



CITY OF FREDERICKSBURG

REGULAR PLANNING AND ZONING AGENDA

WEDNESDAY, JULY 3, 2019 ~ 5:30 P.M.

LAW ENFORCEMENT CENTER ~ 1601 EAST MAIN STREET

Janice Menking, Chair
Jim Jarreau, Member
Daryl Whitworth, Member
Brenda Segner, Member

Polly Rickert, Member
Chris Kaiser, Member
Tim Dooley, Member
Steve Thomas, Member

The Planning and Zoning Commission will meet in a regular session on July 3, 2019 at 5:30 p.m. in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on June 28, 2019 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

(Please turn off all pagers and phones, except emergency on-call personnel.)

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MEETING MINUTES

June 5, 2019 Meeting Minutes

4. PUBLIC HEARING

- A. Consider (Z-1911) Request by David Martin on behalf of Guadalupe National Bank for a Conditional Use Permit for a drive through associated with a bank at 804 S. Adams.
- B. Consider (Z-1913) Request by Stephen Fain to change the Zoning from C1, Neighborhood Commercial, to C1.5, Medium Commercial, on properties located at 108, 110, 202 and 206 N. Milam Street .

5. ACTION ITEMS

- A. Receive recommendation and consider (Z-1911)
- B. Receive recommendation and consider (Z-1913)
- C. Request (Z-1912) by City of Fredericksburg to consider an ordinance amendment to section 8.100 of the Zoning Ordinance pertaining to the allowable location of Temporary Use and Structure Types .

6. MISCELLANEOUS

7. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda at 11:00 a.m. on June 28, 2019 on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.


Shelby Collier,
Development Coordinator

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

**PLANNING & ZONING COMMISSION
June 5, 2019
5:30 P.M.**

On this the 5TH day of June, 2019 the PLANNING AND ZONING COMMISSION convened in regular Session at the Law Enforcement Center with the following members present to constitute a quorum:

PRESENT:

JANICE MENKING
TIM DOOLEY
POLLY RICKERT
JIM JARREAU
BRENDA SEGNER
DARYL WHITWORTH
CHRIS KAISER

ABSENT:

STEVE THOMAS

ALSO PRESENT:

BRIAN JORDAN – Director of Development Services
ANNA HUDSON – Historic Preservation Officer
DANIEL JONES – City Attorney
SHELBY COLLIER – Development Coordinator

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

PUBLIC HEARING

Consider (Z-1909) request by Daniel J Scully III for a Conditional Use Permit to operate a first floor short term rental unit in the Historic Shopping District Overlay at 115 E. Austin.

Jim Jarreau recused himself and stepped down from the table.

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

Cass Phillips presented the application. He described the narrowness of the lot and explained that this created a problem when attempting to utilize it as a retail space. The owner would like to create a B&B project that would have rentals on the first floor and it is his understanding this requires a Conditional Use Permit.

Motion made to close Public Hearing by Tim Dooley seconded by Chris Kaiser. All voted in favor and the motion carried.

Brian Jordan, Director of Development stated the applicant is proposing 4 additional short term rental units to the rear of the building located at 115 E. Austin Street. This process is more of a formality as Section 3.510 of the Zoning Ordinance requires a Conditional Use Permit for a Bed & Breakfast (Short

Term Rental) unit on the first floor. This Ordinance was adopted in order to preserve the retail element of this district.

Approval is recommended. The use of this space for first floor retail does not seem reasonable, and staff does not think the proposed use as additional short term rentals jeopardizes the intent of the ordinance.

Motion made to close public hearing by Tim Dooley seconded by Jim Jarreau. All voted in favor and the motion carried.

Daryl Whitworth asked when they planned to start the project and have it completed. Cass Phillips stated they plan to start by the end of summer and have it completed within a year.

Motion made to recommend approval of Application Z-1909 by Daryl Whitworth. Seconded by Brenda Segner. All voted in favor and the motion carried.

Consider action to have staff consider amending section 8.100 Temporary Use Types of the Zoning Ordinance pertaining to prohibition of temporary use structures in the Historic District.

Brian Jordan stated the Temporary Use Ordinance currently restricts certain uses in the Historic Overlay District (HO). The expansion of the historic district created an unintended consequence of expanding the limitation of the use of tents. The Temporary Use Ordinance was created to restrict certain uses in the Historic Shopping District and having the restrictions tied to the larger (mostly residential) historic district is not the most efficient way of controlling the shopping district.

During public hearings for the expansion of the historic overlay district it was brought to staff's attention that the expansion of the district would preclude a business from hosting outdoor tented events as it has for years.

Brian displayed a map that showed the HSO district. He stated when the temporary use provisions were adopted it was applied to the Historic District. This ordinance applies to non residential uses. This would prohibit businesses like Hoffman House, if the historic expansion is approve, from tenting for their businesses.

Staff would like to address this and believes this would be the appropriate avenue.

Janice attempted to sum up the recommendation as tents would still be restricted in the Historic Shopping District but not in the Historic District. Brian stated that was correct.

Tim asked if Hoffman House is not included in the Historic District Expansion. What happens if no Recommendation is made on the Temporary Use Item.

Daryl Whitworth stated he understood that the 600 block of East San Antonio has already been revised, the north side has been abandoned from the Historic District Expansion. Brian stated it was amended because the property in question has lost several of the Historic structures. Daryl stated the reason he asked is it could be argued that since that property was abandoned the Hoffman House could be excluded as well which would eliminate this need.

Daryl asked what happens if the district is expanded on the 17th of June but this ordinance isn't amended until July. Where does this leave Hoffman house. Brian stated they would be in violation at that time but he believes City Staff would be mindful of this scenario.

Polly Rickert recommended starting this process so the Hoffman Houses exposure to this issue is as limited as possible.

Motion made by Daryl Whitworth to direct staff to consider amending zoning ordinance. Polly Rickert seconded. All voted in favor and the motion carried.

MINUTES

Jim Jarreau moved to approve the minutes of the May, 2019 meeting. Seconded by Brenda Segner. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Commission, Tim Dooley moved to adjourn. Jim Jarreau seconded the motion. All voted in favor and the meeting was adjourned at 5:55 p.m.

PASSED AND APPROVED this 3th day of July, 2019.

SHELBY COLLIER, DEVELOPMENT COORDINATOR

JANICE MENKING, CHAIRMAN

CONDITIONAL USE PERMIT BRIEF

Request Z-1911

Project: Guadalupe National Bank

Applicant: David Martin, A3 Studio

Location: 800 Block of S. Adams Street, adjacent to Centennial bank.

Existing Zoning: C-2, Commercial

Request: Conditional Use Permit to allow a Drive-through facility associated with the bank

Site Plan Overview:

- The proposed development includes a bank building and retail/office building.
- The site area consists of 2 lots, totaling approximately 3 acres. The intent is to replat the existing lots to have the bank building on one lot and the retail/office building on the other lot.
- The purpose of the Conditional Use Permit is for the proposed drive-through associated with the bank.
- Each site will be independent in terms of development requirements, while the drive access will be shared.
- The drive-through for the bank is located on the south side of the building, opposite the retail/office building.
- Access to the site will be provided by a drive from S. Adams Street near the center of the property, and the extension of a shared driveway from the Centennial Bank. The driveway on S. Adams will align with Walnut Street and there is currently a center turn lane in S. Adams Street.
- Building coverage is estimated to be approximately 15% on the bank site and 13.5% on the retail/office site (75% maximum allowed in the C-2 District).
- Impervious coverage is estimated to be approximately 73% on the bank site and 79% on the retail/office site (80% maximum allowed in the C-2 District).
- The bank will be single story in height and the retail/office building is proposed to be two-story.
- Sufficient parking is proposed on each site per the code.
- Surrounding zoning is C-2.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- The site complies with applicable regulations, including parking, impervious coverage, building coverage and setbacks.

B. COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:

- The proposed bank and retail/office building would be compatible with existing and permitted uses.

- C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:**
- We do not anticipate any unfavorable effects or impacts.
- D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:**
- None.
- E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:**
- Vehicular concerns have been addressed by the shared drive access with the adjoining property and the shared access onto S. Adams Street.
- F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:**
- Appropriate plans will be in place to address flooding and water damage as part of the site construction.
- G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:**
- All signs and lighting will comply with current ordinances. Signs noted on the plan are for illustration only and shall not be considered approved as part of this plan.
- H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:**
- Adequate parking is provided on the bank property and the retail/office property.
- 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:**
- Affirmative

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:

- None anticipated.

M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:

- None anticipated

OPPOSITION/SUPPORT OF REQUEST: No comments to date.

