

AGENDA
CITY OF FREDERICKSBURG
PLANNING & ZONING COMMISSION

Wednesday, September 5, 2018

5:30 P.M.

LAW ENFORCEMENT CENTER, 1601 E. MAIN ST.

1. Call to Order
2. Approve minutes from the August 2018 Regular Meeting

PLAT

3. Consider (P-1816) Final Plat for Oaks of Windcrest IV-B located west of Post Oak Rd. and south of W. Windcrest Dr.
4. Consider (P-1817) Preliminary Plat for The Beginning Subdivision on approximately 11 acres of the Seipp Subdivision located on Smokehouse Rd.

PUBLIC HEARING

5. Consider (P-1814) Request by Lance Kovar for a replat of Lot 3 of the Hoerster Subdivision into 2 lots.
6. Consider (Z-1812) Request by Jennifer Schandua and the City of Fredericksburg for a Zoning Change from R2, Mixed Residential, to C2, Commercial and a Land Use Plan Change from Medium Density Residential to Commercial on approximately 10 acres on Friendship Ln, approximately 650' East of S Washington Street.

ACTION ITEMS

7. Receive Recommendation and Consider P-1814
8. Receive Recommendation and Consider Z-1812

MISCELLANEOUS

9. Discuss Mixed Use Zoning District

ADJOURN

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

**PLANNING & ZONING COMMISSION
AUGUST 8, 2018
5:30 P.M.**

On this the 8th day of August, 2018 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
JIM JARREAU
STEVE THOMAS
DARYL WHITWORTH
POLLY RICKERT
JIM WARREN
CHRIS KAISER
TIM DOOLEY

ABSENT:

BRENDA SEGNER

ALSO PRESENT:

BRIAN JORDAN – Director of Development Services
DANIEL JONES – City Attorney
GARETT BONN – Assistant City Engineer
SHELBY COLLIER – Development Coordinator

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

PUBLIC HEARING

Consider (Z-1808) Request Pollo Padilla with RHA Architects on behalf of Wal-Mart for an amendment to their Planned Unit Development at 1435 E. Main Street.

Motion made to open Public Hearing by Chris Kaiser seconded by Jim Jarreau. All voted in favor and the motion carried.

Motion made to close Public Hearing by Jim Warren seconded by Jim Jarreau. All voted in favor and the motion carried.

Janice Menking received recommendation for Z-1808

No applicant was available to present the application. Brian Jordan, Director of Development Services, explained the applicants desire to add a curbside pickup element to this location. The colors, design, and site plan were presented to the commission.

Jim Warren made a motion to approve Application (Z-1808), Seconded by Jim Jarreau. All voted in favor and the motion carried.

Consider (Z-1812) Request by Jennifer Schandua for a Zoning Change from R2, Mixed Residential, to C2, Commercial on approximately 2.44 acres on Friendship Ln, approximately 650' East of S. Washington St.

Motion made to open Public Hearing by Chris Kaiser seconded by Jim Warren. All voted in favor and the motion carried.

Stuart Barron presented the application. He stated that his property, which is a little over 2 acres is currently zoned R2 but the Land Use Plan has it listed as Commercial Center. It is his desire to have this property developed commercially as it is obvious it will not develop strictly residential.

Kelly Musselman spoke in opposition of the zoning change. She stated it is her belief that if this tract is zoned C2 it would be spot zoning.

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

Janice Menking received recommendation for Z-1812

Brian Jordan, Director of Development, stated the application is for a rezoning of only 2.44 acres of the whole property, which is 10 acres, originally part of one tract.

Stuart stated that he would like to see the whole 10 acre tract zoned C2 however, he only owns the 2 acre tract he is discussing.

Tim Dooley stated the application as presented is for only the 2.44 acre tract. Brian stated that is correct. Stuart stated then the application stays as presented.

Brian stated this property is one of the last wooded tracts on Friendship Ln. The Land Use map was viewed and Brian explained to the Commission where the Commercial Center Land Use was in relation to this property. He stated that this property is located at the intersection of a major arterial street with a Hotel across the street from the property and to the East of the property is City Property which is zoned R1.

Brian stated he does not believe it is appropriate to zone just the 2.44 acre tract as C2, that this would be spot zoning. He stated the C2 zoning, if desired, should include the other tracts within the 10 acre property.

Jim Warren asked if that was the Commission's decision, would that result in an additional P&Z meeting. Brian stated that was correct. The Commission requested clarification of Brian's recommendation. Brian stated Staff recommends not to approve 2 acre tract zoning tonight and to direct City Staff to include other tracts within the 10 property.

Motion made to open Public Hearing by Jim Warren seconded by Chris Kaiser. All voted in favor and the motion carried.

Tom Musselman asked if the adjacent property owners within the 10 acre tract would be able to veto the Zoning Change. Tim Dooley stated that the Planning and Zoning Commission would have a public

Hearing. Brian stated that Planning and Zoning has the ability to rezone without the property owners consent.

Tom Musselman asked if the property was Zoned C2, then any approved use in the C2 zone could exist at this location. Brian stated that is correct.

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

Motion made to by Tim Dooley to call a 2nd public hearing to change entire 10 acre property to C2 Zoning and to change the Land Use to Commercial. Daryl Whitworth seconded the motion. All voted in favor and the motion carried.

Consider (Z-1809) Request by Richard Whitley on behalf of Seven Hills Resort and Conference Center to establish Planned Unit Development (PUD) Zoning and a Conditional Use Permit General Development Plan for a proposed hotel and conference center on approximately 22.03 acres located at the intersection of US Highway 87 N and US Highway 290 W.

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

Brian Miller with Beck working with Dennis Murphy presented the application. He showed a Power Point presentation that depicted many components and uses of the 22 acre property. There is a 35,000 sq. ft. conference center, 161 hotel rooms, retail village and an amphitheater. This property also has the Klingelhofer house, which is a Historic Landmark and will be a focal point of the property. The retail village will be walkable and pedestrian friendly.

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

Janice Menking received the recommendation for Z-1809

Brian Jordan stated that the Traffic Impact Analysis has been submitted. Restriping will be necessary as will deceleration lanes and a turn lane. This property is not currently on the Sidewalk Plan. City Staff suggested sidewalks on the Hwy 290 and Hwy 87 sides but the proposed sidewalk will take pedestrians into the property and end on Hwy 87 N. City Staff believes this to be a good compromise. City Staff recommends approval.

Tim Dooley asked if the end of the proposed sidewalk at Hwy 290 would be controlled by a traffic light. Eddie Bogard, Engineer for the project, responded that a cross walk would be at that location.

Tim Dooley asked if there would be a pool. Brian Miller stated yes, a pool is intended for this location although an exact placement has yet to be decided. More than likely, the pool will be located near the amphitheater.

Steve Thomas asked if there were any other water features proposed. Brian Miller stated no.

Jim Jarreau asked Brian to clarify Staff position on Sidewalks.

Brian Jordan said if the developer did not build sidewalks along Hwy 290 and Hwy 87 then the City would have to develop sidewalks as part of the CIP Plan. Staff recommends sidewalks in the ROW as a requirement of the PUD, but this is a Planning & Zoning decision.

Jim Jarreau asked where the internal sidewalks were located. Brian Miller depicted the Sidewalks on the Power Point. Brian Miller stated the sidewalks as proposed connected corner to corner with the Highways but not in the ROW, they are internal to the site.

Brian Jordan stated sidewalks are proposed at the corner of the "Y" intersection.

Polly Rickert asked if City Staff anticipated a sidewalk connection at Hwy 290. Brian Jordan stated yes, although a higher priority is at Hwy 87.

Daryl Whitworth stated a retail village usually equals chain stores, are there any interested parties. Dennis stated a Spa and Restaurant from Dallas are the only conversations happening currently.

Motion to approve Application Z-1809 as presented by Daryl Whitworth. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Consider (Z-1807) Request by Kevin Spraggins to change the zoning from R1, Single Family Residential, to C2, commercial on 1.538 acres located at 1332 E. Main St.

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

Kevin Spraggins presented the application. He stated that this property has Barron's Creek Shopping Center to the east. It has one Single Family house on the lot and it is currently being removed. The applicant is asking for C2 Zoning. The Conditional Use Permit part of the original request has been removed. This request is just for a change in the Zoning. Kevin also wanted to note that TXDOT has approved the driveway access for this property.

Andy Reyes spoke in protest of the request. He cited an increase in traffic, negative impact on quality of life, decrease in his property values. He went on to say he visited with the Manager at Whataburger and was told that 800 cars per day pass through that business, with no turn lane or deceleration lane, it makes for a dangerous stretch of road.

Dolores Staudt spoke in protest of the request. She owns property at 109 & 111 Beverly Dr. She stated while the CUP element of the request has been removed the same opportunity would be available in the future if the zoning was changed to C2. She would like to request a tall privacy fence to protect her property from the development if it were to change to C2 Zoning. She is also concerned about the light pollution and smells she would experience from this change.

Cristol Schoessow spoke in protest of the request. She is co-owner of property at 1305 E. Main St. She is concerned about an increase of traffic in this neighborhood. She went on to say that the City's Comprehensive Plan supports long term viability of neighborhoods, of which there is a shortage. This neighborhood should be preserved. The C2 Zoning Change would negatively impact the residents' quality of life exposing them to excess light pollution and other issues.

Paul Harrison spoke in protest of the request. He owns property at 115 Beverly Dr. He stated the change to C2 Zoning would decrease his property values and having a Commercial Business behind his home would be dangerous.

Peggy Floyd spoke in protest of the request. She owns property at 207 Beverly Dr. She stated she raised 4 children in that house and it has always been a lovely neighborhood. If it the property behind her became Commercial it would diminish the neighborhood. She is also concerned about the City's Water Consumption.

Terry McWilliams spoke in protest of the request. He owns property at 203 Beverly Dr. He is concerned about the traffic.

Kevin Spraggins wanted to clarify that whatever was developed at this location would have to comply with the Night-Sky Ordinance in place and the light would be contained to the site.

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

Janice Menking received recommendation for Z-1807.

Brian Jordan stated that this request is to change the Zoning on 1.5 acre tract that has a 3 acre tract behind it that is land locked. Brian stated it is important that the Commission understands there are uses that are permitted by right and uses that are permitted under a Conditional Use Permit which requires additional review.

The Comprehensive Plan was updated in 2006 and included a Mixed-Use designation for Land Use. The problem with this is the City does not currently have a Mixed-Use Zone. The options for this are C1 or C2. C1 is not appropriate as there is C2 on either side and C2 Zoning is in keeping with what has been done in the past in similar circumstances.

Access would be provided to this property from TXDOT not the City and TXDOT has already approved an access point. A Traffic Impact Analysis could be required, however, there is no known use for the property as of yet so City Staff would not request one until a use is known.

The options for the Commission are to deny the request, approve the request as presented, approve the Zoning Change but limit it to C1 not C2, or look at the possibility of this property and the 3 acre tract behind it doing something together, possibly a Planned Unit Development. The access to the back 3 acre tract is an issue. Access through this property and possibly through the Shopping Center would be ideal.

Jim Jarreau asked if the Shopping Center was a PUD. Brian stated yes, although the UPS store is now a separate tract, it is zoned C2.

Jim Jarreau asked Kevin Spraggins to clarify. He stated this request Z-1807 is separate from Z-1811 but Brian mentions them together.

Kevin Spraggins stated he would like to talk about the Segner tract, Z-1807, separate from Z-1811 as they are two different requests.

Jim Jarreau asked what the requirement is for screening. Jim Warren asked if the Commission could require an 8' privacy fence. Brian stated no.

Brian stated for C2 the setback is 10' from the Rear of the property with a 6' fence, landscaping, or a wall.

Kevin Spraggins stated a Commercial property would require a Site Plan.

Polly Rickert asked if it was normal to change the Zoning without knowing the use. Brian stated not necessarily but when evaluating the Zoning all permitted uses are considered.

Tim Dooley asked the City Attorney, Daniel Jones, could the Commission take no action on this request Z-1807 and call the next item, Z-1811. Daniel stated yes, no action has to be taken on this item currently.

Daryl Whitworth asked when action would be needed. Daniel stated 20 days.

Tim Dooley asked Janice Menking, Chair, to call Z-1811.

Consider (Z-1811) Request by Bob Johnson for a Zoning Change from R2, Mixed Residential, to C2 Commercial and a Land Use change from Medium Density Residential to Mixed Use Corridor on approximately 3 acres located behind 1332 E. Main St.

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

Bob Johnson presented the application. He stated he currently has this 3 acre tract under contract with the understanding that a 30' easement would be provided through the Segner tract at the front (Z-1807). It is not his intention to access Beverly Dr. He has a contact at Mimco, the owners of the Shopping Center to the East, and it appears as if they are agreeable to providing access as well. Bob is considering office spaces or a suites hotel.

Terry McWilliams, Beverly Dr land owner, asked where the 30' easement would be. Bob stated that would be finalized when the Segners finalized their Site Plan (Z-1807).

Cristol Schoessow asked how many protests were received. Brian stated 9 for Z-1807 and 5 for Z-1811.

Andy Reyes, Beverly Dr land owner, stated that the C2 zoning allows for a 38' max building height. The light pollution from that would be awful. Brian stated that the Night-Sky Ordinance is irrespective of the Zoning. All lighting would have to be shielded and contained to the site.

Motion made to close Public Hearing by Jim Warren seconded by Jim Jarreau. All voted in favor and the motion carried.

Janice Menking received recommendation for Z-1811

Brian Jordan stated this property differs from the adjoining property in that the entire tract abuts a residential neighborhood, has no street frontage and is located to the rear of Barrons Creek Shopping Center and has insufficient access for Commercial Development. Denial is recommended.

Jim Jarreau made a Motion to deny Application Z-1811 as presented, seconded by Steve Thomas. Jim Jarreau, Chris Kaiser, and Steve Thomas voted in Favor. Tim Dooley, Polly Rickert, Jim Warren and Daryl Whitworth were opposed. The motion failed.

