



City of Fredericksburg

Planning and Zoning Meeting Agenda
Wednesday, March 8, 2023 ~ 5:30 PM
Law Enforcement Center
1601 E. Main Street
Fredericksburg, Texas 78624

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

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

The City of Fredericksburg Planning and Zoning Commission will meet in a regular session on Wednesday, March 8, 2023, at 5:30 PM. Link to City of Fredericksburg YouTube Channel (Fredericksburg, Texas USA - YouTube <https://www.youtube.com/c/FredericksburgTexasUSA>).

Written Comments: to be submitted remotely:

1. Must be received by 2 p.m. on March 8, 2023.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to scollier@fbgtx.org

Verbal Comments:

1. Sign up in-person between 5:00 p.m. and 5:30 p.m. at the Law Enforcement Center, 1601E. Main Street, in order to comment.

You will be limited to 3 minutes to speak.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- A. February 8, 2023 Regular Meeting Minutes
- B. Consider approval of City Council and Planning and Zoning Commission January 17, 2023, Joint Meeting Minutes.

4. PUBLIC HEARING

- A. Z-2304 - 112 East Schubert - Conditional Use Permit to Operate a STR-Facility

5. ACTION ITEMS

- A. Z-2304 - 112 East Schubert - Conditional Use Permit to Operate a STR-Facility
- B. P-2301 - Final Plat Harmony Hills Subdivision
- C. P-2303 - Preliminary Plat Woodcrest Subdivision

6. DISCUSSION ITEMS

- A. Director's Report

7. ADJOURN

CERTIFICATION

This is to certify that I, Shelby Collier, posted this Agenda at TIME. on DATE, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Shelby Collier
Associate Planner

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

**PLANNING & ZONING COMMISSION
FEBRUARY 8, 2023
5:30 P.M.**

On this the 8TH day of FEBRUARY 2023 the PLANNING AND ZONING COMMISSION convened in regular Session at the Law Enforcement Center located at 1601 E. Main Street with the following members present to constitute a quorum:

PRESENT:

JANICE MENKING
POLLY RICKERT
JEFF LAWRENCE
JIM JARREAU
TOM MUSSELMAN
DARYL WHITWORTH
CINDY SCROGGINS
TIM DOOLEY

ABSENT:

STEVE THOMAS

ALSO, PRESENT:

MICK MCKAMIE – Interim City Attorney
SHELBY COLLIER – Associate Planner
ANNA HUDSON - Interim Director of Development Services

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

PUBLIC COMMENTS

MINUTES

Jim Jarreau made a Motion to Approve the January 2023 Meeting Minutes. Seconded by Polly Rickert. All voted in favor and the motion carried.

PUBLIC HEARING

REQUEST #Z-2229: BY SCOTT HORTON TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.120 TO OPERATE A STR-CONDOMINIUM IN A R3 MULTI-FAMILY RESIDENTIAL ZONED AREA FOR PROPERTY LOCATED AT 510 MUELLER STREET UNIT # 23

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

Scott Horton presented to application. He stated that it was his desire to operate a STR-Condominium in his newly renovated property located at 510 Mueller #23 and was told that he needed a Conditional Use Permit. He believes the property is a good fit for a STR as many are already located within the development and prior to purchasing he checked the HOA documents to ensure that STR's were allowed, which they are.

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

REQUEST #Z-2232: BY MATT DURRETTE WITH COZI VACATION RENTALS TO CONSIDER THE FOLLOWING A FUTURE LAND USE CHANGE FROM LOW DENSITY RESIDENTIAL (LDR), TO MIXED USE CORRIDOR (MUC) AND A ZONING CHANGE FROM (R1) SINGLE FAMILY RESIDENTIAL, TO (R2) MIXED RESIDENTIAL FOR PROPERTY LOCATED AT 106 E. NIMITZ STREET.

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

Matt Durette presented the application. He stated that while he is the owner of Cozi Vacation Rentals, he owns 106 E. Nimitz personally and has an interest in changing the zoning from R1 to R2 and is asking for approval.

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

REQUEST #Z-2235: BY SERGIO MENDEZ TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 6.110 TO ALLOW FOR EXPANSION OF A LEGAL NONCONFORMING USE FOR PROPERTY LOCATED AT 903 NORTH MILAM STREET.

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

Sergio Mendez presented the application. He stated he and his wife have owned the property for a little over a year and use it as a Short-Term Rental as well as their second home and they would like to close in the porch and create a sunroom.

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

ACTION ITEM

DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING REQUEST #Z-2229: BY SCOTT HORTON TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.120 TO OPERATE A STR-CONDOMINIUM IN A R3 MULTI-FAMILY RESIDENTIAL ZONED AREA FOR PROPERTY LOCATED AT 510 MUELLER STREET UNIT # 23

Shelby Collier, Associate Planner, stated the applicant is requesting a Conditional Use Permit per [Sec. 3.120](#) to operate a STR-Condominium in a R3-zoned area on property located at 510 Mueller St Unit #23. The proposed development would include a three-bedroom, two bath STR unit. The property is located in a condominium development, Carriage Park, that currently has 4 STR-Nonconforming properties, Units 9, 10, 13 & 16 (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 Condominium development that consists of narrow streets and contains a total of 36 units. The block unit #23 is in 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.

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>

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

Daryl Whitworth asked the applicant if he had remitted HOT for bookings he had hosted at his property. Scott Horton stated he had not but could pay with a check at the meeting.

Daryl Whitworth made a motion to recommend denial of Request #Z-2229. Seconded by Jim Jarreau. All voted in favor and the motion carried.

DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING REQUEST #Z-2232: BY MATT DURRETTE WITH COZI VACATION RENTALS TO CONSIDER THE FOLLOWING A FUTURE LAND USE CHANGE FROM LOW DENSITY RESIDENTIAL (LDR), TO MIXED USE CORRIDOR (MUC) AND A ZONING CHANGE FROM (R1) SINGLE FAMILY RESIDENTIAL, TO (R2) MIXED RESIDENTIAL FOR PROPERTY LOCATED AT 106 E. NIMITZ STREET.

Shelby Collier, Associate Planner, stated 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.

106 E. Nimitz is a .639 acre property with a Single-Family Residence 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 East 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 East 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.

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.

Jim Jarreau made a Motion to recommend Approval of the Land use Change Request for #Z-2232. Seconded by Daryl Whitworth. All voted in favor and the motion carried.

Jim Jarreau mad a Motion to recommend Approval of the Zoning Change Request for Z-2232. Seconded by Polly Rickert. All voted in favor and the motion carried.

DISCUSSION, CONSIDERATION AND RECOMMENDATION REGARDING REQUEST #Z-2235: BY SERGIO MENDEZ TO CONSIDER A CONDITIOAL USE PERMIT PER SECTION 6.110 TO ALLOW FOR EXPANSION OF A LEGAL NONCONFORMING USE FOR PROPERTY LOCATED AT 903 NORTH MILAM STREET.

Shelby Collier, Associate Planner, stated 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.

[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.

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](#).

Staff recommends approval conditioned upon no increase in occupancy.

Daryl Whitworth made a Motion to recommend Approval of Request #Z-2235 per Staff recommendations. Seconded by Tom Musselman. All voted in favor and the motion carried.

REQUEST P-2225 BY MARK SPARROW WITH HK FREDERICKSBURG TO CONSIDER A FINAL PLAT OF FRIENDSHIP OAKS SUBDIVISION PHASE 2 LOCATED ON SOUTH CREEK STREET.

The applicant was not present.

Shelby Collier, Associate Planner, stated a Final Plat application was received for Phase 2 of the Friendship Oaks Subdivision which consists of approximately 26.89 acres of land with 234 lots zoned R1-A, Single Family. The subject property is located on the south side of Friendship Lane, east of the intersection of Friendship Lane and Highway 87 South.

This subdivision was annexed in 2018 (Z-1819) and the Planning & Zoning Commission approved the preliminary plat for the entire Friendship Oaks development on January 6, 2021 (P-2029)

The development would create 3 new roadways that take access from the extension of South Creek Street. Utility connections are shown to utilities that are currently under construction. Public service will not be available until utilities have been fully constructed, tested, and accepted by City staff.

The Annexation agreement (Z-1819) calls for a minimum 1.64 acre private park/recreational facility. The previously approved Preliminary Plat (P-2029) provides for a 1.69 acre park in Phase 1. In addition to the small private park, a fee in the amount of \$250 (one-half the regular rate) per lot shall be required prior to recordation of the Final Plat for each phase. [Sec. 6.15](#)

Staff provided comments on January 3, 2023 and have not yet received a response. One of the comments was in regard to the size of the lots, specifically 205 and 206 which do not meet the minimum requirement of 45 ft in width.

Staff recommends approval conditioned upon the following:

- Approval of Civil Construction Plans.
- Approved Addressing added to Final Plat prior to recordation of Plat.
- Parkland Dedication of \$250.00 Per Lot (\$58,500) for the 234 lots payable prior to recordation of the Plat.
- Responding to City Comments

Polly Rickert made a Motion to Deny Request # P-2225. Seconded by Jim Jarreau. All voted in favor and the motion carried.

REQUEST P-2240 – BY CHRISTOPHER DANZE TO CONSIDER A PRELIMINARY PLAT OF 528 SOUTH MILAM SUBDIVISION LOCATED AT 528 SOUTH MILAM STREET.

Chris Danze presented the application. He stated it was his desire to subdivide the property to allow for future development of single family residences to the north and develop 528 South Milam as the future MOM Center.

Shelby Collier, Associate Planner, stated the subject property is a 2.42 Acre tract located at 528 S. Milam Street. As proposed it will have residential lots fronting on West Walch Avenue and commercial lots fronting West Live Oak Street.

The lots comply with the City's subdivision and zoning requirements regarding lot size and frontage.

This property was partially rezoned to C1 in 2022 (Z-2210) and the property has since sold with the intent to further develop 6 lots. Lots 1 – 4 retain R1 zoning and front Walsh Avenue. Lots 5 & 6 have C1 zoning - Neighborhood Commercial and front on West Live Oak Street.

Utilities are available to serve this property and extension of existing infrastructure will be extended, at the developer's expense to serve the property. Detention will be addressed as part of the Construction Plans.

The applicant shall pay parkland dedication fees (full rate) based on the overall density of the development At \$500 per new lot (5) for a total of \$2,500.00. Parkland fees shall be paid prior to recordation of each phase of the project. [Sec. 6.15](#)

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

- Parkland Dedication of \$500.00 per new lot (5) for a total of \$2,500 paid prior to recordation of the Plat. [Sec. 6.15](#)
- Addressing Staff Comments.
- Approval of the Final Plat
- Approval of Civil Construction Plans

Polly Rickert made a Motion to Approve Request # P-2240 per Staff Recommendation. Seconded by Tom Musselman. All voted in favor and the motion carried.

DISCUSSION ITEM

Directors Update

Anna Hudson, Interim Director of Development Services provided an update regarding the Comprehensive Plan. She stated that a survey has been made available to the public and so far, has received 996 responses.

ADJOURN

With nothing further to come before the Commission, Jim Jarreau moved to adjourn. Seconded by Cindy Scroggins. All voted in favor and the meeting was adjourned at 6:33 p.m.

PASSED AND APPROVED this 8th day of March 2023.

SHELBY COLLIER, Associate Planner

JANICE MENKING, Chairman



City of Fredericksburg

CITY COUNCIL AND PLANNING AND ZONING COMMISSION JOINT SPECIAL MEETING MINUTES TUESDAY, JANUARY 17, 2023 ~ 12:00 P.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 (arrived at 12:16 p.m.)
Councilmember Sharon Joseph

Members Absent:

None

Planning and Zoning Commission

Janice Menking, Chair
Commissioner Jeff Lawrence
Commissioner Polly Rickert
Commissioner Tom Musselman
Commissioner Jim Jarreau
Commissioner Cindy Scroggins
Commissioner Tim Dooley
Commissioner Daryl Whitworth

Members Absent:

Commissioner Steve Thomas

City Staff Present:

Clinton Bailey, City Manager
Mick McKamie, Interim City Attorney
Garret Bonn, Assistant City Manager
Brian Vorauer, Police Chief
Eric Whiting, Director of Information Technology
Kris Kneese, Director of Public Works and Utilities
Derek Seelig, Police Lieutenant
Anna Hudson, Interim Director of Development Services
Lea Feuge, Public Information Officer
Andrea Schmidt, Parks & Recreation Director
Jennifer Krupa, Assistant Parks & Recreation Director/Special Events Coordinator
Leslie Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the Joint Special Meeting of the Fredericksburg City Council and Planning and Zoning Commission to order at 12:00 p.m. on Tuesday, January 17, 2023. He announced that a quorum had been met.

Chair Menking announced that a quorum of the Planning and Zoning Commission has been met.

Anna Hudson, Interim Development Service Director, provided a history of the past and future Comprehensive Plans.

