:

(1) That there are special circumstances or conditions affecting the land involved so that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of this land.

(2) That the variance is necessary for the preservation of environmental or cultural features that would be affected by a strict application of this chapter. These features would include trees, geologic formations, steep slopes, springs, historical sites, archaeological sites and other similar circumstances.

(3) That the variances would enable a more efficient use of the land of previously subdivided parcels which meet or exceed the area requirements of the city zoning ordinance (deep lots, unusual shapes).

(4) That the granting of a variance would serve to minimize or correct previous development deficiencies (utility line placement, drainage course, transmission line location, septic systems).

(5) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(6) That variances from proposed or projected roads shown in the comprehensive plan for the city shall not be granted unless:

a. The comprehensive plan is amended in accordance with the requested variance or waiver; or

b. An alternative accomplishing the same objective as the requested variance or waiver is provided by the owner or developer and the same is approved by the city council.

(7) That all of the following exist for granting a variance to minimum lot size for commercial zoned lots:

a. That the property which is the subject of the variance request is in the area defined in section 6.825 B of the Zoning ordinance of the City of Fredericksburg;

b. That separate buildings exist on each of the proposed re-subdivided tracts. For the purpose of this section, separate building shall mean a structure having a common roof supported by walls

having a fire separation as required by the City of Fredericksburg building code;

c. That approval of the subdivision will not create any violation of the City of Fredericksburg building code;

d. That the proposed subdivision ordinance involves preservation of historic structures as listed in the Fredericksburg historic resource survey; and

e. That lot configuration preserves rear access to utilities and servicing.

(8) That all of the following exist for granting a variance to minimum residential lot size:

a. That the property which is the subject of the variance request is within a residential zone, that is within R-1, R-2, R-3, RM or MHP zones as established by the zoning ordinance of the City of Fredericksburg;

b. That the property which is the subject of the variance request was part of a platted subdivision recorded prior to June 24, 1967, or unplatted lots or tracts existing as of June 29, 1994;

c. That there are other pre-existing non-conforming lot sizes within the same physical block;

d. That subdivision of the lot(s) or tract into the resultant parts could not meet the minimum area requirement;

e. That the resultant lot area will not be less than 90 percent of the zoning district requirement, as pertains to lot area; and

f. That the resultant lot width will not be less than 90 percent of lot width of R-1 zoning, as per it pertains to frontage.

(9) Such findings of the city council, together with the specific facts upon which findings are based, shall be incorporated into the minutes of the city council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Financial hardship to the developer shall not constitute grounds for a variance.

(10) All requested variances from this chapter shall be submitted in writing at the time of formal application of all plats with the director of planning and building. Applications for variance request shall be confined to the criteria established above. Final approval for variances must be authorized by an affirmative vote of a majority of the city council. Lack of affirmative recommendation by the planning and zoning commission shall require a three-fourths vote of the city council to approve a variance.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4/27/2012

EAST FRONTAGE

East Corner @ Hale St

Widened Section of Idaho Street to the West

DRAWN BY	d.a.h.	DATE:	12
INDEXED BY	d.a.h.	DRAWING NO.	s-12-5300
JOB NO.	s-12-5300	SHEET 1 OF 1	

A REPLAT OF LOT NO. 11 IN BLOCK C OF THE HENRY C. MAIER ADDITION # 2

A 0.39 OF AN ACRE TRACT OF LAND SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS; BEING ALL OF LOT NO. 11 IN BLOCK C OF THE HENRY C. MAIER ADDITION #2, A PLAT OF RECORD IN VOLUME 76, PAGE 48 OF THE DEED RECORDS OF SAID COUNTY, AND BEING THAT CERTAIN TRACT OF LAND (SAID LOT NO. 11) DESCRIBED IN A CONVEYANCE FROM RALPH E. CORDRAY, ET UX TO THE KATHY MELINDA WEATHERLY TRUST, FOUND OF RECORD IN A WARRANTY DEED DATED SEPTEMBER 28, 1999, RECORDED IN VOLUME 381, PAGE 326 ET SEQ. OF THE REAL PROPERTY RECORDS OF SAID COUNTY.

