



City of Fredericksburg

Planning and Zoning Meeting Agenda
Wednesday, February 4, 2026 ~ 5:30 PM
New City Hall at East Campus
2818 E. U.S. Hwy. 290
Fredericksburg, Texas 78624

Janice Menking, Chair
Tim Dooley, Member
George Hager, Member
Jim Jarreau, Member
Belinda McDonnell, Member

Tom Musselman, Member
Tyler Pansing, Member
Todd Peters, Member
Sondra Sultemeier, Member

The City of Fredericksburg Planning and Zoning Commission will meet in a regular session on February 4, 2026, at 5:30PM. Link to City of Fredericksburg agenda webpage to watch video of the meeting.

Written Comments: to be submitted remotely:

1. Must be received by 2 p.m. on February 4, 2026.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to jmusgrove@fbgtx.org

Verbal Comments:

Sign up in-person between 5:00 p.m. and 5:30 p.m. New City Hall at East Campus 2818 E. U.S. Hwy. 290, Fredericksburg, Texas 78624
You will be limited to 3 minutes to speak.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- A. January 7, 2026, Regular Meeting Minutes

4. ACTION ITEMS

- A. Consider and take action initiating text amendments pertaining to amendments associated with reapplication timeframes pertaining to zoning and conditional use permit applications. To further consider and take action to initiate text amendments pertaining to the definition of and establishment of Sexually Oriented Businesses, Vape Shops, Tattoo Studios and other identified uses.

5. PUBLIC HEARING

- A. **Request Z-2522:** By Judy K Feller, to Consider the Following:
 - A. A Zoning Change from Single-Family Residential (R1) to Commercial (C2) for Property Located at 707 N. Milam Street.
 - i Presentation by the Applicant
 - ii Presentation by the Staff
 - iii Hold Public Hearing
 - iv Take Action on the Zoning Change
- B. **Request Z-2523:** By P.V. McMinn with Nuvista Development LLC, to consider a Conditional Use Permit per Sec. 3.200 for a Townhome Use for Property Located at 1032 South Milam Street.
 - i Presentation by the Applicant
 - ii Presentation by the Staff
 - iii Hold Public Hearing
 - iv Take Action on the Conditional Use Permit
- C. **Request Z-2601:** Proposed text amendments regarding sexually oriented businesses, vape shops and tattoo studios. *(Withdrawn)*
- D. **Request Z-2602:** Proposed text amendments to the City's Zoning Code Regarding The Reapplication Timeline for Zoning Amendments and Conditional Use Permits. The proposed text amendments are for section 5.270 (Action by the City Council) and Section 5.470 (Actions by the City Council).
 - i Presentation by the Staff
 - ii Hold Public Hearing
 - iii Take Action on proposed text amendment

6. DISCUSSION ITEMS

- A. Director's Report

7. ADJOURN

CERTIFICATION

This is to certify that I, Jan Musgrove, posted this Agenda at 4:30PM on Wednesday, January 28, 2026, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Jan Musgrove

Jan Musgrove
Planner 1

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

**PLANNING & ZONING COMMISSION
MEETING MINUTES
January 7, 2026, 5:30 P.M.**

On the 7th day of January 2026, the Planning and Zoning Commission convened in Regular Session at the New City Hall at East Campus 2818 E. U.S. Hwy. 290, Fredericksburg Texas with the following members present to constitute a quorum:

PRESENT: JANICE MENKING
TOM MUSSELMAN
TIM DOOLEY
BELINDA MCDONNELL
JIM JARREAU
GEORGE HAGER
SONDRA SULTEMEIER
TODD PETERS
TYLER PANSING

ABSENT:

ALSO, PRESENT: CLIFF CROSS – Director of Development Services
SUSANA HUERTA – Assistant Director of Development Services
EVAN WILLIAMSON – Assistant City Engineer
JAN MUSGROVE – Planner I
MICK MCKAMIE – Legal Counsel
MARIA GARCIA – Legal Counsel

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

No Public Hearing Items on the Agenda

Consider SP-2515: By VEI Consulting Engineers to Consider the Site Plan Application for The Lucille at Fredericksburg Multi-Family Development at 1151 Friendship Lane.

Applicant Presentation: Kevin Spraggins with VEI Consulting Engineers presented a brief overview of the project. He mentioned that Mathew Stuart, the developer, was on site if the Board had any questions for him. He stated that all the comments had been addressed and updated in the new packets before the Board members.

Staff Summary:

Cliff Cross provided an overview and indicated that the application was reviewed for conformity with all applicable regulations, including Sec. 7.131 and Sec. 3.210 and after review, by the Development Review Committee (DRC), Staff have the following recommendations:

Staff have performed a detailed review of the Site Plan application. The proposed development would result in a multi-family development along a heavily traveled public Right-of-Way and intersection points. The proposed development does appear to follow a significant number of applicable zoning and development standards. However, staff would recommend all review comments are addressed and clarified prior to approval.

If the commission were to approve the Site Plan, it should be conditioned upon the following:
Approval of Civil Construction Plans and Engineering Sign Off Prior to Permitting, noting the number of cars that might stack in the driveway entrance with a gate.

TxDOT approval Prior to Permitting

Planning / Development Services Comments Addressed and Clarified Prior to Permitting

Payment of Park Dedication fees prior to permitting.

Board Discussion:

The Commission discussed several conditions for approval, noting the number of cars that might stack in the driveway entrance with a gate and that a TIA might be an option due to the increased traffic on Friendship Lane and the Walmart entrance. Jim Jarreau thanked the developer for the amount of parking.

Jim Jarreau made a motion to approve SP-2515 with the following conditions:

Approval of Civil Construction Plans and Engineering Sign Off Prior to Permitting, noting the number of cars that might stack in the driveway entrance with a gate.

TxDOT approval Prior to Permitting

Planning / Development Services Comments Addressed and Clarified Prior to Permitting

Payment of Park Dedication fees prior to permitting.

Belinda McDonnell seconded the motion. All voted Aye and the motion carried.

Director's Report:

Cliff Cross updated the Commission on the UDC responses to the RFQ were phenomenal and that 13 companies had responded. He stated that he and Susana Huerta, Assistant Director of Development Services, would be grading them soon and should have a short list for closer review soon.

He also pointed out that he was working on several text amendments to the Ordinance and would have those to the Board in February.

Cliff Cross indicated and warned the Board that the location of future meetings might differ due to the completion of the Chambers in the New City Hall, but that Staff would have plenty of time to alert the Members.

Approval of Minutes:

Tom Musselman made a motion to approve as presented the meeting minutes for November 5, 2025.

George Hager seconded the motion. All voted Aye and the motion carried unanimously.

ADJOURN

With nothing further to come before the Commission, the meeting adjourned at 6:27PM.

PASSED AND APPROVED on the 4th day of February 2026.

JAN MUSGROVE, Planner I

JANICE MENKING, Chair



PLANNING AND ZONING COMMISSION
AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Cliff Cross, Director of Development Services
MEETING DATE: February 4, 2026

SECTION: ACTION ITEMS **ITEM:** A.

CAPTION: Consider and take action initiating text amendments pertaining to amendments associated with reapplication timeframes pertaining to zoning and conditional use permit applications. To further consider and take action to initiate text amendments pertaining to the definition of and establishment of Sexually Oriented Businesses, Vape Shops, Tattoo Studios and other identified uses.

SUMMARY:

BACKGROUND:

STAFF RECOMMENDATION:

ATTACHMENTS:

None

APPROVAL/REVIEW:

Cliff Cross, Director of Development Services

Date: January 28, 2026



PLANNING AND ZONING COMMISSION
AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Cliff Cross, Director of Development Services
MEETING DATE: February 4, 2026

SECTION: PUBLIC HEARING **ITEM:** A.

CAPTION: Request Z-2522: By Judy K Feller, to Consider the Following:

A. A Zoning Change from Single-Family Residential (R1) to Commercial (C2) for Property Located at 707 N. Milam Street.

- i Presentation by the Applicant
- ii Presentation by the Staff
- iii Hold Public Hearing
- iv Take Action on the Zoning Change

SUMMARY:

The applicant has submitted a Land Use and Zoning Change request for approximately .49 acres (21,475 sq. ft) of land located at 707 N. Milam Street. The applicant is requesting a Land Use Change to Commercial (C) (General Commercial Place Type) and a zoning change from R1, Single-Family Residential to C2, Commercial.

BACKGROUND: The surrounding properties include C1- Neighborhood Commercial to the north and R1 Single-Family Residential to the South, East and West.

