



CITY OF FREDERICKSBURG

PLANNING AND ZONING MEETING AGENDA WEDNESDAY, MARCH 9, 2022, ~ 5:30 P.M. LAW ENFORCEMENT CENTER – 1601 E. MAIN STREET

Janice Menking, Chair
Jim Jarreau, Member
Daryl Whitworth, Member
Jeff Lawrence, Member
Cindy Scroggins, Member

Emily Kirchner, Member
Polly Rickert, Member
Tim Dooley, Vice Chair
Steve Thomas, Member

The City of Fredericksburg Planning and Zoning will meet in regular session on **Wednesday, March 9, 2022, at 5:30 p.m. The meeting will be in person at the Law Enforcement Center 1601 E. Main Street.** This meeting will be held in person and live stream on our YouTube Channel.

Link to City of Fredericksburg YouTube Channel Fredericksburg, Texas USA - YouTube
<https://www.youtube.com/channel/UCrhnlFjVfDS1SPBJD2pYKcQ/featured>

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF THE FEBRUARY 9, 2022, MEETING MINUTES

4. PUBLIC COMMENTS

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the Planning and Zoning Commission is limited to either a statement of specific information or recitation of existing policy. TEX. GOV'T CODE § 551.042.

Written Comments: to be submitted:

1. Must be received by 2 p.m. on March 9, 2022.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to scollier@fbgtx.org

Verbal Comments:

1. Sign up in-person between 5:00 p.m. and 5:30 p.m. at the Law Enforcement Center to comment.

You will be limited to 3 minutes to speak.

The Planning and Zoning Commission (P&Z) welcomes public comments concerning items on this agenda. Each member of the public who desires to address the P&Z regarding an item on this agenda is required to sign up to speak, prior to the start of the meeting. All public comments shall be limited to discussion of items on this agenda and shall be limited to 3-minutes in duration. At the discretion of the P&Z Chair, or upon an affirmative vote of the P&Z, the public comment time limit applicable to all speakers may be lengthened or shortened as required to allow the P&Z to complete its legislative agenda. Persons addressing the P&Z are prohibited from trading time with other speakers or reserving of time.

5. PUBLIC HEARINGS

- A. REQUEST #Z-2205 REQUEST BY BRANDON WEINHEIMER, APPLICANT TO ALLOW A PROPOSED LAND USE OF “SINGLE-FAMILY RESIDENTIAL DETACHED” IN THE CENTRAL BUSINESS DISTRICT (CBD), FOR PROPERTY LOCATED AT 419 W. MAIN ST.
- B. REQUEST #Z-2204 REQUEST BY JOE SALINAS JR TO CONSIDER THE FOLLOWING:
 - 1. A REQUESTED FUTURE LAND USE CLASSIFICATION CHANGE FROM “LOW DENSITY RESIDENTIAL” (LDR) TO “MEDIUM DENSITY RESIDENTIAL” (MDR) FOR APPROXIMATELY 4.332 ACRES OF LAND DESCRIBED AS GE CO #192, LOCATED AT THE SOUTHWEST INTERSECTION OF W. LIVE OAK ST. AND SMOKEHOUSE RD. (1129, 1161, AND 1145 W. LIVE OAK ST).
 - 2. A REQUESTED ZONING CHANGE FROM “SINGLE-FAMILY RESIDENTIAL” (R1) TO “MIXED RESIDENTIAL” (R2) FOR APPROXIMATELY 4.332 ACRES OF LAND DESCRIBED AS GE CO #192, LOCATED AT THE SOUTHWEST INTERSECTION OF W. LIVE OAK ST. AND SMOKEHOUSE RD. (1129, 1161, AND 1145 W. LIVE OAK ST).
 - 3. A REQUESTED FUTURE LAND USE CLASSIFICATION CHANGE FROM “LOW DENSITY RESIDENTIAL” (LDR) TO “MEDIUM DENSITY RESIDENTIAL” (MDR) FOR APPROXIMATELY 0.508 ACRES OF LAND DESCRIBED AS GE CO #192, LOCATED 150 FEET SOUTH OF 1161 W. LIVE OAK ST.
 - 4. A REQUESTED VOLUNTARY ANNEXATION AND A PROPOSED ZONING CLASSIFICATION OF “MIXED RESIDENTIAL” (R2) FOR APPROXIMATELY 0.508 ACRES OF LAND DESCRIBED AS GE CO #192, LOCATED 150 FEET SOUTH OF 1161 W. LIVE OAK ST.

6. ACTION ITEMS

- A. DISCUSSION, CONSIDERATION, AND RECOMMENDATION OF REQUEST #Z-2205 REQUEST BY BRANDON WEINHEIMER, APPLICANT TO ALLOW A PROPOSED LAND USE OF “SINGLE-FAMILY RESIDENTIAL DETACHED” IN THE CENTRAL BUSINESS DISTRICT (CBD), FOR PROPERTY LOCATED AT 419 W. MAIN ST.
- B. REQUEST #Z-2204 REQUEST BY JOE SALINAS JR TO CONSIDER THE FOLLOWING:
 - 1. DISCUSSION, CONSIDERATION, AND RECOMMENDATION OF A REQUESTED FUTURE LAND USE CLASSIFICATION CHANGE FROM “LOW DENSITY RESIDENTIAL” (LDR) TO “MEDIUM DENSITY RESIDENTIAL” (MDR) FOR APPROXIMATELY 4.332 ACRES OF LAND DESCRIBED AS GE CO #192, LOCATED AT THE SOUTHWEST INTERSECTION OF W. LIVE OAK ST. AND SMOKEHOUSE RD. (1129, 1161, AND 1145 W. LIVE OAK ST).
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3. DISCUSSION, CONSIDERATION, AND RECOMMENDATION OF A REQUESTED FUTURE LAND USE CLASSIFICATION CHANGE FROM “LOW DENSITY RESIDENTIAL” (LDR) TO “MEDIUM DENSITY RESIDENTIAL” (MDR) FOR APPROXIMATELY 0.508 ACRES OF LAND DESCRIBED AS GE CO #192, LOCATED 150 FEET SOUTH OF 1161 W. LIVE OAK ST.
 4. DISCUSSION, CONSIDERATION, AND RECOMMENDATION OF A REQUESTED VOLUNTARY ANNEXATION AND A PROPOSED ZONING CLASSIFICATION OF “MIXED RESIDENTIAL” (R2) FOR APPROXIMATELY 0.508 ACRES OF LAND DESCRIBED AS GE CO #192, LOCATED 150 FEET SOUTH OF 1161 W. LIVE OAK ST.
- C. DISCUSSION, CONSIDERATION, AND ACTION REGARDING REQUEST P-2204 BY RANDY JENNIGES FOR A FINAL PLAT FOR FRIEDEN SUBDIVISION PHASE 2.
 - D. DISCUSSION, CONSIDERATION, AND ACTION REGARDING REQUEST P-2205 BY RANDY JENNIGES FOR A FINAL PLAT FOR FRIEDEN SUBDIVISION PHASE 5.
 - E. DISCUSSION, CONSIDERATION, AND ACTION REGARDING REQUEST P-2206 BY PAUL MATHIS OF CEC FOR A FINAL PLAT FOR STONERIDGE SUBDIVISION PHASE 11.

7. ADJOURN

This is to certify that I, Anna Hudson, posted this Agenda before 5:00 PM. on March 5, 2022, on the bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas as well as the City of Fredericksburg's website fbgtx.org.



Anna Hudson
Historic Preservation Officer

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

**PLANNING & ZONING COMMISSION
FEBRUARY 9, 2022
5:30 P.M.**

On this the 9th day of FEBRUARY 2022 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
JIM JARREAU
JEFF LAWRENCE
CINDY SCROGGINS
EMILY KIRCHNER
DARYL WHITWORTH
POLLY RICKERT
TIM DOOLEY

ABSENT:

STEVE THOMAS

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

MINUTES

Jim Jarreau made a Motion to Approve the JANUARY 2022 Meeting Minutes. Daryl Whitworth Seconded the motion. All voted in favor and the motion carried.

