



CITY OF FREDERICKSBURG

REGULAR PLANNING AND ZONING AGENDA WEDNESDAY, NOVEMBER 4, 2020 ~ 5:30 P.M. ZOOM & 1601 E. MAIN STREET

Janice Menking, Chair
Jim Jarreau, Member
Daryl Whitworth, Member
Brenda Segner, Vice Chair
Jeff Lawrence, Member

Chris Kaiser, Member
Jill Tabor, Member
Tim Dooley, Member
Steve Thomas, Member

The City of Fredericksburg Planning and Zoning will meet in a regular session on **Wednesday, November 4, 2020, at 5:30 p.m. This meeting will be held remotely via Zoom Teleconferencing**, and in person at the Gillespie County Law Enforcement Center, 1601 E. Main St. Fredericksburg TX, 78624. Members of the public may attend the meeting in person or remotely by web or telephone via Zoom Teleconferencing (see details below). These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Members of the public may join the Zoom Meeting by one of the following:
By web: Please click the link below to join the meeting:

Join Zoom Meeting

<https://us02web.zoom.us/j/86333932696?pwd=NEhoTDVHWTJXcDhiREFpeVlxL2ZOdz09>

Passcode: 397103

Or iPhone one-tap:

US: +13462487799,953008868# or +16699006833,953008868#

Or Telephone: Dial (for higher quality, dial a number based on your current location):

US: (346) 248 7799 or (669) 900 6833 or (253) 215 8782 or (301) 715 8592 or

(312) 626 6799 or (929) 205 6099 or Toll Free at (877) 853 5247 or (888) 788 0099

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

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MEETING MINUTES

October 2020 regular meeting minutes

4. PUBLIC COMMENTS

During the COVID-19 pandemic, the City of Fredericksburg is allowing public comments to be submitted remotely, **by 2:00 p.m. on NOVEMBER 4, 2020**, using any of the following methods:

Email your comments to scollier@fbgtx.org; or

Complete a Citizen Comment Form located inside the Public Access entrance at 126 W. Main St, Fredericksburg, Texas, and place in the box marked Citizen Comment Form.

The Planning and Zoning Commission (P&Z) welcomes public comments concerning items on this agenda. Each member of the public who desires to address the P&Z regarding an item on this agenda is required to sign up to speak, prior to the start of the meeting. All public comments shall be limited to discussion of items on this agenda and shall be limited to 3-minutes in duration. At the discretion of the P&Z Chair, or upon an affirmative vote of the P&Z, the public comment time limit applicable to all speakers may be lengthened or shortened as required to allow the P&Z to complete its legislative agenda. Persons addressing the P&Z are prohibited from trading time with other speakers or reserving of time.

5. PUBLIC HEARING

- A. Consider Z-2016 – Request by Justin Cop for a Conditional Use Permit to allow a Standardized Business in the Central Business District, CBD, per Section 3.510 of the Zoning Ordinance on property located at 257 W. Main Street.
- B. Consider Z-2017 – Request by Whitney Koch on behalf of CMC Barons Creek LTD for a Zoning Change from CBD, Central Business District, to PUD, Planned Unit Development and consider a Conditional Use Permit to allow for Multi-Family Residential and Restaurant use on property located at 202 E. Ufer Street.

6. ACTION ITEMS

- A. Receive recommendation and consider (Z-2016)
- B. Receive recommendation and consider (Z-2017)

8. ADJOURN

This is to certify that I, Brian Jordan, posted this Agenda before 5:00 PM. on October 30, 2020 on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Brian Jordan,
Director of Development Services

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

**PLANNING & ZONING COMMISSION
October 7, 2020
5:30 P.M.**

On this the 7th day of OCTOBER 2020 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
BRENDA SEGNER
JIM JARREAU
JEFF LAWRENCE
DARYL WHITWORTH
TIM DOOLEY
JILL TABOR

ABSENT:

STEVE THOMAS
CHRIS KAISER

ALSO, PRESENT:

BRIAN JORDAN – Director of Development Services
DANIEL JONES – City Attorney
SHELBY COLLIER – Development Coordinator

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

MINUTES

Jim Jarreau moved to approve the minutes of the September 2020 meeting and Jeff Lawrence seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING

Consider Z-2014 – Request by Zachary Hoerster for a Conditional Use Permit per section 3.220 of the Zoning Ordinance to operate a Medical Office on a CBD Zoned property located at 520 W. Main Street.

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

Barry Wagner, Architect for the project, presented the application on behalf of Zachary Hoerster. He explained it was the applicants desire to operate his dental practice at 520 W. Main.

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

Brian Jordan, Director of Development, stated the applicant intends to reconfigure the space within the building at 520 W. Main Street to incorporate a dental office and professional office. The existing building contains approximately 2928 square feet. The proposed dentist office will contain 2,179 square feet and the professional office will be 749 square feet. Section 3.220 of the Zoning Ordinance requires a Conditional Use Permit for the proposed Medical Service use. Access to the property is from W. Main Street and is shared with the adjoining property. Parking spaces are provided on the east side of the building and to the rear of the building.

Staff recommends Approval conditioned upon all parking spaces meeting current City standards.

Jim Jarreau made a motion to recommend Approval for Application Z-2014 per Staff Recommendation. Daryl Whitworth seconded the motion. All voted in favor and the motion carried.

ACTION ITEM

Consider SP-2012 – Request by Thomas Duval on behalf of the Reserve at Vineyard Oaks for a Multi-Family Apartment Complex located at the North West Corner of South Eagle Street and Friendship Lane.

Brenda Segner recused herself and left the table.

Chairwoman, Janice Menking stated the applicants wished to table this item due to the comments raised prior to the meeting. She then invited public comment.

Jeffery Morin spoke regarding his concern for drainage and fire coverage. He believes the development would crowd his property.

Kyle Segner spoke regarding his concerns about grade elevations. He stated the development would be very tall and loom over the neighboring residences. He also expressed his concern regarding the water runoff and where the drainage would go.

Brian Jordan, Director of Development Services, informed the Commission that the applicant did not wish to have this item considered. It is the applicants wish to post pone this item until they can meet with the neighbors regarding their concerns.

No action was taken.

Consider initiation of a text amendment to the City's Zoning Ordinance related to the definition of a Bed and Breakfast unit and regulation of the same.

Brenda Segner returned to the table as a voting member.

Brian Jordan, Director of Development Services, stated that he discovered a discrepancy in the definition of a short-term rental as defined in Section 23-101 of the Code of Ordinances and the provisions noted in the R-1 zoning district.

Specifically, the definition states "one or more habitable rooms forming a single habitable division within a short term rental, or an entire undivided Short Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of guests under a single reservation and/or single rental payment".

