

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

**PLANNING & ZONING COMMISSION
OCTOBER 6, 2021
5:30 P.M.**

On this the 6th day of OCTOBER 2021 the PLANNING AND ZONING COMMISSION convened in regular Session at the Law Enforcement Center located at 1601 E. Main Street with the following members present to constitute a quorum:

PRESENT:

JANICE MENKING
JIM JARREAU
JEFF LAWRENCE
POLLY RICKERT
EMILY KIRCHNER
JILL TABOR
TIM DOOLEY

ABSENT:

DARYL WHITWORTH
STEVE THOMAS

ALSO, PRESENT:

JASON LUTZ – Director of Development Services
DANIEL JONES – City Attorney
SHELBY COLLIER – Associate Planner

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

PUBLIC COMMENTS

Leslie Spraggins, City Resident and STR Alliance Member, spoke regarding difficulties for current buyers for Short-Term Rentals.

Randy Brilley, City Resident and STR Alliance Member, spoke regarding taxing for Short-Term Rentals.

Belinda McDonnell, City Resident and STR Alliance Member, spoke regarding software and enforcement for Short-Term Rentals.

Tami Smith, City Resident and STR Alliance Member, spoke regarding evolution of Short-Term Rentals Ordinance discussions and her desire to allow one and two-bedroom units by right in the proposed amendments.

Ed Cowsar will speak when the proposals to the Tent Ordinance are considered.

MINUTES

Janice Menking corrected the spelling of Pedragon

Jim Jarreau moved to approve the corrected minutes of the October 2021 meeting and Polly Rickert seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING

Request Z-2116 – by Stuart Barron, Owner, To Consider a Requested Zoning Change from C1, Neighborhood Commercial, To C1.5, Medium Commercial for Approximately 0.647 Acres of Land Located on the North Side of Friendship Lane, Approximately 700 Feet West of the Intersection of Friendship Lane and South Washington Street.

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

Jeff Lawrence recused himself and left the table.

Stuart Barron presented the application, stating it was his intent to request a zoning of C1.5, Medium Commercial on his property as it allows for more marketing options to attract a tenant. He went on to say he would like to obtain a Conditional Use Permit (CUP) to have 2 drive-throughs on site.

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

Recommendation:

Jason Lutz, Director of Development Services, stated Staff recommends approval of the requested zoning change due to the following factors:

The additional single-family residential (Friendship Oaks) and multi-family residential developments (Friendship Oaks & SECO) require additional land uses, than what is allowed under C1, to better serve this area of the community to help reduce the number of trips residents would need to take across town for goods and services.

The request is in line with the City's adopted Comprehensive Plan and the Future Land Use plan calls out this area as a Commercial Center and calls for "community and regional serving shopping centers and malls" which are not allowed in the C1 zoning district.

Tim Dooley asked if this request would be Spot Zoning. Daniel Jones, City Attorney, addressed this concern.

Jim Jarreau made a Motion to Recommend Approval of Application Z-2116A Per Staff Recommendation. Seconded by Jill Tabor. All voted in favor and the motion carried.

Request Z-2116 - by Stuart Barron, Owner, To Consider a Conditional Use Permit Per Section 3.205 to Allow a "Drive Through or Drive-In Facilities" For Approximately 0.647 Acres of Land Located on the North Side of Friendship Lane, Approximately 700 Feet West of the Intersection of Friendship Lane and South Washington Street.

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

Jeff Lawrence remained recused.

Stuart Barron, applicant, had nothing to add to his request.

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

Recommendation:

Jason Lutz, Director of Development Services, stated Staff recommends approval of the requested CUP due to the following factors and with the following conditions.

1. Factors:
 - a. The additional single-family residential (Friendship Oaks) and multi-family residential developments (Friendship Oaks & SECO) require additional land uses, to better serve this area of the community.
 - b. The request is in line with the City's adopted Comprehensive Plan.
2. Conditions:
 - a. That only one of the two requested drive through facilities be approved.
 - b. That the applicant resubmits the site plan, which meets all city regulations, for P&Z approval at a future meeting.
 - c. Addition of Loading Area

He went on to say he has concerns regarding the pervious concrete proposed onsite.

Jim Jarreau voiced his concerns regarding approving a CUP without knowing the tenant.

Judy Vordenbaum spoke regarding the pervious concrete, which is currently in use on one of her other properties and works well to protect the trees.

Polly Rickert made a Motion to Recommend Approval of Application Z-2116B for 1 drive-thru and the Site Plan returns for approval from Planning and Zoning Commission. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Request Z-2117 – by John Needham of Seco Enterprises LLC, to Consider an Amendment to the PUD, Planned Unit Development Zoning to Allow Building Heights to Exceed the Maximum Height of 38 Feet for Approximately 32.53 Acres of Land Located at the Southwest Intersection of Friendship Lane and South Eagle Street.

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

John Needham presented the application.

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

Recommendation:

Jason Lutz, Director of Development Services, stated Staff recommends approval of the requested amendment to height due to the following factors:

1. Staff has consistently applied the "Height Definition" when determining max height, and under this definition the proposed hip roof design would meet the City's Code.
2. The proposed hip roof is more of a residential design given the development patterns in the area and creates more of a residential atmosphere than a commercial design.

Staff received 3 letters in protest and 1 in favor.

Jim Jarreau made a Motion to Recommend Approval of Application Z-2117 Per Staff Recommendation and directs Staff to address the Zoning discrepancies. Seconded by Tim Dooley. All voted in favor and the motion carried.

Request Z-2119 – to Consider Proposed Amendments to Section 8.100 – Temporary Use Types, to Add a Definition for "Event Center", to Allow Temporary Structures (Tents) for "Event Centers" and Establish Regulations Regarding the Proposed Use.

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

Ed Cowsar spoke regarding the proposed amendments to Section 8.100. He provided a handout and additional language. He stated overall he agreed with the proposed changes.

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

Polly Rickert stated she would like to see the proposed language prior to recommending approval.

Polly Rickert made a Motion to Recommend Denial of Application Z-2119. Seconded by Jeff Lawrence. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Commission, Jim Jarreau moved to adjourn. Seconded by Jill Tabor. All voted in favor and the meeting was adjourned at 7:10 p.m.

PASSED AND APPROVED this 4th day of November 2021.


SHELBY COLLIER, Associate Planner


JANICE MENKING, Chairman