DESIGN STANDARDS AND DESIGN GUIDELINES: This project location falls within the Design Standards and Guidelines for Entry Corridors of the Comprehensive Plan Update. Historic Preservation Officer, Anna Hudson, has worked with the architect for the project and is in support of plans.

STAFF RECOMMENDATION: Approval, conditioned upon the replat of the property being approved and approval of the civil construction plans prior to issuance of a building permit.

RETAIL / OFFICE PROJECT

C-2 COMMERCIAL ZONING DISTRICT REQUIREMENTS

1. SETBACKS: 15' FRONT, NONE ON SIDES OR REAR.
2. MAXIMUM BUILDING COVERAGE ALLOWED: 75%. ACTUAL BUILDING FOOTPRINT IS 13.5% OF THE SIZE OF THE LOT.
3. MAXIMUM IMPERVIOUS COVER ALLOWED: 80%. PROPOSED IMPERVIOUS COVER IS 71.8% OF TOTAL AREA.
4. BUILDING HEIGHT LIMITATIONS: 30'. THIS BUILDING WILL BE 31'-6" OR LESS.
5. PARKING REQUIREMENTS: 20 SPACES REQUIRED FOR OFFICE (8,000 S.F. / 400 ± 20) 40 SPACES REQUIRED FOR RETAIL (8,000 S.F. / 200 ± 40) 60 TOTAL SPACES REQUIRED. 71 TOTAL SPACES PROVIDED.
6. LANDSCAPING REQUIREMENTS: SEE SUMMARY BELOW.
7. PROPOSED GROUND SIGNS AND WALL SIGNS WILL COMPLY WITH THE SIGN ORDINANCE. STREET FRONTAGE IS APPROXIMATELY 253 L.F. TWO BUILDING SIGNS OR GROUND SIGNS ARE ALLOWED BASED ON FRONTAGE. GROUND SIGNS WILL NOT EXCEED 50 S.F. EACH. BUILDING SIGNAGE WILL NOT EXCEED 11/2 S.F. FOR EACH LINEAL FOOT OF BUILDING FRONTAGE. MAXIMUM TOTAL S.F. OF EACH BUILDING SIGN FOR THE RETAIL / OFFICE BUILDING WILL NOT EXCEED 90 S.F.
8. LOT SIZE FOR THE RETAIL / OFFICE PROPERTY IS APPROXIMATELY 15 ACRES.

SITE DEVELOPMENT NOTES-

1. LIGHTING SHALL BE FULL CUT OFF LIGHTING
2. LANDSCAPING WILL BE AS SHOWN ON THE DRAWING AND INDICATED BY SUMMARY ON THIS SHEET.
3. BUILDING WILL UTILIZE EXISTING SITE UTILITIES.
4. EXISTING LOTS WILL BE REPLATTED PRIOR TO PERMITTING.
5. CIVIL CONSTRUCTION PLANS SHALL BE APPROVED PRIOR TO ISSUANCE OF BUILDING PERMIT.

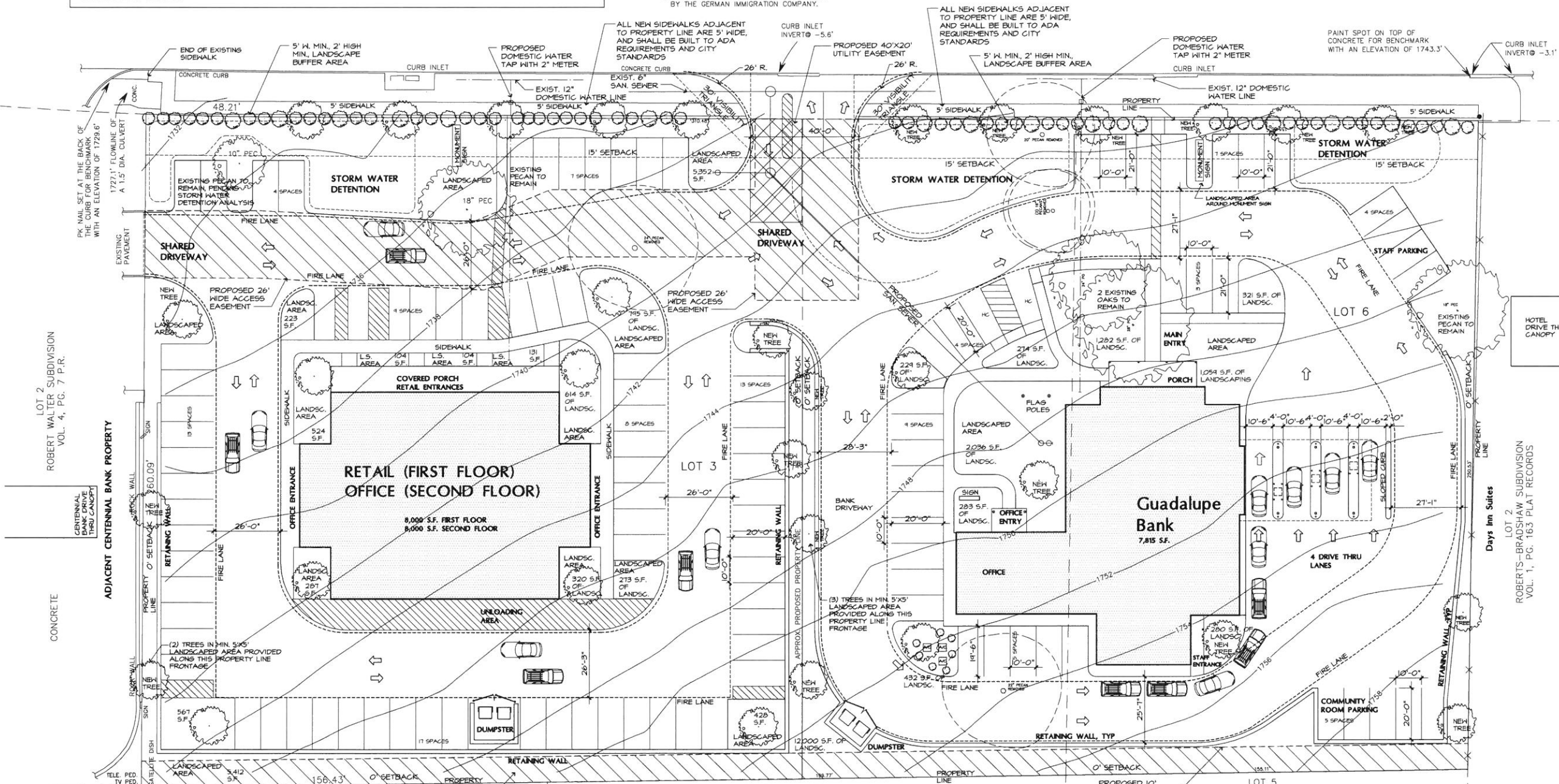
GUADALUPE BANK PROJECT

C-2 COMMERCIAL ZONING DISTRICT REQUIREMENTS

1. SETBACKS: 15' FRONT, NONE ON SIDES OR REAR.
2. MAXIMUM BUILDING COVERAGE ALLOWED: 75%. ACTUAL BUILDING FOOTPRINT IS 15% OF THE SIZE OF THE LOT.
3. MAXIMUM IMPERVIOUS COVER ALLOWED: 80%. PROPOSED IMPERVIOUS COVER IS 79% OF TOTAL AREA.
4. BUILDING HEIGHT LIMITATIONS: 30'. THIS BUILDING IS 21'-6" MAXIMUM.
5. PARKING REQUIREMENTS: 20 SPACES REQUIRED (7,815 S.F. / 400 ± 20) 30 SPACES PROVIDED.
6. LANDSCAPING REQUIREMENTS: SEE SUMMARY BELOW.
7. PROPOSED GROUND SIGNS AND WALL SIGNS WILL COMPLY WITH THE SIGN ORDINANCE. STREET FRONTAGE IS APPROXIMATELY 260 L.F. TWO BUILDING SIGNS OR GROUND SIGNS ARE ALLOWED BASED ON FRONTAGE. GROUND SIGNS WILL NOT EXCEED 50 S.F. EACH. BUILDING SIGNAGE WILL NOT EXCEED 11/2 S.F. FOR EACH LINEAL FOOT OF BUILDING FRONTAGE. MAXIMUM TOTAL S.F. OF EACH BUILDING SIGN FOR THE BANK BUILDING WILL NOT EXCEED 90 S.F.
8. LOT SIZE FOR THE BANK PROPERTY IS APPROXIMATELY 15 ACRES.

SITE DEVELOPMENT NOTES-

1. LIGHTING SHALL BE FULL CUT OFF LIGHTING
2. LANDSCAPING WILL BE AS SHOWN ON THE DRAWING AND INDICATED BY SUMMARY ON THIS SHEET.
3. BUILDING WILL UTILIZE EXISTING SITE UTILITIES.
4. EXISTING LOTS WILL BE REPLATTED PRIOR TO PERMITTING.
5. CIVIL CONSTRUCTION PLANS SHALL BE APPROVED PRIOR TO ISSUANCE OF BUILDING PERMIT.