The property is currently zoned R1, Single-Family Residential and permits uses by right and upon the issuance of a conditional use permit, some of the mixture and intensity of use types include the following:

Single Family Residential (Detached)	Local Utility Service
Short-term Rental, Accessory: (With a STR permit and adherence to Chapter 20, Article VII)	Short-term Rental, B & B: (With a STR permit and adherence to Chapter 20, Article VII)

Uses Permitted Subject To Conditional Use Permit

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

Community Recreation	Private Secondary Educational Facilities
Day Care Services	Private Secondary Educational Facilities
Guidance Services	Religious Assembly

It is the desire of the applicant to obtain a C2, Commercial Zoning classification and Sec. 3.210 - C2, Commercial speaks to the development standards allowed below:

Sec. 3.210 - C2: Commercial speaks to the development standards allowed in C2 and includes the following uses permitted by right:

Administrative and Business Office

Agricultural Sales and Services

Arts and Crafts

Automotive Rentals

Automotive Repair Services

Automotive Sales

Automotive Washing

Building Maintenance Services

Business or Trade School

Business Support Services

Club or Lodge

Cocktail Lounge

Commercial Off-Street Parking

Communication Services

Construction Sales and Services

Consumer Convenience Services

Consumer Repair Services

Convalescent Services

Convenience Store/Self Serve Gas

Cultural Services

Custom Manufacturing

Day Care Services

Equipment Repair Services

Equipment Sales

Exterminating Services

Financial Services

Food Sales

Funeral Services

Group Residential

Single Family Residential (detached) if structure was not used as other than residential in its most recent use

General Retail Sales

Guidance Services

Hotel/Motel

Horticulture

Hospital Services (Limited)

Indoor Entertainment

Indoor Sports and Recreation

Kennels

Laundry Services

Liquor Sales

Local Utility Services

Maintenance and Service Facilities

Medical Offices

Mobile Food Establishments, but not in any right-of-way or public easement

Multiple Family Residential

Outdoor Entertainment

Outdoor Sports and Recreation

Pawn Shop Services

Personal Improvement Services

Personal Services

Pet Services

Private Primary Educational Facilities

Private Secondary Educational Facilities

Professional Offices

Religious Assembly

Research Services

Restaurant - Drive-In/Fast Food

Restaurant

Service Station

Veterinary Services

Short-term Rental, Unoccupied: (With a STR permit and adherence to Chapter 20, Article VII)

Short-term Rental, Accessory: (With a STR permit and adherence to Chapter 20, Article VII)

Short-term Rental, B & B: (With a STR permit and adherence to Chapter 20, Article VII)

Short-term Rental, Facility: (With a STR permit and adherence to Chapter 20, Article VII)

Corporate Housing (Chapter 20, Article VII)

with the following uses permitted subject to an approved Conditional Use Permit (CUP):

Camp Grounds

Condominiums (Section 7.610)

Convenience Storage

Drive through facilities associated with any use
Single Family Residential (detached)- new construction or after cessation of use other than residential
Duplex Residential Condominium Residential(section 7.610)
Single Family Residential (Detached)
Townhouse Residential (section 7.610)
Transportation Terminals

[The 2024 Comprehensive Plan](#) identifies the subject property as a future Place Type of Mixed-Use Community / Corridor which is envisioned to provide flexibility towards development and preference for complete neighborhoods with integrated commercial and residential uses.

Appropriate existing zoning districts would include R2, R3, R5, NC, C, M3, MU1, MU2

Notice of Public Hearing Response: As part of the Public Hearing process, staff must notify property owners that own property within 200 ft of the subject property. As of January 28, 2026, no responses have been received.

STAFF RECOMMENDATION:

Staff has reviewed the request and the proposed application requesting the land use and zoning change. In reviewing the request, the Comprehensive Plan has classified the subject property as a Mixed-Use Community / Corridor place type. Per the "Intent And Character" section of the plan, "Within a small geographic area, different land uses can be side by side or within the same building. These places tend to be bustling and diverse, with a sense of place. Mixed-Use Communities or Corridors can serve a large region, while others can serve local residents. The functions and characteristics of both concepts are generally the same, with variations in the size of their service areas and intensity of development".

Although the specific place type designation request is not specifically identified for this property, the trend of development and surrounding underlying zoning districts provide for the ability to establish professional office and less intense commercial uses. Furthermore, the current Mixed-Use Community / Corridor Place Type identifies the Commercial (C2) zoning as an appropriate zoning classification. In addition, the current Mixed-Use Community / Corridor Place Type identifies additional appropriate underlying districts that would better fit the trend of development throughout the general area. Staff would not recommend approval of a Land Use/Place Type Change from the current Mixed-Use Community / Corridor Place Type) to a General Commercial Place Type and would only recommend approval of the rezoning from Single-Family Residential (R1) to Neighborhood Commercial (C1) for Property Located at 3707 N. Milam Street.

ATTACHMENTS:

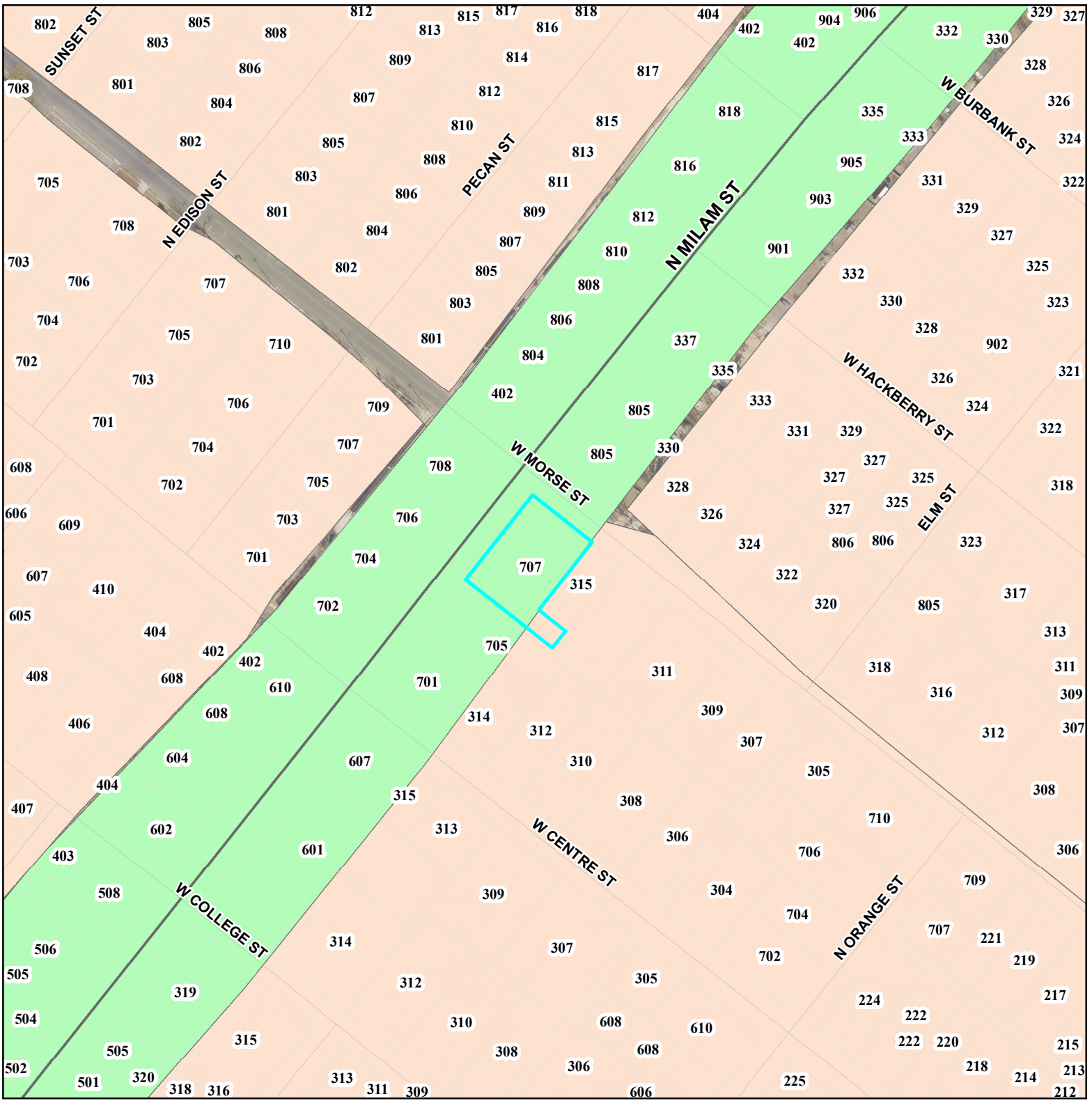
1. 707 N Milam 200 foot Map
2. 707 Milam Land Use
3. 707 N. Milam Place Type.mxd
4. 707 N. Milam Zoning
5. Z-2522_707 N MILAM_ZONING_LAND USE CHANGE_Redacted

APPROVAL/REVIEW:



Date: January 28, 2026

Cliff Cross, Director of Development Services



LEGEND

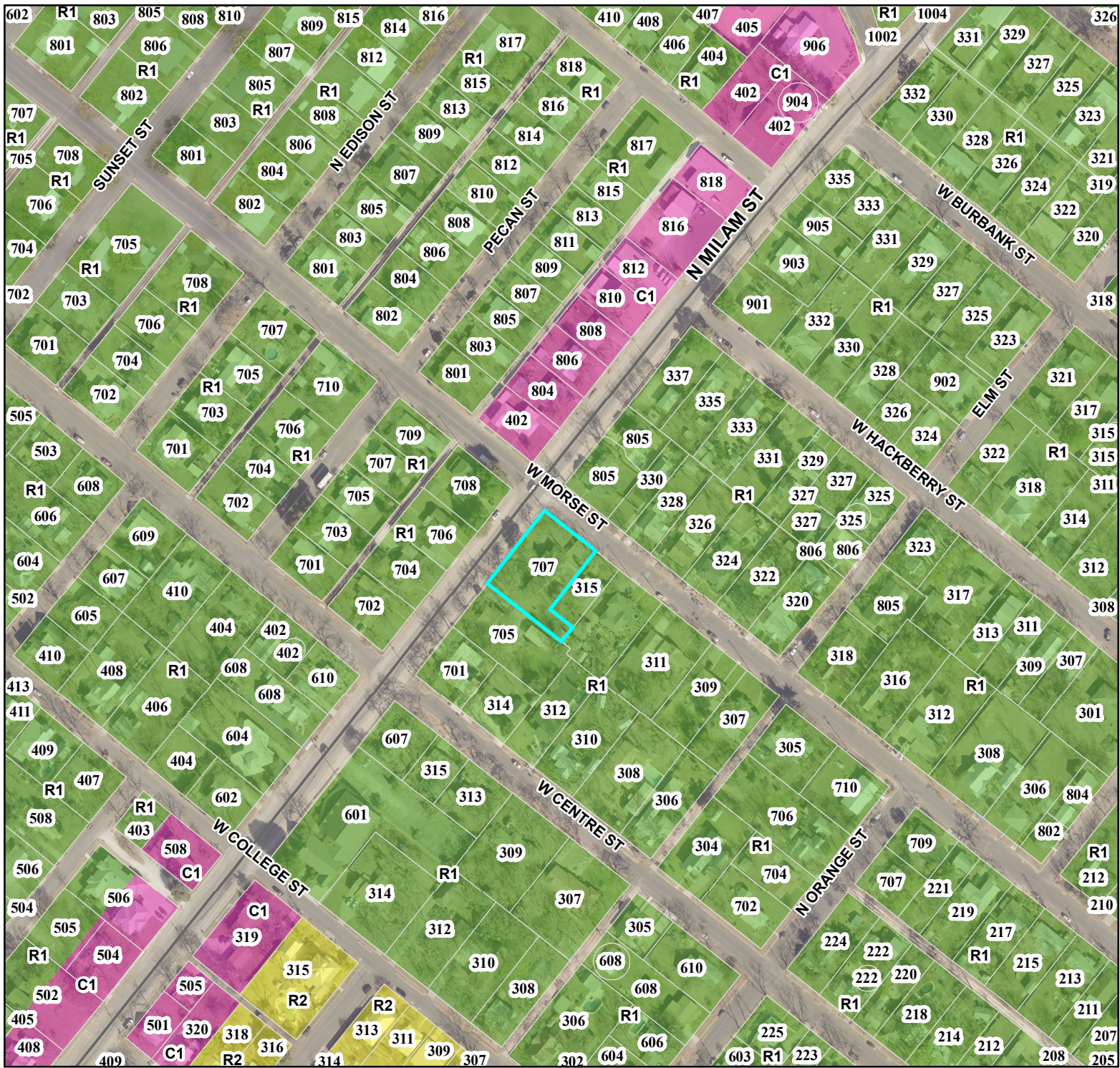
GCAD Parcels

Place_Type

- MU
- GC
- HSD
- IND
- MDR
- MU
- NR
- PARK
- RR



FIGURE 1
 City of Fredericksburg
 Z-2522 -707 N. Milam Street



LEGEND

GCAD Parcels

Zoning

ZONED

- C1 - Neighborhood Commercial
- C1.5 - Medium Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- M3 - Industrial Park
- OS - Open Space

- PF - Public Facilities
- PUD - Planned Unit Development
- R1 - Single Family Residential
- R1A - Single Family Residential - Small Lot
- R2 - Mixed Residential
- R3 - Multi-Family Residential
- R4 - Manufactured Home Residential
- R5 - Patio Home Residential



FIGURE 1
City of Fredericksburg
Z-2522 - 707 N. Milam Street



Zoning Application

City of Fredericksburg – Development Services Department

126 W. Main St, Fredericksburg, TX 78624

A. Project Information

Project Name: 707 N. Milam, Fredericksburg, TX 78624
Project Address: 707 N. Milam GE0286-0-0
Property Tax ID Numbers: 26687

B. Application Type: Appendix A – Fee Schedule

- Voluntary Annexation - \$750.00
- Conditional Use Permit - \$500.00
- Land Use Change - \$300.00
- Zoning Change - \$600.00
- Amendment to existing PUD - \$500.00
- Creation of PUD - \$750.00
- DRC Review Comments - \$250

\$1150.00

❖ *All applicants will be charged the following fees for the required Public Hearing notifications.*

- Public Hearing Newspaper - \$150.00*
- Public Hearing 200 ft notification letter - \$100.00*

C. Applicant/Owner Information - Property Owner

Owner Name: Judy K. Feller, Manager Friendly Neighbor, LLC
Owner Address: [REDACTED]
Owner Phone Number: [REDACTED]
Owner Email Address: [REDACTED]

D. Applicant

Applicant Name: Judy K. Feller, Manager Friendly Neighbor, LLC
Applicant Address: [REDACTED]
Applicant Phone Number: [REDACTED]
Applicant Email Address: [REDACTED]

Applicant's Signature

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, if I am not the owner, that I have authorization from the owner to act on his/her behalf.

Signature: [REDACTED]

Printed Name: Judy K. Feller

Staff Use Only Application Number: Z-2522 Date: 12/4/25

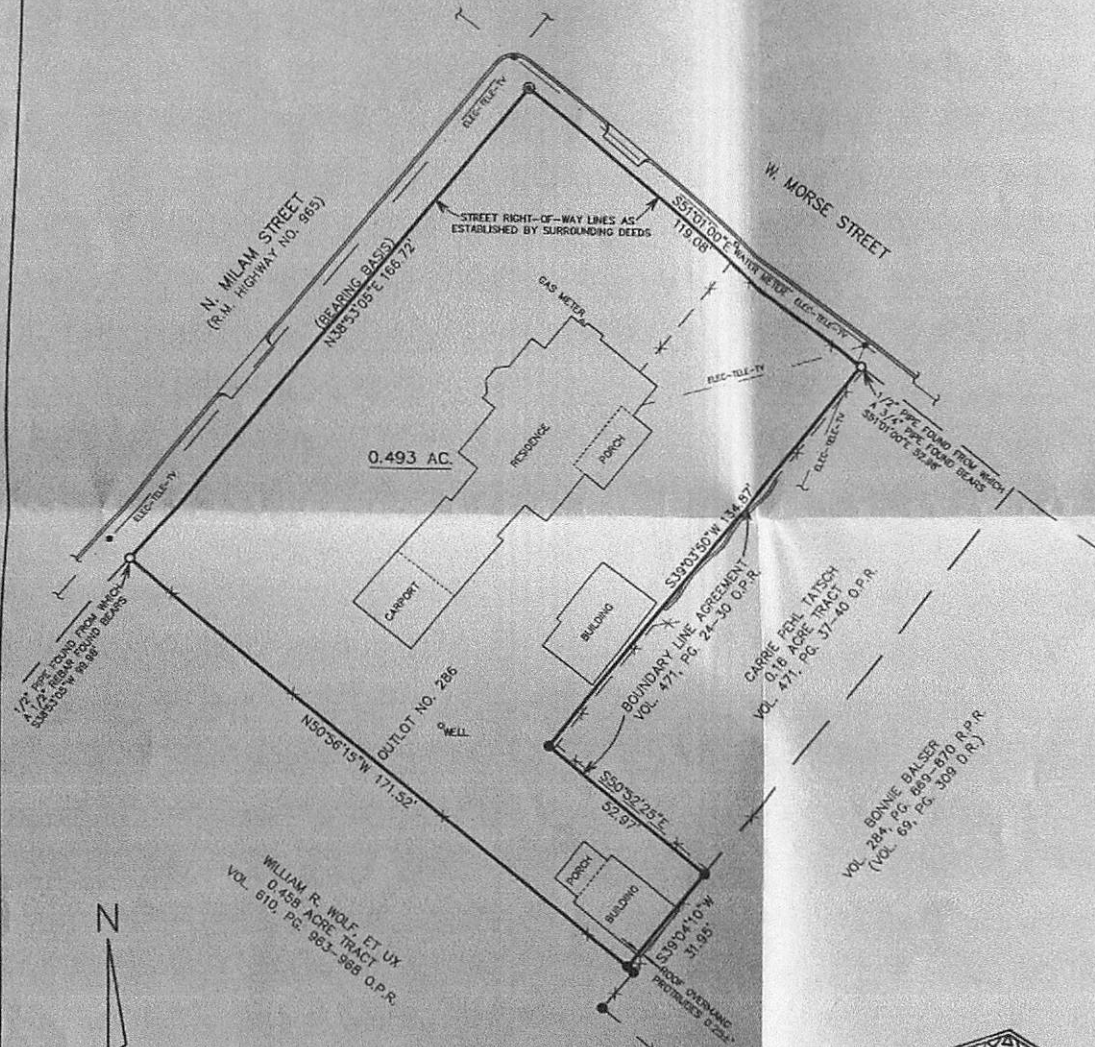
[REDACTED]

**SURVEY MAP SHOWING
A 0.493 ACRE TRACT OF LAND SITUATED IN THE CITY OF FREDERICKSBURG,
GILLESPIE COUNTY, TEXAS, BEING PART OF OUTLOT NO. 286 AS SAID OUTLOT IS
SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS BY THE
GERMAN EMIGRATION COMPANY,
SURVEY MADE AT THE REQUEST OF
PETER SPRINGALL, ET AL.**

BEING PART OF THAT FIRST TRACT AND PART OF THAT SECOND TRACT OF LAND DESCRIBED
IN A CONVEYANCE TO WALTON H. SPRINGALL BY WERNER LINDENBERG, ET UX, DATED JUNE 17,
1948, FOUND OF RECORD IN VOLUME 64, PAGES 205-206 OF THE DEED RECORDS OF
GILLESPIE COUNTY, TEXAS,

AND
BEING PART OF THAT TRACT OF LAND DESCRIBED IN A CONVEYANCE TO DR. WALTON H.
SPRINGALL BY REV. O. LINDENBERG, ET UX, DATED MARCH 7, 1949, FOUND OF RECORD IN
VOLUME 69, PAGES 279-280 OF SAID DEED RECORDS.

AND
THIS 0.493 ACRE TRACT BEING THE REMAINDERS OF THE SPRINGALL TRACTS
LYING OUTSIDE OF THE ESTABLISHED STREET RIGHT-OF-WAY LINES.



N
SCALE 1" = 30'

- LEGEND
- 1/2" DIA. REBAR FOUND
 - ⊙ 1/2" DIA. REBAR SET (CAPPED; BONN 4447)
 - AS NOTED
 - UTILITY POLE
 - × FENCE

BONN SURVEYING
503 LONGHORN ST.
FREDERICKSBURG, TX 78624
PHONE: 830-997-3884
FAX: 830-997-0972
EMAIL: bonnsurveying@verizon.net



NOTE: REFERENCE IS HERETO MADE TO ACCOMPANYING FIELD NOTES OF EVEN DATE.