2. BUSINESS ITEM

A. The City Council and the Planning & Zoning Commission will receive a presentation by Halff Associates on the Comprehensive Plan process and discuss the following:

- i. Project Introduction**
- ii. What We've Heard So Far**
- iii. 2006 Comprehensive Plan Goals**
- iv. 2018 Visioning Report Goals**
- v. Discussion/Visioning**
- vi. Next Steps**

Chelsea Irby, Project Manager - Halff, introduced the Halff team. She provided the attached PowerPoint and reviewed the process. She reviewed the following:

- What a Comprehensive Plan is and the scope of a plan
- Parks Master Plan and the scope of the plan
- How will the plans be used
- Schedule
- Community Engagement Scope
- Project Roles

Nathlie Booth, Deputy Project Manager - Halff, reviewed the current results of the top priorities from the survey. She encouraged everyone to push out the link to the survey. She also reviewed the previous 2006 Comp Plan goals and the goals from the 2018 Visioning Report, encouraged to find 5 priorities. She reviewed the keys visions and major recommendations.

Takeaways and Reflections

The following successful pursuits were provided:

- Pleased with current City staff and their professionalism
- Housing issues and opening up to other types of housing
- Clean neighborhoods (Livability/beautification)
- Entry Corridor
- Water infrastructure
- Walkability
- Parks and Youth activities
- Public Works infrastructure
- Maintain Historical Character
- Maintain and update Market Square Transportation
- Workforce
- No chains on Main Street
- Child Care

- Economic Community
- Digital infrastructure
- Carried through at a high standard
- Industry
- Forward thinking community
- Sign Ordinance
- Historic Preservation
- Police Department
- Willing to write strong Ordinances

Visioning Discussion single words to describe Fredericksburg

The City Council and Planning and Zoning Commissioners provided several descriptions such as:

- Friendly
- Welcoming
- Beautiful
- Unique
- Dark skies
- Community
- Dynamic
- Prosperous
- Fun
- Family
- Small
- Forward thinking
- Home
- Public involvement
- community organization
- generosity
- Not land locked
- Highways – 3 major highways run through Fredericksburg
- Agriculture
- Workforce
- Giving and helping community
- Medical Social Assistance
- Opportunities

Results – What is needed to succeed

Some of the results provided were:

- Culinary Experience - not just wine
- Expand the heritage and museum - tourist desire to visit
- Social Media
- Family marketing
- Aspirations
- Maintain small town character
- Good neighbors
- Trails along the town
- Mixing schools into neighborhoods

- Staff housing
- Re-engage community residents
- Path of least resistance
- Sidewalks-more mobility

Eric Hammersen, City resident, stated he feels that a matrix should be provided at the completions along with other planning strategies.

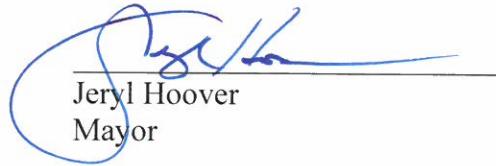
Next Step

- Open House scheduled for January 18, 2023, from 4:00 p.m.-7:00 p.m. at the Pioneer Museum Sanctuary
- Encourage residents to complete the online survey

3. ADJOURN

Motion: A motion was made by Commissioner Whitworth, seconded by Commissioner Rickert, to adjourn the meeting at 2:08 p.m. The Planning and Zoning Commission voted eight (8) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to adjourn the meeting at 2:08 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.



Jeryl Hoover
Mayor

Janice Menking
Planning and Zoning Commission Chair

Shelley Goodwin, TRMC/CMC
City Secretary



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services

TO: Planning and Zoning Commission

FROM:

MEETING DATE: March 8, 2023

CATEGORY: PUBLIC HEARING

CAPTION: Z-2304 - 112 East Schubert - Conditional Use Permit to Operate a STR-Facility

PRESENTATION:

SUMMARY:

REQUEST #Z-2304: BY JOHN ELLIS TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.110 TO OPERATE A STR-FACILITY IN A R2 ZONED AREA ABUTTING A NON-RESIDENTIAL ZONING DISTRICT FOR PROPERTY LOCATED AT 112 EAST SCHUBERT.

BACKGROUND:

The Applicant is requesting a Conditional Use Permit per [Sec. 3.110](#) of the Zoning Ordinance to operate a STR-Facility in a R2-zoned area abutting a non-residential zoning district for property located at 112 East Schubert. The subject tract has frontage on both E. Travis and E. Schubert Streets and is bordered by C2 zoning to East and R2 Zoning to the North, South, and West. The majority of the surrounding R2 zoned properties are currently utilized as STR's.

The proposed development requests approval for a 3-bedroom short term rental unit within the main structure and a 2-bedroom short term rental unit within the carriage house. The development is proposing 4 parking spaces on site which meets the required parking calculations which are calculated at 60% of the occupancy for a STR-Facility. [Sec. 7.860 Table 7.863](#)

Planning and Zoning previously considered a Conditional Use Permit (CUP) for this property to operate a STR-Unoccupied on August 3, 2022 (Z-2216). At that time, the then owners requested a CUP for the main residence only and obtained a STR-Unoccupied permit for 2-bedrooms not the requested 3. With this in mind, the Building Department reviewed the floor plan provided by the new owners and determined that the requested 3-bedroom does not meet the necessary egress requirements to operate as a bedroom per Sec. R3101 of the 2015 International Residential Code.

| [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.

Public notification, including letters being sent to property owners within 200 feet, resulted in one response in support of the project.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION: As presented, the proposed STR-Facility use meets the requirements of a conditional use permit. As the subject tract is surrounded by STR or commercial uses, staff recommends approval conditioned upon the following:

- No increase in occupancy for the main residence as the Building Department has determined that the requested 3 bedroom does not meet the necessary egress requirements to operate as a bedroom.
- Provide a response to Staff's comments provided on February 13, 2023 to include Landscaping Per [Sec. 7.920](#) and an approved addressing plan.
- Review/inspection and approval of a STR Permit Application(s) and payment of applicable fees.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. Z-2304 - Project Application and Documents
2. Z-2304 Public Hearing Map
3. Z-2304 Response to Comments
4. Z-2304 Review Comments
5. 112 E. Schubert Floorplan1
6. Z-2216 Notice of Action
7. Z-2235 Mailing Labels

APPROVAL/REVIEW:



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: Ellis Short Term Rental Permit Revision (STR22-0255)

Project Address: 112 E. Schubert St., 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: Revision to STR22-0255

Jurisdiction: ☒ City Limits ☐ ETJ Total Acres: 0.4661 No. of Lots: 1

Original Survey & Abstract No:

Legal Description: Townlot 527, Block 45 of the FBG Addition

Current Land Use Plan: Residential

Proposed Land Use Plan: Residential

Current Zoning: R-2

Proposed Zoning: R-2

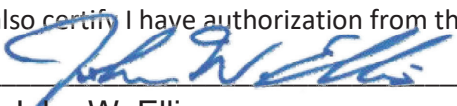
Location: 112 E. Schubert Street

Proposed Use(s): Short Term Rental - Dwelling Unit/Facility

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: John W. Ellis

Date: 1/25/2023

Staff Use Only

Application No.: Z-2304 Date: 01/25/23

*Copy of current Title Search required with application.

CK#1001 \$400.00



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: John and Bethany Ellis

Address: 10601 La Plata Cv, Austin, TX 78737

Phone: 512-914-9911

Fax:

Email: johnwilliamellis@gmail.com;
bethanymellis@gmail.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):

Applicant Name (s): John and Bethany Ellis / Hudson Brooks Holdings, LLC

Address: Same as above

Phone:

Fax:

Email: johnwilliamellis@gmail.com;
bethanymellis@gmail.com

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.



SITE PLAN/CONDITIONAL USE PERMIT CHECKLIST P & Z and Administrative Review

- ☒ Address and legal description of property
- ☒ Proof of title showing the owner and lien holders, if any
- ☒ Brief description of the proposed use, including information pertinent to the review and evaluation criteria stated in Section 7.131
- ☒ 6 Copies of the Site Plan (24" x 36" sheet size)
- ☒ PDF copies emailed to scollier@fbgtx.org
- ☒ The site plan shall be drawn to scale, and sufficiently dimensional as necessary to show the following:
 - ☒ The date, scale, north point, title, name of owner and name of person preparing the Site Plan.
 - ☒ The location and dimension of boundary lines, easements, and required yards and setbacks of all existing and proposed buildings and land improvements.
 - ☒ The location, height and intended use of existing and proposed buildings on site, and approximate locations of buildings on abutting sites within 50'
 - ☒ The location of existing and proposed improvements including parking and loading areas, pedestrian and vehicular access and utility or service areas.
 - ☒ The location of existing and proposed fencing and screening.
 - ☒ Proposed exterior lighting, including fixture type.
 - ☐ *N/A* The center line of existing water courses, drainage features and 100-year floodplain.
 - ☐ *N/A* On sites affected by the 100 year floodplain, impervious coverage and building coverage are based on the area outside the floodplain. Provide calculations accordingly.
 - ☐ *N/A* Location and size of existing and proposed streets and alleys.
 - ☒ The number of existing and proposed parking and loading spaces, and a calculation of applicable minimum requirements.
 - ☒ Zoning summary, including type, minimum and actual lot size, setbacks, maximum and actual building height, building coverage and impervious coverage.
 - ☐ *N/A* Sites with 10% or greater slope, provide existing and proposed topography and grading (5' minimum contour intervals), and erosion control measures.
 - ☐ *N/A* The location of signs, if known.
 - ☒ *N/A* Location of solid waste container.
 - ☐ Locations of proposed and existing water, sewer and electric utilities.
 - ☐ *N/A* The location of the visibility triangle at street intersections and driveways.
 - ☐ *N/A* Fire Lanes
 - ☒ Landscaping, including location, size, and species of existing trees on site, square footage of all proposed landscape areas
 - ☒ Applicable Fee

Note: Additional information may be required to complete review of proposed project by City of Fredericksburg.

I hereby acknowledge that the items listed above are included with this submittal and that any items not included with this application will result in this application being deemed incomplete and returned without review or scheduled for the upcoming meeting dates.

Owner/Agent:

John W. Ellis

Date:

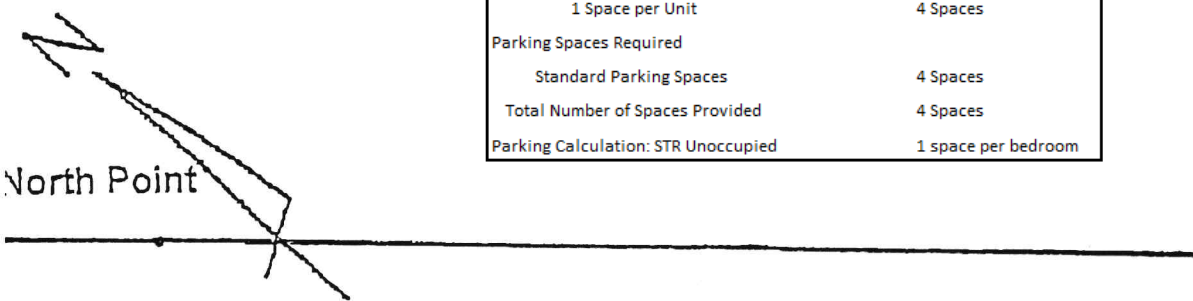
1/26/2023

Printed Name:

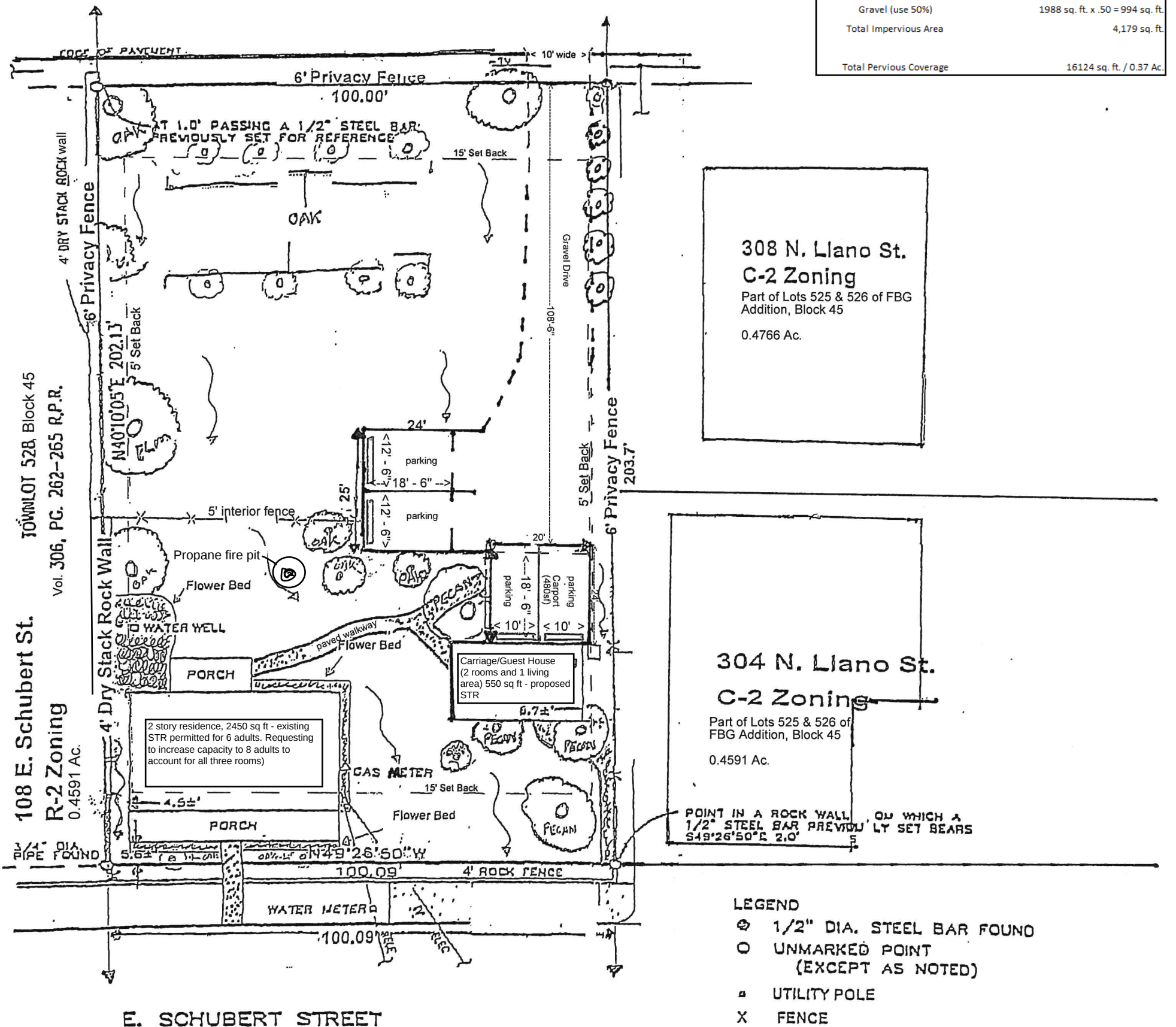
John Ellis

Parking Summary:	
Existing Facilities	
Existing Unit Count	2 Units
Parking Spaces Required	
1 Space per Unit	4 Spaces
Parking Spaces Required	
Standard Parking Spaces	4 Spaces
Total Number of Spaces Provided	4 Spaces
Parking Calculation: STR Unoccupied	1 space per bedroom

Lot Summary Table:	
Lot Area:	20,303 sq. ft. / 0.4661 Ac.
Current Zoning	R-2: Mixed Residential
Zoning Requirements	
Min Lot Width	50 ft.
Building Setbacks	
Min Front Yard Setback	15 ft. (20 ft. Garage)
Min Street Side Yard Setback	15 ft.
Min Side Yard Setback (interior)	5 ft.
Min Rear Yard Setback	10 ft.
Max Building Height	2.5 Stories, 28 ft.
Max Building Coverage	55%
Max Impervious Coverage	65%
Existing Lot Coverages	
Existing Building Height	2 Stories
Existing Building Coverage	16%
Existing Building Area	2970 sq. ft. / .068 Ac.
Existing Impervious Percentage	25%
Impervious Area	5,173 sq. ft.
Gravel (use 50%)	1988 sq. ft. x .50 = 994 sq. ft.
Total Impervious Area	4,179 sq. ft.
Total Pervious Coverage	16124 sq. ft. / 0.37 Ac.



E. Travis Street



- * No existing alleys, and not proposing any new streets or alleys
- * **100 Year Flood Plain does not affect subject property**
- * All exterior lighting shall be night sky compliant

John and Bethany Ellis
Hudson Brooks Holdings, LLC

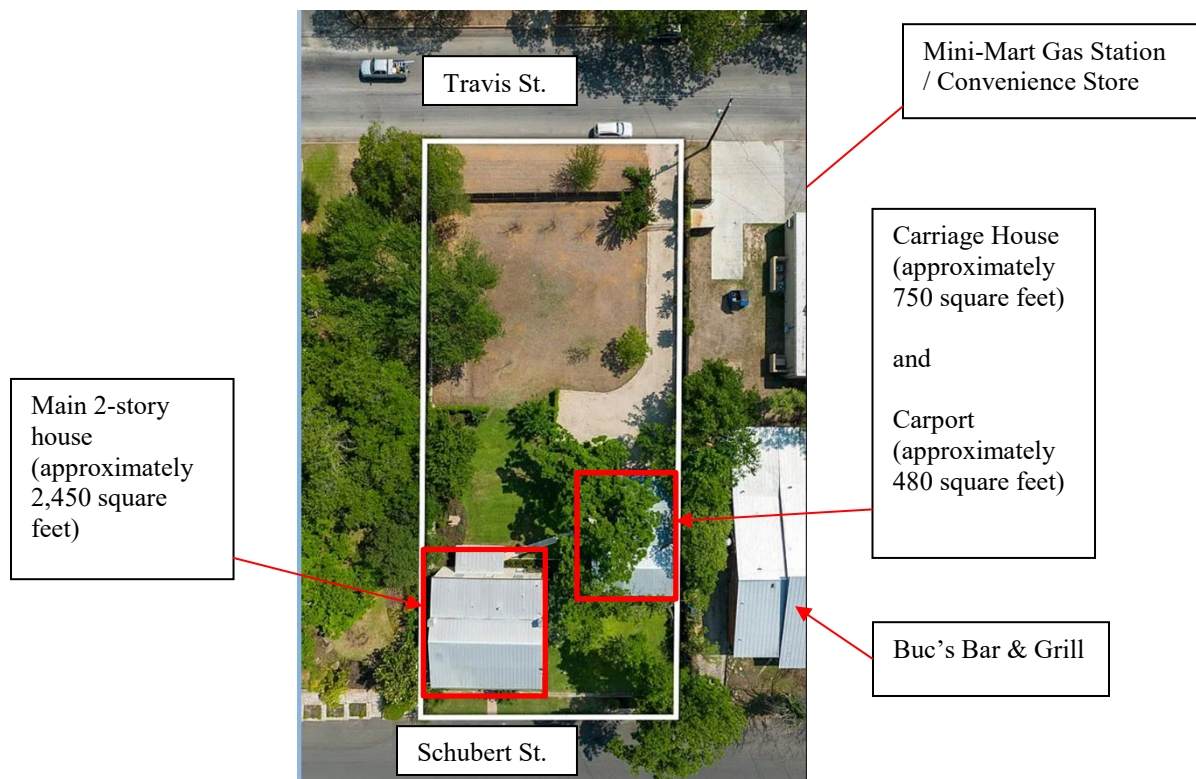
112 E. Schubert Street, Fredericksburg, Texas 78624

Scale: 1" = 24.24'

Supplemental Materials to Application Concerning the Property at 112 E. Schubert Street, Fredericksburg, Texas 78624

Brief description of the proposed use, including information pertinent to the review and evaluation criteria in Section 7.131:

- My wife and I recently purchased this historic property. As small-town natives, we are excited to have a home close by to get away from the city with our two young boys and enjoy the many benefits of life in the Fredericksburg community.
- At the time we purchased the property, it had recently been approved under the 2022-13 Ordinance as an STR-Unoccupied. That permit was timely transferred to us following our November 2022 closing. While we are not using our home, we have been operating the premises as a short-term rental under that permit—STR22-0255.
- The existing improvements on 0.467-acre property include a historic, two-story home and a largely unfinished carport/carriage house structure as shown in the diagram below. The purpose of this application is to ensure we have approval under the STR-Unoccupied Conditional Use Permit to rent all three bedrooms in the main, two-story home and to also seek flexibility to rent the existing two-bedroom carriage house to guests.



- The property is zoned R-2, which Ordinance 2022-13 generally authorizes for use as short term rentals. Because our property is situated within the historic district, however, Ordinance 2022-13 requires a conditional use permit. Accordingly, our property was previously granted a conditional use permit for operation as a Short Term Rental-Unoccupied in August 2022.
- The main house consists of three bedrooms as shown in the accompanying floorplan documents. However, the previous owners' permit application sought approval for capacity for only a two-bedroom home. When the STR permit was transferred to us, we requested permission to amend the permit to account for the entire capacity of the main home pursuant to section 5.401(10)(d) of the ordinance. We were informed that the request to increase capacity from 6 adults to up to 8 adults (to account for all three bedrooms instead of two rooms) required an entirely new application and fee. Accordingly, we are submitting this request.
- In addition to correcting the capacity for the main home, we are requesting a revision of the STR permit to provide us the flexibility to rent the existing carriage house as an STR dwelling unit, either separately from the main house or together as a single dwelling unit. Our property is adjacent to commercially zoned lots, so it is a parcel that was specifically contemplated under Ordinance 2022-13 as a location suitable for an STR-Facility permit.
- The requested changes would result in the following maximum capacity for the two structures on our land:

Structure	Existing Capacity Under STR22-0255 Permit	Requested New Capacity
3-Bedroom Primary Home	6 adults	8 adults
2 Bedroom Carriage House	0 adults	4 adults

- Our lot consists of 20,000 square feet of land, and the total living space for both structures is approximately 3,230 square feet.
- The main home has been operating as an STR-Unoccupied since December 2022 with no complaints from the City or surrounding neighbors.
- To address privacy concerns that were raised in connection with the previous owners' STR application, a privacy fence on the shared property line with the residential lot located next door at 108 E. Schubert was completed along the shared lot line before we acquired the property,

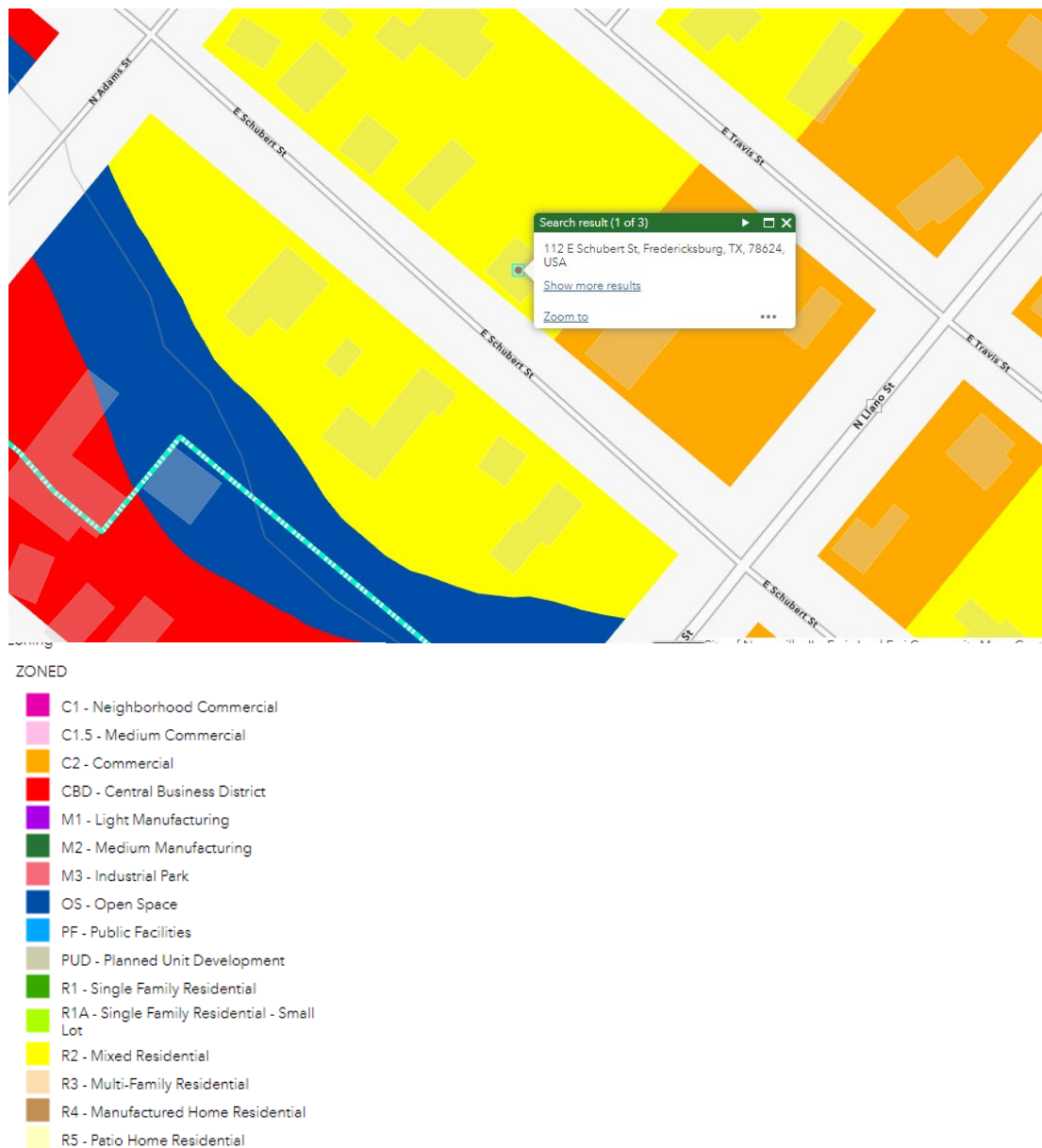
- It is our understanding that many STRs operate in the City with the same or greater capacity than we are requesting, despite operating with smaller structures and on smaller lot sizes. In addition, due to our property's close proximity to Main Street and being next door to two busy commercial properties—Buc O'Brian's Bar and the Mini Mart gas station—the potential for hosting up to 6 additional guests on the property would have, at best, a minimal impact on existing traffic in the area.
- In sum, we request permission to have the flexibility under the existing STR ordinance to lease our property for residential purposes to up to 12 adult guests across both structures, with no more than 8 adult guests in the two-story home.