GUADALUPE BANK LOT: LANDSCAPING REQUIREMENTS AND SUMMARY

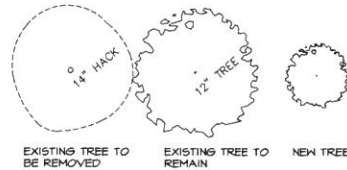
1. A 5' wide minimum landscaping buffer is provided along S. Adams St. Landscaping will be a hedge or landscape barrier 2'-0" high minimum.
2. A minimum of one tree per 50 linear feet of street frontage on S. Adams is provided. Frontage is approximately 261 L.F., therefore 6 trees are required.
3. Perimeter landscaping related to abutting properties: On the south side, abutting property is a hotel, and is zoned for business use. No screening is required, but two trees will be added along this frontage per ordinance (one tree per 125 L.F.). On the north side, abutting property is undeveloped, and is zoned for business use. No screening is required, but three trees will be added along this frontage also per ordinance (one tree per 125 L.F.).
4. Landscaping requirement based on interior parking areas: 21 interior parking spaces x 10 = 210 s.f. of landscaping required.
5. Requirements based on Other Vehicular Use: 37,885 s.f. total paved area - (36 x 400) - (5,000 s.f. exclusion) = 18,485 s.f. One (1) s.f. of landscaping is required per every 100 s.f., so 18,485 / 100 = 185 s.f.
6. 210 + 185 = 395 s.f. required for interior landscaping. 5,924 s.f. of interior landscaping provided.
7. Three (3) existing trees to remain. Four (4) existing trees to be removed. Fourteen (14) new trees are added. Trees that are removed are in drives/fire lanes or in storm water detention area.

RETAIL / OFFICE LOT: LANDSCAPING REQUIREMENTS AND SUMMARY

Landscaping Summary for Retail / Office Development, Fredericksburg

1. A 5' wide minimum landscaping buffer is provided along S. Adams St. Landscaping will be a hedge or landscape barrier 2'-0" high minimum.
2. A minimum of one tree per 50 linear feet of street frontage on S. Adams is provided. Frontage is approximately 253 L.F., therefore 6 trees are required.
3. Perimeter landscaping related to abutting properties: On the south side, abutting property is the proposed Guadalupe Bank, and is zoned for business use. No screening is required, but three trees will be added along this frontage per ordinance (one tree per 125 L.F.). On the north side, abutting property is Centennial Bank, and is zoned for business use. No screening is required, but three trees will be added along this frontage also per ordinance (one tree per 125 L.F.).
4. Landscaping requirement based on interior parking areas: 17 interior parking spaces x 10 = 170 s.f. of landscaping required.
5. Requirements based on Other Vehicular Use: 42,401 s.f. total paved area - (71 x 400) - (5,000 s.f. exclusion) = 9,001 s.f. One (1) s.f. of landscaping is required per every 100 s.f., so 9,001 / 100 = 90 s.f.
6. 170 + 90 = 260 s.f. required for interior landscaping. 3,375 s.f. of interior landscaping provided.
7. Two (2) existing trees to remain. One (1) existing tree to be removed. Seventeen (17) new trees are added.

TREE LEGEND

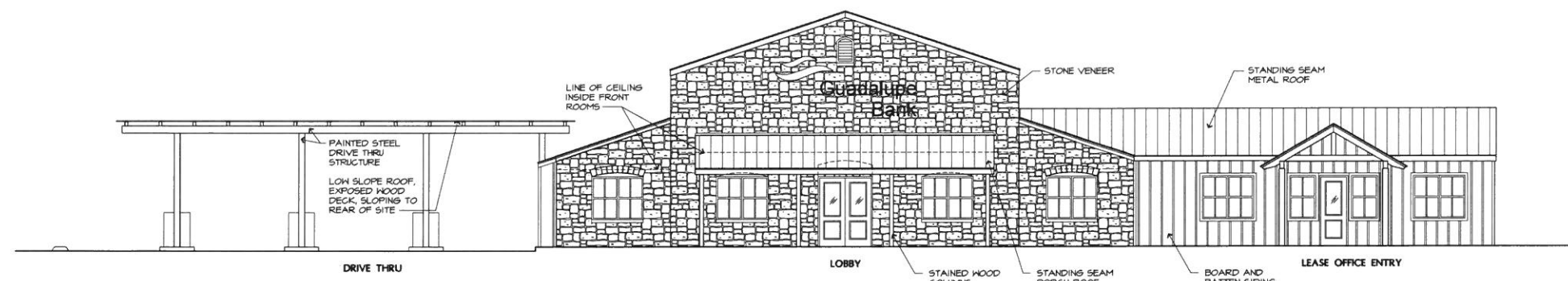


1 Site Plan
Scale: 1"=20'-0"
6-24-19

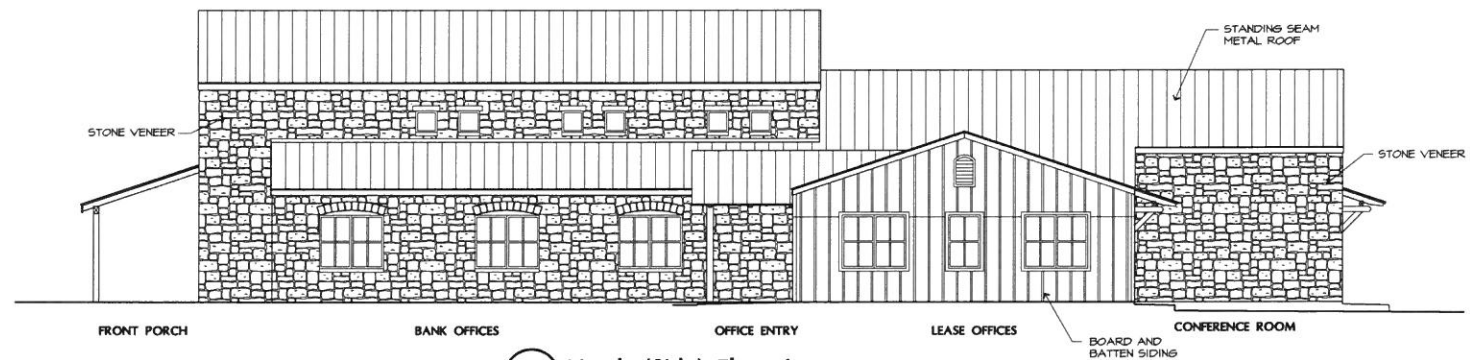


THIS SHEET IS FOR INTERIM REVIEW ONLY AND IS NOT INTENDED FOR PERMITTING OR CONSTRUCTION. ISSUANCE OF THIS SHEET HAS AUTHORIZED BY:
DAVID A. MARTIN
TEXAS ARCHITECTURAL REGISTRATION #14,215
6-24-19

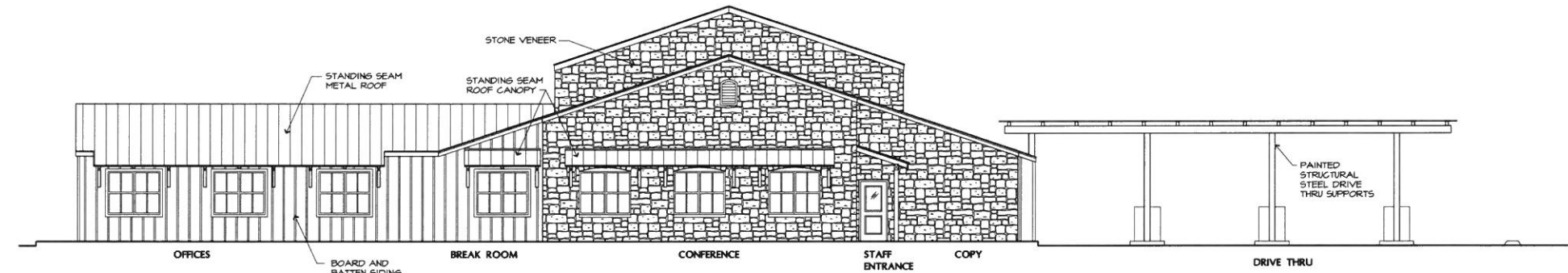
Guadalupe Bank and Retail and Office Development Fredericksburg, Texas



