



CITY OF FREDERICKSBURG

PLANNING AND ZONING MEETING AGENDA WEDNESDAY, DECEMBER 7, 2022, ~ 5:30 P.M. LAW ENFORCEMENT CENTER – 1601 E. MAIN STREET

Janice Menking, Chair
Jim Jarreau, Member
Daryl Whitworth, Member
Jeff Lawrence, Member
Cindy Scroggins, Member

Tom Musselman, Member
Polly Rickert, Member
Tim Dooley, Vice Chair
Steve Thomas, Member

The City of Fredericksburg Planning and Zoning will meet in regular session on **Wednesday, December 7, 2022, at 5:30 p.m. The meeting will be in person at the Law Enforcement Center 1601 E. Main Street.** This meeting will be held in person and live stream on our YouTube Channel.

Link to City of Fredericksburg YouTube Channel Fredericksburg, Texas USA - YouTube
<https://www.youtube.com/channel/UCrhnIFjVfDS1SPBJD2pYKcQ/featured>

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF THE MEETING MINUTES

A. NOVEMBER REGULAR PLANNING AND ZONING MEETING

4. PUBLIC COMMENTS

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the Planning and Zoning Commission is limited to either a statement of specific information or recitation of existing policy. TEX. GOV'T CODE § 551.042.

Written Comments: to be submitted:

1. Must be received by 2 p.m. on December 7, 2022.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to scollier@fbgtx.org

Verbal Comments:

1. Sign up in-person between 5:00 p.m. and 5:30 p.m. at the Law Enforcement Center to comment.

You will be limited to 3 minutes to speak.

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 REQUEST #Z-2228: BY BETHANY MCCULLOUGH TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 6.110 TO EXPAND THE USE OF A STR-NONCONFORMING PROPERTY LOCATED AT 511 WEST SAN ANTONIO STREET. **(PAGES 15 - 36).**
- B REQUEST #Z-2229: BY SCOTT HORTON TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.120 TO OPERATE A STR-CONDOMINIUM IN A R3 MULTI-FAMILY RESIDENTIAL ZONED AREA FOR PROPERTY LOCATED AT 510 MUELLER STREET UNIT # 23. **(PAGES 37 - 56).**
- C REQUEST #Z-2231 TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE CITY'S ZONING CODE REGARDING SHORT-TERM RENTAL DEFINITIONS. THE PROPOSED TEXT AMENDMENTS ARE FOR THE FOLLOWING SECTIONS OF THE CITY'S ZONING CODE: SEC. 2.100. DEFINITIONS **(PAGES 57 - 64).**

6. ACTION ITEMS

- A DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING REQUEST #Z-2228: BY BETHANY MCCULLOUGH TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 6.110 TO EXPAND THE USE OF A STR-NONCONFORMING PROPERTY LOCATED AT 511 WEST SAN ANTONIO STREET. **(PAGES 14-32).**
- B DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING REQUEST #Z-2229: BY SCOTT HORTON TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.120 TO OPERATE A STR-CONDOMINIUM IN A R3 MULTI-FAMILY RESIDENTIAL ZONED AREA FOR PROPERTY LOCATED AT 510 MUELLER STREET UNIT # 23. **(PAGES 33-50).**
- C DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING REQUEST #Z-2231 TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE CITY'S ZONING CODE REGARDING SHORT-TERM RENTAL DEFINITIONS. THE PROPOSED TEXT AMENDMENTS ARE FOR THE FOLLOWING SECTIONS OF THE CITY'S ZONING CODE: SEC. 2.100. DEFINITIONS **(PAGES 51-58).**

7. DISCUSSION ITEMS

- A Director's Repot

8. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda before 5:00 PM. on Friday, December 2, 2022, on the bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas as well as the City of Fredericksburg's website fbgtx.org.

Shelby Collier
Associate Planner

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

**PLANNING & ZONING COMMISSION
NOVEMBER 7, 2022
5:30 P.M.**

On this the 7TH day of NOVEMBER 2022 the PLANNING AND ZONING COMMISSION convened in regular Session at the Law Enforcement Center located at 1601 E. Main Street with the following members present to constitute a quorum:

PRESENT:

JANICE MENKING
POLLY RICKERT
JEFF LAWRENCE
JIM JARREAU
TOM MUSSELMAN
TIM DOOLEY
DARYL WHITWORTH
STEVE THOMAS

ABSENT:

CINDY SCROGGINS

ALSO, PRESENT:

GARRET BONN – Interim Director of Development Services
DANIEL JONES – City Attorney
SHELBY COLLIER – Associate Planner

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

PUBLIC COMMENTS

MINUTES

Jim Jarreau made a Motion to Approve the October 2022 Meeting Minutes including corrections. Seconded by Tom Musselman. All voted in favor and the motion carried.

PUBLIC HEARING

REQUEST #Z-2225 BY DAVID TURPIN TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.110 TO OPERATE A STR-UNOCCUPIED IN A R2 ZONED AREA LOCATED AT 507 CORA STREET

Jim Jarreau made a Motion to open the public hearing. Tom Musselman seconded the motion. All voted in favor and the motion carried.

David Turpin presented the application. He stated that this property is under contract contingent on obtaining a STR-Unoccupied permit which requires a Conditional Use Permit.

Nancy Herndon spoke in protest and referenced Mr. Turpin previous comments in protest of STR's in neighborhoods

Todd Plunk spoke and thanked the Commission for keeping the meetings in the evening so that he may attend. He expressed his frustration regarding Mr. Turpin's previous comments in opposition of STR's in neighborhoods and is now requesting a STR permit for profit.

Tammy Pack spoke regarding Mr. Turpin's previous comments in opposition of non-owner occupied STRs in Fredericksburg. She stated this shows a lack of integrity and believes he should not be able to obtain a CUP.

Arnold Cuellar spoke regarding his concern of his neighborhood changing. He is willing to share with STR's, but he is not comfortable sharing with any more as 40% of the neighborhood is STR's.

David Turpin spoke addressing his unique situation of being surrounded by STRs and he would not be able to sell to someone who lives their full time when the property is surrounded by STR's.

Jim Jarreau made a Motion to close the public hearing. Tom Musselman seconded the motion. All voted in favor and the motion carried.

REQUEST #Z-2226 BY RALPH AND KRISTI GALICHETTO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.110 TO OPERATE A STR-UNOCCUPIED IN A R2 ZONED AREA LOCATED IN THE HISTORIC OVERLAY DISTRICT.

Jim Jarreau made a Motion to open the public hearing. Tom Musselman seconded the motion. All voted in favor and the motion carried.

Kristi Galichet presented the application. She stated it was her intent to obtain a Conditional Use Permit to allow them to use the property as a STR-Unoccupied. They have requested a max occupancy of 6.

Tim Dooley made a Motion to close the public hearing. Daryl Whitworth seconded the motion. All voted in favor and the motion carried.

REQUEST #Z-2227: BY SEAN SMITH WITH MOY TARIN RAMIREZ ENGINEERS, LLC TO CONSIDER FUTURE LAND USE CHANGE FROM COMMERCIAL (C), MIXED USE CORRIDOR (MUC), AND HIGH DENSITY RESIDENTIAL (HDR) TO PUBLIC FACILITIES (PF)FOR APPROXIMATELY 56.463 ACRES OF LAND LOCATED AT 257 VERNONS LANE.

Jim Jarreau made a Motion to open the public hearing. Tom Musselman seconded the motion. All voted in favor and the motion carried.

Raymond with Moy Tarin Ramirez Engineers, presented the application. He stated that Moy Train Ramirez Engineers had been hired to develop the new Fisd Middle school campus located at 257 Vernon's Lane.

Jim Jarreau made a Motion to close the public hearing. Daryl Whitworth seconded the motion. All voted in favor and the motion carried.

REQUEST #Z-2227: BY SEAN SMITH WITH MOY TARIN RAMIREZ ENGINEERS, LLC TO CONSIDER A ZONING CHANGE FROM (C2) COMMERCIAL, (R3) MULTI FAMILY RESIDENTIAL AND (C1) NEIGHBORHOOD COMMERCIAL TO (PF) PUBLIC FACILITIES FOR APPROXIMATELY 56.463 ACRES OF LAND LOCATED AT 257 VERNONS LANE.

Jim Jarreau made a Motion to open the public hearing. Tom Musselman seconded the motion. All voted in favor and the motion carried.

Jim Jarreau made a Motion to close the public hearing. Daryl Whitworth seconded the motion. All voted in favor and the motion carried.

ACTION ITEM

DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING REQUEST #Z-2225 BY DAVID TURPIN TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.110 TO OPERATE A STR-UNOCCUPIED IN A R2 ZONED AREA LOCATED AT 507 CORA STREET

Garret Bonn stated the applicant originally submitted an application for a STR-Facility (2 units). As part of Staff's review several potential issues were identified and when these were brought to Mr. Turpin's attention, he agreed, and revised his application to request a STR-Unoccupied (1 unit).

Staff recommends approval with conditions.

Polly Rickert asked if the new owners could apply for STR-Accessory or STR-B&B. Staff replied yes.

Tim Dooley asked if the new rules required Homestead. Staff replied yes.

Tom Musselman spoke regarding the average time of properties on the market and the potential for the price point to be too high. He also addressed Mr. Turpin's previous objection of unoccupied STR's in neighborhoods.

Jim Jarreau made a Motion to recommend Denial of Z-2225 as presented. Motion died for a lack of a second.

Polly Rickert stated she is gob smacked by the irony of this application being submitted for consideration. She stated the Commission is an advisory committee that needs to provide a recommendation to City Council. She stated she feels that they need to be consistent in their recommendation.

Polly Rickert made a motion to recommend Approval of application Z-2225 with a maximum occupancy of 6. Tom Musselman seconded the motion. Jim Jarreau opposed the motion all others voted in favor and the motion carried.

DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING REQUEST #Z-2226 BY RALPH AND KRISTI GALICHETTO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.110 TO OPERATE A STR-UNOCCUPIED IN A R2 ZONED AREA LOCATED IN THE HISTORIC OVERLAY DISTRICT.

Garret Bonn, Interim Director of Development Services, stated the applicants are requesting a Conditional Use Permit per Sec. 3.110 of Ordinance 2022-13 to operate a STR-Unoccupied in a R2-zoned area located within the Historic Overlay District on property located at 405 N. Orange. The subject tract is surrounded entirely by R2 zoning, with the Fisd Middle School campus located approximately 115' the east (PF zoning). The proposed development would include a three-bedroom, two bath STR unit with three on-site parking spaces provided (two off a public alleyway and one utilizing an existing curb cut). The applicants have indicated they would only be requesting a maximum occupancy of 6.

As part of the development, the applicant will be required to improve the alleyway to an all-weather, City standard surface to access the on-site parking spaces. A sidewalk will also be required along the frontage as the site lies on the City's adopted sidewalk plan. The owner has indicated that they intend to make an escrow deposit in lieu of the sidewalk construction.

The City's Historic Preservation Officer has reviewed the project application and has no objections to the

proposed improvements. Public notification, including letters being sent to property owners within 200 feet, resulted in no responses, either in support or protest, as of the publishing of this agenda.

As presented, the proposed STR-Unoccupied use meets the requirements of a conditional use permit. As the subject tract lies within an area with a number of established STR uses, staff recommends approval, conditioned upon the following:

- review/inspection and approval of a STR Permit Application under current regulations with max occupancy of 6, as requested
- payment of applicable fees (\$350 for 3-bedroom unit)
- improvements to alley sidewalk construction or escrow deposit

Polly would like to provide signage regarding no blocking of the alley as a condition.

Tim Dooley made a motion to recommend approval of Application Z-2226 per Staff Conditions and the requirement for signage regarding no blocking of the alley. Seconded by Tom Musselman. Jim Jarreau voted in opposition all others voted in favor and the motion carried.

DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING REQUEST #Z-2227: BY SEAN SMITH WITH MOY TARIN RAMIREZ ENGINEERS, LLC TO CONSIDER FUTURE LAND USE CHANGE FROM COMMERCIAL (C), MIXED USE CORRIDOR (MUC), AND HIGH DENSITY RESIDENTIAL (HDR) TO PUBLIC FACILITIES (PF)FOR APPROXIMATELY 56.463 ACRES OF LAND LOCATED AT 257 VERNONS LANE.

Shelby Collier, Associate Planner, stated the applicant is seeking a future land use classification change from “Commercial” (C), “Mixed Use Corridor” (MUC), and “High Density Residential” (HDR) to “Public Facilities” (PF) and a zoning change from (C2) Commercial, (R3) Multifamily Residential and (C1) Neighborhood Commercial to (PF) Public Facilities

257 Vernon’s Lane is 56.463 acres that has recently been purchased by FISD for the purpose of developing the new Middle School. The property consists of a vacant, Single-Family Residence and several ancillary structures such as barns and storage buildings.

Land uses surrounding this property include Mixed Use Corridor (MUC), and High Density Residential (HDR) to the north. Public Facilities (PF) to the east across Holmig Ln., Mixed Use Corridor (MUC), and High Density Residential (HDR) to the west, and Commercial (C), and High Density Residential (HDR) to the south across Friendship Ln.

Zoning to the north is a mix of (C2) Commercial and (R3) Multifamily Residential. Public Facilities (PF) to the east across Holmig Ln. A mix of (R3) Multifamily Residential and (C1) Neighborhood Commercial to the South across Friendship Ln and (C2) Commercial and (R3) Multifamily Residential to the West. This portion of Friendship Lane has recently seen significant development, including an approved Multifamily project that will add 296 Residential units (Prospect and Carbon Project) South of the Subject tract as well as the extension of Post Oak Rd to connect with Friendship Lane.