PUBLIC COMMENT

PUBLIC HEARING

REQUEST Z-2128 – BY JACOB GRANT TO CONSIDER A REQUESTED VOLUNTARY ANNEXATION AND A PROPOSED ZONING CLASSIFICATION OF “SINGLE-FAMILY RESIDENTIAL” (R1) FOR APPROXIMATELY 21.46 ACRES OF LAND DESCRIBED AS GE CO #700, LOTS GE 165, GE 170, AND A 21.56 ACRE PART OF OUTLOT STREET, LOCATED AT 668 PYKA ROAD.

Jim Jarreau 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 property owner has requested voluntary annexation

of approximately 21.46 acres of land to construct a single-family subdivision along Pyka Road. An Annexation Agreement will be considered by City Council on March. The requested zoning of the property is R1. The Future Land Use Plan calls this area as Low Density Residential and the requested zoning of R1 meets the requirements of the Future Land Use Plan.

The property is located at 668 Pyka Rd, located approximately 1,500 ft east of the intersection of Kerr Rd. and Pyka Rd.

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. The applicant is currently working with City staff to finalize a utility plan for the area.

Staff recommends approval of the requested annexation and proposed zoning of R1.

Clint presented the application

Jim Jarreau Close Public Hearing second by Polly Rickert

Jim Jarreau recommended approval of Z-2128. Seconded by Polly Rickert. All voted in favor and the motion carried.

REQUEST Z-2201 - BY KEVIN SPRAGGINS, APPLICANT, TO CONSIDER AN AMENDMENT TO AN EXISTING "PLANNED UNIT DEVELOPMENT" (PUD) TO ALLOW A LAND USE OF "HOTEL-MOTEL" FOR APPROXIMATELY 10.98 ACRES OF LAND, DESCRIBED AS, LOTS 1, 2, AND 3 OF THE FELLER, PHASE I, SUBDIVISION, LOCATED AT 1511 AND 1565 E. MAIN STREET.

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

Kevin Spraggins presented the application.

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

Jason Lutz, Director of Development Services, stated the applicant is seeking to amend an existing Planned Unit Development (PUD) to allow the land use of "Hotel-Motel" on the property.

Staff recommends approval of the requested amendment conditioned upon the property be replatted and updated with the new PUD information and that the Hotel-Motel land use be developed in accordance with all current and applicable City Codes including, but not limited to, signs, parking, access, easements, and setbacks.

Tim Dooley made a Motion to recommend Approval of Z-2201 Per Staff recommendation. Seconded by Jim Jarreau. All voted in favor and the Motion carried.

REQUEST Z-2202(1) - REQUEST BY KEVIN SPRAGGINS, APPLICANT, TO CONSIDER A FUTURE LAND USE CHANGE FROM "MIXED-USE CORRIDOR" (MU) TO A FUTURE LAND USE CLASSIFICATION OF "COMMERCIAL" (C) FOR APPROXIMATELY 14.28 ACRES OF LAND OUT OF THE ABS A0002 W H ANDERSON #197, TRACT III, 22.28 ACRES, LOCATED AT 1100 FRIENDSHIP LANE.

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

Kevin Spraggins presented the application.

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

Jason Lutz, Director of Development Services, stated the applicant is seeking a future land use classification change from "Mixed-Use Corridor" (MU) to "Commercial" (C) and zoning change from "Industrial Park" (M3) to "Commercial" C2 to bring the entire tract under the same land use and zoning as the remainder of the property.

Tim Dooley made a Motion to recommend Approval per Staff Recommendation of Z-2202 (1). Seconded by Jim Jarreau. All voted in favor and the Motion carried.

REQUEST Z-2202(2) - REQUEST BY KEVIN SPRAGGINS, APPLICANT, TO CONSIDER A REQUEST FOR A ZONING CHANGE FROM "INDUSTRIAL PARK" (M3) TO A ZONING CLASSIFICATION OF "COMMERCIAL" (C2) FOR APPROXIMATELY 14.28 ACRES OF LAND OUT OF THE ABS A0002 W H ANDERSON #197, TRACT III, 22.28 ACRES, LOCATED AT 1100 FRIENDSHIP LANE.

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

Kevin Spraggins presented the application.

Jason Lutz, Director of Development Services, stated the applicant is seeking a future land use classification change from "Mixed-Use Corridor" (MU) to "Commercial" (C) and zoning change from "Industrial Park" (M3) to "Commercial" C2 to bring the entire tract under the same land use and zoning as the remainder of the property.

Staff recommends approval.

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

Jim Jarreau made a Motion to recommend Approval per Staff Recommendation of Z-2202 (2). Seconded by Polly Rickert. All voted in favor and the Motion carried.

REQUEST P-2201 – BY KEVIN SPRAGGINS WITH VEI TO CONSIDER A PRELIMINARY PLAT FOR A MULTI-FAMILY PROJECT LOCATED AT 162 HOLLMIG LANE.

Kevin Spraggins presented the application.

Jason Lutz, Director of Development Services, stated the property owner is submitting this preliminary plat to develop multi-family projects on the proposed lots.

The property is located on the south side of Friendship Lane, approximately 1,200 feet west of the Friendship Lane and Hollmig Lane intersection.

Proposed Lot 1 will be an age restricted multi-family development and proposed Lot 2 will be traditional multi-family development. Both lots are approximately 19+ acres and meet the City's subdivision and zoning requirements regarding lot size and frontage.

A 60' wide right-of-way (city street) is proposed between the two lots to connect the remainder of the tract.

Recommendation:

Staff recommends approval of the proposed preliminary plat with the following conditions.

Conditions:

1. The entire lot should be included in the plat and any remainders of the lot should not be excluded.
2. Update triangular sight visibility easement note to match section 6.07 of the subdivision ordinance.
 - a. Location of the triangular site visibility easements should be based on Collector Street cross section.
3. Include easements for cross lot utilities and drainage.
4. Note storm drain underneath right of way as private.
5. Existing drives on the north side of Friendship Lane should be shown.
6. Provide separate easement instrument for public sewer line to Hollmig Lane.

Tim Dooley made a Motion to Recommend Approval per Staff recommendation of P-2201. Seconded by Jim Jarreau. All voted in favor and the Motion carried.

REQUEST SP-2201 – BY IVALU ROSE WITH IR SQUARED TO CONSIDER A SHORT-TERM RENTAL COMPLEX LOCATED AT 306 WEST TRAVIS STREET.

Ivalu Rose presented the application for a Short-Term Rental Facility for property located at 306 W. Travis.

Jason Lutz, Director of Development Services, stated the applicant is requesting approval for construction of a Short-Term Rental Facility to include 2, one-story structures and 2, two-story structures for a total of 4 units.

Staff recommends approval conditioned upon the following:

Screening of the dumpsters per City code and locate dumpsters outside of the setback. Approval of Civil Construction plans.

Jim Jarreau made a Motion to Recommend Approval per Staff recommendation and meeting the requirement of the remote parking agreement ordinance of SP-2201. Seconded by Daryl Whitworth. All voted in favor and the Motion carried.

ADJOURN

With nothing further to come before the Commission, Jim Jarreau moved to adjourn. Seconded by Tim Dooley. All voted in favor and the meeting was adjourned at 6:06 p.m.

PASSED AND APPROVED this 9th day of March 2022.

SHELBY COLLIER, Associate Planner

JANICE MENKING, Chairman



PLANNING & ZONING COMMISSION MEMO

DATE: March 9, 2022

TO: Planning & Zoning Commission

FROM: Jason Lutz

SUBJECT: Z-2205 – PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION REGARDING A REQUEST BY BRANDON WEINHEIMER, APPLICANT, TO ALLOW A PROPOSED LAND USE OF “SINGLE-FAMILY RESIDENTIAL DETACHED” IN THE CENTRAL BUSINESS DISTRICT (CBD), FOR PROPERTY LOCATED AT 419 W. MAIN ST.

Summary:

The applicant purchased the property located at 419 W. Main St. The property is currently a “Day Spa”, and the applicant would like to utilize the structure as their personal residence.

Analysis:

The CBD zoning district requires that all single-family detached structures obtain a CUP for the use in this district. The reasoning behind this is that the CBD should be reserved for commercial uses that enhance the district and have potential to contribute to the City’s sales tax. Given that the property is utilized as a Day Spa, little sales tax revenue would be lost by the conversion to residential property. There is a benefit to having individuals living in or near the CBD as it promotes walkability to utilize downtown restaurants and shopping.

