



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL AND PLANNING AND ZONING COMMISSION JOINT MEETING FEBRUARY 10, 2022

The City of Fredericksburg City Council and Planning and Zoning Commission met in a Work Session on Thursday, February 10, 2022, at 10 a.m. This meeting was held remotely via Zoom Teleconferencing, and in-person at the University Center-HEB Room, 2818 US 290 Fredericksburg, Texas.

City Council Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman
Councilmember Kathy O'Neill
Councilmember Bobby Watson

Planning and Zoning Commission Member Present:

Janice Menking, Chairman
Tim Dooley, Vice-Chairman
Jim Jarreau, Commissioner
Emily Kirchner, Commissioner
Jeff Lawrence, Commissioner
Polly Rickert, Commissioner
Cindy Scroggins, Commissioner
Steve Thomas, Commissioner
Daryl Whitworth, Commissioner (left the meeting at 2:10 p.m. and returned at 3:26 p.m.)

Members Absent:

None

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Jason Lutz, Development Services Director
Brian Vorauer, Police Lieutenant Patrol Division
Braxton Roemer, Police Lieutenant Special Services
Aaron Anderegg, IT Specialist
Cody Oris, IT Specialist
Anna Hudson, Historic Preservation Officer
Leslie Embrey-Ball
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Kiehne called the regular meeting of the Fredericksburg City Council and Planning and Zoning Ordinance to order at 10:02 a.m. on Thursday, February 10, 2022, at the University

Center. Mayor Kiehne announced a quorum of the City Council and Planning and Zoning Ordinance present.

2. PLEDGE OF ALLEGIANCE

Councilmember Tom Musselman lead the Pledge of Allegiance.

3. Proposed Changes to the City Zoning Ordinance affecting the operation of Short-Term Rentals (STRs) and amending site development regulations in multiple zoning districts.

A. Receive a report on the most recent draft of the Ordinance by Jason Lutz, Development Services Director.

Jason Lutz, Development Services Director, reviewed the changes to the draft Ordinance.

B. Public comments

Ed Laughlin, City resident, stated he is a Short-Term Rental owner and only present to learn about the changes.

Donna Mittel owner of Guest Haus Schmidt, spoke about the history of Short-Term Rental and the need for allowing Short Term Rentals in R1, R2, and in the History District.

Lance Branch spoke regarding the effects the proposed changes to the Short-Term Rentals requirements would have on his rental.

Jessica Mittel, City resident, spoke regarding Short-Term Rental and Sunday Houses history in Fredericksburg and the effect the proposed Short-Term Rental requirements would have on the City.

Roger Norman, City resident, spoke regarding the number of Short-Term Rentals and the percentage of homes.

Carmen Armstrong, City resident, spoke regarding the issues with Short-Term Rentals.

Mary Gallagher, City resident, spoke regarding the Short-Term Rentals' effects on the City's Visioning and Quality of Life.

Bill Synder, City resident, spoke regarding Single Family Residential (R 1) and the Short-Term Rental's effects on R 1.

Belinda McDonnell, City resident, spoke regarding the STR Alliance's work regarding Short-Term Rentals and encouraged the City Council to work with them. She also reviewed the recent court rulings.

Randy Briley, City resident, spoke regarding the penalties on page 81 of the proposed ordinance and who should receive citations.

Tammy Pack, City resident, recommended the City Council slow down and see the outcome of the current cases in the Supreme Court before taking action.

Leslie Spraggins, City resident, spoke regarding treatment the homeowners receive compared to the difference from Short-Term Rentals regarding noise.

Timothy Ellis Riley, City resident, spoke regarding the noise ordinance that was recently passed.

David Turpin, City resident, spoke regarding the benefits Short-Term Rentals have on the City and its effects on Single Family Residentials.

Jason Kemp, City resident, spoke regarding the need to Grandfather or provide a CUP process for those Short-Term rentals in the middle of the process.

Tami Smith, City resident, spoke regarding the need to work together to benefit both residents and Short-Term Rentals.

Jeff Morin, City resident, spoke regarding the benefits of the new Granicus software the City Council approved Monday.

Mo Saiidi, City resident, spoke regarding the need to work with the STR Alliance on the proposed changes.

Ken Carr, City resident, stated he feels the City no longer has R1; it's now become Commercial. He feels the City needs an R-1 District without STRs that are not owner-occupied.

Sonia Rivero, City resident, spoke regarding the loss of neighborhoods in Fredericksburg. She stated she does support owner-occupied STRs in R1 District.

