



City of Fredericksburg

Planning and Zoning Meeting Agenda
Wednesday, May 3, 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, May 3, 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 May 3, 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. April 5, 2023, Regular Meeting Minutes

4. PUBLIC HEARING

- A. Z-2305 - Request by Rebecca Rather, Clayton Walvoord and Bradley Oehler to Consider the Following:

- for
 - A. A Land Use Change from Low Density Residential (LDR) to Commercial (C)
Properties Located at 408, 412 and 414 East Austin Street.
 - B. A Zoning Change from (R1) Single Family Residential to (c1.5) Medium Commercial for
Properties located at 408, 412 and 414 East Austin Street.

5. ACTION ITEMS

- A. Z-2305 - Request by Rebecca Rather, Clayton Walvoord and Bradley Oehler to Consider the Following:
 - A. A Land Use Change from Low Density Residential (LDR) to Commercial (C) for Properties
Located at 408, 412 and 414 East Austin Street.
 - B. A Zoning Change from (R1) Single Family Residential to (C1.5) Medium Commercial for properties located at 408, 412 and 414 East Austin Street.
- B. SP-2302 - Site Plan Review of the MOM Center located at 528 South Milam Street

6. DISCUSSION ITEMS

- A. Director's Report
- B. Future Agenda Items

7. EXECUTIVE SESSION

8. ADJOURN

CERTIFICATION

This is to certify that I, Shelby Collier, posted this Agenda at 3:00 PM on 04/28/23, 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
APRIL 5, 2023
5:30 P.M.**

On this the 5TH day of APRIL 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
JEFF LAWRENCE
JIM JARREAU
TOM MUSSELMAN
CINDY SCROGGINS
TIM DOOLEY
STEVE THOMAS

ABSENT:

POLLY RICKERT
DARYL WHITWORTH

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 March 2023 Regular Meeting Minutes. Seconded by Cindy Segner. All voted in favor and the motion carried.

PUBLIC HEARING

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

Tim Dooley 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.

During the March 2023 Planning and Zoning Meeting, City Staff had a concern regarding the third bedroom in the main residence. After visiting with the Buildign Official, it was determined that the third

bedroom did meet the necessary egress requirements and he would like approval of a CUP for a three-bedroom main residence and a 2-bedroom guest house.

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

REQUEST #Z-2307 to Consider a Conditional Use Permit per Sec. 3.110 of the Zoning Ordinance to Operate a STR-Unoccupied in a R2 Zoned Area located in the Historic District on Property located at 501 East Creek Street.

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

Kathryn Langer presented the application. She stated that she had an STR permit but did not renew in time and would like to obtain a new STR permit.

Tim Dooley made a Motion to close the public hearing. Jim Jarreau 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 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.

Tim Dooley made a motion to recommend approval of Z-2304 per Staff recommendations. Seconded by Jim Jarreau. All voted in favor and the motion carried.

Discussions, Consideration and Recommendation Regarding #Z-2307 to Consider a Conditional Use Permit per Sec. 3.110 of the Zoning Ordinance to Operate a STR-Unoccupied in a R2 Zoned Area located in the Historic District on Property located at 501 East Creek Street.
Request P-2301 – Final Plat Harmony Hills Subdivision

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-Unoccupied in a 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.

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](#)

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.

[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.

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

Jim Jarreau made a motion to recommend Approval of Z-2307 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 also discussed the status of the STR Ordinance amendment process.

The Commission requested that Public Comments are added as an agenda item to all workshop agendas.

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 6:00 p.m.

PASSED AND APPROVED this 3rd day of May 2023.

SHELBY COLLIER, Associate Planner

JANICE MENKING, Chairman



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Interim Director of
Development Services
MEETING DATE: May 3, 2023

CATEGORY: PUBLIC HEARING

CAPTION: Z-2305 - Request by Rebecca Rather, Clayton Walvoord and Bradley Oehler to Consider the Following:

- A. A Land Use Change from Low Density Residential (LDR) to Commercial (C) for Properties Located at 408, 412 and 414 East Austin Street.
 - B. A Zoning Change from (R1) Single Family Residential to (c1.5) Medium Commercial for Properties located at 408, 412 and 414 East Austin Street.
-

PRESENTATION:

SUMMARY:

The applicants are requesting a A Land Use Change from Low Density Residential (LDR) to Commercial (C) and a Zoning Change from (R1) Single Family Residential to (C1.5) Medium Commercial for properties located at 408, 412 and 414 East Austin Street.

BACKGROUND:

The subject properties have frontage on East Austin Street and two are operating as Short-Term Rentals (412 and 414 East Astin). The zoning to the north, east and west is R1 and across East Austin Street, to the south, the block is zoned CBD, Central Business District.

In addition, the Historic District Boundary stops at North Washington. Street, but extends south along East Austin Street to include the properties that are Zoned CBD. Please see the attached Zoning Map.

The Commercial Uses across the street from the Subject tracts include The Inn Above Town Creek (107 N. Washington) and Winchester Lodge (415 East Austin). These properties are also located between the National Museum of the Pacific War (300 block of East Austin) and the Reinactment Area affiliated with the museum (500 block of East Austin).

There are a total of 13 R1 properties located within the 200 foot notification area and 3 of them are Short-Term Rentals and the rest are residences or second homes. Please see the attached Response to Public Hearing Map.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Interim Director of
Development Services
MEETING DATE: May 3, 2023

CATEGORY: ACTION ITEMS

CAPTION: Z-2305 - Request by Rebecca Rather, Clayton Walvoord and Bradley Oehler to Consider the Following:

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FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

This block of East Austin Street has a high volume of vehicular and pedestrian traffic. The request is being made by three property owners in the middle of the block. Rezoning the middle of a block without rezoning the ends would be considered spot zoning. If the P&Z Commission decides on an appropriate zoning district, it should be applied to the entire block face, and not just the three requested properties.

The 400 E Austin block faces CBD Zoning and backs up to R1 Zoning. It would potentially be better suited for a "buffer" zone to protect the neighborhood but respond to the amount of activity the block receives. R2 and C1 are considered buffer zones between residential and more intense uses. C1.5 as requested has several more uses allowed by right. Some concerns for future development are less about uses and more about potential density and massing. R2 allows up to 28 ft in height while C1.5 allows up to 38' height. Each require a 25' rear setback for multistory development if abutting residential zoning (which is the case). The area in question is not in an overlay district and thus there are no design review requirements associated with new development.

Staff recommends P&Z requests a rezone of the entire 400 East Austin block face for a "buffer zone" that respects the neighborhood but responds to the reality of the traffic of Austin Street.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

1. Z-2305 Narrative
2. Z-2305 Zoning Map
3. Z-2305 Response to Public Hearing Map
4. Messer Protest
5. Nimitz Museum Protest
6. Lochte Approval
7. Messer Protest 2
8. Brady Protest
9. R2, C1, C1.5 zoning districts

APPROVAL/REVIEW:

From: _____
To: _____
Subject: Fw: 400 Block of E. Austin Zoning
Date: Friday, April 28, 2023 10:40:04 AM

From: Clayton Walvoord <>
Sent: Monday, April 17, 2023 3:47 PM
To: Shelby Collier <scollier@fbgtx.org>; Kathryn Harrison <>; Anna Hudson <ahudson@fbgtx.org>
Cc: 'Jessica Mittel'; 'Rebecca Rather' <>; 'Bradley Oehler' <>
Subject: 400 Block of E. Austin Zoning

