

**AGENDA**  
**CITY OF FREDERICKSBURG**  
**PLANNING & ZONING COMMISSION**

Wednesday, January 9, 2013

**5:30 P.M.**

LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

PAGE REF.

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

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**PUBLIC HEARINGS**

3. PUBLIC HEARING (Z-1217) by Bill Ham for a change in zoning from C-1, Neighborhood Commercial to C-2, Commercial on Lots 8 and 18, Block 3 of the Fair Grounds Addition and a change in zoning from M-1, Light Manufacturing to C-2, Commercial on lots 5, 6, and 7 of said subdivision, also known as 106 E. Live Oak and 513 S. Adams
4. Consider making a recommendation on Z-1217
5. PUBLIC HEARING (Z-1218) by Whataburger Restaurants, LLC for a Conditional Use Permit to allow a drive-through facility associated with a fast food restaurant in the C-2, Commercial Zoning District at 1301 E. Main Street
6. Consider making a recommendation on Z-1218

*Pp 6 - 17*

*Pp 18 - 35*

**ADMINISTRATIVE APPROVALS**

7. Replat - Lot 2, Klett Subdivision (Durst)

**ADJOURN**

STATE OF TEXAS  
COUNTY OF GILLESPIE  
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION  
December 7, 2012  
5:30 P.M.

On this the 7<sup>th</sup> day of December, 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  
STEVE THOMAS  
CHRIS KAISER  
MATT LINES  
JASON HELFRICH  
BOBBY WATSON

ABSENT:

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.

Janice Menking addressed the large group of citizens at the meeting and noted a site plan does not require a public hearing but since there is such a large group wanting to be heard, the spokesperson for the neighborhood will be given a chance to speak. Ms. Menking also noted the Commission is limited in the criteria they can use when approving or denying a site plan application.

**SITE PLANS**

**SP-1209 - CONSIDER A SITE PLAN FOR COTTAGES ON BARON'S CREEK AT 307 S. LEE**

- Kevin Spraggins, owner of the property, developer, and engineer, presented the application. Mr. Spraggins noted he has owned the property for several years and came across the proposed concept and liked it and wanted to create the cottage or pocket neighborhood concept in Fredericksburg. Mr. Spraggins stated there will be 11 cottages and noted this development is different in that the houses are separate from the driveway. Mr. Spraggins commented the design is modeled after empty nesters or single parent families that don't want to maintain their own yard. Mr. Spraggins noted the common area outside the fences will be maintained by the homeowners association. Mr. Spraggins noted the houses will be between 1200 and 1400 square feet, with a one car garage and one space for parking in the front of the house. Mr. Spraggins commented he really liked the concept when he saw it and thought it would work well in Fredericksburg. Mr. Spraggins also noted he has gone through the technical steps for engineering and the water line will be upgraded to an 8" line, the development will have two 2 inch meters

and the water will be paid for by the homeowners association. Mr. Spraggins noted only a small section of the lot has had service before and they will be putting in a regional lift station for the sewer. Mr. Spraggins noted the drainage will go to the road and then to Baron's Creek.

### **STAFF COMMENTS**

Brian Jordan, Director of Development Services, explained Mr. Spraggins started the development review process in October and the plan has gone through several revisions, based on Staff's comments. Mr. Jordan noted the application that is being presented to the Planning & Zoning Commission tonight is the product of those revisions. Mr. Jordan noted the property is zoned R-2 which allows multi-family (apartments), condominiums and single family residential uses. Mr. Jordan noted the zoning has been in place for a very long time but the allowed condominium use was changed in 2008 as a result of the need for affordable housing and development of smaller lots. Mr. Jordan noted the applicant meets all the zoning requirements and the review tonight is a technical review in which the applicant is required to meet a menu of items for approval. Mr. Jordan noted there is limited room for discretionary review in a site plan application.

Mr. Jordan stated the development is an 11 unit condominium type regime where the owners own the building and a small area of land around the house. The total acreage is 1.6 acres and 1.02 acres is out of the floodplain. Mr. Jordan noted the proposal includes 5 units at 1292 square feet, 3 at 1150 square feet and 3 at 1400 square feet, all 2 story, 2 bedroom units. Mr. Jordan noted the density is allowed by code and corrected what was written in the staff report by explaining the applicant's building coverage is 29 % of the lot and the maximum allowed is 55%, and the impervious coverage that is proposed is 55% and the allowable coverage is 65%. Mr. Jordan noted there is a single drive to serve the project and that has been approved by the Fire Marshall with the condition a fire hydrant be added. Mr. Jordan noted one-half of the parking requirements are met by the garages and the other 1/2 are met by the parking in front of each unit. Mr. Jordan noted a sidewalk is required along S. Lee Street and that has been provided. Mr. Jordan noted there is no screening required. Mr. Jordan stated there will be individual trash receptacles for each house and those will be taken to the street on trash pick-up day. Mr. Jordan noted the information on lighting for the development has not been received but any lighting will have to be shielded. Mr. Jordan stated the applicant will have to submit a grading plan and he will be required to address the stormwater detention ordinance and prove to city staff that post development conditions will not create any adverse affect on adjoining properties. Mr. Jordan stated there will have to be several utility changes to serve the property but the preliminary utility plans seem to meet the original comments from City Staff. Mr. Jordan noted 14 letters were received from neighbors in opposition of the request and a copy of each letter was passed out to each member of the Commission.

Mr.. Jordan noted Staff recommendation of approval with the following conditions:

1. Approval of a Landscape Plan prior to release for construction.
2. Stormwater Detention requirement being addressed prior to release for construction.
3. All lighting being shielded.
4. Approval of final Construction Plans prior to release for construction
5. Approval of replat
6. Approval of Condominium Covenants and Restrictions by the City Attorney prior to construction.

The Commission took several minutes to read the letters presented by the neighbors. Ms. Menking then read the list of names of people who submitted opposition letters and they are as follows: Donley and Lynn Watt, Mark and Janice Langerhans, Michael and Michelle Weberpal, Linda Nevels, Mitch and Emily Leland, Stephen Pope, Charles and Ellen Ramsey, William Vernon and Tamesha Jumper, Constance

Cameron, an unidentifiable signature, Irene Whipple, Karen Lochte-Watson, Jay Seale and Russell and Chris Reese.

## PUBLIC COMMENT

Karen Lochte-Watson from 603 E. Creek served as spokesperson for the neighborhood. Ms. Watson stated the neighborhood did not know anything about the proposed project until the week prior to this meeting and they met on Sunday evening to try and understand how this project will affect the neighborhood. Ms. Watson noted several items of concern including the project will set a precedence for condominium developments on larger lots, the lack of compatibility with the characteristics of their neighborhood, the proposed population density on city utilities and streets, the ecological and environment impact on Baron's Creek, the street view aesthetics, and specifically the design flaws and future maintenance concerns. Ms. Watson explained the dynamics of the neighborhood and described the different developments and homes in the area. Ms. Watson commented she believes the development is not compatible with the neighborhood and noted that topic is addressed in the city's comprehensive plan. Ms. Watson stated the pump station is to be located against a brand new home and that is not desirable. Ms. Watson questioned who will actually perform maintenance on the property and specifically the pump station to be sure there is no leakage into Baron's Creek. Ms. Watson stated the increase in traffic will be a detriment to the area. Ms. Watson commented the lots have been filled in to create more allowable building area out of the floodplain and as a result of the fill, the velocity of the creek increased by 17% and adjusted the floodplain to be further on the neighbors property. Ms. Watson commented any third car for a residence in the development will overflow parking on the street. Ms. Watson also noted the walkways are shown to be gravel but she believes they will be become concrete which will add an extra 1400 square feet of impervious coverage. Ms. Watson also questioned whether this type of development will truly be affordable housing and also if there is any assurance the project will be completed and not stand as a half built development several years down the road. Ms. Watson stated the site plan has no Fredericksburg charm and it is not in character with the neighborhood. Ms. Watson stated the site plan should be denied because of the following:

1. The precedence that it sets to develop larger tracts increases population densities and parking and traffic issues
2. Parking of cars and crammed buildings lacks compatible character
3. Impact on streets and intersection
4. Environmental impact of filling in the lot has not been independently studied
5. Sewage pump
6. Maintenance

Ms. Watson presented the question if we really know where the development will go and if there is true regard for safety for the residents and if the homes will be priced so that they will not stand vacant. Ms. Watson asked that the Commission postpone any decisions regarding the site plan.

Bjorn Kirchdofer asked Ms. Watson what she would propose a postponement would lead to. Ms. Watson stated they have only had a few days to understand the project and tonight was the first time they have seen photos of what the development will look like. Ms. Watson added some neighbors did not have the chance to be present so they would like more time to do research and understand the project. Mr. Kirchdorfer asked Mr. Spraggins what the projected price per square foot will be and Mr. Spraggins stated he has not considered that yet. Mr. Kirchdorfer asked Mr. Spraggins to address some of the questions raised about curb appeal and also asked if he has considered other configurations. Mr. Spraggins stated

he has looked at different configurations and how best to arrange garages and work with the aesthetics and this is the plan that came out of that research. Mr. Spraggins noted he has not submitted a landscape plan but trees are to be planted along S. Lee Street and the pump station is going to be owned and maintained by the City. Charlie Kiehne asked Mr. Spraggins if he has considered any type of screening, although it is not a requirement of the site plan. Mr. Spraggins stated he had always planned to install fencing on the north and south sides and put in trees along Lee Street. Mr. Spraggins noted he could install a low fence on Lee Street but he did not know that was a concern of the neighbors until tonight so he does not show that on his plan. Ms. Watson stated she still has a concern with the floodplain being changed and she would like that to be addressed. Mr. Spraggins stated that was studied several years ago and at that time it was studied in detail. Mr. Spraggins noted it follows the benchmarks used throughout the City. Mr. Kiehne asked Mr. Jordan if the floodplain is something the city engineers will look at and Mr. Jordan noted the floodplain has been established as far as the engineering department is concerned and what the neighbors are objecting to is the way in which that was established.

