

**AGENDA**  
**CITY OF FREDERICKSBURG**  
**PLANNING & ZONING COMMISSION**  
Wednesday, August 8, 2012  
**5:30 P.M.**  
LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

PAGE REF.

1. Call to Order
2. Approve minutes from the July 2012 Regular Meeting
3. Appoint Chair and Vice-Chair

*Pp 1 - 4*

**PUBLIC HEARINGS**

4. PUBLIC HEARING (Z-1210) by Dwayne & Ellen Fowler, dba CrossFit 830, for a Conditional Use Permit to allow a Personal Improvement Service in the C-1, Neighborhood Commercial Zoning District on property located at 904 C N. Llano Street.
5. Consider making a recommendation on Z-1210

*Pg 5*

**SITE PLAN**

6. P-1204 - Consider a site plan for Otto's Restaurant and Market at 316 and 318 E. Austin Street

*Pp 6 - 12*

**ADMINISTRATIVE APPROVALS**

7. P-1204 - Resub - Lots 1 & 2, Block 5, West End Addition (R & D Real Estate)
8. P-1208 - Resub of Lots 7 & 3, G.A. Pfeil Addition (Busby)
9. P-1209 - Resub of Lot 8, Wehmeyer & Saenger Add & Pt Outlot 583 (MJTJ Investments)

**ADJOURN**

STATE OF TEXAS  
COUNTY OF GILLESPIE  
CITY OF FREDERICKSBURG

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

On this the 5<sup>th</sup> day of July, 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  
BJORN KIRCHDORFER  
BRENDA SEGNER  
JASON HELFRICH  
CHRIS KAISER  
RON WOELLHOF

ABSENT: MATT LINES

ALSO PRESENT: BRIAN JORDAN - Director of Development Services  
PAT MCGOWAN - City Attorney  
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-1207A.

### **PUBLIC HEARINGS**

**PUBLIC HEARING (Z-1207A) BY THE CITY OF FREDERICKSBURG TO: 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 AND B) CONSIDER A CHANGE IN ZONING FROM R-2, MIXED RESIDENTIAL, TO C-1, NEIGHBORHOOD COMMERCIAL ON SAID PROPERTIES.** - It was moved by Ron Woellhof and seconded by Bjorn Kirchdorfer to open Public Hearing Z-1207A by The City of Fredericksburg to 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 and B) Consider a change in zoning from R-2, Mixed Residential, to C-1, Neighborhood Commercial on said properties. Brian Jordan, Director of Development Services, noted this public hearing is a followup from a prior public hearing initiated by an individual applicant on a single piece of property. Mr. Jordan stated there are three remaining lots in the block between Hale Street and E. Windcrest, which is the location of the individual application. Mr. Jordan noted all three lots have structures on them and they are currently zoned R-2, Mixed Residential, and oriented towards S. Adams Street. Mr. Jordan commented each lot has 90 feet of frontage and is 120 feet in depth. Mr. Jordan stated

the lots have access to utilities and the adjoining land use is Medium Density Residential to the south and Commercial to the north and west. Mr. Jordan explained the land use designation does not distinguish among different types of commercial uses, but the zoning designation does and commented the properties to the east and south are zoned R-2, Mixed Residential, and the properties to the north and west across Highway 16 are zoned C-2, Commercial. Mr. Jordan stated the lots are relatively small for a commercial use and if the zoning change is made someone could combine all four of the lots into one large commercial lot.

Mr. Jordan noted one letter was received in opposition and passed that around for the Commission to review. Mr. Jordan also noted that was the only negative feedback Staff has received and they also received three letters in support of the request. Mr. Jordan noted Staff recommendation of approval of both Z-1207 and Z-1207A, not independent of one another.

Todd Kneese, the applicant who submitted a zoning change application for an individual property in this block, stated the reason for their request was to buy the lot to build a CPA office. Mr. Kneese noted they were somewhat hesitant to request that in a residential neighborhood, but noted they have been working with the ten neighbors in the subject block to amend the current deed restrictions to only allow a single family residence or an office use in the block. Mr. Kneese stated the property owners unanimously agreed and they will file an amendment to the deed restrictions. Mr. Kneese also stated they are trying to be considerate to the area and believe it will be more restricted because of the amendment, which will not allow all R-2 or C-1 uses.

Mr. Jordan noted while the filing of the amendment is true, the City can only enforce the zoning ordinance and not the deed restrictions, so it will be up to the neighbors to control what uses go into the block. Mr. Jordan also noted he believes the request has been viewed as more favorable because the applicant contacted the owners in the block about the request. Mr. Jordan noted the City has not received any negative comments from surrounding neighbors.

