



CITY OF FREDERICKSBURG

REGULAR PLANNING AND ZONING AGENDA

WEDNESDAY, DECEMBER 5, 2018 ~ 5:30 P.M.

LAW ENFORCEMENT CENTER ~ 1601 EAST MAIN STREET

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

Polly Rickert, Member
Jim Warren, Member
Tim Dooley, Member
Steve Thomas, Member

The Planning and Zoning Commission will meet in a regular session on December 5, 2018 at 5:30 p.m. in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on November 30, 2018 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

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

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MEETING MINUTES

November 2018 regular meeting minutes

4. PUBLIC HEARING

- A. Consider (Z-1815) Request by Michael Barnes to change the Zoning from M2, Medium Manufacturing, to C2, Commercial on property located at 1589 E. Main St
- B. Consider (Z-1816) Request by HEB to amend the Planned Unit Development Zoning located at 407 S. Adams.
- C. Consider (P-1824) Request by Nancy Doyle to replat Townlot 368 into 2 lots at 615 W. Creek St.

5. ACTION ITEMS

- A. Receive recommendation and consider (Z-1815)
- B. Receive recommendation and consider (Z-1816)
- C. Receive recommendation and consider (P-1824)

6. MISCELLANEOUS

A. Discuss Mixed Use Zoning District

7. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda at 11:00 a.m. on November 30, 2018 on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelby Collier,
Development Coordinator

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

**PLANNING & ZONING COMMISSION
NOVEMBER 7, 2018
5:30 P.M.**

On this the 7th day of November 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
TIM DOOLEY
BRENDA SEGNER

ABSENT:

CHRIS KAISER

ALSO PRESENT:

BRIAN JORDAN – Director of Development Services
DANIEL JONES – City Attorney
KRIS KNEESE – Assistant Public Works Director
SHELBY COLLIER – Development Coordinator

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

PRESENTATION

Impact Fee Advisory Committee Presentation.

Grady Reed, Project Manager at HDR Engineering provided an information presentation to the Committee explaining impact fees, the purpose of impact fees and how to calculate impact fees. He explained that December of 2007 was the last time that the City updated the impact fees and State law requires every 5 years.

Grady discussed specifics such as the impact fee design and how HDR Engineering determined the maximum fee.

Tim Dooley asked Grady Reed if he could provide the Committee with the City of Fredericksburg's impact fee history. Grady did not have that information available but will be presenting again in January of 2019.

ACTION ITEM

Consider (P-1803) Final Plat for phase 1 of the Frieden Subdivision located on Hwy 87 South.

Brian Jordan, Director of Development Services, explained to the Commission that the Preliminary Plat and annexation were being considered concurrently last year. City Staff is not sure why, but the Construction Plans for Phase 1 were approved without the approval of the Final Plat. So, the project has begun, and construction is underway for Phase 1.

Brian stated City Staff recommends approval.

Motion to approve Application P-1803 as presented by Jim Jarreau. Seconded by Tim Dooley. All voted in favor and the motion carried.

Consider (P-1823) Preliminary Plat for The Madrona Subdivision on approximately 13 acres located on Smokehouse Rd.

Kevin Spraggins presented the application and explained this development consists of 53 lots on 13 acres in an R1 Zone. This project provides onsite detention and requires screening as well as a small amount of right-of-way on W. Windcrest.

Brian Jordan stated this project is zoned differently than its neighbor to the north, The Beginnings. This development adjoins the future extension of W. Windcrest Dr and Section 6.12 of the Subdivision Ordinance states a developer is responsible for their proportional share of an abutting street such as W. Windcrest Dr. The Developers share of the street construction shall be determined by the Engineer and approved by the Director of Public Works and Utilities. Staff is currently evaluating the proposal made by Kevin Spraggins. This information will be finalized as part of the Final Plat.

Brian went on to say that a consultant has been hired to do a Traffic Impact Study for this area and the project is underway.

Tim Dooley asked Kevin Spraggins what he was purposing for the screening requirement. Kevin stated a 6-foot cedar privacy fence. Tim asked why vegetation was not purposed. Brian stated vegetation could be used but vegetation only would not satisfy the screening requirement. A solid masonry wall or cement substitute must be provided.

Motion to approve Application P-1823 as presented by Jim Warren. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Consider – Change to building design for the proposed Starbucks in the Barons Creek Shopping Center Z-1714.

Joe Sosa, Civil Engineer for the project presented the application. He stated the tenant proposes modifications to the architectural elements of the building that were previously approved in February of 2018.

Brian Jordan stated the application is for architectural elements only. No changes are proposed to the site layout or design. Staff recommends approval of the amended design for the Starbucks as presented.

It meets the Entry Corridor Standards and Guidelines and is sufficiently distinguished from the prototype by incorporating the required architectural features and building materials.

Daryl Whitworth asked Brian if the purposed changes would modify the parking lot. Brian stated this project was previously approved in February of 2018 and the current application does not propose changes for the layout just the look of the building.

Brenda Segner commented that the new look compliments what exists at this location.

Jim Warren commented that the biggest difference he noticed is the awnings. Four awnings were eliminated, and the remaining awnings have a flat design that provides a more modern look.

Motion to approve Amended Application Z-1714 as presented by Polly Rickert. Seconded by Jim Warren. All voted in favor and the motion carried.

MISCELLANEOUS

Discuss Mixed Use Zoning District

Brian Jordan presented the Commission with forms including the Mixed-Use Zoning Matrix and Design Standards for review.

Tim Dooley commented he does not want the building height raised to 4 stories. He believes it is important to maintain the "small town" feel. Jim Warren disagreed, he thinks there is opportunity for 4 story buildings, perhaps with a Conditional Use Permit. Brian stated the max height would be a worthwhile conversation, criteria would need to be established.

Steve Thomas stated he believes streetscape is important and needs to be explored.

Other items discussed included outdoor display of merchandise and seasonal items, hours of operation, screening and shared parking. No final decisions were made.

MINUTES

Jim Warren moved to approve the minutes of the October 2018 meeting and Jim Jarreau seconded the motion. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Commission, Jim Jarreau moved to adjourn. Seconded by Brenda Segner. All voted in favor and the meeting was adjourned at 7:15 p.m.

PASSED AND APPROVED this 5th day of December 2018.

SHELBY COLLIER, Development Coordinator

JANICE MENKING, Chairman

LAND USE PLAN AND ZONING CHANGE BRIEF

Rezoning Request # Z-1815

<u>APPLICANT:</u>	Michael Barnes and Jeff DeForge
<u>LOCATION:</u>	1589 E. Main Street
<u>SIZE:</u>	Approximately 7.28 acres
<u>EXISTING ZONING:</u>	M-2 Medium Manufacturing
<u>LAND USE PLAN:</u>	Mixed Use Corridor
<u>PROPOSED CHANGE:</u>	Change in zoning from M-2, Medium Manufacturing to C-2 Commercial

FINDINGS:

- The property currently has a retail building fronting Main Street, with an RV Park on the rear portion of the property.
- The property is very long and narrow, with a width of approximately 240' and a depth of approximately 1300'.
- Land uses surrounding this property include the Law Enforcement Center, Jail and James Avery to the south, vacant land and Sutherlands to the north, the Wastewater Treatment Plant to the east and residential homes outside the city limits to the west.
- Surrounding zoning is PUD and Industrial Park to the north, Public Facilities to the east, Public Facilities and Medium Manufacturing to the south and un-zoned area outside the City Limits to the west (see attached zoning map).
- The Land Use Plan identifies the subject property at Mixed Use Corridor. The Land Use Plan for the surrounding area includes Mixed Use Corridor and Commercial Center to the north, Public/Semi-Public to the east, Public/Semi Public and Industrial to the south and Rural Residential to the west (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 proposed Land Use of Mixed Use Corridor represents an effort to change the typical pattern of strips of underperforming commercial development that often line highways

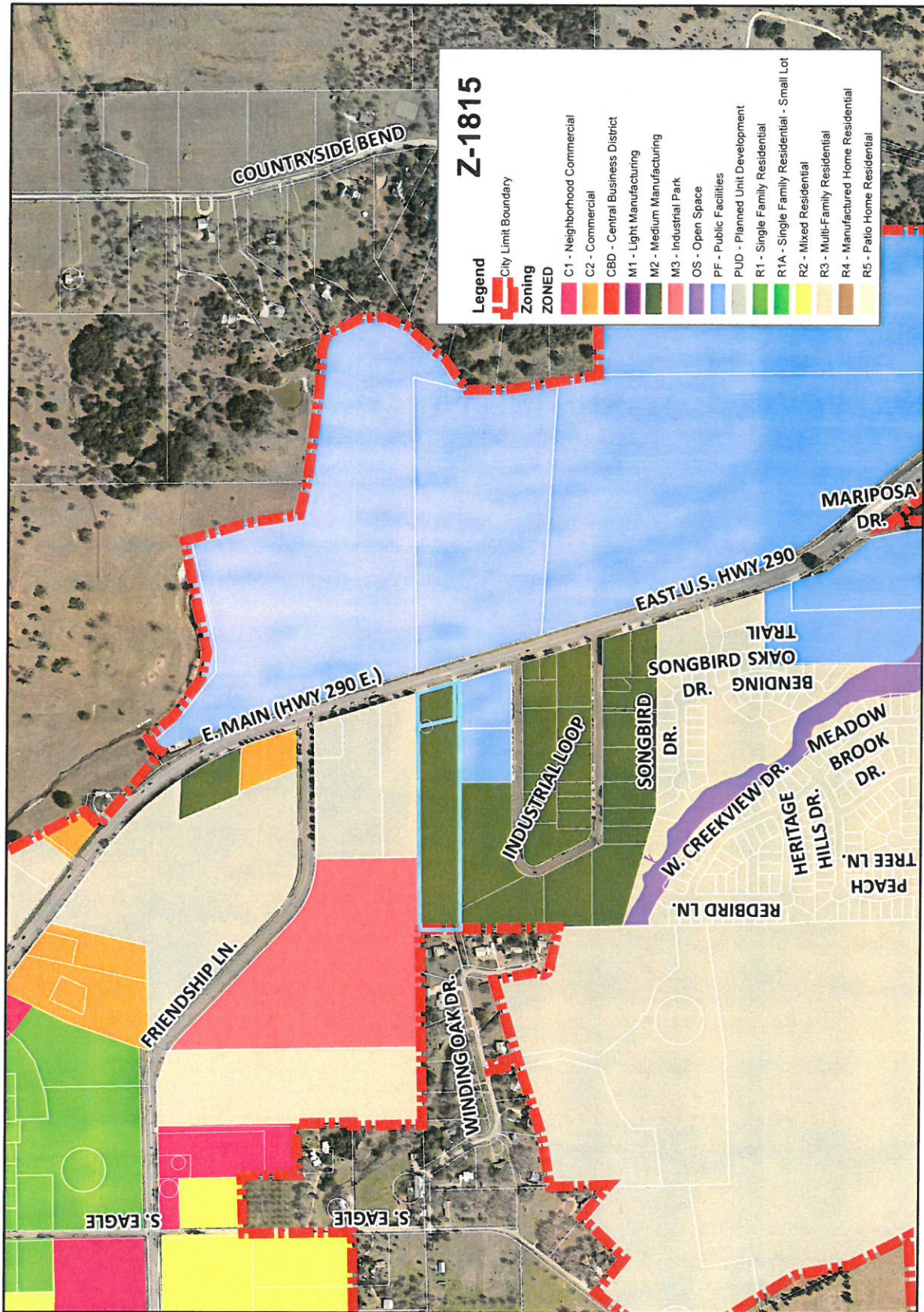
and arterials. Rather than limiting the properties along major entry corridors to commercial uses, this category offers a variety of higher density residential and mixed use opportunities. The policy of allowing this mix of uses along major roadways supports a change in development from a pattern of older commercial structures to new projects with a variety of uses, including mixed use within an individual project or building. In the process, it reduces the excess commercial capacity along these corridors and creates locations for more affordable housing. Combined with Fredericksburg's existing landscape and signage regulations, this development pattern may create entry corridors that clearly tell the driver that they are entering a special community. As you are aware, we are currently working on a mixed use district. Until adopted, we are only able to utilize our current conting options.