Matt Lines asked if there are any conflicts or variances regarding the requirements of a site plan and Mr. Jordan noted there are none, the requirements of a site plan are met. Bjorn Kirchdorfer asked if the lift station can be placed elsewhere and Mr. Jordan stated there are conditions that require the correct placement and without the city engineer being present to determine that, he believes it could possibly be moved. Mr. Spraggins noted he placed the pump station where the city engineer requested, but it can be relocated. Charlie Kiehne stated it sounds like the applicant is agreeable to installing landscaping and screening so those requirements should possibly be made conditions of the approval.

Bjorn Kirchdorfer stated based on the mission of the Planning & Zoning Commission and the requirements for approval of a site plan, he sees no technical issues which would require denial. Mr. Jordan stated that is true, and City Staff has recommended approval based on the criteria met. Mr. Jordan also noted based on the ordinance, there is a required number of days the Commission has to act on an application, unless the applicant is willing to extend that time to give the neighbors more time to get answers to their questions.

Charlie Kiehne moved to approve Site Plan SP-1209 with the following conditions:

1. Approval of a Landscape Plan prior to release for construction.
2. Stormwater Detention Ordinance requirements being addressed prior to release for construction
3. All lighting being shielded.
4. Approval of final Construction Plans prior to release for construction.
5. Approval of replat prior to release for construction.
6. Approval of Condominium Covenants, Conditions and Restrictions prior to construction
7. Screening be provided on north and south boundaries
8. Lift station be relocated off of property line, 100 feet if possible, and if it cannot be relocated, it be fully screened

Matt Lines seconded the motion. All voted in favor and the motion carried.

**(P-1214) - CONSIDER A VARIANCE TO SECTION 38-14 (A) OF THE SUBDIVISION ORDINANCE RELATING TO PAVEMENT WIDTH ON EXISTING STREETS REGARDING A RESUBDIVISION OF LOT NO. 2, KLETT SUBDIVISION - Neal Reeh,**

real estate broker representing Valerie Durst, presented the application. Mr. Reeh noted they are in the process of replatting the property into two lots and commented Thiele Lane and Highway Street are both collector streets with curbs and pavement already in place. Mr. Reeh noted the Subdivision Ordinance requires the pavement width to be 44 feet and it is currently 40 feet so they are requesting a variance to the subdivision ordinance regarding pavement width.

### **STAFF COMMENTS**

Brian Jordan, Director of Development Services, noted Staff relies on the engineering department's recommendations and they are supporting a variance to allow the current curb and pavement width to suffice for a collector street requirement. Mr. Jordan stated he does not believe this will jeopardize the need to extend the width at a later time, it just takes the responsibility off the owner.

Matt Lines moved to recommend approval of the variance for P-1214 and Bjorn Kirchdorfer seconded the motion. All voted in favor and the motion carried.

### **DISCUSSIONS**

#### **TENTATIVE MEETING SCHEDULE AND DEVELOPMENT REVIEW COMMITTEE (DRC) STANDARDS**

- Brian Jordan, Director of Development Services, stated during the last several months Staff has been trying to come up with a schedule and more defined process for any proposed projects and that process and schedule are being finalized. Mr. Jordan also noted a listing of the Planning & Zoning meetings for 2013 is included in the meeting packet.

#### **UPDATE TO THE SUBDIVISION ORDINANCE**

Brian Jordan, Director of Development Services, stated Freese and Nichols has been selected to update our subdivision ordinance and they and the city are in the process of negotiating the contract and will have that finalized by the end of the year. Mr. Jordan noted Freese & Nichols' initial meeting will be with stakeholders, realtors, developers and staff. Mr. Jordan commented the Commission will be involved in the updating process, but Staff will serve as a liaison as opposed to the Commission meeting with the consultants on a regular basis.

### **MINUTES**

Bjorn Kirchdorfer moved to approve the minutes from the November, 2012 regular meeting and Brenda Segner seconded the motion. All voted in favor and the motion carried.

### **ADJOURN**

With nothing further to come before the Commission, Jason Helfrich moved to adjourn. Charlie Kiehne seconded the motion. All voted in favor and the meeting was adjourned at 7:23 p.m.

PASSED AND APPROVED this the 9<sup>th</sup> day of January, 2013.

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SHELLEY BRITTON, City Secretary

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JANICE MENKING, Chairman



**ZONING CHANGE BRIEF**

Rezoning Request # Z-1217

- OWNER:** Bill Ham
- APPLICANT:** Jeff Skipper
- LOCATION:** 513 S. Adams Street and 106 E. Live Oak Street, generally the southeast corner of S. Adams and E. Walch Street (See attached map).
- SIZE:** Approximately 0.84 acres, consisting of Lots 5,6,7,8,18, Block 3 of the Fair Grounds Addition
- EXISTING ZONING:** Lots 5,6,7, Block 3 – M1, Light Manufacturing  
Lots 8,18, Block 3 – C1, Neighborhood Commercial
- PROPOSED CHANGE:** Change Lots 5,6,7, Block 3 from M1 Light Manufacturing to C2 Commercial and Lots 8,18, Block 3 from C1 Neighborhood Commercial to C2, Commercial.

**FINDINGS:**

- The property is located at the southeast corner of S. Adams Street and Walch Ave.
- There are 2 older buildings on the front portion of the property near S. Adams Street. The rear portion of the property has been used to store ATV's (leased by Stroehrer's) and is currently vacant.
- Lots 5-8, Block 3 of the Fair Grounds Addition front on Walch Ave. and Lot 18, fronts on Live Oak St. (see attached map).
- The property has an access drive on S. Adams Street (currently not utilized) and a drive on Walch Ave.
- Water and Sanitary sewer are available to serve this property.
- Adjacent zoning is C-2 Commercial to the west and south, M-1 Light Manufacturing to the north and C-1 Neighborhood Commercial to the east (see attached zoning map).
- The Land Use Plan identifies the subject property as well as the adjoining property on all sides as Commercial.
- Adjacent land uses include commercial to the north (Stroehrer's), church and medical office to the east, and commercial to the south and west.

**LAND USE PLAN:** The Land Use Plan identifies the subject property as Commercial. The Comprehensive Plan describes this category as including retail and office uses as well as light commercial activities that typically need some outdoor storage, display and sales area. For the most part, this land use category is found in areas where a mix of non-residential uses already exists and where change is not anticipated. In considering a Land Use Plan (no change necessary) or Zoning 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. **Since the existing buildings cover a majority of the front of the property, one of the reasons for this request is to incorporate the vacant tracts (Lots 8 and 18) into the same zoning to provide space for parking to support the intended businesses. While the individual tracts would be considered small for C-2 zoning, the overall ownership of 5 tracts totaling 0.84 acres would be considered adequate in size.**
- B. The property affected by the request does not exceed the capabilities of the infrastructure. **Infrastructure serving this area is adequate to support commercial activities.**
- C. The request will have no adverse affect on any property within 600 feet of the affected property. **We do not expect the proposed C-2 zoning to have negative affects on the adjoining commercial property. The nearest residential property (zoned R-2) is to the south across Live Oak Street.**
- D. The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan. **The Land Use Plan identifies the property as commercial and therefore the proposed change would be consistent.**
- 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. **The proposed C-2 zoning would seem compatible with the surrounding commercial uses.**

**ZONING:** While the Land Use Plan does not distinguish between levels of commercial, the type of zoning is more specific. In particular, the applicant is requesting a change to C-2, Commercial. The proposed zoning is intended to provide for businesses and service that serve persons throughout the city and the area. These uses generally require frontage on major cross street intersections of highways or other arterials, given their high visibility and traffic generation ability.

**OPPOSITION/SUPPORT OF REQUEST:** Staff has received 1 phone inquiry, but no letters in opposition or support.

**STAFF RECOMMENDATION:** The proposed change from M-1, Light Manufacturing to C-2 Commercial on Lots 5,6,7, Block 3 would be consistent with the zoning pattern along a majority of S. Adams Street. In fact, most of the uses allowed in C-2 are currently allowed in M-1. Lots 8 and 18, on the other hand, become the transition from the Highway frontage commercial to the commercial zoning to the east. Staff recommends approval of the change to C2 on Lots 5,6,7, and 8. However, given the orientation of Lot 18 (fronting on Live Oak Street) and the proximity to R-2 zoning across Live Oak Street, we recommend that it remain C1.

Zoning options include 1) leaving the zoning the way it presently exists, 2) granting the change as requested, 3) changing the frontage (Lots 5,6,7) from M-1 to C-2 and leaving the remaining lots (Lots 8, 18) as C-1 or 4) change Lots 5,6,7,8 to C-2 and leave Lot 18 as C-1.

