

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

Wednesday, February 5, 2014

5:30 P.M.

LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

PAGE REF.

1. Call to Order
2. Approve minutes from the January 2014 Regular Meeting

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PUBLIC HEARINGS

3. Public Hearing (Z-1316) by The City of Fredericksburg on the Subdivision Ordinance Update
4. Consider making a recommendation on Z-1316

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ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION
January 8, 2014
5:30 P.M.

On this the 8th day of January, 2014 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
STEVE THOMAS
BOBBY WATSON
TODD WILLINGHAM
BRENDA SEGNER
CHARLIE KIEHNE
BILL PIPKIN
DARYL WHITWORTH

ABSENT: CHRIS KAISER

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.

SITE PLANS

CONSIDER (SP-1318) SITE PLAN FOR BACKWOODS BBQ RESTAURANT & RETAIL CENTER LOCATED AT 320 FM 2093. - Kevin Spraggins presented the application and noted the property was re-zoned a few months back and has since sold to the developer of this project. Mr. Spraggins noted the tract is 7.8 acres and the developer plans to construct a restaurant on the back portion, a retail space on the front western portion and office/warehouse buildings in the northwest corner. Mr. Spraggins noted the property to the north is undeveloped, the property to the east is an event center, to the south is a storage facility and to the west is an auto repair business. Mr. Spraggins noted the project will be phased and the BBQ restaurant will be constructed immediately. Mr. Spraggins noted the second phase will be the retail portion fronting on Tivydale Road and the back office/warehouse space will be phased as needed. Mr. Spraggins explained the developer is hoping he can lease those buildings to contractors to use as their office and storage area. Mr. Spraggins noted the developer wants to save as many trees as possible and light the wooded area from the trees to make it a part of the restaurant atmosphere that will include an outside bar and sand pit. Mr. Spraggins commented the developer is trying to create a setting that will encourage a family environment. Mr. Spraggins noted there is a drainage channel that runs through the middle of the property and there are multiple detention sites. Mr. Spraggins stated they have worked the parking areas around the trees and have also worked in parking spaces for trucks with trailers. Mr. Spraggins stated they are working with TXDOT to get their permits approved.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the phasing of the project is not a problem, but

City Staff will want to look at each phase as it is developed to review the proposed fire lanes and circulation and the planned utilities and drainage to be certain they can be extended in the future. Mr. Jordan noted there will be a loop drive around Phase 1, which the Fire Marshall has approved. Mr. Jordan added the drive widths are large enough to handle two way traffic. Mr. Jordan noted a lot of the trees on the property are Post Oaks, which don't generally have a high tolerance for development, but the developer and the City would like to try and preserve as many as possible. Mr. Jordan noted as each phase is developed, the trees located on only that portion should be considered for removal and not the entire site. Mr. Jordan added the proposed parking is based on the intended uses and should those uses change, the parking may have to be modified.

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

- 1) Landscape plan be approved by Staff before issuance of a building permit.
- 2) Site lighting being shielded and screened from adjoining properties.
- 3) Approval of Construction Plans prior to issuance of a Building Permit.
- 4) TXDOT approval for the entrance drives and sidewalk prior to issuance of a building permit.

Janice Menking asked if the Commission would see each phase before it is developed and Mr. Jordan noted as long as the plan stays similar to what is shown, whatever the Commission recommends tonight will apply to the entire area. Mr. Jordan added if the plans change significantly, they will be evaluated to determine if the changes warrant a presentation to the Planning & Zoning Commission. Ms. Menking asked if there were any plans to develop the area in front of the proposed restaurant. Mr. Spraggins noted there are no plans to develop that area, except for the possibility of more outdoor dining. Mr. Jordan added there is a screening fence required on the north side and that will only need to be constructed with the phasing plan. Brenda Segner asked what the building facades will look like and Mr. Spraggins noted that has not been developed, but the owners want a Hill Country theme and plan on using Hill Country stones, stucco and wood. Steve Thomas asked Mr. Spraggins to describe how the storm water detention plan will work and how it will be associated with the phasing. Mr. Spraggins noted the property is divided up into six different drainage areas and explained where each area would drain. Mr. Spraggins stated they put in small areas because of the way the property flows and noted the drainage areas will be shallow green basins with overflow. Mr. Spraggins added native grass will be used. Mr. Jordan asked what the construction schedule is and Mr. Spraggins noted they are working on construction documents, which should be ready in approximately six weeks, and they would like to start construction as soon as those are approved.