Jim Warren made a motion to approve Application Z-1811 as presented , seconded by Tim Dooley. Tim Dooley, Daryl Whitworth, Jim Warren, and Chris Kaiser voted in Favor. Polly Rickert, Steve Thomas, and Jim Jarreau were opposed. The motion passed.

Jim Jarreau made a Motion to approve Application Z-1807 as presented, seconded by Jim Warren. Jim Jarreau, Jim Warren, Chris Kaiser and Steve Thomas voted in favor. Polly Rickert and Tim Dooley were opposed. The motion passed.

MISCELLANEOUS

Brian discussed with the Commission a need to set a work session date for establishing a Mixed Use Zoning District. The Commission decided that a lunch meeting on August 22, 2018 would be best.

MINUTES

Tim Dooley moved to approve the minutes of the July, 2018 meeting and Daryl Whitworth seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Commission, Tim Dooley moved to adjourn. Polly Rickert seconded the motion. All voted in favor and the meeting was adjourned at 8:29 p.m.

PASSED AND APPROVED this 5TH day of SEPTEMBER, 2018.

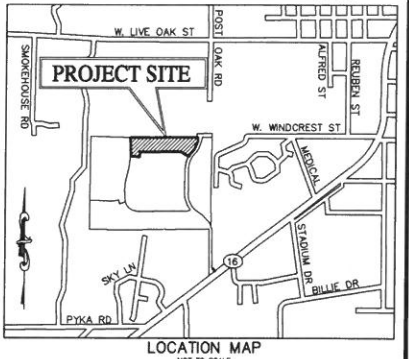
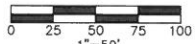
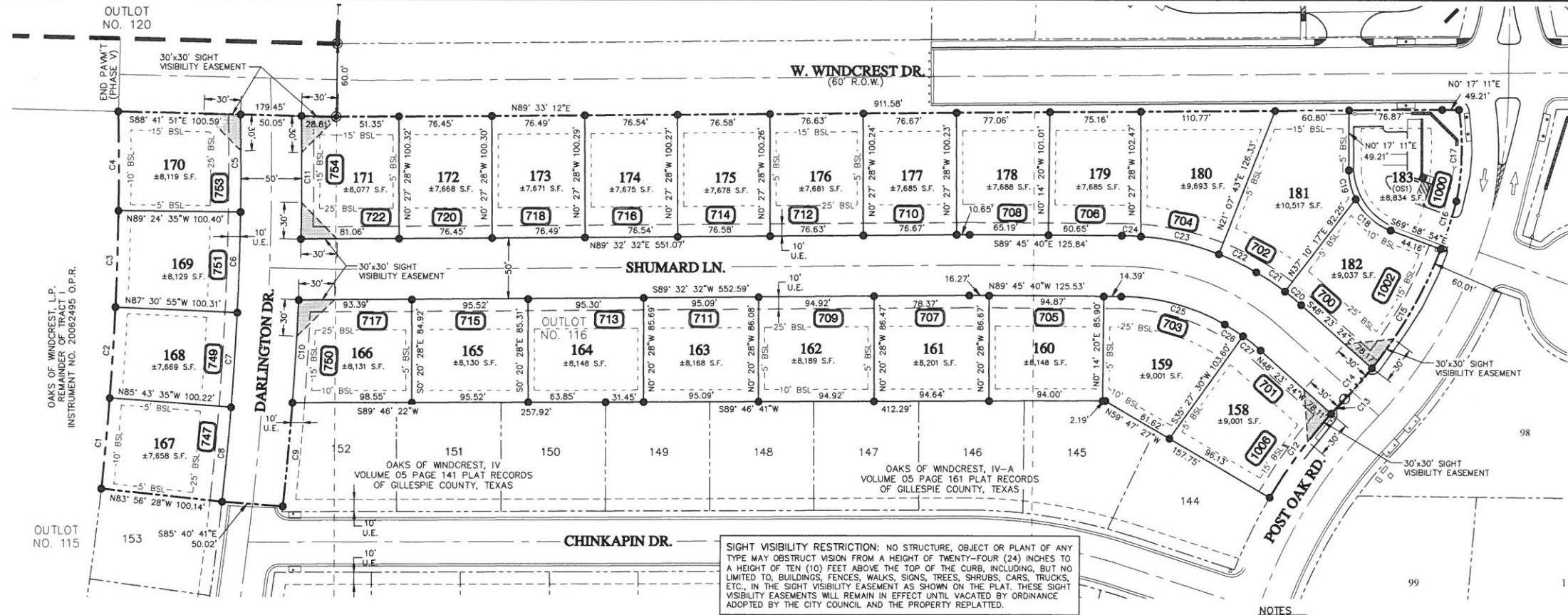
SHELLEY BRITTON, Secretary

JANICE MENKING, Chairman

**FINAL PLAT
BACKGROUND INFORMATION
August, 2018**

File Number:	P-1816
Subdivision Name:	Oaks of Windcrest, Phase 4B
Preliminary Plat:	The Preliminary Plat was approved by the Planning and Zoning Commission in 2005. While there are minor changes in the layout, the Final Plat conforms to the Preliminary Plat.
Location:	West side of Post Oak Road, south of Windcrest Drive (see attached map).
Zoning:	R-1, Single Family Residential
Tract Size:	6.32 acres
Number/Size of Lots:	26 lots, all of which are over the 7,500 square foot minimum.
Roadways:	Two streets, Darlington Drive and Shumard Lane will be constructed to serve the lots. In addition, Windcrest Drive, a collector street, located on the north side of this phase, will be constructed to the intersection with Darlington Drive.
Right-of-way:	Internal streets will contain the minimum 50' of right-of-way. Windcrest Drive and Post Oak Road contain 60' of right-of-way.
Utilities:	Water and Sewer lines within the vicinity will be extended to serve the subdivision.
Easements:	Typical drainage and utility easements on each lot. Standard electric easements (CTEC), each lot
Easements Abandoned:	NA
Stormwater Detention:	Drainage will actually flow into two separate existing detention ponds. A portion of the water will flow into the pond located at the corner of Windcrest and Post Oak Road, and a portion will flow into the pond located to the southwest of the Oaks of Windcrest Phase 1.
Drainage:	See above.

Sidewalks:	The Sidewalk Plan calls for a sidewalk along W. Windcrest Drive. Said sidewalk should be constructed as part of this project.
Construction Plans:	Construction Plans have been reviewed by the Engineering Department. Comments have been returned to the Engineer. Approval of the Final Plat should be conditioned upon revisions being made to the plans.
Staff Comments:	NA
P&Z Action:	Final approval
Staff Recommendation:	Approval
Conditions:	Approval of Final Construction Plans prior to the start of construction.



LEGEND

- SIGHT VISIBILITY EASEMENT
- PROPERTY BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- OUTLOT LINES
- EXISTING FENCE LINE
- EXISTING EASEMENTS
- EXISTING CONCRETE CURB
- EXISTING RETAINING WALL
- LOT LINES
- EASEMENT
- ROAD CENTERLINE
- LOT ADDRESS
- 1/2" IRON ROD SET WITH "MDS" CAP
- EXISTING IRONS
- CALCULATED POINT
- B.S.L. BUILDING SETBACK LINE
- U.E. UTILITY EASEMENT

NOTES

- THE DEVELOPER DEDICATES THE SANITARY SEWER & WATER MAINS UPON COMPLETION BY THE DEVELOPER AND ACCEPTANCE BY THE CITY OF FREDERICKSBURG. THE CITY OF FREDERICKSBURG WILL OWN AND MAINTAIN WITHIN TWO (2) YEARS OF ACCEPTANCE OF SAID SEWER & WATER MAINS LOCATED WITHIN THIS SUBDIVISION PLAT.
- DAMAGE BY ANY UTILITY COMPANY TO ANY STRUCTURES, FENCES, WALLS, OR LANDSCAPING OF ANY KIND PLACED WITHIN THE LIMITS OF THE EASEMENTS SHOWN ON THIS PLAT WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. NO LANDSCAPING OR OTHER MODIFICATIONS ALTERING THE CROSS-SECTIONS OF DRAINAGE EASEMENTS ARE ALLOWED WITHOUT APPROVAL BY THE CITY OF FREDERICKSBURG. THE CITY OF FREDERICKSBURG SHALL HAVE THE RIGHT TO REQUIRE THE PROPERTY OWNERS TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE PRIVATE DRAINAGE EASEMENTS AND THE RIGHT TO REQUIRE THE PROPERTY OWNERS MAKE MODIFICATIONS OR IMPROVEMENTS WITHIN THE EASEMENTS FOR PUBLIC WELFARE.
- DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY PROPERTY OWNERS AND ACCESS TO BE GIVEN TO DEVELOPER OR AUTHORIZED PERSONS FOR ANY ADDITIONAL CONSTRUCTION, MAINTENANCE, OR REPAIR OF ANY STRUCTURE WITHIN ANY DRAINAGE EASEMENT.
- NO ONE SHALL INTERFERE WITH ANY NATURAL DRAINAGE PATTERN OR CONSTRUCTED DRAINAGE SYSTEM ESTABLISHED BY THE DEVELOPMENT BY ALTERING ANY SLOPES, CONSTRUCTING OR DESTROYING ANY RETAINING WALL, OR OBSTRUCTING OR CHANGING THE CONTOUR OF ANY CHANNEL, SWALE, OR EMBANKMENT, OR TAKING ANY OTHER ACTION WHICH WILL OR IS LIKELY TO RETARD, CHANGE, OR INTERFERE WITH DRAINAGE OR CREATE EROSION WITHIN THIS AREA.
- ALL TOPOGRAPHIC INFORMATION, BENCHMARKS, AND DRAINAGE DESIGNS WERE COMPUTED AND STAKED ON THE GROUND BY VEI CONSULTING ENGINEERS.
- MAINTENANCE OF LOT 183 SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE SUBDIVISION THROUGH THE OAKS OF WINDCREST SUBDIVISION PROPERTY OWNERS ASSOCIATION. ACCESS SHALL BE GIVEN TO DEVELOPER OR AUTHORIZED PERSONS FOR ANY ADDITIONAL CONSTRUCTION, MAINTENANCE, OR REPAIR OF ANY STRUCTURE WITHIN LOT 183.
- LOT 183 IS NOT INTENDED FOR RESIDENTIAL HOME CONSTRUCTION.
- SIDEWALKS TO BE INSTALLED ALONG WEST WINDCREST DRIVE AS REQUIRED BY THE CITY OF FREDERICKSBURG'S SUBDIVISION ORDINANCE, SECTION 6.11.

BENCHMARK

CITY OF FREDERICKSBURG, GPS STATIC SURVEY
DESCRIPTION: NAVD '29 ELEVATION
ELEVATION: 1751.513
TO REACH THE STATION FROM THE JUNCTION OF GREEN MEADOWS BLVD. AND GREEN MEADOW LN., GO NORTH ON GREEN MEADOW LN., 0.1 MILE TO STATION SET ON THE RIGHT. A 3" BRASS DISK SET IN CONCRETE FLUSH WITH THE GROUND STAMPED "GPS 9 1994 City of FBG." THE STATION IS 75.0' OFF CENTER OF CALDESAC, 2.7' OFF FENCE AND 78.0' @ 200' MAGNETIC AZIMUTH TO NORTHWEST CORNER OF A RESIDENCE.

A
FINAL PLAT
FOR

OAKS OF
WINDCREST,
PHASE IV-B

ZONED: R1 - SINGLE FAMILY RESIDENTIAL

6.32 ACRES OF LAND SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, BEING ALL OR PARTS OF OUTLOTS NO. 115, 116 AND 117, AS SAID OUTLOTS ARE SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS, BY THE GERMAN EMIGRATION COMPANY, AND BEING PART OF THAT CALLED 68.57 ACRE TRACT OF LAND DESCRIBED IN CONVEYANCE TO OAKS OF WINDCREST L.P. BY MARY S. WILLIAMS, ET AL, DATED APRIL 12, 2006, FOUND OF RECORD IN INSTRUMENT NO. 20060495, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.