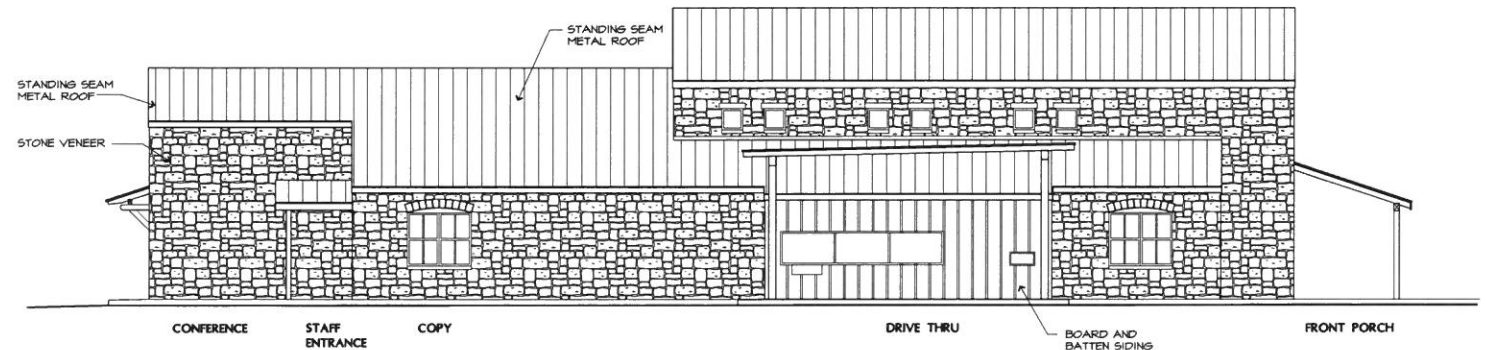
1 East (Front) Elevation
Scale: 1/8"=1'-0"



2 North (Side) Elevation
Scale: 1/8"=1'-0"



3 West (Rear) Elevation
Scale: 1/8"=1'-0"



4 South (Side) Elevation
Scale: 1/8"=1'-0"

A3 Studio
ARCHITECTURE
343 WEST WATER ST., KERRVILLE, TEXAS 78626
PHONE: (800) 886-1313 FAX: (800) 886-4744
THE GENERAL CONTRACTOR AND SUBCONTRACTOR SHALL VISIT THE SITE AND REVIEW THE PLANS, AND BE SATISFIED REGARDING ALL EXISTING CONDITIONS. THE ARCHITECT SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES BETWEEN THE PLANS AND SPECIFICATIONS OF THE PROJECT. THE ARCHITECT SHALL BE NOTIFIED OF ANY DISCREPANCIES BETWEEN THE PLANS AND SPECIFICATIONS OF THE PROJECT. THE ARCHITECT SHALL BE NOTIFIED OF ANY DISCREPANCIES BETWEEN THE PLANS AND SPECIFICATIONS OF THE PROJECT.

THIS SHEET IS FOR INTERIM REVIEW ONLY AND IS NOT INTENDED FOR PERMITTING OR CONSTRUCTION. THE SHEET WAS AUTHORIZED BY: DAVID A. MARTIN, TEXAS ARCHITECTURAL REGISTRATION #14215, 5-31-18.

Revisions:

Guadalupe Bank
S. Adams St.
Fredericksburg, Texas 78624
COPYRIGHT NOTICE: THESE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED BY COPYRIGHT. DRAWINGS MAY NOT BE REPRODUCED WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT.

Exterior Elevations

SCALE: 1/8"=1'-0"
DATE: 5-31-19

A4.0
Job Number: 1802

Guadalupe Bank
Entry Corridor Narrative
Fredericksburg, Texas

6-3-19

The City of Fredericksburg has **Design Standards** for the **Entry Corridor** Development that suggest and require certain criteria that will enhance and contribute to the overall character and appearance of the community. Guadalupe Bank is in the entry corridor, and uses these standards as a guide to develop the site and building to be consistent with the intent of the Design Standards.

The following is a list of the building and site design criteria and how the bank project addresses them.

1. **Architectural style:** The bank would be considered “Commercial” with porches, arched window openings and a drive thru canopy.
2. **Architectural Materials:** Utilizes regional materials including limestone, standing seam metal roof, wood columns, wood window headers, painted Hardie siding in a board and batten pattern.
3. **Architectural color:** Colors will be chosen that are used traditionally in Fredericksburg, predominately earth tones with brighter colors used only for the company logo. (See photo of existing bank colors that will be matched). Stone is a cream color, fascia is tan, windows and doors are dark (forest) green. Wood columns and beams are a medium transparent stained wood. The “Guadalupe Bank” logo is the is less than 1% of the area of the façade.
4. **Architectural Features:** The façade facing the entry corridor has covered porches at the entries, arched windows, railings that define the porch area, and distinctive roofs that define the entryways. Windows have arched openings or wood headers, and are placed in a symmetrical or rhythmic pattern. The front façade of the bank has offices and a vestibule. The ceiling height of these spaces varies from 9’ to 11’-6” inside, with attic space above for HVAC ductwork. The windows on this front elevation comprise approximately 20% of the façade area below the ceiling. We have considered adding additional windows up higher on the front elevation to come closer to the 40% glass requirement, but since this is attic area, the windows would not provide any additional benefit to the spaces inside. The other windows comprise approximately 24% of the façade square footage on the lease office space on the right hand side of the front elevation.
5. **Massing and Scale:** The façade and roofline are divided into several segments to break up the building mass. Standing seam roof canopies over windows, and porches at the entries contribute to creating a human scale.

6. **Signage** will be integrated onto the front elevation of the building, and a monument signs with appropriate landscaping will identify the building without detracting from the overall appearance. Monument sign will have a landscaped base area around the sign.
7. **The Building Height** : The bank building is a single story, with a maximum building height of 27'-6". Maximum building height per ordinance is 38'
8. **Setbacks**: Front yard setback is 15'; side yard setbacks are 0', and rear is also 0'. The building is 93' from the front property line, 43' from the rear property line, and no less than 30' from side property lines.
9. **Landscaping**: The site significantly exceeds the minimum landscaped area requirements. Interior landscaped areas are 6,300 s.f. Six (6) new trees will be provided along S. Adams St., and additional trees are dispersed around the site. Landscaped areas will be appropriately landscaped with drought tolerant and adapted landscape species.
10. **Exterior lighting** will be energy efficient, shielded, and will utilize full cut off fixtures and strategies to protect neighbors and the night sky, while providing for the security needs of the staff and customers.
11. **Service areas** are designed to minimize visibility from S. Adams Street. Dumpsters will be screened, HVAC units will be towards the rear of the building.
12. **Parking areas** along S. Adams St. will be screened with a landscape buffer between the street and the parking lot. A number of landscape islands will be utilized to break up the parking lot and preserve some of the existing trees.
13. **Drainage and storm water design** will be compliant with current standards.
14. **Streetscape**: 5' sidewalks will be provided on the street frontage, and new trees will shade the pedestrian walkways.

