



City of Fredericksburg

Planning and Zoning Meeting Agenda
Wednesday, April 5, 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, April 5, 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 April 5, 2023.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to scollier@fbgtx.org

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- A. March 8, 2023 Regular Meeting Minutes

4. PUBLIC HEARING

- A. Z-2304 - 112 East Schubert - Conditional Use Permit to Operate a STR-Facility.
- B. Z-2307: to consider a Conditional Use Permit per Section 3.110 to operate a STR-Unoccupied in a R2 Zoned Area located in the Historic District on property located at 501 East Creek St

5. ACTION ITEMS

- A. Z-2304 - 112 East Schubert - Conditional Use Permit to Operate a STR-Facility
- B. Z-2307: to consider a Conditional Use Permit per Section 3.110 to operate a STR-Unoccupied in a R2 Zoned Area located in the Historic District on property located at 501 East Creek St

6. DISCUSSION ITEMS

- A. Director's Report
 - Comprehensive Plan Update
 - STR Ordinance Amendments Update

7. ADJOURN

CERTIFICATION

This is to certify that I, Shelby Collier, posted this Agenda at 11:00 a.m. on May 31, 2023, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Anna Hudson
Interim Director of Development Services

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

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

On this the 8TH day of MARCH 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
STEVE THOMAS

ABSENT:

ALSO, PRESENT:

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

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

PUBLIC COMMENTS

MINUTES

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

Jim Jarreau made a Motion to Approve the January 17th Joint Meeting Minutes for City Council and Planning and Zoning Commission. Seconded by Polly Rickert. All voted in favor and the motion carried.

PUBLIC HEARING

REQUEST #Z-2304 – 112 East Schubert – Conditional Use Permit to Operate a STR-Facility

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

John Ellis presented the application. He stated that his family purchased 112 East Schubert and have a desire to operate the main residence as a 3-bedroom Short-Term Rental and the Carriage House as a

2-bedroom Short Term Rental and needs to obtain a Conditional Use Permit in order to operate a STR-Facility.

He stated he read Staff's recommendation of the project and in an attempt to review Sec. R3101 of the 2015 was unable to find that specific section of code, however, he disagreed with Staff's recommendation regarding the egress issues with the bedroom.

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

ACTION ITEM

Discussions, Consideration and Recommendation Regarding #Z-2304 – 112 East Schubert – Conditional Use Permit to Operate a STR-Facility

Shelby Collier, Associate Planner, stated 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 proposes 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 two responses in support of the project, two protests and one undeclared.

Tim Dooley stated it appears that the suggested bedroom does not meet egress due to the size of the window.

Steve Thomas stated that the suggested bedroom is too small and wouldn't properly function as a bedroom.

Polly Rickert asked Staff why the suggested bedroom didn't meet egress.

Shelby Collier stated that she was uncertain, however, the recommendation regarding the proposed bedroom came from the building department and their review of the building code.

Polly Rickert stated she would like to wait to take action on this item until the issue of the bedroom could be resolved.

Polly Rickert made a Motion to table application Z-2304. Tom Musselman seconded the motion, and all voted in favor. The motion carried.

Request P-2301 – Final Plat Harmony Hills Subdivision

Josh Leamons with Searchers Surveying presented the application. He stated that the project consists of a 21-acre tract that will provide 73 lots that have already obtained Preliminary Plat Approval.

Shelby Collier, Associate Planner, stated a Final Plat application has been 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.

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 project consists of the creation of 4 new Roadways, 2 of which will take access from Pyka Rd. Utilities are available to serve the property and Construction Plans and a Performance Agreement have already been approved.

The applicant shall pay parkland dedication fees (full rate) based on the overall density of the development which is 500 per lot for a total of \$36,500.00 dollars. Parkland fees shall be paid prior to recordation of the plat. [Sec. 6.15](#)

Staff recommends approval conditioned upon payment of Parkland Dedication of \$500.00 Per Lot (\$36,500) for the 73 lots payable prior to recordation of the Plat.

Polly Rickert stated she was not pleased to see that the issue with the block length had not been addressed. She acknowledged that the addition of Acceptance Lane to the west broke up that block, however, Grace Lane is still over 1200 ft in length.

Mark Cornett spoke regarding the fact that their team had worked closely with City Staff to address their concerns, specifically regarding drainage, and the 1200 ft block length was a recommendation not a requirement.

Tim Dooley stated it appeared that Staff was working to address other large issues and perhaps overlooked the request to shorten the block lengths.

Tim Dooley made a Motion to Approve Application P-2301 per Staff Recommendation. Seconded by Steve Thomas. Polly Rickert and Jim Jarreau voted in opposition. All others voted in favor and the motion carried.

City Attorney, Mick McKamie stated that once the commission made the approval of the Preliminary Plat for Harmony Hills conditioned upon shortening of the blocks to meet the “should by shorter than 1200 ft” language found in the subdivision ordinance the “should” became a “shall” and the Commission had the authority to deny the application as it didn’t meet the requirement. He also advised them that they can deny applications if they find that they do not meet the necessary requirements instead of listing conditions.

Request P-2303 – Preliminary Plat Woodcrest Subdivision

Josh Leamons with Searchers Surveying presented the application.

He stated that the subject property consists of 2.75 acres located at 210 Woodcrest Street and the plan is to develop the property into 9 single family residential lots.

Shelby Collier, Associate Planner, stated the Applicant is requesting approval of a Preliminary Plat submitted for the Woodcrest Subdivision. The subject property is located at 210 Woodcrest Street and consists of 2.75 acres the plat requests to subdivide the property into 9 Single Family Residential lots.

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.

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.

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 which is 500 per new lot for a total of \$4,000 dollars. Parkland fees shall be paid prior to recordation of the plat.

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

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 of \$4,000 payable prior to recordation of the Final Plat per [Sec. 6.15](#)

Jim Jarreau made a Motion to Approve Application P-2303 per Staff Recommendation. Seconded by Jeff Lawrence. 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 had been made available to the public and once closed had received a total of 1108 responses.

In addition, the STR Task Force has completed their review of the STR Ordinance and provided their recommendations to the Mayor.

ADJOURN

With nothing further to come before the Commission, Jim Jarreau moved to adjourn. Seconded by Polly Rickert. All voted in favor and the meeting was adjourned at 6:57 p.m.

PASSED AND APPROVED this 5th day of April 2023.

SHELBY COLLIER, Associate Planner

JANICE MENKING, Chairman



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
MEETING DATE: April 5, 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 Sec. 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 the 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 3rd. With this in mind, the Building Official, Kyle Staudt, met with the applicant and confirmed the proposed 3rd bedroom does meet the requirements of 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 5 responses. 2 in support of the project and 3 in protest.

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:

- Approved addressing plan.
- Review/inspection and approval of a STR Permit Application(s) and payment of applicable fees.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

ATTACHMENTS:

None

APPROVAL/REVIEW:



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
MEETING DATE: April 5, 2023

CATEGORY: PUBLIC HEARING

CAPTION: Z-2307: to consider a Conditional Use Permit per Section 3.110 to operate a STR-Unoccupied in a R2 Zoned Area located in the Historic District on property located at 501 East Creek St

PRESENTATION:

SUMMARY:

Request #Z-2307 – By Kathryn Langer to Consider a Conditional Use Permit per Sec. 3.110 to Operate as a STR-Unoccupied in a R2 Zoned Area Located in the Historic Overlay District on Property Located at 501 East Creek Street.

BACKGROUND:

The Applicant is requesting a Conditional Use Permit per [Sec. 3.110](#) of the Zoning Ordinance to operate as a STR-Unoccupied in an R2-zoned area located in the Historic Overlay District at 501 East Creek Street. The subject tract is located on the corner of South Elk Street and East Creek Street and is bordered by R2 zoning to North, South, East and West. The majority of the surrounding R2 zoned properties are currently utilized as STR's.

This property previously had a STR-Nonconforming permit that expired on August 31, 2022. Due to Zoning changes that went into effect on April 1, 2022, the applicant now must request a Conditional Use Permit to operate as a STR-Unoccupied per [Sec. 3.110](#) of the Zoning Ordinance. The applicant is compliant with HOT remittance and has received no violations.

The applicant requests approval for a 3-bedroom short-term rental unit that provides 3 parking spaces onsite (one in the garage) and two on the street, which meets the required parking calculations which are calculated at 1 per bedroom. [Sec. 7.860 Table 7.863](#)

[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 no responses.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

As presented, the proposed STR-Unoccupied use meets the requirements of a conditional use permit. As the subject tract is surrounded by STR uses and was previously compliant with HOT and received no complaints, staff recommends approval conditioned upon the review/inspection and approval of a STR Permit Application and payment of applicable fees.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

ATTACHMENTS:

None

APPROVAL/REVIEW:



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Interim Director of
Development Services
MEETING DATE: April 5, 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:

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. 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 operating as STR's.

The request is for a 3-bedroom short term rental unit within the main structure and a 2-bedroom short term rental unit within the existing carriage house. The development is proposing 4 parking spaces on site along with 4 on-street which meet the parking requirements which are calculated at 60% of the occupancy for a STR-Facility. [Sec. 7.860 Table 7.863](#) Occupancy for the 3 bedroom unit would be 8 and the 2 bedroom unit would have an occupancy of 6 for a total occupancy of 12.

[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:**

The request was presented to Planning & Zoning on March 8, 2023, but there was confusion on the viability of the proposed 3rd bedroom. The building official was able to tour the house and determine it does meet code.