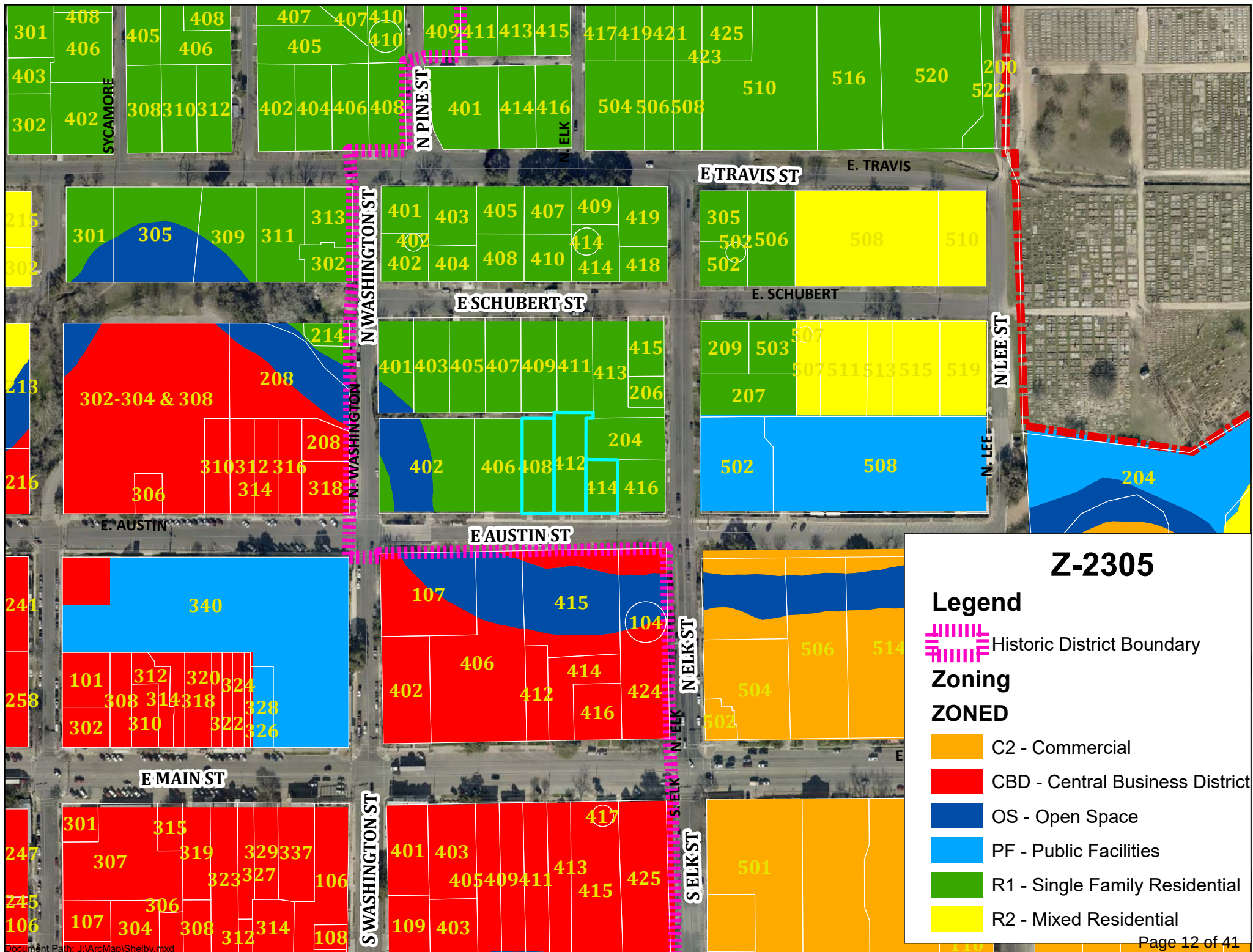
Hey Anna,

I left you a voicemail earlier today, but I thought I might follow up with an email with everyone on it, including Kathy, so we can have as open a dialog as possible. Kathy and I had a very nice discussion the end of last week, and it really does boil down to her concerns over the ability for potential buyers to construct a 3 story commercial building next door to her properties. I completely understand her position, and everyone else is on board with the idea that a special provision should be created to limit building height as well.

The creation of C1.5 zoning was an excellent idea by the city as it allows for a transition(buffer) from full on commercial to residential and, as you said, gives a more residential feel to an area, but still allows new, but limited commercial uses. Erecting a 3 story commercial building in the middle of our street would completely eliminate any residential feel. I would think that as the city continues to transition additional areas using C1.5, this type of issue will continue to arise, and working to preserve a residential feel to buffer residents and soften the transition to commercial would be key in getting zoning like this approved, both now, and down the road.

I have to believe that there is some way we can amend this as it makes a lot of sense for, not just us, but also long term for the city I would think.

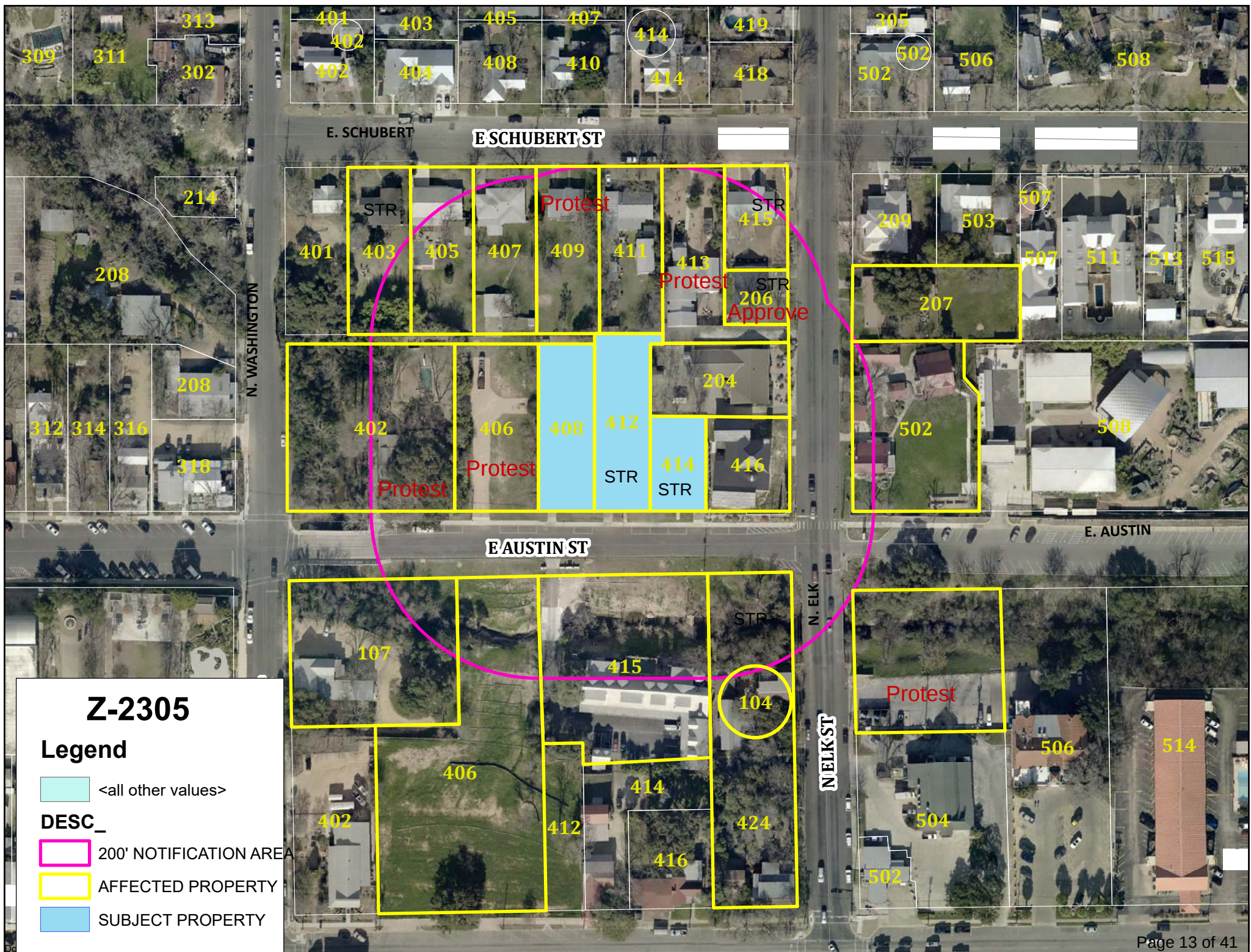
Please let me know your thoughts, and thank you for your patience as we try to find the right solution for all involved.