Given the variety of Land uses and Zoning classifications surrounding the property and the fact that the property is an extension of the existing development in the area (FISD) Staff recommends approval of the requested land use classification change Commercial (C), Mixed Use Corridor (MUC), and High Density Residential (HDR) to Public Facilities (PF) and a Zoning Change from (C2) Commercial, (R3) Multifamily Residential and (C1) Neighborhood Commercial to (PF) Public Facilities per Comprehensive Plan Sec. 4.B.I – Support Existing Development Patterns.

Tom Musselman made a Motion to recommend Approval of Z-2227 – Land use per Staff recommendation. Daryl Whitworth seconded the motion. All voted in favor and the motion carried.

DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING REQUEST #Z-2227: BY SEAN SMITH WITH MOY TARIN RAMIREZ ENGINEERS, LLC TO CONSIDER A ZONING CHANGE FROM (C2) COMMERCIAL, (R3) MULTI FAMILY RESIDENTIAL AND (C1) NEIGHBORHOOD COMMERCIAL TO (PF) PUBLIC FACILITIES FOR APPROXIMATELY 56.463 ACRES OF LAND LOCATED AT 257 VERNONS LANE.

Tom Musselman made a Motion to recommend Approval of Z-2227 – Zoning per Staff recommendation. Jim Jarreau seconded the motion. All voted in favor and the motion carried.

REQUEST SP-2218 BY WILLIAM MAJORS WITH FREDERICKSBURG RETAIL VENTURES, LLC - SITE PLAN FOR DEVELOPMENT OF A RETAIL FACILITY LOCATED AT 1455 EAST MAIN STREET.

Will Majors with Retail Ventures presented the application. He stated it is his intent to develop property located at 1455 East Main Street into a multi-tenant strip center.

Shelby Collier, Associate Planner, stated that a Site Plan has been submitted to develop property located at 1455 East Main Street. The proposed development would include one (1), single-story (3) building with four (4) proposed individual lease spaces.

The proposed development has access on East Main Street.

The project complies with the zoning requirements M2, for building height and coverage as well as impervious cover. Shopping Centers require 1 parking space per 200 sq ft resulting in 61 spaces required with a total of 69 spaces provided including 1 ADA parking spaces and 2 van spaces.

Based on review by the Development Review Committee (DRC), staff can recommend approval conditioned upon the following:

- Landscape plan per [Sec. 7.920](#), including screening per [Sec 7.940](#), be provided and approved prior review of Building Permit Applications.

- Approval of Civil Construction Plans prior to review of Building Permit Applications.

- Approval of Entry Corridor Design Guidelines prior to review of Building Permit Applications.

- Approval of Final Plat

- Approval of Addressing Plan

Jim Jarreau made a Motion to Approve Application SP-2218 per Staff recommendation. Polly Rickert seconded the motion. All voted in favor and the motion carried.

REQUEST SP-2220 BY SEAN SMITH WITH MOY TARIN RAMIREZ ENGINEERS, LLC - SITE PLAN FOR DEVELOPMENT OF FISD MIDDLE SCHOOL CAMPUS LOCATED AT 257 VERNONS LANE OFF ST HWY 16 SOUTH.

Raymond with Moy Tarin Ramirez Engineers presented the application. He stated that Moy Train Ramirez Engineers had been hired to develop the new FISD Middle school campus located at 257 Vernon's Lane.

Garret Bonn, Interim Director of Development Services, stated a Site Plan has been submitted to develop a 56.463-acre tract of land located between SH 16 South and Friendship Ln. The proposed development of the tract would include the extension of Post Oak Rd. (connection between SH 16 South & Friendship Ln.) and a new middle school campus on Lot 1 as part of an FISD bond package approved by voters in May of 2022.

Lot 1 will have legal frontage on Friendship Ln., Holmgren Ln., and the extension of Post Oak Rd. Access to the

proposed school site will be taken off the extension of Post Oak Rd. and a private drive off of Billie Drive/Hollmig Ln. A Traffic Impact Analysis (TIA) has been completed and is currently under review by City staff and TxDOT (approval by both required). Sidewalks will be installed along Friendship Ln. and the extension of Post Oak Rd., along with a connection to the existing Fisd Agricultural Facility on Hollmig Ln. Additional sidewalks connections may be contemplated as part of the TIA review process.

Based on review by the Development Review Committee (DRC), staff can recommend approval conditioned upon the following:

- Approval of landscape plan per Sec. 7.920 to include screening per Sec. 7.940 as part of Building Permit application(s).
- Approval of final plat, including addressing plan, and sign permit.
- Approval of Civil Construction Plans including stormwater controls.
- Approval of Traffic Impact Analysis including TxDOT review/approval.
- Gillespie Co. Health Division approval of food service plan.

Jim Jarreau made a motion to Approve Application SP-2220 per Staff recommendation. Tim Dooley seconded the motion. All voted in favor and the motion carried.

REQUEST P-2236 BY SEAN SMITH WITH MOY TARIN RAMIREZ ENGINEERS TO CONSIDER A PRELIMINARY PLAT OF APPROXIMATELY 56.463 ACRES OF LAND LOCATED AT 257 VERNONS LANE OFF ST HWY 16 SOUTH

Raymond with Moy Tarin Ramirez Engineers, presented the application. He stated that Moy Train Ramirez Engineers had been hired to develop the new Fisd Middle school campus located at 257 Vernon's Lane.

Garret Bonn, Interim Director of Development Services, stated the Fredericksburg Independent School District (Fisd) has submitted a preliminary plat relating to the development of a new middle school campus on a tract of land described as ABS A0180 GE Brandt #42, 56.462 acres. The proposed development consists of 2 lots and the extension of Post Oak Rd with a requested zoning designation of Public Facilities (PF).

As currently proposed (PF Zoning), all lots are in compliance with the City's subdivision ordinance regarding lot size and frontage.

Staff recommends approval of the proposed preliminary plat application conditioned upon the following:

- Civil construction plan approval for any public improvements.
- Approved addressing plan and lot numbering.
- Approval of the Final Plat.

Jim Jarreau made a motion to Approve Application P-2236 per Staff recommendation. Tim Dooley seconded the motion. All voted in favor and the motion carried.

REQUEST EC2022-05 BY PETER LEWIS WITH ARCHITECT & ASSOCIATES PLLC TO CONSIDER ENTRY CORRIDOR DESIGN STANDARDS FOR PROPERTY LOCATED AT 1602 STATE HIGHWAY 16 NORTH.

A Representative with Matkin Hoover presented the application.

Anna Hudson, Historic Preservation Officer, stated a Site Plan was approved by Planning & Zoning in May 2022. Entry Corridor review covers 14 design considerations including: site plan; architectural style; landscaping; signage; and lighting.

This application was reviewed for its conformity with Design Guidelines and Standards found on pages 67-105 in the Fredericksburg Comprehensive Plan Issues Update 2015. Listed below are the 14 topics with the applicant's response to the requirements with staff's comments *italicized*.

1. Architectural Style:

The buildings are designed in a Texas Regional style, familiar to the Texas Hill Country, incorporating simple geometric forms and using the unit floor plans to create different planes in the facade as well as varying roof heights. Gable roofs with 4: 12 slopes on the main body of the buildings and 9: 12 slopes at the Breezeways echo the influence of traditional German homes.

Staff finds the architectural style to meet the intent and requirements.

2. Architectural Materials:

The buildings employ native limestone at the breezeways emphasizing the entry portals to the units. Exterior siding is a combination of cement fiber horizontal lap and vertical board and batten. Roofing materials are 30-year dimensional asphalt shingles in weathered wood color pattern. Doors and windows are Low-E insulated glass in prefinished aluminum frames.

Staff finds the architectural materials to meet intent and requirements.

3. Architectural Colors

Stone: Sisterdale Cream

Siding: Benjamin Moore Mississippi River and Benjamin Moore Corkboard

Trim: Benjamin Moore Texan Angel

Doors/Railings: Benjamin Moore Barnwood

Staff finds the architectural colors to meet intent and requirements.

- 4. Architectural Features:** The facades are broken into symmetrical masses punctuated by windows and doors. Recessed balconies and patios create a shade and shadow pattern to the front facades offering visual relief. The breezeway entry portals project beyond the face of the adjacent walls with a gable end facade to complement the 'wings' to either side. The sides of Buildings 6,8,9 and 10/Building Type II, facing Highway 16 are divided into 3 panels, punctuated by windows and feature alternating siding treatments: incorporating horizontal lap siding and vertical board and batten siding (Buildings 6,8 & 10) and injecting full height native limestone at the center panel of Building 9.

Staff finds the architectural features to meet intent and requirements.

5. Massing and Scale:

The massing and scale of the 2-story buildings is consistent with Phase I and the surrounding residential and light commercial uses. The front and rear elevations of the three building types range modestly from 64'-4" to 102'-4" in width to a 76'-1" in depth at the breezeways. The vertical transition of siding profiles from horizontal to vertical board and batten offers relief on all four facades. Refer to the attached Building Plans (A2.4, A2.5, A2.6) for specific dimensions by Building Type.

Staff finds the massing and scale to meet intent and requirements.

- 6. Signage:** Building signage is comprised of Building numbers mounted on the front face of each building. There is no site signage. Project signage is provided in Phase 1.

Staff finds the signage to meet intent and requirements.

7. Building Height:

Maximum allowed building height, as defined by the Building Code, is 38'-0". Building height for Buildings 6,7,8,9 &10 is 28'-8". Refer to the attached Exterior Elevations (A3.1, A3.2, A3.3) for overall building heights by Building Type.

Staff finds the building height to meet intent and requirements.

SITE DESIGN

8. Frontage:

The main site entry is along Lower Crabapple Road. The site is also connected to Phase I for pedestrian and vehicle access. Buildings located along SH 16 are setback 25' from the property line and generally 50' from SH16 edge of pavement. Three of the building facades are parallel to the highway and two are canted to provide visual relief along the frontage while creating interesting spaces between buildings.

Landscape screening includes tree plantings, ornamentals, and ground cover. Refer to Site Elevation Exhibit, attached.

A sidewalk network connecting buildings and parking areas throughout the site and along Lower Crabapple affords a safe, accessible pedestrian connection from the property to the Entry Corridor.

Standard 6.1: Doors and entryways shall be constructed facing the entry corridor and any side streets. Secondary entrances may be constructed to allow convenient access from secondary streets, adjacent buildings, sidewalks or parking.

This project was not designed to "face" the Entry Corridor (Hwy 16 N), but it does have extensive Entry Corridor frontage. The project is sufficiently broken up into multiple buildings and parking lots are scattered between buildings to give the project a more residential feel. Options to improve the connectivity of the frontage would be to add a pedestrian entrance from the site to the Entry Corridor. Building number 7 is situated at an angle that help reduce the "back of house" orientation the rest of the buildings have.

9. Landscaping:

The project is designed to comply with the City of Fredericksburg Landscape Ordinance. Refer to LA-1 Landscape Plan, attached.

Staff finds the landscaping to meet intent and requirements.

10. Lighting:

Exterior Lighting meets International Dark-Sky Association requirements. Refer to MEP-1.1 Site Illumination Plan, attached.

Staff finds the lighting to meet intent and requirements.

11. Service Area:

The dumpster screen along SH 16 is a 6' high solid wood fence. Refer to LA-1 Landscape Plan for vegetative screening.

Staff finds the service area to meet intent and requirements.

12. Parking and Access:

All parking complies with Texas Accessibility standards. A total of 112 standard spaces and 6 accessible spaces (5% of total) are provided. 26 parking spaces are covered. Tree islands are provided, where practical, in the parking areas. Islands with Fire Department Connections and lighting standards are landscaped with turf. Refer to LA-1 Landscape Plan, attached. Accessible pedestrian access is provided from parking areas to all buildings and an accessible route is provided to the sidewalk along Lower Crabapple Road.

Staff finds the parking and access to meet intent and requirements.

13. Drainage and Stormwater:

Site drainage has been closely coordinated with City of Fredericksburg Engineering staff, includes modifications and improvements to the existing Detention area along Lower Crabapple and complies with local and state requirements for stormwater management.

Staff finds the drainage and stormwater to meet intent and requirements.

14. Streetscape:

Refer to Items 8 & 9, above.

The intent of the Streetscape Standards is to: create a connected sidewalk system throughout the city to ensure safety and connectivity between destinations; increase the mobility of persons walking throughout the city into all areas.

Standards 14.1 – Sidewalks along the street right of way must be a minimum of 5 ft wide.

Guidelines 14.2 Sidewalks and pedestrian pathways should safely connect from the street to commercial buildings, surrounding residential areas, and parks and open spaces.

Staff finds the streetscape to meet most of the intent and requirements. An option to improve the connectivity of the frontage would be to add a pedestrian entrance from the site to the Entry Corridor.

Polly Rickert made a motion to Approve Application EC2022-05 with the condition to add sidewalk access from the property onto highway 16. Seconded by Jeff Lawrence. All voted in favor and the motion carried.

DISCUSSION ITEM

Training Session set for November 16, 2022, at 12:00 pm at City Hall Fire Training Room.

Comprehensive Plan Update: Consultants to host 3 more focus groups, staff meeting, and first outreach efforts at the Chamber Fun After 5 event on November 10, 2022. Consultants will be at soccer fields at Oak Crest Park on Saturday, November 12, 2022.

ADJOURN

With nothing further to come before the Commission, Jim Jarreau moved to adjourn. Seconded by Polly Rickert. All voted in favor and the meeting was adjourned at 6:52 p.m.

PASSED AND APPROVED this 7th day of December 2022.

SHELBY COLLIER, Associate Planner

JANICE MENKING, Chairman



PLANNING & ZONING COMMISSION MEMO

DATE: December 7, 2022

TO: Planning & Zoning Commission

FROM: Shelby Collier, Associate Planner

SUBJECT: REQUEST #Z-2228 by Bethany McCullough to Consider a Conditional Use Permit per Section. 6.110 to Expand the Use of a STR-Nonconforming Property Located at 511 W. San Antonio Street.