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:

Review/inspection and approval of a STR Permit Application(s) and payment of applicable fees.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

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

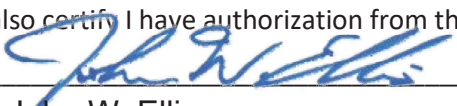
Location: 112 E. Schubert Street

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.



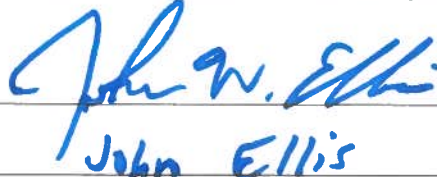
SITE PLAN/CONDITIONAL USE PERMIT CHECKLIST P & Z and Administrative Review

- ☒ 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:



Date:

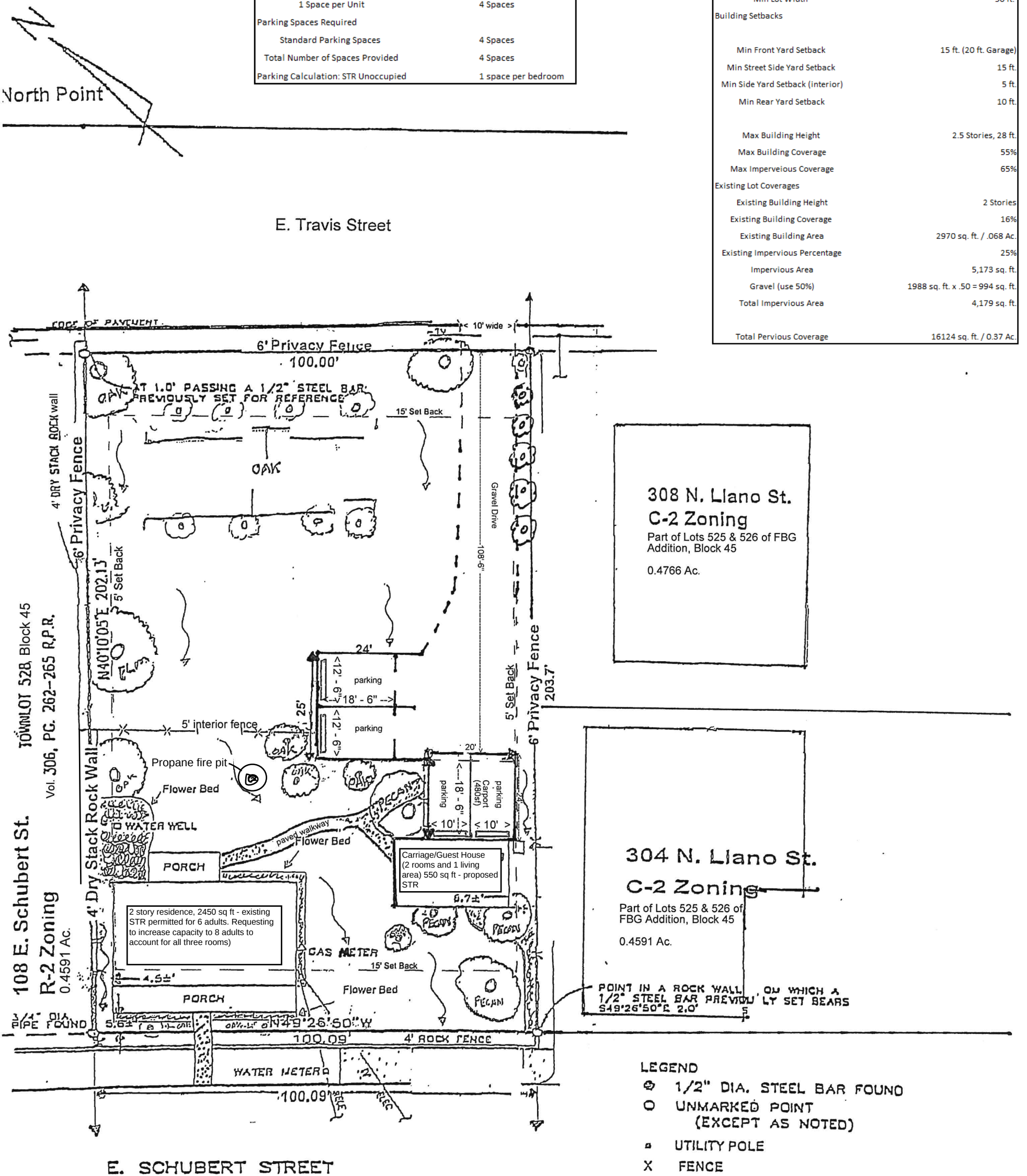
1/26/2023

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.



John and Bethany Ellis
Hudson Brooks Holdings, LLC

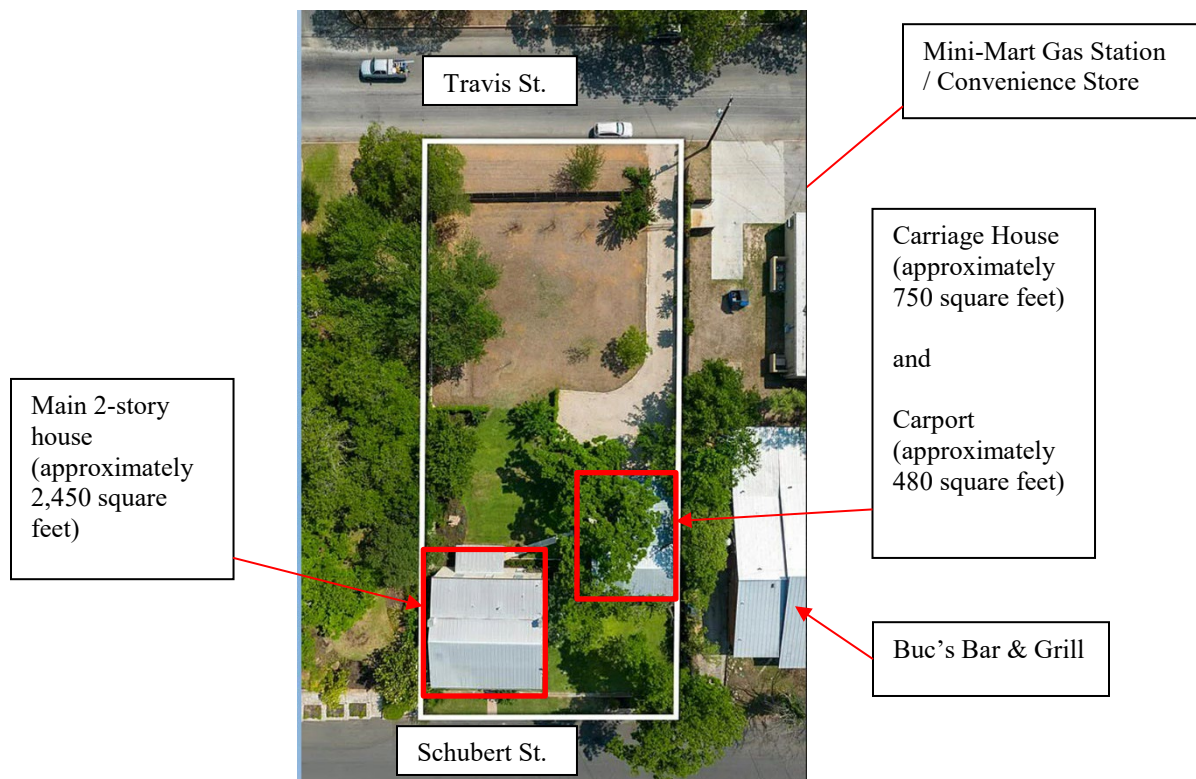
112 E. Schubert Street, Fredericksburg, Texas 78624