Legend

Z-1911

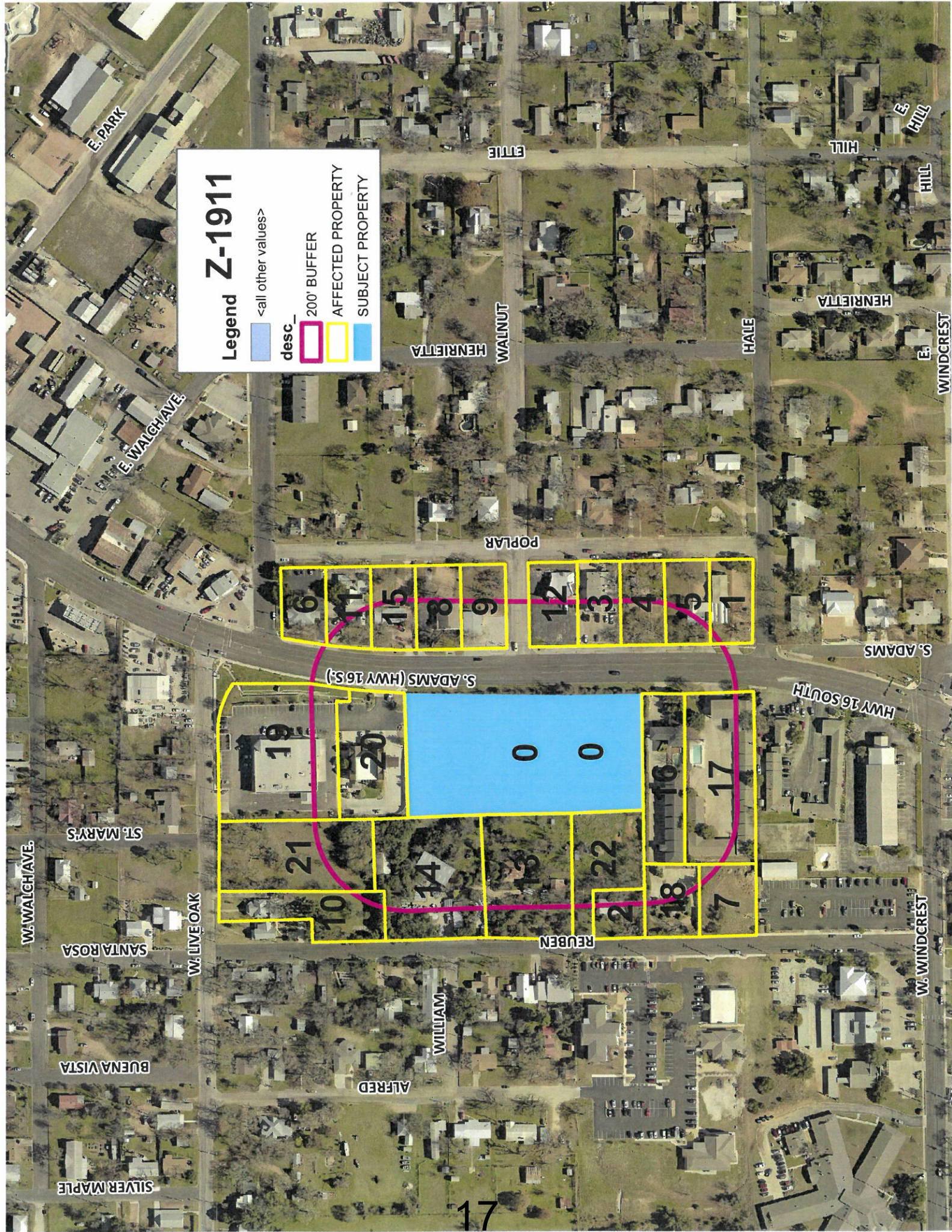
<all other values>

desc_

200' BUFFER

AFFECTED PROPERTY

SUBJECT PROPERTY



Letter	Owner	Address
1	FREDERICKSBURG LODGE #794	P.O. BOX 751 FREDERICKSBURG, TX 78624
2	ROBERT WALTER LIVING TRUST	P.O. BOX 83 FREDERICKSBURG, TX 78624
3	DOUGLAS BASHRUM	803 S. ADAMS FREDERICKSBURG, TX 78624
4	DAYTON CRENWELGE	805 S. ADAMS FREDERICKSBURG, TX 78624
5	LAUGHLIN REAL ESTATE MANAGEMENT LLC	1509 WEST AVE J TEMPLE, TX
6	PAUL & LESLIE WHITE	1403 COUNTRY SIDE BEND FREDERICKSBURG, TX 78624
7	HILL COUNTRY MEMORIAL	P.O. BOX 835 FREDERICKSBURG, TX 78624
8	DARIN & ELIZABETH HOLMES	126 ELLEBRACHT FREDERICKSBURG, TX 78624
9	JEANETTE LASKOSKIE	710 N. PECAN FREDERICKSBURG, TX 78624
10	CYNTHIA ROKOHL	213 W. LIVE OAK FREDERICKSBURG, TX 78624
11	HILL COUNTRY UROLOGY MANAGEMENT LLC	703 S. ADAMS FREDERICKSBURG, TX 78624
12	BILL HAM ESTATE	801 S. ADAMS FREDERICKSBURG, TX 78624
13	ROBERT & BAMBIE WALTER	P.O. BOX 83 FREDERICKSBURG, TX 78624
14	ROBERT & BAMBIE WALTER	P.O. BOX 83 FREDERICKSBURG, TX 78624
15	CHARLES THOMAS TRUST	P.O. BOX 232340 ENCINITAS, CA
16	NIRAJ & PARTH LLC	705 S. WASHINGTON FREDERICKSBURG, TX 78624
17	LAUGHLIN REAL ESTATE MANAGEMENT LLC	1509 WEST AVE J TEMPLE, TX
18	NIRAJ & PARTH LLC	705 S. WASHINGTON FREDERICKSBURG, TX 78624
19	MANTA PROPERTIES LLC	13249 LAHINCH DR ORLAND PARK, IL
20	HCSB	P.O. BOX 2188 LUBBOCK, TX
21	ROBERT WALTER LIVING TRUST	P.O. BOX 83 FREDERICKSBURG, TX 78624
22	ROBERT WALTER LIVING TRUST	P.O. BOX 83 FREDERICKSBURG, TX 78624
Z-1911-Guadalupe National Bank		

ZONING CHANGE BRIEF
Rezoning Request # Z-1913

APPLICANT: Stephen Fain

LOCATION: 108, 110, 202 and 206 N. Milam Street

EXISTING ZONING: C-1, Neighborhood Commercial

PROPOSED CHANGE: C-1.5 Medium Commercial

FINDINGS:

- The subject property consists for 4 tracts, including 108, 110, 202 and 206 N. Milam Street.
- 108 N. Milam is currently owned by Carson Dickie and used as a Short Term Rental, 108 N. Milan is an insurance and business office, 202 N. Milam Street is Madilyn's, and 206 N. Milam Street is the vacant former Super S building.
- Utilities are available to serve this property.
- Land uses surrounding this property include primarily residential uses to the west and north, a mix of residential and businesses to the east and commercial to the south.
- Adjacent zoning is C-1, Neighborhood Commercial to the west, north and east, and CBD, Central Business District to the south.
- The Land Use Plan identifies the subject properties, as well as the surrounding properties as Uptown Central Business District and Commercial.

LAND USE PLAN: The Land Use Plan identifies the subject property to be Uptown Central Business District between Main Street and Austin Street, and Commercial between Austin Street and Schubert Street. As defined in the Comprehensive Plan, the Central Business District category is noted as the heart of Fredericksburg and the central area for business and commerce in the city and county. This land use category designation includes a variety of office, retail, lodging, entertainment and residential uses. The Commercial designation may include retail and office uses as well as light commercial activities that typically need some outdoor storage, display and sales area. For the most part, this land use category is found in areas where a mix of non-residential uses already exists and where change is not anticipated.

ZONING: This zoning request has been initiated by the owner of the old Super S building. Said owner has indicated on a number of occasions that the C-1 zoning is relatively limiting for his site. Following the adoption of the C-1.5 zoning district, it was suggested by staff that this may be an option for the property. The reason the other properties have been included is because we advised the owner that we were not

interested in just zoning the Super S, but that it would be necessary to create a viable commercial district. So, the properties included in this request are those properties fronting on N. Milam Street, from the property zoned CBD fronting on Main Street, to Schubert Street. Owners of each of the affected properties have signed the application.

OPPOSITION/SUPPORT OF REQUEST: No comments to date.

STAFF RECOMMENDATION: Based on the Land Use Plan designation, these properties seem compatible with the description in the Comprehensive Plan. And, the new C-1.5 Medium Commercial District was created to provide a district that fell between the Neighborhood Commercial and the General Commercial categories. Approval is recommended.



Project Application

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

A. Project Information (Please complete all items)

Project Name: *N. Milam St.*

Project Address: *206; 202; 110; 108 N. Milam St.*

Tax ID Number (s): *19277; 6105; 25975; 18187*

Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

- | | | |
|---|--|--|
| ☐ Conditional Use Permit | ☐ Minor Plat* | ☐ Plat Vacation |
| ☐ Site Plan | ☐ Replat* | ☐ Annexation* |
| ☒ Zoning Change | ☐ Amending Plat* | ☐ Final Plat* |
| ☐ Land Use Plan Change | ☐ Preliminary Plat* | |

Revision of Approved Plan / Plat? ☐ Yes ☐ No Name:

Jurisdiction: ☒ City Limits ☐ ETJ Total Acres: No. of Lots:

Original Survey & Abstract No: *See Attached Exhibit A*

Legal Description: *See Attached Exhibit A*

Current Land Use Plan: *Retail, Office, Residential* Proposed Land Use Plan: *Medium Commercial*

Current Zoning: *C-1* Proposed Zoning: *C-1.5*

Location: *4 Parcels on N. Milam St. : 206, 202, 110, 108*

Proposed Use(s): *Medium Commercial*

Applicant's Signature

Applicant's Role: ☒ Owner ☐ Developer ☐ Other (note role):

I hereby certify that the information supplied with this application is true and correct, and that the paper and electronic copies of the materials submitted are consistent with each other, to the best of my knowledge. I also certify I have authorization from the owner to act on his / her behalf.

Signature: *Stephen Fain*

Printed Name: *Stephen Fain* Date: *6-3-19*

Staff Use Only Application No.: *Z-1913* Date: *06/03/19*

*Copy of current Title Search required with application.

