



City of Fredericksburg

City Council Regular Meeting Agenda
Tuesday, October 17, 2023 ~ 9:00 AM
Law Enforcement Center
1601 E. Main Street
Fredericksburg, Texas 78624

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

Randy Briley, Councilmember
Emily Kirchner, Councilmember
Clinton Bailey, City Manager

The City of Fredericksburg City Council will meet in a regular session on Tuesday, October 17, 2023, at 9:00 AM. Link to City of Fredericksburg YouTube Channel (Fredericksburg, Texas USA - YouTube <https://www.youtube.com/c/FredericksburgTexasUSA>).

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

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

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

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

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

NOTE: The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for discussion. An announcement will be made on the basis of the Executive Session discussion. The City Council may also publicly discuss any item listed on the agenda for the Executive Session.

Attendance By Other Elected or Appointed Officials: It is anticipated that the Planning & Zoning Commission, Historic Review Board, Charter Review Committee, and Board of Adjustments members may attend the City Council Meeting at the date and time above in numbers that may constitute a quorum. Notice is hereby given that at the City Council Meeting at the date and time above, no Board or Commission action will be taken by such in attendance unless such item and action are specifically provided on a separate agenda posted subject to the Texas Open Meeting Act. This is not an agenda of an official meeting of the City Boards and Commissions, and minutes will not be taken.

1. CALL TO ORDER

2. INVOCATION

Tommy Russell, Pastor at Fredericksburg Church, will lead the Invocation.

3. PLEDGE OF ALLEGIANCE

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

5. COUNCIL COMMENTS

6. CONSENT

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

- A. Consider approval of the October 3, 2023, City Council Regular Meeting Minutes (Shelley Goodwin, City Secretary)

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. Consider the proposed amendments to the Zoning Municipal Ordinances as part of the City of Fredericksburg Code of Ordinances regarding Short-Term Rentals (#Z-2318) (Anna Hudson, Director of Development Services)
 - i. Motion to take from the table (previously tabled on October 3, 2023)
 - ii. Presentation by Staff
 - iii. Discussion by City Council
 - iv. Consider the approval of Ordinance 2023-18, repealing Section 5.401, "Additional Requirements for Short-Term Rental Uses," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code; amending Section 2.100, "Definitions," of Appendix B, "Zoning Ordinance," by revising definitions related to Short-Term Rentals; adding a new Article VII, "Short-Term Rentals," to Chapter 20, "Offenses And Miscellaneous Provisions," to provide for the regulation and permitting of Short-Term Rentals; creating a new Section 4.400, "General Regulations for Short-Term Rentals," in Appendix B, "Zoning Ordinance," to provide for zoning regulations related to Short-Term Rentals; amending Section 5.500, "Board of Adjustment," of Appendix B, "Zoning Ordinance," to authorize the Board of Adjustment to grant Special Exceptions related to Short-Term Rentals; amending miscellaneous provisions in Appendix B, "Zoning Ordinance," to ensure consistency with the amendments herein; providing this Ordinance shall be cumulative; providing a severability clause; providing a penalty for violation; providing a savings clause; providing for publication in the official newspaper; and providing an effective date
- B. Consider the approval of Ordinance 2023-19 amending the schedule for Outdoor Irrigation Under Stage 4 of the City's Water Conservation Measures; providing

for outdoor watering hours; and providing for an effective date (Kris Kneese, Director of Public Works/Utilities)

- C. Consider approval of Resolution 2023-16R supporting innovative One Water Strategies and directing staff to explore such strategies in public and private development projects (Councilmembers Kirchner and Watson)
- D. Consider a request by Amelia Zesch for a Conditional Use Permit to Operate a STR-Unoccupied in an R2 Zoned Area located in the Historic District on Property located at 407 West San Antonio Street (#Z-2320) (Anna Hudson, Director of Development Services)
 - 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
- E. Consider a request by William Joseph for a Conditional Use Permit (CUP) per Section 3.110 to Operate a STR-Unoccupied in an R2 Zoned Area Located in the Historic Overlay District on Property Located at 411 East Creek Street (#Z-2317) (Anna Hudson, Director of Development Services)
 - 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
- F. Consider a request by Theresa Guettler for a Conditional Use Permit to Operate a STR-Condominium in a C2 Commercial Zoned Area for Property located at 510 Mueller Street #33. (#Z-2308) (Anna Hudson, Director of Development Services)
 - 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
- G. Consider a request by Mitchell Sharrock for a Conditional Use Permit (CUP) per Section 3.200 to Operate a Restaurant - Limited Use on Property Located at 811 North Llano Street (#Z-2319) (Anna Hudson, Director of Development Services)
 - 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

8. OTHER ACTION ITEMS AND UPDATES

- A. Consider approving the CXT Concrete Building restroom and shower quote for LBJ Municipal Park for \$272,530 (Andrea Schmidt, Director of Parks and Recreation)

- B. Consider a request from Heritage Hill Country Subdivision Relating to the Maintenance of Roadways within the Development (Garret Bonn, Assistant City Manager)
- C. Discuss and provide direction on the Fredericksburg Food and Wine Fest event (Clinton Bailey, City Manager)

9. CITY MANAGER'S REPORT

- A. City Manager Monthly Update

10. ITEMS FOR FUTURE AGENDA

- A. Review the Future Agenda spreadsheet

11. ADJOURN

CERTIFICATION

This is to certify that I, Shelley Goodwin, posted this Agenda at 4:45 p.m. on October 13, 2023, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelley Goodwin, TRMC/CMC
City Secretary



City of Fredericksburg
CITY COUNCIL REGULAR MEETING MINUTES
TUESDAY, OCTOBER 3, 2023 ~ 9:00 a.m.
LAW ENFORCEMENT CENTER
1601 E. MAIN STREET
FREDERICKSBURG, TEXAS 78624

Mayor Jeryl Hoover
Mayor Pro-Tem Bobby Watson
Councilmember Emily Kirchner
Councilmember Tony Klein
Councilmember Randy Briley (left the meeting at 1:15 p.m.)

Members Absent:

None

City Staff Present:

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

1. CALL TO ORDER

Mayor Hoover called the Regular Meeting of the Fredericksburg City Council to order at 9:00 a.m. on Tuesday, October 3, 2023. He announced that a quorum had been met.

2. INVOCATION

Mayor Hoover led the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

A. Hill Country Night Sky Month Proclamation

Mayor Hoover read the Proclamation and proclaimed October as Night Sky Month.

5. COUNCIL COMMENTS

Councilmember Briley stated he met with Senator Ellen Troxclair. They discussed several topics, including the Death Star Bill.

Councilmember Klein stated October is a hectic month, with Oktoberfest and then the Fredericksburg Food and Wine Fest fundraiser to benefit Market Square.

Councilmember Kirchner provided the following updates:

- She attended a Hill Country Alliance Meeting in Dripping Springs. Those in attendance heard from others regarding the excellent work they were doing in the Hill Country. She said she spoke briefly about the City Manager's local concept of Town Hall Meetings.
- She also read a post on Rants and Raves thanking the City Manager for the Neighborhood Town Hall Meetings .
- The legislature requires the City to vote on a Budget before voting on a Tax Rate. She noted staff was given directions to create a budget on the Voter Approval Rate, and at the last meeting, the majority approved the No-New-Revune Rate. She asked staff to speak on the implications of the Budget using the No-New Revenue Rate.

Clinton Bailey, City Manager, stated that \$756,000 needed to be cut out of the Budget, mainly cut in the Parks and Police Departments items. He stated some long-term cuts were made and holding off on Fire/EMS positions to be reviewed mid-year. He noted the City is facing some unknown items, so they are waiting to see what the Sales Tax and Real Estate market does. He noted they are looking for new sources of revenue, especially in the General Fund. He also noted that at the last City Council Regular Meeting, the change to the RV Rates is projected to bring in an additional \$75,000 to \$100,000.

Krista Wareham, Director of Finance, reported that the No-New-Revenue Rate is \$0.165180, and the Voter Approval Rate is \$0.181386 per \$100 of assessed valuation.

Clinton Bailey, City Manager, also reviewed the cost of adding employees and how those affect future budgets. He stated staff will also be reviewing processes and other items.

Mayor Hoover stated he would like to see a routine report on the Budget. He also noted that all the cuts were on the advisement of the Department Heads.

Councilmember Briley stated the Public Safety Incentive Program intended to assist with attracting and maintaining Public Safety employees. The funds for this program were from positions not filed in FY2023. The decision with Chief Vorauer was that this program would be on pause for purposes of the Budget and achieving a lower tax rate.

6. CONSENT

A. Consider approval of City Council Minutes for the following meetings:

- i. September 13, 2023, Special Meeting**
- ii. September 19, 2023, Regular Meeting**

- B. Consider the approval of street closure requests for (1) N. Crockett Street from Austin Street to Travis Street, (2) W. Schubert (eastbound lane only) from Crockett Street to Adams Street, and (3) N. Adams Street (southbound lane only) from Schubert Street to Austin Street; from 5:30 p.m. to 8:45 p.m., on both Friday and Saturday, December 8 & 9, 2023, for the Christmas Journey event hosted by Bethany Lutheran Church**

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to approve Consent Agenda item 6. A. i., A. ii., and 6. B. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. Consider the proposed amendments to the Zoning Municipal Ordinances as part of the City of Fredericksburg Code of Ordinances regarding Short-Term Rentals (#Z-2318)**

Councilmember Briley announced he had filed a Conflict of Interest Affidavit for this Agenda Item and left the dais.

i. Presentation by Staff

Anna Hudson, Director of Development Services, provided the attached PowerPoint presentation regarding the proposed Ordinance Amendments.

ii. Discussion by City Council

Mayor Hoover proposed only discussing the amendments and taking action at another meeting when a clean copy is presented to the City Council.

The City Council discussed the process for reviewing the amendments and for taking action on the proposed amendments.

The City Council made the following recommendations:

- Section 2 - supported everything in red and blue ink
- Section 20-221 (2) c. - Permits shall be valid for a term of one (1) year
- Inspections yearly and allow the owner to hire their own inspection company
- Permit fees should be increased to cover inspection cost
- Section 20-221 (2) e. - support adding the name and phone number of the 24-hour contact, but recommended the sign be easily identified and in a visible location
- Section 20-221 (3) b. 2. - support adding "Continuance of a Nonconforming Use"
- Section 20-221 (4) b. - change may to shall
- Section 20-221 (4) c. 2 - change modifications to altering changes
- Section 20-222 - support all changes in blue and red ink
- Section 20-222 - define "Host Rules" and include maximum parking
- Section 20-222 (i) - remove items 6 and 9, and on 10, include Fire Code rules
- Section 20-223 - use R1 wording and add non-residential use
- Section 20-224 (a) (2) - change the wording to 10 days from receiving the delinquency notice
- Section 20-226 - support all changes in red and blue ink
- Section 20-226 (d) - add life and safety to the paragraph
- Section 4-6 - support all changes in red and blue ink

- Section 6(a) (3) - change to a non-residential zone or use
- Section 7 - support all changes in blue ink
- Section 8. B. C. and D. - need to be reviewed and support all other changes in red ink

iii. Hold a Public Hearing to receive comments for or against Request Z-2318

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to go out of the Regular Meeting and into the Public Hearing at 11:40 a.m. The City Council voted four (1) for, none (0) opposed, and one (1) abstained. The motion carried.

Mayor Hoover reviewed the written comments that the City Council received.

Tom Wilson, City resident, spoke regarding the non-residential use along Hwy 290 and Hwy 16 Corridors. He also spoke regarding the R1 and C1 zonings.

Roger Norman, City resident, thanked everyone for their hard work. He spoke regarding the amendments to the Ordinance heading in the right direction, but encouraged the City Council to not allow STRs in R1, R2, and R3.

Michael Tatsch, City resident, encouraged the City Council to listen to the neighborhood residents. He encouraged the City Council to increase permit fees and fines for code violations.

Susan Ottmers, City resident, shared her background as a native of Fredericksburg. She noted she is in the travel industry and reviewed the benefits the visitors bring to the community.

Jenna Derette, City resident, encouraged the City Council to reconsider the time allocated to STRs. She feels the City Council needs to focus on the community's childcare issues.

Matthew Durette, City resident, stated he is a small business owner. He noted that if the City Council reduces the STRs, it will hurt the community and create job losses.

Leonard Bentch, City resident, spoke regarding the high occupancy and asked that those STRs be considered a hotel and party house. He encouraged the enforcement and felt the rules should be stricter.

Denise Morris, City resident, spoke about needing clarity on conflict of interest concerning the Neighborhood Coalition and Campaign donations.

Mick McKamie, City Attorney, reviewed the state law regarding the Conflict of Interest and Campaign donations.

Christian Collins, City resident, spoke regarding the neighborhoods' voices not being heard.

Jeff Hemphill, City resident, spoke regarding learning about the residents, neighborhoods, and market interruptions. He also spoke about the STRs being a crown jewel in the Historic District.

Emaly Baehr, County resident, spoke regarding page 7, Section 20-221(2) e., she suggested having this requirement for both STR and Long-Term Rental. She reviewed the market stats.

Eric Hammersen, City resident, spoke regarding the role of the Boards of Adjustments and Code of Ordinances.

Michael Mahoney, City resident, spoke regarding the violation process, parking, and the need to review the STR permit fees.

Pat Cantwell, City resident, spoke regarding the issues she has experienced with the STRs in her neighborhood.

Linda Gerber, City resident, spoke regarding the fire safety issues, which she feels are part of the owner's responsibilities. She encouraged the City Council to examine how Santa Fe handles its STRs.

Dallas Thompson, County resident, spoke regarding the regulations of AirBnB and Vrbo. He also spoke regarding parking fees and thinking outside the box.

Charlie Kiehne, City resident, spoke regarding parking.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Public Hearing and into the Regular Meeting at 12:50 p.m. The City Council voted four (1) for, none (0) opposed, and one (1) abstained. The motion carried.

- iv. Consider the approval of Ordinance 2023-18, repealing Section 5.401, "Additional Requirements for Short-Term Rental Uses," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code; amending Section 2.100, Definitions," of Appendix B, "Zoning Ordinance," by revising definitions related to Short-Term Rentals; adding a new Article VII, "Short-Term Rentals," to Chapter 20, "Offenses And Miscellaneous Provisions," to provide for the regulation and permitting of Short-Term Rentals; creating a new Section 4.400, "General Regulations for Short-Term Rentals," in Appendix B, "Zoning Ordinance," to provide for zoning regulations related to Short-Term Rentals; amending Section 5.500, "Board of Adjustment," of Appendix B, "Zoning Ordinance," to authorize the Board of Adjustment to grant Special Exceptions related to Short-Term Rentals; amending miscellaneous provisions in Appendix B, "Zoning Ordinance," to ensure consistency with the amendments herein; providing this Ordinance shall be cumulative; providing a severability clause; providing a penalty for violation; providing a savings clause; providing for publication in the official newspaper; and providing an effective date**

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to go out of the Regular Meeting to table this item.

Councilmember Klein withdrew his motions.

Mayor Hoover announced that the City Council will go into Executive Session at the end of the meeting, pursuant to Local Government Code Section 551.0741 to receive legal advice related to Short-Term Rental.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to go out of the Regular Meeting to table this item for 20 days. The City Council voted four (4) for, none (0) opposed, and one (1) abstained (Councilmember Briley). The motion carried.

B. Consider approval of Resolution 2023-14R approving the Assignment of an Annexation Agreement, Dated September 4, 2018, to FBRG Hospitality Developers, LP

Garret Bonn, Assistant City Manager, reviewed the reasons for the change to the Agreement. He noted that the change is due to the name change with the group.

Motion: A motion was made by Councilmember Klein and seconded by Councilmember Watson to approve of Resolution 2023-14R approving the Assignment of an Annexation Agreement, dated September 4, 2018, to FBRG Hospitality Developers, LP. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

C. Consider the approval of Resolution 2023-15R nominating candidates for the Board of Directors of the Gillespie Central Appraisal District for the 2024-2025 term (This item will be considered after the Executive Session)

Motion: A motion was made by Councilmember Watson, and second by Councilmember Klein, to nominate Todd Bierschwale, Donald Davis, James McAfee, Jill Tabor, and Graham Pearson as candidates to the Board of Directors of the Gillespie Central Appraisal District for the 2024-2025 term. The City Council voted four (4) for, and none (0) opposed (Councilmember Briley was not present for this vote). The motion carried.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a Construction Contract Award for the S. Llano Shared Use Bridge & Ufer St. Sidewalk Project

Garret Bonn, Assistant City Manager, received the bid process and stated the bids came in below the budgeted amounts. He also noted this project should begin before December 1, 2023. He recommended awarding a construction contract for the S. Llano Shared-Use Bridge & Ufer St. Sidewalk Project for \$1,117,530.00 to J3 Company, LLC.

Motion: A motion was made by Councilmember Klein and seconded by Councilmember Watson to award the Construction Contract for the S. Llano Shared-Use Bridge & Ufer St. Sidewalk Project in the total amount of \$1,117,530.00 to J3 Company, LLC. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Continued discussion regarding the need for affordable housing

Mayor Hoover stated he feels this item should be removed from the agenda until a Councilmember has something related to discuss.

The City Council agreed by consensus to bring this item back when there is an update.

C. Consider and discuss the phasing out of the Administrative Adjudication Process
Judge Becker provided an update on phasing out the Administrative Adjudication Process, which will begin October 4, 2023.

Garret Bonn, Assistant City Manager, stated the current caseload will be completed by the end of October, and all new cases will go to Municipal Court.

The City Council thanked Joe Mirsky for his service.

9. CITY MANAGER'S REPORT

A. Upcoming Work Sessions

Clinton Bailey, City Manager, updated the City Council on the upcoming Work Session on the following topics:

- A meeting to rebuild the Food and Wine Fest
- City staff is meeting to come up with new resources, and then these will be brought to the City Council
- City policy regarding transfers

B. Update on recent Town Hall Meeting

Clinton Bailey, City Manager, provided an update on the recent Town Hall Meeting. He noted there was a good turnout on September 28, 2023. Some residents had moved to Fredericksburg from Puerto Rico and Hungary.

10. ITEMS FOR FUTURE AGENDA

A. Review the Future Agenda Spreadsheet

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

11. EXECUTIVE SESSION

A. Consider and discuss the appointment, evaluation, reassignment, duties, or dismissal of a public officer, specifically the nominations of members of the Gillespie Central Appraisal District Board of Directors (Section 551.074) and

B. Consider and receive legal advice related to Short-Term Rental (Section 551.071) (previously announced during Agenda Item 7.A.).

Motion: A motion was made by Councilmember Watson and a second by Councilmember Kirchner to go out of Regular Session into Executive Session at 1:00 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Councilmember Briley announced he had filed a Conflict of Interest Affidavit for Agenda Item 7. A. and left the meeting.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to go out of the Executive Session and into the Regular Meeting at 1:32 p.m. The City Council voted four (4) for and none (0) opposed (Councilmember Briley was not present for this vote). The motion carried.

12. BUSINESS ITEM

The City Council then moved back to Agenda Item 7. C.

13. ADJOURN

With no other business, Mayor Hoover adjourned the October 3, 2023, City Council Regular Meeting at 1:40 p.m.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



CITY COUNCIL **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Director of Development Services

MEETING DATE: October 17, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider the proposed amendments to the Zoning Municipal Ordinances as part of the City of Fredericksburg Code of Ordinances regarding Short-Term Rentals (#Z-2318) (Anna Hudson, Director of Development Services)

- i. Motion to take from the table (previously tabled on October 3, 2023)
- ii. Presentation by Staff
- iii. Discussion by City Council
- iv. Consider the approval of Ordinance 2023-18, repealing Section 5.401, "Additional Requirements for Short-Term Rental Uses," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code; amending Section 2.100, "Definitions," of Appendix B, "Zoning Ordinance," by revising definitions related to Short-Term Rentals; adding a new Article VII, "Short-Term Rentals," to Chapter 20, "Offenses And Miscellaneous Provisions," to provide for the regulation and permitting of Short-Term Rentals; creating a new Section 4.400, "General Regulations for Short-Term Rentals," in Appendix B, "Zoning Ordinance," to provide for zoning regulations related to Short-Term Rentals; amending Section 5.500, "Board of Adjustment," of Appendix B, "Zoning Ordinance," to authorize the Board of Adjustment to grant Special Exceptions related to Short-Term Rentals; amending miscellaneous provisions in Appendix B, "Zoning Ordinance," to ensure consistency with the amendments herein; providing this Ordinance shall be cumulative; providing a severability clause; providing a penalty for violation; providing a savings clause; providing for publication in the official newspaper; and providing an effective date

PRESENTATION:

SUMMARY:

The proposed amendments will repeal the existing STR ordinance and shift the majority of STR regulations to Chapter 20 of the Fredericksburg Municipal Code. Highlights from the amendments include provisions relating to the following functions:

- To clarify and update the regulations to be applied to STRs;
- To create a specific enforcement structure for repeated major STR permit violations;
- To create new appeals procedures related to STR permits to ensure due process of law;

- To clarify procedures for transferring and renewing permits, particularly by allowing greater flexibility with respect to permit transfers; and
- To establish that certain types of STRs may continue operations as legal nonconforming uses.

BACKGROUND:

In April 2022, new regulations governing short-term rentals (STR) were adopted along with the implementation of a new software package for permitting and compliance monitoring. The Mayor appointed an STR Task Force in the Fall of 2022 to analyze the particular issues faced by the City and to provide recommendations on approaches to improve the 2022 STR Ordinance. The task force's final report was presented to City Council on March 7, 2023.

Since the completion of the Task Force's report, the City Council and the Planning & Zoning Commission have held three joint work sessions to evaluate the recommendations of the Task Force and City staff and to review STR-related data. As part of this process, numerous members of the public community have voiced their support and opposition of STR's within the City.

As of August 1, 2023, there were 1,058 active STR permits within the City Limits.

City staff has worked closely with the City Attorney's office to prepare an ordinance that is legally enforceable and addresses the issues and concerns that have been brought up with the 2022 ordinance. The first draft ordinance was made public on August 15, 2023, along with an [interactive map](#) that shows permitted STRs operating within the City Limits and ETJ.

City Council considered The Planning & Zoning Commission recommendations and held a Public Hearing on October 3, 2023. The enclosed redline tracks the changes requested by City Council.

FUNDING SOURCE:

FINANCIAL IMPACT:

Short Term Rental permits currently renew annually with an inspection required upon transfer or alterations to the structure. The proposed draft keeps a yearly permit and requires an annual inspection. Yearly inspections will increase staff workload. A separate fee ordinance amendment will be submitted by staff at a subsequent meeting.

7% Hotel Occupancy Taxes (HOT) are collected by the Finance Department quarterly for all STR properties.

STAFF RECOMMENDATION:

Staff is recommending amendments to the ordinance to address ongoing issues and provide additional clarification for future permitting, remittance of hotel occupancy taxes, and enforcement. Planning and Zoning held a Public Hearing on September 7, 2023 and made a recommendation for approval with 11 changes. Those recommendations were considered by City Council on October 3, 2023. Changes suggested by City Council at the October 3 meeting include:

Nonconforming uses: Allowing all existing, legally operating STRs to continue to operate, transfer permits and renew permits annually without the need to come into compliance with new regulations except for Life Safety requirements. Occupancy and parking requirements for existing permits will NOT be required to meet new ordinance requirements.

Long Term Rentals: The current draft allows an STR to switch to a Long Term Rental by notifying staff and continuing to remit a zero-dollar HOT report.

Parking: New permits will have to provide 1 parking space per bedroom (facilities park 60% of occupancy). Tandem parking is allowed and no credit for on-street parking. All required parking must be on-site. Existing permits will not have to come into compliance with new rules.

Occupancy: Proposed occupancy of 2 people per bedroom plus 2 with an overall max occupancy of 12. Occupant definition is not tied to age. All persons count towards maximum occupancy. Existing permits with higher occupancy would not be required to come into compliance at renewal.

Special Exceptions: Currently, a Conditional Use Permit is required for an STR-Unoccupied in R2 in the Historic District, to expand a non-conforming STR, a new STR- Unoccupied in R1 if it meets certain criteria, and for new first floor STRs in the Historic Shopping District. A CUP requires Planning & Zoning recommendation and City Council approval. In place of the CUP process, this ordinance creates a Special Exception that would require approval by the Zoning Board of Adjustment based on new criteria along with other variance procedures. To date, all R2 Historic District CUPs have been approved and no R1 properties have qualified to apply for an Unoccupied permit. This draft also provides for Special Exceptions to increase occupancy or to reduce parking requirements.

Transfers: Currently, transfers are allowed and must be completed within 10 days so the 24 hr contact information is up-to-date. The proposed language continues to allow transfers (including non-conforming uses in good standing) but allows up to 90 days for the new owner or property manager to submit a transfer request. If operating an STR within the 90-day transfer period, a new STR owner must comply with all applicable regulations in the new ordinance, regardless of whether or not the transfer application has been submitted. Transfers would also require a new inspection.

Inspections/Length of Permit: Proposed ordinance will continue a yearly permit that requires an annual inspection. All life/safety requirements must come into compliance. *Sec 20-221*

STR Regulations/Requirements: Currently located in Sec 5.401 - proposed moves to Sec 20-222

R1 and R2 zoned Stranded Properties: The biggest change in the 2022 Ordinance was limiting new Unoccupied STRs in R1 in an attempt to preserve neighborhoods and address negative impacts to surrounding properties. The proposed ordinance will treat R2 zones like R1 and will no longer allow new unoccupied STRs by right. There is a provision for "stranded" properties. For a stranded property to be eligible to apply for a Special Exception for an STR-Unoccupied STR permit, there must be 75% of other properties in a 200' radius that are either non-residential uses or other STRs.