Approved this _____ day of _____, 20____ as a minor plat, by the Director of Planning and Building of the City of Fredericksburg, Texas as authorized by Section 9 1100 of the City of Fredericksburg Subdivision Ordinance and Section 212.0065 of the Texas Local Government Code.

Date: _____

_____
Chairperson, City Planning and Zoning Commission

I, Dale Allen Sultemeier, the undersigned, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is prepared from an actual survey of the property made under my direction and supervision on the ground on _____, and that the corner monuments were properly placed under my supervison, and that all aspects of this plat are in accordance with the City of Fredericksburg's Subdivision Ordinance.

PRELIMINARY – NOT TO BE RECORDED FOR ANY PURPOSE.

Date: _____

_____
Registered Professional Land Surveyor No. 4542
SULTEMEIER SURVEYING AND ENGINEERING
(830) 990–1221

Filed for record at _____ o'clock ____.M., this the _____ day of _____, 20____, A.D., on Page _____, Volume _____ of the Plat Records of Gillespie County, Texas

_____
Deputy

_____
Clerk, County Court
Gillespie County, Texas

I, Janice Weatherly Robbins, Trustee for The Kathy Melinda Weatherly Trust, do hereby certify that no other person or entity has any interest in the property either by lien, lease, or other equitable interest, and that I hereby adopt this plat of resubdivision with my free consent, establish the minimum building setback lines, and dedicated all public streets, alleys, walks, parks, water courses, easements and other open spaces to public use forever and agree for myself and my heirs and assigns to abide forever by all lines, dedications and other restrictions shown hereon.

Date. _____, 20____

_____
Janice Weatherly Robbins, Trustee

THE STATE OF TEXAS.

COUNTY OF GILLESPIE:

This instrument was acknowledged before me on this the _____ day of _____ 20____.

by _____

_____
Notary Public in and for the State of Texas

My commission expires _____

_____
Printed Name of Notary

SULTEMEIER
SURVEYING & ENGINEERING
Boundary–Title–Topographic–Construction Surveys
Engineering – Land Development Services
805 North Llano Street
Fredericksburg, Texas 78624
(830) 990–1221 Fax (830) 990–1222

sultemeiersurveying.com

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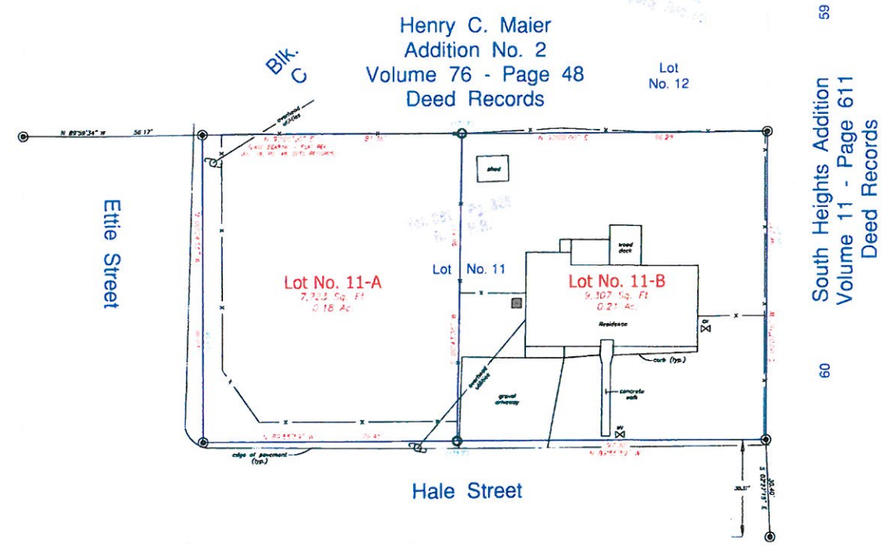


