

AGENDA
CITY OF FREDERICKSBURG
PLANNING & ZONING COMMISSION

Wednesday, April 3, 2013

5:30 P.M.

LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

PAGE REF.

1. Call to Order
2. Approve minutes from the March 2013 Regular Meeting

Pp 1 - 5

PUBLIC HEARINGS

3. PUBLIC HEARING (Z-1305) by Cyntergy on behalf of Wal-Mart at 1435 E. Main for an amendment to the Planned Unit Development to paint building exterior new color scheme and to replace existing signs
4. Consider making a recommendation on Z-1305
5. PUBLIC HEARING (Z-1306) 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-1306

Pp 6 - 29

Pp 30 - 50

ACTION ITEMS

7. Consider initiating a zoning change from R-2, Mixed Residential, to R-1, Single Family Residential, in various neighborhoods
8. Consider initiating an amendment to the R-2 Zoning District regulations pertaining to townhomes and condominiums
9. Consider initiating an amendment to the zoning ordinance to:
 - A) Define Bed and Breakfast
 - B) Determine use classification in different zoning districts
10. Discuss and consider residential dwellings in commercially zoned (C-1, C-2, CBD) districts

Pp 51 - 60

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Pp 67 - 68

Pp 69

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION
March 6, 2013
5:30 P.M.

On this the 6th day of March, 2013 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
STEVE THOMAS
CHRIS KAISER
MATT LINES
BRENDA SEGNER
BOBBY WATSON

ABSENT: JASON HELFRICH

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.

PUBLIC HEARINGS

Steve Thomas stepped down from the Commission for the consideration of Z-1302

PUBLIC HEARING (Z-1302) BY JOHN CORCORRAN FOR A CONDITIONAL USE PERMIT TO ALLOW A BED AND BREAKFAST / LODGING DEVELOPMENT IN THE CBD, CENTRAL BUSINESS DISTRICT AT 508 & 512 W. MAIN STREET

- It was moved by Chris Kaiser and seconded by Bobby Watson to open Public Hearing Z-1302 by John Corcorran for a Conditional Use Permit to allow a Bed and Breakfast / Lodging development in the CBD, Central Business District at 508 & 512 W. Main Street. John Klein, architect for the project, presented the application. John & Rachel Corcorran, owners, Dennis Kusenberger, Realtor, and Joe Cloud, owner of potential B&B service for the facility, were also present. Mr. Klein noted the property at 508 W. Main was probably the first bed and breakfast in Fredericksburg and later became a Sunday House. Mr. Klein noted the 512 W. Main structure was used as a bed and breakfast at one time, but it is now a rental property. Mr. Klein commented there is a tank house on the rear of the property that they would like to renovate. Mr. Klein stated they are going to work to save one pecan tree and an American Elm. Mr. Klein stated there is a 20 foot wide drive to be used as a fire lane. Mr. Klein commented they will be adding 10 cottages which will put them close to 50% impervious coverage with 14 parking spaces. Mr. Klein commented the owners want to create an elegant setting and all the parking will be on the interior of the lot while the pedestrian traffic will be on the perimeter and the project will offer an unique

entrance. Bjorn Kirchdorfer asked if the hot tubs will be enclosed and Mr. Klein stated the final construction plans are not complete, but they are considering installing a six foot screen around the hot tubs. Mr. Klein also noted the building designs have to be approved by the Historic Review Board but their thought is to construct simple cottages, some with stucco and some with siding.

PUBLIC COMMENT

Joe Cloud, owner of All Seasons Bed and Breakfast, noted this type of bed and breakfast is needed in Fredericksburg. Mr. Cloud stated there are not a large number of high end bed and breakfast units in town and the developers will be tapping a market that is currently under served. Mr. Cloud commented his company will market this project as luxury Main Street property.

Bobby Watson moved to close Public Hearing Z-1302. Bjorn Kirchdorfer seconded the motion. All voted in favor and the motion carried.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted this project is being considered as a lodging use in the Central Business District. Mr. Jordan also noted the density, coverage and size is reasonably similar to the previously approved Conditional Use Permit for a B&B in the CBD. Mr. Jordan stated the developers have gone through the necessary review process and have received comments from City Staff and City Staff in turn have received their response comments. Mr. Jordan noted the items that are not finalized are the technical engineering requirements but those will be addressed with the construction plans. Mr. Jordan noted six letters were received by Staff, five in favor of the application, including one from an owner that asked that drainage be taken into consideration, and one in opposition of the project.

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

1. TXDOT approval of the drive on W. Main Street.
2. Approval of a Landscape Plan prior to issuance of a building permit.
3. All external lighting being shielded.
4. Approval of Construction Plans prior to issuance of a building permit.
5. Approval of Building Plans by the Historic Review Board prior to issuance of a building permit.
6. The property being replatted into a single tract prior to issuance of a building permit.

John Klein noted the drainage from these lots will go to Main Street and the owner that requested drainage be taken into consideration will not be affected. Charlie Kiehne asked if the parking is adequate and Mr. Jordan stated the parking requirements are met for the sizes of the buildings. Mr. Kiehne asked how the people that park in the street will get into the development and Mr. Jordan stated they will have to walk around the cars and then step up and walk into the project. Mr. Kiehne asked if the parking spaces are adequate for large cars. Mr. Klein stated the parking spaces are larger than required. Janice Menking asked where fences will be located on the property and Mr. Klein stated the entire area will be fenced. Mr. Kirchdorfer asked how high the fence will be and Mr. Klein noted it will be six feet high. Mr. Kirchdorfer asked if there is a need to have a closer fire hydrant than is currently in place and also asked if a fire truck will have to back out of the property and Mr. Jordan confirmed a fire truck will have to back out and also confirmed the fire hydrant location had been approved by the fire marshal.

Charlie Kiehne moved to approve Application Z-1302 with the condition set forth by Staff:

1. TXDOT approval of the drive on W. Main Street.
2. Approval of a Landscape Plan prior to issuance of a building permit.

3. All external lighting being shielded.
4. Approval of Construction Plans prior to issuance of a building permit.
5. Approval of Building Plans by the Historic Review Board prior to issuance of a building permit.
6. The property being replatted into a single tract prior to issuance of a building permit.

Bobby Watson seconded the motion. All voted in favor and the motion carried.

Steve Thomas returned to the Commission.

DISCUSSIONS

BED AND BREAKFAST DEFINITION AND USE CLASSIFICATION - Brian Jordan, Director of Development Services, noted questions about B & Bs have been brought up because the design and use of the traditional bed and breakfast in Fredericksburg has changed. Mr. Jordan commented there are developments being proposed where the use is primarily commercial and the type of lodging is transient in nature as opposed to residential. Mr. Jordan explained in an R-1 zoning district, a single family residence is allowed and an owner can rent out rooms in their house as a B&B or, if their lot is large enough, they can build a guest house, or the main house can be rented as a bed and breakfast. Mr. Jordan noted while all these uses are allowed, only one bed and breakfast of any kind is allowed on a single lot in R-1. Mr. Jordan commented the allowances in R-1 seem to work fairly well and that is not the zoning district where questions have been raised. Mr. Jordan stated primarily R-2, Mixed Residential, and to some extent R-3, Multi-Family Residential, are two of the zoning districts where bed and breakfast use comes into question. Mr. Jordan noted multi family dwellings are allowed in both districts but a hotel/motel use is not. Mr. Jordan commented in C-1, Neighborhood Commercial, multi-family use is allowed but a hotel/motel use is not and in C-2, Commercial, both hotel/motel and multi family are allowed so it is not an issue at all in C-2. Mr. Jordan noted in the Central Business District a multi-family use is permitted but hotel/motel use is only allowed by conditional use permit. Mr. Jordan explained Staff looked at the definition of multi-family and dwelling and does not believe a dwelling use is consistent with the bed and breakfast complexes that are being built because there is not a complete independent eating and sleeping area and the use is transient in nature. Mr. Jordan stated a time needs to be set that any plans presented to the City for development be allowed under the old interpretation and a new definition and interpretation be created and any new projects will be considered under those guidelines. Mr. Jordan stated the City Attorney suggested tonight's date be the date used for allowing any bed and breakfast developments that have been presented in some form under the old interpretation. Mr. Jordan noted several things need to be taken into consideration when determining a definition and use for bed and breakfast. Mr. Jordan noted primarily residential neighborhoods are meant to be protected from commercial uses and a large bed and breakfast complex is a commercial use. Mr. Jordan also raised the question of what happens to these developments when they have lived their life and are not being rented as a bed and breakfast any longer. Mr. Jordan asked the Commission if they want the commercially zoned properties, which are intended for business service uses to be taken up for bed and breakfast developments. Mr. Jordan stated the Commission will need to accomplish a couple of things which include a definition for a bed and breakfast and a determination in what zoning districts they be allowed, by right or by conditional use.

John Klein stated in 1994 there were 10 bed and breakfast units and since then they have appeared everywhere. Mr. Klein noted bed and breakfast units are built differently than hotels. Mr. Klein commented he believes a B&B use needs to be allowed in areas close to the Historic District because that

is where people want to stay.

Pat McGowan, City Attorney, noted the concept for the change of thinking of a bed and breakfast being considered a commercial use rather than residential is based on the state definition of a bed and breakfast and who has to pay hotel/motel tax. Ms. McGowan noted when considering where bed and breakfast units should be allowed, we need to take into consideration the Shopping District Overlay that was adopted a few years back and realize they may not be appropriate in that area, possibly on second floors of buildings, but maybe not in buildings where the intended use is retail shopping.

Joe Cloud noted bed and breakfast complexes are extremely popular with guests that come to Fredericksburg and commented there needs to be guidelines in place, but those guidelines need to be logical. Mr. Cloud also addressed the comment Mr. Jordan brought up with what happens to the B&Bs at the end of their life and Mr. Cloud noted it is up to the owner to re-invest in their property to keep them attractive to visitors and there will not be an end to their usefulness.

Charlie Kiehne stated it makes sense to use R-2 for residential uses and not commercial. Ms. McGowan suggested if a bed and breakfast is allowed in R-2, it be by conditional use and there would be requirements tied to the approval. Matt Lines commented calling some of the rental units a bed and breakfast is a misnomer because according to Mr. Cloud 80 % of the units in town don't offer breakfast so they are more like an individual hotel. Mr. Cloud confirmed that was true and noted there are three types of bed and breakfast units in town, the differences being if and how breakfast is offered.

Ms. McGowan encouraged the Commission to consider the topic before the next meeting. Mr. Jordan agreed the Commission should consider what areas of town a bed and breakfast would be appropriate in and what zoning district would support them by right or conditional use.

R-2, MIXED RESIDENTIAL ZONING DISTRICT:

A) POSSIBLE CHANGES IN ZONING FROM R-2 to R-1 IN VARIOUS AREAS OF TOWN

B) POSSIBLE CHANGES IN PERMITTED USES AND REGULATIONS

Brian Jordan, Director of Development Services, stated the two items are related and will be discussed simultaneously. Mr. Jordan noted the Commission needs to decide if the uses in R-2 should remain as they are, if the uses should be restricted more than they are now, or if the uses should be eliminated all together. Mr. Jordan clarified he is speaking of condominiums and townhomes in particular in an R-2 zoning district. Mr. Jordan explained in 2008 an affordable housing committee was established to look at things that could make housing more affordable and at that time townhomes and condominiums were included as allowed uses in R-2 zoning by conditional use. Mr. Jordan commented there are several options for the Commission to consider. Janice Menking noted if their allowance is taken out of R-2, there is not much need for a mixed residential zoning district because the uses would be considered multi-family.

Mr. Jordan then explained the City Council discussed changing some R-1 zoning districts to R-2 at their retreat and directed the Planning and Zoning Commission to consider such. Mr. Jordan noted three areas were identified as possible neighborhoods. Those areas are the Lee Street neighborhood from Creek Street to the creek, the neighborhood located west of the middle school, and the neighborhood located east of the middle school. The first area the Commission discussed was the Lee Street neighborhood and Brenda Segner questioned if that would be considered spot zoning. Mr. Jordan stated it would be

considered spot zoning if the Commission does not consider the area they rezone a zoning district. Charlie Kiehne stated as an investor, a change in zoning to R-1 would upset him because the allowed uses are diminished and the value of the property is decreased. Mr. Jordan noted as a Planning and Zoning Commission they need to be concerned with what the appropriate zoning district is, not the value of the land. There was some other opposition to initiating a zoning change on the Lee Street area and Mr. Jordan noted the neighborhood is working on getting a complete application in for a zoning change and it was determined the neighborhood should continue with their application for a zoning change because the Commission does not feel comfortable doing so.

The next area discussed was the neighborhood on the east side of the middle school. Mr. Jordan noted that neighborhood is an older established neighborhood located in the Historic District that serves as a transition between the Public Facilities zoning and C-2 zoning. Mr. Jordan noted the west side of the middle school is the other area to be considered. Brenda Segner commented there is a large bed and breakfast in that area. Mr. Jordan commented that area is not as established as the one on the east side of town and some of the properties in that area are being used as rental property. Ms. Segner asked if the area has ever been zoned R-1 and that was not known. It was noted this area is not located in the historic district so there would be no other board governing what is built or demolished in the neighborhood. There followed some discussion and Mr. Jordan explained the Commission has been charged with determining whether a change in zoning could be initiated, but it does not have to be decided tonight. Janice Menking stated they need to make sure the decision they make is right for the city and they should take some time to investigate the areas. Bjorn Kirchdorfer noted the two areas by the school are pretty much built out so there are not as many consequences to changing the zoning as there would be at the Lee Street neighborhood because there are still several vacant lots in that area. Bobby Watson commented he believes the areas by the middle school have a good character and he would be inclined to initiate a change there, but not on Lee Street. Matt Lines agreed with the statement and suggested the neighbors in the Lee Street area should work through their application without the Commission getting involved. After discussion, the Commission came to the consensus R-2 zoning should not go back to pre-2008, condominiums and townhomes should be allowed by conditional use as they are now, the Lee Street neighbors should submit their application for a zoning change if they wish and there was no consensus if there should be a zoning change initiated on the neighborhoods by the middle school, although there was more agreement that the east side would be an appropriate R-1 zoning district.

MINUTES

Bjorn Kirchdorfer moved to approve the minutes from the February, 2013 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, Chris Kaiser to adjourn. Matt Lines seconded the motion. All voted in favor and the meeting was adjourned at 7:46 p.m.

PASSED AND APPROVED this the 3rd day of April, 2013.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman

The first part of the paper discusses the importance of the research and the objectives of the study. It then presents a literature review of the existing research on the topic. The methodology section describes the research design and the data collection process. The results section presents the findings of the study, and the conclusion section summarizes the main findings and provides recommendations for future research.

The study was conducted in a laboratory setting, and the data were collected using a series of experiments. The results of the experiments were analyzed using statistical methods, and the findings were compared with the results of previous studies. The study found that the research objectives were achieved, and the results were consistent with the hypotheses.

The study has several limitations, and there are some areas for future research. The sample size was relatively small, and the study was conducted in a laboratory setting, which may not be representative of real-world conditions. Future research should aim to address these limitations and explore the topic further.

In conclusion, the study provides valuable insights into the research topic, and the findings are consistent with the hypotheses. The study also identifies areas for future research and provides recommendations for further exploration of the topic.



DATE: March 26, 2013

TO: Planning and Zoning Commission

FROM: Brian Jordan, AICP

SUBJECT: Amendment to the Planned Unit Development Zoning for Walmart to change exterior paint colors and replace signage (Z-1305).

Summary:

The applicant (Cyntergy AEC) representing WalMart Stores is proposing to change the paint colors and replace the signage at the local store. This property is covered by a PUD zoning district that was approved in June, 2004. In such plan, there was a specific paint color scheme and a specific list of sign types and sizes. While this scheme has served them well over the years, the proposed changes are intended to reflect their new branding colors and signs (the attached elevations compare the existing and proposed store).

Recommendation:

The staff recommends approve of the PUD amendment, conditioned upon submittal of a current title search.

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Background / Analysis:

The colors will remain earth tones. Regarding the signs, the overall square footage and number will be reduced. The overall square footage is being reduced by approximately 365 square feet, from 1,132 sf to 767sf.

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

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: DAVID SKINNER 90 CYNTEREGY AEC
2. ADDRESS: 320 S. BOSTON AVE, 12TH FLOOR, TULSA, OK 74103
PHONE NUMBER: 918-877-6000 x369 FAX NUMBER: 918-877-4000
3. OWNER (IF DIFFERENT FROM APPLICANT) WILMART R. F. BUS. TRUST
4. ADDRESS: 2001 S.E. 10TH, BARTLESVILLE, AR, 72716 DANA MORRISON
5. PHONE NUMBER: 479-277-9044 FAX NUMBER: _____
6. DESCRIPTION OF PROPERTY INVOLVED IN THIS REQUEST: WILMART STORE #1154
ADDRESS: 1435 E. MAIN ST. FREDERICKSBURG, TX 78624
LEGAL DESCRIPTION: WILMART #1154 PUTD
LOT SIZE: EXT'G
7. ZONING CHANGE REQUESTED FROM SAME ZONING DISTRICT TO SAME ZONING DISTRICT
8. JUSTIFICATION FOR REQUEST: REDUCE WALL SIGNAGE & RE-PAINT FOR UPDATING EXTERIOR
9. ARE THERE ANY DEED RESTRICTIONS WHICH WOULD PREVENT THIS PROPERTY FROM BEING USED IN THE MANNER HEREIN PROPOSED? _____
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: [Signature]

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] on behalf of WM Business Trust 03-04-13

DATE: 3.4.13

FEE PAID: _____

☐ Re-zoning

☐ Land Use Plan Change

RECEIVED

TITLE SEARCH: _____

Note: A current title search must be submitted with the application

MAR 04 2013



Date: February 26, 2013

To: Brian Jordan/Tammie Loth
City of Fredericksburg
Planning Dept.
126 W. Main St.
Fredericksburg, TX 78624
956-548-6145

RECEIVED

MAR - 2013

David Skinner (918) 877-6000 x369

Subject: Wal-Mart #1154 Supercenter
1435 E. Main St.
Fredericksburg, TX 78624
Limited Remodel

CC: File

VIA: Fed X overnite

Transmittal

Brian/Tammie,

Please find enclosed a hardcopy of the proposed sign and color change for the remodel at Walmart store #1154 in Fredericksburg. I understand that Walmart is part of a PUD, and that any change to colors, and/or signs requires an amendment to the PUD. To that end, I have included the hard copy printout, a check for \$100 for the zoning application, and the application itself.

Would you please include this submittal for the next available P & Z meeting which I understand would be April 3.

Regarding this submittal, we are proposing to re-paint the exterior of the store with Walmart's current branding colors. Which would mean that the main "branding wall" where the main Walmart sign is, will be re-painted a dark brown "P83 Cobble Brown", a Sherwin Williams color. This is the standard color for new and remodel Walmart branding walls. The EIFS (or stucco finish) at the entry vestibules will be re-painted "P94 Dromedary Camel". The main field, or building color will be "P124 Meadowlark". I have included the actual paint samples on sheet 7 of the submittal. Also, the existing limestone features at the entrances are to remain as-is.

Regarding signs, please refer to sheets #6 and #11 of the submittal. You will note that sheet #6 has a schedule of existing inventory that shows total wall sign square footage as 1132.43 sf. Sheet #11's schedule shows a total of 767.27 sf. So, you can see we are proposing to reduce overall wall sign square footage by 365 sf. Also, we are reducing the overall number of signs.

I trust this would satisfy the City requirements and concerns. If you have any questions, please do not hesitate to let me know

Sincerely,

David Skinner
Cyntergy AEC,
320 S. Boston, 12th Floor
Tulsa, OK, 74103
(918) 877-6000 x369
(918) 877-4000 (fax)

Cyntergy AEC
320 S. Boston Ave., 12th Floor
Tulsa, Oklahoma 74103
Telephone 918-877-6000
Fax 918-877-4000

Walmart #1154 PUD
Fredericksburg, TX.

16. All landscaped areas shall provide curbing or other protection from vehicular encroachment.
17. The owners, tenants, and their agents, if any, shall be jointly and severally responsible for the maintenance of all landscaping provided for under this PUD. All landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse, debris and weeds. All landscaped areas shall be provided with underground sprinkler systems.
18. All businesses shall provide suitable trash and refuse storage areas which are designed and constructed to prevent direct view from the street or parking lot and to prevent refuse from being displaced or stored about the site or onto public right-of-way and to permit safe, easy removal of refuse by truck or hand.
19. Landscaping provided in the PUD shall meet the minimum requirements as to size and species as outlined in the City of Fredericksburg Zoning Ordinance unless otherwise noted on the site plan. In this respect, the City has reviewed the PUD site plan and the analysis of landscaping provided and found the plan to meet city requirements.
20. The shopping center retail building(s) shall conform to Wal-Mart mandates with regard to the architecture and materials of the façade. The facade(s) of all other building(s) shall be subject to a Conditional Use Permit review by the City of Fredericksburg.
21. Signs shall be allowed in the PUD as specified in the attachment entitled "Permitted Signs".
22. All "right-of-way" landscaping for the PUD shall be installed simultaneously with the first building permit issued for the PUD.
23. The site shall be developed in accordance with the approved site plan and PUD notes.
24. Wall Signage shall be in accordance with the Building Elevation Plan.
25. The fencing around the detention ponds shall match the screening fence along Friendship Lane, including masonry columns at a maximum spacing of 75'.
26. No exterior lighting (poles or wall mounted) shall produce a glare, or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property.
27. The fueling station shall match the color scheme and materials of the main building, and no pricing shall be allowed on the canopy.
28. Roof top equipment shall be painted the same color as the roof.
29. The exterior of the building shall be constructed in accordance with the approved building elevations, including the following colors:
 - a. Exterior Face: Sherman Williams, SW 2018 "Pink Beige" P-124 "MEADOWLARK"
 - b. Exterior Face: Sherwin Williams, SW 1455 "Formal Garden" P94 "DIOMEDEAN CAMEL"
 - c. Exterior Face: Sherwin Williams, SW 2014 "Cranberry" P85 "CORBLE BROWN"
 - d. Metal Roof: Berridge Forest Green - EXISTING TO REMAIN
 - e. Limestone: Cedar Hill Cream - EXISTING TO REMAIN

Colors to the building shall not be changed or altered without amendments to the PUD and City Council Approval.

REVISIONS	DATE	BY
DESIGN CIVILS	04/13/04	MMW
SITE PLAN APPLICATION	05/28/04	SMAC
SITE PLAN REVISIONS	06/10/04	SMAC

ADAMS CONSULTING ENGINEERS, INC.
CIVIL / ENVIRONMENTAL ENGINEERS • SURVEYORS
5320 Copeland Road • Tyler, Texas 75703 • (903) 324-8430

SITE PLAN

THIS DOCUMENT IS RELEASED FOR THE
PURPOSES OF WITHIN AGENCY AND
COMMENTS UNDER THE AUTHORITY OF
B. SHANE GUYE, P.E.,
REGISTRATION NO. 91818 ON JUNE
10, 2004. THIS DOCUMENT IS NOT TO
BE USED FOR CONSTRUCTION, ISSUING
OR PERMITTING PURPOSES.

PROJECT MOR. DUC
PROJECT TECH. SMC
CHECKED BY
JOB NO. 2000-069.1WM
SHEET NO. G-1





1154 Fredricksburg, TX



Issued: December 06, 2012

RECEIVED
MAR - 1 2013



2'-6" TIRE & LUBE EXPRESS ==>	93.48 SF
1'-6" 1-HR. PHOTO	16.50 SF
1'-6" PHARMACY	14.56 SF
1'-6" OPTICAL	10.26 SF



2'-6" WE SELL FOR LESS	68.23 SF
1'-6" BAKERY	10.25 SF
1'-6" DELI	5.30 SF
1'-6" MEAT	6.84 SF
1'-6" PRODUCE	11.88 SF

RECEIVED
MAR -1 2013



8'-11" ALWAYS	145.64 SF
2'-6" LOW PRICES	44.38 SF



8'-11" ALWAYS	145.64 SF
2'-6" FOOD CENTER	50.42 SF

RECEIVED
MAR - 1 2013



5'-0" WAL*MART 190.00 SF
 2'-0" SUPERCENTER 39.00 SF



5'-0" WAL*MART 190.00 SF

RECEIVED
 MAR - 1 2013



1'-3" WAL*MART
1'-9" TIRE & LUBE
2'-6" EXPRESS
12" TIRES (2 @ 3.26 SF)

77.01 SF
6.52 SF



12" TIRES (2 @ 3.26 SF) 6.52 SF

RECEIVED
MAR - 1 2013

EXISTING SIGNAGE SUMMARY

SIGN	SIZE	COLOR	QUANTITY	SF	TOTAL SF
FRONT					
WAL*MART	5'-0"	WHITE	1	190.00	190.00
SUPERCENTER	2'-0"	WHITE	1	39.00	39.00
ALWAYS	8'-11"	RED	2	145.64	291.28
FOOD CENTER	2'-6"	WHITE	1	50.42	50.42
LOW PRICES	2'-6"	WHITE	1	44.38	44.38
PRODUCE	1'-6"	RED	1	11.88	11.88
MEAT	1'-6"	RED	1	6.84	6.84
DELI	1'-6"	RED	1	5.30	5.30
BAKERY	1'-6"	RED	1	10.25	10.25
OPTICAL	1'-6"	RED	1	10.26	10.26
PHARMACY	1'-6"	RED	1	14.56	14.56
1-HOUR PHOTO	1'-6"	RED	1	16.50	16.50
WE SELL FOR LESS	2'-6"	WHITE	1	68.23	68.23
TIRE & LUBE	2'-6"	RED	1	47.71	47.71
EXPRESS ==>	2'-6"	RED	1	45.77	45.77
REAR SIGNAGE					
WAL*MART	5'-0"	RED	1	190.00	190.00
AUTO CENTER					
WAL*MART	1'-3"	WHITE	1		
TIRE & LUBE	1'-9"	WHITE	1		
EXPRESS	2'-6"	WHITE	1	77.01	77.01
TIRES	1'-0"	WHITE	4	3.26	13.04
TOTAL				1132.43 SF	

RECEIVED

MAR - 1 2013



Design presentation only - not for construction

PROPOSED ELEVATIONS

P83

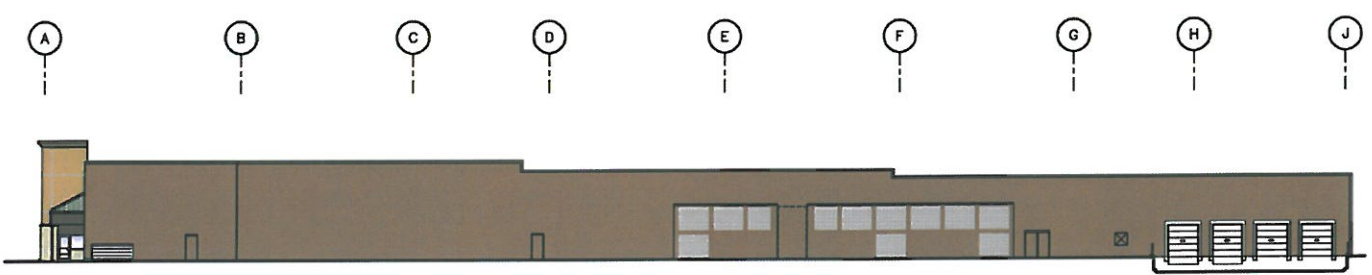
BRAND NAME

P94

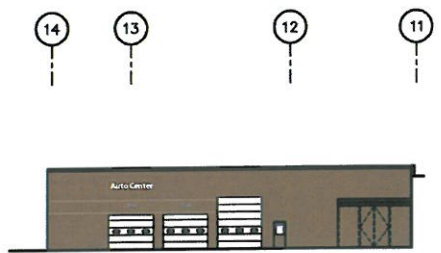
ENTRY VESTIBULE

P124

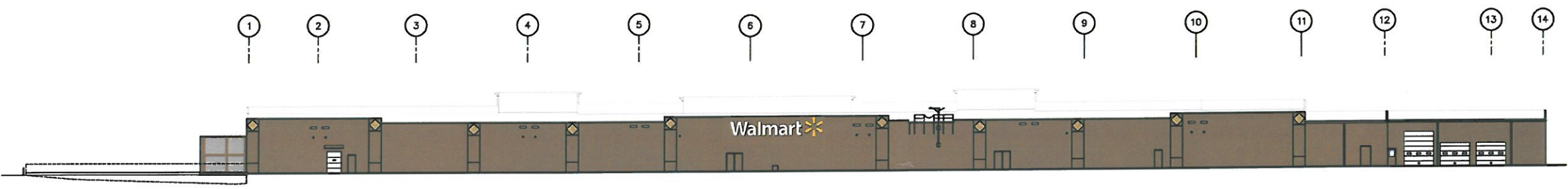
MAIN "FIELD" COLOR



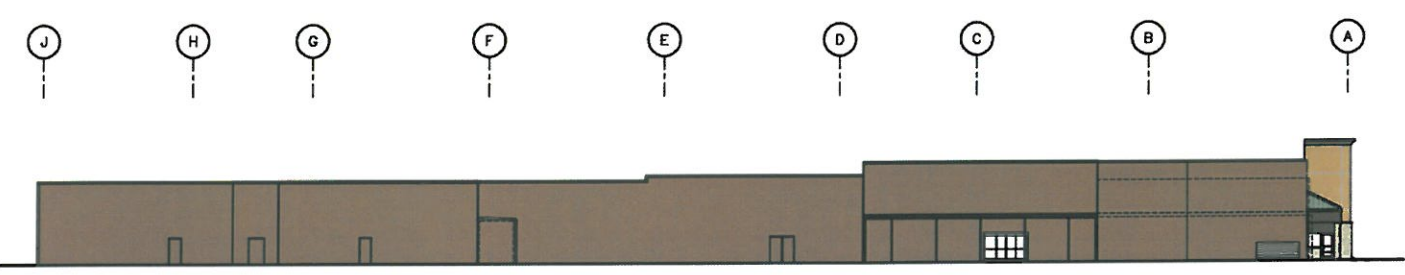
RIGHT SIDE ELEVATION



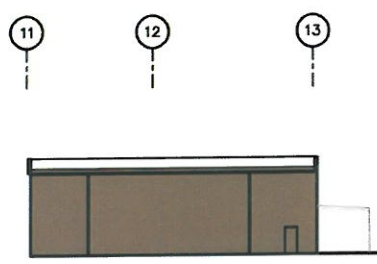
AUTO CENTER ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION



SEASONAL SHOP REAR ELEVATION



FRONT ELEVATION

COLOR LEGEND	
P83	SW 6082 COBBLE BROWN
P94	SW 7694 EXTERIOR DROMEDARY CAMEL
P124	SW 7522 MEADOWLARK
	EXISTING STANDING SEAM ROOF DO NOT PAINT
	EXISTING STONE VENEER DO NOT PAINT

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MAR - 1 2013

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18

FRONT ELEVATION SIGNS



2'-0" MARKET 17.97 SF



5'-6" WALMART
8'-0" SPARK 298.00 SF

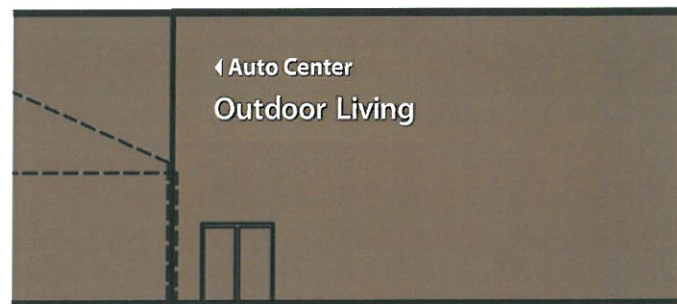


2'-0" HOME & PHARMACY 61.85 SF

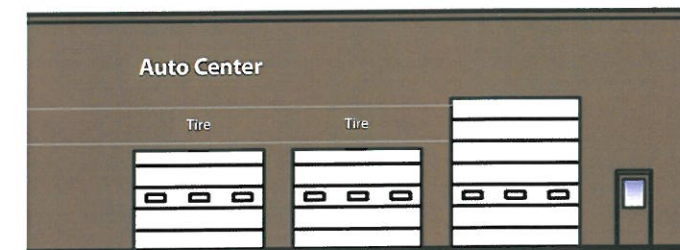
RECEIVED
MAR - 1 2013



FRONT ELEVATION & AUTO CENTER ELEVATION SIGNS



1'-6" AUTO CENTER WITH ARROW 19.47 SF
2'-0" OUTDOOR LIVING 49.47 SF



1'-6" AUTO CENTER 17.75 SF
1'-0" TIRE (2 x 2.38 SF) 4.76 SF

RECEIVED

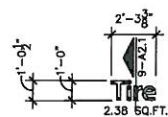
MAR 11 2013

REAR ELEVATION SIGNS

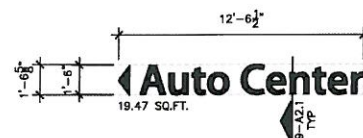


5'-6" WALMART
8'-0" SPARK 298.00 SF

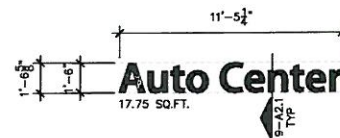
RECEIVED
MAR 5 1 2013



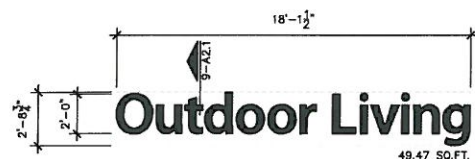
7. 1'-6" TIRE SIGN



6. 1'-6" AUTO CENTER SIGN



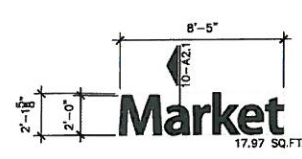
5. 1'-6" AUTO CENTER SIGN



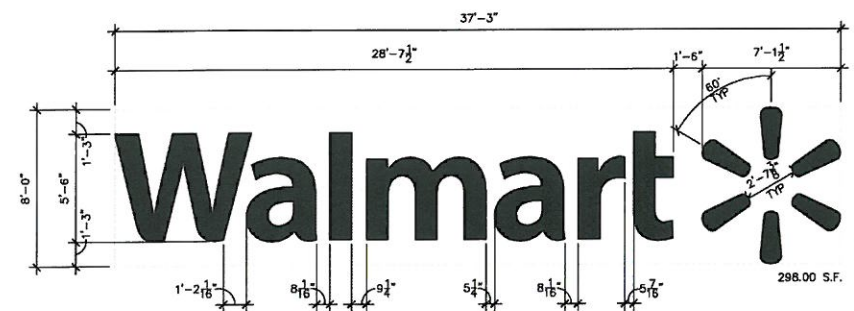
4. 2'-0" OUTDOOR LIVING SIGN



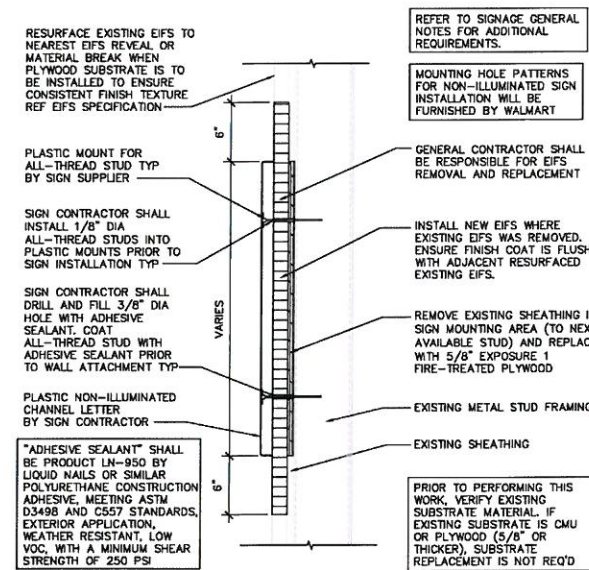
3. 2'-0" HOME & PHARMACY SIGN



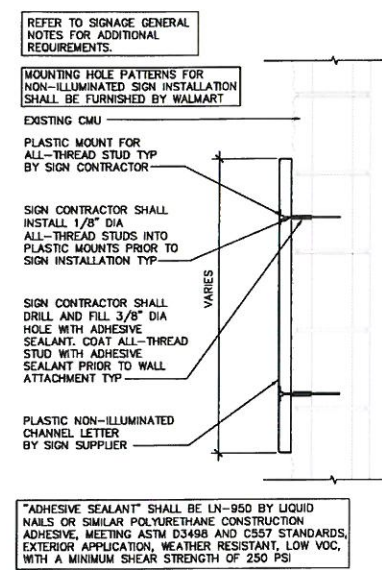
2. 2'-0" MARKET SIGN



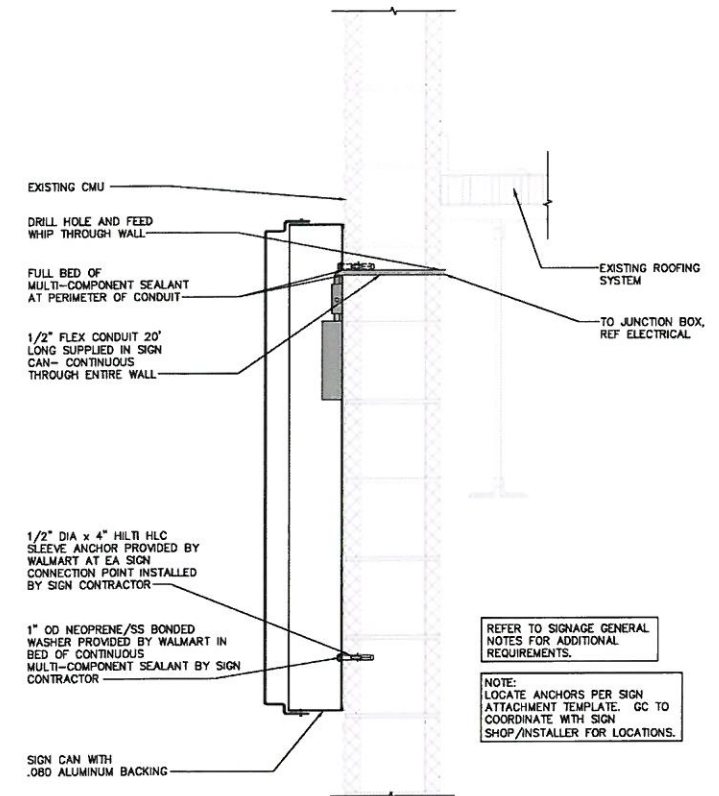
1. 5'-6" WALMART SIGN



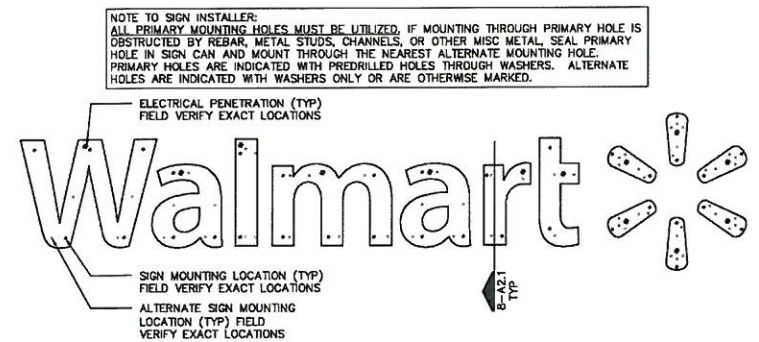
10. SIGN ATTACHMENT AT EIFS



9. SIGN ATTACHMENT AT CMU WALL



8. SIGN ATTACHMENT AT CMU WALL BELOW ROOF LINE



PROPOSED SIGNAGE SUMMARY					
SIGN	SIZE	COLOR	QUANTITY	SF	TOTAL SF
FRONT					
WALMART	5'-6"	WHITE	2		
SPARK	8'-0"	YELLOW	2	298.00	596.00
MARKET	2'-0"	WHITE	1	17.97	17.97
HOME & PHARMACY	2'-0"	WHITE	1	61.85	61.85
OUTDOOR LIVING	2'-0"	WHITE	1	49.47	49.47
AUTO CENTER WITH ARROW	1'-6"	WHITE	1	19.47	19.47
AUTO CENTER					
AUTO CENTER	1'-6"	WHITE	1	17.75	17.75
TIRE	1'-0"	WHITE	2	2.38	4.76
				TOTAL 767.27 SF	

RECEIVED

MAR 1 2013



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Existing Monument Signs - One of two identical monument signs



Proposed Monument Signs - One of two identical monument signs

RECEIVED

MAR - 1 2013



December 06, 2012

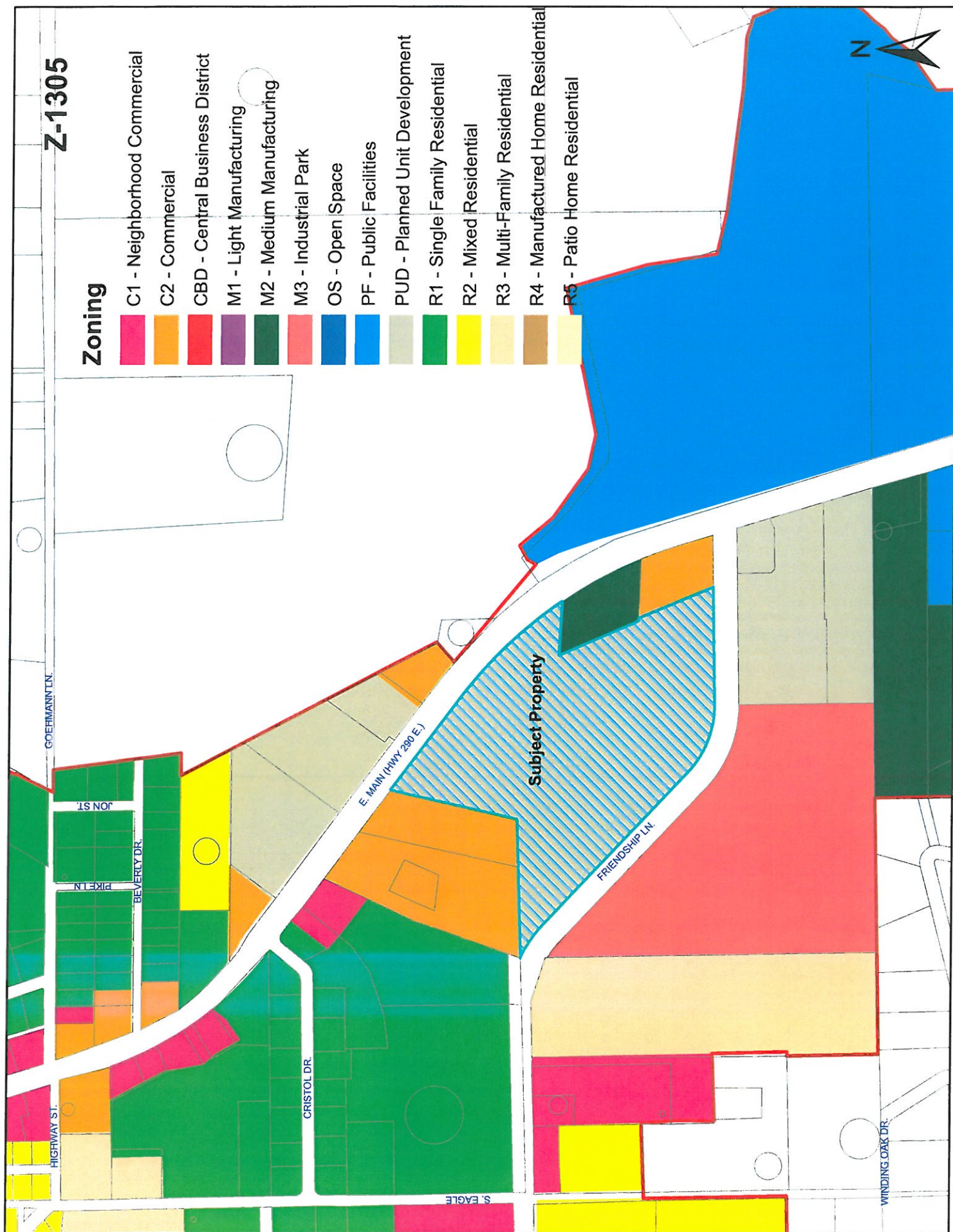
1154 Fredricksburg, TX

24

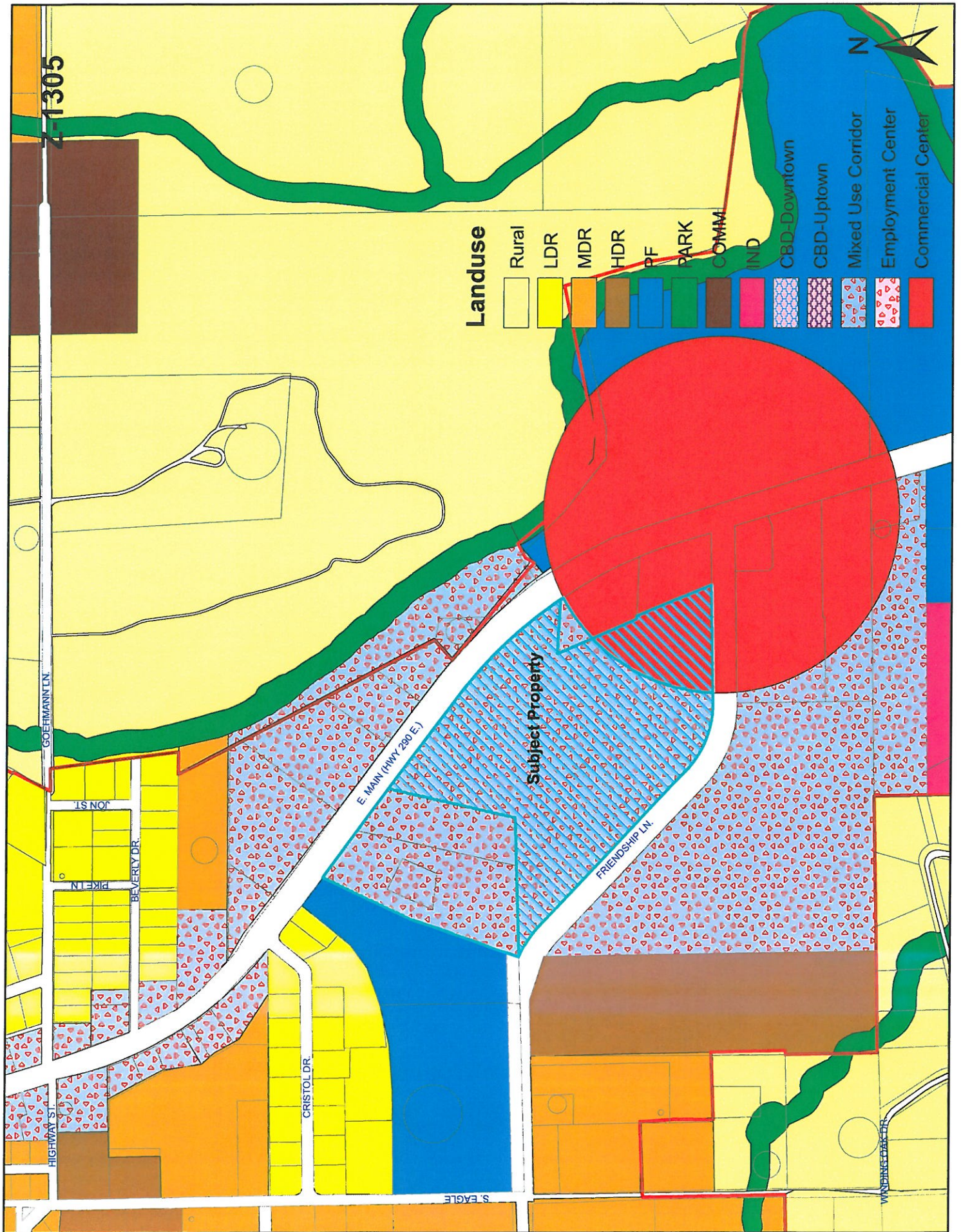
Design presentation only - not for construction

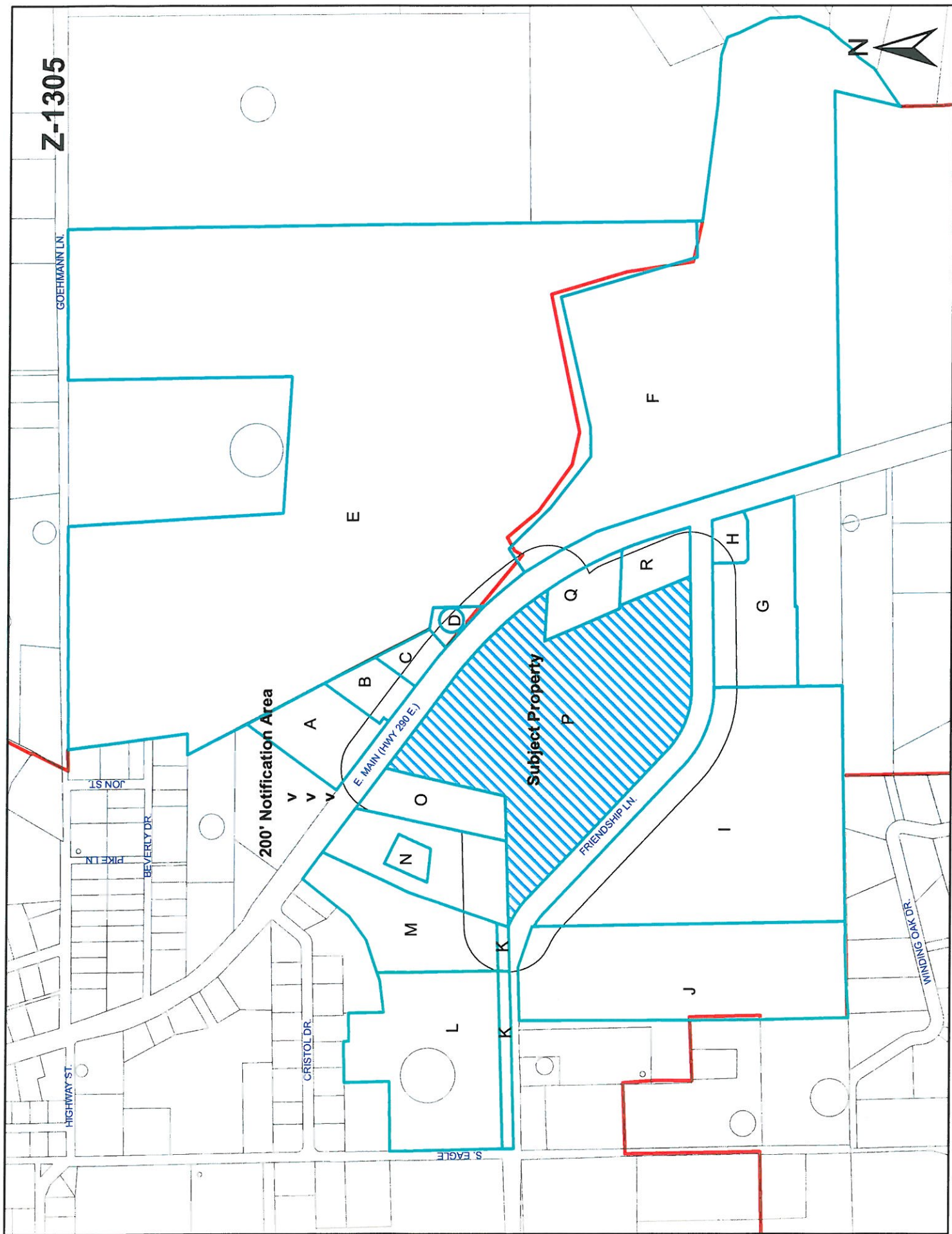
PROPOSED MONUMENT SIGNAGE

13



Z-1305





Z-1305

Letter	Owner	
A	Zaradieter Partners, LP	1420 E. Main
B	Pleasanton Partners, LP	1426 E. Main
C	AutoZone Texas, LP	1430 E. Main
D	Judy Kay Feller etal	1436 E. Main
E	Judy Kay Feller etal	317 Goehmann Lane
F	City of Fredericksburg	1460 E. Main
G	MFR Properties, LLC % Wal-Mart Property Tax Dept	1511 E. Main
H	Fredbg Retail Ltd	1511 E. Main
I	Judy Kay Feller etal	1100 Friendship Lane
J	Highland Oaks Holding, LLC % Robert Conte	1019 Friendship Lane
K	County of Gillespie	0 Friendship Lane
L	First Baptist Church of Fredbg	1407 E. Main
M	First Baptist Church of Fredbg	1407 E. Main
N	Ryan Keith Wille etal	1415 E. Main
O	RCC Commercial, LLC	1425 E. Main
P	Wal-Mart Real Estate Business Trust	1439 E. Main
Q	Bill Ham	1455 E. Main
R	JMMC, Inc. dba La Quinta Inn & Suites	1465 E. Main

Z-1305



City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

**NOTICE OF PUBLIC HEARING FOR
AN AMENDMENT TO PLANNED UNIT DEVELOPMENT (PUD)**

HEARING

DATE: APRIL 3, 2013

TIME: 5:30 PM

REQUEST

NUMBER: Z-1305

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: APRIL 15, 2013

TIME: 7:00 PM

REQUEST

NUMBER: Z-1305

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

APPLICANT: Cyntergy AEC on behalf of Wal-Mart

LOCATION: 1435 E. Main Street
(see accompanying map)

REQUEST: Amendment to Planned Unit Development to change exterior paint colors and to replace signs

(DETACH BELOW)

REQUEST NO. Z-1305

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

Signed _____

Date _____

Printed Name _____

Address _____

The first part of the paper discusses the importance of the research and the objectives of the study. It then presents a literature review of the existing research on the topic. The methodology section describes the research design and the data collection process. The results section presents the findings of the study, and the conclusion section summarizes the main findings and provides recommendations for future research.

The study was conducted in a laboratory setting, and the data were collected using a series of experiments. The results of the experiments were analyzed using statistical methods, and the findings were compared with the results of previous studies. The study found that the research objectives were achieved, and the results were consistent with the hypotheses.

The study has several limitations, and there are some areas for future research. The study was limited to a specific population, and the results may not be generalizable to other populations. The study also had a limited sample size, and the results may be affected by sampling error. Future research should investigate the effects of different variables on the results, and the study should be replicated with a larger sample size.

In conclusion, the study found that the research objectives were achieved, and the results were consistent with the hypotheses. The study has several limitations, and there are some areas for future research. The study was limited to a specific population, and the results may not be generalizable to other populations. The study also had a limited sample size, and the results may be affected by sampling error. Future research should investigate the effects of different variables on the results, and the study should be replicated with a larger sample size.

CONDITIONAL USE PERMIT BRIEF

Request Z-1306

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.

NOTE: The plan included with this CUP application is essentially the same as the plan considered in January. The main difference is the building has been redesigned (see attached building elevations).

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 2,996 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 5.3% (75% maximum allowed in the C-2 District)
- Impervious coverage is estimated to be approximately 70.3% (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. As noted above, Whataburger has changed the look of the building from the original submittal taking into consideration the recommendations suggested.
- M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:**
- Affirmative

OPPOSITION/SUPPORT OF REQUEST: To date, one letter has been received 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 2-1306

DATE _____

APPLICATION FOR CONDITIONAL USE PERMIT

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): Stroeher & Olfers Properties
5. ADDRESS: 509 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: 224 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)

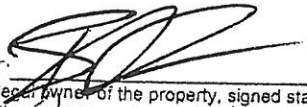
- B. Seven (7) copies of a site plan (24 x 36 inches) and 3 copies of a reduced site plan (11 x 17 inches) showing preliminary building elevations, preliminary improvement plans, and such additional maps and drawings all sufficiently dimensioned as required to illustrate the following:
1. The date, scale, 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.

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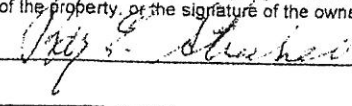
MAR -4 2013

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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: 

DATE: 3-4-13

FEE PAID: \$100

TITLE SEARCH: 12-15-12
(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)

WHATABURGER

PROJECT DESCRIPTION:

Whataburger Restaurants, LLC is interested in constructing a new free standing 2,996 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 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);

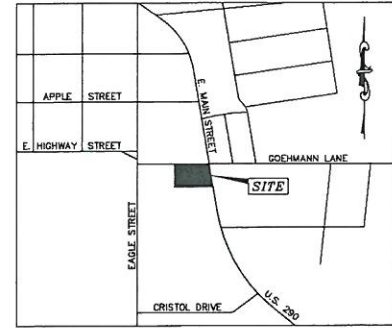
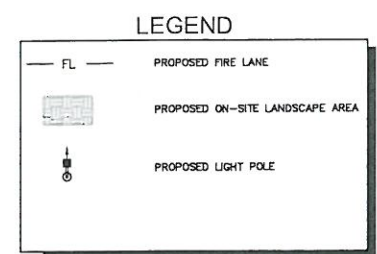
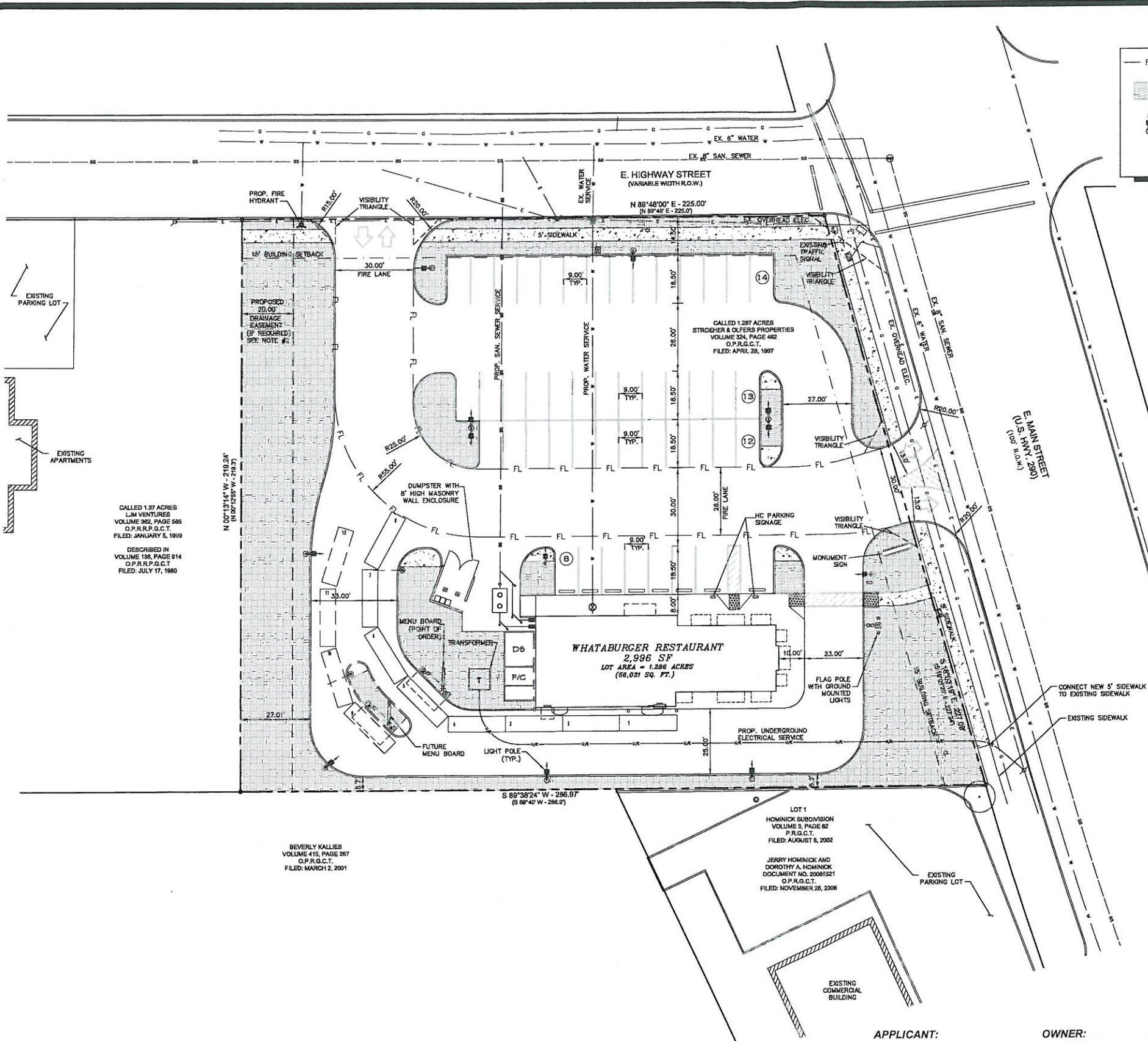
THENCE, South 16° 03' 19" East (called South 16° 01' 20" East), with the common west R.O.W. line of said E. Main Street and the east line of said 1.287 acre tract, a distance of 227.08 feet (called 227.24 feet) to a 3/8-inch iron rod found marking the southeast corner of said 1.287 acre tract and the 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.



<u>SITE DATA SUMMARY TABLE</u>		
<u>SITE DATA:</u>		
GROSS SITE AREA	56,031 SF (1.29 ACRES)	
<u>BUILDING DATA</u>		
MAX. PERMITTED BLDG. HEIGHT	3 STORIES/36 FEET	
PROPOSED BUILDING HEIGHT	20'-4"	
TOTAL BUILDING AREA	2,996 SF	
<u>EXISTING ZONING:</u>		
COMMERCIAL C-2	<u>PROPOSED ZONING:</u>	
<u>PROPOSED USE:</u>	CUP DRIVE-THRU IN C-2	
RESTAURANT WITH DRIVE-THRU		
<u>LOT COVERAGE DATA:</u>		
MAXIMUM BUILDING COVERAGE	75% MAX (42,023 SF)	
PROPOSED BUILDING COVERAGE	5.3%	
<u>BUILDING SETBACKS:</u>		
FRONT YARD	15'	
STREET SIDE YARD	15'	
INTERIOR SIDE YARD	0'	
REAR YARD	0'	
<u>LANDSCAPE DATA:</u>		
PROPOSED LANDSCAPE AREA	16,071 SF	
<u>PARKING SUMMARY:</u>		
PARKING (3/100 SF OF SERVICE AND DINING AREA)	<u>REQUIRED</u>	<u>PROVIDED</u>
	39	47
HANDICAP PARKING	2	2
<u>HARDSCAPE DATA:</u>		
IMPERVIOUS AREA	<u>ALLOWABLE</u>	<u>PROVIDED</u>
	60% MAX (44,825 SF)	70.3% (39,960 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.

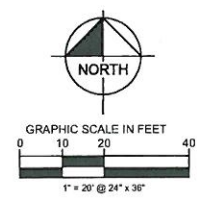
RECEIVED
MAR -4 2013

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:

CERTIFICATE OF REGISTRATION #928
10415 MORADO CIRCLE
BLDG. 1, SUITE 300
AUSTIN, TX 78759
PH. (512) 418-1771
CONTACT: LANCE ORITI, P.E.



REVISIONS:
DATE
SYMBOL
DESCRIPTION

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

SEAL:

Kimley-Horn
and Associates, Inc.
10415 Morado Circle, Bldg. 1, Suite 300
Austin, Texas 78759-5484
Tel. No. (512) 418-1771
Fax No. (512) 418-1771
Certificate of Registration: #928

WHATABURGER.
300 CONCORD PLAZA DRIVE
SAN ANTONIO, TEXAS
210-476-6000 ZIP 78216
THIS OFFERING IS THE PROPERTY OF
WHATABURGER. RESTAURANTS, LLC.
AND MAY NOT BE USED OR REPRODUCED IN
WHOLE OR IN PART WITHOUT THE
EXPRESSED WRITTEN CONSENT OF
WHATABURGER RESTAURANTS, LLC.

SHEET TITLE:

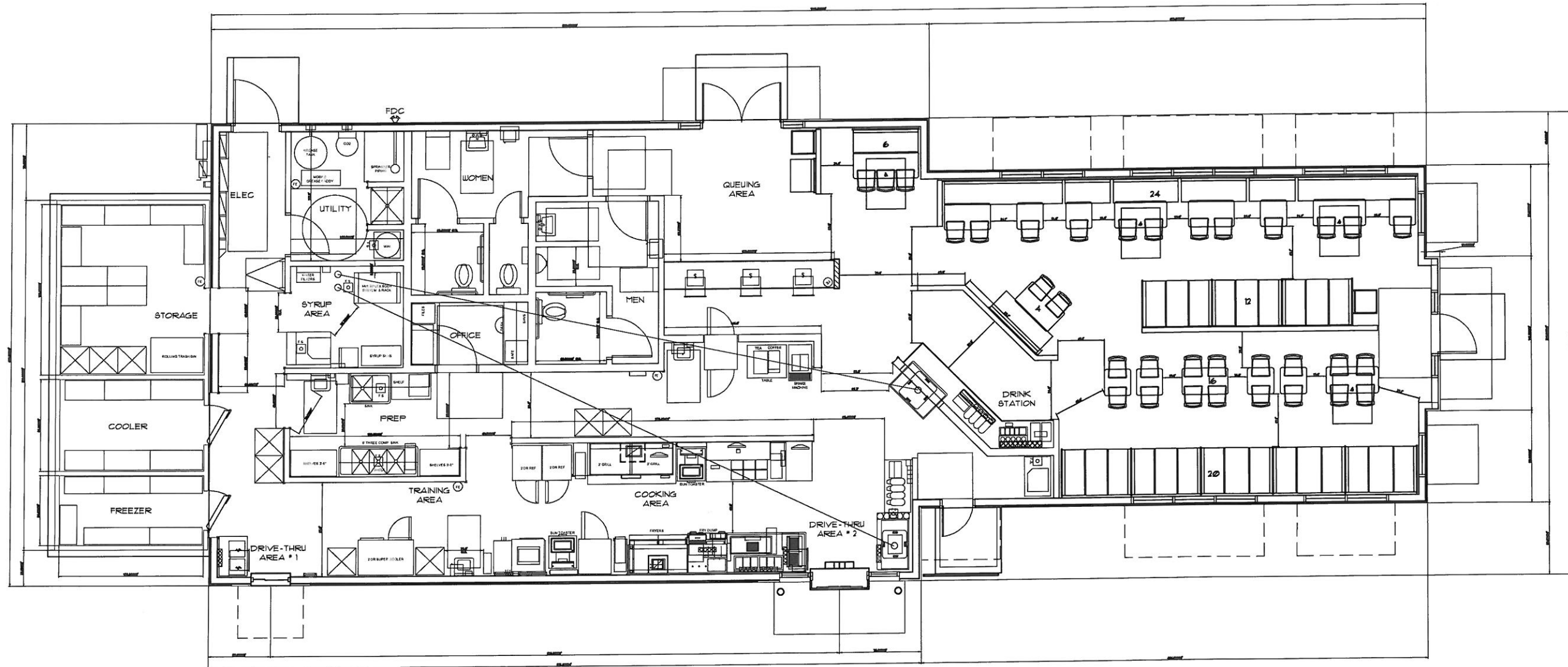
SITE PLAN

UNIT NO.: 17-885
DATE: 03/04/2013
SCALE: AS SHOWN
DRAWN BY: BLP
APPROVED BY: LRO

SHEET NO:

C-1.0

38



KITCHEN AREA	999 SQ.FT.
DINING AREA	846 SQ.FT.
SERVING AREA	46 SQ.FT.
STORAGE AREA	143 SQ.FT.
RESTROOM AREA	288 SQ.FT.

39

REVISION	DATE	DESCRIPTION	BY

PROJECT: FREDERICKSBURG, TX



WHATABURGER.
300 CONCORD PLAZA DR.
SAN ANTONIO, TEXAS
210-475-6650 ZIP 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 EXPRESSED WRITTEN CONSENT
OF WHATABURGER, INC.

SHEET TITLE:
FLOOR PLAN

UNIT NO.
DATE:
SCALE: 1" = 20'
DRAWN BY:
APPROVED BY: XX

SHEET NO:
OF
01





Front Elevation



Right Elevation

RECEIVED

MAR - 4 2013



Back Elevation



Left Elevation

RECEIVED

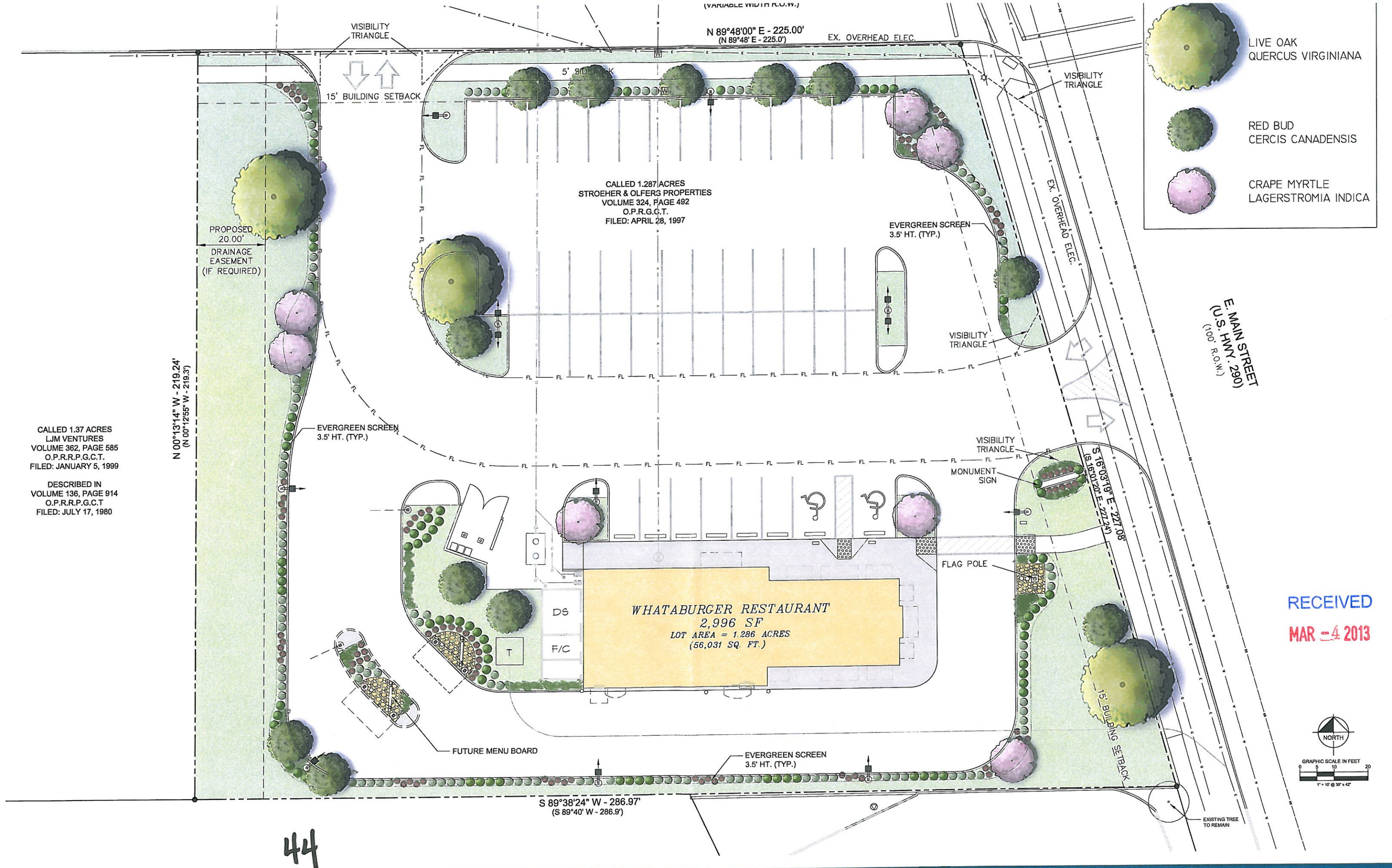
MAR - 4 2013



RECEIVED
MAR - 4 2013



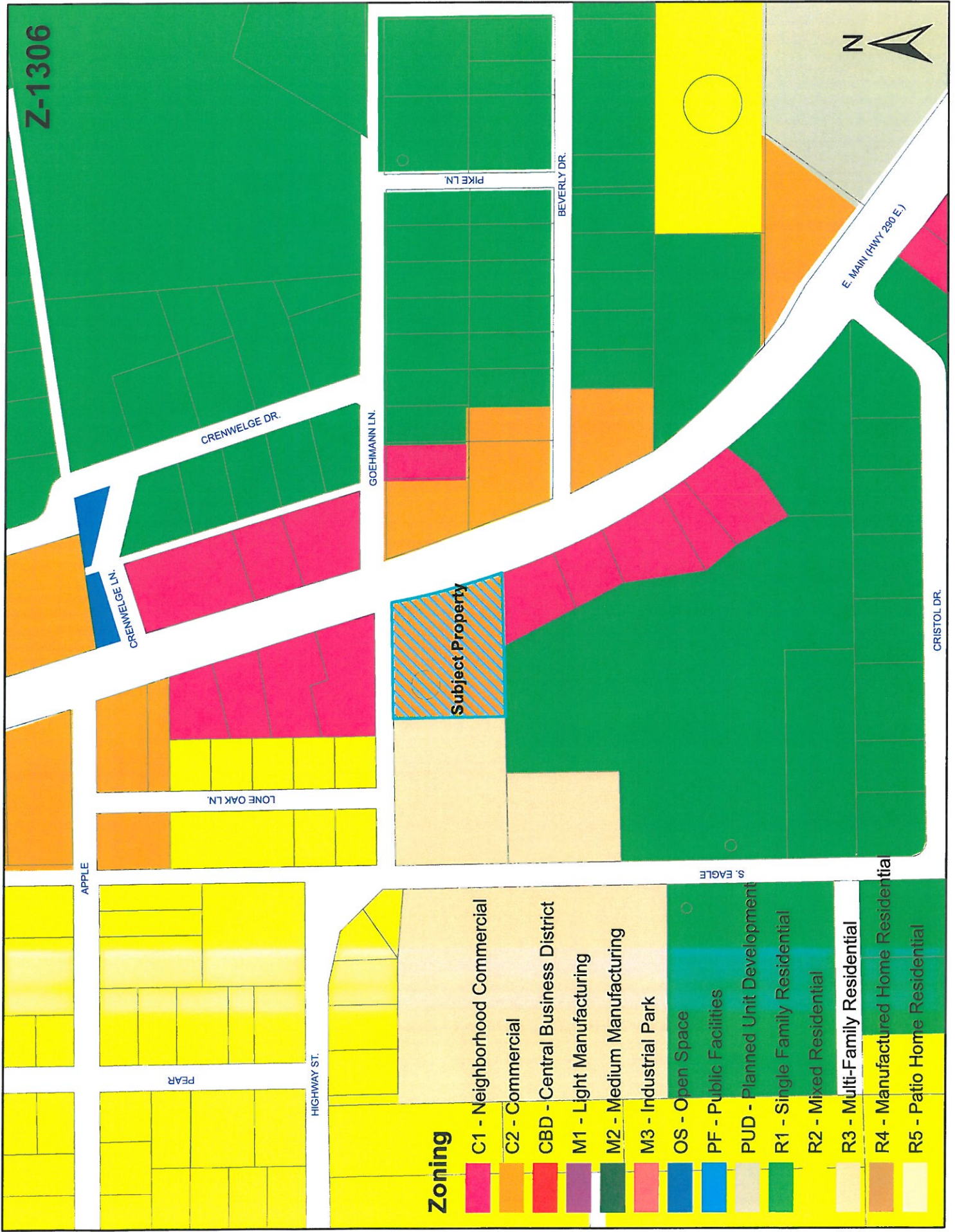
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MAR - 2013

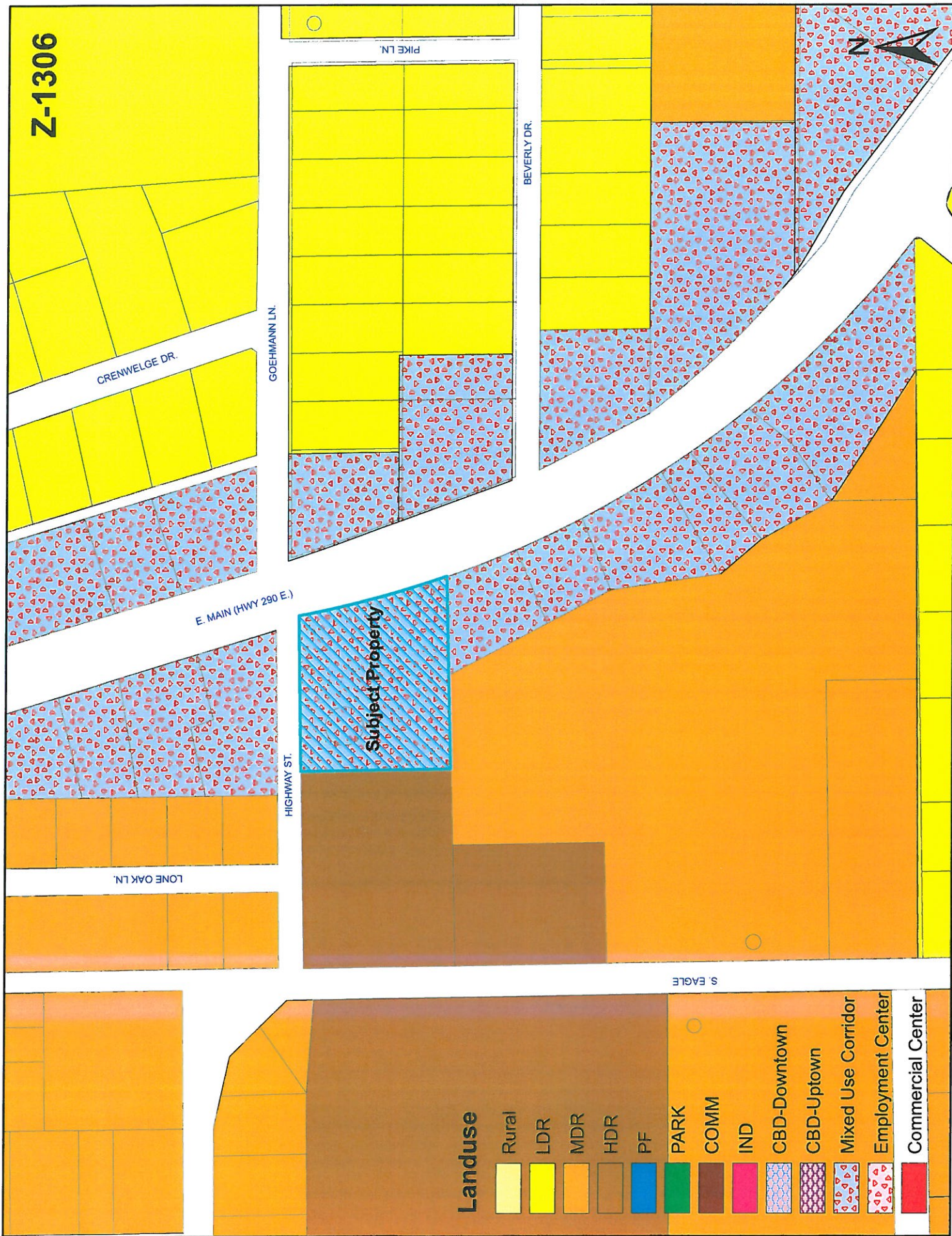


Whataburger - Conceptual Landscape Plan

2.28.13

Kimley-Horn
and Associates, Inc.







Z-130

Z-1306



CRENWELGE DR.

GOEHMANN LN.

PIKE LN.

BEVERLY DR.

200' Notification Area

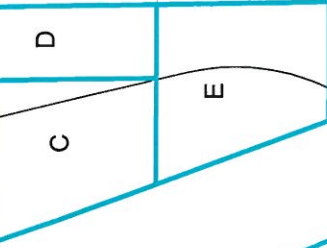
V
V
V

E. MAIN (HWY 290 E.)

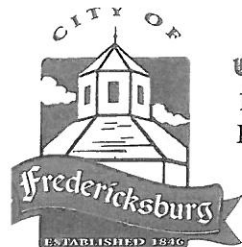
LONE OAK LN.

HIGHWAY ST.

S EAGLE



[illegible]



City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

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

HEARING

DATE: APRIL 3, 2013

TIME: 5:30 PM

REQUEST

NUMBER: Z-1306

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: APRIL 15, 2013

TIME: 7:00 PM

REQUEST

NUMBER: Z-1306

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-1306

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

Signed _____

Date _____

Printed Name _____

Address _____

The first part of the paper discusses the importance of the research and the objectives of the study. It highlights the need for a comprehensive understanding of the subject matter and the role of the researcher in this process. The second part of the paper presents the methodology used in the study, including the data collection methods and the analysis techniques. The third part of the paper discusses the results of the study and the conclusions drawn from the findings. The final part of the paper provides a summary of the key points and offers suggestions for future research.

The research was conducted in a systematic and rigorous manner, following the principles of scientific inquiry. The data was collected from a representative sample of the population, and the analysis was performed using advanced statistical techniques. The results of the study indicate that there is a significant relationship between the variables under investigation, and this finding has important implications for the field of study.

In conclusion, the study has provided valuable insights into the subject matter and has contributed to the existing body of knowledge. The findings suggest that further research is needed to explore the underlying mechanisms and to test the generalizability of the results. The authors hope that this paper will serve as a useful reference for researchers and practitioners alike.

Memo

To: Planning and Zoning Commission
From: Brian Jordan, AICP
Date: March 28, 2013
Re: Consider calling a Public Hearing to change the zoning of several areas of town from R-2 Mixed Residential District to R-1, Single Family Residential District.

As mentioned at the March 6, 2013 P&Z meeting, one of the items discussed at the City Council Retreat held on February 22, 2013 was the possibility of rezoning various areas of town from R-2 Mixed Residential District to R-1, Single Family Residential District. After reviewing the areas of town currently zoned R-2, the Council focused on three primary areas. The first area is basically bounded by Creek Street on the north and Baron's Creek on the west, south and east. This area includes the recent proposal to develop a Condominium project on three lots fronting on S. Lee Street. The second area is on the east side of the Middle School, bounded by College Street on the north and Travis Street on the south, between the Middle School and the C-2 Commercially zoned lots fronting on N. Llano Street. The third area is on the west side of the Middle School, bordered by College Street on the north, Travis Street on the south, between the Middle School and the C-1 zoned area fronting on N. Milam Street.

The Council has asked the staff and Planning and Zoning Commission to discuss these areas and determine whether the change in zoning should be considered. The Planning and Zoning Commission did discuss changing the zoning of these areas at the previous meeting. In summary, there was some concern about whether or not zoning the area on South Lee Street would result in Spot Zoning and since a majority of the neighborhood was likely to file an application that action on this area should be initiated by them. It was generally thought that the area north of Travis Street, on Cora and Adams Street, could possibly be considered for rezoning. As for the area west of the Middle School, the Commission was mixed and wanted the opportunity to visit this neighborhood before a decision was made.

If the Commission is inclined to recommend that any or all of these areas be considered, a motion will need to be made to direct staff to initiate a public hearing on the matter.

Included with this memo is a zoning map of the subject areas along with an aerial photograph. In addition, we have included a copy of the R-1 and R-2 district regulations, along with a copy of the description of Low Density Residential and Medium Density Residential categories of the Comprehensive Plan.

Sec. 3.100. - R-1: SINGLE FAMILY RESIDENTIAL

Intent

This zone is intended to provide for a single family dwellings, with not more than one principal residence permitted on any lot to ensure an environment conducive to single family residential use. Additional uses necessary and incidental to a single family residential dwelling unit are also permitted. This zone is typically associated with the Low Density Residential Land Use category but is conditionally allowed within all land use categories except "Open Space/Parks", "Industrial" and "Public Facilities".

Principal Permitted Uses

Buildings, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Single Family Residential (Detached)	Local Utility Services
--------------------------------------	------------------------

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided in Section 5.400.

Community Recreation	Private Primary Education
Day Care Services	Private Secondary Education
Guidance Services	Religious Assembly

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, width and depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard unit until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the R-1 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 7500 Square feet
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 2½ stories, 28 feet
Front Yard	Minimum Required Setback, 25 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet
Rear Yard	Minimum Required Setback, 10 feet
Residential Density	Maximum Dwelling Units per Lot, 1 per Lot Minimum Dwelling Areas
(Living Area Only)	750 Square feet
Maximum Building Coverage	Percent of Lot Area, 40%
Nonconforming Uses	<u>Section 6.100</u>
Special Yard Regulations	<u>Section 7.300</u>
Fences, Walls and Visibility	<u>Section 7.530</u>
Parking	<u>Section 7.800</u>
Temporary/Accessory Building	<u>Section 8.000</u>
Home Occupations	<u>Section 8.300</u>

Sec. 3.110. - R-2: MIXED RESIDENTIAL

Intent

This zone is intended to provide for medium density living, for example, with not more than one (two bedroom) dwelling unit permitted for each 3,500 square feet of lot area. (See Site Development Regulations). Additional uses necessary and incidental to multiple family residential dwellings are also permitted. It is a zone well suited as a buffer between single family uses and other more intense uses. This zone is typically associated with Medium Density Residential Land Use category but is allowed within all Land Use categories except "Open Space/Park," "Public Facility" and "Industrial."

Principal Permitted Uses

Buildings, structures and land shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Community Recreation	Local Utility Service
Duplex Residential	Multiple Family Residential
Townhouses (Section <u>7.610</u>)	Condominiums (Section <u>7.610</u>)
Group Residential	Single Family Residential (Detached)
Single Family Small Lot (Section <u>3.101</u> R-1-A)	

Uses Permitted Subject To Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided in Section 5.400.

Private Primary Educational Facilities	Private Secondary Educational Facilities
Day Care Services	
Convalescent Services	
Cultural Services	Religious Assembly
Guidance Services	

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, width and depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the R-2 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 5,000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	2½ Stories, 28 feet
Front Yard	Minimum Required Setback, 15 feet (20 feet for garage)
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet
Rear Yard	Minimum Required Setback, 10 feet
Residential Density	Minimum Site Area per Dwelling Units,
	Efficiency: 2,500 Square feet
	1 Bedroom: 3,000 Square feet
	2 Bedroom: 3,500 Square feet
Maximum Impervious Coverage	65%
Maximum Building Coverage	Percent of Lot Area, 55%
Nonconforming Uses	<u>Section 6.100</u>
Site Development Regulations	<u>Section 7.000</u>
Special Yard Regulations	<u>Section 7.300</u>
Fences, Walls and Visibility	<u>Section 7.530</u>
Parking	<u>Section 7.800</u>
Landscaping and Screening Regulations	<u>Section 7.900</u>
Temporary/Accessory Building	<u>Section 8.000</u>
Home Occupations	<u>Section 8.300</u>

In an R-2 Zone the R-1-A Site Development Regulations may apply to the development of single family dwellings at the option of the Owner.

(Ord. No. 18-014, § 3.110, 12-1-2008)

Land Use Map include the related uses that are currently in existence. Places of worship identified in the Existing Land Use Inventory are shown on this map.

Over time, there will be a need for additional public uses as the population grows and the city's area expands. The City should consider the needs for new public facility sites as part of planning for annexation and service to developing areas that are now in the ETJ. Such sites could include locations for schools, police, fire or recreational facilities.

d) Low Density Residential

This use is representative of traditional, single-family detached dwelling units. Low density residential accounts for the largest percentage of residential development in Fredericksburg today and will continue to do so with the development shown on this "Future Land Use Map". The areas designated for low density residential land use are generally not adjacent to major thoroughfares or incompatible land uses, and are in proximity to existing single-family residential land use. Within these areas, the City should encourage a range of lot sizes and housing types in order to promote increased housing diversity and affordability. For this reason, several single-family zoning districts with various lot sizes should be provided in the Zoning Ordinance. For the purpose of discussing Fredericksburg's ultimate population capacity (in the Growth Element of this plan), areas of the City or ETJ designed for low density residential development are assumed to develop at an average of three dwelling units per gross acre.

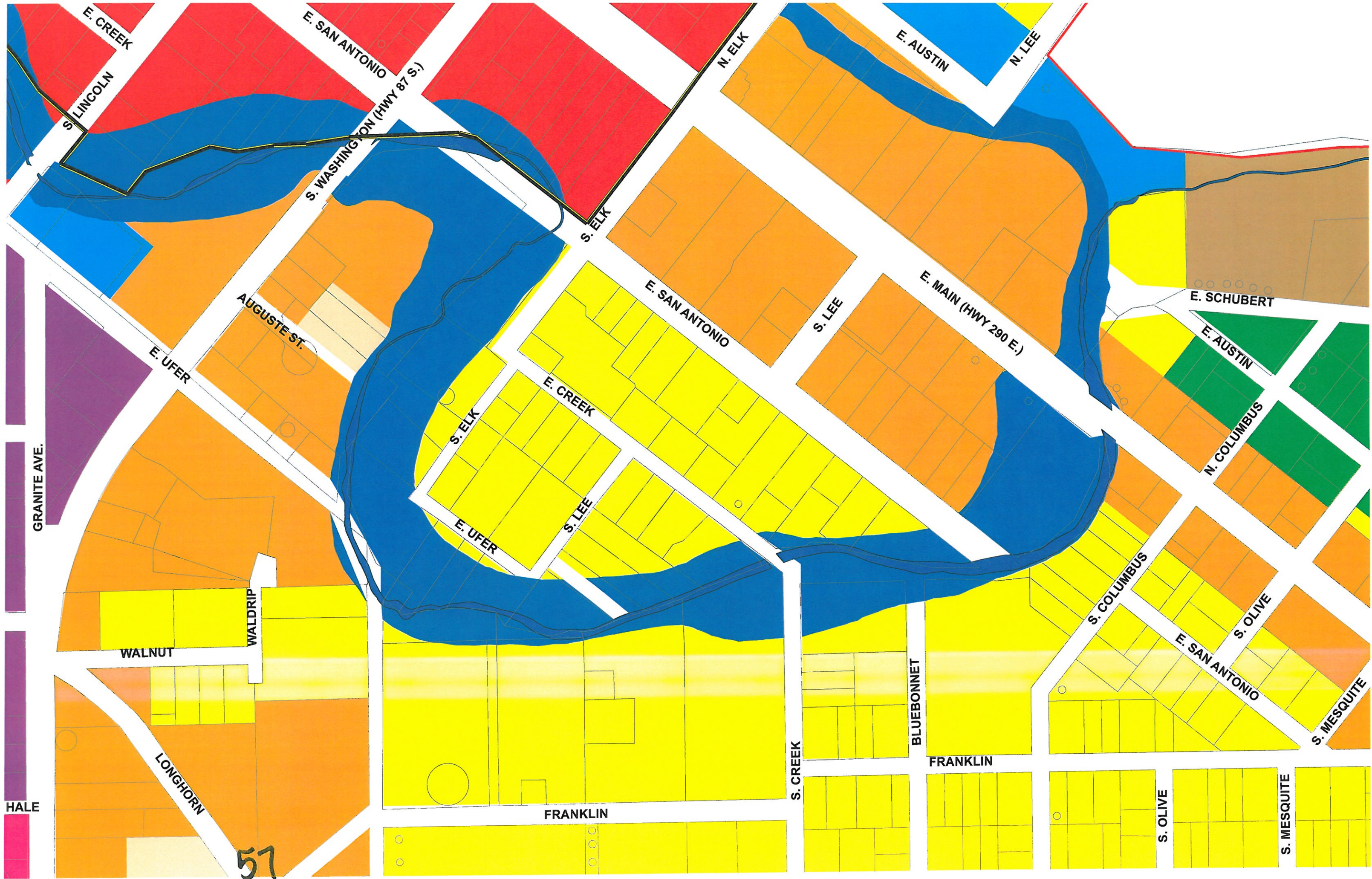
e) Medium Density Residential

This use category includes single family detached dwellings on smaller lots and attached dwelling units, such as duplex units and townhomes. Medium density land uses often provide housing for "empty nesters" who may not want the maintenance of a large-lot single-family home, and for young families who may find a townhome or duplex more affordable than a single-family home. They play an important role in providing workforce housing as well. These residential uses can provide a buffer between lower density residential areas and more intensive residential, non-residential or mixed use areas. An average of 8 dwelling units per gross acre is assumed for these areas.

f) High Density Residential

High density residential developments meet the needs of people living alone, empty nesters and those who cannot afford or do not choose to live in a home with more yard area. Higher densities mean there are more people living close together, so there is a larger market of customers to support the restaurants and retail in a mixed use area. As a result, these residential uses can contribute to the sense of life and 24-hour activity desired in many downtowns and communities.

In Fredericksburg, there are few vacant areas planned solely for high density residential use. This land use should also occur in the Mixed Use Corridors along major transportation routes.





GRANITE AVE.

HALE

E. CREEK
S. LINCOLN

E. SAN ANTONIO
S. WASHINGTON (HWY 87 S.)

AUGUSTE ST.

E. UFER

WALNUT

WALDRIP

LONGHORN

58

S. ELK

E. UFER

E. CREEK

S. LEE

FRANKLIN

S. ELK

E. SAN ANTONIO

N. ELK

S. CREEK

BLUEBONNET

FRANKLIN

E. AUSTIN

S. LEE

E. MAIN (HWY 290 E.)

S. LEE

S. COLUMBUS

E. SAN ANTONIO

S. OLIVE

S. MESQUITE

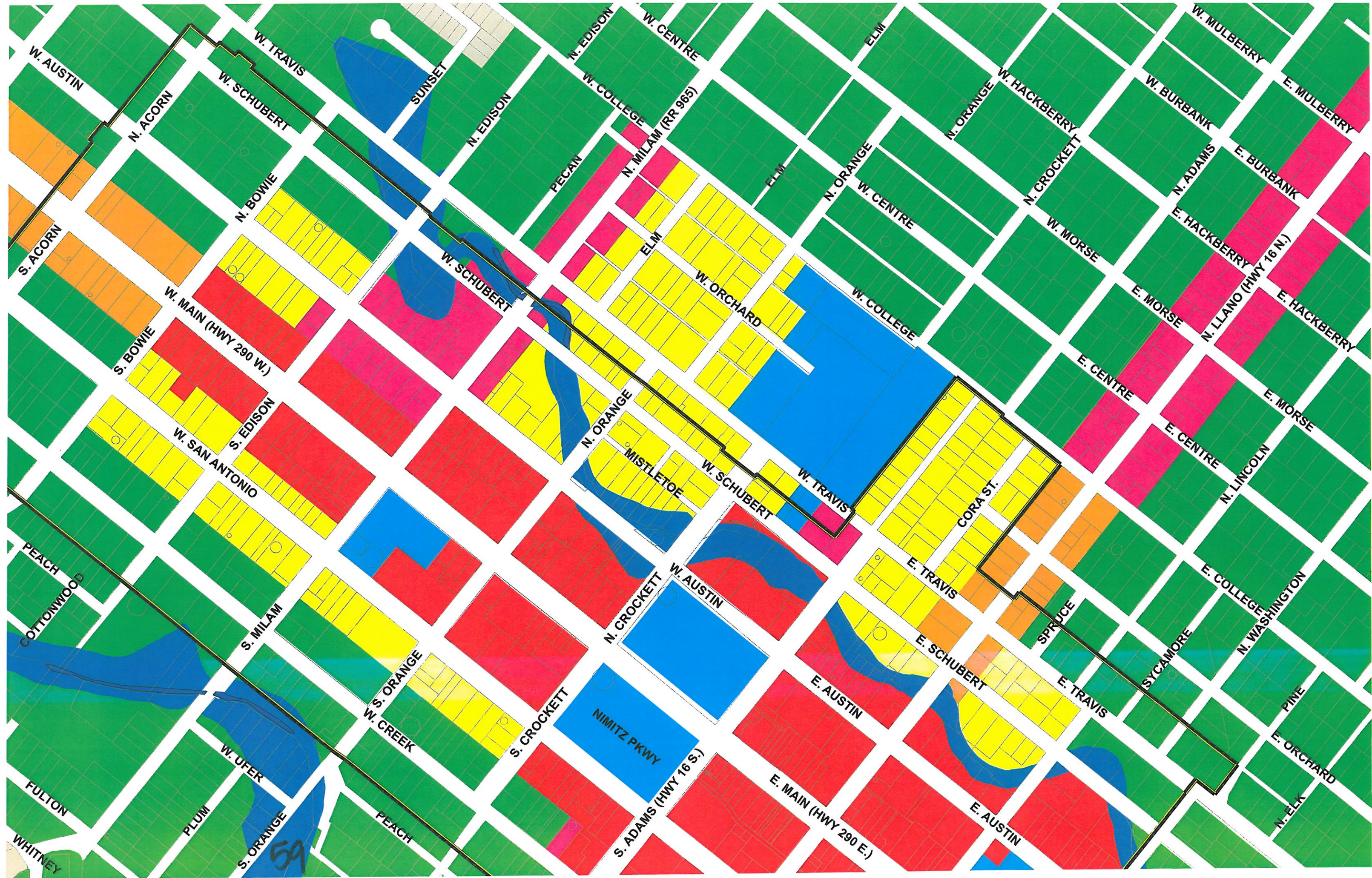
E. AUSTIN

N. COLUMBUS

S. OLIVE

S. MESQUITE

E. SCHUBERT





The first part of the paper discusses the importance of the research and the objectives of the study. It then presents a literature review of the existing research on the topic. The second part of the paper describes the methodology used in the study, including the data collection and analysis techniques. The third part of the paper presents the results of the study, and the fourth part discusses the implications of the findings.

The study was conducted using a quantitative research design. Data was collected from a sample of 100 participants. The data was then analyzed using statistical software. The results of the study show that there is a significant relationship between the variables studied.

The findings of the study have several implications. First, they suggest that the research is valid and reliable. Second, they suggest that the research can be used to inform policy and practice. Finally, they suggest that the research can be used to guide future research.

In conclusion, the study has shown that there is a significant relationship between the variables studied. The findings of the study have several implications, including that the research is valid and reliable, that the research can be used to inform policy and practice, and that the research can be used to guide future research.

Memo

To: Planning and Zoning Commission
From: Brian Jordan, AICP
Date: March 27, 2013
Re: Consider an Amendment to the R-2 Mixed Residential District Regulations.

Another item discussed at the Council's Retreat on February 22, 2013 was the possibility of revising the R-2 zoning district guidelines pertaining to condominiums and townhouses, and to establish these as conditional uses. As you are likely aware, the City Council approved an amendment to the R-2 district regulations in 2008 to allow condominiums and townhouses as a permitted use rather than a conditional use. The Council has asked the staff and Planning and Zoning Commission to re-evaluate this change and discuss whether or not condominiums and townhomes should return to the conditional use designation. The conditional use option gives the Planning and Zoning Commission and City Council the ability to look at these projects on a case by case basis and utilize the evaluation criteria established in the Zoning Ordinance. In addition, the conditional use permit requires notification of the neighborhood.

Attached for your review are the current R-2 district guidelines, a summary sheet of the changes made in 2008, a copy of the conditional use permit evaluation criteria and the development standards of the zoning ordinance pertaining to condominiums and townhomes.

The Commission discussed this matter at the previous meeting and the general feeling was that townhomes and condominiums are appropriate uses in the R-2 Mixed Residential District. A motion should be made to either leave the R-2 District as it is or to initiate the amendment to consider the changes.

Sec. 3.110. - R-2: MIXED RESIDENTIAL.

Intent

This zone is intended to provide for medium density living, for example, with not more than one (two bedroom) dwelling unit permitted for each 3,500 square feet of lot area. (See Site Development Regulations). Additional uses necessary and incidental to multiple family residential dwellings are also permitted. It is a zone well suited as a buffer between single family uses and other more intense uses. This zone is typically associated with Medium Density Residential Land Use category but is allowed within all Land Use categories except "Open Space/Park," "Public Facility" and "Industrial."

Principal Permitted Uses

Buildings, structures and land shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Community Recreation	Local Utility Service
Duplex Residential	Multiple Family Residential
Townhouses (Section <u>7.610</u>)	Condominiums (Section <u>7.610</u>)
Group Residential	Single Family Residential (Detached)
Single Family Small Lot (Section <u>3.101</u> R-1-A)	

Uses Permitted Subject To Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided in Section 5.400.

Private Primary Educational Facilities	Private Secondary Educational Facilities
Day Care Services	
Convalescent Services	
Cultural Services	Religious Assembly
Guidance Services	

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, width and depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the R-2 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 5,000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	2½ Stories, 28 feet
Front Yard	Minimum Required Setback, 15 feet (20 feet for garage)
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet
Rear Yard	Minimum Required Setback, 10 feet
Residential Density	Minimum Site Area per Dwelling Units,
	Efficiency: 2,500 Square feet
	1 Bedroom: 3,000 Square feet
	2 Bedroom: 3,500 Square feet
Maximum Impervious Coverage	65%
Maximum Building Coverage	Percent of Lot Area, 55%
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.000
Home Occupations	Section 8.300

In an R-2 Zone the R-1-A Site Development Regulations may apply to the development of single family dwellings at the option of the Owner.

(Ord. No. 18-014, § 3.110, 12-1-2008)

Development Reg's	R-1	R-1A (Approved*)	R-2 (current)	R-2 (Approved*)	R-3	R-5	R-5 (Approved*)
Lot Size (SF)	7,500	4,500	7,500	5,000	7,500	4,500	4,500
Lot Width	70'	45'	50'	50'	50'	45'	45'
Lot Depth						85'	85'
Height	2.5 Stories (28')	2 Stories (28')	2.5 Stories (28')	2.5 Stories (28')	3 Stories (38')	2 Stories (28')	2 Stories (28')
Front Setback	25'	15' (20' garage)	25'	15' (20' garage)	25'	20'	15' (20' garage)
Street Side Setback	15'	15'	15'	15'	15'	15'	15'
Interior side Setback	5'	5'	5'	5'	5'	0'/10'	0'/10'
Rear Setback	10'	10'	10'	10'	10'	10'	10'
Building Coverage	40%	50%	45%	55%	55%	55%	55%
Impervious Coverage		60%	55%	65%	65%		

Section 8.220(G) One guest house in the R-1 zoning district on lots 10,000 square feet and larger, may be used as B&B or as rental unit, but limited to one rental unit and one family per unit

Allow Townhouses and Condominiums as permitted uses in R-2 and R-3 Districts (rather than requiring Conditional Use Permit)

Allow R-1A uses (single family detached dwellings) in all R-2 Districts, utilizing the criteria established above. Multiple dwellings will require 5,000 SF lots.

* - Approved December 1, 2008, Ordinance 18-014

Sec. 7.610. - Townhouse and Condominium Standards.

A.

Townhouse Residential. Townhouse residential use is a permitted use in the R-2 and R-3 districts. Townhouse residential use is permitted in the C-1, C-2 and CBD districts with a Conditional use permit. All Townhouse residential uses must meet the following limitations:

1. Minimum Lot Size: 2,500 square feet, per dwelling unit.
2. Minimum Lot Width: 20 feet per dwelling unit.
3. Minimum Lot Depth: 100 feet.
4. Minimum Front Yard Setback: 20 feet.
5. Minimum Interior Side Yard Setback: 7½ feet, measured from the unattached side wall of an end unit to the interior side lot line. Within a townhouse project there shall be at least 15 feet of separation or combined side yard between each group of townhouses.
6. Minimum Exterior Side Yard Setback: 20 feet, measured from the unattached side wall of an end unit to the side lot line abutting a street.
7. Minimum Rear Yard Setback: 10 feet.
8. Maximum Building Length: No group of attached townhouses shall exceed 200 feet in length.
9. Coverage: No more than 55 percent of the total site area may be covered with buildings and required parking spaces. The remaining 45 percent may include driveways, sidewalks, patios, grass and other landscaped areas.
10. Private Yards: Each lot shall include a front yard with not less than 300 square feet of area. Not more than 50 percent of the required private yard may be occupied by a driveway. Parking spaces shall not be included in the computation of the required private yard area. A wall or solid fence not less than five feet in height is required on side lot lines where the required private yard adjoins such lot lines. A patio cover or roof may cover up to 25 percent of the private yard.
11. Maximum Density: 3,600 square feet of site area per dwelling unit.
12. Parking and Driveways:
 - a. Two off-street parking spaces shall be provided for each townhouse.
 - b. No driveway located in front of a townhouse lot shall exceed 21 feet in width.
 - c. One-way common driveways shall be at least ten feet in width, and two-way driveways shall be at least 18 feet in width.
 - d. Each building shall be directly accessible from a public street or from an unobstructed fire lane.
 - e. Individual driveways shall not open onto streets with a functional classification of collector or greater. When townhouse units are located on a collector street, the driveway entrances shall be limited to providing access to a common interior driveway located at the rear of the townhouses.
13. Other requirements: Each townhouse shall be located on an individual lot. There shall be at least four connected units in each project.

B. Condominium Residential. Condominium residential use is a permitted use in the R-2 and R-3 districts. Condominium residential use is permitted in the C-1, C-2 and CBD districts with a Conditional use permit. All Townhouse residential uses must meet the following limitations:

1. Minimum of four dwelling units.
2. Minimum site area for condominium residential use shall be 14,000 square feet.
3. Maximum residential density for condominium use shall be 3,500 square feet of site area for each dwelling unit.

(Ord. No. 18-014, § 7.610, 12-1-2008)

Sec. 5.460. - Review and Evaluation Criteria. ...

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications using the following criteria:

Conformance with applicable regulations and standards established by the Zoning Regulations.

Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.

Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.

Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare.

Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.

Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.

Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties.

Adequacy and convenience of off-street parking and loading facilities.

Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.

Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations.

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.

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.

Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

the 'information' and 'communication' fields. The 'information' field is defined as:

...the study of the nature, creation, organisation, storage, retrieval, dissemination and use of information, and the social, cultural, economic and political contexts in which these activities take place. (p. 10)

The 'communication' field is defined as:

...the study of the nature, creation, organisation, storage, retrieval, dissemination and use of communication, and the social, cultural, economic and political contexts in which these activities take place. (p. 10)

The 'information science' field is defined as:

...the study of the nature, creation, organisation, storage, retrieval, dissemination and use of information and communication, and the social, cultural, economic and political contexts in which these activities take place. (p. 10)

The 'information studies' field is defined as:

...the study of the nature, creation, organisation, storage, retrieval, dissemination and use of information and communication, and the social, cultural, economic and political contexts in which these activities take place. (p. 10)

The 'information technology' field is defined as:

...the study of the nature, creation, organisation, storage, retrieval, dissemination and use of information and communication, and the social, cultural, economic and political contexts in which these activities take place. (p. 10)

The 'information systems' field is defined as:

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The 'information management' field is defined as:

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The 'information policy' field is defined as:

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The 'information law' field is defined as:

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The 'information ethics' field is defined as:

...the study of the nature, creation, organisation, storage, retrieval, dissemination and use of information and communication, and the social, cultural, economic and political contexts in which these activities take place. (p. 10)

The 'information education' field is defined as:

...the study of the nature, creation, organisation, storage, retrieval, dissemination and use of information and communication, and the social, cultural, economic and political contexts in which these activities take place. (p. 10)

The 'information research' field is defined as:

...the study of the nature, creation, organisation, storage, retrieval, dissemination and use of information and communication, and the social, cultural, economic and political contexts in which these activities take place. (p. 10)

Memo

To: Planning and Zoning Commission
From: Brian Jordan, AICP
Date: March 28, 2013
Re: Consider an amendment to the Zoning Ordinance pertaining to B&B definition and use classification (Z-1304)

There have recently been two B&B/Cottage/Inn lodging complexes submitted for review within the Central Business District (CBD). One project is located at the northeast corner of Austin and N. Llano Street and the other is located at 508-512 W. Main Street. Both of these complexes were considered by Conditional Use Permit under the definition of Hotel/Motel in the zoning ordinance, rather than a Multi-family use which is permitted in CBD. In addition, there has been recent discussion about these lodging complexes in C-1 and R-2 Zoning Districts.

After re-evaluating the definitions of multi-family residential units in the zoning ordinance, staff is of the opinion that the current definition (the use of a site for three or more dwelling units, within one or more buildings, with a dwelling unit being defined as a residential unit providing complete, independent living facility for one family, including permanent provisions for living, sleeping, eating and cooking) does not properly include B&B or lodging facilities that are transient in nature. Since the ordinance does not have a specific definition or use classification for B&B's (other than the limited one allowable in R-1), it is staff's opinion under the current zoning ordinance, that B&B's, particularly in cases when there are multiple units, are more similar in nature to a hotel/motel definition which includes lodging services than to a multi-family use. As such, said facilities would only be allowed by right in C-2 and M-1, and by conditional use permit in the CBD and PUD Districts.

Section 4.200 of the zoning ordinance states that the Director of Planning and Building has the authority to determine the appropriate classification for a proposed use that does not exactly match the uses set out in the ordinance, subject to the right of appeal to the Planning and Zoning Commission. In addition, Section 4.300 states that the Director shall periodically recommend to the P&Z additions, deletions or revisions to the use classification to reflect contemporary usage and terminology and to minimize ambiguity.

In the current zoning ordinance under Residential – Accessory Uses, a Bed and Breakfast is defined as tourist lodging services within rooms of the property owners principal residence or one separate guest house in the single family residential district on a lot of 10,000 square feet or greater, within a single property served by a single water and electrical meter and subject to the limitations of the home occupations. Exception: In a single family residential district the primary residence may be used as a B&B without it being the property owner's principal residence but limited to one single B&B rental, dwelling unit per property. A B&B use may be evidenced by association with a B&B accommodation and reservation service. To qualify as a B&B the owner must provide proof of the collection and payment of State and Local

Hotel/Motel Occupancy Tax to the city upon request. Although this seems to work well, enforcement is quite difficult and is often the result of a complaint from guests or neighbors.

In researching B&B's in other communities, the definitions vary greatly. In many communities, B&B's are only allowed as rooms within a single occupied residence as they originated. Some communities limit the number of units and restrict them to commercial areas, or allow them by Conditional use permit in all zoning districts. In our case, staff believes we should define the multi unit complexes with perhaps a limitation to the quantity of units based on the size of the property, the minimum or maximum size of the units and any other conditions that may be pertinent to the viability of the development and the community. As a possibility, we could define a "Single Unit B&B" as stated above in the current ordinance, and a "Multi-unit B&B" as tourist lodging services for transient guests staying 30 days or less, with a condition that they comply with the applicable standards of the zoning district in which they are located. Standards not covered in the applicable zoning district (including but not limited to parking and screening) shall be those required for multi-family dwellings. In addition, we should define the zoning districts in which these complexes are permitted, either by right or by conditional use permit. For the record, in the past, B&B's have been allowed in C-1 and R-2 districts under the definition of multi-family units. Under this definition, several B&B or lodging projects have been developed.

We will continue to research this matter between now and the meeting. We would encourage all P&Z members to do so as well. At the meeting next week, we would like to get direction from the P&Z as to how we should proceed on this matter. At a minimum, we should initiate a public hearing to consider an amendment to the Zoning Ordinance to accommodate potential changes, and continue to refine the final wording and standards.

The first part of the paper discusses the importance of the research and the objectives of the study. It then presents a literature review of the existing research on the topic. The second part of the paper describes the methodology used in the study, including the data collection and analysis techniques. The third part of the paper presents the results of the study, and the fourth part discusses the conclusions and implications of the findings.

The results of the study show that there is a significant positive relationship between the variables studied. This finding is consistent with the previous research in the field. The study also found that the relationship between the variables is stronger in certain contexts than in others. These findings have important implications for the theory and practice of the field.

The study has several limitations, including the sample size and the scope of the research. Future research should address these limitations and explore the relationship between the variables in more detail. The study also has several strengths, including the use of a rigorous methodology and the inclusion of a control group. The findings of the study provide valuable insights into the relationship between the variables studied.

Memo

To: Planning and Zoning Commission
From: Brian Jordan, AICP
Date: March 28, 2013
Re: Consider Single-family Dwellings in Commercially zoned (C-1, C-2, CBD) districts.

The current Zoning Ordinance only allows single family dwellings (detached) in the C-1, C-2 and CBD districts by Conditional Use Permit. Historically, the staff has allowed existing homes/structures to be occupied as a residence without the need for a CUP, and has applied the CUP requirement only when someone wishes to build a new detached dwelling in one of the commercial zones. And, because a single family dwelling may be used as a B&B, we have also allowed them without the need for a CUP. We have discussed this matter with the city attorney and she is of the opinion that if this is how we wish to apply this provision that it should be more clearly defined.

In addition to the use of a home in a commercially zoned area for a residence, we are also asked to allow a dwelling as an accessory use in the commercial area as either part of the main commercial building or as a guest house. Typically, in the CBD, the residence is on the second floor. Residences in C-1 and C-2 areas are more commonly a guest type building. The purpose in bringing this up is that the only type of residential dwellings allowed in the commercial zones is a Single-Family Residence (detached) which requires a CUP or Multiple-family Residential which is defined as three or more dwelling units. We would like to have a discussion regarding this matter with the commission, and whether or not you agree that under certain circumstances that residential uses should be allowed in commercially zoned area.