Summary/Analysis:

The property is zoned R2 and within the Historic District. The Applicant is requesting a Conditional Use Permit per [Sec. 6.110](#) of the Zoning Ordinance to expand the use of STR-Nonconforming units (Ranch Haus and Stone Haus) located at 511 W. San Antonio St. The property currently has 3 units, Stone Haus, Ranch Haus and Cottage with a total combined occupancy of 10. The requested combined occupancy is 15.

When the applicant first submitted their STR Applications on 10/20/21 they requested an occupancy of 2 for Ranch Haus and an occupancy of 4 for Stone Haus. The applicant has now requested that they be allowed to entertain guests to the max allowable amount per Ordinance Number 28-001 (2018 STR Ordinance) which allowed for an occupancy of 1 guest per 200 sq ft of living space.

Currently, Stone Haus (1881 sq ft) has an occupancy of 4 and the applicant is requesting an occupancy of 8 and Ranch Haus (668 sq ft) has an occupancy of 2 and the applicant is requesting an occupancy of 3. Cottage has an occupancy of 4 and the applicant is not requesting a change of occupancy for this unit.

The subject tract is bordered by residences to the west and east with a 1 unit STR to the south that has an occupancy of 2. Across West San Antonio Street to the North is a mix of residential and STR properties. 514 W. San Antonio has 2 units that have a combined occupancy of 8 and 512 W. San Antonio is a 1 unit STR with an occupancy of 4.

The proposed Conditional Use Permit provides 4 parking spaces. 1 parking space per unit was required per Ordinance Number 28-001 (2018 STR Ordinance), however, [Sec. 6.110](#) requires the increase in occupancy provide 1 parking space per 2 occupants resulting in the need for a total of 6 spaces, 2 more than what is provided. [Sec. 5.460](#) – Adequate off-street parking and [Sec. 7.863](#) – Off Street Parking. In addition, the property is located in a neighborhood that possesses an even mix of residences and STR's, however this

property is the only property on the block that is operating 3 STR Units which currently have a combined occupancy of 10 and to further increase that occupancy would create potentially unfavorable affects or impacts on other permitted uses in the neighborhood Item 11 of [Sec. 5.460](#) as the average occupancy per unit is 5. In addition, all but 1 property of the 16 properties in this neighborhood operate with fewer than 10 occupants.

Recommendation:

As presented, the proposed expansion of the occupancy does not meet the requirements necessary to obtain a conditional use permit [Sec. 5.460](#). Given the surrounding uses and the low occupancy average of 5 per unit an increase in occupancy that would result in 15 guests on site is not compatible with this neighborhood. Item 11 [Sec. 5.460](#). Furthermore, the property lacks adequate off-street parking and as proposed, is unable to comply with the Zoning regulations [Sec. 3.110](#) [Sec. 5.460](#) [Sec. 7.863](#)

Staff recommends denial.

Attachments:

1. Public Hearing Map
2. Surrounding Use Map
3. Project Application Including Site & Floor Plans and CUP Narrative
4. City Review Comments and Responses
5. Sec. 5.460 - Review and Evaluation Criteria

Z-2228



<all other values>

desc_



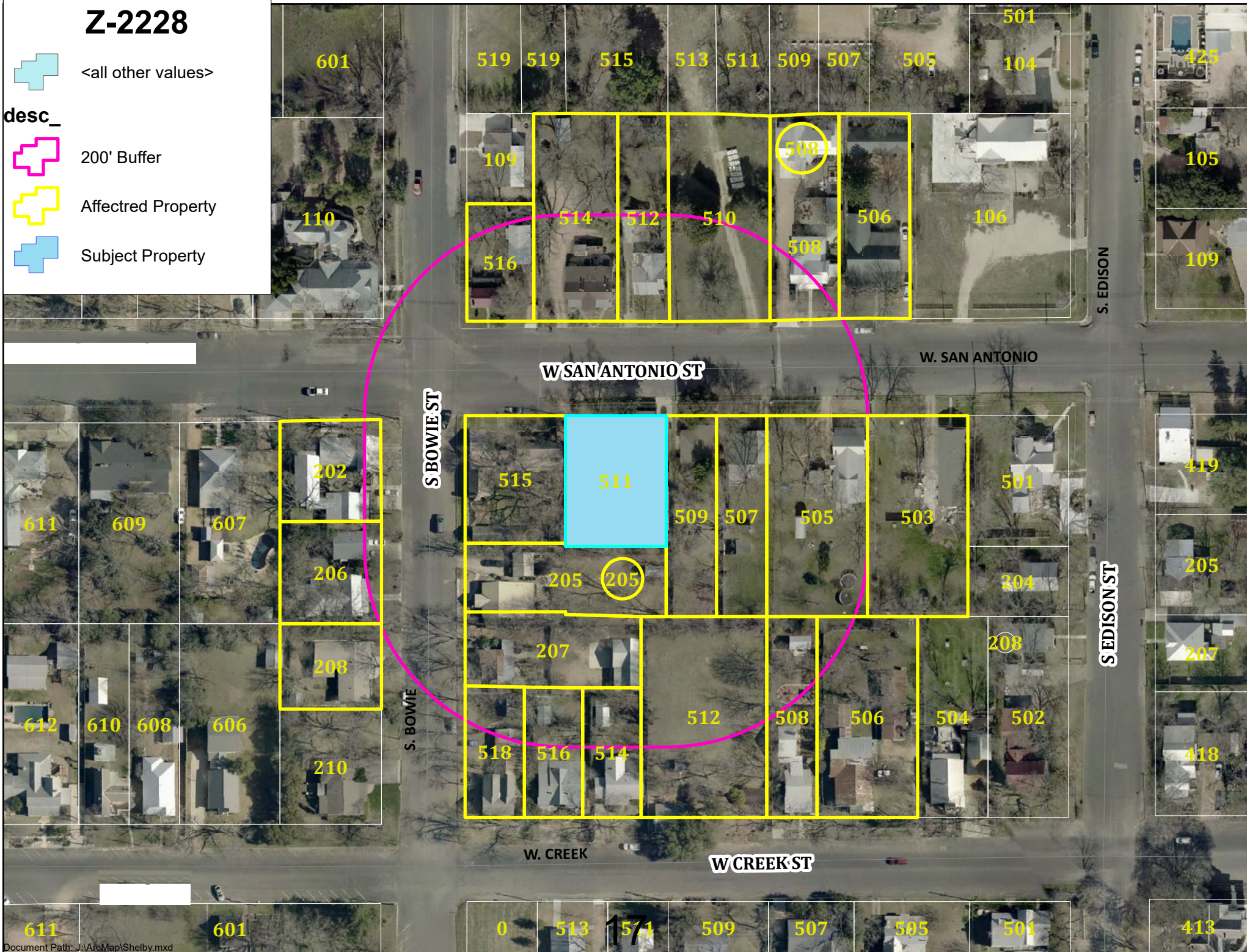
200' Buffer



Affected Property



Subject Property



Z-2228





Project Application

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

A. Project Information (Please complete all items)

Project Name: Sunday Haus Estate

Project Address: 511 W San Antonio St, Fredericksburg, Texas 78624

Tax ID Number (s): 24524

Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

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

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

Jurisdiction: ☒ City Limits ☐ ETJ Total Acres: .298 No. of Lots: 1

Original Survey & Abstract No:

Legal Description: FBG ADDN BLK 14 LOT 377-PT

Current Land Use Plan: Residential

Proposed Land Use Plan: Residential

Current Zoning: R-2

Proposed Zoning: R-2

Location:

Proposed Use(s): Increase occupancy on permitted STR property

Applicant's Signature

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

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

Signature: 

Printed Name: Bethany McCullough

Date: Oct 26, 2022

CK#1006 \$400.00

Staff Use Only

Application No.: **Z-2228**

Date: **10/31/22**

*Copy of current Title Search required with application.



Project Application

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

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

I. Property Owner(s)

Firm Name (if applicable): N/A

Owner Name: Chelsea McCullough, Kristy Owen, Hsiao Chen Jane Ko

Address: 3300 Bee Caves Rd, Ste 650-1233, Austin, Texas 78746

Phone: 830-282-1661

Fax: N/A

Email: stay@sundayhausfbg.com

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

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

Firm Name (if applicable): N/A

Address: 3300 Bee Caves Rd, Ste 650-1233, Austin, Texas 78746

Primary Contact Name: Bethany McCullough Ross

Phone: 512-914-7802

Fax: N/A

Email: bethany@insite-austin.com

Secondary Contact Name: Adam Hahn

Phone: 830-456-3277

Fax: N/A

Email: ahahn@kw.com

III. Applicant

Firm Name (if applicable): N/A

Applicant Name (s): Chelsea McCullough, Kristy Owen, Hsiao Chen Jane Ko

Address: 511 W San Antonio St, Fredericksburg, Texas 78624

Phone: 830-282-1661

Fax: N/A

Email: stay@sundayhausfbg.com

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

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

Firm Name (if applicable): N/A

Address: 3300 Bee Caves Rd, Ste 650-1233, Austin, Texas 78746

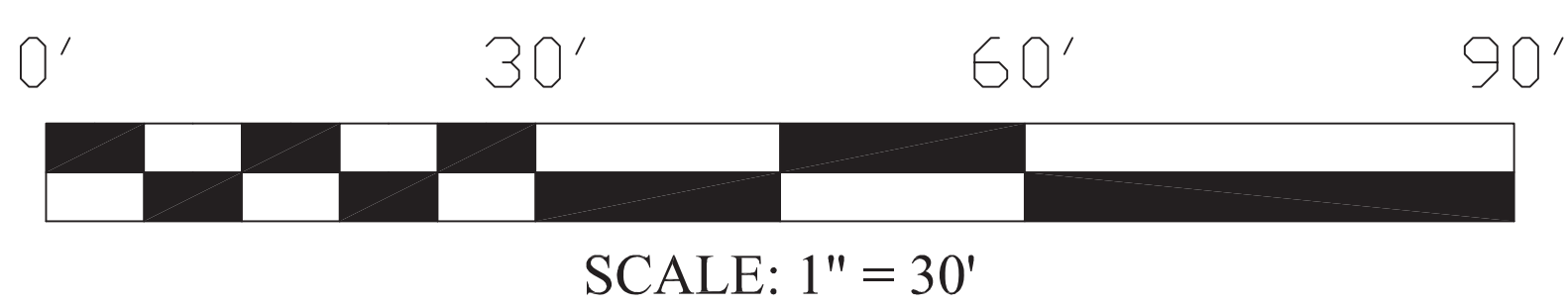
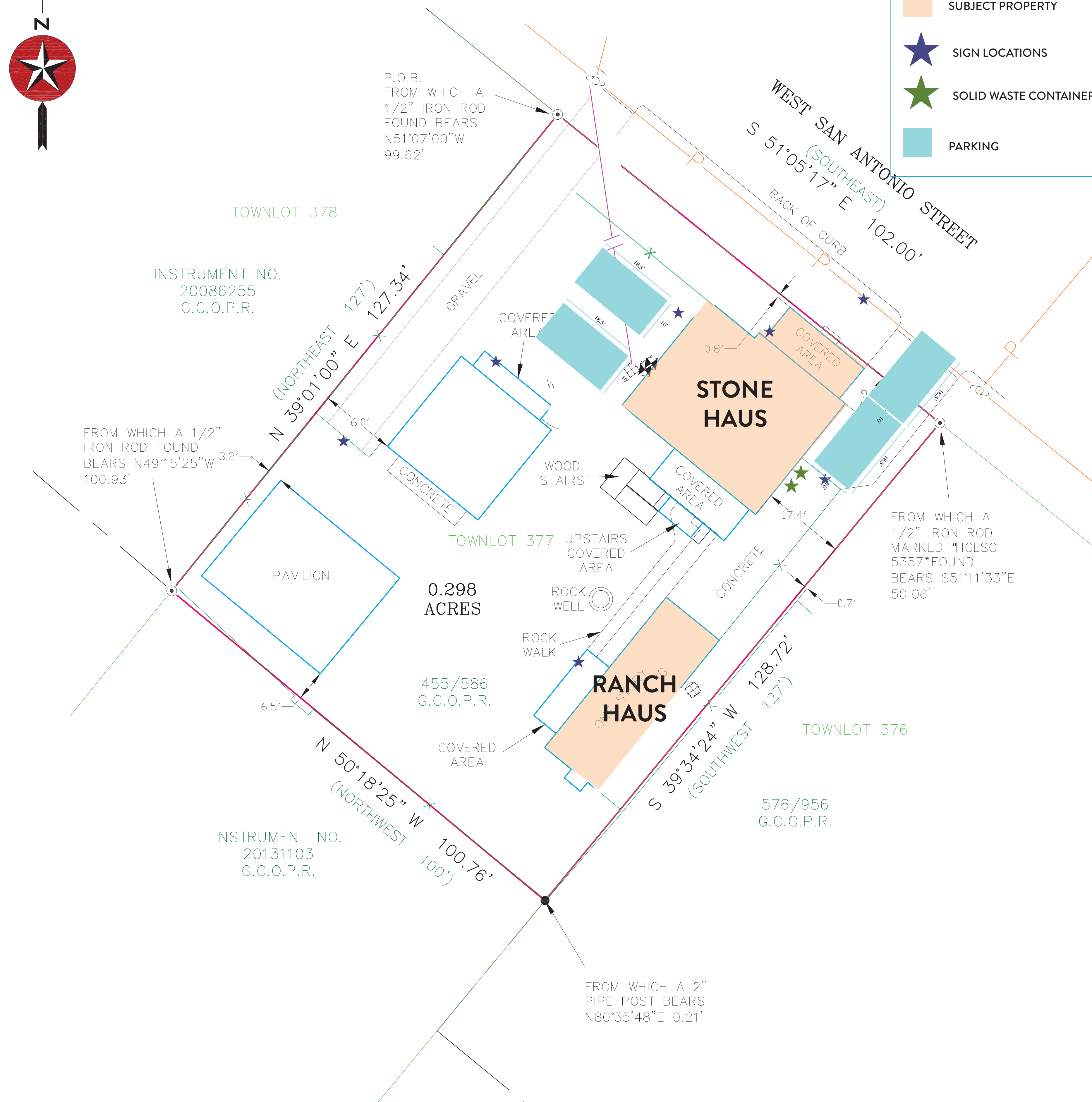
Primary Contact Name: Bethany McCullough Ross

Phone: Fax: Email: bethany@insite-austin.com



LEGEND

- SUBJECT PROPERTY
- SIGN LOCATIONS
- SOLID WASTE CONTAINER
- PARKING



SURVEY NOTES:

- 1. BEARINGS ARE BASED ON THE SOUTHEAST LINE OF THE TRACT DESCRIBED IN INSTRUMENT NO. 20086255 G.C.O.P.R.
- 2. UNDERGROUND UTILITIES, PIPELINES, SPRINKLER SYSTEMS, VALVES, BOXES, AND/OR SPRINKLER HEADS THAT MAY EXIST, ARE NOT SHOWN HEREON.
- 3. RECORD EASEMENTS, RESTRICTIONS, AND/OR COVENANTS ARE ADDRESSED/SHOWN HEREON AS PER ITEMS LISTED IN TITLE COMMITMENT PROVIDED BY TITLE COMPANY NAMED HEREON.
- 4. A "1/2 INCH IRON ROD SET" IS A 1/2 INCH REBAR WITH PLASTIC CAP MARKED "SEARCHERS RPLS 6275."