However, the R-1 district states that under a B&B compliance use permit, that the "use is allowed in rooms of property owner's principal residence with no limit as to number of units up to eight", or if the property is not the owner's principal residence, then Bed and Breakfast use is limited to one rental unit OR one separate guest house if the lot is 10,000 square feet or more

The intent was that an owner who resided on the property as their principal residence, would be allowed to use rooms within their residence for rental purposes, but limited to one rental unit. In other words, the intent was never to allow these same rooms to be rented as separate "units".

Mr. Jordan said he is recommending that the Planning and Zoning Commission initiate a Text Amendment to the Code of Ordinances relating to the definition of a Short-Term Rental Unit in the R-1 Zoning District.

Jim Jarreau made a motion to direct Staff to initiate a text amendment to the City's Zoning Ordinance relating to the definition of a Bed and Breakfast unit and regulation for the same. Tim Dooley seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Commission, Brenda Segner moved to adjourn. Seconded by Jill Tabor. All voted in favor and the meeting was adjourned at 6:05 p.m.

PASSED AND APPROVED this 4th day of November 2020.

SHELBY COLLIER, Development Coordinator

JANICE MENKING, Chairman

CONDITIONAL USE PERMIT BRIEF

Request Z-2016

Owner: M.I. Land, LLC Bob Metzger

Applicant: Fredericksburg Realty, LLC Justin Cop

Location: 257 W. Main Street

Existing Zoning: CBD, Central Business District – Historic Shopping District Overlay

Request: Conditional Use Permit for a Standardized Business in the Historic Shopping District Overlay.

Site Plan Overview:

- Fredericksburg Realty, LLC is looking to establish a business relationship with Compass Real Estate, a national real estate brokerage firm.
- By definition, this relationship would be considered a standardized business because it is required by contractual or other arrangement or affiliation to maintain one or more of the following items: standardized array of services and/or merchandise, trademark, logo, signs, service mark, symbol, décor, architecture, layout, uniform, menu, or similar standardized features and which causes it to be substantially identical to more than ten (10) other businesses regardless of ownership or location at the time the application therefor is completed.
- Fredericksburg Realty, LLC has been working out of the same location (a part of the old Knopp and Metzger Department Store) since October 2018 and has made substantial improvements to the interior of the building.
- Should the agreement with Compass Real Estate be established, Fredericksburg Realty would be required to put a sign on the front door of the business. Texas Real Estate Commission rules state that if you have a supervising broker, you are required to have a sign identifying such.
- Commercial businesses, including retail and restaurant, surround this property.
- CBD zoning surrounds this property all sides.

Review and Evaluation Criteria (per Section 5.460 of the Zoning Ordinance): The following criteria are the standard elements for consideration of any Conditional Use Permit.

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- Other than the standardized business, the property complies with current regulations.

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

- The proposed use seems compatible with the surrounding commercial uses.

C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:

- None anticipated.

- D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:**
- None.
- E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:**
- No changes anticipated.
- F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:**
- NA.
- G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:**
- As stated in the Site Plan overview, Fredericksburg Realty intends to put a sign on the front door of the business.
- H. ADEQUACY AND CONVENIENCE OF OFF-STREET PARKING AND LOADING FACILITIES:**
- Parking is not affected by this request.
- I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:**
- Except for the fact that this proposal is considered a Standardized Business, an office use is considered a permitted use under normal circumstances. The following section will evaluate the proposed use in accordance with the adopted Standardized Business Ordinance.
- J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:**
- Affirmative. See following section.
- K. DETERMINATION THAT THE PROPOSED USE AND SITE DEVELOPMENT, TOGETHER WITH ANY MODIFICATIONS APPLICABLE, THERETO, WILL BE COMPATIBLE WITH EXISTING OR PERMITTED USES IN THE VICINITY:**
- Affirmative. See following section.
- L. DETERMINATION THAT ANY CONDITIONS APPLICABLE TO APPROVAL ARE THE MINIMUM NECESSARY TO MINIMIZE POTENTIALLY UNFAVORABLE IMPACTS ON NEARBY USES AND TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING OR PERMITTED USES IN THE SAME DISTRICT AND THE SURROUNDING AREA:**
- Affirmative. See following section.

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

- Affirmative. See following section.

SECTION 5.461 REVIEW AND EVALUATION CRITERIA FOR HISTORIC SHOPPING DISTRICT OVERLAY:

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications for all Standardized Businesses within the Historic Shopping District Overlay using the following criteria:

A. Affirmative finding that the existence of such business will not:

1. Materially alter the general characteristic of the surrounding area of the small-town German and Hill Country environment,
2. Detract from the uniqueness of, nor materially alter the identity of, the Historic Shopping District,
3. Contribute to the nationwide trend of standardized offerings, or
4. Impair the intent of this ordinance or the comprehensive plan.

B. Affirmative finding that the business will:

1. Add diversity to the mix of businesses in the area including the type of service, amusement, product, price range and the like, and
2. Compliment those businesses already in the Historic Shopping District Overlay,
3. Help promote and foster the local economic base, or
4. Is currently existing in the District or is regionally or locally based or is serving a community need or local demand.

C. The Planning and Zoning Commission may recommend, and the Council shall require that a Standardized Business:

1. Will not utilize or contain the features or attributes of a Standardized Business as defined above except the service, product or amusement, and a sign, no more than 2 square feet in size showing the franchise or business affiliation.
2. Be pedestrian oriented as opposed to automobile oriented, to encourage walking in the Historic Shopping District.
3. Utilize a unique visual appearance that reflects or compliments the historic character of the Historic Shopping District, and not project a visual appearance that is homogeneous with its elements in other communities, and
4. Not be in such proximity to Standardized Businesses to significantly destroy a mix of standardized businesses with other businesses.

D. The Planning and Zoning Commission may recommend, and the Council may place other reasonable conditions upon the granting of the application which may not be specifically set out herein provided that such conditions promote the goals of this ordinance. It is specifically permitted that the City Council may place restrictions upon the operation of the business such as hours or operation to conform generally to other businesses in the area or the requirement of the addition of architectural features to maintain the character and architectural look of the area.

- E. The burden of proof in conditional use proceedings shall be upon the applicant. The Council may require the applicant to submit a traffic study, prepared by a Registered Professional Engineer, approved by the Board, or to submit any other substantiation of the elements of the application.
- F. The fact that a use may be more profitable or that a structure may be more valuable if the conditional use is granted shall not be grounds for issuance of the permit.

The applicant has provided detailed responses to each of the above criteria. Please see the attached information.