Z-2305

Legend

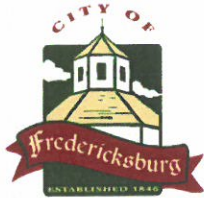
-  Historic District Boundary
- Zoning**
- ZONED**
-  C2 - Commercial
-  CBD - Central Business District
-  OS - Open Space
-  PF - Public Facilities
-  R1 - Single Family Residential
-  R2 - Mixed Residential



Z-2305

Legend

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



NOTICE OF PLANNING & ZONING PUBLIC HEARING:
A LANDUSE AND ZONING CHANGE REQUEST

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 card below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

1st HEARING

DATE: April 5, 2023

TIME: 5:30 PM

REQUEST

NUMBER: Z-2305

The City of Fredericksburg **Planning and Zoning Commission** will meet in a regular session on April 5, 2023, at 5:30 PM. The meeting will be held at the Law Enforcement Center, 1601 East Main Street, Fredericksburg, TX 78624.

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

2nd HEARING

DATE: April 18, 2023

TIME: 9:00 AM

REQUEST

NUMBER: Z-2305

The City of Fredericksburg **City Council** will meet in a regular session on April 18, 2023, at 9:00 AM. The meeting will be held at the Law Enforcement Center, 1601 East Main Street, Fredericksburg, TX 78624.

- REQUEST:**
- A. LAND USE CHANGE FROM LOW DENSITY RESIDENTIAL (LDR) TO COMMERCIAL (C) FOR PROPERTIES LOCATED AT 408,412 AND 414 EAST AUSTIN STREET.
 - B. A ZONING CHANGE FROM (R1) SINGLE FAMILY RESIDENTIAL TO (C1.5) MEDIUM COMMERCIAL FOR PROPERTIES LOCATED AT 408,412 AND 414 EAST AUSTIN STREET.

APPLICANT: REBECCA RATHER, CLAYTON WALVOORD AND BRADLEY OEHLER

LOCATION: 408,412 AND 414 EAST AUSTIN STREET.

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

REQUEST NO. Z-2305

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

Signed Mark Messer
Printed Name MARK MESSER

Date 3/31/2023
Address 413 E. SCHUBERT

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

REQUEST NO. Z-2305

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

Signed

Michael Hagee
MICHAEL HAGEE

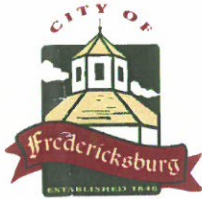
Printed Name

31 MARCH 2023

Date

310 E. AUSTIN ST

Address



NOTICE OF PLANNING & ZONING PUBLIC HEARING:
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APPLICANT: REBECCA RATHER, CLAYTON WALVOORD AND BRADLEY OEHLER

LOCATION: 408,412 AND 414 EAST AUSTIN STREET.

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

REQUEST NO. Z-2305

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

d lochte
Signed _____
danielle lochte
Printed Name _____

3/30/23
Date _____
206 N elb
Address _____

From: [Mark Messer](#)
To: [Shelby Collier](#)
Subject: Zoning Case 400 Block of Austin Street
Date: Thursday, April 20, 2023 10:30:45 AM

Shelby- good morning, in regard to the proposed change in zoning from R-1 to Commercial for the properties located on the north side of Austin Street between Washington and Elk I ask that you please forward the comments below to the City Council and Planning and Zoning Commission prior the upcoming case hearing in May. Thanks very much for your help!

Dear City Council and Planning and Zoning Commission-

Thank you very much for your service to the City of Fredericksburg and working very hard to keep it the wonderful community it is. As the owners of an adjoining property to the ones requesting commercial zoning and the uses it allows we are highly opposed to this requested zoning change and do not also feel anything other than R-1 should be considered for this quiet residential area. Most of the homes around ours are used as either part time STR's or full time residents, but with a real neighborhood feel. There are also many long term full time residents. Even though we are two blocks from Main Street we can still hear the noise from Main Street from Silver Creek and the bands behind the Luckenbach Store. There is also Tubby's, Otto's, etc nearby that are commercial uses along with noise and traffic generators. We feel commercial and higher density residential such as R-2 should be limited to south of Austin Street and West of Washington to help preserve some level of quiet neighborhood in the surrounding areas. Being on Schubert we really serve as a buffer to the areas north and east of us. If Commercial or R-2 are allowed north of Austin, that noise and traffic transitions into the neighborhoods north and east of Schubert and Washington. There are elderly people that back up to the properties requesting the rezoning and they should not have to live out the rest of their days dealing with smelly dumpsters, loud music, traffic , etc. Elk Street already backs up from Main to Schubert during heavy traffic hours with people wanting to bypass Main Street to get to areas north. Thank you very much for your time.

Mark and Shelly Messer

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

REQUEST NO. Z-2305

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

Signed [Signature]
Printed Name Jay S. Brady

4-16-2023
Date
409 E. Schubert
Address

Sec. 3.110. R-2: MIXED RESIDENTIAL.

Intent

This zone is intended to provide for medium density living, for example, with not more than one (two bedroom) dwelling unit permitted for each 3,500 square feet of lot area. (See Site Development Regulations). Additional uses necessary and incidental to multiple family residential dwellings are also permitted. It is a zone well suited as a buffer between single family uses and other more intense uses. This zone is typically associated with Medium Density Residential Land Use category but is allowed within all Land Use categories except "Open Space/Park," "Public Facility" and "Industrial."

Principal Permitted Uses

Buildings, structures and land shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Community Recreation	Local Utility Service
Duplex Residential	Multiple Family Residential
Townhouses (Section 7.610)	
Group Residential	Single Family Residential (Detached)
Single Family Small Lot (Section 3.101 R-1-A)	
Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401)	Short-term Rental, B & B: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Unoccupied—not located within the Historic Overlay District: (With a STR permit, adherence to Section 5.401)	

Uses Permitted Subject To Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided in Section 5.400.

Private Primary Educational Facilities	Private Secondary Educational Facilities
Day Care Services	
Condominiums (Section 7.610)	
Convalescent Services	
Cultural Services	Religious Assembly
Guidance Services	
Short-term Rental, Unoccupied - located within the Historic Overlay District: (With a STR permit, adherence to Section 5.401)	Short-term Rental, Condominium: (With a STR permit and adherence to Section 5.401) • If the property is immediately abutting a Non-Residential Zoning District (Open Space not included), or a PUD that allows commercial uses.
Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401) • If the property is immediately abutting a Non-Residential Zoning District (Open Space not included), or a PUD that allows commercial uses. • When located within the Historic Overlay District, use is limited to a maximum of one structure per 5,000 square feet of land.	