Section 5.460. The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications using the following criteria:

The below responses address the factors set forth in Section 5.460 for the application review.

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

- Yes, the requested revision to the existing short-term rental permit is consistent with the zoning regulations. The property location meets all zoning requirements for consideration of an STR, including an STR Facility and/or STR-Unoccupied.
- The property is zoned R-2, so providing for increased residential capacity is consistent with the intended zoning. Also, the property is located within the Fredericksburg Historic District Overlay and adjacent to other R-2 properties to the north, west, and south, and adjacent to commercial (C-2) zoning lots to the east as shown in the city zoning map excerpt below:



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, at this time there is no requested deviation or changes in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.
- Located within two blocks of Main Street and the Marktplatz, the surrounding neighborhood is filled with commercial and many other short-term rental properties, making the proposed use highly compatible with existing and permitted uses on the neighboring properties.

- The main house is already operating as a permitted STR-Unoccupied, and there have been no complaints associated with that use.
- As noted above, the property is next door to two highly-trafficked commercial properties—Buc O’Brian’s Bar and Mini Mart—that operate many hours of the day and night, so adding up to 6 additional adults on the nearly one-half acre property would have minimal impact on the surrounding neighborhood.
- There are many STRs operating in the immediate vicinity of this property, including 112 E. Travis, 104 E. Schubert, 102 E. Schubert, 303 Adams St. A property across the street, 111 E. Schubert has an STR permit application pending at the time this application is submitted.
- The lots located at 105 and 107 E. Schubert consist of a second home property. The home at 109 E. Schubert is not listed as a homestead property in the CAD’s records. The property at 108 E. Schubert—the next door home that requested a privacy screen in connection with the previous STR permit application—is designated as a homestead property.

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.

- The applicants are not aware of any.

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.

- None. We are not requesting any modifications at this time, and the applicants are not aware of any needed modifications to the proposed site plan. The concern of a privacy fence raised in connection with the previously-approved permit application has already been addressed.

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.

- The owners do not anticipate any significant change to pedestrian and vehicular traffic from this request.
- The site plan affords for ample parking of up to 18 vehicles.
 - Pursuant to Table 7.863, for an STR-Unoccupied with up to 5 rooms, there should be at least 5 parking spaces, which can include on-street parking at a space of 1 vehicle per every 22 feet of lot frontage. For an STR-Facility, the parking table requires parking for up to 7 spaces, which is 60% of a 12-person capacity, including off-street parking of 1 vehicle per every 22 feet of lot frontage.

- The private, gated driveway at the property has capacity to hold up to 8 standard vehicles (including some tandem parking). In addition, with 200 feet of street frontage on Schubert and Travis, the property is authorized to have up to 8 cars parking on the street as well.

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

- There are no negative impacts anticipated by the proposed permit changes.

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

- There are no changes being requested to the existing lighting, signage. All lighting is compliant with the existing night sky ordinance.

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

- The site has more than enough approved parking spaces with current capacity of up to 16 vehicles. The private driveway and carport has dedicated parking for four vehicles and capacity to park up to 8 vehicles (with tandem parking). The parking in the private driveway and carport is situated in the back of the property with minimal visibility from Schubert and Travis streets.

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.

- The proposed use for a STR Dwelling Unit and/or STR Facility is consistent with the zoning laws and STR ordinances. The property is zoned R-2 and as it is immediately abutting a non-residential zoning district (C-2 zoned properties), this site is a location specifically contemplated as a lot suitable for an STR-Facility permit pursuant to Section 3.110. The historic home has already been approved as an STR-Unoccupied, and the owners are unaware of any reason the non-historic carriage house/carport would require unique considerations.

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

- Yes. The applicants are not aware of any reasons why the proposed use would fail to comply with the applicable zoning regulations and the applicants are not seeking any exceptions to zoning regulations at this time.

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.

- Yes. The property was previously approved for a STR-Unoccupied permit in August 2022, and the property has been operating as an STR-Unoccupied since December

2022. The property is directly adjacent to Buc's Bar and Grill and the Mini Mart gas station—both highly-trafficked properties. In addition, due to the close proximity to Main Street, the Marktplatz, and commercial properties, the streets near our home regularly have pedestrian traffic and overflow parking utilized by various City visitors, any additional traffic at the property would be insignificant compared to those existing traffic patterns.

- In addition, there are numerous short-term rentals / bed-and-breakfasts operating in the immediately surrounding area.
- The residential nature of the STR is consistent with the existing use of the property and other R-2 zoned homes within the immediate vicinity of the property.
- In connection with the initial STR application for this property, there was some concerns noted about a privacy screen in the back yard with the adjacent R-2 zoned lot to the West of the property. Those concerns were addressed in November 2022 with the completion of the privacy fence along the property line.

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.

- Yes. The requested revisions to the property would remain consistent with the existing zoning requirements and capacity requirements.
- Due to the direct proximity to a bar and gas station, any potential additional noise or traffic from guests would have no noticeable impact on the existing patterns in the neighborhood.
- The request for a modest increase in capacity for the main home and the carriage house are consistent with current zoning requirements.
- With more than 3,200 square feet of living space between the main home and carriage house, situated on nearly one-half acre, the potential maximum capacity is easily absorbed by the property space. It is our understanding that many other existing STRs that operate with capacity for up to 12 adults are doing so on much smaller lots or within smaller structures.

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.

- The proposed residential use is consistent with the existing use and zoning.
- The applicants are not aware of any negative conditions associated with the proposed permit changes, and the applicants anticipate the proposed changes would add benefits to the neighborhood and community through additional tourism, additional housing capacity, and additional jobs for the local service industry.
- The proposed permitting related to the owner's right to lease this residential property is consistent with the lawful use of private property. Private property rights,

including the right to lease one's property, are fundamental rights that have long been recognized under Texas law. As the Texas Supreme Court stated more 100 years ago:

“To secure their property was one of the great ends for which men entered into society. The right to acquire and own property, and to deal with it and use it as the owner chooses, so long as the use harms nobody, is a natural right. It does not owe its origin to constitutions. It existed before them. It is a part of the citizen's natural liberty—an expression of his freedom, guaranteed as inviolate by every American Bill of Rights.

It is not a right, therefore, over which the police power is paramount. Like every other fundamental liberty, it is a right to which the police power is subordinate.

It is a right which takes into account the equal rights of others, for it is qualified by the obligation that the use of the property shall not be to the prejudice of others. But if subject alone to that qualification the citizen is not free to use his lands and his goods as he chooses, it is difficult to perceive wherein his right of property has any existence.”

Spann v. City of Dallas, 235 S.W. 513, 515 (Tex. 1921); *see also, e.g., Lombardo v. City of Dallas*, 124 Tex. 1, 10, 73 S.W.2d 475, 479 (1934) (“[T]he police power is subordinate to the right to acquire and own property, and to deal with it and use it as the owner chooses, so long as the use harms nobody. It may be invoked to abridge the right of the citizen to use his private property when such use will endanger public health, safety, comfort or welfare,-and only when this situation arises. Regulations interfering with private property rights are invalid if founded upon purely aesthetic consideration. Again, property rights can not be made subservient to the arbitrary will of a municipality or its officers or agents, nor can the right of a person to use his property in a lawful manner be made to depend upon the unrestrained predilection of other property owners, whose property rights are not unlawfully invaded.” (internal citations and quotation marks omitted)).

- Consistent with this well-established precedent, leasing the existing structures for residential use is not only consistent with the existing use, compliant with all applicable zoning and local ordinances, but also rooted in fundamental property rights that have long been recognized and protected in the great State of Texas.

Z-2304

 <all other values>

DESC_

 200' BUFFER

 AFFECTED PROPERTY

 SUBJECT PROPERTY



W. TRAVIS ST

E. TRAVIS

E. TRAVIS

W. SCHUBERT

E SCHUBERT ST

E. SCHUBERT

N L L A N O S T

N ADAMS ST

N. LLANO (HWY 16 N.)

February 17, 2023

Via Email scollier@fbgtx.com

Shelby Collier
Development Review Committee
City of Fredericksburg
126 W. Main St.
Fredericksburg, Texas 78624

Re: Z-2304 Response to February 13, 2023 Correspondence

Dear Ms. Collier:

Thank you for the response comments to our application to amend the Conditional Use Permit ("CUP") for our residential property located at 112 E. Schubert Street, Fredericksburg, Texas 78624. I write to address the comments referenced in the February 13, 2023 letter from your office. For ease of reference, I have restated in the requests from that letter where a response comment appears to be needed, followed by our responses.

- **Provide photos of all elevations, North, South, East and West.**
 - I have enclosed photos of the property from different vantage points. I am not sure what additional elevation information is needed for this application. We do not plan to make any changes in elevations as part of the CUP Application.
- **Please provide a 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.**
 - A narrative response and specific response to the criteria is included supplemental materials portion of the application we submitted on January 30, 2023. Please see pages 7-14 of that PDF document. Please let us know if more information is required for any of those items.
- **Update the Parking requirements to depict STR-Facility per Sec. 7.863**
 - The parking specifics are accounted for in the previously-submitted site plan and supplemental materials. For an STR-Facility with up to 12-person capacity, Table 7.863 requires parking for up to 7 vehicles, including up to 1 vehicle per 22 feet of lot frontage. The existing driveway and carport provide ample room to park 8 standard vehicles (including some tandem parking), and the 200 feet of lot frontage along Schubert and Travis Streets also allows for up to 8 more vehicles. With existing capacity for up to 16 vehicles, it is our understanding that the proposed site plan provides more than sufficient parking.

- Provide a note regarding all exterior lighting shall by night sky compliant.
 - All existing exterior lighting is night-sky complaint, and it will remain compliant.
- Sec. 7.920 states one (1) tree shall be provided for each seventy-five (75) lineal feet of landscape barrier. In addition, one (1) tree per one hundred (100) square feet of interior landscaping is required plus ten (10) square feet of interior landscaping for each parking space provided.
 - The property currently has ample vegetation pursuant to Section 7.920, with more than 20 trees and more than 500 square feet of interior landscaping as depicted on the site plan. Also, unless we have overlooked a provision, it appears that section 7.920 does not apply to residential properties. See Sec. 7.920 ("Landscaping requirements for certain yard areas and off-street parking, and other vehicular use areas (*other than single-family, duplex, triplex, and fourplex residential uses*)...") (emphasis added). As for privacy fencing, and to the extent required by the Historic Review Board pursuant to section 7.940, the property has a 6-foot tall privacy fence consisting of wood pickets and dry stack rock wall along the only lot line adjacent to an R-2 property (108 E. Schubert St.).
- Provide location of dumpster and/or trash enclosure.
 - The garbage container is located between the fence and the carport on the eastern side of the property—between our lot and the neighboring commercial lots. The lot currently has one, 96-gallon container. If the CUP is approved, we will add another 96-gallon container pursuant to 5.401(8).
- Provide an addressing plan for the units. Staff Recommends 112 East Schubert Unit 100 (main) and Unit 200 (cottage).
 - We would prefer the main home address be 112 East Schubert, Unit A, and the cottage/carriage house address be 112 East Schubert, Unit B. If the staff recommendation is more consistent with other residences in the City, then we do not have any objection to using those recommendations.

Please let us know if you need any additional information prior to the March 8 meeting. Thank you for your assistance with this application.

Sincerely,



John W. Ellis

Enclosures

Copy: Bethany Ellis (via email)

Views of elevation and fencing facing the front of the property



Views of the elevation and privacy fencing facing west (108 E. Schubert St.)