*Paid \$400
Ch# 2929*



Project Application

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

B. Contact Information (Please complete all items. Attach additional pages as necessary.)

I. Property Owner(s) *See Attached Exhibit A*

Firm Name (if applicable):

Owner Name:

Address:

Phone:

Fax:

Email:

II. Owner's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role: ☒ Agent ☐ Engineer ☐ Surveyor ☐ Other (note role):

Firm Name (if applicable):

Address:

Primary Contact Name: *Stephen Fain*

Phone: *512-745-6939*

Fax: *512-261-8015*

Email: *stephenfain@gmail.com*

Secondary Contact Name:

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable):

Applicant Name (s): *See Attached Exhibit A*

Address:

Phone:

Fax:

Email:

IV. Applicant's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role: ☒ Agent ☐ Engineer ☐ Surveyor ☐ Other (note role):

Firm Name (if applicable):

Address:

Primary Contact Name: *Stephen Fain*

Phone: Fax:

Email: *512-745-6939 ; stephenfain@gmail.com*

**PROJECT APPLICATION
EXHIBIT A**

206 N. Milam St.

Property I.D. 19277

Legal Description: FBG Addn. Blk. 23 Lot 21 & Pts. 19, 20, 53, 54 unbrd.

Owner: Stephen Fain

Add: 43 Wingreen Loop,
The Hills, Tx. 78738

Ph. #: 512-745-6939 email: stephenfain@gmail.com



Stephen Fain

202 N. Milam St.

Property ID: 6105

Legal Description: INV, SUP, FE, 1 VEH

Owner: Brenda Durst

Add: 202 N. Milam St.
Fredericksburg, Tx. 78624

Ph. #: 830-997-3113 email: brenda.madlyns@gmail.com



Brenda Durst

**Project Application
Exhibit A**

110 N. Milam St.

Property ID: 25975

Legal Description: FBG ADDN, BLK 22, Lot 109- PT

Owner: Ross Allen

Address: 110 N. Milam St.

Fredericksburg, Tx. 78624

Ph.#: 512-799-8100 email: rossa@cadencetexas.com



Ross Allen

108 N. Milam St.

Property ID: 18187

Legal Description: FBG ADDN. BLK 22 Lot 109-PT

Owner: J. Carson Dickie

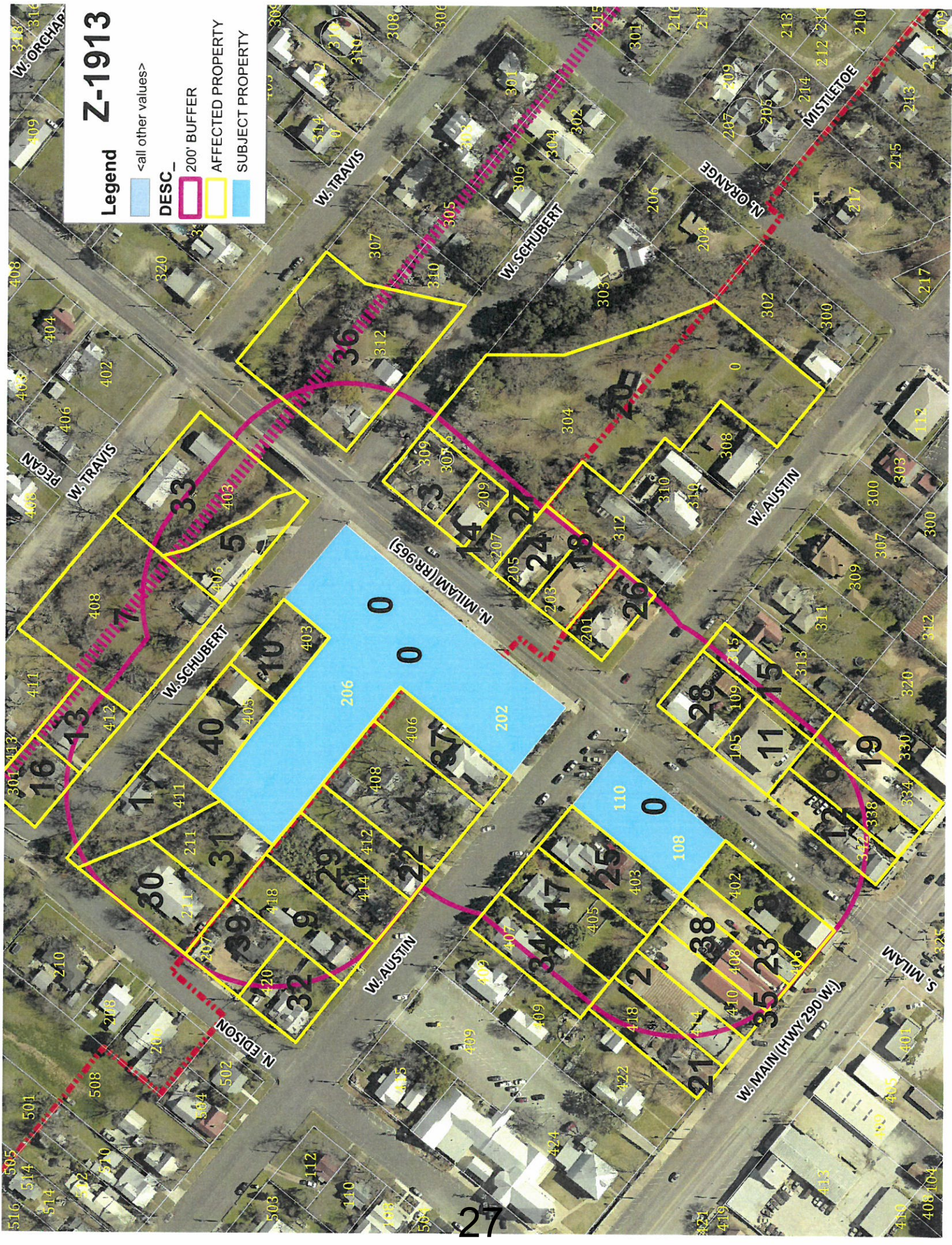
Address: 108 N. Milam St.

Fredericksburg, Tx. 78624

Ph.#: 830-456-2032 email: jcarsondickie@gmail.com

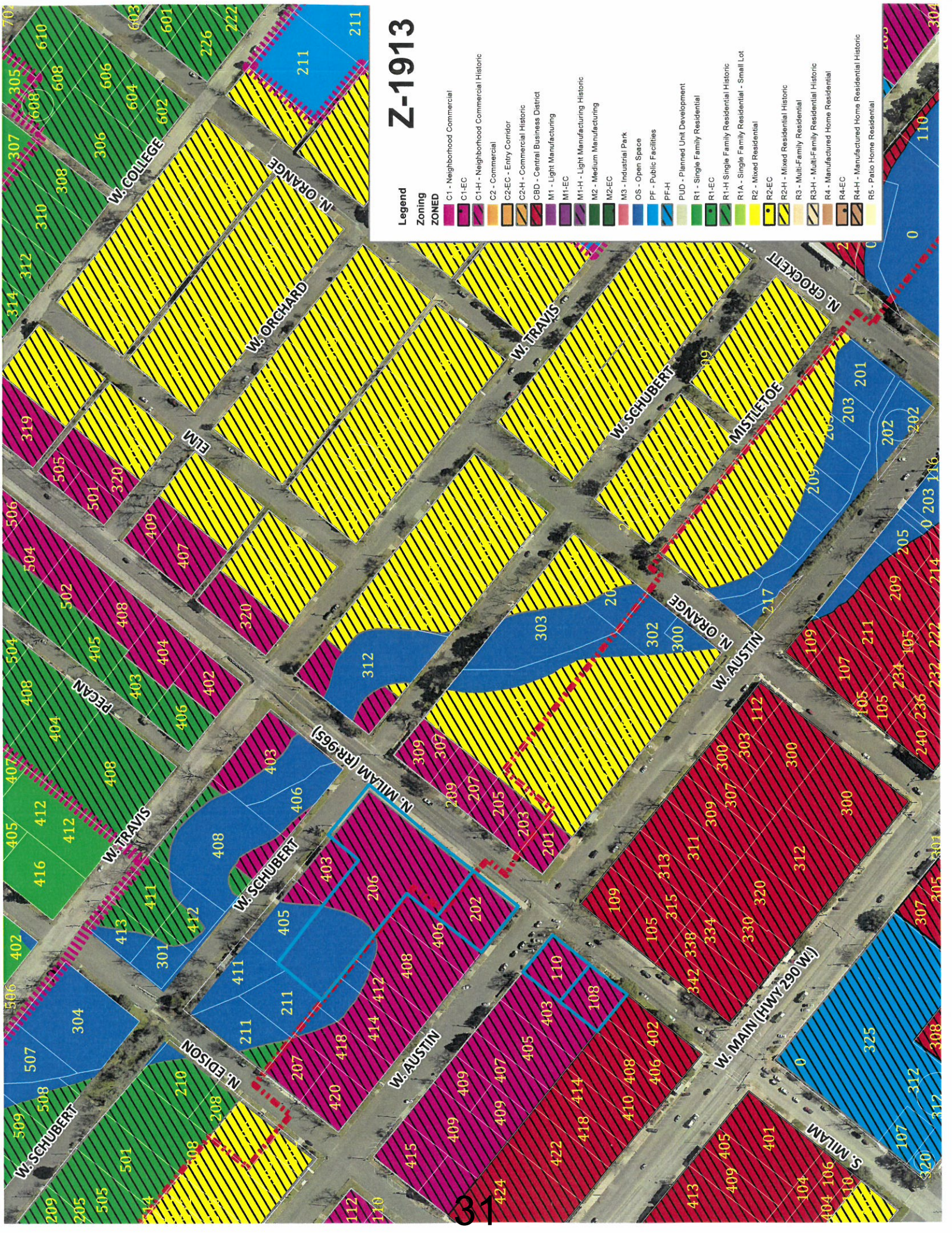


J. Carson Dickie



Letter	Owner	Address
1	TOWN CREEK HAUS LLC	706 HILLCREST RICHMOND, TX
2	MICHELLE REEB	15814 CHATHAM WOOD AUSTIN, TX
3	CYDNEY DONNELL	309 W. SCHUBERT FREDERICKSBURG, TX 78624
4	DAVID & CYNTHIA CLEMENTS	727 FISHER-BONN RD AUSTIN, ST
5	JOSHUA & BARBARA BAR-YADIN	4 DE ZABALA PL SHAVANO PARK, TX
6	KAY STEINBRING	11692 RANCH ROAD 1631 FREDERICKSBURG, TX 78624
7	VERONICA DESSELLE	19331 N. COTTOWOOD GREEN LN CYPRESS, TX
8	LLOYD & MARIAN JOLLY	411 SUMMIT CIR FREDERICKSBURG, TX 78624
9	Z TOWER REAL ESTATE INVESTMENTS	1449 HWY 6 STE 400 SUGARLAND, TX
10	JOHN HOERSTER	204 W. WINDCREST FREDERICKSBURG, TX 78624
11	DEAN DIETEL	1423 COUNTRYSIDE BEND FREDERICKSBURG, TX 78624
12	157 PROPERTIES LLC	P.O. BOX 3079 FREDERICKSBURG, TX 78624
13	MARY SCHMIDT	P.O. BOX 149 FREDERICKSBURG, TX 78624
14	CYDNEY DONNELL	309 W. SCHUBERT FREDERICKSBURG, TX 78624
15	CHARLES JENSCHKE	315 W. AUSTIN FREDERICKSBURG, TX 78624
16	CURTIS TATSCH	301 N. EDISON FREDERICKSBURG, TX 78624
17	PETER & CORINNE DANYSH	10406 SUNFLOWER SAN ANTONIO, TX
18	MADLYNS INC	203 N. MILAM FREDERICKSBURG, TX 78624
19	EW HALLFORD JR.	357 HALLFORD LN FREDERICKSBURG, TX 78624
20	ALICE N LINDSAY EXEMPT TRUST	P.O. BOX 1609 FREDERICKSBURG, TX 78624
21	MARY MURCHISON	418 W. MAIN FREDERICKSBURG, TX 78624
22	MD GATHERING HOLDINGS LLC	632 POST OAK RD FREDERICKSBURG, TX 78624
23	PENICH R & C LP	406 W. MAIN FREDERICKSBURG, TX 78624
24	MELISSA TRIPLETT	4111 W. MAHOGANY DR FAYETTEVILLE, AR
25	HARVEY & NAN HENGST	403 W. AUSTIN FREDERICKSBURG, TX 78624
26	ALPHA SECURITIES LLC	602 N. MILAM FREDERICKSBURG, TX 78624
27	MADLYNS INC	202 N. MILAM FREDERICKSBURG, TX 78624
28	PENICK R & C LP	109 N. MILAM FREDERICKSBURG, TX 78624
29	JOHN & MARY GRAHAM	281 CJ RANCH ROAD FREDERICKSBURG, TX 78624
30	BEBE MORGAN - DANCZ LIVING TRUST	211 N. EDISON FREDERICKSBURG, TX 78624
31	BEBE MORGAN - DANCZ LIVING TRUST	211 N. EDISON FREDERICKSBURG, TX 78624
32	KARL RITTER	420 W. AUSTIN FREDERICKSBURG, TX 78624
33	INN HAUS LLC	92 SUNILAND DR FREDERICKSBURG, TX 78624

34	PETER & CORINNE DANYSH	10406 SUNFLOWER SAN ANTONIO, TX
35	DWIGHT & KAREN OESTREICH	204 W. ORCHARD FREDERICKSBURG, TX 78624
36	CHERYL LONGORIA	P.O. BOX 6250 LAREDO, TX
37	JR & JB HUTCHERSON LIVING TRUST	406 W. AUSTIN FREDERICKSBURG, TX 78624
38	DWIGHT & KAREN OESTREICH	204 W. ORCHARD FREDERICKSBURG, TX 78624
39	PATTSIE HAINES & ANDREA KONUMA	207 N. EDISON FREDERICKSBURG, TX 78624
40	JOHN HOERSTER	204 W. WINDCREST FREDERICKSBURG, TX 78624
Z-1913		



Z-1913

Legend

Zoning

ZONED

- C1 - Neighborhood Commercial
- C1-EC
- C1-H - Neighborhood Commercial Historic
- C2 - Commercial
- C2-EC - Entry Corridor
- C2-H - Commercial Historic
- CBD - Central Business District
- M1 - Light Manufacturing
- M1-EC
- M1-H - Light Manufacturing Historic
- M2 - Medium Manufacturing
- M2-EC
- M3 - Industrial Park
- OS - Open Space
- PF - Public Facilities
- PF-H
- PUD - Planned Unit Development
- R1 - Single Family Residential
- R1-EC
- R1-H Single Family Residential Historic
- R1A - Single Family Residential - Small Lot
- R2 - Mixed Residential
- R2-EC
- R2-H - Mixed Residential Historic
- R3 - Multi-Family Residential
- R3-H - Multi-Family Residential Historic
- R4 - Manufactured Home Residential
- R4-EC
- R4-H - Manufactured Home Residential Historic
- R5 - Patio Home Residential



PLANNING & ZONING COMMISSION MEMO

DATE: June 27, 2019

TO: Planning and Zoning Commission

FROM: Brian Jordan, AICP

SUBJECT: Action to consider amending Section 8.100 Temporary Use Types of the Zoning Ordinance pertaining to prohibition of temporary use types in the Historic District.

Summary: At the previous Planning and Zoning Commission Meeting, the Commission voted to have staff initiate an amendment to Section 8.100 of the Zoning Ordinance pertaining to the use of temporary structures in the Historic District. At the time, the City Council was considering the expansion of the Historic District which included the area of E. San Antonio Street and the property of the Hoffman House complex. Since a major part of the Hoffman House's business (past and future) is the use of temporary structures to facilitate many of their large events, an amendment would have solved this matter. However, the Council did vote to eliminate this area along E. San Antonio Street from the Historic District expansion, rendering this action unnecessary.

Recommendation: Since the Commission voted to amend this section of the Zoning Ordinance at the direction of staff, it would be required to consider whether this action is necessary given the Council's action.

Background / Analysis: The Temporary Use Ordinance currently restricts certain uses and structures in the non-residential areas of the Historic Overlay District.

Attachments: Section 8.100 of the Zoning Ordinance, Historic District Map

Map of Area, proposed ordinance, current regulations

Department Approval

Sec. 8.100. - TEMPORARY USE TYPES.

The following types of temporary uses may be authorized, subject to specific limitations herein and such additional conditions as may be established by the Director of Development Services for the City of Fredericksburg or his or her designee "Director."

