



City of Fredericksburg

City Council Regular Meeting Agenda
Tuesday, February 21, 2023 ~ 9:00 AM
Law Enforcement Center
1601 E. Main Street
Fredericksburg, Texas 78624

Jeryl Hoover, Mayor
Tony Klein, Councilmember
Bobby Watson, Councilmember/Pro Tem

Sharon Joseph, Councilmember
Emily Kirchner, Councilmember
Clinton Bailey, City Manager

The City of Fredericksburg City Council will meet in a regular session on Tuesday, February 21, 2023, at 9:00 AM. Link to City of Fredericksburg YouTube Channel (Fredericksburg, Texas USA - YouTube <https://www.youtube.com/c/FredericksburgTexasUSA>).

The City Council welcomes citizen participation and comments at all City Council Meetings on Agenda Items.

Comment Card for Written or Verbal Comments-submitted by 4:00 p.m. the day before the meeting.

- i. Complete the Comment Card online at www.fbgtx.org;
- ii. Make sure to check the appropriate box (verbal or written);
- iii. Only one (1) agenda item per Comment Card.

Sign up in person between 8:30 a.m. and 9:00 a.m. at the meeting location.

- i. Only one (1) agenda item per Comment Card;
- ii. Speakers will be limited to 3 minutes to speak. **Please Note:** The Mayor can reduce the number of minutes for any speaker during Public Comment on a single agenda item depending on the number of people who sign up for it.
- iii. Any citizen with handouts should provide them to the City Secretary before speaking. If you wish the City Council to receive your handouts for the meeting, please provide ten (10) copies; if not, the City Council will receive your handouts the following day.

1. CALL TO ORDER

2. INVOCATION

Christine Burdick, Assistant Pastor at Victory Fellowship Church

3. PLEDGE OF ALLEGIANCE

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

5. COUNCIL COMMENTS

6. CONSENT

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS PULLED AT THE REQUEST OF A MEMBER OF THE CITY COUNCIL.

- A. Consider approval of City Council Minutes for the February 8, 2023, Special Meeting (Shelley Goodwin, City Secretary).
- B. Consider the approval of Resolution 2023-02R approving submission of the application for the Fredericksburg Police Department Officer Rifle-Resistant Body Armor Grant (Derek Seelig, Police Lieutenant).
- C. Consider approval of Resolution 2023-03R approving the purchase of new body-worn cameras through the Office of the Governor, Public Safety Office, Criminal Justice Division - Body-Worn Camera Grant Program, FY2024 (Braxton Roemer, Police Lieutenant).
- D. Consider approval of Police Department estimate from FarrWest Specialty Vehicles for outfitting and installation of equipment in seven new patrol vehicles (previously approved in the FY 2023 Budget) (Derek Seelig, Police Lieutenant).
- E. Consider the appointment of David Shields, Director of the National Museum of the Pacific War, to fill the remaining term of previous Museum Director on the Convention and Visitor Bureau Board (term expiring September 2023) (Shelley Goodwin, City Secretary).

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. Consider the approval of a Land Use Change and a Zoning Changes requested by Matt Durette with Cozi Vacation Rentals for property located at 106 E. Nimitz Street (Anna Hudson, Interim Director of Development Services).
 - i. Presentation
 - ii. Hold a Public Hearing to receive comments for or against the request
 - iii. Ordinance 2023-01 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 0.63 acres of land, comprised out of G E Co Blk I .639, -Homesite-, as shown on the map of Fredericksburg, Texas and Environs by the German Emigration Company, Ge1000 - G E Co Blk I, located at 106 E. Nimitz, situated in the City; changing said property from Low Density Residential (LDR), to Mixed Use Corridor (MUC); and; providing that the change become a part of the Comprehensive Plan, and providing for an effective date.
 - iv. Ordinance 2023-02 amending the Zoning Ordinance and changing the Zoning District as to approximately 0.63 acres of land, comprised out of G E Co Blk I .639, -Homesite-, as shown on the map of Fredericksburg, Texas and environs by the German Emigration Company, GE1000 - G E Co Blk I, located at

106 E. Nimitz, situated in the City of Fredericksburg, Texas; changing said property from (R1) Single Family Residential, to (R2) Mixed Residential; providing that this Ordinance shall be cumulative of all ordinances; providing a penalty clause; providing a savings clause; providing a severability clause; providing for publication in the official newspaper; and providing an effective date.

- B. Consider the approval of a Conditional Use Permit requested by Scott Horton for property located at 510 Mueller Street Unit # 23 (Anna Hudson, Interim Director of Development Services).
 - i. Presentation
 - ii. Hold a Public Hearing to receive comments for or against the request
 - iii. Consider the approval of Z-2229 Conditional Use Permit per Section per Section 3.120 to operate a STR-Condominium in a R3 Multi-Family Residential Zoned area
- C. Consider the approval of a Conditional Use Permit requested by Sergio Mendez for property located at 903 N. Milam Street (Anna Hudson, Interim Director of Development Services).
 - i. Presentation
 - ii. Hold a Public Hearing to receive comments for or against the request
 - iii. Consider the approval of Z-2235 Conditional Use Permit per Section per Section 6.110 to allow for Expansion of a Legal Non-Conforming Use

8. OTHER ACTION ITEMS AND UPDATES

- A. Consider the purchase of new Christmas decorations, including a new Christmas tree and wreaths for Marktplatz (previously approved in the FY 2023 Budget) (Andrea Schmidt, Director of Parks and Recreation).
- B. Consider the approval of Harmony Hills Performance Agreement and financial security for remaining required public improvements for the subdivision (Evan Williamson, Assistant City Engineer).
- C. Consider a presentation and discussion on the 2023 Water Supply and Future Weather Outlook (Kris Kneese, Director of Public Works and Utilities).

9. CITY MANAGER'S REPORT

- A. Short-Term Rental(STR) Permitting and Code Enforcement Update
- B. Legislative Update
- C. City Council Meeting Format
- D. Proposed City and Gillespie County Joint Meeting

10. ITEMS FOR FUTURE AGENDA

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections - 551.074 (Personnel Matters):

- A. Consider and discuss the annual evaluation of the City Manager (Section 551.074); and
- B. Consider and discuss the Municipal Court officer and operations (Section 551.074).

12. BUSINESS ITEM

The City Council will reconvene into Regular Session upon the conclusion of the Executive Session, the City Council may take action on any item posted in Executive Session, as necessary.

13. ADJOURN

CERTIFICATION

This is to certify that I, Shelley Goodwin, posted this Agenda at 5:20 p.m. on February 15, 2023 , on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelley Goodwin, TRMC/CMC
City Secretary



City of Fredericksburg

CITY COUNCIL SPECIAL MEETING MINUTES

WEDNESDAY, FEBRUARY 8, 2023 ~ 9:00 A.M.

LAW ENFORCEMENT CENTER

1601 E. MAIN STREET

FREDERICKSBURG, TEXAS 78624

Mayor Jeryl Hoover
Mayor Pro-Tem Bobby Watson
Councilmember Emily Kirchner
Councilmember Tony Klein
Councilmember Sharon Joseph

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Mick McKamie, Interim City Attorney
Garret Bonn, Assistant City Manager
Brian Vorauer, Police Chief
Lynn Bizzell, Fire Chief
Eric Whiting, Director of Information Technology
Kris Kneese, Director of Public Works and Utilities
Derek Seelig, Police Lieutenant
Braxton Roemer, Police Lieutenant
Justin Calhoun, Emergency Management Coordinator
Anna Hudson, Interim Director of Development Services
Lea Feuge, Public Information Officer
Leslie Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the Special Meeting of the Fredericksburg City Council to order at 9:00 a.m. on Wednesday, February 8, 2023. He announced that a quorum had been met.

2. INVOCATION

Cody Carnett, Pastor of Fredericksburg Christian Fellowship, provided the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

Laura Hollenbeck, Director of Finance, introduced the following new Finance Department employees:

- Darren Eckhardt – transferred from Street Department as a Crew Chief to the Finance Department as the HOT Collection Specialist.

- Bridget Flint, City Accountant, came to the City of Fredericksburg Finance Department from the City of Llano.

Clinton Bailey, City Manager, recognized the following employees:

- Sgt. Cliff Hirl and Officer Tyler Smithey for going above and beyond the call of duty to save a life
- Officer Ben Bosse for his professionalism during a traffic stop

5. COUNCIL COMMENTS

Councilmember Watson provided the following updates from meetings and events he attended:

- January 18th Airport Advisory Committee Meeting
 - o T Hanger is at a 100% occupancy with 23 names on the waiting list
 - o The "Santa Fly-In" event was well attended
 - o Gas sales have slowed but are still more than last year's sales
- January 20th Economic Development Commission Annual Planning Meeting, where a discussion was held regarding the growth in Gillespie County still going but has slowed down
- January 24th Convention and Visitor Bureau Committee meeting on behalf of Councilmember Joseph where the GEO Fencing for the downtown area was discussed
- January 25th Mayor's Short-Term Rental (STR) Task Force
- January 26th Town Hall Meeting Heritage Hill Country subdivision, where a great discussion was held
- February 2nd filled in for the Mayor at the radio station, where the new Comprehensive Plan Survey and the recent Winter Storm were discussed
- February 1st went with Clinton Bailey, City Manager, and Councilmember Kirchner to the recent storm to see how Emergency Operation Center works
- February 3rd did a ride along with Officer Wayman, which was a great opportunity
- February 7th attended an All-Hazard Disaster Preparedness Training Course

Councilmember Joseph thanked Councilmember Watson for filling for her at the Convention Visitor Bureau Committee meeting. She also asked Brady Closson, CVB President/CEO, to discuss their upcoming Open House Meeting.

Brady Closson, CVB President/CEO, reviewed the quarterly stakeholder meeting, which is scheduled to be held on February 9th at the Hill Country University Center at 9:00 a.m. He noted that the main topics are promoting tourism and setting goals.

Councilmember Kirchner provided the following updates:

- Congratulations to Eric Whiting, Director of Information Technology, for being appointed to the Texas Municipal League Broadband Advisory Board
- The 2024 Eclipse Planning Committee is now meeting monthly
- February 7th attended an All-Hazard Disaster Preparedness Training Course
- Next week she and Clinton Bailey, City Manager, will be going to the State Capitol as members of the Hill Country Leadership Institute's inaugural cohort. She noted they will meet with State Representative Ellen Troxclair and State Senator Pete Flores, both of whom represent Fredericksburg in the Legislature

Mayor Hoover stated he also attended the All-Hazard Disaster Preparedness Training Course yesterday.

6. CONSENT

A. Consider approval of City Council January 17, 2023 Regular Meeting Minutes.

B. Consider approval of City Council and Planning and Zoning Commission January 17, 2023 Joint Meeting Minutes.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Joseph, to approve the January 17, 2023, City Council Regular Meeting Minutes and the January 17, 2023, City Council and Planning and Zoning Commission Joint Special Meeting Minutes. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

A. Consider the approval of Resolution 2023 - 01R calling for a General Election to be held on May 6, 2023, for the election of two Councilmembers; establishing procedures for those elections; and providing an effective date.

Shelley Goodwin, City Secretary, reviewed the Resolution calling the May 6, 2023, General Election. The purpose of this election is to elect two City Councilmembers. She noted that the Spanish translation was completed on Friday and that both English and Spanish versions of the Resolution were emailed to the City Council on Friday. The hourly rates are the following:

- Presiding Judges \$15.00
- Alternate Judges \$14.50
- Election workers \$14.00

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to approve Resolution 2023 - 01R calling for a General Election to be held on May 6, 2023, for the election of two Councilmembers; establishing procedures for those elections; and providing an effective date. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a Release of Easement, Electric Easement, and Right-of-Way/Easement Use Agreement to Hill Country Memorial Hospital Property

Kris Kneese, Director of Public Works and Utilities, provided a presentation and reviewed the history of the easement and right-of-way. He also reviewed the process used and the reason for the release of easement.

The City Council discussed the following:

- the presentation
- the easement and its location
- the reasons for the requested release
- a community meeting to explain the sale of the Hill Country Memorial Hospital

Carol Hammersen, resident, spoke regarding the great neighborhoods and a great hospital in Fredericksburg. She stated she is disappointed in the secret way the hospital handled the sale.

Clint Tuttle, Operational Services of the Hill Country Memorial Hospital, reviewed the easements and their location. He noted how they identified the easements and how the release of the easements would clean up the title of the hospital.

Motion: A motion to postpone was made by Councilmember Klein, seconded by Councilmember Joseph, to approve the Release of Easement, Electric Easement and Right-of-Way/Easement Use

Agreement to Hill Country Memorial Hospital Property. The City Council voted the following on roll call:

Councilmember Kirchner	Nay
Councilmember Watson	Nay
Councilmember Klein	Aye
Councilmember Joseph	Aye
Mayor Hoover	Aye

The motion to postpone carried three (3) ayes and two (2) nays.

B. Consider, discuss, and take action regarding the 2023 Hotel Occupancy Tax Recipients (HOT) process and deadlines.

Shelley Goodwin, City Secretary, provided the attached PowerPoint regarding the timeline and directions related to the 2023 HOT process. She provided the history of the HOT process and the proposed changes to make the process more effective.

Brady Closson, CVB President/CEO, reviewed the HOT distribution process used in his previous City.

The City Council reviewed the following proposed changes:

- Adjustment to the proposed 2023 HOT Timeline
- Recipient Reports and providing copies to the City Council
- Proposed realignment for the HOT funding
- Application for 2023
- Orientation for all those who are interested in applying for funding

Mickey Poole spoke regarding the State “Two-Step” process not always being met. He noted each event must put “heads in beds” or the requirements are not meet.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Joseph, to approve the following items for the HOT process

- Application
- February 23, 2023 HOT Orientation
- Begin the advertising campaign
- Bring back to City Council a new 2023 Timeline

The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider, discuss and take action on the City Council 2023 Goals and Priorities.

Clinton Bailey, City Manager, provided the background of the previous budget priorities and the need to identify the goals and priorities. He also provided the City Council Budget Priorities for June 20, 2022, 2022-2023 Discussion Topics, and the former City Manager's 2022 Project list. He also provided a wish list from Ken Cooke.

George Studor, resident, spoke regarding how the City Council arrives at its priorities and the unintentional risk and effects they might have on others.

The City Council discussed the following:

- Comprehensive Plan Survey
- Traffic relief
- 2023 Discussion Topics

9. CITY MANAGER'S REPORT

A. Short-Term Rental (STR) Permitting and Code Enforcement Update

Garret Bonn, Assistant City Manager, provided the following:

- 42 STR renewal permits
- 1 STR accessory permit
- 103 non-conformities activity; reaching out to the owners and operators to provide some form of activity, and if they are unable then a Denial Notice will be issued
- IT and Code Enforcement updating Code Cop and including the new Civil Adjudication process
- 19 case hearings scheduled for February
- An additional Docket Date was added to the end of the month
- Between January 30 and February 6, Code Enforcement 34 issued violations (60% related to STR and the remainder trash violations)
- Coordination efforts
 - o Members of the Task Force
 - o IT on a customized solution
 - o My Government Online offers a solution to handling permit solutions, including STR permits. They have agreed to develop a testing element in the next 2 to 4 weeks that the City can use to test some cases with no obligations to the City.

Brian Vorauer, Police Chief, reviewed the January 9 to February 5 violations – 1,400 calls total and 14 calls were for noise, and 7 were STR related.

Donn Wagner, City resident, spoke regarding communications, compliments to Garret Bonn, Ray Ortegon, and those handling STRs. He also noted that Building Permits need to be visible to assist those checking on the building.

B. Winter Storm Update

Justin Calhoun, Emergency Management Coordinator, reviewed the process to prepare for the recent Winter Storm. He reviewed the following:

- Tractor Trailer turnover on Hwy North 87
- CTEC electric outages (total of 3,600 outages)
- Transit traffic

10. ITEMS FOR FUTURE AGENDA

A. Review the Future Agenda Spreadsheet

Clinton Bailey, City Manager, reviewed the Future Agenda worksheet.

Mayor Hoover asked that a discussion item for the Task Force Committee Report.

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section – 551.071 (Consultation with Attorney).

A. Consider and discuss The State of Texas, ex rel. Association Against Fredericksburg Annexations vs. City of Fredericksburg, Texas, pending in the 216th District Court [551.071]; and

B. Consider and discuss Alpha Securities, LLC, Appellant, v. City of Fredericksburg, Appellee, pending in the Court of Appeals for the Fourth Appellate District of San

Antonio, on appeal from Cause No. 15377 in the 216th Judicial District Court of Gillespie County (Sec. 551.071).

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Special Meeting and into the Executive Session at 11:08 a.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Executive Session and into the Special Meeting at 11:44 a.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

12. BUSINESS ITEM

The City Council did not take any action have the Executive Session.

13. ADJOURN

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to adjourn the meeting at 11:45 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Police Department

TO: Mayor & City Council Members

FROM: Seelig Derek, Lieutenant Patrol Division

MEETING DATE: February 21, 2023

CATEGORY: CONSENT

CAPTION: Consider the approval of Resolution 2023-02R approving submission of the application for the Fredericksburg Police Department Officer Rifle-Resistant Body Armor Grant (Derek Seelig, Police Lieutenant).

PRESENTATION:

SUMMARY:

The Office of the Governor has published an announcement to solicit applications from law enforcement agencies to equip peace officers with rifle-resistant body armor.

BACKGROUND:

The Police Department does not have enough sets of rifle-resistant body armor to meet the needs of a fully staffed department that officers could use in the event of a mass/active shooter event, to execute arrest and search warrants for criminal offenses, and for responding to violent and critical incidents that would require their use. The Police Department is in need of Type III and Type IV body armor in order to mitigate critical incidents occurring within the city limits of Fredericksburg and Gillespie County. The Fredericksburg Police Department is authorized 39 sworn officer positions, but only has enough Type III and Type IV body armor for 32 officers. This means that the department is short 7 sets of rifle-resistant body armor. The goal is to use the rifle-resistant body armor obtained from this grant to outfit officers who are not issued this armor to be used to help protect the officers in the event of a mass/active shooter event, to execute arrest and search warrants for criminal offenses, and for responding to violent and critical incidents that would require their use.

FUNDING SOURCE: State funds for these projects are authorized under the Texas General Appropriations Act, Article I, Rider 26 for Trusteed Programs within the Office of the Governor. All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. PSO expects to make available \$7M for FY2024. There are no minimum or maximum

FINANCIAL IMPACT:

The Police Department is requesting 7 sets of rifle-resistant body armor at a total cost of \$11,339.93 to the Office of the Governor. There is no cost to the city.

funding levels, and there is no match requirement.

STAFF RECOMMENDATION:

It is recommended that the Mayor and City Council approve the resolution for the Officer Rifle-Resistant Body Armor grant.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. Resolution Body Armor 2023-02R

APPROVAL/REVIEW:

Brian Vorauer, Police Chief

Date: January 23, 2023



Laura Hollenbeak, Finance Director

Date: January 24, 2023

William McKamie, Interim City Attorney

Date: January 24, 2023



Shelley Goodwin, City Secretary

Date: February 13, 2023



Clinton Bailey, City Manager

Date: February 15, 2023

RESOLUTION 2023-02R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, APPROVING SUBMISSION OF THE APPLICATION FOR THE FREDERICKSBURG POLICE DEPARTMENT OFFICER RIFLE-RESISTANT BODY ARMOR GRANT

WHEREAS, The City of Fredericksburg finds it in the best interest of the citizens of Fredericksburg, Texas, that the Fredericksburg Police Department Officer Rifle-Resistant Body Armor project be operated for September 1, 2023 – August 31, 2024; and

WHEREAS, The City of Fredericksburg agrees to provide applicable matching funds for the said project as required by the Office of the Governor, Public Safety Office Criminal Justice Division Rifle-Resistant Body Armor grant application; and

WHEREAS, The City of Fredericksburg agrees that in the event of loss or misuse of the Governor funds, the City of Fredericksburg assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, The City of Fredericksburg designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the City of Fredericksburg approves submission of the grant application for the Fredericksburg Police Department Officer Rifle-Resistant Body Armor project to the Office of the Governor.

Signed by: _____
Jeryl Hoover
Mayor, City of Fredericksburg

Passed and Approved this _____ (Day) of _____ (Month), 2023 (Year)

Grant Number: 4743601



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Police Department
TO: Mayor & City Council Members
FROM: Braxton Roemer, Lieutenant Special Services

MEETING DATE: February 21, 2023

CATEGORY: CONSENT

CAPTION: Consider approval of Resolution 2023-03R approving the purchase of new body-worn cameras through the Office of the Governor, Public Safety Office, Criminal Justice Division - Body-Worn Camera Grant Program, FY2024 (Braxton Roemer, Police Lieutenant).

PRESENTATION:

SUMMARY:

The Fredericksburg Police Department is seeking an opportunity to purchase new body-worn cameras through the Office of the Governor, Public Safety Office, Criminal Justice Division - Body-Worn Camera Grant Program, FY2024.

BACKGROUND:

Currently, the Fredericksburg Police Department has a successful body-worn camera (BWC) program in place. At this time, the department is using the Watchguard Vista BWCs. However, Watchguard has discontinued this model of camera, and there is no expectation Watchguard will continue to support this camera for repairs or maintenance. Furthermore, the new model they are offering, the Watchguard V300, is not compatible with any of the hardware or docking stations that is currently used by the Vista BWCs. The police department is seeking a grant opportunity to transition to the new body-worn camera to avoid the problems that will occur as the Vistas breakdown and the department has to purchase a new camera that is not compatible with our existing system. This transition will not majorly impact the current software we are using or our current storage practices we have for our current BWC program, and it is predominantly a hardware issue.

The Body-Worn Camera Grant Program through the Office of the Governor will allow the police department to obtain BWCs for our currently employed police officers, not for vacancies, who perform traffic enforcement or primarily respond to calls. The police department would like to purchase 23 BWCs, and the remainder will be obtained as vacant positions are filled. The total cost for 23 cameras, mounts, data transfer bays, bases, batteries and annual licensing and fee costs is \$46,667. This grant program requires a 25% match on the part of the City, so the grant will fund \$35,000.25 while the City would be responsible for \$11,666.75. If the City is awarded the grant, all equipment could be purchased as early as September 1, 2023 but not later than 1 year after the start of the grant.

FUNDING SOURCE: Office of the Governor, Public Safety Office, Criminal Justice Division - Body-Worn Camera Grant Program, FY2024. \$6 million is available in this funding stream, and there are no minimum or maximum allowable funding requests.

FINANCIAL IMPACT:
25% Cash Match
\$11,666.75 from GL 01-22-4070 Computer, Software, and Maintenance

STAFF RECOMMENDATION:

It is recommended that the Mayor and City Council approve the Resolution as written to pursue the Body-Worn Camera grant opportunity.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. BWC 2023 Resolution

APPROVAL/REVIEW:

Brian Vorauer, Police Chief

Date: February 13, 2023

Laura Hollenbeak, Finance Director

Date: February 13, 2023

William McKamie, Interim City Attorney

Date: February 14, 2023



Shelley Goodwin, City Secretary

Date: February 14, 2023



Clinton Bailey, City Manager

Date: February 15, 2023

RESOLUTION 2023-03R

WHEREAS, The City of Fredericksburg finds it in the best interest of the citizens of Fredericksburg, Texas, that the Body-Worn Camera Program be operated for the 2023-2024; and

WHEREAS, City of Fredericksburg agrees to provide applicable matching funds for the said project as required by the Office of the Governor, Public Safety Officer Criminal Justice Division Body-Worn Camera Grant Program grant application; and

WHEREAS, City of Fredericksburg agrees that in the event of loss or misuse of the Office of the Governor funds, City of Fredericksburg assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, City of Fredericksburg designates City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that City of Fredericksburg approves submission of the grant application for the Body-Worn Camera Program to the Office of the Governor.

Signed by:

Passed and Approved this _____ (Day) of _____ (Month),
_____ (Year)

Grant Number: **4775501**



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Police Department

TO: Mayor & City Council Members

FROM: Seelig Derek, Lieutenant Patrol Division

MEETING DATE: February 21, 2023

CATEGORY: CONSENT

CAPTION: Consider approval of Police Department estimate from FarrWest Specialty Vehicles for outfitting and installation of equipment in seven new patrol vehicles (previously approved in the FY 2023 Budget) (Derek Seelig, Police Lieutenant).

PRESENTATION:

SUMMARY:

The Police Department needs the approval of City Council to go through FarrWest Specialty Vehicles to purchase and install all necessary equipment in the 7 new patrol vehicles purchased this year.

BACKGROUND:

The Police Department has purchased 7 new patrol vehicles this year to replace units that are due to be decommissioned. The Police Department has planned and budgeted for FarrWest Specialty Vehicles to order needed equipment to outfit and install in these vehicles. FarrWest Specialty Vehicles, located in Schertz, TX, provides complete custom fabrication and builds for first responders. These installations include emergency lighting, vehicle accessories, radio communications, and more. The Police Department has been using FarrWest Specialty Vehicles to outfit their patrol vehicles since 2021.

FUNDING SOURCE: City of Fredericksburg, Police Department GL-01-22-4270 (Police Equipment & Supplies) and Police Department GL-01-22-3140 (Contract Professional Services)

FINANCIAL IMPACT:
\$124,730.11 from Police Department GL-01-22-4270 (Police Equipment & Supplies) and \$32,457.50 from Police Department GL-01-22-3140 (Contract Professional Services)

STAFF RECOMMENDATION:

It is recommended that the City Council approve the Police Department estimate from FarrWest Specialty Vehicles for outfitting and installation of equipment in 7 new patrol vehicles.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Brian Vorauer, Police Chief

Date: January 31, 2023



Laura Hollenbeak, Finance Director

Date: January 31, 2023

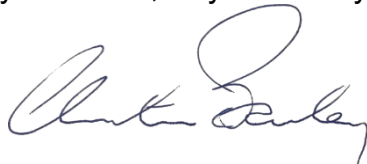
William McKamie, Interim City Attorney

Date: January 31, 2023



Shelley Goodwin, City Secretary

Date: February 13, 2023



Clinton Bailey, City Manager

Date: February 15, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Shelley Goodwin, City Secretary

MEETING DATE: February 21, 2023

CATEGORY: CONSENT

CAPTION: Consider the appointment of David Shields, Director of the National Museum of the Pacific War, to fill the remaining term of previous Museum Director on the Convention and Visitor Bureau Board (term expiring September 2023) (Shelley Goodwin, City Secretary).

PRESENTATION:

SUMMARY:

Brady Closson, CVB President/CEO, has notified the City of a vacancy on the CVB Board. The CVB Board has requested that David Shields, Director of the National Museum of the Pacific War, fill the remaining term. He has provided a letter of request for the City Council to consider.

BACKGROUND:

A vacancy was created with the change in the Director of the National Museum of the Pacific War position. The CVB Board has recommended the City Council appoint David Shields to fill the vacancy of the previous Director of the National Museum of the Pacific War (see attached CVB Board Minutes). This appointment would be considered as filling a vacancy for the term expiring September 2023.

FUNDING SOURCE: None

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

Staff recommends appointing David Shields to fill the vacancy on the CVB Board for the remainder of the expiring term of September 2023.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

ATTACHMENTS:

1. 01.24.2023 FCVC Board Minutes

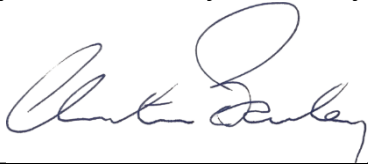
APPROVAL/REVIEW:

William McKamie, Interim City Attorney

A handwritten signature in blue ink, appearing to read "William McKamie", written over a horizontal line.

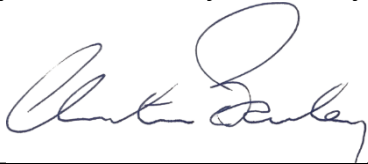
Date: February 14, 2023

Shelley Goodwin, City Secretary

A handwritten signature in blue ink, appearing to read "Shelley Goodwin", written over a horizontal line.

Date: February 14, 2023

Clinton Bailey, City Manager

A handwritten signature in blue ink, appearing to read "Clinton Bailey", written over a horizontal line.

Date: February 15, 2023

FCVB Board Meeting
Tuesday, January 24, 2023
Location: Visitor Information Center Theater

Members Present: John Dubea, Kelly Criddle, Katelyn Eames, Abby Mund, Linda Goldsmith, Katherine Graham, Jessica Mittel, and Mary Ann Turbeville.

CVB Staff: Brady Closson, Bill Heath and Jenny Staudt

Guests: Tim Lehmberg and Bobby Watson

- I. Call to Order: John Dubea called the meeting to order at 5:17 pm
- II. Minutes: Minutes from the December 6, 2023 CVB Board meeting were approved, as moved by Kelly Criddle and seconded by Jessica Mittel.
- III. New Staff / Promotions: Jenny Staudt is the new VP of Finance, HR and Administration and Sean Doerre has been promoted to Visitor Information Center Manager.
- IV. EDC report: Tim Lehmberg reported numbers from November, City up 3.01% and County up 9.45%. December unemployment numbers are low at 2.1%
- V. Chamber of Commerce Report: Penny shared the Chamber's "Our Eclipse Response" handout. Encouraged everyone to look at the childcare survey to help the Chamber identify childcare needs and fill out the survey before Friday, January 27th. This survey will help the Chamber be more forward thinking about current and future childcare needs in Gillespie County. There will be a job fair at FHS on February 13th for students looking for jobs immediately after graduation and seasonal employment. The Chamber Banquet will be held March 2nd.
- VI. City Council Report: Bobby Watson represented the City Council. The current Hot Topic is water, and stage 4 water restrictions are in the near future. Stage 4 is watering once a week in the morning only. The aquifer is at its lowest since 2011. The Mayor is working with STR taskforce. Working on a new program to kickoff the new Comprehensive Plan which includes a Park Master Plan. Election for two new council members will be in May.
- VII. County Commissioners report: No representation
- VIII. Financial Reports: Financial report was given by Jenny Staudt. Expense are in line with year to date status. The first payment from the City of Fredericksburg and the County have been received. The current reserve balance is equivalent to 2 months of operating expenses. The financial reports were approved as submitted, as moved by Kaitlyn Eames and seconded by Kelly Criddle. In addition, approval of Jessica Mittel filling the treasurer position was moved by Ann Turbeville and seconded by Kelly Criddle.

- IX. Sales & Marketing: Leads Sourced are up 0.8%, Bookings are up 50.8%. The polygon of Historic Main Street cell phone data captured 92,000 visitors. During the Night of Lights, held Nov 21 – Jan 1, main street had 304,000 visitors, which equates to revenue. Brady went over upcoming Missions such as, Southwest Showcase, bridal shows, Brand USA , IPEC and TACVB etc. He then discussed the website metrics/highlights and social media metrics and the positive impact. The length of time visitors spend on our website is 77% above the industry average. Brady then touched on Travel Industry Today, the USA Today readers poll and *Bill on the Road*-Travel Journalist & Broadcaster.
- X. Ongoing Business
- a. Lease for VIC Building: The lease agreement draft has not been received yet, so we will continue with a month to month lease. We anticipate that we will incur more monthly expenses with the new lease.
 - b. Comprehensive Plan update: The Comprehensive Plan update and Parks Master Plan survey only has 192 votes. Please put this out to the community.
 - c. Marketing Manager position / CVB Re-organization: Brady with the assistance of the executive board will continue to work on a staff / re-organization of the CVB.
 - d. Kick-off call with Zartico was January 5th; Zartico is cell phone based data
 - e. Kick-off call with Longwoods International was January 12th, Longwoods International is a resident sentiment study provider.
- XI. New Business
- a. By-laws Review: Discussed some additional changes to the By-laws that will presented at the next board meeting.
 - b. New Board Member: David Shields is the new Director for the National Museum of the Pacific War. Board approved new appointment, to Council for approval.
 - c. Appoint Jennifer Staudt Acting Secretary for banking matters: approved, as moved by Mary Ann Turbeville and seconded by Kelly Criddle.
 - d. Quarterly Stakeholder Meeting is scheduled for February 9th @ 9am, with 92 RSVP's as of 01/24/2023
 - e. Geiger & Associates Media FAM: 7 journalists will be in Fredericksburg Feb 21-Feb 24 to gather information with emphasis on culture/history/heritage & stewardship.
 - f. Tourism Economics/Economic impact Study: Smith Travel Research showed overall there is a supply of 126,522 STR/Hotel/Motel rooms with a demand of 59,776; with an average daily rate of \$253.30.
 - g. Hill Country Medical Center-requested to meet with EDC, Chamber and FVC. Brady will coordinate a meeting.
- XII. Correspondence: FBGTXtranet Training with 20 stakeholders to start building a CRM, Feb 1st @ CVB with times 9-11 & 1-3.
- XIII. FCVB Board meeting – Tuesday, February 28, 2023 @ 5:15 pm in the Visitor Center theater.
- XIV. Meeting Adjourned at 6:34.



CITY COUNCIL **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Interim Director of
Development Services
MEETING DATE: February 21, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider the approval of a Land Use Change and a Zoning Changes requested by Matt Durette with Cozi Vacation Rentals for property located at 106 E. Nimitz Street (Anna Hudson, Interim Director of Development Services).

- i. Presentation
- ii. Hold a Public Hearing to receive comments for or against the request
- iii. Ordinance 2023-01 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 0.63 acres of land, comprised out of G E Co Blk I .639, -Homesite-, as shown on the map of Fredericksburg, Texas and Environs by the German Emigration Company, Ge1000 - G E Co Blk I, located at 106 E. Nimitz, situated in the City; changing said property from Low Density Residential (LDR), to Mixed Use Corridor (MUC); and; providing that the change become a part of the Comprehensive Plan, and providing for an effective date.
- iv, Ordinance 2023-02 amending the Zoning Ordinance and changing the Zoning District as to approximately 0.63 acres of land, comprised out of G E Co Blk I .639, -Homesite-, as shown on the map of Fredericksburg, Texas and environs by the German Emigration Company, GE1000 - G E Co Blk I, located at 106 E. Nimitz, situated in the City of Fredericksburg, Texas; changing said property from (R1) Single Family Residential, to (R2) Mixed Residential; providing that this Ordinance shall be cumulative of all ordinances; providing a penalty clause; providing a savings clause; providing a severability clause; providing for publication in the official newspaper; and providing an effective date.

PRESENTATION:

SUMMARY:

The applicant is seeking a future land use classification change from Low Density Residential (LDR), to Mixed Use Corridor (MCU) and a Zoning Change from (R1) Single Family Residential, to (R2) Mixed Residential.

BACKGROUND:

106 E. Nimitz is a 0.639 acre property with a Single-Family Residence, currently used as a Short Term Rental, and several ancillary structures, including barns and storage buildings.

Land uses surrounding this property include High Density Residential (HDR) to the north, Mixed Use Corridor (MUC) to the east and south across E. Nimitz, and Low Density Residential (LDR) to the west.

Zoning to the north is (R2) Mixed Residential (Knopp Nursing Home), with (C1) Neighborhood Commercial to the east and south across E. Nimitz (Knopp Nursing Home Offices and a STR) and (R1) Single Family Residential to the west (STR and a Primary Residence).

East Nimitz Street is an unimproved roadway with 4 properties with frontage. The Subject Tract is the only property in this neighborhood that has primary access onto East Nimitz as the other 3 properties have access onto North Llano Street. If additional development were to occur, the developer would be responsible for improvements to the roadway and additional development would also require approval of Civil Construction Plans.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Given the variety of Land Uses and Zoning classifications surrounding the property and the fact that the request is for an extension of the existing R2 Zoning at 1208 N Llano (Knopp Nursing Home) Staff recommends approval of the requested land use classification change from Low Density Residential (LDR), to Mixed Use Corridor (MCU) and a Zoning Change from (R1) Single Family Residential, to (R2) Mixed Residential per Comprehensive Plan Sec. 4.B.I – Support Existing Development Patterns.

Planning & Zoning voted unanimously (8-0) in favor of the Land Use and Zoning Changes as presented in support of creating more R2 zoning.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Community Vision

ATTACHMENTS:

1. Z-2232 Project Application - UPDATED
2. Z-2232 Land Use Map
3. Z-2232 Zoning Map
4. Z-2232 Public Hearing Map
5. 106_E_Nimitz_LRG-107
6. E Nimitz Utility Easement
7. Ordinance 2023-01 land use change 106 e nimitz (002)
8. Ordinance 2023-02 zoning change 106 e Nimitz JD edit 02152023

APPROVAL/REVIEW:



Date: February 13, 2023

Anna Hudson, Interim Director of Development Services



Date: February 13, 2023

Garret Bonn, Assistant City Manager

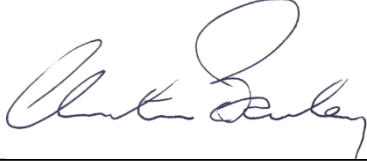
Date: February 14, 2023

William McKamie, Interim City Attorney

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Date: February 14, 2023

Shelley Goodwin, City Secretary

A handwritten signature in blue ink, appearing to read "Clinton Bailey", written over a horizontal line.

Date: February 15, 2023

Clinton Bailey, City Manager



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: Zoning Change

Project Address: 106 E. Nimitz Fredericksburg, TX 78624

Tax ID Number (s):

Application Type (Check all items that apply.)

- | | | |
|---|--|---|
| ☐ Conditional Use Permit | ☐ Minor Plat* | ☐ Plat Vacation |
| ☐ Site Plan | ☐ Replat* | ☐ Annexation* |
| ☐ Entry Corridor Design | ☐ Amending Plat* | ☐ Development Plat |
| ☐ Land Use Plan Change | ☐ Preliminary Plat* | |
| ☒ Zoning Change | ☐ Final 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: STR

Proposed Land Use Plan: STR

Current Zoning: R1

Proposed Zoning: R2

Location: 106 E. Nimitz Fredericksburg, TX 78624

Proposed Use(s): proposing a re-zone from R1 to R2.

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: Matt Durrette

Printed Name: Matt Durrette

Date: 12/29/22

Staff Use Only

Application No.: Z-2232 Date: 12/29/22

*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: Matt Durette

Address: 1303 E. Main St. Fredericksburg, TX 78624

Phone:

Fax: N/A

Email: strapp@cozivr.com

(804)-832-1408 or (830)-541-5620

matt@cozivr.com

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): N/A

Applicant Name (s): Matt Durette

Address: same as above

Phone:

Fax: N/A

Email: same as above

same as above

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:



Project Application

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

C. Fee Schedule (Please attach appropriate fee to application.)

- ☐ Conditional Use Permit Application - \$400
- ☐ Site Plan Application Admin - \$300
- ☐ Site Plan Application P&Z - \$400
- ☐ Entry Corridor Design - \$100
- ☒ Application for Zoning Change - \$400
- ☐ Application for Land Use Change - \$300
- ☐ Minor Plat - \$300
- ☐ Replat - \$300 plus \$20 per lot
- ☐ Amending Plat - \$200
- ☐ Preliminary Plat - \$400 plus \$20 per lot
- ☐ Final Plat - \$500 plus \$10 per lot

D. Recording Fee Schedule

For plats, a recording fee will be collected when mylars are presented. The check should be made payable to Gillespie County Clerk and the recording fees are \$121.00 plus \$10.00 per lot.

Legend

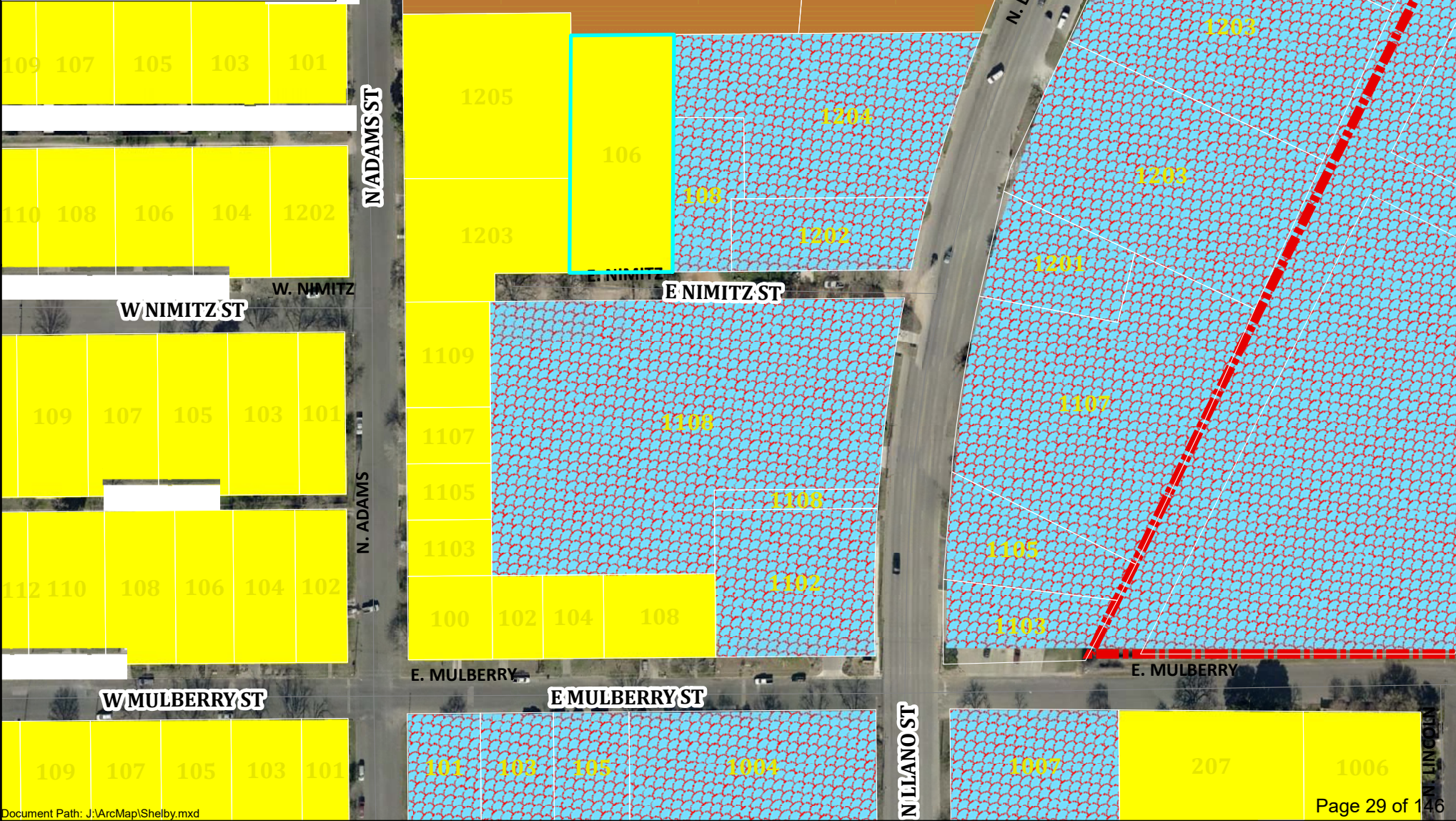
Landuse

LANDUSE

High Density Residential

Low Density Residential

Mixed Use Corridor

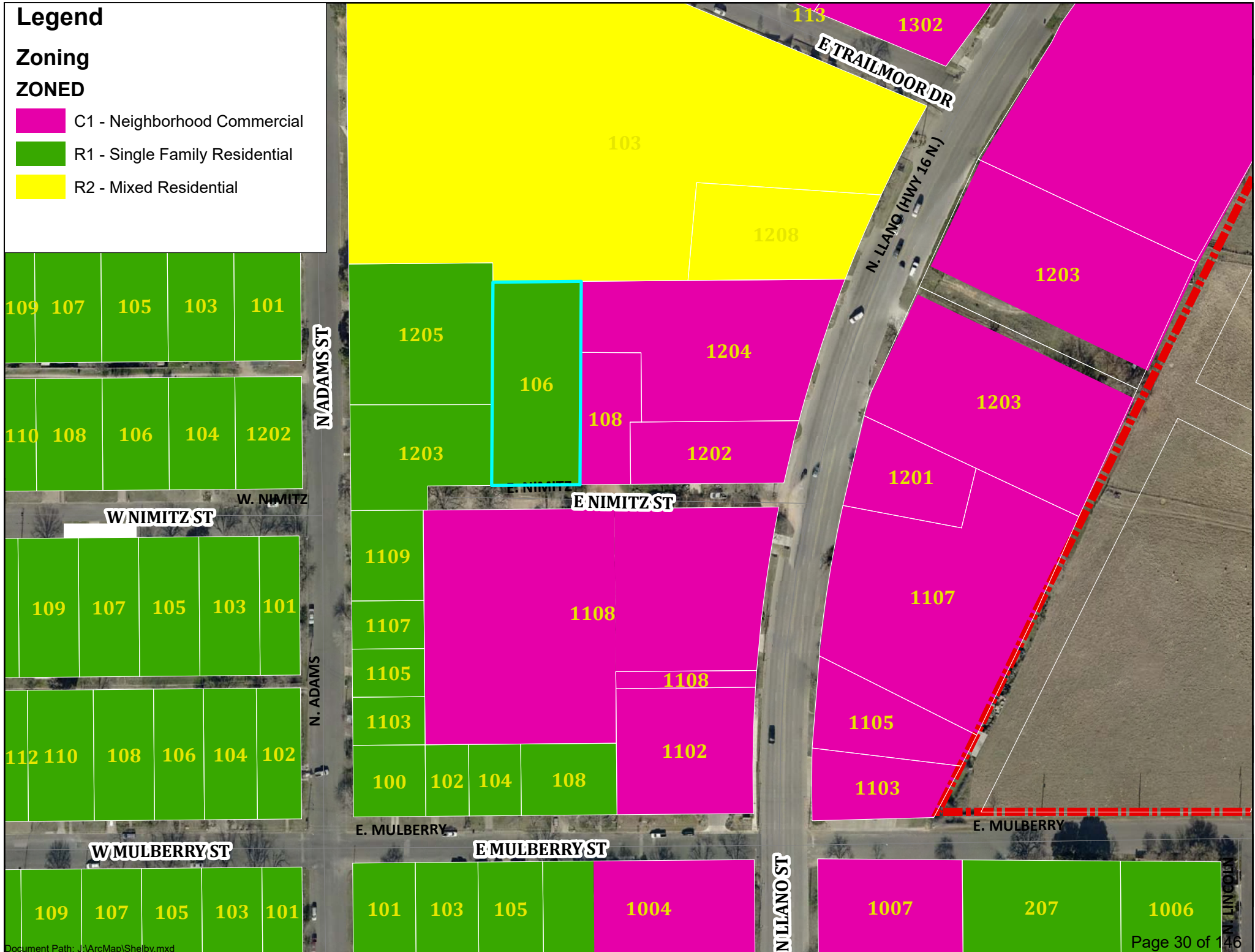


Legend

Zoning

ZONED

- C1 - Neighborhood Commercial
- R1 - Single Family Residential
- R2 - Mixed Residential



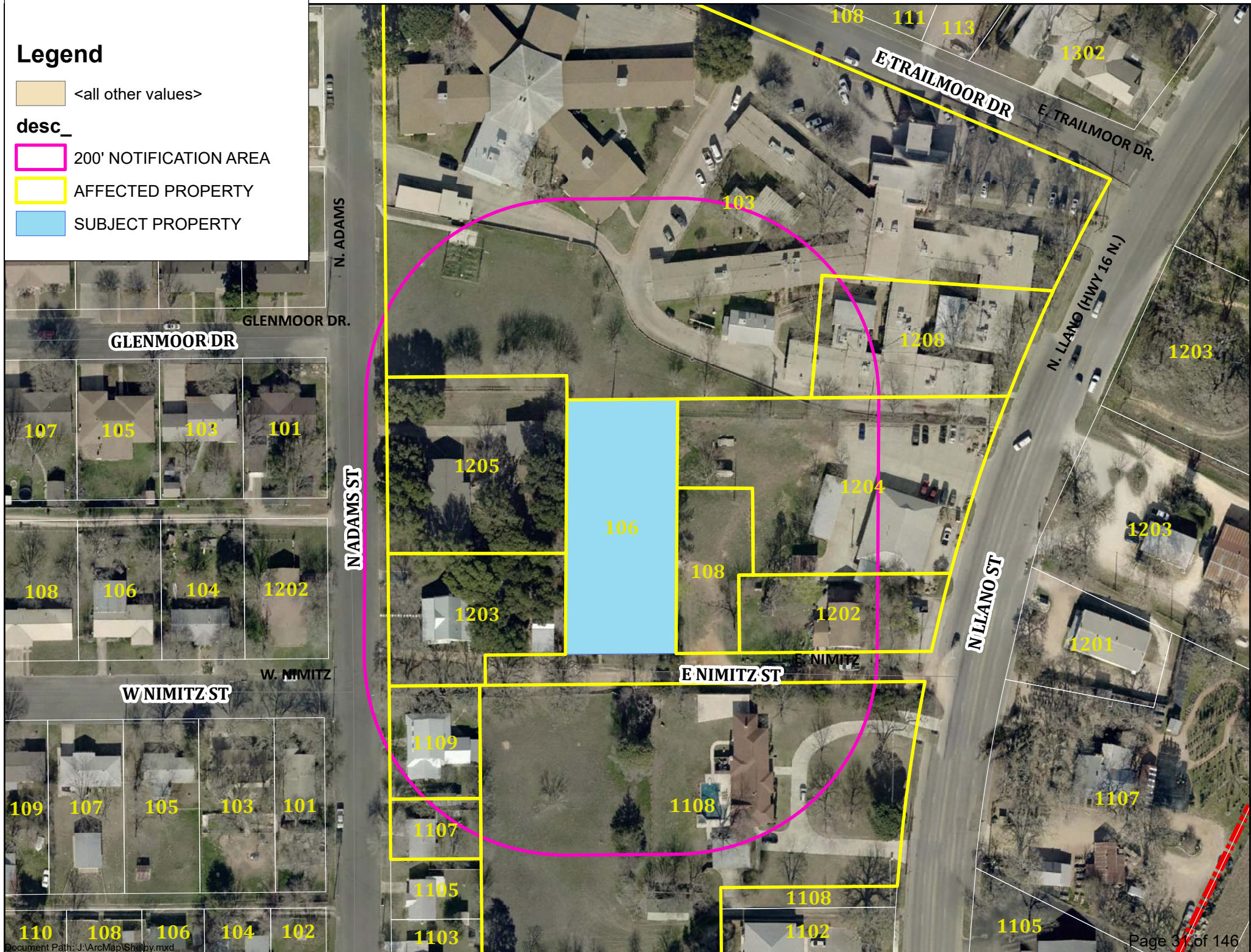
Legend

 <all other values>

desc_
 200' NOTIFICATION AREA

 AFFECTED PROPERTY

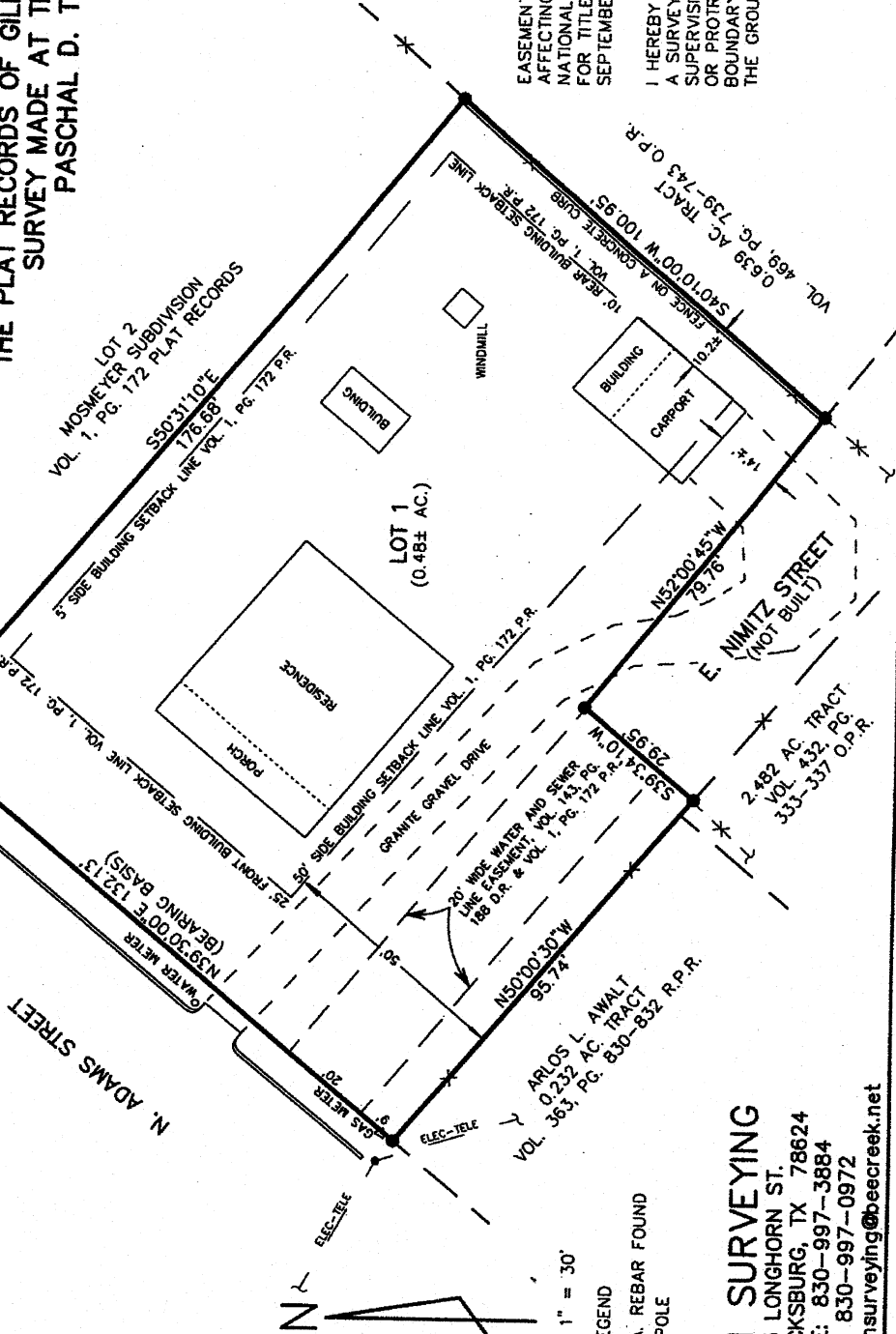
 SUBJECT PROPERTY





BORROWER/PROPERTY ADDRESS
 PASCHAL D. THOMPSON AND
 DYRON F. THOMPSON
 1203 N. ADAMS STREET
 FREDERICKSBURG, TEXAS 78624

**SURVEY MAP SHOWING
 LOT NO. 1, MOSMEYER SUBDIVISION, SITUATED IN
 THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS,
 PLAT FOUND OF RECORD IN VOLUME 1, PAGE 172 OF
 THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS.
 SURVEY MADE AT THE REQUEST OF
 PASCHAL D. THOMPSON.**



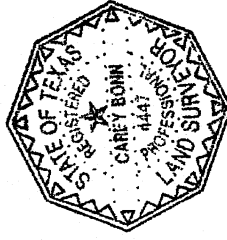
SCALE 1" = 30'

LEGEND

- 1/2" DIA. REBAR FOUND
- UTILITY POLE
- x FENCE

BONN SURVEYING

503 LONGHORN ST.
 FREDERICKSBURG, TX 78624
 PHONE: 830-997-3884
 FAX: 830-997-0972
 EMAIL: bonnsurveying@beecreek.net



EASEMENTS, RESTRICTIONS, AND OTHER MATTERS AFFECTING THIS LOT ARE LISTED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT FOR TITLE INSURANCE, G.F. NO. 210-700, ISSUED SEPTEMBER 27, 2010.

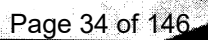
I HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO INTRUSIONS OR PROTRUSIONS OF IMPROVEMENTS ACROSS BOUNDARY LINES, VISIBLE OR APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON.

SURVEYED OCTOBER 6, 2010

Carey Bonn
 CAREY BONN
 REG. PROF. LAND SURVEYOR NO. 4447

REG. PROF. LAND SURVEYOR NO. 4447

NORTH ADAMS



WATER AND SEWER LINE EASEMENT

THE STATE OF TEXAS I
 I KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF GILLESPIE I

THAT we, ROBERT A. FRISBIE and wife, VALERIE B. FRISBIE, of the County of Gillespie and State of Texas, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, to us in hand paid by the CITY OF FREDERICKSBURG, a municipal corporation of Gillespie County, Texas, the receipt and sufficiency of which is hereby acknowledged, have this day GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto the CITY OF FREDERICKSBURG, the right to construct, re-construct and perpetually maintain a buried water line and buried sewer line over and upon a 1.19 acre tract of land, situated in Gillespie County, Texas, being part of Survey No. 129, Rafael Villareal, and being the same property that was conveyed by EDGAR PRIESS, et al to ROBERT A. FRISBIE, et ux, by deed dated October 15, 1980, and recorded in Volume 138, page 962 of the Deed Records of Gillespie County, Texas; said water line and sewer line easement has a width of twenty (20) feet, the centerline of which is described as follows, to-wit:

BEGINNING at a point in the Northwest boundary line of the above described 1.19 acre tract that bears N. 39° 30' E. 19 feet from the West corner of said 1.19 acre tract;

THENCE S. 48° 46' E. 96.3 feet to a point in the Northwest boundary line of Jung Lane.

The Grantee shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the free right of ingress and egress over and across said 1.19 acre tract to and from said right-of-way and easement.

TO HAVE AND TO HOLD the same perpetually to the said CITY OF FREDERICKSBURG, its successors and assigns, and Grantors hereby bind themselves, their heirs and assigns, to WARRANT AND FOREVER DEFEND the said premises unto the CITY OF FREDERICKSBURG, its

successors and assigns, against all persons whomsoever lawfully claiming or to claim the same or any part thereof. It is agreed that Grantee shall have the right and privilege at any and all times to enter said 1.19 acre tract, or any part thereof, for the purposes of constructing, re-constructing and maintaining said water line and said sewer line and of making connections thereto, all upon the condition that said Grantee will, at all times, after doing any work in connection with the construction, re-construction or repair of said water line and said sewer line, or any laterals thereof, make reasonable efforts to restore said premises to the condition in which the same were found before such work was undertaken.

It is further agreed that Grantee shall provide Grantor with one water service connection, three-fourths (3/4) inch in diameter, at a location along the above described water line to be specified by Grantor.

It is further agreed that Grantee shall provide Grantor with one sewer service connection, four (4) inches in diameter, at a location along the above described sewer line to be specified by Grantor.

EXECUTED this 27th day of April, 1981.

Robert A. Frisbie
ROBERT A. FRISBIE

Valerie B. Frisbie
VALERIE B. FRISBIE

THE STATE OF TEXAS X
COUNTY OF GILLESPIE X

BEFORE ME, the undersigned authority, on this day personally appeared ROBERT A. FRISBIE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office on this 27th day of April, 1981.



Alex. Arhuger, Jr.
Notary Public in and for
Gillespie County, Texas.
ALEX. ARHUGER, JR.
My commission expires: 1-27-84

THE STATE OF TEXAS X
COUNTY OF GILLESPIE X

BEFORE ME, the undersigned authority, on this day personally appeared VALERIE B. FRISBIE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office on this 27TH day of APRIL, 1981.



Alex. Arhelger, Jr.
Notary Public in and for
Gillespie County, Texas
ALEX. ARHELGER, JR.

My Commission Expires: 1-27-84

N

N. ADAMS ST.

305'±

174.3'

FRISBIE

1.17 Acres

275'

KUHLMANN

Lot P 600-11-21

Map to Subdiv. on A. 2000

78'

PROPOSED 6" SEWER LINE

PROPOSED 2" WATER LINE

20' EASEMENT

96.3'

CITY OF FREDERICKSBURG
UTILITY EASEMENT
FRISBIE PROPERTY
J.B. 2-13-81 SCALE 1"=40'

CERTIFICATE OF LEGALITY AND AUTHENTICITY

I, certify that the discrete numbered microfilm images between the Title Page and the Certificate of Legality and Authenticity have been made in strict accordance with Article 1941 (a) V.T.C.S., and that each image is a true, correct, and exact copy of the page or pages of the identified instrument of writing, legal document, paper, or record which had been filed for record on the date and at the time stamped in each; that no microfilm image or images were substituted for any original discrete microfilm image or images between the Title Page and this Certificate. Official Public Records of Real Property—1980, Volume 143, Pages 188-191, filed on the 19th day of May, A.D. 1981.

DEPUTY CLERK, *[Signature]* Deputy.

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, ADOPTING A CHANGE IN THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG, SPECIFICALLY IN THE LAND USE MAP, AS TO APPROXIMATELY 0.63 ACRES OF LAND, COMPRISED OUT OF G E CO BLK I .639, -HOMESITE-, AS SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY, GE1000 - G E CO BLK I, LOCATED AT 106 E NIMITZ, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM LOW DENSITY RESIDENTIAL (LDR), TO MIXED USE CORRIDOR (MUC); AND; PROVIDING THAT THE CHANGE BECOME A PART OF THE COMPREHENSIVE PLAN, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, upon adoption of the Comprehensive Plan for the City of Fredericksburg, the City Council recognized, as is required by such Plan, that such Plan is not static but must be re-evaluated in terms of physical, environmental, social, economic and public value factors which have occurred since the adoption of the Plan; and

WHEREAS, the Planning and Zoning Commission of the City of Fredericksburg has re-evaluated such Plan and has recommended that such Plan be changed, and that the Land Use Plan be amended to reflect such changes in land use; and

WHEREAS, public hearings before the Planning and Zoning Commission and the City Council have been duly noticed and held regarding such proposed change as required by the City of Fredericksburg Zoning Ordinance; and

WHEREAS, the City Council has specifically found, following the public hearing, that such change is consistent with the objectives of the Comprehensive Plan of the City of Fredericksburg and that it would be in the best interests of the public that such change be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:

Section 1. That the Comprehensive Plan of the City of Fredericksburg is hereby amended to incorporate the certain change to the Land Use Plan as follows:

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, said land being known as APPROXIMATELY 0.63 ACRES OF LAND, COMPRISED OUT OF G E CO BLK I .639, -HOMESITE-, AS SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY, GE1000 - G E CO BLK I, LOCATED AT 106 E NIMITZ in the City of Fredericksburg, Gillespie County, Texas, and as additionally shown and designated

on the map attached hereto as Exhibit A, are hereby designated as MIXED USE CORRIDOR (MUC).

Section 2. That all references in City of Fredericksburg Code of Ordinances to the Comprehensive Plan or to the Land Use Map shall henceforth refer to such as are amended hereby.

Section 3. That this Ordinance shall take effect upon the date of its passage.

PASSED AND APPROVED on this the ____ day of _____, 2023.

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, City Secretary, TRMC/CMC

APPROVED AS TO FORM:

Mick McKamie, Interim City Attorney

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY AND CHANGING THE ZONING DISTRICT AS TO APPROXIMATELY 0.63 ACRES OF LAND, COMPRISED OUT OF G E CO BLK I .639, -HOMESITE-, AS SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY, GE1000 - G E CO BLK I, LOCATED AT 106 E NIMITZ, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM (R1) SINGLE FAMILY RESIDENTIAL, TO (R2) MIXED RESIDENTIAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an Application for Rezoning has been submitted by the owners of lots described as APPROXIMATELY 0.69 ACRES OF LAND, COMPRISED OUT OF GE1000 - G E CO BLK I SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY, LOCATED AT 106 EAST NIMITZ in the City of Fredericksburg, Texas, to change the present zoning district of said lot from (R1) SINGLE FAMILY RESIDENTIAL TO (R2) MIXED RESIDENTIAL; and

WHEREAS, public hearings before the Planning and Zoning Commission and the City Council of the City of Fredericksburg have been duly noticed and held regarding such application, as required by the City of Fredericksburg Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has determined that such zoning change is in conformity with the uses established by the Comprehensive Land Use Plan of the City of Fredericksburg and is consistent with the objectives of the City of Fredericksburg Zoning Ordinance, and has recommended to the City Council of the City of Fredericksburg, based upon positive findings under the review and evaluation criteria established by such ordinance, that the rezoning be enacted; and

WHEREAS, the City Council has specifically found, following public hearing, that such change is consistent with the objectives of the City of Fredericksburg Zoning Ordinance and Comprehensive Land Use Plan of the City of Fredericksburg and there has not been a protest against rezoning signed by owners of twenty per cent (20%) or more either of the area of the property included in the zoning request, or of the area of the

property immediately adjoining the same and extending two hundred feet (200') therefrom.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:

Section 1. That the zoning ordinance of the City of Fredericksburg is hereby amended to incorporate the certain change in zoning district as follows:

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, said lots being described as APPROXIMATELY 0.63 ACRES OF LAND, COMPRISED OUT OF G E CO BLK I .639, -HOMESITE-, LOCATED AT 106 EAST NIMITZ ST in the City of Fredericksburg, Texas, and as additionally shown and designated on the map attached hereto as Exhibit A, to be and are hereby rezoned and designated as MIXED RESIDENTIAL (R2).

Section 2. That all references in City of Fredericksburg Code of Ordinances to the Zoning Ordinance shall henceforth refer to such as is amended hereby.

Section 3. Ordinance Cumulative. This Ordinance shall be cumulative of all other ordinances of the City of Fredericksburg affecting zoning and land use, as amended, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

Section 5. Penalty. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance may be subjected to such civil penalties as authorized by law.

Section 6. Savings. All rights or remedies of the City are expressly saved as to any and all violations of Appendix B of the Fredericksburg Municipal Code, as amended, or any other ordinance affecting zoning and land use that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation, both civil and criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

Section 7. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 8. Publication. The City Secretary of the City of Fredericksburg is hereby directed to

publish in the official newspaper of the City the caption and penalty clause of this Ordinance as required by law.

Section 9. Effective date. This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on this the ____ day of _____, 2023.

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC/CMC
City Secretary

APPROVED AS TO FORM:

Mick McKamie, Interim City Attorney



CITY COUNCIL **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Interim Director of
Development Services
MEETING DATE: February 21, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider the approval of a Conditional Use Permit requested by Scott Horton for property located at 510 Mueller Street Unit # 23 (Anna Hudson, Interim Director of Development Services).

- i. Presentation
- ii. Hold a Public Hearing to receive comments for or against the request
- iii. Consider the approval of Z-2229 Conditional Use Permit per Section per Section 3.120 to operate a STR-Condominium in a R3 Multi-Family Residential Zoned area

PRESENTATION:

SUMMARY:

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.

BACKGROUND:

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 (approved prior to Ordinance 2022-13). 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. If the Homeowners Association or Condominium Association wants to allow new STR-Condominium permits, a plan for which remaining units are eligible should be presented.

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 Carriage Park Condominium development that consists of narrow streets and contains a total of 36 units. Unit #23's block does not have neighboring STR uses, rather, it is surrounded by residences or vacant units. (See corresponding use map.) Allowing a new STR 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. Two public hearing notice comment cards were submitted in opposition to the request.

Staff has identified that this property is currently renting as a STR without a permit which, is a violation of [Sec. 5.401.12.iii](#). This section of code states: any property operating as a Short-Term Rental, without a permit, shall be prohibited from receiving a Short-Term Rental permit for a minimum of one year. <https://www.airbnb.com/rooms/729076159073438130>

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

The subject tract is not located within a block with STR-uses. Allowing a new STR would result in an incompatibility with existing or permitted uses on abutting sites (item 11 of [Sec. 5.460](#).) This information coupled with the multiple complaints received for traffic and parking issues, as well as the property's status as an illegal operator, staff recommends denial. [Sec. 7.131](#) [Sec. 5.460](#). Planning & Zoning voted unanimously 7-0 to deny the request at the February 8, 2023, meeting.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Community Visioning

ATTACHMENTS:

1. Z-2229 Public Hearing Map
2. Z-2229 Use Map
3. Z-2229 Project Application
4. Site Plan - 510 Mueller St Unit 23 New
5. Planning & Zoning Handouts Mueller
6. Unit 23 Home layout
7. CUP Narrative
8. 510 Mueller st unit 23 parking plan dimensions
9. Z-2229 Review Comments
10. Complaint 1
11. Complaint 2
12. Complaint 3
13. Airbnb Listing Info
14. Sec. 5.401. ___ Additional requirements for short term rental uses.
15. Sec. 5.460. ___ Review and Evaluation Criteria.

APPROVAL/REVIEW:



Date: February 14, 2023

Anna Hudson, Interim Director of Development Services



Date: February 15, 2023

Garret Bonn, Assistant City Manager

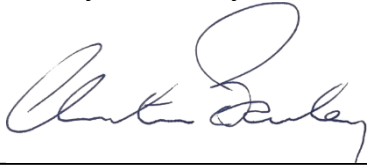
Date: February 15, 2023

William McKamie, Interim City Attorney



Date: February 15, 2023

Shelley Goodwin, City Secretary



Date: February 15, 2023

Clinton Bailey, City Manager

Z-2229

LEGEND

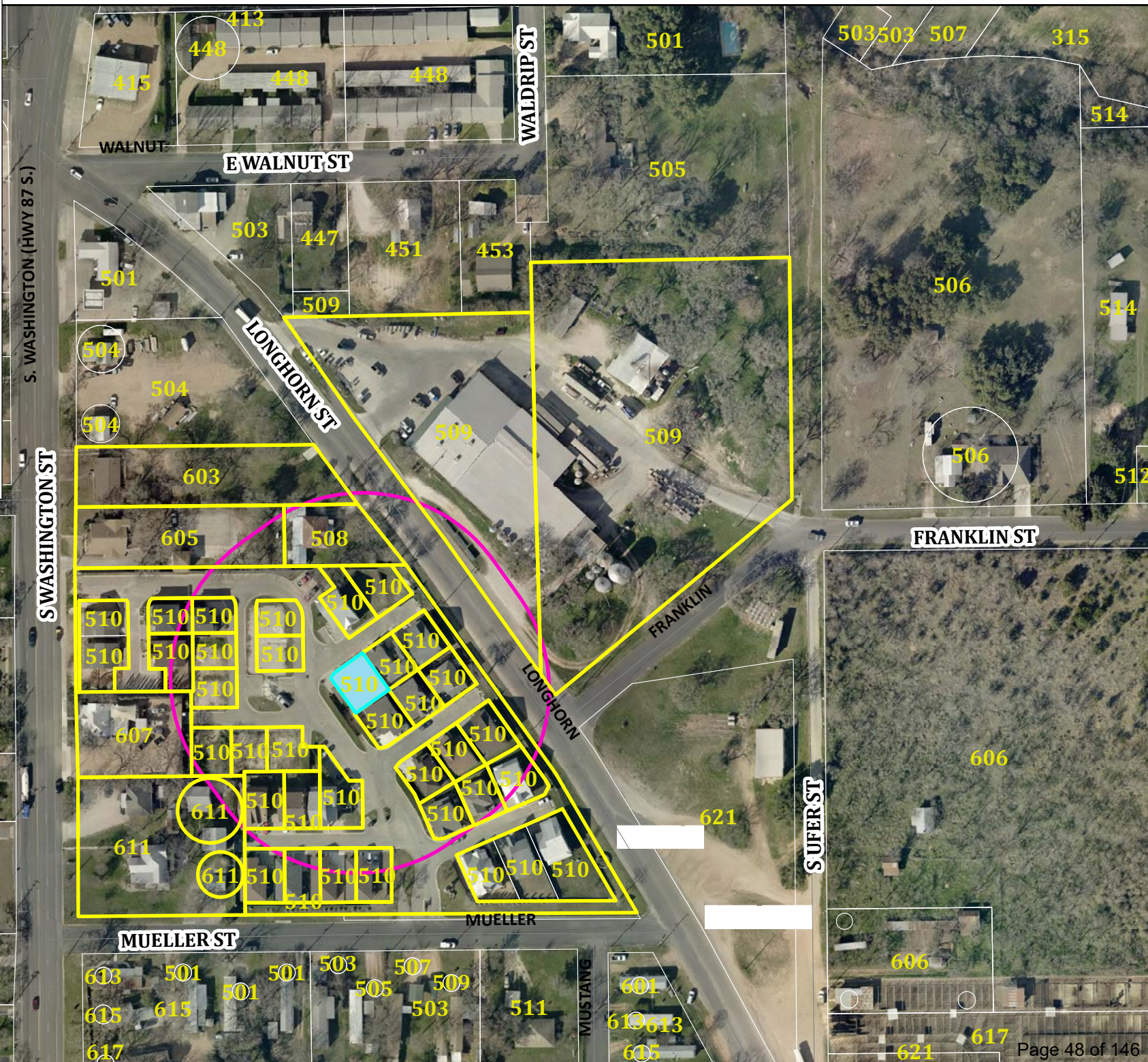
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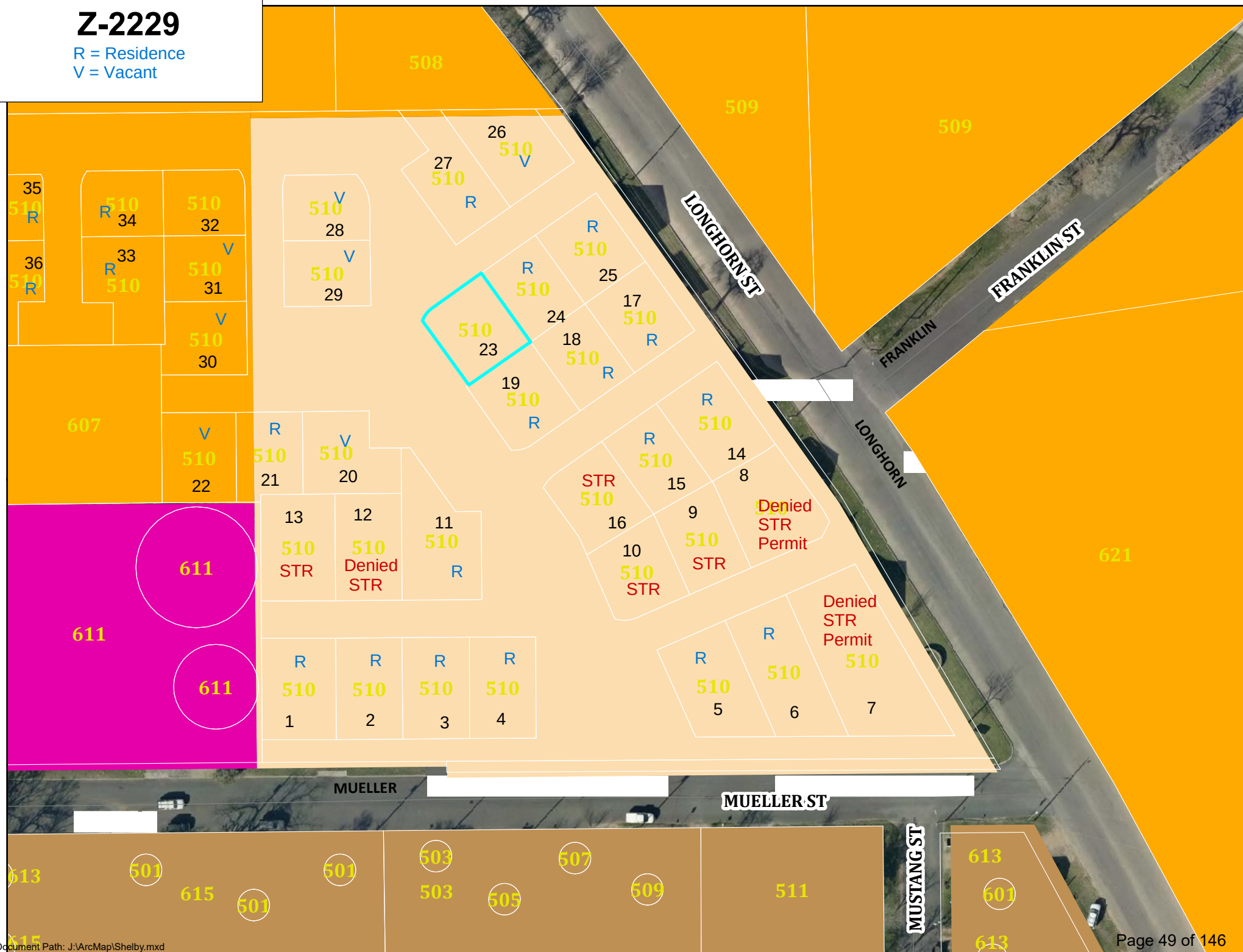
 Affected
Property

 Subject
Property



Z-2229

R = Residence
V = Vacant





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: Scott Horton STR Application

Project Address: 510 Mueller Street Unit 23, Fredericksburg, TX 78624

Tax ID Number (s): 106114

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: .05 No. of Lots: 1

Original Survey & Abstract No: S0336-0000-002300

Legal Description: CARRIAGE PARK LOT 23, & 2.78% INT IN COMMON AREA

Current Land Use Plan: Single Family Residential Proposed Land Use Plan: Single Family Residential

Current Zoning: R3 – Multifamily Residential Proposed Zoning: R3

Location: 510 Mueller Street Unit 23, Fredericksburg, TX 78624

Proposed Use(s): Single Family Residential with STR

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: Scott Horton

Digitally signed by Scott Horton
DN: C=US, E=scotthorton12@hotmail.com, CN=Scott Horton
Date: 2022.10.31 10:46:17-05'00'

Printed Name: Scott Horton

Date: 10/31/2022

Staff Use Only

Application No.: _____ Date: _____

*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): Scott Horton

Owner Name: Scott Horton

Address: 510 Mueller Street, Unit 23, Fredericksburg, TX 78624

Phone: 469-504-6245

Fax:

Email: scotthorton12@hotmail.com

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

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

Firm Name (if applicable): Scott Horton

Address: 510 Mueller Street Unit 23, Fredericksburg, TX 78624

Primary Contact Name: Scott Horton

Phone: 469-504-6245

Fax:

Email: scotthorton12@hotmail.com

Secondary Contact Name: Courtney Nijak

Phone: 574-229-2865

Fax:

Email: cnnijak@gmail.com

III. Applicant

Firm Name (if applicable): Scott Horton

Applicant Name (s): Scott Horton

Address: 510 Mueller Street Unit 23, Fredericksburg, TX 78624

Phone: 469-504-6245

Fax:

Email: scotthorton12@hotmail.cc

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

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

Firm Name (if applicable): Scott Horton

Address: 510 Mueller Street Unit 23, Fredericksburg, TX 78624

Primary Contact Name: Scott Horton

Phone: Fax:

Email: scotthorton12@hotmail.com



Project Application

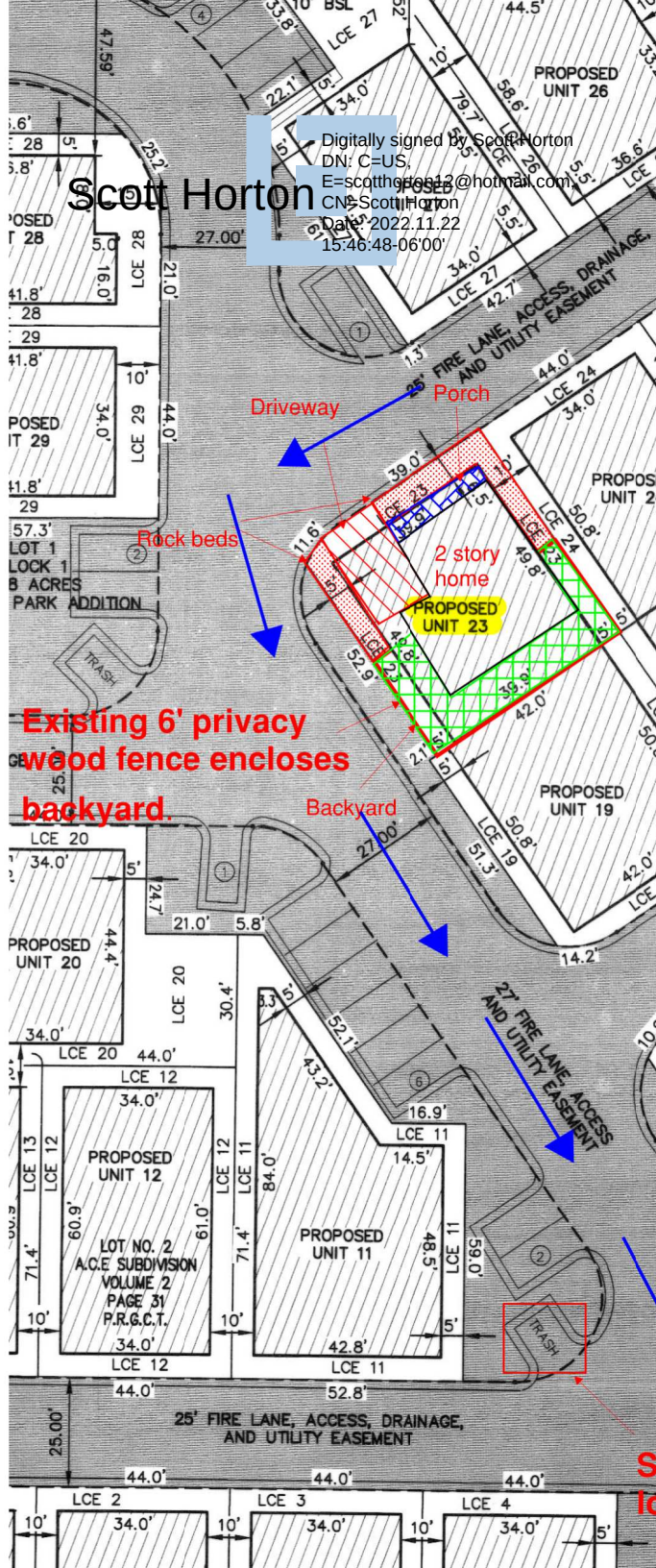
City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

C. Fee Schedule (Please attach appropriate fee to application.)

- ☒ Conditional Use Permit Application - \$400
- ☐ Site Plan Application Admin - \$300
- ☐ Site Plan Application P&Z - \$400
- ☐ Application for Zoning Change - \$400
- ☐ Application for Land Use Change - \$300
- ☐ Minor Plat - \$300
- ☐ Amending Plat - \$300
- ☐ Replat - \$300 plus \$20 per lot
- ☐ Preliminary Plat - \$400 plus \$20 per lot
- ☐ Final Plat - \$500 plus \$10 per lot

D. Recording Fee Schedule

For plats, a recording fee will be collected when mylars are presented. The check should be made payable to Gillespie County Clerk and the recording fees are \$121.00 for a single lot plat. Each additional lot will increase the recording fee by \$10.00.



**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.

Z-2229

LEGEND

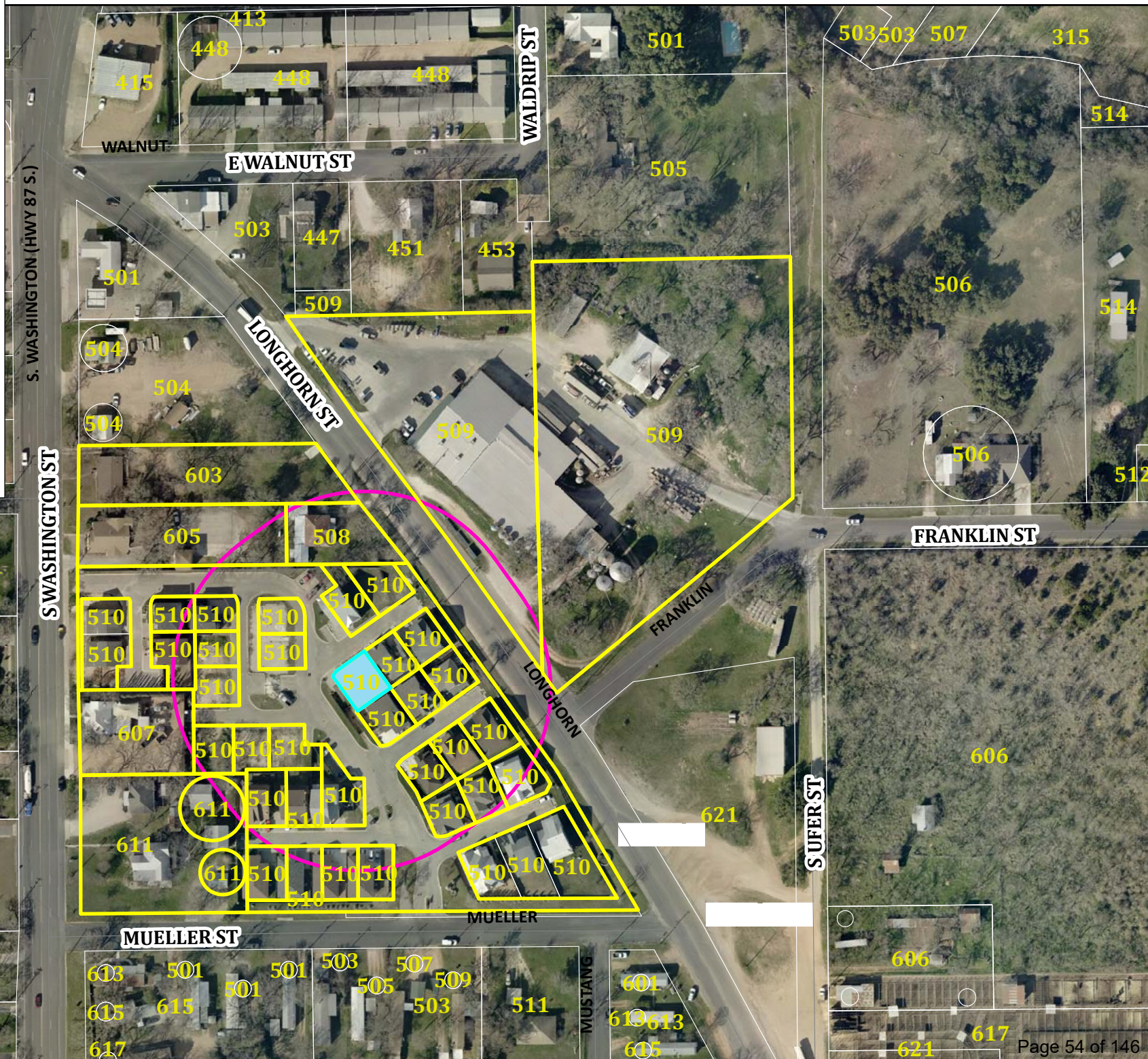
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Area

 Affected
Property

 Subject
Property



LOCHTE STORAGE & COMMISSION CO
P.O. BOX 548
FREDERICKSBURG, TX 78624

MARK & ANN WITCHER
603 S. WASHINGTON
FREDERICKSBURG, TX 78624

KERRY KORDZIK
605 S. WASHINGTON
FREDERICKSBURG, TX 78624

ROBBIE STEITLE
508 LONGHORN ST
FREDERICKSBURG, TX 78624

CARRIAGE PARK HOMES, LLC
N29700 FM 306
SPRING BRANCH, TX 78070

TOM & JAN MILLER
19459 RANCH RD 479
HARPER, TX 78631

PATRICIA SANCHEZ
9323 TIFTON DR
SAN ANTONIO, TX 78240

THERESA GUETTLER
203 N NUECES DR
PORTLAND, TX 78734

JOSEPH RODRIGUEZ & SCOTT WILLE
1516 POPPY SEED LN
AUSTIN, TX 78741

PROPERTY OWNER
510 MUELLER ST #36
FREDERICKSBURG, TX 78624

MARION & TANIA ROBERTS
11201 SOLITRY FAWN TR
AUSTIN, TX 78735

KATHRYN HARRISON
8 W LEDGE STONE DR
FREDERICKSBURG, TX 78624

MICHELLE PATTERSON
510 MUELLER ST #21
FREDERICKSBURG, TX 78624

HALO 2019 LLC
8 W LEDGE STONE DR
FREDERICKSBURG, TX 78624

JOHN & MARIN ABANTE
1842 UPLAND LAKES DR
HOUSTON, TX 77043

DAVID REYNOLDS
510 MUELLER #12
FREDERICKSBURG, TX 78624

BETSY BRIGGS
300 WHISPER CREEK TRL
FREDERICKSBURG, TX 78624

JUDY SIRACUSA
521 RIVER ROCK RANCH RD
FREDERICKSBURG, TX 78624

THERESA HEEP
510 MUELLER #2
FREDERICKSBURG, TX 78624

JOSEPHINE GUTIERREZ
510 MUELLER ST #3
FREDERICKSBURG, TX 78624

MICHAEL PLAVIDAL
510 MUELLER ST #4
FREDERICKSBURG, TX 78624

BACKER FAMILY LIVING TRUST
32121 GIANT OAK
BULVERDE, TX 78163

COLE & ELIZABETH BENSON
5207 FOUNTAINBRIDGE LN
HOUSTON, TX 77069

ROBERT & ANNE HULZING
832 WATERFALL WAY
AUSTIN, TX 78753

ASHLEY & ALEX THIELMAN
7220 CARDINAL BLOOM LP
AUSTIN, TX 78744

LORA ALLIANCE LLC
520 S ADAMS ST
FREDERICKSBURG, TX 78624

JESSE & ROBIN MAY
510 MUELLER #18
FREDERICKSBURG, TX 78624

MICHAEL SCHMIDT
510 MUELLER # 17
FREDERICKSBURG, TX 78624

KIMBERLY ERWIN
510 MUELLER # 25
FREDERICKSBURG, TX 78624

DANIEL & AMBER HINCH
809 RIVER BIRCH CT
EULESS, TX 76039

(detach and return this section to City of Fredericksburg, Att: DSD)

REQUEST NO. Z-2229

As an interested property owner, I (Protest) (Approve) the requested zoning amendment represented by the above file number because:

we have too many STRs in our condo
community as it is - STRs should not be allowed in our condo
community

Theresa Heep
Signed

~~2-27~~ 2-3-23
Date

Theresa Heep
Printed Name

510 Mueller St.
Address Unit 2

REQUEST NO. Z-2229

As an interested property owner, I (Protest) (Approve) the requested zoning amendment represented by the above file number because: ORIGINAL BY-LAWS OF HOA STATED CONDOS

* WOULD BE USED FOR LONG TERM RENTAL OR ~~HOA~~ RESIDENCE ONLY

Signed

Date

Printed Name

Address

* HAS THIS CHANGED FOR CARRIAGE PARK? I.E. HAVE THE BY-LAWS BEEN AMENDED REFLECTING THIS CHANGE TO ALLOW STRS ON 510 MILLER -

From: [\[redacted\]](#)
Subject: [\[redacted\]](#)
Date: Wednesday, February 8, 2023 2:03 PM

Shirley,

I would like to request these photos be added to my packet of documents for people's viewing so that I would be able to show them during the meeting. These show that there is ample space for 3 vehicles to park at my home, there are several areas in the neighborhood for overhanging parking, and that there are plenty of other people's homes in the neighborhood that have similar parking spaces. I have also taken my active living for my home off of AARON as requested.

I will be ready to present this and all other information tonight. Thank you!













Legend

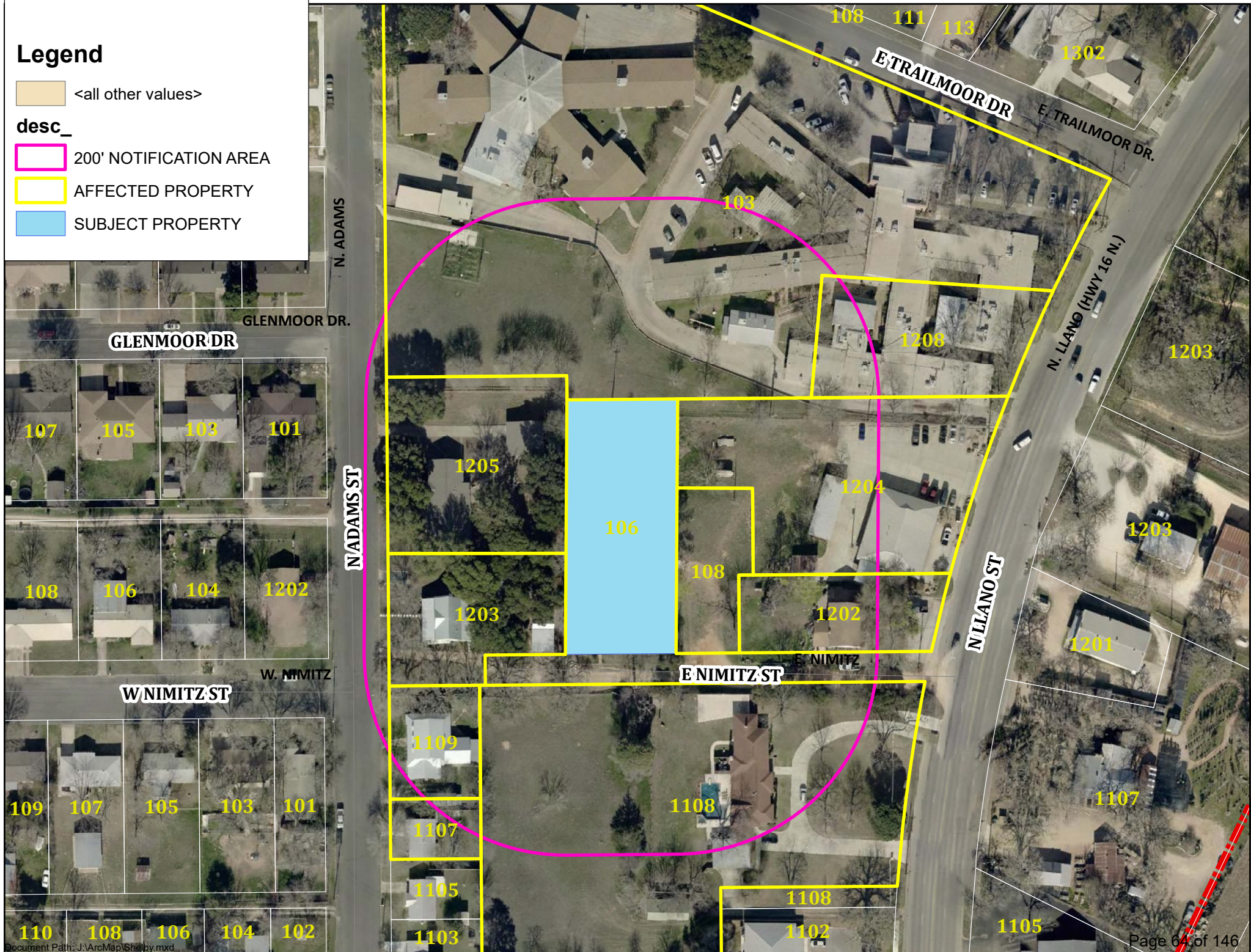
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200' NOTIFICATION AREA

AFFECTED PROPERTY

SUBJECT PROPERTY



KNOPP NURSING HOME #1
1208 N. LLANO
FREDERICKSBURG, TX 78624

KNOPP NURSING HOME
1208 N. LLANO
FREDERICKSBURG, TX 78624

ARMANDO & LUCY CANTU
1202 N. LLANO
FREDERICKSBURG, TX 78624

ANTHONY & KELLY DICUFFA
1108 N. LLANO
FREDERICKSBURG, TX 78624

DONALD B JR & MARLA KAY LANDERS
1107 N. ADAMS
FREDERICKSBURG, TX 78624

ALMA AWALT
1109 N. ADAMS
FREDERICKSBURG, TX 78624

CHRISTOPHER HOWLE
1203 N. ADAMS
FREDERICKSBURG, TX 78624

LAUREN SCHVERAK
1205 N. ADAMS
FREDERICKSBURG, TX 78624

Z-2232

Legend

Z-2235

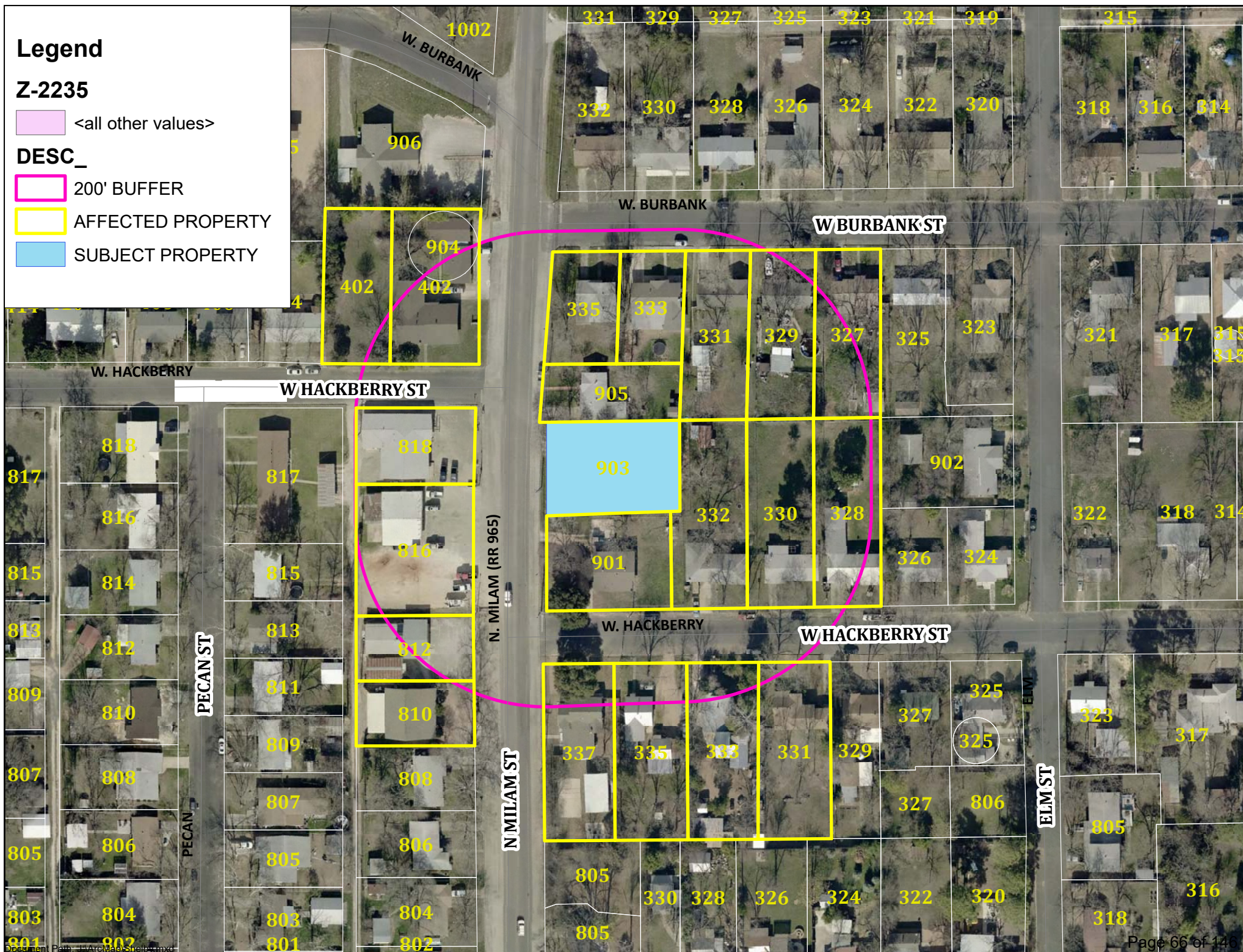
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DESC_

 200' BUFFER

AFFECTED PROPERTY

 SUBJECT PROPERTY



CAROL FELLER
402 W HACKBERRY
FREDERICKSBURG, TX 78624

VAUGHN USENER
818 N MILAM ST
FREDERICKSBURG, TX 78624

ROGER ZENNER
816 N MILAM
FREDERICKSBURG, TX 78624

IVI ACRES LLC
812 N MILAM
FREDERICKSBURG, TX 78624

LESTER & ROXANNE FRANTZEN
810 N MILAM
FREDERICKSBURG, TX 78624

ISCA PROPERTIES LLC
337 W HACKBERRY
FREDERICKSBURG, TX 78624

KURT DITGES
335 W HACKBERRY
FREDERICKSBURG, TX 78624

ANGEL & ELOISA RIVAS
333 W HACKBERRY
FREDERICKSBURG, TX 78624

REBECCA SHUMAN
331 W HACKBERRY
FREDERICKSBURG, TX 78624

TERESA DE JESUS CONTRERAS
328 W HACKBERRY
FREDERICKSBURG, TX 78624

KEENAN FRANZ
330 W HACKBERRY
FREDERICKSBURG, TX 78624

JAMES & WILLIAM OTTE
332 W HACKBERRY
FREDERICKSBURG, TX 78624

BRADLEY GARRETT BERTRAND
901 N MILAM
FREDERICKSBURG, TX 78624

TREVOR DUPUIS & LAURA SAGREDO
905 N MILAM
FREDERICKSBURG, TX 78624

JUSTIN ARDOYNO
335 W BURBANK
FREDERICKSBURG, TX 78624

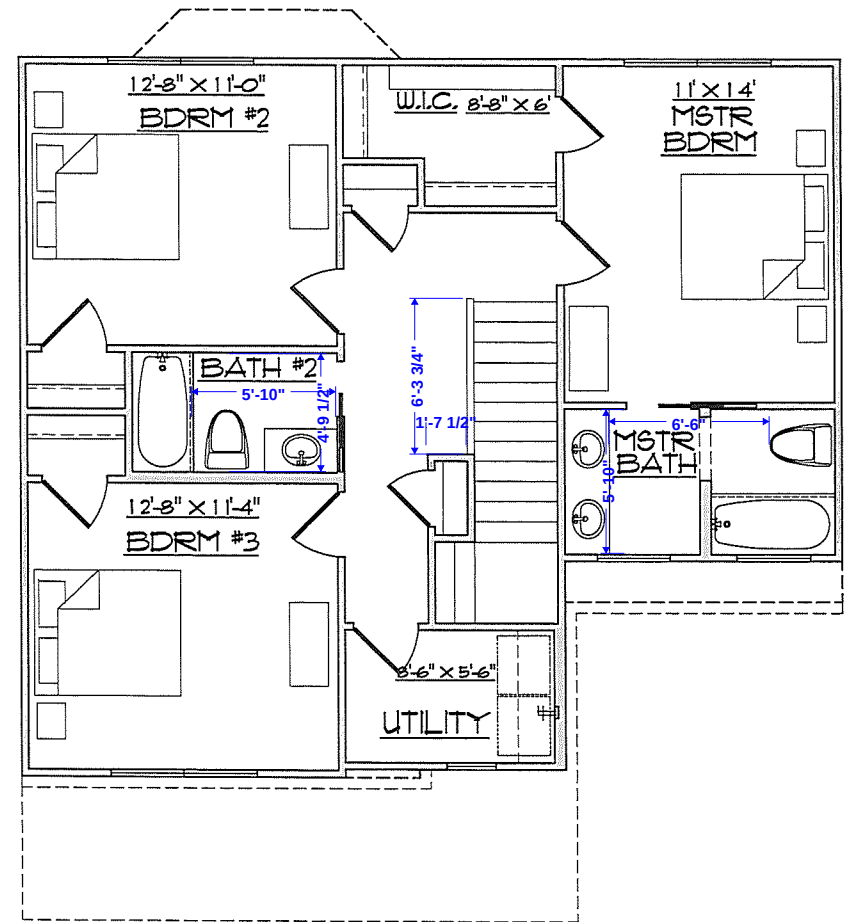
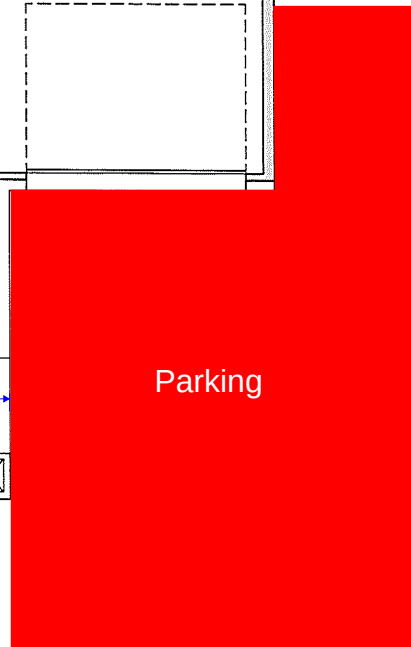
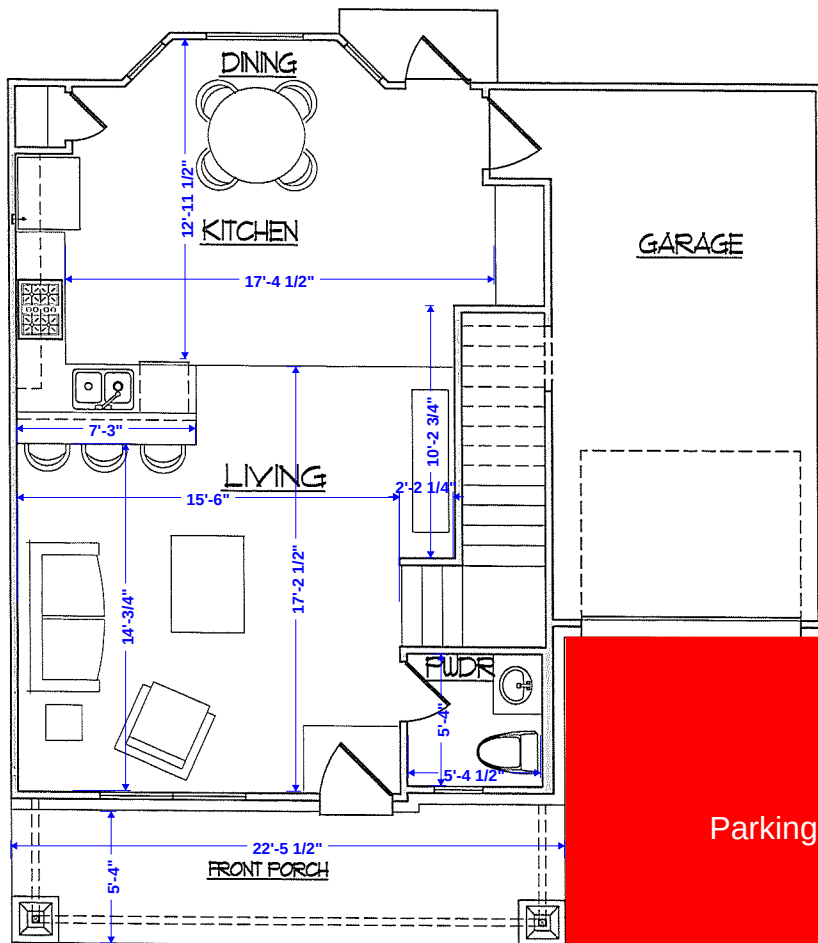
HEATHER & RICAHRD DELANEY
333 W BURBANK
FREDERICKSBURG, TX 78624

ROBERT STRANGE
331 W BURBANK
FREDERICKSBURG, TX 78624

MICHAEL & SANDRA WUEST
329 W BURBANK
FREDERICKSBURG, TX 78624

MARGE MELTON
327 W BURBANK
FREDERICKSBURG, TX 78624

Z-2235



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.

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

Scott Horton

Digitally signed by Scott Horton
DN: C=US,
E=scotthorton12@hotmail.com,
CN=Scott Horton
Date: 2022.11.02 13:35:55-05'00'

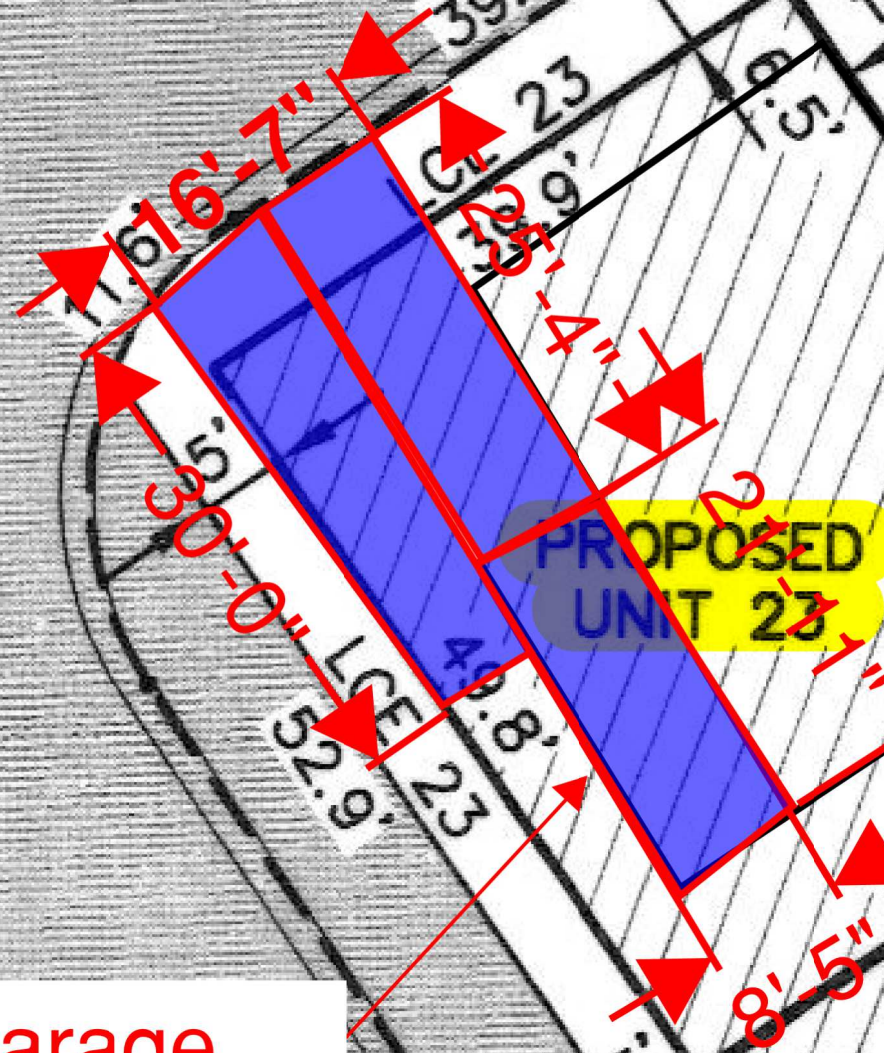
- All applicable regulations and standards established by the zoning regulations have been met with the construction of this home.
- Home is compatible with existing uses for abutting sites. This is a residential area and homes are used both by owners and renters throughout the neighborhood. Home is 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.

Parking Plan

3 spaces required, 3 are provided.

Dimensions as shown.

Garage





January 9, 2023

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 Plat.

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

- The Conditional Use Permit requires Planning and Zoning Approval, scheduled for February 8, 2023.
- Please update the Zoning Summary to include Density Calculations. [Sec. 3.110](#)
- Please update the Zoning Summary to include Parking Calculations (Condominium Residential) and dimension all parking spaces to show compliance with [Sec. 7.863](#)
- 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.
- Add landscaping and screening requirements per [Sec. 7.920](#) and [Sec. 7.940](#) or provide a Landscape Plan
- Provide a note regarding all exterior lighting shall by night sky compliant.
- Provide photos of all elevations, North, South, East and West.
- Provide drainage flow arrows to ensure historical drainage patterns are maintained and adjacent and downstream properties are not adversely impacted.

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 Monday, January 23rd to ensure consideration by Planning & Zoning Commission on Wednesday, February 8th.

**Shelby
Collier**

Digitally signed by Shelby
Collier
DN: cn=Shelby Collier, o=City of
Fredericksburg, ou,
email=scollier@fbgtx.org, c=US
Date: 2023.01.09 16:02:10
-06'00'

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

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>; Sierra Valdez
<sierra@hillcountryhomeowners.com>; 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](#)

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.



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.

Newly Renovated 3 Bedroom 2.5 Bath! Close to DTown

★ 5.0 · [3 reviews](#) · [Fredericksburg, Texas, United States](#)

[Share](#) [Save](#)



Entire vacation home hosted by Courtney

6 guests · 3 bedrooms · 3 beds · 2.5 baths



Dedicated workspace

A common area with wifi that's well-suited for working.

\$200 night

★ 5.0 · [3 reviews](#)

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	

[Check availability](#)



Hosted by Courtney

Joined in April 2017

★ 3 Reviews

✓ Identity verified

Co-hosts



Scott

Response rate: 100%

Response time: within an hour

[Contact Host](#)



To protect your payment, never transfer money or communicate outside of the Airbnb website or app.

Sec. 5.401. Additional requirements for short-term rental uses.

General Requirements. All short-term rental uses shall be subject to the following requirements, in addition to those set forth otherwise in the City of Fredericksburg Code of Ordinances:

1. Food Service:
 - a. Only overnight guests may be served meals except in zones permitting restaurant use.
 - b. Such meals shall be limited to continental-type breakfast consisting of pastries prepared by a licensed provider, milk, cereal, fruit, fruit juice and coffee unless the facility meets the State of Texas and Gillespie County Health Division requirements for commercial food service.
2. Signs:
 - a. All signs must comply with the City of Fredericksburg Sign Ordinance, as applicable, set forth in Chapter 29 of the Code of Ordinances. Short-term rental uses may erect a nameplate sign, which shall be considered a sign exempted from certain regulations under Section 29-5(3) of the Code of Ordinances, provided that such sign is not more than two square feet in area and is attached to the structure.
3. Americans with Disabilities Act (ADA) and the 2012 Texas Accessibility Standards (TAS):
 - a. All short-term rental facilities must comply with all applicable Federal, State, and City of Fredericksburg building codes for existing or new construction, including ADA and TAS standards when required.
4. Short-term rental uses shall comply with the regulations for Fire Protection set forth in the appropriate NFPA 101 Life Safety Code and the International Construction Codes, the latest versions adopted by the City at the time of construction or conversion to short-term rental use using the "Lodging and Rooming Houses" regulations.
 - a. Exceptions:
 - i. Short-term Rental-Unoccupied, Short-term Rental-Accessory, and Short-term Rental-B&B shall not be required to install automatic fire suppression sprinkler systems.
5. External lighting:
 - a. All external lighting shall comply with the City's Outdoor Lighting ordinance set forth in Article XV of Chapter 5 (Buildings and Building Regulations) of the City Code of Ordinances.
6. Occupancy: Maximum occupancy for a short-term rental shall be limited to two Occupants per bedroom, plus two additional Occupants, but in no case shall maximum occupancy exceed a combined total of 12 Occupants. Maximum occupancy under this subsection is only applicable to the number of persons 18 years of age or older that are renting the temporary transient lodging for a specified period of occupancy, and excludes any other persons visiting the Occupants at the location of the temporary transient lodging.
 - i. Additional guest beds may be placed in bedrooms that sleep two occupants, provided that the bedroom has at least 50 square feet of bedroom area for each occupant, and the maximum occupancy limit is not exceeded.
 - ii. Commercially zoned properties in the Historic Overlay District shall be developed in accordance with the base zoning district and all other City regulations and ordinances.
7. Utilities.

-
- a. Short-term, Accessory and Short-term Rental, B&B uses shall be served by a single water and electrical meter.
 - b. Short-term Rental, Condominium and Short-term Rental, Facilities shall be served by a master meter, and may be sub-metered by the property owner.
 8. Trash and Solid Waste.
 - a. Each STR shall provide a minimum of one 96-gallon bulk garbage container capacity, or equivalent, for every six Occupants, based on the maximum permitted occupancy for the STR.
 - i. This subsection shall apply to all new and existing STRs.
 - ii. This requirement does not apply to those properties that utilize commercial trash pickup or dumpsters.
 9. Quiet Hours.
 - a. Each STR use shall have one or more signs posted in prominent locations in the rear yard, near pools, hot tubs, and fire pits, and near other common gathering areas, providing the occupants and guests with notice of the Nighttime Hours, as set forth in Section 20-207 of the City's Noise and Sound Level Regulation ordinance. All signs posted under this subsection must comply with the City of Fredericksburg Sign Ordinance, as applicable, set forth in Chapter 29 of the Code of Ordinances.
 10. Permitting: It shall be unlawful for any person or entity to rent, or offer to rent, any Short-term Rental without a valid Short-term Rental Permit issued under this Section 5.401.
 - a. A separate Short-term Rental Permit application and application fee must be submitted for each individual Short-term Rental dwelling unit.
 - i. An applicant shall apply for a Short-term Rental Permit using a format and method promulgated by the City Manager or his/her designee.
 - ii. An applicant for a Short-Term Rental Permit shall pay to the City the permit fees as set forth in Sec. 5.450 of Appendix A - Fee Schedule, of this Code of Ordinances.
 - b. Each individual Short-term Rental dwelling unit shall be assigned a unique permit number upon permit issuance by the City. This permit number will remain the same and will remain with the dwelling unit.
 - i. Upon issuance of the Short-term Rental Permit, the Owner will be issued a unique identification number and sticker for the City's Business Emergency Contact (BECA) program. The BECA sticker shall be placed in a visible location, no greater than three feet from the front entrance of the structure, to assist in notifying any City officials or law enforcement of the Owner and Local Contact Person information.
 - c. Prior to issuance of a Short-Term Rental Permit, the Operator shall allow an on-site inspection of the Short-Term Rental Unit by City staff, to ensure compliance with City's ordinances and regulations.
 - i. Inspections shall also be required when an STR permit is transferred to another owner, upon complaints regarding violations of the City's zoning code, or when additions or modifications are performed to the property which requires a City building permit and that enlarge or change the existing layout of the structure.
 - ii. This subsection 5.401(10)(c) shall apply to all new and existing STRs.

-
- d. A new owner of an STR shall notify the City in writing, within ten business days after the change in ownership, notifying of any changes in ownership, contact information, management company information, and local contact person. A new owner of an STR shall submit a transfer of permit application to the City within ten business days after the change in ownership.
 - i. The Owner shall notify the City within ten business days, in writing, of any changes to information submitted as part of a Short-Term Rental Permit application under this Section 5.401.
 - ii. This subsection 5.401(10)(d) shall apply to all new and existing STRs.
 - e. Generally, STR permits may be transferred to new owners, provided that, upon inspection, the property remains in compliance with all City regulations. Changes or modifications to the property that result in non-compliance with all City regulations shall void the existing permit.
 - f. An application for Short-Term Rental Permit may be denied if the Owner has had a Short-Term Rental Permit suspended or revoked during the previous 365 calendar days.
 - g. Subdivision Deed Restrictions and Covenants.
 - i. This Section 5.401 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Section 5.401 and another ordinance, easement, covenant, or deed restriction are in conflict, whichever imposes the more stringent restrictions shall prevail.
11. General Operational Requirements.
- a. The Operator shall post the following information in a prominent location within the Short-Term Rental Unit, using a form promulgated by the City:
 - i. The unique Short-Term Rental Permit number assigned to the Short-Term Rental Unit;
 - ii. Operator name and number;
 - iii. Local Contact Person name and number;
 - iv. The location of any on-site and off-site parking spaces available for Occupants;
 - 1. The Owner must limit the Occupants' vehicles to the number of off-street parking spaces provided.
 - 2. The number of on-site and off-site parking spaces available for Occupants shall be included in any advertisement of the short-term rental unit. This Subsection 5.401(11)(a)(iv)(2) shall apply to all new and existing STRs.
 - v. The maximum occupancy as prescribed under Subsection 5.401(6);
 - vi. Instructions to Guests concerning disposal of garbage and handling of garbage containers;
 - vii. Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental, and that Guests may be fined by the City for violations of this Section 5.401.
 - b. The Operator shall post the following "House Rules" in a prominent location within the Short-Term Rental Unit, and shall include the following "House Rules" in an advertisement or contract for occupancy of the Short-Term Rental (this Subsection 5.401(11)(b) shall apply to all new and existing STRs):
 - i. Observe the City of Fredericksburg Quiet Hours (10:00 p.m. to 7:00 a.m. in residential zones).

-
- ii. The City of Fredericksburg is a Dark Sky Community with outdoor lighting restrictions. All outdoor lighting is encouraged to be turned off when no one is present to use the light.
 - iii. Observe the designated on-site and off-site parking spaces.
 - iv. Place all trash in designated containers.
 - c. The Operator shall operate a Short-Term Rental in compliance with the following:
 - i. Zoning regulations prescribed for the zoning district in which such Short-Term Rental is located, set forth in Appendix B of the Code of Ordinances.
 - ii. City of Fredericksburg Sign Ordinance, as applicable, set forth in Chapter 29 of the Code of Ordinances and as allowed in Subsection 5.401(2)(a) above.
 - iii. Maximum occupancy limits prescribed in Subsection 5.401(6), or by the City Fire Marshal pursuant to the International Fire Code as adopted in Chapter 17 of this Code of Ordinances, whichever is lower.
 - iv. City of Fredericksburg Hotel Occupancy Tax Ordinance, set forth in Chapter 41 of this Code of Ordinances.
 - v. City of Fredericksburg Noise and Sound Level Regulation Ordinance, set forth in Chapter 20 of this Code of Ordinances.
 - vi. City of Fredericksburg Garbage Collection Ordinance, set forth in Chapter 32 of this Code of Ordinances and as prescribed in Subsection 5.401(8) above.
 - vii. During any period when a Short-Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short-Term Rental.
 - 1. The Local Contact Person shall respond within 30 minutes of being notified of concerns or requests for assistance regarding the condition, operation, or conduct of Guests of the Short-Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.
 - 2. Failure to respond in the required timeframe shall be a violation of this Ordinance.
 - d. Any advertisement that promotes the availability of a Short-Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Short-Term Rental Permit number assigned by the City and the number of available parking spaces provided for each rental unit.
12. Compliance and Penalty Provisions.
- a. It shall be unlawful for any person or entity to violate any provision of this Section 5.401. Proof that a violation of this Section 5.401 occurred at a Short-Term Rental shall create a rebuttable presumption that the Owner of said Short-Term Rental committed the violation.
 - i. Any violation of this Section 5.401 may be:
 - 1. Adjudicated under the civil administrative hearing process for violations of ordinances as set forth in Chapter 2, Article VII (Administrative Adjudication of Violations) of this Code of Ordinances, provided said violation is described in Texas Local Government Code Section 54.032; or

-
2. Prosecuted in the Municipal Court under the penalty provisions set forth in Section 6.301 of this Zoning Ordinance.
 - ii. Penalties provided for in this Subsection 5.401(12) are not exclusive and are in addition to any other available criminal or civil remedies that the City may pursue under federal, state, or local law.
 - iii. Any property operating as a Short-Term Rental, without a permit, shall be prohibited from receiving a Short-Term Rental permit for a minimum of one year.
 13. Permit suspension or revocation; appeal.
 - a. Upon conviction for a violation of this Section 5.401, the City Manager may suspend or revoke any Short-Term Rental Permit issued for the same Short-Term Rental where the violation occurred. Notwithstanding the foregoing sentence, the City Manager may not suspend or revoke any Short-Term Rental Permit for convictions related to the City Noise and Sound Level Regulation Ordinances (Article VI of Chapter 20), the City Sign ordinances (Chapter 29), the City Garbage Collection ordinances (Chapter 32), the City Outdoor Lighting ordinances (Article XV of Chapter 5), or the City Water Conservation ordinances (Article II of Chapter 47).
 - b. The City Manager shall notify an Owner of a suspension or revocation under this Subsection 5.401(13) in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short-Term Rental Permit application submitted to the City. A suspension or revocation under this Subsection 5.401(13) shall become effective on the 11th business day following the date said notice of a suspension or revocation was deposited in the U.S. Mail. An Owner may appeal a notice of suspension or revocation under this Subsection by filing a written appeal with the City Manager within ten business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of a written appeal hereunder, the Owner is entitled to a stay of the suspension or revocation, pending exhaustion of appeals under this Subsection. The Owner may present evidence to the City Manager related to the suspension or revocation under this Subsection. Following the City Manager's final decision on an appeal, the Owner may appeal an adverse decision of the City Manager to the City Council, by filing a written appeal with the City Secretary within five business days following the date of receipt of the City Manager's final decision on an appeal.

(Ord. No. 2022-13 , § 14(Exh. M), 3-21-2022)

Ord. No. 2022-13 , § 14, adopted March 21, 2022, repealed the former § 5.401, and enacted a new § 5.401 as set out herein. The former § 5.401 pertained to additional requirements for bed and breakfast uses and derived from Ord. No. 23-014, adopted Sep. 16, 2013.

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.



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services
TO: Mayor & City Council Members
FROM: Anna Hudson, Interim Director of
Development Services
MEETING DATE: February 21, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider the approval of a Conditional Use Permit requested by Sergio Mendez for property located at 903 N. Milam Street (Anna Hudson, Interim Director of Development Services).
i. Presentation
ii. Hold a Public Hearing to receive comments for or against the request
iii. Consider the approval of Z-2235 Conditional Use Permit per Section per Section 6.110 to allow for Expansion of a Legal Non-Conforming Use

PRESENTATION:

SUMMARY:

The Applicant is requesting a Conditional Use Permit per [Sec. 6.110](#) of the Zoning Ordinance to expand the use of STR-Nonconforming property located at 903 N. Milam Street. The applicant is requesting to enclose a 350 sq ft porch to create a sunroom on a property that is Zoned R1, Single Family Residential and currently has 1 STR-Nonconforming unit that consists of 3 bedrooms, 3 parking spaces onsite, and has an occupancy of 7.

BACKGROUND:

[Sec. 5.460 – Review and Evaluation Criteria](#) contains 13 items that must be considered when reviewing a Conditional Use Permit. Of these 13 items, Staff has found that the applicant has met or responded to all the requirements including adequacy and convenience of off-street parking, determination that the proposed use will not be detrimental to public safety or materially injurious to properties in the vicinity, and determination that the proposed use and site development will be compatible with existing uses in the vicinity.

The subject tract is bordered by residences on all sides and does not share a property line with a licensed STR. It is across the street from commercial uses including a convenience store (see attached Surrounding Use Map).

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

As presented, the proposed expansion of the STR-Nonconforming property in the form of an enclosed 350 sq ft sunroom meets the requirements necessary to obtain a conditional use permit

Sec. 5.460. Planning & Zoning recommended approval with a unanimous vote on February 8, 2023. Staff recommends approval conditioned upon no increase in occupancy.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Community Visioning

ATTACHMENTS:

1. Z-2235 Public Hearing Map
2. Surrounding Use Map
3. Z-2235 Photos
4. Z-2235 Revised Site Plan
5. Narrative-903 N Milam
6. Z-2235 Updated Review Comments
7. Sec. 5.460. - CUP Review and Evaluation Criteria.
8. Project Application

APPROVAL/REVIEW:



Garret Bonn, Assistant City Manager

Date: February 14, 2023

William McKamie, Interim City Attorney

Date: February 14, 2023



Shelley Goodwin, City Secretary

Date: February 14, 2023



Clinton Bailey, City Manager

Date: February 15, 2023

Legend

Z-2235

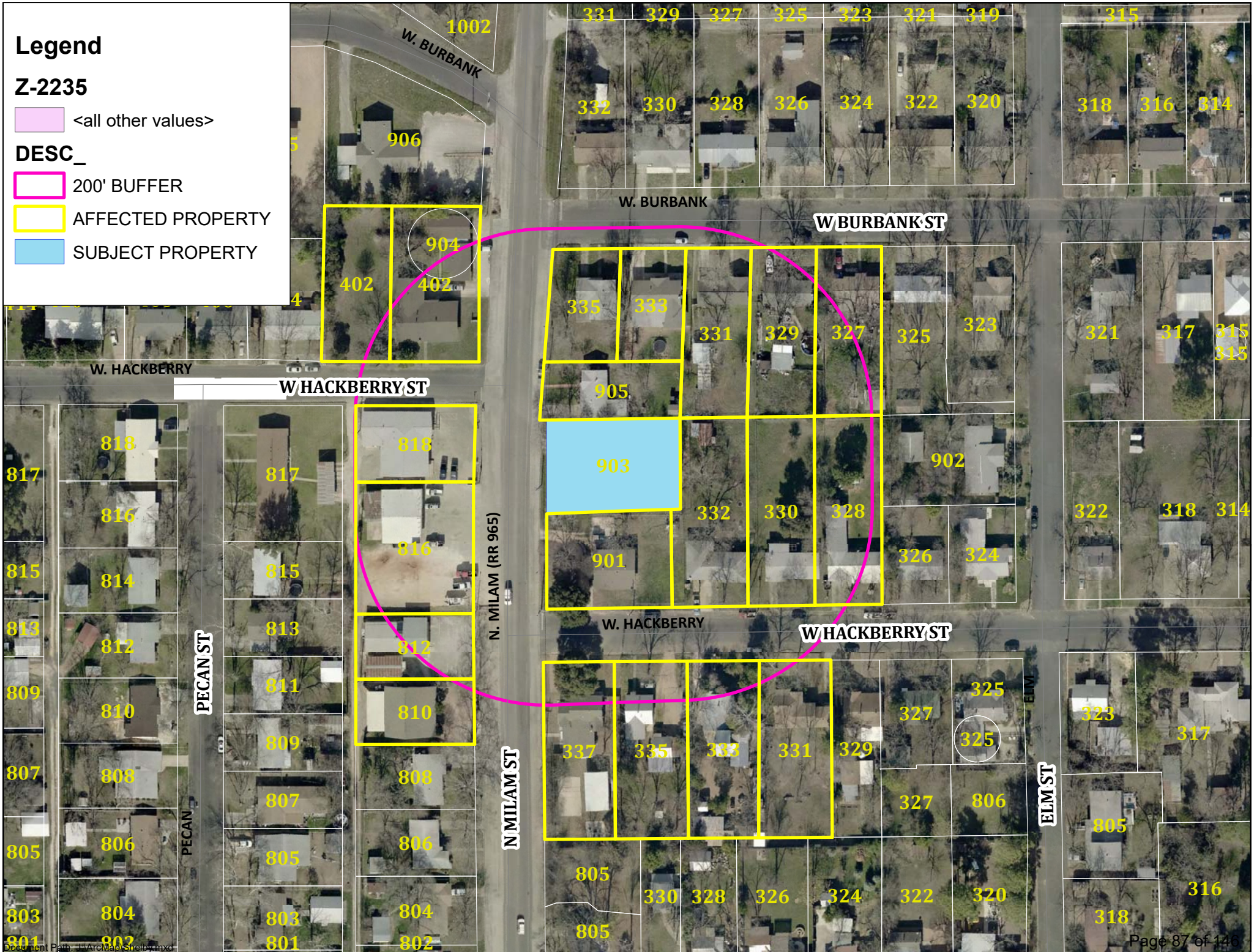
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DESC_

200' BUFFER

AFFECTED PROPERTY

SUBJECT PROPERTY

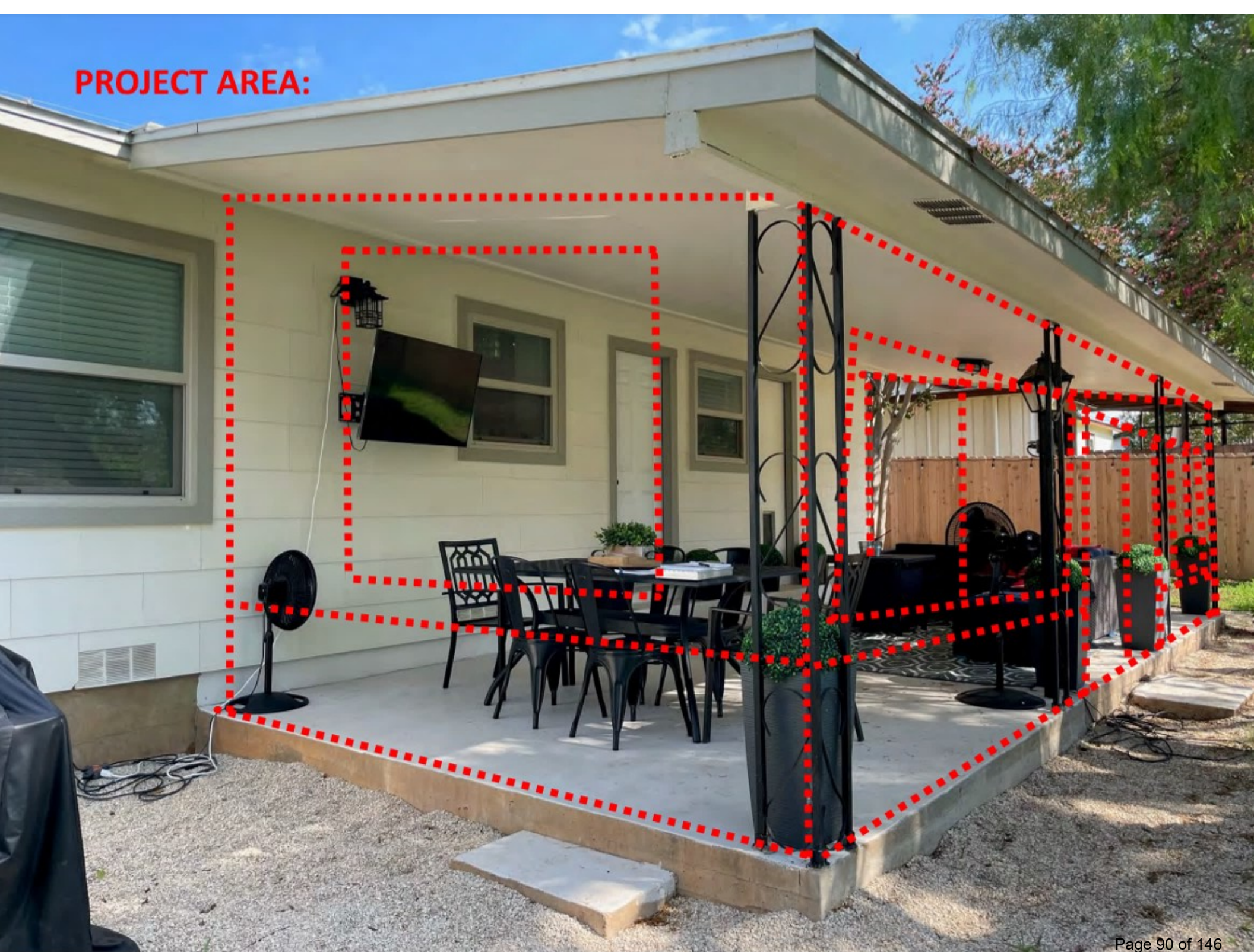




903 N. Milam Street



PROJECT AREA:





PROJECT AREA:

Similar Project:



SERVIEW
HOME PROS

Similar Project:



SERVIEW
HOME PROS

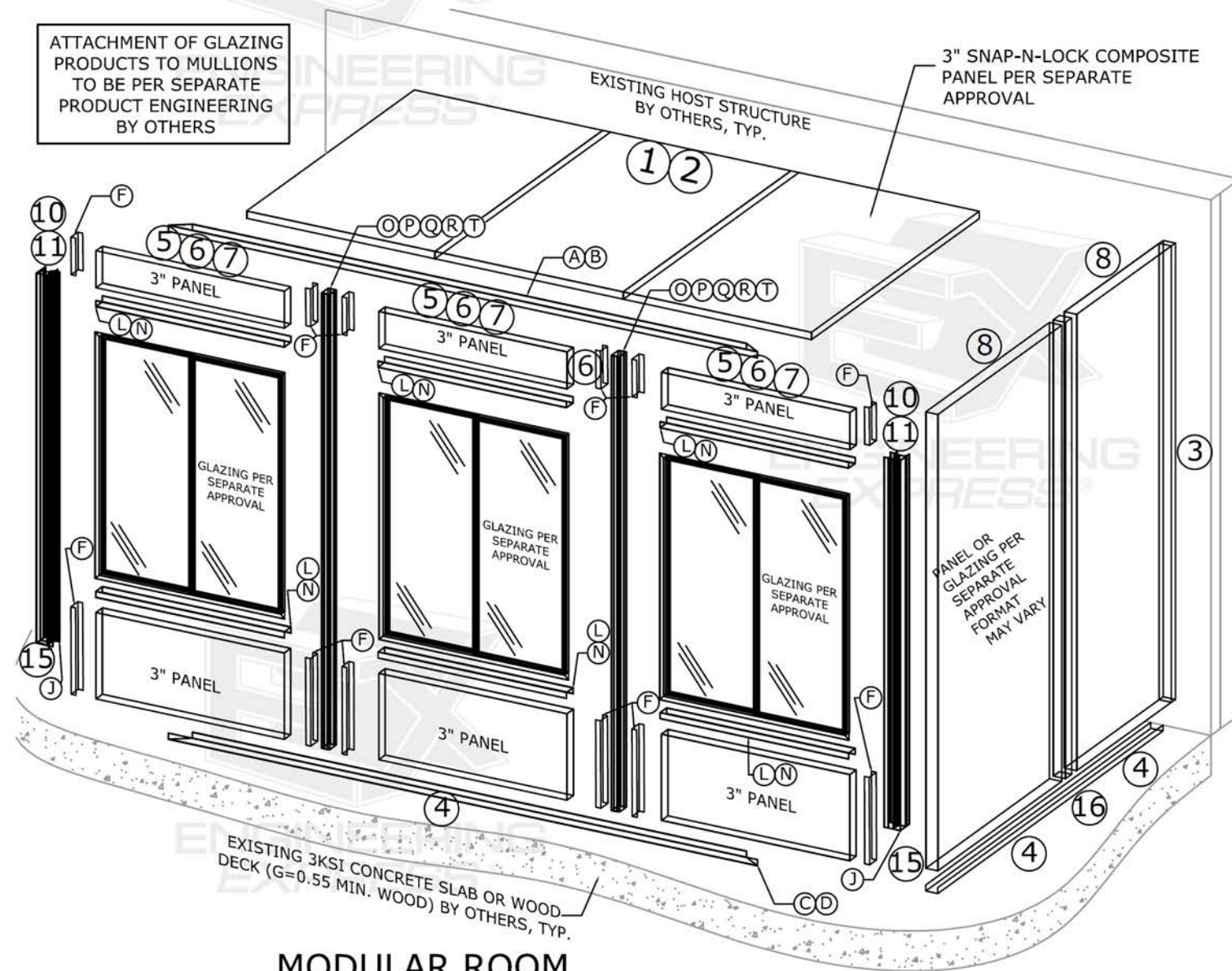


3" MODULAR ROOMS

GLASS WALL ROOM SYSTEM

MASTER PLAN SHEET

ATTACHMENT OF GLAZING PRODUCTS TO MULLIONS TO BE PER SEPARATE PRODUCT ENGINEERING BY OTHERS



MODULAR ROOM ISOMETRIC

1
2

N.T.S.

EXPLODED ISOMETRIC

VISIT [ECALC.IO/25244](https://ecalculator.com/25244)

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- THIS ENCLOSURE DOES NOT QUALIFY FOR LARGE MISSILE IMPACT RESISTANCE UNDER ANY CIRCUMSTANCE



Digitally signed by Frank Bennardo
Reason: Printed copies of this document are not considered signed and sealed; The signature must be verified on any electronic copies.
Date: 2022.06.07 17:23:36 -04'00'

VALID ONLY FOR ZIP CODE: 78154
VALID ONLY FOR: Serview Home Pros LLC

VALID FOR 1 PERMIT ONLY U.N.O.
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STRUCTALL BUILDING SYSTEMS, INC.
350 BURBANK RD
OLDSMAR FL
PH: (813) 855-2627
3IN MODULAR GLASS
GLASS ROOM MONOSLOPE ROOF
MASTER PLAN SHEET

REMARKS	DATE	DRWN	CHKD
2020 UPDATE	05/29/20	TT	FB
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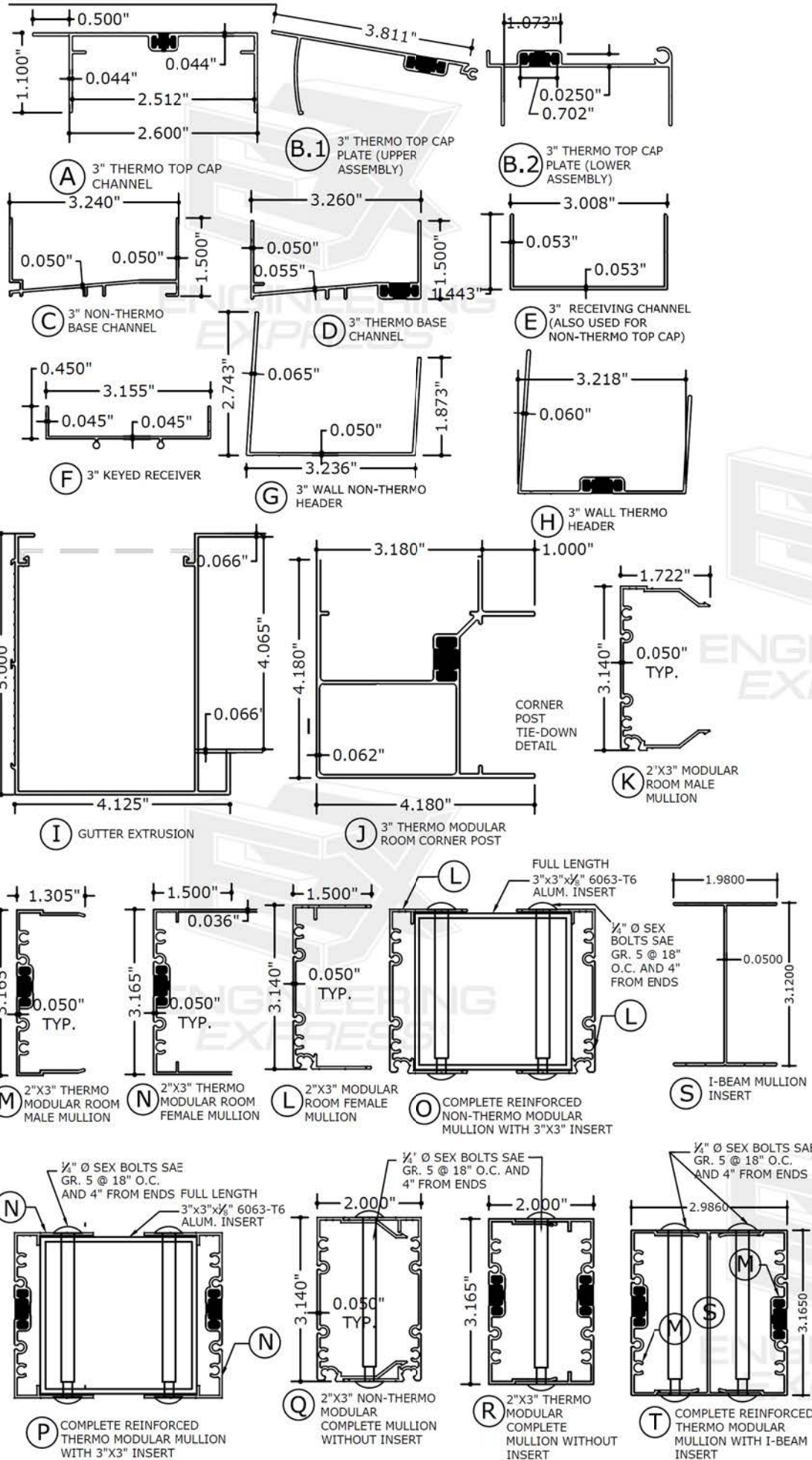
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SCALE: NTS

OF 6

1

EXTRUSIONS

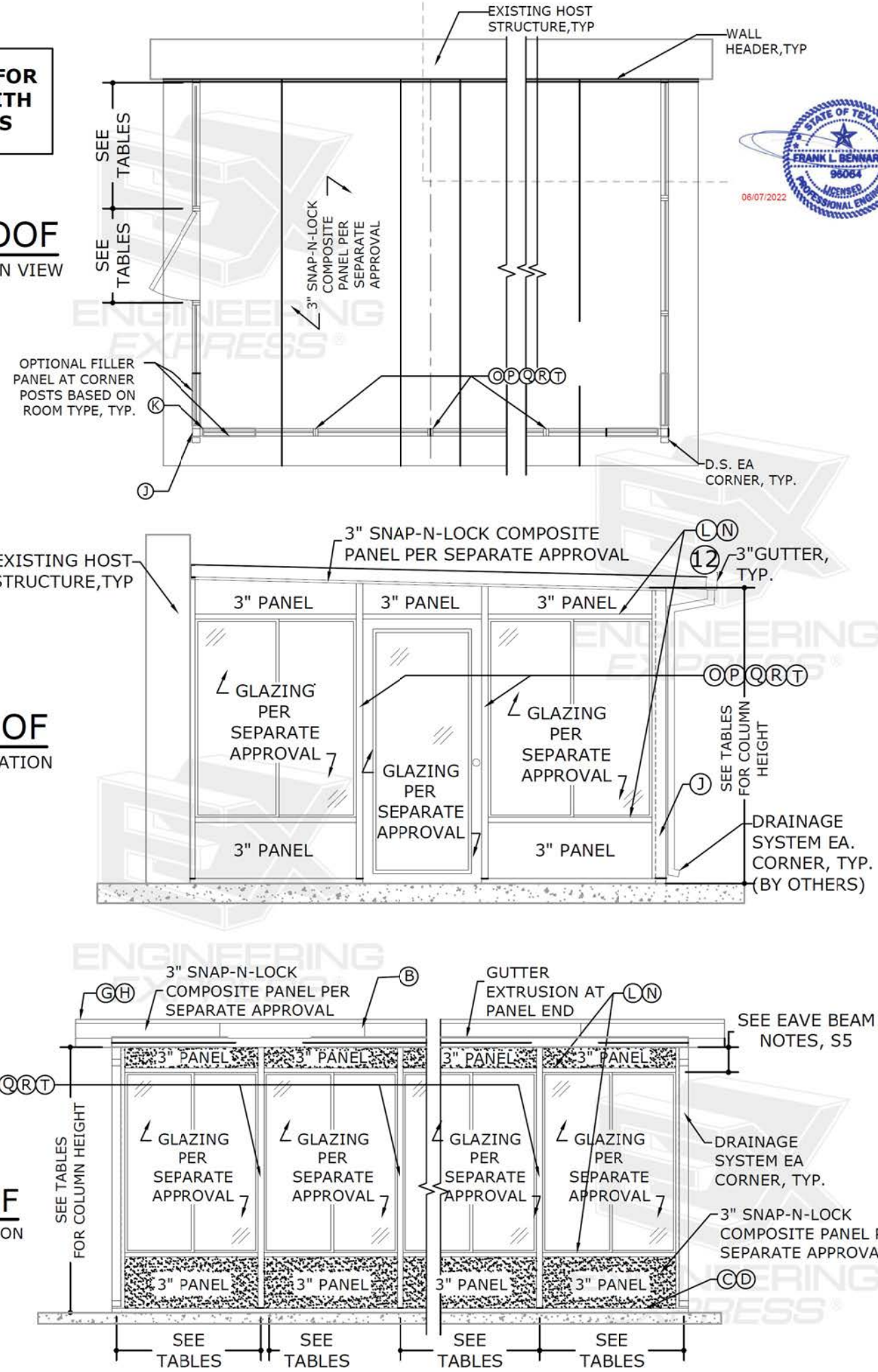


ELEVATION TYPICAL FOR MODULAR ROOMS WITH GLAZING PRODUCTS

1 SLOPED ROOF
2 N.T.S. PLAN VIEW

2 SLOPED ROOF
2 N.T.S. SIDE ELEVATION

3 SLOPED ROOF
2 N.T.S. FRONT ELEVATION



VALID ONLY FOR ZIP CODE:
78154
VALID ONLY FOR: Serview
Home Pros LLC

VALID FOR 1 PERMIT ONLY UNO
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GLASS ROOM MONOSLOPE ROOF
MASTER PLAN SHEET

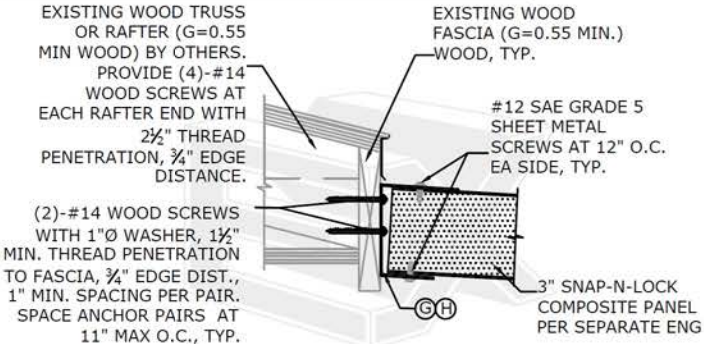
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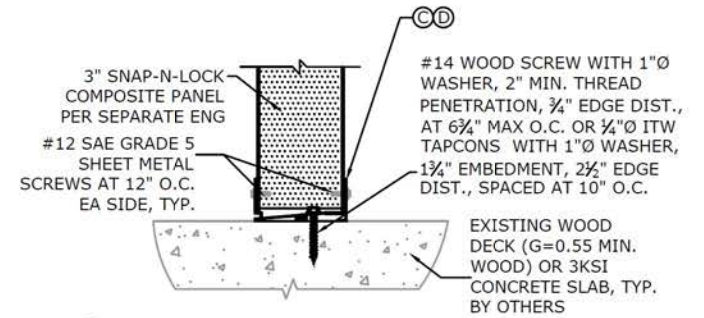
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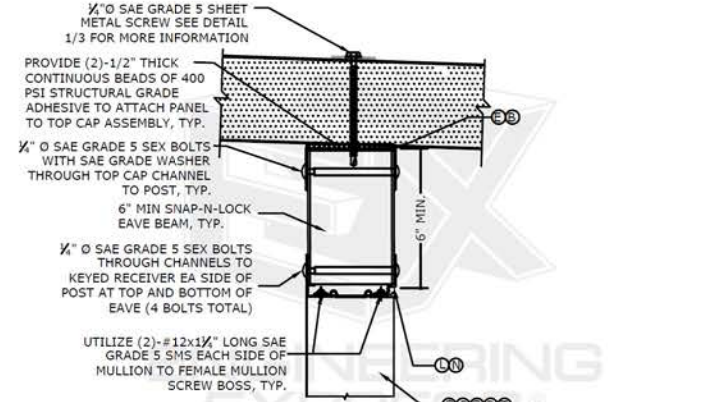
CONNECTIONS



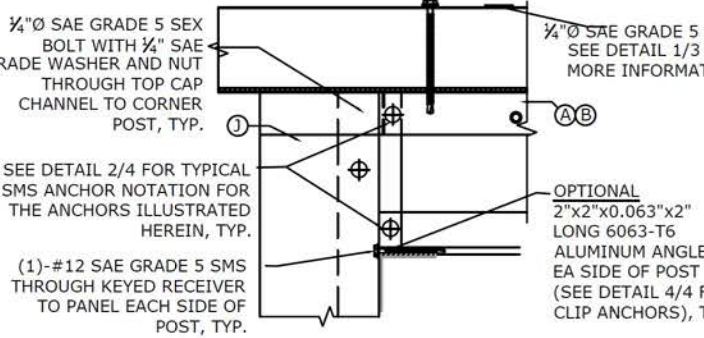
1 ROOF PANEL TO WOOD HOST SECTION



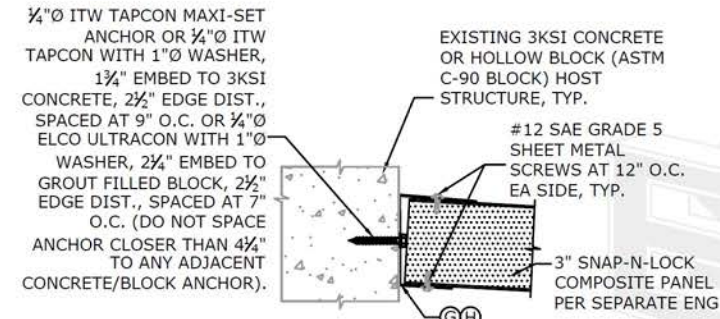
4 WALL PANEL TO HOST BASE SECTION



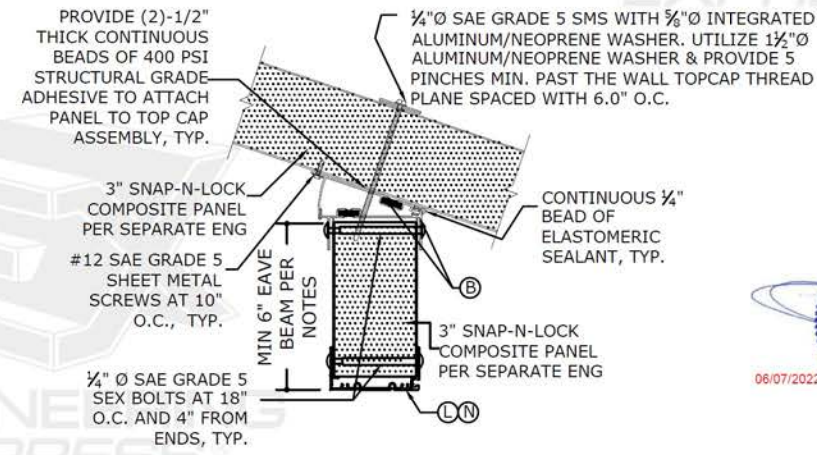
7 CONNECTION AT EAVE & POST SECTION



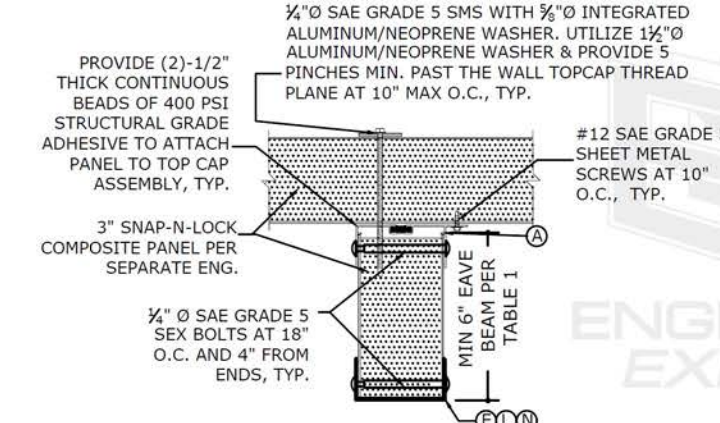
10 CORNER POST TO TOPCAP ELEVATION



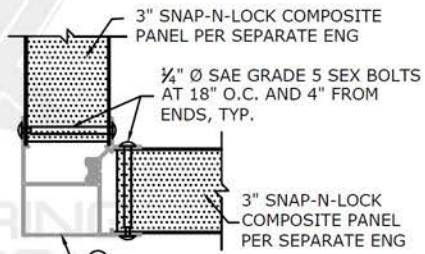
2 ROOF PANEL TO BLOCK HOST SECTION



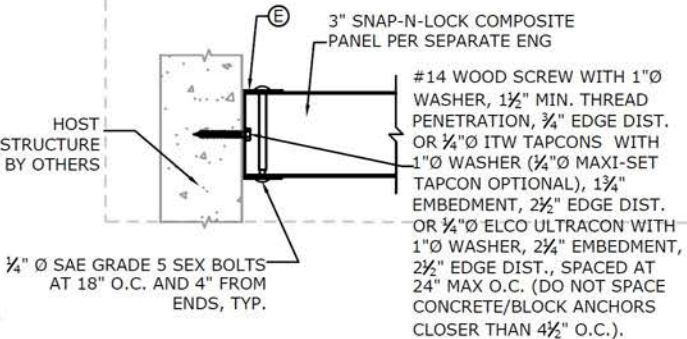
5 ROOF TO WALL PANEL AT EAVE SECTION



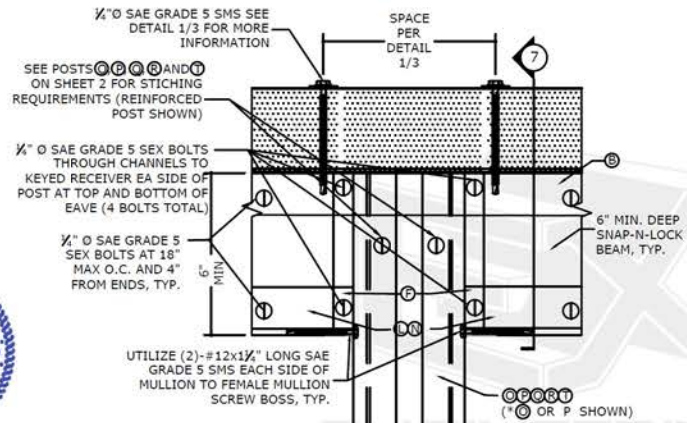
8 ROOF TO WALL PANEL AT RAKE SECTION



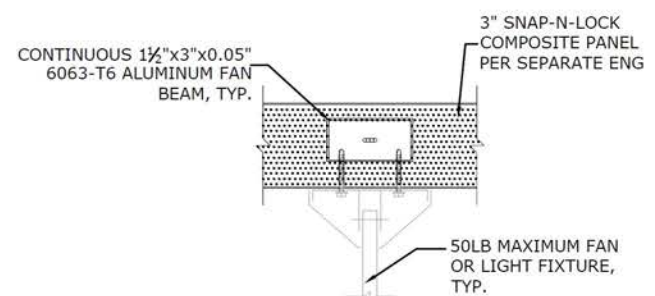
11 CORNER COLUMN DETAIL



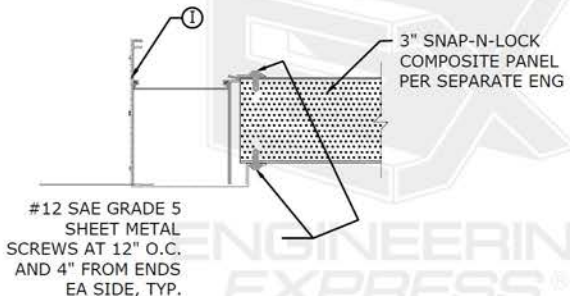
3 WALL PANEL TO HOST SIDE WALL SECTION



6 CONNECTION AT EAVE & POST ELEVATION



9 FAN BEAM IN PANEL ROOF DETAIL



12 ROOF PANEL GUTTER DETAIL



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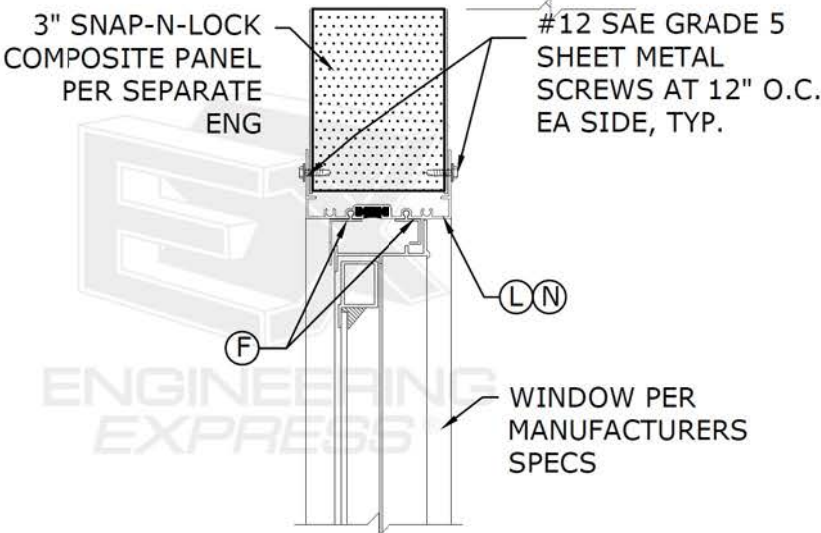
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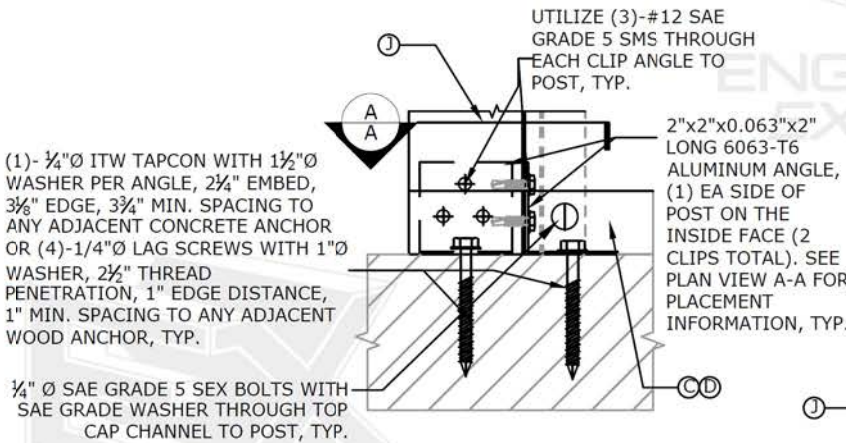
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C:\Users\frankb\Engineering Express\Production - Documents\Projects\20-25244 - 3in Modular Glass Wall Room Only - Monoslope Roof\WP120-25244b 3" Modular Room MPS (2018 IBC 2020 FBC).dwg
07/01/2020 - 11:35am
frankb



13 HEAD/SILL PANEL FILL
N.T.S. DETAIL

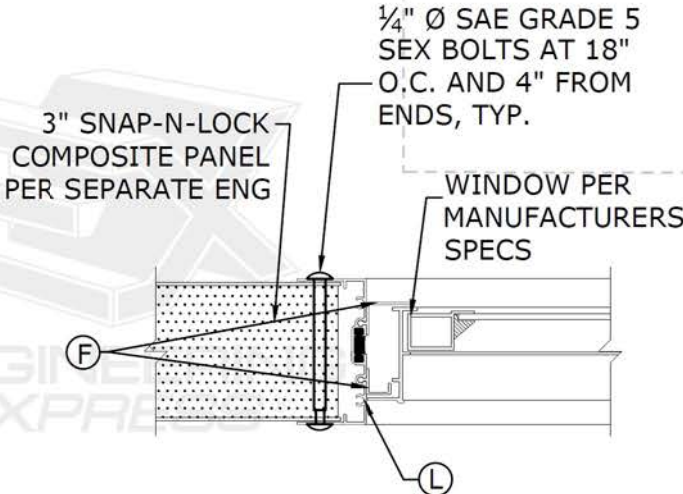


15 TYPICAL CORNER POST TIE-DOWN FOR ALL SYSTEMS
N.T.S. DETAIL

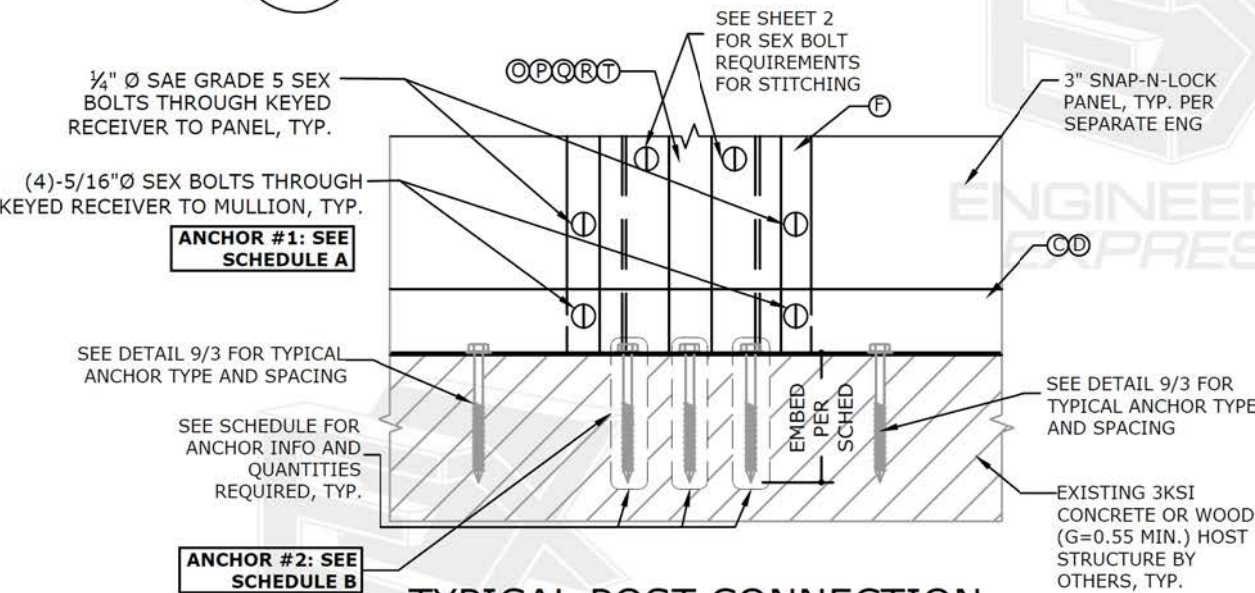
ANCHOR # 1 SCHEDULE A:

WIND TIER	ANCHOR TYPE	DESCRIPTION
up to 20 psf	1	(1)- 3/4" Ø SAE GRADE 5 SEX BOLT WITH 1/4" SAE GRADE WASHER
from 20 psf to 30 psf	1	(1)- 3/8" Ø SAE GRADE 5 SEX BOLT WITH 3/8" SAE GRADE WASHER

1/4" SAE GR 5 THRUBOLTS MAY BE USED IN LIEU OF SEX BOLTS IN ALL CASES



14 WIND JAMB AT PANEL FILL
N.T.S. DETAIL



16 TYPICAL POST CONNECTION FOR GLASS WALL SYSTEMS
N.T.S. DETAIL

ANCHOR #2 SCHEDULE B:

WIND TIER	ANCHOR 2 SUBSTRATE	QUANTITY REQUIRED
up to 20 psf	CONNECTION AT CONCRETE	(2)- 3/8" Ø ITW TAPCONS WITH 1 1/2" Ø WASHER, 2 1/2" EMBED, 3" EDGE, 4" SPACING, TYP.
	CONNECTION AT WOOD	(3)- 1/4" Ø LAG SCREWS 1 1/2" Ø WASHER, 2 1/2" THREAD PENETRATION, 1" EDGE, 1" SPACING
from 20 psf to 30 psf	CONNECTION AT CONCRETE	(2)- 3/8" Ø ITW TAPCONS WITH 1 1/2" Ø WASHER, 2 1/2" EMBED, 3" EDGE, 4" SPACING, TYP.
	CONNECTION AT WOOD	(4)- 1/4" Ø LAG SCREWS 1 1/2" Ø WASHER, 2 1/2" THREAD PENETRATION, 1" EDGE, 1" SPACING



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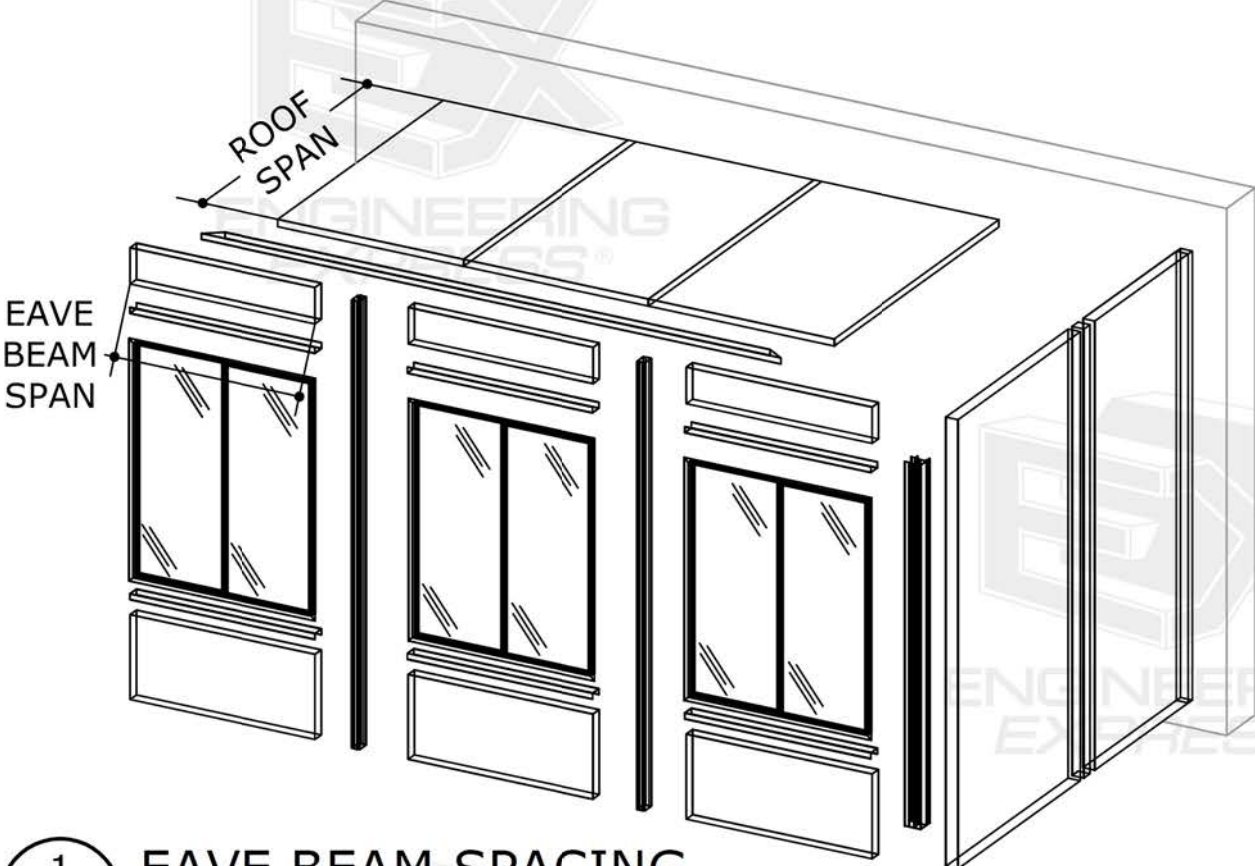
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07/01/2020 - 11:35am
frankb

EAVE BEAM

EAVE BEAM CLEAR SPAN
ISOMETRIC DETAIL*



1

5

EAVE BEAM SPACING

N.T.S.

EXPLODED ISOMETRIC

EAVE BEAM NOTES:

6" PANEL DEPTH:
EAVE BEAM SPAN= 5'-0" UP TO 50PSF
EAVE BEAM SPAN= 6'-0" UP TO 40PSF
MAX ALLOWABLE CLEAR ROOF SPAN= 12'-0"

7" OR GREATER PANEL DEPTH:
EAVE BEAM SPAN= 6'-0" UP TO 60PSF
AT 16' CLEAR ROOF SPAN

SITE SPECIFIC ENGINEERING FOR ADDITIONAL SPANS
DEFLECTION LIMIT = L/180.



TABLE 1

COLUMN TYPE	MAX ROOF SPAN S (FT)	LIVE LOAD GRAVITY (PSF)	WIND LOAD (PSF)	AVERAGE COLUMN SPACING W(FT)				
				3	4	5	6	7
3" Mod Room (Male+ Female)	12	20	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-8"	8'-9"
			40	10'-0"	10'-0"	9'-4"	8'-4"	7'-7"
			50	10'-0"	9'-5"	8'-4"	7'-6"	6'-10"
		30	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-2"	8'-3"
			40	10'-0"	10'-0"	9'-0"	8'-0"	7'-2"
			50	10'-0"	9'-2"	8'-0"	7'-1"	6'-5"
		40	20	10'-0"	10'-0"	10'-0"	10'-0"	9'-6"
			30	10'-0"	10'-0"	9'-11"	8'-9"	7'-9"
			40	10'-0"	9'-11"	8'-7"	7'-7"	6'-9"
			50	10'-0"	8'-10"	7'-8"	6'-9"	6'-0"
	50	20	20	10'-0"	10'-0"	10'-0"	10'-0"	9'-0"
			30	10'-0"	10'-0"	9'-6"	8'-3"	7'-3"
			40	10'-0"	9'-7"	8'-2"	7'-2"	6'-4"
			50	10'-0"	8'-7"	7'-4"	6'-5"	5'-8"

TABLE 2

COLUMN TYPE	MAX ROOF SPAN S (FT)	LIVE LOAD GRAVITY (PSF)	WIND LOAD (PSF)	AVERAGE COLUMN SPACING W(FT)				
				3	4	5	6	7
3" Thermo Mod Room (Male+ Female)	12	20	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-5"	8'-7"
			40	10'-0"	10'-0"	9'-2"	8'-3"	7'-7"
			50	10'-0"	9'-3"	8'-3"	7'-6"	6'-11"
		30	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-8"	8'-10"
			40	10'-0"	10'-0"	9'-3"	8'-5"	7'-9"
			50	10'-0"	9'-4"	8'-4"	7'-6"	7'-0"
		40	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-8"	9'-0"
			40	10'-0"	10'-0"	9'-3"	8'-5"	7'-9"
			50	10'-0"	9'-4"	8'-4"	7'-7"	7'-0"
	50	20	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-9"	9'-0"
			40	10'-0"	10'-0"	9'-3"	8'-5"	7'-9"
			50	10'-0"	9'-4"	8'-4"	7'-7"	7'-0"

POST HEIGHT TABLES

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TABLE 3

COLUMN TYPE	MAX ROOF SPAN S (FT)	LIVE LOAD GRAVITY (PSF)	WIND LOAD (PSF)	AVERAGE COLUMN SPACING W(FT)				
				3	4	5	6	7
3" Mod Room (Female+ Female) w/ 3x3 insert	12	20	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-8"	8'-9"
			40	10'-0"	10'-0"	9'-4"	8'-4"	7'-7"
			50	10'-0"	9'-5"	8'-4"	7'-6"	6'-10"
		30	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-2"	8'-3"
			40	10'-0"	10'-0"	9'-0"	8'-0"	7'-2"
			50	10'-0"	9'-2"	8'-0"	7'-1"	6'-5"
		40	20	10'-0"	10'-0"	10'-0"	10'-0"	9'-6"
			30	10'-0"	10'-0"	9'-11"	8'-9"	7'-9"
			40	10'-0"	9'-11"	8'-7"	7'-7"	6'-9"
			50	10'-0"	8'-10"	7'-8"	6'-9"	6'-0"
		50	20	10'-0"	10'-0"	10'-0"	10'-0"	9'-0"
			30	10'-0"	10'-0"	9'-6"	8'-3"	7'-3"
			40	10'-0"	9'-7"	8'-2"	7'-2"	6'-4"
			50	10'-0"	8'-7"	7'-4"	6'-5"	5'-8"

TABLE 5

COLUMN TYPE	MAX ROOF SPAN S (FT)	LIVE LOAD GRAVITY (PSF)	WIND LOAD (PSF)	AVERAGE COLUMN SPACING W(FT)				
				3	4	5	6	7
3" Thermo Mod Room (Male+ Male W/ I Beam Insert)	12	20	20	9'-7"	8'-1"	7'-0"	6'-2"	5'-6"
			30	7'-10"	6'-7"	5'-8"	5'-0"	4'-6"
			40	6'-10"	5'-8"	5'-0"	4'-4"	-
			50	6'-1"	5'-1"	4'-5"	-	-
		30	20	9'-2"	7'-6"	6'-4"	5'-6"	4'-9"
			30	7'-6"	6'-2"	5'-2"	4'-6"	-
			40	6'-6"	5'-4"	4'-6"	-	-
			50	5'-9"	4'-9"	4'-0"	-	-
		40	20	8'-8"	7'-0"	5'-9"	4'-10"	4'-0"
			30	7'-1"	5'-8"	4'-8"	-	-
			40	6'-2"	5'-0"	4'-1"	-	-
			50	5'-6"	4'-5"	-	-	-
		50	20	8'-2"	6'-5"	5'-2"	4'-2"	-
			30	6'-8"	5'-3"	4'-2"	-	-
			40	5'-10"	4'-6"	-	-	-
			50	5'-2"	4'-1"	-	-	-

TABLE NOTES:

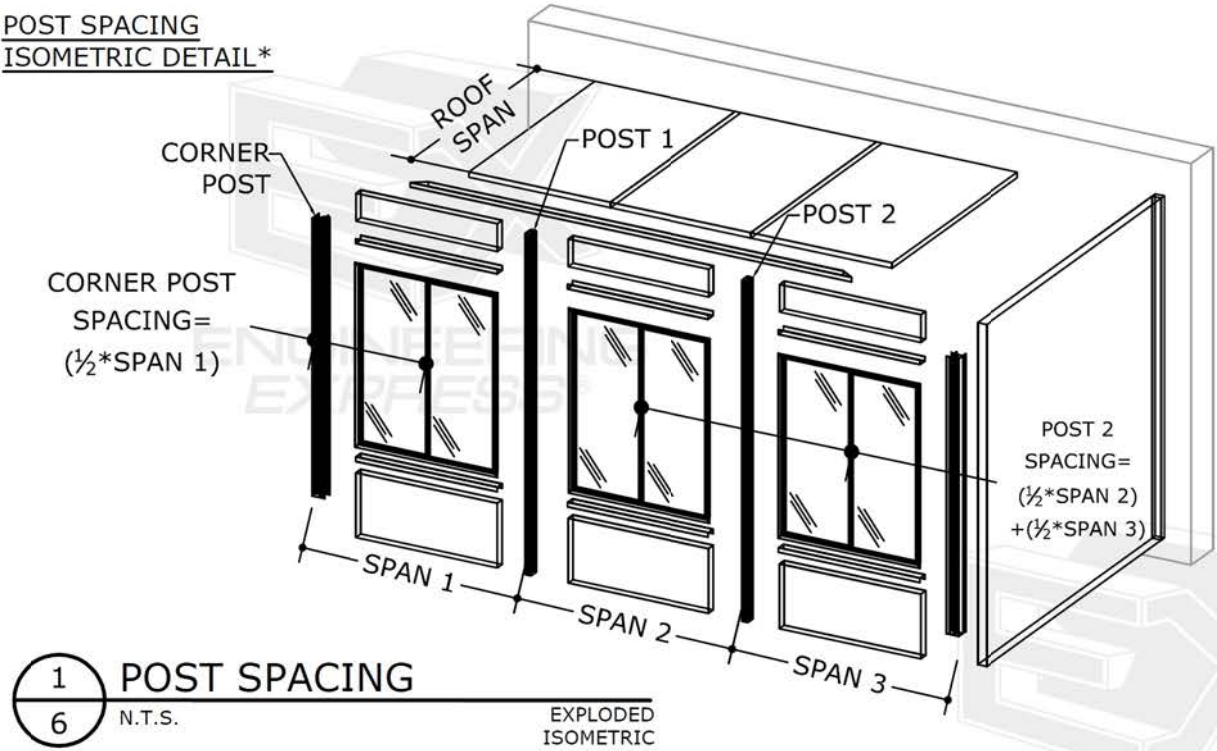
1. DEFLECTION LIMIT = L/180 USED IN TABLE RESULTS.
2. VALUES BELOW ALLOWABLE CEILING HEIGHT INTENDED TO BE BUILT ON KNEEWALLS OR OTHER SUPPORTING STRUCTURES (CERTIFIED BY OTHERS).
5. RESULTS FOR THERMALLY BROKEN POSTS SHALL BE REDUCED BY 10% TO ACCOUNT FOR THERMAL BREAK STRENGTH LOSS.

TABLE 4

COLUMN TYPE	MAX ROOF SPAN S (FT)	LIVE LOAD GRAVITY (PSF)	WIND LOAD (PSF)	AVERAGE COLUMN SPACING W(FT)				
				3	4	5	6	7
3" Thermo Mod Room (Female+ Female) w/ 3x3 insert	12	20	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-5"	8'-7"
			40	10'-0"	10'-0"	9'-2"	8'-3"	7'-7"
			50	10'-0"	9'-3"	8'-3"	7'-6"	6'-11"
		30	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-8"	8'-10"
			40	10'-0"	10'-0"	9'-3"	8'-5"	7'-9"
			50	10'-0"	9'-4"	8'-4"	7'-6"	7'-0"
		40	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-8"	9'-0"
			40	10'-0"	10'-0"	9'-3"	8'-5"	7'-9"
			50	10'-0"	9'-4"	8'-4"	7'-7"	7'-0"
		50	20	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
			30	10'-0"	10'-0"	10'-0"	9'-9"	9'-0"
			40	10'-0"	10'-0"	9'-3"	8'-5"	7'-9"
			50	10'-0"	9'-4"	8'-4"	7'-7"	7'-0"

POST HEIGHT:

POST SPACING
ISOMETRIC DETAIL*



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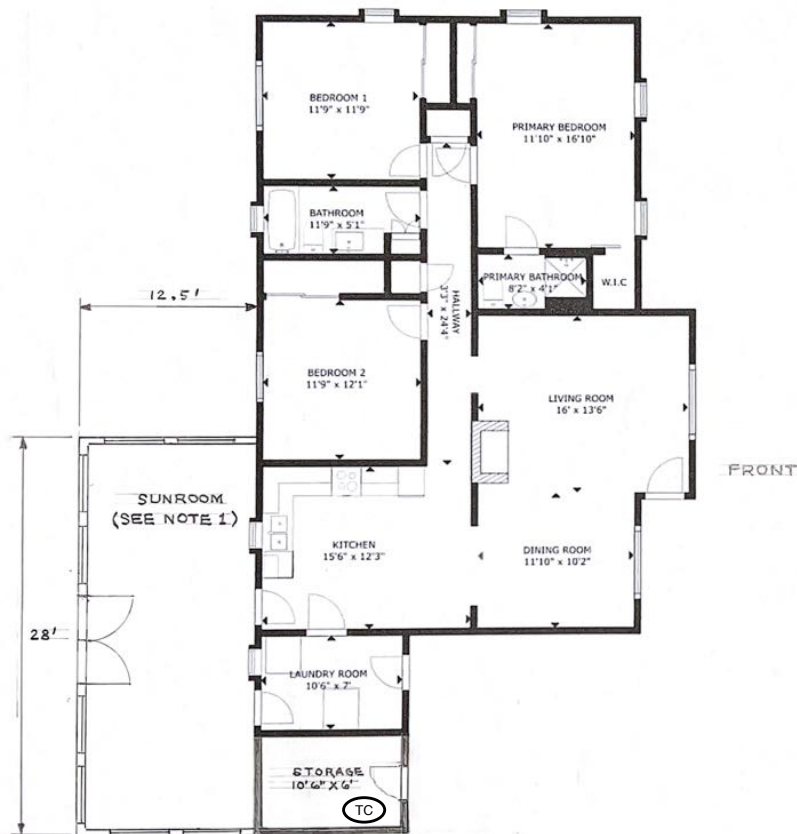








**SITE PLAN FOR 903 N. MILAM ST,
FREDERICKSBURG TX 78624**



DEVELOPMENT NOTES

ADDRESS
903 N. Milam St, Fredericksburg TX 78624

ZONING R1

OWNER
Sergio Mendez and Dana Drago Mendez

Site Plan preparation by Victor Drago

INTENDED USE
Create a Sunroom living area over existing Patio Slab at rear of house

Height walls are 9' 1/2 inches and 7' 1/2 inches to accommodate existing sloped roof.
Reference Contractor's dimensional submission.

PARKING DETAILS:
Existing driveway accommodates up to 4 cars includes 1 under covered carport and 3 additional in uncovered area. No proposed improvements.

FENCING:
Existing fencing marked on survey with solid line bordering property. No proposed improvements

EXTERIOR LIGHTING
No Proposed improvements

Total Building Coverage will be 2,280 sq ft

Total Lot size: 13,772 sq ft

Project does not add any impervious coverage.

Solid waste container is located inside Storage Room, labelled on this site plan as "TC"

NOTE:

1. THREE (3) WALLS CONTAINING A DOOR AND WINDOWS ARE TO BE ADDED TO THE EXISTING PATIO SLAB AND ROOFING AT THE REAR OF THE HOUSE, THUS CREATING AN ENCLOSED SUNROOM.

HOUSE PLAN LAYOUT

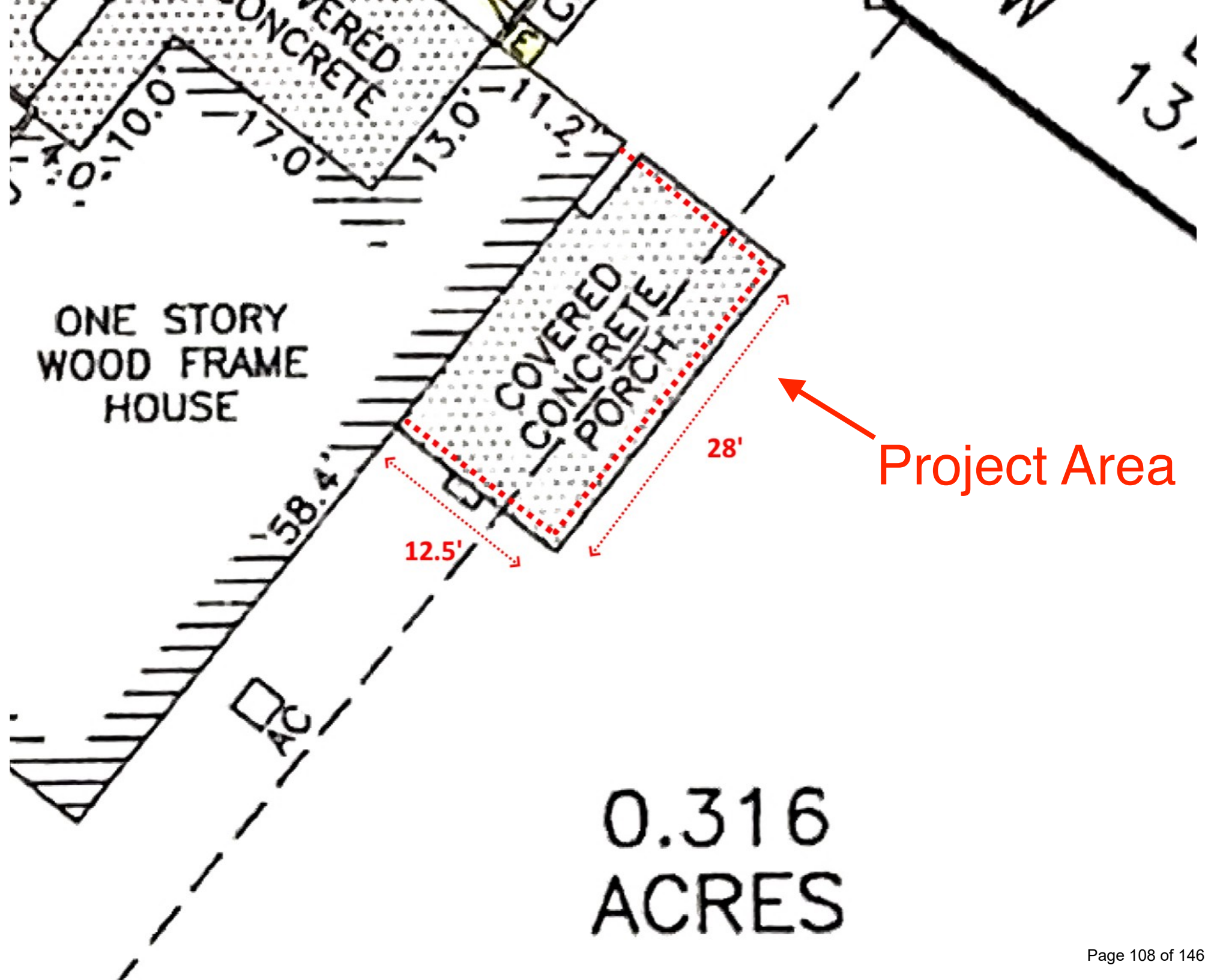
DANA AND SERGIO MENDEZ

903 NORTH MILAM STREET, FREDERICKSBURG, TEXAS 78624

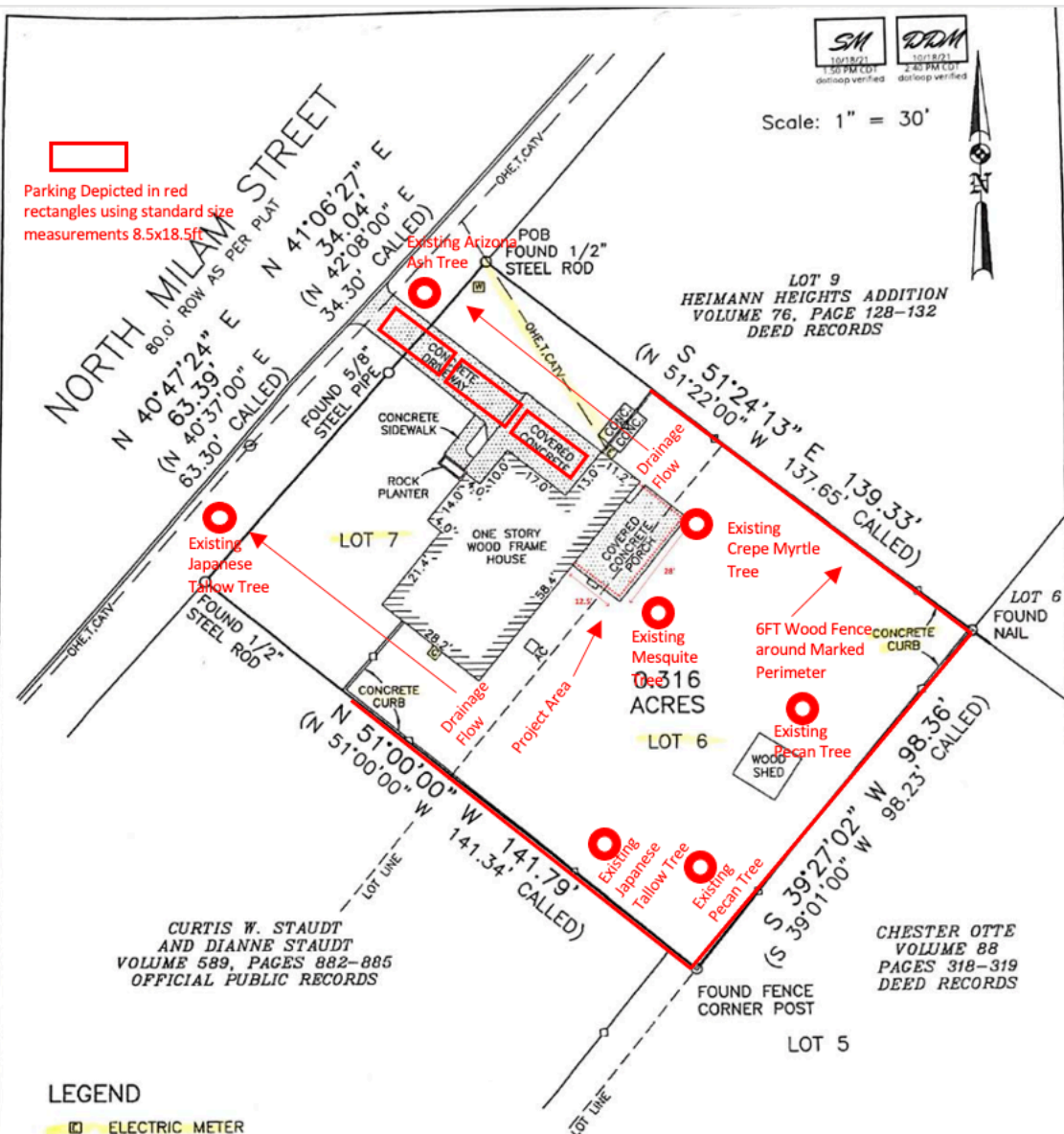
SCALE: 1/4" = 1'-0"

DATE: 12/16/2022

DWG: MENDEZ-101



Parking Depicted in red rectangles using standard size measurements 8.5x18.5ft



ADDRESS:
903 NORTH MILAM STREET

NOTE:

- 1) BASIS OF BEARING WAS ESTABLISHED FROM THE STREET BEARING ALONG WEST HACKBERRY STREET ON THE BELOW REFERENCED PLAT.
- 2) A FIELDNOTE DESCRIPTION OF THE ABOVE SHOWN TRACT WAS PREPARED.

PLAT SHOWING: A 0.316 ACRE TRACT OF LAND OUT OF LOT 6 AND LOT 7, FRANK KNOPP ADDITION AS RECORDED IN VOLUME 68, PAGE 411, DEED RECORDS, GILLESPIE COUNTY, TEXAS, SAID 0.316 ACRE TRACT OF LAND BEING THAT CERTAIN TRACT OF LAND CONVEYED TO EDWIN A. PETSCH AND WIFE, EVELYN PETSCH BY DEED RECORDED IN VOLUME 91, PAGES 318-320, DEED RECORDS, GILLESPIE COUNTY, TEXAS.

HILL COUNTRY LAND SURVEYING, LLC
110 NORTH MILAM STREET
FREDERICKSBURG, TEXAS 78624
PHONE: (830) 990-2665

BORROWERS:

KARLA V. ARANDA AND JESUS S. ECHARTEA

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENT OF IMPROVEMENTS EXCEPT AS SHOWN HEREON.

BRAD BRYAN SPENRATH
REGISTERED PROFESSIONAL LAND SURVEYOR

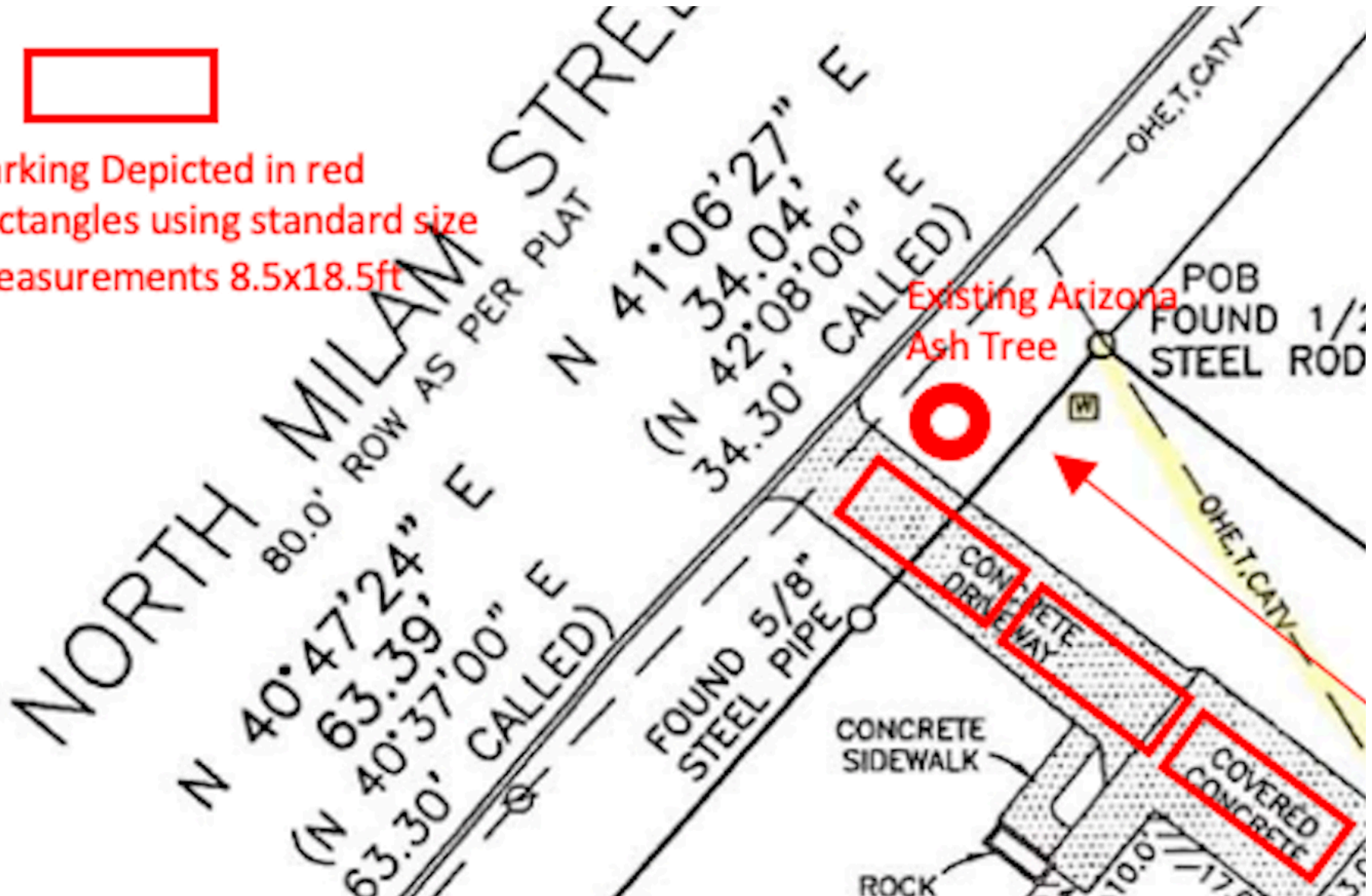
5357

TEXAS REGISTRATION NO.

DATE: 16 NOVEMBER 2005

JOB #: 05-5424





- **Sec. 5.460. - Review and Evaluation Criteria – Narrative**

Answers to each question and additional information is included in red.

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. Yes, we conform with all current regulations for R-1 STR and have no plans to expand upon this already approved use.

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. Yes, we are currently compatible with existing/permitted use, in all regards listed, and do not plan to change any of the above.

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. There are no potentially unfavorable impacts with this project. If anything, there will be a favorable outcome, as enclosing the back patio living space will reduce noise and increase privacy for those in the house and nearby neighbors.

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. There is no variance or modifications from property development regulations. We are simply enclosing the existing covered patio that has been there for years, adding 3 walls and climate control.

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. Our current existing driveway holds 4 cars. Most guests bring only 1-3 cars. We are not adding occupancy, nor have we even needed to exceed this number of cars. There will be no increase of traffic or vehicles due to this project.

Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts. We are Zone X, outside of the 500-year flood plain. We are not changing anything that would have impact on protection of persons and property from any of the above impacts.

Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties. The changes proposed will not have effect on any of the above, nor are we experiencing ill effects currently.

Adequacy and convenience of off-street parking and loading facilities. Our current existing driveway holds 4 cars. Most guests bring only 1-3 cars. We are not adding occupancy, nor have we even needed to exceed this number of cars. There will be no increase of traffic or vehicles due to this project.

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. **We are changing nothing, other than adding 3 walls and climate control to an existing patio, that was already approved by the city, previously.**

Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations. **Use of this area is not changing in any way from current already approved use.**

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. **Use of this area is not changing in any way from current already approved use.**

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. **Use of this area is not changing in any way from current already approved use.**

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. **Use of this area is not changing in any way from current already approved use and will affect any of the above.**

Additional Notes:

This is a very simple project with the only purpose being: enclosing our favorite part of the house – the existing outdoor covered patio. All we are doing is adding 3 walls to an existing covered patio. Currently, we can only enjoy this outdoor patio space about 6 months of the year, due to it being too hot/cold the rest of the year. The patio has existed for years and was approved during the STR process with the city. We are NOT adding any additional occupancy. We are NOT building additional buildings on this property. We are keeping the purpose of the room the same – a living/seating space – just climate-controlling it for year-round use. Construction will be only 1-2 weeks, and only during normal business hours. We have an existing 6ft+ privacy fence already built to protect the privacy of neighbors. We also have Ring cameras installed (and have them monitored them to ensure guests are following the quiet hours). Our backyard is very large (we are on 1/3 of an acre) and we only have 1 neighbor that is close to the house. We have this neighbor's phone number to accommodate/intervene if there are noise concerns but have never received a complaint. This closest proximity neighbor is fully supportive of our sunroom project. Based on our monitoring, guests almost always stay on the covered patio and do not wander the rest of the yard, so if anything, this project will further increase and improve upon privacy for both our neighbors and us/our guests, by containing any sounds from people enjoying the patio.

Please also note that we are not a fully booked Bnb and do not aim to be one. This house is vacant about 80% of the time. Our goal is to rent out just enough to pay our bills, so that we can afford the payments, until our daughter graduates from school. Our long-term plan is to make this our primary residence. This is not a long-term business – but our future primary home, as future permanent residents of Fredericksburg, Tx.



January 9, 2023

Dana Mendez
anadrage@hotmail.com

RE: Z-2235 Review Comments for a Conditional Use Permit application for the Expansion of a STR-Nonconforming Property located at 903 N. Milam Street.

Dear Dana,

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 Plat.

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

- The Conditional Use Permit requires Planning and Zoning Approval, scheduled for February 8, 2023.
- Provide a Zoning Summary [Sec. 7.131](#)
- Please update the Zoning Summary to include Parking Calculations (STR-Unoccupied) and dimension all parking spaces to show compliance with [Sec. 7.863](#)
- 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.
- Add landscaping and screening requirements per [Sec. 7.920](#) and [Sec. 7.940](#) or provide a Landscape Plan
- Provide a note regarding all exterior lighting shall by night sky compliant.
- Provide photos of all elevations, North, South, East and West.
- Provide drainage flow arrows to ensure historical drainage patterns are maintained and adjacent and downstream properties are not adversely impacted.
- All parking should be on site and not encroach into the right of way.

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 Monday, January 23rd to ensure consideration by Planning & Zoning Commission on Wednesday, February 8th.

**Shelby
Collier**

Digitally signed by Shelby Collier
DN: cn=Shelby Collier, o=City of
Fredericksburg, ou,
email=scollier@fbgtx.org, c=US
Date: 2023.01.10 15:36:24 -06'00'

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:

- 1 Conformance with applicable regulations and standards established by the Zoning Regulations.
- 2 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.
- 3 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.
- 4 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.
- 5 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.
- 6 Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.
- 7 Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties.
- 8 Adequacy and convenience of off-street parking and loading facilities.
- 9 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.
- 10 Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations.
- 11 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.
- 12 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.
- 13 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.



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: SunRoom Addition

Project Address: 903 N Milam St

Tax ID Number (s): N/A

Application Type (Check all items that apply.)

- | | | |
|--|--|---|
| ☒ Conditional Use Permit | ☐ Minor Plat* | ☐ Plat Vacation |
| ☒ Site Plan | ☐ Replat* | ☐ Annexation* |
| ☐ Entry Corridor Design | ☐ Amending Plat* | ☐ Development Plat |
| ☐ Land Use Plan Change | ☐ Preliminary Plat* | |
| ☐ Zoning Change | ☐ Final 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: R1

Proposed Land Use Plan:

Current Zoning:

Proposed Zoning:

Location: 903 N. Milam St, Fredericksburg, TX 78624

Proposed Use(s): Create a Sunroom living area over existing Patio Slab at F

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: Sergio Mendez Date: 12/27/2022

Staff Use Only Application No.: _____ Date: _____

*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):

Owner Name: Sergio Mendez & Dana Mendez

Address: 903 N. Milam St, Fredericksburg, TX 78624

Phone: 281-380-7208

Fax:

Email: danadraco@hotmail.com

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

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

Firm Name (if applicable): Serview Home Pros

Address: 2700 NE Loop 410, Suite 250, San Antonio, TX 78217

Primary Contact Name: John Quinn

Phone: 210-988-6000

Fax:

Email: production@serviewhomepr

Secondary Contact Name:

Production@serviewhomepros.com

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable):

Applicant Name (s): Sergio Mendez & Dana Mendez

Address: 903 N Milam St

Phone: 281-380-7208

Fax:

Email:

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

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

Firm Name (if applicable): Serview Home Pros

Address: 2700 NE Loop 410, Suite 250, San Antonio, TX 78217

Primary Contact Name: John Quinn

Phone: 210-988-6000

Fax:

Email: production@serviewhomepr

Production@serviewhomepros.com



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Andrea Schmidt, Parks and Recreation
Director

MEETING DATE: February 21, 2023

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider the purchase of new Christmas decorations, including a new Christmas tree and wreaths for Marktplatz (previously approved in the FY 2023 Budget) (Andrea Schmidt, Director of Parks and Recreation).

PRESENTATION:

SUMMARY:

City Council approved funding for a new Christmas tree and wreaths for Marktplatz during Fiscal Year 2023. An inspection was done of the existing Christmas tree frame and it was found to be in great condition and can be re-used which had significant cost savings. The quote is \$69,880.19. Funds in the amount of approximately \$100,000 were approved.

The pricing represented in the quote represents Buyboard pricing and the early season additional discount that is good through 3/31/23.

BACKGROUND:

The current decorations have reached the end of their useful life. The tree frame was found to be in great shape and could be re-used. The new Christmas tree will include all new branches and wiring for the existing tree frame. These new branches are UV treated to minimize sun fade. The new tree will have 23,000 LED warm white lights. The ornamentation package will consist of a mix of round and textured UV-resistant shatterproof commercial grade ornaments using our choice of colors. Their designers will provide a branch ornamentation pattern for installing the ornaments so that the crew will not need to put on, and take off, the ornaments every year, resulting in some time savings.

The center mount wreaths are constructed with the same UV treated foliage to minimize sun fade and are also lighted with the same coaxial connected light sets. Each wreath will have 210 lights, versus the current wreaths that have 30 lights on them. They will be ornamented with the same type of UV shatterproof commercial grade ornaments using our color choice with the 18" bows.

FUNDING SOURCE: Tourism Fund

FINANCIAL IMPACT:
\$69,880.19

STAFF RECOMMENDATION:

Recommend approving the purchase of a new Christmas tree and wreaths for Marktplatz in the amount of \$69,880.19.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision X

ATTACHMENTS:

1. 2023-City of Fredericksburg TX Holiday Decor Quote

APPROVAL/REVIEW:

Andrea Schmidt, Parks and Recreation Director

Date: February 01, 2023



Laura Hollenbeak, Finance Director

Date: February 01, 2023

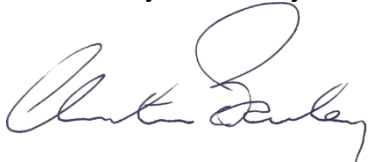
William McKamie, Interim City Attorney

Date: February 02, 2023



Shelley Goodwin, City Secretary

Date: February 13, 2023



Clinton Bailey, City Manager

Date: February 15, 2023



 **ADDRESS**
309 Wavel Street
Syracuse, NY 13206

 **PHONE**
877-369-6332
315-565-7411

 **MAIL**
orders@downtowndecorations.com
www.downtowndecorations.com

Order Confirmation

DATE 1/25/2023

ORDER : 23-01217
TERMS : 50% Deposit Net 15
SHIP DATE : 5/12/2023

BILL TO
Laura Hollenbeak
Fredericksburg, TX (City of)
126 W. Main
Fredericksburg, TX 78624
lhollenbeak@fbgtx.org
(830) 997-7521

SHIP TO
Andrea Schmidt
Fredericksburg, TX (City of)
233 Friendship Lane
Fredericksburg, TX 78624
aschmidt@fbgtx.org
(830) 990-2018

QTY	PRODUCT	PRICE	TOTAL
	BuyBoard contract #643-21		\$0.00
45	36" Center Mount Evergreen Wreath 36" Center Mount Wreath, UV Rated Mountain Pine Foliage, Lit with LED Coaxial Warm White 5mm Lights (210 lights). Mounting Hardware Included.	\$297.00	\$13,365.00
45	27" Ideal Band 27" Adjustable Stainless Steel Ideal Band - Silver (included in price of wreaths)	\$0.00	\$0.00
1	30' Mountain Pine Christmas Tree Branches and Wiring Complete Branch Replacement for Existing 30' Concentric Ring Frame Tree, UV Rated Mountain Pine Foliage Lit with LED Coaxial Warm White 5mm Lights (23,000 lights), Includes New Wiring Harness.	\$35,240.00	\$35,240.00
1	30' Mountain Pine Tree- Ornamentation Package Standard Ornamented Branch Coverage in a Mix of Round and Textured UV Resistant Shatterproof Commercial Ornaments, Colors-Customer's Choice.	\$11,980.00	\$11,980.00
45	36" Center Mount Evergreen Wreath Ornamentation. Ornament Coverage in a Mix of Round and Textured UV Resistant Shatterproof Commercial Ornaments, Colors-Customer's Choice.	\$33.55	\$1,509.75
45	18" Outdura China Red Bow 18" 4-Loop Bow with Tails Outdura China Red.	\$57.00	\$2,565.00
Sub Total			\$64,659.75
Sales Tax			
Shipping			\$5,220.44
TOTAL			\$69,880.19

Account Manager
Jimmy Alexander
P: (830) 307-9117
E: jalexander@downtowndecorations.com

Signature:

Please sign and return to initiate order.

TERMS & CONDITIONS

If the O.C. is not received within 48 hours the Ship Date could change. Pricing subject to change after 30 days if not approved.

Shipping addresses located in NY, MA, NJ, & TX will be subject to sales tax, to be invoiced upon shipment of order. Please provide a Tax-Exempt form if your business is exempt from taxes in those states.

Shipping and handling are additional, FOB shipping point unless otherwise noted.

Client is responsible for notifying Downtown Decorations, Inc. at time of order of any special shipping requirements, including but not limited to liftgate, limited access, appointments, call ahead or residential deliveries. DDI is not responsible for additional unexpected charges.

Customer is responsible for notifying Downtown Decorations, Inc. of any electrical code requirements, customization, or special requirements at time order is placed. Customization of product may be subject to additional cost.

Downtown Decorations, Inc. is not responsible for product damage caused by improper handling, neglect, installation, extremes in weather conditions, vandalism or acts of God.

Purchaser understands and agrees to payment terms and further agrees to accept and pay for any expenses incurred by Downtown Decorations, Inc. to collect any past due amounts, including but not limited to the original debt, any assigned collection costs, attorney fees and any other related expenses.

Payment methods accepted are check, Visa/MasterCard, American Express and Bank Wire. Downtown Decorations, Inc. may impose a 3% surcharge on all credit card amounts of \$3,000.00 or more.



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Public Works - Streets, Water, Sanitation, Drainage and Electric

TO: Mayor & City Council Members

FROM: Evan Williamson, Assistant City Engineer

MEETING DATE: February 21, 2023

CATEGORY: OTHER ACTION ITEMS AND UPDATES

CAPTION: Consider the approval of Harmony Hills Performance Agreement and financial security for remaining required public improvements for the subdivision (Evan Williamson, Assistant City Engineer).

PRESENTATION:

SUMMARY:

The developer of the Harmony Hills subdivision is seeking approval of a performance agreement and financial security for remaining required public improvements for the subdivision. The remaining improvements are the first and second course of pavement and seeding vegetation in the right of way. Approval of the agreement would allow the developer to expedite the recordation of the plat and defer the second course of pavement to the end of the two year warranty period for the subdivision.

BACKGROUND:

Harmony Hills is a 21-acre subdivision located on Pyka Road that includes 69 R1 zoned residential lots (see attached map and plat). Section 5.05 of the City of Fredericksburg Subdivision Ordinance provides an option for developers to pursue the approval and recordation of the final plat for a subdivision prior to the completion of the public improvements required in connection with the approval of the subdivision plat. This option requires the execution of a Performance Agreement and providing associated security in the amount of 110% of the cost to construct and complete the remaining public improvements. The developer requested to pursue this option to expedite the recordation of the plat and defer the second course of pavement to the end of the warranty period. The public improvements required for the Harmony Hills subdivision include water, wastewater, stormwater, and street infrastructure. Most of the construction for the project has been completed aside from the items listed in the agreement, including first and second courses of pavement and seeding vegetation of the right of way. To minimize damage to the pavement surface during home construction and ensure the roadway is in good condition at the completion of the two-year warranty period, the second course of paving will be deferred to the end of the warranty period. The estimate for completing the remaining public improvements, including the second course of paving, plus 10%, is \$193,414.00. All public improvements except the second course of pavement will be completed and accepted prior to issuance of a building permit in the subdivision.

FUNDING SOURCE: NA

FINANCIAL IMPACT:

NA

STAFF RECOMMENDATION:

Approval

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

ATTACHMENTS:

1. Harmony Hills Location Map
2. P-2219 Harmony Hills Approved Preliminary Plat
3. Harmony Hills Performance Agreement 2-15-23 For Council

APPROVAL/REVIEW:



Kris Kneese, Director of Public Works, Utilities, and Engineer

Date: February 14, 2023



Laura Hollenbeak, Finance Director

Date: February 15, 2023

William McKamie, Interim City Attorney

Date: February 15, 2023



Shelley Goodwin, City Secretary

Date: February 15, 2023



Clinton Bailey, City Manager

Date: February 15, 2023

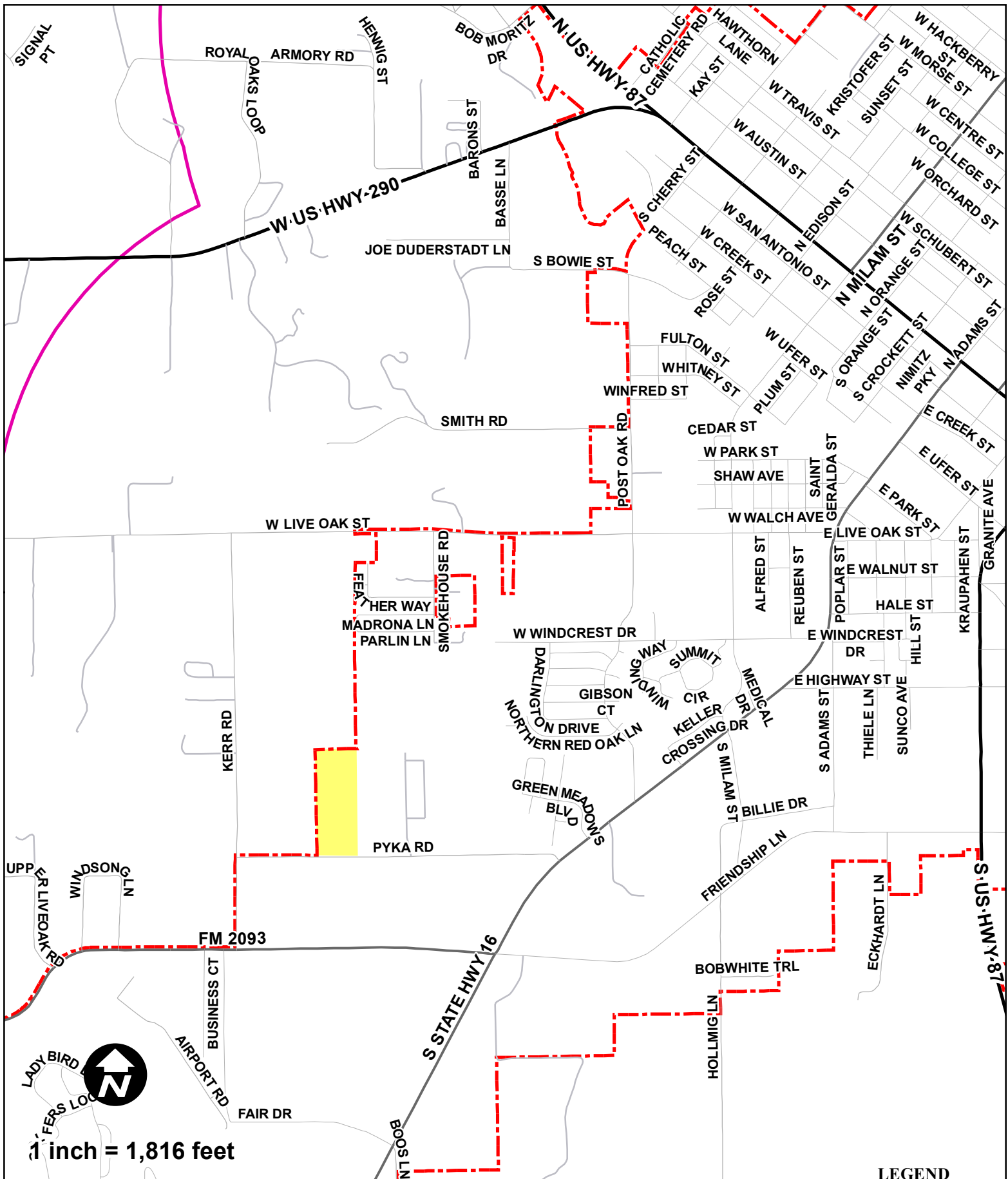
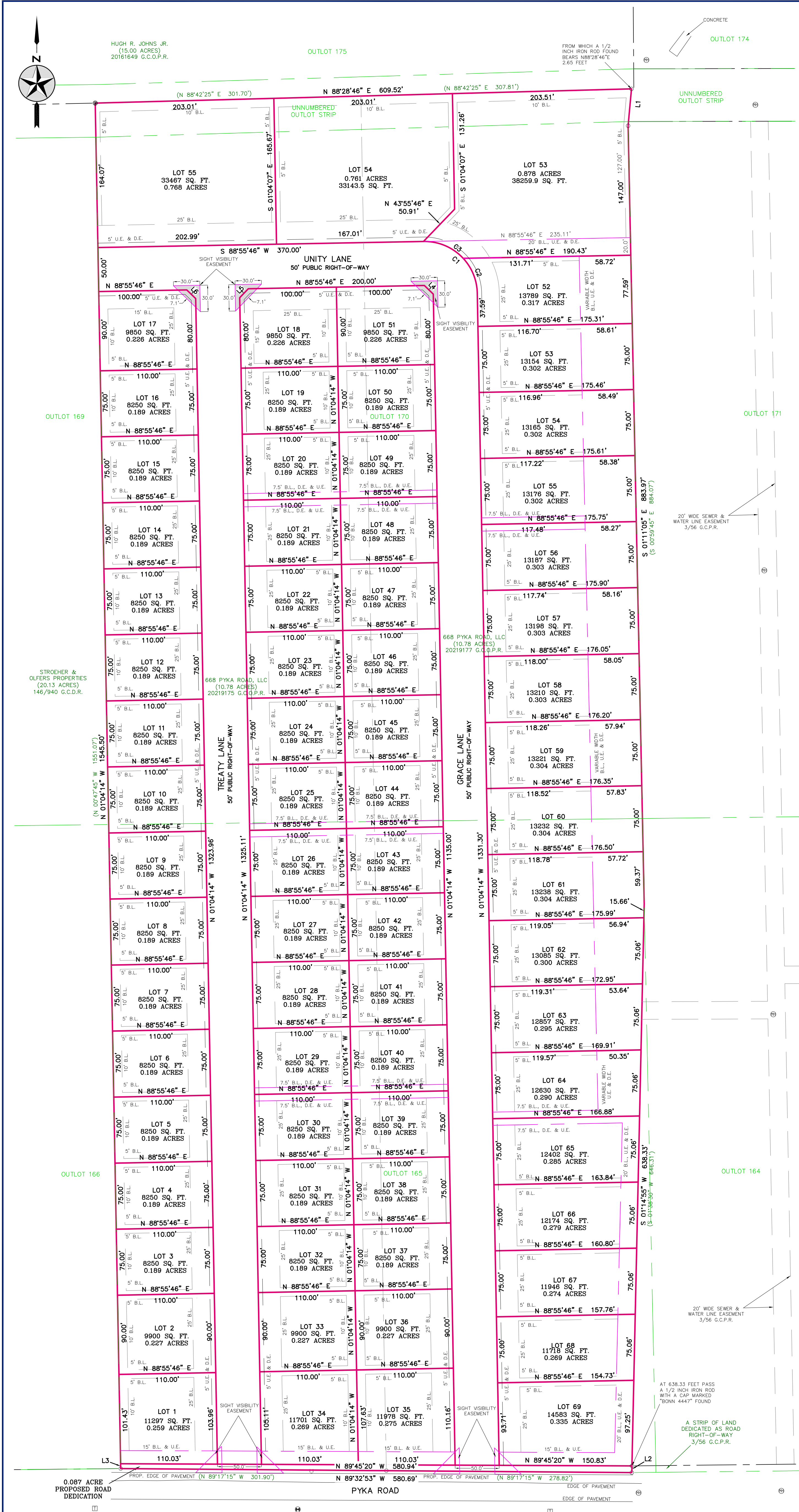


FIGURE 1
City of Fredericksburg
Harmony Hills Subdivision





LINE TABLE

LINE	BEARING	DISTANCE
L1	S 05°15'45" W	42.11'
L2	S 01°14'55" W	7.60'
L3	N 01°04'14" W	5.50'
L4	N 46°04'14" W	14.14'
L5	S 43°55'46" W	14.14'
L6	N 46°04'14" W	14.14'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	60.00'	94.25'	N 46°04'14" W	84.85'	90°00'00.00"
C2	60.00'	43.78'	N 21°58'32" W	42.82'	41°48'37.13"
C3	60.00'	50.46'	N 66°58'32" W	48.99'	48°11'22.87"

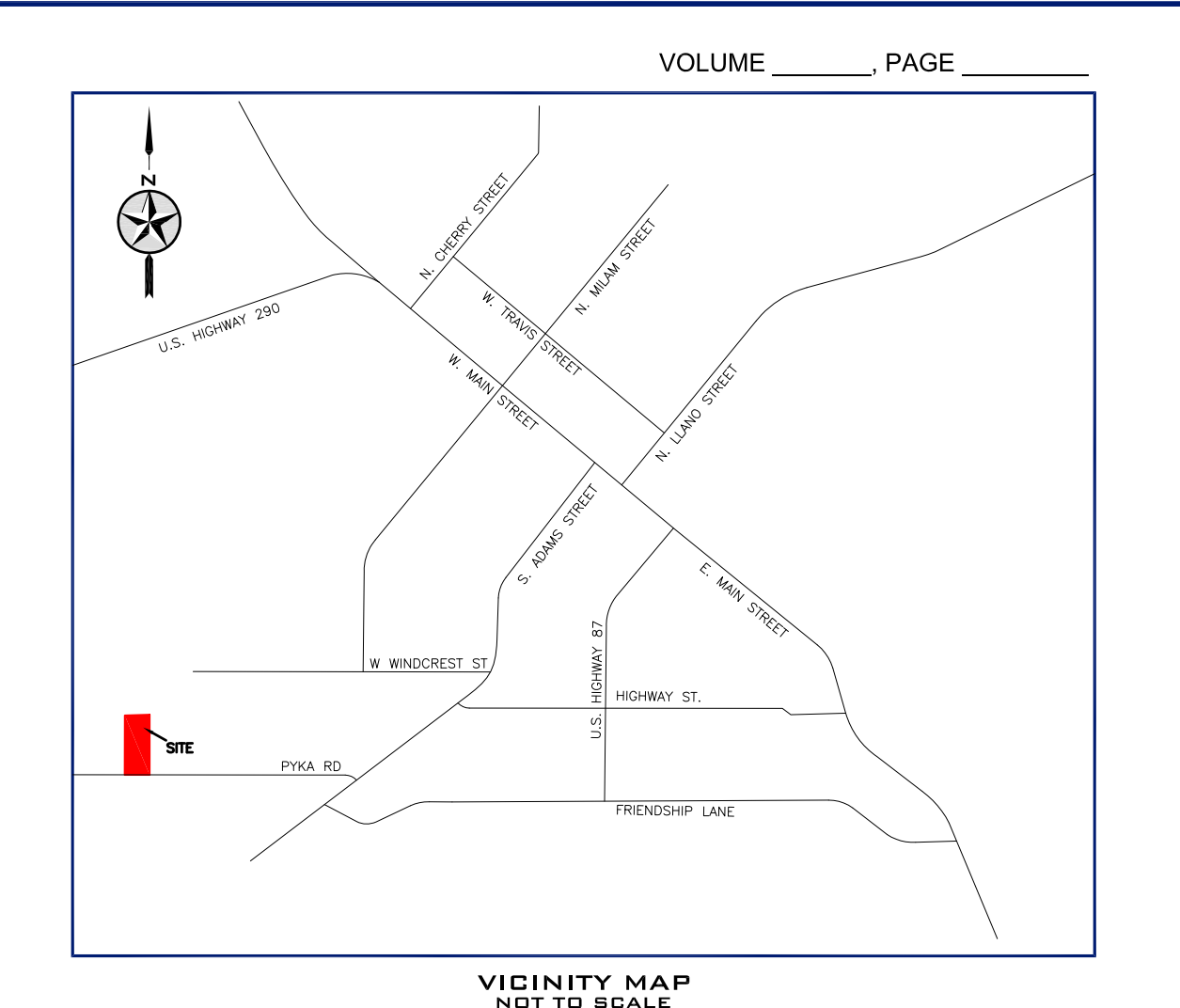
FILED FOR RECORD AT _____ O'CLOCK _____ M, THIS THE _____ DAY OF _____, 2022
ON VOLUME _____, PAGE _____ OF THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS

COUNTY CLERK, GILLESPIE COUNTY, TEXAS



LEGEND:

● POINT	● POINT
— BOUNDARY LINE	— BOUNDARY LINE
— RECORDING LINE	— RECORDING LINE
— ORIGINAL LOT LINE	— ORIGINAL LOT LINE
— OVERHEAD LOT LINE	— OVERHEAD LOT LINE
— FENCE	— FENCE
— WATER METER	— WATER METER
— 4" CONDUIT	— 4" CONDUIT
— BURIED CABLE SON	— BURIED CABLE SON
— PEDESTAL	— PEDESTAL
— DRAINAGE EASEMENT	— DRAINAGE EASEMENT
— UTILITY EASEMENT	— UTILITY EASEMENT
— BUILDING SETBACK LINE	— BUILDING SETBACK LINE
— SANITARY CONTROL	— SANITARY CONTROL
— SEWER MANHOLE	— SEWER MANHOLE
— UTILITY POLE	— UTILITY POLE
— RECORD CALL	— RECORD CALL
— G.C.P.R. - GILLESPIE COUNTY PLAT RECORDS	— G.C.P.R. - GILLESPIE COUNTY PLAT RECORDS
— G.C.P.R. - GILLESPIE COUNTY DEED RECORDS	— G.C.P.R. - GILLESPIE COUNTY DEED RECORDS
— G.C.P.R. - GILLESPIE COUNTY OFFICIAL PUBLIC RECORDS	— G.C.P.R. - GILLESPIE COUNTY OFFICIAL PUBLIC RECORDS
— G.C.P.R.P. - GILLESPIE COUNTY REAL PROPERTY RECORDS	— G.C.P.R.P. - GILLESPIE COUNTY REAL PROPERTY RECORDS



OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF GILLESPIE §

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

Jacob Grant
668 Pyka Road, LLC

STATE OF TEXAS §
COUNTY OF GILLESPIE §

Before me, the undersigned authority, on this day personally appeared JACOB GRANT, 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 _____, 2022.

Notary Public, State of Texas

CERTIFICATE OF FINAL PLAT APPROVAL
(FOR FINAL PLATS WITH PUBLIC REQUIRED PUBLIC IMPROVEMENTS INSTALLED AFTER APPROVAL)

Chairperson, Planning and Zoning Commission _____ Date _____, 2022
City of Fredericksburg, Texas

The undersigned, the City Secretary of the City of Fredericksburg, Texas, hereby certifies that the foregoing Final Plat of the ALTSADT VILLAGE SUBDIVISION, UNIT 2, a Subdivision or Addition to the City of Fredericksburg was submitted to the Planning and Zoning Commission on the _____ day of _____, 2022, and the Commission, by formal action, then and there accepted the Final Plat and hereby authorizes the developer to proceed with the construction of public works improvements and infrastructure as indicated on the accompanying construction plans, and said Commission further authorized the Chairman of the Planning and Zoning Commission to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness by my hand on this _____ day of _____, 2022

City Secretary
City of Fredericksburg, Texas

PLAT NOTES:

- Setbacks shall be in accordance with the City's adopted zoning code at the time of permitting.
- 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 is associated with said property; and any public utility, including the City, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Easements shall be maintained by property owners. The City can move trees or any other improvements and does not have the responsibility to replace them.
- Sight Visibility Restriction: No structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of ten (10) feet above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc. In the sight visibility easement as shown on the Plat, These sight visibility easements will remain in effect until vacated by ordinance adopted by the City Council and the property replated.
- Current zoning: R1 - Residential
- Proposed Use: Single Family Residential.

SURVEY NOTES:

- This survey was prepared without the benefit of a current title report/commitment. There may be easements, restrictions, and/or covenants affecting this property, not shown hereon.
- Bearings, distances, coordinates, & acreage are Grid, NAD 83 US Texas Central Zone 4203.
- A "1/2 inch iron rod set" is a 1/2 inch rebar with plastic cap marked "SEARCHERS RPLS 6275."
- The property shown hereon is located in Zone X and is not within a 100-year flood hazard area as identified by the Federal Emergency Management Agency Flood Insurance Rate Map 48171C0269C, Panel No.480696 Effective October 19, 2001.

CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF GILLESPIE §

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground. Field work completed on January 14, 2022.

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Josh W. Leamons May 23, 2022
Registered Professional Land Surveyor, 6276

STATE OF TEXAS §
COUNTY OF GILLESPIE §

Before me, the undersigned authority, on this day personally appeared Josh W. Leamons, known to me to be the person whose name is subscribed above.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2022.

Notary Public, State of Texas

PRELIMINARY PLAT
**HARMONY HILLS
ADDITION, UNIT 1**
A SUBVISION OF 21.446 ACRES OUT OF
OUTLOTS 165, 170, AND AN UNNUMBERED
OUTLOT STRIP AS SHOWN ON THE MAP OF
FREDERICKSBURG AND ENVIRONS BY THE
GERMAN EMIGRATION COMPANY IN
GILLESPIE COUNTY, TEXAS.

PERFORMANCE AGREEMENT

That, Jacob Grant of 668 Pyka, LLC, being duly authorized to act on behalf of said entity, (hereinafter referred to as Developer and Owner), does hereby agree with the City of Fredericksburg (hereinafter called City) that the final plat of Harmony Hills Subdivision ("Subdivision"), has been approved by the Planning Commission of the City of Fredericksburg, Texas, and that in order to permit the approval and recordation of the Final Plat prior to the completion of the Public Improvements required in connection with the approval of said subdivision plat, this Performance agreement ("Agreement") is entered into pursuant to Section 5.05 of the Subdivision Ordinance of the City of Fredericksburg.

NOW, THEREFORE, the City and Developer hereby agree to the terms of this Agreement as follows:

1. Developer agrees that Developer shall complete construction of all public improvements required in connection with the approval of said Subdivision plat within (4) months from the date of recordation of the Final Plat of said Subdivision, excluding the final (second) course of pavement referenced in Paragraph 2 of this Agreement.
2. The final (second) course of pavement shall be completed by the Developer within the maintenance bond period. Developer is responsible for maintenance and repair of first course of pavement prior to the final (second) course of pavement being completed.
3. Developer shall provide a maintenance bond in the amount of ten percent (10%) of the costs of all of the public improvements for a period of two (2) years following the City's final acceptance of the improvements (excluding second course of pavement) to ensure to the City the repair and replacement of all defects due to faulty materials and workmanship that appear within the two-year period following date of acceptance.
4. The performance and payment bonds, and/or irrevocable letter of credit, and/or

Commented [AR1]: Does City also desire a requirement for when construction shall commence?

Escrow agreement for securing the completion of the public improvement construction obligations in this Agreement (known collectively as "Performance Security"), as provided for in Section 5.05.D. ~~(entitled "Security for Completion of Improvements")~~ of the Subdivision Ordinance of the City of Fredericksburg, shall be issued for one hundred ten percent (110%) of the cost to construct and complete the outstanding required public improvements as estimated by the Developer's professional engineer, and as approved by the Director of Public Works and Utilities. Attachment "A" sets forth the anticipated required Subdivision public improvements that will remain outstanding at the time of recordation of the Final Plat.

Commented [AR2]: Be sure to complete and attach this Attachment A

a. Such bonds and/or letter of credit shall guarantee proper construction of such postponed and outstanding public improvements, and payment of all claimants supplying labor and materials for the construction of the public improvements, on or before the date stated herein.

5. This Agreement and the covenants and other items of agreement contained herein, and any requirements which are set forth in the Subdivision Ordinance of the City of Fredericksburg, whether specifically set out ~~herein~~ in this Agreement or not, shall run with the land and shall bind all successors, heirs and assignees of the owner(s) of the Subdivision Property and the Developer.
6. Any Performance Security posted by the Developer under this Agreement, or portion thereof remaining, shall be forfeited to the City should Developer cease to do business in this state, or if Developer files a petition in bankruptcy, or otherwise repudiates this agreement.
7. Developer agrees that, in addition to the requirements for posting Performance Security under this Agreement, Developer shall be liable to the City of Fredericksburg for timely completion of all public improvements and acceptance by the City within the time provided herein; except, however, that should the completion of such site improvements be delayed by reason of strikes, riots, acts of God, acts of the public enemy, injunction or other court action, or any other

cause similar to those enumerated beyond Developer's reasonable control, Developer shall be entitled to an extension of time equal to the time of such delay, which extension of time is to be fixed finally by written certificate made by the Director of Public Works and Utilities, it being expressly declared that no such allowance of time will be made unless claimed by the Developer and allowed and certified in writing by the Director of Public Works and Utilities at the end of each period of such delay.

8. If, at any time, construction of such public improvements has not been completed and accepted by the City and the amount provided by the Performance Security is no longer sufficient to cover the cost of completion of the public improvements, upon written notification of same to Developer by the Director of Public Works and Utilities, the Developer shall immediately file with the Director of Public Works and Utilities additional Performance Security, in an amount equal to the cost estimate of completing such site improvements, and shall complete construction of such site improvements within the time provided herein.
9. Until such time as the public improvements have been satisfactorily completed and accepted or such additional Performance Security as required by the City have been provided, the Director of Public Works and Utilities shall refuse to accept any further Performance Security, under any form, which is related to the plat of a subdivision subsequently filed with the Planning Commission in which Developer has a principal or subsidiary interest.

This Agreement and any subsequent agreement covering one or more of the forms of guarantee of performance shall be interpreted under the laws of the State of Texas

EXECUTED this _____ day of _____, 202~~32~~³².
668 Pyka, LLC, as DEVELOPER and OWNER:

BY: _____ TITLE: _____
Jacob Grant

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public for the State of Texas, on this day personally appeared Jacob Grant, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____, 20__.

(Name)
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires _____

REVIEWED AND APPROVED BY THE DIRECTOR OF PUBLIC WORKS:

_____ Date: _____

By:

APPROVED BY THE CITY:

_____ Date: _____

By: Clinton Bailey, City Manager

ATTACHMENT A

Commented [AR3]: Be sure to complete this attachment.

TO PERFORMANCE AGREEMENT

COVERING Harmony Hills Subdivision, Fredericksburg, Texas
Items of work remaining after completion of base and curbs.

TYPE OF SITE IMPROVEMENTS: COST	ESTIMATED
------------------------------------	-----------

1) Water: (substantially complete)	\$
2) Sewer: (substantially complete)	\$
3) Streets: 1 st course Grade 4 Surface Treatment	<u>\$ 99,000</u>
<u>2nd course of Grade 5 Surface Treatment</u>	<u>\$ 66,656</u>
4) Storm Drainage: (substantially complete)_____	\$
6) Other: (ROW seeding)	<u>\$ 2,00010,175</u>

TOTAL	<u>\$17567,831656</u>
-------	-----------------------

110% Performance Amt	<u>\$184,422193,414</u>
----------------------	-------------------------

Developer's Professional Engineer: _____

Date: _____

Director of Public Works and Utilities: _____

Date: _____

Updated 24/15325/2023

LEINHOLDER'S CONSENT TO THE
PERFORMANCE— AGREEMENT for the HARMONY HILLS SUBDIVISION OF GILLESPIE
COUNTY, TEXAS AND TO THE COVENANTS CONTAINED THEREIN.

STATE OF TEXAS §
COUNTY OF GILLESPIE §

The undersigned, Security State Bank and Trust (hereinafter, "Lienholder") being the sole owner and holder of an existing mortgage and lien recorded in Volume _____, Page _____, and Volume _____, Page _____, of the real property records of Gillespie County, Texas, upon and against the real property described in Volume _____, Page _____ (et seq.) of the Deed Records of Gillespie County, Texas, or as shown on the exhibit attached hereto, which is known (or is to be known as the Harmony Hills Subdivision at 668 Pyka, Fredericksburg, Texas, and as such, mortgagee and lienholder, does hereby consent to and join in said Agreement and to the covenants and agreements contained therein.

The undersigned hereby executes this instrument for the sole purpose of subordinating the liens held by the undersigned to all of the provisions of the said Agreement. All parties to the Agreement specifically acknowledge that Lienholder is not a party to the said Agreement except for the sole purpose of consenting there to and subordinating the Lien(s) as set out above, and all parties to the Agreement hereby specifically and unconditionally release and discharge said Lienholder from any claims or liability with respect to, or arising out of the Agreement, except as to actions which may hereafter be taken by Lienholder as a successor to the interest of the Owner or Developer.

DATE: _____, 202_____, Lender

By: _____,

(Printed Name and Title)

THE STATE OF TEXAS §
COUNTY OF GILLESPIE §

BEFORE ME, the undersigned authority, a Notary Public for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____,
20____.

(Name)
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires _____



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Public Works - Streets, Water, Sanitation, Drainage and Electric

TO: Mayor & City Council Members

FROM: Kris Kneese, Director of Public Works, Utilities, and Engineer

MEETING DATE: February 21, 2023

CATEGORY: OTHER ACTION ITEMS AND UPDATES

CAPTION: Consider a presentation and discussion on the 2023 Water Supply and Future Weather Outlook (Kris Kneese, Director of Public Works and Utilities).

PRESENTATION:

SUMMARY:

This agenda item will include a joint presentation and discussion by City Staff and Hill Country Underground Water Conservation District Manager Paul Tybor regarding the City of Fredericksburg Water Supply and Future Weather Outlook.

BACKGROUND:

City Staff will give a brief presentation on the status of the City of Fredericksburg water supply and water conservation measures. Paul Tybor will give a brief presentation regarding long term water demands and short and long term weather forecasts for Gillespie County. A copy of the presentation will be provided to the Mayor and City Council prior to the meeting. The presentation will also be available through the City's website.

FUNDING SOURCE: N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION:

Consider the presentation and have discussion regarding the City of Fredericksburg water supply.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:



Kris Kneese, Director of Public Works, Utilities, and Engineer

Date: February 14, 2023



Garret Bonn, Assistant City Manager

Date: February 14, 2023



Laura Hollenbeak, Finance Director

Date: February 14, 2023

William McKamie, Interim City Attorney

Date: February 14, 2023



Shelley Goodwin, City Secretary

Date: February 14, 2023



Clinton Bailey, City Manager

Date: February 15, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM: Clinton Bailey, City Manager
MEETING DATE: February 21, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Short-Term Rental(STR) Permitting and Code Enforcement Update

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

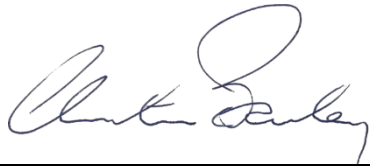
APPROVAL/REVIEW:

William McKamie, Interim City Attorney

Date: February 14, 2023

Shelley Goodwin, City Secretary

Date: February 14, 2023



Clinton Bailey, City Manager

Date: February 15, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM: Clinton Bailey, City Manager
MEETING DATE: February 21, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Legislative Update

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

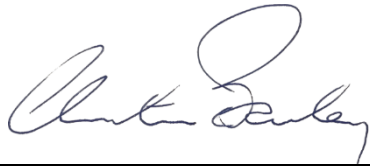
APPROVAL/REVIEW:

William McKamie, Interim City Attorney

Date: February 14, 2023

Shelley Goodwin, City Secretary

Date: February 14, 2023



Clinton Bailey, City Manager

Date: February 15, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM: Clinton Bailey, City Manager
MEETING DATE: February 21, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: City Council Meeting Format

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

William McKamie, Interim City Attorney

Date: February 14, 2023

Shelley Goodwin, City Secretary

Date: February 14, 2023



Clinton Bailey, City Manager

Date: February 15, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM: Clinton Bailey, City Manager
MEETING DATE: February 21, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Proposed City and Gillespie County Joint Meeting

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

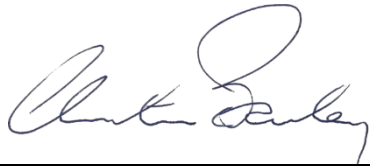
APPROVAL/REVIEW:

William McKamie, Interim City Attorney

Date: February 14, 2023

Shelley Goodwin, City Secretary

Date: February 14, 2023

A handwritten signature in blue ink, appearing to read "Clinton Bailey", is positioned above a horizontal line.

Clinton Bailey, City Manager

Date: February 15, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM: Clinton Bailey, City Manager
MEETING DATE: February 21, 2023

CATEGORY: EXECUTIVE SESSION

CAPTION: Consider and discuss the annual evaluation of the City Manager (Section 551.074); and

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Laura Hollenbeak, Finance Director

Date: January 05, 2023

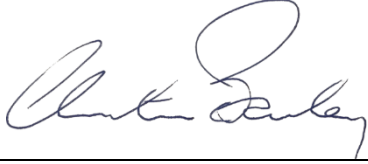
William McKamie, Interim City Attorney

Date: January 10, 2023



Shelley Goodwin, City Secretary

Date: January 10, 2023



Clinton Bailey, City Manager

Date: February 15, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Shelley Goodwin, City Secretary

MEETING DATE: February 21, 2023

CATEGORY: EXECUTIVE SESSION

CAPTION: Consider and discuss the Municipal Court officer and operations (Section 551.074).

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

None

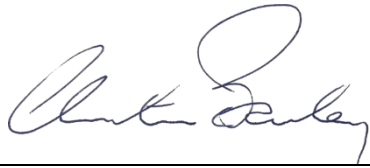
APPROVAL/REVIEW:

William McKamie, Interim City Attorney

Date: February 14, 2023

Shelley Goodwin, City Secretary

Date: February 14, 2023

A handwritten signature in blue ink, appearing to read "Clinton Bailey", is positioned above a horizontal line.

Clinton Bailey, City Manager

Date: February 15, 2023