OPPOSITION/SUPPORT OF REQUEST: No comments received.

STAFF RECOMMENDATION: For informational purposes, the Council has approved 3 Conditional Use Permits for standardized businesses. James Avery Craftsman at 207 E. Main Street was approved in May, 2009, Ameriprise Financial Offices at 414 W. Austin Street was approved in August, 2010, and Security State Bank & Trust drive-through at Crockett and San Antonio Street was approved in April, 2015. In each of these cases, the Council agreed that each business met the qualifying criteria of the ordinance. A specific condition was placed on the Ameriprise Financial Office that they were not allowed a sign to identify their affiliation with the business.

In two other circumstances involving the proposed Spice and Tea Exchange at 401 E. Main Street and Vacasa at 405 E. Main Street, the City Council denied a Conditional Use Permit. In addition, Mr. Evan Stahl withdrew his application at 107 E. Austin for a real estate office (affiliation Keller Williams) when he discovered this property required a Conditional Use Permit and the City would not recommend approval.

It is staff's opinion that this affiliation between Fredericksburg Realty and Compass Real Estate falls within the definition of a Standardized Business. We acknowledge that the Fredericksburg Realty business has been in the Historic Shopping District Overlay since before the Standardized Business was adopted. However, we believe that the affiliation with a national brand is contrary to the intent of the ordinance. We would consider the same situation if another long standing independent retail or restaurant establishment located in the district were to establish a business relationship with a national brand and be required to display signage or some other element of their affiliation. Staff recommends denial of the request.

Under Section 5.461(C) above, the Planning and Zoning Commission may recommend approval if you determine the business will not utilize or contain features or attributes of a Standardized Business as defined above except the service, product or amusement, and a sign, no more than 2 square feet in size showing the franchise or business affiliation.

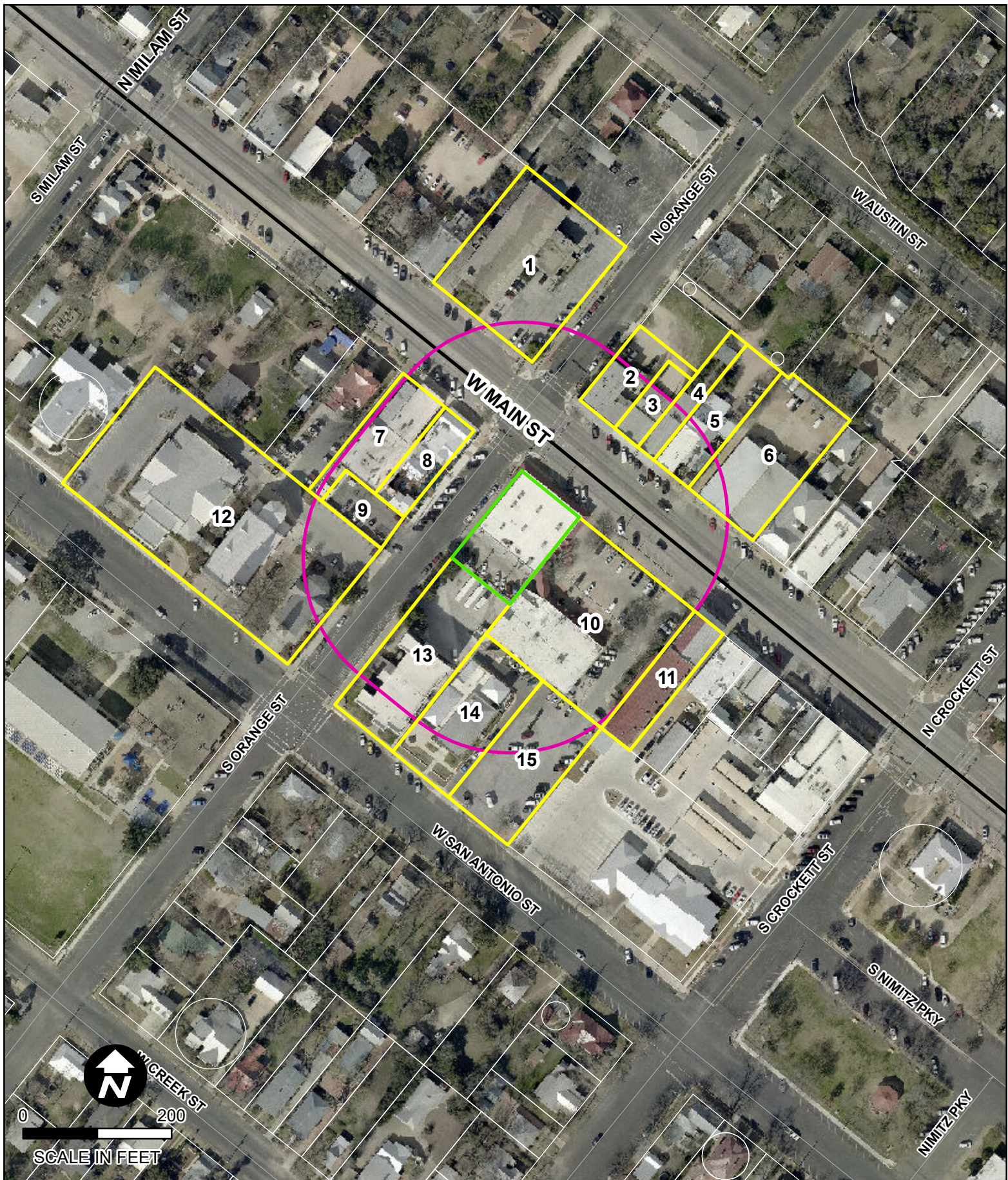


FIGURE 1
City of Fredericksburg
Z-2016 - 257 W. Main Street

LEGEND

- Subject Property
- 200 Foot Buffer
- Affected Property

Exhibit A

Attachment to Conditional Use Permit

Fredericksburg Realty, LLC

257 W. Main St., Fredericksburg, TX

This Exhibit is for the purpose of addressing Sections 5.460 and 5.461 of the City of Fredericksburg Zoning Ordinance and requesting a Conditional Use Permit to operate a business that is a standardized business as defined in Section 3.510 of the City of Fredericksburg Zoning Ordinance.

Standardized Business: Fredericksburg Realty, LLC, is looking to establish a business relationship with Compass Real Estate, a national real estate brokerage firm. The reason to establish the business relationship is mainly for the marketing available to Compass Real Estate. Fredericksburg Realty, LLC, has been a local real estate firm since 1965 and under the current ownership (Justin Cop), since 2017 and provides a wide array of real estate services, including residential, commercial and farm and ranch.