Carol Hammerson., City resident, stated she supports owner-occupied STRs in R1. She stated she feels that Short-Term Rental owners should pay for mediation when issues in the neighborhood arise and create a process for appeals.

Emily Read stated she has worked with others on a creative solution regarding the penalties process. She encouraged the City Council to take their time and change the Short-Term Rental requirements in phases.

Emily Baehr stated she feels it is wrong to remove owner property rights. She encouraged the City to enforce the Ordinances that were already on the books.

Milton Buckelew stated he feels families are moving to the subdivisions with deed restrictions. He encouraged the City Council to slow it down and let the Code Enforcement work.

Jim Roeder, City resident, stated he owns a guest house on his property and believes it comes down to the integrity of the owners and the moral character of the guest.

Laurie Jenschke, City resident, stated she is an owner of a B&B in R1. She stated she is tired of people moving into Fredericksburg and trying to change the City.

George Studor, City resident, stated he knows his neighbors, and now people have sold their homes, and those homes have become Short-Term Rental.

Mike Mahony, City resident, stated he doesn't support adding a CUP process in R1. If you want to change zoning in R1, then do it properly.

Councilmember O'Neill stated she wanted everyone to know she lives in the City and has lived here since 2003.

Mayor Kiehne recessed the Joint Workshop at 11:30 a.m.

Mayor Kiehne reconvened the Joint Workshop at 12:30 p.m. Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, reviewed the next steps. He explained his role as a monitor and the process used for the remainder of the meeting.

Daniel Jones, City Attorney, reviewed the potential conflicts of interest for several Planning and Zoning Commission members. He also reviewed the burden of conflict to report, and failing to do so could result in criminal charges.

C. Consider and discuss key questions related to the proposed changes to zoning ordinance.

- i. Single Family Residential District (R-1)**
 - a. Land uses**
 - b. Conditional Use Permit (CUP)**
- ii. Mixed-Use Residential District (R- 2)**
 - a. Land uses**
 - b. Conditional Use Permit (CUP)**
- iii. Historic Overlay District**
 - a. Land Uses**
 - b. Conditional Use Permit (CUP)**
 - c. Density**
- iv. Enforcement/Penalties**
 - a. Number of violations/types**
 - b. Suspension of permits**
 - c. Revocation of permits**
- v. Conditional Use Permit (CUP) criteria**
- vi. Other Short-Term Rental (STR) issues.**

Jason Lutz, Development Service Director, reviewed the topics he needs directions on.

Commissioners Lawrence and Rickert filed an affidavit of conflict and did not participate in any discussions related to continuing a nonconforming use (they left the dais). Commissioner Rickert, Scroggins, and Lawrence filed an affidavit of conflict and did not participate in any discussions related to enforcement/penalties (they left the dais).

The following items were agreed upon by consensus:

- Buffer Zone for R1 zoning
- R1 zoning STRs and B&B by right and owner-occupied CUP (unoccupied-not by right)
- R2 zoning outside of Historic District – unoccupied by right
- R2 zoning STRs facilities with 8 units 10,000-foot lot are okay next to commercial and use the CUP process
- Matrix tiers for violations, implementing rules, and revocation is the last result.
- Add an appeal process.
- Lower density in Historic District
- Section 5.400 3. Change to 600 Commercial and 200 residential and rework Section B.

D. Consider an update on next steps in the process.

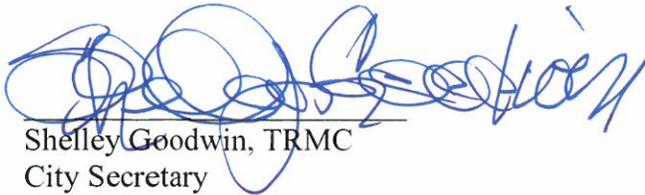
Daniel Jones, City Attorney, reviewed the timeline process related to adoption after public hearings.

Kent Myers, City Manager, announced that STRs would be converted to Granicus on April 1, 2022. He also noted that the first STR public hearing is scheduled for February 16, 2022.

4. ADJOURN

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to adjourn the Thursday, February 10, 2022, City Council and Planning and Zoning Commission Work Session at 3:55 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

With no other business for the Planning and Zoning Commission, Janice Menking, Chairman adjourned the Thursday, February 10, 2022, City Council and Planning and Zoning Commission Work Session at 3:55 p.m.



Shelley Goodwin, TRMC
City Secretary



Charlie Kiehne
Mayor