Surrounding zoning is CBD on all sides with various commercial business in the vicinity. There are also some R2 zoning districts to the south of the CBD zoning district.

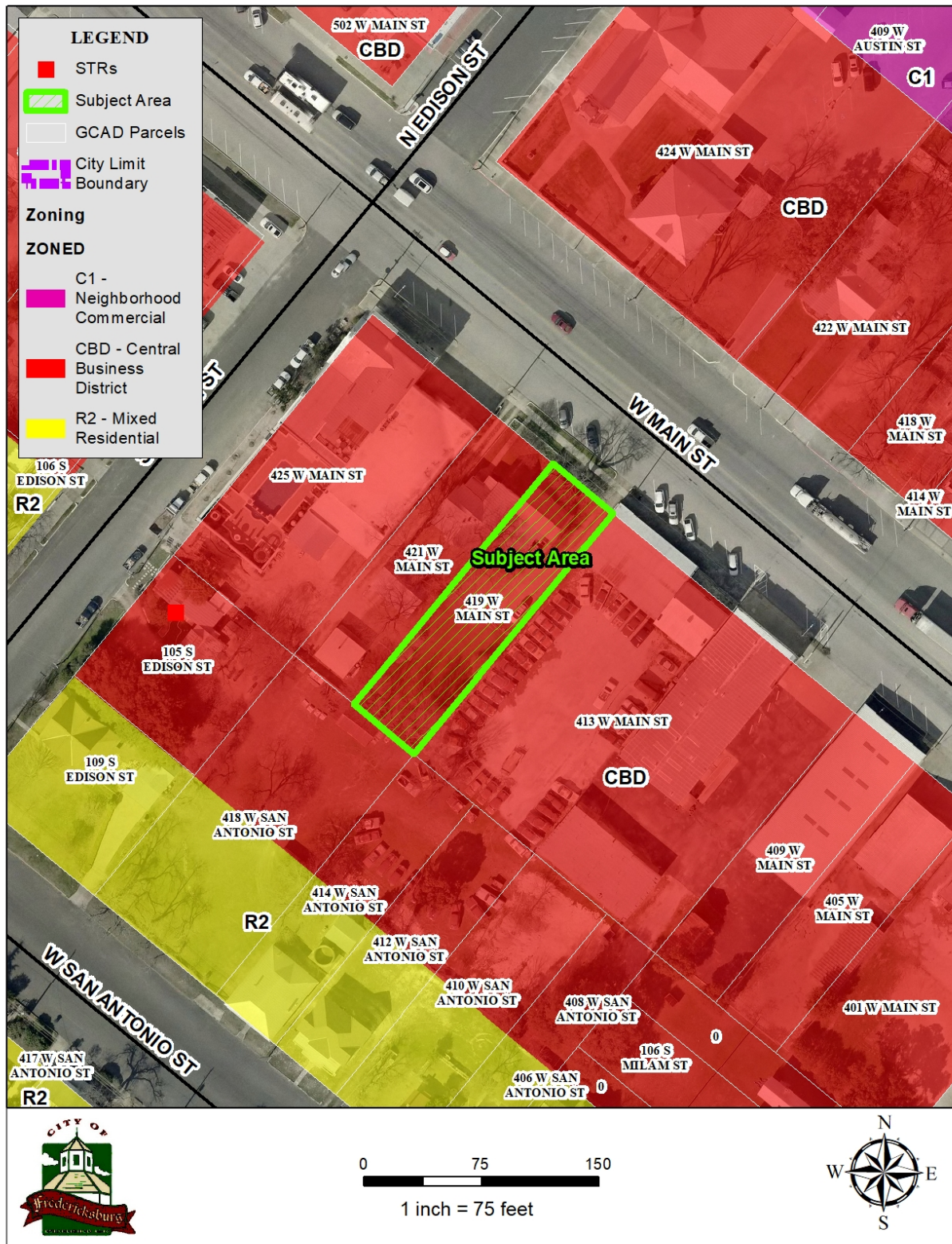
Recommendation:

Staff recommends approval of the requested Conditional Use Permit.

Attachments: Zoning Map, Survey, and Site Photos

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SURVEY MAP SHOWING
A 0.235* ACRE TRACT OF LAND
SITUATED IN THE CITY OF
FREDERICKSBURG, GILLESPIE COUNTY,
TEXAS AND BEING PART OF
GERMAN EMIGRATION COMPANY TOWNLOT
NO. 257 AS SAID TOWNLOT IS SHOWN
ON THE MAP OF FREDERICKSBURG,
TEXAS, BY THE GERMAN EMIGRATION
COMPANY.
SURVEY MADE AT THE REQUEST OF
KEVIN MONTGOMERY

BEING THAT CERTAIN TRACT OF LAND
TO DAVID J. FULLBROOK AND GWEN
FULLBROOK BY LAJOYCE A. KRAUS,
JANUARY 3, 1996, VOL. 299, P.
230-231 R.P.R.

BORROWER/PROPERTY ADDRESS:

KEVIN PAUL MONTGOMERY
419 W. MAIN STREET
FREDERICKSBURG, TEXAS 78624

SCALE: 1" = 20'

- 1/2" Ø STEEL BAR FOUND
- 1/2" Ø STEEL BAR SET
(EXCEPT AS NOTED)

NOTE: REFERENCE IS HERETO
MADE TO ACCOMPANYING
FIELD NOTES OF EVEN
DATE.

EASEMENTS AND RESTRICTIONS AS FOR
HILL COUNTRY TITLES, INC., COMMITMENT
FOR TITLE INSURANCE, G.F. NO. 77012:
NONE

THIS TRACT OF LAND IS NOT SHOWN WITHIN
A 100-YEAR FLOOD BOUNDARY ON COMMUNITY
MAP NO. 480252 0002B, DATED MAY 17, 1981.

Kevin Paul Montgomery 2/26/97

I HEREBY CERTIFY THAT THIS MAP AND
ACCOMPANYING FIELD NOTES REPRESENT A SURVEY
MADE ON THE GROUND UNDER MY SUPERVISION
AND THAT THERE ARE NO INTRUSIONS OR
PROTRUSIONS OF IMPROVEMENTS VISIBLE OR
APPARENT ON THE GROUND EXCEPT AS SHOWN
HEREON.

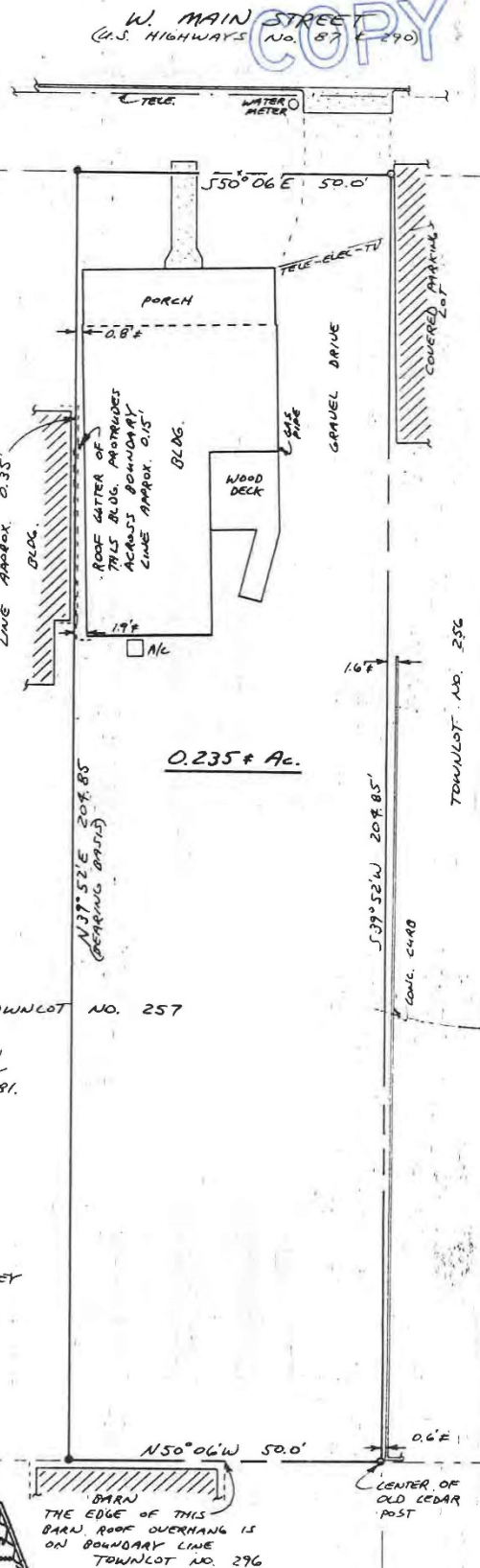
SURVEYED FEBRUARY 4, 1997

REG. PROF. LAND SURVEYOR NO.