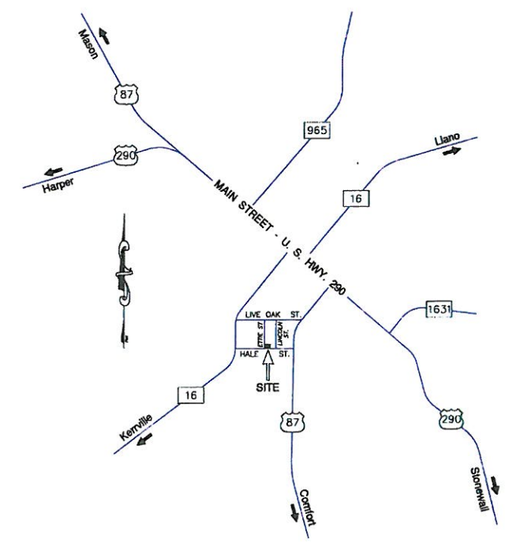
LEGEND

- 1/2 inch dia. iron rod found
- 3/8 inch dia. iron rod set
- utility pole
- gas meter
- water meter
- air conditioning unit
- R.P.R. Real Property Records
- ( ) Plat/record

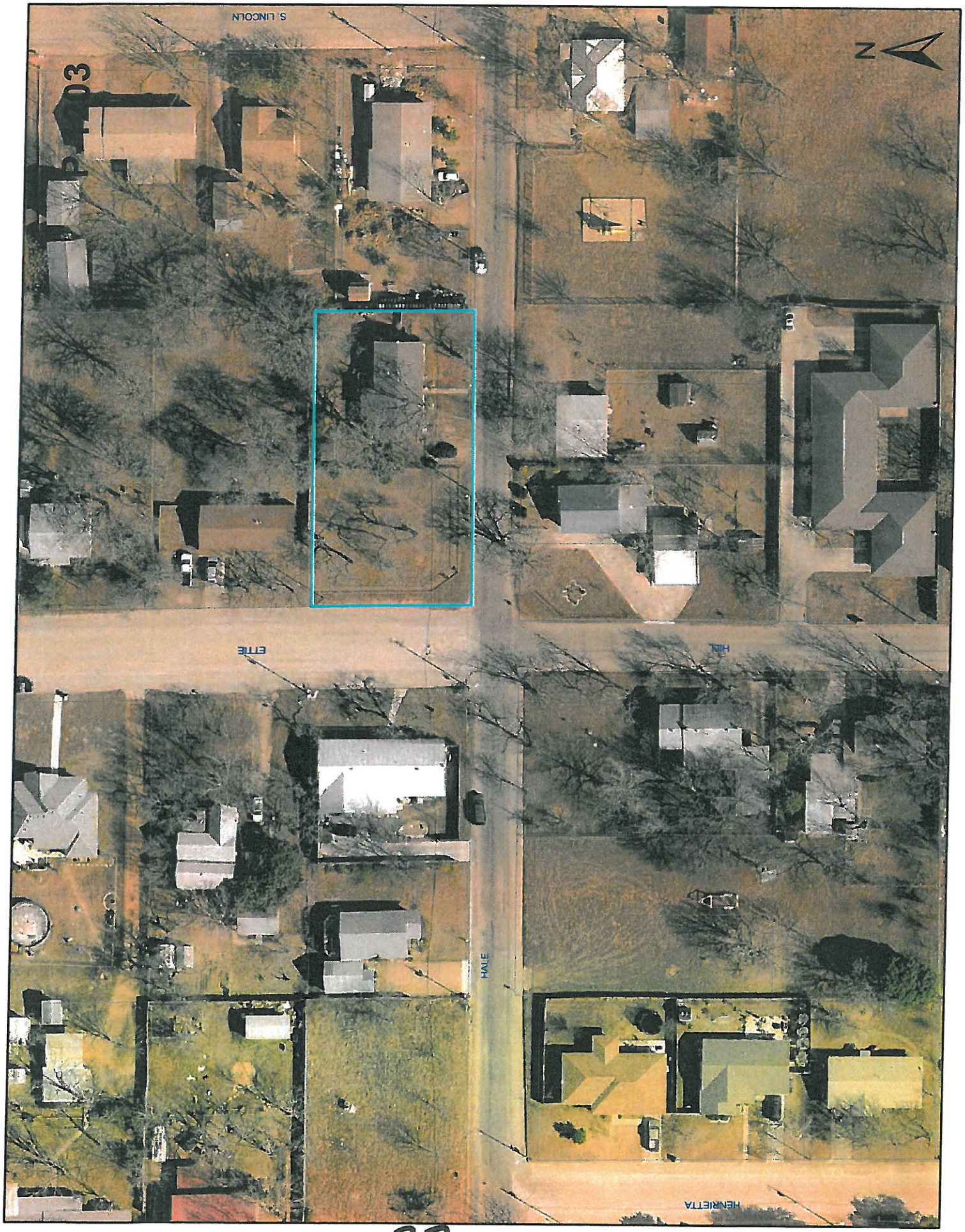
GRAPHIC SCALE

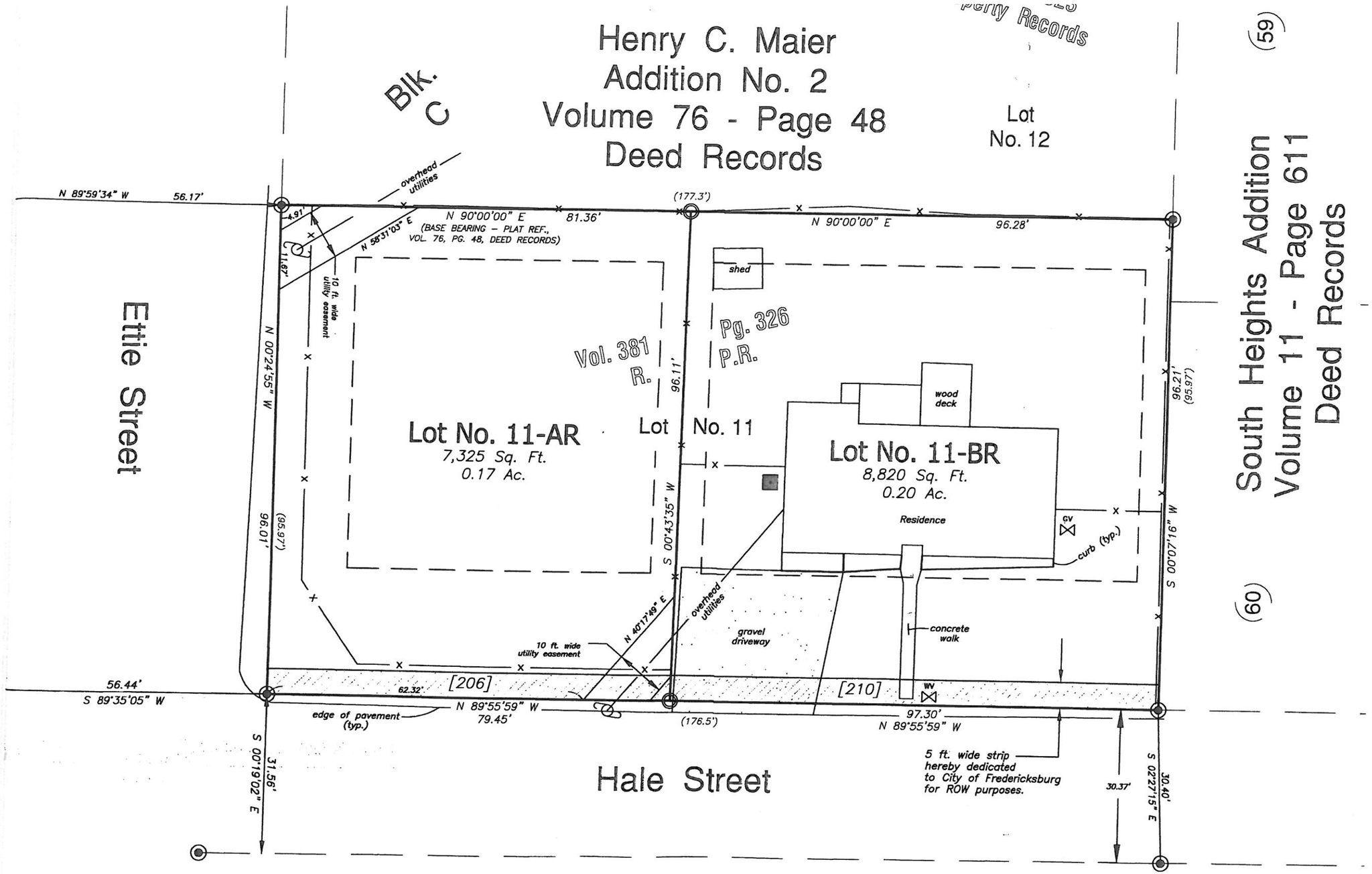
20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.