ZONING: The existing M-2 Zoning designation does not really fit the existing use of the property as a retail center and RV Park. The differences between the existing M-2 District and the proposed C-2 District are in the uses allowed and those prohibited. The applicant has proposed a few uses that would be allowed in the C-2 District but not the M-2 District. Although there is no C-2 zoning district adjoining this property, the adjoining zoning is commercial in nature and would not in our opinion conflict with a C-2 zone. So, to assure that the spot zoning question is answered, it would need to be determined that the proposed C-2 zone is consistent and compatible with the surrounding zones, along with the future land uses in the area.

OPPOSITION/SUPPORT OF REQUEST: No comments to date.

STAFF RECOMMENDATION: Based on the Land Use Plan designation, this property falls within the Mixed Use Corridor designation. Without a Mixed Use District available, the C-2 Commercial district is reasonable to consider rather than the M-2 Medium Manufacturing District. Given the compatibility with surrounding uses and zoning, we do not believe spot zoning is an issue. Approval is recommended.

Letter	Owner	Address
1	JAMES AVERY CRAFTSMAN INC	P.O. BOX 291367 KERRVILLE TX 78028
2	MICHAEL BARNES & JEFREY DEFORGE	489 GOEHMANN OAK RD FREDERICKSBURG, TX 78624
3	CITY OF FREDERICKSBURG	126 W. MAIN FREDERICKSBURG, TX 78624
4	CITY OF FREDERICKSBURG	126 W. MAIN FREDERICKSBURG, TX 78624
5	MICHAEL BARNES & JEFREY DEFORGE	489 GOEHMANN OAK RD FREDERICKSBURG, TX 78624
6	DORCAS SCHNEIDER LIFE ESTATE	137 WINDING OAKS DR FREDERICKSBURG, TX 78624
7	MICHAEL BARNES & JEFREY DEFORGE	489 GOEHMANN OAK RD FREDERICKSBURG, TX 78624
8	PATRICK CLAYTON & EVELYN KLUMP	133 WINDING OAKS DR FREDERICKSBURG, TX 78624
9	MICHAEL BARNES & JEFREY DEFORGE	489 GOEHMANN OAK RD FREDERICKSBURG, TX 78624
10	GILLESPIE COUNTY & CITY OF FREDERICKSBURG	126 W. MAIN FREDERICKSBURG, TX 78624
11	DENNIS SEGNER	141 WINDING OAK DR FREDERICKSBURG, TX 78624
12	JAMES AVERY CRAFTSMAN INC	P.O. BOX 291367 KERRVILLE TX 78028
13	INDIAN CREEK LAND & INVESTMENT CO LP	4000 MAIN ST KANSAS CITY MO
14	JUDY FELLER	4400 GREYSTONE DR AUSTIN TX
15	JUDY FELLER	4400 GREYSTONE DR AUSTIN TX
16	GILLESPIE COUNTY	101 W. MAIN ST UNIT #9 FREDERICKSBURG, TX 78624
Z-1815		



ZONING AMENDMENT BRIEF

Request # Z-1816

OWNER: HEB Grocery Company, L.P.

APPLICANT: Mark Vaclavik

SIZE: 10.3 acres

LOCATION: 407 S. Adams Street

EXISTING ZONING: PUD, Planned Unit Development

PROPOSED CHANGE: Amend the PUD Plan to allow the following changes:

1. Approximately 3000 square feet produce expansion,
2. Add 1800 square feet enclosed outdoor display area,
3. Add 2000 square feet building for corn storage,
4. Add 2 diesel fueling dispensers and canopy,
5. Modify signage, and
6. Relocate existing driveway at the fueling area, and eliminate drive between fueling area and parking lot.

FINDINGS:

- The existing store is located on approximately 10.3 acres.
- The existing store is approximately 79,500 square feet in size, with an addition of 945 square feet planned, for a total building area of 80,445 square feet.
- 458 parking spaces are provided, and 402 parking spaces are required.
- In 2011, the applicant requested an amendment to the PUD to add a shade canopy over the sidewalk in front of the building, between the two entrances, and add a single diesel fueling dispenser island under a canopy cover near the fueling area. The shade canopy was approved and the fuel dispenser was denied.

HEB PUD Zoning Summary:

- 12/3/2001 - Original PUD and Conditional Use Permit approved.
- 9/6/2002 - Administrative Approval of an amendment to the circulation around the pharmacy.
- 10/25/2002 - Administrative approval of an amendment to the parking and drive located on the eastern portion of the site near Ufer Street.
- 12/18/2006 - City Council approval of an amendment to the PUD allowing for an outdoor sales area in the parking lot.
- 4/15/2011 - Administrative approval of a building addition on the east side of the existing building near the pharmacy drive-through.

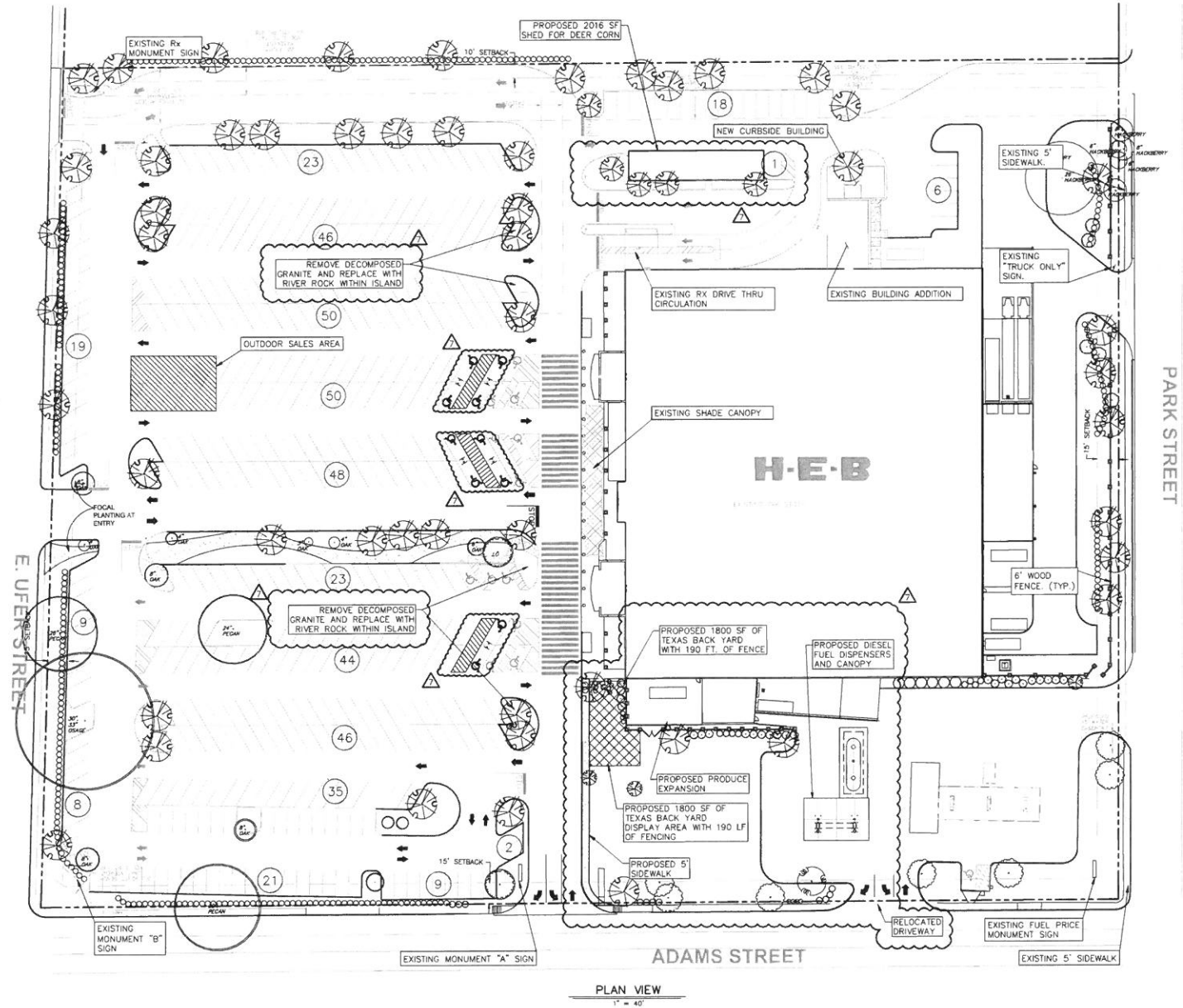
- 6/20/2011 - PUD amendment approved to allow the shade canopy over the area in front of the store.
- 10/27/2017- Administrative approval for the addition of a 954 square foot curbside pick-up building on the east side of the site near the drive-through pharmacy.