BONN SURVEYING
102-A LONGHORN ST.
FREDERICKSBURG, TEXAS 78624
(210) 997-3884



THE EDGE OF THIS
BARN ROOF OVERHANG IS
ON BOUNDARY LINE
TOWNLOT NO. 296





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PLANNING & ZONING COMMISSION MEMO

DATE: March 9, 2022

TO: Planning & Zoning Commission

FROM: Jason Lutz

SUBJECT: Z-2204 – REQUEST BY JOE SALINAS JR TO CONSIDER THE FOLLOWING:

1. A REQUESTED FUTURE LAND USE CLASSIFICATION CHANGE FROM “LOW DENSITY RESIDENTIAL” (LDR) TO “MEDIUM DENSITY RESIDENTIAL” (MDR) FOR APPROXIMATELY 4.332 ACRES OF LAND DESCRIBED AS GE CO #192, LOCATED AT THE SOUTHWEST INTERSECTION OF W. LIVE OAK ST. AND SMOKEHOUSE RD. (1129, 1161, AND 1145 W. LIVE OAK ST).
2. A REQUESTED ZONING CHANGE FROM “SINGLE-FAMILY RESIDENTIAL” (R1) TO “MIXED RESIDENTIAL” (R2) FOR APPROXIMATELY 4.332 ACRES OF LAND DESCRIBED AS GE CO #192, LOCATED AT THE SOUTHWEST INTERSECTION OF W. LIVE OAK ST. AND SMOKEHOUSE RD. (1129, 1161, AND 1145 W. LIVE OAK ST).
3. A REQUESTED FUTURE LAND USE CLASSIFICATION CHANGE FROM “LOW DENSITY RESIDENTIAL” (LDR) TO “MEDIUM DENSITY RESIDENTIAL” (MDR) FOR APPROXIMATELY 0.508 ACRES OF LAND DESCRIBED AS GE CO #192, LOCATED 150 FEET SOUTH OF 1161 W. LIVE OAK ST.
4. A REQUESTED VOLUNTARY ANNEXATION AND A PROPOSED ZONING CLASSIFICATION OF “MIXED RESIDENTIAL” (R2) FOR APPROXIMATELY 0.508 ACRES OF LAND DESCRIBED AS GE CO #192, LOCATED 150 FEET SOUTH OF 1161 W. LIVE OAK ST.

Summary:

The applicants own approximately 4.83 acres of land, located at the southwest intersection of W. Live Oak St. and Smokehouse Rd. The applicants are seeking to have their entire property under one zoning district category and one future land use classification. In order to achieve this goal, the applicant is requesting

The City of Fredericksburg

a land use and zoning change of the existing city limit parcels and will also seek to annex the remaining 0.508 acres of land into the city limits and establish the requested zoning for the entire tract.

Background:

In 2019 approximately 4.332 acres of the applicant's property were annexed into the City Limits. The owner also signed a non-annexation agreement with the City to keep 0.508 acres of the property in the City's ETJ. This agreement stipulated that upon the applicant filing a development application or permit, the agreement would be considered the petition for voluntary annexation.

Analysis:

The property is currently composed of single-family residential homes and vacant undeveloped land.

Land uses surrounding this property includes undeveloped property to the north, vacant and single-family homes to the west, manufactured housing to the south, and single-family residential to the east, across smokehouse Rd. Additionally, there are some medium density residential homes (R1A) in the area to the south and southwest.

The Future Land Use Plan identifies the subject area as a "Low Density Residential".

Surrounding zoning is Single-family residential to the west, south, and east (across Smokehouse Rd). There are also some R1A zoning in the immediate area, which is allowed under the requested R2 zoning district.

The 0.508-acre tract that is not within the City Limits abuts a manufactured housing community to the south. Annexation of this area would close in an existing donut hole within the City and would be in accordance with the non-annexation agreement signed by the owners.

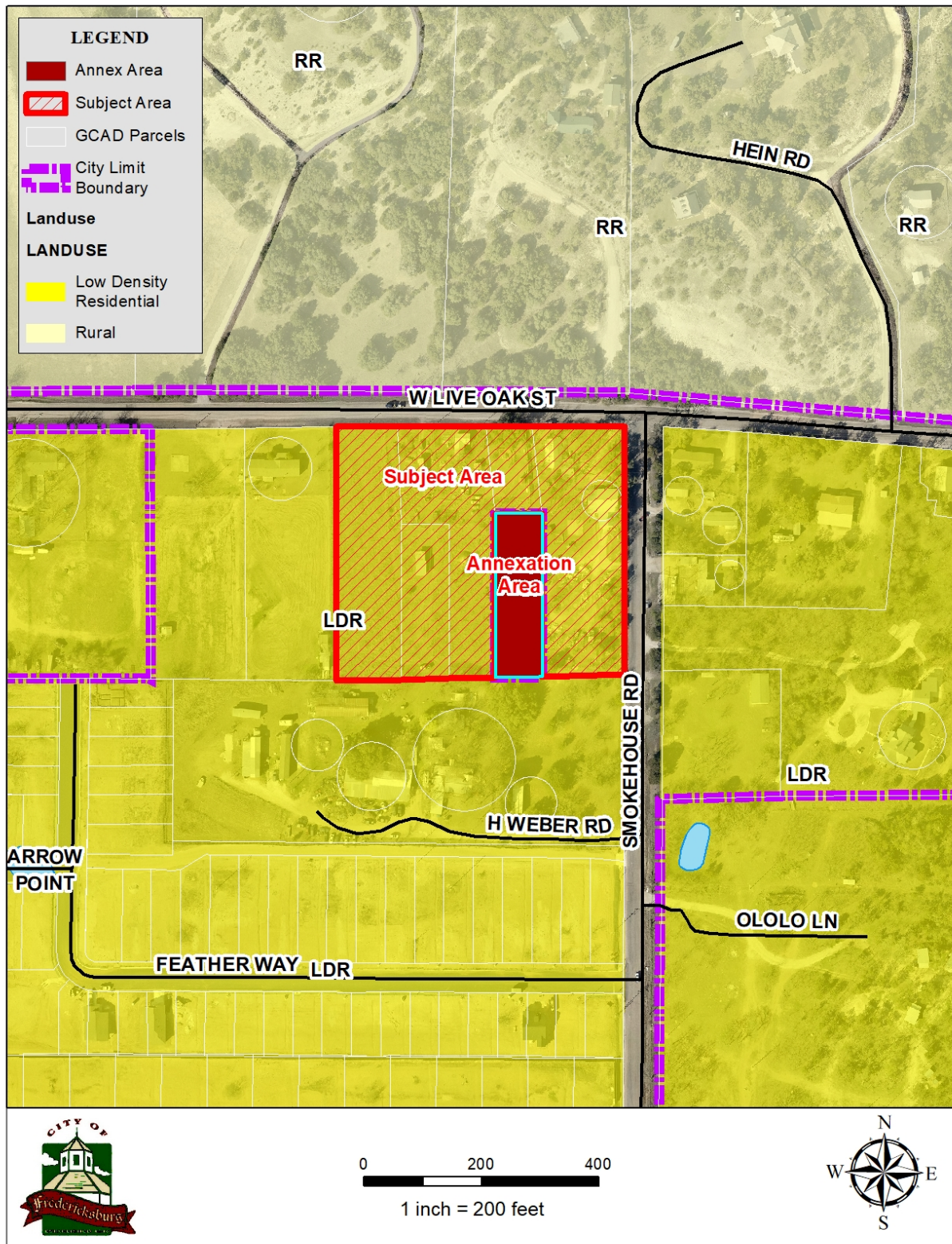
City Council will consider an annexation agreement prior to deciding on the requested future land use and zoning changes at their next regularly scheduled meeting.