OAKS OF WINDCREST, L.P. OWNER

BY: OAKS OF WINDCREST DEVELOPMENT, L.L.C., (512) 266-4590
GENERAL PARTNER
ALLIED INTERESTS, INC., MANAGER
CONTACT: JON H. STARNES, PRESIDENT
4109 FRONT RANGE LN.
AUSTIN, TX 78732

M.D.S. LAND
SURVEYING CO., INC. SURVEYOR
VEI CONSULTING ENGINEERS ENGINEER

ENGINEER CONTACT: KEVIN W. SPRAGGINS (830)997-4744
SURVEYOR CONTACT: JEFF BOERNER
507-D E. HIGHWAY ST. FREDERICKSBURG, TX 78624 FAX: (830) 997-6967

FILE NO: 18035

DATE: 08/08/2018

SHEET 1 OF 1

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF _____
I (we), the undersigned, owner(s) of the land shown on this plat within the area described by metes and bounds as follows:
(Metes and Bounds Description of Boundary)
and designated herein as the Oaks of Windcrest IV-B Subdivision to the City of Fredericksburg, Texas, and whose name is subscribed hereto, hereby dedicate to the public use forever by fee simple title, free and clear of all liens and encumbrances, all streets, thoroughfares, alleys, parks, and trails, and to the public use forever easements for sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of the platting ordinances, rules, and regulations thereon shown for the purpose and consideration therein expressed.
Owner: Oaks of Windcrest, L.P.
By: Oaks of Windcrest Development, L.L.C., General Partner
By: Allied Interests Inc., Manager
By: Jon H. Starnes, President
Date: _____

STATE OF TEXAS §
COUNTY OF _____
BEFORE ME, the undersigned authority, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated. Given under my hand and seal of office this _____ day of _____

Notary Public in and for the State of Texas
Type or Print Notary's Name
My Commission Expires: _____

LIENHOLDER'S RATIFICATION OF PLAT DEDICATION

STATE OF TEXAS §
COUNTY OF _____
Whereas, Security State Bank and Trust, acting by and through the undersigned, its duly authorized agent, is the lienholder of the property described hereon, does hereby ratify all dedications and provisions of this plat as shown.
Security State Bank and Trust
Lienholder: _____
Date: _____
STATE OF TEXAS §
COUNTY OF _____
BEFORE ME, the undersigned authority, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated. Given under my hand and seal of office this _____ day of _____

Notary Public in and for the State of Texas
Type or Print Notary's Name
My Commission Expires: _____

CERTIFICATE OF FINAL PLAT APPROVAL

(FOR FINAL PLATS WITH REQUIRED PUBLIC IMPROVEMENTS INSTALLED AFTER APPROVAL)
Approved _____

Chairman, Planning and Zoning Commission Date
City of Fredericksburg, Texas

The undersigned, the City Secretary of the City of Fredericksburg, Texas, hereby certifies that the foregoing Final Plat of the _____ day of _____, and the Commission, by formal action, then and there accepted the Final Plat and hereby authorizes the developer to proceed with the construction of public works improvements and infrastructure as indicated on the accompanying construction plans, and said Commission further authorizes the Chairman of the Planning and Zoning Commission to note the acceptance thereof by signing his/her name as hereinabove subscribed.
Witness by hand this _____ day of _____, 20____

City Secretary
City of Fredericksburg, Texas

CERTIFICATE OF SURVEYOR

I, the undersigned, a (Licensed Professional Engineer/ Registered Professional Surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

JEFF BOERNER, TX REGISTRATION # 4939 DATE
REGISTERED PROFESSIONAL LAND SURVEYOR

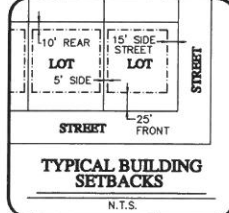
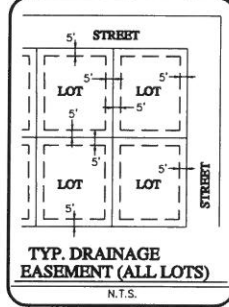
STATE OF TEXAS §
COUNTY OF GILLESPIE §
BEFORE ME, the undersigned authority, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated. Given under my hand and seal of office this _____ day of _____

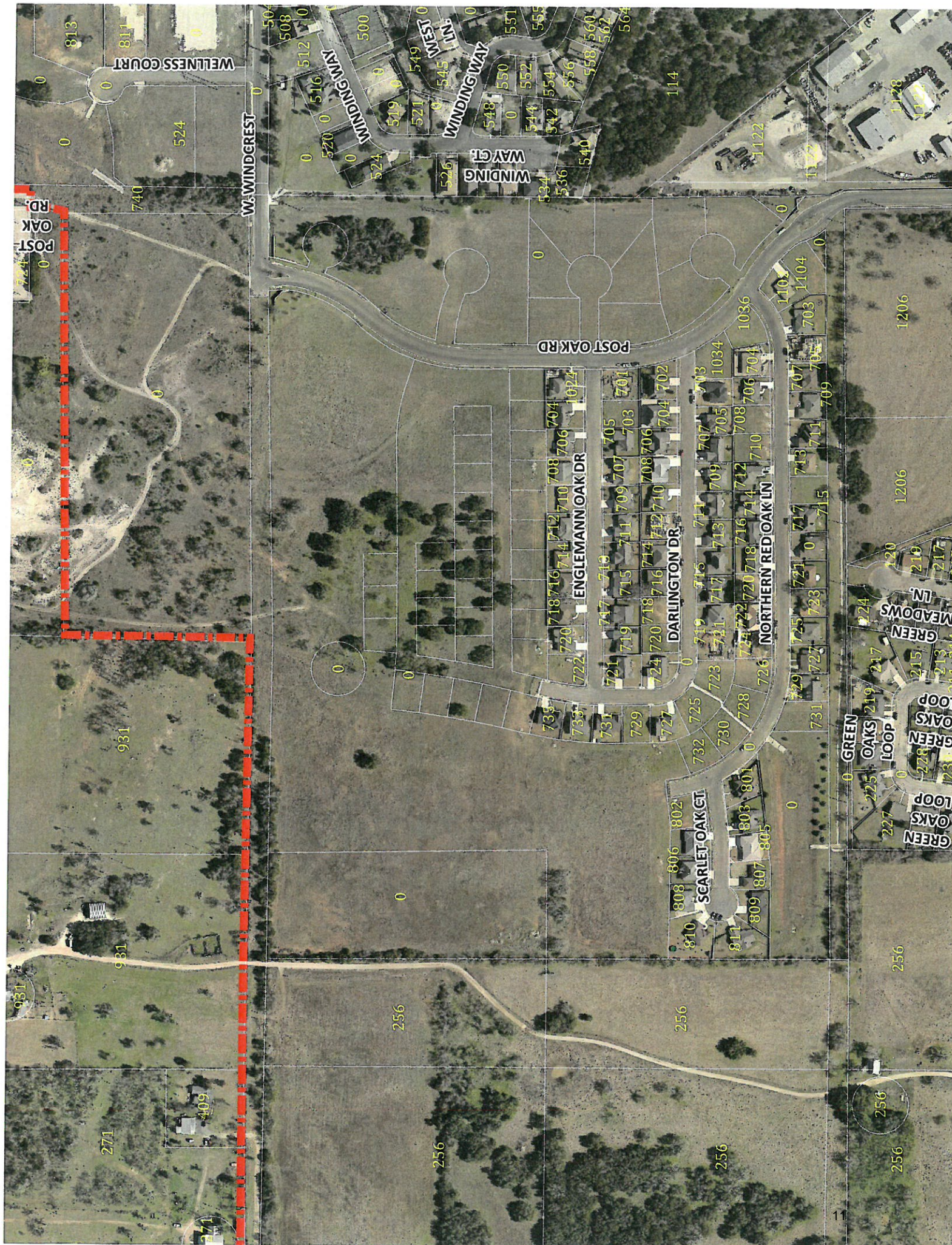
Notary Public in and for the State of Texas
Type or Print Notary's Name
My Commission Expires: _____



CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA	CHORD	CHORD LENGTH
C1	74.88	2400.00'	1°47'16"	N05° 06' 09"E	74.88
C2	74.93	2400.00'	1°47'20"	N03° 18' 51"E	74.93
C3	79.35	2400.00'	1°53'39"	N01° 28' 21"E	79.34
C4	81.91	2400.00'	1°57'20"	N00° 27' 07"W	81.91
C5	80.66	2500.00'	1°50'55"	S00° 20' 02"E	80.66
C6	82.66	2500.00'	1°53'40"	S01° 32' 15"W	82.66
C7	78.06	2500.00'	1°47'20"	S03° 22' 45"W	78.05
C8	78.00	2500.00'	1°47'16"	S05° 10' 03"W	78.00
C9	85.60	2550.00'	1°55'24"	N05° 03' 56"E	85.60
C10	84.70	2550.00'	1°54'11"	N03° 09' 08"E	84.69
C11	101.67	2550.00'	2°17'04"	N00° 03' 57"W	101.67
C12	85.57	430.00'	11°24'07"	S35° 54' 57"W	85.43
C13	16.36	430.00'	2°10'47"	S42° 42' 00"W	16.36
C14	33.66	370.00'	5°12'43"	S41° 11' 01"W	33.65
C15	113.49	370.00'	17°34'30"	S29° 47' 25"W	113.05
C16	41.44	370.00'	6°25'01"	S17° 47' 40"W	41.42
C17	75.37	217.81'	19°49'36"	S01° 06' 23"W	74.99
C18	24.67	52.88'	26°43'51"	S13° 42' 07"E	24.45
C19	39.66	52.88'	42°58'28"	S48° 33' 17"E	38.74
C20	15.77	225.00'	4°00'58"	N87° 45' 11"W	15.77

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA	CHORD	CHORD LENGTH
C21	66.26	225.00'	16°52'26"	N77° 18' 29"W	66.02
C22	34.42	225.00'	8°45'53"	N64° 29' 20"W	34.39
C23	28.58	225.00'	7°16'41"	N56° 28' 03"W	28.56
C24	17.43	225.00'	4°26'19"	N50° 36' 33"W	17.43
C25	89.61	175.00'	29°20'16"	S75° 05' 32"E	88.63
C26	17.96	175.00'	5°52'54"	S57° 28' 57"E	17.96
C27	18.79	175.00'	6°09'06"	S51° 27' 57"E	18.78





**FINAL PLAT
BACKGROUND INFORMATION
August, 2018**

File Number:	P-1817
Subdivision Name:	The Beginning
Location:	West side of Smokehouse Road, between Live Oak Road and the extension of W. Windcrest Drive (see attached map).
Zoning:	R-1A, Single Family Residential – Small Lot
Tract Size:	11.7 acres
Number/Size of Lots:	54 lots. All lots have a minimum width of 50', and the lot depth varies. All lots exceed the minimum size requirement of 4500 sf.
Roadways:	The project will be served by one main street, with access on Smokehouse Road. Two streets will be extended to adjoining property to the north and west for future connections. Smokehouse Road is a County Road at this time.
Right-of-way:	Internal streets will contain the minimum 50' of right-of-way.
Utilities:	As part of the Annexation Agreement between the City and Developer, water and sewer lines will be extended to the site by the City. Internal lines will be the responsibility of the developer.
Easements:	Typical drainage and utility easements on each lot. Proposed 100' Electric Transmission Line Easement 25' Fire Lane easement.
Easements Abandoned:	CTEC Electric line crossing the site.
Stormwater Detention:	A Detention Pond is proposed at the southwest corner of the development. All drainage is subject to approval of the Construction Plans by Engineering and Public Works.
Drainage:	See above.
Park Dedication:	The project qualifies under the Park Dedication requirements. Since no public park will be a part of this development, a fee in the amount of \$500 per lot shall be required prior to recording the Final Plat.

Construction Plans:	Preliminary Construction Plans have been reviewed by the Engineering Department. Comments have been returned to the Engineer.
Staff Comments:	NA
P&Z Action:	Final approval
Staff Recommendation:	Approval
Conditions:	Approval of the Final Plat and Final Construction Plans prior to the start of construction.

NOTES:
1. BASIS OF BEARING WAS ESTABLISHED FROM THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE.
2. SIGHT VISIBILITY RESTRICTION: NO STRUCTURE, OBJECT, OR PLANT OF ANY TYPE MAY OBSTRUCT VISION FROM A HEIGHT OF TWENTY-FOUR (24) INCHES TO A HEIGHT OF TEN (10) FEET ABOVE THE TOP OF THE CURB, INCLUDING, BUT NOT LIMITED TO, BUILDINGS, FENCES, WALLS, SIGNS, TREES, SHRUBS, CARS, TRUCKS, ETC., IN THE SIGHT VISIBILITY EASEMENT AS SHOWN ON THE PLAT. THESE SIGHT VISIBILITY EASEMENTS WILL REMAIN IN EFFECT UNTIL VACATED BY ORDINANCE ADOPTED BY THE CITY COUNCIL AND THE PROPERTY REPLANTED.

REFERENCES:
VOL. 2, PG. 159, PLAT RECORDS
VOL. 2, PG. 172, PLAT RECORDS
VOL. 41, PGS. 534-535, DEED RECORDS, RIGHT OF WAY EASEMENT TO CENTRAL POWER & LIGHT COMPANY ALONG TRANSMISSION LINE (UNDEFINED WIDTH)
VOL. 72, PGS. 212-213, DEED RECORDS, BLANKET EASEMENT
VOL. 80, PGS. 432-433, DEED RECORDS, UNDERGROUND TELEPHONE EASEMENT
VOL. 192, PGS. 111-112, DEED RECORDS, 20' RIGHT OF WAY EASEMENT TO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. ALONG POWER LINES - RESTRICTIONS
VOL. 555, PGS. 983-970 OFFICIAL PUBLIC RECORDS - RESTRICTIONS

OWNER'S ACKNOWLEDGMENT AND DEDICATION
STATE OF TEXAS
COUNTY OF _____

I, (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT WITHIN THE AREA DESCRIBED BY METES AND BOUNDS AS FOLLOWS (SHOWN HEREON):
AND DESIGNATED HEREIN AS THE SEPP SUBDIVISION TO THE CITY OF FREDERICKSBURG, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE PUBLIC USE FOREVER BY FREE SIMPLE TITLE, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, ALL STREETS, THOROUGHFARES, ALLEYS, PARKS, AND TRAILS, AND TO THE PUBLIC USE FOREVER EASEMENTS FOR SIDEWALKS, STORM DRAINAGE FACILITIES, FLOODWAYS, WATER MAINS, WASTEWATER MAINS AND OTHER UTILITIES, AND ANY OTHER PROPERTY NECESSARY TO SERVE THE PLAT AND TO FULFILL THE REQUIREMENTS OF THE PLATTING ORDINANCES, RULES, AND REGULATIONS THEREIN SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNERS:
BY: _____
DATE: _____

BY: _____
DATE: _____

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, MARK E. MCLOSKEY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINT NOTARY'S NAME _____
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, MARK E. MCLOSKEY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINT NOTARY'S NAME _____
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DONALD B. OTTING KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINT NOTARY'S NAME _____
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF _____

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NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINT NOTARY'S NAME _____
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, JEFF BOERNER KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINT NOTARY'S NAME _____
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF _____