Ron Woellhof moved to close Public Hearing Z-1207A. Christ Kaiser seconded the motion. All voted in favor and the motion carried.

Ron Woellhof moved to approve applications Z-1207 and Z-1207A, jointly and not independent of one another. Charlie Kiehne seconded the motion. All voted in favor and the motion carried.

Jason Helfrich returned to the Commission.

**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.**

- It was moved by Jason Helfrich and seconded by Bjorn Kirchdorfer to open 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. Brian Jordan, Director of Development Services, stated the owner of the property came in to see him about the Historic District boundary line going through the center of her house and property and asked that the entire property be included in the district. Mr. Jordan noted the owner does not plan to make any changes to the property, but believes she should either be completely in or out of the Historic District and noted she would like to be in the district. Mr. Jordan stated the owner provided the city with a letter stating her request. Mr. Jordan noted one letter was received in favor of the request and he has had several phone calls from neighbors with questions, but no opposition. Mr. Jordan also commented there are most likely other properties in town with the same situation and this may come up again.

Mr. Jordan noted Staff recommendation of approval to amend the Historic Overlay District boundary line.

Chris Kaiser moved to close Public Hearing Z-1208. Bjorn Kirchdorfer seconded the motion. All voted in favor and the motion carried.

Charlie Kiehne moved to approve application Z-1208 and Jason Helfrich seconded the motion. All voted in favor and the motion carried.

## PLATS

**P-1202 - 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.** - Dale Sultemeier, surveyor, presented the application. Mr. Sultemeier stated his client wants to subdivide her property but per the code she has to dedicate 10 feet along Hale Street for a public street and the City suggested she ask for a variance to only require 5 feet.

## STAFF COMMENTS

Brian Jordan, Director of Development Services, noted after looking at the conditions in this and the surrounding blocks, he feels 5 feet is adequate for establishing a street and noted Staff recommendation of approval.

Ron Woellhof moved to approve P-1202. Bjorn Kirchdorfer seconded the motion. All voted in favor and the motion carried.

## DISCUSSIONS

**SIDEWALK MASTER PLAN** - Brian Jordan, Director of Development Services, noted this discussion is a follow up from the joint work sessions the Commission held with the City Council. At that work session, the Council directed the Planning & Zoning Commission to prioritize a list of sidewalks they believe are needed so that if Council allocates some money to the project, there will be a plan in place to infill some areas. Mr. Jordan noted the Commission will be working off the prioritized list Kathy Sanford put together for the workshop. Mr. Jordan noted the second item they need to continue discussion on is a master plan for all of the city where sidewalks would be beneficial. Mr. Jordan stated the sidewalk requirement is still in the Subdivision Ordinance, but the City Council may put the requirement in a separate ordinance or create a combination of what we have been abiding by and something new. Mr. Jordan then went over the prioritized list and took comments from the Planning & Zoning members as to which projects should be listed higher or lower on the list. After much discussion, the Commission created an updated prioritized list to be presented to the City Manager and City Council.

## MINUTES

Ron Woellhof moved to approve the minutes from the June 2012 meeting. Jason Helfrich seconded the motion. All voted in favor and the motion carried.

**ADJOURN**

With nothing further to come before the Commission, Ron Woellhof moved to adjourn. Jason Helfrich seconded the motion. All voted in favor and the meeting was adjourned at 6:45 p.m.

PASSED AND APPROVED this the 8<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
SHELLEY BRITTON, City Secretary

\_\_\_\_\_  
JANICE MENKING, Chairman



1405 S Eagle St  
Fredericksburg TX 78624

August 2, 2012

City of Fredericksburg and Planning & Zoning Committee,

We are withdrawing our application for a conditional use permit at 904-C N. Llano for CrossFit 830. The owner of that property has changed his mind on putting in bathrooms, and we won't be able to use that building for our business.

We appreciate the assistance you've given us in this project, and regret that this has caused unnecessary work for you.

Sincerely,

Dwayne & Ellen Fowler



**SITE PLAN  
BACKGROUND INFORMATION**

**File Number:** SP 1206  
**Address/Location:** 316-318 E. Austin Street  
**Applicant:** Eric Mustard, Mustard Design  
**Owner:** Hugh Washburne  
**Project Description:** Otto's Restaurant and Market, with the building at 316 E. Austin being use for retail, the building at 318 E. Austin as a kitchen and restrooms, and a new building proposed for a restaurant and bar.