Fredericksburg Realty, LLC, has been working out of the same location (a portion of the old Knopp & Metzger Department Store) since October 1, 2018 and has made substantial improvements to the interior of the building. The only change that would occur with the business and the building, is that if the relationship is consummated, Fredericksburg Realty, LLC, would be required to put up a small sign that says "Compass" on the front door of the business. This is because if you have an agreement with a supervising broker, such as Compass, you are required by the Texas Real Estate Commission to identify who the supervising broker is. Currently there are at least two other real estate offices in Fredericksburg that operate under this type of agreement, located on Main Street. One is on the East side of the Historic District and one is located on the West side of the Historic District.

Applicant feels and respectfully requests that Fredericksburg Realty, LLC, be granted a conditional use permit in order to be able to place the sign(see attached picture with the location and sizes of the signs) on its front door. Fredericksburg Realty, LLC, since its move to the location at 257 W. Main Street, has been in compliance with all applicable regulations and standards established by the City of Fredericksburg Zoning Regulations. As stated previously,

there is nothing changing with regards to the building, the height or other appearance of the structure of the building. Applicant does not feel that there would be any potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, as this business will continue to operate the same business, with the same owner and management as it currently has.

There will be no modifications to the sign plans and there will be no change to the vehicular and pedestrian circulation in the immediate area of the location Fredericksburg Realty, LLC, operates in, as because there will be no change to the current business. There will be no erosion, flood or water damage, fire, noise, glare or similar hazards resulting from the grant of the Conditional Use Permit, as the business will keep operating as it currently is, and there are no changes that will be made to the structure of this building if the conditional use permit is granted.

There will also be no changes to the adequacy and convenience of off-street parking and loading facilities resulting if the Conditional Use Permit is granted. The proposed use of the business will not change the current business located there and Fredericksburg Realty, LLC, has no plans to change locations any time in the future, if it can be helped. The current (and subsequent use, for that matter) use of the property has improved the building and will continue to be a positive impact for business on the West side of Main Street, which some say is lacking in comparison with the East side of Main Street. The current use, and the subsequent use, as a real estate business, is compatible and acceptable as a permitted use in the location it sits.

Fredericksburg Realty, LLC, is requesting this Conditional Use Permit in order to better serve the people and our community by giving the agents and owners more time to work with the individuals in our community, as opposed to using vast amounts of time to personally handle marketing on different platforms. The current signs will stay in place, showing the business as Fredericksburg Realty and Texas Ranch Realty, with the only addition being the Compass signs at the bottom of the door. This is certainly not a situation where all of the logos, signage, color schemes, uniforms or anything of that nature will change, therefore, will not change the aesthetics of the building and the nature of our Hill Country Community appearance.

For the reasons stated above, Fredericksburg Realty, LLC, requests that you find that the existence of the resulting standardized business as defined in the City of Fredericksburg Zoning Ordinances, will not materially alter the general characteristic of the surrounding area of our community, it will not detract from the uniqueness of, nor materially alter the identity of, the Historic Shopping District, it will not contribute to the nationwide trend of standardized

offerings; or impair the intent of this ordinance or the comprehensive plan of the City. This is a family run business and offers a very unique and specialized service to the City of Fredericksburg, its surrounding residents and those wishing to move to our special town. This business will continue to add to the diversity of the businesses in the area, as it will continue to operate in the same way and provide the same services. This business is a good fit in the location it is currently operating in, certainly helps to promote and foster the local economic base in Fredericksburg and surrounding communities and is currently existing in the Historic District. Fredericksburg Realty, LLC, appreciates the opportunity to request this Conditional Use Permit and respectfully requests that the Planning and Zoning Commission and the City Council approve this Conditional Use Permit and allow an exception to the standardized businesses operating in the Historic Shopping District of Fredericksburg, Texas. Fredericksburg Realty, LLC, will continue to be an important business in this community and serve the citizens of Fredericksburg and the surrounding areas with the utmost respect, as they have in the last 4 years. Fredericksburg Realty, LLC, is of the opinion that placing a small sign on the front door of the business, will not affect the ability to serve this community and will not affect the comprehensive plan of the City of Fredericksburg. Thank you for your consideration.

FREDERICKSBURG REALTY



ZONING AND CONDITIONAL USE PERMIT BRIEF
Request Z-2017

Owner: CMC Barons Creek Ltd., Kenneth Carr

Applicant: Mustard Design, Whitney Koch, AIA, NCARB

Location: 202 Ufer Street

Existing Zoning: CBD – Central Business District

Request: Change in Zoning from CBD (Central Business District) to PUD (Planned Unit Development) and Conditional Use Permit for multi-family and restaurant use.

Site Plan Overview:

- The proposed Barons Creek Development is proposed to consist of 86 apartment units and a free-standing restaurant (see proposed Site Plan).
- The property is located on the north side of Ufer Street, between S. Llano Street and S. Lincoln Street.
- The proposed apartment units will consist of 7 Efficiency Units, 47 1-Bedroom Units and 32 2-Bedroom Units. Total building area is approximately 35,185 square feet.
- The proposed restaurant building is approximately 3,467 square feet.
- Access to the property is from Ufer Street, and S. Llano Street. Entrances will be secured by a perimeter fence. The access on Ufer Street will serve as the visitor entrance.
- 149 parking spaces are proposed for the apartment complex and 22 spaces for the restaurant.
- The site is laid out in such a way that the apartment complex is separate from the restaurant. Platting of the property will correspond with this layout.
- Previously, the site was approved for the Wine and Culinary Center, as well as a condominium complex with ground floor retail.
- The surrounding zoning is CBD to the north, west and east, and Public Facilities (Old Fair Park) to the south.
- Surrounding land uses include vacant land to the west proposed as a hotel, a mix of homes and businesses to the north across Baron's Creek, commercial to the east across Lincoln Street and Old Fair Park to the south.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- With the exception of the density, the site will comply with applicable zoning regulations. The applicant is requesting the PUD zoning to accommodate and increase in the density allowed in the CBD zoning. Please see the narrative provided by the applicant as justification for the increased density.

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

- The use of the property for a mix of apartment and restaurant uses would support the retail and commercial activities within the area.

C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:

- We do not anticipate unfavorable effects on other uses in the vicinity.

D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:

- None.

E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:

- Staff has been working with the applicant to provide safe vehicular access into and out of the proposed project. The fire department staff has approved the access to the site for emergency purposes. Emergency access through the security gates will be provided at all times via a knox box system. The proposed drive on Ufer Street will provide access for visitors and residents, and the access on Llano Street will be primarily resident access.
- A Hike and Bike Trail will be constructed by the land owner along Baron's Creek as shown on the Site Plan. Once constructed and accepted, the City will assume the maintenance responsibility. This trail will connect with the existing trail to the west on the proposed hotel site. In addition, a public sidewalk is proposed on all adjacent streets surrounding the project.