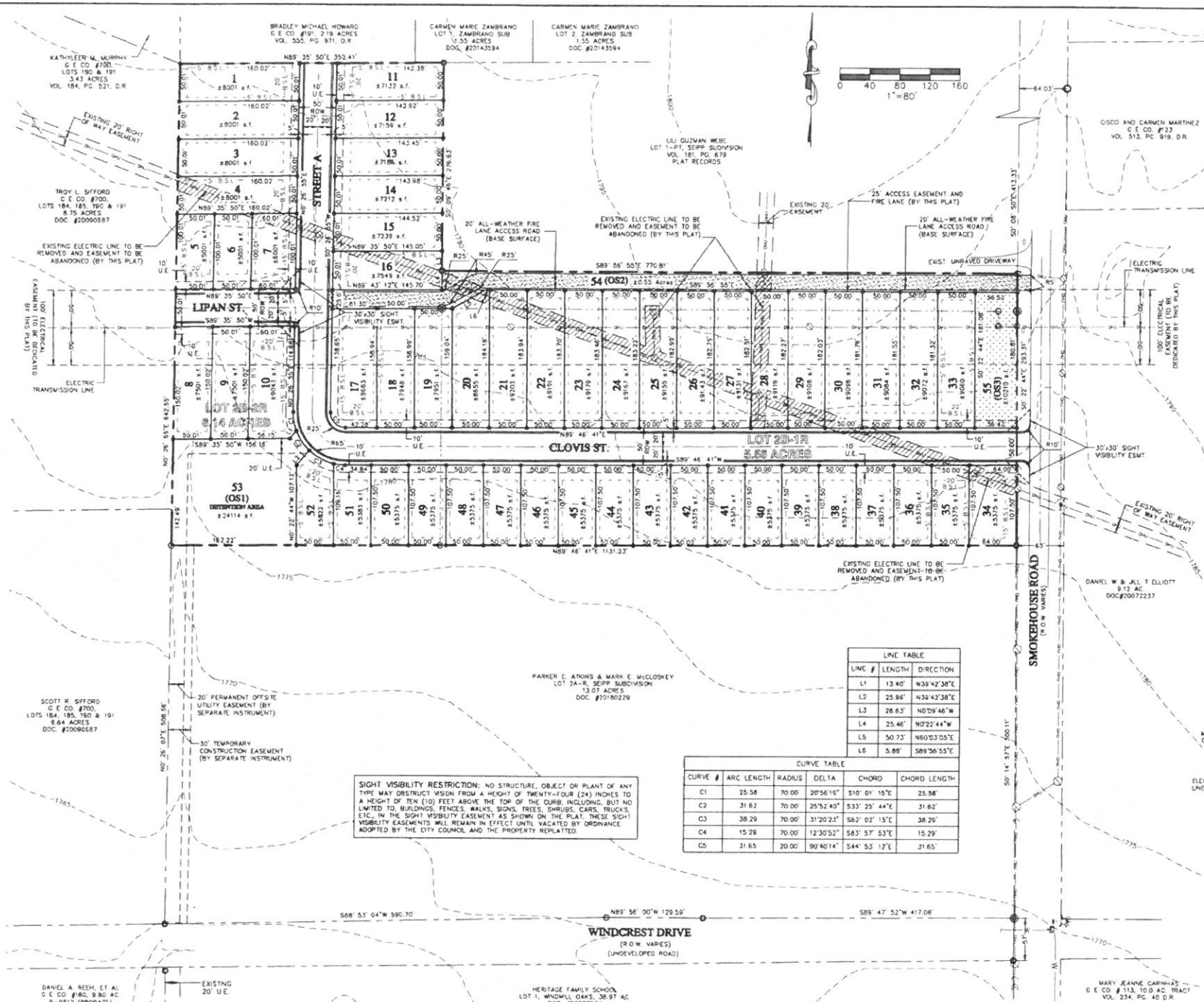
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NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINT NOTARY'S NAME _____
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF _____

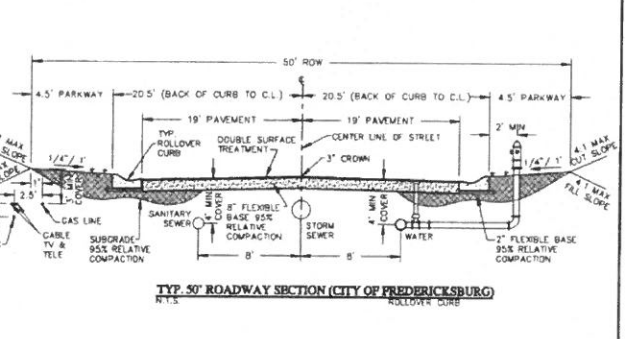
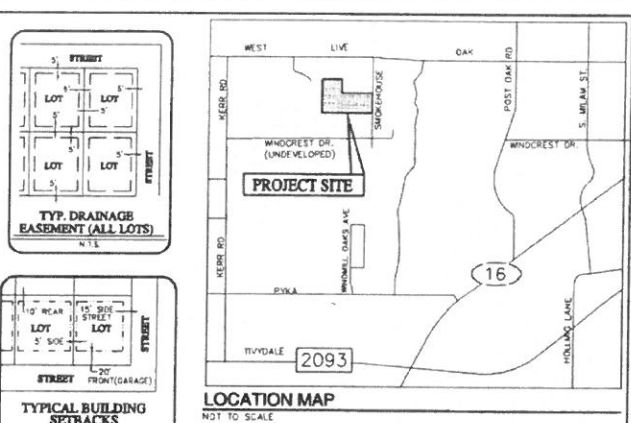
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, JEFF BOERNER KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
PRINT NOTARY'S NAME _____
MY COMMISSION EXPIRES _____



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	13.40'	N39°42'36"E
L2	25.86'	N39°42'38"E
L3	26.63'	N07°59'46"W
L4	25.46'	N07°22'44"W
L5	50.73'	N60°03'05"E
L6	5.88'	S89°36'55"E

CURVE TABLE				
CURVE #	ARC LENGTH	RADIUS	DELTA	CHORD LENGTH
C1	25.58'	70.00'	20°56'19"	51.01' 15"E
C2	31.62'	70.00'	25°52'40"	53.25' 24"E
C3	38.29'	70.00'	31°20'23"	56.22' 02"E
C4	15.28'	70.00'	12°30'52"	56.57' 53"E
C5	31.63'	20.00'	89°40'14"	54.45' 53"E



A PRELIMINARY PLAT FOR THE BEGINNING SUBDIVISION

11.70 ACRES, SEPP SUBDIVISION LOTS 2B-1R & 2B-2R, VOLUME 2 PAGE 159, AND VOLUME 2 PAGE 172, PLAT RECORDS, GILLESPIE COUNTY, TEXAS

BARTREI PROPERTIES LLC OWNER
CONTACT: KENNETH TREIBS
609 W. SCHUBERT STREET
FREDERICKSBURG, TX 78624
(830) 889-0070

MDS LAND SURVEYING SURVEYOR
CONTACT: JEFF BOERNER
8 SPENCER ROAD
BOERNER, TX 78606
(830) 816-1818

VEI CONSULTING ENGINEERS ENGINEER
ENGINEERING CONTACT: KEVIN W. SPRAGGINS
507-D E. HIGHWAY ST.
FREDERICKSBURG, TX 78624
(830) 997-4744
FAX: (830) 997-6967
Texas Registration # F-165

FILE NO: 18003
DATE: 08/22/2018
SHEET: PP (1 OF 3)



LOCATION MAP
NOT TO SCALE

LEGEND

- | | |
|---|------------------------------------|
|  | EXISTING EASEMENT TO BE ABANDONED |
|  | PROPERTY BOUNDARY |
|  | ADJACENT PROPERTY BOUNDARY |
|  | EXISTING LOT LINES TO BE ABANDONED |
|  | EXISTING EASEMENT |
|  | EXISTING OVERHEAD UTILITIES |
|  | EXISTING CONTOURS |
|  | PROPOSED LOT / ROW LINES |
|  | PROPOSED EASEMENT |
|  | PROPOSED ROAD CENTERLINE |
|  | PROPOSED WATER LINE |
|  | PROPOSED SEWER LINE |
|  | PROPOSED CURB & GUTTER |
|  | EXISTING UTILITY POLE |
|  | EXISTING WIRE GUY |
|  | 2 1/2" STEEL PIPE FOUND |
|  | 1/2" IRON ROD FOUND |
|  | PUNCH MARK FOUND IN CONCRETE |

A
PRELIMINARY UTILITY PLAN
FOR

THE BEGINNING SUBDIVISION

11.70 ACRES, SEIPP SUBDIVISION LOTS 2B-1R & 2B-2R, VOLUME 2 PAGE 159,
AND VOLUME 2 PAGE 172, PLAT RECORDS, GILLESPIE COUNTY, TEXAS

BARTREI PROPERTIES LLC	OWNER
CONTACT: KENNETH TREIBS	
609 W. SCHUBERT STREET	(830) 889-0070
FREDERICKSBURG, TX 78624	

MDS LAND SURVEYING **SURVEYOR**
CONTACT: JEFF BOERNER
8 SPENCER ROAD (830) 816-1818
BOERNE, TX 78006

VEI CONSULTING ENGINEERS **ENGINEER**

ENGINEERING CONTACT: KEVIN W. SPRAGGINS (830) 997-4744
507-D E. HIGHWAY ST. FAX: (830) 997-6967
FREDERICKSBURG, TX 78624 Texas Registration # F-165

FILE NO: 18003

DATE: 08/22/2018

SHEET: UP (3 OF 3)

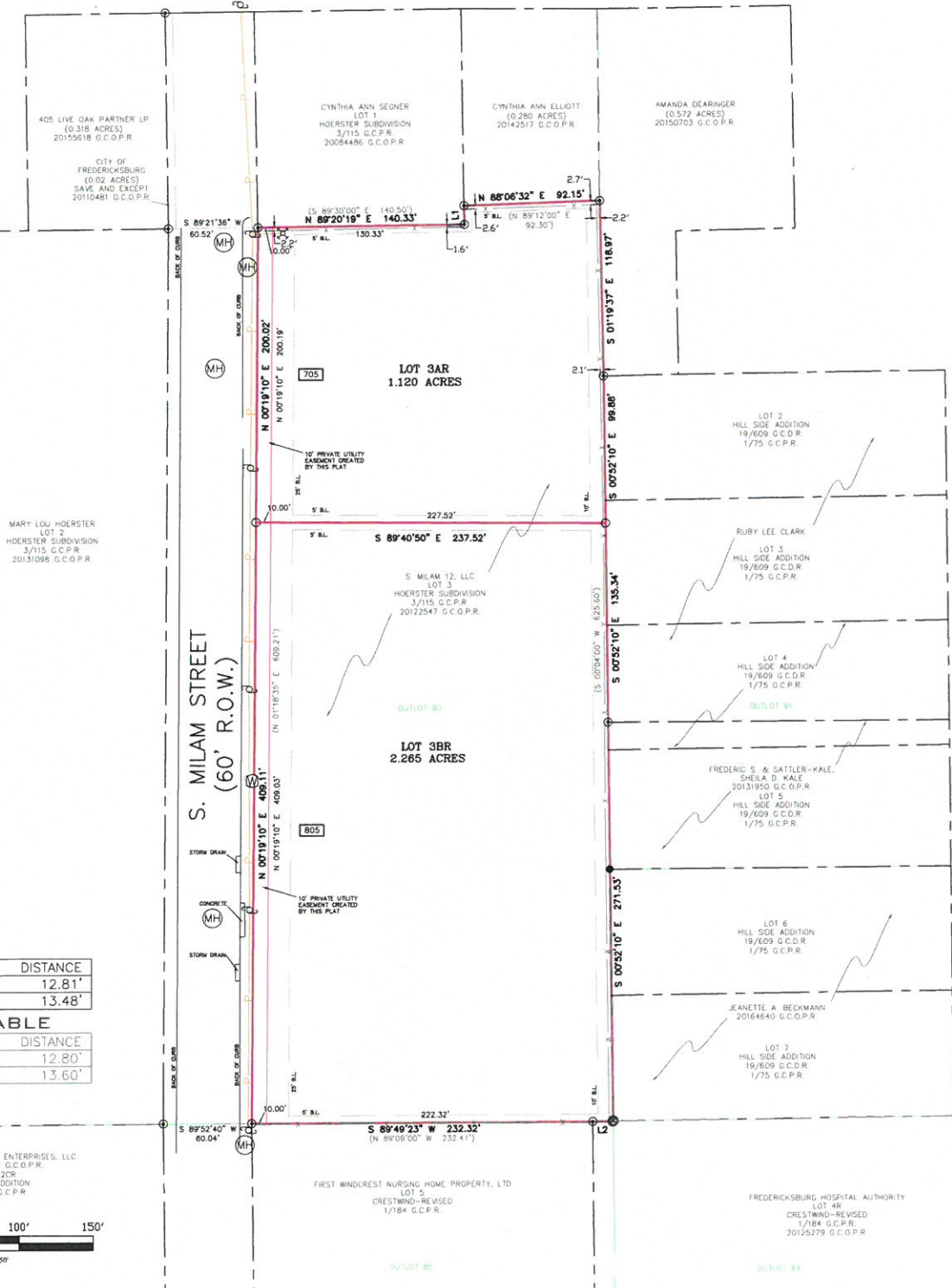


**REPLAT
BACKGROUND INFORMATION
August, 2018**

File Number:	P-1814
Subdivision Name:	Replat of Lot 3 of the Hoerster Addition, into Lot 3-AR and Lot 3-BR.
Location:	S. Milam Street (see attached map).
Applicant:	Lance Kovar
Number/Size of Lots:	2 lots, with proposed Lot 3-AR being 1.120 acres and proposed Lot 3-BR being 2.265 acres
Roadways:	Milam Street will serve as the access for this tract, with both lots having frontage thereon.
Right-of-way Dedications:	No additional right-of-way is required from the subject property. Existing Milam Street right-of-way in this location is 60'.
Utilities:	Water and sanitary sewer are available to serve the existing Lot 3. In order to serve proposed Lot 3-AR, water will need to be extended from the existing stub-out located on Lot 3-BR. Sanitary sewer is accessible to both proposed lots.
Easements:	A private water line easement to accommodate the proposed water line mentioned above will be required as part of the plat.
Easements Abandoned:	NA
Stormwater Detention:	Given the size of the property, storm water detention will be required. Storm water detention will be evaluated when development occurs on the property.
Drainage:	Will be evaluated when the property develops.
Sidewalks:	The Sidewalk Plan calls for a sidewalk on both sides of S. Milam Street adjacent to this property.
Staff Recommendation:	Approval, conditioned upon a sidewalk (or escrow) be constructed along the entire length of the property on S. Milam Street, and providing a private water line easement on proposed Lot 3-BR from the end of the existing water line to the proposed Lot 3-AR.
P&Z Action:	Final approval