LEGEND:

- | | | | |
|------------------------------|---------------------|----------------|-----------------------------|
| BOUNDARY LINE | POINT | FIRE HYDRANT | GAS METER |
| ADJOINER LINE | 1/2" IRON ROD FOUND | UTILITY POLE | AIR CONDITIONER |
| TOWNLOT LINE | 1/2" IRON ROD SET | GUY | PEDESTAL |
| BURIED UTILITY LINE | 3/8" IRON ROD FOUND | WATER WELL | WATER METER |
| OVERHEAD UTILITY LINE | IRON PIPE FOUND | ELECTRIC METER | (BRG.-DIST.) - RECORD CALL |
| FENCE | 120D NAIL FOUND | | P.O.B. - POINT OF BEGINNING |
| PIPE FENCE CORNER POST FOUND | NAIL SET | | |
| WOOD FENCE CORNER POST FOUND | AS MARKED | | |
| U.E. - UTILITY EASEMENT | BENCH MARK | | |
| B.L. - BUILDING SETBACK LINE | | | |
- G.C.P.R. - GILLESPIE COUNTY PLAT RECORDS
G.C.D.R. - GILLESPIE COUNTY DEED RECORDS
G.C.O.P.R. - GILLESPIE COUNTY OFFICIAL PUBLIC RECORDS
G.C.R.P.R. - GILLESPIE COUNTY REAL PROPERTY RECORDS

NOTE:

SCHEDULE B ITEMS, AS PER:
FIRST AMERICAN TITLE INSURANCE COMPANY
EFFECTIVE DATE:NOVEMBER 17, 2017, 4:45 PM
ISSUED DATE:NOVEMBER 20, 2017, 9:10 AM
GF NO. 217-1157

AS PER INFORMATION PROVIDED IN TITLE COMMITMENT LISTED ABOVE, THIS PROPERTY IS SUBJECT TO:

EASEMENTS: NO RECORDED EASEMENTS IN SCHEDULE B.



I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE PLAT AS SHOWN HEREON WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION AND COMPLETED ON NOVEMBER 10, 2017; THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS, OR PROTRUSIONS EXCEPT AS SHOWN HEREON.

[Signature]
ABRAHAM J. LEAMONS
REGISTERED PROFESSIONAL LAND SURVEYOR #6275

11-20-2017
DATE



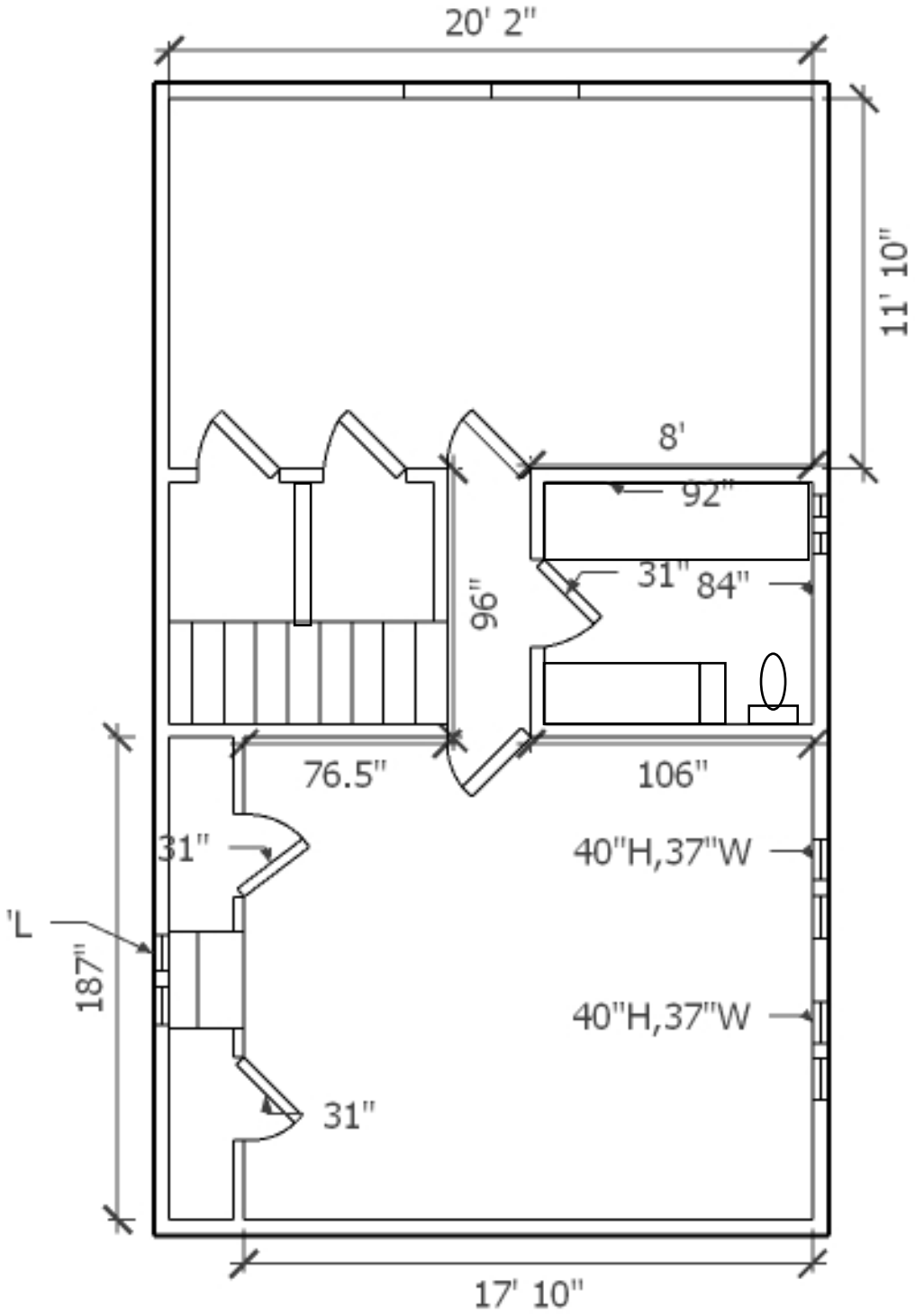
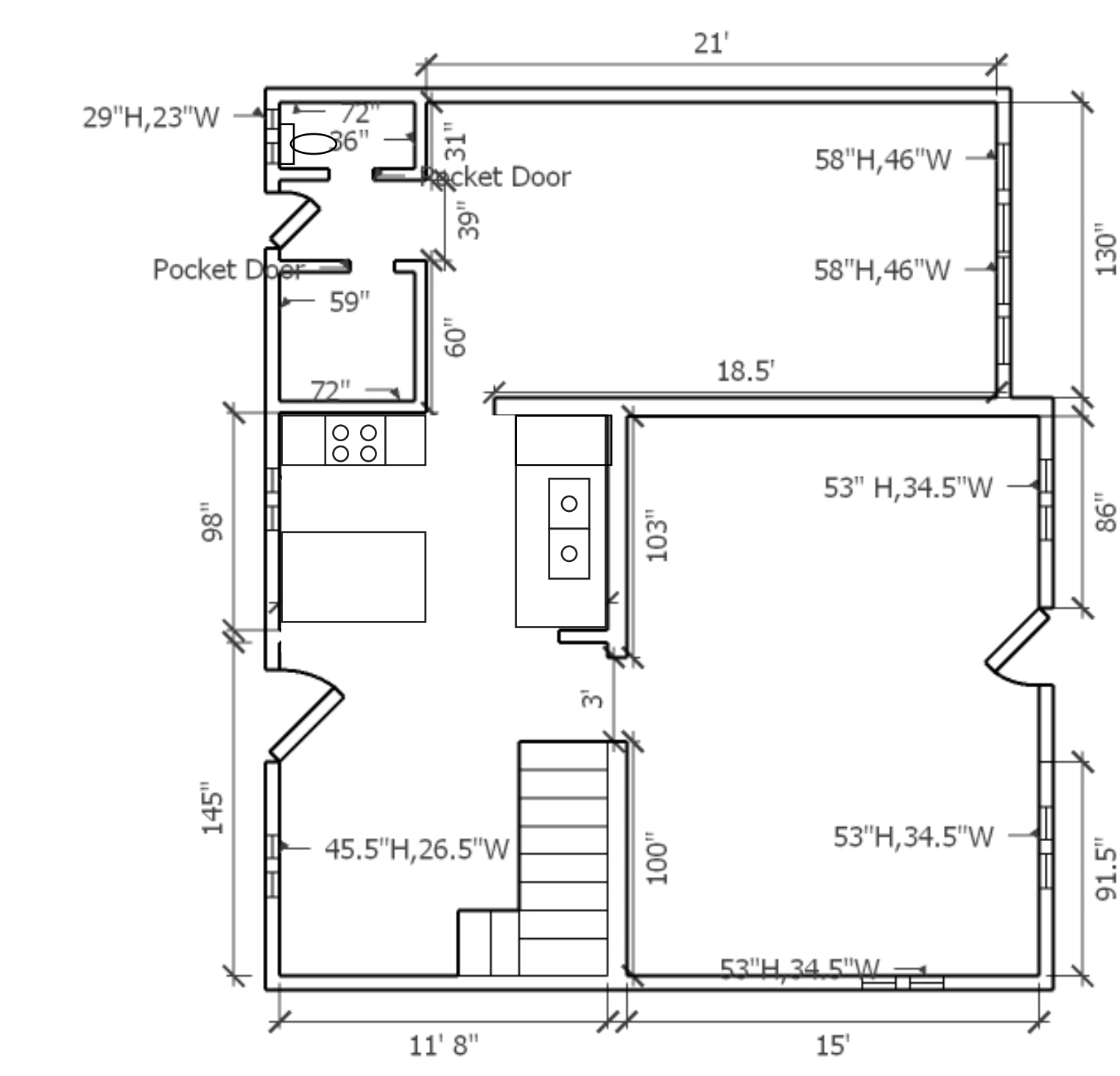
SEARCHERS
LAND SURVEYING, LLC
MASON | FREDERICKSBURG

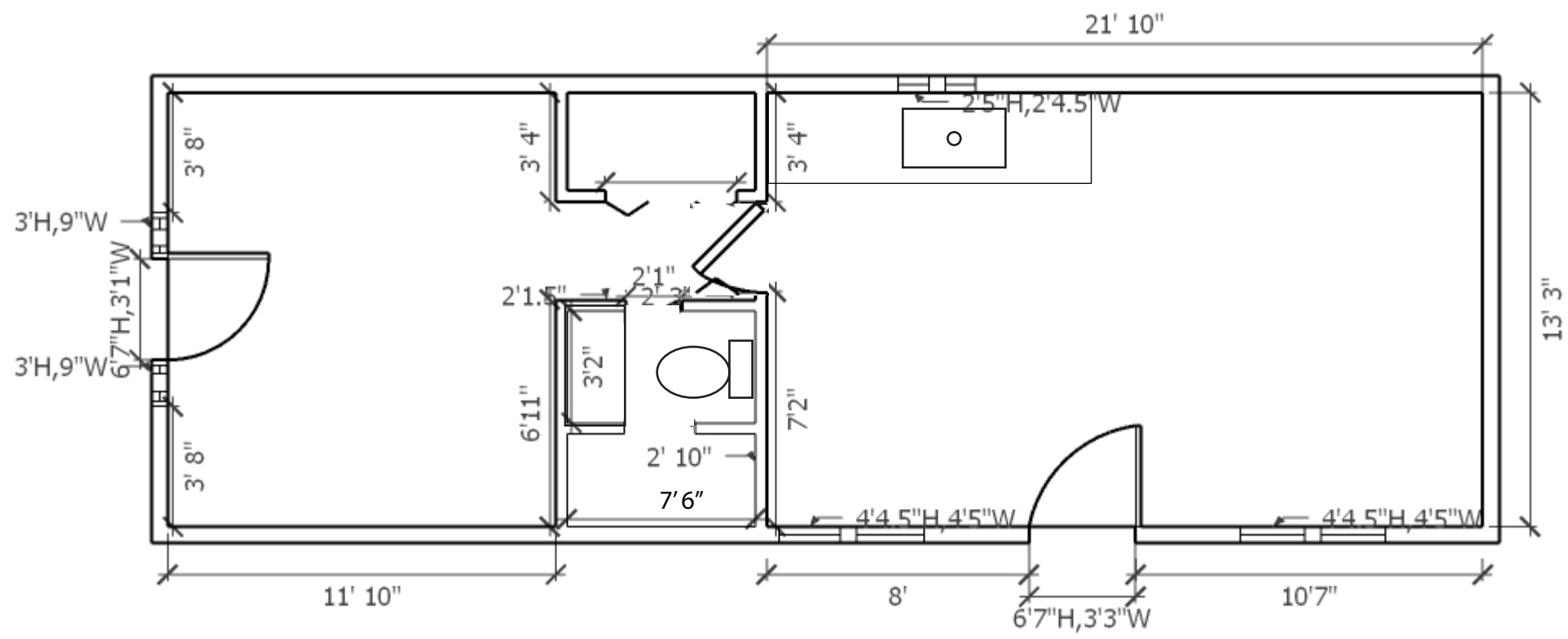
P.O. Box 528 Mason, TX 76856 | 325-347-7489 | TBPLS Firm #10193966
P.O. Box 1504 Fredericksburg, TX 78624 | 806-252-9810 | TBPLS Firm #10194211
www.searchersls.com

TITLE SURVEY

0.298 ACRES BEING A PORTION OF TOWNLOT 377 AS SHOWN ON THE PLAT OF THE CITY OF FREDERICKSBURG AND ENVIRONS IN GILLESPIE COUNTY, TEXAS.