Bobby Watson moved to approve SP-1318 with the conditions set forth by Staff as well as the condition any tree removal be phased with the construction phases. Steve Thomas seconded the motion. All voted in favor and the motion carried.

CONSIDER (SP-1319) SITE PLAN FOR AN 8800 SQUARE FOOT RETAIL BUILDING AT BARON'S CREEK SHOPPING LOCATED AT 1426 E. MAIN STREET - Tony Saucedo of SA Design Group presented the application. Mr. Saucedo noted this 1.4 acre tract is the last portion of the total 9 acre site for Baron's Creek Shopping Center and stated there will be an 8,800 square foot building constructed. Mr. Saucedo commented there will be four tenant spaces. Mr. Saucedo explained they requested a change to the egress last year because they were trying to isolate this lot from the rest of the mall and that was approved. Mr. Saucedo noted there are two points of access and a fire lane that goes all the way around the mall. Mr. Saucedo noted they will also have two fire lanes around this building and a sidewalk and landscaping will be added.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the property is located in a PUD, Planned Unit Development, and attached to the approved PUD was a plan with the layout of the buildings, circulation, driveway cuts, signs, and elevations of buildings. Mr. Jordan noted the look of the new building is intended to resemble the existing mall and Staff is working through the details on the utilities, but the plan is essentially identical to the approved PUD. Mr. Jordan noted the drive on E. Main has a traffic signal that aligns with the Walmart entrance across the street and money is in escrow for the sidewalk. Mr. Jordan added the owners request for an additional sign was denied, so the signage for this building will have to be on the multi-use sign that is already in place. Mr. Jordan questioned if the lighting will match what is existing on site and Mr. Saucedo stated it would.

Brian Jordan noted Staff recommendation of approval with the following conditions:

- 1) Approval of Construction Plans prior to issuance of a building permit.
- 2) Approval of a Landscape Plan prior to issuance of a Building Permit.
- 3) All exterior lighting being shielded.

Charlie Kiehne moved to approve SP-1319 with the conditions set forth by Staff. Daryl Whitworth seconded the motion. All voted in favor and the motion carried.

MINUTES

Bobby Watson noted one correction in the name of the subdivision in application P-1318. With that correction, Todd Willingham moved to approve the minutes from the December, 2013 meeting. Bobby Watson seconded the motion. All voted in favor and the motion carried.

DISCUSSIONS

Brian Jordan, Director of Development Services, stated the second draft of the Subdivision Ordinance has been completed from the joint work session with the City Council and Planning and Zoning Commission. Mr. Jordan noted the Commission now needs to set a meeting date for a public hearing so interested parties can voice their opinion. Mr. Jordan commented a recommendation does not have to be made at that meeting. There was discussion about setting a special meeting date for the public hearing or holding it at the regularly scheduled meeting in February. There was discussion about the Commission members availability and it was decided Mr. Jordan would speak to the City Manager and they would determine the best date for the public hearing.

ADJOURN

With nothing further to come before the Commission, Bobby Watson moved to adjourn. Todd Willingham seconded the motion. All voted in favor and the meeting was adjourned at 6:22 p.m.

PASSED AND APPROVED this 5th day of February, 2014.

SHELLEY BRITTON, Secretary

JANICE MENKING, Chairman



CITY COUNCIL MEMO

DATE: January 31, 2014

TO: Planning and Zoning Commission

FROM: Brian Jordan, AICP

SUBJECT: Public Hearing to consider an update to the City's Subdivision Ordinance (Z-1316).