SURVEYED JANUARY 2, 2013
Carey Bonn
CAREY BONN
REG. PROF. LAND SURVEYOR NO. 4447

Dec. 3, 2025

Jan Musgrove
City of Fredericksburg, TX
126 W. Main
Fredericksburg, TX 78624

Dear Jan,

As we discussed in an email, I would like to change the zoning on my property at 707 N. Milam from Residential to Commercial. My property lends itself to more for commercial use such as a space for an accountant, architect, investment advisor – it has a garage apartment, a small school house in the back of the property and then the main part with two large bedrooms and 1 ½ baths. Milam has gotten so busy and I've been trying to sell the property since March and most comments come back that the street is simply too busy for residential use. Plus, from Main Street to Cross Mountain, the street is filled with commercial and mixed use properties.

I am listing some of the more popular commercial businesses and have included pictures of properties on my block that are used for mixed use or commercial purposes. I have also included a survey of the almost ½ acre showing the house and school house and garage apartment at 707.

Commercial starting from Main Street toward the 900 block:

Corner of Main and Milam = Alla Campagna Italian Restaurant
105 N. Milam = Kleinhans Furniture
107 N. Milam = Briar Patch Short Term Rental
201 N. Milam = A. Willis Wealth Management
202 N. Milam = Madlyn's Clothing Store
206 N. Milam = Grand Central on Milam
300 Block = Town Creek
404 N. Milam = Prescott Endodontics
408 N. Milam = Whitworth Family Dentistry
409 N. Milam = Fredericksburg Home Care/ White Oak Studio
501 N. Milam = Jones Ranch Realty, LLC
502 N. Milam = Messiah Ministries
508 N. Milam = Barry Wagner Architect
601 N. Milam = Memorial Presbyterian Church
607 N. Milam = Salvation Army
810 N. Milam = VRBO and AirBnB Short Term Rental
816 N. Milam = Sunset Village Drive In
904 N. Milam = Fredericksburg Computer Repair
906 N. Milam = Central Hill Country Board of Realtors

-PAGE 1 OF 3-

Andy Sellar

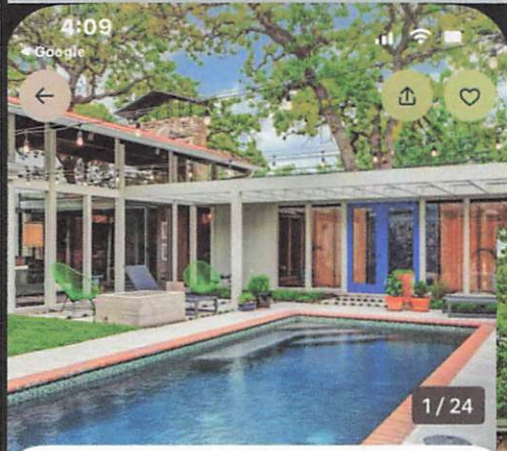


This is 710 N. Milam with signs showing "Home Builder" and "Powerhaus Electric"





This is 707 N. Milam showing the main house, garage apartment and school house in back of the property



This is 701 N. Milam shown on VRBO and Airbnb as a short term rental





PLANNING AND ZONING COMMISSION
AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Cliff Cross, Director of Development Services
MEETING DATE: February 4, 2026

SECTION: PUBLIC HEARING ITEM: B.

CAPTION: Request Z-2523: By P.V. McMinn with Nuvista Development LLC, to consider a Conditional Use Permit per Sec. 3.200 for a Townhome Use for Property Located at 1032 South Milam Street.

- i Presentation by the Applicant
- ii Presentation by the Staff
- iii Hold Public Hearing
- iv Take Action on the Conditional Use Permit

SUMMARY:

This development previously obtained a Conditional Use Permit for Condominiums and Townhomes in 2021 with conditions that included the requirement to obtain a Subdivision Waiver for the length of Crestview Circle, approval of a Site Plan and Plat, and the addition of sidewalks to connect the residential uses to commercial uses as well as review of the existing residence to determine historical significance. As the development did not start construction within 2 years as required by [Sec. 5.481](#), the Conditional Use Permit has expired. The applicant has since returned and submitted a Site Plan and Conditional Use Permit application requesting permission to construct a mixed-use development that would include Condominiums and Townhomes. .

The original proposed development included two lots, Lot 1R-2 focused on the development of Condominiums to include 32 units in 4, 2-story buildings totaling 32,000 sq ft. The Residential Condominiums would have provided amenities such as a tennis court, community center and pool as well as covered parking. In addition, a Professional Office building is proposed on the eastern portion of the lot.

Lot 1R-1 focused on the development of Townhomes to include 21 lots as well as a 11,600 sq ft, 2-story, Professional Office Building as well as the existing residence, which appears to have a square footage of 4,989 but the height of the structure was unknown.

The original proposal was presented to the Planning & Zoning Committee as well as City Council for multiple public hearings. City Council deferred and ultimately denied the application in November 2025.

Therefore, the application is back before the Planning and Zoning Committee to reconsider a new request that would include a proposed development that would result in the creation of 3 lots totaling approximately 14.25 Acres. This request is for the development of a 19-Unit Townhome Development on Lot 1R-1A.

As a result, of the creation of the out lots, the proposed Conditional Use Permit would only apply to Lot 1R-1A which is proposing the 19-Unit Townhome Development.

BACKGROUND:

Lot 1R-1A Development Review

Site Area: 4.87 Acres - 212,150 sq ft

Zoning: [C1, Neighborhood Commercial](#)

Building Coverage: 43% Proposed (50,800 sq ft) 55%/116,683 (Maximum)

Impervious Coverage: 55% Proposed (116,778 sq ft) 70% Maximum (148,505 sq ft)

Heights: 1 Story (16 ft) and 2 Stories (32 ft) - 3-Story Maximum (Maximum Building Height 3-stories / 38 feet)

Access: Lot 1R-1A does not have its own access, rather it shares 1 access point onto Keller Crossing Drive. and is a 46 ft-wide road called Highland Boulevard. Individual Townhome lots will have direct access to Crestview Circle along a 495 foot Cul-de-sac street.

Parking: 2 spaces per unit is required for the Townhome use (plus 2 spaces per unit if insufficient R.O.W exists to allow on-street parking), resulting in 76 required spaces.

In reviewing the required number of spaces for the 19 townhomes staff verified the required parking ratio is 2 spaces per dwelling unit plus 2 spaces per insufficient ROW if it exists. As a result, the total townhome development would require 4 spaces per unit, totaling 76 spaces. It is staffs understanding that each unit provides 4 onsite spaces meeting that requirement. As a result, no on-street (ROW) parking would be required to meet this requirement. The applicant has identified that additional parallel offsite spaces are available.

Landscape and Screening: Plans are required per Sec. 7.920 and should include One (1) tree per 75 LF required. Off-street parking should 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 (property line to the West) and screening of the dumpster is required per Sec. 7.980

Public Hearing: As part of the Public Hearing process, staff must notify all property owners who own property within 200 ft of the subject tract. Staff sent notices to property owners within 400 feet of the request which included previous neighborhood associations expressing interest in the proposal. As of January 27, 2026 no formal letters of protest or support have been received.

[Sec. 5.460 - Review and Evaluation Criteria for Conditional Use Permits.](#) Contains 13 items that must be considered when reviewing a Conditional Use Permit. please see the following:

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

Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.

Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.

Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare.

Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.

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

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

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

Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.

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

Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity.

Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.

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

2024 Comprehensive Plan

In 2024 the City of Fredericksburg adopted a new Comprehensive Plan that provides direction for requested development. This document speaks specifically to 7 items including Mobility and Small-Town Sensitive Growth.

In reviewing Mobility, guiding principles and strategies are provided to ensure the safety of vehicular, bicycle and pedestrian connectivity. Recommendations include complete streets (sidewalks, bicycle lanes and typical roadway) to promote safer mobility for all users, as well as transportation improvements which prioritize the safety, comfort, and connectivity of pedestrians and cyclists and ensure ADA accessibility for the entire community.

STAFF RECOMMENDATION:

In reviewing the application, the staff reviewed and referenced the C1 zoning ordinance, Conditional Use Permit Review and Evaluation Criteria, individual Townhome Developments as well as the Comprehensive Plan. As part of our review, staff believes the development, as proposed, would provide for safe internal pedestrian and vehicular traffic. In addition, staff previously approached the HRB with the applicable concerns pertaining to the existing structure on the property. In initial discussions and evaluation, the staff's understanding is that although it is an old structure, there has been no determination of historical significance.

Furthermore, as the purpose of the Conditional Use Permit process is to encourage broad public review and evaluation of site development features and operating characteristics in order to ensure adequate mitigation of potentially unfavorable impacts, staff could only recommend approval of the Conditional Use Permit if potential unfavorable impacts have been addressed. In reviewing the request, and evaluating all potential concerns and potential impacts, staff recommends approval of the proposed Conditional Use Permit contingent upon prior application conditions being incorporated within the approval.

ATTACHMENTS:

1. 1032 S Milam Notice Map
2. Keller Oaks Zoning Map
3. Z-2523_1032 South Milam_Keller Oaks_CUP_Redacted
4. Z-2523 - 1032 S. Milam _ CUP_Site Plan

5. Windcrest Recommended Conditions for NuVista's CUP

APPROVAL/REVIEW:



Date: January 28, 2026

Cliff Cross, Director of Development Services

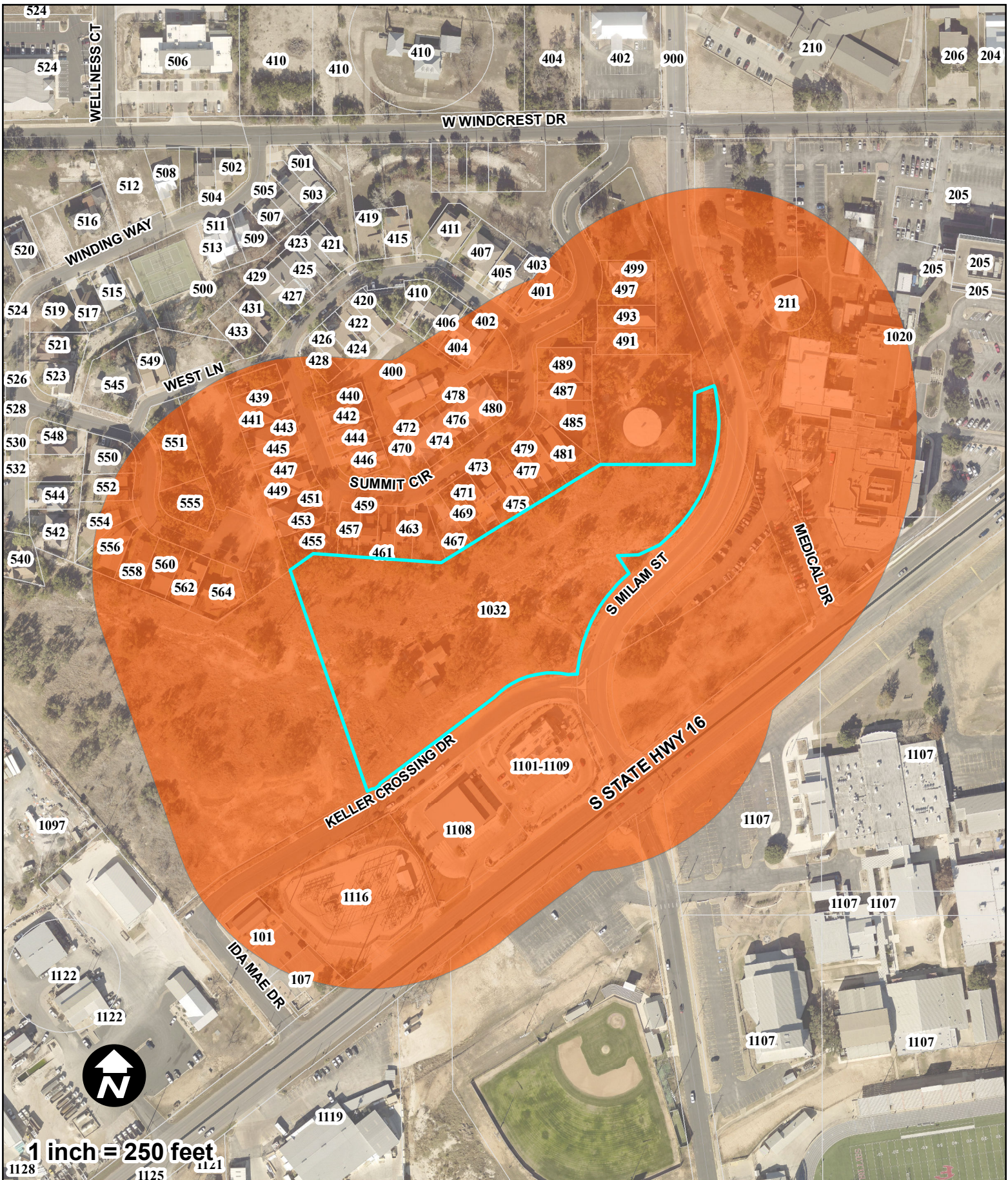
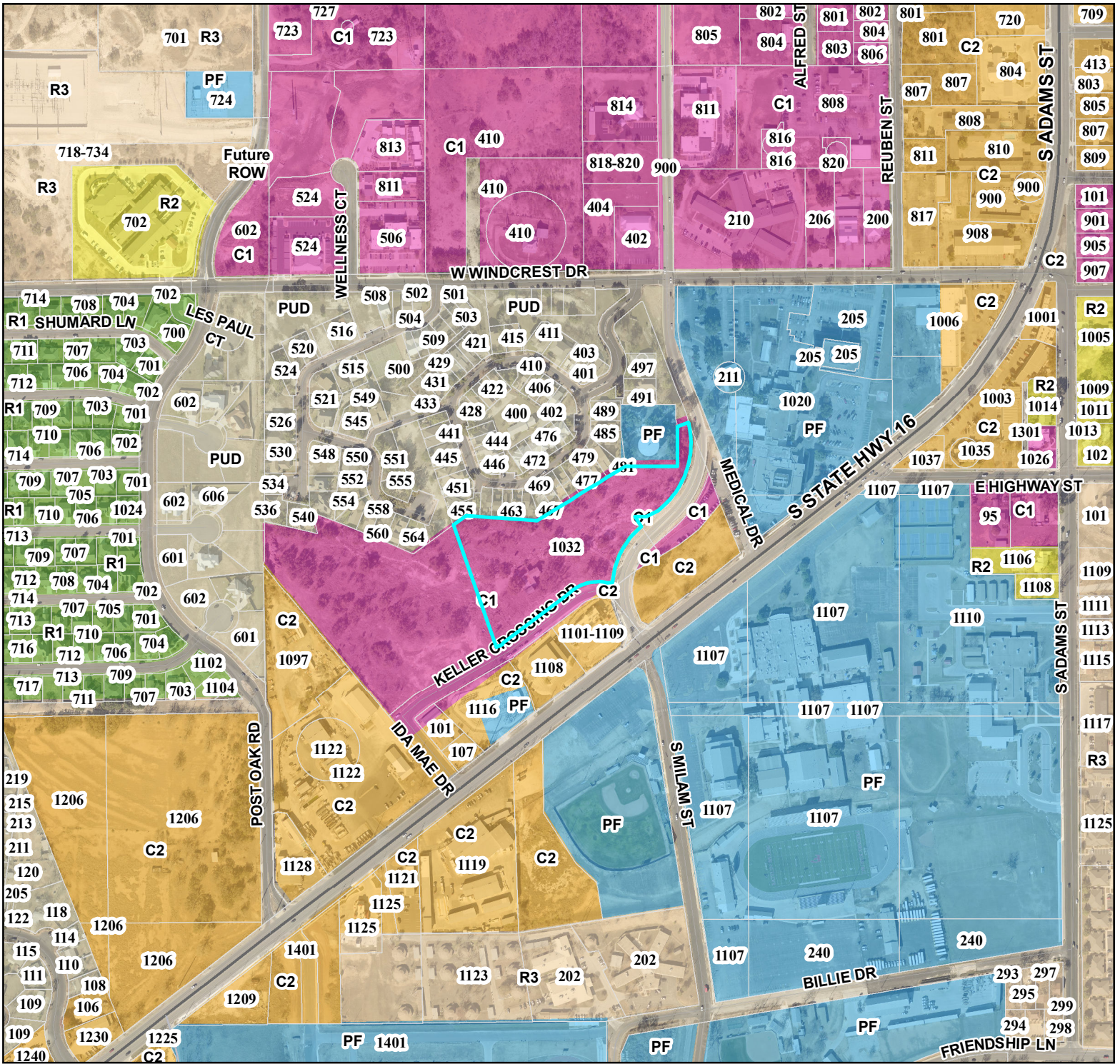


FIGURE 1
 City of Fredericksburg
 Z-2523 1032 S. Milam Street

LEGEND	
	400 Foot Buffer Radius
	GCAD Parcels



LEGEND

- GCAD Parcels
- PF - Public Facilities
- PUD - Planned Unit Development
- Zoning**
- R1 - Single Family Residential
- R1A - Single Family Residential - Small Lot
- R2 - Mixed Residential
- R3 - Multi-Family Residential
- R4 - Manufactured Home Residential
- R5 - Patio Home Residential
- ZONED**
- C1 - Neighborhood Commercial
- C1.5 - Medium Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- M3 - Industrial Park
- OS - Open Space



FIGURE 1
City of Fredericksburg
Z-2523 - 1032 S. Milam



one
12/19/25
Accepted

Zoning Application

City of Fredericksburg – Development Services Department

126 W. Main St, Fredericksburg, TX 78624

A. Project Information

Project Name: Keller Oaks

Project Address: 1032 South Milam St.

Property Tax ID Numbers: _____

B. Application Type: [Appendix A – Fee Schedule](#)

- Voluntary Annexation - \$750.00
- Conditional Use Permit - \$500.00
- Land Use Change - \$300.00
- Zoning Change - \$600.00
- Amendment to existing PUD - \$500.00
- Creation of PUD - \$750.00
- DRC Review Comments - \$250

❖ *All applicants will be charged the following fees for the required Public Hearing notifications.*

- Public Hearing Newspaper - \$150.00*
- Public Hearing 200 ft notification letter - \$100.00*

Feb P+Z

C. Applicant/Owner Information - Property Owner

Owner Name: NuVista Development, LLC ("NuVista")

Owner Address: [REDACTED]

Owner Phone Number: [REDACTED]

Owner Email Address: [REDACTED]

D. Applicant

Applicant Name: P. V. McMinn, Jr., Director of Operations, NuVista

Applicant Address: [REDACTED]

Applicant Phone Number: [REDACTED]

Applicant Email Address: [REDACTED]

Applicant's Signature

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, if I am not the owner, that I have authorization from the owner to act on his/her behalf.


Signature: [REDACTED]

Printed Name: P. V. McMINN, JR.

Staff Use Only Application Number: Z-2523 Date: 12/26/25

[REDACTED]

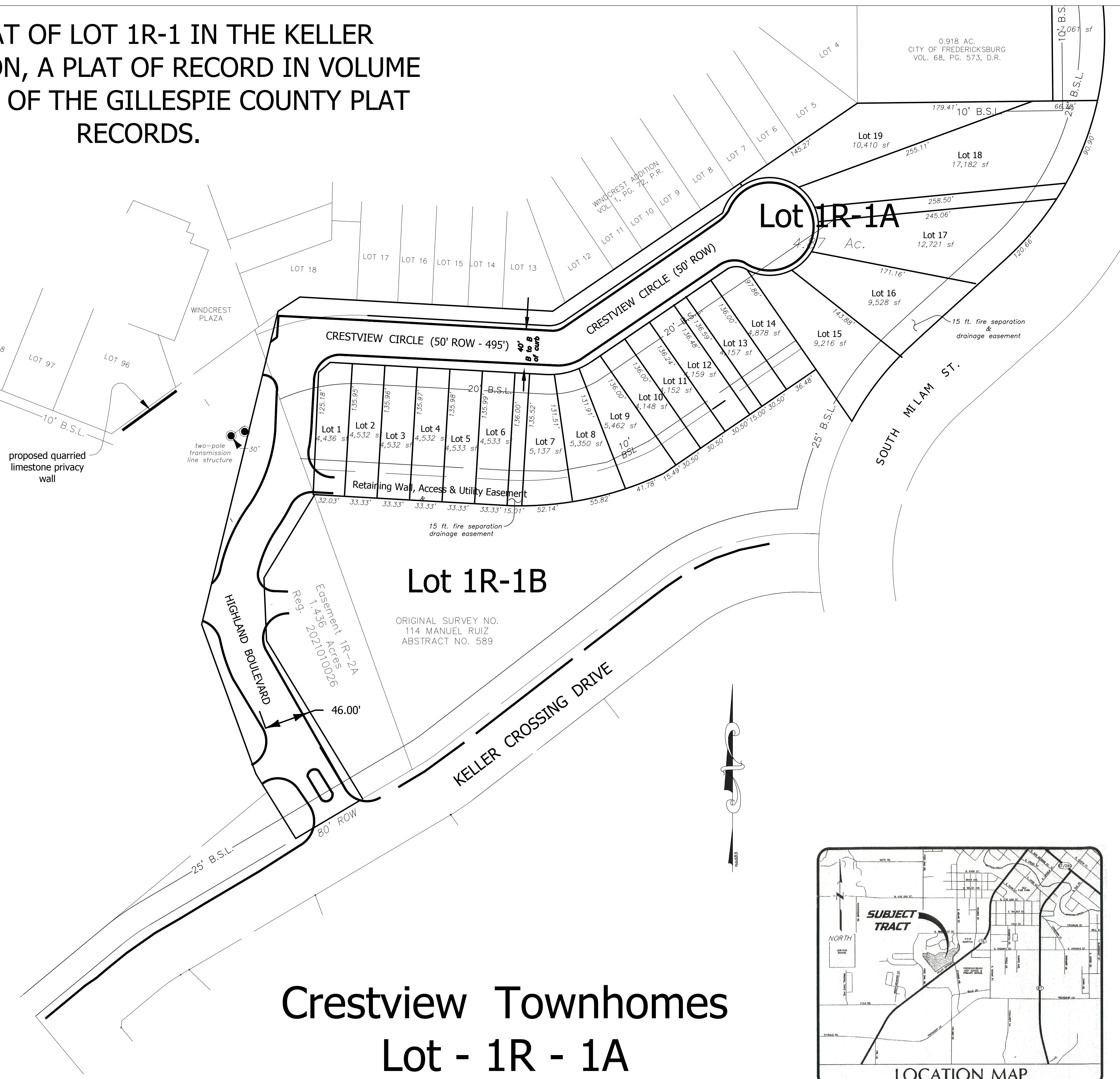
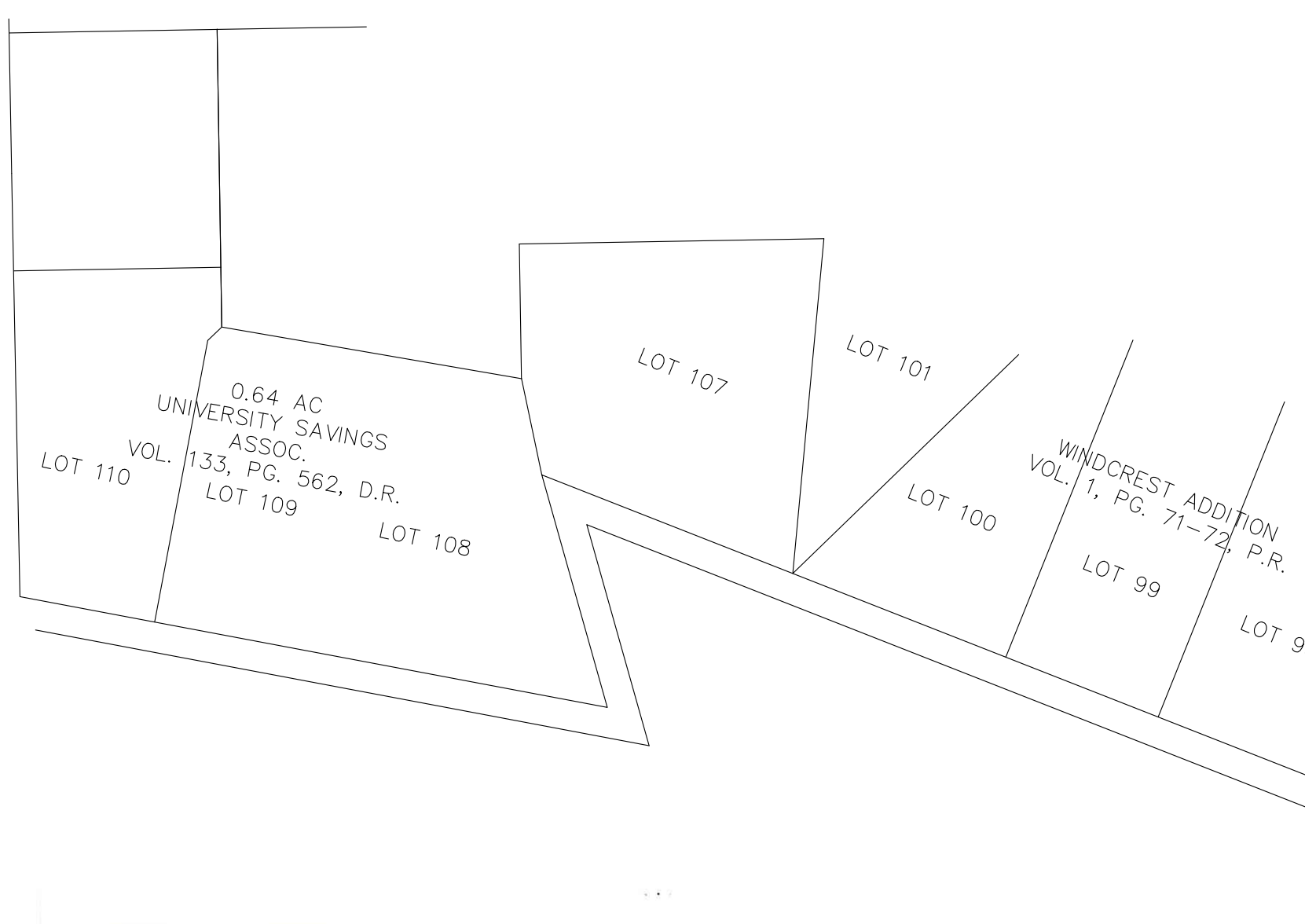
I hereby acknowledge that the items listed above are included with this submittal and that any items not included with this application will result in this application being deemed incomplete and returned without review or scheduled for the upcoming meeting dates.

Owner/Agent:  _____
Date:  _____

Printed Name: P. V. McMINN, JR. _____

A REPLAT OF LOT 1R-1 IN THE KELLER SUBDIVISION, A PLAT OF RECORD IN VOLUME 6, PAGE 88 OF THE GILLESPIE COUNTY PLAT RECORDS.

FOR THE PURPOSE OF INTERIM REVIEW, IT IS NOT TO BE USED FOR PERMITTING, BIDDING OR CONSTRUCTION.
 Sole: Allen Sultemeier, PE, RPLS
 Registration No. 77092
 PLS Registration No. 4542
 June, 2022
 PRELIMINARY - THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.



PROPERTY DEVELOPMENT DATA PROPOSED LOT 1R-1A KELLER SUBDIVISION - A MIXED USE DEVELOPMENT

PROJECT DESCRIPTION:

- REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF TOWNHOMES ON THE PROPERTY CURRENTLY ZONED C-1, NEIGHBORHOOD COMMERCIAL.
- NINETEEN (19) TOWNHOMES ("CRESTVIEW TOWNHOMES") ARE TO BE SITED ON THE NORTHERN PORTION OF LOT 1R-1 ALONG A NEW PROPOSED CUL-DE-SAC STREET ("CRESTVIEW CIRCLE").
- CRESTVIEW TOWNHOMES WILL BE ARRANGED IN FOUR (4) SEPARATE, STAND-ALONE, CLUSTER BUILDINGS EACH NOT TO EXCEED 200' IN LENGTH OR COMPRISE LESS THAN FOUR (4) DWELLING UNITS EACH. (Sec. 7.610, - Townhouse and Condominium Standards.
- THE INDIVIDUAL UNITS IN EACH SEPARATE CLUSTER BUILDING WILL BE EQUIPPED WITH RESIDENTIAL FIRE SPRINKLER SYSTEMS AND SEPERATED FROM ADJOINING UNITS WITH 2 HR FIRE WALLS PER CURRRENT BUILDING & FIRE SAFETY CODES.
- THE TOWNHOMES FACING WINDCREST WILL BE A SPLIT LEVEL DESIGN WITH 1 STORY FRONT ELEVATIONS AND 2 STORY ELEVATIONS FACING SOUTHWARD.
- CONSTRUCTION WILL BE CONVENTIONAL WOOD FRAME WITH EXTERIOR FINISHES INCLUDING BUT NOT LIMITED TO LIMESTONE VENEER, CONVENTIONAL STUCCO, ARCHITECTURAL PANELING, TRADITIONAL WOOD SIDING, GLASS, AND STANDING SEAM METAL AND SINGLE PLY (TPO) ROOFS.
- IT IS ANTICIPATED THAT A PORTION OF THE TOWNHOMES WILL BE PRE-SOLD AND THEREFORE CUSTOM DESIGNS WILL PERHAPS REQUIRE MINOR REPLATS TO REVISE LOT WIDTHS.