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,

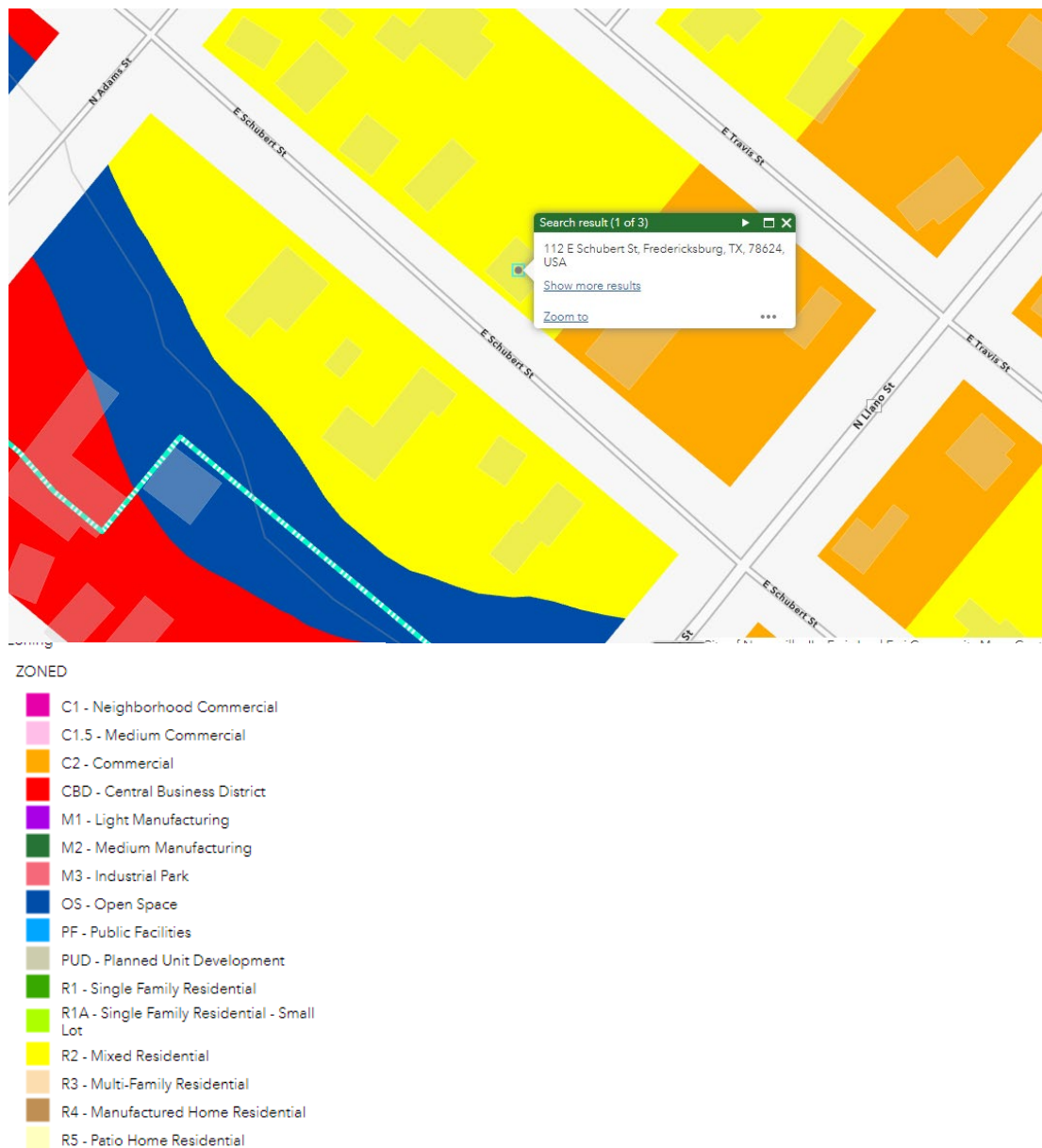
- It is our understanding that many STRs operate in the City with the same or greater capacity than we are requesting, despite operating with smaller structures and on smaller lot sizes. In addition, due to our property's close proximity to Main Street and being next door to two busy commercial properties—Buc 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_

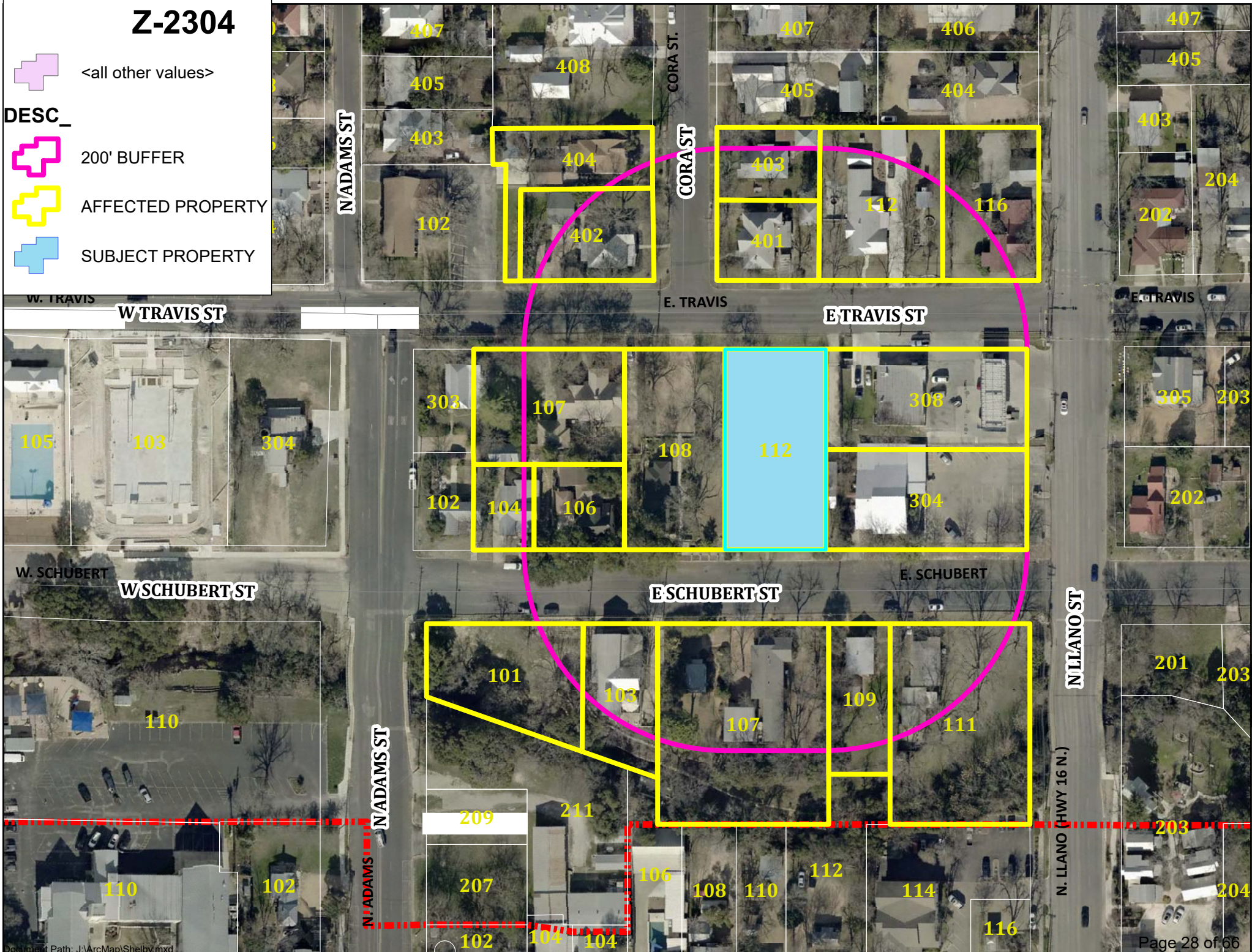
 200' BUFFER

 AFFECTED PROPERTY

 SUBJECT PROPERTY



SUBJECT PROPERTY



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.)

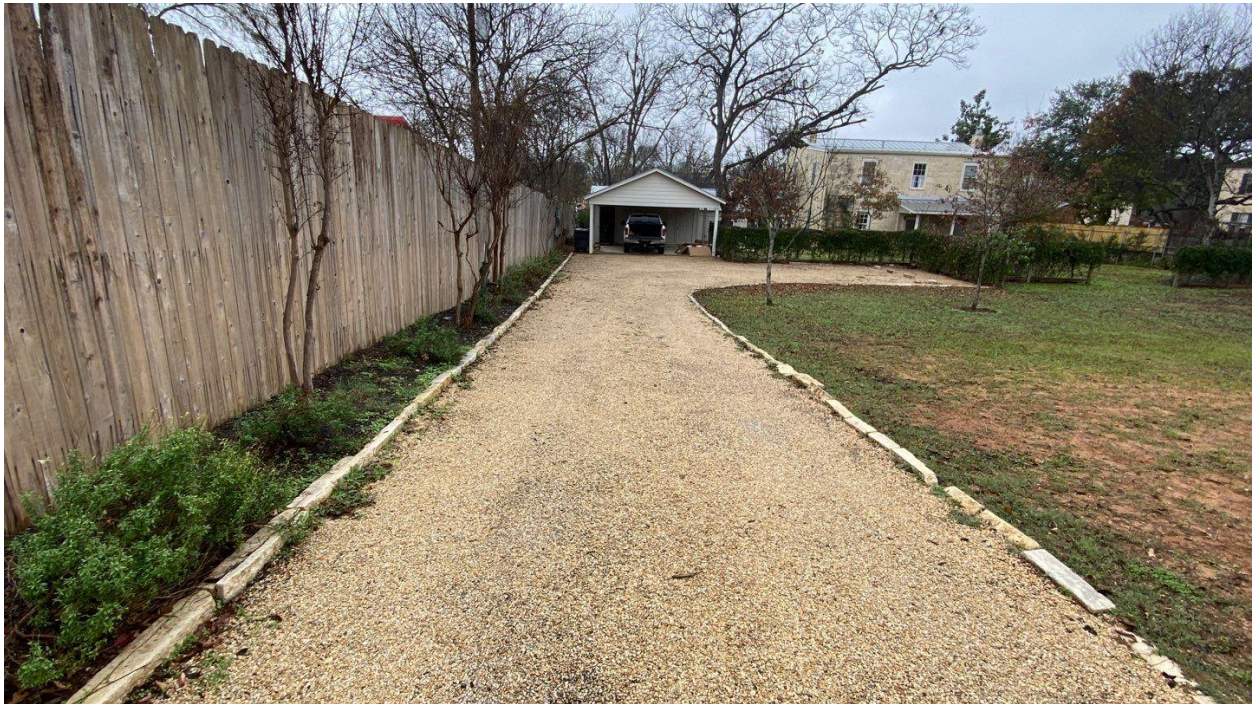




Views facing Travis Street.