STAFF COMMENTS: The building proposed for storage of corn is to be located near the pharmacy drive-through. Several parking spaces will be removed to accommodate the building. The proposed outdoor display area will be enclosed by fencing and will be located in the northwest corner of the building where plants and outdoor items are typically displayed now. The produce expansion will occur on the northwest corner of the building. Signage changes are minor in nature and will include a new sign over the easternmost entrance to essentially match the other entrance sign (see attached site plan and elevations).

The existing driveway into the fueling facility is being relocated approximately 15' to the south to better accommodate the proposed additional fueling dispensers. A new canopy and two diesel fueling dispensers are proposed to the north of the existing canopy and dispensers (see attached elevations and site plan). The existing drive connecting the fueling area and the parking lot for HEB is proposed to be eliminated. The City's current regulations pertaining to fueling facilities limits the number of dispensers to three under a single canopy. While we understand the desire to provide additional fueling options for customers, we do not believe this option should only be available to the HEB facility. We also do not recommend the closure of the interior drive connection between the fueling area and the parking lot of the HEB.

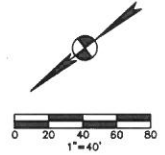
OPPOSITION/SUPPORT OF REQUEST: No comments have been received.

STAFF RECOMMENDATION: Staff recommends approval of the PUD amendments, except for the additional diesel fueling island, the removal of the interior drive connecting the fuel area and the parking lot, relocation of the driveway on Adams Street in the fueling area and the removal of the large tree between the fueling area and the parking lot.



LEGEND

- EXISTING SHRUBS TO BE PRESERVED
- EXISTING TREE TO BE PRESERVED

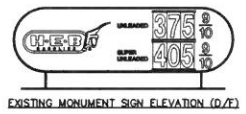
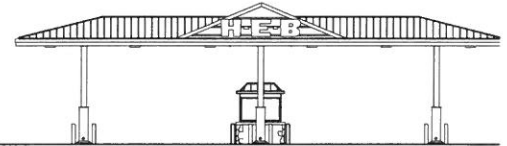
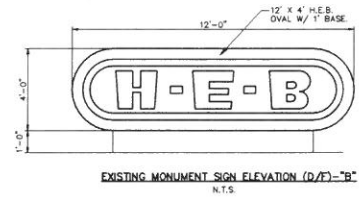
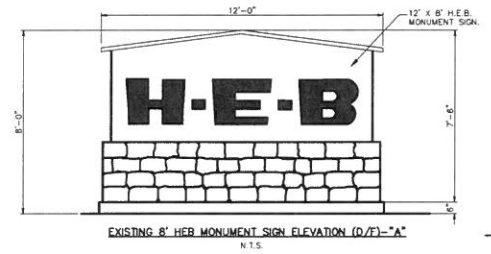
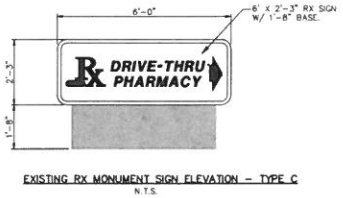


SITE SUMMARY

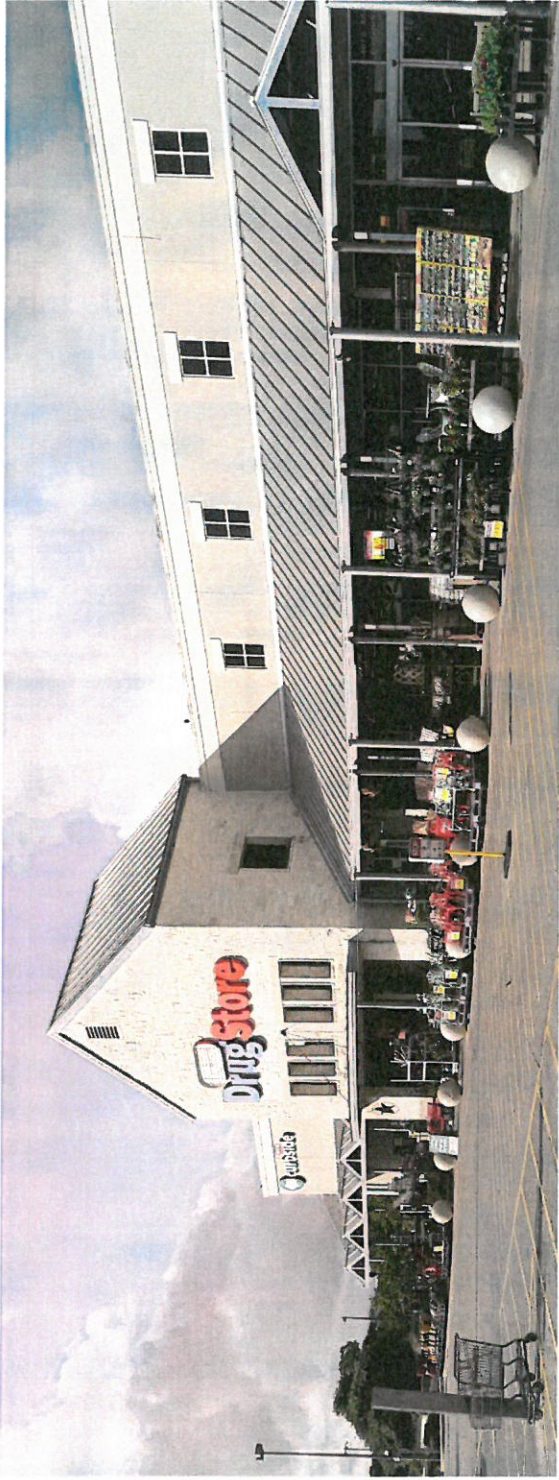
LAND AREA:	10.323 ACRES
TOTAL H.E.B. BUILDING AREA:	79,500 S.F.
BUILDING EXPANSION:	945 S.F.
TOTAL BUILDING AREA:	80,445 S.F.
SECURED PARTNER PARKING:	NO
DRIVE THRU PHARMACY:	YES (2 LANE)

PARKING SUMMARY

PARKING RATIO REQUIRED:	200:1
PARKING REQUIRED:	402 SPACES
PARKING PROVIDED:	458 SPACES
HANDICAP PARKING REQUIRED:	8 SPACES
HANDICAP PARKING PROVIDED:	22 SPACES
PARTNER PARKING:	0
PARKING RATIO:	173:1
(TOTAL BUILDING AREA/TOTAL SPACES)	



PLANNED UNIT DEVELOPMENT
H-E-B GROCERY STORE
FREDERICKSBURG
FREDERICKSBURG, TEXAS



Existing Elevation



Existing Elevation



11.02.2018

Fredericksburg

Elevation - Colors

EMR



Existing Elevation



Existing Elevation

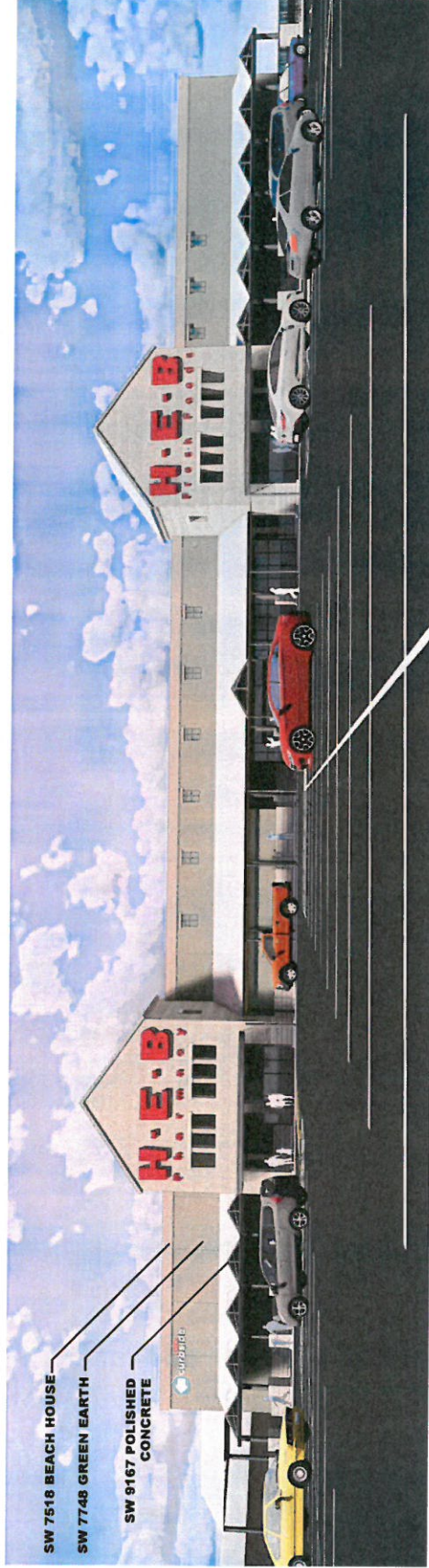
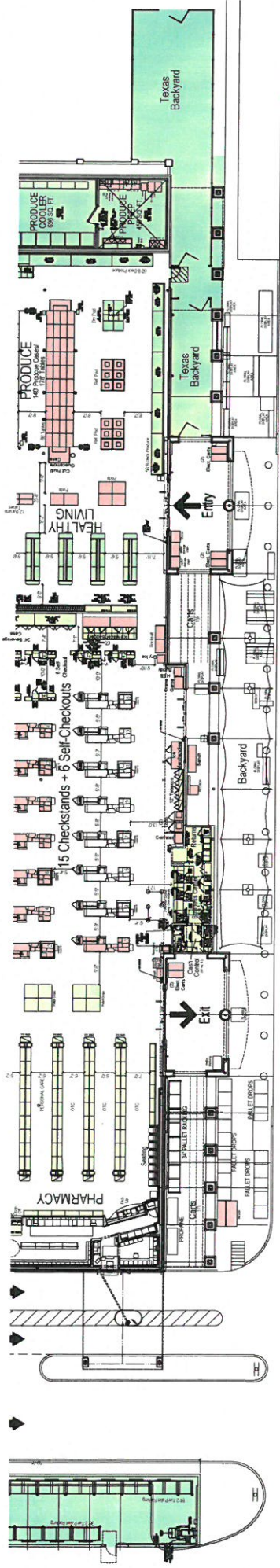