Recommendation:

Staff recommends approval of the requested future land use changes, zoning changes, annexation request, and proposed zoning of the annexation area.

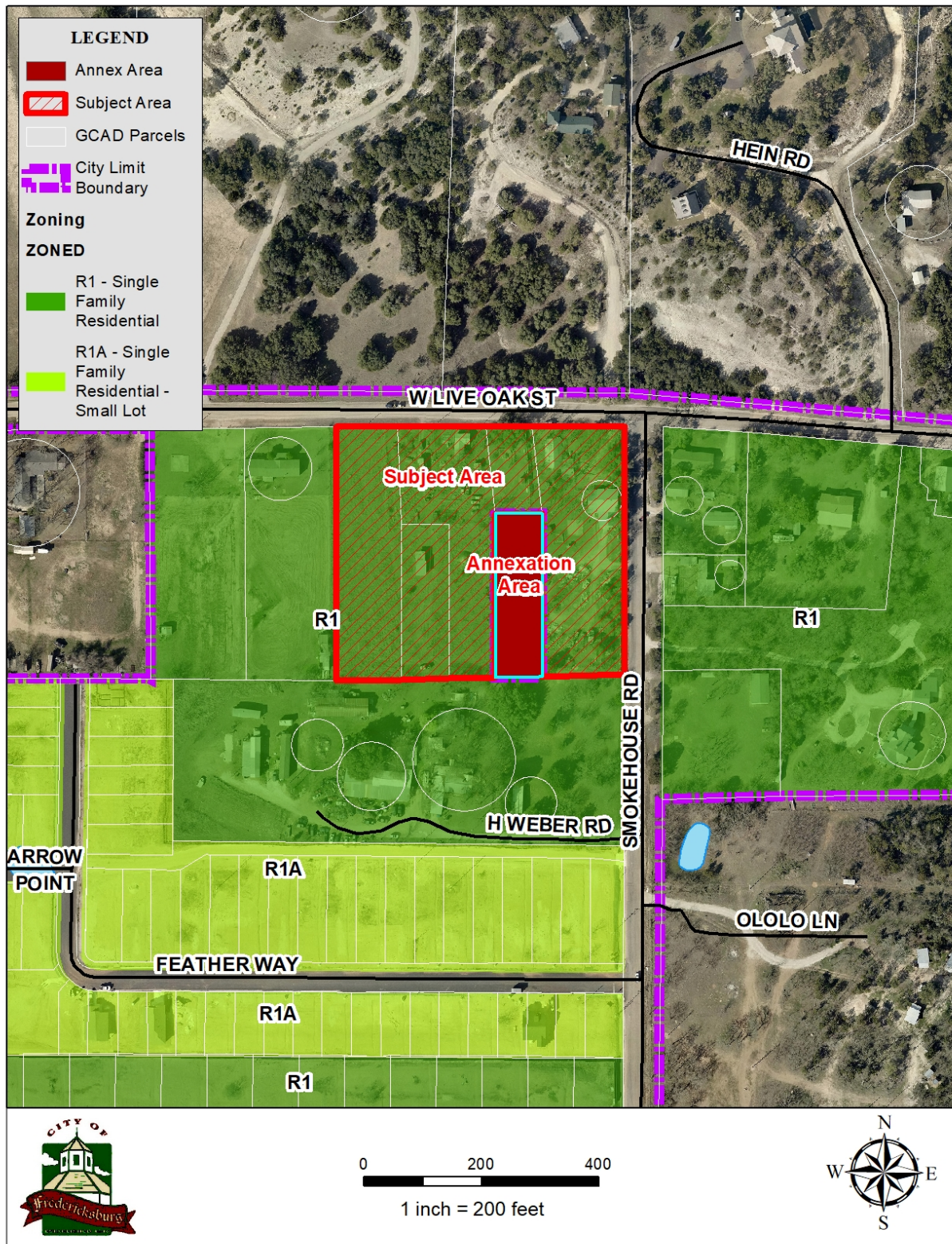
Attachments:

Future Land Use Map, Zoning Map, and Signed Non-Annexation Agreement



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CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE
PRE-ANNEXATION DEVELOPMENT AGREEMENT

This PRE-ANNEXATION DEVELOPMENT AGREEMENT ("Agreement") is entered into by and between the City of Fredericksburg, Texas (the "City"), a political subdivision of the State of Texas with its principal place of business at 126 W. Main Street, Fredericksburg, Texas, 78624, and JOE M. SALINAS, JR. (the "Owner"), with an address of PO BOX 66, FREDERICKSBURG, TEXAS, 78624.

RECITALS

WHEREAS, the Owner owns a parcel of real property (the "Property") in Gillespie County, Texas, which is more particularly and separately described in the attached Exhibit "A"; and

WHEREAS, the City intends to institute annexation proceedings on all or portions of Owner's Property; and

WHEREAS, the Owner desires to have all or a portion of the Property remain in the City's extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

WHEREAS, this Agreement is entered into by the parties pursuant to Sections 43.016 and 212.172 of the Texas Local Government Code.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

Section 1. During the Term of this Agreement, and subject to the provisions of this Agreement, the City agrees to the continuation of the extraterritorial status of the Owner's Property, to immunity of the Property from annexation by the City, and to immunity of the Property from City property taxes.

Section 2. In this Agreement, the term "Owner" includes all owners of the Property. During the Term of this Agreement, the Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management, and/or timber land consistent with Chapter 23 of the Texas Tax Code, except for any existing single-family residential use of the Property.

During the Term of this Agreement, the Owner covenants and agrees that the Owner will not file any type of subdivision plat or related development document for the Property with Gillespie County, Texas, or the City.

During the Term of this Agreement, the Owner covenants and agrees not to construct, or allow to be constructed, any buildings on the Property that would require a building permit if the Property were located within the City limits. Notwithstanding the previous sentence, the Owner may construct an accessory structure to an existing single family dwelling in compliance with all applicable City ordinances and codes.

Section 3. The Owner acknowledges and agrees that if any type of subdivision plat or related development document for the Property is filed during the Term of this Agreement, or if the Owner commences other development of the Property during the Term of this Agreement for any use other than agriculture, wildlife management, and/or timber land consistent with Chapter 23 of the Texas Tax Code, then the City may immediately initiate proceedings to annex the Property. The Owner agrees that such annexation under this Section 3 shall be a voluntary annexation, and the Owner agrees that this Agreement shall be deemed to be Owner's petition for voluntary annexation for purposes of any annexation under this Section 3.

If annexation proceedings are initiated pursuant to this Section 3, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in default of this Agreement.

Section 4. Pursuant to Section 43.016(b)(1)(B) of the Texas Local Government Code, the City is authorized to enforce all of the City's regulations and planning authority that do not materially interfere with the use of the Property for agriculture, wildlife management, or timber, in the same manner the regulations are enforced within the City limits. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

Section 5. Unless terminated earlier as provided herein, the term of this Agreement shall commence on the date of execution by both Parties and terminate on September 1, 2034 (the "Term").

The Owner, and all of the Owner's heirs, successors and assigns acknowledge and agree that this Agreement shall be deemed to be Owner's petition for voluntary annexation of the Property, to be effective upon the end of the Term, for annexation of the Property to be completed by the City on or after the end of the Term. In connection with voluntary annexation pursuant to this Section 5, the Owner hereby waives any vested rights they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction that the Owner may initiate during the time between the termination of this Agreement and the institution of annexation proceedings by the City.

Section 6. Property annexed pursuant to this Agreement will be zoned pursuant to the City's Code of Ordinances and land use designation of the comprehensive plan, pending determination of the Property's permanent zoning in accordance with the provisions of applicable law and the City's Code of Ordinances.

Section 7. If Owner sells or conveys any portion of the Property, Owner shall give written notice of the sale or conveyance to the City thirty (30) days prior to such sale or conveyance. Owner and the Owner's heirs, successor, and assigns shall give the City fourteen (14) days written notice of any change in the agriculture, wildlife management, and/or timber land valuation status of the Property.

Section 8. This Agreement shall run with the Property and be recorded in the real property records of Gillespie County, Texas.