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

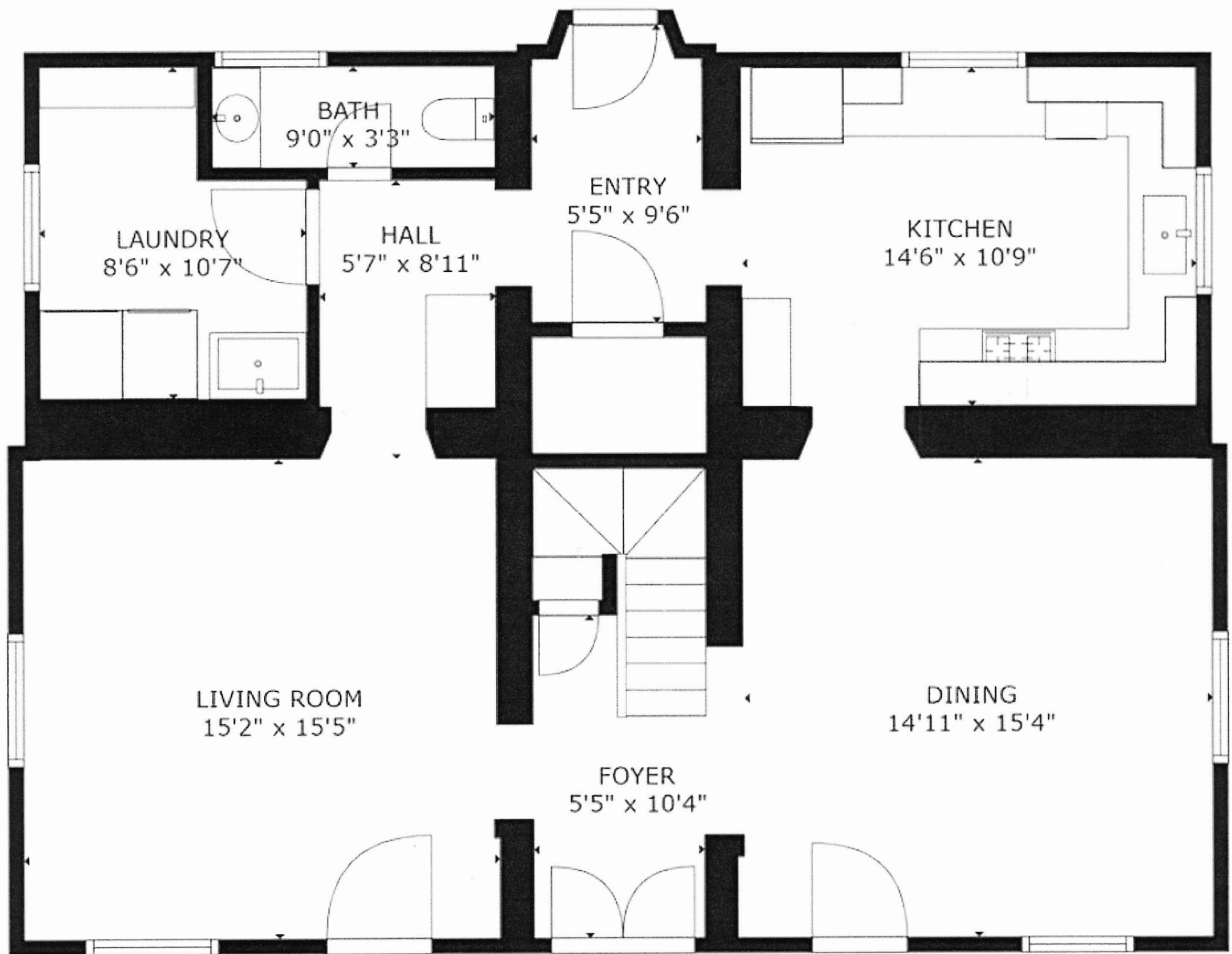
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

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

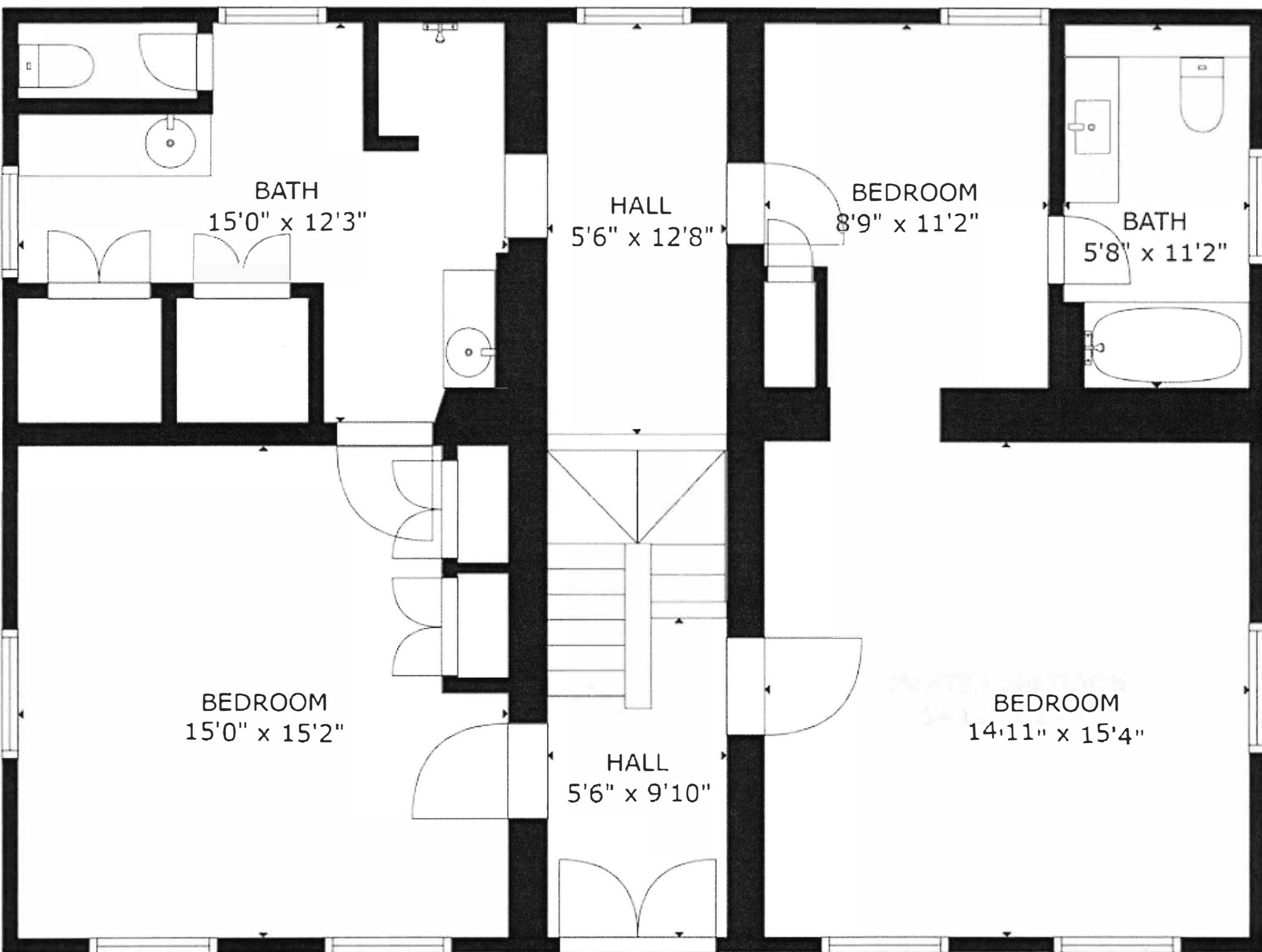
Please feel free to contact me with any comments or questions, and I will be happy to assist you.

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)



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:

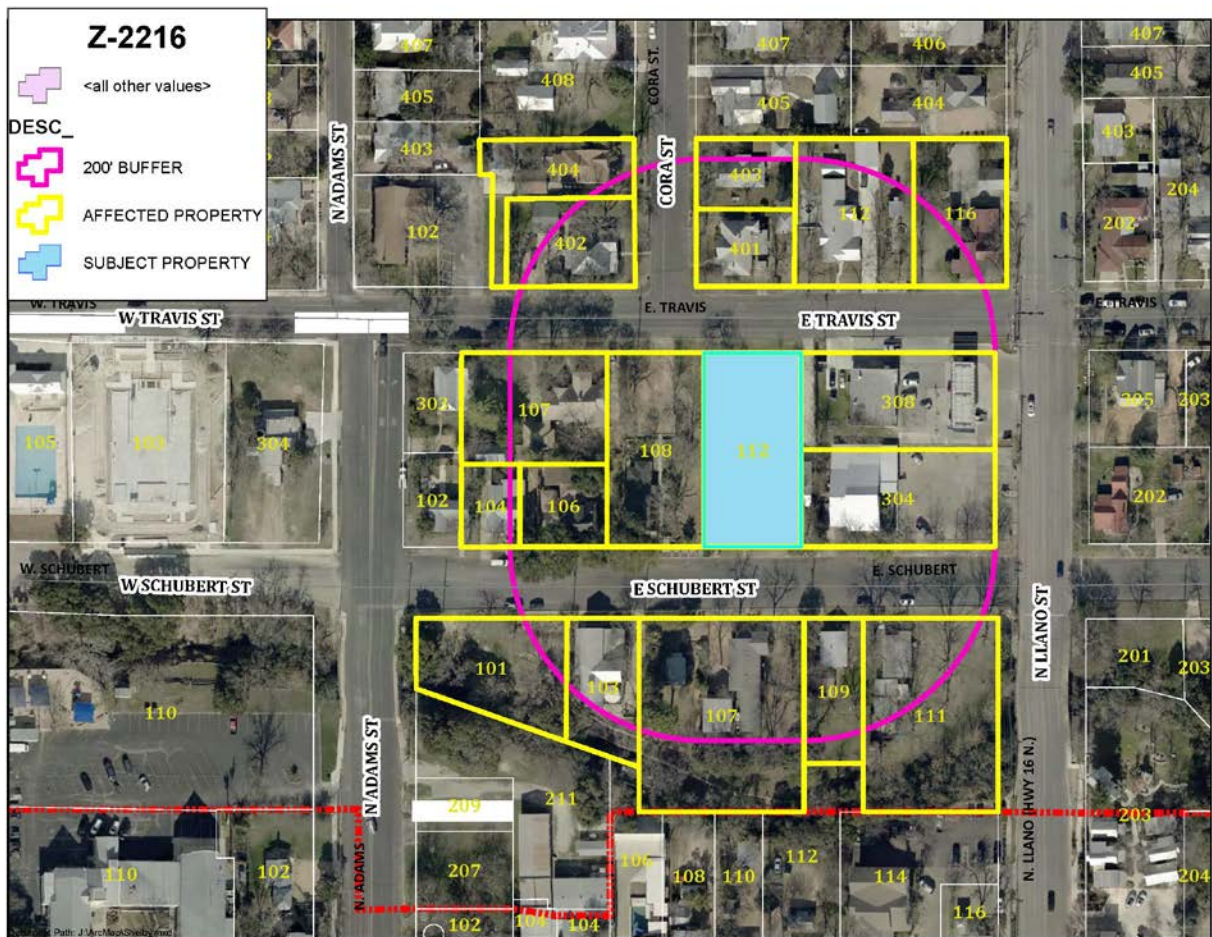
The Applicant is requesting a Conditional Use Permit per Sec. 3.110 of the 2022 Short-Term Rental Ordinance (2022-13) to operate a STR-Unoccupied in a R2-zoned area located within the Historic Overlay District on property located at 112 E. Schubert. The subject tract has frontage on both E. Travis and 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.