F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:

- A portion of the property currently lies within the 100-year floodplain. As such, any development or substantial improvements that lie within the FEMA Special Flood Hazard Area will require submission of a floodplain development permit application and compliance with the City's Flood Hazard Reduction Ordinance.

G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:

- The applicant is proposing one sign for the apartment site and one sign for the restaurant site. The height proposed is 7'-6" exceeds the normal ground sign height of 5'.
- A note is included on the plan stating that all exterior lighting will be ordinance compliant.

H. ADEQUACY AND CONVENIENCE OF OFF-STREET PARKING AND LOADING FACILITIES:

- Sufficient parking is provided based on the code. Parking for the apartment complex is separate from the parking form the restaurant.

I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:

- The CBD is intended to provide for the intense commercial activities of the central business district or central trading area of the City. This district establishes the character of the City by serving the tourist as well as the residents of the City.
- The purpose of the Planned Unit Development (PUD) Zone provides a means of achieving greater flexibility in the development of land, appropriate in size and shape to facilitate utilization in a manner not possible by conventional zones. The PUD Zone, is intended to encourage more efficient uses of land, while still providing proper arrangement of uses and structures. As such PUDs must be related to the land, surrounding uses and zoning; and would ensure the fulfillment of community needs relative to certain residential, commercial, industrial, recreational and other land uses. Through the exercise of sound and proper planning principles, PUDs incorporate appropriate property development standards, that would not be detrimental to surrounding property or uses nor the public health, safety and welfare. All forms of Planned Unit Developments (PUD) shall be subject to the granting of a Conditional Use Permit and may include mixed combinations of the various forms of residential, civic, commercial, industrial, recreational uses and other forms of land uses.

J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:

- Affirmative.

K. DETERMINATION THAT THE PROPOSED USE AND SITE DEVELOPMENT, TOGETHER WITH ANY MODIFICATIONS APPLICABLE, THERETO, WILL BE COMPATIBLE WITH EXISTING OR PERMITTED USES IN THE VICINITY:

- Affirmative.

L. DETERMINATION THAT ANY CONDITIONS APPLICABLE TO APPROVAL ARE THE MINIMUM NECESSARY TO MINIMIZE POTENTIALLY UNFAVORABLE IMPACTS ON NEARBY USES AND TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING OR PERMITTED USES IN THE SAME DISTRICT AND THE SURROUNDING AREA:

- Staff does not see an issue with the proposed increase in density in the downtown area. As defined in the zoning ordinance, density is the average number of housing units per unit of land expressed as square feet of land area per housing unit or dwelling units per acre. Based on the way the City's density is calculated, the applicant could actually build 86 efficiency units and not necessitate the need for a special request.

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

- No additional changes are recommended.

OPPOSITION/SUPPORT OF REQUEST: One letter received in opposition and no letters in support.

STAFF RECOMMENDATION: Approval, except that the proposed ground sign height should be 5'.

October 5, 2020

Dear Mayor Neffendorf

Members of the City Council

Members of the Planning Commission

Brian Jordan, Director of Planning

Fredericksburg, Texas

CMC Barons Creek, Ltd. wishes to submit an application for a Planned Unit Development, or PUD, for the property it owns on Ufer Street between Llano Street and Lincoln Street. The first ideas for development of the property began in 2005 and the many changes in the economy and growth in the city have led us to the proposal we are making today. The property is in the heart of the city two blocks south of main street and walkable to almost anything that the city has to offer. There is no other site of this size existing, over three acres, that could be compatible or more appealing for multi-family living than this site.

City economic dynamics have resulted in the central business district land prices rising to a level that exceeds a reasonable balance between zoning uses and real costs for land and improvements. Current zoning allows for suburban development rules and the land costs require greater density of development in the central business district where urban rules would be more appropriate. This prevents property improvements from occurring. There is no zoning category that addresses urban multi-family use in the central business district or the more urban area.

Current land uses in the vicinity and walkable to the site are: "Our HEB", the businesses on Main Street and neighbors, city recycling, monument manufacturing, sheet metal shops, HVAC shops, auto parts, meat processing, restaurants, liquor stores and wine shops, bars, hotels, churches, art galleries and studios, boys and girls club and parks, bicycle shop, banks, pharmacies and more. This site is certainly compatible with these existing uses. Quality residential use is needed and will augment the neighborhood.

A PUD designation for this property will allow for a more flexible design of the project and more efficient use of the site including a small commercial building. Restricting density in the Central business District to R-3 suburban multi-family zoning and rules, such as on North Llano, is not compatible with the community needs or economic conditions. There is need for market rate quality apartments in the Central Business District of our town and it would broaden the appeal and quality of life in our downtown.

Your positive consideration of our request will be appreciated and good for the City of Fredericksburg.

Sincerely,

Kenneth D. Carr

CMC Barons Creek, Ltd.

BARONS CREEK LTD DEVELOPMENT
ZONING NOTES
October 05, 2020
Planned Unit Development (PUD)
City of Fredericksburg

1. No building or structure shall be erected at any location in the PUD other than the building/structure locations shown on the PUD plan, Exhibit "A".
2. Access from the PUD to Ufer Street and Llano Street shall be at the locations and widths as shown on Exhibit "A".
3. Existing trees outside the developed area are proposed to remain if viable and non-diseased. New trees shown on the plan within the developable area are proposed and final designs will be provided as part of the landscape plans to be submitted as part of the building permit package, and will conform to the City Landscape Ordinance.
4. The City Landscape Ordinance shall apply to frontage along Lincoln Street, Ufer Street, and Llano Street.
5. A maximum of one ground sign shall be allowed for Building 01 and one ground sign for Building 02, refer to Exhibit "A" for proposed locations. Maximum sign area for each sign will be 35 square feet. Signs shall be a maximum of 3'-0" above the adjacent grade with a maximum height of 7'-6" above grade. Sign styles shall be consistent and coordinate with the associated building style. Wall signs shall conform to the City Sign Ordinance for integrated business developments. Way finding signs shall be provided as needed.
6. Fire hydrants shall meet N.F.P.A. requirements with proposed locations shown on Exhibit "A". Proposed locations shall be reviewed and approved by the Building/Fire Official, and adjusted as needed per their recommendations.
7. Proposed uses to include those uses permitted within the Central Business District (CBD) chart in Section 3.220 of the City Zoning Ordinance.
8. No drive-through facilities will be allowed within the PUD
9. All utility lines within the PUD site shall be installed underground, except those installed by the utility company.
10. Any portion of the PUD that cannot be served by gravity flow to the existing City sewer line located adjacent to the PUD shall be served by a private sewer lift station installed, operated, and maintained by the owner. If required such lift station shall conform to all City ordinances, rules, and regulations.
11. Building heights shall not exceed 38 feet above the adjacent ground level. With the vertical distance from "grade" to the highest point of coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable on a pitched, or hipped roof, or if none of the preceding, then to the highest point of a structure. As applied to a building, the height shall be measured from an elevation derived from the average of the highest and lowest grade adjacent to the building, per Section 7.510 of the City Zoning Ordinance.
12. Perimeter fencing shall be installed as indicated on Exhibit "A".