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: BILL HAM
- 2. ADDRESS: PO BOX 163690 AUSTIN TX 78716  
PHONE NUMBER: 512.314.9621 FAX NUMBER: \_\_\_\_\_
- 3. OWNER (IF DIFFERENT FROM APPLICANT) \_\_\_\_\_
- 4. ADDRESS: \_\_\_\_\_
- 5. PHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_
- 6. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:  
ADDRESS: 513 S ADAMS STREET  
LEGAL DESCRIPTION: FAIRGROUNDS BLX 3 LOT 5,6,7,8,18  
LOT SIZE: .69 AC  
C-1 = #8, #18 C-2 = #5,6,
- 7. ZONING CHANGE REQUESTED FROM M-1 = #5,6,7 ZONING DISTRICT TO 7,8,18 ZONING DISTRICT
- 8. JUSTIFICATION FOR REQUEST: CHANGE TO MORE APPROPRIATE ZONING  
CONTINUOUS WITH NEIGHBORING PROPERTIES
- 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: \_\_\_\_\_

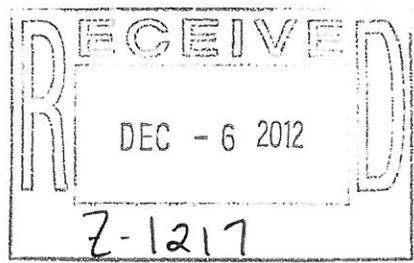
Note: If the applicant is not the legal owner of the property, A signed statement by the owner that the applicant is the authorized agent of the owner of the property, or the signature of the owner is required:

SIGNATURE OF OWNER: [Signature]