REFERENCE: THOMAS MANNERS AND OLENA MANNERS JOB NO. 17-23015
ADRESS: 511 WEST SAN ANTONIO STREET DRAWN BY: JDM





CONDITIONAL USE PERMIT APPLICATION

Nov 28, 2022

Mr. Clinton Bailey
City of Fredericksburg City Manager
126 West Main Street
Fredericksburg, TX 78624

Subject: *CUP Request to Increase Occupancy at 511 W San Antonio, Fredericksburg, TX 78624*

Dear City Manager, Mayor & City Council,

Please find attached our Conditional Use Permit application for the property located at 511 W San Antonio St, Fredericksburg, Texas. We come before you to allow the occupancy to be increased per the 2018 code that our non-conforming (grandfathered) property is subject to.

There are three units on the property and we are asking to increase the occupancy for two of the units. Please see outline below:

Unit Name	Sqft	Current Occupancy	Requested Occupancy
Stone Haus	1881	4	8
Ranch Haus	560	2	3

This request would have no adverse impact to the public interest and observes the spirit of the City's codes and ordinances. We would seek your support in this request and look forward to collaborating with you on a beneficial path forward.

Respectfully,



Bethany McCullough Ross
Sunday Haus Estate LLC
511 W San Antonio St
Fredericksburg, Texas 78624

CONDITIONAL USE PERMIT APPLICATION
511 W San Antonio St, Fredericksburg, Texas 78624

Address and legal description of property	Address: 511 W San Antonio St, Fredericksburg, Texas, 78624 Legal: FBG ADDN BLK 14 LOT 377-PT BEING 0.298 acre of land, more or less, situated in Fredericksburg, Gillespie County, Texas, part of Townlot No. 377 as said Townlot is shown on the Map of Fredericksburg, Texas, and Environs by the German Emigration Company;
Proof of title showing the owner and lien holders, if any	See Exhibit A attached
Brief description of the proposed use, including information pertinent to the review and evaluation criteria stated in Section 7.131 6	Short Term Rental including 3 units. Names of these units are Stone Haus, Ranch Haus and Cottage
Copies of the Site Plan (24" x 36" sheet size) PDF copies emailed to scollier@fbgtx.org	Enclosed in same email
The site plan shall be drawn to scale, and sufficiently dimensional as necessary to show the following: The date, scale, north point, title, name of owner and name of person preparing the Site Plan.	See Exhibit B attached
The location and dimension of boundary lines, easements, and required yards and setbacks of all existing and proposed buildings and land improvements.	N/A
The location, height and intended use of existing and proposed buildings on site, and approximate locations of buildings on abutting sites within 50'	See Exhibit C attached. Intended use of existing building is to continue to use as a Short Term Rental.
The location of existing and proposed improvements including parking and loading areas, pedestrian and vehicular access and utility or service areas.	See Exhibit B. Location of existing improvements
The location of existing and proposed fencing and screening.	See Exhibit B. Location of existing fencing and screening provided.
Proposed exterior lighting, including fixture type.	All exterior lighting shall be night sky compliant.
The center line of existing water courses, drainage features and 100-year floodplain.	N/A

CONDITIONAL USE PERMIT APPLICATION
511 W San Antonio St, Fredericksburg, Texas 78624

On sites affected by the 100 year floodplain, impervious coverage and building coverage are based on the area outside the floodplain. Provide calculations accordingly.	N/A
Location and size of existing and proposed streets and alleys.	See exhibit B. Location and size of existing streets.
The number of existing and proposed parking and loading spaces, and a calculation of applicable minimum requirements.	Required: 1 Off-Street Parking Space Per Unit 3 units = 3 off-street parking spaces Existing: 4 existing parking spaces Angle of parking - 90' Width of stall - 9' Depth of stall - 18.5' See exhibit B.
Zoning summary, including type, minimum and actual lot size, setbacks, maximum and actual building height, building coverage and impervious coverage.	Zoning: R-2 Minimum lot size: 5,000 Actual lot size: .298 AC Setbacks: - Front yard: 15ft - Backyard: 10ft - Side yard: 5ft <i>Building coverage: 2,667 sqft</i> Residential Density Minimum Site Area per Dwelling Units, - Efficiency: 2,500 Square feet - 1 Bedroom: 3,000 Square feet - 2 Bedroom: 3,500 Square feet - 3 Bedroom: 4,000 Square Feet <i>Stone Haus Site Area - 4300 sqft</i> <i>Ranch Haus Site Area - 4300 sqft</i> Parking - see above
Sites with 10% or greater slope, provide existing and proposed topography and grading (5' minimum contour intervals), and erosion control measures.	N/A
The location of signs, if known.	See Exhibit B
Location of solid waste container.	See Exhibit B
Locations of proposed and existing water, sewer and electric utilities.	See Exhibit B. Locations of existing utilities.

CONDITIONAL USE PERMIT APPLICATION
511 W San Antonio St, Fredericksburg, Texas 78624

The location of the visibility triangle at street intersections and driveways.	N/A
Fire Lanes	N/A
Landscaping, including location, size, and species of existing trees on site, square footage of all proposed landscape areas	N/A
Interior Floor Plans	See exhibit D
ADA Unit	These historic units were purchased as-is and the configurations have not been altered since purchase.
Applicable fee	\$400

NARRATIVE

My sister and I have always had a dream of being part of the Fredericksburg community. We are from Austin, Texas and growing up we would make annual visits to Fredericksburg with our grandparents to learn about our own German heritage. In October of 2021 we stumbled upon an opportunity to purchase 511 W San Antonio. It was run down and needed a lot of love but had lots of potential. We personally renovated the property inside and out over the last 9 months and have transformed the property to create a space that is conducive to the neighborhood uses, adds interest and value to the streetscape and is also a welcoming and relaxing space for couples and families to enjoy their time in the Hill Country.

Our renovations did not add any additional structures, it only modified the interior and improved them as they currently stood. After finishing renovations and creating spaces for additional guests, we would like to have the opportunity to increase the occupancy due to reconfiguration of furniture in bedrooms and living spaces.

While we use the property for personal events (we recently used it for our dad's 60th birthday celebration and will be spending the week between Christmas and New Years here!) we list it as a short-term rental when we aren't occupying it.

As a currently permitted STR property it is adjacent to, and surrounded by, other operating STR properties. It is one block away from Main Street therefore it is very close to commercial uses as well.

CONDITIONAL USE PERMIT APPLICATION
511 W San Antonio St, Fredericksburg, Texas 78624

This property is in conformance with applicable regulations and standards established by the Zoning Regulations.

There were no additional structures added to this property and were existing when purchased. Therefore, this property is compatible with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.

We believe this property has no unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.

There are no modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare.

We have considered safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area, and believe the requested changes would have little to no impact.

The property has not added any additional structures but is found to provide protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.

Location, lighting, and type of signs are in compliance with code; The sizes are 12"x12" and 10"x14" and discreetly placed throughout the property. There is no impact on the relation of signs to traffic control and adverse effect of signs on adjacent properties.

There is adequate and convenient off-street parking and loading facilities with space for at least 4 cars to park on the property.

Per the summary provided, we believe that the proposed use is in accordance with the objectives of the R-2 Zoning Regulations and the purposes of the zone in which the site is located.

Per the summary provided, we believe that the proposed use will comply with each of the applicable provisions of the grandfathered Zoning Regulations.

Per the summary provided, we believe that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity.

CONDITIONAL USE PERMIT APPLICATION

511 W San Antonio St, Fredericksburg, Texas 78624

As mentioned previously and noted in Exhibit C, the requested CUP would have minimal unfavorable impacts on nearby uses and the proposed change would be compatible with existing and permitted uses in the same district and the surrounding area.

In conclusion, we believe the 5 additional guests would have minimal impact on the surrounding area and neighbors. The proposed change will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.



November 22, 2022

Bethany McCullough
bethany@insite-austin.com

RE: Z-2228 Review Comments for a STR – Nonconforming property located at 511 W. San Antonio St.

Dear Bethany,

Please review the following comments and address appropriately. Please provide a written response as to how the items are addressed in addition to the revised Plan.

Plans will not be reviewed or considered without a response sheet.

- Please provide interior floor plans to determine density. [Sec. 3.110](#)

See Exhibit D attached to email.

- Please update the Zoning Summary to include Density Calculations. [Sec. 3.110](#)

See page 3 of CUP Application.

- Please update the Zoning Summary to include Parking Calculations (STR-Facility) and dimension all parking spaces to show compliance with [Sec. 7.863](#)

See page 3 of CUP Application.

- Site Plan requires Planning and Zoning Approval, scheduled for December 7, 2022.

Noted. We will be present to represent and answer any questions.

- ADA unit is required.

The Ranch Haus and Stone Haus were existing properties and were not altered structurally upon our ownership. We ask that it be considered they be grandfathered in their current historic conditions.

- If existing driveway onto property will not be utilized or parking along frontage is needed, call for removal of driveway and replacement with City standard curbing.

Existing driveway will be utilized.

- Provide drainage flow arrows to ensure historical drainage patterns are maintained and adjacent and downstream properties are not adversely impacted.

No additional structures were added to the property and therefore any flow on the property would not be altered from its historical patterns.

- Please update CUP Narrative with specific responses to each of the review and evaluation criteria noted in [Sec.5.460](#). This will be used by the Planning and Zoning Commission and City Council to make their determination.

This has been updated. Please see page 5 & 6 of the CUP application.

- Provide a note regarding all exterior lighting shall by night sky compliant.

See page 2 of CUP Application.

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

For information regarding these comments please contact Shelby Collier with Development Services at 830-990-2013 or scollier@fbgtx.org

Please feel free to contact me with any comments or questions, and I will be happy to assist you.

Please return the revised plans along with your written response as to how the comments have been addressed by Tuesday, November 29th to ensure consideration by Planning & Zoning Commission on Wednesday, December 7th.

Shelby Collier
Development Review Committee (DRC)

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Sec. 5.460. Review and Evaluation Criteria.

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications using the following criteria:

Conformance with applicable regulations and standards established by the Zoning Regulations.

Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.

Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.

Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare.

Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.

Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.

Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties.

Adequacy and convenience of off-street parking and loading facilities.

Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.

Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations.

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.

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.

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.



PLANNING & ZONING COMMISSION MEMO

DATE: December 7, 2022

TO: Planning & Zoning Commission

FROM: Shelby Collier, Associate Planner

SUBJECT: Request Z-2229 by Scott Horton to Consider a Conditional Use Permit per Section 3.120 to Operate a STR-Condominium in a R3 – Multi-Family Residential Zoned Area for Property Located at 510 Mueller Street Unit#23.

Summary/Analysis:

The applicant is requesting a Conditional Use Permit per [Sec. 3.120](#) to operate a STR-Condominium in a R3-zoned area on property located at 510 Mueller St Unit #23. The proposed development would include a three-bedroom, two bath STR unit. The property is located in a Condominium Development, Carriage Park, that currently has 4 STR-Nonconforming properties. Units 9, 10, 13 & 16. As of November 25, 2022 Staff has denied 4 STR-Condominium applications for units 7, 8, 12 and 23 as they require a Conditional Use Permit prior to issuance of a STR-Condominium permit.

The Definition of a STR-Condominium is a **Short-term rental located in a complex or housing group that is part of a declared and recorded condominium regime.**

The Definition of a Hotel/Motel is **temporary, transient lodging services involving the provision of room and/or board containing more than eight rental units.**

The subject property is located within a Condominium development that consists of narrow streets and contains a total of 36 units. The block unit 23 is located in does not have neighboring STR uses, rather, it is surrounded by residences or vacant units. Please see corresponding use map. This would result in an incompatibility with existing or permitted uses on abutting sites, Item 11 of [Sec. 5.460](#). In addition, the Condominium development consists of narrow streets that would not comfortably accommodate, overflow parking. Item 5 [Sec. 5.460](#). Staff has previously received 3 complaints from neighbors located within the condominium complex for parking and traffic concerns dating back to July 31, 2021.

A garage that is capable of accommodating one vehicle is shown and clearly identified, however, the site plan provided does not adequately show the required parking onsite nor the dimensions of the parking spaces resulting in Staffs inability to confirm the required parking count [Sec. 7.131](#)

Recommendation:

As presented, the proposed STR-Condominium use does not meet the requirements of a conditional use permit as the subject tract is not located within a block that contains STR-uses, nor is the development able to accommodate overflow parking into the street or sufficient parking onsite. This information coupled with the multiple complaints received for traffic and parking issues, staff recommends denial. [Sec. 7.131](#) [Sec. 5.460](#).