13. Fire lanes as shown on the plat shall be marked on the ground and kept clear at all times so that the firefighting equipment and personnel can enter the premises.
14. Parking spaces shall be provided as shown on the plat. Street parking illustrated along Ufer Street is by others, and not part of this PUD application.
15. All City codes, ordinances, and regulations shall apply to the PUD except as expressly provided to the contrary as shown on the PUD plan, Exhibit "A" or in these notes and other notes to the plat.
16. The façade of the building shall be similar to the building elevations shown on Exhibit "B". The owner reserves the right to modify the building elevations in keeping with the original intent established by this PUD.
17. A "no detention" study will be completed by the owner's engineers as part of the building permit package. No issues are anticipated, mitigating the need for on-site detention.
18. Residential densities for proposed Building 01 shall be as indicated on PUD plan, Exhibit "A".
19. A Hike and Bike trail is to be constructed by the land owner as illustrated on the plans. Upon completion of construction by Owner of the concrete 10'0" wide Hike and Bike Trail ("walkway"), the City of Fredericksburg shall maintain, repair and keep up the walkway in a good condition of repair at its sole expense. The City of Fredericksburg shall indemnify, hold harmless and defend Owner from and against any claims arising out of or incident to the condition of the walkway or the failure of the City of Fredericksburg to properly maintain the walkway.

BARONS CREEK DEVELOPMENT
204 E. UFER STREET
FREDERICKSBURG, TX 78624

[illegible][illegible]

PRELIMINARY

THESE DRAWINGS ARE FOR
INTERIM REVIEW AND NOT FOR
REGULATORY APPROVAL,
PERMITTING, OR CONSTRUCTION

WHITNEY KOCH
24419
10.22.2020

SITE PLAN

Drawn By:	WLD
Checked By:	WLD
Approved By:	WLD
Project No.	2008
Original Issue Date:	10.22.2020

A-001

GENERAL INFORMATION:
CMC BARONS CREEK LTD
FREDERICKSBURG, TEXAS 78624

LEGAL DESCRIPTION:
F&B ADD BLK 46 LOT 583-587, PT OF GE623 & PT OF UNMBR TOWNLOTS, 3.85 ACRES

SITE PLAN LEGEND:

	ELECTRICAL TRANSFORMER (PROPOSED)		UTILITY POLE
	WATER / IRRIGATION METER (PROPOSED)		FIRE LANE
	FIRE HYDRANT (EXISTING)		PROPERTY LINE
	UNDERGROUND ELECTRIC LINE (PROPOSED)		100 YEAR FLOOD PLAIN
	WATER LINE		FLOOD WAY
	SANITARY SEWER LINE		SITE DRAINAGE DIRECTION (PROPOSED)
	FIRE LINE		STORM WATER SEWER LINES (PROPOSED)
	FIRE DEPARTMENT CONNECTION		SITE HIGH POINT (PROPOSED)
			GRATE INLET (PROPOSED)

ZONING:
ZONED: CBD - CENTRAL BUSINESS DISTRICT
PROPOSED USE: MULTI-FAMILY APARTMENTS, RESTAURANT OR AS ALLOWED IN THE CBD ZONING DISTRICT

MIN. ALLOWABLE LOT AREA:
TOTAL LOT AREA: 5,000 SQ FT
167,706 SQ FT (3.85 ACRES)

SETBACKS:
FRONT YARD: 0 FT
STREET SIDE YARD: 0 FT
INTERIOR SIDE YARD: 0 FT
REAR SIDE YARD: 0 FT

OVERALL LOT:
MAX. ALLOWABLE BUILDING COVERAGE: N/A
TOTAL PROPOSED BUILDING COVERAGE: 38,430 SF
MAX ALLOWABLE IMPERVIOUS COVERAGE: 90% OF LOT AREA
PROPOSED IMPERVIOUS COVERAGE: 72% (121,108 SF)
BUILDINGS: 38,430 SF
HARDSCAPE: 82,678 SF
PROPOSED PERVIOUS COVERAGE - LANDSCAPE: 19,366 SF

FUTURE MULTI-FAMILY LOT ONLY:
TOTAL FUTURE LOT AREA: 138,854 SQ FT (3.19 ACRES)
MAX. ALLOWABLE BUILDING COVERAGE: N/A
TOTAL PROPOSED BUILDING COVERAGE: 35,185 SF
MAX ALLOWABLE IMPERVIOUS COVERAGE: 90% OF LOT AREA
PROPOSED IMPERVIOUS COVERAGE: 76% (105,043 SF)
BUILDINGS: 35,185 SF
HARDSCAPE: 69,858 SF
PROPOSED PERVIOUS COVERAGE - LANDSCAPE: 15,993 SF
RESIDENTIAL DENSITY CALCULATIONS:
EFFICIENCY: 1,600 SF / UNIT = 7 UNITS = 11,200 SF OF LOT AREA REQ.
1 BEDROOM: 2,000 SF / UNIT = 47 UNITS = 94,000 SF OF LOT AREA REQ.
2+ BEDROOM: 2,400 SF / UNIT = 32 UNITS = 76,800 SF OF LOT AREA REQ.
DESIGN REQUIRED LOT AREA PER NUMBER OF UNITS: TOTAL REQUIRED: 181,200 SF OF LOT AREA REQ. 30.5% OVER LOT AREA
MAXIMUM ALLOWABLE BUILDING HEIGHT: 3 STORIES - 38' - 0"
MAXIMUM PROPOSED BUILDING HEIGHT: 3 STORIES - 38'-0" (TOP ROOF)
38'-0" + 15% (MAX TOP PARAPET)
EST. AVERAGE TRIPS PER DAY AT FULL OCCUPANCY: 350 TRIPS PER DAY VIA 3 EXIT PATHWAYS

