

**STATE OF TEXAS  
COUNTY OF GILLESPIE  
CITY OF FREDERICKSBURG**

**PLANNING & ZONING COMMISSION  
SEPTEMBER 8, 2021  
5:30 P.M.**

On this the 8<sup>th</sup> day of SEPTEMBER 2021 the PLANNING AND ZONING COMMISSION convened in regular Session at the Law Enforcement Center located at 1601 E. Main Street with the following members present to constitute a quorum:

**PRESENT:**

JANICE MENKING  
DARYL WHITWORTH  
EMILY KIRCHNER  
TIM DOOLEY  
JIM JARREAU  
STEVE THOMAS  
POLLY RICKERT  
JEFF LAWRENCE  
JILL TABOR

**ABSENT:**

**ALSO, PRESENT:**

JASON LUTZ – Director of Development Services  
DANIEL JONES – City Attorney  
SHELBY COLLIER – Associate Planner

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

**PUBLIC COMMENTS**

Milton Buckelew, City Resident, spoke regarding his involvement with the STR Alliance and their opposition to the proposed Short Term Rental Ordinance amendments.

Judith Rost, City Resident, spoke regarding her opinion that Short Term Rentals should not be allowed in the R1 Zoned areas.

Eric Hammersen, City Resident, spoke regarding his concern that neighborhoods will continue to be lost if City Council does not restrict Short Term Rentals from R1 zoned areas.

**MINUTES**

Emily Kirchner pointed out a correction needed regarding the motion for adjournment. Jim Jarreau moved to approve the minutes of the September 2021 meeting and Emily Kirchner seconded the motion. All voted in favor and the motion carried.

**ACTION ITEMS**

**Request Z-2102 an Involuntary Annexation and Proposed Zoning of R1, Single Family Residential and C2, Commercial for Approximately 82.36 Acres of Land Generally Located on the West and East Sides of Post Oak Road, From West Live Oak to 2,800 Feet North of South Bowie Street. This Involuntary Annexation Will Not Increase or Extend the City's (ETJ) Extraterritorial Jurisdiction.**

Tim Dooley made a motion to open the Public Hearing. Seconded by Daryl Whitworth. All voted in favor and the motion carried.

Jason Lutz, Director of Development Services, stated the proposed annexation includes all properties that have frontage on Post Oak Road between Live Oak Street and Bowie Street, and those properties fronting on the Cherry Street extension to the North of Bowie Street. Area 6A includes approximately 40.71 acres and area 6B approximately 42.62 acres. The property is characterized by residences, vacant land, and some commercial businesses.

Once the property is annexed into the City Limits, a Zoning classification for each property must be established, based on the Future Land Use Plan. The Future Land Use for this area show a mix of Rural Residential, Commercial, and Low Density Residential.

**Recommendation:**

Currently the City does not have a Zoning classification for Rural. For the Rural and Low-Density Residential Land Use, Staff recommends a Zoning category of R1. For the areas called out as Commercial staff recommends C2 to allow the continuation of existing businesses. P&Z and City Council could reduce the C2 Zoning to C1.5 or C1, but Staff would recommend C2 or C1.5 so as not to create any non-conforming uses.

Mrs. Petragon spoke regarding the proposed annexation area. Jason Lutz was able to confirm that her property is already located within the City Limits.

Tim Dooley made a motion to close the Public Hearing. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Jim Jarreau discussed R2 Zoning on West Side of Post Oak.

Polly Rickert discussed C1.5 Zoning on the West Side of Post Oak.

Tim Dooley made a motion to recommend a Zoning to reflect what the current Land Use is in the area and directed Staff to provide each parcels use. Polly Rickert seconded the motion. All voted in favor and the motion carried.

**Request Z-2112 by Jacob Grant, Owner, to Consider a Request for Voluntary Annexation and requested Zoning of R1-A, Single Family Residential – Small Lot, for Approximately 6.32 acres of Land out of Outlot 97, Outlot 96 an Unnumbered Outlot and Block V of the German Emigration Company Environs Map, Located at 651 Post Oak Rd.**

Jim Jarreau made a motion to open the Public Hearing. Seconded by Tim Dooley. All voted in favor and the motion carried.

Mark Cornett, Engineer for the project, presented the application. He stated it was the owners desire to Annex into the City Limits with a Zoning of R1-A. He intends to develop a 40-lot subdivision.

Tim Dooley made a motion to close the Public Hearing. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Jason Lutz, Director of Development, stated the property owner has requested voluntary annexation of

approximately 6 acres of land to construct a single-family subdivision. This Annexation Agreement was approved by City Council on September 8, 2021. The requested zoning of the property is R1A. The Future Land Use Plan calls this area as Low Density Residential and the requested zoning of R1A meets the requirements of the Future Land Use Plan.

The property is located at 651 Post Oak Rd, located approximately 575 ft north of the intersection of Post Oak Rd. and W. Live Oak St. This property is currently located in the City's Annexation Plan (Area 6A). The remaining properties of annexation area 6A have been notified of the annexation process and will be considered for annexation at a later date.

The property would be required to extend utilities to serve their property and then be required to extend utilities to adjacent landowners as part of the platting/subdivision process.

**Recommendation:**

Staff recommends approval of the requested annexation and proposed zoning of R1A.

Jim Jarreau made a motion to recommend Approval of Application Z-2112 per Staff Recommendation. Tim Dooley seconded the motion. All voted in favor and the motion carried.

**Consider P-2127 – Request by Jacob Grant with 10-8 Properties for a Preliminary Plat of the Proposed Post Oak Subdivision for property located at 651 Post Oak Road.**

Mark Cornett, Engineer for the project, presented the application. He stated it was the applicants desire To develop a 40-lot subdivision.

**Recommendation:**

Shelby Collier, Associate Planner, stated Staff recommends Approval of the proposed Preliminary Plat conditioned upon Approval of the Final Construction Plans.

Jim Jarreau made a Motion to Approve Application P-2127 Per Staff Recommendation. Seconded by Tim Dooley. All voted in favor and the motion carried.

**Consider SP-2114 – Request by Whitney Koch with Mustard Design to Consider a Parking Agreement for the future Sunset Grill located at 405 W. Live Oak Street.**

Whitney Koch presented the application. She stated it is her clients desire to make 405 W. Live Oak the future home of Sunset Grill (lot 12). The applicant is part or full owner of the property which consists of 3 lots. Lot 11, 12 and 1-pt. Due to joint ownership for lot 12, the applicant is requesting a parking agreement as opposed to replating the property.

**Recommendation:**

Jason Lutz, Director of Development, stated Staff does not recommend approval of this request due to the potential conflicts that may arise between ownership as well as the increased development in the area.

Shelby Collier, Associate Planner, stated the proposed Parking Agreement meets the minimum requirements set forth by Section 7.863, Staff has concerns regarding the congestion and activity in the area. With the addition of Sunset Grill to 405 E. Live Oak, this block of East Live Oak would have 3 restaurants. These three restaurants combined provide a total of 41 Parking Spaces, 22 of which are located off-site. The complications that may arise from Off-Site Parking, such as a change in ownership or owner and lessee disputes provide Staff a cause for concern.

Section 7.850 provide Staff and the Commission the ability to review relevant criteria such as potential parking demand created by other uses in the vicinity. Staff believes that the demand created with the addition of Sunset Grill could potentially overwhelm the already congested area.

Staff recommends that this site not be considered for future development of Sunset Grill, but instead provide parking for Woerner Café as well as overflow for Granite. Staff recommends Denial.

Tim Dooley made a motion to Deny SP-2114. Jeff Lawrence seconded the application. All voted in favor and the motion carried.

**Consider SP-2113 – Request by Whitney Koch with Mustard Design to Consider a Parking Agreement for the future Woerner Warehouse located at 405 W. Live Oak Street.**

Whitney Koch presented the application. She stated due to the denial of Sunset Grill, SP-2114, the current proposal would not work.

**Recommendation:**

Shelby Collier, Associate Planner, Staff recommends denial.

Tim Dooley made a Motion to Deny Application SP-2113. Emily Kirchner seconded the request. Daryl Whitworth opposed, all others voted in favor and the motion carried.

**Consider SP-2115 – Request by Jonathan Bursey with Urbanist USA to Consider a Site Plan for a Multi-Family Development located at 802 & 812 Friendship Lane.**

Kevin Spraggins presented the application. He stated due to a timing issue, Staff is recommending denial. He will Address Staff's Comments and return for Approval at the next Planning and Zoning Meeting.

**Recommendation:**

Jason Lutz, Director of Development Services stated due to the Shock Clock bill, (HB 3167) which requires action within 30 days, Staff recommends denial. He encourages the applicant to respond to Staff's comments and the Commission can consider the application at a future date.

Polly Rickert made a Motion to Deny Application SP-2115. Tim Dooley seconded the motion. All voted in favor and the motion carried.

## **DISCUSSION ITEMS**

### **Provide Update Regarding Potential Short Term Rental Ordinance Amendment**

Jason Lutz informed the Commission that Staff received direction from City Council at the Special City Council Meeting on September 13<sup>th</sup>. Staff will continue to work towards adoption of the proposed revisions with a target adoption of February 2022.

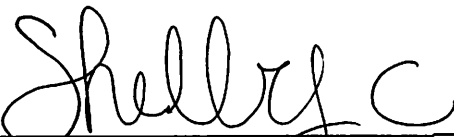
### **Provide Update Regarding Staff Changes to Development Services Department**

Jason Lutz informed the Commission of changes to Staff within the Development Services Department. Shelby Collier has been promoted to Associate Planner and Karen Hillje has been hired as a Permit Technician for the Building Department. Ted Boyer has been hired as a Code Enforcement Officer and will assist Ray Ortegon in enforcing all Codes, but specifically the Short-Term Rental Ordinance.

## **ADJOURN**

With nothing further to come before the Commission, Jim Jarreau moved to adjourn. Seconded by Jill Tabor. All voted in favor and the meeting was adjourned at 7:41p.m.

**PASSED AND APPROVED this 6<sup>th</sup> day of October 2021.**

  
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SHELBY COLLIER, Associate Planner

  
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JANICE MENKING, Chairman