W. LIVE OAK STREET

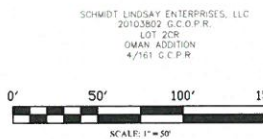


LINE TABLE

LINE	BEARING	DISTANCE
L1	N 01°17'51" W	12.81'
L2	S 88°58'45" W	13.48'

RECORD LINE TABLE

LINE	BEARING	DISTANCE
L1	N 00°00'00" W	12.80'
L2	S 89°26'40" W	13.60'



ZONING:

C1 - NEIGHBORHOOD COMMERCIAL

PROPOSED USE:

COMMERCIAL



LEGEND:

- BOUNDARY LINE
- ADJOINER LINE
- ORIGINAL LOT LINE
- BURIED UTILITY LINE
- OVERHEAD UTILITY LINE
- FENCE
- PIPE FENCE CORNER POST FOUND
- WOOD FENCE CORNER POST FOUND
- U.E. - UTILITY EASEMENT
- B.L. - BUILDING SETBACK LINE
- POINT
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- 3/8" IRON ROD FOUND
- IRON PIPE FOUND
- 1200 NAIL FOUND
- NAIL SET
- AS MARKED
- BENCH MARK
- FIRE HYDRANT
- UTILITY POLE
- GUY
- WATER WELL
- ELECTRIC METER
- G.C.P.R. - GILLESPIE COUNTY PLAT RECORDS
- G.C.D.R. - GILLESPIE COUNTY DEED RECORDS
- G.C.O.P.R. - GILLESPIE COUNTY OFFICIAL PUBLIC RECORDS
- G.C.R.P.R. - GILLESPIE COUNTY REAL PROPERTY RECORDS
- GAS METER
- AIR CONDITIONER
- PEDESTAL
- WATER METER
- (B.R.G.-DIST.) - RECORD CALL
- P.O.B. - POINT OF BEGINNING
- SIGN
- MANHOLE
- ADDRESS

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF GILLESPIE §

I (We) hereby certify, that I am (we are) the owner(s) of the property shown and described hereon, that no other person or entity has any interest in the property either by lien, lease, or other equitable interest, unless otherwise noted hereon, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building setback lines, and dedicate all alleys, walks, parks, water courses, easements, and other open space to public use forever and hereby convey, by fee simple title, all public road right-of-way, as shown hereon to the City of Fredericksburg for public road right-of-way purposes forever and agree for myself (ourselves) and my (our) heirs and assigns to abide forever by all lines, dedications, conveyances for road right of way purposes, and other restrictions shown hereon.

Title:
For S. Milam 12, LLC, a Texas Limited Liability Company.

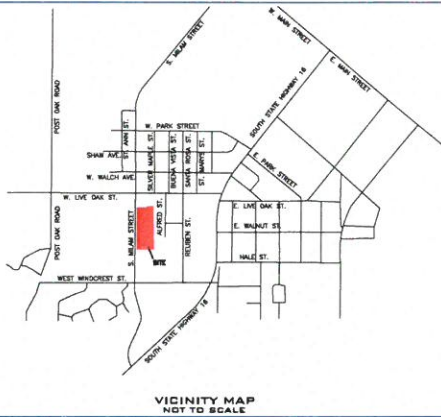
[NAME]

STATE OF TEXAS §
COUNTY OF §

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they have executed the foregoing instrument for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____, 2018.

Notary Public, State of Texas



VICINITY MAP
NOT TO SCALE

CERTIFICATE OF COMPLETION, ACCEPTANCE, AND AUTHORIZATION TO FILE

Approved

Chairperson, Planning and Zoning Commission
City of Fredericksburg, Texas

The undersigned, the City Secretary of the City of Fredericksburg, Texas, hereby certifies that the foregoing Final Plat of the HOERSTER SUBDIVISION, LOT 3AR & LOT 3BR, a Replat of Lot 3 of Hoerster Subdivision in the City of Fredericksburg, Texas as shown on the plat recorded in Volume 3, Page 115 of the Plat Records of Gillespie County, Texas, was submitted to the Planning and Zoning Commission on the ____ day of _____, 2018, and the Commission, by formal action, then and there accepted the dedications, conveyances of land, improvements, and any other property necessary to serve the plat and to implement the requirements of the platting ordinances, rules, and regulations as shown and set forth in and upon said plat, that the public works and infrastructure improvements have been completed in accordance with the construction plans, and have been tested and accepted by the City, that the Final Plat is now acceptable for filing with Gillespie County and said Commission further authorized the Chairman of the Planning and Zoning Commission to note the acceptance on behalf of the City thereof by signing his/her name as hereinabove subscribed.

Witness by my hand on this ____ day of _____, 2018

City Secretary
City of Fredericksburg, Texas

CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF GILLESPIE §

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.
PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. AUG. 2, 2018

Josh W. Leamons
Registered Professional Land Surveyor, 6276

STATE OF TEXAS §
COUNTY OF GILLESPIE §

Before me, the undersigned authority, on this day personally appeared, Josh W. Leamons, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this ____ day of _____, 2018.

Notary Public, State of Texas

EASEMENT NOTE

Easements: Any public utility, including the City, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements or Right-of-Way shown on the Plat (or filed by separate instrument that is associated with said property); and any public utility, including the City, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Easements shall be maintained by property owners. The City can move trees or any other improvements and does not have the responsibility to replace them.

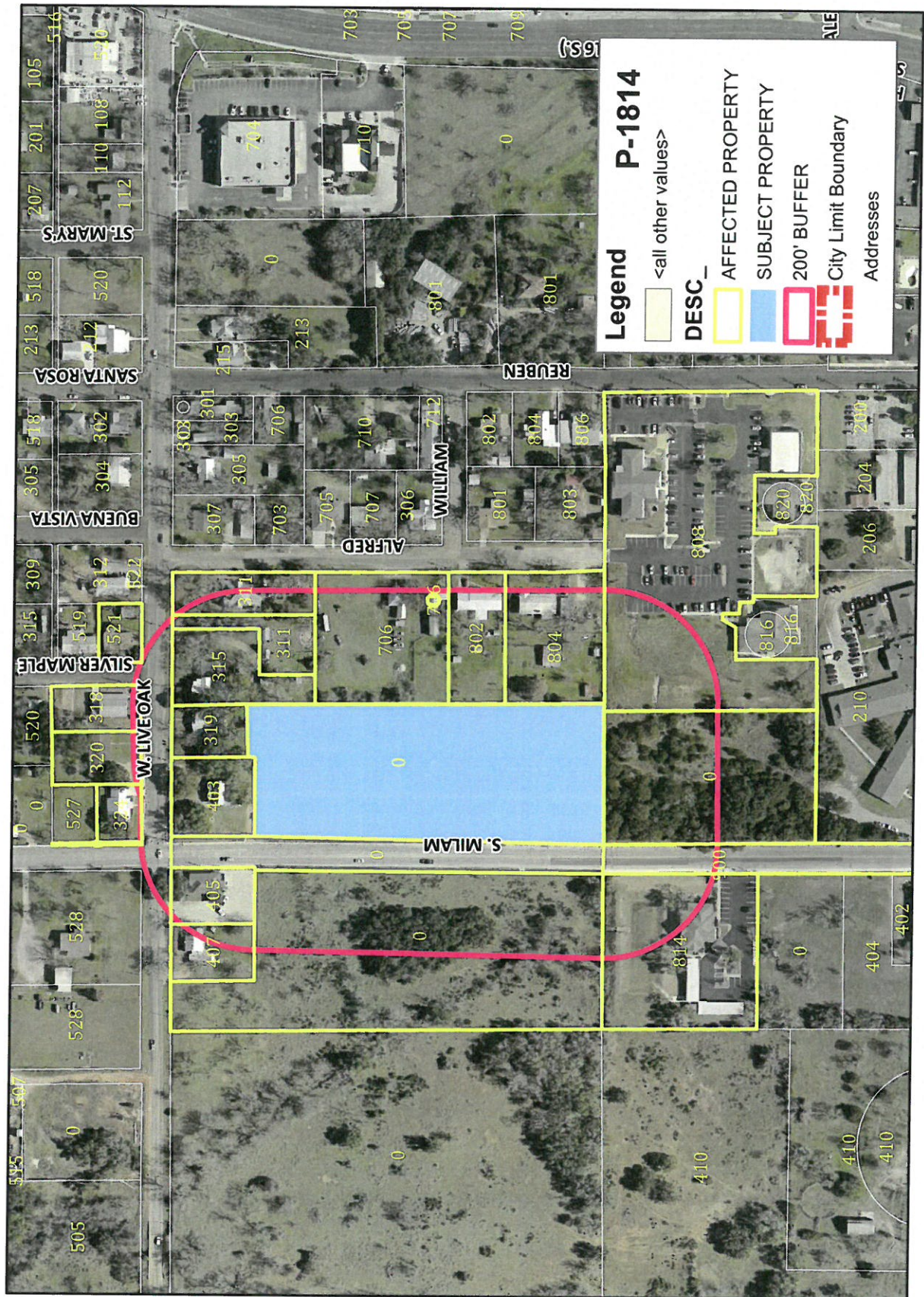
SURVEY NOTES:

- The property shown hereon is located in Zone X and IS NOT within a 100-year flood hazard area as identified by the Federal Insurance Administration Flood Boundary Map, Panel No. 48171C0269C Effective October 19, 2001.
- Building setback lines shown hereon reflect current C1 - Neighborhood Commercial Zoning for this property as of the date of this plat. Building setbacks are subject to changes in property zoning.
- Underground utilities, pipelines, sprinkler systems, valves, boxes, and/or sprinkler heads that may exist, are not shown hereon.
- Bearings, distances & acreage are Grid, NAD 83 US TX Central Zone 4203.

**HOERSTER SUBDIVISION
LOT 3AR & LOT 3BR**
A REPLAT OF ALL OF LOT 3 OF HOERSTER
SUBDIVISION IN THE CITY OF FREDERICKSBURG,
TEXAS AS SHOWN ON THE PLAT RECORDED IN
VOLUME 3, PAGE 115 OF THE PLAT RECORDS OF
GILLESPIE COUNTY, TEXAS.

FILED FOR RECORD AT ____ O'CLOCK ____ M. THIS THE ____ DAY OF _____, 2018
ON PAGE ____ VOLUME ____ OF THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS

DEPUTY COUNTY CLERK, GILLESPIE COUNTY, TEXAS



Letter	Owner	Address
A	MARY LOU HOERSTER	410 W. WINDCREST FREDERICKSBURG TX 78624
B	JOHN HOERSTER	204 W. WINDCREST FREDERICKSBURG TX 78624
C	405 LIVE OAK PARTNER	2635 LOUDON RD FREDERICKSBURG TX 78624
D	DANA ZACHARY	324 W. LIVE OAK ST FREDERICKSBURG TX 78624
E	ANGEL CHAVARRIA	611 E. SAN ANTONIO FREDERICKSBURG TX 78624
F	ZACHARY & KELLY CRIDDLE	320 W. LIVE OAK ST FREDERICKSBURG TX 78624
G	BEATRICE ROGERS	318 W. LIVE OAK ST FREDERICKSBURG TX 78624
H	BOBBY & GERALDINE SMEDLEY	1828 QUAILWOOD DR FREDERICKSBURG TX 78624
I	RUBY CLARK	311 W. LIVE OAK FREDERICKSBURG TX 78624
J	RUBY CLARK	311 W. LIVE OAK FREDERICKSBURG TX 78624
K	AMANDA DEARINGER	315 W. LIVE OAK ST FREDERICKSBURG TX 78624
L	CYNTHIA ELLIOT	1406 E. MAIN ST FREDERICKSBURG TX 78624
M	CYNTHIA SEGNER	1406 E. MAIN ST SUITE 200 FREDERICKSBURG TX 78624
N	RUBY CLARK	311 W. LIVE OAK FREDERICKSBURG TX 78624
O	FREDERIC & SHEILA KALE	802 ALFRED ST FREDERICKSBURG TX 78624
P	JEANETTE BECKMANN	804 ALFRED ST FREDERICKSBURG TX 78624
Q	FREDERICKSBURG HOSPITALITY AUTHORITY	P.O. BOX 812 FREDERICKSBURG TX 78624
R	FIRST WINDCREST NURSING HOME PROPERTY LTD	3008 DAWN DR # 107 GEORGETOWN, TX
S	SCHMIDT LINDSAY ENTERPRISES LLC	814 S. MILAM FREDERICKSBURG TX 78624
P-1814		

LAND USE PLAN AND ZONING CHANGE BRIEF

Rezoning Request # Z-1812

<u>APPLICANT:</u>	Stuart Barron and Jennifer Schandua, City of Fredericksburg
<u>LOCATION:</u>	North side of Friendship Lane, approximately 650' east of S. Washington Street.
<u>SIZE:</u>	Approximately 10 acres
<u>EXISTING ZONING:</u>	R-2 Mixed Residential.
<u>LAND USE PLAN:</u>	Commercial Center/Medium Density Residential
<u>PROPOSED CHANGE:</u>	Change in zoning from R-2, Mixed Residential to C-2 Commercial, and change the Land Use Plan from Medium Density Residential to Commercial.

UPDATED INFORMATION: At the previous meeting, the Commission voted to direct staff to call a public hearing on the remaining property in the vicinity to consider changing the Land Use Plan to Commercial and the zoning from R-2 Mixed Residential to C-2 Commercial. The overall property consists of three separate owners, including Barbara Heinen, Stuart Barron and Jennifer Schandua and Penjay Properties Inc.