DATE: 12/6/2012

FEE PAID: \$100  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: N/A

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

E. PARK

Z-1217



HENRIETTA

E. LIVE OAK

POPLAR

S. ADAMS (HWY 16 S.)

E. WALCH AVE.

W. WALCH AVE.

ST. GERELDA

W. LIVE OAK

Lot 5

Lot 6

Lot 7

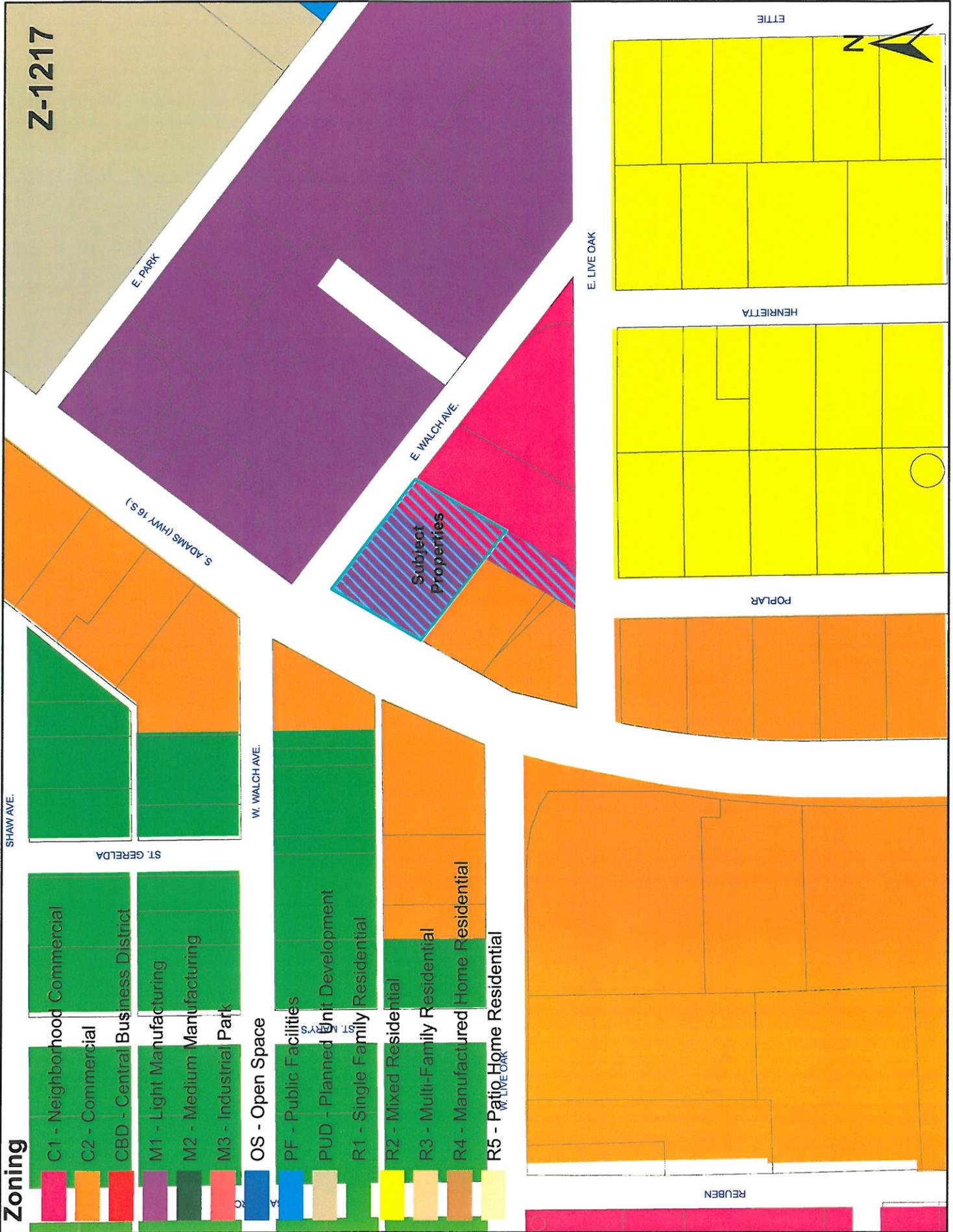
Lot 8

Lot 18

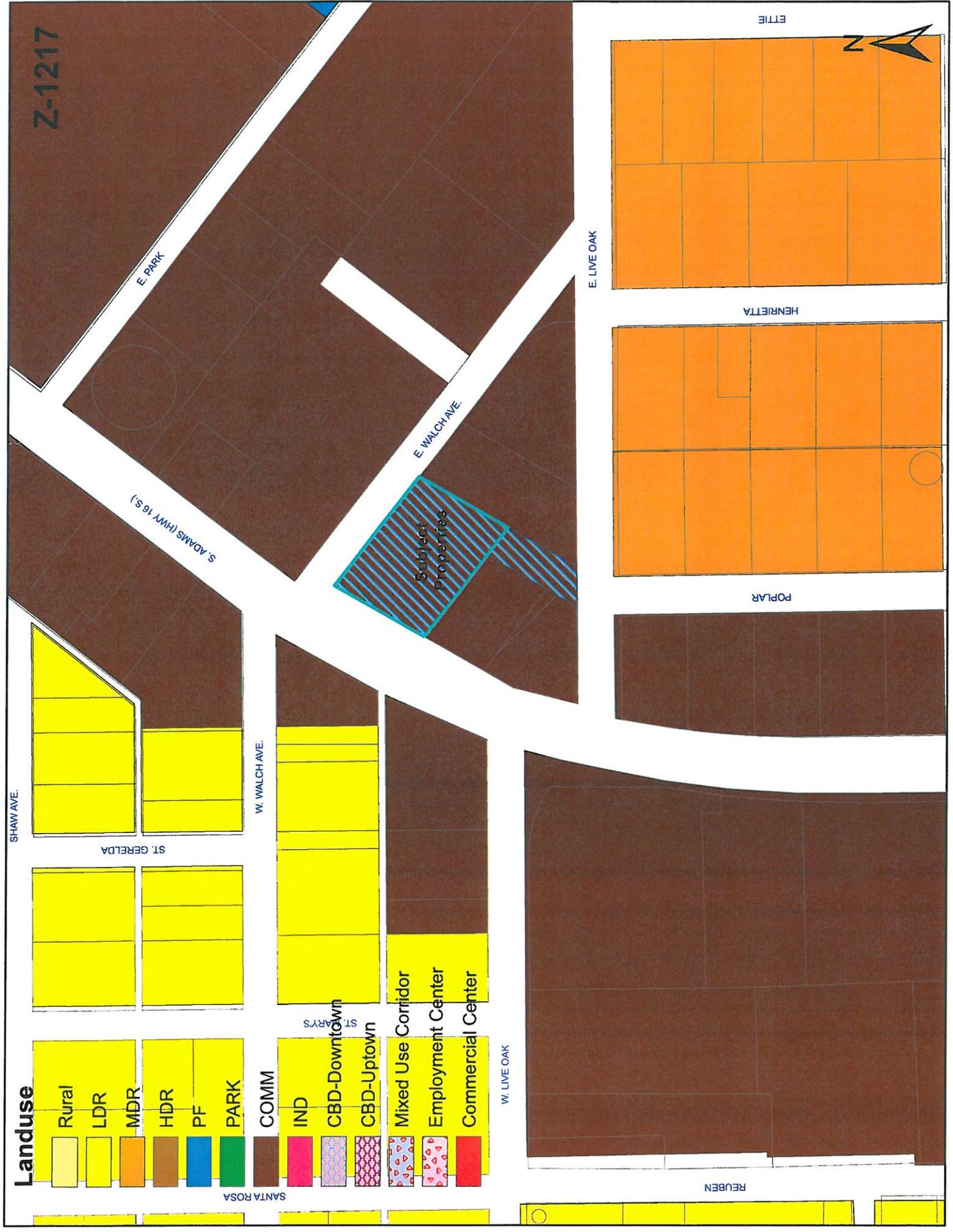


**Zoning**

- 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-1217

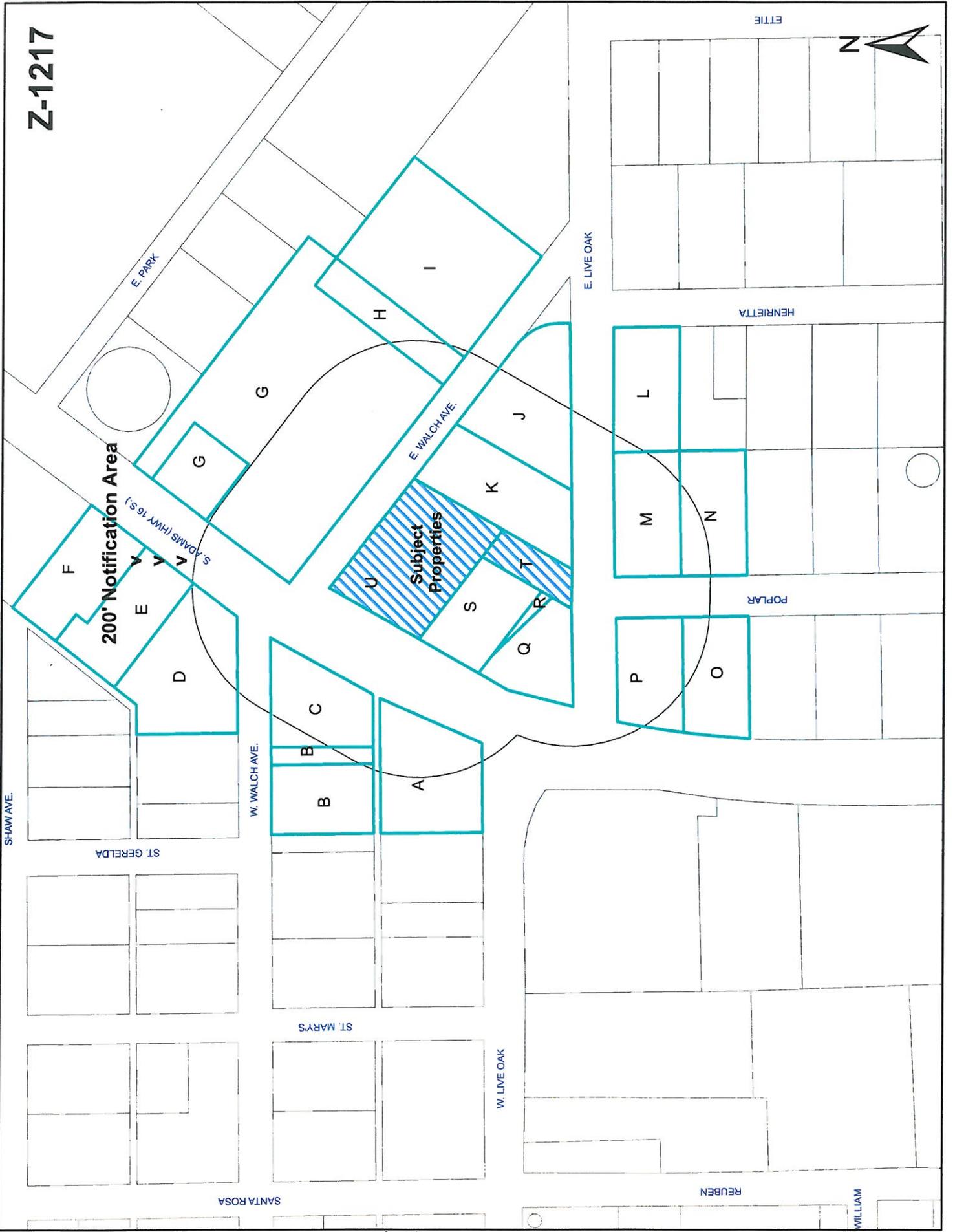




Z-1217

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Z-1217



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Letter	Owner	
A	Janine Stroehrer Engel (c/o Mark Stroehrer)	520 S. Adams
B	Norman Oliver Deike	105 W. Walch Avenue
C	Big Diamond, Inc.	516 S. Adams
D	Stroehrer & Olfers Properties	512 S. Adams
E	Timann, LP	510 S. Adams
F	Brandon & Shelly Blaker	508 S. Adams
G	Stroehrer & Son, Inc.	509 S. Adams
H	Stroehrer & Son, Inc.	0 E. Walch Ave.
I	Stroehrer & Olfers Properties	110 E. Walch Ave.
J	Walch Avenue Properties, LLC	110 E. Live Oak St.
K	Inglesia Pentecostes El Buen Pastor	104 E. Live Oak St.
L	Woolsacks, Inc.	107 E. Live Oak St.
M	The Janie Atwell Trust	105 E. Live Oak St.
N	The Janie Atwell Trust	703 Poplar
O	Michael C. Jones	703 S. Adams
P	Paul David & Leslie D. White	701 S. Adams
Q	Madlyns, Inc.	519 S. Adams St.
R	Quality Peanut Co., Inc.	519 S. Adams St.
S	Don M. & Sharon J. Steadman	517 S. Adams St.
	Bill Ham	106 E. Live Oak St.
	Bill Ham	513 S. Adams St.

Z-1217

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City of Fredericksburg  
126 West Main Street  
Fredericksburg, TX 78624

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

**HEARING**

**DATE: JANUARY 9, 2013**

**TIME: 5:30 PM**

**REQUEST**

**NUMBER: Z-1217**

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: JANUARY 21, 2013**

**TIME: 7:00 PM**

**REQUEST**

**NUMBER: Z-1217**

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

**APPLICANT:** Bill Ham

**LOCATION:** 513 S. Adams Street, also known as Lots 5, 6, 7, 8, and 18, Block 3 of The Fair Grounds Addition

(see accompanying map)

**REQUEST:** Change in zoning from C-1, Neighborhood Commercial, to C-2, Commercial, on lots 8 & 18 and a change in zoning from M-1, Light Manufacturing, to C-2 on lots 5, 6, & 7.

(DETACH BELOW)

**REQUEST NO. Z-1217**

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-1218*

**Owner:** Strocher and Olfers Properties  
**Applicant:** Whataburger Restaurants, LLC  
**Location:** 1301 E. Main Street (southwest corner of E. Main Street and Highway Street)  
**Existing Zoning:** C-2, Commercial  
**Request:** Conditional Use Permit to allow a Drive-through facility associated with a fast food restaurant in a C-2 Commercial Zoning district.

### Site Plan Overview:

- The property is currently the location of 290 E. Gas Mart, consisting of fueling facilities, small store and restrooms.
- Whataburger intends to lease the site to construct a 2,738 square foot restaurant with drive-thru service.
- The site area is approximately 1.29 acres or 56,031 square feet.
- In addition to the new restaurant, the site will include a new concrete parking lot with approximately 47 parking spaces, two of which will be handicap accessible.
- Proposed access will be provided to the site with a new driveway on E. Highway Street and a new right-in/right-out driveway on E. Main Street.
- Building coverage is estimated to be approximately 4.9% (75% maximum allowed in the C-2 District)
- Impervious coverage is estimated to be approximately 70.7% (80% maximum allowed in the C-2 District).
- The site is bordered by office use to the north, apartments to the west, an office building to the south and office uses to the east across Main Street.
- Adjacent zoning is C-1 to the north, C-2 to the east, C-1 and R-1 to the south and R-3 to the west.

### Review and Evaluation Criteria:

#### A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- As designed, the site is compliant regarding applicable zoning regulations, including building height, setbacks, building coverage, impervious coverage and parking.

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

- A drive-through restaurant can be compatible with adjoining properties. The layout of the site has taken the adjoining properties into consideration.

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

- The additional traffic from the proposed restaurant and drive-through will effect the adjoining area. The site has been designed by taking the additional traffic into consideration.

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

- The menu board (ordering location) and drive-thru are located away from the street access locations to reduce potential circulation conflicts. Initially, the applicant intends to construct a single menu board with the possibility of adding a lane in the future. Stacking for 4 vehicles in each lane is provided.

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

- The drive on Highway Street is positioned away from the Highway Street and Main Street intersection to take into consideration the periodic congestion at this intersection. The drive on Main Street is designed as a right-in/right-out only drive and is positioned near the center of the site. This configuration was suggested by staff because of a lack of a left turn lane for west bound Main Street traffic. As such, west bound Main Street traffic wishing to access the site will be required to turn on Highway Street and access the site from the driveway proposed on Highway Street.
- Since E. Main Street is a State Highway, the proposed driveway is subject to TXDOT approval. A copy of the proposed plan has been sent to the local office. Regarding the Highway Street intersection with Main Street, a condition of this Conditional Use Permit would be that there be adequate pavement width to accommodate two lanes (eastbound) for a left turn and through lane, and a right turn lane onto Main Street. Adequate easements to accommodate additional street improvements will be the responsibility of the owner/applicant.

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

- There is currently a drainage channel that runs across the southwest corner of the site. The applicant is proposing to direct the flow of water around the southwest corner of the property. They have been advised that this drainage cannot be forced onto an adjoining property without proper easements. Final plans will be subject to Engineering approval.

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

- Exterior pole lights are proposed throughout the site. All lights shall utilize fixtures that screen the source of illumination. A monument sign is proposed at the entrance on Main Street and wall signage is proposed on the building. All signage will require a permit and shall comply with the Sign Ordinance.

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

- Number of parking spaces is adequate based on the code. Access to the parking spaces appears adequate.

**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:**

- Affirmative

**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 applicant has made the changes to the site as recommended. Access to the site from Main Street is a challenge given the proximity to the intersection with Highway Street and the fact that there is no turn lane in Main Street. The existing site has essentially a continuous driveway on Main Street and a drive located very near the intersection on Highway Street. While the use proposed is different and the traffic anticipated will increase, the proposed drive configurations will better accommodate the proposed project.

**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 City does not have specific architectural design guidelines for the property, the request for the Conditional Use Permit would allow the City to establish elements that would be compatible with the community. Staff has met with the applicant and has suggested that they incorporate a number of architectural elements such as native stone, natural colors and building style, and that they reduce the impact of the bright contrasting traditional colors and architectural style of Whataburger. Elevations are provided for consideration.

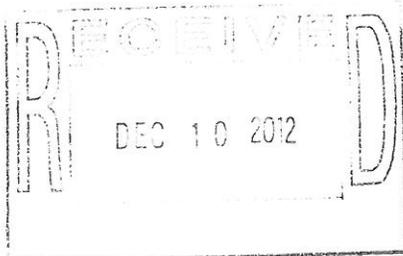
**M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:**

- Affirmative

**OPPOSITION/SUPPORT OF REQUEST:** To date, we have received one letter in support and none in opposition to this request.