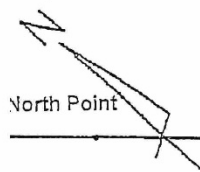
Recommendation:

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:

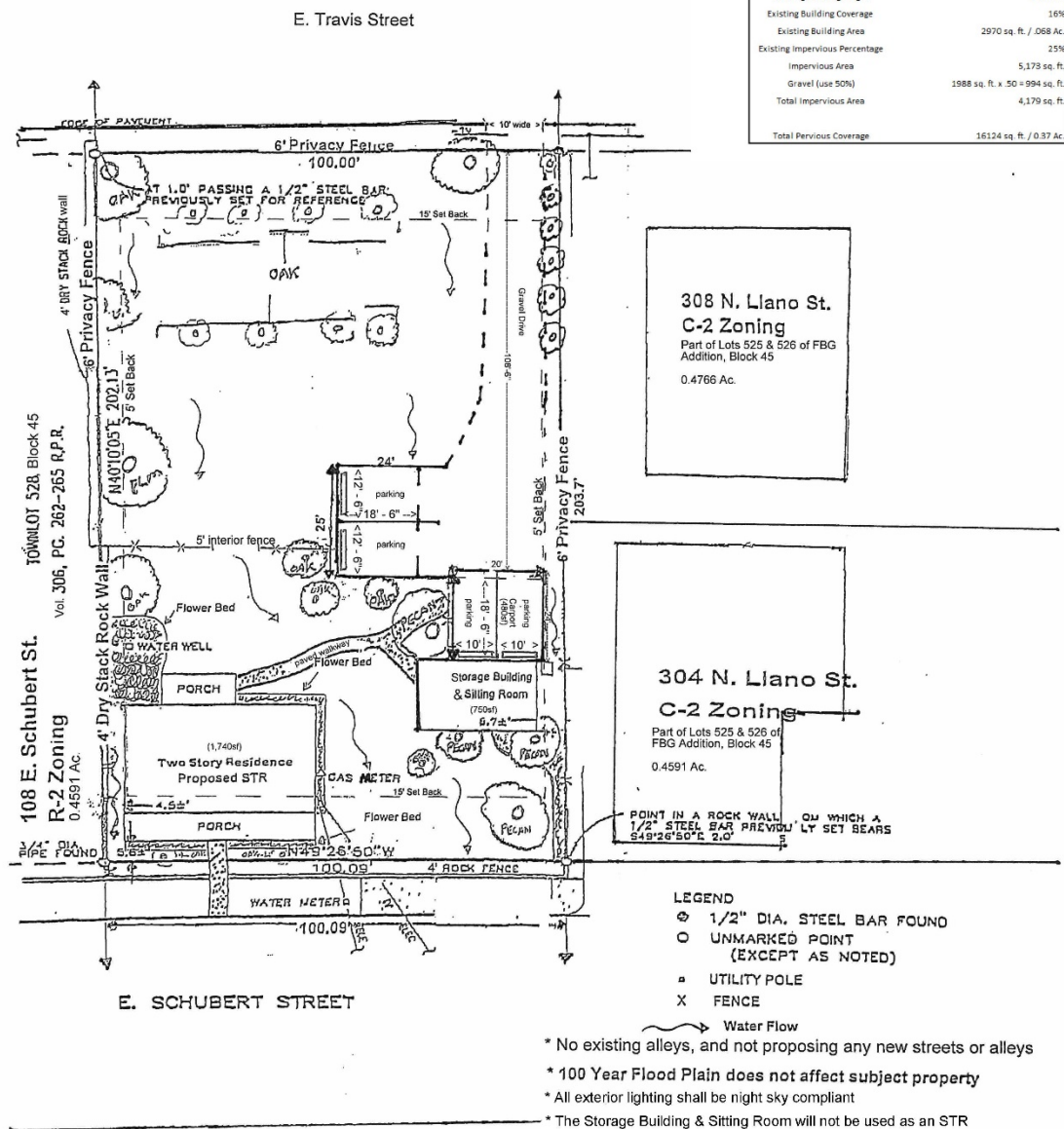
1. Public Hearing Map
2. Project Application Including Updated Site & Floor Plans and CUP Narrative
3. City Review Comments and Responses
4. Location/Zoning Map
5. Response Letters





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

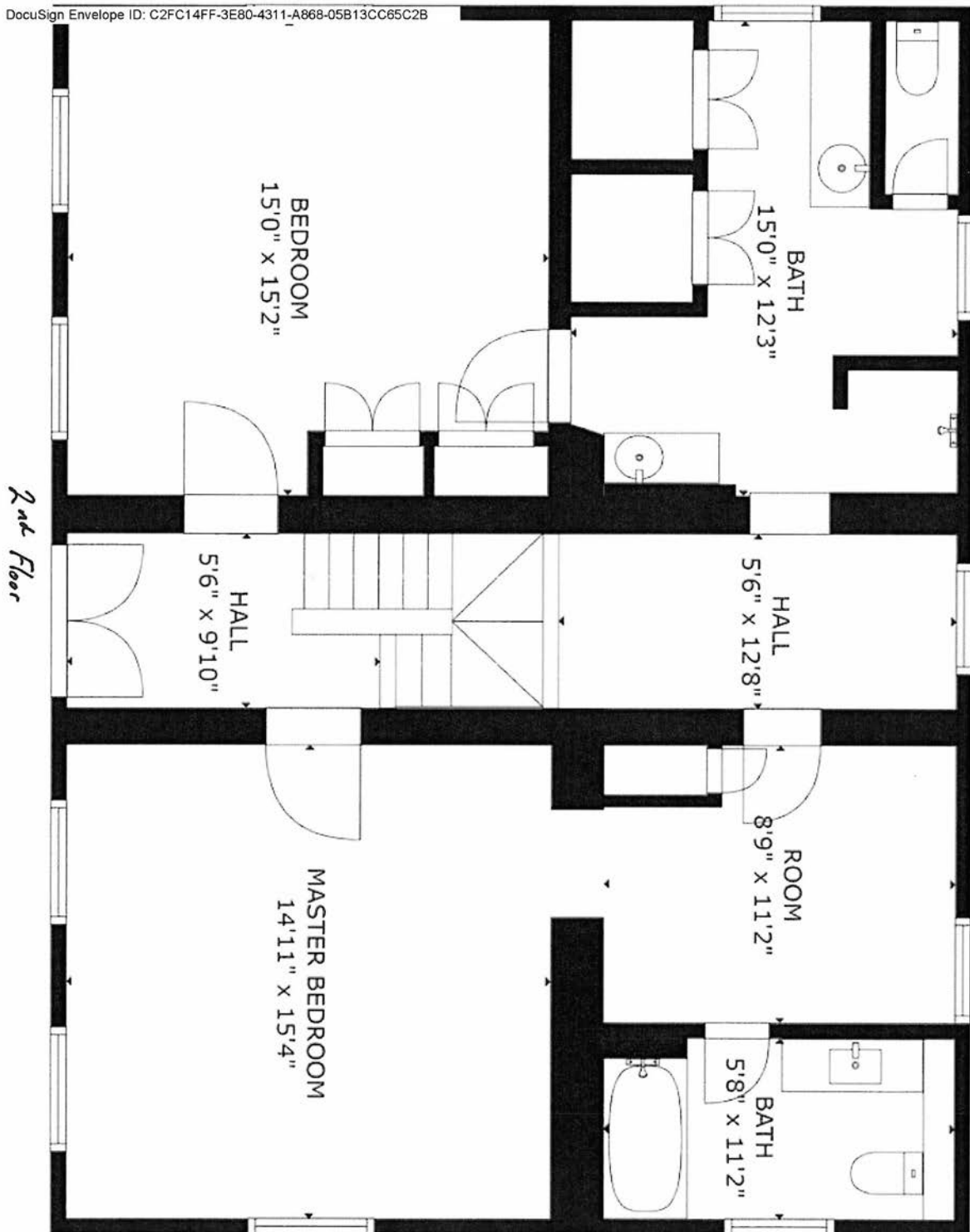
Lot Summary Table:	
Lot Area:	20,303 sq. ft. / 0.4661 Ac.
Current Zoning:	R-2: Mixed Residential
Zoning Requirements	
Min Lot Width	50 ft.
Building Setbacks	
Min Front Yard Setback	15 ft. (20 ft. Garage)
Min Street Side Yard Setback	15 ft.
Min Side Yard Setback (Interior)	5 ft.
Min Rear Yard Setback	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.