Property Development Standards

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

Site Development Regulations

Each site in the R-2 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 5,000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	2½ Stories, 28 feet
Front Yard	Minimum Required Setback, 15 feet (20 feet for garage)
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet for single family detached structures; or 10 feet, for multi-family developments, when abutting residential zoning districts; or 15 feet for 2 story multi-family developments when abutting residential zoning districts
Rear Yard	Minimum Required Setback, 10 feet; or 15 feet, for multi-family developments, when abutting a residential zoning district; or 25 feet, for multi-family developments, for 2 or more stories when abutting residential zoning districts
Residential Density	Minimum Site Area per Dwelling Units,
	Efficiency: 2,500 Square feet
	1 Bedroom: 3,000 Square feet
	2 Bedroom: 3,500 Square feet
	3 Bedroom: 4,000 Square Feet Each additional bedroom (over 3 bedrooms) shall provide an additional 500 square feet interval to the required density area
Maximum Impervious Coverage	65%
Maximum Building Coverage	Percent of Lot Area, 55%
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.000

Note(s)—In an R-2 Zone the R-1-A Site Development Regulations may apply to the development of single family dwellings at the option of the Owner.

(Ord. No. 18-014, § 3.110, 12-1-2008; Ord. No. 23-014, 9-16-2013; Ord. No. 2022-13 , § 3(Exh. C), 3-21-2022)

Sec. 3.200. C-1: NEIGHBORHOOD COMMERCIAL.

Intent

This zone is intended to provide for the establishment of restricted commercial facilities, to serve the conveniences and needs of the immediate neighborhood and must be compatible with the residential character and environment of the neighborhood. These uses generally result in limited traffic generation.

Principal Permitted Uses

Building, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office
Convalescent Services
Cultural Services
Day Care Services
Group Residential
Local Utility Services
Medical Services
Multiple Family Residential (Section 3.110)
Personal Services
Private Primary Educational Services
Private Secondary Educational Facilities
Professional Office
Religious Assembly
Single Family Residential (detached) if structure was not used as other than residential in its most recent use
Short-term Rental, Unoccupied: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401)
Short-term Rental, B&B: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401)
Corporate Housing: (With a STR permit and adherence to Section 5.401)

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in section 5.400.

Arts and Crafts
Automotive Washing
Building Maintenance Services
Business School
Business Support Services

Club or Lodge
Communication Services
Condominium Residential (section 7.610)
Consumer Repair Services
Convenience Storage
Convenience Store/Self Serve Gasoline
Duplex Residential
Food Sales
Guidance Services
Laundry Services
Limited Retail Sales
Liquor Sales
Personal Improvement Services
Pet Services
Restaurant - Limited
Single Family Residential (detached)- new construction or after cessation of use other than residential
Short-term Rental, Condominium (Section 5.401)
Townhouse Residential Drive through Facilities Associated with any use

Property Development Standards

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

Site Development Regulations

Each site in the C-1 District shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 7500 Square feet
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 25 feet
Street Side Yard	Minimum Required Setback, 25 feet
Interior Side Yard	Minimum Required Setback, 5 feet; or 10 feet when abutting residential zoning districts; or 15 feet for 2 story structures, when abutting residential zoning districts
Rear Yard	Minimum Required Setback, 10 feet; or 15 feet when abutting residential zoning districts; or 25 feet for 2 or more stories, when abutting residential zoning districts
Maximum Impervious Coverage	70%
Maximum Building Coverage	Percent of Lot Area, 50%

Residential Density	Section 3.110
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.000
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when abutting R-1, R-1-A, or R5

* 10 feet when adjacent to R-1 or R-5

(Ord. No. 23-007, 5-20-2013; Ord. No. 23-014, 9-16-2013; Ord. No. 2019-11, § 1, 4-15-2019; Ord. No. 2022-13, § 5(Exh. E), 3-21-2022)

Sec. 3.205. C-1.5: MEDIUM COMMERCIAL.

Intent

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

Principal Permitted Uses

Building, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office
Arts and Crafts
Business Support Services
Communication Services
Consumer Repair Services
Convalescent Services
Cultural Services
Day Care Services
Financial Services
Guidance Services
Hospital Services (Limited)
Local Utility Services
Medical Offices
Personal Improvement Services
Personal Services
Pet Services
Professional Offices
Private Primary Educational Facilities

Created: 2022-10-05 15:38:33 [EST]

(Supp. No. 12)

Private Secondary Educational Facilities
Religious Assembly
Restaurant—Limited
Retail Sales—Limited
Single Family Residential (Detached)—if structure was not used as other than residential in its most recent use
Group Residential
Multiple Family Residential
Short-term Rental, Unoccupied: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401)
Short-term Rental, B&B: (With a STR permit and adherence to Section 5.401)
Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401)
Corporate Housing: (With a STR permit and adherence to Section 5.401)

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in section 5.400.

Automobile Washing
Building Maintenance Services
Business or Trade School
Club or Lodge
Cocktail Lounge
Convenience Storage
Consumer Convenience Services
Convenience Store/Self-Serve Gasoline
Custom Manufacturing
Food Sales
Drive through or Drive-in facilities associated with any use
General Retail Sales
Indoor Sports and Recreation
Kennels
Laundry Services
Liquor Sales
Mobile Food Establishments
Single Family Residential (Detached)—new construction or after cessation of use other than residential
Duplex Residential
Townhouse Residential
Condominium Residential (Section 7.610)
Short-term Rental, Condominium: (With a STR permit and adherence to Section 5.401)

Property Development Standards

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

a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

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

Feature	Regulation
Lot Size	Minimum Lot Area, 7,500 Square feet
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 20 feet
Street Side Yard	Minimum Required Setback, 20 feet
Interior Side Yard	Minimum Required Setback, 5 feet; or 10 feet when abutting residential zoning districts; or 15 feet for 2 story structures, when abutting residential zoning districts
Rear Yard	Minimum Required Setback, 10 feet; or 15 feet when abutting residential zoning districts; or 25 feet for 2 or more stories, when abutting residential zoning districts
Maximum Impervious Coverage	75%
Maximum Building Coverage	Percent of Lot Area, 60%
Residential Density	Section 3.110
Nonconforming Uses	Section 6.100
Site Development Regulations	Sections 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when abutting R-1, R-1-A, and R-5

* 25 feet when adjacent to residential zoning district

(Ord. No. 2019-12, § 1, 4-15-2019; Ord. No. 2019-34, § 1, 12-16-2019; Ord. No. 2022-13, § 6(Exh. F), 3-21-2022)



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
MEETING DATE: May 3, 2023

CATEGORY: ACTION ITEMS

CAPTION: SP-2302 - Site Plan Review of the MOM Center located at 528 South Milam Street

PRESENTATION:

SUMMARY:

A Site Plan has been submitted to develop property located at 528 South Milam Street. The proposed development would include 1 single-story building that is approximately 6,000 sq ft that will serve as the new location for the MOM Center.

BACKGROUND:

This property received Approval for a partial Zoning Change (Z-2210) from R1 to C1 on July 18, 2022 and Preliminary Plat Approval (P-2240) on 02/09/23

This application was reviewed for its conformity with relevant City Ordinances including [Sec. 7.131](#), review and evaluation criteria for Site Plans.