Attachments:

1. Public Hearing Map
2. Surrounding Use Map
3. Project Application Including Site & Floor Plans and CUP Narrative
4. City Review Comments and Responses
5. Complaint Letters
6. Sec. 5.460 Review and Evaluation Criteria

Z-2229

LEGEND

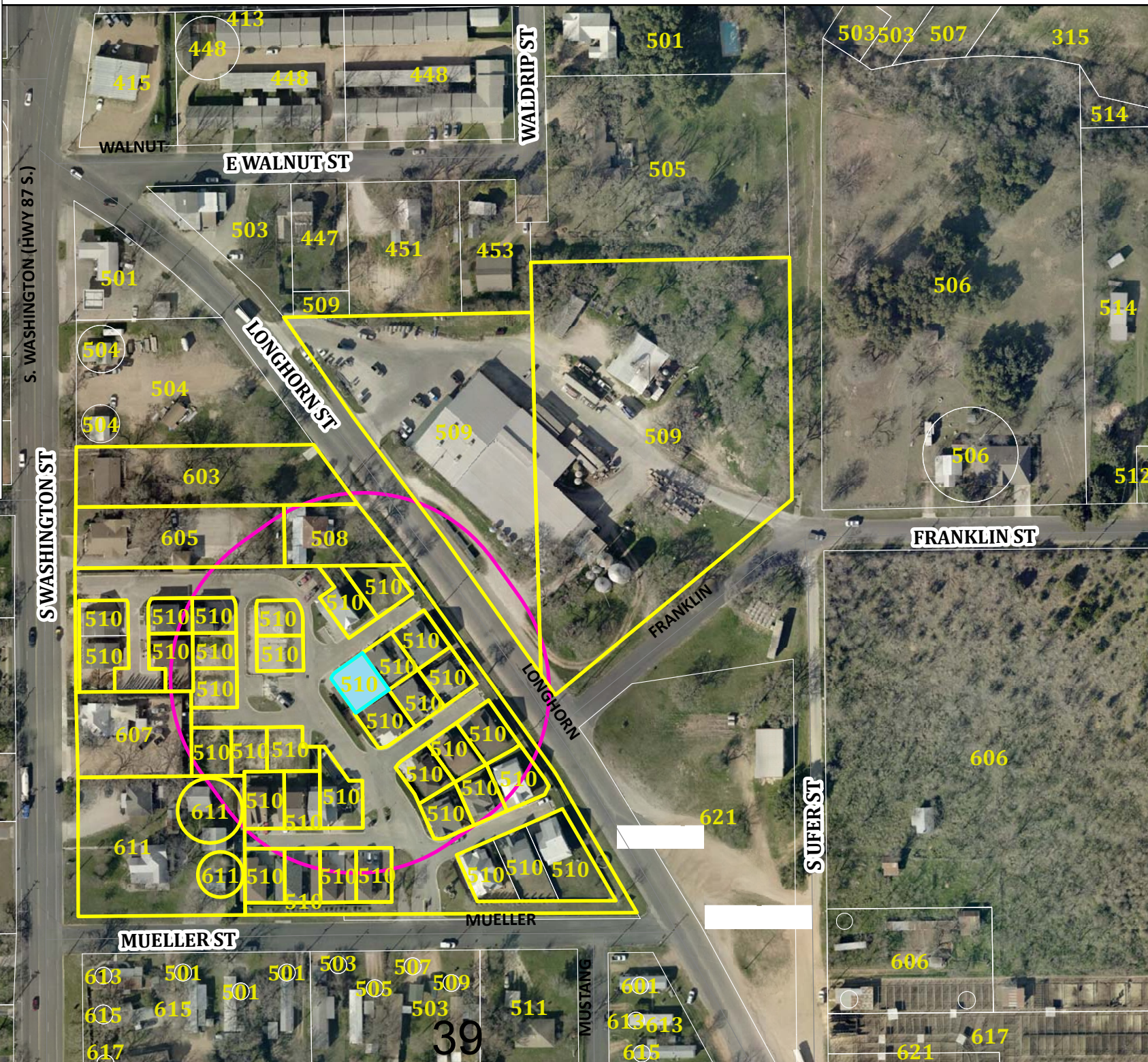
 <all other values>

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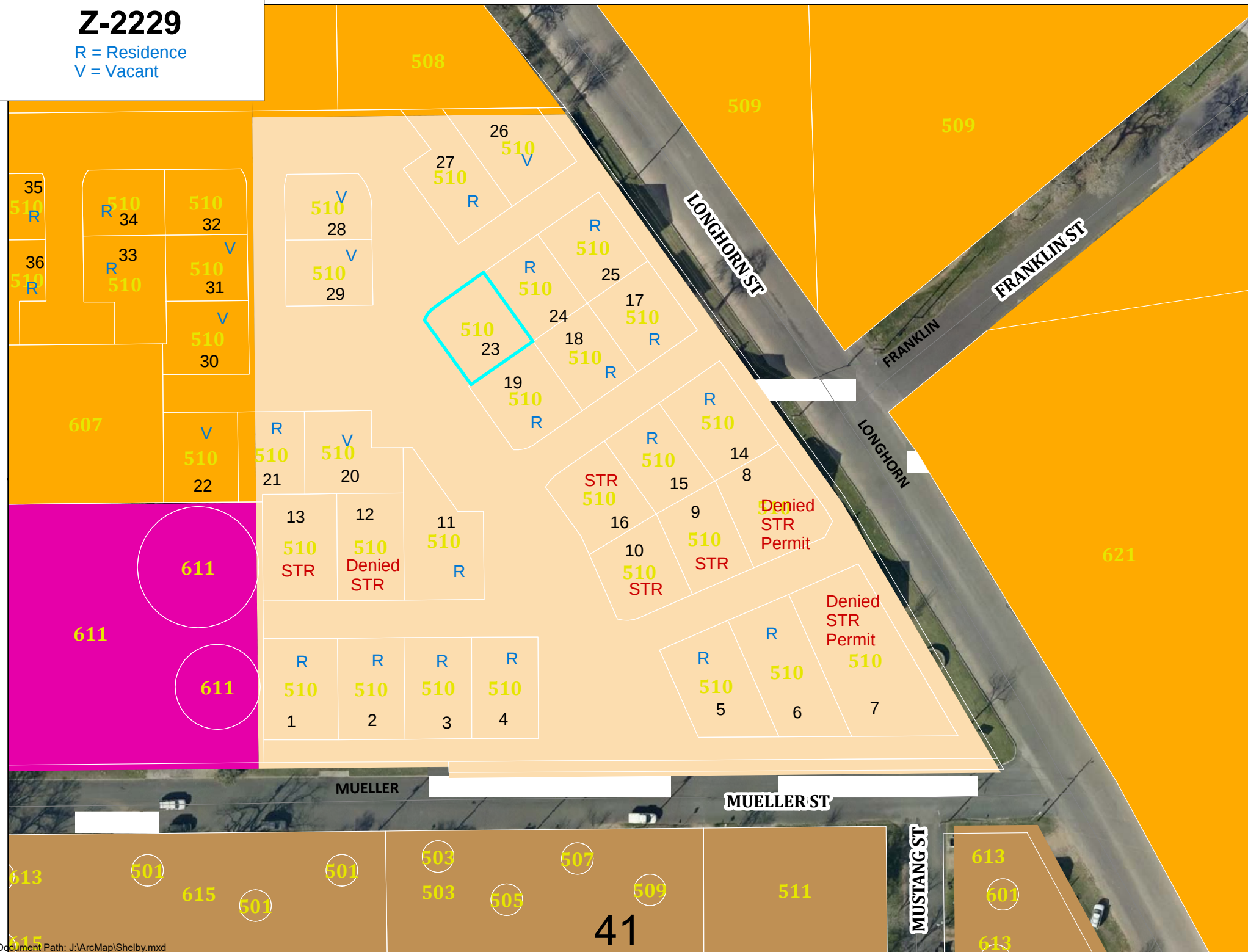
 Affected
Property

 Subject
Property



Z-2229

R = Residence
V = Vacant



A. Project Information (Please complete all items)

Project Name:

Project Address:

Tax ID Number (s):

Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

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

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

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

Original Survey & Abstract No:

Legal Description:

Current Land Use Plan:

Proposed Land Use Plan:

Current Zoning:

Proposed Zoning:

Location:

Proposed Use(s):

Applicant's Signature

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

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

Signature: _____

Printed Name: _____ Date: _____

Staff Use Only Application No.: _____ Date: _____

*Copy of current Title Search required with application.

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

I. Property Owner(s)

Firm Name (if applicable):

Owner Name:

Address:

Phone:

Fax:

Email:

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

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

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone:

Fax:

Email:

Secondary Contact Name:

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable):

Applicant Name (s):

Address:

Phone:

Fax:

Email:

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

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

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone: Fax: Email:

**510 Mueller Street Unit 23, Fredericksburg, TX 78624
CARRIAGE PARK LOT 23, & 2.78% INT IN COMMON AREA**

Current Zoning: R3 - Single Family Residential

Proposed use - Residential use by owner as well as part time STR via AirBNB & VRBO.

Min. Front Yard Setback: 5 feet

Min. Side Yard Setback: 5 feet

Building Setbacks: 6.5 feet, 5 feet on sides

Lot Area: 1,986 SF

Max Building Coverage: 55%

Max Impervious Coverage: 65%

Max Building height: 2.5 stories, 28 feet

Minimum efficiency is 1600 SF: Home is 1650 SF in size.

Existing building height: 2 stories

Existing building coverage: 40.3%

Existing building area: 800 SF

Existing impervious coverage: 54.7%

Total Impervious area: 1,088 SF

Parking stalls required (per STR-Facility): 3

Parking stalls provided: 3

Parking calculations (STR unoccupied): 1 space per bedroom

Fencing surrounds the entire backyard area. There are no plans for improvements to home exterior including parking, fencing, landscaping, or exterior lighting.

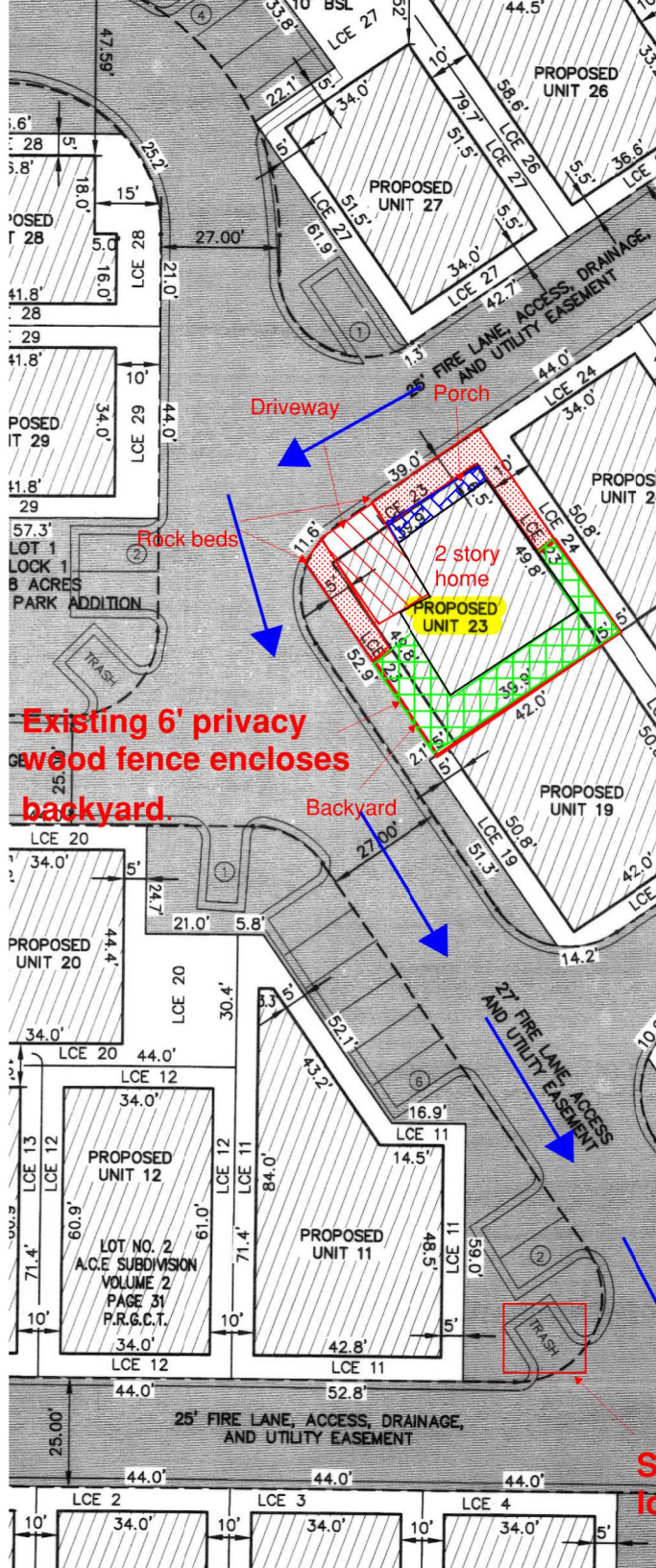
Unit is ADA compliant with access from driveway directly to side of porch.

Not located in 100 year flood plain. See separate attachment.

Drainage flow arrows shown in blue on plan.

All exterior lighting is night sky compliant.