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Fredericksburg

Elevation - Colors

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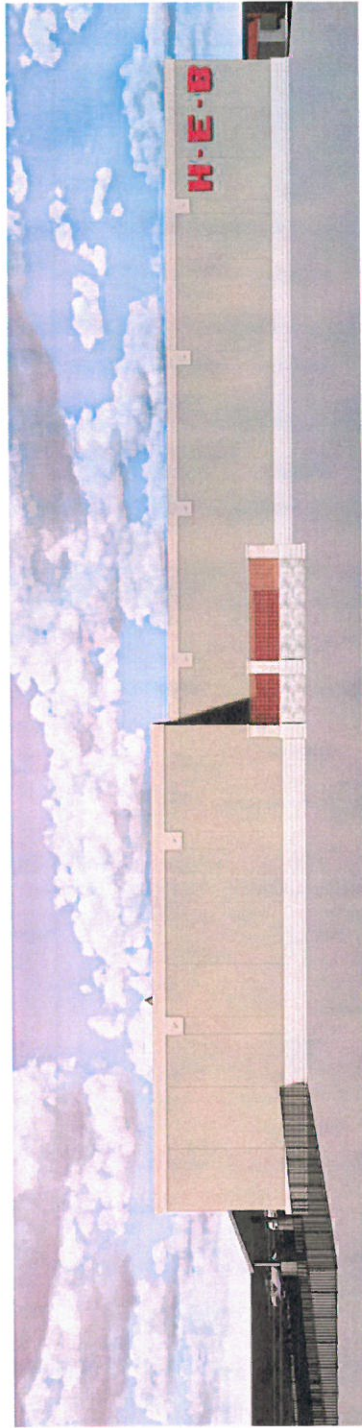


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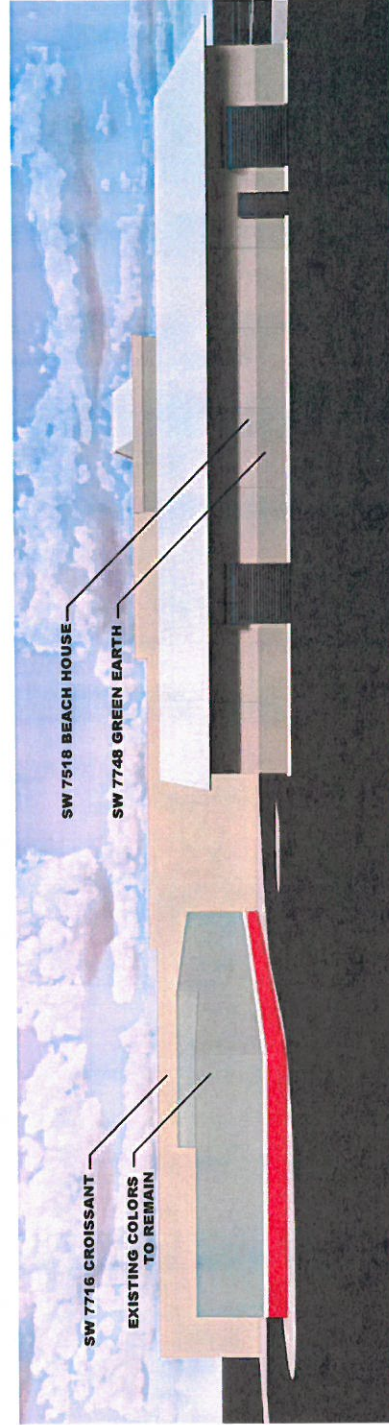
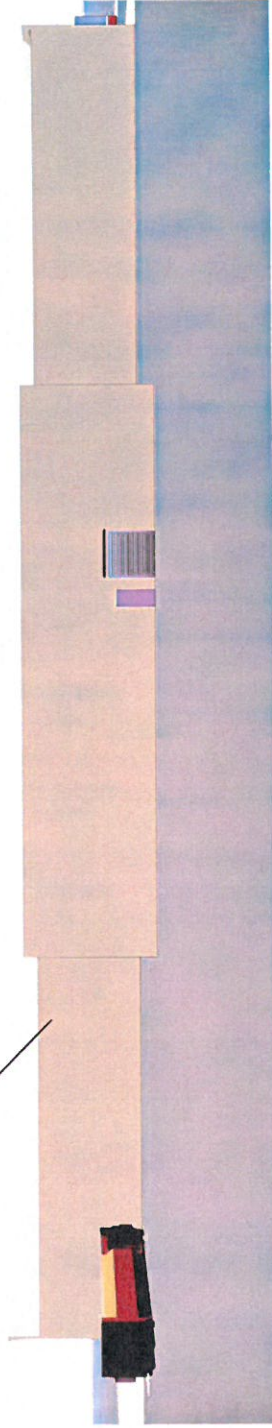
Fredericksburg

Elevation - Colors

EMR



SW 7716 CROISSANT



SW 7716 CROISSANT

EXISTING COLORS
TO REMAIN

SW 7518 BEACH HOUSE

SW 7748 GREEN EARTH

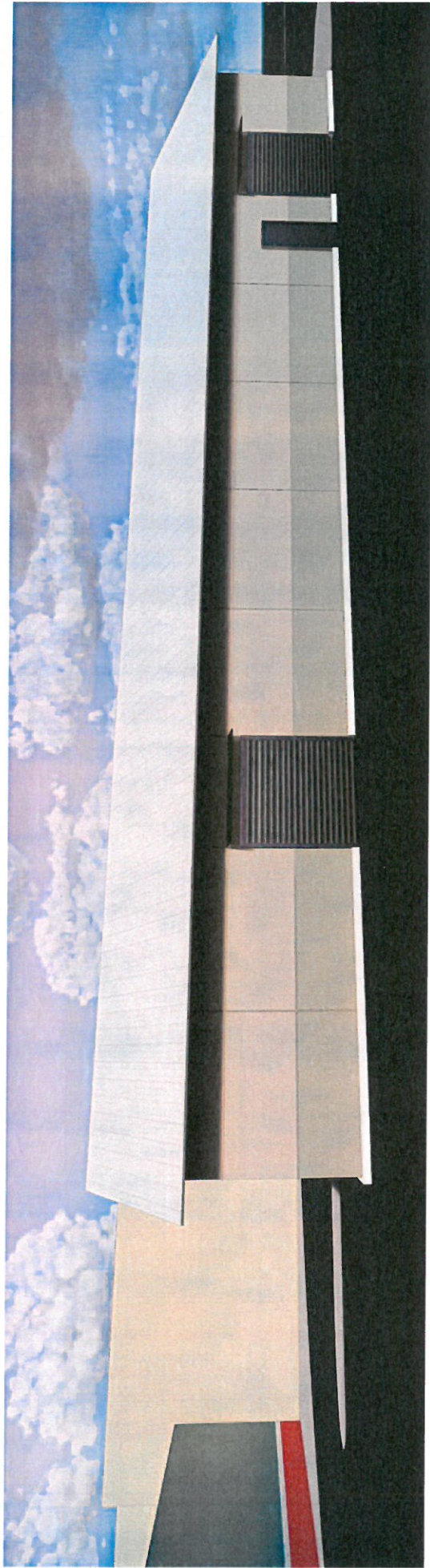
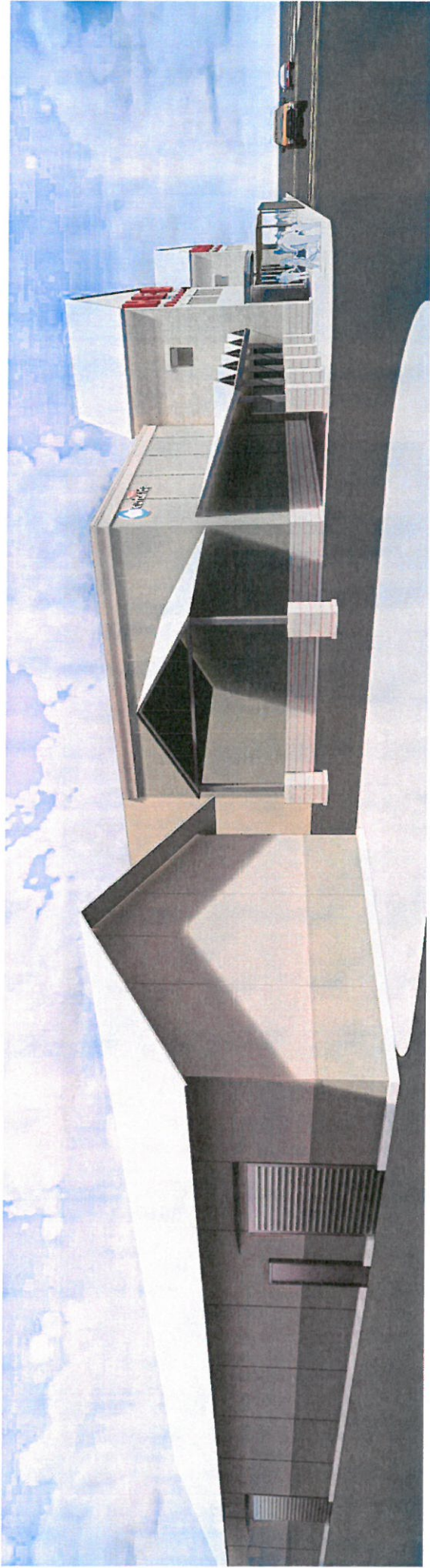


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Fredericksburg

Elevation - Colors

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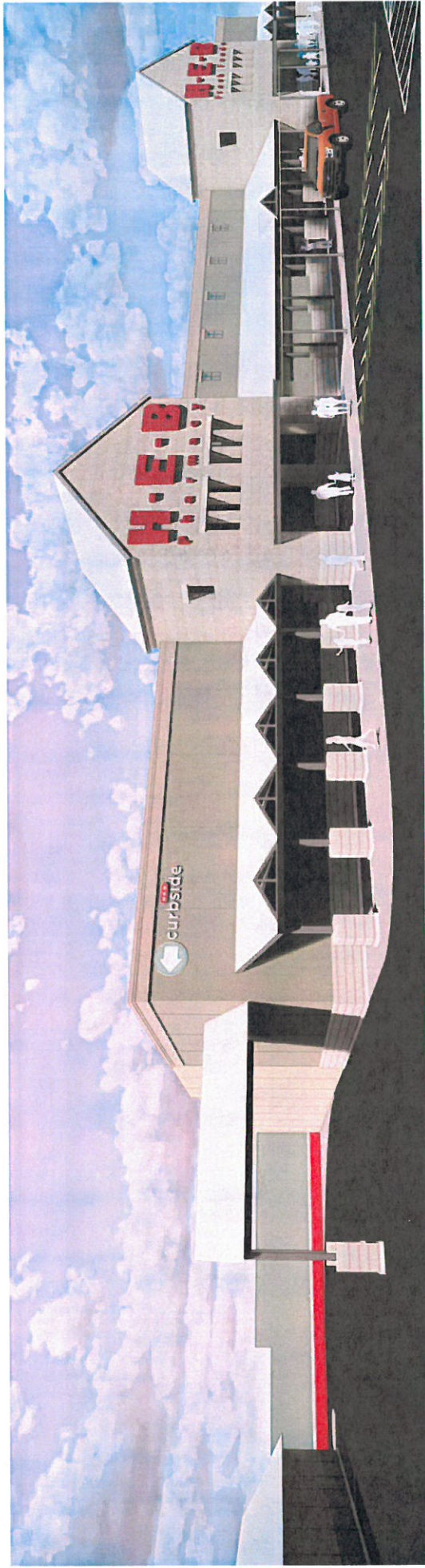