**STAFF RECOMMENDATION:** Staff recommends approval of this Conditional Use Permit conditioned upon the following:

1. TXDOT approval of the drive on E. Main Street.
2. Approval of a Landscape Plan prior to issuance of a Building Permit.
3. All external lighting being shielded.
4. Improvements to Highway Street as stated in Section E above.
5. Approval of Construction Plans prior to issuance of a Building Permit.
6. Screening being provided adjacent to the Residential District zoning to the west and south in accordance with Section 7.940 of the Zoning Ordinance.



CASE NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

**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: Whataburger Restaurants, LLC

2. ADDRESS: 300 Concord Plaza Dr., San Antonio, TX 78216

3. PHONE NUMBER: 210-476-6616 FAX NUMBER: 210-476-6973

4. OWNER (if different from applicant): Strocher & O'Fers Properties

5. ADDRESS: 569 S. Adams, Fredericksburg, TX 78624

6. PHONE NUMBER: (830) 997-4382 FAX NUMBER: (830) 997-0137

7. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST:

ADDRESS: 1301 East Main Street, Fredericksburg, TX 78624

LEGAL DESCRIPTION: See attached

LOT SIZE: 284' X 256' LOT AREA: 1.29 acres

8. EXISTING ZONING: C-2 Commercial DISTRICT

9. CONDITIONAL USE PERMIT: DRIVE-THRU USE CLASSIFICATION IN THE C-2 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

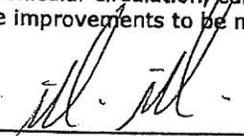
(attach additional sheet if necessary)

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:

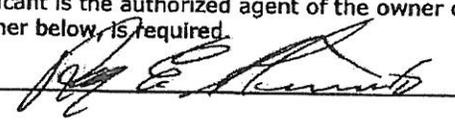
1. The date, scale, north point, title, name of owner, and the name of the person

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.
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:** 

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:**  PARTNER

DATE: 12-10-12

FEE PAID: \$100.00

TITLE SEARCH: 11-15-12  
(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.

## WHATABURGER

### **PROJECT DESCRIPTION:**

Whataburger Restaurants, LLC is interested in constructing a new free standing 2,738 square foot restaurant with drive-thru service at the southwest corner of E. Main Street (U.S. HWY. 290) and E. Highway Street. The project site is currently occupied by a gas station, which will be demolished and re-developed with new improvements for the restaurant. In addition to the new restaurant, the site will include a new concrete paved parking lot with approximately 47 parking spaces, two of which will be handicap accessible. Access will be provided to the site with a new driveway on E. Highway Street and a new right in/right out only driveway on E. Main Street. A new 5' wide sidewalk will be constructed along both street frontages. Landscape improvements, including new sod, trees and shrubs will be provided throughout the site. In addition an evergreen screen will be provided around the site perimeter.

### **PROPERTY ADDRESS:**

1301 East Main Street  
Fredericksburg, Texas 78624

### **LEGAL DESCRIPTION:**

BEING a 1.286 acre (56,031 square feet) tract of land situated in the William H. Anderson Survey No. 197, Abstract No. 2, City of Fredericksburg, Gillespie County, Texas; said 1.286 acre tract being all of that certain called 1.287 acre tract of land described in a Warranty Deed With Vendor's Lien to Stroehrer & Olfers Properties, filed on April 28, 1997, and recorded in Volume 324, Page 492 of the Official Public Records of Gillespie County, Texas (O.P.R.G.C.T.); said 1.286 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a p.k. nail in concrete found marking the northeast corner of said 1.287 acre tract and the herein described tract, said point also marking the intersection of the west right-of-way (R.O.W.) line of E. Main Street - also known as U.S. Highway 290 (having a width of 100 feet at this location) and the south R.O.W. line of E. Highway Street (having a variable width);

THENCE, South 16° 03' 19" East (called South 16° 01' 20" East), with the common west R.O.W. line of said E. Main Street and the east line of said 1.287 acre tract, a distance of 227.08 feet (called 227.24 feet) to a 3/8-inch iron rod found marking the southeast corner of said 1.287 acre tract and the herein described tract, same being the northeast corner of Lot 1, Hominick Subdivision, filed on August 8, 2002, and recorded in Volume 3, Page 62 of the Plat Records of Gillespie County, Texas (P.R.G.C.T.), said point also being the point of beginning in the description for said 1.287 acre tract;

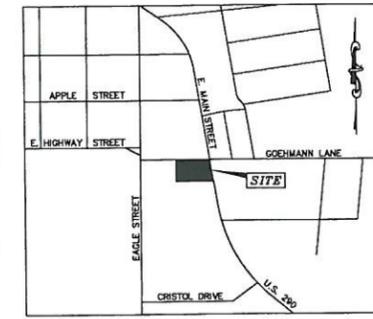
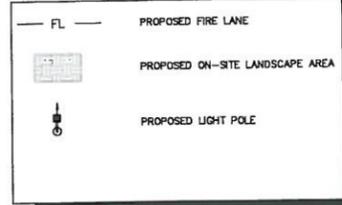
THENCE, South 89° 38' 24" West (called South 89° 40' West), departing the west R.O.W. line of said E. Main Street, with the common south line of said 1.287 acre tract and the north line of said Lot 1, at a distance of 142.40 feet passing the northwest corner of said Lot 1, and continuing along the south line of said 1.287 acre tract, in all a total distance of 286.97 feet (called 286.9 feet) to a 1/2-inch iron rod found marking the southwest corner of said 1.287 acre tract and the herein described tract, same being the southeast corner of that certain called 1.37 acre tract of land described in a Special Warranty Deed And Assignment to LJM Ventures, filed on January 5, 1999, and recorded in Volume 362, Page 585 of the Official Public Records of Real Property Records of Gillespie County, Texas (O.P.R.R.P.G.C.T.), with said 1.37 acre tract being further described by metes and bounds in a Warranty Deed recorded in Volume 136, Page 914, O.P.R.R.P.G.C.T.;

THENCE, North 00° 13' 14" West (called North 00° 12' 55" West), with the common west line of said 1.287 acre tract and the east line of said 1.37 acre tract, a distance of 219.24 feet (called 219.3 feet) to a 1/2-inch iron rod found marking the northwest corner of said 1.287 acre tract and the herein described tract, same being the northeast corner of said 1.37 acre tract, said point also being on the south R.O.W. line of said E. Highway Street;

THENCE, North 89° 48' 00" East - bearing basis (called North 89° 48' East), with the common south R.O.W. line of said E. Highway Street and the north line of said 1.287 acre tract, a distance of 225.00 feet (called 225.0 feet) to the POINT OF BEGINNING and containing 1.286 acres (56,031 square feet) of land, more or less.

And being the same property as described in the Commitment for Title Insurance, Commitment File No. 12332121, as issued by Stewart Title Guaranty Company, effective December 15, 2012.

**LEGEND**

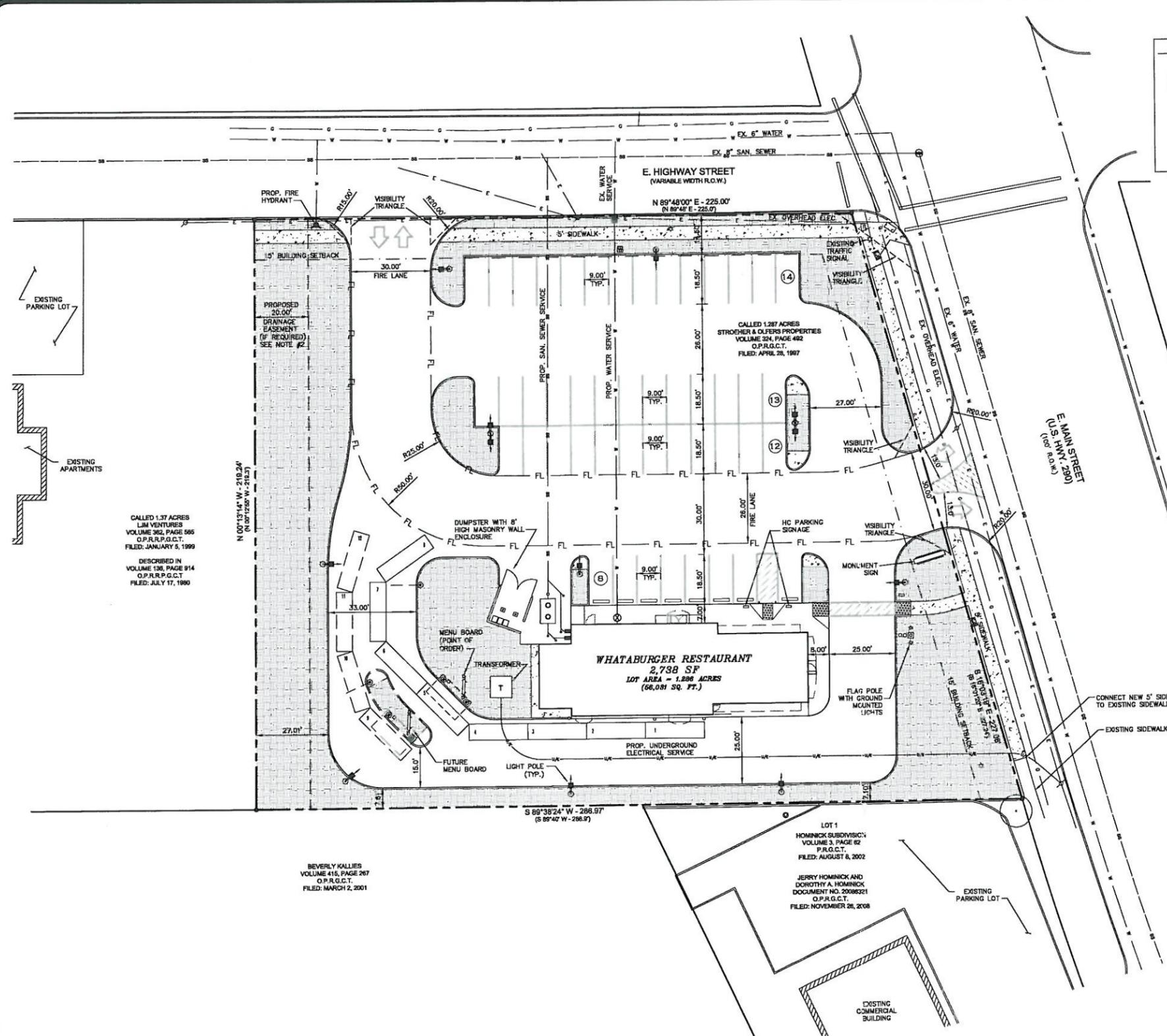


VICINITY MAP  
(NOT TO SCALE)

**SITE DATA SUMMARY TABLE**

<b>SITE DATA:</b>		
GROSS SITE AREA	56,031 SF (1.29 ACRES)	
<b>BUILDING DATA:</b>		
MAX. PERMITTED BLDG. HEIGHT	3 STORIES/36 FEET	
PROPOSED BUILDING HEIGHT	28 FT	
TOTAL BUILDING AREA	2,738 SF	
<b>EXISTING ZONING:</b>		
COMMERCIAL C-2		
<b>PROPOSED ZONING:</b>		
RESTAURANT WITH DRIVE-THRU	CUP DRIVE-THRU IN C-2	
<b>LOT COVERAGE DATA:</b>		
MAXIMUM BUILDING COVERAGE	75% MAX (42,023 SF)	
PROPOSED BUILDING COVERAGE	4.9%	
<b>BUILDING SETBACKS:</b>		<b>REQUIRED</b>
FRONT YARD	15'	
STREET SIDE YARD	15'	
INTERIOR SIDE YARD	0'	
REAR YARD	0'	
<b>LANDSCAPE DATA:</b>		
PROPOSED LANDSCAPE AREA	16,426 SF	
<b>PARKING SUMMARY:</b>		
PARKING (3/100 SF OF SERVICE AND DINING AREA)	<b>REQUIRED</b> 37	<b>PROVIDED</b> 47
HANDICAP PARKING	2	2
<b>HARDSCAPE DATA:</b>		
IMPERVIOUS AREA	<b>ALLOWABLE</b> 80% MAX (44,825 SF)	<b>PROVIDED</b> 70.7% (39,605 SF)

- NOTES:**
1. THERE ARE NO EXISTING TREES ON-SITE.
  2. EXACT WIDTH AND LOCATION OF DRAINAGE EASEMENT, IF REQUIRED, WILL BE DETERMINED DURING FINAL DESIGN.



CALLED 1.37 ACRES  
LMI VENTURES  
VOLUME 362, PAGE 585  
O.P.R.P.G.C.T.  
FILED: JANUARY 5, 1999

DESCRIBED IN  
VOLUME 136, PAGE 914  
O.P.R.P.G.C.T.  
FILED: JULY 17, 1990

BEVERLY KALLIES  
VOLUME 418, PAGE 267  
O.P.R.G.C.T.  
FILED: MARCH 2, 2001

LOT 1  
HOMINICK SUBDIVISION  
VOLUME 3, PAGE 82  
P.R.G.C.T.  
FILED: AUGUST 8, 2002

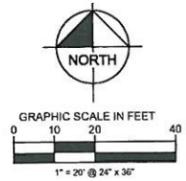
JERRY HOMINICK AND  
DOROTHY A. HOMINICK  
DOCUMENT NO. 20098321  
O.P.R.G.C.T.  
FILED: NOVEMBER 28, 2008

**WHATABURGER RESTAURANT**  
2,738 SF  
LOT AREA - 1.286 ACRES  
(56,031 SQ. FT.)

**APPLICANT:**  
**WHATABURGER.**  
300 CONCORD PLAZA DRIVE  
SAN ANTONIO, TX 78216  
TEL: (210) 476-6618  
CONTACT: NICK BINZ

**OWNER:**  
STROEHER & OLFERS PROPERTIES  
509 S. ADAMS  
FREDERICKSBURG, TX 78624  
TEL: (830) 997-438  
CONTACT: ROY STROEHER

**PREPARED BY:**  
  
Kimley-Horn  
and Associates, Inc  
CERTIFICATE OF REGISTRATION #928  
10415 MORADO CIRCLE  
BLDG. 1, SUITE 300  
AUSTIN, TX 78759  
PH. (512) 418-1771  
CONTACT: LANCE ORTI, P.E.



REVISIONS:	DATE	DESCRIPTION

UNIT 17-885  
1301 EAST MAIN STREET  
FREDERICKSBURG,  
TEXAS 78624



**WHATABURGER.**  
300 CONCORD PLAZA DRIVE  
SAN ANTONIO, TEXAS  
210-476-5000 ZIP 78216

THIS DRAWING IS THE PROPERTY OF  
WHATABURGER RESTAURANTS, LP  
SAN ANTONIO, TEXAS AND MAY  
NOT BE USED OR REPRODUCED IN  
WHOLE OR IN PART WITHOUT  
THE EXPRESS WRITTEN CONSENT  
OF WHATABURGER RESTAURANTS, LP.

SHEET TITLE:

**SITE PLAN**

UNIT NO.: 17-885  
DATE: 12/31/2012  
SCALE: AS SHOWN  
DRAWN BY: BLP  
APPROVED BY: LRO

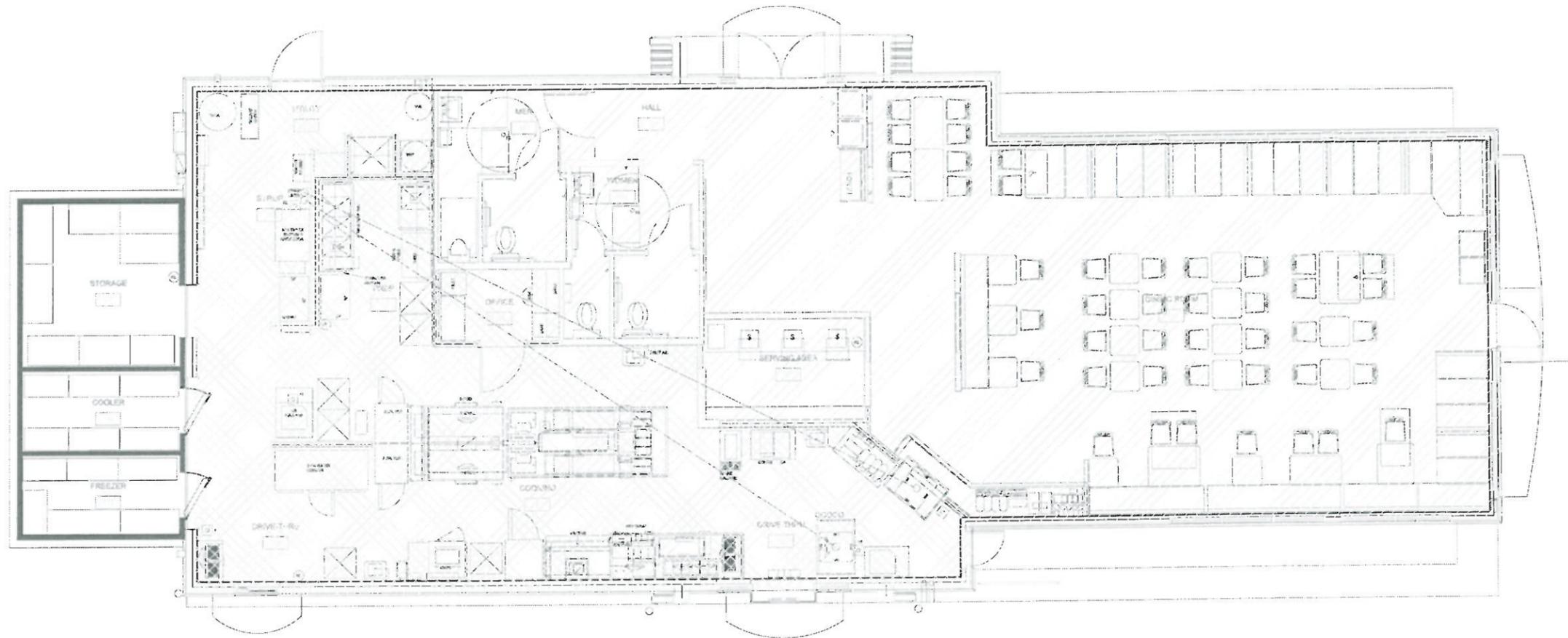
SHEET NO:

**C-1.0**



25

DATE: 12/31/2012 11:21:21 AM  
 DRAWN BY: BLP  
 CHECKED BY: LRO  
 PROJECT: 17-885 WHATABURGER RESTAURANT  
 SHEET: C-1.0 SITE PLAN



BUILDING AREA'S

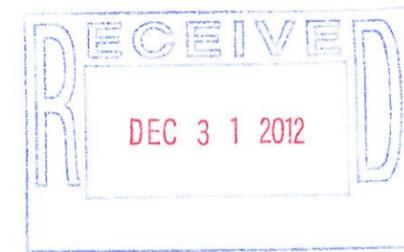
 DINING AREA - 1372 SQ.FT.

 RESTROOMS - 290 SQ.FT.

 KITCHEN - 1076 SQ.FT.

1 FLOOR PLAN  
 1/4" = 1'-0"

26



REV.	DATE	DESCRIPTION	BY

PROJECT:  
 UNIT 17-885  
 1301 EAST MAIN ST.  
 FREDERICKSBURG,  
 TEXAS, 78624



**WHATABURGER.**  
 300 CONCORD PLAZA DR.  
 SAN ANTONIO, TEXAS  
 210-478-6500 FAX 78216

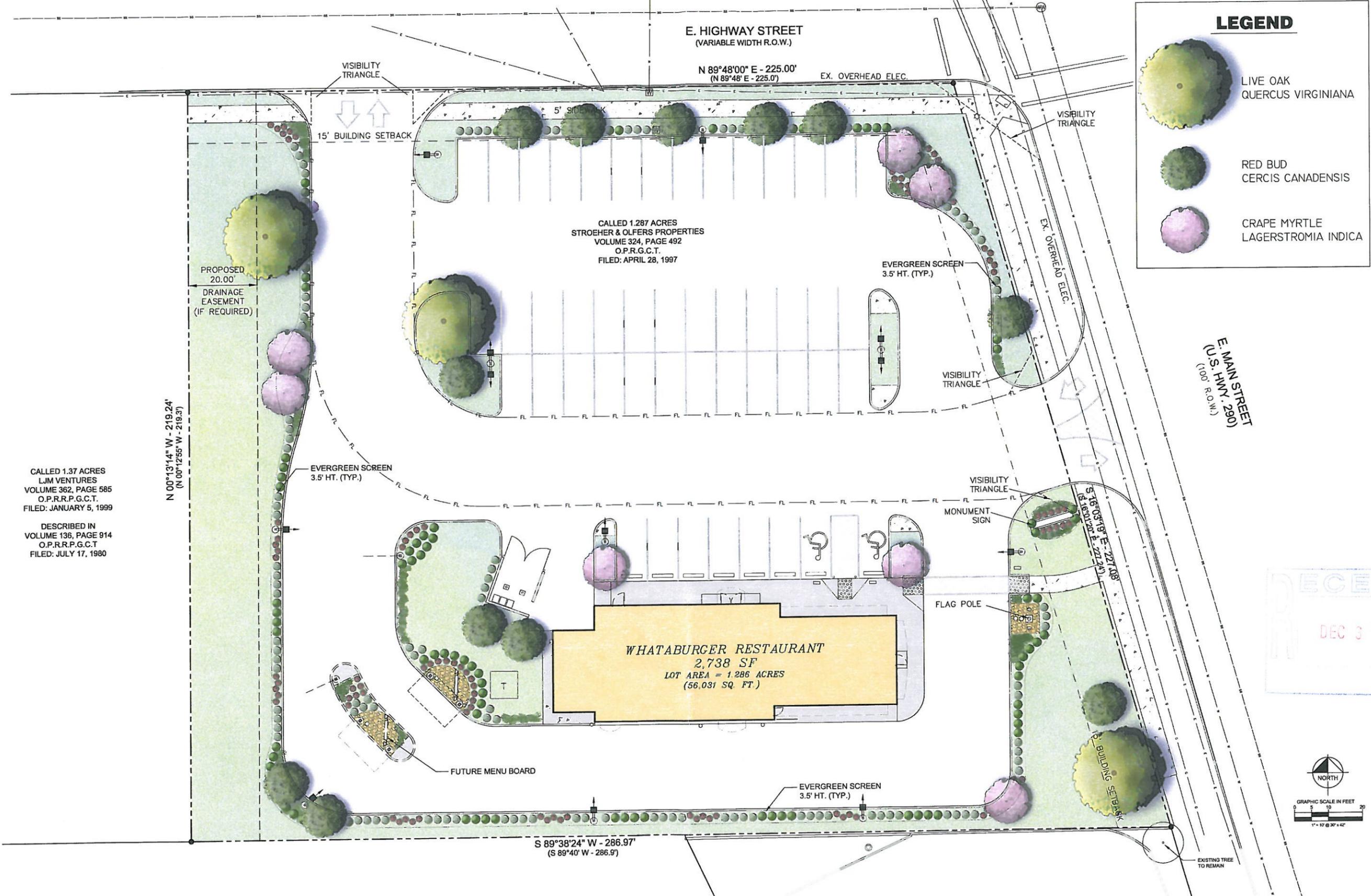
THIS DRAWING IS THE PROPERTY OF WHATABURGER, INC. SAN ANTONIO, TEXAS AND MAY NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN CONSENT OF WHATABURGER, INC.

SHEET TITLE:  
 FLOOR PLAN

UNIT NO. 17-885  
 DATE: 12/28/12  
 SCALE: 1/4" = 1'-0"  
 DRAWN BY: NB  
 APPROVED BY: XX

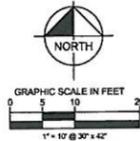
SHEET NO.  
 01  
 OF  
 01





**LEGEND**

-  LIVE OAK  
QUERCUS VIRGINIANA
-  RED BUD  
CERCIS CANADENSIS
-  CRAPE MYRTLE  
LAGERSTROMIA INDICA



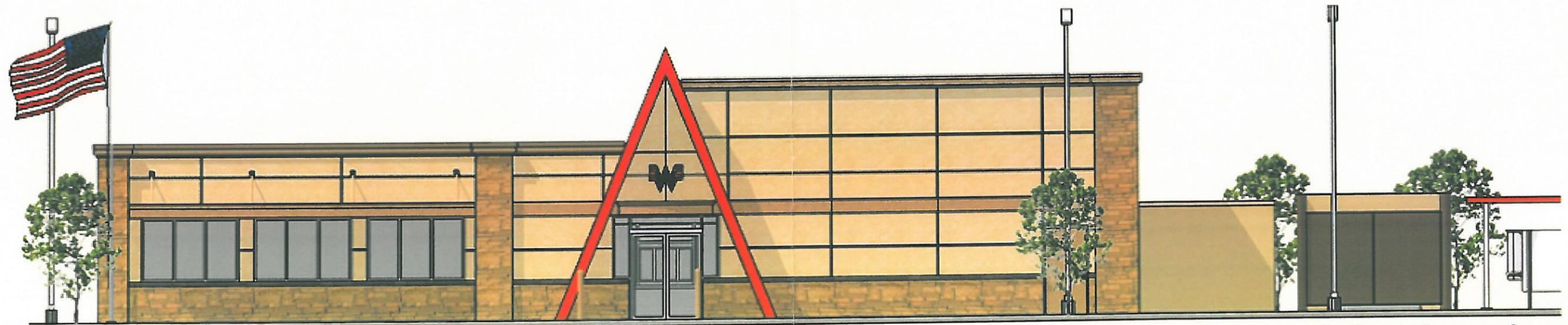
# Whataburger - Conceptual Landscape Plan