**Solid waste container
located on site.**

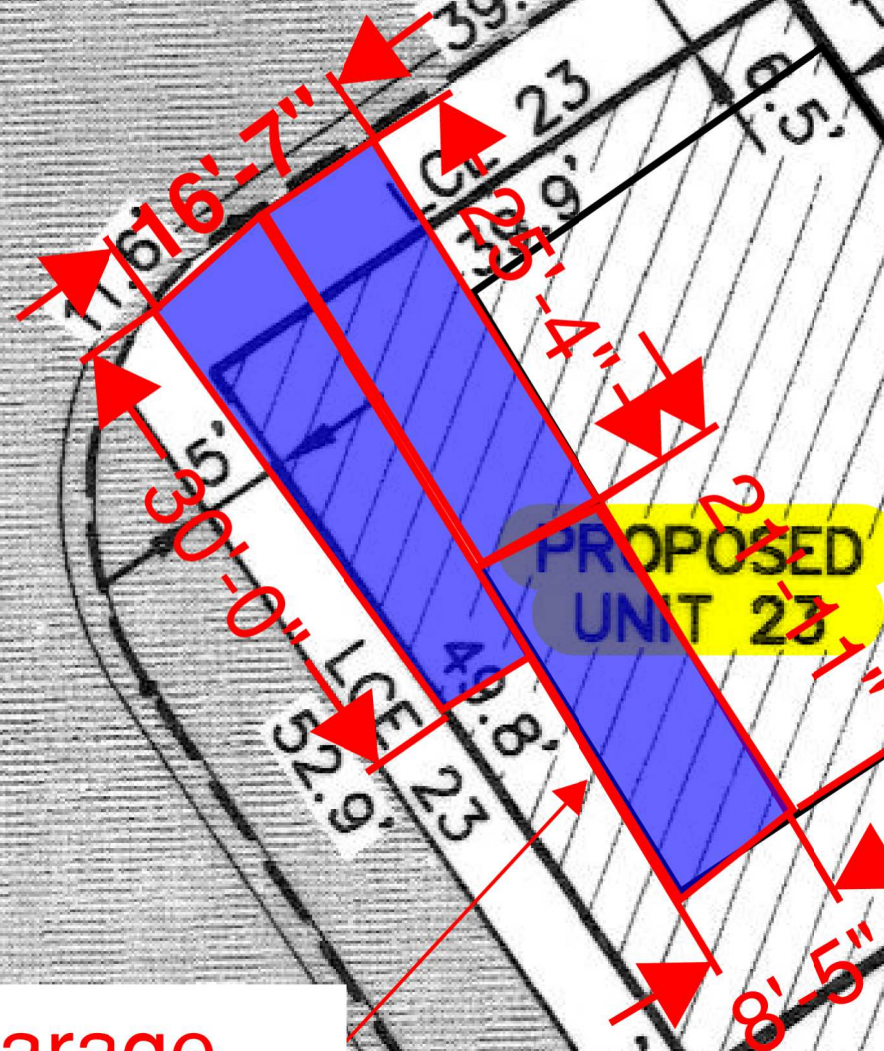


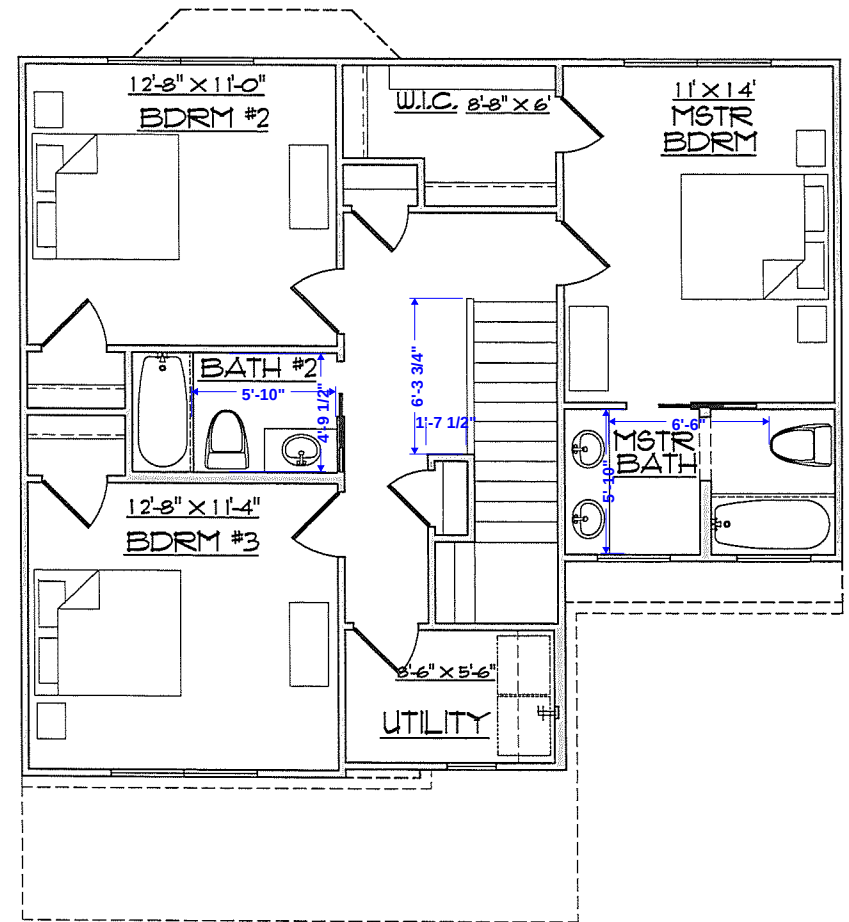
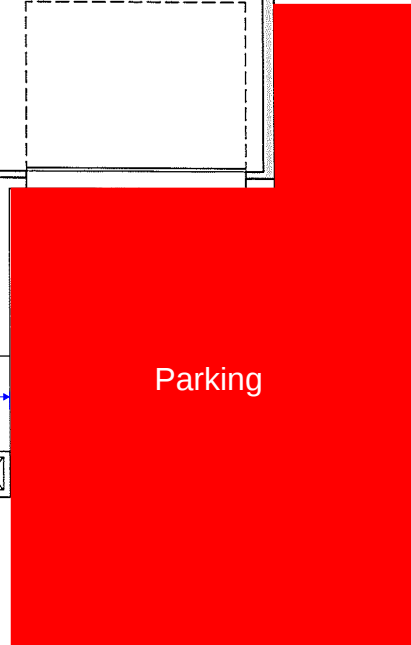
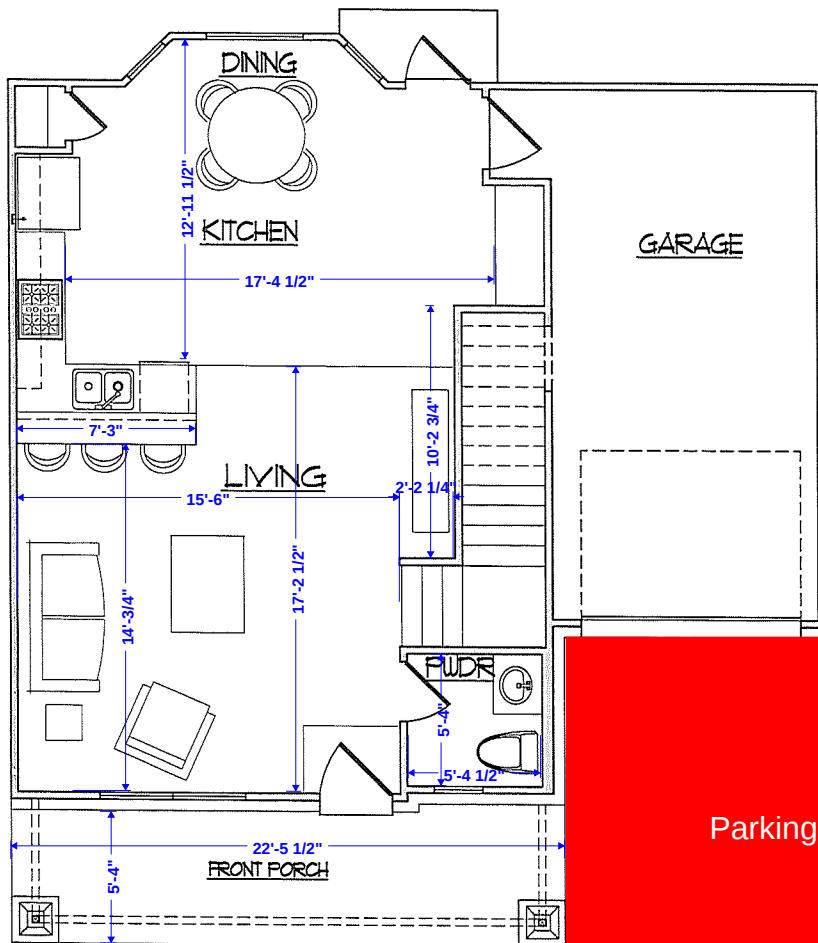
Parking Plan

3 spaces required, 3 are provided.

Dimensions as shown.

Garage





3 parking stalls available on property as required per STR regulations. 3 bedrooms in home, 3 parking stalls on property parcel available for use by guests.

± 1540 ⁴⁷

2 ¹/₂ ± 1424 ⁴⁷

CUP Narrative - 510 Mueller Street, Unit 23, Fredericksburg, TX 78624

City of Fredericksburg
Attn: Shelby Collier
126 W. Main
Fredericksburg, TX 78624

I, Scott Horton, have correctly and completely to the best of my knowledge provided the necessary information to the City of Fredericksburg for the approval of my STR/CUP application for my home located at 510 Mueller Street, Unit 23, Fredericksburg, TX 78624. All items on the Site Plan/Conditional Use Permit Checklist have been achieved and shown in the enclosed packet. Furthermore, any information that may be necessary I can provide as soon as possible once I am notified. I have gone through great lengths to provide a home for use as a STR that will improve the neighborhood in which it is located and as an experienced property manager I will ensure my guests are held to a standard that will satisfy both the neighborhood, but also the City of Fredericksburg as a whole. As to the items listed on Sec. 5.460, Please see the next page on addressing all of the topics listed. I look forward to hearing back and I am confident the review will provide approval for me to move forward with my STR property.

Thank you,

Scott Horton

- All applicable regulations and standards established by the zoning regulations have been met with the construction of this home.
- Home is compatible with existing uses for abutting sites. This is a residential area and homes are used both by owners and renters throughout the neighborhood. Home is 2 stories tall, as all abutting homes are as well, and circulation to and from the home is easily navigable by all parties.
- There are no unfavorable affects or impacts to other abutting sites.
- There have been no exterior modifications to the home other than putting in rock and turf in the backyard. Home is safe and a fence is installed enclosing the backyard for privacy and security of the home. Interior renovations have been done to clean up the home and have greatly improved the quality of the home and the neighborhood as a whole.
- Safety and convenience of parking/circulation to the home is in no way an issue. The most vehicles that would occupy the home at one time would be (3), and the garage as well as the driveway accommodate (3) vehicles easily. House is in a nice, secluded neighborhood and is well lit and easily found for guests. There would be no issues coming to and from the home.
- Home is located in a safe, well-drained neighborhood. The potential for fire/flood/noise or other hazards is of no concern. There are 3 entries/exits to the home which would be easy to escape in case of fire. No tripping hazards or safety hazards to speak of inside or outside of the home.
- No signs will be installed on the home so there will be no disturbance to the appearance of the neighborhood. The only signs around the home are City/street signs designating the road and the Carriage Park neighborhood. As mentioned, the home is easily found and identifiable due to the address numbers on the home.
- All parking for the home is located in the garage and the driveway of the home. 3 spots are available that are accessible for all types of guests.
- Proposed use of the home is withing regulations for rental which is zoned R3. Also the HOA has approved the use of the home as an STR (see attached email).
- Proposed use for the home will comply 100% with the applicable provisions of the zoning regulations.
- Proposed use of the home is already in compliance with zoning regulations. No exterior improvements are necessary, as the home is already in compliance. There will be no further exterior additions that would cause this home to be out of zoning regulations.
- Proposed use of the home will not cause any adverse reactions nor unfavorable impacts to the neighborhood or abutting properties. Proposed use is compatible with the existing permitted use in the surrounding area.
- Proposed use will not be in any way, shape, or form detrimental to the public health, safety, or welfare of any person or property in the vicinity or any future improvements in the vicinity.



November 22, 2022

Scott Horton
scotthorton12@hotmail.com

RE: Z-2229 Review Comments for a STR – Condominium located at 510 Mueller Street # 23.

Dear Scott,

Please review the following comments and address appropriately. Please provide a written response as to how the items are addressed in addition to the revised Plan.

Plans will not be reviewed or considered without a response sheet.

- Please provide interior floor plans to determine density. [Sec. 3.120](#)
- Please update the Zoning Summary to include Density Calculations. [Sec. 3.120](#)
- Please focus on your property by scaling the plan to include your unit.
- Please update the Zoning Summary to include Parking Calculations (STR-Facility) and dimension all parking spaces to show compliance with [Sec. 7.863](#)
- Site Plan requires Planning and Zoning Approval, scheduled for December 7, 2022.
- ADA unit is required.
- Provide drainage flow arrows to ensure historical drainage patterns are maintained and adjacent and downstream properties are not adversely impacted.
- Please update CUP Narrative with specific responses to each of the review and evaluation criteria noted in [Sec.5.460](#). This will be used by the Planning and Zoning Commission and City Council to make their determination.
- Provide a note regarding all exterior lighting shall by night sky compliant.

For information regarding these comments please contact Shelby Collier with Development Services at 830-990-2013 or scollier@fbgtx.org

Please feel free to contact me with any comments or questions, and I will be happy to assist you.

Please return the revised plans along with your written response as to how the comments have been addressed by Tuesday, November 29th to ensure consideration by Planning & Zoning Commission on Wednesday, December 7th.

Shelby Collier
Development Review Committee (DRC)

From: >

Sent: Saturday, July 31, 2021 9:28 PM

To: Shelby Collier <scollier@fbgtx.org>

Subject: 510 Mueller Lot

To whom it may concern:

I live in carriage estates and my neighbor across the way has made her home an air bnb. The street is too narrow to park on both sides. Even though the house has two parking spaces on their garage, these people constantly park behind me in the street blocking my driveway. I have several police reports on file and have had numerous encounters with these guests. Is there anything I can do about my problem? Please contact me at the email above or . Thank you.