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Elevation - Colors

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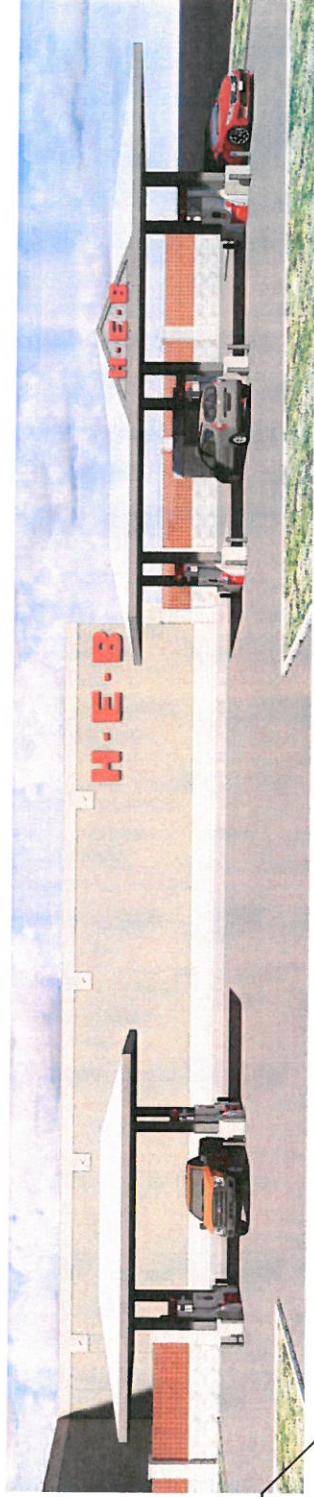


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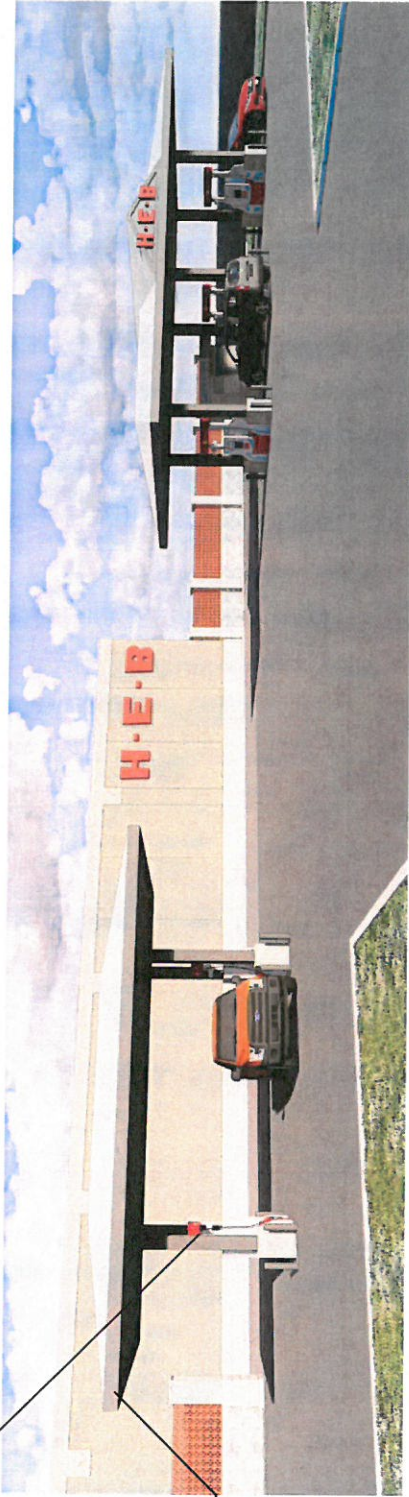
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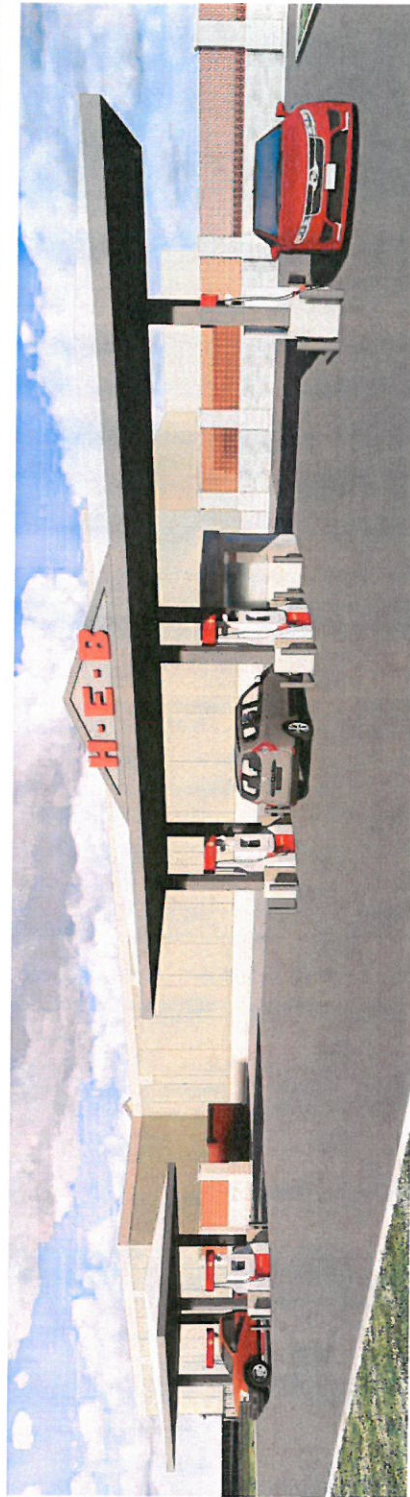
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DIESEL PUMPS