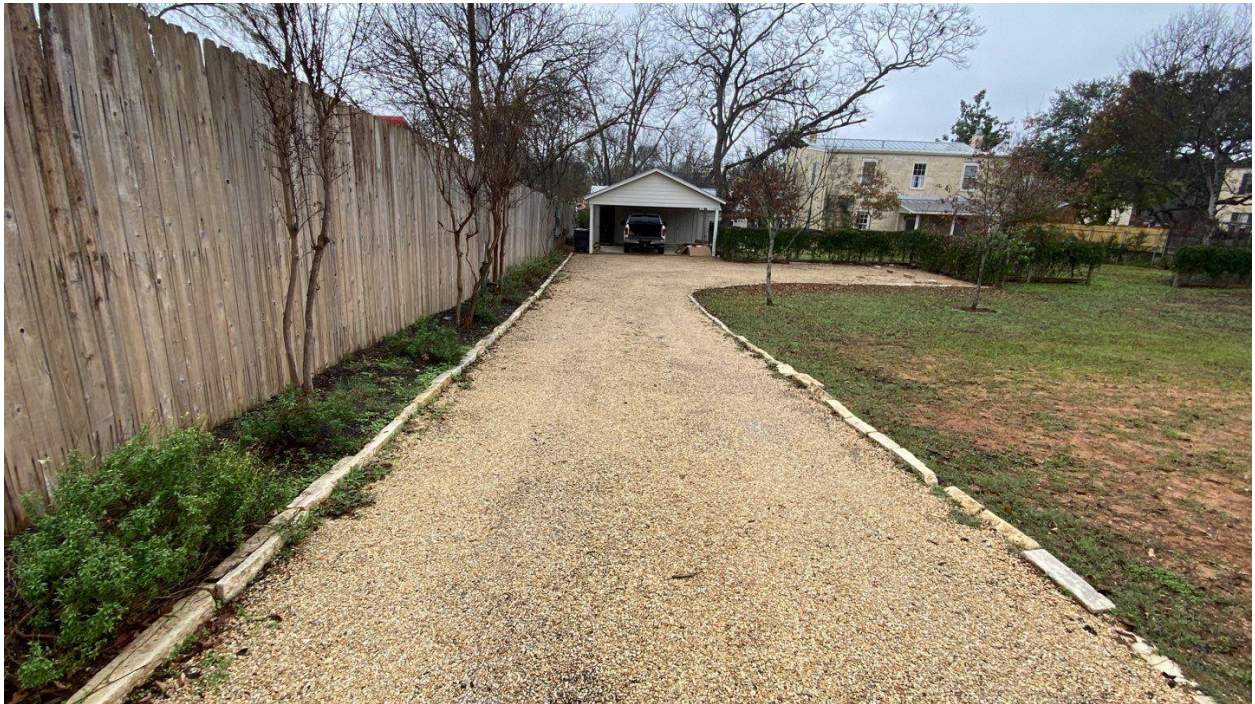




Views facing Travis Street.



Views of fencing and elevation facing east (commercial lots):





February 13, 2023

John & Bethany Ellis
johnwilliamellis@gmail.com
bethanymellis@gmail.com

RE: Z-2304 – Review Comments for a Conditional Use Permit (CUP) for property located at 112 East Schubert.

Dear Mr. and Mrs. Ellis,

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 Site Plan.

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

- The CUP requires Planning and Zoning Approval, scheduled for March 8, 2023.
- Provide photos of all elevations, North, South, East and West.
- Please provide a 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.
- Update the Parking requirements to depict STR-Facility per [Sec. 7.863](#)
- Provide a note regarding all exterior lighting shall by night sky compliant.
- [Sec. 7.920](#) states one (1) tree shall be provided for each seventy-five (75) lineal feet of landscape barrier. In addition, one (1) tree per one hundred (100) square feet of interior landscaping is required plus ten (10) square feet of interior landscaping for each parking space provided.
- Provide location of dumpster and/or trash enclosure.
- Provide an addressing plan for the units. Staff Recommends 112 East Schubert Unit 100 (main) and Unit 200 (cottage)

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

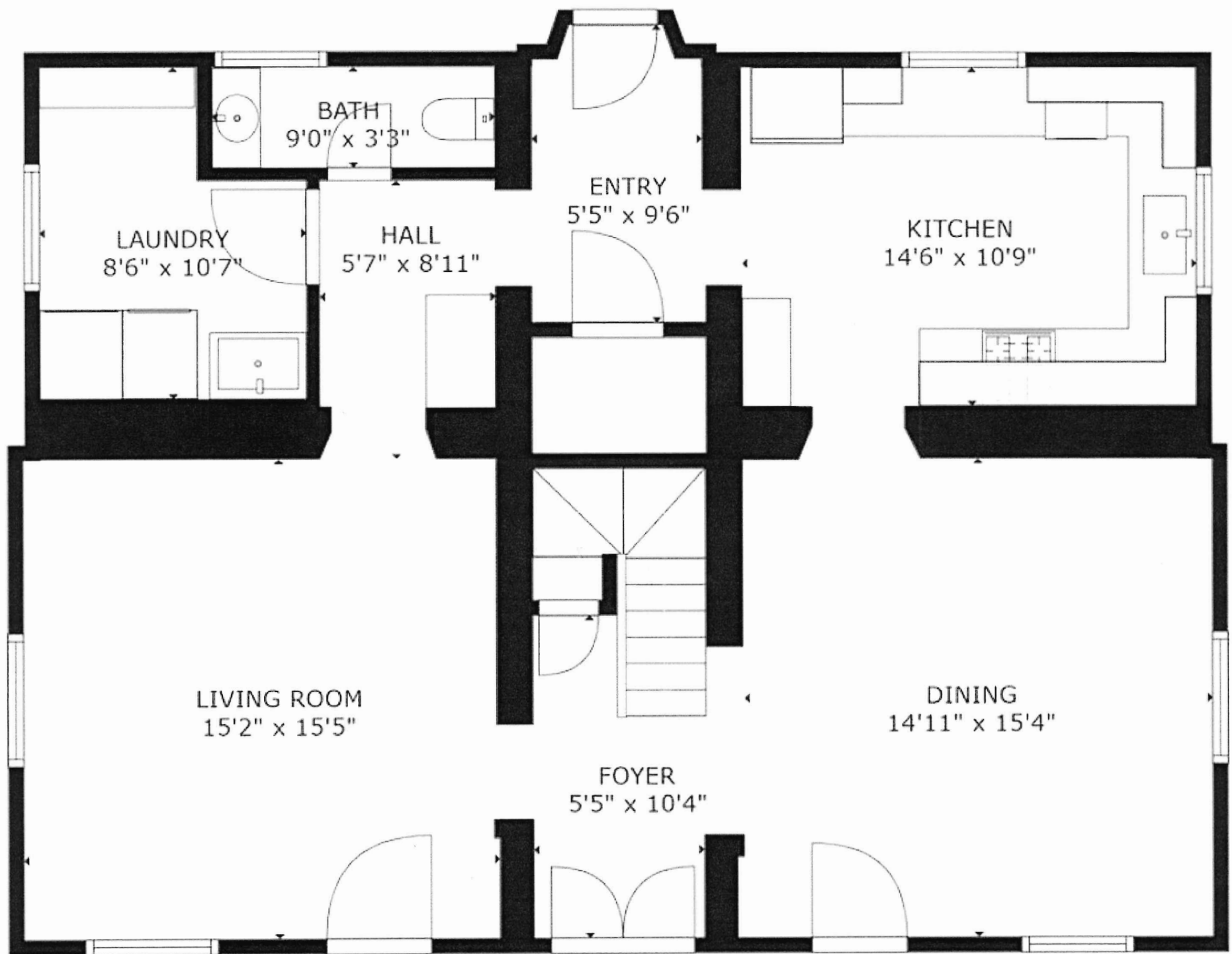
Please feel free to contact me with any comments or questions, and I will be happy to assist you.

Please return the revised plans along with your written response as to how the comments have been addressed by Monday, February 20th to ensure consideration by Planning & Zoning Commission on Wednesday, March 8th.

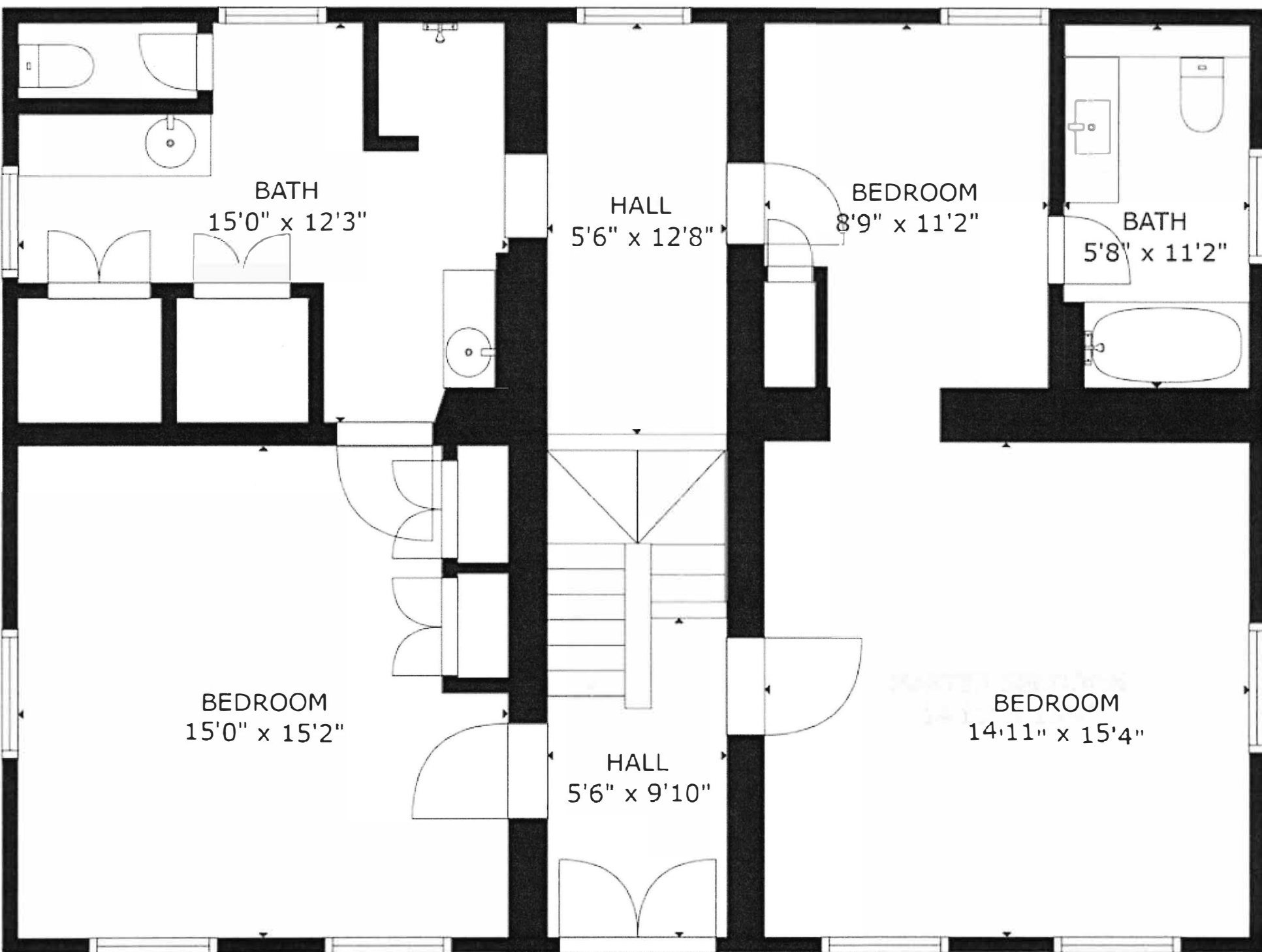
Shelby Collier
Development Review Committee (DRC)

The City of Fredericksburg

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



112 East Schubert St. - First Floor



112 East Schubert St. - Second Floor



Applicant

Ronnie & Norma
Crossland

Case Number

Z-2216

Location

112 E. Schubert

NOTICE OF ACTION

YOUR APPLICATION FOR:

- ☐ LAND USE CHANGE
- ☐ RE-ZONING
- ☒ CONDITIONAL USE PERMIT
- ☐ SITE PLAN
- ☐ VARIANCE
- ☐ CERTIFICATE OF APPROPRIATENESS

PLANNING & ZONING COMMISSION RECOMMENDATION:

- ☒ APPROVAL
- ☐ DISAPPROVAL

ON DATE: August 3, 2022

CITY COUNCIL ACTION:

- ☒ APPROVAL
- ☐ DISAPPROVAL

ON DATE: August 15, 2022

BOARD OF ADJUSTMENT ACTION:

- ☐ APPROVAL
- ☐ DISAPPROVAL

ON DATE: _____

HISTORIC REVIEW BOARD ACTION:

- ☐ APPROVAL
- ☐ DISAPPROVAL

ON DATE: _____

CONDITIONS OF APPROVAL:

Approved per staff recommendation to include working with the neighbor located at 108 E. Schubert to address visibility issues.

Signed: _____
Shelby Collier, Associate Planner

Date: 08/18/22



PLANNING & ZONING COMMISSION MEMO

DATE: August 3, 2022

TO: Planning & Zoning Commission

FROM: Garret Bonn – Interim Director of Development Services/City Engineer

SUBJECT: REQUEST #Z-2216 REQUEST BY RONNIE & NORMA CROSSLAND, TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.110 TO OPERATE A STR-UNOCCUPIED IN A R2 ZONED AREA LOCATED IN THE HISTORIC OVERLAY DISTRICT ON PROPERTY LOCATED AT 112 E. SCHUBERT.