LOCATION MAP
(no scale)


S. LINCOLN
ETTIE
HILL
HALE
HENRIETTA
N


Henry C. Maier
Addition No. 2
Volume 76 - Page 48
Deed Records
Blk. C
Lot No. 12
South Heights Addition
Volume 11 - Page 611
Deed Records
(59)
(60)
Ettie Street
Hale Street
N 89°59'34" W
56.17'
4.91'
C 11.87'
overhead utilities
N 58°31'03" E
N 90°00'00" E
81.36'
(BASE BEARING – PLAT REF., VOL. 76, PG. 48, DEED RECORDS)
(177.3')
N 90°00'00" E
96.28'
10 ft. wide utility easement
N 00°24'55" W
96.01'
(95.97')
Vol. 381
R.
Pg. 326
P.R.
shed
96.11'
Lot No. 11-AR
7,325 Sq. Ft.
0.17 Ac.
Lot No. 11
wood deck
Lot No. 11-BR
8,820 Sq. Ft.
0.20 Ac.
Residence
GV
curb (typ.)
96.21'
(95.97')
S 00°07'16" W
S 00°43'35" W
N 40°17'49" E
overhead utilities
gravel driveway
concrete walk
10 ft. wide utility easement
56.44'
S 89°35'05" W
62.32'
[206]
[210]
WV
edge of pavement (typ.)
N 89°55'59" W
79.45'
(176.5')
97.30'
N 89°55'59" W
5 ft. wide strip hereby dedicated to City of Fredericksburg for ROW purposes.
30.37'
S 00°19'02" E
31.56'
S 02°27'15" E
30.40'

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Development Services

Memo

To: Planning and Zoning Commission

From: Brian Jordan, AICP

Date: June 28, 2012

Re: Sidewalks

Following the joint workshop with the City Council on Monday, June 25, it was determined that we should continue the discussion on prioritizing where sidewalks should be installed within the Historic District, and also to continue the discussion on the status of sidewalks outside the Historic District.

Councilmember Sanford provided a priority listing of sidewalks primarily within the Historic District (attached). We can use this list as a basis of discussion with the goal of coming up with a list that can be given to the Council for their consideration in determining possible funding. In addition, we can use the list provided by staff of proposed sidewalks within the Historic District.

Secondly, we should continue the discussion on where we believe there should be sidewalks in the future. This would include future development as well as areas of town that have already developed but where there are no sidewalks. Please bring the packet of information that was delivered for the joint workshop.

Proposed sidewalks primarily in historic district:

Highest Priority:

Washington-- Main south to hotel--west side
Washington-- Austin to Main—east side
Adams-- Austin to Travis—west side
Travis-- Crockett to Adams—north side
Travis-- Town Pool to Adams
Milam-- Main to San Antonio—both sides
San Antonio-- Milam to Orange—north side

High Priority:

San Antonio-- Crockett to Adams—north side
Crockett-- Nimitz Pky. to San Antonio—east side
Milam-- Austin to Main—both sides unless trees are in the way
Elk-- Austin to Main—east side only/ west side?
Main Street—fill in gaps (West Main)

Medium Priority:

Orange-- Austin to Main (unless already there)—west side only
Orange-- San Antonio to Creek (by St. Mary's field)
Lincoln-- Ufer to San Antonio—west side only
San Antonio-- Lincoln to Washington—south side only
Austin-- Orange to Crockett—south side only by old bowling alley
Austin-- Washington to Elk—north side only

Very low to no priority:

Austin— Milam to Orange
Orange to Crockett--north side
Crockett to Adams (current parking lot)
Adams to Llano—north side

San Antonio--	Orange to Crockett—south side
	Crockett to Adams—south side
	Lincoln to Washington—north side
Ufer--	Adams to Washington
Schubert--	Town Pool to Adams (creek)
Milam--	Austin to Schubert (sidewalk already on west side)
Orange--	Main to Austin—east side
Adams--	Austin to Schubert—east side
Llano--	Austin to Schubert—east side
	South from Creek street—no bridge yet
Elk--	Main to San Antonio—sidewalk already exists past Whistle Pik

No sidewalks west of Milam