FUTURE RESTAURANT ONLY:
TOTAL FUTURE LOT AREA: 28,836 SQ FT (0.66 ACRES)
MAX. ALLOWABLE BUILDING COVERAGE: N/A
TOTAL PROPOSED BUILDING COVERAGE: 3,245 SF
MAX ALLOWABLE IMPERVIOUS COVERAGE: 90% OF LOT AREA
PROPOSED IMPERVIOUS COVERAGE: 56% (16,065 SF)
BUILDINGS: 3,245 SF
HARDSCAPE: 12,820 SF
PROPOSED PERVIOUS COVERAGE - LANDSCAPE: 3,373 SF
MAXIMUM ALLOWABLE BUILDING HEIGHT: 3 STORIES - 38' - 0"
MAXIMUM PROPOSED BUILDING HEIGHT: 1 STORY - TBD (TOP OF ROOF)

REQUIRED PARKING SPACES:
BUILDING 01 - MULTIFAMILY
LEASING OFFICE: 1 SPACE PER 400 SF = 980 SF / 400 = 3 SPACES
EFFICIENCY: 1 SPACE/UNIT = 7 UNITS = 7 SPACES
1 BEDROOM: 1.5 SPACES/UNIT = 47 UNITS = 71 SPACES
2+ BEDROOM: 2 SPACES/UNIT = 32 UNITS = 64 SPACES
TOTAL REQ. PARKING: 86 UNITS = 145 SPACES
TOTAL SPACES PROVIDED: 149 SPACES
BUILDING 02 - RESTAURANT
DINING: 1 SPACE PER 4 OCC. = 1,320 SQFT(DINING AREA) / 15 = 88 OCC = 88 OCC / 4 SEATS/OCC = 22 SPACES
(BASED ON OCCUPANTS PER DINING AREA)
TOTAL REQ. PARKING: 22 SPACES
TOTAL SPACES PROVIDED: 22 SPACES
TOTAL SITE PARKING REQUIRED: 167 SPACES
TOTAL SITE PARKING PROVIDED: 171 SPACES
MULTIFAMILY ADA PARKING REQ. 5 SPACES
ADA PARKING PROVIDED: 5 SPACES
RESTAURANT ADA PARKING REQ. 1 SPACE
ADA PARKING PROVIDED: 1 SPACE

INTERIOR LANDSCAPE REQUIREMENTS
OVERALL LOT:
INTERIOR LANDSCAPING REQUIRED: = 1,392 SF
INTERIOR LANDSCAPING PROVIDED: = 10,611 SF
PROPOSED MULTI-FAMILY LOT:
INTERIOR LANDSCAPING REQUIRED: = 1,131 SF
INTERIOR LANDSCAPING PROVIDED: = 8,752 SF
PROPOSED RESTAURANT LOT:
INTERIOR LANDSCAPING REQUIRED: = 261 SF
INTERIOR LANDSCAPING PROVIDED: = 1,859 SF

PUD REQUIREMENTS
REFER TO PUD APPLICATION DOCUMENTATION FOR ADDITIONAL INFORMATION AND REQUIREMENTS

SITE DETENTION:
THE INTENTION IS TO COMPLETE A "NO DETENTION STUDY" BY THE OWNERS ENGINEERS AS PART OF THE FINAL DOCUMENT SET. AT THIS TIME NO ISSUES ARE ANTICIPATED.

FLOODPLAIN:
REFER TO BARONS PARK CLOWAR, PROJECT NUMBER 120-12211-0-000, DATED 03.31.2020

SITE LIGHTING:
ALL EXTERIOR AND SITE LIGHTING WILL COMPLY WITH ORD. NO. 2019-16, AND BE SUBMITTED AS PART OF THE BUILDING PERMIT PACKAGE.

LANDSCAPE:
EXISTING TREES OUTSIDE THE DEVELOPED AREA ARE ANTICIPATED TO REMAIN. PROPOSED NEW TREES WITHIN THE DEVELOPED AREA ARE SHOWN FOR REFERENCE ON THE SITE DEVELOPMENT PLAN BELOW.
FINAL LOCATIONS OF EXISTING TREES AND PROPOSED NEW TREES WILL BE SHOWN ON THE LANDSCAPE PLANS TO BE SUBMITTED AS PART OF THE BUILDING PERMIT PACKAGE.
EXISTING TREES ON THE SITE WILL REMAIN IF VIABLE, NON-DISEASED, AND COMPATIBLE THE SITE'S OVERALL DEVELOPMENT

Site Plan Details:
The site plan shows the layout of the property, including the proposed buildings (Building 01 and Building 02), parking areas, and landscaping. Key features include:
- **Building 01:** A 2-story multifamily building with 151 units, including 111 single-family units and 40 townhome units. It includes a pool, spa, and various amenity spaces.
- **Building 02:** A 2-story restaurant building with 3,467 SF of space, including a dining area, kitchen, and outdoor seating.
- **Parking:** A total of 171 parking spaces are provided, including 145 for the multifamily building and 22 for the restaurant.
- **Landscaping:** The plan shows various landscaping features, including trees, shrubs, and lawn areas.
- **Infrastructure:** The plan includes details for water, sewer, and utility lines, as well as fire hydrants and fire lanes.
- **Access:** The plan shows the proposed access points from S. Llano Street and S. Lincoln Street.

01 SITE PLAN

SCALE: 1" = 20'-0"

EXHIBIT 'A'

BARONS CREEK DEVELOPMENT
204 E. UFER STREET
FREDERICKSBURG, TX 78624

[illegible]

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REGULATORY APPROVAL,
PERMITTING, OR CONSTRUCTION
WHITNEY KOCH
24419
10.05.2020

BUILDING ELEVATIONS

Drawn By:	WLF
Checked By:	WLF
Approved By:	WLF
Project No.	2001
Original Issue Date:	06.19.20

A-002



EXHIBIT 'B'