Condos/R3: Currently, all STR Condos require a Conditional Use Permit. The proposed ordinance prohibits new STR Condos in any zoning district. The current draft also removes STR use in R3 Multi-family zoning. (P&Z Recommendation) Staff recommends the change in order to preserve R3 housing stock for affordable housing. *Section 2, Section 7, Section 8*

Enforcement: This draft clarifies when citations can be issued, allows permit suspension for failure to pay HOT, addresses repeat offenses and clarifies major and minor violations. Three minor violations will equal 1 major violation and 3 majors within 12 months will send a permit to City Council to consider suspension for up to 90 days. The appeal of a permit denial will be sent to City Council. City Council will have the ability to revoke or suspend a permit. Staff recommends more specific language be added to address whether a conviction from Municipal Court is required to count as a major violation and clarify when timelines start. *Section 3, Sec 20-224, 20-225*

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. FINAL.STR Amend Ord

APPROVAL/REVIEW:



Garret Bonn, Assistant City Manager

Date: October 12, 2023

William McKamie, City Attorney

Date: October 12, 2023



Shelley Goodwin, City Secretary

Date: October 12, 2023



Clinton Bailey, City Manager

Date: October 12, 2023

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FREDERICKSBURG, TEXAS, REPEALING SECTION 5.401, "ADDITIONAL REQUIREMENTS FOR SHORT-TERM RENTAL USES," OF APPENDIX B, "ZONING ORDINANCE," OF THE FREDERICKSBURG MUNICIPAL CODE; AMENDING SECTION 2.100, "DEFINITIONS," OF APPENDIX B, "ZONING ORDINANCE," BY REVISING DEFINITIONS RELATED TO SHORT-TERM RENTALS; ADDING A NEW ARTICLE VII, "SHORT-TERM RENTALS," TO CHAPTER 20, "OFFENSES AND MISCELLANEOUS PROVISIONS," TO PROVIDE FOR THE REGULATION AND PERMITTING OF SHORT-TERM RENTALS; CREATING A NEW SECTION 4.400, "GENERAL REGULATIONS FOR SHORT-TERM RENTALS," IN APPENDIX B, "ZONING ORDINANCE," TO PROVIDE FOR ZONING REGULATIONS RELATED TO SHORT-TERM RENTALS; AMENDING SECTION 5.500, "BOARD OF ADJUSTMENT," OF APPENDIX B, "ZONING ORDINANCE," TO AUTHORIZE THE BOARD OF ADJUSTMENT TO GRANT SPECIAL EXCEPTIONS RELATED TO SHORT-TERM RENTALS; AMENDING MISCELLANEOUS PROVISIONS IN APPENDIX B, "ZONING ORDINANCE," TO ENSURE CONSISTENCY WITH THE AMENDMENTS HEREIN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fredericksburg, Texas (the "City"), is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City ("City Council") recognizes the City's desirability as a premier tourist destination, as well as the importance of maintaining affordable housing for long-term residents of the City and its essential duty to protect residential areas as neighborhoods defined as districts that form a community with relation to its inhabitants or interests, and has therefore determined that the regulation of short-term rental properties is in the best interest of the public; and

WHEREAS, the City Council has previously adopted regulations governing short-term rentals and appointed a Short-Term Rental Task Force in Fall 2022 to analyze the particular issues faced by the City and to provide recommendations on approaches to improve the previously adopted regulations; and

WHEREAS, the City Council and Planning & Zoning Commission of the City have held multiple joint work sessions to evaluate the recommendations of the Task Force, recommendations of City staff, and data on short-term rental issues within the City; and

WHEREAS, the City Council and Planning & Zoning Commission have heard and reviewed extensive comments by members of the public, including citizens of the City expressing complaints as to noise, density, parking, and other adverse effects related to the operation of short-term rentals in residential areas, as well as non-resident owners of short-term rental properties within the City expressing their commitment to supporting the City's tourism industry; and

WHEREAS, in consideration of the information, recommendations, and public comments provided, the City Council now seeks to amend the City's short-term rental regulations; and

WHEREAS, the purpose of the regulations set forth herein is to provide a procedure to allow the rental of private residences to visitors on a short-term basis, while ensuring that such rental use does not cause adverse impacts to residential neighborhoods due to the intensive nature of the use creating excessive traffic, noise, density, and other adverse effects, and additionally to ensure that the number of occupants within such rental units do not exceed the design capacity of the structure causing health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions; and

WHEREAS, the City Council has determined that the enforcement of such regulations will promote the public health, safety and welfare of its citizens and the general public; ensure consistency in land uses and development; and protect the rights of property owners, residents, and visitors in the City of Fredericksburg.

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

SECTION 1

Section 5.401, "Additional requirements for short-term rental uses," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is hereby repealed.

SECTION 2

Section 2.100, "Definitions," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is amended by deleting the following definitions:

"LOCAL CONTACT PERSON.

The Owner, Operator, or person designated by the Owner or the Operator, who shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the Owner's Short-term Rental.

OPERATOR.

The Owner or the Owner's authorized representative who is responsible for advertising and/or operating a Short-term Rental.

SHORT-TERM RENTAL (STR).

Any structure used for transient or guest lodging accommodations, rented for compensation of a dwelling unit, which includes but is not limited to a single-family residence, townhouses, and other residential use real estate improvements, in which the public may obtain sleeping accommodations for a period less than 30 consecutive days. This term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. This term does not apply to multi-family projects or apartment complexes. This term is a general definition and the various types of STRs are further defined in this Section 2.100.

SHORT-TERM RENTAL, ACCESSORY.

A short-term rental providing transient or guest lodging accommodations for compensation within a lawful Guest House on the same lot as the primary structure which is the principal residence of the Owner (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District) or the Local Contact Person (as evidenced by a sworn affidavit of principal residency). The Guest House shall not exceed the size of the primary structure. For purposes of this definition, the term "principal residence" refers to a person's primary or chief residence that the person actually occupies on a regular basis.

SHORT-TERM RENTAL, B&B.

A short-term rental providing transient or guest lodging accommodations for compensation within the rooms of the primary structure which is the principal residence of the Owner (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District) or the Local Contact Person (as evidenced by a sworn affidavit of principal residency). Separate short-term rental permits shall be required for each separate bedroom unit within a Short-Term Rental, B&B which may be rented. For purposes of this definition, the term "principal residence" refers to a person's primary or chief residence that the person actually occupies on a regular basis.

SHORT-TERM RENTAL, BEDROOM.

A short-term rental, bedroom shall be defined as a room within a structure used for Short-Term Rental purposes, with a minimum size of 70 square feet, plus a closet directly accessible from the room, that meets all the minimum international building code and fire code regulations regarding bedroom sizes, ingress, and egress.

SHORT-TERM RENTAL, CONDOMINIUM.

Short-term rental located in a complex or housing group that is part of a declared and recorded condominium regime.

SHORT-TERM RENTAL, DWELLING UNIT.

A structure or room that is rented separately from other rental units on the property, for the purpose of transient or guest lodging. Each individual short-term rental dwelling unit shall be required to obtain a separate short-term rental permit.

SHORT-TERM RENTAL, FACILITY.

A facility or complex containing multiple short-term rental dwelling units (up to eight units) on a single lot, for transient or guest lodging where sleeping accommodations are provided for compensation. Any facility or complex, located in a commercial zoning district, containing multiple short-term rental dwelling units on a single lot, shall be developed in accordance with the multi-family regulations of the base zoning district.

SHORT-TERM RENTAL PERMIT.

A permit issued by the City authorizing the use of a privately owned dwelling as a Short-term Rental.

SHORT-TERM RENTAL, UNOCCUPIED.

A short-term rental providing transient or guest lodging accommodations for compensation within a lawful structure, that is not located on the same lot as the property owner's principal residence, and which includes, but is not limited to, a single-family residence, townhouses, duplexes, and other residential real estate improvements."

SECTION 3

Chapter 20, "Offenses and Miscellaneous Provisions," of the Fredericksburg Municipal Code is hereby amended by adding a new Article VII to read as follows:

"ARTICLE VII. – SHORT-TERM RENTALS

Sec. 20-220. – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

24-hour contact. The local responsible party who can be contacted regarding emergencies, immediate concerns, and complaints from the public. Said individual must be available in person or by phone at all times during any occupant's rental term for the short-term rental. If called, the 24-hour contact must respond to such call within thirty (30) minutes, and shall either resolve the issue or be present at the premises within one (1) hour of receiving a call from the director, the police department, code enforcement, or other city staff. A 24-hour contact must be authorized to make decisions regarding the premises and its occupants.

Bathroom. An enclosed space containing one or more bathtubs, showers, or both, as well as one or more toilets, lavatories or fixtures serving similar purposes.

Bedroom. A room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, reading nook, alcove, entry way, garage, patio or breezeway.

Block. A tract of land bounded by streets, or a combination of streets, public parks, railroad rights-of-way, shorelines of waterways or corporate limits.

Code or city code. The Fredericksburg Municipal Code.

Department. The development services department of the city.

Director. The director of development services of the city or their designee.

Listing. An advertisement containing information on a short-term rental through which a potential occupant may book a short-term rental premises for a specific period of time. A listing may be, but is not necessarily, an electronic advertisement, and it may be, but is not necessarily, posted on a platform like AirBNB, VRBO, or another website.

Long-term rental. The rental of any residence or residential structure, or portion of a residence or residential structure, to a residential tenant for a period of thirty (30) or more consecutive days.

Occupant. The person(s) who has/have lawfully obtained the exclusive use and possession of a short-term rental from the owner and/or operator, as well as any invitee(s) of such person(s).

Operator. The owner or local responsible party tasked with managing a property operating as a short-term rental on behalf of the owner.

Owner. The individual or entity who owns a property operating as a short-term rental.

Permit. The permit issued pursuant to the terms of this article authorizing the operation of a short-term rental.

Short-term rental or STR. The rental for compensation of any residence or residential structure, or a portion of a residence or residential structure, for the purpose of transient or guest overnight lodging accommodations for a period of less than thirty (30) consecutive days. Short-term rentals may include but are not limited to single-family residences, townhomes, duplexes, and other residential dwelling units, regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. Short-term rentals shall not include hotels or motels. A short-term rental is further subject to the provisions of this article.

Short-term rental accessory or STR-ADU. A short-term rental operating within a lawful accessory dwelling unit on the same lot as the primary structure, in which the primary structure is (a) the owner's homestead as evidenced by a current homestead exemption filed with the Gillespie Central Appraisal District or (b) the primary residence of the 24-hour contact, as evidenced by a sworn affidavit to be provided with the short-term rental permit application. The accessory dwelling unit shall comply with section 8.220 of the city zoning ordinance.

Short-term rental B&B or STR-B&B. A short-term rental that operates on a residential property in which the owner, operator, or 24-hour contact resides as their principal residence (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District or a sworn affidavit). Separate short-term rental permits, with a maximum of four units, shall be required for each separate bedroom unit operating as a short-term rental within a short-term rental B&B.

Short-term rental facility or STR-FACILITY. A facility or complex, owned or operated by a single owner or operator, containing multiple short-term rental units (up to eight units) operated for short-term rental purposes on a single lot. Each unit within an STR-facility shall require a separate short-term rental permit.

Short-term rental unoccupied or STR-unoccupied. A short-term rental within a lawful residential dwelling that is not operating as an STR-ADU or STR-B&B.

Sec. 20-221. – Short-term rental permitting and inspections.

It shall be unlawful for any owner, operator, or other person to advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the city as a short-term rental for which a permit application has not been properly made and filed with the department, and a permit issued.

(1) Permit application; fees.

- a. A separate permit application must be submitted for each individual short-term rental.
- b. A permit application shall be made upon forms furnished by the city for such purpose and shall be accompanied by the nonrefundable application fee identified in the city fee schedule.

(2) Permit term; renewals; conditions.

- a. Each individual short-term rental shall be assigned a unique permit number by the city to remain assigned to the short-term rental through any property ownership transfers.
- b. An owner and/or operator shall obtain a unique permit for each short-term rental unit operating within an STR-facility or STR-B&B.

- c. Permits shall be valid for a term of one (1) year.
- d. A permit holder shall apply for renewal prior to permit expiration on a form furnished by the city for such purpose. The permit holder shall either update the information required on the initial application form or provide a certification affirming that the information previously submitted is still accurate. A complete application for renewal received after the expiration of a current permit shall be treated as an application for a new permit in accordance with section 20-221(1). Notwithstanding the foregoing, the permit holder of a short-term rental located in a zoning district where the short-term rental use is no longer permitted by right may transfer said permit pursuant to section 20-221(3).
- e. Upon issuance, each short-term rental shall receive a physical permit, indicating the permit number, property address, maximum occupancy, the name and phone number of the 24-hour contact, and expiration date, that shall be posted at or near the exterior front door of every short-term rental. The physical permit may be posted inside a front window at or near the exterior front door such that it is easily viewed from the exterior of the structure.

(3) Transfers of ownership.

- a. A short-term rental permit may be transferred to a new property owner upon submission of a complete short-term rental permit application prior to commencing short-term rental operations under new ownership. A permit transfer shall be required upon transfer of more than fifty percent (50%) of the ownership interest in any short-term rental, including any such transfer of interest in a legal entity owning a short-term rental.
- b. For properties located in zoning districts where short-term rental uses are no longer permitted by right, a short-term rental permit may be transferred subject to the following regulations.
 - 1. A permit transfer shall be required upon transfer of more than fifty percent (50%) of the ownership interest in any short-term rental, including any such transfer of interest in a legal entity owning a short-term rental.
 - 2. The new owner must submit a new permit application in accordance with this section 20-220 within the time period for voluntary discontinuance of a nonconforming use identified in section 6.110, "Continuance of a Nonconforming Use," of the city zoning ordinance, beginning on the date of closing on the property or, in the absence of a closing date, other effective

date of the transfer of interest.

3. In the event the new owner fails to submit a short-term rental permit application within the time period identified in section 6.110, the short-term rental use must be discontinued, and the short-term rental permit shall not be transferred or issued, pursuant to section 6.110 of the city zoning ordinance governing the abandonment of nonconforming uses.
4. Notwithstanding the foregoing, the owner of any short-term rental located in a zoning district where the short-term rental use is no longer permitted by right who, on the effective date of this article, has timely filed an appeal of a short-term rental permit application denial with the city manager, may obtain a vesting determination from the city manager allowing said owner to obtain a short-term rental permit without regard to such zoning prohibition but subject to all other regulations herein. The city manager may issue a formal vesting determination based on a short-term rental's prior lawful operations, relevant application dates, and any other mitigating factors.

(4) Inspections.

- a. Prior to permit issuance, the director shall perform an initial inspection of the short-term rental premises to determine compliance with all applicable codes, laws, and regulations. No permit shall be issued until the premises successfully passes such inspection.
- b. Prior to permit renewal, the director shall perform a renewal inspection of the short-term rental premises to determine compliance with all applicable codes, laws, and regulations.
- c. Additional inspections shall be conducted in the following circumstances:
 1. Upon transfer of ownership;
 2. When an owner or operator makes modifications to the short-term rental property that would alter the property's maximum occupancy, alter the property's evacuation plan, or otherwise affect the health and safety of any occupant; and
 3. When complaints are filed regarding property conditions related to health and safety concerns.
- d. An owner or operator may refuse to consent to an inspection. In the event the owner or operator does not authorize the director to enter

and inspect the premises, the director is authorized to seek a warrant pursuant to article 18.05 of the Texas Code of Criminal Procedure, as amended. Any warrants issued will constitute authority for the director to enter upon and inspect the rental unit described therein.

- e. If, upon completion of any inspection, the premises are found to be in violation of one or more provisions of this section, the director shall provide written notice of such violation and shall set a re-inspection date. If a property fails to pass an inspection, a re-inspection fee will be charged in accordance with the city fee schedule. A property cannot be occupied as a short-term rental while its status is noted as being in violation.

- (5) Public information. All permits issued under this article constitute public information, subject to the terms of the Public Information Act.

Sec. 20-222. –Regulations.

- (a) Duration of rental period. An owner and/or operator shall not rent or lease a short-term rental unit for a period of less than one (1) night. If an owner and/or operator seeks to operate a short-term rental property as a long-term rental for a rental term of thirty (30) or more consecutive days, the owner and/or operator shall notify staff in accordance with section 20-226(d) in order to preserve the property's short-term rental permit.
- (b) Occupancy. The maximum number of persons permitted to stay in a short-term rental is limited to two (2) persons per bedroom as defined herein, plus two (2) additional persons; however, no short-term rental shall permit the cumulative total number of occupants to exceed twelve (12) persons. An owner or operator may indicate a reduced occupancy maximum on a short-term rental permit application or an advertisement for a short-term rental. Notwithstanding the foregoing, an owner or operator may apply for a special exception in accordance with this article and section 5.500 of the city zoning ordinance in order to increase the occupancy maximum for a short-term rental.
- (c) Parking restrictions. A short-term rental owner and/or operator must provide one on-site parking spot per bedroom operating as a short-term rental. Additionally, it shall be unlawful for an occupant to park a motor vehicle on an unimproved surface, or for an owner and/or operator to permit such parking. All motor vehicles are further subject to the parking requirements of chapter 44, article VI of the code. Tandem parking is permitted for multiple vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.
- (d) Life safety.
 - (1) The short-term rental must be equipped with the following life safety measures:

1. Working smoke alarms, meeting the requirements of Section 92.254 and 92.255 of the Texas Property Code, with a minimum of one on each floor or level; one in each room used as a bedroom; and, if multiple bedrooms are served by the same corridor, one in the corridor in the immediate vicinity of the bedrooms; and
 2. A minimum of one working carbon monoxide detector on each floor or level if the premises are equipped with natural gas, propane, and/or an attached garage; and
 3. A minimum of one 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) available on each floor and inspected annually in accordance with the International Fire Code.
- (2) All gas appliances shall be properly ventilated outside the home.
- (3) In accordance with the International Residential Code, for all structures built after the effective date of egress window requirements, at least one means of egress opening directly to the outdoors, at least five square feet in size, in each room used as a bedroom.
- (4) All pool and spa facilities must comply with the International Property Maintenance Code as adopted in article IX, chapter 5 of the city code.
- (5) Any room that does not comply with this subsection (d) shall not be used as a bedroom, and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short-term rental. Any non-compliant bedroom shall not be included in the maximum occupancy calculation for the short-term rental, nor be advertised as a bedroom.
- (e) Signage. All signs must comply with the city sign ordinance, as applicable, set forth in chapter 29 of the code. Short-term rental uses may erect a nameplate sign, which shall be considered a sign exempted from certain regulations under section 29-5(3) of the code, provided that such sign is not more than two square feet in area and is attached to the structure.
- (f) Food service. Only overnight guests may be served meals except in zones permitting restaurant use. Such meals shall be limited to a continental-type breakfast consisting of, for example, pastries prepared by a licensed provider, milk, cereal, fruit, fruit juice and coffee, unless the facility meets the State of Texas and Gillespie County Health Division requirements for commercial food service.
- (g) 24-hour contact. The owner and/or operator must designate the name and contact information of a 24-hour contact who shall be the local responsible party who can be contacted regarding emergencies, immediate concerns, and complaints from the public. Said individual must be available in person or by phone at all times during any occupant's rental term for the short-term rental. If called, the 24-hour

contact must respond to such call within thirty (30) minutes, and shall either resolve the issue or be present at the premises within one (1) hour of receiving a call from the director requesting the 24-hour contact's presence. A 24-hour contact must be authorized to make decisions regarding the premises and its occupants.

- (h) Advertising. The owner and/or operator shall not advertise or promote, or allow another to advertise or promote, the short-term rental without including the following information on the listing: City permit number, occupancy maximum, maximum parking capacity, host rules, and a street-view image of the front of the property.
- (i) Conduct on premises. Each short-term rental owner, operator, and occupant shall comply with all requirements of the city code. Owners and/or operators shall be responsible for informing occupants that occupants must comply with all relevant city codes and may be liable for violations of same, including but not limited to the following specific provisions:
 - (1) Conduct that would violate the city noise ordinance contained in chapter 20, article VI of the code, in residential zoning districts or planned unit developments with residential uses, including, but not limited to, the following outside areas: decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas;
 - (2) Conduct that would violate the city trash ordinance contained in chapter 32 of the code;
 - (3) Operating exterior string and flood lights in violation of chapter 5, article XV ("Outdoor Lighting," or the City's Dark Sky regulations) of the code; and
 - (4) Using or permitting the use of the short-term rental for the purpose of selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business.
- (j) Host Rules. The owner and/or operator shall post in a conspicuous location of the short-term rental premises a packet containing, at a minimum, host rules with the following information:
 - (1) Maximum number of occupants;
 - (2) Location of required off-street parking and prohibition of parking on unimproved areas;
 - (3) Quiet hours (10:00 p.m. to 7:00 a.m. in residential zones);
 - (4) Waste pick-up requirements, including location of waste and recycling receptacles;

- (5) Exterior lighting requirements due to Dark Sky regulations;
 - (6) 24-hour contact name and phone number;
 - (7) Operator contact name and phone number;
 - (8) If relevant, emergency evacuation procedures;
 - (9) Emergency and non-emergency dispatch numbers; and
 - (10) Notice that failure to conform to city ordinances constitutes a violation of the code for which an occupant may be cited.
- (k) Hotel occupancy taxes. In accordance with chapter 41, article IV of the city code, the owner and/or operator of the short-term rental property shall contact the city finance department prior to the date that the short-term rental permit application is submitted, and the owner and/or operator must remit all applicable hotel occupancy taxes in a timely manner pursuant to applicable laws.
- (l) Application information to be updated. Within ten (10) business days of any change to information provided on the permit application form, other than a change of ownership, the owner or operator of a short-term rental shall notify the city of such change by providing an amended application form.

Sec. 20-223. – Special exceptions available.

An owner and/or operator seeking to operate a short-term rental may apply for a special exception in the following circumstances, subject to the regulations outlined in section 5.500 of the city zoning ordinance:

- (1) To permit short-term rental unoccupied operations within the Historic Overlay district where it overlaps with the R-2 zoning district.
- (2) To permit short-term rental facility operations in the R-2 zoning district if the property immediately abuts a non-residential zoning district or a planned unit development district with commercial uses.
- (3) To permit short-term rental unoccupied operations in the R-1 and R-2 zoning districts if (1) the property shares two (2) or more lot lines, or one (1) or more lot lines for a corner lot, with a property lawfully operating as a STR-unoccupied use or designated for another non-residential use or zoning district, and (2) more than seventy-five (75) percent of the properties within a two hundred (200) foot radius are lawfully operating as a short-term rental unoccupied use.
- (4) To permit short-term rental operations with an expanded occupancy maximum or exception to parking requirements.

- (5) To permit short-term rental operations in the historic shopping district overlay involving the operation of a short-term rental use on the first floor of any new construction or converted existing structure.

Sec. 20-224 - Enforcement; repeat offenses; suspension; revocation.

(a) Enforcement.

- (1) If the owner, operator, or any occupant of the short-term rental property fails or refuses to comply with the standards and requirements contained herein, the city may initiate enforcement action against the owner, operator, or any occupant, including, but not limited to, the immediate issuance of a citation.
- (2) Failure to timely remit applicable hotel occupancy tax is a violation under this article and shall result in a 90-day permit suspension upon notice by the director if all applicable tax is not paid in accordance with a delinquency notice issued by the finance department. The city retains the right to pursue all available remedies prescribed under chapter 351 of the Local Government Code.
- (3) Any advertisement, whether it be online or in print, promoting the availability of a property within the city for rent for a period of less than thirty (30) days shall constitute prima facie evidence of the property's use as a short-term rental.
- (4) For citations issued to the owner and/or operator of a short-term rental, the address information provided for each owner and/or operator on the permit application shall be presumed valid for the purposes of serving such citations.

(b) Repeat offenses; suspension; revocation.

- (1) Violations of this article shall be classified as follows:
 - a. Minor violations shall include violations related to parking, solid waste, water, vegetation or brush, lighting, signage, and other miscellaneous code violations not specific to short-term rental operations and not presenting a threat to health and safety.
 - b. Major violations shall include violations related to health and safety, occupancy, noise, a failure to update application information, an unresponsive 24-hour contact, non-remittance of hotel occupancy tax, unlawful advertisements, and operations without a permit. Three (3) citations for minor violations within a twelve (12) month period shall constitute one major violation.

- (2) If the director finds that the owner, operator, or any occupant of a short-term rental accumulates three (3) citations for major violations within a 12-month period, the director shall refer the short-term rental permit to city council for review. Upon consideration of evidence presented by staff, city council may suspend the permit for up to ninety (90) days.
- (3) If the director finds that a property is the subject of five (5) or more violations of federal law, state law, or the other provisions of the city code outside of this article within the previous 24-month period, the director shall refer the short-term rental permit to city council for review. Upon consideration of evidence presented by staff, the city council may suspend the permit for ninety (90) days. City council may consider factors including (1) the frequency of any repeated violations; (2) whether a violation was committed intentionally or knowingly; and (3) any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare.
- (4) If a permit is referred to city council for review more than two (2) times within a 24-month period and the property ownership has not changed, city council may revoke the permit or suspend the permit for a period between ninety (90) and one hundred eighty (180) days, based on factors including (1) the frequency and severity of any repeated violations; (2) whether a violation was committed intentionally or knowingly; and (3) any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare.

Sec. 20-225. – Appeal.

- (a) The director's denial of an application for a permit to operate a short-term rental, whether an initial application or a renewal application, may be appealed to the city council in accordance with the provisions of this section. Enforcement of this article shall be stayed during the pendency of any appeal pursuant to this section.
- (b) An appeal filed under this section must be filed with the director no later than the 20th day following the date on which the permit was denied. The appeal must be sworn and must identify each alleged point of error, facts and evidence supporting the appeal, and reasons why the action of the director should be modified or reversed.
- (c) The city council shall, at the next regularly scheduled city council meeting following the expiration of fourteen (14) calendar days following the perfection of the appeal, hear the appeal, and may affirm, modify, or reverse an application denial. The city council shall give written notice of a decision on an appeal to the appellant.

- (d) An appellant who seeks judicial review of the city council's review on appeal, or of the city council's decision to revoke or suspend a permit, must file a petition with a court of competent jurisdiction located in Gillespie County, Texas, not later than the 30th day after receipt of the written notice of the decision.

Sec. 20-226. – Applicability to existing operations; nonconforming uses; discontinuance of operations.

- (a) The regulations identified herein pertaining to life safety, 24-hour contact, signage, food service, host rules, conduct on premises, duration of rental, hotel occupancy tax, application information, and advertising shall apply uniformly to existing and new short-term rentals. Existing short-term rentals operating pursuant to a lawful permit on the effective date of this article shall come into compliance with all applicable regulations upon renewal of the existing short-term rental permit. Regulations governing occupancy and parking shall not apply to short-term rentals holding a lawful permit on the effective date of this article.
- (b) The owner and/or operator of a property used as a short-term rental who held a valid short-term rental permit prior to the effective date of this article, and who is unable, fails, or refuses to obtain a permit renewal due to noncompliance with the regulations herein following the effective date of this article shall discontinue the short-term rental use within sixty (60) days of the notice of permit denial. Notwithstanding the foregoing and to the extent applicable, such owner and/or operator may apply for a special exception in accordance with section 5.500 of the city zoning ordinance.
- (c) All legal nonconforming short-term rental uses located in zoning districts where short-term rental uses are no longer permitted by right shall be subject to the abandonment of nonconforming use provisions contained in section 6.110 of the city zoning ordinance.
- (d) It shall be a defense to any permit denial based on the abandonment of a nonconforming use that the short-term rental use was suspended, for a period of ninety (90) or more days, for repair or renovation, for the property owner's use as a primary residence, or for use as long-term rental housing, and the property owner (1) notified the department of such suspension of use before the expiration of the voluntary discontinuance period described by subsection 20-226(c) and (2) files a zero-dollar hotel occupancy tax report on a quarterly basis as required by chapter 41, article IV of the code."

SECTION 4

Section 2.100, "Definitions," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is amended by adding the following definitions, inserted alphabetically to read as follows:

“SHORT-TERM RENTAL or STR.

The rental for compensation of any residence or residential structure, or a portion of a residence or residential structure, for the purpose of transient or guest overnight lodging accommodations for a period of less than thirty (30) consecutive days. Short-term rentals may include but are not limited to single-family residences, townhomes, duplexes, and other residential dwelling units, regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. Short-term rentals shall not include hotels or motels. A short-term rental is further subject to the provisions of chapter 20, article VII of the city code.

SHORT-TERM RENTAL ACCESSORY or STR-ADU.

A short-term rental operating within a lawful accessory dwelling unit on the same lot as the primary structure, in which the primary structure is (a) the owner's homestead as evidenced by a current homestead exemption filed with the Gillespie Central Appraisal District or (b) the primary residence of the 24-hour contact, as evidenced by a sworn affidavit to be provided with the short-term rental permit application. The accessory dwelling unit shall comply with section 8.220 of the city zoning ordinance.

SHORT-TERM RENTAL B&B or STR-B&B.

A short-term rental that operates on a residential property in which the owner, operator, or 24-hour contact resides as their principal residence (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District or a sworn affidavit). Separate short-term rental permits, with a maximum of four units, shall be required for each separate bedroom unit operating as a short-term rental within a short-term rental B&B.

SHORT-TERM RENTAL FACILITY or STR-FACILITY.

A facility or complex, owned or operated by a single owner or operator, containing multiple short-term rental units (up to eight units) on a single lot, for transient or guest lodging where sleeping accommodations are provided for compensation. Any facility or complex located in a commercial zoning district and containing multiple short-term rental dwelling units on a single lot shall be developed in accordance with the multi-family regulations of the base zoning district.

SHORT-TERM RENTAL UNOCCUPIED or STR-UNOCCUPIED.

A short-term rental within a lawful residential dwelling that is not an STR-ADU or STR-B&B.”

SECTION 5

Section 4.400 of Appendix B, “Zoning Ordinance,” of the Fredericksburg Municipal Code is hereby added to read as follows:

“Sec. 4.400. – GENERAL REGULATIONS FOR SHORT-TERM RENTAL USES.

- (a) Short-term rentals shall be subject to the permitting requirements and regulations contained in chapter 20, article VII of the code. Such uses shall be permitted (“P”) in only specific zoning districts as follows, as well as planned unit developments where short-term rental use is identified as a permitted use, and shall otherwise comply with all regulations identified in chapter 20, article VII:

STR USE	ZONING DISTRICT													
	R-1	R-1-A	R-2	R-3	R-4		R-5	RURAL RESIDENTIAL	C-1	C-1.5	C-2	CBD	MU-1	MU-2
STR-ADU	P		P						P	P	P	P	P	P
STR-B&B	P		P						P	P	P	P	P	P
STR-FACILITY									P	P	P	P	P	P
STR-UNOCCUPIED									P	P	P	P	P	P

- (b) The zoning board of adjustment is authorized to hear applications for special exceptions in order to allow short-term rental operations, subject to this section, section 5.500 of the zoning ordinance, and in conjunction with section 20-223 of the code, in the following circumstances and subject to the regulations outlined in chapter 20, article VII:
- (1) To permit short-term rental unoccupied operations within the Historic Overlay district where it overlaps with the R-2 zoning district.
 - (2) To permit short-term rental facility operations in the R-2 zoning district if the property immediately abuts a non-residential zoning district or a planned unit development district with commercial uses.
 - (3) To permit short-term rental unoccupied operations in the R-1 or R-2 zoning districts if (1) the property shares two (2) or more lot lines, or one (1) or more lot lines for a corner lot, with a property lawfully operating as a STR-unoccupied use or designated for another non-residential use or zoning district; and (2) more than seventy-five (75) percent of the properties within a two hundred (200) foot radius are lawfully operating as a short-term rental unoccupied use.

- (4) To permit short-term rental operations with an expanded occupancy maximum or exception to parking requirements.
- (5) To permit short-term rental operations in the historic shopping district overlay involving the operation of a short-term rental use on the first floor of any new construction or converted existing structure.”

SECTION 6

Section 5.500 of Appendix B, “Zoning Ordinance,” of the Fredericksburg Municipal Code is hereby amended to add a special exception provision as follows:

“Special Exceptions. To hear and decide, upon application, special exceptions to the terms of the zoning ordinance. The term “special exception” shall mean a deviation from the requirements of the zoning regulations herein established. Special exceptions shall be granted only when the board finds that such special exceptions will not adversely affect the value and use of adjacent or neighboring property or be contrary to the public interest. The procedural guidelines for variances outlined in sections 5.610, 5.620, 5.630, 5.640, 5.660, 5.670, 5.671, 5.680, and 5.690 of the city zoning code shall be utilized for special exceptions to the extent applicable.

- (a) Special exceptions may be granted only in the following circumstances:
 - (1) To permit short-term rental unoccupied operations within the Historic Overlay district where it overlaps with the R-2 zoning district.
 - (2) To permit short-term rental facility operations in the R-2 zoning district if (1) the property immediately abuts a non-residential zoning district or a planned unit development district with commercial uses and (2) when located within the historic overlay district, only one structure operates as a short-term rental use per 5,000 square feet of land.
 - (3) To permit short-term rental unoccupied operations in the R-1 zoning district if (1) the property shares two (2) or more lot lines, or one (1) or more lot lines for a corner lot, with a property lawfully operating as a STR-unoccupied use or designated for another non-residential use or zoning district, and (2) more than seventy-five (75) percent of the properties within a two hundred (200) foot radius are lawfully operating as a short-term rental unoccupied use.
 - (4) To permit short-term rental operations with an expanded occupancy maximum or exception to parking requirements.
 - (5) To permit short-term rental operations in the Historic Shopping District Overlay involving the operation of a short-term rental use on the first floor of any new construction or converted existing structure.

- (b) In hearing an application for a special exception, the board may consider factors such as the following:
- (1) Whether such operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);
 - (2) Whether operation as a short-term rental in the property's zoning district is compatible with the quality of the surrounding area;
 - (3) Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;
 - (4) Which type of short-term rental, as defined in section 20-220, the applicant seeks to operate;
 - (5) For a short-term rental existing prior to the effective date of chapter 20, article VII of the code, the duration of that short-term rental's operations and the number and type of complaints and/or citations related to that short-term rental;
 - (6) Whether operation with the terms of the special exception will adversely impact the residential quality of the surrounding neighborhood; and
 - (7) Specific property characteristics of the short-term rental like lot size or large square footage of the structure."

SECTION 7

Table 7.863 "Off-Street Parking" of Section 7.860 "Design Standards" of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is hereby amended by deleting the use classification and minimum off-street parking requirements for the short-term rental, condominium use classification and by amending the use classifications and minimum off-street parking requirements for the following use classifications: short-term rental, unoccupied; short-term rental, accessory; short-term rental, B&B; and short-term rental, facility.

USE CLASSIFICATION	MINIMUM OFF-STREET PARKING REQUIREMENTS

Short-term Rental Unoccupied	Parking spaces shall be provided at a ratio of one (1) space per bedroom. In no case shall the number of required off-street parking spaces be reduced below two (2) spaces per parcel. Tandem parking is allowed for multiple vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.
Short-term Rental Accessory	Two (2) spaces for the primary structure, plus one (1) space per each bedroom in the accessory structure used for short-term rental operations. In no case shall the number of required off-street parking spaces be reduced below two (2) spaces per parcel. Tandem parking is allowed for multiple vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.
Short-term Rental B&B	Two (2) spaces for the primary structure, plus one (1) space per each bedroom within the primary structure used for short-term rental operations. Tandem parking is allowed for multiple vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.

Short-term Rental Facility	Parking spaces shall be provided at a ratio of 60% of the permitted occupancy. Tandem parking is allowed for multiple vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.

SECTION 8

The following sections of Appendix B, “Zoning Ordinance,” of the Fredericksburg Municipal Code are hereby amended as follows:

- A. Section 3.100, “R-1: Single Family Residential,” is hereby amended by replacing the references to “Section 5.401” with references to “Chapter 20, Article VII of the Code” and by deleting the provision that reads as follows:

“Short-term Rental, Unoccupied (With a STR permit and adherence to Section 5.401)

- If 2 or more lot lines (only 1 or more lot lines required for a corner lot) are abutting a lawfully permitted "STR Unoccupied" use (STR B&B and STR Accessory uses are not included in this calculation); and
- If 75% or more of the properties on the same side of the street, between intersecting streets, are a lawfully permitted "STR Unoccupied" use (STR B&B and STR Accessory uses are not included in this calculation)."

- B. Section 3.110, “R-2: Mixed Residential,” is hereby amended by replacing the references to “Section 5.401” with “Chapter 20, Article VII of the Code” and by deleting the provisions that read as follows:

“Short-term Rental, Unoccupied—not located within the Historic Overlay District: (With a STR permit, adherence to Section 5.401).”

“Short-term Rental, Unoccupied - located within the Historic Overlay District: (With a STR permit, adherence to Section 5.401).”

“Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401)

- If the property is immediately abutting a Non-Residential Zoning District (Open Space not included), or a PUD that allows commercial uses.
- When located within the Historic Overlay District, use is limited to a maximum of one structure per 5,000 square feet of land.”

“Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401)

- If the property is immediately abutting a Non-Residential Zoning District (Open Space not included), or a PUD that allows commercial uses.
- When located within the Historic Overlay District, use is limited to a maximum of one structure per 5,000 square feet of land.”

- C. Section 3.120, “R-3: Multi-Family Residential,” is hereby amended by replacing the references to “Section 5.401” with “Chapter 20, Article VII of the Code” and by deleting the provisions that read as follows:

“Short-term Rental, B & B: (With a STR permit and adherence to Section 5.401).”

“Short-term Rental, Facility: (With a STR permit and adherence to Section 5.401).”

“Short-term Rental, Unoccupied: (With a STR permit and adherence to Section 5.401).”

“Short-term Rental, Accessory: (With a STR permit and adherence to Section 5.401).”

“Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401).”

- D. Section 3.200, “C-1: Neighborhood Commercial,” is hereby amended by replacing the references to “Section 5.401” with “Chapter 20, Article VII of the Code” and by deleting the provision that reads as follows:

“Short-term Rental, Condominium (Section 5.401).”

- E. Section 3.205: “C-1.5: Medium Commercial,” is hereby amended by replacing the references to “Section 5.401” with “Chapter 20, Article VII of the Code” and by deleting the provision that reads as follows:

“Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401).”

- F. Section 3.210, “C-2: Commercial,” is hereby amended by replacing the references to “Section 5.401” with “Chapter 20, Article VII of the Code” and by deleting the provision that reads as follows:

“Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401).”

- G. Section 3.220, “CBD: Central Business District,” is hereby amended by replacing the references to “Section 5.401” with “Chapter 20, Article VII of the Code” and by deleting the provision that reads as follows:

“Short-term Rental, Condominium (Section 5.401).”

- H. Section 3.510, “HSD: Historic Shopping District Overlay,” of Appendix B, “Zoning Ordinance,” of the Fredericksburg Municipal Code is hereby amended by deleting the following provision:

“A Conditional Use Permit is required for any new construction of any type of STR use, or for conversion of any existing structure to any type of STR use, if located on the first floor, and the review and evaluation criteria of section 5.461 shall be used as applicable.”

- I. Section 3.800, “MU-1: Mixed Use – Infill,” is hereby amended by replacing the references to “Section 5.401” with “Chapter 20, Article VII of the Code” and by deleting the provision that reads as follows:

“Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401).”

- J. Section 3.810, “MU-2: Mixed Use – Corridor,” is hereby amended by replacing the references to “Section 5.401” with “Chapter 20, Article VII of the Code” and by deleting the provision that reads as follows:

“Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401).”

- K. Section 6.110, “Continuance of a Nonconforming Use,” is hereby amended by deleting the following provision:

“A non-conforming short-term rental use shall not be considered voluntarily discontinued if the use is suspended for repairs, modifications, additions, or remodels, or if the owner of the property utilizes the property as their personal residence, for a period not to exceed 365 consecutive days.”

SECTION 9

This Ordinance shall be cumulative of all provisions of ordinances and of the Fredericksburg Municipal Code, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 10

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

SECTION 11

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-6 of the Fredericksburg Municipal Code. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 12

All rights and remedies of the City of Fredericksburg are expressly saved as to any and all violations of the provisions of the Fredericksburg Municipal Code, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

SECTION 13

The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City as required by Section 3.12 of Article III of the Charter of the City of Fredericksburg.

SECTION 14

This Ordinance shall be in full force and effect from and after the date of its passage, as provided by the Fredericksburg City Charter and the laws of the State of Texas, and shall go into effect on January 1, 2024.

PRESENTED AND PASSED this 17th day of October, 2023, at a regular meeting of the City Council of the City of Fredericksburg, Texas.

Mayor

ATTEST:

City Secretary



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Public Works and Utilities

TO: Mayor & City Council Members

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

MEETING DATE: October 17, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider the approval of Ordinance 2023-19 amending the schedule for Outdoor Irrigation Under Stage 4 of the City's Water Conservation Measures; providing for outdoor watering hours; and providing for an effective date (Kris Kneese, Director of Public Works/Utilities)

PRESENTATION:

SUMMARY:

Consider revising the outdoor watering times under Stage 4 Water Restrictions

BACKGROUND:

In April 2023, the City moved into Stage 4 of the Water Conservation Plan. Under Stage 4, outdoor watering is allowed 4 hours per week based on the last digit of the property address. Currently, the watering times listed in the ordinance are from 7pm to 11pm.

Over the past several weeks, City Staff has heard from a number of residences and customers about changing the outdoor watering times from the evening hours to the morning hours from 5am to 9am. City Staff supports the idea of changing the watering hours under Stage 4 of the Water Conservation Plan back to the morning hours.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Consider approving outdoor watering times under Stage 4 of the City's Water Conservation Ordinance

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision

ATTACHMENTS:

1. Ordinance 2023- Stage 4 amendments

APPROVAL/REVIEW:



Garret Bonn, Assistant City Manager

Date: October 12, 2023

William McKamie, City Attorney

Date: October 12, 2023



Shelley Goodwin, City Secretary

Date: October 12, 2023



Clinton Bailey, City Manager

Date: October 12, 2023

ORDINANCE NO. 2023-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, ADOPTING AN AMENDED SCHEDULE FOR OUTDOOR IRRIGATION UNDER STAGE 4 OF THE CITY'S WATER CONSERVATION MEASURES, PROVIDING OUTDOOR WATERING HOURS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. That Section 47-51(c)(2) of Article II. - Water Conservation Measures, under Chapter 47 - Utilities, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 47-51. - Stage 4-Critical water shortage.

(c) Requirements:

(2) All Outdoor Irrigation may occur only by any approved watering method between the hours of **5:00 to 9:00 a.m.** on the following schedule below based on the last digit of the street address:

- a. 1 or 2 the irrigation day is Monday
- b. 3 or 4 the irrigation day is Tuesday
- c. 5 or 6 the irrigation day is Wednesday
- d. 7 or 8 the irrigation day is Thursday
- e. 9 or 0 the irrigation day is Friday

The day-of-week restrictions do not apply to the irrigation of commercial plant nurseries; however, these establishments shall curtail all nonessential water use.

Section 2. Severability or invalidity. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this Ordinance are declared to be severable.

Section 3. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall be effective on and after the date of passage and publication.

PASSED AND APPROVED on this the day of 2023.

Jeryl Hoover, Mayor

ATTEST

Shelley Goodwin, City Secretary, TRMC/CMC

APPROVED AS TO FORM:

Mick McKamie, City Attorney

Published in the Fredericksburg Standard on , 2023.



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: October 17, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider approval of Resolution 2023-16R supporting innovative One Water Strategies and directing staff to explore such strategies in public and private development projects (Councilmembers Kirchner and Watson)

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

1. One Water resolution draft 10.3.23_ Fredericksburg

APPROVAL/REVIEW:

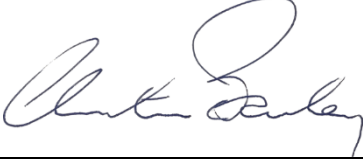
Date: October 11, 2023

William McKamie, City Attorney



Shelley Goodwin, City Secretary

Date: October 12, 2023



Clinton Bailey, City Manager

Date: October 12, 2023

RESOLUTION 2023-16R

CITY OF FREDERICKSBURG RESOLUTION SUPPORTING INNOVATIVE *ONE WATER* STRATEGIES AND DIRECTING STAFF TO EXPLORE SUCH STRATEGIES IN PUBLIC AND PRIVATE DEVELOPMENT PROJECTS

WHEREAS, the City of Fredericksburg relies primarily on groundwater from the Ellenberger-San Saba aquifer for its water supply; and,

WHEREAS the Modeled Available Groundwater for the Ellenburger-San Saba aquifer is already 84% allocated; and

WHEREAS, the 2022 State Water Plan shows that municipal water demand in Gillespie County is expected to grow by 28% between 2020 and 2070; and

WHEREAS, without a renewed approach to water supply management, the city could face water shortages in the future; and

WHEREAS, the City of Fredericksburg has already demonstrated its commitment to water conservation and resilience through its capital investments in automatic meters, water main replacement, and aggressive leak detection and repair to curb water loss; and

WHEREAS, a commitment to water conservation is only one of the necessary steps to water security and resiliency in the future; and

WHEREAS, the City has a responsibility to ensure water supplies in the future can meet demand, and to employ innovative strategies to that end, when necessary; and

WHEREAS, there is a growing suite of water infrastructure and management strategies known as “One Water” that is proving its effectiveness in several Texas communities and across the country; and

WHEREAS, “One Water” is defined as an integrated approach to water management that views all water in our community—drinking water, wastewater, stormwater, greywater—as a single resource to be managed holistically and sustainably, for the benefit of strong economies, vibrant communities, and healthy environments; and

WHEREAS, One Water strategies can include recycling wastewater to offset potable water demand, investing in green infrastructure to ensure stormwaters soak into the ground, capturing water at the building-scale through onsite rainwater harvesting systems or AC-condensate collection, and optimizing potable water supplies through efficiency and conservation; and

WHEREAS, there are a number of organizations and institutions in our region who are available to provide expertise on One Water strategies, including but not limited to the Hill Country Alliance, The Meadows Center for Water and the Environment at Texas State University, the National Wildlife Federation, the Greater Edwards Aquifer Alliance, and Texas Water Trade, as well as a growing professional community of engineers and planners versed in One Water design and implementation.

NOW, THEREFORE, by action of the City of Fredericksburg's City Council at a duly noticed and held public meeting and as reflected in the minutes of the Council, be it resolved that the city staff shall study opportunities to deploy One Water strategies in the city, with an assessment of the costs and benefits associated with doing so. These shall include considerations for public infrastructure and facilities, as well as private developments and buildings.

Adopted this ____ day of _____, 2023.

Jeryl Hoover, Mayor

ATTEST

Shelley Goodwin, City Secretary, TRMC/CMC



CITY COUNCIL **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Shelby Collier, Associate Planner
MEETING DATE: October 17, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider a request by Amelia Zesch for a Conditional Use Permit to Operate a STR-Unoccupied in an R2 Zoned Area located in the Historic District on Property located at 407 West San Antonio Street (#Z-2320) (Anna Hudson, Director of Development Services)

- 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. - *Proposed 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 are 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 will not be detrimental to public health safety*

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION: The Planning & Zoning Commission voted unanimously in favor of the proposed C.U.P. on October 4, 2023. 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.

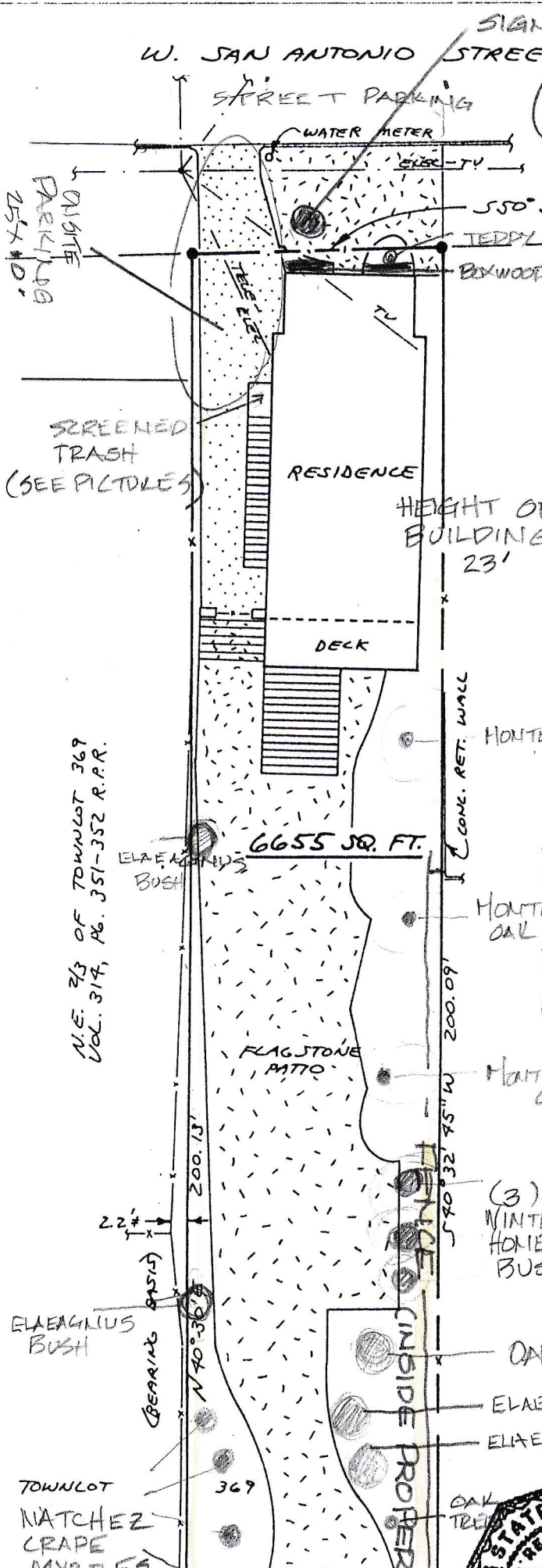
COMMUNITY VISIONING/STRATEGIC INITIATIVES:

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:



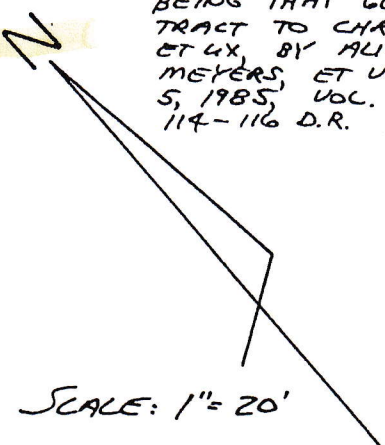
SIGN (SEE PICTURES)

[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.

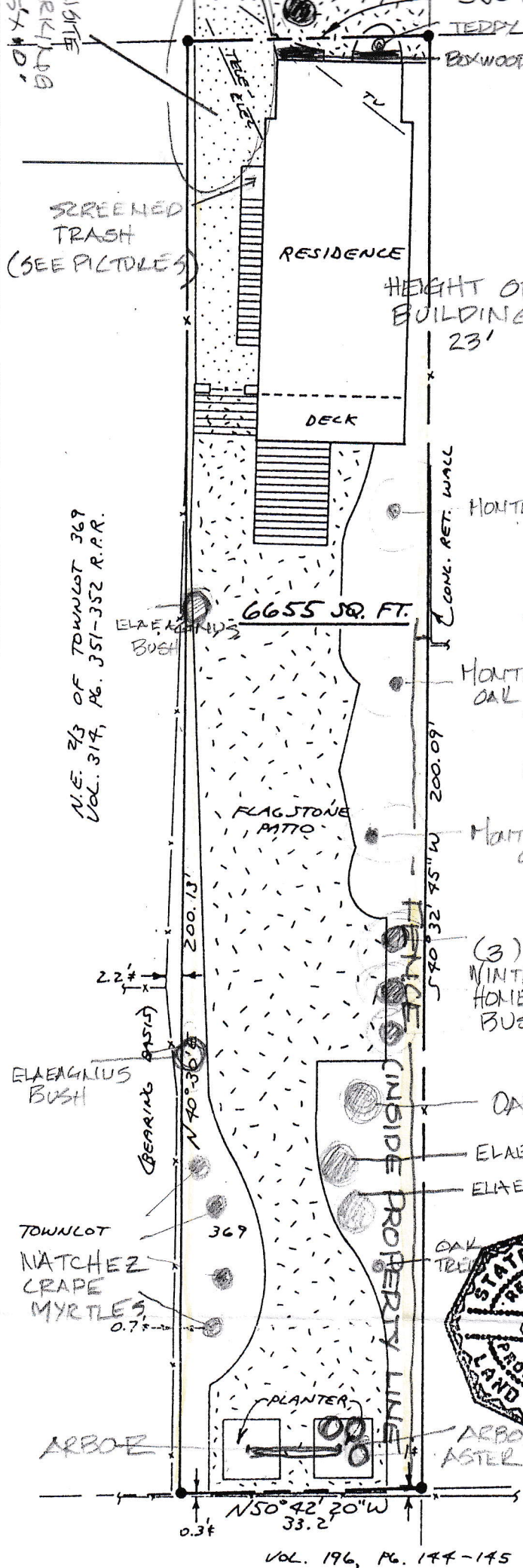


LEGEND:
• 1/2" Ø STEEL BAR FOUND

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

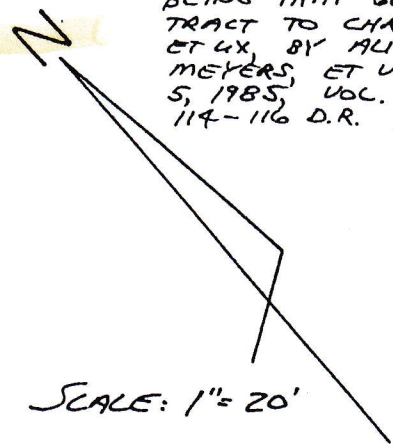
EASEMENTS AND RESTRICTIONS AS PER
HILL COUNTRY TITLES, INC., COMMITMENT
FOR TITLE INSURANCE, G.F. NO. 98-082:

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" ϕ STEEL BAR FOUND

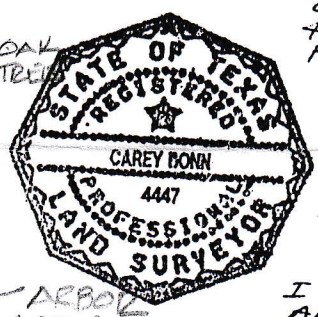
THIS TRACT OF LAND IS NOT SHOWN
WITHIN A 100-YEAR FLOOD BOUNDARY
ON COMMUNITY-MAP NO. 480252 0002B,
DATED MAY 19, 1981.

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

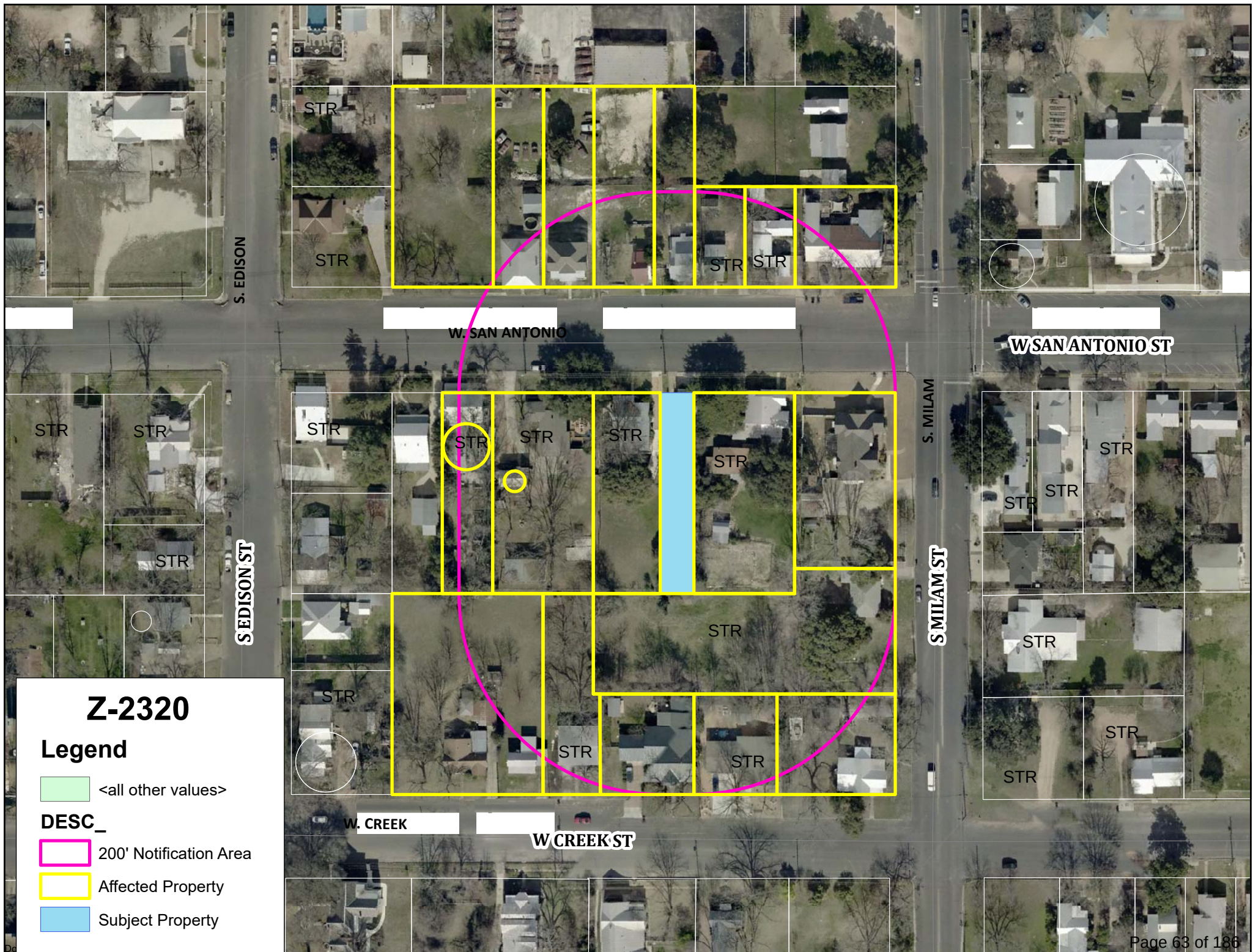
Mindy & Daniel Curran
408 W Creek
Fredericksburg, TX 78624

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.



CITY COUNCIL **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Director of Development Services

MEETING DATE: October 17, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider a request by William Joseph for a Conditional Use Permit (CUP) per Section 3.110 to Operate a STR-Unoccupied in an R2 Zoned Area Located in the Historic Overlay District on Property Located at 411 East Creek Street (#Z-2317) (Anna Hudson, Director of Development Services)

- 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 6 required. (Parking shall be provided at 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 are foreseen. 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 is 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 significantly 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 impacts*
8. Adequacy and convenience of off-street parking and loading facilities. *Parking meets code requirements for STR facility use.*
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. *R2 has allowed STR uses and there are many other STRs in the immediate vicinity.*
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 and safety.*

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION: The Planning and Zoning Commission met on October 4, 2023, and voted unanimously to recommend approval with staff proposed conditions.

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:

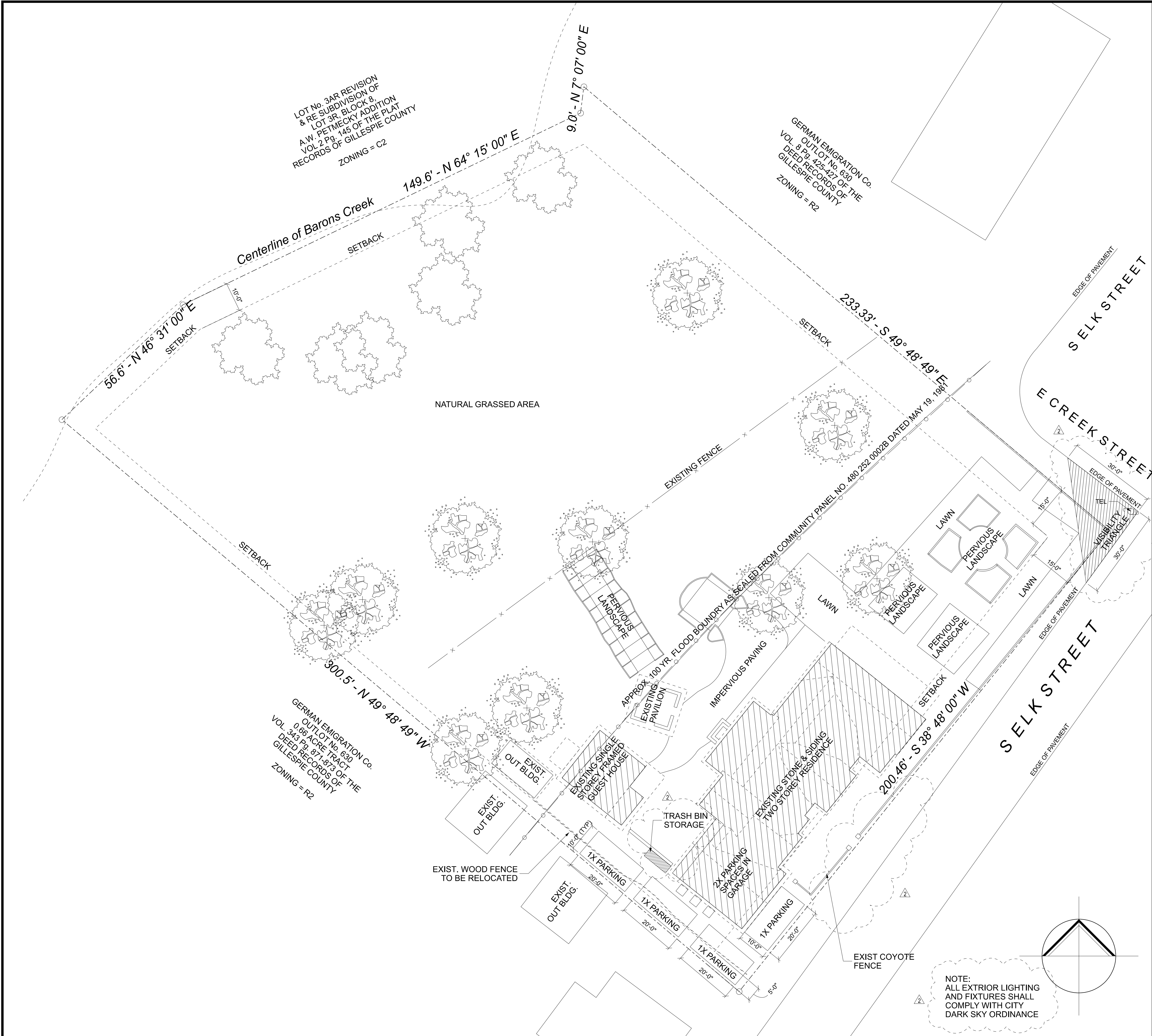
Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

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: rodneyn.austin@rausa.net

Property Data,
Site Development
Plan

A 0.2.01

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

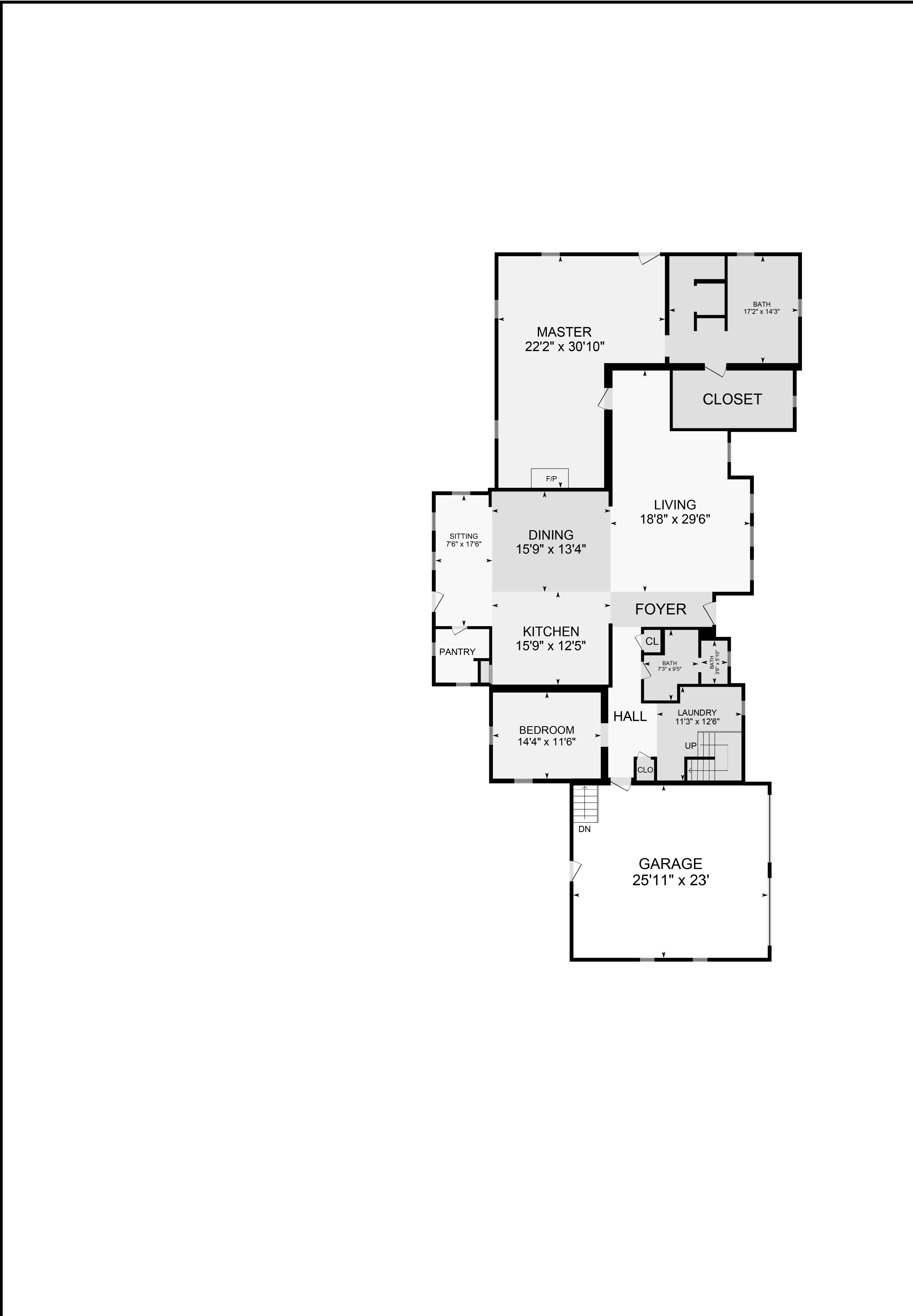
04

Site Development Plan

SCALE 1/16" = 1' -0"

01

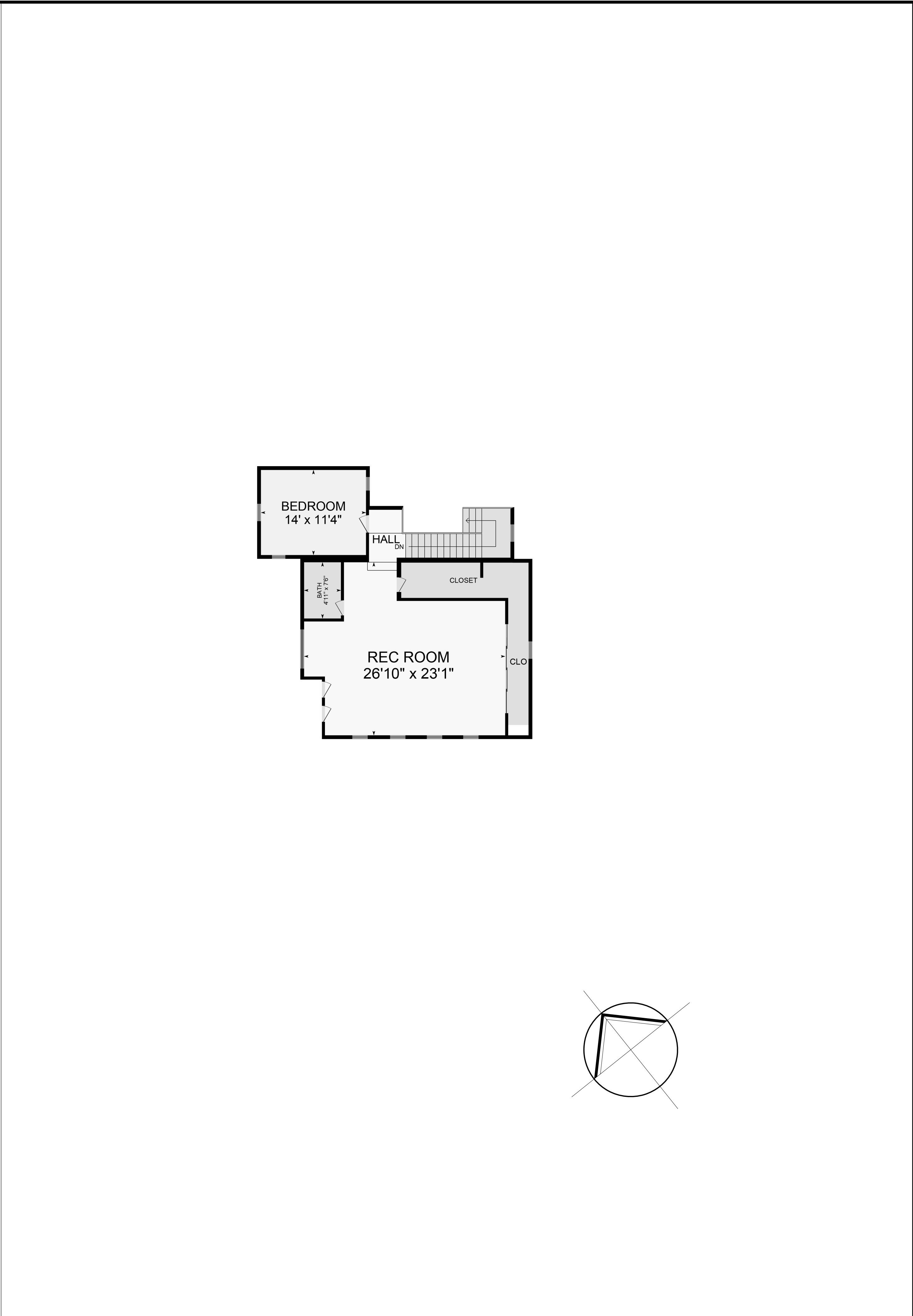
Project Data



01

Level 1 Floor Plan

SCALE 1/8" = 1' -0"



02

Level 2 floor Plan

SCALE 1/8" = 1' -0"

Existing Residence

Part of German Emigration Company Outlot No. 630

411 E Creek Street, Fredericksburg TX

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

RAS
USA
INC

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.

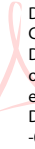
For information regarding these comments please contact Shelby Collier with Development Services at 830-990-2013 or scollier@fbgtx.org

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!



"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: 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!



"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

[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

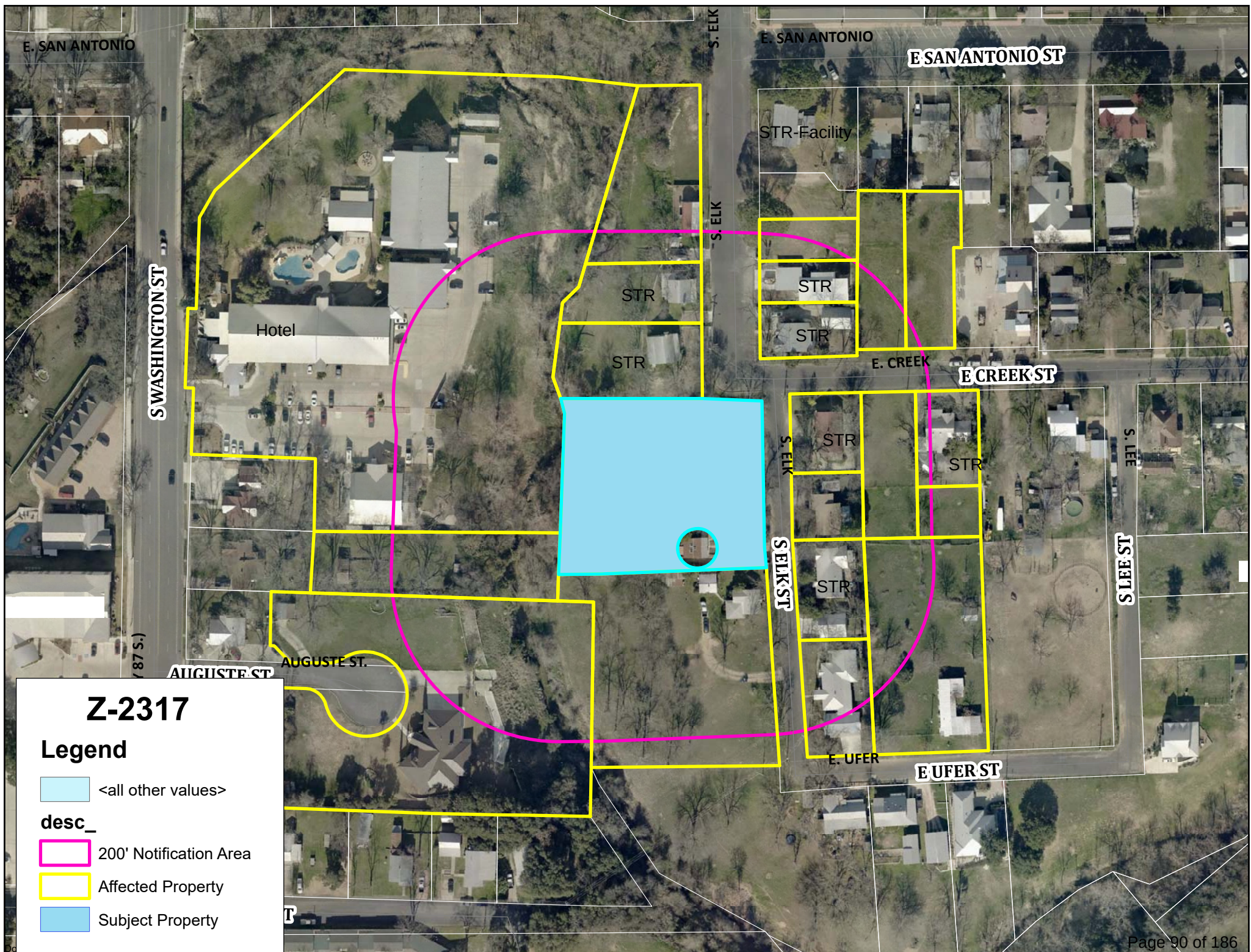
+1 (214) 763-9116











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
VOLENTE, 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:

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.



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Director of Development Services

MEETING DATE: October 17, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider a request by Theresa Guettler for a Conditional Use Permit to Operate a STR-Condominium in a C2 Commercial Zoned Area for Property located at 510 Mueller Street #33. (#Z-2308) (Anna Hudson, Director of Development Services)

- 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: The Planning & Zoning Commission made a recommendation against the request for a Conditional Use Permit on October 4, 2023. P&Z expressed concern for parking, density and previous denials of Condo STRs in the neighborhood. City Council would have to vote in a super majority to override the P&Z recommendation. 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

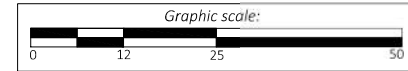
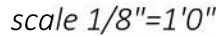
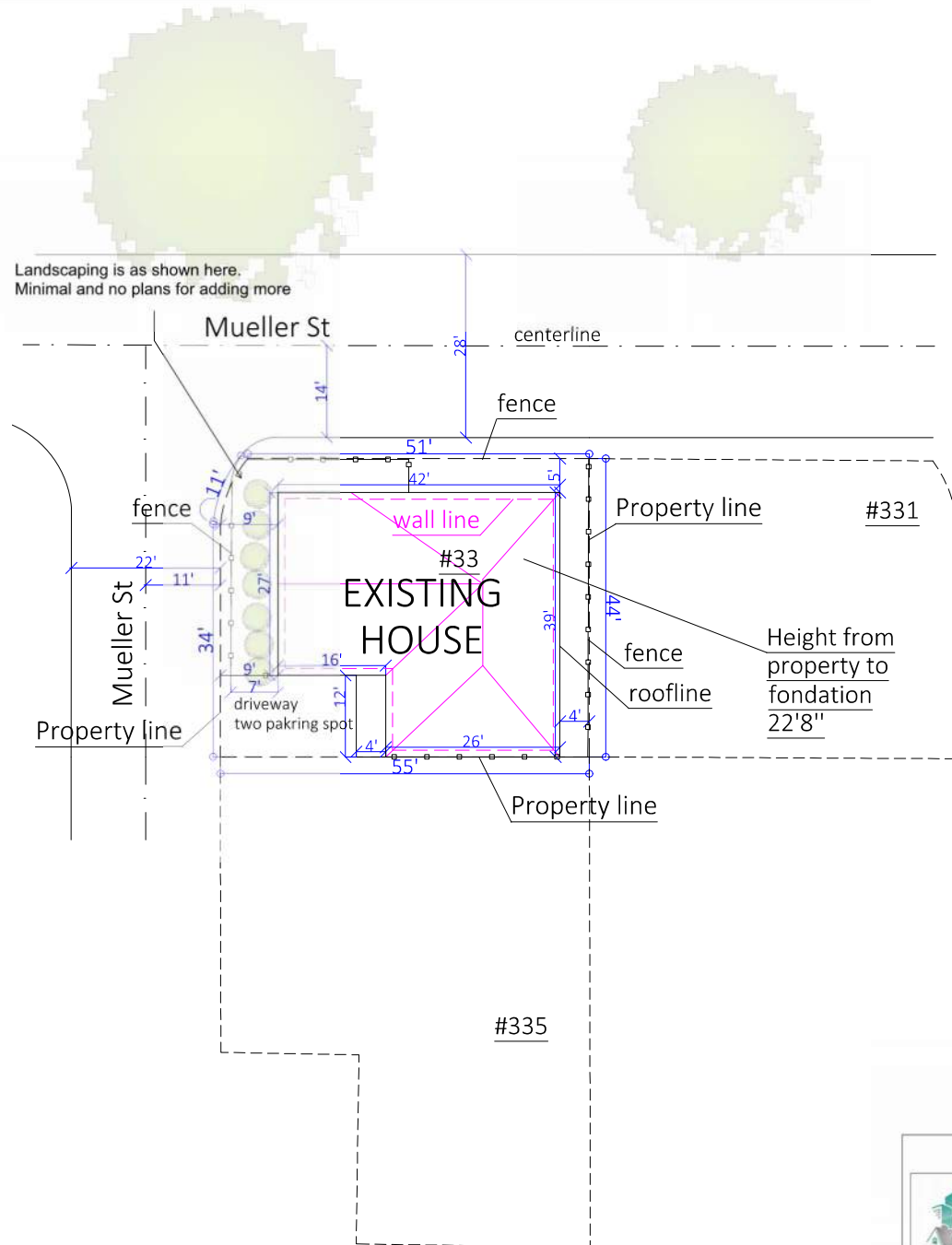
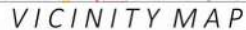
ATTACHMENTS:

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).

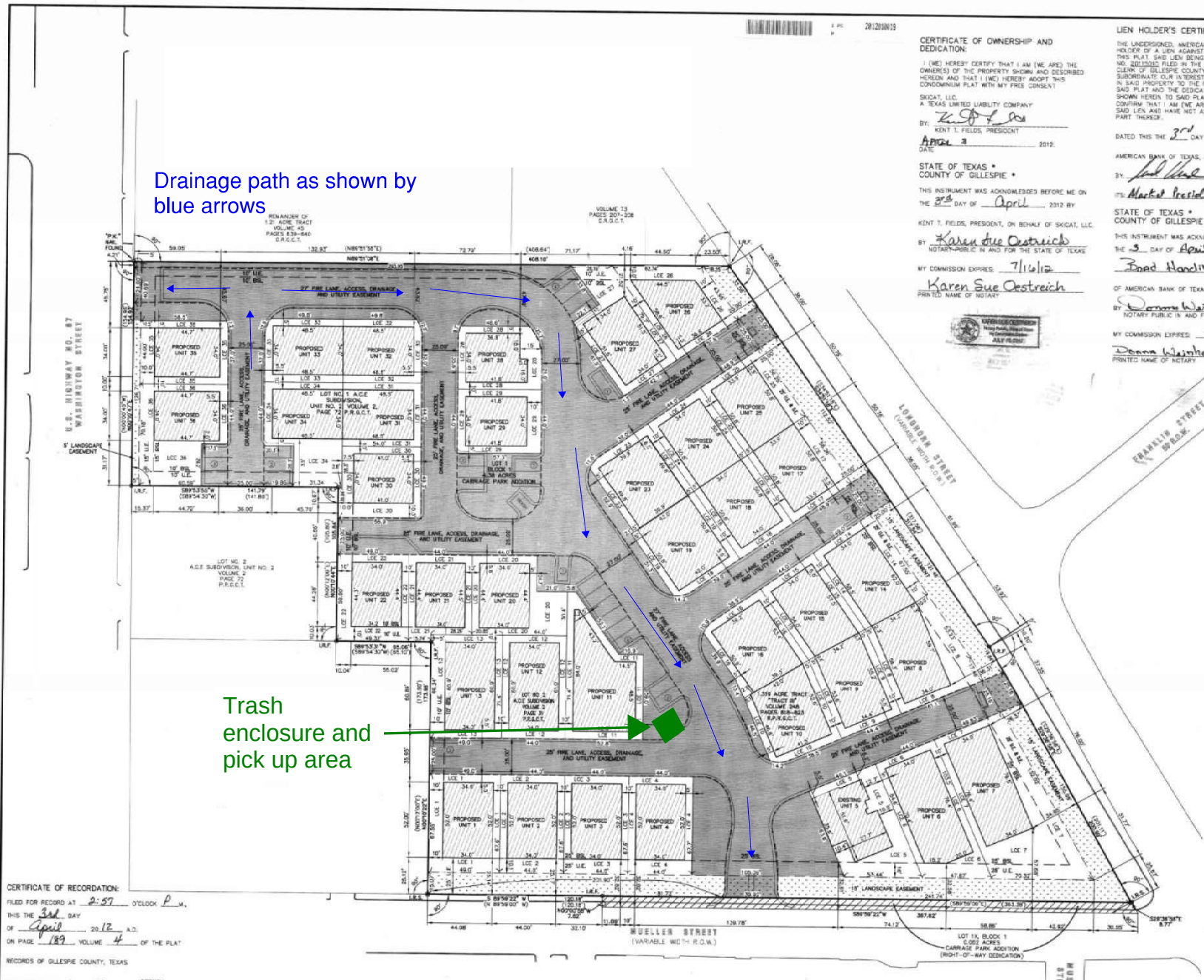


Created by:



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 OUR INTEREST IN AND LIEV IN ALL THINGS SHOWN ON THIS 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: Donna Wainheimer
 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
 MY COMMISSION EXPIRES: 7-26-13
Donna Wainheimer
 PRINTED NAME OF NOTARY

LEGEND

- EXISTING PROPERTY LINE
- EXISTING BRD
- 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.
 THIS 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
 Mary Lynn Roush, County Clerk
 311 Dallas County, Texas
 Tel: 409.682.4212 Fax: 409.682.4212
 P. 0106.01 2012/01/03

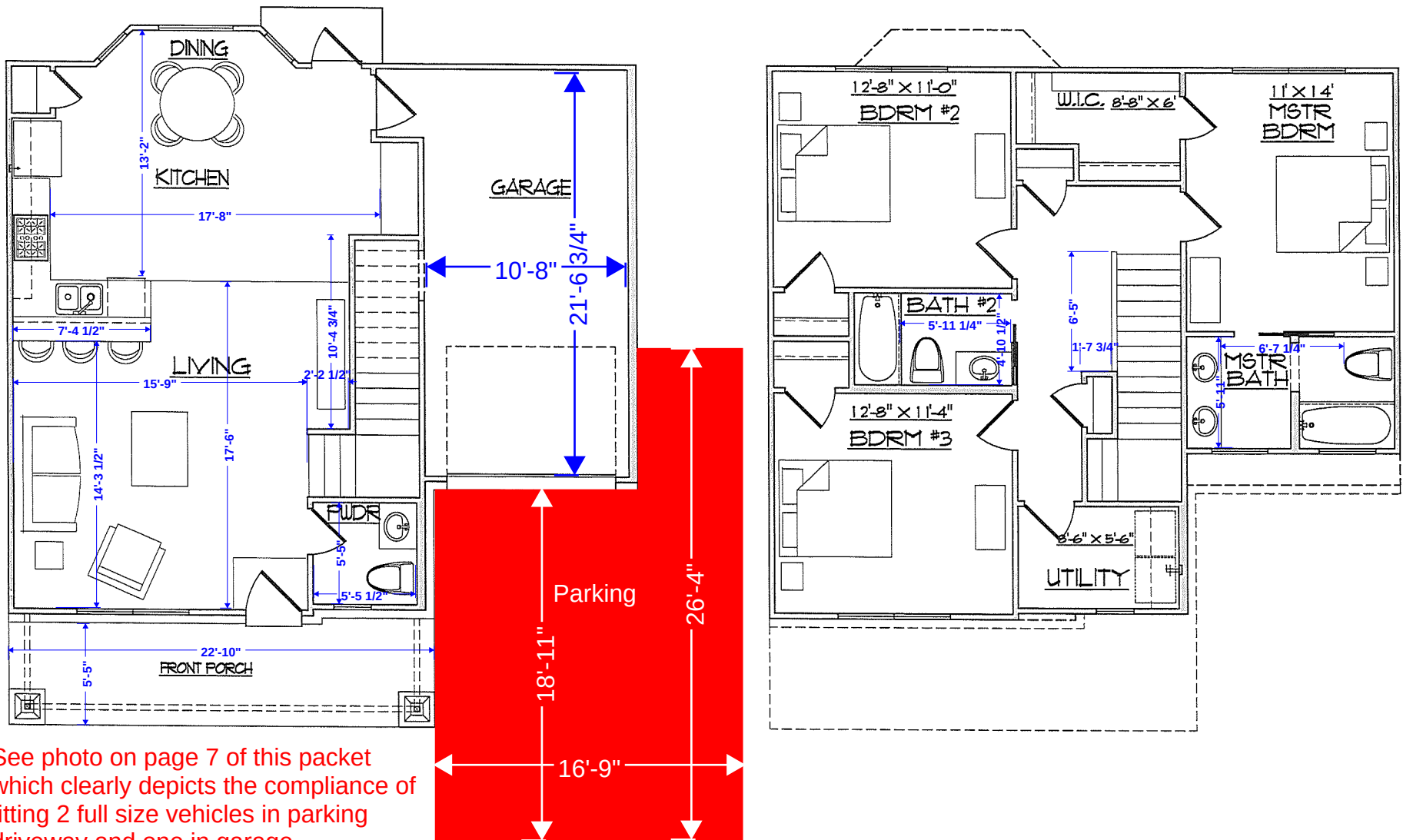
CONDOMINIUM SURVEY FOR
CARRIAGE PARK CONDOMINIUMS
 LOT 1, BLOCK 1
 CARRIAGE PARK ACCESS
 VOL. 4, PAGE 85, PLAT BEING
 GILLESPIE COUNTY, TEXAS

SKICAT, LLC OWNER
 CONTACT: KENT FIELDS
 117 SANDFENCE LANE
 KENNESAW, TX 75845
 (936) 785-3079

VORDENBAUM ENGINEERING, INC. ENGINEER
 CONTACT: KYLE W. SPANGLER
 207-E L. HENRY ST.
 FREDERICKSBURG, TX 77834
 (360) 987-4741
 FAX: (360) 987-1987

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

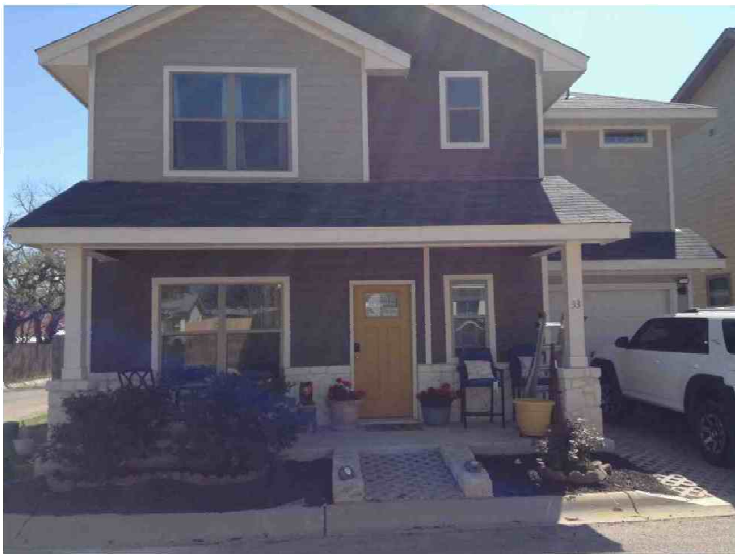
Interior Floor plan layout - 510 Mueller Street Unit 33



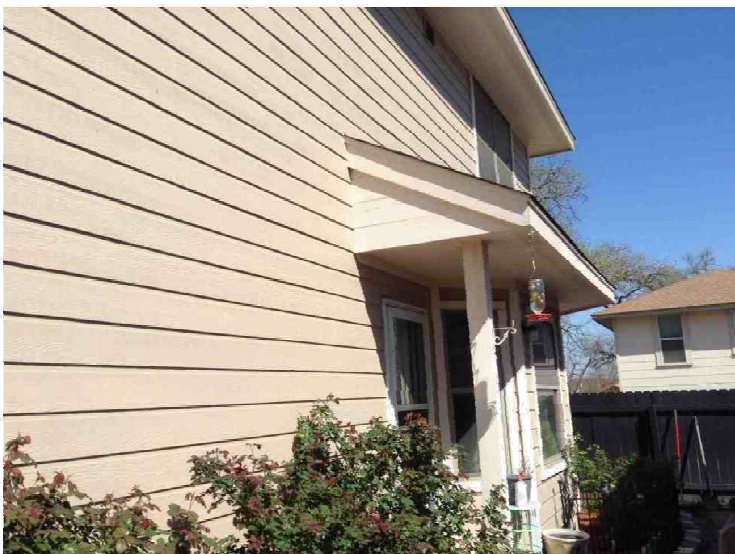
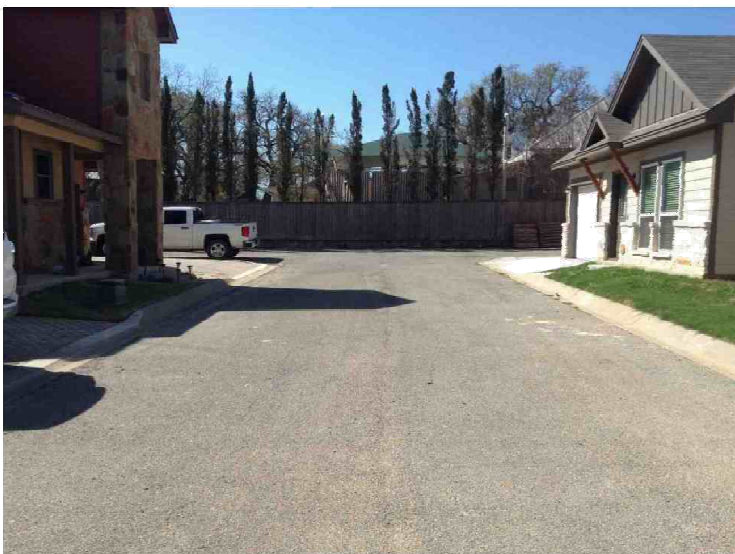
See photo on page 7 of this packet which clearly depicts the compliance of fitting 2 full size vehicles in parking driveway and one in garage.

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



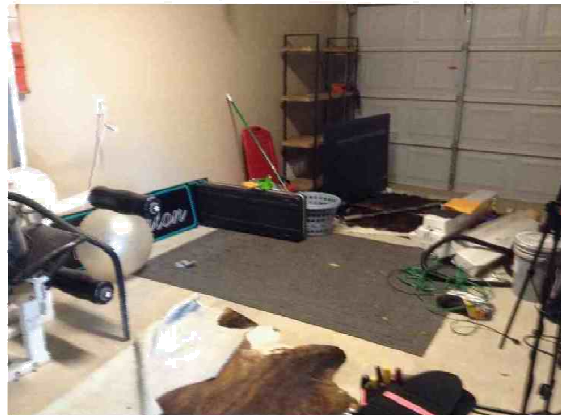
Patio
At back of home and fenced in



Kitchen



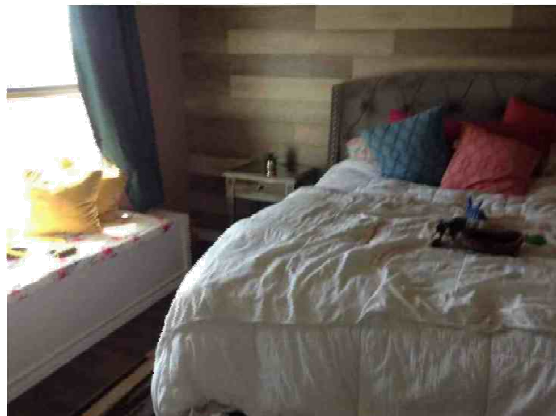
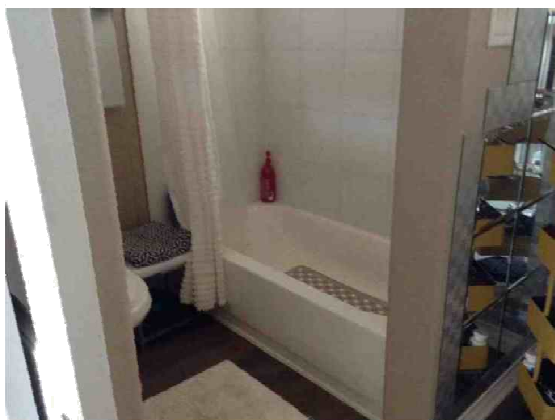
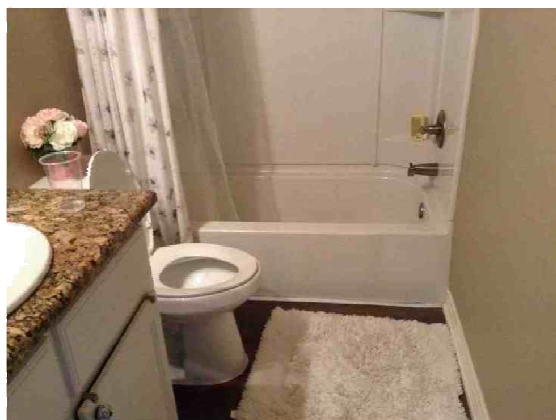
Bath



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				

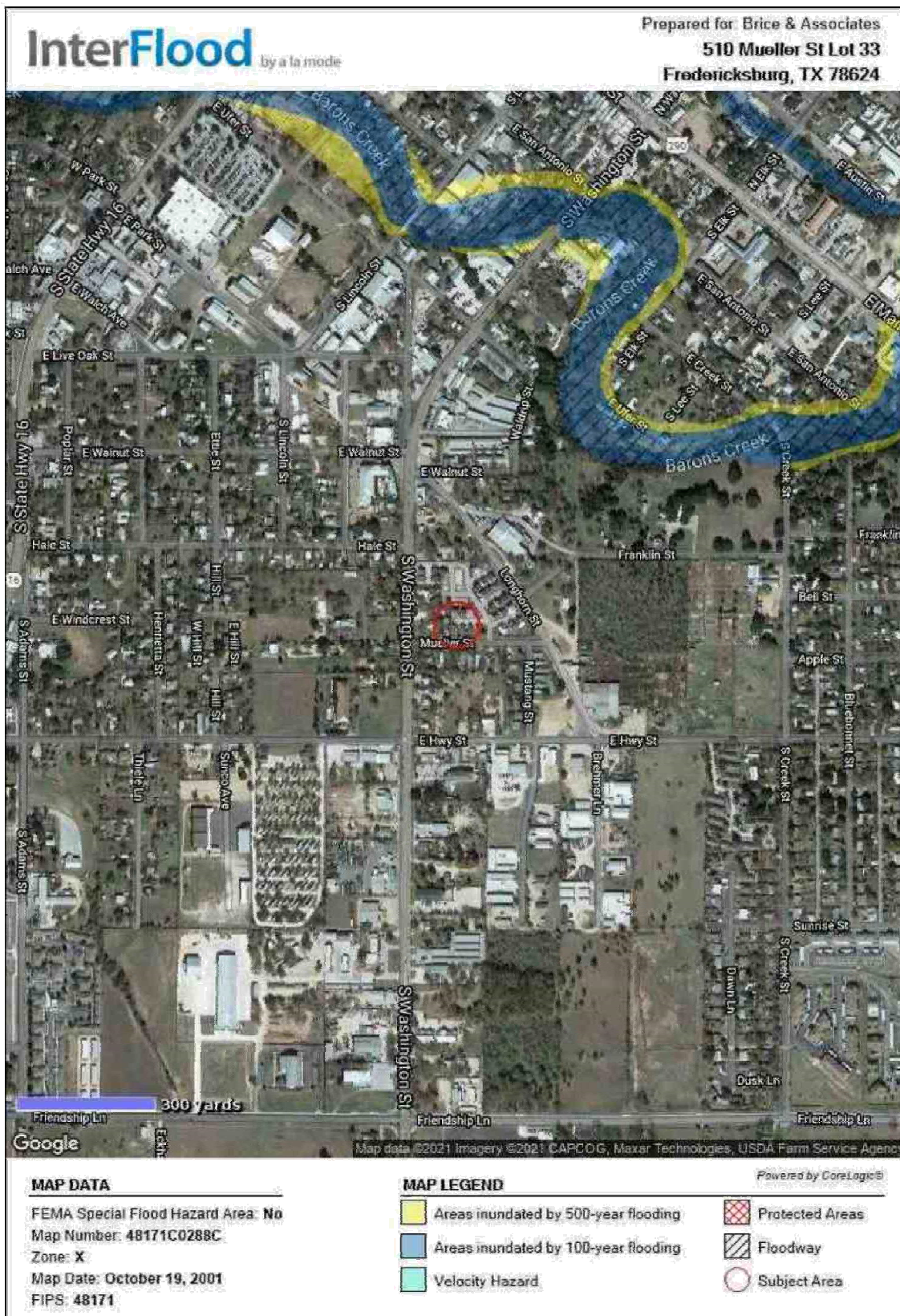
**Bedroom**

**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 by 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.
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- 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

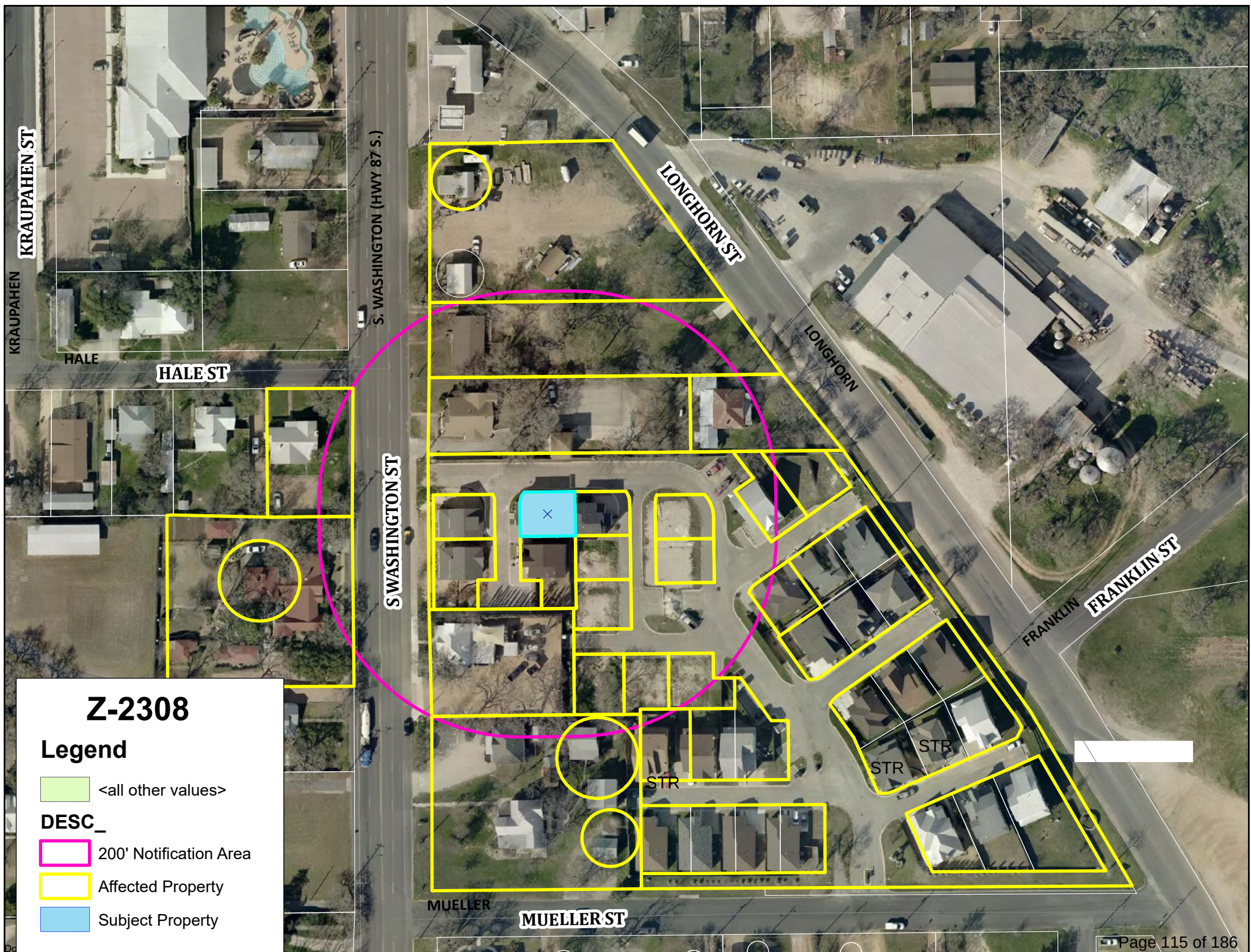
Kathryn Harrison
8 W Ledge Stone Dr
Fredericksburg, TX 78624

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



Z-2308

Legend

-  <all other values>
- DESC_**
-  200' Notification Area
-  Affected Property
-  Subject Property

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:

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.



CITY COUNCIL **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Director of Development Services

MEETING DATE: October 17, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider a request by Mitchell Sharrock for a Conditional Use Permit (CUP) per Section 3.200 to Operate a Restaurant - Limited Use on Property Located at 811 North Llano Street (#Z-2319) (Anna Hudson, Director of Development Services)

- 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. Restaurant staff parking is provided in existing driveway accessed from N. Llano St.

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

Detention: not required due to size of lot

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: From the 200' public hearing letters, 4 letters of support and 6 letters against have been received. The applicant has also supplied other comments in support.

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 are the greatest concern expressed by neighbors. The applicant has addressed by limiting occupancy, adding more parking than required by code, and adding a 6' masonry 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 requested.*
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. *Site has access from State Hwy 16 (Llano St). Parking is at the rear of the lot. Patrons coming by vehicle will mostly enter from Llano Street.*
6. Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts. *Greatest risk of negative impact would be noise, however this would be limited by businesses 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. *Proposed signage would facing Llano St and not the neighborhood no adverse impact anticipated.*
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 and 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. On October 4, 2023, Planning & Zoning again recommended against the CUP citing the same concerns for parking in the neighborhood. This recommendation by Planning & Zoning requires City Council to vote in favor with a super-majority.

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 (as proposed).
- No live outdoor music
- Limit total occupancy (indoor and outdoor) to 52 to coincide with available parking
- Installation of sidewalks along North Llano and E. Hackberry (as proposed)
- Installation of bike racks

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 Project Application
4. Z-2319 Updated Review Comments
5. Business Narrative
6. Z-2319 Public Hearing Map
7. Map of protest and approve
8. 200 ft notice addresses with responses
9. Neighborhood Protest
10. Kusenberger Approval
11. Kirchhoff Approval
12. Qian Protest
13. Musselman Protest

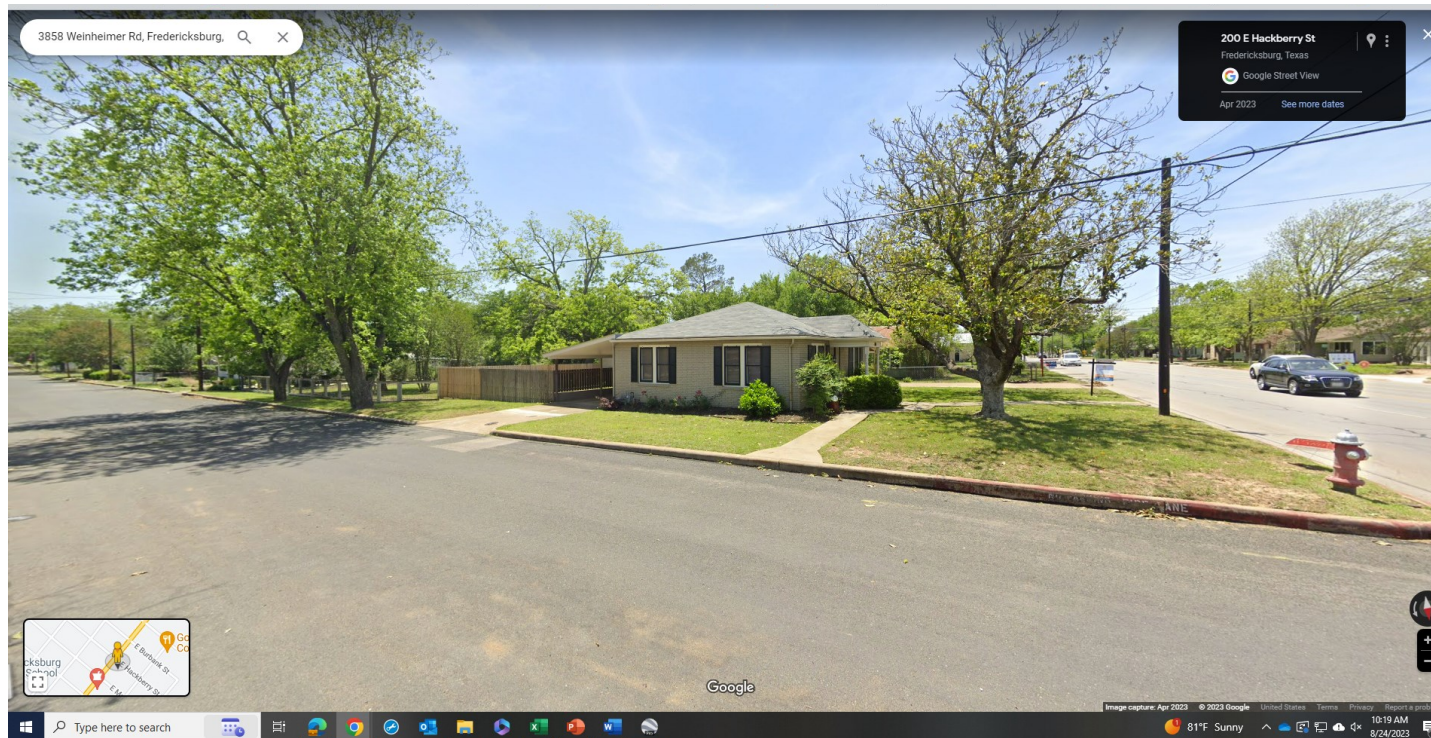
14. Kusenberger Approval
15. Kirchhoff Approval
16. Z-2319 Dicuffa Approval
17. Z-2319 Crenwelge Protest
18. Turpin Protest
19. Traver Support
20. Nelson Approval
21. McCall Approval
22. FEIts & Gonzales Support

APPROVAL/REVIEW:



811 N. Llano







Hackberry entrance.

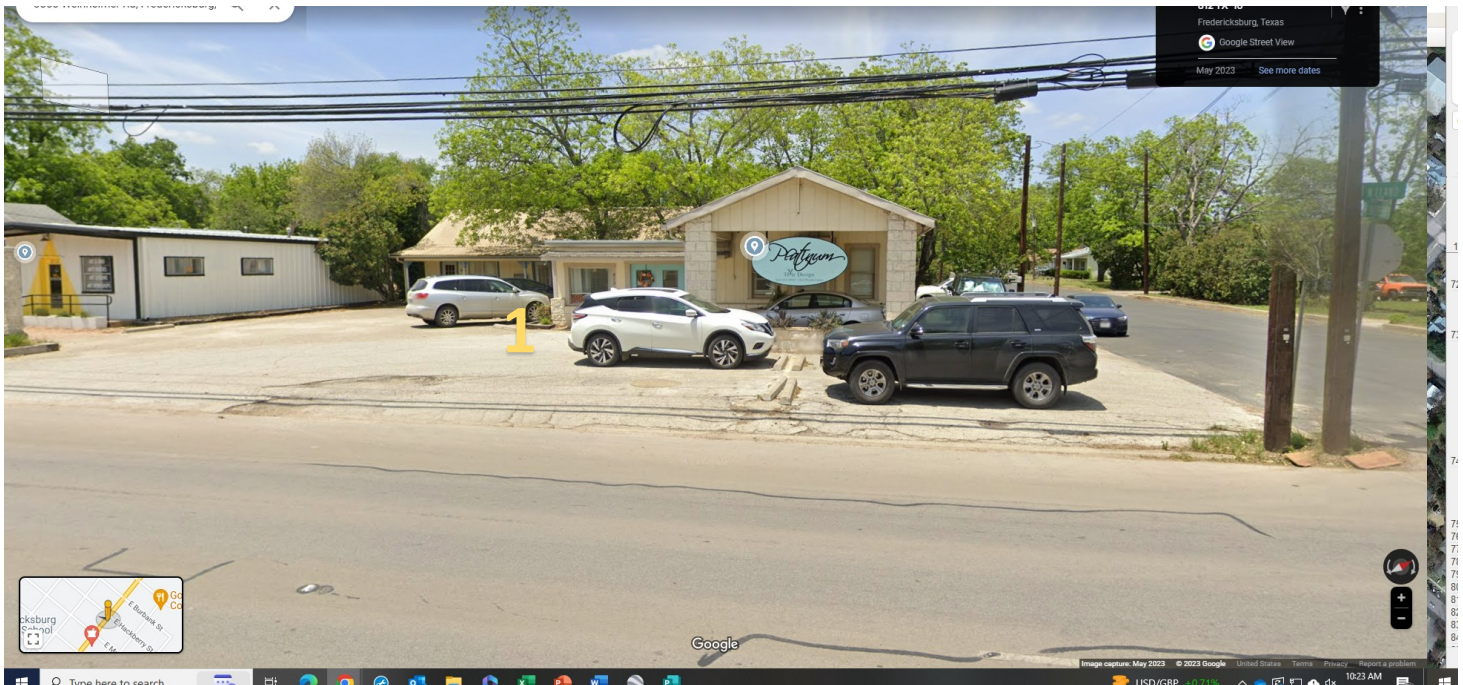
Curb cut to be removed as only one curb cut is allowed per lot of this size and new curb cut will be required for parking lot access.



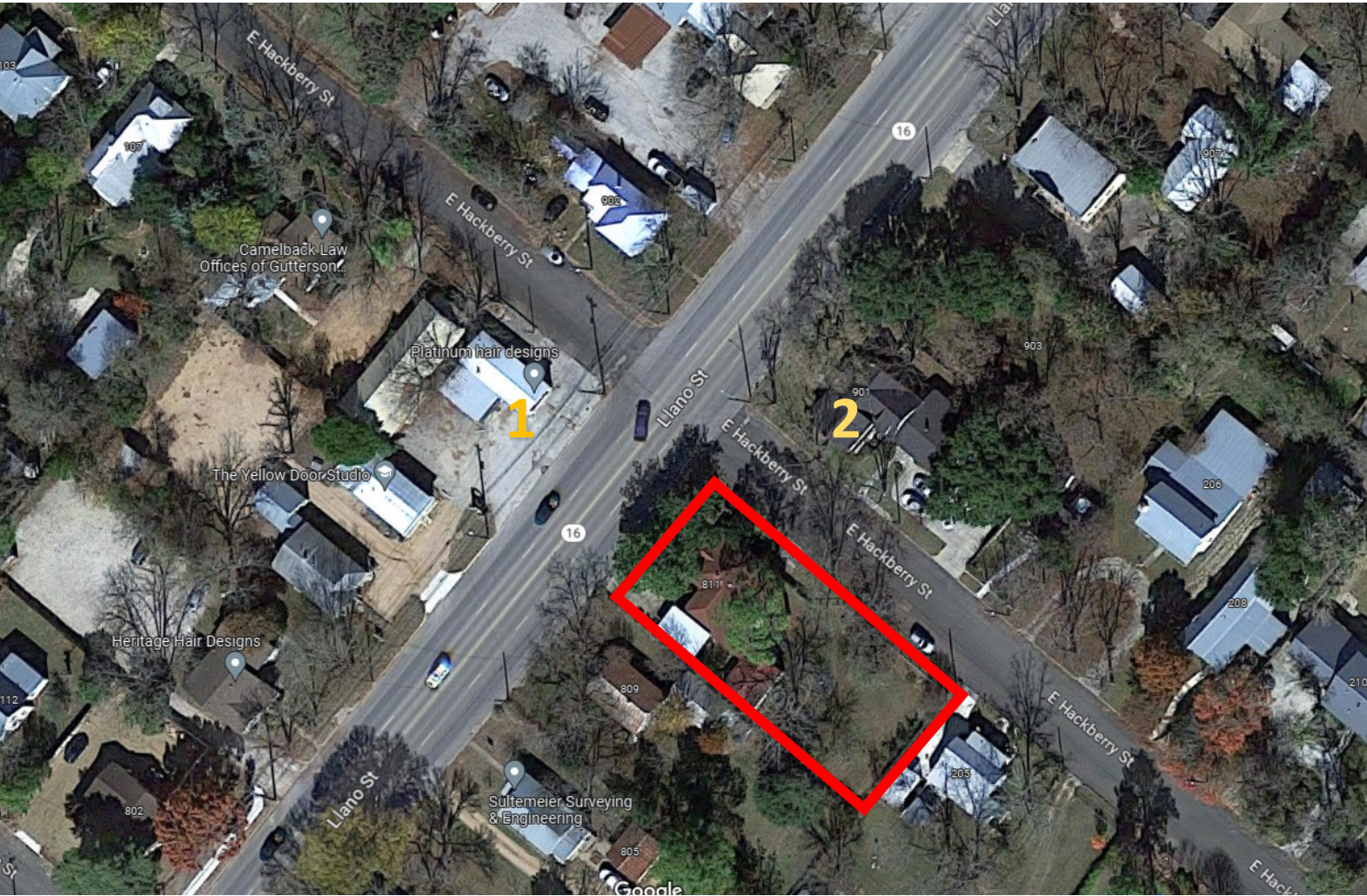
Proposed parking lot on E. Hackberry

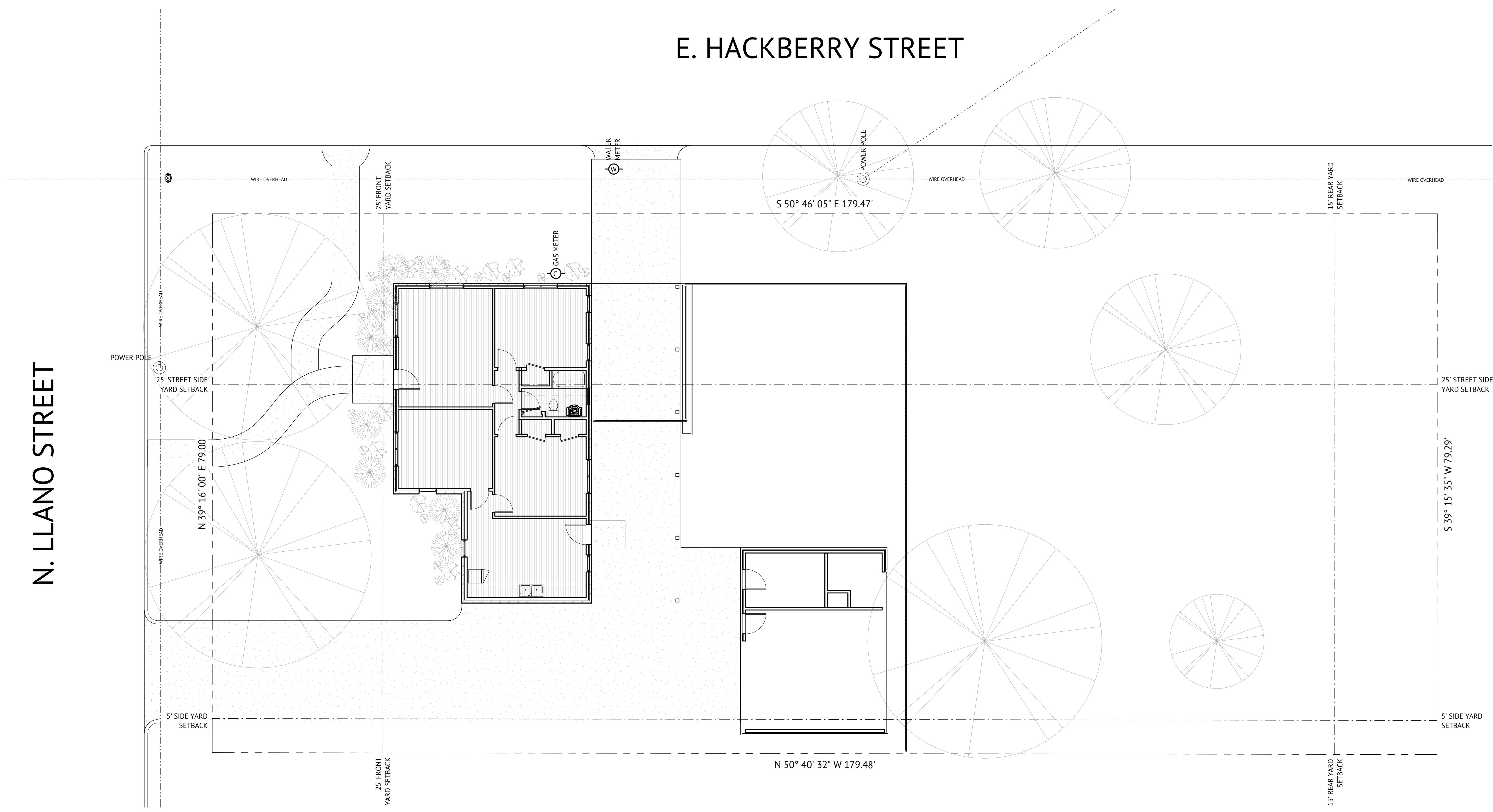


Intersection of E Hackberry at N. Llano

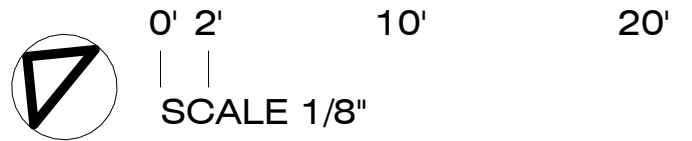


Business across the street.





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



40'

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.

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)

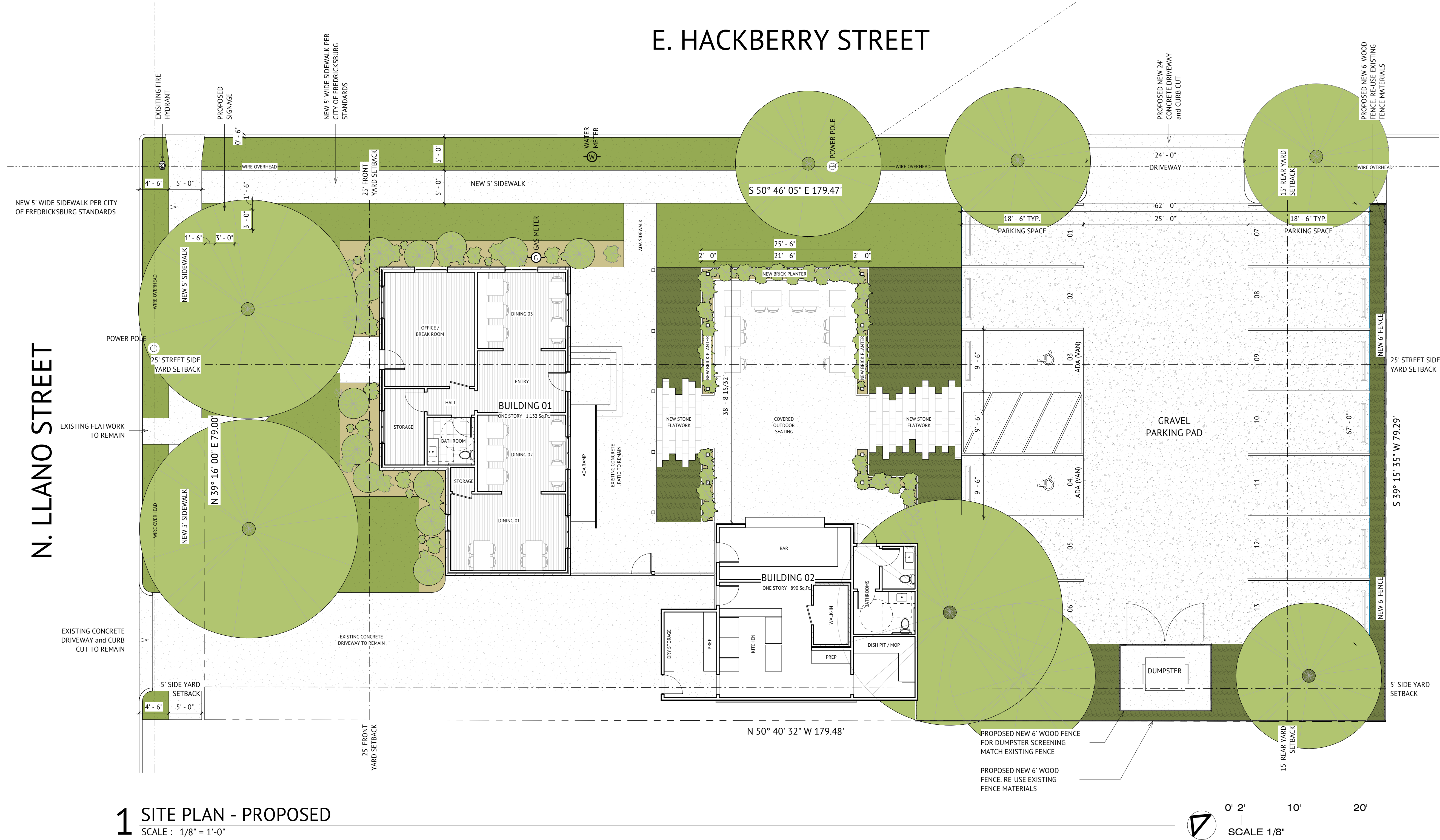
BUILDING SUMMARY

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:

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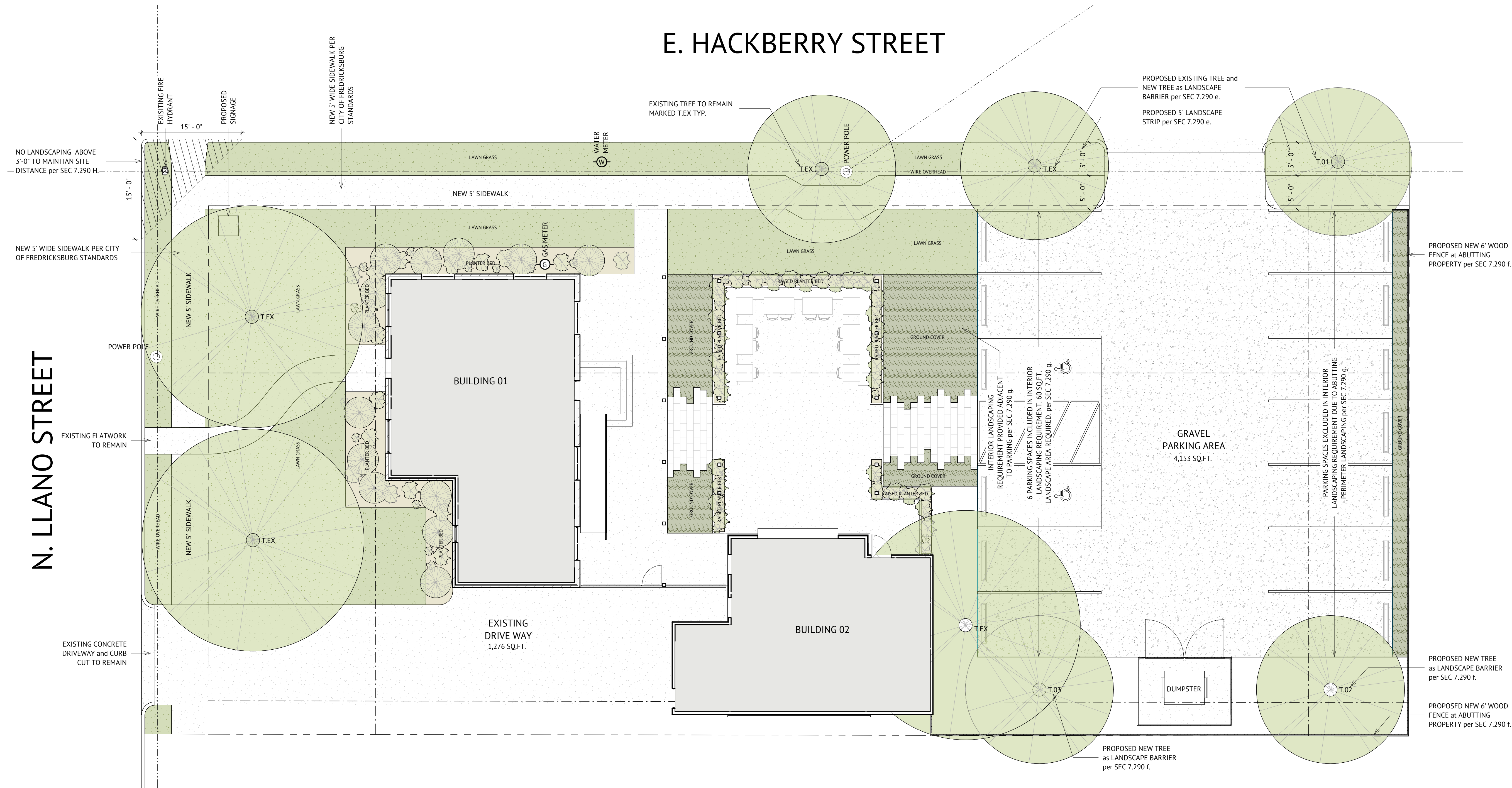
1 SITE PLAN - PROPOSED
SCALE : 1/8" = 1'-0"

PRE HOSPITALITY

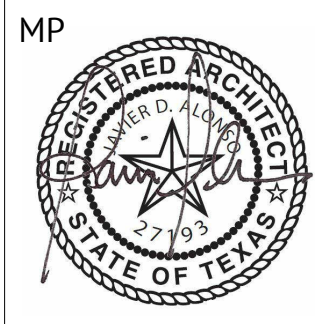
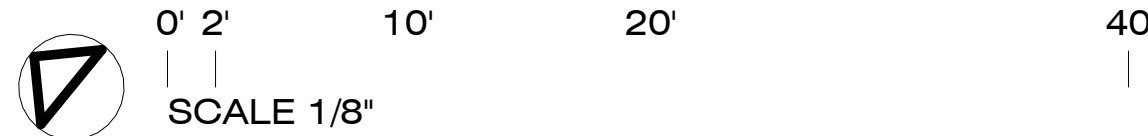
STANDARD PROVISIONS

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:
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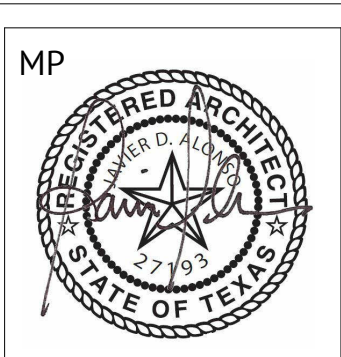
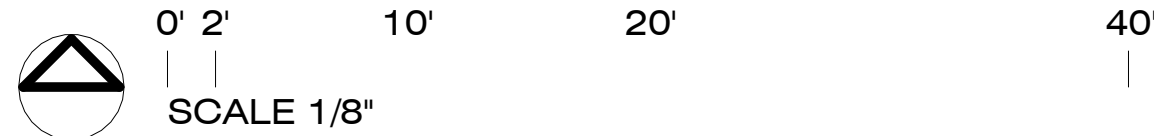
STANDARD PROVISIONS
811 N Llano St
Fredericksburg, TX, 78624

DATE: 08.28.23
SHEET NO.

A102

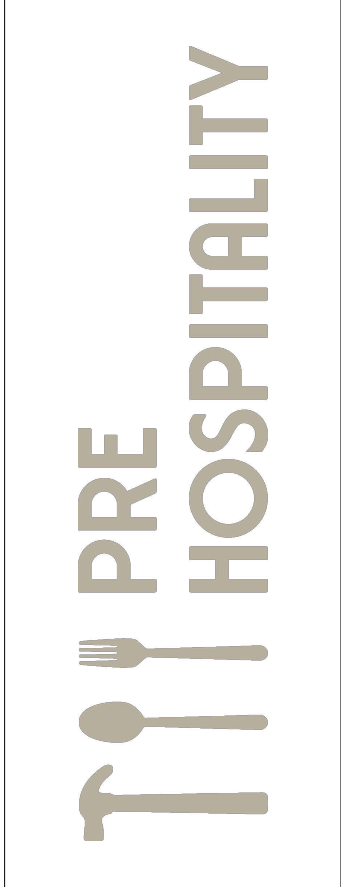


1 EXTENDED SITE PLAN - PROPOSED
SCALE : 1/16" = 1'-0"



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



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.



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:
 - Hours of Operation
 - Food offerings
 - Will alcohol be provided?
 - Will outdoor music be provided?
 - How do you plan to handle capacity?
 - 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

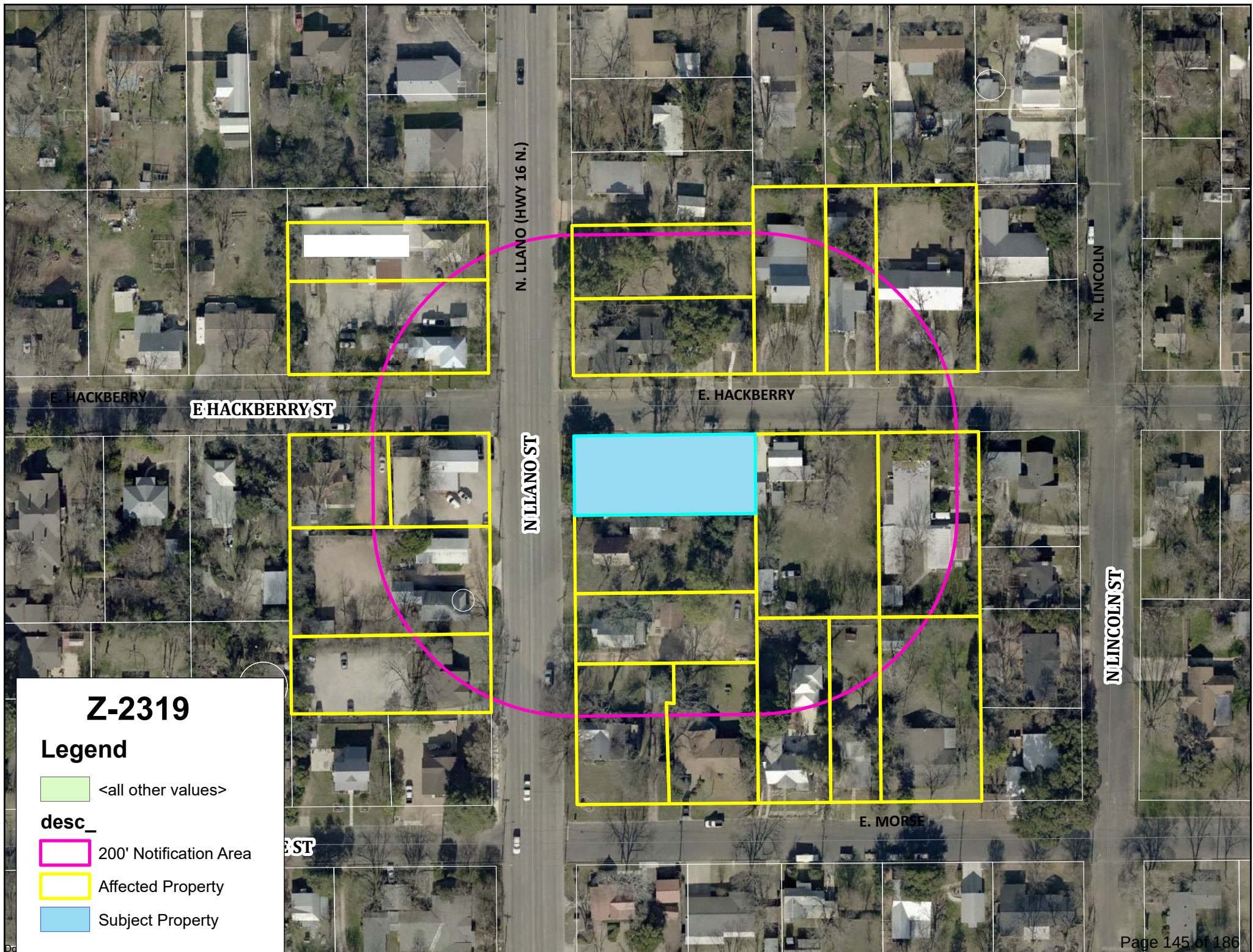
Chopped Broccoli - pistachio, dates, jalapeño, cilantro, mint, ginger lime dressing, pepitas

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

[illegible]

JACKIE LUERA
2334 SHELTON ST
ABILENE, TX 79603

DENNIS KUSENBERGER
116 E AUSTIN ST *Support*
FREDERICKSBURG, TX 78624

KURT & MELINDA KIRCHHOFF
803 N LLANO ST *Support*
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 *Oppose*

REBECCA WALLACE
210 E MORSE
FREDERICKSBURG, TX 78624

SUSAN OSBURN
211 E HACKBERRY *Oppose*
FREDERICKSBURG, TX 78624

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

ROBERT BOURQUEIN
210 E HACKBERRY *Oppose*
FREDERICKSBURG, TX 78624

DONALD & MARGARET MUSSELMAN
208 E HACKBERRY *Oppose*
FREDERICKSBURG, TX 78624

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

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 *support*
109 E HACKBERRY
FREDERICKSBURG, TX 78624

CAMILLE COHN *Support*
916 LAUREL LN
FREDERICKSBURG, TX 78624

QUINTEN & BRANDI KUNZ
12038 FM 2093
FREDERICKSBURG, TX 78624

Z-2319 – 811 N Llano

Wednesday, October 4 2023 - 5:30pm – Law Enforcement Center – 1601 E. Main St.

*** Planning & Zoning Commission Meeting ***

To: Janice Menking, Planning and Zoning Commission Chair and Commissioners

RE: Request #Z-2319 – CUP for 811 North Llano Street.

This is a Protest Letter Against the proposed CUP (conditional use permit) for a restaurant at 811 North Llano St, in our neighborhood.

We have a nice neighborhood; this proposed restaurant would cause an upheaval to our neighborhood with everything it would bring: Extensive overflow parking on our streets – Excessive Noise – Destruction of Trees to install a gravel parking lot – Dangerous intersection for traffic impediments from trash & delivery trucks- Smoke & Smell – would all change our neighborhood in an irrevocable permanent way. If it is allowed to proceed and then fails – the precedent has been set. This proposed restaurant is inches away from R1 – this is not a good plan.

The vision statement for the Fredericksburg Comprehensive Plan Advisory Committee includes:

ENHANCING THE QUALITY OF LIFE FOR THE COMMUNITY OF FREDERICKSBURG- further under:
“NEIGHBORHOOD INTEGRITY”

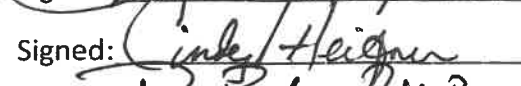
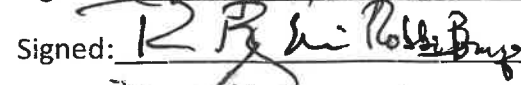
it states: FREDERICKSBURG PROTECTS THE CHARACTER, INTEGRITY AND STABILITY OF NEIGHBORHOODS WHERE FAMILIES CAN LIVE!

We ask you commissioners, how would this restaurant in ANY way protect the character, integrity and stability of our neighborhood? Indeed, it would have the exact opposite effect.

We also ask, if this were proposed in your neighborhood would you approve this restaurant right next door to your R1 classification?

Sincerely,

The NEIGHBORHOOD surrounding 811 N Llano Street

Signed: <u></u>	Owner of: <u>208 E. Hackberry</u>
Signed: <u></u>	Owner of: <u>205 E. Hackberry</u>
Signed: <u></u>	Owner of: <u>210 E. Hackberry</u>
Signed: <u></u>	Owner of: <u>208 E Hackberry</u>
Signed: <u></u> Theodore Qian	Owner of: <u>206 E Hackberry</u>
Signed: <u></u>	Owner of: <u>211 E. Hackberry St.</u>
Signed: _____	Owner of: _____

Public Comment Form
Please return this form to:

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:

WOULD BE GOOD TO HAVE FOOD ON THIS SIDE OF TOWN


Signature

9/29/23
Date

DENNIS KUSENBERGER
Printed Name

805 N. LLANO
Address

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

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

Date

Printed Name

Address

Theodore Qian

206 E. Hackberry, Fredericksburg

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

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

DENNIS KUSENBERGER

8/25/23
805 N. LLANO

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

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:

Hearth C. Crenwolge
Signature

10/11/2023
Date

Hearth C. Crenwolge
Printed Name

208 E. Morse
Address

The restaurant will increase traffic on Hackberry, Lincoln, and Morse. There is no parking entrance off Llano St, so customers and employees will have to turn on Hackberry. Even a small restaurant with 10 tables would need at least 10 parking spaces for customers and at least 6 for employees - probably more. Overflow will end up parking in front of private residences. They will have to take down trees in the backyard and pave for parking which will destroy future use possibilities. A professional office similar to others on Llano St. would be fine with only a few cars at a time. It is not a good location for a restaurant. They will also have to add lighting which will shine in the backyard of at least four residences.

From: [David Turpin](#)
To: [Anna Hudson](#)
Cc: [Cindy Hefner](#); [Shelby Collier](#)
Subject: Re: P&Z Contact Info?
Date: Monday, October 2, 2023 8:44:14 AM

Thank you Anna.

Shelby, below are my comments in regards to CUP petition @ 811 N Llano. Thank you for passing these along.

Members of Planning and Zoning,

I write on behalf of Cindy Hefner and the residents of her neighborhood. The CUP application for a restaurant feels out of place for the location. While the updated application includes parking for 16 vehicles rather than 13 vehicles (the extra spaces coming at the expense of mature trees), for a restaurant that services 52 patrons, 16 parking spaces is insufficient **in a location surrounded by residences.**

Speaking only from personal experience, when I go to lunch during the week, I am meeting another person, and we drive separately. Imagine if, as a result of this decision, 20-30 (or more) cars are consistently parked along neighboring streets. The residents of such homes would be unfairly negatively affected *and the nuisance would be daily.*

The City's Comprehensive Plan Advisory Committee's vision statement states that the City **prioritizes Enhancing the quality of life for the community of Fredericksburg...Fredericksburg protects the character, integrity and stability of neighborhoods where families can live.**

Please carefully consider whether this proposed CUP is fitting with the the specific location.

Thank you for your service to our community.

David Turpin

On Oct 2, 2023, at 8:40 AM, Anna Hudson <ahudson@fbgtx.org> wrote:

David,

You can send written comments to Shelby ahead of the meeting and she'll distribute at the meeting.
The members should not talk about a case outside of the public meeting.

Anna Hudson, AICP-C
Director of Development Services/
Historic Preservation Officer
City of Fredericksburg
830-990-2026
[Stay up to date on our Comprehensive Plan process](#)

From: Anna Hudson <ahudson@fbgtx.org>
Sent: Friday, September 29, 2023 5:03 PM

To: David Turpin <david@momentumcamp.com>
Cc: Cindy Hefner <director@needs council.org>; Shelby Collier <scollier@fbgtx.org>
Subject: Re: P&Z Contact Info?

Hi David,

You can sign up at the public hearing or submit written comments that will be distributed at the meeting.

Anna H

From: David Turpin <david@momentumcamp.com>
Sent: Friday, September 29, 2023 2:52 PM
To: Anna Hudson <ahudson@fbgtx.org>
Cc: Cindy Hefner <director@needs council.org>
Subject: Re: P&Z Contact Info?

Anna,

A specific case regarding a CUP petition for a proposed restaurant at 811 N Llano.

Thank you for the prompt reply and any guidance!

David

> On Sep 29, 2023, at 12:49 PM, Anna Hudson <ahudson@fbgtx.org> wrote:
>
> A general comment or specific to a case?
>
> All public comments can come through Staff. They shouldn't have ex parte communication on cases.
> AH
>
> Anna Hudson
> Director of Development Services
> City of Fredericksburg
>
>> On Sep 29, 2023, at 12:37 PM, David Turpin <david@momentumcamp.com> wrote:
>>
>> Anna,
>>
>> Good day to you!
>>
>> What is the best way for residents to provide comments/feedback to Planning & Zoning? Sorry but I cannot find their email addresses online.
>>
>> Thank you for any guidance!
>>
>> David



NOTICE OF PLANNING & ZONING & CITY COUNCIL
PUBLIC HEARINGS:
CONDITIONAL USE PERMIT REQUEST

Dear Property Owner:

According to Gillespie Appraisal District Tax Records, you are the owner of real property the City Limits of Fredericksburg. This is a notification of a proposed text amendment to the definition section of the City's Zoning Ordinance regarding Short Term Rentals. You are **not** required to attend the meeting, but if you care to attend, you will be given a full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg. All protests must be submitted in writing. Agendas, with more information, for both public hearings will be available at: <https://www.fbgtx.org/agendacenter>

APPLICANT: MITCHELL SHARROCK

LOCATIONS IMPACTED: See attached Map

REQUEST NUMBER: Z-2319

1st HEARING The City of Fredericksburg **PLANNING AND ZONING COMMISSION** will meet in a regular session on **SEPTEMBER 6, 2023, at 5:30 PM**. The meeting will be held at the **Law Enforcement Center**, 1601 East Main Street, Fredericksburg, TX 78624.

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

2nd HEARING The City of Fredericksburg **CITY COUNCIL** will meet in a regular session on **SEPTEMBER 19, 2023, at 9:00 AM**. The meeting will be held at the **Law Enforcement Center**, 1601 East Main Street, Fredericksburg, TX 78624.

REQUEST: REQUEST #Z-2319: BY MITCHELL SHARROCK TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.200 TO OPERATE A RESTAURANTS – LIMITED USE ON PROPERTY LOCATED AT 811 N LLANO ST.

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodation or interpretive service must be made 48 hours prior to the meetings. Please contact the City Secretary's Office at (830) 997-7521 for further information. If you would like to see the broadcast of the public hearings, you can watch on the City's YouTube Channel <https://www.youtube.com/c/FredericksburgTexasUSA/streams>.

Public Comment Form

Please return this form to:

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:

I believe this would be highly beneficial to the citizens of Fredericksburg. There are very few places off Main that are local oriented and I know Mitchell Sharrock's goal is to provide quality food at reasonable prices catered to our local community. There are no restaurants on the North side of town and being a north side resident, I would love the opportunity to have a small local cafe close to home. Llano street is primarily made up of commercial businesses and STRs, and very few permanent residences, so in my opinion it is the perfect location. I fully support this CUP to be approved for Mitchell Sharrock.

Jennifer Traver

dotloop verified
10/04/23 11:42 AM CDT
XHJL-H1M6-BDWV-D00K

Signature

Date 10/4/23

1003 Avenue C, Fredericksburg, TX 78624

Address

Jennifer Traver

Printed Name



NOTICE OF PLANNING & ZONING & CITY COUNCIL
PUBLIC HEARINGS:
CONDITIONAL USE PERMIT REQUEST

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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:

One thing I love the most about Fredericksburg is how much local love we have. As an involved community member, a small business co-founder and mother, one thing I know that we are lacking in our community are restaurants that truly cater to our local families.

Standard Provisions has a heart to serve the locals- as evidenced by his many events and pop ups throughout the years supporting other local Fredericksburg and Gillespie County businesses (La Bergerie, Prometheus Pizza, Lost Draw Cellars, Ab Astris Winery, and more) to providing food at no cost to local charities (Hill Country SPCA, Stonewall Elementary, Bethany Preschool and more.) Mitchell and Kathryn own and live in a home in our community. Their son attends St. Mary's. You often see them supporting local restaurants around town. Kathryn is a successful realtor and publishes a weekly newsletter supporting our LOCAL businesses and their events. They are VESTED locals wanting to build a restaurant FOR our locals. A place to gather, a place to enjoy a delicious farm to table meal, a place to build lasting memories at, a place to call OUR own.

Many of the restaurants built up and around on Main Street are there to service tourists and at this point is financially unfeasible for nearly any restauranter to lease or buy space and open a restaurant there. That said, Llano street is far from a quiet neighborhood. There is an art studio, multiple hair salons, a tractor/farm supply shop, and many other commercial businesses lining the street and surrounding the downtown area neighborhood, too many in fact to list here. To be respectful of their community, Kathryn and Mitchell specifically chose a space with generous parking by our town's standards. They designed hours that would not disrupt anyone's peace and quiet in the evening or at night. And once again, have done all of this with a vision to serve delicious food to our community, OUR locals.

Supporting Standard Provisions is supporting one of our own, for our own.

Kristen Nelson
Signature

10/4/2023

Date

Kristen Nelson
Printed Name

406 W Nimitz, Fbg, TX 78624
Address



NOTICE OF PLANNING & ZONING & CITY COUNCIL
PUBLIC HEARINGS:
CONDITIONAL USE PERMIT REQUEST

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LOCATIONS IMPACTED: See attached Map

REQUEST NUMBER: Z-2319

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Public Comment Form
Please return this form to:

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:

This is an incredible opportunity for a locally owned business to open on the north side of town,
where there are currently no restaurant options. I support this 100% and think it would be great
for the growth of the city.



Signature

10/4/2023

Date

Morgan McCall

Printed Name

109 Feather Way, FBG, TX 78624

Address

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:

We would enjoy food options for our family
on the North Side of U.S. 1.

Signature

Printed Name

Date

Address

10/4/23

219 Edgewood Dr.

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:

We would all appreciate dining options on the
North side of town. Early close time (5pm) does
not pose any noise issue for neighbors.

Signature

Stephanie Gonzales

Date

10-4-23

Printed Name

Stephanie Gonzales

Address

127 Feather Way



CITY COUNCIL AGENDA MEMO

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

MEETING DATE: October 17, 2023

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider approving the CXT Concrete Building restroom and shower quote for LBJ Municipal Park for \$272,530 (Andrea Schmidt, Director of Parks and Recreation)

PRESENTATION:

SUMMARY:

The last of the three restrooms and shower facilities in the RV Park at Lady Bird Johnson Municipal Park is decades old and in very poor condition. It is also not ADA accessible. During the budget process, \$330,000 was approved in the Parks budget to replace this restroom and shower facility. A Sourcewell quote, contract #081721-CXT, was received from CXT Concrete Buildings for a precast building for the amount of \$272,530. Sourcewell is a public agency that offers competitively solicited purchasing contracts for products and equipment similar to the Buyboard and meets the City's purchasing guidelines.

This new restroom is similar to the restroom that was placed at Lady Bird Johnson Municipal Park west camping area last year. It is a precast building that is built off site and will be placed by a crane. The new restroom will include four separate restroom/shower rooms.

BACKGROUND:

It will take approximately 120 days for the restroom to be built once the order is placed. The demolition of the existing restroom will be completed by City staff. The pad site and utility connections will be accomplished by city staff with some items such as plumbing and electrical connections contracted out. The remaining funds will be used to build the pad site, pour a sidewalk, adding heating, final connection costs and any incidentals. The project should be completed by the end of August 2024. The total project is expected to come in under budget.

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:
\$272,530

STAFF RECOMMENDATION:

Consider approving the CXT Concrete Building restroom and shower facility for the Lady Bird Johnson Municipal Park middle camping area in the amount of \$272,530.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision X

ATTACHMENTS:

1. Navajo Restroom quote 2023

APPROVAL/REVIEW:

Andrea Schmidt

Andrea Schmidt, Parks and Recreation Director

Date: September 25, 2023

Krista Wareham

Krista Wareham, Director of Finance

Date: September 25, 2023

William McKamie, City Attorney

Date: September 25, 2023

Shelley Goodwin

Shelley Goodwin, City Secretary

Date: October 09, 2023

Clinton Bailey

Clinton Bailey, City Manager

Date: October 12, 2023



CXT® Precast Concrete Products manufactures restroom, shower and concession buildings in multiple designs, textures and colors. The roof and walls are fabricated with high strength precast concrete to meet all local building codes and textured to match local architectural details. All CXT buildings are designed to meet A.D.A. and to withstand heavy snow, high wind and category E seismic loads. All concrete construction also makes the buildings easy to maintain and withstand the rigors of vandalism. The buildings are prefabricated and delivered complete and ready-to-use, including plumbing and electrical where applicable. With thousands of satisfied customers nationwide, CXT is the leader in prefabricated concrete restrooms.

1. ORDERING ADDRESS(ES): CXT Precast Concrete Products, 606 N. Pines Road, Suite 202, Spokane Valley, WA 99206

2. ORDERING PROCEDURES: Fax 509-928-8270

3. PAYMENT ADDRESS(ES):

Remitting by check:

CXT, Inc., PO Box 676208, Dallas, TX 75267-6208

Remitting by ACH or wire transfer:

Beneficiary: CXT, Inc.

Beneficiary Bank: PNC Bank, Pittsburgh, PA

Account: 1077766885 ABA/Routing: 043000096

Email remittance details to AR@lbfoster.com

4. WARRANTY PROVISIONS: CXT provides a one (1) year warranty. The warranty is valid only when concrete is used within the specified loadings. Furthermore, said warranty includes only the related material necessary for the construction and fabrication of said concrete components. All other non-concrete components will carry a one (1) year warranty. CXT warrants that all goods sold pursuant hereto will, when delivered, conform to specifications set forth above. Goods shall be deemed accepted and meeting specifications unless notice identifying the nature of any non-conformity is provided to CXT in writing within the specified warranty. CXT, at its option, will repair or replace the goods or issue credit for the customer provided CXT is first given the opportunity to inspect such goods. It is specifically understood that CXT's obligation hereunder is for credit, repair or replacement only, F.O.B. CXT's manufacturing plants, and does not include shipping, handling, installation or other incidental or consequential costs unless otherwise agreed to in writing by CXT.

This warranty shall not apply to:

1. Any goods which have been repaired or altered without CXT's express written consent, in such a way as in the reasonable judgment of CXT, to adversely affect the stability or reliability thereof;

2. To any goods which have been subject to misuse, negligence, acts of God or accidents; or

3. To any goods which have not been installed to manufacturer's specifications and guidelines, improperly maintained, or used outside of the specifications for which such goods were designed.

5. TERMS AND CONDITIONS OF INSTALLATION (IF APPLICABLE): All prices subject to the "Conditions of Sale" listed on the CXT quotation form.

Customers are responsible for marking exact location building is to be set; providing clear and level site, free of overhead and/or underground obstructions; and providing site accessible to normal highway trucks and sufficient area for the crane to install and other equipment to perform the contract requirements. Site must allow for the crane to be within three feet of the building location and the truck to be within three feet of the crane. Customer shall provide notice in writing of low bridges, roadway width or grade, unimproved roads or any other possible obstacles to access. CXT reserves the right to charge the customer for additional costs incurred for

special equipment required to perform delivery and installation. Customers will negotiate installation on a project-by-project basis, which shall be priced as separate line items. For more information regarding installation and truck turning radius guidelines please see our website at <http://www.cxtinc.com>.

In the event delivery of the building/s ordered is/are not completed within 30 days of the agreed to schedule through no fault of CXT, an invoice for the full contract value (excluding shipping and installation costs) will be submitted for payment. Delivery and installation charges will be invoiced at the time of delivery and installation.

Should the delivery and installation costs increase due to changes in the delivery period, this increase will be added to the price originally quoted, and will be subject to the contract payment terms.

In the event that the delivery is delayed more than 90 days after the agreed to schedule and through no fault of CXT, then in addition to the remedies above, a storage fee of 1-1/2% of contract price per month or any part of any month will be charged.

****Customer is responsible for all local permits and fees.**

6. DELIVERY CHARGE: All prices F.O.B. origin prepaid and added to invoice. CXT operates three (3) manufacturing plants in the United States and will deliver from the closest location on our carriers.

7. PAYMENT TERMS: All orders are cash in advance. At CXT's discretion, credit may be given after approval of credit application. Payment to CXT by the purchaser of any approved credit amount is net 30 days after submission of invoice to purchaser. Interest at a rate equal to the lower of (i) the highest rate permitted by law; or (ii) 1.5% per month will be charged monthly on all unpaid invoices beginning with the 35th day (includes five (5) day grace period) from the date of the invoice. Under no circumstance can retention be taken. If CXT initiates legal proceeding to collect any unpaid amount, purchaser shall be liable for all of CXT's costs, expenses and attorneys' fees and costs of any appeal.

8. LIMITATION OF REMEDIES: In the event of any breach of any obligations hereunder; breach of any warranty regarding the goods, or any negligent act or omission of any party, the parties agree to submit all claims to binding arbitration. Any settlement reached shall include all reasonable costs including attorney fees. In no event shall CXT be subject to or liable for any incidental or consequential damages. Without limitation on the foregoing, in no event shall CXT be liable for damages in excess of the purchase price of the goods herein offered.

9. DELIVERY INFORMATION: All prices F.O.B. origin prepaid and added to invoice. CXT operates three (3) manufacturing plants in the United States and will deliver from the closest location on our carriers. Use the information below to determine the origin:

- F.O.B. 6701 E. Flamingo Avenue, Building 300, Nampa, ID 83687 applies to: AK, CA, HI, ID, MT, ND, NV, OR, SD, UT, WA, WY.

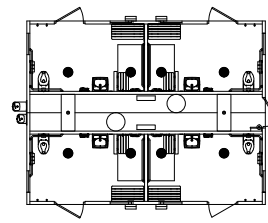
- F.O.B. 901 North Highway 77, Hillsboro, TX 76645 applies to AR, AZ, CO, IA, KS, LA, MN, MO, MS, NE, NM, OK, TX.

- F.O.B. 362 Waverly Road, Williamstown, WV 26183 applies to AL, CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, PR, RI, SC, TN, VA, VT, WI, WV.

- Prices exclude all federal/state/local taxes. Tax will be charged where applicable if customer is unable to provide proof of exemption.

NAVAJO — 20' x 26'

Navajo with chase has four family assist, fully accessible restrooms with showers. Standard features include simulated barnwood textured walls, simulated cedar shake textured roof, vitreous china fixtures, interior and exterior lights, hot water heater, modular shower units, off loaded, and set up at site.



CXT
800.696.5766
cxtinc.com

Price Per Unit			
Base Price		\$ 197,262.00	\$ 197,262.00
Added Cost Options		Click to Select	
Final Connection to Utilities (per section)		\$ 5,000.00	☒ 10,000.00
Optional Wall Texture (per section) - choose one		☐ Split Face Block (\$5,500) ☒ Stone (\$7,000) Reset Wall Texture	14,000.00
Optional Roof Texture (per section)		☒ Ribbed Metal	\$ 5,500.00 11,000.00
Insulation and Heaters (per section)		\$ 19,500.00	☐ 0.00
Stainless Steel Water Closet (each)	Qty: 4	\$ 1,750.00	☐ 0.00
Stainless Steel Lavatory (each)	Qty: 4	\$ 1,500.00	☐ 0.00
Electric Hand Dryer (each)	Qty: 4	\$ 700.00	☒ 2,800.00
Electronic Flush Valve (each)	Qty: 4	\$ 1,500.00	☐ 0.00
Electronic Lavatory Faucet (each)	Qty: 4	\$ 1,500.00	☐ 0.00
Coin Operated Shower Control (each)	Qty: 4	\$ 2,500.00	☐ 0.00
Paper Towel Dispenser (each)	Qty: 4	\$ 350.00	☐ 0.00
Toilet Seat Cover Dispenser (each)	Qty: 4	\$ 350.00	☐ 0.00
Sanitary Napkin Disposal Receptacle (each)	Qty: 4	\$ 100.00	☐ 0.00
Baby Changing Table (each)	Qty: 4	\$ 750.00	☒ 3,000.00
Skylight in Restroom (each)	Qty: 4	\$ 1,600.00	☐ 0.00
Marine Grade Skylight in Restroom (each)	Qty: 4	\$ 2,450.00	☐ 0.00
Bill Changer (each)	Qty: 1	\$ 6,750.00	☐ 0.00
Exterior Mounted ADA Drinking Fountain w/Cane Skirt (each)	Qty: 1	\$ 5,600.00	☒ 5,600.00
2K Anti-Graffiti Coating (per section)		\$ 4,000.00	☐ 0.00
Optional Door Closure (each)	Qty: 5	\$ 700.00	☐ 0.00
Fiberglass Entry and Chase Doors and Frames (each)	Qty: 5	\$ 3,300.00	☐ 0.00
Timed Electric Lock System (2 doors- does not include chase door) (each)	Qty: 4	\$ 1,350.00	☐ 0.00
Exterior Frostproof Hose Bib with Box (each)	Qty: 1	\$ 1,200.00	☒ 1,200.00
Total for Added Cost Options:		\$	47,600.00
Custom Options: Installation Surcharge (8,150), Barrier Bars ADA Drinking Ftn (1,768)		\$	9,918.00
Engineering and State Fees:		\$	4,000.00
Estimated One-Way Transportation Costs to Site (quote):		\$	13,750.00
Estimated Tax:		\$	
Total Cost per Unit Placed at Job Site:		\$	272,530.00

Estimated monthly payment on 5 year lease **\$5,477.85**



This price quote is good for 60 days from date below, and is accurate and complete.

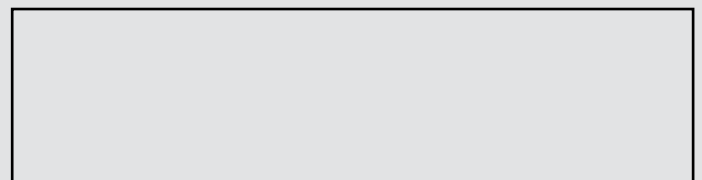
Robert C. Veals, Jr. Digitally signed by Robert C. Veals, Jr.
Date: 2023.09.22 14:32:15 -07'00'

CXT Sales Representative

Date

I accept this quote. Please process this order.

Company Name



Company Representative

Date

OPTIONS

Exterior Color(s) (For single color mark an X. For two-tone combinations use W = Walls and R = Roof.)

☐ Amber Rose	☐ Berry Mauve	☐ T Buckskin	☐ Cappuccino Cream
☐ Charcoal Grey	☐ Coca Milk	☐ Evergreen	☐ Georgia Brick
☐ Golden Beige	☐ Granite Rock	☐ Hunter Green	☐ Java Brown
☐ Liberty Tan	☐ Malibu Taupe	☐ Mocha Caramel	☐ Natural Honey
☐ Nuss Brown	☐ Oatmeal Buff	☐ Pueblo Gold	☐ Raven Black
☐ Rich Earth	☐ Rosewood	☐ Sage Green	☐ Salsa Red
☐ Sand Beige	☐ Sun Bronze	☐ Toasted Almond	☐ Western Wheat

Special roof color # _____ Special wall color # _____

Special trim color # _____

Stone Color (Mark option with an X.) *If option is not available, verify stone option is selected on previous page.

☐ Basalt* ☒ Mountain Blend* ☐ Natural Grey* ☐ Romana*

Roof Texture *If option is not available, verify roof texture option is selected on previous page.

☒ Ribbed Metal*

Wall Texture(s) (For single texture mark an X. For top and bottom textures use T = Top and B = Bottom.)
*If option is not available, verify wall texture option is selected on previous page.

☐ Split Face Block* ☐ Horizontal Lap* ☐ T Board & Batt* ☐ Stucco**
☐ Brick** ☐ Distressed Wood**

Stone Wall Texture (bottom texture only) *If option is not available, verify stone option is selected on previous page.

☐ B Napa Valley** ☐ River Rock** ☐ Flagstone** ☐ Stacked Rock**
#Textures not included in CXT's quote are additional cost.

Door Opener

☐ Non-locking ADA Handle ☒ Privacy ADA Latch ☐ Pull Handle/Push Plate

Deadbolt ☒

Accessible Signage

☐ Men ☐ Women ☒ Unisex

Toilet Paper Holder

☐ 2-Roll Stainless Steel ☒ 3-Roll Stainless Steel

Notes:



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: October 17, 2023

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider a request from Heritage Hill Country Subdivision Relating to the Maintenance of Roadways within the Development (Garret Bonn, Assistant City Manager)

PRESENTATION:

SUMMARY:

In response to a discussion at a Town Hall event earlier this year, the Board of Directors of Heritage Hill Country Association, Inc. has submitted the attached letter requesting the City of Fredericksburg take over maintenance of the streets within the development.

BACKGROUND:

Heritage Hill Country (HHC) Subdivision is located in the 1600 block of E. Main St. (US 290E) within the City Limits. The development encompasses approximately 60 acres and was developed in three phases by U.S. Homes in the 1990's. The development includes +/- 170 single family lots, two commercial areas fronting E. Main St., and common areas that include walking trails and a clubhouse/recreation center. Although the subdivision utilized City of Fredericksburg standard details and specifications for construction, the tract was developed under a Planned Unit Development (PUD) zoning regime to allow for gating of the residential portion of the community with private streets. The streets within the development lie with a 50' right-of-way with 30' of pavement, curbing, and sidewalks on one side of the street for non-vehicular access. The development is served by City of Fredericksburg electric, water/wastewater, sanitation, and emergency services.

City staff, including representatives from the Street and Engineering Departments, recently met with members of the HHC Board to review the condition of the streets. As noted in the request letter, the streets appear to have been properly maintained since construction was completed and no major issues or concerns were identified. There are approximately 29,500 square yards of pavement within the development, which would equate to an increase of approximately 1.4% to the ~2.1M square yards of roadways currently maintained by the City. Based on a 10-year maintenance cycle, this would equate to an annual budget impact of approximately \$7,000 for street maintenance services.

The City Attorney has drafted the attached agreement based on discussions between City staff and the HHC Board of Directors. If approved by Council, the City would be responsible for regular street maintenance utilizing customary City practices (chip seal) and tree maintenance to allow for City equipment and emergency services access. The HHC Homeowners Association would retain

responsibility for sidewalks, the entrance gates, private signage, and landscaped islands within the development.

FUNDING SOURCE: General Fund (Street Department)

FINANCIAL IMPACT:
~\$7,000/year (material costs) based on 10-year maintenance cycle

STAFF RECOMMENDATION:

City staff recommends approval of the agreement between the City and Heritage Hill Country Homeowners Association, Inc.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life
Government Vision

ATTACHMENTS:

1. HHC Board Request to City
2. Heritage Hills/CoFBG Agreement
3. HHC Pavement Exhibit

APPROVAL/REVIEW:



Krista Wareham, Director of Finance

Date: October 12, 2023

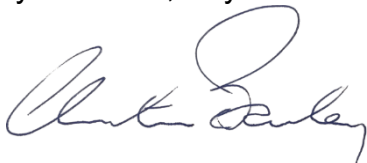
William McKamie, City Attorney

Date: October 12, 2023



Shelley Goodwin, City Secretary

Date: October 12, 2023



Clinton Bailey, City Manager

Date: October 12, 2023

Heritage Hill Country

HHC@austin.tx.com

204 Heritage Hills Drive • Fredericksburg TX 78624

830.990.4127

March 1, 2023

City of Fredericksburg
Garret Bonn, Assistant City Manager
126 West Main Street
Fredericksburg, Texas 78624

Dear Mr. Bonn:

The residents of Heritage Hill Country appreciate your efforts in researching and discussing the City's assumption of maintenance of our PUD streets. We are aware of the City's paving requirements and its maintenance methods with chip seal using trap rock on a 10 year schedule. Heritage Hill Country has no objection. Our community would welcome such as program.

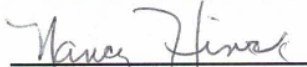
We know you have reviewed the U S Homes drawings and specs for the original construction of our streets and the City inspection of that project. We believe that such a review confirms the streets meet City requirements. Our HOA has maintained the streets with a 5-year spray-sealing program with additional crack seal and, as needed following utilities repairs, etc, sectional asphaltic mat replacements.

This letter is confirmation that Heritage Hill Country Association, Inc. has no objections and would welcome the City's assumption of the maintenance of our streets. We are ready to propose a PUD amendment to the Planning and Zoning Committee and City Council that will permit that action by the City.

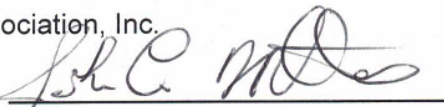
Thank you. We look forward to taking the next step in this process.

Sincerely,

The Board of Directors of Heritage Hill Country Association, Inc.



Nancy Hiner, President



Jack Witteman, Vice President



Michelle Broksas, Secretary



Ron Crowell, Treasurer



Allan Johnson, Director

cc: Clinton Bailey, City Manager
Kris Kneese, Director of Public Works and Utilities

DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT is made this effective date by and between the City of Fredericksburg, Texas, a home rule municipal corporation, organized, operating and existing under the Constitution and Laws of the State of Texas located within Gillespie County, Texas and the Heritage Hill Country Homeowners Association, Inc. (ASSOCIATION) as follows:

Recitals

WHEREAS, ASSOCIATION owns the common areas, streets and roadways located within the Heritage Hill Country Subdivision located in Gillespie County, Texas as further described in the attached Exhibit “A” (the “Property”); and

WHEREAS, ASSOCIATION desires to convey to the City of Fredericksburg all streets, roadways and right-of-way located within the Subdivision; and

WHEREAS, in exchange for petition for annexation by the ASSOCIATION, and conveyance of the streets, roadways and right-of-way located within the subdivision, the City is willing to accept the conveyance and to thereafter maintain such streets and roadways in accordance with customary City practice.

NOW THEREFORE, in consideration of the terms and conditions described in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and ASSOCIATION agree as follows:

Section I **The Understanding**

1.01 Purpose. The above recitals are incorporated as if fully set forth herein. The purpose of this Agreement is to provide the terms, conditions, and responsibilities of ASSOCIATION and the City to allow timely conveyance of streets, roadways and right-of-way within the Heritage Hill Country Subdivision to the City, and the timely voluntary annexation of the Subdivision into the City Limits.

1.02 ASSOCIATION Obligations.

1.02.1 ASSOCIATION shall convey and dedicate to the City of Fredericksburg all streets, roadways and right-of-way within the Heritage Hill Country Subdivision, all of which are depicted on Exhibit A. All sidewalks shall remain in compliance with the requirements and standards of the Americans with Disabilities Act.

1.02.2 ASSOCIATION shall continue to be fully and solely responsible for operation and maintenance of the entrance gate(s) to the Subdivision, and shall ensure that all emergency service vehicles shall have immediate access and right of entry to the Subdivision.

1.02.3 ASSOCIATION shall be fully and solely responsible for all landscaped islands and for all private signage in the Subdivision.

1.03 City Obligations.

1.03.1 Subject to the above Obligations required and agreed to by ASSOCIATION, the City agrees to timely accept and consider the Petition for Annexation and the conveyance of streets, roadways and right-of-way located within the Heritage Hill Country Subdivision.

1.03.2

Upon acceptance of the conveyance and dedication, the City shall maintain the subject streets and roadways in accordance with customary City practice. The City currently utilizes chip-seal paved surface. Maintenance services shall be provided on such schedule as the City may determine in its sole discretion. Tree maintenance shall be performed by the City as for other public roadways to allow for city equipment

and emergency services access. Such tree maintenance shall be performed at the times and in the manner determined by the City.

Section II **Amendments**

No amendment, modification or alteration of the terms of this Agreement shall be binding unless it is in writing, dated subsequent to the date of this Agreement and duly authorized by each Party's representative. Amendments may be made due to changes in the character of the work, the terms of the Agreement, or the respective responsibilities of the Parties. Amendments shall be enacted through a mutually agreed upon written instrument and signed by the authorized representative of each Party.

Section III **Designated Contact Person**

- 3.01** The following individuals are designated as the contact person/representative for the respective Parties:

City of Fredericksburg
Attn: Clinton Bailey, City Manager
126 W. Main Street
Fredericksburg, Texas 78624

ASSOCIATION
Heritage Hill Country Homeowners Association, Inc.
Attention: Leah Crumley
204 Heritage Hills Drive
Fredericksburg, Texas 78624

- 3.02** For purposes of this Agreement, all communications and notices between the Parties shall be directed to the designated contact person/representative of the Parties, and shall be deemed sufficient if in writing and hand delivered or mailed, registered or certified mail, postage prepaid, to the above listed addresses.
- 3.03** Notice of change of the designated representative and/or the address of such representative by either Party must be made in writing and delivered to the other Party's last known address within five (5) business days of such change.

Section IV **Terms and Conditions**

- 4.01** The construction and validity of this Agreement shall be governed by the laws of the State of Texas. Venue for any legal action commenced hereunder shall be in a court of appropriate jurisdiction in Gillespie County, Texas.
- 4.02** In the event any portion of this Agreement is deemed illegal, invalid or unenforceable, then the remainder of this Agreement shall not in any way be affected thereby and may be enforced to the greatest extent permitted by applicable law.

- 4.03** It is expressly understood and agreed that this Agreement was jointly drafted by the Parties with the assistance of legal counsel selected by each of the Parties. Accordingly, the Parties hereby agree that any and all rules of construction to the effect that ambiguity is construed against the drafting party shall be inapplicable in any dispute concerning the terms, meaning or interpretation of this Agreement.
- 4.04** This Agreement, including the Recitals, which are material provisions of the Agreement, constitutes the entire agreement between the Parties pertaining to the subject matter of this Agreement and supersedes any prior understandings or written or oral agreements between the Parties concerning the subject matter of this Agreement. Where silent in this Agreement, the terms of City's Ordinances and/or Development Requirements shall control.
- 4.05** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute a single agreement.
- 4.06** Each Party represents to the other Party that the individual signing this Agreement has the authority to bind that Party to the obligations set forth herein.
- 4.07** It is understood and agreed between the Parties that, in executing this Agreement and in performing the terms contained herein, they are acting independently and not in any form of partnership or joint venture with one another. The City assumes no responsibilities or liabilities to any third parties in connection with this Agreement. ASSOCIATION agrees to indemnify, defend and hold the City harmless from any such liabilities relating to the Agreement.
- 4.08** This Agreement is not assignable.

Executed in duplicate originals on this ____ day of _____ 2023.

CITY OF FREDERICKSBURG

HERITAGE HILL COUNTRY
HOMEOWNERS ASSOCIATION, INC.

BY: _____
Clinton Bailey
City Manager

BY: _____
Printed Name: _____
Title: _____

Approved as to Form

Mick McKamie
City Attorney



FIGURE 1
City of Fredericksburg
Heritage Hill Country Pavement

LEGEND

- | | |
|---|--|
| Pavement Area | 1-Mile ETJ Boundary |
| City Limit Boundary | GCAD Parcels |



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Clinton Bailey, City Manager

MEETING DATE: October 17, 2023

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Discuss and provide direction on the Fredericksburg Food and Wine Fest event (Clinton Bailey, City Manager)

PRESENTATION:

SUMMARY:

This item is for the discussion of the Fredericksburg Food and Wine Fest event, specifically for the City Council to provide clarification regarding canceling the event in 2024 and provide staff direction to begin planning for an improved 2025 Food and Wine Fest event.

BACKGROUND: In the late 80's there was one winery and vineyard in Gillespie County, owned by Bob Oberhellman (Bell Mountain Winery). In an effort by Mr. Oberhellman to promote only Texas Wine, the Fredericksburg Food & Wine Fest event was created. When Mr. Oberhellman approached the City of Fredericksburg, the Market Square Redevelopment Commission had already been formed and adopted the "Food and Wine Fest" event concept as an annual fundraiser for improvements to Market Square. Their mission was and still is to only showcase Texas wine, Texas food products, Texas music. The sole purpose of the Fest is to promote everything Texas. The first Food and Wine Fest event was held in 1991.

The Food and Wine Fest event was established with the following goals and objectives:

- Bring area residents together to get involved, participate and volunteer
- Establish, develop, and actively maintain a website, media promotions and social media
- Create three special events and engage wineries to host the Thursday and Friday night events
- Expose and introduce all attendees to everything Texas
- Bring new visitors to the area to enjoy the Fest and explore Fredericksburg
- Stimulate the area's economy with shopping experiences and dining Increase the number of festival attendees from year to year
- Work to gain partnerships, create goals and a committee
- Maintain a positive relationship with sponsors
- Foster a relationship with local entities such the Fredericksburg Convention and Visitor Bureau

In order to meet these goals, the Food and Wine Fest strives to design and deliver an event that reflects the event's mission to showcase Texas wineries, Texas Specialty Booths and Texas music and to maintain event operations to enhance the festival attendees' experience and those who are participating as a part of the event.

Over the past four to five years the City Council has discussed enhancing the Food and Wine Fest event. These discussions have typically taken place during development of the City budget including this year during the development of the FY2024 City budget. During a budget work session earlier this year the City Council discussed cancelling the 2024 Food and Wine Fest to allow ample time for planning an enhanced event to be held in 2025.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends the City Council discuss and provide clarification regarding canceling the Food and Wine Fest event in 2024 and provide staff direction to begin planning for an improved 2025 Food and Wine Fest event.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:



Krista Wareham, Director of Finance

Date: October 11, 2023

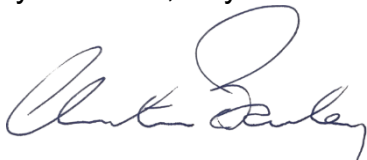
William McKamie, City Attorney

Date: October 11, 2023



Shelley Goodwin, City Secretary

Date: October 11, 2023



Clinton Bailey, City Manager

Date: October 12, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: October 17, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: City Manager Monthly Update

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

None

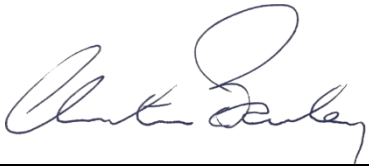
APPROVAL/REVIEW:

William McKamie, City Attorney

Date: October 09, 2023

Shelley Goodwin, City Secretary

Date: October 09, 2023

A handwritten signature in blue ink, appearing to read "Clinton Bailey". The signature is fluid and cursive, with the first name "Clinton" and last name "Bailey" clearly distinguishable.

Clinton Bailey, City Manager

Date: October 12, 2023

City Council Regular Meeting November 7, 2023

2023-105	City Council Minutes October 17, 2023 Regular Meeting	Consent - Approve	Shelley Goodwin	City Secretary
2023-564	Water and Sewer Main Replacement Construction Contract	Approve	Kris Kneese	Director of Public Works/Utilities
2023-574	Amendment to the LCRA Electric Easement	Approve	Kris Kneese	Director of Public Works/Utilities
2023-563	Consider approval of Sidewalk Construction Contract	Approval	Kris Kneese	Director of Public Works/Utilities

Future Agenda Items

2023-74	Consider naming rights for Marktplatz northwest corner project (Fall 2023)	Approve	Andrea Schmidt	Parks and Recreation
2023-341	Approve new fees for pool parties based on new pay rates for lifeguards (December 2023)	Approve	Andrea Schmidt	Parks and Recreation
	Recognition of Patrolman Victor Martinez	Recognize	Clinton Bailey	City Manager
2023-471	Adopt fees for the John Klein Meeting room (Nov or Dec)	Ordinance	Andrea Schmidt	Parks and Recreation

2023-487	Consider a Request from the Fredericksburg Independent School District (FISD) For Vacation and Abandonment of Public Right of Way in the Vicinity of the New Middle School Campus	Approve	Garret Bonn,	Asst. City Manager
2023-489	Consider an Agreement with the Gillespie County Historical Society Relating to Public Restrooms at the Pioneer Museum and Operations and Maintenance of the Vereins Kirche	Approve	Garret Bonn,	Asst. City Manager
2023-341	Approve new fees for pool parties based on new pay rates for lifeguards (December 2023 or early 2024)	Ordinance	Andrea Schmidt	Parks and Recreation
2023-342	Approve new pavilion, Tatsch House and other recreational fees (Dec/Jan)	Ordinance	Andrea Schmidt	Parks and Recreation
2023-556	Consider approving a bid for renovations at the Pioneer Pavilion to include roof replacement and wall repairs	Ordinance	Andrea Schmidt	Parks and Recreation

Upcoming City Council Meetings

November 7, 2023 - City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

November 21, 2023 - City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

December 5, 2023 - City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

December 19, 2023 - City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center