ADDRESS: 1032 SOUTH MILAM

LEGAL DESCRIPTION: LOT NO. 1R-1, KELLER SUBDIVISION, SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 6, PAGE 88, PLAT RECORDS OF GILLESPIE COUNTY, TEXAS.

ZONED: C-1: NEIGHBORHOOD COMMERCIAL.

REQUEST FOR CONDITIONAL USE: "APPLICATION FOR CONDITIONAL USE PERMIT" TO ALLOW TOWNHOMES.

LOT SIZE: (EXISTING): LOT 1R-1 - 7.02AC (305,791 SF) / PROPOSED LOT 1R-1A - 4.87AC (212,150 SF)

MINIMUM SETBACKS: FRONT YARD - 20 FEET PROPOSED: 20 FEET / 25' TO CURB
 INTERIOR SIDE YARD - 7 1/2 FEET PROPOSED: 7 1/2 FEET x 2 = 15' FIRE SEPERATION BETWEEN SEPARATE CLUSTER BUILDINGS
 REAR YARD - 10 FEET PROPOSED: VARIES - 20'
 ALL FRONT YARD, SIDE YARD, & REAR YARD SETBACKS WILL ULTIMATELY MEET OR EXCEED MINIMUM SETBACK REQUIREMENTS AS STIPULATED IN SEC. 7.610.

MAX BUILDING HEIGHT: MAXIMUM - 3 STORIES, 38 FEET PROPOSED: 1 STORY NORTH ELEVATION 16' MAX 2 STORY SOUTH ELEVATION 32' MAX

BUILDING LENGTH: THE TOTAL LENGTH OF EACH OF FOUR (4) SEPARATE CLUSTER BUILDINGS SHALL NOT EXCEED THE 200' MAXIMUM BLDG LENGTH. :

PARKING: REQUIRED - 4 SPACES PER UNIT PROPOSED: 19 UNITS x 4 + PARALLEL SPACES**
 ALL PARKING & DRIVEWAYS SHALL MEET OR EXCEED THE REQUIREMENTS AS STIPULATED UNDER SEC. 7.863 - TOWNHOMES - 4 SPACES PER DWELLING UNIT - ** 40' WIDE CRESTVIEW CIRCLE WILL ALLOW ADDITIONAL ON-STREET PARKING.

LIGHTING: STREET LIGHTING SHALL BE FIXTURES AS PROVIDED BY FREDERICKSBURG ELECTRIC DEPARTMENT OR OTHER FIXTURES AS APPROVED. ANY OTHER LIGHT FIXTURES SHALL BE SELECTED FROM APPROVED DA LIST AND WILL BE COMPLIANT WITH ARTICLE XV, OUTDOOR LIGHTING. THE REQUIRED QUANTITY AND LOCATION OF LIGHT FIXTURES WILL BE PROVIDED WITH CONSTRUCTION DOCUMENTS.

DENSITY SUMMARY (by Type of Unit - Sec. 7.610, - Townhouse and Condominium Standards)

TYPE UNIT	#UNITS	REQD. SQ. FT. LAND PER UNIT	TOTAL REQD. AREA
3 BEDROOM	4	3,500 SF =	14,000 SQ. FT
4 BEDROOM	5 (7)	4,000 SF =	20,000 SQ. FT
TOTAL REQUIRED LAND AREA			69,000 SQ. FT
PROPOSED DENSITY (by Type of Unit - % Of Total Land Area)			32.5 % of Total Land Area
PROPOSED DENSITY (by Type of Unit - % Of Total Land Area)			25 % Density

BUILDING COVER (Sec. 7.610): MAXIMUM 55% (116,683 SF)..... PROPOSED: 50,800 SF - 43.54% of Total Land Area

IMPERVIOUS COVER (Sec. 7.61):
 Total All Impervious Cover
 Including Streets, Sidewalks, Buildings & Driveways: -
 MAXIMUM 70% (148,505 SF)..... PROPOSED: 116,778 SF - 55.05% of Total Land Area

PERVIOUS COVER: PROPOSED: 95,372 SF - 44.04% of Total Land Area

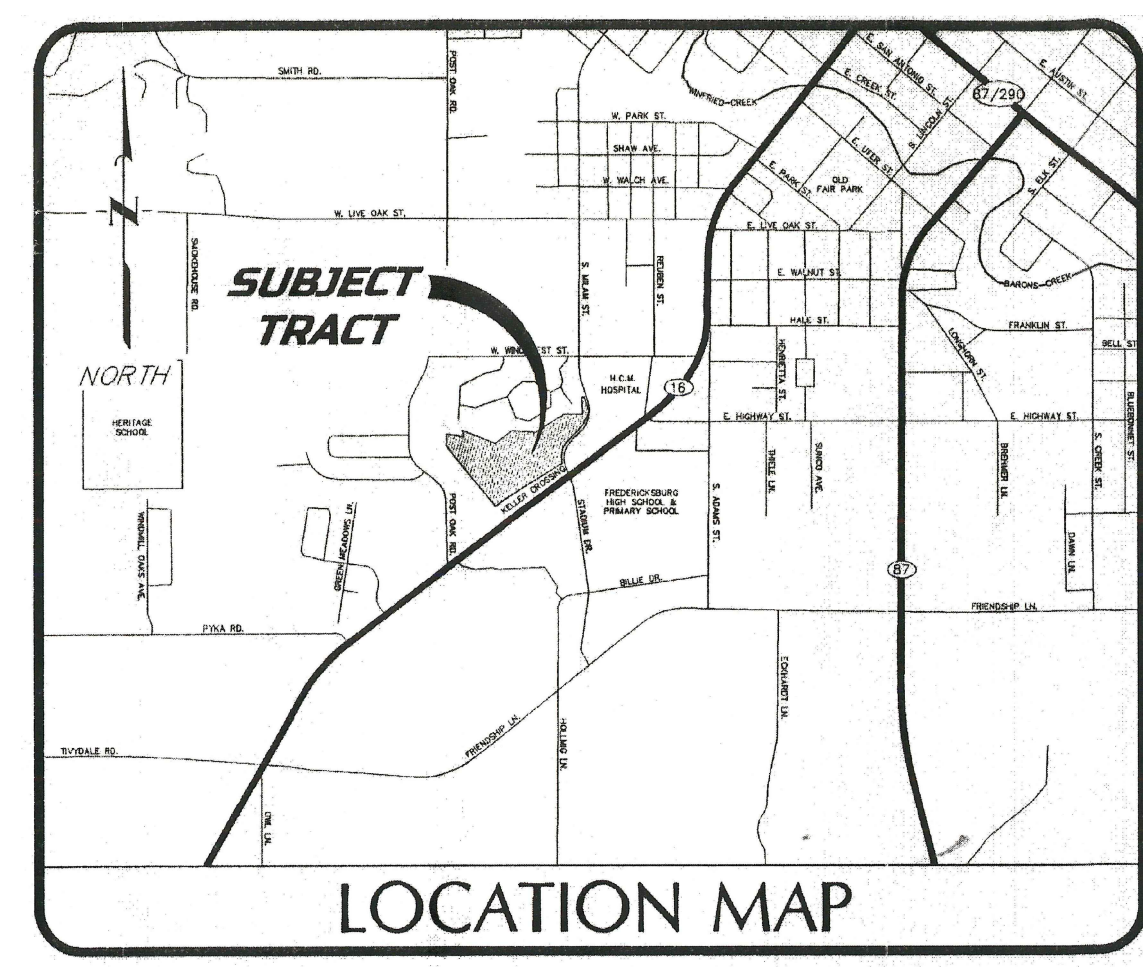
LANDSCAPED AREA: Including undisturbed buffer PROPOSED: 95,372 SF - 44.04% of Total Land Area

LANDSCAPE & SCREENING: LANDSCAPE WILL BE IN COMPLIANCE WITH ALL CODE REQUIREMENTS AS STIPULATED UNDER SEC. 7.940 & SEC. 7.980. SOME EXISTING TREES THAT MUST BE REMOVED FOR DEVELOPMENT OF THE PROPERTY MAY BE TRANSPLANTED IF POSSIBLE. OTHERWISE, NEW TREES AND SHRUBBERY WILL BE PLANTED TO COMPLETE THE LANDSCAPE AS REQUIRED TO MEET OR EXCEED CODE. A DETAILED LANDSCAPE PLAN WILL BE PROVIDED WITH CONSTRUCTION DOCUMENTS.

SCREENING: SCREENING WILL BE IN COMPLIANCE WITH CODE REQUIREMENTS AS STIPULATED UNDER SEC. 5-425. - SCREENING REQUIREMENTS AND STANDARDS.

ALL USES PROPOSED LOT 1R-1A: TOWNHOMES AND STREETS INCLUDING LANDSCAPE, AN UNDISTURBED BUFFER, ALL REQUIRED RETAINING WALL EASEMENTS AND MAINTAINANCE, STORM SEWER, SANITARY SEWER & ACCESS EASEMENTS. ...