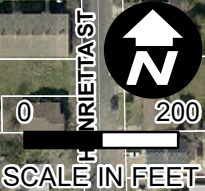
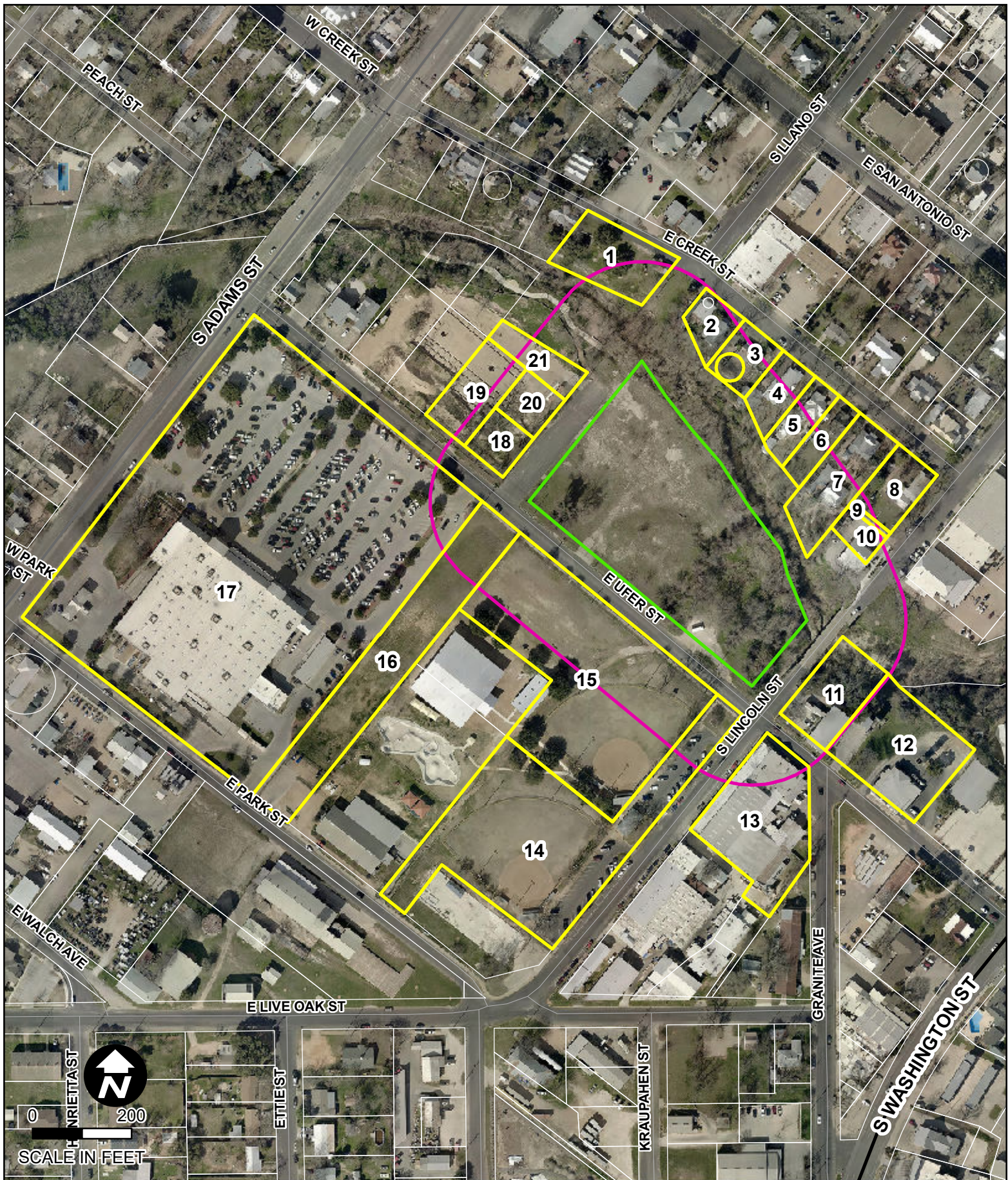


FIGURE 1
City of Fredericksburg
Z-2017 - 202 E. Ufer Street

LEGEND

- Subject Property
- Affected Properties
- 200 Foot Buffer

Letter	Owner	Address
1	LASSWELL, M W & DOLORES	107 E CREEK ST FREDERICKSBURG, TX 78624
2	BENEDICT, C DEL	201 E CREEK FREDERICKSBURG, TX 78624
3	STARRY, MELISSA OSBOURN & RONALD	205 E CREEK ST FREDERICKSBURG, TX 78624
4	GERSCHEFSKI, CHARLIE E & MARY	31418 LOWER OXBOW TRACE FULSHEAR, TX 77441
5	TOONE, GEORGE G	209 E CREEK ST FREDERICKSBURG, TX 78624
6	SCHILTHUIS, CAROLYN	41 SUNDOWN PARKWAY AUSTIN, TX 78746
7	FULBRIGHT, ROBERT & AGNES DEE	PO BOX 877 HEBBRONVILLE, TX 78361
8	OEHLER, GREGORY L & DONNA T	4819 RANCH ROAD 1631 FREDERICKSBURG, TX 78624
9	WOERNER, BRUCE E	P O BOX 607 FREDERICKSBURG, TX 78624
10	VWGO LLC	107 CRISTOL DR FREDERICKSBURG, TX 78624
11	CITY OF FREDERICKSBURG	126 W MAIN FREDERICKSBURG, TX 78624
12	CITY OF FREDERICKSBURG	126 W MAIN FREDERICKSBURG, TX 78624
13	ANDERSON, ALBERT L & JEANNE A REVOCABLE LIVING TRUST	PO BOX 813 FREDERICKSBURG, TX 78624
14	CITY OF FREDERICKSBURG	126 W MAIN FREDERICKSBURG, TX 78624
15	CITY OF FREDERICKSBURG	126 W MAIN FREDERICKSBURG, TX 78624
16	HEB GROCERY COMPANY LP	PO BOX 839999 SAN ANTONIO, TX 78283
17	BUTT, H E GROCERY CO #561	PO BOX 839999 SAN ANTONIO, TX 78283
18	HAMUK LLC	PO BOX 294059 KERRVILLE, TX 78029
19	HAMUK LLC	PO BOX 294059 KERRVILLE, TX 78029
20	HAMUK LLC	PO BOX 294059 KERRVILLE, TX 78029
21	HAMUK LLC	PO BOX 294059 KERRVILLE, TX 78029
Z-2017: 202 E. Ufer Street		

COMMENT\NAME	ADDR1	ADDR2	ADDR3	ADDR_CTY	ADDR_ST	ADDR_ZIP
1 LASSWELL,		107 E CREE		FREDERICKSBURG TX	78624	107 E CREEK ST FREDERICKSBURG, TX 78624
2 BENEDICT,		201 E CREE		FREDERICKSBURG TX	78624	201 E CREEK FREDERICKSBURG, TX 78624
3 STARRY, M		205 E CREE		FREDERICKSBURG TX	78624	205 E CREEK ST FREDERICKSBURG, TX 78624
4 GERSCHER:		31418 LOV		FULSHEAR TX	77441	31418 LOWER OXBOW TRACE FULSHEAR, TX 77441
5 TOONE, GE		209 E CREE		FREDERICKSBURG TX	78624	209 E CREEK ST FREDERICKSBURG, TX 78624
6 SCHILTHUI		41 SUNDOW		AUSTIN TX	78746	41 SUNDOWN PARKWAY AUSTIN, TX 78746