MATCH EXISTING
FUEL CANOPY DESIGN/
FINISHES

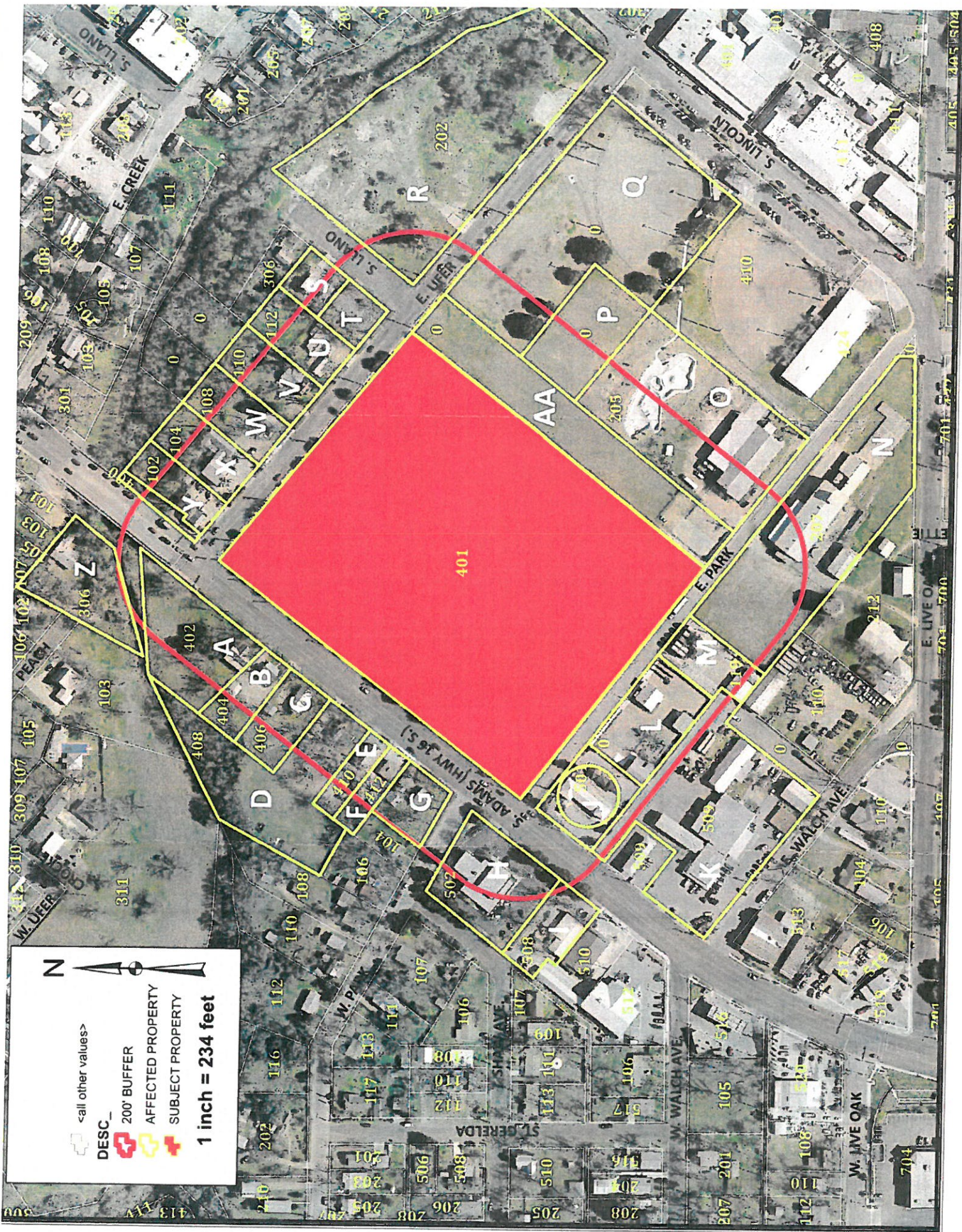


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Fredericksburg

Elevation - Colors

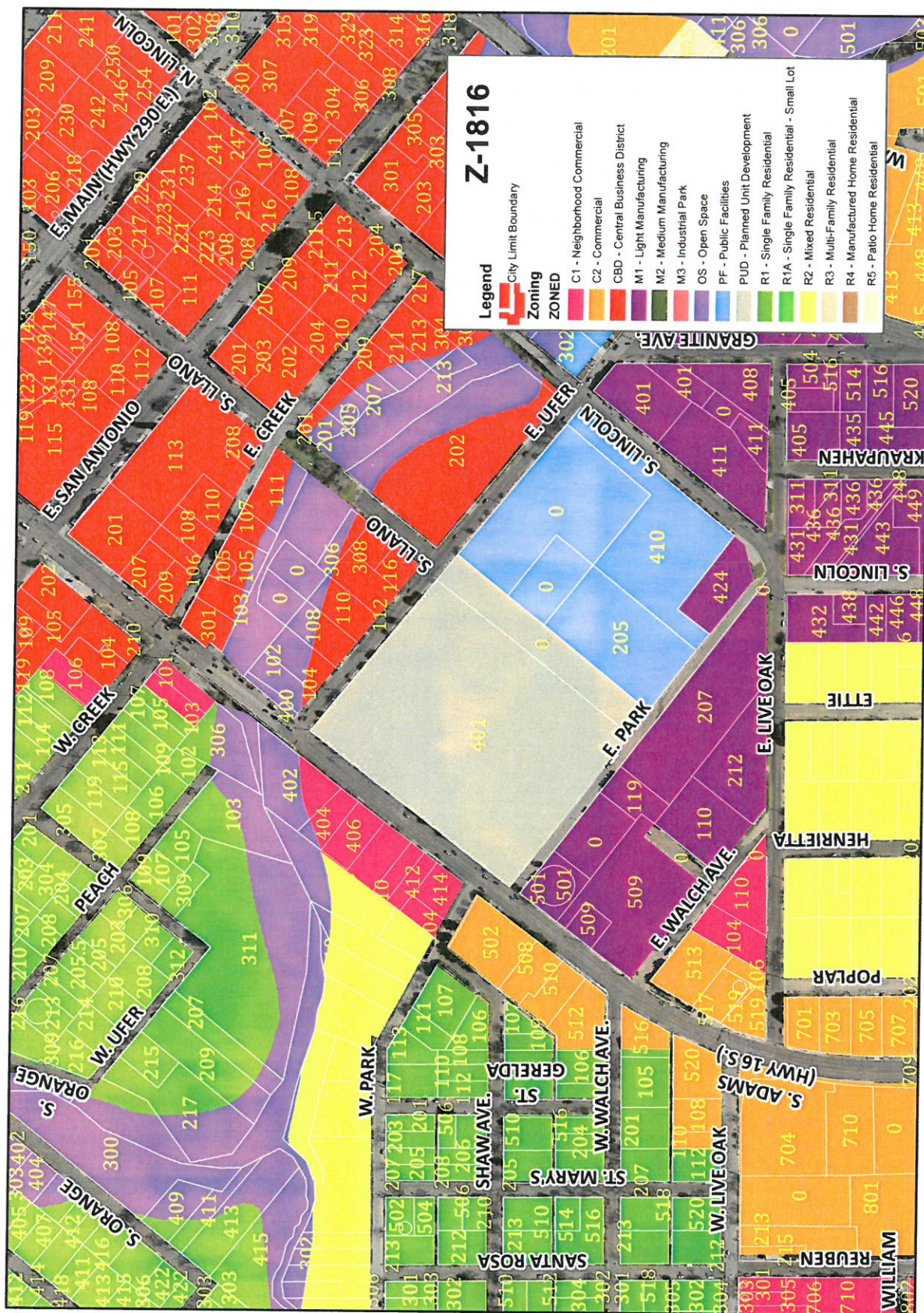
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- <all other values>
- DESC_
- 200' BUFFER
- AFFECTED PROPERTY
- SUBJECT PROPERTY

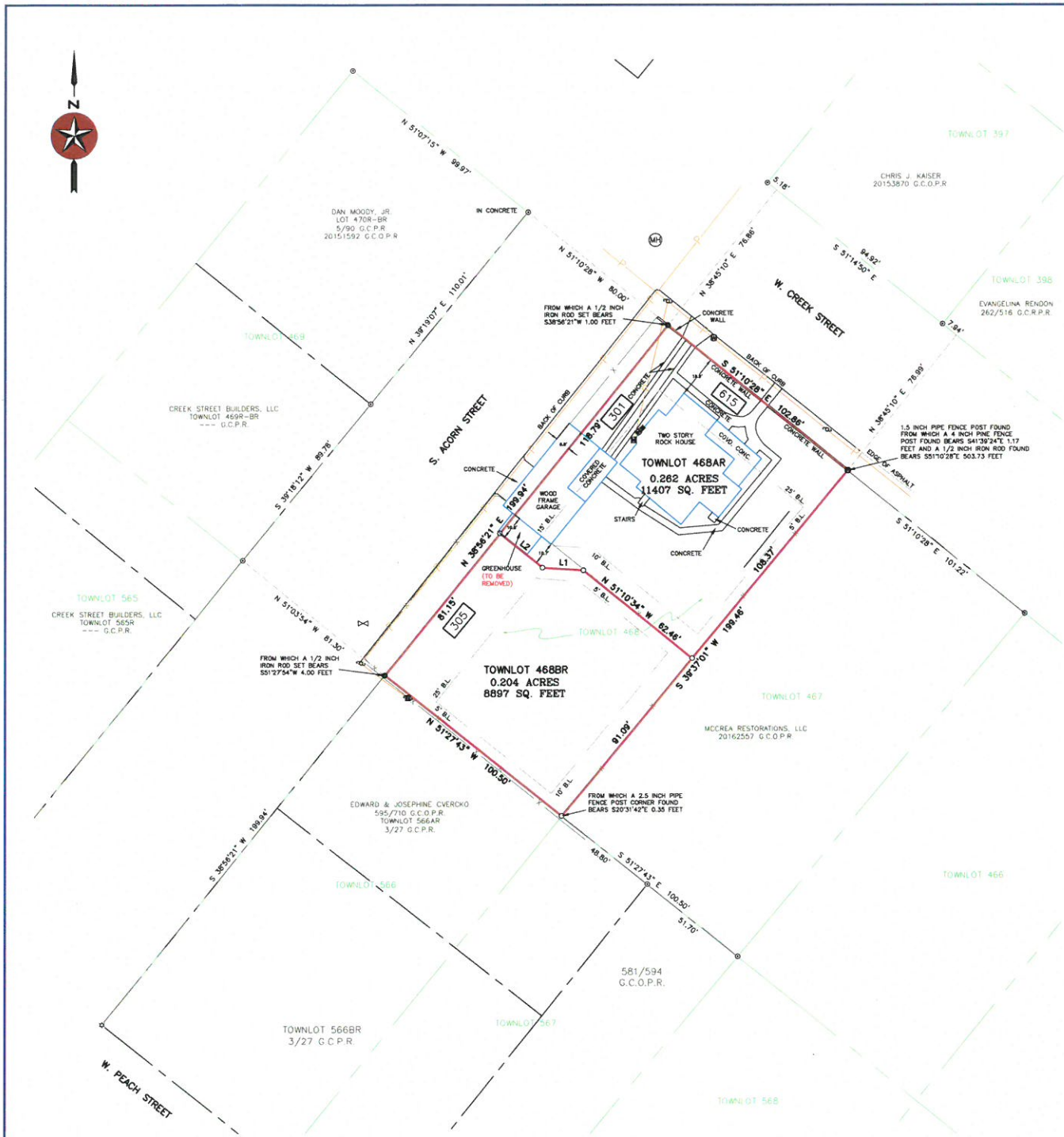
1 inch = 234 feet

Letter	Owner	Address
A	KENNETH KELLER	302 W. MULBERRY FREDERICKSBURG, TX 78624
B	KARLA BURG	809 S. RANCH RD 1623 STONEWALL, TX 78671
C	ROMARA LTD	912 ROMARA LTD FREDERICKSBURG, TX 78624
D	DAVID TRAN	1209 JENNIFER LN FREDERICKSBURG, TX 78624
E	DAVID TRAN	1209 JENNIFER LN FREDERICKSBURG, TX 78624
F	STEPHEN & CAROL FELLER	2619 VALLEY MANOR KINGWOOD, TX 77339
G	MARGARET CERVANTES LIFE ESTATE	414 S. ADAMS FREDERICKSBURG, TX 78624
H	ARROWHEAD BANK	108 W. SANDSTONE ST LLANO, TX 78642
I	BLAKER HOLDINGS LLC	185 FANNIN DR KERRVILLE, TX 78028
J	A & JD RANCHING LLC	11306 JANUARY DR AUSTIN, TX 78753
K	STROEHER & SON INC	509 S. ADAMS FREDERICKSBURG, TX 78624
L	SUPPLY POINT INC	3564 FM 2093 FREDERICKSBURG, TX 78624
M	STROEHER & SON INC	509 S. ADAMS FREDERICKSBURG, TX 78624
N	BRAVO 14 LLC	P.O. BOX 2778 FREDERICKSBURG, TX 78624
O	CITY OF FREDERICKSBURG	126 W. MAIN FREDERICKSBURG, TX 78624
P	CITY OF FREDERICKSBURG	126 W. MAIN FREDERICKSBURG, TX 78624
Q	CITY OF FREDERICKSBURG	126 W. MAIN FREDERICKSBURG, TX 78624
R	CMC BARONS CREEK LTD	5121 BEE CAVE RD STE 207 AUSTIN, TX 78746
S	HAMUK LLC	P.O. BOX 294059 KERRVILLE, TX 78028
T	HAMUK LLC	P.O. BOX 294059 KERRVILLE, TX 78028
U	HAMUK LLC	P.O. BOX 294059 KERRVILLE, TX 78028
V	HAMUK LLC	P.O. BOX 294059 KERRVILLE, TX 78028
W	HAMUK LLC	P.O. BOX 294059 KERRVILLE, TX 78028
X	PAUL & DOROTHY PANACECK	537 CRENWELGE RD FREDERICKSBURG, TX 78624
Y	PAUL & DOROTHY PANACECK	537 CRENWELGE RD FREDERICKSBURG, TX 78624
Z	WILLIAM BOHNERT	306 S. ADAMS FREDERICKSBURG, TX 78624
AA	HEB GROCERY COMPANY	P.O. BOX 839999 SAN ANTONIO, TX 78283