Site Area:	45,912 Square Feet
Zoning:	C1, Neighborhood Commercial Sec. 3.200
Building Coverage:	13% (5,963 sq ft) (50% maximum) Sec. 3.200
Impervious Coverage:	41 % (32,138 sq ft) (70% maximum) Sec. 3.200
Heights:	1 Story (20'-2") Max Building Height 38 Feet Sec. 3.200
Parking:	16 provided (16 required at 1 space per 400 sq ft) Sec. 7.863

Utilities:	Water and sanitary sewer are available to serve the site.
Detention:	Stormwater detention plans & studies shall be reviewed as part of the Civil Construction Plans.

Landscape:	One (1) tree per 75 LF required. Off-street parking shall have ten (10) sq ft of interior landscaping for each parking space. A strip of land at least five (5) in depth located between the abutting right-of-way and the off-street parking areas or other vehicular use area which is exposed to an abutting right-of -way shall be landscaped and include one (1) tree for each fifty (50) lineal feet. In addition, a hedge, wall, or other durable landscape barrier
-------------------	--

of at least two (2) feet in height shall be placed along the perimeter.
[Sec. 7.920](#)

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION: Recommendation & Findings: Based on review by the Development Review Committee (DRC), staff recommends approval conditioned upon the following:

1. Landscape plan per [Sec. 7.920](#), including screening [Sec 7.940](#), is provided and approved prior to review of Building Permit Applications.
2. Approval of Civil Construction Plans prior to review of Building Permit Applications.
3. Approval of Final Plat

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

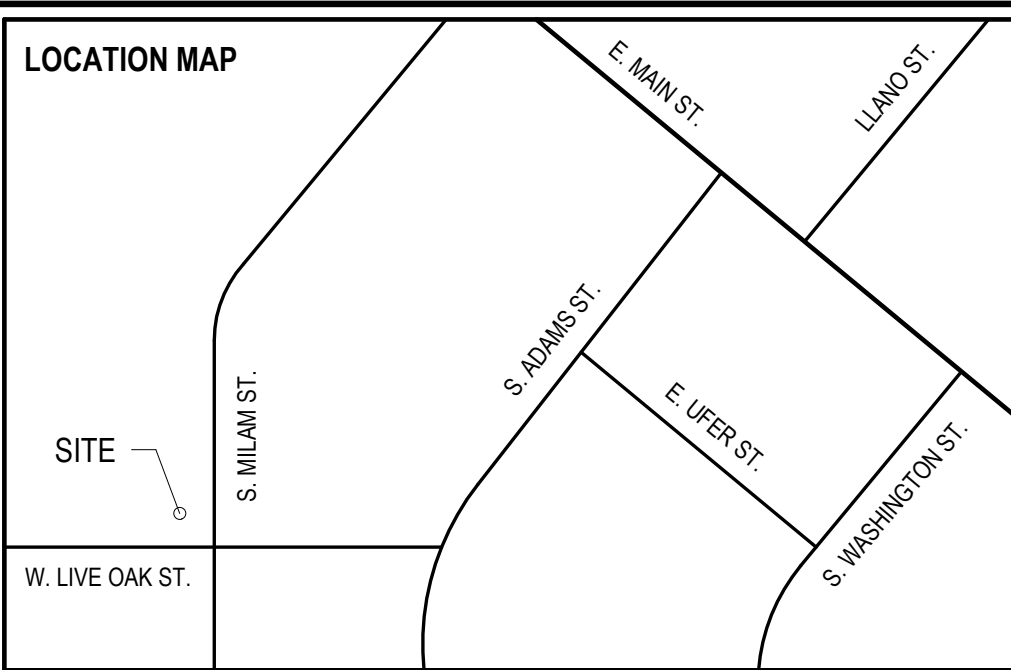
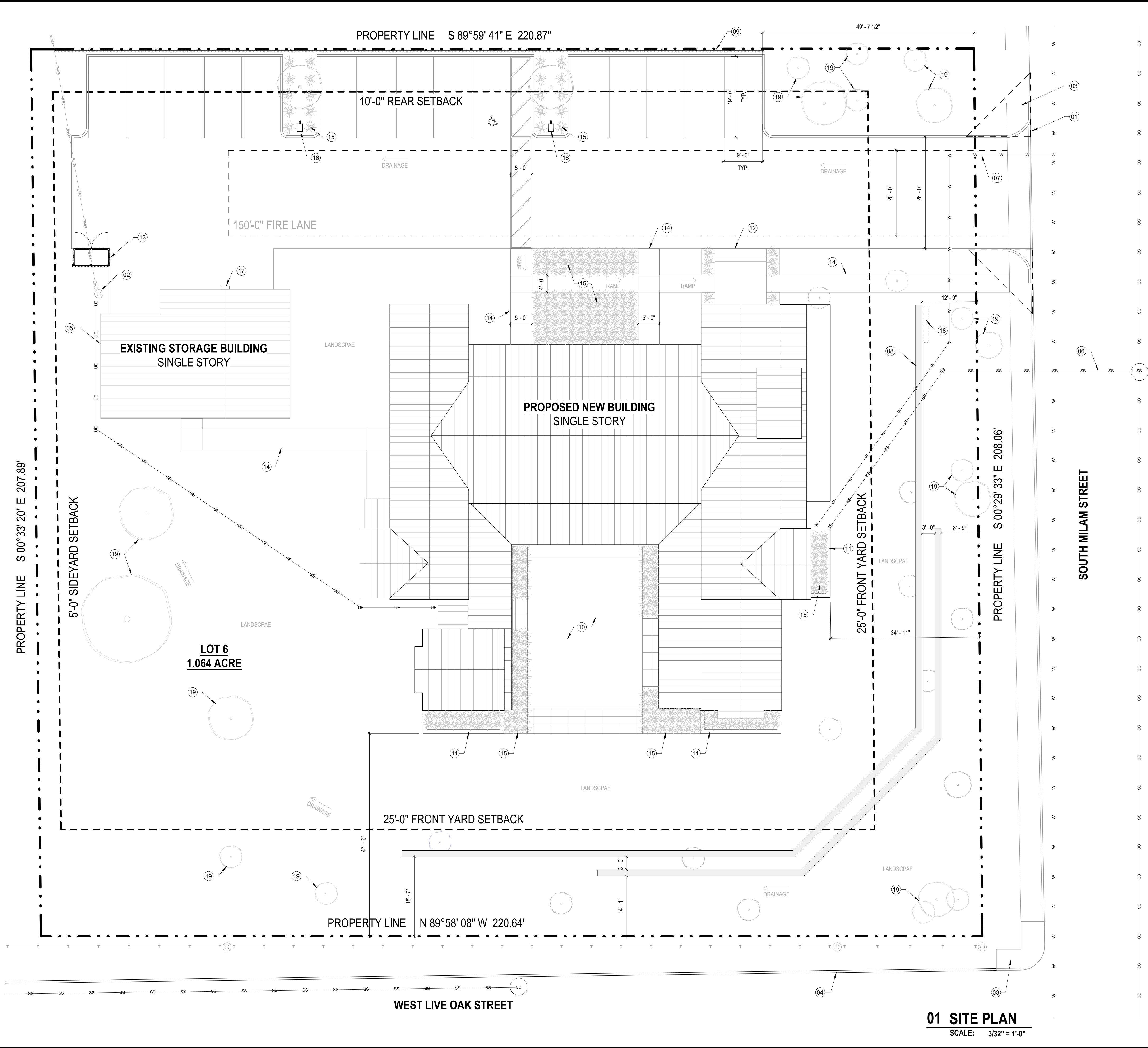
Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. SP-2302 Revised Site Plan
2. SP-2302 Response to Comments
3. SP-2302 - Project Application
4. P-2240 Notice of Action Approval

APPROVAL/REVIEW:

These design drawings are the sole property of Sport & Country, and may not be reproduced in any form, by any method, for any purpose without previous written permission from Sport & Country.