- A. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
- B. New subdivisions or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.
- C. A temporary sales office for use in development of a new subdivision may be established and operated within the subdivision for a period not to exceed four (4) years from the date of the first construction permit issued in the subdivision or until ninety-five percent (95%) of the lots therein are sold, whichever occurs first; provided that extension of time may be granted by the Board of Adjustment on application duly made for a special exception or temporary permit to continue such temporary use.
- D. Public, religious, patriotic, or historic assemblies, displays or exhibits, including festivals, benefits, fund-raising events or similar uses which typically attract a mass audience shall require any use district other than residential. (Exception: religious assembly in residential districts) and shall not be subject to the provisions of Subsection M below.
- E. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than two hundred (200) feet to an existing dwelling shall require any use district classification other than residential and shall be subject to the provisions of Subsection M below.
- F. Outdoor art and craft shows and exhibitors shall require any use district classification other than residential, and shall be subject to the provisions of Subsection M below.
- G. Christmas tree sales lots shall require any use district classification other than residential and other than Historic Overlay District (HO).
- H. One house trailer or mobile home to serve as a dwelling may be permitted on a construction site during construction, upon application to the Director setting out the need therefor, to provide security against theft or vandalism of materials or equipment or other property left on the site during night time. This permit shall allow no more than one such dwelling per construction site, shall be effective for no more than six months, and shall be renewable, upon application, for no more than one additional six month period. Denial of such a permit may be appealed to the Board of Adjustment.
- I. Seasonal retail sale of agricultural or horticultural products raised or produced on or off the premises. To be limited to 120 days per calendar year and shall be subject to the provisions of Subsection M below.
- J. Additional Temporary uses determined to be similar to the foregoing by the Building Official which may be subject to the provisions of Subsection M below.
- K. Outdoor special sales, including swap meets, flea markets, parking lot sales or similar activities, limited to locations in commercial or industrial districts, and when operated not more than three days in the same week or more than five days in the same month or more than two weekends in the same month per location, and shall be subject to the provisions of Subsection M below.
- L. Temporary use of mobile trailer units or similar portable structures including tents and like structures for non-residential uses, located in districts other than the Historic Overlay District (HO) where the use is a permitted use, and limited to a maximum period of six months. Exception: KIOSK located in the Historic Overlay District (HO) where the use is a permitted use. (KIOSK as used herein is meant as an informational, non-manned structure). Permitted Mobile Food establishments are governed by Chapter 8 Article V. of this Code of Ordinances and are therefore not Temporary Use Types for the purposes of this section.
- M. No temporary type structures shall be placed in the Historic Overlay District (HO). Temporary structures shall

include mobile trailer units, portable structures, sun shades of whatever material, tents, tarps, or umbrellas. EXCEPT: The use of umbrellas or similar detached (portable), non structural sun shading devices ("Cover") by a restaurant for that restaurant's outdoor eating and serving areas shall be permitted under the following circumstances:

- (1) The covered area shall be specifically defined with impervious surface in place, and
 - (2) No advertising, logos, or words which would violate the City's sign ordinance or any other law or statute shall appear on the Cover, and any advertising which does meet the City's sign ordinance shall be included in the overall allowable signage for the business, and
 - (3) The color shall be an approved color under the City of Fredericksburg's Historic Preservation Ordinance, and pictures, stripes, floral or other designs, if any, shall be approved by the Historic Review Board of the City of Fredericksburg, which shall approve or disapprove the Cover based on whether or not it is in keeping with the historic nature of the District, and whether or not it detracts from the building it serves or the surrounding buildings or uses.
 - (4) If the Cover is not an umbrella that is commonly used in outdoor dining as defined below, all aspects of the particular shading device shall be subject to review and approval by the Historic Review Board of the City of Fredericksburg, which shall approve or disapprove the Cover based on whether or not it is in keeping with the historic nature of the District, and whether or not it detracts from the building it serves or the surrounding buildings or uses.
 - (5) Umbrella, for the purposes of this section, is defined as a light, portable cover for protection from rain or sun consisting of fabric held on a collapsible frame of any shape having a diameter or cross-measurement in any direction of no more than 13 feet.
- N. Small sales carts that are man-powered only, and not larger than five feet by six feet fully extended, that are colored and styled in keeping with the Historic District in the determination of the Director shall be permitted in the Historic Overlay District (HO). Regulation of small sales carts shall be by the Director who shall also determine that those using the same abide by the laws and regulations that are relevant. The Director shall be permitted to place other reasonable restrictions and requirements upon the use of such sales carts. The use of sales carts shall be limited to the time periods set forth in Section K. above.
- O. Uses permitted under sections E, F, J, K, L and N above shall require issuance of a permit for each location by the Director prior to setting up or commencement of sales. Such permit shall ensure compliance with the terms of this ordinance and other ordinances and health regulations. The Director shall not issue a permit unless each applicant or vendor provides proof of sales tax permits and permission of the owner of the location for which the permit is issued for the intended use. The Director may establish procedural rules and application forms requiring relevant information to implement this permit process and may place limits on changes to permits, set-up and take-down times and the like. The initial permit fee will be \$25.00 per month. Permits shall not be issued less than five days nor more than three months in advance of the time period for which they will be used.

(Ord. No. 14-001, § 8.100, 1-19-2004; Ord. No. 19-011, § 8.100, 9-21-2009; Ord. No. 25-004, 5-4-2015)

HISTORIC DISTRICT EXPANSION ADOPTED JUNE 17, 2019

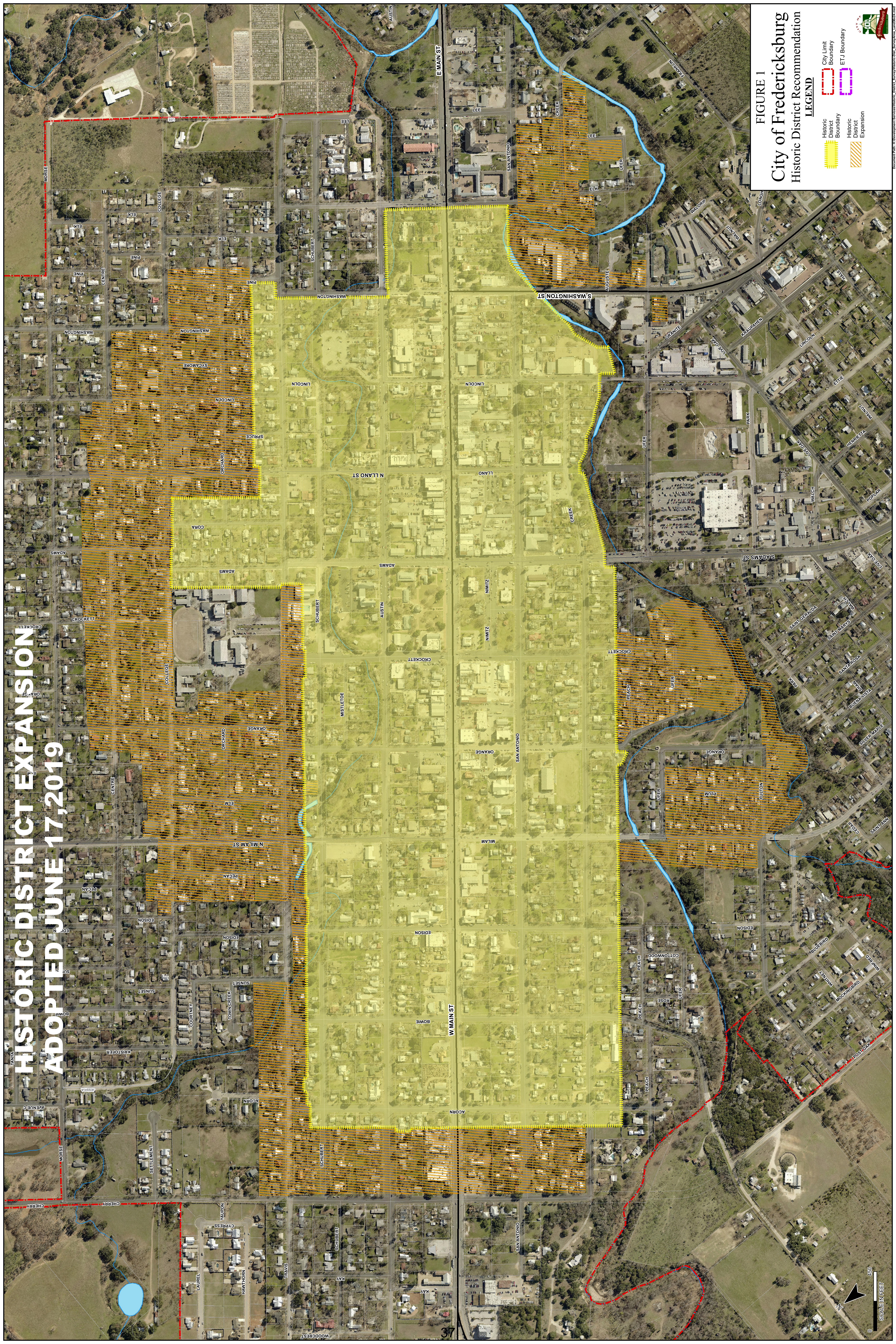


FIGURE 1
City of Fredericksburg
Historic District Recommendation

LEGEND

- City Limit
- Historic District Boundary
- Historic District Expansion
- ETJ Boundary



