AGENDA
CITY OF FREDERICKSBURG
PLANNING & ZONING COMMISSION
Wednesday, November 7, 2012
5:30 P.M.
LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

		PAGE REF.
1.	Call to Order	
2.	Approve minutes from the October 2012 Regular Meeting	*Pp 1 - 4*

PUBLIC HEARINGS

3.	PUBLIC HEARING (Z-1214) by San Antonio Design Group on behalf of Pleasanton Partners, L.P. for an amendment to the Planned Unit Development for the Baron's Creek Shopping Center to allow an increase in building square footage and an additional ground sign on Lot 1BB-RR-AR located at 1426 E. Main Street	*Pp 5 - 20*
4.	Consider making a recommendation on Z-1214	
5.	PUBLIC HEARING (Z-1215) by Donna Croy for a Conditional Use Permit to allow Personal Improvement Services in a C-1 Neighborhood Commercial Zoning District at 812 N. Llano	*Pp 21 - 33*
6.	Consider making a recommendation on Z-1215	
7.	PUBLIC HEARING (Z-1216) by Stephen W. and Beverly A. Allen for a Conditional Use Permit to allow Personal Improvement Services in a C-1 Neighborhood Commercial Zoning District at 109 E. Hackberry Street	*Pp 34 -47*
8.	Consider making a recommendation on Z-1216	

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION
October 2, 2012
5:30 P.M.

On this the 2nd day of October, 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
BJORN KIRCHDORFER
BRENDA SEGNER
JASON HELFRICH
CHRIS KAISER
MATT LINES

ABSENT: STEVE THOMAS
BOBBY WATSON

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.

PUBLIC HEARINGS

PUBLIC HEARING (Z-1212) BY VEI CONSULTANTS ON BEHALF OF CREEKSIDE COMMERCIAL, LLC FOR A CONDITIONAL USE PERMIT TO ALLOW A DRIVE THROUGH FACILITY ASSOCIATED WITH A DRY CLEANING BUSINESS IN THE CBD, CENTRAL BUSINESS DISTRICT ZONING DISTRICT LOCATED AT 108 & 110 E. UFER - It was moved by Bjorn Kirchdorfer and seconded by Jason Helfrich to open Public Hearing Z-1212 by VEI Consultants on behalf of Creekside Commercial, LLC for a Conditional Use Permit to allow a drive through facility associated with a dry cleaning business in the CBD, Central Business District, located at 108 & 110 E. Ufer. Kevin Spraggins, engineer and developer, presented the application. Mr. Spraggins distributed a new site plan to the members of the Commission and noted he currently owns a dry cleaning business but has been looking to build a new one for quite some time and when the opportunity to develop an entire commercial area presented itself, he thought it was time to act upon it. Mr. Spraggins noted the new site plan he distributed is in response to the engineering comments he has received. Mr. Spraggins also passed around a conceptual drawing of the proposed project. Mr. Spraggins stated he is asking for a conditional use permit to allow a drive through dry cleaners. Mr. Spraggins also commented he will preserve several of the trees on the front of the property. Mr. Spraggins noted he plans to have retail, office space and personal service uses in the development. Mr. Spraggins noted they are planning to build the front retail building in phase one and commented he is in compliance with parking, but if another use comes in that requires more parking, it will be adjusted accordingly. Bjorn

Kirchdorfer moved to close Public Hearing Z-1212. Brenda Segner seconded the motion. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, explained the history of this project and noted the plan they received tonight is a fourth generation plan. Mr. Jordan noted the drive aligns with the drive at HEB and will consist of one entrance lane and two exit lanes. Mr. Jordan noted the fire lane has been designed so that condition has been met. Mr. Jordan commented there are several large trees on the subject property that will be preserved and also stated the applicant has provided an area for a pedestrian trail as well as drainage. Mr. Jordan noted the CBD zoning district is very generous in the coverage allowed and noted that requirement is met with the applicant's proposal. Mr. Jordan stated there is some question as to the ownership of the property on the rear to the creek, but that is being investigated by the City Attorney and will be taken care of. Mr. Jordan noted Staff recommendation of approval with the following conditions:

1. All exterior lighting being shielded.
2. Approval of a Landscape Plan prior to issuance of a building permit.
3. Resolving the use and ownership of the area along the creek prior to approval or any resolution by City Council.
4. Replatting the property into a single tract.

Bjorn Kirchdorfer asked what the projected traffic flow would be and also asked if the traffic flow will be taken into consideration if the uses change. Mr. Jordan stated he does not know what the projected traffic flow is, but if the use is changed this conditional use permit is not transferrable to a different use. Mr. Kirchdorfer then asked if there would be a stop sign required on site at the exit drive. Mr. Jordan stated that is normally left up to the developer, but it could be a requirement of the approval by the Planning & Zoning Commission. Mr. Spraggins noted he is planning on putting a stop sign on site. Charlie Kiehne asked if there should be a connector drive to the adjoining properties. Mr. Jordan stated the applicant originally had access to the property to the west, but when City Staff asked him to reconsider the driveways and the stacking, the parking area was moved and that caused his driveway to no longer line up with the adjoining property. Mr. Jordan stated a driveway that continues both east and west could be a requirement, but it will not align with anything at the present time. Mr. Spraggins stated he will allow for connectivity to the new development on the east, but it will be difficult to develop that to the existing structure to the west.

Bjorn Kirchdorfer moved to approve Application Z-1212 with the conditions set forth by Staff as well as the condition a mutual access easement be provided to adjoining properties to the east and west in alignment with the drive along the front of the building. Charlie Kiehne seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING (Z-1213) BY DEAN KUHLMANN ON BEHALF OF THE ESTATE OF ANTONETTE MARIE KEATING TO A)CONSIDER A CHANGE IN THE LAND USE PLAN FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON PROPERTY LOCATED AT 416 E. AUSTIN STREET AND B) CONSIDER A CHANGE IN ZONING FROM R-1, SINGLE FAMILY RESIDENTIAL TO R-2, MIXED RESIDENTIAL ON SAID PROPERTY. - Brenda Segner moved to open Public Hearing Z-1213 by Dean Kuhlmann on behalf of the Estate of Antonette Marie Keating to A) Consider a change in the Land Use Plan from Low Density Residential to Medium Density Residential on property located at 416 E. Austin Street and B) Consider a change in zoning from R-1, Single Family Residential to R-2, Mixed Residential on said

property. Anne Kuhlmann presented the application. Mrs. Kuhlmann noted her mother-in-law, Antonette Keating, had a dream for this property to allow for her home and also a rental property, which she made come true. Mrs. Kuhlmann noted the main house is rather large, but it is only a one bedroom. Mrs. Kuhlmann stated her mother-in-law envisioned the areas around her becoming commercial, which several of the properties have become. Mrs. Kuhlmann noted this intersection has a a high volume of traffic and the noise level on the corner is above the normal level of an R-1 zoning district. Mrs. Kuhlmann stated the property is a nice residence, but if the property is zoned R-2 both properties could be rented. Mrs. Kuhlmann stated they spoke to the property owners along Austin Street and those owners were either in favor of the zoning change or at least were not opposed to the change. Mrs. Kuhlmann noted they have not spoken to the neighbors on Schubert Street but those properties are well protected from this property because of the way the garage was built, which was designed by Ms. Keating. Mrs. Kuhlmann asked the Commission to look first at the subject property to rezone it to R-2 and secondly to look at the entire block of Austin Street to consider rezoning that to R-2.

PUBLIC COMMENT

Gary Brunner at 413 E. Schubert stated he sympathizes with the owners but noted his concern is that R-2 zoning is a heavy tool to accomplish what the applicant is trying to do and asked the city to allow some type of variance to help the owners accomplish their goal without changing the zoning. Mr. Brunner noted there are some vacant lots in the block and allowing R-2 zoning would open too heavy a use for the area.

Sharon Brunner from 413 E. Schubert noted Betty Hall is the next door neighbor to the property and read the letter Ms. Hall wrote which stated she does not support the request for a zoning change because it would negatively affect her property. Mrs. Brunner stated she agreed with the statements made and does not believe a zoning change should be allowed to accommodate two single bedroom houses on a single lot since that was a uniquely designed property. Ms. Brunner noted she does not believe it is fair to impact the entire neighborhood because of a unique property.

Anita Terry from 412 E. Austin stated she just moved to Fredericksburg and is distressed because they recently bought their home because of the neighborhood and do not wish to be in a high traffic area.

Jack Terry from 412 E. Austin noted he prefers to keep the charm of the neighborhood alive and stated he agrees if a variance could be granted for the subject property, it would be a good solution.

Mrs. Kuhlmann agreed the neighborhood is quaint and commented they currently have a contract on the property to be used as it has been.

Matt Lines moved to close Public Hearing Z-1213 and Charlie Kiehne seconded the motion. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted he explained to Mr. Kuhlmann the City would not change the zoning on an individual property and also explained if it is reasonable to create a different zoning district, as a minimum the lots that front on Austin Street, that would be a possibility. Mr. Jordan noted a variance or waiver is not a possibility because a variance is available to provide relief to the development requirements on a piece of property and not the use. Mr. Jordan also noted the property can not be used as two separate residences, but only a primary residence with a bed and breakfast or a rental property to an unrelated individual. Mr. Jordan noted the only zoning in the block that has been

changed is the house across the street which was bought by The Admiral Nimitz Foundation and it was changed to Public Facilities zoning. Mr. Jordan confirmed there are a lot of commercial uses in the area but zoning has not been changed in the neighborhood. Mr. Jordan noted when looking at the criteria to allow a zoning change, it is Staff's opinion the property is not large enough to allow for medium density residential and while the proposed use may not have a negative effect on property within 600 feet, the uses that are allowed in an R-2 zoning district may. Mr. Jordan noted Staff has received one letter in opposition to the request and several phone calls from neighbors requesting information.

Mr Jordan noted Staff recommendation of denial but offered other options to the Commission to consider which included calling a public hearing to designate an area to consider a zoning change on, such as the houses that front on Austin Street, or to approve the request as it is presented.

Bjorn Kirchdorfer noted there seems to be no support by the neighbors and moved to deny Application Z-1213. Matt Lines seconded the motion. All voted in favor and the motion carried.

MINUTES

It was moved by Charlie Kiehne and seconded by Chris Kaiser to approve the minutes from the September 2012 regular meeting. All voted in favor and the motion carried.

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 6:34 p.m.

PASSED AND APPROVED this the 7th day of November, 2012.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman

ZONING AMENDMENT BRIEF

Request # Z-1214

OWNER/APPLICANT: San Antonio Design Group, Inc. (J.A. Saucedo, Jr.)

SIZE: Entire Center is 9.8 acres, Lot 1 BB-RR-AR (vacant tract is 1.475 acres)

LOCATION: Baron's Creek Shopping Center, 1400 Block of E. Main St.

EXISTING ZONING: PUD, Planned Unit Development (amendment approved in 2006)

PROPOSED CHANGE: 1. Amend the PUD Plan to increase building square footage and modify parking layout on the vacant pad site (Lot 1 BB-RR-AR); and

2) Amend the PUD notes to allow for an additional Ground Sign (Lot 1 BB-RR-AR)

FINDINGS:

- The existing center is divided into 4 separate tracts as follows:
  - Tract 1 – Lot 1AR - 0.89 acres (UPS Store)
  - Tract 2 – Lot 1BR-RR - 4.04 acres (Gatti's, Jalisco, Beall's)
  - Tract 3 – Lot 1BB-RR-BR – 3.392 acres (Dollar Tree, Hibbett, AT&T, Goodwill, Anytime Fitness).
  - Tract 4 – Lot 1BB-RR-AR – 1.475 acres (currently vacant)
- Approximate building area and parking for each tract is as follows:
  - Existing Building A (UPS Store) – 3,108 square feet
  - Existing Building B (Gatti's thru Anytime Fitness) – 66,056 square feet
  - Proposed Building C (vacant) – 8,800 square feet
- Parking for the center is based on 1 space per 250 square feet. This ratio yields a requirement of 312 spaces. A total of 418 spaces are provided.
- The applicant is proposing to increase the size of the building proposed on the pad site (Lot 1BB-RR-AR) from 5,400 square feet to 8,800 square feet, and reconfigure the surrounding parking layout. The drive-through proposed on the previous PUD plan has been eliminated.
- In addition, the applicant is proposing an additional ground sign to be located at the easternmost drive (shared with AutoZone) into the site. The existing driveways will remain and no additional driveways are proposed.
- All other previous PUD conditions will remain in place.
- Water and Sanitary sewer are available to serve this tract.

- Adjacent zoning is R-2 to the north, a mixture of C-1, C-2 and PUD to the southwest across E. Main Street and unincorporated land to the east.
- Property adjacent to this tract is undeveloped and residential to the north, commercial to the southwest and undeveloped to the east.

OPPOSITION/SUPPORT OF REQUEST: Staff has not received any comments in support or opposition to this request.