From:
To: [Shelby Collier](#)
Subject: Re: Mueller air bnb
Date: Monday, October 11, 2021 7:18:13 AM
Attachments: [image001.jpg](#)

Is carriage estates zoned for limo parking? Because I just had a bitch of a time trying to get out of my driveway, where I reside everyday. There is a white limo and the cops say it is legally parked but it's a commercial vehicle.



On Monday, August 23, 2021, 9:19 AM, Shelby Collier <scollier@fbgtx.org> wrote:

Thank you for copying me on this correspondence.

It is my hope that your HOA is able to assist you with your ongoing issues.

Have a blessed day!

City Logo



"We're leading with integrity while providing the best customer services to our community."

Shelby Collier/ Associate Planner/ City of Fredericksburg

O. 830-990-2013/ scollier@fbgtx.org

From:

Sent: Friday, August 20, 2021 7:49 PM

To: Shelby Collier <scollier@fbgtx.org>; <>;

Violations

<violations@hillcountryhomeowners.com>

Subject: Mueller air bnb

I've tried being patient. I've tried ignoring the issue. I've tried calling the cops and nothing happens. I just had some woman, renting the air bnb across from me, HAVE THE AUDACITY to bang on my door and tell me she needed to use my driveway because "they were running out of room for all their cars". Then , the same woman, went up and down the street asking everyone else to use their driveway. Finally some schmuck said yes. Now I'm being roped into this

woman's lucrative renting project?

Now I get no peace whatsoever because I have to man my door. I moved here for peace and quiet; not to relieve my sorority days.

[Sent from Yahoo Mail for iPhone](#)

Sec. 5.460. Review and Evaluation Criteria.

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications using the following criteria:

Conformance with applicable regulations and standards established by the Zoning Regulations.

Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.

Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.

Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare.

Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.

Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.

Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties.

Adequacy and convenience of off-street parking and loading facilities.

Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.

Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations.

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.

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.

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.



PLANNING & ZONING COMMISSION MEMO

DATE: December 7, 2022

TO: Planning & Zoning Commission

FROM: Anna Hudson, Interim Director of Development Services

SUBJECT: #Z-2231 TO CONSIDER PROPOSED TEXT AMENDMENTS TO THE CITY'S ZONING CODE REGARDING SHORT-TERM RENTAL DEFINITIONS. THE PROPOSED TEXT AMENDMENTS ARE FOR THE FOLLOWING SECTIONS OF THE CITY'S ZONING CODE: SEC. 2.100. DEFINITIONS

Summary/Analysis:

The U.S. Court of Appeals for the Fifth Circuit recently issued an opinion in the case of [Hignell-Stark v. City of New Orleans](#), striking down portions of the New Orleans short term rental (STR) ordinance as unconstitutional. Because Texas is one of three states included in the Fifth Circuit's jurisdiction, the Court's opinion is binding on Texas cities.

In 2019, the City of New Orleans city council adopted a residency requirement for STRs in residential neighborhoods. Under the ordinance, a person could only receive an STR license if the STR is located on the same lot as the owner's primary residence for which they claim a homestead property tax exemption. Following the ordinance revisions, a group of property owners sued the city, claiming that the STR residency requirement violated their constitutional rights.

One of the property owners' claims was that the city's residency requirement violated the "dormant" Commerce Clause by discriminating against interstate commerce. The Court agreed with the property owners' argument, holding that the ordinance precluded out-of-state property owners from participating in the STR market in New Orleans altogether. Further, the Court held that there are other nondiscriminatory alternatives the city could have used to achieve its policy goals of preventing nuisances, promoting affordable housing, and protecting neighborhoods' residential character. According to the Court, the same goals could be achieved by increased enforcement, increased local taxes on STRs, a requirement that STR owners have a non-resident

operator stay on the property during the night, or by capping the number of STR licenses available for any given neighborhood. In the Court's words: "The City has many options to address the problems caused by STRs in residential neighborhoods. But it chose the one the Constitution forbids."

The proposed text amendment before P&Z is to modify the residency requirement in our City's current definitions of STR-B&B and STR-Accessory, to conform with the Court's opinion.

Recommendation:

Staff recommend changes to the residency requirement that still ensure on-site management of STRs in residential districts. By having the 24-Hour Contact person reside on-site the intent of the 2022 ordinance to protect residential districts is preserved.

Attachments:

1. Proposed changes to 2.100 Definitions (red lined version)
2. Existing Zoning Code Section 2.100.Defintions (limited to residential terms)

SHORT-TERM RENTAL, ACCESSORY

A short-term rental providing transient or guest lodging accommodations for compensation within a lawful Guest House on the same lot as the primary structure which is the ~~property owner's~~ principal residence of the owner (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District) or the Local Contact Person (as evidenced by a sworn affidavit of principal residency). The ~~G~~guest ~~H~~ouse shall not exceed the size of the primary structure. For purposes of this definition, the term "principal residence" refers to a person's primary or chief residence that the person actually occupies on a regular basis.

SHORT-TERM RENTAL. B&B

A short-term rental providing transient or guest lodging accommodations for compensation within the rooms of the primary structure which is the ~~property owner's~~ principal residence of the owner (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District) or the Local Contact Person (as evidenced by a sworn affidavit of principal residency). Separate short-term rental permits shall be required for each separate bedroom unit within a Short-Term Rental. B&B which may be rented. For purposes of this definition, the term "principal residence" refers to a person's primary or chief residence that the person actually occupies on a regular basis.

Sec. 2.100. DEFINITIONS.

For the purpose of this ordinance, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations."

- A. "Person" includes a corporation, a partnership, and an incorporated association of persons such as a club. "Shall" and "will" are always mandatory. The term "building" includes a "structure"; a "building" or "structure" includes any part thereof; and "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- B. Words not herein defined but defined in any chapter of the City of Fredericksburg Codes shall conform to the definitions used in said code.

ACCESSORY STRUCTURE/USES

A structure which is on the same lot as a principal structure, and the use of which is incidental to the use of the principal structure. Accessory structures include, but are not limited to, detached garage, storage shed, guest house, and other similar structures.

AGENT OF OWNER

Any person showing written verification that he or she is acting for, and with the knowledge and consent of, a property owner.

APARTMENT

A building or group of buildings which contain multiple dwelling units for rent to multiple families or individuals. These facilities are prohibited from receiving STR permits.

CO-OWNERSHIP/FRACTIONAL OWNERSHIP, RESIDENTIAL

Properties where the ownership of a property is split among a group of owners, each owner holding a fractional ownership interest in the property that allows for shared personal use of the property, and when the property is rented out for a profit by a fractional owner, it serves as a form of investment property.

CORPORATE HOUSING

Housing of a transient nature, provided by a business, corporation, or similar other entities, to employees, affiliates associated with the business, or other guests. Housing may be provided by the business for team building, corporate events, employee awards or as part of a benefits package, and may not result in payment by occupants for the duration of the stay. Limited to one dwelling unit per lot.

DUPLEX RESIDENTIAL

The use of a site for two dwelling units, within a single building, other than a manufactured home.

DWELLING UNIT

A residential unit other than a manufactured home providing complete, independent living facility for one family, including permanent provisions for living, sleeping, eating and cooking.

Efficiency Dwelling Unit. A dwelling unit containing not more than 400 square feet of floor area and not having a separate bedroom or sleeping area independent of the principal living area.

FAMILY

Any number of individuals living together as a single housekeeping unit in which not more than two individuals are unrelated by blood, legal adoption or marriage.

GROUP RESIDENTIAL

The use of a site for residential occupancy of living accommodations by groups of more than six persons not defined as a family, on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls or boarding houses or assisted living facilities.

GUEST

Any Occupants, who are 18 years of age or older, renting temporary transient lodging for a specified period of time, and any persons visiting the Occupants at the location of the temporary transient lodging.

GUEST HOUSE

An accessory building containing a lodging unit with or without kitchen facilities, and used to house occasional visitors or guests of the occupants of a dwelling unit on the same site. Where permitted, paying guests shall be subject to the provisions of Hotel Tax Ordinance. See Section 8.220.G.

HOME OCCUPATION

An accessory occupational use conducted entirely within a dwelling unit by the inhabitants thereof, which is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site. See Section 8.300, Home Occupation. This definition does not include short-term rentals.

treatment, diagnostic services, training, administration and services to out-patients, employees or visitors.

HOTEL-MOTEL

Temporary, transient lodging services involving the provision of room and/or board containing more than eight rental units.

LOCAL CONTACT PERSON

The Owner, Operator, or person designated by the Owner or the Operator, who shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the Owner's Short-term Rental.

LODGING UNIT

A room or group of rooms in a dwelling unit or a group residential use, for overnight occupancy on a transient or residential occupancy basis. Where designed or used for occupancy by more than two persons, each two person capacity shall be deemed a separate lodging unit.

MULTIPLE FAMILY RESIDENTIAL

The use of a site for three or more dwelling units, within one or more buildings. These facilities are prohibited from obtaining STR permits.

NONCONFORMING STRUCTURE OR BUILDING

A structure or building, the size, dimension, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USE

A lawful use of any land, building or structure, other than a sign or PUD, which does not conform with currently applicable use regulations, but which complies with use regulations in effect at the time the use was established. See Section 6.100.

OCCUPANT

Any person, who is 18 years of age or older, renting temporary transient lodging for a specified period of occupancy.

OPERATOR

The Owner or the Owner's authorized representative who is responsible for advertising and/or operating a Short-term Rental.

OWNER

The person or entity that holds legal or equitable title to a property.

RESIDENCE

A building occupied as the abiding place of one or more persons in which the use and management of sleeping quarters, and all appliances for cooling, ventilating, heating, or lighting are under one control, including but not limited to one-family and two-family dwellings, duplexes, townhouses, condominiums, apartment houses and boarding houses, and which shall be the principal building or use on any lot in R-1, R-2, R-3, R-4 or R-5 residence districts.

SEPARATE LODGING UNIT

Short-term rental or hotel-motel lodging in a stand-alone structure with only one structure per lot.

SHORT-TERM RENTAL (STR)

Any structure used for transient or guest lodging accommodations, rented for compensation of a dwelling unit, which includes but is not limited to a single-family residence, townhouses, and other residential use real estate improvements, in which the public may obtain sleeping accommodations for a period less than 30 consecutive days. This term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. This term does not apply to multi-family projects or apartment complexes. This term is a general definition and the various types of STRs are further defined in this Section 2.100.

SHORT-TERM RENTAL, ACCESSORY

A short-term rental providing transient or guest lodging accommodations for compensation within a lawful guest house on the same lot as the property owner's principal residence (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District). The guest house shall not exceed the size of the primary structure.

SHORT-TERM RENTAL, B&B

A short-term rental providing transient or guest lodging accommodations for compensation within the rooms of the property owner's principal residence (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District). Separate short-term rental permits shall be required for each separate bedroom unit within a Short-Term Rental, B&B which may be rented.

SHORT-TERM RENTAL, BEDROOM

A short-term rental bedroom shall be defined as a room within a structure used for Short-Term Rental purposes, with a minimum size of 70 square feet, plus a closet directly accessible from the room, that meets all the minimum international building code and fire code regulations regarding bedroom sizes, ingress, and egress.

SHORT-TERM RENTAL, CONDOMINIUM

Short-term rental located in a complex or housing group that is part of a declared and recorded condominium regime.

SHORT-TERM RENTAL, DWELLING UNIT

A structure or room that is rented separately from other rental units on the property, for the purpose of transient or guest lodging. Each individual short-term rental dwelling unit shall be required to obtain a separate short-term rental permit.

SHORT-TERM RENTAL, FACILITY

A facility or complex containing multiple short-term rental dwelling units (up to eight units) on a single lot, for transient or guest lodging where sleeping accommodations are provided for compensation. Any facility or complex, located in a commercial zoning district, containing multiple short-term rental dwelling units on a single lot, shall be developed in accordance with the multi-family regulations of the base zoning district.

SHORT-TERM RENTAL PERMIT

A permit issued by the City authorizing the use of a privately owned dwelling as a Short-term Rental.

SHORT-TERM RENTAL, UNOCCUPIED

A short-term rental providing transient or guest lodging accommodations for compensation within a lawful structure, that is not located on the same lot as the property owner's principal residence, and which includes, but is not limited to, a single-family residence, townhouses, duplexes, and other residential real estate improvements.

SINGLE FAMILY RESIDENTIAL

The use of a site for only one dwelling unit, other than a manufactured home.

SINGLE FAMILY RESIDENTIAL (ATTACHED)

A single family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation. Included under this use category is townhouse and condominium.

SINGLE FAMILY (DETACHED)

The use of a site for only one dwelling unit, other than a manufactured home. This use also includes Short-term Rental, Accessory and Short-term Rental, B&B.

STRUCTURE

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TIMESHARE

Any property ownership arrangement whereby two or more owners share ownership or other interest in real property in time allotments of usage and have the right to use the property under a time-sharing agreement.

Types of timeshares include, but are not limited to:

1. Shared deeds. Ownership divided into smaller parts that reflect how much time each owner can use said property.
2. Shared leases. Similar to "shared deeds" except there is no ownership of the property and access to the property is granted via lease agreements.

TOWNHOUSE GROUP

Two or more contiguous townhouses having common or abutting walls.

USE

The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

Accessory Use. A use or activity which is incidental to and customarily associated with a specific principal use on the same site, including parking for the principal use.

Principal Use. A use listed by the regulations for any particular district as a permitted use within that zone and permitted, therein, as a matter of right when conducted in accordance with the regulations established by this ordinance.

Conditional Use. A use listed by the regulations for any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis subject to a Conditional Use Permit, and to all other regulations established by this ordinance.