Owner:
Heart of the Hills, MOM Center
528 South Milam
Fredericksburg, Texas 78624

Legal Description:
G E CO 95, Lot 6, 1.064 Acres

Proposed Use:
Business, Group B
Limited Medical / Ambulatory Care.

Zoning:
C-1 Neighborhood Commercial

Setbacks:
Street Side: 25'-0"
Front: 25'-0"
Side: 5'-0"
Rear: 10'-0"

Lot Area:
45,912 S.F.

Max Allowable Bldg. Coverage:
50% (22,956 s.f.)

Proposed Bldg Coverage:
12.9% (5,963 s.f.)

Max. Impervious Coverage:
70% (32,138 s.f.)

Proposed Impervious Coverage:
41% (19,036)

Max. Building Height:
3 Stories, 36'-0"

Proposed Building Height:
1 Story, Approximately 20'-2"

Parking
Proposed Building (1 space per 400 s.f.)
Existing Storage Building (1 space per 1,000 s.f.)

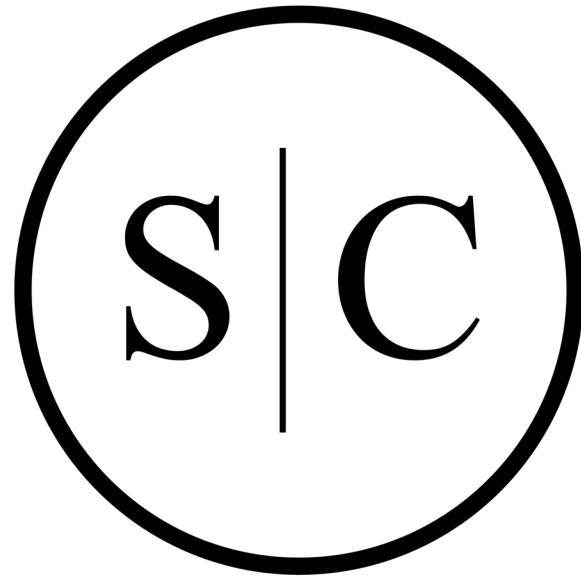
Required Parking Spaces: 16
Proposed Parking Spaces: 16
Required Accessible Parking Spaces: 1
Required Accessible Parking Spaces: 1

Proposed Landscaping:
23,030 s.f.

Interior Landscaping Required:
90 s.f.

Proposed Interior Landscaping:
2,416 s.f.

- SITE PLAN NOTES**
- 01 RELOCATED CURB CUTS AND ENTRY DRIVE.
 - 02 EXISTING UTILITY POLE TO REMAIN, TYPICAL.
 - 03 EXISTING CONCRETE SIDEWALK.
 - 04 NEW CONCRETE CURB.
 - 05 EXISTING METAL BUILDING TO REMAIN. LEAN-TO TO COVER 1 PARKING SPACE.
 - 06 EXISTING SEWER LINE.
 - 07 EXISTING WATER LINE.
 - 08 PROPOSED RETAINING WALL.
 - 09 NEW 6'-0" PRIVACY FENCING.
 - 10 PERMIABLE TURF LAWN.
 - 11 LOW WALL FOR PLANTING BEDS. APPROXIMATELY 2'-0"
 - 12 ENTRY STAIRS
 - 13 TRASH ENCLOSURE.
 - 14 NEW SIDEWALK.
 - 15 LANDSCAPE AREA.
 - 16 DARK SKY COMPLIANT LED LIGHT POLE.
 - 17 DARK SKY COMPLIANT SURFACE MOUNTED LED LIGHTING.
 - 18 NON-ILLUMINATED SIGN BY OWNER.
 - 19 EXISTING PECAN TREE.
- SITE LEGEND**
- W ——— W WATER LINE
 - SS ——— SS SANITARY SEWER
 - OHE ——— OHE OVERHEAD ELECTRICAL SERVICE
 - UE ——— UE UNDERGROUND ELECTRICAL SERVICE
 - - - - - PROPERTY LINE
 - - - - - SETBACK LINE
 - - - - - FIRE LANE
- TRUE NORTH**



SPORT & COUNTRY

Heart of the Hills, MOM Center

528 South Milam, Fredericksburg, Texas 78624

NO.	REVISION	DATE
S/C PROJECT NO.		2022015
PROJECT STATUS:		
DESIGN DEVELOPMENT		
THESE DRAWINGS ARE FOR OWNER REVIEW ONLY. THESE DRAWINGS ARE NOT TO BE DISTRIBUTED TO OTHERS OR USED FOR PERMITTING OR CONSTRUCTION		
DATE:		04.10.2023
SHEET NAME & NO.:		
SITE PLAN		
A01.01		



April 10, 2023

Sport & Country

Caroline and Matt Jarosz

Co-Owners

Fredericksburg, TX

**RE: SP-2303, RESPONSE TO REVIEW COMMENTS FOR SITE PLAN REVIEW
OF THE MOM CENTER LOCATED AT 528 SOUTH MILAM STREET.**

Dear Shelby Collier,

Please see our response to your comments below for the Heart of the Hills MOM Center:

ENGINEERING

1. Comment: Provide ADA compliant connection between the public sidewalk and the entrance to the building.
Response: The site plan has been updated to include a connection between the public sidewalk and building entry.
2. Comment: Retaining walls greater than 4 feet in height will require a separate building permit.
Response: Sport & Country acknowledges the requirement of a separate building permit for the proposed retaining wall and will submit an application accordingly, as needed.
3. Comment: The plat for this development has been approved on the condition that civil construction plans be submitted for review. The civil construction plans should be approved and the plat recorded prior to issuance of a building permit for this site.
Response: Sport & Country acknowledges the requirements to submit civil construction documents. Civil drawings will be included, alongside architectural drawings, as part of the building permit documents submitted to the City.
4. Comment: This site must be developed in accordance with the civil construction plans and storm-water detention plan for the subdivision.
Response: Sport & Country acknowledges the requirements. The site will be developed per civil construction documents submitted for the site and subdivision.



DEVELOPMENT

1. Comment: Requires Planning & Zoning Approval tentatively scheduled for Wednesday, May 3, 2023.
Response: Sport & Country will be in attendance on 5/3.
2. Comment: Provide a note that all exterior lighting shall be night sky compliant.
Response: Dark sky compliant light fixtures have been called out in the original Site Plan, refer to note 16 and 17.
3. Comment: Landscape plan required prior to issuance of building permits and shall include screening Sec. 7.970.
Response: Sport & Country acknowledges the requirement of a Landscape plan. Landscape drawing will be included in the building permit documents submitted to the City.
4. Comment: If retaining walls are taller than 4 feet, they require building permits.
Response: Sport & Country acknowledges the requirement of a separate building permit for the proposed retaining wall and will submit an application accordingly, as needed.

THANK YOU

Please see the revised Site Plan attached.

Sincerely,

Caroline Jarosz
Sport & Country
Co-Owner

& Matt Jarosz
Sport & Country
Co-Owner



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.)

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

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

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

Original Survey & Abstract No:

Legal Description:

Current Land Use Plan:

Proposed Land Use Plan:

Current Zoning:

Proposed Zoning:

Location:

Proposed Use(s):

Applicant's Signature

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

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

Signature: _____

Printed Name: _____ Date: _____

Staff Use Only

Application No.: **SP-2302** Date: **03/22/23**

*Copy of current Title Search required with application.

CK#1007 \$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:

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: Matt Jarosz

Phone:

Fax:

Email:

Secondary Contact Name: Caroline Jarosz

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
- ☐ 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.