STAFF RECOMMENDATION: This center was originally approved in 1985, and significant improvements and modifications were made in 2007. The additional square footage proposed on the vacant pad site is reasonable given adequate parking and circulation. However, regarding the additional sign, it is staff's understanding that the signage proposed in the PUD amendment approved in 2006 for 2 larger shopping center signs (with multi-tenant identification) were intended to provide for the entire center. In addition, the building proposed on the vacant tract is proposed to be located much closer to E. Main Street. Therefore, it is staff's recommendation to approve the PUD amendment for the additional building square footage on the vacant pad site (Lot 1 BB-RR-AR) and site circulation changes, but deny the request for additional signage.

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: San Antonio Design Group, Inc.
2. ADDRESS: 12719 Spectrum Dr., Ste 100, San Antonio, TX 78249

   PHONE NUMBER: 210-342-6700 FAX NUMBER: 210-342-6701
3. OWNER (IF DIFFERENT FROM APPLICANT) Pleasanton Partners, L.P.
4. ADDRESS: 6500 Montana Ave., El Paso, TX 79925
5. PHONE NUMBER: 915-342-1224 FAX NUMBER: 915-779-6509
6. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

   ADDRESS: 1426 E. Main St., Fredericksburg, TX 78624

   LEGAL DESCRIPTION: Lot 1-BA-RR (4.04 acres), Lot 1-BB-RR-BR (3.392 acres) and Lot 1BB-RR-AR (1.475 acres)

   LOT SIZE: 8.907 Total Acres
7. ZONING CHANGE REQUESTED FROM n/a ZONING DISTRICT TO n/a ZONING DISTRICT
8. JUSTIFICATION FOR REQUEST: Amend PUD as indicated on Exhibit A Amendment and to add a sign.
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: _____ LAND USE TO _____ LAND USE.
13. SIGNATURE OF APPLICANT: _____

    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: Meyer Marcus on behalf of Pleasanton Partners, L.P. and Zaradieter Partners, L.P.

    DATE: _____

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

    TITLE SEARCH: Included

    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: No Lien Holder on Lot 1BB-RR-AR.

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

San Antonio
Design Group Inc.
DEVELOPMENT & INFRASTRUCTURE
CONSULTING ENGINEERS

September 21, 2012

Mr. Brian Jordan
Director of Development Services
City of Fredericksburg
126 West Main Street
Fredericksburg, Texas 78624-3708

RE: Barron's Creek Shopping Center (PUD) Amendment

Mr. Jordan

San Antonio Design Group Inc. (SADG) is submitting a Planned Unit Development (PUD) amendment for your review.

We are submitting the items required in the Application for Re-Zoning. I understand that we are amending the PUD within this same application.

We are affecting two (2) out of the eighteen (18) items on the Barron's Creek Planned Unit Development (PUD) Notes to Plat. for Ordinance No. 16-013.

Note No. 1 States:
1. No building shall be erected at any location in the PUD other than as designated on Exhibit "A".

Although we are not changing the wording on this note, we are amending Exhibit "A" to increase the square footage requested from 5,400 square feet to 8,800 square feet. I have included Exhibit "A Amendment" to indicate the change.

Note No. 5 States:
5. Two (2) ground signs shall be allowed for the Shopping Center identification with a maximum sign area of 100 square feet each and a maximum height of 15 feet, and allowing identification of tenants. Signs shall be located as shown on the attached Exhibit "A". The style and type of sign shall have the appearance of the sign shown in Exhibit "D". Wall signs shall conform to the City Sign Ordinance for integrated business developments, provided that all signs are at the same horizontal level. No other signs shall be allowed within the PUD.

This note will change as follows:

Three (3) ground signs shall be allowed for the Shopping Center identification with a maximum sign area of 100 square feet each and a maximum height of 15 feet, and allowing identification of tenants. Signs shall be located as shown on the attached Exhibit

12719 SPECTRUM DRIVE, SUITE 100 SAN ANTONIO, TEXAS 78249 (210) 342-6700 FAX (210) 342-6701

"A Amendment". The style and type of sign shall have the appearance of the sign shown in Exhibit "D", and Exhibit "F". Wall signs shall conform to the City Sign Ordinance for integrated business developments, provided that all signs area at the same horizontal level. No other signs shall be allowed within the PUD.

The new proposed sign meets the PUD requirements. It is a 10' X 8' for a total of 80 square foot.

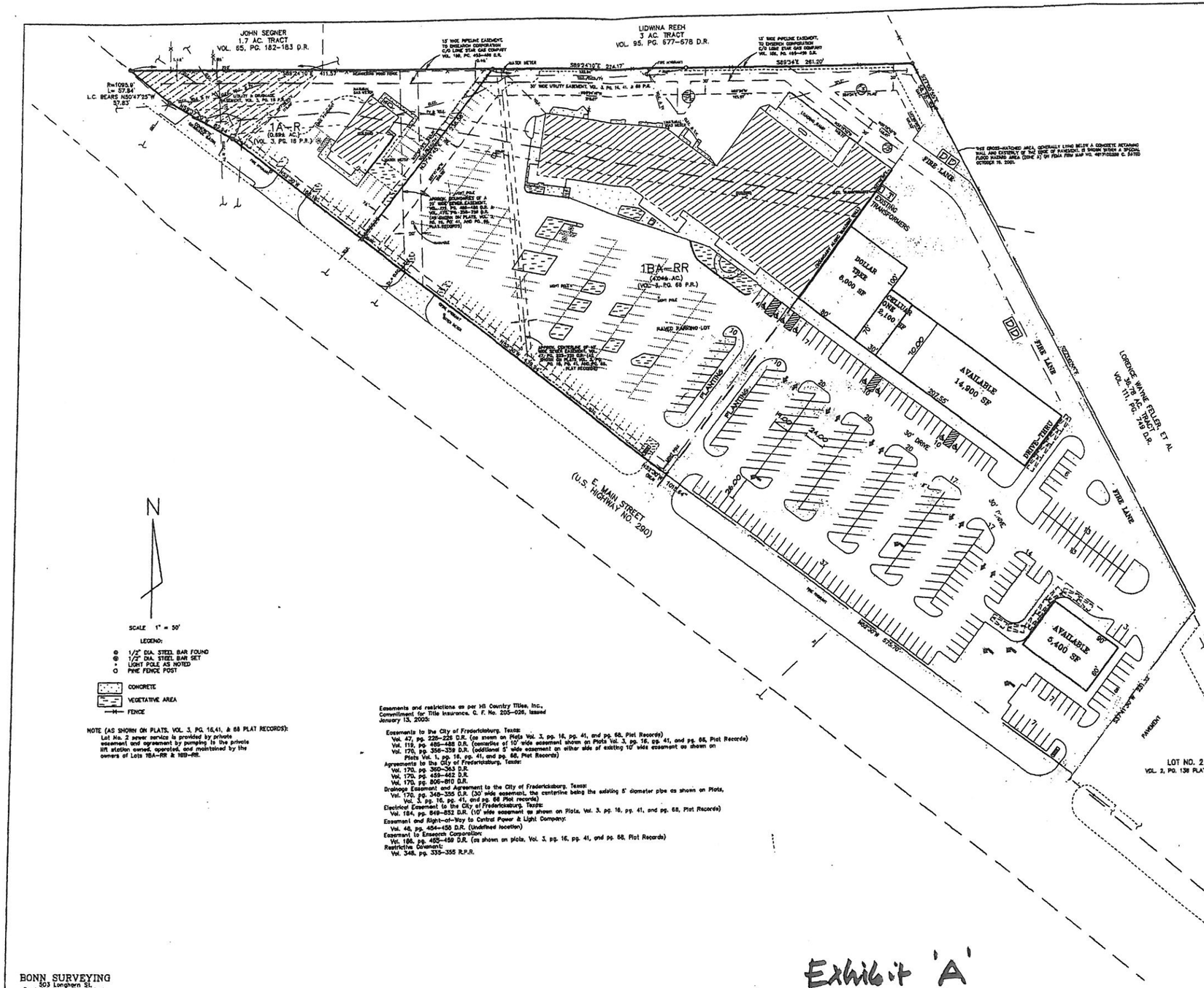
Please feel free to call if you have any questions or need additional information to complete our submittal.

Sincerely
SAN ANTONIO DESIGN GROUP INC.

J. A. Saucedo Jr.
Principal

12719 SPECTRUM DRIVE, SUITE 100 SAN ANTONIO, TEXAS 78249 (210) 342-6700 FAX (210) 342-6701

SURVEY MAP SHOWING
LOT 1A-R, BARONS CREEK P.U.D., RESUBDIVISION PLAT FOUND OF RECORD IN VOLUME 3, PAGE 16 OF THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS, AND LOTS 1BA-RR & 1BB-RR, BARONS CREEK P.U.D., RESUBDIVISION PLAT FOUND OF RECORD IN VOLUME 3, PAGE 68 OF SAID PLAT RECORDS AND SAID LOTS BEING SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS.
SURVEY MADE AT THE REQUEST OF
HILL COUNTRY HOLDING CO., INC.



SURVEY NO. 197
WM. H. ANDERSON
ABST. NO. 2

SCALE 1" = 50'

LEGEND:

- 1/2" DIA. STEEL BAR FOUND
- 1/2" DIA. STEEL BAR SET
- LIGHT POLE AS NOTED
- PINE FENCE POST
- CONCRETE
- VEGETATIVE AREA
- FENCE

NOTE (AS SHOWN ON PLATS, VOL. 3, PG. 16,41, & 68 PLAT RECORDS):
Lot No. 2 sewer service is provided by private easement and agreement by pumping to the private lift station owned, operated, and maintained by the owners of Lots 1BA-RR & 1BB-RR.

Easements and restrictions as per Hill Country Titles, Inc., Commitment for Title Insurance, G. F. No. 205-028, issued January 13, 2005:

Easements to the City of Fredericksburg, Texas:
Vol. 47, pg. 225-226 D.R. (as shown on Plats Vol. 3, pg. 16, pg. 41, and pg. 68, Plat Records)
Vol. 118, pg. 485-488 D.R. (centerline of 10' wide easement shown on Plats Vol. 3, pg. 16, pg. 41, and pg. 68, Plat Records)
Vol. 170, pg. 356-359 D.R. (additional 5' wide easement on either side of existing 10' wide easement as shown on Plats Vol. 1, pg. 18, pg. 41, and pg. 68, Plat Records)
Agreements to the City of Fredericksburg, Texas:
Vol. 170, pg. 360-363 D.R.
Vol. 170, pg. 459-462 D.R.
Vol. 170, pg. 806-810 D.R.
Drainage Easement and Agreement to the City of Fredericksburg, Texas:
Vol. 170, pg. 349-355 D.R. (30' wide easement, the centerline being the existing 5' diameter pipe as shown on Plats, Vol. 3, pg. 16, pg. 41, and pg. 68 Plat records)
Electrical Easement to the City of Fredericksburg, Texas:
Vol. 184, pg. 849-852 D.R. (10' wide easement as shown on Plats, Vol. 3, pg. 16, pg. 41, and pg. 68, Plat Records)
Easement and Right-of-Way to Central Power & Light Company:
Vol. 48, pg. 454-459 D.R. (Undefined location)
Easement to Ensearch Corporation:
Vol. 184, pg. 485-489 D.R. (as shown on plats, Vol. 3, pg. 16, pg. 41, and pg. 68, Plat Records)
Restrictive Covenant:
Vol. 348, pg. 335-355 R.P.R.

I hereby certify that this plat represents a survey made on the ground under my supervision and that there are no intrusions or protrusions of improvements visible or apparent on the ground except as shown hereon.
Surveyed August 29, 2002
Corners recovered and plat updated February 2, 2005

Carey Bonn
Carey Bonn
Reg. Prof. Land Surveyor No. 4447

STATE OF TEXAS
CAREY BONN
4447
REGISTERED
LAND SURVEYOR

BONN SURVEYING
503 Longhorn St.
Fredericksburg, TX 78624
Phone : 830-997-3864
Fax : 830-997-0972

Exhibit 'A'
(Existing PUD Plan)

11

SCALE: 1" = 100'

LAND AREA:	
PARCEL I-	38,735 SF
PARCEL II-	176,246 SF
PARCEL III-	147,768 SF
PARCEL IV-	64,286 SF
TOTAL LAND:	427,035 SF

BUILDING AREA;	
EXIST. BLDG. A-	3,108 SF
EXIST. BLDG. B-	66,056 SF
PROP. BLDG. C-	8,800 SF

PARKING REQUIRED:	
EXIST. BLDG. A-	3,108 SF / 250 12 SPACES
EXIST. BLDG. B-	66,056 SF / 250 264 SPACES
PROP. BLDG. C-	8,800 SF / 250 35 SPACES
TOTAL REQUIRED:	311 SPACES
TORAL AVAILABLE:	418 SPACES

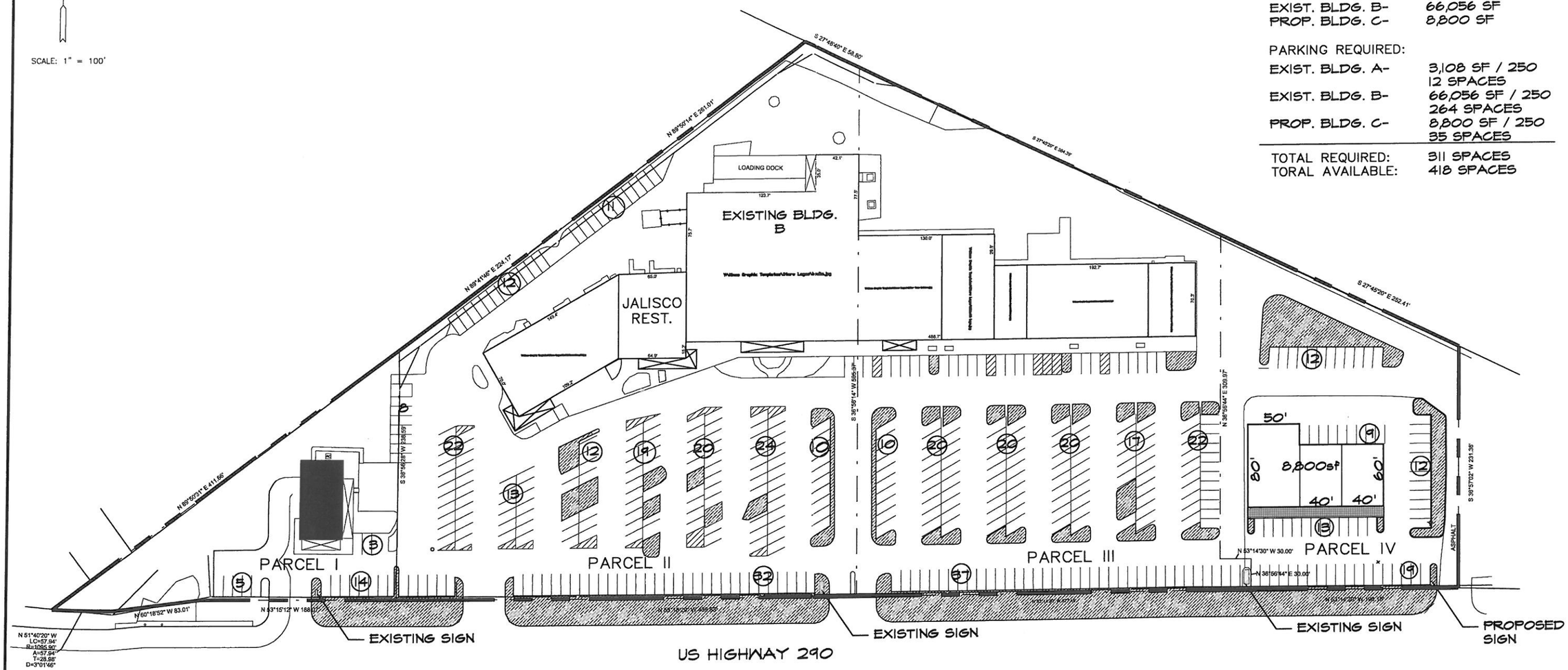


EXHIBIT A AMENDMENT

(Proposed PUD Plan)

SA DG INC
San Antonio Design Group Inc.
CONSULTING ENGINEERS
12719 SPECTRUM DRIVE, SUITE 100
SAN ANTONIO, TEXAS 78249
PH:(210) 342-8700 FAX:(210) 342-8701
F-5226

BARRON'S CREEK SHOPPING CENTER
PRIVATE UNIT DEVELOPMENT AMENDMENT
1406 EAST MAIN STREET
FREDERICKSBURG, TEXAS 77231

DRAWN BY:	J.A.S.
CHECKED BY:	A.R.H.
APPROVED BY:	R.J.A.
DATE:	SEPT 2012

REVISIONS

SHEET: 1
OF: 1

DATE: Sep 23, 2012, 8:37AM USER ID: Issuecode FILE: R:\A-PROJECTS\1215\DWG\Dwg\Scheme F.dwg

12

SPECIFICATIONS FOR FABRICATION AND INSTALLATION:

- One double sided internally illuminated monument sign built to UL specifications;
- Main structure (sfein) to be .063 aluminum over welded tubular steel framework. Structure finishe in Matthews Polyurethane (Color to be determined);
- Sign Cabinet to have routed text backed with white #7328 plex, and lamped with high output fluorescents and ballasts; Letters have an inset 3M™ burgundy translucent vinyl overlay with a 3/8" white outline for increased illumination;
-
- Tenant panels to be white plex overlaid with translucent 3M™ vinyls as per client;

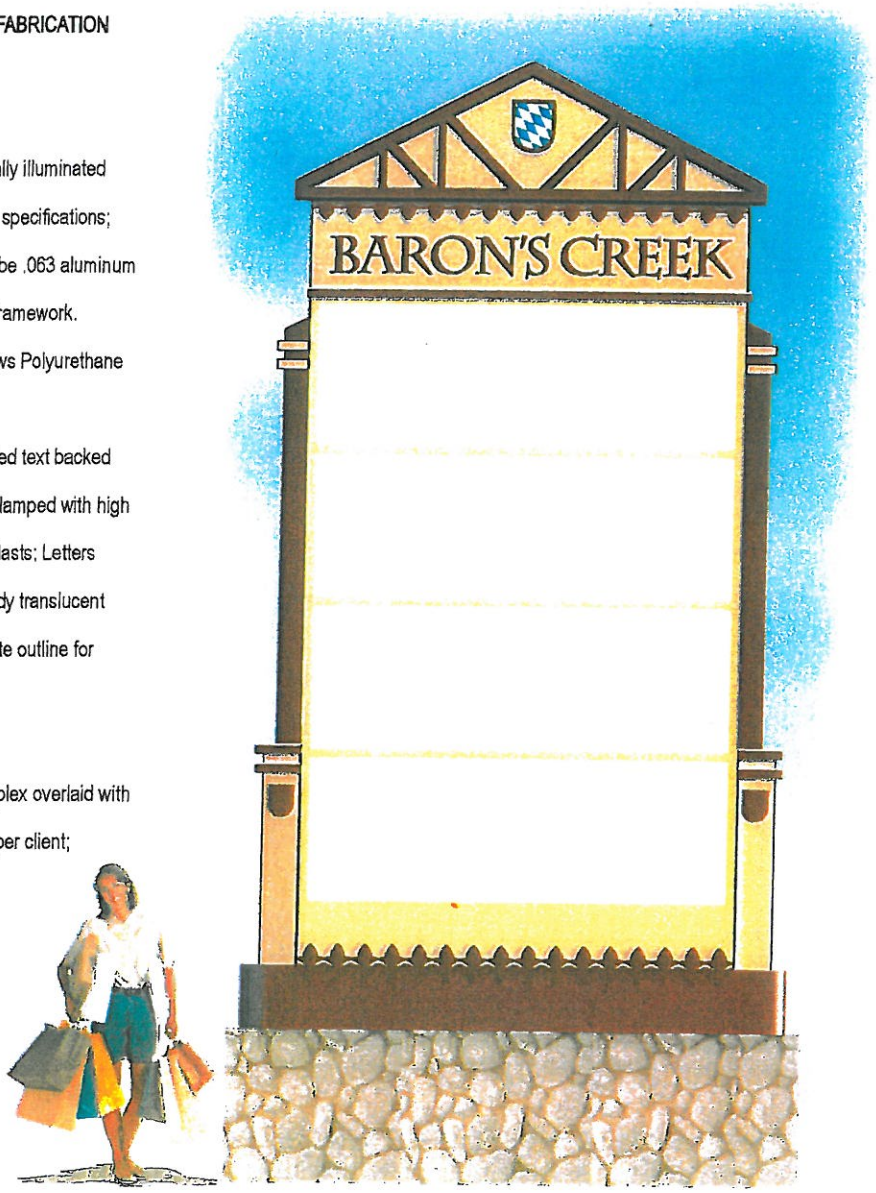


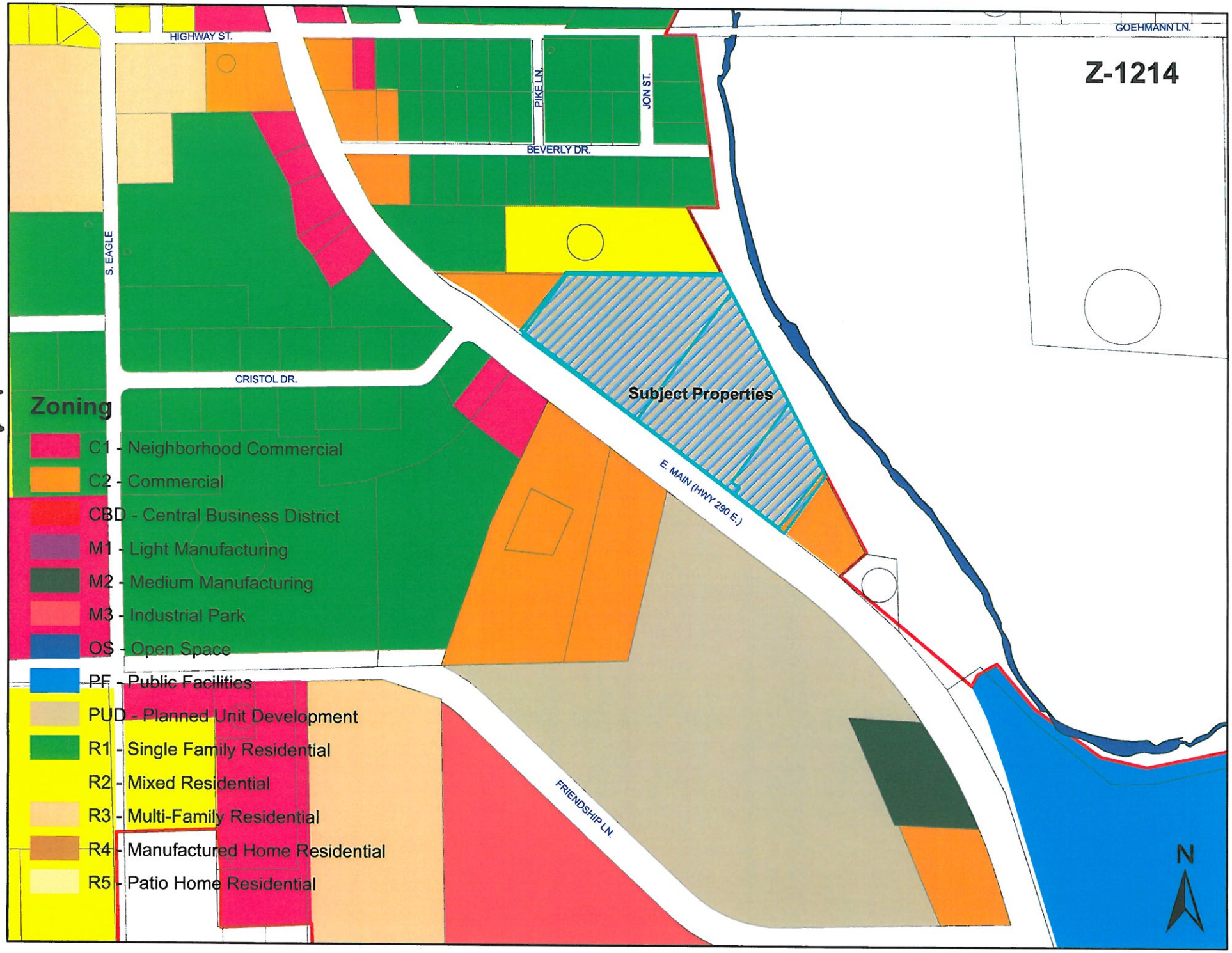
EXHIBIT D

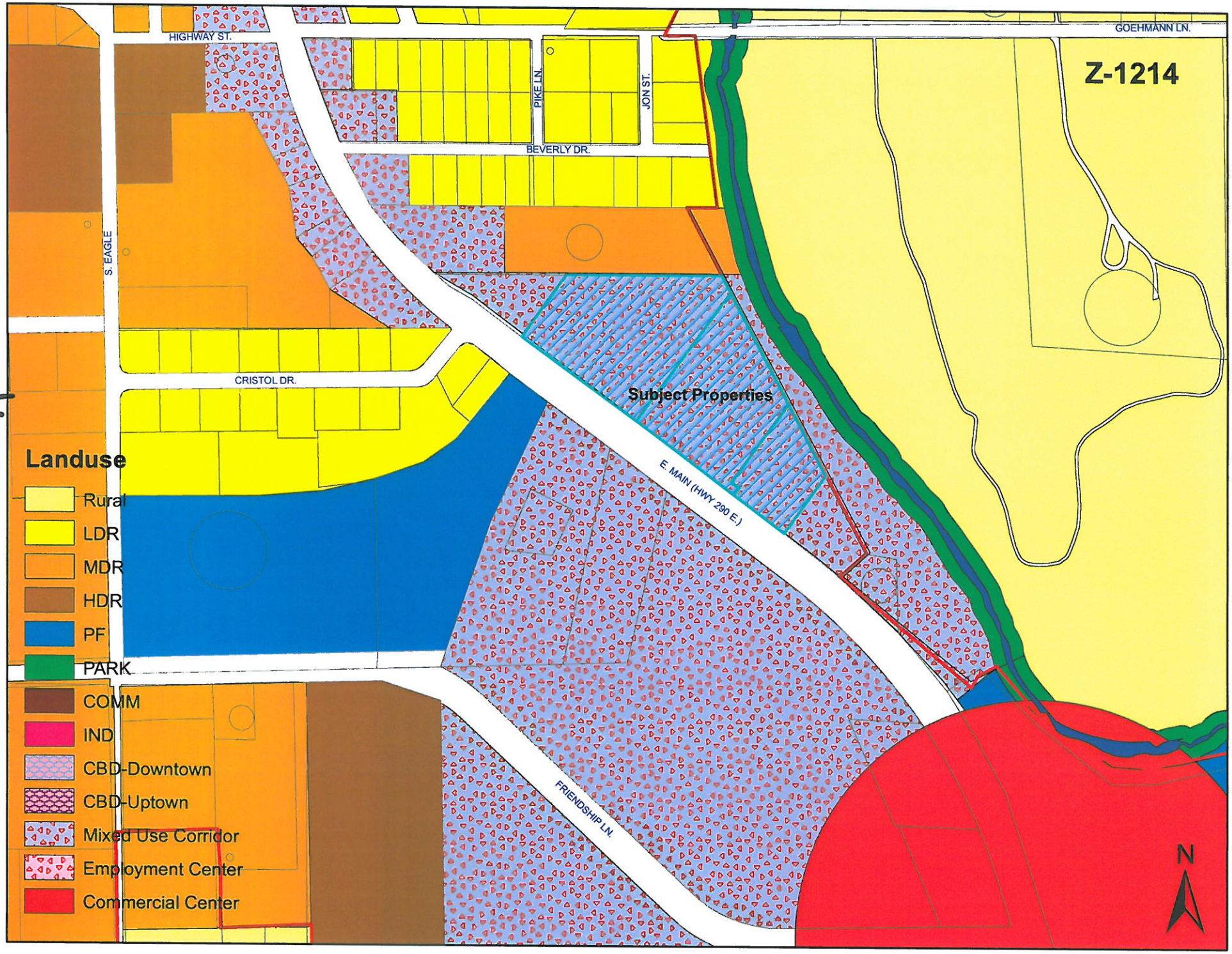
SIGN TECH INTERNATIONAL
SIGN SOLUTIONS THAT WORK
9129 Metric Blvd. • Austin • Texas 78758
800.327.1104 • p.512.494.0002 • f.512.494.0003
www.signtiny.com

BARON'S CREEK 1406 Hwy 290 West Fredericksburg, Texas	Date: 10-9-06 Last Revision: Job#: 30971 Drawing#: 30971bv1s1 Page: 2 of 2	APPROVAL. I have reviewed and approved the sign details on this drawing for fabrication and installation. Client Approval Landlord Approval	Designer: Ben Anglin Sales Rep: Bob Strobeck

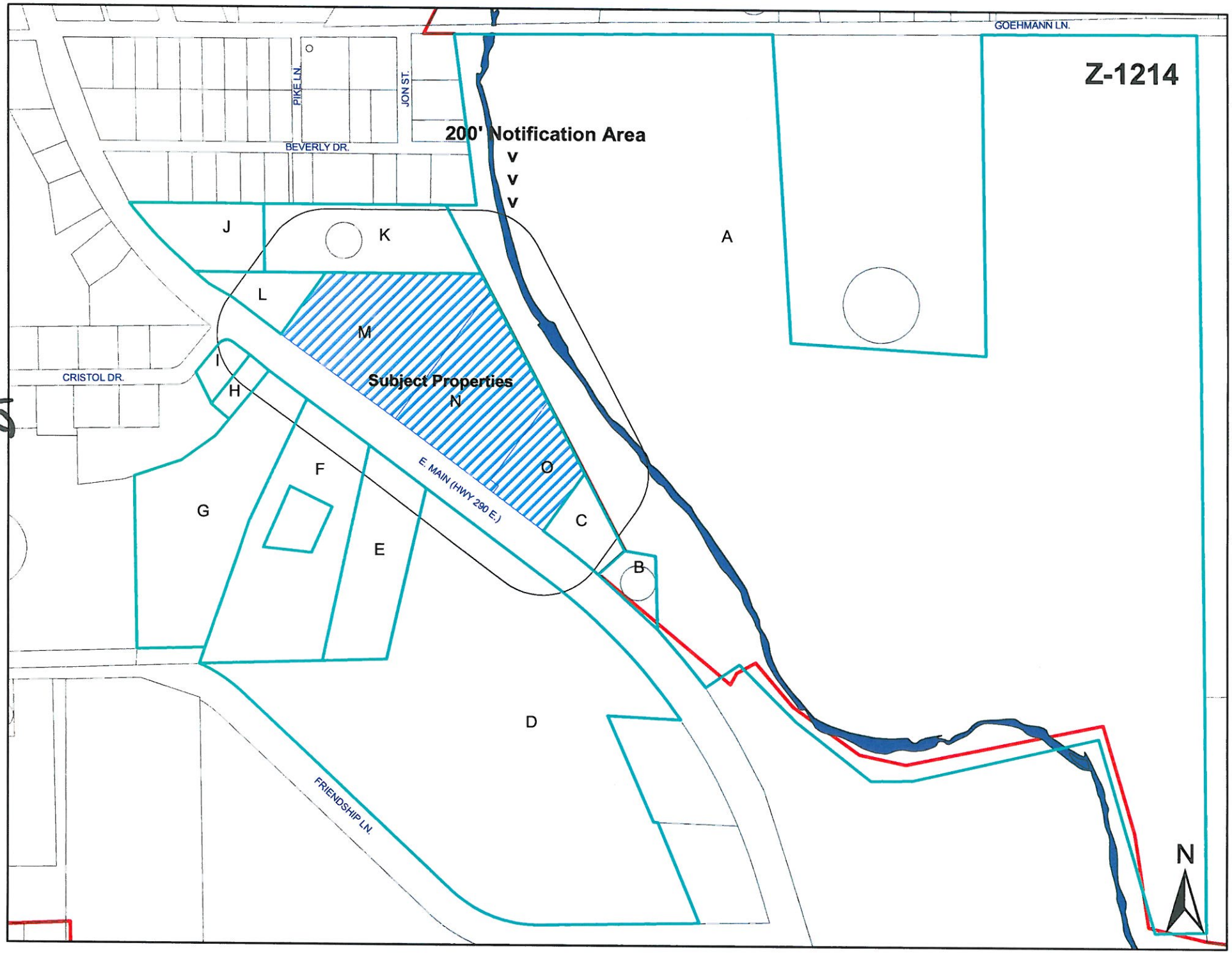
13

EXHIBIT "F"
80 sq ft.


Z-1214
HIGHWAY ST.
GOEHMANN LN.
PIKE LN.
JON ST.
BEVERLY DR.
S. EAGLE
CRISTOL DR.
Subject Properties
E. MAIN (HWY 290 E.)
FRIENDSHIP LN.
N
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


Z-1214
HIGHWAY ST.
GOEHMANN LN.
PIKE LN.
JON ST.
BEVERLY DR.
S. EAGLE
CRISTOL DR.
Subject Properties
E. MAIN (HWY 290 E.)
FRIENDSHIP LN.
Landuse
Rural
LDR
MDR
HDR
PF
PARK
COMM
IND
CBD-Downtown
CBD-Uptown
Mixed Use Corridor
Employment Center
Commercial Center
N


Z-1214
HIGHWAY ST.
BEVERLY DR
S. EAGLE
BRISTOL DR
E. MAIN (HWY 290 E.)
FRIENDSHIP LN.
N


Z-1214
GOEHMANN LN.
PIKE LN.
JON ST.
BEVERLY DR.
200' Notification Area
CRISTOL DR.
Subject Properties
E. MAIN (HWY 290 E.)
FRIENDSHIP LN.
A
B
C
D
E
F
G
H
I
J
K
L
M
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O
N

18

Letter	Owner	
A	Judy Kay Feller etal	317 Goehmann Lane
B	Judy Kay Feller etal	1436 E. Main
C	Morris Lee & Sherrie Delong	1430 E. Main
D	Wal-Mart	1439 E. Main
E	RCC Commercial, LLC	1425 E. Main
F	Ryan Keith Wille	1415 E. Main
G	First Baptist Church of Fbg	1407 E. Main
H	Ray & Donna Herrera	1403 E. Main
I	Ray & Donna Herrera	101 Cristol Dr.
J	Sammy Segner & Sandra Pokorny	1332 E. Main
K	RPS Partnership, LP	268 Beverly Dr.
L	Pleasanton Partners, LP	1406 E. Main
M	Pleasanton Partners, LP	1408 E. Main
N	Pleasanton Partners, LP	1420 E. Main
O	Pleasanton Partners, LP	1426 E. Main

Z-1214

NOTICE OF PUBLIC HEARING FOR
AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT

HEARING DATE: **NOVEMBER 7, 2012**	TIME: **5:30 PM**	REQUEST NUMBER: **Z-1214**

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: **NOVMEBER 19, 2012**	TIME: **7:00 PM**	REQUEST NUMBER: **Z-1214**

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

APPLICANT: San Antonio Design Group

LOCATION: Baron's Creek Shopping Center, 1408 - 1426 E. Main St.
(see accompanying map)

REQUEST: Amendment to PUD to allow an increase in building square footage and an additional ground sign

(DETACH BELOW)

REQUEST NO. Z-1214
As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed _____ Date _____

Printed Name _____ Address _____

CONDITIONAL USE PERMIT BRIEF

Request Z-1215

Owner/Applicant: Donna F. Croy

Location: 812 N. Llano (southwest corner of Hackberry and Llano St.)

Existing Zoning: C-1, Neighborhood Commercial

Request: Conditional Use Permit to allow Personal Improvement Services (Dance Studio) in a C-1 Neighborhood Commercial Zoning district.

Site Plan Overview:

- The subject property consists of a single lot containing two separate buildings. The adjoining property to the south is also owned by Ms. Croy and is shown on the attached plan.
- The applicant is intending to lease the front building for a dance studio for young girls, ages 2 and up (see attached description).
- The site area is approximately 0.21 acres or approximately 9,196 square feet.
- The application indicates that the interior usable space is approximately 700 square feet.
- The plan shows parking spaces for 9 vehicles, including 1 handicap space located under the existing canopy.
- The site has access from Hackberry Street and N. Llano Street. The drive on N. Llano Street is essentially the entire lot frontage, and the drive opening on Hackberry Street is approximately one-half the width of the property.
- There is an interior paved drive area serving the buildings on site. The attached site plan indicates parking proposed for the intended use.
- The majority of the building to the rear of the property is occupied for office uses (shown on plan).
- Building coverage is estimated to be approximately 26% (50% maximum allowed in the C-1 District)
- Impervious coverage is estimated to be approximately 81% (70% maximum allowed in the C-1 District).
- The site is bordered by the Yoga Center (Case Z-1216) to the west, a vacant commercial building to the north, and neighborhood commercial uses to the east and south.
- Adjacent zoning is C-1, Neighborhood Commercial on all sides.

Review and Evaluation Criteria:

A. **CONFORMANCE WITH APPLICABLE REGULATIONS:**

- The site is presently non-compliant regarding building setbacks, driveway widths, parking configuration and impervious coverage.

B. **COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:**

- Given the nature of the proposed dance studio with limited space, traffic and hours of operation, we would expect it to be compatible with existing and permitted uses in the vicinity.

C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:

- We do not expect the proposed use to have a negative affect on adjacent properties.

D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:

- The site has limited space, and the parking and circulation shown on the plan is limited. However, the adjoining property owned by the applicant has surplus spaces available for use if necessary.

E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:

- The parking and circulation shown on the plan is limited. Parking spaces 1 and 2, are head-in on Hackberry Street, and space 3 utilizes Hackberry Street for access as well. Other spaces (4-9) are accessible from the interior of the property.

F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:

- NA.

G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:

- No information has been provided concerning lighting. Any proposed signage shall meet the requirements of the sign ordinance.

H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:

- Number of parking spaces is adequate based on the code. As mentioned previously, maneuverability within the parking area is restricted, particularly when multiple vehicles are parked on site. Based on the description provided by the applicant, some parents will drop students off, while others will stay in a waiting room during class time.

I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:

- As described in the C-1, Neighborhood District, this zone 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. We would expect this use to continue to be compatible with the neighborhood.

J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:

- Affirmative.

K. DETERMINATION THAT THE PROPOSED USE AND SITE DEVELOPMENT, TOGETHER WITH ANY MODIFICATIONS APPLICABLE, THERETO, WILL BE COMPATIBLE WITH EXISTING OR PERMITTED USES IN THE VICINITY:

- The proposed use would seem consistent with the C-1 regulations.

L. DETERMINATION THAT ANY CONDITIONS APPLICABLE TO APPROVAL ARE THE MINIMUM NECESSARY TO MINIMIZE POTENTIALLY UNFAVORABLE IMPACTS ON NEARBY USES AND TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING OR PERMITTED USES IN THE SAME DISTRICT AND THE SURROUNDING AREA:

- While the subject building has been vacant for a while, we do not believe the proposed dance studio will be any more intensive than previous uses on the site.

M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:

- Affirmative

OPPOSITION/SUPPORT OF REQUEST: To date, we have received no letters in support or opposition to this request.

STAFF RECOMMENDATION: While there are certain conditions on site which are non-compliant, the nature of the proposed use, with limited traffic and hours of operation, compatibility with the surrounding neighborhood, we do not believe the proposed use will be more intensive than previous permitted uses. Therefore, staff recommends approval with a condition that the parking spaces be properly marked and the site comply with ADA requirements.

CASE NUMBER _____

DATE _____

APPLICATION FOR CONDITIONAL USE PERMIT

APPLICATION IS HEREBY MADE TO THE PLANNING & ZONING COMMISSION AND THE CITY COUNCIL TO GRANT A CONDITIONAL USE PERMIT IN THE ZONING DISTRICT OF THE CITY OF FREDERICKSBURG AS HEREIN SET FORTH:

CONDITIONAL USE PERMIT -$100.00

1. APPLICANT: DONNA F. CROY
2. ADDRESS: 302 TANGLEWOOD DR., FBG. TX. 78624
3. PHONE NUMBER: 830 997 8429 FAX NUMBER: 830-997-8429
4. OWNER (if different from applicant): _____
5. ADDRESS: _____
6. PHONE NUMBER: _____ FAX NUMBER: _____
7. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

   ADDRESS: 812 N. LLANO

   LEGAL DESCRIPTION: LOT 4 BLOCK D BURGDORF ADDITION

   LOT SIZE: 9265 SQ FT LOT AREA: 92.65' X 100'
8. EXISTING ZONING: C1 DISTRICT
9. CONDITIONAL USE PERMIT: PERSONAL IMPROVEMENT SERVICES USE CLASSIFICATION IN THE C1 ZONING DISTRICT.
10. INFORMATION TO BE PROVIDED BY THE APPLICANT:

A. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Director of Development Services may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial standards, or substantiating the adequacy of proposed parking , loading, and circulation facilities.

DANCE STUDIO - 3 DAYS A WEEK - 4 hrs. A DAY

(attach additional sheet if necessary)

B. Seven (7) copies of a site plan (24 x 36 inches) and 3 copies of a reduced site plan (11 x 17 inches) showing preliminary building elevations, preliminary improvement plans, and such additional maps and drawings all sufficiently dimensioned as required to illustrate the following:

1. The date, scale, north point, title, name of owner, and the name of the person preparing the site plan.
2. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed streets and alleys, and the 100 year flood plain.
3. The location, height, bulk, general appearance ,and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 50 feet.
4. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs and lighting.

RECEIVED

OCT 1 1 2012

Z-1215

24

5. The location of water courses and drainage features.

6. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.

7. For sites with an average slope greater than ten (10%) percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.

8. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

11. SIGNATURE OF APPLICANT: Donna J. Croy

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

SIGNATURE OF OWNER: Donna J. Croy

DATE:_____

FEE PAID:_____

TITLE SEARCH:_____
(Date)

12. CONSENT OF LIENHOLDER: None N/A
(SIGNATURE)

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

13. List of property owners within 200 feet. (provided by City)

To Whom It May Concern,

TuTu Cute is a dance and cheer studio for girls ages two and up.

Following is my current schedule:

MONDAYS:	3:30-7:00
TUESDAYS:	4:00-7:00
WED:	9:30-10:45
	3:00-7:00

I plan to open Thursday classes as needed, but this is my current schedule.

I try to keep enrollment to about 8 girls per class (some have less).

Drop off/ Pick up: Some parents drop off girls (especially those staying for two classes) and leave for an hour and a half. Others (especially those with the two year olds) stay in the waiting room during class time. Parents must come inside the studio to pick up their child. Students are not allowed to wait outside.

Thank you for your consideration.

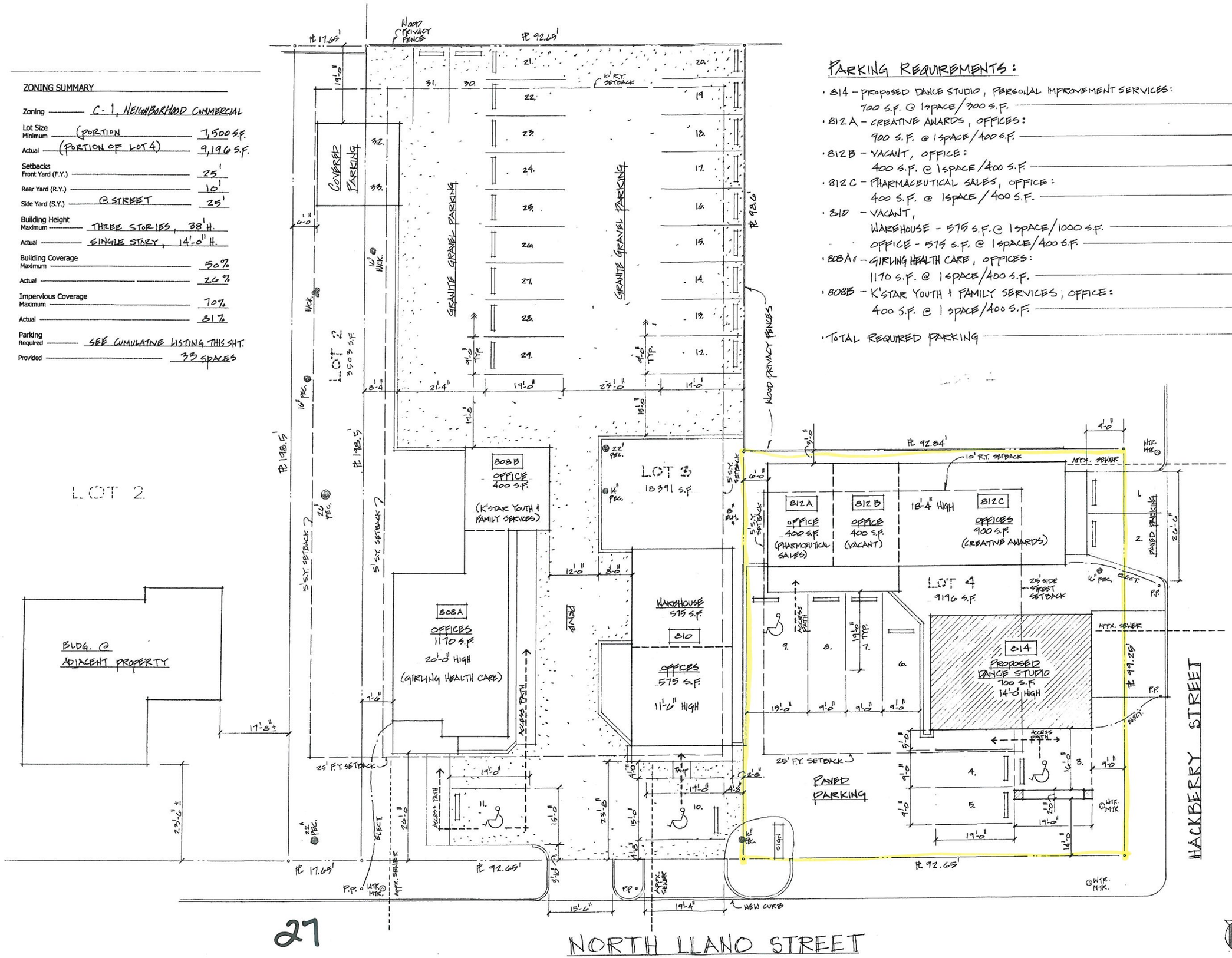
Sincerely,

Heather Crenwelge Brown

Heather Crenwelge Brown

ZONING SUMMARY

Zoning	C-1, NEIGHBORHOOD COMMERCIAL	
Lot Size Minimum	(PORTION	7,500 S.F.
Actual	(PORTION OF LOT 4)	9,196 S.F.
Setbacks Front Yard (F.Y.)		25'
Rear Yard (R.Y.)		10'
Side Yard (S.Y.)	@ STREET	25'
Building Height Maximum	THREE STORIES, 38' H.	
Actual	SINGLE STORY, 14'-0" H.	
Building Coverage Maximum		50%
Actual		26%
Impervious Coverage Maximum		70%
Actual		81%
Parking Required	SEE CUMULATIVE LISTING THIS SHT.	
Provided		33 spaces



PARKING REQUIREMENTS:

- 814 – PROPOSED DANCE STUDIO, PERSONAL IMPROVEMENT SERVICES:
  700 S.F. @ 1 space/300 S.F. — 3 spaces
- 812A – CREATIVE AWARDS, OFFICES:
  900 S.F. @ 1 space/400 S.F. — 3
- 812B – VACANT, OFFICE:
  400 S.F. @ 1 space/400 S.F. — 1
- 812C – PHARMACEUTICAL SALES, OFFICE:
  400 S.F. @ 1 space/400 S.F. — 1
- 810 – VACANT,
  WAREHOUSE – 575 S.F. @ 1 space/1000 S.F. — 1
  OFFICE – 575 S.F. @ 1 space/400 S.F. — 2
- 808A – GIRLING HEALTH CARE, OFFICES:
  1170 S.F. @ 1 space/400 S.F. — 3
- 808B – K'STAR YOUTH + FAMILY SERVICES, OFFICE:
  400 S.F. @ 1 space/400 S.F. — 1
- TOTAL REQUIRED PARKING — 15 spaces

SITE PLAN

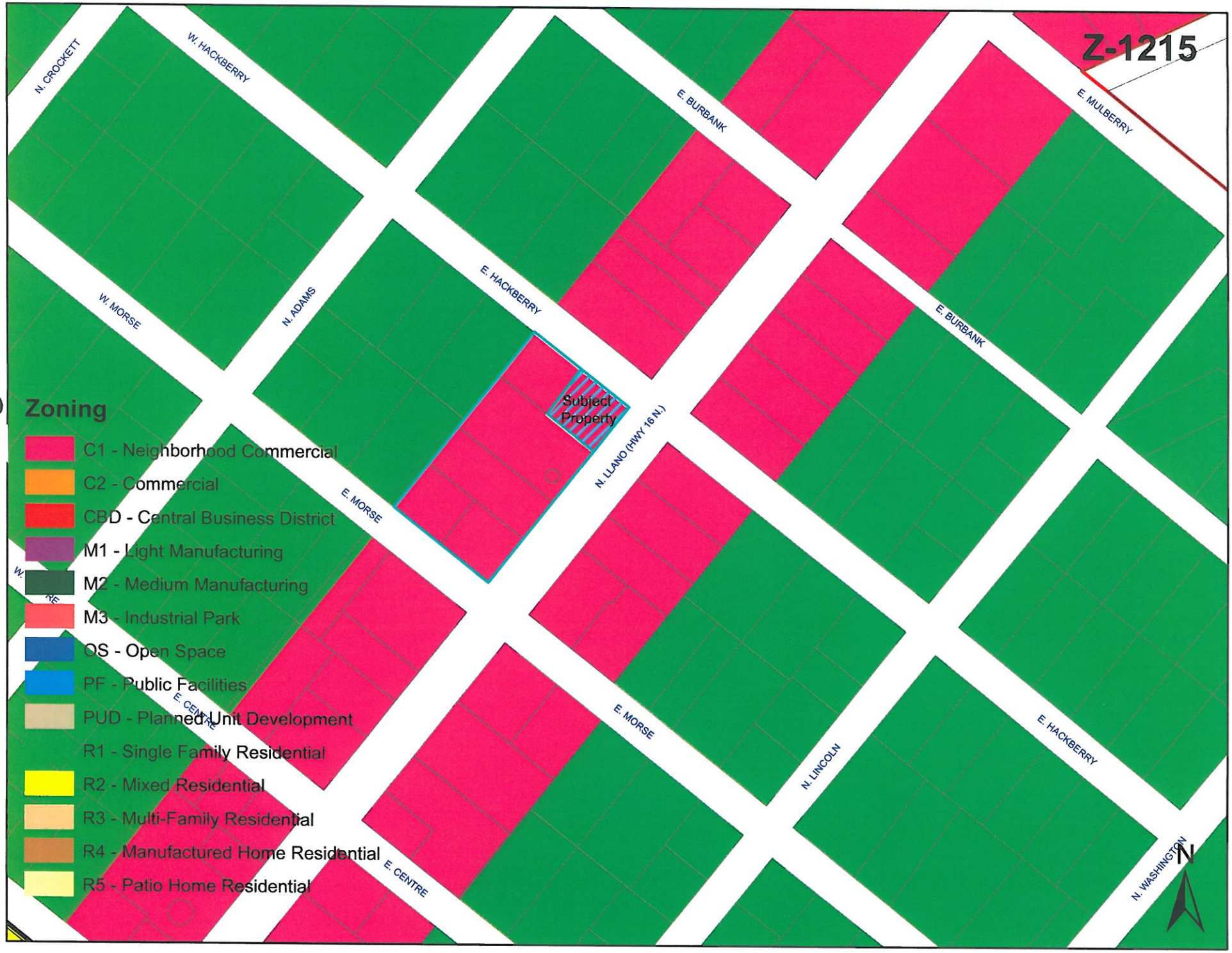
LOT 3 + PORTIONS OF LOTS 2 + 4 BLOCK D, BURGDORF'S ADDITION
FREDERICKSBURG, TEXAS

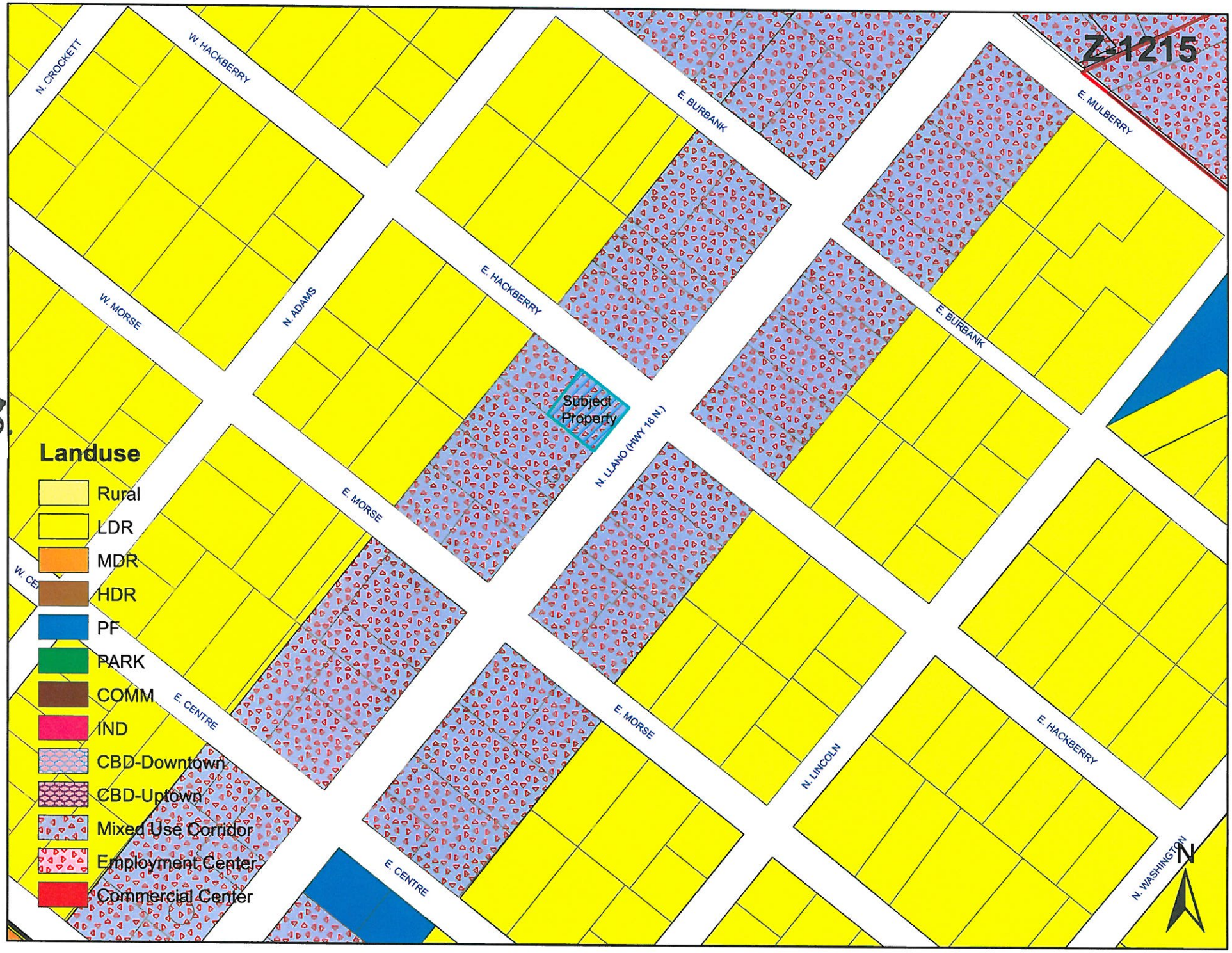
Prepared by
W. CASS PHILLIPS
PLANNING & DESIGN
1001 W. Main
Fredericksburg, TX 78624
(830) 997-0199

OCT. 15, 2012
REVISED 10/27/12

SITE PLAN - APPLICATION FOR CONDITIONAL USE PERMIT FOR PERSONAL IMPROVEMENT SERVICES BY DONNA CROT

1 of 1


Z-1215
N. CROCKETT
W. HACKBERRY
E. BURBANK
E. MULBERRY
W. MORSE
N. ADAMS
E. HACKBERRY
E. BURBANK
Subject Property
N. LLANO (HWY 16 N.)
E. MORSE
E. MORSE
N. LINCOLN
E. HACKBERRY
E. CENTRE
N. WASHINGTON
N
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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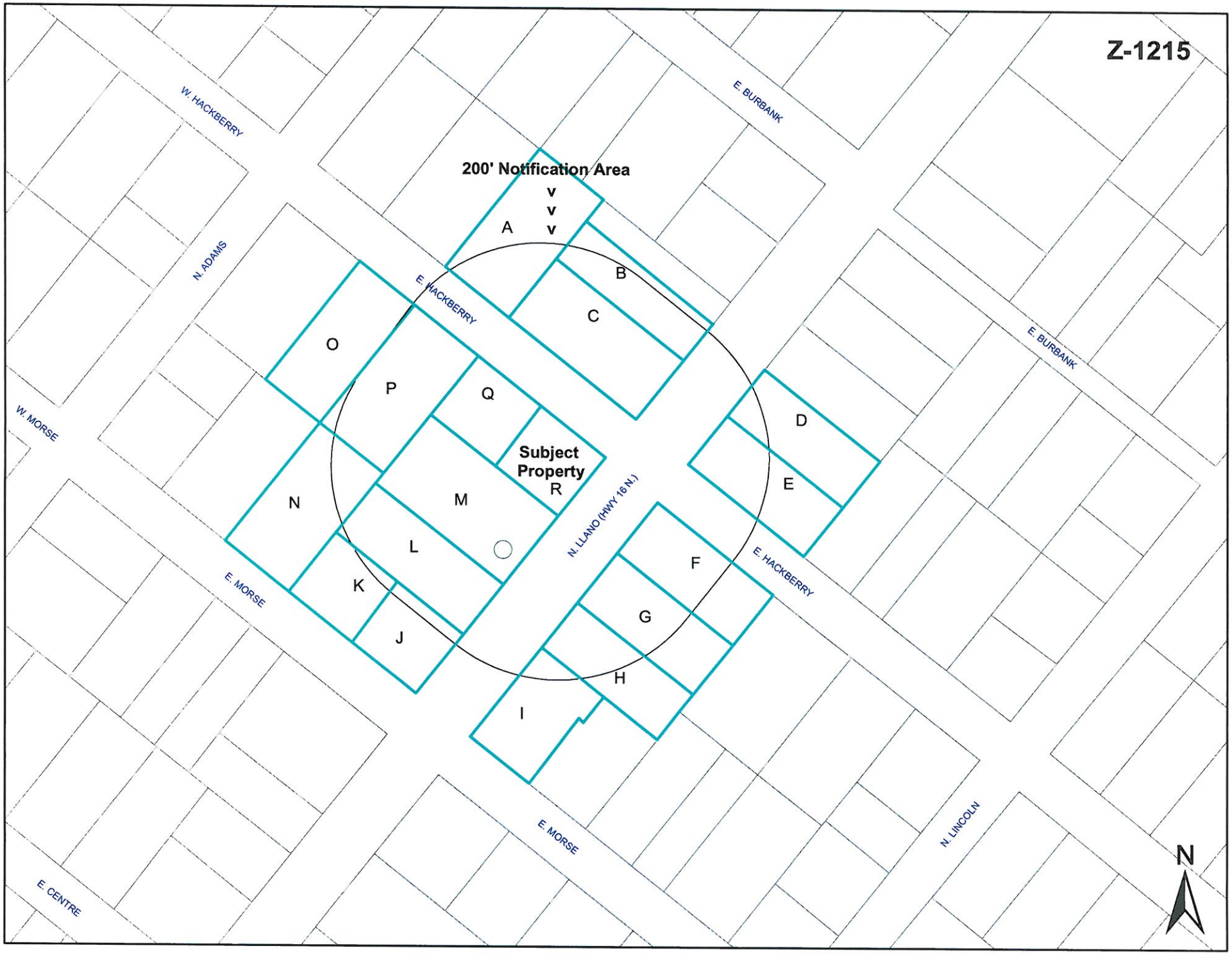
Employment Center
Commercial Center

29


Z-1215
W. HACKBERRY
E. HACKBERRY
E. BURBANK
E. BURBANK
W. MORSE
E. MORSE
N. LLANO (HWY 16N)
E. HACKBERRY
E. MORSE
N. LINCOLN
E. CENTRE
N

30


Z-1215
200' Notification Area
W. HACKBERRY
E. BURBANK
N. ADAMS
E. HACKBERRY
E. BURBANK
W. MORSE
Subject Property
N. LLANO (HWY 16 N.)
E. HACKBERRY
E. MORSE
E. MORSE
N. LINCOLN
E. CENTRE
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Letter	Owner	
A	Joseph L. & Queda A. Fritz	110 E. Hackberry
B	David Dean Tatsch	904 N. Llano
C	Sheila E. Tatsch White	902 N. Llano
D	Anthony W. & Kelly Creighton DiCuffa	903 N. Llnao
E	Anthony W. & Kelly Creighton DiCuffa	901 N. Llano
F	James E. & Anne M. Weinheimer	811 N. Llano
G	Diana M. Siefert	809 N. Llano
H	Dennis D. Kusenberger	805 N. Llano
I	Cynthia Ann Segner	803 N. Llano
J	Kristin L. Panzica	802 N. Llano
K	Franklin B. & Cindy D. Steele	112 E. Morse
L	Jerald W. & Phyllis C. Klett	804 N. Llano
M	Donna F. Cammack Croy	808 N. Llano
N	Gregory Lee & Kathryn K. Wentworth	108 E. Morse
O	Francis J. & Josephine N. Weingartner	103 E. Hackberry
P	Timothy T. & Donna W. Lafferty	107 E. Hackberry
Q	Stephen W. & Beverly A. Allen	109 E. Hackberry
R	Donna F. Cammack Croy	812 N. Llano

Z-1215

NOTICE OF PUBLIC HEARING FOR A CONDITIONAL USE PERMIT

HEARING DATE: **NOVEMBER 7, 2012** TIME: **5:30 PM** REQUEST NUMBER: **Z-1215**

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: **NOVMEBER 19, 2012** TIME: **7:00 PM** REQUEST NUMBER: **Z-1215**

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

APPLICANT: Donna F. Croy

LOCATION: 812 N. Llano
(see accompanying map)

REQUEST: Conditional Use Permit to allow Personal Improvement Services (Dance Studio) in a C-1, Neighborhood Commercial Zoning District

(DETACH BELOW)

REQUEST NO. Z-1215
As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed _____ Date _____

Printed Name _____ Address _____

CONDITIONAL USE PERMIT BRIEF

Request Z-1216

Owner/Applicant: Stephen W. and Beverly A. Allen

Location: 109 E. Hackberry Street

Existing Zoning: C-1, Neighborhood Commercial

Request: Conditional Use Permit to allow Personal Improvement Services (Yoga Center) in a C-1 Neighborhood Commercial Zoning district.

Site Plan Overview:

- The property consists of a single lot with a residential structure that was converted for commercial purposes in 2010.
- The Yoga Center has been a tenant in the building for some time, but a Conditional Use Permit was not secured.
- The site area is approximately 0.21 acres or 9,165 square feet.
- The application indicates that the interior usable space is approximately 1,200 square feet, while the plan shows 1,550 square feet.
- A parking area for 6 vehicles is provided on the eastern side of the property, including 1 handicap parking space.
- The site has access from Hackberry Street via single-vehicle width driveway.
- The parking lot has a granite gravel surface with curb stops to identify the spaces.
- The applicant proposes to continue using the site for personal improvement services (Yoga Center), see attached description.
- Building coverage is estimated to be approximately 20% (50 maximum allowed in the C-1 District)
- Impervious coverage is estimated to be approximately 45% (70% maximum allowed in the C-1 District).
- The site is bordered by residential to the west, a vacant commercial building to the north, and neighborhood commercial uses to the east and south.
- Adjacent zoning is R-1, Single Family Residential to the west, and C-1 Neighborhood Commercial to the north, east and south.

Review and Evaluation Criteria:

A. **CONFORMANCE WITH APPLICABLE REGULATIONS:**

- The site is presently non-compliant regarding driveway width, drive isle serving the parking area and setbacks. However, given the personal nature of the business, limited traffic and limited hours, this does not appear to be a major problem.

B. **COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:**

- Given the nature of the existing yoga center with limited traffic, limited hours, the existing use has been compatible with surrounding properties.

C. **POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:**

- We do not expect the proposed use to have a negative affect on adjacent properties.

D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:

- The current site has limited space for parking and maneuverability. However, this appears to be working for the tenant given there limited size and activity level.

E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:

- While restricted and non-compliant, circulation into and within the site appears adequate for this type of use.

F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:

- NA.

G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:

- The existing lighting is compatible with the surrounding neighborhood. Signage is existing and meets the requirements of the sign ordinance.

H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:

- Number of parking spaces is adequate based on the code. As mentioned previously, maneuverability within the parking area is restricted, particularly when multiple vehicles are parked on site. Under normal circumstances, a drive isle width of 24-26' is standard. Since activities at the center are scheduled for a particular time, patrons should be able to coordinate their activities.

I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:

- As described in the C-1, Neighborhood District, this zone 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. We would expect this use to continue to be compatible with the neighborhood.

J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:

- Affirmative.

K. DETERMINATION THAT THE PROPOSED USE AND SITE DEVELOPMENT, TOGETHER WITH ANY MODIFICATIONS APPLICABLE, THERETO, WILL BE COMPATIBLE WITH EXISTING OR PERMITTED USES IN THE VICINITY:

- Except for the non-compliant issues noted above, the proposed use would seem consistent with the C-1 regulations.

L. DETERMINATION THAT ANY CONDITIONS APPLICABLE TO APPROVAL ARE THE MINIMUM NECESSARY TO MINIMIZE POTENTIALLY UNFAVORABLE IMPACTS ON NEARBY USES AND TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING OR PERMITTED USES IN THE SAME DISTRICT AND THE SURROUNDING AREA:

- While the previous use of this site was for residential purposes, the Yoga Center has occupied this site for over a year, with no complaints.

M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:

- Affirmative

OPPOSITION/SUPPORT OF REQUEST: To date, we have received no letters in support or opposition to this request.

STAFF RECOMMENDATION: Based on the nature of the use, limited traffic and hours of operation, compatibility with the surrounding neighborhood, and that we do not believe the proposed use will be more intensive than other permitted uses in C-1, staff recommends approval.

CASE NUMBER _____

DATE 10-12-12

APPLICATION FOR CONDITIONAL USE PERMIT

Prior to submittal a pre-application meeting must be held with the Planning and Engineering Depts

APPLICATION IS HEREBY MADE TO THE PLANNING & ZONING COMMISSION AND THE CITY COUNCIL TO GRANT A CONDITIONAL USE PERMIT IN THE ZONING DISTRICT OF THE CITY OF FREDERICKSBURG AS HEREIN SET FORTH:

CONDITIONAL USE PERMIT -$100.00

1. **APPLICANT:** Stephen W. & Beverly A. Allen BevAllen@austin.rr.c
2. **ADDRESS:** 662 Post Oak Rd. Fredericksburg, TX 78624
3. **PHONE NUMBER:** 830-997-8767 **FAX NUMBER:** _____
4. **OWNER (if different from applicant):** _____
5. **ADDRESS:** _____
6. **PHONE NUMBER:** _____ **FAX NUMBER:** _____
7. **DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:**

   ADDRESS: 109 E. Hackberry St. Fredericksburg

   LEGAL DESCRIPTION: Volume 13, page 481, Deed Records Gillespie Cty. Lot 3 Block D

   LOT SIZE: .21 acre **LOT AREA:** 92.84' x 98.56'
8. **EXISTING ZONING:** C-1 Neighborhood DISTRICT
9. **CONDITIONAL USE PERMIT:** Personal Improvement Service USE CLASSIFICATION IN THE C-1 Commercial ZONING DISTRICT.
10. **INFORMATION TO BE PROVIDED BY THE APPLICANT:**

A. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Director of Development Services may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial standards, or substantiating the adequacy of proposed parking , loading, and circulation facilities.

See attached sheet - YOGA CENTER

(attach additional sheet if necessary)

B. Seven (7) copies of a site plan (24 x 36 inches) and 1 copy of a reduced site plan (11 x 17 inches) showing preliminary building elevations, preliminary improvement plans, and such additional maps and drawings all sufficiently dimensioned as required to illustrate the following:

1. The date, scale, north point, title, name of owner, and the name of the person

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Z-1216

preparing the site plan.

2. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed streets and alleys, and the 100 year flood plain.

3. The location, height, bulk, general appearance ,and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 50 feet.

4. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs and lighting. n

5. The location of water courses and drainage features.

6. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.

7. For sites with an average slope greater than ten (10%) percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.

8. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

11. **SIGNATURE OF APPLICANT:** Stan W. Ann

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

SIGNATURE OF OWNER: Stan W. Ann

DATE: 10-12-12

FEE PAID: _____

TITLE SEARCH: _____
(Date)

12. **CONSENT OF LIENHOLDER:** _____
(SIGNATURE)

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

13. List of property owners within 200 feet. (provided by City)

14. Return completed applicaiton to: Tammie Loth, City of Fredericksburg, 126 W. Main St., Fredericksburg, Texas 78624.

The Yoga Center of Fredericksburg, TX

The Yoga Center is a unique place dedicated to "Nurturing Health, Fitness & Life". They provide private lessons to individuals and group classes that are restricted to a maximum participant size of 6. Certified instructors have been leading these classes for several years in Fredericksburg and the business is very friendly, peaceful and quiet in the neighborhood. The gardens of the Center have been enhanced to be inviting to those that visit to commune with nature and relax. They offer Pilates and Yoga in a setting that is comfortable and relaxing.

The quiet enjoyment of the neighborhood has been a feature of this business that helps it blend perfectly with the close by residences in this C-1 Commercial Neighborhood zone. Hours of operation are Monday through Friday with limited classes and individual appointments. Current class schedules are Tuesday at 6:45pm; Wednesday at 12:00pm & 5:30 pm; Thursday at 5:30 pm and Friday at 9:00am.

The site plan attached shows the ample parking spaces for the approximate 1200 sq. feet of the center. Significant renovation was done of the former residence to modernize all the electrical wiring and install all new outlets, switches, breaker panel, etc. A new central heating and air conditioning system completely replaced the old original furnace and window mounted air conditioners. Fresh paint and refurnishing of the wood floors among other cosmetic improvements have brought new life to this once empty and aging old frame house.

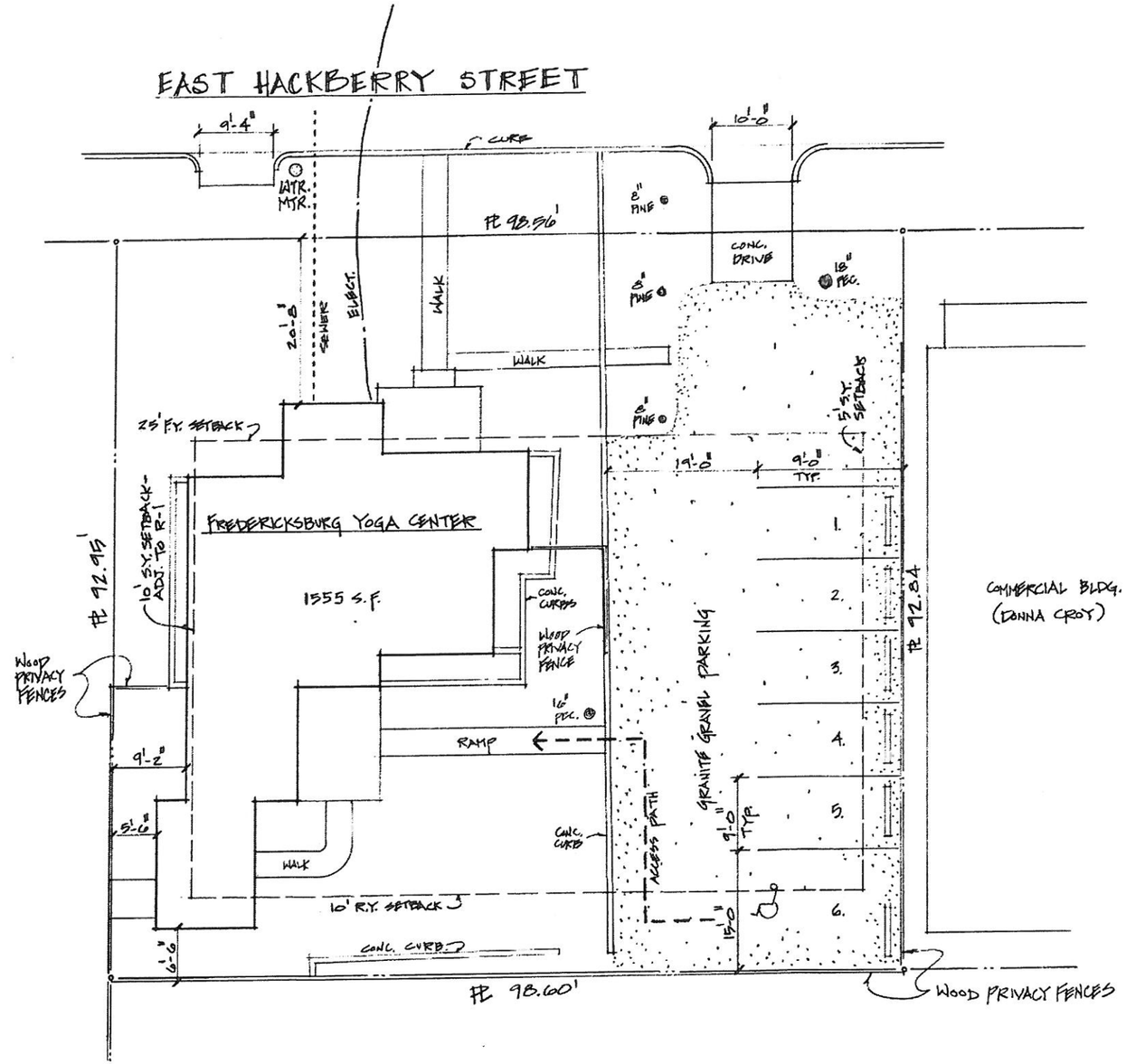
We respectfully request this application for conditional use as a personal improvement center which use is described above.

Street View of The Yoga Center

Side Entrance View of The Yoga Center

ZONING SUMMARY

Zoning	C-1, NEIGHBORHOOD COMMERCIAL
Lot Size Minimum	7,500 SF
Actual	9,165 SF
Setbacks Front Yard (F.Y.)	25'
Rear Yard (R.Y.)	10'
Side Yard (S.Y.)	10' WHEN ADJ. TO R-1
Building Height Maximum	THREE STORIES, 38'
Actual	ONE STORY, 14'-8"
Building Coverage Maximum	50%
Actual	20%
Impervious Coverage Maximum	70%
Actual	45%
Parking Required	1 SPACE/300 S.F. = 6 SPACES
Provided	6 SPACES



SITE PLAN

1" = 10'-0"

109 EAST HACKBERRY, A PORTION OF LOT 4, BLOCK D, BURGDORF'S ADDITION
FREDERICKSBURG, TEXAS

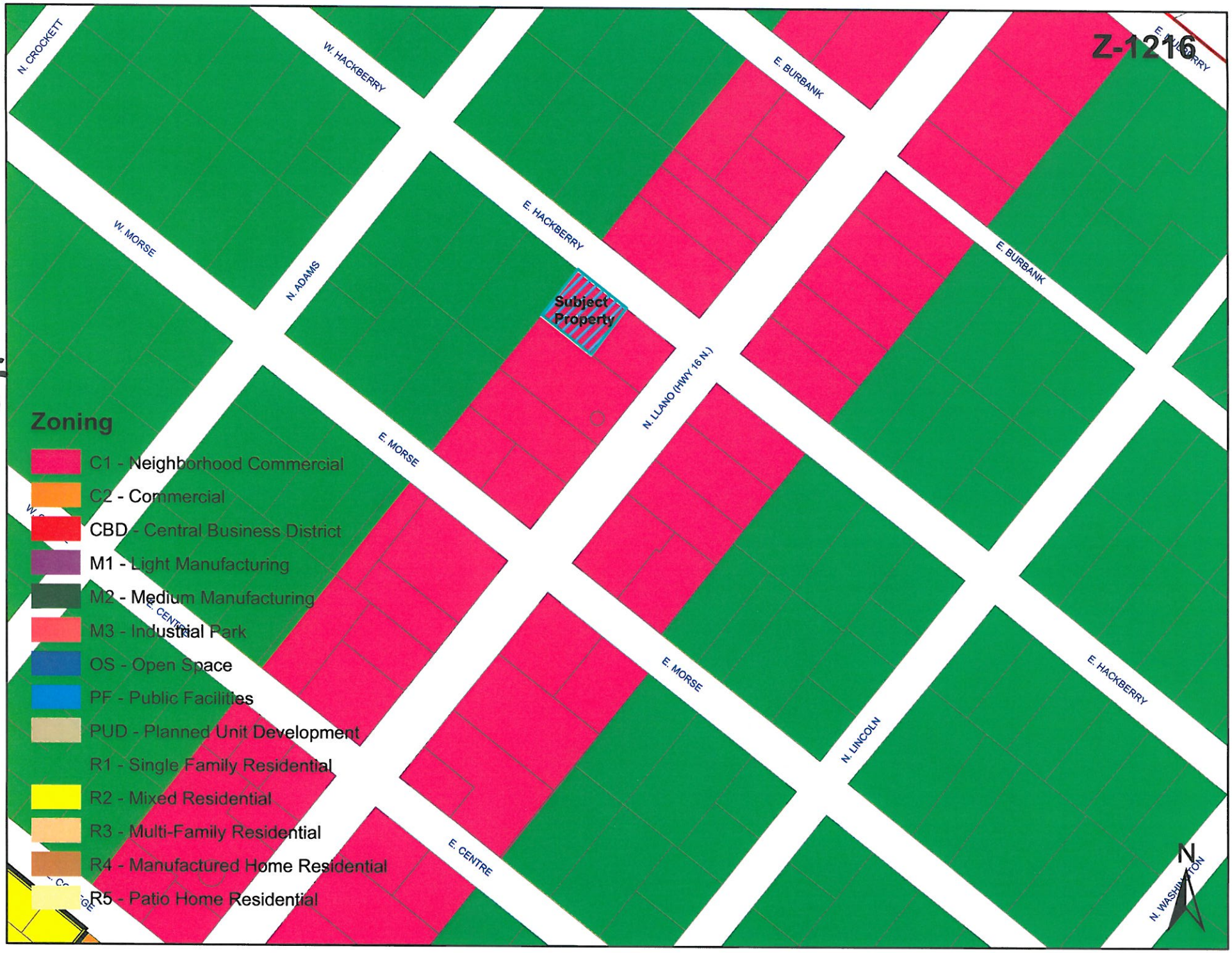
Prepared By
W. CASS PHILLIPS
PLANNING & DESIGN
1000 Hill Street
Fredericksburg, TX 78624
(830) 997-0169