**REPLAT
BACKGROUND INFORMATION
December, 2018**

File Number:	P-1824
Subdivision Name:	Replat of Townlot 368, into Lot 368-AR and Lot 368-BR.
Location:	S. Acorn Street and W. Creek Street (see attached map).
Applicant:	Nancy Doyle
Number/Size of Lots:	2 lots, with proposed Lot 368-AR being 0.262 acres and proposed Lot 368-BR being 0.204 acres
Roadways:	Lot 368-AR will have frontage on Acorn and Creek Streets, and Lot 368-BR will have frontage on Acorn Street.
Right-of-way Dedications:	No additional right-of-way is required from the subject property.
Utilities:	Water and sanitary sewer are available to serve both proposed lots. A water and sanitary sewer tap will be required for proposed Lot 368-BR. A tap fee for both utilities will be required prior to recording of the plat.
Easements:	NA
Easements Abandoned:	NA
Stormwater Detention:	Given the size of the property, storm water detention will not be required.
Drainage:	Will be evaluated when the property develops.
Sidewalks:	No sidewalk is required.
Park Dedication:	The creation of an additional lot will require payment of \$500 to meet the Park Dedication Ordinance.
Staff Recommendation:	Approval, conditioned upon tap fees and park dedication fees being paid for Lot 368-BR prior to recording of the plat.
P&Z Action:	Final approval



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 86°16'55" W	18.14'
L2	N 51°10'35" W	24.30'

ZONING:

R1 - RESIDENTIAL

PROPOSED USE:

SINGLE FAMILY RESIDENTIAL



LEGEND:

- BOUNDARY LINE
- ADJACENT LINE
- TOWNLOT LINE
- DOWNING UTILITY LINE
- PIPE
- BL - BUILDING SETBACK LINE (BL-001) - RECORD CALL
- G.C.P.R. - GILLESPIE COUNTY PLAT RECORDS
- G.C.S.A. - GILLESPIE COUNTY RECORD RECORDS
- G.C.P.R. - GILLESPIE COUNTY OFFICIAL PUBLIC RECORDS
- G.C.S.A. - GILLESPIE COUNTY RECORD RECORDS
- G.C.P.R. - GILLESPIE COUNTY RECORD RECORDS
- POINT
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- 1/2" IRON PIPE FOUND
- SEWER CLEAN OUT
- TELE UTILITY POLE
- ELECTRIC METER
- GAS METER
- WATER METER
- ADDRESS
- WATER VALVE
- MANHOLE
- PIPE FENCE POST FOUND
- DRIVE BY: JH
- JOB NO: 18-0840



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

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF GILLESPIE §

I hereby certify, that I am the owner 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 hereby adopt this plan of subdivision with my 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 and my heirs and assigns to abide forever by all lines, dedications, conveyances for road right of way purposes, and other restrictions shown hereon.

NANCY DOYLE

STATE OF TEXAS §
COUNTY OF GILLESPIE §

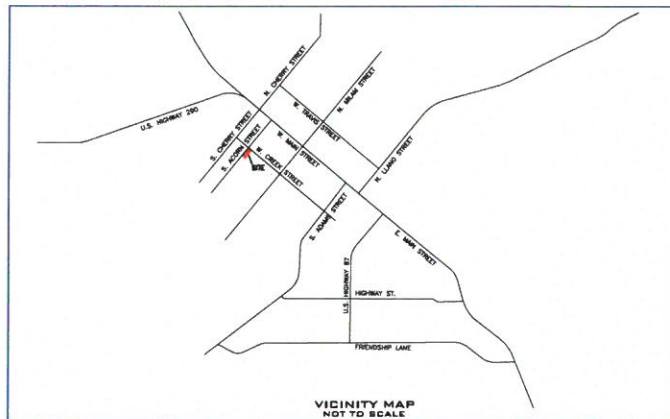
Before me, the undersigned authority, on this day personally appeared NANCY DOYLE, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they have executed the foregoing instrument for the purposes and consideration therein expressed, and in the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

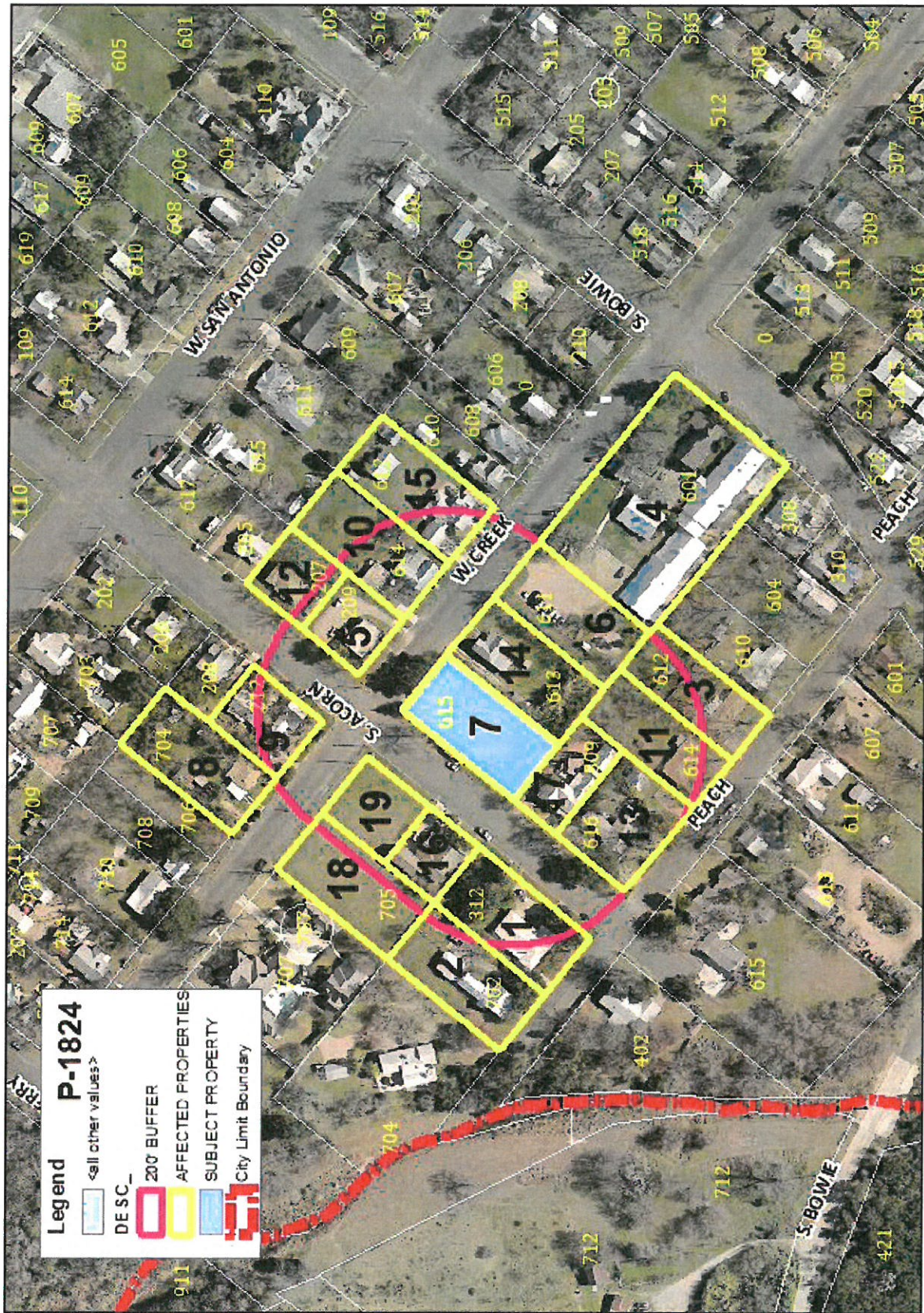
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2018.

Notary Public, State of Texas

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 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.





Letter	Owner	Address
1	CREEK STREET BUILDERS LLC	312 S ACORN ST FREDERICKSBURG, TX 78624
2	MARTHA AUTEN FAMILY TRUST	P.O. BOX 1664 FREDERICKSBURG, TX 78624
3	PAULETTE HOPKINS	121 ASBURY ST HOUSTON, TX
4	EPISCOPAL CHURCH CORPORATION	P.O. BOX 6885 SAN ANTONIO, TX
5	CHRIS KAISER	101 SETTLEMENT DR FREDERICKSBURG, TX 78624
6	EPISCOPAL CHURCH CORPORATION	P.O. BOX 6885 SAN ANTONIO, TX
7	NANCY DOYLE	615 W. CREEK ST FREDERICKSBURG, TX 78624
8	FOSE FIEDLER	704 W. CREEK ST FREDERICKSBURG, TX 78624
9	WILLIAM & MILLICENT BENNET	212 S. ACORN ST FREDERICKSBURG, TX 78624
10	EVANGELINA RENDON	614 W. CREEK ST FREDERICKSBURG, TX 78624
11	ROBERT GATES	614 W. PEACH ST FREDERICKSBURG, TX 78624
12	ALAN & ROY SAENGER	1213 SPOTTED FAWN TRL FREDERICKSBURG, TX 78624
13	JAMES WALKER	616 W. PEACH ST FREDERICKSBURG, TX 78624
14	MCCREA RESTORATIONS LLC	P.O. BOX 2626 FREDERICKSBURG, TX 78624
15	GLENN & TERRY SCHAEFER	612 W. CREEK ST FREDERICKSBURG, TX 78624
16	DAN MOODY	3003 W ALABAMA HOUSTON, TX
17	EDWARD & JOSEPHINE CVERCKO	309 S. ACORN ST FREDERICKSBURG, TX 78624
18	DAN MOODY	3003 W ALABAMA HOUSTON, TX
19	DAN MOODY	3003 W ALABAMA HOUSTON, TX
P-1824		



Memo

To: Planning and Zoning Commission
From: Brian Jordan, AICP
Date: 11/30/2018
Re: Discuss C-1.5, MU-1 and MU-2 Districts.