FINDINGS:

- The property is currently vacant undeveloped land located on the north side of Friendship Lane approximately 650' east of S. Washington Street.
- The applicant's, who have approximately 2.44 acres of the property, intend to rezone the property for the purpose of developing a commercial center.
- Land uses surrounding this property include medical offices and a car wash to the west, commercial uses to the north, undeveloped land owned by the City to the east, and a hotel to the south.
- Surrounding zoning is C-2 to the west, north and south, and R-1 to the east.
- The Land Use Plan identifies the area at the intersection of S. Washington Street and Friendship Lane as a Commercial Center. The designation does include a portion of the subject property. The remaining portion of the property is designated as Medium Density Residential (see the attached Land Use Plan).

LAND USE PLAN: The Commercial Centers are located at the intersection of two-existing or planned major arterials. They are intended to include community and regional serving shopping centers and malls. Some office or service uses may also locate here. Residential or hospitality uses may also be considered if they can be included in a

compatible way. For new centers, the design should reduce the need for multiple automobile trips between stores.

The Medium Density Residential 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.

ZONING: The original applicant’s (Stuart Barron and Jennifer Schandua) are proposing to change the zoning to C-2, Commercial. In doing so, they have stated they intend to develop the property as commercial on a portion, and condos/townhomes on the remainder. No definitive uses have been determined at this time. The other owners (Penjay Properties Inc. and Barbara Heinen) have not indicated any desire to develop their respective properties. Ms. Heinen has provided an email indicating that she is opposed to C-2 Commercial zoning, but accepting of a C-1 Neighborhood Commercial designation. As is the case in all zoning requests, the Commission should consider all potential uses permissible within the proposed C-2 District (listing attached). By including the other properties in this request, the subject approximate 10 acres is now contiguous to C-2 on the west, north and south sides. So, if this property were to be changed to C-2, the commercial zoning would essentially be extended eastward to the line established to the north and south. It should be noted that the City’s property to the east of the subject property is intended for a park.

OPPOSITION/SUPPORT OF REQUEST: Other than the email from Ms. Heinen, no other letters have been submitted.

STAFF RECOMMENDATION: Based on the Land Use Plan designation, this property falls within the Commercial Center Designation and the Medium Density Residential Category. Obviously, the circle represented by the Commercial Center on the Land Use Map does not follow property lines, so action should be considered on a case by case basis, such as this request. Given the adjoining C-2 zoning surrounding this property to the west, north and south, it would seem reasonable to change the subject property as well. As an alternative, the subject property could be considered for a C-1 zoning designation, thereby using this tract as a transitional zoning from the C-2 to the west and the R-1 to the east. Even though there is no other C-1 zoning in the vicinity, the fact that there is commercial zoning adjoining this property would seem to eliminate the spot zoning in this scenario.

Brian Jordan

From: rheinen@austin.rr.com
Sent: Wednesday, August 22, 2018 12:13 PM
To: Brian Jordan
Subject: RE: property

Is this sufficient for the meeting ?

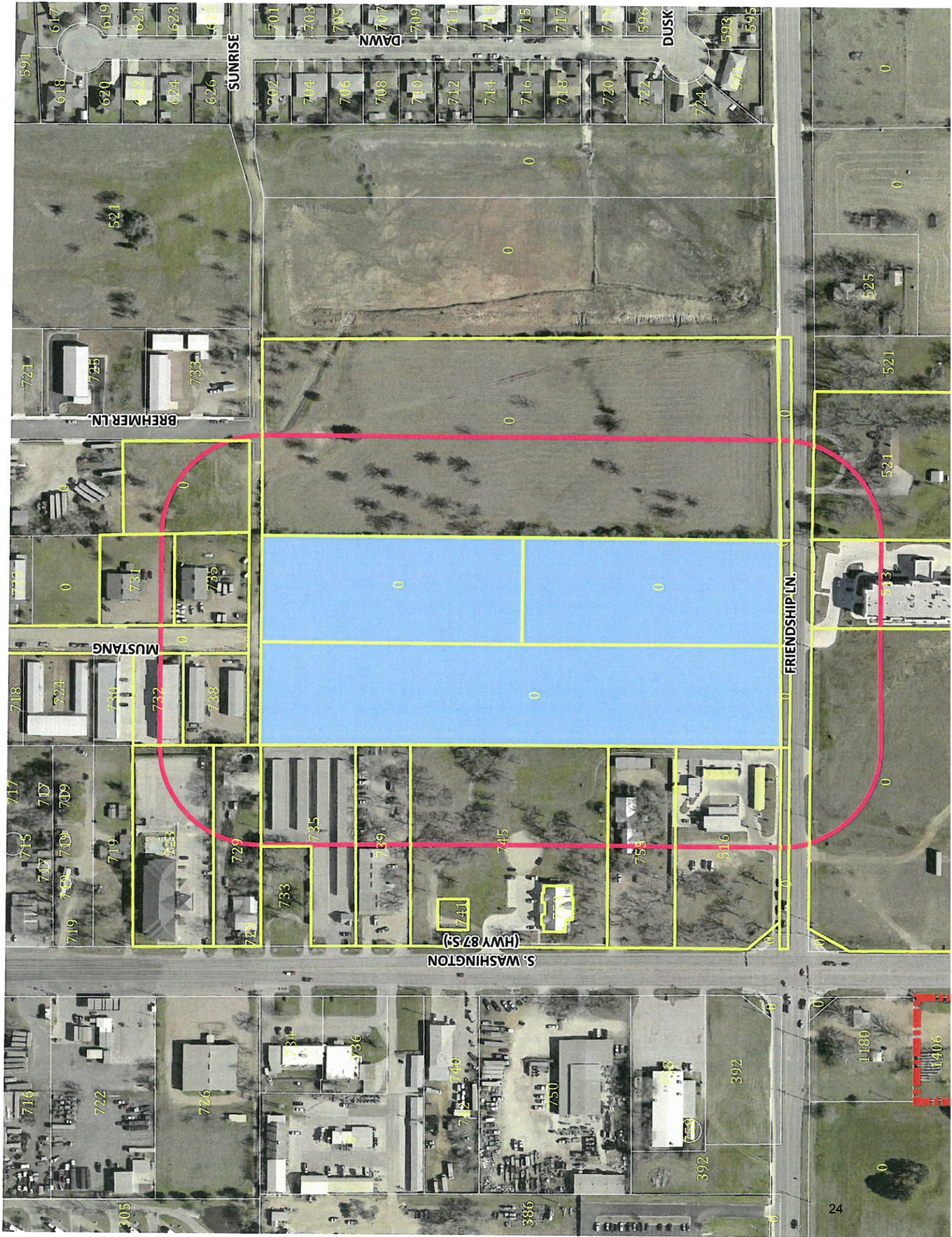
Subject: property

Knowing I was going to be out of the state and unable to attend the meeting relating to the property on Friendship Lane I went to visit Bryan Jordon about the situation.

At the present time I do not have any plans to develop my property. Not knowing my plans or the future plans of the properties to the east and west of my property I need to be proactive. I am willing to compromise and accept C1 rezoning, but I am against a C2 zoning at this time.

Thank you.

Barbara Heinen



Letter	Owner	Address
A	CITY OF FREDERICKSBURG	126 W. MAIN FREDERICKSBURG, TX 78624
B	VINAY PATEL	109 EAST 15TH ST SHAMROCK, TX
C	NEW FREDERICKSBURG PROPERTIES	P.O BOX 279 SHAMROCK, TX
D	MCLANE GROUP PROPERITES LLC	P.O. BOX 549 TEMPLE, TX
E	FREDERICKSBURG INVESTCO LLC	510 E. HIGHWAY ST FREDERICKSBURG, TX 78624
F	DR. MARTHA WALTON	755 S. WASHINGTON ST FREDERICKSBURG, TX 78624
G	S CHORD LLC	114 E. AUSTIN FREDERICKSBURG, TX 78624
H	BRUCE KNEESE	189 UPPER LIVEOAK RD FREDERICKSBURG, TX 78624
I	TREIBS ENTERPRISES LTD	P.O BOX 1145 FREDERICKSBURG, TX 78624
J	ELGIN DODD TRUST	P.O . BOX 630676 LITTLETON, CO
K	RREP LTD	1901 ACACIA LEAGUE CITY, TX
L	MARTIN RAMOS	614 COURTNEY ST FREDERICKSBURG, TX 78624
M	BBR MUSTANG LLC	105 W. SAN ANTONIO FREDERICKSBURG, TX 78624
N	SCHNEIDER'S DEER PROCESSING LLC	P.O. BOX 1681 FREDERICKSBURG, TX 78624
O	BBR MUSTANG LLC	105 W. SAN ANTONIO FREDERICKSBURG, TX 78624
P	TERRY & SHERYL HARTCRAFT	P.O. BOX 2446 FREDERICKSBURG, TX 78624
		Z-1812

VIN

Sec. 3.210. - C-2: COMMERCIAL. :

Intent

This zone is intended to provide for businesses and services that serve persons throughout the city and the area. These uses generally require frontages on major cross street intersections of highways or other major arterial, given their high visibility and traffic generation ability.

Principal Permitted Uses

Administrative and Business Office
Agricultural Sales and Services
Arts and Crafts
Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing
Building Maintenance Services
Business or Trade School
Business Support Services
Club or Lodge
Cocktail Lounge

Commercial Off-Street Parking
Communication Services
Construction Sales and Services
Consumer Convenience Services
Consumer Repair Services
Convalescent Services
Convenience Store/Self Serve Gas.
Cultural Services
Custom Manufacturing
Day Care Services
Equipment Repair Services
Equipment Sales
Exterminating Services
Financial Services
Food Sales
Funeral Services
Group Residential
Single Family Residential (detached) if structure was not used as other than residential in its most recent use

General Retail Sales
Guidance Services
Hotel/Motel
Horticulture
Hospital Services (Limited)
Indoor Entertainment
Indoor Sports and Recreation
Kennels
Laundry Services
Liquor Sales
Local Utility Services
Maintenance and Service Facilities
Medical Offices
Mobile Food Establishments, but not in any right-of-way or public easement
Multiple Family Residential
Outdoor Entertainment
Outdoor Sports and Recreation
Pawn Shop Services

Personal Improvement Services
Personal Services
Pet Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Professional Offices
Religious Assembly
Research Services
Restaurant - Drive-In/Fast Food
Restaurant
Service Station
Veterinary Services

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.

Uses Permitted Subject to Conditional Use Permit

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

Camp Grounds
Convenience Storage
Drive through facilities associated with any use
Single Family Residential (detached)- new construction or after cessation of use other than residential
Duplex Residential Condominium Residential(section <u>7.610</u>)
Single Family Residential (Detached)
Townhouse Residential (section <u>7.610</u>)
Transportation Terminals

Uses permitted with a Bed and Breakfast Compliance Use Permit:

Bed and Breakfast

Conditions under which a permit will be issued:

- Compliance with provisions of section 5.401, and
- One off street parking space for each Bed and Breakfast unit in addition to those required for other uses
- Compliance with other C-2 regulations

Sec. 3.200. - C-1: NEIGHBORHOOD COMMERCIAL. :

Intent

This zone is intended to provide for the establishment of restricted commercial facilities, to serve the conveniences and needs of the immediate neighborhood and must be compatible with the residential character and environment of the neighborhood. These uses generally result in limited traffic generation.

Principal Permitted Uses

Building, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following 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:

Administrative and Business Office
Convalescent Services
Cultural Services
Day Care Services
Group Residential
Local Utility Services
Medical Services
Multiple Family Residential
Personal Services

Private Primary Educational Services
Private Secondary Educational Facilities
Professional Office
Religious Assembly
Single Family Residential (detached) if structure was not used as other than residential in its most recent use

Uses Permitted Subject to Conditional Use Permit

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

Arts and Crafts
Automotive Washing
Building Maintenance Services
Business School
Business Support Services
Club or Lodge
Communication Services
Condominium Residential (section <u>7.610</u>)
Consumer Repair Services

Convenience Storage
Convenience Store/Self Serve Gasoline
Duplex Residential
Food Sales
Guidance Services
Laundry Services
Limited Retail Sales
Liquor Sales
Personal Improvement Services
Pet Services
Restaurant - Limited
Single Family Residential (detached)- new construction or after cessation of use other than residential
Townhouse Residential Drive through Facilities Associated with any use

Uses permitted with a Bed and Breakfast Compliance Use Permit:

Bed and Breakfast

Conditions under which a permit will be issued:

-Compliance with provisions of section 5.401, and

- Any structure which exists as of September 1, 2013 may be used as a Bed and Breakfast whether or not owner-occupied, and
- Additions or new construction, taking into consideration any existing structures, shall comply with other requirements of C-1
- One off street parking space for each Bed and Breakfast unit in addition to those required for other uses
- Lots may not be combined to permit more than eight separate lodging units on contiguous property regardless of density regulations
- Compliance with other C-1 regulations.

MEMO

From: Brian Jordan, Director of Development Services
To: Planning and Zoning Commission
Date: September 5, 2018
Subject: Mixed Use Zoning

Summary:

The City of Fredericksburg Comprehensive Plan has land-use categories for Mixed Use Corridor and Mixed Use Centers. The City has not adopted a Mixed Use zoning category to correspond with the Mixed Use Land-uses. The enclosed mixed use zoning language is a draft and not for adoption. This is to start a conversation of categories to include in the zoning district by laying out the intent of the zoning district. This first draft is preliminary and based on the feedback from the Planning and Zoning Commission work session held on August 22, 2018. The language is a mix of existing language from other communities that have adopted mixed use zoning. Also included is a Planners' guide to Mixed Use Zoning.