OCT. 15, 2012
REVISED 10/26/12

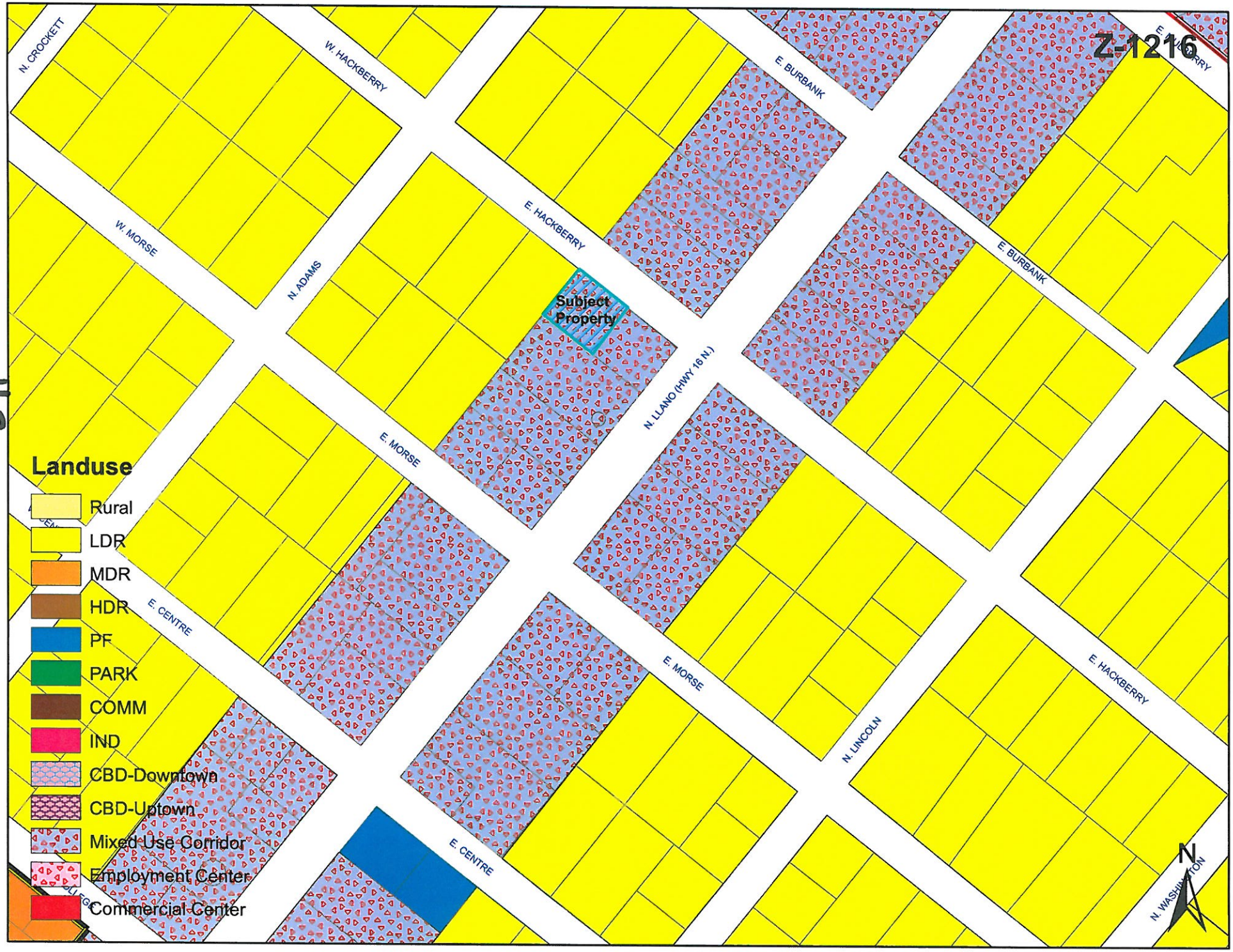
SITE PLAN - APPLICATION FOR CONDITIONAL USE PERMIT FOR PERSONAL IMPROVEMENT SERVICES BY STEVE & BEVERLY ALLEN

1 OF 1

41


Z-1216
N. CROCKETT
W. HACKBERRY
E. BURBANK
W. MORSE
N. ADAMS
E. HACKBERRY
Subject Property
N. LLANO (HWY 16 N.)
E. BURBANK
E. MORSE
E. MORSE
E. HACKBERRY
N. LINCOLN
E. CENTRE
N. WASHINGTON
N
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

42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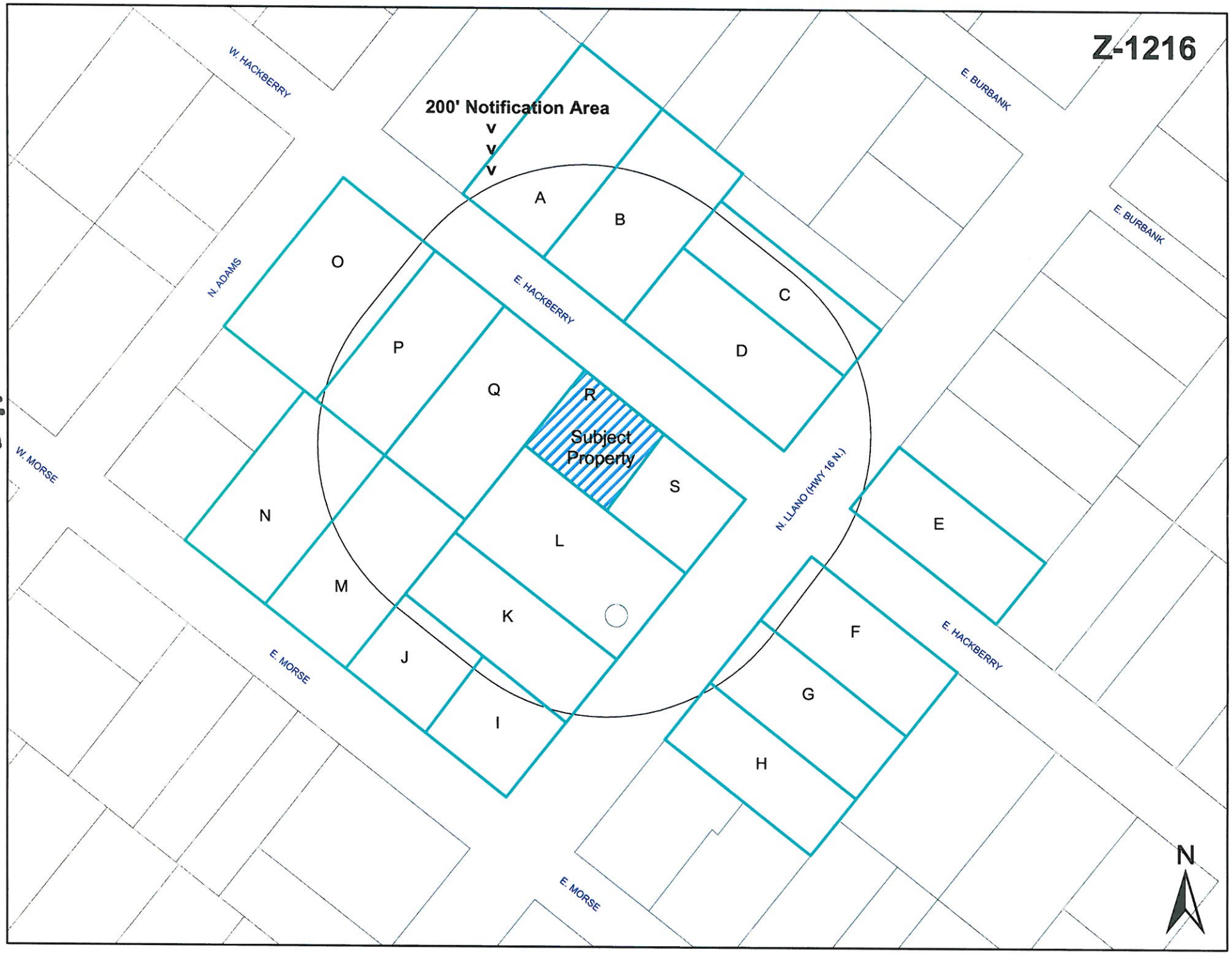
E. MORSE
E. CENTRE
E. MORSE
E. HACKBERRY
N. LINCOLN
E. CENTRE
N. WASHINGTON
N
Landuse
Rural
LDR
MDR
HDR
PF
PARK
COMM
IND
CBD-Downtown
CBD-Uptown
Mixed Use Corridor
Employment Center
Commercial Center

43


Z-1216
W. HACKBERRY
E. HACKBERRY
E. BURBANK
E. BURBANK
W. MORSE
E. MORSE
N. LLANO (HWY 16 N)
E. HACKBERRY
E. MORSE
N. LINCOLN
E. CENTRE
N

44


Z-1216
200' Notification Area
W. HACKBERRY
E. BURBANK
E. BURBANK
N. ADAMS
E. HACKBERRY
W. MORSE
N. LLANO (HWY 16 N.)
E. HACKBERRY
E. MORSE
E. MORSE
A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
Subject Property
N

45

Letter	Owner	
A	Gusie D. & Deborah D. Heiser	108 E. Hackberry
B	Joseph L. & Queda A. Fritz	110 E. Hackberry
C	David Dean Tatsch	904 N. Llano
D	Sheila E. Tatsch White	902 N. Llano
E	Anthony W. & Kelly Creighton DiCuffa	901 N. Llnao
F	James E. & Anne M. Weinheimer	811 N. Llano
G	Diana M. Siefert	809 N. Llano
H	Dennis D. Kusenberger	805 N. Llano
I	Kristin L. Panzica	802 N. Llano
J	Franklin B. & Cindy D. Steele	112 E. Morse
K	Jerald W. & Phyllis C. Klett	804 N. Llano
L	Donna F. Cammack Croy	808 N. Llano
M	Gregory Lee & Kathryn K. Wentworth	108 E. Morse
N	Melvin Franz	106 E. Morse
O	Claude W. & Lisa J. Saunders	101 E. Hackberry
P	Francis J. & Josephine N. Weingartner	103 E. Hackberry
Q	Timothy T. & Donna W. Lafferty	107 E. Hackberry
R	Stephen W. & Beverly A. Allen	109 E. Hackberry
S	Donna F. Cammack Croy	812 N. Llano

Z-1216

NOTICE OF PUBLIC HEARING FOR A CONDITIONAL USE PERMIT

HEARING DATE: **NOVEMBER 7, 2012** TIME: **5:30 PM** REQUEST NUMBER: **Z-1216**

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: **NOVMEBER 19, 2012** TIME: **7:00 PM** REQUEST NUMBER: **Z-1216**

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

APPLICANT: Stephen W. & Beverly A. Allen

LOCATION: 109 E. Hackberry
(see accompanying map)

REQUEST: Conditional Use Permit to allow Personal Improvement Services (Yoga Center) in a C-1, Neighborhood Commercial Zoning District

(DETACH BELOW)

REQUEST NO. Z-1216
As an interested property owner, I (Protest)(Approve) the requested zoning amendment represented by the above file number because:

Signed _____ Date _____

Printed Name _____ Address _____