Section 9. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

Section 10. This Agreement may only be amended or modified by a written amendment executed by the Parties. All notices and other communications hereunder shall be in writing and shall be given by certified mail, return receipt requested, postage prepaid, addressed and sent to the party's address as set forth in this Agreement, or to such other address as either party may have furnished to the other party. Notices and communications are deemed effective when deposited in the U.S. Mail.

Section 11. No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the Property pursuant to the terms of this Agreement.

Section 12. Venue for this Agreement shall be in Gillespie County, Texas.

Section 13. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument. The failure of City at any time to enforce performance of any provisions of this Agreement shall in no way affect City's rights thereafter to enforce the same, nor shall the waiver by City of any breach of any provision hereof be held to be a waiver of any other breach of the same or any other provision.

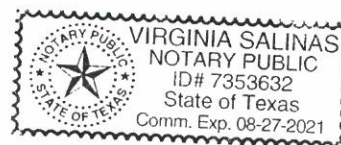
Section 14. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 3, 4, and 5 herein.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date set forth below.

OWNER

By: Joe Salinas Jr. Date: 8.20.19

Printed Name: Joe Salinas, Jr.



THE STATE OF TEXAS
COUNTY OF Gillespie

This instrument was acknowledged before me on the 20th day of August, 2019, by Joe Salinas Jr., Owner.

Virginia Salinas
Notary Public, State of Texas

OWNER

By: Joe Salinas Date: 8-20-19
Printed Name: JOE SALINAS JR.

THE STATE OF TEXAS
COUNTY OF _____

This instrument was acknowledged before me on the _____ day of _____,
20____, by _____, Owner.

Notary Public, State of Texas

CITY OF FREDERICKSBURG, TEXAS

By: Kent Myers Date: 8-20-19
Kent Myers, City Manager

THE STATE OF TEXAS
COUNTY OF GILLESPIE

This instrument was acknowledged before me on the 20 day of August,
2019, by Kent Myers, City Manager of the City of Fredericksburg.



Margie Rivera
Notary Public, State of Texas

EXHIBIT A

BEING .508 acre of land situated in Gillespie County, Texas, as more fully described by metes and bounds in Section "V" in Partition Deed and Quitclaim Deed dated November 30, 1975, and recorded in Vol 116, Page 181-187 of the Deed Records of Gillespie County, Texas.

**FINAL PLAT
BACKGROUND INFORMATION
MARCH 9, 2022**

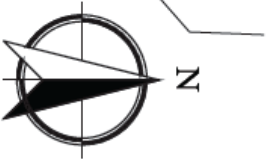
File Number:	P-2204
Subdivision Name:	Frieden Phase II – Final Plat.
Location:	Interlaken Street (see attached map).
Zoning:	Planned Unit Development (PUD)
Tract Size:	Approximately 16.263 acres
Number/Size of Lots:	28 new residential lots and 1 open space lot.
Roadways:	Approximately 3,459 linear feet (3.971 acres) of roadway (Interlaken St.).
Right-of-way:	50' of R.O.W
Utilities:	Utilities are available to serve this property and extension of existing infrastructure will be extended, at the developer's expense to serve the property.
Easements:	Standard trail, public utility, and drainage easements and cross access easements.
Easements Abandoned:	NA
Stormwater Detention:	Detention will be addressed as part of the Civil Construction Plans.
Drainage:	See above.
Park Dedication:	Additional trails (0.113 acres) added per the PUD requirements.
Construction Plans:	All development will be subject to approval of the Construction Plans.
Screening Plan:	None required
P&Z Action:	Final approval
Staff Recommendation:	Staff recommends approval of the Final Plat with the following conditions:

Staff Conditions:

1. Please sign and seal drainage letter provided by SEH ensuring this development is consistent with original design of the subdivision and the City's stormwater control ordinances.
2. The Final Plat shall not be recorded until all public improvements are installed, inspected, and accepted or a financial surety is accepted by the city for all improvements not yet completed.

FRIENDSHIP LANE

FREDERICKSBURG



NOT TO SCALE

87

EQUESTRIAN
DRIVE

FRIEDEN
PKWY

OTTO
ECKHARDT
RD

TO PEDERNALES RIVER

S EAGLE
STREET

WINDING OAK
DRIVE

INDUSTRIAL
LOOP

290

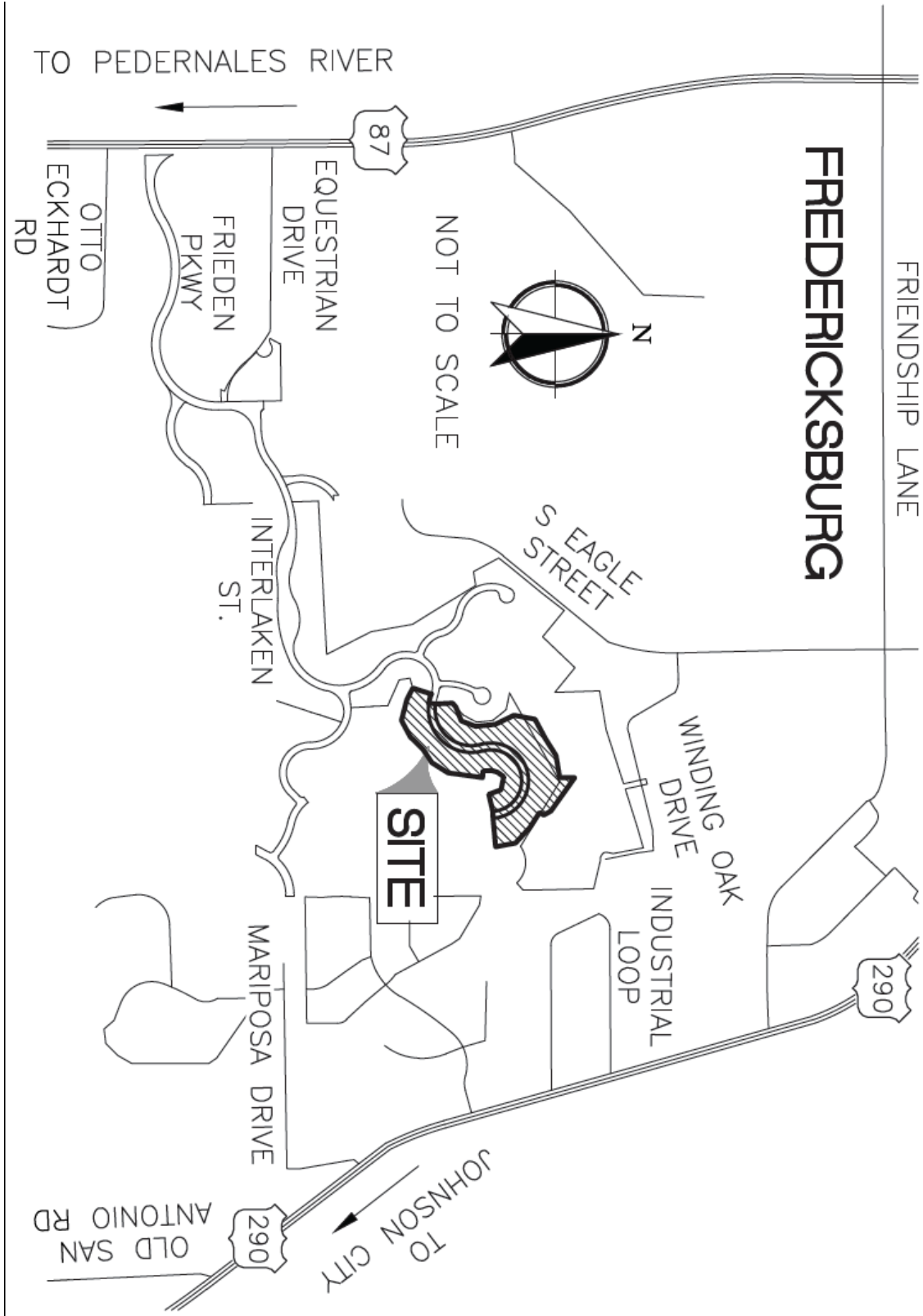
SITE

MARIPOSA DRIVE

OLD SAN
ANTONIO RD

TO
JOHNSON CITY

INTERLAKEN
ST.