**Site Area:** 0.48 acres (approximately 21,000 square feet)  
**Zoning:** CBD, Central Business District

**Adjacent Land Uses/Zoning:**  
North: Commercial use zoned CBD.  
West: Offices, zoned CBD.  
East: Residential across Washington Street, zoned CBD  
South: Museum, zoned PF (Public Facilities)

**Building Breakdown:**  
Retail building (existing) – 1,400 square feet  
Kitchen/Restroom building (existing) – 1,000 square feet.  
Restaurant and Bar (proposed) – 1,875 square feet.  
Kiosk (proposed) – 225 square feet  
Total building area (both properties) – 4,500 square feet

**Building Height:**  
Existing Buildings – Single Story  
Proposed Building - Single story

**Building Coverage:** 316 E. Austin – 14%, 318 E. Austin – 28% (no max.)

**Impervious Coverage:** 316 E. Austin – 85%, 318 E. Austin – 77% (90% max. permitted)

**Site Access:** A single two-way drive into the site is proposed from Washington Street. Said drive will serve the parking spaces proposed to the rear of both properties. Because the applicant intends to keep the properties separate, a cross access easement will be required to assure access to the parking at the rear of 316 E. Austin.

**Parking Required/Provided:** A total of 25 spaces are required/provided, based on the following breakdown:  
  
Retail building – 4 spaces (1 space per 400 SF)  
Kitchen/Restrooms – parking figured with other uses.  
Restaurant/Bar – 16 spaces (1 space per 4 seats).  
There are 10 parking spaces proposed on the lot at 318 E. Austin and 15 spaces at 316 E. Austin. Since the same individual owns both lots, the owner is requesting that they be allowed to share parking between the two

properties. As provided in Section 7.850 of the Zoning Ordinance, the Planning and Zoning Commission may approve the location of a portion of the parking required for a use on another site, based on the following.

1. **The location of the use and the proposed off-site parking:** The proposed off-site parking area is immediately adjacent to the proposed restaurant and bar. (see attached drawing)
2. **Existing and potential parking demand created by other uses in the vicinity:** While parking demand in the area is high at times, the owner will have control over parking on both properties.
3. **The characteristics of the use, including employee and customer parking demand, hours of operation and projected convenience and frequency of use of the off site parking:** Conflicting hours of operation on the two properties is not an issue since the amount of total parking provided meets the minimum requirement for the entire project.
4. **Adequacy, convenience and safety of pedestrian access to off site parking:** Patrons of the restaurant and retail facility will not be required to cross a street to access parking.
5. **Traffic patterns on adjacent streets, and proposed access to the off site parking:** Access to the proposed off site parking area is from Washington Street. We would view this as preferable to access from Austin Street.

**Screening Required:**

Around trash dumpster.

**Landscaping:**

A Landscape Plan is required prior to be approved prior to issuance of a Building Permit. The applicant intends to preserve several large Pecan Trees on site, as well as the trees that enclose the parking area at the rear of 316 E. Austin St.

**Lighting:**

No information provided. Exterior lighting shall be shielded from adjoining properties.

**Detention:**

NA

**P&Z Action:**

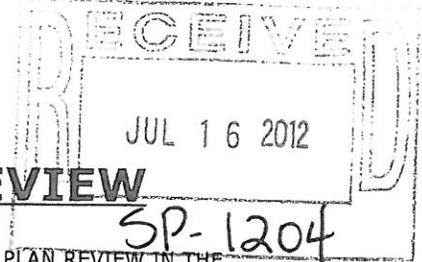
Final approval

**Recommendation:**

Approval

**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) An access easement be provided across 318 E. Austin St. and a shared parking agreement between the two properties be recorded prior to issuance of a building permit.



# APPLICATION FOR SITE PLAN REVIEW

APPLICATION IS HEREBY MADE TO THE PLANNING AND ZONING COMMISSION FOR SITE PLAN REVIEW IN THE CITY OF FREDERICKSBURG HEREINAFTER SET FORTH:

- 1. **APPLICANT:** ERIC MUSTARD/MUSTARD DESIGN
- 2. **ADDRESS:** 150 E MAIN #201 FBG. TX 78624
- 3. **APPLICANT TELEPHONE NUMBER:** 830-997-7024
- 4. **APPLICANT FAX NUMBER:** 830-990-8424
- 5. **OWNER (if different from applicant):** HUGH WASHBURN
- 6. **ADDRESS:** 2245 N. LLANO FBG. TX. 78624
- 7. **OWNER TELEPHONE NUMBER:** 830-997-6739
- 8. **DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:**