Applicant

Christopher Danze

Case Number

P-2240

Location

528 South Milam Street

NOTICE OF ACTION

YOUR APPLICATION FOR:

- ☐ LAND USE CHANGE
- ☐ RE-ZONING
- ☐ ENTRY CORRIDOR DESIGN GUIDELINES
- ☐ VARIANCE
- ☒ PRELIMINARY PLAT
- ☐ CERTIFICATE OF APPROPRIATENESS

PLANNING & ZONING COMMISSION RECOMMENDATION:

☒ APPROVAL

ON DATE: February 8, 2023

☐ DISAPPROVAL

CITY COUNCIL ACTION:

☐ APPROVAL

ON DATE: _____

☐ DISAPPROVAL

BOARD OF ADJUSTMENT ACTION:

☐ APPROVAL

ON DATE: _____

☐ DISAPPROVAL

HISTORIC REVIEW BOARD ACTION:

☐ APPROVAL

ON DATE: _____

☐ DISAPPROVAL

CONDITIONS OF APPROVAL:

Approved Per Staff Recommendation

Signed: _____
Shelby Collier, Associate Planner

Date: 02/09/23



PLANNING & ZONING COMMISSION MEMO

DATE: February 8, 2023
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
SUBJECT: P-2240 Consider a Preliminary Plat of the 528 S. Milam Subdivision.

Summary:

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.

Background / Analysis:

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.

Zoning:	R1, Single Family Residential Sec. 3.100 and C1, Neighborhood Commercial Sec. 3.220
Tract Size:	Approximately 2.42 Acres
Number/Size of Lots:	6 lots
Roadways:	Lots have access on West Walch Avenue and West Live Oak Road
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 Right of Way and Utility Easements.
Stormwater Detention:	Detention will be addressed as part of the Construction Plans.

The City of Fredericksburg

Drainage: See above.

Park Dedication: 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](#)

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 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

Attachments:

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



January 3, 2023

Cody Musick, RPLS
Waymaker Surveyors of Land
cody@waymaker.land

RE: P-2240 – Preliminary Plat 528 South Milam Development.

Dear Mr. Musick,

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

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

Engineering

- Existing access along S. Milam frontage spans across proposed lot lines. A shared access easement should be dedicated, or the access should be relocated prior to the development of the lots in accordance with the City's access management ordinance.
- Please provide a brief description of the stormwater management plan for the subdivision for compliance with the City stormwater control ordinance.

Development:

- Requires Planning and Zoning Commission Approval, scheduled for Wednesday, February 8th 2023.
- Provide Addressing for review.
- Parkland dedication fee of \$500.00 (per lot) must be paid prior to recordation of the plat.
- Add Project Number, P-2240, to Plat.
- Remove all references and depictions of structures, fences, street pavement sections and other information not needed for recording of the plat.

The City of Fredericksburg

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

Please feel free to contact me with any comments or questions, and I will be happy to assist you. Please return the revised plans along with your written response as to how the comments have been addressed by Monday, January 23rd to ensure consideration by Planning & Zoning Commission on Wednesday, February 8th.

Shelby Collier
Associate Planner
Development Review Committee (DRC)

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

THE STATE OF TEXAS *
COUNTY OF GILLESPIE *

I (WE) HEREBY CERTIFY, THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT NO OTHER PERSON OR ENTITY HAS ANY INTEREST IN THE PROPERTY BY LIEN, LEASE, OR OTHER EQUITABLE INTEREST, UNLESS OTHERWISE NOTED HEREON, AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISH THE MINIMUM BUILDING SET-BACK LINES, AND DEDICATE ALL ALLEYS, WALKS, PARKS, WATERCOURSES, EASEMENTS AND OTHER OPEN SPACE TO THE PUBLIC USE FOREVER AND AGREE FOR MYSELF (OURSELVES) AND MY (OUR) HEIRS AND ASSIGN TO ABIDE FOREVER BY ALL LINES, DEDICATIONS AND OTHER RESTRICTIONS SHOWN HEREON.

OWNER: _____ DATE: _____

THE STATE OF TEXAS *
COUNTY OF GILLESPIE *

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____,
BY _____.

NOTARY'S PUBLIC SIGNATURE _____

CERTIFICATE OF COMPLETION, ACCEPTANCE, AND AUTHORIZATION TO FILE

APPROVED

CHAIRPERSON, PLANNING AND ZONING COMMISSION _____ DATE _____
CITY OF FREDERICKSBURG, TEXAS

THE UNDERSIGNED, THE CITY SECRETARY AND THE CITY OF FREDERICKSBURG, TEXAS, CERTIFIES THAT THE FOREGOING FINAL PLAT

OF THE _____ SUBDIVISION OR ADDITION TO THE CITY OF FREDERICKSBURG WAS SUBMITTED TO THE PLANNING AND ZONING COMMISSION ON THE _____ DAY OF _____, 20____, AND THE COMMISSION, BY FORMAL ACTION, THEN AND THERE ACCEPTED THE DEDICATIONS, CONVEYANCES OF LAND, IMPROVEMENTS, AND ANY OTHER PROPERTY NECESSARY TO SERVE THE PLAT AND TO IMPLEMENT THE REQUIREMENTS OF THE PLATTING ORDINANCES, RULES, AND REGULATIONS AS SHOWN AND SET FORTH IN AND UPON SAID PLAT, THAT THE PUBLIC WORKS AND INFRASTRUCTURE IMPROVEMENTS HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CONSTRUCTION PLANS, AND HAVE BEEN TESTED AND ACCEPTED BY THE CITY, THAT THE FINAL PLAT IS NOW ACCEPTABLE FOR FILING WITH GILLESPIE COUNTY AND SAID COMMISSION FURTHER AUTHORIZED THE CHAIRMAN OF THE PLANNING AND ZONING COMMISSION TO NOTE THE ACCEPTANCE ON BEHALF OF THE CITY THEREOF BY SIGNING HIS/HER NAME AS HEREINABOVE SUBSCRIBED.

WITNESS BY MY HAND ON THIS _____ DAY OF _____, 20____. _____
CITY SECRETARY, CITY OF FREDERICKSBURG, TEXAS

RIGHT OF WAY EASEMENT /
UTILITY EASEMENT

GRANTED UNTO CENTRAL TEXAS ELECTRIC COOPERATIVE, INC.
A CORPORATION WHOSE POST OFFICE ADDRESS IS P.O. BOX 553,
FREDERICKSBURG, TEXAS, 78624, AND ITS SUCCESSORS
OR ASSIGNS AN EASEMENT AS FOLLOWS:

GRANTORS HEREBY DEDICATE PERPETUAL EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES AND ALL NECESSARY APPURTENANCES THERETO, WHETHER INSTALLED IN THE AIR, UPON THE SURFACE OR UNDERGROUND, ALONG AND WITHIN TEN FEET (10) OF THE BOUNDARIES OF ALL TRACT LINES, STREETS, BOULEVARDS, LANES, DRIVES, AND ROADS, AND TWENTY FEET (20) ALONG THE ENTIRE PERIMETER (BOUNDARY) OF SAID SUBDIVISION AND WITH THE AUTHORITY TO PLACE, CONSTRUCT, OPERATE, MAINTAIN, RELOCATE AND REPLACE THEREON AN ELECTRIC DISTRIBUTION LINE OR SYSTEM. THE EASEMENT RIGHTS HEREIN DEDICATED INCLUDE THE PRIVILEGE OF ANCHORING ANY SUPPORT CABLES OR OTHER DEVICES OUTSIDE SAID EASEMENT WHEN DEEMED NECESSARY BY THE UTILITY TO SUPPORT EQUIPMENT WITHIN SAID EASEMENT AND THE RIGHT TO INSTALL WIRES AND/OR CABLES OVER SOME PORTIONS OF SAID LOTS AND/OR TRACTS NOT WITHIN SAID EASEMENT SO LONG AS SUCH ITEMS DO NOT PREVENT THE CONSTRUCTION OF BUILDINGS ON ANY OF THE LOTS OR TRACTS OF THIS SUBDIVISION. NOTHING SHALL BE PLACED OR PERMITTED TO REMAIN WITHIN THE EASEMENT AREAS WHICH MAY DAMAGE OR INTERFERE WITH INSTALLATION AND MAINTENANCE OF UTILITIES. THE EASEMENT AREA OF EACH LOT AND/OR TRACTS AND ALL IMPROVEMENTS WITHIN IT SHALL BE MAINTAINED BY THE OWNER OF THE LOT EXCEPT FOR THOSE IMPROVEMENTS FOR WHICH AN AUTHORITY OR UTILITY COMPANY IS RESPONSIBLE. UTILITY COMPANIES OR THEIR EMPLOYEES SHALL HAVE ALL THE RIGHTS AND BENEFITS NECESSARY AND CONVENIENT FOR THE FULL ENJOYMENT OF THE RIGHTS HEREIN GRANTED, INCLUDING BUT NOT LIMITED TO THE FREE RIGHT TO INGRESS TO, AND TO EGRESS FROM SAID RIGHT-OF-WAY AND EASEMENTS, AND THE RIGHT FROM TIME TO TIME TO CUT AND TRIM ALL TREES, UNDERGROWTH AND OTHER OBSTRUCTIONS THAT MAY INJURE, ENDANGER OR INTERFERE WITH THE OPERATION OF SAID UTILITY INSTALLATIONS. THE DEVELOPER AND/OR LANDOWNER SHALL BE RESPONSIBLE FOR REMOVAL OF ANY OR ALL LIMBS, DEBRIS, BRANCHES OR BRUSH THAT MUST BE CUT IN ORDER TO CLEAR THE RIGHT-OF-WAY FOR NEW CONSTRUCTION. OR MAINTENANCE OF ANY LINES CONSTRUCTED ON THE PROPERTY.

NOTES:

- BUILDING SETBACK LINES SHOWN HEREON REFLECT PROPOSED ZONING FOR THIS PROPERTY AS OF THE DATE OF THIS PLAT.
- ALL FUTURE CONSTRUCTION MUST ADHERE TO SETBACKS SHOWN OR THE CURRENT ZONING AT THE TIME OF PERMIT APPLICATION.
- EXISTING PRIVATE WATER WELLS (IF ANY) CANNOT BE INTERCONNECTED TO THE CITY OF FREDERICKSBURG PUBLIC WATER SYSTEM.
- ABOVE GROUND STRUCTURES AND UNDERGROUND UTILITIES, PIPELINES, SPRINKLER SYSTEM AND HEADS, VALVES, HAND-HOLES, PEDESTALS, AND OTHER IMPROVEMENTS THAT MAY EXIST, ARE NOT SHOWN HEREON.
- NO DETERMINATION WAS MADE DURING THE PROGRESS OF THIS SURVEY AS TO WHETHER OR NOT ANY PORTION OF THE SUBJECT TRACT OR ANY OF THE IMPROVEMENTS SHOWN HEREON ARE ABOVE FLOOD ELEVATION.
- THIS PROPERTY SHOWN HEREON APPEARS TO BE LOCATED WITHIN IN ZONE "X", NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION FLOOD MAP, PANEL NO. 48171C0269C, WITH AN EFFECTIVE DATE OCTOBER 19, 2001.
- DISTANCES AND AREA SHOWN HEREON ARE "GROUND" DERIVED FROM GPS POSITIONING AND REPORTED IN THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE OF THE NORTH AMERICAN DATUM 1983 (NAD83), THE BASIS OF BEARING IS SHOWN HEREON.

ZONING:

R1 SINGLE FAMILY RESIDENTIAL AND
C1 NEIGHBORHOOD COMMERCIAL

PROPOSED USE:

MIXED USE, AS SHOWN.

LEGEND &
ABBREVIATIONS:

- 1/2" DIA. REBAR BAR FOUND (EXCEPT AS NOTED)
- 1/2" DIA. REBAR SET (CAPPED: WAYMAKER 6454)
- UTILITY POLE
- FENCE
- AS NOTED
- APPROX. PATENT SURVEY LINE
- OUTLOT LINES
- CONTOUR ELEVATION LINE
- PLACE OF BEGINNING
- BUILDING SETBACK LINE
- UTILITY EASEMENT
- RECORD EASEMENT
- CONTROLLING MONUMENT
- REAL PROPERTY RECORDS
- OFFICIAL PUBLIC RECORDS
- DEED RECORDS
- PLAT RECORDS
- RIGHT-OF-WAY
- P.O.B.
- B.S.L.
- U.E.
- ESMT
- C.M.
- R.P.R.
- O.P.R.
- D.R.
- P.R.
- R.O.W.

LOCATION MAP

SCALE: N.T.S.



528 SOUTH MILAM
DEVELOPMENT

FREDERICKSBURG, TEXAS

GILLESPIE COUNTY, TEXAS.

SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, AND BEING OUT OF THAT 2.42 ACRE TRACT OF LAND COMPRISED OF PART OF OUTLOT NO. 95 (1.93 AC.) AND PART OF OUTLOT NO. 96 (0.49 AC.) AS SAID OUTLOTS ARE SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS BY THE GERMAN EMIGRANT COMPANY, AND BEING PART OF THAT 2.49 ACRE TRACT OF LAND DESCRIBED IN A CONVEYANCE TO CHRISTOPHER P. DANZE, ET UX., BY BRENDA BURRIER, DATED OCTOBER 5, 2022, FOUND OF RECORD IN INSTRUMENT NO. 20226928 OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.

NOTARY'S PUBLIC SIGNATURE _____

CERTIFICATION OF SURVEYOR

THE STATE OF TEXAS *
COUNTY OF GILLESPIE *

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6454 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND SEPTEMBER 22, 2022.

DATE _____ CODY J. MUSICK
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6454

THE STATE OF TEXAS *
COUNTY OF GILLESPIE *

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____,
BY _____.

NOTARY'S PUBLIC SIGNATURE _____

FILED FOR RECORD AT _____ O'CLOCK _____ M, THIS THE _____ DAY OF _____, 2022,

ON PAGE _____, VOLUME _____, OF THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS.

DEPUTY COUNTY CLERK, GILLESPIE COUNTY, TEXAS

528 SOUTH MILAM
DEVELOPMENT
FREDERICKSBURG, TEXAS

GILLESPIE COUNTY, TEXAS.

SHEET 1 OF 1



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Interim Director of
Development Services
MEETING DATE: May 3, 2023

CATEGORY: DISCUSSION ITEMS

CAPTION: Future Agenda Items

PRESENTATION:

SUMMARY:

Upcoming P&Z Agenda items for June 7, 2023
Z-2306- 407 Whitney -PUD amendment
Z-2310 - PUD for The Meuse (formerly Seven Hills)
Z-2311 - Friendship Lane Condos
Z-2312 - 720 South Adams Drive Through
P-2307 - Friendship Oaks Phase 2
P-2308 - The Meuse Preliminary Plat
SP-2305 - Petra Stella Multi-Family Development
SP-2306 - Friendship Ln Hotel Complex

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW: