

AGENDA
CITY OF FREDERICKSBURG
PLANNING & ZONING COMMISSION

Wednesday, June 5, 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

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PUBLIC HEARINGS

3. Public Hearing (Z-1303) initiated by the City Council of The City of Fredericksburg to:
 - A) Consider a change in the Land Use Plan from Medium Density Residential to Low Density Residential on properties bordered by East Creek Street on the north and Baron's Creek on the west, south, and east
 - B) Consider a change in Zoning from R-2, Mixed Residential, to R-1, Single Family Residential on said properties

Pp 8 - 22

DISCUSSIONS

4. Bed and Breakfast definition and use classification
5. Appointments to the Planning & Zoning Commission

Pp 23 - 25

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

PLANNING & ZONING COMMISSION
May 8, 2013
5:30 P.M.

On this the 8th day of May, 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

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

PUBLIC HEARINGS

PUBLIC HEARING (Z-1308) BY THE CITY OF FREDERICKSBURG TO PERMIT THE USE OF EXISTING SINGLE FAMILY RESIDENTIAL STRUCTURES WHICH HAVE NOT BEEN CONVERTED TO ANOTHER USE, REGARDLESS OF THE LENGTH OF TIME THAT SAME HAS NOT BEEN USED, TO BE USED AS SINGLE FAMILY RESIDENTIAL DWELLING IN THE C-1, NEIGHBORHOOD COMMERCIAL, THE C-2, COMMERCIAL, AND THE CBD, CENTRAL BUSINESS DISTRICT, ZONES WHETHER AS PRIMARY USES OR ACCESSORY USES REPEALING INCONSISTENT PROVISIONS AND PROVIDING FOR PARTIAL INVALIDITY AND AN EFFECTIVE DATE - It was moved by Bobby Watson and seconded by Bjorn Kirchdorfer to open Public Hearing Z-1308 by The City of Fredericksburg to permit the use of existing single family residential structures which have not been converted to another use, regardless of the length of time that same has not been used, to be used as single family residential dwelling in the C-1, Neighborhood Commercial, the C-2, Commercial, and the CBD, Central Business District, zones whether as primary uses or accessory uses repealing inconsistent provisions and providing for partial invalidity and an effective date. Brian Jordan, Director of Development Services, noted this came about as a combination of discussions that have taken place and noted as the ordinance stands now, a Conditional Use Permit is required for a single family residence to be allowed in a residential dwelling located in a commercial zoning district. Mr. Jordan noted Staff is suggesting a single family residence be allowed in a single family structure in C-1, C-2 and CBD as long

as the structure has not been converted to a commercial or non-residential use, and if it has, a Conditional Use Permit must be obtained. Mr. Jordan noted Staff is also proposing to allow an accessory use, such as an apartment or guest house, in a single family structure located in the commercial zoning districts if the same conditions apply.

Mr. Jordan noted Staff recommendation of approval. Bobby Watson moved to close Public Hearing Z-1308 and Chris Kaiser seconded the motion. All voted in favor and the motion carried.

Chris Kaiser moved to approve Public Hearing Z-1308. Matt Lines seconded the motion. All voted in favor and the motion carried.

PLATS

CONSIDER (P-1215) A VARIANCE TO SECTION 38-14 (A) OF THE SUBDIVISION ORDINANCE RELATING TO RIGHT-OF-WAY WIDTHS ON EXISTING STREETS REGARDING A SUBDIVISION OF LOT NO. 38, OAK TERRACE ADDITION, ALSO KNOWN AS 1302 AND 1304 PIKE LANE

- Matthew Mabery, owner of the property, noted he was asking for a variance to the right-of-way and pavement widths, as was recommended by Staff, because the curb lines are already established and because he is providing an easement along his property or dedicating a portion of the required right-of-way.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the property in question is approximately 1/2 acre and a home has been built in the southern part of the property, but the owner's intent was always to divide the property in half. Mr. Jordan noted the owner is dedicating ten feet of right of way on Goehmann Lane and has proposed a street and utility easement on Pike Street that will give the City the necessary distance from the curb to the front of his property for any utilities or public improvements. Mr. Jordan noted because the curb line is established, and because of the right-of-way dedication on Goehmann Lane and the easement on Pike Lane, the engineering department is supporting the variance to the required width of the right of way. Mr. Jordan noted 60 feet is what is normally required, but with the dedication there is adequate width, and additional square footage will be dedicated on the north side of the street if that area is developed. Mr. Jordan noted on Pike Lane, there is an existing 40 foot right-of-way width and given the width of the pavement in that street, the 5 foot easement the applicant is giving will satisfy the City's need to have five feet behind the curb. Mr. Jordan also explained since the residence has been constructed, if any portion of the property on Pike Lane is dedicated, the house would encroach into the required front yard setback.

Mr. Jordan noted Staff recommendation of approval with the support of the Engineering Staff. Bjorn Kirchdorfer moved to approve P-1215 and Matt Lines seconded the motion. All voted in favor and the motion carried.

SITE PLANS

CONSIDER (SP-1303) SITE PLAN FOR PRICE CHEVROLET CAR DEALERSHIP AT 1225

S. STATE HWY 16 - Bob Price, owner and developer, and Kent Holcomb, architect, presented the project. Mr. Holcomb noted they have met the city requirements and zoning ordinances as far as required parking, landscaping, screening, impervious coverage and building height. Mr. Holcomb stated Kevin Spraggins has been hired as the engineer and will be taking over the engineering aspect of the project as far as drainage, utility design, and detention. Mr. Holcomb noted the manufacturer has some very rigid finish exterior materials that are required but with the City's help they are in negotiations with the

manufacturer to add stone veneer to the exterior.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the zoning district is appropriate for this use and the property consists of a little more than six acres. Mr. Jordan noted the property will have to be platted into a single tract. Mr. Jordan commented they meet the coverage and parking requirements. Mr. Jordan noted two points of access are planned off Highway 16 and those will have to be approved by TXDOT. In addition Mr. Jordan added they are proposing a gate type security closure and they have been in contact with the Fire Marshall to ensure access will be available by the fire department at all times. Mr. Jordan noted there is a sidewalk proposed on the front of the property and it is shown in the TXDOT right-of-way, which is typical, but if TXDOT does not approve the location they will have to look at moving the sidewalk or putting money in escrow for future sidewalk construction. Mr. Jordan noted the sign package has not been finalized and there needs to be a condition if the site plan is approved that the signage meets the requirements of the sign ordinance. Mr. Jordan commented the source of all their lighting will have to be shielded and the applicants have indicated that will be accommodated. Mr. Jordan stated the applicants have acknowledged the preservation of trees on site, with the exception of the trees that are not healthy and those will be eliminated. Mr. Jordan commented an area has been designated for stormwater detention but a detailed plan will still need to be presented. Mr. Jordan stated there is a drive that encircles the entire building and explained the main part of the sales component faces the highway and the service department is to the rear of the property, but the loop that encircles the building will be noted as a fire lane. Mr. Jordan commented the development is adjoining a residential area to the south and the applicants will be required to provide screening along that property line. Mr. Jordan noted Staff recommendation of approval with the following conditions:

- 1) Approval of a Landscape Plan prior to issuance of a building permit.
- 2) All lighting being shielded.
- 3) Approval of Construction Plans prior to issuance of a building permit.
- 4) Platting the property prior to issuance of a building permit.

Bjorn Kirchdorfer asked if there would be shade structures over the cars and Mr. Price stated there would not. Mr. Krichdorfer also noted the dumpster is located adjacent to the residential property line and Mr. Price stated they are planning on moving the dumpster. Mr. Jordan clarified the property adjacent to the dumpster is zoned commercial, but if the applicants want to move the dumpster that should not be a problem due to the large size of the property. Steve Thomas asked for clarification between public parking and display parking. Mr. Holcomb noted the public parking is centered around the building for the customers and is designed for expansion if needed without disrupting the required parking spaces for new and used cars for sale. Matt Lines asked what the colors will be on the elevation and Mr. Price stated they will be silver and bright blue. Mr. Price stated he is trying to find a stone that will not clash with those colors. Janice Menking asked if the existing entrance will tie into the new drives and Mr. Holcomb noted it would. Mr. Kirchdorfer asked what the timing of the project is and Mr. Holcomb stated they hope to be open in less than a year.

Bobby Watson moved to approve Site Plan SP-1303 with the following conditions:

- 1) Approval of a Landscape Plan prior to issuance of a building permit.
- 2) All lighting being shielded.
- 3) Approval of Construction Plans prior to issuance of a building permit.
- 4) Platting the property into one tract prior to issuance of a building permit.

- 5) Approval of the signage package.
- 6) Approval of drive locations by TXDOT.

Steve Thomas seconded the motion. All voted in favor and the motion carried.

Steve Thomas stepped down from the Commission for the consideration of SP-1304

CONSIDER (SP-1304) SITE PLAN FOR GILLESPIE COUNTY JAIL AT 1601 E. MAIN STREET.

- Brandon Weinheimer of Stehling, Klein, Thomas Architects presented the site plan. Mr. Weinheimer noted the property is approximately four acres and zoned Public Facilities. Mr. Weinheimer noted the new jail facility will be right next to the existing Law Enforcement Center. Mr. Weinheimer noted the required setbacks and existing easements applicable to the property and stated they have all been met with the design. Mr. Weinheimer noted there are three existing entries/exits, one on Hwy 290 and two on Industrial Loop and they are proposing one additional entrance/exit drive in the far west corner of the property on Industrial Loop. Mr. Weinheimer stated the existing parking in the front of the LEC will remain and the parking to the west will be removed to make way for the jail and the new parking areas. Phase one of the new parking will wrap around the LEC and accommodate what is being removed and when the project is completed, the rest of the parking will be installed. Mr. Weinheimer commented there is an area in the back corner that will be used for future expansion and the parking area that is shown there is not needed for the required parking, so it will be removed if the building is expanded. Mr. Weinheimer noted the fire lane starts and ends on Industrial Loop and two new fire hydrants are proposed. Mr. Weinheimer noted the location of the proposed light poles and commented they do not have the exact specs on the lights yet, but they will be shielded. Mr. Weinheimer noted they are working on the site and the impervious coverage meets the requirement. Mr. Weinheimer stated there are two detention basins and they will be screened with landscaping. Mr. Weinheimer commented they are proposing a new sidewalk in TXDOT right-of-way and are seeking approval now. Mr. Weinheimer noted there are two screened dumpster pads, one for the LEC and one for the jail. Mr. Weinheimer added there is a screening wall made of stone along the back side of the jail to screen the traffic from the adjacent RV park.

STAFF COMMENTS

Brian Jordan, Director of Development Services, presented the Commission with a parking analysis of each use in the LEC and jail which was used to determine how much parking should be required. Mr. Jordan noted the Sheriff of Gillespie County was present at the meeting if the Commission members had any questions about the function of the jail. Mr. Jordan also explained the total site area is approximately four acres and the area where the jail will be constructed is approximately two acres owned by Gillespie County and the existing LEC sits on approximately two acres, which is owned by the City and the County. Sheriff Buddy Mills noted there was a tower proposed in earlier plans but they have removed that tower and are going to instead install antennae on the building to improve the aesthetics as you enter the city. Bjorn Kirchdorfer asked if TXDOT will require a traffic light due to the increased number of vehicles. Mr. Jordan noted a light is not required and stated there could be peak times when traffic will be at a high volume. Sheriff Mills noted there are staggered working hours and shift changes and he does not believe traffic will be an issue. Kent Myers, City Manager, stated they are looking at adding a traffic signal at Heritage Hills because that drive will line up with a future project (Former Texas Rangers Heritage Center) across the street and commented that would slow down the traffic in the area. Mr. Kirchdorfer asked if the light poles will also be used for surveillance cameras and Sheriff Mills noted the majority of the cameras will be installed on the building itself.

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

- 1) Approval of a Landscape Plan prior to issuance of a building permit.
- 2) All lighting being shielded.
- 3) Approval of Construction Plans prior to issuance of a building permit.
- 4) TXDOT approval of sidewalk in their right-of-way.
- 5) Approval of sign package.

Mr. Jordan added the third drive on Industrial Loop is allowed because of the size of the lot and noted it provides for better circulation.

Bjorn Kirchdorfer moved to approve Site Plan SP-1304 with the conditions set forth by Staff. Brenda Segner seconded the motion. All voted in favor and the motion carried.

Steve Thomas returned to the Commission.

CONSIDER (SP-1305) SITE PLAN FOR SECURITY STATE BANK & TRUST PARKING LOT AT 118 S. CROCKETT STREET.

- Andy Bray of Mustard Design presented the application. Mr. Bray stated the property is several town lots that comprise 1.387 acres and noted the proposal is to demo the existing furniture store and accessory buildings located on the property and construct a parking area to serve the existing bank and the renovation of the existing funeral home to a drive-through bank in Phase II of construction. Mr. Bray stated they will move the existing entrance drive slightly to provide a two-way ingress/egress lane with a fire lane that has been coordinated with the Fire Marshall. Mr. Bray noted this will create an additional 48 parking spaces. Mr. Bray added some existing spaces will be re-striped and a total of 82 spaces will be provided for the bank use. Mr. Bray noted an access easement will be created to always allow access to the parking spaces in the back of the bank. Landscape requirements will be met and trash receptacles on the rear of the property will be screened. Mr. Bray noted they are under the allowable impervious coverage and the drainage will be a very minimal difference from what is currently existing.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the bank is looking toward their future needs because the lease with the City on their current drive-through bank will expire in 2016. Mr. Jordan noted there has been an application turned into the Historic Review Board for demolition of the furniture building. Mr. Jordan noted the intended proposal is that the northwest side of the funeral home become their drive-through and that will be subject to Conditional Use Permit. Mr. Jordan noted there are a few minor access easement and parking easement issues and securing the use of the facilities will be required.

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

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

Bjorn Kirchdorfer asked if the additional parking will be available for public parking and Mr. Bray noted it will be available outside of business hours unless trash becomes an issue and then they may re-think the use. Mr. Kirchdorfer asked if the additional traffic in close vicinity to a school is a concern and Mr. Bray commented they are providing ingress and egress on Crockett Street to alleviate some traffic issues and

the drive through will ingress on San Antonio Street and egress on both San Antonio and Crockett which will also help. Kent Myers, City Manager, noted some advantages to the new parking area are the extra parking spaces for weekend community events and all the cars parked on the street by the court house will be eliminated when the bank employees have their own parking spaces. Mr. Myers noted there is a redevelopment planned for the court house square and getting the cars off the street in that area will be a positive. Bobby Watson added another benefit will be getting the drive through bank off Marktplatz.

Bobby Watson moved to approve Site Plan SP-1305 with the conditions set forth by Staff. Bjorn Kirchdorfer seconded the motion. All voted in favor and the motion carried.

CONSIDER (SP-1306) SITE PLAN FOR A SALON AT 108 E. UFER STREET. - Kevin Spraggins of VEI Engineering presented the application. Mr. Spraggins noted the project is located across the street from HEB. Mr. Spraggins stated there is a new owner of several lots in that area and he is intending on using the existing buildings for different uses. Mr. Spraggins stated because of the change of use in the building additional parking spaces are required, and because of the lot size, the site plan must be approved by the Planning & Zoning Commission. Mr. Spraggins noted he has a set of engineering plans in at the city for review and he has reviewed the Staff brief and agrees with the comments and noted they will meet the conditions of approval.

STAFF COMMENTS

Brian Jordan, Director of Development Services, noted the change in use of the subject property requires parking and a site plan approval with some specific requirements. Mr. Jordan commented what the applicants are proposing to do is very simple and involves adding a parking area, a ramp into the building and a sidewalk. Mr. Jordan added there are a couple of trees that will have to be removed.

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

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

Kris Kaiser asked if there is currently a sidewalk on the property and Mr. Jordan noted there is not. Janice Menking asked if the parking area will be paved and Mr. Jordan stated the handicap parking spot will be paved and the remainder will be gravel.

Charlie Kiehne moved to approve Site Plan SP-1306 with the conditions set forth by Staff. Matt Lines seconded the motion. All voted in favor and the motion carried.

MINUTES

Charlie Kiehne moved to approve the minutes from the April, 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, Bobby Watson moved to adjourn. Charlie Kiehne seconded the motion. All voted in favor and the meeting was adjourned at 6:43 p.m.

PASSED AND APPROVED this the 6th day of June, 2013.

SHELLEY BRITTON, City Secretary

JANICE MENKING, Chairman



CITY COUNCIL MEMO

DATE: May 1, 2013

TO: Planning and Zoning Commission

FROM: Brian Jordan, AICP

SUBJECT: Z-1303(a) - Consider a change in the Land Use Plan from Medium Density Residential to Low Density Residential and a change in the zoning from R-2 Mixed Residential to R-1 Single Family Residential on the property bordered by E. Creek Street on the north and Baron's Creek on the west south and east.

Summary:

At the Retreat in February, the Council discussed the possibility of rezoning various areas of town from R-2 Mixed Residential to R-1 Single Family Residential. After reviewing the areas of town currently zoned R-2, the Council focused on three primary areas. The first area is the subject area which is bounded by Creek Street on the north and Baron's Creek on the west, south and east. The second area was on the east side of the middle school, bounded on the north by College Street and Travis on the south. And, the third area was on the west side of the Middle School, bounded by College Street on the north and Travis Street on the south.

The Council asked the Planning and Zoning Commission to discuss these areas and make a recommendation of whether or not to initiate a change in the zoning. The Commission discussed this matter at their March 6, 2013 meeting, and considered initiating a zoning change of these areas on April 3, 2013. The Commission voted unanimously to recommend leaving the zoning as R-2 and not to initiate a change in zoning in any of the areas. On May 6, 2013, the City Council considered initiating a

The City of Fredericksburg

change in the zoning of the three areas mentioned above and voted (3-2) to initiate the change in the Land Use Plan and the Zoning of the subject area and leave the other areas as they are presently zoned. A zoning map of the subject area is attached.

Recommendation:

While the Planning and Zoning Commission has made a recommendation on whether or not to initiate a change in the zoning, you are now being asked to make a recommendation on whether or not to change the Land Use Plan from Medium Density Residential to Low Density Residential and the zoning from R-2 Mixed Residential to R-1 Single Family Residential, as initiated by the Council.

The Commission should consider the testimony made during the public hearing, and should evaluate the change based on the description of the zoning proposed for the area and the definition of the medium density residential and low density residential land use of the Comprehensive Plan. A copy of these definitions are attached, as is a copy of the zoning map and land use map.

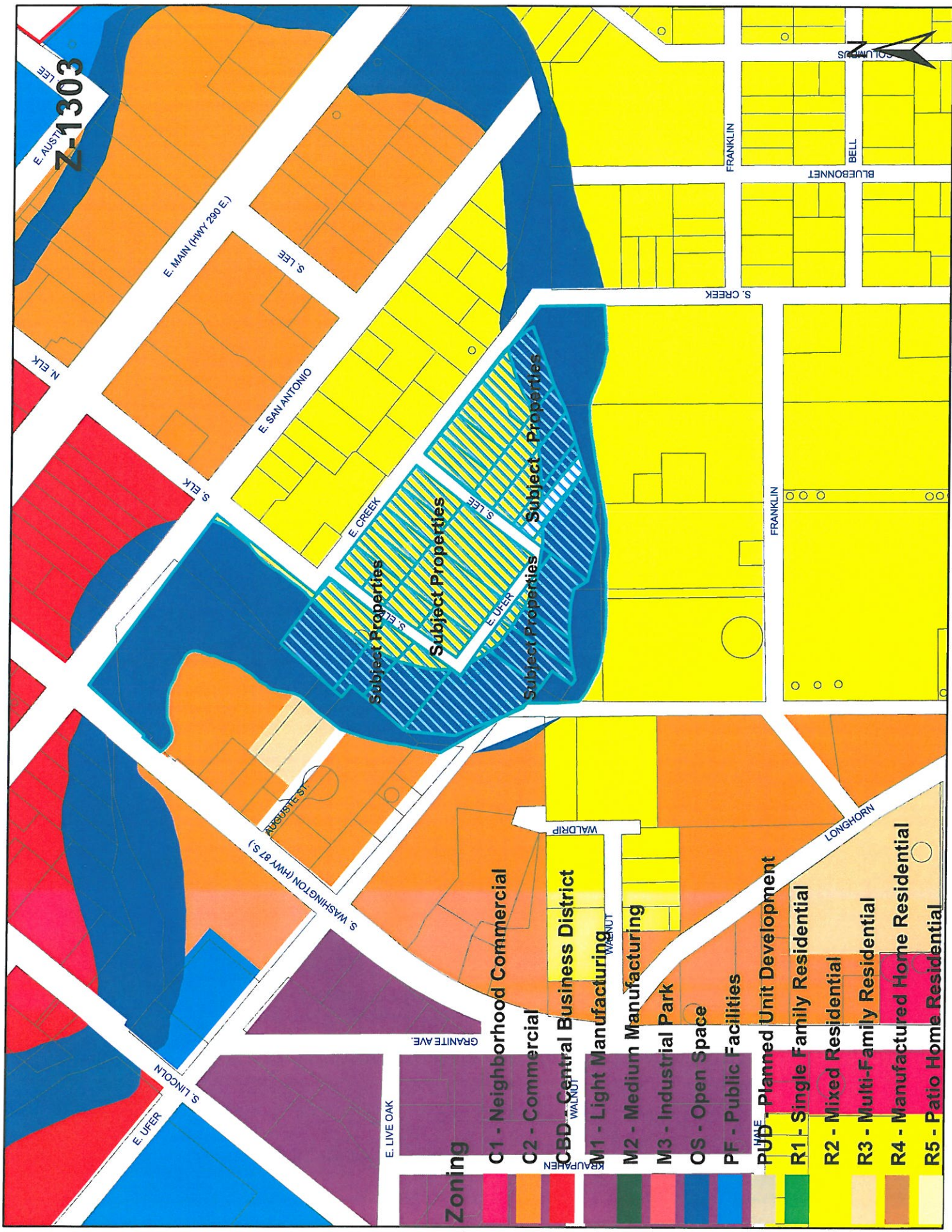
We have received nine letters in support of the change and none in opposition.

Background / Analysis:

Per Section 5.310 of the Zoning Ordinance, the Commission shall make the following determinations prior to forwarding a recommendation to the City Council.

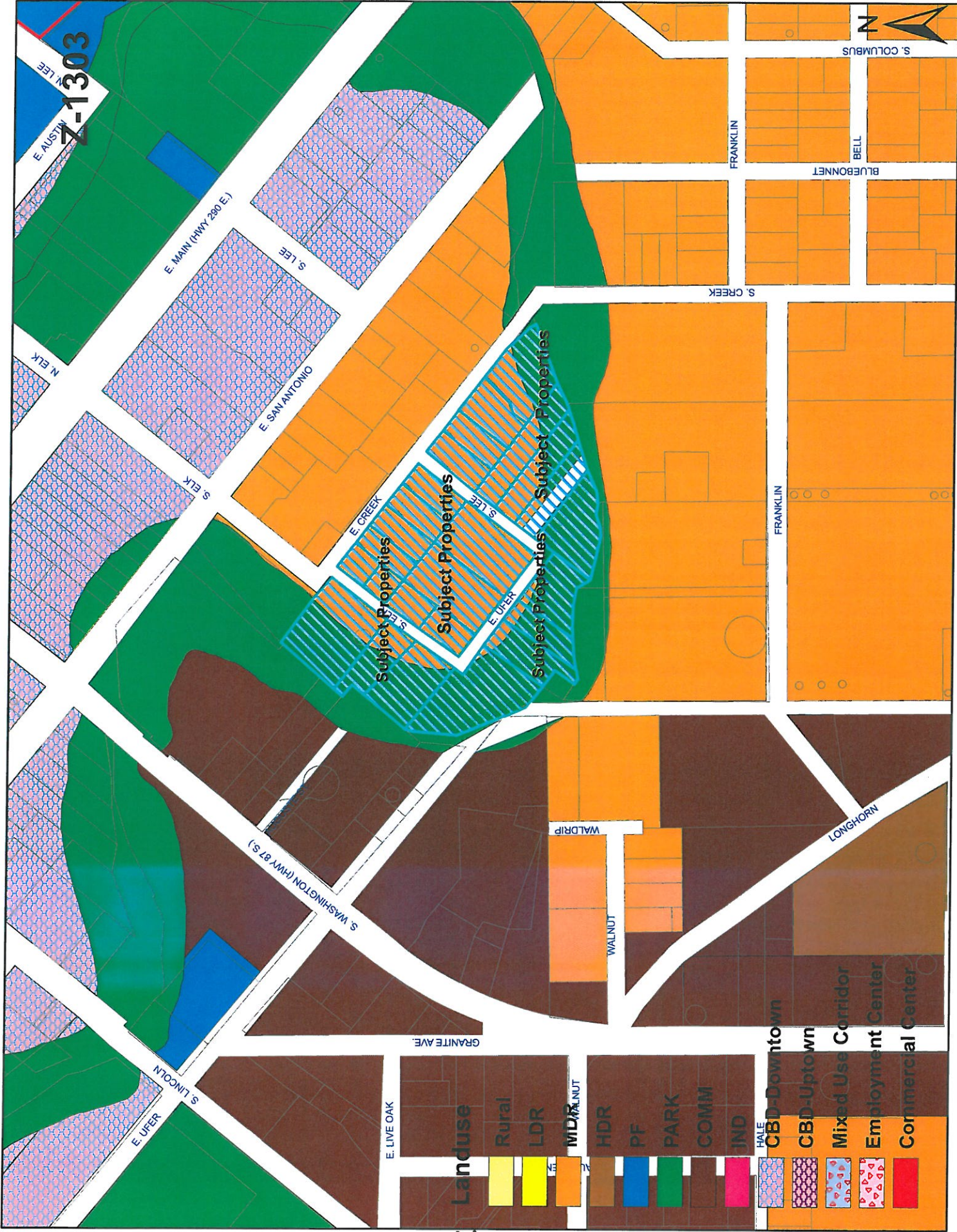
- A. The property affected by the request is adequate in size and shape to facilitate those uses normally associated with the requested designation.
- B. The property affected by the request does not exceed the capabilities of the infrastructure.
- C. The request will have no adverse affect on any property within six hundred (600) feet of the affected property.
- D. The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan.
- E. The request, together with the applicable conditions, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The City of Fredericksburg



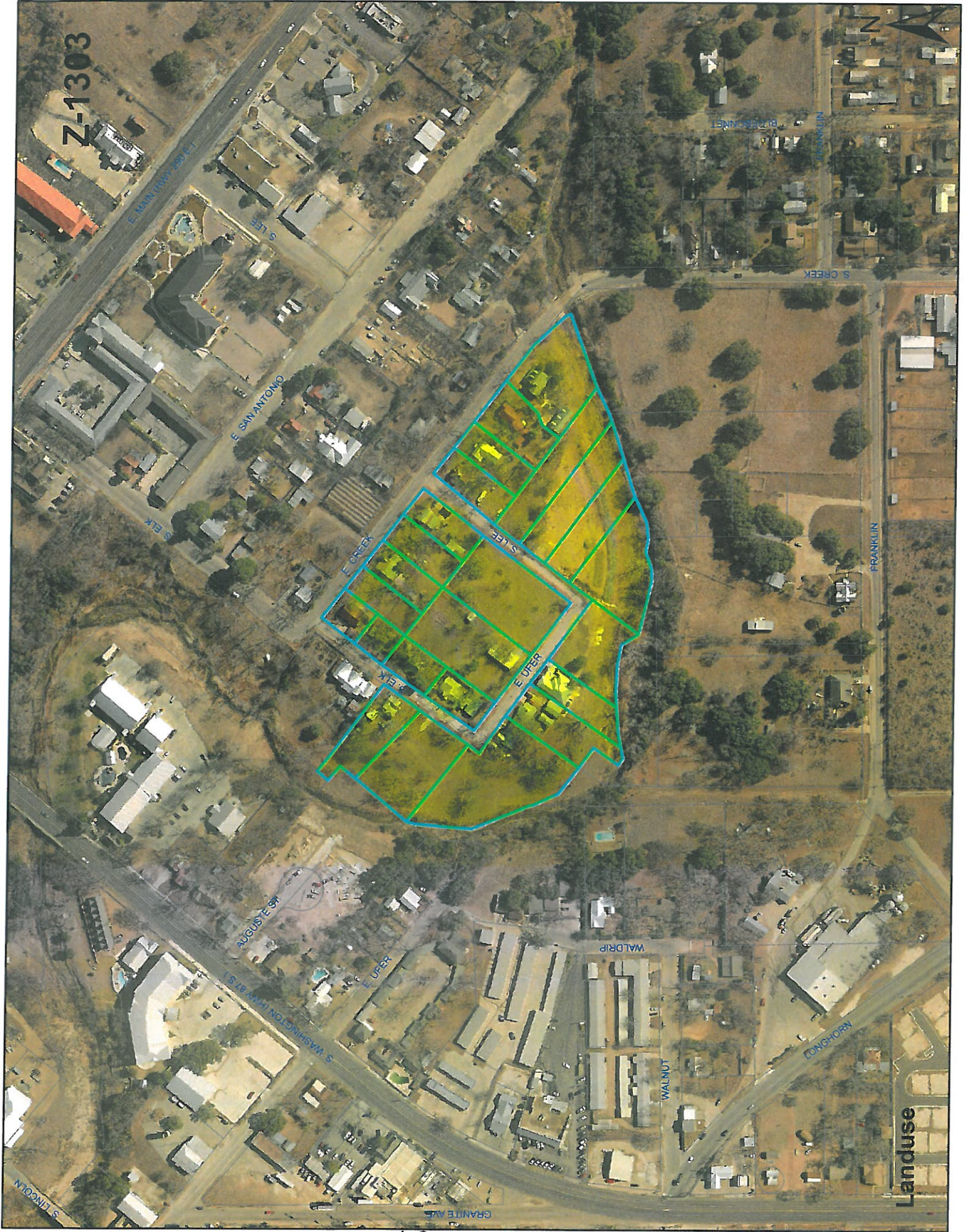
Z-1303

Z-1303



Landuse

- Rural
- LDR
- MDR
- HDR
- PF
- PARK
- COMM
- JND
- HALE
- CBD-Downtown
- CBD-Uptown
- Mixed Use Corridor
- Employment Center
- Commercial Center



Z-1303

Landuse

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
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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.

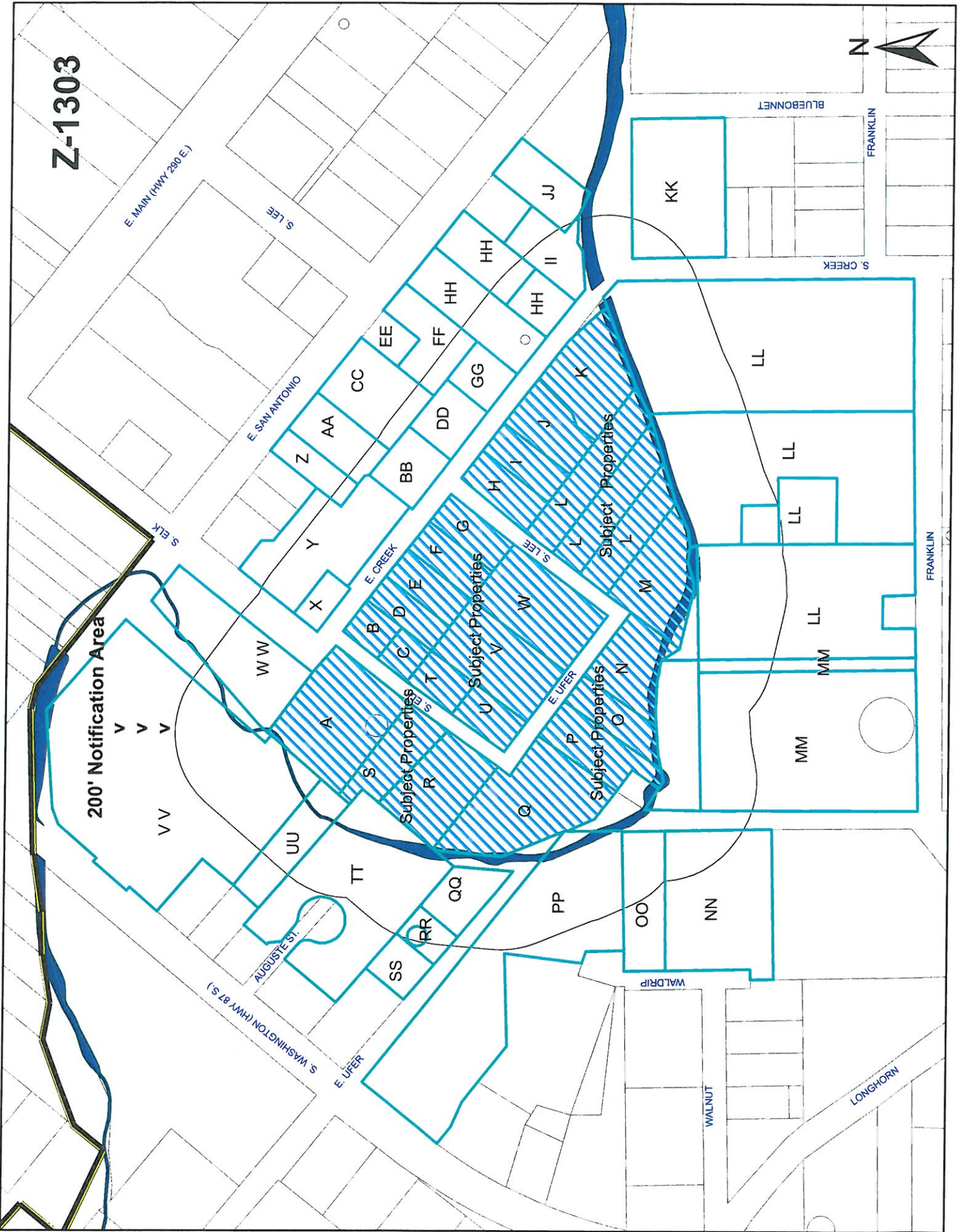
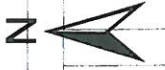
f) High Density Residential

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.

Z-1303

200' Notification Area



Letter	Owner	
A	William J. & Antoinette Joseph	411 E. Creek
B	Antoinette J. Joseph	501 E. Creek
C	Ethel J. Helmers	303 S. Elk
D	Matthew & Melissa Mabery	503 E. Creek
E	Matthew & Melissa Mabery	505 E. Creek
F	Mark Langerhans	507 E. Creek
G	Mark Langerhans	509 E. Creek
H	Mark Roeder et al	601 E. Creek
I	Karen Lochte-Watson	603 E. Creek
J	Michael A. & Michelle Weberpal	605 E. Creek
K	Mitchell B. Leland	607 E. Creek
L	Properties of Baron's Creek	0 S. Lee
M	Russell H & Christine A. Reese	0 S. Lee
N	Russell H & Christine A. Reese	0 E. Ufer
O	Donley & Lynn M. Watt	507 E. Ufer
P	William A. Vernon	503 E. Ufer
Q	Constance Cameron	501 E. Ufer
R	Jewel Ed Crossley	308 S. Elk
S	Jewel Ed Crossley	306 S. Elk
T	Stephen Robert & Jayne Elizabeth Pope	305 S. Elk
U	Jay Houston & Gretchen Seale	307 S. Elk
V	Gary L. Klier	506 E. Ufer
W	Mark Langerhans	509 E. Ufer
X	Karson W. Smith	209 S. Elk
Y	Clayton A. Clark	205 S. Elk
Z	Greg Langehennig	511 E. San Antonio
AA	Jimmy Richardson	513 E. San Antonio
BB	Bill Teague	510 E. Creek
CC	Jerald D. & Dianna S. Blount Life Estate	517 E. San Antonio
DD	Lorraine Baumann Life Estate	602 E. Creek
EE	Grove House, LLP	519 E. San Antonio
FF	Grove House, LLP	601 E. San Antonio
GG	Grove House, LLP	606 E. Creek
HH	Grove House, LLP	608 E. Creek
II	Grove House, LLP	610 E. Creek
JJ	Consuelo Chavarria	611 E. San Antonio



City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN LAND USE AND A CHANGE IN ZONING**

HEARING
DATE: JUNE 5, 2013

TIME: 5:30 PM

REQUEST
NUMBER: Z-1303

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 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: JUNE 17, 2013

TIME: 7:00 PM

REQUEST
NUMBER: Z-1303

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

APPLICANT: City Council of the City of Fredericksburg

LOCATION: Neighborhood consisting of properties bordered by E. Creek St. on the north and Baron's Creek on the west, south, and east
(see accompanying map)

REQUEST: Change in the land use plan from Medium Density Residential to Low Density Residential and a change in zoning from R-2, Mixed Residential, to R-1, Single Family Residential

(DETACH BELOW)

REQUEST NO. Z-1303

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

Signed _____

Date _____

Printed Name _____

Address _____



City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

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Memo

To: Planning and Zoning Commission
From: Brian Jordan, AICP
Date: May 31, 2013
Re: B&B Definition and Use Classification

Attached is a copy of the memo from March in which I outlined the current regulations and interpretations pertaining to B&B's. We have had several discussions regarding the matter and we want to continue this discussion. Pat McGowan and I have had a few discussions since our last meeting and although she will not be able to be at the meeting next week, I thought we should continue the discussion.

We think the definition and use in the R-1 zones is fine. What needs to be clarified is whether or not B&B's continue to be allowed in R-2 zones, and under what conditions (number, density, parking, screening, breakfast only, etc). And finally, do we allow B&B's in C-1 and CBD districts, as we have in the past, and under what circumstances and conditions. In other words, do we allow a certain number as a matter of right and anything over that amount require a CUP? These are just a few of the items we would like to discuss at next weeks meeting.

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.