City of Fredericksburg, Texas

12.31.12  Kimley-Horn and Associates, Inc.



Front Elevation



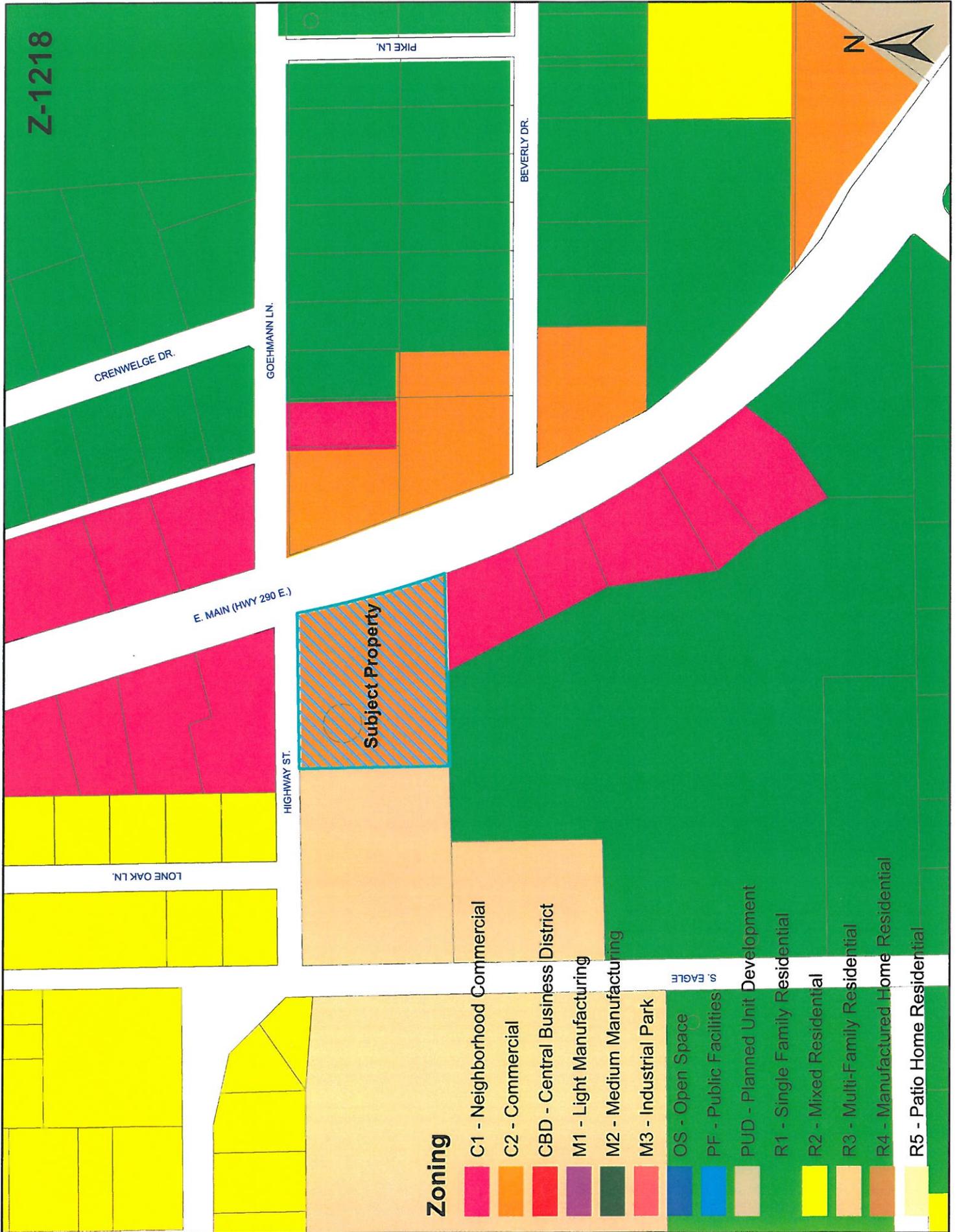
Right Elevation

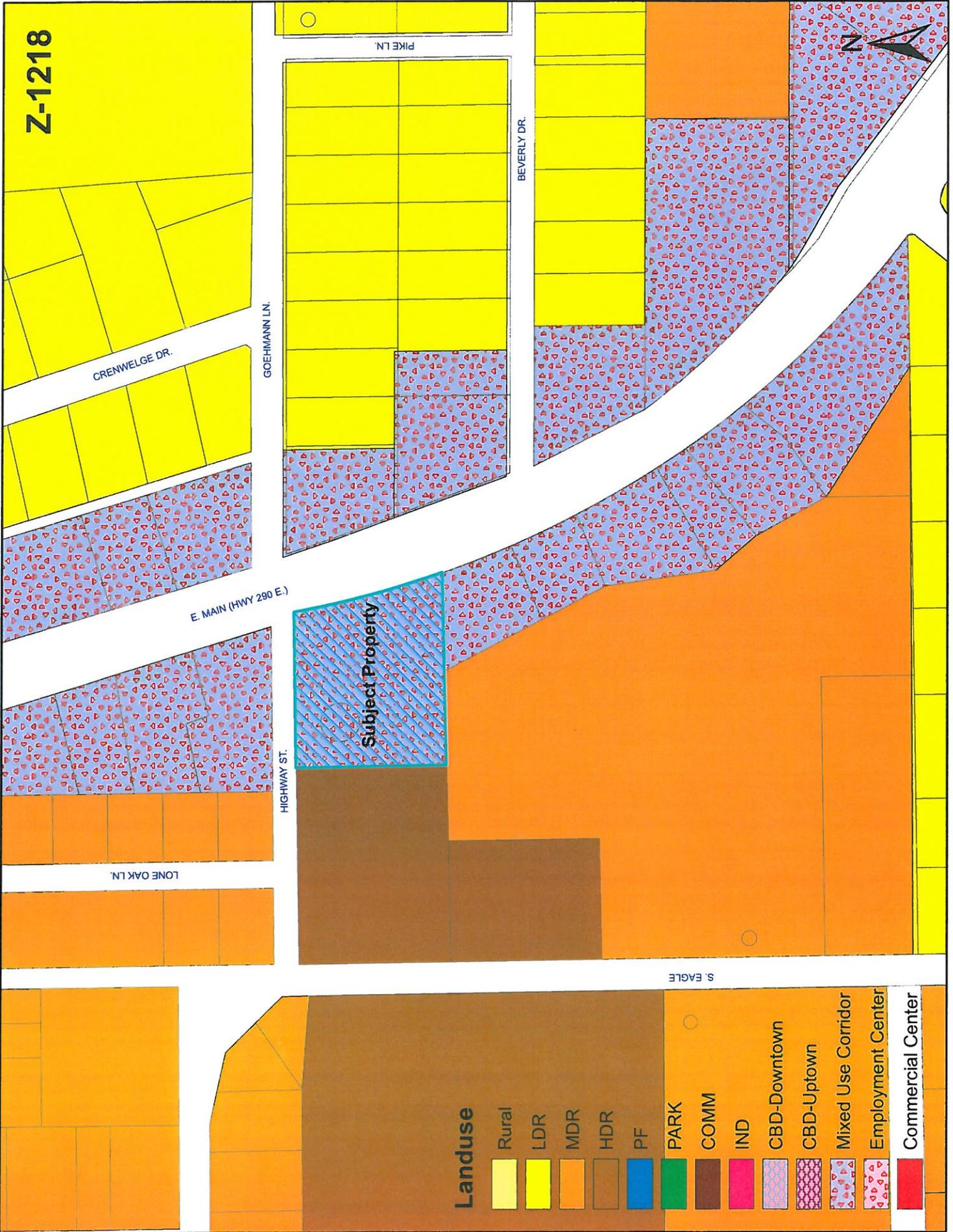


Back Elevation



Left Elevation





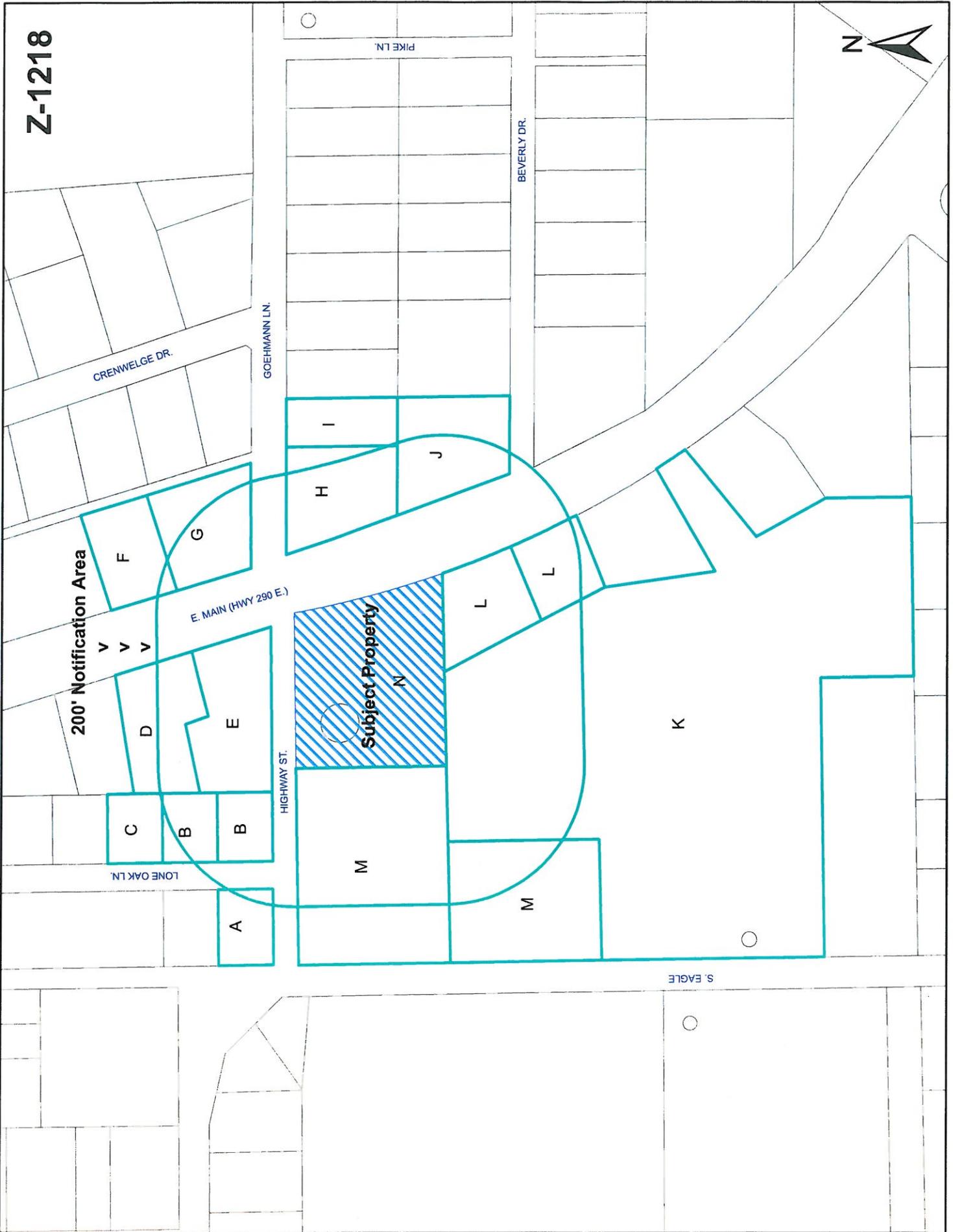
**Landuse**

- Rural
- LDR
- MDR
- HDR
- PF
- PARK
- COMM
- IND
- CBD-Downtown
- CBD-Uptown
- Mixed Use Corridor
- Employment Center
- Commercial Center

Z-1218



Z-1218







City of Fredericksburg  
126 West Main Street  
Fredericksburg, TX 78624

**NOTICE OF PUBLIC HEARING FOR  
A CONDITIONAL USE PERMIT**

HEARING  
DATE: **JANUARY 9, 2013**

TIME: **5:30 PM**

REQUEST  
NUMBER: **Z-1218**

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: **JANUARY 21, 2013**

TIME: **7:00 PM**

REQUEST  
NUMBER: **Z-1218**

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

---

APPLICANT: Whataburger Restaurants, LLC

---

LOCATION: 1301 E. Main Street  
(see accompanying map)

---

REQUEST: Conditional Use Permit to allow a drive-through facility associated with a fast food restaurant in the C-2, Commercial Zoning District

(DETACH BELOW)

**REQUEST NO. Z-1218**

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

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address