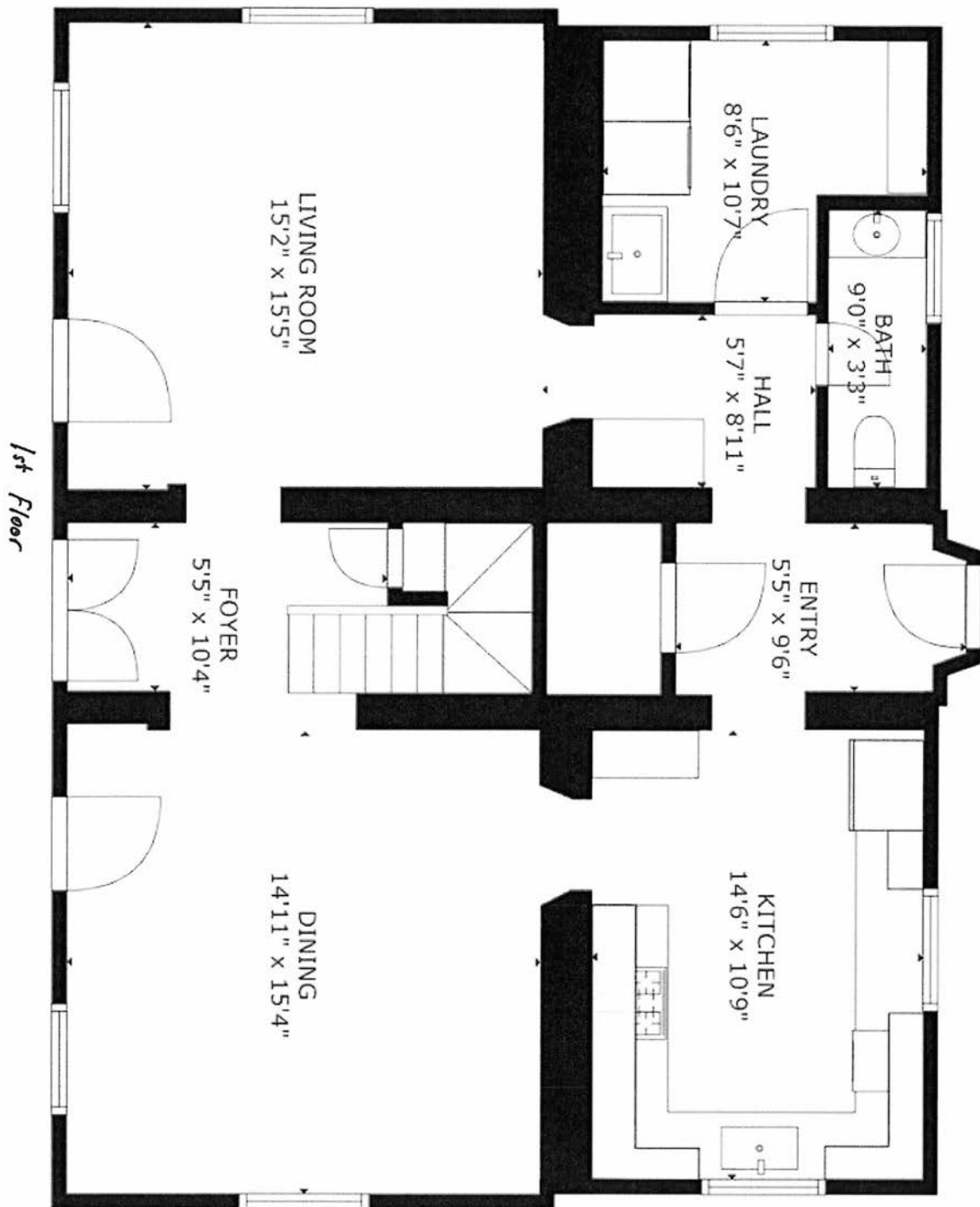


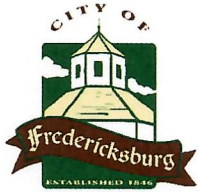
Crossland Land & Development, Ltd
112 E. Schubert St., Fredericksburg, TX 78624

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: Shelby Collier, Associate Planner
MEETING DATE: April 5, 2023

CATEGORY: ACTION ITEMS

CAPTION: Z-2307: to consider a Conditional Use Permit per Section 3.110 to operate a STR-Unoccupied in a R2 Zoned Area located in the Historic District on property located at 501 East Creek St

PRESENTATION:

SUMMARY:

Request #Z-2307 – By Kathryn Langer to Consider a Conditional Use Permit per Sec. 3.110 to Operate as a STR-Unoccupied in a R2 Zoned Area Located in the Historic Overlay District on Property Located at 501 East Creek Street.

BACKGROUND:

The Applicant is requesting a Conditional Use Permit per [Sec. 3.110](#) of the Zoning Ordinance to operate as a STR-Unoccupied in an R2-zoned area located in the Historic Overlay District at 501 East Creek Street. The subject tract is located on the corner of South Elk Street and East Creek Street and is bordered by R2 zoning to North, South, East and West. The majority of the surrounding R2 zoned properties are currently utilized as STR's.

This property previously had a STR-Nonconforming permit that expired on August 31, 2022. Due to Zoning changes that went into effect on April 1, 2022, the applicant now must request a Conditional Use Permit to operate as a STR-Unoccupied per [Sec. 3.110](#) of the Zoning Ordinance. The applicant is compliant with HOT remittance and has received no violations.

The applicant requests approval for a 3-bedroom short-term rental unit that provides 3 parking spaces onsite (one in the garage) and two on the street, which meets the required parking calculations which are calculated at 1 per bedroom. [Sec. 7.860 Table 7.863](#)

[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 to property owners within 200 feet, resulted in no responses.

FUNDING SOURCE:**FINANCIAL IMPACT:****STAFF RECOMMENDATION:**

As presented, the proposed STR-Unoccupied use meets the requirements of a conditional use permit. As the subject tract is surrounded by STR uses and was previously compliant with HOT and received no complaints, staff recommends approval conditioned upon the review/inspection and approval of a STR Permit Application and payment of applicable fees.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:**ATTACHMENTS:**

1. Z-2307 Revised Site Plan
2. Z-2307 Photos of Elevations
3. Z-2307 Floor Plan
4. Z-2307 Public Hearing Map
5. Z-2307 Mailing Labels
6. Land Use Map
7. Sec. 5.460. Review and Evaluation Criteria.
8. 501 E Creek Street addendum
9. Z-2307 Project Application

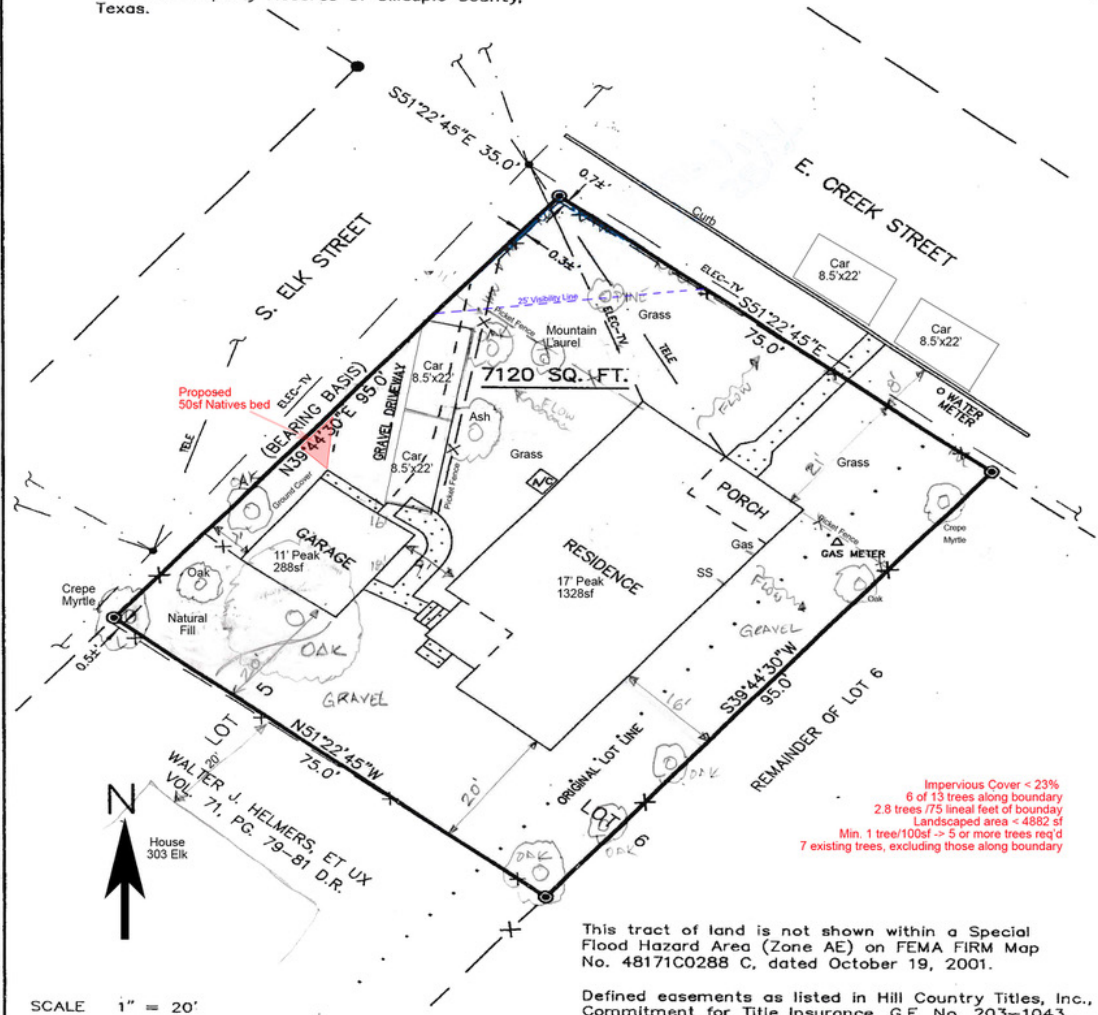
APPROVAL/REVIEW:

**SURVEY MAP SHOWING
7120± SQUARE FEET OF LAND, BEING PARTS
OF LOTS NO. 5 AND 6, F.W. LANGERHANS ADDITION, SITUATED
IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS.
PLAT FOUND OF RECORD IN VOLUME 16, PAGE 264 OF
THE DEED RECORDS OF GILLESPIE COUNTY, TEXAS.**

**SURVEY MADE AT THE REQUEST OF
JOHN LIVELY.**

Being that same tract of land described in a conveyance to Arbor Homes, Inc., by Norman E. Canfield, et ux, dated September 3, 1998, found of record in Volume 354, pages 7-9 of the Real Property Records of Gillespie County, Texas.

BORROWER/PROPERTY ADDRESS:
Kathryn Langer
501 E. CREEK STREET
FREDERICKSBURG, TEXAS 78624



This tract of land is not shown within a Special Flood Hazard Area (Zone AE) on FEMA FIRM Map No. 48171C0288 C, dated October 19, 2001.

Defined easements as listed in Hill Country Titles, Inc., Commitment for Title Insurance, G.F. No. 203-1043, issued November 14, 2003, are shown hereon.

I hereby certify that this plat and accompanying field notes represent a survey made on the ground under my supervision and that there are no intrusions or protrusions of improvements visible or apparent on the ground except as shown hereon.

Surveyed November 12, 2003

Carey Bonn
Carey Bonn
Reg. Prof. Land Surveyor No. 4447

BONN SURVEYING
503 Longhorn St.
Fredericksburg, TX 78624
Phone : 830-997-3884
Fax : 830-997-0972



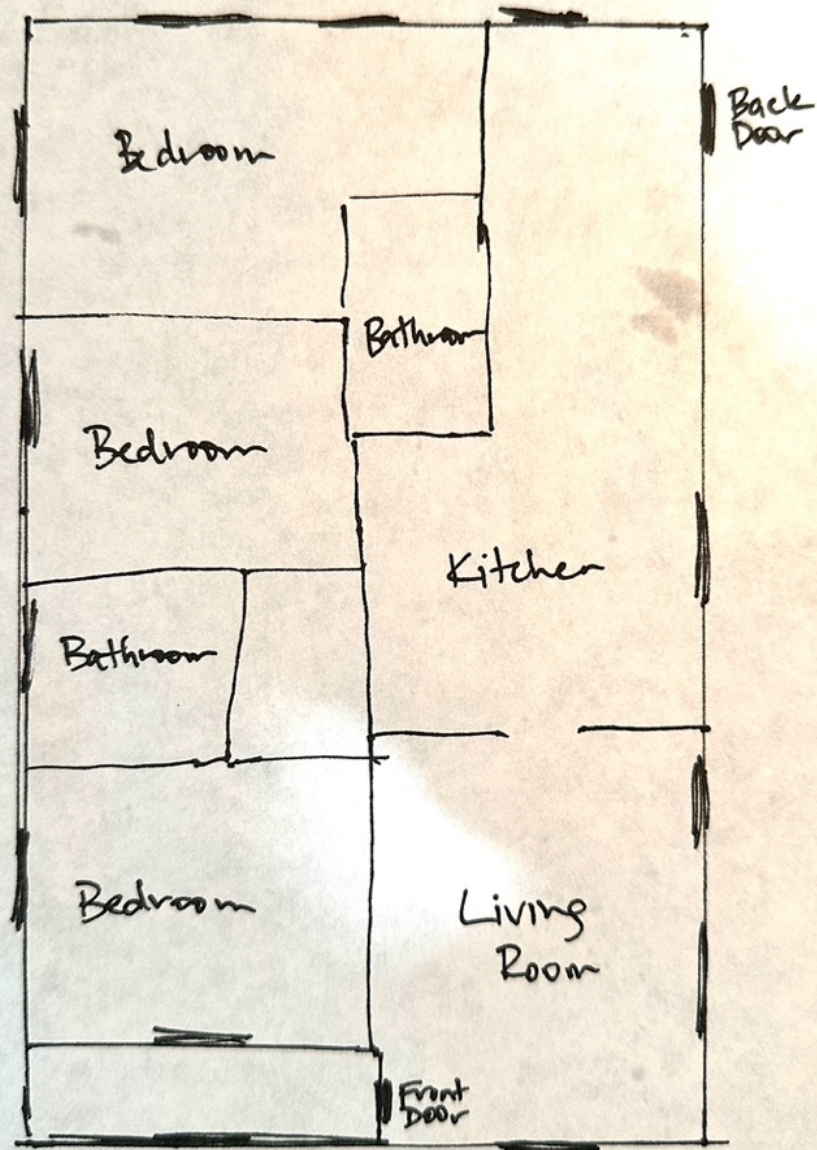


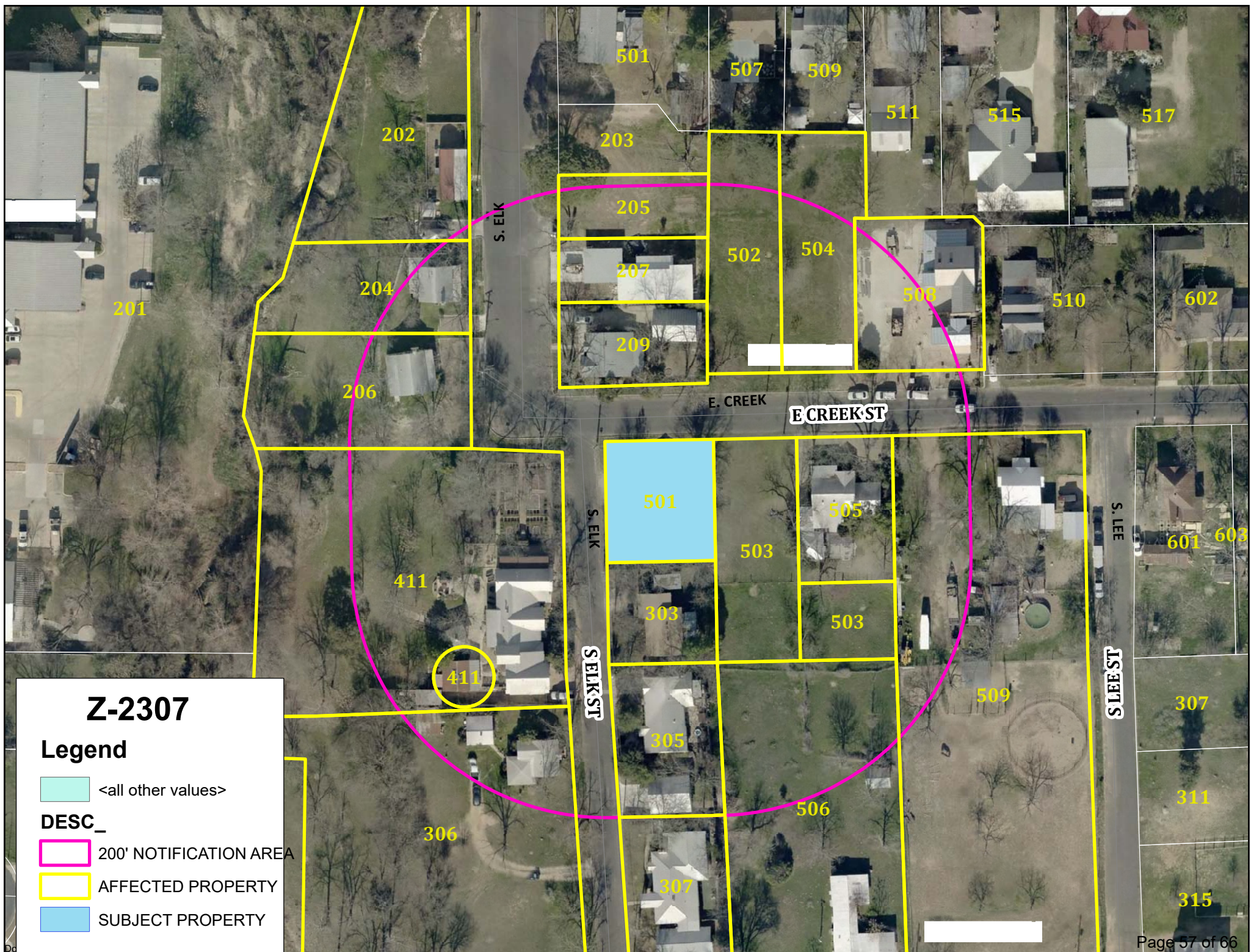






Emergency Evacuation Floorplan





Z-2307

Legend

-  <all other values>
- DESC_**
-  200' NOTIFICATION AREA
-  AFFECTED PROPERTY
-  SUBJECT PROPERTY

