



City of Fredericksburg

Planning and Zoning Meeting Agenda
Wednesday, October 4, 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 October 4, 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 October 4, 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. September, Regular Meeting Minutes

4. PUBLIC HEARING

- A. Request #Z-2319: By Mitchell Sharrock to Consider a Conditional Use Permit (CUP) per Section 3.200 to Operate a Restaurant - Limited Use on Property

- Located at 811 North Llano Street.
- i. Presentation by applicant
 - ii. Staff Report
 - iii. Hold a Public Hearing to receive comments for or against the request
 - iv. Take action on the Conditional Use Permit request
- B. Request #Z-2317: By William Joseph to Consider a Conditional Use Permit (CUP) per Section 3.110 to Operate a STR-Unoccupied in a R2 Zoned Area Located in the Historic Overlay District on Property Located at 411 East Creek Street.
- i. Presentation by applicant
 - ii. Staff Report
 - iii. Hold a Public Hearing to receive comments for or against the request
 - iv. Take action on the Conditional Use Permit request
- C. Request #Z-2308: By Theresa Guettler to Consider a Conditional Use Permit to Operate a STR-Condominium in a C2, Commercial Zoned Area for Property located at 510 Mueller Street # 33.
- i. Presentation by applicant
 - ii. Staff Report
 - iii. Hold a Public Hearing to receive comments for or against the request
 - iv. Take action on the Conditional Use Permit request
- D. Request #Z-2320: By Amelia Zesch to Consider a Conditional Use Permit to Operate a STR-Unoccupied in a R2 Zoned Area located in the Historic District on Property located at 407 W. San Antonio St.
- i. Presentation by applicant
 - ii. Staff Report
 - iii. Hold a Public Hearing to receive comments for or against the request
 - iv. Take action on the Conditional Use Permit request

5. ACTION ITEMS

- A. Request #P-2311: By Michael Penick to Consider the Preliminary Plat Review for the Penick Subdivision located at Friendship Ln and Holmig Ln.
- B. Request #P-2322: By Josh Leamons to Consider the Final Plat Review for the Woodcrest Addition located at 210 Woodcrest.
- C. Request #SP-2316: By Kathryn Sharrock to Consider the Site Plan Review for a STR-Facility located at 510 E Creek St.

6. DISCUSSION ITEMS

A. Sober and Halfway house land use

B. Staff Update

7. ADJOURN

CERTIFICATION

This is to certify that I, Shelby Collier, posted this Agenda before 5:00 PM on September 29, 2023, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

A handwritten signature in black ink, appearing to read 'Shelby', is written above a horizontal line.

Shelby Collier
Associate Planner

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

**PLANNING & ZONING COMMISSION
September 6, 2023
5:30 P.M.**

On this the 6th day of September 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
TIM DOOLEY
STEVE THOMAS
POLLY RICKERT
DARYL WHITWORTH

ABSENT:

CINDY SCROGGINS

ALSO, PRESENT:

ANNA HUDSON - Director of Development Services
MICK MCKAMIE– 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 August 2023 Regular Meeting Minutes as corrected. Seconded by Tim Dooley. All voted in favor and the motion carried.

PUBLIC HEARING AND ACTION

Request #Z-2319: By Mitchell Sharrock to Consider a Conditional Use Permit (CUP) per Section 3.200 to Operate a Restaurant – Limited Use on Property located at 811 N. Llano Street.

Steve Thomas recused himself and left the table.

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

Mitchell Sharrock presented the application. He stated that it was his desire to open a limited restaurant for locals to visit off Main Street. He intends to operate within limited hours, open 7:00 AM – 5:00 PM but would like the option for a supper club one night a week.

Shelby Collier, Associate Planner, presented the application. She stated that the property is currently used as a Short-Term Rental. The new owner is requesting a Conditional Use Permit to convert to a Restaurant - Limited use. The property is located on the corner of North Llano and East Hackberry Streets and is approximately 14,000 sq ft in size. The requested additions to the property would include covered outdoor dining, a gravel parking lot at the rear of the property and walkways. The development will be characterized by limited hours, 7:00 AM - 5:00 PM and would like the option for a super club once a week from 6:00 PM - 8:00 PM. The applicant will request a TABC license to serve beer and wine. The zoning does not allow live outdoor music.

The property is zoned C1, Neighborhood Commercial and meets the minimum development standards for building and impervious coverage as well as building height. The development has an existing driveway on East Hackberry that will be closed and relocated further down East Hackberry and will result in a 24' wide drive leading into the parking lot where 13 parking spaces, including 2 ADA spaces, are provided.

There will be several points of access for pedestrians. The development is providing a 5' wide sidewalk along North Llano and East Hackberry and all sidewalks provide connectivity to various walkways and paths within the development. Landscape and screening plans have been submitted and approved.

When reviewing CUP applications, there are 13 items that must be considered. Staff has found that this application has met or exceeded all of the requirements. The requested use meets a need in the area and the limited hours would be harmonious with neighboring properties that are a mix of residences, short-term rentals and neighborhood- friendly businesses.

The proposed location has sufficient parking and is proposing limited hours to minimize negative impacts on the immediate neighbors. A sidewalk is required along N. Llano St per the Sidewalk Plan. Bike racks should also be required to promote non-vehicular access to the site. Staff recommends approval conditioned upon

- Limit the hours of operation to 7:00 AM - 5:00 PM.
- Screen the parking lot with a solid wall that is a minimum of 6 ft tall.
- No live outdoor music
- Limit total occupancy (indoor and outdoor) to 52 to coincide with available parking

Cindy Heifner spoke in opposition to the project.

Clayton Klinksiek spoke regarding the review of the ADA spaces.

Don Musselman lives at 208 E Hackberry and spoke in opposition to the project.

Kathryn Sharrock spoke regarding the need for a restaurant on this side of town.

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

Tom Musselman spoke regarding outdoor music. He said there should be no outdoor music.

Polly Rickert stated that she did not support a supper club or any outdoor amplified sound.

Jim Jarreau stated that it sounds as though the neighborhood does not support this project.

Jim Jarreau made a motion to recommend denial for application Z-2319. Seconded by Tom Musselman. All voted in favor and the motion carried.

ACTION ITEM

Request #P-2311: By Jeff Boerner with MDS Land Surveying to Consider a Preliminary Plat for the Prospect Addition located at Friendship Ln and Holmig Rd.

Tim Dooley recused himself and left the table.

Steve Thomas returned to the discussion and the table.

Mike Penick, an owner of the property, presented the application. He stated that it was his family's desire to further subdivide the property.

Shelby Collier, Associate Planner, stated that this property previously obtained Preliminary Plat approval on February 9, 2022 (P-2201) as part of the Prospect and Carbon Apartment project. The owners of the remainder of the property would like to further subdivide the remaining land, resulting in a need to obtain a new Preliminary Plat.

The subject property consists of 39 acres and would like to subdivide the property into 6 lots with 3 different zonings. Lots 4, 5, & 6 are zoned C1. Lot 2 is zoned R3 and lot 3 is zoned R1.

A Sidewalk is required along Friendship Lane and has been installed for Lots 1 & 2 but will also be needed for lot 6. No new roadways are proposed as part of this plat. The Prospect and Carbon Projects have obtained Civil Construction Plan approval. The further subdivision of lots 3 - 6 will require Civil Construction Plan approval. The applicants shall pay parkland dedication fees (full rate) based on the overall density of the development at \$500.00 per new lot for a total of \$3,000.00.

The Preliminary Plat as presented meets the minimum requirements per the Zoning and Subdivision Ordinance, however there are several corrections that are needed, including the numbering of the lots (2 lots are identified as Lot1), the acreage of the lots (several lots show to be 9 acres but are much smaller).

Staff recommends approval of the Preliminary Plat conditioned upon administrative corrections including lot numbers and acreage. Extension of a sidewalk across lot 6. Approved Final Plat and payment of park dedication fees.

Polly Rickert said she was not comfortable approving with corrections. The application could return with the corrected plat for consideration.

Polly Rickert made a motion to deny Application #P-2311. Jim Jarreau seconded the motion. All voted in favor and the motion carried.

Request #SP-2311: By Sergio Zamarron to Consider the Site Plan and Entry Corridor Review for a Hotel Development located at 1220 North US Hwy 87.

The applicant was not present.

Jim Jarreau made a motion to deny Application SP#2311. Seconded by Daryl Whitworth. All voted in favor and the motion carried.

Request #SP-2312: By Jonathan Loiselle to Consider the Site Plan and Entry Corridor Review of a Daycare Facility located at 1904 North Llano Street.

Tom Musselman recused himself and left the table.

Mark Peterson introduced the project, stating that it was the needs council's desire to build a daycare facility on property located at 1904 N Llano Street.

Jonathan Loiselle presented the application.

Shelby Collier, Associate Planner, stated the property is the home of the Hill County Community Needs Council, an existing 4,200 sq ft building. The applicant is requesting permission to build an 8,900 sq ft building at the rear of the property that will serve as a daycare facility. In addition, substantial outdoor space will be provided for the playground and pedestrian walkways will be added to the parking lot to safely convey children and parents to the front of the facility. In addition, a sidewalk is required along North Llano Street, however, drainage in this area may cause issues with the installation and use. The two users will share the existing parking lot as there is enough parking for both users.

The property meets the minimum development standards including building and impervious cover as well as height. There are 31 parking spaces provided with 30 required, including 2 ADA spaces. Landscape and screening plans have been submitted and approved.

There is an existing building that was developed prior to the adoption of the Entry Corridor Design Standards and Guidelines. The application requests to add a new 8,900 sq ft, single-story building to serve as a daycare. As the developed site is existing, the daycare is able to take advantage of parking that is at the front of the development rather than the back as required. The massing, scale and style of the building are appropriate and complement the existing building on site. In addition, a sidewalk is required along the North Llano Street frontage, however, drainage in this area may cause issues with the installation and use. The architectural elements of the proposed addition, including the use of stone and glass, are in keeping with the ECDSG. Staff recommends approval as submitted.

Childcare facilities are sorely needed in our community and this development is an appropriate in-fill development along an Entry Corridor. The Site Plan as presented meets all applicable ordinances and codes except for the sidewalk, which Staff acknowledges is challenging given the location and drainage situation. Staff recommends approval conditional upon approved civil construction plans and an approved addressing plan.

Jim Jarreau made a motion to approve per Staff recommendation Application #SP-2312. Polly Rickert seconded the motion. All voted in favor and the motion carried.

Request #SP-2313: By James Eckart to Consider the Site Plan Review of a Dental Office located at 705 South Milam Street.

Tom Musselman returned to the discussion and the table.

James Eckart presented the application. He stated that it was Dr. Kovar's intent to build a dental office.

Shelby Collier, Associate Planner, stated an application for review of a site plan for a dental office and 1 additional tenant space for a future Medical Office located at 705 S. Milam. The property is zoned C1 and was replatted in 2018 (P-1814) resulting in the current 1.12 Acre lot.

The project meets the minimum development requirements including building and impervious coverage as well as height.

The development will take access off of South Milam Street via a 25' driveway and a 5' sidewalk is provided along the South Milam Street frontage. 31 parking spaces are provided with 20 required, including 2 ADA spaces. Staff does not support the overparking of the development. If the 11 extra parking spaces can be justified, Staff would support a number based on actual need.

Landscape and screening plans have been submitted and approved.

Staff recommends approval of the Site Plan with the condition that parking meets the minimum requirements and approved Civil Construction Plans.

Daryl Whitworth asked if he heard correctly that Staff was asking for a reduction in parking?

Shelby Collier stated that he was correct, Staff are asking for a reduction in the parking as presented.

Dr. Lance Kovar spoke regarding parking. He stated that he has 13 employees and 8 treatment rooms. The additional parking space is for employees and planning for full facility.

Jim Jarreau made a motion to approve the application as presented. Seconded by Tom Musselman. All voted in favor and the motion carried.

Request #SP-2314: By Cristi Kennedy to Consider the Site Plan Review for a Duplex Complex located at 903 East Highway Street.

Cristi Kennedy presented the application. She stated that it was the owner's intent to build a duplex facility that includes 9 units, 1 of which will be occupied by the ownership.

Shelby Collier, Associate Planner, stated that an application has been submitted for review of a Site Plan for a duplex development consisting of nine (9), two-bedroom units located within five (5) two-story buildings. The lot was previously replatted in 2021 (P-2136) resulting in the 1.379-acre lot located at 903 E. Highway Street.

The property is currently vacant as it was subdivided in 2021 resulting in the current 1.3-acre tract. The

neighborhood consists of a healthy mix of STR's, residences, and multi-family dwellings with the property to the west operating as a STR and the property to the east as a residence.

The development will take access off of Highway Street via a 20' wide driveway and a 5' wide sidewalk is provided and required along the Highway Street frontage. 18 parking spaces are provided with 18 required. The project will require Civil Construction Plan review where detention and utilities will be reviewed.

Park dedication of \$500 per unit for a total of \$4,500 will be required prior to issuance of a building permit. A Landscape and Screening plan has been submitted for review and approval will be required prior to issuance of a building permit.

The application as presented is in compliance with all applicable ordinances and codes and if approved, would provide an additional long-term housing option as there have been few duplex developments proposed. Staff recommends approval conditioned upon approval of Civil Construction Plans, approval of an Addressing Plan, approval of Landscape and Screening Plans and payment of Park Dedication Fees.

Jim Jarreau made a motion to approve Application #SP-2314 per Staff recommendation. Seconded by Tom Musselman. All voted in favor and the motion carried.

DISCUSSION ITEM

Anna Hudson, Director of Development Services, provided the Directors Report. She stated that the final Community Survey is available with the 1st draft of the Comprehensive Plan scheduled for October.

ADJOURN

With nothing further to come before the Commission, Polly Rickert moved to adjourn. Seconded by Tom Musselman. All voted in favor and the meeting was adjourned at 6:59 p.m.

PASSED AND APPROVED this 6th day of September 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, Director of Development Services

MEETING DATE: October 4, 2023

CATEGORY: PUBLIC HEARING

CAPTION: Request #Z-2319: By Mitchell Sharrock to Consider a Conditional Use Permit (CUP) per Section 3.200 to Operate a Restaurant - Limited Use on Property Located at 811 North Llano Street.

- i. Presentation by applicant
 - ii. Staff Report
 - iii. Hold a Public Hearing to receive comments for or against the request
 - iv. Take action on the Conditional Use Permit request
-

PRESENTATION:

SUMMARY:

The applicant is requesting a Conditional Use Permit to operate a Restaurant- Limited use on property located at 811 North Llano Street.

BACKGROUND:

The property is currently used as a Short-Term Rental. The new owner is requesting a Conditional Use Permit to convert to a Restaurant - Limited use. The property is located on the corner of North Llano and East Hackberry Streets and is approximately 14,000 sq ft in size.

The requested additions to the property would include covered outdoor dining, a gravel parking lot at the rear of the property and walkways. The development will be characterized by limited hours, 7:00 AM - 5:00 PM and would like the option for a supper club once a week from 6:00 PM - 8:00 PM. The applicant will request a TABC license to serve beer and wine. The zoning does not allow live outdoor music.

Site Area: 14,205 Sq Ft

Zoning: C1, Neighborhood Commercial Sec. 3.200

Building Coverage: 14% (2,022 Sq Ft) (50% Max) Sec. 3.200

Impervious Coverage: 44% (6,172 Sq Ft)(70% Max) Sec. 3.200

Heights: Single Story (3 Stories/38" Max) Sec. 3.200

Access and Circulation: The development has an existing driveway on East Hackberry that will be closed and relocated further down East Hackberry and will result in a 24' wide drive leading into the parking lot.

Pedestrian Circulation: There will be several points of access for pedestrians. The development is providing a 5' wide sidewalk along North Llano and East Hackberry and all sidewalks provide connectivity to various walkways and paths within the development.

Parking: 16 spaces provided in rear parking lot with 13 required, including 2 ADA spaces. (1 space per 4 seats with 52 seats provided) Sec. 7.863. Staff parking provided in existing driveway accessed from N. Llano St.

Utilities: Utilities are available to serve the property and if an extension of utilities is required, the developer will pay for the extension.

Detention:

Landscape and Screening: Landscape plans have been submitted and approved per Sec. 7.920. resulting in 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) ft in depth located between the abutting right-of-way and the off-street parking areas or other vehicular area which is exposed to an abutting right-of-way shall be landscaped and include one (1) tree for each fifty (50) LF. In addition, a hedge wall, or other durable landscape barrier, of at least two (2) feet in height, shall be placed along the perimeter.

Screening along the perimeter of the property is required per Sec. 7.940 and is provided, as is screening of the dumpster per Sec. 7.980.

The dumpster will be located behind fencing in the existing carport. The new design provides a 6' CMU wall along the rear property line to minimize visual and sound impacts on the neighbors.

C-1: NEIGHBORHOOD COMMERCIAL.

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.

RESTAURANTS - LIMITED

Restaurants which typically involve the custom preparation of food in limited quantities and of a personal nature. Restaurants within this category are characterized by limited traffic, noise and parking that is similar in nature to an office use of a similar size, limited hours of operation typically not later than 10:00 p.m., no drive-thru, and lighting which is shielded from and directed away from adjacent neighborhoods and is dimmed to a minimal level after hours. Said restaurants may include live entertainment with amplified sound as long as such activity is wholly enclosed within the main building and incidental alcohol beverage service. Lighted signs shall be turned off after business hours. No outdoor cooking shall be permitted.

Outdoor Amplified Sound Prohibited when abutting R-1, R-1-A, or R5

Response to Public Hearing: As of September 27 Staff has received 3 letters in support and 2 in protest.

Conditional Use Permit criteria:

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

2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features. - *met*
3. Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use. - *potentially unfavorable impacts from parking have been addressed by limiting occupancy, adding more parking than required by code, and adding a 6' wall behind the parking*
4. Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare. *no variance required*
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area. *access from State Hwy 16*
6. Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts. -*impacts limited by hours and screening*
7. Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties. - *signage facing Llano St no adverse impact*
8. Adequacy and convenience of off-street parking and loading facilities. - *parking meets and exceeds code requirements*
9. Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located. *Neighborhood Commercial zoning along State Hwy 16 N with residential neighbors - a limited restaurant provides a lacking service for this area*
10. Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations. - *met*
11. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity. *restaurant limited across from office and art gallery uses, STR uses and single family residential uses - compatible*
12. Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area. - *limited hours, screening and sufficient parking minimize potentially unfavorable impacts*
13. Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. *Proposed use with application proposed and staff recommended conditions will not be detrimental to public health safety*

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION: This request was presented to P&Z on September 6, 2023, and was rejected due to concern for negative impacts overflow parking would have on the neighborhood. The applicant has revised the site plan to provide 16 parking spots and a proposed occupancy of 52 seats.

Sec. 5.460 - Review and Evaluation Criteria contains 13 items that must be considered when reviewing a CUP. Staff found that this application has met the requirements. The requested use meets a need in the area and the limited hours would have limited impact on neighboring properties that are a mix of residences, short-term rentals and neighborhood-friendly businesses.

North Llano Street has seen a steady transition away from residences to commercial uses over the last decade. There are new neighborhoods just north of this location that utilized some of the limited undeveloped C2 zoning, meaning, there are very few options for restaurants on the north side of town.

The proposed location has on-site parking in the rear of the property that meets the zoning code required parking. The operator is proposing limited hours so as to minimize negative impacts on the immediate neighbors. A sidewalk is required along N. Llano St per the Sidewalk Plan. Bike racks should also be required to promote non-vehicular access to the site.

Staff recommends approval conditioned upon the following:

- Limit the hours of operation to 7:00 AM - 5:00 PM.
- Screen the parking lot with a solid wall that is a minimum of 6 ft tall.
- No live outdoor music
- Limit total occupancy (indoor and outdoor) to 52 to coincide with available parking
- A Sidewalk along North Llano
- Bike racks added to the development

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

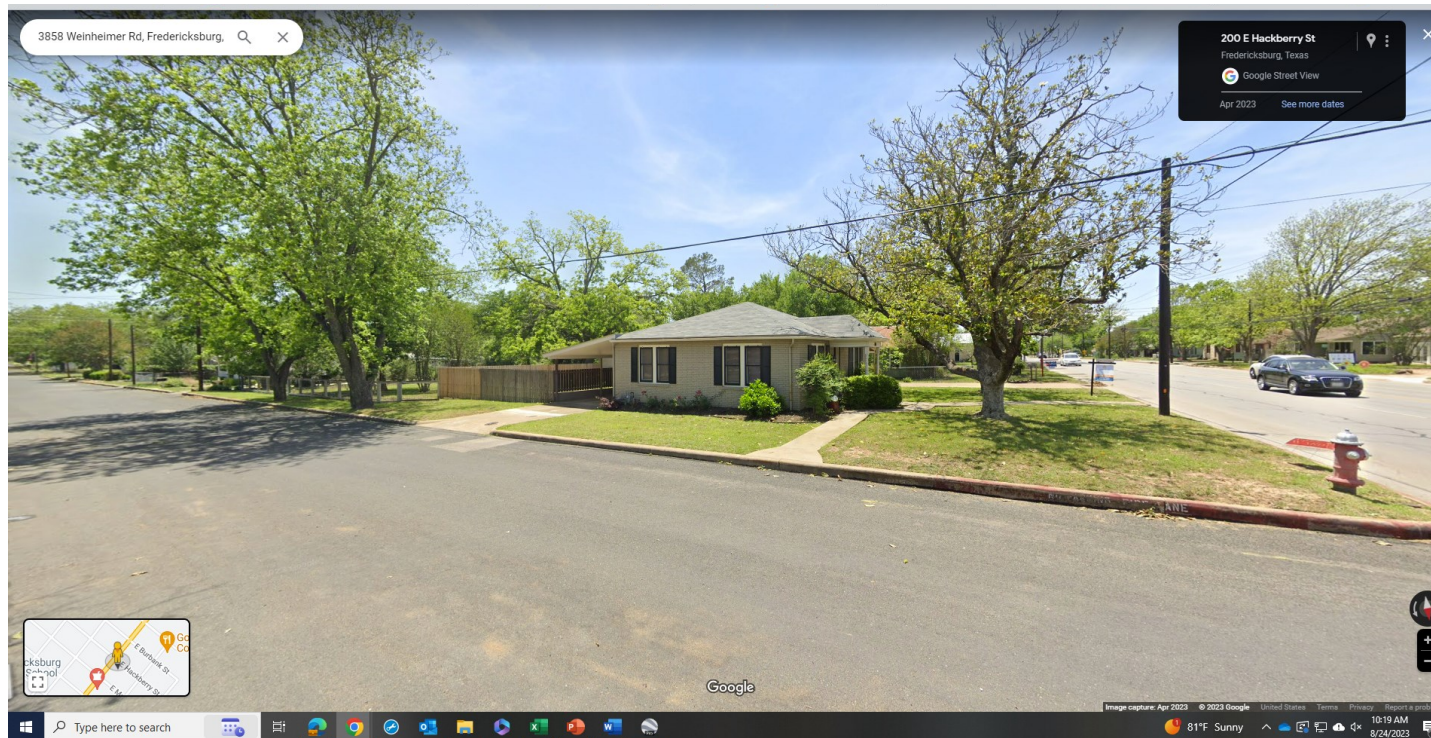
1. photos of 811 N Llano
2. Z-2319 Revised Site Plan
3. Z-2319 Updated Review Comments
4. Business Narrative
5. Z-2319 Public Hearing Map
6. Z-2319 Mailing Labels
7. Z-2319 Project Application
8. Kusenberger Approval
9. Qian Protest
10. Musselman Protest
11. Kirchhoff Approval
12. Z-2319 Dicuffa Approval

APPROVAL/REVIEW:



811 N. Llano







Hackberry entrance.

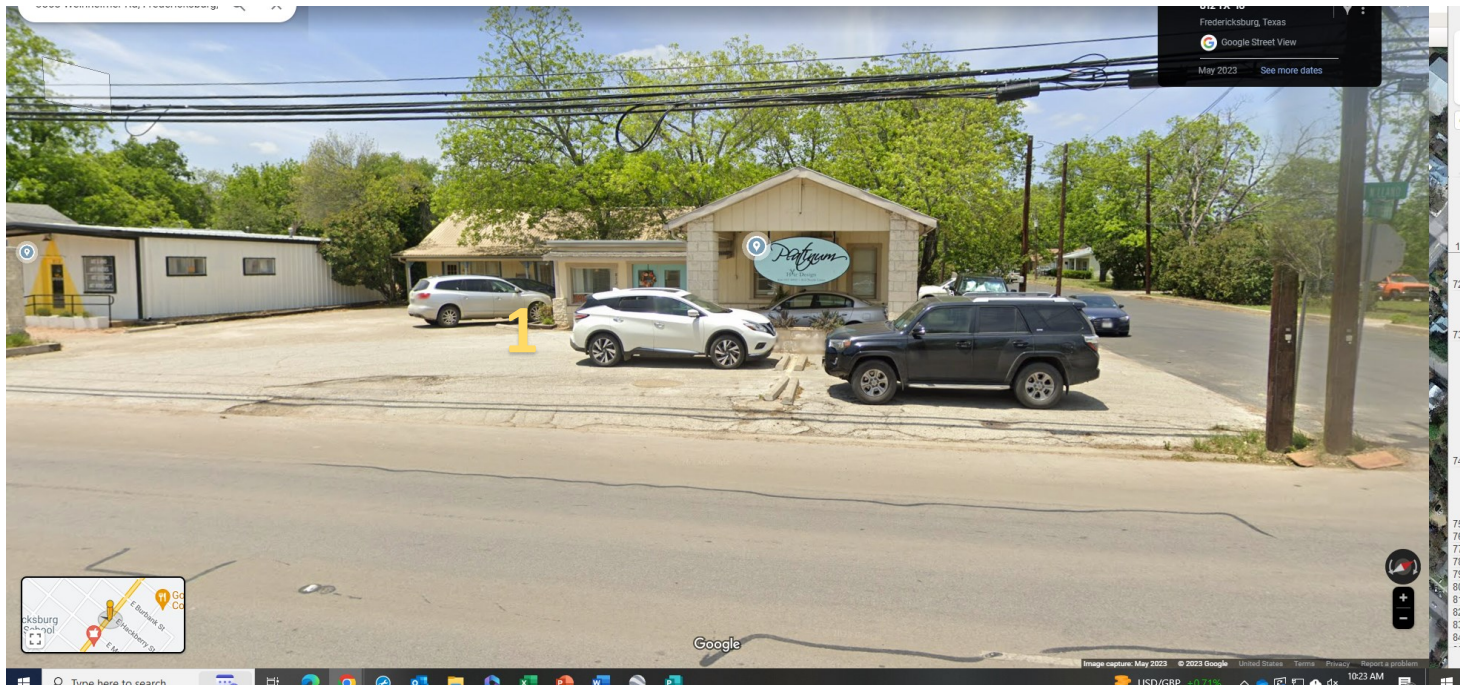
Curb cut to be removed as only one curb cut is allowed per lot of this size and new curb cut will be required for parking lot access.



Proposed parking lot on E. Hackberry

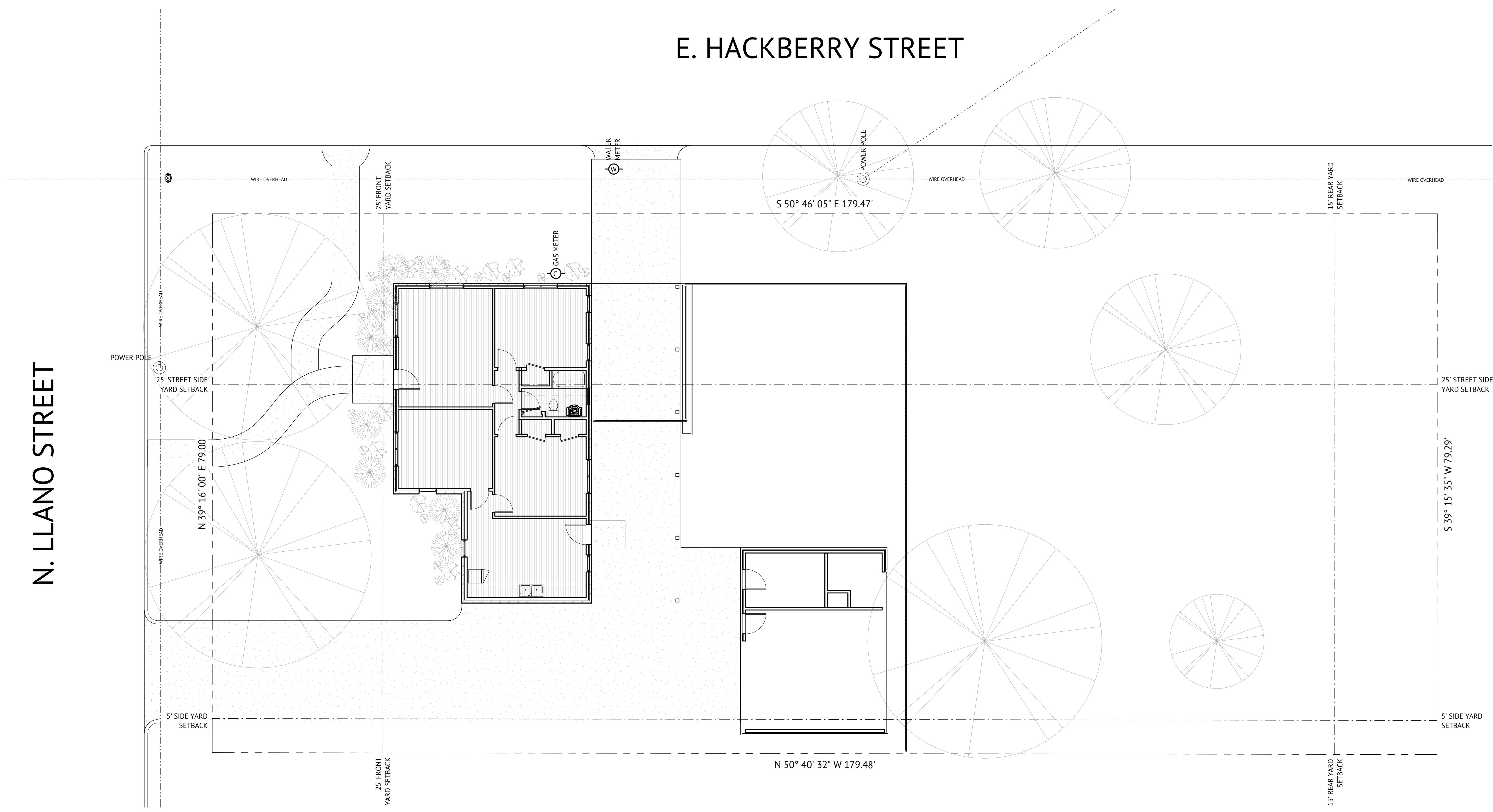


Intersection of E Hackberry at N. Llano

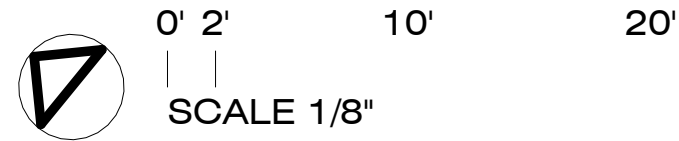


Business across the street.





1 SITE PLAN - AS BUILT
SCALE : 1/8" = 1'-0"



40'



REVISIONS:

NOTE:
All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the express written consent of the architect.



STANDARD PROVISIONS
811 N Llano St
Fredericksburg, TX, 78624

DATE: 08.28.23
SHEET NO.

A100

GENERAL NOTES

1. ALL SIDEWALK AND DRIVEWAY IMPROVEMENTS SHALL BE CONSTRUCTED TO CITY OF FREDERICKSBURG STANDARDS.
2. ADA PATHS SHALL HAVE A MAXIMUM RUNNING SLOPE OF 5% AND MAXIMUM CROSS SLOPE OF 2%.
3. ALL DIMENSIONS ARE MEASURED FROM FACE-OF-CURB TO FACE-OF CURB UNLESS OTHERWISE NOTED.
4. CONTRACTOR SHALL VERIFY ALL DIMENSIONS WITH ARCHITECT AND OWNER PRIOR TO START OF CONSTRUCTION. DO NOT SCALE FROM THESE DRAWINGS.
5. ALL EXTERIOR LIGHTING SHALL BE NIGHT SKY COMPLIANT.
6. THIS IS NOT A PROPERTY SURVEY. ANY QUESTIONS CONCERNING PROPERTY CORNERS, PROPERTY LINES, PROPERTY BOUNDARIES AND/OR SETBACKS SHOULD BE DIRECTED TO AND/OR VERIFIED BY A REGISTERED PROFESSIONAL LAND SURVEYOR.

LOT SUMMARY

LOT AREA:	14,205 Sq.Ft.
CURRENT ZONING:	C1 NEIGHBORHOOD COMMERCIAL
ZONING REQUIREMENTS	
MINIMUM LOT AREA:	7,500 Sq.Ft.
MINIMUM LOT WIDTH:	70 FT
MAXIMUM BUILDING HEIGHT:	38 FT (3 STORY)
MINIMUM FRONT YARD SETBACK:	25 FT
MINIMUM STREET SIDE YARD SETBACK:	25 FT
MINIMUM INTERIOR SIDE YARD SETBACK:	5 FT
MINIMUM REAR YARD SETBACK:	15 FT
MAXIMUM IMPERVIOUS COVERAGE:	70%
EXISTING IMPERVIOUS COVERAGE	4,122 Sq.Ft. = 29.0%
PROPOSED IMPERVIOUS COVERAGE	6,172 Sq.Ft= 43.5%
MAXIMUM BUILDING COVERAGE	50%
EXISTING BUILDING COVERAGE	1,681 Sq.Ft. = 11.8%
PROPOSED BUILDING COVERAGE	1,999 Sq.Ft= 14.1%

PARKING SUMMARY

RESTAURANT PARKING RATIO: 1 SPACE PER 4 SEATS	
PROPOSED RESTAURANT OCCUPANCY:	52 SEATS
RESTAURANT PARKING REQUIRED:	13
TOTAL PARKING REQUIRED:	13
TOTAL PARKING PROVIDED:	13
ADA SPACES REQUIRED:	1
ADA SPACES PROVIDED:	2 (2 VAN)

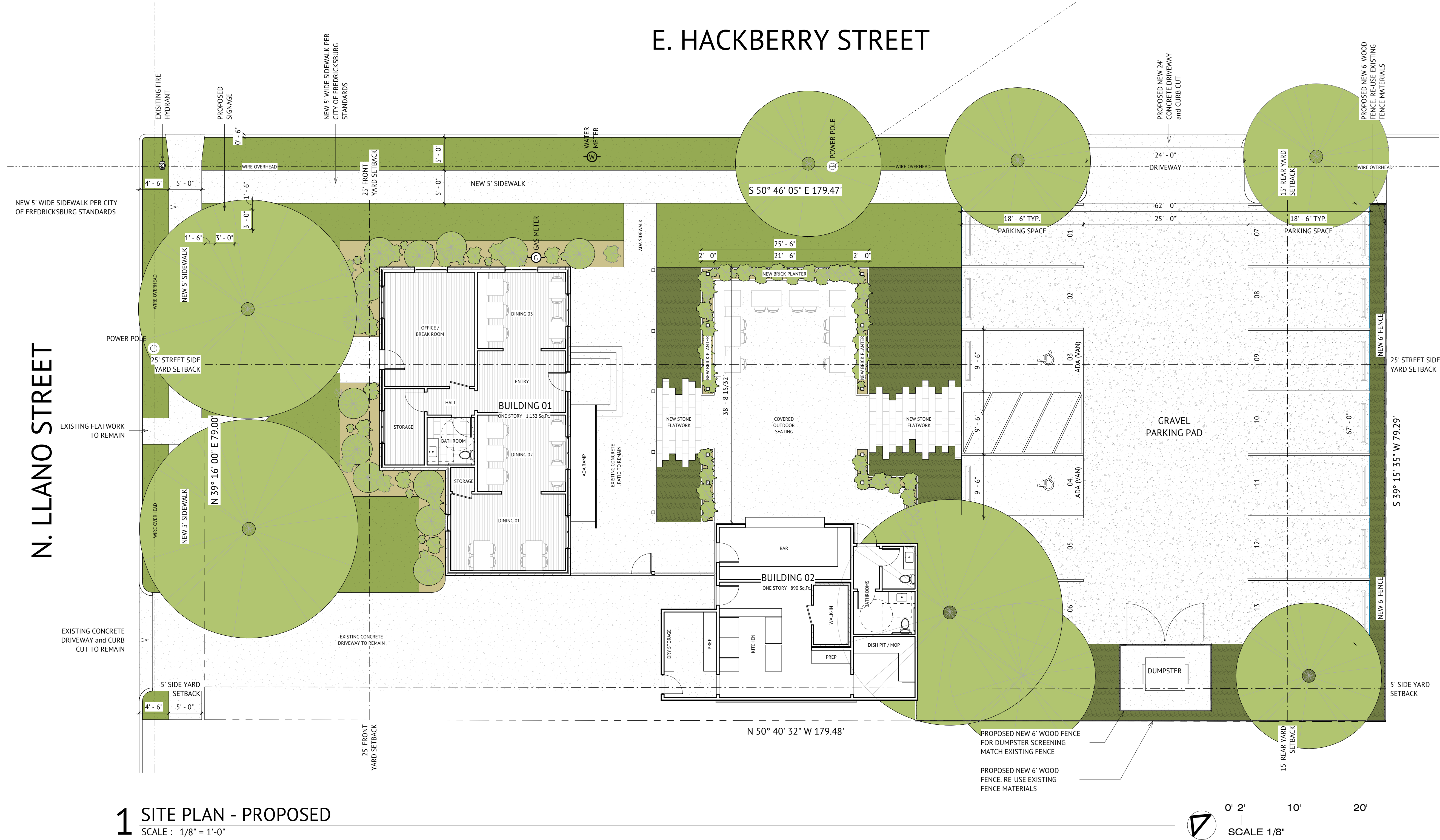
BUILDING SUMMARY

BUILDING 1 (EXISTING)
USE: A-2 (DINING + OFFICE)
MAXIMUM PROPOSED HEIGHT: +/- 19' 9" FT (EXISTING ONE-STORY)
GROSS AREA: 1,132 Sq.Ft.
BUILDING 2 (EXISTING + ADDITION)
USE: A-2 (KITCHEN + BAR)
MAXIMUM PROPOSED HEIGHT: +/- 13' 0" (EXISTING ONE-STORY)
GROSS AREA: 890 Sq.Ft.

MP

REVISIONS:

NOTE:
All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the express written consent of the architect.



1 SITE PLAN - PROPOSED
SCALE : 1/8" = 1'-0"

0' 2' 10' 20' 40'

SCALE 1/8"

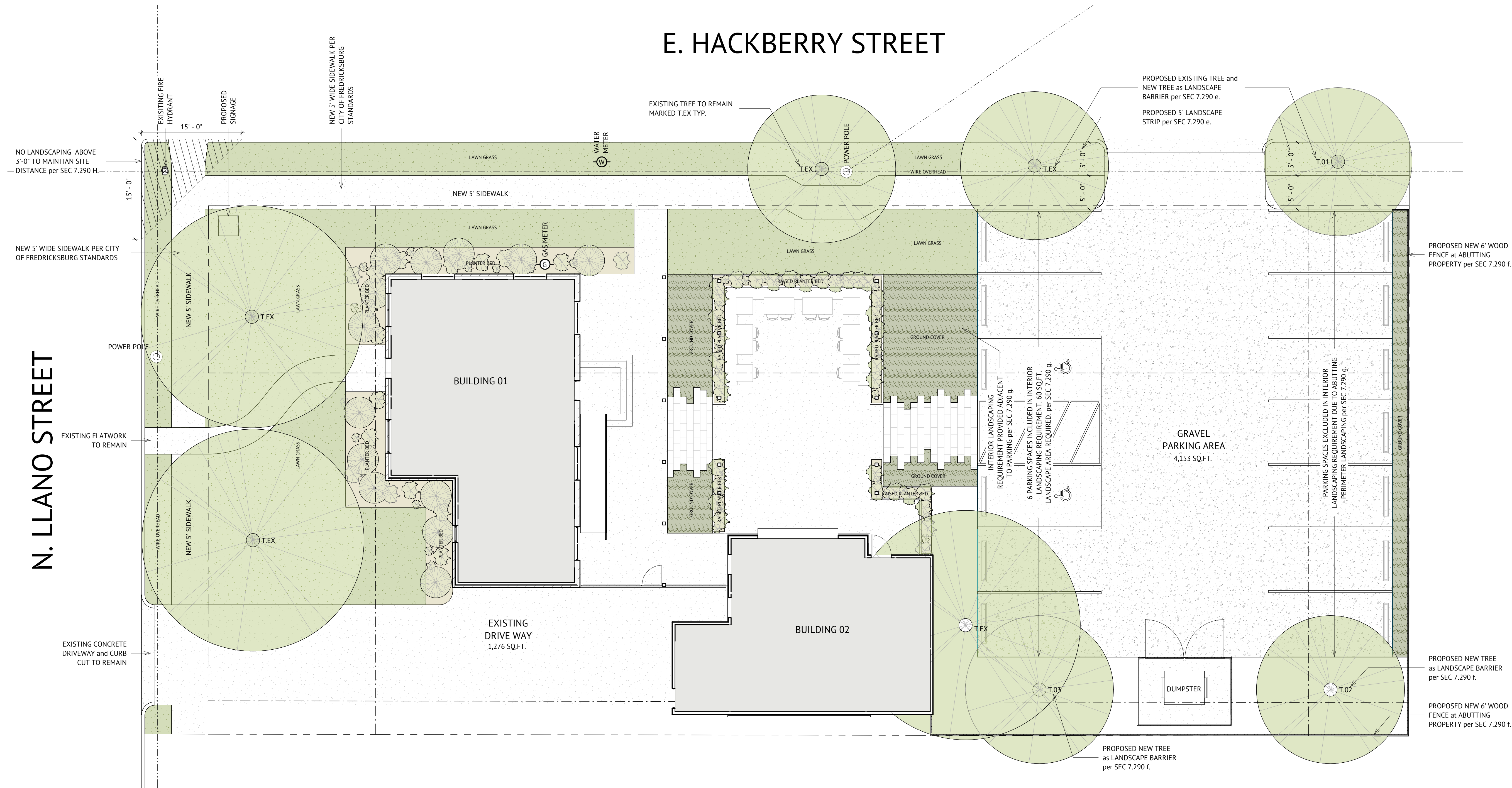
PRE HOSPITALITY

STANDARD PROVISIONS

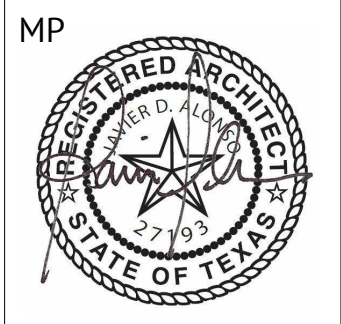
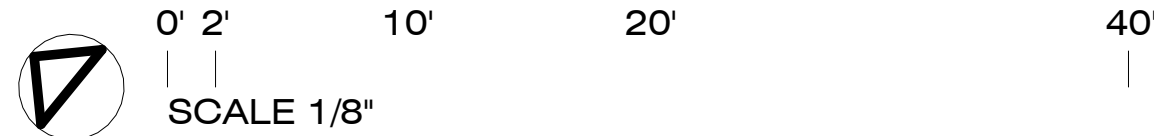
811 N Llano St
Fredericksburg, TX, 78624

DATE: 08.28.23
SHEET NO.

A101

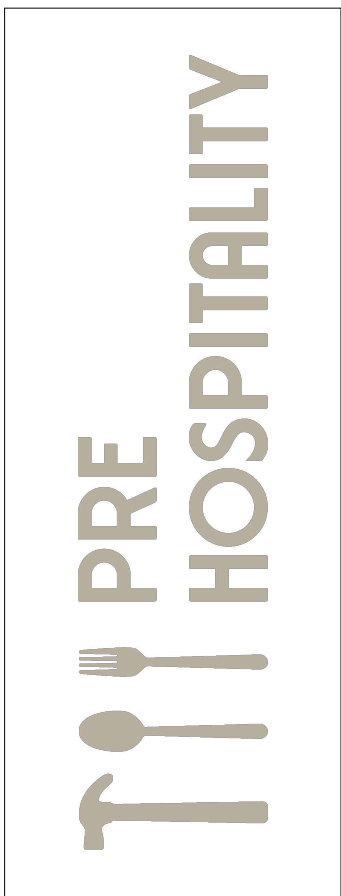


1 LANDSCAPE PLAN - PROPOSED
SCALE : 1/8" = 1'-0"



REVISIONS:

NOTE:
All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the express written consent of the architect.



STANDARD PROVISIONS
811 N Llano St
Fredericksburg, TX, 78624

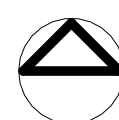
DATE: 08.28.23
SHEET NO.

A102



1 EXTENDED SITE PLAN - PROPOSED

SCALE : 1/16" = 1'-0"



0' 2' 10' 20' 40'
SCALE 1/8"

MP



REVISIONS:

NOTE:
All drawings and written material appearing herein constitute original and unpublished work of the architect and may not be duplicated, used or disclosed without the express written consent of the architect.



STANDARD PROVISIONS

811 N Llano St
Fredericksburg, TX, 78624

DATE: 08.28.23
SHEET NO.

A104



August 21, 2023

Mitchell Sharrock

Mitchell.sharrock26@gmail.com

RE: Z-2319, Review Comments for Site Plan/Conditional Use Permit Review for a Limited Restaurant Located at 811 North Llano Street.

Dear Mr. Sharrock,

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

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

- The Site Plan requires Planning and Zoning Approval, tentatively scheduled for September 6, 2023.
- City standard sidewalk is a minimum of 5 feet wide. Please update note on public sidewalk shown. Cross slopes of existing concrete in the public sidewalk path must be ADA compliant.
- Provide ADA access from the public sidewalk to the building.
- Only one driveway is permitted along the E. Hackberry frontage. Please note the existing driveway has to be removed and replaced with City standard curbing.
- Dumpster access and collection should be entirely on site and not in the street or right of way.
- Commercial driveway width is a minimum of 24 feet.
- The minimum parking isle width is 25 feet for 9.5-foot-wide spaces. The minimum stall depth is 18.5 feet. Please see parking standards in section 7.860 of the City's zoning ordinance.
- Dimension parking space width and ADA loading zone width.
- Describe how parking spaces are delineated on the gravel surface.
- Show site drainage flow arrows.

The City of Fredericksburg

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

- The facility will be required to complete a plan review packet along with submitting a detailed floor plan of the food/beverage service area. The plan review fee is \$100 per property/ business.
- Provide a Landscape and Screening plan per [Sec. 7.920 - 7.980](#). To include calculations of all required landscaping onsite. [Site Plan Checklist](#)
- Signage may not be located in ROW.
- Please provide a copy of the business plan and proof of compliance with the limited restaurant use. Staff recommends providing the following:
 - o Hours of Operation
 - o Food offerings
 - o Will alcohol be provided?
 - o Will outdoor music be provided?
 - o How do you plan to handle capacity?
 - o How many employees are you anticipating and where will they park?

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, August 28th to ensure consideration by the Planning & Zoning Commission on Wednesday, September 6th.

**Shelby
Collier**

Digitally signed by Shelby Collier
DN: cn=Shelby Collier, o=City of
Fredericksburg, ou,
email=scollier@fbgtx.org, c=US
Date: 2023.08.21 10:57:37 -05'00'

Shelby Collier, Associate Planner
Development Review Committee (DRC)

The City of Fredericksburg

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

Preposed Use For 811 N. Llano St.

- 7am-5pm operating hours
- Sample menu attached
- Beer and wine only license
- No live music, but soft music played on hung speakers
- Counter Service model which has people order and then sit. If all tables are full, we will encourage customers to order food to-go or wait under our covered patio “waiting area” for a table to open up
- Total staff per shift averaging 8 people who will park in driveway on Llano side of the property

We are submitting an application for a Conditional Use Permit, allowing us to operate a “Limited Restaurant” at 811 N. Llano St.

Our concept (Standard Provisions) will be a breakfast and lunch restaurant that caters first and foremost to local residents. Our goal is to serve the city of Fredericksburg with a place away from Main St. with both a stellar coffee/breakfast service, as well as somewhere to enjoy a relaxing lunch. We will be applying for a **Beer and Wine permit** to allow us to serve craft beer and Texas wine, but no hard liquor.

We will **open our doors at 7am** to allow for the early risers to come in to grab coffee and fresh made pastries. Our breakfast menu will include hot items such as breakfast sandwiches and baked oatmeal, as well as grab and go items like breakfast tacos and granola. At **11am we will switch to a lunch menu** that serves chef driven, but casual and nostalgic items that can’t be found elsewhere in Fredericksburg. We would like for lunch to end around 2pm, but to **remain open until 5pm** to allow for a small window of time for people to come in and enjoy a glass of wine or cold beer before heading home or out to dinner. During this time we would offer a small menu of “snacks” for people to munch on to tide them over until dinner.

While we will not be serving a regular dinner service, we would like the option to be able to serve a once a week “supper club”. This

would be a special occasion dinner that would be available to ticket purchasers only and have a single seating from say 6-8pm.

Our total capacity will be a combination of inside and outside seating. The piece of property we have acquired for this project has ample room for both. When combining the space both inside and outside, realistically we see this space having the **capacity for up to 52** people. This would require us to have a **13 space parking lot**, which we have ample room for and will be built on the east side of the lot.

Our proposed construction does not include any sort of buildings or renovations that exceed the height of the current structures. We would like to extend one of the existing buildings (garage) to allow for adequate room for our kitchen and bar area, but will conform to current design. Outside lighting will be minimal, as our opening hours will be primarily during the day. We would like to add a frame structure to provide shade over our outside seating area. From this structure will be some string lighting and well as hanging plants and fans to provide for a comfortable setting for outside diners. Our landscaping will be minimalist, primarily potted plants. Fencing will be utilized in certain areas to help separate spaces, such as the parking lot from the outside seating, but we don't plan to fence the entire property. Signage has yet to be determined, but will be at ground level. **There is an existing driveway on the south side of the building that will be used for deliveries and staff parking**, and be separated by fence from the guest area of the restaurant.

We have attached a sample menu to the type of food you can expect from this Standard Provisions concept.

We thank you for your consideration,

Mitchell Sharrock
Owner/Operator

Menu

SPRING/EARLY SUMMER (LATE FEB-MAY)

Breakfast

Pastry:

French Cruller
Almond Croissant
Kouign Amann
Cherry Vanilla Scone (season)
Strawberry Rhubarb Basil Pop Tart (season)
Chorizo Potato Empanada (season)

Seasonal Yogurt - greek yogurt, blackberry ginger puree, lemon poppyseed granola

Seasonal Baked Oatmeal - blueberries, brown sugar, slivered almonds, toasted coconut

Tacos (served on flour tortilla):

Bacon, egg & chevre w/ potato chips
Bean and Cheese

Sandwiches:

House sausage, folded egg, cheese on a potato bun
Roasted mushrooms, tomato jam, folded egg on a biscuit
Crispy hashbrown, avo, folded egg, brekky sauce on English muffin

Plates

Plate of Eggs - farm eggs, grits, house sourdough w/ seasonal jam

Ham and Eggs - fried farm eggs, country ham w/ coffee stout red eye gravy, biscuit

Heirloom Beans - spicy tomato sauce, kale, Bufaletta, baked eggs, sourdough

Croissant Bread Pudding - house croissants, vanilla custard, cinnamon sugar

A La Carte

2 Strips of Bacon
1 Sausage Patty
1 Egg
Side Grits
Side Hashbrown Patty
1 Biscuit
Slice of Sourdough
Sliced Avocado

***Specials:**

Grit Bowl - grits, jammy eggs, burnt bacon jam, salsa macha, green onions, sesame seeds
Hash - sweet potatoes, chorizo, black beans, Bufaletta, pickled red onion, fried eggs

Lunch

Snacks and Small Bites:

Quad Onion Dip w/ savory sourdough discard pancakes and pickled veg
Crispy Cauliflower Nugs in arrabbiata sauce with caramelized fennel
Lamb Meatballs w/ spring pea pistachio pesto
Chili Garlic Wings topped with peanuts and cilantro
Fries w/ Infinity Island dipper

Conserva Service

Your choice from a selection of tinned fish accompanied by house pickles, condiments and chips

Salads:

Cabbage and Kale Crunch - green onion, cilantro, chicharron, seed and nut crunch, chili lime tahini ranch

Italian Wedge - iceberg lettuce, Mortadella, sun gold tomatoes, shaved asiago, banana peppers, castelvetrano olives, Italian dressing

"I'm Cleansing" Chop - spinach, local strawberries, cucumber, green onion, hemp seeds, balsamic vin (seasonal)

Sandwiches (add fries, house chips or cabbage and kale crunch salad):

The Standard Burger - double meat double cheese smashburger, mustard, pickle, shaved onion, Martin's potato bun

Fried Chicken - crispy buttermilk fried chicken thigh, seasonal slaw, house pickles, sriracha kewpie mayo, Martin's potato bun

The Antonio Margheriti - mortadella, salami, country ham, provolone, shredduce, marinated tomatoes, red onion, Calabrian chili spread on a hoagie

Grilled Cheese Primavera - fried artichoke hearts, grilled asparagus, sun dried tomatoes, Comte and Emmental cheese on pullman bread (seasonal)

Seasonal Produce:

Burnt Carrot Tostada - labneh, pickled fresnos, cashews, fermented honey, zaatar, cilantro

Mushrooms - butter basted oyster mushrooms, fried goat cheese, caramelized shallot, tarragon

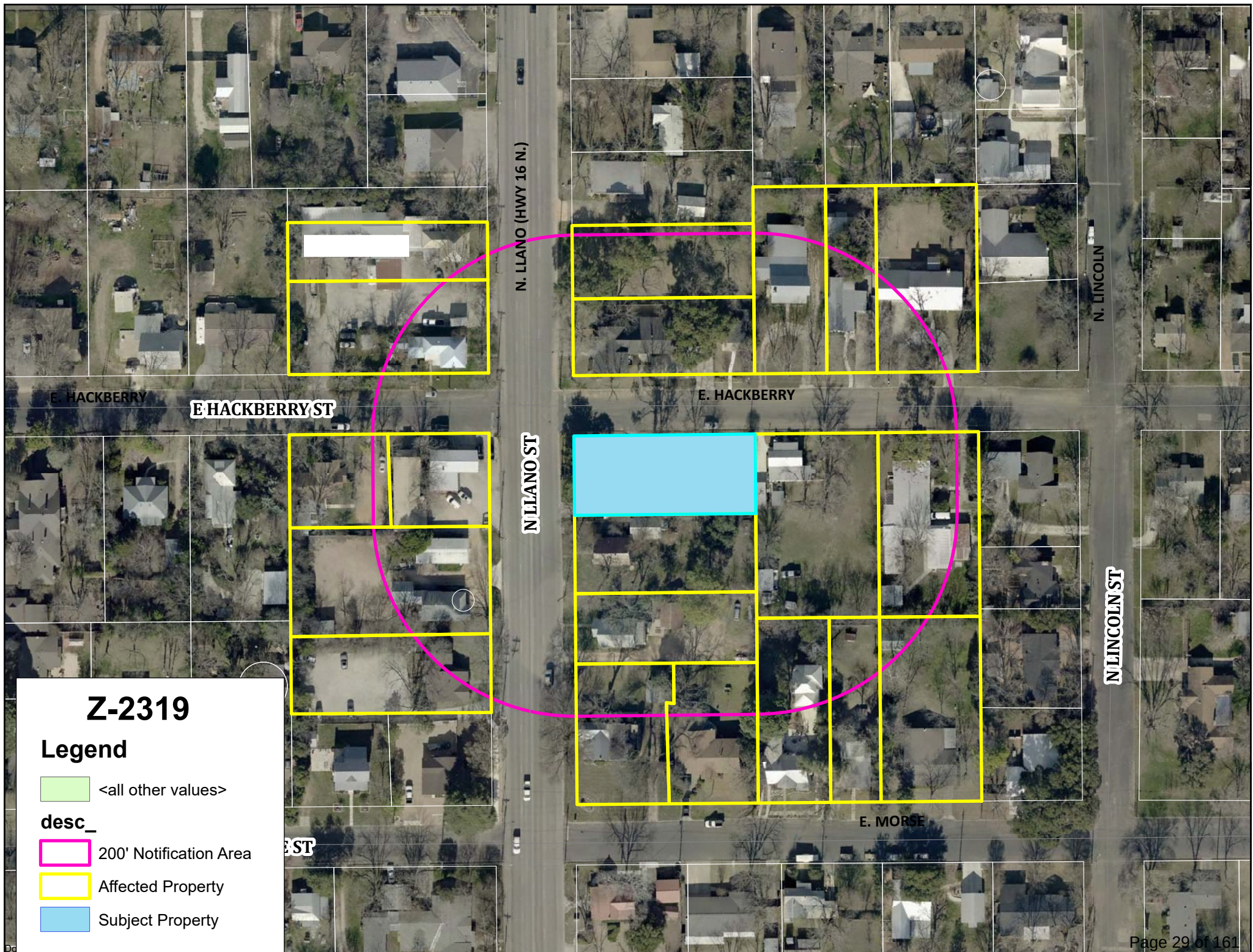
Chopped Broccoli - pistachio, dates, jalapeño, cilantro, mint, ginger lime dressing, pepitas

Crispy potatoes - fresh celery, Bufaletta, birds eye chilies, parsley, chive, dill, lemon, olive oil

Seasonal Sweets:

Strawberries - house vanilla scone bits, macerated local strawberries, pistachios, Chantilly cream

Ultra Ripe Cantelope - lime zest, hot honey, sun gold tomatoes, black pepper, olive oil



Z-2319

Legend

 <all other values>

desc_

 200' Notification Area

 Affected Property

 Subject Property

JACKIE LUERA
2334 SHELTON ST
ABILENE, TX 79603

DENNIS KUSENBERGER
116 E AUSTIN ST
FREDERICKSBURG, TX 78624

KURT & MELINDA KIRCHHOFF
803 N LLANO ST
FREDERICKSBURG, TX 78624

KATHRYN COUCH & KAREN WALKER
6310 CLEAR CANYON DR
KATY, TX 77450

HECTOR MORALES & JENNIFER KUHNEL
206 E MORSE
FREDERICKSBURG, TX 78624

HEATH & MICHELLE CRENWELGE
839 SYLVANIA DR
DALLAS, TX 75218

REBECCA WALLACE
210 E MORSE
FREDERICKSBURG, TX 78624

SUSAN OSBURN
211 E HACKBERRY
FREDERICKSBURG, TX 78624

CINDY HEIFNER
P.O. BOX 1322
FREDERICKSBURG, TX 78624

ROBERT BOURQUEIN
210 E HACKBERRY
FREDERICKSBURG, TX 78624

DONALD & MARGARET MUSSELMAN
208 E HACKBERRY
FREDERICKSBURG, TX 78624

THEODORE QIAN & HSIANGYI CHIANG
3504 SCENIC VALLEY DR
CEDAR PARK, TX 78641

EQUITY TRUST
1108 N LLANO
FREDERICKSBURG, TX 78624

HAUS TOGETHER LLC
1108 N LLANO
FREDERICKSBURG, TX 78624

DAVID TATSCH
16 SERENITY LN
FREDERICKSBURG, TX 78624

KELAIAH RIVAS
613 S CREEK
FREDERICKSBURG, TX 78624

DONNA CROY
290 FIRE ROCK TRL
FREDERICKSBURG, TX 78624

VALERIE GUTTERSON
109 E HACKBERRY
FREDERICKSBURG, TX 78624

CAMILLE COHN
916 LAUREL LN
FREDERICKSBURG, TX 78624

QUINTEN & BRANDI KUNZ
12038 FM 2093
FREDERICKSBURG, TX 78624

Z-2319 – 811 N Llano



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: Standard Provisions

Project Address: 811 N Llano St

Tax ID Number (s): 93-1817631

Application Type (Check all items that apply.)

- | | | |
|--|--|---|
| ☒ Conditional Use Permit | ☐ Minor Plat* | ☐ Site Plan |
| ☐ Land Use Plan Change | ☐ Replat* | ☐ Entry Corridor Design |
| ☐ Zoning Change | ☐ Amending Plat* | ☐ Civil Construction Plans |
| ☐ Annexation* | ☐ Preliminary Plat* | |
| | ☐ Final Plat* | |

Jurisdiction: ☒ City Limits ☐ ETJ

Total Acres:

No. of Lots:

Original Survey & Abstract No:

Legal Description:

Current Land Use Plan: B and B

Proposed Land Use Plan: Limited Restaurant

Current Zoning: C1

Proposed Zoning: C1

Location: 811 N Llano St

Proposed Use(s): Limited Restaurant

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: Mitchell Sharrock

Date: 7/3/23

Staff Use Only

Application No.: _____ Date: _____

*Copy of current Title Search required with application.



Project Application

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

B. Contact Information (Please complete all items.)

I. Property Owners

Firm Name (if applicable): Dry Dog LLC

Owner Name: Mitchell Sharrock

Address: 903 W Schubert St

Phone: 4699552676

Fax:

Email: mitchell.sharrock26@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:

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.

scollier@fbgtx.org

OR
Development Services – Zoning
126 W. Main Street
Fredericksburg, TX 78624
830-997-7521



REQUEST NO. Z-2319

As an interested property owner, I (PROTEST) / (APPROVE) the requested CONDITIONAL USE PERMIT,
represented by the above file number because:

Signature

Date

Printed Name

Address

scollier@fbgtx.org

OR
Development Services – Zoning
126 W. Main Street
Fredericksburg, TX 78624
830-997-7521



REQUEST NO. Z-2319

811 N. Llano St.

As an interested property owner, I (PROTEST) (APPROVE) the requested CONDITIONAL USE PERMIT,
represented by the above file number because:

the noise and traffic from the new restaurant.

The property next-door operates as an Air BNB has already
created enough late-night noise. I strongly oppose to adding a
restaurant

Signature

Theodore Qian

Printed Name

Date

8/24/2023

206 E. Hackberry, Fredericksburg
Address

REQUEST NO. Z-2319

As an interested property owner, I (PROTEST) (APPROVE) the requested CONDITIONAL USE PERMIT,
represented by the above file number because:

1 Increased traffic, lack of parking, noise, already have
2 Air B+B's with 50 yards, loss of community
integrity

Signature

Don Musselman

Date

8-28-23

Printed Name

Don Musselman

Address

208 E. Hackberry

78624

OR
Development Services – Zoning
126 W. Main Street
Fredericksburg, TX 78624

830-997-7521



REQUEST NO. Z-2319

As an interested property owner, I (PROTEST) / (APPROVE) the requested CONDITIONAL USE PERMIT,
represented by the above file number because:

It fit use for neighborhood commercial on Llano and
offers restrurant services on this side of town.


Signature

09/25/23
Date

KURT A. Kirchhoff

803 N. Llano St.
Address

Printed Name

scollier@fbgtx.org

OR
Development Services – Zoning
126 W. Main Street
Fredericksburg, TX 78624
830-997-7521



REQUEST NO. Z-2319

As an interested property owner, I (PROTEST) / (APPROVE) the requested CONDITIONAL USE PERMIT, represented by the above file number because:

FBG needs more healthy restaurant options, especially for breakfast and lunch. Additionally, this non-Main street location will cater to locals and those who live in the North Llano St. area, where there are currently no restaurants. This restaurant will also not operate late night and should create little, if any, disturbance for the neighborhood.

Anthony DiCuffa

Signature

9/27/2023

Date

Anthony DiCuffa

Printed Name

901 and 903 N Llano

Address



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
MEETING DATE: October 4, 2023

CATEGORY: PUBLIC HEARING

CAPTION: Request #Z-2317: By William Joseph to Consider a Conditional Use Permit (CUP) per Section 3.110 to Operate a STR-Unoccupied in a R2 Zoned Area Located in the Historic Overlay District on Property Located at 411 East Creek Street.

- i. Presentation by applicant
- ii. Staff Report
- iii. Hold a Public Hearing to receive comments for or against the request
- iv. Take action on the Conditional Use Permit request

PRESENTATION:

SUMMARY:

The applicant is requesting a Conditional Use Permit to operate a STR-Facility in an R2-zoned area located at 411 E Creek.

BACKGROUND:

The applicant is requesting a CUP per [Sec. 3.110](#) of the Zoning Ordinance to operate a STR-Facility on a R2 zoned property that abuts Commercially Zoned property located at 411 E. Creek Street. The property is the site of the original Langerhans homestead and consists of two units and a pavilion. The main residence is a two-story, 4,000 sq ft building consisting of 2 bedrooms, and the guest house is a single-story, 728 sq ft building with 1 bedroom. The property has frontage on East Creek Street but takes access off of South Elk Street via a 35' wide driveway and is located in a neighborhood that has a high volume of STRs and is in close proximity to multiple commercial businesses, in addition to being within 1 block of East Main Street.

Within 200 feet of this property there are a total of 20 parcels. Those 20 parcels contain 5 vacant lots, 1 Hotel and 7 STRS resulting in 53% of the developed, notified area operating as a hotel or STR.

Public notification, including letters being sent to property owners within 200 feet, resulted in 1 letter of support.

Zoning: R2, Mixed Residential [Sec. 3.110](#)

Site Area: 54,053 sq ft.

Occupancy: The occupancy for the main residence would be 6 and the occupancy for the guest house would be 4 for a combined occupancy of 10. (2 per bedroom plus 2) [Sec. 5.401](#)

Parking: 6 spaces provided with 2 required. (Parking shall be provided at a ration of 60% of the permitted occupancy) [Sec. 7.863](#)

Curbing: The property is currently uncurbed. The CUP process triggers the need for the property to become curbed per [Sec. 7.540](#)

Heights: Two-Story (2.5 Stories/28' Max) [Sec. 3.110](#)

Screening: Screening along the perimeter of the property is required per Sec. 7.940 and is provided, as is screening of the trash per [Sec. 7.980](#).

[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. The criteria and review are as follows:

Conditional Use Permit criteria:

1. Conformance with applicable regulations and standards established by the Zoning Regulations. - *met*
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features. - *met*
3. Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use. - *no negative impacts forseen. The property is greater than 1 acre and abuts a creek with limited impact to adjoining properties.*
4. Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare. *no variance required*
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area. The surrounding uses are similar and generate the expected amount of traffic. *The requested use will not increase the current traffic in the area.*
6. Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts. -*no new impacts.*
7. Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties. - *no adverse impact*
8. Adequacy and convenience of off-street parking and loading facilities. - *parking meets and exceeds code requirements*
9. Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.- *met*
10. Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations. - *met*
11. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity. - *Within 200 feet of this property there are a total of 20 parcels. Those 20 parcels contain 5 vacant lots, 1 Hotel and 7 STRS resulting in 53% of the developed, notified area operating as a hotel or STR.*

12. Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area. - *curbing is required to bring the property into compliance with existing zoning regulations.*

13. Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. *Proposed use with staff recommended conditions will not be detrimental to public health safety*

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION: [Sec. 5.460 - Review and Evaluation Criteria](#) contains 13 items that must be considered when reviewing a CUP. Staff found that this application has met or exceeded all the requirements. The property is located in a neighborhood that contains a large number of STRs. Of the 20 properties within 200 feet, 5 are vacant, 7 are STR's and 1 is a hotel. In addition, this property is within walking distance of several commercial businesses and the property's size and location would easily accommodate the proposed occupancy of 10 guests. Staff recommends approval conditioned upon the following:

1. Review/inspection and approval of a STR-Permit Application(s) and payment of applicable fees.
2. Construction of a curb along East Creek and South Lee Streets.

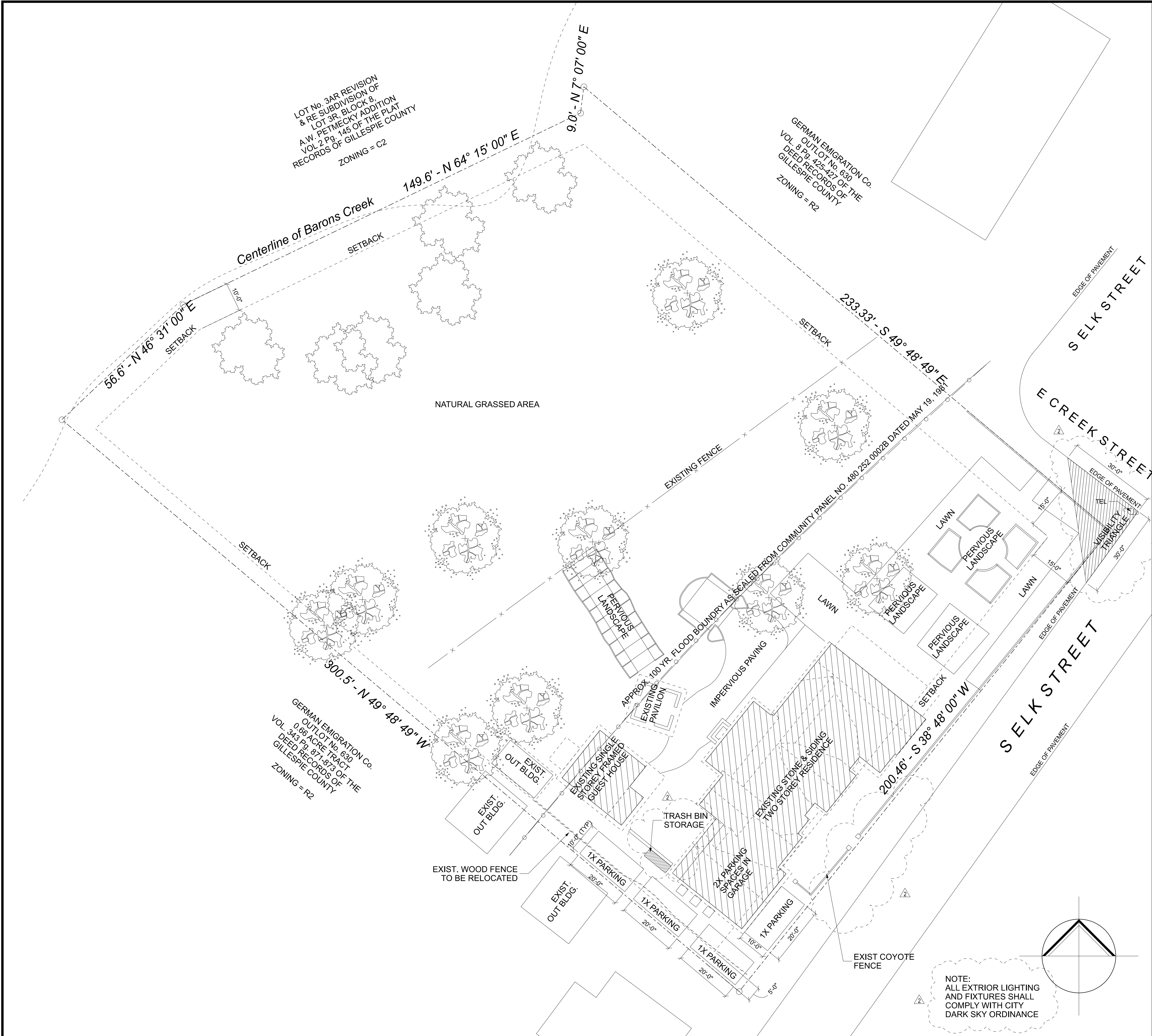
COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. Z-2317 Revised Site Plan
2. Floor Plans
3. CUP Narrative
4. Z-2317 Review Comments
5. Z-2317 Response to Comments
6. Front of Property and Garage
7. Front of Property Main House
8. Guest House
9. Back Yard
10. Z-2317 Public Hearing Map
11. 205 S Elk
12. Z-2317 Mailing Labels
13. Z-2317 Project Application

APPROVAL/REVIEW:



PROJECT INFORMATION:

ADDRESS: 411 E CREEK STREET, FREDERICKSBURG TX 78624

LEGAL DESCRIPTION:

BEING PART OF GERMAN EMIGRATION COMPANY OUTLOT NO. 630 AS SAID OUTLOT IS SHOWN ON THE MAP OF FREDERICKSBURG, TX AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY COMPRISING 1.24 ACRES OF LAND, MORE OR LESS. SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS.

FOUND OF RECORD IN VOLUME 167, PAGES 937 - 940 OF THE DEED RECORDS OF GILLESPIE COUNTY, TEXAS.

ZONING: R2 - SINGLE FAMILY RESIDENTIAL

LOT AREA:

54,053.6404 SQUARE FEET

PROJECT INFORMATION

CONSTRUCTION TYPE:

IIIB

IN ACCORDANCE WITH SECTION 600 AND TABLE 601 AND TABLE 602 OF THE INTERNATIONAL BUILDING CODE, 2015 EDITION.

OCCUPANCY CLASSIFICATION:

GROUP R-3

IN ACCORDANCE WITH SECTION 310.1 OF THE INTERNATIONAL BUILDING CODE, 2015 EDITION.

AREA CALCULATIONS:

LOT AREA 54,053.6404 SQ.FT.

FRAMED AREA SCHEDULE.

LIVING SPACE

MAIN HOUSE 3124.40 SQ.FT.

GUEST HOUSE 443.00 SQ.FT.

TOTAL LIVING SPACE 1,947 SQ.FT

GARAGE

633.6 SQ.FT.

TOTAL FRAME 4,201.00 SQ.FT.

COVERAGE

ROOF FOOTPRINT 2,847.23 SQ.FT.

MAIN HOUSE 4,071.50 SQ.FT.

GUEST HOUSE 728.24 SQ.FT.

PAVILION 728.24 SQ.FT.

COVERAGE: 36.89 %

HEIGHT

MAX ROOF APEX 25' - 10" FROM CURB AT ELK STREET

PARKING (IN ACCORDNACE W/ CITY ORDINANCE TABLE 7.863)

BEDROOMS

MAIN HOUSE 2

GUEST HOUSE 1

REQ. BAYS 3

PARKING PROVIDED

OFF STREET 6

PROVIDED 6

CODES:

THE DESIGN AND CONSTRUCTION OF THE PROJECT SHALL BE IN COMPLIANCE WITH THE FOLLOWING CODES AND ORDINANCES:

- INTERNATIONAL BUILDING CODE, 2009 EDITION WITH LOCAL AMENDMENTS.
- INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION WITH LOCAL AMMENDMENTS.
- INTERNATIONAL PLUMBING CODE, 2009 EDITION WITH LOCAL AMENDMENTS.
- INTERNATIONAL MECHANICAL CODE, 2009 EDITION WITH LOCAL AMENDMENTS.
- NATIONAL ELECTRIC CODE, 2012 EDITION WITH LOCAL AMENDMENTS.
- INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION.

Existing Residence

Part of German Emigration Company Outlot No. 630

411 E Creek Street, Fredericksburg TX

1	03/24/23	
2	08/22/23	
No.	Date	Item
REVISIONS		



R Austin & Sons USA Inc.

701 Triple Creek Road
Fredericksburg, Texas 78624
Phone: 214.763.9116
e-mail: rodney.austin@rausa.net

Property Data,
Site Development
Plan

A 0.2.01

Project No. RAS 02/23
Date February 2023
Issue Record

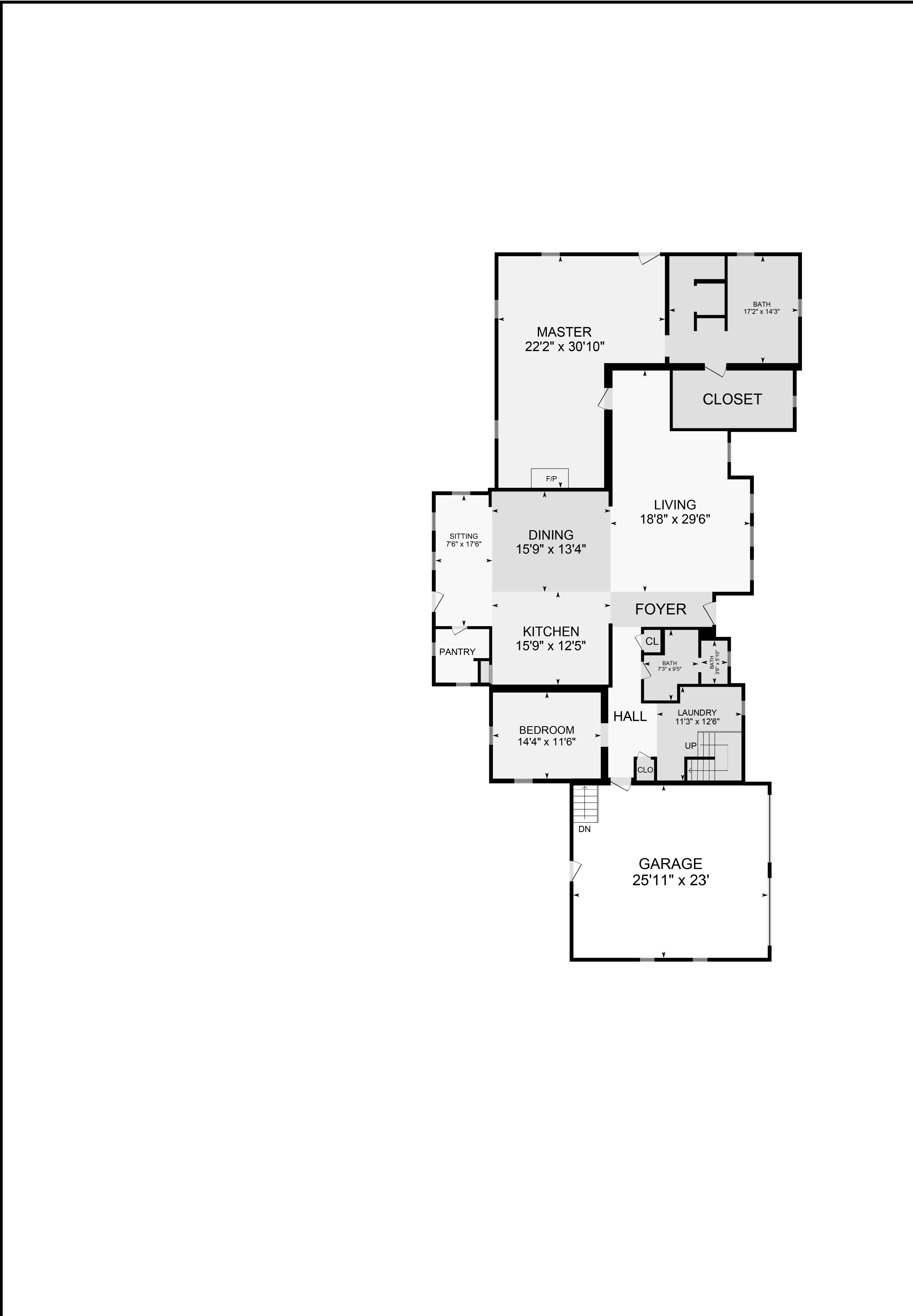
04

Site Development Plan

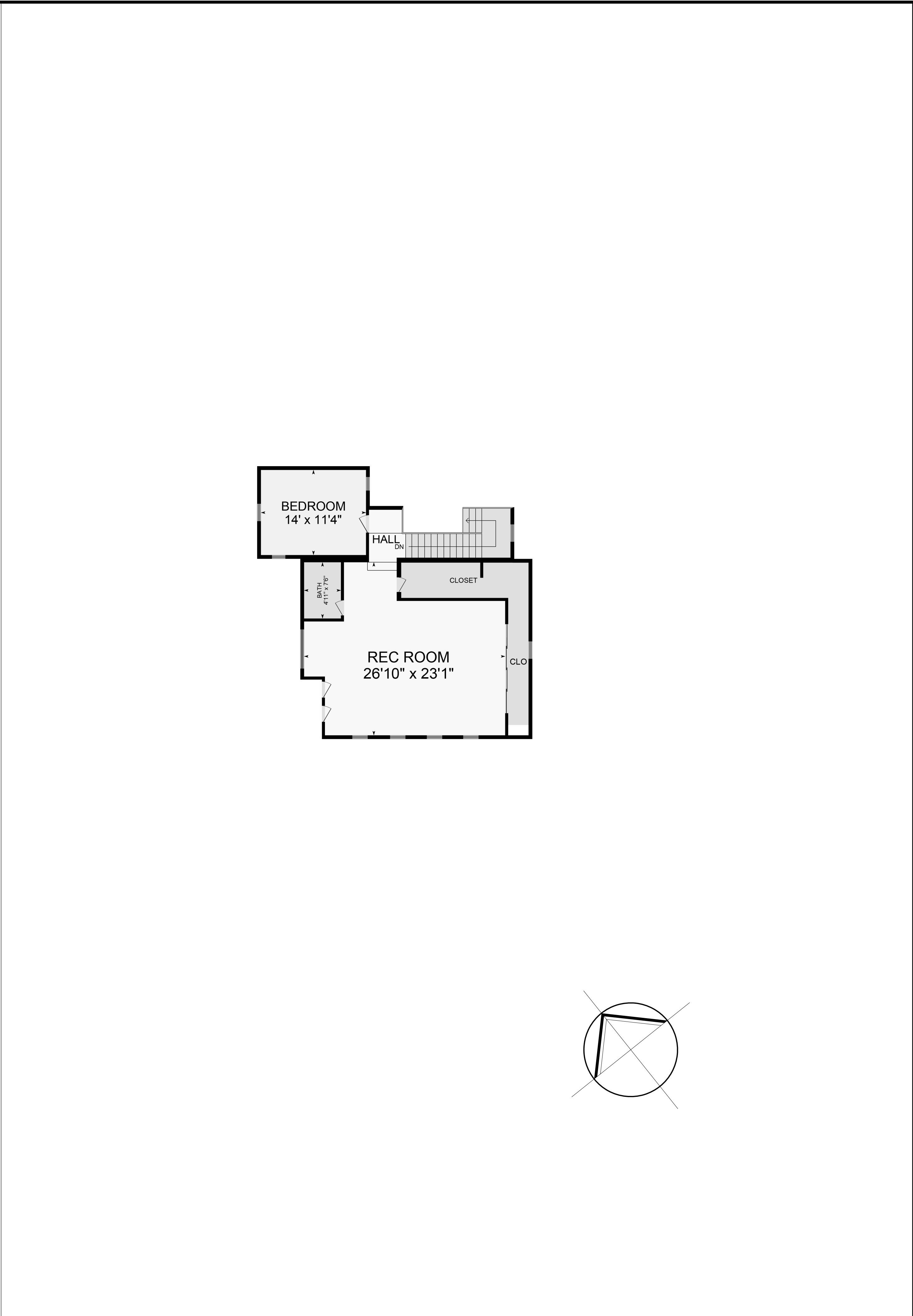
SCALE 1/16" = 1' -0"

01

Project Data



01 Level 1 Floor Plan



02 Level 2 floor Plan

Existing Residence

Part of German Emigration Company Outlot No. 630

411 E Creek Street, Fredericksburg TX

△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
No.	Date	Item
REVISIONS		



R Austin & Sons USA Inc.

701 Triple Creek Road
Fredericksburg, Texas 78624
Phone: 214.763.9116
e-mail: rodney.austin@raousa.net

Existing Floor Plans

A 0.2.02

Project No.	RAS 02/23
Date	February 2023
Issue	Record

February 27, 2023

TO: City of Fredericksburg, Texas, Planning and Zoning Commission

FROM: William Joseph and Antoinette van Heugten

SUBJECT: Statement of owners in support of CUP Application, 411 East Creek Street, Fredericksburg, Texas

Dear Commissioners:

We are the owners of the above referenced property within the City of Fredericksburg, having purchased such in 2005, extensively renovated and restored in through late 2007, and having maintained it as a primary residence from that date until the present. It is the original Langerhans homestead, having been featured on the annual home tour some years back, and was restored with great attention to detail and historical accuracy.

This neighborhood has undergone considerable change in the ensuing years. Zoned R2, many, if not a majority of the dwellings within a modest radius are now permitted as short-term rentals. Indeed, a multi-unit B&B complex has been recently completed around the corner from our home and, to our understanding, one, if not both, of the buildings across Elk Street from our house are now permitted STR's.

These changes come at an interesting time in our lives. We are 73 and 66 years of age respectively and have a variety of need and desire to do extensive travel while such is practicable. My wife has extensive family in the Netherlands, all our age contemporaries, in various states of health. We anticipate a need to be spending substantial time in Europe in the near term, the financial requisites of such would be ameliorated by using our home as an STR during those periods.

Accordingly, we respectfully submit this statement in support of our application for a Conditional Use Permit to periodically use our home as a short-term rental. We would welcome any questions or clarifications which might be desired by the Commission in aid of its determination.

William J. Joseph, Jr.

Antoinette van Heugten



August 14, 2023

William Joseph
wmjoseph@hotmail.com

RE: Z-2317, Review Comments for Site Plan/Conditional Use Permit Review for a STR-Unoccupied located at 411 East Creek St.

Dear Mr. Joseph,

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

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

- The Site Plan requires Planning and Zoning Approval, tentatively scheduled for September 6, 2023.
- Provide a note regarding all exterior lighting shall be night sky compliant. Provide the requested fixture type [Article XV- Outdoor Lighting - Site Plan Checklist](#)
- Please confirm that the single-story guest house will not be used as a STR.
- Please verify the location of trash and trash collection.
- City Standard sight triangle is 30x30 feet along the curb line of the intersecting streets.
- The right of way in this block of S. Elk is much less than the City's standard. On-Street or parking in the right of way would create a safety concern and cannot be supported.
- Each parking space should be clearly dimensioned.
- Zoning is R2 – Mixed Residential.

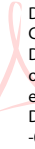
For information regarding these comments please contact Shelby Collier with Development Services at 830-990-2013 or scollier@fbgtx.org

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, August 21st to ensure consideration by the Planning & Zoning Commission on Wednesday, September 6th.

**Shelby
Collier**



Digitally signed by Shelby
Collier
DN: cn=Shelby Collier, o=City
of Fredericksburg, ou,
email=scollier@fbgtx.org, c=US
Date: 2023.08.14 14:28:44
-05'00'

Shelby Collier, Associate Planner
Development Review Committee (DRC)

The City of Fredericksburg

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

From: rodney.austin@raausa.net
To: [Shelby Collier](#); ["william joseph"](#)
Cc: [Reagan Rabke](#); [Evan Williamson](#); [Michael Erwin](#); [Anna Hudson](#)
Subject: RE: 411 E Creek Street CUP Application
Date: Tuesday, August 22, 2023 12:50:19 PM
Attachments: [A 0 2 1 rev 2.pdf](#)

Shelby

Thank you for making the time to meet earlier.

In response to the notes pertaining to the application appended to your original message and following our meeting, I respond in same order below.

- A revised Site Plan has been appended to this response.
- A note concerning the Dark Sky Ordinance has been included on the revised Site Plan.
- Further to prior discussions with my client, he is requesting that the application be changed to an STR Facility type application that will include the guest house.
- The location of the trash bin storage area has been included on the revised Site Plan.
- The City Standard sight triangle has been amended on the revised Site Plan to be 30' X 30'
- All on street parking has been removed on the revised Site Plan and the included schedule amended.
- All parking spaces have been dimensioned on the revised Site Plan
- Confirm that Zoning is R2

Many thanks and kind regards

Rodney G Austin
R Austin & Sons USA Inc.
rodney.austin@raausa.net
+1 (214) 763-9116

From: Shelby Collier <scollier@fbgtx.org>
Sent: Monday, August 14, 2023 2:29 PM
To: rodney.austin@raausa.net; 'william joseph' <wmjjoseph@hotmail.com>
Cc: [Reagan Rabke](mailto:rrabke@fbgtx.org) <rrabke@fbgtx.org>; [Evan Williamson](mailto:ewilliamson@fbgtx.org) <ewilliamson@fbgtx.org>; [Michael Erwin](mailto:merwin@fbgtx.org) <merwin@fbgtx.org>; [Anna Hudson](mailto:ahudson@fbgtx.org) <ahudson@fbgtx.org>
Subject: RE: 411 E Creek Street CUP Application

Good afternoon,

Please see attached review comments for Z-2317, 411 E Creek.

Please feel free to contact me if you have any questions.

Have a blessed day!



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Shelby Collier/ Associate Planner/ City of Fredericksburg

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

[Learn more about our Development process](#)

From: Shelby Collier

Sent: Friday, July 28, 2023 3:47 PM

To: rodney.austin@raausa.net; 'william joseph' <wmjoseph@hotmail.com>

Subject: RE: 411 E Creek Street CUP Application

Good afternoon Gentlemen,

Thank you for submitting the attached application.

Staff will review and provide comments on Monday, August 14th. In addition, the application is tentatively scheduled for consideration by the Planning and Zoning Commission on Wednesday, September 6th.

I look forward to working with you, have a blessed day!



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Shelby Collier/ Associate Planner/ City of Fredericksburg

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

[Learn more about our Development process](#)

From: rodney.austin@raausa.net <rodney.austin@raausa.net>

Sent: Thursday, July 27, 2023 12:25 PM

To: Shelby Collier <scollier@fbgtx.org>; 'william joseph' <wmjoseph@hotmail.com>

Subject: RE: 411 E Creek Street CUP Application

Good afternoon Shelby,

Could you please give me an update regarding this application?

Do you have everything that the city requires?

Many thanks

Rodney G Austin
R Austin & Sons USA Inc.
rodney.austin@raausa.net
+1 (214) 763-9116

From: Shelby Collier <scollier@fbgtx.org>
Sent: Friday, July 14, 2023 4:17 PM
To: rodney.austin@raausa.net; 'william joseph' <wmjoseph@hotmail.com>
Subject: RE: 411 E Creek Street CUP Application

Good afternoon Mr. Austin,

Thank you for submitting the attached documents.

Once staff receives the project application and fee, your application will be competed and tentatively scheduled for the September 6th Planning and Zoning Meeting.

Thank you for submitting all additional documents in one email, it was helpful to identify all of the pieces.

I look forward to working with you, have a blessed day!



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Shelby Collier/ Associate Planner/ City of Fredericksburg
O. 830-990-2013/ scollier@fbgtx.org
[Learn more about our Development process](#)

From: rodney.austin@raausa.net <rodney.austin@raausa.net>
Sent: Thursday, July 13, 2023 11:41 AM
To: Shelby Collier <scollier@fbgtx.org>; 'william joseph' <wmjoseph@hotmail.com>
Subject: RE: 411 E Creek Street CUP Application

Shelby,

Thank you for making the time to meet with me earlier and for clarifying the information.

I am appending all the documents to this message as promised such that you have everything in one transmittal.

I have appended the photographs previously sent under separate cover. I also have these compiled on a drawing sheet if this is preferable, however the file size is too large to append to an email.

Please advise if this is a format that you would prefer, and I can bring the file to your office.

Mr. Joseph will sign the appended application and provide the city with payment in the amount of \$400.

Please advise if you require anything further

Many thanks again & best regards

Rodney G Austin
R Austin & Sons USA Inc.
rodney.austin@raausa.net
+1 (214) 763-9116

From: Shelby Collier <scollier@fbgtx.org>
Sent: Wednesday, July 12, 2023 3:25 PM
To: Rodney Austin <rodney.austin@raausa.net>; william joseph <wmjoseph@hotmail.com>
Subject: RE: 411 E Creek Street CUP Application

Good afternoon gentleman,

Thank you for your emails.

I am available tomorrow morning between 9 and 11 AM, however, in order to submit a formal application all that is required is a completed [Project Application](#), Site Plan, [Site Plan & CUP Checklist](#), CUP narrative (responding to the CUP review & evaluation criteria attached), floor plans, photos of elevations and required fees (\$400.00)

Once Staff receives all the necessary documents, we may add your project to the next available Planning and Zoning Meeting for consideration.

If you have questions regarding the documents and or fees I will gladly meet with you tomorrow

morning.

I welcome your response, have a blessed day!



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Shelby Collier/ Associate Planner/ City of Fredericksburg

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

[Learn more about our Development process](#)

From: Rodney Austin <rodney.austin@raausa.net>

Sent: Tuesday, July 11, 2023 2:28 PM

To: Shelby Collier <scollier@fbgtx.org>; william joseph <wmjoseph@hotmail.com>

Subject: Re: 411 E Creek Street CUP Application

Good afternoon Shelby

Please let me know if there is a time that is convenient for us to meet

Many thanks

Get [Outlook for iOS](#)

From: Rodney Austin <rodney.austin@raausa.net>

Sent: Thursday, July 6, 2023 10:57 AM

To: Shelby Collier <scollier@fbgtx.org>; william joseph <wmjoseph@hotmail.com>

Subject: Re: 411 E Creek Street CUP Application

Get [Outlook for iOS](#)

From: Shelby Collier <scollier@fbgtx.org>

Sent: Wednesday, July 5, 2023 1:17 PM

To: william joseph <wmjoseph@hotmail.com>; rodney.austin@raausa.net
<rodney.austin@raausa.net>

Subject: RE: 411 E Creek Street CUP Application

Good afternoon Mr. Joseph,

I have not received a formal application for 411 E. Creek.

To submit the formal application please provide a completed [Project Application](#), Site Plan, [Site Plan & CUP Checklist](#), CUP narrative (responding to the CUP review & evaluation criteria attached), floor plans, photos of elevations and required fees (\$400.00)

Please mail payment of the required fees, payable to the City of Fredericksburg, to the following address:

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

Please feel free to contact me if you have any questions.

Have a blessed day!



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Shelby Collier/ Associate Planner/ City of Fredericksburg

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

[Learn more about our Development process](#)

From: william joseph <wmjoseph@hotmail.com>

Sent: Wednesday, July 5, 2023 10:38 AM

To: Shelby Collier <scollier@fbgtx.org>; rodney.austin@raausa.net

Subject: Re: 411 E Creek Street CUP Application

Good morning, Ms. Collier,

I just wanted to check in and see if there's any update on the subject application.

Many thanks as always,

Bill Joseph

713.478-7173

From: Shelby Collier <scollier@fbgtx.org>

Sent: Thursday, April 13, 2023 8:50 AM

To: rodney.austin@raausa.net <rodney.austin@raausa.net>

Cc: 'william joseph' <wmjoseph@hotmail.com>

Subject: RE: 411 E Creek Street CUP Application

Good morning Mr. Austin,

Thank you for sending this information my way.

The Site Plan looks complete. To submit the formal application please provide a completed [Project Application](#), Site Plan, [Site Plan & CUP Checklist](#), CUP narrative (responding to the CUP review & evaluation criteria attached), floor plans, photos of elevations and required fees (\$400.00)

As a reminder the deadline for the June 7th Planning and Zoning Meeting is Monday, April 24th.

Please mail payment of the required fees, payable to the City of Fredericksburg, to the following address:

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

Please feel free to contact me if you have any questions.

Have a blessed day!



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Shelby Collier/ Associate Planner/ City of Fredericksburg

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

[Please take our Fredericksburg Parks Survey!](#)

From: rodney.austin@raausa.net <rodney.austin@raausa.net>

Sent: Monday, April 10, 2023 12:45 PM

To: Shelby Collier <scollier@fbgtx.org>

Cc: 'william joseph' <wmjjoseph@hotmail.com>

Subject: RE: 411 E Creek Street CUP Application

Good morning Shelby,

I hope that you enjoyed a peaceful Easter weekend,

Further to our correspondence relative to the above matter, I am appending revised files incorporating updated information in accordance with your

request.

The file comprising the site photographs will be forwarded under separate cover

Please review and advise.

Many thanks & best regards

Rodney G Austin
R Austin & Sons USA Inc.
rodney.austin@raausa.net
+1 (214) 763-9116

From: Shelby Collier <scollier@fbgtx.org>
Sent: Wednesday, March 22, 2023 10:56 AM
To: rodney.austin@raausa.net
Subject: RE: 411 E Creek Street CUP Application

Good morning Mr. Austin,

Thank you for sending this my way.

I have a few comments, please see the following:

1. Provide photos of all elevations, North, South, East and West.
2. 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-Unoccupied per [Sec. 7.863](#)
3. Provide clarification that the Guesthouse will not be used as a STR Unit and will not be made available as lodging for guests in the main house.

With that said, I believe that what you have provided would be more than enough to start the review process if you would like to submit.

As a reminder the deadline for the May 3rd Planning and Zoning Meeting is Monday, March 27th.

Please mail payment of the required fees (\$400.00) to the following address:

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

Have a blessed day!



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Shelby Collier/ Associate Planner/ City of Fredericksburg

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

From: rodney.austin@raausa.net <rodney.austin@raausa.net>

Sent: Wednesday, March 15, 2023 9:57 AM

To: Shelby Collier <scollier@fbgtx.org>

Subject: RE: 411 E Creek Street CUP Application

Thank you Shelby,

I have appended what we have and welcome your advice.

Blessings to you too

Rodney G Austin

R Austin & Sons USA Inc.

rodney.austin@raausa.net

+1 (214) 763-9116

From: Shelby Collier <scollier@fbgtx.org>

Sent: Wednesday, March 15, 2023 9:47 AM

To: rodney.austin@raausa.net

Subject: RE: 411 E Creek Street CUP Application

Good morning Mr. Austin,

My apologies, it appears that we are playing a game of phone tag.

I will gladly look at what you have prepared for 411 E. Creek. Would you like to send it my way via email and I can provide some preliminary thoughts.

I look forward to working with you, have a blessed day!



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Shelby Collier/ Associate Planner/ City of Fredericksburg

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

From: rodney.austin@raausa.net <rodney.austin@raausa.net>

Sent: Thursday, March 9, 2023 10:10 AM

To: Shelby Collier <scollier@fbgtx.org>

Subject: 411 E Creek Street CUP Application

Good morning Shelby,

I have been engaged by the owners of the above property to prepare the application documents for a CUP.

I met with Anna last week and wanted to follow up with you to determine if we have all of the information that you require for the application.

I would be grateful if you could meet with me at your convenience.

Much obliged

Rodney Austin

Rodney G Austin

R Austin & Sons USA Inc.

rodney.austin@raausa.net

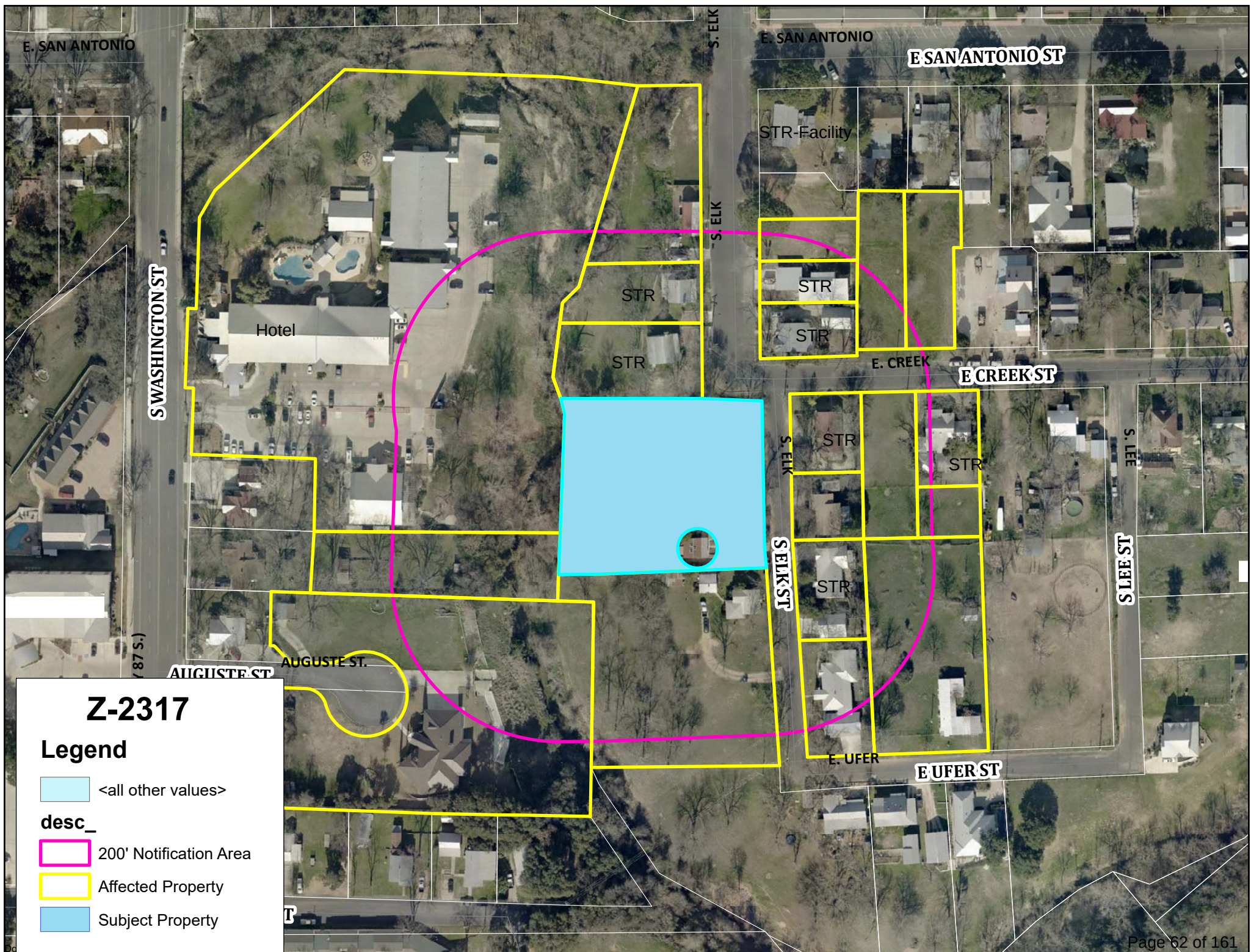
+1 (214) 763-9116











E. SAN ANTONIO

WASHINGTON ST

(87 S.)

AUGUSTE ST

AUGUSTE ST.

S. ELK

S. ELK

E. SAN ANTONIO

E SAN ANTONIO ST

STR-Facility

STR

STR

STR

STR

E. CREEK

E CREEK ST

S. ELK

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SELK ST

E. UFER

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S. LEE

S LEE ST

Z-2317

Legend

 <all other values>

desc_

 200' Notification Area

 Affected Property

 Subject Property

REQUEST NO. Z-2317

As an interested property owner, I (PROTEST) / (APPROVE) the requested CONDITIONAL USE PERMIT,
represented by the above file number because:

Signature

Date

Printed Name

Address

CARLETTA SMITH
204 E TRAVIS
FREDERICKSBURG, TX 78624

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

JOY BETH KOLMEIER
189 REEH-WEINHEIMER
FREDERICKSBURG, TX 78624

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

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

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

JAMES & REBECCA GALLE
156 AUGUSTA
BOERNE, TX 78006

CLOVERHAUS LLC
14524 FLAT TOP RANCH RD
AUSTIN, TX 78732

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

KATHRYN LANGER
8116 JOY RD
VOLANTE, TX 78641

KIMBERLY KLEIN
1515 HOLCOMBE BLVD APT 1373
HOUSTON, TX 77030

CISNEROS PROPERTY HOLDINGS LLC
3904 SENDERO DR
AUSTIN, TX 78735

JAY SEALE LIFE ESTATE
307 S ELK
FREDERICKSBURG, TX 78624

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

GINGER CROSSLEY
306 S ELK
FREDERICKSBURG, TX 78624

WILLIAM PETMECKY
409 E AUGUSTE
FREDERICKSBURG, TX 78624

305STR KKC
5900 BALCONES DR STE 100
AUSTIN TX 78731

FREDBG INN LP
5910 N CENTRAL EXPY STE 1670
DALLAS, TX 75206

Z-2317 – 411 E CREEK



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: 411 E Creek Street

Project Address: 11 E Creek Street

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: 1.26 No. of Lots: 1

Original Survey & Abstract No: Volume 167 pages 937-940 Deed Records

Legal Description: German Emigration Company Outlot 630

Current Land Use Plan:

Proposed Land Use Plan:

Current Zoning: R2

Proposed Zoning:

Location: 411 E Creek Street

Proposed Use(s):

Applicant's Signature

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

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

Signature: [Signature]

Printed Name: William Joseph Date: 7/25/23

Staff Use Only

Application No.: Z-2317 Date: 07/25/23

*Copy of current Title Search required with application.

\$400.00 C/n#3423



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: William Joseph

Address: 411 E Creek Street, Fredericksburg TX 78624

Phone: 713.478-7173

Fax:

Email: wmjjoseph@hotmail.com

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

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

Firm Name (if applicable): R Austin & Sons USA Inc

Address: 701 Triple Creek road, Fredericksburg TX 78624

Primary Contact Name:

Phone: (214) 763-9116

Fax:

Email: rodney.austin@raausa.net

Secondary Contact Name:

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable):

Applicant Name (s): William Joseph

Address: 411 E Creek Street, Fredericksburg TX 78624

Phone: (713) 478-7173

Fax:

Email: wmjjoseph@hotmail.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.



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
MEETING DATE: October 4, 2023

CATEGORY: PUBLIC HEARING

CAPTION: Request #Z-2308: By Theresa Guettler to Consider a Conditional Use Permit to Operate a STR-Condominium in a C2, Commercial Zoned Area for Property located at 510 Mueller Street # 33.

- i. Presentation by applicant
 - ii. Staff Report
 - iii. Hold a Public Hearing to receive comments for or against the request
 - iv. Take action on the Conditional Use Permit request
-

PRESENTATION:

SUMMARY:

BACKGROUND:

The applicant is requesting a CUP per **Sec. 3.210** of the Zoning Ordinance to operate a STR-Condominium on a C2 zoned property located at 510 Mueller #33. The property is part of the Carriage Hills Condominium Development (which does allow for STR units) that includes 36 units, 3 of which are STRS (unit 9, 10 & 13). The unit is a 2-story, 1,573 sq ft building, with 3 bedrooms. The property takes access from Mueller Street into the development and then has a 12' wide driveway off of a private drive-aisle into the property where guests may park in a 1 car garage or park in the driveway where 1 parking space is available.

The block that unit #33 is located in does not have neighboring STR uses, rather, it is surrounded by residences or vacant units. In addition, Staff has previously received 3 complaints from neighbors located within the condominium complex for parking and traffic concerns dating back to July 31, 2021. Staff also identified that the nature of the development is dense, with the average lot space being 1,600 in size with only 5 ft of separation from the neighboring unit.

Public notification, including letters being sent to property owners within 200 feet, resulted in no responses regarding this request.

Zoning: C2, Commercial **Sec. 3.210**

Site Area: 1,649 sq ft.

Occupancy: The occupancy for the 3 bedroom unit would be 8. (2 per bedroom plus 2) **Sec. 5.401**

Parking: 2 spaces provided with 3 required. The applicant has provided photos showing 2 cars parked in the driveway, however, a standard parking space is measured at 9 x 18.5 with the dimensions of the driveway being 16.9 x 18.11. (1 parking space per bedroom) **Sec. 7.863**

Heights: Two-Story (3 Stories/38' Max) **Sec. 3.210**

Screening: Screening along the perimeter of the property is required per Sec. 7.940 and is provided, as is screening of the trash per **Sec. 7.980**.

Sec. 5.460 - Review and Evaluation Criteria contains 13 items that must be considered when reviewing a Conditional Use Permit. The criteria and review are as follows:

Conditional Use Permit criteria:

1. Conformance with applicable regulations and standards established by the Zoning Regulations. - *met*
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features. - *met*
3. Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use. - *Neighboring uses include residences or vacant properties. There is a possibility that a unit with an occupancy of 8 revolving guests, may have unfavorable impacts on this block due to the increase in traffic and noise.*
4. Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare. *no variance required*
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area. - *If approved, it is anticipated that the traffic in this block would increase given the transient nature of the use. In addition, several complaints regarding traffic have been provided to Staff.*
6. Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts. -*no new impacts.*
7. Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties. - *no adverse impact*
8. Adequacy and convenience of off-street parking and loading facilities. - *Only two parking spaces meet code requirements for size*
9. Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.- *met*
10. Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations. - *met, other than parking*
11. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity. - *Within 200 feet of this property there are a total of 20 parcels.*
12. Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area. - *Limit occupancy based on*

parking.

13. Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. *Proposed use may result in an increase in traffic, noise, and issues with pedestrian & vehicular traffic.*

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION: Staff has found that this neighborhood consists largely of residences and second homes and cannot say with assurance that the proposed STR use would be compatible in this block. In addition, the lots are small and close together, not allowing for a natural buffer of a yard or distance to assist with noise and other potential unfavorable impacts. If approval were to be granted, Staff would recommend the following conditions.

1. Limit the occupancy to 6.
2. Review/inspection and approval of a STR Permit Application and payment of applicable fees.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

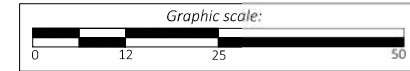
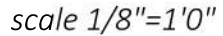
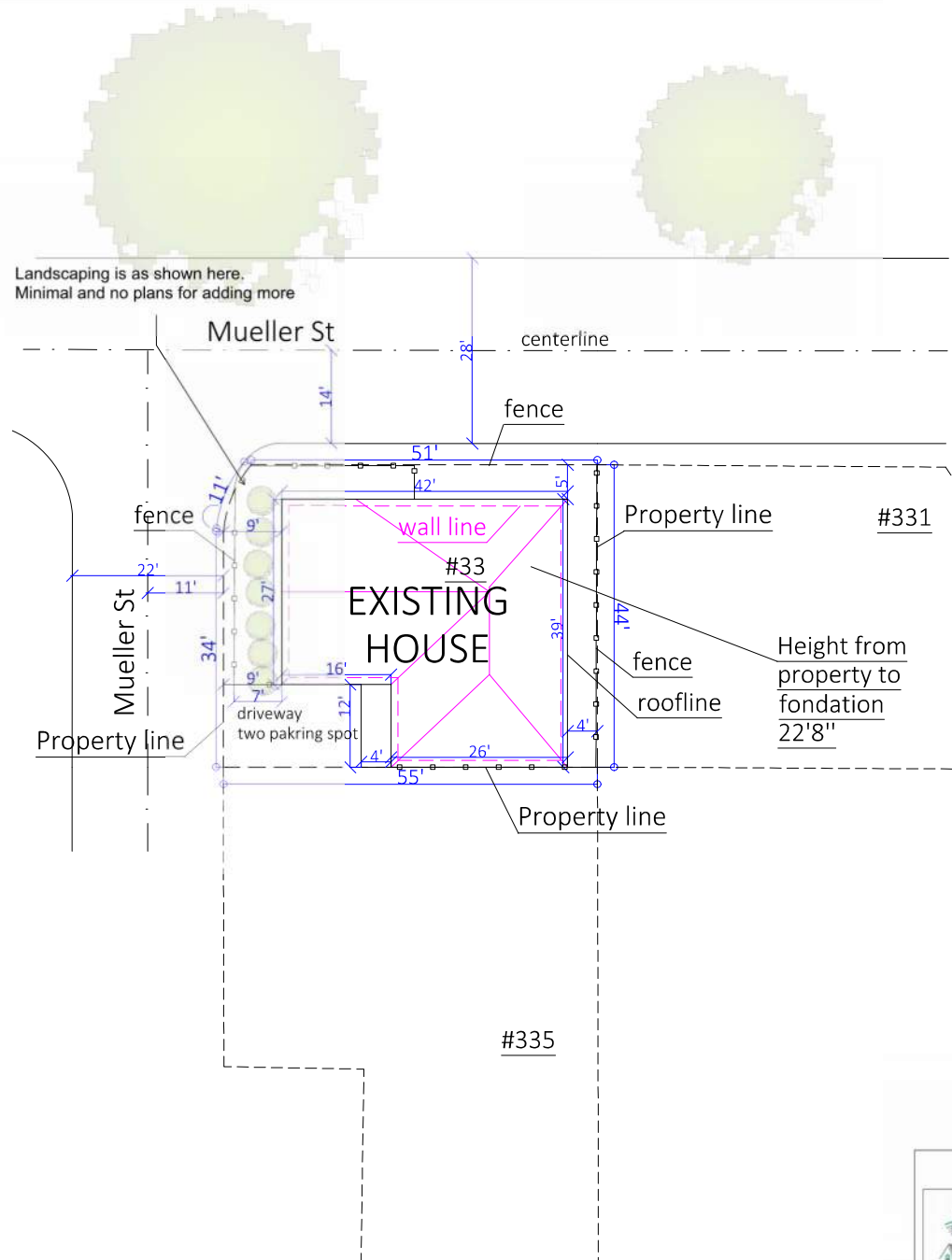
ATTACHMENTS:

1. 510 Mueller Street, Unit 33 - Final CUP Packet (2)
2. Z-2308 Review Comments
3. Z-2308 CUP Narrative
4. Z-2308 Mailing Labels
5. Z-2308 Public Hearing Map
6. Complaint 1
7. Complaint 2
8. Complaint 3
9. Z-2308 Project Application

APPROVAL/REVIEW:

Date: 02/17/23

Parking stalls required: 3 (3 bedrooms)
Parking stalls provided: 3 including garage covered spot (see parking stall layout with dimensions in packet).

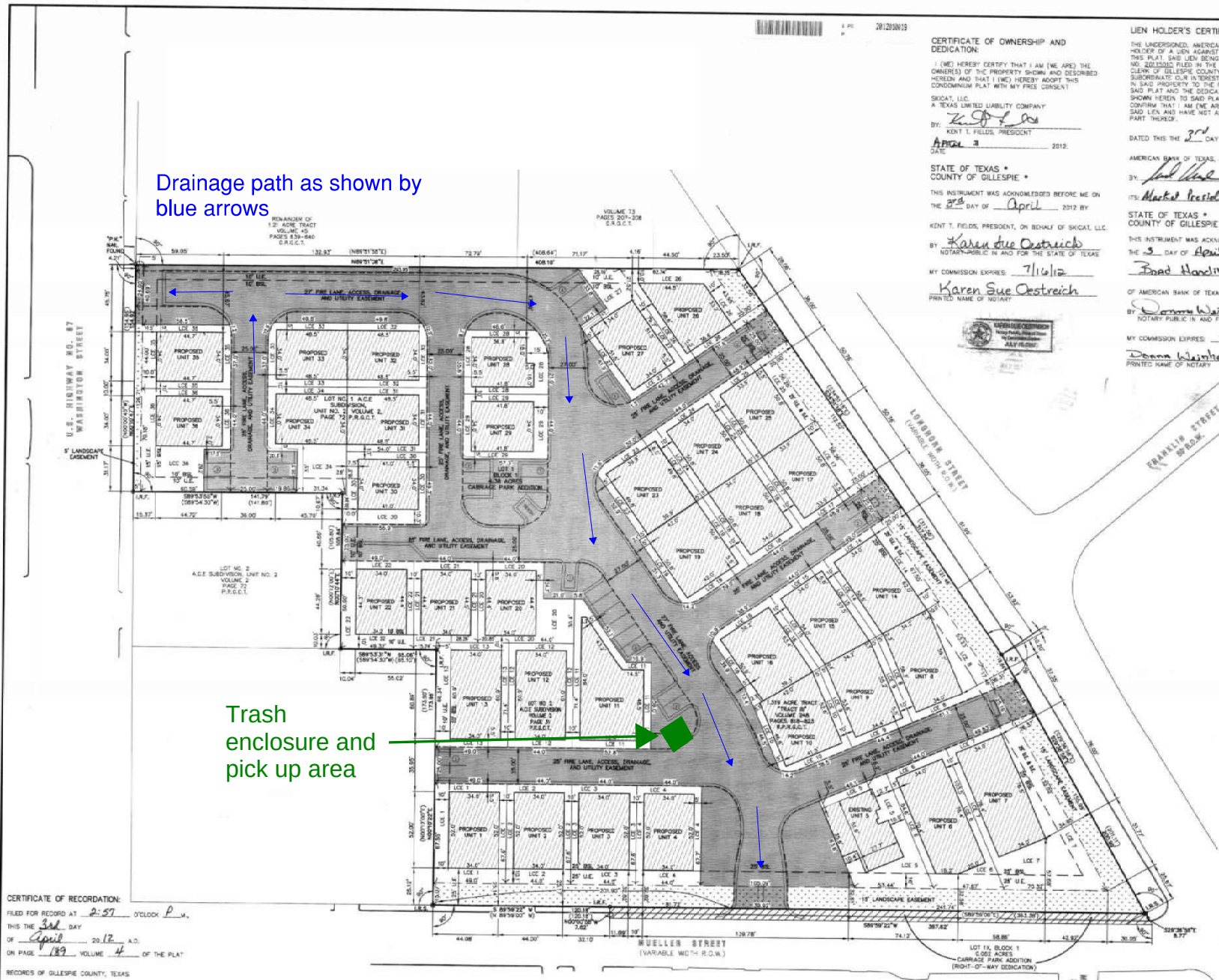


Created by:



Drainage path as shown by blue arrows

Trash enclosure and pick up area



CERTIFICATE OF OWNERSHIP AND DEDICATION:
I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I (WE) HEREBY ADOPT THIS CONDOMINIUM PLAT WITH MY FREE CONSENT.
SKICAT, LLC
A TEXAS LIMITED LIABILITY COMPANY
BY: Kent T. Fields
KENT T. FIELDS, PRESIDENT
DATE: April 3 2012
STATE OF TEXAS *
COUNTY OF GILLESPIE *
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 3rd DAY OF April, 2012 BY
KENT T. FIELDS, PRESIDENT, ON BEHALF OF SKICAT, LLC.
BY: Karen Sue Oestreich
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: 7/16/12
Karen Sue Oestreich
PRINTED NAME OF NOTARY

LIEN HOLDER'S CERTIFICATE:
THE UNDERSIGNED, AMERICAN BANK OF TEXAS, N.A., HOLDER OF A LIEN AGAINST THE PROPERTY SHOWN ON THIS PLAT, SAID LIEN BEING EVIDENCED BY INSTRUMENT NO. 201200189 FILED IN THE OFFICE OF THE COUNTY CLERK OF GILLESPIE COUNTY, TEXAS, DO HEREBY SUBMIT HEREIN TO THE OFFICE OF THE COUNTY CLERK OF GILLESPIE COUNTY, TEXAS, AND EFFECTS OF SAID PLAT AND THE DEDICATIONS AND RESTRICTIONS SHOWN HEREIN TO SAID PLAT. FURTHER, I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE PRESENT OWNER(S) OF SAID LIEN AND HAVE NOT ASSIGNED THE SAME NOR ANY PART THEREOF.
DATED THIS 3rd DAY OF April, 2012.
AMERICAN BANK OF TEXAS, N.A.
BY: Paul Hine
ITS Market President
STATE OF TEXAS *
COUNTY OF GILLESPIE *
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 3rd DAY OF April, 2012 BY
Paul Hine IN BEHALF
OF AMERICAN BANK OF TEXAS, N.A.
BY: Deanna Wainheimer
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: 7-26-13
Deanna Wainheimer
PRINTED NAME OF NOTARY

LEGEND

- EXISTING PROPERTY LINE
- EXISTING SPO
- BUILDING TRACK LINE
- DRAINAGE EASEMENT
- UTILITY EASEMENT
- FIRE LANE, ACCESS, DRAINAGE AND UTILITY EASEMENT
- COMMON AREA
- UNITED COMMON ELEMENTS WITH UNIT NUMBER BEING SERVED
- LANDSCAPE EASEMENT
- PROPOSED UNIT

SURVEYOR NOTES:

- REFER TO RECORDED SUBDIVISION PLAT VOLUME 4, PAGE 85 FOR THE 25' FIRE LANE, ACCESS, DRAINAGE, AND UTILITY EASEMENT.
- ALL UNITS ARE PROPOSED FOR CONSTRUCTION AND ARE DEEMED "MUST BE BUILT".

CERTIFICATE OF RECORDATION:
FILED FOR RECORD AT 2:57 O'CLOCK P.M.
ON THE 3rd DAY
OF April, 2012, A.D.
ON PAGE 189, VOLUME 4 OF THE PLAT
RECORDS OF GILLESPIE COUNTY, TEXAS
Mary Lynn Roush DEPUTY
CLERK, COUNTY CLERK, GILLESPIE COUNTY, TEXAS

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Mary Lynn Roush
County Clerk
311 Dallas County, Texas
Notary Seal: 02-02-12 02:57:42 PM
P. 0106.01
201200189

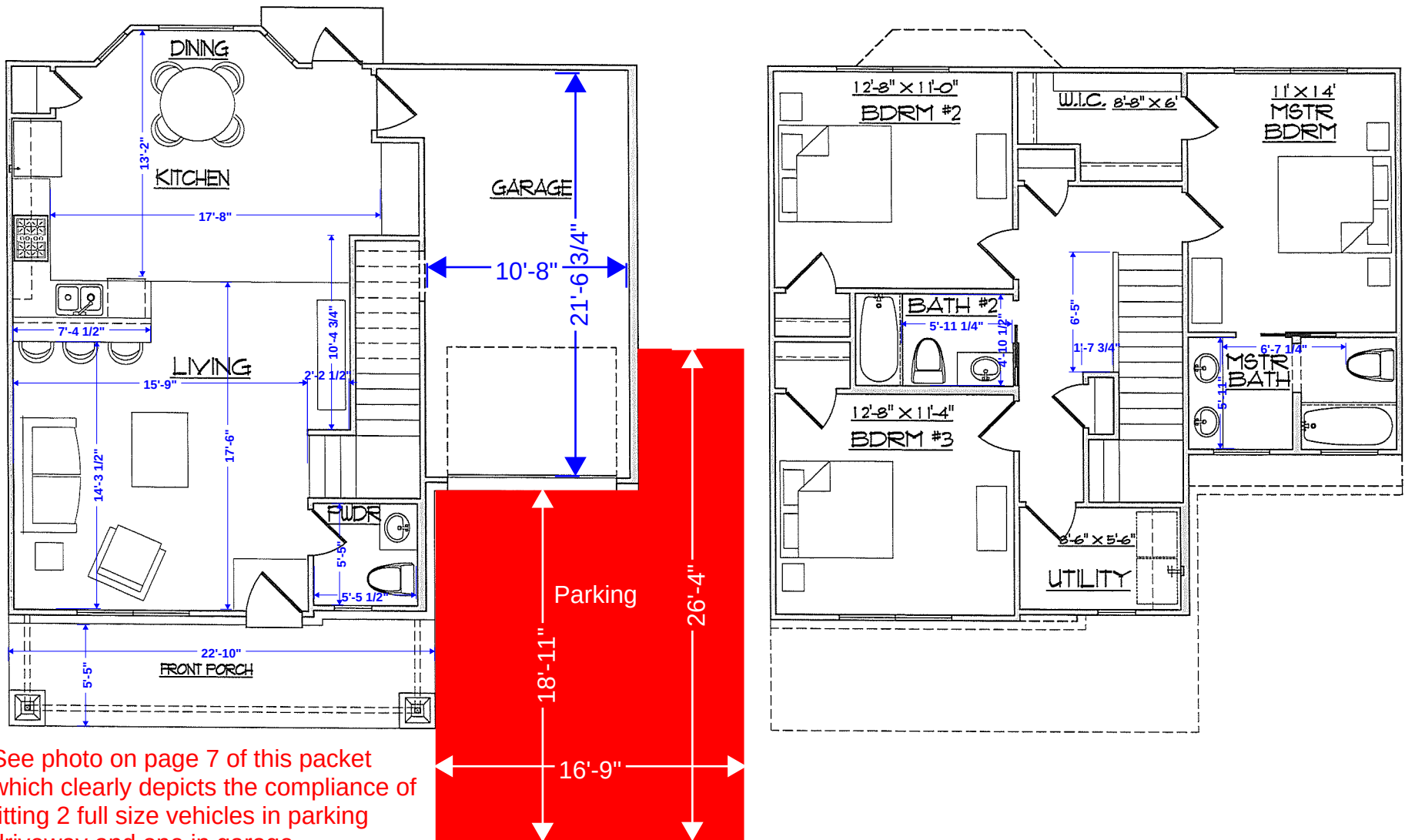
CONDOMINIUM SURVEY FOR
CARRIAGE PARK CONDOMINIUMS
LOT 1, BLOCK 1
CARRIAGE PARK ADDITION
VOL. 4, PAGE 85, PLAT BEING
GILLESPIE COUNTY, TEXAS

SKICAT, LLC
CONTACT: KENT FIELDS
117 SANDFORD LANE
KINGSBURG, TEXAS 76748
(800) 785-3079

VORDENBAUM ENGINEERING, INC.
CONTACT: KYLE W. SPANGLER
207-E L. HENRY ST.
FREDERICKSBURG, TX 77824
(502) 987-4741
FAX: (502) 987-1907

OWNER
ENGINEER
FILE NO: 11102
SHEET: FP (1 of 1)
DATE: 3/23/12

Interior Floor plan layout - 510 Mueller Street Unit 33



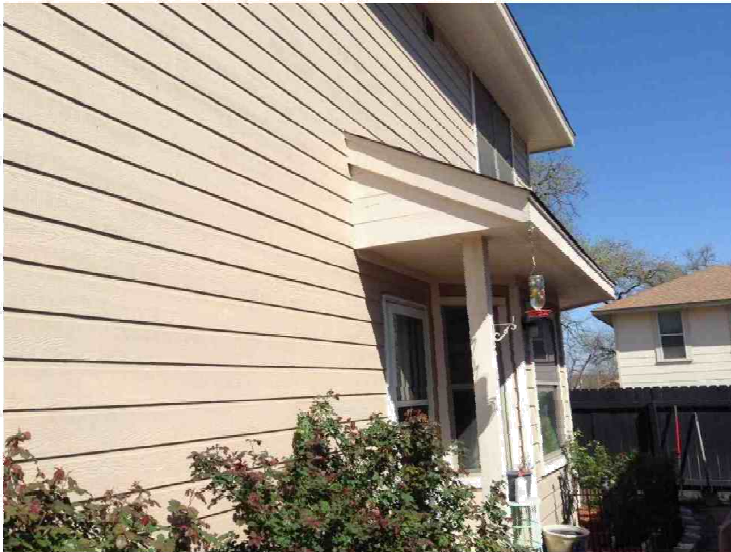
See photo on page 7 of this packet which clearly depicts the compliance of fitting 2 full size vehicles in parking driveway and one in garage.

Subject Photo Page

Borrower	Theresa Guertler				
Property Address	510 Mueller St Lot 33				
City	Fredericksburg	County	Gillespie	State	TX Zip Code 78624
Lender/Client	Canopy Mortgage, LLC				

**WEST VIEW
Subject Front**

510 Mueller St Lot 33
 Sales Price 334,950
 Gross Living Area 1,573
 Total Rooms 6
 Total Bedrooms 3
 Total Bathrooms 2.1
 Location N;Res;
 View N;Res;
 Site 1649 sf
 Quality Q3
 Age 5

**Subject Rear
EAST VIEW****Subject Street**

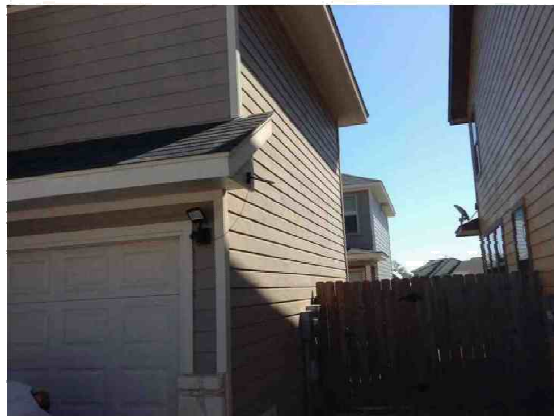
Streets are 25' wide or
 wider throughout
 neighborhood. Per Texas
 State Law, 25' is adequate
 for all emergency vehicle
 access.

Photograph Addendum

Borrower	Theresa Guertler				
Property Address	510 Mueller St Lot 33				
City	Fredericksburg	County	Gillespie	State	TX
Zip Code	78624				
Lender/Client	Canopy Mortgage, LLC				



Side view
NORTH VIEW



Side view
SOUTH VIEW



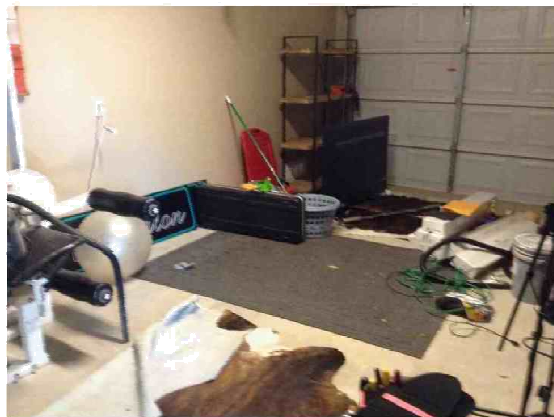
Patio
At back of home and fenced in



Kitchen



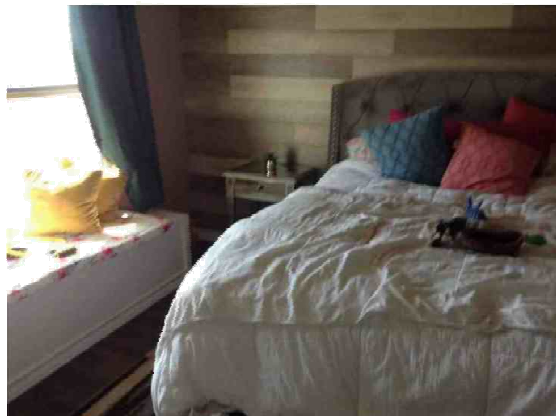
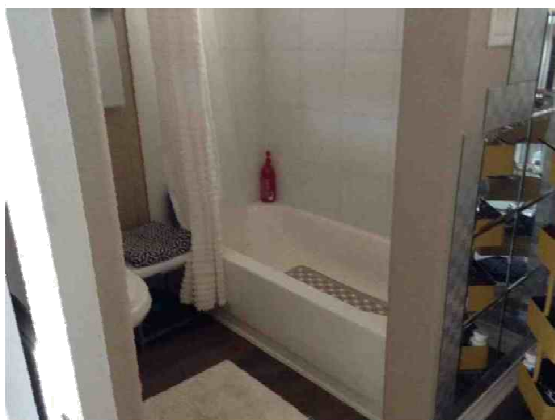
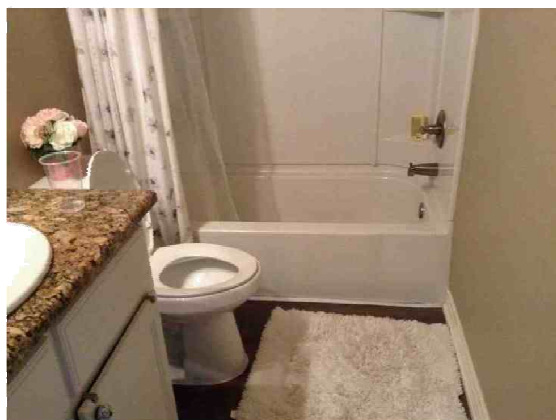
Bath



Garage interior

Photograph Addendum

Borrower	Theresa Guertler				
Property Address	510 Mueller St Lot 33				
City	Fredericksburg	County	Gillespie	State	TX Zip Code 78624
Lender/Client	Canopy Mortgage, LLC				

**Half bath****Bedroom****Bath****Bath****Laundry****Bedroom**

Photograph Addendum

Borrower	Theresa Guertler				
Property Address	510 Mueller St Lot 33				
City	Fredericksburg	County	Gillespie	State	TX Zip Code 78624
Lender/Client	Canopy Mortgage, LLC				

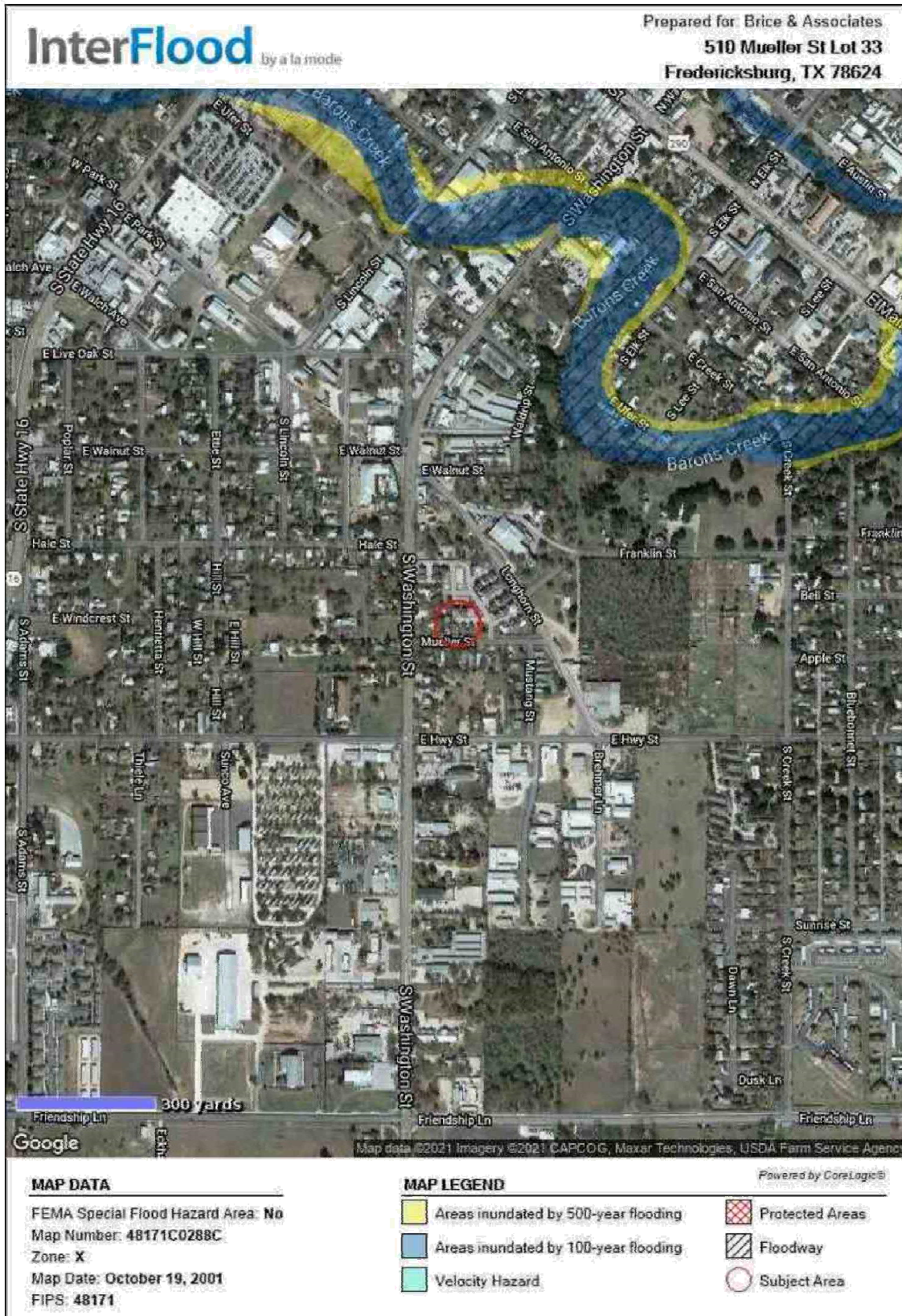
**Bedroom**

**PHOTO CLEARLY SHOWS ABILITY TO PARK 3 VEHICLES
AT THIS HOME. 2 IN DRIVEWAY, 1 IN GARAGE.**

Flood Map

Borrower	Theresa Guertler				
Property Address	510 Mueller St Lot 33				
City	Fredericksburg	County	Gillespie	State	TX
Lender/Client	Canopy Mortgage, LLC			Zip Code	78624

Not located in 100 year flood plain.





Overflow parking shown throughout neighborhood. 25 spaces total open for use

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

On Thu, Jul 7, 2022 at 1:13 PM
Sierra Valdez
<sierra@hillcountryhomeowners.com> wrote:

Hi Tracie,

Thank you for contacting us.
Short-term rentals are allowed in
Carriage Park.

Thank you,

Sierra Valdez

Associate Community Manager

Hill Country Homeowners
Association Management



September 12, 2023

Theresa Guettler

theresa@guettler@academymortgage.com

RE: Z-2308, Review Comments for Site Plan/Conditional Use Permit Review for a STR-Condominium located at 510 Mueller #33.

Dear Mrs. Guettler,

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

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

- The Site Plan/Conditional Use Permit requires Planning and Zoning consideration, tentatively scheduled for October 4, 2023, and City Council approval on October 17th.
- Provide a note regarding all exterior lighting shall be night sky compliant. [Article XV- Outdoor Lighting - Site Plan Checklist](#)
- Please correct the lot area note which reads 1,649 sq ft. GCAD shows it to be 2,396 sq ft.
- Please verify the location of trash and trash collection.
- Please provide interior floor plans to determine density. [Sec. 3.210](#)
- Please update the Zoning Summary to include Density Calculations. [Sec. 3.210](#)
- Please update CUP Narrative with specific responses to each of the review and evaluation criteria noted in [Sec.5.460](#). This will be used by the Planning and Zoning Commission and City Council to make their determination.
- Please update the Zoning Summary to include Parking Calculations (STR-Condominium) and dimension all parking spaces to show compliance with [Sec. 7.863](#)
- Each parking space should be clearly dimensioned. A parking space is traditionally measured at 9.5 x 18. [Sec. 7.863](#)

The City of Fredericksburg

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

- Please address the proposed solution for parking, noise, and traffic concerns in this neighborhood. Staff have received several concerns regarding parking and traffic from neighboring property owners in the form of complaints and as part of a previous CUP request from a neighboring property owner.

Please return the revised plans along with your written response as to how the comments have been addressed by Tuesday, September 19th to ensure consideration by the Planning & Zoning Commission on Wednesday, October 4th.

**Shelby
Collier**

Digitally signed by Shelby Collier
DN: cn=Shelby Collier, o=City of
Fredericksburg, ou,
email=scollier@fbgtx.org, c=US
Date: 2023.09.12 16:29:50 -05'00'

Shelby Collier, Associate Planner
Development Review Committee (DRC)

The City of Fredericksburg

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

CUP Narrative - 510 Mueller Street, Unit 33, Fredericksburg, TX 78624

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

I, Theresa Guettler, have correctly and completely to the best of my knowledge provided the necessary information to the City of Fredericksburg for the approval of my STR/CUP application for my home located at 510 Mueller Street, Unit 33, Fredericksburg, TX 78624. All items on the Site Plan/Conditional Use Permit Checklist have been achieved and shown in the enclosed packet. Furthermore, any information that may be necessary I can provide as soon as possible once I am notified. I have gone through great lengths to provide a home for use as a STR that will improve the neighborhood in which it is located and as an experienced property manager I will ensure my guests are held to a standard that will satisfy both the neighborhood, but also the City of Fredericksburg as a whole. As to the items listed on Sec. 5.460, Please see the next page on addressing all of the topics listed. I look forward to hearing back and I am confident the review will provide approval for me to move forward with my STR property.

Thank you,

Theresa Guettler

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

William Petmecky
409 E August
Fredericksburg, TX 78624

Mark & Ann Witcher
975 Jenschke Ln
Fredericksburg, TX 78624

Kerry Kordzik
7286 Threadgill Creek Rd
Doss, TX 78618

Robbie Steitle
508 Longhorn
Fredericksburg, TX 78624

Carriage Park Homes LLC
931 Georg Oaks
Bulverde, TX 78163

Tom & Jan Miller
19459 RR 479
Harper, TX 78631

Patricia Sanchez
9323 Tifton Dr
San Antonio, TX 78240

Joseph Rodriguez & Willie Rodrigo
1516 Poppy Seed Ln
Austin, TX 78741

Xiomara Navedo & Francisco Resto
510 Mueller #36
Fredericksburg, TX 78624

Marion & Tania Roberts
11201 Solitry Fawn Tr
Austin, TX 78735

Scott Horton
4611 Travis St Apt 802 A
Dallas, TX 75205

Michelle Patterson
510 Mueller #21
Fredericksburg, TX 78624

Halo 2019 LLC
8 W Ledge Stone Dr
Fredericksburg, TX 78624

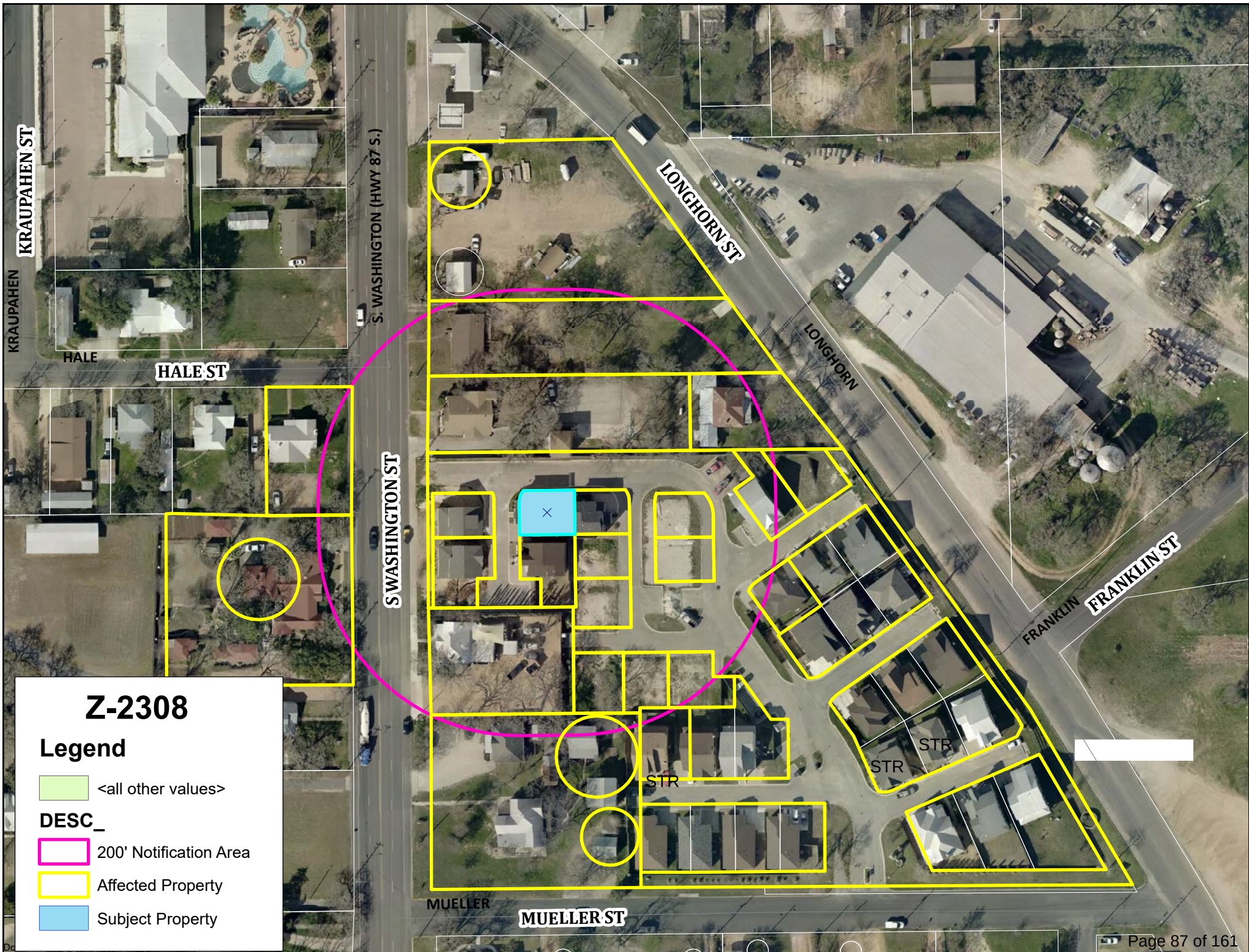
Kathryn Harrison
8 W Ledge Stone Dr
Fredericksburg, TX 78624

John & Marin Abante
1842 Upland Lakes Dr
Houston, TX 77043

604 S Washington LLC
2208 Rimrock Dr
Austin, TX 78738

Stay Local Fred LLC
321 Hale
Fredericksburg, TX 78624

Z-2308



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

Thank you for copying me on this correspondence.

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

Have a blessed day!

City Logo



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

Shelby Collier/ Associate Planner/ City of Fredericksburg

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

From:

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

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

Subject: Mueller air bnb

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

woman's lucrative renting project?

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

[Sent from Yahoo Mail for iPhone](#)

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

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



From: >

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

To: Shelby Collier <scollier@fbgtx.org>

Subject: 510 Mueller Lot

To whom it may concern:

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



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: Conditional Use Permit

Project Address: 510 Mueller #33, Fredericksburg 78624

Tax ID Number (s): 453-47-1133

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: S0336 - CARRIAGE PARK

Legal Description: CARRIAGE PARK LOT 33, & 2.78% INT IN COMMON /

Current Land Use Plan: second home Proposed Land Use Plan: N/A

Current Zoning: R3 & C2 Proposed Zoning: N/A

Location: 510 Mueller #33

Proposed Use(s): short term rental & second home

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: [Signature]
Printed Name: THOMAS GUEHLER Date: 2.20.23

Staff Use Only Application No.: Z-2308 Date: 08/10/23

*Copy of current Title Search required with application.

CK# 582 \$400



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: Theresa Guettler

Address: 203 Nueces Drive, Portland, TX 78374

Phone: 361-229-1176

Fax: N/A

Email: theresa.guettler@academymortgage.com

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

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

N/A

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): Theresa Guettler

Address: 203 Nueces Drive, Portland, TX 78374

Phone: 361-229-1176

Fax:

Email: theresa.guettler@academymortgage.com

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

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

N/A

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.



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
MEETING DATE: October 4, 2023

CATEGORY: PUBLIC HEARING

CAPTION: Request #Z-2320: By Amelia Zesch to Consider a Conditional Use Permit to Operate a STR-Unoccupied in a R2 Zoned Area located in the Historic District on Property located at 407 W. San Antonio St.

- i. Presentation by applicant
- ii. Staff Report
- iii. Hold a Public Hearing to receive comments for or against the request
- iv. Take action on the Conditional Use Permit request

PRESENTATION:

SUMMARY:

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 407 W. San Antonio Street.

BACKGROUND:

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 407 W. San Antonio Street. The property is a traditional Sunday House, constructed in 1904, that has operated as a STR for 16 years by the current owners.

The applicant requests approval for a 1-bedroom unit that consists of a 2-story building that is 1,220 sq ft and provides 1 parking spot onsite via a 10' driveway on W. San Antonio. This property previously had a STR-Nonconforming permit that expired on June 6, 2021. Due to Zoning changes that went into effect on April 1, 2022 the applicant must now request a Conditional Use Permit (CUP) to operate as a STR-Unoccupied per Sec. 3.100 of the Zoning Ordinance. The applicant is compliant with HOT remittance and has no record of violations.

Public notification, including letters being sent to property owners within 200 feet, resulted in no responses.

Zoning: R2, Mixed Residential [Sec. 3.110](#)

Site Area: 6,655 sq ft.

Occupancy: The occupancy for the unit would be 4. (2 per bedroom plus 2) [Sec. 5.401](#)

Parking: 1 space provided with 1 required. (1 parking space per bedroom) [Sec. 7.863](#)

Heights: Two-Story (2.5 Stories/28' Max) [Sec. 3.110](#)

Screening: Screening along the perimeter of the property is required per [Sec. 7.940](#) and is provided, as is screening of the trash per [Sec. 7.980](#).

[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. The criteria and review are as follows:

Conditional Use Permit criteria:

1. Conformance with applicable regulations and standards established by the Zoning Regulations. - *met*
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features. - *met*
3. Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use. - *no negative impacts foreseen. The property has operated as a STR for 16 years without problems.*
4. Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect public health, safety, morals and general welfare. *no variance required*
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area. *The surrounding uses are similar and generate the expected amount of traffic. The requested use will not increase the current traffic in the area.*
6. Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts. -*no new impacts.*
7. Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties. - *no adverse impact*
8. Adequacy and convenience of off-street parking and loading facilities. - *parking meets code requirements*
9. Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.- *met*
10. Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations. - *met*
11. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity. - *of the 19 properties that were noticed, 9 are STRS. The requested use is compatible with the other uses in the vicinity.*
12. Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area. - *no conditions proposed.*
13. Determination that the proposed use, together with the conditions applicable thereto, will not be

detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. *The STR use not be detrimental to public health safety*

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION: Staff finds the majority of the properties in this neighborhood operate as STR's. In addition, this property had previously operated as a STR for 16 years without a complaint and given the small size of the unit and its limited occupancy of four. Staff recommends approval conditioned upon the following:

1. Review/inspection and approval of a STR Permit Application and payment of applicable fees.

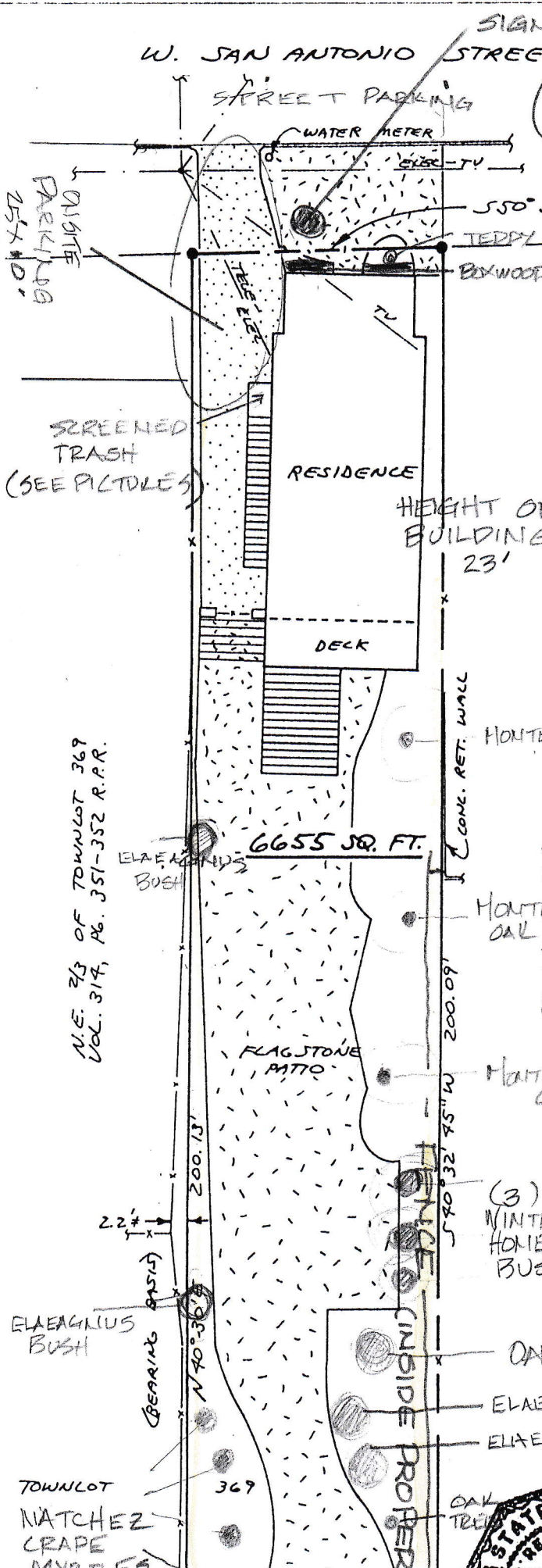
COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. Z-2320 Site Plan
2. Z-2320 CUP Narrative
3. Z-2320 Review Comments
4. Z-2320 Image looking East
5. Z-2320 Image looking West
6. Z-2320 Mailing Labels
7. Z-2320 Public Hearing Map
8. Z-2320 Project Application

APPROVAL/REVIEW:



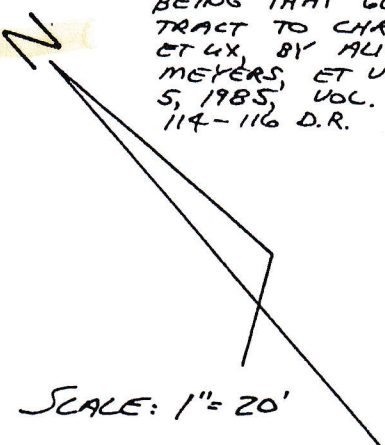
SIGN (SEE PICTURES)

[Signature]

2-19-04

SURVEY MAP SHOWING
6655 SQUARE FEET OF LAND
SITUATED IN THE CITY OF
FREDERICKSBURG, TEXAS, BEING THE S.E.
1/3 OF TOWNLOT NO. 369 AS SAID
TOWNLOT IS SHOWN ON THE MAP
OF FREDERICKSBURG, TEXAS, AND
ENVIRONS BY THE GERMAN EMIGRATION
COMPANY.
SURVEY MADE AT THE REQUEST OF
JOSEPH COX

BEING THAT 6666 SQ. FT.
TRACT TO CHAS WARD,
ET UX, BY ALICE BAKER
MEYERS, ET VIR, AUGUST
5, 1985, VOL. 169, PG.
114-116 D.R.



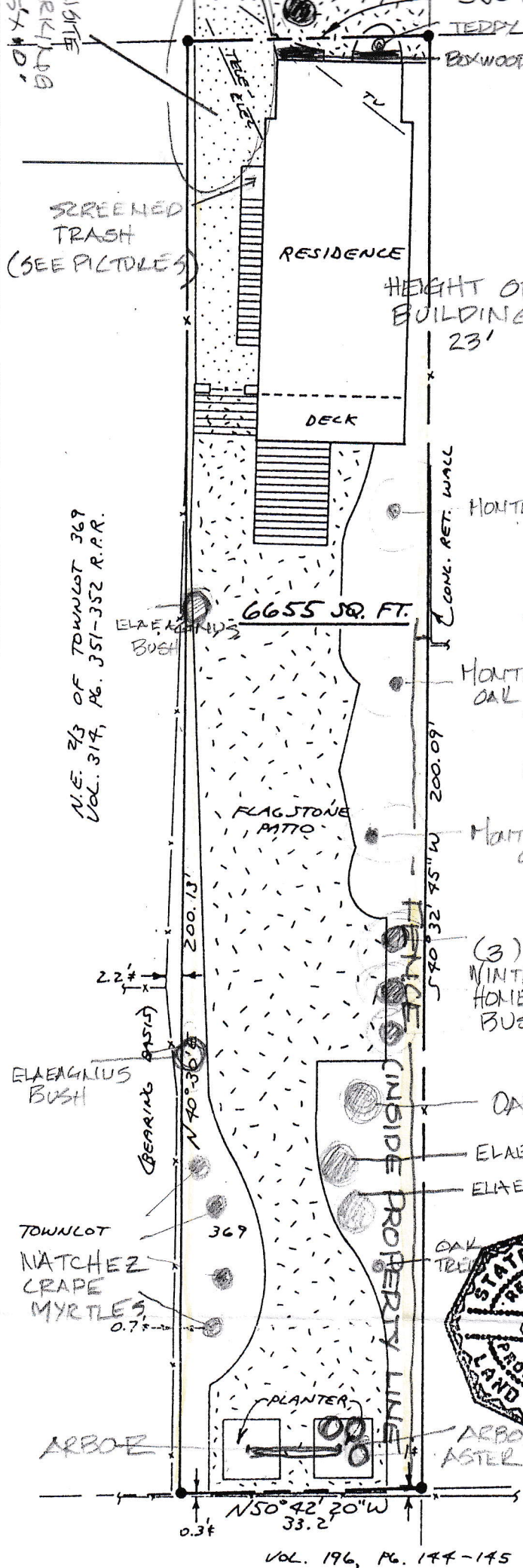
LEGEND:
• 1/2" Ø STEEL BAR FOUND

THIS TRACT OF LAND IS NOT SHOWN
WITHIN A 100-YEAR FLOOD BOUNDARY
ON COMMUNITY-MAP NO. 480252 0002B,
DATED MAY 19, 1981.

EASEMENTS AND RESTRICTIONS AS PER
HILL COUNTRY TITLES, INC., COMMITMENT
FOR TITLE INSURANCE, G.F. NO. 98-082:

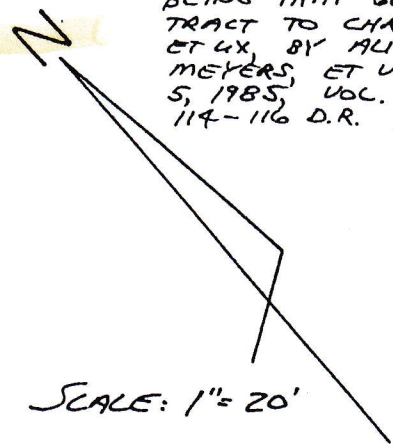
(3)
WINTER
HONEY SUCKLE NONE
BUSHES

BORROWER/ ADDRESS:
JOSEPH R COX AND
CHARLENE W. COX
407 W. SAN ANTONIO STREET
FREDERICKSBURG, TEXAS 78624



SURVEY MAP SHOWING
6655 SQUARE FEET OF LAND
SITUATED IN THE CITY OF
FREDERICKSBURG, TEXAS, BEING THE S.E.
1/3 OF TOWNLOT NO. 369 AS SAID
TOWNLOT IS SHOWN ON THE MAP
OF FREDERICKSBURG, TEXAS, AND
ENVIRONS BY THE GERMAN EMIGRATION
COMPANY.
SURVEY MADE AT THE REQUEST OF
JOSEPH COX

BEING THAT 6666 SQ. FT.
TRACT TO CHRIS WARD,
ET AL, BY ALICE BAKER
MEYERS, ET VIR, AUGUST
5, 1985, VOL. 169, PG.
114-116 D.R.



SCALE: 1" = 20'

LEGEND:

- 1/2" Ø STEEL BAR FOUND

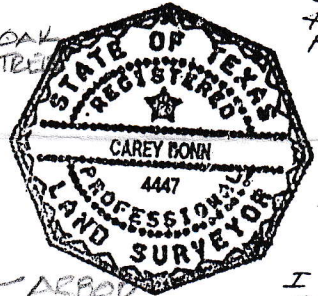
THIS TRACT OF LAND IS NOT SHOWN
WITHIN A 100-YEAR FLOOD BOUNDARY
ON COMMUNITY-MAP NO. 480252 0002B,
DATED MAY 19, 1981.

EASEMENTS AND RESTRICTIONS AS PER
HILL COUNTRY TITLES, INC., COMMITMENT
FOR TITLE INSURANCE, G.R. NO. 98-082:

(3)
WINTER
HONEY SUCKLE NONE
BUSHES

BORROWER/ADDRESS:

JOSEPH R. COX AND
CHARLENE W. COX
407 W. SAN ANTONIO STREET
FREDERICKSBURG, TEXAS 78624



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.

Brief Description of Proposed Use

The proposed use of the property at 407 West San Antonio Street is a one-bedroom unoccupied short-term rental (STR) for two to four guests. The building is a historical Sunday house, constructed around 1904. The current owners previously used the property as an STR for approximately sixteen years, and no changes to the property are proposed.

CUP Narrative, Section 5.460 Criteria:

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

The property has remained in conformance with zoning regulations and standards since it was purchased by one of the current owners in 2004. To the best of the owners' recollection, we have received one fine for water usage (due to a malfunction of the sprinkler system) and one warning for leaving the trash bin out, but no other citation from the City of Fredericksburg or other public entity has been issued.

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.

The height of the historical Sunday house is approximately 23 feet, consistent with the other historical two-story properties on the block. The adjacent houses on each side and the houses directly across San Antonio Street are also used as STRs, so the use of our property as an STR is compatible with the existing and permitted uses of neighboring properties. The scale, setbacks, landscaping, site development and access are all detailed in other narrative descriptions, drawings and exhibits included in this application.

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.

No unfavorable effects or impacts are anticipated. The current owners previously operated the property as an STR for about sixteen years with no complaints.

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.

The owners do not anticipate that either variances or modifications to the site plan will be necessary to conform to applicable current regulations.

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.

During the approximately sixteen years that this property was previously used as an STR, our guests have rarely arrived in more than one vehicle. The impact on traffic and pedestrian safety has been minimal and is expected to remain so.

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

To the owners' knowledge, no injury to any persons or property from any of these factors has occurred since the house was constructed around 1904. The direction of the drainage is shown on another exhibit.

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

The single stone sign on the property, which measures 15 by 26 inches, is pictured elsewhere in this application. It is not lighted and is set at ground level in the flagstone entryway. No adverse effects on adjacent properties are anticipated, and no complaints have been received about the existing signage.

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

The off-street parking, which is described in another section of this application, is conveniently located adjacent to the house. There are no 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.

To the owners' knowledge, use of the property as an STR is consistent with the objectives and purposes of R-2 zoning.

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

The specific provisions of the zoning regulations applicable to STRs are addressed elsewhere in the narrative and exhibits.

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.

As mentioned above, the neighboring properties are also used as STRs.

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.

No conditions to minimize unfavorable impacts and ensure compatibility were imposed when this property previously operated as an STR, and no such conditions are anticipated in connection with this application.

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 use is not expected to be detrimental to any persons or properties. Rather, the use of a historical Sunday house as an STR in a neighborhood with several other STRs would appear to be consistent with the purposes of the zoning regulations of the City of Fredericksburg.



September 12, 2023

Amelia Zesch
ameliabrockbanner@gmail.com

RE: Z-2320, Review Comments for Site Plan/Conditional Use Permit Review for a STR-Unoccupied located at 407 W. San Antonio St.

Dear Mrs. Zesch,

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

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

- The Site Plan/Conditional Use Permit requires Planning and Zoning consideration, tentatively scheduled for October 4, 2023, and City Council approval on October 17th.
- Provide a note regarding all exterior lighting shall by night sky compliant. [Article XV- Outdoor Lighting - Site Plan Checklist](#)
- Please verify the location of trash and trash collection.
- Please provide a zoning summary that summarizes the development standards based on the zoning of the property (R2) [Site Plan Checklist Sec. 3.120](#)
- Please provide interior floor plans to determine density. [Sec. 3.120](#)
- Please update the Zoning Summary to include Density Calculations. [Sec. 3.120](#)
- Provide drainage flow arrows to ensure historical drainage patterns are maintained and adjacent and downstream properties are not adversely impacted.
- Please update CUP Narrative with specific responses to each of the review and evaluation criteria noted in [Sec.5.460](#). This will be used by the Planning and Zoning Commission and City Council to make their determination.
- Please update the Zoning Summary to include Parking Calculations (STR-Unoccupied) and dimension all parking spaces to show compliance with [Sec. 7.863](#)

The City of Fredericksburg

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

- Each parking space should be clearly dimensioned.
- Landscaping and Screen are required per [Sec. 7.920](#) & [Sec. 7.940](#)

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

Please return the revised plans along with your written response as to how the comments have been addressed by Tuesday, September 19th to ensure consideration by the Planning & Zoning Commission on Wednesday, October 4th.

**Shelby
Collier**

Digitally signed by Shelby Collier
DN: cn=Shelby Collier, o=City of
Fredericksburg, ou,
email=scollier@fbgtx.org, c=US
Date: 2023.09.12 13:28:37 -05'00'

Shelby Collier, Associate Planner
Development Review Committee (DRC)

The City of Fredericksburg

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



Front of 407 W. San Antonio Street looking East.



Front of 407 W. San Antonio Street looking West.

MJTJ Investments LP
815 W Main
Fredericksburg, TX 78624

Knopp & Metzger Inc
P.O. Box 426
Fredericksburg, TX 78624

Cutter & Judith Wagley
317 Sidney Baker St
Suite 400-321
Kerrville, TX 78028

Peggy Metzger
401 W San Antonio
Fredericksburg, TX 78624

JJ Brazos Inc
108 E Bagdad Ave
Ste 100
Round Rock, TX 78664

Damon & Karen Borich
1810 Kenwood Ave
Austin, TX 78704

Bobby & Patrice Odom
203 Rainbow Dr – 10395
Livingston, TX 77399

Michael & Margaret Gillespie
415 W San Antonio
Fredericksburg, TX 78624

Curtis & Betty Jung
416 W Creek
Fredericksburg, TX 78624

Charles & Gina Enderlin
709 W San Antonio
Fredericksburg, TX 78624

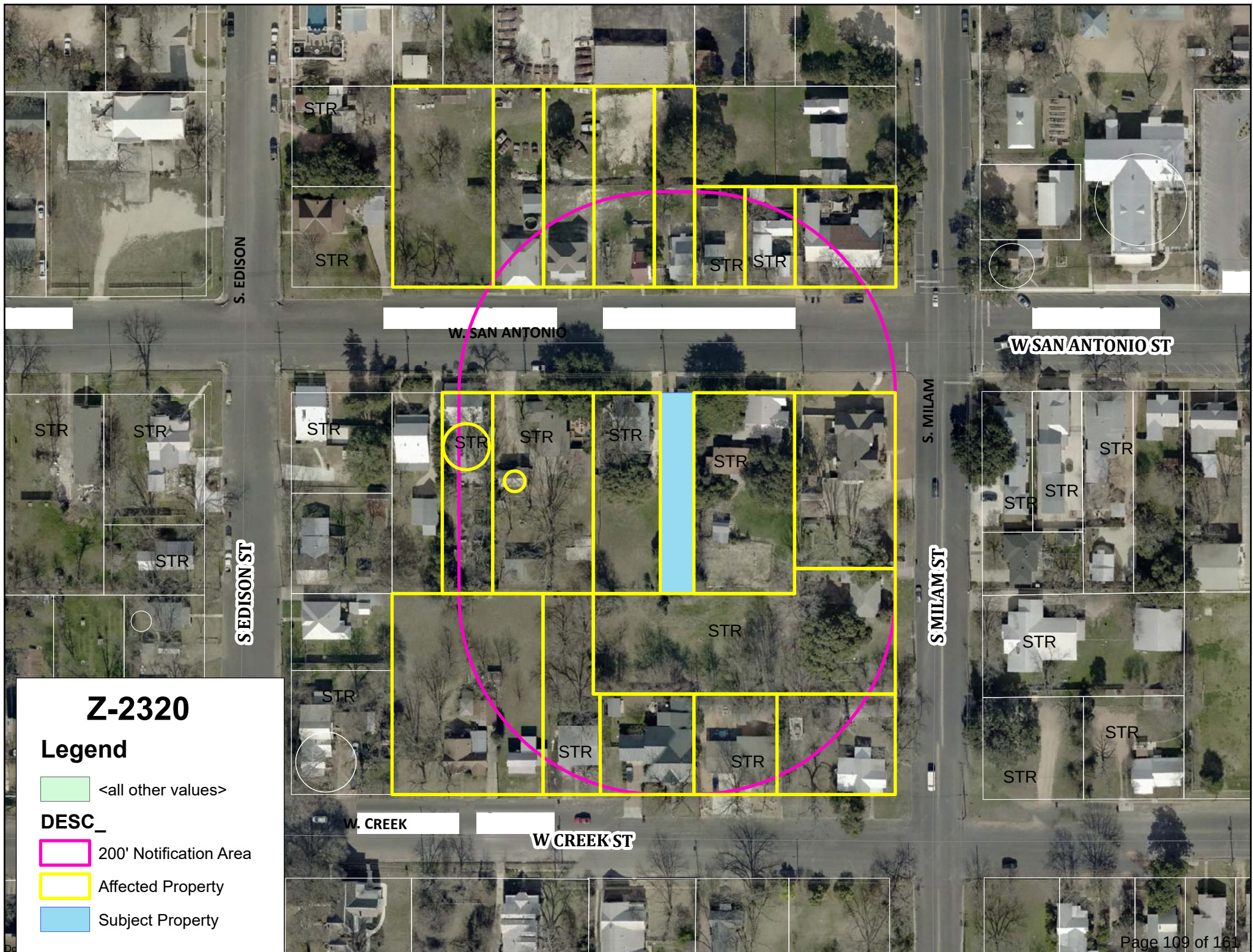
Mindy & Daniel Curran
408 W Creek
Fredericksburg, TX 78624

Creek Street Properties LLC
110 Avenida Del Sol
San Antonio, TX 78232

Edward & Barbara Smith
402 W Creek St
Fredericksburg, TX 78624

Courtney Estenson
155 Airport Rd
Fredericksburg, TX 78624

Z-2320 – 407 W San Antonio



Z-2320

Legend

 <all other values>

DESC_

 200' Notification Area

 Affected Property

 Subject Property



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: FLAGSTONE SUNDAY HOUSE

Project Address: 407 W. SAN ANTONIO ST.

Tax ID Number (s): 467-23-3292

Application Type (Check all items that apply.)

☒ Conditional Use Permit

☐ Land Use Plan Change

☐ Zoning Change

☐ Annexation*

☐ Minor Plat*

☐ Replat*

☐ Amending Plat*

☐ Preliminary Plat*

☐ Final Plat*

☐ Site Plan

☐ Entry Corridor Design

☐ Civil Construction Plans

Jurisdiction: ☒ City Limits ☐ ETJ

Total Acres:

No. of Lots: 1

0.655 SQ. FT.

Original Survey & Abstract No: TOWN LOT 369, FBG. ADD., BLOCK 20

Legal Description: SOUTHEAST 1/3 OF TOWN LOT NO. 369

Current Land Use Plan:

Proposed Land Use Plan:

Current Zoning: R2

Proposed Zoning:

Location: 407 W. SAN ANTONIO ST.

Proposed Use(s): SHORT TERM RENTAL

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: Amelia Bruck Zesch

Printed Name: AMELIA BRUCK ZESCH Date: 25 AUG. 2023

Staff Use Only

Application No.: _____ Date: _____

*Copy of current Title Search required with application.



Project Application

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

B. Contact Information (Please complete all items.)

I. Property Owners

Firm Name (if applicable):

Owner Name: *AMELIA + SCOTT ZESCH*

Address: *886 KORN PASTURE RD, MASON, TX 76856*

Phone: *325-347-2276* Fax:

Email:

amelia Brock banner@gmail.com

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

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

(N/A)

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone:

Fax:

Email:

Secondary Contact Name:

Phone:

Fax:

Email:

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.



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
MEETING DATE: October 4, 2023

CATEGORY: ACTION ITEMS

CAPTION: Request #P-2311: By Michael Penick to Condiser the Preliminary Plat Review for the Penick Subdivision located at Friendship Ln and Holmig Ln.

PRESENTATION:

SUMMARY:

A Preliminary Plat application has been submitted for the Prospect Addition which consists of approximately 39 acres and has a mix of zonings. The subject property is located on the corner of Friendship Ln and Holmig.

BACKGROUND:

This property previously obtained Preliminary Plat approval on February 9, 2022, (P-2201) as part of the Prospect and Carbon Apartment project. The owners of the remaining portions of the property would like to further subdivide the remaining land, resulting in a need to obtain a new Preliminary Plat.

The Plat was reviewed for its conformity with Sec. 3.200, Sec. 3.120, Sec. 3.100 of the Zoning Ordinance and Sec. 4 of the Subdivision Ordinance.

Zoning: Lots 4, 5 and 6 are zoned C1, Neighborhood Commercial
Lot 2 is zoned R3, Mixed Residential
Lot3 is zoned R1, Single-Family Residential

Tract Size: Approximately 39 Acres

Number of Lots: 6 Lots

Pedestrian Circulation: A Sidewalk is required along Friendship Lane and has been installed for Lots 1 & 2 but will also be needed for lot 6.

Roadways: No new roadways are proposed as part of this plat.

Utilities: Utility connections are shown to utilities that are currently under construction. Public services will not be available until utilities have been fully constructed, tested, and accepted by City staff.

Easements: Standard easements such as sight visibility, utility and drainage and fire lane. All easements must be in accordance with the City Subdivision Ordinance.

Construction Plans: The Prospect and Carbon Projects have obtained Civil Construction Plan approval. The further development of lots 3 - 6 will require Civil Construction Plan approval.

Stormwater Detention: was addressed as part of the Civil Construction Plan review for lots 1 & 2. Further development of lots 3 - 6 will require Civil Construction Plan Approval and review of Stormwater Detention.

Park Dedication: The applicants shall pay parkland dedication fees (full rate) based on the overall density of the development at \$500.00 per new lot for a total of \$3,000.00

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION: The Preliminary Plat as presented meets the minimum requirements per the Zoning and Subdivision Ordinance. Staff recommends approval conditioned upon the following:

1. Extension of Sidewalk along Friendship Ln for Lot 6.
2. Approved Final Plat
3. Payment of Park Dedication fees prior to recordation of the Final Plat.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. P-2311 Revised Plat
2. P-2311 Response to Comments
3. P-2311 Project Application
4. P-2311 Response to Comments via Email

APPROVAL/REVIEW:

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF GILLESPIE §

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

PENICK FAMILY LIMITED PARTNERSHIP ET AL
141 EAST MAIN STREET
FREDERICKSBURG, TX 78624

DATE: _____

BY: _____
NAME: MICHAEL PENICK
TITLE: _____

STATE OF _____ §
COUNTY OF _____ §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE ABOVE-NAMED PERSON, KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE IS AUTHORIZED TO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2023.

NOTARY PUBLIC

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF GILLESPIE §

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

FREDERICKSBURG MF, LP, A TEXAS LIMITED PARTNERSHIP
17125 DALLAS PARKWAY, SUITE 101
DALLAS, TX 75248

DATE: _____

BY: _____
NAME: _____
TITLE: _____

STATE OF _____ §
COUNTY OF _____ §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE ABOVE-NAMED PERSON, KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE IS AUTHORIZED TO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2023.

NOTARY PUBLIC

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF GILLESPIE §

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WOODLAND COTTAGES FREDERICKSBURG, LP, A TEXAS LIMITED PARTNERSHIP
17125 DALLAS PARKWAY, SUITE 101
DALLAS, TX 75248

DATE: _____

BY: _____
NAME: _____
TITLE: _____

STATE OF _____ §
COUNTY OF _____ §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE ABOVE-NAMED PERSON, KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE IS AUTHORIZED TO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2023.

NOTARY PUBLIC

CERTIFICATE OF SURVEYOR

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

JEFF BOERNER, TX REGISTRATION # 4939
REGISTERED PROFESSIONAL LAND SURVEYOR

DATE

STATE OF _____ §
COUNTY OF _____ §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE ABOVE-NAMED PERSON, KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE IS AUTHORIZED TO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2023.

NOTARY PUBLIC

CERTIFICATE OF FINAL PLAT APPROVAL

(for final plats with required public improvements installed after approval)

Chairman, Planning and Zoning Commission _____ Date _____
Commission, City of Fredericksburg, Texas

The undersigned, the City Secretary of the City of Fredericksburg, Texas, hereby certifies that the foregoing final plat defined herein was submitted to the Planning and Zoning Commission on the _____ day of _____, 2023 and the Commission, by formal action, then and there accepted the Final Plat and hereby authorizes the developer to proceed with the construction of public works improvements and infrastructure as indicated on the accompanying construction plans and said Commission further authorizes the Chairman of the Planning and Zoning Commission to note the acceptance thereof by signing his/her name as hereinafter subscribed.

Witness by hand this the _____ day of _____, 2023.

City Secretary
City of Fredericksburg

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF GILLESPIE §

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

PATII PENICK
315 W CENTRE STREET
FREDERICKSBURG, TX 78624

DATE: _____, 2023

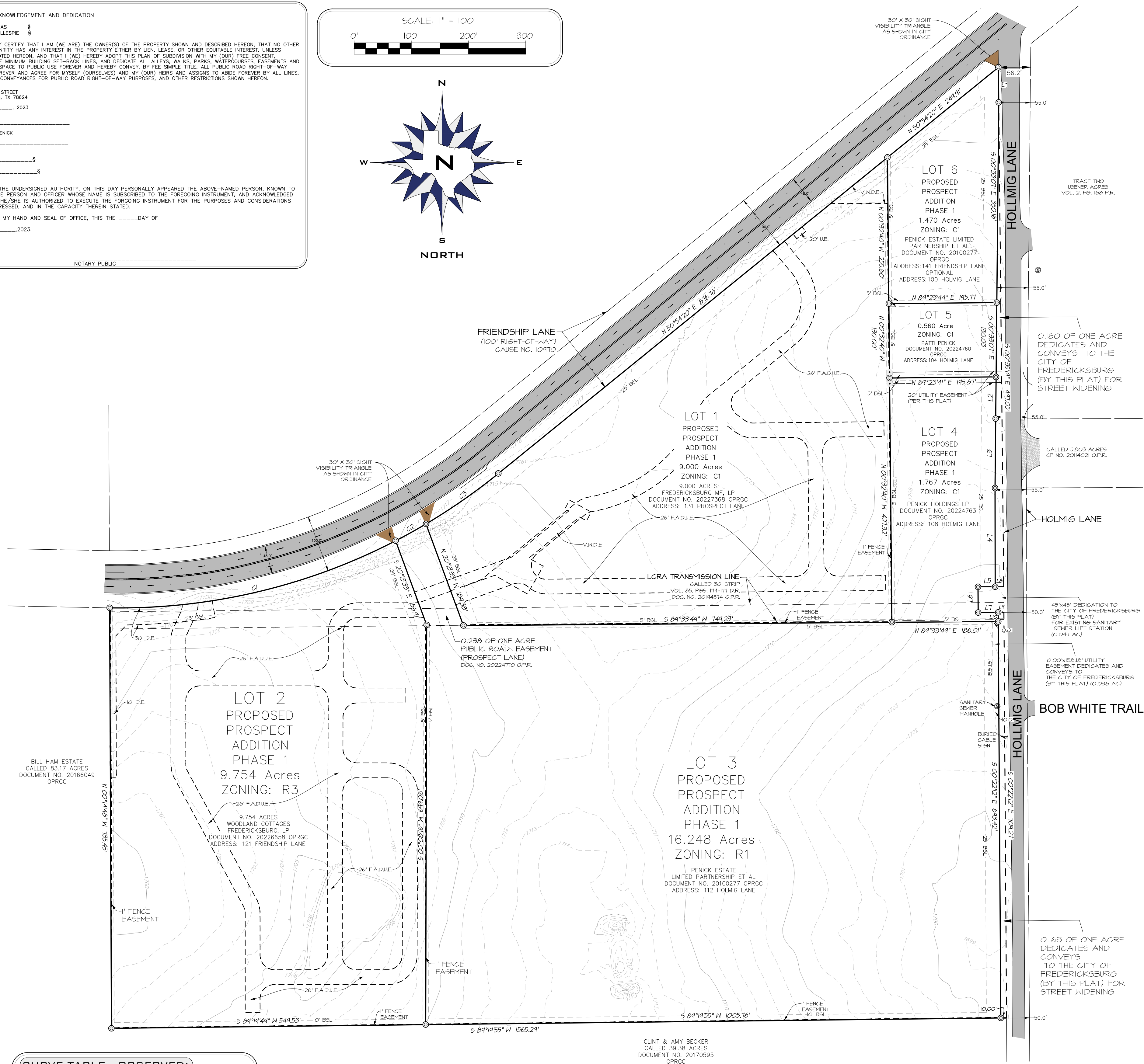
BY: _____
NAME: PATII PENICK
TITLE: _____

STATE OF _____ §
COUNTY OF _____ §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE ABOVE-NAMED PERSON, KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/SHE IS AUTHORIZED TO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 2023.

NOTARY PUBLIC



CURVE TABLE - OBSERVED:

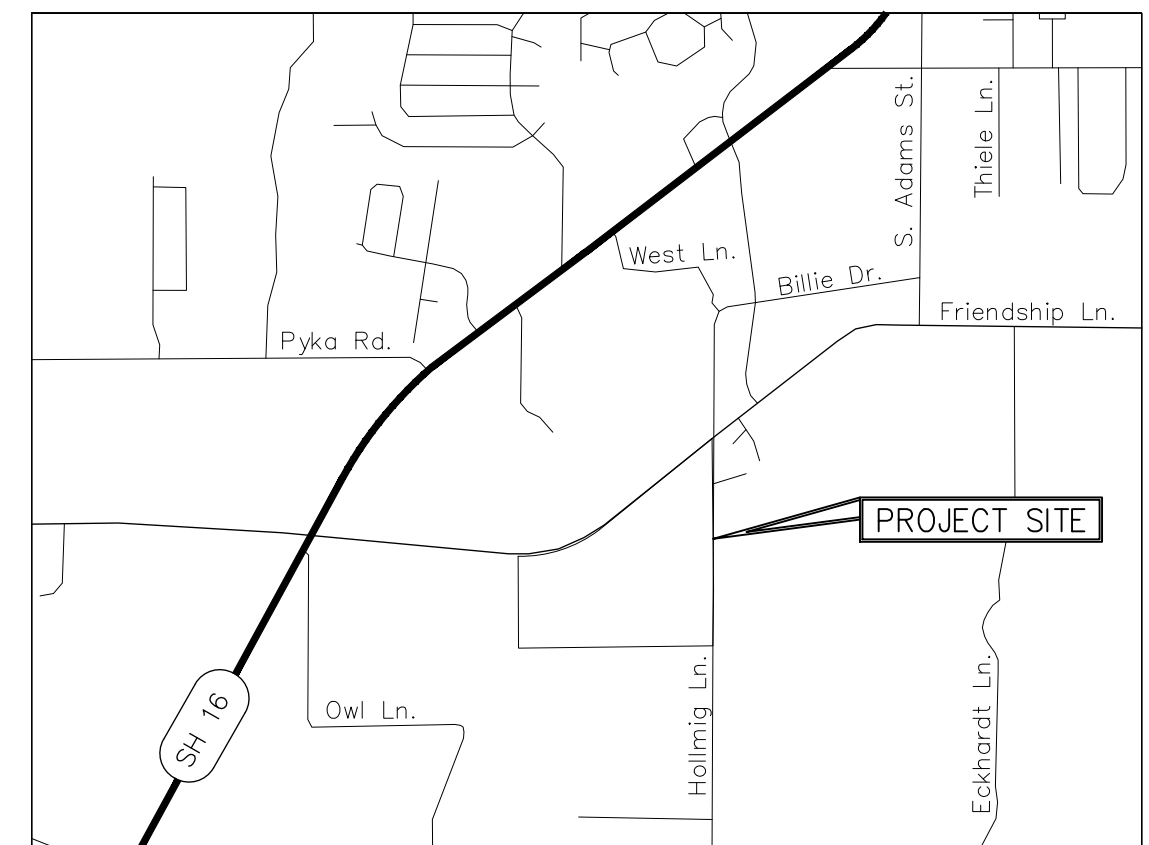
CURVE	RADIUS	AL	CL	CB	DELTA
C1	1044.94'	58.43'	53.66'	N 16°48'00" E	28°14'06"
C2	1044.94'	60.12'	60.11'	N 62°19'03" E	3°19'44"
C3	1044.94'	54.35'	54.21'	N 55°06'51" E	8°25'22"

LINE TABLE - OBSERVED:

LINE	BEARING	DISTANCE
L1	S 00°35'14" E	61.24'
L2	S 00°35'01" W	12.48'
L3	S 00°35'01" W	12.52'
L4	S 00°05'14" E	112.54'
L5	S 84°40'11" N	30.06'
L6	S 00°25'30" E	45.00'
L7	N 84°40'11" E	35.00'
L8	S 84°40'11" E	14.54'
L9	N 84°40'11" E	10.00'
L10	S 00°22'12" E	15.81'

NOTES:

- BASIS OF BEARING WAS ESTABLISHED FROM TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83 (12). CONTOURS BASED ON NAVD 88.
- APPARENT UTILITIES WERE LOCATED AND NO ATTEMPT HAS BEEN MADE AS A PART OF THIS BOUNDARY SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL / PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.
- THE DEVELOPER DEDICATES THE SANITARY SEWER & WATER MAINS UPON COMPLETION BY THE DEVELOPER AND ACCEPTANCE BY THE CITY OF FREDERICKSBURG. THE CITY OF FREDERICKSBURG WILL OWN AND MAINTAIN WITHIN TWO (2) YEARS OF ACCEPTANCE OF SAID SEWER & WATER MAINS LOCATED WITHIN THIS SUBDIVISION PLAT.
- DAMAGE BY ANY UTILITY COMPANY TO ANY STRUCTURES, FENCES, WALLS, OR LANDSCAPING OF ANY KIND PLACED WITHIN THE LIMITS OF THE EASEMENTS SHOWN ON THIS PLAT WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. NO LANDSCAPING OR OTHER MODIFICATIONS ALTERING THE CROSS-SECTIONS OF DRAINAGE EASEMENTS ARE ALLOWED WITHOUT APPROVAL BY THE CITY OF FREDERICKSBURG. THE CITY OF FREDERICKSBURG SHALL HAVE THE RIGHT TO REQUIRE THE PROPERTY OWNERS TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE PRIVATE DRAINAGE EASEMENTS AND THE RIGHT TO REQUIRE THE PROPERTY OWNERS MAKE MODIFICATIONS OR IMPROVEMENTS WITHIN THE EASEMENTS FOR PUBLIC WELFARE.
- DRAINAGE EASEMENTS ARE TO BE MAINTAINED BY PROPERTY OWNERS AND ACCESS TO BE GIVEN TO DEVELOPER OR AUTHORIZED PERSONS FOR ANY ADDITIONAL CONSTRUCTION, MAINTENANCE, OR REPAIR OF ANY STRUCTURE WITHIN ANY DRAINAGE EASEMENT.
- NO ONE SHALL INTERFERE WITH ANY NATURAL DRAINAGE PATTERN OR CONSTRUCTED DRAINAGE SYSTEM ESTABLISHED BY THE DEVELOPMENT BY ALTERING ANY SLOPES, CONSTRUCTING OR DESTROYING ANY RETAINING WALL OR OBSTRUCTING OR CHANGING THE CONTOUR OF ANY CHANNEL, SWALE, OR EMBANKMENT, OR TAKING ANY OTHER ACTION WHICH WILL OR IS LIKELY TO RETARD, CHANGE, OR INTERFERE WITH DRAINAGE OR CREATE EROSION WITHIN THIS AREA.
- EIGHT (8') FOOT PRIVACY SCREENING REQUIRED ON LOTS ADJACENT TO RESIDENTIAL ZONING DISTRICTS (PER CITY OF FREDERICKSBURG ZONING ORDINANCE, SECTION 7.940).
- ANY NECESSARY IMPROVEMENTS OR RIGHT OF WAY DEDICATION FOR ANY LOT COMPLY WITH CITY DESIGN STANDARDS FOR THEIR FRONTAGE WILL OCCUR AT THE TIME THAT LOT DEVELOPS OF FURTHER SUBDIVIDES AND WILL BE THE RESPONSIBILITY OF THE LOT'S OWNER.
- THE PUBLIC ROAD EASEMENT DEDICATED HEREIN SHOWN AS PROSPECT LANE SHALL ALSO SERVE AS A PUBLIC UTILITY EASEMENT AND A DRAINAGE EASEMENT. THE LOT OWNERS MAY FENCE THE PORTION(S) OF THE PUBLIC ROAD EASEMENT LOCATED WITHIN THE BOUNDARY OF THEIR LOT UNTIL SUCH TIME THE CITY ELECTS TO EXTEND THE STREET(S). AT SUCH TIME, THE CITY HAS NO OBLIGATION TO REBUILD ANY FENCES REMOVED FROM THE PUBLIC ROAD EASEMENT.



LOCATION MAP

NOT TO SCALE

SIGHT VISIBILITY RESTRICTION:
NO STRUCTURE, OBJECT, OR PLANT OF ANY TYPE MAY OBSTRUCT VISION FROM A HEIGHT OF TWENTY-FOUR (24) INCHES TO A HEIGHT OF TEN (10) FEET ABOVE THE TOP OF THE CURB, INCLUDING, BUT NOT LIMITED TO BUILDINGS, FENCES, WALKS, SIGNS, TREES, SHRUBS, CARS, TRUCKS, ETC., IN THE SIGHT VISIBILITY EASEMENT AS SHOWN ON THE PLAT. THESE SIGHT VISIBILITY EASEMENTS WILL REMAIN IN EFFECT UNTIL VACATED BY ORDINANCE ADOPTED BY THE CITY COUNCIL AND THE PROPERTY REPLACED.

MONUMENT SYMBOLS

- 2" IRON ROD FOUND W/ "MDS" CAP
- 60D NAIL FOUND

LINE LEGEND

- ADJOINER LINE
- BOUNDARY LINE
- BUILDING SETBACK LINE
- EASEMENT LINE
- SURVEY LINE

V.W.D.E. VARIABLE WIDTH DRAINAGE EASEMENT

F.A.D.U.E. FIRE LANE, ACCESS, DRAINAGE AND UTILITY EASEMENT

UTILITY LEGEND

- SANITARY SEWER MANHOLE

CITY OF FREDERICKSBURG FILE NO. P-2311

PRELIMINARY PLAT

PROSPECT ADDITION
PHASE 2

a 39.178 acres located in the George Debrant Survey No. 42, Abstract No. 180, Gillespie County, Texas and being a portion of Tract 5, the remaining portion of a called 65 acre tract, recorded in Document No. 20100277, Official Public Records of Gillespie County, Texas.

CERTIFICATE OF RECORDATION

FILED FOR RECORD AT _____ O'CLOCK _____ M.,

THIS THE _____ DAY

OF _____, 2023, A.D. ON

PAGE _____ VOLUME _____ OF THE PLAT

RECORDS OF GILLESPIE COUNTY, TEXAS.

_____, DEPUTY

CLERK, COUNTY COURT, GILLESPIE COUNTY, TEXAS

MDS LAND SURVEYING
COMPANY, INC.

ALTA | BOUNDARY | CONSTRUCTION | OIL & GAS | TOPOGRAPHIC

TEXAS BOARD OF PROFESSIONAL LAND SURVEYING REGISTRATION NO. 00780600
874 HARPER ROAD, SUITE 104 • KERRVILLE, TX 78028 • 830-816-1818

JOB NO. 23-075-00 SURVEYORS: JB/XX SHEET 1 OF 1



August 9, 2023

Jeff Boerner
MDS Land Surveying Company, Inc
jboerner@mds-surveying.com

RE: P-2311 – Preliminary Plat for the Prospect Addition located at Friednship Ln and Holmig Rd.

Dear Mr. Boerner,

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

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

- The Preliminary Plat application will require Planning and Zoning Approval tentatively scheduled for Wednesday, September 6 at 5:30 PM.
- Modify the Note located on the Plat regarding Final Plat. It should read Preliminary Plat. (changed)
- Add Project Number, P-2311, to Plat. (added)
- Please correct the Zoning for Lot 1, 6, 5, and 4. The zoning is listed as R3 and should be C1. (changed)
- Please add addressing to the lots. Corner lots may plan for an address on either street. (added)
- A Parkland dedication fee of \$500.00 per lot (\$3,000.00) must be paid prior to recordation of the plat. [Sec. 6.15 – Subdivision Ordinance.](#) (advised Mr. Penick)
- Water and Sewer Tap fees (\$2,525.00 per lot) are required for the creation of the new lots 3-6 for a total of \$10,100.00. Required to be paid prior to recordation of the Plat. [Sec. 6.16 – Subdivision Ordinance](#) (advised Mr. Penick)

The City of Fredericksburg

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

- Please correct sight triangles to run 30 feet down the curbs of public road intersections and included note as shown in the City's subdivision ordinance. (added)
- The Prospect Lane easement should be noted as a public road easement. (added)
- Please revise note 8: "Any necessary improvements or right of way dedication necessary for any lot comply with City design standards for their frontage will occur at the time that lot develops or further subdivides and will be the responsibility of the lot's owner." (changed)
- Please dedicate a 10-foot utility easement for the portion of gravity sewer main running from Bob White to the existing lift station. (added)

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.

Shelby Collier
Digitally signed by Shelby Collier
 DN: cn=Shelby Collier, o=City of Fredericksburg, ou,
 email=scollier@fbgtx.org, c=US
 Date: 2023.08.09 08:38:22 -05'00'

Shelby Collier
 Associate Planner
 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: **Prospect Addition**

Project Address: **Friendship/Holmig**

Tax ID Number (s): **188564, 188565, 11773, 188567, 188566, 11773**

Application Type (Check all items that apply.)

- | | | |
|---|---|---|
| ☐ Conditional Use Permit | ☐ Minor Plat* | ☐ Site Plan |
| ☐ Land Use Plan Change | ☐ Replat* | ☐ Entry Corridor Design |
| ☐ Zoning Change | ☐ Amending Plat* | ☐ Civil Construction Plans |
| ☐ Annexation* | ☒ Preliminary Plat* | |
| | ☒ Final Plat* | |

Jurisdiction: ☒ City Limits ☐ ETJ Total Acres: **39.178 AC** No. of Lots: **6**

Original Survey & Abstract No: **George Debrant S-42, A-180**

Legal Description: **a 39.178 acres located in the George Debrant Survey No. 42, Abstract No. 180, Gillespie County, Texas and being a portion of Tract 5, the remaining portion of a called 65 acre tract, recorded in Document No. 20100277, Official Public Records of Gillespie County, Texas**

Current Land Use Plan: **R1, Apartments, unknown**

Proposed Land Use Plan: **unknown**

Current Zoning: **R3, R1, and C1**

Proposed Zoning: **R3, R1, and C1**

Location: **Friendship/Holmig**

Proposed Use(s):

Applicant's Signature

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

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

Signature: 

Printed Name: **Jeff Boerner** Date: **07-17-2023**

Staff Use Only

Application No.: **P-2311** Date: _____

*Copy of current Title Search required with application.

CH# 30802 **\$1560.00**



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.)

I. Property Owners

Firm Name (if applicable): Penick Estate Limited Partnership

Owner Name: Michael Penick

Address: 141 East Main Street, Fredericksburg, Texas 78624

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): MDS Land Surveying Company, Inc.

Address: 874 Harper Road No. 104, Kerrville, Texas 78028

Primary Contact Name: Jeff Boerner

Phone: 830-816-1818

Fax:

Email: jboerner@mds-surveying.com

Secondary Contact Name: Audrey Boerner

Phone: 830-816-1818

Fax:

Email: audrey@mds-surveying.com

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

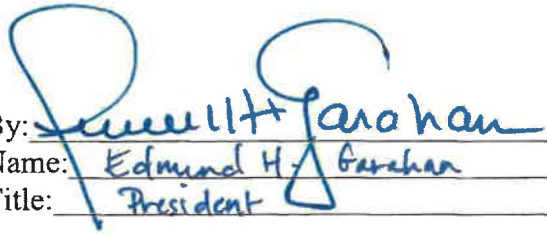
For plats, a recording fee will be collected when mylars are presented. The check should be made payable to Gillespie County Clerk and the recording fees are \$121.00 plus \$10.00 per lot.

Signature Page to Project Application

FREDERICKSBURG MF, LP, a Texas
limited partnership

By: Fredericksburg MF GP, LP, a Texas limited
partnership, its general partner

By: Foursome Fredericksburg MF GP, LLC, a
Texas limited liability company, its general
partner

By: 
Name: Edmund H. Garahan
Title: President

Signature Page to Project Application

WOODLAND COTTAGES FREDERICKSBURG,
LP, a Delaware limited partnership

By: WC Fredericksburg GP, LP, a Texas
Limited partnership, its general partner

By: Foursome WC Fredericksburg GP, LLC, a
Texas limited liability company, its general partner

By: 
Name: Edmund H. Garahan
Title: President

Signature Page to Project Application

PENICK HOLDINGS, LP, a Texas
Limited Partnership

By: Patricia E. Penick
PATRICIA E. PENICK, General Partner

By: Michael R. Penick
MICHAEL R. PENICK, General Partner

ESTATE OF JOHN PENICK, DECEASED

By: Michael Penick
MICHAEL PENICK, Independent
Executor

Patti D. Penick
PATTI D. PENICK

Signature Page to Project Application

PENICK ESTATE LIMITED
PARTNERSHIP, a Texas Limited
Partnership

By: J.R. PENICK, LLC-1, a Texas
Limited Liability Company, General
Partner

By: 

KATHERINE PENICK READING,
Co-Manager

Signature Page to Project Application

PENICK ESTATE LIMITED
PARTNERSHIP, a Texas Limited
Partnership

By J.R. PENICK, LLC-1, a Texas
Limited Liability Company, General
Partner

By 
SARAH PENICK BELL,
Co-Manager

Sent from my iPhone

From: [Audrey Boerner](#)
To: [Shelby Collier](#); [Jeff Boerner](#)
Cc: [Carroll Bryla](#); [Evan Williamson](#); [Jeff Boerner](#)
Subject: RE: Prospect Response
Date: Sunday, September 10, 2023 11:41:31 PM

Good morning Shelby,

Thank you. Jeff will work on this and get back with you if he has any questions.

Have a peaceful morning.

Respectfully,

Audrey Boerner

Audrey@mds-surveying.com



874 Harper Rd # 104, Kerrville, TX 78028

Office 830.816.1818 Cell 830.928.4477

TXBPLS Firm Registration No. 10019600

Surveying the Texas Hill Country since 1993

From: Shelby Collier <scollier@fbgtx.org>
Sent: Friday, September 8, 2023 1:54 PM
To: Jeff Boerner <jboerner@mds-surveying.com>
Cc: Audrey Boerner <Audrey@mds-surveying.com>; Carroll Bryla <cbryla@hotmail.com>; Evan Williamson <ewilliamson@fbgtx.org>
Subject: RE: Prospect Response

Good afternoon,

Please see attached redlined version of the plat for your review.

The corrections requested include the numbering of the lots, the acreage of the individual lots, the address on Prospect Ln (the lot should have a Holmig Ln address), and the visibility triangles.

Please feel free to contact me if you have any questions.

Have a blessed day!



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

Shelby Collier/ Associate Planner/ City of Fredericksburg

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

[We want your input! Please take the final community survey.](#)

From: Shelby Collier

Sent: Friday, September 8, 2023 10:01 AM

To: Jeff Boerner <jboerner@mds-surveying.com>

Cc: Audrey Boerner <Audrey@mds-surveying.com>; Carroll Bryla <cbryla@hotmail.com>; Evan Williamson <ewilliamson@fbgtx.org>

Subject: RE: Prospect Response

Good morning Jeff and Audrey,

I wanted to follow up regarding the need for a corrected Plat and an update the September 6th P&Z Meeting.

I had called last week and discussed the administrative errors surrounding the Plat, such as the incorrect lot numbers and acreage calculations, and requested an updated copy. Staff did recommend approval of the Plat conditioned upon those corrections, however, P&Z was not comfortable approving the plat with those conditions and denied the application at the September 6th meeting.

Staff is working on preparing a redlined version of the plat to send to you so that it may be corrected and resubmitted to P&Z in October. I hope to send that to you before the end of day today.

Please feel free to contact me if you have any questions.

Have a blessed and happy Friday!



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

Shelby Collier/ Associate Planner/ City of Fredericksburg

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

[We want your input! Please take the final community survey.](#)

From: Shelby Collier

Sent: Monday, August 21, 2023 1:21 PM

To: Jeff Boerner <Jboerner@mds-surveying.com>

Cc: Audrey Boerner <Audrey@mds-surveying.com>; Carroll Bryla <cbryla@hotmail.com>

Subject: RE: Prospect Response

Thank you Jeff!

Staff will review the revisions and provide a recommendation to the P&Z Commission which will be provided to you on Friday, September 1st.

Have a blessed day!



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

Shelby Collier/ Associate Planner/ City of Fredericksburg

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

[Learn more about our Development process](#)

From: Jeff Boerner <Jboerner@mds-surveying.com>

Sent: Monday, August 21, 2023 10:41 AM

To: Shelby Collier <scollier@fbgtx.org>

Subject: Prospect Response

Shelby

Thanks For your help

My addresses are a complete guess

Jeff



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
MEETING DATE: October 4, 2023

CATEGORY: ACTION ITEMS

CAPTION: Request #P-2322: By Josh Leamons to Consider the Final Plat Review for the Woodcrest Addition located at 210 Woodcrest.

PRESENTATION:

SUMMARY:

A Final Plat Application has been submitted for the Woodcrest Addition located at 210 Woodcrest. The property is zoned R1, Single Family Residential, and consists of approximately 2.75 Acres and is proposing a 9 lot subdivision.

BACKGROUND:

This property previously obtained Preliminary Plat approval on March 8, 2023 (P-2303) and recently obtained conditional approval of Civil Construction Plans.

The Plat was reviewed for its conformity with **Sec. 3.100** of the Zoning Ordinance and **Sec. 4** of the Subdivision Ordinance.

Zoning: R1, Single-Family Residential **Sec. 3.100**

Tract Size: Approximately 2.75 Acres

Number of Lots: 9 Lots

Pedestrian Circulation: No sidewalks are planned as part of this subdivision.

Roadways: No new roadways are proposed as part of this plat. Lots 1 - 4 will have frontage on Catholic Cemetery Rd, lots 4 - 6 will have frontage on West Travis Street and Lots 6 - 9 will have frontage on Woodcrest Street. The City of Fredericksburg is currently working with Gillespie County in an attempt to annex Catholic Cemetery Rd, which currently belongs to Gillespie County.

Utilities: Utility connections are shown to utilities that are currently under construction. Public services will not be available until utilities have been fully constructed, tested, and accepted by City staff.

Easements: Standard easements such as sight visibility, utility and drainage. All easements must be

in accordance with the City Subdivision Ordinance.

Construction Plans: Plans were approved on August 23, 2023 with conditions that will be met prior to recordation of the Final Plat.

Stormwater Detention: was addressed as part of the Civil Construction Plan review.

Park Dedication: The applicants shall pay parkland dedication fees (full rate) based on the overall density of the development at \$500.00 per new lot for a total of \$4,500.00

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

The Final Plat as proposed is in compliance with all applicable ordinances and codes and, if approved, would be the final step in the Plat process as the project has already obtained Preliminary Plat approval as well as Civil Construction Plan Approval.

Staff recommends approval conditioned upon payment of Park Dedication fees prior to recordation of the Final Plat.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. P-2322 Revised Plat
2. P-2322 Review Comments
3. P-2322 Response to Comments
4. P-2322 Project Application

APPROVAL/REVIEW:



CERTIFICATE OF COMPLETION, ACCEPTANCE, AND AUTHORIZATION TO FILE

Approved

Chairperson, Planning and Zoning Commission	Date	2023
The undersigned, the City Secretary of the City of Fredericksburg, Texas, hereby certifies that the foregoing Final Plat of WOODDENCE SUBDIVISION was submitted to the Planning and Zoning Commission on the _____ day of _____, 2023, for their consideration and approval. The Planning and Zoning Commission, in its capacity as the final authority on all matters relating to the plat, ordinances, rules, and regulations as shown and set forth in and upon said plat, and 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. Witness my signing hereunder as hereinabove subscribed.		

Witness by my hand on this _____ day of _____, 2023

City Secretary
City of Fredericksburg, Texas

CERTIFICATE OF SURVEYOR

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground. Field work completed on _____, 2023.

THIS DOCUMENT IS NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THIS DOCUMENT IS NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

SEP 18, 2023

Registered Professional Land Surveyor, 6276

STATE OF TEXAS
COUNTY OF GILLESPIE
\$
\$
Before me, the undersigned authority, on this day personally appeared Josh W. Leamons, known to me to be the person whose name is subscribed above.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2023.

Notary Public, State of Texas

SURVEY NOTES:

1. This survey was prepared without the benefit of a current title report/commitment. There may be easements, restrictions, and/or covenants affecting the property, not shown herein.
2. Bearings, distances, coordinates, & acreage are Grid, NAD 83 US Texas Central Zone 4203.
3. A "1/2 inch red dot set" is a 1/2 inch red dot with plastic cap marked "SEARCHERS RPLS 6275".
4. The property shown herein is located in Zone X and is within a 100-year flood hazard area as identified on the Federal Emergency Management Agency Flood Insurance Rate Map, Panel No. 48171CD6267C Effective 04/01/2001.

**FINAL PLAT ESTABLISHING
WOODCREST ADDITION**
A REPLAY OF LOT 587R AS SHOWN ON THE PLAT
RECORDED IN VOLUME 6, PAGE 128 OF THE
PLAT RECORDS OF GILLESPIE COUNTY, TEXAS.

P-23222

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

[I have] heavily clarified, at least (we are the owners) of the property shown and described herein, that no other person or entity [I] have any interest in, the property either by my, lease, or other equitable interest, unless otherwise noted, and that I (we) hereby assign this plan of subdivision with my (our) free consent, establish the minimum building setback lines, and dedicate all alleys, walks, parks, water courses, easements, and other open space to public use (over and over) by the simple act, all public road right-of-way, as shown herein to the City of Frederickburg for public road right-of-way purposes forever and agree for myself (ourselves) and all my (our) heirs and assigns to abide (over) by all lines, dedications, conveniences for road right-of-way purposes, and other restrictions shown herein.

_____, for
BIERSCHWALE HOMES LLC

STATE OF TEXAS
COUNTY OF GILLESPIE

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they have executed the foregoing instrument for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2023.

Notary Public, State of Texas

LIENHOLDER'S RATIFICATION OF PLAT DEDICATION

STATE OF TEXAS
COUNTY OF _____

Whereas, _____ Bank, acting by and through the undersigned, its duly authorized agent, holds a lien on the property shown herein as secured by a Deed of Trust recorded in Instrument No. _____ of the Official Public Records of Gillespie County, Texas, does hereby ratify all dedications and provisions of this plat as shown.

[Banker's name] for
[bank name] Bank

Before me, the undersigned authority, personally appeared _____, known to me to be the person and officer whose name is subscribed above, and that he/she is authorized to execute the foregoing instrument for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2023.

Notary Public, State of Texas

PLAT NOTES:

1. Sidewalks shall be in accordance with the City's adopted zoning code at the time of permitting.
2. Any public utility, including the City, shall have the right to move and keep around all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements or Right-of-Way shown on the Plat (or any other map or map of record) properly filed with the City. The inclusion of construction have the right to all times of ingress and egress to and from said easements or Right-of-Way.
3. Reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems, without the necessity at any time of procuring the permission or allows. Easements shall be maintained by property owners. The City can move trees or any other improvements and does not have the responsibility to replace them.
4. **SIGHT VISIBILITY RESTRICTION:** No structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height ten (10) feet above the top of the curb, including, but not limited to buildings, fences, walls, signs, trees, shrubs, cars, trucks, etc., in the sight visibility assessment as shown on the Plat. These sight visibility assessments will remain in effect until vacated by the ordinance adopted by the City Council and the property released.
3. Existing water well cannot be connected to the City of Fredericksburg water supply system.
4. Current zoning: R1 - Residential
5. Proposed Use: Single Family Residential.

LEGEND:

- POINT
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- ⊕ 3/8" IRON ROD FOUND
- ⊕ IRON PIPE FOUND
- △ CUT OFF 1-POST FOUND
- BOUNDARY LINE
- - ACCOUNT LINE
- SURVEY LINE
- BURRED UTILITY LINE
- ⊗ PIPE FENCE CORNER POST FOUND
- ⊗ WOOD FENCE CORNER POST FOUND

U.E. - UTILITY EXISTING
B.L. - BUILDING SETBACK LINE
(BRO.-DST.) - RECORD CALL
G.C.P.R. - GALESPIE COUNTY PLAT RECORDS
G.C.D.R. - GALESPIE COUNTY DEED RECORDS
G.C.O.P.R. - GALESPIE COUNTY OFFICIAL PUBLIC RECORDS
G.C.P.R. - GALESPIE COUNTY REAL PROPERTY RECORDS

SCORE

COUNTY CLERK, GILLESPIE COUNTY, TEXAS

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

OF THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS

COUNTY CLERK, GILLESPIE COUNTY, TEXAS



September 12, 2023

Josh Leamons
Searchers LLC
josh@searchersls.com

RE: P-2322 – Review Comments for Final Plat of the Woodcrest Subdivision.

Dear Mr. Leamons,

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.

- Requires Planning and Zoning Commission Approval, scheduled for Wednesday, October 4, 2023.
- Please add project number P-2322 to the Plat.
- Remove all references and depictions of structures, fences, street pavement sections, setbacks and other information not needed for recording of the plat.
- Please show the location of mail kiosks.
- Completion and acceptance of necessary public improvements will be required prior to the recordation of this plat.
- A parkland dedication fee of \$500.00 (per lot) must be paid prior to recordation of the plat.

Please feel free to contact me with any comments or questions, and I will be happy to assist you. Please return the revised plans along with your written response as to how the comments have been addressed by Tuesday, September 19th to ensure consideration by the Planning & Zoning Commission on Wednesday, October 4th.

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

Shelby
Collier

Digitally signed by Shelby
Collier
DN: cn=Shelby Collier, o=City
of Fredericksburg, ou,
email=ocollier@fbgtx.org, c=US
Date: 2023.09.12 13:16:10
+05'00'

Shelby Collier
Associate Planner
Development Review Committee (DRC)

The City of Fredericksburg

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



September 18, 2023

Shelby Collier
Development Review Committee
City of Fredericksburg, Texas

RE: P-2322 FINAL PLAT FOR WOODCREST ADDITION

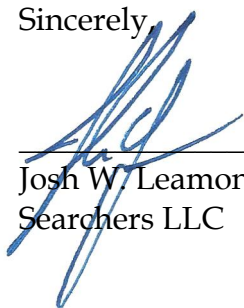
The comments provided in your letter have been addressed as follows:

- Mark Cornett will attend the meeting as I will be out of town
- Project number added.
- References and depictions of structures, fences and other improvements will be removed for final plat.
- Proposed location of mail kiosks shown
- Noted
- Parkland dedication fee will be paid prior to recordation.

Please note that the name was changed from Woodcrest Subdivision to Woodcrest Addition do to the discovery of an unplatted subdivision called Woodcrest Subdivision to avoid confusion.

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

Sincerely,



Josh W. Leamons, RPLS
Searchers LLC



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: Woodcrest Addition

Project Address: 210 Woodcrest St

Tax ID Number (s): 17062

Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

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

Revision of Approved Plan / Plat? ☒ Yes ☐ No Name: Resubdivision of Outlots 586 & 587

Jurisdiction: ☒ City Limits ☐ ETJ Total Acres: 2.75 No. of Lots: 9

Original Survey & Abstract No: Lot 587R, Resubdivision of Outlots 586 & 587

Legal Description: 6/128 G.C.P.R. 20228877 G.C.O.P.R.

Current Land Use Plan:

Proposed Land Use Plan:

Current Zoning: R1

Proposed Zoning: R1

Location: Woodcrest St

Proposed Use(s): Single Family Residential

Applicant's Signature

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

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: JOSH W LEAMONS Date: 8-23-2023

Staff Use Only Application No.: P-2322 Date: 08/23/23

*Copy of current Title Search required with application.

CK#582

\$400



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: Bierschwale Homes LLC

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): **SEARCHERS LLC**

Address: 720 Mustang Street

Primary Contact Name: Josh W. Leamons

Phone: 830-733-8440

Fax:

Email: josh@searchersllc.com

Secondary Contact Name:

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable):

Applicant Name (s):

Address:

Phone:

Fax:

Email:

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

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

Firm Name (if applicable): Cornett Engineering

Address:

Primary Contact Name: Mark Cornett

Phone:

Fax:

Email:



Project Application

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

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

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

D. Recording Fee Schedule

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



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
MEETING DATE: October 4, 2023

CATEGORY: ACTION ITEMS

CAPTION: Request #SP-2316: By Kathryn Sharrock to Consider the Site Plan Review for a STR-Facility located at 510 E Creek St.

PRESENTATION:

SUMMARY:

An application has been submitted to review a Site Plan for a STR-Facility located at 510 E. Creek. A Site Plan was previously approved for this development on December 8, 2021 (SP-2121) under the 2018 STR Ordinance. However, the site layout was denied by the Historic Review Board and they requested a layout more in keeping with the Historic Design Guidelines. The applicant then submitted a new application to the Historic Review Board that depicted the proposed layout as seen in the site plan application that was approved on June 13, 2022.

The applicant is now requesting approval of the revised site layout from the Planning and Zoning Commission. Staff has provided the applicant with review comments. Unfortunately, the applicant was unable to provide a response to comments and a revised site plan within the required time frame. Therefore, staff provided our recommendation based on the assumption the applicant will be able to address these comments.

BACKGROUND:

This application was reviewed for its conformity with relevant City Ordinances including [Sec. 7.131](#), review and evaluation criteria for Site Plans and the 2018 STR Ordinance, [Ordinance No. 28-001](#)

Site Area: 15,799 Sq Ft (.363 Acres)

Zoning: R2, Mixed Residential [Sec. 3.110](#)

Building Coverage: 28% (4,400 Sq Ft) (55% Max) [Sec. 3.110](#)

Impervious Coverage: 52% (8,272 Sq Ft)(65% Max) [Sec. 3.110](#)

Heights: Single-Story (2.5 Stories Max) [Sec. 3.110](#)

Access and Circulation: The development takes access off of East Creek Street via a 11' driveway.

Pedestrian Circulation:No sidewalk is proposed.

Parking: 4 spaces provided with 4 required, including 1 ADA spaces. (1 space per Unit) [Sec. 7.863](#)

Utilities: Utilities are available to serve the property and if an extension of utilities is required, the developer will pay for the extension.

Detention: Detention will be addressed as part of the Civil Construction Plan review.

Park Dedication: The applicant shall pay parkland dedication fees (full rate) based on the overall density of the development at \$500.00 per new unit for a total of \$1,500.00

Landscape and Screening: Landscape plans are required per [Sec. 7.920](#). and should include 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) ft in depth located between the abutting right-of-way and the off-street parking areas or other vehicular area which is exposed to an abutting right-of-way shall be landscaped and include one (1) tree for each fifty (50) LF. In addition, a hedge wall, or other durable landscape barrier, of at least two (2) feet in height, shall be placed along the perimeter.

Screening along the perimeter of the property is not required per [Sec. 7.940](#), however, screening of the dumpster is required per [Sec. 7.980](#)

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION: The applicant has worked to develop a project that meets both the minimum development standards of the Zoning ordinance as well as compliance with the Historic Design Guidelines and Staff finds that the applicant has successfully met the minimum requirements as presented and the project is in conformity with all applicable zoning ordinances.

Staff recommends approval of the Site Plan with the following conditions:

1. Addressing all of Staffs Comments provided in the Review Comment Letter
2. Approval of Civil Construction Plans
3. Approval of the required Parkland Dedication fees of \$500 per new unit for a total of \$1,500.
4. Approved Addressing Plan

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. SP-2316 Review Comments
2. SP-2316 Revised Site Plan
3. SP-2316 HRB Approve Site Plan and Renderings

APPROVAL/REVIEW:



October 10, 2023

Josh Leamons
Searchers Surveying
josh@searchers.net

RE: SP-2316, Review Comments for Site Plan Review for a STR-Facility located at 510 E Creek for the addition of 3 new STR units.

Dear Mr. Leamons,

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

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

Engineering:

1. The proposed driveway should align with the center line of S. Lee Street.
2. Show construction of City standard curb. Note existing and proposed driveway to be constructed according to City standards.
3. Dimension width of and spacing between existing and proposed driveways.
4. Show location of proposed utility improvements and existing utilities. Note new utility connections installed and pavement repaired according to City standards. Note existing utilities to be removed and capped at the main with pavement repaired according to City standards.
5. Show flow arrows for stormwater run off and site grading.
6. Dimension width of isle behind parking spaces. For 8.5'x18.5' spaces the isle shall be 28 feet according to Section 7.860 of the Zoning ordinance.

The City of Fredericksburg

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

Development:

- Provide a note regarding all exterior lighting shall be night sky compliant. Provide the requested fixture type [Article XV- Outdoor Lighting - Site Plan Checklist](#)
- A Landscape and Screening Plan per [Sec. 7.920 - 7.980](#) will be required prior to issuance of a Building permit and should include calculation of all required landscaping onsite. [Site Plan Checklist](#)
- Parkland Dedication Fees payable at \$500 per new unit (total of \$1,500) will be required prior to issuance of building permits.

Please feel free to contact me with any comments or questions, and I will be happy to assist you. Please return the revised plan along with your written response as to how the comments have been addressed by Tuesday, September 26th to ensure consideration by the Planning and Zoning Commission on Wednesday, October 4th.

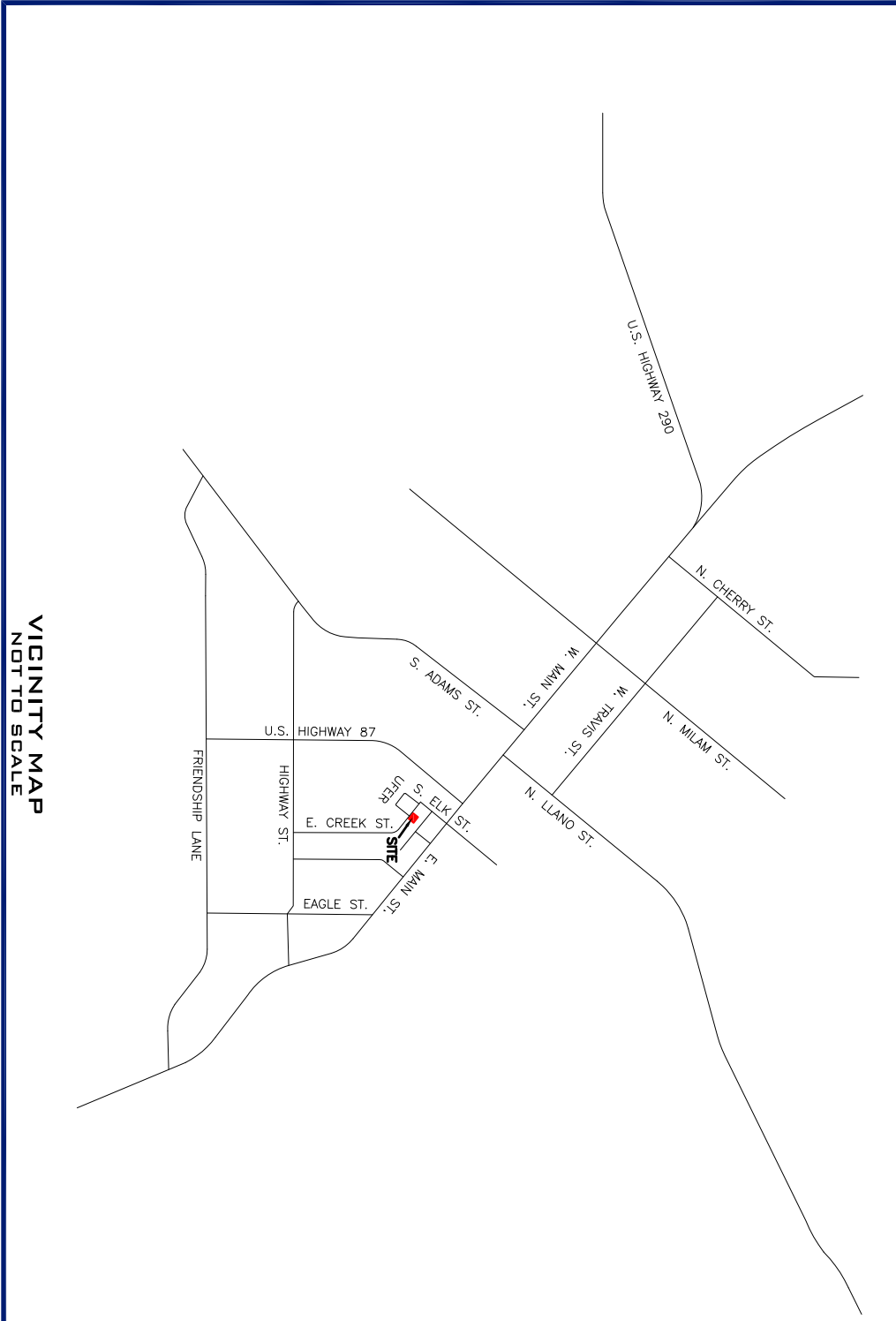
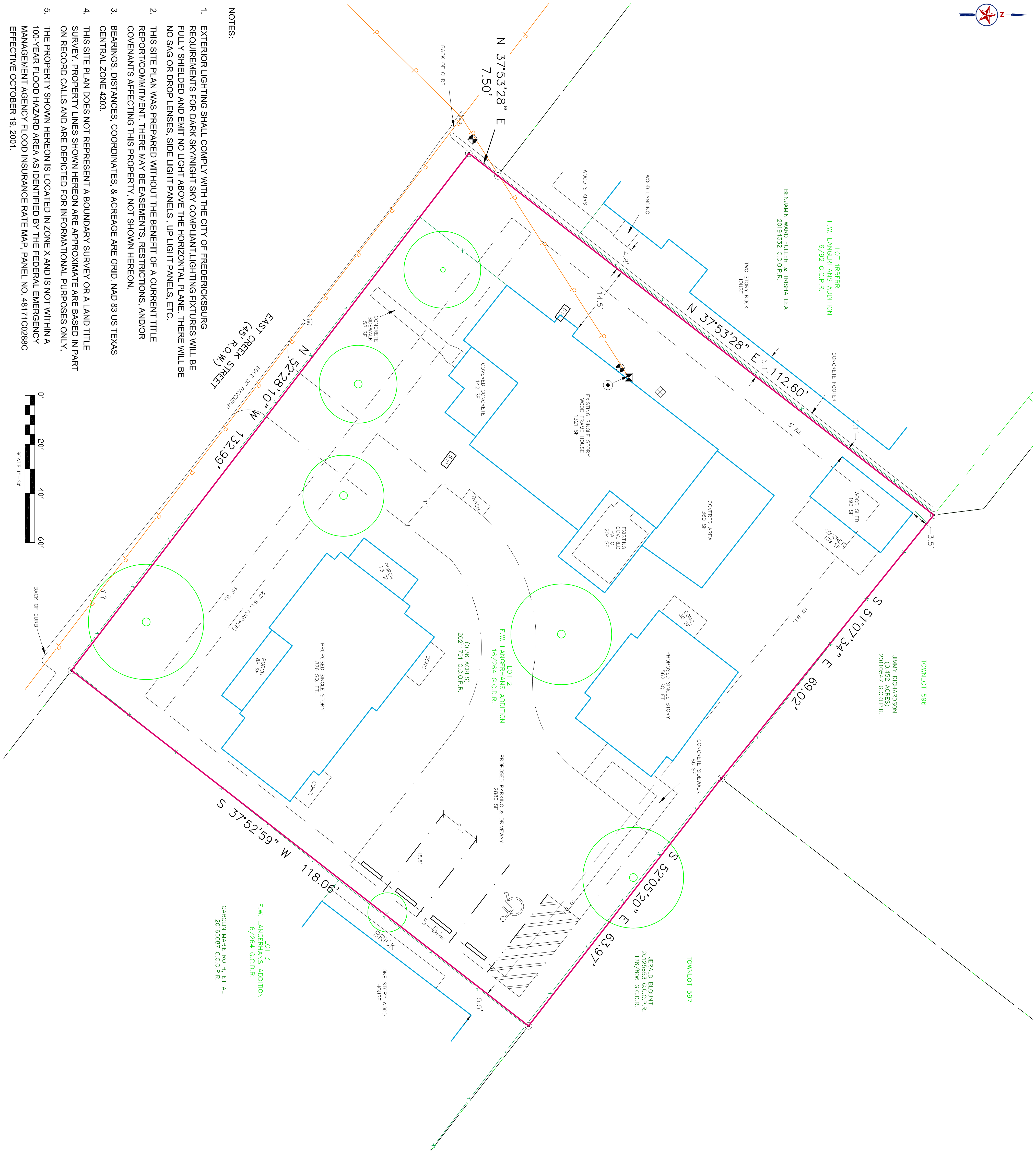
**Shelby
Collier**

Digitally signed by Shelby Collier
DN: cn=Shelby Collier, o=City of
Fredericksburg, ou,
email=scollier@fbgtx.org, c=US
Date: 2023.09.21 11:42:04 -05'00'

Shelby Collier, Associate Planner
Development Review Committee (DRC)

The City of Fredericksburg

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



OWNER INFORMATION
BLAKE PEARCE, ET AL
510 E. CREEK STREET

LEGAL DESCRIPTION
LOT 2, BLOCK 1 OF THE F.W. LANGERHANS ADDITION IN THE CITY OF
FREDERICKSBURG, GILLESPIE COUNTY, TEXAS AS SHOWN ON THE PLAT RECORDED IN
VOLUME 16, PAGE 264 OF THE DEED RECORDS OF GILLESPIE COUNTY, TEXAS.

PROPOSED USE
SHORT TERM RENTAL (STR)

TYPE: R2	
MINIMUM LOT SIZE:	5,000 SF
TOTAL LOT AREA	15,799 SF (0.363 ACRES)

SETBACKS

FRONT YARD	15' (20' FOR GARAGE)
STREET SIDE YARD	15'
INTERIOR SIDE YARD	5' SINGLE FAMILY DETACHED
REAR YARD	10' SINGLE FAMILY DETACHED

MAXIMUM BUILDING COVERAGE	55%
PROPOSED BUILDING COVERAGE	28%
MAXIMUM IMPERVIOUS COVERAGE	66%
PROPOSED IMPERVIOUS COVERAGE CALCULATIONS	
STRUCTURES:	4,380 SF 28%
WALKWAYS:	261 SF 2%
DRIVEWAYS:	2,886 SF 18%
TOTAL IMPERVIOUS	7,527 SF 48%

PROPOSED PERVIOUS COVERGE CALCULATIONS

TOTAL: PVIOUS	8,272 SF	52%
---------------	----------	-----

BUILDING HEIGHT	2.5 STORIES, 28'
MAXIMUM ALLOWED	
PROPOSED	1 STORY

PARKING
REQUIRED SPACES
1 SPACE PER BEDROOM

SPACES PROVIDED	3 OFF-STREET, 5 TOTAL
ADA SPACES REQUIRED	1
ADA SPACES PROVIDED	1



Josh W. Leamons September 18, 2023
Registered Professional Land Surveyor, 6276

THE COTTAGES AT FERIEN HAUS

510 E. CREEK ST.
FREDERICKSBURG, TEXAS 78624

SITE PLAN

9/18/2023

SHEET

A-1

S-23##

S-23###



SPORT&COUNTRY

THE COTTAGES AT FERIE HAUS

510 E. Creek Street, Fredericksburg, TX 78624

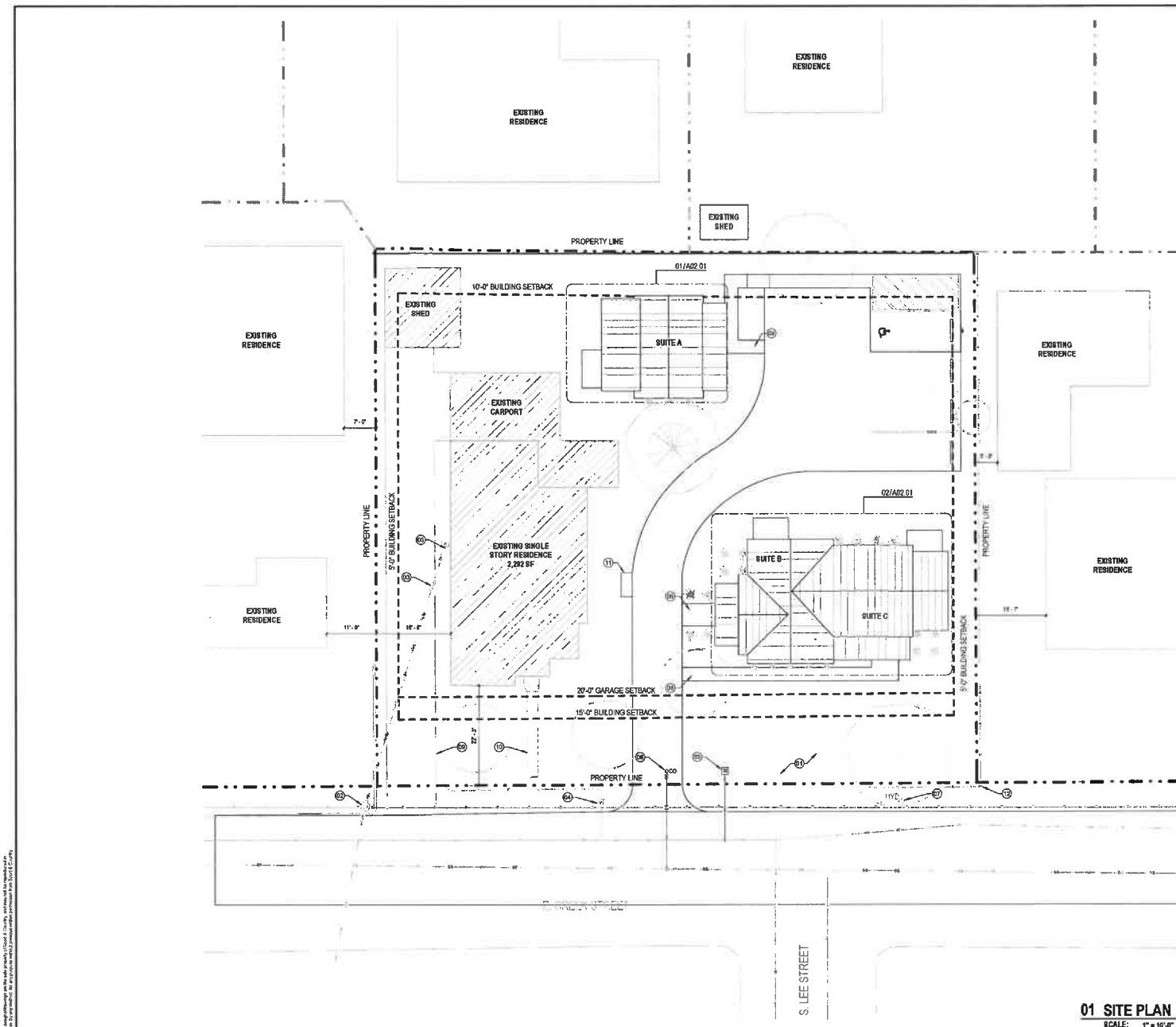
S|C PROJECT NO. 2022006

DESIGN DEVELOPMENT

DATE: 06.22.2022



These drawings are the sole property of Sport & Country, and they will be reproduced or
any other by any method, for any purpose without prior written permission from Sport & Country.



- SITE PLAN NOTES**
- 01 PROPOSED ASPHALT ENTRY DRIVE, DRIVE AISLE, & PARKING STALLS.
 - 02 EXISTING UTILITY POLE TO REMAIN.
 - 03 EXISTING OVERHEAD UTILITIES LINE TO REMAIN.
 - 04 EXISTING WATER METER AND SERVICE.
 - 05 NEW 2" WATER LINE WITH 2" METER. REFER TO CIVIL FOR ADDITIONAL INFORMATION.
 - 06 TIE INTO EXISTING SEWER LINE. REFER TO CIVIL FOR ADDITIONAL INFORMATION.
 - 07 EXISTING FIRE HYDRANT TO REMAIN.
 - 08 CONCRETE SIDEWALK, REFER TO CIVIL FOR ADDITIONAL INFORMATION.
 - 09 EXISTING GRAVEL DRIVEWAY TO REMAIN.
 - 10 EXISTING RESIDENCE ENTRY WALKWAY TO REMAIN.
 - 11 TRASH BIN ENCLOSURE.
 - 12 EXISTING FENCE TO REMAIN.



SPORT & COUNTRY

THE COTTAGES AT FERIE HAUS
 510 E. Creek Street, Fredericksburg, TX 78624

NO.	REVISION	DATE
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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: 06/22/2023

SHEET NAME & NO.:
SITE PLAN A01.01



PLAN NORTH
 TRUE NORTH

01 SITE PLAN
 SCALE: 1" = 10'-0"



PERSPECTIVE FROM EAST CREEK STREET



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

DEPARTMENT: Development Services

TO: Planning and Zoning Commission

FROM:

MEETING DATE: October 4, 2023

CATEGORY: DISCUSSION ITEMS

CAPTION: Sober and Halfway house land use

PRESENTATION:

SUMMARY:

P&Z Members Polly Rickert and Tom Musselman requested an item be placed on the October 4, 2023, P&Z agenda to discuss Sober and Halfway House land use regulations.

BACKGROUND:

Sober and halfway house land use was identified as an issue in Visioning 2018 by the Business Committee. Since that time, the topic has not received much attention, assuming the Fredericksburg real estate market would not be attractive to this type of real estate investment and land use. Given the more recent shifts in the local real estate market, this type of real estate investment and land use should be reviewed, with the objective of strengthening our local ability to regulate the adverse impacts of this land use to our residential neighborhoods.

P&Z is asked to review the materials provided; receive an update from Legal Counsel on the strengths and weaknesses of our current land use and zoning regulations; and decide whether to recommend any changes to these regulations in order to improve our local ability to regulate this land use. The Kerrville ordinance is attached for reference.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. Kerrville Group Home Ordinance

APPROVAL/REVIEW:

CITY OF KERRVILLE, TEXAS

ARTICLE I. GROUP HOMES AND BOARDING HOME FACILITIES

DIVISION 1. GENERAL

Sec. 30-1. Purpose of article.

- (a) The purpose of this article is for the city to maintain a record of group homes, which generally provide personal care services and are licensed by the State of Texas, and boarding home facilities. These records will enable the city to try to ensure adequate fire, police, or emergency response vehicles or patrols are available, to identify and facilitate appropriate emergency responses for residents who may require special assistance during an emergency, and to enable enforcement of the spacing requirement between boarding home facilities. These standards are implemented pursuant to the city's home-rule authority under Article XI, Section 5 of the Texas Constitution and the authority to license or permit lawful businesses subject to the city's police power granted by V.T.C.A., Local Government Code §§ 54.005 and 215.075.
- (b) The city seeks and intends that this article is legally compliant with the Federal Fair Housing Amendments Act of 1988 ("FHAA"), the Americans with Disabilities Act of 1990 ("ADA"), and the Americans with Disabilities Amendments Act of 2008, and all other applicable state and federal legislation. It is the express intent of the city that this article is applied and enforced in a manner consistent with the FHAA, the ADA, and other applicable federal and state legislation.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-2. Definitions.

The following definitions apply:

Boarding home facility means an establishment, including a residence or dwelling, that furnishes, in one or more buildings, to persons under separate rental agreements, whether oral or written, lodging to three or more persons unrelated to the owner of the establishment by blood or marriage, and is not listed in section 30-12.

Department means the department designated by the city manager to enforce and administer this article.

Director means the director of the department designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.

Disability means a disability as defined in 42 U.S.C. § 12102.

Habitable space means space in a residence or dwelling used for living, sleeping, eating, or cooking and includes bathrooms, closets, and hallways but does not include garages, attics, or porches.

Operator means the person in control of a boarding home facility.

Owner means an individual who has an ownership interest in a corporation or other legal entity operating a boarding home facility or the owner of the real property where a boarding home facility is located.

Resident means a person who is residing in a boarding home facility.

Sleeping room means a room intended and used for sleeping purposes but does not include a kitchen, dining room, living room, bathroom, hallway, or garage.

(Ord. No. 2013-06, § 1, 4-23-2013)

Secs. 30-3—30-5. Reserved.

DIVISION 2. GROUP HOMES LICENSED BY THE STATE

Sec. 30-6. Registration.

A person commits an offense if he owns or operates the following types of group homes without registering with the department and providing proof of a valid state license, where applicable:

- (1) Home and community support services licensed under V.T.C.A., Health and Safety Code ch. 142;
- (2) Convalescent and nursing homes and related institutions licensed under V.T.C.A., Health and Safety Code ch. 242;
- (3) Continuing care facilities licensed under V.T.C.A., Health and Safety Code ch. 246;
- (4) Assisted living facilities licensed under V.T.C.A., Health and Safety Code ch. 247;
- (5) Intermediate care facilities for the mentally retarded licensed under V.T.C.A., Health and Safety Code ch. 252;
- (6) A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by the Texas Department of Mental Health and Mental Retardation or its successor ("TDMHMR") and monitored by TDMHMR or its designated local authority in accordance with standards set by TDMHMR;
- (7) A child-care facility as defined by V.T.C.A., Human Resources Code § 42.002; and
- (8) A family violence shelter as defined by V.T.C.A., Human Resources Code § 51.002.

(Ord. No. 2013-06, § 1, 4-23-2013)

Secs. 30-7—30-10. Reserved.

DIVISION 3. BOARDING HOME FACILITIES

Sec. 30-11. Permit required.

- (a) A person commits an offense if he owns or operates a boarding home facility within the city without a valid permit under this division.
- (b) It is a defense to prosecution under this division if a person operates a boarding home facility while an application under section 30-13 is pending.
- (c) It is a defense to prosecution under this division if a person operates a facility listed in section 30-12.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-12. Exemptions.

This division does not apply to:

- (1) Home and community support services licensed under V.T.C.A., Health and Safety Code ch. 142;
- (2) Convalescent and nursing homes and related institutions licensed under V.T.C.A., Health and Safety Code ch. 242;
- (3) Continuing care facilities licensed under V.T.C.A., Health and Safety Code ch. 246;
- (4) Assisted living facilities licensed under V.T.C.A., Health and Safety Code ch. 247;
- (5) Intermediate care facilities for the mentally retarded licensed under V.T.C.A., Health and Safety Code ch. 252;
- (6) A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by the Texas Department of Mental Health and Mental Retardation or its successor ("TDMHMR") and monitored by TDMHMR or its designated local authority in accordance with standards set by TDMHMR;
- (7) An establishment conducted by or for adherents of a well-recognized church or religious denomination for the purpose of providing facilities to care and treat the sick who depend exclusively on prayer and spiritual means for healing, without the use of any drug or material remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules including section 30-28;
- (8) A hotel as defined by V.T.C.A., Tax Code § 156.001;
- (9) A retirement community as defined by V.T.C.A., Tax Code § 11.18;
- (10) A monastery or convent;
- (11) A child-care facility as defined by V.T.C.A., Human Resources Code § 42.002;
- (12) A family violence shelter as defined by V.T.C.A., Human Resources Code § 51.002; and
- (13) A sorority, fraternity house, or dormitory located on the property of an institution of higher education.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-13. Permit application.

To obtain an annual permit to operate a boarding home facility, a person must submit an application to the director on a form provided for that purpose and pay the permit fee. The applicant must be the owner or operator of the boarding home facility. If the owner or operator is not an individual, an authorized officer or agent of the owner or operator must submit the form. The application must contain the following information before it is considered complete and subject to review:

- (1) The name, mailing address, email address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and the date of birth of the applicant. The mailing address may not be the address of the boarding home facility unless the applicant actually resides full-time at the boarding home facility.
- (2) The name, form of business, mailing address, email address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant is not an individual. The

mailing address may not be the address of the boarding home facility unless the authorized officer or agent actually resides full-time at the boarding home facility.

- (3) The names, mailing addresses, email addresses, telephone numbers, legible copies of the drivers' licenses or other official state or federal identification cards, and dates of birth of any owners, operators, or employees of the boarding home facility other than the applicant. The mailing address may not be the address of the boarding home facility, unless the owner, operator, or employee actually resides full-time at the boarding home facility.
- (4) If the operator of the boarding home facility is renting or leasing the home or facility, then the operator must present a letter from the owner of the real property authorizing the use of the rental property to operate a boarding home facility and acknowledging the requirements for the property to be used as a boarding home facility set out within this article.
- (5) The street address and telephone number of the boarding home facility.
- (6) The name, mailing address, email address, and telephone number of a person(s) to contact in an emergency.
- (7) Documentary evidence of the payment of ad valorem taxes, fees, fines, and penalties owed to the city in connection with real property used to operate the boarding home facility.
- (8) The maximum number of residents that will reside at the boarding home facility pursuant to section 30-26.
- (9) The services to be offered or provided to the residents of the boarding home facility.
- (10) A zoning verification letter from the city stating that the proposed use of the property complies with the city's zoning regulations.
- (11) If the boarding home facility has one or more residents with a disability, a list of the general disabilities of the resident(s).
- (12) A statement that, by filing this application, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this section.
- (13) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested permit should be granted.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-14. Notification of change of information.

The permit holder shall notify the director within ten days after any material change in the information contained in the application for a permit to operate a boarding home facility, including any change in ownership.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-15. Permit fees.

- (a) The annual fee for a permit to operate a boarding home facility is as determined from time to time by city council.
- (b) The city will not refund a permit fee.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-16. Issuance or denial of permit.

- (a) Upon payment of the fee and the submission of a complete application, the director shall issue an annual permit to operate a boarding home facility to the applicant, to include the number of authorized residents, if the director determines that:
 - (1) The applicant has complied with all requirements within this article for issuance of the permit;
 - (2) The applicant, owner(s), operator(s), or employee(s) of the boarding home facility do not own or operate another permitted boarding home facility in the city for which the permit is currently suspended or has been revoked;
 - (3) The applicant has not made a false statement as to a material matter in the application for a permit; and
 - (4) The proposed boarding home facility is not within one-half mile of an existing boarding home facility. For purposes of this section, the measurement consists of a straight line without regard to intervening structures or objects, from the nearest property line of the lot or tract on which the proposed boarding home facility is located to the nearest property line of the existing registered or permitted boarding home facility, which requires separation. An exception exists where two or more boarding home facilities exist within one-half mile of each other as of the adoption date of this article, such boarding home facilities are exempt from this distance requirement and may remain in operation, but only where they are issued a permit by the city and comply with the remaining requirements of this article. Following the issuance of a permit, should the permit be revoked or a boarding home facility cease operations for a period of time greater than 90 days, then the distance requirement will apply.
- (b) If the director determines that the requirements of (a) have not been met and, if applicable, a variance under the article has been denied, the director shall deny the permit and notify the applicant in writing that the application is denied, the reason for denial, and a statement informing the applicant of the right to appeal.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-17. Variance from distance requirement.

- (a) City council may grant a variance to a proposed boarding home facility authorizing its location within one-half mile of another boarding home facility.
- (b) The variance procedure is as follows:
 - (1) *Application.* When requesting a variance from the distance requirement found within section 30-18, the applicant must submit the following information to the director:
 - a. Completed variance request form with the following information:
 - 1. The name and address of the applicant for the boarding home facility;
 - 2. The name and address of the boarding home facility subject to the request, if applicable;
 - 3. The name of the property owner for the property where the boarding home facility is proposed to be located;
 - 4. The name and address of the boarding home facility currently in existence which triggered the request for variance;

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5. Notarized authorization of the property owner consenting to the variance request: and
 6. The payment of the applicable fee for the variance, which is nonrefundable.
- b. Statement of justification as to how the variance meets the criteria in this section:
 - c. A site and floor plan showing the following information:
 1. North arrow and scale;
 2. Boundaries of the property;
 3. Location and dimensions of all buildings and structures; and
 4. All fences, parking area, and landscape area.
- (2) *Hearing.* The director shall set a date for a public hearing on the first available city council agenda after the passage of 30 days from the date a complete variance application is received;
 - (3) *Notices.* No later than ten days prior to the date of the hearing, the director shall send written notice of the variance request, to include the date and time of the scheduled public hearing, to:
 - a. The property owner of the boarding home facility currently in existence which triggered the request for variance;
 - b. The applicant requesting the variance; and
 - c. Each owner, as indicated by the most recently approved municipal tax roll, of real property, within 200 feet of the property.
 - (4) *Council decision; criteria.*
 - a. In determining whether to grant a variance, city council must find that the enforcement of the distance requirement is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a permit, does not serve its intended purpose, and/or is not effective or necessary.
 - b. If at the conclusion of the public hearing the city council grants the applicant's request for a variance, the city council may impose additional conditions on the granting of the variance where such conditions are intended to mitigate the impacts caused by the boarding home facility and are in the public interest.
 - (5) *Renewal and transfer.* A variance granted pursuant to this subsection is valid for subsequent renewals of the permit for which a variance was sought.
 - (6) *Variance violation.* The director may request the city attorney to seek any and all remedies available at law and or equity to assure the conditions imposed on the granting of the variance are enforced.
 - (7) *Denial.* If a variance is denied, no new application for the same location will be accepted within 12 months from date of the denial.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-18. Suspension of permit; prohibition of new residents.

- (a) The director may suspend a permit for a boarding home facility for a period not to exceed 90 days if the director finds that the permit holder or an employee of the boarding home facility has:
 - (1) Failed to comply with any provision of this article, any other ordinance, or any state or federal law applicable to the operation of a boarding home facility; or

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- (2) Intentionally or knowingly impeded or refused to allow an inspection by the director authorized under this article.
 - (b) A boarding home facility for which the permit has been suspended may not admit any new residents during the time the permit is suspended.
 - (c) In lieu of suspending a permit for a boarding home facility, the director, at his sole discretion, may enter into a compliance agreement with a permit holder if the director determines that the compliance agreement would eliminate the noncompliance that would otherwise justify a suspension, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to the standards of this article.
 - (d) The director shall send a written statement of the reasons for the suspension, the date the suspension is to begin, the duration of the suspension, and the permit holder's right to appeal by certified mail, return receipt requested.
 - (e) A permit holder whose permit is suspended may not be granted a permit to operate any additional boarding home facility during the suspension period.
 - (f) A permit holder commits an offense if he operates or owns a boarding home facility that admits new residents during the time that the suspension of the permit is in effect.
- (Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-19. Revocation of permit.

- (a) Except as provided in subsection (b), the director shall revoke any permit issued to operate a boarding home facility if the director determines that:
 - (1) The permit holder intentionally made a false statement as to a material matter in the application or in a hearing concerning the permit;
 - (2) The permit holder failed to pay a fee required by this article at the time it was due; or
 - (3) A cause for suspension has occurred and the permit has already been suspended at least once within the preceding 12 months.
- (b) In lieu of revoking a permit for a boarding home facility, the director, at his sole discretion, may enter into a compliance agreement with a permit holder if the director determines that the compliance agreement would eliminate the noncompliance that would otherwise justify a revocation, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to the standards of this article.
- (c) Before revoking a permit under subsection (a), the director shall notify the permit holder in writing by certified mail, return receipt requested, that the permit is being considered for revocation. The notice must include the reason for the proposed revocation, action the permit holder must take to prevent the revocation, and a statement that the permit holder has ten days to comply with the notice.
- (d) If after ten days from the date of the notice required in subsection (c) was sent or delivered, whichever is later, the permit holder has not complied with required actions listed in the notice, the director shall revoke the permit and notify the permit holder in writing of the revocation. The notice must include the reason for the revocation and a statement informing the permit holder of the right of appeal.
- (e) If a permit has been revoked, the permit holder has ten days from the date the notice was sent or delivered, whichever is later, to relocate the residents of the facility and cease operations. An appeal of the revocation does not suspend or toll this deadline.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-20. Appeals.

If the director denies the issuance or renewal of a permit or suspends or revokes a permit issued under this article, the action is final unless the permit holder files a written appeal within ten days of the director's action with city council.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-21. Expiration and renewal of permit.

- (a) The annual permit to operate a boarding home facility expires one year after the date of issuance.
- (b) A permit holder must apply for renewal at least 30 days before the expiration of the annual permit on a form provided by the director. The permit holder must update the information contained in the original permit application required under this article if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications or that any information that has been updated is accurate and complete and pay the annual fee.
- (c) The director shall follow the procedures set forth in this article when determining whether to renew a permit.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-22. Non-transferability.

A permit to operate a boarding home facility is not transferable to another location.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-23. Posting requirements.

The permit holder shall prominently and conspicuously post for display in a public area inside the boarding home facility that is readily available to residents, the operator, employees, and visitors the following:

- (1) The permit issued under this article to operate the boarding home facility. The permit must be presented upon request to the director for examination: and
- (2) A sign provided by the director specifying how complaints may be registered with the city and a copy of the most recent inspection report conducted by the director.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-24. Reasonable accommodations.

- (a) The city intends to ensure that all persons with a disability have equal opportunity to use and enjoy a dwelling by providing such persons with reasonable accommodations in rules, policies, practices, and procedures promulgated under this article consistent with the FHAA and the ADA, as amended.
- (b) The method of submitting a request for reasonable accommodation is as follows:
 - (1) A request for a reasonable accommodation may be submitted at any time that the accommodation may be necessary to ensure equal access to housing.

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- (2) A request for a reasonable accommodation may be submitted by an individual with a disability, the person's representative, or a permit holder providing housing for one or more individuals with disabilities.
 - (3) A request for a reasonable accommodation must be submitted in writing to the director on the form provided by the department or in the form of a letter.
 - (4) There is no fee for an application requesting a reasonable accommodation.
 - (5) If an individual needs assistance in making a request for a reasonable accommodation, the city will provide assistance to ensure that the application process is accessible to the individual.
- (c) An applicant shall submit the following information before an application for a reasonable accommodation is considered to be complete:
- (1) The applicant's name, mailing address, street address, telephone number, and email address;
 - (2) The applicant's relation to the individual(s) with a disability, if applicable;
 - (3) The address of the property to which the requested reasonable accommodation would apply;
 - (4) A disability determination by the Social Security Administration or the Department of Veteran's Affairs, or other substantially equivalent medical determination, that substantiates that the individual who would obtain the benefit of the reasonable accommodation is:
 - a. An individual with a physical or mental impairment that substantially limits one or more major life activities;
 - b. An individual who is regarded as having such an impairment; or
 - c. An individual with a record of such impairment.
 - (5) The section(s) of this article from which a reasonable accommodation is being requested; and
 - (6) A brief explanation of why the requested accommodation is necessary for the individual or individuals with disabilities to have equal access to housing.
- (d) Upon receipt of a complete application for a reasonable accommodation, the director shall review the application and issue a written ruling that grants, grants with conditions, or denies the application.
- (e) Before making a decision, the director may request an inspection of the boarding home facility and the property on which it is located. If the director makes such a request, the applicant must make the property, the facility, and its records available for the inspection within 20 days after the date of the request or the application is automatically denied.
- (f) If the director deems it necessary to request additional information from the applicant consistent with federal and state law, the director shall contact the applicant in writing and specify the additional information that is required. If the director makes such a request, the applicant must provide the additional information to the director within 20 days after the date of the request or the application is automatically denied.
- (g) All proposed decisions of the director must be submitted to the city attorney for legal review to determine compliance with local, state, and federal laws and regulations.
- (h) The director may impose reasonable conditions on any accommodation granted consistent with the purpose of this article.
- (i) The written decision must be consistent with the FHAA and based on a consideration of the following factors:
- (1) Whether the housing that is the subject of the request will be used by one or more individuals with a disability;

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- (2) Whether the requested accommodation is necessary to make specific housing available to one or more individuals with a disability;
 - (3) Whether the requested accommodation would impose an undue financial or administrative burden on the city;
 - (4) Whether the requested accommodation would require a fundamental alteration in the nature of city regulations;
 - (5) The potential impacts of the requested accommodation on the applicant, the other residents of the boarding home facility, and the surrounding neighborhood;
 - (6) Whether a failure to grant an accommodation would result in the property having no economically viable use; and
 - (7) Whether there are alternative accommodations that are reasonable and have an equal, or less of an impact on the city, applicant, other residents of the boarding home facility, and the surrounding neighborhood.
- (j) The director shall issue a written decision within 20 days of:
- (1) Receipt of a completed application, provided that the director is able to issue a decision based on the information provided in the original request; or
 - (2) The completed inspection of the property, facility, and its records, as requested by the director; or
 - (3) The director's receipt of all additional requested information.
- (k) The director's written decision must explain in detail the basis of the decision and notify the applicant of the right to appeal the director's decision to the city council.
- (Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-25. Inspection; fees.

- (a) *Required inspections.*
- (1) A boarding home facility must pass all required inspections.
 - (2) The permit holder shall keep a current file of reports and other documentation on site that is needed to demonstrate compliance with applicable city ordinances and federal and state laws. Inspection records must be signed and dated by the appropriate authority and there may not be any pending corrective actions.
 - (3) The following inspections are required:
 - a. Permitting inspection.
 - b. Annual permitting inspection.
 - c. Annual inspection for compliance with the city's building codes, to include the fire code.
- (b) *Other inspections.* The director may inspect any boarding home facility for the purpose of ascertaining whether violations of this article or any other city ordinances exist. The director is authorized at a reasonable time to inspect:
- (1) The exterior of a structure and the surrounding premises; and
 - (2) The interior of a structure if the permission of the owner, occupant, or person in control is given or a search warrant is obtained.

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- (c) *Consequences of refusal to inspect.* If the owner, occupant, or person in control denies permission to search any part of the interior or exterior of the structure or the surrounding premises, the director may suspend or revoke the permit to operate a boarding home facility.
 - (d) *Re-inspections.* Whenever a boarding home facility is inspected by the director and a violation of this Code is found, the building or premises will, after the expiration of any time limit for compliance given in the notice or order issued because of the violation, be re-inspected by the director to determine that the violation has been eliminated.
 - (e) *Re-inspection fee.* The permit holder shall pay the director a fee for each re-inspection after the first inspection that the violation is determined to be eliminated, including any other applicable fees from other departments.

(Ord. No. 2013-06, § 1, 4-23-2013)

See. 30-26. Residents.

A boarding home facility operating within one of the following zoning districts, is subject to residency limitations as follows:

- (1) *"R1" Single-family Zoning District.* "R1-A" Residential Zoning District. "RC" Residential Cluster District. The number of residents, including owners, operators, managers, and caregivers for a boarding home facility located within an "R1" Single-family Zoning District, "R1-A" Residential Zoning District, and "RC" Residential Cluster District may not exceed the lowest number of residents derived from the following, with any resulting fraction for the number of residents being rounded down:
 - a. Fifty percent of the total gross square footage of the habitable space divided by 150 square feet;
 - b. Number of sleeping rooms, meeting the requirements found within section 30-28, multiplied by two residents;
 - c. Number of bathrooms multiplied by six residents; or
 - d. Maximum of eight residents.
- (2) *"RT" Residential Transition Zoning District.* The number of residents, including owners, operators, managers, and caregivers for a boarding home facility located within an "RT" Residential Transition Zoning District may not exceed the lowest number of residents derived from the following, with any resulting fraction for the number of residents being rounded down:
 - a. Fifty percent of the total gross square footage of the habitable space divided by 150 square feet;
 - b. Number of sleeping rooms, meeting the requirements found within section 30-28, multiplied by two residents;
 - c. Number of bathrooms multiplied by six residents; or
 - d. Maximum of ten residents.
- (3) *"R-3", "RM" Residential Mix, Commercial, and Industrial Zoning Districts.* The number of residents, including owners, operators, managers, and caregivers for a boarding home facility located within an R3, RM, Commercial, or Industrial Zoning District may not exceed the lowest number of residents derived from the following, with any resulting fraction for the number of residents being rounded down:
 - a. Fifty percent of the total gross square footage of the habitable space divided by 150 square feet;

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- b. Number of sleeping rooms, meeting the requirements found within section 30-28, multiplied by two residents; or
 - c. Number of bathrooms in the single-family residence multiplied by six residents.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-27. Parking.

Off-street parking spaces must be provided for all vehicles required to be registered with the state as part of the use and operation of a boarding home facility. Required spaces must be located on the lot or tract for which the boarding home facility is located and must be provided as either improved surface parking areas or within garages, in accordance with the city's Zoning Code. In addition, the number of spaces are based upon the zoning district in which the boarding home facility is located as follows, with any resulting fraction for the number of spaces being rounded up:

- (1) *"R1" Single-family Zoning District, "R1-A" Residential Zoning District, "RC" Residential Cluster District.* The number of required off-street parking spaces for a boarding home facility located within an "R1" Single-family Zoning District, "R1-A" Residential Zoning District, or "RC" Residential Cluster District is derived by multiplying the number of residents authorized by section 30-26 by 75 percent.
- (2) *"RT" Residential Transition Zoning District.* The number of required off-street parking spaces for a boarding home facility located within a "RT" Residential Transition Zoning District is the greater number from either the regulations applied to this use within such a district or the amount derived by multiplying the maximum number of residents authorized by section 30-26 by 75 percent.
- (3) *"R-3" "RM" Residential Mix, Commercial, and Industrial Zoning Districts.* The number of required off-street parking spaces for a boarding home facility located within an "R-3", "RM" Residential Mix, Commercial, or Industrial Zoning Districts is the greater amount from either the regulations applied to this use within the applicable zoning district or the amount derived by multiplying the maximum number of residents authorized by section 30-26 by 75 percent.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-28. Operational standards.

Each permit holder shall ensure the residents' health, safety, comfort, and protection from hazards and shall comply with the following:

- (1) City zoning and building codes; federal, state, and city adopted fire codes and applicable standards; federal, state, and city health and safety codes; and federal and state accessibility regulations;
- (2) Mobile homes may not be used as a boarding home facility;
- (3) Each sleeping room must contain at least 70 square feet of floor space for each occupant; at least one wall of not less than ten feet in length; a built-in closet; and access must not be solely through another sleeping room;
- (4) A kitchen must be accessible to each resident without the need to travel through a sleeping room of another resident, contain a sink with at least two compartments for manual dishwashing, and contain an operational cooking stove with at least two working burners;
- (5) Smoke alarms must be installed in compliance with the city's fire code to include installation within each sleeping room, immediately outside of each sleeping area, and on each story of the building, including any basement or attic;

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- (6) Maintain the residence or dwelling and its premises in a clean and sanitary condition;
 - (7) Pathways and stairways must remain unobstructed; and
 - (8) Operation of a boarding home facility may not result in illegal or nuisance activities, including disturbance of the peace, illegal drug activity, harassment of passers-by, public urination, theft, assault, vandalism, littering, illegal parking, loud noise, disorderly conduct, lewd conduct, or police detention and/or arrests.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-29. Emergency precautions.

The permit holder shall provide fire escapes and exits that are kept in good repair and accessible at all times in accordance with applicable fire codes, as amended.

(Ord. No. 2013-06, § 1, 4-23-2013)

Sec. 30-30. Violations; penalty.

- (a) A permit holder, employee, or other person who violates any provision of this article, or who fails to perform a duty required by this article, commits an offense.
- (b) An offense under this article is punishable by a fine not to exceed \$2,000.00.
- (c) A separate offense occurs each day or part of a day that the violation is committed, continued, or permitted.
- (d) If the director finds a boarding home facility operating in violation of the standards prescribed by this article and the violations create an immediate threat to the health and safety of a resident in the facility, the director may order immediate closing of all or part of the facility. An order of immediate closure is effective immediately on providing written notice of the order to the owner or operator by facsimile, email, or hand-delivery. The order of closure of all or part of a boarding home facility is valid for ten days after its effective date.
- (e) The city attorney may petition the appropriate court for civil penalties and for injunctive relief to restrain a continuing violation of the standards or permit requirements for a boarding home facility under this article if the violations create an immediate threat to the health or safety of the residents. In addition, the city attorney may petition a court for civil penalties and for injunctive relief to restrain the continuing operation of a facility that is providing services inconsistent with those prescribed by this article and state law until such time as said facility becomes appropriately licensed by the State of Texas or meets the requirements to obtain a permit under this article.
- (f) The remedies and procedures in this section and in other laws are cumulative law, and the use of any particular remedy or procedure does not prevent the enforcement of any other law.

(Ord. No. 2013-06, § 1, 4-23-2013)

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PROJECT SCHEDULE

Updated 9.25.23

February 2023			
Task/Meeting	Date	Notes	Status
State of the City Report	End of February	Deliverable in IND/PDF	Complete
Public Engagement Summary		Deliverable in Word/PDF	Complete
March 2023			
Task/Meeting	Date	Notes	Status
Online Survey #2 – Touch Point	3/23	Parks Specific	Complete
TRIP - Community Event #2	3/23	Touch a Truck	Complete
Task/Meeting	Date	Notes	Status
TRIP - Community Event #3	4/15	Fish Fry	Complete
TRIP - Open House #2, and Committee Meeting #3	4/25-4/26	Parks open house and parks CPAC	Complete
May 2023			
Task/Meeting	Date	Notes	Status
June 2023			
Task/Meeting	Date	Notes	Status
Draft of Chapters 1 & 2 of Comp Plan to City for Review	6.2		Complete
Draft of Chapters 1, 2, & 3 of Parks Plan to City for Review	6.20		Complete
July 2023			
Task/Meeting	Date	Notes	Status
TRIP - CPAC #4	7.25	Comp Plan guiding principles and FLUM	Complete
August 2023			
Task/Meeting	Date	Notes	Status
TRIP - Open House #3, Online Survey #3, CC/PZ #2	8.9	Comp specific on all	Complete

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September 2023			
Task/Meeting	Date	Notes	Status
Parks Plan draft to City	9.15	City review for ~2-3 weeks	Complete
October 2023			
Task/Meeting	Target Date	Notes	Status
Comp Plan draft to City	10.3	City review for ~2-3 weeks	In Progress
November 2023			
Task/Meeting	Target Date	Notes	Status
TRIP - CPAC #5 - Review Parks Master Plan	Week of Oct 30 th ?	Second draft to CPAC on ~10/23	In Progress
TRIP - CPAC #6 - Review of Comp Plan	Week of Nov 13 th ?	Second draft to CPAC on ~11/3	In Progress
December 2023			
Task/Meeting	Target Date	Notes	Status
TRIP – Final joint CC/PZ Meeting	Early December?	Discuss both plan drafts	In Progress
Public Comment Period	All of December or after CC/PZ		In Progress
January 2024			
Task/Meeting	Target Date	Notes	Status
P&Z Public Hearing for Adoption	TBD	P&Z formally recommend for adoption	In Progress
City Council Public Hearing for Adoption	TBD	Public hearing and adoption	In Progress