**ADDRESS:** 316 - 318 EAST AUSTIN

**LEGAL DESCRIPTION:** \_\_\_\_\_

**LOT SIZE:** 50' X 200 , 100' X 110' **LOT AREA:** 10,000 SF , 11,000 SF

**PROPOSED USE:** RETAIL AND RESTAURANT

**USE CLASSIFICATION:** RETAIL AND RESTAURANT

- 9. **EXISTING ZONING:** CBD DISTRICT

10. **INFORMATION TO BE PROVIDED BY THE APPLICANT:** Seven (7) copies of a site plan at least 24 x 36 inches, drawn to scale and sufficiently dimensioned as necessary to show the following:

- A. The date, scale, north point, title, name of owner, and the name of the person preparing the site plan.
- B. The location and dimensions of boundary lines, easements, and required yards and setbacks of all existing and proposed buildings and land improvements.
- C. The location, height, and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting site within 50 feet.
- D. The location of existing and proposed improvements including parking and loading areas, pedestrian and vehicular access, utility or service areas, fencing and screening, and lighting.
- E. The center line of existing water courses, drainage features and location and size of existing and proposed streets and alleys, and the 100-year flood plain.
- F. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
- G. For sites with an average slope greater than 10%, a plan showing existing and proposed topography and grading and proposed erosion control measures.
- H. The location and size of proposed signs, if known.
- I. The location and size of the existing and proposed landscaped areas.
- J. A calculation of the impervious area (this includes buildings, paved areas, etc. other than natural ground or landscaped areas) of the site.

10. SIGNATURE OF APPLICANT: 

PRINTED NAME OF ABOVE: ERIC MUSTARD

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:

11. SIGNATURE OF OWNER: , Grove House, LLC

PRINTED NAME OF ABOVE: Elihu B. Washburne, President

DATE: July 13, 2012

TITLE SEARCH: June 2012 - Fredericksburg Title Co.  
Date

12. CONSENT OF LIEN HOLDER: , Vice President  
Signature J.P. Morgan Chase  
Bank, N.A.

PRINTED NAME OF ABOVE: Laura H. Cook

NOTE: If this property is encumbered by lien, consent of the lien holder **is required**.

13. RETURN COMPLETED APPLICATION TO: Brian Jordan or Tammie Loth, City of Fredericksburg, 126 West Main St., Fredericksburg, Texas 78624.

# OTTO'S RESTAURANT, BAR, AND MARKET

316 E. AUSTIN

318 E. AUSTIN

LEGAL DESCRIPTION .23 ACRE TRACT BEING PART OF TOWNLOT 77  
 ZONING CBD  
 MIN LOT AREA 5,000 SF  
 MIN LOT WIDTH 50 FT  
 MAX BLDG HT 3 STORIES, 38 FT  
 MIN REQ. SETBACK 0 FT  
 MAX IMPERVIOUS COV. 90%

LEGAL DESCRIPTION .25 ACRE TRACT BEING PART OF TOWNLOT 78  
 ZONING CBD  
 MIN LOT AREA 5,000 SF  
 MIN LOT WIDTH 50 FT  
 MAX BLDG HT 3 STORIES, 38 FT  
 MIN REQ. SETBACK 0 FT  
 MAX IMPERVIOUS COV. 90%

## EXISTING CONDITIONS

LOT SIZE 10,000 SF  
 LOT DIMENSIONS 50' X 200'  
 BUILDING FOOTPRINT 1,600 SF  
 BUILDING COVERAGE 18%  
 IMPERVIOUS COVERAGE 86%  
 BUILDING HEIGHT 13 FT