Summary/Analysis:

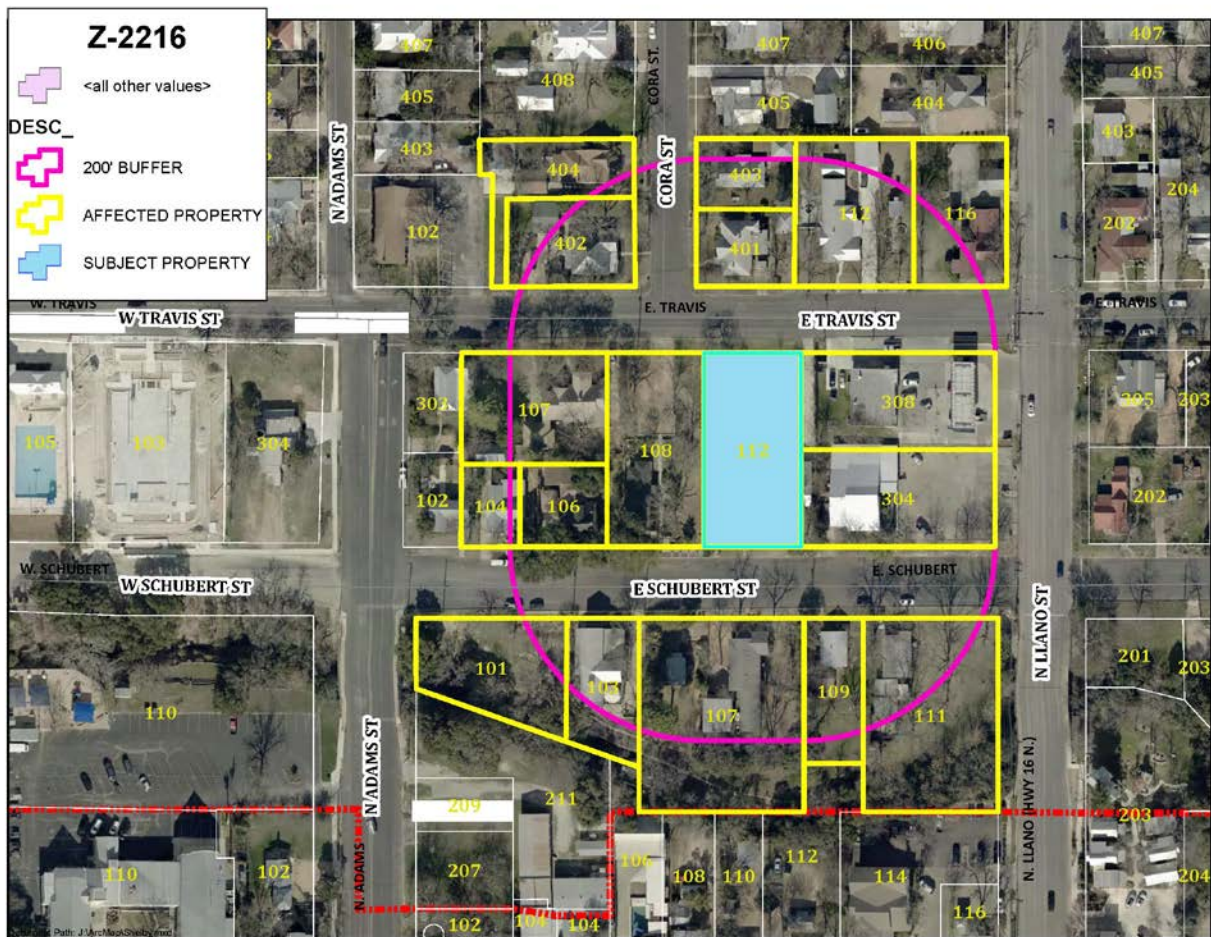
The Applicant is requesting a Conditional Use Permit per Sec. 3.110 of the 2022 Short-Term Rental Ordinance (2022-13) to operate a STR-Unoccupied in a R2-zoned area located within the Historic Overlay District on property located at 112 E. Schubert. The subject tract has frontage on both E. Travis and E. Schubert Streets and is bordered by C2 zoning to east and R2 Zoning to the North, South, and West. The majority of the surrounding R2 zoned properties are currently utilized as STR's. The proposed development would include a 2 bedroom short term rental unit within the main structure with four on-site parking spaces provided. The existing storage building located on the property would not be used as a STR. Public notification, including letters being sent to property owners within 200 feet, resulted in two responses in support of the project.

Recommendation:

As presented, the proposed STR-Unoccupied use meets the requirements of a conditional use permit. As the subject tract is surrounded by STR or commercial uses, staff recommends approval, conditioned upon review/inspection and approval of a STR Permit Application(s) and payment of applicable fees (\$250 for a 2 bedroom unit).

Attachments:

1. Public Hearing Map
2. Project Application Including Updated Site & Floor Plans and CUP Narrative
3. City Review Comments and Responses
4. Location/Zoning Map
5. Response Letters



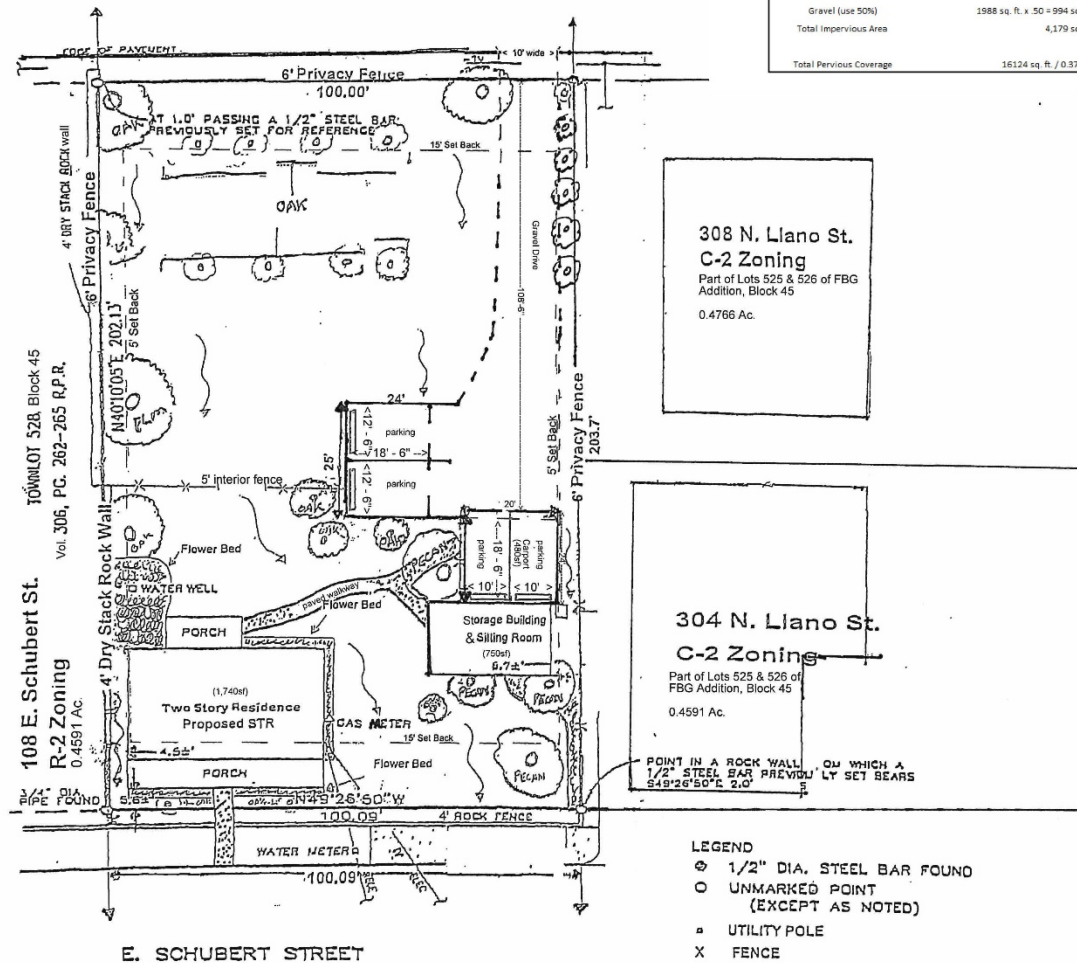
North Point

1 Space per Unit	4 Spaces
Parking Spaces Required	
Standard Parking Spaces	4 Spaces
Total Number of Spaces Provided	4 Spaces
Parking Calculation: STR Unoccupied	1 space per bedroom

E. Travis Street

Parking Summary:	
Existing Facilities	
Existing Unit Count	2 Units
Parking Spaces Required	
1 Space per Unit	4 Spaces
Parking Spaces Required	
Standard Parking Spaces	4 Spaces
Total Number of Spaces Provided	4 Spaces
Parking Calculation: STR Unoccupied	1 space per bedroom

Lot Summary Table:	
Lot Area:	20,303 sq. ft. / 0.4661 Acres
Current Zoning	R-2: Mixed Residential
Zoning Requirements	
Min Lot Width	50 ft.
Building Setbacks	
Min Front Yard Setback	15 ft. (20 ft. Garage)
Min Street Side Yard Setback	15 ft.
Min Side Yard Setback (interior)	5 ft.
Min Rear Yard Setback	10 ft.
Max Building Height	2.5 Stories, 28 ft.
Max Building Coverage	35%
Max Impervious Coverage	65%
Existing Lot Coverages	
Existing Building Height	2 Stories
Existing Building Coverage	16%
Existing Building Area	2970 sq. ft. / .068 Acres
Existing Impervious Percentage	25%
Impervious Area	5,178 sq. ft.
Gravel (use 50%)	1988 sq. ft. x .50 = 994 sq. ft.
Total Impervious Area	4,179 sq. ft.
Total Pervious Coverage	16,124 sq. ft. / 0.37 Acres



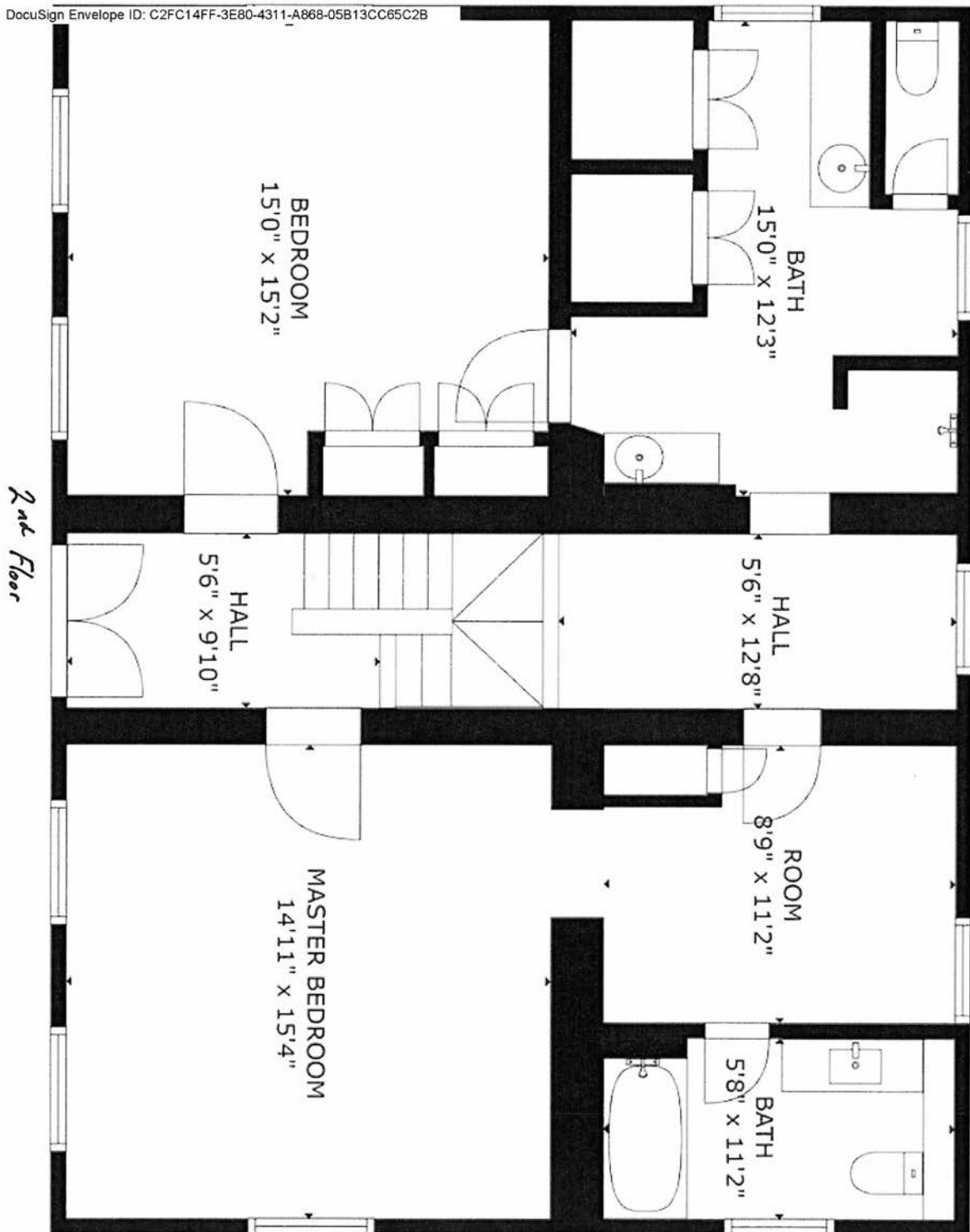
- * No existing alleys, and not proposing any new streets or alleys
- * 100 Year Flood Plain does not affect subject property
- * All exterior lighting shall be night sky compliant
- * The Storage Building & Sitting Room will not be used as an STR