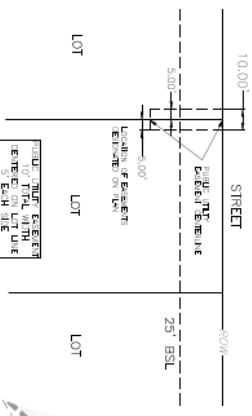


SUBDIVISION PHASE 1, RECORDED IN VOLUME D, PAGES 29-33 OF THE PLAN RECURSUS OF WILSHIRE COUNTY, TEXAS.

A TOTAL OF 17.422 ACRES

TYPICAL PUBLIC UTILITY EASEMENT

NOT TO SCALE



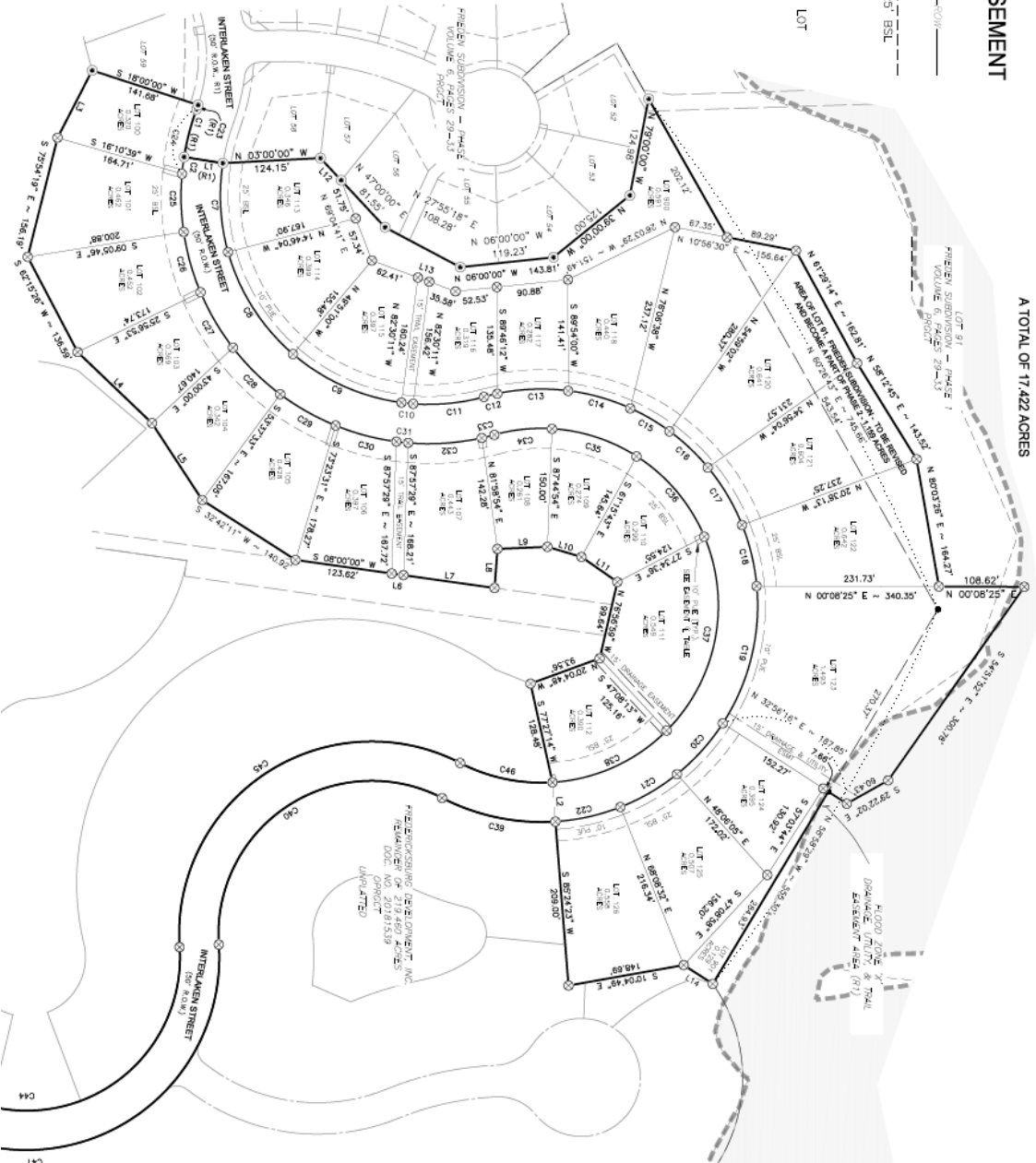
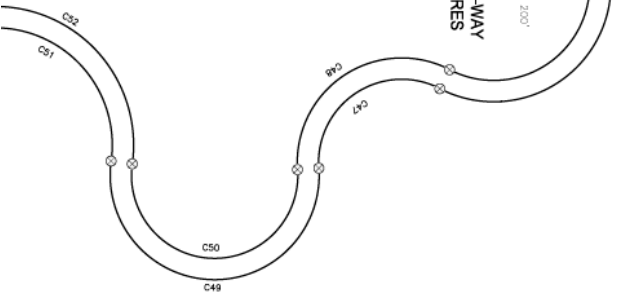
PUBLIC UTILITY EASEMENT	
10' TOTAL WIDTH	
CENTERED ON LOT ONE	
5' EACH SIDE	
LOT ONE - 10' EASEMENT	
100-101	23.81
102-103	22.52
105-106	26.58
107-108	12.59
110-111	11.51

LOT 11 THAT IS TO BE RECORDED IN VOLUME D, PAGES 29-33 OF THE PLAN RECURSUS OF WILSHIRE COUNTY, TEXAS.

CURVES FOR THE OF INTERLAKEN STREET

LE 1" = 200'