Summary:

Freese and Nichols, Inc was hired last year to assist the City in the update to the Subdivision Ordinance. Stakeholder meetings were held in February, 2013 and a Diagnostic Report was completed in March, 2013. A joint meeting of the Council and Planning and Zoning Commission was held in April, 2013 to discuss the Diagnostic Report. Following this action, an initial draft was prepared and submitted to City Staff in June, 2013. The staff spent several months reviewing the document and working with the consultant to address comments and prepare an updated draft.

The draft was discussed at a joint worksession between the Council and the Planning and Zoning Commission in November, 2013. An executive summary was prepared for this meeting which highlighted the major changes from the current ordinance as well as other keypoints of interest. Each item in the executive summary was considered and it was determined if a consensus could be reached on these items, or if additional consideration would be necessary.

Recommendation:

The Planning and Zoning Commission should conduct a public hearing and consider all comments that are presented. The Commission may approve the document as presented, make changes to the

The City of Fredericksburg

document and include the changes with your recommendation, or may postpone action until changes are made and a final document can be considered.

Background / Analysis:

Subsequent to the joint meeting in November, the consultants prepared an updated draft and submitted to the City in December. The updated draft of the Subdivision Ordinance was distributed to the Commission at the Meeting on January 8, 2014. Attached for your review is a "Direction Sheet" which highlights the changes discussed in November, notes where a consensus has been reached, and identifies which items still need to be resolved. In addition to the items noted on the Direction Sheet, the staff will be proposing an additional option for consideration. This option will include a partition deferral in which the normal subdivision requirements may be deferred under certain circumstances such as a family partitioning. We will present this option at the public hearing.

Direction Sheet

Fredericksburg Subdivision Ordinance

February 5, 2014

Purpose of this Direction Sheet: On November 21, 2013, the Planning and Zoning Commission and City Council held a joint meeting to review the draft subdivision ordinance. At this meeting, the consultants presented an executive summary (i.e., PowerPoint and three-page handout) highlighting the major changes from the current subdivision ordinance and other key points of interest.

This direction sheet serves to document the consensus from the P&Z and Council on the direction the subdivision ordinance should take on these key changes and points of interest (identified in the executive summary). While many of the items listed below have the P&Z and Council's direction identified, there are some remaining items that need consensus from the P&Z and Council on the direction to be taken.

The following is a table of the executive summary and corresponding consensus or need for further direction.

Executive Summary of Changes or Key Highlights (1-15)	Direction from P&Z/City Council
1) Updated how the platting process; now consists of two options. There are two ways to approve a final plat. The first option has a developer obtain preliminary plat approval, construct the subdivision's public improvements (streets, utilities, etc.), and apply for final plat approval after the inspection of public improvements. This option is preferred because it is the most simplicity and limits the City's exposure to problems associated with the development. The second option has a developer obtain preliminary plat approval, obtain final plat approval with a performance agreement (surety), and then construct public improvements. While the second option offers some flexibility, issues can arise if the City needs to take over the construction of public improvements.	Consensus Reached The group consensus supported this item.
2) Added an "Amending Plat" as a platting option. The purpose of an amending plat is to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of State law. Amending plats can also be used to replat existing lots fronting on an existing street. This option will help plats quickly move through the approval process. The Director of Development Services approves amending plats.	Consensus Reached The group consensus supported this item.
3) Added public hearing requirements for replats. Per state law, all replats are required to have a public hearing. Language regarding the procedure and notice requirements have been added.	Consensus Reached The group consensus supported this item. (This is to bring ordinance into agreement with State law.)
4) Added sidewalk requirements. Added sidewalks shall be constructed within all new Subdivisions, as identified on the upcoming City's Sidewalk and Trails Plan. The City currently does not have a Sidewalk and Trails Plan, but the City intends for this document to be included in the Comprehensive Plan update or as a standalone effort within a year or two. Also, added an escrow option and sidewalk standards (e.g., sidewalks are 5' wide).	Need to Reach Consensus Everyone generally agreed that sidewalks should be built according to the areas shown on the "future sidewalk plan." Discussed removing the "trails" from the map and it only being for sidewalks. However, confirmation from P&Z and Council is still needed.