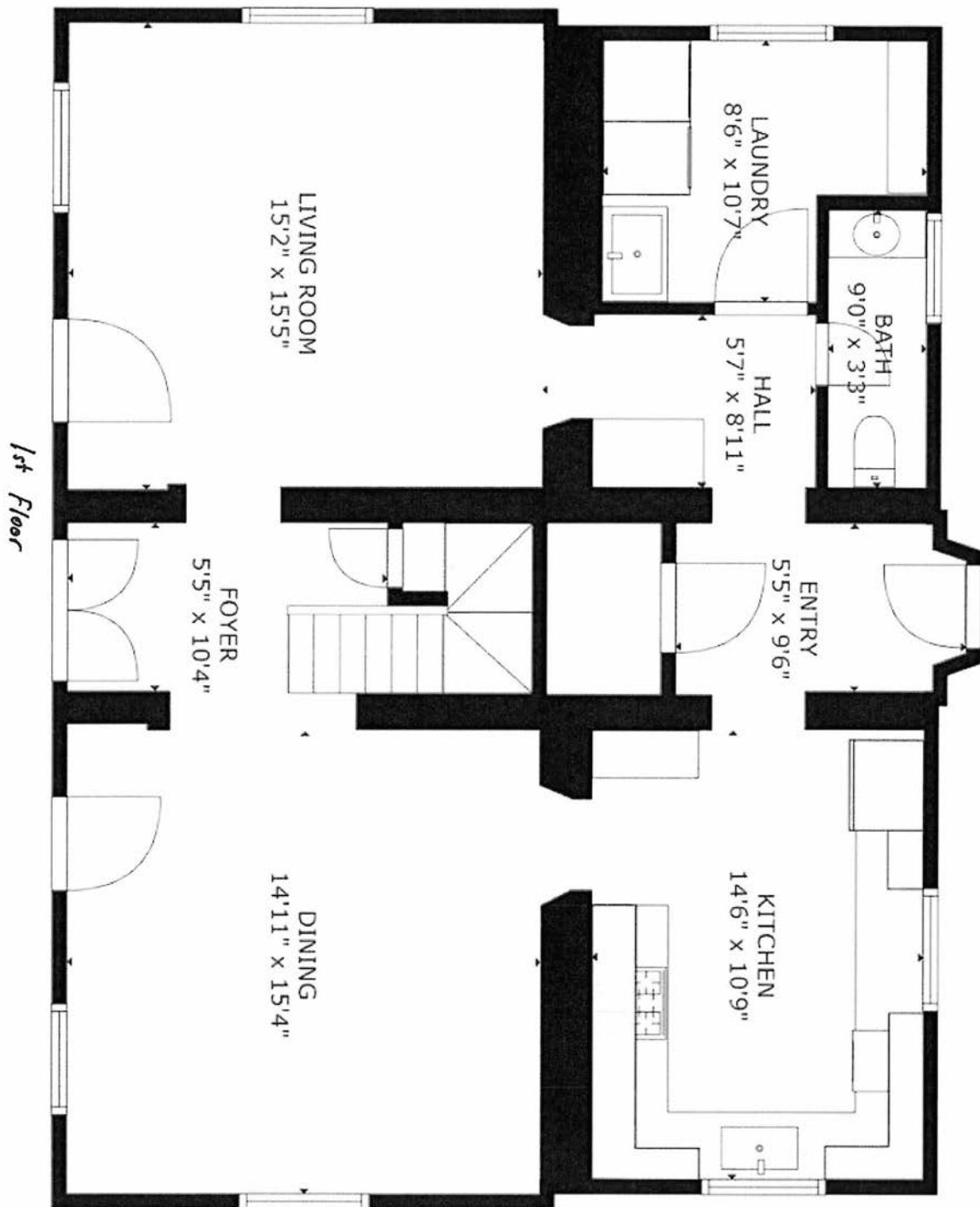
Crossland Land & Development, Ltd

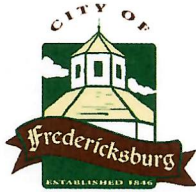
112 E. Schubert St., Fredericksburg, TX 78624

Prepared By: Clay Sears

Scale: 1" = 24.24'







NOTICE OF PLANNING & ZONING PUBLIC HEARING:
A CONDITIONAL USE PERMIT

HEARING

DATE: August 3, 2022

TIME: 5:30 PM

REQUEST

NUMBER: Z-2216

The City of Fredericksburg Planning and Zoning Commission will meet in a regular session on August 3, 2022, at 5:30 PM. The meeting will be held at the Law Enforcement Center, 1601 East Main Street, Fredericksburg, TX 78624.

According to Tax Records, you are the owner of real property within 200' of the proposed changes, listed below. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**.

HEARING

DATE: August 15, 2022

TIME: 6:00 PM

REQUEST

NUMBER: Z-2216

The City of Fredericksburg City Council will meet in a regular session on August 15, 2022, at 6:00 PM. The meeting will be held at the Law Enforcement Center, 1601 East Main Street, Fredericksburg, TX 78624.

REQUEST:

REQUEST #Z-2216, TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.110 TO OPERATE A STR-UNOCCUPIED IN A R2 ZONED AREA LOCATED IN THE HISTORIC OVERLAY DISTRICT ON PROPERTY LOCATED AT 112 E. SCHUBERT

APPLICANT: RONNIE & NORMA CROSSLAND

LOCATION: 112 E. SCHUBERT

(See attached map)

REQUEST NO. Z-2216

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

Janet Smith
Signed
108 E. Schubert St.
Address

8.4.22
Date
Janet Smith
Printed Name

there are 2 existing STR's on our side of the street. this house is next door, out of the 5 homes on the North side of Schubert, Approval would mean 3 of the 5 would be STR's.

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



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services

TO: Planning and Zoning Commission

FROM:

MEETING DATE: March 8, 2023

CATEGORY: ACTION ITEMS

CAPTION: Z-2304 - 112 East Schubert - Conditional Use Permit to Operate a STR-Facility

PRESENTATION:

SUMMARY:

REQUEST #Z-2304: BY JOHN ELLIS TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.110 TO OPERATE A STR-FACILITY IN A R2 ZONED AREA ABUTTING A NON-RESIDENTIAL ZONING DISTRICT FOR PROPERTY LOCATED AT 112 EAST SCHUBERT.

BACKGROUND:

The Applicant is requesting a Conditional Use Permit per [Sec. 3.110](#) of the Zoning Ordinance to operate a STR-Facility in a R2-zoned area abutting a non-residential zoning district for property located at 112 East Schubert. The subject tract has frontage on both E. Travis and E. Schubert Streets and is bordered by C2 zoning to east and R2 Zoning to the North, South, and West. The majority of the surrounding R2 zoned properties are currently utilized as STR's.

The proposed development requests approval for a 3-bedroom short term rental unit within the main structure and a 2-bedroom short term rental unit within the carriage house. The development is proposing 4 parking spaces on site which meets the required parking calculations which are calculated at 60% of the occupancy for a STR-Facility. [Sec. 7.860 Table 7.863](#)

Planning and Zoning previously considered a Conditional Use Permit (CUP) for this property to operate a STR-Unoccupied on August 3, 2022 (Z-2216). At that time the then owners requested a CUP for the main residence only and obtained a STR-Unoccupied permit for 2 bedrooms not the requested 3. With this in mind, the Building Department reviewed the floor plan provided by the new owners and determined that the requested 3 bedroom does not meet the necessary egress requirements to operate as a bedroom per Sec. R3101 of the 2015 International Residential Code.

[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.

Public notification, including letters being sent to property owners within 200 feet, resulted in one response in support of the project.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION: As presented, the proposed STR-Facility use meets the requirements of a conditional use permit. As the subject tract is surrounded by STR or commercial uses, staff recommends approval conditioned upon the following:

- No increase in occupancy for the main residence as the Building Department has determined that the requested 3 bedroom does not meet the necessary egress requirements to operate as a bedroom.
- Provide a response to Staff's comments provided on February 13, 2023 to include Landscaping Per [Sec. 7.920](#) and an approved addressing plan.
- Review/inspection and approval of a STR Permit Application(s) and payment of applicable fees.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services

TO: Planning and Zoning Commission

FROM: Evan Williamson, Assistant City Engineer

MEETING DATE: March 8, 2023

CATEGORY: ACTION ITEMS

CAPTION: P-2301 - Final Plat Harmony Hills Subdivision

PRESENTATION:

SUMMARY:

A Final Plat application was received for Harmony Hills Subdivision, which consists of approximately 21.446 acres of land with 73 lots zoned R1, Single Family Residential. The subject property is located at 668 Pyka Rd.

BACKGROUND:

The Planning & Zoning Commission approved the preliminary plat for the Harmony Hills Subdivision on June 8, 2022. (P-2219) and resulted in a request to shorten the block lengths, which were over 1,200 ft long. The developer added Acceptance Lane between Lot 13 and Lot 14 to reduce the block and provide future access to the adjoining property.

Zoning: R1, Single Family Residential

Tract Size: Approximately 21.446 Acres

Number/Size of Lots: 73 Lots

Roadways: Creation of three (4) new Roadways; Treaty Lane, Grace Lane, Acceptance Lane and Unity Lane. Treaty and Grace Lane will take access from Pyka Rd.

Utilities: Utilities are available to serve this property and extension of existing infrastructure will be extended at the developer's expense.

Easements: Standard easements such as sight visibility.

Stormwater Detention: Detention will be addressed as part of the Construction Plans.

Drainage: See above.

Park Dedication: The applicant shall pay parkland dedication fees (full rate) based on the overall density of the development, which is \$500 per new lot for a total of \$36,000.00 dollars. Parkland fees

shall be paid prior to recording of the plat. [Sec. 6.15](#)

Construction Plans: Have been approved and did not trigger a TIA.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends approval conditioned upon the following:

Parkland Dedication of \$500.00 per new Lot (\$36,000) for the 72 new lots payable prior to recordation of the Plat.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

ATTACHMENTS:

1. P-2301 Project Application
2. P-2219 Notice of Action Approval
3. 21-5598 FINAL PLAT NO BL PRELIM

APPROVAL/REVIEW:



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:

Project Address:

Tax ID Number (s):

Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

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

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

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

Original Survey & Abstract No:

Legal Description:

Current Land Use Plan:

Proposed Land Use Plan:

Current Zoning:

Proposed Zoning:

Location:

Proposed Use(s):

Applicant's Signature

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

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

Signature: _____

Printed Name: _____ Date: _____

P-2301

01/20/23

Staff Use Only

Application No.: _____ Date: _____

*Copy of current Title Search required with application.

CK#10331 - \$1,230.00



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:

Address:

Phone:

Fax:

Email:

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

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

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone:

Fax:

Email:

Secondary Contact Name:

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable):

Applicant Name (s):

Address:

Phone:

Fax:

Email:

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

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

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone:

Fax:

Email:



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.



Applicant

Jacob Grant

Case Number

P-2219

Location

668 Pyka Rd

NOTICE OF ACTION

YOUR APPLICATION FOR:

- ☐ LAND USE CHANGE
- ☐ RE-ZONING
- ☐ CONDITIONAL USE PERMIT
- ☒ PRELIMINARY PLAT
- ☐ VARIANCE
- ☐ CERTIFICATE OF APPROPRIATENESS

PLANNING & ZONING COMMISSION RECOMMENDATION:

- ☒ APPROVAL
- ☐ DISAPPROVAL

ON DATE: June 8, 2022

CITY COUNCIL ACTION:

- ☐ APPROVAL
- ☐ DISAPPROVAL

ON DATE: _____

BOARD OF ADJUSTMENT ACTION:

- ☐ APPROVAL
- ☐ DISAPPROVAL

ON DATE: _____

HISTORIC REVIEW BOARD ACTION:

- ☐ APPROVAL
- ☐ DISAPPROVAL

ON DATE: _____

CONDITIONS OF APPROVAL:

Per Staff Recommendation and request to work with Staff to shorten block length that is currently over 1200 ft.

Signed: _____
Shelby Collier, Associate Planner

Date: 06/10/22



PLANNING & ZONING COMMISSION MEMO

DATE: June 8, 2022
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
SUBJECT: P-2219 Preliminary Plat of Harmony Hills Subdivision located at 668 Pyka Road.

Summary:

The property owner is submitting this preliminary plat to develop single family residences on the proposed lot. The property consists of approximately twenty one (21) acres of land zoned R1, Single Family Residential.

The subject property is located on the north side of Pyka Road, east of the intersection of Kerr Road. The subdivision plat includes the following:

Background / Analysis:

Zoning:	R1, Single Family Residential Sec. 3.100
Tract Size:	Approximately 21 Acres
Number/Size of Lots:	Creation of 69 lots
Roadways:	Creation of three (3) new Roadways. Treaty, Grace and Unity Lane. Treaty and Grace Lane will take access from Pyka Road. It is worth noting that the current block length as proposed does not meet City Standards, max of 1200 ft. Staff will work with developer to address this issue as part of the Final Plat and Civil Construction Plans.

The City of Fredericksburg

Utilities:	Utilities are available to serve this property and extension of existing infrastructure will be extended, at the developer's expense to serve the property.
Easements:	Standard easements such as sight visibility.
Stormwater Detention:	Detention will be addressed as part of the Construction Plans.
Drainage:	See above.
Park Dedication:	The applicant shall pay parkland dedication fees (full rate) based on the overall density of the development. Parkland fees shall be paid prior to recordation of each phase of the project. Sec. 6.15
Construction Plans:	Construction Plans will be required as part of the Final Plat. All development will be subject to approval of the Construction Plans.
P&Z Action:	Final approval
Staff Recommendation& Findings:	Staff recommends approval of the proposed preliminary plat conditioned upon addressing Staff's Comments.

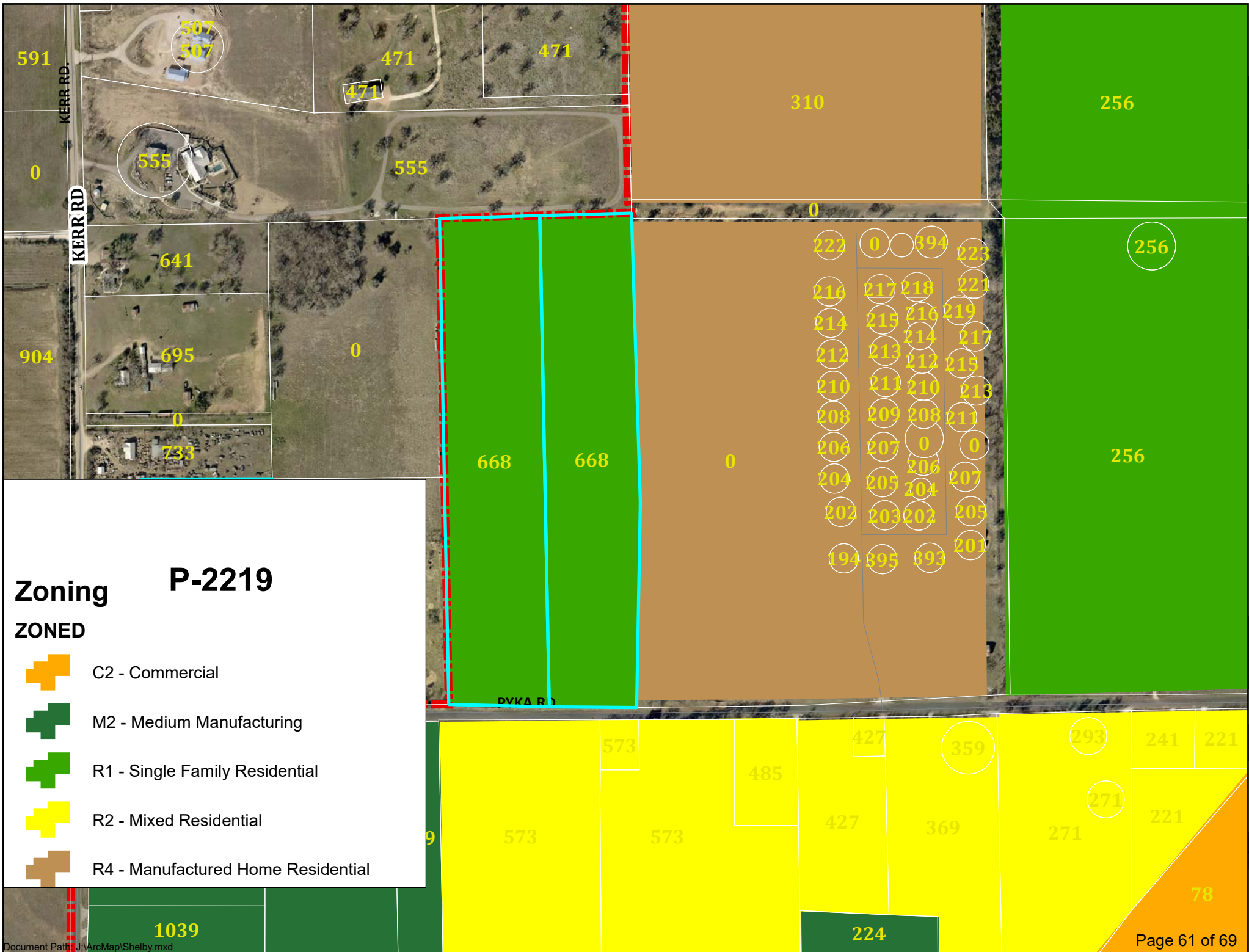
All lots are in compliance with the City's subdivision and zoning requirements regarding lot size and frontage.

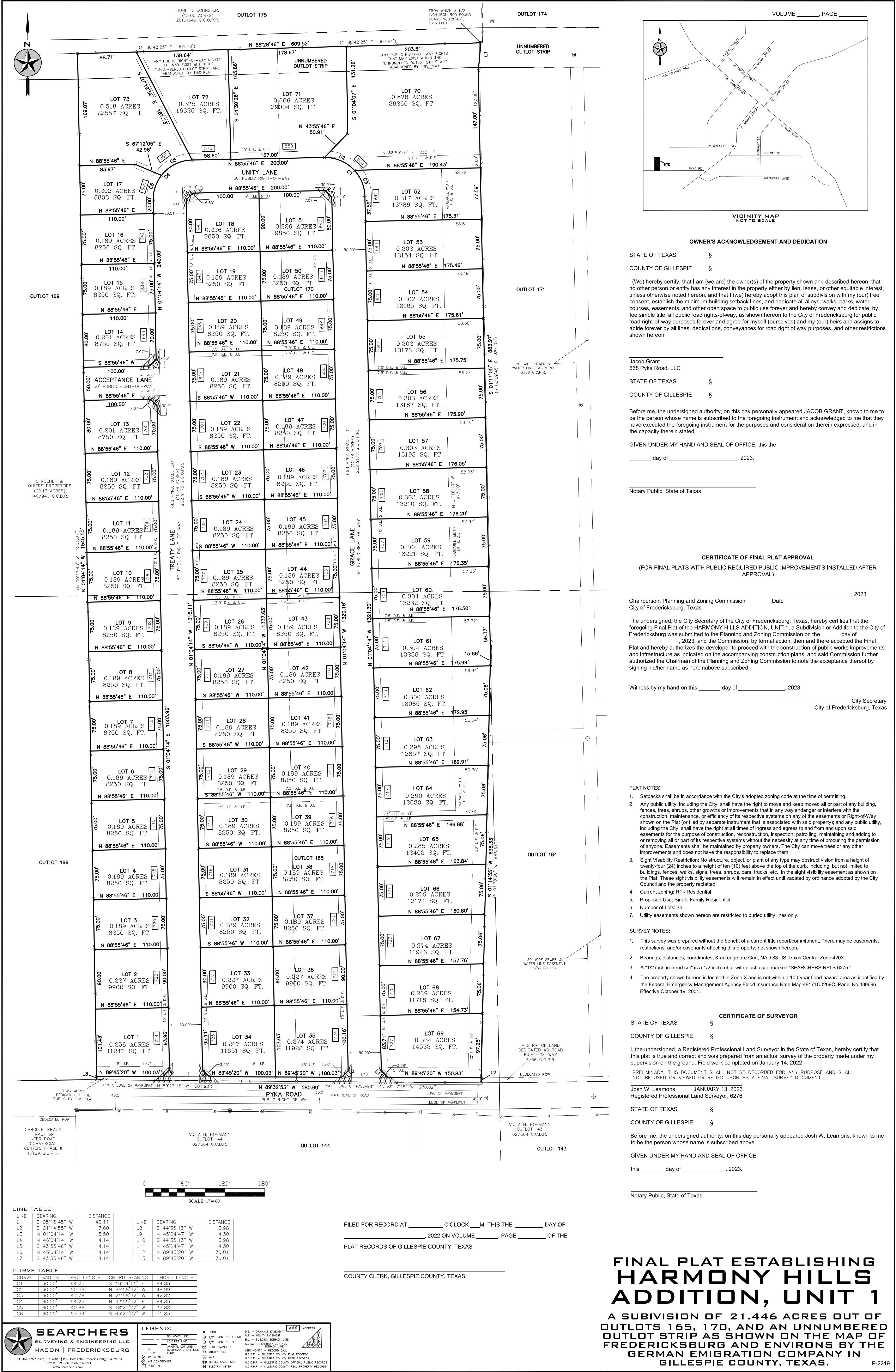
Staff recommends approval of the proposed preliminary plat application conditioned upon the following:

- Civil construction plan approval for any public improvements and site plans, including a traffic impact analysis, as required by the Access Management Section (6.04) of the City's Subdivision Ordinance.
- Approved Addressing Plan
- Approval of the Final Plat.
- Payment of Parkland Dedication Fees in the amount of \$500/lot payable prior to recordation of the Final Plat per [Sec. 6.15](#)

Attachments:

- 1 Final Plat
 - 2 Review Comments
 - 3 Location Map
 - 4 Project Application
-







PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services

TO: Planning and Zoning Commission

FROM:

MEETING DATE: March 8, 2023

CATEGORY: ACTION ITEMS

CAPTION: P-2303 - Preliminary Plat Woodcrest Subdivision

PRESENTATION:

SUMMARY:

A Preliminary Plat application has been submitted to develop nine (9) R1, single family residential lots on approximately 2.75 acres of land located at 210 Woodcrest Street.

BACKGROUND:

Zoning: R1, Single Family Residential [Sec. 3.100](#)

Tract Size: Approximately 2.75 Acres

Number/Size of Lots: Creation of 9 lots

Roadways: The development will have access to Woodcrest Street and West Travis Street as well as Catholic Cemetery Road which is a Gillespie County maintained roadway.

Utilities: Utilities are available to serve this property and extension of existing infrastructure will be extended, at the developer's expense to serve the property.

Easements: This project is pursuing private utility easements to extend south from West Travis Street through the development. In addition, the development has an existing Tower Easement on Lot 4 and a Radio Tower on Lot 2 & 9 as well as standard easements such as site visibility.

Stormwater Detention: Detention will be addressed as part of the Construction Plans.

Drainage: See above.

Park Dedication: The applicant shall pay parkland dedication fees (full rate) based on the overall density of the development, which is 500 per new lot for a total of \$4,000 dollars. Parkland fees shall be paid prior to recordation of the plat. [Sec. 6.15](#)

Construction Plans: Construction Plans will be required as part of the Final Plat. All development will be subject to approval of the Construction Plans.

FUNDING SOURCE:

FINANCIAL IMPACT:

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

- Approval of Civil Construction Plans
- Approval of the Final Plat.
- Payment of Parkland Dedication Fees in the amount of \$500 per new lot for a total or \$4,000 payable prior to recordation of the Final Plat per [Sec. 6.15](#)

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. P-2303 Project Application
2. P-2303 Response to Comments
3. P-2303 Revised Plat

APPROVAL/REVIEW:



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:

Project Address:

Tax ID Number (s):

Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

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

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

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

Original Survey & Abstract No:

Legal Description:

Current Land Use Plan:

Proposed Land Use Plan:

Current Zoning:

Proposed Zoning:

Location:

Proposed Use(s):

Applicant's Signature

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

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

Signature: _____

Printed Name: _____ Date: _____

P-2303

01/26/23

Staff Use Only Application No.: _____ Date: _____

*Copy of current Title Search required with application.

CK10334 \$580.00



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:

Address:

Phone:

Fax:

Email:

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

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

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone:

Fax:

Email:

Secondary Contact Name:

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable):

Applicant Name (s):

Address:

Phone:

Fax:

Email:

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

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

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone:

Fax:

Email:



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
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- ☐ 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.



SEARCHERS
SURVEYING & ENGINEERING LLC
MASON | FREDERICKSBURG

P.O. Box 528 Mason, TX 76856 | 325-347-7489 | TBPELS Firm #10193966
P.O. Box 1504 Fredericksburg, TX 78624 | 830-383-1211 | TBPELS Firm #10194211
www.searcherssls.com

February 23, 2023

Shelby Collier
Development Review Committee
City of Fredericksburg, Texas

RE: P-2303 PRELIMINARY PLAT FOR WOODCREST SUBDIVISION

The comments provided in your letter have been addressed as follows:

- Parkland fee will be paid with final plat
- Project number added.
- References and depictions of structures, fences and other improvements will be removed for final plat.
- Per Mark Cornett: The City's storm water control ordinance will be followed. As shown on the drainage plans submitted with the preliminary plat, utilizing the existing site impervious cover (roof and pavement) along with lengthening the flow distances through yards to increase the time of concentration, the site will have less developed flow rates for the 2, 10, 50, and 100 year storm events as existing.
- Per Mark Cornett: Improvements to the City streets will consist of ensuring that 20' of pavement and curb exist between the centerline of Woodcrest and Travis Streets to our site. Right of way dedication and easements for the corner visibility clips will be provided. A standup curb will be installed along Woodcrest and Travis. Cemetery Road is a County Road and the current widths exceed that required for an ETJ road. No significant public improvements are planned on Cemetery Road.

The attached plats have been resubmitted for review with comments addressed. Please contact me if you have any questions.

Sincerely,

Josh W. Leamons, RPLS
Searchers Surveying & Engineering LLC
830-733-8440