CARLETTA SMITH
204 E TRAVIS ST
FREDERICKSBURG, TX 78624

JIM & TISHA SHUFFIELD
151 OAK VALLEY DR
FREDERICKSBURG, TX 78624

JOY KOLMEIER
189 REEH-WEINHEIMER RD
FREDERICKSBURG, TX 78624

WILLIAM & ANTOINETTE JOSEPH
411 E CREEK ST
FREDERICKSBURG, TX 78624

GINGER CROSSLEY
306 S ELK
FREDERICKSBURG, TX 78624

JAY SEALE LIFE ESTATE
307 S ELK
FREDERICKSBURG, TX 78624

STEPHEN & JAYNE POPE
305 S ELK
FREDERICKSBURG, TX 78624

KIMBERLY KLEIN
1515 HOLCOMBOE BLVD APT 1373
HOUSTON, TX 77030

INN HAUS LLC
1241 S ST WHY 16
FREDERICKSBURG, TX 78624

WING CAPITAL INVESTEMENTS LLC
1659 HWY 46 W STE 115 #448
NEW BRAUNFELS, TX 78132

CLOVERHAUS LLC
14524 FLAT TOP RANCH RD
AUSTIN, TX 78732

MARK LANGERHANS
198 W GRAND OAKS RD
HARPER, TX 78631

BENJAMIN & TRISHA FULLER
508 E CREEK
FREDERICKSBURG, TX 78624

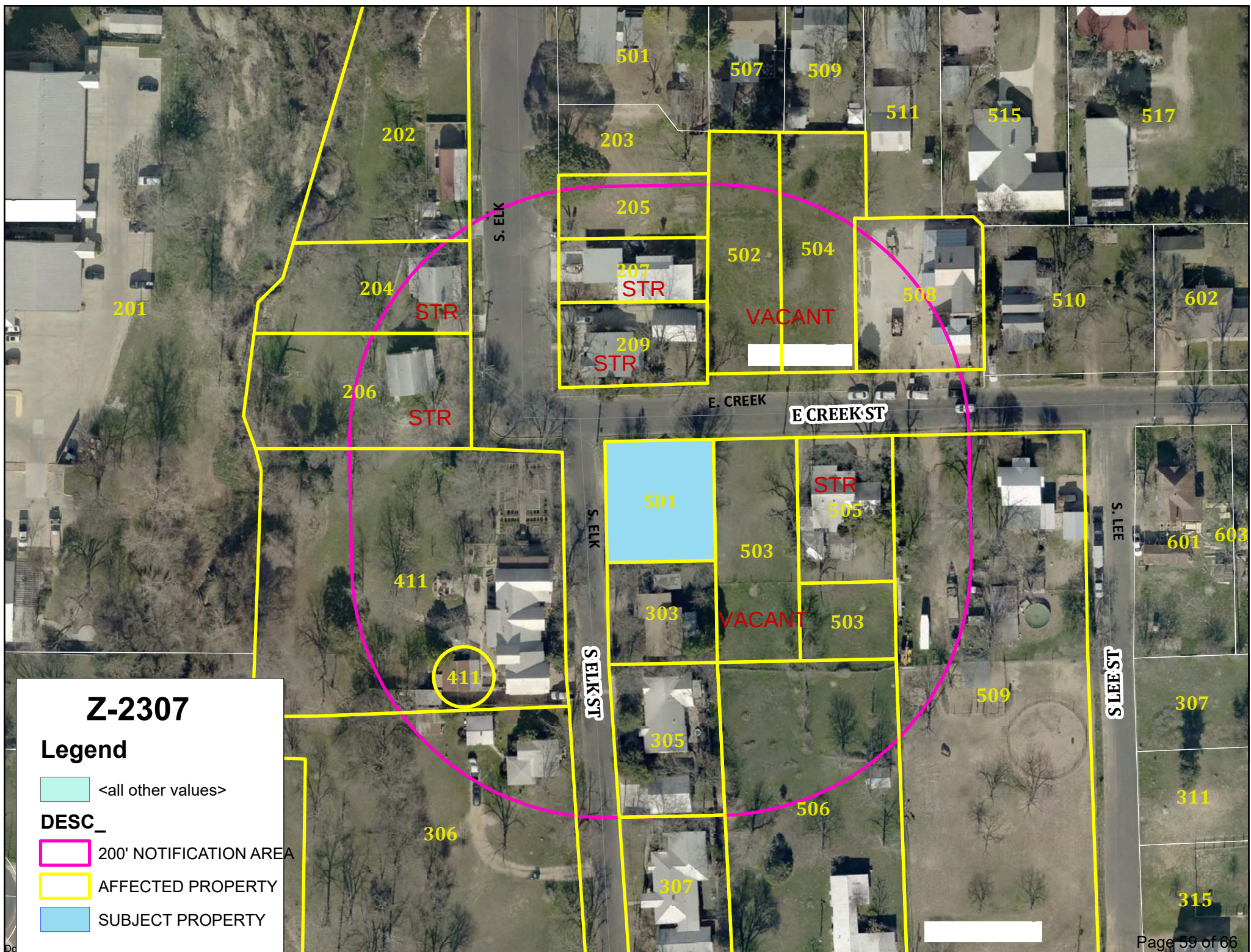
JAMES & REBECCA GALLE
156 AUGUSTA
BOERNE, TX 78006

CHARLES & BEVERLY TANNER
938 PARTHENON PL
NEW CANEY, TX 77357

JEFFREY & ANDREA PETRO
485 ADMIRAL HEIGHTS BLVD
FREDERICKSBURG, TX 78624

CAVAN & DONNA MCMAHON
518 ½ W PEACH ST
FREDERICKSBURG, TX 78624

Z-2307



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.

March 22, 2023 Kathy Langer

Katielle4@gmail.com

RE: Z-2307 – Review Comments for a Conditional Use Permit (CUP) for property located at 501 East Creek Street.

Dear Ms. Langer,

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.

Find attached a revised site plan.

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

- The CUP requires Planning and Zoning Approval, scheduled for April 5, 2023.
- Provide photos of all elevations, North, South, East and West.
Find attached photos of all elevations.
- 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.

Responses to each of the review and evaluation criteria are in red:

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. **Yes**

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, consistent with all abutting properties.**

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. **None**

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**

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. **Yes**

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

Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties. **None present or required.**

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

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. **Yes**

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

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**

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**

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. **Yes**

-
- Update the Parking requirements to depict STR-Unoccupied per **Sec. 7.863**
Parking requirements shown on attached revised site plan. Compliant with STR-Unoccupied per Sec. 7.863.
- Provide a floor plan for the unit.
Find attached a floor plan.
- Provide clarification that the Garage will not be used as a STR Unit.
Garage will not be used as a STR unit.
- Provide a note regarding all exterior lighting shall by night sky compliant.
All exterior lighting will be 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.
Please see attached revised site plan for schedule of tree compliance per Sec. 7.920
- Provide location of dumpster and/or trash enclosure.
There is no dumpster or trash enclosure on site. Standard residential bin sits next to garage.

- Screening is required for a STR-Unoccupied per **Sec. 7.940** along the East, South and Western property lines.

Required screening - I have requested a historical district waiver per Sec. 7.940 to keep my property consistent with other properties on my historic district street.

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 Wednesday, March 29th to ensure consideration by Planning & Zoning Commission on Wednesday, April 5th.

Shelby Collier

Development Review Committee (DRC)



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: Cotton Haus
Project Address: 501 E. Creek Street
Tax ID Number (s): 555-84-4046

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: 1

Original Survey & Abstract No: _____

Legal Description: _____

Current Land Use Plan: _____

Proposed Land Use Plan: _____

Current Zoning: R2

Proposed Zoning: _____

Location: _____

Proposed Use(s): 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: Kathryn Langer

Printed Name: Kathryn Langer

Date: 2/21/23

Staff Use Only

Application No.: E-1307

Date: 03/06/23

*Copy of current Title Search required with application.

CH# 10011

\$ 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: Kathryn Langer

Address: 8116 Joy Road Volente, TX 78641

Phone: (760) 638-4444 Fax:

Email: Kati Elle 4@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: Kathryn Langer

Phone: (760) 638-4444 Fax:

Email: Kati Elle 4@gmail.com

Secondary Contact Name:

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable): Kathryn Langer

Applicant Name (s):

Address: 8116 Joy Road Volente, TX 78641

Phone: (760) 638-4444 Fax:

Email: Kati Elle 4@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: Kathryn Langer

Phone: (760) 638-4444 Fax:

Email: Kati Elle 4@gmail.com

2/21/23

Hello,

I have owned my home in Fredericksburg for 5 years and really enjoy being a part of the STR community. I've been a good neighbor with no infractions and have paid HOT in a timely manner.

Unfortunately, I did not renew my STR permit on time. (I didn't realize that it was due, but paid immediately as soon as it was brought to my attention.)

I hope to be able to obtain another permit so that I can continue running my STR in a professional manner and share the magic of Fredericksburg with my guests.

Kathryn Lange