Executive Summary of Changes or Key Highlights (1-15)	Direction from P&Z/City Council
5) Added choices for developers on the types of curbs to install in residential development. Developers are able to decide if “barrier curbs” or “mountable curbs” should be used in residential subdivisions. Barrier or mountable curbs are not required in single-family subdivisions when all platted lots are one (1) acre or greater; however, an eighteen (18) inch ribbon curb will be required in these cases. Barrier Curb Mountable Curb Ribbon Curb	<u>Need to Reach Consensus</u> Discussed thoroughly during the meeting. Need to confirm that developers should be able to select which type of curb to use.
6) Allowed for longer cul-de-sacs, but the number of lots along the cul-de-sacs remains the same. The Planning and Zoning Commission may approve a cul-de-sac street longer than five hundred (500) feet, if the street is zoned or used for single family residential development and no more than 15 single family lots are created along the street. Also, the P&Z can approve that up to 30 single family lots may be created along a street, if the lots created are two (2) acres in size or greater.	<u>Need to Reach Consensus</u> It was not clear if a general consensus was reached on 11/21/2013.
7) Added a “Development Plat” A development plat is a method to ensure that as land develops, the City can obtain the necessary right-of-ways and easement when an individual claims exemption to the platting requirements. A development plat is in lieu of a subdivision plat (i.e., preliminary plat, final plat, minor plat, replat, or amending plat). In accordance with Local Government Code 212, Subchapter B (212.045), any person who proposes the development of a tract of land (i.e., any new construction or the enlargement of any exterior dimension of any building, structure, or improvement) located within the limits must submit a Development Plat unless the property has an approved final plat, minor plat, replat, or amending plat.	<u>Consensus Reached</u> The group consensus supported this item.