Sec. 3.800 MU - mixed use district

(a) General Purpose and Description: The MU - Mixed Use District is intended to provide a mixture of uses. The residential uses should be either R-1-A, R-2, or R-3 uses. Uses should be arranged on the site such that they complement one another, although much flexibility is allowed on how each use is situated on the site. The MU District is also intended as a transition zone for a mix of high density residential and certain non-residential uses, such as general retail and office uses, medical offices, restaurants, and personal service uses; and to allow a bed and breakfast lodging use by right. Nonresidential uses should consist of office, neighborhood service, and retail uses. Design and development standards are established on the site plan. Additionally, public pedestrian walkways, open areas and extensive landscaping are desired in order to promote interaction along different land uses and to create a "pedestrian friendly" environment. The following are key concepts that should be acknowledged through development practices within the MU District:

- (1) Residential uses are encouraged in conjunction with nonresidential activities in order to create a pedestrian-oriented environment, as well as to reduce vehicular traffic and encourage pedestrian traffic;
- (2) All types of residential uses should be encouraged, including single-family homes, if detached, shall be located on individual lots held in fee simple title, townhouses, condominiums and multifamily units; some housing should be provided above office and retail establishments;
- (3) Ample green space should be provided in conjunction with a mixture of uses, including shops, lodging facilities, civic facilities and churches;
- (4) Retail uses within the MU District should be constructed at a "human scale," with an emphasis on small, specialty shops;
- (5) Traffic flows within the MU District should enable people to move freely without the use of an automobile; and
- (6) Outside social gathering spaces, such as small parks, courtyards should be an integral part of any mixed use development.

(b) Permitted Uses: Those uses listed for the MU District in XX as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

Conditional uses must be approved utilizing procedures set forth in [Sec. 4.000](#)

(1) The following category of uses shall be considered to determine whether or not development provides the mixed use elements required by this zoning district.

(A) *Residential*; Single-family, Duplex, Townhouse/condominium, Apartment residential, Group residential

(B) *Office*; Administrative and business offices, ,

(C) *Personal and Business Services*; Business support services, Consumer repair services, Personal services, Personal improvement services

(D) *Retail* ; Convenience store, Food sales Under 6,000 sq. ft., General retail sales under 6,000 sq. ft., Residential convenience service, Restaurant—Limited, Restaurant—General, Pet services

(E) *Amusement and Recreation Service*; and

(F) *Institutional/Governmental*. Administrative services, Community recreation, Club or lodge, Cultural services, Day care (general), Guidance services, Local utility services, Park and recreation services, Postal services, Religious assembly, Safety services

(G) *Conditional Use Permit Required*; Construction sales and services, Commercial off-street parking, Equipment repair services, Funeral services, General retail sales over 6,000 sq. ft., but shall not exceed 15,000 sq. ft. , Hotel, limited-service/motel, Hotel, full-service, Hotel resort, Health care offices over 5,000 sq. ft., but shall not exceed 10,000 sq. ft., Indoor entertainment, Indoor sports and recreation, Outdoor sports and recreation, Veterinary services, Convalescent services, Life care services, Primary education facilities, Secondary educational facilities, Restaurant- Fast Food, Any type of drive-thru service

(2) Projects within the Mixed Use District shall contain uses from at least two of the categories shown above. Individual phases of a project may be permitted to contain less than the total number of required uses.

(3) Projects within the Mixed Use District shall contain no more than 35% retail uses based on the gross floor area of the total project. Individual phases of a project may be permitted to exceed this standard.

(c) Height Regulations: Maximum Height:

- (1) No more than three (3) stories not to exceed a maximum height of thirty-eight (38) feet.
- (2) Accessory buildings limited to one story and twenty-five (25) feet in height.
- (3) Accessory buildings limited to one (1) story and twenty-five (25) feet in height.
- (4) Other
- (5) Buildings that contain a minimum of 50% residential and at least 33% permitted nonresidential use floor space may have three (3) stories and are limited to forty-five (45') feet in height, except that a building with a pitched roof of at least 4:12 is limited to fifty (50) feet in height.

(d) Area Regulations:

(1) Size of Lot:

- (A) Minimum Lot Area - XX,000 (XX,000) square feet
- (B) Minimum Lot Width - XXX (X00')
- (C) Minimum Lot Depth - XXX (100')

(2) Size of Yards:

- (A) Minimum Front Yard - Fifty feet (50'); all yards abutting a street shall be considered a front yard. See [Sec. XXX](#) through [Sec. XXX](#) for any additional setback requirements.

- (B) Minimum Side Yard - XX

- (C) Interior Side Yards - None.

- (D) Minimum Rear Yard - XX

- (E) Adjacent to a Residential District - The side or rear setback, whichever is adjacent to the residential zoning district, shall observe a XX-foot (XX') setback for any building that is over one (1) story in height, a XX-foot (XXX') setback for buildings over two (2) stories or thirty-five feet (35') in height.

- (3) Maximum Lot Coverage: This is not addressed in this chapter.

(4) Building Size:

- (A) The minimum building footprint for nonresidential structures is fifteen hundred (1,500) square feet.
- (B) Structures with 50% or less residential use floor space shall be limited to a building footprint area not to exceed twenty thousand (20,000) square feet.
- (C) Structures with more than 50% residential use floor space shall be allowed a building footprint of up to thirty-five thousand (35,000) square feet.
- (5) Parking Regulations: As required by XXX, Off-Street Parking and Loading Requirements. The required number of parking spaces may be reduced if approved as part of the site plan. In no case shall the required parking be reduced in excess of twenty-five (25) percent of the required spaces, as set forth in XXX
- (e) Special Requirements:
- (1) Site Plan Review – For projects with uses allowed by right a site plan will be approved by Planning and Zoning. For projects with uses requiring a CUP a Public hearing, review and approval of a site plan by the Planning and Zoning Commission and the City Council, in accordance with XXX, shall be required for any tract or lot within the MU District.
- (2) All MU projects shall comply with the established Entry Corridor Standards and Guidelines
- (3) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
- (4) Open Storage is prohibited in the MU District.
- (5) Outside display of merchandise and seasonal items, such as Christmas trees and pumpkins shall be limited to the following:
- (A) Shall not be placed or located more than thirty feet (30') from the main building.
- (B) Shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two nonconsecutive displays per calendar year.
- (C) Shall not pose a safety or visibility hazard, nor impede public vehicular or

pedestrian circulation, either on-site or off-site, in any way.

(D) Shall not extend into public right-of-way or onto adjacent property.

(E) All outside display items shall be removed at the end of business each day, except for large seasonal items such as Christmas trees.

(F) All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

(G) Tents and the location of said tents may be approved for up to fifteen days by the Director of Development Services in writing. An additional fifteen days may be granted by the Director of Development Services in writing. Tents are exempt from subsection (A) above.

(6) Hours of Operation - All permitted uses within this district, with the exception of restaurants, health-care facilities, lodging facilities such as motels and hotels, emergency veterinary services, and government and public uses, shall have hours of operation between 8:00 a.m. and 9:00 p.m.

(7) Additional Site Development Standards

(A). All new construction whether residential, commercial, or civic shall screen the side yard or rear yard from property on common property lines or directly adjacent from across an alley, from which a different use type (residential, commercial, or civic) from the new construction's use type is in existence. Screening shall consist of a solid opaque manmade face fence or wall, or other construction approved by the city planner and be at least six (6) feet in height, and shall be architecturally consistent with the adjoining structure. The type and location of screening shall be shown on the site plan for the building permit. Such screening shall be no closer than the front yard setback.

Proposed	Existing (abutting or directly adjacent alley)	Screening Required
Commercial	Residential	Yes

Commercial	Civic	Yes
Commercial	Commercial	No
Residential	Commercial	Yes
Residential	Civic	Yes
Residential	Residential	No
Civic	Commercial	Yes
Civic	Residential	Yes
Civic	Civic	No

(B) The landscaped areas shall be maintained by the owner as long as the use persists on the property.

(C). An irrigated ground cover or shrubs on all property located outside the paved parking areas.

(D). Lighting facilities, if provided, shall not exceed five (5) feet in height and be so arranged as to reflect away from adjacent residentially zoned or used property. They shall provide illumination within the parking area or facility not to exceed one (1) footcandle at ground level and shall distribute not more than two-tenths (0.2) of one (1) footcandle of light upon any adjacent residential building.

(E). A concrete dumpster pad, screened from the view of adjacent streets and surrounding property, shall be installed for all developments except single-family and duplex.

(8). Additional Residential Site Development Standards

(A). Any Townhouse, Condominium, Apartment or Group development must provide screening from abutting commercially zoned or used properties.

(B). Townhouse Residential. Townhouse residential use is permitted in the MU

district subject to the following regulations and site plan review.

- i. Each townhouse shall be located on an individual townhouse lot, having a minimum lot width of twenty (20) feet.
- ii. The minimum lot area shall be two thousand four hundred (2,400) square feet per dwelling unit.
- iii. There shall be at least two (2) connecting units in each development.
- iv. All lots shall have direct access to a public street or alley.
- v. No interior side yard shall be required between connecting townhouses.

(C) Condominium Residential. Condominium residential is a use permitted in the MU district subject to the following limitations.

- (1) Maximum residential density for condominium use shall be two thousand four hundred (2,400) square feet of site lot area for each dwelling unit.
- (2) Common area requirements—Two hundred fifty (250) square feet per dwelling unit.
- (3) Condominium residential use shall be subject to site plan review.
- (4) All lots shall have direct access to a public street or alley.

9. Additional Civic Site Development Standards

- (A) Any civic use exceeding fifteen (15) parking spaces on site shall screen the parking area from abutting residentially zoned or used property. This requirement shall not apply to Parks and Recreation services and safety services.
- (B) Day care services must provide a driveway that will facilitate a safe and expedient pick-up and drop-off to the facility without encumbering the parking area of the site. A pick-up and drop-off area shall be separate from parking aisles. A pick-up and drop-off drive shall provide for stacking of a minimum of five (5) car lengths from the facility's pick-up/drop-off location to property line.

10. Additional Commercial Development Standards

- (A) Parking areas shall be screened as a division from abutting residentially zoned or used property.
- (B) Any commercial use that could produce excessive noise, or which may

become excessive, shall ensure that the structure and site will be constructed to prevent excessive noise from becoming a nuisance to adjacent properties. Examples of uses are, but are not limited to, indoor entertainment, indoor sports and recreation, and veterinary services. Determination of a use that could produce excessive noise shall be determined by the Development Service Department.

DRAFT



Mixed Use Zoning

A Planners' Guide



Adapted for Fredericksburg, TX
from

The Metropolitan Area Planning Council (MAPC) is the regional planning agency serving the people who live and work in the 101 cities and towns of Metropolitan Boston.

Mixed Use Zoning: A Planners' Guide

This basic guide to mixed use zoning presents the fundamentals you need to plan a mixed use bylaw:

- What is mixed use?
- What are the benefits to your community? To developers?
- What is the best process to plan mixed use zoning?
- What issues should you consider in designing a bylaw?
- How can you educate the public and address citizen concerns?

What is Mixed Use?

Traditional zoning was developed during a time when factories and many commercial uses were noisy, smelly, and/or hazardous to the public. To protect public health and residential property values, early zoning focused on separating different uses and buffering them from each other to minimize nuisances.

Today, much commercial development is environmentally benign, and there are often advantages to locating different uses in close proximity. Mixed use concentrated development, preferably near transit, is seen as a key “smart growth” tool to reduce auto dependence and preserve green space and natural resources. Thus many communities are turning to “mixed use,” which generally refers to a deliberate mix of housing, civic uses, and commercial uses, including retail, restaurants, and offices.

Mixed use itself is not a new idea. Housing above stores was common in village centers before the advent of zoning, as this photograph of E. Main Street Shows



Mixing uses, however, works best when it grows out of a thoughtful plan that emphasizes the connectivity and links among the uses. Results may be haphazard when communities simply enable multiple uses without providing guidance about the mix of uses and how they are spatially related.

To achieve well-planned mixed use development, most of the zoning ordinances described in this guide are “overlay” districts. This means that the underlying zoning remains in place. Developers may choose to develop according to the underlying zoning or, alternatively, according to the mixed use provisions. The overlay encourages coordinated, cohesive development among lots or through lot consolidation. The overlay approach is especially useful when the community wants to promote a unified approach in an area where there are two or more underlying districts.



If the community wants to encourage mixed use, the overlay should be structured to be attractive to developers and the requirements should not be onerous. The municipality typically retains control through the special permit process and can turn down any development not to its liking.

What are the Benefits of Mixed Use Development?

Different communities choose mixed use for different reasons. Some see it as an excellent way to incorporate a mix of housing types on a small scale while enhancing traditional town character. Others see it primarily as a vehicle for revitalizing struggling areas and spurring economic development. Still others use it to create or enhance village centers. Listed below are some of the many benefits of mixed use development:

- Spurs revitalization
- Encourages high quality design by providing both greater flexibility and more control
- Preserves and enhances traditional village centers
- Promotes a village-style mix of retail, restaurants, offices, civic uses, and multi-family housing
- Provides more housing opportunities and choices
- May increase affordable housing opportunities
- Enhances an area's unique identity and development potential (e.g., village centers, locations near bike paths, or “gateway” areas that announce a community's strengths)
- Promotes pedestrian & bicycle travel
- Reduces auto dependency, roadway congestion, and air pollution by co-locating multiple destinations
- Promotes a sense of community
- Promotes a sense of place
- Encourages economic investment

- Promotes efficient use of land and infrastructure
- Guides development toward established areas, protecting outlying rural areas and environmentally sensitive resources
- Enhances vitality
- Improves a municipality's Commonwealth Capital score
- Embodies "Smart Growth"
- Increases revenues

Although mixed use is especially applicable near public transportation, it has advantages for other areas as well. Benefits include the preservation of undeveloped or environmentally sensitive land elsewhere in the community, opportunities for more or different housing, bicycle and pedestrian-friendly destinations, and an enhanced sense of place or sense of community.

In developing an ordinance, communities should select the advantages that best apply and structure the provisions to accomplish these goals.

What is the Best Process to Plan Mixed Use Zoning?