Crestview Townhomes Lot - 1R - 1A



TBPELS
Engineering Firm
F-10608

TBPELS
Surveying Firm
100930-00

SULTEMEIER SURVEYING & ENGINEERING
 Boundary-Title-Topographic-Construction Surveys
 Engineering-501 West Main, Suite 102
 Fredericksburg, Texas 78824
 (830) 390-1221
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 sultemeiersurveying.com

**A Replat of Lots 1R-1
KELLER SUBDIVISION**
 Gillespie County, TX

NOT PUBLISHED. ALL RIGHTS RESERVED BY ENGINEER. DRAWINGS AND PROGRAMS ARE DOCUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ENGINEER. DOCUMENTS SHALL NOT BE COPIED BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COORDINATING CONDITIONS AT JOB SITE. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION METHOD, MATERIALS, SEQUENCE OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE PROJECT.

PROJECT: 6800
 DATE: 2020-2021-2025

REVISIONS:
 Item/Date/Description

SHEET TITLE
 A Replat of Lot 1R-1

SHEET NUMBER
1

Windcrest Patio Homes Homeowners Association - Requested Conditions

21 January 2026

Recommended Conditions for NuVista CUP

1. Require a 20 foot wide buffer zone between the NuVista Keller Oaks Project, on the one hand, and the properties of Windcrest Townhomes, on the other hand. (Note: NuVista's most recent plan shows that Lot 119 does not provide a 20 foot buffer zone.)
2. Require an easement for maintenance and repair of the retaining wall of Windcrest Townhomes. (Note: NuVista's most recent plan shows that Lot 119 does not appear to provide for that.)
3. Require a construction workday from 7:00am to 7:00pm.
4. Allow the City to have a say in which trees will be preserved, either through removal to another location on Keller Oaks or where they stood originally.
5. Require completion of the first block of 6 luxury town homes before attempting to sell the others that have yet to be built.
6. Require NuVista to submit to the city factual financial records that will provide ample assurances that NuVista has the financial wherewithal to complete the proposed luxury town homes of the Keller Oaks Project.



PLANNING AND ZONING COMMISSION
AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Cliff Cross, Director of Development Services

MEETING DATE: February 4, 2026

SECTION: PUBLIC HEARING ITEM: C.

CAPTION: Request Z-2601: Proposed text amendments regarding sexually oriented businesses, vape shops and tattoo studios. (Withdrawn)

SUMMARY:

BACKGROUND:

STAFF RECOMMENDATION:

ATTACHMENTS:

None

APPROVAL/REVIEW:

Cliff Cross, Director of Development Services

Date: January 28, 2026



PLANNING AND ZONING COMMISSION
AGENDA MEMO

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM:
MEETING DATE: February 4, 2026

SECTION: PUBLIC HEARING ITEM: D.

CAPTION: Request Z-2602: Proposed text amendments to the City's Zoning Code Regarding The Reapplication Timeline for Zoning Amendments and Conditional Use Permits. The proposed text amendments are for section 5.270 (Action by the City Council) and Section 5.470 (Actions by the City Council).

- i Presentation by the Staff
- ii Hold Public Hearing
- iii Take Action on proposed text amendment

SUMMARY:

Staff is proposing text amendments to the reapplication timeframe associated with rezoning requests and conditional use permits. The zoning ordinance currently does not restrict the reapplication timeframe when an application is denied. The proposed amendments pertain to **section 5.270** for rezoning requests and **section 5.470** for conditional use permit requests and are as follows:

Section 5.270,

No application for a zoning change, including the establishment of a planned development district, for property which includes all or part of the same property which was described in a previously denied application for a zoning change, shall be accepted by the department earlier than one year after the date of final action on the prior application, unless:

- 1) The Director of Planning and Building determines the use for which the new application is made is not the same or a similar use to that proposed in the previously denied application; or*
- 2) The Director of Planning and Building determines that conditions relating to the property adjacent to the property which was the subject of the previously denied application have substantially changed, in which case a six-month waiting period shall be imposed from the date of the final action of the city council on the prior application, until a new application can be filed.*

Subsequent applications.

- 1) When an application has been withdrawn. An application for a zoning change, including the establishment of a planned development district, may be withdrawn at any time. If the application has been advertised in compliance with state law, an application requesting substantially the same rezoning request on all or part of the same described land shall not be reconsidered within six (6) months of withdrawal.*

Section 5.470

No application for a conditional use permit, for property which includes all or part of the same property which was described in a previously denied application for a conditional use permit, shall be accepted by the department

earlier than one year after the date of final action on the prior application, unless:

- 1) The Director of Planning and Building determines the use for which the new application is made is not the same or a similar use to that proposed in the previously denied application; or
- 2) The Director of Planning and Building determines that conditions relating to the property adjacent to the property which was the subject of the previously denied application have substantially changed, in which case a six-month waiting period shall be imposed from the date of the final action of the city council on the prior application, until a new application can be filed.

Subsequent applications.

- 1) When an application has been withdrawn. An application for a conditional use permit may be withdrawn at any time. If the application has been advertised in compliance with state law, an application requesting substantially the same conditional use permit request on all or part of the same described land shall not be reconsidered within six (6) months of withdrawal.

BACKGROUND:

STAFF RECOMMENDATION:

ATTACHMENTS:

1. Ordinance 2026-00 Reapplication Timeframe

APPROVAL/REVIEW:



Date: January 28, 2026

Cliff Cross, Director of Development Services

ORDINANCE NO. 2 0 2 6 - 00

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX B, “ZONING ORDINANCE,” OF THE FREDERICKSBURG MUNICIPAL CODE BY AMENDING SECTIONS 5.270 (ACTION BY THE CITY COUNCIL) AND 5.470 (ACTIONS BY THE CITY COUNCIL); TO AMEND THE REAPPLICATION TIMELINE FOR ZONING AMENDMENT AND CONDITIONAL USE PERMIT APPLICATION REQUESTS IN THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fredericksburg, Texas (the "City"), is a home rule municipality 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 previously adopted the Zoning Ordinance, as codified in Appendix B of the Fredericksburg Municipal Code (the “Code”), (the “Zoning Ordinance”), which regulates and restricts the location and use of buildings, structures, and land for trade; industry; residence; and other purposes, and provides for the establishment of zoning districts and regulations to administer the provisions of the zoning code; and

WHEREAS, an application for a text amendment of the Zoning Ordinance, related to the zoning amendment and conditional use permit application/reapplication process in the City, has been initiated by motion of the Planning and Zoning Commission; and

WHEREAS, the City Council desires to amend the Zoning Ordinance to provide regulations for subsequent reapplications for substantially the same zoning amendment or conditional use permit requests on all or part of the same described land; and

WHEREAS, the continuous reapplication for substantially the same zoning amendment or conditional use permit in the City could result in undesirable impacts to the community, including a negative impact on the health and wellbeing of the neighboring property owners; and

WHEREAS, this Ordinance contains regulations consistent with good zoning and planning practices to address such negative impacts of continuous reapplications burdening the public while providing a reasonable timeframe and considerations for future applications to be presented to the Planning and Zoning Commission and City Council; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendment to the Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before the City Council at which the City Council considered the recommendation of the Planning and Zoning Commission, and among other things, the necessity for orderly and appropriate regulations of the use of land and the erection of structures thereon, and having considered the proposed amendment to the Zoning Ordinance and the appropriateness of the amendment, the City Council does hereby find that the amendment to the Zoning Ordinance approved hereby accomplishes such objectives.

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

SECTION 1.

All the above premises are true and correct of the City Council, and they are hereby approved, ratified, and incorporated herein this Ordinance.

SECTION 2.

Section 5.270, “Action by the City Council,” of the Zoning Ordinance is amended by adding the “Reapplication After Denial” timeframe to the existing provisions and to read follows:

No application for a zoning change, including the establishment of a planned development district, for property which includes all or part of the same property which was described in a previously denied application for a zoning change, shall be accepted by the department earlier than one year after the date of final action on the prior application, unless:

- 1) The Director of Planning and Building determines the use for which the new application is made is not the same or a similar use to that proposed in the previously denied application; or
- 2) The Director of Planning and Building determines that conditions relating to the property adjacent to the property which was the subject of the previously denied application have substantially changed, in which case a six-month waiting period shall be imposed from the date of the final action of the city council on the prior application, until a new application can be filed.

Subsequent applications.

- 1) *When an application has been withdrawn.* An application for a zoning change, including the establishment of a planned development district, may be withdrawn at any time. If the application has been advertised in compliance with state law, an application requesting substantially the same rezoning request on all or part of the same described land shall not be reconsidered within six (6) months of withdrawal.

SECTION 3.

Section 5.470, "Actions by the City Council," of the Zoning Ordinance is amended by adding the "Reapplication After Denial" timeframe to the existing provisions and to read follows:

No application for a conditional use permit, for property which includes all or part of the same property which was described in a previously denied application for a conditional use permit, shall be accepted by the department earlier than one year after the date of final action on the prior application, unless:

- 1) The Director of Planning and Building determines the use for which the new application is made is not the same or a similar use to that proposed in the previously denied application; or
- 2) The Director of Planning and Building determines that conditions relating to the property adjacent to the property which was the subject of the previously denied application have substantially changed, in which case a six-month waiting period shall be imposed from the date of the final action of the city council on the prior application, until a new application can be filed.

Subsequent applications.

- 1) *When an application has been withdrawn.* An application for a conditional use permit may be withdrawn at any time. If the application has been advertised in compliance with state law, an application requesting substantially the same conditional use permit request on all or part of the same described land shall not be reconsidered within six (6) months of withdrawal.

SECTION 4.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Fredericksburg Municipal Code, as amended, or 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 5.

This Ordinance shall be cumulative of all provisions of ordinances and of the Fredericksburg Municipal Code, as amended, except where 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 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section 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 phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7.

Any person, firm, corporation, or entity violating this Ordinance or any provision of the City's Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 8.

The City Secretary is hereby directed to publish in the official newspaper of the City, the caption and penalty clause of this Ordinance as provided by the City's Charter.

SECTION 9.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so Ordained.

PASSED AND APPROVED on this the 17th day of February, 2026.

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Letty Vacek, City Secretary

APPROVED AS TO FORM:

Mick McKamie, City Attorney