The Planning and Zoning Commission and staff have been discussing the creation of a C-1.5 Medium Commercial Zoning District, a MU-1 Mixed Use General District and a MU-2 Mixed Use Corridor District. Over the last several meetings we have discussed the permitted uses for each of the districts, along with the conditional uses for each district. A matrix is attached showing the proposed uses for each district. In addition, we discussed special regulations that could apply to the districts, including shared parking provisions, outdoor display of merchandise and seasonal items, hours of operation, height, special screening, special setbacks between certain uses, density credits, etc. I have provided a draft of the three districts for your review. The C-1.5 District would be another standard district. The MU-1 and MU-2 Districts would be new, but would carry special provisions applicable only to these districts. At the end of each section is a list of special provisions for discussion and consideration. For clarification, the MU-2 District would be proposed primarily along major entry corridors, and the MU-1 District is intended for infill or along other major thoroughfares. While unintentional, the uses proposed for the MU-1 and MU-2 Districts turned out to be the same. Therefore, we will need to have some way of distinguishing between the district's, otherwise only one mixed use district will be necessary. At the end of the MU-1 and MU-2 District sections, I have provided a list of Special Site and Development Regulations. We will be discussing these items for possible inclusion in the ordinance.

Another option for discussion is to create an overlay district. Rather than create a base district of MU-1 or MU-2, we would have a base zoning of perhaps C-2 or C-1.5, with an overlay district. The purpose would be to impose additional restrictions, permit additional uses, or implement density bonuses or incentive zoning to achieve community goals. I have included the document entitled Mixed Use Zoning – A Planner's Guide, for your review. This relatively basic document explains the mixed use concept and many of the advantages.

- **Sec. 3.210. – MU-1: MIXED USE – INFILL.**

[SHARE LINK TO SECTION PRINT SECTION DOWNLOAD \(DOCX\) OF SECTIONS EMAIL SECTION COMPARE VERSIONS](#)

Intent

This zone represents an effort to provide a zoning category for properties outside of the main commercial area, and are large enough and located in proximity to the core of the city to provide for a mix of uses and that is intended to be pedestrian and bicycle oriented. Features for consideration include a balanced mix of uses, connectivity of uses, compactness, compatibility with town character or traditional context, reduced parking, good pedestrian and bicycle access.

Principal Permitted Uses

Administrative and Business Office
Administrative Services
Arts and Crafts
Business Support Services
Club or Lodge
Cocktail Lounge
College or University Facilities
Community Recreation
Consumer Convenience Services
Consumer Repair Services
Convalescent Services
Cultural Services
Custom Manufacturing
Day Care Services
Financial Services
Food Sales (limit to the size)
Group Residential
General Retail Sales (limit to size)
Hotel/Motel (limit to square footage or number of rooms)
Hospital Services (Limited)
Indoor Entertainment
Indoor Sports and Recreation
Kennels
Laundry Services
Liquor Sales
Local Utility Services
Medical Offices
Mobile Food Establishments
Outdoor Sports and Recreation
Park and Recreation Services
Personal Improvement Services
Personal Services
Pet Services
Professional Offices

Religious Assembly
Restaurant - Drive-In/Fast Food
Restaurant
Restaurant – Limited
Retail Sales - Limited
Shopping Center
Single Family Residential (Detached)
Duplex Residential
Townhouse Residential
Condominium Residential
Multiple Family Residential

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.

Automobile Rentals
Business or Trade School
Convenience Storage
Outdoor Sports and Recreation
Drive through or Drive-in facilities associated with any use
Group Residential
Guidance Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Transportation Terminals

Property Development Regulations

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the following standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the MU-2 District shall be subject to the following site development regulations.

Feature	Regulation
Lot Size	Minimum Lot Area, 7,500 Square feet
Lot Width	Minimum Lot Width, 75 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 15 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 0 feet*
Rear Yard	Minimum Required Setback, 0 feet*
Maximum Impervious Coverage	80%
Maximum Building Coverage	Percent of Lot Area, 75%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100

Signs	Sign Ordinance
*25 feet when adjacent to Residential property	

Special Site and Development Regulations:

1. All Entry Corridor Standards and Guidelines shall apply to development within the MU-1 District.
2. Shared access for pedestrians and vehicles shall be provided between properties and uses.
3. Pedestrian circulation will be given priority over vehicular access.
4. Drive-thru's associated with any use shall be oriented away from any adjacent residential.
5. Exterior amplified sound associated with any use shall be prohibited when adjacent to single family residential use.
6. Required parking may be reduced by up to 25% if development can show the mix of uses do not conflict with one another .
7. Residential density for townhomes, condominiums and multi-family dwellings may be increased by 25% if utilized above ground floor level and combined with other permitted uses.
8. Outdoor storage shall be prohibited.
9. Outdoor display of merchandise shall be limited to _____% of the lot area, and shall be maintained in a neat and orderly manner.
10. Height may be increased to 4 stories if more than three different use types are included and structured parking is proposed within a single development.

Miscellaneous Provisions for Consideration:

1. Encourage biking and require bike parking.
2. Require screened parking adjacent to residential uses and along major thoroughfares.
3. Require parking to be located on the side or rear of buildings along public roadways or internal drives.
4. Reduced setbacks where a certain number or uses are included within a single development.

- **Sec. 3.210. – MU-2: MIXED USE – CORRIDOR**

[SHARE LINK TO SECTION PRINT SECTION DOWNLOAD \(DOCX\) OF SECTIONS EMAIL SECTION COMPARE VERSIONS](#)

Intent

This zone represents an effort to change the typical pattern of strips of underperforming commercial development that often line highways and arterials. Rather than limiting the properties along major entry corridors to commercial uses, this category offers a variety of higher density residential and mixed use opportunities. The policy of allowing this mix of uses along major roadways supports a change in development from a pattern of older commercial structures to new projects with a variety of uses, including mixed use within an individual building project or building.

Principal Permitted Uses

NON-RESIDENTIAL USES:
Administrative and Business Office
Administrative Services
Arts and Crafts
Business Support Services
Club or Lodge
Cocktail Lounge
College or University Facilities
Community Recreation
Consumer Convenience Services
Consumer Repair Services
Convalescent Services
Cultural Services
Custom Manufacturing
Day Care Services
Financial Services
Food Sales (limit to the size)
Group Residential
General Retail Sales (limit to the size)
Hotel/Motel (limit to square footage or number of rooms)
Hospital Services (Limited)
Indoor Entertainment
Indoor Sports and Recreation
Kennels
Laundry Services
Liquor Sales
Local Utility Services
Medical Offices
Mobile Food Establishments
Outdoor Sports and Recreation
Park and Recreation Services
Personal Improvement Services
Personal Services

Pet Services
Professional Offices
Religious Assembly
Restaurant - Drive-In/Fast Food
Restaurant
Restaurant – Limited
Retail Sales - Limited
Shopping Center (limit to the size)
RESIDENTIAL USES:
Single Family Residential (Detached)
Duplex Residential
Townhouse Residential
Condominium Residential
Multiple Family Residential

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.

Automobile Rentals
Business or Trade School
Convenience Storage
Outdoor Sports and Recreation
Drive through or Drive-in facilities associated with any use
Group Residential
Guidance Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Transportation Terminals

Property Development Regulations

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the following standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the MU-2 District shall be subject to the following site development regulations.

Feature	Regulation
Lot Size	Minimum Lot Area, 10,000 Square feet
Lot Width	Minimum Lot Width, 100 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 20 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 0 feet*
Rear Yard	Minimum Required Setback, 0 feet*
Maximum Impervious Coverage	75%
Maximum Building Coverage	Percent of Lot Area, 65%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900

Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance
*25 feet when adjacent to Residential property	

Special Site and Development Regulations:

1. All Entry Corridor Standards and Guidelines shall apply to development within the MU-2 District.
2. Shared access for pedestrians and vehicles shall be provided between properties.
3. Pedestrian circulation will be given priority over vehicular access.
4. Drive-thru's associated with any use shall be oriented away from any adjacent residential.
5. Exterior amplified sound associated with any use shall be prohibited when adjacent to single family residential use.
6. Required parking may be reduced by up to 25% if development can show the mix of uses do not conflict with one another .
7. Residential density for townhomes, condominiums and multi-family dwellings may be increased by 25% if utilized above ground floor level and combined with other permitted uses.
8. Outdoor storage shall be prohibited.
9. Outdoor display of merchandise shall be limited to ____% of the lot area, and shall be maintained in a neat and orderly manner.
10. Height may be increased to 4 stories if more than three different use types are included and structured parking is proposed within a single development.

Miscellaneous Provisions for Consideration:

1. Encourage biking and require bike parking.
2. Require screened parking adjacent to residential uses and along major thoroughfares.
3. Require parking to be located on the side or rear of buildings along public roadways or internal drives.
4. Reduced setbacks where a certain number or uses are included within a single development.

- **Sec. 3.210. – C-1.5: MEDIUM COMMERCIAL**

[SHARE LINK TO SECTION PRINT SECTION DOWNLOAD \(DOCX\) OF SECTIONS EMAIL SECTION COMPARE VERSIONS](#)

Intent

This zone represents an effort to provide a district between the Neighborhood Commercial District and the Commercial District. Uses have been selected from each of the various districts, with the intent that the proposed uses could function as a transition between highway commercial and residential neighborhoods, but could also provide a lower impact zone along other major roadways.

Principal Permitted Uses

NON-RESIDENTIAL USES:
Administrative and Business Office
Arts and Crafts
Business Support Services
Communication Services
Consumer Repair Services
Convalescent Services
Cultural Services
Day Care Services
Financial Services
Guidance Services
Hospital Services (Limited)
Local Utility Services
Medical Offices
Personal Improvement Services
Personal Services
Pet Services
Professional Offices
Private Primary Educational Facilities
Private Secondary Educational Facilities
Religious Assembly
Restaurant – Limited
Retail Sales - Limited
RESIDENTIAL USES:
Single Family Residential (Detached)
Duplex Residential
Townhouse Residential
Condominium Residential
Multiple Family Residential

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.

Automotive Washing
Building Maintenance Services
Business or Trade School
Club or Lodge
Cocktail Lounge
Convenience Storage
Consumer Convenience Services
Custom Manufacturing
Food Sales
Outdoor Sports and Recreation
Drive through or Drive-in facilities associated with any use
Group Residential
General Retail Sales
Kennels
Laundry Services
Liquor Sales
Mobile Food Establishments
Single-Family Residential (detached)
Duplex residential
Condominium Residential
Townhouse Residential

Property Development Regulations

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the following standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the C-1.5 District shall be subject to the following site development regulations.

Feature	Regulation
Lot Size	Minimum Lot Area, 7,500 Square feet

Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 20 feet
Street Side Yard	Minimum Required Setback, 20 feet
Interior Side Yard	Minimum Required Setback, 5 feet*
Rear Yard	Minimum Required Setback, 10 feet*
Maximum Impervious Coverage	75%
Maximum Building Coverage	Percent of Lot Area, 60%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance
*25 feet when adjacent to Residential property	



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.

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

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

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.

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

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