In the communities we studied closely, mixed use was recommended in local Master Plans, Comprehensive Plans, Community Development Plans, or other studies. The plans themselves were the product of substantial public participation, involving the buy-in of local officials, planners, developers, property and business owners, and other interested citizens. The towns then officially adopted the plans. Thus they began with some community expression of a will to move forward with mixed use as one of a number of strategies to improve future development.

Going from concept to location-specific plans is often a challenge, evoking fears and strong emotions. It is wise to keep people involved in the process as the bylaw evolves and get their input into both the overall concept and the details. Participation by potential developers and existing property owners is especially important in shaping the ordinance.

Mixed Use in Practice



New Mixed Use in Canton

The five communities we worked closely with are Bedford, Millis, Southborough, Stoughton, and Stow, all suburban and some quite small. We also reviewed the experiences of other communities, most notably Canton, where a mixed use bylaw passed and a new development, with housing, retail, and offices, was built near the Canton Center Rail station.

Specific areas in each town were chosen for a variety of reasons. Some, like Depot Park in Bedford, already had some improvements but also had ripe revitalization potential.



Bedford's Depot Park Improvements



Bedford Opportunities

Others, like the Lower Village area in Stow, are places where housing and a mix of uses would create more of a village atmosphere and improve the "gateway" potential of this main route into town.

In most cases, the vision is to create a vibrant and attractive village-style area with a lively mix of housing, retail, restaurants, offices, and other compatible uses.



Stow Lower Village



←←Vision for the Village Center at the former South Weymouth Naval Air Station

What Should You Consider in Drafting an ordinance?

Using an Overlay District vs. Changing Underlying Zoning

An “overlay” district is a zoning district that is superimposed over one or more existing districts in order to impose additional restrictions, permit additional uses, or implement density bonuses or incentive zoning to achieve community goals.² In the case of mixed use zoning, it is used to allow added uses and to provide incentives to achieve local goals. Thus developers can develop either according to the underlying zoning or according to more flexible mixed use provisions.

The overlay, as we have noted, encourages coordinated, cohesive development across lots or through lot consolidation. Rather than allowing piecemeal development, it encourages a sense of place over a larger area. The overlay allows the community to enable and require a mix of uses and to control their features. Changing the underlying zoning to allow a mix by right would only enable the mix but would not require it nor would it control it via the special permit process. The overlay concept is especially useful where the desired mixed use area crosses zoning district boundaries or includes only a piece of a district or where the community wishes to protect commercial or industrial uses in parts of a district.

² Mark Bobrowski, *Handbook of Massachusetts Land Use and Planning Law*, 1993, p. 480.

Balancing Incentives and Requirements

To encourage developers to use the mixed use option, the bylaw needs to include incentives and provide for community control while avoiding excessively burdensome requirements. It is easy for local boards to be carried away by utopian visions of the ideal development, but if the bylaw raises too many hurdles it will never be used.

The choice of incentives and requirements should be based on the community's goals and the purpose of the bylaw. A town that is primarily trying to promote revitalization, for example, may have less stringent housing requirements than one where affordable housing is a primary goal. Thus the proposed Bedford bylaw, geared toward revitalization, requires 10 percent affordable housing in developments of eight units or more while Southborough, where affordable housing is a key goal, is considering 20 percent in developments of four units or more.³

The choice of incentives should also consider what is most likely to appeal to developers in the areas under consideration. Communities may choose from a number of potential incentives, such as:

- The ability to build certain kinds of housing (e.g., multi-family or small units) where it is not otherwise allowed
- More flexible design standards
- Less open space where flexibility produces better design
- Less parking, provided that adequate parking is achieved through such alternatives as shared parking arrangements; higher reliance on public transportation, bicycling, or walking; or transportation demand management techniques
- Streamlined permitting

In balancing incentives and requirements, it is important to remember that the community retains control through the special permit process. The special permit ensures high quality design. The board may always say no or negotiate more desirable design.

Setting the Tone and Establishing the Scope

Mixed use is intended as an improvement over traditional, segregated-use zoning. It often derives from a positive vision of a more desirable community. The bylaw should help set this tone, emphasizing what the developer can do while limiting prohibitions. Sometimes even a prohibition can be affirmatively phrased; “up to” 40,000 square feet sounds more affirmative than “no more than” 40,000 square feet.

The bylaw should spell out its purposes, goals, and benefits and may include positive performance criteria and design standards. The bylaws in our study rely heavily on these components to set the tone and to give the board the tools to support good design.

³ Most of the bylaws referred to in this guide are still works in progress and have not yet been adopted. Provisions could change radically or be rejected totally.

Application procedure requirements and document submission information should go at the end of the bylaw, appearing after the reader is engaged by the mixed use concept. In general, those bylaw provisions that mirror other local bylaws should simply refer to the applicable sections without repeating the details.

Selecting the Areas and Boundaries

Our study communities selected for mixed use those areas where

- Run-down properties were prime candidates for redevelopment;
- Existing zoning limited creativity; and/or
- Village-style development would improve community character.

Some of the most underutilized or unattractive sites are currently zoned for industrial uses. Communities are faced with a challenge in dealing with these sites. On the one hand, the properties could be much more attractive as village-style mixed use development. On the other hand, industrial property is a limited but necessary resource, and there is some reluctance to give it up. These competing factors will play themselves out in the selection of areas and their boundaries.



Establishing boundaries for mixed use districts is very site-specific. In general, boundaries should be selected to protect desirable existing uses and properties and to ensure smooth transitions to surrounding areas.

Some communities, such as Southborough, chose to start small with the hope of potentially expanding later. Other communities, such as Stow, selected larger areas, incorporating “A” and “B” subareas to ensure a gradual transition to and from the neighboring residential areas.

As with the other issues outlined here, the choice should be based on substantial input from local officials, property owners, developers, abutters, and other citizens.

Achieving Good Design

Many of these elements of good design apply to all development, and it is beyond our scope to discuss them all here. However, certain aspects seem especially relevant to mixed use and thus are included here.

Variations in Approach

There are two basic ways communities can regulate the design of new development, whether mixed use or single use. One is to set specific density standards such as units per

acre, floor area ratio, or percent lot coverage limits. The other is to establish more general design criteria and performance standards and use the special permit process to negotiate the outcomes. In this latter approach, parking and water and sewer infrastructure, along with design elements such as connectivity, walkability, and architectural features, are used to guide development.

In the case of mixed use, several of our study communities have opted to omit specific density standards in the belief that greater flexibility will lead to better design. This approach seems in keeping with the vision of mixed use as more flexible, innovative, and context-sensitive than traditional zoning. The approach is open to debate. Some believe that density itself is seldom the problem; bad design is. Others say that citizens need more assurance that development will not be too dense and developers prefer clearer rules. Knowledge of your community's predilections will help you gauge which approach is most appropriate. A compromise might be to limit density but allow it to go higher under certain circumstances or to cap the total number of units over a given number of years.

Design Features in a Mixed Use Setting

Balanced mix of uses: To be successful, a mixed use district should include a balanced and vibrant mix of compatible uses, with first floor street-front uses generally reserved for retail, restaurant, and in some cases office uses. The proposed bylaws in our study communities encourage this mix by regulating first-floor street front uses and by incorporating a goals and performance criterion that considers a development's mix and its impact on the existing mix. Thus they allow residential uses on first floors of buildings or parts of buildings only where they are behind those with street frontage or where the permit-granting authority deems these uses not to have an adverse impact. These bylaws also allow uses to be commingled in a single structure or located in separate structures on site.

Other communities set limitations on the percentage of certain uses relative to other uses. For example, Canton allows one housing unit for every 2,000 square feet of buildable lot area and also allows for 3,000 square feet of commercial development for each 10,000 square feet of land area. Bedford limits the floor area ratio (FAR) of each of the various possible uses within its existing Industrial Mixed Use Overlay district.

Connectivity of uses: Traditional bylaws tend to emphasize buffering and protecting one use from others. Successful mixed use, by contrast, encourages links among uses. It encourages people to walk from one use to another and to enjoy and socialize in an attractive outdoor setting. Many design features promote this ambience. They include the layout and orientation of buildings; the network of sidewalks and pathways; the location of parking relative to structures and walkways; and the amount and placement of green space, landscaping, benches, and other amenities.

The bylaw should authorize the board to consider these factors in approving permits. Specifics may include requirements for parking to be behind or next to buildings rather

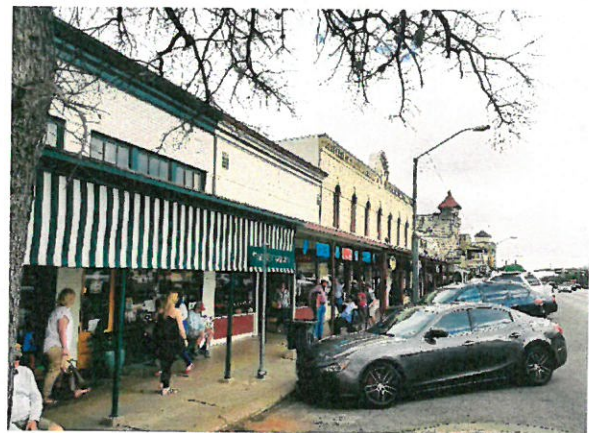
than in front. The community may wish to adopt separate design guidelines to provide more information and positive examples to developers.

Active street frontage: In addition to the first-floor street-front use provisions mentioned earlier, communities influence street frontage through setbacks and other yard dimensions. Thus our study area bylaws allow a zero minimum front yard depth in some areas, set a maximum front yard depth, and prohibit front yard parking.

Compactness: The walkability of a mixed use development depends on the proximity of structures. Thus some bylaws set dimensional requirements that allow a zero side-yard width and a zero rear yard depth except where the property abuts a residential district.

Compatibility with town character and historic or traditional context: Although the bylaw should authorize the board to consider compatibility in awarding permits, the elements of such compatibility are generally no different in a mixed use setting than in any other new development. Hence, whatever guidance applies to other new development can simply be incorporated by reference in the mixed use bylaw.

A few caveats apply, however. If the community wants to encourage creative design rather than strict adherence to historic styles, the bylaw should stress “compatibility” rather than words like “consistency,” “conformity,” or “compliance.” If the proposed mixed use area has special historic importance, it would be wise to acknowledge and affirm it in the bylaw to ensure people that their heritage will be respected and that local historic preservation rules will apply.



Good bicycle and pedestrian access: One of the key benefits of mixed use is its emphasis on walking and bicycling to reduce auto dependence. Mixed use bylaws can promote walking and bicycling by including bicycle parking and storage facilities, creating a network of walkways among uses, minimizing curb cuts, and requiring that automobile parking be in back.

The Depot Park area of Bedford, one of the proposed study bylaws, is especially geared toward cyclists and pedestrians. It is located at the terminus of the Minuteman Bikeway and already has a bicycle repair shop as well as a vintage railroad station, freight house, and passenger car recalling the park’s historic role in rail transportation. The town envisions complementing and capitalizing on these features with small-scale restaurants, housing, and fitness or health-related uses.

Reduced parking: Under certain circumstances, mixed use districts may set aside less parking than in traditional, single use settings. Reductions could occur near public transportation, where uses are clearly at different times and can share the same spaces, or

where there is a strong program to manage transportation demand. For the town to allow such reductions, the public would need to be assured that the resulting parking is adequate to meet the need.

Determining Appropriate Uses

The mixed use bylaw should allow housing, including multi-family, as well as retail, restaurants, offices, and civic uses. Other uses may include housing for the elderly, personal services shops, child care facilities, recreation, and municipal uses. Although the use categories in the underlying district must be allowed, subcategories may be disallowed. Many municipalities exclude those subcategories that are not conducive to their village-style vision (e.g., drive-through establishments, storage trailers, and adult entertainment).

Incorporating Housing

One of the main reasons to allow mixed use is to promote a greater variety of housing choice, including smaller units, more multi-family, and perhaps more rental than is typical in new suburban development. The bylaw should spell out the type of housing that is allowed, may regulate unit size or numbers of bedrooms, and may require some affordable units. If the community chooses to require some affordable units, it will need to specify the threshold number of units, the percentage of affordable units, target income eligibility levels, and other provisions similar to other affordable housing or inclusionary zoning bylaws. If the community already has detailed housing provisions, it may simply incorporate them by reference. Stow, for example, has an existing bylaw governing the inclusion of affordable units, and most of its elements are applicable to mixed use.

As mentioned earlier, the extent of the affordability requirements depends on the community's overall goals and the balance of incentives and requirements needed to achieve those goals.

How can you Educate the Public and Address Citizen Concerns?

Drafting a bylaw and adopting a bylaw are two different things, as any active citizen can attest. To get a bylaw successfully through the local legislative process requires an educated public and supportive interest groups and stakeholders. Zoning bylaws are notoriously complex. Bringing a complex proposal to the floor of Town Meeting without first "doing your homework" is a recipe for failure.

Outlined below are some of the key strategies, many of them mentioned elsewhere in this guide, in achieving strong public support.

- Base the proposal on an existing, approved plan, such as a Comprehensive or Master Plan, a Community Development Plan, a Housing Strategy, or a similar study developed with substantial public participation.
- Involve the public and stakeholders early in the process and seek their input in developing the bylaw. Stakeholders include local officials, developers, the

business community, abutters, environmental and other advocacy groups, property owners, and citizens at large.

- Address public concerns. Fears about density, property values, and changes in community character are common. Proponents of mixed use can address these issues by presenting documentation to dispel myths and/or by including protections within the bylaw itself.
- Ask interest groups, especially those with competing interests, to speak out publicly and to take an active role in outreach.
- Allow plenty of time to build understanding and support.
- Engage the local media. Mixed use examples with graphics lend themselves to feature articles and cable presentations.
- Use visuals of existing “success stories” and of opportunity areas in your community. Powerpoint presentations are an excellent way to tell the story. They can be shown to City Council as well as to local groups such as the Chamber of Commerce.