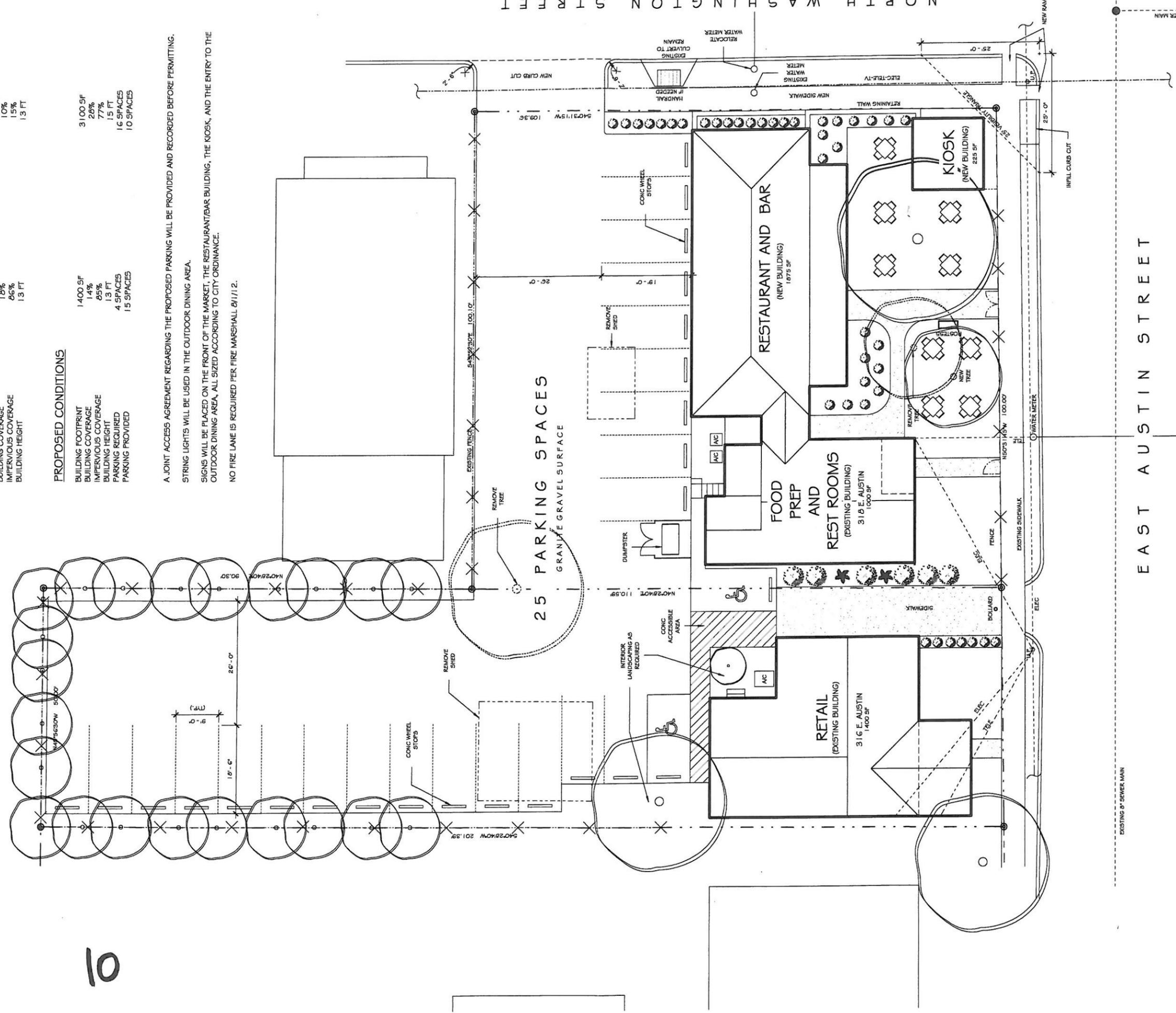
LOT SIZE 11,000 SF  
 LOT DIMENSIONS 100' X 110'  
 BUILDING FOOTPRINT 1,100 SF  
 BUILDING COVERAGE 10%  
 IMPERVIOUS COVERAGE 15%  
 BUILDING HEIGHT 13 FT

## PROPOSED CONDITIONS

BUILDING FOOTPRINT 1,400 SF  
 BUILDING COVERAGE 14%  
 IMPERVIOUS COVERAGE 85%  
 BUILDING HEIGHT 13 FT  
 PARKING REQUIRED 4 SPACES  
 PARKING PROVIDED 15 SPACES

BUILDING FOOTPRINT 3,100 SF  
 BUILDING COVERAGE 28%  
 IMPERVIOUS COVERAGE 77%  
 BUILDING HEIGHT 15 FT  
 PARKING REQUIRED 16 SPACES  
 PARKING PROVIDED 10 SPACES

A JOINT ACCESS AGREEMENT REGARDING THE PROPOSED PARKING WILL BE PROVIDED AND RECORDED BEFORE PERMITTING.  
 STRING LIGHTS WILL BE USED IN THE OUTDOOR DINING AREA.  
 SIGNS WILL BE PLACED ON THE FRONT OF THE MARKET, THE RESTAURANT/BAR BUILDING, THE KIOSK, AND THE ENTRY TO THE OUTDOOR DINING AREA, ALL SIZED ACCORDING TO CITY ORDINANCE.  
 NO FIRE LANE IS REQUIRED PER FIRE MARSHALL 8/1/12.



**SITE PLAN**  
 SCALE: 1" = 10'-0"

150 East Frede

HUGH AND JOHN WASHBURN, GROVE HOUSE, LLP

OTTO'S RESTAURANT BAR AND MARKET

Case # SP-1204

REVISION NO.	DATE	DESCRIPTION
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 Checked By: \_\_\_\_\_  
 Approved By: \_\_\_\_\_  
 Project No. \_\_\_\_\_