HT-OF-WAY
971 ACRES

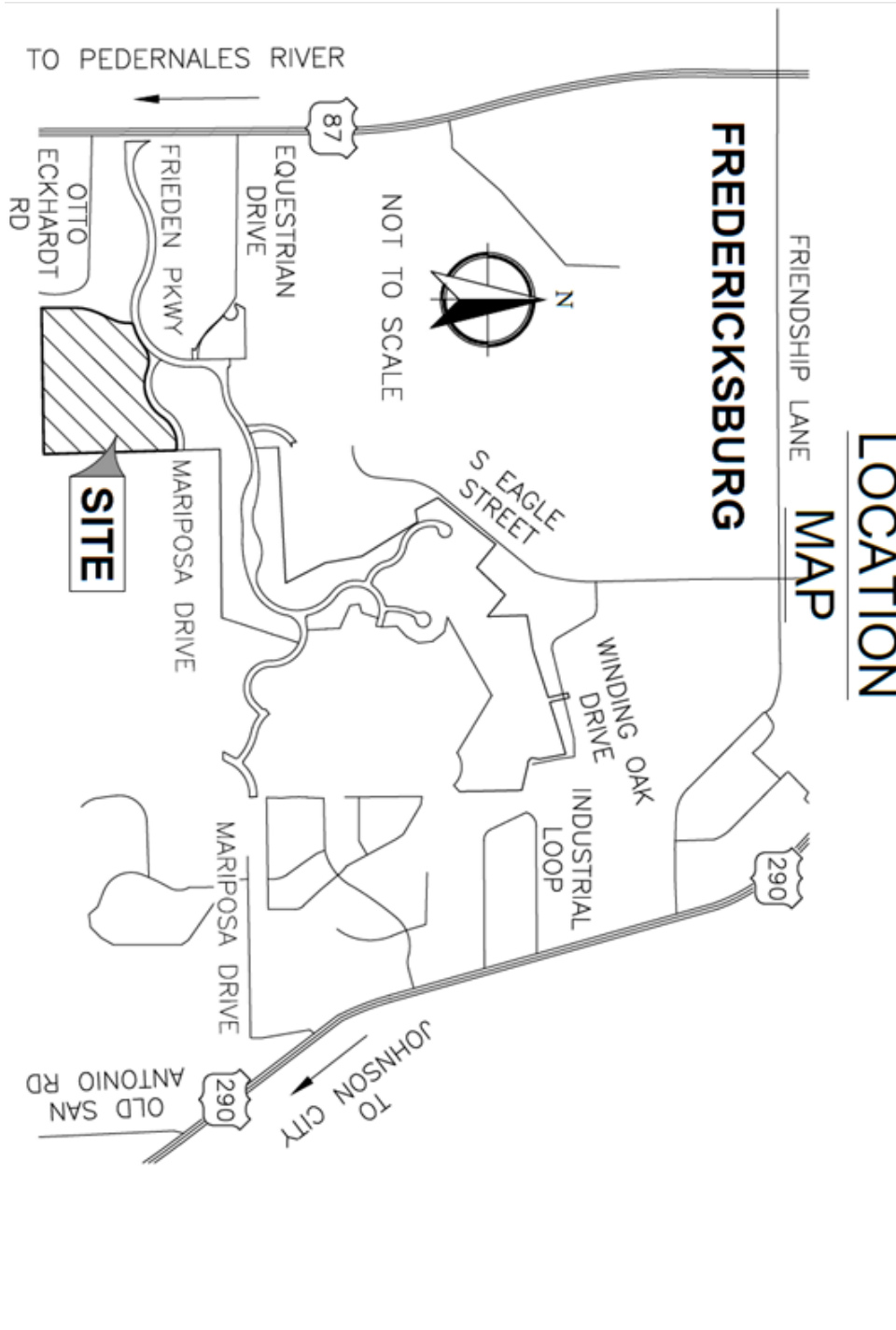


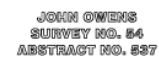
**FINAL PLAT
BACKGROUND INFORMATION
MARCH 9, 2022**

File Number:	P-2205
Subdivision Name:	Frieden Phase 5 – Final Plat.
Location:	SE intersection of Otto Eckhardt Rd. & Frieden Parkway and the SW intersection of Mariposa Dr. and Frieden Parkway (see attached map).
Zoning:	Planned Unit Development (PUD)
Tract Size:	Approximately 24.805 acres
Number/Size of Lots:	1 mixed use lot.
Roadways:	Improvements to Mariposa Dr. required.
Right-of-way:	50' of R.O.W
Utilities:	Utilities are available to serve this property and extension of existing infrastructure will be extended, at the developer's expense to serve the property.
Easements:	Standard public utility and drainage easements.
Easements Abandoned:	NA
Stormwater Detention:	Detention will be addressed as part of the Civil Construction Plans.
Drainage:	See above.
Park Dedication:	NA.
Construction Plans:	All development will be subject to approval of the Construction Plans.
Screening Plan:	None required
P&Z Action:	Final approval
Staff Recommendation:	Staff recommends approval of the Final Plat with the following conditions:

Staff Conditions:

1. Provide documentation for the construction responsibilities of Mariposa Drive and Otto Eckhardt Road for this lot and future lots that border these rights-of-ways.
2. The Final Plat shall not be recorded until all public improvements are installed, inspected, and accepted or a financial surety is accepted by the city for all improvements not yet completed.



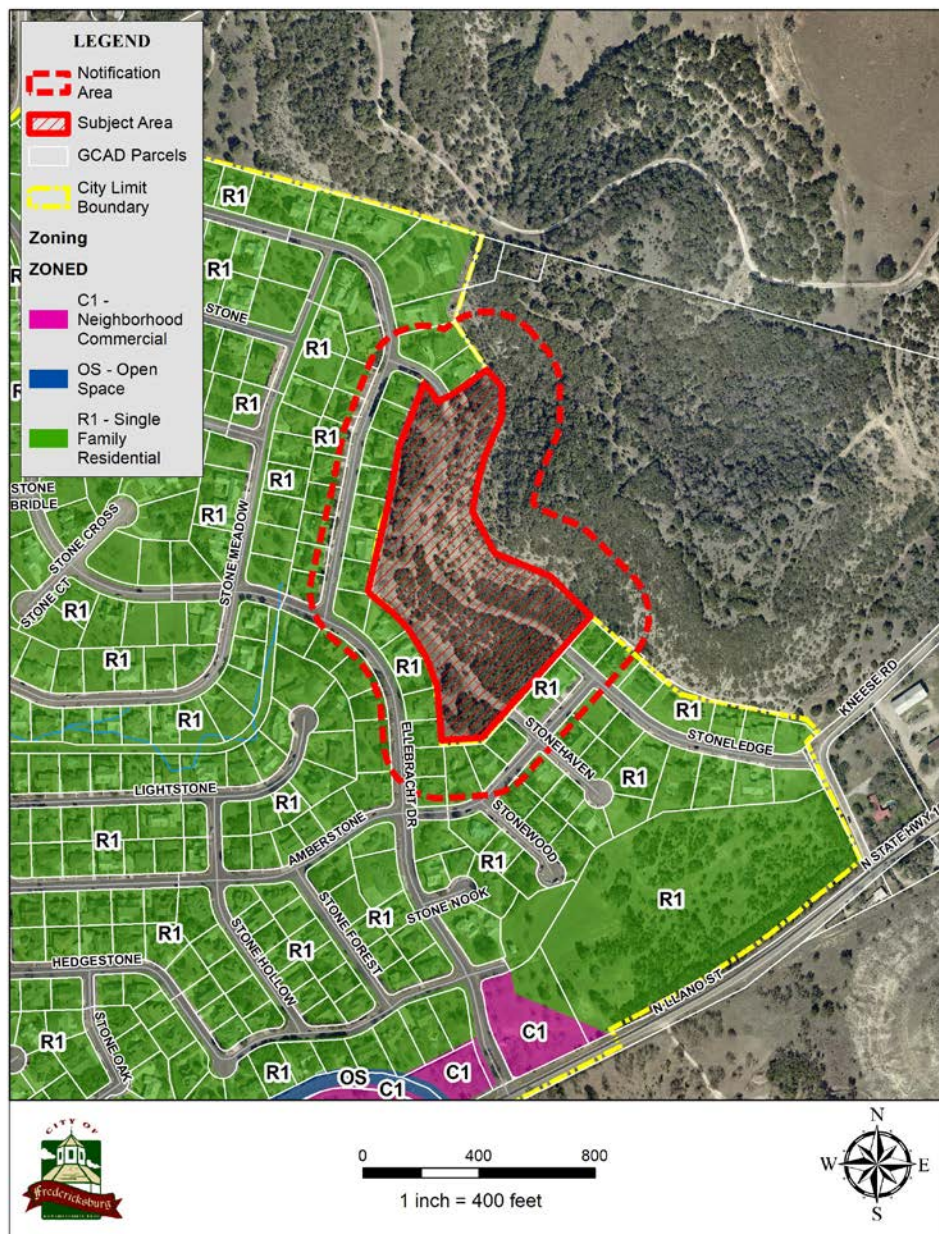


**FINAL PLAT
BACKGROUND INFORMATION
MARCH 9, 2022**

File Number:	P-2206
Subdivision Name:	Stone Ridge Phase 11 – Final Plat.
Location:	End of Stoneledge near the SE intersection of Summit Forrest and Stoneledge (see attached map).
Zoning:	Single-family Residential (R1)
Tract Size:	Approximately 10.843 acres
Number/Size of Lots:	24 Residential Lots.
Roadways:	Extension of Stoneledge
Right-of-way:	50' of R.O.W
Utilities:	Utilities are available to serve this property and extension of existing infrastructure will be extended, at the developer's expense to serve the property.
Easements:	Standard public utility and drainage easements.
Easements Abandoned:	NA
Stormwater Detention:	Detention will be addressed as part of the Civil Construction Plans.
Drainage:	See above.
Park Dedication:	NA.
Construction Plans:	All development will be subject to approval of the Construction Plans.
Screening Plan:	None required
P&Z Action:	Final approval
Staff Recommendation:	Staff recommends approval of the Final Plat with the following conditions:

Staff Conditions:

1. Add note stating drainage easements and infrastructure are to be privately maintained.
2. Provide documentation for offsite 30-foot drainage, retaining wall, and sanitary sewer easement.
3. Add note for triangular sight visibility easement as written in the City's subdivision ordinance.
4. Parkland Dedication Fees (\$500 per lot) shall be paid prior to recordation of the plat.
 - a. $\$500.00 \times 24 = \$12,000.00$
5. The Final Plat shall not be recorded until all public improvements are installed, inspected, and accepted or a financial surety is accepted by the city for all improvements not yet completed.





Name of your student's teacher _____

My favorite teacher is _____.

(Read the material at _____, listen at _____, the title of _____, A.S. or English, students _____ of the first sentence of George Orwell's book _____)

Source: _____, _____, _____, _____