Executive Summary of Changes or Key Highlights (1-15)	Direction from P&Z/City Council																																
8) Added a “Determination of Completeness” for vesting purposes, per state law. Added language to the ordinance to bring it into agreement with state vesting law (LGC 245). Every required application shall be subject to a determination of completeness. A determination of completeness is made by the City not later than the tenth (10th) business day after the Official Vesting Date. An application is vested into the standards of the subdivision ordinance in effect at the time of the application’s Official Vesting Date.	Consensus Reached The group consensus supported this item. (This is to bring ordinance into agreement with State law.)																																
9) Added “Rough Proportionality / Fair Share Policy Statement” for public infrastructure. The topic of proportionality centers on the developer’s portion of the costs of a public improvement. Standards relating to the dedication or construction requirements shall be roughly proportional to the nature and extent of the impacts created by the proposed development on the City’s water, wastewater, storm drainage, parks or roadway system. A fair and proportional share shall be determined as the level or standard of service that is required to adequately serve a new development.	Consensus Reached The group consensus supported this item. (This is to bring ordinance into agreement with State law.)																																
10) Added driveway dimension and separation standards. Driveway dimension and separation standards on TXDOT roadways will conform to the TXDOT Access Management Manual. Driveways along City maintained roadways will now conform to Section 6.04 of the subdivision ordinance.	Consensus Reached The group consensus supported this item. (This is to bring ordinance into agreement with State law.)																																
11) Added “Minor Subdivision Waivers” and “Major Subdivision Waivers.” Subdivision Waivers are classified as a “Minor Subdivision Waiver” or “Major Subdivision Waiver”. Minor Subdivision • Waivers are defined as a minor change to the standards, but not the intent, of these subdivision regulations and are listed in Table 10 of the subdivision ordinance. • A Major Subdivision Waiver is a significant change to both the standards and intent of the subdivision regulations, which requires Planning and Zoning Commission and City Council approval and is not listed in Table 10. <table border="1"><caption>Table 10: Minor Subdivision Waiver</caption><thead><tr><th>Section</th><th>Standard</th><th>Director of Development Services</th><th>Director of Public Works and Utilities</th></tr></thead><tbody><tr><td>6.05.I</td><td>Maximum Alley Length</td><td>Approve</td><td></td></tr><tr><td>6.09.C</td><td>Lot Frontage Prohibition for SF Lots on Arterial Streets</td><td>Approve</td><td></td></tr><tr><td>6.09.D</td><td>Right Angles for Side Lot Lines</td><td>Approve</td><td></td></tr><tr><td>6.04.E</td><td>Traffic Impact Analysis</td><td>Approve</td><td></td></tr><tr><td>6.12.D.2</td><td>Street Right-of-Way Dedication</td><td>Approve</td><td></td></tr><tr><td>6.16.B.2</td><td>Water Lines Extended to Subdivision Borders</td><td></td><td>Approve</td></tr><tr><td>6.17.B.2</td><td>Wastewater Lines Extended to Subdivision Borders</td><td></td><td>Approve</td></tr></tbody></table> Notably, a “Minor Subdivision Waiver” was added to allow for the reduction in the Right-of-Way width found in Table 9: Minimum Street Design Criteria up to five (5) feet to accommodate development in existing neighborhoods (e.g., an existing street does not meet the current standard and is already developed).	Section	Standard	Director of Development Services	Director of Public Works and Utilities	6.05.I	Maximum Alley Length	Approve		6.09.C	Lot Frontage Prohibition for SF Lots on Arterial Streets	Approve		6.09.D	Right Angles for Side Lot Lines	Approve		6.04.E	Traffic Impact Analysis	Approve		6.12.D.2	Street Right-of-Way Dedication	Approve		6.16.B.2	Water Lines Extended to Subdivision Borders		Approve	6.17.B.2	Wastewater Lines Extended to Subdivision Borders		Approve	Consensus Reached The group consensus supported this item.
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Executive Summary of Changes or Key Highlights (1-15)	Direction from P&Z/City Council
12) Added "Vested Rights Petitions." In accordance with the Texas Local Government Code, Chapter 245 or successor statute, the purpose of a Subdivision Vested Rights Petition is to determine whether an application should be processed under the terms of a previous ordinance, to provide a process for determination of possible vested status, and to determine when certain permits are subject to expiration.	Consensus Reached The group consensus supported this item. (This is to bring ordinance into agreement with State law.)
13) Added basic residential thoroughfare screening requirements. If new subdivisions have lots that back onto or side onto an arterial street or collector street, then a preliminary screening plan must be submitted for review and approval with the preliminary plat. Required screening shall be a masonry wall at least six (6) feet but not greater than eight (8) feet in height. Cement fiberboard materials (commonly referred to as HardiePlank), may be used as masonry materials for screening.  Example Screening Wall	Consensus Reached After removing the options to use landscape screening, HardiePlank was added as an acceptable screening material for the masonry wall. The group consensus was to make the above changes and to proceed with the requirement.
14) Added performance agreement language. If public improvements are to be constructed after final plat approval, then the Subdivider shall be required to enter into a performance agreement with the City that shall govern the public improvements, pro rata payments, escrow deposits, or if the City participates in the cost of any public improvements, or if there are nonstandard development regulations. The performance agreements shall be based upon the requirements of this subdivision ordinance, and shall provide the City with specific authority to complete the improvements required in the Performance Agreement in the event of failure by the developer, and to recover the full costs of such measures. Performance agreement scan be approved by either the <u>Council</u> or <u>City Manager</u>, per the following process. • The <u>Director of Public Works</u> and Utilities shall review all performance agreements. • The <u>Director of Public Works</u> and Utilities shall recommend an action to the <u>City Council</u> for all Performance Agreements. • The Performance Agreement shall require the approval of the <u>City Council</u>. The <u>City Council</u> may approve, approve with conditions, or deny a Performance Agreement. - o The <u>City Council</u> may authorize the <u>City Manager</u> to approve specific Performance Agreements on behalf of the City Council. In the event of a disagreement between the City staff and the Subdivider concerning stipulations of the Performance Agreement, the Subdivider may request City Council approval of alternative provisions.	Consensus Reached The group consensus supported this item.
15) Added requirement that private streets may only be built within a Planned Development (PD) zoning district. Added a section for private streets and gated subdivisions. These developments are permitted only within a planned development (PD) zoning district. Access for sanitation trucks and other public services is required.	Consensus Reached The group consensus supported this item.